

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

**West Branch, Iowa
Council Chambers**

City Council Meeting

**May 7, 2018
7:00 p.m.**

Mayor Laughlin called the West Branch City Council meeting to order at 7:01 p.m. Mayor Laughlin invited the Council, Staff and members of the audience to stand and led the group in the Pledge of Allegiance. Roll call: Council members: Colton Miller, Nick Goodweiler, Jodee Stoolman and Jordan Ellyson. Brian Pierce arrived at 7:10 p.m. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy City Clerk Leslie Brick, Finance Officer Gordon Edgar, Park & Recreation Director Melissa Russell, Public Works Director Matt Goodale and Police Chief Mike Horihan.

GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS

None.

PUBLIC COMMENT

None.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to Approve Meeting Minutes for City Council Meeting April 16, 2018.

Resolution 1707 – To Fix the Meeting of May 21, 2018; for a Public Hearing on Amending the Current Budget for the Fiscal Year Ending June 30, 2018.

Resolution 1705 – A Resolution Authorizing the Transfer of Funds.

Approve Claims Report.

EXPENDITURES

5/7/2018

AERO RENTAL INC	EQUIP RENTAL-STUMP GRINDER	291.50
BOCWAY INVESTMENTS LLC	BLDG INCENTIVE REIMBURSEMENT	24.11
CEDAR CO SHERIFF'S OFFICE	SERVICE FEES	42.10
CEDAR COUNTY COOPERATIVE	FUEL-PUBLIC WORKS	957.88
COMPASS MINERALS AMERICA INC	SALT	1,712.42
CULLIGAN WATER TECHNOLOGIE	WATER SOFTENER SERVICE	39.15
EASTERN IOWA BRASS BAND	EIBB DOWN PAYMENT	1,500.00
EDGAR, GORDON	MEALS-IMFOA CONFERENCE	16.74
ELITE HOLDING COMPANY	SAFETY SHIRTS	706.17
HAWKINS INC	CHEMICALS	349.75
HOLIDAY INN DES MOINES AIR	IMFOA CONFERENCE	410.30
IOWA ONE CALL	UTILITY LOCATION SERVICE	34.20
JAMES HOLLAND	TRAVEL EXP-W WATER TRAINING	22.60
JESSICA KILEY	BUILDING INCENTIVE REIMBURSEMENT	873.99
JETCO ELECTRIC INC.	SERVICE CALL	1,672.13
JOHN DEERE FINANCIAL	SUPPLIES	430.73
JULIA HIME	VIDEOGRAPY SERVICES	150.00
KINGDOM GRAPHICS LLC	INSTALL 3 LOGOS	300.00
KOCH BROTHERS INC	OFFICE SUPPLIES	48.72
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,242.40
LOWES BUSINESS ACCT/GEGRB	TOOLS	322.34
LYNCH'S EXCAVATING INC	WATER SERVICE REPLACEMENT	6,160.00
LYNCH'S PLUMBING INC	SERVICE-WATER TREATMENT PLANT	199.20
MARC/FREMAREK, INC.	SUPPLIES-CHEMICALS	145.61
MATT PARROTT/STOREY KENWORTHY	REG ENVELOPES	850.00
MENARDS	MAINTENANCE SUPPLIES	647.68
MOORE'S WELDING INC	EQUIPMENT REPAIR	1,695.00
MUNICIPAL SUPPLY INC.	METERS	246.66
OLSON, KEVIN D	LEGAL FEES	1,500.00
PARKSIDE SERVICE	TIRE REPAIR	21.50
PLAY IT AGAIN SPORTS	PROGRAM SUPPLIES	127.56
PYRAMID SERVICES INC.	CHAIN SAW	314.64
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	759.00
QUILL CORP	OFFICE SUPPLIES	80.84

SUPPLYWORKS	SOAP	79.76
TRUGREEN PROCESSING CENTER	LAWN SERVICE -LIONS FIELD	149.00
UPS	SEWER-SHIPPING	21.82
USA BLUE BOOK	CHEMICALS	709.36
VEENSTRA & KIMM INC.	STORMWATER CONSULT-NPS	332.00
VEENSTRA & KIMM INC.	LOT SITE PLAN REVIEW	249.00
VEENSTRA & KIMM INC.	POPLAR ST PAVING COORDINATION	182.35
WEST BRANCH COMMUNITY SCHOOL	GYM RENT	12.50
TOTAL		25,630.71
PAID BETWEEN MEETINGS		
IOWA POLICE CHIEFS ASSOCIATION	CONFERENCE REGISTRATION	135.00
MEDIACOM	CABLE SERVICE	40.90
UPS	SEWER-SHIPPING	22.27
US BANK CORPORATE CARD	PROGRAM SUPPLIES, TRAINING	1,208.23
WALMART COMMUNITY/RFCSELLC	SUPPLIES, DVDS	244.14
GALAXY CLEANING SERVICES	JANITOR SERVICE	1,278.66
AMAZON	BOOKS, PROGRAM SUPPLIES	630.52
BAKER & TAYLOR	BOOKS	226.85
LESLIE BRICK	TRAVEL EXPENSES	164.18
CEDAR RAPIDS PHOTO COPY	COPIER MAINTENANCE	71.16
PITNEY BOWES PURCHASE POWER	LIBRARY POSTAGE	503.50
QUILL CORP	OFFICE SUPPLIES, MAINTENANCE SUPPLIES	48.51
TIPTON CONSERVATIVE	SUBSCRIPTION	38.00
UPS	SEWER-SHIPPING	21.82
VERIZON WIRELESS	WIRELESS SERVICE	874.00
TOTAL		5,507.74
PAYROLL 4-20-18		53,072.08
PAYROLL 5-4-18		41,674.81
TOTAL EXPENDITURES		125,885.34
FUND TOTALS		
001 GENERAL FUND	49,453.36	
022 CIVIC CENTER	413.74	
031 LIBRARY	13,126.76	
110 ROAD USE TAX	10,509.98	
112 TRUST AND AGENCY	17,134.48	
308 PARK IMP - PEDERSEN VALLEY	355.00	
600 WATER FUND	21,225.07	
610 SEWER FUND	13,334.95	
740 STORM WATER UTILITY	332.00	
GRAND TOTAL	125,885.34	

