

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

Tuesday, July 5, 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 June 18, 2011 City Council Work Session and June 18, 2011 City Council Meeting.
 - b. Approve claims.
 - c. Approve payment of \$107,968.45 to Garling Construction for payment bills per the City of West Branch Fire Station New Addition – New Roof Agreement.
 - d. Approve Change Order Request 3 for the West Branch Fire Station Expansion Project for \$1,320 to change facia to exterior wall panel and furr out wall between new and old building.
 - e. Approve amended Class C liquor license for Herb n’ Lou’s to allow outdoor service privilege from July 30, 2011, to July 31, 2011 for RAGBRAI.
 - f. Fire Department – Approve 28E agreements with Cass, Gower, Springdale, Scott, Graham and Iowa townships for FY12 fire protection services/Move to action.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
 - a. Approve Agreement to Maintain and Operate Shared Property between the City of West Branch, Iowa and West Branch Community School District for tract 1 of the pedestrian bridge and trail, generally located south of Main Street between the driveway of 827 W. Main Street and West Branch High School./Move to action.
 - b. Approve a Memorandum of Understanding between the National Park Service – Herbert Hoover National Historic Site, the City of West Branch, Iowa and the West Branch, Iowa Community School District for shared maintenance of tracts 2 and 3 of the pedestrian bridge and trail, generally located south of Main Street between West Branch Ford and the driveway of 827 W. Main Street./Move to action.
 - c. Third reading of Ordinance 680, establishing the West Branch Wastewater Lift Station Connection Fee District./Move to action.
 - d. Approve Resolution 947, setting salaries for appointed officers and employees of the City of West Branch, Iowa for the fiscal year 2011-2012./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:** vacant • **Fire Chief:** Kevin Stoolman

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CITY COUNCIL MEETING AGENDA Tuesday, July 5, 2011 • 7:00 p.m. (continued) City Council Chambers, 110 North Poplar Street *Action may be taken on any agenda item.*

- e. First Reading of Ordinance 681, amending Chapter 55 “Animal Protection and Control.”/Move to action.
 - f. Approve Resolution 949, adopting Dangerous or Potentially Dangerous Animal Annual Fees as a part of the West Branch Schedule of Fees./Move to action.
 - g. Second Reading of Ordinance 682, vacating the 16’ alley located to the south of Lot 19, and to the north of Lot 20 in Block 9 in Townsend and Gue’s Addition, to West Branch, Cedar County, Iowa, generally located near North Fifth Street in between East Main Street and East Green Street./Move to action.
 - h. Approve Resolution 948, adopting the Record Retention Manual for Iowa Cities as the City’s record retention policy./Move to action.
 - i. Approve setting up Fire Apparatus, Police Apparatus, Cemetery, Park & Recreation and Public Works General Fund Reserve Funds./Move to action.
 - j. Approve transfer of \$8,203.54 from Fund 011 Police Donations, \$44,052.02 from 014 Fire Donations, and \$5,388.71 from 018 Park Donations to their respective General Fund Reserve Funds and close out funds 011, 014, and 018./Move to action.
 - k. Approve that any unexpended appropriations from the Local Cable Access operating budget 001-855 be placed in their investments fund at the end of each fiscal year./Move to action.
 - l. Approve that any unexpended appropriations from the Fire Department operating budget be placed in the General Fund Fire Apparatus Reserve Fund at the end of each fiscal year./Move to action.
7. Mayor
 - a. Appointments/Reappointments/Move to action.
 8. Reports
 - a. City Engineer Dave Schechinger, P.E. – Road and Streets Estimates
 - b. City Engineer Dave Schechinger, P.E. – Mapping Options
 - c. City Administrator Matt Muckler - Police Chief Recruitment Update
 9. Motion to adjourn to executive session to discuss the purchase of particular real estate only where premature disclosure could reasonably be expected to increase the price the governmental body would have to pay for that property pursuant to Section 21.5(j) of the Code of Iowa.
 10. 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: vacant • Fire Chief: Kevin Stoolman

(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 Work Session

**June 20, 2011
6:00 p.m.**

Mayor Don Kessler opened the Work session by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Administrative Assistant Ashley Borland-Kaalberg, Water/Wastewater Operator Matt Goodale, Officer John Hanna, Fire Chief Administrator Dick Stoolman, Library Director Nick Shimmin.

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

City Administrator Matt Muckler – West Branch Roads and Streets 2011 Projects

Council reaffirmed their intent to appropriate \$170,000 for roads and streets projects in fiscal year 2012. Council discussed street projects and problem areas throughout the West Branch Community that need addressed and possible solutions.

Dave Schechinger, Veenstra and Kimm will report to Council on 7.5.11 with cost estimates for potential projects discussed.

ADJOURNMENT

Motion by Mayor Kessler to adjourn. City Council Work Session adjourned at 6:52 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk

(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

**June 20, 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 Matt Muckler, City Attorney Kevin Olson, Administrative Assistant Ashley Borland-Kaalberg, Fire Chief Administrator Dick Stoolman, Library Director Nick Shimmin, Park & Rec. Director Melissa Russell, Officer John Hanna Fire Chief Kevin Stoolman. Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the June 6, 2011 City Council Meeting.
- b) Approve claims.
- c) Approve Subscription Agreement for \$16,050, travel expenses of \$4,700, and Subscription Services Level Agreement for \$7,588 with Tyler Technologies.
- d) Approve moving the Monday July 4, 2011 City Council Meeting to Tuesday, July 5, 2011, due to Independence Day Holiday.
- e) Fire Department – Approve Fire Department payroll for July 1, 2011, in the amount of \$24,188.00.
- f) Fire Department – Approve Fire Department officers for FY12.
- g) Approve street closures on Main Street from Scott to 4th for RAGBRAI 2011 on Saturday July 30, 2011 from 4:00 a.m. – 11:00 a.m.
- h) Approve Agreement with J & M Displays for \$20,000 for Hoover's Hometown Days Fireworks Display.
- i) Approve Resolution 945, transferring \$5,500 monthly from the Water Fund to the Water Sinking Fund.
- j) Approve the Contract for Services with East Central Intergovernmental Association for professional services required to carry out the City of West Branch Comprehensive Plan.
- k) Approve Police Chief Job Description.
- l) Approve Iowa Department of Natural Resources Right of Entry and Indemnity Agreement.
- m) Approve change order of \$383 for the West Branch Fire Station Expansion Project for electrical changes per the City's request.

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

DATE	CITY OF WEST BRANCH CLAIMS REGISTER REPORT	
6/20/2011	TIF REBATE - FY 11	186,899.00
	CEMETERY - SUPPLIES	58.03
	VARIOUS DEPTS - UTILITIES	7,054.45
	WATER - UTILITIES	47.37
	LIBRARY - SUPPLIES	5.05
	LIBRARY/ADMIN - SUPPLIES	108.78
	ACH PAYROLL EXPENSE	246.40
	ACH PAYROLL EXPENSE	26.31
	LIBRARY - BOOKS	826.27
	STREETS - SUPPLIES	424.39
	STREETS - CLEANING	3,702.00
	FIRE - SUPPLIES	15.36
	STREETS - SUPPLIES	26.05
	ADMIN - BLDG INSPECTIONS	174.30
	WATER - CREDIT REFUND	66.91
	ACH PAYROLL EXPENSE	1,422.50
	POLICE - IPERS WAGE ADJU	497.09
	LIFE INS.	8.00
	DENTAL INS	72.30
	HEALTH INS	627.16
	ACH PAYROLL EXPENSE	569.48
	POLICE/WATER/STREETS/CEM	1,194.31
	ACH PAYROLL EXPENSE	1,173.14
	ACH PAYROLL EXPENSE	208.44
	FIRE - RADIO & SUPPLIES	6,694.60
	STREETS - ROCK HAULING	1,217.94
	STREETS - X30 NORTH PYMT	30,022.00
	LIBRARY - SERVICE	16.56
	LIBRARY - SERVICE	37.44
	LIBRARY - SUPPLIES	7.00
	LIBRARY - SUPPLIES	7.00
	LIBRARY - FAX BOARD	640.00
	STREETS - SUPPLIES	117.88
	COMM & CULT DEV - FLAGS	40.00
	CHILD SUP.	245.90
	CENTRAL IOWA DISTRIBUTIN	
	CHAUNCEY BUTLER POST 514	
	COLLECTION SERVICE CNTR.	

