

City of West Branch

~ A Heritage for Success ~

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

CITY COUNCIL WORK SESSION
Monday, March 24, 2014 • 6:00 p.m.
City Council Chambers, 110 North Poplar Street

1. Call to order
2. Roll call
3. Pete Swisher, Superintendent, Herbert Hoover National Historic Site – National Park Service Update
4. Adjourn

CITY COUNCIL MEETING AGENDA
Monday, March 24, 2014 • 6:30 p.m.
City Council Chambers, 110 North Poplar Street
Action may be taken on any agenda item.

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Welcome
5. Approve Agenda/Consent Agenda/Move to action.
 - a. Approve minutes from the March 3, 2014 City Council Work Session #1.
 - b. Approve minutes from the March 3, 2014 City Council Meeting.
 - c. Approve minutes from the March 3, 2014 City Council Work Session #2.
 - d. Approve claims.
 - e. Approve destruction of records with Document Destruction & Recycling Services listed on Records Destruction Form per the Record Retention Manual for Iowa Cities.
6. Communications/Open Forum
7. Public Hearing/Non-Consent Agenda
 - a. Mayor Mark Worrell – Recognition of West Branch Repairs
 - b. West Branch American Legion Chauncey Butler Post 514 Commander Joanne Brookshear and First Vice Commander John Phillips - Certificate of Appreciation for Police Chief Mike Horihan and Police Officer Alex Koch
 - c. Brian Mueller, Pipeline Supervisor with Enterprise Products – Pipeline Safety and the Pedersen Valley Park Project.
 - d. Randy Wehrman, Insurance Agent, Springdale Agency – Liability & Work Comp insurance renewal update.

Mayor: Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson
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, March 24, 2014 • 6:30 p.m. (continued)
City Council Chambers, 110 North Poplar Street
Action may be taken on any agenda item.

- e. Third Reading of Ordinance 719, amending Title Chapter 17 “Council.”/Move to action.
- f. First Reading of Ordinance 722, amending Chapter 55 of the Code of Ordinances regarding applicability of rules and regulations for the dog park./Move to action.
- g. Resolution 1184, approving FCC Notification for Spectrum Manager Lease Ownership Disclosure Information and Spectrum Lease Agreement with Sensus USA Inc. & Sensus Spectrum, LLC./Move to action.
- 8. City Staff Reports
 - a. Matt Goodale, Public Works Director- North Maple Street Project Update
 - b. Paul Stagg, Zoning Administrator – March 25, 2014 Planning & Zoning Commission Meeting
 - c. Melissa Russell, Park & Recreation Director – Summer League and Grants Update
 - d. Brian Boelk, HBK Engineering – Park Planning Update
- 9. Comments from Mayor and Council Members
 - a. Discussion of Ordinance 718, amending the Code of Ordinances of the City of West Branch by Creating and Incorporating a Storm Water Utility.
- 10. Motion to adjourn to closed session to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where the disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation pursuant to Section 21.5(c) of the Code of Iowa.
- 11. 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
Work Session #1**

**March 3, 2014
6:02 p.m.**

Mayor Pro Tem Miller opened the West Branch City Council work session by welcoming the audience and the following City staff: City Administrator Matt Muckler, Administrative Assistant Shanelle Peden, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Police Chief Mike Horihan, Public Works Director Matt Goodale, and City Attorney Kevin Olson. Council members: Jordan Ellyson and Tim Shields. Councilperson Brian Pierce entered after roll call at 6:03 p.m.

Christine Ashley, Director of Scattergood Friends School & Farm, spoke to the Council regarding the philosophy behind Scattergood's dedication to a diversified approach to learning. Director Ashley indicated that Scattergood applies a blended Quaker philosophy of academics, farming, service, and work towards a student's educational development. Director Ashley also emphasized Scattergood's approach to academia as rigorous, while incorporating simplicity and equality and allowing students' unrestricted boundaries to their educational development.

Councilperson Ellyson asked about student capacity. Director Ashley remarked that current enrollment shows forty one students, with a maximum of sixty students per academic year. Councilperson Shields asked about the tuition cost per student, as well as sources of funding. Director Ashley noted that Scattergood's current tuition per student is approximately \$28,000.00 per year, which is mainly funded by endowments, with some grant funding and financial aid available. Director Ashley concluded that Scattergood is currently focusing on a Capital campaign in order to improve and update infrastructure.

Motion by Ellyson to adjourn the work session, second by Shields. Motion carried on a voice vote. City Council work session adjourned at 6:27 p.m.

Colton Miller, Mayor Pro Tem

ATTEST: _____
Matt Muckler, City Administrator/Clerk

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

**West Branch, Iowa
Council Chambers**

City Council Meeting

**March 3, 2014
6:32 p.m.**

Mayor Pro Tem Miller opened the West Branch City Council work session by welcoming the audience and the following City staff: City Administrator Matt Muckler, Administrative Assistant Shanelle Peden, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Parks & Recreation Director Melissa Russell, Police Chief Mike Horihan, Public Works Director Matt Goodale, and City Attorney Kevin Olson. Council members: Jordan Ellyson, Brian Pierce, and Tim Shields.

APPROVE AGENDA/CONSENT AGENDA

- a. Approve minutes from the February 18, 2014 City Council Work Session.
- b. Approve minutes from the February 18, 2014 City Council Meeting.
- c. Approve minutes from the February 18, 2014 City Council Work Session #2.
- d. Approve claims.
- e. Approve the Wage Works Flexible Spending Account Renewal for April 1, 2014-March 31, 2015 in the amount of \$520.00.
- f. Approve destruction of records with Document Destruction & Recycling Services listed on Records Destruction Form per the Record Retention Manual for Iowa Cities.
- g. Approve interfund transfer of \$75,000 donation from general fund to Fire Apparatus Reserve Fund.
- h. Approve moving the Monday March 17, 2014 City Council Meeting to Monday, March 24, 2014.

Motion by Ellyson to approve the agenda/consent agenda, second by Shields. AYES: Ellyson, Shields, Pierce, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

Date 3-3-14

City of West Branch
Claims Register Report

Blue Cross Blue Shield	Insurance	11,057.07
Davis & Stanton	Police – Supplies	16.00
Dearborn National Insurance	Life Insurance	48.95
EFTPS	Federal Withholdings	6,089.66
IA Dept. of Public Safety	Police – FY14 Annual fees Iowa online	1,200.00
Iowa Department Of Revenue	Payroll Expense	989.63
Iowa League of Cities	Admin – IMFOA Spring training conference	300.00
Iowa Section AWWA	Water – Water dist. conference training	120.00
IPERS	IPERS	8,004.94
John Deere Financial	Water/sewer – supplies	160.06
Johnson County Refuse	Solid Waste – garbage stickers	625.00

Medicom	Admin – service	40.90
Payroll Expense	Payroll Expense 2-28-14	26,299.23
Russell, Melissa	Park & Rec – reimbursement NRPA dues	159.00
Treasurer State of Iowa	State Withholding tax	2,200.00
University of Iowa Center	Admin – 2014 IMMI Training	465.00
UPS	Sewer – shipping	50.28
Wageworks	Flex – HCFA2013	30.00
West Branch Ford	Police – Service 2014 Taurus	31.44
Wiele Chevrolet	Fire – 2014 Chevy Silverado vehicle replacement	35,012.46
	Grand Total	92,899.62

Fund Totals	
001 General Fund	61,636.57
031 Library	5,114.21
112 Trust And Agency	11,691.08
600 Water Fund	7,823.44
610 Sewer Fund	6,604.32
950 BC/BS Flexible Benefit	30.00
Grand Total	92,899.62

COMMUNICATIONS/OPEN FORUM

There were no comments during the communications/open forum.

PUBLIC HEARING/NON-CONSENT AGENDA

Mark Nolte, President, Iowa City Area Development

Mark Nolte, President of the Iowa City Area Development (ICAD), spoke to the Council regarding the group's current focus and initiatives. President Nolte noted the group's primary focus is recruiting and resourcing industries and employment opportunities related to interstate commerce. President Nolte also noted that the group re-evaluates its initiatives every five years, with its primary emphasis on site selection. President Nolte concluded with comments regarding the area's low unemployment and how ICAD markets to prospective clients.

Second Reading of Ordinance 719-amending Title Chapter 17 "Council."

Motion by Ellyson to approve the second reading of Ordinance 719, second by Pierce. AYES: Ellyson, Pierce, Shields, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

Public Hearing on the Fiscal Year 2014-2015 Annual Budget

Mayor Pro Tem Miller opened the public hearing at 6:40 p.m. With no comments from the public, Miller closed the public hearing at 6:41 p.m.

Resolution 1178, adopting the Fiscal Year 2014-2015 Annual Budget

Muckler noted that changes to the budget since the February 18 Council meeting are the addition of the McDonald's trail project and the proper accounting of backfill revenue.

Motion by Ellyson to approve Resolution 1178, adopting the Fiscal Year 2014-2015 Annual Budget, second by Shields. AYES: Ellyson, Shields, Pierce, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

Resolution 1179, approving an agreement with J & M Displays for a fireworks show in the amount of \$35,000.00

Muckler noted that this year's fireworks display for Hoover's Hometown Days would eliminate three, four, and five inch to allow for better visibility in the overall show. City Administrator Muckler also added that the Parks & Recreation Department is looking for sponsorship for the inflatables, which have been a free public feature for children.

Motion by Shields to approve Resolution 1179, second by Pierce. AYES: Shields, Pierce, Ellyson, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

Resolution 1180, approving that certain agreement with the West Branch Community School District for the provisions of safe traffic and pedestrian circulation in and around the Herbert Hoover Elementary and Middle School Complex

Olson commented that approval of this easement would allow City property owners on North Maple Street needed access to their homes, regardless of proposed future changes to the West Branch Community School District property.

