



PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 7:00 P.M. MONDAY, AUGUST 6, 2018 IN THE CITY COUNCIL CHAMBERS, 110 NORTH POPLAR STREET, WEST BRANCH, IOWA.

Mayor	Roger Laughlin	mayor@westbranchiowa.org
Mayor Pro Tem	Colton Miller	mcolton@rocketmail.com
Council Member	Jordan Ellyson	Jordanellyson@gmail.com
Council Member	Brian Pierce	brianapierce@outlook.com
Council Member	Jodee Stoolman	j.stoolmanwbcc@yahoo.com
Council Member	Nick Goodweiler	nickgoodweilerwbcc@gmail.com
City Administrator	Redmond Jones II	rionesii@westbranchiowa.org
City Attorney	Kevin Olson	kevinolsonlaw@gmail.com
Deputy City Clerk	Gordon Edgar	gordon@westbranchiowa.org

Please note: *Most written communications to or from government officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.*

AGENDA

- A. Call to Order**
- B. Opening Ceremonies**
 - 1. Pledge of Allegiance
 - 2. Welcome
- C. Roll Call**
- D. Guest Speaker, Presentations and Proclamations**
 - 1. Boy Scouts – Dog Park Sign Project
 - 2. Real Colors Communication and Management Tool – Redmond Jones II, City Administrator
- E. Public Comment**

Anyone wishing to address the City Council may come forward when invited; please state your name and address for the record. Public comments are typically limited to three minutes, and written comments may be submitted to the Deputy City Clerk. Special instructions for public comments will be provided at the meeting if a public hearing or quasi-judicial matter is scheduled on the agenda.
- F. Approve Agenda / Consent Agenda / Move to Action**

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Council member, staff member or member of the Public wishes to discuss

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any item on the Consent Agenda, they can request the item be removed from the Consent Agenda for discussion. The remaining items on the Consent Agenda will be voted on with one motion being made for all items on the Consent Agenda

1. **Motion to Approve** Meeting Minutes for City Council Meeting July 23, 2018.
2. **Motion to Approve** Street Closures for the West Branch Lions Club and Hoover Presidential Foundation.
3. **Motion to Approve** Street Closures for the All Sports Boosters.
4. **Motion to Approve** Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales privileges for Thirsty on 30 Inc. DBA Thirsty on 80; Located, 711 S. Downey Street – Pending Dram.
5. **Motion to Approve** the Claims Report.

G. Public Hearing / Non-Consent Agenda

1. **Third Reading, Ordinance 756** Amending Chapter 92 – Water Rates Code of Ordinances (sec. 92.05 entitled: “Service Discontinued”).
2. **Third Reading, Ordinance 757** Amending Chapter 70 – Traffic Code Enforcement Procedures (section 70.30 entitled: “Parking Violations: Alternate”).
3. **Third Reading, Ordinance 758** Amending Chapter 80 – Abandoned Vehicles (sec. 80.06 entitled: “Fees for Impoundment”)
4. **Resolution 1730** - A Resolution Approving Partial Pay Estimate Number 4 in the Amount of \$221,684.85 to Needham Excavating INC. for the Cubby Park Improvements Project.
5. **Discussion Item:** Early / Initial Impressions Hoover Hometown Days Recap (Full Debrief to come later)
6. **Discussion Item:** Staff is considering putting out to bid property nuisance cleaning services for severe cases.

H. Reports

1. City Administrator’s Report
2. City Attorney Report
3. Other Staff Hearsays

I. Comments from Mayor and Council Members

J. Adjournment

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PRESENTATION TO CITY COUNCIL

MEETING DATE:	August 6, 2018
PRESENTATION:	Real Colors – Team Building, Communication, and Evaluations
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Redmond Jones II, City Administrator
DATE:	August 3, 2018

BACKGROUND:

We are in the beginning of a new Fiscal Year, and now that I am a year into this post as City Administrator, it’s time to conduct staff evaluations. There has been several new processes and policy that have been introduced and staff has a whole have been working through the changes well. One of these changes are the different approach we are taking with regard to the evaluation process of the city Management Team. The Management Team is made up of the following positions:

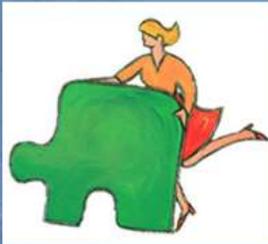
- City Administrator
- Police Chief
- IT Director / Library Director
- Deputy City Clerk
- Finance Director
- Parks Director
- Public Works Director
- **Fire Chief

The following presentation is just one of the well tested techniques of bring high performing work groups and teams together. In an attempt to strength the teamwork among staff, I have implemented an added evaluation methodology known as Real Colors (also known as True Colors). It is a methodology used to help people strengthen communications among each other. I conducted two surveys with staff and worked through an assessment process to identify communication tendencies of our management team (including myself). The results are within the presentation.

STAFF RECOMMENDATION:	For Your Information
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Real Colors



Real Colors

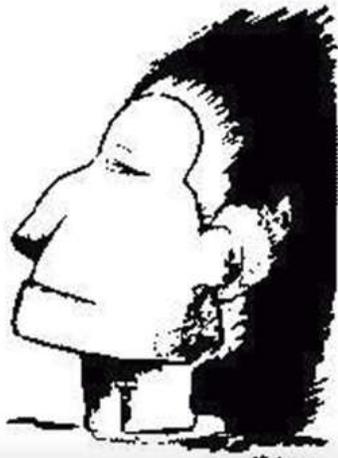
We All Perceive the World Around Us In The Same Way... Right?



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Real Colors

We All Perceive the World Around Us In The Same Way... Right?



Real Colors

also known as true colors is one of many mythologies used help people strengthen communications among each other

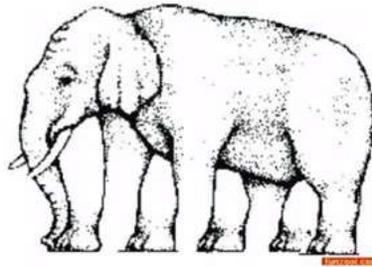


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Real Colors

also known as true colors is one of many mythologies used help people strengthen communications among each other

How many feet do you see?



Real Colors

also known as true colors is one of many mythologies used help people strengthen communications among each other

How each of us perceives and handles the Challenge Ahead is Unique.

However

It is commonly shared notion and practice to treat people like you would treat yourself.

Everyone thinks like me or should think like me...

Everyone should behave as I do...

Everyone communicates like me...

Everyone will respond to a specific situation or stimulus the way I do!

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Real Colors

Management Team

Gordon – 40

In Crisis

Melissa – 40

Matt – 32

(w) Green tendencies

Leslie – 37

Mike - 33

Nick – 41

Leslie – 39

Matt H - 39

Management Intern

Melissa – 36

Redmond – 34

Mike – 44

Redmond – 38

Matt – 45

Nick – 34

Gordon – 35

Matt H – 31

Management Intern

(w) Gold tendencies

Real Colors

Skillful & Intuitive

How to Speak to Orange

In order to speak to a Orange in way they understand, You must be sure to:

- Cut to the heart of the problem
- Give them the straight forward answers
- Talk about how to do things
- Use references to past experiences

What May Stress Out the Color Orange:

- Mandates
- Redundancy
- Deadlines
- Structure
- Emphasis on process over results

Orange



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Real Colors

Duty

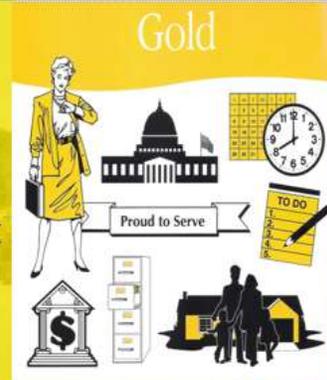
How to Speak to Gold

In order to speak to a Gold in a way they understand, You must be sure to:

- Use clear and precise language or directions
- Cut the small talk and get right to the point
- Reach conclusions and make up the minds quickly

What May Stress Out the Color Gold:

- Ambiguous demands or direction
- Disorganization
- Irresponsibility of Others
- Changing Details



Real Colors

Knowledge

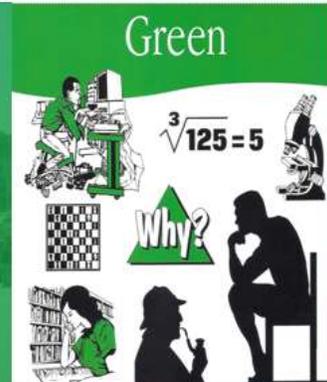
How to Speak to Green

In order to speak to a Green in a way they understand, You must be sure to:

- Use clear and precise language
- Use logic in support of your position
- Get right to the point
- Use proven references and facts
- Be willing to debate issues without Getting Emotional.

What May Stress Out the Color Green:

- Lack of Independence
- Incompetence
- Lack of Options
- Inability to use or display knowledge base



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Real Colors

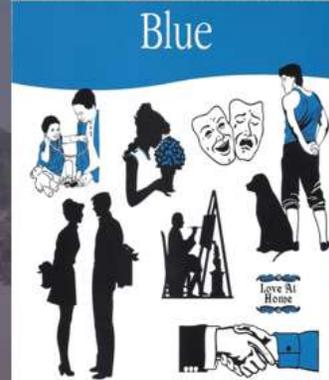
Authenticity

also known as true colors is one of many mythologies used help people strengthen communications among each other

How to Speak to Blue

In order to speak to a Blue in a way they understand, You must be sure to:

- Relate what you are saying to feelings
- Avoid open criticism
- Put people ahead of procedures



What May Stress Out the Color Blue:

- Prioritizing the System over the people in it
- Conflict, Negative Criticism, or being compared to others rather than being considered as an individual

Management Team Evaluations using the Real Colors Tool

Job Skills / Job Knowledge

Problem Solving

Strength and Areas for Development

Motivation

Efficiency

Interpersonal Skills

Communication Tendencies: Blue and Gold in Crisis

Management Team Evaluation Document – 2018

Work Plan (expectations)

Name: _____

Title: _____

Date: _____

Police Department

Police Department Evidence Facility (8)
Nuisance Abatement Program (7)
Park and City Camera Project (2)

Self – Evaluation Section

1. I let employees do most of the talking.	10 9 8 7 6 5 4 3 2 1
2. I make an intense effort to listen to employee's ideas.	10 9 8 7 6 5 4 3 2 1
3. I am prepared to suggest solutions to problems and development needs	10 9 8 7 6 5 4 3 2 1
4. My statements about performance are descriptive, not judgmental.	10 9 8 7 6 5 4 3 2 1
5. I reinforce the positives in performance as well as seeking ways to eliminate the negatives.	10 9 8 7 6 5 4 3 2 1
6. I try to support Co-workers ideas rather than force my own.	10 9 8 7 6 5 4 3 2 1
7. I invite alternatives rather than assume there is only one way to approach an issue.	10 9 8 7 6 5 4 3 2 1
8. I use open-ended, reflective and directive questions to stimulate discussion.	10 9 8 7 6 5 4 3 2 1
9. I am specific and descriptive when I express a concern about performance.	10 9 8 7 6 5 4 3 2 1
10. Co-works know I want them to succeed.	10 9 8 7 6 5 4 3 2 1

Communication Tendencies: Blue and Gold in Crisis

CITY OF WEST BRANCH

GOALS AND OBJECTIVES DURING THIS EVALUATION PERIOD:

- Establish a sound and sustainable government supported by professional, progressive thinking and embracing the organization.
- Develop innovation and robust sales, clean, diverse, healthy, neighborhoods, including 1 with the school system.
- Promote Quality of Life through events, projects and policies that include Public Safety, Community Wide Events, Strong Citizen Engagement, Parks and Recreation services.
- Develop meeting high profile visually impactful projects including projects that include development as a destination, Gateway, Revolving, and other projects that benefit local business.

