

(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 18, 2015
7:00 p.m.**

Mayor Worrell opened the West Branch City Council meeting at 7:00 p.m. by welcoming the audience and the following City staff: City Administrator Matt Muckler, Deputy City Clerk Leslie Brick, Police Chief Mike Horihan, Library Director Nick Shimmin, Public Works Director Matt Goodale, Fire Chief Kevin Stoolman. Council members: Jordan Ellyson, Colton Miller, Mary Beth Stevenson and Tim Shields. Absent: Brian Pierce.

APPROVE AGENDA/CONSENT AGENDA

Approve minutes from the May 4, 2015 City Council Meeting.

Approve claims.

Approve transfer of \$35,171 from emergency fund to general fund.

Approve transfer of \$3,723.30 from general fund to capital projects fund for engineering services associated with the Parkside Drive Road Improvements Project.

Approve journal entry of \$22,000 for Police FY15 set aside to reserve 001-115.

Approve payment to Toyne for Freightliner M2 Cummins Chassis in the amount of \$109,679.00.

Motion by Ellyson, second by Stevenson to approve agenda/consent agenda. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Date 5-18-15	City of West Branch	
	Claims Report	
All American Concrete	Econ Dev- MS Sidewalk Ph 2	92,983.25
Alliant Energy	Various Depts - Utilities	8,328.38
Amazon	Library - Supplies	308.40
Baker & Taylor	Library - Books	1,016.82
Barron Motor Supply	Cem/Fire/Police - Supplies	223.17
Bean & Bean	Cemetery - Grave Openings	2,200.00
Big Ten Rentals	Comm&Cult - Deposit For HHTD	534.38
BP Amoco	Fire/Water - Fuel	220.21
Brandt, Dawn	Admin - Reimb For Supplies	26.79
Business Radio Sales	Fire - Repair & Battery	151.76
Catherine Steen	Police - Reimb For Test Fee	25.00
Cedar County Cooperative	Fire - Diesel Fuel	893.80
Cedar Rapids Photo Copy	Library - Service	41.60
Chris Jones Trucking	Streets - Hauling Roadstone	135.42
Community State Bank	Debt Serv - 2013 Go Equip & Park Loan Pmts	122,003.84
Copyworks	Police - Maps	24.00
Costco Wholesale	Library - Supplies	55.04
Croell Redi-Mix	Stormwater/Sewer -Projects	2,827.50
Culligan Water	Fire - Water Cond Rental	37.90
Darling, Kathleen	Park&Rec - Yoga Refund	13.33
Demco	Library - Supplies	60.17
Deweys Jack & Jill	Lib/P&R/Water - Supplies	72.24
Diamond Vogel Paints	Streets - Traffic Paint	1,119.00
Dorsey & Whitney	P&R/Legal - "15 Lost Election & Lawsuit Legal	14,874.06
Dreamhost Webhosting	Admin - Website Hosting	119.40
Eagle Engraving	Fire - Name Tags	27.93
Ed.M.Feld Equipment	Fire - Boots	1,004.00
EFTPS	Federal Withholdings	6,287.27
ETS Corporation	Water/Sewer - Credit Card Fees	91.11
F&B Communications	Admin - Website Hosting	29.95
Harry's Custom Trophies	Park&Rec - Medals	123.00
Hawkins	Water - Chemicals	1,364.27
Holiday Inn Des Moines	Admin - IMFOA Conf Hotel	571.20
ICAD Group	Econ Dev - Fy2015 Contribution	2,750.00
Iheartmedia	Admin - Advertising	333.00
Int'l Inst Of Municipal Clerks	Admin - Brick Membership Fee	95.00
Iowa Law Enforcement Academy	Police - Mmpi Test	140.00
Iowa League Of Cities	M&C/Adm -Small City Workshop	70.00
Iowa Library Association	Library - Schafer 2015 Member Fee	75.00
Iowa One Call	Water/Sewer - Service	96.30

