

*(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**

**June 25, 2018  
7:00 p.m.**

Mayor Laughlin called the West Branch City Council meeting to order at 7:00 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, Jodee Stoolman and Jordan Ellyson were present. Brian Pierce and Nick Goodweiler was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, City Attorney Kevin Olson, Deputy City Clerk Leslie Brick, Finance Officer Gordon Edgar, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin, Fire Chief Kevin Stoolman and Police Chief Mike Horihan.

**GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS**

None.

**PUBLIC COMMENT**

None.

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

1. Motion to approve minutes for City Council Meeting June 4, 2018.
2. Motion to approve destruction of certain records with Shred-it Services listed on Records Destruction Form as per the Record Retention Manual for Iowa Cities.
3. Motion to approve West Branch Fire Department Class B Beer (BB) (Includes Wine Coolers) with Outdoor Service for Hoover's Hometown Days.
4. Motion to approve Class E liquor license with privileges: Class B Carryout Wine permit, Class C Carryout Beer permit, and Sunday Sales permit for Kum & Go, LC, dba Kum & Go #254.
5. Motion to approve a consultant contract with Rebecca Knoche for the services of filming City Council meetings.
6. Motion to approve the Library Board appointment of Allen G. Eakes.
7. Resolution 1723 – Approving the Cedar County Solid Waste Commission 28E Agreement.
8. Motion to approve "The Down Under" Hoover's Hometown Days – Outdoor Liquor Permit request.
9. Motion to approve claims report.

**EXPENDITURES**

6/25/2018

|                            |                        |           |
|----------------------------|------------------------|-----------|
| BAKER & TAYLOR INC.        | BOOKS                  | 394.76    |
| BARRON MOTOR SUPPLY        | SUPPLIES               | 691.35    |
| BEAVER HEATING AND AIR CON | FREON                  | 235.50    |
| BUSINESS RADIO SALES       | SUPPLIES               | 38.29     |
| CAJ ENTERPRISES INC        | ROADSTONE              | 227.35    |
| CEDAR RAPIDS PHOTO COPY IN | COPIER MAINTENANCE     | 138.31    |
| CHIEF SUPPLY CORPORATION   | UNIFORMS               | 92.72     |
| CJ COOPER & ASSOCIATES     | DRUG TESTING           | 35.00     |
| DEWEYS JACK & JILL         | DEWEYS JACK & JILL     | 38.54     |
| DIAMOND VOGEL PAINTS       | STREET PAINT           | 2,133.63  |
| FEHR GRAHAM                | 308 PV PARK CONST MGMT | 14,915.25 |
| FELD FIRE EQUIPMENT CO. IN | EQUIPMENT              | 190.00    |
| FINANCIAL ADJUSTMENT BUREA | COLLECTION FEE         | 12.40     |
| GONGORA, JOSE              | SAFETY CONSULTING      | 3,900.00  |
| HARRY'S CUSTOM TROPHIES LT | SUPPLIES               | 75.00     |
| HY-VEE ACCOUNTS RECEIVABLE | CONCESSION MDSE        | 61.64     |
| IOWA ONE CALL              | LOCATION SERVICE       | 36.90     |
| JOHN DEERE FINANCIAL       | SUPPLIES               | 547.58    |
| JOURNEYED COM INC          | SOFTWARE               | 107.14    |
| KIRKWOOD COMM. COLLEGE     | TRAINING               | 7.00      |
| MEDIACOM                   | CABLE SERVICE          | 40.90     |
| MENARDS                    | SEWER REPAIR SUPPLIES  | 169.96    |

