

Regular Council Meeting May 20, 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 were present. Tom Law and Marc Pilger were absent. Public Works Director Randy Fry, Finance Officer Leslie Sattler, Police Lieutenant Frank Newberry, City Administrator Dan Gifford, Development Service Coordinator, Jared Reed and Fire Chief Lenny Sanders were also present.

Mayor Trousil asked Council to amend item #11 on the Agenda by including Brian Kelley on the list of pool employees for the 2009 pool season. Lees made a motion, second by Crowner, to approve the Agenda as amended. Roll call vote: Raleigh, Lees and Crowner voted aye. Motion carried.

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

1. Minutes of the Regular City Council Meeting on May 6, 2009
2. Liquor License Renewal for Diamond Dave's Taco Co.
3. Liquor License Renewal for All Star Maid-Rite Diner
4. Payment to City of Burlington for Bus Service
5. Payment to City of Burlington for County Wide Communication
6. Payment to DMC Regional Waste Commission for Waste Management Fee
7. Payment to Burlington Municipal Waterworks
8. Payment to DMC GIS Commission
9. Payment to ACCO for Pool Chemicals
10. Payment to Burlington Municipal Waterworks
11. Payment to J&M Displays for 4th of July Fireworks
12. Certified Pool Operator Training for City Administrator and Public Works Director
13. Clerk's Financial Report for April 2009
14. Claims as Presented in the amount of \$262,546.63

PUBLIC HEARING: Budget Amendment for the FY08/09 Budget – Mayor Trousil opened the Public Hearing to consider amending the City's Budget for FY 08/09 to account for unbudgeted expenditures. The total amendment includes an increase in revenues totaling \$4,144,867 and expenditures totaling \$4,550,045. Significant changes to Revenues included an EPA grant received for the West Burlington Ave. Street Project, Bonds for water projects and transfers from other funds. Significant expenditures included the Swimming Pool Project, Storm Water Study, Engineering related to the Fire Station Addition, the West Burlington Ave. Street Project and Water projects. Mayor Trousil asked for comments from the audience. No verbal or written comments were received. The Public Hearing was closed at 6:05 p.m.

Consider a Resolution Approving the Budget Amendment for FY2008/2009 – Crowner made a motion, second by Raleigh, to approve a Resolution approving the Budget Amendment for FY2008/2009. Roll call vote. Crowner, Raleigh and Lees voted aye. Motion carried.

COMMITTEE REPORTS:

FINANCE – Nothing to report.

UTILITIES – Public Works Director Fry reported that K.M. King Inc. is continuing to work on grading and seeding along the Hwy 406 Water Project. Crews have been working in the parking lot behind City Hall preparing for the installation of an additional power supply for the 4th of July and the new Open Air Market.

STREETS – Nothing to report.

PUBLIC SAFETY – Mayor Trousil read a Proclamation naming May 18 – 22nd as “EMS Week”.

Lieutenant Newberry reported that the department was training on new record keeping software.

Fire Chief Sanders reported that he had completed the Regional Communication Grant. The Fire Department is preparing for their 4th of July Pancake Breakfast as well as a water fight event.

SANITATION – Fry reported that crews had televised approximately 10,000 feet of sewer line on the east side of town. They have found no significant problems at this time.

OTHER STAFF REPORTS: Development Services Coordinator Reed reported that rental inspections are still taking place and going well.

CITIZEN'S INQUIRIES: Tony Johnston addressed Council concerning the property at 4117 W. Mt. Pleasant that he recently leased for his Auction business. When Mr. Johnston applied for his Business License with the City he was informed that the parking lot had to be brought up to city code, which requires a durable and dust free surface. Mr. Johnston was not aware that this would be required when he leased the building and asked Council to consider waiving the requirement. City Administrator Gifford informed Mr. Johnston that Council could not waive the requirement for durable and dust free surfaces. The ordinance would have to be amended if Council wanted to change the requirements. Council did not express an interest in amending the code concerning the durable and dust free surface requirement.

Francis Holmes, 2707 Ave. I, Ft. Madison, informed Council that he planned to sublease a portion of the building at 4117 W. Mt. Pleasant for his furniture store. He has applied for a Business License contingent on Mr. Johnson leasing the property in its current condition. Mr. Holmes is concerned because he has to vacate the property he is currently in by May 30th and if Mr. Johnston is going to be required to pave the parking lot he will not be able to move into the building. Council understood Mr. Holmes concern, but did not discuss amending the code requirement for durable and dust free parking.

