

*(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)*

**West Branch, Iowa  
Council Chambers**

**City Council Meeting**

**November 22, 2010  
6:30 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, City Attorney Bruce Goddard, Administrative Assistant Ashley Borland-Kaalberg, Park and Rec Director Melissa Russell, Fire Chief Administrator Dick Stoolman, and Library Director Nick Shimmin, Police Chief David Bloem, Officer John Hanna, Officer Thomas Stewart, Crime Data Processor Gina Heick, Public Works Department Employees Tim Moss, Dan Karr and Paul O'Neil. Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks.

Motion by Johnson and second by Sexton to amend the agenda and remove item d) Approve the Closure of Downey Street at Main Street from 4:00 p.m.-8:00 p.m. on Saturday December 4, 2010 for Christmas Past.  
Roll call vote – AYES: Johnson, Sexton, O'Neil, Oaks, Worrell. Motion carried.

**APPROVE AGENDA/CONSENT AGENDA**

Motion by Johnson and second by O'Neil to approve the agenda/consent agenda including the following items:

- a. Approve minutes from the November 9, 2010 City Council Work Session and the November 9, 2010 City Council Meeting.
- b. Direct Dawn Brandt, City of West Branch Deputy City Clerk, to complete and sign the Wellmark BlueCross BlueShield Health Plan Authorized Representative Designation, Debit Card Program Addendum, Administration Agreement for the Flexible Benefits Plan for City of West Branch Group # 02095, Exhibit A of the Administration Agreement, Adoption Agreement Flexible Benefits Plan for Employees of City of West Branch Group #02095, and the Consent of Directors Form on behalf of the City.
- c. Approve Class C liquor license with Sunday Sales for Agave Mexican Restaurant.
- d. Approve claims.

Roll call vote – Ayes: Johnson, O'Neil, Sexton, Worrell, Oaks. Motion carried.

**City of West Branch  
Claims - 11/22/10**

ACS Firehouse Software	support	
Aero Rental	contract	300.00
Aley, Sophia	supplies	69.80
Alliant Energy	credit refund	50.44
Amazon	utilities	7495.00
Aramark	supplies	180.43
Baker & Taylor Books	service	611.40
Barron Motor Supply	books	1172.23
BDC Building Plan Review	supplies	599.32
Bloem, David	service	415.80
Bob Smelser Trucking	reimbursement	46.93
BP Amoco	roadstone	863.11
	fuel	1010.27
	reimburse	
Brennan, Brian	health	294.10
Business Radio Sales	pager cases	71.70
Casey's General Store	fuel	161.72
Cedar Rapids Photo Copy	service	69.57
Cedar Valley Outfitters	supplies	30.00
Claudia's Floral Creations	roping/wreaths	166.00
Community State Bank	loan payment	18393.02
Creative Software Service	service	21.25
Culligan Water Technology	service	2.95
Cy's Tree Service	tree trimming	4185.00
Demco	supplies	11.90
Deweys Jack & Jill	supplies	99.56
Dillon Precision	supplies	202.44
East Central Library Service	meeting fees	15.00
Emergency Services Mktg.	subscription	800.00
Fair, Adam	credit refund	79.60
Farm Plan	supplies	153.22
Fema	reimbursement	213.75
Fleet Services	fuel	253.41
Follett Software Co.	support	660.00
Franklin Products	supplies	477.77
General Pest Control	service	100.00
Goddard, Atty. Bruce	legal service	1060.00
Grunder Poured Foundation	flatwork	4096.00
Hach Company	supplies	198.23
Hawkins Water Treatment	supplies	1377.50
Heick, Gina	cleaning	50.00
Herbert Hoover Library	reimbursement	149.00
Holiday Designs Inc.	bulbs for lights	316.52
Hovancik, Jennifer	credit refund	33.77
HSBC Business Solutions	supplies	99.96
Hy-Vee Accounts Receivable	supplies	161.86
Iowa Business Supply	office supplies	927.85
Iowa City Press Citizen	subscription	78.27
Iowa Network Services	service contract	26.99
Iowa One Call	service	62.10
Iowa Paper	supplies	44.24
Iowa Rural Water Association	dues	250.00
Johnson County Refuse	recycling	3538.75
Kingdom Graphics	supplies	240.00
Kone Inc.	service contract	450.00
Lease Consultants Corp.	service	59.00

