

City of West Branch

~ A Heritage for Success ~

110 N. Poplar St. • P.O. Box 218 • West Branch, Iowa 52358
Ph. 319-643-5888 • Fax 319-643-2305 • www.westbranchiowa.org • wbcity@lcom.net

CITY COUNCIL WORK SESSION
Monday, May 16, 2011 • 6:30 p.m.
City Council Chambers, 110 North Poplar Street

1. Call to order
2. Roll call
3. Discussion of Subdivider's Agreement, two variance requests and preliminary plat of Meadows Subdivision with KLM Investment, Inc.
4. Adjourn

CITY COUNCIL MEETING AGENDA
Monday, May 16, 2011 • 7:00 p.m.
City Council Chambers, 110 North Poplar Street
Action may be taken on any agenda item.

1. Call to order
2. Roll call
3. Welcome
4. Approve Agenda/Consent Agenda/Move to action
 - a. Approve minutes from the May 2, 2011 City Council Meeting.
 - b. Approve claims.
 - c. Approve Class E Liquor license with privileges: Class B Carryout Wine permit, Class C Beer permit, and Sunday Sales permit for Kum & Go, LC, dba Kum & Go #254.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
 - a. Accept David Bloem's resignation and approve voluntary resignation Agreement./Move to action.
 - b. Public Hearing on the issuance of not to exceed \$400,000 General Obligation Local Option Sales Tax Bonds for the purpose of financing the West Branch Fire Department Expansion Project.
 - c. Resolution 940, to approve the issuance of not to exceed \$400,000 General Obligation Local Option Sales Tax Bonds for the purpose of financing the West Branch Fire Department Expansion Project./Move to action.

Mayor: Don Kessler • **Council Members:** Mark Worrell, David Johnson, Robert Sexton, Jim Oaks, Dan O'Neil
City Administrator/Clerk: Matt Muckler • **Deputy City Clerk:** Dawn Brandt • **Library Director:** Nick Shimmin
Parks & Recreation Director: Melissa Russell • **Police Chief:** David Bloem • **Fire Chief:** Kevin Stoolman

City of West Branch

~ A Heritage for Success ~

110 N. Poplar St. • P.O. Box 218 • West Branch, Iowa 52358
Ph. 319-643-5888 • Fax 319-643-2305 • www.westbranchiowa.org • wbcity@lcom.net

CITY COUNCIL MEETING AGENDA **Monday, May 16, 2011 • 7:00 p.m.** **City Council Chambers, 110 North Poplar Street** **(Continued...)**

- d. Public Hearing on amending the current budget for the fiscal year ending June 30, 2011.
 - e. Approve Resolution 938, amending the current budget for the fiscal year ending June 30, 2011./Move to action.
 - f. Approve Resolution 939, establishing RAGBRAI vendor fees in the West Branch Schedule of Fees./Move to action.
 - g. Approve Subdivider's Agreement on Meadows Subdivision between the City of West Branch, IA and KLM Investment, L.L.C./Move to action.
 - h. Approve a variance on street grades in Meadows Subdivision Preliminary Plat Phase One per 170.15.8.A and 170.22 of the City of West Branch Code of Ordinances./Move to action.
 - i. Approve a variance on the street right-of-way widths in Meadows Subdivision Preliminary Plat Phase One per 170.15.5.D(2) and 170.22 of the City of West Branch Code of Ordinances./Move to action.
 - j. Approve preliminary plat of Meadows Subdivision, pursuant to the execution of the Subdivider's Agreement between the City of West Branch and KLM Investment, L.L.C./Move to action.
- 7. Mayor
 - a. Appointments/Reappointments/Move to action.
 - 8. Reports
 - a. City Administrator Matt Muckler - Discussion of Police Chief Recruitment
 - b. Bill Schulte, Executive Director, Cedar County Economic Development Commission (CCEDCO) – CCEDCO 2011 Proposed Plan
 - 9. Adjourn

Mayor: Don Kessler • **Council Members:** Mark Worrell, David Johnson, Robert Sexton, Jim Oaks, Dan O'Neil
City Administrator/Clerk: Matt Muckler • **Deputy City Clerk:** Dawn Brandt • **Library Director:** Nick Shimmin
Parks & Recreation Director: Melissa Russell • **Police Chief:** David Bloem • **Fire Chief:** Kevin Stoolman

CITY OF WEST BRANCH, IOWA/SUBDIVIDER'S AGREEMENT

THE MEADOWS SUBDIVISION, PART ONE

This Agreement is made by and between KLM Investments, L.L.C., an Iowa limited liability company, hereinafter referred to as the "Subdivider", and the City of West Branch, Iowa, a Municipal corporation, hereinafter referred to as the "City".

WITNESSETH

SECTION 1. MUNICIPAL IMPROVEMENTS; CONSTRUCTION AND INSTALLATION OF MUNICIPAL IMPROVEMENTS.

