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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 21
November 7, 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.

BURLINGTON CITY COUNCIL

PROCLAMATION: Project Purple Heart - Jeff Strause

CONGRATULATIONS TO THE GRADUATES OF THE BURLINGTON FIRE DEPARTMENT CITIZEN'S 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: 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. Mayor Pro-Tem Graham-Murray 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 Plans and Specifications for the 2022 Flora Street Sanitary Main Replacement Project

COMMENTS: The Assistant City Manager for Public Works stated that the 2022 Flora Street Sanitary Main Replacement Project included replacement of 100 feet of sewer main line.

He stated that the sanitary main under Flora Street is in poor condition and is in danger of failing soon. 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

Introduced By: Critser Seconded By: Rinker
Resolution Approving Plans and Specifications for the 2022 Flora Street Sanitary Main Replacement Project

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

ADOPTED

2. Statement: Consideration of an Ordinance Amending Chapter 1.14 and 4.06 of the Code of Ordinances of the City of Burlington, Iowa Concerning Criminal Citations

COMMENTS: The City Manager stated that the recommendation is to add language to section 1.14 "shall be guilty of a civil municipal infraction in accordance with Chapter 4, Section 4.01 and 4.04 of this Code." He stated that changes would include removing "shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. However, any award of imprisonment under this section shall be imposed only upon the express request of the City's prosecutorial representative." He further stated that Section 4.06 Criminal Penalties is deleted in its entirety - "This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means." All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Rinker Seconded By: Critser
Motion to Close

CARRIED

Introduced By: Rinker Seconded By: Critser
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending Chapter 1.14 and 4.06 of the Code of Ordinances of the City of Burlington, Iowa Concerning Criminal Citations

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

CARRIED

3. Statement: Consideration of an Ordinance Amending Chapter 35 of the Burlington, Iowa Code of Ordinances Concerning Animal Hearing Board

COMMENTS: The City Manager stated that the minor language adjustments include changing the response time for notices from 10 days to seven days and defines the detailed written findings of fact. 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: Rinker

CARRIED

Introduced By: Maupin Seconded By: Critser
Motion for Preliminary Adoption of the First Reading of an Ordinance Amending
Chapter 35 of the Burlington, Iowa Code of Ordinances Concerning Animal Hearing
Board

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

CARRIED

ORDINANCE:

Introduced By: Maupin Seconded By: Rinker

1. Motion for Final Adoption of an Ordinance Amending Chapter 81 - All-Terrain Vehicles, Utility Terrain Vehicles and Snowmobiles

DISCUSSION: The City Manager stated that there were no further comments from the second reading. He stated that the ordinance will become effective upon publication in the newspaper. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTION:

Introduced By: Graham-Murray Seconded By: Maupin

1. Resolution Approving Application for Funds from the Destination Iowa Program

DISCUSSION: The City Manager stated that the resolution approves an application for funds from the Destination Iowa Program through the State of Iowa. He stated that the three elements of the application include the development of an Aldo Leopold living history museum in the Port of Burlington, improvements to the Aldo Leopold childhood enrichment areas and a series of statues throughout the community and primarily at the riverfront. He stated that the grant application total project is \$5.2 million and \$1.2 million is being asked from the Destination Iowa Program. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Adjournment: 6:09 p.m.

Approved: November 21, 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 \$38,000.00 of Financial Support for the Courts Project
3. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2021 Sealcoat Streets Resurfacing Project
4. Resolution Approving Pre-Ordering Four Replacement Vehicles for the Burlington Police Department
5. Resolution Approving Purchase of a New 2022 Chevrolet Silverado Pick-Up for the Public Works, Streets and Sewer Division
6. Resolution Approving an Agreement with HR Green, Inc. of Cedar Rapids, Iowa for Professional Services for the Burlington, Iowa Wastewater Treatment Facility's Plant Influent Line Redundancy and Capacity Improvements - Phases 2, 3 & 4
7. Resolution Approving the Final Plat of Marfran Subdivision

SET DATE FOR PUBLIC HEARINGS: November 21, 2022

1. Consideration of an Ordinance Rezoning the Properties Locally Known as 600 and 800 South Main Street from M-2 Heavy Industrial to M-1, Light Industrial Zoning District
2. Consideration of Sale of Property Locally Known as 904 South 10th Street, City of Burlington, Iowa with Conditions
3. Consideration of Sale of Property Locally Known as 109 South 7th Street, City of Burlington, Iowa with Conditions

APPOINTMENTS:

Riverfront Advisory Committee: Doug Smith, Sally Parrott, Marlis Robberts, Jonathan Hazell and Michael Kahn