Iowa Prison Industries	Streets - Signs	63.50
Iowa State University	Fire - Ff1 Training	50.00
Joey Wenndt	Fire - May Training	150.00
Johnson County Refuse	Recycling - April	4,622.50
Kevin Olson	Legal Services For May	1,500.00
Kingdom Graphics	Park&Rec-Summer League Shirts	1,815.50
Knoche, Rebecca	Library - Reimb For Conf Trng	343.90
Kromminga Motors	Fire - Part & Service	304.50
Lenoch & Cilek	Sewer - Supplies	13.99
Liberty Communications	Various Depts - Phone Service	1,219.16
Linn County R.E.C.	Streets - Utilities	138.00
Lynch's Excavating	Water/Stormwater - Curb Stop Repairs & Proj	18,155.24
Lynch's Plumbing	Water - Curb Stop Repairs	1,030.00
Med Compass	Fire - Hazmat Physicals	5,366.00
Menards	Water - Supplies	944.02
Midwest Janitorial Service	Lib/Th/Adm/Police - Cleaning	646.56
Municipal Supply	Water - Supplies	550.00
Oasis Electric	Fire/Econ Dev - Service Ice Machine/Service	1,914.31
Overdrive	Library - Ebooks	239.09
Payroll Expense	Payroll Expense - 5-8-15	27,461.91
Pitney Bowes	Adm/Water/Sewer - Postage	500.00
Play It Again Sports	Park&Rec - Summer League Supplies	1,469.98
Plumbers Supply Co.	Water - Supplies	79.39
Plunkett's Pest Control	Admin/Town Hall - Pest Control	93.35
Qc Analytical Services	Sewer - Testing	730.00
Quad City Safety	Fire - Service Repairs	502.36
Quill Corp	Lib/P&R/Adm/Cable - Supplies	268.33
River Products Company	Streets - Roadstone	427.31
S & S Flatwork	Streets -City Sidewalk Repairs	8,475.00
Shanelle Peden	Cable-Videotaping	150.00
The Book Farm	Library - Supplies	46.91
The Library Store	Library - Supplies	58.18
Tipton Electric Motors	Fire - Supplies & Service	145.70
Toynes Ia. Fire Trk.Serv	Fire- Chassis For New Fire Trk	109,679.00
Treasurer State Of Iowa	Iowa Sales Tax Pmt Ach	2,743.04
Uniform Den Inc.	Police - Uniform Shirt Carrier/Name Tag	442.63
U Of I: State Hygienic Lab	Water - Testing	25.00
UPS	Sewer - Shipping	80.26
Upstart	Library - Supplies	11.00
US Bank Equipment Finance	Library/Admin - Copier Leases	312.22
Veenstra & Kimm Inc.	Adm/P&Z/Cap Proj- Various Eng	4,346.55
Verizon Wireless	Various Depts - Phone Service	774.64
Wageworks	Flex - Hcfsa 2014 & 2015	277.00
Waite, Tabitha	Park&Rec - Refund	35.00
Walmart	Library - Supplies	163.57
Water Solutions	Water - Chemicals	2,541.06
Wellmark, Inc.	Adm- Annual Flex & Claims Fee	524.80
West Branch Ford	Water - Service 02 & 03 Ranger	690.70
West Branch Times	Legal - Publications	1,566.08
WEX Bank	Police/Water - Fuel	1,344.74
Wolf, Travis	Fire - Reimb For Mileage Trng	219.83
	Grand Total	466,605.30

Fund Totals		
001 General Fund		275,322.92
022 Civic Center		701.00
031 Library		8,563.41
110 Road Use Tax		2,105.36
112 Trust And Agency		7,321.53
226 Go Debt Service		122,003.84
302 Parkside Dr Imp Cap Proj		3,723.30
600 Water Fund		22,227.50
610 Sewer Fund		8,067.15
740 Storm Water Utility		16,292.29
950 BC/BS Flexible Benefit		277.00
Grand Total		466,605.30

COMMUNICATIONS/OPEN FORUM

PUBLIC HEARING/NON-CONSENT AGENDA

Third Reading of Ordinance 727 amending Chapter 55 “Animal Protection and Control.”/Move to action.
Motion by Shields, second by Miller to approve Ordinance 727. AYES: Shields, Miller, Ellyson, Stevenson.
Absent: Pierce. Motion carried.