|                                |                                  |              |
|--------------------------------|----------------------------------|--------------|
| MIDCO DIVING AND MARINE SE     | WATER TOWER INSPECTION           | 2,975.00     |
| MIDLAND GIS SOLUTIONS, LLC     | GPS DATA COLLECTION-SEWER        | 18,607.00    |
| MISCELLANEOUS VENDOR           | MENTE CONSRUCTION:ESCROW REFUND  | 7,000.00     |
| MUNICIPAL SUPPLY INC.          | WATER METERS & ACCESSORIES       | 5,229.50     |
| OASIS ELECTRIC LLC             | STREET LIGHT REPAIR              | 70.00        |
| OVERDRIVE INC                  | AUDIOBOOKS                       | 389.98       |
| PIP PRINTING & MARKETING S     | BLDG INSPECTION FORMS            | 75.33        |
| PITNEY BOWES INC               | POSTAGE METER RENTAL             | 180.00       |
| PLAY IT AGAIN SPORTS           | SUPPLIES                         | 359.80       |
| PORT 'O' JONNY INC.            | SERVICE-WAPSI PARK               | 330.00       |
| QC ANALYTICAL SERVICES LLC     | LAB ANALYSIS                     | 805.00       |
| QUALITY ENGRAVED SIGNS         | UNIFORMS                         | 76.00        |
| QUILL CORP                     | PROGRAM SUPPLIES                 | 733.64       |
| STATE HYGIENIC LAB             | LAB ANALYSIS                     | 45.50        |
| SWANK MOTION PICTURES INC      | MOVIE LICENSE                    | 94.00        |
| U.S. POSTAL SERVICE            | ANNUAL PO BOX RENT               | 50.00        |
| UPS                            | SEWER-SHIPPIING                  | 22.63        |
| VERIZON WIRELESS               | WIRELESS SERVICE                 | 874.00       |
| WEST BRANCH FORD               | VEHICLE MAINTENANCE              | 128.40       |
| WEST BRANCH REPAIRS            | VEHICLE MAINTENANCE              | 195.66       |
| WEST BRANCH TIMES              | LEGAL PUBLICATIONS               | 1,341.13     |
| WEST LIBERTY GUN CLUB, INC     | MEMBERSHIP                       | 880.00       |
| TOTAL                          |                                  | 64,551.79    |
| PAYROLL                        | 6/15/2018                        | 57,261.44    |
| PAID BETWEEN MEETINGS          |                                  |              |
| ANDERSON, MICHAEL              | LIBRARY PROGRAM                  | 325.00       |
| CEDAR COUNTY RECORDER          | RECORDING FEES                   | 26.00        |
| CROELL, INC.                   | TOWN HALL DRIVEWAY               | 970.50       |
| FLANEGAN, JAMIE LYNN           | LIBRARY PROGRAM                  | 100.00       |
| JULIA HIME                     | VIDEOGRAPHY SERVICES             | 300.00       |
| PDT SERVICES                   | REPAIR ICE MACHINE               | 446.20       |
| STEPHENS, CAROLE               | LIBRARY PROGRAM                  | 450.00       |
| UPS                            | SEWER-SHIPPIING                  | 21.82        |
| HILLARY GRIER                  | UTILITY REFUND                   | 33.55        |
| HILLARY GRIER                  | DEPOSIT REFUND                   | 100.00       |
| ETS CORPORATION                | CREDIT CARD FEES                 | 126.00       |
| ALLIANT ENERGY                 | ELECTRIC SERVICE                 | 9,330.29     |
| BAKER & TAYLOR INC.            | BOOKS                            | 395.31       |
| BEAN & BEAN                    | GRAVE OPENINGS                   | 1,650.00     |
| BP AMOCO                       | VEHICLE FUEL                     | 682.28       |
| BROWN'S WEST BRANCH            | MAINTENANCE SERVICE              | 115.19       |
| GROUT MUSEUM DISTRICT          | LIBRARY PROGRAM                  | 291.00       |
| INTOXIMETERS                   | SUPPLIES                         | 38.00        |
| JOHNSON COUNTY REFUSE          | RECYCLING, GARBAGE STICKERS      | 4,463.00     |
| KUSICK, MIKE                   | MILEAGE                          | 27.82        |
| LENOCH & CILEK                 | MAINTENANCE SUPPLIES             | 49.80        |
| LINN COUNTY REC                | ELECTRIC SERVICE                 | 155.30       |
| NEEDHAM EXCAVATING INC.        | 308 PV PARK CONSTRUCTION         | 362,865.81   |
| PITNEY BOWES                   | POSTAGE METER LEASE - LIBRARY    | 102.39       |
| PITNEY BOWES                   | POSTAGE                          | 1,003.50     |
| THE GAZETTE                    | SUBSCRIPTION                     | 324.54       |
| UNITED LABORATIES              | SUPPLIES                         | 433.20       |
| UPS                            | SEWER-SHIPPIING                  | 21.37        |
| US BANK CORPORATE CREDIT CARD  | PROGRAM SUPPLIES, TRAVEL EXPENSE | 4,642.81     |
| US BANK EQUIPMENT FINANCE      | COPIER LEASE                     | 59.00        |
| USA BLUE BOOK                  | SUPPLIES                         | 120.96       |
| WEX BANK                       | VEHICLE FUEL                     | 1,922.68     |
| BANKERS TRUST COMPANY          | INTEREST & PRINCIPAL             | 585,251.69   |
| IOWA FINANCE AUTHORITY         | INTEREST & PRINCIPAL             | 53,797.50    |
| BEST BUY                       | PROGRAM SUPPLIES                 | 59.99        |
| IOWA DEPT OF NATURAL RESOURCES | EXAM FEE                         | 30.00        |
| WALMART                        | SUPPLIES                         | 280.57       |
| TOTAL                          |                                  | 1,031,013.07 |
| GRAND TOTAL EXPENDITURES       |                                  | 1,152,826.30 |

