

**Regular Council Meeting December 3, 2008 – 6:00 p.m.** The West Burlington City Council met in regular session at 122 Broadway Street with Mayor Pro-Tem Therese Lees presiding. Council members Rod Crowner, Rick Raleigh, Tom Law were present. Mayor Trousil and Marc Pilger were absent. City Administrator Dan Gifford, Finance Officer Leslie Sattler, Fire Chief Lenny Sanders, Police Chief Alex Oblein and Development Service Coor., Jared Reed were also present.

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

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

1. Minutes of the Regular City Council Meeting on November 19, 2008
2. Payment to Francis Pump & Well Service for Repair in Beaverdale Subdivision - \$1,653.50
3. Payment to BIO-key International for Annual Maintenance Fee - \$2,851.08
4. Payment to Martin Equipment - \$1,046.00
5. Claims as Presented in the amount of \$195,372.34

**COMMITTEE REPORTS:**

**FINANCE** – Crowner asked that item #5 concerning the Rental Housing Code be moved to the end of the Agenda. There were no objections.

**UTILITIES** – Nothing to report

**STREETS** – Gifford reported that crews had been plowing snow.

**PUBLIC SAFETY** – Oblein reported that there had been two minor traffic accidents due to the bad weather.

Fire Chief Sanders reported that the Fire Department’s new Med 10 Unit is now in service.

**SANITATION** – Nothing to report.

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

**NEW BUSINESS:**

**Consider a Resolution Hiring Five Fire Fighters Pending Physical and Background Checks** – Lees presented a Resolution to hire Cody Carpenter, James Dochterman, Emily Hall, Barney Paytes and Jeremiah Teeter as fire fighters. Cody Carpenter and Barney Paytes were removed until necessary paperwork was turned in. Crowner made a motion, second by Raleigh, to approve a Resolution hiring James Dochterman, Emily Hall and Jeremiah Teeter as fire fighters pending successful completion of background checks and pre-employment physicals. Roll call vote. Raleigh, Law, Lees and Crowner voted aye. Motion carried.

**Consider Payment to Ricchio Inc for the Swimming Pool Project** - Gifford explained that this would be the final payment to Ricchio Inc. for work on the Swimming Pool Project. There are some repairs that need to be made, but they will be done next spring under warranties. Gifford recommended Council approve the final payment since Ricchio has satisfied his contract with the City. Crowner made a motion, second by Raleigh, to approve a payment of \$5,000 to Ricchio Inc. for swimming pool construction. Roll call vote. Law, Lees, Crowner and Raleigh voted aye. Motion carried.

**Consider Resolution Accepting the West Burlington Ave. PPC & HMA Resurfacing Project** – Raleigh made a motion, second by Crowner, to approve a resolution releasing the retainage and accepting the West Burlington Ave. PPC & HMA Resurfacing Project. Roll call vote. Lees, Crowner, Raleigh and Law voted aye. Motion carried. The project included paving and widening West Burlington Ave. from Agency Road to Van Weiss and HMA

resurfacing from Van Weiss to Mt. Pleasant Street. The final construction cost was \$994,475.57 with \$217,000 coming from Federal funding.

**Consider Property, Liability and Workers' Compensation Insurance Renewal** – Steve Stabel with Two Rivers Insurance presented proposals for property, liability and workers' compensation insurance coverage for Council to consider. The policy is due January 1<sup>st</sup>. Mr. Stabel sent out several requests for proposals for coverage. After reviewing each of them Mr. Stabel recommended Council choose between Continental Western Group with a premium of \$82,000 and Cornhusker Casualty with a premium of \$84,306. Mr. Stabel stated that he has worked with both companies and feels that they are both stable/reputable companies. Gifford reminded Council that the City currently has coverage with Cornhusker Casualty and there have been several sizable claims with them that would justify an increase in the premium cost over last year. The City currently has several open claims with Cornhusker and therefore he recommended continuing with Cornhusker at a cost of \$84,306. Crowner made a motion, second by Raleigh, to buy property, liability and workers compensation insurance coverage from Cornhusker Casualty. Roll call vote. Crowner, Raleigh, Law and Lees voted aye. Motion carried.

**Consider the Final Reading of an Ordinance Adopting Regulations for Wind Energy Systems** - Crowner asked if staff had received any comments on the proposed ordinance. City Clerk Fry reported that no comments were received other than requests by other cities to see a copy of the proposed ordinance. Crowner made a motion, second by Raleigh, to approve the final reading of an Ordinance adopting regulations for Wind Energy Systems. Roll call vote. Raleigh, Law, Lees and Crowner voted aye. Motion carried.

