

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. 19  
October 3, 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 and Maupin present. Council Member Rinker was absent.

BURLINGTON CITY COUNCIL

PROCLAMATION:

Fire Prevention Week - Mark Crooks

COMMENTS FROM AUDIENCE: Tim Scott of 2017 S. 15<sup>th</sup> Street encouraged the City Council to readdress the parking ordinance and enforce vehicles parked in the right-of-way, vehicles parking illegally and abandoned vehicles. 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: 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. 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: 4 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of an Ordinance Amending Chapter 81 - All-Terrain Vehicles, Utility Terrain Vehicles and Snowmobiles

COMMENTS: City Manager Chad Bird stated that after confusion over the new State law and



Development Authority. Information she discussed included - funding is from CDBG-2008 Disaster; create 24 units on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the Tama building; total grant is for \$3,588,762 and \$2,412,250 has been drawn; no local match from the City was needed for this grant; grant was to benefit low to moderate income households in Burlington; 51% of the units must be rented to 80% of the Median Family Income Limits published by HUD; project has had two contract amendments (one year extension was allowed to finish construction and grant award was increased from \$2,551,020 to \$3,588,762); construction plans on being completed by mid-November - units must be leased by grant end date of December 31, 2022. 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

4. Statement: Consideration of an Application for Upper Story Housing Conversion Grant from the Iowa Economic Development Authority, Community Development Block Grant Program for a Project Located at 512-522 Jefferson Street, Burlington, Iowa

COMMENTS: Sara Hecox with Southeast Iowa Regional Planning Commission stated the following information about the Application for Upper Story Housing Conversion Grant from the Iowa Economic Development Authority, Community Development Block Grant Program for a Project Located at 512-522 Jefferson Street, Burlington, Iowa: 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, Sky and Sea Properties, is proposing the rehabilitate the upper story portion of the property at 512-522 Jefferson Street to provide safe, affordable rental housing in Burlington. How the Proposed Activity will be funded: Community Development Block Grant – Housing Conversion Program through the Iowa Economic Development Authority. The developer, Sky and Sea Properties, will fund the remainder of the project. Date Application is Due: The CDBG application for Housing Conversion is due November 1, 2022. Requested Amount of Federal Funds: City of Burlington will request \$550,000 from the Iowa Economic Development Authority Community Development Block Grant – Housing Conversion 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, Sky and Sea Properties, plans on developing 7 units. Four 2-bedroom units and three 1-bedroom units are planned for the upper floors. These will be rented to LMI tenants for the 5-year affordability period. She discussed the City of Burlington Housing Needs Assessment with the City Council and the viewing audience. Community Development and Housing Needs of LMI Persons - The median household income for the City of Burlington is 76% of the State of Iowa's median household

income (\$46,707 per year, compared to \$61,836). Yet conversely, the City's median gross rent is 102% of the State's median gross rent (\$826 per month, compared to \$806). This comparative mismatch between income and rental prices puts many Burlington households at a serious disadvantage. In particular, it suggests that for those residents whose income does not permit them to purchase a home, their rental options are likely limited to the lowest quality units available. The City of Burlington has received numerous upper story grants over the years to provide affordable rental units to LMI persons. The City is also cracking down on landlords who allow their properties to fall into disrepair. Down payment programs and grants are also a need for LMI persons in the community. With low incomes and high rents, residents in Burlington have trouble saving for down payments required by banks. These down payment programs provide opportunities for LMI persons to become homeowners. The City's median home value for owner-occupied homes is 61% of the State's median home value (\$94,000, compared to \$153,900). Improving the current housing stock and getting these values higher is a great need in the community. LMI persons often find it hard to keep up with rehab items or general maintenance of their homes. The age of housing stock in the community also contributes to the need of repairs. Limited income and expensive monthly utilities result in limited funds available to reinvest in the property. Other Community Development and Housing Needs - With the increasing age of Burlington's population the city is providing different housing opportunities for senior living. Cooperatives have been built and others are in the development stage. Market and affordable apartments are available in Burlington's downtown for seniors wanting to downsize. Condos are also available in downtown and throughout the community. Offering senior living also opens up single-family housing units to other residents through the sale of their current property. The City of Burlington's housing stock is much older than the rest of the state. 45% of all housing units were built prior to 1939 compared to 25% for the State of Iowa. With this age a housing stock, preservation is important to the community. To encourage homeowners to invest in maintenance or remodeling in their home the City of Burlington offers real estate tax abatement for real property improvements known as an Urban Revitalization Tax Exemption. Homeowners can get a three year 100% per year tax exemption or a 10 year sliding scale tax exemption. According to the Des Moines County Housing Needs Assessment, Burlington is estimated to need an additional 173 owner occupied units and 160 rental units by 2027. To encourage development the City may use tax increment finance districts to bridge financial gaps. Homeowners can also apply for tax abatement offered by the City. Homeowners can receive a three year 100% per year tax abatement or a 10 year sliding scale tax abatement. Planned or Potential Activities to Address Housing and Community Needs - In efforts to address these needs of LMI residents the City of Burlington offers a variety of programs. The City of Burlington is a member of the Great River Housing Trust Fund (GRHTF). This program allows for LMI homeowners to apply for rehab assistance with the (GRHTF). GRHTF was awarded an Affordable Housing Program available through the Federal Home Loan Bank to rehab 30 homes in the region. These additional funds will allow more homeowners to receive assistance and to complete projects require more assistance then the GRHTF allows. Burlington has utilized rehab funds from Community Development Block Grants with the Iowa Economic Development Authority and continues to work with this program. Homeowners can also apply with Community Action of Southeast Iowa with their weatherization program. These programs assist LMI households with funds to help with deferred maintenance items or help with the energy efficiency of the home. The City of Burlington has received two HOME grants funded by the

