

*(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 21, 2011  
6:39 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, City Attorney Kevin Olson, Deputy City Clerk Dawn Brandt, and Fire Chief Administrator Dick Stoolman.

Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks.

**APPROVE AGENDA/CONSENT AGENDA**

a) Approve minutes from the February 7, 2011 City Council Meeting.

b) Approve claims.

Motion by Worrell, second by Johnson. Roll call vote – Ayes: Worrell, Johnson, Sexton, O'Neil, Oaks. Motion carried.

<b>City of West Branch</b>			Iowa Business Supply	supplies/equip.	1993.64
<b>Claims - 2/21/11</b>			Iowa DNR	cert. test	30.00
Agvantage FS Inc.	LP fuel	1102.04	Iowa Network Services	service contract	26.99
Alliant Energy	utilities	10764.00	Iowa One Call	service	11.70
Allmed	supplies	126.51	Iowa Rural Water Assoc.	training classes	525.00
Amazon	supplies	21.02	Iowa Section AWWA	training classes	90.00
Amer. Water Works Assoc.	renewal fee	82.00	ISU Extension	training classes	110.00
Amsan	batteries	236.77	Iowa Workforce		
Aramark	service	269.79	Development	unemp. claim	3245.74
Arant, Matt	website design	3000.00	Jetco	service repair	1915.70
Baker & Taylor Books	books	536.77	Johnson County Refuse	recycling	3557.75
Barron Motor Supply	supplies	283.81	Kingdom Graphics	supplies	119.75
BDC Building Plan Review	service	174.30	Knoche, Rebecca	reimbursement	48.27
Best Buy Business	supplies	199.99	Lease Consultants Corp.	service	59.00
BP Amoco	fuel	2696.10	Lenoch & Cilek	supplies	39.97
Cedar County Coop	fuel	1289.93	Liberty Communications	utilities	1116.20
Cedar Rapids Photo Copy	service	39.78	Linn Co. REC	utilities	102.00
Chris Jones Trucking	service	454.45	Lynch's Plumbing	service	55.00
Creative Software Service	service	52.30	Menards	supplies	402.41
Culligan Water	service	2.95	Municipal Supply Inc.	hydrant poles	95.00
	Oshkosh		Ann Nash	cleaning	240.00
Dave's Welding & Repair	service	633.32	Neumann Monson Architect	Cookson study	4966.98
Demco	supplies	383.78	Oasis Electric	light bulbs	80.39
Deweys Jack & Jill	supplies	13.29	Payroll	02/01/2011	30844.67
EHS Inc.	supplies/service	620.00	Payroll	02/16/2011	35876.99
Emergency Services	subscription	50.00	Peden, Shanelle	videotaping	150.00
Farm Plan	supplies	155.93	Pitney Bowes	postage	1000.00
Fleet Services	fuel	274.19	Plato Electric	service	252.50
Follett Software	service	160.00	QC Analytical Services	sewer testing	552.00
Freeman Lock & Alarm	supplies	125.00	Quill Corp.	supplies	4.07
General Pest Control	service	170.00	Rummells, Larry	credit refund	37.82
Gillund Enterprises	supplies	136.88	S & G Materials	concrete sand	670.83
Goodale, Matthew	reimbursement	110.36	Safariland LLC	supplies	55.30
Great American Leasing	copier contract	573.62	Simkin, Atty Douglas	legal service	425.00
Havlik, Tanya	reimbursement	266.51	Sprint	service contract	179.97
Hawkins Water Treatment	supplies	1294.25	St John, Steven	credit refund	7.55
Heick, Gina	cleaning	50.00	Staples	office equip.	749.97
Henderson Products Inc	parts	519.60	Sulzner, Ellen	cleaning	680.00
HH Presidential	ICN service	100.00	The Library Store Inc.	supplies	91.93
HSBC Business Solutions	supplies	75.99	Thein Motor Sales	repair service	659.05
ICMA	membership	600.00	Treasurer State of Iowa	sales tax	1699.02
IA Assoc. Municipal Util.	training classes	110.00	Tyler Technologies	software cont.	303.45

United Laboratories	supplies	326.91	<b>Total</b>	<b>\$126,941.88</b>
UPS	shipping	131.86		
US Cellular	service	621.51	<b>Fund Totals</b>	
Veenstran & Kimm Inc.	service	355.10	General Fund	55415.23
VSP Engineering LLC	design plan	500.00	Civic Center	1334.45
Walmart	supplies	176.17	Library	11377.83
Water Solutions	supplies	1500.00	Road Use Tax	11054.41
Wenndt, Joe	training	200.00	Police Recovery Act Grant	2508.21
West Branch Ford	parts	11.31	Trust & Agency	9885.30
West Branch Heating	service	1994.60	Water	23089.06
West Branch Times	publications	297.58	Sewer	12277.39
				<b>\$126,941.88</b>

**The Clerk reported the following receipts for the month of January 2011:**

Water, Sewer, Recycling	\$	52,209.34	Cedar Co. Property Tax	\$	4,348.96
Water Utility Deposits	\$	425.00	Johnson Co. Prop. Tax	\$	1,324.65
Cookson Rent	\$	-	Road Use Tax	\$	16,480.67
Town Hall Rent	\$	300.00	Fines	\$	843.03
Misc.	\$	6,210.49	Twp. Fire Contract	\$	7,785.00
Library	\$	3,052.84	Building Permits	\$	-
Donations	\$	250.00	Police Department Grant	\$	-
Interest	\$	404.35	Krouth Fund Interest	\$	0.36
Investments Interest	\$	427.36	M. Gray Savings Interest	\$	-
Cable fees	\$	5,951.54	Cemetery Perp. Care Int.	\$	0.39
Hometown Days	\$	-	MV Fuel Tax Refund	\$	273.84
Cat & Dog Registrations	\$	310.00	Reimbursement/Refunds	\$	-
Beer & Liquor Lic. Fees	\$	617.50	Grave Openings	\$	2,290.00
Park & Rec. Activities	\$	-	Cemetery Lots	\$	-
<b>SUBTOTAL</b>	<b>\$</b>	<b>70,158.42</b>	<b>SUBTOTAL</b>	<b>\$</b>	<b>33,346.90</b>
			<b>TOTAL</b>	<b>\$</b>	<b>103,505.32</b>

**The Clerk reported the following balances on hand for the month of January 2011:**

**(Balances =Financial Statement Report Bank Balance + Investments)**

Funds	Bank Balance	Investments	Total
001 General	\$ 222,380.24	\$ 228,738.72	\$ 451,118.96
011 Police Donations	\$ 8,801.54	\$ -	\$ 8,801.54
014 Fire Dept. Donations	\$ 52,200.00	\$ -	\$ 52,200.00
018 Park Donations	\$ 5,388.71	\$ -	\$ 5,388.71
022 Civic Center	\$ 10,551.69	\$ 23,166.55	\$ 33,718.24
031 Library Operating	\$ (10,555.99)	\$ 16,310.85	\$ 5,754.86
036 Tort Liability	\$ 6,124.39	\$ -	\$ 6,124.39
050 Home Town Days	\$ 11,473.28	\$ -	\$ 11,473.28
110 Road Use Tax	\$ 178,690.86	\$ 29,819.47	\$ 208,510.33
111 Police Recovery Act Grant	\$ (3,763.90)	\$ -	\$ (3,763.90)
112 Trust & Agency	\$ 26,058.85	\$ -	\$ 26,058.85
119 Emergency Tax Fund	\$ 50,221.32	\$ -	\$ 50,221.32
121 Local Option Tax	\$ -	\$ -	\$ -
125 TIF	\$ 590,749.99	\$ -	\$ 590,749.99
160 Economic Develop.	\$ 138,934.85	\$ -	\$ 138,934.85
200 Debt Service	\$ 1,354.33	\$ -	\$ 1,354.33
226 SRF Debt Service	\$ 85,146.77	\$ -	\$ 85,146.77
300 Capital Improvement	\$ 274.23	\$ -	\$ 274.23
500 Cemetery Perpetual	\$ 9,254.62	\$ 88,000.00	\$ 97,254.62
501 Krouth Fund Principal	\$ -	\$ 101,159.50	\$ 101,159.50
502 Krouth Enlow Int. Fund	\$ 8,501.07	\$ 21,745.11	\$ 30,246.18
600 Water Operating	\$ 230,736.22	\$ 123,900.21	\$ 354,636.43
603 Water Sinking Fund	\$ 26,766.64	\$ -	\$ 26,766.64
610 Sewer Operating	\$ 135,652.47	\$ 76,587.19	\$ 212,239.66
<b>TOTAL</b>	<b>\$ 1,784,942.18</b>	<b>\$ 709,427.60</b>	<b>\$ 2,494,369.78</b>

