

Regular Council Meeting July 18, 2007 – 6:00 p.m. The West Burlington City Council met in regular session at 122 Broadway Street with Mayor Trousil presiding. Council Members Rod Crowner, Rick Raleigh, Therese Lees and Tom Law were present. Marc Pilger arrived following the Public Hearing concerning the West Burlington Ave. Widening and Resurfacing Project. City Administrator Dan Gifford, Building Inspector Lowell Hoy, Finance Officer Leslie Sattler, Public Works Director Randy Fry, Police Chief Alex Oblein and Fire Chief Terry Kesterke were also present.

Lees made a motion, second by Crowner, to approve the Agenda as presented. Roll call vote: Raleigh, Law, Lees and Crowner voted aye. Motion carried.

Lees, made a motion, second by Raleigh, to approve following Consent Agenda items as presented. Roll call vote: Law, Raleigh, Crowner and Lees voted aye. Motion carried.

1. Minutes from the June 20, 2007 Regular Council Meeting
2. Minutes from the June 28, 2007 Special Council Meeting
3. Fireworks Display Permit for SCC on July 28, 2007
4. Payment to Tyler Technologies for the City's Financial, Payroll, Utility Billing and Building Permit Software Support - \$9,640
5. Rod Mesecher and Bill Schurk's attendance at the Annual Wastewater Conference
6. Staff Attendance at the Iowa League of Cities Annual Conference
7. Lt. Newberry's Attendance at the Mid-States Organized Crime Information Center
8. Payment to Burlington Municipal Waterworks - \$22,134.65
9. Payment to City of Burlington for County Wide Communications - \$3,224.22
10. Payment to Hospice House for Sale of 4th of July Raffle Tickets - \$1,649
11. Payment to Ideal Ready Mix Company, Inc. - \$1,431.00
12. DMC Regional Waste Commission for Waste Management Fee - \$2,120.80
13. City Clerk's Financial Report for June 2007
14. Claims in the amount of \$482,240.79

CITIZEN'S INQUIRIES: No inquiries.

PUBLIC HEARING –Concerning the proposed PPC Widening and HMA Resurfacing of West Burlington Ave. – Mayor Trousil opened the public hearing at 6:04 p.m. and asked for comments from the audience. No comments were received. City Clerk received no written or verbal comments concerning the project. John Meyer, French-Reneker-Associates, informed Council that because Federal funding is being used for a portion of the project the bids were collected by the Iowa Department of Transportation. French-Reneker-Associates estimated the cost of construction to be \$828,000. According to the I.D.O.T. website one bid was received from Shipley Contracting for \$994,000, which is \$160,000 over the estimate. Engineer Meyer stated that he will review the bids formally in the next week, but suggested that Council consider doing the widening portion of the project that will be paid for with Federal funding and hold off on the HMA resurfacing until next year. He speculated that gas prices along with the fact that Shipley Contracting is the only general contractor in the area that does both concrete and asphalt work. No comments were received from the audience and the Public Hearing was closed at 6:10 p.m.

Consider a Resolution Approving the Plans, Specifications, Estimated Cost of Construction and Form of Contract for the West Burlington Ave. PPC Widening and HMA Resurfacing Project – Engineer Meyer state that the plans, specs, form or contract were still adequate and suggested that Council proceed with approval of the Resolution. Crowner made a motion, second by Raleigh, to approve the plans, specifications, estimated cost of construction and form of contract for the West

Burlington Ave. PPC Widening and HMA Resurfacing Project. Roll call vote. Law, Lees, Crowner and Raleigh voted aye. Motion carried.

PUBLIC HEARING – Council will hear public comments concerning the proposed West Burlington Municipal Swimming Pool Project – Mayor Trousil opened the Public Hearing at 6:11 p.m. and asked for comments from the audience. No verbal or written comments were received. The Public Hearing was closed at 6:15 p.m.