OBJECTIVE:

Staff work plan

JOB SKILLS / KNOWLEDGE OF WORK

- Please rate the person's communication skills, one-to-one, in groups, and active listening. (1-10)

PROBLEM SOLVING:

- Please rate the person's ability to deal with anger, mediating between employees, or difficult people. (1-10)

STRENGTHS AND AREAS FOR DEVELOPMENT:

- Please rate the person's ability to setting goals, deciding conflicting needs, working with others, managing tasks, giving directions, and following up. (1-10)

PROBLEM SOLVING:

- Please share comments regarding the person's problem solving ability. Most appears to have a habit of making up problems and finding solutions regardless of the problem. His suggestions concerning bio-waste management problems has resulted in positive discussions and have given them the major operational understanding. This type of ability appreciated. He understands the city manager's desire to create an inclusive work environment.

Achieving Goals and Objectives
Keeping City Work Plans Current
Leadership and Team Work

Communication Tendencies: Blue and Gold in Crisis

MOTIVATION

- Please rate the person's ability to motivate others, encourage participation, conduct meetings, present positive attitudes and performance. (1-10)

EFFICIENCY

- Please rate the person's ability to establish expectations, do performance reviews, giving encouragement, and/or discipline. (1-10)

INTERPERSONAL SKILLS (please add comments):

- Please share comments regarding the person's interpersonal skills: work with me on an environment that can stress and be stressful. His aggressive yet respectful behavior is noticed and he makes a good presentation to others during one-on-one conversations in groups, in 1-on-1, private, and speaks with authority. He gets to the point. As far as he makes his job easy, transparent, honest, and reliable, water is important to our community and he has a great deal of respect from personnel in his department and among the public.

PROBLEM SOLVING:

- Please share comments regarding the person's problem solving ability. Most appears to have a habit of making up problems and finding solutions regardless of the problem. His suggestions concerning bio-waste management problems has resulted in positive discussions and have given them the major operational understanding. This type of ability appreciated. He understands the city manager's desire to create an inclusive work environment.

Achieving Goals and Objectives
Keeping City Work Plans Current
Leadership and Team Work

Communication Tendencies: Blue and Gold in Crisis

STRENGTHS AND AREAS FOR DEVELOPMENT:

- Please share comments regarding the person's strengths, and what are their areas for development or improvement. Strength: confident, knowledgeable, and comfortable in his position. Area for development: relocation of evidence or get more evidence to the area would help with some local businesses, encourage hunter in the work place, but at times it can come a distraction or disruption to get the team of track.

MOTIVATION

- Please share comments regarding the person's attitudes and performance in motivating others. James is aggressive and straight up presented with information that runs off the staff, although he has a perception of an "school manager" or a perception as a disciplinarian, he seems to have confidence in his management. The environment established before he arrived and has made it difficult for some to really break into. The head of our department was time, and we can look that this week will result once his personality and employee welfare issue continues to take shape.

EFFICIENCY

- Please share comments on the person's ability maximize efficiencies, resulting new ways of doing things or finding cost savings. Most appears to have a habit of making up problems and finding solutions regardless of the problem. His suggestions concerning bio-waste management problems has resulted in positive discussions and have given them the major operational understanding. This type of ability appreciated. He understands the city manager's desire to create an inclusive work environment.

EMPLOYEE SIGNATURE / SUPERVISOR SIGNATURE

Signature: _____ Date: _____
Signature: _____ Date: _____

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(The following is a synopsis of the minutes of the West Branch City Council meeting. A video recording is available for inspection on the City of West Branch Website at www.westbranchiowa.org/government/council-videos. The minutes are not approved until the next regularly scheduled City Council meeting.)

West Branch, Iowa
Council Chambers

City Council Meeting

July 23, 2018
7:00 p.m.

Mayor Pro Tem Miller called the West Branch City Council meeting to order at 7:00 p.m. Mayor Pro Tem Miller then invited the Council, Staff and members of the audience to stand and led the group in the Pledge of Allegiance. Roll call: Council members: Jodee Stoolman, Jordan Ellyson, and Nick Goodweiler were present. Mayor Roger Laughlin and Brian Pierce were absent. Miller welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy City Clerk Gordon Edgar, Park & Recreation Director Melissa Russell, Public Works Director Matt Goodale, and Police Chief Mike Horihan.

GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS

New School Superintendent

Mr. Marty Jimmerson, the new West Branch Community School superintendent, introduced himself to the Council. He spoke briefly about his family and the school districts he served previously. He said he looks forward to building on the relationship the school has with the City.

PUBLIC COMMENT

There were no public comments.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to Approve Meeting Minutes for City Council Meeting July 9, 2018.

Motion to Approve Street Closures for the 2018 Hoover's Hometown Days Celebration.

Motion to Approve Class C Liquor (LC) (Commercial) with Outdoor Service and Sunday Sales Privileges for Mexico Lindo, Inc., DBA: Mexico Lindo Grill and Cantina; Located at 318 E. Main Street – Pending Dram.

Motion to Approve "The Down Under" – Outdoor Service Permit for August 3rd to 5th, 2018.

Motion to Approve Claims Report.

EXPENDITURES	7/23/2018	
ALLIANT ENERGY	UTILITY SERVICE	8,705.94
ALPHA GRAPHICS	HHTD POSTERS	80.38
BAKER & TAYLOR INC.	BOOKS	1,173.76
BARRON MOTOR SUPPLY	MAINTENANCE SUPPLIES	292.13
BUSINESS RADIO SALES	RADIO REPAIRS	69.90
CEDAR COUNTY AUDITOR	DISASTER SERVICES ASSESSMENT	8,351.25
CEDAR COUNTY AUDITOR	SOLID WASTE ASSESSMENT	14,331.78
CEDAR COUNTY RECORDER	RECORDING FEES	68.00
CEDAR RAPIDS PHOTO COPY INC	COPIER MAINTENANCE	83.36
CENTURION/VERSANT	SOFTWARE LICENSE RENEWAL	88.00
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	39.15
DEMCO	SUPPLIES	108.16
DEWEYS JACK & JILL	MAINTENANCE & PROGRAM SUPPLIES	81.34
EASTERN IOWA BRASS BAND	HHTD - ENTERTAINMENT BAL DUE	2,000.00
F&B COMMUNICATIONS INC	F&B COMMUNICATIONS INC	46.31
FEHR GRAHAM	308 - CONST SERVICE	7,890.75
GRIMM, DAVID E	HHTD - PONY RIDES	1,200.00
HOTSY CLEANING SYSTEMS	SUPPLIES	614.86
IMWCA	WORK COMP INSTALLMENT	2,024.00
IOWA ONE CALL	LOCATION SERVICE	62.10
JASON WELLS	HHTD - DJ SERVICES	400.00
JEREMY M BOEKELMAN	HHTD-INFLATBLES ENTERTAINMENT	11,250.00
JOHNSON COUNTY REFUSE INC.	RECYCLING JUNE 2018	3,914.00
LAHR, CHARLES J	HHTD - ENTERTAINMENT	600.00
MACH 3 ENTERPRISES	HHTD ENTERTAINMENT	500.00

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MEDIACOM	CABLE SERVICE	40.90
MIDLAND GIS SOLUTIONS, LLC	GPS DATA COLLECTION-WATER	10,487.00
MISCELLANEOUS VENDOR	R ROOD:TEMP EASEMENT	960.00
MUNICIPAL SUPPLY INC.	SUPPLIES	690.00
NEEDHAM EXCAVATING, INC.	308 PV PARK CONST	247,973.87
NICHOLAS HIPPERT	HHTD ENTERTAINMENT	200.00
OVERDRIVE INC	FY19 BRIDGES CONTENT FEE	541.86
PITNEY BOWES PURCHASE POWER	PITNEY BOWES PURCHASE POWER	500.00
PLUNKETT'S PEST CONTROL INC	PEST CONTROL	95.18
PYRAMID SERVICES INC.	MAINTENANCE SUPPLIES	225.43
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	889.00
QUILL CORP	BATTERY	107.69
RIVER PRODUCTS COMPANY INC	ROADSTONE	426.11
ROSTER'S ULTIMATE RACING	HHTD ENTERTAINMENT- BAL DUE	600.00
STATE HYGIENIC LAB	LAB ANALYSIS	52.00
STATE LIBRARY OF IOWA	FY19 BRIDGES E-BOOK PLAT FEES	60.00
STRATEGIC TRAINING INITIATIVE	HHTD ENTERTAINMENT BAL DUE	262.50
TRANS-IOWA EQUIPMENT INC	REPAIR PARTS	1,320.26
UNITED LABORATORIES	CHEMICALS	367.84
UPS	SEWER - SHIPPING	21.82
USA BLUE BOOK	SUPPLIES	165.68
VERIZON WIRELESS	WIRELESS SERVICE	873.16
WALMART COMMUNITY/RFCSLLC	BOOKS, PROGRAM SUPPLIES	224.60
WEST BRANCH REPAIRS	BATTERIES	530.90
WEX BANK	VEHICLE FUEL	1,558.83
TOTAL		333,149.80

PAYROLL	7/13/2018	43,063.83
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PAID BETWEEN MEETINGS

ALLIANT ENERGY	WATER TOWER, HHTD, LIONS FLD UTILS	125.48
BP AMOCO	VEHICLE FUEL	690.83
CEDAR COUNTY CLERK OF COURT	COURT COSTS	127.50
HD CLINE COMPANY	CUB CADET LAWN MOWERS	20,400.00
IOWA CITY PRESS-CITIZEN	SUBSCRIPTION	219.02
IOWA DEPT OF NATURAL RESOURCES	COLLEGE STREET BRIDGE DPDES PERMIT	175.00
LENOCH AND CILEK	SUPPLIES	143.94
ROSTER'S ULTIMATE RACING	DEPOSIT ON HHTD ENTERTAINMENT	200.00
UPS	SHIPPING	10.91
TOTAL		22,092.68

GRAND TOTAL EXPENDITURES		398,306.31
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FUND TOTALS

001 GENERAL FUND	86,481.99
022 CIVIC CENTER	467.28
031 LIBRARY	8,175.59
036 TORT LIABILITY	1,920.41
110 ROAD USE TAX	5,631.75
112 TRUST AND AGENCY	4,654.03
308 PARK IMP - PEDERSEN VALLEY	255,864.62
310 COLLEGE STREET BRIDGE	1,135.00
600 WATER FUND	22,455.07
610 SEWER FUND	11,520.57
GRAND TOTAL	398,306.31

REVENUE-FISCAL YEAR 2018		
FUND	MAY	JUNE
001 GENERAL FUND	182,646.57	76,082.58
022 CIVIC CENTER	329.03	75.33
031 LIBRARY	1,774.31	512.11
036 TORT LIABILITY	1,247.47	445.27
110 ROAD USE TAX	27,902.21	22,692.34
112 TRUST & AGENCY	4,744.69	1,693.54
119 EMERGENCY TAX FUND	705.10	251.73
121 LOCAL OPTION SALES TAX	17,420.68	17,420.68
125 TIF	10,370.70	964.96
160 REVOLVING LOAN FUND	2,251.90	1,726.90
226 DEBT SERVICE	480,339.34	1,702.34
308 PARK IMP - PEDERSEN VALLEY		25,000.00
500 CEMETERY PERPETUAL FUND	156.36	394.88
501 KROUTH PRINCIPAL FUND		210.85
502 KROUTH INTEREST FUND	0.18	43.31
600 WATER FUND	43,924.51	47,354.63
603 WATER SINKING FUND	4,761.25	5,335.36
610 SEWER FUND	32,013.62	36,777.57
740 STORM WATER UTILITY	4,585.45	4,598.39
TOTAL	815,173.37	243,282.77

Motion by Ellyson, second by Stoolman to approve agenda/consent agenda items. AYES: Ellyson, Stoolman, Goodweiler, Miller. Absent: Pierce. NAYS: None. Motion carried.

PUBLIC HEARING / NON-CONSENT AGENDA

Third Reading, Ordinance 755, Amending Chapter 165 - Planned Unit Development. /Move to action.

Motion by Goodweiler, second by Stoolman to approve third reading of Ordinance 755. AYES: Goodweiler, Stoolman, Miller, Ellyson. NAYS: None. Motion carried.

Second Reading, Ordinance 756 Amending Chapter 92 – Water Rates Code of Ordinances (sec. 92.05 entitled: “Service Discontinued”). / Move to action.

Motion by Ellyson, second by Stoolman to approve second reading of Ordinance 756. AYES: Ellyson, Stoolman, Goodweiler, Miller. Absent: Pierce. NAYS: None. Motion carried.

Second Reading, Ordinance 757 Amending Chapter 70 – Traffic Code Enforcement Procedures (section 70.30 entitled: “Parking Violations: Alternate”). / Move to action.

Motion by Goodweiler, second by Ellyson to approve second reading of Ordinance 757. AYES: Goodweiler, Ellyson, Miller, Stoolman. Absent: Pierce. NAYS: None. Motion carried.

Second Reading, Ordinance 758 Amending Chapter 80 – Abandoned Vehicles (sec. 80.06 entitled: “Fees for Impoundment”). / Move to action.

Motion by Stoolman, second by Goodweiler to approve second reading of Ordinance 758. AYES: Stoolman, , Goodweiler, Miller, Ellyson. Absent: Pierce. NAYS: None. Motion carried.

Second Reading, Ordinance 759 Amending Chapter 122 – Peddlers, Solicitors and Transient Merchants. / Move to action.

Motion by Stoolman, second by Ellyson to approve second reading of Ordinance 759. After some discussion on what the Council should do with the Ordinance, Stoolman then withdrew her motion to approve, Ellyson agreed to withdraw her second. Ellyson then moved to table the ordinance, second by Goodweiler. AYES: Ellyson, Goodweiler, Stoolman, Miller. Absent: Pierce. NAYS: None. Motion carried and the ordinance was tabled.

Resolution 1728 – Approving an Agreement with Veenstra & Kimm Inc. for Engineering Services to prepare a Wastewater Treatment Facility Plan/ Move to action.

City Engineer Schechinger presented the process that will be followed to produce a Facility Plan. Mayor Pro Tem Miller announced that West Branch Village will contribute \$5,000 toward the cost of the plan.

Motion by Ellyson, second by Goodweiler to approve Resolution 1728. AYES: Ellyson, Goodweiler, Miller, Stoolman. Absent: Pierce. NAYS: None. Motion carried.

Resolution 1729 – Approving Change Order #4 for \$10,000-\$40,000 (based on option chosen) for Additional Waterway Grading and Clearing & Grubbing for the Cubby Parks Improvement Project/ Move to action.

Cody Buelt of Fehr Graham discussed the items to be considered for each option. The Council agreed to the \$40,000 option and to have Melissa Russell and Matt Goodale designate which trees to remove.

Motion by Stoolman, second by Goodweiler to approve Resolution 1729. AYES: Stoolman, Miller, Ellyson. Absent: Pierce. NAYS: Goodweiler. Motion carried.

Discussion Item: Discussion regarding a Staff Plan to Maintain City Owned Alleys.

Public Works Director Matt Goodale discussed some of the issues associated with the city owned alleys, such as what would happen if they were vacated, issues between neighbors, gravel getting washed into the streets during heavy rains and having an asphalt overlay applied. He will be obtaining quotes for the asphalt overlay.

Council person Miller said he would like to see a plan that involved maintaining both streets and alleys.

Discussion Item: The West Branch Meadows Subdivision is beginning their planning process for phase 4 of their development. It is requiring decisions regarding aging sewer infrastructure.

Brad Larson presented KLM documents on the lots they want to develop and some revenue projections on the tax revenue the City would receive. Brad would like to see KLM pay for the sewer improvements required to allow all of the lots to be available for sale immediately with the City reimbursing KLM over a period of years for those improvements. If the City does not agree to the reimbursement agreement. KLM will need to complete the project over a longer period of time as permitted by their cash flows. Brad concluded the presentation by saying that KLM will go to the P & Z meeting on July 24th and if they receive approval, will come back to the City Council as quickly as possible to obtain an agreement with the City.

Discussion Item: 28 E Agreement with West Branch School for a radar Speed Sign.

City Administrator Jones said he had received complaints about speeding in the high school area. Chief Horihan said he recommended a \$3,100 sign. Superintendent Jimmerson, in an email, reported that the school board approved the \$3,100 sign and would share in the purchase and maintenance of it. The City will develop the 28 E agreement.

CITY ADMINISTRATOR REPORT

Jones reported Gross-Wen Technologies has forwarded their proposal for a revolving Algal Biofilm System for Ammonia Removal to be considered in the planning process for the new Sewage Treatment Facility. He also reported that the City received a six-month extension to complete the letting of the College Street Bridge Project.

This will allow the City to complete work on the revised Urban Renewal Plan and include items in our next TIF request that are required for the bridge project.

CITY ATTORNEY REPORT

Attorney Olson reported that the nuisance abatement trial has been scheduled for August 29. He also said that he submitted the four page legal description of the Croell property to their attorney and expecting the deed for the city any day now.

STAFF REPORTS

There were no staff reports

COMMENTS FROM MAYOR AND COUNCIL MEMBER

No Comments.

ADJOURNMENT

Motion to adjourn by Ellyson, second by Goodweiler. Motion carried on a voice vote. City Council meeting adjourned at 8:40 p.m.

Colton Miller, Mayor Pro Tem

ATTEST: _____
Gordon R. Edgar, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Motion to Approve Street Closures for the West Branch Lions Club and Hoover Presidential Foundation.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Redmond Jones II, City Administrator
DATE:	August 2, 2018

BACKGROUND:

The West Branch Lions Club would like to request closing 2nd Street from Main Street to just north of the Car Wash (approximately one block).

The closure would be from 4PM-9PM Thursday, August 30, 2018

The Lions, in conjunction with other service organizations including the Hoover Foundation, is holding a tailgate party/ free-will offering to raise money for the Heritage Museum, so they may complete their campaign to finish their planned building addition. This will be in addition to the **Air Force Band** concert in the Village Green that evening.

If you have questions, please feel free to contact me.
Thank you!

Jerry

Jerry Fleagle, IOM, CAE
President & CEO
Hoover Presidential Foundation
PO Box 696
West Branch, IA 52358
Ph. 319.643.5327
Fax 319.643.2391

STAFF RECOMMENDATION:	Approve Motion – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Motion to Approve Street Closures for the All Sports Boosters.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Mike Horihan, Chief of Police
DATE:	August 2, 2018

BACKGROUND:

The West Branch All Sports Boosters would like to have Oliphant St. between Main and Orange, barricaded from Noon until 8 pm on August 11, so that the group can paint and allow drying time for bear paws painted on the pavement.

STAFF RECOMMENDATION:	Seek Approval from the City Council
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Motion to Approve Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales privileges for Thirsty on 30 Inc. DBA Thirsty on 80; Located, 711 S. Downey Street – Pending Dram.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	August 2, 2018

BACKGROUND:

Approve Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales privileges for Thirsty on 30 Inc. DBA Thirsty on 80.

Renewal effective 8/19/2018 to 8/18/2019.

STAFF RECOMMENDATION:	Approve Motion – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE: August 6, 2018

AGENDA ITEM:	Motion to Approve the Claims Report
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Gordon Edgar, Finance Director
DATE:	August 2, 2018

BACKGROUND:

These are routine expenditures that include such items as payroll, budget expenditures, and other financial items that relate to council approved items and/or other day to day operational disclosures.

STAFF RECOMMENDATION: Approve Claims Report – Move to Action

REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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EXPENDITURES

8/6/2018

AERO RENTAL INC	EQUIPMENT RENTAL	225.85
AMAZON	BOOKS AND SUPPLIES	420.20
BAKER & TAYLOR INC.	BOOKS	640.04
BEAN & BEAN	GRAVE OPENINGS	1,650.00
BIBLIONIX	APOLLO SUBSCRIPTION	1,809.10
BROWN'S WEST BRANCH	VEHICLE REPAIR	576.25
CAJ ENTERPRISES INC	HAULING-ROCK & COLD MIX	449.38
CHIEF SUPPLY CORPORATION	UNIFORMS	103.00
CULLIGAN WATER TECHNOLOGIE	WATER SOFTENER SERVICE	134.23
DIAMOND VOGEL PAINTS	STREET PAINT	779.20
EAST CENT INTERGOVT ASN.	GRANT WRITING SERVICES	243.00
EVER-GREEN LANDSCAPE NURSE	PLAYGROUND CHIPS	704.00
HAWKINS INC	SUPPLIES	352.30
HD CLINE COMPANY	REPAIR PARTS	263.09
HOLLYWOOD GRAPHICS	HHTD BANNERS	1,372.00
IOWA DEPARTMENT OF NATURAL	NPDES FEE 7-1-18 TO 6-30-18	210.00
ISWEP	ANNUAL DUES	525.00
JOHN DEERE FINANCIAL	CLOTHING ALLOWANCE	455.94
L. L. PELLING CO. INC	COLD MIX	1,295.40
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,279.94
LOST ISLAND WATER PARK INC	DAY CAMP ACTIVITY	771.30
MATT PARROTT/STOREY KENWORTHY	RECEIPT BOOKS	200.00
OASIS ELECTRIC LLC	HHTD - NEW OUTLET	818.29
PORT 'O' JONNY INC.	SERVICE - WAPSI PARK	180.00
RACOM CORPORATION	VEHICLE MAINTENANCE	275.40
SHRED-IT USA	DOCUMENT DESTRUCTION SERVICE	95.90
STATE LIBRARY OF IOWA	DATABASE SUBSCRIPTION FEE	164.32
UNIFORM DEN INC.	UNIFORMS	106.25
USA BLUE BOOK	SUPPLIES	298.67
VEENSTRA & KIMM INC.	ZONING MAP UPDATES	9,321.69
WEST BRANCH COMMUNITY SCHOOL	GYM RENT MEN'S BASKETBALL	890.00
TOTAL		26,609.74