NEW BUSINESS:

Consider Fire Department Sliding Pay Scale – During the budget work sessions Council expressed concern over the amount of money the city was paying for firefighter wages. Fire Chief Sanders discussed Council's concerns with the department and they have come up with a proposed compensation package that would do away with hourly pay for fire fighters and split a set amount of money each year between the fire fighters based on certain criteria. For Fiscal Year 2009/2010 the City budgeted \$20,000 for firefighter pay. The Quad Township will also contribute \$20,000. Council was pleased with the proposed compensation package presented by Chief Sanders. Crowner made a motion, second by Lees, to approve a Resolution setting a nominal fee for West Burlington Volunteer Firefighters. Roll call vote. Raleigh, Lees and Crowner voted aye. Motion carried.

Consider Seal Coating Project for 2009 – Public Works Director Fry presented a list of alleys that he would like to sealcoat this year. A list of alleys is on file at City Hall. He would also like to sealcoat the 600 block of W. Wheeler and the frontage road in Sunset Subdivision on the south side of Mt. Pleasant Street. Lees made a motion, second by Crowner, to approve seal coating alleys and streets as presented. Roll call vote. Lees, Crowner and Raleigh voted aye. Motion carried.

Consider Acknowledgment/Settlement Agreement and payment of Fine from Jai Ganesh Inc. for Second Tobacco Compliance Violation – On March 10, 2009 an employee from Jai Ganesh Inc., 101 E. Mt. Pleasant was cited for selling a tobacco product to a minor. According to Iowa Code if a cigarette permit holder violates the tobacco law the permit holder shall be assessed a civil penalty. This is Jai Ganesh Inc. second violation within the last two years, which constitutes a civil penalty of \$1,500. The permit holder has submitted payment for the fine and acknowledged their violation. According to Iowa Code the City must now formally accept the fine and approve an Order Accepting the Acknowledgment/Settlement Agreement from Jai Ganesh Inc. Crowner made a motion, second by Raleigh, to approve the Order Accepting the Acknowledgment/Settlement Agreement and payment of fine from Jai Ganesh, Inc. Roll call vote. Crowner, Raleigh and Lees voted aye. Motion carried.

Consider Engineering Services Agreement for Agency/Broadway Storm Sewer Project – Engineer Steve Hausner with French-Reneker-Associates presented an Engineering Services Agreement related to the Agency/Broadway Storm Sewer Project. The agreement includes survey and design services and is intended to take the project through the easement acquisition stage. The total engineering budget for this agreement is \$27,800. Lees made a motion, second by Crowner, to approve the Engineering Services Agreement related to the Agency /Broadway Storm Sewer Project. Roll call vote. Raleigh, Lees and Crowner voted aye. Motion carried.

Consider the Second Reading of an Ordinance Establishing Garbage Fees for FY 2009/2010 – Crowner made a motion, second by Raleigh, to approve the second reading of an Ordinance increasing Garbage Fees from \$8.15 to \$8.40 per month for FY 2009/2010. Roll call vote. Lees, Crowner and Raleigh voted aye. Motion carried.

Consider the Second Reading of an Ordinance Establishing Sewer Rates for FY 2009/2010 – Lees made a motion, second by Crowner, to approve the second reading of an Ordinance increasing Sewer Rates from \$2.57 to \$2.87 per 1,000 gallons of water usage for FY 2009/2010. Roll call vote. Crowner, Raleigh and Lees voted aye. Motion carried.

Consider Hiring Swimming Pool Employees for 2009 – Pool Manager Amy Pilger presented a list of five additional employees she would like to hire for the 2009 pool season. Crowner made a motion, second by Raleigh, to approve hiring pool employees as presented. Roll call vote. Raleigh, Lees and Crowner voted aye. Motion carried.