|                                |              |
|--------------------------------|--------------|
| FUND TOTALS                    |              |
| 001 GENERAL FUND               | 52,315.14    |
| 022 CIVIC CENTER               | 625.65       |
| 031 LIBRARY                    | 13,511.12    |
| 110 ROAD USE TAX               | 7,238.55     |
| 112 TRUST AND AGENCY           | 13,764.68    |
| 226 GO DEBT SERVICE            | 585,251.69   |
| 308 PARK IMP - PEDERSEN VALLEY | 377,781.06   |
| 600 WATER FUND                 | 19,352.61    |
| 603 WATER SINKING FUND         | 53,797.50    |
| 610 SEWER FUND                 | 29,188.30    |
| GRAND TOTAL                    | 1,152,826.30 |

Motion by Ellyson, second by Miller to approve all agenda/consent agenda items except #8 for more discussion. AYES: Ellyson, Miller, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Stoolman questioned why The Down Under (#8) did not have to meet the same double fencing requirement as the fire department for serving alcoholic beverages for the event and didn't agree with the fencing option presented. Council concluded that last year the same fencing was used and there were no issues. The Council also had no issue with the request for extended service hours.

Motion by Ellyson, second by Miller to approve agenda/consent agenda item #8 as submitted. AYES: Ellyson, Miller. NAYS: Stoolman. Absent: Pierce and Goodweiler. Motion carried.

### **Public Hearing / Non-Consent Agenda**

Discussion: The Meadows Subdivision is beginning their planning process for phase 4 of their development. It is requiring decisions regarding aging sewer infrastructure.

Brad Larson, partner of KLM Development presented a preliminary concept for The Meadows – Phase 4 which includes the construction of a new street (Dawson Drive) that intersects with W. Main Street and goes north/northeast to the future Gilbert Drive extension which also provides access to Cedar-Johnson Road. The preliminary concept shows approximately 49 new residential lots. Larson said the existing sewer line running through the property is inadequate for handling the new phase and asked the Council to consider using TIF to reimburse KLM for replacing the sewer line. Larson said he had received a quote for approximately \$350,000 from Lynch Excavating for replacing the line. The council agreed that the sewer line has issues and was agreeable to considering an agreement with KLM. Council directed the City Administrator to pursue an agreement and bring back to the next meeting for consideration.