ORDINANCE NO. 727

AN ORDINANCE AMENDING CHAPTER 55 “ANIMAL PROTECTION AND CONTROL”

WHEREAS, the Animal Control Commission annually reviews Animal Protection and Control provisions contained within the City Code; and
WHEREAS, the Commission finds it appropriate to revisit the penalty provisions related to classification of animals, animal neglect and other violation of Chapter 55; and

WHEREAS, the Commission also finds it appropriate to clarify the requirements of 55.10 Animal at Large Prohibited in relation to the West Branch Dog Park of Chapter 55; and

WHEREAS, the Commission has put forth recommendation to the City Council on this matter.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Amendment. The Code of Ordinances of the City of West Branch is hereby amended by deleting Section 55.21 in its entirety and replacing it with a new Section 55.21 of the Code of Ordinances, which will read as follows:

55.21 PENALTIES. Any violation of this chapter shall be considered a simple misdemeanor or municipal infraction as provided in Chapter 4 of this Code of Ordinances. The following three schedules of civil penalties shall apply for violations punished as a municipal infraction in any 12-month period:

1. Penalties pertaining to Section 55.03 ANIMAL NEGLECT – Minimum fine of \$500 and up to 30 days in jail.
2. Penalties pertaining to Section 55.16 CLASSIFICATION OF ANIMALS

A. Level 1:

- | | |
|------------------------------------|-------|
| (1) First offense: | \$25 |
| (2) Second offense: | \$50 |
| (3) Third offense: | \$75 |
| (4) Fourth and subsequent offenses | \$100 |

B. Level 2:

- | | |
|------------------------------------|-------|
| (1) First offense: | \$30 |
| (2) Second offense: | \$60 |
| (3) Third offense: | \$90 |
| (4) Fourth and subsequent offenses | \$120 |

C. Level 3:

- | | |
|------------------------------------|-------|
| (1) First offense: | \$75 |
| (2) Second offense: | \$100 |
| (3) Third offense: | \$150 |
| (4) Fourth and subsequent offenses | \$200 |

D. Level 4: \$200

3. Penalties pertaining to all other sections of Chapter 55 of the City Code:

- | | |
|-----------------------------------|-------|
| A. First offense: | \$25 |
| B. Second offense: | \$50 |
| C. Third offense: | \$100 |
| D. Fourth and subsequent offenses | \$150 |

Section 2. Amendment. The Code of Ordinances of the City of West Branch is hereby amended by deleting the first sentence of Subsection 55.10(1) and replacing it with the following:

1. It shall be unlawful for any person to permit any animal to be at large or stray beyond the property of such person unless such animal is restrained by leash, within the confines of the West Branch Animal Park, or confined within a motor vehicle.

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 18th day of May, 2015.

First Reading: April 20, 2015
Second Reading: May 4, 2015
Third Reading: May 18, 2015

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Second Reading of Ordinance 730 amending Title “Building Permit Fees.” Chapter 155 “State Building Code.”/Move to action.

Motion by Ellyson, second by Stevenson to approve Second Reading of Ordinance 730. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Public Hearing on the Proposed Tax Increment Rebate Development Agreement with Casey's Marketing Company in an amount not to exceed \$561,348.65.

Entered public hearing at 7:03 p.m. No comments from the public. Resumed regular meeting at 7:04 pm.

Resolution 1311, approving a Tax Increment Rebate Development Agreement with Casey's Marketing Company in an amount not to exceed \$561,348.65./Move to action.

LeAnne Krell, Casey's legal counsel introduced herself and offered to answer any questions the Council had regarding the agreement. Olson reminded the Council that the rebate was for Casey's paying for road improvements not needed to build their store, but improvements the City needed to accommodate their business and other surrounding businesses. Muckler wanted to make the Council aware of an amendment to the agreement that would allow Casey's to approach the City Council with a request for an extension in the case that contaminated soil delayed the project.

Motion by Ellyson, second by Shields to approve Resolution 1311. AYES: Ellyson, Shields, Miller, Stevenson. Absent: Pierce. Motion carried.

Resolution 1185, approving Casey's General Store Site Plan./Move to action.

Wally Peld of Peld's Engineering Company provided an overview of the Casey's Project. The new store will have the new look with a sandwich shop on one side, a small dining area, more open space, 16 fueling stations and outdoor landscaping. Schechinger also commented that Tidewater and Industrial Drives would be line-up and a sidewalk would be constructed in front of McDonald's as part of this project.

Motion by Stevenson, second by Ellyson to approve Resolution 1185. AYES: Stevenson, Ellyson, Shields, Miller. Absent: Pierce. Motion carried.

Public Hearing on amending the current budget for the fiscal year ending June 30, 2015.

Entered public hearing at 7:11 p.m. No comments from the public. Resumed regular meeting at 7:12 pm.

Resolution 1306, amending the current budget for the fiscal year ending June 30, 2015./Move to action.

Motion by Stevenson, second by Miller to approve Resolution 1306. AYES: Stevenson, Miller, Ellyson, Shields. Absent: Pierce. Motion carried.

