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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 8
April 20, 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 17, 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 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: Rinker 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 announced those individuals appointed to various City commissions and boards. He further requested the removal of the Resolution Approving Beer, Liquor, Wine and Cigarettes 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

HEARING:

1. Statement: Consideration of Consolidated Transit Grant Application

COMMENTS: The Assistant City Manager for Public Works stated that annually the City has a

- 1. Resolution Providing for the Sale and Issuance of \$5,710,000.00 General Obligation Corporate Purpose Bonds, Series 2020C, and for the levy of Taxes to Pay the Same

DISCUSSION: The City Manager stated that the Sale and Issuance of \$5,710,000.00 General Obligation Corporate Purpose Bonds, Series 2020C, and for the levy of Taxes to Pay the Same was for the flood wall and street projects. He stated that the bonds would be sold to Key Government at an interest rate of 2.3% with a repayment schedule until 2034. 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

- 2. Resolution Rejecting All Bids for the 2020 Dankwardt Park Tennis Court Resurfacing Project Continued from the April 6, 2020 City Council Meeting

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 the City Council had continued the Resolution rejecting all bids for the project to explore cooperative efforts for Burlington Tennis Association to raise funds for the project. He stated that Brian and Renee Japsen representing the Burlington Tennis Association have stepped forward to raise funds for the project. He urged the City Council to vote no to rejecting all bids. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "NAYS") FAILED

Introduced By: Billups Seconded By: Graham-Murray

- 3. Resolution Approving Bid for the 2020 Dankwardt Park Tennis Court Resurfacing Project

DISCUSSION: The Development and Parks Director stated that Brian and Renee Japsen representing the Burlington Tennis Association have fund raised in excess of \$70,000.00 along with budgeted Starker funds of \$105,000.00 so that the 2020 Dankwardt Park Tennis Court Resurfacing Project can be completed. Mayor Billups thanked Brian and Renee Japsen for all their hard work in obtaining pledges for the tennis court resurfacing project. He stated that Brian and Renee Japsen had given a check in the amount of \$11,500.00 as a good faith toward \$70,000.00 raised. He stated that he could see their love of the game. He stated that he plans on presenting them with a Mayor's Award once the public is able to attend City Council meetings. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES") ADOPTED

Introduced By: Billups Seconded By: Graham-Murray

- 4. Resolution Authorizing the Acceptance of STBG Funds for Improvements on Summer Street from Harrison Avenue South to the Koestner Street Intersection

DISCUSSION: The Assistant City Manager for Public Works stated the proposed Resolution provides for the acceptance of STBG funds for improvements on Summer Street from Harrison South to the Koestner Street intersection. He stated that the City was awarded \$1,150,941.00 in grant funding with a local match of \$1,766,465.00. Council Member Rinker asked when the project will commence. The Assistant City Manager for Public Works stated that the project should commence in 2024. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Billups Seconded By: Graham-Murray

5. Resolution Approving Modified Creative Placemaking Project for the Rural Business Development Grant Through the U.S.D.A., Rural Development in the State of Iowa

DISCUSSION: The Development and Parks Director stated that grant funds in the amount of \$35,500.00 are available for the Creative Placemaking Project, which is a reduction of \$32,500.00 from the grant application, which will reduce the overall scope of the project. He reviewed with Council and the viewing audience the modified scope proposal which includes key building revitalization strategy and housing strategy but does not include the public art strategy within the scope of the work based on the reduction in funds available for the grant program. He stated that he would need to check with the local contributors to see if they still wanted to contribute without the public art strategy. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Billups Seconded By: Maupin

6. Resolution Approving the Purchase of Land at 700 Valley Street, Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that the proposed Resolution provides for the purchase of land at 700 Valley Street, which is located adjacent to an existing parking lot owned by the City. He stated that the owner has agreed to sell the property to the City for \$12,000.00, which is in line with the current assessed value of the property. He stated that deeds for the property will follow. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Billups Seconded By: Graham-Murray

7. Resolution Approving Final Payment and Release of Retention Monies for Phase V of the Floodwall

DISCUSSION: The Assistant City Manager for Public Works stated that Phase V of the floodwall project was complete and there was \$10,000.00 remaining for work that the contractor has now completed. He stated that the total cost of Phase V of the floodwall project was \$6,582,343.26. All present had opportunity to speak and nothing additional was filed in the

office of the City Clerk.
(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Billups Seconded By: Graham-Murray
8. Resolution Approving Beer, Liquor, Wine and Cigarettes