CREATIVE SOFTWARE SERVIC	ADMIN - COMPUTER CONSULT	42.50
	ADMIN - COMPUTER CONSULT	460.83
	POLICE - COMPUTER CONSUL	120.70
CROELL REDI-MIX, INC.	PARK & REC - CONCRETE FO	2,624.00
	PARK & REC - CONCRETE FO	1,335.00
CULLIGAN WATER TECHNOLOG	FIRE - SERVICE	32.95
DEMCO	LIBRARY - SUPPLIES	238.95
DEWEYS JACK & JILL	LIBRARY/WATER - SUPPLIES	12.06
	POLICE - SUPPLIES	24.16
DIAMOND VOGEL PAINTS	STREETS - TRAFFIC PAINT	361.80
EAST CENTRAL LIBRARY SER	LIBRARY - NEIBORS PROJECT	300.00
	LIBRARY - DISK CLEANING	30.00
ED.M.FELD EQUIPMENT CO.	FIRE - SUPPLIES	1,204.00
FARM PLAN	WATER - CLOTHING ALLOWANCE	79.99
FLEET SERVICES	POLICE - FUEL	495.71
GARLING CONSTRUCTION INC	CAPITAL PROJECTS - FIRE	128,744.95
GAZETTE COMMUNICATIONS	ADMIN - POLICE CHIEF	162.68
GENERAL PEST CONTROL	LIBRARY - SERVICE	70.00
GIERKE-ROBINSON CO	PARK & REC - NAIL STAKES	73.20
	PARK & REC - SUPPLIES	595.25
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,348.86
GREATAMERICA LEASING COR	ADMIN - COPIER SERVICE	252.06
GRIMM, JOHN	PAYROLL EXPENSE	376.50
GROUT MUSEUM DISTRICT	LIBRARY - SUMMER READING	189.54
HANNA, JOHN	ACH PAYROLL EXPENSE	1,069.60
HANSEN ASPHALT	WATER - MAIN STREET PATCH	1,404.00
HANSEN, TRENT	FIRE - REIMBURSEMENT	1,641.07
HEICK, GINA	ACH PAYROLL EXPENSE	184.13
HOSPERS & BROTHER PRINTE	FIRE - OFFICE SUPPLIES	94.30
HSC BUSINESS SOLUTIONS	CEMETERY - UTILITY TRAIL	259.99
INTERNAL REVENUE SERVICE	FEDERAL W/H	1,887.18
	FICA-MED.CAR	2,223.59
	FICA-MED.CAR	620.04
INTERNAL REVENUE SERVICE	FEDERAL TAX PAYMENT	350.13
IOWA ASSN. MUN. UTIL.	WATER - TRAINING	20.00
	WATER - EIASSO DUES	308.65
IOWA BUSINESS SUPPLY	ADMIN - OFFICE SUPPLIES	36.95
	ADMIN - OFFICE SUPPLIES	7.05
	ADMIN - OFFICE SUPPLIES	118.28
	WATER - OFFICE SUPPLIES	20.58
IOWA DNR	SEWER - CERTIFICATION EX	30.00
	WATER - CERTIFICATION EX	30.00
	SEWER - OPERATOR CERTIFI	60.00
IOWA FINANCE AUTHORITY	REVENUE SRF BOND LOAN PYMT	48,705.00
IOWA FINANCE AUTHORITY	REVENUE SRF BOND LOAN PYMT	4,207.50
IOWA FINANCE AUTHORITY	SRF GO BOND LOAN PYMT	103,392.50
IOWA NETWORK SERVICES IN	ADMIN - SERVICE	26.99
IOWA ONE CALL	WATER/SEWER - SERVICE	42.30
IPERS	IPERS	1,928.98
	IPERS	876.81
JOHNSON COUNTY REFUSE IN	RECYCLING - MAY	3,543.50
	SOLID WASTE - CLEAN UP DAY	639.80
KARR, DANIEL	PAYROLL EXPENSE	1,078.87
KESSLER, DONALD	PAYROLL EXPENSE	186.20
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	685.51
LEASE CONSULTANTS CORP	LIBRARY - SERVICE CONTRACT	59.00
LIBERTY COMMUNICATIONS	VARIOUS DEPTS - PHONE	1,110.96
LINN COUNTY R.E.C.	STREETS - UTILITIES	102.00
LUCASSEN, ANGIE	WATER - CREDIT REFUND	29.06
LYNCH'S EXCAVATING INC	WATER - REPAIR WATER MAIN	1,878.80
LYNCH'S PLUMBING	LIBRARY - SERVICE	73.60
	FIRE - SERVICE	916.40
	FIRE - SERVICE	62.10
MARCUS THEATRES	LIBRARY - SUMMER READING	20.00
MATT PARROTT AND SONS	WATER/SEWER - BILLING	484.44
MEDIACOM	ADMIN - SERVICE	169.85
	ADMIN - SERVICE	34.95
MEDTRONIC EMERGENCY RESP	FIRE - CHEST COMPRESSION	13,649.00
MELISSA RUSSELL	PAYROLL EXPENSE	869.36
MENARDS	PAKR & REC - SUPPLIES	65.57
	STREETS - SUPPLIES	85.76
	TOWN HALL - SUPPLIES	41.94
MENDOZA, JUSTIN	WATER - CREDIT REFUND	62.54
MID-IOWA SOLID WASTE EQU	STREETS - ELGIN SWEEPER	140.93
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,021.71
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	1,863.38
MUNICIPAL SUPPLY INC.	WATER - SUPPLIES	231.50
NAUMAN SOD FARMS	CEMETERY - SOD	29.00
NOEL AUTOMOTIVE	STREETS - SERVICE	570.00
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,175.40
OLSON, ATTY KEVIN	LEGAL - LEGAL SERVICES	1,250.00
PEDEN, SHANELLE	CABLE - VIDEOTAPING	100.00
	CABLE - VIDEOTAPING	100.00
	WATER - CREDIT REFUND	71.95
PESCHEK, AARON	ADMIN - POSTAGE MACHINE	444.03
PITNEY BOWES GLOBAL FINA	ADMIN - SERVICE	10.87
PITNEY BOWES PURCHASE PO	ADMIN/WATER/SEWER - POSTAGE	1,051.20
	FIRE - SERVICE OUTSIDE	442.89
PLATO ELECTRIC	PARK & REC - FIRST AID KIT	124.93
PLAY IT AGAIN SPORTS	WATER - SUPPLIES	31.34
PLUMBERS SUPPLY CO.	ADMIN - SERVICE	45.76
PLUNKETT'S PEST CONTROL	CEMETERY - SERVICE	80.00
PORT 'O' JONNY INC.	ADMIN - POST OFFICE BOX	36.00
POSTMASTER	TIF REBATE - FY11 PHASE	215,293.06
PROCTER & GAMBLE HAIR CA	TIF REBATE - FY11 PHASE	432,469.39
PYRAMID SERVICES INC.	CEMETERY - SUPPLIES	61.54

	CEMETERY - X728 JOHN DEERE	8,958.65
QC ANALYTICAL SERVICES L	SEWER - TESTING	612.00
QUALITY ENGRAVED SIGNS	ADMIN - SUPPLIES SERVICE	66.00
QUILL CORP	LIBRARY - OFFICE SUPPLIES	30.35
	LIBRARY - OFFICE SUPPLIES	33.54
	LIBRARY - COPY PAPER	25.93
RK DIXON	ADMIN - OFFICE SUPPLIES	89.33
	ADMIN - BLK/WHITE/COLOR	165.06
	ADMIN - BLK/WHITE/COLOR	91.06
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	.00
SANDRY FIRE SUPPLY LLC	FIRE - CLEANER & WASH	438.00
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	987.32
SHIVE HATTERY INC	PARK & REC - WB COMMUNIT	9,900.00
SIMKIN, ATTY DOUGLAS W	POLICE - LEGAL SERVICE	362.50
SPRINT	POLICE - SERVICE	179.97
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,169.69
SULZNER, ELLEN	TOWN HALL - CLEANING	350.00
SWIERNICK, MATT	WATER - CREDIT REFUND	12.56
TAC 10 INC	POLICE - ANNUAL SOFTWARE	620.00
THEIN MOTOR SALES	POLICE - SERVICE 2008 DODGE	150.05
TIPTON ELECTRIC MOTORS	FIRE - SUPPLIES	538.34
	FIRE - PRESSURE WASHER	1,619.91
	STATE WTH.	914.00
TREAS. STATE OF IOWA	IOWA SALES TAX - MAY	1,711.89
TREAS. STATE OF IOWA	VARIOUS DEPTS - ANNUAL	3,295.00
TYLER TECHNOLOGIES	POLICE - RESERVE OFFICER	4.00
ULRICH, NICK	STREETS - SUPPLIES	487.20
UNITED LABORATORIES	SEWER - SHIPPING	22.58
UPS	SEWER - SHIPPING	22.58
	SEWER - SHIPPING	22.58
	SEWER - SHIPPING	22.80
	SEWER - SHIPPING	17.10
UPSTART	LIBRARY - SUPPLIES	15.00
US CELLULAR	VARIOUS DEPTS - PHONE	273.28
	POLICE - PHONE SERVICE	233.55
	FIRE - PHONE SERVICE	37.17
USA BLUE BOOK	SEWER - NALGENE BOTTLES	101.10
	WATER - SUPPLIES	322.59
	WATER - SUPPLIES	43.95
VEENSTRA & KIMM INC.	WATER - ENGINEERING SERV	800.00
	SEWER - ENGINEERING SERV	417.70
	SEWER - ENGINEERING SERV	2,930.00
	SEWER - ENGINEERING SERV	816.90
	ADMIN - ENGINEERING SERV	3,100.84
	ADMIN - ENGINEERING SERV	235.30
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	193.00
WALMART COMMUNITY/GEMB	LIBRARY - SUPPLIES	134.03
WARGO, BARBARA	ACH PAYROLL EXPENSE	152.74
WEST BRANCH ANIMAL CLINI	ANIMAL CONTROL - SERVICE	328.00
WEST BRANCH COMMUNITY SC	LIBRARY - SUMMER READING	10.00
WEST BRANCH FIREFIGHTERS	FIRE - REIMBURSEMENT	426.35
WEST BRANCH HEATING	FIRE - SERVICE	1,256.74
WEST BRANCH REPAIRS	FIRE - BATTERIES	428.85
	STREETS - SERVICE	108.90
WEST BRANCH TIMES	LEGAL - PUBLICATIONS	740.67
WHITE CAP CONSTRUCTION S	PARK & REC - REBAR	1,463.50
WOOD PRODUCTS OF IOWA	STREETS - TREE TRIMMING	3,635.00
YAHOO DRUMMERS	LIBRARY - SUMMER READING	200.00
	GRAND TOTALS	1,287,039.96

FUND TOTALS

001	GENERAL FUND	88,304.58
022	CIVIC CENTER	674.18
031	LIBRARY	6,441.64
110	ROAD USE TAX	43,718.55
111	POLICE RECOVERY ACT GRANT	234.85
112	TRUST AND AGENCY	2,493.10
125	T I F	834,661.45
226	SRF DEBT SERVICE	156,305.00
303	FIRE CAPITAL PROJECT ADDITION	128,744.95
600	WATER FUND	14,471.69
610	SEWER FUND	10,989.97
	****	1,287,039.96

The Clerk reported the following receipts for the month of May 2011:

Water, Sewer, Recycling	\$	49,334.13	Cedar Co. Property Tax	\$	111,317.52
Water Utility Deposits	\$	500.00	Johnson Co. Prop. Tax	\$	-
Cookson Rent	\$	-	Road Use Tax	\$	17,911.17
Town Hall Rent	\$	260.00	Fines	\$	703.60
Misc.	\$	1,070.90	Twp. Fire Contract	\$	6,814.23
Library	\$	1,174.96	Building Permits	\$	1,894.45
Donations	\$	900.00	Fire Station Loan Proceeds	\$	128,744.95
Interest	\$	408.81	Krouth Fund Interest	\$	0.03
Investments Interest	\$	1,067.91	M. Gray Savings Interest	\$	-
Cable fees	\$	4,173.94	Cemetery Perp. Care Int.	\$	0.04
Hometown Days	\$	-	MV Fuel Tax Refund	\$	-
Cat & Dog Registrations	\$	60.00	Reimbursement/Refunds	\$	289.68
Beer & Liquor Lic. Fees	\$	-	Grave Openings	\$	1,525.00

Park & Rec. Activities	\$	2,570.00	Cemetery Lots	\$	-
SUBTOTAL	\$	61,520.65	SUBTOTAL	\$	269,200.67
			TOTAL	\$	330,721.32

The Clerk reported the following balances on hand for the month of May 2011:
(Balances =Financial Statement Report Bank Balance + Investments)

Funds	Bank Balance	Investments	Total
001 General	\$ 278,659.45	\$ 195,921.05	\$ 474,580.50
011 Police Donations	\$ 8,851.54	\$ -	\$ 8,851.54
014 Fire Dept. Donations	\$ 51,552.02	\$ -	\$ 51,552.02
018 Park Donations	\$ 5,388.71	\$ -	\$ 5,388.71
022 Civic Center	\$ 32,297.21	\$ -	\$ 32,297.21
031 Library Operating	\$ 15,541.75	\$ 16,312.85	\$ 31,854.60
036 Tort Liability	\$ 38,122.35	\$ -	\$ 38,122.35
050 Home Town Days	\$ 11,473.28	\$ -	\$ 11,473.28
110 Road Use Tax	\$ 211,050.39	\$ 29,922.47	\$ 240,972.86
111 Police Recovery Act Grant	\$ (4,955.26)	\$ -	\$ (4,955.26)
112 Trust & Agency	\$ 40,216.87	\$ -	\$ 40,216.87
119 Emergency Tax Fund	\$ 60,632.78	\$ -	\$ 60,632.78
121 Local Option Tax	\$ -	\$ -	\$ -
125 TIF	\$ 855,040.24	\$ -	\$ 855,040.24
160 Economic Develop.	\$ 138,934.85	\$ -	\$ 138,934.85
200 Debt Service	\$ 1,354.33	\$ -	\$ 1,354.33
226 SRF Debt Service	\$ 137,517.50	\$ -	\$ 137,517.50
300 Capital Improvement	\$ -	\$ -	\$ -
303 Fire Capital Project Addition	\$ 128,744.95	\$ -	\$ 128,744.95
500 Cemetery Perpetual	\$ 9,855.76	\$ 88,000.00	\$ 97,855.76
501 Krouth Fund Principal	\$ -	\$ 101,330.73	\$ 101,330.73
502 Krouth Enlow Int. Fund	\$ 8,502.10	\$ 16,035.14	\$ 24,537.24
600 Water Operating	\$ 240,971.37	\$ 124,394.45	\$ 365,365.82
603 Water Sinking Fund	\$ 49,166.64	\$ -	\$ 49,166.64
610 Sewer Operating	\$ 167,359.75	\$ 76,947.99	\$ 244,307.74
TOTAL	\$ 2,486,278.58	\$ 648,864.68	\$ 3,135,143.26

COMMUNICATIONS/OPEN FORUM

None

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL
Approve Engineering Services Agreement for \$15,000 with French-Reneker-Associates, Inc. Engineers and Surveyors of Fairfield, IA in connection with design and engineering during construction for a proposed 300-acre drainage area flood control dam in Section 36, T80N, R5W, Johnson County, Iowa, in the Hoover Creek Watershed./Move to action.

Community members Bruce Barnhart, Judy Hagan, Ken Fawcett, Curt Friis, John Black, and Engineer Kent Rice, French-Reneker-Associates, Inc. were in attendance. Judy Hagan updated Council on the watershed plan noting the required completion date for funding of June 2012.

Ken Fawcett added that the trustees of the Hoover Library Association will split the project cost with the City and pay 50%.

Motion by Worrell to amend the Engineering Services Agreement amount to \$15,300, second by Johnson.

Roll call vote – AYES: Worrell, Johnson, Sexton, O’Neil, Oaks. Motion carried.

Second reading of Ordinance 680, establishing the West Branch Wastewater Lift Station Connection Fee District./Move to action.