Iowa Finance Authority and will look at applying again in future years. GRHTF also offers down payment assistance to LMI persons. Burlington is trying to meet the demand for safe, sanitary, and affordable rental units. GRHTF allows for developers to apply for funds to create upper story apartments. These funds are typically for smaller projects (4 units or less). Burlington currently has a couple Multi-Family New Construction projects in its downtown. These two projects will create 30 units, 51% of these units will be available to LMI persons. Several projects with market units are also planned for development. The City of Burlington is restarting a Neighborhood Revitalization Program where neighbors work together and can receive funds to help with exterior items such as porch repair, exterior lights, sidewalks, shutters, and doors. The City is working to implement an exterior improvement program that would focus on roofing and siding of owner-occupied homes to improve viability of homes and appearance of neighborhoods. The City of Burlington is looking into committing funds received from the American Rescue Plan Act on a roof and siding program for LMI homeowners. The City of Burlington has a demolition program that provides funds to tear down homes that are beyond repair. The City works with developers or GRHTF to redevelop these lots. Infill development can save costs due to available infrastructure which keeps the overall redevelopment costs low. GRHTF has partnered with Southeastern Community College's construction trades program to build a single-family home on an infill lot and will explore this partnership on future projects. 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  
 Resolution Approving Application for Upper Story Housing Conversion Grant from the Iowa Economic Development Authority, Community Development Block Grant Program for a Project Located at 512-522 Jefferson Street, Burlington, Iowa

Seconded By: Maupin

DISCUSSION: None.  
 (VOTE: 4 - "AYES")

ADOPTED

ORDINANCES:

Introduced By: Maupin    Seconded By: Graham-Murray

- Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Rezoning Property Locally Known as 705 Maple Street to include a Planned Unit Development Overlay Zone (Salter Square PUD)

DISCUSSION: Development and Parks Director Eric Tysland stated that there were no changes to the Ordinance Rezoning Property Locally Known as 705 Maple Street to include a Planned Unit Development Overlay Zone (Salter Square PUD) from the first reading. He stated that it is currently zoned C-1, Limited Commercial Zoning District and would add a Planned Unit Development (PUD) Overlay Zone on the entire property. He stated that the PUD would allow for a maximum of 16 residential units to be allowed within the PUD area, a commercial storefront along public street is not required to be maintained within the PUD area, one accessory

commercial storage building not to exceed 6,000 square feet and an event/assembly space in the primary building not to exceed 2,500 square feet in area. He stated that there were parking and landscaping requirements. He stated that the City 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.  
(VOTE: 4 - "AYES") CARRIED

Introduced By: Maupin Seconded By: Graham-Murray  
2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Rezoning Property Locally Known as 705 Maple Street to include a Planned Unit Development Overlay Zone (Salter Square PUD)

**DISCUSSION: None.**

(VOTE: 4 - "AYES") CARRIED

Introduced By: Maupin Seconded By: Graham-Murray  
3. 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 North of Property Locally Known as 816 Valley Street, Burlington, Iowa

DISCUSSION: Development and Parks Director Eric Tysland stated that there were no changes to the Ordinance Vacating and Selling a Portion of Alley Right-of-Way Located North of Property Locally Known as 816 Valley Street, Burlington, Iowa from the first reading. He stated that the request was to vacate and sell a portion of alley right-of-way located between Jefferson Street and Valley Street, west of the railroad tracks. He stated that property owner Kelly Hull had requested the vacation to redevelop the building. 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: Graham-Murray  
4. 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 North of Property Locally Known as 816 Valley Street, Burlington, Iowa

