

(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 5, 2012
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 Matt Muckler, City Attorney Kevin Olson, Library Director Nick Shimmin, Police Chief Mike Horihan, Police Sergeant Hanna, Fire Chief Administrator Dick Stoolman, and City Engineer Dave Schechinger.

Council members: Jordan Ellyson, Colton Miller, Jim Oaks, Dan O'Neil and Mark Worrell.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the October 15, 2012 City Council Meeting.
- b) Approve claims.
- c) Approve Class C Beer license with Sunday Sales for Casey's Marketing Co. DBA Casey's General Store #2524.
- d) Approve street closure on Main Street from Parkside to Downey on Sunday November 11, 2012 from 12:00 p.m. to 3:00 p.m. for the dedication of Appreciation Park.

Motion by O'Neil, to approve the consent agenda/consent agenda, second by Worrell. AYES: O'Neil, Worrell, Miller, Ellyson and Oaks. Motion carried.

Date 11-5-12	City of West Branch	
	Claims Register Report	
Blue Cross Blue Shield	Insurance	9,518.61
Cedar Rapids Photo Copy	Library - service	150.01
Community State Bank	Debt service -lawsuit loan payment	18,393.02
Complete Property Maint.	Streets -Oliphant St Sidewalk project	12,493.00
EFTPS	Federal withholdings	4,508.78
Grell, Dalton	Park & Rec – F-ball Referee	80.00
Hy-Vee	Park & Rec – F-ball Concession	77.14
IPERS	lpers	6,808.36
John Deere Financial	Sewer - uniforms	109.99
Kid Again Inflatable Fun Shows	Comm&cult-2013 HHTD event deposit	3,200.00
Mediacom	Admin - service	40.90
Payroll Expense 10-26-12	Payroll 10-26-12	22,497.38
Pitney Bowes Inc	Admin- Ink for postage machine	302.16
Rummells Farms Inc.	Sewer - easement agreement	12,621.00
Russell, Melissa	P&R-Reimb. For No School Trip	140.00
Springdale Agency	Fire - fire pak ins renewal	13,254.00
Treasurer State Of Iowa	Sales tax payment Sept 2012	2,370.00
Treasurer State Of Iowa	State W/H tax	1,837.00
Treasurer State Of Iowa	Unclaimed property pmt	201.55
Wellmark BC/BS	Flex	513.33
	Grand Total	109,116.23

Fund Totals	
001 General Fund	36,537.08
031 Library	5,215.29
036 Tort Liability	13,254.00
110 Road Use Tax	151.91
112 Trust And Agency	10,466.21
226 Go Debt Service	18,393.02
600 Water Fund	7,106.74
610 Sewer Fund	17,991.98
Grand Total	109,116.23

COMMUNICATIONS/OPEN FORUM

None.

PUBLIC HEARING/NON-CONSENT AGENDA

Second reading Councilperson O'Neil – Motion to reconsider the Second reading of Ordinance 701, amending Chapter 65 “Stop or Yield Required.”/Move to action.

Motion by O'Neil, second by Ellyson to reconsider the Second reading of Ordinance 701, amending Chapter 65 “Stop or Yield Required.” AYES: O'Neil, Ellyson and Miller. NAYES: Oaks and Worrell. Motion carried.

Second reading of Ordinance 701, amending Chapter 65 “Stop or Yield Required.”/Move to action.

Motion by O'Neil, second by Miller to amend the item to approve the First reading of Ordinance 701, amending Chapter 65 “Stop or Yield Required.” AYES: O'Neil, Miller and Ellyson. NAYES: Oaks and Worrell. Motion carried.

Motion by O'Neil, second by Miller to approve the First reading of Ordinance 701, amending Chapter 65 “Stop or Yield Required.” AYES: O'Neil, Miller and Ellyson. NAYES: Oaks and Worrell. Motion carried.

Resolution 1042, approving a development agreement with Lynch Excavating, Inc. on the former Cookson Community Center Property./Move to action. Olson briefed the Council on the provisions of the development agreement. Council members asked for clarifications on the time constraint requirements in the agreement.

Motion by Worrell, second by Miller to approve Resolution 1042, approving a development agreement with Lynch Excavating, Inc. on the former Cookson Community Center Property. AYES: Worrell, Miller, Ellyson, O'Neil and Oaks. Motion carried.

Resolution 1043, a resolution of intent to dispose of an interest in real property to Katharine Gaskill./Move to action. Worrell asked which property this resolution referenced. Muckler stated that the property was a 0.03 acre section of the old wastewater treatment plant, located near the Gaskill billboards north of I-80. This parcel is outside of the fence to the old wastewater facility and is currently being farmed.

