



PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 7:00 P.M. TUESDAY FEBRUARY 4, 2020 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	Jodee Stoolman	j.stoolmanwbcc@yahoo.com
Council Member	Nick Goodweiler	nickgoodweilerwbcc@gmail.com
Council Member	Tom Dean	tdiowa@hotmail.com
Council Member	Jerry Sexton	jerrysextonwb@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

C. Roll Call

D. Guest Speaker, Presentations and Proclamations

1. Introduction to the New Cedar County Emergency Management Director, Jodi Freet. *This position provides support and assistance in the areas of administration, operations, training and related technical issues for the Cedar County Emergency Management Agency and 911 Service Board activities.*
2. Planned Unit Development – Brief Definition, Questions and Answers with John Fuller, Chairperson for the Planning and Zoning Commission. *A **planned unit development (PUD)** is a type of land / building **development** and also a regulatory process. As a building **development**, it is a designed grouping of both varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, all within one contained **development** or subdivision.*

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.

"Turning Vision into Reality is our Business"

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 January 21, 2020.
2. **Motion to Approve** Meeting Minutes for City Council Budget Meeting January 27, 2020.
3. **Motion to Approve** LL Pelling Co. Seal Coat Unit Pricing.
4. **Motion to Approve** the Claims Report.

G. Public Hearing / Non-Consent Agenda

1. **Public Hearing:** Regarding Rezoning a Certain Parcel of Property Located North of Interstate 80 and East of Parkside Drive from B-2 Business District to a PUD – Planned Unit Development District (Parkside BP property).
2. **First Reading of Ordinance 772** Approving the Rezoning of a Certain Parcel of Property Located North of Interstate 80 and East of Parkside Drive from B-2 Business District to a PUD – Planned Unit Development District (Parkside BP property).
3. **Public Hearing:** Considering the Maximum Tax Dollars from Certain Levies That Can Be Certified in the City's Proposed Fiscal Year 2020-2021 Budget.
4. **Resolution 1875** – A Resolution Approving the Maximum Tax Dollars from Certain Levies for the City's Proposed Fiscal Year 2020 – 2021 Budget.
5. **Motion to Approve** Revenue Estimates to be incorporated in the City Administrator's Recommended Budget.
6. **Motion to Approve** the Salary Plan Intended to be incorporated into the City Administrator's Recommended Budget.
7. **Motion to Approve** the Non-Salary Department Expenditures (City Goals that will be Funded in the Proposed Budget).
8. **Discussion Item:** Regarding Policy on Waivers for Sewer Service Charges.
9. **Discussion Item:** Regarding Waving Hoover Hometown Days Vendor Fees for the Brick and Mortar Businesses along Main Street.
10. **Resolution 1872** – Approving a Fireworks Agreement with J&M Displays for Hoover's Hometown Days 2020.

H. Reports

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

I. Comments from Mayor and Council Members

J. Adjournment

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

**West Branch, Iowa
Council Chambers**

**City Council
Regular Meeting**

**January 21, 2020
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, Jerry Sexton and Tom Dean were present. Colton Miller arrived at 7:17 p.m. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy Clerk Leslie Brick, Finance Officer Gordon Edgar, Police Chief Mike Horihan, Fire Chief Kevin Stoolman, Public Works Director Matt Goodale, Park & Recreation Director Melissa Russell and Library Director Nick Shimmin.

GUEST SPEAKER AND PRESENTATIONS

Horihan provided an update on the ShieldWare software purchased in 2019. Horihan highlighted some of the software capabilities including; computer dispatching services, logging of calls for service which include dispatch notes of the call, reporting, and mobile data checks. Horihan said the software has improved officer efficiency and was worth the investment.

Park & Recreation budget presentation – Park & Recreation Director, Melissa Russell

Russell presented her budget to the Council and noted that her budget shows an increase in the Salaries and Wages which reflects the appropriation of salaries previously performed by the Public Works employees. Russell said the mowing of the parks will continue to be done by Public Works, but paid for by the Parks budget. Russell noted that most of the other areas for increase are related to Cubby Park for equipment, maintenance and water. Sexton asked if equipment costs were based off new or used equipment and offered his assistance to finding good, used equipment. He also noted that he felt the revenues projections seemed low and asked if fees should be increased. Russell said participation has been down in recent years, but said the programs pay for themselves. Russell said he hoped that tournaments and concession stand sales would boost projected revenues.

Public Works budget presentation – Public Works Director, Matt Goodale

Goodale started his budget presentation with acknowledging that the city's growth presents new challenges for the Public Works department. Because of the growth and additional responsibilities his department has taken on, he is requesting the additional of one full-time employee, continued funding for part-time workers and overtime funds to ensure works get completed on time. Goodale said he also has one employee nearing retirement in late 2020, early 2021 which he will replace when the time comes. Goodale requested funding for four street projects; replacement of one block of sealcoat on East Orange Street (\$65,000), Sealcoat Street patching (\$30,000), concrete street patches (\$15,000) and concrete installation at the Public Works shop to move the brine cooker (\$10,000). Goodale continued with the Water Fund, indicating a need to purchase additional water meters and reading devices for new homes to be constructed in 2020 along with replacing old touch read meters (\$20,000) and a new section of water main on East College Street between 4th and 5th Streets (\$75,000).

West Branch Fire Department – Fire Chief, Kevin Stoolman

Chief Stoolman presented his budget which consisted of additional funding for salaries and wages since recently implementing an on-call schedule. The new on-call schedule pays the volunteer \$10 per call rather than the normal \$5 per call. Stoolman said it is sometimes difficult to have volunteers respond on weekends. Stoolman went on to request an additional \$2000 for repair and maintenance of the vehicles mainly due to rising costs for parts and service. Stoolman said not much changed in the FY21 budget as compared to FY21 and noted that in total the fire operation only increased by \$5,400.00. Stoolman requested an additional \$2,938 from the City to help cover his requested budget items. Stoolman also asked the Council to consider providing health insurance benefits to him for his service as the Fire Chief.

PUBLIC COMMENT

No comment.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to approve minutes for City Council meeting January 6, 2020.

Motion to approve the destruction of certain records with Shred-it Services listed on Records Destruction form per the Record Retention Manual of Iowa Cities.

Motion to approve the Claims Report.

January Claims Paid and December Revenues

EXPENDITURES	1/21/2020	
AERO RENTAL INC	RENTAL - LIGHT REMOVAL	444.00
AMAZON	BOOKS	359.60
ASCAP	MUSIC LICENSE FEE-COMMUNITY EVENTS	363.00
BAKER & TAYLOR INC.	BOOKS	440.87
CATHERINE STEEN	UNIFORMS	63.34
CEDAR COUNTY RECORDER	RECORDING FEES	28.00
CEDAR COUNTY TRANSFER STATION	TRANSFER STATION FEES	183.00
CEDAR RAPIDS PHOTO COPY INC	LIBRARY - COPIER RENTAL	79.12
D&R PEST CONTROL	PEST CONTROL	70.00
DEMCO	OFFICE SUPPLIES	296.81
DEWEYS JACK & JILL	MAINTENANCE & PROGRAM SUPPLIES	107.11
ECONO SIGNS LLC	STREET SIGNS	679.40
HEATHER M SITZMORE	PARK & REC PROGRAM	285.00
IOWA LIBRARY ASSOCIATION	MEMBERSHIP DUES	290.00
JOHNSON COUNTY REFUSE INC.	RECYCLING-DECEMBER, 2019	3,994.75
LENOCH & CILEK	CHRISTMAS PAST SUPPLIES	476.37
LINN COUNTY R.E.C.	STREET LIGHTS	149.00
MISCELLANEOUS VENDOR	CHARLES OR JOSEPHINE LOVIG - SIDEWALK REPAIR	720.00
OVERDRIVE INC	AUDIO BOOKS	504.17
PARKSIDE SERVICE	TIRE REPAIR	50.00
PYRAMID SERVICES INC.	MAINTENANCE SUPPLIES	152.45
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	840.00
QUILL CORP	OFFICE SUPPLIES	53.77
ROCK VALLEY PHYSICAL THERAPY	DRUG TESTS	86.00
STATE HYGIENIC LAB	LAB ANALYSIS	26.00
TIPTON ELECTRIC MOTORS	MAINTENANCE SUPPLIES	26.35
UPS	SHIPPING	23.68
US BANK CORPORATE CARD	MAINTENANCE, PROGRAM SUPPLIES	258.08
US BANK EQUIPMENT FINANCE	LIBRARY COPIER LEASE	106.25
WALMART COMMUNITY/RFCSELLC	CDS, PROG & MAINT SUPPLIES	562.79
WATER SOLUTIONS UNLIMITED	CHEMICALS	2,515.00
WELTER STORAGE EQUIP CO IN	SAFETY EQUIPMENT	1,360.00
WEST BRANCH REPAIRS	VEHICLE REPAIR	895.65
WEST BRANCH TIMES	LEGAL NOTICES	695.70
WEX BANK	WEX BANK	1,132.28
ZIPPY'S SALT BARN LLC	ROAD SALT	7,088.14
TOTAL		25,405.68
PAYROLL	1/10/2020	44,257.76
PAID BETWEEN MEETINGS		
RSM INVESTMENTS	UTILITY REFUND	64.90
CURT BOWLING	UTILITY REFUND	33.19
ALLIANT ENERGY	UTILITY SERVICE	11,075.23
LESLIE BRICK	MILEAGE	39.06
UPS	SHIPPING	22.82
ZIPPY'S SALT BARN LLC	ROAD SALT	6,452.27
BUSINESS RADIO SALES	RADIO REPAIR	322.58
JOHNSON COUNTY MUTUAL AID ASSOCIATION	MEMBERSHIP DUES	83.00
LYNCH'S PLUMBING	SERVICE CALL	216.00
OASIS ELECTRIC LLC	REPLACE LIGHTING	1,307.86
TRUCK COUNTRY	VEHICLE REPAIR	4,888.27
WEST BRANCH FIREFIGHTERS FOUNDATION	BUILDING REPAIR	146.66
WEST BRANCH REPAIRS	VEHICLE REPAIR	21.00
TOTAL		24,672.84
GRAND TOTAL EXPENDITURES		94,336.28

FUND TOTALS		
001 GENERAL FUND		39,971.10
022 CIVIC CENTER		652.87
031 LIBRARY		9,017.91
110 ROAD USE TAX		20,282.10
112 TRUST AND AGENCY		4,920.01
600 WATER FUND		11,005.88
610 SEWER FUND		8486.41
GRAND TOTAL		94,336.28

REVENUE-FISCAL YEAR 2020
FUND DECEMBER

001 GENERAL FUND		61,474.65
022 CIVIC CENTER		752.20
031 LIBRARY		707.41
036 TORT LIABILITY		1,039.46
110 ROAD USE TAX		18,401.98
112 TRUST & AGENCY		5,928.52
119 EMERGENCY TAX FUND		834.46
121 LOCAL OPTION SALES TAX		37,015.08
125 TIF		10,046.13
226 DEBT SERVICE		7,612.74
310 COLLEGE ST BRIDGE REPLACEMENT		104,049.38
500 CEMETERY PERPETUAL FUND		589.91
501 KROUTH PRINCIPAL FUND		75.45
502 KROUTH INTEREST FUND		20.23
600 WATER FUND		43,855.54
603 WATER SINKING FUND		32,672.74
740 STORM WATER UTILITY		5,108.77
TOTAL		330,184.65

Motion by Miller, second by Goodweiler approve agenda/consent agenda items. AYES: Miller, Goodweiler, Dean, Stoolman, Sexton. NAYS: None. Motion carried.

PUBLIC HEARING / NON-CONSENT AGENDA

Discussion: Request for Proposals residential solid waste and recycling collection services and the potential switch to automated waste can service.

Jones reminded the Council that the city’s solid waste and recycling contract is set to expire on June 30, 2020. The city has a contract with Johnson County Refuse and they have informed the city that they are exiting the manual trash collection process and replacing it with an automated cart collection system. A quote was received from Johnson County Refuse in 2019. Jones suggested that the city seek proposals from other solid waste providers and asked for direction on moving forward with an RFP. Sexton suggested that the City take over that activity and have it run by the Public Works department. Other members felt that the investment in equipment, carts, staff and worker’s compensation claims would not make that a viable option in addition to trying to have something in place by July 1st. They did agree to put the idea on the back burner for future consideration. Laughlin directed Jones to expedite the RFP process so quotes can be considered.