DISCUSSION: The Police Chief stated that Governor Reynolds had shut down bars on March 17, 2020 at 12 PM (noon) due to COVID-19. He stated that the Police Department either went to establishments or contacted establishments that they had received complaints about. He stated that he had received a complaint that Kelly O'Sheas was open. He stated that both the Police Major and himself went to the bar to ask them to close. He stated that they did not comply and was issued a ticket. He stated that Kelly O'Sheas liquor license is up for renewal in mid-May of 2020. He stated that the owner of Kelly O'Sheas is presumed innocent until he has his Court hearing in late August. He stated that he wanted the City Council to be aware of the charge. Mayor Billups asked if they have had any other problems or issues with the owner. The Police Chief stated that he had not that he was aware of. Council Member Rinker stated that Kelly O'Sheas wasn't the only establishment to stay open on March 17, 2020. The Police Chief stated that no other tickets were issued in Burlington as the other establishments that they either called or visited immediately closed. He stated that the owner of Kelly O'Sheas refused to comply with the order when both the Police Major and himself contacted him. Council Member Rinker asked what the Alcoholic Beverages Division will do if the owner is found guilty. The Police Chief stated that he was not sure that it would be up to the Alcoholic Beverages Division as to how they will handle it. He stated that they may suspend or revoke the license in order to gain compliance. Mayor Billups stated that he knows the owner and a 2-hour notice from the Governor put bars and also the Police Department in a tough spot. After considerable discussion the Council decided to approve Kelly O'Sheas liquor license renewal until their court date. 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: Marlin McKee of 1121 South 12th Street asked why other bars were not sited for closing on March 17, 2020 per the Governor's request. The Police Chief stated that the Police Department only responded to complaints received that bars were open. He stated that they either called or went to the business. He stated that the bars they contacted or went to when asked to close, immediately closed. He stated that the difference was the response at Kelly O'Sheas. Marlin McKee also asked where the City was coming up with all the matching grant funds for projects such as the TIGER grant. The City Manager stated that the TIGER grant has no matching grant. He stated that presently there was one local match grant for Great Places for a splash pad that the City Council had previously agreed to. He stated that the City was facing challenging times, but the project can move forward. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:18 p.m.

Approved: May 4, 2020

Kathleen P. Salisbury, MMC

Jon D. Billups

City Clerk

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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Memorandum of Understanding Between the City of Burlington, Iowa and the City of West Burlington, Iowa for the 2020 West Avenue and Gear Avenue Dowel Bar Retrofit Project
3. Resolution of Support for Great River Road All-American Road Designation by the Federal Highway Administration
4. Resolution Approving Agreement with Klingner and Associates for Design of a Retaining Wall at Roadway to the Wastewater Treatment Plant
5. Resolution Approving Professional Service Agreement with Klingner and Associates for Design of a Water Main at the Wastewater Treatment Plant
6. Resolution Approving Amendment No. 1 to the Agreement with HR Green, Inc. of Cedar Rapids, Iowa for Engineering Services for Burlington, Iowa Wastewater Treatment Facility's North End Odor Control
7. Resolution Approving Amendment No. 1 to the Existing Professional Services Agreement with HR Green, Inc. of Cedar Rapids, Iowa for General Consulting Services for the Burlington, Iowa Wastewater Treatment Facility for the Period of July 1, 2019 to June 30, 2020
8. Resolution Approving a Federal-Aid Agreement for an Iowa's Transportation Alternatives Program (IOWA's TAP) Project Between the Iowa Department of Transportation and the City of Burlington

SET DATE FOR PUBLIC HEARINGS: MAY 4, 2020

1. Consideration of an Ordinance Amendment to Ordinance No. 3220, an Ordinance Creating the Sunrise West Planned Unit Development (PUD) Overlay District, By Removing Outlot G from the Sunrise West PUD

2. Consideration of an Ordinance Rezoning Lot 4 of Swisher Subdivision and Outlot G of 4th Addition to Sunrise West Subdivision, from R-1, Single-Family Residential to R-4 Multi-Family Residential, with a Planned Unit Development Overlay Zone (Beverly Place PUD) As Allowed by the Zoning Code of the City of Burlington, Iowa
3. Consideration of an Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code
4. Consideration of an Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street, Burlington, Iowa

APPOINTMENT:

Southeast Iowa Regional Planning Commission's Revolving Loan Fund Review Committee:
Jim Olson