

*(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**

**March 4, 2013  
6:30 p.m.**

Council member Mark 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, Deputy City Clerk Dawn Brandt, Public Works Director Matt Goodale, Police Chief Mike Horihan, Fire Chief Administrator Dick Stoolman, Fire Chief Kevin Stoolman, and Library Director Nick Shimmin  
Council members: Mark Worrell, Jordan Ellyson, Colton Miller, Dan O'Neil and Mayor Pro Tem Jim Oaks.

Mark Worrell opened the meeting by noting that Mayor Kessler's seat was left open in memory of the Mayor. Worrell then invited Rev. Gregory Steckel to offer a prayer in memory of Mayor Don Kessler. Council members and members of the audience shared their fond personal memories of Mayor Kessler and complemented his many achievements as Mayor of West Branch.

#### **APPROVE AGENDA/CONSENT AGENDA**

- a. Approve minutes from the February 19, 2013 City Council Meeting.
  - b. Approve claims.
  - c. Approve street closures on Main Street from Parkside to Poplar and on N. Downey Street from Main Street to Green Street on Saturday August 3, 2013 from 11:00 a.m.-5:00 p.m. for Hoover Hometown Days activities sponsored by Main Street West Branch.
  - d. Approve the payment of \$2351.68 to the Iowa Public Employee Retirement System for a wage adjustment for John Grimm.
  - e. Approve transfer of \$299.58 from Library-General Fund 031 to Krouth Interest CD Fund 502.
  - f. Approve Class C Native Wine License with Outdoor Service and Sunday Sales Permit for Elmira Winery, Inc. DBA Brick Arch Winery.
- Motion by O'Neil to approve the agenda and second by Miller. AYES: O'Neil, Miller, Worrell, Ellyson, Oaks.  
Motion carried.

#### **COMMUNICATIONS/OPEN FORUM**

**PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL**  
Herbert Hoover Presidential Library Association Executive Director Jerry Fleagle-Association Staff Update.  
Jerry Fleagle introduced himself to the Council and said that he looks forward to working with community partners including Main Street West Branch, the City of West Branch, the Library Museum and National Park Service.

Animal Control Commission Members Amy Lynch and Kandi Baylor and Cedar County Conservation Director Mike Dauber - Development of Dog Park.  
Lynch said that the City has now accepted the donation of land. Kevin Olson noted that the Hillshire Brands Company donated the land to the City. They are planning to have eight to ten parking spaces. The County will provide gravel and help maintain it. Mike Dauber said that the County was willing to pay approximately \$3,500 for a single stall concrete restroom with the City paying the other half. There will be a 28E agreement drafted between the City and the County. Lynch invited everyone in the community to attend the dog park information meeting on Monday, March 11, 2013 at 7:00 p.m. at the Fire Station.

#### Approve Class C liquor license with Sunday Sales for Fiesta Riviera, Inc./Move to action.

Worrell noted that the Dalton Gang had cleaned up the property. Worrell stated that it looked good and he hopes that it stays that way. With the property cleaned up, Worrell spoke in favor of granting the license.  
Motion by O'Neil to approve liquor license, second by Ellyson. AYES: O'Neil, Ellyson, Worrell, Miller, Oaks.  
Motion carried.

Second reading of Ordinance 706 amending Chapter 92 “WATER RATES”./Move to action.

Oaks asked for a fact sheet by the next Council meeting that contains all expenses charged to the water budget so that the production cost of water could be determined to ensure that water is not being sold at a loss. Muckler said that this information has been provided in previous meetings, but that he would update the information with FY 2012 numbers and make it available at the next meeting.

Motion by O’Neil to approve second reading of Ordinance 706, second by Ellyson. AYES: O’Neil, Worrell. NAYS: Oaks. Abstain with Conflict: Miller, Ellyson. Motion carried.

Third reading of Ordinance 707 amending Chapter 45 “ALCOHOLIC CONSUMPTION AND INTOXICATION”./Move to action.