In consideration of the city approving the plat and subdivision of real estate known and designated as The Meadows Subdivision, Part One, West Branch, Iowa, prior to Subdivider's installation and construction of the required municipal improvements, Subdivider shall make escrow provisions as provided herein. Municipal improvements shall include improvements a 29-foot PCC street known as Dylan Court and a 31- foot PCC street known as Orange Street, sanitary sewers, water mains, storm sewers, sump-pump line, street lighting, and fire hydrants with appropriate storm water connections as approved by the Fire Chief. Storm water detention facility will be accomplished in an off-site location. Said municipal improvements shall be constructed and installed in accordance with construction plans and specifications approved by the City Engineer of the City who shall have the right to make or authorize occasional inspections of the work in progress. Said inspections shall not relieve or release the Subdivider from the responsibility to construct the municipal improvements in accordance with the approved plans and specifications.

SECTION 2. SIDEWALKS.

The Subdivider agrees that no later than three (3) years from the date of the City's Resolution approving the Final Plat of The Meadows Subdivision, Part One, West Branch, Iowa, or upon seventy-five percent (75%) of the development of the lots therein, whichever occurs first, to install sidewalks abutting each lot which shall be at least four (4) feet wide and constructed according to the plans and specifications as approved by the City Engineer. The escrow provision need not include the sidewalk installation, however, the same shall remain a lien against each lot until accepted and released by the City.

SECTION 3. ESCROW MONIES

The Subdivider shall deposit with the City Clerk in escrow an amount equal to the estimated cost of constructing the municipal improvements plus 10% thereof as determined by the City Engineer and said deposit shall be referred to as "Municipal Improvements Escrow". The escrow deposit shall be in the form of cash, bank check that will be cashed, bond or irrevocable letter of credit, all as approved by the City Attorney.

SECTION 4. USE OF ESCROW MONIES

If, after one year from the date of the City's resolution approving the preliminary plat of the subdivision, the municipal improvements have not been constructed and installed for the subdivision, then City may use and/or make demand upon the municipal improvements escrow to construct and install said municipal improvements. The City shall release any bond or letter of credit or refund to the Subdivider any portions of or any excess escrow monies not used by the City after construction, installation and acceptance of all of the municipal improvements. Any cash or check held in escrow shall be released as needed for payment of the costs of the improvements.

In addition, the City may make use of any of the proceeds of the security provided by Subdivider in order to enforce the erosion control requirements pursuant to Section 170.15(15) of the West Branch Code of Ordinances.

SECTION 5. WAIVER

In the event the Subdivider shall sell or convey or make application for a building permit on any lot or lots in the subdivision without having first constructed and installed all the municipal improvements for the subdivision, then the City shall have the right to proceed therewith as provided in Section 3 above.

SECTION 6. LIEN

The costs of the construction and installation of the municipal improvements shall be a lien and charged against all lots in said subdivision and need not meet the requirements of notice, benefit or value as provided for by the Code of Iowa for assessing said municipal improvements which may exceed the municipal improvements escrow.

SECTION 7. RELEASE

The City agrees that when all municipal improvements have been constructed and installed for the subdivision, to the satisfaction of the City and upon acceptance by resolution, to furnish the Subdivider a good and sufficient Release for filing in the office of the County Recorder so that this Agreement will not constitute a cloud upon the title.

SECTION 8. PUBLIC SERVICES.

Subdivider agrees that public services including, street maintenance, snow plowing, water and sanitary sewer service, will not be provided in said subdivision until the municipal improvements have been constructed, installed and accepted by the City.

SECTION 9. PAYMENT OF SANITARY SEWER CONNECTION FEE.

Prior to approval of the Final Plat of the Meadows, Part One, the Subdivider shall pay to the City the sum of \$4,750.00 as payment of the Sanitary Sewer Connection Fee District.

SECTION 10. PARKS/TRAILS.

As required by the comprehensive plan, the Subdivider expressly agrees and acknowledges that future phases of The Meadows subdivisions shall include useable park and open space as required by the comprehensive plan.

SECTION 11. ASSIGNS AND SUCCESSORS

This agreement shall be binding upon the parties, their assigns or successors in interest and it is understood that the City, at its option, may contract for the construction and installation of the municipal improvements as provided above.

Dated this 16th day of May, 2011.

KLM Investments, LLC:

City of West Branch:

By: _____
 , Manager

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

STATE OF IOWA, COUNTY OF CEDAR, ss:

On this ____ day of _____, 2011, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donald Kessler and Matt Muckler, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West Branch, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as passed by Resolution of the City Council; and Donald Kessler and Matt Muckler acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

A Notary Public in and for the
State of Iowa

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on the ___ day of _____, 2011,
by _____ as Manager of KLM Investments, L.L.C..

Notary Public

(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

**May 2, 2011
7:00 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, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Police Chief David Bloem, Park & Rec. Director Melissa Russell, and Fire Chief Administrator Dick Stoolman.