**Consider the First Reading of an Ordinance Concerning Parking Regulations** – Gifford presented an ordinance amending parking regulations to include no parking on both sides of Huston Street from N. Gear Ave. to Layne Dr. and no parking on Layne Drive north of Huston Street. Crowner felt that no parking should include Huston Street west of Layne Dr. Gifford stated that the parking west of Huston on Layne Drive has not presented a problem since it's a dead end. There has been an issue with Rheinschmidt Granite using the cul-de-sac for storage of material. This has been an issue for snow removal as well as hydrant flushing. Raleigh agreed that the no parking regulation should include Huston Street west of Layne Dr. Crowner made a motion, second by Raleigh, to approve the first reading of an ordinance establishing no parking on Huston Street North of Gear Ave. and no parking on Layne Drive north of Huston. Roll call vote. Law, Lees, Crowner and Raleigh voted aye. Motion carried.

**Consider Resolution Approving Preliminary Plat for Two Rivers Subdivision** – Council reviewed a Preliminary Plat for Two Rivers Subdivision, which is located at the corner of Gear Ave. and Agency Rd. The L-shaped property, surrounding Reif Oil Westland Fast Break's North and West property line, is owned by Two Rivers Bank. The lot currently has frontage on Gear Ave. as well as Agency Rd. The subdivider is proposing a three-lot subdivision and plans to dedicate a private road to the City along with water and sewer lines located in a Utility Easement. The private road runs north from Agency Rd. between the proposed Lot 3 and Reif Oil Westland Fastbreak and turns east running between the Westland Ford property and proposed Lot #1. The subdivider has made repairs to the street and has submitted plans to extend water to Lot #2. Administrator Gifford and Public Works Director Fry have approved the roadway repairs and feel the plans to extend water to Lot #2 are acceptable. Fire Marshal Crooks has also approved the location of fire hydrants.

The Commission found the plat to be acceptable and recommended Council accept the Preliminary Plat. There being no further discussion Crowner made a motion, second by Raleigh, to approve a Resolution accepting the Preliminary Plat for Two Rivers Subdivision. Lees, Crowner, Raleigh and Law voted aye. Motion carried.

**Consider Resolution in Support of Partial Industrial Tax Abatement for KPI Concepts Inc.** – Gifford presented an application from KPI Concepts Inc. for a partial Industrial Tax Abatement. Gifford explained that Industrial Tax abatements are regulated by the state and according to the Iowa Code the applicant can apply directly with the County Assessor. Gifford spoke to the County Assessor about the abatement and both feel that the City

should be aware of the application and recommended passing a resolution in support of the partial abatement. The Iowa Codes allows for a five year partial abatement on a graduating scale. Council asked for more information on the graduating scale. Gifford did not have that information on hand, but agreed to provide it at the next meeting if Council wanted to table the issue until December 17<sup>th</sup>. Council agreed and Raleigh made a motion, second by Crowner, to table a resolution supporting a partial industrial tax abatement for KPI Concepts until the next regular council meeting. Roll call vote. Raleigh, Law, Lees and Crowner voted aye. Motion carried.

**Consider the Second Reading of an Ordinance Adopting a Rental Housing Code** – Dev. Services Coor. Reed presented the second reading of an Ordinance adopting a Rental Housing Code. Reed stated that changes were made to the inspection schedule to allow for inspections on single family rental units and duplexes every five years rather than every three years. The fee for inspections also changed from \$45 to \$75. Reed also discussed off street parking regulations, which include a requirement for a minimum of two parking spaces for each family residence. The proposed Rental Housing Code makes reference to the current off street parking regulations that have already been adopted in the zoning code. Reed stated that parking issues at rental properties will be handled the same way they are for owner occupied homes. The only issue he feels will cause a problem is parking on surface that is not durable and dust free. Reed also discussed current regulations for electrical work. Iowa Code states all electrical work done in residential settings must be done by an individual licensed by the State. Currently plumbing and mechanical work can be done by the home owner. However, this is likely to change in the near future.

Lees opened the floor to those wishing to address council on the issue. Iona LaVeine, owner of the trailer park located at 890 W. Mt. Pleasant, expressed concern with the regulations being too strict for mobile homes when compared to stick built homes. Reed stated that all trailers built before 1976 won't have to meet window dimension requirements, but must meet the minimum H.U.D. standards. Mrs. LaVeine stated that all the mobile homes in their court met H.U.D. standards. She reported that at least two are currently being inspected annually by Southeast Iowa Regional Housing Authority so tenants can receive assistance for rent payments. Gifford stated that if the trailers do actually meet H.U.D. standards their shouldn't be a problem with passing the proposed Rental Housing Code.

Dennis and Darrell LaVeine, owners of the trailer park located at 802 W. Mt. Pleasant, expressed concern with some of the regulations as well, especially the window dimensions. Gifford reiterated that trailers built before 1976 will not be required to replace windows, however, if the remodel the trailer new windows would have to meet current dimension requirements.