Consider Conditional Offer of Employment for Part-time Officer – In a memo to Council, Police Chief Oblein asked Council to consider making a conditional offer of employment to Tom Cipolli for the part-time police officer position that Council previously approved. Tom is currently certified through the Iowa Law Enforcement Academy and has served as a Reserve Officer on the West Burlington Police Department for the past eleven years. Lieutenant Newberry was present to answer questions and explained to Council that this is a temporary part-time position consisting of approximately 16 hours per week on average. Cipolli would be scheduled to work during busier shifts. The temporary position will end when staff levels return to full strength. Cipolli's hourly wage will be \$17.08 prior to July 1st and \$17.5 after July 1st, 2009. This part-time position was not included in the budget, but funds are available due to workers compensation insurance covering a portion of one full-time officer's pay. Lees made a motion, second by Raleigh, to offer a conditional offer of employment to Tom Cipolli for the part-time police officer position. Roll call vote. Lees, Crowner and Raleigh voted aye. Motion carried.

Consider Contracting with CPA Associates to conduct the City's Annual Financial Audit – Crowner made a motion, second by Lees, to approve contracting with CPA Associates to conduct the City's annual financial audit at a cost of \$9,500. Crowner asked Finance Officer Sattler to explain the increase over last year. Sattler explained that the fee includes the services for a regular audit and additional services for a single audit. The City is required to conduct the additional single audit because we received over \$500,000 in federal funds. The increase over last year is related to the additional audit. Roll call vote. Raleigh, Lees and Crowner voted aye. Motion carried.

Consider Payment to the following Engineers and Contractors for Previously Approved Contracts – Lees made a motion, second by Raleigh, to approve payments to the following engineers and contractors for previously approved contracts.

S.G. Construction – Booster Station Project - \$29,658.05

French-Reneker-Associates – West Burlington Ave. HMA Resurfacing - \$1,906.03

French-Reneker-Associates – Broadway/Agency Storm Sewer Project - \$2,724.19

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

Consider request from WB Athletic Boosters (Bleacher Project) – Mayor Trousil received a letter from the West Burlington Athletic Booster Club asking for assistance from the City's Public Works Department for the installation of new football bleachers. They are asking for assistance in removing concrete footings from previous bleachers, removal of concrete sidewalk wrapping around press box and hauling rock from the quarry to the school. They may approach the city in the future for assistance in pouring new sidewalks on visitors side of the field as well as hauling additional fill material. Public Works Director Fry did not have a problem with the request and felt the public works department would be able to assist the school with this project. Council agreed to help the school with the requested assistance for the bleacher project.

Accept Consultants report on cost sharing (Fire Department) and discuss 2nd Phase of Study – Council met with representatives from the Quad Township Fire Association during a work session on May 20th to discuss a report regarding the cost share of emergency services between the City and the Quad Township Fire Association. The report was prepared by George Oster of George Oster and Associates as Phase I in the Fire Department and Emergency Response Service Analysis plan, which was previously approved by Council and the Quad Township Fire Association to address costs associated with sharing emergency services. The report identified areas that the City and Quad Township need to address. A complete copy of the report is on file at City Hall. It was determined that the Quad Township Association was not legally formed and before a contract can be negotiated representatives from the four townships (Concordia, Flint River, Tama and Union) must decide if they want to legally form the Quad Township Association or negotiate 28E contracts with the City individually. Council is waiting to hear back from the trustees before proceeding with negotiations for fire and emergency services. Crowner made a motion, second by Raleigh, to accept the report presented by George Oster and Associates. Roll call vote. Crowner, Raleigh and Lees voted aye. Motion carried.

While West Burlington Council and the Quad Township Trustees agreed to share in the cost associated with Phase I of the study, Mayor Trousil proposed that the City continue on with the second phase of the study. Phase 2 of the study would include a systematic approach to planning for the fire department's future, including a long range analysis of service provision

to the rural areas around West Burlington. Phase 2 of the study would cost \$14,500 with reimbursable costs not to exceed \$1,500. Council agreed that it was in the best interest of the City to continue on with Phase 2 of the Study. Lees made a motion, second by Raleigh, to proceed with Phase 2 of the Fire Department and Emergency Response Service Analysis. Roll call vote. Lees, Crowner and Raleigh voted aye. Motion carried.

Consider Purchase of Patrol Rifles for Police Department – Lees made a motion, second by Raleigh, to approve the purchase of two patrol rifles and slings for the police department at a cost of \$1,794. Roll call vote. Crowner, Raleigh and Lees voted aye. Motion carried.

OLD BUSINESS: Nothing to discuss

CITIZEN'S INQUIRIES: No comments

MAYOR'S INQUIRIES: No comments

ADJOURN: There being no further business, the meeting adjourned at 7:12 p.m. upon motion by Lees, second by Crowner. Voice vote: All ayes. Motion carried.

