

(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

**July 9, 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, Jordan Ellyson, Brian Pierce and Nick Goodweiler were present. 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, Library Director Nick Shimmin and Police Chief Mike Horihan.

GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS

City Camera Project

Chief Horihan said the West Branch Police Department received a grant from the Cedar County Foundation in the amount of \$1500.00 that was put toward the purchase of the camera project which totaled \$3000.00. Horihan said three cameras have been installed along Main Street: one at Town Hall facing south and two at the gazebo at the corner of Main and Downey Streets one facing east and the facing west. Horihan further stated that at this time, only he and IT Director will monitor the cameras and that camera were put in place to protect the residents. Jones mentioned that a local television station had inquired about access to the camera for weather updates.

PUBLIC COMMENT

Jim Glasson, 303 N. Downey Street addressed the City Council regarding FY19 budgetary concerns. Glasson said he felt the City was intending to over utilize TIF for various projects discussed at the June 25, 2018 City Council meeting. Glasson said he had requested a copy of the current year budget and noted that the top three areas for expenditures were: public safety, culture and recreation and public works. He further commented that he understood that the city's infrastructure is aging, especially on the east side of town and asked the Council what their priorities are.

Kathleen Darling, 303 N. Downey Street addressed the City Council regarding the installation of Smart Meters by Alliant Energy. Darling said she had done some research on the meters and felt that there could be serious health threats from the use of the meters. She requested the Council to get more information from Alliant Energy and to allow residents to choose for themselves on having them installed at their homes.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to Approve Meeting Minutes for City Council Meeting June 25, 2018.

Motion to Approve the Brick Arch Winery – Outdoor Service Permit for Hoover Hometown Days August 4th, 2018.

Motion to Approve Claims Report.

EXPENDITURES

7/9/2018

ALLIANT ENERGY	LIGHTS-219 E GREEN	12.30
BRICK, LESLIE	MILEAGE	108.08
EAST CENT INTERGOVT ASN.	DUES 7-1-18 TO 12-31-18	766.26
HAWKINS INC	CHEMICALS-AZONE	817.85
ICMA	ICMA DUES 7-1-18 TO 6-30-19	720.00
IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	563.75
IOWA CITY/COUNTY MANAGEMEN	MEMBERSHIP DUES	120.00
IOWA DEPARTMENT OF NATURAL	ANNUAL WATER SUPPLY FEE	266.69
IOWA LEAGUE OF CITIES	MEMBERSHIP DUES	1,491.00
JOHNSON COUNTY EMERGENCY M	FY-2019 HAZ MAT TEAM 28E AGREM	47.50
LIBRARICA LLC	SOFTWARE SERVICE RENEWAL	313.35
LINN COUNTY R.E.C.	LIGHTS & SIREN @ GREENVIEW	155.30
OLSON, KEVIN D	LEGAL SERVICES	1,500.00

