

*(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)*

**West Branch, Iowa  
Council Chambers**

**City Council Meeting**

**April 15, 2013  
7:00 p.m.**

Mayor Worrell opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Deputy City Clerk Dawn Brandt, Public Works Director Matt Goodale, Police Chief Mike Horihan, Fire Chief Kevin Stoolman, and Library Director Nick Shimmin  
Council members: Jordan Ellyson, Colton Miller, Jim Oaks and Dick Stoolman.

**APPROVE AGENDA/CONSENT AGENDA**

- a. Approve minutes from the April 1, 2013 City Council Meeting.
- b. Approve claims.
- c. Approve payment to Ricklefs Excavating, Ltd. in the amount of \$402,705 for Partial Pay Estimate No. 1 for the Lift Station & Force Main Project.

Motion by Miller to approve the agenda and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman.  
Motion carried.

Date 4-15-13	City Of West Branch	
	Claims Register Report	
ABC Fire Protection	Various Depts.-Fire Extinguisher Service	242.00
Action Sewer	Sewer - Service	352.21
Air Cooled Engine Service	Streets - Chain Saw	495.08
Alliant Energy	Various Depts - Utilities	8,679.65
Amazon	Library - Supplies	498.65
AmSan	Library - Light Bulbs	83.70
Baker & Taylor Inc.	Library - Books	1,149.51
Barron Motor Supply	Streets/Fire - Supplies	185.69
BDC-Building Inspection	Admin - Building Inspections	144.90
Beaver Heating	Library - Service	327.50
BP Amoco	Various Depts - Fuel	1,961.58
Cedar County Cooperative	Streets - Diesel Fuel	1,760.00
Cedar County Solid Waste	Streets - Debris Disposal	14.00
Chris Jones Trucking	Streets - Hauling Sand	273.90
Community State Bank	Fire Dept Expansion Loan Pmt	8,364.57
Culligan Water	Fire - Water Cond Rental	32.95
Dave's Welding & Repair	Streets - Wiper Arm	45.00
Deweys Jack & Jill	Water/Library - Supplies	27.62
EBSCO Industries, Inc	Library - Publications	71.74
Ed Feld Equipment	Fire - Supplies & equipment	61,018.76
EFTPS	Federal Withholdings	5,347.93
FEH Associates	Library - Prefunding Phase Srv	4,190.05
General Pest Control	Library - Service	70.00
George Lawson Consulting	Lib- Site Selection Plan Fee	1,950.00
Gierke-Robinson	Streets - Supplies	325.82
GreatAmerica Leasing	Admin - Copier Lease	756.18
Iowa City Press-Citizen	Library - Subscription	32.00
Iowa Network Services Inc	Admin - Website Hosting	26.99
Iowa One Call	Water/Sewer - Service	21.60
Iowa State University Ext.	Admin - Planning & Zoning Trng	45.00
Joey Wenndt	Fire - April Fire Training	150.00
Johnson County Refuse Inc.	Recycling - March 2013	3,657.50
Kevin Olson	Legal Services For April 2013	1,500.00

Kingdom Graphics	Police - Uniform Shirts	87.92
Knox Company	Fire - Knox Boxes	905.00
Lease Consultants	Library - Copier Contract	59.00
Liberty Communications	Various Depts - Phone Service	1,039.88
Linn County R.E.C.	Streets - Utilities	102.00
Menards	Sewer/P&R - Supplies	113.16
Midwest Frame & Axle	Fire - Service Repair	165.20
Midwest Janitorial Service	Lib/Admin/Th/Police - Cleaning	637.00
Miscellaneous Vendor	Shane Underdahl: Utility Refund	65.92
Moore's Welding	Fire - Service To Flatbed	2,250.94
North American Salt	Streets - Salt	3,220.28
Overdrive Inc	Library - E books	165.79
Payroll Expense	Payroll Expense 4-12-13	24,415.90
Pitney Bowes	Library - Lease Contract	120.00
Play It Again Sports	Park & Rec -Equipment For Soccer	84.99
Pleasant Valley Nursery	Cemetery - Trees From Grant	5,000.00
Pyramid Services	Cemetery - Mower Blades	116.34
QC Analytical Services	Sewer - Testing	1,432.00
Quill Corp	Admin/Library - Office Supplies	269.96
River Products	Streets - Roadstone	270.28
RK Dixon	Admin - Black & White Copies	392.40
Russell, Melissa	P&R- Reimb For Easter Supplies	381.22
S & G Materials	Streets - Sand	425.79
Shanelle Peden	Cable - Videotaping	150.00
Sprint	Police - Service	179.97
State Hygienic Lab	Water - Testing	62.00
Stoolman, Jodee	Fire - Reimb For Fire School	267.58
The Book Farm Inc	Library - Supplies	154.87
Tipton Conservative	Library - Subscription	35.00
Toynes	Fire - Service Repair	938.66
Trans-Iowa Equipment	Streets - 2013 Elgin Sweeper	165,203.00
Treasurer State Of Iowa	Iowa Sales Tax Pmt March	1,851.76
UPS	Sewer - Shipping	149.41
Upstart	Library - Supplies	696.35
US Cellular	Various Depts- Phone Service	553.00
USA Blue Book	Water - Hach Fluoride	175.69
Veenstra & Kimm Inc.	Engineering for various projects	13,056.19
Walmart	Library - Supplies	383.34
West Branch Repairs	Streets/Fire/Police - Service repairs	674.52
West Branch Times	Legal/Cemetery/Library - Publications	746.21
WEX Bank	Police - Fuel	102.98
White Cap Construction	Fire - Coolers	135.98
		331,039.56

