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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 10
May 18, 2020

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 15, 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 and Rinker present. Council Member Maupin was absent.

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: Graham-Murray Seconded By: Critser
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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 919 North 8th Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the City had acquired the property at 919 North 8th Street, located north of Spring Street through the abandoned building

program. He reviewed the conditions for the sale of property with Council and the viewing audience. He stated that the purchaser must ensure that the property receives permits and meets codes for renovation as required and makes necessary repairs prior to occupancy. 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 further 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 919 North 8th Street, City of Burlington, Des Moines County, Iowa. Mohammad Nowroozi of 2714 Bittersweet Place 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: Graham-Murray
Motion to Close

Seconded By: Critser

CARRIED

Introduced By: Graham-Murray Seconded By: Rinker
Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 919 North 8th Street, City of Burlington, Des Moines County, Iowa that the Property be Sold to Mohammad Nowroozi in the amount of \$1,500.00

DISCUSSION: None.
(VOTE: 4 - “AYES”)

CARRIED

Introduced By: Graham-Murray Seconded By: Critser
Resolution Approving the Sale of Property Locally Known as 919 North 8th Street, City of Burlington, Iowa, with Conditions

DISCUSSION: None.
(VOTE: 4 - “AYES”)

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1006 Elm Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the City had acquired the property at 1006 Elm Street through the abandoned building program. He reviewed the conditions for the sale of property with Council and the viewing audience. He stated that the purchaser must ensure that the property receives permits and meets codes for renovation as required and makes necessary repairs prior to occupancy. 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 further 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 1006 Elm Street, City of Burlington, Des Moines County,

Iowa. Don Harter of 1018 Monticello Drive was the high bidder at \$1,300.00. 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: Critser

CARRIED

Introduced By: Graham-Murray Seconded By: Critser
Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally
Known as 1006 Elm Street, City of Burlington, Des Moines County, Iowa that the
Property be Sold to Don Harter in the amount of \$1,300.00

DISCUSSION: None.
(VOTE: 4 - “AYES”)

CARRIED

Introduced By: Graham-Murray Seconded By: Critser
Resolution Approving the Sale of Property Locally Known as 1006 Elm Street, City of
Burlington, Iowa, with Conditions

DISCUSSION: None.
(VOTE: 4 - “AYES”)

ADOPTED

3. Statement: Consideration of an Application for Housing Sustainability Grant from the Iowa Economic Development Authority, Community Development Block Grant Program

COMMENTS: The Development and Parks Director stated that Sara Hecox of the Southeast Iowa Regional Planning Commission would present to the City Council and the viewing audience the details of the Housing Sustainability Grant application from the Iowa Economic Development Authority, Community Development Block Grant Program. He stated that the City applied for the grant for the South Hill area of Burlington last year, but the program did not get funded. Sara Hecox reviewed the following with the City Council and the viewing audience:
Need For The Activities Was Identified: The housing sustainability project was identified by City of Burlington and Southeast Iowa Regional Planning Commission staff. It is also a goal of the Des Moines County Housing Needs Assessment to identify and utilize rehab programs to benefit low to moderate income families through grant opportunities; How the proposed activity will be funded and the sources of funds: The Community Development Block Grant (CDBG) Housing Fund through the Iowa Economic Development Authority; Date application will be submitted: The Iowa Economic Development Authority will start reviewing the submitted Housing Sustainability Grants on July 1, 2020 in the order they are received; Requested amount of federal funds (Housing Fund): The City of Burlington will request \$238,994 from the Iowa Economic Development Authority for a Housing Sustainability Grant; Federal funds that will benefit low and moderate income persons: All households assisted through this program will qualify based on income guidelines not to exceed 80% of median income for Des Moines County.

%MFI	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
80%	\$38,850	\$44,400	\$49,950	\$55,500	\$59,950	\$64,400	\$68,850	\$73,300

Where the activity will be conducted: The rehab activity will take part in the City of Burlington; Minimize displacement of persons as a result of funded activities: Under the rehab process with the housing sustainability grant, households will not be permanently displaced. Some households may be asked to move temporarily while interior lead based paint issues need to be dealt with. Proper coordination between the contractor and homeowner can prevent displacement; Plans to assist persons displaced: Any household that would have to temporarily relocate will be told to do so for their own safety. The temporarily displacement will be paid for out of the Housing Sustainability Grant and nature of the proposed activity: The Housing Sustainability Grant will be used to stabilize homes in Burlington. The rehab items that would be covered are things such as gutters, roofs, fascia, soffit, windows, doors, siding, foundation repair, replace outside stairways and lead hazard reduction. The program does not cover things such as new construction, landscaping, interior work that is not lead related and appliances. Sara Hecox also spoke about the housing needs assessment. Housing needs of the community and of LMI households were discussed. Planned activities and programs were also presented to help address local needs. The Development and Parks Director stated that there was not a local match required for the grant. 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: Critser

CARRIED

Introduced By: Graham-Murray

Seconded By: Critser

Resolution Approving an Application for Housing Sustainability Grant from the Iowa Economic Development Authority, Community Development Block Grant Program

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

4. Statement: Consideration of 2019-2020 Budget Amendment No. 1

COMMENTS: The Director of Administrative Services stated that the notice of public hearing on the 2019-2020 Budget Amendment No. 1 was published on May 6, 2020. She reviewed budget amendment No. 1 for FY 2019-2020 budget with Council and the viewing audience. 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

Seconded By: Critser

Resolution Approving 2019-2020 Budget Amendment No. 1

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

5. Statement: Consideration of Plans and Specifications for the 2020 Sealcoat Streets Project

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2020 Sealcoat Streets Project with City Council and the viewing audience. He stated that the estimated cost of the project was \$390,000.00. He stated that the project would be funded with Road Use Tax (RUT) monies. 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
Resolution Approving Plans and Specifications for the 2020 Sealcoat Streets Project

