

City of West Branch

~ A Heritage for Success ~

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

CITY COUNCIL MEETING AGENDA **Monday, May 20, 2013 • 7:00 p.m.** **City Council Chambers, 110 North Poplar Street** *Action may be taken on any agenda item.*

1. Call to order
2. Roll call
3. Welcome
4. Approve Agenda/Consent Agenda/Move to action
 - a. Approve minutes from the May 6, 2013 City Council Meeting.
 - b. Approve claims.
 - c. Approve moving the Monday June 3 and June 17, 2013 City Council Meetings to Monday June 10 and 24, 2013.
 - d. Approve moving the Monday July 1 and July 15, 2013 City Council Meetings to Monday July 8 and 22, 2013.
 - e. Approve an agreement with John Grimm for the collection of Iowa Public Employee Retirement System contributions.
 - f. Approve Six-Month Class B Beer (BB) (Includes wine coolers) License with Living Quarters, and Sunday Sales Permit for Fox Run Golf & Country Club.
5. Communications/Open Forum
6. Public Hearing/Non-Consent Agenda
 - a. Resolution 1114, cancelling the Amended Tax Increment Development Agreement dated January 2, 2008 between the City of West Branch and Acciona Energy North America./Move to action.
 - b. Ms. Sarah Billeter - Grain Bin Rescue Equipment and Safety Training Proposal
 - c. Resolution 1115, supporting application for the Washington County Riverboat Foundation Grant for Grain Bin Rescue Equipment and Safety Training./Move to action.
 - d. Third Reading of Ordinance 710, vacating the northern 70 feet of a 16-foot alley located between lots 21 & 22 in block 22 in Cameron (Original Town) A.K.A. West Branch, in West Branch, Cedar County, Iowa./Move to action.
 - e. Third Reading of Ordinance 711, amending Title Chapter 160 Flood Plain Regulations./Move to action.

Mayor: Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Jim Oaks, Mary Beth Stevenson, Dick Stoolman
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

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CITY COUNCIL MEETING AGENDA
Monday, May 20, 2013 • 7:00 p.m. (continued)
City Council Chambers, 110 North Poplar Street
Action may be taken on any agenda item.

- f. Public hearing on amending the current budget for the fiscal year ending June 30, 2013.
- g. Resolution 1112, approving Budget Amendment./Move to action.
- h. Resolution 1113, approving an agreement with the Iowa Department of Transportation for use of local agency roads as detours./Move to action.
- i. Resolution 1116, providing notice to the Johnson County E911 Board of the City's intent to cancel the Agreement Between Johnson County E911 Board and the City of West Branch, Iowa For the Provision of Code Red Services./Move to action.
- j. Councilperson Jordan Ellyson – Appointments/Reappointments/Move to action.
 - i. Phil Brezina – West Branch Fire Department Volunteer
- 7. City Staff Reports
- 8. Comments from Mayor and Council Members
- 9. 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.
- 10. Adjournment

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

**West Branch, Iowa
Council Chambers**

City Council Meeting

**May 6, 2013
7:00 p.m.**

Mayor Worrell 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 Jennifer Harden, Public Works Director Matt Goodale, Lead Water Operator Tim Moss, Police Chief Mike Horihan, Parks & Recreation Director Melissa Russell, and Library Director Nick Shimmin
Council members: Jordan Ellyson, Colton Miller, Jim Oaks, Dick Stoolman and Mary Beth Stevenson.

APPROVE AGENDA/CONSENT AGENDA

- a. Approve minutes from the April 15, 2013 City Council Meeting.
- b. Approve claims.
- c. Approve transfer of \$51,338.01 from Krouth & Enlow Fund 501 to Library – General Fund 031.
Approve deposit of \$40,690 from the CD into the library operating fund and creating a new CD with the balance of \$10,648.01 in fund 031.
- d. Approve Class E Liquor license with privileges: Class B Carryout Wine permit, Class C Beer permit, and Sunday Sales permit for Kum & Go, LC, DBA Kum & Go #254.

Motion by Ellyson to approve the agenda and second by Stoolman. AYES: Ellyson, Stoolman, Miller and Oaks.
Motion carried.

Date 5-6-13	City Of West Branch	
	Claims Register Report	
Blue Cross Blue Shield	Insurance	9,311.08
EFTPS	Federal Withholdings	5,000.68
Goodale, Matthew	Streets - Fuel Reimbursement	19.05
Haasco Ltd.	Testing At Dog Park	200.00
Horihan, Mike	Police – Reimbursement	23.98
Hy-Vee	Park & Rec - Easter Egg Hunt Supplies	81.07
Iowa Assn. Mun. Utilities	Admin - Training Workshop	30.00
Iowa Dept. Of Natural Resources	Water - Stagg Operator Cert. Fee	20.00
Iowa Department Of Revenue	Payroll Expense	720.00
IPERS	Ipers	7,144.26
Martin, Selina	Utility Water Refund	25.55
Mediacom	Admin – Service	40.90
Payroll Expense	Payroll Expense 4-26-13	22,813.79
Pierce, Shawn	Park & Rec - Reimb. For Supplies	143.50
Quality Engraved Signs	Admin – Nameplates	106.97
Ricklefs Excavating Ltd.	Wastewater - Lift Station Project	402,705.00
Russell, Melissa	Park & Rec – Reimbursement	122.96
Treasurer State Of Iowa	State Withholding Tax	1,848.00
UPS	Sewer – Shipping	48.88
Wageworks	Flex - Employee Flex Benefit	15.68
		450,421.35
Fund Totals		
001 General Fund		21,133.88
031 Library		4515.84
110 Road Use Tax		89.19
112 Trust And Agency		10,305.64
600 Water Fund		5,826.40
610 Sewer Fund		5,829.72
614 Wastewater Lift Station		402,705.00
950 BC/BS Flexible Benefit		15.68
Grand Total		450,421.35

COMMUNICATIONS/OPEN FORUM

None.

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL
Resolution 1100, approving the appointment of Mary Beth Stevenson to fill the unexpired term of Councilmember Dan O'Neil./Move to action.

Motion by Ellyson to approve Resolution 1100 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman. Motion carried.

Accept the resignation of Mary Beth Stevenson from the Planning and Zoning Commission./Move to action.

Motion by Ellyson to approve the resignation and second by Stoolman. AYES: Ellyson, Stoolman, Miller, Oaks, Stevenson. Motion carried.

Councilperson Colton Miller – Appointments/Reappointments./Move to action.

i. Molly Menard – Planning & Zoning Commission, December 31, 2016

Motion by Miller and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman, Stevenson. Motion carried.

Accept the resignation of Laura Gongora from the Library Board of Trustees./Move to action.

Motion by Miller to approve the resignation and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman. Motion carried.

Mayor Mark Worrell – Appointments/Reappointments./Move to action.

i. Molly Menard – Planning & Zoning Commission, December 31, 2016

Motion by Ellyson and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman, Stevenson. Motion carried.

Third Reading of Ordinance 708, vacating that certain 60-foot portion on an alley located between lots 65 & 66 and lot 42 in block 7 in Cameron (Original Town) also known as West Branch, West Branch, Iowa./Move to action.

Motion by Stoolman to approve third reading of Ordinance 708 and second by Miller. AYES: Stoolman, Miller, Ellyson, Oaks, Stevenson. Motion carried.

Ordinance No. 708

AN ORDINANCE VACATING THAT CERTAIN 60-FOOT PORTION ON AN ALLEY LOCATED BETWEEN LOTS 65& 66 AND LOT 42 IN BLOCK 7 IN CAMERON (ORIGINAL TOWN) ALSO KNOWN AS WEST BRANCH, WEST BRANCH, IOWA.

WHEREAS, pursuant to Section 354.23 of the Code of Iowa, the City has held a public hearing on the proposed vacation of a 60-foot portion of the alley located between Lots 65 & 66 and Lot 42, Block 7 in Cameron (Original Town) A.K.A. West Branch, Cedar County, Iowa; and

WHEREAS, it is now necessary to pass an ordinance vacating said section of alley and directing the County Auditor to use this ordinance as the conveyance document for said alley without further documentation.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA, AS FOLLOWS:

Section 1. Vacation of Alley.

The 60-feet of that certain 16-foot wide alley located to the north of Lots 65 & 66 and to the south of Lot 42 in Block 7 in Cameron (Original Town) A.K.A. West Branch, Cedar County, Iowa, be and the same is hereby vacated.

Section 2. Conveyance.

Pursuant to Section 354.23 of the Code of Iowa, the alley shall be conveyed as follows:

- a. The northern 8-feet of said 60-foot alley shall be conveyed to Thomas Cannon (Parcel #0500-13-08-127-003-0)
- b. The southern 8-feet of said 60-foot alley shall be conveyed to James and Lois Oaks (Parcel #0500-13-08-127-013-0)

The County Auditor is directed to show said conveyance on its books without further documentation.

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 6th day of May, 2013.

First Reading: April 1, 2013
Second Reading: April 15, 2013
Third Reading: May 6, 2013

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Second Reading of Ordinance 710, vacating the northern 70 feet of a 16-foot alley located between lots 21 & 22 in block 22 in Cameron (Original Town) A.K.A. West Branch, in West Branch, Cedar County, Iowa./Move to action.

Motion by Miller to approve second reading of Ordinance 710 and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman, Stevenson. Motion carried.

Second Reading of Ordinance 711, amending Title Chapter 160 Flood Plain Regulations./Move to action.

Seventeen properties are being added to the 100-year floodplain and two properties are being added to the 500-year floodplain. Scott Drive is the area most affected.

Motion by Ellyson to approve second reading of Ordinance 711 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman, Stevenson. Motion carried.