Motion by Ellyson to approve Resolution 1180, second by Shields. AYES: Ellyson, Shields, Pierce, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

Resolution 1181, approving a 28E Agreement with the West Branch Community School District to make road and sidewalk improvements in and adjacent to North Maple Street and the Middle School Parking Lot

Miller asked what impact approval of this resolution would have on potential destruction of the West Branch Community School District property. Muckler responded that this project will provide benefit both in the short-term and when the School moves forward with their facilities plan. Muckler indicated that approval of this agreement would allow the City and the School District to split the total projects costs.

Motion by Ellyson to approve Resolution 1181, second by Shields. AYES: Ellyson, Shields, Pierce, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

Resolution 1182, approving a consulting services agreement for the facilitation of a capital improvements plan with Callahan Municipal Consultants, LLC in an amount not to exceed \$2,950.00

Motion by Shields to approve Resolution 1182, second by Pierce. AYES: Shields, Pierce, Ellyson, Miller. NAYS: None. Absent: Stevenson. Motion carried.

Resolution 1183, 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

Motion by Shields to approve Resolution 1183, second by Ellyson. AYES: Shields, Ellyson, Pierce, Miller. NAYS: None. ABSENT: Stevenson. Motion carried.

CITY STAFF REPORTS

Police Chief Mike Horihan reminded the public that National Incident Management System (NIMS) training will be offered to emergency management official and administrators on March 4, 2014 at 6:30 p.m. at the West Branch Fire Station training room.

City Engineer Dave Schechinger and City Attorney Kevin Olson- Ordinance 718, amending the Code of Ordinances of the City of West Branch by Creating and Incorporating a Storm Water Utility

Schechinger addressed the Council regarding the creation and future implementation of a storm water utility for the City. Schechinger presented five cost options to Council, based on discussions with City Staff regarding classifications of residences within the City. Olson remarked that this fee would allow the City to stop using road use tax funds for storm water infrastructure improvements. Muckler also added that the City could offer credit towards entities within the City that have impervious areas. Of the five cost options presented to Council, members showed preference towards the first, fourth, and fifth options presented. Council agreed to review the information presented in more detail, and asked that additional information be brought back to the March 24, 2014 City Council meeting.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Councilperson Shields felt that the new tablets are working well. He was pleased to see the cost savings information on printing costs that was provided to the Council.

ADJOURNMENT

Motion by Ellyson to adjourn the meeting, second by Shields. Motion carried on a voice vote. City Council meeting adjourned at 7:51 p.m.

Colton Miller, Mayor Pro Tem

ATTEST: _____
Matt Muckler, City Administrator/Clerk

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

**West Branch, Iowa
Council Chambers**

**City Council
Work Session #2**

**March 3, 2014
7:57 p.m.**

Mayor Pro Tem Miller opened the West Branch City Council work session by welcoming the audience and the following City staff: City Administrator Matt Muckler, Administrative Assistant Shanelle Peden, Deputy City Clerk Dawn Brandt, and City Attorney Kevin Olson. Council members: Jordan Ellyson, Brian Pierce, and Tim Shields.

City Council and Staff viewed a video on the Iowa League of Cities website entitled Municipal Leadership Academy Part II-Human Resources for Cities of All Sizes. The video provided a summary of human resource processes for city government, including an overview of federal and state employment laws designed to source, hire, train, promote, and release employees. The video also emphasized best practices in human resource management, including creation of job descriptions as well as development and periodic updates to an employee handbook.

Motion by Ellyson to adjourn to work session, second by Pierce. Motion carried on a voice vote. City Council work session adjourned at 8:34 p.m.

Colton Miller, Mayor Pro Tem

ATTEST: _____
Matt Muckler, City Administrator/Clerk

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
AGVANTAGE FS INC	3/24/14	STREETS - LP GAS	ROAD USE TAX	ROADS & STREETS	1,391.12_
				TOTAL:	1,391.12_
ALLIANT ENERGY	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	POLICE OPERATION	354.79
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	FIRE OPERATION	1,064.37
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	STREET LIGHTING	2,134.42
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	STREET LIGHTING	347.73
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	STREET LIGHTING	283.20
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	PARK & RECREATION	26.48
	3/12/14	PARK&REC - 219 E GREEN LOT	GENERAL FUND	PARK & RECREATION	12.99
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	CLERK & TREASURER	425.17
	3/05/14	VARIOUS DEPTS - UTILITIES	GENERAL FUND	LOCAL CABLE ACCESS	100.00
	3/05/14	VARIOUS DEPTS - UTILITIES	CIVIC CENTER	TOWN HALL	909.15
	3/05/14	VARIOUS DEPTS - UTILITIES	LIBRARY	LIBRARY	536.98
	3/05/14	VARIOUS DEPTS - UTILITIES	WATER FUND	WATER OPERATING	253.21
	3/05/14	VARIOUS DEPTS - UTILITIES	WATER FUND	WATER OPERATING	1,194.76
	3/05/14	VARIOUS DEPTS - UTILITIES	WATER FUND	WATER OPERATING	408.50
	3/05/14	VARIOUS DEPTS - UTILITIES	WATER FUND	WATER OPERATING	677.97
	3/12/14	WATER - UTILITIES	WATER FUND	WATER OPERATING	164.61
	3/05/14	VARIOUS DEPTS - UTILITIES	SEWER FUND	SEWER OPERATING	320.94
	3/05/14	VARIOUS DEPTS - UTILITIES	SEWER FUND	SEWER OPERATING	666.52
	3/05/14	VARIOUS DEPTS - UTILITIES	SEWER FUND	SEWER OPERATING	693.20_
				TOTAL:	10,574.99
AMAZON	3/24/14	LIBRARY - SUPPLIES	LIBRARY	LIBRARY	73.83_
				TOTAL:	73.83_
BAKER & TAYLOR INC.	3/24/14	LIBRARY - BOOKS	LIBRARY	LIBRARY	788.43
	3/24/14	LIBRARY - BOOKS	LIBRARY	LIBRARY	172.89_
				TOTAL:	961.32_
BARRON MOTOR SUPPLY	3/24/14	FIRE - SUPPLIES	GENERAL FUND	FIRE OPERATION	165.92
	3/24/14	STREETS - SUPPLIES	ROAD USE TAX	ROADS & STREETS	144.96_
				TOTAL:	310.88_
BP AMOCO	3/24/14	FIRE/POLICE/WATER - FUEL	GENERAL FUND	POLICE OPERATION	417.58
	3/24/14	FIRE/POLICE/WATER - FUEL	GENERAL FUND	FIRE OPERATION	160.69
	3/24/14	FIRE/POLICE/WATER - FUEL	WATER FUND	WATER OPERATING	1,072.80_
				TOTAL:	1,651.07_
CEDAR COUNTY RECORDER	3/24/14	LEGAL - DOCUMENT RECORDING	GENERAL FUND	LEGAL SERVICES	22.00_
				TOTAL:	22.00_
CEDAR RAPIDS PHOTO COPY INC	3/24/14	LIBRARY - SUPPLIES SHIPPIN	LIBRARY	LIBRARY	7.00
	3/24/14	LIBRARY - SERVICE	LIBRARY	LIBRARY	41.89
	3/24/14	LIBRARY - SUPPLIES SHIPPIN	LIBRARY	LIBRARY	7.00_
				TOTAL:	55.89
CHIEF SUPPLY CORPORATION	3/24/14	POLICE - BOOTS - UNIFORM	GENERAL FUND	POLICE OPERATION	137.34_
				TOTAL:	137.34_
COMMUNITY STATE BANK	3/03/14	FIRE DEPT EXPANSION LOAN P GO DEBT SERVICE		BONDING	8,031.97
	3/03/14	FIRE DEPT EXPANSION LOAN P GO DEBT SERVICE		BONDING	332.60_
				TOTAL:	8,364.57_
CULLIGAN WATER TECHNOLOGIES	3/03/14	FIRE - WATER COND RENTAL	GENERAL FUND	FIRE OPERATION	33.70

