



**PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 7:00 P.M. MONDAY JULY 6, 2020 IN THE CITY COUNCIL CHAMBERS, 110 NORTH POPLAR STREET, WEST BRANCH, IOWA.**

Mayor	Roger Laughlin	<a href="mailto:mayor@westbranchiowa.org">mayor@westbranchiowa.org</a>
Mayor Pro Tem	Colton Miller	<a href="mailto:mcolton@rocketmail.com">mcolton@rocketmail.com</a>
Council Member	Jodee Stoolman	<a href="mailto:j.stoolmanwbcc@yahoo.com">j.stoolmanwbcc@yahoo.com</a>
Council Member	Nick Goodweiler	<a href="mailto:nickgoodweilerwbcc@gmail.com">nickgoodweilerwbcc@gmail.com</a>
Council Member	Tom Dean	<a href="mailto:tdiowa@hotmail.com">tdiowa@hotmail.com</a>
Council Member	Jerry Sexton	<a href="mailto:jerrysextonwb@gmail.com">jerrysextonwb@gmail.com</a>
City Administrator	Redmond Jones II	<a href="mailto:rjonesii@westbranchiowa.org">rjonesii@westbranchiowa.org</a>
City Attorney	Kevin Olson	<a href="mailto:kevinolsonlaw@gmail.com">kevinolsonlaw@gmail.com</a>
Deputy City Clerk	Leslie Brick	<a href="mailto:leslie@westbranchiowa.org">leslie@westbranchiowa.org</a>

**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. Electronic Meeting (Pursuant to Iowa Code section 21.8) An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff and the public presented by COVID-19. You can watch and/or participate in the meeting at the following link <https://zoom.us/j/5322527574> or dial in phone number 1-312-626-6799 with Meeting ID 532 252 7574. A video of the meeting will also be made available July 10<sup>th</sup> on the City Website. For your safety and the safety of others please explore all available opportunities to participate by phone or computer. If you are unable to attend or participate by computer or phone, you may come to City Hall as an audience member. Access will be granted in accordance with the Social Distancing Order by the Governor of the State of Iowa.*

**AGENDA**

**A. Call to Order**

**B. Opening Ceremonies**

1. Pledge of Allegiance
2. Welcome

**C. Roll Call**

**D. Guest Speaker, Presentations and Proclamations**

1. Swear-In of Police Officer Cathy Steen as Full-Time Police Officer with the West Branch Police Department.

**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 June 1, 2020.
2. **Motion to Approve** the Claims Report.

**G. Public Hearing / Non-Consent Agenda**

1. **Resolution 1916** – A Resolution Approving and Accepting the CDBG Procurement Policy.
2. **Discussion Item:** Regarding a Paid Parental /Maternity /Paternity /Adoption Leave Policy.
3. **Discussion Item:** Potential Purchase of Disc Mower for Roadside Ditches (non-budgeted item).
4. **Discussion Item:** The Consideration to develop an Equipment and Vehicle Replacement Program or Set Aside Program.

**H. Reports**

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

**I. Comments from Mayor and Council Members**

**J. Adjournment Regular Meeting**

*"Turning Vision into Reality is our Business"*

*(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/](http://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  
Regular Meeting**

**June 22, 2020  
7:00 p.m.**

*An Electronic Meeting (pursuant to Iowa Code Section 21.8) of the City Council of the City of West Branch, Cedar County, IA was held on Monday, June 22, 2020 at 7:00 p.m. because a meeting in person was impossible or impractical due to concerns for the health and safety of Council Members, Staff and the Public presented by COVID-19.*

*Until further notice, all of our Council Meetings will be held electronically only. Persons may still attend, observe and participate in the meeting at the Council Chambers, City Office, 110 N. Poplar St, West Branch, Iowa. Social distancing practices shall be observed for any persons attending the meeting in person at City Hall.*

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:02 p.m. Roll call: Council members: Colton Miller, Jodee Stoolman, Nick Goodweiler and Tom Dean were present. Jerry Sexton arrived at 7:14 p.m. City Staff: City Administrator Redmond Jones II, Deputy City Clerk Leslie Brick and Finance Officer Gordon Edgar, Police Chief Mike Horihan, Fire Chief Kevin Stoolman were present. Attending via Zoom: City Attorney Kevin Olson, Public Works Director Matt Goodale, Parks & Recreation Director Melissa Russell and Library/IT Director Nick Shimmin.

**GUEST SPEAKER PRESENTATIONS** Chief Horihan provided an update to the Council on required police trainings that the West Branch Police department participates in as required by the Iowa Law Enforcement Academy. Those trainings include: use of force, firearms qualifications, defensive tactics, de-escalation techniques and mental health. Horihan said twelve hours of continued education is required annually and that trainings are conducted in-house and also provided by an outside source where appropriate

**PUBLIC COMMENT** Resident Mary McGee addressed the council and asked if they would support a fundraising initiative to support the local businesses in West Branch due to the COVID-19 pandemic. Laughlin said the Council would support and fundraising efforts and directed McGee to the Community Development Group who is better suited to assist in that area.

#### **CONSENT AGENDA**

Motion to approve minutes for City Council Meeting June 1, 2020.

Motion to approve the West Branch Fire Department appointment of Austin Finnegan.

Motion to approve the claims report.

#### June Claims and May 2020 Revenue

EXPENDITURES	6/22/2020	
AE OUTDOOR POWER	EQUIPMENT REPAIR	697.70
ALLIANT ENERGY	ALLIANT ENERGY	8,645.41
AMAZON	PROGRAM & MAINTENANCE SUPPLIES	197.43
AT & T MOBILITY	AT & T MOBILITY	629.59
BAKER & TAYLOR INC.	BOOKS	18.66
BARRON MOTOR SUPPLY	VEHICLE MAINTENANCE SUPPLIES	80.52
CEDAR COUNTY ENGINEER	ROAD ROCK	2,762.95
CEDAR COUNTY RECORDER	LEGAL RECORDINGS	35.00
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	52.15
DEWEYS JACK & JILL	SUPPLIES	35.70
DIRK WIENEKE	LAWN CHEMICALS-CUBBY PARK	956.00
FASTENAL	FACEMASKS & ANTISEPTIC	376.28
FELD FIRE EQUIPMENT CO. INC	SAFETY EQUIPMENT	892.50
FERGUSON US HOLDINGS, INC	HYDRANT REPAIR	2,830.40
FOX APPARATUS REPAIR & MAINTENANCE	VEHICLE REPAIR	322.50