Resolution 1104, approving 28E agreements between the City of West Branch, Iowa and the Boards of Trustees of Cass, Gower, Graham, Iowa, Scott and Springdale Townships for the purposes of fire protection and aid and assistance for other emergencies or disasters relating to life and property, or hazardous materials./Move to action.

Motion by Miller to approve Resolution 1104 and second by Stevenson. AYES: Miller, Stevenson, Ellyson, Oaks. Abstain with Conflict: Stoolman. Motion carried.

Resolution 1105, approving an engineering services agreement between Calhoun – Burns and Associates, Inc. and the City of West Branch, Iowa for 2013 bridge inspection and load rating./Move to action.

Oaks asked about the cost of the agreement. Muckler responded it was \$700.

Motion by Ellyson to approve Resolution 1105 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman, Stevenson. Motion carried.

Resolution 1106, setting a public hearing for Monday, May 20, 2013 at the 7:00 p.m. City Council Meeting on amending the current budget for the fiscal year ending June 30, 2013./Move to action.

Motion by Ellyson to approve Resolution 1106 and second by Stoolman. AYES: Ellyson, Stoolman, Miller, Oaks, Stevenson. Motion carried.

Resolution 1107, approving an engineering services agreement for West Branch Sanitary Sewer Study – Phases 2 & 3 with Veenstra & Kimm, Inc. in an amount not to exceed \$20,000./Move to action.

Stoolman asked about the study area and City Engineer Dave Schechinger explained it was the remainder of the east side of town and Golf View Heights. Miller asked about the timing for the agreement for studying phases 2 & 3 prior to repairs on phase 1. Muckler stated that bond proceeds are budgeted for repairs to phases 2 & 3. Studying phases 2 & 3 in the current year would allow the city to make these repairs in 2014.

Motion by Ellyson to approve Resolution 1107 and second by Stoolman. AYES: Ellyson, Stoolman, Miller, Oaks, Stevenson.

Resolution 1108, approving revised Altorfer, Inc. Site Plan./Move to action.

Oaks asked if the flood retention structure on the property was adequate. Schechinger explained that much of the property will not be paved and this flood retention structure met the requirements.

Motion by Ellyson to approve Resolution 1108 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman, Stevenson. Motion carried.

Discussion of U.S. Department of Justice Community Oriented Policing Services (COPS) Grant Application.

Chief Horihan explained that the grant would provide \$125,000 over three years for hiring an additional police officer. Worrell stated that he felt adding a police officer in the next four years is necessary. Ellyson expressed support for making application for the grant. Oaks stated that in previous meetings with the Cedar County Sheriff's Office, he was told that it would take five officers would be necessary for 24-hour coverage.

Resolution 1109, approving a three-year service agreement with eCivis for Grants Network: Research and Grants Network: Knowledge Base services in an amount of \$3,500 per year./Move to action.

Oaks stated that the Council would consider dedicating over \$30,000 for grant writing services with two agenda items. Oaks suggested that the grants are not guaranteed and that the staff might attempt to write grants. Muckler discussed the searchable service that eCivis provides. Muckler also discussed the short timeline on the COPS Grant. Stevenson asked about whether or not eCivis would consult on individual grant opportunities and Muckler indicated that eCivis would provide this service. Stevenson mentioned that there is a cost for staff time writing the grants if the Council chose not to pursue agreements with a grant service provider. Russell stated that she felt the Park & Rec Commission would support the use of Park & Rec reserve funds for the writing of grants for park & recreation uses. Community member Becky Frederick spoke to the growing complexity and competitiveness of grant writing.

Motion by Ellyson to approve Resolution 1109 and second by Stevenson. AYES: Ellyson, Stevenson, Miller, Stoolman. NAYES: Oaks. Motion carried.

Resolution 1110, approving a service agreement with eCivis for the writing of three grants in an amount of \$22,500./Move to action.

Motion by Ellyson to approve Resolution 1110 and second by Miller. AYES: Ellyson, Miller, Stoolman, Stevenson. NAYES: Oaks. Motion carried.

Resolution 1111, approving an engineering services agreement for West Branch, Iowa Sanitary Sewer Rehabilitation – Area 1 with Veenstra & Kimm, Inc. in an amount not to exceed \$30,950./Move to action.

Motion by Miller to approve Resolution 1111 and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman, Stevenson. Motion carried.

CITY STAFF REPORTS

City Engineer Dave Schechinger and City Attorney Kevin Olson – Potential Formation of a Stormwater Utility for the City of West Branch

Schechinger stated that the purpose of a stormwater utility is to repair and maintain a storm sewer system. Several communities charge a flat fee for residential and develop an equivalent residential unit cost for larger users. Miller asked what the cost to the city was for property owners whose stormwater runs directly to a creek. Stoolman and Oaks asked that Olson draft an ordinance for future Planning & Zoning Commission and City Council review.

Library Director Nick Shimmin – Update on Library Building Program

Shimmin reported that design charrettes were completed April 23-24. The library consultant and architects were at the library taking community input. Preliminary drawings were completed on some sights. This is the second group of architects to find that the current footprint of the library would not be possible for expansions. The ending result was heavily in favor of having the Library work in concert with the School District in an attempt to find a way to keep the Library in the vicinity of Hoover Elementary School.

Park & Rec Director Melissa Russell – Tree Planting Event Report

Russell reported that over 340 volunteers from the West Branch Community School District assisted in planting trees. The event was a success and over 120 trees were planted in the West Branch Municipal Cemetery. Stevenson asked about a plan in case of drought conditions. Goodale stated that the Public Works Department would be responsible for watering trees in the case of drought.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

A. Mayor Mark Worrell – Residential Lot Plan Requirements

Schechinger stated that other municipalities are requiring builders to maintain their site to reduce runoff during construction. Council stated that future discussion was in order on this item.

ADJOURNMENT

Motion to adjourn meeting by Ellyson, second by Colton. City Council meeting adjourned at 8:10 p.m.

Mark Worrell, Mayor

ATTEST: _____
Jennifer Harden, Administrative Assistant

AGREEMENT

THIS AGREEMENT entered into by and between the City of West Branch, Iowa, (hereafter "City") and John Grimm, hereafter ("Grimm").

WHEREAS, City did not withhold the appropriate required contribution for the Iowa Public Employees Retirement System ("IPERS"); and

WHEREAS, the shortfall to be collected from Grimm is equal to \$911.52 (the "Shortfall"); and

WHEREAS, Grimm has agreed to pay back \$75.00 to the City within after each pay period until the Shortfall is paid in full.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. City shall pay Grimm the compensation due to Grimm under the City's normal policies.
2. By executing this Agreement, Grimm specifically agrees to and desires the City automatically deduct \$75.00 from each paycheck without further action by Grimm.
3. This recurring payment of \$75.00 per pay period shall continue until the Shortfall is paid in full.

Dated this ____ day of _____, 2013.

John Grimm

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 1114

RESOLUTION CANCELLING THE AMENDED TAX INCREMENT
DEVELOPMENT AGREEMENT DATED JANUARY 2, 2008 BETWEEN THE
CITY OF WEST BRANCH AND ACCIONA ENERGY NORTH AMERICA.

WHEREAS, the City previously entered into an Amended TIF Rebate Agreement with Acciona North America dated January 8, 2008 (the "Agreement"); and

WHEREAS, pursuant to the Agreement, Acciona was to create 110 jobs at the West Branch facility; and

WHEREAS, pursuant to the terms of the Agreement, the City Administrator, with the approval of the City Council, send a Notice of Intent to Cancel the Agreement for default of the Agreement; and

WHEREAS, Acciona has admitted in its response to the City that is in fact breached the terms of the Agreement, and did not offer to cure said default within 30 days as demanded by the City; and

WHEREAS, 30 days has passed since the issuance of the City's Notice of Intent to cure the default to Acciona.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Cedar County, Iowa, that the aforementioned Agreement be and the same is hereby cancelled as of the date of this Resolution because of the default of Acciona Energy North America. Further, the City Administrator is directed to send a letter notifying Acciona of the same.

Passed and approved this 20th day of May, 2013.

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk



Book 879 Page 129-136

Document 2008 132 Pages 8

Date 1/11/2008 Time 10:54:18AM

Rec Amt \$42.00

pd

CHARLINE L THUMM, RECORDER
CEDAR COUNTY IOWA

AMENDED TAX INCREMENT DEVELOPMENT AGREEMENT

Recorder's Cover Sheet

Preparer Information:

Bruce D. Goddard, 103 E. College St. #311, Iowa City, IA 52240, Phone: (319) 338-0304

Taxpayer Information:

Acciona Energy North America, 101 N. Wacker Drive, Suite 610, Chicago, Illinois 60606

Return Document To:

City of West Branch, P.O.B. 218, West Branch, Iowa 52358

Grantors:

City of West Branch

Grantees:

Acciona Energy North America

Legal Description: See Exhibit A, attached hereto

Document or instrument number of previously recorded documents: Document 2007 3032
Pages 8, Book 856 Pages 27-34

BOOK 879 PAGE 129

**AMENDED TAX INCREMENT DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF WEST BRANCH, IOWA
AND
ACCIONA WINDPOWER NORTH AMERICA, L.L.C.**

The City of West Branch, Iowa, (hereinafter "City") has been presented with an amended proposal for an urban renewal project (hereinafter "Project") to be undertaken by ACCIONA WINDPOWER NORTH AMERICA, L.L.C. (hereinafter "ACCIONA") on property described on the attached Exhibit A (hereinafter "Project Area"). The Project Area is located in the West Branch Urban Renewal Project Area (hereinafter "Urban Renewal Area") which has been determined to be classified as an economic development area and for which the West Branch Urban Renewal Project Area Plan (hereinafter "Plan" has been adopted.

The City has also adopted Ordinance No. 421, Ordinance No. 465, and Ordinance No. 556, under which incremental tax revenues from the Urban Renewal Area are divided with a portion going into the Urban Renewal Tax Increment Fund of the City pursuant to Iowa Code Section 403.19.

