



PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 7:00 P.M. MONDAY JULY 8, 2019 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	rjonesii@westbranchiowa.org
City Attorney	Kevin Olson	kevinolsonlaw@gmail.com
Deputy City Clerk	Leslie Brick	leslie@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

G. Roll Call

D. Guest Speaker, Presentations and Proclamations

1. Ali Hval – Artist University of Iowa / Cedar County Economic Development Commission (CCEDCO) – Mural Project.
2. Police Evidence Facility – Police Chief Mike Horihan.

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.

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 any item on the Consent Agenda, they can request the item be removed from the Consent Agenda for discussion.

1. **Motion to Approve** Meeting Minutes for City Council Meeting June 24, 2019.
2. **Motion to Approve** the Claims Report.

"Turning Vision into Reality is our Business"

G. Public Hearing / Non-Consent Agenda

1. **Third and Final Reading of Ordinance 767**- An Ordinance Amending Chapter 50 of the Code of ordinances of the City of West Branch, Iowa. Entitled, "Nuisance Abatement Procedure".
2. **Resolution 1823** – A Resolution Establishing a New Nuisance Abatement Hearing Committee.
3. **Resolution 1824** – A Resolution Adopting the 2019 West Branch Regional Trails Plan.
4. **Discussion Item:** Considering Directing the City Administrator to Develop Policy(s) / Protocol(s) for Planting Trees in City Right of Way.
5. **Discussion Item:** Considering Accepting the Cubby Park Improvement Project before all of the Punch List Items are Completed.
6. **Resolution 1825** – A Resolution Approving the Purchase of a Cub Cadet Pro Z 960 Mower in the Amount Not to Exceed \$14,389.
7. **Discussion Item:** Considering placing a public measure on the November Ballot to Establish a Capital Improvement Reserve Levy (intended to maintain overall tax rate).
8. **Resolution 1826** – A Resolution Approving Change Order #3 in the Amount of \$14,003.42 for the College Street Bridge Project.
9. **Discussion Item:** Determining the City Council's Preferable Pay Estimate Protocol for the College Street Bridge project.

H. Reports

1. City Administrator's Report
2. City Attorney Report
3. City Staff Hearsays

I. Comments from Mayor and Council Members

J. Adjournment

"Turning Vision into Reality is our Business"

Ali Hval
Previous Works



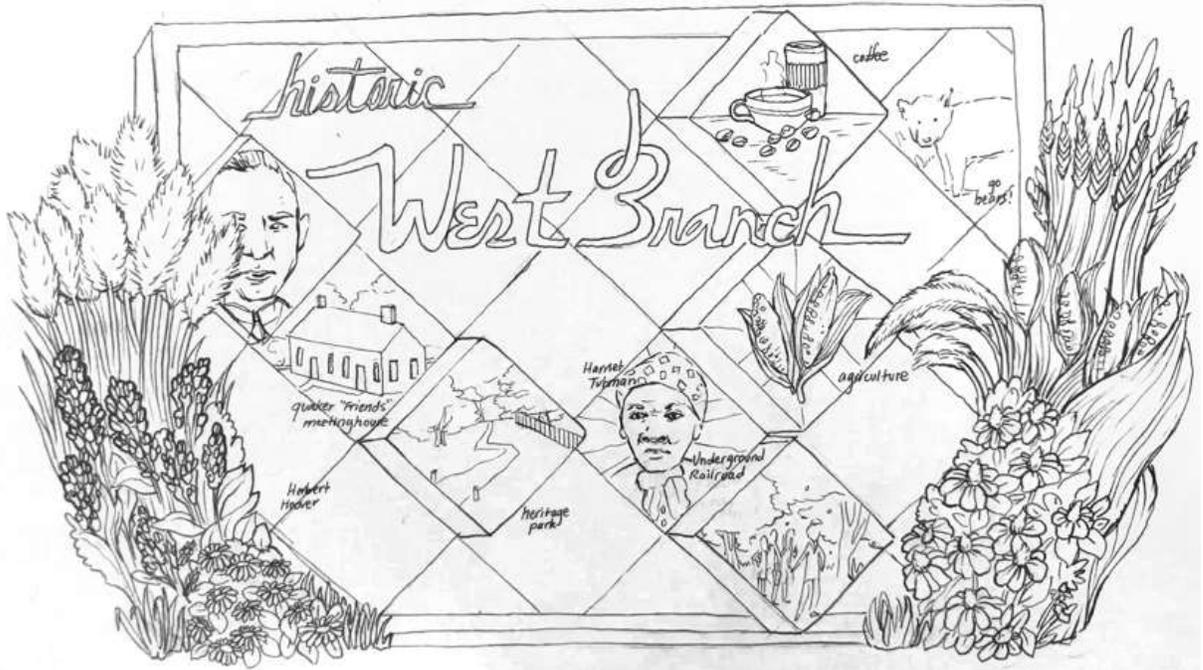
Mock-up 1



Mock-up 2



Mock-up 3



Mock-up 4



Mock-up 5

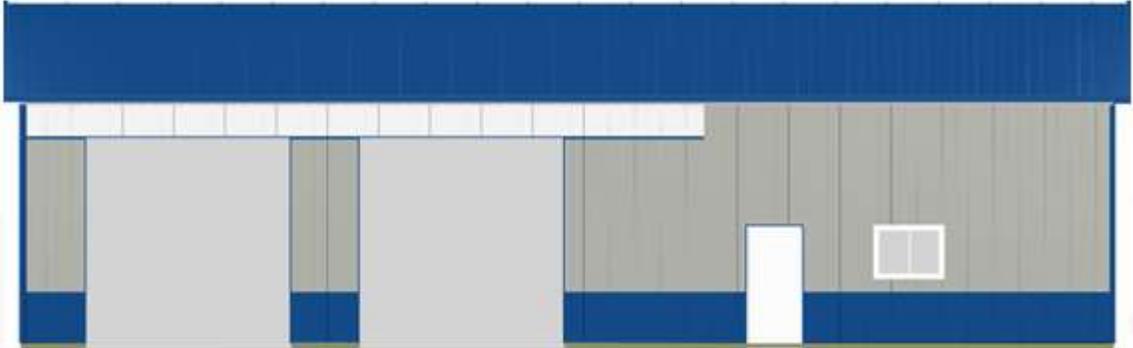


Mock-up 6



Police Evidence Facility

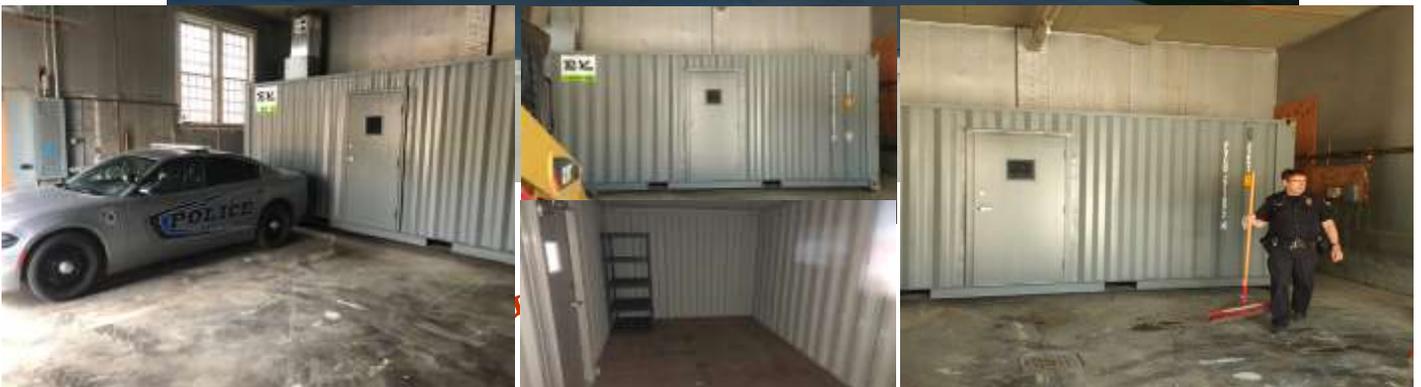
What was once proposed as a \$43,358 stand alone Evidence Facility has now been satisfied at a percentage of the original cost by creatively repurposing existing space; thus, saving the tax payer thousands of dollars.



Energy Miser 30' 0"x64' 0"x15' 4" with 14' 0" truss clearance from 100'-

Total Building Proposal Investment: \$43,358

Although there are several finishing touches that are yet needed; total project completion is estimated not to exceed \$10,000. Resulting in \$33,000 of Tax Payer savings.



(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

**June 24, 2019
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:00 p.m. Mayor Laughlin 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: Colton Miller, Jodee Stoolman, Nick Goodweiler were present. Brian Pierce and Jordan Ellyson was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy Clerk Leslie Brick, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin and Finance Officer Gordon Edgar.

GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS

Melissa Russell, Parks & Recreation Director presented the draft West Branch Community Trails Plan. Russell explained that the plan was created by a committee of commission members, residents, city staff, and the Mayor. Russell said the plan's intent is to provide additional recreation opportunities and connectivity to city parks, amenities and in the future, other communities. Russell asked for the Council to review the plan and provide feedback and reminded them that at this time there was no funding for the improvements unless consideration was given by the Council in a future budget. Russell said she hopes to have the Council approve the plan at the next Council meeting.

PUBLIC COMMENT

No comments.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to approve minutes for Special City Council Meeting June 7, 2019.

Motion to approve minutes for City Council Meeting June 10, 2019.

Motion to approve West Branch Fire Department Class B Beer (BB) (Including Wine Coolers) with Outdoor Service for Hoover's Hometown Days.

Motion to approve Cigarette Permit for FY20.

Motion to approve Hoover's Hometown Days – Outdoor Service Permit for The Down Under.

Motion to approve the appointment of Lisa Kofoed to the Library Board of Trustees.

Motion to accept the application for Transient Merchant Permit from J&S Fireworks.

Motion to approve street closures for the 2019 Hoover's Hometown Days Celebration.

Motion to approve the Claims Report.

June Claims Paid and May Revenues

EXPENDITURES	6/24/2019	
ALLIANT ENERGY	CUBBY PARK UTILITIES	11,008.06
AMAZON	BOOKS AND PROGRAM SUPPLIES	690.15
BAKER & TAYLOR INC.	BOOKS	2,012.64
BARRON MOTOR SUPPLY	SUPPLIOES	256.58
BP AMOCO	BP AMOCO	1,446.70
CEDAR COUNTY ENGINEER	ROAD ROCK	191.82
CEDAR COUNTY RECORDER	RECORDING FEES	7.00
CHIEF SUPPLY CORPORATION	SUPPLIES	32.95
CROELL, INC.	SAND FOR VOLLEYBALL COURTS	59.50
CROW SHOOTING SUPPLY INC.	MAINTENANCE SUPPLIES	103.18
CULLIGAN WATER TECHNOLOGIE	WATER SOFTENER SERVICE	50.15
DEWEYS JACK & JILL	SUPPLIES	61.08
DIAMOND VOGEL PAINTS	STREET PAINT	817.65
FEHR GRAHAM	308 PV PARK CONST SERVICE	9,210.25
FELD FIRE EQUIPMENT CO. IN	UNIFORMS	8,750.00

FINANCIAL ADJUSTMENT BUREAU	COLLECTION SERVICE	14.40
GONGORA, JOSE	SAFETY CONSULTING	2,700.00
HD CLINE COMPANY	REPAIR PARTS	188.04
HEIMAN FIRE EQUIPMENT	VEHICLE REPAIR	356.35
IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	593.16
IOWA LAW ENFORCEMENT ACADEMY	TRAINING	6,390.00
IOWA ONE CALL	LOCATION SERVICE	75.60
JOHNSON COUNTY REFUSE INC.	RECYCLING MAY 2019	3,975.75
KIRKWOOD COMM. COLLEGE	TRAINING	475.00
KOCH OFFICE GROUP	COPIER MAINTENANCE	333.52
LENOCH & CILEK	BUILDING SUPPLIES	157.77
LINN COUNTY R.E.C.	ST LIGHTS	151.54
LYNCH'S PLUMBING INC	REPAIR PARTS	207.10
MAINSTAY SYSTEMS, INC.	HARDWARE, SOFTWARE & INSTALLAT	5,085.80
MENARDS	SUPPLIES	269.95
MERCY IOWA CITY LAB OUTREACH	EMPLOYEE PHYSICAL	79.75
MISCELLANEOUS VENDOR	BOBBY SEXTON:BLDG PERMIT REFUN	203.00
NEEDHAM EXCAVATING, INC.	308 PV PARK CONST	178,421.16
OASIS ELECTRIC LLC	BUILDING MAINTENANCE	1,040.62
PARKSIDE SERVICE	VEHICLE MAINTENANCE	138.00
PDT SERVICES	REPAIR SERVICE	194.25
PITNEY BOWES GLOBAL FINANCE	LIBRARY POSTAGE METER	102.39
PITNEY BOWES INC	POSTAGE METER RENTAL	180.00
PITNEY BOWES PURCHASE POWER	PITNEY BOWES PURCHASE POWER	500.00
PLUNKETT'S PEST CONTROL INC	PEST CONTROL-TOWN HALL	170.18
PRO HYDRO TESTING LLC	EQUIPMENT TESTING	1,096.00
PYRAMID SERVICES INC.	EQUIPMENT	539.00
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	1,850.00
QUILL CORP	OFFICE SUPPLIES	363.87
RACOM CORPORATION	RADIO REPAIRS	340.00
RATHJE CONSTRUCTION CO	TREE GRINDING	6,095.00
RIVER PRODUCTS COMPANY INC	ROADSTONE	86.11
STATE HYGIENIC LAB	LAB ANALYSIS	104.00
SWANK MOTION PICTURES INC	SITE LICENSE	99.00
THE GAZETTE	NEWSPAPER SUBSCRIPTION	377.49
THE HOME DEPOT PRO	MAINTENANCE SUPPLIES	206.68
U.S. POSTAL SERVICE	ANNUAL PO BOX RENT	54.00
UNIFORM DEN INC.	UNIFORM SUPPLIES	421.90
UPS	SHIPPING	24.35
US BANK CORPORATE CARD	SUPPLIES, DUES, TRAINING	884.19
US BANK EQUIPMENT FINANCE	EQUIPMENT LEASE	106.25
WALMART COMMUNITY/RFCSLLC	DVDS & PROGRAM SUPPLIES	224.18
WARREN HANLIN	DOORS FOR TOWN HALL	3,655.00
WEST BRANCH FORD	VEHICLE REPAIR	1,230.29
WEST BRANCH REPAIRS	VEHICLE REPAIR	57.46
WEST BRANCH TIMES	LEGAL NOTICES, ADVERTISING	733.84
WEX BANK	WEX BANK	1,603.53
ZACK MURDOCK	MEALS/FOOD	113.55
TOTAL		256,966.73
PAYROLL	6/14/2019	46,353.68
PAID BETWEEN MEETINGS		
KEVIN OLSON	LEGAL SERVICES	3,000.00
APRIL DISS	UTILITY REFUND	48.22
RODNEY BEEK	UTILITY REFUND	64.95
JULIA HIME	VIDEOGRAPHY SERVICES	100.00
ZACK MURDOCK	MEALS/FOOD	165.77
TARA ANDRESEN	REFUND OF SWIM OVERPAYMENT	10.00
TIMOTHY A STOLBA	PROGRAM	200.00
WEST BRANCH COMMUNITY SCHOOLS	ADVERTISING	125.00
RICK E BRAMMER	SCIENCE PROGRAM	350.00
UPS	SHIPPING	60.58