Council members: Mark Worrell, David Johnson, Robert Sexton and Jim Oaks. Absent: Dan O'Neil

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the April 18, 2011 City Council Meeting.
- b) Approve bridge inspection agreement between the City of West Branch and Calhoun-Burns and Associates, Inc. for a lump sum of \$600 plus additional hourly fees, if necessary, for load rating computations and/or scour evaluations.
- c) Approve five-year Agreement for Maintenance and Repair of Primary Roads in Municipalities between the City of West Branch and the Iowa Department of Transportation.

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

COMMUNICATIONS/OPEN FORUM

Brad Larson, KLM Investors gave an update on the changes recommended by Dave Schechinger. He said that they he will be presenting the changes at the upcoming Planning and Zoning meeting. Larson said that he will bring information back to Council at the next meeting.

City Administrator Matt Muckler informed Council on the budget amendment. The public hearing on the amendment has been set for May 16th.

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL

Approve Resolution 935, adopting conservation measures for City of West Branch public buildings and facilities./Move to action.

David Fischer asked Council to pass the resolution to reduce energy consumption in the community.

Motion by Johnson, second by Worrell to approve resolution 935. Roll call vote – AYES: Johnson, Worrell, Sexton, Oaks. Absent: O'Neil. Motion carried.

Accept Shive-Hattery, Inc. proposal for development services for the West Branch Community Center for a lump sum fee of \$9,900./Move to action.

Park and Rec Director Melissa Russell told Council that she received three proposals with fees ranging from \$9,900-\$32,000. Shive-Hattery had the lowest proposal.

Councilman Johnson asked if any sites other than City owned property would be considered for the site. Russell said that other properties would be considered, however none have been identified.

Motion by Sexton, second by Worrell to accept Shive-Hattery, Inc. proposal for development services for the West Branch Community Center for a lump sum fee of \$9,900. Roll call vote – AYES: Sexton, Worrell, Johnson. NAYS: Oaks. Absent: O'Neil. Motion carried.

Third reading of Ordinance 675 amending Chapter 90 "WATER SERVICE SYSTEM" by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.

Motion by Johnson, second by Worrell to approve third reading of Ordinance 675. Roll call vote – AYES: Johnson, Worrell, Sexton, Oaks. Absent: O'Neil. Motion carried.

ORDINANCE NO. 675

AN ORDINANCE AMENDING TITLE CHAPTER 90 "WATER SERVICE SYSTEM"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 90 "WATER SERVICE SYSTEM" of the Code of West Branch, Iowa is hereby amended by deleting Section 90.06 in its entirety and inserting in lieu thereof:

90.06 FEE FOR PERMIT.

Before any permit is issued, the person who makes application shall pay a fee for permit per the City of West Branch Schedule of Fees.

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 2nd day of May, 2011.

First Reading: April 4, 2011
Second Reading: April 18, 2011
Third Reading: May 2, 2011

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

Third reading of Ordinance 676 amending Chapter 96 "BUILDING SEWERS AND CONNECTIONS" by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.

Motion by Johnson, second by Sexton to approve third reading of Ordinance 676. Roll call vote – AYES: Johnson, Sexton, Worrell, Oaks. Absent: O'Neil. Motion carried.

ORDINANCE NO. 676

AN ORDINANCE AMENDING TITLE CHAPTER 96 "BUILDING SEWERS AND CONNECTIONS"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 96 "BUILDING SEWERS AND CONNECTIONS" of the Code of West Branch, Iowa is hereby amended by deleting Section 96.02 in its entirety and inserting in lieu thereof:

96.02 CONNECTION CHARGE.

Before any permit is issued, the person who makes application shall pay a fee for permit per the City of West Branch Schedule of Fees.

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 2nd day of May, 2011.

First Reading: April 4, 2011

Second Reading: April 18, 2011
Third Reading: May 2, 2011

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

Approve Resolution 936, establishing a schedule of fees for the City of West Branch and establishing permit fees for water and sewer connections of \$315 each plus automatic increases of 5% per year for the next five years./Move to action.

Muckler noted that this was option "A" that the Council decided on in a previous meeting.

Councilman Sexton said that he doesn't agree with the price noting that it is a big jump from the current amount of \$50.00 being charged.

Motion by Johnson, second by Worrell to approve Resolution 936. Roll call vote – AYES: Johnson, Worrell, Oaks. NAYS: Sexton. Absent: O'Neil. Motion carried.

Approve financing agreement for principal amount of \$376,700 for the West Branch Fire Department Expansion Project./Move to action.

Muckler updated the Council with staff's recommendation of seeking a 4 year agreement on a local draw loan through Community State Bank with a rate of 3.25%. This debt will be paid through local option sales tax revenue starting the end of August.

Motion by Sexton, second by Worrell to approve Resolution 936. Roll call vote – AYES: Sexton, Worrell, Johnson, Oaks. Absent: O'Neil. Motion carried.