Fund Totals	
001 General Fund	268,999.00
022 Civic Center	927.24
031 Library	15,077.76
110 Road Use Tax	8,222.95
112 Trust And Agency	1,330.87
226 Go Debt Service	8,364.57
600 Water Fund	9,500.43
610 Sewer Fund	18,616.74
Grand Total	331,039.56

## COMMUNICATIONS/OPEN FORUM

Library Director Nick Shimmin reported that the Library will be hosting design charrettes on April 23-24, 2013 in which the Library's architects, FEH Associates, will be drawing, presenting, and making adjustments to

preliminary outlines of a how a future library building might exist on several possible locations. The charrettes are open to the public all day on the 23<sup>rd</sup> and 24<sup>th</sup> and are especially encouraged to attend meetings at noon and 6:00 p.m. each day. At each meeting, we will be looking for input and ideas on the work up to that point with changes and alterations to be made by the architects between sessions. With the feedback from those in attendance as well as from the architects, the library board will have enough information to make a decision to move forward with the building project on a selected site.

**PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL**  
**Accept the resignation of Dan O’Neil from the West Branch City Council./Move to action.**

Motion by Stoolman to approve the resignation and second by Oaks. AYES: Stoolman, Oaks, Ellyson, Miller. Motion carried.

**Resolution 1100, approving the appointment of \_\_\_\_\_ to fill the unexpired term of Councilmember Dan O’Neil./Move to action.**

Motion by Ellyson to postpone the appointment until the next regularly-scheduled Council Meeting and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman. Motion carried.

**Second Reading of Ordinance 708, vacating that certain 60-foot portion on an alley located between lots 65 & 66 and lot 42 in block 7 in Cameron (Original Town) also known as West Branch, West Branch, Iowa./Move to action.**

Motion by Miller to approve second reading of Ordinance 708 and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman. Motion carried.

**The Waiver Rule./Move to action.**

Muckler said that the use of this waiver is for Ordinance 709, item 6E. Miller said that he doesn’t like the waiver rule in general but since this ordinance is affecting only two residents and they both are in agreement, he approves the use of the waiver rule in this case.

Motion by Miller to approve the waiver rule and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman. Motion carried.

**Second Reading of Ordinance 709, re-zoning an approximate 0.05 acre parcel of real property located north of East Main Street from CB-2 Central Business District to B-2 Business District./Move to action.**

Motion by Stoolman to approve second reading of Ordinance 709 and second by Ellyson. AYES: Stoolman, Ellyson, Miller, Oaks. Motion carried.

**Third Reading of Ordinance 709, re-zoning an approximate 0.05 acre parcel of real property located north of East Main Street from CB-2 Central Business District to B-2 Business District./Move to action.**

Motion by Miller to approve third reading of Ordinance 709 and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman. Motion carried.

**ORDINANCE NO. 709**

**AN ORDINANCE RE-ZONING AN APPROXIMATE 0.05 ACRE PARCEL OF REAL PROPERTY LOCATED NORTH OF EAST MAIN STREET FROM CB-2 CENTRAL BUSINESS DISTRICT TO B-2 BUSINESS DISTRICT.**

WHEREAS, Terry Suchomel has petitioned the City of West Branch for a zoning district amendment for an approximate 0.05-acre parcel located north of East Main Street, said parcel being legally described as the south .05 acres of Auditor’s Parcel “H”, located within a portion of Block 22 – Oliphants Division, located in a portion of the SW 1/4, SW 1/4 of Section 5, Township 79 North, Range 4 West, of the 5<sup>th</sup> P.M. City of West Branch; and

WHEREAS, Suchomel has requested that the Parcel be rezoned to be located in an B-2 Business District, in place of a CB-2 Central 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 B-2 Business District in place of an CB-2 Central 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 15th day of April, 2013.

