

(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

**April 16, 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, Deputy City Clerk Dawn Brandt, Public Works Director Matt Goodale, Police Chief Mike Horihan, Fire Chief Kevin Stoolman, Fire Chief Administrator Dick Stoolman and Police Officer John Hanna.

Council members: Mark Worrell, Jordan Ellyson, Colton Miller, Dan O'Neil and Jim Oaks.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the April 2, 2012 City Council Meeting.
- b) Approve claims.

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

City of West Branch Claims Register Report 4-16-12

Air Cooled Engine	sewer - parts for saw	153.86
Alliant Energy	various depts - utilities	7,076.95
Amazon	library - supplies/books	243.56
Amsan	library/admin - ballasts	207.23
Baker & Taylor Books	baker & taylor - books	909.30
Barnhart's Custom Services	service	10,800.00
Barron Motor Supply	sewer/fire - supplies	93.77
BDC Building Plan Review	admin - march inspections	487.20
Beaver Heating And Air	library - service furnace	319.00
Big Country Seeds	park & rec - grass seed	450.00
Blue Cross Blue Shield	health/dental/life insurance	993.35
Borland-Kaalberg, Ashley	admin-reimb for hotel/training	282.24
Bound Tree Medical	fire - supplies	133.88
Bp Amoco	fire/police/sewer - fuel	1,924.18
Business Radio Sales	fire-service & charger/battery	435.52
Cedar Rapids Photo Copy	library - service	66.06
Cedar Valley Quilts	utility refund	83.30
Child Source	fire - car seats	785.10
Community State Bank	fire dept expansion loan pmt	8,364.57
Creative Software Services	admin - computer consulting	612.33
Culligan	fire - water cond rental	32.95
Deweys Jack & Jill	library/sewer - supplies	28.59
Earl May Nursery & Garden	library- landscaping materials	766.36
East Cent Intergovt Asn.	legal - comp plan feb '12 exp	510.50
Ebsco Subscription Services	library - subscriptions	938.97
Econo Signs	streets - signs	136.70
Eddy Walker Equipment	sewer - upper roller/bearing	1,198.40
Eftps	federal withholdings	4,852.58
Emslrc	fire - healthcare prov. card	6.00
Fetketter, Ashley	utility refund	64.48
Gaylord Bros Inc.	library - patron id cards	365.34
General Pest Control	library - service	70.00
Gierke-Robinson Co	streets - nail stakes	146.40
Goodale, Matthew	water - reimb for phone equip	39.98
Graybill Communications	fire - service	550.00
Greatamerica Leasing	admin - copier lease contract	252.06
Hawkeye Area Cap	library - m miller hours	88.00
Hawkeye International	fire - service on inter 7400	949.11
Heiman Fire Equipment	fire - supplies	12,206.83
Hygienic Lab	water - testing	260.00

Iowa Network Services	admin - website hosting	26.99
Ipers	ipers	3,213.89
J & M Displays	admin/htday-1/2 pmt fireworks	12,500.00
Johnson County Ambulance	fire - accu check lancets	61.65
Johnson County Refuse	recycling - march	4,211.25
Kingdom Graphics	park & rec - supplies	835.00
Kirkwood Comm. College	sewer - wastewter conf training	135.00
Knoche, Rebecca	library - reimb for mileage	64.08
Lease Consultants	library - copier contract	118.00
Leaton, Ronald	utility refund	52.96
Liberty Communications	various depts - phone service	1,101.45
Linn County R.E.C.	streets - utilities	102.00
Lynch's Plumbing	sewer - fill valve	11.50
Menards	admin - supplies	219.64
Midwest Janitorial Service	various depts cleaning	637.00
Oasis Electric	water - service well by tower	232.73
Olson, Kevin D.	legal services for april 2012	1,250.00
Overdrive Inc	library - collections	57.69
Payroll Expense	payroll 4-13-12	22,913.80
Peden, Shanelle M.	cable - videotaping	150.00
Petersen, Dane	utility refund	20.00
Pitney Bowes	dmin/water/sewer - postage	1,000.00
Play It Again Sports	park & rec - goals & ball bags	104.36
Qc Analytical Services	sewer - testing	552.00
Quill Corp	admin - copy paper	347.47
RK Dixon	admin - blk/wht/color copies	257.15
Rushton, Amanda	library - reimb for mileage	64.08
Russell, Melissa	park & rec- reimb for supplies	110.52
Ruzek, Rebekah	utility refund	9.31
Springdale Agency	water - ins to add '12 dodge truck	357.00
Sprint	police - service	179.97
Stout, Shannon	utility refund	78.62
Thein Motor Sales	police/sewer - service	933.43
Tipton Conservative	library - subscription	34.00
Toynes Ia. Fire Trk.Serv	fire - hub cover	88.28
Treasurer State Of Iowa	iowa sales tax	1,723.33
Tyler Technologies	admin -software training class	300.00
Tyler Technologies	admin - computer software trg	6,116.69
UPS	sewer - shipping	116.04
Upstart	library - supplies	39.00
US Cellular	all depts. - phone service	523.54
Veenstra & Kimm	various depts. - engineering	18,577.26
Walmart	library - supplies	335.95
Water Solutions Unlimited	water - blended phosphate	2,216.50
Wenndt, Joe	fire - training	300.00
West Branch Repairs	fire - service & battery	114.95
West Branch Times	various depts. - publications	905.64
Wright Express	police - fuel	356.03
Zimmerman, Lyle	utility refund	7.80
	Grand Total	141,548.20