ACCIONA intends to expand its business and to thereby generate employment opportunities within West Branch's Urban Renewal Area.

Under the terms of the proposal, ACCIONA will undertake the Project consisting of certain improvements as set forth in Section II (hereinafter "Minimum Improvements") to be completed in the Project Area by ACCIONA, and will create approximately 110 new full-time jobs in a period of not to exceed five (5) years commencing May, 2007, if the City will agree to assist the Project by rebating to ACCIONA, for a period eight years, incremental property taxes actually paid with respect to the Minimum Improvements and received under Iowa Code Section 403.19 by the City (hereinafter "City Contribution"), Code of Iowa. In addition, Accciona agrees to advance to the City an amount of \$112,201, to be used as the local contribution for a RISE grant obtained. Said amount is to be rebated to Accciona, and is included in the total amount of rebate as set forth in Exhibit B. The eight-year rebate period shall begin with the tax year in which property taxes are paid on the completed value of the Minimum Improvements.

The City has determined that the Project is consistent with the objectives of the Plan for the Urban Renewal Area and that development of the Project Area and the Urban Renewal Area by construction of the Minimum Improvements is in the vital and best interests of the City. The City has further found that the use of City funds to finance the City Contribution is in accord with the provisions of the applicable laws under which the Project will be undertaken, including, but not limited to, Iowa Code Chapter 403.

Now, therefore, the City and ACCIONA, in consideration of the promises and mutual obligations set forth in the Development Agreement (hereinafter "Agreement"), agree and covenant as follows:

SECTION I

1. ACCIONA will cause the Minimum Improvements to be constructed in the Project Area in accordance with the terms of this Agreement, the Plan and all local, state and federal laws and regulations. The Minimum Improvements shall include:

a. A capital investment of at least \$11,000,000.

b. Provision and payment of at least 80 percent of the cost of a standard medical and dental insurance plan for all full-time employees working at the facilities in which the new investment will occur.

c. The creation of approximately 110 new, full-time jobs within a period of not to exceed five (5) years.

d. Payment of a median wage for the 95 new, full-time, hourly, non-management production jobs of at least \$14.57 per hour.

e. Provision of a retirement/pension plan of the 401(k) type to all full-time employees.

f. Provision of a productivity and safety improvement plan.

g. Annual investment of no less than one percent of the business' new Iowa facility's pretax profits in worker training and skills enhancement.

2. The Minimum Improvements shall be completed within a five-year period beginning May, 2007.

3. ACCIONA will own the Minimum Improvements and agrees to pay, when due, all real property taxes and assessments payable with respect to the Minimum Improvement.

4. ACCIONA agrees to indemnify, defend and hold harmless the City from any claim arising out of or connected with the Project Area, and agrees to maintain and provide proof of property insurance against loss or damage to the Project Area in amounts sufficient to replace the Minimum Improvements.

5. ACCIONA acknowledges that they may be eligible for certain property tax abatement benefits under Iowa Law, including, but not limited to, those provided under Iowa Code Chapters 427B and 15, and agrees that they will not file an application for any such abatement for which they are, or may in the future become, eligible with respect to the Project Area until the first eight years after which the rebate described in Section II has expired.

6. ACCIONA has the power to enter into the Agreement without violation of their articles of incorporation, bylaws, other charter documents or any other contract instrument or agreement to which they are a party.

7. ACCIONA is not in violation of any local, state or federal environmental law or regulation at the Project Area and is not aware of any pending or threatened claim against them with respect to such laws.

SECTION II

1. The City agrees to assist in the Project by rebating to ACCIONA, or its successor in interest with written consent of the City, that percentage of incremental taxes actually paid with respect to the Minimum Improvements and received under Iowa Code Chapter 403.19 by the City, as set forth in the attached Exhibit B, for a period of eight years beginning with the tax year in which property taxes on the completed value of the Minimum Improvements are first paid. PROVIDED FURTHER, HOWEVER, that in no event shall the total amount of rebate hereunder exceed the annual percentages specified in Exhibit B or the total amount of \$2,148,300 specified in Exhibit B. Except for certification of the City Contribution for reimbursement under Iowa Code Section 403.19, this shall be the only consideration given by the City in connection with this Agreement. The rebate shall be paid to ACCIONA within thirty days of receipt by the City of the incremental taxes paid.

The rebate shall not constitute general obligations of the City, but shall be paid solely from the incremental property taxes received by the City from the Cedar County Treasurer that are attributable to the Property.

Each rebate payment shall be subject to annual appropriation of the City Council. Prior to December 1st of each year during the term of this agreement, beginning December 1, 2007, the City Council shall consider the issue of obligating for appropriation to the funding of the payments due in the following fiscal year, an amount of tax increment revenues to be collected in the following fiscal year.

2. To effectuate this commitment, the City agrees to annually certify under Section 403.19 to the Cedar County Auditor no later than December 1 of each year the amount of taxes to be paid over to the City and the amount obligated for appropriation for rebate to Acciona in accordance with Exhibit B. If the City fails to certify and make the annual appropriation as set out above, no rebate shall be paid for said year and the remaining rebate schedule shall be extended by one year so as to allow eight full years of rebates under this Agreement. In any given year in which incremental taxes actually paid with respect to the Minimum Improvements cannot be paid to ACCIONA because of a change in state law, the rebate shall be limited to the amount that can be legally rebated to ACCIONA due to said change in law.

SECTION III

1. If ACCIONA breaches any term of this Agreement and said breach is not cured within thirty (30) days after written notice, the City shall have the right to cancel this Agreement, suspend performance, take any legal or administrative action deemed appropriate to obtain a refund of its consideration paid under Section II, and to recover damages under this Agreement, all costs of collection, including reasonable attorney fees, or seek any combination of these remedies.
2. If the City breaches its Agreement to provide the contribution to development of the Project as set forth herein and fails to cure said breach within 30 days after written notice to the City Clerk, ACCIONA shall have the right to terminate this Agreement or take any legal or administrative action deemed appropriate to recover damages or enforce the City's performance obligations under this Agreement.

SECTION IV

1. This Agreement shall be governed and construed under the laws of the State of Iowa.
2. This Agreement and Exhibits herein referenced shall constitute the entire contract between the City and ACCIONA, and supersedes all other written and oral agreements, discussions and negotiations. The terms of this Agreement may not be amended except in writing by agreement of the parties.
3. The rights and obligations in this Agreement shall be binding upon and inure to the successors in interest of ACCIONA and any subsequent owner of the Project Area, except no other person or entity shall be entitled to receive the rebates or exemptions provided herein without written approval of the City.

DATED this 2nd day of January ²⁰⁰⁸~~2007~~.

CITY OF WEST BRANCH

ACCIONA WINDPOWER NORTH AMERICA, L.L.C.

By: *Sandy Hatfield*
Name: Sandy Hatfield
Title: Mayor

By: *Adrian LaTrace*
Name: Adrian LaTrace
Title: Manager

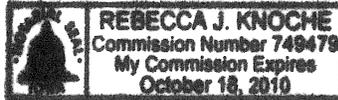
By: *Deb Fiderlein*
Name: Deb Fiderlein
Title: City Clerk

By: *Peter Duprey*
Name: Peter Duprey
Title: Manager



STATE OF IOWA)
) ss:
COUNTY OF Cedar)

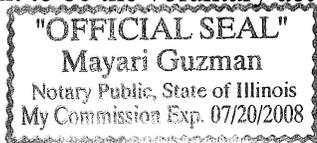
On this 3 day of January, 2008, before me, a Notary Public in and for the State of Iowa, personally appeared Sandy Hatfield and Deb Fiderlem, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West Branch, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Ordinance No. /Resolution No. 821 passed by the City Council on the 5th day of November, 2007, and that Sandy Hatfield and Deb Fiderlem acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.



Rebecca J. Knoche
NOTARY PUBLIC in and for the
State of Iowa

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

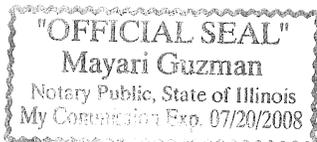
On this 17 day of December, A.D. 2007, before me, a notary public in and for said county, personally appeared **Adrian LaTrace**, to me personally known, who being by me duly affirmed did say that that he is a Manager of ACCIONA WINDPOWER NORTH AMERICA, L.L.C. and that said instrument was signed and sealed on behalf of the said company by authority of its Manager and the said Manager acknowledged the execution of said instrument to be the voluntary act and deed of said company by it voluntarily executed.



Adrian LaTrace
NOTARY PUBLIC in and for the
State of Illinois

STATE OF ILLINOIS)
) ss:
COUNTY OF COOK)

On this 17 day of December, A.D. 2007, before me, a notary public in and for said county, personally appeared **Peter Duprey**, to me personally known, who being by me duly affirmed did say that that he is a Manager of ACCIONA WINDPOWER NORTH AMERICA, L.L.C. and that said instrument was signed and sealed on behalf of the said company by authority of its Manager and the said Manager acknowledged the execution of said instrument to be the voluntary act and deed of said company by it voluntarily executed.



Peter Duprey
NOTARY PUBLIC in and for the
State of Illinois

EXHIBIT A

Lot 5, Rummells Commercial Subdivision to West Branch, Cedar County, Iowa, except for Lot A of Lot 5, Rummells Commercial Subdivision to West Branch, Cedar County, Iowa, as shown in Book 725 on page 54 in the Cedar County Records Office.

