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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 24
December 21, 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 December 18, 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, 400 Washington Street, with Mayor Billups, Council Members Critser, Graham-Murray, Maupin and Rinker present.

BURLINGTON CITY COUNCIL

COMMENTS FROM AUDIENCE: Pastor Robert L. Brown of 30 Midtown Lane spoke on behalf of the Black Leadership Council regarding Lisa Walsh's statement on FaceBook. He stated that the problem was the non-verbal commitment to the black community from the Mayor and Council. He stated that the Council's non-voice was duly noted and he wanted to remind the Council that they will be voted out at the next election. He stated "shame on you" to each City Council member. He stated that Lisa Walsh owns 1/3 of the bank and he questioned if the City was going to withdraw City funds from F and M Bank. He stated that he respects the Mayor, but the Mayor's letter fell short and he would not read it to his congregation as it would be a slap in the face. He read the Mayor's letter to the Council and the viewing audience. He also stated that immediately following Lisa Walsh's statement on FaceBook a video of Charles E. Walsh's 13-year old granddaughter showed up on FaceBook and it showed how she feels about the black community. He stated that the black community is upset and offended. He urged the Council to consider the black community and pull City funds from F and M Bank. He stated that when the Council doesn't speak, they speak. He further stated that it was impossible for the Council to stand shoulder to shoulder with the black community. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

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. 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 Application for Funding Through the Iowa Economic Development Authority Community Development Block Grant (CDBG) Career Link (Employment Transportation) Funding Program for Hope Haven

COMMENTS: Aya Higuchi, Intern for Southeast Iowa Regional Planning Commission spoke about the following items that were considered for Application for Funding Through the Iowa Economic Development Authority Community Development Block Grant (CDBG) Career Link (Employment Transportation) Funding Program for Hope Haven: Activities will be funded by the federally funded program called the Community Development Block Grant (CDBG). The Iowa Economic Development Authority coordinates these funds for the State of Iowa and makes them available to cities through different funding sources. Upon City Council's approval, the City of Burlington will be applying for Community Development Block Grant (CDBG) Career Link on behalf of Hope Haven Area Development Center for its transportation service expansion. The transportation service is provided to Hope Haven clients with disabilities who need transportation to get to their employment. The need for this project was identified due to growing need to provide work for people with disabilities and to fulfill regional vacancies. As the needs of regional workforce and estimated Hope Haven individuals served increase, the need for additional funding emerged. This CDBG application will be submitted on or around January 8, 2021. The total project cost will be \$162,750.00. The requested grant funding amount will be 50% of the total cost at \$81,375.00. This includes \$3,875.00 for administration, plus \$77,500.00 for transportation services and related costs. Matching funds will come from a combination of Medicaid reimbursement funds for transportation services and funds from Hope Haven. All federal funding will cover the cost of services that benefits low- and moderate-income persons. The transportation services to be provided by Hope Haven will occur throughout their service territory of the southeast Iowa region. It is demand-based service and provided to individuals with physical and mental disabilities in the region who need transportation assistance to reach employment until they can independently do so. This is an expansion of an existing transportation service provided to individuals who are served by Hope Haven under Supported Employment Program. The current or future transit operation will not displace any persons. Zach James of Southeast Iowa Regional Planning Commission was also available to speak if the City Council had any questions. 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 Seconded By: Critser
Resolution Approving Application for Career Link Grant from the Iowa Economic
Development Authority, Community Development Block Grant Program

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

ADOPTED

2. Statement: Consideration of an Ordinance Amending Chapter 81, All-Terrain Vehicles and Snowmobiles of the Burlington Municipal Code

COMMENTS: The Acting Police Chief reviewed the proposed Ordinance Amending Chapter 81, All-Terrain Vehicles and Snowmobiles of the Burlington Municipal Code with Council and the viewing audience. He stated that the proposed Ordinance adds utility terrain vehicles (UTV) by definition and can be only operated in the City limits for snow removal purposes on private driveways, sidewalks and private parking lots and shall be equipped with a functioning blade or snow blower at all times of operation. 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 Seconded By: Maupin
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Chapter 81, All-Terrain Vehicles and Snowmobiles of the Burlington Municipal Code

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

CARRIED

RESOLUTIONS:

Introduced By: Maupin

Seconded By: Graham-Murray

1. Resolution Authorizing the Filing of an Application with the State of Iowa and Southeast Iowa Regional Planning for STBG Funds for Improvements on Valley Street from 5th Street to Front Street

DISCUSSION: The Assistant City Manager for Public Works stated that the City was applying for Federal Surface Transportation Block Grant (STBG) program funds to resurface Valley Street between 5th Street and Front Street. The project would include roadway reconstruction with full-depth concrete, as well as sidewalk replacement and enhancements. He stated that the

total cost is estimated at \$2,150,000.00 (in 2025 dollars). He stated that the STBG grant is approximately \$1,300,000.00 with the City's cost of \$850,000.00. He stated that the City currently has \$1,500,000.00 budgeted for the project in 2025. He further stated that if the City does not receive the STBG grant funds for the project, then the project would be altered to meet the City's current \$1,500,000.00 budgeted funds. He stated that the project would be funded by TIF funds. Chris Roepke of 2228 Madison Avenue questioned why the grant application wasn't in the City Council's packet. The Assistant City Manager for Public Works stated that his office was still finalizing the written grant application. Chris Roepke of 2228 Madison Avenue stated that using TIF monies was not a good idea. He stated that using TIF monies was taxing everyone in Burlington. He also stated that voting on a grant application with no details was not a good idea. The City Manager stated that the City's portion was covered by TIF and the project did not include a bike lane. Council Member Rinker stated that not having the grant application in the City Council's packet was a very minor thing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Maupin

