

*(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**

**February 19, 2013  
6:30 p.m.**

Councilperson Worrell opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Public Works Director Matt Goodale, Police Chief Mike Horihan, Park & Rec Director Melissa Russell, and Library Director Nick Shimmin

Council members: Jordan Ellyson, Colton Miller, Dan O'Neil and Mark Worrell. Absent: Mayor Don Kessler, Mayor Pro Tem Jim Oaks.

City Attorney Kevin Olson stated that a motion needed in the absence of the Mayor and Mayor Pro Tem to designate Councilperson Worrell as presiding officer for the February 19<sup>th</sup> and March 4<sup>th</sup> council meetings per the advice of the City's bond counsel.

Motion by O'Neil and second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller. Motion carried.

**APPROVE AGENDA/CONSENT AGENDA**

a. Approve minutes from the February 4, 2013 City Council Meeting.

b. Approve claims.

c. Approve the Wellmark BlueCross BlueShield Flexible Spending Account Renewal for April 1, 2013 – March 31, 2014 in the amount of \$630.40.

Motion by O'Neil to approve the agenda and second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller. Motion carried.

Date 2-19-13	City of West Branch	
	Claims Register Report	
Agvantage FS Inc	Streets - LP Gas	683.23
Alliant Energy	Various Depts – Utilities	8,761.53
Amazon	Library – Supplies	216.73
Baker & Taylor Inc.	Library – Books	1,222.59
Barron Motor Supply	Fire/Sewer – Supplies	271.21
BDC-Building Inspection	Admin - Building Inspections	96.60
Bean & Bean	Cemetery - Grave Openings	1,500.00
Blue Cross Blue Shield	Insurance	9,521.74
BP Amoco	Police/Fire/Streets – Fuel	1,744.96
Brownells Inc	Police – Supplies	25.52
Cedar County Recorder	Legal - Document Recording	77.00
Cedar County Solid Waste	Streets - Debris Disposal	84.00
Cedar Rapids Photo Copy	Library – Service	112.87
Chris Jones Trucking	Streets - Hauling Of Sand	871.70
Community State Bank	Fire Dept Expansion Loan Pmt	8,364.57
Culligan Water	Fire - Water Cond Rental	36.90
East Cent Intergovt Asn	Legal - Comp Plan Jan Expenses	1,462.50
Econo Signs	Streets - Stop Signs	209.80
EFTPS	Federal Withholdings	10,778.10
FEH Associates Inc	Library - Prefunding Phase Srv	5,098.16
General Pest Control	Library – Service	70.00
Harden, Jennifer	Admin - Reimbursement For Mileage	26.70
Horihan, Mike	Police -Reimbursement For Keys	5.12
Iowa City Press-Citizen	Library – Subscription	16.00
Iowa Codification Inc	Legal - Ordinance Supplement	1,315.00
Iowa Dept. Of Public Safety	Police-FY13 Ann Fees IA Online	1,200.00
Iowa Department Of Revenue	Payroll Expense	461.13
Iowa DNR	Sewer - Stagg Cert Exam Fee	30.00
Iowa DNR	Water - Stagg Cert Exam Fee	60.00
Iowa Network Services	Admin - Website Hosting	26.99
IPERS	IPERS	7,387.14
John Deere Financial	Sewer – Supplies	15.13
Johnson County Mutual Aid	Fire - Annual Membership Dues	81.00
Johnson County Refuse	Recycling - January 2013	4,282.50
Kevin D Olson	Legal Services For Feb 2013	1,500.00
Kingdom Graphics LLC	Park & Rec – Jerseys	907.50
Lease Consultants Corp	Library - Copier Contract	59.00
Liberty Communications	Various Depts - Phone Service	964.66