Consider a Resolution Approving the Plans, Specifications, Estimated Cost of Construction and Form of Contract for the West Burlington Municipal Swimming Pool Project – Raleigh made a motion, second by Crowner, to approve the plans, specifications, estimated cost of construction and form of contract for the West Burlington Municipal Pool Project. Dave Burbach, Burbach Aquatics, was present to answer questions. Mr. Burbach stated that updated had been made to the plans following the Council work session on June 28th. Several items were added as bid alternates including making the parking lot concrete instead of asphalt, adding outdoor lockers, using asphalt shingles instead of metal roof for bathhouse and mechanical building, adding lighting system to pool area, installation of air/heating system in concession building. Mr. Burbach suggested that Council may want to consider bidding the parking lot as a separate project. Crowner stated that he would rather see the pool and the parking lot bid as one project. With approval by City Council the final documents will be copied and available for speculative contractors to review on July 23, 2007. Burbach Aquatics will hold a pre-bid meeting on August 10th with interested contractors to answer questions and watch a video related to the construction of a Burbach pool. Crowner stated that he was concerned that the estimated cost of construction had gotten out of hand and ended up higher than expected. He asked Mr. Burbach to make a list of items that could be cut to reduce the price if necessary. No further comments were made and a roll call vote was taken. Lees, Pilger, Crowner, Raleigh and Law voted aye. Motion carried.

COMMITTEE REPORTS:

SANITATION – Nothing to report

UTILITIES – Nothing to report

STREETS – Lees asked Public Works Director Fry to look at some area on West Burlington Ave. that may need to be patched until the street construction can take place.

PUBLIC SAFETY – Lees commended Officer Covert on how he handled recent emergency call to Cooper Signs. She also thanked the Police and Fire Department for their roll in the 4th of July activities.

Chief Kesterke reported a good turn out at the 4th of July pancake breakfast and informed Council that the department was preparing for the Des Moines County Fair and conducting departmental training.

Mayor Trousil stated that he had received a comment from a local resident that commended Officer Covert and Waterman on how they handled an incident.

Raleigh and Crowner thanked staff for their work on the 4th of July celebration. Crowner also commented that the 4th of July event helps many organizations in town including Lion's Club, Fire Department, Local Churches, Booster Club and Fine Arts Club.

NEW BUSINESS:

Consider Incentive Pay for (8) Qualifying Members of the West Burlington Fire Department –

Lees made a motion, second by Raleigh, to approve incentive pay for eight members of the Fire Department who meet certain criteria. Pilger suggested that the incentive program need to be reviewed because it is not working the way it was intended which was to draw more membership to the department.

Crowner asked for clarification on how the \$5,000 incentive was disbursed. Chief Kesterke stated that The City pays \$5,000 per year for firefighters that meet certain criteria for City calls between January and June. Quad Township pays \$5,000 per year for firefighters who meet certain criteria for rural calls between July and December. Mayor Trousil felt that the City's \$5,000 incentive pay should be based on City calls for the entire year and paid in two payments of \$2,500. Kesterke will rework the numbers to see how what the difference would be. Chief Kesterke reported that the department currently has 30 members. Roll call vote. Pilger, Crowner, Raleigh, Law and Lees voted aye. Motion carried.

Consider a Resolution Approving an Internal Loan from the General Fund to TIF for the 2006/2007 Seal Coat Project – Crowner made a motion, second by Raleigh, to approve a resolution to transfer \$31,197.76 from the general fund to TIF to pay for the FY06/07 Seal Coat Project. Bonding Attorney, John Danos, Dorsey and Whitney has prepared the resolution to facilitate the internal loan from the General Fund. Roll call vote. Crowner, Raleigh, Law, Lees and Pilger voted aye. Motion carried.

Consider Payment to Snyder & Associates for Engineering Services related to the Water Distribution System Improvement Project – Crowner made a motion, second by Raleigh, to approve payment to Snyder & Associates in the amount of \$21,619.55 for engineering services related to the Water Distribution System Improvement Project. Roll call vote. Raleigh, Law, Lees, Pilger and Crowner voted aye. Motion carried.

