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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 9
May 2, 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, Graham-Murray, Maupin and Rinker present. Council Member Critser left at 6:57 p.m.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * Historic Preservation Month - Hal Morton
- * Police Week - Marc Denney
- * Municipal Clerks Week - Katie Music

CONGRATULATIONS TO THE GRADUATES OF THE 5TH ANNUAL CITIZEN'S CITY ACADEMY

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: 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. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

HEARING:

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

COMMENTS: City Manager Chad Bird stated the proposed amendments were being presented based on several discussions at previous Work Sessions regarding housing and desire for increased inspections to improve the quality of housing in the community. He stated that the code amendment will increase rental inspection frequency from a 3- or 5- year to a 2- or 4-year rotation. He stated that by increasing inspection frequency it would assist public health and safety matters with properties that continue to receive more complaints. Development and Parks Director Eric Tysland stated based on the age of the housing in Burlington increasing frequency of inspections would potentially catch some of the issues before they become a problem. Doug Ziegler of 1007 Monticello Drive asked if the intent of the code change was life safety or quality of the individual properties. Mayor Billups stated that both were reasons for the potential code change. Ziegler stated that there might be other ways to address the quality of the property rather than through rental inspections. He stated that he didn't feel that increasing the rental inspection fees and frequency would have an impact on the increased housing stock in Burlington. Council Member Maupin asked why the property owner isn't contacted directly when there is a nuisance complaint. Ziegler stated that he has a good relationship with the nuisance inspectors and they will contact him directly. Terry Arellano of 2800 South Main Street, President of the Southeast Iowa Property Owners Association stated that last year there were almost the same number of fires in owner occupied vs rental properties. She asked what is being done to regulate owner occupied properties. City Manager Bird stated that there is nothing in the Iowa Code that allows the City to regulate residential properties. Arellano stated that no matter the number of inspections or the frequency, there is no way to prevent people from taking down smoke detectors. Mayor Billups stated that he feels that the increased inspections are for the safety of the residents from smoke detectors to the structure of a unit. Arellano asked what the city is doing about unlicensed rental properties. Tysland stated that his department sends out letters monthly for illegal rentals. Tammy Cominsky of Dallas City stated that she owns property in Burlington. She asked how many nuisance complaints the city received from owner occupied vs rental properties. She stated that she feels that rentals are being singled out. Council Member Critser asked if a nuisance complaint would prompt a rental inspection. Tysland stated it would only prompt an inspection if there was a complaint from the tenant. Chase Gibb of 20 Cascade Terrace stated that money that he would pay in any additional inspections is money that could be invested in other properties in Burlington. Council Member Rinker asked if rental inspectors time was tracked doing inspections and paperwork. Tysland stated there is currently not a daily log done to record time spent on each property. Council Member Rinker stated that it's hard to know how much money is being spent on rental inspections if inspectors time is not being recorded. He referenced a court ruling in Council Bluffs from 2018 where the city was sued due to rental fees exceeding the cost incurred from inspections done by the City. City Manager Bird stated that the revenues trailed the expenses by approximately \$30,000 to run the program beyond what is collected in fees. Tysland stated that the building code and housing code are life safety codes as well as the fire safety codes. He stated the inspectors are also looking at other life safety issues other than smoke detectors and fire extinguishers. He stated they are also looking at plumbing, electrical, access and egress issues. Arellano stated that the group of landlords has been in contact with the lawyer in the Council Bluffs case. Council Member Maupin stated that the council is doing the best they can. 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 Section 161.05, Inspection and Enforcement of Chapter 161, Housing Code of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 1 - "AYES" - Graham-Murray

4 - "NAYS" - Critser, Maupin, Rinker & Billups)

FAILED

Council Member Critser left the meeting at 6:57 p.m.

ORDINANCES:

Introduced By: Maupin

Seconded By: Rinker

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: Development and Parks Director Eric Tysland stated that the City Planning Commission voted (5-0) on March 22, 2022 to recommend approval of the requested rezoning. He stated that the recommendation of the planning commission was based on historic use and original construction of the properties as neighborhood commercial and the minimal impact on neighboring residential properties based on the size of the buildings within the proposed area. He stated that the proposed request does meet the current Future Land Use Map designation of the Comprehensive Plan - Neighborhood Mixed Use, which indicates C-1 as a suitable zoning district. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

CARRIED

Introduced By: Maupin

Seconded By: Rinker

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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: 4 - "AYES")

CARRIED

Operation for the 2022 Construction Season

DISCUSSION: Operations Manager for Public Works Chris Clements stated that the BUS services would be extended from 6 pm to 10 pm on May 12, 2022 for SCC's graduation due to the TIGER grant construction. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Introduced By: Rinker Seconded By: Maupin

4. Resolution Authorizing a Loan Agreement, Providing of the Issuance of \$9,635,000 General Obligation Corporate Purpose Bonds, Series 2022A and Providing for the Levy of Taxes to Pay the Same

DISCUSSION: City Manager Bird stated that this is the final action on the loan agreement for the issuance of the general obligation bonds. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES")

ADOPTED

Adjournment: 7:15 p.m.

Approved: May 16, 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 Adopting the Personnel Manual for Non-Union Employees
2. Resolution Approving Installation of New Electric Service at the Memorial Auditorium
3. Resolution Approving Duplication of Benefits Policy for a CDBG-CV (Community Development Block Grant - COVID 19) Projects

SET DATE FOR PUBLIC HEARINGS: May 16, 2022

1. Consideration of Fiscal Year 2021-2022 Budget Amendment No. 1
2. Consideration of CDBG: COVID-19 Grant Application for Broadband/Public Wi-Fi