TOTAL		4,124.52
GRAND TOTAL EXPENDITURES		307,444.93
FUND TOTALS		
001 GENERAL FUND	67,046.50	
022 CIVIC CENTER	4,324.30	
031 LIBRARY	10,249.56	
110 ROAD USE TAX	11,836.43	
112 TRUST AND AGENCY	5,057.81	
308 PARK IMP - PEDERSEN VALLEY	187,770.91	
600 WATER FUND	10,402.96	
610 SEWER FUND	10,756.46	
-		
GRAND TOTAL	307,444.93	
REVENUE-FISCAL YEAR 2019		
FUND MAY		
001 GENERAL FUND	98,812.50	
022 CIVIC CENTER	780.50	
031 LIBRARY	514.82	
036 TORT LIABILITY	777.55	
110 ROAD USE TAX	27,993.39	
112 TRUST & AGENCY	4,872.24	
119 EMERGENCY TAX FUND	613.28	
121 LOCAL OPTION SALES TAX	17,114.51	
125 TIF	11,183.98	
226 DEBT SERVICE	5,421.43	
308 PARK IMP - PEDERSEN VALLEY	5,000.00	
500 CEMETERY PERPETUAL FUND	0.51	
502 KROUTH INTEREST FUND	0.18	
600 WATER FUND	40,084.92	
610 SEWER FUND	31,045.48	
740 STORM WATER UTILITY	5,125.57	
TOTAL	249,340.86	

Goodweiler questioned the Alliant Energy expense for Cubby Park. Edgar explained that \$579 was for electricity at Cubby Park and the remaining were for city utilities. Edgar also noted that he had planned to bill the contractor for Cubby Park electricity fees, but was informed by Fehr Graham's Kass that the electricity was not part of the contract. Jones said he would do some additional investigation on whether or not the city could bill the contractor for those charges related to the project.

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

PUBLIC HEARING / NON-CONSENT AGENDA

Third Reading Ordinance 776 – An Ordinance vacating alleys located in the City of West Branch. /Move to action.

Deputy Clerk Brick explained that one of the alley's to be vacated on 4th Street (between Carrillo and Tidrick's property) was recently discovered that it was vacated previously in 1894 per the Cedar County Auditor's Office. Brick said she was informed that the alley was vacated but never deeded to the former property owners. Brick said she has notified the current property owners of this discovery and is waiting to hear how the alley will be divided and deeded. She said the remaining two alleys can be vacated as planned.

ORDINANCE NO. 766 AN ORDINANCE VACATING ALLEYS

1. BE IT ENACTED by the Council of the City of West Branch, Iowa, that the following alleys within the corporate limits are hereby vacated:

1. That certain alley located between Lots B and C in Block 47 in Joseph Steer's Plat No. 2, West Branch, Cedar County, Iowa; and

2. That certain alley located adjacent to and south of Lot 49 in Block 6 in the town of Cameron, now City of West Branch, Iowa

The Mayor and the City Clerk are hereby authorized and directed to sign a quitclaim deed conveying said alley to the adjacent owners. Said quitclaim deed shall include a provision stating that the conveyance is subject to an easement for the purpose of the installation and maintenance of utilities.

Passed and approved this 24th day of June, 2019.

Read First Time: May 20, 2019

Read Second Time: June 10, 2019

Read Third Time: June 24, 2019

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk

Motion by Miller, second by Goodweiler to approve the third reading of Ordinance 776. AYES: Miller, Goodweiler, Stoolman. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

Second Reading Amending Chapter 50 of the Code of Ordinances: Entitled Nuisance Abatement Procedure.

Jones explained that a few more changes had been made to the revised ordinance that will replace the existing Chapter 50 of the West Branch Code of Ordinances. Jones said recent changes were indicated by highlight in the Council packet materials.

Motion by Stoolman, second by Goodweiler to approve the second reading of Ordinance 767. AYES: Stoolman, Goodweiler, Miller. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

Resolution 1817 – Approving the Liability Insurance Proposal with the Iowa Community Assurance Pool (ICAP). / Move to action.

Motion by Goodweiler, second by Miller to approve Resolution 1817. AYES: Goodweiler, Miller, Stoolman. NAYS: None. Absent: Pierce, Ellyson. Motion carried.

Resolution 1818 – Approving an amendment to the Subscription Agreement with Tyler Technologies, Inc. in the amount of \$17,594. /Move to action.

Motion by Goodweiler, second by Miller to approve Resolution 1818. AYES: Goodweiler, Miller, Stoolman. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

Resolution 1819 – Approving the Workers Compensation Proposal with the Iowa Municipal Workers Compensation Association (IMWCA). /Move to action.

Motion by Miller, second by Goodweiler to approve Resolution 1819. AYES: Miller, Goodweiler, Stoolman. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

Resolution 1820 – Approving Partial Pay Estimate #10 in the amount of \$178,421.16 to Needham Excavating Inc. for the Cubby Park Improvement project. /Move to action.

Cody Buelt, Fehr Graham gave an update on the park's progress and said "it's getting there" meaning toward substantial completion. The remaining punch list items will be addressed during the next walk through which is to be scheduled later this week Buelt said. Buelt stated that some minor things still needed done such as weeding, trimming and mowing. Buelt also said the fencing caps had not been installed and said he would contact the contractor on this item. Laughlin questioned the storm water intakes specs and stated that they appeared too narrow and wondered if they were adequate to take in large amounts of water. Buelt was also aware of the situation and said that the issue may be the result of an inexperienced sub-contractor. Buelt said the intakes measured at 4" rather than the 6" specification. Laughlin stated that he would 'fail' this item at the project acceptance unless the intakes were rebuilt to specifications. The Council agreed with Laughlin's decision on the matter and agreed to approve this change order so contractors could be paid and would deal with this issue a later date.

Motion by Goodweiler, second by Miller to approve Resolution 1820. AYES: Goodweiler, Miller, Stoolman. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

Resolution 1821 – Approving Change Order #9 in the amount of \$2,356.00 for Roll-up Insect Screening Required for the Cubby Park Concession Stand at the Pavilion. /Move to action.

Goodweiler questioned why screening was needed at the concession stand. Russell said that state code requires screening when serving food and noted that this item was missed in the original contract. The council disagreed on the need for screening and have observed other concession stands in the area don't have screens and wondered why they wouldn't need to comply. Russell could not provide an answer. The Council requested more information on the state requirement before approving the change order.

Motion by Goodweiler, second by Miller to table Resolution 1821. AYES: Goodweiler, Miller, Stoolman. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

Resolution 1822 – Approving a Quote not to exceed \$4,395.00 from D&N Fence Company Inc. to Install 220 feet of 5 foot tall green vinyl chain link fencing along the Cubby Park and Crestview property line. /Move to action.

Jones provided the quote from the D&N fence company and suggested the Council approve bid number 2. Jones said the commercial grade was a better quality and would be longer lasting than the basic residential. The council asked who would be responsible for maintaining the fence and Jones confirmed that the fence would be placed on the property line and would become Crestview's property for any future maintenance needs.

Motion by Miller, second by Goodweiler to approve Resolution 1822. AYES: Miller, Goodweiler, Stoolman. NAYS: None. Absent: Pierce & Ellyson. Motion carried.

CITY ADMINISTRATOR REPORT

Jones reported that the wastewater task force group had met with Gross-Wen Technologies to have some additional questions answered and are moving forward with a couple of in state visits to other wastewater treatment plants. Jones expects to provide options at the July 22nd City Council meeting.

CITY ATTORNEY REPORT

No report.

CITY STAFF REPORTS

No report.

COMMENTS FROM MAYOR AND COUNCIL MEMBER

Stoolman wanted to clear up a rumor that the City did not have enough money to pay for the College Street Bridge project. Edgar estimated that the City would have to borrow approximately four hundred thousand dollars for the non-participating portion of the project which was known from the beginning of the project.

Miller asked if the city engineer had provided cost estimates for the city sidewalk connection to the Northside First Addition Condo project. Brick said she had followed up with the city attorney who was writing the sidewalk agreement, but final numbers had not yet been provided. Jones said he would make a follow up with the city engineer.

ADJOURNMENT

Motion to adjourn by Goodweiler, second by Miller. Motion carried on a voice vote. City Council meeting adjourned at 8:18 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE: July 8, 2019

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:	July 3, 2019

BACKGROUND:

These are routine expenditures that include such items as payroll, budget expenditures, and other financial items that relate to City 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:

"Turning Vision into Reality is our Business"

EXPENDITURES

7/8/2019

CCEDCO	DUES FY 2019-2020	6,409.00
CEDAR COUNTY AUDITOR	DISASTER SERVICES ASSESSMENT	14,331.78
CEDAR COUNTY AUDITOR	SOLID WASTE ASSESSMENT	8,908.00
CULLIGAN WATER TECHNOLOGIE	WATER SOFTENER SERVICE	63.11
EAST CENT INTERGOVT ASN.	MEMBERSHIP DUES	789.48
HARRY'S CUSTOM TROPHIES LT	MEDALS	320.25
HD CLINE COMPANY	REPAIR PARTS	80.84
ICMA	ICMA DUES 7-1-19 TO 6-30-20	734.40
IMWCA	WORKERS COMPENSATION INSURANCE	4,893.00
IOWA COMMUNITIES ASSURANCE	FY20 LIAB & PROPERTY INSURANCE	38,698.66
IOWA DEPARTMENT OF PUBLIC SAFETY	ONLINE WARRANTS AND ARTICLES SYSTEM	1,200.00
IOWA LEAGUE OF CITIES	MEMBERSHIP DUES	1,535.00
J & M DISPLAYS INC	FIREWORKS	20,000.00
JOHNSON COUNTY REFUSE INC.	GARBAGE STICKERS	600.00
LYNCH'S PLUMBING INC	REPAIR SERVICE	348.50
OLSON, KEVIN D	LEGAL SERVICES-JULY, 2019	1,500.00
PLAY IT AGAIN SPORTS	SUPPLIES	80.97
PORT 'O' JONNY INC.	SERVICE-LITTLE LEAGUE	303.60
PYRAMID SERVICES INC.	REPAIR PARTS	124.93
UNIVERSITY OF IOWA	CAMP	540.00
VICTOR ISAAC PAGE	LIBRARY PROGRAM	125.00

TOTAL		101,586.52
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PAYROLL	6/28/2019	57,775.48
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PAID BETWEEN MEETINGS

JULIA HIME	VIDEOGRAPHY SERVICES	50.00
JOHN DEERE FINANCIAL	SUPPLIES	123.40
REBECCA KNOCHE	VIDEOGRAPHY SERVICES	225.00
LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	1,296.02
MEDIACOM	CABLE SERVICE	41.90
PAC-VAN INC	20' EVIDENCE CONTAINER	4,175.00
PLUNKETT'S PEST CONTROL INC	PEST CONTROL	95.18
QUILL CORP	OFFICE SUPPLIES	151.66
STATE INDUSTRIAL PRODUCTS	CHEMICALS	488.00
UPS	SHIPPING	25.88
USA BLUEBOOK	SUPPLIES	147.87
VEENSTRA & KIMM	COLLEGE ST & 2ND ST IMPROVEMENTS	2,415.00
VEENSTRA & KIMM	COLLEGE ST & 2ND ST IMPROVEMENTS	8,316.02
VEENSTRA & KIMM	BRIDGE INSPECTION	1,530.00
VEENSTRA & KIMM	WW TREATMENT FACILITY STUDY	1,400.69
VEENSTRA & KIMM	WWTP FAC - ANTIDegradation ANALYSIS	526.28
VEENSTRA & KIMM	ENGINEERING SERVICES - MEADOWS 3,4 CONS	1,837.74
VEENSTRA & KIMM	COLLEGE STREET BRIDGE BID & CONSTRUCTION	16,890.77
VERIZON WIRELESS	WIRELESS SERVICE	800.27
TAYLOR CONSTRUCTION INC	COLLEGE ST BRIDGE & RELATED WORK	239,306.31
ASHLEE VAN FLEET	UTILITY REFUND	66.45
MIRIAH DURFLINGER-ELAM	UTILITY REFUND	34.65
BRANDON GRABER	UTILITY REFUND	24.77
ANDREA LEWIS	UTILITY REFUND	28.11
JACE & HEATHER HIGHLY	UTILITY REFUND	2,501.09

