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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 47
December 7, 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 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 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 - AYES)

CARRIED

HEARINGS:

1. Statement: Consideration of a Loan Agreement for the Issuance of \$4,350,000 Sewer Revenue Bonds and Authorizing the Sale of the Bonds

COMMENTS: The City Manager stated that the City was holding the hearing and the sale for the issuance of \$4,350,000 Sewer Revenue Bonds at the same time. He stated that Moody's has rated the City with an A2 rating. The Finance Director/Treasurer stated that the Bond Issue was for four projects as follows: a backup generator for the WWTF, sludge storage at the WWTF, annual plant design

for the WWTF and sewer flow study for Cascade Sewer System. Any excess funds will go for sewer separation for Cascade Sewer System. Rex Ramsay of Piper Jaffray Financial Services stated that three bids were received with the low bidder of Hutchinson, Shockey, Erley and Company of Chicago, IL. He stated that

the winning bidder was purchasing Build America Bonds so the true interest rate of 5.6888099% was lowered to 3.740632% as adjusted. He explained to the City Council and the viewing audience how the Build America Bonds works. Council Member Scott stated that he was glad that the City Council was planning for the future and will see the benefits in the future also. Mayor Ell echoed Council Member Scott's comment. 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

Introduced By: Thomas Seconded By: Murray

Resolution Taking Additional Action to Enter into a Sewer Revenue Loan Agreement

and Awarding Sale of \$4,350,000 Sewer Revenue Bonds, Series 2010

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

2. Statement: Consideration of a Loan Agreement for the Issuance of \$1,800,000 Taxable General Obligation Refunding Bonds and Authorizing the Sale of the Bonds

COMMENTS: The City Manager stated that the \$1,800,000 Taxable General Obligation

Refunding Bonds was for refunding the City's debt for Huck's Harbor. He stated

that the reason for the bond sale was because the City was unable to get a good interest rate with local banks. He stated that Moody's gave the City an A3 rating, which could be a reflection of the economy. The Finance

Director/Treasurer stated that the bond issue had been resized and ended up being \$1,785,000. Rex Ramsay of Piper Jaffray Financial Services stated that five bids were received with the low bidder of UMB Bank NA, Kansas City, MO (with Farmers and Merchants Bank and Trust, Burlington, IA). He stated that the

true interest rate was 3.817626%. He stated that he was very pleased with the interest rate. 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: Davidson Seconded By: Scott

Motion to Amend the Amount of the Resolution from \$1,800,000 Taxable General Obligation Refunding Bonds, Series 2010 from \$1,800,000 to \$1,785,000

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Murray Seconded By: Scott

Resolution Taking Additional Action to Enter into a General Obligation Refunding

Loan Agreement and Awarding Sale of \$1,785,000 Taxable General Obligation Refunding Bonds, Series, 2010

DISCUSSION: None.

(VOTE: 5 - AYES)

ADOPTED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Baumberger Street Right-of-Way, Located Between Gordon Street and Monroe Street,

City of Burlington, Des Moines County, Iowa

COMMENTS: The Development Director stated that the proposed Ordinance vacates and sells a portion of Baumberger Street right-of-way located between Gordon Street and Monroe Street. He stated that the area was an old platted alleyway and is now over grown with trees. He stated that the Plan Commission voted 6-0 in favor of the vacation and sale. He stated that the vacated portion would be sold for \$686.00. Council Member Thomas asked how the Development Department came up with the figure of \$686.00. The Development Director stated that the Development Department uses a formula based on land assessed value to come up with a square foot price. 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
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating
and Selling a Portion of Baumberger Street Right-of-Way, Located Between Gordon
Street and Monroe Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Thomas
1. Resolution Approving the Final Plat of Cowles Subdivision Continued from the
November 2, 2009 City Council Meeting

DISCUSSION: The City Manager stated that the Resolution Approving the Final Plat
of Cowles Subdivision has been continued twice. He stated that the petitioner
has decided not to subdivide at this time and will reapply at a later date. All
present had opportunity to speak and nothing additional was filed in the office
of the City Clerk.

(VOTE: 5 - NAYS)

FAILED

Introduced By: Scott Seconded By: Murray
2. Resolution of City Council Support of the Reconstruction and Continued
Operation of the Burlington, Iowa Area Homeless Shelter at 123 North Marshall St
reet

DISCUSSION: The City Manager stated that the Homeless Shelter at 123 North
Marshall Street has had some problems with their building and they are
rebuilding their basement. Council Member Scott stated that John Mercer has
been very involved with the improvements at the Homeless Shelter. Mayor Ell
stated that John Mercer has volunteered his time for the project. 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: 7:30 p.m.

Approved: December 21, 2009

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 Purchase of Xybix Furniture for the Police Department Communications Center
2. Resolution Approving a New Fee and Charge Schedule at Flint Hills Municipal Golf Course
3. Resolution Authorizing the Filing of an Application with the State of Iowa and Southeast Iowa Regional Planning for STP Funds for Improvements Along Division Street from 175 Feet East of the Centerline of Leebrick Street to the West Edge of Marshall Street, and from 145 Feet East of the Centerline of Central Avenue to the West Edge of 6th Street on Behalf of the City of Burlington

SET DATE FOR PUBLIC HEARINGS: DECEMBER 21, 2009

1. Consideration of an Ordinance Repealing Chapter 35 Animal Hearing Board of the Burlington Municipal Code and Adopting a New Chapter 35 Animal Hearing Board in Lieu Thereof
2. Consideration of an Ordinance Amending Section 65.32 Vicious Domestic Animals of Chapter 65 Animal Protection and Control of the Burlington Municipal Code
3. Consideration of a Permanent Encroachment Agreement between the City of Burlington and ARPW, LLC for a Handicap Accessible Ramp Located at 524 North Main Street, Burlington, Iowa

APPOINTMENTS:

Waterworks Board of Trustees: Gary Brotherson
Human Rights Commission: JR Ritters
Renewable Energy Committee: Kjrsten Bobb, Jerry Rigdon and Garry Thomas