GIERKE-ROBINSON COMPANY INC	SUPPLIES	74.87
GRAINGER	CABINET	930.06
HAWKINS INC	CHEMICALS	685.48
HI-LINE ELECTRIC COMPANY INC	MAINTENANCE SUPPLIES	220.76
IOWA DEPARTMENT OF PUBLIC	WARRANTS & ARTICLES SYSTEM	1,200.00
JETCO ELECTRIC INC.	SURGE ARRESTORS	4,981.60
JOHNSON COUNTY REFUSE INC.	RECYCLING MAY, 2020	4,190.75
KANOPI	VIDEO	2.00
L. L. PELLING CO. INC	ROAD REPAIR SUPPLIES	1,127.00
LINN COUNTY R.E.C.	LINN COUNTY R.E.C.	180.10
LYNCH'S PLUMBING INC	SERVICE CALL	944.20
MENARDS	SUPPLIES	520.27
MIDWEST WIRELESS LLC	CAMERA @ CUBBY PARK	6,045.00
MUNICIPAL SUPPLY INC.	WATER METERS	7,020.00
NELSON & SONS PLUMBING INC	BUILDING REPAIR	8.52
OASIS ELECTRIC LLC	LED LIGHTS	287.02
OVERDRIVE INC	BOOKS	270.99
PARKSIDE SERVICE	EQUIPMENT REPAIR	54.55
PDT SERVICES	REPAIR ICE MACHINE	159.50
PITNEY BOWES GLOBAL FINANCE	LIB METER LEASE	102.39
PITNEY BOWES PURCHASE POWE	REPLENISH POSTAGE METER	701.00
PLAY IT AGAIN SPORTS	YOUTH SPORT SUPPLIES	296.75
PLUNKETT'S PEST CONTROL INC	PEST CONTROL CITY OFFICE	95.18
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	759.00
QUALITY ENGRAVED SIGNS	NAME PLATE	26.00
QUILL CORP	LAPTOP REPAIR	198.29
RACOM CORPORATION	PAGERS	1,603.29
RAINMASTER IRRIGATION	IRRIGATION EQUIPMENT REPAIR	472.60
RUSSELL, MELISSA	CAMP SUPPLIES	93.46
SANDRY FIRE SUPPLY LLC	EQUIPMENT	11,762.12
STATE HYGIENIC LAB	STATE HYGIENIC LAB	52.00
THE GAZETTE	THE GAZETTE SUBSCRIPTION	416.32
THOMAS HEATING & AIR LLC	EQUIPMENT REPAIR	133.00
TOTAL WATER TREATMENT SYSTEMS INC	WATER SOFTENER MAINTENANCE	364.64
U.S. POSTAL SERVICE	ANNUAL PO BOX RENTAL	56.00
US BANK CORPORATE CARD	TRAINING & SUPPLIES	328.41
US BANK EQUIPMENT FINANCE	LIB COPIER LEASE	106.25
VEENSTRA & KIMM INC.	GOLF COURSE DEVELOPMENT REVIEW	709.25
VEENSTRA & KIMM INC.	LOT SITE PLAN REVIEW	176.00
VEENSTRA & KIMM INC.	MEADOWS 3 & 4 CONSTRUCTION REVIEW	632.13
VEENSTRA & KIMM INC.	319 RELOCATING WATER & SEWER - I-80 EAST	1,740.00
VEENSTRA & KIMM INC.	PUD REVIEW	633.25
VEENSTRA & KIMM INC.	321 WIDENING WAPSI CREEK @ BERANEK PARK	1,030.00
VEENSTRA & KIMM INC.	WBHS SITE PLAN REVIEW	88.00
VEENSTRA & KIMM INC.	323 I-80 WEST, WATER MAIN RELOCATION	4,871.15
WEST BRANCH ANIMAL CLINIC	ANIMAL CARE & NEUTER & RELEASE PROGRAM	105.00
WEST BRANCH REPAIRS	VEHICLE REPAIR	494.85
WEST BRANCH TIMES	LEGAL PUBLICATIONS & NOTICES	750.65
WESTRUM LEAK DETECTION INC	LEAK DETECTION SURVEY	1,200.00
WEX BANK	WEX BANK	1,070.17
TOTAL		78,502.61
PAYROLL	6/12/2020	46,533.53
PAID BETWEEN MEETINGS		
MISCELLANEOUS VENDORS	5 & 6 GRADE SOFTBALL REFUNDS	700.00
MISCELLANEOUS VENDORS	3 & 4 GRADE BASEBALL REFUNDS	1,000.00
MISCELLANEOUS VENDORS	1 & 2 GRADE SUNDAY LEAGUE REFUNDS	600.00
DOROTHY DAVIS	REFUND	70.24
MATTHEW GOODALE	SMALL TOOLS	45.99
JULIA HIME	VIDEOGRAPHY SERVICES	100.00
MELISSA RUSSELL	EASTER SUPPLIES	108.50
RICK WILLARD	UTILITY REFUNDS	60.71
MISCELLANEOUS VENDORS	RECREATION ACTIVITY REFUNDS	180.00

MISCELLANEOUS VENDORS	1 & 2 MACHINE PITCH REFUNDS	680.00
MISCELLANEOUS VENDORS	KINDERGARTEN TBALL REFUNDS	1,280.00
TOTAL		4,825.44
GRAND TOTAL EXPENDITURES		129,861.58

FUND TOTALS	
001 GENERAL FUND	61,436.86
022 CIVIC CENTER	341.49
031 LIBRARY	8,056.19
110 ROAD USE TAX	7,559.91
112 TRUST AND AGENCY	5,205.02
308 PARK IMP - PEDERSEN VALLEY	5,860.00
319 RELOCATING WATER & SEWER	1,740.00
321 WIDENING WAPSI CREEK @ BERANEK PARK	1,030.00
323 I-80 WEST, WATER MAIN RELOCATION	4,871.15
600 WATER FUND	25,306.80
610 SEWER FUND	8,454.16
GRAND TOTAL	129,861.58

MAY REVENUE-FISCAL YEAR 2020	
FUND	
001 GENERAL FUND	183,406.68
022 CIVIC CENTER	2,015.13
028 SPLASH PAD RESERVE	100.00
031 LIBRARY	98.98
036 TORT LIABILITY	4,821.20
110 ROAD USE TAX	21,918.57
112 TRUST & AGENCY	27,497.05
119 EMERGENCY TAX FUND	3,870.58
121 LOCAL OPTION SALES TAX	18,587.32
125 TIF	29,394.94
226 DEBT SERVICE	34,167.34
312 DOWNTOWN EAST REDEVELOPMENT	5,000.00
319-RELOCATION OF WATER & SEWER LINES	23,974.38
500 CEMETERY PERPETUAL FUND	840.27
502 KROUTH INTEREST FUND	0.03
600 WATER FUND	46,153.21
610 SEWER FUND	46,943.30
740 STORM WATER UTILITY	5,117.22
TOTAL	453,906.20

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

## PUBLIC HEARING / NON-CONSENT AGENDA

### Resolution 1909 – Approving an Excessive Force Policy. / Move to action.

Miller asked if Chief Horihan agreed with the suggested policy and Horihan said that the policy reflects the current West Branch Police Policy that was adopted a few years ago. Jones added that Resolutions 1909 through 1913 are a requirement of the \$25,000 Community Development Block Grant (CDBG) that the city was awarded for the West Branch Food Bank and related activities.

