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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 20
October 20, 2008

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 Davidson, Murray, Scott and Thomas present. Council Member Thomas had to leave the meeting at 9:40 p.m., prior to the City Council meeting ending as he had to go to work.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Business Women's Week - Shelly Ward
- * Red Ribbon Week - Michelle Williams

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: Davidson Seconded By: Thomas

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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Amending Section 34.04 Powers and Duties of Chapter 34 Human Rights Commission

COMMENTS: Those who spoke against the proposed Ordinance Amending Section 34.04 Powers and Duties of Chapter 34 Human Rights Commission were as follows: Ron Mehaffy; Pastor Davis Sellman of 1012 Oak Street; Rev. Morris Hurd, Pastor of West Hill United Methodist Church; Mari Lomax of 2505 Valley Street; Debbie Purnell of 411 Maple Street; Sedrick Bunch of 106 Hayes Street; Brad Cranston of

501 South Garfield Avenue; Rev. Nate Bridges of 2012 South 14th Street; Charles Stevens of 1529 Grove Street; Francisco Penner of 822 North 7th Street; Pastor Starling of Faith Temple; Dean Graber of 2016 South 15th Street; Mary Baker of 320 South 6th Street and member of the Human Rights Commission; Diane Stevens of

1519 Grove Street; Pastor Lawrence Manson of the Union Baptist Church and Karen Brownlee of 2034 Osborn Street. They stated that the homosexual/lesbian lifestyle was not moral and was an abomination in the eyes of the Lord. Many of

those who spoke were concerned that this was in part of a hidden agenda to silence the church. Those who spoke in favor of the proposed Ordinance Amending

Section 34.04 Powers and Duties of Chapter 34 Human Rights Commission were as follows: Jim Ritters of 209 Curran Street and member of the Human Rights Commission; Rev. Roger Moore of the Unitarian Church; Nancy Schulte of 2556 Surrey Road and member of Human Rights Commission read a letter from Jerry Rigdon, Pastor of Asbury Methodist Church; Jerry Fenton of 2520 Mt. Pleasant Street; Kathleen Harris of 1820 Highland Avenue; Tanya Moore 202 South Leebrick Street and member of the Human Rights Commission; Jane Edwards of 1518 North Central Avenue; Ann Distelhorst of 238 South 6th Street; Leon Shahan of 1821 Mt.

Pleasant Street; Steve Denmark of 202 South Leebrick Street; Debbie Ritters of 209 Curran Street; Gary Chapman of 1300 Perkins Avenue and Nancy Montrone of 416

South Gunnison Street. They stated that homosexuals/lesbians/transgenders should have the same rights as heterosexuals and needed to be a protected class as according to the State Code of Iowa. Many of those in attendance who spoke stated that they did not want to be preached to and felt it was their civil right to be a protected class. All present had opportunity to speak and nothing

additional was filed in the office of the City Clerk.

Introduced By: Murray Seconded By: Scott
Motion to Close

CARRIED

Introduced By: Ell Seconded By: Thomas
Motion to Amend Section 34.04(2.) Powers and Duties of Chapter 34 Human Rights Commission

DISCUSSION: Mayor Ell introduced a motion to amend Section 34.04(2.) Powers and Duties which removed the listing of protected classes and replaced it with all people. The motion was seconded by Council Member Thomas. Council Member Davidson stated that he would vote in favor of the amendment but he may not vote

for the final adoption of the Ordinance. He further stated that division was not good and is what causes problems. Council Member Murray stated that the law has already been framed and that the City Council must follow the law. He further stated that the meeting tonight was a great example of democracy in action. Council Member Scott stated that the proposed action increases the liability of the City. He stated that he would like to see the Ordinance repealed in its entirety and everything turned over to the State. He stated that he agreed with the educational part that the Human Rights Commission does.

Council Member Thomas stated that he did not agree with appealing the entire Ordinance as the City could lose federal grant monies by not having the Ordinance. He stated discrimination is terribly wrong, but didn't see why the

City needed to duplicate in their Code what was already in the State Code. After roll call the motion to amend was approved with a 4-1 vote. Mayor Ell reminded those in attendance that there were still two more readings of the Ordinance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES THOMAS, DAVIDSON, ELL AND MURRAY
1 - NAY SCOTT)

CARRIED

Introduced By: Murray Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 34.04 Powers and Duties of Chapter 34 Human Rights Commission

DISCUSSION: None.

(VOTE: 3 - â AYESâ ELL, MURRAY AND SCOTT
2 - â NAYSâ THOMAS AND DAVIDSON)

CARRIED

ORDINANCE:

Introduced By: Scott Seconded By: Ell

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning Property at 713 North Main Street from C-2, General Commercial Zoning District to C-3, Central Business District (Downtown Mixed Use) Zoning District

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Rezoning Property at 713 North Main Street from C-2, General Commercial Zoning District to C-3, Central Business District (Downtown Mixed Use) Zoning District from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ DAVIDSON, ELL, MURRAY AND SCOTT)

CARRIED

Introduced By: Scott Seconded By: Davidson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance: An Ordinance Rezoning Property at 713 North Main Street from C-2, General Commercial Zoning District to C-3, Central Business District (Downtown Mixed Use) Zoning District

DISCUSSION: None.

(VOTE: 4 - â AYESâ DAVIDSON, ELL, MURRAY AND SCOTT)

CARRIED

RESOLUTION:

Introduced By: Murray Seconded By: Ell

1. Resolution Approving Final Plat for Two Rivers Second Subdivision

DISCUSSION: The City Manager stated that Two Rivers Bank was petitioning the City to approve the final plat of Two Rivers Second Subdivision. He stated that

the bank was planning on subdividing their one large lot into two to sell. The Development Director reviewed with the City Council and the viewing audience the

final plat of Two Rivers Second Subdivision. He stated that the bank would like to sell the back half of their property which would be zoned C-2 general commercial. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ DAVIDSON, ELL, MURRAY AND SCOTT)

ADOPTED

COMMENTS FROM AUDIENCE: Leon Shahan of 1821 Mt. Pleasant Street asked how Huckâ s

Harbor Water Park was doing financially and if the City Council was going to exercise their option to receive the Cityâ s monies back from Randy Winegard. The City Manager stated that Huckâ s Harbor Water Park posted a \$61,497.00 prof it

for the third quarter of this year, which included July, August and September 2008. He stated that the City received \$30,748.00 per the terms of the agreement. He stated that the City Council will discuss their option at their upcoming work session. Brad Cranston of 501 South Garfield Avenue thanked the City Council for letting everyone speak at the City Council meeting. He stated that it was democracy working and thanked God for the United States of America. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 10:03 p.m.

Approved: November 3, 2008

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

SET DATE FOR PUBLIC HEARING: November 3, 2008

1. Consideration of Sale of a Portion of 7th Street Right-of-Way, between Washington Street and Columbia Street, City of Burlington, Des Moines County, Iowa