Fund Totals		
001 General Fund		78,390.28
022 Civic Center		736.58
031 Library		9,979.35
036 Tort Liability		271.00
050 Home Town Days Fund		7,023.28
110 Road Use Tax		818.61
112 Trust And Agency		2,626.22
226 Go Debt Service		8,364.57
304 Wastewater Lift Station		8,904.00
600 Water Fund		11,287.62
610 Sewer Fund		13,146.69
Grand Total		141,548.20

The Clerk reported the following balances for the month of March 2012:

(Balances = Balance sheet claim on cash balance + Investments- Outstanding checks)

Funds	Bank Balance	Investments	Total
001 General	\$ 260,109.03	\$ 72,790.94	\$ 332,899.97
022 Civic Center	\$ 31,506.54	\$ -	\$ 31,506.54
031 Library Operating	\$ 10,126.98	\$ 16,314.77	\$ 26,441.75
036 Tort Liability	\$ 222.16	\$ -	\$ 222.16
050 Home Town Days	\$ 7,023.28	\$ -	\$ 7,023.28
110 Road Use Tax	\$ 94,827.47	\$ -	\$ 94,827.47
111 Police Recovery Act Grant	\$ (338.25)	\$ -	\$ (338.25)
112 Trust & Agency	\$ 389.43	\$ -	\$ 389.43
119 Emergency Tax Fund	\$ 10,993.01	\$ -	\$ 10,993.01
121 Local Option Tax	\$ 3,476.05	\$ -	\$ 3,476.05
125 TIF	\$ 286,825.73	\$ -	\$ 286,825.73
160 Economic Develop.	\$ -	\$ -	\$ -
200 Debt Service	\$ -	\$ -	\$ -
226 SRF Debt Service	\$ 117,289.91	\$ -	\$ 117,289.91
300 Capital Improvement	\$ -	\$ -	\$ -
301 Safe Routes Sidewalk Project	\$ -	\$ -	\$ -
303 Fire Capital Project Addition	\$ -	\$ -	\$ -
304 Wastewater Lift Station	\$ (44,664.00)	\$ -	\$ (44,664.00)
500 Cemetery Perpetual	\$ 12,016.16	\$ 88,000.00	\$ 100,016.16
501 Krouth Fund Principal	\$ -	\$ 102,374.28	\$ 102,374.28
502 Krouth Enlow Int. Fund	\$ 8,502.40	\$ 7,779.88	\$ 16,282.28
600 Water Operating	\$ 192,208.56	\$ -	\$ 192,208.56
603 Water Sinking Fund	\$ 40,014.14	\$ -	\$ 40,014.14
610 Sewer Operating	\$ 289,137.04	\$ -	\$ 289,137.04
TOTAL	\$ 1,319,665.64	\$ 287,259.87	\$ 1,606,925.51

COMMUNICATIONS/OPEN FORUM

City Administrator Matt Muckler reported back to the Council on potential grant funding for the lift station project. City Engineer Dave Schechinger and representatives from the East Central Intergovernmental Association have confirmed that the City of West Branch would not be eligible for the two most common sources of grant funding for these projects: Community Development Block Grant (CDBG) funding and the United States Department of Agriculture Rural Development (USDA RD) program funds. To be eligible for CDBG funds, the City would be required to have at least 51% of our residents qualify as low-to-moderate income residents. The most recent information from the Iowa Economic Development Authority shows West Branch at 30.7% low-to-moderate income. USDA RD funds have even more stringent eligibility guidelines.

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL
Third Reading of Ordinance 693, amending maintenance bond requirements in Title, "Zoning and Subdivision," Chapter 173 "Site Plan Regulations of the City of West Branch, Iowa."/Move to action.

Motion by Worrell, second by Miller to approve Third Reading of Ordinance 693. AYES: Worrell, Miller, Ellyson, O'Neil, Oaks. Motion carried.

ORDINANCE NO. 693

AN ORDINANCE AMENDING MAINTENANCE BOND REQUIREMENTS IN TITLE, "ZONING AND SUBDIVISION," CHAPTER 173 "SITE PLAN REGULATIONS OF THE CITY OF WEST BRANCH, IOWA."

