

Subject to change as finalized by the City Clerk. For a final official copy, contact the City Clerk's office at (319)753-8124.

MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 40
August 15, 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, Murray and Reed present.

Council Member Fleming was absent, but participated via electronic communications for discussion and roll call vote on the Resolution Approving a Grant for the Capitol Theater Renovation Project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

BURLINGTON CITY COUNCIL

PROCLAMATION OF RETIREMENT: Ricky (Rick) G. Scott, Engineering Technician II

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: Stan Stratton of 2809 Shamrock Drive requested the removal of the Resolution Approving Purchase of a Vermeer 1500 Brush Chipper for the Parks Department, Forestry Division from the Consent Agenda for discussion at the close of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

CARRIED

HEARING:

1. Statement: Consideration of an Ordinance Amending Section 3.01 Voting Precincts of Chapter 3 Boundaries of the Burlington Municipal Code

COMMENTS: The City Manager stated that the new census requires Cities to create new precinct boundaries. He stated that the number of precincts will be less thus reducing the City's cost for holding an election. He further urged the City Council to waive the first and second readings and final adopt the Ordinance as the new precinct boundaries needed to be submitted to the State by September 1, 2011. Brian Ross of 7703 Grube Street stated that he has always voted at Concordia Lutheran Church and with the new precinct lines he will now vote at Autumn Heights. He thought the railroad tracks would make a better cut off point than Sunnyside Avenue. The Planning and Zoning Director stated that each precinct was required to have the maximum of 3,500 voters. Council Member Davidson encouraged the County to find more centrally located polling places. 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

Introduced By: Davidson Seconded By: Murray
Motion to Amend the Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 3.01 Voting Precincts of Chapter 3 Boundaries of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

Introduced By: Davidson Seconded By: Reed
Motion for Waiver of Preliminary Consideration and Adoption of the First and Second Readings and for Final Adoption of an Ordinance Amending Section 3.01 Voting Precincts of Chapter 3 Boundaries of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Davidson Seconded By: Reed
1. Resolution Approving a Grant for the Capitol Theater Renovation Project

DISCUSSION: The City Manager stated that the City has allocated 5% of the Local Option Sales Tax revenue for economic development purposes. He stated that the Capitol Theater Foundation was pursuing renovation of the historic art deco style Capitol Theater and the City has made a prior contribution of \$20,000.00 for the project. He stated that the Economic Development Advisory Committee has

recommended a \$30,000.00 donation from the Local Option Sales Tax Economic Development account resulting in a total City commitment of \$50,000.00. Don Current of 105 Greenbrier Street gave a brief history of the Capitol Theater. He stated that reopening the theater will provide jobs and opportunities for our

youth and will advance our City. Becky Anderson of 218 South 6th Street stated that the Foundation has not approached the Chamber for a donation, but has received help from Downtown Partners, Inc. She stated that presently the Foundation has \$885,000.00 toward the project, but \$1,000,000.00 is needed. She

stated that the goal was to have the renovations paid for prior to opening. She

felt that the \$30,000.00 grant from the City would bring the City's funding to

\$50,000.00, which she felt was a small amount. She stated that the State would like to see the City contribute more than the \$20,000.00 previously given by the

City. Council Member Reed asked how much does the State feel the City should give toward the project. Becky Anderson stated that the State felt that the City should give \$500,000.00 toward the project. She stated that the project was economic development for the downtown. She stated that it was not a private

venture and everyone on the board have given money and time toward the project.

She stated that they already received interest for a 3-day film festival and a dance recital. She stated that the people are excited about the renovation.

Council Member Davidson stated that he liked the project, but was not sure about

granting an additional \$30,000.00 toward the project, but would probably vote in

favor of the grant. Council Member Murray stated that at one time he owned the Capitol Theater. He stated that in the 1930s when the Capitol Theater was built, Mayor Max Conrad at the time had stated that the opening of the Capitol

Theater was a symbol of better things to come. He stated that reopening the theater would be an enhancement to the downtown and he would be enthusiastically

voting in favor of the grant. Council Member Fleming stated his enthusiastic support of the modest \$30,000.00 grant. He stated that he would be very embarrassed if the City Council does not approve the grant for the Capitol Theater. He further stated that the City was not obligated to give toward the project, but he felt it was prudent. Mayor Ell stated that he received an e-mail requesting the City give the \$30,000.00 on the pool to keep it open instead of toward the theater project. He stated that \$30,000.00 was not enough

