

**Regular Council Meeting September 19, 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 Marc Pilger and were present. Tom Law was absent. City Administrator Dan Gifford, Finance Officer Leslie Sattler, Public Works Director Randy Fry, Building Inspector Lowell Hoy and Police Chief Alex Oblein were also present.

Mayor Trousil asked Council to amend the agenda by adding a Parade Permit from the West Burlington High School for the Homecoming Parade on October 5<sup>th</sup> and from Grade A Plus for a parade on October 31<sup>st</sup>. Lees made a motion, second by Pilger, to approve the Agenda as amended. Roll call vote: Raleigh, Pilger, Lees and Crowner voted aye. Motion carried.

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

1. Minutes from the September 5, 2007 Regular City Council Meeting
2. Letter of resignation from Officer Jean-Paul Villont
3. Letter of resignation from Fire Fighter Brett Rudy
4. Training for Finance Officer and City Clerk at the fall IMFOA Meeting
5. Training for City Administrator at the APA Upper Midwest Planning Conference
6. Payment to Skelly and DeJaynes Tree Service -\$1,000
7. Payment to IDNR for Storm Water Permit Fees in conjunction with the Water System Improvement Project - \$3465.79
8. City Clerk's Financial Report for August 2007
9. Payment to City of Burlington for County Wide Communications - \$3,224.22
10. Payment to DMC Regional Waste Commission - \$2,120.80
11. Claims List as presented in that amount of \$152,247.16

#### **CITIZEN'S INQUIRIES:**

#### **COMMITTEE REPORTS:**

**FINANCE** – Crowner asked the Council to discuss selling some of the older vehicles and any pool items that were salvaged at the next Council meeting.

**SANITATION** – Fall Cleanup Days have been set for October 15<sup>th</sup> (Broadway St. and East) and October 22<sup>nd</sup> (West of Broadway)

**UTILITIES** - Public Works Director Fry reported that Sulzberger was finishing up the West Burlington Ave. Water and Sewer Improvements and were getting ready for testing the line. Once the new line passes testing the Sandor Development can test their lines.

**STREETS** – The Pre-Construction meeting for the West Burlington Ave. Widening and Resurfacing project is set for Friday, September 21<sup>st</sup> at 10:00 a.m.

**PUBLIC SAFETY** – Chief Oblein reported that he has been receiving applications to fill Officer Villont's position. He will be conducting interview in the next few weeks.

The DMC Health Center is planning a drive-up Flu Shot clinic on November 17<sup>th</sup>. More details will follow.

Lees asked staff to check a tall grass and weeds nuisance at 511 West Aire Dr.

Mayor Trousil announced that a Ribbon Cutting was planned to welcome the Great Lakes Airline that would be taking over flights at the Southeast Iowa Regional Airport.

**NEW BUSINESS:**

**Consider a Resolution Waiving the Preliminary and Approving the Final Plat for Big River Resources West Burlington LLC Subdivision** - The Planning and Zoning Commission has reviewed the Final Plat for Big River Resources West Burlington LLC Subdivision and found the plat to be in compliance with City Code. This is a one-lot subdivision located just outside of the City limits, but within the City's two-mile zoning jurisdiction. The lot will be used to place three railroad spurs leading into the Ethanol Plant. The Planning and Zoning Commission has recommended that Council approve a resolution waiving the Preliminary Plat and approve the Final Plat for this subdivision. Lees made a motion, second by Raleigh, to approve a Resolution waiving the Preliminary Plat and Approving the Final Plat for Big River Resources West Burlington LLC Subdivision. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

**Consider a Resolution Waiving the Preliminary and Approving the Final Plat for First Addition to Big River Resources West Burlington LLC Subdivision** - The Planning and Zoning Commission has reviewed the Final Plat for First Addition to Big River Resources West Burlington LLC Subdivision and found the plat to be in compliance with City Code. This is a one-lot subdivision located just inside the city limits at the southwest corner of Beaverdale Rd. and 103<sup>rd</sup> Rd. at the west city limits. The lot will be used to extend three railroad spurs leading into the Ethanol Plant. The Planning and Zoning Commission has recommended that Council approve a resolution waiving the Preliminary Plat and approve the Final Plat for this subdivision. Lees made a motion, second by Raleigh, to approve a Resolution waiving the Preliminary Plat and Approving the Final Plat for the First Addition to Big River Resources West Burlington LLC Subdivision. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