EXHIBIT B

Estimated Taxes Paid - \$330,000.00

<u>Year</u>	<u>Percentage</u>	<u>Dollars Rebated</u>	<u>Dollars to Taxing Authorities</u>	<u>City Portion</u>
1	94.00%	\$310,200	19,800	\$ 6,534
2	65.00%	\$214,500	115,500	\$38,115
3	70.00%	\$231,000	99,000	\$32,670
4	75.00%	\$247,500	82,500	\$27,225
5	80.00%	\$264,000	66,000	\$21,780
6	85.00%	\$280,500	49,500	\$16,335
7	90.00%	\$297,000	33,000	\$10,890
8	92.00%	\$303,600	26,400	\$8,712
		\$2,148,300	391,700	\$1162,261

Project: 11 Million

Tax Value x 30.00 Less Debt Service Estimated 330,000 per year total

City of West Branch

~A Heritage for Success~

Office of the City Administrator

April 16, 2013

Mr. Joe Baker, CEO
Acciona Energy North America
601 Fawcett Drive
West Branch, Iowa 52358

NOTICE OF INTENT TO CANCEL AGREEMENT

Mr. Baker:

At the City Council's request, I am sending this letter pursuant to Section III of the Amended Tax Increment Development Agreement ("Agreement") between the City and Acciona Energy North America ("Acciona").

With the recent layoffs, Acciona has failed to maintain its 110 jobs and continued payment of a median wage for 95 employees, all as required by Section 1 of said Agreement.

In the event that Acciona fails to bring the employment level up to the required levels by Friday, May 17, 2013, the City Council intends to cancel this Agreement because of Acciona's breach of the Agreement.

If you have any further questions, please feel free to contact me at City Hall.

Take notice and conduct yourself accordingly.

Respectfully submitted,

Matt Muckler
City Administrator

Cc: Acciona Energy North America
101 N. Wacker Drive, Suite 610
Chicago, IL 60606



ACCIONA Windpower North America, LLC

601 Fawcett Drive
West Branch, Iowa 52358

Tel: 319.643.9463
Fax: 319.643.9457
www.accionana.com

May 9, 2013

City of West Branch
Attn: Matt Muckler
110 N. Poplar St.
PO Box 218
West Branch, IA 52358

Dear Mr. Muckler,

We received your letter, dated April 16, 2013, which letter provides a notice of intent to cancel the Amended Tax Increment Development Agreement, dated January 2, 2008 (the "Development Agreement"), by and between the City of West Branch, Iowa (the "City") and Acciona Windpower North America, LLC ("Acciona"). In your letter, you state that due to recent layoffs, Acciona has failed to comply with its obligations under the Development Agreement, and if Acciona does not correct its employment levels by May 17, 2013, the City will cancel the Development Agreement due to Acciona's breach.

Pursuant to the Development Agreement, Acciona agreed to enact certain "Minimum Improvements". These "Minimum Improvements" include the creation of "approximately 110 new full-time jobs in a period of not to exceed five (5) years commencing May, 2007". Therefore, the job creation period ended in May, 2012, and the recent layoffs we regrettably had to undertake due to conditions in the market are not considered a breach under the Development Agreement. As of May 2012, Acciona employed 102 employees, which while not 110 employees, is "approximately 110" employees, consistent with our obligations under the Development Agreement. We consider our obligations under the Development Agreement to be satisfied and expect the City to comply with its obligations thereunder.

Please contact me at 319-643-9463 if you have any questions or would like to discuss.



ACCIONA Windpower North America, LLC

601 Fawcett Drive
West Branch, Iowa 52358

Tel: 319.643.9463
Fax: 319.643.9457
www.acciona-na.com

Best regards,

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name "Steven Cieslak".

Steven Cieslak

cc: Enrique Teruel, CEO, Acciona Windpower North America, LLC
Javier Serrada, General Counsel, Acciona Windpower, S.A.
Pablo Pulpeiro, CFO, Acciona Windpower, S.A.
Emilie Beavers, Assistant General Counsel, Acciona Energy North America Corporation

ACCIONA's Baker Resigns; Teruel Takes Over As North American CEO

NAW Staff, Thursday 02 May 2013 - 14:57:59

NAW has learned that Joe Baker, the chief executive officer of ACCIONA Windpower North America, has resigned. Enrique Teruel has been named as Baker's replacement.

Teruel, who has worked at ACCIONA Windpower since 2002, has held several positions at ACCIONA, including serving as global director of operations, a post he has held since 2009. The company also notes that Teruel supported the startup of ACCIONA's North American unit.

ACCIONA declined to give specifics on the circumstances regarding Baker's resignation only noting he resigned for "personal reasons."

In other company news, ACCIONA says that it has finalized agreements that bring the total footprint for its AW3000 turbine to 1 GW. The company notes that in 2013, it has completed over 500 MW of orders to supply AW3000 wind turbines to projects in North and South America.

ACCIONA installed a 116-meter rotor option for the AW3000 in 2011 and recently launched a 125-meter rotor option for low-wind sites.

this content item is from North American Windpower
(http://www.nawindpower.com/e107_plugins/content/content.php?content.11444)

Print this page

Grain Bin Rescue Equipment and Safety Training Proposal Spring 2013

Proposal:

To provide a twofold safety training program for the West Branch and Tipton Firefighters and the agricultural community in Cedar County.

Objectives of the project:

To obtain enough funds to purchase the specialized equipment needed to be successful in grain bin rescues. This equipment includes: grain bin rescue tubes (\$2200), safety gear (\$1575 – which includes safety harnesses, safety ropes, shop vacuums and specialized clips)

To train and certify both the West Branch and Tipton Fire Department volunteers in Grain Bin Rescue and Safety. This 4 hour specialized training program has been tentatively set for each fire department from 6 pm – 10 pm on June 25th in Tipton and June 26th in West Branch. The training is **free** for it meets the requirements of another grant.

To provide a 2 hour first respond and basic education on Grain Bin Safety for Cedar County's farmers and those who work in the Ag Industry in the surrounding area. This program will be offered on the same days as the fire department trainings, but will be in the afternoon from 2 pm – 4 pm. This program is based on OSHA requirements and will give those who work at commercial elevators an opportunity to get some OSHA certification training. In addition, having the commercial elevator employees at this meeting will be offered **free**, as it also meets the requirements of another grant.

To host an appreciation dinner between each training session, from 4 pm – 6 pm. This will be at both sites for all participants and donors. This will allow the fire department and the farmers to thank those who are financially supporting the program and share resources. (If you have food, they will come.) At this time, a donor has been secured to pay for the meal at the West Branch meeting/training but still need funds for the Tipton meeting/training.

To have a booth displayed at the Cedar County Fair. This booth will have educational materials and handouts on grain bin safety as well as displaying some of the purchased safety equipment. In addition we are working out details to possibly have a demonstration of how the equipment will be used by the firefighters. I have approached both fire departments about being involved in this. I am waiting for confirmation on their involvement.

Contact information:

Sarah Billeter, Project Coordinator
319-430-3853 or billetesarah@gmail.com

Budgets:

Equipment needing purchased:

Rescue Tubes: \$4700 (2 sets x \$2350 – one for each fire department)

Safety Equipment: \$3150 = \$1575 per fire department – cost of 8 full harnesses, 8 – Ropes (160 ft., 100 ft and 75 ft.), 4 rope grab with 3 ft shock absorber lanyard and 2 - D-Ring Anchor

Training Meeting Expense: \$900 budgeted (\$450 per meeting/but this will depend on the number of attendees this could be much higher)

Educational Materials/Marketing: \$250

Totals: \$9000

Source of Funding:

Secured:

Channel Seed: \$2000

Anderson Family Farms: \$1000 (covering the WB dinner plus)

Cedar County Farm Bureau: \$250 (WB - Educational Materials/Marketing)

Custom Builders, Tipton: \$250

Cargill Cares: \$2000 (equipment purchases)

Total secured: \$5500

Requested Funds:

\$2250 (names of donors will be released if funding does become available)

Funds short: (if requested funds come available)

Total: \$1250**

***Soft expenses (dinners) and additional expenses that might occur unexpectedly are hard to budget.**

We would really like to have \$2000 to cover shipping and handling cost that might not be in the cost of the equipment.

RESOLUTION NO. 1115

RESOLUTION SUPPORTING APPLICATION FOR THE WASHINGTON COUNTY RIVERBOAT FOUNDATION GRANT FOR GRAIN BIN RESCUE EQUIPMENT AND SAFETY TRAINING.

WHEREAS, specialized equipment and training is necessary to certify local volunteer fire fighters in Cedar County for grain bin rescues; and

WHEREAS, training based on the United States Occupational Safety and Health Administration (OSHA) requirements would be offered to farmers and other community members who work in the agricultural industry on grain bin safety; and

WHEREAS, it would benefit the community to provide educational materials and handouts on grain bin safety at public events, such as the Cedar County Fair; and

WHEREAS, Ms. Sarah Billeter is leading an effort to acquire funding and has prepared a grant application to the Washington County Riverboat Foundation Grant for grain bin rescue equipment, training and education; and

WHEREAS, the West Branch City Council supports these grain bin safety efforts.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of West Branch, Iowa, declares their support for the Washington County Riverboat Foundation Grant Application.

Passed and approved this 20th day of May, 2013.

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Prepared by Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241
Return to: West Branch City Clerk, 110 Poplar Street, West Branch, Iowa 52358

Ordinance No. 710

AN ORDINANCE VACATING THE NORTHERN 70 FEET OF A 16-FOOT ALLEY LOCATED BETWEEN LOTS 21& 22 IN BLOCK 22 IN CAMERON (ORIGINAL TOWN) ALSO KNOWN AS WEST BRANCH, WEST BRANCH, IOWA.

WHEREAS, pursuant to Section 354.23 of the Code of Iowa, the City has held a public hearing on the proposed vacation of the northern 70 feet of a 16-foot alley located between Lots 21 & 22, Block 22 in Cameron (Original Town) A.K.A. West Branch, Cedar County, Iowa; and

WHEREAS, it is now necessary to pass an ordinance vacating said section of alley and directing the County Auditor to use this ordinance as the conveyance document for said alley without further documentation.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA, AS FOLLOWS:

Section 1. Vacation of Alley.

The northern 70 feet of a 16-foot alley located between Lots 21 & 22, Block 22 in Cameron (Original Town) A.K.A. West Branch, Cedar County, Iowa, be and the same is hereby vacated.

Section 2. Conveyance.

Pursuant to Section 354.23 of the Code of Iowa, the alley shall be conveyed as follows:

All 16-feet of said 70-foot alley shall be conveyed to Roy A. Lewis (Parcel #0500-13-05-360-001-0).

The County Auditor is directed to show said conveyance on its books without further documentation.

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 20th day of May, 2013.

First Reading: April 15, 2013
Second Reading: May 6, 2013
Third Reading: May 20, 2013

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

ORDINANCE NO. 711

AN ORDINANCE AMENDING CHAPTER 160 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH REGARDING FLOOD PLAIN REGULATIONS.

WHEREAS, the City of West Branch participates in the National Flood Insurance Program in order to allow its citizens and businesses to obtain flood insurance policies; and

WHEREAS, in order to participate, the City previously adopted Chapter 160 of the Code of Ordinances; and

WHEREAS, in order to continue participation in the program, the Iowa Department of Natural Resources has requested that the City adopt certain changes to said Chapter 160.

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

1. Amendment. Chapter 160 of the Code of Ordinances is hereby amended as follows:
 - a. Section 160.02 is hereby amended by incorporating the following definitions into said Section 160.02:

”Minor Projects means small development activities, except for filling, grading and excavating valued at less than \$500; and

- b. Section 160.03 is hereby amended by deleting Section 160.03 in its entirety, and replacing it as follows:

“The provisions of this Ordinance shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Cedar County and Incorporated Areas, City of West Branch, Panels 19031C0211C, 0212C, 0213 and 0214C, dated August 19, 2013, which were prepared as part of the Cedar County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the located shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Flood Insurance Study for Cedar County is hereby adopted by references and is made a part of this Ordinance for the purpose of administering floodplain management regulations.”; and

- c. Section 160.08(3) is hereby amended by deleting the reference to “National Geodetic Vertical Datum” and replacing it with “North American Vertical Datum; and
 - d. Section 160.08(9) is hereby amended by incorporating the following sentence at the end of this subsection:

“In addition, such alterations and relocations must be approved by the Department of Natural Resources.”; and

- e. Section 160.10 is hereby amended by deleting said Section 160.10 in its entirety; and
 - f. Section 160.11(3) and 160.11(4) are hereby amended by deleting references to the “National Geodetic Vertical Datum” and replacing said references with “North American Vertical Datum”; and
 - g. Section 160.13(5) is hereby amended by deleting the reference to “National Geodetic Vertical Datum” and replacing it with “North American Vertical Datum.”
2. Conflicts. All ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.
 3. 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 this ordinance as a whole or any part, section or provision thereof not adjudged invalid or unconstitutional.
 4. Effective Date. This ordinance shall be in full force in effect upon passage of this ordinance and publication as required by law.

First Reading: April 15, 2013
Second Reading: May 6, 2013
Third Reading: May 20, 2013

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 1112

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR
ENDING JUNE 30, 2013

FY13 Budget Amendment – See State Form

PASSED, APPROVED, AND ADOPTED this 20th day of May, 2013.

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/City Clerk

**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

The City Council of West Branch in CEDAR & JOHNSON County, Iowa
 will meet at West Branch City Council Chambers 110 N Poplar Street
 at 7:00 pm on May 20, 2013

,for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2013
 by changing estimates of revenue and expenditure appropriations in the following functions for the reasons given.
 Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	1,323,418		1,323,418
Less: Uncollected Property Taxes-Levy Year	2	0		0
Net Current Property Taxes	3	1,323,418	0	1,323,418
Delinquent Property Taxes	4	0		0
TIF Revenues	5	97,387		97,387
Other City Taxes	6	151,684		151,684
Licenses & Permits	7	45,475		45,475
Use of Money and Property	8	6,300		6,300
Intergovernmental	9	381,327		381,327
Charges for Services	10	772,052		772,052
Special Assessments	11	0		0
Miscellaneous	12	128,210	5,100	133,310
Other Financing Sources	13	843,792	2,259,163	3,102,955
Total Revenues and Other Sources	14	3,749,645	2,264,263	6,013,908
Expenditures & Other Financing Uses				
Public Safety	15	547,346	13,685	561,031
Public Works	16	564,800	151,864	716,664
Health and Social Services	17	0		0
Culture and Recreation	18	507,495	5,100	512,595
Community and Economic Development	19	302,815	-244,178	58,637
General Government	20	227,328		227,328
Debt Service	21	308,813	1,304,206	1,613,019
Capital Projects	22	650,000	-650,000	0
Total Government Activities Expenditures	23	3,108,597	580,677	3,689,274
Business Type / Enterprises	24	785,563	913,000	1,698,563
Total Gov Activities & Business Expenditures	25	3,894,160	1,493,677	5,387,837
Transfers Out	26	193,792	51,639	245,431
Total Expenditures/Transfers Out	27	4,087,952	1,545,316	5,633,268
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	28	-338,307	718,947	380,640
	29			
Beginning Fund Balance July 1	30	1,614,058		1,614,058
Ending Fund Balance June 30	31	1,275,751	718,947	1,994,698

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:
 Increases in revenue include bond and loan proceeds for wastewater projects, SRF Loan refunding and public works equipment. Increased expenditures include wastewater projects, SRF Loan refunding and public works equipment. Expenditures for trees in the cemetery and a seal coat project at Beranek Park are increased through grant proceeds and donations. Additional staffing expenditures for the police department are necessary due to training for a new officer. A reduction in expenditures for a TIF Rebate payment is also included.

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.

 City Clerk/ Finance Officer Name

Revenue Area	From	To	Amend. Amt.	Inc/Dec	Account Code	Explanation
Taxes Levied on Prop.	1,323,418	1,323,418				
TIF Revenues	97,387	97,387				
Other City taxes	151,684	151,684				
Licenses & Permits	45,475	45,475				
Use of Money & Prop.	6,300	6,300				
Intergovernmental	381,327	381,327				
Charges for services	772,052	772,052				
Special Assessments						
Miscellaneous	128,210	133,310	5,100.00	Inc.	001-4-0-950-4-4706	Trees Forever Alliant Energy grant - trees for cemetery
Other Fin. Sources	843,792	3,051,616	149,364.00	Inc.	001-4-2-210-4-4821	Loan for street sweeper & skid loader purchases
			1,304,206.00	Inc.	226-4-7-700-4-4827	SRF Loan refinance payoff with New bond
			374,790.00	Inc.	610-4-9-815-4-4827	Bond proceeds for sewer projects
			1,029,164.00	Inc.	614-4-8-815-4-4827	Bond proceeds for wastewater lift station project
			(650,000.00)	Dec.	304-4-8-751-4-4827	Bond proceeds budgeted in 614 set up per auditor.
			51,339.00		031-4-0-950-4-4830	Transferred from Fund 501 Enlow Bldg. CD to Fund 031 Library operating per auditor
			300.00	Inc.	502-4-0-950-4-4830	Interest transferred from fund 031 Library to Fund 502 Krouth Interest fund.
			2,259,163.00			
Total Revenue	3,749,645	5,962,569	\$ 2,264,263.00			

Expenditure Area	From	To	Amend. Amt.	Inc/Dec	Account Code	Explanation
Public Safety	547,346	561,031	13,685.00	Inc.	001-5-1-110-6010	Police additional staffing salary costs - Using general fund balance for expense
Public Works	564,800	714,164	149,364.00	Inc.	001-5-2-210-6723	Street sweeper payment - CSB equipment loan
			2,500.00	Inc.	001-5-2-210-6761	P&G donation - P&R GF reserve for Beranek Park sealcoat
Culture & Recreation	507,495	512,595	5,100.00	Inc.	001-5-4-450-6320	Trees Forever Alliant Energy grant - trees for cemetery
Community Eco. Dev.	302,815	58,637	(244,178.00)	Dec.	125-5-5-710-6855	Reduce - Acciona rebate amended expense
General Government	227,328	227,328				
Debt Service	308,813	1,613,019	1,304,206.00	Inc.	226-5-7-700-600016	IA Finance SRF loan refinance payment - Bond proceeds
Capital Projects	650,000	0	(650,000.00)	Dec.	304-5-8-751-6498	Moved lift station expenses to fund 614 per auditor.
Business Type Act.	785,563	1,698,563	900,000.00	Inc.	614-5-9-815-6498	Increase for Lift Station project expenses - Bond proceeds
			13,000.00	Inc.	614-5-9-815-6490	Services for issuance of bonds expenses - (Speer & Dorsey) Bond Proceeds
Transfers out	193,792	245,431	300.00	Inc.	031-5-0-950-9100	Interest transferred from fund 031 Library to Fund 502 Krouth Interest fund.
			51,339.00		501-5-0-950-9100	Transferred to Library operating Fund 031 per auditor - should not have been a permanent fund.(Enlow Bldg. CD)
Total Expenditures	4,087,952	5,630,768	\$ 1,545,316.00			

RESOLUTION NO. 1113

RESOLUTION APPROVING AN AGREEMENT WITH THE IOWA DEPARTMENT OF TRANSPORTATION FOR USE OF LOCAL ROADS AS DETOURS.

