

*(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](http://www.westbranchiowa.org/government/council-videos). The minutes are not approved until the next regularly scheduled City Council meeting.)*

**West Branch, Iowa  
Council Chambers**

**City Council Meeting**

**August 15, 2016  
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:00 p.m. Mayor Laughlin then invited the Council, Staff and members of the audience to stand and led the group in the Pledge of Allegiance. Roll call: Mayor Roger Laughlin was present. Council members: Jordan Ellyson, Colton Miller, Brian Pierce and Tim Shields were present. Councilperson Mary Beth Stevenson was absent. Laughlin welcomed the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Police Chief Mike Horihan, Library/IT Director Nick Shimmin, and Finance Director Gordon Edgar.

**APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION.**

Approve minutes from the August 1, 2016 regular City Council Meeting.

Approve Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales privileges for Thirsty on 30 Inc. DBA Thirsty on 80.

Approve Partial Pay Estimate No. 1 in the amount of \$177,042.00 to All American Concrete, Inc. for work completed on the Main Street Intersection and Sidewalk Improvements Project through July 31, 2016.

Approve claims.

CLAIMS		8/15/2016
ALLIANT ENERGY	LION FIELD UTILITIES	9,429.48
BAKER & TAYLOR INC.	BOOKS	1,053.50
BARRON MOTOR SUPPLY	SUPPLIES	490.74
BEAN & BEAN	GRAVE OPENINGS	2,750.00
BIBLIONIX SERVICE	SUBSCRIPTION	1,909.20
BROWN'S WEST BRANCH	VEHICLE MAINTENANCE	1,423.17
CEDAR COUNTY COOPERATIVE	DIESEL FUEL	823.50
CEDAR COUNTY TRANSFER STAT	TRANSFER FEE NUIS. ABATE.	110.00
CEDAR RAPIDS PHOTO COPY IN	OFFICE SUPPLIES	49.57
CORALVILLE PARK & RECREATI	HHTD STAGE	500.00
COSTCO WHOLESALE	LIBRARY/PARK & REC SUPPLIES	624.24
CY'S TREE SERVICE	TREE REMOVAL	7,700.00
D&R PEST CONTROL	PEST CONTROL	70.00
DEWEYS JACK & JILL	MISC SUPPLIES	13.99
FEHR GRAHAM	308 PARK IMPROV PED VALLEY	19,470.00
GATEWAY HOTEL & CONF.	LODGING FOR TRAINING	1,243.20
GROUT MUSEUM DISTRICT	DAY CAMP ACTIVITY	291.00
HBK ENGINEERING LLC	309 PH1 PARK IMPROVEMENTS	1,821.90
HD CLINE COMPANY	MOWER REPAIRS	107.40
IHEARTMEDIA	ADVERTISING	1,161.20
IOWA DNR	ANNUAL NPDES FEE –WASTEW.	210.00
JAB INK GRAFIX & DESIGNS	UNIFORMS	225.50
JOHNSON COUNTY REFUSE INC.	RECYCLING JULY 2016	3,724.00
JONNY STAX PRESENTS, INC.	CONSULTING	2,000.00
JOURNEYED COM INC	CABLE SOFTWARE	188.88
LIBRARICA LLC	SOFTWARE SERVICE SUPPORT	313.35
LINN COUNTY R.E.C.	SIREN @ GREENVIEW	138.00
MENARDS	SUPPLIES	467.36
MIDWEST FRAME & AXLE	VEHICLE REPAIR	88.33
OLSON, KEVIN D	LEGAL SERVICES	1,500.00
OVERDRIVE INC	EBOOKS	174.09
PARKSIDE SERVICE	VEHICLE REPAIR	99.88
PEDEN, SHANELLE M	VIDEO RECORDING SERVICE	150.00
PITNEY BOWES INC	OFFICE SUPPLIES	124.93
PITNEY BOWES PURCH. POWER	POSTAGE	60.16

