

**TENTATIVE AGENDA**

**PLEDGE OF ALLEGIANCE  
MAYOR HANS TROUSIL PRESIDING  
CALL TO ORDER - ROLL CALL  
PERFECTING & APPROVAL OF AGENDA**

**CONSENT AGENDA**

1. Approve Minutes of the Regular City Council Meeting on August 6, 2008
2. Approve EMT-B Training for Fire Fighters
3. Approve New Liquor License for Target Corporation
4. Approve Payment to City of Burlington for County Wide Communications - \$3,321
5. Approve Payment to Burlington Municipal Waterworks - \$20,869.65
6. Approve Payment to Southeast Iowa Regional Planning for Membership Dues - \$2,115
7. Approve Payment to QC Analytical Services - \$1,640
8. Approve Payment to Iowa Department of Natural Resources - \$1,275
9. Approve Payment to Industrial Motors - \$2,700
10. Approve Payment to Harman Graphics - \$1,572
11. Approve Payment to Cray, Goddard, Miller, Taylor & Chelf, L.L.P. - \$8,838
12. Approve Payment to Farner-Bocken Co. - \$1,080.93
13. Approve City Clerk's Financial Report for July 2008
14. Approve Claims in the amount of \$396,918.97

**COMMITTEE REPORTS:**

**FINANCE  
UTILITIES  
STREETS  
PUBLIC SAFETY  
SANITATION**

**PRESENTATION:** Greater Burlington Partnership

**CITIZEN'S INQUIRIES:**

**NEW BUSINESS:**

1. Consider Liquor License Renewal for Otis Campbell's
2. Consider Appointment of Fire Chief and 1<sup>st</sup> Assistant Fire Chief
3. Discuss Fire Station Addition with Metzger Johnson Architects
4. Consider Payment to the following Engineers and Contractors for Contracts Previously approved by City Council
  - a. K.M. King Inc., Division I Water Improvement Project - \$247,380.71
  - b. Snyder & Associates – 2006 Water Distribution System Improvement Project - \$12,514.29
  - c. Shipley Construction - West Burlington Ave. PPC and HMA Resurfacing Project - \$38,095.55
  - d. French-Reneker-Associates
    - i. West Burlington Drainage Rpt Broadway/Agency Rd. - \$1,125.00
    - ii. West Burlington Ave. PPC & HMA Resurfacing Project - \$4,041.02

**OLD BUSINESS:**

**CITIZEN'S INQUIRIES:**

**MAYOR'S INQUIRIES:**

**ADJOURN**

**Regular Council Meeting August 20, 2008 – 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, Marc Pilger and Therese Lees were present. Tom Law was absent. City Administrator Dan Gifford, Finance Officer Leslie Sattler, Public Works Director Randy Fry, Lenny Sanders 2<sup>nd</sup> Assistant Fire Chief and Police Chief Alex Oblein were also present.

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

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

1. Minutes of the Regular City Council Meeting on August 6, 2008
2. EMT-B Training for Fire Fighters
3. New Liquor License for Target Corporation
4. Payment to City of Burlington for County Wide Communications - \$3,321
5. Payment to Burlington Municipal Waterworks - \$20,869.65
6. Payment to Southeast Iowa Regional Planning for Membership Dues - \$2,115
7. Payment to QC Analytical Services - \$1,640
8. Payment to Iowa Department of Natural Resources - \$1,275
9. Payment to Industrial Motors - \$2,700
10. Payment to Harman Graphics - \$1,572
11. Payment to Cray, Goddard, Miller, Taylor & Chelf, L.L.P. - \$8,838
12. Payment to Farner-Bocken Co. - \$1,080.93
13. City Clerk's Financial Report for July 2008
14. Claims in the amount of \$396,918.97

#### **COMMITTEE REPORTS:**

**FINANCE** – Mayor Trousil introduced the City's new Development Services Coordinator, Jared Reed, and welcomed him to the City.

Mayor Trousil read a letter from the Iowa Municipal Officers Academy recognizing Finance Officer Sattler's attendance at the recent conference in Ames.

**UTILITIES** – Public Works Director Fry reported that the Hwy 406 Water Project was progressing nicely.

**STREETS** – Nothing to report.

**PUBLIC SAFETY** – Police Chief Oblein reported that several staff members were attending various training opportunities.

