

Regular Council Meeting July 1, 2009 – 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 and Marc Pilger were present. Councilman Tom Law was absent. Public Works Director Randy Fry, Finance Officer Leslie Sattler, Police Chief Alex Oblein, City Administrator Dan Gifford and Development Service Coordinator Jared Reed were also present.

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

Lees made a motion, second by Pilger, to approve the Consent Agenda as presented. Crowner asked that a request from G's Mini Mart, 101 E. Mt. Pleasant to obtain an Outdoor Liquor License on the 4th of July be moved to New Business for discussion. Roll call vote: Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

1. Minutes of the Regular City Council Meeting on June 17, 2009
2. Approve City Administrator's Attendance at laCMA Summer Conference
3. Approve Liquor License Renewal for Target, 525 S. Gear Ave.
4. Approve Outdoor Service Permit for Otis Campbell's Bar & Grill, 113 Broadway St. on July 4th, 2009
5. Approve Fireworks Permit for LeRoy Johnson & Mark Hagerla, 503 N. Sunset Drive
6. Approve Payment to Holtkamp's Trailer Repair - \$2,759.82
7. Approve Payment to Famer-Bocken Company - \$3,691.71
8. Approve Payment to QC Analytical Services, LLC - \$1,552
9. Approve Payment to Municipal Supply, Inc. - \$2,157
10. Approve Payment to ACCO - \$1,025.65
11. Approve Payment to Shottenkirk - \$2,298.92
12. Claims as Presented in the amount of \$252,375.75

COMMITTEE REPORTS:

FINANCE – Crowner invited everyone to attend the annual 4th of July Celebration.

UTILITIES – Nothing to report.

STREETS – Public Works Director Fry reported that Municipal Street Improvements completed the seal coating project.

PUBLIC SAFETY – Chief Oblein informed Council that the department will hold a Tobacco Compliance Class on July 22nd. The department is also preparing for Ragbrai, which pass through town on the 25th of July. Chief Oblein informed Council that a free training opportunity related to the Drug Task Force was available and with no objections from Council he would like Officer Melssen to attend. There were no objections.

SANITATION – Public Works Director Fry reported that a pump at the South Lift Station had been damaged by lighting and needed to be replaced as soon as possible. A new must will cost approximately \$19,000. A claim has been filed with the City's Insurance Company, but Public Works Director Fry felt it was necessary to go ahead and get a new pump ordered as soon as possible.

OTHER STAFF REPORTS: Development Services Coordinator Reed reported that he has been with Wal-Mart concerning safety in their parking lot as well as following the new residential construction.

NEW BUSINESS:

Consider Creating a Position for a NIMS Compliance Officer within the Fire Department – Fire Chief Sanders asked Council to consider creating a National Incident Management System (NIMS) Compliance Officer position within the Fire Department to ensure all members are compliant with the National Incident Management System. In order for the City to be eligible for Federal Funding during disasters employees must complete certain degrees of NIMS training. Although the position will be filled with personnel from the Fire Department training will be available to all City departments. The NIMS Compliance Officer will ensure that all personnel are trained and certified to the proper levels in compliance with Homeland Securities regulations. Raleigh made a motion, second by Lees, to approve creating the position of a NIMS Compliance Officer. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Consider contribution to Highway 61 Coalition – Crowner made a motion, second by Raleigh, to approve a payment of \$250 to the Highway 61 Coalition. The Highway 61 Coalition objective is to develop and implement a viable plan that will support and promote the completion of US 61 as a four lane corridor from Keokuk to Dubuque as well as complete the Fort Madison by-pass. Council directed Administrator Gifford to contact a representative with the Coalition and invite them to a future Council meeting to give an update on their progress. Roll call vote. Pilger, Crowner, Raleigh and Lees voted aye. Motion carried.

Consider a Resolution Waiving the Preliminary and Approving the Final Plat for Gear Avenue Subdivision – Council reviewed a recommendation from the Planning and Zoning Commission to waive the requirements for a Preliminary Plat and approve Resolution accepting the Final Plat for Gear Avenue Subdivision. The proposed subdivision is located at 215 N. Gear Ave. and is currently owned by IPC Inc. This one-lot subdivision removes the office building and small pond from the rest of the IPC Inc. property and consists of approximately 16 acres. The entire property is currently zoned I-3 (Heavy Industrial District). The Planning and Zoning Commission also recommended that the parcel be rezoned to B-2 (General Business) to provide a buffer between the I-3 Zoning and the residential properties located directly across the road. Administrator Gifford stated that before the Planning and Zoning Commission moves forward with the rezoning process he wanted to make sure that rezoning only the 16 acre parcel would not be considered spot zoning. Council had no objections to Planning and Zoning's recommendation. Pilger made a motion, second by Lees, to approve a Resolution waiving the Preliminary and approving the Final Plat for the Gear Avenue Subdivision. Roll call vote. Crowner, Raleigh, Lees and Pilger voted aye. Motion carried.

Consider closing certain streets and alleys for 4th of July Celebration - Administrator Gifford presented a Resolution outlining certain streets in the downtown area of town that will be closed to vehicular traffic during the City's 4th of July Celebration. Crowner noted that, if necessary, additional streets may be closed that day to insure the public's safety. Pilger made a motion, second by Raleigh, to approve a Resolution closing certain streets in the downtown area for the City's annual 4th of July Celebration. Roll call vote. Raleigh, Lees, Pilger and Crowner voted aye. Motion carried.

Approve Outdoor Service Permit for Jai Ganesh Enterprises d/b/a G's Mini Mart, 101 E. Mt. Pleasant on July 4th, 2009 – Crowner expressed his concern with allowing G's Mini Mart to sell beer outside during the City's 4th of July Celebration. G's Mini Mart requested a one-day Outdoor Sales License that would allow the sale of beer from a designated outdoor sales area located on his property. Otis Campbell's Bar & Grill also requested a one-day Outdoor Sales Permit. The difference between the two businesses are; Otis Campbell's Bar & Grill has designated the entire 100 block of Broadway as their "Service Area" and have provided Dram Insurance to cover alcohol being consumed in this area. Jai Ganesh Enterprises/G's Mini Mart did not include a "Service Area" and does not have Dram Insurance to cover the consumption of alcohol. Since both establishments are located in the 100 block of Broadway where the 4th of July Celebration is held, Crowner felt that it was the intent of G's Mini Mart to sell beer from their Outdoor Sales area to be consumed within the service area identified by Otis Campbell's. Council agreed that if G's Mini Mart intended to sell alcohol for consumption at the 4th of July Celebration they needed to provide proper Dram Insurance and establish a "Service Area". Administrator Gifford reminded Council that G's Mini Mart would still be allowed to sell beer inside the store under their current Beer Permit. According to the State, Otis Campbell's is responsible for regulating the consumption of alcohol inside their designated Service Area. Pilger made a motion, second by Crowner, to deny a request from Jai Ganesh Enterprises d/b/a G's Mini Mart to obtain an Outdoor Sales Permit for July 4th, 2009. Roll call vote. Lees, Pilger and Crowner voted aye. Raleigh voted nay. Motion carried. Jai Ganesh Enterprises does have the opportunity to appeal Council's decision to the Alcoholic Beverages Division.

OLD BUSINESS:

CITIZEN'S INQUIRIES:

MAYOR'S INQUIRIES:

CLOSED SESSION: Lees made a motion, second by Pilger, to go into closed session in accordance with Section 21.5(j) of the Iowa Code to discuss the purchase of real estate. Roll call vote. Lees, Pilger, Crowner and Raleigh voted aye. Motion carried.

Council came out of closed session at 7:15 p.m. Mayor Trousil stated that Council had directed Attorney Mitch Taylor to continue negotiations regarding the purchase of real estate.

ADJOURN: There being no further business, the meeting adjourned at 7:25 p.m. upon motion by Lees, second by Crowner.
Voice vote: All ayes. Motion carried.

July 15, 2009

Approved

Kelly D. Fry

Kelly D. Fry, City Clerk

Hans K. Trousil

Hans K. Trousil, Mayor

City of West Burlington	Claims List 701/09	
3E	ELECTRICAL SUPPLIES	813.76
ACCO UNLIMITED CORP.	CHEMICALS	1,656.65
ALTORFER	RAIN PANTS	22.90
AXA EQUITABLE	DEFERRED COMP.	375.00
BALZER	STEEL	10.05
BANCARD CENTER	VALVE	74.00
BAUER BUILT	REPAIR	17.00
BONAR, ANGELA	PARTIAL SELF FUNDING	12.98
BRITE-WAY SRVS	WINDOW CLEANING	38.50
BROZENE HYDRAULIC SRV	COUPLER	70.55
BURL. AREA FAMILT PRATICE	PARTIAL SELF FUNDING	318.64
BURL. HYDRAULIC SRV	HOSE	19.98
BURL. MUNICIPAL WATER	BACTERIA SAMPLE	17.00
BURL.W. BURL.UNITED WAY	EE DEDUCTION	3.00
CENTRAL PRINTING	NOTICES	282.75
CITY OF BURLINGTON	ANIMAL SHELTER HOUSING	138.90
CITY OF WEST BURLINGTON	WTR BOND	973.88
CITY OF WEST BURLINGTON	MEDICAL DEDUCTIONS	798.84
CITY OF WEST BURLINGTON	FLEX DEPENDENT CARE DEDUCT	995.57
CLEAR FALLS BOTTLED WATER	COOLER RENT	8.00
EMS SUPPLY	EMBLEMS	57.95
COMM.WORKERS OF AMERICA	UNION DUES	513.84
CRAY GODDARD MILLER & TAYLOR	LEGAL SRV	620.00
DANDE WORKWEAR	BOOTS	124.95
DENNYS AUTO SRV	CAR REPAIR	398.87
DEPT. OF PUBLIC DEFENSE	LODGING	46.00
DES MOINES CO. ATTORNEY	MONTHLY FEE	333.33
DIAMOND VOGEL PAINT	STRAINER	20.50
DR. PEPPER SNAPPLE GROUP	POP	768.48
EMPLOYEE BENEFIT SYS	FLEX	906.09
EMBELLISHMENTS & DESIGNS	T-SHIRTS	427.34
FAMILY MEDICINE OF MT PLEASANT	PARTIAL SELF FUNDING	62.40
FARNER-BOCKEN COMPANY	CONCESSIONS	5,202.24
FASTENAL COMPANY	VEST	21.00
FEDERAL ELECTRONIC TAX PAY	FEDERAL TAXES	12,660.20
FP MAILING	POSTAGE	387.00
FRENCH-RENEKER	ENGINEERING	352.50
FRY, RANDY	PARTIAL SELF FUNDING	493.17
FT MADISON PHYSICIANS	PARTIAL SELF FUNDING	64.80
GEORGE'S LAWNMOWER	CHAIN SHARPENED	5.50
GIBBS, BRANDON & BRENT	AIR MARKET	200.00
GIFFORD, DAN	PARTIAL SELF FUNDING	21.38
HANDCOCK HENDERSON QUILL	AD	28.80

