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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 8
April 18, 2022

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

PROCLAMATIONS:

- * Earth Day - Eric Tysland
- * Arbor Day - Ryan Gourley

COMMENTS FROM AUDIENCE: None

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: Maupin

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. The City Manager gave a brief update about the Resolution Approving Bond Purchase Agreement for the Sale of General Obligation Corporate Purpose and Refunding Bonds, Series 2022A that was listed on the consent agenda. 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 Agreement with Matteson Marine Service, Inc. for Riverfront Lease and Mooring Agreement

COMMENTS: The City Manager stated that the agreement is for a period of five (5) years with two optional five year renewals. 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
Resolution Approving Agreement with Matteson Marine Service, Inc. for Riverfront
Lease and Mooring Agreement

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

ADOPTED

2. Statement: Consideration of an Ordinance Rezoning the Properties Locally Known as 1521 and 1534 Madison Avenue from R-2, Single-Family Residential (Transitional) to C-1, Limited Commercial Zoning District

COMMENTS: The Development and Parks Director stated that the ordinance will rezone two long time commercial properties. He stated that on March 22, 2022 the City Planning Commission voted (5-0) to recommend approval of the requested rezoning. He stated that 1521 Madison Avenue is a recording studio and 1534 Madison Avenue is Joe's Inn. He stated that the property owners would like the properties rezoned correctly so that they are protected for any future use should the properties ever be damaged. 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: Critser Seconded By: Maupin
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning the
Properties Locally Known as 1521 and 1534 Madison Avenue from R-2, Single-Family
Residential (Transitional) to C-1, Limited Commercial Zoning District

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

CARRIED

3. Statement: Consideration of an Ordinance Amending Chapter 105 Garbage and Solid Waste

COMMENTS: The City Manager stated that the amendment will provide for more strict enforcement of unlawful use of private dumpsters, garbage and solid waste containers. Council Member Billups stated that this was a longtime issue for business owners and he was glad that it was being resolved. The City Manager stated that it would still be advisable to post a "no unlawful dumping" sign on any containers and if possible lock any dumpsters. 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

Seconded By: Maupin

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Chapter 105 Garbage and Solid Waste

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

CARRIED

4. Statement: Consideration of a Permanent Encroachment Agreement with Churchill Lofts LLC for Encroachment into City Right-of-Way Adjacent to Property at 100 North 4th Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the property is located in an alley between 3rd Street and 4th Street, West of Napoli's building and East of Churchill building. He stated that the encroachment includes a stair access to the East side of the building, natural gas relocation and electrical distribution tap box, all located within the alley right-of-way on the east side of the building into the alley. He stated that a second means of egress is required by code.

He stated that all of our alleys are tight with dumpsters and egress but this was critical egress for the development of the building. He stated that the measurements meet the minimum requirements. Patrick Kelley of 11888 Irish Ridge Road representing Charlie Walsh with F&M Bank & Trust stated their concerns of the egress. He stated that they were concerned about the narrowing of the alley if stairs were installed. He stated that there was a considerable amount of traffic using the alley from the parking lot. He further expressed his concern for the safety of the citizens and if emergency vehicles would be able to use the alley. Council Member Critser stated that he had the same concerns with a wide vehicle but he felt that it wouldn't make the travel down the alley any harder than it already is and it will work. Council Member Billups asked if the parking lot was at the same level as the alley and if it was one way traffic in the alley. The Development and Parks Director stated that it was one way East traffic and the parking lot is the same level as the alley. Council Member Rinker asked if foldable stairs to be used in an emergency would be an option. The Development and Parks Director stated that he didn't think that foldable stairs would meet the City code. After considerable discussion it was decided to approve the encroachment agreement and work with the property owners regarding possible movement of the gas meter. 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: Rinker

CARRIED

Introduced By: Critser Seconded By: Rinker

Resolution Approving Permanent Encroachment Agreement with Churchill Lofts LLC for Encroachment into City Right-of-Way Adjacent to Property at 100 North 4th Street, Burlington, Iowa

DISCUSSION: None.

(VOTE: 4 - “AYES” - Rinker, Billups, Critser & Graham-Murray
1 - “NAY” - Maupin)

ADOPTED

5. Statement: Consideration of Status of Funded Activities for the City of Burlington, Housing Sustainability Rehabilitation Project

COMMENTS: Jordan Frahm with Southeast Iowa Regional Planning Commission gave an update on the status of funded activities for the City of Burlington, Housing Sustainability Rehabilitation Project. He stated that Burlington received a community development block grant for housing sustainability to rehabilitate six homes. He stated that the total grant is for \$238,994 and \$118,684 has been spent to date. He stated that no local match was needed for this grant. He stated that homeowners can receive up to \$24,999 in hard construction costs and up to \$4,500 in lead safe work practices to mitigate lead hazards. He stated that four projects are complete, one project is under construction and one project will be under construction by May 2022. He stated that the grant end date is August 1, 2022. He discussed properties located at 1110 South 6th Street, 1104 South 6th Street, 1001 South 7th Street, 801 South Street, 908 South 9th Street and 920 South 6th Street. The Development and Parks Director stated that no action needed to be taken but it was a requirement by the grant to give an update to the City Council. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Critser Seconded By: Rinker
Motion to Close

CARRIED

6. Statement: Consideration of an Application for Housing Conversion Grant from the Iowa Economic Development Authority, Community Development Block Grant Program – COVID-19 for a Project at 902 Oak Street, Burlington, Iowa