Resolution 1871 – Accepting Public Improvements Constructed in the Meadows (Part 4A), West Branch Iowa. / Move to action.

Brick said City Engineer Schechinger reported that all improvements were complete with the exception with power to the street lights which was being worked (weather dependent). Stoolman noted that the street was already being used by residents and questioned why the city wasn’t maintaining it. Goodale responded that until the city ‘accepts the public improvements’ by the developer, it’s not the City’s to maintain. Goodale said he was hesitant to treat the new street with salt or sand because it can cause damage to the street. Goodale said other treatments were optional but suggested that the street could be closed if Public Works was not able to maintain it properly. Kofoed, KLM Investments was present and was not in favor of the city closing the street because two lots have been sold and that construction would be starting as weather permits. Laughlin directed Public Works to treat the street with alternative methods that would cause minimal damage and use his discretion to close the street as needed.

Motion by Sexton, second by Goodweiler to approve Resolution 1871. AYES: Sexton, Goodweiler, Miller, Stoolman, Dean. NAYS: None. Motion carried.

Resolution 1873 – Setting a Public Hearing Considering the Maximum Levy That Can Be Certified. / Move to action. Jones said that this was a returning item to the agenda from the last meeting due to publishing timelines that were not met. **Motion by Goodweiler, second by Stoolman to approve Resolution 1873. AYES: Goodweiler, Stoolman, Miller, Dean, Sexton. NAYS: None. Motion carried.**

Resolution 1872 – Approving a fireworks agreement with J&M Displays for Hoover’s Hometown Days 2020. / Move to action.

Motion by Goodweiler, second by Sexton to approve Resolution 1872.

Dean questioned if there was money in the budget for fireworks. Edgar said that there is five thousand dollars in the current budget and that he budgeted sixty thousand for FY21 for Hoover’s Hometown Days 2020. Dean said he had issue with expending money on this item when Cubby Park future expenses were uncertain. The council requested to table this item until after further budget discussions could take place.

Motion by Goodweiler, second by Sexton to table Resolution 1872. AYES: Goodweiler, Sexton, Miller, Stoolman, Dean. NAYS: None. Motion carried.

Motion to approve setting a date for a Public Hearing regarding rezoning a certain parcel of property located north of Interstate 80 and east of Parkside Drive from B-2 Business District to PUD – Planned Unit Development District (Parkside BP property). / Move to action.

Motion by Goodweiler, second by Sexton. AYES: Goodweiler, Sexton, Miller, Stoolman, Dean. NAYS: None. Motion carried.

Resolution 1874 – Authorizing the Transfer of Funds. / Move to action.

Motion by Sexton, second by Miller to approve Resolution 1874. AYES: Sexton, Miller, Stoolman, Dean, Goodweiler. NAYS: None. Motion carried.

Motion to approve a quote from Tyler Technologies for adding software services for utility billing customers. / Move to action.

Brick explained the software features to include the ability for residents to view their bill, see past consumption history, and make payments on their account. This upgrade would eliminate the current online payment option but still allow the residents more options for self-service. Brick described the second feature that staff would be able to use to notify residents when new bills were produced, reminders of payment due dates approaching, disconnect notices and other city business notifications that need to be distributed quickly (such as water main breaks, street closures etc.). Brick said there is a convenience fee of \$1.25 for each online payment. Miller was agreeable with the added service but felt that the user convenience fees should not be absorbed by the city. The other council members were in support of the added features and had no additional comments.

Motion by Miller, second by Dean. AYES: Miller, Dean, Stoolman, Goodweiler, Sexton. NAYS: None. Motion carried.

Budget Discussion: Tentative Employee Pay Plan Starting Estimates.

Jones asked for Council direction on the tentative employee salary plan and asked them to rank five items (1 being most important and 5 being the least important). The five budget considerations are: adding a fifth full-time police officer (Steen to move from part-time to full-time), one new additional full-time Public Works employee, Fire Chief health care package, retirement payout for two employees, and a 1.6% cost of living adjustment for city staff and employees. Jones said that FY21 will be another tight budget year and said it will be challenging, but not impossible. He asked that they give the items some consideration and provide feedback by the next meeting for further discussions.

Budget Discussion: General Fund Department Non-Salary Expenditures

Jones explained that staff and Finance Officer Edgar had introduced a new methodology and approach for preparing this year’s budget. He said greater emphasis is being placed on locking down unit costs, measuring expenses and examining revenues based on related staffing and/or program activities. Jones said that this approach will help to

ensure that revenues do not exceed expenses and to ensure that projects costs are being charged to the correct fund or activity. Jones went on to discuss the set aside funds for the various departments for their 'big ticket' items. While in the past, the set-asides have been administered differently, now has come the time for uniformity across departments.

Jones suggested a special meeting to be held on Monday, January 27, 2020 to continue budget discussions. The Council agreed and directed Jones to schedule the meeting and set the agenda.

CITY ADMINISTRATOR REPORT

Jones reported that the Baldrige project is still showing good results in spite of the colder weather. Jones said data collection will continue during the winter months. Jones said the city will move forward with the Catalyst Grant and working with ECIA. Jones said ECIA will be in West Branch this Thursday to have a site inspection.

CITY ATTORNEY REPORT

Absent.

STAFF REPORTS

Horihan commented that he is wanting to move Officer Steen from part-time to full-time since she has been working so many hours with the school. Horihan said the school currently pays for ten hours of the thirty-five hours that Steen works approximately each week. He said he has had discussions with Superintendent Jimmerson on the possibility of them pay for additional work hours, but that they have not committed at this time. Horihan also reported that the National Park Service has requested the police department to respond to alarm calls and that they would look towards a reimbursement program for those services.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Stoolman questioned when the snow piles would be move from downtown as she had received a few complaints. Goodale responded that Public Works would be removing them on Wednesday due to other priorities and a staff shortage.

Miller asked if there was a timeline on the clean of the Croell site. Miller said that one building was removed but questioned how long the rock pile would remain on the property. Laughlin reported that Barnhart was working at the site but said he did not have a timeline on the rock pile.

ADJOURNMENT

Motion to adjourn by Goodweiler, second by Miller. Motion carried on a voice vote. City Council meeting adjourned at 10:34 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk

(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 westbranchiowa.org/city-of-west-branch/mayor-city-council/meetings/. The minutes are not approved until the next regularly scheduled City Council meeting.)

West Branch, Iowa
Council Chambers

City Council
Budget Workshop

January 27, 2020
6:00 p.m.

Mayor Roger Laughlin called the West Branch City Council meeting to order at 6:02 p.m. Roll call: Council members: Jodee Stoolman, Nick Goodweiler, Jerry Sexton and Tom Dean were present. Colton Miller was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy Clerk Leslie Brick, Finance Officer Gordon Edgar, Police Chief Mike Horihan, Fire Chief Kevin Stoolman, Public Works Director Matt Goodale, Park & Recreation Director Melissa Russell and Library Director Nick Shimmin.

BUDGET WORKSHOP

FY19 & FY20 Budget Certification (16-142) Sheet

Finance Office Edgar provided an explanation of budget form 16-142 to the new Council members and a refresher for the others. Edgar explained the different levies and how they are used toward various activities of the city.

FY 21 Budget Certification – 1.6% COLA option

Edgar provided a budget which included a 1.6 cost of living adjustment. This option keeps the tax rate the same at \$13.09.

FY 21 Budget Certification – 2.5% COLA option

Edgar provider a second budget option which included a 2.5% cost of living adjustment. This increases the tax rate to 13.15 (an increase of six cents). Edgar explained that due to a potential health rate increase next year, he felt a higher COLA was warranted. Goodweiler clarified that 1.6% was previously discussed and noted that the only thing that changed between the two options was the difference of 1.6 and 2.5. Edgar agreed. The Council discussed and although they didn't agree on the way raises were given, chose the lower COLA (1.6%) to avoid raising taxes.

FY21 Budget Detail (Expenditures)

Edgar reviewed the proposed budgets (expenditures) that the individual departments had submitted and how that correlates to the overall city budget. Edgar suggested that \$30,000 be cut from the Police Departments budget for the vehicle set-aside. Edgar felt that having that money earmarked puts the general fund in a pinch. The Council disagreed and directed Edgar to keep the vehicle set-aside at \$30,000. Edgar noted some of the other changes in the salary and wages lines with the new philosophy of adjusting where salaries are being paid from. Laughlin requested an increase for expenditures for the Downtown East Redevelopment project. Laughlin said that the clean-up is moving along and additional funds would need to be available for crushing and removing of the rock. Goodweiler questioned the Parks & Receptions capital projects budget amount of \$21,800 and asked if that was for fixing the ball diamonds to accommodate more teams. Russell responded that the line item was for items that were removed from the project during value engineering. Russell said that she agreed that the fields should be fixed and thought there should still be money in the Cubby Park project to cover the expenses.

FY21 Budget Detail (Revenues)

He then reviewed the estimated revenues from the various departments. The overall total budget expenditures totaled \$6,089,630 and the estimated revenues total \$6,075,499. Leaving a budget shortfall of \$14,131.

PUBLIC COMMENT

There was no public comment.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

In summary, the Mayor and Council agreed on the following changes; 1.6% cost of living adjustment for city employees, keeping the vehicle set-aside at \$30,000 for the police department and increasing the Downtown East Redevelopment project by \$25,000.

ADJOURNMENT

Motion to adjourn by Dean, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:50 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Motion to Approve the LL Pelling Seal Coat Unit Pricing
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Matt Goodale, Public Works Director
DATE:	January 29, 2020

BACKGROUND:

LL Pelling gives us a unit price quote yearly for seal coat work. This price is what is used to determine cost on any seal coat work we hire LL Pelling for during this year. There is an increase in price to each area.

Type a \$.15 square yard increase
Type B \$.15 square yard increase
Cold patch \$25 per ton increase

That equates to **\$3,383.40 increase** overall if you took an average year such as last year.

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

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PROPOSAL



City of West Branch (PG)
P.O. Box 218
West Branch, IA 52358-0218

WWW.LLPELLING.COM

1425 W. Penn Street P.O. Box 230 North Liberty, Iowa 52317

(319) 626-4600 FAX (319) 626-4605

WE PROPOSE TO DO THE FOLLOWING WORK AND/OR FURNISH THE MATERIALS AT THE UNIT PRICE QUOTED BELOW:

RE: 2020 Sealcoat Work

November, 2019

Description of Work:

Type A Work (Option 1)

Unit Price

A. Base repair and single seal coat consisting of:

- Scarify and pulverize existing street surface
- Furnish water as required for compaction, reshape and recompact.
- Furnish and apply single seal coat of MC-3000 asphalt
- Furnish, spread and roll 3/8" chips. *Pea Rock*

\$ 3.60 SY

OR

Type B Work (Option 2)

B. Single seal coat consisting of:

- Power broom streets
- Furnish and apply single seal coat of MC-3000 asphalt
- Furnish, spread and roll 3/8" chips. *Pea Rock*

\$ 2.50 SY

Cold Mix Patch Material (15 tons or less)

\$ 225 TON

NOTES:

1. Billing on final units completed.
2. Cold Mix Patching amount is an *estimated* quantity. Invoice will be on actual tons placed.
3. Prices for 2020 Construction Season, if accepted and mailed back by January 30th, 2020.

*Is this project tax exempt? Yes No . If you checked yes, please send the Iowa Construction Sales Tax Form with your signed proposal.

Authorized
Signature

Darrin Tippie

Note: This proposal may be withdrawn if not accepted within 30 days.

All work & materials will be according to specifications submitted or per standard practices. Any alteration or deviation from the above specifications involving extra cost will become an extra charge over and above the estimate. Items bid per Unit of Measure are based on estimated quantities, and payment will be based on actual quantities placed. Payment is due upon receipt of invoice. 1 3/4% Service Fee will be charged on all past due accounts (21% per annum). Any expense incurred to collect past due accounts, including attorney fees, will be reimbursed by owner.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be due upon receipt of invoice. I will retain the white copy for my records and return the yellow copy for authorization to schedule work.