TOTAL		282,498.06
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GRAND TOTAL EXPENDITURES		441,860.06
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FUND TOTALS		
001	GENERAL FUND	88,819.32
022	CIVIC CENTER	91.57
031	LIBRARY	5,647.12
036	TORT LIABILITY	32,617.80
110	ROAD USE TAX	4,613.91
112	TRUST AND AGENCY	13,111.33
600	WATER FUND	15,574.34
610	SEWER FUND	14,456.57
310	COLLEGE STREET BRIDGE	151,944.94
318	PARK IMP - PEDERSEN VALLEY	114,983.16
GRAND TOTAL		441,860.06

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE OPERATION	GENERAL FUND	CEDAR COUNTY AUDITOR IOWA DEPARTMENT OF PUBLIC SAFETY	DISASTER SERVICE ASSESSMEN	4,454.00
			WARRANTS AND ARTICLES SYST	1,200.00
			TOTAL:	5,654.00
FIRE OPERATION	GENERAL FUND	CEDAR COUNTY AUDITOR CULLIGAN WATER TECHNOLOGIES	DISASTER SERVICE ASSESSMEN	4,454.00
			WATER SOFTENER SERVICE	63.11
			TOTAL:	4,517.11
PARK & RECREATION	GENERAL FUND	HARRY'S CUSTOM TROPHIES LTD LYNCH'S PLUMBING INC PORT 'O' JONNY INC. PLAY IT AGAIN SPORTS UNIVERSITY OF IOWA	MEDALS	84.00
			MEDALS	236.25
			REPAIR SERVICE	348.50
			SERVICE-LITTLE LEAGUE	123.60
			SERVICE-WAPSI PARK	90.00
			SUPPLIES	80.97
			CAMP	540.00
			TOTAL:	1,503.32
CRMETRY	GENERAL FUND	HD CLINE COMPANY PYRAMID SERVICES INC. PORT 'O' JONNY INC.	REPAIR PARTS	80.84
			REPAIR PARTS	124.93
			SERVICE-CEMETERY	90.00
			TOTAL:	295.77
COMM & CULTURAL DEVEL	GENERAL FUND	J & M DISPLAYS INC	FIREWORKS	20,000.00
			TOTAL:	20,000.00
ECONOMIC DEVELOPMENT	GENERAL FUND	CCEDCO	DUES FY 2019-2020	6,409.00
			TOTAL:	6,409.00
CLERK & TREASURER	GENERAL FUND	EAST CENT INTERGOVT ASM. IOWA LEAGUE OF CITIES ICMA	MEMBERSHIP DUES	789.48
			MEMBERSHIP DUES	1,535.00
			ICMA DUES 7-1-19 TO 6-30-2	734.40
			TOTAL:	3,058.88
LEGAL SERVICES	GENERAL FUND	OLSON, KEVIN D	LEGAL SERVICES-JULY, 2019	1,500.00
			TOTAL:	1,500.00
SOLID WASTE	GENERAL FUND	CEDAR COUNTY AUDITOR JOHNSON COUNTY REFUSE INC.	SOLID WASTE ASSESSMENT	14,331.78
			GARBAGE STICKERS	600.00
			TOTAL:	14,931.78
LOCAL CABLE ACCESS	GENERAL FUND	IOWA COMMUNITIES ASSURANCE POOL	FY 20 ICAP INSURANCE PREMI	138.69
			TOTAL:	138.69
LIBRARY	LIBRARY	VICTOR ISAAC PAGE	LIBRARY PROGRAM	125.00
			TOTAL:	125.00
POLICE OPERATIONS	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	6,014.41
			WORK COMP - POLICE	1,297.89
			TOTAL:	7,312.30
FIRE OPERATION	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	2,877.22
			WORK COMP - FIRE	1,742.71
			TOTAL:	4,619.93
BUILDING INSPECTIONS	TORT LIABILITY	IMWCA	WORK COMP - BLDG INSPRCT	46.97
			TOTAL:	46.97

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
ROADS & STREETS	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	7,477.21
			WORK COMP - STREETS	837.08
			TOTAL:	8,314.29
LIBRARY	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	3,401.20
			WORK COMP - LIBRARY	48.41
			TOTAL:	3,449.61
PARK & RECREATION	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	3,077.75
			WORK COMP - PARK & REC	332.09
			TOTAL:	3,409.84
CEMETERY	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	1,181.38
			WORK COMP - CEMETERY	198.04
			TOTAL:	1,379.42
CLERK & TREASURER	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	3,975.42
			WORK COMP - ADMIN	110.02
			TOTAL:	4,085.44
WATER OPERATING	WATER FUND	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	5,277.69
			WORK COMP - WATER	198.54
			TOTAL:	5,476.23
SEWER OPERATING	SEWER FUND	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 20 ICAP INSURANCE PREMI	5,277.69
			WORK COMP - SEWER	81.25
			TOTAL:	5,358.94

===== FUND TOTALS =====	
001 GENERAL FUND	58,008.55
031 LIBRARY	125.00
036 TORT LIABILITY	32,617.80
600 WATER FUND	5,476.23
610 SEWER FUND	5,358.94
GRAND TOTAL:	101,586.52



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Third and Final Reading of Ordinance 767- An Ordinance Amending Chapter 50 of the Code of ordinances of the City of West Branch, Iowa. Entitled, “Nuisance Abatement Procedure”.
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Redmond Jones, City Administrator
DATE:	July 3, 2019

BACKGROUND:

As identified in our FY 2018-2019 Goal Setting Process, revamping our nuisance process has been an important priority, particularly as the city continues to grow and maintaining property values are critical for residential lending and real-estate marketing. Nuisance abatement can have a major impact on the viability of neighborhood and be a drain on local government resources. Containing blighting influences can become overwhelming and result in disinvestment in areas of the city, and create a weak link in the overall development of a growing community.

This item is a draft ordinance that will provide a greater ability to increase enforcement, speed up resolution of violations, and clearly communicate property maintenance expectations. The Mayor and several key staff members have attended the 2019 Nuisance Abatement Conference presented by the Iowa League of Cities regarding this matter. We expect to start the discussion and over the next three City Council meetings review, amend, and approve a version of the draft ordinance (Chapter 50) that is attached to this item.

The following represent the changes / additions made (in total) since the original discussion item. The changes added the terms “appearance and clutter” in the definition of nuisance (section 50.01). The additions also included the term “Volunteer trees” (section 50.02[11]). Additionally, we opted out of the section 305 of the 2012 International Property Maintenance Code entitled Interior Structure (section 50.20[5]). As requested we also added description regarding the Nuisance Hearing Committee in sub section 50.10 entitled Request for Hearing. These sections are highlighted in the draft provided.

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

"Turning Vision into Reality is our Business"

CITYSCAPE

IOWA LEAGUE OF CITIES | FEBRUARY 2019



Clinton steps up

By Mickey Shields | Iowa League of Cities

Photo by City of Clinton: Clinton saw a jump in nuisance property violations, prompting city officials to take action to improve their community.

Clinton

Population: 26,885

Location: Clinton County, eastern Iowa

Did you know: Located on the Mississippi River, Clinton is home to the Showboat Theatre, a city-owned former tug boat that pushed barges on the Ohio River before being remodeled into a theatre.

Around the State

Progress is not always linear, and in some work there may never be a finish line. Perhaps no other issue in municipal government quite reflects that way of thinking like nuisance abatement.

For most communities, dealing with nuisance properties presents a significant challenge both in identifying violations and then completing abatement work. As soon as a few properties are cleaned up, several more pop up the next month.

Despite the difficulty that can come from nuisance abatement work it remains a critical aspect in creating and maintaining vibrant communities. Clinton leaders are demonstrating the importance of dealing with nuisance issues to turn around dormant properties.

City of Clinton

Problems mount (563) 242-2144

Like so many other communities, the amount of nuisance properties in Clinton accelerated in recent years as more and more fell out of code compliance or were completely abandoned. Jeff Chapman, Clinton's battalion chief and building and neighborhood services supervisor, said the situation almost became epidemic as nearly 200 properties reached vacant and abandoned status.

"This spike in vacant and abandoned properties has spurred a broken windows-like issue in that we have seen an increase in residents not maintaining their properties," Chapman said, pointing to increases in more typical nuisance violations such as overgrown grass and weeds, garbage and debris accumulation, and snow removal issues.

As is often the case, some property owners noticed the rising number of vacant and abandoned properties and lowered the level of care to their own property. Together, the issues put a strain on city services as staff had a hard time keeping up.

City officials take action

Knowing that direct city involvement was needed to begin making improvements, the city council added a staff member to assist with code enforcement and rental inspections during winter months. Chapman said positive results followed as the city was better able to enforce violations. "These efforts have allowed us to finally start to see some progress in troubled neighborhoods as we begin to see people taking some pride and keeping their properties maintained," he explained.

The city has also been more active in pursuing vacant and abandoned properties, including using methods to acquire such properties to spur redevelopment. One process includes the utilization of Section 657A.10A of the Code of Iowa, which permits cities to acquire title to abandoned property after successfully petitioning the court. Another avenue that has been used is local tax sales whereby the city has claimed tax sale certificates to properties delinquent on property taxes.

Through these mechanisms the city has been able to protect abandoned properties from getting into the hands of owners that have no plans of redevelopment, and instead has enabled the city to thoughtfully find partners that wish to take an active use in the properties.

Learn more at the Nuisance Abatement Conference!

Join us at the 2019 Nuisance Abatement Conference, May 15 in Coralville, for our annual training event that offers guidance and best practices for working through all sorts of nuisance property issues. From the basic unmowed lawn to the abandoned and derelict building, the conference will help your community improve on its nuisance abatement processes.

This has largely been done in two ways. Non-conforming properties with non-buildable lots have been offered to adjacent non-conforming lot owners to expand their property into a conforming use. Conforming lots are made available for sale via competitive bid, with the council being able to select whom it feels will do the best job with the property. Over time the city hopes their investment will help return these abandoned properties to active status on the property tax roll.

Don't stop now

While progress and improvement can already be seen, Clinton officials are pushing for more. According to Chapman, a big step is adopting the latest edition of the International Property Maintenance Code to give the city a better enforcement tool with nuisance properties. The city is working with its Neighborhood Improvement Committee on this project to get broad support from the community. "I believe we would have the teeth to finally be proactive in requiring property owners to maintain their properties to a level that would prevent dilapidation," he said.

It is not easy to work on a problem that rarely has a simple solution, and with no clear end in sight. It's all part of the job for city government officials, who nonetheless work diligently to improve their community.

Mickey Shields is the assistant director of membership services and can be reached at (515) 244-7282 or mickeyshields@iowaleague.org.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants of a dwelling unit, rooming unit or housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit or premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property and premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate,

GENERAL REQUIREMENTS

the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation

areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound

GENERAL REQUIREMENTS

and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened

and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached, dislodged* or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached, dislodged* or failing connections.

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) in height

above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

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rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for pest elimination.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for pest elimination.

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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50.01 DEFINITION OF NUISANCE. (A) Whatever is injurious to health, indecent, or unreasonably offensive to the senses (appearance / clutter), 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. (B) The provisions of this chapter shall apply to all residential and non-residential properties and structures located within the corporate limits of the city.

(Code of Iowa, Sec. 657.1)

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

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.
 - A. *Sanitation.* All exterior, and any interior portion of the premises of any property shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior or interior portion of the premises which such occupant controls, in a clean, safe, and sanitary condition so as to protect the life, health and safety of any occupants or of the public.
 - B. *Containment Systems.* In any event where a sewage spill or overflow occurs from any sewer, septic system, portable toilet, holding tank, sewage or septic transfer vessel, or any other container or containment system where sewage, human, or animal waste is deposited upon or within a structure or upon a property located within the corporate limits of the city, upon verification by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator,

such a spill or overflow shall be deemed a nuisance and shall be subject to the provision in this chapter in §§ 50.05, 50.06, 50.09, and 105.03. All sanitation issues involving sewage spills and/or overflows shall be considered an emergency and be subject to immediate action by the city in accordance with § 50.09 of this chapter. Additionally, the interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. In any instance wherein a structure appears to be found in disrepair or structurally unsound by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, shall be the responsibility of the property owner to submit a report stating that the structure is sound and capable of carrying the imposed load, and such report must be signed by either an architect, structural engineer, or a registered, licensed contractor that meets the qualifications set forth by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator.

3. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. For the purpose of this chapter, RUBBISH shall be defined as any material thrown away as worthless: trash or debris that has been discarded or is broken, in state of disrepair, has the potential to cause a fire hazard, or any instance where there is not a safe, continuous and unobstructed path of travel provided from any point in a building or structure to the public way. Means of egress shall comply with the current adopted Fire Prevention Code of the city.
4. Impeding passage of navigable or natural water ways. Obstructing or impeding without legal authority the passage of any navigable river, harbor, natural drainage way, storm water drainage way, stream, creek, any retention/detention ponds or drainage areas, or collection of water. All storm water drainage issues between developed properties must be resolved by the use of an approved drainage system that either collects, directs or re-directs stormwater to a natural, or, a man-made drainage area. Storm water conducted from roofs or other impervious areas shall be dispersed entirely upon the grounds of the owner of the contributing property or it shall be drained or conducted into ditches, storm drains or gutters where available on public property or easements legally usable for that purpose, or into public streams. The depositing of storm water, either permanently or temporarily, onto an abutting property, city right of way, or upon any city street, road or alley is prohibited unless a storm water management plan has been submitted, reviewed and approved by the office of the City Engineer.
5. 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.

6. 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.
7. 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. Any billboard, signboard and advertising signs that are dilapidated, broken, abandoned or in a general state of disrepair, or, that advertise for a business that is no longer operating as advertised.
8. 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, or within the confines of an area similarly protected by a sprinkler system, fire protection equipment or device, fire brigade or private fire department, or that is regulated and conforms to the 2006 Life Safety Code.
9. Air pollution. Emission of dense smoke, noxious fumes or fly ash without a permit and/or City Council permission (see Chapter 105.05).
10. Weeds, brush. Grass over 6 inches in height and any and all obnoxious / unsightly 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 the public travel or interfere with the proper construction or repair of said streets or highways.
11. **Dead, diseased, and volunteer trees.** Any tree in such a state of deterioration that any part of the tree is likely to fall and damage property or cause injury to persons. A dead tree or limb which overhangs a sidewalk, parkway, city street or alley is a nuisance per se.; additionally, **any volunteer tree which takes root in areas that could cause damage to structural members as described in Sec. 15B of this chapter shall be considered a nuisance.** In the case of a portion of a tree that is dead, diseased, broken, dangling, or dangerous, only that portion that is dead, diseased, broken, dangling, or dangerous shall be required to be removed and made safe (See also Chapter 151).
12. Airport air space. Any object or structure hereafter erected within 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.
13. 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 Iowa Code Chapter 723A or places resorted to by persons using controlled substances, or any activity that is in violation of Iowa Code § 124.101, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others. Any building or structure may be determined to be a house of

ill fame, whether by intention, or, by the absence of, or lack of, proper management or maintenance.

14. Swimming pools, spas and hot tubs. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair, and be fitted with appropriate security fencing as required by AG105.2 in the 2006 International Residential Code as adopted by the city. Any swimming pool, spa or hot tub that is kept in an unclean or unsanitary condition shall be subject to the provisions for penalty and abatement as described in §§ 50.07, 50.08 and 50.11.
15. Unsafe Structures and Equipment
 - A. *Condemnation.* Any structure or equipment that is found by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the structure shall be condemned pursuant to the provisions of this chapter and/or Chapter 157 of this code of ordinances. This section shall cover any structure or equipment upon a residential, commercial or an industrial property within the corporate limits of the city, and shall include but are not limited to, fences, porches, decks, ramps, additions, loading docks, storage lots, or portions of a structure or equipment.
 - B. *Unsafe structure.* An unsafe structure is one that is found by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing the minimum standards found in Chapter 150 and Chapter 155 of this code of ordinances.
 - C. *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that the equipment is hazardous to life, health, property or safety of the public or occupants of the premises or structure.
 - D. *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator finds that the structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this section, and/or Chapter 157 of this code of ordinances.
 - E. *Closing of vacant structures.* If the structure is vacant and unfit for human occupancy, and is not in danger of structural collapse, the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator is authorized to post a placard of condemnation on the premises and order the

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structure closed up so far as to not be an attractive nuisance. Upon failure of the owner to comply with this section, the provisions of this chapter shall be utilized to perform any and all necessary work to secure the structure from being a danger or a hazard to the public or to occupants as stated in § 50.12.

16. Snow and ice accumulations on sidewalks. If sidewalks are not cleared 24 hours after the end of a snow or ice event it shall be considered a nuisance and open to abatement as prescribed in Chapter 136.03 in this code of ordinances.

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)
5. Uniform Code for Abatement of Dangerous Buildings (See Chapter 157)
6. Removal of Snow, Ice and Accumulations (See Chapter 136.03)

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 RIGHT OF ENTRY FOR INSPECTION. Whenever necessary to make an inspection to enforce any ordinance or whenever there is reasonable cause to believe there exists an ordinance violation in any building or upon any premises or real estate within the jurisdiction of the city, any authorized official of the city, or his or her designee, upon presentation of proper credentials, may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by this code of ordinances. Except in emergency situations or when consent of the owner and/or occupant to the inspection has otherwise been obtained, the city official shall give the owner and/or occupant, if they can be located after reasonable effort, 24-hours' written notice of the official's intention to inspect.

50.06 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the city officer, designee or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the county, pursuant to Iowa Code § 808.14, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling, unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer, designee or employee.

50.07 NUISANCE ABATEMENT. A) Whenever the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, 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. (B) In cases where a property owner or a tenant has had a nuisance violation notice served to them for a nuisance at that specific property location or address that they own or lease within the corporate limits of the city within the last year (365 days), a citation may be issued immediately for the creation of a nuisance as stated in § 50.04, at the time of the inspection, and/or, at the time of notification of a violation; thus foregoing any warning / grace period. (C) With regard grass nuisance citations as prescribed in §50.02[2B10], property owners found in violation will receive one warning / grace period a season. Hence after notice the city has the right to abate the violation immediately. The abatement expense shall be billed and accompanied with photos showing before and after the abatement. (D) With regard to snow and ice nuisance citations as prescribed in §136.03, property owners found in violation will receive one warning / grace period a season. Hence after notice the city has the right to abate the violation immediately. The abatement expense will be billed and accompanied with photos showing before and after the abatement.

50.08 NOTICE TO ABATE; CONTENTS. The notice to abate shall contain: (A) Description of nuisance with photos. A description of what constitutes the nuisance supplemented with citations of code(s). (B) Location of nuisance. The location of the nuisance. (C) Acts necessary to abate. A statement of the act or acts necessary to abate the nuisance. (D) Reasonable time. A reasonable time within which to complete the abatement. A nuisance notification shall require seven days to abate the nuisance after receipt of notification. If the nuisance is not abated within the seven-day period, then the property will be placarded as a nuisance and a posting of the nuisance notification shall be affixed to a structure, or a conspicuous place upon the property. The nuisance posting shall require two days for abatement after the posting occurs. If the nuisance is not abated within this two-day period then the city will cause the nuisance to be abated under the provisions of § 50.12. (E) 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.

50.09 METHOD OF SERVICE. The notice may be in the form of this adopted ordinance and/or sent by certified mail to the property as per Iowa Code § 364.12[3h]. It is not necessary to do both, but is desired. If service is made by certified mail the reasonable time for abatement shall not be deemed to have started until such time as the certified mail is either collected by the property owner, tenant, or their agent or the certified mail is returned by the post office to the city after expiration of time for retrieval. The use of ordinance or certified mail does not prohibit the use of any other manner of service as allowed under the Iowa Rules of Civil Procedure. If the property owner does not accept certified mail or any other permissible attempt at notification, or perform necessary action required under this subsection within a reasonable time after notice, a city may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time

within which action is required. However, in an emergency a city may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

50.10 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Nuisance Hearing Committee as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the City Administrator's Office responsible for ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. At the conclusion of the hearing, the hearing committee shall render a written and/or recorded decision as to whether a nuisance exists. If the hearing committee finds that a nuisance exists, the Building Official or designee of the City Administrator must order it abated within a time, which must be reasonable under the circumstances. If the hearing committee does not find that a nuisance exist that matter will be considered closed. At the hearing, code enforcement designee or employee and the person to whom the notice of abatement was issued are parties to the hearing and each may testify, call witnesses and offer evidence and argument relevant to the issues described by or contained within the notice of abatement. The findings of the hearing committee shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances. Any further appeal or appeal of the hearing committee's decision may be had by filing a claim with the district court.

50.11 ABATEMENT IN EMERGENCY. (A) 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 Building Official and/or Code Enforcement Official(s) as designated by the City Administrator shall make a determination as to whether or not an emergency exists based upon: (1) Inability to contact the property owner by normal efforts; (2) The seriousness of the violation due to health hazards or physical hazards to a private individual or to the public as determined by the Building and Neighborhood Services Official. (3) Frequency of violations of a property owner or a tenant when the property owner or a tenant has received more than two nuisance violation notifications within one calendar year. This determination is in effect for one calendar year beginning on the date of the most recent nuisance violation notification. (B) The city shall assess the costs as provided in § 50.13 after notice to the property owner under the applicable provisions of §§ 50.07, 50.08 and 50.09 and hearing as provided in § 50.08. (C) In the event that § 50.15 is determined to be an emergency by Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, or the Public Health Official of Cedar County and/or Johnson County of Iowa, Building Official and/or Code Enforcement Official(s) as designated by the City Administrator is authorized to placard the structure as a dangerous building according to Chapter 157, and to order vacation of the building and securing of all equipment and structures so as not to constitute an attractive nuisance. This section applies to all structures residential and non-residential.

50.12 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform, or cause to be performed, 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.

50.13 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by regular 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 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.

50.14 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the city may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under state law.

50.15 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.

50.16 INTERFERENCE. Interference with the lawful removal or abatement of a nuisance by the city or its agents is prohibited and any person who violates this section is guilty of a simple misdemeanor and may be fined and or imprisoned as law allows.

50.17 LIABILITY. The owners, agents, contract buyers, tenants, or lessees of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this article is found shall be jointly and severally responsible for compliance with this article and jointly and severally liable for any damages or costs incurred and awarded under this chapter.

50.18 FORECLOSED / RENTAL PROPERTY. Any real property which is subject to foreclosure, forcible entry and detainer, eviction, or on which possession is otherwise transferred through legal process or court action, shall be in full compliance with the code of ordinances within 48 hours of the transfer of possession. Failure to comply with the provisions of this section shall be deemed an emergency. The city is authorized to proceed in a manner consistent with the emergency provision set forth in this chapter. Any person, firm partnership, corporation, or other legal entity, including the property owner and, if applicable, a landlord, violating this section is guilty of a misdemeanor. Any violation of this chapter may be pursued as a municipal infraction according to the terms of §§ 50.99(B) and (C) below in lieu of criminal prosecution. Each calendar day a violation is allowed to continue shall constitute a separate and distinct violation.

50.19 ABANDONED PROPERTY. The following subsection outline the process in which the city may gain title to abandoned or unsafe buildings:

1. In lieu of the procedures in sections 657A.2 through 657A.10 of the Iowa State Code, abandoned buildings located in the City of West Branch may be petitioned to the court to enter judgment awarding title to the abandoned property to the city. A petition filed under this section shall include the legal description of the abandoned property. If more than one abandoned building is located on a parcel of real estate, the city may combine the actions into one petition. The owner of the building and grounds, mortgagees of record, lienholders of record, or other known persons who hold an interest in the property shall be named as respondents on the petition.
2. The petition shall be filed in the district court of the county in which the property is located. Service on the owner and any other named respondents shall be by personal service or certified mail or, if service cannot be made by either method, by posting the notice in a conspicuous place on the building and by publication in a newspaper of general circulation in the city. The action shall be in equity.
 - A. Not sooner than sixty days after the filing of the petition, the city may request a hearing on the petition.
 - B. In determining whether a property has been abandoned, the court shall consider the following for each building that is located on the property and named in the petition and the building grounds:
 - 1) Whether any property taxes or special assessments on the property were delinquent at the time the petition was filed. b. Whether any utilities are currently being provided to the property.
 - 2) Whether the building is unoccupied by the owner or lessees or licensees of the owner. d. Whether the building meets the city's housing code as being fit for human habitation, occupancy, or use.
 - 3) Whether the building meets the city's building code as being fit for occupancy or use.
 - 4) Whether the building is exposed to the elements such that deterioration of the building is occurring.
 - 5) Whether the building is boarded up or otherwise secured from unauthorized entry.
 - 6) Past efforts to rehabilitate the building and grounds.
 - 7) Whether those claiming an interest in the property have, prior to the filing of the petition, demonstrated a good-faith effort to restore the property to productive use.
 - 8) The presence of vermin, accumulation of debris, and uncut vegetation.
 - 9) The effort expended by the petitioning city to maintain the building and grounds.
 - 10) Past and current compliance with orders of the local housing or building code official. m. Any other evidence the court deems relevant.
 - C. In lieu of the considerations in subsection 50.19[2B1-10].
 - D. If the city can establish to the court's satisfaction that all parties with an interest in the property have received proper notice and either consented to the entry of an

order awarding title to the property to the city or did not make a good-faith effort to comply with the order of the local housing or building code official within sixty days after the filing of the petition, the court shall enter judgment against the respondents granting the city title to the property.

- E. If the court determines that the property has been abandoned or that subsection 4 applies, the court shall enter judgment and order awarding title to the city. The title awarded to the city shall be free and clear of any claims, liens, or encumbrances held by the respondents.
- F. If a city files a petition under subsection 1, naming the holder of a tax sale certificate of purchase for the property as a respondent, the city shall also file the petition, along with a verified statement declaring that the property identified in the petition contains an abandoned building, with the county treasurer. Upon receiving the petition and verified statement, the county treasurer shall make an entry in the county system canceling the sale of the property and shall refund the purchase money to the tax sale certificate holder.

(Code of Iowa, Sec. 657A.2 through 657A.10)

50.20 INTERNATIONAL PROPERTY MAINTENANCE CODE. Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The City of West Branch hereby recognize chapter 3 of the 2012 edition of the International Property Maintenance Code as an additional standard to the city nuisance abatement procedure. The provisions of this subsection shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

- 1. **General Requirements.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code.
 - A. **Vacant Structures and Land.** All vacant structures and premises thereof or vacant land shall be maintained in clean, safe, secure and sanitary condition as provided herein so as not to cause a blight or adversely affect the public health or safety.
- 2. **Exterior Property Areas**
 - A. **Sanitation**
 - B. **Grading and drainage.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. *Except where approved retention areas and reservoirs exist.*

- C. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
 - D. Weeds
 - E. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
 - F. Exhaust vents. Pipe, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
 - G. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
 - H. Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
 - I. Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.
3. Swimming Pool, Spas and Hot Tubs
- A. Swimming Pools.
 - B. Enclosures.
4. Exterior Structure
- A. Unsafe Conditions. *These conditions shall be determined by 304.1.1 of the 2012 International Property Maintenance Code.*
 - B. Protective Treatment. All exterior surfaces, including but not limited to, doors and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistance woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as

those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

- C. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches in height with a minimum stroke width of 0.5 inch.
- D. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- E. Foundation walls. All foundation walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and property surface coated where required to prevent deterioration.
- F. Roof and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- G. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage in a safe condition.
- H. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, mental awnings, fire escape, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating material, such as paint or similar surface treatment.
- I. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- J. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the

elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- K. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- L. Windows, skylight, and door frames.
 - i. Glazing. All glazing materials shall be maintained free from cracks and holes.
 - ii. Openable windows
- M. Insert Screens
- N. Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with the International Fire Code.
- O. Basement hatchways. Every basement hatch way shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- P. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- Q. Building Security
 - i. Doors. Doors providing access to a dwelling unit, room units or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch.
 - ii. Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
 - iii. Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented. Leased or let shall be equipped with devices that secure the units from unauthorized entry.
- R. Gates. All exterior, gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

5. Interior Structure

The City of West Branch, Iowa has opted out of the property maintenance regulations related to Interior Structure (Section 305.1 - 305.6 of the 2012 International Property Maintenance Code)

6. Component Serviceability
 - A. General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition.
 - B. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing building and listed in 2012 International Property Maintenance Code 3061.1 (1-6).
7. Handrails and Guardrails. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
8. Rubbish and Garbage
9. Pest Elimination
 - A. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent infestation
 - B. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
 - C. Single occupant. The occupant of a one-family dwelling or a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
 - D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.
 - E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. An exception will be made where the infestation(s) are caused by defects in the structure, the owner shall be responsible for pest eliminate.

