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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 5
March 2, 2020

The Burlington City Council met in regular session at 5:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Billups, Council Members Critser, Graham-Murray, Maupin and Rinker 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: Maupin

Seconded By: Graham-Murray

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

DISCUSSION: Mayor Billups reviewed the items listed on the consent agenda to the viewing audience. He further requested the removal of the Resolution Approving the Intergovernmental Transfer of Public Funds Agreement Between the Iowa Department of Human Services and the City of Burlington, Iowa 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: 5 - "AYES") CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 822 Linden Street, Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 822 Linden Street as an abandoned building. He stated that it was located at the northeast corner of Linden Street and 9th Street. He stated that it was a one-story, 2-bedroom home. He reviewed the conditions for the sale of property with Council and the viewing audience. He stated that a licensed plumber and electrician shall inspect and sign off that such items in the property meet or are brought up to code. He stated that work shall be initiated within 60 days and completed

within 180 days of approval by the City Council with an extension of 180 days may be granted by the Development Department if significant progress is made. Mayor Billups led an auction for the Sale of Property Locally Known as 822 Linden Street, City of Burlington, Des Moines County, Iowa. Patrick Smith of 1210 North 9th Street was the high bidder at \$1,500.00. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Maupin
Motion to Close

Seconded By: Graham-Murray

CARRIED

Introduced By: Maupin

Seconded By: Graham-Murray

Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 822 Linden Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Patrick Smith in the amount of \$1,500

DISCUSSION: None.
(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Maupin

Seconded By: Graham-Murray

Resolution Approving Sale of Property Locally Known as 822 Linden Street, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.
(VOTE: 5 - “AYES”)

ADOPTED

2. Statement: Consideration of 2020 General Obligation Corporate Purpose and Refunding Loan Agreements in an Aggregate Principal Amount Not to Exceed \$16,000,000

COMMENTS: The City Manager stated that Travis Squires of Piper Sandler was at the previous City Council meeting to explain the savings of the refunding loan agreements. He stated that the \$5,440,000.00 General Obligation Refunding Bonds, Series 2020A total net present value savings of \$247,892.00 and the \$4,160,000.00 Taxable General Obligation Refunding Bonds, Series 2020B total net present value savings was \$91,827.00. He stated that the \$5,655,000.00 General Obligation Corporate Purpose Bonds was for the pay off of 2019D Loan at Two Rivers Bank and Trust for resurfacing and reconstruction of streets and the riverfront flood protection. Leon Shahan of 1821 Mt. Pleasant Street asked if the City was going to extend payment on the refunding issue. The City Manager stated that it would remain the same schedule. Leon Shahan also asked what the increase was on the tax service levy. The City Manager stated that the tax service levy will remain the same. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Maupin
Motion to Close

Seconded By: Critser

CARRIED

(VOTE: 5 - "AYES")

ADOPTED

- 4. Statement: Consideration of a Development Agreement with Merge, LLC, Including Annual Appropriation Tax Increment Payments in an Amount Not to Exceed \$2,000,000

COMMENTS: The City Manager stated that the City was entering into a development agreement with Merge, LLC for the purchase of the former Police Department building. He stated that Merge, LLC plans to demolish the building and construct 60 plus units of residential space for a total of 56,000 square feet and more than 4,000 square feet of commercial space on the first floor. He stated that the developer is asking for \$450,000.00 toward demolition and cleanup cost for site-preparation and would be a reimbursable dollar amount after they do the work, a 10-year 100% TIF Rebate with a maximum rebate up to \$2,000,000.00 and a \$5,000,000.00 minimum assessment agreement, contingencies and due-diligence date of September 2020. He stated that a part of the Resolution was setting hearing for the sale of the land for the April 6, 2020 City Council Meeting. Leon Shahan of 1821 Mt. Pleasant Street stated that he could not understand why we are using TIF monies to build residential units in Burlington when the population of Burlington is shrinking. He urged the City Council to vote no on the development agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Critser
Motion to Close