Approve Resolution 937, setting a date for a hearing at the City of West Branch Regular Council Meeting scheduled for May 16, 2011, on the issuance of not to exceed \$400,000 General Obligation Local Option Sales Tax Bonds for the purpose of financing the West Branch Fire Department Expansion Project./Move to action.

Discussion was had on the potential requirement of a bond attorney in the financing process.

Motion by Worrell, second by Sexton to approve Resolution 937. Roll call vote – AYES: Worrell, Sexton, Johnson, Oaks. Absent: O'Neil. Motion carried.

Approve engineering services agreement with Veenstra & Kimm, Inc. for Lift Station and Force Main Improvements 2011 in an amount not to exceed \$97,700./Move to action.

Council discussion was had on the approval of the engineering services agreement and concerns from Council and comments from Dave Schechinger, Veenstra and Kimm were heard.

Motion by Sexton, second by Worrell to approve engineering services agreement with Veenstra & Kimm, Inc. for Lift Station and Force Main Improvements 2011 in an amount not to exceed \$97,700. Roll call vote – AYES: Sexton, Worrell, Johnson, Oaks. Absent: O'Neil. Motion carried.

Approve engineering services agreement with Veenstra & Kimm, Inc. and competitive quotation bid process for Water Tower Repair and Coating 2011 in an amount not to exceed \$5,900./Move to action.

Motion by Worrell, second by Sexton to approve engineering services agreement with Veenstra & Kimm, Inc. and competitive quotation bid process for Water Tower Repair and Coating 2011 in an amount not to exceed \$5,900. Roll call vote – AYES: Worrell, Sexton, Johnson, Oaks. Absent: O'Neil. Motion carried.

Set a public hearing per Section 384.38(3a) of the Code of Iowa for the purpose of the creation of a wastewater connection fee district./Move to action.

City Attorney Kevin Olson explained that this connection fee would entail all lots not currently platted and not connected at this time. All property owners affected will be mailed a letter that gives them a 20 day notice. The first reading on the Ordinance is set to be discussed at the first meeting in June.

Motion by Johnson, second by Oaks to set a public hearing for the purpose of the creation of a wastewater connection fee district. Roll call vote – AYES: Johnson, Oaks, Worrell. NAYS: Sexton. Absent: O’Neil. Motion carried.

MAYOR DON KESSLER

Appointments/Reappointments

REPORTS

- a. City Administrator Matt Muckler – City of West Branch Website Update
- b. City Administrator Matt Muckler – U.S. Department of Justice Office of Community Oriented Policing Services COPS Hiring Program Grant Opportunity

Discussion was held on pursuing the DOJ grant for an additional officer. Sexton, Johnson and Worrell agreed to have Matt look into the grant.

- c. Park and Recreation Director Melissa Russell – Update on Cookson Community Center.

Russell gave an update on the closing of the Cookson building. Pest and cleaning services have been discontinued as of the end of April. Sharpless Auctions will be coming to pick up some of the City items for auction. The Food Pantry and Hoover Association are on track to be moved out soon.

ADJOURNMENT

Meeting adjourned by Mayor Kessler. City Council meeting adjourned at 8:04 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk

CITY OF WEST BRANCH
 CLAIMS REGISTER REPORT
 4/29/11 PAYROLL & CLAIMS

ANDREWS, ALISON	ACH PAYROLL EXPENSE	231.00
BLOEM, DAVID	ACH PAYROLL EXPENSE	1,761.97
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	894.25
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,173.15
BRICK, GERRY	ACH PAYROLL EXPENSE	128.52
COLLECTION SERVICE CNTR.	CHILD SUP.	245.90
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,162.97
GRIMM, JOHN	PAYROLL EXPENSE	170.25
HANNA, JOHN	ACH PAYROLL EXPENSE	1,002.31
HEICK, GINA	ACH PAYROLL EXPENSE	656.90
INTERNAL REVENUE SERVICE	FEDERAL W/H	2,215.11
	FICA-MED.CAR	2,432.84
	FICA-MED.CAR	678.40
IOWA DNR	WATER - APPLICATION FEE	20.00
IPERS	IPERS	1,986.74
	IPERS	972.13
JOHNSON, TOM	PAYROLL EXPENSE	55.69
KARR, DANIEL	PAYROLL EXPENSE	1,078.87
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	820.96
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,242.80
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	2,169.64
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,214.07
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	1,016.56
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	987.32
STATE FIRE MARSHALL'S OF	ADMIN - COPY OF REPORT	5.00
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,306.06
TREAS. STATE OF IOWA	STATE WTH.	1,044.00
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	193.00
WARGO, BARBARA	ACH PAYROLL EXPENSE	129.83
WELLMARK, INC.	PARK & REC/STREETS/SEWER	113.37

GRAND TOTALS 27,109.61

FUND TOTALS		
001	GENERAL FUND	12,436.20
031	LIBRARY	3,009.90
110	ROAD USE TAX	2,069.38
111	POLICE RECOVERY ACT GRANT	910.93
112	TRUST AND AGENCY	2,781.75
600	WATER FUND	2,970.27
610	SEWER FUND	2,931.18
	****	27,109.61

5/16/2011

CITY OF WEST BRANCH
CLAIMS REGISTER REPORT

ADVANCED DRAINAGE SYSTEM	STREETS - SUPPLIES	180.20
ALLIANT ENERGY	VARIOUS DEPTS - UTILITIE	7,463.08
	WATER - UTILITIES	60.07
AMAZON	LIBRARY - BOOKS	105.93
AMSAN	POLICE/TOWN HALL - SUPPL	71.43
	ADMIN/LIBRARY - SUPPLIES	67.97
	LIBRARY - BALLAST	28.97
	LIBRARY - BALLASTS	57.94
ANDREWS, ALISON	ACH PAYROLL EXPENSE	200.20
ARAMARK UNIFORM SERVICES	ADMIN/STREETS/WATER - SE	386.15
BAKER & TAYLOR BOOKS	LIBRARY - BOOKS	736.25
	LIBRARY - BOOKS	46.43
BARRON MOTOR SUPPLY	POLICE - SUPPLIES	1.95
	STREETS/WATER - SUPPLIES	61.49
BDC BUILDING PLAN REVIEW	ADMIN - BLDG INSPECTIONS	132.30
BLOEM, DAVID	ACH PAYROLL EXPENSE	1,256.18
BLUE CROSS BLUE SHIELD	LIFE INS.	8.00
	DENTAL INS	72.30
	HEALTH INS	627.16
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	569.48
BP AMOCO	CEMETERY/STREETS - FUEL	1,059.29
	FIRE - FUEL	8.07
	POLICE - FUEL	517.64
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,193.93
BRICK, GERRY	ACH PAYROLL EXPENSE	123.70
CDW GOVERNMENT INC.	POLICE - APC BATTERY	61.94
	POLICE - ADAPTER FOR COMPUTER	21.94
CEDAR COUNTY COOPERATIVE	FIRE - FUEL	1,598.13
CEDAR RAPIDS PHOTO COPY	LIBRARY - SERVICE	22.34
	LIBRARY - SERVICE	33.68
CHAUNCEY BUTLER POST 514	POLICE - FLAGPOLE	38.00
COLLECTION SERVICE CNTR.	CHILD SUP.	245.90
CREATIVE SOFTWARE SERVICE	ADMIN - COMPUTER CONSULT	382.47
	POLICE - COMPUTER CONSUL	127.50
	ADMIN - COMPUTER CONSULT	1,160.95
CROELL REDI-MIX, INC.	WATER - CONCRETE	458.50
DAN'S OVERHEAD DOORS	FIRE - SERVICE/REPAIR	259.29
DAVE'S WELDING & REPAIR	STREETS - REPAIR OSHKOSH	110.58
ED.M.FELD EQUIPMENT CO.	FIRE - EQUIPMENT	2,063.30
	FIRE - SUPPLIES	64.00
EMERGENCY SERVICES MARKE	FIRE - TELEPHONE CHARGES	5.74
FARM & HOME PUBLISHERS	LIBRARY - BOOK	39.20
FLEET SERVICES	POLICE - FUEL	163.47
GENERAL PEST CONTROL	PARK & REC - SERVICE	100.00
GIERKE-ROBINSON CO	STREETS - SUPPLIES	300.23
GOODALE, MATTHEW	WATER - REIMBURSEMENT	850.00
	ACH PAYROLL EXPENSE	1,253.22
GREATAMERICA LEASING COR	ADMIN -COPIER SERVICE CO	252.06
GRIMM, JOHN	PAYROLL EXPENSE	376.50
HANNA, JOHN	ACH PAYROLL EXPENSE	1,002.31
HAWKINS WATER TREATMENT	WATER - SUPPLIES	1,386.70
HEICK, GINA	ACH PAYROLL EXPENSE	111.59
HY-VEE ACCOUNTS RECEIVABLE	PARK & REC - SUPPLIES	202.00
INTERNAL REVENUE SERVICE	FEDERAL W/H	1,815.84

	FICA-MED.CAR	2,131.79
	FICA-MED.CAR	594.44
IOWA BUSINESS SUPPLY	ADMIN - OFFICE SUPPLIES	36.95
	WATER/SEWER - OFFICE SUP	67.60
	ADMIN - OFFICE SUPPLIES	14.95
	PARK & REC - COPY PAPER	36.95
	POLICE - INK CARTRIDGES	76.98
IOWA CITY PRESS-CITIZEN	LIBRARY - SUBSCRIPTION	78.27
IOWA DIVISION OF LABOR S	PARK & REC -BOILER INSPECT	380.00
IOWA DNR	SEWER - CERTIFICATION EX	30.00
	WATER - OPERATOR CERTIFI	120.00
	SEWER - OPERATOR CERTIFI	180.00
IOWA NETWORK SERVICES IN	ADMIN - SERVICE	26.99
IOWA ONE CALL	WATER/SEWER - SERVICE	58.50
IPERS	IPERS	1,882.33
	IPERS	797.94
JOHNSON COUNTY REFUSE INC	RECYCLING - APRIL	3,553.00
KARR, DANIEL	PAYROLL EXPENSE	1,159.56
KESSLER, DONALD	PAYROLL EXPENSE	186.20
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	685.51
KUSTOM SIGNALS INC	POLICE - SERVICE	231.00
LEASE CONSULTANTS CORP	LIBRARY - SERVICE CONTRACT	59.00
LIBERTY COMMUNICATIONS	VARIOUS DEPTS - PHONE SE	1,064.72
LINN COUNTY R.E.C.	STREETS - UTILITIES	102.00
MARTIN, CODY	WATER - CREDIT REFUND	14.86
MAS MODERN MARKETING	POLICE - SUPPLIES	358.01
MENARDS	WATER/ADMIN - SUPPLIES	61.52
	TOWN HALL - SUPPLIES	78.82
MOORE'S WELDING INC	STREETS - GRATE FOR STORM	671.59
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,002.31
MUCKLER, MATT	ADMIN - REIMBURSEMENT	119.40
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	1,863.38
NASH, ANN	ADMIN - CLEANING	240.00
NAUMAN SOD FARMS	CEMETERY - SOD	40.65
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,087.64
OFFICE OF AUDITOR OF STA	ADMIN - FY10 AUDIT	9,531.05
OLSON, ATTY KEVIN	LEGAL - LEGAL SERVICES F	1,250.00
PALMER, MIRANDA	PARK & REC - REFUND FOR	25.00
PEDEN, SHANELLE	CABLE - VIDEOTAPING	100.00
PITNEY BOWES INC	ADMIN - POSTAGE METER SU	345.94
PITNEY BOWES PURCHASE	WATER - POSTAGE	500.00
	LIBRARY - POSTAGE	500.00
PLATO ELECTRIC	TOWN HALL - INSTALLATION	700.00
	TOWN HALL - SERVICE TO H	1,200.00
PLUNKETT'S PEST CONTROL	ADMIN - SERVICE	45.76
PORT 'O' JONNY INC.	PARK & REC - SERVICE	80.00
	CEMETERY - SERVICE	80.00
PRESLAN, KEVIN & KELLY	WATER - CREDIT REFUND	66.88
QC ANALYTICAL SERVICES	SEWER - TESTING	552.00
QUILL CORP	LIBRARY - OFFICE SUPPLIE	11.97
	LIBRARY - NAME BADGE HOL	15.29
	LIBRARY - OFFICE SUPPLIES	67.93
RUSSELL, MELISSA	PARK & REC - REIMBURSEMENT	69.55
	ACH PAYROLL EXPENSE	869.36

SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	987.32
SIMKIN, ATTY DOUGLAS W	POLICE - LEGAL SERVICE	212.50
SPRINT	POLICE - SERVICE	179.97
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,101.00
STREICHER'S INC.	POLICE - LED LIGHT	117.98
SULZNER, ELLEN	COOKSON/TOWN HALL - CLEANING	544.00
	COOKSON/TOWN HALL - CLEANING	445.00
THE LIBRARY STORE INC	LIBRARY - SUPPLIES	12.10
THEIN MOTOR SALES	POLICE - OIL CHANGE DODG	40.80
TREAS. STATE OF IOWA	STATE WTH.	877.00
TREAS. STATE OF IOWA	IOWA SALES TAX - MAY	1696.95
UPS	SEWER & POLICE - SHIPPING	30.74
	SEWER - SHIPPING	22.38
	SEWER - SHIPPING	22.38
	SEWER - SHIPPING	22.58
US CELLULAR	VARIOUS DEPTS - PHONE SE	394.04
	POLICE - PHONE SERVICE	214.08
	FIRE - PHONE SERVICE	37.02
USA BLUE BOOK	WATER/SEWER - SUPPLIES	143.47
VEENSTRA & KIMM INC.	LEGAL SERVICES - ENGINEERING	625.80
VIRGIL'S REPAIR SERVICE	STREETS - SERVICE	27.00
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	128.67
WALMART COMMUNITY/GEMB	LIBRARY - SUPPLIES	171.30
WARGO, BARBARA	ACH PAYROLL EXPENSE	175.66
WATER SOLUTIONS UNLIMITE	WATER - SUPPLIES	1,500.00
WELLMARK, INC.	ADMIN - FLEX ADMINISTRAT	626.60
	ADMIN - FLEX DEBIT CARDS	36.00
WEST BRANCH REPAIRS	FIRE - SERVICE	229.29
WEST BRANCH TIMES	VARIOUS DEPTS - PUBLICATIONS	721.97
ZEPHYR COPIES & DESIGN	FIRE - COPIES	31.37
	GRAND TOTALS	76,022.05

FUND TOTALS

001	GENERAL FUND	42,513.14
022	CIVIC CENTER	2,793.62
031	LIBRARY	5,386.60
110	ROAD USE TAX	4,301.85
111	POLICE RECOVERY ACT GRANT	142.33
112	TRUST AND AGENCY	3,037.52
600	WATER FUND	12,510.47
610	SEWER FUND	5,336.52
	****	76,022.05

Kevin Olson

City Attorney

City of West Branch

Dear Kevin,

This letter is to inform you that I am resigning my position as the Chief of Police for the City of West Branch effective June 3, 2011 to pursue other career opportunities.

