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MINUTES OF THE PROCEEDINGS  
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 18  
September 19, 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 Graham-Murray, Maupin and Rinker present. Council Member Critser participated via electronic communications and arrived at 5:47 p.m.

BURLINGTON CITY COUNCIL

PROCLAMATION:

Domestic Violence Awareness Month - Bronis Perteit & Marquise Lewis

COMMENTS FROM AUDIENCE: Yasir Abdeirahman stated that he purchased a home at 1323 Angular Street from the City of Burlington in July, 2021. He stated that he would like to request a two-month extension to his current deadline to complete the renovation of the house. He stated that due to staffing and contractor issues he has been unable to complete the project. The Development and Parks Director stated that city staff could do an inspection and give an update on progress that has been made at the next Work Session. 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: Graham-Murray

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. 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 Sale of Property Locally Known as 510 South 6<sup>th</sup> Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the home at 510 South 6<sup>th</sup> Street through the court system as an abandoned building. He stated that the home was a two-story, four bedroom and 1 full bath home with a full basement. He stated that it would be sold “as is” and shall be rehabbed to minimum housing standards prior to any occupancy. He reviewed the conditions of the sale of property: 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; all electrical, plumbing, and HVAC work is required to be completed by a licensed contractor; public sidewalk shall be repaired as necessary; off street parking requirements shall be provided as required, with paved, hard surface; exterior siding, foundation, trim, windows, and roof shall be repaired or replaced as necessary; interior drywall, kitchen, and bath shall be repaired or replaced as necessary; all permits shall be received and codes shall be met, as applicable, for work and/or occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale by the City Council. He stated that work must be initiated within 60 days; should the property be rehabbed, it shall be substantially completed within 180 days of approval by the City Council; an extension of 180 days may be granted if significant progress is made. He stated that full payments for purchase of property shall be made in full within 30 days; a letter from a bank or financial institution shall be provided to the City within 30 days verifying the purchaser has a minimum of \$10,000 available through a loan or personal finances for the required rehab work on the purchased property. He stated failure to meet time frames may result in forfeiture of sale and purchase with no refund of any paid purchase amount. He stated that the City may resell the property after forfeiture. He stated that quit claim deed shall be transferred to purchaser upon completion of all required renovation items or demolition work as listed above. He stated that two (2) bids have been received for the property. Mayor Billups led an auction for the Sale of Property Locally Known as 510 S. 6<sup>th</sup> Street, City of Burlington, Des Moines County, Iowa. Fabian Martinez of 119 Russell Street, Oakville was the high bidder at \$750.00. 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: Maupin

CARRIED

Introduced By: Graham-Murray  
Motion to Amend Exhibit “C” of the Resolution Approving Sale of Property Locally Known as 510 South 6<sup>th</sup> Street, City of Burlington, Iowa with Conditions that the Property be Sold to Fabian Martinez in the amount of \$750.00

Seconded By: Rinker

Introduced By: Graham-Murray  
Resolution Approving Sale of Property Locally Known as 510 South 6<sup>th</sup> Street, City of Burlington, Iowa with Conditions

Seconded By: Rinker

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

ADOPTED

2. Statement: Consideration of Sale of Property Locally Known as 1207 North 9<sup>th</sup> Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that the City acquired the home at 1207 North 9<sup>th</sup> Street through the court system as an abandoned building. He stated that the home was a two-story home with a full basement. He stated that it would be sold “as is” and shall be rehabbed to minimum housing standards prior to any occupancy. He reviewed the conditions of the sale of property: 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; all electrical, plumbing, and HVAC work is required to be completed by a licensed contractor; public sidewalk shall be repaired as necessary; off street parking requirements shall be provided as required, with paved, hard surface; exterior siding, soffit, fascia, trim, windows, and roof shall be repaired or replaced as necessary; interior framing and wall finishes shall be repaired or replaced as necessary; all permits shall be received and codes shall be met, as applicable, for work and/or occupancy of the home; purchaser shall maintain property and yard and hold insurance on such property upon approval of sale by the City Council. He stated that the building permit and work shall be initiated within 60 days; should the property be rehabbed, it shall be substantially completed within 180 days of approval by the City Council; an extension of 180 days may be granted if significant progress is made. He stated that should the property be demolished, it shall be completed within 90 days of approval of purchase by the City; and extension of 60 days may be granted if significant demolition progress is made. He stated that full payments for purchase of property shall be made in full within 30 days; a letter from a bank or financial institution shall be provided to the City within 30 days verifying the purchaser has a minimum of \$10,000 available through a loan or personal finances for the required rehab work on the purchased property. He stated failure to meet time frames may result in forfeiture of sale and purchase with no refund of any paid purchase amount. He stated that the City may resell the property after forfeiture. He stated that quit claim deed shall be transferred to purchaser upon completion of all required renovation items or demolition work as listed above. He stated that two (2) bids have been received for the property. Mayor Billups led an auction for the Sale of Property Locally Known as 1207 North 9<sup>th</sup> Street, City of Burlington, Des Moines County, Iowa. Mohammad Nowroozi of 2714 Bittersweet Place, Burlington was the high bidder at \$550.00. 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: Graham-Murray  
CARRIED

Introduced By: Maupin  
Motion to Amend Exhibit “C” of the Resolution Approving Sale of Property Locally Known as 1207 North 9<sup>th</sup> Street, City of Burlington, Iowa with Conditions that the Property be Sold to Mohammad Nowroozi in the amount of \$550.00

Seconded By: Critser

Introduced By: Maupin  
Resolution Approving Sale of Property Locally Known as 1207 North 9<sup>th</sup> Street, City of Burlington, Iowa with Conditions

Seconded By: Critser

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

ADOPTED

3. Statement: Consideration of an Ordinance Rezoning Property Locally Known as 705 Maple Street to include a Planned Unit Development Overlay Zone (Salter Square PUD)

COMMENTS: The Development and Parks Director stated that the proposed ordinance rezones 705 Maple Street to include a Planned Unit Development Overlay Zone (Salter Square PUD). He stated that it is currently zoned C-1, Limited Commercial Zoning District on the property and adding a Planned Unit Development (PUD) Overlay Zone on the entire property. He reviewed the conditions of the rezoning. He stated that the City Planning Commission held a public meeting on August 16, 2022 to review the request to rezone. He stated that the Planning Commission voted 4-0 to recommend approval of the rezoning of said property based on the request and plans of the property owner, adaptive reuse of the existing (former school) building and designation as Neighborhood Mixed Use (NMU) on the Future Land Use Map of the Comprehensive Plan. 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: Graham-Murray

CARRIED

Introduced By: Maupin  
Motion for Preliminary Adoption of the First Reading of an Ordinance Rezoning Property Locally Known as 705 Maple Street to include a Planned Unit Development Overlay Zone (Salter Square PUD)

Seconded By: Rinker

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

CARRIED

4. Statement: Consideration of an Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Property Locally Known as 816 Valley Street, Burlington, Iowa

COMMENTS: The Development and Parks Director stated that the request was to vacate and sell a portion of alley right-of-way located North of the property locally known as 816 Valley Street, Burlington, Iowa. He stated that the City Planning Commission held a public meeting on August 16, 2022 and voted 4-0 to recommend approval of the vacating of the described right-of-way based on petition of the adjacent property owner, lack of City utilities, access, or use of the right-of-way and desire of adjacent property owner to combine this lot with their adjacent lot. 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: Graham-Murray

CARRIED

Introduced By: Critser                      Seconded By: Maupin  
Motion for Preliminary Adoption of the First Reading of an Ordinance Vacating and  
Selling a Portion of Alley Right-of-Way Located North of Property Locally Known as  
816 Valley Street, Burlington, Iowa

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

CARRIED

5.        Statement: Consideration of an Ordinance Amending Section 170.30.60 Airport  
Approach Regulations of Chapter 170 Zoning and Subdivision of the Burlington  
Municipal Code

COMMENTS: The Development and Parks Director stated that the current language in the code is outdated. He stated that the City Planning Commission held a public meeting on August 16, 2022 and voted 4-0 to recommend approval of the amendments to the Airport Approach Regulations as an update to the City's Zoning Code. He stated that the recommendation was based on well-defined identification of approach and runway zones and corresponding height restrictions, along with creating clear and consistent language for development and enforcement around the existing airport. 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: Graham-Murray  
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section  
170.30.60 Airport Approach Regulations of Chapter 170 Zoning and Subdivision of the  
Burlington Municipal Code

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

CARRIED

6.        Statement: Consideration of an Ordinance Amending Section 161.04 Certificate of Rental  
Permit of Chapter 161 Housing Code of the Burlington Municipal Code

COMMENTS: The Development and Parks Director stated that the amendment to the rental code includes where any dwelling unit for which a certificate of rental permit is required by this Code is let to another for rent and/or occupancy by any person, business, or company who has obtained a prior rental permit or by the nature of their occupation knowingly let to another for rent and/or occupancy prior to obtaining the permit, the fees specified in this section shall be doubled. He stated that payment of such double fee shall not relieve any person from fully complying with the requirements of this code or from any other penalties prescribed in this chapter. 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

Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the Burlington Municipal Code

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

CARRIED

7. Statement: Consideration of a Development Agreement with Merge, LLC, Including Annual Appropriation Tax Increment Payments

COMMENTS: The City Manager stated that the development agreement with Merge, LLC for the property at 300 Washington Street, locally known as the Typewriter Building will include the creation of 20 residential units and is scheduled to be completed by December 31, 2025. 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 Development Agreement with Merge, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

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

ADOPTED

Adjournment: 6:32 p.m.

Approved: October 3, 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 Nuisance Abatements for Various Properties
2. Resolution Approving the Final Plat of E.W. Murphy Subdivision
3. Resolution Approving an Agreement with the Capitol Theater for Support of the Capitol Theater 2022 Capital Campaign
4. Resolution Approving 30-Day Cigarette Suspension for Khinda, LLC dba/Quik Stop for Third Violation of Providing Tobacco to Minors

SET DATE FOR PUBLIC HEARINGS: OCTOBER 3, 2022

1. Consideration of Plans and Specifications for 2700 Main Street Storm Sewer Improvements
2. Consideration of an Ordinance Amending Chapter 81 - All-Terrain Vehicles, Utility Terrain Vehicles and Snowmobiles
3. Consideration of Status of Funded Activities for the City of Burlington, 2008 Disaster Funds (Tama Project, 310 Jefferson Street)
4. Consideration of an Application for an Upper Story Housing Conversion Grant from the Iowa Economic Development Authority, Community Development Block Grant Program for a Project Located at 512-514 Jefferson Street

APPOINTMENTS:

Animal Hearing Board: Richard Herron