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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Special Meeting No. 2
January 14, 2008

The Burlington City Council met in Special/Executive Session at 8:07 p.m.
(following the 4:30 p.m. Work Session) with Mayor Ell, Council Members Davidson,
Murray, Scott and Thomas present.

SPECIAL MEETING NOTICE ACKNOWLEDGED

Introduced By: Davidson Seconded By: Thomas

MOTION: To go into Executive Session for the purpose of: To discuss the strategy

with counsel in matters that are presently in litigation or where litigation is
imminent where its disclosure would be likely to prejudice or disadvantage the
position of the governmental body in that litigation per State Code, Chapter
21.5.1(c).

DISCUSSION: Dale Allison, Managing Editor of The Hawk Eye, 2019 Osborn Street
questioned the City Council on the legality of their January 2, 2008 Closed
Session meeting. He stated that the City Manager came to his office on January
3, 2008 with a news release regarding Robert Muir Company's decision to withdraw

as developer from the Manor Revisited Project. He stated that he asked for the
correspondence that led to the news release. He stated that the City Manager
declined to share the correspondence without a formal letter making that
request. He stated that the City Manager then hand delivered the correspondence

and that The Hawk Eye would also be receiving correspondence from the City
Attorney after that. He stated that Reporter Jeff Abel has spoken with a couple

of Council Members and that The Hawk Eye believes that there is nothing in that
letter pertaining to the threat of litigation from the Robert Muir Company. He
stated that the letter states that they may ask for their earnest monies back,
but it does not say that they will sue to get it back. He stated that it is The

Hawk Eye's contention that news of the Muir decision was made in a closed
session unlawfully. He stated that he has written the Mayor asking for a tape
of the meeting. He further stated that lacking a tape, The Hawk Eye will take
further steps to have a judge review the tape and it will become the judge's
decision as to whether it legally constituted a closed session. Mayor Ell
stated that he would like to respond, but is unable to respond to his comments.

He stated that he appreciated his input, but the Council needed to go into
Closed Session. Council Member Scott questioned Dale Allison if he was asking
for something specifically or just making a statement. Dale Allison stated that

the Council can only go into a closed session if litigation is imminent, not
perhaps they will go into litigation, maybe they will go into litigation or down

the line they will go into litigation. He further reiterated that the letter
from Robert Muir Company did not threaten the Council with litigation. Mayor
Ell again stated that he was unable to respond, but felt the Council's position

was on solid ground and that the Council needed to go into a closed session.

All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Murray

MOTION: That the Executive Session be adjourned and Council go back into Special Meeting.

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Davidson Seconded By: Scott

MOTION: To instruct our Counsel to pursue the matters that were discussed in closed session.

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ADJOURNMENT: 9:00 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 of the special meeting portion of the meeting).