

(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
Regular Meeting**

**December 2, 2019
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:00 p.m. Roll call: Council members: Jodee Stoolman, Nick Goodweiler and Jordan Ellyson were present. Colton Miller arrived at 7:15 p.m. Brian Pierce was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy Clerk Leslie Brick, City Attorney Kevin Olson, Finance Officer Gordon Edgar, Police Chief Mike Horihan, Public Works Director Matt Goodale, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin and Fire Chief Kevin Stoolman.

GUEST SPEAKER AND PRESENTATIONS

No presentations.

PUBLIC COMMENT

No comment.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to approve minutes for City Council Meeting November 18, 2019.

Motion to adopt the City Council 2020 Regular Meeting Schedule.

Motion to approve the Christmas Past Special Event Application.

Motion to approve the part-time employment of Levi Kleinmeyer and Daniel Heick for service in the Public Works Department.

Motion to approve the Claims Report.

EXPENDITURES	12/2/2019	
AERO RENTAL INC	EQUIPMENT RENTAL	972.00
LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	1,307.22
MIDWEST RADAR & EQUIPMENT	RADAR CALIBRATION	200.00
MOORE'S WELDING INC	EQUIPMENT MODIFICATION & REPAIR	751.10
PORT 'O' JONNY INC	SERVICE - CEMETERY & WAPSI PARK	192.00
PSC DISTRIBUTION	SUPPLIES	9.06
STATE INDUSTRIAL PRODUCTS	CHEMICALS	244.00
THE HOME DEPOT PRO	RESTROOM SUPPLIES	53.70
TYLER TECHNOLOGIES	HOSTING FEE	383.33
UPS	SHIPPING	22.82
VEENSTRA & KIMM INC	GOLF COURSE DEVELOPMENT REVIEW	1,336.60
VEENSTRA & KIMM INC	PRE-APP AND SITE PLAN REVIEW	176.00
VEENSTRA & KIMM INC	318 COLLEGE ST & 2ND ST IMPROVEMENT PROJ	144.00
VEENSTRA & KIMM INC	MEADOWS 3 & 4 CONSTRUCTION REVIEW	753.72
VEENSTRA & KIMM INC	319 UTILITY RELOCATION & I-80 WIDENING	3,480.00
VEENSTRA & KIMM INC	CHANNEL WIDENING - FLOOD IMPROVEMENT	2,927.00
WEST BRANCH ANIMAL CLINIC	ANIMAL CARE	200.00
WEST BRANCH COMMUNITY DEVELOPMENT	GARLANDS & WREATHS	199.00
WEST BRANCH FORD	VEHICLE REPAIR	235.72
WEST BRANCH TIMES	LEGAL PUBLICATION & ADVERTISING	1,179.86
TOTAL		14,767.13
PAYROLL	11/29/2019	45,536.23
PAID BETWEEN MEETINGS		
CASEY'S GENERAL STORE	TIF REBATE	15,497.38
CJ COOPER & ASSOCIATES	DRUG TEST	134.80
JOHNSON COUNTY REFUSE	RECYCLING - OCTOBER	3,999.50
MATT PARROTT/STOREY KENWORTHY	RECEIPT BOOKS	210.00
MEDIACOM	CABLE SERVICE	41.90
NEEDHAM EXCAVATING INC	308 PV PARK CONSTRUCTION	17,973.33

PITNEY BOWES PURCHASE POWER		REPLENISH POSTAGE METER	500.00
STATE HYGIENIC LAB		LAB ANALYSIS	26.00
UNIVERSITY OF IOWA-OFFICE OF OUTREACH		DESIGN FEES-MURAL	1,727.00
UPS		SHIPPING	22.82
CEDAR COUNTY COOPERATIVE		FUEL	1,136.50
JULIA HIME		VIDEOGRAPHY SERVICE	100.00
VERIZON WIRELESS		WIRELESS SERVICE	802.88
TOTAL			42,172.11
GRAND TOTAL EXPENDITURES			102,475.47
FUND TOTALS			
001 GENERAL FUND	51,858.90		
022 CIVIC CENTER	295.49		
031 LIBRARY	5,623.91		
110 ROAD USE TAX	5,131.16		
112 TRUST AND AGENCY	5,052.80		
125 TIF DEBT SERVICE	15,497.38		
318 COLLEGE ST & 2ND ST IMPROVEMENT PROJ	144.00		
319 RELOCATING WATER & SEWER LINES	3,480.00		
600 WATER FUND	6,351.61		
610 SEWER FUND	6,113.22		
740 STORM WATER UTILITY	2,927.00		
GRAND TOTAL	102,475.47		

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

PUBLIC HEARING / NON-CONSENT AGENDA

Third reading of Ordinance 770 Amending Title “Animal Protection and Control” Chapter 55.22 “Licensing”. / Move to action.

ORDINANCE NO. 770

AN ORDINANCE AMENDING TITLE CHAPTER 55 “ANIMAL PROTECTION AND CONTROL”

- A. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 55 “ANIMAL PROTECTION AND CONTROL” of the Code of West Branch, Iowa is hereby amended by making the following changes:
- B. Add Section 55.22.3.C: **New animal registrations and renewals can be made in person or online via the City’s website providing all required information is provided. City tags will be issued for new pets upon receipt of payment.**
- C. Delete Section 55.22.5.B and insert in lieu thereof: **City tags will be issued once for the life of the animal. Tags can be issued for up to three (3) years coinciding with the rabies expiration date.**

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.

3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 2nd day of December, 2019.

First Reading: November 4, 2019
 Second Reading: November 18, 2019
 Third Reading: December 2, 2019

 Roger Laughlin, Mayor

Attest:

 Redmond Jones II, City Administrator/Clerk

Motion by Goodweiler, second by Ellyson to approve the third reading of Ordinance 770. AYES: Goodweiler, Ellyson, Stoolman. NAYS: None. Absent: Miller and Pierce. Motion carried.

Second Reading of Ordinance 771 Amending Title “Sewer Service Charges” Chapter 99.02 “Rates” / Move to action.
No discussion.

Motion by Goodweiler, second by Ellyson to approve the second reading of Ordinance 771. AYES: Goodweiler, Ellyson, Stoolman. NAYS: None. Absent: Miller and Pierce. Motion carried.

Resolution 1856 – Adopting Goals and Objectives for the City of West Branch, Iowa for 2020-2021. / Move to action.

Laughlin said he wanted the Council to create a Capital Improvements Plan (CIP) for the next fiscal year and budget for City projects that have been on the back burner for a couple of years. Stoolman reiterated that she wants to see departments create set aside accounts for large ticket items such as vehicle replacement and additional staffing.

Motion by Stoolman, second by Goodweiler to approve Resolution 1856. AYES: Stoolman, Goodweiler, Miller. ABSTAIN: Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1855 – Setting a Public Hearing for a Budget Amendment. / Move to action.

Edgar explained a budget amendment was needed due to some projects that were budgeted for FY19, but not completed and paid out until FY20.

Motion by Goodweiler, second by Stoolman to approve Resolution 1855. AYES: Goodweiler, Stoolman, Miller, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Discussion: Protocol for hiring Part-time, Seasonal, and Temporary Employees.

Jones asked the Council to provide direction on whether they needed to formerly approve the hiring of temporary and regular part-time staff when positions were already budgeted for. Jones commented that at times, start dates have been delayed due to the current approval process. The Council discussed that they didn't need to approve the start date of these positions but still wanted to know when employees were hired which could be done with the City Administrator's weekly report.

Resolution 1857 – Approving Partial Pay Estimate # 13 In the Amount of \$3,143.12 to Needham Excavating Inc. for the Cubby Park Improvement Project. / Move to action.