Motion by Johnson, second by O’Neil to approve Ordinance 680. Roll call vote – AYES: Johnson, O’Neil, Worrell, Sexton, Oaks. Motion carried.

Public hearing for the purpose of vacating the 16’ alley located to the south of Lot 19, and to the north of Lot 20 in Block 9 in Townsend and Gue’s Addition, to West Branch, Cedar County, Iowa, generally located near North Fifth Street in between East Main Street and East Green Street.

Mayor Kessler entered into public hearing. With no discussion from the audience or Council, Mayor Kessler exited the public hearing.

First Reading of Ordinance 682, vacating the 16’ alley located to the south of Lot 19, and to the north of Lot 20 in Block 9 in Townsend and Gue’s Addition, to West Branch, Cedar County, Iowa, generally located near North Fifth Street in between East Main Street and East Green Street.

Motion by Worrell, second by Sexton to approve first reading of Ordinance 682.

Roll call vote – AYES: Worrell, Sexton, Johnson, O’Neil, Oaks. Motion carried.

Set a public hearing for the purpose of approving plans, specifications, form of contract and estimate costs for the Water Tower Repair and Coating 2011 Project and setting a bid date./Move to action.

Motion by Sexton, second by Worrell to set a public hearing. Roll call vote – AYES: Sexton, Worrell, Johnson, O’Neil, Oaks. Motion carried.

Discussion of Sidwell map for the City of West Branch.

Worrell said that he was not committed to staying with Sidwell. Council stated that they would like City Engineer Dave Schechinger, P.E. to bring back some options on mapping updates to the City Council at the July 5, 2011 Council Meeting.

Resolution 946, approving a revolving loan fund (RFL) Agreement with Main Street West Branch./Move to Action

Rod Ness and Becky Frederick were in attendance for Main Street. Ness answered questions from Council regarding the handling for the RFL. Ness informed Council that the funds would be moved to a separate account and the interest will continue to add to the amount of the fund.

Motion by Worrell, second by Johnson to approve Resolution 946. Roll call vote – AYES: Worrell, Johnson, Sexton, O’Neil, Oaks. Motion carried.

Approve Local Plan for the Intended Use of ESDA Program Income./Move to Action.

Motion by Worrell, second by Sexton to approve local plan for the intended use of ESDA program income. Roll call vote – AYES: Worrell, Sexton, Johnson, O’Neil, Oaks. Motion carried.

Accept resignation of Mark Thomas from the Planning and Zoning Commission./Move to action.

Muckler thanked Thomas for his time and dedication to the commission and also thanked Virgil Gingerich for his time with the commission. (Gingerich’s resignation was accepted on June 6th, 2011.)

Motion by Johnson, second by Worrell to accept resignation. AYES: Johnson, Worrell, Sexton, O’Neil, Oaks. Motion carried.

City Council Appointments/Reappointments/Move to action.

- i. Lauren Michael – Planning & Zoning Commission

Motion by Johnson, second by Sexton to accept appointments/reappointments. AYES: Johnson, Sexton, Worrell, O’Neil, Oaks. Motion carried.

MAYOR DON KESSLER

Appointments/Reappointments

James Montchal - West Branch Fire Department.

Motion by Johnson, second by Worrell to accept appointment/reappointment. AYES: Johnson, Worrell, O’Neil, Oaks, Sexton. Motion carried.

REPORTS

Park & Recreation Director Melissa Russell – Cookson Community Center

Russell updated that all groups have vacated Cookson and the building is now ready for the utilities to be disconnected.

City Administrator Matt Muckler – Comprehensive Plan Update

Muckler informed Council that a meeting will be set for July 18th for a Comprehensive Plan update with Planning & Zoning along with community members and business partners.

City Administrator Matt Muckler - Police Chief Recruitment Update

Muckler updated that the advertisement sizes have been expanded for some of the ads that were originally placed in surrounding newspapers. He invited Council and the community to gather June 23rd at 6pm to give their input on what they would like to see in their next Police Chief.

Motion to adjourn to executive session to evaluate the professional competency of an individual whose performance is being considered as part of an annual review process and that individual requests a closed session pursuant to Section 21.5(i) of the Code of Iowa and to discuss the purchase of particular real estate only where premature disclosure could be reasonable be expected to increase the price the governmental body would have to pay for that property pursuant to Section 21.5(j) of the Code of Iowa.

Motion by Sexton and second by Worrell to enter into closed session at 7:42 p.m. Roll call vote – AYES: Sexton, Worrell, Johnson, O’Neil, Oaks. Motion carried.

ADJOURNMENT

Meeting adjourned by Mayor Kessler. City Council meeting adjourned at 9:34 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk

DATE 6/27/2011

CITY OF WEST BRANCH
CLAIMS REGISTER REPORT

ANDREWS, ALISON	ACH PAYROLL EXPENSE	211.75
BAILEY, MICHAEL	ACH PAYROLL EXPENSE	470.26
BLUE CROSS BLUE SHIELD	HEALTH INS.	5,853.34
	DENTAL INS.	408.83
	LIFE INS.	48.95
	DENTAL INS	72.30
	HEALTH INS	627.16
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	569.49
BOWERS, MATTHEW	PAYROLL EXPENSE	389.50
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,173.14
BRICK, GERRY	ACH PAYROLL EXPENSE	289.74
CROELL REDI-MIX INC	PARK/REC- CONCRETE LIONS FLD	1,519.00
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,313.07
GRIMM, JOHN	PAYROLL EXPENSE	474.41
HANNA, JOHN	ACH PAYROLL EXPENSE	1,002.31
HEICK, GINA	ACH PAYROLL EXPENSE	167.40
INTERNAL REVENUE SERVICE	FEDERAL W/H	1,781.42
	FICA-MED.CAR	2,104.15
	FICA-MED.CAR	586.74
IOWA DNR	SEWER - OPERATOR CERTIFICATE	60.00
IPERS	IPERS	1,982.87
	IPERS	621.21
	IPERS	86.98
JOHN DEERE FINANCIAL	WATER - UNIFORMS	
KARR, DANIEL	PAYROLL EXPENSE	1,078.87
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	678.60
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,150.73
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	1,863.38
NASH, ANN	ADMIN - CLEANING	300.00
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,271.57
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	990.64
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	982.95
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,021.98
TREAS. STATE OF IOWA	STATE WTH.	857.00
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	193.00
WARGO, BARBARA	ACH PAYROLL EXPENSE	122.20
	GRAND TOTALS	32,324.94

FUND TOTALS

001	GENERAL FUND	11,150.24
031	LIBRARY	2,895.74
110	ROAD USE TAX	2,663.22
111	POLICE RECOVERY ACT GRANT	216.65
112	TRUST AND AGENCY	6,762.77
600	WATER FUND	4,336.96
610	SEWER FUND	4,299.36
	****	32,324.94

PAYMENT APPLICATION

TO: West Branch City Administrator
 City Hall
 West Branch, IA 50665
 Attn: Dawn Brandt

PROJECT NAME AND LOCATION: 5287-11 West Branch Fire Station
 105 South 2nd Street
 West Branch, IA 50665

FROM: Garling Construction, Inc
 1120 11th Street
 Belle Plaine, IA 52208

FOR: General Construction

APPLICATION # 2 **Distribution to:**
PERIOD THRU: 06/10/2011 OWNER
PROJECT #s: 5287-11 ARCHITECT
DATE OF CONTRACT: 03/21/2011 CONTRACTOR

CONTRACTOR'S SUMMARY OF WORK

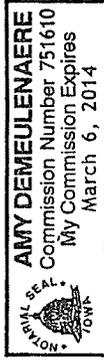
Application is made for payment as shown below. Continuation Page is attached.

