

Subject to change as finalized by the City Clerk.  
For a final official copy contact the City Clerk's office at (319) 753-8124.

MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 42  
September 20, 2021

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, Maupin and Rinker present. Council Member Graham-Murray participated via electronic communications.

BURLINGTON CITY COUNCIL

COMMENTS FROM AUDIENCE: Gail Lawler of 534 May Avenue stated that the house across the street from her was a dump. She stated that there were no toilets in the home and pigeons have made their home inside. She stated that something needed to be done with the property as she was trying to restore her property and it affects her property value. 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: Maupin

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: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of Sale of Property Locally Known as 535 May Avenue, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 535 May Avenue through the abandoned building program. He stated that the home was built in 1918 and was 1,700 square feet, 3-bedrooms, 1-bathroom home. He stated that the home shall be rehabbed to minimum housing standards prior to occupancy. Defective items shall be repaired as needed and necessary. A licensed plumber and electrician shall inspect and sign off that such items in the property meet or are brought up to City Code standards. Exterior siding shall be replaced, porch repaired, foundation repaired and trim repaired/replaced as necessary. Window and roof repair or replacement shall occur. HVAC system required to be repaired or replaced. Sidewalk shall be replaced and addition of two paved off-street parking spaces provided. Purchaser shall maintain property and yard and hold insurance on such property upon approval of the sale by the City Council. Work shall be initiated within 60 days and be substantially completed within 180 days with an extension of 180 days may be granted by the Development Department if significant progress has been made. He stated that the property shall be transferred by quit claim deed. 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: Critser

CARRIED

Introduced By: Maupin                      Seconded By: Rinker  
Motion to Amend Exhibit “C” of the Resolution Approving the Sale of Property Locally Known as 535 May Avenue, City of Burlington, Des Moines County, Iowa that the Property be Sold to Brandon Plowman and Brendon Plowman in the amount of \$500.00

DISCUSSION: None.  
(VOTE: 5 - “AYES”)

CARRIED

Introduced By: Maupin                      Seconded By: Rinker  
Resolution Approving Sale of Property Locally Known as 535 May Avenue, City of Burlington, Des Moines County, Iowa

DISCUSSION: None.  
(VOTE: 5 - “AYES”)

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1211 Cedar Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the property at 1211 Cedar Street through the abandoned building program. He stated that the home was demolished and was being sold to the adjacent property owner at 800 South 13<sup>th</sup> Street to increase their lot size. He stated that it has recently come to the City’s attention that there is a sewer that runs diagonally through the property so he recommended that the City Council not approve the sale until an easement area can be determined. The City Clerk suggested to the City

Council that they close the public hearing, introduce the Resolution for sale and not second the Resolution and let it die for a lack of a second. 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: None - DIED FOR A LACK OF A SECOND  
Resolution Approving the Sale of Property Locally Known as 1211 Cedar Street, City of Burlington, Iowa with Conditions

3. Statement: Consideration of an Ordinance Repealing Chapter 170.65 Floodplain Regulations and Adopting a New Chapter 170.65 Floodplain Management of Chapter 170 Zoning and Subdivision of the Burlington Municipal Code

COMMENTS: The Development and Parks Director stated that the Iowa Department of Natural Resources (DNR) has updated their floodplain regulations and are requiring cities to match their model regulations by October 2021 in order to stay in the National Flood Insurance Program. He further reviewed the minor changes with the City Council and the viewing audience. Council Member Rinker asked with the changes to the floodwall, if it would affect flood insurance premiums in the downtown area. The Development and Parks Director stated that the City's temporary floodwall has not gone through the certification process and he was not sure with the floodwall being temporary if it was eligible for certification. The City Manager stated that the City would need to look at the expense of the certification with adjustments to the levy through the Army Corp. verses the tradeoff of flood insurance. 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: Maupin

CARRIED

Introduced By: Rinker                      Seconded By: Critser  
Motion for Preliminary Adoption of the First Reading of an Ordinance Repealing Chapter 170.65 Floodplain Regulations and Adopting a New Chapter 170.65 Floodplain Management of Chapter 170 Zoning and Subdivision of the Burlington Municipal Code

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

CARRIED

ORDINANCE:

Introduced By: Critser

Seconded By: Maupin

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of

Locust Street, Between South Main Street and South 3<sup>rd</sup> Street, Burlington, Iowa

DISCUSSION: The Development and Parks Director reviewed the proposed Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located South of Locust Street, Between South Main Street and South 3<sup>rd</sup> Street with the City Council and the viewing audience. He stated that the owner of 916 South 3<sup>rd</sup> Street owns a total of 3-lots and would like to put up a fence around his property. He stated that the City Planning Commission voted 5-0 to recommend the approval of the vacating of the right-of-way based on the petition of the applicant property owner to combined this area with their land and based on the lack of need and use of the right-of-way by the City and utility companies for access or easement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Critser

Seconded By: Rinker

2. 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 Alley Right-of-Way Located South of Locust Street, Between South Main Street and South 3<sup>rd</sup> Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTION:

1. Resolution Approving the Sidewalk Improvement Program (ITEM WAS NOT INTRODUCED OR SECONDED - NO ACTION TAKEN)

DISCUSSION: The City Manager stated that the Council will simply engage in discussion of the sidewalk improvement program as there needed to be more discussion of the program prior to the approval by the City Council. He stated that staff will bring back the item later to the Council at a future work session. Council Member Rinker stated that he felt the program needed to be percentage based and only fixing sidewalks that are in extreme need of repair. He further stated that the percentage needed to be high enough that people will replace their sidewalks. Council Member Maupin also stated that the incentive needed to be enough to make people replace their sidewalks. Council Member Graham-Murray stated that she was in favor of a sidewalk policy as families look at walkability when choosing where to live. She stated that she was not in favor of percentage and she would like to see sidewalks required for all new subdivisions. Mayor Billups stated that the City Council will be discussing this issue further at a future work session. There was no action by the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:24 p.m.

Approved: October 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

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving an Agreement with Aspen Grove Cemetery
2. Resolution Approving Water Recreation Access Cost-Share Grant Application
3. Resolution Approving the Purchase of Temporary Construction Easements and One Permanent Easement for the 2021 Harrison Avenue Reconstruction

SET DATE FOR PUBLIC HEARING: OCTOBER 4, 2021

1. Consideration of Sale of Property Locally Known as 503 Holstein Street, City of Burlington, Iowa with Conditions