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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 41
September 4, 2007

The Burlington City Council met in regular session at 7:00 p.m. in the Thomas J.

Smith Council Chambers, City Hall with Mayor Ell, Council Members Campbell, Murray, Scott and Thomas present. Mayor Ell stated that Deputy City Manager Worden would be filling in for the City Manager due to a family medical situation.

BURLINGTON CITY COUNCIL

RECOGNITION OF FORMER MAYOR MIKE EDWARDS

DISCUSSION: Mayor Ell presented former Mayor Edwards with a plaque in his appreciation for his service as Council Member and Mayor for the City of Burlington. The entire City Council praised former Mayor Edwards for his leadership and negotiation skills and the great job he performed as Mayor for the City of Burlington. Former Mayor Edwards thanked Mayor Ell and the City Council for the plaque and stated that it was a pleasure serving with each of them. He stated that it takes each individual working together and good staff to accomplish projects. He also reminisced about past Council Members that he served with. He further stated that he knows the present City Council will look

at the big picture, which is the key to a successful City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

CONSENT AGENDA: To the Public:

All matters listed under Item I., Consent Agenda, having been discussed were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Murray Seconded By: Campbell

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Ell reviewed the items listed on the consent agenda to the viewing audience. Council Member Thomas announced those individuals appointed to various City commissions and boards. Council Member Scott requested the removal of the Resolution Approving Outdoor Service Area for Liquor License for The Beat Tavern II, Inc. dba/The Beat for Events on September 8, 2007; September

22, 2007; October 6, 2007; May 18, 2008; July 12, 2008; August 16, 2008 and September 6, 2008 and the Resolution Approving Amended and Restated Agreement Relating to the Community Aquatic Center from the consent agenda for discussion at the close of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTES: 5 - AYES)

CARRIED

ORDINANCES:

Introduced By: Campbell Seconded By: Scott

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling Approximately 62-Foot Wide, 119-Foot Long Portion of 9th Street Right-of-Way Located Adjacent to and South of Spring Street

DISCUSSION: The Deputy City Manager stated that there were no changes to the Ordinance Vacating and Selling Approximately 62-Foot Wide, 119-Foot Long Portion

of 9th Street Right-of-Way Located Adjacent to and South of Spring Street from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Campbell Seconded By: Scott

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling Approximately 62-Foot Wide, 119-Foot Long Portion of 9th Street Right-of-Way Located Adjacent to and South of Spring Street

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Scott

Seconded By: Ell

3. Motion to Amend Section 17.34.106 Regulations (1) General, (2) Residential and (3) Commercial and Section 17.34.107 Design Components of the Ordinance Amending the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code by Adding Chapter 17.34 Architectural Design Guidelines

DISCUSSION: Tom Stockbridge of 2208 Vineyard Street stated that he was retired and was planning on building a metal building behind his residence. He stated concern that under the present Ordinance he would not be able to build a metal building without spending additional monies to dress it up. He presented a copy

of his proposed building to the City Council. Mary Baker of 320 South 6th Street urged Council to allow for more publicity of the proposed Ordinance prior

to adopting the Ordinance. Mayor Ell stated that the proposed Ordinance still troubles him. He stated that he would not be voting in favor of adopting the Ordinance as it gives up a lot of rights of property owners. Council Members Scott and Thomas stated that they have received numerous phone calls over the weekend from property owners concerned about the proposed Ordinance. They both stated that they did not feel comfortable voting in favor of the Ordinance without additional amendments. Council Member Campbell asked since the building

would be located behind Tom Stockbridge's home if it would be okay to build or

if he would be able to get a variance. The Development Director stated that he would have to add a different facade to the building at an additional cost of approximately \$1,500.00. He further stated that economics would not be basis for a variance. All present had opportunity to speak and nothing additional was

filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Thomas Seconded By: Scott

4. Motion to Continue the Final Adoption of an Ordinance Amending the Zoning and Subdivision Regulations of Title 17, City of Burlington Development Program of the Burlington Municipal Code by Adding Chapter 17.34 Architectural Design

Guidelines to the September 17, 2007 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Scott