Resolution 1308, approving a water connection agreement with Derrick Miller dba Fox Run Golf & Country Club./Move to action.

Stevenson requested that the City pursue a municipal infraction against Derrick Miller for the egregious offense citing that Miller choose to bypass the City's water supply posing a public health concern. Stevenson felt a financial penalty was warranted. Council agreed and directed City Attorney Olson to amend the water connection agreement and issue a municipal infraction.

Motion by Ellyson, second by Miller to approve the amended Resolution 1308. AYES: Ellyson, Miller, Shields, Stevenson. Absent: Pierce. Motion carried.

Resolution 1339, approving independent financial consultant fees associated with the issuance of General Obligation Bonds, Series 2015 to finance projects related to the City's Capital Improvement Plan./Move to action.

Motion by Shields, second by Ellyson to approve Resolution 1339. AYES: Shields, Ellyson, Miller, Stevenson. Absent: Pierce. Motion carried.

Resolution 1310, setting the date for a public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement./Move to action.

Muckler stated that this loan would be for the West Branch CIP for future improvements for 4th Street, intersections at Main and Foster, Main and Oliphant, and pedestrian crossings at Pedersen Street and Scott Drive.

Motion by Stevenson, second by Miller to approve Resolution 1310. AYES: Stevenson, Miller, Ellyson, Shields. Absent: Pierce. Motion carried.

Resolution 1312, approving the City of West Branch Public, Education, and Government Cable Access Channel Policy./Move to action.

Motion by Stevenson, second by Miller to approve Resolution 1312. AYES: Stevenson, Miller, Ellyson, Shields. Absent: Pierce. Motion carried.

Resolution 1313, approving acceptance of \$10,000 from Michael Furman for storm water and sidewalk improvements for Pedersen Valley Part One, Lot Three./Move to action.

Shields questioned if the amount provided by Furman would cover the costs of the needed improvements. Schechinger provided the engineers estimate to be closer to \$18,000.00. Stevenson felt that the amount was too low based on Schechinger's estimate. Worrell commented that Furman approached him in 1999 at the time the property was developed and suggested \$10,000 as a fair price for the improvements at that time. Muckler stated that a check in hand now was preferable to having to seek funding from Mr. Furman at some point in the future, but that whether or not to accept the amount proposed by Mr. Furman is a decision of the Council.

Motion by Miller, second by Ellyson to approve Resolution 1313. AYES: Miller, Ellyson, Shields. NAYS: Stevenson. Absent: Pierce. Motion carried.

Resolution 1314, declaring two summer camp day trips as public purposes and approving funding for transportation. /Move to action.

Motion by Ellyson, second by Shields to approve Resolution 1314. AYES: Ellyson, Shields, Miller, Stevenson. Absent: Pierce. Motion carried.

Resolution 1322, approving two agreements with Windstar Lines, Inc. in the amount of \$3,220.00 for transportation related to West Branch Day Camps. /Move to action.

Motion by Shields, second by Ellyson to approve Resolution 1322. AYES: Shields, Ellyson, Miller, Stevenson. Absent: Pierce. Motion carried.

Resolution 1315, approving a special event lease agreement with M&M Golf Cars, LLC of Bettendorf, IA in the amount of \$470 for use during the Hoover's Hometown Days Celebration from August 7-8, 2015./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1315. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1316, approving an agreement for the rental of a mechanical bull from Wildwood Smokehouse & Saloon of Iowa City, IA in the amount of \$800 for the Hoover's Hometown Days Celebration on August 8, 2015./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1316. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1317, approving an agreement with Pony Go Round Pony Rides in the amount of \$1,200.00 for Hoover's Hometown Days Celebration on August 8, 2015./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1317. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1318, approving an agreement with Funny Face Designs by Lori in the amount of \$600.00 for the Hoover's Hometown Days Celebration on August 8, 2015./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1318. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1319, approving an agreement with Magician Rick Eugene in the amount of \$350.00 for the Hoover's Hometown Days Celebration on August 8, 2015./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1319. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1320, approving an agreement with Hawkeye Photo Booths in the amount of \$600.00 for the Hoover's Hometown Days Celebration on August 8, 2015./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1320. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1321, approving a purchase agreement with Voss Signs LLC in the amount of \$195.00 for the Hoover's Hometown Days Celebration on August 8, 2015. /Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1321. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

Resolution 1323, approving a proclamation declaring June 7th-13th as Childhood Cancer Awareness Week in West Branch./Move to action.

