

**Regular Council Meeting May 2, 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, Therese Lees and Marc Pilger were present. Rick Raleigh and Tom Law were 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 add “Iowa School Board Recognition Proclamation” to the agenda. Crowner asked Council to add “Discuss Swimming Pool Design” to the Agenda. Lees made a motion, second by Pilger, to approve the Agenda as amended. Roll call vote. Lees, Pilger and Crowner voted aye. Motion carried.

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

1. Minutes from the April 18, 2007 City Council Meeting
2. Minutes from the April 25, 2007 City Council Meeting
3. Liquor License Renewal for Hwy 34 Truck Stop
4. Liquor License Renewal for All Star Maid-Rite Diner
5. Payment to Cessford Construction - \$1,012.50
6. City Clerk’s Financial Report for March 2007
7. Claims as Presented in the amount of \$67,183.42

**CITIZEN’S INQUIRIES:** No inquiries.

**PUBLIC HEARING – Concerning Proposed Drawings, Specifications, Form of Contract, and Estimated Cost for Proposed Sewerage and Watermain Improvements for the Agency Rd. and West Burlington Avenue Sewer and Water Extension Project** – Mayor Trousil opened the public hearing and asked for comments concerning the water and sewer improvement projects for the West Burlington Ave. and Agency Rd. Water and Sewer Extension Project. No written comments were received prior to the public hearing. No citizen comments were received. The public hearing was closed at 6:15 p.m.

**Consider a Resolution Approving Proposed Drawings, Specifications, Form of Contract, and Estimated Cost for Proposed Sewerage and Watermain Improvements for the Agency Rd. and West Burlington Avenue Sewer and Water Extension Project** – Lees made a motion, second by Pilger, to approve the proposed drawings, specifications, form of contract and estimated cost of construction for the Agency Rd. and West Burlington Ave. Water and Sewer Improvement Project. Roll call vote. Lees, Pilger, Crowner, and Raleigh voted aye. Motion carried.

**Consider a Resolution Awarding the Contract for the 2007 Agency Rd. and West Burlington Ave. Water and Sewer Improvement Project** – Bids for the 2007 Agency Rd. and West Burlington Ave. Water and Sewer Improvement Project were due no later than 4:00 p.m. prior to the City Council meeting on April 18<sup>th</sup>. The estimated cost of construction for the project was \$253,601.00. Bids were received from Sulzberger Excavating (\$197,651.00), Wunderlich, Inc. (\$203,344.00), Shipley Contracting (\$214,441.98), MEPCO (\$216,361.00), K.M. King, Inc. (\$233,332.25) and DeLong Construction (\$234,897.18). Engineer John Meyer, reviewed the bids and found them all to be correct. Lees made a motion, second by Pilger, to award the bid for the 2007 Agency Rd. and West Burlington Ave. Water and Sewer Improvement Project to the low bidder, Sulzberger at a total cost of \$197,651.00. Roll call vote. Pilger, Crowner, Raleigh and Lees voted aye. Motion carried.

**PUBLIC HEARING – Concerning amendments to the City’s Comprehensive Plan** – Mayor Trousil opened the public hearing and asked for comments concerning amendments to the City’s Comprehensive Plan. No verbal or written comments were received prior the hearing. No public comments were made during the meeting. The Planning and Zoning Commission and worked with Southeast Iowa Regional Planning to update the Comprehensive Plan. Crowner pointed out a few minor corrections that needed to make throughout the plan. The Public Hearing was closed at 6:20 p.m.

**Consider a Resolution Approving the Revised Comprehensive Plan for the City of West Burlington** – Crowner made a motion, second by Lees, to approve amendments to the City’s Comprehensive Plan. Roll call vote. Crower, Raleigh, Lees and Pilger voted aye. Motion carried.

**COMMITTEE REPORTS:**

**STREETS** – Public Works Director Fry reported that Mike Griffin with French-Reneker-Associates was in town to meet with Alliant Energy about relocating a gas line that will be affected by the West Burlington Ave. widening project. Alliant agreed to move the gas line.

**PUBLIC SAFETY** – Chief Oblein reported that the Police Department had received a \$500 grant from Wal-Mart for the purchase of a treadmill to be used by officers. The department will be conducting seatbelt compliance checks over the next couple of weeks.

Administrator Gifford informed Council that Council member Raleigh had inquired about changing the curfew in West Burlington to match the curfew in Burlington. Burlington’s curfew is 12:30 on weekends and West Burlington’s curfew is 11:00. Chief Oblein did not see a problem amending the curfew for weekends to match Burlington’s. Mayor Trousil directed staff to prepare an ordinance amendment for Council’s consideration.

Crowner reported that the Fire Department has further discussed the department’s role in the 4<sup>th</sup> of July Celebration. They are reconsidering hosting the pancake breakfast and will make a final decision before the next Council meeting.

Pilger asked that the Fire Department be reminded that Fire Fighters should not be driving with excessive speed when responding to calls.

**FINANCE** – Crowner reported that the first 4<sup>th</sup> of July committee meeting will be held on Monday, May 7<sup>th</sup> at 7:00 p.m. at City Hall.

**SANITATION** – Pilger asked if residents in the housing subdivision located south of the wastewater treatment plant had complained about excessive noise coming from the plant. Administrator Gifford stated that he had not received any complaints recently, but he is still working on finding someone that can build a building or some type of structure to help reduce the noise coming from the blowers.

**UTILITIES** – Public Works Director Fry reported that crews had repaired leaks and drained the pool over the last week and will be painting it in the next couple of days in preparation for the pool season which begins June 4<sup>th</sup>.

**NEW BUSINESS:**

**Consider the Purchase of a Loader from Martin Equipment - \$90,708** – Lees made a motion, second by Pilger, to approve the purchase of a John Deere Loader from Martin Equipment at a cost of \$90,708. The loader will replace the existing loader and a backhoe. Roll call vote. Pilger, Crowner and Lees voted aye. Motion carried.

**Consider the Second Reading of an Ordinance Amending Chapter 105 of the City Code Concerning Permitting Requirements for Commercial Solid Waste Haulers** – Lees made a motion, second by Pilger, to approve the second reading of an ordinance requiring commercial garbage haulers to obtain a permit from the Solid Waste Commission. Mike Andrews, Sunrise Lane, Burlington, IA addressed the Council with his concerns that there was a discrepancy between the proposed ordinance and the Solid Waste Commission's resolution. He felt that the Solid Waste Commission's Permit Resolution would require Commercial Haulers that operate a hauling service as their primary business as well as anyone who hauls solid waste on a part-time basis or as part of a construction contract to also obtain an annual permit from the Solid Waste Commission. Mayor Trousil and Council stated that Hal Morton with the Des Moines County Solid Waste Commission specifically explained to the City that anyone that hauls solid waste, but does not do it as their primary source of income would not be required to obtain a permit. Mayor Trousil stated that clarification may need to be made to the Solid Waste Commission's Permit Resolution, but the proposed ordinance before the Council would not need to be amended. Mr. Andrews asked Council not to pass the second reading of the ordinance until the permit resolution was corrected. Lees asked Mayor Trousil, who serves as the City's representative on the Solid Waste Commission, to bring up Mr. Andrews concerns as the next meeting. Mayor Trousil agreed to discuss the issue with the Solid Waste Commission. Roll call vote. Crowner, Lees and Pilger voted aye. Motion carried.

**Consider Payment to French-Reneker-Associates for Engineering Services - \$11,215.71** – Crowner made a motion, second by Pilger, to approve payment to French-Reneker-Associates for engineering services related to the following projects.

- \$6,415.71 for the Washington Rd. Project
- \$4,800 for the West Burlington Ave. Street Rehabilitation Project

Roll call vote. Lees, Pilger and Crowner voted aye. Motion carried.

**Consider Payment to Snyder & Associates for Engineering Services - \$8,777.10** – Pilger made a motion, second by Lees, to approve payment to Snyder & Associates for engineering services related to the Water Distribution System Improvements in the amount of \$8,777.10. Roll call vote. Pilger, Crowner and Lees voted aye. Motion carried.

**Consider a Resolution Authorizing an Internal Loan to the TIF Fund for the 2006 HMA Resurfacing Project** – Crowner made a motion, second by Lees, to approve a resolution authorizing an internal loan to the TIF fund in the amount of \$196,458 for the 2006 HMA Resurfacing Project. The City estimated to be short \$196,548 in the TIF Fund to pay for this project. With the new TIF requirements the City needs to do an internal loan to be able to collect TIF revenues to cover this expenditure. Roll call vote. Crowner, Lees and Pilger voted aye. Motion carried.