**Consider hiring Martin Equipment to make repairs to the 1998 Case Uni-loader** - Public Works Director Fry reported engine and hydraulic problems with the 1998 Case Uni-loader. Two estimates were received for repairs. Public Works Director Fry recommended the low bid from Martin Equipment at a cost of \$2,095 without replacing the hydraulic pump and \$6,403 if the pump needs to be replaced. Crowner made a motion, second by Raleigh, to have Martin Equipment make the necessary repairs. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

**Consider the Second Reading of an Ordinance Amending the Building Code** - Pilger made a motion, second by Lees, to approve the second reading of an ordinance amending the Building Code which includes the adoption of the 2006 International Building Codes. Roll call vote. Pilger, Crowner, Raleigh and Law voted aye. Motion carried.

**Consider the Second Reading of an Ordinance Amending the Fire Prevention and Fire Code** - Lees made a motion, second by Pilger, to approve the second reading of an ordinance amending the Fire Prevention and Fire Code. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

**Consider Acceptance of Audited Financial Statements for FY 2007** - Raleigh made a motion, second by Crowner, to accept the audit of the FY 2007 Financial Statements. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

**Consider Payment to Sulzberger for West Burlington Ave. Water and Sewer Improvements** - Crowner made a motion, second by Raleigh, to approve a payment of \$46,771.16 to Sulzberger for work completed on the West Burlington Ave. Water and Sewer Improvements. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

**Consider Payment to Southeast Iowa Regional Planning Commission for Comprehensive Plan**

**Update** – Lees made a motion, second by Pilger, to approve a payment of \$1,000 to the Southeast Iowa Regional Planning Commission for work completed on the City’s Comprehensive Plan. Roll call vote. Pilger, Crowner, Raleigh and Lees voted aye. Motion carried.

**Consider a Resolution Approving \$4,200,000 Loan and Issuing of General Obligation Bonds for the Municipal Swimming Pool Project**

– Lees made a motion, second by Pilger, to approve a resolution approving the \$4,200,000 Loan Agreement and issuing of General Obligation Urban Renewal Aquatic Center Bonds for construction of a new swimming pool. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

Mayor Trousil asked Council to think about the upgrades that Mr. Burbach suggested for increasing the size of the water slide and adding another water feature in the zero depth entry. If Council decides to make these upgrades they need to let the plumbers know as soon as possible. City Administrator Gifford said the once demolition and excavation work starts we will know if there are any soil issues that have to be addressed as well.

**Consider Proposals to conduct an Archeological Survey in connection with Hwy 406 Water Main Extension Project**

– Mayor Trousil explained that the City must have an Archeological Survey done in connection with the Hwy 406 Rd. water project. The survey will define the boundaries of the cemetery and identify any unmarked graves. The area to be surveyed is located outside of the Ordinance Plant fence along the south side of Highway 406 about ¾ miles from the Junction of Highway 406 Rd. and Highway 34. The survey is conducted using ground penetrating radar that may correspond to grave shafts or burial remains. Crowner made a motion, second by Raleigh, to approve an Archaeological Services agreement with The University of Iowa Office of the State Archaeologist to conduct a survey at a cost of \$3,000. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

**OLD BUSINESS:**

**Discuss Mediacom Services and Property Valuation Issues** – Mayor Trousil informed Council that the Des Moines County Board of Review had reached a settlement with Mediacom concerning their request to reduce their property taxes. Mediacom protested their property taxes for 2006 and 2007 throughout the entire State asking for a reduction. Mediacom argues that they should be taxed as a utility rather than a typical business. The State is currently considering the change as well. For West Burlington residents this means a decrease in amount of taxes expected to be received this year. Council expressed their displeasure with Mediacom’s request. Mayor Trousil pointed out that Mediacom proclaims to be such a good corporate business, but won’t even come to the table to discuss their expired franchise agreement with the City. Crowner reported that Mediacom does not offer benefits to their employees and even uses contract labor for installations rather than hiring permanent employees to conduct business. The Council was extremely frustrated that they have been awarded a reduction in their taxes while they are increasing monthly fees and charging extra to residents interested in adding the Big Ten Network.