**Motion by Miller, second by Dean to approve Resolution 1909. AYES: Miller, Dean, Goodweiler, Sexton, Stoolman. NAYS: None. Motion carried.**

### Resolution 1910 – Approving an Equal Opportunity Policy. / Move to action.

No discussion.

**Motion by Goodweiler, second by Stoolman to approve 1910. AYES: Goodweiler, Stoolman, Miller, Dean, Sexton. NAYS: None. Motion carried.**

Resolution 1911 – Establishing a Fair Housing Policy. / Move to action.

No discussion.

**Motion by Dean, second by Goodweiler to approve 1911. AYES: Dean, Goodweiler, Sexton, Miller, Stoolman. NAYS: None. Motion carried.**

Resolution 1912 – Establishing a Code of Conduct for Administering Federal Grant Funds Policy. / Move to action.

No discussion.

**Motion by Dean, second by Sexton to approve 1912. AYES: Dean, Sexton, Miller, Stoolman, Goodweiler. NAYS: None. Motion carried.**

Resolution 1913 – Approving a Residential Anti-Displacement & Relocation Assistance Plan. / Move to action.

No discussion.

**Motion by Stoolman, second by Sexton to approve 1913. AYES: Stoolman, Sexton, Miller, Goodweiler, Dean. NAYS: None. Motion carried.**

Discussion – Regarding the recent findings of the city audit.

Jones said the City had received three findings in the FY19 audit. The first was for the West Branch Fire Department not reconciling their bank account. Stoolman stated that at each monthly meeting, all checks written are presented to the fire department and approved by its members. Stoolman added that for each check transaction, two signatures are required. Stoolman said that if additional reconciliation was required they would comply. A similar finding was with the West Branch Public Library for segregation of duties and bank reconciliation. Shimmin said that the Friends of the Library who hold the account, has tried to comply with the auditors request but don't seem to be able to satisfy them each year. The third item was a budget that had been exceeded by one hundred dollars as an oversight by Finance Officer Edgar. The Council asked the fire department and library to try to find a way to meet the needs of the auditors in hopes of a different outcome next year.

Resolution 1914 – Cancelling Hoover's Hometown Days 2020 event. / Move to action.

The Hoover's Hometown Committee met on June 18<sup>th</sup> and all members agreed that the entire event should be cancelled this year, including the fireworks display. Sexton said he felt bad that the City would not be holding the event, but Laughlin added that it was what needed to be done in light of the COVID-19 pandemic.

**Motion by Dean, second by Sexton to approve 1914. AYES: Dean, Sexton, Miller, Stoolman, Goodweiler. NAYS: None. Motion carried.**

Resolution 1915 – Hiring Cathy Steen as a full-time police officer for the City of West Branch as setting the salary. / Move to action.

As part of the FY21 budget process, hiring a fifth police officer was approved. Steen was offered the position and accepted. Steen has been with the department part time for five years.

**Motion by Dean, second by Stoolman to approve 1915. AYES: Dean, Stoolman, Goodweiler, Miller, Sexton. NAYS: None. Motion carried.**

Resolution 1908 – Approving the West Branch High School Softball Parking Lot Site Plan. / Move to action.

Dean said he had met with school superintendent Marty Jimmerson and shared his concerns with turning traffic to the school and how the parking lot might cause additional congestion. Dean said Jimmerson

assured him that if turning traffic was an issue during school events, adjustments would be made to ensure public safety. Dean said he was satisfied with Jimmerson's response and requested this resolution to be reconsidered.

**Motion by Dean, second by Goodweiler to approve 1908. AYES: Dean, Goodweiler, Miller, Sexton, Stoolman. NAYS: None. Motion carried.**

Resolution 1906 – Amending the City of West Branch Sick Leave Policy. /Move to action.

The council discussed several options presented and compiled by Councilperson Dean and staff through an employee survey in an attempt to control costs and provide a competitive and acceptable benefit package. The following was agreed upon. 1) Sick leave would continue to accrue at 3.69 hours per pay period to a maximum of 560 hours. 2) Annual payouts for hours above 560 would be eliminated. 3) Unused sick leave at retirement will be paid out at the employees' base wage at either 25 or 50 percent according to their date of hire. 4) New employees hired after August 1, 2020 will not be eligible for sick leave payout at retirement. In addition, the topic of paternity leave was brought up for discussion. More information was requested on the topic and it was asked to be brought back to the next meeting for further discussion.

**Motion by Dean, second by Sexton to approve 1906. AYES: Dean, Sexton, Miller, Goodweiler. NAYS: Stoolman. Motion carried.**

Resolution 1899 – Approving an insurance proposal from Unum for Group Short Term Disability, Long Term Disability, Group Life and AD&D Insurance. / Move to action.

**Motion by Miller, second by Goodweiler to approve Resolution 1899. AYES: Miller, Goodweiler, Sexton, Dean. NAYS: Stoolman. Motion carried.**

#### **CITY ADMINISTRATOR REPORT**

Jones thanked Council person Dean for his leadership on the disability/sick leave policy changes. Jones also asked the Council for direction on future social distancing for council meetings. Laughlin said he preferred they kept meeting as they are with using Zoom through July. Jones also reported that the City had satisfied all of the requirements of the Derelict Building Grant (\$50,890) and that those funds should be released soon. Jones said he also working on a grant to help fund the waste water treatment project.

#### **CITY ATTORNEY REPORT**

No report.

#### **STAFF REPORTS**

Edgar said he had failed to submit the current salaries for the worker's compensation coverage for FY21. The error resulted in an undercharge of the premium and Edgar stated a new bill would be sent to the City to reflect the correct premium rate for FY21.

Russell reported that Cubby Park had its first softball tournament this past weekend. Social distancing was encouraged with bleachers being removed. Russell said the restrooms were available and sanitized each hour and that the concession stand remained closed. Russell mentioned a few parking issues and hope that will resolve itself as time goes on.

#### **COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

Miller asked if the West Branch sign on N. Downey St. could be replaced as it was falling over for some unknown reason. Goodale said that the sign was on the list of signs to be replaced and said the pole had rotted and that was why it was leaning. Goodale hoped to have it taken care of soon.

**ADJOURNMENT**

Motion to adjourn the meeting by Miller, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:59 p.m.