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

PUBLIC HEARING/NON-CONSENT AGENDA

Third and Final Reading Ordinance 750 - Amending Chapter 41 Discussion – Regarding the Proposed Amendment to Ordinance 41.11 entitled Fireworks./Move to action.

ORDINANCE NO. 750

ORDINANCE REGULATING THE USE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY.

WHEREAS, the Iowa General Assembly recently passed legislation to allow for the sale of fireworks in the State of Iowa; and

WHEREAS, said state law allows cities to regulate the use or explosion of fireworks within its corporate limits; and

WHEREAS, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the use or explosion of fireworks within the City.

NOW, THEREFORE, BE IT ORDAINED, that:

1. Amendment. Section 41.11 of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:

“SECTION 41.11. FIREWORKS REGULATION.

The sale, use or exploding of fireworks within the City are subject to the following:

1. Definition. The term “fireworks” includes any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and specifically includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or other device containing any explosive substance.

(Code of Iowa, Sec. 727.2)

2. Regulations. It is unlawful to use or explode any fireworks; provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

A. Personal Injury: \$ 250,000.00 per person.

B. Property Damage: \$ 50,000.00.

C. Total Exposure: \$1,000,000.00.

(Code of Iowa, Sec. 727.2)

3. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Code of Iowa, Sec. 727.2)

4. Penalty. The scheduled fine for a first violation of this Section 41.11 shall be \$100.00. The scheduled fine for each additional violation of this Section 41.11 shall be \$500.00.”

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: April 2, 2018

Second reading: April 16, 2018

Third Reading: May 7, 2018

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, Deputy City Clerk

Motion by Ellyson, second by Miller to approve Ordinance 750. AYES: Ellyson, Miller, Stoolman, Goodweiler. Absent: Pierce. NAYS: None. Motion carried.

Discussion: Amending the City Code to prohibit Semi Truck parking on Tidewater Drive.

Chief Horihan said that he recently noted that semi-trucks were occasionally parking on East Tidewater near Casey’s and the Days Inn and cited safety concerns. He said the City Code did not have a parking restriction for this street. With the extra congestion in that area with the existing businesses, Horihan suggested that East Tidewater be added to the ordinance for no parking on both sides of the street for all vehicles. The Council agreed with the suggestion but stated that enforcement needs to occur as well. Laughlin said he had also received some parking concerns on Division Street but the Council decided to not take action on that street at this time.

Discussion: Amending the Current Bicycle Regulations to include the operation of skateboards.

Chief Horihan he has recently noticed kids riding skateboards recklessly in the downtown area and suggested adding language and penalties to help address the problems for the safety of the operator or others. The Council directed the Chief to proceed with the ordinance change.

Resolution 1706 – A Resolution Approving an Employee Salary Adjustment for Extra Duties Required. /Move to action.

Laughlin asked for this item to be tabled for further discussion with staff.

Motion by Miller, second by Ellyson to table Resolution 1706. AYES: Miller, Ellyson, Stoolman, Goodweiler, Pierce. NAYS: None. Motion carried.

Discussion: Consideration to Direct the City Administrator to Work with the Partners of Cedar's Edge and Little Lights in crafting a non-binding Memorandum of Understanding (MOU) regarding the potential project.

Jones explained the purpose of an MOU and how it can be used when partnering with a business and defines each party's responsibilities and requirements. Miller commented that he wanted to see a different process than what happened previously and stated the business owners needed to come to the Council with their request for consideration.

Public Hearing: Library Parking / CSD Poplar St Improvements Project.

Mayor Laughlin opened the public hearing at 7:25 p.m. There were no public comments. The public hearing closed at 7:26 p.m.

Resolution 1708 – A Resolution Approving a 28E Agreement between the City of West Branch and the West Branch Community School District./Move to action.