Lenny Sanders reported that the Fire Department was running smoothly and crews had responded to 380 calls so far this year. Several members of the department were planning to attend Fire School in September

**SANITATION** – City Administrator Gifford informed Council that the pool will be open from 12 – 7p.m. on Sat, August 23 and Sunday, August 24<sup>th</sup> then closing for the season beginning August 25<sup>th</sup>, 2008. Gifford would like to set up a work session to discuss the pool season. Raleigh asked Council to consider holding the Work Session on a Wednesday opposite the City Council meeting night.

Dennis Hinkle and Jason Hutchinson with Greater Burlington Partnership attended the Council meeting to give an update on economic development efforts. Crowner asked if they could schedule a time to meet with Council each year to report on their progress.

## **CITIZEN'S INQUIRIES:**

### **NEW BUSINESS:**

**Consider Appointment of Fire Chief and 1<sup>st</sup> Assistant Fire Chief** – Lees made a motion, second by Raleigh, to approve the appointment of Lenny Sanders as Fire Chief and Todd VanScoy as 1<sup>st</sup> Assistant Fire Chief to fill the vacancies left following the resignation of Terry Kesterke as Fire Chief and Tim Kesterke as 1<sup>st</sup> Assistant Fire Chief. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried. These terms will expire in December of 2009.

Mayor Trousil administered the Oath of Office to Fire Chief Sanders and 1<sup>st</sup> Assistant Fire Chief VanScoy.

**Consider Liquor License Renewal for Otis Campbell's** – Mayor Trousil presented a request for the renewal of Otis Campbell's Liquor License, which expires on August 30, 2008. In a letter to City Council, Police Chief Oblein recommended that their license renewal be denied due to numerous complaints and potential violations of the Iowa Smoke Free Air Act, which went into effect July 1, 2008. As the request of the Iowa Alcoholic Beverages Control Board, Chief Oblein has performed on-site inspections, during which he found ash trays on tables, patrons smoking and no signs posted as required by the Smoke Free Air Act. Based on owner Larry Duncan's willful violation of the current law Chief Oblein could not recommend approval of the liquor license renewal. Raleigh stated that has seen the law work in other states and feels that Mr. Duncan should follow the current law. Crowner stated that he understood why Chief Oblein made his recommendation, but does not feel that the City should revoke their liquor license for a smoking violation.

Raleigh noted that City Administrator Gifford and Fire Marshal Crooks had signed in favor of the liquor license renewal. City Administrator Gifford explained that he had signed the recommendation while serving in the capacity of the Building Inspector. Gifford's on-site inspection of Building Codes and Fire Marshal Crooks inspection of Fire Codes found that the establishment was in compliance with those particular regulations.

Mayor Trousil offered Otis Campbell's owner, Larry Duncan, the opportunity to address the Council. Mr. Duncan stated that he felt the Iowa Smoke Free Air Act was unconstitutional. Mr. Duncan openly stated that he will continue to allow patrons to smoke in Otis Campbell's and he has no plans of removing ash trays or putting up signage required by state law. Mr. Duncan feels that his business will be negatively affected if he doesn't allow smoking.

George Elchorn, an attorney with Choose Free Iowa addressed the Council concerning the new smoking ban law. Mr. Elchorn felt that the law was poorly written and asked Council to consider approving the liquor license renewal because the bar had never actually ever been officially sited for breaking the law. At this time the state has only received complaints of people smoking in the facility and they have only issued notices of potential violations to Mr. Duncan. Until a judicial magistrate determines there is a violation, he feels that no violation exists.

George Macans, 221 Swan, West Burlington, IA, Michael Kartel, 414 E. Pennington, West Burlington, IA, Norma Freeman, 522 Melville, West Burlington, IA, Duane Hulett, Lomax, IL, Burlington Resident, 830 N. 6th St., Burlington, Jeff Edwards, Owner of Greenbay Tap, Wever, IA, Joe Sturgus, owner of Rusty Nail, Davenport, Brian Curly, Iowa Bar Owners Coalition, all addressed Council concerning their opposition for the new Smoke Free Air Act and pleaded with Council to approve the liquor license renewal for Otis Campbell's Bar. The bar owners listed above including Mr. Duncan all expressed concern that the smoking ban has and will continue to negatively impact their businesses.