PLUNKETT'S PEST CONTROL IN	PEST CONTROL CITY OFFICES	95.18	
PORT 'O' JONNY INC.	PORTABLE TOILET SERVICE	174.00	
PYRAMID SERVICES INC.	REPAIR SUPPLIES & EQUIPMENT	562.95	
QUILL CORP	OFFICE SUPPLIES	321.78	
RADIO STATION KCJJ-AM	ADVERTISING	1,000.00	
REPUBLIC SERVICES OF IOWA	DOCUMENT DESTRUCTION	50.95	
RICKERTSEN, LISA	CONSULTING SERVICE	175.00	
RUSSELL, MELISSA	OFFICE SUPPLIES	23.99	
S & S FLATWORK LLC	SIDEWALK REPAIR	10,955.00	
SIMPLEXGRINNELL	SERVICE CONTRACT-FIRE ALARM	580.39	
STATE HYGIENIC LAB	WATER TESTING	300.00	
STATE LIBRARY OF IOWA	DATABASE SUBSCRIPTION FEES	650.08	
SUPPLYWORKS	BLDG MAINTENANCE SUPPLIES	4.75	
TRUGREEN PROCESSING CENTER	LAWN SERVICE LIONS FIELD	145.00	
US BANK EQUIPMENT FINANCE	COPIER RENT	300.80	
WALMART COMMUNITY/GEMB	SUPPLIES AND BOOKS	269.09	
WEST BRANCH FIREFIGHTERS	MEALS FOR HHTD VOLUNTEERS	30.00	
WEX BANK	VEHICLE FUEL	1,263.17	
ZEPHYR PRINTING & DESIGN,	HHTD SIGN & POSTERS	<u>672.50</u>	
TOTAL			78,081.20
PAYROLL 8/12/2016			42,786.84
PAID BETWEEN MEETINGS			
BRICK, LESLIE	TRAVEL EXP. FOR TRAINING	156.66	
CATHERINE STEEN	HOTEL-TRAINING	123.20	
CEDAR COUNTY COOP	FIRE TRUCK FUEL	533.98	
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	39.32	
JOSE AYALA	LIQUOR LICENSE REFUND	154.38	
MAIN STREET SWEETS INC	VENDOR REFUND FEE	25.00	
MILTON VOS	ROPE MAKING DEMO-HHTD	200.00	
MISCELLANEOUS VENDORS	REFUNDS	70.32	
RUSSELL, MELISSA	MEALS FOR BAND-HHTD	20.00	
UPS	SEWER-SHIPPING	20.86	
TOTAL			<u>1,343.72</u>
GRAND TOTAL EXPENDITURES			122,211.76
001 GENERAL FUND	64,494.99		
022 CIVIC CENTER	484.61		
031 LIBRARY	10,690.10		
110 ROAD USE TAX	3,261.08		
112 TRUST AND AGENCY	4,624.50		
307 MAIN ST INTERSECTION IMP	900.00		
308 PARK IMP - PEDERSEN VALLEY	19,470.00		
309 PHASE I PARK IMPROVEMENTS	1,821.90		
600 WATER FUND	8,748.95		
610 SEWER FUND	<u>7,715.46</u>		
GRAND TOTAL	122,211.59		

Motion by Shields, second by Miller to approve agenda/consent agenda. AYES: Shields, Miller, Ellyson, and Pierce. Motion carried.

**COMMUNICATIONS/OPEN FORUM - None.**

**PUBLIC HEARING/NON-CONSENT AGENDA**

Second Reading of Ordinance 741, rezoning real property located north of Greenview Drive and East of Cedar-Johnson Road from Agriculture A-1 District to Residence R-1, R-2, and R-3, and Business B-1 Districts./Move to action

Motion by Pierce, second by Ellyson, to approve the second reading of Ordinance 741. AYES: Pierce, Ellyson, Miller, and Shields. Motion carried.

## **PUBLIC HEARING/NON-CONSENT AGENDA**

### Public Hearing on amending the current budget for the fiscal year ending June 30, 2017.

Mayor Laughlin opened the hearing at 7:03 p.m. There were no comments. Hearing was closed at 7:04 P.M.

### Resolution 1510, amending the current budget for the fiscal year ending June 30, 2017./Move to action.

Laughlin stated that this amendment was mainly for bond proceeds and the timing of capital improvement projects. Motion by Ellyson, second by Pierce, to approve Resolution 1510. AYES: Ellyson, Pierce, Miller and Shields. Motion carried.

### Resolution 1511, closing a portion of Cookson Street./Move to action.

Motion by Ellyson, second by Shields, to approve Resolution 1511. City Attorney Kevin Olson reported that the purpose of the resolution was to close a portion of Cookson Street which would allow the City to relocate a sale shed to another portion of the City's property located at 338 Cookson Street. Olson stated that no access drives on the street would be affected. Olson informed the Council that Mr. John Beasley, the attorney representing Dave Peden, owner of Dave's Welding & Repair located at 348 Cookson Street, requested that the Council not take action on Resolution 1511 until Beasley could be present on behalf of Mr. Peden. Neither Beasley, nor Peden were able to attend the meeting. Public Works Director Matt Goodale stated that he spoke with or provided information to property owners on the north side of Cookson Street. Miller and Pierce stated that they felt it would be acceptable to postpone consideration of the item. Shields stated that the City should have restricted access to the City's property located at 338 Cookson Street years ago. Ellyson withdrew her motion and Shields concurred.

Motion by Miller, second by Pierce, to postpone consideration of Resolution 1511 until the next Council Meeting. AYES: Miller, Pierce, Ellyson, and Shields. Motion carried.

### Resolution 1512, authorizing a transfer of funds./Move to action.

Muckler stated that this resolution contains transfers from the TIF fund to the General Fund for the Parkside Drive Road Improvements Project and Acciona Legal Fees and would be made as part of the FY16 Annual Budget.

Motion by Miller, second by Pierce, to approve Resolution 1512. AYES: Miller, Pierce, Shields, and Ellyson. Motion carried.

