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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 14  
July 19, 2010

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J.

Smith Council Chambers, City Hall with Mayor Pro-Tem Davidson, Council Members Fleming, Murray and Reed present. Mayor Pro-Tem Davidson announced that Mayor Ell was absent due to a commitment at the Boy Scout Camp.

BURLINGTON CITY COUNCIL

PROCLAMATION:

20th Anniversary of the Americans with Disabilities Act - Julie Anderson

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: Fleming

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

DISCUSSION: Mayor Pro-Tem Davidson reviewed the items listed on the consent agenda to the viewing audience. He further announced those individuals appointed to various City commissions and boards. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES )

CARRIED

HEARING:

1. Statement: Consideration of a Permanent Encroachment Agreement between the City of Burlington and First United Methodist Church for Encroachment into Washington Street and North 5th Street Rights-of-Way by the Building at 421 Washington Street, Burlington, Iowa

COMMENTS: The City Manager stated that the proposed Resolution provides for a permanent encroachment agreement with the First United Methodist Church for an encroachment into Washington Street and North 5th Street rights-of-way by the burnt out Church at 421 Washington Street. He stated that the Church plans to construct underground mechanical units, with removable metal grates covering the

underground units, an 18-inch concrete wall surrounding the underground area, and an entryway on the north side of the property within the Washington Street right-of-way, and window wells/guardrails on the west side of the property. He stated that the concern of the City was the 18-inch wall that could be a safety hazard. The Development Director reviewed sketches of the encroachment with the

Council and the viewing audience. He stated that there would still be a 6-ft. walkway for pedestrians even with the encroachment into the sidewalk and with proposed angle parking. He stated that he was happy to see redevelopment of the

Church taking place. Wyman Weinbeck, Church Building Chairperson presented a sketch to the City Council and viewing audience that showed planters that will be placed in the City right-of-way. He further stated that the Church was willing to place a railing around the wall if the City required it for safety reasons. Debbie Bessine of 706 Columbia Street urged the City Council to make it easier for the historical Church so that they can stay downtown. Council Member Murray stated that he was glad that the Church was staying downtown, but wants to be sure that every safety precaution has been met. Council Member Davidson stated that he was satisfied that the requirements will be met. The Development Director stated that the encroachment agreement would be tweaked prior to the Mayor signing it. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Fleming    Seconded By: Murray  
Motion to Close

CARRIED

Introduced By: Fleming    Seconded By: Murray  
Resolution Approving Permanent Encroachment Agreement between the City of Burlington and First United Methodist Church for Encroachment into Washington Street and North 5th Street Rights-of-Way by the Building at 421 Washington Street, Burlington, Iowa

DISCUSSION: None.  
(VOTE: 4 - â AYESâ )

ADOPTED

RESOLUTION:

Introduced By: Reed                      Seconded By: Fleming  
1. Resolution in Support of I-Jobs II Grant Application

DISCUSSION: The City Manager stated that the proposed Resolution was in support of I-Jobs II Grant application for construction of a flood wall to protect the Amtrak Depot. He stated that at this time the City was only expressing its intent to apply for the I-Jobs II Grant. He further stated that should the City apply for the grant and be successful, the Depot would have to remain a publicly owned facility for 20-years, so the City Council should discuss this issue again prior to applying for the grant. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ )

ADOPTED

COMMENTS FROM AUDIENCE: Becky Anderson of 218 South 6th Street representing the Capitol Theater Foundation stated that the Foundation was interesting in applying for a \$1,000,000.00 in State funds for redevelopment of the Capitol Theater. She stated that she had just met with local banks to discuss funding options in order to get the remaining dollars necessary to complete the project.

She stated that in order to apply for the Grant the Foundation has to be shovel ready and the project completed within 18-months. Those who spoke in favor of the Capitol Theater Foundation were as follows: Bob Breuck, Foundation member, Steve Frevert, Executive Director Main Street, Dwight Mulch, Foundation member, Susan Brueck representing the Art Guild of Burlington; Darwin Bunger of 3215 Crystal Drive; Keith Schulz of 922 North 3rd Street; Kenza Bangert of 202 Spring Street and Debbie Bessine of 706 Columbia Street. Those who spoke urged the

City Council to support the project. After considerable discussion by the City Council in support of the project, it was determined that the City Council could not vote on the project as it was not listed on the meeting agenda, but they did direct the City Manager to write a letter from the Mayor Pro-Tem in support of the project without mentioning any financial support. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:29 p.m.

Approved: August 2, 2010

Kathleen P. Salisbury, MMC  
City Clerk

Jim Davidson  
Mayor Pro-Tem

(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

RESOLUTION:

1. Resolution Approving Nuisance and Demolition Abatements for Various Properties

SET DATE FOR PUBLIC HEARING: AUGUST 16, 2010

Consideration of an Ordinance Rezoning the Property Located at Lot 3, Corey Subdivision, City of Burlington, Iowa, from M-2, Heavy Industrial to C-2, General Commercial Zoning District

APPOINTMENTS:

Civil Service Commission: Charles L. Walsh

Airport Authority Board: Jerry Sherwood