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Roger Laughlin, Mayor

ATTEST: \_\_\_\_\_  
Leslie Brick, Deputy City Clerk



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	July 6, 2020
<b>AGENDA ITEM:</b>	<b>Motion to Approve</b> the Claims Report.
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Gordon Edgar, Finance Director
<b>DATE:</b>	July 1, 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.

<b>STAFF RECOMMENDATION:</b> Approve Claims Report – Move to Action
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<b>REVIEWED BY CITY ADMINISTRATOR:</b>
<b>COUNCIL ACTION:</b>
<b>MOTION BY:</b>
<b>SECOND BY:</b>

*"Turning Vision into Reality is our Business"*

**EXPENDITURES**

7/6/2020

AT & T MOBILITY	WIRELESS SERVICE	388.28
BALDRIDGE ENVIRONMENTAL SE	SEWEAGE TREATMENT ENZYMES	5,000.00
BARRON MOTOR SUPPLY	FILTERS	433.20
CEDAR COUNTY COOPERATIVE	FUEL -CEMETERY	544.67
EAST CENT INTERGOVT ASN.	DUES 7-1-20 TO 12-31-20	812.70
GREAT AMERICAN BUSINESS PR	PET WASTE BAGS	761.98
ICMA	ICMA	767.04
IMWCA	IMWCA	5,478.00
IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	655.37
IOWA COMMUNITIES ASSURANCE	PROPERTY & LIABILITY INSURANCE	36,451.49
MICHALA D COX	BUILDING INCENTIVE PAYMENT	112.73
OLSON, KEVIN D	LEGAL SERVICES-JULY 2020	1,500.00
UNITED STATES GEOLOGICAL SUVEY	STREAM GAGE MAINT & OPERATION	6,480.00
<b>TOTAL</b>		<b>59,385.46</b>

**PAYROLL****56,376.03****PAID BETWEEN MEETINGS**

CATHERINE STEEN	OFFICE SUPPLIES	26.69
CITY OF WEST LIBERTY	FIELD CHALK	80.00
CROELL, INC	CONCRETE	586.25
ECONO SIGNS LLC	STREET SIGNS	855.20
HD SUPPLY	SUPPLIES	66.99
JULIA HIME	VIDEOGRAPHY SERVICES	50.00
IOWA ONE CALL	UNDERGROUND LOCATION SERVICE	72.90
JOHN DEERE FINANCIAL	SUPPLIES	14.92
JOHNSON COUNTY REFUSE INC	LANDFILL-SPRING CLEANUUP	1,240.50
KOCH OFFICE GROUP	COPIER MAINTENANCE	321.29
LIBERTY COMMUNICATION	TELEPHONE SERVICE	1,397.17
MEDIACOM	CABLE SERVICE	41.90
PARKSIDE SERVICE	VEHICLE REPAIR	94.55
PITNEY BOWES INC	POSTAGE METER RENTAL	180.00
PORT 'O' JONNY INC	SERVICE - CEMETERY	90.00
SHRED-IT USA	DOCUMENT DESTRUCTION	55.38
STATE INDUSTRIAL PRODUCTS	CHEMICALS	244.00
USA BLUE BOOK	SUPPLIES	582.68
VERIZON WIRELESS	WIRELESS SERVICE	337.79
ALTORFER INC	VEHICLE MAINTENANCE	101.10
LESLIE BRICK	MILEAGE	19.80
BROWN'S WEST BRANCH	VEHICLE MAINTENANCE	694.80
CINDY'S TROPICAL ICE	VENDOR REFUND	50.00
CROELL, INC	STORM SEWER REPAIR	590.00
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	23.20
FERGUSON US HOLDINGS	SUPPLIES	1,858.60
JOHNSON COUNTY AUDITOR	CONTRIBUTION-LOWER CEDAR WMA	500.00
JOHNSON COUNTY REFUSE INC	GARBAGE STICKERS	50.10
LYNCH'S PLUMBING INC	REPAIR PARTS	19.00
M MONTES DE OCA	RENTAL REFUND	65.00
MENARDS	KEY CABINET	35.23
OFFICE OF AUDITOR OF STATE	AUDIT SERVICES	15,096.75
PARKSIDE SERVICE	VEHICLE REPAIR	216.99

SUZANNE BARLOON	VENDOR REFUND	50.00
THE HOME DEPOT PRO	BUILDING MAINTENANCE SUPPLIES	342.96
VEENSTRA & KIMM	LOT SITE PLAN REVIEW	528.00
VEENSTRA & KIMM	MEADOWS 3 & 4 CONSTRUCTION REVIEW	154.35
VEENSTRA & KIMM	PUD REVIEW	352.00
VEENSTRA & KIMM	CHANNEL WIDENING FLOOD IMPROVEMENT	1,963.50
VEENSTRA & KIMM	WBHS SITE PLAN REVIEW-MIDDLE SCHOOL	352.00
VEENSTRA & KIMM	I-80 WEST WATER MAIN RELOCATION	352.00
WATCH GUARD VIDEO	BODY CAMERAL & ACCESSORIES	2,954.50

**TOTAL** **32,708.09**

**GRAND TOTAL EXPENDITURES** **148,469.58**

**FUND TOTALS**

001 GENERAL FUND	50,379.82
022 CIVIC CENTER	158.65
031 LIBRARY	6,007.08
036 TORT LIABILITY	31,363.24
110 ROAD USE TAX	5,152.22
112 TRUST AND AGENCY	12,561.29
321 WIDENING WAPSI CREEK @ BERANEK PARK	1,963.50
323 I-80 WEST, WATER MAIN RELOCATION	352.00
600 WATER FUND	15,361.99
610 SEWER FUND	17,599.79
740 STORM WATER UTILITY	7,570.00