Seconded By: Thomas

1. Resolution Approving Outdoor Service Area for Liquor License for The Beat Tavern II, Inc. dba/The Beat for Events on September 8, 2007; September 22, 2007; October 6, 2007; May 18, 2008; July 12, 2008; August 16, 2008 and September 6, 2008

DISCUSSION: Council Member Scott stated that he removed the Resolution approving

outdoor service area for liquor license for The Beat due to that some of their events will be held in 2008 after the makeup and attitude of the City Council could change. He stated that he could only support those events being held in 2007. The Deputy City Manager stated that all events fall within the licensee's

current license. He stated that the Alcoholic Beverages Division encourages licensees to file for their events early. The City Clerk stated that her office

also encourages licensees to file for their events if they know the dates. She stated that often licensees wait too long to file and there is not enough time for the City Council to approve the event. She stated that with the new online license system, it only allow the licensee to file for an event that is within their license period. She further stated that it was no different than approving all Farmers' Market events for Steamboat Days. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES ELL, MURRAY, THOMAS AND CAMPBELL

1 - NAY SCOTT)

ADOPTED

Introduced By: Scott

Seconded By: Campbell

2. Resolution Approving Amended and Restated Agreement Relating to the Community Aquatic Center

DISCUSSION: Council Member Scott stated that he removed the Resolution Approving

Amended and Restated Agreement Relating to the Community Aquatic Center as the report made by the media on the subject was incorrect. The Deputy City Manager stated that the City Council was approving an amended and restated agreement with Randy Winegard that would allow the City to take back their \$1,800,000.00 if the City Council notifies Randy Winegard on or before November 15, 2007 and he agreed to pay back the \$1,800,000.00 on or before December 31, 2007. The amended agreement also allows the City to notify Randy Winegard after November 15, 2007 but before November 15, 2008 and he also agreed to pay back the \$1,800,000.00 on or before December 31, 2008. He stated that the City Council was waiting to receive the quarterly profit/loss report the end of October 2007 before making any type of decision. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: Former Mayor Mike Edwards stated that he previously neglected to mention that he served with Mary Baker on the City Council. Mary Baker of 320 South 6th Street stated that most businesses do not make a profit the first year. She stated that the City Council should not give up on the aquatic center quite yet. Mayor Ell stated that the City Council was planning

on reviewing the quarterly report at the end of October prior to making any decision. Council Member Campbell stated that he always paid attention to everything that Mary Baker said when she served on the City Council. David Selmon of 1012 Oak Street questioned if the City Council was looking at the long

term in respect to the aquatic center. He questioned how it would look if the City took back their monies that they invested in the aquatic center. Freddie Starling of 517 South 7th Street stated that he was interested in the profit/loss report for the aquatic center. He further stated that he did not understand why the City was selling the property in Flint Hills Manor for less than what it cost to acquire the property. The Deputy City Manager stated that the City paid \$5,000,000.00 for the property in Flint Hills Manor but was selling the property in Flint Hills Manor for \$2,400,000.00. He explained that the increase in property taxes was \$400,00.00.00 compared to \$80,000.00 in property taxes the City currently receives. He stated that the City should also

receive additional revenue in sales taxes monies from the commercial properties.

He further stated that the project was a win-win for the City and the community. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:10 p.m.

Approved: September 17, 2007

Kathleen P. Salisbury, MMC
City Clerk

William L. Ell
Mayor

(See tapes on file in the office of the City Clerk for complete discussion and documentation.)

ITEM I.
Consent Agenda

FINANCES AND MISCELLANEOUS
Minutes of Previous Meetings
Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Outdoor Service Area for Liquor License for Walker Amusements, Inc. dba/Whitey's Bar and Billiards for Event on September 22, 2007

2. Resolution Approving Outdoor Service Area for Liquor License for Burlington Steamboat Days, Inc. dba/Burlington Steamboat Days, Inc. for Events on September 13, 2007 and September 14, 2007

3. Resolution Approving Outdoor Service Area for Liquor License for Monica Smith dba/Dugout Lounge for Event on September 8, 2007

4. Resolution Approving Agreement Between the City of Burlington and HDR Engineering, Inc. for Professional Services for an Evaluation of the Burlington,

Iowa Wastewater Treatment Facility for Possible Improvements

APPOINTMENTS:

Cable TV Commission - Kathleen Hemmesch and Ruth Ann Sandrock