PAYROLL

7/27/2018 56,435.89

PAID BETWEEN MEETINGS

COPYWORKS	POLICIES & PROCEDURES BOOKS	29.70
RANDY'S CARPETS	CARPET	7,000.00
UPS	SEWER-SHIPPING	21.82
BODY SOUND LLC	HHTD SOUND & LIGHTS	1,050.00
BRICK, LESLIE	FINANCE TRAINING	223.53
JULIE HIME	VIDEOGRAPHY SERVICES	150.00
HY-VEE	CONCESSION MERCHANDISE	297.68
KNOCHE, REBECCA	VIDEOGRAPHY SERVICES	75.00
UPS	SEWER-SHIPPING	10.91

US BANK CORPORATE CARD	CONCESSION MDSE, TRAINING	1,149.41
TOTAL		10,008.05
GRAND TOTAL EXPENDITURES		93,053.68
001 GENERAL FUND		35,079.58
022 CIVIC CENTER		43.18
031 LIBRARY		15,442.58
110 ROAD USE TAX		7,139.32
112 TRUST AND AGENCY		13,693.62
310 COLLEGE STREET BRIDGE		3,592.60
600 WATER FUND		7,812.04
610 SEWER FUND		9,139.56
740 STORM WATER UTILITY		1,111.20
GRAND TOTAL		93,053.68

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE OPERATION	GENERAL FUND	RACOM CORPORATION	VEHICLE MAINTENANCE	275.40
		CHIEF SUPPLY CORPORATION	UNIFORMS	103.00
		UNIFORM DEN INC.	UNIFORMS	106.25
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	245.22
			TOTAL:	729.87
FIRE OPERATION	GENERAL FUND	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	99.95
		CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	134.23
			TOTAL:	234.18
PARK & RECREATION	GENERAL FUND	WEST BRANCH COMMUNITY SCHOOLS	GYM RENT MEN'S BASKETBALL	780.00
		PORT 'O' JONNY INC.	GYM RENT-INDOOR WALKING	110.00
		LIBERTY COMMUNICATIONS	SERVICE - WAPSI PARK	90.00
		EVER-GREEN LANDSCAPE NURSERY & SUPPLY	TELEPHONE SERVICE	152.86
		LOST ISLAND WATER PARK INC	PLAYGROUND CHIPS	704.00
			DAY CAMP ACTIVITY	771.30
			TOTAL:	2,608.16
CEMETERY	GENERAL FUND	HD CLINE COMPANY	REPAIR PARTS	30.35
		PORT 'O' JONNY INC.	REPAIR PARTS	232.74
		JOHN DEERE FINANCIAL	SERVICE - CEMETERY	90.00
		BEAN & BEAN	CLOTHING ALLOWANCE	300.00
			GRAVE OPENINGS	1,650.00
			TOTAL:	2,303.09
COMM & CULTURAL DEVEL	GENERAL FUND	DASIS ELECTRAIC LLC	HHTD - NEW OUTLET	818.29
		HOLLYWOOD GRAPHICS	HHTD BANNERS	1,372.00
			TOTAL:	2,190.29
ECONOMIC DEVELOPMENT	GENERAL FUND	EAST CENT INTERGOVT ASN.	GRANT WRITING SERVICES	243.00
			TOTAL:	243.00
CLERK & TREASURER	GENERAL FUND	MATT PARROTT/STOREY KENWORTHY	RECEIPT BOOKS	200.00
		VENSTRA & KIMM INC.	GOLF COURSE DEV REVIEW	172.00
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	334.15
		SHRED-IT USA	DOCUMENT DESTRUCTION SERV	95.90
			TOTAL:	802.05
LOCAL CABLE ACCESS	GENERAL FUND	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	64.95
		AMAZON	BOOKS, SUPPLIES	15.19
			TOTAL:	80.14
COMMISSION	GENERAL FUND	VENSTRA & KIMM INC.	ZONING MAP UPDATES	146.00
			MEADOWS PT 2 - RESIDENT RE	1,343.62
			LOT SITE PLAN REVIEW	258.00
			TOTAL:	1,747.62
TOWN HALL	CIVIC CENTER	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	43.18
			TOTAL:	43.18
LIBRARY	LIBRARY	STATE LIBRARY OF IOWA	DATABASE SUBSCRIPTION FEE	164.32
		BAKER & TAYLOR INC.	BOOKS	202.09
			BOOKS	380.77
			BOOKS	57.18
			TELEPHONE SERVICE	186.17
			BOOKS, SUPPLIES	89.51

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		BIBLIOWIX	BOOKS, SUPPLIES	119.97
			BOOKS, SUPPLIES	195.53
			APOLLO SUBSCRIPTION	1,809.10
			TOTAL:	3,204.64
REETS	ROAD USE TAX	L. L. FELLING CO. INC	COLD MIX	1,295.40
		DIAMOND VOGEL PAINTS	STREET PAINT	779.20
		BROWN'S WEST BRANCH	VEHICLE REPAIR	576.25
		VEENSTRA & KIMM INC.	POPLAR ST PAVING COOR-WBCS	274.35
			BRIDGE INSPECTION	850.00
		CAJ ENTERPRISES INC	HAULING-ROCK & COLD MIX	449.38
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	51.15
			TOTAL:	4,275.73
PARTMENT	COLLEGE STREET BRI	VEENSTRA & KIMM INC.	310 COL ST BRIDGE ROW ACQU	3,592.60
			TOTAL:	3,592.60
ATING	WATER FUND	HANKINS INC	SUPPLIES	352.30
		JOHN DEERE FINANCIAL	CLOTHING ALLOWANCE	155.94
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	51.15
		USA BLUE BOOK	SUPPLIES	212.86
			TOTAL:	772.25
ATING	SEWER FUND	IOWA DEPARTMENT OF NATURAL RESOURCES	NPDES FEE 7-1-18 TO 6-30-1	210.00
		VEENSTRA & KIMM INC.	WW TREATMENT FAC-PRELIM RV	2,324.77
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	51.16
		USA BLUE BOOK	SUPPLIES	85.81
			TOTAL:	2,671.74
R UTILITY	STORM WATER UTILIT	AERO RENTAL INC	EQUIPMENT RENTAL	225.85
		ISWEP	ANNUAL DUES	525.00
		VEENSTRA & KIMM INC.	NPS STORMWATER CONSULTATIO	360.35
			TOTAL:	1,111.20

----- FUND TOTALS -----

001	GENERAL FUND	10,938.40
022	CIVIC CENTER	43.18
031	LIBRARY	3,204.64
110	ROAD USE TAX	4,275.73
310	COLLEGE STREET BRIDGE	3,592.60
600	WATER FUND	772.25
610	SEWER FUND	2,671.74
740	STORM WATER UTILITY	1,111.20
GRAND TOTAL:		26,609.74



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Third (and Final) Reading Ordinance 756 , Amending Chapter 92 – Water Rates.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Deputy City Clerk Leslie Brick and Kevin Olsen, City Attorney
DATE:	August 2, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Public Works Director Matt Goodale requested a fee increase for the water service disconnection (Chapter 92.05(4) Service Disconnection). The fee is requested to be increased to cover the cost of staff time and to deter habitual offenders.

STAFF RECOMMENDATION:	Approve Third and Final Reading of Ordinance 756
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REVIEWED BY CITY ADMINISTRATOR:
--

COUNCIL ACTION:

MOTION BY:

SECOND BY:

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Working Draft

ORDINANCE 756

ORDINANCE AMENDING CHAPTER 92 – WATER RATES

CHAPTER 92 WATER RATES CODE OF ORDINANCES, WEST BRANCH, IOWA

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following: (Code of Iowa, Sec. 384.84)

1. Notice. The billing clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. 2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of ~~twenty dollars (\$20.00)~~ **fifty dollars (\$50.00)** shall be charged before service is restored to a delinquent customer during working hours and a fee of ~~fifty dollars (\$50.00)~~ **seventy five dollars (\$75.00)** shall be charged before service is restored during non-working hours. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

ORDINANCE 756

AN ORDINANCE AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA.

WHEREAS, the City Administration has been updating the City's rates and fees that have remain unchanged for numerous years; and

WHEREAS, the City Administration recommends the following fee increase for water disconnection and service connections.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 92.05(4) of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:

“4. Fees. A fee of fifty dollars (\$50.00) shall be charged before service is restored to a delinquent customer account during normal business hours and a fee of seventy-five dollars (\$75.00) shall be charged before service is restored to a delinquent customer account during non-business hours. No fee will be charged for the usual and customary trips in the regular change of occupancies of properties.”

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

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.

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

First reading: July 9, 2018
Second reading: July 23, 2018
Third Reading: August 6, 2018

Roger Laughlin, Mayor

ATTEST:

Gordon Edgar, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Third (and Final) Reading Ordinance 757 , Amending Chapter 70 – Traffic Code Enforcement Procedures (sec. 70.03 entitled: “Parking Violations: Alternate”).
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Deputy City Clerk Leslie Brick
DATE:	August 2, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Police Chief Mike Horihan requested a fee increase for parking violations (Chapter 70.03 Parking Violations). The change is requested to charge a late fee on parking violations to improve timely collections and to increase the disability parking fee to current state limit of \$200.00.

STAFF RECOMMENDATION:	Approve Third and Final Reading of Ordinance 757
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Working Draft

ORDINANCE 757

ORDINANCE AMENDING CHAPTER 70 – TRAFFIC CODE ENFORCEMENT PROCEDURES

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine of payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) (\$30 after 10 days) for all violations except improper use of a persons with disabilities parking. The simple notice of a fine for improper use of a persons with disabilities parking permit is ~~one~~ two hundred dollars (~~\$100.00~~) (\$200.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Ord. 607 – Mar. 06 Supp.) (Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])

ORDINANCE 757

**AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES
OF THE CITY OF WEST BRANCH, IOWA.**

WHEREAS, the City Administration has been updating the City's rates and fees that have remain unchanged for numerous years; and

WHEREAS, the Police Chief recommends changing the illegal parking in a parking space for persons with disabilities in accordance with state code.

NOW, THEREFORE, BE IT ORDAINED:

- 1. Amendment.** Section 70.02 of the Code of Ordinances is hereby deleting reference to "one hundred dollars (\$100.00) and replacing it with the words "two hundred dollars (\$200.00).
- 2. Conflicts.** All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
- 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.
- 4. Effective Date.** This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: July 9, 2018
Second reading: July 23, 2018
Third Reading: August 6, 2018

Roger Laughlin, Mayor

ATTEST:

Gordon Edgar, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Third (and Final) Reading Ordinance 758 , Amending Chapter 80 – Abandoned Vehicles.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	August 2, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Police Chief Mike Horihan requested a fee increase for impounding vehicles (Chapter 80.06 - Fees for Impoundment). The change requested is to increase storage fees from \$3.00 per day to \$35.00 for the first five days of storage with an additional \$1.00 per day charge for every day the vehicle is not claimed after the first five days.