Mayor Trousil informed Council that Burlington City Manager will be coordinating a Joint Work Session to meet with City Councils from Burlington, West Burlington, Danville and Middletown to discuss possible options for cable service and other items that would pertain to the surrounding communities. More details of the joint meeting will be provided as they become available.

**MAYOR’S INQUIRIES:**

Trousil informed Council that Alex Oblein’s appointment to the Southeast Iowa Regional Airport Commission had been brought into question. According to the State Code a paid employee of the City can not hold a voting seat on the board. Mayor Trousil stated that Oblein was appointed to represent the City until an appropriate representative from the community was appointed. Mayor Trousil issued a public plea for interested persons to contact him. No one from the community has shown interest in being

the City's representative leaving the position to be filled by a city employee on a temporary basis. Mayor Trousil hopes to appoint a new representative as soon as possible to bring the City into compliance with State Code requirements.

Crowner stated that he had been approached by a resident who felt strongly that the City was in need of a rental housing code and would be willing to come to a work session to discuss it. Administrator Gifford also had a citizen contact him in support of the issue.

**CITIZEN'S INQUIRIES:** None

**ADJOURN** – There being no further business, the meeting adjourned at 6:53 p.m. upon motion by Lees, second by Pilger. Voice Vote: All Ayes. Motion carried.

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Approved

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Kelly D. Fry, City Clerk

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Hans K. Trousil, Mayor

City of West Burlington  
 Claims List  
 9/19/2007

3E	WIRE	35.03
ALEXIS FIRE EQUIP. CO. INC	REPAIRS - TRUCK 2	3178.53
ALLIANT ENERGY	GAS/POOL	12147.72
AUDITOR OF STATE-IOWA	FILING FEES	425.00
AXA EQUITABLE	DEFERRED COMP.	425.00
BALZER INC.	ROLLED STEEL	102.90
BANCARD CENTER	WASTEWATER CONFERENCE	727.18
BAUER BUILT INC.	MOWER TIRE	73.10
BURLINGTON MUNICIPAL WATER	WATER - 14,665,000 GALLONS	23036.65
BURLINGTON/WEST BURLINGTON	HOTEL/MOTEL TAX	4902.02
C & J JANITORIAL SRV	FIRE STATION CLEANING	67.50
CADY INSURANCE AGENCY	POLICY CHANGE	546.00
CENTRE STATE INTN'L INC.	HOSE CLAMP	5.19
CESSFORD CONSTRUCTION CO	ROCK	113.97
CITY OF BURLINGTON	ANIMAL SERVICE	3396.27
CLEAR FALLS BOTTLED WATER	COOLER RENT & BOTTLED WATER	35.00
COE EQUIPMENT INC.	NOZZLE GUARD	103.24
CPA ASSOCIATES PC	AUDIT	6900.00
CRAY GODDARD MILLER & TAYL	LEGAL SERVICES	875.00
CURE SOLUTIONS LLC	COMPUTER SERVICE & DELL VOST	2715.60
DANDE WORKWEAR LLC	JEANS - MOELLER	117.96
DES MOINES CO. ATTORNEY	MONTHLY FEE FOR PROSECUTION	333.33
DES MOINES CO. NEWS	PUBLICATIONS	325.34
DES MOINES CO. REGIONAL	DEMOLITION MATERIAL	2129.21
DORSEY & WHITNEY	LEGAL SEVICES	963.07
EASTERN IOWA LIGHT & POWER	ELECTRICITY/BEAVERDALE	48.98
ELECTRONIC APPLICATIONS CO	BATTERY	92.20
FARM KING OF BURLINGTON	SUPPLIES	107.20
FASTENAL COMPANY, THE	GLOVES	11.79
FEDERAL ELECTRONIC TAX PAY	FEDERAL TAXES	10878.12
FRANCIS PUMP & WELL SERVIC	REPAIR	1099.36
FRED PRYOR SEMINARS	SUPERVISOR SEMINAR	534.00
GEORGE'S LAWNMOWER &	SHARPEN CHAINS	13.00
GLOBAL TOUCH TELECOM	TELEPHONE SERVICE	38.11
GREENWOOD CLEANING SYSTEMS	PAPER PRODUCTS	45.44
GROUP SERVICES INC.	INS. OCT. HEALTH & DENTAL	17297.32
HERITAGE PARK PHARMACY	MEDICATION	20.47
HYDRO-VIEW	TELEVISE SEWER	300.00
IDEAL READY MIX CO. INC.	CONCRETE	658.13
IL STATE DISBURSEMENT UNIT	PAYROLL DEDUCTION	140.00
IOWA DEPARTMENT OF NATURAL	NOTICE OF INTENT-406 & SECON	D 3,465.79
IOWA MUNICIPAL FINANCE OFF	REGISTRATION-SATTLER/K FRY	150.00

