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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 11
June 2, 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

PROCLAMATION:
Gentle Day in the Park - Merry Ford

BOY SCOUT PRESENTATION

Don Lofgren, Assistant Scout Executive, stated that in February of 1972 the City took sponsorship of a Explorer Post to help high school and college age students interested in law enforcement. He presented to the Mayor, on behalf of the City, the charter for sponsorship of the program. Officer Grant Hillyer, co-advisor officer for the Police Explorers introduced the following members of the Explorer Post: Bryar McMillen, Tate Guernsey, Ian Gawron and Lynnae Hillyer.

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

PRESENTATION OF CERTIFICATES OF GRADUATION FROM CITIZEN POLICE ACADEMY

DISCUSSION: The Police Chief presented certificates of graduation from the Citizen Police Academy to the following individuals: Jacqueline Nelson, Ruby McGraw, Jason Lampe, Nicholas Hasten, April Fullenkamp and Jesse Doss. Graduates Ned Russell and Kent Brown were not present. He stated that this was the tenth citizen's academy that has graduated from the police department. He thanked Sgt. Adam Schaefer for reimplementing the Citizen Police Academy. Sgt. Adam Schaefer stated that the Citizen Police Academy was a six-week 30-hour program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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 no 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 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.

(VOTE: 5 - â AYESâ)

CARRIED

HEARINGS:

1. Statement: Public Hearing, Issuance of \$3,475,000 General Obligation Street Improvement and Refunding Bonds

COMMENTS: The City Manager stated that the proposed hearing for the issuance of \$3,475,000 General Obligation Street Improvement and Refunding Bonds would provide for \$250,000 toward sealcoating projects and \$300,000 for the railroad quiet zone with the remainder of the monies being used to refinance general obligation bonds from 1997, 1998, 1999 and 2001. He stated that the City could possibly save \$116,000 in interest during the life of the debt. He stated that the bond sale would be held on June 16, 2008 at noon in his office and the sale of the bonds would be awarded at the June 16, 2008 City Council meeting. Council

Member Davidson questioned the City Manager that a letter from Piper Jaffray stated that PARITY was in litigation over the patent litigation. The City Manager stated that the bonding attorney was aware of the litigation over the patent and did not have any concerns as far as the City was concerned. He stated that the City uses a PARITY bidding system which allows bidders to bid over the internet as opposed to a written bid. He further stated that it has been an ongoing issue over the patent. 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

Resolution to Hold Hearing, Set Sale Date of \$3,475,000 General Obligati
on
Street Improvement and Refunding Bonds and Approve Official Statement

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

2. Statement: Public Hearing, Issuance of \$2,165,000 General Obligation Urban Renewal Economic Development Bonds

COMMENTS: The City Manager stated that in February 2008 the City Council authorized applications and agreements relating to State programs to assist Federal Mogul Ignition Company in the modernization of their Burlington plant. He stated that the \$2,165,000 General Obligation Urban Renewal Economic Development Bonds was to fund the project for Federal Mogul Ignition Company. He stated that the interest on the bonds were taxable. He further stated that Federal Mogul Ignition Company guarantees the repayment of the bonds with repayment from revenues from the Targeted Jobs Withholding Tax Credit Program. He stated that the bond sale would be held on June 16, 2008 at noon in his office and the sale of the bonds would be awarded at the June 16, 2008 City Council meeting. Mayor Ell asked the City Manager to explain how the Withholding

Tax Credit Program worked. The City Manager explained that the Withholding Tax Credit Program allows the City to capture part of the State income tax dollars paid by the employees of Federal Mogul Ignition Company to fund the project. 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: Thomas

Resolution to Hold Hearing, Set Sale Date of \$2,165,000 General Obligation
on
Urban Renewal Economic Development Bonds and Approve Official Statement

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

ORDINANCES:

Introduced By: Scott

Seconded By: Davidson

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of
an Ordinance Amending Ordinance No. 3129, Creating the Diewold Plaza Planned
Unit Development (PUD)

DISCUSSION: The City Manager stated that there were no changes to the Ordinance
Amending Ordinance No. 3129, Creating the Diewold Plaza Planned Unit Development

(PUD)from the first reading. 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: Thomas

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second
Reading and for Final Adoption of an Ordinance Amending Ordinance No. 3129,
Creating the Diewold Plaza Planned Unit Development (PUD)

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Davidson

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of
an Ordinance Rezoning the Property Located at 1501 Osborn Street from R-3
(Two-Family Residential) to C-1 (Limited Commercial Zoning District)

DISCUSSION: The City Manager stated that there were no changes to the Ordinance

Rezoning the Property Located at 1501 Osborn Street from R-3 (Two-Family
Residential) to C-1 (Limited Commercial Zoning District) from the first reading.

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: Thomas

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second
Reading and for Final Adoption of an Ordinance Rezoning the Property Located at
1501 Osborn Street from R-3 (Two-Family Residential) to C-1 (Limited Commercial
Zoning District)

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Thomas

1. Resolution Petitioning the Iowa Department of Economic Development for

Certification of an Enterprise Zone within the City of Burlington, Iowa

DISCUSSION: The Development Director stated that the proposed Resolution petitions the Iowa Department of Economic Development for Certification of Downtown Enterprise Zone. He reviewed the proposed area with 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.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Davidson Seconded By: Scott

2. Introduce Resolution of Necessity Providing for the Special Assessment of the 2008 Hayes Court Reconstruction Project

DISCUSSION: None.

Introduced By: Davidson Seconded By: Scott

3. Resolution Tabling Action on the Resolution of Necessity for the Special Assessment of the 2008 Hayes Court Reconstruction Project to the June 16, 2008 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Murray Seconded By: Scott

4. Resolution Approving Plans and Specifications for the 2008 Hayes Court Reconstruction Project Tabled from the May 19, 2008 City Council Meeting

DISCUSSION: The City Manager stated that the assessment for the 2008 Hayes Court Reconstruction Project was petitioned by the property owners. He stated that the project was originally going to be constructed at 27-feet and now the plans and specifications will provide for 31-feet with the property owners paying the additional cost between 27-foot wide and a 31-foot wide street. All present had

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

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Davidson Seconded By: Thomas

5. Resolution Establishing a New Fee and Charge Schedule for Septic Haulers

DISCUSSION: The City Manager stated that the proposed Resolution provides for 5% increase to the current fees charged for septic and grease plus an additional 1/3 of the difference between the adjusted rate and the earlier proposed rate intended to cover the entire cost of treating those types of wastes. He stated that the Resolution also adds a 50% increase in septage and for grease waste originating from properties outside of the Burlington city limits. Those fees will go into effect July 1, 2008. Council Member Davidson stated that the original proposed fee schedule increase would now be increased over a three-year period. Council Member Scott stated that staff should also try to reduce costs so that increase in fees was not necessary. 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: None.

Adjournment: 7:29 p.m.

Approved: June 16, 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

PETITION:

1. Motion to Receive and File Petition from Property Owners Requesting the Repaving of Hayes Court to its Present Width of 31 Feet and Assessing the Additional Cost Between a 27 Foot Wide and a 31 Foot Wide Street to the Abutting

Property Owners

RESOLUTIONS:

1. Preliminary Resolution for the Special Assessment of the 2008 Hayes Court Reconstruction Project

2. Resolution Ordering Notice to Waterworks Board of Trustees, Utility Companies and Property Owners to Make, Repair or Relocate Any Water or Other Utility Connections for the 2008 Hayes Court Reconstruction Project

3. Resolution Determining the Valuation of Each Lot for the Special Assessment of the 2008 Hayes Court Reconstruction Project

4. Resolution Adopting the Schedule and Estimated Cost for the Special Assessment of the 2008 Hayes Court Reconstruction Project

5. Resolution Amending the Personnel Manual for Non-Union Employees

6. Resolution Approving Outdoor Service Area for Liquor License for Coyote Productions, Inc. dba/The Crazy Coyote for Various Dates

SET DATE FOR PUBLIC HEARING: JUNE 16, 2008

1. Consideration of a Permanent Encroachment Agreement Between the City of Burlington, Iowa and John Archer dba/Kelly O Sheas Shamrock Pub and Grille at 607/609 South Main Street

APPOINTMENTS:

RecPlex Advisory Committee - Dan Hill