STAFF RECOMMENDATION:	Approve Third and Final Reading – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Working Draft

ORDINANCE 758

ORDINANCE AMENDING CHAPTER 80 – ABANDONED VEHICLES

80.06 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay ~~three~~ **thirty five** dollars ~~(\$3.00)~~ **(\$35.00)** if claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

(Code of Iowa, Sec. 321.89[3a])

ORDINANCE NO. 758

**AN ORDINANCE AMENDING CHAPTER 80 OF THE CODE OF ORDINANCES
OF THE CITY OF WEST BRANCH, IOWA.**

WHEREAS, the City Administration has been updating the City's rates and fees that have remain unchanged for numerous years; and

WHEREAS, the Police Chief recommends changing the impoundment fees for vehicles to more reflect the actual costs of impoundment.

NOW, THEREFORE, BE IT ORDAINED:

- 1. Amendment.** Section 80.06 of the Code of Ordinances is hereby deleting reference to "three dollars (\$3.00)" and replacing it with the words "thirty-five dollars (\$35.00)."
- 2. Conflicts.** All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
- 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.
- 4. Effective Date.** This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: July 9, 2018
Second reading: July 23, 2018
Third Reading: August 6, 2018

Roger Laughlin, Mayor

ATTEST:

Gordon Edgar, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Resolution 1730 - A Resolution Approving Partial Pay Estimate Number 4 in the Amount of \$221,684.85 to Needham Excavating INC. for the Cubby Park Improvements Project.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Nate Kass, Fehr Graham
DATE:	August 2, 2018

BACKGROUND:

This is the fourth pay estimate for work at Cubby Park completed by Needham Excavating.

STAFF RECOMMENDATION:	Approve Resolution – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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PARTIAL PAY ESTIMATE NUMBER FOUR
CUBBY PARK IMPROVEMENTS, WEST BRANCH, IOWA
PROJECT NUMBER 16-072

Name of Contractor: Needham Excavating, Inc. 17470 70th Ave Walcott, IA 52773		Name of Owner: City of West Branch 110 North Poplar St. / PO Box 52358-0218 West Branch, IA							
Date of Completion:		Amount of Contract:		Dates of Estimate:					
Original: By November 2, 2018		Original: \$	2,945,427.39	From: June 30, 2018					
Revised: November 16, 2018		Revised: \$	2,888,991.84	Through: July 28, 2018					
Item	Code	Description	Quantity	Unit	Unit Price	This Period Quantity	This Period Amount	Total To Date Quantity	Total To Date Amount
BID ITEMS									
1	1070-206-A-3	TRAFFIC CONTROL	1	LS	\$ 2,800.00		\$ -	1	\$ 2,800.00
2	2010-108-C-0	CLEARING AND GRUBBING	1	LS	\$ 3,560.00		\$ -	1	\$ 3,560.00
3	2010-108-D-1	TOPSOIL, ON-SITE	15985	CY	\$ 5.75	1157.5	\$ 6,655.63	15985	\$ 91,913.75
4	2010-108-E-0	EXCAVATION, CLASS 10	36540	CY	\$ 3.95		\$ -	36540	\$ 144,333.00
5	2010-108-E-0	EXCAVATION, CLASS 13	2191	CY	\$ 6.10	2191	\$ 13,365.10	2191	\$ 13,365.10
6	2010-108-I-0	SUBBASE, MODIFIED (IADOT GRADATION NO. 14)	3903	TON	\$ 23.40	1790.44	\$ 41,896.30	1880.00	\$ 43,992.00
7	2010-108-I-1	SUBBASE, MACADAM (IADOT GRADATION NO. 13)	203	TON	\$ 23.80		\$ -	504.60	\$ 12,009.48
8	2010-108-O-0	SUBBASE, WASHED SAND, 4" THICK, UNDER SURFACE AGGREGATE	1295	TON	\$ 26.70		\$ -		\$ -
9	2010-108-P-0	INFIELD/WARNING TRACK SKIN SURFACE, RED BALL DIAMOND AGGREGATE, 5" THICK	1590	TON	\$ 79.70	78	\$ 6,216.60	78.00	\$ 6,216.60
10	2010-108-Q-0	BATTING CAGE SURFACE, FINE LIMESTONE (IADOT GRADATION NO. 8)	40	TON	\$ 16.50		\$ -	98.00	\$ 1,617.00
11	4010-108-A-1	SANITARY SEWER GRAVITY MAIN, TRENCHED, SDR 26 PVC, 8"	649	LF	\$ 34.10		\$ -	667	\$ 22,744.70
12	4010-108-E-0	SANITARY SEWER SERVICE STUB, PVC SDR 23.5, 4"	1	EA	\$ 1,000.00		\$ -	1	\$ 1,000.00
13	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 15"	42	LF	\$ 73.90		\$ -	42	\$ 3,103.80
14	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 18"	693	LF	\$ 54.85		\$ -	765	\$ 41,960.25
15	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 24"	56	LF	\$ 94.95		\$ -	56	\$ 5,317.20
16	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 36"	180	LF	\$ 109.75		\$ -	180	\$ 19,755.00
17	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 6"	36	LF	\$ 17.45	36	\$ 628.20	36	\$ 628.20
18	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 12"	26	LF	\$ 31.50		\$ -	26	\$ 819.00
19	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 15"	156	LF	\$ 40.60		\$ -	156	\$ 6,333.60
20	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 18"	844	LF	\$ 44.90		\$ -	844	\$ 37,895.60
21	4020-108-C-0	REMOVAL OF STORM SEWER, 18" RCP	5	LF	\$ 25.00		\$ -	5	\$ 125.00
22	4030-108-B-0	PIPE APRON, RCP, 12"	2	EA	\$ 1,383.50		\$ -	2	\$ 2,767.00