Seconded By: Graham-Murray

2. Resolution to Approve a City Contribution of Not to Exceed \$170,000 to the Burlington Passing Track Relocation Project

DISCUSSION: The Assistant City Manager for Public Works reviewed the Burlington Passing Track Relocation Project with Council and the viewing audience. He stated that Burlington Junction Railway and the City have mutually agreed that certain tracks owned by the railway are in need of relocation, not only for reasons beneficial to the operation of the railway, but for public safety, community aesthetics and general improved flow of traffic and pedestrians in the downtown. He stated that the City has been working with the railway on the relocation of the tracks and plans have been created that will allow for the installation of a flood wall/gate system that takes into account the new track relocation. He stated that the overall estimated project would be approximately \$300,000.00 and the investment by the City would not exceed \$170,000.00 contingent upon proof of expenditures from the railroad. Council Member Rinker stated that due to cost sharing he would be voting no. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" Billups, Critser, Graham-Murray and Maupin

1 - "NAY" Rinker)

ADOPTED

Introduced By: Critser

Seconded By: Graham-Murray

3. Resolution Approving Application for Funds from the Transportation Alternatives Program (TAP) for a Phase of the Dankwardt Park to Mason Road Trail Connection

DISCUSSION: The Development and Parks Director stated that the City was not applying for a grant application for funds from the Transportation Alternatives Program (TAP) for a Phase of the Dankwardt Park to Mason Road Trail Connection. He stated that the funds were not in this year's City budget for the required match. He urged the Council to vote down the Resolution and he would come back next year to apply for the grant. Chris Roepke of 2228 Madison

Avenue stated that the grant application was not provided in the City Council’s meeting packet. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - “NAYS”)

FAILED

Introduced By: Critser

Seconded By: Graham-Murray

4. Resolution Approving the Five Year Road Plan Fiscal Year 2022-2026

DISCUSSION: The Assistant City Manager for Public Works reviewed the five year road plan for fiscal years 2022-2026 with Council and the viewing audience. The five year road plan would consist of the following: fiscal year 2021-2022 reconstruction of Harrison Avenue from Summer Street to Main Street and the reconstruction of Main Street from Angular Street to highway 34 (TIGER Grant); fiscal year 2022-2023 reconstruction of Madison Avenue/9th Street from Angular Street to Sunset Avenue and reconstruction of Jefferson Street from Front Street to Central Avenue (TIGER Grant); fiscal year 2023-2024 reconstruction of Washington Street from Front Street to Central Avenue, reconstruction of Agency Street from Melrose Court to Curran Street, resurfacing of Terrace Drive from Division Street to West Avenue, resurfacing of Johannsen Drive from Terrace Drive to Roosevelt Avenue and resurfacing Division Street from Plane Street to Leebrick Street; fiscal year 2024-2025 reconstruction of Summer Street from Harrison Avenue to Koestner Street and fiscal year 2025-2026 reconstruction of Cascade Bridge and reconstruction of Valley Street from Front Street to 5th Street. He explained there may be some changes to the reconstruction project on Washington Street from Front Street to Central Avenue that is listed for fiscal year 2023-2024 and the Council could amend the Resolution, but the project is in the future and the 5-year road plan could be amended next year. Chris Roepke of 2228 Madison Avenue stated that Madison Avenue/9th Street from Angular Street to Sunset Avenue would have the removal of on-street parking and a bike lane. He stated that a safety study has never been done based on elementary children riding their bikes in that area. He stated that the removal of on-street parking and a bike lane would hurt the tax base and be not be safe for children. Mayor Billups stated it is a \$127,000,000.00 aggressive program and he liked it. 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: Freddie Starling of 517 South 7th Street thanked the City Council for the opportunity to speak. He stated his concern about the hiring of a new Police Chief. He stated that he realized there was a pandemic happening, but he did not see an open advertisement for the position of Police Chief. He stated that he wanted to be heard and an active part of what happens in Burlington. He stated that he attended the meeting held at Memorial Auditorium and he saw nothing benefitting black people as black people are getting murdered. He stated that he came to the City Council meeting concerned that the lives of black people were being shot down. He stated that there was favoritism when the City has someone in the ranks that could be the new Police Chief. He stated that if you want to know the heart of the community then contact the black pastors. He stated that he is a dissatisfied customer of the City. Chris Roepke of 2228 Madison Avenue stated that the City applying for grants at the end

of the calendar year was not a good time. He stated that the process needed to be more up front and open. He stated that neighborhoods were being hurt when you remove parking and construct bike trails. He stated that many of the side streets in Burlington were in bad condition and needed repaired. He also urged the Council to purchase a radar trailer and place it in high traffic areas to help with speeding. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:36 p.m.

Approved: January 4, 2021

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

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving Nuisance Abatements for Various Properties
2. Resolution Approving Final Acceptance and Release of Retention Monies for the 2018 Mt. Pleasant Street HMA Overlay Project
3. Resolution Approving the Burlington Fire Department's 2020-2025 Strategic Plan
4. Resolution Approving the Refunding of the Confined Space Agreement Fees for the Blackhawk Services Corporation
5. Resolution Approving Submittal of Proposal for Funding Through the Iowa Department of Agriculture and Land Stewardship

SET DATE FOR PUBLIC HEARING: JANUARY 4, 2021

1. Consideration of an Ordinance Amending Section 155.03 Sections Amended of Chapter 155 International Building Code of the Burlington Municipal Code

APPOINTMENTS:

Airport Authority: John Schulz
Animal Hearing Board: KC Shoemaker
Flint Hills Golf Course Advisory Committee: Sherry Zeller