**GRAND TOTAL** **148,469.58**

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE OPERATION	GENERAL FUND	AT & T MOBILITY	AT & T MOBILITY	388.28
			TOTAL:	388.28
PARK & RECREATION	GENERAL FUND	GREAT AMERICAN BUSINESS PRODUCTS	PET WASTE BAGS	761.98
			TOTAL:	761.98
CEMETERY	GENERAL FUND	CEDAR COUNTY COOPERATIVE	FUEL -CEMETERY	544.67
			TOTAL:	544.67
ECONOMIC DEVELOPMENT	GENERAL FUND	MICHALA D COX	BUILDING INCENTIVE PAYMENT	112.73
			TOTAL:	112.73
CLERK & TREASURER	GENERAL FUND	EAST CENT INTERGOVT ASN. ICMA	DUES 7-1-20 TO 12-31-20 ICMA	812.70 767.04
			TOTAL:	1,579.74
LEGAL SERVICES	GENERAL FUND	OLSON, KEVIN D	LEGAL SERVICES-JULY 2020	1,500.00
			TOTAL:	1,500.00
LOCAL CABLE ACCESS	GENERAL FUND	IOWA COMMUNITIES ASSURANCE POOL	FY 21 ICAP INSURANCE PREMI	138.46
			TOTAL:	138.46
POLICE OPERATIONS	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - POLICE	5,793.32 1,154.25
			TOTAL:	6,947.57
FIRE OPERATION	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - FIRE	2,562.15 1,786.80
			TOTAL:	4,348.95
BUILDING INSPECTIONS	TORT LIABILITY	IMWCA	WORK COMP - BLDG INSPECT	44.05
			TOTAL:	44.05
ROADS & STREETS	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - STREETS	7,307.65 1,142.74
			TOTAL:	8,450.39
LIBRARY	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - LIBRARY	3,190.49 66.80
			TOTAL:	3,257.29
PARK & RECREATION	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - PARK & REC	2,796.22 563.99
			TOTAL:	3,360.21
CEMETERY	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - CEMETERY	993.59 189.66
			TOTAL:	1,183.25
CLERK & TREASURER	TORT LIABILITY	IOWA COMMUNITIES ASSURANCE POOL IMWCA	FY 21 ICAP INSURANCE PREMI WORK COMP - ADMIN	3,663.93 107.60
			TOTAL:	3,771.53
WATER OPERATING	WATER FUND	IOWA ASSN. MUN. UTILITIES IOWA COMMUNITIES ASSURANCE POOL IMWCA	SAFETY TRAINING FY 21 ICAP INSURANCE PREMI WORK COMP - WATER	655.37 5,002.84 301.26

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			TOTAL:	5,959.47
SEWER OPERATING	SEWER FUND	IOWA COMMUNITIES ASSURANCE POOL	FY 21 ICAP INSURANCE PREMI	5,002.84
		IMWCA	WORK COMP - SEWER	120.85
		BARRON MOTOR SUPPLY	FILTERS	433.20
		BALDRIDGE ENVIRONMENTAL SERVICES	SEWAGE TREATMENT ENZYMES	5,000.00
			TOTAL:	10,556.89
STORM WATER UTILITY	STORM WATER UTILIT	UNITED STATES GEOLOGICAL SURVEY	STREAM GAGE MAINT & OPERAT	6,480.00
			TOTAL:	6,480.00

===== FUND TOTALS =====

001	GENERAL FUND	5,025.86
036	TORT LIABILITY	31,363.24
600	WATER FUND	5,959.47
610	SEWER FUND	10,556.89
740	STORM WATER UTILITY	6,480.00
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	GRAND TOTAL:	59,385.46
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**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	July 6, 2020
<b>AGENDA ITEM:</b>	<b>Resolution 1916</b> – A Resolution Approving and Accepting the CDBG Procurement Policy.
<b>CITY GOAL:</b>	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
<b>PREPARED BY:</b>	Redmond Jones, City Administrator
<b>DATE:</b>	June 30, 2020

**BACKGROUND:**

In order to receive the \$25,000 Community Development Block Grant (CDBG) funding for our Food Bank and related activities. The City of West Branch must submit what the federal government refers to as an “Environmental Review Record”. This includes but is not limited to:

- A Program Public Hearing Notice
- ✓ A Excessive Force Resolution
- ✓ Residential Anti-Displacement and Relocation Assistance Plan
- ✓ Equal Opportunity Policy
- ✓ Fair Housing Policy
- ✓ Code of Conduct
- Procurement Policy

This item specifically address the CDBG requirement for how procurement activities are to be handled as it relates to the \$25,000 Community Development Block Grant awarded to the City of West Branch.

<b>STAFF RECOMMENDATION:</b>	Approve Resolution 1916 – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

*"Turning Vision into Reality is our Business"*



# CDBG PROCUREMENT POLICY

DATE: June 22, 2020

## PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

## APPLICATION

This policy applies to the procurement of all supplies, equipment, construction, and services of and for (Recipient) related to the implementation and administration of the CDBG award. All procurement will be done in accordance with 2CFR Part 200 and Appendix II to Part 200.

## POLICY

### GENERAL PROCUREMENT PRACTICES

(Recipient) will adhere to the following general procurement practices: document procurement standards; maintain oversight of contractors to ensure performance in accord with standards; avoid acquisition of unnecessary or duplicative items; encourage procurement or use of shared goods and services; use Federal excess and surplus property when feasible; encourage value-engineering clauses in construction contracts; award contracts only to responsible contractors; limit use of time and materials contracting; and use good administrative judgment to settle all contractual and administrative issues.

### COMPETITION

(Recipient) will provide full and open competition; publishing (in newspaper) ; prohibit use of state or local geographical preferences; develop written procedures for procurement transactions to ensure competition is not restricted; and ensure that pre-qualified lists are current.

### FIVE METHODS OF PROCUREMENT

Procurement under grants shall be made by one of the following methods, as described herein: (a) micro-purchase; (b) small purchase procedures; (c) sealed bids (formal advertising/published); (d) competitive proposals; (e) noncompetitive proposals.

- A. Micro-purchase includes the acquisition of supplies or services that do not exceed \$3,000 (or \$2,000 for acquisitions for construction subject to Davis-Bacon Act)
- B. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$150,000. If small purchase procedures are used for a procurement under a grant, then a price or rate quotations (minimum of 2) shall be obtained from an adequate number of qualified sources.

C. In sealed bids (formal advertising), sealed bids are publicly solicited (published) and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the required method for procuring construction.

1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
  - a) A complete, adequate and realistic specification or purchase description is available.
  - b) Two or more responsible bidders are willing and able to compete effectively for (Recipient's) business; and
  - c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
2. When sealed bids are used for a procurement under a grant, the following requirements apply:
  - a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised/published) from an adequate number of known suppliers.
  - b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
  - c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
  - d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of (Recipient) indicates that such discounts are generally taken.
  - e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.

D. Procurement by competitive proposals (RFP or RFQ) is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:

1. Requests for Proposals shall be publicized (publicly advertised/published) and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
3. (Recipient) shall have a method for conducting evaluations of the proposals received and for selecting awardees.
4. Awards will be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering – no price in RFQ's) and other factors considered. Unsuccessful offerors will be promptly notified in writing.

5. (Recipient) should use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
- E. Noncompetitive proposal is procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. A noncompetitive proposal means a procurement through either a “sole source,” when the Recipient solicits an offer from one source, or a “single source,” when the Recipient solicits offers from multiple sources but receives only one or the competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
1. The item is available from only a single source;
  2. After solicitation of a number of sources, competition is determined inadequate;
  3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
  4. The awarding agency (IEDA) authorizes noncompetitive proposals. (Sole or single source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the Iowa Economic Development Authority).
- Sole or single source procurement is unusual and the circumstances and rationale for its use must be fully documented. Additionally, IEDA must approve in advance sole or single source procurement for contracts or purchases valued at \$25,000 or more.
- F. (Recipient) will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- G. Any other method of procurement must have prior approval of the Iowa Economic Development Authority.