Read First Time: April 1, 2013  
Read Second Time: April 15, 2013  
Read Third Time: April 15, 2013

\_\_\_\_\_  
Mark Worrell, Mayor

ATTEST: \_\_\_\_\_  
Matt Muckler, City Administrator/Clerk

Public Hearing on proposal to vacate and dispose of an interest in real property, said real property being generally described as the northern 70 feet of a 16-foot alley located between lots 21 & 22 in block 22 in Cameron (Original Town) A.K.A. West Branch, in West Branch, Cedar County, Iowa located generally near East Green Street and North 2nd Street.

Mayor Worrell opened the public hearing at 7:08 p.m. Muckler stated that this is the third alley being vacated for Roy Lewis in that area and that this should be the final alley vacation concerning Mr. Lewis near his business, Chassis Engineering. Mayor Worrell closed the public hearing at 7:10 p.m.

First Reading of Ordinance 710, vacating the northern 70 feet of a 16-foot alley located between lots 21 & 22 in block 22 in Cameron (Original Town) A.K.A. West Branch, in West Branch, Cedar County, Iowa./Move to action.

Motion by Stoolman to approve first reading of Ordinance 710 and second by Miller. AYES: Stoolman, Miller, Ellyson, Oaks. Motion carried.

First Reading of Ordinance 711, amending Title Chapter 160 Flood Plain Regulations./Move to action.

City Attorney Kevin Olson stated that in order to continue participation in the National Flood Insurance program, the Iowa Department of Natural Resources has requested that the City amend the ordinance to add the new map into flood plain regulations and adopt certain changes to Chapter 160. Muckler said that the development of the maps involved a City appeal on behalf of twelve property owners. The properties of five homeowners were removed from the floodplain. Initial information suggests that the remaining seven would be able to submit letters of map amendment on July 20, 2013.

Motion by Ellyson to approve Ordinance 711 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman. Motion carried.

Resolution 1087, approving a policy for the disposition of unpaid utility billing final balances./Move to action.

Motion by Miller to approve Resolution 1087 and second by Stoolman. AYES: Miller, Stoolman, Ellyson, Oaks. Motion carried.

Resolution 1092, approving a 28E agreement with Cedar County, Iowa, to construct and maintain a dog park in unincorporated Cedar County./Move to action.

Muckler stated that the City will mow the dog park side of the park and the county will continue to maintain their property. The County will provide maintenance of the restroom facility.

Motion by Ellyson to approve Resolution 1092 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman. Motion carried.

Public Hearing on proposed plans and specifications, proposed form of contract and estimate of cost for construction of 280<sup>th</sup> and North Downey Resurfacing for the City of West Branch, Iowa, and the taking of bids therefor.

Mayor Worrell opened the public hearing at 7:20 p.m. Oaks asked how much money was set aside in the budget for the project. Muckler said \$77,000 was budgeted that includes the \$15,000 being paid by Cedar County. Muckler stated that the City could still move forward in the current fiscal year and complete the project within the current budget by forgoing some other budgeted expenses. Oaks stated that this was a good approach. Mayor Worrell closed the public hearing at 7:24 p.m.

Resolution 1098, approving plans and specifications, proposed form of contract and estimate of cost for construction of the 280<sup>th</sup> and North Downey Resurfacing for the City of West Branch, Iowa./Move to action.  
Motion by Ellyson to approve Resolution 1098 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman.  
Motion carried.

Resolution 1099, accepting a bid for the construction of 280<sup>th</sup> and North Downey Resurfacing for the City of West Branch, Iowa./Move to action.  
Illowa Investments bid was the lowest at \$92,561.71. Miller asked Schechinger if he had any experience working with the company. Schechinger said that Illowa has completed road work projects in Cedar County and West Liberty and have some history in this area.  
Motion by Stoolman to approve Resolution 1099 and second by Miller. AYES: Stoolman, Miller, Ellyson, Oaks. Motion carried.

Resolution 1101, approving placement of a Little Free Library on the Town Hall Property./Move to action.  
Shimmin said that the little library would be placed on the west side of the building to the south of the existing outdoor stairway.  
Motion by Ellyson to approve Resolution 1101 and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman.  
Motion carried.

Approve the submittal of a letter from the city administrator on behalf of the West Branch City Council to Acciona Energy North America, providing a notice of intent to cancel the Amended Tax Increment Development Agreement dated January 2, 2008./Move to action.  
Stoolman asked for feedback from City Attorney Kevin Olson. Olson reported that the agreement states that Acciona would provide 110 jobs including the payment of a median wage for 95 jobs of at least \$14.57 per hour. Worrell stated that he brought forward this letter to Acciona with the intent to start a discussion with Acciona on their future business plans. Oaks mentioned that Acciona was delinquent on their taxes due on March 1, 2013. Oaks felt that the City Council should have a discussion with officials from Acciona. Olson stated that the letter followed the procedure outlined in the Amended TIF Agreement.  
Motion by Ellyson to approve submittal of letter to Acciona and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman. Motion carried.

