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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 41
September 3, 2013

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Davidson, Council Members Anderson, Fleming, McCampbell and Reed present.

BURLINGTON CITY COUNCIL

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: Fleming Seconded By: McCampbell

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

DISCUSSION: Mayor Davidson 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

ORDINANCE:

Introduced By: McCampbell Seconded By: Reed

1. Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Various Sections of Title 17, Development Program (Zoning Code) of the Burlington Municipal Code

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed amendment to the Ordinance Amending Various Sections of Title 17, Development Program (Zoning Code) of the Burlington Municipal Code. He explained that the amendment would remove prohibiting the repair of auto detailing of motor vehicles done at home businesses from the City

Code and put it back in the Code as a special home occupation. Kevin Long of 1909 Orchard Street stated that he was okay with the proposed amendment to the Ordinance. He urged the Council to support more private home occupation businesses not listed. Council Member McCampbell asked if the Ordinance should be amended to allow more home businesses. The Development and Parks Director stated that the City would want to limit certain intrusive businesses to neighborhoods. He stated that staff reviews the Ordinance on a regular basis. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

Introduced By: McCampbell Seconded By: Fleming

2. Motion to Amend Section 17.30.403 Special Home Occupations and Section

17.30.404 Prohibited Home Occupation of the Proposed Ordinance Amending Various Sections of Title 17, Development Program (Zoning Code) of the Burlington Municipal Code

DISCUSSION: Council Member Reed stated that the amendment addresses a big issue that was raised at the last City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - AYES) CARRIED

RESOLUTIONS:

Introduced By: Reed

Seconded By: Anderson

1. Resolution Approving Agreement with Venuworks of Burlington LLC for Contract Management of Auditorium and Port Facilities (Continued to September 3, 2013 Meeting)

DISCUSSION: Mayor Davidson stated that the proposed Resolution Approving Agreement with Venuworks of Burlington LLC for Contract Management of Auditorium

and Port Facilities was continued from the September 3, 2013 City Council meeting. The Public Works Director stated that Venuworks was still in negotiations with Steamboat Days and he urged Council to continue the approval of the agreement to the September 16, 2013 City Council meeting. Mayor Davidson

questioned when the agreement with Venuworks would commence. The Public Works Director stated that it would take effect possibly on October 1, 2013 or October

14, 2013. Mayor Davidson stated that there was a letter to the editor of The Hawk Eye listing events and High School concerts that would not take place due to Venuworks taking over management of Memorial Auditorium. The City Manager stated that Venuworks has facilities in Ottumwa and Davenport. He stated that Venuworks can now offer packages for more facilities to those interested in having concerts. He stated that there may be fewer wedding receptions at Memorial Auditorium as the goal is to have greater use of Memorial Auditorium. Council Member McCampbell explained that Venuworks would be adding events to what normally is scheduled at Memorial Auditorium. Marlan McKee of 1121 South 12th Street asked if the American Legion would still be able to use the Memorial

Auditorium for their headquarters. He further questioned if the person that presently manages Memorial Auditorium could be cut to save money. Mayor Davidson stated that the American Legion would be staying at the Memorial Auditorium. He further stated that the City did not have a manager of the Memorial Auditorium. He stated that a Laborer III position was not replaced after that employee left employment at the Memorial Auditorium. Leon Shahan of 1821 Mt. Pleasant Street stated his concern for the City's finances and that the

Memorial Auditorium would be competition for other facilities in Burlington. He urged the Council to close Memorial Auditorium and tear it down. Council Member

Fleming stated that he was not interested in tearing down the Memorial Auditorium. Council Member McCampbell stated that he did not feel that Memorial

Auditorium would be competing with other facilities in Burlington. Mayor Davidson explained to Leon Shahan the cost arrangement with Venuworks. Mayor Davidson made a motion to continue discussion of the Resolution Approving Agreement with Venuworks of Burlington LLC for Contract Management of Auditorium

and Port Facilities to the September 16, 2013 City Council Meeting. Motion to continue was seconded by

Council Member McCampbell and after roll call vote the motion was carried. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: McCampbell
2. Motion to Continue Discussion of the Resolution Approving Agreement with Venuworks of Burlington LLC for Contract Management of Auditorium and Port Facilities to the September 16, 2013 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Reed Seconded By: Fleming
3. Resolution Approving Parking Rates for the North 5th Street and Valley Street

Parking Lot

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the proposed parking rates for the North 5th Street and Valley Street parking lot. The rates will be \$.50 per hour or \$2.00 per day for parking. He stated that there will be no leases for parking at this time. Council Member Anderson asked if the parking lot would still be used for movies.