#### RECYCLED MATERIALS

(Recipient) will procure items with recycled content following the requirements of Code of Iowa chapter 8A.315-317 and Iowa Administrative Code chapter 11-117.6(5) — Recycled Product and Content.

**BID LANGUAGE - PROCUREMENT OF RECOVERED MATERIALS**

Recipients shall include in all request for proposals and bid documents the following language.  
“The contractor agrees to comply with all the requirements of Code of Iowa chapter 8A.315-317 and Iowa Administrative Code chapter 11-117.6(5) — Recycled Product and Content.”

**CONTRACT PRICING**

- A. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
  
- B. (Recipient) shall perform some form of cost/price analysis for every procurement action, including modifications, amendments or change orders.

**PROCUREMENT RECORDS**

(Recipient) shall maintain records sufficient to detail the significant history of a procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. (Recipient) shall make technical specifications and procurement documents available for review upon request.

**BONDING REQUIREMENTS**

Bonding requirements for construction or facility improvement contracts must meet the federal minimum requirements or receive a determination that the federal interest is adequately protected.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed name), (title)

ATTEST

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed name), (title)

## REQUIRED FEDERAL LANGUAGE FOR CONTRACTS PAID WITH CDBG FUNDS

All project contracts shall contain at a minimum the following provisions, as appropriate.

### ALL CONTRACTS

#### **1. Access and Maintenance of Records**

The contractor must maintain all required records for five years after final payments are made and all other pending matters are closed.

At any time during normal business hours and as frequently as is deemed necessary, the contractor shall make available to the Iowa Economic Development Authority, the State Auditor, the General Accounting Office, and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this contract and permit these agencies to audit, examine, make excerpts or transcripts from such records, contract, invoices, payrolls, personnel records, conditions of employment, and all other matters covered by this contract.

#### **2. Civil Rights**

The Contractor must comply with the following laws and regulations:

- Title VI of the Civil Rights Act of 1964 (P.L. 88-352).  
*States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.*
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended.
- Federal Executive Order 11063, as amended by Executive Order 12259  
*Equal Opportunity Housing*
- Iowa Civil Rights Act of 1965.  
*This Act mirrors the Federal Civil Rights Act.*
- Section 109 of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309).  
*Provides that no person shall be excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin, sex, age, or handicap under any program or activity funded in part or in whole under Title I of the Act.*
- The Age Discrimination Act of 1975, as amended (42 U.S.C. 1601 et seq.)  
*Provides that no person on the basis of age, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial*

*assistance.*

- Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112, 29 U.S.C. 794).  
*Provides that no otherwise qualified individual shall solely by reason of his/her handicap be excluded from participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.*
- Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213)  
*Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.*
- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).  
  
*The purpose of section 3 of the Housing and Urban Development Act of 1968 ( 12 U.S.C. 1701u) (section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.*

### **3. Termination Clause**

All contracts utilizing CDBG funds must contain a termination clause that specifies the following:

- Under what conditions the clause may be imposed.
- The form the termination notice must take (e.g., certified letter).
- The time frame required between the notice of termination and its effective date.
- The method used to compute the final payment(s) to the contractor.

### **4. Certification regarding government-wide restriction on lobbying.**

All contracts utilizing CDBG funds must contain the following certification concerning restriction of lobbying:

"The Recipient certifies, to the best of his or her knowledge and belief, that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instruction.
- iii. The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure."

#### **5. Lead-Safe Housing Regulations (As applicable)**

24 CFR Part 35 et. al.

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance, Final Rule

#### **6. Recycled Materials**

The contractor agrees to comply with all the requirements of Code of Iowa chapter 8A.315-317 and Iowa Administrative Code chapter 11-117.6(5) — Recycled Product and Content.

#### **7. Notice of Awarding Agency Requirements and Regulations Pertaining to Reporting**

The Contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.

### **ALL CONTRACTS IN EXCESS OF \$10,000**

#### **Federal Executive Orders 11246 and 11375:**

*Provides that no one be discriminated in employment.*

"During the performance of this contract, the contractor agrees as follows:

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of the Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's non-compliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **ALL CONTRACTS IN EXCESS OF \$100,000**

### **Clean Air and Water Acts:**

- Section 306 of the Clean Air Acts (42 U.S.C. 1857(h)).
- Section 508 of the Clean Water Act (33 U.S.C. 1368).
- Executive Order 11738. *Providing administration of the Clean Air and Water Acts*

Clean Air and Water Acts - required clauses:

This clause is required in all third party contracts involving projects subject to the Clean Air Act (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations of the Environmental Protection Agency with respect to 40 CFR Part 15, as amended. It should also be mentioned in the bid document.

During the performance of this contract, the CONTRACTOR agrees as follows:

- (1) The CONTRACTOR will certify that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the Excluded Party Listing System pursuant to 40 CFR 32.
- (2) The CONTRACTOR agrees to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- (3) The CONTRACTOR agrees that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, Environmental Protection Agency, indicating that a facility utilized or to be utilized for the contract is under consideration to be listed on the Excluded Party Listing System.
- (4) The CONTRACTOR agrees that it will include or cause to be included the criteria and requirements in Paragraph (1) through (4) of this section in every nonexempt subcontract and require every subcontractor to take such action as the Government may direct as a means of enforcing such provisions.

**RESOLUTION 1916**

**A RESOLUTION APPROVING AND ACCEPTING THE CDBG PROCUREMENT POLICY.**

**WHEREAS,** The purpose of this Procurement Policy is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with the Code of Federal Regulations (2 CFR Part 200.318) and other applicable federal and state standards, regulations, and laws; and

**WHEREAS,** This Procurement Policy applies to all officers, employees, or agents of the City of West Branch engaged in the award or administration of contracts supported by federal grant funds; and

**WHEREAS,** No officer, employee, or agent of the City of West Branch shall participate in the purchase of goods and services, or other administration of contracts supported by federal grant funds, if a conflict with the aforementioned Procurement Policy is or would be involved; and

**WHEREAS,** The City of West Branch takes seriously the responsibility of being good stewards of federal funds and therefore the aforementioned Procurement Policy shall apply to all projects being funded in through a Community Development Block Grant provided by the Iowa Economic Development Authority.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council of the City of West Branch, Iowa, that the aforementioned Procurement Policy for administering federal community development block grant funds are hereby accepted and approved.

