

Regular Council Meeting November 19, 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, Tom Law, Therese Lees and Marc Pilger were present. City Administrator Dan Gifford, Public Works Director Randy Fry, Fire Chief Lenny Sanders, Police Chief Alex Oblein and Development Service Coor., Jared Reed were also present.

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

Crowner asked item #5 concerning computer software training for City Clerk and Finance Officer be moved from the Consent Agenda and placed under New Business. Lees made a motion, second by Pilger, to approve the Consent Agenda as amended. Roll call vote: Lees, Law, Crowner and Raleigh voted aye. Motion carried.

1. Minutes of the Regular City Council Meeting on November 5, 2008
2. Appointment of Salvador, Fletcher and Dewey to the Planning and Zoning Commission
3. Incident Safety Officer Training for Fire Department
4. Health and Safety Officer Training for Fire Department
5. Annual Contribution to Southeast Iowa Regional Airport - \$18,263.04
6. Payment to City of Burlington for County Wide Communications - \$3,321
7. Payment to Strobes N' More for Police Car Equipment - \$2,566.93
8. Payment to QC Analytical Services for Wastewater Testing - \$1,552.00
9. Payment to Iowa Department of Transportation for Calcium Chloride and Ice Melt - \$4,231.42
10. Payment to Great River Business Health for Fire Dept Physicals - \$1,485.00
11. Payment to Dorsey & Whitney for Legal Services - \$7,899.60
12. Payment to CPA Associates for Annual Audit - \$7,500.00
13. Payment to Traffic and Transportation Products - \$5,975.00
14. City Clerk's Financial Report for October 2008
15. Claims as Presented in the amount of \$258,303.80

COMMITTEE REPORTS:

FINANCE – Crowner reported that Grow Greater Burlington recently voted to donate \$22,200 in Hotel/Motel Tax revenue to various community events. West Burlington donates a portion of Hotel/Motel Tax Revenue to Grow Greater Burlington to be used for promoting local tourism.

UTILITIES – Nothing to report

STREETS – Fry reported that crews have been sweeping streets and preparing equipment for snow removal.

PUBLIC SAFETY – Oblein reported that the new Police Unit #3 is almost ready to be put into service. The department is working with the Governor's Traffic Safety Grant, Tobacco Compliance and firearm qualifications. Oblein has also started working on FY08/09 Budget requests.

Sanders reported that the department currently has seven new members and will be looking at five more applications.

Crowner asked that Council be notified of Quad Township Trustee meetings so they can attend if necessary. He feels that it is important to keep communication open between the Trustees and the City. Sanders reported that the next meeting will be held in February and he will be sure to let Council know in advance.

Crowner also noted that he had read in the paper that the City's Sewer Plant had been broken into. He felt that Council should have been notified when the incident occurred rather than reading about it in the local paper.

SANITATION – Nothing to report.

CITIZEN'S INQUIRIES: No inquiries.

NEW BUSINESS:

Consider Payment #5 to K.M. King, Inc. and Change Order #1 for Division I of the Water Distribution System Improvement Project – Kelli Scott with Snyder Associates reported that all the water main had been installed and the contractor is conducting pressure testing and bacteria testing. The Contractor also plans to complete shoulder reconstruction and seeding in the spring. Scott also explained that Change Order #1 included an 8” valve installed at the Truck Stop, removal of a driveway culvert west of the railroad tracks, the directional bore under the IAAP access road and sand backfill for 15438 Hwy 34, west of the railroad tracks. Lees made a motion, second by Pilger, to approve a payment to K.M. King, Inc. in the amount of \$111,984.01 as recommended by Snyder & Associates as well as Change Order #1 in the amount of \$11,146.65. Roll call vote. Law, Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Alliant Energy Report – Darrell Stallzer with Alliant Energy gave Council an update on Alliant Energy’s services, employment numbers, infrastructure valuations, various donations to community organizations and local projects. Stallzer will provide Administrator Gifford with a detailed report to be filed at City Hall.

