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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 9  
May 4, 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 May 1, 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

PROCLAMATIONS:

- \* Municipal Clerks Week: Kathleen Salisbury
- \* Building Safety Month: Eric Tysland
- \* Parks to Kids Day: Eric Tysland
- \* Travel and Tourism Week

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: Critser                      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. 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 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

COMMENTS: The Development and Parks Director reviewed the proposed 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 with the City Council and the viewing audience. He stated that this public hearing and the following public hearing are in regard to Beverly Place PUD. He stated that the proposed Ordinance removed Outlot G from the Sunrise West PUD and will be a part of the future development of Beverly Place. 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: Maupin

CARRIED

Introduced By: Critser Motion for Preliminary Adoption of the First Reading 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

Seconded By: Rinker

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

CARRIED

2. Statement: Consideration of an Ordinance Rezoning Lot 4 of Swisher Subdivision and Outlot G of 4<sup>th</sup> 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

COMMENTS: The Development and Parks Director reviewed the proposed Ordinance Rezoning Lot 4 of Swisher Subdivision and Outlot G of 4<sup>th</sup> 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 with the City Council and the viewing audience. He stated that currently the subdivision is zoned for single family and duplexes and rezoning would allow for multi-family residential. He stated that the Plan Commission voted 5-ayes 1-nay with 1-abstain to recommend approval of the rezoning of said property to the City Council based on the request and plans of the property owners and developer, compatible uses in the surrounding area, connection of public streets, and with the provisions of the PUD requirements and with the condition (voted 4-ayes 2-nays and 1-abstain) to require the proposed private drive through the development connecting Gilbert Street

extension to the existing Cambridge Drive to be constructed with Phase 1 of the development. He stated that Beverly Place would be a 4-story structure with a flat roof. He reviewed the setbacks, phases of the project, off street parking requirements, on-site detention pond and street layout area. Those who spoke in favor of the development were as follows: Jim and Sandy Carter of 2632 Lavender Lane; Mona Riley-Smith of 2635 Mt. Pleasant Street, No. 103; Mark Fisher of 24 Cascade Terrace; Karen Stotler of 1217 Summer Street; Mike Mohrfeld of Ft. Madison and Lori Hogberg of 1717 River Street. Jim and Sandy Carter stated that Beverly Place would be a nice addition to the area. Both Mona Riley-Smith and Karen Stotler stated that they were future residents of Beverly Place. Mike Mohrfeld stated that he was the former owner of Swisher Subdivision and he stated that Beverly Place would be a quality first class living establishment. He stated that if he had build 16-20 homes the tax base would be \$150,000.00 compared to Beverly Place which should provide \$350,000.00 in property taxes. He stated that Beverly Place would be high scale and high quality senior living. Dan Cahill stated that his subdivision was located immediately north of the property and he had concerns of 80 living units on 10-acres. He stated that was squeezing a lot of dwelling units on 10-acres. He stated that there was no landscaping on the north side of the property. He stated that it was not known how this PUD will affect his subdivision. Tom Jones of 1124 Aspen Drive stated that with the proposed sidewalk to the south of the property he questioned how the trees would be affected. The Development and Parks Director stated that there would be minimal disruption of some of the trees. Mark Fisher, representing the developers, stated that all streets will be privately built and maintained. He stated that Beverly Place will free up existing housing stock for purchase. He further stated that a large amount of parking is underground. Lori Hogberg of 1717 River Street stated that she and her two sisters were the developers. She stated that her older sister came up with the project idea and her younger sister has been involved in senior housing for the past 10-years. She stated that they want to bring something picturesque as they will have a butterfly park for those living at Beverly Place. Council Member Critser stated that the City of Burlington's motto needs to be changed to "Burlington a great place to live, work, play and retire." 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: Critser

Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning Lot 4 of Swisher Subdivision and Outlot G of 4<sup>th</sup> 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

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

CARRIED

3. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed the proposed Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street. He stated that Carl A. Nelson Company wanted to combine all their lots they own into one lot. He stated that it was determined by the Des Moines County Court House that a portion of Conner Avenue right-of-way located north of Corse Street was never vacated. He stated that the proposed Ordinance would combine all their vacated property they own into one lot with no cost to Carl A. Nelson Company. 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: Graham-Murray

CARRIED

Introduced By: Rinker  
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street, Burlington, Iowa

Seconded By: Graham-Murray

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

CARRIED

4. Statement: Consideration of an Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code

COMMENTS: The Development and Parks Director reviewed the changes to the proposed Ordinance amending various sections of Chapter 161, Housing Code of the Burlington Municipal Code with Council and the viewing audience. He stated that changes include definitions for carbon monoxide alarm, combination smoke and carbon monoxide alarm and smoke alarm. He stated that another change was the addition of failure to apply for a rental permit within 30 days of notice of an illegal rental shall cause double permit fees to be required. 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: Graham-Murray

CARRIED

Introduced By: Rinker  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code

Seconded By: Graham-Murray

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTION:

Introduced By: Billups

Seconded By: Graham-Murray

1. Resolution Awarding Contract for the 2020 Central Avenue HMA Resurfacing Project

DISCUSSION: The Assistant City Manager for Public Works stated that the 2020 Central Avenue HMA Resurfacing Project provides for the resurfacing of Central Avenue from Harrison Avenue to Angular Street. The project will also upgrade ADA ramps in the project area to the current standards. He stated that bids were received on April 21, 2020 with Norris Asphalt Paving the low bidder in the amount of \$792,848.54. He further stated that the project would be funded with general obligation bonds. 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: None.

Adjournment: 6:51 p.m.

Approved: May 18, 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 Final Acceptance, Final Payment and Release of Retention Monies for the 2018 Mount Pleasant Street Bridge Project
2. Resolution Approving the Purchase of Property (PIN: 16-07-176-001) for Future Mason Road Storm Water Improvements
3. Resolution Establishing Solid Waste Fees Effective July 1, 2020
4. Resolution Awarding Contract for the Repair and Recoating Dryvit Exterior of Solids and Disinfection Building at the Burlington, Iowa Wastewater Treatment Facility
5. Resolution of Support for the Blaul Lofts LLC Rehabilitation Project at 425 Valley Street, Burlington, Iowa

SET DATE FOR PUBLIC HEARINGS: MAY 18, 2020

1. Consideration of Sale of Property Locally Known as 919 North 8<sup>th</sup> Street, City of Burlington, Iowa, with Conditions
2. Consideration of Sale of Property Locally Known as 1006 Elm Street, City of Burlington, Iowa, with Conditions
3. Consideration of an Application for Housing Sustainability Grant from the Iowa Economic Development Authority, Community Development Block Grant Program
4. Consideration of 2019-2020 Budget Amendment No. 1
5. Consideration of Plans and Specifications for the 2020 Sealcoat Streets Project
6. Consideration of Plans and Specifications for the 2019 ADA Ramp Improvement Project
7. Consideration of Plans and Specifications for the 2020 ADA Ramp Improvement Project

APPOINTMENTS:

Airport Authority: Dwight Mulch

Human Rights Commission: Kandi Hillyer, Linda Robinson and Den Powell