**COMMUNICATIONS/OPEN FORUM**

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

Suspend rules to have second and third readings of Ordinance 674 re-zoning the south eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2./Move to action.

Motion by Worrell, second by O’Neil to suspend rules to have second and third readings of Ordinance 674.

Roll call vote – AYES: Worrell, O’Neil, Oaks, Worrell, Johnson. Motion carried.

Second reading of Ordinance 674 re-zoning the south eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2./Move to action.

Motion by Johnson, second by Sexton to approve second reading of Ordinance 674. Roll call vote – AYES: Johnson, Sexton, O’Neil, Oaks, Worrell. Motion carried.

Third reading of Ordinance 674 re-zoning the south eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2./Move to action.

Motion by Sexton, second by O’Neil to approve third reading of Ordinance 674. Roll call vote – AYES: Sexton, O’Neil, Oaks, Worrell, Johnson. Motion carried.

**ORDINANCE NO. 674**

**AN ORDINANCE RE-ZONING REAL ESTATE WITHIN THE CORPORATE LIMITS OF WEST BRANCH, IOWA.**

Be it Ordained by the Council of the City of West Branch, Iowa :

Section 1. That the real estate within the following boundaries which is currently zoned R-2 is hereby re-zoned B-2:

The South eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, Iowa.

Section 2. This ordinance shall be in full force and effect from and after its publication as by law provided.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 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 21st day of February, 2011.

Read First Time: February 7, 2011

Read Second Time: February 21, 2011

Read Third Time: February 21, 2011

\_\_\_\_\_  
Don Kessler, Mayor

TTEST: \_\_\_\_\_  
Matt Muckler, City Administrator/Clerk

Third reading of Ordinance 673 amending Chapter 30 “POLICE DEPARTMENT” by adding the following section, Section 30.11: 30.11 RESIDENCY REQUIREMENT: All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City./Move to action.

City Administrator Matt Muckler read a statement from Police Chief Bloem who opposed the ordinance but was not able to attend the meeting.

Motion by O’Neil, second by Worrell to approve third reading of Ordinance 673. Roll call vote – AYES: O’Neil, Worrell, Oaks. NAYS: Johnson, Sexton. Motion carried.

**ORDINANCE NO. 673**

**AN ORDINANCE AMENDING TITLE CHAPTER 30 “POLICE DEPARTMENT”**

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 30 “POLICE DEPARTMENT” of the Code of West Branch, Iowa is hereby amended by adding the following section, Section 30.11:

### 30.11 RESIDENCY REQUIREMENT

**All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City.**

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 21st day of February, 2011.

First Reading: January 18, 2011  
Second Reading: February 7, 2011  
Third Reading: February 21, 2011

\_\_\_\_\_  
Don Kessler, Mayor

Attest:

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Matt Muckler, City Administrator/Clerk

Approve Resolution 926, amending the City of West Branch, Iowa Employee Handbook by changing pay periods from semi-monthly to bi-weekly, effective March 1, 2011./Move to action.

Oaks expressed concern about adding two extra pay periods per year (for a total of twenty-six). Muckler stated that this will help better manage the Police payroll, had been a request from Chief Bloem, and would also make the administration of payroll by City Office staff more efficient.

Motion by Sexton, second by Worrell to approve Resolution 926. Roll call vote – AYES: Sexton, Worrell, Johnson, O’Neil. NAYS: Oaks. Motion carried.

Approve Resolution 928, amending the City of West Branch, Iowa Employee Handbook by stating vacation, holiday, and sick leave pay in terms of hours instead of days and clarifying the policy on vacation time accrued above the 240-hour maximum accumulation./Move to action.

Johnson would like to delay the forfeiture of vacation hours for a year and look at the vacation hours accrued in December. Since there is such a small staff, he was concerned this might not work. Worrell doesn’t think that it will work, but would like to try it and extend the accumulation of vacation hours to July 2012.

Motion by Worrell, second by Johnson to approve Resolution 928 amended to state that any accumulation of vacation hours above 240 will be forfeited by each employee on July 1<sup>st</sup> of each year, effective July 1, 2012.

AYES: Worrell, Johnson, Sexton, O’Neil Oaks. Motion carried.

Adopt final proposed fiscal year 2011-12 budget and order notice of hearing for March 7, 2011./Move to action.

Motion by Sexton, second by Worrell to adopt final proposed fiscal year 2011-12 budget and order notice of hearing for March 7, 2011. Roll Call vote – AYES: Sexton, Worrell, O’Neil, Oaks. NAYS: Johnson. Motion carried.

Approve request for proposal for plans for a community center./Move to action.

Oaks expressed his concern for daily operating costs for the community recreation center, even if grants or donations became available to construct the building. Muckler stated that this request for proposal would provide a set of drawings which Russell could use to apply for grants. The drawings would be similar to the fire station expansion and Library plans. O’Neil said that it is a good idea to get plans. Worrell felt the City should perform a cost analysis for operating costs and proceed with plans. Sexton stated that we need a plan so that people can see it.

Motion by Sexton, second by Worrell to approve request for proposal for plans for a community center. Roll Call vote – AYES: Sexton, Worrell, Johnson, O’Neil. NAYS: Oaks. Motion carried.

Approve Class C Liquor License with Living Quarters, Outdoor Service and Sundays Sales Permits for Fox Run Golf & Country Club. /Move to action.

Motion by Johnson, second by Worrell to approve Class C Liquor license for Fox Run Golf & Country Club. Roll Call vote – AYES: Johnson, Worrell, Sexton, O’Neil, Oaks. Motion carried.

Approve RAGBRAI XXXIX Pass-Through Town Agreement which would designate West Branch as a RAGBRAI Pass-Through Town on July 30, 2011./Move to action.

Muckler reported that co-chairs for the event would include Melissa Russell, West Branch Parks and Recreation Director, Rod Ness, Main Street Program Director, and National Park Service Park Ranger Peter Pappas. Motion by Sexton, second by Johnson to approve RAGBRAI Pass-Through agreement. Roll Call vote – AYES: Sexton, Johnson, O’Neil, Oaks, Worrell. Motion carried.

**MAYOR DON KESSLER**

Appointments/Reappointments/Move to action.

- i. Animal Control Commission – Leesa Johnson
- ii. Animal Control Commission – Richard Slach
- iii. Animal Control Commission – Gina Heick

Motion by Sexton, second by Johnson to approve reappointments. Roll Call vote – AYES: Sexton, Johnson, O’Neil, Oaks, Worrell. Motion carried.

**REPORTS**

a) Crime Data Processor Gina Heick – West Branch Police Department Monthly Report

Gina Heick presented the Police Department’s January calls for service. She also gave an update on the upcoming West Branch Police department webpage. Muckler said that his goal is to have the new website up and ready in two months. Additional content is currently being added.

b) Council Liaisons-Muckler stated that he had some initial discussions with Council members about the following appointments and would continue discussions with Council and staff.

- iv. Animal Control Commission – Councilman Johnson
- v. Cable Television Commission – Councilman O’Neil
- vi. Historic Preservation Commission – Councilman Worrell
- vii. Library Board of Trustees – Councilmen O’Neil and Sexton
- viii. Park & Recreation Commission – Councilman Sexton
- ix. Planning and Zoning Commission – Councilmen Worrell and Oaks
- x. Zoning Board of Adjustment – Councilmen Johnson and Oaks

c) City Administrator Matt Muckler - Planning and Zoning Commission Update. Muckler stated that there would be a public hearing on the rezoning in one lot of Phase One of the Meadows Subdivision Development and a presentation and discussion-only session on the preliminary plat for Phase One at the March 7, 2011 Council Meeting.

**ADJOURNMENT**

Motion by O’Neil to adjourn. City Council meeting adjourned at 7:39 p.m.

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Don Kessler, Mayor

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