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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 4
February 19, 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: Davidson 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. Leon Shahan of 1821 Mt. Pleasant Street

requested the removal of the Resolution Petitioning the Iowa Department of Economic Development for Certification of a Transportation Enterprise Zone from the consent agenda for discussion at the close of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

CARRIED

HEARING:

1. Statement: Consideration of Concept for Speed Zone for Riverfront Area

COMMENTS: The Interim City Manager stated that the Riverfront Committee has requested a five mile-per-hour speed zone limit adjacent to the Riverfront. He stated that the first step in creating a speed zone for the riverfront area is for Council to hold a public hearing. The second step would be for the City Council to approve a Resolution of Council Support for a speed zone for the riverfront area. He stated that the City would need to place buoys in the river

at an approximate cost of \$300.00 each. He further stated that \$9,000.00 has been budgeted from the hotel/motel tax from the 2008-2009 budget. Lisa Walsh of

6172 Nikonha Place urged Council to proceed with the speed zone for the riverfront area. She further stated that cheaper buoys are mainly used for lakes and urged Council to purchase the \$300.00 buoy that has been proposed by the Riverfront Committee. Sue Frice of 11302 Valley View Lane stated that the Riverfront Committee has been discussing the issue for a couple of years. She stated that a speed zone would be safer for boats loading and unloading. Council Member Thomas felt that the speed zone was a safety issue and was very much needed. Mayor Ell stated that the speed zone would help preserve the

docks. Council Member Scott urged Council to pass a Resolution of Support so that it can be sent to the Department of Natural Resources for approval. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Thomas

Motion to Close

CARRIED

RESOLUTIONS:

Introduced By: Murray Seconded By: Scott

1. Resolution to Establish a Dog Park in Dankwardt Park Continued from the February 4, 2008 City Council Meeting

DISCUSSION: The Interim City Manager stated that he has spoken with the Burlington Community School District about using the former Horace Mann Middle School site for a dog park. He stated that the issue would need to be brought before the School Board. He also stated that he spoke with the Airport Manager about using airport property for a dog park and was told that the Airport Manager would need to speak with FAA. He stated that Riverfront Park was not a good site due to flooding. He stated that the proposed dog park property would be too small for use as a National Little League ball diamond without infringing

onto private property. Those who spoke in favor of using the proposed dog park property as a baseball diamond were as follows: Adrian Miller of Summer Street; Bill Wright of 137 Greenbrier and David Hayes of Des Moines County. They stated

that there was a need to expand the number of ball diamonds for the National Little League and felt the proposed area was big enough for their use. Binda Knutsen of 1908 Highland Avenue stated that the problem with using Horace Mann Middle School property for a dog park was again the problem of neighbors not wanting a dog park near their homes. She stated that the Horace Mann Middle School site would be better used for a ball field. She stated that most dog parks are located near parks, pools and museums. After considerable discussion by the City Council, it was decided to continue the Resolution to the March 3, 2008 City Council Meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott

Seconded By: Thomas

2. Motion that the Resolution to Establish a Dog Park in Dankwardt Park be continued to the March 3, 2008 City Council Meeting

DISCUSSION: None.

(VOTE: 3 - AYES THOMAS, ELL AND SCOTT

2 - NAYS DAVIDSON AND MURRAY)

CARRIED

Introduced By: Thomas Seconded By: Scott

3. Resolution of the City of Burlington, Iowa Authorizing the City Council to Execute Applications and Agreements Related to State Programs to Assist Federal Mogul Ignition Company in the Modernization of Their Burlington, Iowa Plant

DISCUSSION: The Interim City Manager stated that the Resolution allows for Federal Mogul to apply for a forgivable CEBA loan from the State of Iowa in the amount of \$500,000.00, to apply with the State of Iowa for Targeted Jobs Withholding Credits and to approve a development agreement with Federal Mogul so

that they can modernize their plant. Dennis Hinkle of 610 North 4th Street stated that the grant application would help Federal Mogul to modernize their equipment to be competitive. He stated that the Targeted Job Withholding Grant

was an excellent tool to create incentives for industries. Jim Hard, Ignition Group Comptroller for Federal Mogul, stated that the funds would help Federal Mogul install modernized equipment and it would guarantee employment for ten years. He stated that Federal Mogul would repay the bonds, thus removing all risk from the City of Burlington. He further stated that the Burlington plant was the only assembly facility left in the United States. Bruce Scheitlin, President of UAW Local 1237, urged Council to support the Resolution in order for Federal Mogul to be competitive. Lance Schafer, Plant Manager for Federal Mogul, also urged Council for their support of the Resolution. Leon Shahan of 1821 Mt. Pleasant Street stated that the City should not pay \$2,000,000.00 to a company that will eventually move their business to Mexico. David Hayes of Des Moines County stated that it would be a major hit to the community if Federal Mogul left. He felt that Council should support the Resolution for keeping jobs. Mayor Ell stated that he was interested in keeping jobs in Burlington. Council Member Murray stated that Americans are still by far the best workers and this would help save American jobs. He appreciated Federal Mogul's commitment. Council Member Davidson stated that he was in favor of keeping jobs

and helping Federal Mogul. Council Member Thomas stated that many communities help their industries so that they stay in their communities. Council Member Scott stated that if labor and management say it can work, it should be a no brainer. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Ell

Seconded By: Scott

4. Resolution Petitioning the Iowa Department of Economic Development for Certification of a Transportation Enterprise Zone

DISCUSSION: Leon Shahan of 1821 Mt. Pleasant Street questioned what the Resolution Petitioning the Iowa Department of Economic Development for Certification of a Transportation Enterprise Zone was going to cost him as a taxpayer. The Interim City Manager stated that ten years ago the City created an enterprise zone in the North Bottoms Area for a ten-year period. The demographics have changed in that area and would now be eligible for a Transportation Enterprise Zone. The Development Director stated that it would provide incentives in an industrial area. He further stated that the area meets

three out of the four transportation modes to qualify for the Transportation Enterprise Zone. All present had opportunity to speak and nothing addition was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

COMMENTS FROM AUDIENCE: Ron Sourwine of 1734 West Acres Drive stated that at the

last Council Meeting he had requested a committee be formed to investigate the Flint Hills Manor Revisited Project. He questioned the City Council if a committee has been formed. Mayor Ell stated that he did not feel that an investigation was warranted. He stated that records are available for review from the Development Department. He further stated that he was not comfortable talking about the project as it was presently under litigation. The Interim City Manager stated that the City acquired property from 51 property owners, the

majority (80%) was through negotiations. He stated that 11 properties that are in condemnation appeal, all are rental properties, no owner occupied. He stated

that the City was contacted by individuals desiring the City to acquire their properties or assist in relocation after the project was announced. He stated that the City has a responsibility to taxpayers to acquire property at its fair market value as determined by an independent appraiser. Ron Sourwine stated that

there was an abuse of eminent domain, which was why the State of Iowa changed the eminent domain law. Council Member Thomas stated that one of his employees at the age of 50 was able to own his own home after being relocated by the City.

Council Member Murray stated that an investigation sounds like there was something illegally done. He stated that all correspondence except that between attorneys is an open record. He questioned Ron Sourwine if an investigation was

for impropriety or to find out how those who lived in the Manor area are now living and if they are happy. Ron Sourwine stated he wanted to know if those who lived in Flint Hills Manor are happy and where they are now living. Council

Member Davidson stated that when he drives by the property along Roosevelt Avenue he sees the property developed with prosperous businesses. David Hayes of Des Moines County stated that he remembered when Roosevelt Avenue was fields and were being sold for future commercial development. He stated that citizens had purchased property in Flint Hills Manor in hopes to sell for commercial but ended up having to sell for low rent housing appraisal rates. The Interim City Manager stated that the properties in Flint Hills Manor were acquired at fair market value. He stated that it is not commercial property until someone purchases the property, demolish existing buildings, has the area rezoned and relocates streets and utilities. He stated that it was a tremendous expense for

a developer. Council Member Scott stated that based on recent commercial property sales along Roosevelt Avenue, the valuation is \$100,000.00 per acre. He stated that the properties which were purchased were getting more monies based on a residential rate rather than if they were purchased for a commercial rate by the acre. He urged David Hayes to do more math. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 9:38 p.m.

Approved: March 3, 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 30-day Cigarette Suspension for Hy-Vee No. 1 for Third Violation of Providing Tobacco to Minors

2. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Joe Fink dba/Shuttle Express

3. Resolution Approving Demolition/Nuisance Abatements for Various Properties
4. Resolution for Lease Between the City of Burlington, Iowa and the Des Moines County Historical Society for Use of Hawkeye Log Cabin in Crapo Park
5. Resolution Approving Contract with SITE+ Inc. (Doug Adamson) for Feasibility Study and Master Plan for Aldo Leopold Interpretative Center
6. Resolution Approving Maintenance and Operation of the Sanitary Sewer, Storm Sewer and Pavement Systems in Phase One of Sunrise West Subdivision
7. Resolution Authorizing Alliant Utilities to Proceed with the Engineering and Installation of a New Central Business District Street Lighting System
8. Resolution Approving the Purchase and Installation of a Projection System in the Arena of the Burlington Memorial Auditorium
9. Resolution Awarding Contract for 2008 Market Street Lift Station Valve Replacement
10. Resolution Approving Purchase of Five Panasonic CF-30 Toughbook Computers Including All Accessories for the Police Department

SET DATE FOR PUBLIC HEARINGS: March 3, 2008

1. Consideration of Sale of Lots 255 and 256 of Leebrick's Second Addition, City of Burlington, Des Moines County, Iowa
2. Consideration of Fiscal Year 2008-2009 Budget

APPOINTMENTS:

Human Rights Commission: Tim Fleener