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

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

1 - NAY REED)

ADOPTED

Introduced By: Murray

Seconded By: Davidson

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

DISCUSSION: The City Manager stated that the Septic Hauler fees were last adjusted January, 2011. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Reed

Seconded By: Murray

3. Resolution Approving the Purchase of a New Medium Duty Truck on Which to Mount a Refuse Packer Body for the Wastewater Treatment Facility's Solid Waste

Division

DISCUSSION: The City Manager stated that the WWTF Superintendent has spoken with

the sales representative of Elliott Equipment and he was able to get \$3,000.00 more for the trade-in, if the City can guarantee that they would receive the trade-in within 120-130 days. Stan Stratton of 2809 Shamrock Drive asked if there was money in the budget for the purchase. The City Manager stated that the item was budgeted for last year and the City would need to amend the present

budget to put the money in this year's budget. All present had opportunity to

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

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Reed

Seconded By: Davidson

4. Resolution Approving the Purchase of a New 20-Yd. Rearloading Refuse Collection Truck Body for the Wastewater Treatment Facility's Solid Waste Division

DISCUSSION: None.

(VOTE: 4 - AYES)

ADOPTED

Introduced By: Davidson

Seconded By: Murray

5. Resolution Approving Purchase of a Vermeer 1500 Brush Chipper for the Parks Department, Forestry Division

DISCUSSION: Stan Stratton of 2809 Shamrock Drive asked if there was money in the

budget for the Parks Department to purchase a Vermeer 1500 Brush Chipper. The City Manager stated that there was money in the Parks Department budget to purchase the Brush Chipper, and the City was receiving a grant for part of the

purchase. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - â AYESâ)

ADOPTED

COMMENTS FROM AUDIENCE: Tim Scott of 2017 South 15th Street stated that he had submitted an invoice to the City on June 20, 2011 for work he completed on June 19, 2011. He stated that he still has not been paid by the City and felt that 60 days was excessive. Mayor Ell agreed with Tim Scott that 60 days for payment

was excessive. The City Manager stated that he would check into it. Stan Stratton of 2809 Shamrock Drive stated that he received a letter from the City Manager in regard to the water run off in the back area of his property. He stated that his letter stated that Steve Hartman and Chris Clements felt it was functioning as designed and that no additional action would be taken. Mayor Ell

stated that the City has to take the advice of their professional Engineer. Stan Stratton stated that he never liked the looks of the pipe, but it was never

a problem until it broke in 2008. The City Manager stated that it would cost \$66,000.00 to put in a concrete pipe. Stan Stratton urged the City Council to take a look at it again and pretend it was their property. Council Member Reed stated that he spent 2-hours looking at the property and he thought it looked like a natural waterway. Council Member Murray stated that he had looked at it previously, but would stop over after the City Council meeting and take a look at it again. He asked Stan what he would like the City to do, to make it right.

Stan Stratton stated that he would like rock and the pipe put back in. Council Member Reed stated that he would like to find out the cost for a load of rock and a new pipe. The City Manager stated that the City had previously put several loads of rip-rap to correct the problem. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 8:06 p.m.

Approved: September 6, 2011

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 Agreement with Des Moines County for Combining Unincorporated Population of Tama Township with Burlington Precinct 1 and the Unincorporated Population of Concordia Township with Burlington Precinct 8 for Purposes of Primary and General Elections
2. Resolution Approving Purchase of One (1) New Light Duty Bus for Burlington Urban Service
3. Resolution Authorizing the Filing of an Application for the 2012 Certified Local Government (CLG) Grant Round for Completion of a Historic Survey and Nomination of Downtown Commercial Areas
4. Resolution Authorizing the Filing of an Application for Resource Enhancement and Protection (REAP) Program for Phase III of the Flint River Trail Located in the City of Burlington, Iowa
5. Resolution Amending Resolution No. 1293 for Sale of Vacated Street and Alley Right-of-Way in Baumberger's Subdivision

SET DATE FOR PUBLIC HEARING: SEPTEMBER 6, 2011

1. Consideration of Plans and Specifications for the 2011 Cascade Bridge Replacement Project

APPOINTMENTS:

Human Rights Commission: Richard Lemke

Economic Development Advisory Committee: Mike Edwards