Mayor Trousil reported that he had met with Engineer Dave Stoklasa, Public Works Director Fry, Bill Schurk and Rod Mesecher to the design plans. GRMC contacted Mayor Trousil to say that they would be willing to donate land a piece of ground to the City, along Division Street and west of the Rec Plex, for the construction of a booster station. They stated that they would like to approve the building design and keep the piece of ground as small as possible. They also requested that the City agree to lock their water rates for the next ten years. City staff will meet with GRMC to work out more details.

Consider Payment to Shipley Contracting Corp. in Connection with the Washington Rd. Paving Project – Raleigh made a motion, second by Crowner, to approve payment to Shipley Contracting in the amount of \$213,426.41 for work conducted on the Washington Rd. Paving project. Roll call vote. Law, Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Consider Payment to Sulzberger Excavating Inc. in Connection with the West Burlington Ave. Water and Sewer Extension Project – Lees made a motion, second by Pilger, to approve payment to Sulzberger Excavating Inc. in the amount of \$83,331.81 for work completed on the West Burlington Ave. Water and Sewer Extension Project. Roll call vote. Lees, Pilger, Crowner, Raleigh and Law voted aye. Motion carried.

Consider Payment to Burbach Aquatics for Engineering Services related to the Municipal Swimming Pool Project - Crowner made a motion, second by Pilger, to approve payment in the amount of \$142,270.68 to Burbach Aquatics for Engineering Services related to the Municipal Swimming Pool Project. Roll call vote. Pilger, Crowner, Raleigh, Law and Lees voted aye. Motion carried.

Consider Payment to Smith Engineering for Survey Work – Lees made a motion, second by Crowner, to approve a payment to Smith Engineering in the amount of \$3,675 for survey work performed on the lot north of Community Park owned by Heartland Packaging. The property north of Community Park was surveyed late last year when Council began discussing the construction of a new pool in Community Park. It was thought that a portion of this ground may need to be purchased for the pool construction.

City Administrator asked Council for direction on how to proceed, since purchasing additional ground was not necessary for the pool construction. City Administrator Gifford explained that the property owner wanted to retain a portion of the property along West Burlington Ave. as well as a piece of ground on the east end that would allow access to existing railroad spurs. Council agreed that City Administrator should proceed with trying to purchase the property that was surveyed. Roll call vote. Crowner, Raleigh, Law, Lees and Pilger voted aye. Motion carried.

Consider Approving Transfer of US 34 Jurisdiction Agreement with the Iowa Department of Transportation – In April of 2003 City Council approved a contract with the IDOT for the transfer of approximately 1.54 miles of US 34 from the State of Iowa to the City. This portion of US 34 extends from the west corporate limits easterly approximately 1.54 miles to the west boundary of former Iowa 935 (old US34). The IDOT has asked that the City sign a letter authorizing the transfer to take place on August 1st, 2007. Engineer John Meyer suggested that Council make sure they get copies of as built drawings and right-of-way information from the state as stated in the letter authorizing the transfer. Lees made a motion, second by Pilger, to authorize Mayor Trousil to sign a letter of agreement from the IDOT accepting the transfer of US34 as stated above on August 1, 2007. Roll call vote. Raleigh, Law, Lees, Pilger and Crowner voted aye. Motion carried.

Consider a Resolution Authorizing the City to Enter into an Agreement with Burlington Agency Realty to Share the Cost of Extending Sewer to the Kohl's Development Project. - City Administrator presented a Resolution authorizing the City to enter into an agreement with Burlington Agency Realty to share costs associated with the extension of sewer to the commercial development on the northwest corner of West Burlington Ave. and Agency. The agreements states that the cost to extend sewer to the commercial development will be split equally between the City and Burlington Agency Realty with the developers cost not to exceed \$50,000. Crowner made a motion, second by Crowner, to approve a Resolution agreeing to share the cost of making sewer improvements with Burlington Agency Realty. Roll call vote. Raleigh, Law, Lees, Pilger and Crowner voted aye. Motion carried.