Liberty Communications	utilities	1190.10
Linn Co. REC	utilities	102.00
MAS Modern Marketing	supplies	363.65
Matt Parrott and Sons	tax forms	80.60
Menards	supplies	118.93
Moore Welding	repair service	291.25
Municipal Pipe Services	jet cleaning	6084.57
Nash, Ann	cleaning	240.00
National Park Service	use permit	250.00
Neenah Foundry Co.	equipment	507.68
Nelson, Cory	credit refund	25.51
Oasis Electric	service	305.65
Pardekooper, Holly	exercise class	1029.00
Payroll	11/01/2010	27863.80
Payroll	11/16/2010	33168.34
Paulsen, Conor	flag fb referee	40.00
Peden, Shanelle	videotaping	100.00
Pitney Bowes Financial	service contract	106.77
Pitney Bowes Inc.	postage	500.00
Plato Electric	service	646.30
Play It Again Sports	equipment	655.78
Plunkett's Pest Control	service	44.00
Port 'O' Jonny Inc.	service	80.00
QC Analytical Services	sewer testing	1182.00
Quality Engraved Signs	supplies	66.00
Quill Corp.	supplies	22.63
Russell, Melissa	reimbursement	104.80
RK Dixon	service contract	289.68
	antivirus	
Software Express	renewal	127.50
Spahn & Rose Lumber Co.	supplies	289.80
Sprint	service contract	179.97
St Paul Stamp Works Inc.	pet tags	129.38
Staples	supplies	98.46
Sulzner, Ellen	cleaning	1224.00
United Laboratories	supplies	489.60
UPS	shipping	103.30
	TIF loan	
US Bank	payments	128687.07
US Cellular	service	508.33
USA Blue Book	supplies	197.49
Wellmark Inc.	debit cards	24.00
WB Animal Clinic	service	507.00
West Branch Ford	service	1301.51
West Branch Heating	service	83.00
West Branch Repairs	service	146.43
West Branch Times	publications	581.32
Zephyr Copies & Design	copies	65.40

**Total \$262,699.33**

**Fund Totals**

General Fund	66726.77
Civic Center	1084.26
Library	9404.94
Road Use Tax	15681.22
Police Recovery Act Grant	2394.35
Trust & Agency	10623.33
TIF	128687.07
Water	12335.83
Sewer	15761.56
	\$262,699.33

**The Clerk reported the following receipts for the month of October 2010:**

Water, Sewer, Recycling	\$	55,141.82	Cedar Co. Property Tax	\$	922,851.41
Water Utility Deposits	\$	100.00	Johnson Co. Prop. Tax	\$	15,210.40
Cookson Rent	\$	130.00	Road Use Tax	\$	15,509.38
Town Hall Rent	\$	126.00	Fines	\$	1,249.65
Misc.	\$	382.50	Twp. Fire Contract	\$	7,675.00
Library	\$	6,391.11	Building Permits	\$	176.00
Donations	\$	860.00	Police Department Grant	\$	
Interest	\$	339.48	Krouth Fund Interest	\$	0.36
Investments Interest	\$	498.12	M. Gray Savings Interest	\$	
Cable fees	\$	6,613.95	Cemetery Perp. Care Int.	\$	1.78
Hometown Days			MV Fuel Tax Refund	\$	
Cat & Dog Registrations	\$	20.00	Reimbursement/Refunds	\$	1,661.16
Beer & Liquor Lic. Fees			Grave Openings	\$	1,800.00
Park & Rec. Activities	\$	1,181.95	Cemetery Lots	\$	
SUBTOTAL	\$	71,784.93	SUBTOTAL	\$	966,135.14
			<b>TOTAL</b>	<b>\$</b>	

**The Clerk reported the following balances on hand for the month of October 2010:  
(Balances =Financial Statement Report Bank Balance + Investments)**