June 3, 2009

Approved

Kelly D. Fry

Kelly D. Fry, City Clerk

Hans K. Trousil

Hans K. Trousil, Mayor

City of West Burlington
 Claims List 5/15/2009

ACCO UNLIMITED	CHEMICALS	2,911.35
ALLIANT ENERGY	UTILITIES	12,299.06
AXA EQUITABLE	DEFERRED COMP.	350.00
B.L. ROBINSON	CONNECTORS	122.94
BANCARD CENTER	CONF.LODGING,SOFTWARE	508.54
BARCO MUNICIPAL PRODUCTS	BRACKETS	744.46
BARNGROVER & SONS GLASS	WEATHERSTRIPPING	105.97
BELSON OUTDOORS	CHAIRS	2,757.00
BONNY BUYER	AD	38.00
BRITE-WAY SRV	WINDOW CLEANING	38.50
BROCKWAY CO.	MAINTENANCE	432.00
BURLINGTON AREA FAMILY PRACTICE	PARTIAL SELF FUNDING	361.40
BURLINGTON MUNICIPAL WATER	WATER	19,160.72
BURLINGTON PEDIATRIC ASSOC	PARTIAL SELF FUNDING	84.00
BURLINGTON YMCA	LIFEGUARD TRAINING	225.00
BURLINGTON/W. BURLINGTON UNITED WAY	EE DEDUCTION	3.00
CESSFORD CONSTRUCTION	ROCK	591.03
CITY OF BURLINGTON	BUS SERVICE	5,331.00
CITY OF WEST BURLINGTON	WTR BOND SINKING	966.51
CITY OF WEST BURLINGTON	MEDICAL DEDUCTIONS	804.92
CITY OF WEST BURLINGTON	FLEX DEPENDENT CARE DEDUCT	1,325.56
CLERK OF DISTRICT COURT	PACE CASE	50.00
CLINE, TROY	PARTIAL SELF FUNDING	102.21
COMMUNICATION WORKERS	UNION DUES	553.80
CRAY GODDARD MILLER & TAYLOR	LEGAL SERVICES	580.00
CUTLER MD, JONATHAN	PARTIAL SELF FUNDING	10.00
DAVIS RADIOLOGY	PARTIAL SELF FUNDING	16.00
DENNYS AUTO SRV	TIRE REPAIR	13.00
DES MOINES CO PUBLIC HEALTH	TB TEST	5.00
DES MOINES CO. ATTORNEY	PROSECUTION FEE	333.33
DES MOINES CO. AUDITOR	GIS 1/09 - 3/09	4,266.98
DES MOINES CO. NEWS	PUBLICATIONS	263.59
DES MOINES CO. REGIONAL	WASTE MANGEMENT	2,744.30
EASTERN IA LIGHT & POWER	ELECTRICITY	48.73
EMPLOYEE BENEFIT SYSTEM	INSURANCE	16,667.51
FARM KING OF BURLINGTON	SUPPLIES	16.98
FASTENAL COMPANY	CONNECTORS	247.12
FEDERAL TAX PAY	FEDERAL TAXES	9,979.65
FIRST CONSTRUCTION GROUP	POOL CONSTRUCTION	6,375.67
FT MADISON PHYSICIANS	PARTIAL SELF FUNDING	76.00
GLAXOSMITHKLINE	HEP.B	49.50
GREAT RIVER MEDICAL CENTER	PARTIAL SELF FUNDING	2,283.43
GREENWOOD CLEANING	PAPER PRODUCTS	272.63