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
23	4030-108-B-0	PIPE APRON, RCP, 18"	3	EA	\$ 1,560.00		\$ -	3	\$ 4,680.00
24	4030-108-B-1	PIPE APRON, RCP, 36"	1	EA	\$ 2,320.00		\$ -	1	\$ 2,320.00
25	4030-108-D-0	PIPE APRON GUARD, 36"	1	EA	\$ 1,765.00		\$ -	1	\$ 1,765.00
26	4040-108-A-0	SUBDRAIN, HDPE, 2" DIA. PERF.	5248	LF	\$ 5.00		\$ -	5248	\$ 26,240.00
27	4040-108-A-0	SUBDRAIN, HDPE, 4" DIA. PERF.	198	LF	\$ 12.00	198	\$ 2,376.00	198	\$ 2,376.00
28	4040-108-A-0	SUBDRAIN, HDPE DUAL WALL, NON PERF, 4" DIA	25	LF	\$ 12.00	25	\$ 300.00	25	\$ 300.00
29	4040-108-A-1	SUBDRAIN, HDPE DUAL WALL, NON PERF, 6" DIA	1310	LF	\$ 15.10		\$ -	1221	\$ 18,437.10
30	4040-108-A-0	SUBDRAIN, HDPE DUAL WALL, 6"	530	LF	\$ 16.80	125	\$ 2,100.00	530	\$ 8,904.00
31	4040-108-C-0	SUBDRAIN CLEANOUT, TYPE A-1, 6"	3	EA	\$ 600.00		\$ -	3	\$ 1,800.00
32	5010-108-A-1	WATER MAIN, TRENCHED, DR18 PVC, 6"	756	LF	\$ 28.00		\$ -	756	\$ 21,168.00
33	5010-108-A-1	WATER MAIN, TRENCHED, CLASS 52 DIP, 6", WITH NITRILE GASKETS	80	LF	\$ 60.25		\$ -	80	\$ 4,820.00
34	5010-108-A-1	WATER MAIN, TRENCHED, DR21 PVC, 3"	104	LF	\$ 40.00		\$ -	104	\$ 4,160.00
35	5010-108-C-2	FITTING, MJ DIP	427	LB	\$ 29.10		\$ -	587	\$ 17,081.70
36	5010-108-F-0	CONNECTION TO EXISTING WATER MAIN	1	EA	\$ 710.00		\$ -	1	\$ 710.00
37	5010-108-G-0	IRRIGATION DELIVERY SYSTEM FOR 3 FIELDS	1	LS	\$ 7,500.00		\$ -	1	\$ -
38	5010-108-H-0	IRRIGATION SYSTEM - SOFTBALL FIELD	1	LS	\$ 10,500.00		\$ -	1	\$ 10,500.00
39	5010-108-H-0	IRRIGATION SYSTEM - LITTLE LEAGUE FIELD 1	1	LS	\$ 8,500.00		\$ -	1	\$ 8,500.00
40	5010-108-H-0	IRRIGATION SYSTEM - LITTLE LEAGUE FIELD 2	1	LS	\$ 8,500.00		\$ -	1	\$ 8,500.00
41	5020-108-A-0	VALVE, GATE, 3"	1	EA	\$ 1,010.00		\$ -	1	\$ 1,010.00
42	5020-108-A-0	VALVE, GATE, 6"	4	EA	\$ 1,372.50		\$ -	3	\$ 4,117.50
43	5020-108-C-0	FIRE HYDRANT ASSEMBLY	3	EA	\$ 4,895.00		\$ -	3	\$ 14,685.00
44	6010-108-A-0	MANHOLE TYPE SW-301, 48"	37.58	VF	\$ 593.00		\$ -	37.58	\$ 22,284.94
45	6010-108-A-0	MANHOLE TYPE SW-401, 48"	13.29	VF	\$ 519.25		\$ -	13.29	\$ 6,900.83
46	6010-108-A-0	MANHOLE TYPE SW-402, 48"x48"	12.92	VF	\$ 608.00		\$ -	12.92	\$ 7,855.36
47	6010-108-B-0	INTAKE TYPE SW-501	1	EA	\$ 3,595.00		\$ -	1	\$ 3,595.00
48	6010-108-B-0	INTAKE TYPE SW-507	4	EA	\$ 4,597.50		\$ -	4	\$ 18,390.00
49	6010-108-B-0	INTAKE TYPE SW-508	2	EA	\$ 6,955.00		\$ -	2	\$ 13,910.00
50	6010-108-B-0	INTAKE TYPE SW-509	1	EA	\$ 5,455.00		\$ -	1	\$ 5,455.00
51	6010-108-B-0	INTAKE TYPE NYLOPLAST, 24" W/ H-20 STANDARD GRATE	10	EA	\$ 2,220.00		\$ -	10	\$ 22,200.00
52	6010-108-H-0	REMOVE INTAKE	1	EA	\$ 510.00		\$ -	1	\$ 510.00
53	7010-108-A-0	PAVEMENT, PCC, 6"	5771	SY	\$ 33.55		\$ -		\$ -
54	7010-108-A-0	PAVEMENT, PCC, 6" THICK, REINFORCED	210	SY	\$ 67.15		\$ -		\$ -
55	7010-108-A-0	PAVEMENT, PCC, 8" REINFORCED	193	SY	\$ 61.55		\$ -		\$ -
56	7010-108-F-0	BEAM CURB, PCC	393	LF	\$ 22.35		\$ -		\$ -
57	7010-108-I-0	PCC PAVEMENT SAMPLES AND TESTING	1	LS	\$ 2,240.00		\$ -		\$ -
58	7030-108-C-1	SHARED USE PATH, PCC, 6" THICK	4337	SY	\$ 33.55		\$ -		\$ -
59	7030-108-C-2	SHARED USE PATH, PCC, 8" THICK (NOMINAL) REINFORCED	14	SY	\$ 90.55		\$ -		\$ -
60	7030-108-E-0	SIDEWALK, PCC, 4" THICK	885	SY	\$ 44.75		\$ -		\$ -
61	7030-108-G-0	DETECTABLE WARNING	104	SF	\$ 44.75		\$ -		\$ -
62	7080-108-B-0	ENGINEERING FABRIC (PLAYGROUND)	600	SY	\$ 1.30		\$ -		\$ -
63	8020-108-C-0	PAINTED PAVEMENT MARKINGS, DURABLE	1	LS	\$ 1,680.00		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
64	8020-108-G-0	PAINTED SYMBOLS AND LEGENDS	6	EA	\$ 184.50		\$ -		\$ -
65	8030-108-A-0	SIGN, INSTALL, HANDICAP	5	EA	\$ 125.00		\$ -		\$ -
66	8030-108-A-0	SIGN, INSTALL, HANDICAP W/ VAN	1	EA	\$ 135.00		\$ -		\$ -
67	9010-108-A-0	SEEDING, FERTILIZING, AND MULCHING, TYPE 4	12.75	AC	\$ 1,808.00		\$ -		\$ -
68	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, TYPE 1 PERMANENT LAWN	4.57	AC	\$ 2,884.70		\$ -		\$ -
69	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, TYPE 1 BALLFIELD LAWN SEEDING	2.37	AC	\$ 3,070.75		\$ -		\$ -
70	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, NO MOW FESCUE	0.96	AC	\$ 3,080.00		\$ -		\$ -
71	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, SHORT GRASS PRAIRIE	2.05	AC	\$3,594.00	0.4	\$ 1,437.60	0.40	\$ 1,437.60
72	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, FLOOD PLAIN	0.47	AC	\$3,570.00	0.42	\$ 1,499.40	0.42	\$ 1,499.40
73	9010-108-B-0	HYDRAULIC MULCHING	10.42	AC	\$1,127.50		\$ -		\$ -
74	9010-108-D-0	WATERING	25,000	TGAL	\$0.20		\$ -		\$ -
75	9010-108-F-0	SPORTSFIELD SOIL PREPARATION	1	LS	\$ 13,500.00	0.5	\$ 6,750.00	0.5	\$ 6,750.00
76	9010-108-G-0	SPORTSFIELD GROW IN PLAN	1	LS	\$6,500.00		\$ -		\$ -
77	9030-108-B-0	PLANTS, TREE, AUTUM BLAZE FREEMAN MAPLE - 3" CAL.	9	EA	\$670.35		\$ -		\$ -
78	9030-108-B-0	PLANTS, TREE, EUROPEAN BLACK ALDER - 6' HT.	5	EA	\$468.75		\$ -		\$ -
79	9030-108-B-0	PLANTS, TREE, ARMSTRONG COLUMNAR MAPLE - 3" CAL.	3	EA	\$563.75		\$ -		\$ -
80	9030-108-B-0	PLANTS, TREE, RIVER BIRCH - 10' HT.	10	EA	\$317.80		\$ -		\$ -
81	9030-108-B-0	PLANTS, TREE, WASHINGTON HAWTHORN - 6' HT.	8	EA	\$340.15		\$ -		\$ -
82	9030-108-B-0	PLANTS, TREE, DAWYCK PURPLE BEECH - 3" CAL.	1	EA	\$720.65		\$ -		\$ -
83	9030-108-B-0	PLANTS, TREE, MAIDENHAIR TREE - 3" CAL.	5	EA	\$687.00		\$ -		\$ -
84	9030-108-B-0	PLANTS, TREE, SKYLINE HONEYLOCUST - 3" CAL.	9	EA	\$608.75		\$ -		\$ -
85	9030-108-B-0	PLANTS, TREE, NORWAY SPRUCE - 6' HT.	4	EA	\$396.25		\$ -		\$ -
86	9030-108-B-0	PLANTS, TREE, LONDON PLANETREE - 3" CAL.	1	EA	\$565.00		\$ -		\$ -
87	9030-108-B-0	PLANTS, TREE, BLACK HILLS SPRUCE - 8' HT.	16	EA	\$541.60		\$ -		\$ -
88	9030-108-B-0	PLANTS, TREE, COLORADO BLUE SPRUCE - 8' HT.	1	EA	\$558.35		\$ -		\$ -
89	9030-108-B-0	PLANTS, TREE, WHITE PINE - 7' HT.	5	EA	\$413.00		\$ -		\$ -
90	9030-108-B-0	PLANTS, TREE, WHITE OAK - 3" CAL.	11	EA	\$651.35		\$ -		\$ -
91	9030-108-B-0	PLANTS, TREE, BUR OAK - 3" CAL.	12	EA	\$649.00		\$ -		\$ -
92	9030-108-B-0	PLANTS, TREE, ACCOLADE ELM - 3" CAL.	3	EA	\$584.00		\$ -		\$ -
93	9030-108-B-0	PLANTS, TREE, BLACK HAW VIBURNUM - 4' HT.	8	EA	\$122.00		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
94	9030-108-B-0	PLANTS, SHRUB, HAPPY RETURNIS DAYLILY - 1 GAL.	75	EA	\$19.60		\$ -		\$ -
95	9030-108-B-0	PLANTS, SHRUB, GRO-LOW FRAGRANT SUMAC - 18" HT.	14	EA	\$68.35		\$ -		\$ -
96	9030-108-B-0	PLANTS, SHRUB, NEON FLASH SPIREA - 18" HT.	78	EA	\$66.00		\$ -		\$ -
97	9030-108-B-0	PLANTS, SHRUB, MISSION STRAIN ARBORVITAE, 5' HT.	48	EA	\$236.10		\$ -		\$ -
98	9030-108-B-0	PLANTS, SHRUB, ARROWWOOD VIBURNUM - 36" HT.	31	EA	\$95.10		\$ -		\$ -
99	9030-108-F-0	LIVE FASCINE	200	LF	\$64.90		\$ -		\$ -
100	9040-108-A-2	SWPPP, MANAGEMENT	1	LS	\$2,950.00		\$ -	0.5	\$ 1,475.00
101	9040-108-E-0	TEMPORARY RECP, TYPE 2	11,100	SY	\$1.45	5472	\$ 7,934.40	5472	\$ 7,934.40
102	9040-108-F-1	WATTLES, 9", INSTALLATION, MAINTENANCE	6,300	LF	\$1.68		\$ -	1252	\$ 2,103.36
103	9040-108-F-2	WATTLES, REMOVAL	6,300	LF	\$0.17		\$ -		\$ -
104	9040-108-J-0	RIP RAP, EROSION STONE W/FABRIC	150	TON	\$28.90	24.23	\$ 700.25	144.23	\$ 4,168.25
105	9040-108-I-1	SILT FENCE OR SILT FENCE DITCH CHECK, INSTALLATION	4,250	LF	\$1.35		\$ -	2528	\$ 3,412.80
106	9040-108-I-2	SILT FENCE OR SILT FENCE DITCH CHECK, REMOVAL OF SEDIMENT	1,500	LF	\$0.65		\$ -		\$ -
107	9040-108-I-3	SILT FENCE OR SILT FENCE DITCH CHECK, REMOVAL OF DEVICE	4,250	LF	\$0.34	170	\$ 57.80	170	\$ 57.80
108	9040-108-O-2	STABILIZED CONSTRUCTION ENTRANCE	200	TON	\$26.85		\$ -	28.47	\$ 764.42
109	9040-108-P-1	DUST CONTROL, WATER	24,000	SY	\$0.04		\$ -		\$ -
110	9040-108-T-1	INLET PROTECTION DEVICE, SURFACE APPLIED, INSTALLATION AND MAINTENANCE	18	EA	\$78.25	14	\$ 1,095.50	18	\$ 1,408.50
111	9040-108-T-2	INLET PROTECTION DEVICE, REMOVAL	18	EA	\$28.00		\$ -		\$ -
112	9060-108-H-0	FENCING CAP, OUTFIELD FENCE	1,226	LF	\$3.15		\$ -		\$ -
113	9080-108-A-0	CONCRETE STEPS	40	SF	\$53.00		\$ -		\$ -
114	9080-108-B-0	HANDRAIL, ALUMINUM	10	LF	\$150.00		\$ -		\$ -
115	9090-108-A-0	SPORTSFIELD EQUIPMENT - SOFTBALL FIELD	1	LS	\$1,950.00		\$ -		\$ -
116	9090-108-A-0	SPORTSFIELD EQUIPMENT - LITTLE LEAGUE FIELD	1	LS	\$1,950.00		\$ -		\$ -
117	9090-108-A-0	SPORTSFIELD EQUIPMENT - LITTLE LEAGUE FIELD	1	LS	\$1,950.00		\$ -		\$ -
118	9090-108-B-0	ELECTRONIC SCOREBOARDS	3	EA	\$ 10,135.00		\$ -		\$ -
119	9090-108-C-0	BATTING CAGE EQUIPMENT	1	LS	\$11,190.00		\$ -		\$ -
120	9090-108-D-0	BLEACHERS, ALUMINUM, 15' LONG, 4 ROWS	9	EA	\$2,135.00		\$ -		\$ -
121	9090-108-E-0	PICKLEBALL COURT EQUIPMENT	1	LS	\$11,350.00		\$ -		\$ -
122	9090-108-F-0	PICKLE BALL COURT SURFACING	1	LS	\$4,280.00		\$ -		\$ -
123	9090-108-G-0	PLAYGROUND EQUIPMENT	1	LS	\$ 98,235.00		\$ -	0.693	\$ 68,076.86
124	9090-108-H-0	SAFETY SURFACING - 12" DEPTH	157	CY	\$47.00		\$ -		\$ -
125	9090-108-I-0	BIKE RACKS	1	LS	\$2,740.00		\$ -		\$ -
126	9090-108-J-0	PARK BENCHES	6	EA	\$1,277.50		\$ -		\$ -
127	9090-108-K-0	TRASH RECEPTACLES	9	EA	\$1,400.00		\$ -		\$ -
128	9090-108-L-0	FLAG POLE - 30' HT. WITH INTEGRAL LIGHT	1	EA	\$5,900.00		\$ -		\$ -
129	9090-108-L-0	FLAG POLE - 25' HT.	2	EA	\$5,895.00		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
130	9090-108-M-0	LANDSCAPE BOULDERS - STONE STEPS AND OUTCROPPING	24	TON	\$689.30		\$ -		\$ -
131	9090-108-M-0	LANDSCAPE BOULDERS - SEAT STONES	18	TON	\$470.35		\$ -		\$ -
132	9090-108-M-0	LANDSCAPE BOULDERS - PLAYGROUND STEPPER BOULDERS	22	TON	\$336.20		\$ -		\$ -
133	9100-108-A-0	ELECTRICAL SYSTEM	1	LS	\$149,942.65		\$ -	0.165	\$ 24,740.54
134	9110-108-A-0	PAVILION BUILDING AND APPURTENANCES	1	LS	\$312,500.00	0.223	\$ 69,687.50	0.33	\$ 103,125.00
135	11,010-108-A	CONSTRUCTION SURVEY	1	LS	\$ 20,600.00		\$ -	0.25	\$ 5,150.00
136	11,020-108-A	MOBILIZATION	1	LS	\$ 118,685.00		\$ -	1	\$ 118,685.00
137	11,050-108-A-0	CONCRETE WASHOUT	1	LS	\$ 5,765.00		\$ -	0.5	\$ 2,882.50
		FENCING A BID ITEMS							
FA1	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 6' TALL (06A)	984	LF	\$ 15.35	958	\$ 14,705.30	958	\$ 14,705.30
FA2	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 6' TALL (06B)	1126	LF	\$ 17.90	1127	\$ 20,173.30	1127	\$ 20,173.30
FA3	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 10' TALL (10A)	402	LF	\$ 29.20	198	\$ 5,781.60	198	\$ 5,781.60
FA4	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 20' TALL (20A)	180	LF	\$ 107.40	180	\$ 19,332.00	180	\$ 19,332.00
FA5	9060-108-B-0	GATES, CHAIN LINK, ALUMINIZED, 4' WIDE	7	EA	\$ 447.50		\$ -		\$ -
FA6	9060-108-B-0	GATES, CHAIN LINK, ALUMINIZED, 6' TALL, DOUBLE 6" (12' WIDE)	3	EA	\$ 750.00		\$ -		\$ -
		FIELD LIGHTING A BID ITEMS							
LA1	9100-108-B-0	FIELD LIGHTING, HID CONTROL SYSTEM AND DISTRIBUTION FOR 3	1	LS	\$50,355.00		\$ -		\$ -
LA2	9100-108-C-0	FIELD LIGHTING POLES & LUMINAIRES, HID, SOFTBALL FIELD	1	LS	\$134,277.00		\$ -		\$ -
LA3	9100-108-C-0	FIELD LIGHTING, HID - LITTLE LEAGUE FIELD 1	1	LS	\$95,113.00		\$ -		\$ -
LA4	9100-108-C-0	FIELD LIGHTING, HID - LITTLE LEAGUE FIELD 2	1	LS	\$89,518.00		\$ -		\$ -
		DUGOUT A BID ITEMS							
DA1	9090-108-N-0	DUGOUT, LUMBER FRAMED, 10' DEEP x 32' WIDE	6	EA	\$7,193.50		\$ -		\$ -
DA2	9090-108-O-0	TWO TIER DUGOUT BENCH, LUMBER, 24' LONG	6	EA	\$560.00		\$ -		\$ -
A01		4" HDPE PERFORATED DRAIN TILE	1340	LF	\$15.00	300	\$ 4,500.00	1500	\$ 22,500.00
A02		IRRIGATION SYSTEM BOOSTER PUMP	1	LS	\$3,512.30		\$ -		\$ -
A03	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 12"	88	LF	\$70.00	88	\$ 6,160.00	88	\$ 6,160.00
A04		CREEK RESTORATION	40,000	LS	\$1.00		\$ -		\$ -
		TOTAL BASE BID					\$ 233,352.48		\$ 1,167,755.34