WHEREAS, the Iowa Department of Transportation (IDOT) is planning to close the US 6 bridge over the W. Wapsinonoc Creek 3.8 miles east of the Johnson County Line.; and

WHEREAS, this closure will require IDOT to utilize both Cedar and Muscatine County roads as a detour route; and

WHEREAS, the Iowa DOT was able to include the bridge project in their May letting; and

WHEREAS, the detour will use Baker Avenue into West Branch; and

WHEREAS, the work is currently scheduled to start in June 2013 and to be completed by the end of the 2013 construction season; and

WHEREAS, representatives from IDOT have provided an IDOT Agreement for Use of Local Agency Roads as Detours for West Branch City Council consideration; and

WHEREAS, the Agreement requires the approval of the West Branch City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the aforementioned Agreement be and the same is hereby approved. Further, the Mayor and City Clerk are directed to execute said Agreement on behalf of the City.

Passed and approved this 20th day of May, 2013.

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk



Iowa Department of Transportation

AGREEMENT FOR USE OF LOCAL AGENCY ROADS AS DETOURS

This Agreement entered into this _____ day of _____, 2013 by and between the Iowa Department of
Year

Transportation hereinafter known as the Party of the First Part; and the city of West Branch City Council
 County Board of Supervisors,
hereinafter known as Party of the Second Part.

WHEREAS, The Party of the First Part has determined the necessity to Close US 6 to replace the bridge over Over W. Wapsinoc Creek 3.8 Miles E. Of Johnson Co.

, and

WHEREAS, it is necessary to provide a detour for the primary highway closure period, and

WHEREAS, The Party of the Second Part agrees to permit the use of Parkside Dr. local agency roads

_____ as a detour, more particularly described as follows: US 6 will be detoured on X30 north to Parkside Dr. to I-80 and then east I-80 to its interchange with X 40 then south on X 40 back to West Liberty. The west bound US 6 traffic will follow the opposite direction.

, and

WHEREAS, Authorized engineers representing both the Party of the First Part and the Party of the Second Part shall jointly execute and sign a written report concerning the condition of the proposed detour, after jointly inspecting said road, the subject of the proposed detour; said report to be in sufficient detail as to reasonably reflect the condition of the roadway base, surface, shoulders and bridges and

WHEREAS, Party of the First Part agrees (pre-detour maintenance) To perform any necessary upgrading of signs, where applicable, to Iowa DOT standards. Install and maintain detour signing in both directions.

, and

WHEREAS, Party of the First Part agrees to maintain the detour and provide all traffic control devices required by the Iowa MUTCD including the marking of no-passing zones as specified in Section 3B-5 of the Iowa MUTCD during the period the local agency road(s) and structure(s) are being utilized as a primary road detour and

WHEREAS, Prior to revocation of the detour, the Party of the First Part shall restore the local agency road to as good condition as it was prior to its designation as a temporary primary road, or compensate the local agency for excessive traffic upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05.

WHEREAS, The detour period is estimated to begin June 1st. 2013 and end November 15, 2014

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

Date: _____

District Engineer
Iowa Department of Transportation

Attest To: _____

Mayor _____ City

Chairperson _____ County

Date: _____

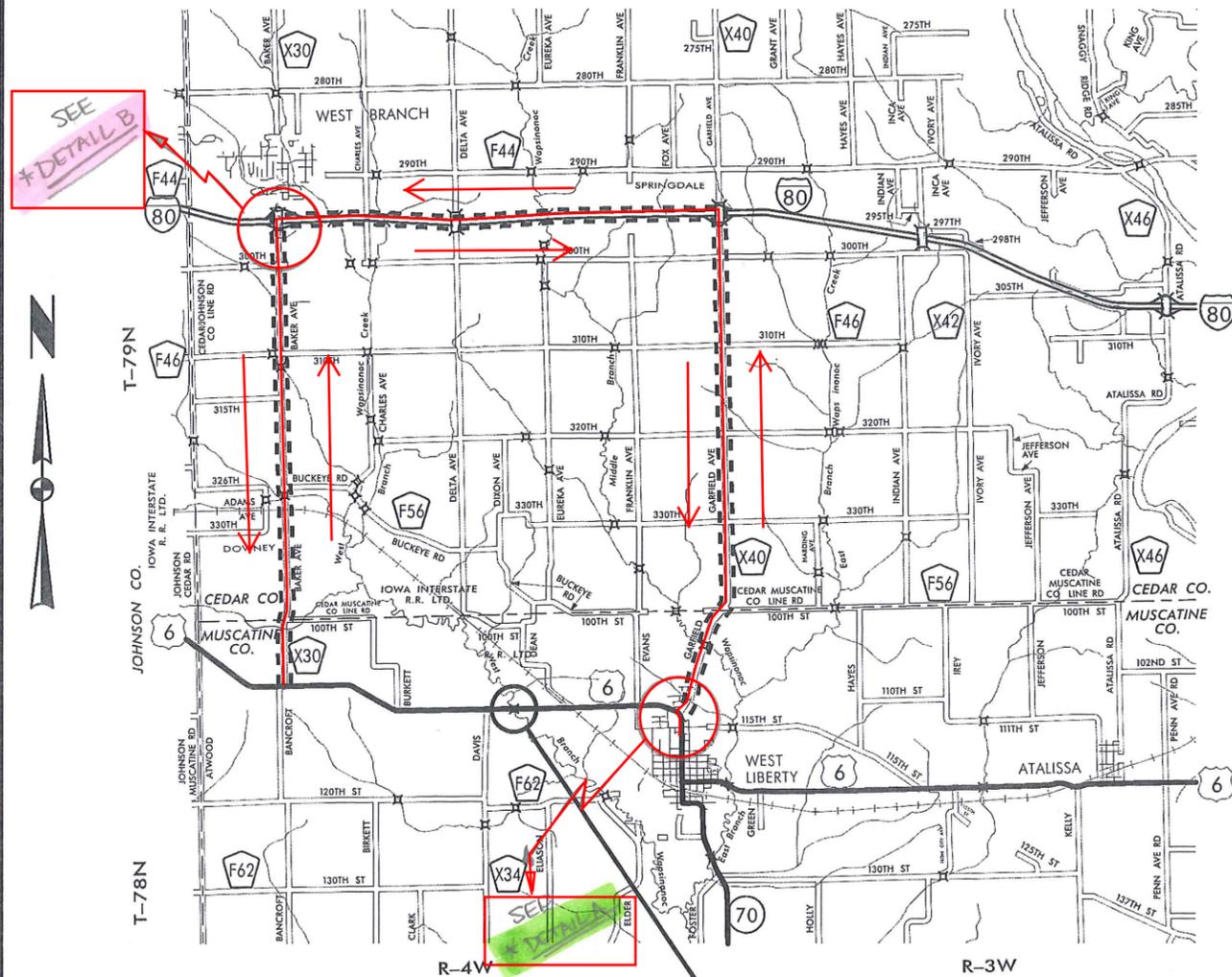
Board of Supervisors

Date: _____

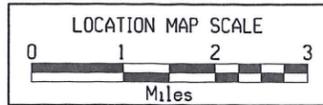
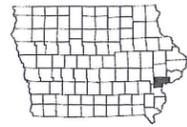
City Clerk _____ City

Auditor _____ County

----- DETOUR ROUTE



PROJECT LOCATION
STA 201+95.00
M.P. 266.00



INDEX OF SHEETS	
No.	DESCRIPTION
A Sheets	Title Sheets
A.1	Title Sheet
B Sheets	Typical Cross Sections and Details
B.1 - 3	Typical Cross Sections and Details
C Sheets	Quantities and General Information
C.1	Project Description
C.1	Estimated Project Quantities
C.1 - 3	Estimate Reference Information
C.4	Standard Road Plans
C.4	Index of Tabulations
C.5	Pollution Prevention Plan
C.6	General Notes
C.6 - 11	Tabulations
CS Sheets	Geotechnical Design Tabulations
CS.1	Geotechnical Design Tabulations and Signature Sheet
D Sheets	Mainline Plan and Profile Sheets
* D.1	Plan & Profile Legend & Symbol Information Sheet
* D.2	US 6
G Sheets	Survey Sheets
G.1 - 2	Reference Ties and Bench Marks
G.3	Horizontal Control Tab. & Super for all Alignments
H Sheets	Right-of-Way Sheets
H.1	US 6
J Sheets	Traffic Control and Staging Sheets
* J.1	Traffic Control Plan
Q Sheets	Soils Sheets
* Q.1	Soils Legend & Symbols Information Sheet
* Q.2	Soils Sheets US 6
T Sheets	Earthwork Quantity Sheets
T.1	Earthwork Quantity Sheets
W Sheets	Mainline Cross Sections
W.1	Cross Sections Legend & Symbols Information Sheet
W.2 - 8	Mainline Cross Sections
	* Color Plan Sheets

ROADWAY DESIGN



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

James R. Schoenrock 01-22-2013
Signature Date
James R. Schoenrock
Printed or Typed Name