50.99 PENALTY.

1. *Criminal penalty.* Any person who is responsible for the violation of any of the provisions of this chapter or who fails to comply therewith or with any parts of the requirements thereof or who shall create and/or maintain a nuisance as described in this chapter shall be deemed guilty of a simple misdemeanor and find as such. A first offense violation shall be fined \$500 plus appropriate court cost. A second and subsequent offense or violation shall be fined \$625 plus appropriate court cost. All third offense, and any subsequent violations, shall require a mandatory court appearance by the violator. Nothing in this section shall limit the right of the city to pursue action or criminal charges under Iowa Code 657. Any person found to be in violation of this chapter by creating and/or maintaining a nuisance may be cited with a civil citation upon verification and documentation of a complaint, or, upon the finding, verification and documentation of a nuisance by the Building and Neighborhood Services Official or his or her designee. Further action requiring the abatement of the nuisance shall follow the procedures herein described in this chapter.
2. *Civil penalty.* Any person, firm, partnership, corporation or other legal entity found guilty of a civil violation of this chapter shall be subject to penalties. A first offense violation shall be assessed a civil penalty of \$250. A second offense violation shall be assessed a civil penalty of \$750. A third and subsequent violation shall be assessed a civil penalty of \$1,000. Each day that a violation of code of ordinances occurs and/or is permitted to exist constitutes a separate offense. Seeking a civil penalty as authorized in this chapter does not preclude the city from seeking alternative relief from the court in the same action. Nothing in this chapter shall be construed to prohibit the filing and prosecution of a criminal complaint for violation of either the code of ordinances for the city or for violation of Iowa Code Chapter 657. The process of filing and prosecution of criminal and the civil municipal infraction or citation process shall not be mutually exclusive remedies.
3. *Administrative penalties.* In addition to or in lieu of criminal prosecution or municipal infraction and civil penalties proceeding, any political body, department, agency, or official of the city which has issued a permit, license, certificate, registration, or other authorization to a person, firm, partnership, corporation or other legal entity keeping, allowing, or maintaining a nuisance, as defined by the code of ordinances, may administratively suspend or revoke said permit, license certificate, registration, or other authorization.
 - A. In the matter of any permit, license, certificate, registration, or other authorization for which there is a specific suspension or revocation process set forth in the code of ordinances, then the suspension or revocation shall follow that specified process, including the specified appeals process.
 - B. In the matter of all permits, licenses, certificates, registrations, or other authorizations for which there is no special process for suspension or revocation set forth elsewhere in the code of ordinances, the suspension or revocation shall be made by the same authority issuing the permit, license, certificate, registration, or other authorization. The appeal to any said suspension or revocation shall be as set forth in this chapter.

ORDINANCE 767

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA.

WHEREAS, the City Administration has recommended updating the City’s Nuisance Abatement Procedure; and

WHEREAS, the City Administrator has proposed a total revision to the existing Chapter 50 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED:

1. **Amendment.** Chapter 50 of the Code of Ordinances of the City of West Branch, Iowa, is hereby deleted in its entirety and replaced with the proposed Chapter 50 listed on Exhibit “A” attached hereto and incorporated into this Ordinance by this reference.
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: June 10, 2019
Second reading: June 24, 2019
Third Reading: July 8, 2019

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Resolution 1823 – A Resolution Establishing a New Nuisance Abatement Hearing Committee.
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:	July 3, 2019

BACKGROUND:

As identified in our FY 2018-2019 Goal Setting Process, revamping our nuisance process has been an important priority, particularly as the city continues to grow and maintaining property values are critical for residential lending and real-estate marketing. Nuisance abatement can have a major impact on the viability of neighborhood and be a drain on local government resources. Containing blighting influences can become overwhelming and result in disinvestment in areas of the city, and create a weak link in the overall development of a growing community.

This item is related to the revamp chapter 50 (Ordinance 767) that provides code enforcement a greater ability to enforce, speed up resolution of violations, and clearly communicate property maintenance expectations. The Mayor, a councilmember, and a citizen will make up the Committee.

At the hearing, code enforcement designee or employee and the person to whom the notice of abatement was issued are parties to the hearing and each may testify, call witnesses and offer evidence and argument relevant to the issues described by or contained within the notice of abatement. The findings of the hearing committee shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances. Any further appeal or appeal of the hearing committee’s decision may be had by filing a claim with the district court.

STAFF RECOMMENDATION:	Approve Resolution 1823 – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

"Turning Vision into Reality is our Business"

RESOLUTION 1823

A RESOLUTION ESTABLISHING A NEW NUISANCE ABATEMENT HEARING COMMITTEE

WHEREAS, any person ordered to abate a nuisance may have a hearing with the Nuisance Hearing Committee as to whether a nuisance exists; and

WHEREAS, a request for a hearing must be made in writing and delivered to the City Administrator’s Office, if a request for hearing is not received within the time stated in the notice; it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

WHEREAS, in the event of a successful receipt of a hearing request, no further enforcement action will occur until a hearing is held; and

WHEREAS, at the hearing, code enforcement designee and the person to whom the notice of abatement was issued are parties to the hearing and each may testify, call witnesses and offer evidence and argument relevant to the issues described by or contained within the notice of abatement.

WHEREAS, at the conclusion of the hearing, the hearing committee shall render a written and/or recorded decision as to whether a nuisance exists; and

WHEREAS, in the event the hearing committee finds that a nuisance exists, the City Administrator or his/her designee must order the nuisance abated within a time, which must be reasonable under the circumstances; and

WHEREAS, in the event the hearing committee does not find that a nuisance exist that matter will be considered closed; and

WHEREAS, the findings of the hearing committee shall be conclusive and, if the person to whom the notice of abatement was issued decides exercise to their right to an further appeal by filing a claim with the district court before the date of abatement and providing record of filing with the City Administrator’s Office.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that this Resolution 1823 to establish a new nuisance abatement hearing committee is hereby approved.

* * * * *

Passed and approved this 8th day of July, 2018.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Resolution 1824 – A Resolution Adopting the 2019 West Branch Regional Trails Plan.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Melissa Russell, Parks and Recreation
DATE:	July 3, 2019

BACKGROUND:

As identified in our FY 2018-2019 Goal Setting Process, the Mayor and City Council wanted to be proactive in looking at what could be possible and logical in developing a plan that would act as development guide as the city seeks grant funding and considers capital improvement priorities. As the city continues to grow trails and the preservation of open spaces will continue to be in demand by both new and old residents. Ensuring our trails are safe and practical for recreation and potentially as alternative transportation will only make our community more attractive, more desirable and appealing for new residents.

STAFF RECOMMENDATION:	Approve Resolution 1824 – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

"Turning Vision into Reality is our Business"

West Branch Regional Trails Plan 2019

Adopted 2019 by the
West Branch City
Council



West Branch Community Trails Plan

City of West Branch
110 North Poplar Street
West Branch, Iowa 52358
www.westbranchiowa.org
319-643-5888

West Branch Parks and Recreation Commission

- Angie Miller, Chair
- Mike Fryauf, Vice Chair
- Shane Staker, Commissioner
- Douglas Klein, Commissioner
- James Ellyson, Commissioner
- Tom Burger, Commissioner
- Kristopher Slutts, Commissioner

West Branch City Council

- Mayor Roger Laughlin
- Mayor Pro Tem Colton Miller
- Councilperson Jordan Ellyson
- Councilperson Nick Goodweiler
- Councilperson Jodee Stoolman
- Councilperson Brian Pierce

Trails Committee

- Roger Laughlin, Mayor of West Branch
- Pete Swisher, Hoover NHS Superintendent
- Mike Dalton, West Branch Resident
- John Fuller, Planning and Zoning Chair
- Phil Johnson, West Branch Resident
- Mike Fryauf, Parks and Recreation Commissioner
- Melissa Russell, West Branch Parks and Recreation Director

Plan prepared by: West Branch Trails Committee with assistance from Melissa Russell West Branch Parks and Recreation Director.

Introduction

West Branch offers the benefits of a small town, but is close enough to larger cities to provide additional opportunities and attractions. It has a quality school system, businesses that provide local employment, and is the site of the only national park in Iowa, Herbert Hoover National Historical Site. To maintain this positive and progressive position, city officials with the support of local citizen have created a community trail plan. This trail plan introduces a potential asset for West Branch's future.

Communities of all sizes throughout the United States have found trails and the preservation of open space can make their community more attractive. Being pro-active, the West Branch city and residents have looked at what is possible and logical for their specific community. Each section of trail has been considered for safety, alternative transportation, and recreation. The challenges will include funding, especially in trying economic periods. Also, the problem of access is typical for a community trail plan where development has already occurred. West Branch does have the advantage and example of the Hoover Nature Trail. It is already a positive feature for the city and this plan includes extending this part of the American Discover Trail. This plan will also prepare West Branch to link with trails from the region further benefitting the city.

West Branch Community Trails Vision:

West Branch will have a trail system linking city parks, schools, National Park Service, West Branch Public Library, business districts, neighborhoods and other communities, enhancing the lives of residents, and attracting more visitors to enjoy our community.

Trail Planning Principles:

1. The trails will be accessible to all residents and visitors to the region.
2. The trails will be a multi-partnership effort to accomplish our goals.
3. Trails will represent the local region by being sensitive to the cultural, physical, and environmental conditions unique to the West Branch Community.
4. When possible we will use environmental sustainable designs and materials.



West Branch, Iowa is located in central, eastern Iowa along the Wapsinonoc Creek, which flows into the Iowa River. It is in Cedar County, ten minutes east of Iowa City and 2 hours east of Des Moines.

The population is approximately 2,500 residents. The community supports a strong downtown and business sector and is one of 36 Main Street Iowa programs. The community has a grade school, middle school, and high school.

The area was first settled by Quakers in the 1800s from Ohio. The city was also a stop along the Underground Railroad. The most famous resident was the 31st President Herbert Hoover. His birth site and related buildings make up the Herbert Hoover National Historic Site managed by the National Park Service. There are other historical buildings and homes in the city, including the Hoover Presidential Library and Museum.



The Hoover Nature Trail was the main trail in West Branch. It is part of the American Discovery Trail¹. It has been a popular amenity in the community. There are some existing trails and sidewalks, but there is a need for logical linking of trails to parks, businesses, schools, and tourist sites.



1. American Discovery Trail-Iowa,
<https://discoverytrail.org/states/iowa/>

Neighboring county, Johnson, has planned to link with West Branch with Iowa City on the Hoover Highway. Johnson County also plans to link Solon to West Branch via the Hoover Nature Trail. This plan will be a comprehensive trail plan to provide recreation and alternative transportation opportunities.

Trails Network Plan Proposal for West Branch

- ❖ Throughout this text the term “trail” is used in its most generic sense – a wide multi-purpose surface for use by casual pedestrians, bicyclists, skaters, runners and others.
- ❖ Trails are differentiated from sidewalks in that they are wider and located where more users are expected and directed.
- ❖ The trails plan presented in this document includes a network of off-road trails and wide sidewalks.

History and Background

There is increasing popularity and federal recognition that trails are a desirable quality-of-life feature and may be a significant element of the “complete” transportation networks across the country.

Trails may take several forms, the most common being:

- Off-road facilities such as the main 8-10 foot wide Hoover Trail and Cubby Park Trail, separated from streets;
- Wide paved shoulders, most common along rural roadways, such as the those planned by Johnson County on Herbert Hoover Highway connection Iowa City and West Branch;
- Wide unstriped outside travel lanes that provide extra room for bicycles and automobiles to occupy the same general area;
- Bike lanes striped within the width of street paving; and
- Wide sidewalk facilities.

The Trail Network

This report identifies a trails network, This network of approximately 13.25 miles provides good connectivity throughout the city to important destinations while minimizing future maintenance costs for the city. It takes advantage of existing infrastructure so that a robust looped network can be developed with relatively few new connections and built upon as development and redevelopment occurs. It provides a backbone network for citizens of West Branch to enjoy family outings and possibly to save gasoline by making some pleasure trips and chores attainable without an automobile. Last, it provides for appropriately scaled sidewalks both within and outside the trails network.

The trails network map is a planning document that identifies general locations, and can be thought of as a “corridor map.” Once approved, specific plans for locating each segment of trail will need to be developed. Importantly, it should be thought of as a “living” document that can and should be updated and modified over time as conditions change.

