

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 JOINT MEETING
WITH THE PLANNING & ZONING COMMISSION
Monday, December 19, 2011 • 6:00 p.m.
City Council Chambers, 110 North Poplar Street**

1. Call to order
2. Roll call
3. Nicole Turpin, Regional Planning Coordinator, East Central Intergovernmental Association,
Comprehensive Plan Update Questionnaire Results and Draft Survey
4. Adjourn

**CITY COUNCIL MEETING AGENDA
Monday, December 19, 2011 • 6:30 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 December 5, 2011 City Council Meeting.
 - b. Approve claims.
 - c. Approve moving the first regular Council Meeting of 2012 from Monday January 2, 2012 to Tuesday January 3, 2012 at 6:30 p.m.
 - d. Approve acceptance of letter from the Iowa Department of Transportation concerning Portland Cement Concrete Patching on I-80.
 - e. Approve acceptance of the North Downey Resurfacing Project.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
 - a. City Administrator/Clerk Matt Muckler – Administer Oath of Office to elected city officials.
 - b. Approve Resolution 962, approving an Engineering Services Agreement with Ament, Inc. in connection with the Safe Routes to School Project./Move to action.
 - c. Approve Resolution 963, adopting a policy authorizing the City Clerk or Deputy City Clerk to pay certain bills prior to the City Council's approval./Move to action.
 - d. Approve Resolution 964, adopting the City of West Branch Investment Policy./Move to action.
7. Mayor
 - a. Appointments/Reappointments/Move to action.
8. Reports
9. Adjourn

Mayor: Don Kessler • **Council Members:** David Johnson, Jim Oaks, Dan O'Neil, Robert Sexton, Mark Worrell
City Administrator/Clerk: Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin
Parks & Rec Director: Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

(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

**December 05, 2011
6:30 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Fire Chief Kevin Stoolman, Fire Chief Administrator Dick Stoolman, Police Chief Mike Horihan, and Public Works Director Matt Goodale.

Council members: Mark Worrell, David Johnson, Dan O'Neil, and Jim Oaks. Robert Sexton joined the meeting at 6:37.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the November 21, 2011 City Council Meeting.
- b) Approve claims.
- c) Approve acceptance of the Water Tower Repair & Coating 2011 Project.
- d) Approve Love Our Kids Grant Service Agreement for FY 2012.

Motion by Johnson, second by O'Neil to approve agenda. AYES: Johnson, O'Neil, Oaks, Worrell. Absent: Sexton. Motion carried.

DATE 11/30/2011

CITY OF WEST BRANCH
CLAIMS REGISTER REPORT

PAYROLL CLAIMS 11-23-11	TOTAL PAYROLL	33,215.38
PLATO ELECTRIC	STREET LIGHTING - MAIN ST.	1,350.00
	GRAND TOTALS	34,565.38
FUND TOTALS		
001 GENERAL FUND	14,179.02	
031 LIBRARY	3,162.63	
110 ROAD USE TAX	227.94	
111 POLICE RECOVERY ACT GRANT	77.39	
112 TRUST AND AGENCY	7,960.85	
600 WATER FUND	4,499.71	
610 SEWER FUND	4,457.84	
****	34,565.38	

COMMUNICATIONS/OPEN FORUM

City Administrator Matt Muckler said that a city tour for Councilperson-elect Jordan Ellyson will be given on Thursday, from 8:00 am to noon. They will start at the Public Works office and rotate through all of the departments. Other members of the Council are welcome to also attend the tour.

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL
Approve Resolution 962, approving an Engineering Services Agreement with Ament, Inc. in connection with the Safe Routes to School Project pursuant to a cost plus fixed fee payment arrangement in the amount of \$37,729, with a \$3,252 contingency that cannot be used unless authorized by the City with concurrence by the Iowa DOT for a maximum amount payable of \$40,981./Move to action.