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
				TOTAL:	33.70
DEWEYS JACK & JILL	3/24/14	LIBRARY/STREETS - SUPPLIES	LIBRARY	LIBRARY	7.47
	3/24/14	LIBRARY/STREETS - SUPPLIES ROAD USE TAX		ROADS & STREETS	20.99
				TOTAL:	28.46
ECONO SIGNS LLC	3/24/14	STREETS - SIGNS	ROAD USE TAX	ROADS & STREETS	228.46
				TOTAL:	228.46
EFTPS	3/14/14	FEDERAL WITHHOLDINGS	GENERAL FUND	NON-DEPARTMENTAL	1,225.97
	3/14/14	SOCIAL SECURITY WITHHHOLDI	GENERAL FUND	NON-DEPARTMENTAL	822.24
	3/14/14	MEDICARE WITHHOLDINGS	GENERAL FUND	NON-DEPARTMENTAL	198.11
	3/14/14	MEDICARE WITHHOLDINGS	GENERAL FUND	NON-DEPARTMENTAL	5.80-
	3/14/14	MEDICARE WITHHOLDINGS	GENERAL FUND	NON-DEPARTMENTAL	5.80
	3/14/14	FEDERAL WITHHOLDINGS	LIBRARY	NON-DEPARTMENTAL	298.15
	3/14/14	SOCIAL SECURITY WITHHHOLDI	LIBRARY	NON-DEPARTMENTAL	238.85
	3/14/14	MEDICARE WITHHOLDINGS	LIBRARY	NON-DEPARTMENTAL	55.85
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	POLICE OPERATIONS	322.78
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	POLICE OPERATIONS	75.49
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	ROADS & STREETS	133.82
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	ROADS & STREETS	31.30
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	LIBRARY	238.85
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	LIBRARY	55.85
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	PARK & RECREATION	77.47
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	PARK & RECREATION	18.12
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	CEMETERY	139.98
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	CEMETERY	32.75
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	MAYOR AND COUNCIL	5.80
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	MAYOR AND COUNCIL	5.80-
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	MAYOR AND COUNCIL	5.80
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	CLERK & TREASURER	122.63
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	CLERK & TREASURER	28.68
	3/14/14	SOCIAL SECURITY WITHHHOLDI	TRUST AND AGENCY	LOCAL CABLE ACCESS	25.57
	3/14/14	MEDICARE WITHHOLDINGS	TRUST AND AGENCY	LOCAL CABLE ACCESS	5.99
	3/14/14	FEDERAL WITHHOLDINGS	WATER FUND	NON-DEPARTMENTAL	296.42
	3/14/14	SOCIAL SECURITY WITHHHOLDI	WATER FUND	NON-DEPARTMENTAL	181.21
	3/14/14	MEDICARE WITHHOLDINGS	WATER FUND	NON-DEPARTMENTAL	42.38
	3/14/14	SOCIAL SECURITY WITHHHOLDI	WATER FUND	WATER OPERATING	181.21
	3/14/14	MEDICARE WITHHOLDINGS	WATER FUND	WATER OPERATING	42.38
	3/14/14	FEDERAL WITHHOLDINGS	SEWER FUND	NON-DEPARTMENTAL	248.41
	3/14/14	SOCIAL SECURITY WITHHHOLDI	SEWER FUND	NON-DEPARTMENTAL	157.05
	3/14/14	MEDICARE WITHHOLDINGS	SEWER FUND	NON-DEPARTMENTAL	36.73
	3/14/14	SOCIAL SECURITY WITHHHOLDI	SEWER FUND	SEWER OPERATING	157.04
	3/14/14	MEDICARE WITHHOLDINGS	SEWER FUND	SEWER OPERATING	36.71
				TOTAL:	5,533.79
EMSLRC	3/24/14	FIRE - CPR CARDS	GENERAL FUND	FIRE OPERATION	21.00
				TOTAL:	21.00
ETS CORPORATION	3/04/14	ADMIN - CREDIT CARD FEES	GENERAL FUND	CLERK & TREASURER	11.41
	3/04/14	WATER/SEWER - CREDIT CARD	WATER FUND	WATER OPERATING	10.06
	3/04/14	WATER/SEWER - CREDIT CARD	SEWER FUND	SEWER OPERATING	10.06
				TOTAL:	31.53
F&B COMMUNICATIONS INC	3/03/14	ADMIN - WEB HOSTING	GENERAL FUND	CLERK & TREASURER	29.95
				TOTAL:	29.95

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
GENERAL PEST CONTROL	3/24/14	LIBRARY - PEST CONTROL	LIBRARY	LIBRARY	70.00_
				TOTAL:	70.00_
GREATAMERICA LEASING CORP	3/12/14	ADMIN - COPIER LEASE	GENERAL FUND	CLERK & TREASURER	252.06_
				TOTAL:	252.06_
HBK ENGINEERING LLC	3/24/14	PARK & REC - PROJ#A13-0839	GENERAL FUND	PARK & RECREATION	5,232.50
	3/24/14	PARK&REC - PROJ# A13-0839	GENERAL FUND	PARK & RECREATION	3,830.00_
				TOTAL:	9,062.50
CHD CLINE COMPANY	3/24/14	STREETS - CABLE	ROAD USE TAX	ROADS & STREETS	56.50_
				TOTAL:	56.50_
HORIHAN, MIKE	3/12/14	POLICE-REIMB FOR UNIFORM P	GENERAL FUND	POLICE OPERATION	74.25_
				TOTAL:	74.25_
INTERNATIONAL INST OF MUNICIPAL CLERKS	3/03/14	ADMIN-IIMC TRAINING CONFER	GENERAL FUND	CLERK & TREASURER	475.00
	3/03/14	ADMIN-IIMC TRAINING CONFER	GENERAL FUND	CLERK & TREASURER	475.00_
				TOTAL:	950.00_
INTOXIMETERS	3/24/14	POLICE - SUPPLIES	GENERAL FUND	POLICE OPERATION	227.00_
				TOTAL:	227.00_
IOWA ASSN. MUN. UTILITIES	3/24/14	WATER - EIASO MARCH - MAY	WATER FUND	WATER OPERATING	533.10
	3/24/14	WATER - WATER MEMBERSHIP D	WATER FUND	WATER OPERATING	542.11_
				TOTAL:	1,075.21_
IOWA CITY SCHEELS	3/12/14	POLICE - EQUIPMENT & AMMO	GENERAL FUND	POLICE OPERATION	259.97_
				TOTAL:	259.97_
IOWA LEAGUE OF CITIES	3/24/14	ADMIN - WORKSHOP WEBINAR	GENERAL FUND	CLERK & TREASURER	35.00_
				TOTAL:	35.00_
J & M DISPLAYS INC	3/24/14	COMM & CULT -FIREWORKS DEP	GENERAL FUND	COMM & CULTURAL DEVEL	12,500.00
	3/24/14	COMM & CULT -FIREWORKS DEP	GENERAL FUND	COMM & CULTURAL DEVEL	3,000.00
	3/24/14	COMM & CULT -FIREWORKS DEP	GENERAL FUND	COMM & CULTURAL DEVEL	2,000.00_
				TOTAL:	17,500.00_
JOEY DEAN WENNDT	3/24/14	POLICE - NIMS TRAINING	GENERAL FUND	POLICE OPERATION	75.00
	3/24/14	FIRE - MARCH FIRE TRAINING	GENERAL FUND	FIRE OPERATION	150.00_
				TOTAL:	225.00_
JOHNSON COUNTY REFUSE INC.	3/03/14	RECYCLING - FEBRUARY 2014	GENERAL FUND	SOLID WASTE	3,705.00_
				TOTAL:	3,705.00_
KELTEK INC	3/24/14	FIRE - SERVICE	GENERAL FUND	FIRE OPERATION	408.28_
				TOTAL:	408.28_
KEVIN D OLSON	3/24/14	LEGAL SERVICES FOR MARCH 2	GENERAL FUND	LEGAL SERVICES	1,500.00_
				TOTAL:	1,500.00_
LIBERTY COMMUNICATIONS	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	POLICE OPERATION	172.48
	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	FIRE OPERATION	121.41
	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	FIRE OPERATION	37.94
	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	PARK & RECREATION	126.65
	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	CLERK & TREASURER	244.99

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	LOCAL CABLE ACCESS	57.37
	3/03/14	VARIOUS DEPTS - PHONE SERV	CIVIC CENTER	TOWN HALL	36.84
	3/03/14	VARIOUS DEPTS - PHONE SERV	LIBRARY	LIBRARY	169.83
	3/03/14	VARIOUS DEPTS - PHONE SERV	ROAD USE TAX	ROADS & STREETS	42.77
	3/03/14	VARIOUS DEPTS - PHONE SERV	WATER FUND	WATER OPERATING	42.77
	3/03/14	VARIOUS DEPTS - PHONE SERV	SEWER FUND	SEWER OPERATING	42.76
				TOTAL:	1,095.81
LYNN COUNTY R.E.C.	3/10/14	STREETS - UTILITIES	GENERAL FUND	STREET LIGHTING	120.00
				TOTAL:	120.00
LYNCH'S EXCAVATING INC	3/24/14	STREETS - HAULING SNOW	ROAD USE TAX	ROADS & STREETS	467.50
	3/24/14	WATER-SERV WATER LEAK CEME	WATER FUND	WATER OPERATING	690.90
				TOTAL:	1,158.40
LYNCH'S PLUMBING INC	3/24/14	FIRE - HOOK UP GENERATOR	GENERAL FUND	FIRE OPERATION	1,440.66
	3/24/14	SEWER - SERVICE AT CITY OF	SEWER FUND	SEWER OPERATING	1,760.60
				TOTAL:	3,201.26
MENARDS	3/24/14	STREETS - SUPPLIES	ROAD USE TAX	ROADS & STREETS	105.74
	3/24/14	WATER - SUPPLIES	WATER FUND	WATER OPERATING	81.56
				TOTAL:	187.30
MIDWEST JANITORIAL SERVICE INC	3/24/14	LIB/ADMIN/POLICE/TH- CLEAN	GENERAL FUND	POLICE OPERATION	43.98
	3/24/14	ADMIN - CARPET CLEANING	GENERAL FUND	CLERK & TREASURER	280.00
	3/24/14	LIB/ADMIN/POLICE/TH- CLEAN	GENERAL FUND	CLERK & TREASURER	79.17
	3/24/14	LIB/ADMIN/POLICE/TH- CLEAN	CIVIC CENTER	TOWN HALL	224.32
	3/24/14	LIB/ADMIN/POLICE/TH- CLEAN	LIBRARY	LIBRARY	299.09
				TOTAL:	926.56
MOORE'S WELDING INC	3/24/14	STREETS - SERVICE SNOW PLO	ROAD USE TAX	ROADS & STREETS	191.55
	3/24/14	WATER - STEEL RACK	WATER FUND	WATER OPERATING	200.00
				TOTAL:	391.55
MUNICIPAL SUPPLY INC.	3/24/14	WATER - SUPPLIES	WATER FUND	WATER OPERATING	1,024.60
				TOTAL:	1,024.60
OFFICE OF AUDITOR OF STATE-STATE OF IO	3/24/14	ADMIN-FY13 ANNUAL AUDIT FE	GENERAL FUND	CLERK & TREASURER	9,951.13
				TOTAL:	9,951.13
OVERDRIVE INC	3/24/14	LIBRARY - EBOOK	LIBRARY	LIBRARY	12.99
	3/24/14	LIBRARY - EBOOKS	LIBRARY	LIBRARY	54.99
	3/24/14	LIBRARY - EBOOKS	LIBRARY	LIBRARY	18.49
	3/24/14	LIBRARY - EBOOK	LIBRARY	LIBRARY	2.97
				TOTAL:	89.44
PITNEY BOWES PURCHASE POWER	3/24/14	ADMIN/WATER/SEWER - POSTAG	GENERAL FUND	CLERK & TREASURER	166.67
	3/24/14	ADMIN/WATER/SEWER - POSTAG	WATER FUND	WATER OPERATING	166.66
	3/24/14	ADMIN/WATER/SEWER - POSTAG	SEWER FUND	SEWER OPERATING	166.67
				TOTAL:	500.00
PLATO ELECTRIC LLC	3/24/14	WATER - SERVICE WATER PLAN	WATER FUND	WATER OPERATING	40.00
				TOTAL:	40.00
PLAY IT AGAIN SPORTS	3/24/14	PARK&REC - EXERCISE EQUIPM	GENERAL FUND	PARK & RECREATION	361.77
	3/24/14	PARK&REC - EXERCISE BANDS	GENERAL FUND	PARK & RECREATION	55.86

