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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 36
June 18, 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 Pro-Tem Ell, Council Members Campbell, Scott and Thomas 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 not separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Thomas Seconded By: Scott

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

DISCUSSION: Mayor Pro-Tem 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: 4 - AYES)

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Vacating and Selling a 33-Foot Wide

Portion of Bock Street Right-of-Way, Being Part of Lots 25 and 26 in Matteson and Woodburn's Subdivision, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Planner reviewed with the City Council and the viewing audience the proposed Ordinance Vacating and Selling a 33-Foot Wide Portion of Bock Street Right-of-Way, Being Part of Lots 25 and 26 in Matteson and Woodburn's Subdivision. He stated that the request came from Burlington Community School District. The vacation and sale of the 33-foot wide portion of

Bock Street right-of-way would become a part of lots 25 and 26 of Matteson and Woodburn Subdivision. He stated that Burlington Community School District was planning on building a new middle school at that location. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Thomas Seconded By: Scott

Motion to Close

CARRIED

Introduced By: Thomas Seconded By: Scott

Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a 33-Foot Wide Portion of Bock Street Right-of-Way, Being Part of Lots 25 and 26 in Matteson and Woodburn's Subdivision, City of Burlington, Des

Moines County, Iowa

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

2. Statement: Consideration of an Ordinance Vacating All Public Right-Of-Way Located Within the Boundaries of the Manor Revisited Project Area, City of Burlington, Des Moines County, Iowa

COMMENTS: The City Manager stated that the proposed Ordinance would vacate all public right-of-way located within the boundaries of the Manor Revisited Project

area. He stated that all required utilities and utility easements shall be maintained until such a time as they are relocated to a newly established right-of-way or removed in accordance with the appropriate approval or enforcement body of such public utility. The City Planner reviewed the map of the vacated area to the City Council and the viewing audience. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk

Introduced By: Campbell Seconded By: Thomas
Motion to Close

CARRIED

Introduced By: Campbell Seconded By: Scott
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating All Public Right-Of-Way Located Within the Boundaries of the Manor Revisited Project Area, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 4 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Scott Seconded By: Campbell
1. Resolution Authorizing the Filing of an Application for Iowa State Recreational Trails Program Funding for Acquisition and Construction Costs for Phase I of the City of Burlington Vision Iowa Recreational Trail

DISCUSSION: The City Planner stated that the proposed Resolution authorizes the filing of an application for Iowa State Recreational Trails Program funding for acquisition and construction costs for Phase I of the City of Burlington Vision Iowa Recreational Trail. He stated that the trail will be an off-road route which will be more useful and include scenic areas. He reviewed the proposed route with the City Council and the viewing audience. He stated that the trail committee has met with individual property owners, the Levee District Board and the Army Corps. of Engineers. He stated that the application for Phase I funding would be submitted to the State in July 2007 for funding. Those who spoke in favor of the trail were as follows: Charlie Walsh of 1619 River and member of the Riverfront Advisory Board, Chris Akerson of the Southeast Iowa Regional Plan Commission and Mike Norris of the Southeast Iowa Regional Plan Commission. Bill Hedgepeth of 2510 South 3rd Street questioned who would maintain the trail and how four-wheelers would be kept off of the trail. The Associate Planner stated that the Parks Department would be maintaining the City's portion of the trail at a yearly maintenance cost of approximately \$3,000.00 to \$4,000.00. He further stated that fencing and bollards would be installed to keep four-wheelers off the trail. Council Member Thomas stated that the trail would bring more tourism to Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - â AYESâ)

ADOPTED

Introduced By: Scott Seconded By: Campbell

2. Resolution Accepting Development Proposal With Robert Muir Company for Redevelopment of Approximately 23.7 Acres of Ground in the Area Known as Flint Hills Manor

DISCUSSION: The City Manager stated that the City entered into a pre-development agreement dated January 2, 2007 relating to the redevelopment of approximately 23.7 acres of ground in the area known as Flint Hills Manor. He stated that pursuant to the Iowa Urban Renewal law the City offered the area for redevelopment on May 18, 2007 publication and at the end of the required 30 days period no better proposals were received. He stated that the pre-development agreement will now be considered the temporary development agreement and the City staff is directed to take all necessary actions under the law to transfer the title to the property and to negotiate a final development agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: Al Sparks of 302 South Garfield Avenue stated that he had a lot of questions about the proposed residential lateral sewer program. He urged the Council to do critical thinking on the program. He stated that the big picture was how to stay out of his pocket book. Council Member Scott stated that by adding the \$.50 fee to the monthly sewer bill would raise \$60,000.00 not \$120,000.00 as stated by Al Sparks. He further stated that there was approximately 19 homeowners with sewer lateral breaks a year not 34 as stated by Al Sparks. Mayor Pro-Tem Ell urged Al Sparks to attend the hearing on the program on July 2, 2007. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:58 p.m.

Approved: July 2, 2007

Kathleen P. Salisbury, MMC
City Clerk

William L. Ell
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

RESOLUTIONS:

1. Resolution Approving Outdoor Service Area for Klein and Kompany, Inc. dba/Farney's on Jefferson for Fish Fry on June 23, 2007
2. Resolution Awarding Contract for Asbestos Removal and Abatement Service,

Phase IV, for the â Manor Revisited Projectâ

3. Resolution Awarding Contract for Demolition and Removal of Phase IV Structures â Manor Revisited Projectâ

4. Resolution Awarding Contract for the 2007 Plane/Curran Diamond Grinding Project

5. Resolution Approving Amended Subrecipient Agreement Between the City of Burlington and Des Moines County for Road Improvements and the Development of a Trail from the Burlington City Limits to the Big Hollow Creek Recreation Area in the Unincorporated Areas of Des Moines County for Hikers, Bikers, Joggers and Cross-Country Skiers

6. Resolution Approving Agreement for Audit Services for Fiscal Year 2006-2007 with Eide Bailly LLP

7. Resolution Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2007 Byrne Justice Assistance Grant (JAG) Program Award for the SEINT Program

SET DATE FOR PUBLIC HEARING: JULY 2, 2007

1. Consideration of Sale of All Public Property Located Within the Boundaries of the Manor Revisited Project Area

2. Consideration of a Residential Sewer Lateral Program