Fehr Graham's Nate Kass stated that the pay estimate is for two outstanding punch list items which include a bug screen for the concession stand and additional seeding and fertilization.

Motion by Goodweiler, second by Miller to approve Resolution 1857. AYES: Goodweiler, Miller, Ellyson, Stoolman. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1858 – Approving Change Order #10 in the Amount of \$5,625.00 - \$9,625.00 to be withheld from the Project Retainage for Liquidated Damages and Expenses Related to Cubby Park Project Overages. / Move to action.

Kass explained that the \$5,625.00 dollar figure represents liquidated damages suffered by the City for the project not being completed on time per the contract extensions. The dollar amount is calculated at \$750 per day times seven and one half days past the agreed upon completion date. Olson explained that Fehr Graham incurred additional expenses due to the delays and that their fees would be paid from these damages under Resolution 1861.

Motion by Stoolman, second by Goodweiler to approve Resolution 1858. AYES: Stoolman, Goodweiler, Miller, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1859 – Accepting the Public Improvements Constructed in Association with the Cubby Park Improvement Project. / Move to action.

Jones said upon his final inspection today, he found some lights on the concession stand that appear to be missing. He discussed the situation with City Attorney Olson and was advised that the project should be accepted without further delay and request the contractor correct the issue within thirty days. Olson explained that upon acceptance of the project, under Iowa's Bidding Law the City would be required to pay the contractor the remaining retainage within thirty days of the acceptance. Olson further explained that the project is covered by a two year maintenance bond which basically covers the whole project. Should the park have any issues related to defects in workmanship or product quality (grass, trees, sprinkler system, lighting etc.), the City could file a claim with the bonding company. Olson said that any issues should first be addressed with the contractor and allow them time to rectify the issue (in a reasonable timeframe) before the City should go to the bonding company.

Motion by Miller, second by Ellyson to approve Resolution 1859 upon the condition that the lighting issue be resolved within thirty days. AYES: Miller, Ellyson, Goodweiler. NAYS: Stoolman. Absent: Pierce. Motion carried.

Resolution 1860 – Approving Final Pay Estimate # 14 in the Amount of \$136,284.60 (the retainage) to Needham Excavating Inc. for the Cubby Park Improvement Project. / Move to action.

The Council agreed to accept the final pay estimate with the liquidated damages in the amount of \$5625.00 withheld. Motion by Goodweiler, second by Ellyson to approve Resolution 1860. AYES: Goodweiler, Ellyson, Miller, Stoolman. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1861 – Amendment to the Professional Services Agreement with Fehr Graham in an Amount Not-to-Exceed \$4,000. / Move to action.

Jones explained that the resolution represents additional services from Fehr Graham from the project delay which totaled \$1475.75. Olson stated that damages pay for damages and are to be paid from the retainage. Upon acceptance of the project, it is now considered closed and no further bills will be received from Fehr Graham. Motion by Goodweiler, second by Ellyson to approve Resolution 1861. AYES: Goodweiler, Ellyson, Stoolman, Miller. NAYS: None. Absent: Pierce. Motion carried.

CITY ADMINISTRATOR REPORT

Jones said Baldrige Environmental will make a presentation at the next Council meeting to share some positive results. Jones also reported that he and Edgar had attended a budget conference recently and learned of some new public notification requirements with regard to the annual budget process. Jones said more information would be shared as it is learned.

CITY ATTORNEY REPORT

No report.

STAFF REPORTS

No reports.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Goodweiler said he had received a few inquiries on when the lighting on the College Street Bridge would be operational. Goodale said they were waiting on Alliant Energy at this time but that the project was on their schedule.

ADJOURNMENT

Motion to adjourn by Ellyson, second by Miller. Motion carried on a voice vote. City Council meeting adjourned at 8:03 p.m.

Roger Laughlin, Mayor

ATTEST: _____

Leslie Brick, Deputy City Clerk