Seconded By: Rinker

CARRIED

Introduced By: Critser
Resolution Approving Development Agreement with Merge, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement and Setting Date for Public Hearing on Disposition of City-Owned Property

Seconded By: Rinker

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

- 5. Statement: Consideration of Plans and Specifications for the 2020 Dankwardt Park Tennis Court Resurfacing Project

COMMENTS: The Development and Parks Director reviewed the plans and specifications for the 2020 Dankwardt Park Tennis Court Resurfacing Project with Council and the viewing audience. He stated that the project would consists of resurfacing 5-tennis courts at Dankwardt Park. He stated that there was a 25-year warranty for cracks with the City applying paint on the surface every 5-7 year to maintain the warranty. He stated that bids would be received on March 24, 2020. Estimated cost of the project is \$185,000.00 with the project funded as follows: \$105,000.00 Starker Trust funds and outside funds or general funds. Council Member Maupin asked when the project would be completed. The Development and Parks Director stated that the project would be completed by the Fall of 2020. Council Member Graham-Murray asked what

the cost of painting of the tennis courts would be every 5-7-years. The Development and Parks Director stated that estimated cost would be \$25,000.00 to \$30,000.00. Council Member Graham-Murray stated that a lot more people use the Dankwardt Park Pool verses the tennis courts. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker
Motion to Close

Seconded By: Critser

CARRIED

Introduced By: Rinker
Resolution Approving Plans and Specifications for the 2020 Dankwardt Park Tennis Court Resurfacing Project

Seconded By: Critser

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

RESOLUTIONS:

Introduced By: Rinker

Seconded By: Graham-Murray

1. Resolution Approving the Community Development Block Grant Program Multi-Family Unit Production Rental Disaster Recovery Fund Contract (08-DRH-218) with the Iowa Economic Development Authority for the Tama Too Project at 300-310 Jefferson Street

DISCUSSION: The Development and Parks Director stated that the City was awarded a Community Development Block Grant (CDBG) Multi-Family Unit Production Rental Disaster Recovery Fund Contract with the Iowa Economic Development Authority for the Tama Project at 300-310 Jefferson Street. He stated that the grant was for \$2,500,000.00 for 22-units at the Tama site. He stated that ten of the units would be market-rate with the remaining 12 units to be 80% of the median household income for Des Moines County. He stated that the City has approved a development agreement with Historic Tama LLC for receipt of funds through this grant. He stated that Myers Construction is the contractor. He stated that Doug Wells is the owner and Southeast Iowa Regional Planning Commission will administer the grant. He stated that construction should commence the summer of 2020 and the residential units would be completed first and the first floor will be commercial. He further stated that the building would be a 3-story building. Mayor Billups stated that he was excited about the project. Council Member Graham-Murray stated that she was also excited about the project and was happy that the building would be aesthetically pleasing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Graham-Murray

Seconded By: Maupin

2. Resolution Approving Docking Agreement with American Queen Steamboat Company

DISCUSSION: The City Manager reviewed with the City Council the docking agreement with American Queen Steamboat Company. He stated that American Queen is now offering a payment for each of their landings that approximates to the \$1.00 passenger based on the capacity of the vessel. He stated that the term of the agreement was for five years with an automatic renewal for an additional one five year term. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Graham-Murray Seconded By: Maupin

3. Resolution Approving Amended Docking Agreement with Viking USA, LLC

DISCUSSION: The City Manager reviewed with the City Council the docking agreement with Viking USA, LLC. He stated that Viking USA, LLC has requested a 5-year extension beyond 2023 in their agreement, with subsequent 5-year extension automatically occurring unless the City provides notice of their intent not to renew at least two years in advance of one of the renewal dates. He stated that Viking USA, LLC will provide \$50,000.00 toward construction of a second mooring point. Leon Shahan of 1821 Mt. Pleasant Street asked what the cost to the City was for a second mooring point. The City Manager stated that he did not have the cost, but was guessing that the cost could be \$100,000.00. Council Member Critser stated that having two cruise ships dock in Burlington and visit our downtown was a good thing and he was excited about it. Council Member Graham-Murray stated that touring the Mississippi River has become big business for cruise lines. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 5 - “AYES”)