Accept the resignation of Lauren O'Neil from the Planning and Zoning Commission./Move to action.  
Worrell said he wanted to thank Lauren for her contribution to the Planning and Zoning Commission.  
Motion by Ellyson to approve resignation and second by Miller. AYES: Ellyson, Miller, Oaks, Stoolman.  
Motion carried.

Resolution 1102, approving West Branch Police Department Reserve Police Officer Force Policy and Procedure./Move to action.  
Horihan said that it requires a lot of work, skill, and training to be a reserve officer. Reserve officers will be working with a full-time officer for at least two years before they would be allowed to patrol in a vehicle by themselves. Reserve officers will report to Lead Reserve Officer Todd Thurman, Sergeant Kory Hanna and ultimately the chief himself. The policy contains a four-tier ranking system. Horihan reported that Johnson County has stated that they would allow West Branch Reserve Officers to participate in their training programs.  
Motion by Stoolman to approve Resolution 1102 and second by Ellyson. AYES: Stoolman, Ellyson, Miller, Oaks. Motion carried.

Resolution 1103, approving a revised five year sewer maintenance contract with Municipal Pipe Tool Company, LLC in a minimum amount of \$50,000 over five years./Move to action.  
Oaks asked why a second contract was being presented to the Council for their consideration. Goodale stated that this revised contract includes discounted prices for a larger quantity of sewer maintenance.  
Motion by Miller to approve Resolution 1103 and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman.  
Motion carried.

Mayor Mark Worrell - Appointments/Reappointments/Move to action.

- i. Jerry Fleagle – West Branch Preservation Commission Honorary Member
- ii. Lynn Lovetinsky – West Branch Police Department Reserve Officer I
- iii. Mendim Alimoski – West Branch Police Department Reserve Officer I
- iv. Tim Horihan – West Branch Police Department Reserve Officer I

Worrell said that Mendim Alimoski will not be appointed as a reserve officer at this time. Worrell introduced Lynn Lovetinsky and Tim Horihan to the Council and the public.

Motion by Stoolman to approve appointments/reappointments and second by Miller for the appointments of Jerry Fleagle, Lynn Alimoski and Tim Horihan. AYES: Stoolman, Miller, Ellyson, Oaks. Motion carried.

Councilperson Jordan Ellyson – Appointments/Reappointments/Move to action.

- i. Lisa Schettler, Planning and Zoning Commission
- ii. Richard A. Hansen – West Branch Fire Department Volunteer
- iii. Dan Heick – West Branch Fire Department Volunteer

Ellyson introduced Lisa Schettler to the Council and the public.

Motion by Miller to approve appointments/reappointments and second by Ellyson. AYES: Miller, Ellyson, Oaks, Stoolman. Motion carried.

**CITY STAFF REPORTS**

Library Director Nick Shimmin – Council Meetings and Cemetery Records on City Website

Shimmin said that City Council meetings are now available for viewing on the City website. They are being hosted by You Tube at no cost. Muckler stated that recent upgrades to the cable access station have made this possible and thanked Shimmin for all of his work on the cable access station and the website. Cemetery records are also available on the City website. They are located under the residents tab. There is a map of the cemetery, a map key and a directory of burials.

City Engineer Dave Schechinger – Lift Station & Force Main Project Update

Dave Schechinger explained that the force main from the lagoons to the lift station has been constructed and the wet well structure is in place. There is a new flume structure and manhole. The contractor is currently working on the piping.

Public Works Director Matt Goodale – Wastewater Point Repair Update

Goodale updated the Council on point repairs that have been completed on Main & 5th, Cedar Street between Parkside & 2<sup>nd</sup>, and 4<sup>th</sup> & Green. Additional point repairs will be made prior to grouting and lining of the first phase of I & I Repairs. Oaks stated that sump pump inspections would be helpful as well.

**COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

Worrell said that he would like to say the Pledge of Allegiance before Council meetings. Stoolman asked about the timetable for the repair and whether plans were being made for shingles or a steel roof. Muckler reported that bids were originally taken for shingles and the former Mayor and some Council members had asked him to accept bids for a steel roof as well. The project is expected to be completed in the current fiscal year.

**ADJOURNMENT**

Motion to adjourn meeting by Miller, second by Ellyson. City Council meeting adjourned at 7:58 p.m.

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Mark Worrell, Mayor

ATTEST: \_\_\_\_\_  
Dawn Brandt, Deputy City Clerk