PARTIAL PAY ESTIMATE NUMBER FOUR
 CUBBY PARK IMPROVEMENTS, WEST BRANCH, IOWA
 PROJECT NUMBER 16-072

This Period	Retainer 5.00%	Total to Date
\$ 233,352.48	Amount Earned	\$ 1,167,755.34
\$ 11,667.63	Amount Retained	\$ 58,387.77
XXXXXXXXXXXXXXXXXXXX	Previous Payments	\$ 887,682.73
\$ 221,684.85	Amount Due	\$ 221,684.85

Estimated Percent of Job Completed 40.42%

Is Contractor's Construction Progress on Schedule? No - weather has hindered expected progress

Submitted By:

 Needham Excavating, Inc.

Approved By:

 City of West Branch, Iowa

By: _____ Date: _____
 Joseph D. Needham, President

By: _____ Date: _____
 Gordon R. Edgar, Finance Officer / Deputy City Clerk

Recommended By:

 Fehr Graham

By: _____ Date: _____
 Redmond Jones II, City Administrator

By: _____ Date: _____
 Nathan P. Kass, PE, PLS

RESOLUTION 1730

A RESOLUTION APPROVING PARTIAL PAY ESTIMATE NUMBER 3 IN THE AMOUNT OF \$221,684.85 TO NEEDHAM EXCAVATING INC. FOR THE CUBBY PARK IMPROVEMENTS PROJECT.

WHEREAS, Needham Excavating Inc. of Walcott, Iowa was awarded the construction contract for Cubby Park Improvements for West Branch, Iowa (the “Project”) by the West Branch City Council through the passage of Resolution 1680 on January 16, 2018 in the amount of \$2,945,427.39; and

WHEREAS, Needham Excavating has declared that said project has started and work has been rendered in accordance with drawings and specifications on the Project, based on observations West Branch project managers and the project managers of Fehr Graham who are contracted with the City of West Branch to oversee the construction process.

WHEREAS, the City Council of West Branch, approved Partial Pay Estimate Number One (1) in the amount of \$276,843.04 to Needham Excavating Inc. of Walcott, IA is approved on May 7th; and

WHEREAS, the City Council of West Branch also approved the Pay Estimate Number Two (2) in the amount of \$362,865.81 and at which time the project was approximately 24% complete.

WHEREAS, the City Council of West Branch also approved the Pay Estimate Number Three (3) in the amount of \$247,973.87 and the project is now approximately 32.80% complete.

WHEREAS, it is now necessary to for the City Council to accept and approve the Pay Estimate Number Four (4) in the amount of \$221,684.85 and the project is now approximately 40.42% complete.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of West Branch, that Partial Pay Estimate Number Three in the amount of \$21,684.85 to Needham Excavating Inc. of Walcott, IA is approved.

Passed and approved this 6th day of August, 2018.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator / City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	August 6, 2018
AGENDA ITEM:	Discussion Item: Early / Initial Impressions – Hoover Hometown Days Recap (Full Debrief to come later).
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Melissa Russell,
DATE:	August 2, 2018

BACKGROUND:

It is never too early to start the continual improvement process. This item is just to start the process of accessing the implementation of our premier event.

STAFF RECOMMENDATION:	Seek Feedback from the City Council
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

"Turning Vision Into Reality is our Business"



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE: August 6, 2018

AGENDA ITEM:	Discussion Item: Staff consideration of placing out to bid property nuisance cleaning services for sever clean-up cases.
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CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
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PREPARED BY:	Matt Goodale, Public Works Director
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DATE:	August 2, 2018
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BACKGROUND:

In cases of severe clean-up staff is reviewing option to hire from outside for property clean-up services. In addition to having solid cost tracking paperwork should property liens and further legal action ensue, the time demands placed on in-house workforce could cause work slow down on normally performed duties. Staff are also concerned about other costs that may out-weigh the benefits of using an in-house option.

Since this item is being discussed Councilperson Miller asked to have our current nuisance ordinance be provided with the hopes that provisions can be changed to speed-up our process. I also included a sample nuisance ordinance from the City of Groveland as a reference point.

STAFF RECOMMENDATION: Seek City Council Direction
--

REVIEWED BY CITY ADMINISTRATOR:
--

COUNCIL ACTION:

MOTION BY:

SECOND BY:

"Turning Vision Into Reality is our Business"

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance	50.08 Request for Hearing
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50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct

and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.09)**

7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**

8. **Air Pollution.** Emission of dense smoke, noxious fumes or fly ash.

9. **Weeds, Brush.** Grass over 6 inches in height and any and all noxious weeds or dense growth of vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard or render the streets or highways of the City unsafe for public travel or interfere with the proper construction or repair of said streets or highways.

10. **Dutch Elm Disease.** Trees infected with Dutch Elm Disease. **(See also Chapter 151)**

11. **Airport Air Space.** Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

12. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

1. **Junk and Junk Vehicles (See Chapter 51)**
2. **Drug Paraphernalia (See Chapter 52)**
3. **Storage and Disposal of Solid Waste (See Chapter 105)**
4. **Trees (See Chapter 151)**

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

(Code of Iowa, Sec. 364.12[3h])

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

(Code of Iowa, Sec. 364.12[3h])

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

(Code of Iowa, Sec. 364.12[3h])

50.08 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

50.09 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

(Code of Iowa, Sec. 364.12[3h])

50.10 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.

(Code of Iowa, Sec. 364.12[3h])

50.11 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

(Code of Iowa, Sec. 364.12[3h])

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

50.13 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

EDITOR'S NOTE

A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances.

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

51.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. "Junk vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

(Code of Iowa, Sec. 364.12[3a])

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within a garage or other enclosed structure.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

(Code of Iowa, Sec. 364.12[3a])

GROVELAND, FLORIDA (*example*)

- **ARTICLE III. - PROPERTY MAINTENANCE STANDARDS**

- **Sec. 105-524. - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Alteration means any change in size, shape, character, occupancy, or use of a building structure.

Approved means authorized as provided by law.

Blemish means a noticeable imperfection that impairs appearance.

Blighting influence means any physical condition of building or property which directly causes a reduction in the value of surrounding properties.

Brush means any dense growth or bushes, shrubs or weeds, or any accumulation of, but limited to: grass clippings, hedge and tree trimmings, palm fronds, leaves, and other such debris.

Code compliance officer means any employee or agent of the city duly authorized by the city manager to enforce city ordinances.

Deficiency means a condition of deterioration that is not in violation of this article; however, such condition can be expected to become a violation within a short period of time.

Deterioration means a condition or appearance of any structure or grounds, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, neglect, or lack of maintenance.

Dilapidated means a condition of structural disrepair or deterioration to the extent requiring rehabilitation, reconstruction or demolition.

Dwelling means any building, which is wholly or partly used or intended to be used for living, sleeping, cooking and eating, providing that temporary housing herein defined shall not be regarded as a dwelling.

Electrical means all work, materials, and/or system of electrical wiring for use of light, heat or power, and all appurtenances, apparatus or equipment used in connection therewith, inside of or attached to any building or structure, lot or premises.

Fire hazard means anything or any act which violates the prevailing fire codes of the city.

Garbage means the animal and/or vegetable waste resulting from the handling, preparation, cooking, and/or consumption of food; and wastepaper, plastic or related materials in the packaging and preparation of foods.

Good state of repair means that a building, structure or parcel of land is safe and habitable for its ordinary and intended use, and that the materials used in any structure or fixture are sound, stable and conform to its original purpose and performing the function for which intended and not in need maintenance.

Nonresidential zoned parcel means any parcel of land whose zoning designation is C-1, C-2, M-1 or any commercial, industrial, business areas of a PUD.

Nuisance means anything that violates the standards provided herein, or any other city, county, state or federal law.

Occupant means any person living, sleeping, or having actual possession of a dwelling.

Operator means any person who has charge, care control of a building, structure, or parcel of land, or part thereof.

Owner shall means any person who, alone or jointly has legal, equitable or beneficial title to any building or structure, or part thereof, which is subject to this article.

