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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 44
October 17, 2005

The Burlington City Council met in regular session at 7:00 p.m. in the City Hall, Council Chambers with Mayor Edwards, Council Members Baker, Ell, Campbell and King present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

Retirement of Joe Stewart, Police Captain
Red Ribbon Week - Stacy Hiller
Business Women s Week - Wilma Savage

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 not separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

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

DISCUSSION: Mayor Edwards 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

PRESENTATIONS:

1. Downtown Upper Story Revitalization - Brian Tapp

DISCUSSION: Brian Tapp, Director of the Southeast Iowa Regional Plan Commission, presented the City Council with a plaque from the National Association of Development Organizations recognizing Burlington for its Downtown Upper-Story Renovation Innovation Award for 2005. He also presented a plaque to Bob Brueck on behalf of Downtown Partners, Inc. Council Member King thanked Bob Brueck for all of his work on the downtown apartments. Mayor Edwards stated that Bob Brueck had great vision in the renovation of the Schramm building. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

2. Capitol Theater Foundation

DISCUSSION: Becky Anderson, president of the Capitol Theater Foundation presented to Council and the viewing audience the history behind the Capitol Theater which closed in 1977. She stated that the Capitol Theater Foundation was formed in March of 2005 and immediately purchased the theater. Upon investigation of current codes and size restraints for restrooms, dressing rooms and handicap accessibility, the Foundation also purchased the former ISU

building to the south to accommodate these needed additions. Bob Brueck presented the plans which would include combining the two buildings into a cultural community center with an adjacent art gallery that will house the restrooms, elevator, backstage, dressing area and a small practice stage. He stated that the theater should have seating for approximately 500 people compared to Memorial Auditorium which provides seating for 2,500. He stated that the theater would be used by area schools and churches. He further stated that the estimated cost in renovating the buildings would be approximately \$2,500,000.00. Francis Daniels of 705 South Street urged the Foundation to contact area businesses for donations. Becky Anderson stated that plans are to pay off the building and light the marquee on December 1, 2005, the evening of the living windows event. She stated that to date the Foundation has received \$90,000.00, which includes a Witte Grant of \$10,000.00 and \$28,000.00 from Don and June Current. She stated that if the City gives the Foundation \$20,000.00 they would be \$30,000.00 away from paying off their loan. She further stated that the Foundation plans on applying for grants in the future for renovation of

the buildings. Mayor Edwards urged those who would like to donate funding for the project to send their donation to the Capitol Theater Foundation, P.O. Box 431, Burlington, IA. He further urged the Foundation to give the City advanced notice if they plan on applying for grants. He further thanked Attorney Dan Cahill for his short-term loan to the Foundation. Council Member Ell stated that

the renovation of the Capitol Theater was consistent with the City Council's goal of infill development. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

RESOLUTIONS:

1. Resolution Granting Financial Support for the Capitol Theater Infrastructure Project

DISCUSSION: The City Council unanimously granted the Capitol Theater Foundation \$20,000.00 from the hotel/motel tax fund in financial support for the Capitol Theater Infrastructure Project. All present had opportunity to speak and nothing

additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES) ADOPTED

2. Resolution Naming Mason Road as Honorary Jim Kelly Way

DISCUSSION: Council Member Baker stated that she had received a letter, which was made a part of the record, from Ed Scott of 2200 Seneca Drive opposed to the

naming of Mason Road as the Honorary Jim Kelly Way and felt it would be more appropriate to name the drive leading to and from the airport terminal as Jim Kelly Drive. She stated that she received an e-mail from Mary Krohlow of 2524 South Main Street, who also was opposed to the naming of Mason Road as the Honorary

Jim Kelly Way with an attached biography of Charles Mason. She further stated that she also received an e-mail from Sandy Levins also opposed to the honorary name and suggested that a local church in Burlington who was planning a new church subdivision may name one of their streets after Jim Kelly. She further stated that at the airport there was a monument in honor of Jim Kelly along with

a shelf of memorabilia of Jim Kelly. Council Member Ell stated that he was extremely impressed with the accomplishments of Charles Mason and liked the idea

of a new street being named after Jim Kelly. The Development Director stated that Sunrise West Development was planning a subdivision off of Mason Road to

Gilbert Street or possibly to West Avenue. He stated that it would be up to the Plan Commission to approve the name of the new street. He stated there was not a definite date for the new development. Council Member Campbell stated that 105 citizens signed a petition requesting that the name of Mason Road be permanently

changed in honor of Jim Kelly. He stated that the proposed Resolution provides for naming Mason Road as the Honorary Jim Kelly Way. Francis Daniels of 705 South Street stated his concern for destroying the history of Burlington. Council Member Ell made a motion to table the Resolution Naming Mason Road as Honorary Jim Kelly Way to an undetermined time. Council Member Baker seconded the motion. After a roll call vote the motion to table to an undetermined time failed by a 2 to 3 vote. Mayor Edwards then made a motion to table the Resolution Naming Mason Road as Honorary Jim Kelly Way by postponing the decision until January 17, 2006 City Council Meeting. Council Member Ell seconded the motion. Upon roll call vote the motion to postpone the decision until the January 17, 2006 City Council Meeting carried with a 3 to 2 vote. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

3. To table the Resolution Naming Mason Road as Honorary Jim Kelly Way to an undetermined time

DISCUSSION: None.

(VOTE: 2 - AYES ELL, BAKER

3 - NAYS KING, CAMPBELL, EDWARDS) FAILED

4. To table the Resolution Naming Mason Road as Honorary Jim Kelly Way by postponing the decision until January 17, 2006 City Council Meeting

DISCUSSION: None.

(VOTE: 3 - AYES ELL, BAKER, EDWARDS

2 - NAYS KING, CAMPBELL) CARRIED

HEARING:

1. Statement: Consideration of a Permanent Encroachment Agreement between the City of Burlington and Christ Episcopal Church, 623 North 5th Street, for Placement of Sign in City Right-of-Way

COMMENTS: The City Manager requested the Council continue the hearing on the permanent encroachment agreement between the City of Burlington and Christ Episcopal Church, 623 North 5th Street for placement of a sign in City right-of-way until the November 7, 2005 City Council Meeting. He stated that the

church was requesting the placement of their sign in City right-of-way and there

was an 8th Circuit Court appeal case that sets out not allowing signs such as this in the City right-of-way. He further stated that this needs to be reviewed further by the City and the Pastor of the church. Council Member King made a motion to continue the hearing until the November 7, 2005 City Council Meeting. Mayor Edwards seconded the motion. After roll call vote the motion to continue the hearing to the November 7, 2005 City Council Meeting was unanimously approved by the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Continue the Hearing until November 7, 2005 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

COMMENTS FROM AUDIENCE: Francis Daniels of 705 South Street questioned if the City Manager was working with the Principal of Grimes School to correct the traffic problem of drop-off and pick-up of children due to the number of new students at the school. The City Manager stated that the Public Works Director was working with the Director of Facilities for the Burlington School District to look at different options to solve the problem. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:24 p.m. Approved: November 7, 2005

Kathleen P. Salisbury Mike Edwards
City Clerk, C.M.C. 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

RESOLUTION:

1. Resolution Awarding Contract for the 2005 West Burlington Avenue Paving Project