IOWA TELECOM COMMUNICATION	TELEPHONE SERVICE	310.22
KOEHLER,DEANA	REFUND LIFE INS. - R ANDREW	56.70
LAVEINE SANITATION INC.	GARBAGE & TRASH HAULING	7844.34
MARTIN EQUIPMENT	CONVERTER/BULBS/SWITCHES	225.23
MCCULLOCH, DEBORAH A.	TRAVEL-REIMBURSEMENT	46.46
MENARDS	DOOR STOPS	222.22
MIDWEST JANITORIAL SERVICE	JANITORIAL SERVICES	353.00
MIRACLE CAR WASH	CAR WASHES	5.50
MISCELLANEOUS VENDOR	RUPERT, JANET	38.27
MORNING SUN FARM IMPLEMENT	REPAIR KUBOTA	326.59
MUNICIPAL SUPPLY INC.	REGISTER FOR METER	164.00
NAPA AUTO PARTS	PARTS	528.81
OLD DOMINION BRUSH	SWEEPER PARTS	553.48
PADDLE WHEEL CB CLUB	REISSUE 32488	40.00
PRAXAIR DISTRIBUTION INC.	SAFETY GLASSES	4.29
QWEST	TELEPHONE SERVICE	74.00
REIF OIL CO.	FUEL	3669.51
RM DISTRIBUTING CO. INC.	ROTORs	83.38
SHOTTENKIRK SUPERSTORE	2008 FORD TAURUS	24953.67
SNYDER & ASSOCIATES INC.	ANALYZE DNR & EPA WASTEWATER R	1,995.00
SOUTHEAST IOWA REGIONAL PL	GRANT ADMINISTRATIVE	5000.00
STAMP MAN SPECIALITIES	ADDRESS STAMP	28.40
STAUBACH	406 & SECOND CONNECTION RR I NS	1,550.00
TASC	FLEX SYSTEM	245.83
TEE'S PLUS	DARE SUPPLIES	28.80
TREASURER STATE OF IOWA	AUG. SALES TAX	4563.00
TYLER WORKS	USER GROUP MEETING	25.00
UNIVERSAL SILENCER	AIR FILTERS	260.27
USA BLUEBOOK	DEODORANT BLOCKS	372.03
WEST BURLINGTON SCHOOLS	HOTEL/MOTEL TAX	100.04

FUND TOTALS

GENERAL FUND	57923.54
HOTEL/MOTEL TAX	5002.06
ROAD USE	5582.78
TIF	644.80
WATER	53839.42
BEAVERDALE ESCROW	1116.34
WESTWOOD HILLS ESCROW	16.00
WOODSMAN SUB. ESCROW	16.00
SEWER	26429.02
MEDICAL INSURANCE RESERVE	1547.20
4TH OF JULY CELEBRATION	130.00

GRAND TOTAL 152247.16