My license renewal date is December 31, 2013

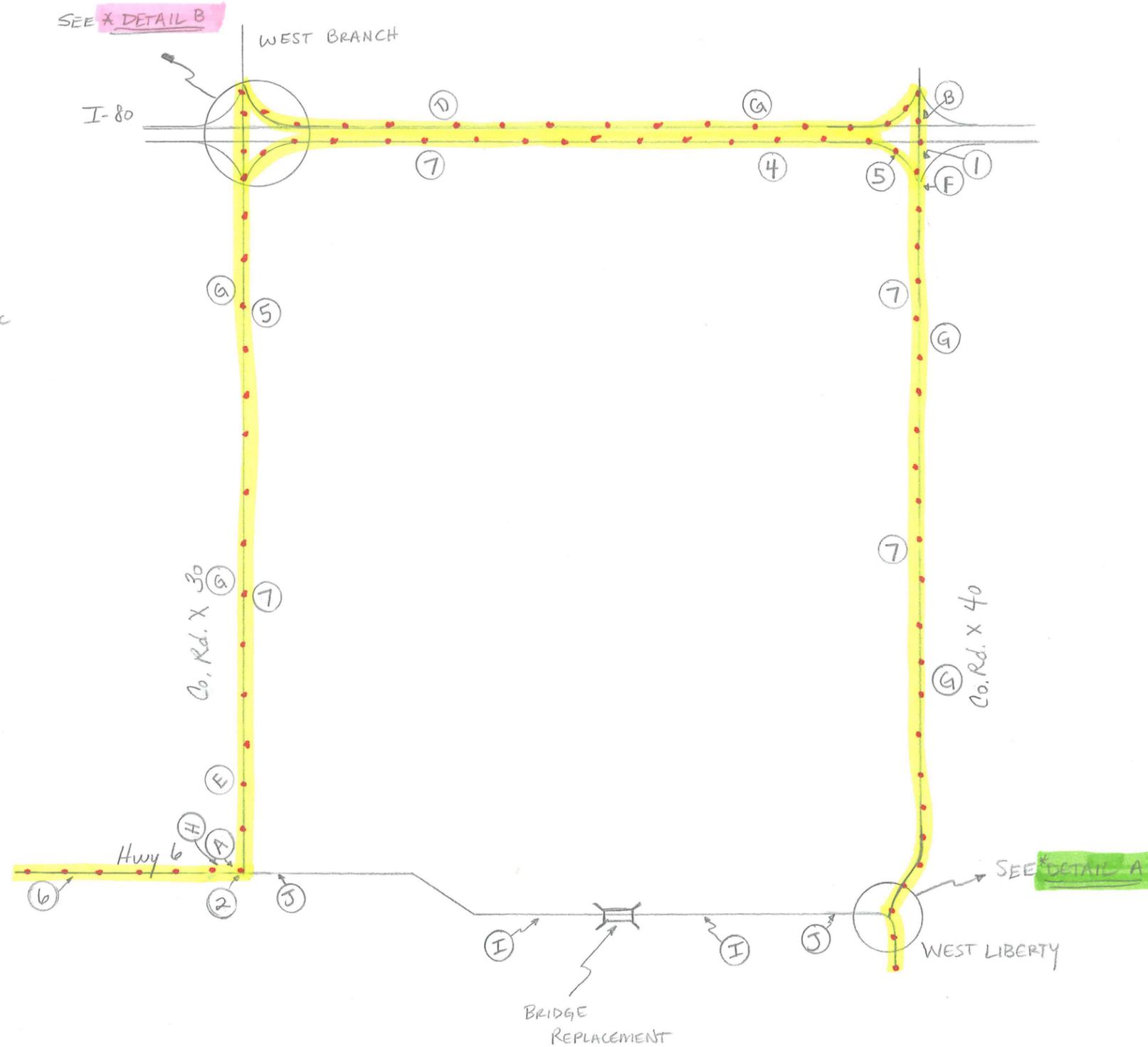
Design No. 113
File No. 30660

Pages or sheets covered by this seal: A.1, B.1-B.3, C.1-C.11, D.1-D.2, G.1-G.3, H.1, J.1, T.1, W.1-W.8

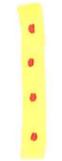
PROPOSED DETOUR FOR
PROJECT: BRF-006-8(33)-33-70



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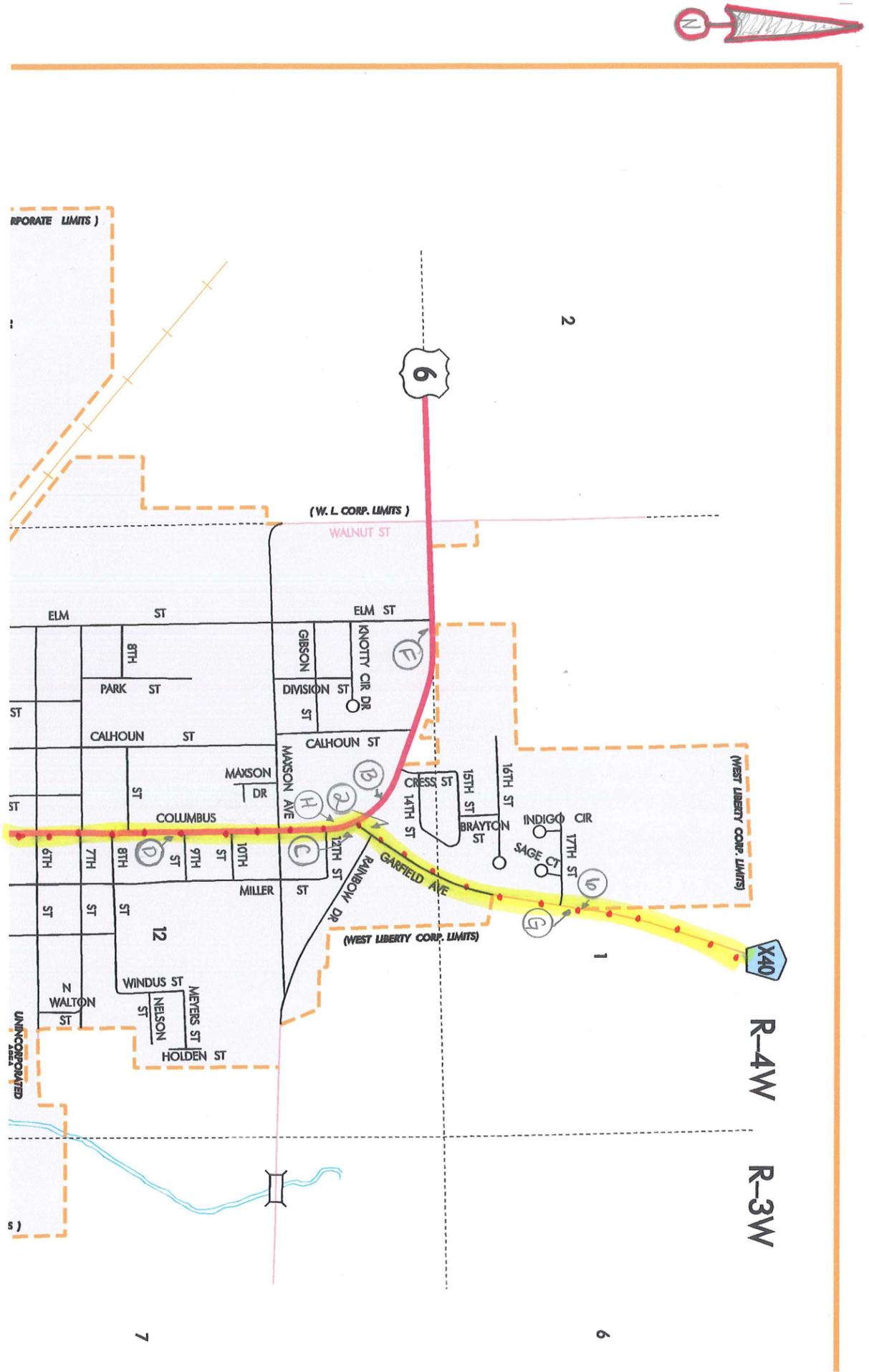


