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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 1
January 7, 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.

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: Murray Seconded By: Scott

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. Council Member Murray 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.

(VOTES: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Thomas

1. Resolution Approving Final Plat of Second Addition to Sunrise West Subdivision

DISCUSSION: The Development Director reviewed with the City Council and the viewing audience the final plat of the Second Addition to Sunrise West Subdivision. He stated that the final plat provided for six buildable lots and a new public street right-of-way. He stated that the homes would be single-family homes. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Campbell Seconded By: Scott

2. Resolution to Establish a New Fee and Charge Schedule at Flint Hills Golf Course Continued from the December 17, 2007 City Council Meeting

DISCUSSION: Council Member Davidson stated that he had asked at the December 17, 2007 City Council meeting to continue the Resolution to Establish a New Fee and Charge Schedule at Flint Hills Golf Course so that the City Council could gather more information. He stated that the Flint Hills Golf Course staff have come up with new ideas for increased playership and will be more aggressive with marketing. Mayor Ell stated that the fees were comparable with other courses.

He stated that he was interested in staff marketing daily rounds at Flint Hills Golf Course. Council Member Murray stated that he would like to see more marketing at Flint Hills Golf Course and for it to become a money maker, not just break even. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - AYES DAVIDSON, ELL, SCOTT

2 - NAYS THOMAS AND MURRAY)

ADOPTED

COMMENTS FROM AUDIENCE/COUNCIL: Mayor Ell stated that a termination notice by Robert Muir Company was received by the City Manager via a fax on December 21, 2007, late afternoon. He stated that the City Manager tried to confirm the fax with Muir Company on December 21, 2007 but received no response. He stated that

on December 26, 2007 the City Manager received an official termination notice via UPS Next Day Air. He stated that the City Manager conferred with legal counsel on December 26 and 27, 2007 and was still unable to reach Muir Company.

He stated that on December 28, 2007 he requested the City Clerk schedule a closed session with the City Council on January 2, 2008, which was the next scheduled meeting of the City Council. He stated that the Council met in a closed session on January 2, 2008 to discuss the City's legal position, any premature discussion prior to the closed session could have been detrimental to the City's position. He further stated that the termination notice requested the immediate return of the \$240,000.00 earnest monies. He stated that the City

would dispute the return of the \$240,000.00 earnest monies. He further reviewed

the financing and the future development of the property with the Council and the viewing audience. Those who spoke against the project were as follows: Leon

Shahan of 1821 Mt. Pleasant Street, Rev. David Selmon of 1012 Oak Street, Al Sparks of 302 South Garfield Avenue and Freddie Starling of 517 South 7th Street. Many of those that spoke felt the Flint Hills Manor Revisited Project was rushed through, they were against using TIF to pay for the project and had concern with the City's debt. Sivon Williams of 2713 Drebenstedt Street questioned what the terms of the development agreement were and if there were any contingencies of the earnest monies. Mayor Ell explained that it was very difficult to speak about the issue due to pending litigation, but did give her a

copy of the development agreement. Mayor Ell and the entire Council stated that they would be moving forward with the same goal and plans they had before. Council Member Scott wanted the public and press to know that the City's Comprehensive Plan for the past 25 years included the property at Flint Hills Manor as a potential commercial growth area. He further stated that the City Council had the plans to redevelop the property prior to finding a developer. Randy Pflum, representing Babe Ruth Junior League, expressed appreciation to the

City Council for keeping the issue of a ball diamond alive for the upcoming budget. He asked if he could meet with the City Council at their next work session. The City Manager stated that he would schedule him for the January 14,

2008 work session. David Hayes of Des Moines County stated that the City Council should have had a plan prior to taking away the Cottonwood Park ball diamond. Bill Matthew of 1316 Perkins Avenue questioned where the lights and fencing that was used at Cottonwood Park is now located. Mayor Ell stated that the lights and fencing are in storage, but that they may not be able to use the lights. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:13 p.m.

Approved: January 22, 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

RESOLUTIONS:

1. Resolution Approving Demolition/Nuisance Abatements for Various Properties
2. Resolution Approving Purchase of Ten Mobile-Vision In-Car Digital Video Recorders and a Server, Storage and Distribution System for the Police Department

SET DATE FOR PUBLIC HEARING: FEBRUARY 4, 2008

1. Consideration of Plans and Specifications for Perkins Park Shelter/Restroom Project

APPOINTMENTS:

City Planning Commission: Bob Gerdes
Grow Greater Burlington: Bill Ell
Emergency Management Commission: Bill Ell and Alternate Garry Thomas
Convention & Tourism Bureau: Garry Thomas
Des Moines County Solid Waste Commission: Jim Davidson, City Manager, Don Fitting and Alternate Roderick Kellogg
Downtown Partners: Tim Scott
Resource Enhancement & Protection County Committee (REAP): Tim Scott
Regional Planning Commission: Bill Ell and Alternate Jim Davidson
Southeast Iowa Economic Development Coalition (SEID): Tim Scott and Alternate Matt Murray
Southeast Iowa Homeless Coordinating Board: Garry Thomas
Assessor's Conference Board: Bill Ell and Alternate Garry Thomas
Burlington Bees Association: Matt Murray and Alternate Jim Davidson
Flint Creek Advisory Committee: Jim Davidson
Youth Commission: Matt Murray
Steamboat Senior Citizen Corporate Board: Jim Davidson