WHEREAS, the Planning and Zoning Commission adopted a site plan ordinance for the City of West Branch to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations; and

WHEREAS, the West Branch City Council would like to make modifications to the section concerning Maintenance Bonds; and
WHEREAS, it is in the best interests of the residents of West Branch to have a consistent Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by deleting Section 173.14 in its entirety and replaced with the following:

14. MAINTENANCE BONDS. Maintenance bonds shall be posted with the City by the developer at the developer's cost for improvements required under this chapter for the following time periods and improvements:

Streets and alleys	4 years	
Storm sewer, drainage and detention	4 years	
Concrete pavement	4 years	
Asphalt overlays	4 years	
Sidewalks		4 years
Curb and gutter	4 years	
Water facilities	4 years	
Sanitary sewer facilities	4 years	
All other underground utilities	4 years	

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

Passed and approved this 16th day of April, 2012.

First Reading: March 19, 2012
Second Reading: April 2, 2012
Third Reading: April 16, 2012

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Third Reading of Ordinance 694, amending accounting requirements in Title, "General Code Provisions," Chapter 7 "Fiscal Management."/Move to action.

Motion by Worrell, second by O'Neil to approve Third Reading of Ordinance 694. AYES: Worrell, O'Neil, Ellyson, Miller, Oaks. Motion carried.

ORDINANCE NO. 694

AN ORDINANCE AMENDING ACCOUNTING REQUIREMENTS IN TITLE, "GENERAL CODE PROVISIONS," CHAPTER 7 "FISCAL MANAGEMENT."

WHEREAS, the West Branch City Council would like to increase accounting standards required under the Fiscal Management Chapter of the West Branch Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by deleting Section 7.07.3 in its entirety and replaced with the following:

3. CHECKS. Checks shall be prenumbered and signed by two of the authorized signatories following Council approval, except as provided by subsection 5 hereof.

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

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Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Approve appointment of Thomas Stewart and Austin Finnegan to the West Branch Fire Department./Move to action.

Motion by Worrell, second by O'Neil to approve appointment of Thomas Stewart and Austin Finnegan to the West Branch Fire Department. AYES: Worrell, O'Neil, Ellyson, Miller, Oaks. Motion carried.

Resolution 985, entering into an agreement with Main Street West Branch and the owners at 102 West Main Street, 106 West Main, 110 West Main, 112 West Main, and 116 West Main for sidewalk repairs./Move to action.

Muckler presented technical corrections on the agreement with Main Street West Branch including updating the Main Street Office street address and legal name.

Motion by O'Neil, second by Ellyson to amend Resolution 985 with the above changes. AYES: O'Neil Ellyson, Worrell, Miller, Oaks. Motion carried.

Motion by O'Neil, second by Ellyson to approve Resolution 985. AYES: O'Neil, Ellyson, Worrell, Miller, Oaks. Motion carried.

Resolution 986 approving service agreement with All American Concrete, Inc. in the amount of \$20,574.03./Move to action.

Motion by O'Neil, second by Miller to approve Resolution 986. AYES: O'Neil, Miller, Worrell, Ellyson, Oaks. Motion carried.

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.

Oaks stated that he felt staff should only be enforcing the nuisance abatement ordinance when complaints are filed by residents. Muckler reported that a recent meeting of the City Prosecutor, Attorney, Police Department staff, Public Works Director, City Administrator and Mayor Kessler led to a consensus that nuisance abatements be issued to any property owner in violation of the City Code on this issue and that the process for abating the nuisance be consistent. Worrell stated that he felt an ordinance that would reference the Schedule of Fees in the City Code would establish it as a permanent document of the City and make the nuisance abatement process more clear to residents. He asked that the changes to the Schedule of Fees be brought back for Council consideration after the adoption of the ordinance.

Motion by Worrell, second by O'Neil to postpone Resolution 987 and make a reference to the Schedule of fees document in the Code of Ordinances. AYES: Worrell, O'Neil, Ellyson, Miller, Oaks. Motion carried.

Resolution 984, approving service agreement with Latham & Associates, Inc. for a municipal gas utility feasibility study in the amount of \$15,000 plus travel and incidental expenses at cost./Move to action.

Worrell expressed his interest in pursuing a study to determine whether or not the City could profitably operate the system. Oaks expressed support for the service agreement and displeasure with the public works building not

having natural gas. Alliant Energy representatives Keith Sherman and Joe White stated that Alliant would like to continue serving customers in West Branch. O’Neil and Ellyson stated that they feel it is in the City’s best interest to focus on current wastewater infrastructure needs and revisit this issue in the future. Miller expressed concern about the costs of acquiring and operating a gas system.

Motion by Worrell, second by Oaks to approve Resolution 984. AYES: Worrell, Oaks. NAYS: Ellyson, Miller, O’Neil. Motion failed.

CITY STAFF REPORTS

City Office Staffing Update – Part-Time Temporary Administrative Assistant Position – An ad has been put in the WB Times for a PT temporary administrative assistant position to help fill in this summer when Ashley will be taking leave time.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Council member O’Neil said that the concrete at the new park looks great.

ADJOURNMENT

Motion to adjourn meeting by Worrell, second by Ellyson. City Council meeting adjourned at 7:56 p.m.

Don Kessler, Mayor

ATTEST: _____

Dawn Brandt, Deputy City Clerk