\* \* \* \*

**Passed and approved this 6<sup>th</sup> day of July, 2020.**

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Roger Laughlin, Mayor

ATTEST:

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Redmond Jones II, City Administrator/Clerk



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	July 6, 2020
<b>AGENDA ITEM:</b>	<b>Discussion Item:</b> Regarding a Paid Parental /Maternity /Paternity /Adoption Leave Policy.
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Gordon Edgar, Finance Director
<b>DATE:</b>	June 30, 2020

**BACKGROUND:**

The purpose of this Discussion Item is to get some clarity on the City Council’s desire to provide up to [some number (TBD)] of weeks of paid parental leave to employees following the birth of an employee’s child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy may also run concurrently with Short-term and/or Long-term if applicable. This policy will be in effect for births, adoptions, guardianship due to death of parents, or placements of foster children.

Please see the attached drafts as samples. Both “Draft 1 and Draft 2” are samples provided by the Society for Human Resource Management.

<b>STAFF RECOMMENDATION:</b>	Seeking Feedback / Direction
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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## **Paid Parental Leave Levels**

Maternity/paternity/adoption leave under this policy is a paid leave associated with the birth of an employee's own child or the placement of a child with the employee in connection with adoption or foster care. Maternity/paternity/adoption leave is not charged against the employee's other paid leave credits, and the amount of paid days received is four weeks. The paid leave is compensated at the following levels:

- Less than one full year of service—40 percent of salary.
- After one full year of service—60 percent of salary
- After five full years of service—100 percent of salary.

If both parents are employees, only one may access the paid benefits of this policy. Both, however, continue to be entitled to family and medical leave if eligible.

Temporary employees are not eligible for paid maternity/paternity/adoption leave under this policy.

## **Continuation of Benefits**

Health insurance benefits will continue to be provided during the paid maternity/paternity/adoption leave under this policy at the same rate as in effect before the leave was taken regardless of length of service, provided the employee has at least one full year of service. Paid leave benefits will continue to accrue.

## **Requirements for Obtaining Paid Leave**

The employee must provide to the department head 30 days' notice of the requested leave (or as much notice as practicable if the leave is not foreseeable), complete the necessary forms and file them with the human resource department.

After the four weeks of maternity/paternity/adoption leave have been exhausted, subsequent leave will be covered under appropriate policies. The Family and Medical Leave Act (FMLA) allows employees up to 12 workweeks of unpaid leave annually. Paid leave under this policy will run concurrently with FMLA leave. After paid maternity/paternity leave is exhausted, the employee is required to apply any other available paid leave, which will also run concurrently with FMLA leave.

Employees not eligible for FMLA leave should refer to the Leave of Absence Policy after the four weeks of paid maternity/paternity/adoption leave and any other paid leave have been exhausted regarding continuation of insurance coverage for employees on unpaid leave of absence.

Draft 2

## **Purpose/Objective**

[Company Name] will provide up to [enter number] weeks of paid parental leave to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption or foster care. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted or newly placed child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children occurring on or after [date].

## **Eligibility**

Eligible employees must meet the following criteria:

- Have been employed with the company for at least 12 months (the 12 months do not need to be consecutive).
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full- or part-time, regular employee (temporary employees and interns are not eligible for this benefit).

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

## **Amount, Time Frame and Duration of Paid Parental Leave**

- Eligible employees will receive a maximum of [enter number] weeks of paid parental leave per birth, adoption or placement of a child/children. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the [enter number]-week total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than [enter number] weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption or foster care placement event occurs within that 12-month time frame.

- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the [enter number]-month period immediately following the birth, adoption or placement of a child with the employee. Paid parental leave may not be used or extended beyond this [enter number]-month time frame.
- In the event of a female employee who herself has given birth, the [enter number] weeks of paid parental leave will commence at the conclusion of any short-term disability leave/benefit provided to the employee for the employee's own medical recovery following childbirth.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the [enter number]-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the [enter number]-month time frame.
- Upon termination of the individual's employment at the company, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

### **Coordination with Other Policies**

- Paid parental leave taken under this policy will run concurrently with leave under the FMLA; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption or foster care, the leave will be counted toward the 12 weeks of available FMLA leave per a 12-month period. All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks during the 12-month FMLA period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave (if applicable) will be compensated through employees' accrued sick, vacation and personal time. Upon exhaustion of accrued sick, vacation and personal time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

- The company will maintain all benefits for employees during the paid parental leave period just as if they were taking any other company paid leave such as paid vacation leave or paid sick leave.
- If a company holiday occurs while the employee is on paid parental leave, such day will be charged to holiday pay; however, such holiday pay will not extend the total paid parental leave entitlement.
- If the employee is on paid parental leave when the company offers administrative leave (known as an “admin day”), that time will be recorded as paid parental leave. Administrative leave will not extend the paid parental leave entitlement.
- An employee who takes paid parental leave that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.
- Please refer to the Adoption Benefit Policy for additional information about other employee benefits related to the adoption process.

#### **Requests for Paid Parental Leave**

- The employee will provide his or her supervisor and the human resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.
- As is the case with all company policies, the organization has the exclusive right to interpret this policy.



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	July 6, 2020
<b>AGENDA ITEM:</b>	<b>Discussion Item:</b> Potential Purchase of Disc Mower for Roadside Ditches (non-budgeted item).
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Matt Goodale, Public Works Director
<b>DATE:</b>	June 30, 2020

**BACKGROUND:**

The Public Works Department is requesting use of set aside funds to purchase a disc type mower for the city ditches in the rural areas of town. Currently the Public Works Department uses a batwing type mower to mow shoulders and fields. This mower was meant to be used with the entire mower over the grass surface and due to the setup of mower and tractor we run it half on the road and half in the ditch. This leads to spreading grass clippings on the road. This has been a topic of discussion with the Safety Committee and we have received numerous complaints over this as it can be a safety hazard, particularly for motorcycles and bicycles. The Safety Committee has requested that we explore other options to complete the shoulder mowing. The mower we currently have is still operational and can be sold if this is approved. It was used when purchased from the DOT prior to my arrival so I am unsure what type of value it would have. This was not on the top of my list for replacement but we were planning on putting it in for replacement in a few years after replacing some of our other more highly used equipment/trucks. Due to the complaints and request from the Safety Committee, we are moving it up and requesting to use the set aside to purchase this piece of equipment. This would still leave us with the monies needed to continue with our equipment replacement program as previously planned.

