

Regular Council Meeting May 16, 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 Marc Pilger were present. Tom Law was absent. City Administrator Dan Gifford, Police Chief Alex Oblein, Building Inspector Lowell Hoy, Finance Officer Leslie Sattler and Public Works Director Randy Fry were also present.

Mayor Trousil asked Council to move item #1 under New Business up on the agenda to accommodate the representative from Des Moines County Solid Waste Commission. Lees made a motion, second by Pilger, to approve the agenda as amended. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

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

1. Minutes from the May 2, 2007 City Council Meeting
2. Training for City Clerk and Finance Officer at the Iowa Municipal Clerks' Academy
3. Training for City Clerk at Midland GIS Users' Conference
4. Liquor License Renewal for Diamond Dave's Restaurant
5. Minutes from the Board of Adjustment Meeting Granting Variances to Menards, Inc.
6. Payment to the City of Burlington for County Wide Communications - \$3,102.68
7. Payment to DMC Regional Waste Commission - \$2,120.80
8. Payment to Des Moines County Regional Landfill - \$1,775.00
9. Payment to Ideal Ready Mix for Concrete - \$1,015.00
10. Payment to Iowa Department of Transportation for traffic paint - \$2,590.25
11. Payment to QC Analytical Services - \$1,192.00
12. Purchase of a Treadmill from Bickel's - \$1,200
13. City Clerk's Financial Report for April 2007
14. Claims as Presented in the amount of \$184,382.93

CITIZEN'S INQUIRIES: No inquiries.

PUBLIC HEARING – Concerning amending the Budget for FY06/07 -- Mayor Trousil opened the public hearing and asked for comments concerning the budget amendment. No verbal or written comments were received. The public hearing was closed at 6:04 p.m.

Consider a Resolution approving the Budget Amendment for FY06/07 – Crowner made a motion, second by Raleigh, to approve the budget amendment as presented. Finance Officer Sattler presented a budget amendment showing an increase of \$403,420 in revenues and an increase in expenditures of \$454,967. The result is a budget amendment of \$51,547. Roll call vote. Pilger, Crowner, Raleigh and Lees voted aye. Motion carried.

Consider the Final Reading of an Ordinance amending the City Code Concerning Solid Waste Disposal – Mayor Trousil presented Council with a Resolution that was approved by the Des Moines County Solid Waste Commission which clarifies that only “Commercial Haulers” engaging in the collecting, transporting, or disposing of solid waste, within the City would be required to obtain an annual permit from the Des Moines County Solid Waste Commission. The new wording in the DMC Solid Waste Commission's Resolution now matches the wording in the proposed Ordinance being considered by City Council. Crowner asked Hal Morton, DMC Solid Waste Executive Director, to clarify if a permit would be required if he hired someone to clean out a garage and that person took a load of garbage to the landfill. Mr. Morton stated that a permit would not be required because his primary business is not disposing of solid waste for a fee.

Mike Andrews, Burlington, asked for permission to address the Council. He stated that the Ordinance being considered by Council gives up the City's authority to regulate Solid Waste Haulers and allows a representative from DMC Solid Waste Commission to possibly put someone out of business. Mr. Andrews felt that when Council amended the ordinance so keep all solid waste generated in West Burlington to be taken to the DMC Landfill had solved the problem of haulers transporting solid waste outside of the DMC Planning area. He felt that the new permitting requirements were burdensome and unnecessary.

Mr. Morton address Mr. Andrews concerns by stating that the pending lawsuit filed by the DMC Solid Waste Commission against one of the local haulers was most likely the reason they came into compliance rather than the City's amended Ordinance. The Solid Waste Commission's intent was to make it the least burdensome on haulers by allowing them to obtain one permit from the Solid Waste Commission rather than go to each city in the planning area to obtain numerous individual permits.

Dan Hockett, 417 Ruthella, addressed Council stating that adopting the proposed ordinance would be handing over the City's authority and allowing the Solid Waste Executive Director complete discretion of who is permitted to operate a business in West Burlington by allowing him authority to issue and revoke permits. Mr. Morton explained that according to the resolution the only time a permit would be revoked is if the hauler had multiple violations.

Pilger asked if any of the commercial haulers objected to the new permitting requirements. Mr. Morton stated that the local haulers were invited and some even participated in writing the Resolution requiring Commercial Haulers to obtain a permit from the Solid Waste Commission. The haulers he worked with understood the need for the permit and there were no objections when the Resolution was approved by the Solid Waste Commission.