1. CONTRACT AMOUNT		\$376,700.00
2. SUM OF ALL CHANGE ORDERS		\$1,386.00
3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2)		\$378,086.00
4. TOTAL COMPLETED AND STORED (Column G on Continuation Page)		\$249,172.00
5. RETAINAGE:		
a. 5.00% of Completed Work (Columns D + E on Continuation Page)	\$12,458.60	
b. 5.00% of Material Stored (Column F on Continuation Page)	\$0.00	
Total Retainage (Line 5a + 5b or Column I on Continuation Page)		\$12,458.60
6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total)		\$236,713.40
7. LESS PREVIOUS PAYMENT APPLICATIONS		\$128,744.95
8. PAYMENT DUE		\$107,968.45
9. BALANCE TO COMPLETION (Line 3 minus Line 6)	\$141,372.60	

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$1,386.00	\$0.00
Total approved this month	\$0.00	\$0.00
TOTALS	\$1,386.00	\$0.00
NET CHANGES	\$1,386.00	

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: Garling Construction, Inc
 By:  Date: 06/09/2011
 Douglas J. DeMeulenaere, President
 State of: Iowa
 County of: Benton
 Subscribed and sworn to before me this 9th day of June 2011
 Notary Public: 
 My Commission Expires: 03/06/2014



ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

CERTIFIED AMOUNT:
 (If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT: _____
 By: _____ Date: _____
 Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

CONTINUATION PAGE

PROJECT: 5287-11 West Branch Fire Station APPLICATION #: 2
 DATE OF APPLICATION: 06/09/2011
 PERIOD THRU: 06/10/2011
 PROJECT #s: 5287-11

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		E AMOUNT THIS PERIOD	F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD					
1	GENERAL REQUIREMENTS	\$38,000.00	\$17,425.00	\$7,125.00	\$0.00	\$24,550.00	\$13,450.00	64.6%	
2	SITWORK	\$10,000.00	\$2,250.00	\$4,175.00	\$0.00	\$6,425.00	\$3,575.00	64.3%	
3	CONCRETE	\$62,000.00	\$42,150.00	\$0.00	\$0.00	\$42,150.00	\$19,850.00	68.0%	
4	MASONRY	\$12,000.00	\$1,000.00	\$11,000.00	\$0.00	\$12,000.00	\$0.00	100.0%	
5	METALS	\$8,000.00	\$4,800.00	\$3,200.00	\$0.00	\$8,000.00	\$0.00	100.0%	
6	WOODS & PLASTICS	\$154,200.00	\$53,780.00	\$78,640.00	\$0.00	\$132,420.00	\$21,780.00	85.9%	
7	THERMAL & MOISTURE	\$5,000.00	\$0.00	\$275.00	\$0.00	\$275.00	\$4,725.00	5.5%	
8	DOORS & WINDOWS	\$20,000.00	\$1,950.00	\$7,100.00	\$0.00	\$9,050.00	\$10,950.00	45.3%	
9	FINISHES	\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.00	0.0%	
10	SPECIALTIES	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000.00	0.0%	
15	MECHANICAL	\$38,000.00	\$9,500.00	\$0.00	\$0.00	\$9,500.00	\$28,500.00	25.0%	
16	ELECTRICAL	\$24,000.00	\$1,466.00	\$1,950.00	\$0.00	\$3,416.00	\$20,584.00	14.2%	
20.1	Change Order # 1	\$1,386.00	\$1,200.00	\$186.00	\$0.00	\$1,386.00	\$0.00	100.0%	
	TOTALS	\$378,086.00	\$135,521.00	\$113,651.00	\$0.00	\$249,172.00	\$128,914.00	65.9%	

FY12 Fire Contracts

Township	Treasurer	Address	Amount	Paid	Date	Due
Cass	Molly Williams	604 210 th St. Tipton, 52772	\$ 3,336.00	\$0.00	0/0/00	\$3,336.00
<hr/>						
Gower	Dale Slach	386 230th St. West Branch, 52358	\$ 21,438.00	\$0.00	0/0/00	\$21,438.00
Clerk	Wayne Laing	451 250th St. West Branch, 52358		\$0.00	0/0/00	
				\$0.00	0/0/00	
<hr/>						
Springdale	Jim Farmer	556 290th Springdale West Branch, 52358	\$ 21,456.00	\$0.00	0/0/00	\$21,456.00
<hr/>						
Scott	Theresa Arn	5236 Lwr WB Rd West Branch, 52358	\$ 62,244.00	\$0.00	0/0/00	\$62,244.00
<hr/>						
Graham	Tom Wall	5324 Morse Rd NE Iowa City, 52240	\$ 16,879.00	\$0.00	0/0/00	\$16,879.00
<hr/>						
Iowa	Betsy Nebergall	2365 Atalissa Rd Atalissa, 52720	\$ 5,910.00	\$0.00	0/0/00	\$5,910.00
<hr/>						
			\$ 131,263.00	\$0.00		\$131,263.00

REVENUE ACCOUNT CODES: 001-1-150-2-4475

AGREEMENT

This agreement entered into accordance with and under the provisions of the provisions of chapter 28E of the 1975 Code of Iowa on this 23rd day of February, 2011, between the City of West Branch, hereinafter known as the "providing agency" and the Board of Trustees of Gower Township, Cedar County, Iowa, hereinafter referred to as "Township."

WITNESS:WHEREAS, one of the purposes of the providing agency is to provide certain persons and areas with fire protection and aid and assistance for other emergencies or disasters relating to life and property , and or hazardous materials.

WHEREAS, the providing agency is willing and able to provide fire protection to the township and the township deems it in the best financial and economic interests of Gower Township that the said protection be provided by the providing agency to the township for the safety and welfare of its citizens and its inhabitants.

IT IS, THEREFORE, AGREED AS FOLLOWS:

1. **PURPOSE.** The purpose of this agreement is to provide fire protection to the Gower Township or that portion thereof as set forth on the addendum attached to this agreement , said protection to be provided by the "providing agency."
2. **DURATION OF AGREEMENT.** This agreement shall be effective from the signing date of February 23rd, 2011, and shall automatically renew for one year for each year thereafter until notice be given by either party of its termination on or before April 1st of the year of renewal date , in writing, or unless terminated by mutual agreement of the parties. This agreement becomes effective on the date of signing by the parties.
3. **DUTIES OF THE PROVIDING AGENCY.** The providing agency shall in accordance with the terms and provisions of this agreement, provide fire protection to the property shown on the addendum attached hereto as shall be sufficient for the township to comply with the provisions of Section 359.42 of the 1975 Code of Iowa, as amended. Said duties shall include but not limited to, the providing of equipment and manpower for fire protection and responding to calls and needs in the providing of said protection in the areas covered by this agreement.
4. **CONTROL BY PROVIDING AGENCY.** All equipment and manpower utilized by the providing agency for fire protection agreed to herein shall at all times be under the direction and control of the Chief of the providing agency or the Officer in Charge.
5. **FINANCIAL PROVISIONS.** The township shall pay the providing agency on or before July 1, 2011, the sum of \$21,438.00 which shall be for the period running to July 1, 2011, and \$21,438.00 on or before the first day of each July thereafter during the duration of this agreement for each succeeding twelve month period commencing July 1, through June 30, of each year.
6. **INDEMNITY.** The providing agrees to indemnify and hold harmless the township, and its agents or employees, from and against all loss or expense (including costs and attorneys fees) by reason of liability imposed by law upon the township, the agents or employees for damage because of bodily injury, including deaths at any time resulting there from by any person or persons or on account of damage to property, including loss of use thereof, arising out of or in consequence of the performance or

non performance of the "providing agency", township, or the agents or employees of either, except only such injury or damage as shall have been occasioned by the sole negligence of the township, its agents or employees.

7. **INSURANCE.** The providing agency agrees that during the terms of this agreement, it shall at its own expense, purchase and maintain the following insurance in companies properly licensed and satisfactory to the township, and also file copies of such insurance contracts with the townships.

A. Public Liability: Including coverage for direct operations, independent contractors, contractual liability, and completed operations, with limits not less than:

1. **Bodily Injury Liability** - \$100,000.00 each person
\$300,000.00 each occurrence
2. **Property Damage Liability** - \$100,000.00 each person
\$300,000.00 each occurrence

B. Workmens Compensation: Including employers liability in accordance with the Workmens Compensation Laws of the State of Iowa.

This agreement made and entered into this 23rd day of February, 2011, shall be recorded in accordance with the provisions of Chapter 28E of The Code of Iowa.

CITY OF WEST BRANCH

BY 
MAYOR

BY 
CITY CLERK

GOWER TOWNSHIP

BY 
TRUSTEE

BY 
TRUSTEE

BY 
TRUSTEE

AGREEMENT TO MAINTAIN AND OPERATE SHARED PROPERTY

THIS AGREEMENT is by and between the City of West Branch, and West Branch Community School.