Rubbish means all combustible and noncombustible waste materials except garbage, including but limited to non-operative toys, bicycles, motorcycles, automobiles, mechanical equipment and machines or parts thereof.

Structurally sound means free of imperfections which affect the intended use of the structure so as not to endanger the health, safety, and welfare of the inhabitants or neighbors.

Swale means all unpaved portions of right-of-way located between the edge of pavement and the property line or an easement located on property adjacent to the right-of-way line.

Trash means all small discarded materials from around premises which can be deposited in an approved trash receptacle for collection and can be burned or otherwise properly handled at an incinerator.

Vermin means all common harmful or objectionable animals or insects that are difficult to control.

(Code 2006, § 18-412; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-525. - Purpose and scope.**

(a)
There is hereby promulgated and established a set of minimum exterior building and property standards relating to the maintenance of residential and nonresidential buildings and property with the city.

(b)

These provisions shall apply to the exterior portion of every building or structure and its accessory structures, as well as all adjoining grounds, areas of other premises or undeveloped property in the city. In all situations where a provision of this article conflicts with other building, health, safety or zoning regulations, the more restrictive standard shall prevail.

(Code 2006, § 18-411; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-526. - Jurisdiction; enforcement.**

The city shall have jurisdiction to issue citations in which violations of this article are alleged pursuant to [chapter 2](#); provided, however, allegations regarding unsafe buildings and structures shall be administered in accordance with the provisions of applicable ordinances.

(Code 2006, § 18-413; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-527. - Exterior maintenance of structure and premises.**

(a)

All exterior surfaces of buildings or sheds, excluding roofs, shall be properly maintained and protected from the elements by paint or other protective coating applied in a workmanlike fashion. Painted or protective coatings shall be uniform in color without blemishes throughout the exterior. Trim paint shall be uniform in color.

(b)

Every foundation, exterior wall, window, roof and all other exterior surfaces shall be free of holes, cracks, breaks, loose or rotted wood and any condition which might allow rain or moisture, vermin, pests or insects to enter the interior portions of the walls or to the occupied spaces of any dwelling, commercial building or structure.

(c)

Roofs shall be structurally sound, watertight and shall prevent rainwater or moisture from entering the walls, ceilings or any other portion of the dwelling, commercial building, or structure. All building roofs and gutters shall be kept free of faded or chipped paint and shall be maintained in good repair and in good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material when 25 percent or more of any exposed roof surface becomes discolored or is scaling. In the event a roof shingle or tile is replaced, the replacement shingle or tile shall be of the closest possible color and shade to the existing roofing shingles or tiles.

(d)

Fences, exterior walls, exterior doors, exterior windows, dumpster enclosures, decorative walls, perimeter hedges, playground equipment, trellis, swimming pools, screen enclosures shall be maintained in a good state of repair.

(e)

Each exterior wall surface of buildings and structures shall be kept free of faded or chipped paint, and shall be maintained in a good state of repair and good condition to prevent deterioration, and must be cleaned (pressure and/or chemical), repainted or recovered with like material when 25 percent or more any exposed surface becomes discolored or is peeling.

(f)

Any awning or marquee and its supporting structural members shall be maintained in a good state of repair. Awnings or marquees made of cloth, plastic or of a similar material shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other damage.

(g)

All signage shall be maintained in the originally permitted and constructed condition as required by [chapter 141](#).

(h)

Rubbish, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash and debris shall not be permitted on any premises. This subsection shall not apply to garbage, trash and debris which are containerized in approved receptacles for appropriate collection and removal.

(i)

Dead and/or dying trees and limbs or other natural growth, which constitute a health or safety hazard to persons or property, shall be removed and replaced if required by Code requirements or site plan approval. Trees shall be kept pruned and trimmed to prevent the occurrence of a health or safety hazard.

(j)

Loose or overhanging objects, which constitute a danger of falling on persons or property, shall be removed.

(k)

Ground surface hazards such as holes, excavations, breaks, projections, obstructions and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other portions of the premises shall be repaired or removed.

(l)

Premises and adjacent swales shall be kept landscaped, irrigated with rust free systems, mowed, and maintained in good repair. All landscaping on nonresidential property shall comply with the approved site plan.

(m)

All off-street parking spaces shall be paved asphalt or constructed of concrete or block and shall have smooth surfaces in good repair and comply with this Code.

(Code 2006, § 18-414; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-528. - Trash container areas.**

(a)

All trash container areas shall be maintained in a manner which prevents the accumulation of trash debris, rubbish, and litter by providing sufficient dumpsters and sufficient frequency of trash pickups.

(b)

All new dumpsters and other containers shall be constructed and shall be located and maintained in such a manner so as to provide screening from public view.

(Code 2006, § 18-415; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-529. - Accumulation of stagnant water.**

No person owning, operating or having possession of any property within the city shall allow the accumulation of stagnant water in excess of two inches for a period exceeding 24 hours following the cessation of the most recent measurable rainfall. Roofs or other structures or improvements designed for the retention of water are exempt from this section but shall be subject to the design capabilities of said roof, structure or improvement or other governing codes.

(Code 2006, § 18-416; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-530. - Parking and paved areas.**

It shall be the responsibility of all persons to maintain all parking and paved areas including curbs and wheel stops in a neat and clean condition. In addition, all parking and paved areas shall be maintained in good state of repair, which shall include proper drainage and the routine cleaning/clearing of French drains to prevent the accumulation of pools of water and the correction and removal of all ruts, potholes, and broken pavement. In parking areas, the parking spaces shall be maintained in a manner which clearly delineates said spaces and shall include maintenance of parking space striping, directional markings, stop bars, or of breaks, cracks and other deficiencies. Additionally, all parking areas shall be maintained in the original constructed condition as required by this Code. This section shall apply to all paved areas, including but not limited to parking areas and ingress or egress driveways. Additionally, building permit shall be required for all resurfacing, resealing, re-striping, replacement of parking areas.

(Code 2006, § 18-417; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-531. - Landscaping maintenance requirements.**

modified

All owners of land shall be responsible for the maintenance of all landscaping. This includes mowing and maintenance of abutting rights-of-way, swales, lakes, and canal banks. Landscaping shall be maintained in a good condition so as to present a healthy, neat, and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained in such [a way] that it will not cause property damage and public safety hazards, including removal of living, dead, or decaying plant material, removal of low hanging branches below 12 feet above grade and those obstructing street lighting. Landscaping shall be maintained in accordance with the following standards:

(1)

Insects, disease, etc. Landscaping shall be kept free of visible signs of insects and disease and appropriately irrigated and fertilized to enable landscaping to be in a healthy condition.

(2)

Turf edge trimming. All roadways, curbs, and sidewalks shall be edged to prevent encroachment from the adjacent turfed areas.

(3)

Maintenance of irrigation systems. Irrigation systems shall be maintained to eliminate water loss due to damaged, missing, or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system and shall not be installed or operated to place water on roads.

(4)

Replacement requirements. A n owner is responsible to ensure that living material are replaced with like material if such living material or trees die, or are abused.

(5)

Removal of root systems. Removal of root systems, which show evidence of destroying public or private property, is required.

(6)

Excess growth. Any accumulation of **grass**, weeds, brush, vines or other growth which exceeds 12 inches in height on developed, improved or unimproved property shall be prohibited. Upon failure to cut and remove excess growth within seven days after service of a notice of violation, any authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter the property in violation and cut and remove the excessive growth. Costs of such removal and an administrative fee established by city council through resolution shall be chargeable to the owner or agent responsible for the property and shall constitute a lien on the real property. This enforcement action shall be an alternative to enforcement pursuant to [chapter 18](#) of the Code of Ordinances.

(Code 2006, § 18-418; Ord. No. 2009-08-36, § 1, 8-17-2009; [Ord. No. 2015-06-10](#), § 1, 6-1-2015)

- **Sec. 105-532. - Maintenance of swales.**

It shall be the responsibility of the adjacent property owner to maintain the swale area to the following minimum standards:

(1)

Free of debris; and

(2)

Grass and or weeds cut no higher than six inches and edged away from the sidewalk and roadway; and

(3)

Shrubs legally existing as of the data of this article shall be kept trimmed to a height not to exceed four feet and provide unrestricted visibility at driveways and street intersections; and

(4)

Overhanging branches of trees shall be pruned to a height of at least 12 feet above grade; and

(5)

The swale shall be kept free and clear of prohibited species, as set forth in this Code.

(Code 2006, § 18-419; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-533. - Maintenance of canal right-of-way or easements.**

(a)

No owner of land or any persons in his employ or under his control shall deposit, in any of the waters of the lakes, ponds, canals, ditches or waterways within the city, any rubbish, filth, construction debris, litter, garbage, grass cuttings or poisonous or deleterious substances liable to affect the health, safety and welfare of persons or fish within the waterways.

(b)

It shall be the responsibility of the property owner to maintain the appearance of the canal right-of-way, easement or waterway area to the following minimum standards:

(1)

Free of debris;

(2)

Grass and weeds cut no higher than six inches;

(3)

Overhanging branches of trees shall be re-pruned to a height of at least 12 feet and be free and clear of the waterway; and

(4)

The canal right-of-way or easement area shall be kept free and clear of prohibited species, as desired in this Code.

(5)

All canals, lakes and other bodies of water shall be kept free of nuisance aquatic plants and in no instance shall any body of water have a surface covering of any type or species of aquatic plant.

(Code 2006, § 18-420; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-534. - Boarded-up buildings.**

(a)

The city recognizes that from time to time it may be necessary to secure real property because of abandonment, disrepair, public hazard or natural disaster. Unsecured property can lead to vandalism problems, occupancy, safety problems and appearance problems. The city feels it necessary to create certain criteria for securing structures.

(b)

Real property may be secured via boarding up windows, doors or other openings upon the requirement of the building official, fire official and code officers or by a private party, provided a permit is issued by the city prior to securing a property.

(c)

Any means of securing property, including crime prevention devices, shall be subject to review by the building official for safety and compliance with the building code.

(d)

If real property is secured for more than 30 days, except in the case of a natural disaster, the boards, panels or other means of securing structural openings shall be painted to match the exterior color of the building.

(e)

The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded-up condition is limited. Any such repair, other than in the case of a natural disaster, shall be made within ten days.

(f)

Any device (including wood or approved hurricane shutters) used for the securing of a property during a declared hurricane or tropical storm shall be removed no later than ten days after the lifting of any hurricane or tropical storm warning or watch. This provision may be suspended by the city manager in the event that the posting of any other storm warnings or watched are imminent.

(Code 2006, § 18-421; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-535. - Determination of need for correction.**

Structures and properties failing to meet the standards for a non-blighting influence will be considered "deficient." A blighting influence on the surrounding neighborhood in violation of this article exists when a deficiency or combination of deficiencies represents more than 25 percent of the area on any wall, exterior premises, structure, roof or paved surface as viewed from any single vantage point of the property.

(Code 2006, § 18-422; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Sec. 105-536. - Repairs and installations.**

Repairs and installation shall be made so as to comply with all applicable ordinances, the provisions contained herein and/or the approved site plan. All work shall proceed in a timely fashion and be done in workmanlike manner.

(Code 2006, § 18-423; Ord. No. 2009-08-36, § 1, 8-17-2009)

- **Secs. 105-537—105-585. - Reserved.**