Linn County R.E.C.	Streets – Utilities	102.00
Lynch's Excavating Inc	Water - Water Main Repairs	6,582.55
Lynch's Plumbing Inc	Water/Fire - Service	1,581.10
Matt Parrott	P&R/Water/Sewer – Utility bills/business cards	551.82
Mediacom	Admin – Service	40.90
Menards	Streets – Supplies	93.45
Midwest Janitorial	Lib/Th/Admin/Police – Cleaning	637.00
National Rec. & Park Assoc.	Park & Rec - Nrpa Membership	150.00
North American Salt Co.	Streets – Salt	1,861.48
Oasis Electric	Sewer - Service At Plant	659.25
Office Depot	Admin - Office Supplies	14.99
Overdrive Inc	Library – Ebooks	101.98
Parkside Service	Fire – Tires	1,570.44
Payroll Expense	Payroll – February	48,868.12
Physio-Control Inc	Fire – Supplies	210.80
Pitney Bowes	Library/Admin – Postage	1,000.00
Plato Electric	Sewer/Comm & Cult - Service	630.00
Quality Engraved Signs	Admin - Office Supplies	50.76
Quill Corp	Admin/Cable/Library - Supplies	141.50
Racom Corporation	Police - Service	44.00
S & G Materials	Streets - Sand	672.76
Shanelle M Peden	Cable - Videotaping	150.00
Sprint	Police - Service	179.97
State Hygienic Lab	Water - Testing	793.00
The Sherwin-Williams Co	Water - Paint	213.16
Toynes Ia. Fire Trk	Fire - Part	734.76
Treasurer State Of Iowa	Iowa Sales Tax Pmt January	1,959.62
Treasurer State Of Iowa	State Withholding Tax	1,913.00
Underdahl, Shane	Water - Utility Refund	65.92
UPS	Sewer - Shipping	156.86
US Cellular	Various Depts - Phone Service	741.03
Veenstra & Kimm Inc.	Various Engineering	6,321.73
Waffle, Brian	Water - Utility Refund	63.81
Walmart	Library - Supplies	249.86
Wellmark BC/BS	Flex	1,026.66
West Branch Animal Clinic	Animal Control - Stray Pets	248.00
West Branch Comm. Schools	Park & Rec - Youth Bball Hoops	1,078.00
West Branch Family Practice	Police - Alex Physical	241.00
West Branch Ford	Sewer - Part	14.86
West Branch Repairs	Fire - Battery	237.35
West Branch Times	Legal/Police -Ads/Publications	719.96
Wex Bank	Police - Fuel	253.51
		152,474.54
Fund Totals		
001 General Fund	65,574.48	
022 Civic Center	927.15	
031 Library	17,384.57	
110 Road Use Tax	10,071.42	
112 Trust And Agency	12,181.28	
226 Go Debt Service	8,364.57	
600 Water Fund	24,228.22	
610 Sewer Fund	13,742.85	
Grand Total	152,474.54	

## COMMUNICATIONS/OPEN FORUM

None.

## PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL

Nuisance Hearing for Dalton Gang at 315 E. Main Street, West Branch per Section 50.08 of the Code of Ordinances requested by Robert M. Champagne, Jr.

Mr. Champagne asked for some clarification on his nuisance abatement. Champagne stated he was cited on April 9<sup>th</sup> of 2012 and has been continually cited since. Ellyson stated that she has received numerous complaints regarding Champagne's property. The Council viewed pictures taken earlier in the day of the property. City Attorney Olson stated that Cedar County Magistrate found Champagne in violation of having a nuisance and in contempt of court for not abating that nuisance. Champagne conceded that he had missed court appearances regarding violations to his property. After viewing the pictures, Worrell asked Champagne if he thought the property looked acceptable and Champagne conceded that it did not. Champagne asked for another twenty days to abate the nuisance. Muckler stated that the notice to abate was signed by Champagne on January 31<sup>st</sup> and recommended that the Council demand the nuisance be abated no later than March 1<sup>st</sup>. Olson stated that the property must comply with City Ordinances in order for the liquor license to be issued. O'Neil stated that he did not feel more time to abate the nuisance was warranted.

Approve an order for Dalton Gang to abate a nuisance at 315 E. Main Street no later than March 1, 2013./Move to action.  
Motion by O'Neil to declare 315 E. Main Street a nuisance and order it abated no later than March 1, 2013, second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller. Motion carried.

Approve Class C liquor license with Sunday Sales for Fiesta Riviera, Inc./Move to action.  
Motion by O'Neil to postpone consideration until March 4, 2013, second by Ellyson. AYES: O'Neil, Ellyson, Worrell Miller. Motion carried.

First reading of Ordinance 706 amending Chapter 92 "WATER RATES"/Move to action.  
Miller stated that this proposal seeks to address concerns with high water users. Muckler stated that the City's rate for water provides lower than average rates for minimal users and higher than average rates for average and higher than average users when compared to other cities. Muckler stated that the City has a 1,700 gallon minimum. All of the other comparable cities had a base charge. No charges would be reduced per the proposal, but usage over 250,000 gallons per meter per month would hold at current rates. Muckler stated that Ankeny has a similar policy. Worrell thought that this policy would benefit larger water users who might move their business into the industrial park.  
Motion by O'Neil to approve first reading of Ordinance 706, second by Miller. AYES: O'Neil, Worrell. ABSTAIN WITH CONFLICT: Miller, Ellyson. Motion carried.

Second reading of Ordinance 707 amending Chapter 45 "ALCOHOLIC CONSUMPTION AND INTOXICATION"/Move to action.  
Motion by O'Neil to approve second reading of Ordinance 707, second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller. Motion carried.