Funds	Bank Balance	Investments	Total
001 General	\$ 219,236.70	\$ 228,092.89	\$ 447,329.59
011 Police Donations	\$ 7,251.54	\$ -	\$ 7,251.54
014 Fire Dept. Donations	\$ 21,007.05	\$ -	\$ 21,007.05
018 Park Donations	\$ 5,088.71	\$ -	\$ 5,088.71
022 Civic Center	\$ 10,526.50	\$ 23,088.57	\$ 33,615.07
031 Library Operating	\$ 13,603.29	\$ 16,308.82	\$ 29,912.11
036 Tort Liability	(2,754.35)	\$ -	\$ (2,754.35)
050 Home Town Days	\$ 11,473.28	\$ -	\$ 11,473.28
110 Road Use Tax	\$ 166,448.93	\$ 29,772.74	\$ 196,221.67
111 Police Recovery Act Grant	\$ 38,980.81	\$ -	\$ 38,980.81
112 Trust & Agency	\$ 40,954.24	\$ -	\$ 40,954.24
119 Emergency Tax Fund	\$ 47,332.36	\$ -	\$ 47,332.36
121 Local Option Tax	\$ -	\$ -	\$ -
125 TIF	\$ 624,973.19	\$ -	\$ 624,973.19
160 Economic Develop.	\$ 138,934.85	\$ -	\$ 138,934.85
200 Debt Service	\$ 1,354.33	\$ -	\$ 1,354.33
226 SRF Debt Service	\$ 91,599.20	\$ -	\$ 91,599.20
300 Capital Improvement	\$ 274.23	\$ -	\$ 274.23
500 Cemetery Perpetual	\$ 8,893.47	\$ 88,000.00	\$ 96,893.47
501 Krouth Fund Principal	\$ -	\$ 101,050.31	\$ 101,050.31
502 Krouth Enlow Int. Fund	\$ 8,500.01	\$ 23,220.66	\$ 31,720.67
600 Water Operating	\$ 210,324.90	\$ 123,224.33	\$ 333,549.23
603 Water Sinking Fund	\$ 21,891.64	\$ -	\$ 21,891.64
610 Sewer Operating	\$ 118,309.02	\$ 76,183.94	\$ 194,492.96
<b>TOTAL</b>	<b>\$ 1,804,203.90</b>	<b>\$ 708,942.26</b>	<b>\$ 2,513,146.16</b>

**COMMUNICATIONS/OPEN FORUM**

None

**PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY COUNCIL**

Recognize Dan Karr, Public Works Equipment Specialist for his 35 years with the City of West Branch

Approve Proposal from Neumann Monson Architects to Provide a Feasibility Study of the Cookson Community Center for \$4,900./Move to action.

Motion by Sexton, second by Worrell to approve proposal. Roll call vote – AYES: Sexton, Worrell, O’Neil, Johnson. NAYS: Oaks. Motion carried.

Approve the submission of the City of West Branch 2009-2010 Annual Financial Report to the State Auditor’s Office./Move to Action.

Motion by Sexton second by Worrell to approve the submission of the City of West Branch 2009-2010 Annual Financial Report to the State Auditor’s Office. Roll call vote – AYES: Sexton, Worrell, Johnson, O’Neil, Oaks. Motion carried.

Approve the submittal of a letter from the city administrator on behalf of the City of West Branch to the City of West Branch Police Chief David Bloem, communicating the City’s intent not to negotiate a renewal of the “Police Chief Contract” (entered into on April 1, 2009) per Chapter 14c of the Police Chief Contract, which would affirm that the contract is no longer in full force, ending the contractual relationship between the City of West Branch and Chief David Bloem./Move to action.