THEREFORE, the City, and the District:

1. No separate legal entity shall be established. However, the City Administrator, and the school District Superintendent acting together shall have authority to make day-to-day decisions to facilitate the provisions of this Agreement, subject to directions, policies, and actions which the City Council, and District Board of Directors.
2. MAINTENANCE OF TRAIL along property designated track 1 along the trail:
 - a. The District shall remove or stockpile all snow and ice from the walking trail, and cause all remaining surface ice to be treated with salt, sand or similar abrasive material in the same manner and same schedule as the District maintains it surrounding property. The District will assume all associated costs with this responsibility.
 - b. The District shall maintain and repair tract 1 of the trail, associated bridges or other structures necessary to keep the trail safe and in good working order in the same manner the District maintains its other structures and property. The District will assume all associated costs with this responsibility.
 - c. The City shall be responsible for seeding, fertilizing, mowing, and trimming grass in the designated areas in the same manner and schedule as the city maintains its other areas. The city will assume all associated costs with this responsibility.
3. Any of the parties shall not conduct or permit any activities or programs on the property which shall violate any federal or state constitutional, regulatory, or statutory provisions. No alcoholic beverages, illegal substances, or smoking shall be permitted on the property. The District shall provide supervision for District-sponsored activities that utilize the trail.
4. Let be understood that the City, and the District shall individually determine the necessary liability or other insurance for protection arising out of any accidents or other occurrence causing any injury and/or damage to any person or property on the trail due directly or indirectly to the use thereof by the insured, or any person claiming through or under the insured.
5. This Agreement may be amended by a written instrument approved by the City, and the District.

If any clause, provision or section of this Agreement shall, for any reason, be held illegal or invalid by any court, the illegality or invalidity of such clause, provision or section shall not affect any of the remaining clauses, provisions or sections, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision or section had not been contained herein. In case any agreement or obligation contained in this Agreement is held to be in violation of law, then such agreement or obligation shall be deemed to be the agreement or obligation of the parties, to the full extent permitted by law.

City of West Branch

Date

West Branch Community School District

Date

Herbert Hoover Historic National Park

Date

Easement Tracts



MEMORANDUM OF UNDERSTANDING
BETWEEN THE
NATIONAL PARK SERVICE – HERBERT HOOVER NATIONAL HISTORIC SITE
THE CITY OF WEST BRANCH, IOWA
AND
THE WEST BRANCH, IOWA COMMUNITY SCHOOL DISTRICT

This Memorandum of Understanding made and entered into by and between the City of West Branch, the West Branch Community School District, hereinafter referred to as "the city" and "the district", and Herbert Hoover National Historic Site, as a unit of the National Park Service, within the United States Department of the Interior, hereinafter referred to as "the park", becomes effective as of the last date of the signatures.

Article I – BACKGROUND AND OBJECTIVES

- WHEREAS: Title 16, United States Code, §§1-3 and National Park Service Director's Order 20 authorizes the National Park Service to enter into agreements to facilitate park operations.
- WHEREAS: Title 16 United States Code, §1F authorizes the National Park Service to enter into agreements with cooperating agencies for the purpose of sharing costs or services in carrying out authorized functions and responsibilities with respect to the National Park System.
- WHEREAS: Title 16 United States Code § 462 (e) authorizes the National Park Service to make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, to protect, preserve, maintain, or operate any historic or archeologic building, site, object, or property used in connection therewith for public use.
- WHEREAS: Title 16 United States Code, § 464 authorizes the National Park Service to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.
- WHEREAS: The National Park Service owns the properties within the City of West Branch referred to as tract 2 & tract 3, which includes a pedestrian bridge and trail.
- WHEREAS: The pedestrian bridge and trail are now and continually have been used by students and residents of West Branch, IA as the a portion of the "safe school route" providing primary pedestrian traffic access to and from the West Branch High School
- WHEREAS: The city is responsible for maintaining streets and sidewalks within the city of West Branch.
- WHEREAS: The district is responsible to help ensure a safe route to school for district students.
- WHEREAS: The Superintendent has responsibility to maintain, inspect and repair the bridge and trail located within tracks 2 & 3 as assets of the National Park Service.

NOW THEREFORE, in consideration of these premises and mutual covenants, the parties agree as follows:

Article II – STATEMENT OF UNDERSTANDING

- A. The City of West Branch agrees to be responsible for seeding, fertilizing, mowing, and trimming grass in the designated areas in the same manner and schedule as the city maintains its other areas. The city will assume all associated cost with this responsibility.
- B. The West Branch Community School District agrees to remove or stockpile all snow and ice from the walking trail, and cause all remaining surface ice to be treated with salt, sand or similar abrasive material in the same manner and same schedule as the District maintains its surrounding property. The district will assume all associated costs with this responsibility.
- C. The park agrees to maintain, inspect and repair the park owned trail and trail-bridge within tracks 2 & 3 in good working order in the same manner the park maintains its other structures and property. The park will continue to assume all associated costs with this responsibility.
- D. All parties agree to:
 - 1. Meet on an annual basis to review this agreement.
 - 2. That no separate legal entity shall be established. However, the City Administrator, School District Superintendent and Park Superintendent acting together shall have authority to make day-to-day decisions to facilitate the provisions of this Agreement, subject to directions, policies, and actions which the City Council, School District Board of Directors and National Park Service may adopt.
 - 3. Each party shall be solely responsible for any and all claims, demands, and causes of action filed by third parties arising out of or resulting from the activities of its employees under this Agreement, including, but not limited to, the costs of investigating and defending against such claims, demands, and causes of action and the costs of paying any compromise settlements, judgments, assessed costs, or fees (including attorney's fees).

Article III - TERM OF AGREEMENT

- A. This memorandum will remain in effect for a period of five (5) years, unless terminated earlier pursuant to Article VIII.

Article IV - KEY OFFICIALS

- A. City of West Branch
Mr. Matt Muckler, City Administrator
110 N. Poplar Street
PO Box 218
West Branch, Iowa 52358
- B. West Branch Community School District
Mr. Craig Artist, Superintendent
148 Oliphant Street
West Branch, Iowa 52358
- C. National Park Service – Herbert Hoover National Historic Site
Mr. Peter S. Swisher, Superintendent
110 Parkside Drive
PO Box 607
West Branch, Iowa 52358

Each party agrees to notify the other in a timely manner in case of a change in key officials.

Article V – PROPERTY UTILIZATION

Not applicable.

Article VI – PRIOR APPROVAL, IF APPLICABLE

Not applicable.

Article VII – REPORTS AND/OR DELIVERABLES, IF APPLICABLE

Not applicable.

Article VIII – TERMINATION

- A. Any party to this agreement may terminate the agreement by providing sixty (60) days written notice to the other party.

Article IX – INDEMNIFICATION

- A. The United States of America shall be liable for the negligent acts or omissions of its employees, acting within the course and scope of their duties or employment, arising out of the activities of the execution of this agreement, in accordance with the Federal Tort Claims Act, 28 U.S.C. SS 1346, 2671-80.

Article X – STANDARD CLAUSES

- A. **Civil Rights**
During the performance of this agreement, the participants agree to abide by the terms of Executive Order 11246 on non-discrimination and will not discriminate against any person because of race, color, religion, sex, or national origin.
- B. **Officials Not to Benefit**
No member or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.
- C. **Promotions**
The city and the district shall not publicize, or other wise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts, or other publications) which states or implies Governmental, Departmental, Bureau, or Government employee endorsement of a product, service or position which the city and/or the district represents. No release of information relating to this agreement may state or imply that the Government approves of the city and/or the district's work product, or considers it superior to other products or services.
- D. **Public Information Release**
The city and/or the district must obtain prior Government approval from the Superintendent of Herbert Hoover National Historic Site for any public information releases which refer to the Department of the Interior, any bureau, park unit, or employee (by name or title), or this agreement. The specific text, layout, photographs, etc., of the proposed release must be submitted with the request for approval.
- E. **Nothing contained in this Agreement shall be construed as binding the National Park Service to expend in any one fiscal year any sum in excess of appropriations made by Congress, and available for the purposes of this Agreement for that fiscal year, or as involving the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations.**

IN WITNESS WHEREOF, the National Park Service, the City of West Branch and the West Branch Community School District have executed this Memorandum of Understanding on the dates herein below written.

Date

Mayor
CITY OF WEST BRANCH

Date

Superintendent
WEST BRANCH COMMUNITY SCHOOL DISTRICT

Date

Superintendent
HERBERT HOOVER NATIONAL HISTORIC SITE

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5127, Coralville, Iowa 52241
Return to: City of West Branch, PO Box 218, West Branch, Iowa 52358

ORDINANCE NO. 680

AN ORDINANCE ESTABLISHING THE WEST BRANCH WASTEWATER LIFT STATION CONNECTION FEE DISTRICT.

WHEREAS, the engineering firm of Veenstra & Kimm has made recommendations about certain wastewater system improvements that need to be constructed to serve the area located north of Interstate 80; and

WHEREAS, the City Administrator and City Engineer have recommended the collection of a portion of the funds expended on such project from property owners who will benefit from the water system improvements; and

WHEREAS, pursuant to Section 384.84(3), the City Council has heretofore deemed it necessary and desirable to establish a connection fee district to recapture some of the funds expended for said wastewater system improvements from benefited property owners.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

1. Amendment. The Code of Ordinances is hereby amended by adding a chapter entitled "Wastewater Lift Station Connection Fee District" that will read as follows:

"SECTION 1. CREATION OF DISTRICT. A Wastewater Lift Station Connection Fee District (the "District") is hereby established for the purpose of collection within said District of a fee from those property owners who shall make application to connect their properties to the Municipal Wastewater System of the City of West Branch.

SECTION 2. DISTRICT DESCRIPTION. The areas and properties included within the District shall be the properties legally described as:

See Exhibit "A" attached hereto.

SECTION 3. WASTEWATER SYSTEM UTILITY CONNECTION FEE. A connection fee is hereby imposed for each connection made to the Municipal Water System Utility within the boundaries of the District which is legally described in Section 2 above. The proposed improvements are known as the "Wastewater Lift Station Connection Fee District" (hereinafter the "Project Improvements") and consist generally of the construction of a wastewater lift station to serve the properties within the City of West Branch located generally

north of Interstate 80 which have yet to connect to the City's wastewater system. The Project Improvements will be constructed in one Project to be let by the City in accordance with Chapter 26 of the Code of Iowa. The Project Improvements will serve approximately INSERT NUMBER acres within said District. The Executive Summary provided by Veenstra & Kimm Engineers states that the total project costs are \$750,000. The connection fee payable by a property owner whose property will be served by the Project Improvements will be calculated and imposed based upon the proposed use as listed on Exhibit "B." The connection fee will be payable in full at the earlier of (i) the time of submission by the property owner to the City of the subdivision plat for the area for signature and recording by the City, or (ii) the time of submission by the property owner to the City Engineer of construction plans for the construction of improvements on any portion of the owner's property to be served by the connection to the Public Improvements. For properties located north of Interstate 80 currently located outside of the city limits, the connection fee will become due and payable in accordance with this Ordinance upon annexation and platting or connection to the wastewater system as provided above. As of June 1, 2011, the connection fee payable for each specific use is described on Exhibit "B" attached hereto. Said connection fee will be adjusted annually based upon the interest rate the City is paying for Series INSERT BOND NUMBER AND SERIES LETTER bonds to fund the Project Improvements. Said adjusted connection fee shall be kept on file for public inspection by the City Clerk.

SECTION 4. PRIVATE SYSTEMS. Property owners within the District are not mandated to connect to the Wastewater System Utility if they currently have a properly operating private wastewater system. If a property owner's private wastewater system fails as determined by guidelines previously established by the City Engineer and the public wastewater system is located within 200 feet of said property, then the Property Owner will be required to connect to the City Water System.

SECTION 5. OTHER COSTS. The connection fee imposed by this chapter is in addition to, and not in lieu of, any other fees for connection required under the other provisions of this Code of Ordinances. The property owner paying a connection fee will be responsible for the full cost of providing any necessary sanitary sewer main extensions or service lines from private property improvements or buildings to the public mains and extensions being constructed as part of the Public Improvements.

SECTION 6. NONPAYMENT. In the event a connection is made to the Municipal Wastewater System without payment of the connection fee set forth in this chapter, the City shall disconnect such service until such times as the property owner has paid the required connection fee. In addition, the City may pursue any additional remedy provided by law.

SECTION 7. USE OF PROCEEDS. The connection fees collected by the City under this Chapter shall be used only for the purpose of operating the Municipal Wastewater System Utility, or paying the debt service on obligations issued to finance the Public Improvements.

SECTION 8. INTERPRETATION. The provisions of this Chapter are intended and shall be construed so as to fully implement the provisions of Section 384.84(3) of the Code of Iowa. In the event that any provision of this chapter is determined to be contrary to law, it shall not affect other provisions or application of this chapter which shall at all times be construed to fully invoke the provisions of Section 384.84(3) of the Code of Iowa with reference to the assessment and collection of the connection fees provided herein.

Section 3. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Adjudication. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

* * * * *

Passed and approved this 5th day of July, 2011.

First Reading: June 6, 2011
Second Reading: June 20, 2011
Third Reading: July 5, 2011

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Exhibit A

All unconnected properties located within the corporate limits of the City of West Branch that are located north of Interstate 80.

April 1, 2011

Matt Muckler
City Administrator
City of West Branch
P.O. Box 218
110 N. Poplar St.
West Branch, Iowa 52358

The City of West Branch has recently been investigating alternatives for cost recovery on capital improvements projects that are proposed for the near future. The City has expressed an interest in the connection fee method of cost recovery. In order to better understand how the connection fee method would be implemented, a preliminary connection fee district has been prepared for the lift station replacement project that is expected to occur soon. The improvements and associated costs are determined as follows:

LIFT STATION

The proposed improvements to the lift station have been discussed in recent meetings and have been sized at 3,000 gallons per minute capacity with an estimated cost of \$750,000. The Iowa Department of Natural Resources (IDNR) has established general design criteria for wastewater contribution per capita. The contribution is estimated at 100 gallons per day per person. For an area of this size, a ratio of peak to average day flow of 4 is used. The average daily usage rate is estimated for each type of development based on a per capita per day value. Using these values, the cost of service for each type of development can be calculated for the proposed lift station.

Dividing the estimated cost of \$750,000 for the proposed lift station improvements over the capacity of the lift station (3,000 gpm or 4,320,000 gpd) would result in a cost of \$250 per gpm or \$0.174 per gallon. The typical density of development for various classifications of development are shown in Table 1.1. The table also shows the design values for average daily and peak daily use per unit for each classification. The lift station must be sized to handle daily peak flows.

TABLE 1.1 DESIGN FLOWS FOR PLANNING PURPOSES

CLASSIFICATION	DENSITY	DEMAND/ CAPITA	AVG. DAY USE	PEAK DAY USE
Single Family	3.5	100 gpcd	350 gpd	1400 gpd
Mobile Home	2.5	50 gpcd	125 gpd	500 gpd
Multi Family	1.5/bedroom	75 gpcd	112.5 g/bedroom	450 g/bedroom
Hotel/Motel	1.5/room	50 gpcd	75 g/room	300 g/room
Schools	# of seats	10 gpcd	10 g/seat	40 g/seat
Office Buildings	1/200 SF	10 gpcd	10 g/200 SF	40 g/200 SF
Commercial/ Industrial	per fixture	Demand to be calculated based on intended use		

Combining the cost per gallon (\$0.174) with the peak daily use values from the table above, the cost per unit for each classification can be developed. Table 1.2 shows the cost per unit. These costs are for the 2011 calendar year and will need to be updated for inflation annually. The index to be used to adjust the cost each year for inflation could be established as the Engineering News Record Construction Cost Index.