Motion by Worrell, second by O'Neil to approve Resolution 1043, a resolution of intent to dispose of an interest in real property to Katharine Gaskill. AYES: Worrell, O'Neil, Miller, Ellyson and Oaks. Motion carried.

Accept the resignation of Nathan MacDougall./Move to action.

Oaks asked about the reimbursement agreement and Muckler stated that MacDougall was planning to reimburse the city in a manner more timely than that requirement in the agreement. Muckler thanked MacDougall for his service and wished him the best in his future endeavors which include future military service.

Motion by O'Neil, second by Worrell to accept the resignation of Nathan MacDougall. AYES: O'Neil, Worrell, Miller, Ellyson and Oaks. Motion carried.

Resolution 1044, hiring Alex Koch as a Police Officer for the City of West Branch, Iowa, setting the salary for the position for the fiscal year 2012-2013 and entering into an officer training reimbursement agreement./Move to action.

Oaks asked what happens if Koch failed to complete the Law Enforcement Academy. Muckler stated that we could recover training costs but not compensation costs. Muckler stated that a new section (2h) was added to the reimbursement agreement which would require that in the case that the officer voluntarily resigns in the first year, the full reimbursement under the agreement is due within thirty days. Worrell asked how we can ensure that the officer would reimburse the city. Muckler stated that the Council would have the right to request decertification of the officer in the case of non-payment. Miller stated that he felt the compensation costs that are associated with the training of non-certified officers should not be paid by the City. Muckler explained that \$34,145.83 in additional funding will be necessary for training and operation expenses in the Police Department in FY14. O'Neil would like to address the issues related to officer pay as part of the budget process.

Motion by O'Neil, second by Ellyson to approve Resolution 1044, hiring Alex Koch as a Police Officer for the City of West Branch, Iowa, setting the salary for the position for the fiscal year 2012-2013 and entering into an officer training reimbursement agreement. AYES: O'Neil, Ellyson, Oaks and Worrell. NAYES: Miller. Motion carried.

Resolution 1045, obligating funds from the urban renewal tax revenue fund for the payment of annual appropriation tax increment financed obligations in fiscal year 2014./Move to action. Muckler stated that an Acciona TIF Rebate payment of \$265,140 and a water tower payment of \$37,387 are scheduled for FY14. Two items are included for decertification per recommendation of the annual auditor.

Motion by Ellyson, second by O'Neil to approve Resolution 1045, obligating funds from the urban renewal tax revenue fund for the payment of annual appropriation tax increment financed obligations in fiscal year 2014. AYES: Ellyson, O'Neil, Worrell, Oaks and Miller. Motion carried.

Resolution 1046, ordering construction of certain public improvements, approving preliminary plans, and fixing a date for hearing thereon and taking of bids therefor./Move to action. Muckler stated that plans and specifications would be considered by Council on November 19, 2012. Bids on the lift station project would be taken on December 12, 2012 and Council will consider the bids at the December 17, 2012 Council Meeting. Maggie Burger with Speer Financial will be present at the December 3, 2012 Council Meeting to brief the Council on bonding options. Oaks asked about the forced main. Schechinger explained that the forced main would be pvc and ductile iron where necessary. Worrell asked about the sleeve for the forced main under the interstate. Schechinger explained that the DOT waived the requirement for a sleeve on this project.

Motion by O'Neil, second by Ellyson to approve Resolution 1046, ordering construction of certain public improvements, approving preliminary plans, and fixing a date for hearing thereon and taking of bids therefor. AYES: O'Neil, Ellyson, Oaks, Miller and Worrell. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Councilperson O'Neil informed the Council that he is currently working on the Safe Routes to School Grant application and invited additional input from citizens and Council members as he completes the application. The four routes that O'Neil intends to include in the application are the sidewalk by the water plant, Oliphant Street (Crestview to Downey), 4th Street (from the Animal Clinic to the entrance to the new section of West Branch Village) and potentially the Poplar Street route.

Councilperson Miller stated that he had been in contact with a representative of DNR concerning regulations to engineer projects associated with creek crossings. He also asked that the Cable Television Commission be reinstated.

Councilperson Worrell asked staff to bring back more information to Council on a potential stormwater utility for West Branch.

The Mayor encouraged residents to attend the dedication of Appreciation Park on November 11, 2012.

CITY STAFF REPORTS

Schechinger reported that McDonalds plans to nearly double the amount of landscaping associated with their rebuild project.

ADJOURNMENT

Motion to adjourn meeting by Worrell, second by Miller. Motion carried on a voice vote. City Council meeting adjourned at 7:23 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Clerk