The Development and Parks Director stated that the parking lot would have vacate signs for movies. The City Manager stated that 10-parking stalls will be

reserved for the Fire Department. Dana Johnston of Drake Hardware and Software explained to Council the history of the parking lot. She stated that if the service employees pay a daily fee and then they have to leave for a service call, they lose their parking space and have to pay for parking again. She urged the Council to charge a yearly fee for service people who want to park in City lots. Council Member Anderson urged the Development and Parks Director to look into the issue. Council Member McCampbell stated that the City needs to find a way to make it feasible for people to work downtown. He stated that he was considering moving to downtown Burlington, but the biggest drawback was parking. Dana Johnston stated that her son lives in downtown St. Louis and he pays to park. She stated that maybe even have those people that live downtown pay a yearly fee to park in any of the City lots. Council Member Reed stated that the next closest free lot was the Auditorium parking lot. He stated that when he worked in St. Louis, he walked a quarter of a mile to park free. He stated that he was torn by the issue as there was not a lot of free parking in that area of downtown. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES Anderson, Davidson and Fleming

2 - NAYS Reed and McCampbell)

ADOPTED

Introduced By: Anderson Seconded By: Fleming
4. Resolution Establishing a No Parking Zone on the West Side of Willow Street Extending from West Avenue to the South Approximately 30 Feet

DISCUSSION: The Public Works Director stated that the proposed Resolution establishes a no parking zone on the west side of Willow Street extending from West Avenue to the south approximately 30 feet. He stated that a citizen had requested the no parking zone. Council Member Fleming stated that with the bus traffic at the school that the no parking zone made sense. Mayor Davidson stated that 30 feet of no parking was not a large area of no parking, but that he thought it should work. Council Member Reed stated that the no parking zone was a good idea. 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: Marlan McKee of 1121 South 12th Street stated that there were beautiful roses at Summer Street and South Street that were a nuisance for drivers who are unable to see vehicles going south. He asked that the Nuisance Department check on the situation. He stated that there is new angle parking in front of the VFW. He stated his concern that in the winter when it is icy that vehicles will slide as the angle parking is going downhill. He urged the Council to change the angle parking to the north side of the street. Another of Marlan McKee's concern was that the Burlington Bees was giving money to the Eagles Club when the City is subsidizing the Bees. Council Member Reed stated that he sits on the Bees Board and that the reason for the Bees giving money to the Eagles Club was that due to the Winegard development at Fairway Center, parking was lost. He stated that people are now parking in the Eagles parking lot, so the Bees were giving money to the Eagles Club for use of their parking lot. He stated that the Bees were wanting to be a good neighbor. Marlin McKee suggested the Council cut the Drug Task Force to save money in the City's budget. The Police Chief explained that the City has only one employee on the Drug Task Force. He stated that the Drug Task Force have executed 45 search warrants this year. He stated that the drug war needs to be focused on all angles. Marlin McKee also urged the Council to not sell the Manor property as right now it was only costing the City money for mowing. Council Member Anderson stated that the Manor property was not selling, so the Council had decided to hire Terrus Realty to sell the property. Council Member McCampbell stated that when he got on the City Council the big outcry by the citizens of Burlington was the sale of the Manor. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:23 p.m.

Approved: September 16, 2013

Kathleen P. Salisbury, MMC
City Clerk

Jim Davidson
Mayor

(See recording 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 Nuisance Abatements for Various Properties
2. Resolution Approving a 28E Agreement Between the City of Burlington, Iowa and the City of West Burlington, Iowa for Sanitary Sewer Conveyance and Treatment

SET DATE FOR PUBLIC HEARINGS: SEPTEMBER 16, 2013

1. Consideration of Sale of Property Locally Known as 721 Vine Street, City of Burlington, Des Moines County, Iowa
2. Consideration of a Permanent Encroachment Agreement between the City of Burlington and Karel Van Haefte and Terry Arellano for Encroachment into North 3rd Street Right-of-Way Along the East Side of 305 Jefferson Street, Burlington,

Iowa