Councilman Johnson expressed concerns with ending the police chief’s contract and with the manner in which this item was written. Councilman Johnson raised concerns that this item was a form of termination and had concerns with the potential liability to the City if this item was approved and Resolution 916 failed. Several council members stated that it was not their intent to terminate the chief’s employment with the city, but rather to end a contractual relationship that they felt was not in the best interest of the City. Mr. Doug Carden, 107 Crestview Drive in West Branch and police officer for a nearby agency spoke in favor of retaining compensatory time for the police chief. (While not disclosed in his comments, Doug Carden also conducts business with the City under the name of DC Ammo, selling ammunition supplies to the West Branch Police Department.) Councilman O’Neil

questioned City Attorney Bruce Goddard as to the proper way to end the contractual relationship between the City and the police chief. Bruce Goddard replied that his advice was to accomplish this through section 14c of the current contract. The Council discussed the potential for bringing the item back as a resolution combined with the contents of Resolution 916 at a future meeting. The Council discussed the potential to hire a consultant for negotiations, but then decided not to bring in outside assistance. The Council directed the city administrator to plan a work session at the next Council Meeting for further discussions on this matter between the Council and Chief Bloem.

Motion by Oaks second by Worrell to approve the submittal of a letter from the city administrator on behalf of the City of West Branch to the City of West Branch Police Chief David Bloem. Roll call vote – AYES: Oaks. NAYS: Worrell, Johnson, Sexton, O'Neil. Motion failed.

Approve Resolution 916, a resolution hiring David Bloem as Police Chief of the City of West Branch, Iowa and setting the hourly wage for the Police Chief for the remainder of fiscal year 2010-2011./Move to action.

Motion by Worrell and second by Johnson to remove item 6e from the agenda due to the failure to adopt item 6d. AYES: Worrell, Johnson, Sexton, O'Neil, Oaks.

Accept the resignations of David Simmonds, Jerry Rickels and Ryan Miller from the West Branch Reserve Officer Program./Move to action.

Police Chief Bloem explained to Council that these individuals have not fulfilled the requirements for the West Branch Reserve Officer Program

Motion by Sexton and second by Worrell to accept the resignations of David Simmonds, Jerry Rickels and Ryan Miller. AYES: Sexton, Worrell, Johnson, O'Neil, Oaks. Motion carried.

Accept the resignation of Brian Utter as a West Branch Part-Time Police Officer./Move to action.

Motion by Johnson, and second by Worrell to accept the resignation of Brian Utter as a West Branch Part-Time Police Officer. Roll call vote – AYES: Johnson, Worrell, O'Neil, Sexton, Oaks. Motion carried.

Approve Michael Bailey as a part-time West Branch Police Officer at a rate of \$15 per hour./Move to action.

Motion by Johnson and second by Worrell to approve the hiring of Michael Bailey. Roll call vote – AYES: Johnson, Worrell, O'Neil, Sexton, Oaks. Motion carried.

Approve Resolution 919, Adopting a Sewer Charges Agreement with 168 290<sup>th</sup> Street./Move to action.

Motion by Worrell and second by Johnson to amend Resolution 919 to show that the bill will be \$34.62. Roll call vote – AYES: Worrell, Johnson, O'Neil, Sexton, Oaks. Motion carried.

Approve Resolution 911, Adopting a Sewer Charges Agreement with 168 290<sup>th</sup> Street./Move to action.

Motion by Worrell and second by Johnson to strike item j on the agenda. Roll call vote – AYES: Worrell, Johnson, O'Neil, Sexton, Oaks. Motion carried.

Approve Resolution 912, Adopting the Cedar County Multi-Jurisdictional Hazard Mitigation Plan./Move to action.

Motion by Worrell and second by Johnson to adopt the Cedar County Multi-Jurisdictional Hazard Mitigation Plan. Roll call vote – AYES: Worrell, Johnson, Sexton, O'Neil, Oaks.

## **CITY ADMINISTRATOR**

### **MAYOR DON KESSLER**

Appointments/Reappointments

None

### **REPORTS**

Crime Data Processor, Gina Heick gave the October Police Department Calls for Service Report.

### **ADJOURNMENT**

Motion by Sexton to adjourn. City Council meeting adjourned at 7:45 p.m.

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MAYOR DON KESSLER

ATTEST: \_\_\_\_\_  
CITY CLERK MATT MUCKLER