<b>STAFF RECOMMENDATION:</b>	Seeking Feedback / Direction
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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**Quote Summary**

**Prepared For:**  
City Of West Branch  
Po Box 218  
West Branch, IA 52358

**Prepared By:**  
Jason Loughran  
Pyramid Services, Inc.  
390 Highland Avenue  
Iowa City, IA 52240  
Phone: 319-337-2133  
jason@pyramid-services.com

**Quote Id:** 22240737  
**Created On:** 27 June 2020  
**Last Modified On:** 27 June 2020  
**Expiration Date:** 28 August 2020

<b>Equipment Summary</b>	<b>Selling Price</b>	<b>Qty</b>	<b>Extended</b>
Frontier DM5050 Disc Mower	\$ 9,800.00 X	1 =	\$ 9,800.00
<b>Equipment Total</b>			<b>\$ 9,800.00</b>

<b>Quote Summary</b>	
Equipment Total	\$ 9,800.00
SubTotal	\$ 9,800.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 9,800.00
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 9,800.00</b>

*DM5060*

*\$10,400*

**FRONTIER PRODUCTS**  
**Hay & Forage**

**DM5060 Disc Mower**  
**Equipment for Base Machine**

Hitch Type: 3-Point  
 Hitch Category: Category I or II (iMatch and Quick-Coupler Compatible)  
 Cutting Width: 7 Ft. 9 In.  
 Operating Weight: 975 Lbs.  
 Operation Cutting Angle:  
 +/- 25 Degrees  
 Number of Cutting Discs: 6  
 Number of Knives: 12  
 PTO Drive: 540 RPM  
 PTO HP Requirement: 45 HP Minimum  
 Belt Drive: 4 V-Belts with Tensioner  
 Average Swath Width: 5 Ft. 9 In.

Cutterbar Lift Mechanism: Hydraulic  
 Outer Swath Wheel: Optional  
 Safety Breakaway: Yes  
 Required Hydraulic Outlets:  
 1 Single Acting Valve  
 Set-Up Time: 1.5 Hour  
 Warranty: 1 Year

Code	Attachment Identifier	Description	Ref.	List Price Suggested USD (\$)
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Select One Code From Each Required Category

**BASE MACHINE**

0571XF		DM5060 Disc Mower	809K276	11,596.00
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**SWATH WHEEL**

9070		Swath Wheel Attachment (DM50 Series)	801K24	156.00
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**ATTACHMENTS FOR FIELD CONVERSION**

		<b>Miscellaneous</b>		
5TIDM411274		Swath Wheel Attachment (DM50 Series)	361K26	168.48

**FRONTIER PRODUCTS**  
**Hay & Forage**

**DM5050 Disc Mower**  
**Equipment for Base Machine**

Hitch Type: 3-Point  
 Hitch Category: Category I or II (iMatch and Quick-Coupler Compatible)  
 Cutting Width: 6 Ft. 6 In.  
 Operating Weight: 874 Lbs.  
 Operation Cutting Angle:  
 +/- 25 Degrees  
 Number of Cutting Discs: 5  
 Number of Knives: 10  
 PTO Drive: 540 RPM  
 PTO HP Requirement: 40 HP Minimum  
 Belt Drive: 4 V-Belts with Tensioner  
 Average Swath Width: 4 Ft. 6 In.

Cutterbar Lift Mechanism: Hydraulic  
 Outer Swath Wheel: Optional  
 Safety Breakaway: Yes  
 Required Hydraulic Outlets:  
 1 Single Acting Valve  
 Set-Up Time: 1.5 Hour  
 Warranty: 1 Year

Code	Attachment Identifier	Description	Ref.	List Price Suggested USD (\$)
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Select One Code From Each Required Category

**BASE MACHINE**

0561XF		DM5050 Disc Mower	808K660	10,826.00
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**SWATH WHEEL**

9070		Swath Wheel Attachment (DM50 Series)	801K24	156.00
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**ATTACHMENTS FOR FIELD CONVERSION**

		<b>Miscellaneous</b>		
5TIDM411274		Swath Wheel Attachment (DM50 Series)	361K26	168.48

Printed 2020-06-23

**Customer Quote**

Page 1 of 3

Name/Company	CITY OF WEST BRANCH	Telephone	
Address	110 N POPULAR PO BOX 218	Account Manager	Kevin Licht
City/Town, State/Province	WEST BRANCH, IA	Location	West Liberty
Postal/Zip Code	52358	Quote Date	
		In Effect Until	2020-06-30

Quantity	Description	Price \$
<b>Sales Items</b>		
2020 - New - Case IH MD73 DISC MOWER Tractor		
Serial No.: TBD		
1	BE MD73 DISC MOWER	11710.00
<b>Sub-Total</b>		<b>\$11,710.00</b>
	Factory Freight	351.00
	Set Up	550.00
<b>Sub-Total</b>		<b>\$12,611.00</b>
<b>Sale Items Subtotal</b>		<b>\$12,611.00</b>
<b>Total Price of Sale Items</b>		<b>\$12,611.00</b>
		<b>Balance</b> \$12,611.00
<b>Gov Discount</b>		<b>(\$3,162.00)</b>
<b>Contract Amount</b>		<b>\$9,449.00</b>
Account Manager _____ Accepted by _____		

Notes: Includes delivery to West Branch  
 Includes 3 Year cutter bar warranty  
 Kevin Licht  
 Email: K.Licht@jlnighting.com

Printed 2020-06-23

**Customer Quote**

Page 3 of 3

Name/Company	CITY OF WEST BRANCH	Telephone	
Address	110 N POPULAR PO BOX 218	Account Manager	Kevin Licht
City/Town, State/Province	WEST BRANCH, IA	Location	West Liberty
Postal/Zip Code	52358	Quote No.	388
	Quote Date	In Effect Until	2020-06-30

Cutterbar flotation spring  
 Cutterbar shock protection system  
 3-point hitch limit chain

Requirements for Operation:  
 MD73 45 PTO hp minimum  
 MD83 55 PTO hp minimum  
 MD93 60 PTO hp minimum

Hitches  
 ASAE Category II 3-point hitch only  
 Quick-Hitch compatible

TD103 Pull-type disc mower  
 10 ft. 4 in. (3.15 m) cutting width  
 Disc modular cutterbar with two,  
 14 degree Quick-Change reversible  
 knives per  
 disc





**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	July 6, 2020
<b>AGENDA ITEM:</b>	<b>Discussion Item:</b> The Consideration to develop an Equipment and Vehicle Replacement Program or Set Aside Program.
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Redmond Jones II, City Administrator
<b>DATE:</b>	July 1, 2020

**BACKGROUND:**

During the recent budget process, the City Council expressed interest in creating a process supported by resolution that would create a set-aside program similar to the Fire Department program; which allows the department to roll over unused budget funds into a vehicle and equipment reserve. However, there are some thoughts from Finance Department that would prefer departments create a vehicle and equipment replacement schedule that would be funded annually or fund a reserve annually.

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

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