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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 7  
April 6, 2020

The City Manager stated that pursuant to Iowa Code Section 21.8 and the Governor's State of Public Health Emergency Declaration, this meeting is being held electronically because the ongoing public health emergency in the state of Iowa has made it impossible to have a meeting in person. The telephone number for the meeting was posted on April 3, 2020 allowing the public access to participate in the meeting. Due to the COVID-19 situation, all public participation was by phone until further notice. City Hall was closed to the public.

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 CO UNCIL

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. Council Member Graham-Murray announced those individuals appointed to various City commissions and boards. Mayor Billups stated that he received a request from Chris Roepke of 2228 Madison Avenue to remove the following Resolutions from the Consent Agenda for discussion at the close of the meeting: Resolution Approving Cooperative Agreement with the Iowa Department of Natural Resources for the USFWS Boating Infrastructure Grant and Resolution Approving the Urban Deer Management Program. 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 1021 North 8<sup>th</sup> Street, Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City had acquired the property at 1021 North 8<sup>th</sup> Street through the abandoned building program. He stated that the home has been demolished and the property could be combined with an adjacent property or a new home built on it. He stated that Joel David and Dellanna Dee Tiemeier have requested the purchase of the property for \$500.00 to combine with their adjacent property. 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

Resolution Approving the Sale of Property Locally Known as 1021 North 8<sup>th</sup> Street, City of Burlington, Iowa with Conditions

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 704 South Central Avenue, Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City had acquired the property at 704 South Central Avenue through the abandoned building program. He stated that the home has been demolished and the property could be combined with an adjacent property or a new home built on it. He stated that Laura McGinty has requested to purchase the property for \$500.00 to combine with her adjacent property. 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

Resolution Approving the Sale of Property Locally Known as 704 South Central Avenue, City of Burlington, Iowa with Conditions

DISCUSSION: None.

(VOTE: 5 - "AYES")

ADOPTED

3. Statement: Consideration of Property Disposition with Merge

COMMENTS: The City Manager stated that Merge, Inc. was planning on building on two-lots

for a mixed use building with commercial on the first floor and residential units on the top floors. He stated that last year the City had approved to borrow funds to demolish the former Police Department building at a cost of \$500,000.00. He stated that during that process it was decided to see if the City could find a developer for the building. 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. He stated that the development would be a 5-story, 60 plus units of residential with 56,000 square feet of residential and more than 4,000 square feet of commercial space. Chris Roepke of 2228 Madison Avenue asked if Merge, Inc. would give money back to the City of Burlington if they don't end up doing the project. The City Manager stated that the City will not be turning over any funds until Merge, Inc. demolishes the building. He explained that it was a reimbursement of funds. He stated that there was no right of reversion after demolition. Chris Roepke of 2228 Madison Avenue stated that he would hate to see the project just sit there, should Merge, Inc. decide not to do anything with the property. The City Manager stated that once the building is demolished, it is in their hands. Council Member Rinker stated that there will be \$280,000.00 in property taxes paid during the first 10-years. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray  
Motion to Close

Seconded By: Maupin

CARRIED

Introduced By: Graham-Murray  
Resolution Authorizing Sale of City-Owned Property

Seconded By: Rinker

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

ADOPTED

4. Statement: Consideration of an Ordinance Amending Chapter 163A.07 of the Burlington, Iowa, Code of Ordinances Concerning Hearing Rights in the Case of Junk Vehicles

COMMENTS: The Development and Parks Director stated that the proposed Ordinance clarifies the process for the due process in the form of a procedure for citizens to request a hearing in the case of junk vehicles. Chris Roepke of 2228 Madison Avenue asked if the code request that the junk vehicle be licenced and running. The Development and Parks Director stated that the junk vehicle would need to have current tags and be able to run on its own. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Graham-Murray  
Motion to Close

Seconded By: Maupin

CARRIED

Introduced By: Graham-Murray  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending

Chapter 163A.07 of the Burlington, Iowa, Code of Ordinances Concerning Hearing Rights in the Case of Junk Vehicles

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

CARRIED

5. Statement: Consideration of Plans and Specifications for the 2020 Senior Center Roof Replacement Project

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2020 Senior Center Roof Replacement Project with Council and the viewing audience. He stated that the Senior Center was located on Jefferson Street and the roof would be replaced with a white TPO/rubber roof membrane with no ballast. He stated that there was no asbestos found. He stated that the cost of the project was estimated at \$78,000.00 and would be funded with local option sales tax monies. 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: Graham-Murray

CARRIED

Introduced By: Critser  
Resolution Approving Plans and Specifications for the 2020 Senior Center Roof Replacement Project

Seconded By: Graham-Murray

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

ADOPTED

6. Statement: Consideration of Plans and Specifications for the 2020 West Avenue and Gear Avenue Dowel Bar Retrofit Project

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2020 West Avenue and Gear Avenue Dowel Bar Retrofit Project with Council and the viewing public. He stated that the project was a joint project with the City of West Burlington. He stated that the City will be entering into a Memorandum of Understanding with the City of West Burlington at a future City Council meeting. He stated that the estimated cost for the project is \$603,000.00 with the City of West Burlington paying \$166,000.00 of that cost. Mayor Billups stated that it was good to see the City of Burlington working jointly with the City of West Burlington. 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: Graham-Murray

CARRIED



2. Resolution Providing for the Sale and Issuance of \$4,230,000 Taxable General Obligation Refunding Bonds, Series 2020B, and for the Levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the sale and issuance of \$4,230,000.00 Taxable General Obligation Refunding Bonds, Series 2020B were taxable. He stated that the City was refinancing previous bonds with a savings of \$300,000.00 for bond issues A and B. Council Member Critser asked if it would be smart to make double payments and pay the bond issue off early. The City Manager stated that the bonds would be paid off in 2031 and the bonds do not allow the City to pay off early. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

3. Resolution Authorizing Approval of Proposal for Sale of General Obligation Corporate Purpose Bonds, Series 2020C

DISCUSSION: The City Manager stated that the Sale of General Obligation Corporate Purpose Bonds, Series 2020C was for the floodwall and street projects. He stated that the interest rate was 2.3% and was a private placement, which was different from other years, due to the bond market is in turmoil due to the COVID-19 pandemic. He stated that the 2.3% interest rate was still a good rate. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Rinker                      Seconded By: Graham-Murray

4. Resolution Rejecting All Bids for the 2020 Dankwardt Park Tennis Court Resurfacing Project

DISCUSSION: The Development and Parks Director stated that the City received one bid in the amount of \$182,100.00 from All Weather Courts, Inc. He stated that \$105,000.00 was available in the Starker Trust Fund. He stated that due to lack of available funds and the desire to explore cooperative efforts he recommends not moving forward with the project at this time. He stated that the local tennis community was raising funds to pay toward the court repairs. Council Member Rinker stated that to date more than \$76,000.00 has been raised toward the project. The Development and Parks Director urged the City Council to continue the Resolution to the April 20, 2020 City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker                      Seconded By: Billups

5. Motion to Continue the Resolution Rejecting All Bids for the 2020 Dankwardt Park Tennis Court Resurfacing Project to the April 20, 2020 City Council Meeting

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

6. Resolution Approving Cooperative Agreement with the Iowa Department of Natural Resources for the USFWS Boating Infrastructure Grant