COMMENTS: Jordan Frahm with Southeast Iowa Regional Planning Commission discussed the housing needs assessment with the council and the viewing audience. Need For The Activities Was Identified: The City of Burlington needs affordable rental housing units and would benefit from the revitalization of underutilized properties. A private developer, Nexus Development, is proposing the rehabilitate the upper story portion of the property at 902 Oak Street to provide safe, affordable rental housing in Burlington. How the Proposed Activity will be funded: Community Development Block Grant – COVID Housing Conversion Program through the Iowa Economic Development Authority. The developer, Nexus Development, will fund the remainder of the project. Date Application is Due: The CDBG-COVID application for Housing Conversion is due April 30, 2022. Requested Amount of Federal Funds: City of Burlington will request \$500,000 from the Iowa Economic Development Authority Community Development Block Grant - COVID Program for construction of the units. Federal Funds That Will Benefit

Low-and Moderate-Income Persons: At a minimum, 51% of the grant funds will benefit the Low-and Moderate-Income persons in the area where the project is located. The US Census Data for the City of Burlington indicates that 51.4% of the community is LMI. Where the Activity will be conducted: The project will take place in the community of Burlington located in Des Moines County. Minimize Displacement of Persons: During construction of the project, there should be no residents that will have to be displaced. Plans to Assist Persons Displaced: City of Burlington will adopt a Residential Anti-Displacement and Relocation Assistance agreement to comply with Community Development Block Grant requirements and will update as needed. Nature of the Proposed Activity: The developer, Nexus Development, plans on developing 6 units. Four units will be on the second floor of 902 Oak Street and 2 units will be on the first floor at the rear of the building. These will be rented to LMI tenants for the 3-year affordability period.

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 Seconded By: Rinker
Resolution Approving an Application for Housing Conversion Grant from the Iowa Economic Development Authority, Community Development Block Grant Program – COVID-19 for a Project at 902 Oak Street, Burlington, Iowa

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

ADOPTED

7. Statement: Consideration of Consolidated Transit Grant Application

COMMENTS: The Burlington Urban Services Transit Manager stated that annually the City has a public hearing for Burlington Urban Service (BUS) to announce the intended receipts from the State and Federal funding for public transit. He stated that this year the anticipated amounts for State Transit Operating Assistance was \$283,971.00 and Federal Transit Operating Assistance was \$499,434.00. He stated that the Transportation Improvement Plan (TIP) was a five year plan that shows the purchase of one light duty bus and four medium duty buses in the event federal funding becomes available and a local match is found for the next fiscal year. 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: Critser
Resolution Approving Consolidated Transit Grant Application

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

ADOPTED

RESOLUTIONS:

Introduced By: Maupin

Seconded By: Critser

1. Resolution Awarding Contract for the 2022 Sealcoat Streets Project

DISCUSSION: The Assistant City Manager for the Public Works Department stated that the project consists of resurfacing of several sealcoat streets in the City and that contract would be awarded to WL Miller Company in the amount of \$602,738.03. 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

2. Resolution Awarding Contract for the 2022 Brooks Basin I&I Reduction Project

DISCUSSION: The Assistant City Manager for the Public Works Department stated that the project aims to perform sanitary sewer lining and pipe repairs in the North Hill area, specifically in the basin that contributes to the Brooks Street line. He stated the repairs are aimed at reducing substantial sources of inflow and infiltration identified by flow monitoring. He stated that contract would be awarded to Municipal Pipe Tool Company, LLC in the amount of \$752,374.30. 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: Critser

3. Resolution Approving the Demolition of The Port of Burlington Stage

DISCUSSION: The Assistant City Manager for the Public Works Department stated that it would cost approximately \$55,000.00 to have the Port of Burlington stage removed plus \$30,000 in electrical costs. Mike O'Neil, Executive Director with Burlington Riverfront Entertainment stated that the stage was constructed sometime in the early 1990's. He stated that Burlington Riverfront Entertainment has never used the stage since taking over. He stated that it was easier and more cost efficient to bring in a mobile stage. 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: Maupin

4. Resolution Approving Purchase of a 2022 Chevrolet 1500 Silverado Crew Cab for the Burlington Fire Department

DISCUSSION: Council Member Rinker stated that his father is a salesperson at Deery Brothers and he would abstain from voting. 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 & Maupin ADOPTED

1 - ABSTAINED - Rinker)

Adjournment: 7:02 p.m.

Approved: May 2, 2022

Katie Music, CMC
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 Purchase of a Replacement Roof Top Unit for the Memorial Auditorium
2. Resolution Approving the Purchase of LED Lights for the Public Works Building
3. Resolution Approving Purchase of a Bobcat TL619 for the Public Works Department
4. Resolution Approving Bond Purchase Agreement for the Sale of General Obligation Corporate Purpose and Refunding Bonds, Series 2022A
5. Resolution Approving Proposal for Upgrade of the Burlington, Iowa Wastewater Treatment Facility SCADA System's Remote Telemetry and Controls
6. Resolution Approving Application for Funds from the Federal American Rescue Act State and Local Fiscal Relief Funds through the Home Rehabilitation Block Grant Pilot Program

SET DATE FOR PUBLIC HEARING: May 2, 2022

1. Consideration of an Ordinance Amending Section 161.05, Inspection and Enforcement of Chapter 161, Housing Code of the Burlington Municipal Code