Laughlin noted that the amount on the agreement was incorrect and should reflect \$54,202.05. The due date was also incorrect and should reflect the payment due to the West Branch School District on July 1, 2019. Corrections were noted and will be reflected prior to signatures obtained. Council had no other issues with the 28E agreement.

Motion by Stoolman, second by Ellyson to approve Resolution 1708. AYES: Stoolman, Ellyson, Miller, Pierce, Goodweiler. NAYS: None. Motion carried.

Resolution 1712 – Approving Proposals in the Amount of \$61,539.85 to LL Pelling Company, Inc. for City Road Improvements and Trail Improvements for City Park and Hoover Nature Trail./Move to action.

Stoolman asked how often sealcoat streets were repaired and asked if there were more affordable, long lasting options. Public Works Director explained the cost differences and said that a prior goal of the City Council was to replace sealcoat streets as financially possible. Council agreed that replacing sealcoat streets should remain a city goal.

Motion by Stoolman, second by Goodweiler to approve Resolution 1712. AYES: Goodweiler, Ellyson, Miller, Pierce. NAYS: Stoolman. Motion carried.

Resolution 1709 – A Resolution Approving Partial Pay Estimate Number 1 in the Amount of \$276,843.04 to Needham Excavating Inc. for the Cubby Park Improvements project./Move to action.

Nate Kass, Fehr Graham, reported that eighty percent of the dirt work had been completed in spite of the wet conditions this spring. Kass also said that the project was approximately one month behind schedule and Needham was diligently working to get back on schedule. Kass also explained a drainage issue that was uncovered and that tiling would be necessary to correct the problem. Pierce questioned the grade where the pipeline is and asked if would stay that way. Kass explained that was a requirement of the pipeline company and the natural 'hump' would remain intact and the hillside be used in the playground area for a hillside slide.

Motion by Goodweiler, second by Pierce to approve Resolution 1709. AYES: Goodweiler, Pierce, Stoolman, Miller, Ellyson. NAYS: None. Motion carried.

Resolution 1710 – A Resolution Approving Change Order Number One to Decrease \$126,000 of Expenses from the Cubby Parks Improvements Project./Move to action.

Jones recalled that during the Council goal setting session that a splash pad was listed as a high priority. He further explained that through value engineering, he had met with Kass and made suggestions to remove some items from the original plan to potentially fund a splash pad in Cubby Park. The council discussed the items removed and determined they were okay with the reductions, but did not support adding a splash pad to Cubby Park. Laughlin felt any savings created by the reductions should be used for future maintenance equipment for the new park. Pierce and Miller were not in favor of removing forty parking spaces as it could negatively affect residents on Scott Drive during high use times. Further discussions determined that parking could be accommodated in the grassy area at the entrance of the park (in the future recreation center) area.

Motion by Goodweiler, second by Pierce to approve Resolution 1710. AYES: Goodweiler, Pierce, Stoolman, Ellyson. NAYS: Miller. Motion carried.

Resolution 1711 – A Resolution Approving Change Order Number Two, Revised in the Amount by \$20,100 on the Cubby Parks Improvements Project./Move to action.

Kass stated that ground water is seeping from the hillside that will require a drain tile to provide drainage on the east side of the ball fields and walking trail.

Motion by Goodweiler, second by Pierce to approve Resolution 1711. AYES: Goodweiler, Pierce, Stoolman, Miller, Ellyson. NAYS: None. Motion carried.

CITY ADMINISTRATOR REPORT

Jones reported that staff will be visiting a wastewater facility in Illinois later this week. He also said commented that the hotel/motel measure passed from the special election held on May 1, 2018. Votes will be verified on May 8th and then forwarded to the Iowa Department of Revenue. The tax should be effective on July 1st. Jones also advised the Council that he had been contacted by the Cedar County Conservation Board who is planning on replacing a bridge on the Hoover Nature Trail north of town and requested use of the dog park parking lot for a staging area which would close the park for several months. Council was not in favor of closing the park to residents as it a fee based service which many dog owners have memberships to. Jones said he would obtain more information from the Board on more specific plans.

CITY ATTORNEY REPORT

No report.

COMMENTS FROM MAYOR AND COUNCIL MEMBER

Laughlin said the former Croell property was ready for the tier two assessment and asked about when the closing would take place on the property exchange. Olson said the new Croell building was still pending the final inspection. Laughlin also asked about the status of the construction easements for the College Street Bridge project. Olson said they were being worked on.

Goodale provided a handout to the Council outlining tasks in the works and completed in April.

Pierce mentioned that he had gotten a report of holes under the fencing at the dog park and asked for staff to make repairs.

Stoolman asked for a status update on the West Branch Village project. Miller said he had been in contact with the Cedar County Conservation Board who is replacing a bridge a little further upstream to see if they could provide some guidance on moving forward with the project.

ADJOURNMENT

Motion to adjourn by Goodweiler, second by Pierce. Motion carried on a voice vote. City Council meeting adjourned at 8:46 p.m.

Roger Laughlin, Mayor

ATTEST: _____

Leslie Brick, Deputy City Clerk