Motion by O’Neil to approve third reading of Ordinance 707, second by Ellyson. AYES: O’Neil, Ellyson, Worrell, Miller. NAYS: Oaks. Motion carried.

**ORDINANCE NO. 707**

AN ORDINANCE AMENDING TITLE CHAPTER 45 “ALCOHOL CONSUMPTION AND INTOXICATION.”

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 45 “ALCOHOL CONSUMPTION AND INTOXICATION” of the Code of West Branch, Iowa is hereby amended by deleting Section 45.02.2.(4) in its entirety.
2. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 45 “ALCOHOL CONSUMPTION AND INTOXICATION” of the Code of West Branch, Iowa is hereby amended by inserting a new subsection to Section 45.02.2(4):  
  
**on the grounds of the West Branch Public Library as set forth by Council Resolution; or**
3. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
5. 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 4th day of March, 2013.

First Reading:	February 4, 2013
Second Reading:	February 19, 2013
Third Reading:	March 4, 2013

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Mark Worrell, Councilperson

Attest:

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Matt Muckler, City Administrator/Clerk

Public Hearing on the Fiscal Year 2013-2014 Annual Budget.

Council member Worrell opened the public hearing at 6:57 p.m. With no discussion, Worrell closed the public hearing at 6:58 p.m.

Resolution 1084, adopting the Fiscal Year 2013-14 Annual Budget./Move to action.

Motion by Miller to approve Resolution 1084, second by O’Neil. AYES: Miller, O’Neil, Worrell, Ellyson, Oaks. Motion carried.

Resolution 1085, approving the ETS Merchant Application and Agreement, enrollment in the Visa Utility Program and the acceptance of all fees associated with credit card transactions./Move to action.

Muckler said this would allow for utility bills, park and recreation fees and fines to be paid with a debit or credit card. There is a \$108.00 annual fee and he gave an overview of the per transaction fees. The system was recommended by our current Incode financial software, and our only hardware purchase will be an \$85.00 credit card reader. O’Neil said he likes the convenience that it offers citizens. Oaks said that with the minimal fees there should be no great loss of revenue and spoke in favor of the resolution.

Motion by O’Neil to approve Resolution 1085, second by Ellyson. AYES: O’Neil, Ellyson, Worrell, Miller, Oaks. Motion carried.

Resolution 1086, approving an agreement with French-Reneker-Associates, Inc. for the preparation of a Resource Enhancement and Protection (REAP) Grant Application in the amount of \$1,200./Move to action. Muckler stated that the REAP Grant, if received, would pay for a pedestrian bridge from the Hoover Trail to West Branch Village. Miller explained that the grant would also provide 700 feet of 5-foot wide sidewalk to connect the bridge to the trail and the bridge to the West Branch Village Storm Shelter parking lot. Motion by O'Neil to approve Resolution 1086, second by Miller. AYES: O'Neil, Miller, Worrell, Ellyson, Oaks. Motion carried.

#### **CITY STAFF REPORTS**

##### Library Director Nick Shimmin – Little Free Library

Shimmin reported that the Friends of the Library are interested in installing a Little Free Library in West Branch. This project promotes a community sharing of books where people can put in books and take whatever they want. The Friends have a Little Free Library that was built by a volunteer and they would like to place it on the side of Town Hall.

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

Worrell wanted to let the public know that he served as the presiding officer for the February 19, 2013 and March 4, 2013 Council Meetings per the advice of the City's bond counsel as the bonding was completed on these dates. Worrell mentioned that Mayor Pro Tem would resume duties as the presiding officer at the March 18, 2013 Council Meeting.

#### **ADJOURNMENT**

Motion to adjourn meeting by Oaks, second by O'Neil. City Council meeting adjourned at 7:11 p.m.

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Mark Worrell, Council Member

ATTEST: \_\_\_\_\_  
Dawn Brandt, Deputy City Clerk