Signature _____ Date _____

Signature _____ Date _____

"Committed to Excellence since 1948"



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE: January 21, 2020

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:	January 21, 2020

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**2/4/2020**

ALTORFER INC	VEHICLE MAINTENANCE	475.62
CAJ ENTERPRISES INC	SAND HAULING	219.66
CROELL, INC.	SAND	1,367.60
ECONO SIGNS LLC	ECONO SIGNS LLC	909.58
HAWKINS INC	CHEMICALS - AZONE	567.50
HI-LINE ELECTRIC COMPANY INC	SUPPLIES	212.62
IOWA ONE CALL	UTILITY LOCATION SERVICE	54.00
JOHN DEERE FINANCIAL	SUPPLIES, CLOTHING ALLOWANCE	517.88
JULIA HIME	VIDEOGRAPHY SERVICE	150.00
KIESLER POLICE SUPPLY, INC	SUPPLIES	244.00
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,287.94
LYNCH'S EXCAVATING INC	LANCASTER & ORANGE - STORM WATER REPAIR	2,000.00
LYNCH'S EXCAVATING INC	NORTHRIDGE DR - SW INTAKE REPAIR	8,542.00
LYNCH'S EXCAVATING INC	DOWNEY & ORANGE - SW INTAKE REPAIR	5,590.00
LYNCH'S EXCAVATING INC	BICKFORD ESTATES - STORM WATER REPAIRS	11,186.00
MOORE'S WELDING INC	VEHICLE REPAIR	391.25
PLAY IT AGAIN SPORTS	RECREATION SUPPLIES	97.15
QUILL CORP	OFFICE SUPPLIES	379.56
ROBERT'S TOWING & RECOVERY	TOWING SERVICE	175.00
SECRETARY OF STATE	NOTARY RENEWAL FEE	30.00
STATE INDUSTRIAL PRODUCTS	CHEMICALS	244.00
UNIFORM DEN INC.	UNIFORMS	182.82
VEENSTRA & KIMM INC.	319 UTILITY RELOCATE & I-80 WIDENING	1,740.00
VEENSTRA & KIMM INC.	CHANNEL WIDENING- FLOOD IMPROVEMENTS	528.00

TOTAL 37,092.18**PAYROLL****1/24/2020****56,436.94****PAID BETWEEN MEETINGS**

DREAMHOST	COMPTER NETWORK SECURITY	72.00
MEDIACOM	CABLE SERVICE	41.90
PITNEY BOWES PURCHASE POWER	REPLENISH POSTAGE METER	500.00
UPS	SHIPPING	47.36
VERIZON WIRLESS	WIRELESS SERVICE	801.53

TOTAL 1,462.79**GRAND TOTAL EXPENDITURES****94,991.91****FUND TOTALS**

001 GENERAL FUND	22,923.54
022 CIVIC CENTER	96.03
031 LIBRARY	6,169.69
110 ROAD USE TAX	8,696.12
112 TRUST AND AGENCY	11,636.04
319 RELOCATING WATER & SEWER	1,740.00
600 WATER FUND	8,437.59
610 SEWER FUND	7,446.90
740 STORM WATER UTILITY	27,846.00

GRAND TOTAL**94,991.91**

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
POLICE OPERATION	GENERAL FUND	QUILL CORP	OFFICE SUPPLIES	37.34			
			OFFICE SUPPLIES	342.22			
		UNIFORM DEN INC.	UNIFORMS	182.82			
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	243.39			
		KIESLER POLICE SUPPLY, INC	SUPPLIES	244.00			
		TOTAL:		<u>1,049.77</u>			
FIRE OPERATION	GENERAL FUND	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	101.46			
			TOTAL:	<u>101.46</u>			
PARK & RECREATION	GENERAL FUND	PLAY IT AGAIN SPORTS LIBERTY COMMUNICATIONS	RECREATION SUPPLIES	97.15			
			TELEPHONE SERVICE	153.68			
			TOTAL:	<u>250.83</u>			
CEMETERY	GENERAL FUND	JOHN DEERE FINANCIAL	SUPPLIES, CLOTHING ALLOWAN	71.99			
			TOTAL:	<u>71.99</u>			
CLERK & TREASURER	GENERAL FUND	SECRETARY OF STATE LIBERTY COMMUNICATIONS	NOTARY RENEWAL FEE	30.00			
			TELEPHONE SERVICE	343.38			
			TOTAL:	<u>373.38</u>			
LOCAL CABLE ACCESS	GENERAL FUND	LIBERTY COMMUNICATIONS JULIA HIME	TELEPHONE SERVICE	64.95			
			VIDEOGRAPHY SERVICE	150.00			
			TOTAL:	<u>214.95</u>			
TOWN HALL	CIVIC CENTER	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	43.59			
			TOTAL:	<u>43.59</u>			
LIBRARY	LIBRARY	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	182.91			
			TOTAL:	<u>182.91</u>			
ROADS & STREETS	ROAD USE TAX	ALTORFER INC ROBERT'S TOWING & RECOVERY JOHN DEERE FINANCIAL CROELL, INC. CAJ ENTERPRISES INC LIBERTY COMMUNICATIONS HI-LINE ELECTRIC COMPANY INC MOORE'S WELDING INC ECONO SIGNS LLC	VEHICLE MAINTENANCE	170.60			
			REPAIR PARTS	305.02			
			TOWING SERVICE	175.00			
			SUPPLIES, CLOTHING ALLOWAN	402.77			
			SUPPLIES, CLOTHING ALLOWAN	43.12			
			SAND	1,367.60			
			SAND HAULING	219.66			
			TELEPHONE SERVICE	51.53			
			SUPPLIES	212.62			
			VEHICLE REPAIR	32.60			
			VEHICLE REPAIR	358.65			
			ECONO SIGNS LLC	909.58			
			TOTAL:	<u>4,248.75</u>			
			INVALID DEPARTMENT	RELOCATING WATER & VEENSTRA & KIMM INC.		319 UTILITY RELOCATE & I-8	1,740.00
						TOTAL:	<u>1,740.00</u>
WATER OPERATING	WATER FUND	IOWA ONE CALL HAWKINS INC LIBERTY COMMUNICATIONS	UTILITY LOCATION SERVICE	27.00			
			CHEMICALS - AZONE	567.50			
			TELEPHONE SERVICE	51.53			
			TOTAL:	<u>646.03</u>			
SEWER OPERATING	SEWER FUND	IOWA ONE CALL LIBERTY COMMUNICATIONS STATE INDUSTRIAL PRODUCTS	UTILITY LOCATION SERVICE	27.00			
			TELEPHONE SERVICE	51.52			
			CHEMICALS	244.00			

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			TOTAL:	322.52
STORM WATER UTILITY	STORM WATER UTILIT	LYNCH'S EXCAVATING INC	LANCSTR & ORANGE-SW REPAIR	2,000.00
			NRIDGE DR-SW INTAKE REPAIR	8,542.00
			DOWNNEY & ORANGE-SW INTAKE	5,590.00
			BICKFORD EST SW REPAIRS	11,186.00
		VEENSTRA & KIMM INC.	CHANNEL WIDENING-FLOOD IMP	528.00
			TOTAL:	27,846.00

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===== FUND TOTALS =====
001 GENERAL FUND                2,062.38
022 CIVIC CENTER                  43.59
031 LIBRARY                       182.91
110 ROAD USE TAX                  4,248.75
319 RELOCATING WATER & SEWER     1,740.00
600 WATER FUND                    646.03
610 SEWER FUND                    322.52
740 STORM WATER UTILITY          27,846.00
-----
GRAND TOTAL:                    37,092.18
-----

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Public Hearing: Regarding Rezoning a Certain Parcel of Property Located North of Interstate 80 and East of Parkside Drive from B-2 Business District to a PUD – Planned Unit Development District (Parkside BP property).
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	January 29, 2020

BACKGROUND:

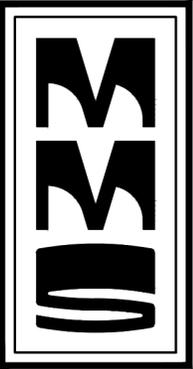
This particular property was purchased in 2019 and the new owner/developer is interested in improving the property now known as Parkside BP. Improvements to the property include re-facing and enlarging the existing building to encourage new business space, replacing the underground tanks, changing the traffic flow and construction of a portion of a new city street that will provide access to the property to its east (previously rezoned to a Planned Unit Development in 2019).

The proposed site plan for the property has been reviewed by staff, City Engineer, City Attorney and Zoning Administrator and rezoning of the property was determined to be the best outcome for the project.

The Planning & Zoning Commission held a public hearing on the same matter at their January 28, 2020 meeting and approved the developer’s request.

STAFF RECOMMENDATION:	Open the Public Hearing / Close the Public Hearing
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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CIVIL ENGINEERS
 LAND PLANNERS
 LAND SURVEYORS
 LANDSCAPE ARCHITECTS
 ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
 IOWA CITY, IOWA 52240
 (319) 351-8282
www.mmsconsultants.net

REZONING EXHIBIT

A PORTION OF LOT D OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 79 NORTH, RANGE 4 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

WEST BRANCH, CEDAR COUNTY, IOWA

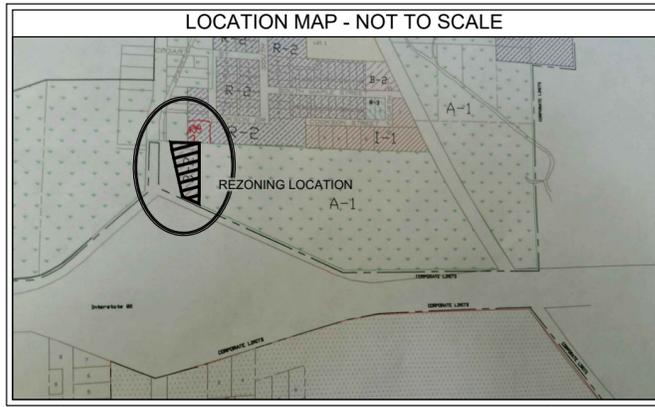
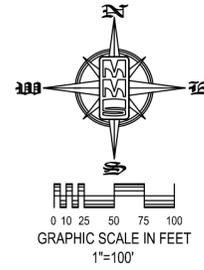
PLAT PREPARED BY:
 MMS CONSULTANTS INC.
 1917 S. GILBERT STREET
 IOWA CITY, IA 52240

OWNER:
 ADVANTAGE RENTALS LLC
 760 LIBERTY WAY
 NORTH LIBERTY, IOWA 52317

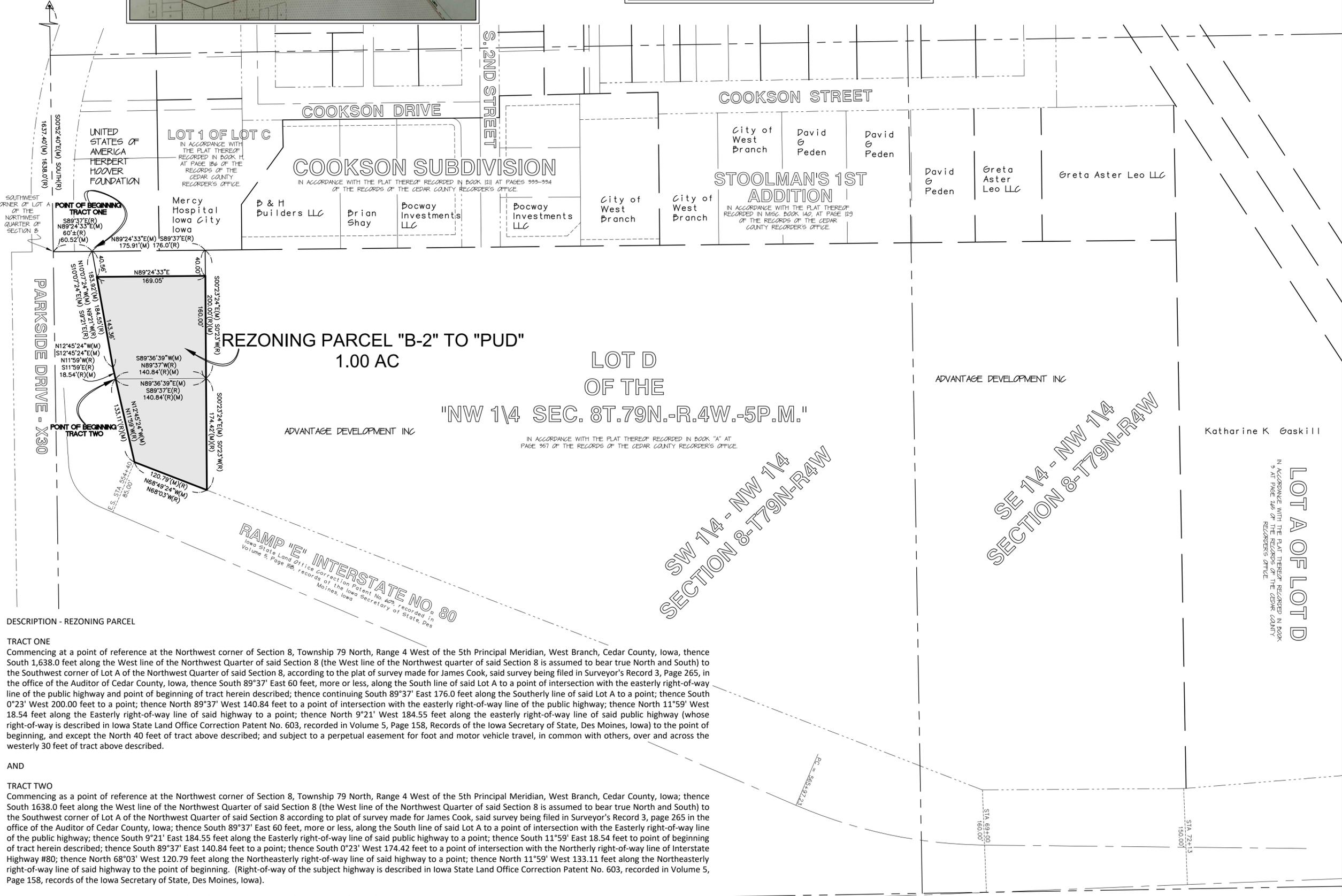
APPLICANT:
 ADVANTAGE RENTALS LLC
 760 LIBERTY WAY
 NORTH LIBERTY, IOWA 52317

LEGEND AND NOTES

- ▲ CONGRESSIONAL CORNER, FOUND
 - △ CONGRESSIONAL CORNER, REESTABLISHED
 - CONGRESSIONAL CORNER, RECORDED LOCATION
 - PROPERTY CORNER(S), FOUND (as noted)
 - PROPERTY CORNERS SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")
 - ⊗ CUT "X"
 - PROPERTY &/or BOUNDARY LINES
 - CONGRESSIONAL SECTION LINES
 - - - RIGHT-OF-WAY LINES
 - CENTER LINES
 - - - LOT LINES, INTERNAL
 - - - LOT LINES, PLATTED OR BY DEED
 - - - EASEMENT LINES, WIDTH & PURPOSE NOTED
 - - - EXISTING EASEMENT LINES, PURPOSE NOTED
 - - - RECORDED DIMENSIONS
 - - - MEASURED DIMENSIONS
 - - - CURVE SEGMENT NUMBER
- (R) (M)
 C22-1
- UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS



NORTHWEST CORNER OF SECTION 8--T79N--R4W OF THE FIFTH P.M.



POINT OF BEGINNING TRACT ONE
 S89°37'E(R) 80±(R)
 N89°24'33"E(M) 60.52'(M)

POINT OF BEGINNING TRACT TWO
 N12°45'24"W(M) 18.54'(R)(M)
 S12°45'24"E(M) 18.54'(R)(M)
 N11°59'W(R) 18.54'(R)(M)
 S89°36'39"W(M) 140.84'(R)(M)
 N89°37'W(R) 140.84'(R)(M)
 N11°59'E(R) 18.54'(R)(M)
 S89°36'39"E(M) 140.84'(R)(M)
 S89°37'E(R) 140.84'(R)(M)

DESCRIPTION - REZONING PARCEL

TRACT ONE
 Commencing at a point of reference at the Northwest corner of Section 8, Township 79 North, Range 4 West of the 5th Principal Meridian, West Branch, Cedar County, Iowa, thence South 1,638.0 feet along the West line of the Northwest Quarter of said Section 8 (the West line of the Northwest quarter of said Section 8 is assumed to bear true North and South) to the Southwest corner of Lot A of the Northwest Quarter of said Section 8, according to the plat of survey made for James Cook, said survey being filed in Surveyor's Record 3, Page 265, in the office of the Auditor of Cedar County, Iowa, thence South 89°37' East 60 feet, more or less, along the South line of said Lot A to a point of intersection with the easterly right-of-way line of the public highway and point of beginning of tract herein described; thence continuing South 89°37' East 176.0 feet along the Southerly line of said Lot A to a point; thence South 0°23' West 200.00 feet to a point; thence North 89°37' West 140.84 feet to a point of intersection with the easterly right-of-way line of the public highway; thence North 11°59' West 18.54 feet along the Easterly right-of-way line of said highway to a point; thence North 9°21' East 184.55 feet along the easterly right-of-way line of said public highway (whose right-of-way is described in Iowa State Land Office Correction Patent No. 603, recorded in Volume 5, Page 158, Records of the Iowa Secretary of State, Des Moines, Iowa) to the point of beginning, and except the North 40 feet of tract above described; and subject to a perpetual easement for foot and motor vehicle travel, in common with others, over and across the westerly 30 feet of tract above described.

TRACT TWO
 Commencing as a point of reference at the Northwest corner of Section 8, Township 79 North, Range 4 West of the 5th Principal Meridian, West Branch, Cedar County, Iowa; thence South 1638.0 feet along the West line of the Northwest Quarter of said Section 8 (the West line of the Northwest Quarter of said Section 8 is assumed to bear true North and South) to the Southwest corner of Lot A of the Northwest Quarter of said Section 8 according to plat of survey made for James Cook, said survey being filed in Surveyor's Record 3, page 265 in the office of the Auditor of Cedar County, Iowa; thence South 89°37' East 60 feet, more or less, along the South line of said Lot A to a point of intersection with the Easterly right-of-way line of the public highway; thence South 9°21' East 184.55 feet along the Easterly right-of-way line of said public highway to a point; thence South 11°59' East 18.54 feet to point of beginning of tract herein described; thence South 89°37' East 140.84 feet to a point; thence South 0°23' West 174.42 feet to a point of intersection with the Northerly right-of-way line of Interstate Highway #80; thence North 68°03' West 120.79 feet along the Northeasterly right-of-way line of said highway to a point; thence North 11°59' West 133.11 feet along the Northeasterly right-of-way line of said highway to the point of beginning. (Right-of-way of the subject highway is described in Iowa State Land Office Correction Patent No. 603, recorded in Volume 5, Page 158, records of the Iowa Secretary of State, Des Moines, Iowa).

RESULTANT Zoning Parcel contains 1.16 Acres, and is subject to easements and restrictions of record.

Date	Revision
01-14-2020	PER JEL REVIEW -JDM

RE-ZONING EXHIBIT

A PORTION OF LOT D OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 79 NORTH, RANGE 4 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

WEST BRANCH CEDAR COUNTY IOWA

MMS CONSULTANTS, INC.

Date:	01-14-2020
Designed by:	JDM
Field Book No.:	
Drawn by:	RLW
Scale:	1"=100'
Checked by:	JEL
Sheet No.:	1
Project No.:	6992-306
IOWA CITY	
of:	1

I:\6992\6992-306\6992-306.dwg: 1/15/2020 8:43:26 PM, LAS

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSAL TO REZONE A CERTAIN PARCEL OF PROPERTY LOCATED NORTH OF INTERSTATE 80 AND EAST OF PARKSIDE DRIVE FROM B-2 BUSINESS DISTRICT TO PUD – PLANNED UNIT DEVELOPMENT DISTRICT.

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the West Branch Planning and Zoning Commission in the Council Chambers at City Hall at 110 N. Poplar Street at 7:00 o'clock P.M. on, Tuesday, January 28, 2020. The public hearing will discuss the proposed rezoning of the following described parcel from B-2 Business District to PUD- Planned Unit Development District.

See Exhibit "A" attached hereto.

YOU ARE HEREBY FURTHER NOTIFIED that a public hearing will be held by the West Branch City Council in the Council Chambers at City Hall at 110 N. Poplar Street, at 7:00 o'clock P.M. on Tuesday, February 4th, 2020. The public hearing will also discuss the proposed rezoning of the aforementioned property.

All interested persons are invited to attend either or both meetings and be heard on the aforementioned proposed adoption of the amendment. Further information regarding same may be obtained by contacting the West Branch City Clerk.

/s/ _____
Redmond Jones II, City Administrator/Clerk

EXHIBIT "A"

Commencing at a point of reference at the Northwest corner of Section 8, Township 79 North, Range 4 West of the 5th Principal Meridian, West Branch, Cedar County, Iowa, thence South 1,638.0 feet along the West line of the Northwest Quarter of said Section 8 (the West line of the Northwest quarter of said Section 8 is assumed to bear true North and South) to the Southwest corner of Lot A of the Northwest Quarter of said Section 8, according to the plat of survey made for James Cook, said survey being filed in Surveyor's Record 3, Page 265, in the office of the Auditor of Cedar County, Iowa, thence South 89°37' East 60 feet, more or less, along the South line of said Lot A to a point of intersection with the easterly right-of-way line of the public highway and point of beginning of tract herein described; thence continuing South 89°37' East 176.0 feet along the Southerly line of said Lot A to a point; thence South 0°23' West 200.00 feet to a point; thence North 89°37' West 140.84 feet to a point of intersection with the easterly right-of-way line of the public highway; thence North 11°59' West 18.54 feet along the Easterly right-of-way line of said highway to a point; thence North 9°21' West 184.55 feet along the easterly right-of-way line of said public highway (whose right-of-way is described in Iowa State Land Office Correction Patent No. 603, recorded in Volume 5, Page 158, Records of the Iowa Secretary of State, Des Moines, Iowa) to the point of beginning, and except the North 40 feet of tract above described; and subject to a perpetual easement for foot and motor vehicle travel, in common with others, over and across the westerly 30 feet of tract above described.

AND

Commencing as a point of reference at the Northwest corner of Section 8, Township 79 North, Range 4 West of the 5th Principal Meridian, West Branch, Cedar County, Iowa; thence South 1638.0 feet along the West line of the Northwest Quarter of said Section 8 (the West line of the Northwest Quarter of said Section 8 is assumed to bear true North and South) to the Southwest corner of Lot A of the Northwest Quarter of said Section 8 according to plat of survey made for James Cook, said survey being filed in Surveyor's Record 3, page 265 in the office of the Auditor of Cedar County, Iowa; thence South 89°37' East 60 feet, more or less, along the South line of said Lot A to a point of intersection with the Easterly right-of-way line of the public highway; thence South 9°21' East 184.55 feet along the Easterly right-of-way line of said public highway to a point; thence South 11°59' East 18.54 feet to point of beginning of tract herein described; thence South 89°37' East 140.84 feet to a point; thence South 0°23' West 174.42 feet to a point of intersection with the Northerly right-of-way line of Interstate Highway #80; thence North 68°03' West 120.79 feet along the Northeasterly right-of-way line of said highway to a point; thence North 11°59' West 133.11 feet along the Northeasterly right-of-way line of said highway to the point of beginning. (Right-of-way of the subject highway is described in Iowa State Land Office Correction Patent No. 603, recorded in Volume 5, Page 158, records of the Iowa Secretary of State, Des Moines, Iowa).



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	First Reading of Ordinance 772 Approving the Rezoning of a Certain Parcel of Property Located North of Interstate 80 and East of Parkside Drive from B-2 Business District to a PUD – Planned Unit Development District (Parkside BP property).
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	January 29, 2020

BACKGROUND:

The Planning & Zoning Commission held a public hearing on the same matter and approved the rezoning request at their January 28, 2020 meeting.

STAFF RECOMMENDATION:	Approve First Reading of Ordinance 772 – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319)351-2277
Return to: City of West Branch, 110 N. Poplar Street, P.O. Box 218, West Branch, Iowa 52358 (319)643-5888

ORDINANCE NO. 772

AN ORDINANCE RE-ZONING THAT CERTAIN OF REAL PROPERTY LOCATED NORTH OF AND ADJACENT TO INTERSTATE 80 AND EAST OF PARKSIDE DRIVE FROM B-2 BUSINESS DISTRICT TO PUD – PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, the Owner of the property described below has petitioned the City of West Branch for a zoning district amendment for property located north of and adjacent to Interstate 80 and east of Parkside Drive, said parcel being legally described as:

Commencing at a point of reference at the Northwest corner of Section 8, Township 79 North, Range 4 West of the 5th Principal Meridian, West Branch, Cedar County, Iowa, thence South 1,638.0 feet along the West line of the Northwest Quarter of said Section 8 (the West line of the Northwest quarter of said Section 8 is assumed to bear true North and South) to the Southwest corner of Lot A of the Northwest Quarter of said Section 8, according to the plat of survey made for James Cook, said survey being filed in Surveyor's Record 3, Page 265, in the office of the Auditor of Cedar County, Iowa, thence South 89°37' East 60 feet, more or less, along the South line of said Lot A to a point of intersection with the easterly right-of-way line of the public highway and point of beginning of tract herein described; thence continuing South 89°37' East 176.0 feet along the Southerly line of said Lot A to a point; thence South 0°23' West 200.00 feet to a point; thence North 89°37' West 140.84 feet to a point of intersection with the easterly right-of-way line of the public highway; thence North 11°59' West 18.54 feet along the Easterly right-of-way line of said highway to a point; thence North 9°21' West 184.55 feet along the easterly right-of-way line of said public highway (whose right-of-way is described in Iowa State Land Office Correction Patent No. 603, recorded in Volume 5, Page 158, Records of the Iowa Secretary of State, Des Moines, Iowa) to the point of beginning, and except the North 40 feet of tract above described; and subject to a perpetual easement for foot and motor vehicle travel, in common with others, over and across the westerly 30 feet of tract above described.

AND

Commencing as a point of reference at the Northwest corner of Section 8, Township 79 North, Range 4 West of the 5th Principal Meridian, West Branch, Cedar County, Iowa; thence South 1638.0 feet along the West line of the Northwest Quarter of said Section 8 (the West line of the Northwest Quarter of said Section 8 is assumed to bear true North and South) to the Southwest corner of Lot A of the Northwest Quarter of said Section 8 according to plat of survey made for James Cook, said survey being filed in Surveyor's Record 3, page 265 in the office of the Auditor of Cedar County, Iowa; thence South 89°37' East 60 feet, more or less, along the South line of said Lot A to a point of intersection with the Easterly right-of-way line of the public highway; thence South 9°21' East 184.55 feet along the Easterly right-of-way line of said

public highway to a point; thence South 11°59' East 18.54 feet to point of beginning of tract herein described; thence South 89°37' East 140.84 feet to a point; thence South 0°23' West 174.42 feet to a point of intersection with the Northerly right-of-way line of Interstate Highway #80; thence North 68°03' West 120.79 feet along the Northeasterly right-of-way line of said highway to a point; thence North 11°59' West 133.11 feet along the Northeasterly right-of-way line of said highway to the point of beginning. (Right-of-way of the subject highway is described in Iowa State Land Office Correction Patent No. 603, recorded in Volume 5, Page 158, records of the Iowa Secretary of State, Des Moines, Iowa) (the "Parcel"); and

WHEREAS, the Owner has requested that the Parcel be rezoned to be located in a PUD – Planned Unit Development District in place of an B-2 Business District; and

WHEREAS, the West Branch Planning and Zoning Commission has recommended the City Council approve said rezoning request; and

WHEREAS, a public hearing has been held on said request pursuant to published notice thereof.

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

Section 1. That the zoning map for the City of West Branch is hereby amended to show the Parcel being located in a PUD – Planned Unit Development District in place of B-2 Business District.

Section 2. This ordinance shall be in full force and effect from and after its publication as by law provided.

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

Section 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 March, 2020.

Read First Time: February 4, 2020
Read Second Time: February 18, 2020
Read Third Time: March 2, 2020

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Public Hearing: Considering the Maximum Tax Dollars from Certain Levies That Can Be Certified in the City’s Proposed Fiscal Year 2020-2021 Budget.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Gordon Edgar, Finance Director & Redmond Jones, City Administrator
DATE:	January 29, 2020

BACKGROUND:

What started as an Iowa State Legislature initiative to cap cities and counties from establishing potential tax rates increases that included expenditures increases over 2% on an annual bases? The Iowa State Legislature negotiated this proposal into what would become Iowa Code Senate File 634 – the Resolution Establishing Maximum Property Tax Dollars – notice – hearing process.

Commonly referred as the “Max Levy” process requires a resolution for a public hearing, a public notification, a public hearing, and a resolution establishing a maximum levy. The “Max Levy” does not apply to every levy that makes-up the tax rate. For example, debt levies are not applicable. Therefore the notion that the Max Levy is a direct indicator of the final outcome of the tax rate would be deceptive. It is recommended to over represent the “Max Levy” not because it would ever be needed, unless of some type of emergency management or financial crisis situation.

In most cases it is simply prudent to over represent the “Max Levy” to allow for the flexibility to budgetary meet the service delivery needs and desires of the organization, City Council, and the citizens. For more information on the “Max Levy” process, please see the following link <https://www.legis.iowa.gov/legislation/BillBook?ga=88&ba=sf634> for copy of Senate File 634 which explains the new budget process in detail.

STAFF RECOMMENDATION:	Open Public Hearing / Close Public Hearing
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Max Levy

CITY NAME West Branch	NOTICE OF PUBLIC HEARING -PROPOSED PROPERTY TAX LEVY Fiscal Year July 1, 2020 - June 30, 2021	CITY CODE 16-142
---------------------------------	---	----------------------------

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

Meeting Date: 2/4/2020	Meeting Time: 7:00 PM	Meeting Location: Council Chambers, City Office, 110 N Poplar, West Branch, Iowa
----------------------------------	---------------------------------	--

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy.
After adoption of the proposed tax levy, the Council will publish notice and hold a hearing on the proposed city budget.

City Web Site (if available): https://westbranchiowa.org	City Telephone Number: 319-643-5888
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Iowa Department of Management	Current Year Certified Property Tax 2019/2020	Budget Year Effective Property Tax 2020/2021**	Budget Year Proposed Maximum Property Tax 2020/2021	Annual % CHG
Regular Taxable Valuation	1 135,421,456	143,785,299	143,785,299	
Tax Levies:				
Regular General	2 \$1,096,914	\$1,096,914	\$1,164,661	
Contract for Use of Bridge	3 \$0	\$0	\$0	
Opr & Maint Publicly Owned Transit	4 \$0	\$0	\$0	
Rent, Ins. Maint. Of Non-Owned Civ. Ctr.	5 \$0	\$0	\$0	
Opr & Maint of City-Owned Civic Center	6 \$18,280	\$18,280	\$18,898	
Planning a Sanitary Disposal Project	7 \$0	\$0	\$0	
Liability, Property & Self-Insurance Costs	8 \$45,543	\$45,543	\$44,451	
Support of Local Emer. Mgmt. Commission	9 \$15,032	\$15,032	\$8,908	
Emergency	10 \$36,564	\$36,564	\$38,822	
Police & Fire Retirement	11 \$0	\$0	\$0	
FICA & IPERS	12 \$139,911	\$139,911	\$162,837	
Other Employee Benefits	13 \$119,844	\$119,844	\$127,707	
*Total 384.15A Maximum Tax Levy	14 \$1,472,088	\$1,472,088	\$1,566,284	6.40%
Calculated 384.15A Maximum Tax Rate	15 \$10.87042	\$10.23810	\$10.89321	

Explanation of significant increases in the budget:

Increase in full time staff by 2 people, results in increased salary, FICA, IPERS and employee benefit expense. Increase in Park operating expense due to opening of new park.

If applicable, the above notice also available online at:

*Total city tax rate will also include voted general fund levy, debt service levy, and capital improvement reserve levy

**Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming budget year



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Resolution 1875 – A Resolution Approving the Maximum Tax Dollars from Certain Levies for the City’s Proposed Fiscal Year 2020-2021 Budget.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Gordon Edgar, Finance Director & Redmond Jones, City Administrator
DATE:	January 29, 2020

BACKGROUND:

In the form it was adopted, Senate File 634 (the "Act") enacts less dramatic changes to local government budgets and property tax levies than were originally proposed. However, the Act adds additional notice and public comment requirements to the budgeting process for Iowa's cities and counties in an attempt to add transparency to budget and property tax increases. The Act requires local governments to pass a resolution identifying a total maximum property tax dollars to be derived from certain levies in their budget for the next fiscal year, and if that maximum amount is more than 2% higher than the current fiscal year's actual property tax dollars certified from the same levies, then the governing body must approve the proposed maximum by a two-thirds majority vote (two-thirds of all seats of the city council or board of supervisors, which may be more than two-thirds of those members present).

The Act also revises budget certification and budget protest dates for cities and counties under Chapter 24, Code of Iowa. Budgets must be certified to the county auditor by March 31 (extended past the prior March 15th deadline), and affected residents/persons will have until April 10 (extended past the prior March 25th deadline) to file a written protest with the county auditor regarding the certified budget. The Act's changes apply to budgets and taxes for fiscal year 2020-2021 and later.

STAFF RECOMMENDATION:	Approve Resolution 1875 – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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RESOLUTION 1875

A RESOLUTION APPROVING THE MAXIMUM TAX DOLLARS FROM CERTAIN LEVIES FOR THE CITY'S PROPOSED FISCAL YEAR 2020-2021 BUDGET.

WHEREAS, the City Council of the City of West Branch, Iowa, have considered the proposed Fiscal Year 2020-2021 city maximum property tax dollars for the affected levy total; and

WHEREAS, a notice concerning the proposed city maximum property tax dollars was published as required and posted on city web site and/or social media accounts if applicable; and

WHEREAS, a public hearing concerning the proposed city maximum property tax dollars was held on February 4, 2020, at 7:00 pm at the West Branch City Hall, at 110 N. Poplar Street, West Branch, Iowa; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch, Iowa, that the maximum property tax dollars for the affected tax levies for FY 2020-2021 shall not exceed the following total:

Total maximum levy for affected property tax levies - \$1,566,284.00

The Maximum Property Tax dollars requested in the total maximum levy for affected property tax levies for FY 2020-2021 represents an increase of greater than 102% from the Maximum Property Tax dollars requested for FY 2019-2020.

Roll Call Vote:

Colton Miller	- Yea / Nay
Jodee Stoolman	- Yea / Nay
Nick Goodweiler	- Yea / Nay
Tom Dean	- Yea / Nay
Jerry Sexton	- Yea / Nay

* * * * *

Passed and approved this 4th day of February, 2020.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Motion to Approve Revenue Estimates to be incorporated into the City Administrator’s Recommended Budget.
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:	January 29, 2020

BACKGROUND:

This Item was discussed and consensus reached regarding the estimates for the general levy, property valuations, special revenue levies, and the debt service levy. This is reflected on the draft 16-142 Budget and Certification reviewed at our last budget meeting.

FY19 & FY20 Budget Certification (16-142) Sheet

Finance Office Edgar provided an explanation of budget form 16-142 to the new Council members and a refresher for the others. Edgar explained the different levies and how they are used toward various activities of the city.

FY 21 Budget Certification – 1.6% COLA option

Edgar provided a budget which included a 1.6 cost of living adjustment. This option keeps the tax rate the same at \$13.09 and reached the greatest consensus. Although the revenue estimates were the same on both COLA options the 1.6 option is provided with this item because it is the only one that maintains the current tax rate.

Revenue Estimates were also adjusted to account for the sewer rate increases which will be placed in a restricted fund ledger account.

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

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1.6% Cost of Living Adjustment

16-142

Adoption of Budget and Certification of City Taxes

FISCAL YEAR BEGINNING JULY 1, 2020 - ENDING JUNE 30, 2021

Resolution No.:

The City of: West Branch

County Name: CEDAR & JOHNSON

Date Budget Adopted: _____

(Date) (month)

The below-signed certifies that the City Council, on the date stated above, lawfully approved the named resolution adopting a budget for next fiscal year, as summarized on this and the supporting pages. Attached is Long Term Debt Schedule Form 703 which lists any and all of the debt service obligations of the City.

	Telephone Number		Signature	
County Auditor Date Stamp	January 1, 2019 Property Valuations			Last Official Census
	With Gas & Electric	Without Gas & Electric		2,322
Regular	2a <u>143,785,299</u>	2b <u>142,523,267</u>		
DEBT SERVICE	3a <u>161,739,740</u>	3b <u>160,477,708</u>		
Ag Land	4a <u>573,644</u>			

				TAXES LEVIED		
Code Sec.	Dollar Limit	Purpose	(A) Request with Utility Replacement	(B) Property Taxes Levied	(C) Rate	
384.1	8.10000	Regular General levy	5 <u>1,164,661</u>	<u>1,154,438</u>	43	8.10000
Non-Voted Other Permissible Levies						
12(8)	0.67500	Contract for use of Bridge	6 _____	0	44	0
12(10)	0.95000	Opr & Maint publicly owned Transit	7 _____	0	45	0
12(11)	Amnt Nec	Rent, Ins. Maint of Civic Center	8 _____	0	46	0
12(12)	0.13500	Opr & Maint of City owned Civic Center	9 <u>18,898</u>	<u>18,732</u>	47	0.13143
12(13)	0.05750	Planning a Sanitary Disposal Project	10 _____	0	48	0
12(14)	0.27000	Aviation Authority (under sec.330A.15)	11 _____	0	49	0
12(15)	0.05750	Levee Impr. fund in special charter city	13 _____	0	51	0
12(17)	Amnt Nec	Liability, property & self insurance costs	14 <u>44,451</u>	<u>44,061</u>	52	0.30915
12(21)	Amnt Nec	Support of a Local Emerg.Mgmt.Comm.	462 <u>8,908</u>	<u>8,829</u>	465	0.06195
Voted Other Permissible Levies						
12(1)	0.13500	Instrumental/Vocal Music Groups	15 _____	0	53	0
12(2)	0.81000	Memorial Building	16 _____	0	54	0
12(3)	0.13500	Symphony Orchestra	17 _____	0	55	0
12(4)	0.27000	Cultural & Scientific Facilities	18 _____	0	56	0
12(5)	As Voted	County Bridge	19 _____	0	57	0
12(6)	1.35000	Missi or Missouri River Bridge Const.	20 _____	0	58	0
12(9)	0.03375	Aid to a Transit Company	21 _____	0	59	0
12(16)	0.20500	Maintain Institution received by gift/devise	22 _____	0	60	0
12(18)	1.00000	City Emergency Medical District	463 _____	0	466	0
12(26)	0.27000	Support Public Library	23 _____	0	61	0
28E.22	1.50000	Unified Law Enforcement	24 _____	0	62	0
Total General Fund Regular Levies (5 thru 24)			25 <u>1,236,918</u>	<u>1,226,060</u>		
384.1	3.00375	Ag Land	26 <u>1,723</u>	<u>1,723</u>	63	3.00375
Total General Fund Tax Levies (25 + 26)			27 <u>1,238,641</u>	<u>1,227,783</u>		Do Not Add
Special Revenue Levies						
384.8	0.27000	Emergency (if general fund at levy limit)	28 <u>38,822</u>	<u>38,481</u>	64	0.27000
384.6	Amnt Nec	Police & Fire Retirement	29 _____	0		0
	Amnt Nec	FICA & IPERS (if general fund at levy limit)	30 <u>153,446</u>	<u>152,099</u>		1,08719
Rules	Amnt Nec	Other Employee Benefits	31 <u>127,707</u>	<u>126,586</u>		0.88818
Total Employee Benefit Levies (29,30,31)			32 <u>281,153</u>	<u>278,685</u>	65	1.95537
Sub Total Special Revenue Levies (28+32)			33 <u>319,975</u>	<u>317,166</u>		
Valuation						
386	As Req		With Gas & Elec	Without Gas & Elec		
	SSMID 1	(w) _____	34 _____	0	66	0
	SSMID 2	(w) _____	35 _____	0	67	0
	SSMID 3	(w) _____	36 _____	0	68	0
	SSMID 4	(w) _____	37 _____	0	69	0
	SSMID 5	(w) _____	555 _____	0	565	0
	SSMID 6	(w) _____	556 _____	0	566	0
	SSMID 7	(w) _____	1177 _____	0	1177	0
	SSMID 8	(w) _____	1185 _____	0	1185	0
Total Special Revenue Levies			38 <u>319,975</u>	<u>317,166</u>		
384.4	Amnt Nec	Debt Service Levy 76.10(6)	40 <u>365,872</u>	<u>363,017</u>	70	2.26210
384.7	0.57500	Capital Projects (Capital Improv. Reserve)	41 _____	0	71	0
Total Property Taxes (27+39+40+41)			42 <u>1,924,488</u>	<u>1,907,966</u>	72	13.09000

COUNTY AUDITOR - I certify the budget is in compliance with ALL the following:
 Budgets that **DO NOT** meet ALL the criteria below are not statutorily compliant & must be returned to the city for correction.

- _____ 1) The prescribed Notice of Public Hearing Budget Estimate (Form 631.1) was lawfully published, or posted if applicable, filed proof was evidenced.
- _____ 2) Budget hearing notices were published or posted not less than 10 days, nor more than 20 days, prior to the budget hearing.
- _____ 3) Adopted property taxes do not exceed published or posted amounts.
- _____ 4) Adopted expenditures do not exceed published or posted amounts in each of the nine program areas, or in total.
- _____ 5) Number of the resolution adopting the budget has been included at the top of this form.
- _____ 6) The budget file uploaded to the SUBMIT Area matched the paper copy certified by the city to this office.
- _____ 7) The long term debt schedule (Form 703) shows sufficient payment amounts to pay the G.O. debt certified by the city to this office.

(County Auditor)



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Motion to Approve the Salary Plan Intended to be incorporated into the City Administrator’s Recommended Budget.
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:	January 29, 2020

BACKGROUND:

This item had consensus in discussion and is ready to be incorporated in the budget. The purpose of the Annual Cost of Living Adjustments (COLA) is to ensure that the purchase power of the Social Security and Supplemental Security Income benefits is not eroded by inflation. COLA’s are typically tied to the Consumer Price Index as determined by the Department of Labor’s Bureau of Labor Statistics. This year the adjustment 1.6%. For the same reasons of protecting workers public and private organizations use the Federal Social Security Administrations COLA announcement as an indicator to declare adjustment in their own salary schedules.

Past COLA Rates

July 1975 – 8.0%	January 1996 - 2.1%	January 2019 – 2.8%
July 1976 - 6.4%	January 1999 - 1.3%	January 2020 – 1.6%
July 1977 - 5.9%	January 2000 - 2.5% ⁽¹⁾	
July 1978 - 6.5%	January 2001 - 3.5%	
July 1979 - 9.9%	January 2002 – 2.6%	
July 1980 - 14.3%	January 2003 – 1.4%	
July 1981 - 11.2%	January 2004 – 2.1%	
July 1982 - 7.4%	January 2005 – 2.7%	
January 1984 - 3.5%	January 2006 – 4.1%	
January 1985 - 3.5%	January 2007 – 3.3%	
January 1986 - 3.1%	January 2008 – 2.3%	
January 1987 - 1.3%	January 2009 – 5.8%	
January 1988 - 4.2%	January 2010 – 0.0%	
January 1989 - 4.0%	January 2011 – 0.0%	
January 1990 - 4.7%	January 2012 – 3.6%	
January 1991 - 5.4%	January 2013 – 1.7%	
January 1992 - 3.7%	January 2014 – 1.5%	
January 1993 - 3.0%	January 2015 – 1.7%	
January 1994 - 2.6%	January 2016 – 0.0%	
January 1995 - 2.8%	January 2017 – 0.3%	
January 1996 - 2.6%	January 2018 – 2.0%	
January 1997 - 2.9%		

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

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Press Release

Thursday, October 10, 2019
For Immediate Release



Mark Hinkle, Acting Press Officer
press.office@ssa.gov

News Release

SOCIAL SECURITY

Social Security Announces 1.6 Percent Benefit Increase for 2020

Social Security and Supplemental Security Income (SSI) benefits for nearly 69 million Americans will increase 1.6 percent in 2020, the Social Security Administration announced today.

The 1.6 percent cost-of-living adjustment (COLA) will begin with benefits payable to more than 63 million Social Security beneficiaries in January 2020. Increased payments to more than 8 million SSI beneficiaries will begin on December 31, 2019. (Note: some people receive both Social Security and SSI benefits). The Social Security Act ties the annual COLA to the increase in the Consumer Price Index as determined by the Department of Labor's Bureau of Labor Statistics.

Some other adjustments that take effect in January of each year are based on the increase in average wages. Based on that increase, the maximum amount of earnings subject to the Social Security tax (taxable maximum) will increase to \$137,700 from \$132,900.

Social Security and SSI beneficiaries are normally notified by mail in early December about their new benefit amount. Most people who receive Social Security payments will be able to view their COLA notice online through their *my* Social Security account. People may create or access their *my* Social Security account online at www.socialsecurity.gov/myaccount.

Information about Medicare changes for 2020, when announced, will be available at www.medicare.gov. For Social Security beneficiaries receiving Medicare, Social Security will not be able to compute their new benefit amount until after the Medicare premium amounts for 2020 are announced. Final 2020 benefit amounts will be communicated to beneficiaries in December through the mailed COLA notice and *my* Social Security's Message Center.

The Social Security Act provides for how the COLA is calculated. To read more, please visit www.socialsecurity.gov/cola.



MEMORANDUM

To: Mayor and City Council

From: City Administrator

Date: February 4, 2020

RE: Summary / Highlights of the Salary Plan

This memorandum is intended to recap the feedback City Council's consensus and direction from recent budget discussion meetings. The Salary Plan currently fits within a budget that supports our current tax rate of \$13.09 (per \$1,000 property assessed value). There were several key areas that came out of the goal setting this year that made our budget challenging, but not impossible.

As you may recall, we enjoyed positive growth in our assessed values and growth in our residents. This growth attributed to a positive estimated improvement to the City's General Fund approximately \$100,000 – \$110,000. This has allowed us to work on a budget that makes many personnel strides without increasing our 13.09 tax rate.

This has literally placed the city in the position of paying for growth with growth. Firmly fitting within the smart growth model that we constantly refer to in our planning documents and deliberations. With that being said, the motion is designed to clarify the priorities and the items currently that would be funded in the Salary Plan:

- (2) New FTEs and the Health Care Package for the Fire Chief (*I would like additional clarification, if we should include Life Insurance within our Salary Plan. We anticipate an additional expense of \$1,000*)
- Long-Term and Short-Term Benefits (*both*)
- Payout for (2) FTE Retirements
- 1.6% Cost of Living Adjustment

This motion just deals with the Salary Plan / personnel expense, but it should be noted that the priority "Non-Salary" expenditures such as funding additional Cubby Park related operational increase (Utilities and Small Equipment) has not been impacted.

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Motion to Approve the Non-Salary Department Expenditures (City Goals that will be Funded in the Proposed Budget).
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Redmond Jones II, City Administrator / Gordon Edgar, Finance Director
DATE:	January 29, 2020

BACKGROUND:

The City Council recently undergone a goal setting exercise in which the following goals were reaffirmed:

1. **Promote Quality of life including public safety, Community Pride Events, Strong Citizen Involvement, Park and Recreation, opportunities and investment.**
2. **Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.**
3. **Develop inviting high profile visual impact project’s including gateways establishing destination, branding and other that reflect sound use of tax dollars.**
4. **Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.**

The non-salary expenditures were built into the proposed budget. There were items which could not fit within the budget and therefore remain unfunded. These items will be marked unfunded (*funded in Red*). There are other items that need additional City Council feedback. These items will be marked need additional direction. Items that are funded which means they are within the current budget proposal will be incorporated within the City Administrator’s Recommend Budget. The City Council prioritized the following objectives, tasks and activities:

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

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TOP

- Downstream Widening with Cubby Park Contingency, Stormwater and General fund support (18) - **Funded / partially funded** *this will require appropriating Cubby Park contingency / value engineering funding. We anticipate \$250,000 from Cubby contingency and \$100,000 from Stormwater utility fund.*
- Replacement of One Block Seal Coat on the East Side of Town (11) - **Funded**
- Cedar / Johnson County Road (Plan / Funding Strategy) (11) – **Funded anticipated to be funded through clerk and treasurer operation budget.**
- Adding an Additional Full-Time Employee to Public Works (10) - **Funded**
- Greenview Connection (10) - **Funded** we are looking for the Developer IBC to pay for the majority of the expenses. The city has reviewed the anticipated remaining portions of this project and it is expected to be very manageable, and would fit with Public Works operational budget.

HIGH

- Police Body Camera (9) - **Funded**
- Water Main Replacement on E. College from 4th to 5th Replacing a 4" Main with 8" Main (9) - **Funded**
- Orange Street, 4th to 5th (8) - **Funded**
- Replacement of the 1990 Dump Truck with used Dump Truck (7) - **Funded**
- Splash Pad Funding / Contribution (6) - **Not Funded, but fund raising has had positive developments with the anticipated donations from the Lions Club.**
- Parkside Sidewalk or Trail Project (Connecting Downtown to the Industrial Park (5) - **Not Funded, although there is the potential to make some progress with working with the National Park Service and the Anticipated BP redevelopment.**

MODERATE

- Water / Sewer Utility Billing Upgrades – Software Enhancements (5) - **Funded**
- Greenview Curb and Gutter with Sidewalks Plan / Strategy (5) - **Funded**
- Christmas Past – Carriage Rides Funding (3) – **Funded** we are working with CDG to **potentially assume the expense of insurance; thus, bringing down overall expense.**
- Cubby Park Operations (3) - **Funded**
- Housing Trust Fund / Program (3) - **Funded**
- Annexation Plan / Strategy (3) - **Funded**
- Develop / Implement Long-Term Disability Benefit Program (3) - **Funded**
- Develop / Implement Short-Term Disability Benefit Program (3) - **Funded**
- Phase 5 Downtown Sidewalk Project (3) - **Not Funded**
- CDG Funding and Coordinating / Festivals (2) - **Funded**
- Overlay One Alley (2) - **Not Funded**
- Develop / Build Fund Balances – 3 month operating, PD vehicles and Parks Equipment(2) - **Funded**

ON THE HORIZON

- Matching Support for Iowa Great Places (winning grant application)
- Cubby Park Turf Consultant
- Naming and Marketing the Industrial Park
- Adult Beverage / Park Policy
- **I-80 Utility Relocation project - Funded**

Items that are consider to be “On the Horizon” (items that made the list, but received no votes) are not a part of resolution 1856. However, if during the fiscal year 2020-2021, unforeseen funding is made available or in situations that an item receives overwhelming public support, an item can be reconsidered or reprioritized.



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Discussion Item: Regarding Policy on Waivers for Sewer Service Charges.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	January 29, 2020

BACKGROUND:

In 2019, the Council was approached by a couple of residents who requested sewer forgiveness for outdoor watering. One resident said he was unaware that the City offered landscape meters for temporary outdoor use. Another had a family member leave a garden hose running while watering a garden. The Council denied the first request, but then considered the second which led the Council to consider a Sewer Waiver Policy that would be fair to all.

I reached out to other cities and asked if they provided sewer forgiveness and the consensus was ‘No’ for the above situations.

North Liberty & Iowa City – does not provide any waiver for water knowingly used by a customer (water sod, gardening, swimming pools). They will waive a portion if something breaks or malfunctions in the home, provided they submit receipts of the repair.

Center Point – does not provide any waiver

If the Council would like to pursue a waiver policy for other situations that are beyond the resident/customers control, I would suggest adopting a policy similar to Iowa City and North Liberty’s that outlines what will be considered and what will not.

STAFF RECOMMENDATION:	Seek Direction as to Next Steps – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Iowa City's Policy

- If the account is more than 12 months old, the monthly high usage has to be 50% more than the average usage over the last 12 months; or if the account is less than 12 months, the high usage has to be 50% more than the industry standards;
- Complete the Utility Review Board application and return to our office within 20 days after a leak investigation/water audit was performed by the City, or 60 days after the date of high bill, **whichever occurs first**;
- Provide proof that any malfunctioning plumbing fixture that caused the high usage has been repaired (i.e. repair bill, parts bill which defines items purchased, etc);
- Make an attempt to recover monetary award if you have property or rental insurance coverage. If the claim was denied or not covered by the insurance, provide proof of that decision;
- Only one claim per account per address can be submitted over the last 12 month period;

Wastewater relief **will not** be awarded if any of the following is true:

- Water that was knowingly used by the customer, for instance watering sod, gardening, filling swimming pools or whirlpools, washing vehicles etc;
- Claims that were filed after the deadline(s) explained above;
- Proof of repair was not submitted;
- Has been awarded monetary relief for the high bill from other sources that equals or exceeds the possible relief amount by the Utility Review Board.

TO DETERMINE ABATEMENT OF WASTEWATER FEES

An Iowa City water account holder may request an administrative review of a high water bill and request abatement of the wastewater portion of the bill by completing this form. **This form must be completed and filed with a Customer Service Representative no later than sixty (60) calendar days after the date of the bill in question or twenty (20) calendar days after a leak investigation/water audit performed by the City Water Division, whichever occurs first.** Failure to request a review within this time period waives your opportunity for an administrative review. **Claims will not be approved for usage above the customer's average monthly consumption due to watering of sod, gardening, filling swimming pools or whirlpools, washing vehicles, etc. as this describes water services knowingly used by the account holder/user.**

North Liberty's Policy

Utility Bill Relief Policy – Sewer Portion Only

The City has a sewer fee adjustment policy. The Water Department will assist customers in processing the request for assistance and evaluating such request for approval.

The Assistant City Administrator and Water Superintendent review high sewer claims and approve such based on the following criteria:

- Upon notification of the high usage bill the resident should have the issue investigated by a licensed plumber.
- If the account is more than twelve months old, the monthly high usage has to be 50% more than the average use of the last 12 months or if the account is less than 12 months, the high usage has to be more than 50% more than the industry standards.
- Request form returned to City Hall within 15 days after a leak investigation is performed by the customer's plumber or 30 days after the date of the high bill, whichever occurs first.
- Provide proof that any malfunctioning plumbing fixture that caused the high usage has been repaired (repair bill or statement defining problem and confirming repair).
- One claim per account per address can be submitted over the lifetime of the account.

Relief will not be awarded if:

- Account holder does not possess a valid occupancy permit.
- Water was knowingly used by customer, i.e. water sod, gardening, filling swimming pool(s), washing vehicles, etc.
- Claims are filed after deadline outlined above.
- Proof of repair is not submitted.



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Discussion Item: Regarding Waving Hoover Hometown Days Vendor Fees for the Brick and Mortar Businesses along Main Street.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Carolyn Anderson, Community Development Group Director
DATE:	January 29, 2020

BACKGROUND:

This is a request being made by Downtown Businesses.

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

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	February 4, 2020
AGENDA ITEM:	Resolution 1872 – Approving a Fireworks Agreement with J&M Displays for Hoover’s Hometown Days 2020.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	January 29, 2020

BACKGROUND:

J&M Displays in past years have always provided a safe and spectacular fireworks display for Hoover’s Hometown Day event. Based on their professional and strategic planning their display has been flawless and a draw for the annual event.

STAFF RECOMMENDATION:	Approve Resolution 1872 – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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MEMBERS OF APA, PGII, IPA, NFA, IAPE, NACA, IMTA, BBB



J&M Displays Proposal for: City of West Branch Hoover's Hometown Days

Main Event

Ignition Items

Quantity	Name	Rising Effect	Price	Total
110	Igniter 2 meter leads		\$1.95	\$214.50
370	Igniter 3 meter leads		\$1.95	\$721.50
35	Igniter 5 meter leads		\$2.30	\$80.50
Category Shell Count: 0				\$1,016.50

4 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
2	Lemon Dahila		\$22.30	\$44.60
2	Orange Dahila		\$22.30	\$44.60
2	Pink Dahila		\$22.30	\$44.60
2	Red and Blue Dahila with silver glitter	Gold tail	\$22.30	\$44.60
2	Blue and lemon strobe coconut	Gold tail	\$22.30	\$44.60
4	Glitter crosseite	silver tail	\$37.70	\$75.40
4	Pink and Lemon crosseite	flower crown tail	\$37.70	\$150.80
6	Red Coco Crosseite		\$37.70	\$150.80
2	White strobe and red dahila	red tail	\$37.70	\$226.20
2	Assortment M of 10 different J&M Brand shells ELECTRIC FIRE	whistling tail	\$37.70	\$75.40
2	Assortment A Of 20 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$210.00	\$420.00
2	Assortment T of 20 different J&M Brand Shells ELECTRIC FIRE		\$420.00	\$840.00
2	Assortment Y Of 20 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$420.00	\$840.00
Category Shell Count: 166				\$3,797.00

4 Inch Special Effect shells

Quantity	Name	Rising Effect	Price	Total
2	1/2 blue to green & 1/2 green to blue peony w/strobing pistil		\$47.35	\$94.70
6	Blooming Flowers		\$47.35	\$284.10
2	Blue ghost peony		\$47.35	\$94.70
2	Ghost Green to crackle peony		\$47.35	\$94.70
12	Gold Strobe		\$47.35	\$568.20
4	Green strobe		\$47.35	\$189.40
2	Happy Face pattern		\$47.35	\$94.70
2	Kamuro Chry		\$47.35	\$94.70
4	Six Angle brocade crown		\$47.35	\$189.40
2	Farfalias and gold to blue glitter peony ELECTRIC FIRE ONLY (cylinder)		\$63.60	\$127.20
2	Farfalias and silver to red glitter peony ELECTRIC FIRE ONLY (cylinder)		\$63.60	\$127.20
2	Farfalias double ring w/ Green center ELECTRIC FIRE ONLY (cylinder)		\$63.60	\$127.20
2	Lemon Glitter with Blue Chry		\$63.60	\$127.20
Category Shell Count: 44				\$2,213.40

4 Inch Finales

Quantity	Name	Rising Effect	Price	Total
18	Red white and blue dahila 8 shot finale chain	mixed tails	\$221.15	\$3,980.70
Category Shell Count: 144				\$3,980.70



MEMBERS OF APA, PGII, IPA, NFA, IAFE, NACA, IMTA, BBB



J&M Displays Proposal for: City of West Branch Hoover's Hometown Days

Main Event

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
1	Dahlia, assorted colors		\$34.05	\$34.05
3	Gold Glitter to color assorted		\$34.05	\$102.15
3	Red and Blue Dahlia with silver glitter		\$34.05	\$102.15
3	1/4 Peony with crackle pistol		\$61.40	\$184.20
1	Aqua, purple, and orange dahlia		\$61.40	\$61.40
5	Crossette assorted		\$61.40	\$307.00
2	Glitter crossette		\$61.40	\$122.80
1	Lemon dahlia with white strobe to report	flower crown tail	\$61.40	\$61.40
3	Multi-Color Flowers	gold tail	\$61.40	\$184.20
3	Silver to dark to silver crackling	rising green flowers	\$61.40	\$184.20
3	Six Angle brocade crown		\$61.40	\$184.20
1	Three color change peony with glittering willow pistol	blue tail	\$61.40	\$61.40
1	Assortment L of 15 different J&M Brand shells ELECTRIC FIRE		\$540.00	\$540.00
2	Assortment T of 15 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$540.00	\$1,080.00
2	Assortment W of 15 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$540.00	\$1,080.00
Category Shell Count: 104				\$4,289.15

5 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
2	Blooming Flowers		\$72.35	\$144.70
2	Ghost shell green		\$72.35	\$144.70
4	Ghost shell red to green		\$72.35	\$289.40
1	Glitter Silver to Blue Chrysanthemum w/Red to White Strobe Pistol w/Silver Tail		\$72.35	\$72.35
3	Golden palm tree w/golden strobe pistol		\$72.35	\$217.05
3	Golden strobe circle		\$72.35	\$217.05
3	Golden wave to var. color swimming w/crackling pistol		\$72.35	\$217.05
4	Green willow		\$72.35	\$289.40
2	Half lemon half magenta w/crackling pistol		\$72.35	\$144.70
3	Happy Face Pattern		\$72.35	\$217.05
1	Kamuro Chry		\$72.35	\$72.35
2	Lemon ghost peony		\$72.35	\$144.70
3	Lemon strobe dahlia		\$72.35	\$217.05
4	Nishiki Kamuro		\$72.35	\$289.40
1	Purple Sun w/Glitter Palm Core & Glitter Tail		\$72.35	\$72.35
2	Red Thousand Ring		\$72.35	\$144.70
3	Lemon Saturn ring w/ magic peony		\$86.45	\$259.35
1	Farfallas and gold to blue glitter peony ELECTRIC FIRE ONLY		\$164.25	\$164.25
1	Farfallas and silver to red glitter peony ELECTRIC FIRE ONLY		\$164.25	\$164.25
Category Shell Count: 45				\$3,481.85



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J&M Displays Proposal for: City of West Branch Hoover's Hometown Days

Main Event

6 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
1	Gold Glitter to color with pistil assorted		\$60.55	\$60.55
2	Red and blue dahlia with silver glitter		\$60.55	\$121.10
1	Blue eddy in chrys wired pistil		\$86.80	\$86.80
3	Blue willow		\$86.80	\$260.40
1	Brocade Crown with silver strobe pistils		\$86.80	\$86.80
1	Crossette chrysanthemum assorted	crackling tail	\$86.80	\$86.80
1	Glitter chrysanthemum to magenta with kamuro to blue dahlia ring		\$86.80	\$86.80
1	Gold strobe with blue to green pistil	Gold tail	\$86.80	\$86.80
1	Magenta sky blue and lemon dahlia with white glitter pistil		\$86.80	\$86.80
1	Multi-color comets		\$86.80	\$86.80
1	Red crossette		\$86.80	\$86.80
1	Red to Blue peony with rising small flower tail (white strobe)	Rising flower tail	\$86.80	\$86.80
1	White strobe red dahlia		\$86.80	\$86.80
1	Assortment D of 9 different J&M Brand shells ELECTRIC FIRE	mixed tails	\$530.00	\$530.00
1	Assortment T of 9 different J&M brand shells ELECTRIC FIRE	Mixed tails	\$530.00	\$530.00
1	Assortment W of 9 different J&M Brand Shells ELECTRIC FIRE	mixed tails	\$530.00	\$530.00
Category Shell Count: 43				\$2,900.05

6 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
2	1/2 blue to green 1/2 green to blue peony w/strobe pistil w/golden tail		\$119.70	\$239.40
2	3D ghost peony w/silver tail		\$119.70	\$239.40
1	Aqua magic peony w/smiling face		\$119.70	\$119.70
1	Aqua to red magic peony w/smiling face		\$119.70	\$119.70
1	Blue to red to crackling ghost peony		\$119.70	\$119.70
2	Blue to yellow to green ghost peony		\$119.70	\$239.40
1	Double palm tree w/white strobe pistil		\$119.70	\$119.70
1	Golden palm tree w/golden strobe pistil w/gold tail		\$119.70	\$119.70
1	Golden wave to variegated to strobe chrys		\$119.70	\$119.70
1	Multi-Color Flowers	rising green flowers	\$119.70	\$119.70
1	Reddish gamboge to blue to red chrys		\$119.70	\$119.70
1	Var. swimming chrys w/white strobing pistil (reddish gamboge to silver meteor w/white strobing pistil)		\$119.70	\$119.70
2	Golden coconut to purple small flowers		\$138.05	\$276.10
1	Three pistils blue and green		\$138.05	\$138.05
Category Shell Count: 18				\$2,209.65

Section Shell Count: 564

Free for Advertising

3 Inch Finales

Quantity	Name	Rising Effect	Price	Total
9	Red white and blue dahlia 10 Shot finale chain	mixed tails	\$139.80	\$1,258.20
6	Report and palm 10 Shot finale chain		\$139.80	\$838.80
Category Shell Count: 150				\$2,097.00



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J&M Displays Proposal for: City of West Branch Hoover's Hometown Days

Free for Advertising

4 Inch Special Effect shells

Quantity	Name	Rising Effect	Price	Total
8	White strobe		\$47.35	\$378.80
6	Red Crackling waterfall		\$63.60	\$381.60
Category Shell Count: 14				\$2,857.40

5 Inch Color Shells

Quantity	Name	Rising Effect	Price	Total
7	White strobe and red dahlia	blue tail	\$61.40	\$429.80
2	Assortment X of 10 different J&M Brand shells ELECTRIC FIRE		\$600.00	\$1,200.00
Category Shell Count: 27				\$4,487.20

5 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
2	Blue to Red to Crackling Ghost Lamp		\$86.45	\$172.90
Category Shell Count: 2				\$4,660.10

6 Inch Special Effect Shells

Quantity	Name	Rising Effect	Price	Total
3	Nishiki Kamuro		\$119.70	\$359.10
Category Shell Count: 3				\$5,019.20
Section Shell Count: 196				



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J&M Displays Proposal for: City of West Branch Hoover's Hometown Days

This proposal includes an extension of our \$10,000,000.00 spectator liability insurance, and workers compensation on our shoot team.

Fireworks Price:	\$23,888.30	Total Shot Count:	760
Discount:	\$5,488.30	Packing Check:	770
Subtotal Fireworks:	\$18,400.00	Date of Display:	08/08/20
Sales Tax:		Customer Number:	10946
Local Sales Tax:			
Insurance Processing:	\$2,500.00		
License and Permit:			
Shoot Fee:	\$2,750.00		
Delivery:	\$1,000.00		
Musical Firing:			
Shoot Cost:	\$350.00		
Equipment Rental:			
Barge/Pontoon Fee:			
Total Price of Show:	\$25,000.00		

Summary of Free Items Added to Your Show

See Previous Pages for a Listing of Free Items

Free Items are Based on the \$18,400.00 Fireworks Subtotal

\$5,019.20 Free for Advertising

\$5,019.20 Total Free

Total Value of Show is \$35,507.50. Your Price is \$25,000.00

Please Note the Following Comments:

The data in this proposal is confidential, and is to be accorded confidential treatment and shall not be disclosed other than to the official representative of the organization listed on the cover, and only then when in the evaluation of this proposal. Any reproduction of the contents of this proposal, whether in whole or in part, is expressly forbidden. J&M Displays, Inc. requests that all information be safeguarded from release pursuant to any request under the Freedom of Information Law of this state or any other state or jurisdiction; as it may cause competitive disadvantage to our company. The enclosed concepts and materials are the sole and exclusive property of J&M Displays, Inc. We reserve the right to make substitutions of equal or greater value. Prices and specifications are subject to change without notice. For choreographed displays the quantity and sizes of product may change based on the music selected; however, the dollar value of the product will remain the same.

Actual items may vary based on the selection of music.

FIREWORKS DISPLAY AGREEMENT

THIS AGREEMENT is made and entered into this 15 day of January, 2020, by and between J & M Displays, Inc., an Iowa corporation, having its principal place of business at Yarmouth, Iowa, including its employees, owners, and agents, hereinafter referred to as "Seller", and The City of West Branch, Iowa, hereinafter referred to as "Buyer".

Seller shall furnish to Buyer one (1) fireworks display, as per the \$25,000 program submitted and accepted by the Buyer, and which by reference is made a part hereof as Exhibit "A". The display is to take place on the evening of August 8, 2020 at approximately 9:30 pm, weather permitting.

IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. Firing of Display (check one of the below options):

Seller agrees to furnish all necessary fireworks display material and personnel for a fireworks display in accordance with the program approved by the parties. Seller agrees to comply with all local, state, and federal guidelines pertaining to the storing and displaying of fireworks.

Buyer waives the services of Seller's technician. Buyer is a municipality or has a valid permit from the Bureau of Alcohol, Tobacco, Firearms & Explosives and will be firing the display.

2. Payment. The Buyer shall pay to the Seller (check one of the below options):

the sum of \$ _____ as a down payment upon execution of this Agreement. The balance of \$ _____ shall be due and payable in full within fifteen (15) days after the date of the fireworks display. A service charge of one and one-half percent (1 ½%) per month shall be added to the unpaid balance if the account is not paid in full within fifteen (15) days from the date of the show. If this account remains unpaid and is turned over to a collection agency for non-payment, all fees incurred in collecting the balance will be at the Buyer's expense. All returned checks will be assessed a \$30.00 fee.

\$ 5,000 in full by June 30 (70 days prior to the event date).
The Buyer will receive the 8% prepayment bonus product in this fireworks display.

\$ 20,000 in full by July 8 (30 days prior to event date).
The Buyer will receive the 5% prepayment bonus product in this fireworks display.

3. Postponement/Cancellation. Displays postponed to an alternate date will be charged an additional 15% of the total contract price for additional expenses incurred in presenting the display on an alternate date.

In the event the display is cancelled and not re-scheduled, J&M Displays, Inc. shall be entitled to 20% of the contract price for out of pocket expenses incurred in preparation for the show.

4. Rain Date. Should inclement weather prevent the firing of the display on the date mentioned herein, the parties agree to a mutually convenient rain date of _____ or another date as agreed to by both parties. Once display set-up has begun, the determination to cancel the fireworks display because of inclement weather or unsafe weather conditions shall rest within the sole discretion of the AHJ, Seller, and the lead pyrotechnician.

5. Insurance. If Seller is firing the show, Seller agrees to provide, at its expense, general liability insurance coverage, in an amount not less than \$10,000,000, and within two (2) weeks prior to the date of the fireworks display, shall submit to the Buyer, if requested in writing, a certificate of insurance. All entities listed on the certificate of insurance will be deemed an additional insured. In the event of a claim by Buyer, the applicable deductible shall be paid by the Seller.

The Seller agrees to defend, indemnify and hold harmless the Buyer and its agents and employees from and against all claims, costs, judgments, damages and expenses, including reasonable attorney fees that may or shall arise out of any negligent or wrongful act or omission by the Seller related to the performance of the fireworks by the Buyer. The Buyer agrees to give the Seller prompt notice of any claims or demands and to cooperate with the Seller or its successors in interest or assigns, if any, in the defense of any such claims and/or demands.

6. Buyer agrees to provide:

- (a) sufficient area for the display, including a minimum spectator set back as determined by Seller.
- (b) protection of the display area by roping off or similar facility.
- (c) adequate police protection to prevent spectators from entering display area.
- (d) dry, clean sand, if needed, for firing.
- (e) inspection and cleanup of fireworks debris in the fallout zone of the shoot site at first light the morning following the display for anything that may have been missed at the night search.
- (f) necessary local permits.

7. No representation of affirmation of fact, including but not limited to statement regarding capacity, suitability for use, or performance of equipment or products shall be, or deemed to be a warranty by the Seller for any purpose, nor give rise to any liability or obligation of the Seller whatsoever, except for acts of Seller's negligence as above stated.

8. It is further understood and agreed that nothing in this Agreement shall be construed or interpreted to mean a partnership. Both parties hereto being responsible for their separate and individual debts and obligations, and neither party shall be responsible for any agreements not stipulated in this Agreement. The Agreement shall not be construed to have been drafted, authored, or written by any specific Party. Rather, the Agreement shall be construed as co-drafted, co-authored, or co-written by the Parties. Therefore, the Agreement shall not be construed against any Party on the claim or basis the Agreement was drafted, written, or authored by any specific Party.

9. The parties hereto do mutually and severally guarantee terms, conditions, and payments of this Agreement. This document shall be binding upon the parties, themselves, their heirs, executors, administrators, successors and assigns.

10. **Excluded Damages and Limitation of Liability.** Notwithstanding any provision to the contrary in this Agreement:

a. In no event shall seller be liable to buyer or any third party for any loss of use, revenue or profit or for any consequential, incidental, indirect, exemplary, special, or punitive damages whether arising out of breach of contract, tort (including negligence), or otherwise, regardless of whether such damage was foreseeable and whether or not such party has been advised of the possibility of such damages.

b. In no event shall seller's liability arising out of or related to this agreement, whether arising out of or related to breach of contract, tort (including negligence), or otherwise, exceed the aggregate amount paid or payable to seller pursuant to this agreement.

11. **Choice of Law, Jurisdiction and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Iowa without regard to conflict-of-law principles, except as otherwise specifically required for the storing and displaying of fireworks as provided in paragraph one above. Notwithstanding, the Parties must bring any legal or equitable action or proceeding arising under or related to this Agreement exclusively in the Iowa District Court in and for Des Moines County, Iowa. The Iowa District Court in and for Des Moines County, Iowa shall have exclusive jurisdiction to decide any disputes arising out of or related to this Agreement. Each Party knowingly and voluntarily consents to and expressly waives any objection or defense to personal jurisdiction, improper or inconvenient venue, or inconvenient forum in the Iowa District Court in and for Des Moines County, Iowa.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BY: _____
J & M Displays, Inc.
SELLER

BY: _____
BUYER

Please include the DISPLAY INFORMATION form with this Agreement so your order is processed accurately.

RESOLUTION 1872

RESOLUTION APPROVING A FIREWORKS AGREEMENT WITH J&M DISPLAYS FOR HOOVER HOMETOWN DAYS.

WHEREAS, the City’s premier event of the year is Hoover’s Hometown Days. A day that the community recognize the talents and contributions of Our Nation’s 31st President of the United States, Herbert Hoover; and

WHEREAS, the fiscal year 2020 – 2021 budget for Hoover’s Hometown Days include funding for entertainment and services for the event; and

WHEREAS, J&M Displays, a firm that has provided this service to the City in the past, and have submitted a proposed service agreement in the amount of \$25,000 to provide a fireworks display in the Herbert Hoover National Historic Site. J&M Displays, also understands and is responsible for submitting all documentation required to gain a Special Use Permit from the National Park Service; which will be needed to provide a fireworks display in the National Park; and

WHEREAS, it is now necessary to approve said agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch, Iowa, that the aforementioned agreement are hereby approved. Further, the Mayor is directed to execute the agreements on behalf of the City.

* * * * *

Passed and approved this 4th day of February, 2020.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, Deputy City Clerk