O'Neil suggested that the Council table this resolution to a later date so that they would have more time to examine the financial implications of the project and other options. Johnson said that the Council could table it but he would like this to be added to the agenda for the next meeting on December 19th. Worrell would like the City to obtain cost estimates from private contractors and possibly complete the project without the grant. He

would like to explore the potential for a bus stop on Oliphant instead of installing a sidewalk where people have no yards and shorter setbacks. Sexton said that by the City having to possibly spend \$100,000 to get this whole project completed, they are gaining \$250,000 with the grant to get it done. It would be a good idea to put in safe sidewalks for the kids. Johnson said that approving this resolution ensures that the City will move forward with the project. Then sidewalk construction would not have to be done piecemeal and budgeted over the next several years.

Motion by O'Neil second by Worrell to table Resolution 962 until a later date. Roll call vote – AYES: O'Neil, Worrell, Johnson, Sexton, and Oaks. Motion carried.

MAYOR DON KESSLER

Appointments/Reappointments

None

REPORTS

City Administrator Matt Muckler – Vacation Policy Update

The Council requested that the city administrator review the vacation policy. The current vacation policy requires the forfeiture of vacation time accumulated over 240 hours on July 1st of each year. Muckler reported that the vacation policy is working and employees are making use of their vacation time. No employee is over the 240 hour maximum.

Public Works Director Matt Goodale – Public Works Department Update

Leaf pick-up is completed for the year. Christmas lights were put up around town for Christmas Past. Public Works will be shutting off the water to the Wapsi View Mobile Home Park this week and starting a project at Town Hall to construct a storage area for Police Department evidence and equipment.

Police Chief Mike Horihan – Police Department Update

Christmas Past was very well organized and a great event for the City. Horihan thanked all who helped with the event. He has developed a good working relationship with the schools and officers have been reading to the elementary school children. Horihan provided a tour of the Police Department to Councilperson-elect Colton Miller. Horihan would like to get the reserve program back up and running by hiring two or three really good people. Reserves would be riding with the officers and be available for special events. Worrell said that he has not had one complaint from a citizen about the Police Department since Horihan became the chief of police. Worrell is proud to have Chief Horihan here and stated that he is doing a good job. Mayor Kessler agreed that things are going well.

ADJOURNMENT

Motion to adjourn meeting by Worrell, second by Johnson. City Council meeting adjourned at 6:57 p.m.

Don Kessler, Mayor

ATTEST:

Dawn Brandt, Deputy City Clerk



Iowa Department of Transportation

District 6 Office
430 Sixteenth Avenue SW
Cedar Rapids, IA 52406-3150

PHONE: 319-364-0235
FAX: 319-364-9614

November 14, 2011

County Cedar
Project No. IMN-080-7(89)254--0E-16
Notification Letter No. 2012-M-066

The Honorable Don Kessler
Mayor of West Branch
P.O. Box 218
West Branch, IA 52358-0218

RE: Portland Cement Concrete(PCC) Patching
on I-80

Dear Mayor Kessler:

This is official notification to your City Council that the Iowa Department of Transportation (DOT) proposes to let a PCC patching project on I-80 from the Johnson County line east to the Scott County line on January 18, 2012. A part of said project lies within the city.

The work will be done in accord with the current Form 810034 "Agreement for Primary Road Extension Maintenance and Operation". Project costs will be paid from the Primary Road Fund and no charges will be made against the City.

The project is proposed for construction during 2012.

Resident Engineer, John Vu, of Cedar Rapids, Iowa, telephone number 319-365-6986, will advise you of the contractor's proposed schedule when the information is available.

We would appreciate this project notification being included on your next City Council meeting agenda as a matter of information for the Council members.

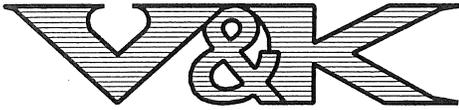
If you have any questions concerning the work involved, please contact this office as soon as possible in order to expedite any possible changes.

Sincerely,

A handwritten signature in cursive script that reads "James R. Schnoebelen".

James R. Schnoebelen, P. E.
District 6 Engineer

cc: John Vu P.E., Resident Engineer, IDOT/Cedar Rapids
Deanne Popp, IDOT- Local Systems/Ames
Bruce Kuehl, P.E., District Construction Engineer, IDOT/Cedar Rapids
Ken Yanna, P.E., Assistant District Engineer, IDOT/Cedar Rapids
Heather Gugler, Engineering Tech Sr., IDOT/Cedar Rapids



VEENSTRA & KIMM, INC.

860 22nd Avenue - Suite 4 • Coralville, Iowa 52241-1565
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WATS)

October 27, 2011

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

WEST BRANCH, IOWA
NORTH DOWNEY RESURFACING
CERTIFICATE OF COMPLETION

Enclosed are two copies of the Certificate of Completion for the project. The final contract price is \$59,671.24. The certificate should be executed by the Mayor after the City Council has approved acceptance of the project.

Please sign both copies of the Certificate of Completion. Forward one copy to our office and keep the other copy for your files.

Partial Payment Estimate No. 2 (final) in the amount of the retainage will be submitted to the City after 31 days has elapsed from the date of acceptance of the project by the City and L.L. Pelling Company, Inc. has submitted the necessary final documentation.

Should you have any questions or comments concerning the enclosed information, please contact us at 319-466-1000.

VEENSTRA & KIMM, INC.

A handwritten signature in black ink, appearing to read 'Dave Schechinger', is written over a printed name. The signature is fluid and cursive.

Dave Schechinger

DRS:mmc
36853
Enclosure

CERTIFICATE OF COMPLETION

NORTH DOWNEY RESURFACING WEST BRANCH, IOWA

October 24, 2011

We hereby certify that we have made an on-site review of the completed construction of the **NORTH DOWNEY RESURFACING** under the Contract as performed by L.L. Pelling Company, Inc. of North Liberty, Iowa.

As Engineers for the project it is our opinion that the work performed is in substantial accordance with the plans and specifications, and that the final amount of the contract is Fifty-Nine Thousand Six Hundred Seventy-One and 24/100 Dollars (\$59,671.24).

VEENSTRA & KIMM, INC.

Accepted: **CITY OF WEST BRANCH, IOWA**

By  _____

By _____

Title Project Engineer

Title Mayor

Date October 27, 2011

Date _____

City of West Branch Oath of Office

I, state your name, do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of City Council in the City of West Branch as now or hereafter required by law.

Signature _____

Title _____

Subscribed and sworn to before me this 19th day of December, 2011.

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 962

RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT
WITH AMENT, INC IN CONNECTION WITH THE SAFE ROUTES TO
SCHOOL PROJECT.

WHEREAS, the City of West Branch was previously awarded a grant through the Safe Routes to School Program in the amount of \$250,000; and

WHEREAS, the City solicited Requests for Qualifications from qualified firms to provide engineering services for the Project; and

WHEREAS, the City Council has chosen to negotiate an agreement with Ament, Inc. to provide said engineering services; and

WHEREAS, Ament, Inc. has submitted a proposed agreement dated October 13, 2011, to provide said services pursuant to a cost plus fixed fee payment arrangement in the amount of \$37,729.00, with a contingency of \$3,252.00 that cannot be used unless authorized by the City with concurrence by the Iowa DOT for a maximum amount payable under the agreement of \$40,981.00; and

WHEREAS, it is now necessary to approve said agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the aforementioned agreement is hereby approved. Further, the Mayor is directed to execute the agreement on behalf of the City.

Passed and approved this 19th day of December, 2011.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 963

A RESOLUTION ADOPTING A POLICY AUTHORIZING THE CITY CLERK OR DEPUTY CITY CLERK TO PAY CERTAIN BILLS PRIOR TO THE CITY COUNCIL'S APPROVAL.

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

Section 1. The City Council hereby establishes the following policy authorizing the City Clerk or Deputy City Clerk to pay the following bills prior to the City Council's approval:

- Utility Deposit Refunds
- Payroll
 - Payroll taxes and other checks relative to the Payroll (such as garnishments, insurance, etc.)
- Postage
- Library Bills approved by the Library Board of Trustees
- Recycling Contract
- Conferences
 - Registration fees, mileage, meals, books and lodging
- Employee Reimbursements
- Recording and Filing Fees
- Loan and Bond Payments
- Authorize the City Clerk or Deputy City Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late fee or additional interest cost.

Section 2. All Resolutions or parts of Resolutions in conflict with the provisions of this resolution are hereby repealed.

PASSED AND APPROVED, this 19th day of December 2011.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 964

A RESOLUTION ADOPTING THE CITY OF WEST BRANCH INVESTMENT POLICY

SECTION 1 – SCOPE OF INVESTMENT POLICY

The Investment Policy of the City of West Branch shall apply to all operating funds, bond proceeds and other funds and all investment transactions involving operating funds, bond proceeds and other funds accounted for in the financial statements of the City of West Branch. Each investment made pursuant to this Investment Policy must be authorized by applicable law and this written Investment Policy.

The investment of bond funds or sinking funds shall comply not only with this Investment Policy, but also be consistent with any applicable bond resolution.

This Investment Policy is intended to comply with Iowa Code Chapter 12B.

Upon passage and upon future amendment, if any, copies of this Investment Policy shall be delivered to all of the following:

1. The City Council of the City to which the Investment Policy appears.
2. All depository institutions or fiduciaries for public funds of the City.
3. The auditor engaged to audit any fund of the City.
4. Any fiduciary or third party assisting with or facilitating investment of the funds of the City.

SECTION 2 – DELEGATION OF AUTHORITY

In accordance with Section 12B.10(1), the responsibility for conducting investment transactions resides with the City Clerk of the City. Only the City Clerk and those authorized by resolution may invest public funds and a copy of any empowering resolution shall be attached to this Investment Policy.

All contracts or agreements with outside persons investing public funds, advising on the investment of public funds, directing the deposit or investment of public funds or acting in a fiduciary capacity for the City shall require the outside person to notify in writing the City Clerk within thirty days of receipt of all communication from the Auditor of the outside person or any regulatory authority of the existence of a material weakness in internal control structure of the outside person or regulatory orders or sanctions regarding the type of services being provided to the City by the outside person.

The records of investment transactions made by or on behalf of the City are public records and are the property of the City whether in the custody of the City Clerk or in the custody of a fiduciary or other third party.

The City Clerk shall establish a written system of internal controls and investment practices. The controls shall be designed to prevent losses of public funds, to document those officers and employees of the City responsible for elements of the investment management. The controls shall provide for receipt and review of the audited financial statement and related report on internal control structure of all outside persons performing any of the following for this public body:

1. Investing public funds.
2. Advising on the investment of public funds.
3. Directing the deposit or investment of public funds.
4. Acting in a fiduciary capacity for this public body.

A Bank Savings and Loan Association or Credit Union providing only depository services shall not be required to provide an audited financial statement and related report on internal control structure.

SECTION 3 – OBJECTIVES OF INVESTMENT POLICY

The primary objectives, in order of priority, of all investment activities involving the financial assets of the City shall be the following:

1. Safety: Safety and preservation of principal in the overall portfolio is the foremost investment objective.
2. Liquidity: Maintaining the necessary liquidity to match expected liabilities is the second investment objective.
3. Return: Obtaining a reasonable return is the third investment objective.

SECTION 4 – PRUDENCE

The City Clerk, when investing or depositing public funds, shall exercise the care, skill, prudence and diligence under the circumstances then prevailing that a person acting in a like capacity and familiar with such matters would use to attain the Section 3 investment objectives. This standard requires that when making investment decisions, the City Clerk shall consider the role the investment or deposit plays within the portfolio of assets of the City and the investment objectives stated in Section 3.

SECTION 5 – INSTRUMENTS ELIGIBLE FOR INVESTMENT

Assets of the City may be invested in the following:

- A. Interest bearing savings accounts, interest bearing money market accounts and interest bearing checking accounts at any bank, savings and loan association or credit union in the State of Iowa. However, primary consideration will be given to any bank, savings and loan association or credit union with an operating office located within the City limit of West Branch. Each bank must be on the most recent Approved Bank List as distributed

by the Treasurer of the State of Iowa or as amended as necessary by notice inserted in the monthly mailing by the Rate Setting Committee. Each financial institution shall be properly declared as a depository by the governing body of the City. Deposits in any financial institution shall not exceed the maximum amount approved by the City Council of West Branch.