A handwritten signature in black ink, appearing to read "David Bloem", written over a horizontal line.

David Bloem

AGREEMENT

THIS AGREEMENT entered into by and between the City of West Branch, Iowa (hereinafter “West Branch”) and David Bloem (hereinafter “Bloem”).

WHEREAS, Bloem has been the Chief of Police for West Branch since October 17, 2005; and

WHEREAS, after discussions between Bloem and West Branch, Bloem has informed West Branch that he intends to resign his position as Police Chief effective June 3, 2011; and

WHEREAS, the City Council of West Branch will meet in Regular Session on May 16, 2011, and vote on a motion to accept Bloem’s resignation.

THEREFORE, subject to the vote of the City Council, the parties agree:

1. Bloem has submitted a letter of resignation, dated May 13, 2011, with an effective date of June 3, 2011.
2. During the time period between May 13, 2011 and June 3, 2011, Bloem shall undertake a special assignment, as determined by Bloem and City officials.
3. Bloem has returned all property (including his law enforcement badge, weapons, keys and other equipment) owned by West Branch.
4. West Branch shall pay Bloem for his accrued vacation (299.45 hours) in one lump sum payment on Friday, May 27, 2011.
5. In consideration of the foregoing, Bloem fully and forever releases and discharges West Branch and each of its officers, employees, agents, trustees, administrators, contractors, consultants and attorneys, whether past, present or future, and all predecessors, successors and assigns thereof, (“Released parties”) from any and all claims, demands, agreements, causes of action, injunctions, and restraints or liabilities or whatever kind, whether in law, equity or otherwise, and whether now known or unknown or which have existed or now exist from Bloem’s employment with West Branch. The undersigned further acknowledges and agrees that this Release and the Covenant Not to Sue set forth in paragraph 6 below are essential and material terms of this Agreement and that without such release and covenant not to sue, no agreement would have been reached by the parties.
6. Bloem covenants not to sue or to institute or cause to be instituted any kind of claim or action (except to enforce this Agreement) in any federal, state, or local agency or court against any of the Released Parties arising out of or attributable to matters described in paragraph 5 above. In the event that Bloem does initiate or cause to be instituted any kind of claim or action (except to enforce the terms of this Agreement), Bloem expressly acknowledges that the payments outlined in Paragraph 2 shall be returned (with appropriate interest) to the City within 30 days of filing said cause of action or claim, and that Bloem shall be responsible for the payment of reasonable attorneys’ fees and costs associated with defending said claim.

7. If any section, subsection, term or provision of this Agreement or the application thereof to Bloem, West Branch or a particular circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Agreement or the application of same to the Bloem, West Branch or particular circumstances other than that for which it was held invalid or unenforceable, shall not be affected thereby and each remaining section, subsection, term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
8. Both Bloem and West Branch hereby expressly acknowledge and agree that this Agreement is intended to set forth the entire agreement between the parties, and that there are no other considerations or monies contingent upon or resulting from the execution of this Agreement, and that no other monies or considerations have been solicited.
9. Both Bloem and West Branch acknowledge that this Agreement is voluntary and entered into with the advice of legal counsel.

Dated this th day of May, 2011.

David Bloem

Don Kessler, Mayor

To: City Council
From: Dawn Brandt, Deputy City Clerk
CC: Mayor Kessler, Matt Muckler
Date: 5/3/11
Re: Budget Amendment Summary

The FY11 budget amendment hearing date has been set for May 16, 2011 at the City Council meeting. The main purpose of this amendment is for the Fire Station new addition and roof replacement project. The City will be expending for the contractor & engineering bills in the months of May and June.

Police:

\$799 revenue and expenditure for bullet proof vests reimbursed by the DOJ grant.
\$800 revenue and expenditure for new DVR reimbursed by EMC Insurance.
\$648 expenditure for TV (prize for golf tournament) funded by Police donation fund.

Animal Control: \$100 revenue and expenditure for cat tags funded by Animal Control donation.

Fire:

\$11,665.64 expenditure for engineering services for new addition funded by Fire donation fund (\$4,983.87) and Fire Station roof CD (\$6,681.77).
\$2,025.74 for expenditure of engineering services for new addition funded by Fire donation fund.
\$2,214.54 for expenditure of fabrication, paint and delivery of new fire gear racks funded by Fire donation fund.
\$1323.83 for expenditure of fabrication of new grates for floor drains funded by Fire donation fund.
\$7,500 for expenditure of automatic CPR equipment funded by Fire (P & G donation).