Lees stated that she was against renewing the liquor license and would be following the recommendation of the Police Chief. Lees told Mr. Duncan that if he has a problem with the State Law he needs to address his concerns with them and not the City.

Pilger stated that he did not have a problem approving the liquor license renewal since there had been no tickets or arrest made showing that the law was violated. He did not feel that a liquor license should be denied because of tobacco compliance issue. Pilger asked Chief Oblein what authority the Police Department has in issuing a violation. Chief Oblein stated that officers have the authority to issue a civil citation to patrons who are violating the smoking ban, but the State is responsible for citing the establishment. At this point Chief Oblein implied that officers would issue citations if they were called to the establishment because someone was refusing to comply or refusing to leave at the request of the staff.

Council all agreed that the new law was poorly written, but until it is changed Mr. Duncan should abide by the current regulations. After lengthy discussion Crowner made a motion, second by Pilger, to approve the liquor license renewal for Otis Campbell's Bar Grill and Aunt Bea's Café. Roll call vote. Pilger, Crowner and Raleigh voted aye. Lees voted nay. Motion carried.

**Consider Fire Chief Pay for Lenny Sanders** – Mayor Trousil asked Council to consider making Lenny Sanders Fire Chief pay retroactive to June 13<sup>th</sup>. Mayor Trousil explained that Lenny took over the duties of Fire Chief beginning June 13<sup>th</sup>, 2008 when Fire Chief Terry Kesterke and 1<sup>st</sup> Assistant Fire Chief Tim Kesterke were placed on Administrative Leave from the Fire Department. Lees made a motion, second by Pilger, to approve paying Lenny Sanders Fire Chief wages effective June 13<sup>th</sup>, 2008. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

**Consider Payment to the following Engineers and Contractors for Contracts Previously approved by City Council** – Crowner made a motion, second by Raleigh, to approve payments to the following engineers and contractors as presented. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

1. K.M. King Inc., Division I Water Improvement Project - \$247,380.71
2. Snyder & Associates – 2006 Water Distribution System Improvement Project - \$12,514.29
3. Shipley Construction - West Burlington Ave. PPC and HMA Resurfacing Project - \$38,095.55
4. French-Reneker-Associates
5. West Burlington Drainage Rpt Broadway/Agency Rd. - \$1,125.00
6. West Burlington Ave. PPC & HMA Resurfacing Project - \$4,041.02

Engineer Kelly Scott with Snyder & Associates updated Council on Division I of the Water Distribution System Improvement Project involving the extension of water down Hwy 406 Road. Scott stated that the contractor, K.M. King, would be working in the I.A.A.P. within the next two to four weeks.

Engineer Steve Hausner with French-Reneker-Associates explained that the West Burlington Ave. PPC and HMA Resurfacing project is complete and they are waiting on the I.D.O.T. to complete their audit of the project before City Council can accept the project.

**Discuss Fire Station Addition with Metzger Johnson Architects** – Engineer Dave Metzger with Metzger Johnson Architects, presented amended plans for the addition to the fire station. Engineer Metzger explained that he had met with City Administrator Gifford and Fire Chief Sanders to review the original plans. The group discussed several items which were presented in the amended plans. Metzger estimated the cost of the addition, including engineering and design services to be \$467,500. City Administrator Gifford and Finance Officer Sattler proposed that the project be funded with TIF dollars. In order to use TIF to pay for the improvements the Urban Renewal Plan must be amended to include this type of project. Council will hold a Public Hearing September 3<sup>rd</sup>, 2008 at 6:00 p.m. to consider amending the Urban Renewal Plan.

#### **OLD BUSINESS:**

**CITIZEN'S INQUIRIES:**

**MAYOR'S INQUIRIES:**

**ADJOURN:** There being no further business, the meeting adjourned at 9:15 p.m. upon motion by Crowner, second by Lees. Voice vote: All ayes. Motion carried.