Seconded By: Critser

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

6. Statement: Consideration of Plans and Specifications for the 2019 ADA Ramp Improvement Project

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2019 ADA Ramp Improvement Project with City Council and the viewing audience. He stated that the project was originally bid in 2019 and only one bid was received and that bid was rejected due to being over the City's estimated cost of the project. He stated that the estimated cost of the project is \$70,000.00. He stated that the project would be funded with Road Use Tax (RUT) monies. 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 2019 ADA Ramp Improvement Project

Seconded By: Critser

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

7. Statement: Consideration of Plans and Specifications for the 2020 ADA Ramp Improvement Project

COMMENTS: The Assistant City Manager for Public Works reviewed the plans and specifications for the 2020 ADA Ramp Improvement Project with City Council and the viewing audience. He stated that the estimated cost of the project is \$320,000.00. He stated that the project would be funded with Road Use Tax (RUT) monies. 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
Resolution Approving Plans and Specifications for the 2020 ADA Ramp Improvement Project

Seconded By: Graham-Murray

DISCUSSION: None.
(VOTE: 4 - "AYES")

ADOPTED

ORDINANCES:

Introduced By: Critser

Seconded By: Graham-Murray

1. Motion for Preliminary Adoption of the Second 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

DISCUSSION: The Development and Parks Director stated that there were no changes to 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 from the first reading. He 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 the proposed Ordinance will remove 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.

(VOTE: 4 - "AYES")

CARRIED

Introduced By: Critser

Seconded By: Graham-Murray

2. Motion for Preliminary Adoption of the Second Reading 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

DISCUSSION: The Development and Parks Director stated that there were no changes to the proposed 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 from the first reading. 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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Critser

Seconded By: Graham-Murray

3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street, Burlington, Iowa

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street, Burlington, Iowa from the first reading. He 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 the lots they own into one lot. He stated that it was determined by the Des Moines County Courthouse 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.
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Critser

Seconded By: Graham-Murray

4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Vacating and Selling a Portion of Conner Avenue Right-of-Way Located North of Corse Street, Burlington, Iowa

DISCUSSION: None.
(VOTE: 4 - "AYES")

CARRIED

Introduced By: Critser

Seconded By: Graham-Murray

5. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code from the first reading. He 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.

(VOTE: 4 - "AYES")

CARRIED

Introduced By: Critser

Seconded By: Graham-Murray

6. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of Ordinance Amending Various Sections of Chapter 161, Housing Code of the City of Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Critser

Seconded By: Graham-Murray

1. Resolution Awarding Contract for the 2020 Virginia Avenue and Sycamore Street Stormwater Improvements

COMMENTS: The Assistant City Manager for Public Works stated that the 2020 Virginia Avenue and Sycamore Street Stormwater Improvements provides for repairing existing conditions and prevent further deterioration at stormwater discharges near Virginia Avenue and Sycamore Street. He stated that bids were received on May 5, 2020 with Four Seasons Excavating as the low bidder in the amount of \$99,524.93. He stated that the City's estimated cost of the project was \$85,900.00. He further stated that the project would be funded with sewer funds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Critser

Seconded By: Rinker

2. Resolution Awarding Contract for the 2020 Senior Center Roof Replacement Project

COMMENTS: The Assistant City Manager for Public Works stated that the 2020 Senior Center Roof Replacement Project provides for the replacement of the existing ballasted rubber roof with a new fully adhered TPO roof. He stated that bids were received on May 5, 2020 with Brockway Mechanical as the low bidder in the amount of \$62,229.84. He further stated that the project would be funded with local option sales tax funds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Critser

Seconded By: Graham-Murray

3. Resolution Approving Liens for Nonpayment Pursuant to Chapters 99, 100 and 106 of the Burlington Municipal Code

DISCUSSION: The Director of Administrative Services stated that the proposed Resolution approves liens for nonpayment of delinquent sewer, stormwater and solid waste fees. She stated that the delinquent fees will be assessed to the property owner's property taxes. She stated that last year there was \$8,700.00 in delinquent fees and this year there were only \$2,200.00 in delinquent fees. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Critser

Seconded By: Graham-Murray

4. Resolution Approving Housing Sustainability Grant Administrative Plan 2020

COMMENTS: The Development and Parks Director stated that the City of Burlington was applying for CDBG owner-occupied rehabilitation funds for exterior home improvement program. He stated that the City will follow all requirements outlines and described in the City's Community Development Block Grant (CDBG) and IEDA program guidance. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.
(VOTE: 4 - "AYES")

ADOPTED

COMMENTS FROM AUDIENCE: Mark Fisher of 24 Cascade Terrace asked if the Ordinances regarding Beverly Place were final adopted at the meeting. Mayor Billups stated that the City Council did not waive the second reading of the Ordinances regarding Beverly Place. He stated that the final adoption of the Ordinances would take place at the June 1, 2020 City Council meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:33 p.m.

Approved: June 1, 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 Maintenance and Operation of Public Infrastructure Associated with the Indoor Recreation Facility
2. Resolution to Install Stop Signs at the Intersection of 7th Street and Walnut Street
3. Resolution Approving Purchase of Type I Ambulance for the Burlington Fire Department
4. Resolution Approving Amended Agreement Between the City of Burlington, Iowa and the Burlington/West Burlington Area Chamber of Commerce for Hotel/Motel Tax Distribution

SET DATE FOR PUBLIC HEARING: JUNE 1, 2020

1. Consideration of Plans and Specifications for 2020 5th Street and Valley Street Parking Lot Project