Library:

\$1,400 revenue and expenditure for summer reading program reimbursed by Library (P & G donation).
\$14,500 for expenditure of site feasibility study funded from Library CD.
\$9061.15 for expenditures of tile floor, glass wall and furnace funded from Library CD.

Town Hall:

\$5,597 for expenditure of Town Hall sign funded by Acciona Streetscape CD.

Park & Rec:

\$9,900 for expenditure of West Branch Community Center study funded by Park & Rec. Rec. CD
\$15,000 for expenditure of concrete for Lions Field funded by Park & Rec. Park CD.

Administration:

\$5,000 for expenditure of moving expense to City Administrator from Clerk budget funded from general fund reserves.

Capital Projects:

\$150,000 for expenditures of Fire addition expansion expenses funded by loan (LOST).
\$274.23 to close out City office project – transfer to general fund.

FY11 Amendment Totals

Revenue: \$3,099.00
Expenditures: \$237,809.00

RESOLUTION NO. 938

FY11 Budget Amendment – See State Form

PASSED, APPROVED, AND ADOPTED this 16th day of May, 2011.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/City Clerk

16-142

CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION

To the Auditor of CEDAR & JOHNSON County, Iowa:

The City Council of West Branch in said County/Countries met on May 16, 2011, at the place and hour set in the notice, a copy of which accompanies this certificate and is certified as to publication. Upon taking up the proposed amendment, it was considered and taxpayers were heard for and against the amendment.

The Council, after hearing all taxpayers wishing to be heard and considering the statements made by them, gave final consideration to the proposed amendment(s) to the budget and modifications proposed at the hearing, if any. Thereupon, the following resolution was introduced.

RESOLUTION No. 938

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE : 2011
(AS AMENDED LAST ON West Branch.)

Be it Resolved by the Council of the City of West Branch

Section 1. Following notice published May 4, 2011

and the public hearing held, May 16, 2011 the current budget (as previously amended) is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

	Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources			
Taxes Levied on Property	1 1,005,803	0	1,005,803
Less: Uncollected Property Taxes-Levy Year	2 0	0	0
Net Current Property Taxes	3 1,005,803	0	1,005,803
Delinquent Property Taxes	4 0	0	0
TIF Revenues	5 1,008,828	0	1,008,828
Other City Taxes	6 40,217	0	40,217
Licenses & Permits	7 18,875	0	18,875
Use of Money and Property	8 15,500	0	15,500
Intergovernmental	9 357,448	1,599	359,047
Charges for Services	10 628,300	0	628,300
Special Assessments	11 0	0	0
Miscellaneous	12 46,700	1,500	48,200
Other Financing Sources	13 13,620	41,975	55,595
Total Revenues and Other Sources	14 3,135,291	45,074	3,180,365
Expenditures & Other Financing Uses			
Public Safety	15 472,260	27,076	499,336
Public Works	16 459,168	0	459,168
Health and Social Services	17 0	0	0
Culture and Recreation	18 392,100	55,458	447,558
Community and Economic Development	19 1,017,478	0	1,017,478
General Government	20 185,340	5,000	190,340
Debt Service	21 126,000	0	126,000
Capital Projects	22 0	150,274	150,274
Total Government Activities Expenditures	23 2,652,346	237,809	2,890,155
Business Type / Enterprises	24 516,237	0	516,237
Total Gov Activities & Business Expenditures	25 3,168,583	237,809	3,406,392
Transfers Out	26 13,620	41,975	55,595
Total Expenditures/Transfers Out	27 3,182,203	279,784	3,461,987
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	28 -46,912	-234,710	-281,622
Continuing Appropriation	29 0	N/A	0
Beginning Fund Balance July 1	30 1,678,507	0	1,678,507
Ending Fund Balance June 30	31 1,631,595	-234,710	1,396,885

Passed this 16 day of May 2011
(Day) (Month/Year)

Signature

City Clerk/Finance Officer

Signature

Mayor

RESOLUTION NO. 939

A RESOLUTION TO ADOPT CITY OF WEST BRANCH RAGBRAI VENDOR FEES AS A PART
OF THE WEST BRANCH SCHEDULE OF FEES

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to add RAGBRAI Vendor Fees to the West Branch Schedule of Fees; and

WHEREAS, Council has determined that the fees included in this Resolution are appropriate and are reasonably related to the purpose for which such fees are charged.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch as follows:

Section 1. That the fees set forth in Exhibit "A" attached hereto and made a part hereof, be in full force and effect immediately upon its adoption and approval, as provided by law.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved this 16th day of May, 2011.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT "A"

RAGBRAI VENDOR FEES

Cedar County Non Profit Vendor Fee	\$50
Cedar County Commercial Business Fee	\$100
Non Cedar County Non Profits fee	\$150
Non Cedar County Commercial Business Fee	\$250