Priority Connections

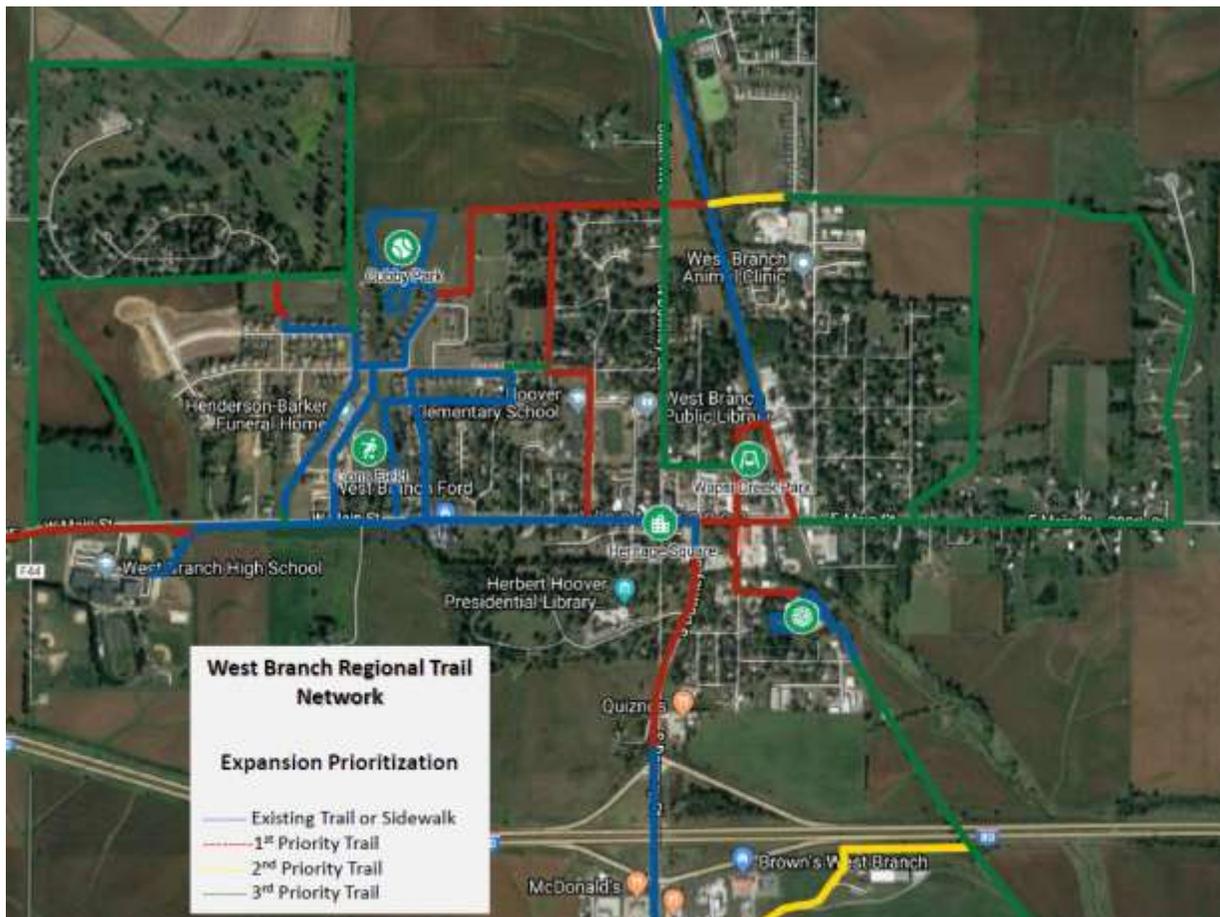
Existing Trail or Sidewalk. These sidewalks and trails have been established over a multitude of years. They vary in surface material and width. It would be difficult to establish a 4 foot wide sidewalk within established trails and sidewalks.

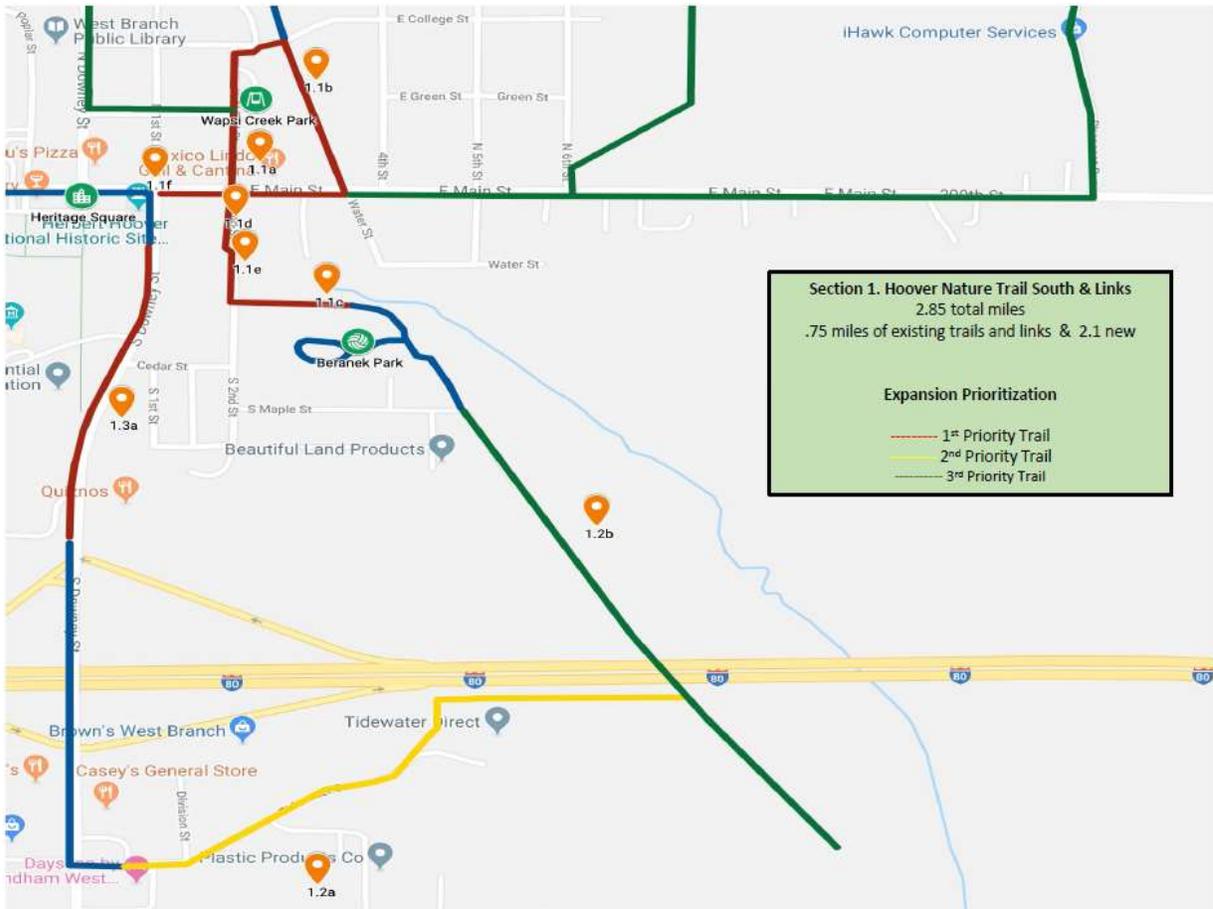
First Priorities. These projects can be completed quickly and easily, and provide a substantial impact.

Second Priorities. These projects are somewhat larger in scope than the first priorities, and may take somewhat longer to budget and accomplish.

Third Priorities. This lowest grouping of priorities addresses the longer-range projects dependent on other circumstances to fall into place.

With Development. Trail corridors in this category are anticipated to be constructed as new development or major street reconstruction projects occur.





Section 1. Hoover Nature Trail South & Links- 2.85 Miles .75 miles of existing trails and links and 2.1 new trails

Section 1.1 - Continue Hoover Nature Trail south to Wapsi Park, Beranek Park to south of interstate 80.

Priority 1 connections

- ❖ 1.1a. East College Street to Main Street. This route will go along Wapsi Park. This will complete the connection to NPS Village Green
- ❖ 1.1b. Connect East College Street to Main Street via old Croell site.
- ❖ 1.1c. Beranek Drive to Beranek Park.
- ❖ 1.1d. Main to 2nd Street intersection. This completes a connection to NPS Village Green.
- ❖ 1.1e. 2nd Street from Main Street to Beranek Drive along NPS property.
- ❖ 1.1f. 2nd Street to Parkside Drive along Main Street.

Section 1.2 - From Hoover Nature Trail to Baker Ave (motel and fast food area), include safe pedestrian crossings

Priority 2 connections

- ❖ 1.2a. Commercial Drive to City Water Treatment Plant along Tidewater Drive.

Priority 3 connections

- ❖ 1.2b. Beranek Park to Tidewater under the interstate.

Section 1.3 - North along Hwy 30, crossing I-80 on pedestrian lane on west side of overpass

Priority 1 connections

- ❖ 1.3a. Parkside Drive to interstate 80

Issues and Ideas

- When crossing the Interstate entrance and exit lanes, trail will need safety controls.
- Trail easement will need to be obtained for Section 1.2b
- Section 1.3a is located on National Park Service Property.

Future county or state plans can include continuing Hoover Nature Trail south to West Liberty if land access is available.





Trails Section 2. Northeast- 3.2 Miles

1 mile of existing trails and links and 2.2 miles of new trails

Section 2.1 -Trail link Hoover Trail to Pheasant Run

Priority 2 connection

- ❖ 2.1a. Create a trail link from Hoover Trail and Northridge Drive to Reagan Blvd.

Priority 3 connection

- ❖ 2.1b. Build a pedestrian bridge connecting Hoover Trail to Mobile Home Village
- ❖ 2.1c. Create a trail from Reagan Blvd at 4th Street to Pheasant Run Lane
- ❖ 2.1d. Build a trail link from the trail to that runs parallel to Pheasant Run Trail and exits at the Intersection of Main Street and 6th Street.

Section 2.2 -Trail link at Pheasant Run Lane

Priority 3 connection

- ❖ 2.2a. Trail through Pheasant Run Lane connecting trail 2.1 to 290th Street.

Section 2.3 -Trail link from Pheasant Run to Hoover Trail at Main Street

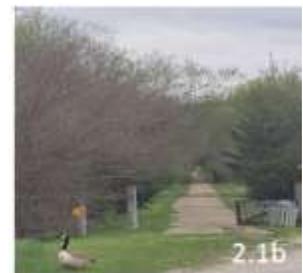
Priority 3 connection

- ❖ 2.3a. Build a trail parallel to 290th Street from Pheasant Run Lane entrance to connecting trail at Main and former trail section on Main Street between 4th Street and 2nd Street.

Section 2.4 -Dog Park to Green Street on Baker

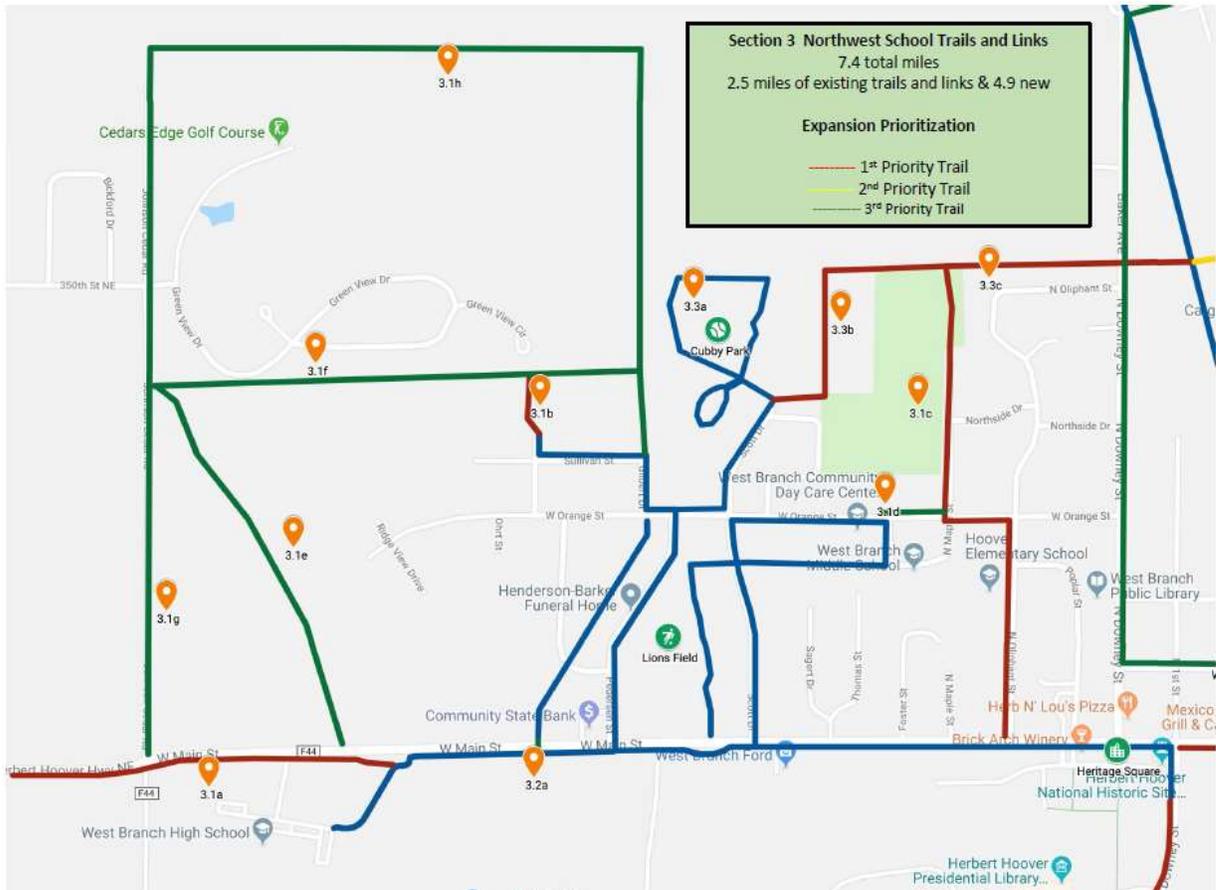
Priority 3 connection

- ❖ 2.4a Dog park to Green Street on Baker Avenue/Downey Street.
- ❖ 2.4b. North Downey to Wapsi Creek Park.