- B. Obligations of the United States government, its agencies and instrumentalities.
- C. Certificates of deposit and other evidences of deposit at federally insured Iowa depository institutions approved and secured pursuant to Chapter 12C.

All instruments eligible for investment are further qualified by all other provisions of this Investment Policy, including Section 7 investment maturity limitations and Section 8 diversification requirements.

SECTION 6 – PROHIBITED INVESTMENTS AND INVESTMENT PRACTICES

Assets of the City shall not be invested in the following:

- 1. Reverse repurchase agreements.
- 2. Futures and options contracts.

Assets of the City shall not be invested pursuant to the following investment practices:

- 1. Trading of securities for speculation or the realization of short-term trading gains.
- 2. Pursuant to a contract providing for the compensation of an agent or fiduciary based upon the performance of the invested assets.
- 3. If a fiduciary or other third party with custody of public investment transaction records of the City fails to produce requested records when requested by this public body within a reasonable time, the City shall make no new investment with or through the fiduciary or third party and shall not renew maturing investments with or through the fiduciary or third party.

SECTION 7 – INVESTMENT MATURITY LIMITATIONS

Operating Funds must be identified and distinguished from all other funds available for investment. Operating Funds are defined as those funds which are reasonably expected to be expended during a current budget year or within fifteen months of receipt.

All investments authorized in Section 5 are further subject to the following investment maturity limitations:

- 1. Operating Funds may only be invested in instruments authorized in Section 5 of this Investment Policy that mature within three hundred ninety-seven (397) days.
- 2. The City Clerk may invest funds of the City that are not identified as Operating Funds in investments with maturities longer than three hundred ninety-seven (397) days. However, all investments of the City shall have maturities that are consistent with the needs and use of the City.

SECTION 8 – DIVERSIFICATION

Investments of the City are subject to the following diversification requirements:

Prime banker's acceptances:

1. At the times of purchase, no more than ten percent (10%) of the investment portfolio of the City shall be invested in prime bankers' acceptances, and
2. At the time of purchase, no more than five percent (5%) of the investment portfolio of the City shall be invested in the securities of a single issuer.

Commercial paper or other short-term corporate debt:

1. At the time of purchase, no more than ten percent (10%) of the investment portfolio of the City shall be in commercial paper or other short-term corporate debt,
2. At the time of purchase, no more than five (5%) of the investment portfolio of the City shall be invested in the securities of a single issuer, and
3. At the time of purchase, no more than five percent (5%) of all amounts invested in commercial paper and other short-term corporate debt shall be invested in paper and debt rated in the second-highest classification.

When possible, it is the policy of the City to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. In establishing specific diversification strategies, the following general policies and constraints shall apply:

1. Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide stability of income and reasonable liquidity.
2. Liquidity practices to ensure the next disbursement date and payroll date are covered through maturing investments, marketable U.S. Treasury bills or cash on hand shall be used at all times.
3. Risks of market prices volatility shall be controlled through maturity diversification so that aggregate price losses in instruments with maturities approaching one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.

SECTION 9 – SAFEKEEPING AND CUSTODY

All invested assets of the City involving the use of a public funds custodial agreement, shall comply with all rules adopted pursuant to Section 12B.10C. All custodial agreements shall be in writing and shall contain a provision that all custodial services be provided in accordance with the laws of the State of Iowa.

SECTION 10 – ETHICS AND CONFLICT OF INTEREST

The City Clerk and all officers and employees of the City involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

SECTION 11 – REPORTING

The City Clerk shall submit an annual investment report that summarizes recent market conditions and investment strategies employed since the last investment report. The investment report shall set out the current portfolio in terms of maturity, rates of return and other features and summarize all investment transactions that have occurred during the reporting period and compare the investment results with the budgetary expectations.

SECTION 12 – INVESTMENT POLICY REVIEW AND AMENDMENT

This Investment Policy shall be reviewed every two years or more frequently as appropriate. Notice of amendments to the Investment Policy shall be promptly given to all parties noted in Section 1.

PASSED AND APPROVED, this 19th day of December 2011.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk