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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 37
July 6, 2009

The Burlington City Council met in regular session at 7:00 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Pro-Tem Murray, Council Members Davidson, Scott and Thomas present. Mayor Ell was absent.

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 no 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: Thomas

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Pro-Tem Murray reviewed the items listed on the consent agenda to the viewing audience. He further 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: 4 - AYES)

CARRIED

RESOLUTION:

Introduced By: Scott

Seconded By: Davidson

1. Resolution Approving Termination of Agreements Relating to the Community Aquatic Center

DISCUSSION: The City Manager gave the history of the agreement for the Community

Aquatic Center. He reminded the City Council and the viewing audience that the original 2004 agreement for the Community Aquatic Center did not include a buyout. He stated that Randy Winegard had offered the buyout to the City in 2006 for a two-year period and then extended the buyout for an additional year to November 2009. He explained that under the proposed termination agreement the City would not be responsible for % of the capital costs and % of the operating loss reduced by % of the projected 3rd quarter profit. The Finance Director reviewed with the City Council and the viewing audience the comparison of Huck Harbor's payment offers with alternative one (exercise the existing option in November 2009 less % of the capital costs and less % of the operatin

g loss reduced by % of the projected 3rd quarter profit) and an alternative two (take the new offer, 10 payments of \$180,000.00). He explained that the difference was just less than \$31,000.00 over a ten-year period. The City Manager stated that the City would not be asking for a net present debt evaluation as the City has already made their investment with the Community Aquatic Center. Those who spoke in favor of full payment in November 2009 verses

payments over ten-years were as follows: Jim Walker of 916 South 3rd Street, Leon Shahan of 1821 Mt. Pleasant Street, Tom Broeker of 2531 Quail Ridge Drive,

Jerry Rigdon of 1600 Heisey Street and Brad Cranston of 501 South Garfield Avenue. Many of those who spoke stated that we live in a world of uncertainty and the City has no way of knowing if Great River Entertainment will be in existence in ten-years and felt the City should take the \$1,800,000.00 up front and not over a ten-year period. Gary Hoyer, Chief Executive Officer for Great River Entertainment, stated that he had recently met with the City Manager to work out an alternative payment agreement. He stated that the payment terms work well for Great River Entertainment. He applauded the City Council for their efforts to grow Burlington and asked that they give consideration to the proposal by Great River Entertainment. Council Member Thomas stated that he would like to see copies of the invoices for the repairs to the Community Aquatic Center. After considerable discussion by the City Council, Council Member Thomas made a motion to Table the Resolution Approving Termination of Agreements Relating to the Community Aquatic Center until the August 3, 2009 City Council Meeting and make a decision Then. Council Member Davidson seconded

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

Introduced By: Thomas Seconded By: Davidson

2. Motion to Table the Resolution Approving Termination of Agreements Relating to the Community Aquatic Center until the August 3, 2009 City Council Meeting and Make a Decision Then

DISCUSSION: None.

(VOTE: 3 - AYES THOMAS, DAVIDSON AND MURRAY
1 - NAY SCOTT)

CARRIED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:23 p.m.

Approved: July 20, 2009

Kathleen P. Salisbury, MMC
City Clerk

Matthew Murray
Mayor Pro-Tem

(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 Utility Tractor and Attachment for the Parks

Department

3. Resolution Approving Interlocal Agreement Between the City of Burlington and Des Moines County for the 2009 Byrne Justice Assistance Grant (JAG) Program Award

4. Resolution Authorizing the Filing of an Application for Iowa State Recreational Trails Program Funding for Construction Costs for Phase IV (Section B) of the Flint River Trail Located in the City of Burlington, Iowa

5. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2008 Jefferson Street Reconstruction, Main Street to Front Street

6. Resolution Approving Purchase of One (1) New Medium Duty City Bus for Burlington Urban Service

7. Resolution Approving Arc Flash Hazard Analysis Assistance from Howard R. Green for the Burlington, Iowa Wastewater Treatment Plant and Lift Stations

SET DATE FOR PUBLIC HEARINGS:

1. Consideration of Plans and Specifications for the 2009 Summer Street HMA Resurfacing Project (July 20, 2009)

2. Consideration of an Ordinance Rezoning the Property Located at 1204 Washington Street (Hibernia Hall) to Include a H-1, Historical Preservation Overlay Zoning District as Allowed by Section 17.20.50 of the Burlington Municipal Code (August 3, 2009)

APPOINTMENTS:

Animal Hearing Board - Deana Dailey

Low Rent Housing Agency Board - Reva Housewright

Board of Electrical Examiners - David Miles and Alando Blanco

Riverfront Advisory Committee - Richard Welch