---

Approved

---

Kelly D. Fry, City Clerk

---

Hans K. Trousil, Mayor

**CITY OF WEST BURLINGTON  
CLAIMS LIST 8/20/2008**

ACCO UNLIMITED CORP.	LIQUID CHLORINE FOR POOL	971.70
ALIENWARE CORPORATION	CITY CLERK COMPUTER	3,775.00
AMERICAN RED CROSS OF THE	LIFEGUARD TRAINING CLASS FEE	5.00
AXA EQUITABLE	DEFERRED COMP.	350.00
BANCARD CENTER	SUMMER CONFERENCE REG, GIFFORD	1,553.33
BIO-KEY INTERNATIONAL	POCKET COP LICENCE, ANNUAL FEE	765.82
BRISSEY, MICHAEL	FLEX	43.29
BRITE-WAY SERVICES	CITY HALL WINDOW CLEANING	145.00
BROWN, BRANDY	LIFEGUARD CERT. REIMBURSEMENT	150.00
BURLINGTON AREA FAMILY PRA	PARTIAL SELF FUNDING	223.20
BURLINGTON HYDRAULIC SERVI	HOSE FOR TRACTOR	24.50
BURLINGTON MUNICIPAL WATER	BACTERIA SAMPLE POOL	21,724.72
BUSTER,DANA	FLEX	340.20
C & J JANITORIAL SRV	FIRE STATION CLEANING	67.50
CENTRE STATE INTN'L INC.	SLEEVE	3.80
CITY OF BURLINGTON	COMMUNICATIONS	3,331.00
CLINE, TROY	FLEX	208.33
CRAY GODDARD MILLER & TAYL	LEGAL SERVICES/ GODDARD	8,838.00
DAY-TIMERS INC.	REFILL PLANNER/TROUSIL	19.07
DENNYS AUTO SERVICE	TIRE REPAIR	13.00
DES MOINES CO. ATTORNEY	MONTHLY FEE FOR PROSECUTION	333.33
DES MOINES CO. NEWS	PUBLICATIONS	266.26
DES MOINES CO. REGIONAL	WASTE MANGEMENT FEE	2,120.80
EBERT SUPPLY CO.	BROOMS	54.00
ELECTRONIC APPLICATIONS CO	INSTALLED 3 CAMERAS/MONITOR	433.00
EMBELLISHMENTS & DESIGNS E	TEES FOR POOL STAFF	177.61
FARM KING OF BURLINGTON	CLAMPS, JEANS, SHORTS, PRIMER	236.42
FARMERS & MERCHANTS BANK &	FIRE ENGINE LOAN PAYMENT	48,895.15
FARNER-BOCKEN COMPANY	POOL CONCESSIONS	2,095.72
FASTENAL COMPANY, THE	SAFETY VESTS	227.67
FEDERAL ELECTRONIC TAX PAY	FEDERAL TAXES	14,615.88
FISHER ENTERPRISES	PORTABLE TOILETS 8, 4TH JULY	585.00
FP MAILING SOLUTIONS	INK RIBBON	445.66
FRENCH-RENEKER-ASSOCIATES	WEST BURLINGTON AVE	5,166.02
FRY, RANDY	FLEX	246.97
FT MADISON PHYSICIANS	PARTIAL SELF FUNDING	237.00
FT. MADISON COMMUNITY	PARTIAL SELF FUNDING	33.00
GREENWOOD CLEANING SYSTEMS	PAPER PRODUCTS	257.53
HACH COMPANY	CHEMICALS	251.31
HARMAN GRAPHICS	HEIGHT RESTRICTION SIGNS POOL	1,572.00
HAWK EYE, THE	WEEDS & GRASS PUBLIC NOTICE	10.31
HAYS MD,CARL H	PARTIAL SELF FUNDING	11.60
HILLYER CHIROPRACTIC	PARTIAL SELF FUNDING	26.25

HOLTKAMP'S TRAILER REPAIR	DUMP TRUCK # 20 REPAIR	394.47
HUFFMANS FARM & HOME	CHAIN SAW, WRENCH, ROPE	55.54
HY-VEE #1042	PARTIAL SELF FUNDING	282.41
HY-VEE #1044	PARTIAL SELF FUNDING	217.87
HY-VEE FOODS INC.	PARTIAL SELF FUNDING	71.27
IDEAL READY MIX CO. INC.	CONCRETE	592.75
INDUSTRIAL MOTORS INC.	18 VOLT BATTERY	2,848.00
IOWA DEPARTMENT OF NATURAL	ANNUAL FEE NPDES	1,275.00
IOWA ILLINOIS OFFICE SOLUT	MULTIPURPOSE PAPER, WHITE 20LB	262.10
IOWA ONE CALL INC	NOTIFICATIONS -67	60.30
IOWA TELECOM COMMUNICATION	TELEPHONE SERVICE	202.04
JAMESON ORTHOPEDIC CLINIC	PARTIAL SELF FUNDING	102.00
JC PENNY	JEANS, M. BRISSEY, B. MOELLER	262.48
K. M. KING INC.	K. M. KING INC.	247,380.71
LANGLAND, JOHN C. MD	PARTIAL SELF FUNDING	353.88
LAVEINE SANITATION INC.	GARBAGE & TRASH HAULING	7,942.64
LECC/NEBRASKA SHERIFF'S AS	REG. FEE ANGELA BONAR/	30.00
LISCO/LTDS	TELEPHONE SERVICE	0.00
LOWE'S COMPANIES INC.	HERBICIDE/TIMER/LANDSCAPING	245.65
MAY, KELSEY	LIFEGUARD CERT. REIMBURSEMENT	150.00
MAYBERRY,BRIAN	PARTIAL SELF FUNDING	12.16
MCFARLAND SWAN	RM4640 CARTRIDGES	68.97
MES INC.	REGULATOR FOR BREATHING APPAR.	0.00
MIDWEST JANITORIAL SERVICE	MONTHLY JANITORIAL SERVICE	360.06
MIRACLE CAR WASH	CAR WASHES	7.25
MOELLER,BRADLEY	PARTIAL SELF FUNDING	4.00
MOORE, MARK	TRAVEL EXP, MEALS	10.49
NAPA AUTO PARTS	OIL FILTERS, BRAKE CLEANER	254.10
NFPA	BANNERS, BROCHURES, POSTERS	391.45
NUPATH	PARTIAL SELF FUNDING	100.06
O'ROUKE PHD, PEGGY S.	PARTIAL SELF FUNDING	17.30
OBLEIN, ALEX	FLEX	112.94
PINE GROVE STORE	BOOTS, FRY, BRISSEY, CLINE	326.80
POWERNET GLOBAL COMMUNICAT	TELEPHONE SERVICE	61.73
QC ANALYTICAL SERVICES LLC	WASTWATER TESTS	1,640.00
QWEST	TELEPHONE SERVICE 753-6930	125.96
RASHID, JOHN J MD	PARTIAL SELF FUNDING	64.80
REIF OIL CO.	GAS	4,148.33
RON'S CERTIFIED AUTOMOTIVE	REPAIR SWEEPER	94.08
SCHNEDEN,JOHN	FLEX	20.20
SOUTHEAST IOWA REGIONAL PL	PER CAPITA DUES	2,115.00
TWO RIVERS INSURANCE SERVI	INSURANCE 1976 DOR TRAILER	124.00
USA BLUEBOOK	RUBBER GLOVES, ODOR BLOCK	494.05
WEST BURLINGTON FIREFIGHTE	REIMBURSEMENT FOR TOOLS	172.27
WRIGHT EXPRESS	FUEL	2,612.91
GRAND TOTALS		
GENERAL FUND		51,267.54
ROAD USE		2,343.87
LOCAL OPTION SALES TAX		1,125.00
TIF		4,041.02
DEBT SERVICE		48,895.15
GENERAL OBLIGATION/TIF BO		2,475.40
WATER		273,432.61
SEWER		10,007.65
MEDICAL INSURANCE RESERVE		1,962.10

FLEX ACCOUNT	766.63
4TH OF JULY CELEBRATION	602.00
TOTAL	396,918.97

REVENUES – JULY 2008

GENERAL FUND	111114.39
ROAD USE	22757.59
EMPLOYEE BENEFITS	152.35
LOCAL OPTION SALES TAX	32188.96
TIF DEBT SERVICE	6743.57
DEBT SERVICE	702.38
GENERAL OBLIGATION/TIF BOND	1161.48
WATER	56975.85
BEAVERDALE ESCROW	834.66
WESTWOOD HILLS ESCROW	219.13
SEWER	46754.89
MEDICAL INSURANCE RESERVE	257.05
TRUST & AGENCY – WATER DEPOSIT	96.86
4TH OF JULY	10463.75
TOTAL REVENUES	290,422.91