DISCUSSION: None.  
(VOTE: 4 - "AYES") CARRIED

Introduced By: Maupin Seconded By: Critser  
5. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an

Ordinance Amending Section 170.30.60 Airport Approach Regulations of Chapter 170 Zoning and Subdivision of the Burlington Municipal Code

DISCUSSION: Development and Parks Director Eric Tysland stated that there were no changes to the Ordinance Amending Section 170.30.60 Airport Approach Regulations of Chapter 170 Zoning and Subdivision of the Burlington Municipal Code from the first reading. He 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.

(VOTE: 4 - “AYES”)

CARRIED

Introduced By: Maupin

Seconded By: Critser

6. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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: 4 - “AYES”)

CARRIED

Introduced By: Maupin

Seconded By: Critser

7. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the Burlington Municipal Code

DISCUSSION: Development and Parks Director Eric Tysland stated that there were no changes to the Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the Burlington Municipal Code from the first reading. 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: Critser

8. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 161.04 Certificate of Rental Permit of Chapter 161 Housing Code of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 4 - “AYES”)

CARRIED

RESOLUTIONS:

Introduced By: Graham-Murray

Seconded By: Maupin

1. Resolution Relating to the Financing of Proposed Projects to Be Undertaken by the City

of Burlington, Iowa; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code

DISCUSSION: City Manager Bird stated that the resolution will allow the city to be in compliance with federal regulations and to preserve the City’s eligibility to be reimbursed from future tax-exempt bond proceeds for cash spent on the storm water and sanitary sewer repairs and improvements. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - “AYES”)

ADOPTED

Introduced By: Graham-Murray

Seconded By: Critser

2. Resolution Rescinding the Sale of the Property Locally Known as 1323 Angular Street, City of Burlington, Iowa

DISCUSSION: Development and Parks Director Eric Tysland stated that the Resolution would rescind the Sale of the Property Locally Known as 1323 Angular Street, City of Burlington, Iowa. He stated that the property was sold to Yasir Abdeirahman dba/S&H Home Repair & Improvement, LLC of Iowa City, Iowa on July 19, 2021. He stated that the conditions of the sale required substantial completion of renovation of the home within 180 days of approval by City Council, with an additional 180 day extension approved by the Development Department. He stated that the home has not been completed within the specified time frame to date as required per conditions of the approved resolution. Development and Parks Director Tysland presented Council and the viewing audience with photographs of the progress of the house to date. He stated that to date the following activities and items have occurred on the property: new electrical service installed with permit on September 15, 2021; exterior scrapping of much of the siding 2021/2022; building permit approved at \$15,000 in work on January 25, 2022; some front and back porch work; some new plumbing lines were run with no permit and not by a licensed contractor; two nuisance violations - tall grass (city/contractor abated) and junk vehicle (owner abated) cited in June and July, 2022). He stated that majority of the inside and outside work were not completed per the requirements of the purchase. Yasir Abdeirahman of 2920 Muscatine Avenue, Iowa City stated that he had gone through difficult times due to COVID, lack of staffing and contractor issues and he has been unable to complete the project. He requested the council to allow him two more months to complete the project. Mayor Billups stated that there has already been a six month extension and then another 60 days extension and he doesn’t feel that another two months will be enough time for him to finish the project. Council Member Critser stated that he feels that Mr. Abdeirahman should have started the project immediately. He stated that he doesn’t feel that a two month extension will be enough time to find contractors, obtain bids and complete the project. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 3 - “AYES” - Critser, Maupin & Billups

1 - “NAY” - Graham-Murray)

ADOPTED

Adjournment: 6:51 p.m.

Approved: October 17, 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 for Fritzville Subdivision
3. Resolution Approving New Rates for Legal Services from City Attorney Lynch Dallas, P.C.
4. Resolution Amending the Lease Agreement Between the City of Burlington and Churchill Lofts, LLC for Parking Spaces in the City Parking Lot at the Southwest Corner of Valley Street and North 5<sup>th</sup> Street

SET DATE FOR PUBLIC HEARING: October 17, 2022

1. Consideration of Plans and Specifications for the Flora Street Sanitary Sewer Main

APPOINTMENTS:

Low Rent Housing Agency: Robert Masden  
Renewable Energy Committee: Tracy Dunn and David Ure