Consider Payment to the following Engineers for Previously Approved Contracts – Crowner made a motion, second by Lees, to approve payments to the following engineers:

French-Reneker-Associates – West Burlington Ave. HMA & PPC Project - \$1,239

Metzger Johnson Architects – Fire Station Addition - \$14,445.00

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

Consider the First Reading of an Ordinance Adopting a Rental Housing Code – Dev. Services Coor. Reed presented the first reading of an Ordinance adopting a Rental Housing Code for Council to consider. Reed stated that with the implementation of the rental housing ordinance all rental properties will be inspected and then be placed on a staggered inspection schedule. During the last meeting a question was raised about minimum size requirement for windows in sleeping areas. Crowner felt that the minimum window dimensions of 24” x 20” were too restrictive when many of the older homes were built with windows that do not meet those criteria. Reed explained that the minimum window dimensions are set by the State Code and should not be modified. After discussing the issue with the Fire Marshal, Reed stated that older homes could be “Grandfathered” in if the windows are original to the house, otherwise they must be brought into compliance with State Code.

Lees made a motion, second by Raleigh, to approve the first reading of an ordinance establishing a Rental Housing Code. Mayor Trousil asked for comments.

Dan Hockett, 417 Ruthella addressed Council as a representative for his father Ed Hockett, who owns several rental properties in West Burlington. Hockett stated that he does not feel that a rental housing code is needed in West Burlington. Hockett stated that someone who is renting has the choice to move if they are not happy with property and feels that the renting market regulates itself.

Lees stated that Council has discussed the need for a rental code for many years in order to address properties that do not meet minimum building requirements. Raleigh stated that many of the rental properties have become unsafe and have created nuisances for neighboring property owners.

Crowner stated that, as an owner of several rental properties in town, he may not totally agree with the rental housing code, he does see that there is a need for the City to inspect rental properties to make sure they meet the minimum standards. Crowner asked that the ordinance be amended to read that single family rental units and duplexes shall be inspected every 5 years rather than every 3 years. This change would make inspections follow the same time frame as the City of Burlington. There were no objections by other Council members. Reed will make that change before the next reading.

Hockett feels that landlords should not be penalized by being required to pay a \$45.00 inspection fee every five years. He also feels that if someone complains about a rental property and no violation was found the complainant should be liable for paying an inspection fee. Administrator Gifford stated that the proposed ordinance addresses Mr. Hockett’s concern of unfounded complaints and states that the tenant will be responsible for payment of an inspection fee if no violation is found.

Steve Young, 805 Melville, informed Council that he owns a couple of rental properties in West Burlington and agreed that he saw a need for the rental housing code. He would like to see a list of what building code standards will apply to rental properties. Reed will provide an inspection form that shows what items will be inspected. A copy will also be available on the City website. Gifford stated that the actual building codes are very detailed and cannot be copied; but are available to look at during regular business hours at City Hall. Mr. Young felt that the inspection form would provide the information he was looking for. He also wanted more clarification on how the inspection program will be implemented and asked Council to consider allowing time provisions for large scale repairs that may need to be made. Reed will have more information on the implementation at a later date.

Crowner asked that the ordinance be amended to read that single family rental units and duplexes be inspected every 5 years rather than every 3 years. This change would make inspections follow the same time frame as City of Burlington. Lees and Pilger agreed with the change. There were no objections by other Council members. Reed will make that change before the next reading. Roll call vote: Pilger, Crowner, Raleigh, Lees and Law vote aye. Motion carried.

Consider the Second Reading of an Ordinance Adopting Regulations for Wind Energy Systems – Crowner made a motion, second by Raleigh, to approve the second reading of an Ordinance regulating wind energy systems. Roll call vote. Crowner, Raleigh, Law, Lees and Pilger voted aye. Motion carried.