**Consider an Ordinance Amending Chapter 53 of the City Code Concerning Grass and Weed Nuisance Abatement** – City Administrator presented an ordinance to help expedite the time it takes to correct a violation of tall grass and weeds. With the current abatement procedure a property owner is sent a certified letter giving them 7 days to correct a tall grass/weed violation. The problem with the current procedure is that a certified letter could take up to eleven days to either be picked up by the property owner or returned to the City. The seven days starts when the property owner signs that they have received the letter. At times the violation remains for up to three weeks after the grass/weeds have already reached an unacceptable height. The proposed ordinance changes the notification process by sending a violation notice to the property owner via regular mail requiring them to correct the violation with seven days. A notice would also be placed on the door of the residence or business when applicable

informing the tenant that if the violation is not corrected with 48 hours the City will correct the violation and assess the fees to the property. The fees would be a minimum of \$100 or the first hour and an additional \$75.00 per hour after that. The ordinance would also allow the City to place a general notice in the paper each month during the growing season rather than notify the property owner by mail. Crowner felt that the property owner should be notified by mail in case they live in another town and aren't aware that a problem exists. Lees made a motion, second by Pilger, to approve the first reading of the ordinance amending the way grass and weed violations are handled. Roll call vote. Lees, Pilger and Crowner voted aye. Motion carried.

**Consider Adopting “Working Rules” as part of the Employee Personnel Manual** – City Administrator Gifford explained that, because of several personnel issues that have come up in the past, the City's Attorney advised him to establish “Working Rules” for all employees. Council discussed some of the rules and agreed to table the issue until the list could be narrowed down. Lees made a motion, second by Crowner, to table the adoption of “Working Rules”. Roll call vote. Pilger, Crowner, Lees voted aye. Motion carried.

**Consider a Resolution Approving the Final Plat for Burlington Power Realty Subdivision** – Crowner made a motion, second by Lees, to approve the Final Plat for the Burlington Power Realty Subdivision which is a five lot subdivision located at the northwest corner of West Burlington Ave. and Agency Rd. Roll call vote. Lees, Pilger and Crowner voted aye. Motion carried.

**Discuss Applying for Federal Funding to Construct a Roundabout at the intersection of Gear Ave. and Division Street** – Council briefly discussed the working with Southeast Iowa Regional Planning Commission to apply for a grant to help pay for a roundabout at the intersection of Division St. and Gear Ave. Lees made a motion, second by Crowner, to table the discussion until all members of the Council were present to discuss the roundabout. Roll call vote. Pilger, Crowner and Lees voted aye. Motion carried.

**Consider Expanding Existing Industrial Manufacturing Job Incentive Program outside of the Business Park** – Mayor Trousil explained that the City currently has a incentive program that they offer in the Flint Ridge Industrial Business Park. The program is intended to attract new jobs to the area by offering a forgivable loan that is linked to the number of jobs that the business maintains. Mayor Trousil asked Council to consider expanding the incentive program outside of the Flint Ridge Business Park to attract jobs and spur development in other areas of town. Council agreed that expanding the program outside of the business park could be beneficial to the community. Crowner made a motion, second by Lees, to authorize the expansion of the Industrial Manufacturing Job Incentive Program outside of the Flint Ridge Business Park. Roll call vote. Lees, Pilger and Crowner voted aye. Motion carried.

**Setting Public Hearing for May 16, 2007 to Consider Amending Budget for FY 06/07** – Crowner made a motion, second by Lees, to set a public hearing date for May 16<sup>th</sup>, 2007 to consider amending the budget for FY 06/07. Roll call vote. Lees, Pilger and Crowner voted aye. Motion carried.

**PROCLAMATIONS: Mayor Trousil read a Proclamations naming May 13-19, 2007 as “Iowa School Board Recognition Week”.**

#### **OLD BUSINESS:**

**Discuss Swimming Pool Project** – Council agreed to set a work session for the end of May or first part of June to meet with Burbach Aquatics and hold the first of three plan review meetings.