### Resolution 1513, authorizing a transfer of funds./Move to action.

Muckler stated that this resolution contains transfers from the Local Option Sales Tax Funds to the General Fund for park projects and the last payment for the Fire Department Expansion and Maintenance Project.

Motion by Ellyson, second by Miller, to approve Resolution 1513. AYES: Ellyson, Miller, Pierce, and Shields. Motion carried.

### Ms. Vanessa Fixmer-Oraiz, HBK Engineering, LLC – Lions Field Creek Restoration Project –

Ms. Fixmer-Oraiz presented a draft letter concerning the Lions Field Creek Restoration Project. The letter stated that based on advice from the city attorney and the city's insurance agent, that the city would be asking residents to relocate sheds and fences on their own properties in preparation for the upcoming creek restoration project. Muckler stated that the City does not want to put residents in the position of having to obtain flood insurance or a letter of map amendment to FEMA floodplain maps. Muckler also stated that he received feedback from council members and the City's insurance agent that the residents might also create a homeowners association and that the Council could deed property to the homeowners association. Fixmer-Oraiz stated that ideally from a stormwater perspective, all of the structures would be removed from the floodplain. Council asked that the letter to residents be amended to include discussion of the homeowner's association option and invite them to a public meeting on September 22, 2016.

### Discussion on Development Agreement with Cedars Edge Golf Course, Inc. –

City Attorney Kevin Olson and City Administrator Matt Muckler presented two draft development agreements (Version #3 and Version #4) to the City Council. Trevor Thein, 701 Sullivan Street, stated that he is a member of the West Branch High School Golf Team and stated that the course was a great benefit for young people in the community. Jason Miller, 137 Northridge Drive, stated that he is an assistant golf coach for the West Branch High School Golf Team and that having a local

golf course is critical to being able to offer a golf program for West Branch students. Councilperson Pierce stated that he would like to have further discussion so that an agreement could be created that would be fair to both the City and Cedars Edge. Council members requested that a work session be held to further discuss the development agreement. Jerry Sexton, owners of Cedars Edge Golf Course, stated that he preferred Version #3, which would need some minor revisions. Both Council Members and Jerry Sexton agreed to appear at a City Council Work Session on Thursday August 25<sup>th</sup> at 7:00 p.m. to have further discussion. Shields complemented Trevor Thein on his presentation and stated that he feels the Council members are in favor of supporting the course and that the Council and Cedars Edge should be able to come to an agreement. Shields encouraged Sexton to present the Council with a written proposal. Ellyson agreed with Shields that the Council supported the course and also asked Sexton to provide the Council with a written proposal.

### **CITY STAFF REPORTS**

Police Chief Mike Horihan – Police Department Residency Requirement – Horihan started by thanking the city staff for all of their efforts on Hoover’s Hometown Days. Horihan then presented a proposal that would allow police officers the ability to live within either an 8-mile or 10-mile radius of the City, instead of the current residency requirement. Councilperson Miller stated that he would not be in favor of allowing officers to take their vehicle home if they live outside city limits, unless they were on call. Miller also asked about the arrangements for storing vehicles for officers who might choose to live outside the city limits. Shields expressed a preference for the eight-mile radius. Council members encouraged staff to bring back an ordinance at the next meeting with the 8-mile radius allowance.

Public Works Director Matt Goodale – Sewer Connections at 611 N. 4<sup>th</sup> Street, 403 Water Street, and 301 Beranek Drive – Goodale reported that the 4<sup>th</sup> Street Project brought to light a non-operating septic system at 611 N. 4<sup>th</sup> Street. Council asked Goodale to send a letter to the owner to repair the septic system or connect to the City’s sewer system. Two other properties that lack sewer connections were discussed. Council asked Goodale to notify owners to connect to the City’s sewer system.

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

Mayor Laughlin – Hoover’s Hometown Days – Laughlin thanked the City Staff and volunteers for their efforts to make this year’s event a success. Councilperson Pierce stated that he received many positive comments about the event, especially the fireworks display.

Mayor Pro Tem Colton Miller – Sidewalk Request on Foster Street – Miller discussed a request he received from a resident for a sidewalk on Foster Street. He suggested that parents consider a walking school bus program while solutions are discussed further. Stacey Rios, 115 Foster Street, spoke in favor of sidewalk construction on Foster.

### **MOTION TO ADJOURN TO EXECUTIVE SESSION**

Motion to adjourn to executive session by Shields, second by Pierce. AYES: Shields, Pierce, Miller and Ellyson. Absent: Stevenson. Motion carried. City Council adjourned to executive session at 8:55 p.m.

### **MOTION TO ADJOURN FROM EXECUTIVE SESSION**

Motion to adjourn from executive session by Miller, second by Shields. AYES: Miller, Shields, Pierce, and Ellyson. Absent: Stevenson. City Council adjourned from executive session at 9:02 p.m.

### **ADJOURNMENT**

Motion to adjourn regular meeting by Shields, second by Pierce. Motion carried on a voice vote. City Council meeting adjourned at 9:03 p.m.

---

Roger Laughlin, Mayor

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