Consider the Final Reading of an Ordinance Amending Chapter 122 Concerning Solicitor Permits – Gifford presented the final reading of an Ordinance amending Chapter 122 of the City Code concerning solicitor permits with the addition of wording to address revocation and denial of permits/applications, as requested by Council at the last meeting. Crowner made a motion, second by Raleigh, to approve the final reading of the ordinance. Roll call vote. Raleigh, Law, Lees, Pilger and Crowner voted aye. Motion carried.

Discuss Beckman Towing, 2000 W. Mt. Pleasant – Larry Beckman, owner of 2000 W. Mt. Pleasant, addressed Council with issues surrounding the operation of his Towing Service and various other items.

Mr. Beckman claimed that Council directed Mayor Trousil to write a letter to the City of Burlington and Des Moines County Sherriff's Department removing his towing service (Beckman Towing) from the list of "Duty Wreckers" (The Duty Wrecker list is a list of towing services that Burlington Dispatch calls during police and emergency situations.) Mr. Beckman asked Council to reverse this order so he can be placed on the wrecker list with Burlington Dispatch. Mr. Beckman feels that he has lost thousands and thousands of dollars in business since this happened. Mayor Trousil explained that the City of West Burlington did not order Burlington or Des Moines County to stop using Beckman Towing.

Mayor Trousil explained that in 1994 the City was in litigation with Beckman Towing because Mr. Beckman refused to comply with City Codes by storing junk vehicles on the lot and operating his wrecker service without a permit. During this time the City was accumulating thousands of dollars in legal expenses as the case ended up in the Supreme Court. During this time Council authorized Mayor Trousil to write a letter to Burlington Dispatch and the Burlington Police Department informing them that Mr. Beckman was operating without a valid permit and notifying them that they did not want Beckman Towing to be called for wrecker service on behalf of the City of West Burlington. Mayor Trousil also urged the City of Burlington to take Mr. Beckman's willful disregard for the law into consideration when using his wrecker service for calls in Burlington. In 1997 the City of Burlington stopped using Beckman Towing as well.

Mr. Beckman has obtained a Certificate of Occupancy to use the property at 2000 W. Mt. Pleasant to operate his wrecker service in the past, but due to violations his Certificate of Occupancy has been revoked several times. Currently, Mr. Beckman does not have a valid Certificate of Occupancy or Business License to operate a Wrecker Service from this property. Mr. Beckman has been in court with the City once again following a citation for illegally storing vehicles on the property without a permit. The I-2 (Industrial Zoning District) does not allow an automotive salvage facility. Mr. Beckman has been told repeatedly that he cannot store wrecked and junk vehicles on this lot.

Mr. Beckman has been presented with a Certificate of Occupancy that would allow him to operate a Wrecking Service from the property if he abides by a list of conditions, which include restrictions to the number of towing vehicles he can have on the property. The Certificate of Occupancy states that the property may be used to

dispatch vehicles used in a towing service. Mr. Beckman would be allowed to dispatch from the property and would be allowed to keep up to six towing related vehicles on the lot. The vehicles must be parked in an orderly fashion and must be on a durable and dust free surface, which leads to another problem in that Mr. Beckman has placed gravel on the entire north half of his lot. Mr. Beckman has refused to agree with the terms of the proposed Certificate of Occupancy. He feels that he should be allowed to store wrecked or junk vehicles on the property. He doesn't understand why zoning regulations would prevent him from using this property for vehicle storage and insists that he did the same thing when he owned the property at 4305 W. Mt. Pleasant (currently the Hwy 34 Truck Stop), the property at 515 W. Glasgow (currently the City's Street Shop) and various places in the City of Burlington and Des Moines County.

Mr. Beckman claims that he was denied building a fence or a building on the lot. Gifford tried to explain to Mr. Beckman that he needs to apply for a building permit to put up a fence, but reminded him that he still cannot store vehicles inside the fence. He would also be allowed to build a building on the lot if he meets the code requirements, but he needs to submit engineered drawings/plans and a building permit application for staff to consider.