Issues and ideas

- ❖ Property may need to be acquired to create a trail from Reagan Blvd. to Pheasant Run Lane.
- ❖ Building a bridge to connect Hoover Trail and the Mobile Home Village may not be possible due to DNR restrictions. Alternatives to a bridge may need to be considered.
- ❖ Use flashing warning lights and signs to alert vehicles of all trail crossings.



Trails Section 2. Northwest School Trails & Links- 7.4 Miles 2.5 miles of existing trails and links and 4.9 new trails

Section 3.1 - West Trail - from West Branch High School on West Main Street to County Line Road north to south side of golf course development, east between residential developments, south to tie in with trail through residential area.

Priority 1 connections

- ❖ 3.1a. Connecting High School to Cedar Johnson Road and Iowa City.
- ❖ 3.1b. Greenview connection to Meadows development.
- ❖ 3.1c. North Maple from cemetery to Hoover Elementary.
- ❖ 3.1d. West Orange from Maple to Oliphant Street.

Priority 3 connections

- ❖ 3.1e. Trail network along creek and through new development.
- ❖ 3.1f. Trail connecting Cedar Johnson Road to Greenview Connection
- ❖ 3.1g. Trail along Cedar Johnson Road to Cedar's Edge Golf Course.
- ❖ 3.1h. Trail around Cedar's Edge Development to Cubby Park

Section 3.2 - Central Trail - from existing trail to the high school, across Main Street at approximately 800 feet from the high school property line

Priority 3 connections

- ❖ 3.2a Intersection at Main from trail between Pedersen St. and Hilltop Drive.

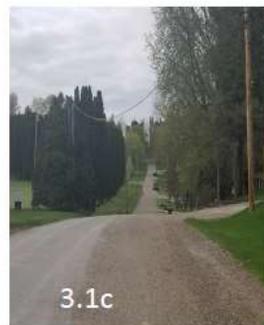
Section 3.3 - North Trail - from north central trail across northern side of current development to North Downey Street.

Priority 1 connections

- ❖ 3.3a Cubby Park trails around park including detention basin

Priority 3 Connection

- ❖ 3.3b. Cubby Park trail along cemetery property line
- ❖ 3.3c. Cubby Park to Hoover Trail behind cemetery and homes on Oliphant Street.



Trail Construction Unit Cost Estimates Iowa Trails 2000, Chapter 5. Iowa DOT

Trail Element	Unit	Price per Unit (2009 est)
Gearing and grubbing	Acre	\$2,500.00
Grading for hard-surfaced trails	Mile	\$3,800.00
Grading for natural-surfaced trails	Mile	\$3,200.00
Granular surfacing	Sq. ft	\$.50
Granular subbase	Sq. ft	\$.50
Asphalt surfacing	Sq. ft	\$1.50
Concrete	Sq. ft	\$3.00
Seeding/mulching	Acre	\$2,040.00
Other costs (drainage/signage/support services)	Mile	10% of trail cost
Planning	Mile	2% of trail cost
Preliminary design	Mile	2% of trail cost
Construction documents	Mile	5% of trail cost
Construction services	Mile	5% of trail cost
Administration	Mile	5% of trail cost

Trail Construction Cost Estimates (Based Upon Estimate from Iowa Trails 2000, Chapter 5. Iowa DOT) A variety of trail designs can be used to meet the need for the community. Cost, level of anticipated use, and conditions must be balanced to guide the engineering design.

- Concrete is the recommended surface material for typical community trails within the city limits. Depending on the level of use, 8-10 feet wide trails are optimal. Concrete with a 4 inch depth on the majority of the trail and 6 inch deep base at road crossings will minimize maintenance and assure a long life for the trails.
- Right-of Way Acquisition will vary drastically depending upon the situation of land ownership. Ideally, new trails are planned on land already owned by the city, but the city can purchase trail corridors or include dedication of trails in the same category as park land and development infrastructure.
- Bridge costs can vary on conditions, height, and type of bridge required to meet the needs of the trail users. Estimated cost of a new pedestrian/bicycle bridge will range from \$51 for a boardwalk to \$150 square foot for steel structure with wood decking.

Benefits of Trails

Trails have been acknowledged through research and experience as an attractive community amenity. A good trail system enhances the quality of life for residents by increasing opportunities for physical activities, social interaction, and creating new economic opportunities.

A trail provides a safe alternative for children to be active and to travel to school. Trails are part of a national effort to reduce childhood obesity. Having safe routes connecting schools, parks, houses, and public facilities makes it easier to get children active. Promoting trail use for health improves the health and mental well-being of residents of all age groups and physical ability.

Trails can provide that one more attraction to keep visitors longer in the community. When visitors stay longer, especially if their trip is multiple days, their visit increases the opportunities to make purchases, increasing local business revenues. Financially, communities benefit when new businesses are created to provide services to trail users. The city and state also benefit when sales and lodging taxes are collected from out-of-state and out-of-region visitors.

Interpretation

West Branch has the unique history of being the birthplace of the 31st President Herbert Hoover. The community can use this opportunity to highlight the historical features of the community along the trails using waysides, kiosks, and historical walking tours. Trails can also be used in promoting health and wellness for local residents. Local hospitals and health departments can create programs using the trails.

Liability

The trail system is part of the city assets and would be covered under the same position as any city park. Regular inspections and maintenance with records showing these actions would provide support.

RESOLUTION 1824

A RESOLUTION ADOPTING THE 2019 WEST BRANCH REGIONAL TRAILS PLAN

WHEREAS, West Branch offers the benefits of a small town, but is close enough to larger cities to provide additional opportunities and attractions; and

WHEREAS, City Officials with the support of local citizens intend to maintain this positive and progressive position by creating and investing in the West Branch Regional Trails Plan; and

WHEREAS, this plan presents a strategy to integrate our city network of trails to an comprehensive multi-use network for connecting people, places and destinations to other surrounding communities; and

WHEREAS, it is well understood that building a trail system as proposed in this plan is a long-term undertaking, and segments will emerge over time and grow together, and adjustments will be made to the proposed routes as circumstances change and more information becomes available; and

WHEREAS, it is now necessary for the City Council to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Cedar County, Iowa, that the City Council adopts this 2019 West Branch Regional Trails Plan.

* * * * *

PASSED AND APPROVED this 8th day of July, 2019

Roger Laughlin, Mayor

Attest:

Redmond Jones II, City Administrator / City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Discussion Item: Considering Directing the City Administrator to Develop Policy(s) / Protocol(s) for Planting Trees in City Right of Way.
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Jodee Stoolman, City Council Member
DATE:	July 3, 2019

BACKGROUND:

Currently, the city plants trees received from the “Trees Forever Grant” are planted in city right of way at the discretion of the Public Works Director. It has been suggested that this administrative protocol be changed for a policy (council approved) or protocol (city administrator directed). Below is a suggested approach:

From: Jodee Stoolman [mailto:j.stoolmanwbcc@yahoo.com]
 Sent: Monday, July 1, 2019 11:04 PM
 To: rjonesii@westbranchiowa.org; mayor@westbranchiowa.org
 Subject: RE: Call for Agenda items

Redmond

Yes, I would like to propose a tree policy for the public right of ways in front of the public's property.

As part of this policy, if the Public works director plans on placing a new tree in the right away in front of your property, then it should first be staked out to show where the proposed tree would be placed. The home owner then has the right to say yes, they are open to a tree being placed there and should also have the option to pick the tree type from a list of available trees. Or the home owner has the right to say No, they do not want a new tree placed in the right of way in front of their property, then one would not be placed.

A home owner should have final say whether or not there will be a new tree placed, as the home owner is the one having to mow around, trim branches, rake leaf's and maintain the mulch around. Once placed, the City public works do not do any maintenance of the trees, as far as what I have seen.

Thank you
 Jodee Stoolman

STAFF RECOMMENDATION: Seek Direction - Provide Feedback
REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

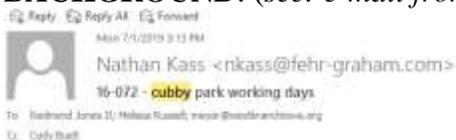
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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Discussion Item: Considering Accepting the Cubby Park Improvement Project before all of the Punch List Items are Completed.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Redmond Jones II, City Administrator
DATE:	July 3, 2019

BACKGROUND: (see: e-mail from Fehr Graham below)



Redmond, Melissa, and Mayor Laughlin -

Based on the punch list identified at Thursday’s walk-through of Cubby Park, it would appear to us that the park is substantially complete as of last Monday. Although there are a number of items that require attention, the list is not extensive given the size of the project, and none of the items appear to be major disruption to use of the facilities or significant safety concerns. This contrasts with the first review of the Pavilion where there were not any single items on the list that would have prevented substantial completion of that phase, but the sheer list was so long that we could not consider it complete. The park list is much shorter and the contractor has already started to address a number of the items. As such, we are counting one working day from last week to achieve substantial completion and cease the working day count as of Tuesday, June 25.

Please contact me before noon on Tuesday, July 2, if you feel this is not an accurate reflection of the remaining work or you believe that working days should continue for any reason. I intend to issue the working days report that will reflect my assessment tomorrow after noon.

Thanks -
Nate

As of now, we are still at 90% complete and we won’t see the final pay estimate (without the retainage) until July 22nd. There is some indication the total completion may not occur until late August. The question has been raised, “Is the city willing to accept owners of the Cubby Park Improvement Project before all of the punch list items are completed.

STAFF RECOMMENDATION: Seek Direction / Feedback
REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Resolution 1825 – A Resolution Approving the Purchase of a Cub Cadet Pro Z 960 Mower in the Amount Not to Exceed \$14,389.
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, Parks and Recreation Director
DATE:	July 3, 2019

BACKGROUND:

It has been a the City’s strategy to hold back sending from the Cubby Park Value Engineering and Project Contingency funding until the project is complete. However, due project delays and uncertainty as to when the City will be required to start its maintenance, staff would like to begin purchase of some of the equipment required for the operational needs of this project. This item is a request to use funds not to exceed \$14,389 from the contingency and/or Value Engineering funds. To date City Council has expressed interest to invest a large amount of these funds to Wapsi Creek Widening.

Remaining Contingency Estimate: \$144,077.70

Value Engineering: \$126,000.00

Estimates have been obtained from Cline Co and AE Outdoor Power for a Cub Cadet Pro Z mower for Cubby Park.

- AE Outdoor Power had a quote of \$14,398 (mower and clam shell bagger).
- Cline had the lower quote at \$12,859 (mower and clam shell bagger).
- Farm & Fleet of Muscatine at price of \$12,649 (mower no calm shell bagger).

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

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110 N Columbus St
West Liberty, IA 52776
319-627-2011

102 Cedar St
Tipton, IA 52720
563-886-6175

4179 Naples Ave
Iowa City, IA 52240
319-354-6220

3/21/2019

New Cub Cadet Pro Z 960 L- Air Seat with lumbar support, 72 inch deck, Electric Clutch, 7 gauge deck with $\frac{3}{4}$ inch wear guard, 35 HP Kawasaki Engine, two 7.5 gallon fuel tanks, 15x6x6 smooth run flat tires- Front, 26x12x12 Turf Tires – Rear. 3 Year No Hour Limit Warranty.

List Price \$11,699

Municipal Discount \$ 2,340

Your Price \$ 9,359

59A30047 PRO-X Power Assist Triple Bagger	List Price	\$3,199
	Your Price	\$2,850
59A30051 Pro-X Power Assist Clam Shell Bagger	List Price	\$3,899
	Your Price	\$3,500

POWER-ASSIST TRIPLE BAGGER

59A30047150



Fits Pro Z 500, 700, 900 L and S Series

15 cubic foot capacity (12 bushels)

PRO-X POWER ASSIST CLAM SHELL BAGGER

59A30051150



Fits Pro Z 500, 700, 900

12 cubic foot capacity

Dump Hopper from operator position

Q U O T A T I O N

PAGE: 1

AE OUTDOOR POWER
 10095 HICKMAN CT
 UNIT1
 CLIVE, IA 50325
 Phone #: (515)214-2130

PHONE #:
 CELL #: (319)631-3421
 ALT. #:
 P.O.#:
 TERMS: Cash
 SALES TYPE: Quote

DATE: 6/24/2019
 ORDER #: 12306
 CUSTOMER #: 100157
 CP: Wyatt J
 LOCATION: 2
 STATUS: Active

BILL TO 100157
 CITY OF WEST BRANCH
 P.O. BOX 218
 WEST BRANCH, IA 52358

SHIP TO
 CITY OF WEST BRANCH
 P.O. BOX 218
 WEST BRANCH, IA 52358

MFR	DESCRIPTION	QTY	PRICE	NET	TOTAL
CUB	35 HP 999cc, KW FX1000v	1	\$13,499.00	\$10,499.00	\$10,499.00
CUB	TRIPLE BAGGER-PWR	1	\$3,199.99	\$3,199.99	\$3,199.99
CUB	CLAM SHELL BAGGER	1	\$3,899.99	\$3,899.99	\$3,899.99
CUB	BAGGER WEIGHT KIT	1	\$349.99	\$349.99	\$349.99
****	LABOR- INSTALL BAGGER AND WEIGHT KIT	3	\$85.00	\$85.00	\$255.00

Prices reflected on this quote are valid for 30 days and while current supplies last. However, prices are subject to change if the program or promotion the prices were quoted under is no longer in effect.