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
				TOTAL:	417.63
PLUMBERS SUPPLY CO.	3/24/14	WATER - SUPPLIES	WATER FUND	WATER OPERATING	165.73
	3/24/14	WATER - SUPPLIES	WATER FUND	WATER OPERATING	86.19
				TOTAL:	251.92
QC ANALYTICAL SERVICES LLC	3/24/14	SEWER - TESTING	SEWER FUND	SEWER OPERATING	584.00
				TOTAL:	584.00
QUALITY ENGRAVED SIGNS	3/24/14	ADMIN - NOTARY STAMP	GENERAL FUND	CLERK & TREASURER	15.43
				TOTAL:	15.43
QUILL CORP	3/24/14	ADMIN - CERTIFICATE FRAME	GENERAL FUND	CLERK & TREASURER	10.63
	3/24/14	ADMIN - CERTIFICATE FRAMES	GENERAL FUND	CLERK & TREASURER	21.26
	3/24/14	ADMIN - OFFICE SUPPLIES	GENERAL FUND	CLERK & TREASURER	48.41
	3/24/14	ADMIN - SUPPLIES	GENERAL FUND	CLERK & TREASURER	3.74
	3/24/14	ADMIN - SUPPLIES	GENERAL FUND	CLERK & TREASURER	14.39
	3/24/14	LIBRARY - SUPPLIES	LIBRARY	LIBRARY	8.52
	3/24/14	LIBRARY - SUPPLIES	LIBRARY	LIBRARY	5.30
	3/24/14	LIBRARY - SUPPLIES	LIBRARY	LIBRARY	9.22
	3/24/14	WATER - OFFICE SUPPLIES	WATER FUND	WATER OPERATING	6.49
	3/24/14	WATER - INK CARTRIDGE	WATER FUND	WATER OPERATING	14.99
				TOTAL:	142.95
TRICKLEFS EXCAVATING LTD	3/24/14	LIFT STATION - FINAL RETAI	WASTEWATER LIFT ST	INVALID DEPARTMENT	49,142.32
				TOTAL:	49,142.32
RUSSELL, MELISSA	3/18/14	PARK&REC - REIMB FOR CRAFT	GENERAL FUND	PARK & RECREATION	158.56
				TOTAL:	158.56
SCOTT COUNTY CONSERVATION BOARD	3/24/14	PARK&REC - SHELTER RENTAL	GENERAL FUND	PARK & RECREATION	50.00
				TOTAL:	50.00
SHANELLE M PEDEN	3/18/14	ADMIN - CERTIFICATE FRAMES	GENERAL FUND	CLERK & TREASURER	41.31
	3/24/14	CABLE - VIDEOTAPING	GENERAL FUND	LOCAL CABLE ACCESS	225.00
	3/24/14	CABLE - VIDEOTAPING	GENERAL FUND	LOCAL CABLE ACCESS	150.00
				TOTAL:	416.31
SPRINT	3/24/14	POLICE - PHONE SERVICE	GENERAL FUND	POLICE OPERATION	179.97
				TOTAL:	179.97
STANARD & ASSOCIATES INC	3/24/14	POLICE - TRAINING	GENERAL FUND	POLICE OPERATION	69.00
				TOTAL:	69.00
TERENCE J GOERDT	3/24/14	ADMIN - BUILDING INSPECTIO	GENERAL FUND	CLERK & TREASURER	210.00
				TOTAL:	210.00
TREASURER STATE OF IOWA	3/05/14	IOWA SALES TAX ACH PMT - F	WATER FUND	WATER OPERATING	1,994.00
	3/05/14	IOWA SALES TAX ACH PMT - F	SEWER FUND	WATER OPERATING	332.49
				TOTAL:	2,326.49
TYLER TECHNOLOGIES	3/24/14	ADMIN- USER GROUP TRAINING	GENERAL FUND	CLERK & TREASURER	125.00
	3/24/14	ADMIN-ANNUAL FEES 7/13-12/	GENERAL FUND	CLERK & TREASURER	3,793.38
				TOTAL:	3,918.38
UNIVERSITY OF IOWA: STATE HYGIENIC LAB	3/24/14	WATER - TESTING	WATER FUND	WATER OPERATING	24.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
				TOTAL:	24.00
UPS	3/03/14	SEWER - SHIPPING	SEWER FUND	SEWER OPERATING	25.14
	3/24/14	SEWER - SHIPPING	SEWER FUND	SEWER OPERATING	25.14
	3/24/14	SEWER - SHIPPING	SEWER FUND	SEWER OPERATING	25.14
				TOTAL:	75.42
US BANK EQUIPMENT FINANCE	3/24/14	LIBRARY - COPIER CONTRACT	LIBRARY	LIBRARY	70.42
				TOTAL:	70.42
US CELLULAR	3/03/14	POLICE - PHONE SERVICE	GENERAL FUND	POLICE OPERATION	424.69
	3/03/14	VARIOUS DEPTS - PHONE SERV	GENERAL FUND	PARK & RECREATION	66.87
	3/03/14	VARIOUS DEPTS - PHONE SERV	ROAD USE TAX	ROADS & STREETS	126.94
	3/03/14	VARIOUS DEPTS - PHONE SERV	WATER FUND	WATER OPERATING	126.94
	3/03/14	VARIOUS DEPTS - PHONE SERV	SEWER FUND	SEWER OPERATING	126.94
				TOTAL:	872.38
VEENSTRA & KIMM INC.	3/24/14	P&Z - ENG BP DRIVEWAY	GENERAL FUND	COMMISSION	114.00
	3/24/14	ENG FOR CASEY'S TURN LANE	GENERAL FUND	COMMISSION	830.00
	3/24/14	STREETS - ENG W MAIN STUDY	ROAD USE TAX	ROADS & STREETS	244.00
	3/24/14	SEWER - ENG FOR CIP EST	SEWER FUND	SEWER OPERATING	114.00
	3/24/14	SEWER - ENGINEERING CIP ES	SEWER FUND	SEWER OPERATING	415.00
				TOTAL:	1,717.00
WAGEWORKS	3/03/14	FLEX - RUSSELL HCFA2013	BC/BS FLEXIBLE BEN	INVALID DEPARTMENT	20.00
	3/05/14	FLEX - HCFA2013 ACH	BC/BS FLEXIBLE BEN	INVALID DEPARTMENT	35.54
	3/18/14	FLEX - HCFA2013 RUSSELL	BC/BS FLEXIBLE BEN	INVALID DEPARTMENT	14.00
				TOTAL:	69.54
WALMART COMMUNITY/GEMB	3/24/14	LIBRARY - SUPPLIES	LIBRARY	LIBRARY	158.72
	3/24/14	LIBRARY - SUPPLIES	LIBRARY	LIBRARY	121.98
				TOTAL:	280.70
WELTER STORAGE EQUIP CO INC	3/24/14	STREETS - SHELVING	ROAD USE TAX	ROADS & STREETS	95.00
				TOTAL:	95.00
WEST BRANCH FAMILY PRACTICE	3/24/14	FIRE - TUCKER PHYSICAL	GENERAL FUND	FIRE OPERATION	75.00
	3/24/14	FIRE - PHYSICAL	GENERAL FUND	FIRE OPERATION	75.00
	3/24/14	FIRE - PHYSICAL EXAM	GENERAL FUND	FIRE OPERATION	75.00
				TOTAL:	225.00
WEST BRANCH REPAIRS	3/24/14	FIRE - SERVICE	GENERAL FUND	FIRE OPERATION	119.00
				TOTAL:	119.00
WEST BRANCH TIMES	3/24/14	LEGAL - PUBLICATIONS	GENERAL FUND	LEGAL SERVICES	773.57
				TOTAL:	773.57
WEX BANK	3/24/14	POLICE - FUEL	GENERAL FUND	POLICE OPERATION	490.16
				TOTAL:	490.16
ZEPHYR COPIES & DESIGN	3/24/14	ADMIN - OVERSIZE COPIES	GENERAL FUND	CLERK & TREASURER	31.11
				TOTAL:	31.11

VENDOR SORT KEY

DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT_
3/01/2014 - 3/16/2014		GENERAL FUND	POLICE OPERATION	5,688.26
		GENERAL FUND	ROADS AND STREETS	2,453.69
		GENERAL FUND	PARK & RECREATION	1,368.80
		GENERAL FUND	CEMETERY	2,418.70
		GENERAL FUND	MAYOR AND COUNCIL	200.00
		GENERAL FUND	CLERK & TREASURER	2,071.13
		GENERAL FUND	LOCAL CABLE ACCESS	425.81
		LIBRARY	LIBRARY	3,852.49
		WATER FUND	WATER OPERATING	3,218.37
		SEWER FUND	SEWER OPERATING	2,774.41
			TOTAL:	24,471.66

