

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. 22  
November 21, 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 in person at 5:38 p.m.

BURLINGTON CITY COUNCIL

COMMENTS FROM AUDIENCE: Shawn Cushman of 2626 Subilbe Avenue stated that there are two group homes in his neighborhood. He stated that one home is owned by Hope Haven and the home is well managed. He stated that the other home is owned by REM and some of the residents have profane outbursts and disrupt the normally quiet neighborhood. He stated that he would like to see something done about allowing more than one group home in a neighborhood. Chris Roepke of 2228 Madison Avenue stated that the Harrison Avenue project was taking a long time to be completed. He asked if the TIGER Grant figure has gone up. The City Manager stated that some change orders have increased and some have decreased. Chris Roepke stated that when Council Member Rinker resigns (due to being elected to the Iowa House of Representatives seat), he feels that the council should consider appointing Antonio Bailey to fill Rinker's seat. The City Manager reviewed four resolutions on the consent agenda regarding obligating funds from the Burlington Crossing TIF Rebate Subfund, the Greater Burlington Partnership TIF Rebate Subfund, the Park West, LLC TIF Rebate Subfund and the Winegard TIF Rebate Subfund. He reviewed the details of the resolutions with the Council and the viewing audience.

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. 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 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

COMMENTS: The Development and Parks Director stated that the ordinance is to amend the official zoning map to rezone a portion of the properties located at 600 and 800 South Main Street from M-2 to M-1 based upon a petition of the consenting property owners and their desire for change in zoning classifications. He stated that the City Planning Commission held a public hearing on October 25, 2022 regarding the rezoning of the property described above. He stated that the commission voted 4-0 to recommend approval of the requested rezoning to the City Council. He stated that the recommendation was based on the current and planned uses for the properties located adjacent to existing light industrial, limited commercial and general commercial zoning districts, access to the sites from a primary street (Main Street) and conformance with the Future Land Use Map designation of the Comprehensive Plan. 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

Seconded By: Critser

Motion for Preliminary Adoption of the First Reading 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

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

2. Statement: Consideration of Sale of Property Locally Known as 904 South 10<sup>th</sup> Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that 904 South 10<sup>th</sup> Street is a vacant lot that the City acquired. He stated that Robert T. Farris has submitted a bid for \$500.00. He stated that purchaser shall combine purchased lots with the adjacent lot under their ownership upon recording of deed to the purchased property. He stated that the property transfer shall be by Quit Claim Deed. 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

Resolution Approving Sale of Property Locally Known as 904 South 10<sup>th</sup> Street, City of Burlington, Iowa with Conditions

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

ADOPTED

3. Statement: Consideration of Sale of Property Locally Known as 109 South 7<sup>th</sup> Street, City of Burlington, Iowa with Conditions

COMMENTS: The Development and Parks Director stated that 109 South 7<sup>th</sup> Street is a vacant lot that the City acquired. He stated that Cooper Property Management LLC (Jason Cooper) has submitted a bid for \$500.00. He stated that purchaser shall combine purchased lots with the adjacent lot under their ownership upon recording of deed to the purchased property. He stated that the property transfer shall be by Quit Claim Deed. 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  
Resolution Approving Sale of Property Locally Known as 109 South 7<sup>th</sup> Street, City of Burlington, Iowa with Conditions

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

ADOPTED

ORDINANCES:

Introduced By: Maupin

Seconded By: Critser

1. Motion to Amend the Motion for Preliminary Adoption of the Second 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: The City Manager stated that there were no changes from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
(VOTE: 5 - "AYES")

CARRIED

Introduced By: Maupin

Seconded By: Critser

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption 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

Introduced By: Maupin

Seconded By: Critser

- 3. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Chapter 35 of the Burlington, Iowa Code of Ordinances Concerning Animal Hearing Board

**DISCUSSION:** The City Manager stated that there were no changes from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
 (VOTE: 5 - “AYES”) **CARRIED**

Introduced By: Maupin

Seconded By: Critser

- 4. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Chapter 35 of the Burlington, Iowa Code of Ordinances Concerning Animal Hearing Board

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

**CARRIED**

RESOLUTIONS:

Introduced By: Rinker

Seconded By: Critser

- 1. Resolution Approving the Removal of the City Owned Turnaround at the East End of Polk Street

**DISCUSSION:** The Assistant City Manager for Public Works stated that the resolution will approve the removal of the limestone curbed ring at the end of Polk Street. He stated there was formerly a tree at this location. He stated that the property owner of 101 Polk Street has requested the removal of the turnaround at the east end of the 100 block of Polk Street. He stated that it will be replaced with a brick surface. Council Member Graham-Murray stated that she felt that the tree had a historic value to the community and did not want it removed. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.  
 (VOTE: 4 - “AYES” - Maupin, Rinker, Billups & Critser **ADOPTED**  
 1 - “NAY” - Graham-Murray)

Introduced By: Rinker

Seconded By: Maupin

- 2. Resolution Approving an Agreement with Burlington Riverfront Entertainment for the Purchase of an Ice Rink and Equipment for the Operation Thereof

**DISCUSSION:** The City Manager stated that the agreement with Burlington Riverfront Entertainment (BRE) will provide for the purchase and operation of a portable indoor ice-skating rink and equipment in the amount of \$132,500. He stated that BRE shall make annual payments on the loan to the City in the amount of \$33,125 per year for four years; said annual repayments shall be remitted to the City on or before June 1 of each year beginning June 1, 2023; BRE shall remit any grant proceeds it may receive for The Project to the City above and beyond the required annual repayments; should the City and BRE not renew the promotion and operations agreement beyond its current termination date (December 31, 2026), the entire balance on the loan shall become due and payable; BRE will be required to report, at least annually, how the

funds were used and how The Project performed; and BRE will assist the city with other audit or reporting requirements as may be required. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Adjournment: 6:35 p.m.

Approved: December 5, 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 Awarding Contract for the 2700 South Main Street Storm Sewer Improvement Project
3. Resolution Awarding Contract for the 2022 ADA Improvement Project
4. Resolution Approving the Repayment of Agency Street RISE Project
5. Resolution Approving Purchase of a Type I Ambulance for the Burlington Fire Department
6. Resolution Obligating Funds from the Burlington Crossing TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year
7. Resolution Obligating Funds from the Greater Burlington Partnership TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year
8. Resolution Obligating Funds from the Park West, LLC TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year
9. Resolution Obligating Funds from the Winegard TIF Rebate Subfund of the City's Urban Renewal Tax Revenue Fund for Appropriation to the Payment of Annual Appropriation Tax Increment Rebate Payments Due to be Paid in the Succeeding Fiscal Year
10. Resolution Authorizing Internal Loan from General Fund to Tax Increment Revenue Fund

11. Resolution Approving Annual Urban Renewal Report
12. Resolution Approving Annual Financial Report
13. Resolution Approving Street Financial Report
14. Resolution Authorizing Fund Transfers for the Fiscal Year 2023

SET DATE FOR PUBLIC HEARING: December 5, 2022

1. Consideration of a Permanent Easement Agreement with Flint Cliffs LC Along Bluff Road for Construction of the Flint River Trail