HILLYER CHIROPRACTIC	PARTIAL SELF FUNDING	26.25
HOLTKAMP'S TRAILER REPAIR	REPAIR	3,009.82
HUFFMANS FARM & HOME	CLEANING SUPPLIES & MISC.	121.35
HY-VEE #1042	PARTIAL SELF FUNDING	287.59
HY-VEE #1044	PARTIAL SELF FUNDING	708.52
HYDRO-VIEW	SEWER TELEVISIONING	9,997.00
IDEAL READY MIX	CONCRETE	422.00
IL DEPT. OF REVENUE	WITHHELD TAXES	50.26
IA DEPT. OF TRANSPORTATION	TRAFFIC PAINT	395.05
IA DIVISION OF LABOR SRV	BOILER INSP	65.00
IA LAW ENFORCEMENT ACADEMY	SCHOOL/COVERT	225.00
IA ONE CALL	NOTIFICATIONS	73.80
IA PRISON INDUSTRIES	SIGNS	48.90
IPERS	RETIREMENT	5,566.18
J & S ELECTRONIC	MAINTENANCE	376.37
JIM'S LOCK & SAFE	CORE LOCK & KEYS	109.00
K. M. KING	WATER MAINS	34,033.75
LAND & WATER VEGETATION	VEGETATION CONTROL	1,694.15
LAVEINE SANITATION	TRASH HAULING	8,178.56
LISCO/LTDS	PHONE SRV	476.29
MCDONALD SUPPLY	PLUMBING SUPPLIES	147.45
MEDICAL SRV PLAN	PARTIAL SELF FUNDING	316.20
MES	FACE SHIELD	48.79
MIDWEST JANITORIAL SRV	JANITORIAL SRV	360.06
MONROE TRUCK EQUIPMENT	PARTS	398.88
MORNING SUN FARM IMPLEMENT	PARTS	222.20
MUNICIPAL SUPPLY	METER	2,157.00
NELSON, ELIZABETH	LIFE GUARD CLASSES	225.00
OMB EXPRESS POLICE SUPPLY	TICKET HOLDER, BATTERIES	184.90
PEASLEY DO, DANIEL	PARTIAL SELF FUNDING	185.60
PINE GROVE STORE	BOOTS	647.80
QC ANALYTICAL SRV	WASTEWATER TESTING	1,552.00
S.G. CONSTRUCTION	WTR PROJECT	140,814.70
SATTLER, LESLIE	PARTIAL SELF FUNDING	70.98
SCHNEDEN, JOHN	PARTIAL SELF FUNDING	94.70
SHOTTENKIRK SUPERSTORE	CAR REPAIR	2,298.92
SKELLY & DEJAYNES TREE SRV	GRIND STUMP	100.00
SCC	EMS RENEWAL	20.00
STAPLES CREDIT PLAN	TIME CLOCK, OFFICE SUPPLIES	1,843.26
SUMMIT SUPPLY	GLOVES	8.50
TREASURER STATE OF IA	WITHHELD TAXES	1,984.00
VERIZON WIRELESS	PHONE SRV	813.73
WALMART	CLEANING & OFFICE SUPPLIES	447.29
WRIGHT EXPRESS	FUEL	1,204.66
001 GENERAL FUND		40,088.85
110 ROAD USE		3,376.89
121 LOCAL OPTION SALE		228.8
301 GENERAL OBLIGATION		1,396.98
600 WATER		183,917.97
610 SEWER		19,290.35
820 MEDICAL INSURANCE		2,663.21
821 FLEX ACCOUNT		906.09
952 4TH OF JULY CELEB		506.61
GRAND TOTAL		252,375.75