===== FUND TOTALS =====

001	GENERAL FUND	78,271.07
022	CIVIC CENTER	1,170.31
031	LIBRARY	7,083.35
110	ROAD USE TAX	3,115.53
112	TRUST AND AGENCY	1,315.08
226	GO DEBT SERVICE	8,364.57
600	WATER FUND	13,483.92
610	SEWER FUND	8,718.95
614	WASTEWATER LIFT STATION	49,142.32
950	BC/BS FLEXIBLE BENEFIT	69.54

GRAND TOTAL: 170,734.64

TOTAL PAGES: 7

City of West Branch
RECORDS DESTRUCTION FORM

Page 1 of 1

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

Departmental Destruction	<input checked="" type="checkbox"/> I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Records Retention Schedule and that all audit and administrative requirements have been satisfied. <input checked="" type="checkbox"/> I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and all administrative requirements have been satisfied. Date approved by City Council: March 24, 2014
Date of Records Destruction: March 25, 2014 Department Name: Administration – City Office	
Destruction Method:	
Shredding <u> </u> Discard <u> </u> Outside Vendor <u> X </u> Document Destruction & Recycling Services	
Destruction Certificate:	

Description of Records The contents of each box should be listed separately	Inclusive Dates	Retention Period	Record Type
Agendas and Council Packets – Paper copies	8-1-2006 to 9-30-2008	5 years	Administrative and Legal Records

INSTRUCTIONS FOR FILLING OUT THE RECORDS DESTRUCTION FORM

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

ORDINANCE NO. 719

AN ORDINANCE AMENDING TITLE CHAPTER 17 “COUNCIL”

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 17 “COUNCIL” of the Code of West Branch, Iowa is hereby amended by deleting Section 17.04.1 in its entirety and inserting in lieu thereof:

17.04.1 Regular Meetings. The regular meetings of the Council are on the first and third Mondays of each month in the Council Chambers at the City Office Building. The time of said meetings shall be 7:00 p.m. If such day falls on a holiday, the meeting is held at a mutually agreeable time, as determined by the Council.

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

Passed and approved this 24th day of March, 2014.

First Reading:	February 18, 2014
Second Reading:	March 3, 2014
Third Reading:	March 24, 2014

Mark Worrell, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

ORDINANCE NO. 722

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES REGARDING APPLICABILITY OF RULES AND REGULATIONS FOR THE DOG PARK.

WHEREAS, the City of West Branch owns a parcel located in unincorporated Cedar County that is operated as a Dog Park; and

WHEREAS, Section 364.4(3) of the Code of Iowa allows the City to extend its ordinances to apply to real property owned by the City outside its corporate boundaries; and

WHEREAS, the City Council and Animal Control Commission desire to have the Chapter 55 of the Code of Ordinances to also apply in the Dog Park.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Amendment. The Code of Ordinances of the City of West Branch is hereby amended by adding subparagraph 4 to Section 55.05 of the Code of Ordinances, which will read as follows:

“4. Applicability to Dog Park. All the rules and regulations of this chapter shall also be applicable to any activity at the City’s Dog Park.”

Section 2 Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

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

Section 4. 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 24th day of March, 2014.

First Reading: March 24, 2014

Second Reading:

Third Reading:

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 1184

RESOLUTION APPROVING FCC NOTIFICATION FOR SPECTRUM
MANAGER LEASE OWNERSHIP DISCLOSURE INFORMATION AND
SPECTRUM LEASE AGREEMENT WITH SENSUS USA & SENSUS
SPECTRUM, LLC.

WHEREAS, the City Council passed Ordinance 703 on October 15, 2012 which requires new water customers to purchase automated meter reading equipment and directs the water system superintendent to add automated meter reading equipment to existing customers at his or her discretion; and

WHEREAS, the automated meter reading equipment requires the use of radio frequencies within the City of West Branch service area; and

WHEREAS, the first part of the agreement would provide ownership disclosure notification to the FCC which is required to enter into a spectrum lease agreement; and

WHEREAS, the second part of the agreement grants the use of the frequencies of the FCC License solely within the City of West Branch service area; and

WHEREAS, Sensus will partition \$1 of the fees already being paid by the City of West Branch and no other payment is due from the City of West Branch; and

WHEREAS, it is now necessary to approve the two parts of said agreement.

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

Passed and approved this 24th day of March, 2014.

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

**FCC Notification for Spectrum Manager Lease
Ownership Disclosure Information
and
Spectrum Lease Agreement
(“Agreement”)**

This Agreement contains two parts: Part (1) is The FCC Notification for Spectrum Manager Lease, to be filed with the FCC by Sensus on behalf of the Customer, coupled with Ownership Disclosure Information required for the FCC lease and Part (2) is a Spectrum Lease Agreement between Sensus as Lessor and Customer as Lessee. Together, these two parts create the Agreement.

The number of pages in this Agreement is indicated below, and Customer represents that it has received, reviewed, and completed the entire Agreement. By their signatures below, the parties agree to the terms and conditions set forth in this Agreement. The parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year written below.

Sensus USA Inc. & Sensus Spectrum, LLC (together, “Sensus”)	Customer: City of West Branch (IA)
Sensus USA Inc. By: _____ Name: <u>Colin Flannery</u> Title: <u>Vice President</u> Date: _____	By: _____ Name: _____ Title: _____ Date: _____
Sensus Spectrum, LLC By: _____ Name: <u>Colin Flannery</u> Title: <u>Vice President</u> Date: _____	Customer contact person for FCC filings: Name: _____ Phone: _____ Email: _____ Customer FRN: _____ Customer Tax ID: _____

Part 1: Notification for Spectrum Manager Lease

In order for Sensus to apply to the FCC on the Customer's behalf for a spectrum manager lease, Customer must complete the information below in boxes one (1) through ten (10) and certify via authorized signature. Customer's signature will indicate that Customer authorizes Sensus to file the spectrum manager lease notification on FCC Form 608 with the Customer as spectrum Lessee, and if Customer does not already have one, ownership disclosure information on FCC Form 602.

Customer / Lessee Information

1	Customer/Lessee Name:		
	Attention To:		Name of Real Party in Interest:
	Street Address:		City:
	State:	Zip:	Phone:
	Fax:	Email:	

Is Customer contact information same as above? ☐ Yes ☐ No (If No, complete box 2 below)

Additional Customer/Lessee Contact Information

2	Company Name:		
	Attention To:		
	Street Address:		City:
	State:	Zip:	Phone:
	Fax:	Email:	

3	Customer/Lessee is a(n) (Select one): <input type="checkbox"/> Individual I <input type="checkbox"/> Unincorporated Association I <input type="checkbox"/> Trust
	<input type="checkbox"/> Government Entity I <input type="checkbox"/> Corporation I <input type="checkbox"/> Limited Liability Company I <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership I <input type="checkbox"/> Limited Liability Partnership I <input type="checkbox"/> Consortium I <input type="checkbox"/> Other _____

4	FCC Form 602: FCC File Number of Customer's Form 602 Ownership Information: _____. If Customer has not filed a Form 602, Sensus will file one for Customer. Please complete questions 5, 6, and 7 below if Customer does <u>not</u> have a Form 602 on file.
	Customer must complete items 8, 9 and 10 irrespective of whether Customer has an ownership report on file.

5	Customer Tax ID:
----------	------------------

6	Individual Contact For FCC Matters	
	Please designate one individual (the Director of Public Works or similar person) who is responsible to the FCC for the operation of the FlexNet radio system. This person would need to obtain his or her own personal FRN (FCC Registration Number) by going to the link below and completing the individual FRN registration.	
	Name	
	Title:	
	Email:	Phone:
	Personal FRN:	
	Link for obtaining personal FRN: https://apps.fcc.gov/coresWeb/regEntityType.do	

Ownership Disclosure Information**7**

If Customer/Lessee is a government entity, list the names of the Mayor and all Council Members below, as well as verify citizenship and ownership interests in any entity regulated by the FCC. Such ownership must be disclosed where a mayor/council member owns 10% or more, directly or indirectly, or has operating control of any entity subject to FCC regulation. If any answer to Ownership question is Yes, or any answer to Citizenship question is No, provide an attachment with further explanation.

	US Citizen?	Ownership Disclosure?
Mayor:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Council Member:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Alien Ownership Questions (if the answer is Yes, provide an attachment explaining the circumstances)**8**

1) Is the Customer/Lessee a foreign government or the representative of any foreign government? ☐Yes ☐No

Basic Qualification Information**9**

1) Has the Customer or any party to this application had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license or construction permit denied by the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2) Has the Customer or any party to this filing, or any party directly or indirectly controlling the Customer or any party to this filing ever been convicted of a felony by any state or federal court?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3) Has any court finally adjudged the Customer or any party directly or indirectly controlling the Customer guilty of unlawfully monopolizing or attempting to unlawfully monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Customer/Lessee Certification Statements**10**

1) The Customer/Lessee agrees that the Lease is not a sale or transfer of the license itself.	<input type="checkbox"/> Yes
2) The Customer/Lessee acknowledges that it is required to comply with the Commission's Rules and Regulations and other applicable law at all times, and if the Customer/Lessee fails to so comply, the Lease may be revoked, cancelled, or terminated by either the Licensee or the Commission.	<input type="checkbox"/> Yes
3) The Customer/Lessee certifies that neither it nor any other party to the Application/Notification is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C § 862, because of a conviction for possession or distribution of a controlled substance (See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.)	<input type="checkbox"/> Yes
4) The Customer/Lessee hereby accepts Commission oversight and enforcement consistent with the license and lease authorization. The Lessee acknowledges that it must cooperate fully with any investigation or inquiry conducted either by the Commission or the Licensee, allow the Commission or the Licensee to conduct on-site inspections of transmission facilities, and suspend operations at the direction of the Commission or the Licensee and to the extent that such suspension of operation would	<input type="checkbox"/> Yes

be consistent with applicable Commission policies.	
5) The Customer/Lessee acknowledges that in the event an authorization held by a Licensee that it has association with it a spectrum leasing arrangement that is the subject of this filing is revoked, cancelled, terminated, or otherwise ceases to be in effect, the Customer/Lessee will have no continuing authority to use the leased spectrum and will be required to terminate its operations no later than the date on which the Licensee ceases to have any authority to operate under the license, unless otherwise authorized by the Commission.	<input type="checkbox"/> Yes
6) The Customer/Lessee agrees the Lease shall not be assigned to any entity that is not eligible or qualified to enter into a spectrum leasing arrangement under the Commission's Rules and Regulations.	<input type="checkbox"/> Yes
7) The Customer/Lessee waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by spectrum lease or otherwise.	<input type="checkbox"/> Yes
8) The Customer/Lessee certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.	<input type="checkbox"/> Yes

The Customer/Lessee certifies that all of its statements made in this Application/Notification and in the schedules, exhibits, attachments, or documents incorporated by reference are material, are part of this Application/Notification, and are true, complete, correct, and made in good faith. The Customer/Lessee shall notify Sensus in writing in the event any information supplied on this form changes.

Type or Printed Name of Party Authorized to Sign

First Name:	MI:	Last Name:	Suffix:
Title:		Customer Name:	
Signature:			Date:
FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)) AND/OR FORFEITURE (U.S. Code Title 47, Section 503).			

Part 2: SPECTRUM LEASE AGREEMENT

Background

- A. Customer has bought or will buy or use FlexNet equipment manufactured by Sensus;
- B. Sensus is leasing spectrum to Customer to operate the FlexNet equipment;
- C. The spectrum that Sensus is leasing is authorized by Sensus' FCC License(s); and
- D. Sensus is leasing spectrum to Customer in the area where FlexNet equipment will be operated (the "Service Area").

Agreement

- A. **Spectrum Lease.** Sensus hereby grants to Customer and Customer accepts a spectrum manager lease ("Lease") over the frequencies of the FCC License and solely within Customer's Service Area. (The frequencies of the FCC License within Customer's geographic Service Area are called the "Leased Spectrum"). For use of the spectrum, Sensus shall partition \$1 from the annual/monthly or other ongoing fees already being paid by Customer, and such amount is hereby allocated to the spectrum Lease pursuant to this Agreement.
- B. **FCC Forms.** At the Federal Communications Commission (FCC), Sensus will; (1) obtain an FCC Registration Number (FRN) for Customer; (2) submit on behalf of Customer the FCC Form 602 Ownership Disclosure Information if Customer has not already done so; and (3) file a FCC Form 608, notification/application for long-term spectrum manager lease. This Lease becomes effective when the FCC accepts the FCC Form 608.
- C. **Lease Application.** In order to complete the FCC lease application, Customer will:
 - i. Complete and sign the representations in Part 1 of this Agreement such that Customer demonstrates it qualifies for a spectrum lease under FCC rules. Customer's signature will indicate that Customer authorizes Sensus to; (1) obtain an FRN on behalf of Customer; (2) submit the FCC Form 602 Ownership Disclosure Information on behalf of Customer if Customer has not already done so; and (3) file the spectrum manager lease notification on FCC Form 608 with the Customer as spectrum lessee.
 - ii. Give Sensus the coordinates of the boundaries of Customer's Service Area or, alternatively, approve Sensus' estimation of the same.
 - iii. If Customer has not already done so; Customer hereby authorizes Sensus to apply on Customer's behalf and obtain for Customer a Federal Registration Number (FRN, the FCC's unique identifier for each licensee) and shall supply Sensus with Customer's Taxpayer Identification Number (TIN).
 - iv. Provide any other information or other cooperation reasonably necessary for the Parties to perform as set forth herein.
- D. **Permitted Use of Spectrum Lease.** Customer may transmit or receive over the Leased Spectrum only in the Service Area and only using FlexNet equipment manufactured by Sensus and used in accordance with Sensus' specifications. Customer may use the Leased Spectrum only to read and direct meters in support of Customer's primary utility business or any other operation approved by Sensus in writing. Without limiting the foregoing, Customer is prohibited from reselling, subleasing or sublicensing the Leased Spectrum or from transmitting voice communications over the Leased Spectrum.
- E. **Term of Spectrum Lease.** Unless terminated earlier (because for example Customer stopped using the FlexNet equipment), this Lease will have the same term as the FCC license. If Customer is operating in compliance with this Agreement and Customer's underlying agreement with Sensus and is current on any payments owed to Sensus, when the FCC License renews, the Parties will apply to the FCC to renew this Lease.
- F. **Termination of Spectrum Lease.** The Lease will terminate: (a) two months after Customer stops transmitting with FlexNet equipment manufactured by Sensus; (b) upon termination, revocation or expiration of the FCC License; or (c) upon Customer's breach of this Agreement.
- G. **FCC Compliance.** The following FCC requirements apply
 - i. Pursuant to 47 CFR 1.9040(a);
 - (a) Customer must comply at all times with applicable FCC rules. This Agreement may be revoked by Sensus or the FCC if Customer fails to so comply;
 - (b) If the FCC License is terminated, Customer has no continuing right to use the Leased Spectrum unless otherwise authorized by the FCC;
 - (c) This Agreement is not an assignment, sale or other transfer of the FCC License;
 - (d) This Agreement may not be assigned except upon written consent of Sensus, which consent may be withheld in its discretion; and
 - (e) In any event, Sensus will not consent to an assignment that does not satisfy FCC rules.
 - ii. Referencing 47 CFR 1.9010, Sensus retains *de jure* and *de facto* control over the applicable radio facilities, including that,

- (a) Sensus will be responsible for Customer's compliance with FCC policies and rules. Sensus represents and warrants that it has engineered the FlexNet equipment and accompanying software and other programs to comply with FCC rules. Customer will operate the FlexNet equipment subject to Sensus' supervision and control and solely in accordance with Sensus' specifications. Sensus retains the right to inspect Customer's radio operations hereunder and to terminate this Agreement or take any other necessary steps to resolve a violation of FCC rules, including to order Customer to cease transmission. Sensus will act as spectrum manager in assigning spectrum under the FCC License so as to avoid any harmful interference or other violation of FCC rules. Sensus will be responsible for resolving any interference complaints or other FCC rule violations that may arise; and
 - (b) Sensus will file any necessary FCC forms or applications and Customer agrees reasonably to assist Sensus with such filing by providing any necessary information or other cooperation. Sensus will otherwise interact with the FCC with respect to this Agreement, the FCC License or FlexNet equipment.
- H. **Interference.** Customer agrees to report to Sensus promptly, and in no event later than 72 hours afterward, any incident related to the Leased Spectrum, including where Customer experiences harmful interference, receives a complaint or other notice of having caused harmful interference, or receives any type of communication from the FCC or other government agency regarding radio transmission.
- I. **Limitation of Liability.** Each parties' liability in any and all causes of action arising under, out of or in relation to this Agreement, its negotiation, performance, breach or termination (collectively, "Causes of Action") shall be limited to direct damages. Neither party shall be liable for any indirect, incidental, special or consequential damages. This is so whether the Causes of Action are in tort, including, without limitation, negligence or strict liability, in contract, under statute or otherwise. The limitations on liability set forth in this Agreement are fundamental inducements to both parties to enter into this Agreement. They apply unconditionally and in all respects. They are to be interpreted broadly so as to give the maximum protection permitted under law.

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EXHIBIT A

FCC LICENSE(S) AND LICENSED FREQUENCIES

Call Sign	Market Number	Channel Block	Market Name
WQDP972	BEA102	AM	Davenport-Moline-Rock Island, IA-IL
WQDP973	BEA102	AN	Davenport-Moline-Rock Island, IA-IL
WQDP974	BEA102	AO	Davenport-Moline-Rock Island, IA-IL
WQDP975	BEA102	AP	Davenport-Moline-Rock Island, IA-IL

EXHIBIT B

GEOGRAPHIC BOUNDARIES OF UTILITY'S SERVICE AREA

Channels (Base/Remote Frequency)	Locations (Coordinates)
932.0000 - 932.0125 MHz uplink, 932.0375 - 932.0500 MHz downlink	41 40 55.0 N, 091 21 58.5 W 41 40 55.0 N, 091 21 44.5 W 41 40 44.6 N, 091 21 45.1 W 41 40 44.4 N, 091 21 38.0 W 41 40 41.8 N, 091 21 29.2 W 41 40 37.7 N, 091 21 27.6 W 41 40 37.8 N, 091 21 22.6 W 41 40 42.7 N, 091 21 22.5 W 41 40 42.7 N, 091 21 05.2 W 41 40 35.9 N, 091 21 05.0 W 41 40 35.5 N, 091 21 00.4 W 41 40 38.8 N, 091 21 00.5 W 41 40 38.9 N, 091 20 59.0 W 41 40 43.2 N, 091 20 59.0 W 41 40 43.3 N, 091 20 47.7 W 41 41 07.9 N, 091 20 47.3 W 41 41 07.8 N, 091 20 32.6 W 41 41 11.1 N, 091 20 32.6 W 41 41 10.8 N, 091 20 22.8 W 41 41 07.7 N, 091 20 23.0 W 41 41 07.3 N, 091 20 30.2 W 41 40 43.8 N, 091 20 30.3 W 41 40 43.4 N, 091 20 24.4 W 41 40 35.8 N, 091 20 23.8 W 41 40 35.2 N, 091 20 12.7 W 41 40 23.9 N, 091 20 12.5 W 41 40 24.5 N, 091 20 03.9 W 41 40 29.8 N, 091 20 04.4 W 41 40 30.6 N, 091 19 55.4 W 41 40 46.4 N, 091 19 55.0 W 41 40 46.5 N, 091 19 46.9 W 41 40 16.9 N, 091 19 47.1 W 41 40 16.9 N, 091 20 00.8 W 41 40 07.1 N, 091 20 01.1 W 41 40 07.2 N, 091 20 09.7 W 41 39 51.6 N, 091 20 10.0 W 41 39 24.0 N, 091 19 37.9 W 41 39 24.2 N, 091 20 12.7 W 41 39 11.0 N, 091 20 12.9 W 41 39 11.0 N, 091 19 55.8 W 41 38 57.8 N, 091 19 55.7 W 41 38 57.6 N, 091 20 13.5 W 41 39 01.7 N, 091 20 13.1 W 41 39 02.4 N, 091 20 48.2 W 41 39 37.4 N, 091 20 48.4 W

	41 39 37.3 N, 091 20 59.0 W 41 39 52.1 N, 091 20 58.8 W 41 39 52.2 N, 091 21 21.3 W 41 40 16.8 N, 091 21 21.4 W 41 40 16.4 N, 091 21 39.6 W 41 40 02.8 N, 091 21 40.1 W 41 40 02.8 N, 091 21 58.6 W 41 40 41.4 N, 091 21 59.0 W 41 40 42.2 N, 091 22 08.4 W 41 40 50.0 N, 091 22 08.1 W 41 40 49.8 N, 091 21 58.6 W
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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

PLANNING AND ZONING COMMISSION MEETING

Tuesday, March 25, 2014 • 6:30 p.m.

West Branch City Council Chambers, 110 N. Poplar St.

Council Quorum May Be Present

1. Call to Order
2. Roll Call
3. Approve minutes from the January 28, 2014 Planning and Zoning Commission Meeting/Move to action.
4. Public Hearing on Proposed Amendments to Sections 165.04, 165.11, 165.22, 165.24 and 165.44 of the West Branch Zoning Ordinance.
5. Approve recommendation to the City Council for the passage of Ordinance 720, amending Chapter 165 "Zoning Regulations." /Move to action.
6. Approve recommendation to the City Council for the passage of Ordinance 721, amending Chapter 165 "Zoning Regulations." /Move to action.
7. Approve Casey's General Store Site Plan. /Move to action.
8. Old Business
 - a. City Engineer Dave Schechinger - Meadows Subdivision Part II/Traffic Study Update
 - b. City Engineer Dave Schechinger - City Zoning Map Discussion
9. New Business
10. Adjourn

Planning & Zoning Commission Members: Roger Laughlin, Chair, Helen Dauber, John Fuller,
Trent Hansen, Molly Menard, Gary Slach, vacant

Mayor: Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson

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

ORDINANCE NO. 718

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH BY CREATING AND INCORPORATING A STORM WATER UTILITY.

WHEREAS, the City Council of the City of West Branch, Iowa, has heretofore deemed it necessary and desirable to create a storm water utility for the construction, repair and maintenance of the storm water management system within the City; and

WHEREAS, in order to fund a storm water program, the City Council has heretofore deemed it necessary for the collection of fees from contributors and users of the storm water management system within the City.

NOW, THEREFORE, BE IT ORDAINED:

1, Amendment. The Code of Ordinances of the City of West Branch is hereby amended by incorporating the chapter entitled "Storm Water Utility", which reads as attached on Exhibit "A" attached hereto.

Section 2 Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

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

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First Reading: April 7, 2014
Second Reading:
Third Reading:

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

EXHIBIT “A”

STORM WATER UTILITY

SECTION 1. PURPOSE.

1. The purpose of this Article is to establish a policy and procedure for managing and controlling the quantity and quality of stormwater runoff, within the city limits of West Branch, Iowa. The management shall include the establishment of a stormwater utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.
2. The city finds, determines and declares that the stormwater drainage system provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment and release of stormwater for quality and quantity management that minimize impacts on receiving waters.
3. In order to manage additions and improvements to the city stormwater systems, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs. It is determined and declared to be necessary and conducive to the public health, welfare, safety and convenience of the City and its residents that charges be levied and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge storm water or surface or subsurface waters, directly or indirectly, to the City storm water drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair and replacement, including the payment of debt service, for construction and repair of the storm water drainage system and flood protection improvements comprising the storm water utility.

SECTION 2. CREATION OF A STORM WATER UTILITY

1. The function of the Storm Water Utility is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management, and include design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities.
2. There is hereby established a storm water utility within the City of West Branch, Iowa which shall be responsible for creating revenue for stormwater management throughout the City's corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities. Such utility shall be under the operational direction of the Public Works Director. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the storm water utility district.

3. The City shall establish a Stormwater Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

SECTION 3. DEFINITIONS.

1. "User" means any person or entity owning, operating or otherwise responsible for property within the City, which directly or indirectly discharges storm water or subsurface waters to any portion of the storm water management system, including direct or indirectly protected by the City's flood protection system or storm water drainage system. The term "Contributor" or "User" means any person or entity responsible for the direct or indirect discharge of storm water or surface or subsurface waters to the City's storm water drainage system.
2. "Developed Property" means real property upon which a structure or impervious surface has been placed or constructed, thus increasing the amount of rainwater or surface water runoff.
3. "Director" means the City Administrator or his/her designee.
4. "Dwelling Unit" means a singular unit, apartment, condominium, mobile home or manufactured home which provides independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking or sanitation.
5. "Equivalent Residential Unit" ("ERU") means the average impervious area of a residentially developed property per dwelling unit located within the City, as periodically determined and established as provided in this Chapter.
6. "ERU Rate" means the dollar value periodically determined and assigned to each ERU as a charge for storm water management services, and expressed as \$x.xx per ERU.
7. "Exempt Property" means public streets, alleys and sidewalks, cemeteries and public parks, including publicly owned property used for recreation.
8. "Impervious Area" means the number of square feet of hard-surfaced areas which prevent or retard infiltration of water back into the soil, as it would enter under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that which was present under natural conditions as undeveloped property, including, but not limited to roofs, roof extensions, patios, porches, driveways, pavement, gravel/rock based parking areas and athletic courts.
9. "Multi-family residential property" means a residential structure designed with three or more dwelling units to accommodate three or more families or groups of individuals living separately and not sharing the same living space and mobile home parks.

10. "Non residential property" means any property developed for commercial, industrial, governmental or institutional use, including churches, hospitals, parking lots, nursing homes and multi-use facilities incorporating residential uses.
11. "Single-family residential property" means a detached residential structure, including a mobile/manufactured home, designed as a single dwelling unit to accommodate one family or a group of individuals living together and sharing the same living space, but excluding multi-use properties which include single-family residential uses.
12. "Storm water drainage system" means the system of publicly or privately operated rivers, creeks, ditches, drainage channels, pipes, basins, street gutters, and lakes within the City through which or into which storm water runoff, surface water or subsurface water is conveyed or deposited.
13. "Storm water management utility" means the enterprise fund utility created by this chapter to operate, maintain and improve the system and for such other purposes as stated in this chapter.
14. "Storm water management utility system" means the existing storm water management facilities, storm water drainage system, and flood protection system of the City and all improvements thereto which by this division are constituted as the property and management of the utility, to be operated as an enterprise fund to, among other things, conserve water, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality or quantity of discharge from such system.
15. "Two-family residential property" means a residential structure with two dwelling units, to accommodate two families or groups of individuals living separately in different dwelling units.
16. "Undeveloped property" means any real property that has no impervious area.

SECTION 4. POWERS OF THE UTILITY.

The storm water management utility shall have the following powers, duties and responsibilities:

1. Prepare ordinances as needed to implement this division and place them for consideration and adoption by the City Council, and adopt such regulations and procedures as are required to implement this chapter and carry out its duties and responsibilities.
2. Administer the design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.

3. Administer and enforce this chapter and all ordinances, regulations and procedures related to design, construction, maintenance, operation and alteration of the utility system, including, but not limited to the quantity, quality and/or velocity of the storm water conveyed hereby.
4. Inspect private systems as necessary to determine the compliance of such systems with this chapter and any ordinances or regulations adopted by this chapter.
5. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the City Council.
6. Review plans, approve or deny, inspect and accept extensions to the storm water drainage system.
7. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines, and other revenues of the utility, and to make recommendations regarding adjustment to such fees, charges, fines and other revenues.
8. Prepare and file an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending and replacing portions of the system.

SECTION 5. ORGANIZATION

The City Council shall be the governing body of the storm water management utility. The storm water management utility shall be under the direction, management and control of the Public Works Director, who shall function as its director. In that capacity, the director shall supervise the day-to-day operation of the storm water management utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted by the City Council and shall carry out the policy directives of the City Council acting in its role as governing body of the storm water management utility.

SECTION 6. ESTABLISHMENT OF THE EQUIVALENT RESIDENTIAL UNIT (“ERU”).

For purposes of this chapter, the ERU shall be the equivalent to 3,500 square feet of impervious area.

SECTION 7. STORM WATER UTILITY CHARGE.

Every user owning or occupying property that is not exempt property in the City of West Branch shall pay to the City a storm water utility charge as determined in this chapter. In the event that the owner and occupant of the particular property are not the same, the liability for payment of the storm water utility charge attributable to the property shall be joint and several as to the owner and the occupant.

SECTION 8. ERU RATE.

The ERU rate to be applied to residential and nonresidential properties shall be as follows:

- a. Commencing July 1, 2014, the ERU rate will equal \$2.00
- b. Commencing July 1, 2015, the ERU rate will equal \$2.25
- c. Commencing July 1, 2016, the ERU rate will equal \$2.50
- d. Commencing July 1, 2017, the ERU rate will equal \$2.75.
- e. Commencing July 1, 2018, the ERU rate will equal \$3.00.