Resolution 1078, adopting final proposed fiscal year 2013-2014 budget and order notice of hearing for March 4, 2013./Move to action.  
Councilperson O'Neil stated he thought the budget presentation was well done this year.  
Motion by O'Neil to approve Resolution 1078, second by Ellyson. AYES: O'Neil, Ellyson, Miller, Worrell. Motion carried.

Resolution 1079, establishing the policy for consumption of alcohol upon public property within the City of West Branch, Iowa./Move to action.  
Muckler stated that the resolution includes a prohibition on kegs. Children under twenty-one years of age would not be allowed in the library during programs that would allow alcohol. Consumption would not take place during normal operating hours. Patrons participating in these adult programs would be allowed to take in wine, beer or wine coolers.  
Motion by O'Neil to approve Resolution 1079, second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller, Motion carried.

Resolution 1081, authorizing the issuance of General Obligation Corporate Purpose and Refunding Bonds, Series 2013./Move to action.  
Motion by O'Neil to approve Resolution 1081, second by Miller. AYES: O'Neil, Miller, Worrell, Ellyson. Motion carried.

Resolution 1082, authorizing the filing of an application for assistance from the Safe Routes to School Program, administered by the Iowa Department of Transportation./Move to action.  
Councilperson O'Neil stated the final proposal includes the Maple Street project by the water plant, finishing Oliphant Street, and connecting West Branch Village from 4<sup>th</sup> Street. O'Neil also stated letters of support are being submitted with the grant application. O'Neil stated that the City will be notified in June whether or not the grant was awarded.  
Motion by O'Neil to approve Resolution 1082, second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller. Motion carried.

Resolution 1083, accepting the \$5,100 Alliant Energy *Branching Out* Grant and approving the 2013 *Branching Out* Program Agreement./Move to action.

Parks and Recreation Director Melissa Russell stated she has applied for the *Branching Out* Grant through Alliant Energy. This grant was approved and would be used to plant trees in the cemetery both as a windbreak and to replace some of the older trees. Planting is set for April 8, 2013 and would involve the community.

Motion by Ellyson to approve Resolution 1083, second by Miller. AYES: Ellyson, Miller, Worrell, O'Neil. Motion carried.

Main Street West Branch Program Director Mackenzie Krob – Hoover's Hometown Days

Main Street West Branch (MSWB) Board President Becky Frederick stated that MSWB would like to organize activities on Main Street during Hoover's Hometown Days. Mackenzie Krob proposed that Main Street be closed from Parkside to Poplar on Saturday, August 3<sup>rd</sup>, 2013 from 11:00 a.m. until 5:00 p.m. Local business owners would participate. There would be a beer garden and wine garden and at least two bands performing on a stage near Heritage Square. Ellyson spoke in favor of the plan and thought it would be a way to support the City's Main Street businesses. Chief Horihan stated that starting the planning now would allow the Police Department to be prepared for the event. Miller asked that the Police Department provide for the safety of the 5K runners and walkers.

**CITY STAFF REPORTS**

a. Library Director Nick Shimmin – Cable Access Equipment Update

Shimmin recommended the purchase a piece of equipment that would allow meetings to be recorded into digital format, eliminating the need for DVD's. Muckler stated funds have been budgeted for equipment updates to the cable access station.

**COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

a. Councilman Mark Worrell – Greenview/Pedersen Valley Connection

Councilperson Worrell stated he had discussed a Greenview/Pedersen Valley Connection (sidewalk, trail, gravel or paved street) with Councilperson O'Neil and the developer that currently owns this land and leases it for farming. Worrell was hoping to receive more cooperation from landowners but reported that they were not interested at this time. Worrell stated that the City does not have the right to force the issue, but that he sees the need for an alternate emergency route to Greenview. Councilperson O'Neil shared a Google Earth map showing a clear path that has been established. He expressed that there is a need for a connection between the two areas and expressed concern with emergency access to Greenview during snow storms, considering that the County Line Road has drifted shut in the past. Alice Scott, 17 Greenview Drive, thanked O'Neil for his work on this issue and stated that she agreed with his comments. Deb Mills, 603 W. Orange Street, stated that she felt it was frustrating to not have this connection completed, considering the need during a fire or medical emergency. Worrell believes attitudes are becoming more favorable for this connection and expressed interest in having further discussions with the developer in the future.

**ADJOURNMENT**

Motion to adjourn meeting by O'Neil, second by Ellyson. Motion carried. City Council meeting adjourned at 7:40 p.m.

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Mark Worrell, Councilperson

ATTEST: \_\_\_\_\_  
Matt Muckler, City Administrator