Steve Pearlstein, Beaverville Road, introduced himself to Council as the past Executive Director with the Southeast Iowa Regional Housing and past rental housing inspector with the City of Burlington. Mr. Pearlstein stated that he had done many rental housing inspections in West Burlington as well as 27 surrounding cities and feels that the City is long overdue for a rental housing ordinance. He felt that many of the single family structures had more problems than the complexes and suggested that having a maintenance person on staff helped complexes keep property more regularly maintained. Mr. Pearlstein feels that having a rental housing program can be a benefit to everyone from the tenant to the landlord to neighboring properties. He suggested that Council address lead based paint in the code as well.

John Latty, Stoney Hollow Rd., Burlington informed Council that he owns a couple of rental properties in town and is not interested in another layer of regulations and fees.

Dan Hockett, 417 Ruthella, stated that his attorney had reviewed the rental housing ordinance and felt that there were several problems that needed to be address. The attorney was not available to attend this meeting and Mr. Hockett asked Council to table the second reading until December 17<sup>th</sup>. Mr. Hockett had a list of several items his attorney was concerned with. The first being, why the City doesn't just use the State's Rental Code. Gifford stated that the State Rental Code does not allow for inspections. Hockett stated that the code doesn't allow "due process" for landlords. Gifford stated that there is an appeal process in the proposed ordinance, but he will take a closer look at that particular section. Hockett felt that Burlington's ordinance

allowed protection for landlords and tenants. Reed stated that the Burlington Code is actually more restrictive and the State's Landlord/Tenant laws apply to the proposed regulations.

Councilman Law felt that the proposed ordinance was something that the City needed to have in place and although it will be a learning experience for the City he felt that it was important for Council to move forward with the second reading.

There being no further discussion Raleigh made a motion, second by Law, to approve the second reading of the Rental Housing Code. Roll call vote. Raleigh, Law and Lees voted aye. Motion carried. Crowner had to leave during the discussion and was not present for the vote.

**OLD BUSINESS:**

**CITIZEN'S INQUIRIES:**

Steve Swafford, 622 N. Gear Ave., asked Council to consider adopting a Quiet Zone for train whistles between N. Gear Ave. and Washington Rd. He also reported that trains are blocking the crossing for extended periods of time. Mr. Swafford has witnessed cars going around the crossing arms to avoid being held up by trains. He felt that it was becoming a safety issue. Raleigh stated that he would look into the train whistle issue.

**MAYOR'S INQUIRIES:**

**Closed Session to Discuss Employee Evaluation** - Raleigh made a motion, second by Law, to table the closed session until the entire Council was present. Roll call vote. Lees, Raleigh and Law voted aye. Motion carried.

**ADJOURN:** There being no further business, the meeting adjourned at 7:35p.m. upon motion by Law, second by Raleigh. Voice vote: All ayes. Motion carried.