SECTION 9. DETERMINATION OF THE STORM WATER UTILITY CHARGE.

1. Single-Family and Two-Family Residential Property.

- a. The storm water utility charge for single-family properties shall be one hundred percent (100%) of the ERU rate per month.
- b. The storm water utility charge for two-family residential properties shall be 2 times the ERU rate per month.
- c. The storm water utility charge shall commence upon the earlier of the following:
 - (i) The issuance of a certificate of occupancy.
 - (ii) Ninety (90) days after construction is halted, provided construction is at least 50% complete in the judgment of the director.
 - (iii) Ninety (90) days after construction is completed, even if no certificate of occupancy has been issued.

2. Multi-Family Residential Property and Nonresidential Property.

- a. The storm water utility charge for multi-family residential properties and nonresidential properties, or a structure containing both multi-family residential and nonresidential uses, shall be calculated as follows:
 - (i) One hundred percent (100%) of the ERU rate per ERU for the first twenty (20) ERUs, plus
 - (ii) \$0.75 per ERU for each ERU after the first twenty ERU's.
- b. The storm water utility charge shall commence upon the earlier of the following:
 - (iv) The issuance of a certificate of occupancy.
 - (v) Ninety (90) days after construction is halted, provided construction is at least 50% complete in the judgment of the director.
 - (vi) Ninety (90) days after construction is completed, even if no certificate of occupancy has been issued.

SECTION 10.

POWERS AND DUTIES OF CITY.

The City shall have the following powers, duties, and responsibilities with respect to the stormwater utility:

1. Administer the design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.
2. Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a stormwater management system.
3. The City shall separately account for the stormwater utility finances. The stormwater utility shall prepare an annual budget, which is to include all operation and maintenance costs and costs of borrowing. The budget is subject to approval by the City Council. Any excess of revenues over expenditures in a year shall be retained in a segregated fund, which shall be used for stormwater utility expenses in subsequent years. Stormwater utility fees collected shall be deposited in the stormwater utility fund and shall be used for no other purpose.

SECTION 11. RESPONSIBILITY FOR STORM WATER MANAGEMENT AND DRAINAGE SYSTEM.

1. The City stormwater management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the City of West Branch which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which
 - (a) are located within public streets, rights-of-way, and easements;
 - (b) are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or
 - (c) are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of West Branch and for which there has been no public dedication of such systems and

facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

2. It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City of West Branch. The City of West Branch expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

SECTION 12. REQUIREMENTS FOR ON-SITE STORMWATER SYSTEMS, ENFORCEMENT AND INSPECTIONS.

1. All property owners and developers of developed real property within the City of West Branch shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all City, State, and Federal laws and regulations.
2. Pursuant Iowa Code Section 364.12(3) or successor section of the State Code, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

SECTION 13. APPEALS.

- A. An owner or occupant of a multi-family residential property aggrieved by the initial or subsequent calculation of the number of dwelling units upon or in such property, calculation of the storm water utility charge, or allocation of such charge amount the occupants, may appeal such calculations and allocation to the City Administrator. Upon such appeal, the storm water utility charge for such property may be recalculated utilizing information supplied by the appealing owner or occupant, provided such information provided is correct by the City Administrator.
- B. An owner or occupant of a nonresidential property aggrieved by the initial or subsequent calculation of the amount of impervious area upon or in such property, calculation of the storm water utility charge, may appeal such calculations and allocation to the City

Administrator. Upon such appeal, the storm water utility charge for such property may be recalculated utilizing information supplied by the appealing owner or occupant, provided such information provided is correct by the City Administrator.

- C. Any adjustment of the storm water utility charge resulting from such appeal shall be retroactive to the date the appeal was filed.
- D. Appeals by owners or occupants of property subject to the storm water utility charges shall be filed with the City Clerk on forms provided by the City. The City Administrator shall file a final calculation of the storm water utility charge within thirty (30) days of the appeal being filed. If still aggrieved, the party may request a City Council review of the City Administrator's decision. Any person still aggrieved by the determination of the City Council may appeal to the county district court by action filed within thirty (30) days of the City Council's decision. The filing of an appeal shall not excuse the payment of the storm water utility charge when due. However, the City shall refund any portion of the fee deemed excessive, with interest, as provided by law.

SECTION 14. BILLING PROCEDURES.

- A. All contributors and users shall pay a storm water utility charge monthly as calculated pursuant to Section 6 of this Ordinance.
- B. All storm water utility charges are due and payable under the same terms and conditions provided for payment of a combined service account as outlined in Section 92.04 of this Code.
- C. The owner of the premises served and the tenant thereof shall be jointly and severally liable for storm water utility charges for the premises. Storm water utility charges remaining unpaid and delinquent shall constitute a lien against the premises served and shall be certified as delinquent to the County Treasurer for collection in the same manner as property taxes.

**Stormwater Utility Fees
West Branch, Iowa
3/7/2014**

Scenario 1 (20 ERU Base & \$0.75/Additional ERU)
Multi-Family based on ERU

[illegible]

**Scenario 4 (up to 20 ERU @ \$2 & \$0.75/Additional ERU for commercial)
Multi-family and WBMHV charged \$2.00 per dwelling unit**

[illegible]

**Scenario 5 (up to 20 ERU @ \$2 & \$0.75/Additional ERU for commercial)
Multi-family and WBMHV charged \$1.00 per dwelling unit**

[illegible]

Stormwater Utility Fees
West Branch, Iowa
Largest Customers
3/7/2014

Account	Name	Class	Status	Address	Impervious		
					Area	ERU	Rounded
02-06850-00	SCHENKER LOGISTICS INC	COM	ACTIVE	602 FAWCETT DR	1,966,103	561.7	562.0
02-06600-00	SCHENKER LOGISTICS INC	COM	ACTIVE	101 COUNCIL ST	956,747	273.4	274.0
01-60900-00	HAMES HOMES (WBMHV)	RES	Active	36 Hoover Blvd	568,184	162.3	163.0
02-06800-00	ACCIONA WINDPOWER	COM	ACTIVE	601 FAWCETT DR	384,254	109.8	110.0
01-72600-00	NATIONAL PARK SERVICE	G/S	ACTIVE	104 PARKSIDE DR-POST OFF	364,200	104.1	105.0
01-02310-00	W B SCHOOLS - HIGH SCHOOL	G/S	ACTIVE	900 W MAIN ST	252,631	72.2	73.0
02-06750-00	WAUSAU SUPPLY COMPANY	COM	ACTIVE	115 FAWCETT DR	200,593	57.3	58.0
02-06450-00	PLASTIC PRODUCTS	COM	ACTIVE	228 TIDEWATER DR-LOWER	169,726	48.5	49.0
01-06140-00	W B SCHOOLS - MIDDLE SCHOOL	G/S	ACTIVE	225 N MAPLE ST	160,894	46.0	46.0
02-06500-00	TIDEWATER DIRECT LLC	COM	ACTIVE	501 TIDEWATER DR	82,255	23.5	24.0
01-92000-00	CARE INITIATIVES	COM	ACTIVE	451 W ORANGE ST	81,589	23.3	24.0
02-06300-00	PRESIDENTIAL INN	COM	ACTIVE	711 S DOWNEY ST	60,206	17.2	18.0
01-60050-00	CROELL REDI-MIX	RES	ACTIVE	325 E GREEN ST	62,813	17.9	18
02-07700-00	MCDONALDS OFFICES	COM	ACTIVE	610 S DOWNEY	55,447	15.8	16.0
02-07600-00	KUM & GO #254	COM	ACTIVE	620 S DOWNEY	47,792	13.7	14.0

Base	Up to 20 ERU	Over 20 ERU	Option 1 Monthly Fee	Option 4 Monthly Fee	Option 5 Monthly Fee		Annual Fee	Name
1.0	19.0	542.0	\$ 446.50	\$ 446.50	\$ 446.50	1	\$ 5,358.00	P&G 1
1.0	19.0	254.0	\$ 230.50	\$ 230.50	\$ 230.50	2	\$ 2,766.00	P&G 2
1.0	19.0	143.0	\$ 147.25	\$ 326.00	\$ 163.00	3	See Below	WBMHV
1.0	19.0	90.0	\$ 107.50	\$ 107.50	\$ 107.50	4	\$ 1,290.00	Acciona
1.0	19.0	85.0	\$ 103.75	\$ 103.75	\$ 103.75	5	\$ 1,245.00	NPS
1.0	19.0	53.0	\$ 79.75	\$ 79.75	\$ 79.75	6	\$ 957.00	WB High School
1.0	19.0	38.0	\$ 68.50	\$ 68.50	\$ 68.50	7	\$ 822.00	Wausau
1.0	19.0	29.0	\$ 61.75	\$ 61.75	\$ 61.75	8	\$ 741.00	Plastic Products
1.0	19.0	26.0	\$ 59.50	\$ 59.50	\$ 59.50	9	\$ 714.00	WB Middle School
1.0	19.0	4.0	\$ 43.00	\$ 43.00	\$ 43.00	10	\$ 516.00	Tidewater
1.0	19.0	4.0	\$ 43.00	\$ 43.00	\$ 43.00	11	\$ 516.00	Care Initiatives
1.0	17.0	0.0	\$ 36.00	\$ 36.00	\$ 36.00	12	\$ 432.00	Presidential Inn
1.0	17.0	0.0	\$ 36.00	\$ 36.00	\$ 36.00	13	\$ 432.00	Croell
1.0	15.0	0.0	\$ 32.00	\$ 32.00	\$ 32.00	14	\$ 384.00	Mc Donald's
1.0	13.0	0.0	\$ 28.00	\$ 28.00	\$ 28.00	15	\$ 336.00	Kum & Go

WBMHV	Annual Fee
Option 1	\$ 1,767.00
Option 4	\$ 3,912.00
Option 5	\$ 1,956.00