Motion by Miller, second by Shields to approve Resolution 1323. AYES: Miller, Shields, Ellyson, Stevenson. Absent: Pierce. Motion carried.

Resolution 1336, approving Change Order Number One Revised, increasing the contract amount by \$854.66 to All American Concrete, Inc. for the Main Street Sidewalk-Phase 2 Project./Move to action.

Motion by Shields, second by Ellyson to approve Resolution 1336. AYES: Shields, Ellyson, Miller, Stevenson. Absent: Pierce. Motion carried.

Resolution 1337, approving payment to All American Concrete, Inc. in the amount of \$92,983.25 for Partial Pay Estimate No. 1 Revised for the Main Street Sidewalk-Phase 2 Project./Move to action.

Motion by Ellyson, second by Stevenson to approve Resolution 1337. AYES: Ellyson, Stevenson, Miller, Shields. Absent: Pierce. Motion carried.

CITY STAFF REPORTS

City Attorney Kevin Olson and Public Works Director Matt Goodale – City Property on East Side of Creek near Lions Field.

Goodale reported that he and Muckler visited the east side of the creek last week and determined that something needs to be done to prevent additional erosion of the creek banks. The City owns the property on the eastside of the creek, however most residents on Scott Drive with properties on the east side of the creek have been maintaining the area. Goodale suggested creating a 20' buffer zone and planting native grasses and prairie flowers and posting signs to prevent further eroding. Worrell suggested a future planning session to be scheduled to assess a long term solution to the issue.

City Engineer Dave Schechinger and Public Works Director Matt Goodale – Salt Shed Update

Schechinger reported that Seneca Companies has completed testing and that calcium and sodium (road salt) have been detected on the property at 348 Cookson Drive. From these findings, it has been determined that the City's salt shed should be moved to prevent further contamination. Muckler and Goodale met with the DNR who provided the City with options. Schechinger and Goodale recommended a 3-part solution, 1) construct a new salt shed north of the existing public works shop in FY18, 2) complete a storm water project in FY20, and 3) remove contaminated soil in FY22. Dave Peden was present and commented that he plans on retiring in the next year or so and that his property would be put up for sale. He also asked the Council to consider buying his property and moving the salt shed to that location. Councilperson Miller suggested a sit down meeting with Peden to explore that option. Council agreed and directed Muckler to send a letter to the DNR with the City's proposed timeline to correct the problem and schedule a meeting to meet with Peden to discuss a purchasing option.

Police Chief Mike Horihan - Pedestrian and Bicycle Safety

Horihan provided pedestrian and bicycle safety reminders now that warmer weather is approaching. He referred to City Ordinance, Chapter 67-Pedestrians, and Chapter 76-Bicycle Regulations and sited a few reminders from those chapters.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Mayor Mark Worrell – June 1, 2015 6:00 p.m. Joint Work Session with School Board.

Worrell commented that this meeting will be rescheduled due to scheduling conflicts.

Mayor Mark Worrell – Introduction of Brad Ratliff, Assistant Coordinator, Cedar County Emergency Management Agency – Public Safety Radio System Presentation.

Ratliff provided an overview of the current radio system in Cedar County and discussed the benefits of P25 radios. Cedar County Sheriff Warren Wethington confirmed that converting to P25 digital signal 1) would decrease emergency communication capabilities for West Branch, 2) would place West Branch police officers in danger, and 3) that West Branch shouldn't have to pay for all of the emergency communication equipment required for the southwest portion of Cedar County. The Sheriff went on to say that he would not support a vote at the upcoming E911 meeting to make the change to P25 digital. Horihan noted that there is no mandated date to switch to P25 digital signal. Stanwood Mayor Greg Wagner asked Ratliff if there was a possibility to run the systems parallel to determine how communications would be affected. Ratliff indicated that would not be an option as it takes time to tweak the system to make sure it is working as designed. Fire Chief Stoolman was present and remarked that fire communications are not moving to P25 at this time. Muckler thanked the Sheriff for his comments and stated that the switch to P25 digital signal was unacceptable due to the adverse effects on West Branch law enforcement officers and the residents to whom they provide public safety services. Muckler also stated that the Cedar County E911 Board needs to devise a plan and identify a funding source to implement a county wide emergency communications system that provides adequate service levels for all Cedar County residents prior to switching to P25.

ADJOURNMENT

Motion to adjourn meeting by Shields, second by Miller. Motion carried on a voice vote. City Council meeting adjourned at 9:45 p.m.

Mark Worrell, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk