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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 25
January 3, 2011

The Burlington City Council met in regular session at 6:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Ell, Council Members Davidson, Fleming, Murray and Reed 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: Davidson Seconded By: Reed
MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Tim Scott of 2017 South 15th Street requested the removal of the Resolution Appointing City Treasurer of the City of Burlington, Resolution Approving Agreement with Piper Jaffray and Company for Financial Advisory Services for Sale and Issuance of Bonds, Resolution Approving Consent to Allow Piper Jaffray to Submit a Sealed Bid for the Purchase of Bonds Which Are to Be Sold at Competitive Sale and the Resolution Approving Agreement with Piper Jaffray and Company to Serve as Dissemination Agent for Secondary Market Disclosure from the Consent Agenda for discussion at the close of the meeting. 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.

(VOTE: 5 - â AYESâ)

CARRIED

HEARINGS:

1. Statement: Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$3,800,000 for General Obligation Essential Corporate Purpose for Various

Essential Corporate Purpose

COMMENTS: The City Manager reviewed with the City Council and the viewing audience the details of the Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$3,800,000.00 for General Obligation Essential Corporate Purpose for Various Essential Corporate Purpose. He stated that the date of the

sale of bonds will be January 24, 2011 at 1:00 p.m. in his office. He stated that the Council will have a special meeting later that day to approve the sale.

John Fenton of 1332 Griswold Street stated that bonding shows a lack of planning. All present had opportunity to speak and nothing additional was filed

in the office of the City Clerk.

Introduced By: Davidson Seconded By: Murray
Motion to Close

CARRIED

2. Statement: Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$700,000 for General Obligation General Corporate Purpose of Making a Grant to the Burlington Baseball Association

COMMENTS: The City Manager stated that the City of Burlington owns Community Field. He stated that this is a refunding of debt that was incurred by Burlington Baseball Association as part of a local match of the Vision Iowa grant which made improvements to the facility. He stated that the issue would be paid back by Local Option Sales Tax dollars and; therefore, would be no impact on property taxes. John Fenton of 1332 Griswold Street stated that this shows poor mismanagement at the Burlington Baseball Association. He stated that

the economy is poor and he doesn't want his taxes to increase. The City Manager

stated that a petition could have been presented to the City Council prior to the Public Hearing that this item be put on as a referendum, but no petition was

received. He stated that this is being paid with Local Option Sales Tax dollars

and taxes would not be affected. Council Member Reed stated that if the City doesn't help the Burlington Bees Association, the City could potentially lose baseball in Burlington. He stated that it would be very costly to have the stadium removed if the City lost the Burlington Baseball Association. Mayor Ell

stated that he used to be on the Burlington Bees Board and that a tremendous amount of planning and fundraising has occurred. Rose Kendall of Burlington stated that she was on a fixed income and questioned if the City Council has reviewed the budget to see if anything could be cut back. Tim Scott of 2017 South 15th Street stated that he was not opposed to the action but he wished the

City would have created a 28E agreement with the County or other surrounding Cities. Chuck Brockett of 106 Greenbrier Drive spoke regarding the amount of the

bond issue and the fundraising that the Burlington Bees have pursued with various communities. Stan Stratton of 2809 Shamrock Drive stated that the money

could be spent in better places. Dan Hoffman of 537 Summer Street stated that he supported baseball, but felt that baseball should be funded by the community,

not the City of Burlington. Council Member Davidson stated that he was intending

to vote against this issue, but will now be supporting this issue. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Davidson Seconded By: Fleming
Motion to Close

CARRIED

3. Statement: Consideration of a Loan Agreement in a Principal Amount Not to Exceed \$700,000 for General Obligation General Corporate Purpose for Financing the Construction of Improvements at the Burlington Animal Shelter

COMMENTS: The City Manager stated that the City of Burlington owns and maintains

the Des Moines County Humane Society/Animal Control Center building. He stated that there has not been any major work done to the building since it was constructed 32 years ago. He stated that the proposal includes remodeling and

expansion of the facility to make it more modern and user friendly for the public for animal adoption. He stated that the Humane Society is also committed

to raising \$700,000.00 for the project. Eric Benne with the Des Moines County Humane Society reviewed the project with the City Council and viewing audience.

He stated that the architecture firm is from Chicago, IL but the project would be available for contractors in Burlington. He stated that the architecture firm specializes in animal shelters. Council Member Reed stated that the current conditions are cramped. Council Member Fleming stated that he was in support of making improvements at the Animal Shelter, but he was concerned with the cost of the project. The following citizens spoke against the project: Tim Scott of 2017 South 15th Street, John Fenton of 1332 Griswold Street, Stan Stratton of 2809 Shamrock Drive, Dan Hoffman of 537 Summer Street and Chip Giannettino of River Street. They felt the project cost too much money and urged the City Council not to support the project at this time due to the poor economy and high construction costs. Council Member Reed stated that he agreed that the animal shelter needs repair and expansion, but questioned the grand total of the project. Council Member Murray stated that there are a lot of irresponsible pet owners and the Council has an obligation to be humane to animals but at the same time control spending. Council Member Davidson stated that he was not opposed to an animal shelter upgrade, but was not in favor of the cost of the project. Rose Kendall of Burlington stated that the citizens of

Burlington should make the improvements at the animal shelter. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Reed

Seconded By: Fleming

Motion to Close

CARRIED

Introduced By: Reed

Seconded By: Fleming

Resolution Taking Additional Action to Enter into Loan Agreements and Setting the Date for the Sale of Bonds

DISCUSSION: The City Manager stated that the project was a City Council goal three years ago to pursue improvements at the Animal Control Center. Council Member Fleming stated that he was concerned with the cost of the improvements. Mayor Ell stated that he was not willing to give up on the project, but rather re-evaluate the cost of the project. 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: Reed

Motion to Amend the Resolution Taking Additional Action to Enter into Loan Agreements and Setting the Date for the Sale of Bonds by Deleting the \$700,000 for the Animal Shelter from the Resolution

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Fleming Seconded By: Davidson

1. Resolution Approving 28E Agreement between the City of Burlington, Iowa and the Trustees of Concordia, Flint River, Tama and Union Townships, Des Moines County, Iowa

DISCUSSION: The City Manager stated that the 28E agreement was prompted by the

City being approached by the Quad Township requesting the City of Burlington provide fire service to the Quad Township area. The Fire Chief stated that the citizens of Burlington and the citizens of the County are both receiving a good deal. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Fleming Seconded By: Davidson

2. Resolution Approving Plans and Specifications for the Burlington, Iowa Wastewater Treatment Facility Improvements Project - 2010 Tabled from the December 20, 2010 City Council Meeting

DISCUSSION: The City Manager stated that the Council doesnâ t need to keep tabling the Resolution. He stated that the City is still waiting on the DNR for

the permit. He stated that it is difficult to give the Council a definite date to table the Resolution to. He stated that council could delete the second paragraph from the Resolution. He stated that the set date for taking bids can be set administratively once the DNR mails the permit to the City. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Murray Seconded By: Fleming

3. Motion to Amend the Resolution Approving Plans and Specifications for the Burlington, Iowa Wastewater Treatment Facility Improvements Project - 2010 Tabled from the December 20, 2010 City Council Meeting by Deleting the Second Paragraph from the Resolution

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCE:

Introduced By: Murray Seconded By: Fleming

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 86.01 Definitions and Section 86.02 Warning Signals and Establishing a New Section 86.05 Penalty of Chapter 86 Railroad Regulations of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the Ordinance amending Section 86.01 Definitions and Section 86.02 Warning Signals and Establishing a New Section 86.05 Penalty of Chapter 86 Railroad Regulations of the Burlington Municipal Code 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: Murray Seconded By: Davidson

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 86.01 Definitions and Section 86.02 Warning Signals and Establishing a New Section 86.05 Penalty of Chapter 86 Railroad Regulations of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Murray

1. Resolution Appointing City Treasurer of the City of Burlington

DISCUSSION: Tim Scott of 2017 South 15th Street stated that he had concerns about Doug Worden being the City Treasurer and the City Manager at the same time. Mayor Ell stated that the City is in a time crunch and Doug Worden is the

only qualified individual within the City until a City Treasurer is hired. The City Manager stated that this is the third time this situation has occurred where he has had to cover three rolls at the same time. Dan Hoffman of 537 Summer Street questioned if the City Council could be a backup in a temporary situation in the future. Mike Campbell of 834 Leebrick Street questioned if the

Council or if the City Manager will select a City Treasurer. The City Manager stated that he will appoint a City Treasurer per State Code with the City Council approving the appointment. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Davidson Seconded By: Fleming

2. Resolution Approving Agreement with Piper Jaffray and Company for Financial Advisory Services for Sale and Issuance of Bonds

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Ell

Seconded By: Murray

3. Motion To Amend the Resolution Approving Agreement with Piper Jaffray and Company for Financial Advisory Services for Sale and Issuance of Bonds by Changing the Amount of the Sale and Issuance from Approximately \$9,700,000 to Approximately \$9,000,000 General Obligation Bonds, Series 2011

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Murray Seconded By: Fleming

4. Resolution Approving Consent to Allow Piper Jaffray to Submit a Sealed Bid for the Purchase of Bonds Which Are to Be Sold at Competitive Sale

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

ADOPTED

Introduced By: Davidson Seconded By: Reed

5. Motion To Amend the Resolution Approving Consent to Allow Piper Jaffray to Submit a Sealed Bid for the Purchase of Bonds Which Are to Be Sold at Competitive Sale by Changing the Amount of the Sale and Issuance from \$9,700,000

to \$9,000,000 General Obligation Bonds, Series 2011

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Ell

Seconded By: Davidson

6. Resolution Approving Agreement with Piper Jaffray and Company to Serve as Dissemination Agent for Secondary Market Disclosure

DISCUSSION: The City Manager stated that the City has had a good working

relationship with Rex Ramsey, of Piper Jaffray and Company. He stated that Rex Ramsey has recently retired and Travis Squires will be in attendance for the sale of bonds on January 24, 2011.

(VOTE: 5 - â AYESâ)

ADOPTED

COMMENTS FROM AUDIENCE: Stan Stratton of 2809 Shamrock Drive questioned what the City could do with the downtown buildings that are being given back to the City due to the recent fires. He stated that he felt that property owners should be responsible and have insurance on property and buildings. Mayor Ell stated that the changes need to be made at the State level, rather than the City

level. The City Manager stated that if it is a dangerous building under the City Ordinance, the City can take action. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:25 p.m.

Approved: January 17, 2011

Katie Music, CMC
Deputy 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 AND LIQUOR LICENSES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Refund of Liquor License for Ronald Dean Russell dba/Third Street Pub
2. Resolution Approving Nuisance Abatements for Various Properties
3. Resolution Approving Final Acceptance and Release of Retention Monies for the 2010 Sealcoat Streets Program
4. Resolution Awarding Bid for Clean-Up of Tree Debris from the Flint River