

RESOLUTION NO. 1308

RESOLUTION APPROVING A WATER CONNECTION WITH DERRICK MILLER DBA FOX RUN GOLF & COUNTRY CLUB.

WHEREAS, Derrick Miller is the owner of that certain real property addressed as 19 Greenview Lane and operated as the "Fox Run Golf & Country Club" in the City (the "Property"); and

WHEREAS, the Property is served by public water main and is connected to the city provided water service; and

WHEREAS, Fox Run had failed to pay all amounts due on its utility billing account, and pursuant to Chapter 92 of the Code of Ordinances of the City, the water had been disconnected until payment was made by Fox Run; and

WHEREAS, instead of paying for its past due water account, Fox Run connected its internal plumbing system to a well which is located on the Property; and

WHEREAS, this connection is illegal under Section 90.03 of the Code of Ordinances as the property owner has public water available to its Property; and

WHEREAS, this untreated water is a hazard to the community and a potential contaminant to the City's water supply; and

WHEREAS, the City, in consultation with the Iowa Department of Natural Resources, desires to enter into this agreement to remove the illegal connection and ensure that the persons using the Property have access to properly treated water.

WHEREAS, the city attorney has drafted a water connection agreement; and

WHEREAS, Derrick Miller has signed agreement on behalf of Fox Run Golf & Country Club; and

WHEREAS, it is now necessary to approve said agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa that the aforementioned water connection agreement with Derrick Miller dba Fox Run Golf & Country Club is hereby approved. Further, the Mayor is directed to execute the agreement on behalf of the City.

Passed and approved this 18th day of May, 2015.



Mark Worrell, Mayor

ATTEST:



Matt Muckler, City Administrator/Clerk

WATER CONNECTION AGREEMENT

THIS WATER CONNECTION AGREEMENT is entered into by and between the City of West Branch, Iowa, 110 N. Poplar Street, West Branch, Iowa 52358 (the "City") and Derrick Miller dba Fox Run Golf & Country Club, 19 Greenview Lane, West Branch, Iowa 52358 ("Fox Run").

WHEREAS, Derrick Miller is the owner of that certain real property addressed as 19 Greenview Lane and operated as the "Fox Run Golf & Country Club" in the City (the "Property"); and

WHEREAS, the Property is served by public water main and is connected to the city provided water service; and

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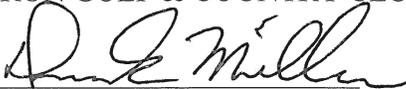
NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Fox Run shall immediately disconnect its clubhouse and other areas where potable water is used from the illegal well connection.
2. Fox Run shall disinfect with chlorine according to AWWA C-651 and flush the water lines on its Property that have been exposed to the well water in the presence of and per the instructions of the Superintendent of the City water system.

3. Fox Run shall pay the City for all water used to flush the water lines on the Property.
4. Fox Run shall be under a "boil order" until all of the requirements of this Agreement have been met by Fox Run.
5. Fox Run shall pay for all testing necessary to show that the water is free of any contaminants, which would include a minimum of two samples taken to confirm that the system is bacterially safe prior to lifting the boil order.
6. Fox Run shall cause to have a backflow/preventer device installed by a licensed plumber in an appropriate location as determined by the City.
7. Fox Run shall agree not to connect the illegal well connection to its clubhouse or other areas where potable water is used at any time in the future.
8. The City shall agree to provide water service to Fox Run after the Superintendent of the City water system has verified that all of the above-mentioned requirements have been completed in a manner acceptable to the Superintendent of the City water system.

Dated this 18th day of MAY, 2015.

FOX RUN GOLF & COUNTRY CLUB:

By: 

Derrick Miller, Owner

CITY OF WEST BRANCH:



Mark Worrell, Mayor

ATTEST:


Matt Muckler, City Administrator/Clerk