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Approved

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Kelly D. Fry, City Clerk

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Therese Lees, Mayor Pro-Tem

# CITY OF WEST BURLINGTON

## CLAIMS LIST 12/03/08

ALEXIS FIRE EQUIP. CO. INC	THERMAL IMAGER REPAIR	140.00
AXA EQUITABLE	DEFERRED COMP.	350.00
BALZER INC.	NUTS	7.11
BANCARD CENTER	TRAINING, CARPET/FIRE STATION	2,049.08
BAUER BUILT INC.	TIRE REPAIR	15.00
BIO-KEY INTERNATIONAL, INC	ANNUAL MAINTENANCE FEE	2,851.08
BONAR, ANGELA	FLEX	43.91
BOUCHEY, REED MD	PARTIAL SELF FUNDING	136.80
BROZENE HYDRAULIC SERVICE	PARTS FOR SNOW PLOW	104.66
BURL, AREA FAMILY PRATICE	PARTIAL SELF FUNDING	225.67
BURL. HYDRAULIC SERVICE	REPAIR HOSE	11.59
BURL./W. BURLINGTON UNITED WAY	UNITED WAY EE DEDUCTION	4.00
CDW GOVERNMENT INC.	QUANTUM DLT VS160	895.00
CITY OF BURLINGTON	TRAFFIC SIGNAL REPAIR	1,777.46
CITY OF WEST BURL	MEDICAL UNION DEDUCTIONS	782.40
CITY OF WEST BURL. FLEX	FLEX DEPENDENT CARE DEDUCT	927.10
CLEAR FALLS BOTTLED WATER	COOLER RENT/BOTTLED WATER	22.50
CLEVELAND MD,MARK G	PARTIAL SELF FUNDING	207.00
CRAFTSMAN PRESS	BUSINESS CARDS & LETTERHEAD	344.00
DAVIS RADIOLOGY	PARTIAL SELF FUNDING	12.00
DES MOINES CO. PUBLIC HEALTH	FLU SHOTS	260.00
DISPLAY SALES	3.5 SNOWBURST/HOLIDAY LIGHTS	1,255.00
EBS - EMPLOYEE BENEFIT SYS	FLEX	437.08
ELECTRONIC APPLICATIONS CO	REMOTE SPEAKER MIC	73.50
FBINAA-IOWA CHAPTER	FBINAA-LUNCHEON	20.00
FEDERAL ELECTRONIC TAX	FEDERAL TAXES	10,672.93
FRANCIS PUMP & WELL SERVICE	REPAIR WATER MAIN	1,653.50
FRENCH-RENEKER-ASSOCIATES	WEST BURLINGTON AVE.	1,239.00
FT MADISON PHYSICIANS	PARTIAL SELF FUNDING	139.37
GALLS INC.	BRASS NAME TAGS	633.78
GET WIRELESS, LCC	WIRELESS TERMINAL & BATTERY	599.00
GIFFORD, DAN	PARTIAL SELF FUNDING	55.30
GREAT RIVER MEDICAL CENTER	RADIOLGY DIAG.	2,205.11
HENRICH, DOUGLAS E. MD	PARTIAL SELF FUNDING	411.00
HENRY COUNTY HEALTH	PARTIAL SELF FUNDING	356.00
HOLTKAMP TRAILER REPAIR	FIRE/STREET DEPT EQUIP REPAIRS	2,026.17
HUFFMANS FARM & HOME	SNAP LINKS	20.54
HY-VEE #1042	PARTIAL SELF FUNDING	133.11
HY-VEE #1044	PARTIAL SELF FUNDING	856.12
ILLINOIS DEPARTMENT OF REV	ILLINOIS W/H	48.79
IOWA ONE CALL INC	NOTIFICATIONS/82	73.80
IOWA POLICE EXEC. FORUM	2009 ANNUAL DUES IPEF	35.00
IOWA PUBLIC EMPLOYEES' RET	IPERS REGULAR	5,157.25
K. M. KING INC.	406 & 2ND. CONNECTION	111,984.01
MARTIN EQUIPMENT	INJECTOR PUMP	1,046.00
MENARDS	MISC. OPPERATING SUPPLIES	618.78
METZGER JOHNSON ARCHITECTS	ARCHITECT FEE	14,445.00
MIDWEST JANITORIAL SERVICE	MONTHLY JANITORIAL SERVICE	360.06
MOELLER,BRADLEY	PARTIAL SELF FUNDING	4.00
MORNING SUN FARM IMPLEMENT	ROLLERS	83.21
OMB EXPRESS POLICE SUPPLY	INNER EDGE PKG/FORD CROWN VIC	1,826.99

POSTMASTER	POSTMASTER	313.39
PRAXAIR DISTRIBUTION INC.	SAFTEY GLASSES	5.06
QWEST	752-5108 TELEPHONE SERVICE	188.65
RAINBO OIL COMPANY	KEROSENE	589.84
RON'S CERTIFIED AUTOMOTIVE	REPLACE TURN SIGNAL SWITCH	139.18
S.E. IA REGIONAL AIRPORT	ANNUAL CONTRIBUTION	18,263.04
SATTLER, LESLIE	PARTIAL SELF FUNDING	82.28
SCHNEDEN,JOHN	PARTIAL SELF FUNDING	37.20
SOUTHEASTERN COMM. COLLEGE	EXCELL CLASS TRAINING/SWINK	208.00
SOUTHEASTERN IA. MEDICAL	PARTIAL SELF FUNDING	68.80
STAPLES CREDIT PLAN	MISC OFFICE SUPPLIES, UPS	324.33
SHERWIN-WILLIAMS CO.	PAINT	329.26
THE UNIVERSITY OF IA	DISASTER PLANNING WORKSHOP	50.00
TITAN MACHINERY	SHOCK ASBOR	46.13
TREASURER STATE OF IA	WITHHELD TAXES	1,665.00
TYLER TECHNOLOGIES,INC	INCODE CONNECT 2009/ K.FRY	1,150.00
VERIZON WIRELESS	CELLULAR TELEPHONE SERVICE	769.24
WRIGHT EXPRESS	FUEL	1,507.18
001 GENERAL FUND		44,076.73
110 ROAD USE		2,656.31
121 LOCAL OPTION SALE		18,263.04
125 TIF		1,239.00
600 WATER		116,741.25
601 BEAVERDALE ESCROW		1,653.50
610 SEWER		5,524.74
820 MEDICAL INSURANCE		4,736.78
821 FLEX ACCOUNT		480.99
GRAND TOTAL		195,372.34