DISCUSSION: Chris Roepke of 2228 Madison Avenue stated that he was not in favor of funds being used for boat docks when that money could be spent on Cascade Bridge or older neighborhoods. He stated he would like to see the City protect its assets it has on hand due to the COVID-19 pandemic. He asked where the funding for the boat docks were coming from. The City Manager stated that \$100,000.00 was budgeted out of hotel/motel tax monies, but there may be a 10% reduction in the hotel/motel tax fund due to COVID-19. He stated that the City's cost would be \$125,000,00.00 now and \$700,000.00 later for a total City's cost of \$825,000.00. The Assistant City Manager stated that it all comes down to the TIGER Grant and it will be a process to get out of the boating infrastructure grant. The City Manager stated that it would be easier to get out of it now by voting it down rather than later. Council Member Graham-Murray stated that the City Council needed to move forward as they had planned for the project. Council Member Rinker stated that the program and plans were in place and the boat docks were a huge part of the project. He stated that he would be voting in favor of the boating infrastructure grant. Council Member Maupin stated that he looked at the boat docks as a want and not a need. He stated that it would be better to say no now. He further stated that he would be voting no as it is the wrong time to be spending money with the COVID-19 pandemic. Council Member Critser stated that he was worried about money and safety issues and he would vote no. Council Member Graham-Murray stated that Council Member Critser had done a 180 since the last work session. She stated that once the grant money is gone, it is gone. Council Member Rinker stated if the boating infrastructure grant does not pass, the Council may not regret it now, but they will regret it later. Mayor Billups stated that he would abstain from voting due to being an employee of Bluff Harbor Marina. He stated that his concern was for maintenance of the boating docks and he had a concern for safety. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 2 - "AYES" Rinker and Graham-Murray

2 - "NAYS" Critser and Maupin

1 - "ABSTAINED" Billups )

FAILED

7. Resolution Approving the Urban Deer Management Program

DISCUSSION: Chris Roepke of 2228 Madison Avenue stated that he was not opposed to the urban deer management program as he had planted two \$75.00 trees and he had a deer rub off the bark on the trees. He asked if the 300 deer permits would be allocated throughout to prevent deer migration to parts of Burlington where there may not be deer. He further questioned if crossbows were allowed for hunting. The Police Chief stated 300 deer permits was the maximum for this zone. He stated the deer management zone encompasses City property and the entirety of the City of Burlington but with requirements for hunters having to stay back 100 ft. from lot lines. He stated that many of the properties will not qualify for hunting due to the lot line requirements. He stated that Greg Harris of the Iowa Department of Natural Resources

could answer questions relating to deer migration. He stated that deer will go where they are not being hunted. He further stated that Iowa does not allow crossbows, except those with disabilities are allowed with a permit from the Iowa Department of Natural Resources. Mayor Billups stated that he had recently heard that someone was placing corn out for deer in the parks. The Police Chief stated that the Parks Superintendent had stated to him that when he sees this happening he asks people to stop placing corn for the deer in the parks. 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: Chris Roepke of 2228 Madison Avenue stated that the Avaya meeting went well for the public to call in to comment. He stated that he appreciated the process. He suggested the City consider Section 657A with citizens helping with abandoned houses through a private/public partnership. The City Manager stated that he had asked the City Attorney about amending our Code and he did not feel the City should do this until there was some case law that has been litigating on it. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 7:20 p.m.

Approved: April 20, 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 the Intergovernmental Transfer of Public Funds Agreement Between the Iowa Department of Human Services and the City of Burlington, Iowa
2. Resolution Approving the Purchase of Temporary Construction Easements for the 2019 Lewis Street Sewer Repair Project
3. Resolution Approving Contract for Services with Southeast Iowa Regional Planning Commission for Administration of Technical Services Associated with the Tama Too Project at 300-310 Jefferson Street
4. Resolution Amending Septic Hauler Fees Effective July 1, 2020
5. Resolution Establishing Solid Waste Fees Effective July 1, 2020
6. Resolution Approving Purchase of a Telescopic Boom Lift for the Wastewater Treatment Facility

APPOINTMENTS:

City Planning Commission: Bryan Bross

Low Rent Housing Agency: Richard Mellinger

Parks Advisory Committee: J. Bryan Schulte

Tree Advisory Board: Lisa Louck, Joyce Taeger and Kelly Rundell