Third Reading Ordinance 754 – Approve the rezoning of the following described parcel located at 116 N. 1<sup>st</sup> Street, West Branch, Cedar County, Iowa; rezoning parcel #0500-13-05-357-015-0 from CB-1 Central Business District to RB-1 Residential Business District. /Move to action.

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319)351-2277  
Return to: Leslie Brick, Deputy City Clerk, P.O. Box 218, West Branch, Iowa 52358 (319)643-5888

### **ORDINANCE NO. 754**

**AN ORDINANCE RE-ZONING THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 116 N. 1ST STREET FROM CB-1 CENTRAL BUSINESS DISTRICT TO RB-1 RESIDENCE BUSINESS DISTRICT.**

WHEREAS, David and Kami Poppen ("Poppen") have petitioned the City of West Branch for a zoning district amendment for 116 N. 1st Street, said parcel being legally described as:

East ½ of Lot 3, Block 34 West Branch, Cedar County, Iowa (the "Parcel");

WHEREAS, Poppen has requested that the Parcel be rezoned to be located in an RB-1 Residence Business District, in place of an CB-1 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 RB-1 Residence Business District in place of an CB-1 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.

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

First Reading: June 4, 2018  
Second Reading: June 4, 2018 (Rules suspended)  
Third Reading: June 25, 2018

\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST: \_\_\_\_\_  
Redmond Jones II, City Administrator/Clerk

Motion by Miller, second by Ellyson to approve third reading of Ordinance 754. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Resolution 1724 – Approving an Agreement not to exceed \$50,000 for the services of site preparation to Barnhart’s Custom Services, LLC. /Move to action.

Laughlin said the agreement includes breaking up the remaining concrete, stock piling it on-site and grading of the area cleared.

Motion by Ellyson, second by Stoolman to approve Resolution 1724. AYES: Ellyson, Stoolman, Miller. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Third Reading Ordinance 751, Amending Chapter 69.08 entitled “No Parking Zone” (add 67) to prohibit Semi Truck and other parking on Tidewater Drive. /Move to action.

Motion by Miller, second by Ellyson to approve third reading of Ordinance 751. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

**ORDINANCE 751**

**ORDINANCE REGULATING NO PARKING ZONES.**

**WHEREAS**, the City of West Branch, Iowa has jurisdiction to establish Parking Regulations within the corporate limits of the City of West Branch; and

**WHEREAS**, No Parking Zones shall mean, no stop, stand, or parking of a vehicle in any of the following designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal; and

**WHEREAS**, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the no parking zones within the City.

**NOW, THEREFORE, BE IT ORDAINED**, that:

1. Amendment. Section 69.08 of the Code of Ordinances is hereby adding subsection sixty-Seven (67) with the following:  
67. Both sides of Tidewater Dr. East of Baker Ave. Parking would be allowed during special events, when authorized by the City Council or the Chief of Police. (Example- Kites over West Branch)
2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
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.
4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: May 21, 2018  
Second reading: June 4, 2018  
Third Reading: June 25, 2018

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Roger Laughlin, Mayor

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

Third Reading Ordinance 752 Amending Chapter 76 (sec. 76.02, 76.10, 76.11, and 76.14) the Current Bicycle Regulations to Include the Operation of Skate Boards. /Move to action.

Stoolman said a resident approached her for clarification on requirements for skateboarders if they were to wear lights as is required for bicyclists at night. Chief Horihan explained the difference between pedestrian and bicyclist laws and said that skateboards fall under the pedestrian laws. He reiterated that the change had public safety in mind and to create a safer environment. Horihan provided examples of dangerous behavior recently observed which prompted this Code change. The council decided to table this item and bring back to the next meeting to give the change some additional thought.