SYSTEMS		
HANDCOCK HENDERSON QUILL,	AD	28.80
HARMAN GRAPHICS	SIGNS	405.00
HAWK EYE	PUBLICATIONS	302.49
HOMETOWN PLUMBING & HEATING	POOL CONSTRUCTION	24,108.24
HUFFMANS FARM & HOME	PARTS	228.76
HY-VEE #1042	PARTIAL SELF FUNDING	18.60
HY-VEE #1044	PARTIAL SELF FUNDING	294.85
IAPELRA	SPRING MEETING	25.00
IL DEP. OF REVENUE	WITHHELD TAXES	50.31
INDUSTRIAL MOTORS	SWITCH	51.96
IA DEP. OF NATURAL RESOURCES	5 CERT. RENEWAL	300.00
IA DEP. OF TRANSPORTATION	MATERIALS INSPECTION	1,891.71
IA DIVISION OF LABOR/ELEVATOR	ANNUAL INSP.	125.00
IA ONE CALL	NOTIFICATIONS	73.80
IA PUBLIC EMPLOYEES' RETIREMENT	RETIREMENT	5,397.48
IA TELECOM COMMUNICATION	PHONE SRV	200.44
J & M DISPLAYS	FIREWORKS	5,910.00
J. J. NICHTING	U BELT	86.36
JACKSON MD, FRANCIS	PARTIAL SELF FUNDING	40.00
JUDY'S BLOOMERS	FLOWERS	216.00
LAVEINE SANITATION	GARBAGE HAULING	7,942.64
LAZAR MD, ANTHONY V	PARTIAL SELF FUNDING	543.01
LISCO/LTDS	PHONE SRV	476.29
MAC'S SPORTING GOODS	BASES & DRAG	408.97
MEDICAL SERVICE PLAN - U O	PARTIAL SELF FUNDING	124.40
MENARDS	FENCING & MISC EXP.	2,517.23
MIRACLE CAR WASH	CAR WASHES	17.25
MISCELLANEOUS VENDOR	UTILITY REFUNDS	4.70
MT. PLEASANT NEWS	AD	36.00
NAPA AUTO PARTS	PARTS	425.00
NUPATH	PARTIAL SELF FUNDING	71.00
PARK WEST ESTATES	TIF REBATE	16,940.51
PEASLEY DO, DANIEL J	PARTIAL SELF FUNDING	206.50
POWERNET GLOBAL COMMUNICAT	PHONE SERVICE	59.84
QC ANALYTICAL SERVICES	WASTE WATER TESTING	1,940.00
QWEST	PHONE SRV	105.27
REIF OIL	REIF OIL CO.	1,854.84
RENTAL SERVICE CORPORATION	HOSE	100.00
REYNOLDS, MARK MD	PARTIAL SELF FUNDING	358.00
RIVER BASIN PUBLICATIONS	NEWSLETTER	750.00
SCHNEDEN, JOHN	PARTIAL SELF FUNDING	35.72
SCHURK, WILLIAM L.	CDL REIMBURSE	20.00
SHOTTENKIRK PARTNERSHIP	TIF REBATE RESIDENTAL	84,989.83
SCC	EMT FEES	684.35
SOUTHEASTERN IA MEDICAL	PARTIAL SELF FUNDING	380.50
STANDARD OF BEAVERDALE	VINYL BOARDS	1,560.60
SUN BADGE	POLICE BADGES	747.50
UNIVERSITY OF IA	PARTIAL SELF FUNDING	62.51
TREASURER STATE OF IA	WITHHELD TAXES	1,709.00

TREASURER STATE OF IA
UPS STORE

MAY SALES TAX
SHIPPING FEE

3,595.00
8.98

001 GENERAL FUND	52,091.26
110 ROAD USE	7,467.46
121 LOCAL OPTION SALE	223.13
124 TIF REBATES	101,930.34
129 TIF DEBT SERVICE	1,891.71
301 GENERAL OBLIGATIO	37,922.55
600 WATER	32,074.27
601 BEAVERDALE ESCROW	16.24
602 WESTWOOD HILLS ES	16.24
603 WOODSMAN SUB. ESC	16.25
610 SEWER	17,751.52
820 MEDICAL INSURANCE	5,068.13
821 FLEX ACCOUNT	536.56
952 4TH OF JULY CELEB	5,540.97
 GRAND TOTAL	 262,546.63

REVENUES – APRIL 2009	
GENERAL FUND	358,124.95
ROAD USE	21,006.84
EMPLOYEE BENEFITS	55,741.24
LOCAL OPTION SALES TAX	32,824.34
TIF REBATES	93,993.27
TIF DEBT SERVICE	482,228.32
GENERAL OBLIGATION/TIF BOND	391.87
DEBT SERVICE	242.48
WATER	48,790.26
BEAVERDALE ESCROW	842.43
WESTWOOD HILLS ESCROW	225.26
WATER REVENUE BOND SINKING	966.51
SEWER	30,120.91
MEDICAL INSURANCE RESERVE	961.32
TRUST & AGENCY – WATER DEPOSIT	60.23
TOTAL REVENUES	\$ 1,126,520.23