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DETAIL A

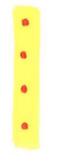


- DETOUR ROUTE

BRF-006-8(33)--38-70

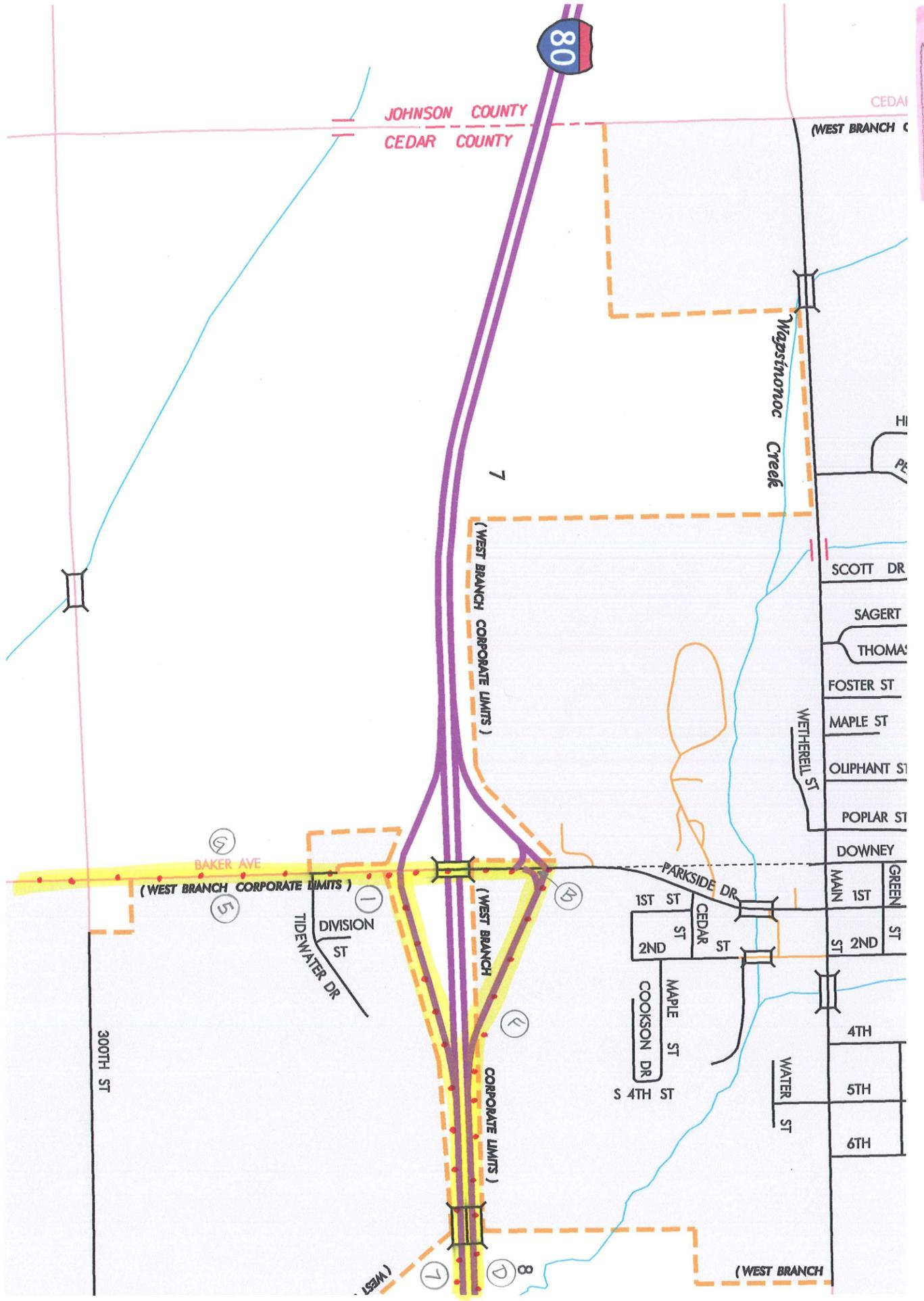


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DETAIL B



- DETOUR ROUTE

BRF-006-8(33)--38-70



RESOLUTION NO. 1116

RESOLUTION PROVIDING NOTICE TO THE JOHNSON COUNTY E911 BOARD OF THE CITY'S INTENT TO CANCEL THE AGREEMENT BETWEEN JOHNSON COUNTY E911 BOARD AND THE CITY OF WEST BRANCH, IOWA FOR THE PROVISION OF CODE RED SERVICES.

WHEREAS, the City previously entered into a Code Red Services Agreement with the Johnson County E911 Board dated December 8, 2009 (the "Agreement"); and

WHEREAS, the contract that the Johnson County E911 Board previously had in place with Code Red is due to expire; and

WHEREAS, the Johnson County E911 Board is currently pursuing a service contract with another service provider; and

WHEREAS, pursuant to the terms of the Code Red Services Agreement, the City will continue to pay a \$1000 annual fee until written notice is provided to the Johnson County E911 Board; and

WHEREAS, it is now necessary to provide written notice of cancellation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Cedar County, Iowa, that the aforementioned Agreement be and the same is hereby cancelled. Further, the City Administrator is directed to send a letter notifying the Johnson County E911 Board of the same.

Passed and approved this 20th day of May, 2013.

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

AGREEMENT BETWEEN
JOHNSON COUNTY E911 BOARD
AND
THE CITY OF WEST BRANCH, IOWA
FOR PROVISION OF CODE RED SERVICES

The Johnson County E911 Board & Johnson County EMA use CodeRED Emergency Notification System, a high speed communication notification service for mass emergency notification. The City of West Branch, Iowa, desires to obtain CodeRED services for its residents. The Johnson County E911 Board (hereinafter E911 Board) is willing to provide the CodeRED service for the City of West Branch. Therefore the E911 Board and the City of West Branch, Iowa, (hereinafter City) have agreed to the following:

- I. The E911 Board will provide the following:
 - a. The E911 Board will annually add to the Johnson County CodeRED database the residents of West Branch who do not reside in Johnson County. This data is imported from Code Red.
 - b. Johnson County EMA will maintain the CodeRED database and do the daily updates for the CodeRED system.
 - c. The E911 Board will administer the CodeRED system in conjunction with Johnson County EMA. This will include launching voice calls, emails, and text messages for or at the request of the City.

- II. The City agrees to the following:
 - a. The City will pay an annual fee of \$1,000.00 to the Johnson County E-911 Board. This fee will include the annual cost of \$250.00 to add the non-Johnson County residents of West Branch to the CodeRED data base; the cost of \$200.00 to Johnson County EMA to maintain the database, and the annual cost of \$550.00 for up to 2,200 telephone message minutes per year.
 - b. The City will notify the Johnson County EMA or Johnson County Dispatch when it wishes to have a CodeRED message sent to its residents and will specify the format as telephone, email or text. Additionally, West Branch may launch its own mass emails and mass text messages on its own but should notify the above parties when they do so.
 - c. The City may send unlimited mass text and email notification to its residents through the CodeRED system without additional payment.
 - d. The City may send up to 2,220 talk minutes annually without additional payment.

e. The City will pay on overage of 25 cents (\$.25) per message minutes for any telephone messages over 2,220 minutes per year.

III. The City agrees to hold harmless the E911 Board, its members, staff and agencies and entities represented on the E911 Board and to indemnify the E911 Board for any and all claims arising out of use of the CodeRED services.

IV. This contract will continue unless and until either party gives 30 days written notice to the other party to cancel the contract.

Signed this 5th day of December, 2009

JOHNSON COUNTY E911 BOARD:

CITY:

Terrence D. Neuzil
Terrence Neuzil
Johnson County E-911 Chair

Sandra Hatfield
Sandra Hatfield
Mayor, West Branch City Council

ATTEST:

ATTEST:

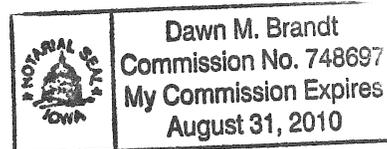
Tom Elliott
Johnson County Auditor or designee *Deputy*

Debra Fiderlein
West Branch City Clerk

STATE OF IOWA, COUNTY OF JOHNSON, ss:

On this 22 day of October, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West Branch, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as passed by Resolution of the City Council; and Sandra Hatfield and Debra Fiderlein acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Dawn M. Brandt
A Notary Public in and for the
State of Iowa
My commission expires:

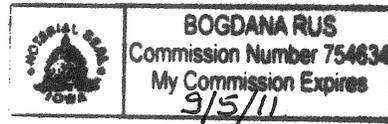


STATE OF IOWA, COUNTY OF JOHNSON, ss:

On this 8th day of December, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Terrence Neuzil and Mark Kistler, to me personally known, who, being by me duly sworn, did say that they are the E-911 Board Chairman for the Johnson County E911 Board and County Auditor or the Auditor's designee Mark Kistler, respectively, of the Johnson County, Iowa; a municipal corporation; and that the instrument was signed and sealed on behalf of and by authority of the Johnson County E911 Board; and Terrence Neuzil and Mark Kistler acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the Johnson County E911 Board, by it voluntarily executed.



A Notary Public in and for the Johnson County
State of Iowa
My commission expires: 9/5/11



West Branch Fire and Rescue Department
PO Box 218
205 South 2nd St.
West Branch, IA 52358

Phone Emergency: 911
Business: (319) 643-2110
Fax: (319) 643-3293

**West Branch Fire and Rescue Department
Application for Membership**

Name Phil Brezina Occupation U of I

Address 140 West Orange Phone _____

Age 1 SS# _____ Marital Status _____

How long employed at present job? Just Employed Hours Worked 40

Do you live within the city limits? Yes No _____ Are you employed within the city limits? Yes _____ No

Will your employer allow time off to respond to emergency calls? No
If so, employers signature _____ Date _____

Do you have any current or previous physical ailments, disabilities, or mental disorders that could affect your duties as an emergency responder? No
If so, list:

Are you willing to take a DOT physical? This is required by the department.
Yes No _____

Driver's license history will need to be checked for insurance purposes. Do we have your permission to do so? Yes No _____

What type of responder are you applying for? Firefighter Medical _____ Both _____

Are you willing to take a 40 hour First Responder course? Yes No _____

The department will expect your attendance at all meetings, training, fundraisers, etc. as well as responding to calls: Can you give this much time? Yes No _____

Please list any previous experience or certifications
10 yrs Belle Plaine Fire Dept

West Branch Fire and Rescue Department
PO Box 218
205 South 2nd St.
West Branch, IA 52358

Phone Emergency: 911
Business: (319) 643-2110
Fax: (319) 643-3293

Please briefly explain why you would like to be considered for membership to the West Branch Fire and Rescue Department.

I like to volunteer my time to help others and the community.

Contact person in case of an Emergency
Phone Number _____

Second contact
Phone Number _____

Upon your signature of this document, you are stating these questions have been answered truthfully, and to the best of your knowledge.

Applicants Signature

Phil Buzonia

Applicants Spouse

~~_____~~

1st WBFD Sponsor

Matt

2nd WBFD Sponsor

Gary Melder

Department use only:

If and when membership of the WBFD have voted to accept this individual as a member of the said department, at a regular meeting of the department, Chief, and Secretary sign below as documentation of that fact.

Chief

Phil Buzonia

Date:

5/1/13

Secretary

Baron Howie

Date:

5-1-13

City of West Branch

~A Heritage for Success~

Office of the City Administrator

May 13, 2013

Hon. Mayor Mark Worrell and City Council Members
Dawn Brandt, Deputy City Clerk
City of West Branch, Iowa
110 N. Poplar Street, PO Box 218
West Branch, IA 52358

Hon. Mayor, Council Members and Ms. Brandt:

On May 20, 2013, the City Council of the City of West Branch will conduct a review of my performance in my capacity as City Administrator of the City of West Branch, Iowa. This review will include discussions about my performance and professional competency as an employee of the City of West Branch.

I further acknowledge that I have been advised that Section 21.5(i) of the Code of Iowa allows a governmental body to hold a closed session:

“To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.”

I understand that if I do not request a closed session, the review will be conducted in open session in accordance with the Iowa Open Meetings law. Accordingly, I formally request that the above-referenced review be held in closed session pursuant to Section 21.5(i) of the Code of Iowa to prevent needless and irreparable injury to my reputation. I understand that either a two-thirds majority of all of the members present must also approve this request at the time of the above-mentioned meeting.

Sincerely,



Matt Muckler
City Administrator