

*(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**

**June 4, 2012  
7:00 p.m.**

Mayor Don Kessler 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, Library Director Nick Shimmin, Fire Chief Administrator Dick Stoolman and Police Chief Mike Horihan. Council members: Jordan Ellyson, Colton Miller, Dan O'Neil and Jim Oaks.

**APPROVE AGENDA/CONSENT AGENDA**

- a) Approve minutes from the May 21, 2012 City Council Meeting.
- b) Approve claims.
- c) Approve FY13 Cigarette Permit renewals for: Kum & Go; Dewey's Jack & Jill; Herb n' Lou's; Casey's General Store #2424; and BP Amoco.
- d) Approve Police Officer and Water/Wastewater Operator Job Descriptions.
- e) Approve retirement payout for Dan Karr in the amount of \$12,795.10.

Date 6/4/12 - City of West Branch Claims Register Report

BP Amoco	Water/Sewer/Fire/Police -Fuel	1798.50
Digital River Education	Library - Software	683.52
Don's Painting Service	Painting Of The Gazebo	500.00
Dreamhost Webhosting	Admin - Service For Website	119.40
Evenflo Company Inc	Fire - Supplies	703.20
F&B Communications	Library - Computers	850.00
Farm & Home Publishers	Library - Book	40.30
Iowa One Call	Water/Sewer - Service	55.80
Matt Parrott	Admin - Envelopes	136.93
Menards	Sewer - Supplies	531.05
Plunkett's Pest Control	Admin - Pest Service	45.76
Port 'O' Jonny Inc.	Cemetery - Service	83.00
Pyramid Services Inc.	Cemetery - Parts For Mower	88.33
US Cellular	Fire - Phone Service	525.01

These claims were not individually listed on the council claims report approved at the City Council meeting on 5-21-12. The grand total of \$134,975.15 approved at the meeting including these claims.

ABC Fire Protection Inc	Fire Extinguishers	348.50
Blue Cross Blue Shield	Health/Dental/Life	9030.55
Deluxe Corporation	Business Deposit	40.50
EFTPS	Withholdings	5162.68
IPERS		3256.54
John Deere Financial	Sewer Supplies	36.98
Treasurer State of Iowa	State Withholding	1028.00
Wellmark BlueCross BlueShield	Flex Benefits	513.33
Payroll Expenses		24147.65

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

001 GENERAL FUND	18,752.50
022 CIVIC CENTER	46.25
031 LIBRARY	3,847.13
110 ROAD USE TAX	818.96
112 TRUST AND AGENCY	8,879.38
600 WATER FUND	5,630.34
610 SEWER FUND	5,590.17
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GRAND TOTAL:	43,564.73
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Motion by Oaks to approve the agenda and consent agenda, second by O'Neil: Ellyson, Miller. Motion carried. Worrell Absent

## **COMMUNICATIONS/OPEN FORUM**

City Administrator Matt Muckler reminded the council and community of the meeting with school board on June 6<sup>th</sup>, at City Council Chambers. Also a reminder that the June 18<sup>th</sup> Council meeting is moved to June 25<sup>th</sup> and the July 2<sup>nd</sup> Council Meeting is cancelled. Matt Muckler asked City Engineer Dave Schechinger to get bids ready for the Middle School street and sidewalk project. Matt Muckler also discussed an asphalt project on Main Street to raise the elevation of the street which would provide a 6" curb consistent along the entire block.

Becky Frederick, President of Main Street West Branch announced that Rod Ness will be moving out of state to Wyoming. She reported that the board is sad to see him go and thanked him for his work in the community. The Main Street Board has selected Mackenzie Edwards as an interim director.

Rob Ness thanked the City and the Council for the experience he has had working with them to improve Main Street.

Pete Swisher announced the concert series in Village Green for the month of June. Every Thursday starting June 7<sup>th</sup> there is a free concert thanks to the joint efforts of the City of WB, Main Street and the National Park.

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

Approve Resolution 999, approving an agreement with Blue Sky Developers for an exclusive negotiating period on the former Cookson Community Center property./Move to action. Oaks asked if the agreement applied to the entire property or just the building and the land that the building sets on. Muckler responded that the agreement would apply to the entire property. Oaks stated that he felt that the property was too valuable to turn over the property to a developer for \$1. O'Neil stated that his understanding was that this agreement would only allow the developer the opportunity to assess the viability of a project on the Cookson Property and that the City retained all rights to the property. Oaks agreed with this assessment. Muckler stated that no negotiations had been discussed with the developer at this time. Muckler stated that this item comes to the Council after a considerable amount of work to market the property has been completed by City and Main Street staff. Staff has spoken to the Iowa Health Care Association, several assisted living centers, and interested developers. Staff recommended the approval of this item as they recognized something special in the preliminary proposal by Blue Sky Developers. Faye Swift introduced herself and Blaine Thomas, and she stated that she is interested in renovating the building into apartments. Kessler and O'Neil spoke in favor of the agreement. Motion by O'Neil, second by Ellyson to approve Resolution 999. AYES: O'Neil, Ellyson, Miller. NAYS: Oaks. Absent: Worrell. Motion carried.

Approve Resolution 997, approving the site plan for the reconstructed McDonald's Restaurant located at 610 S. Downey Street, West Branch, Iowa./Move to action. Muckler reported that Planning & Zoning approved the site plan. The timetable would be June 18-September 28 for construction. Seating capacity is unchanged at less than one hundred customers. This revised site plan was requested by McDonalds who changed the plan slightly to reduce some costs. Kessler stated that he would no longer like to see trailers using a portion of the McDonald's parking lot for parking. Motion by O'Neil, second by Miller. AYES: O'Neil, Miller, Oaks, Ellyson. Absent: Worrell. Motion carried.

Approve Resolution 998, approving Amendment No. 1 to Engineering Services Agreement for \$10,900 with French-Reneker-Associates, Inc. Engineers and Surveyors of Fairfield, IA in connection with design and engineering during construction for a proposed 300-acre drainage area flood control dam in Section 36, T80N, R5W, Johnson County, Iowa, in the Hoover Creek Watershed./Move to action. Bruce Barnhart provided background on the project and spoke in favor of the resolution. Oaks stated that he has seen this approach successfully reduce stormwater problems in Iowa City. Ken Fawcett also spoke in favor of the resolution. O'Neil asked about future potential problems. Barnhart said that he could not predict the outcome of construction costs. Miller stated that he was disappointed that the engineering firm didn't warn the City more strongly about the potential for a high hazard classification. Oaks stated that the high hazard classification and the increased costs that go along with that classification were the result of the Iowa DNR. Motion by O'Neil, second by Miller. AYES: O'Neil, Miller, Oaks, Ellyson. Absent: Worrell. Motion carried.

Approve Second Reading of Ordinance 695, granting to Interstate Power and Light Company, its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate a natural gas distribution system in the City of West Branch./Move to action. Oaks noted that notices were received from Alliant for a natural gas rate increase and stated that he believes that the Council made a mistake by not moving forward with a gas utility feasibility study. Motion by O'Neil, second by Ellyson. AYES: O'Neil, Ellyson, Miller. NAYS: Oaks. Absent: Worrell. Motion carried.

Approve Third Reading of Ordinance 696, referencing the City of West Branch Schedule of Fees in Chapter 7 of the City Code of Ordinances./Move to action. Motion by O'Neil, second by Ellyson. AYES: O'Neil, Ellyson, Oaks, Miller. Absent: Worrell

Approve Resolution 987, establishing nuisance abatement municipal infraction fees, Park & Recreation program fees, vendor fees, site plan fees and public facility user fees in the West Branch Schedule of Fees./Move to action. Motion by O'Neil, second by Ellyson to amend the resolution by changing vendor fee language to reference West Branch residency instead of Cedar County residency. AYES: O'Neil, Ellyson, Oaks, Miller Absent: Worrell. Motion by O'Neil, second by Ellyson to approve the resolution as amended. AYES: O'Neil, Ellyson, Oaks, Miller. Absent Worrell.

First Reading of Ordinance 697, amending the protocol for the ordering of sidewalk repairs and performance by the City in Title, "Streets and Sidewalks," Chapter 136 "Sidewalk Regulations./Move to action. Muckler introduced four new sections to the resolution requested by Council at the previous Council Meeting: 1) repairs to match existing sidewalk width, 2) hardship language, 3) appeal language, and 4) City will accept bids (but that property owners would ultimately be responsible for contractor selection and payment arrangements). Property owners would still be financially responsible for the repairs. Muckler suggested that the 2<sup>nd</sup> and 3<sup>rd</sup> reading occur at the June 25<sup>th</sup> meeting. This would require a motion to waive the 3<sup>rd</sup> reading, for the purpose of getting notices out during the summer so that we could get some sidewalks fixed this year. This is a policy that will require the citizens to make an investment in their sidewalks. O'Neil noted that it's a good thing that Matt has put this together so the City can enforce the ordinances that are in place or why do we have them. O'Neil thanked Muckler for bringing forward this item and felt that it would enable the City to better enforce a sidewalk repair program. Motion by O'Neil, second by Ellyson. AYES: O'Neil, Ellyson, Oaks, Miller. Absent: Worrell.

Resolution 994, setting salaries for appointed officers and employees of the City of West Branch, Iowa for the fiscal year 2012-2013./Move to action. Muckler noted that this includes all City employees except Officer Hanna and Muckler. Motion by O'Neil, second by Ellyson. AYES: O'Neil, Ellyson, Oaks, Miller. Absent Worrell.

Resolution 995, setting the rank and salary for an employee of the City of West Branch, Iowa for the fiscal year 2012-2013./Move to action. Chief Horihan spoke on behalf of Officer Hanna, citing his commitment and work ethic and recommending his promotion to sergeant. Motion by Miller, second by O'Neil. AYES: Miller, O'Neil, Ellyson, Oaks. Absent: Worrell.

Resolution 996, setting the salary for an appointed officer of the City of West Branch, Iowa for the fiscal year 2012-2013./Move to action. Motion by Miller, second by O'Neil. AYES: Miller, O'Neil, Ellyson, Oaks. Absent: Worrell.

#### **CITY STAFF REPORTS**

##### Library – Nick Shimmin

Nick gave an update on the summer reading programs at the library. There is a program for all ages. The library has a very full calendar in June with a lot of events.

##### Parks and Recreation – Melissa Russell

Melissa Russell gave an update on the summer programs for the parks and recreation department, including t-ball, volleyball, lunch bunch, swimming bus and lessons, and a bus trip going to the opening day Iowa Football game at Soldier Field. Enrollment in programs overall is up this year.

#### **COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

Mayor Kessler thanked Rod Ness for his service and welcomed Mackenzie Edwards to Main Street West Branch.

#### **ADJOURNMENT**

Motion to adjourn meeting by O'Neil, second by Ellyson. City Council meeting adjourned at 7:51 p.m.

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Don Kessler, Mayor

ATTEST: \_\_\_\_\_  
Angela Kessler, Administrative Assistant