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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 5  
March 3, 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: Davidson

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

(VOTES: 5 - AYES )

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Lots 255 and 256 of Leebrick's Second Addition, City of Burlington, Des Moines County, Iowa

COMMENTS: The Interim City Manager stated that the proposed Resolution provides for the sale of Lot 255 and Lot 256 of Leebrick's Second Addition to adjacent property owners, David and Pamela Hellberg. The Development Director stated that the Hellberg's approached the City about purchasing the property. He stated that it was in the City's best interest to sell the property. Pam Hellberg of 2210 Division Street stated that she had offered the City \$100.00 per lot for the hillside property. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Murray    Seconded By: Scott

Motion to Close

CARRIED

Introduced By: Murray    Seconded By: Scott

Resolution Approving Sale of Lots 255 and 256 of Leebrick's Second Addition, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - AYES )

ADOPTED

2. Statement: Consideration of Fiscal Year 2008-2009 Budget

COMMENTS: The Interim City Manager reviewed the following items of the proposed fiscal year 2008-2009 budget: total proposed budget \$36,054,273.00 (down \$452,380.00 or 1.2%); property tax rate \$14.93 (down \$.0557); taxable valuation

\$19,829,978.00 (or up 3.47%); fire and police retirement contribution 18.75% (down from 25.48%); IPERS contribution rate 6.35% (up from 6.05%); health care costs up a modest 2%; property valuation rollback (residential 44.08% and commercial 99.73%); fund accounting; general fund \$14,587,214.00 (up 2.4%); road

use tax \$84.20 per capita (up \$.40); solid waste fund \$.25 increase in solid waste fees; 6% increase in sewer user fees; \$500,000.00 in hotel/motel tax revenue; sales tax fund (local option sales tax revenue \$3,300,000.00) and capital projects fund. He thanked department heads for submitting tight budgets and also staff for helping with the Power Point presentation. Leon Shahan of 1821 Mt. Pleasant Street stated his dislike for economic development incentives for businesses. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Scott  
Motion to Close

CARRIED

Introduced By: Davidson Seconded By: Scott  
Resolution Approving Fiscal Year 2008-2009 Budget

DISCUSSION: None.  
(VOTE: 5 - AYES )

ADOPTED

#### RESOLUTIONS:

Introduced By: Davidson Seconded By: Scott

1. Resolution Approving Plans and Specifications for Perkins Park Shelter/Restroom Project Continued from the February 4, 2008 City Council Meeting

DISCUSSION: The Interim City Manager stated that the City Council had continued the Resolution Approving Plans and Specifications for Perkins Park Shelter/Restroom Project from the February 4, 2008 City Council Meeting due to concern for funding the \$300,000.00 project. He stated that it would take five to six years for the project to be funded with Starker Memorial monies. He stated that the following Resolution provides for the approval of just the plans

and specifications for the Perkins Park Restroom Project, which would be paid with Starker Memorial Trust monies. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 0 - AYES )  
5 - NAYS SCOTT, THOMAS, DAVIDSON, ELL AND MURRAY )

FAILED

Introduced By: Scott

Seconded By: Murray

2. Resolution Approving Plans and Specifications for Perkins Park Restroom Project

DISCUSSION: The Interim City Manager stated that the proposed Resolution approves the plans and specifications for Perkins Park Restroom Project with funding from Starker Memorial Trust monies. Bill Wright Jr. of 137 Greenbrier Drive stated his concern with the \$180,000.00 price tag for the restroom project. He stated that staff needed to sharpen their pencil. The Interim City

Manager stated that the project cost was similar to the price the City paid a couple of years ago for the restrooms at Crapo Park. The Parks Superintendent stated that the cost of the project includes sewer and water lines and would be a solid concrete building due to daily vandalism. He stated that the restroom would be a no thrills restroom. Council Member Scott stated that he would be voting against the project due to the high cost. Council Member Thomas and

Council Member Davidson agreed with Council Member Scott that the project was too high. The Interim City Manager reminded Council that the project was being paid with Starker Trust monies, not property tax monies. He urged Council to continue the Resolution to the next scheduled City Council meeting so that David

Metzger could review the project at the next work session verses defeating the project. Council Member Davidson stated that he did not care if it wasn't tax

payers monies as he felt the City needed to be fiscally responsible. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Murray

3. Motion That the Resolution Approving Plans and Specifications for the Perkins

Park Restroom Project Be Continued to the March 17, 2008 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - AYES )

CARRIED

Introduced By: Murray Seconded By: Scott

4. Resolution to Establish a Dog Park in Dankwardt Park Continued from the February 19, 2008 City Council Meeting

DISCUSSION: Council Member Thomas questioned if the Parks Director had polled property owners near Perkins Park about the placement of a dog park at Perkins Park. The Parks Superintendent stated that he did not feel Council had requested him to poll property owners at Perkins Park. The Interim City Manager

stated that he did not hear from a majority of the Council Members at the last work session for staff to poll property owners at Perkins Park. Council Member Thomas stated that he felt that staff did not give Council very many options and

felt that the Parks Director was only interested in looking at the Dankwardt Park site. The Parks Director stated that every option looked at by the Dog Park Committee had some type of problem. He stated that it was his feeling that

the old swimming pool site at Dankwardt Park is a good site for the Dog Park. The Interim City Manager stated that the Dog Park Committee and the Parks Director looked at many sites prior to presenting the Dankwardt Park site. Council Member Davidson stated that he would like to reserve the right to look at the property in two years to see if the property is being used or if it too small for a dog park. Council Member Scott stated that the idea and the location of a dog park was a good idea. He stated that it was his feeling that the National Little League would not be ready this year to expand. He stated that his big disappointment was that Council wasn't able to look at five different sites to choose the dog park. He felt at the present time the property would be best used for a dog park and hoped that in a short period of time a bigger and better location for a dog park would be found. Mayor Ell stated that he wanted to make a right decision not a quick decision. He stated that he would support the Resolution. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES SCOTT, DAVIDSON, ELL AND MURRAY

1 - NAY THOMAS)

ADOPTED

Introduced By: Thomas Seconded By: Davidson

5. Resolution to Declare Support for SILO Repeal/Penny Replacement/Tax Equity Proposal

DISCUSSION: The Interim City Manager stated that Burlington Community School

District has requested that the City Council declare support for SILO Repeal/Penny Replacement/Tax Equity Proposal. He stated that there was not an increase in sales tax but would change how it is imposed and collected. Leon Shahan of 1821 Mt. Pleasant Street stated that he was not sure if citizens were aware that the proposed change would affect those purchasing vehicles. He stated

that vehicle buyers would have to pay 7% sales tax on the vehicle. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES )

ADOPTED

Introduced By: Thomas Seconded By: Scott

6. Resolution Approving City Council's Goal Setting Report

DISCUSSION: The Interim City Manager stated that the City Council met with the Jeff Schott of the Institute of Public Affairs in January 2008 to review accomplishments and to set goals. He reviewed with the City Council the viewing

audience the major accomplishments, trends/opportunities, ongoing priorities and

significant initiatives or programs that Council plans to implement. He stated that he would be meeting with staff to begin the action plans to move forward with the City Council's goals. Mayor Ell stated that he would like to meet quarterly to discuss goals and the action plan. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES )

ADOPTED

COMMENTS FROM AUDIENCE: Todd Oetken of 413 Maple Street stated that there were dogs running through his yard and also dogs barking, which were affecting his sleep. He stated that the owners of the dogs need to be ticketed. He further stated that the Burlington City Code only mentions prolonged barking with no definition of prolonged barking. The Police Chief stated that it was up to the discretion of each officer to determine the definition of prolonged barking. John Fenton of 1332 Griswold Street had the following questions for the City Council: if the City could still opt out of their investment in the Water Park; the cost of the Chamber of Commerce marketing the U.S. Highway 61 Project; the total cost for Babe Ruth Lighting Project; what was the lawyers' fee for the Manor Revisited Project; if the City would be held liable if they implemented the railroad quiet zone. Council Member Davidson explained that Council had until November 15, 2008 to make a decision on the Water Park and to decide early

would not benefit the City. The Interim City Manager stated that the Chamber of Commerce was not marketing the U.S. Highway 61 Project. He further explained to

John Fenton that the City is not billed separately by their Corporate Counsel and that it was impossible to figure out how much monies were billed for the Manor Revisited Project. He stated that the bills were available for review in the Finance Department. He stated that in regard to the railroad quiet zone the

Federal Railroad Administration makes the final approval, so how could the City be held liable. Bill Wright Jr. of 137 Greenbrier Drive stated that he was extremely disappointed in staff that the National League was not contacted about

the dog park. He stated that he would be back later this year with plans. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:19 p.m.

Approved: March 17, 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 Renewal of Taxi Cab/Vehicle for Hire License for Dennis Manes dba/Yellow Cab
2. Resolution Approving 2008 Loan Agreement with United States Air Force Static Display Program for Display of Aircraft at the Burlington Regional Airport
3. Resolution Authorizing the Filing of an Application with the State of Iowa and Southeast Iowa Regional Planning for STP Funds for Improvements Along Summer Street Between Harrison Avenue and Maple Street on Behalf of the City of Burlington
4. Resolution Authorizing the Filing of an Application for Federal Land and Water Conservation Funds for Development Costs for Phase IV of the City of Burlingtons Portion of the Flint River Trail from the Flint River to Burlington Waterworks Property along the Railroad Right-of-Way Donated to the City from Case/New Holland

SET DATE FOR PUBLIC HEARINGS: March 17, 2008

1. Consideration of Plans and Specifications for the 2008 HMA Resurfacing Project
2. Consideration of Plans and Specifications for the 2008 Grimes Elementary Intersection Improvements
3. Consideration of Plans and Specifications for the 2008 Cliff Road Sidewalk Project