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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 38
July 18, 2005

The Burlington City Council met in regular session at 7:00 p.m. in the City Hall, Council Chambers with Mayor Edwards, Council Members Baker, Ell, Campbell and King present.

BURLINGTON CITY COUNCIL

PROCLAMATION:

* Mississippi River Shoreline Cleanup Day - Kathleen Hemmesch

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 not separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

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

DISCUSSION: Mayor Edwards 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.
(VOTES: 5 - AYES) CARRIED

RESOLUTION:

1. Resolution Authorizing and Approving a Loan Agreement and Providing for the Sale and Issuance of \$5,000,000.00 General Obligation Corporate Purpose Bonds and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: The Deputy City Manager stated that the City held a bond sale at 11:00 a.m., July 18, 2005 for \$5,000,000.00 General Obligation Corporate Purpose Bonds. He stated that normally the City would not be going into the bond market until next year, however, there was a recent demise of the City s fire aerial truck which caused the change of plans. He stated that since the City went to market a year sooner than originally planned he has elected to include all known borrowing for the next three years. Unless something unanticipated arrives over the next three years, the City should not have to borrow funds until 2008. He further stated that an A2 rating was re-affirmed from Moody s Investor Services. Rex Ramsay of Piper Jaffray stated that the City received 9 bids with Piper Jaffray of Kansas City, Missouri as the lowest bidder with a true interest rate of 3.787526%. He recommended the Council proceed with the approval of the loan agreement and the sale and issuance of the \$5,000,000.00 General Obligation Corporate Purpose Bonds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - AYES) ADOPTED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property at 705 Maple Street from R-4, (Multi-family Residential Zoning District) to C-2 (General Commercial Zoning District)

COMMENTS: The Development Director stated that Salter School has been sold and the purchaser, Pro-Plumbing, has requested that the property be rezoned to C-2 (General Commercial Zoning District) with conditions. He reviewed the five conditions of the rezoning with Council and the viewing audience. He further stated that the Plan Commission unanimously approved the rezoning. Mayor Edwards stated that the property is now on the tax rolls. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Motion for Preliminary Adoption of the First Reading of An Ordinance Amending the Official Zoning Map for the City of Burlington, Iowa by Rezoning the Property at 705 Maple Street from R-4, (Multi-family Residential Zoning District) to C-2 (General Commercial Zoning District)

DISCUSSION: None.

(VOTE: 5- AYES) CARRIED

2. Statement: Consideration of a Permanent Encroachment Agreement for Placement of a Message Center Sign at the Port of Burlington Welcome Center

COMMENTS: The Development Director stated that on June 20, 2005 the approval of a permanent encroachment agreement for placement of a message center sign at the

Port of Burlington Welcome Center failed with a 2 to 2 vote by the City Council.

He stated that since then he has met with one of the Council Members who had a concern. He stated that he has also met with the Historic Preservation Commission

and the Convention and Tourism Bureau. He stated that the height of the message center sign will be as close as possible to the top of the fence and will be 4 feet wide. He stated that the sign will be painted an approved color prior to installation. He further stated that the sign was made by Clint Perry of Mediapolis for an Eagle Scout project. After discussion by the City Council the permanent encroachment agreement for the placement of a message center sign at the Port of Burlington Welcome Center was unanimously approved. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Resolution Approving Permanent Encroachment Agreement for Placement of a Message Center Sign at the Port of Burlington Welcome Center

DISCUSSION: None.

(VOTE: 5 - AYES) ADOPTED

3. Statement: Consideration of an Ordinance Vacating and Selling 267 Feet of the

East West 60 Foot Hagemann Avenue Right-of-Way, Located West of Plane Street and Running from Division Street to Smith Street Continued from the July 5, 2005 City Council Meeting

COMMENTS: The Development Director stated that the proposed Ordinance vacates and sells the 267 feet of the east west 60 foot Hagemann Avenue Right-of-Way, located west of Plane Street and running from Division Street to Smith Street. He stated that the property would be split in half diagonally with the southern 7,410 square feet of Hagemann Avenue being sold to George Fielty in the amount of \$1,100.00 (\$.15 per square foot). He explained that should George Fielty decide not to purchase the property, he would be forced to remove his garage, shed and approximately 12 feet of his home as they were built on City property. The northern 7,560 square feet of Hagemann Avneue would be sold to the Hellberg s in the amount of \$750.00 (\$.10), at a lower cost due to the property being landlocked. Pamela Hellberg of 2210 Division Street stated that if the City decided to take George Fielty s offer of \$500.00 for the property, then she

would like to offer less as the property that she wishes to purchase was landlocked. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Motion to Close CARRIED

Motion for Preliminary Adoption of the First Reading of An Ordinance Vacating and Selling 267 Feet of the East West 60 Foot Hagemann Avenue Right-of-Way, Located West of Plane Street and Running from Division Street to Smith Street

DISCUSSION: None.

(VOTE: 5 - AYES) CARRIED

COMMENTS FROM AUDIENCE: Tim Scott of 2017 South 15th Street stated that the B.I.G. (Burlington International Game) Event was being held in Burlington this year on July 30 and 31, 2005. He stated that it should be a fun weekend for those attending from Ontario, Canada and Burlington, Vermont. He stated that the games will be held in Burlington, Vermont in 2006. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:40 p.m. Approved: August 1, 2005

Kathleen P. Salisbury Mike Edwards
City Clerk, C.M.C. 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

RESOLUTION:

1. Resolution Awarding Contract for the 2005 Osborn Street HMA Resurfacing Project

SET DATE FOR PUBLIC HEARINGS: August 1, 2005

1. Consideration of a Cable Franchise Regulatory Ordinance

2. Consideration of an Ordinance Providing for a Cable Television Franchise Agreement with Mediacom Communication Corporation