Motion by Miller, second by Ellyson to postpone the third reading of Ordinance 752. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Resolution 1722 – A Resolution Setting Salaries for Appointed Officers and Employees of the City of West Branch, Iowa for Fiscal Year 2019. /Move to action.

Motion by Miller, second by Ellyson to approve Resolution 1722. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Motion to Approve an Updated West Branch Schedule of Fees. /Move to action.

Motion by Ellyson, second by Stoolman. AYES: Goodweiler, Ellyson, Stoolman, Miller. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Discussion: Care Initiatives (Crestview) Easement Access and Fence Request.

Jones provided some background on a recent discovery with the Cubby Park project regarding the need for an easement from Care Initiatives (Crestview) to get power to the park. Jones then gave an update from a recent meeting with Alliant Energy who is working on an alternate solution which will not require the easement. Jones said staff is also working on a solution for the fence request.

Resolution 1725 – Authorizing the City Administrator to enter into a Settlement Agreement and Release with French Reneker Associates Inc. Engineers & Surveyors of Fairfield, Iowa.

Jones reported that he and Councilperson Miller met with a representative from French-Reneker Associates recently and came to an agreement with receiving a refund of engineering fees paid for the West Branch Village project which failed to meet DNR standards. The agreement was mutually agreed upon between both parties and Jones suggested that the Council allow City Engineer Dave Schechinger review the site to see if the project can be redesigned and completed sometime in the future. Jones also said the REAP grant funds the City received would need to be returned and that the City would have to re-apply for the grant.

Motion by Miller, second by Ellyson to approve Resolution 1725. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

First Reading of New Ordinance: Planned Unit Development

Laughlin said the ordinance was written and approved by the Planning & Zoning Commission for the former Croell Redi Mix site. Although very detailed in nature, Laughlin said it does what it was intended to do and that was give the City control over what gets developed on the site. Laughlin recommended that the Council approve the language for the new ordinance. Note: the ordinance will be numbered 755 and will appear as such on the next Council agenda.

Motion by Miller, second by Stoolman to approve first reading of Ordinance 755. AYES: Miller, Stoolman, Ellyson. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

## **CITY ADMINISTRATOR REPORT**

Jones reported on a recent meeting with Veenstra & Kimm and the waste water task group and said the engineers informed them that the City's current lagoon system is operating at or above capacity. The means that another lagoon will be needed with any alternative waste water process chosen. Estimated costs for adding a third lagoon is \$1 million. The alternative would be to build a waste water plant but preliminary estimates show the operating costs will be higher than a lagoon process. The task group will meet again to discuss next steps and will be waiting for the DNR required facility study (scope of work and process) identified and available for Council review in July. Jones also said the US Autoforce has moved into their new location on Council Drive

and is hiring. Jones also reported that a fireworks tent opened on Friday, June 22<sup>nd</sup> in an open lot on Tidewater Drive.

**CITY ATTORNEY REPORT**

No report.

**STAFF REPORTS**

Park & Recreation Director, Melissa Russell reported that the City received a Minnesota Twins grant in the amount of \$5,000 for Cubby Park to be used for the ball fields.

**COMMENTS FROM MAYOR AND COUNCIL MEMBER**

Mayor Laughlin mentioned the Acciona agreement should be reviewed and addressed before the next annual appropriation is due on December 1st. He also mentioned that the City of Clarence recently installed a small splash pad using community donations and discussed how they are operating it.

Stoolman questioned if the grates from the storm sewers along 6<sup>th</sup> Street were going to be re-installed as she felt they imposed a safety hazard. Public Works Director Matt Goodale was not available for comment.

**ADJOURNMENT**

Motion to adjourn by Miller, second by Ellyson. Motion carried on a voice vote. City Council meeting adjourned at 8:39 p.m.

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Roger Laughlin, Mayor

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