Consider a Resolution Approving Amendments to the Shottenkirk Development Agreement – City Administrator Gifford presented a Resolution to Council to finalize amendments made to the Shottenkirk Development Agreement. The amendment removes William Becker's lot from the Shottenkirk TIF. The City Attorney has obtained the necessary signatures from Mr. Shottenkirk, the Beckers and Valley Savings Bank and has directed Council to authorize the execution of the document through formal action. Raleigh made a motion, second by Crowner, to authorize the execution of the amended Shottenkirk Development Agreement. Roll call vote. Law, Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Consider a Resolution Authorizing the Des Moines County Regional Solid Waste Commission to issue Solid Waste Revenue Bonds – As a member of the Des Moines County Solid Waste Commission, the City has been asked to authorize the issuing of Solid Waste Revenue Bonds not to exceed \$3,100,000. The Des Moines County Regional Solid Waste Commission has proposed borrowing funds, on behalf of the members, for the purpose of financing certain costs and improvements to the Des Moines County solid waste disposal facility. The Iowa Environmental Protection Commission has recently approved new rules for sanitary landfills. Over the last several months the Des Moines County Solid Waste Commission has assessed the ramifications of the new ruling and agreed to move forward by making necessary improvements to comply with new regulations. Des Moines County has agreed to issue 3.1 million dollars in General Obligation bonds on behalf of the commission in order to save the commission about \$180,000 in interest and fees over the life of the loan (versus the cost if the commission were to issue revenue bonds). Each member of the Solid Waste Commission must adopt a resolution in support of the GO bonds. Lees made a motion, second by Pilger, to approve a resolution authorizing Des Moines County to issue 3.1 million dollars in General Obligation bonds on behalf of the Des Moines County

Solid Waste Commission. Roll call vote. Lees, Pilger, Crowner, Raleigh and Law voted aye. Motion carried.

Mayor Trousil updated Council on the recent settlement that was reached between the Des Moines County Solid Waste Commission and the landfill in Lee County. Lee County Landfill illegally accepted solid waste intended for the Des Moines County Landfill, which resulted in significant loss of revenue for Des Moines County. Lee County Landfill has agreed to pay Des Moines County Landfill \$23,000 per year for the next three years. Although this amount does not represent the total loss in revenue, it does keep the legal fees that are being incurred from increasing.

Consider Entering into an Engineering Services Agreement with French-Reneker-Associates to Develop a Safe-Routes-to-School Plan – Earlier this year the City was awarded Federal STP funds to pay for engineering services related to the development of a “Safe-Routes-to-School” Plan. Engineer John Meyer, French-Reneker-Associates, presented an Engineering Services Agreement. The cost of having French-Reneker-Associates develop the plan is \$20,000, which will be paid for with Federal STP funds. Crowner made a motion, second by Raleigh, to approve an Engineering Services Agreement with French-Reneker-Associates to develop a “Safe-Routes-to-School” Plan for the City of West Burlington. Roll call vote. Crowner, Raleigh, Law, Lees and Pilger voted aye. Motion carried.

Engineer Meyer explained that a key element in developing the plan is to create a committee made up of city representative, law enforcement, school administration, school staff members and parents. Engineer Meyer asked Council to select a committee made up of 7 – 9 members within the next couple of weeks.

Consider a Resolution Setting a Public Hearing Date to Review a State Environmental Information Document in connection to the City’s Proposed Water Distribution System Improvements - Crowner made a motion, second by Lees, to approve a resolution setting a Public Hearing for August 22, 2007 at 6:00 p.m. to review an Environmental Study related to the Water Distribution System Improvement Project. Roll call vote. Raleigh, Law, Lees, Pilger and Crowner voted aye. Motion carried.

OLD BUSINESS: None

MAYOR’S INQUIRIES: None

CITIZEN’S INQUIRIES: None

ADJOURN – There being no further business, the meeting adjourned at 7:25 p.m. upon motion by Crowner, second by Lees. Voice Vote: All Ayes. Motion carried.

Approved

Kelly D. Fry, City Clerk