#### **MAYOR'S INQUIRIES:**

**CITIZEN'S INQUIRIES:**

**ADJOURN** – There being no further business, the meeting adjourned at 8:00 p.m. upon motion by Lees, second by Pilger. Voice Vote: All Ayes. Motion carried.

Approved	Kelly Fry, City Clerk
City of West Burlington	
Claims List	
05/02/2007	
3E	BATTERIES 127.15
ALEXIS FIRE EQUIP. CO. INC	HOSE ADAPTERS 269.05
AXA EQUITABLE	DEFERRED COMP. 400.00
BAUER BUILT INC.	FLAT REPAIR 163.00
BRITE-WAY SERVICES	CITY HALL WINDOW CLEANING 35.00
BROCKWAY COMPANY INC.	REPAIR 55.00
BURLINGTON/W. BURLINGTON UNITED WAY	UNITED WAY EE DEDUCTION 2.00
CESSFORD CONSTRUCTION CO	ROCK 1012.50
CITY OF BURLINGTON	ANIMAL SERVICE 41.67
CITY OF WEST BURLINGTON	MEDICAL UNION DEDUCTIONS 821.85
CLEAR FALLS BOTTLED WATER	COOLER RENT & BOTTLED WATER 8.00
COMMUNICATION WORKERS OF AMERICA	UNION DUES 491.86
EBERT SUPPLY CO.	PAPER TOWELS/TOILET PAPER 133.60
FASTENAL COMPANY	SAW BLADE 631.34
FEDERAL ELECTRONIC TAX PAY	FEDERAL TAXES 10289.02
FRENCH-RENEKER-ASSOCIATES	WASHINGTON RD 11215.71
GREAT RIVER MEDICAL CENTER	PHYSICALS 156.00
GROUP SERVICES INC.	INS. MAY HEALTH & DENTAL 15714.59
HOLTKAMP'S TRAILER REPAIR	REPAIR - MED 10 295.09
IAPELRA	MEETING REGISTRATION-SATTLER 25.00
ICMA	MEMBERSHIP RENEWAL - GIFFORD 454.40
IDEAL READY MIX CO. INC.	FORM OIL 87.00
IL STATE DISBURSEMENT UNIT	PAYROLL DEDUCTION 140.00
INDUSTRIAL MOTORS INC.	BELTS 294.00
INTERNATIONAL ASSOCIATION	DUES 195.00
IOWA DEPARTMENT OF NATURAL	STORM WATER DISCHARGE 150.00
IOWA NARCOTICS OFFICERS ASSOC	REGISTRATION 2007 CONF /MELS 150.00
IOWA PARK & RECREATION ASSOC	CPO SCHOOL - SCHNEDEN 410.00
IOWA PUBLIC EMPLOYEES' RETIREMENT	IPERS REGULAR 4945.24
MCDONALD SUPPLY CO.	PLUMBING SUPPLIES 85.64
MORNING SUN FARM IMPLEMENT	PUMP & FILTERS 486.50
MUNICIPAL SUPPLY INC.	METER & COUPLINGS 358.80
POSTMASTER	STAMPS 156.00

QPR	PATCH	680.19
RON'S CERTIFIED AUTOMOTIVE	REPAIR	361.04
SEARS COMMERCIAL ONE	PLIER SET	24.99
SHOTTENKIRK SUPERSTORE	REPAIR	26.55
SNYDER & ASSOCIATES INC.	HWY 406 & SECOND CONNECTION	8777.10
STAPLES CREDIT PLAN	SUPPLIES	836.19
TASC	FLEX PLAN	295.83
TREASURER STATE OF IOWA	WITHHELD TAXES	1536.00
TREASURER STATE OF IOWA	MARCH SALES TAX	3947.00
UNITEL COMMUNICATIONS GROUP	TELEPHONE SERVICE	58.01
UNIVERSAL SILENCER	AIR FILTERS FOR BLOWER	248.89
VERIZON WIRELESS	CELLULAR TELEPHONES	333.12
WALMART	SUPPLIES	85.48
WEST BURL. PETTY CASH FUND	PETTY CASH	173.02
** TOTALS **		67,183.42

FUND TOTALS

001 GENERAL FUND	26489.86
110 ROAD USE	4151.40
125 TIF	11934.05
600 WATER	17054.89
610 SEWER	7494.15
952 4TH OF JULY CELEBRATION	59.07