ADOPTED

Introduced By: Graham-Murray Seconded By: Maupin

4. Resolution Approving Agreement with Burlington Riverfront Entertainment (BRE) for Management of Riverfront Properties for Six Years

DISCUSSION: The City Manager reviewed the Burlington Riverfront Entertainment (BRE) agreement for management of riverfront properties with the City Council. He stated that the agreement is from January 1, 2021 and would terminate on December 31, 2026 (6-years). He stated that the agreement provides that the City agrees to pay BRE \$200,000.00 per contractual year for the first three years of the agreement and the remaining years of the agreement the City will pay BRE \$175,000.00 per contractual year. He stated that the management subsidy is currently \$250,000.00 annually. He stated that presently Steamboat Days holds the alcohol license and that will change to BRE as the provider of alcohol services effective January 1, 2021. He stated that payments received from legacy events, rather than being paid completely to the City, will be split 80/20 between BRE and the City respectively comparable to all other bookings of the facilities. Chris Roepke of 2228 Madison Avenue asked who pays the utilities at Memorial Auditorium. The City Manager stated that the City pays the utilities. He stated that it was BRE’s goal to rent the facility for more functions. Dana Johnston, president of Burlington Riverfront Entertainment (BRE) stated that BRE has saved the City more than \$40,000.00 in the

last 3-years. She stated that BRE has made things more efficient. Council Member Critser stated the he was anxious to see where BRE is going with the management of the riverfront properties. Mayor Billups stated that BRE did a good job. Council Member Rinker stated that he sits on the board and the board does a great job. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Graham-Murray Seconded By: Maupin

5. Resolution Approving the Intergovernmental Transfer of Public Funds Agreement Between the Iowa Department of Human Services and the City of Burlington, Iowa

DISCUSSION: The Fire Chief urged the City Council to vote no on the approval of the Resolution Approving the Intergovernmental Transfer of Public Funds Agreement Between the Iowa Department of Human Services and the City of Burlington, Iowa as he will be bringing forth a revised agreement 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" Critser, Graham-Murray, Maupin, Rinker and Billups) FAILED

COMMENTS FROM AUDIENCE: Leon Shaman of 1821 Mt. Pleasant Street stated that someone had tried to kick in his neighbor's door and his neighbor was terrified and upset. Chief Kramer asked Leon Shahan to have his neighbor contact him if his neighbor was dissatisfied with the response of the Burlington Police Department. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:32 p.m.

Approved: March 16, 2020

Kathleen P. Salisbury, MMC
City Clerk

Jon D. Billups
Mayor

(See recording 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 Nuisance Abatements for Various Properties
2. Resolution Approving Refund of Beer/Wine License for Majestic Estate, LLC dba/Majestic Estate, LLC
3. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Dennis Manes dba/Yellow Cab Transportation
4. Resolution Approving Renewal of Taxi Cab/Vehicle for Hire License for Robyn Canova dba/A2Z Taxi, LLC
5. Resolution Approving Residential Anti-Displacement and Relocation Assistance Plan, Procurement Policy, Excessive Force Policy, Equal Opportunity Policy Statement and Code of Conduct as Required by the Iowa Economic Development Authority Community Development Block Grant
6. Resolution of Support by the City Council of the City of Burlington, Iowa for a Federal Legal Holiday for Native American Indians
7. Resolution Approving Funding to Downtown Partners, Inc. for Matching Funds for Main Street Iowa Technical Assistance Grant
8. Resolution Authorizing Payment of Funds to Great River Housing Trust Fund

SET DATE FOR PUBLIC HEARINGS: MARCH 16, 2020

1. Consideration of Fiscal Year 2020-2021 Budget
2. Consideration of Plans and Specifications for the 2020 Central Avenue HMA Resurfacing Project

APPOINTMENT:

Economic Development Advisory Board: Angela Shipley