TABLE 1.2 COST PER UNIT FOR LIFT STATION CONNECTION FEE

CLASSIFICATION	PEAK DAY USE	ESTIMATED FEE
Single Family	1400 gpd	\$244
Mobile Home	500 gpd	\$87
Multi Family	450 g/bedroom	\$78
Hotel/Motel	300 g/room	\$52
Schools	40 g/seat	\$7
Office Buildings	40 g/200 SF	\$7
Commercial/ Industrial	/fixture	\$0.174/gal

RESOLUTION 947

A RESOLUTION SETTING SALARIES FOR APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF WEST BRANCH, IOWA FOR THE FISCAL YEAR 2011-2012.

BE IT RESOLVED by the Council of the City of West Branch, Iowa:

Section 1. The following person and position named shall be paid the salary indicated and the City Clerk is authorized to issue warrants/checks, less legally required or authorized deductions for the amounts set out below, bi-weekly, and make such contributions to IPERS and Social Security or other purposes as required by law or authorization of the Council:

Position	Name	Hourly Wage	Basic Hours
City Administrator	Matt Muckler	\$77,250	Salary

SECTION 2. The above employee is subject to the City of West Branch Personnel Policies and Procedures applicable to their department.

SECTION 3. This resolution will be effective upon final passage of the City Council.

SECTION 4. The salary established in this resolution shall be effective July 1st, 2011.

Passed and Approved this 5th day of July, 2011.

Don Kessler, Mayor

ATTEST:

Deputy City Clerk, Dawn Brandt

ORDINANCE NO. 681

AN ORDINANCE AMENDING TITLE CHAPTER 55 “ANIMAL PROTECTION AND CONTROL”

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 55 “ANIMAL PROTECTION AND CONTROL” of the Code of West Branch, Iowa is hereby amended by making the following changes:

- A. Insert the following at the end of 55.16.3.B.:

The person who was attacked or the owner of the domestic animal attacked must be notified and may be present during this appeal process.

- B. Delete Section 55.16.3.C and insert in lieu thereof:

Once the owner has received notice of the animal’s classification as a Level 1, 2, or 3 animal, the owner shall comply with the restrictions specified in the notice within seven days or be subject to penalties (section 55.21).

- C. Insert the following words after “signs” in Section 55.16.4.C.:

within 72 hours of being notified

- D. Insert the following at the end of 55.16.4.D.:

If the disposition of a Level 4 animal is to be decided by a District Court and the animal is returned to the owner, the ID number tattooing or microchip implanting must be completed within seven days after this decision is made.

- E. Delete the first sentence in Section 55.16.4.E and insert in lieu thereof:

To insure correct identification, all animals that have been classified as Level 3 shall have an identification number tattooed upon the animal, at the owner’s expense, by or under the supervision of a licensed veterinarian within seven days after this decision is made.

- F. Delete the last sentence in Section 55.16.4.F and insert after the word “Council” in the second sentence:

in 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 5th day of July, 2011.

First Reading: July 5, 2011

Second Reading:

Third Reading:

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

West Branch Animal Control Commission

Proposed changes to the Animal Control Ordinances (changes underlined)

55.16 Classification of Animals

3. Identification of Potentially Dangerous and Dangerous Animals: Appeals: Restrictions Pending Appeal.

B.(entire paragraph).....The person who was attacked or the owner of the domestic animal attacked must be notified and may be present during this appeal process.

C., the owner shall comply with the restrictions specified in the notice within seven days or be subject to penalties (section 55.21).

4. Regulation of Potentially Dangerous and Dangerous Animals. In addition to the other requirement of this chapter the owner of a potentially dangerous animal shall comply with the following regulations:

C., and shall also post warning signs within 72 hours of being notified on the property.

D.(entire paragraph).....If the disposition of a Level 4 animal is to be decided be a District Court and the animal is returned to the owner, the ID number tattooing or microchip implanting must be completed within seven days after this decision is made.

E. To insure correct identification, all animals that have been classified as Level 3 shall have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian within seven days after this decision is made.

F. There shall be an annual fee of \$75 for Level 3 and \$200 for Level 4 payable to West Branch Animal control to be paid by the owner of any animal that has been classified as dangerous or potentially dangerous.

RESOLUTION NO. 949

A RESOLUTION TO ADOPT DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL
ANNUAL 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 Dangerous or Potentially Dangerous Animal Annual 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 5th day of July, 2011.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT "A"

DANGEROUS OR POTENTIALLY DANGEROUS ANIMAL ANNUAL FEES

Level 3 Animals	\$75
Level 4 Animals	\$200

CITY OF WEST BRANCH SCHEDULE OF FEES

90.06 AND 96.02 PERMIT FEES

90.06 Permit Fee	\$315
96.02 Permit Fee	\$315

Increases for 90.06 Permit Fee and 96.02 Permit Fee with increase 5% per year (and then be rounded to the nearest dollar) for five years starting on July 1, 2012, which would bring the permit fee for water up to \$402 and the permit fee for sewer up to \$402 effective July 1, 2016. Future Rates and effective dates: July 1, 2012 - \$331; July 1, 2013 - \$348; July 1, 2014 - \$365; July 1, 2015 - \$383; July 1, 2016 - \$402.

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

ORDINANCE NO. 682

AN ORDINANCE VACATING ALLEYS

1. BE IT ENACTED by the Council of the City of West Branch, Iowa, that the following alleys within the corporate limits are hereby vacated:

- a. The 16' alley located to the south of Lot 19, and to the north of Lot 20 in Block 9 in Townsend and Gue's Addition, to West Branch, Cedar County, Iowa, generally located near North Fifth Street in between East Main Street and East Green Street.

The Mayor and the City Clerk are hereby authorized and directed to sign a quitclaim deed conveying said alley to the adjacent owners.

Said quitclaim deed shall include a provision stating that the conveyance is subject to an easement for the purpose of the installation and maintenance of utilities.

Passed and approved this 5th day of July, 2011.

Read First Time: June 20, 2011

Read Second Time: July 5, 2011

Read Third Time:

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 948

A RESOLUTION TO ADOPT THE RECORD RETENTION MANUAL FOR IOWA CITIES AS THE CITY'S RECORD RETENTION POLICY

WHEREAS, The City of West Branch maintains multiple records, both paper and electronic records; and

WHEREAS, This manual was produced through a combined effort of the Iowa League of Cities, the Iowa Municipal Finance Officers Association and the State Historical Society of Iowa's State Archives and Records Bureau for Iowa Cities. The City Council of the City of West Branch has reviewed and feels that this manual meets the City's record retention requirement needs.

WHEREAS, this manual was developed as a record retention and record disposal schedule as a statement of the period of time records must be retained in order to fulfill routine fiscal, legal, administrative and historical needs for the said records. The recommended retention periods take into account requirements of the *Code of Iowa*, the *Iowa Administrative Code*, and federal law.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of West Branch, Iowa does hereby adopt the Iowa Municipal Records Retention Manual as the city's records retention policy guide to determine the length of time records need to be retained for audit, legal, administrative and historical use. It shall be the responsibility of the City Office staff to dispose of said records using the records destruction form as the schedule states.

Passed and approved this 5th day of July, 2011.

Don Kessler, Mayor

ATTEST:

Matthew Muckler, City Administrator/City Clerk

**City of West Branch
RECORDS DESTRUCTION FORM**

Page ____ of ____

CAUTION: A state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. Any record subject to federal audit must be retained until the expiration of the audit period or the period specified in the City of West Branch Records Retention manual, whichever is later.

Departmental Destruction		<input type="checkbox"/> I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Records Retention Schedule and that all audit and administrative requirements have been satisfied. <input type="checkbox"/> I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and all administrative requirements have been satisfied.
Date of Records Destruction:		
Department Name:		
Destruction Method:		
Shredding _____ Discard _____ Outside Vendor _____		
Destruction Witness:		

Description of Records The contents of each box should be listed separately	Inclusive Dates	Retention Period	Record Type

INSTRUCTIONS FOR FILLING OUT THE RECORDS DESTRUCTION FORM

1. Fill in the department name and date.
2. Locate a description of your records in the Records Retention Schedule and record.
3. Enter the description of the records in the "Description of Records" column.
4. Fill in the "Inclusive Dates" of the records. Please include month and year.
5. Fill in the "Retention Period" listed for the records in the Records Retention Schedule.
6. Fill in the "Record Type" of the records (for example, P= Paper, E=Electronic, etc.).
7. The completed *original* Records Destruction form must be maintained as a permanent record at the City Office.