Getting back to the main reason he was at the meeting, which I believe was the "Duty Wrecker" issue. Lees, Raleigh and Pilger all agreed that if Mr. Beckman abides by the conditions in the proposed Certificate of Occupancy they did not have a problem authorizing Mayor Trousil to write a letter to Burlington Dispatch allowing Beckman Towing to be used for calls in West Burlington. Mr. Beckman was directed to contact the City of Burlington and Des Moines County Sheriff if he would like to do business with them.

Mr. Beckman vaguely indicated that he could comply with the proposed conditions, but felt that he should be allowed to have more than six towing vehicles parked on the lot. He would like to store other items as well. Although Mr. Beckman stated that he only has one other employee other than himself, he felt that it was impossible for him to get by with less than 10 towing vehicles at any given time. Mayor Trousil said that the terms of the proposed Certificate of Occupancy were not negotiable at this time. Reed agreed that he did not want to allow more than six vehicles at this time. Crowner did not feel that the City should regulate the number of towing vehicles Mr. Beckman should have. The rest of the Council agreed that if Mr. Beckman complied with the conditions for a reasonable amount of time the number could be reconsidered. Mr. Beckman eventually agreed to abide by the conditions of the Certificate of Occupancy and signed it in the presence of Council.

Mr. Beckman inquired about placing some type of storage trailers on his property. Mayor Trousil directed him to discuss storage units with Development Services Coord. Reed.

Consider Computer Software Training for City Clerk and Finance Officer – Crowner questioned if it was necessary for both people to attend the training. Fry explained that the training covers all the software modules and it would be impossible for one person to go to training for all of it. Gifford explained that eventually training will alternate with the Utility Billing Clerk and the Administrative Assistant in the Finance Office, but felt that at least two people should always attend. Fry plans to attend classes on Utility Billing, Check Reconciliation, Cash Collections and Building Permitting. Sattler will attend classes on Payroll, Accounts Payable, General Ledger and Capital Projects. The registration fee for five days is \$575 per person and includes breakfast and lunch for four days. The most expensive part of the trip is for travel and lodging. Staff tries to cut costs by sharing a room when possible. The total cost for the training will be approximately \$2,900. Council budgeted \$3,000 between water, sewer and general fund. Crowner made a motion, second by Raleigh, to approve software training for City Clerk and Finance Officer. Roll call vote.

OLD BUSINESS:

Consider Purchasing Copier for City Hall – During the last Council meeting Council asked Finance Officer Sattler to gather information on leasing a copier verses purchasing. Administrator Gifford informed Council that he reviewed the information Sattler gathered regarding leasing instead of purchasing. In the end the cost of leasing the Konica would be \$12,131.40 and the purchase price was \$10,382 (this included some additional items such as a fax board, worktable and desktop software). The cost for leasing the Sharp would be \$14,928 and purchasing would be \$10,228.10. Gifford recommended purchasing the Konica copier at a cost of \$10,382 and entering into the maintenance agreement with J&S Electronic. Crowner made a motion, second by Pilger, to

approve the maintenance agreement and purchase of the Konica/Minolta copier from J&S Electronic at a cost of \$10,382. Roll call vote. Crowner, Raleigh, Law, Lees and Pilger voted aye. Motion carried.

CITIZEN'S INQUIRIES:

MAYOR'S INQUIRIES:

ADJOURN: There being no further business, the meeting adjourned at 9:40 p.m. upon motion by Pilger, second by Law. Voice vote: All ayes. Motion carried.