SUBTOTAL:	\$18,203.97
TAX:	\$0.00
ORDER TOTAL:	<u>\$18,203.97</u>



 ZOOM

PRO Z 960 S KW

Zero-Turn Riding Mower

\$12,649.00

 5.0 | 3 Reviews

3 out of 3 (100%) reviewers recommend this product

[WRITE A REVIEW](#)

- 35 HP Kawasaki FX1000v (999cc) engine and 16cc Parker HTG transmission
- 60" triple-7-gauge fabricated steel cutting deck with top, bottom and side reinforcements
- 3-year limited commercial warranty (no hour limitations) and 5 year / 1,750 hour limited deck construction warranty

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MUSCATINE, IA 52761
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24.49 miles
FULL LINE AVAILABLE
(EXCLUDES UTILITY VEHICLES)

RESOLUTION 1825

A RESOLUTION APPROVING THE PURCHASE OF A CUB CADET PRO Z 960 MOWER IN THE AMOUNT NOT TO EXCEED \$14,389.

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, the city has managed the contingency and value engineering funds from this project well, with 90% of the project complete these funds have approximately \$270,070 remaining; and

WHEREAS, the city will soon have to operate and maintain Cubby Park, it is prudent to begin investment in the equipment that will be needed for the aforementioned reasons; and

WHEREAS, the city’s procurement protocols have been met by soliciting quotes from three vendors; and

WHEREAS, the Cub Cadet Pro Z 960 is consider by staff to be ideal for the park maintenance applications anticipated at Cubby Park; and

WHEREAS, it is now necessary for the City Council to approve said resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Cedar County, Iowa, that the City Council approves the purchase of a Cub Cadet Pro Z 960 Mower in the amount not to exceed \$14,389.

* * * * *

Passed and approved this 8th day of July, 2019.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator / City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Discussion Item: Considering placing a public measure on the November Ballot to establish a Capital Improvement Reserve Levy (intended to maintain overall tax rate).
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:	July 5, 2019

BACKGROUND:

As presented in Iowa State Code 384.7 entitled “Capital Improvement Fund”; A City may establish a capital improvement reserve fund, and may certify taxes not to exceed sixty-seven and one-half cents per thousand dollars of taxable value each year to be levied for the fund for the purpose of accumulating moneys for the financing of specified capital improvements, or carrying out a specific capital improvement plan.

With the heavy investment the city has made with regard to its parks and infrastructure it has reached high levels in our overall debt capacity. The city has been aggressively pursuing retiring this debt. Establishing a Capital Improvement Reserve Levy would allow the city to maintain state allowable levy levels that are currently servicing today’s debt levels, and accumulate a portion of the levy not consumed by our debt service in a capital improvement reserve. As we pay down our debt levels we could maintain our current overall debt service levels and apply the levy not directly applied for debt service needs into a Capital Improvement Reserve.

In the long run this will give the city the benefit to fund smaller capital improvement project (such as downtown streetscaping, trails and/or sidewalk projects) without going out for expensive financing or bond issues that could have restrictions as to the use of funds. In time, this measure could allow capital equipment replacements (such as Police, Parks, and Public Works vehicle replacement) without placing demands on general fund which could result in peaks and valleys in the city’s tax rate. In other words, this ability would be a stabilizing factor that would assist an even or stable tax rate.

STAFF RECOMMENDATION: Seek Direction/Feedback– Recommend moving forward
REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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FACT SHEET

1. What will the ballot say?

City of West Branch

Public Measure

“Shall the City of West Branch, Iowa, establish a perpetual capital improvement fund levy in an amount not to exceed sixty-seven and one-half cents per thousand dollars of taxable value per year of the purpose of funding specific capital improvement projects, or other expenditures as allowed by law, to be designed from time to time by the City Council of the City of West Branch, Iowa as provided by Iowa Code Section 384.7”.

2. If the City of West Branch Implements a Capital Improvement Levy; how will it be used?

Per Iowa Code Section 384.7, the levy can only be used for the purpose of accumulating moneys for the financing of specified capital improvements, or carrying out a specific capital improvement plan.

3. Ballot Vote Requires 50% + 1 majority to be implemented and the Levy can be Adjusted each Year during “Budget” by the City Council.

4. A Petition can be filed to remove the Levy if no Longer Wanted.

5. The Levy would allow the City to decrease the debt service levy over time by selling less general obligation bonds contributing to relatively stable tax rates.

*6. West Branch has practiced prudent financial restraint over recent years. At a Tax Rate of **13.08686** West Branch has one of the lowest City Tax rates in the state among cities of similar population.*

See cities of 2,100 – 2,500

Postville (15.47549)

Hudson (11.40019)

Jesup (14.42513)

West Union (15.20468)

Bellevue (11.99056)

Mitchellville (9.4547)

Hull (11.98396)

Lake Mills (13.55026)

Wilton (14.20697)

Audubon (22.71926)

La Porte City (15.88688)

Lamoni (16.64803)

Ida Grove (13.42649)

FairFax (8.10000)

Sac City (19.71405)

Toledo (17.33236)

Belmond (17.11978)

Durant (14.67377)

Belle Plaine (16.38748)

Madrid (19.39631)

Cascade (9.00070)

Marengo (15.92734)

Rock Rapids (16.66248)

Hawarden (14.59156)

Kalona (10.72373)

West Liberty (15.31415)

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Britt residents vote to establish capital improvements tax levy

By ASHLEY STEWART ashley.stewart@tribunegazette.com Nov 15, 2017

BRITT | Britt voters approved a ballot measure that will allow the city to create a capital improvements tax levy Tuesday, Nov. 7.

Residents were asked whether to approve a levy of 67½ cents per \$1,000 assessed valuation to establish a continuing capital improvement reserve fund that would be used for road and utility infrastructure improvements as well as public safety equipment and public works vehicle purchases.

According to unofficial election results from the Hancock County Auditor's Office, the measure passed with 58 percent of the vote, or 129 votes to 92.

"This is a great move for the city of Britt and its residents," said Mayor Ryan Arndorfer in an email Friday, Nov. 10. "With the passing of this levy, the city is able to set up a Capital Improvements Fund, which is designated specifically for projects that improve city infrastructure and equipment."

The levy is expected to provide about \$33,500 a year to the city in additional revenue.

During a public information session in October, city officials said establishing a capital improvement reserve fund would allow the city to pay for items, like computers in the police squad cars, without having to bond for them and pay interest.

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The revenue from the levy could also be used to make the yearly payments on equipment, which would free up some dollars in the general fund to be used to address the city's aging roads as well as upgrades to the wastewater treatment plant. It could also be used to shorten the life of bonds and in turn mean less interest paid by the city.

Without the levy, the city would have likely pay more on projects and equipment over a longer period of time, while being forced to delay other projects and purchases.

“In the long run, this means the city will be able to pay less in interest, and direct that money towards other projects,” Arndorfer said. “This is a great step for the city, and shows that our community members are looking to the future of our town and its potential for growth.”

The levy will go into effect in September 2018 and remain in place until the city council decides to discontinue it.

For a property assessed at \$100,000, it would cost \$67.50 a year. A property assessed at \$150,000 would pay \$101.25 a year; a property assessed at \$200,000 would pay \$135 a year; and a property assessed at \$250,000 would pay \$168.75, a city document states.



Arndorfer

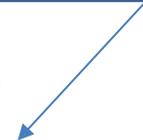


Anderson

Britt residents vote to establish capital improvements tax levy

BRITT | Britt voters approved a ballot measure that will allow the city to create a capital improvements tax levy Tuesday, Nov. 7.

This section would not apply to the West Branch Approach because we would not be using to increase the overall tax rate but rather to maintain current tax levels.





REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Resolution 1826 – A Resolution Approving Change Order #3 in the Amount of \$14,003.42 for the College Street Bridge Project.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Dave Schechinger, Veenstra & Kimm, Inc.
DATE:	July 5, 2019

BACKGROUND:

This Change order covers work completed under the contract between the City of West Branch and Taylor Construction, Inc. for College Street Bridge Replacement project.

STAFF RECOMMENDATION:	Approve Resolution 1826 – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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CHANGE ORDER
For Local Public Agency Projects

No.: 3

Non-Substantial:

Substantial:

Administering Office
Concurrence Date

Accounting ID No. (5-digit number): 35554

Project Number: BROS-8252(605)-8J-16

Contract Work Type: Bridge Replacement - CCS

Local Public Agency: City of West Branch

Contractor: Taylor Construction, Inc.

Date Prepared: June 18, 2019

You are hereby authorized to make the following changes to the contract documents.

A - Description of change to be made:

- 0270 Change Decrease item "Intake, SW-501" - Division 2
- 8007 Change Add item for "Excavation Class 10 Roadway and Borrow" - Division 2 - 188.33 CY
- 8008 Change Add item for "Subgrade Stabilization Material Geogrid (TX 160)" - Division 2 - 705 SY
- 8009 Change Add item for "Intake, SW-503" - Division 2 - 2 Ea.

B - Reason for change:

- 0270 and 8009 Due to incorrect installation of SW-501's, Contractor agreed to install SW-503 in lieu of relaying pipe at not cost to the project or the City.
- 8007 and 8008 Soil beneath the roadway was found to be unsuitable to reach compaction specifications.

C - Settlement for cost(s) of change as follows with items addressed in Sections F and/or G:

- 0270 Contract Price
- 8007 Agreed Unit Price
- 8008 Agreed Unit Price
- 8009 Agreed Unit Price

D - Justification for cost(s) (See I.M. 3.805, Attachment D, Chapter 2.36, for acceptable justification):

- 8007 The unit price is between the average (\$4.84/CY) and high (\$80.16/CY) prices shown in the April 2018 through March 2019 IDOT Summary of Awarded Contract Prices. The unit price includes 10% prime contractor markup in accordance with Standard Specification 1109.03.B.,3.
- 8008 The unit price is between the average (\$2.11/SY) and high (\$12.80/SY) prices shown in the April 2018 through March 2019 IDOT Summary of Awarded Contract Prices. The unit price includes 10% prime contractor markup in accordance with Standard Specification 1109.03.B.,3.
- 8009 The unit price is the low (\$2,500/Ea.) price shown in the April 2018 through March 2019 IDOT Summary of Awarded Contract Prices. No markup is included in this price due to the agreement to install SW-503's for the same price as the original SW-501's.

E - Contract time adjustment: No Working Days added Working Days added: _____ Unknown at this time

Justification for selection:

F - Items included in contract:

Participating				For deductions enter as "-x.xx"		
Federal-aid	State-aid	Line Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
		0270	Intake, SW-501	\$2,500.00	-2.000	-\$5,000.00
				Add Row	Delete Row	TOTAL
						-\$5,000.00

G - Items not included in contract:

Participating				For deductions enter as "-x.xx"			
Federal-aid	State-aid	Change Number	Item Number	Item Description	Unit Price .xx	Quantity .xxx	Amount .xx
		8007	2102-2710070	Excavation Class 10 Roadway & Borrow	\$23.10	188.330	\$4,350.42
		8008	2113-0001100	Subgrade Stabilization Material Geogrid TX 160	\$6.60	705.000	\$4,653.00
		8009	2435-0250300	Intake, SW-503	\$2,500.00	2.000	\$5,000.00
				14,003.423			
				Add Row	Delete Row	TOTAL	\$14,003.42

H. Signatures

Agreed: _____ Date _____
Contractor

Recommended: _____ Date _____
Project Engineer

Approved: _____ Date _____ Other (optional) _____ Title _____ Date _____
Person in Responsible Charge

_____ Date _____ Other (optional) _____ Title _____ Date _____
Contracting Authority (optional)

_____ Date _____
Iowa DOT Administering Office

Approval is contingent upon funds being available under the existing project agreement or upon additional Federal-aid funds being made available by a modified project agreement.

FHWA Concurrence: _____ Date _____
Federal Highway Division Administration
(if required)

DISTRIBUTION (after fully executed on LPA projects): Original - Finance; Copies - Contractor, Project Engineer, Contracting Authority, Administering Office.

Date distributed: _____ Initials: _____

RESOLUTION 1826

A RESOLUTION APPROVING CHANGE ORDER #3 IN THE AMOUNT OF \$14,003.42 FOR THE COLLEGE STREET BRIDGE PROJECT

WHEREAS, the College Street Bridge Project is critical to the flow of transportation in the West Branch Community; and

WHEREAS, this project exist in an area with older infrastructure; and

WHEREAS, this change order adjusts the contract amount due to modifications to the project that ultimately resulted spending less than initially budgeted; and

WHEREAS, the soil beneath the roadway was found to be unsuitable to reach compaction specifications; and

WHEREAS, V&K has reviewed and acknowledged the justification for the expenses of excavation, subgrade stabilization required for the aforementioned change; and

WHEREAS, these project expenses amount to \$14,003.42 in unforeseen project cost.

WHEREAS, it is now necessary to approve change order #3 in the amount of \$14,003.42 for the College Street Bridge Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of West Branch, that Change Order #3 in the amount of \$14,003.42 in additional project expense to the College Street Bridge Project fund is approved.

* * * * *

Passed and approved this 8th day of July, 2019.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 8, 2019
AGENDA ITEM:	Discussion Item: Determining City Council’s Preferable Pay Estimate Protocol for the College Street Bridge project.
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:	July 5, 2019

BACKGROUND:

Current Approach:

The city has had the practice of approving pay estimates in the form of City Council Approved Resolution. This approach is not required by state code and requires more staff time in preparation of the documents (staff sheets with background research, itemized task list, prepared resolutions with potential legal review). It also slows the city’s ability to make payments to project contractors; because, project payments are not made until pay estimate approval by City Council.

Potential Approach:

Prepare staff sheets with background (if appropriate), and include itemized task list without preparing a resolution. These item would appear on the consent agenda. Payments of pay estimate invoices would still wait until City Council approves the consent agenda at the City Council meetings.

Potential Approach:

Staff would be directed to make payments as a part of our normal claims protocols. The Claims Report would be the approval process. The claims would show any payments that were made between City Council meetings.

All of these approaches meet the fiduciary requirements of the Iowa State Code and have been conferred with the City Attorney.

STAFF RECOMMENDATION: Seek Direction / Feedback
REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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