With no further discussion Raleigh made a motion, second by Pilger, to approve the final reading of an ordinance establishing the need for Commercial Solid Waste Haulers to obtain a permit from the Des Moines County Solid Waste Commission. Roll call vote. Crouner, Raleigh, Lees and Pilger voted aye. Motion carried.

COMMITTEE REPORTS:

UTILITIES – Public Works Director Fry reported that crews have filled the swimming pool and are getting ready for the opening on June 4th.

Dave Stoklasa, Snyder & Associates, updated the Council on the progress of the Water Distribution System Improvement Project. Mr. Stoklasa reported that 98% of the design work is complete. Snyder & Associates will be submitting plans to the IAAP, Core of Engineers, BNSF and Des Moines County for their consideration. They are currently working on addressing environmental issues associated with the project.

STREETS – Public Works Director Fry reported that crews had been painting throughout town. Fry reported that the new paint machine was working very well.

PUBLIC SAFETY – Chief Oblein reported that the Police Department had completed their STEP Grant program. The Department will be hosting another Tobacco Compliance Retailer Class on May 30th.

Chief Kesterke reported that the department will be performing pump tests, servicing the equipment and preparing for the Health Fair. Several fire fighters are also planning to attend Fire School this summer.

Pilger asked Council and Staff to consider addressing the issue of poor lighting in Community Park.

FINANCE – Nothing to report.

SANITATION – Public Works Director Fry reported that Sulzberger would be starting on the West Burlington Ave./Agency Rd. Water and Sewer Extension Project.

NEW BUSINESS:

Consider Contracting with CPA Associates to conduct the Annual Audit – Crowner made a motion, second by Pilger, to approve contracting with CPA Associates to conduct the annual financial audit. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

Consider Hiring Municipal Street Improvement to Sealcoat Various Alleys and Streets at a cost of \$33,135 – Crowner made a motion, second by Raleigh, to approve hiring Municipal Street Improvement to sealcoat various alleys and streets at a cost of \$33,135. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Consider the First Reading of an Ordinance amending Chapter 36 related to Curfew Hours for Minors – Raleigh made a motion, second by Pilger to approve the first reading of an ordinance amending the curfew for persons under the age of 18. The proposed ordinance makes the times the same as the City of Burlington.

Consider a Resolution Hiring Joel Schneden for Seasonal Labor – Crowner made a motion, second by Raleigh, to approve hiring Joel Schneden for seasonal labor at a starting wage of \$7.50/hour. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

Consider Hiring Land and Water Vegetation Control to spray for weeds at City Facilities – Lees made a motion, second by Raleigh, to hire Land and Water Vegetation Control to spray for weeds as the sewer plant and in the Luers Park. Public Works Director Fry said they do a very good job and will come back if necessary at no charge. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

Consider a Resolution Approving the Replat of Lots 27 & 28 Longmeadow Addition of West Burlington – Lees made a motion, second by Crowner, to approve a Resolution accepting the Final Plat for the Replat of Lots 27 & 28 in the Longmeadow Addition of West Burlington. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Consider the Second Reading of an Ordinance Regulating Grass and Weed Nuisance Abatement – Raleigh made a motion, second by Pilger, to approve the second reading of an ordinance amending Chapter 53 concerning the abatement procedure for grass and weed nuisances. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

Consider Waiving the Final Reading of an Ordinance Regulating the Grass and Weed Ordinance – Raleigh made a motion, second by Pilger, to table the final reading until the next regular council meeting. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

Consider Hiring Swimming Pool Employees for the 2007 Pool Season – Lees made a motion, second by Crowner, to approve hiring swimming pool employees as recommended by the pool manager for the 2007 pool season. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

Consider Awarding Contract for Swimming Pool Concessions for the 2007 Pool Season – Crowner made a motion, second by Pilger, to approve contracting with Automatic Vending for concessions at the pool for the 2007 pool season. Automatic Vending will guarantee the City a commission of \$600.00 per month. Roll call vote. Raleigh, 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 6:55 p.m. upon motion by Lees, second by Pilger. Voice Vote: All Ayes. Motion carried.

Approved

Kelly Fry, City Clerk

City Council held a Work Session following the Council meeting to discuss the issue of workers' compensation insurance coverage for members of the fire department with the Quad Township.