Approved

Kelly D. Fry, City Clerk

Hans K. Trousil, Mayor

CITY OF WEST BURLINGTON
CLAIMS LIST 11/19/08

3E	ELECTRICIAL SUPPLIES	25.60
ACCESS ENERGY	TANK RENTAL	36.00
ALLIANT ENERGY	GAS & ELECTRICIAL	11,911.69
ALLMED	EMS GLOVES	32.74
BAN-KOE SYSTEMS	SOFTWARE SUPPORT	1,800.00
BANCARD CENTER	TRAVEL & TRAINING	1,093.81
BEAMES WELDING & REPAIR	CYLINDER REPAIR	150.00
BEST EXPRESSION	GREAT PROG. SUPPLIIES	284.82
BODEN, BRENT	REFUND	5.79
BROZENE HYDRAULIC SRV.	TUBING, NUTS	261.60
BUDGET LIGHTING	LIGHTS	89.70
BURL. AREA FAMILY PRACTICE	PARTIAL SELF FUNDING	64.80
BURLINGTON GLASS	AUTO CHANNEL	19.20
BURL. MUNICIPAL WATER	13,109.00 GALLONS WATER	21,163.65
BURL/W. BURL. UNITED WAY	EE DEDUCTION	4.00
C & J JANITORIAL SRV	FIRE STATION CLEANING	135.00
CESSFORD CONSTRUCTION	SAND	142.05
CITY OF BURLINGTON	COMMUNICATIONS	3,336.00
CITY OF WEST BURLINGTON	WTR BOND SINKING	1,072.05
COMMUNITY HEALTH CENTERS	PARTIAL SELF FUNDING	56.80
CONOCOPHILLIPS	FUEL	45.24
CPA ASSOCIATES	AUDIT	7,500.00
CRAY GODDARD MILLER & TAYLOR	LEGAL SERVICES/TAYLOR	288.00
DAVIS RADIOLOGY	PARTIAL SELF FUNDING	46.50
DES MOINES CO. ATTORNEY	MONTHLY PROSECUTION	333.33
DES MOINES CO. NEWS	PUBLICATIONS	207.83
DES MOINES CO. REGIONAL	WASTE MANGEMENT FEE	2,307.19
DIMENSIONS	CHAIR/CHAMBERS	384.71
DORSEY & WHITNEY	LEGAL SERVICES	7,899.60
DOWNTOWN PARTNERS	PARADE ENTRY FEE	10.00
EASTERN IOWA LIGHT & POWER	ELECTRIC BEAVERDALE	48.00
EMPLOYEE BENEFIT SYSTEM	FLEX	18,943.50
FARM KING	SUPPLIES	503.72
FASTENAL	SNOW EQUIP REPAIRS	399.50
FEDERAL ELECTRONIC TAX	FEDERAL TAXES	11,479.54
FP MAILING SOLUTIONS	POSTAGE	360.00
FRANK MILLARD	SERVICE/GENERATOR	195.00
GALLS	COLLAR INSIGNIAS	100.69
GIFFORD, DAN	PARTIAL SELF FUNDING	3.20
GREAT RIVER BUSINESS		
HEALTH	PHYSICALS	1,485.00
GREAT RIVER WOMEN'S HEALTH	PARTIAL SELF FUNDING	126.40
HUFFMANS FARM & HOME	INSECT SPRAY	109.40
HY-VEE #1042	PARTIAL SELF FUNDING	8.00
HY-VEE #1044	PARTIAL SELF FUNDING	73.76
HYGIENIC LABORATORY	SEWER TESTING	131.00
IAPELRA	TRAIN/GIFFORD,SATTLER	100.00

IDEAL READY MIX	BACKER ROD	192.00
IL DEPT. OF REVENUE	IL W/H	55.94
INDUSTRIES FOR THE BLIND	GREAT PROG, SUPPLIES	298.00
INT'L CODE COUNCIL	BLDG INSP.CERT.COURSE	59.00
IOWA APA	REGISTRATION GIFFORD	180.00
IA DEPT OF TRANSPORTATION	CALCIUM CHLRDE,ICE MELT	4,231.42
IOWA LEAGUE OF CITIES	WORKSHOP/GIFFORD/K.FRY	60.00
IOWA PUBLIC EMPLOYEES' RET	IPERS	5,230.21
IOWA TELECOM COMM.	PHONE SRV.	200.84
JACKSON MD,FRANCIS	PARTIAL SELF FUNDING	50.00
JAMESON ORTHOPEDIC CLINIC	PARTIAL SELF FUNDING	114.40
LAVEINE SANITATION	GARBAGE & TRASH HAUL	7,942.64
LAZAR MD, ANTHONY	PARTIAL SELF FUNDING	135.00
LISCO/LTDS	PHONE SRV	466.93
LOWE'S COMPANIES	WHEELBARROW TIRES	79.96
MATT PARROTT & SONS	MINUTE BOOK	121.23
MAYBERRY,BRIAN	PARTIAL SELF FUNDING	6.32
MIRACLE CAR WASH	CAR WASHES	19.50
MUNICIPAL SUPPLY	REGULATOR ADPT. KIT	212.95
NAPA AUTO PARTS	FILTERS	313.65
OBLEIN, ALEX	FLU SHOT REIMBURSE	15.00
OLD DOMINION BRUSH	BROOMS FOR SWEEPER	678.11
PARK WEST ESTATES	TIF REBATE	19,852.27
POSTMASTER	NOV. WATER BILLS	314.12
POWERNET GLOBAL COMM.	PHONE SRV.	55.57
QC ANALYTICAL SERVICES	WASTEWATER TESTS	1,552.00
QWEST	PHONE SRV	124.90
REIF OIL	FUEL	3,957.59
SANDRY FIRE SUPPLY	FIRE BOOTS	271.92
SHOTTENKIRK PARTNERSHIP	TIF REBATES	101,285.03
STROBES N' MORE	LIGHT BAR & LIGHTS	2,566.93
SWINK, DEB	TRAVEL REIMBURSE	15.55
UPS STORE	SHIPPING FEE	22.34
TRAFFIC & TRANSPORTATION	PARTS/TRAFFIC LIGHT	5,975.00
TREASURER STATE OF IA	WITHHELD TAXES	1,790.00
TREASURER STATE OF IA	NOV.SALES TAX	4,319.00
TRUENORTH COMPANIES	FIREFIGHTERS AD&D	570.00
TWO RIVERS INSURANCE	POLICY CHANGE	37.00
US CELLULAR	CELL PHONE SRV	112.51
WALMART	SUPPLIES	44.56
001 GENERAL FUND		60,666.72
110 ROAD USE		10,828.85
121 LOCAL OPTION SALES TAX		4,739.60
124 TIF REBATES		121,137.30
301 GENERAL OBLIGATION/TIF		2,232.87
600 WATER		37,919.92
601 BEAVERDALE ESCROW		16.00
602 WESTWOOD HILLS		16.00
603 WOODSMAN SUB.		16.00
610 SEWER		17,876.11
820 MEDICAL INSURANCE		685.18
821 FLEX ACCOUNT		2,169.25
GRAND TOTAL		258,303.80

REVENUES – OCTOBER 2008

GENERAL FUND	350,298.04
ROAD USE	18,392.79
EMPLOYEE BENEFITS	58,350.78
LOCAL OPTION SALES TAX	34,247.68
TIF DEBT SERVICE	719,140.32
DEBT SERVICE	635.67
GENERAL OBLIGATION/TIF BOND	721.02
WATER	202,902.28
WATER REVENUE BOND SINKING	1,072.05
BEAVERDALE ESCROW	877.67
WESTWOOD HILLS ESCROW	222.22
SEWER	35,994.82
MEDICAL INSURANCE RESERVE	90,001.00
TRUST & AGENCY	1,346.91
TRUST & AGENCY – WATER DEPOSIT	22.27
4 TH OF JULY	50.00
TOTAL REVENUES	1,514,275.52