PORT 'O' JONNY INC.	SERVICE -WAPSI PARK	180.00
TYLER TECHNOLOGIES	SOFTWARE SUBSCRIPTION FEE	8,378.00
UPS	SEWER-SHIPPING	43.82
US BANK EQUIPMENT FINANCE	LIBRARY COPIER LEASE	59.00
WEST BRANCH TIMES	ADVERTISING, LEGAL PUB	388.85
WINDSTAR LINES INC	BUS CHARTER - CAMP	1,290.00
TOTAL		17,221.75
PAYROLL	6/29/2018	42,214.13
PAID BETWEEN MEETINGS		
ALEXIS FIRE EQUIPMENT COMPANY	MAINTENANCE SERVICE	12,105.00
MIDWEST WIRELESS LLC	CAMERAS	3,067.50
MENARDS	MAINTENANCE SUPPLIES	20.95
MUNICIPAL PIPE TOOL CO. LLC	SEWER MAINTENANCE & INSPECTION	5,550.20
OASIS ELECTRIC LLC	SERVICE CLL	70.00
AMAZON	BOOKS, PROGRAM SUPPLIES	924.30
BAKER & TAYLOR	BOOKS, PROGRAM SUPPLIES	155.25
BEAVER HEATING & AIR CONDITIONING	SERVICE CALL	117.00
CY'S TREE REMOVAL	TREE REMOVAL & STUMP GRINDING	11,580.00
FELD FIRE EQUIPMENT CO. INC.	EQUIPMENT	1,807.00
GALAXY CLEANING SERVICES	CLEANING SERVICE	1278.66
HARRY'S CUSTOM TROPHIES	MEDALS	352.00
JULIA HIME	VIDEOGRAPHY SERVICES	50.00
KIRKWOOD COMMUNITY COLLEGE	CPR TRAINING	238.00
KNOCHE, REBECCA	VIDEOGRAPHY SERVICES	150.00
KOCH BROTHERS	COPIER MAINTENANCE	427.64
LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	1,277.19
OFFICE OF AUDITOR OF STATE	AUDIT SERVICES	12,935.52
OVERDRIVE INC	BOOKS	134.98
PACHECO, HUGO VINICIO HERNANDEZ	REPLACE KITCHEN FLOOR	2,710.00
PLAY IT AGAIN SPORTS	SUPPLIES	33.27
PLUNKETT'S PEST CONTROL	PEST CONTROL	95.18
PSC DISTRIBUTION	SUPPLIES	190.04
QUILL	SUPPLIES	183.34
SHRED-IT USA	DOCUMENT DESTRUCTION	45.00
SUPPLYWORKS	MAINTENANCE SUPPLIES	47.67
VEENSTRA & KIMM	WW TREATMENT FAC-PRELIM EVALUATION	1,480.50
WEST BRANCH FAMILY PRACTICE	DRUG TESTING	40.00
BENDERA, GEORGE & ALINE	UTILITY REFUND	28.21
KILBURG, JUSTINE	UTILITY REFUND	61.79
BLANK PARK ZOO	LIBRARY -SUMMER PROGRAM	157.24
HAWKEYE PHOTO BOOTHS	HHTD AMUSEMENT	450.00
IMWCA	WORKMEN'S COMPENSATION	4,725.00
IOWA COMMUNTIES ASSURANCE POOL	PROPERTY & LIABILITY INSURANCE	43,374.73
TOTAL		105,863.16
GRAND TOTAL EXPENDITURES		165,299.04
FUND TOTALS		
001 GENERAL FUND	65,048.16	
022 TOWN HALL	3,171.33	
031 LIBRARY	7,442.46	
036 TORT LIABILITY	35,570.31	
110 ROAD USE TAX	14,232.51	
112 TRUST AND AGENCY	4,570.76	
600 WATER FUND	15,274.75	
610 SEWER FUND	19,988.76	
GRAND TOTAL	165,299.04	

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

PUBLIC HEARING / NON-CONSENT AGENDA

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.

Horihan said the ordinance change was not to outlaw skateboards but to improve public safety. Horihan said the manner in which a skateboard is operated makes it too dangerous for nighttime riding. He further stated that skateboards could not be compared to bicycles as skateboards do not have brakes. Stoolman suggested that a skateboard park might help address the issue.

ORDINANCE 752 ORDINANCE AMENDING BICYCLE REGULATIONS.

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

WHEREAS, Bicycle Regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein; and

WHEREAS, the intent of this amendment is not change the regulations regarding bicycling rather it is to include regulations related to the various forms of Skateboarding.

WHEREAS, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the bicycle and skateboard within the City.

NOW, THEREFORE, BE IT ORDAINED, that:

1. Amendment. Section 76.02, 76.10, 76.11, and 76.14 of the Code of Ordinances is hereby amending section seventy (70) with the following:

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle or using a skateboard or in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts or stops from a bicycle or using the skateboard or in-line skates, the person shall be subject to all regulations applicable to pedestrians. Skateboards and in-line skates shall not be allowed on city Streets, 20 minutes before dusk till 30 minutes after dawn.
(Code of Iowa, Sec. 321.234)

76.10 TOWING. It is unlawful for any person riding a bicycle, skateboard or in-line skates to be towed or to tow any other vehicle upon the streets of the City.

76.11 IMPROPER RIDING. No person shall ride a bicycle, skateboard or inline skates in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists, skateboarders, or in-line skates or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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 (tabled)
Third Reading: July 9, 2018

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, Deputy City Clerk

Motion by Goodweiler, second by Pierce to approve third reading of Ordinance 752. AYES: Goodweiler, Pierce, Miller, Ellyson. NAYS: Stoolman. Motion carried.

Second Reading, Ordinance 755, Amending Chapter 165 - Planned Unit Development. /Move to action.

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

First Reading, Ordinance 756 Amending Chapter 92 – Water Rates Code of Ordinances (sec. 92.05 entitled: “Service Discontinued”). / Move to action.

Motion by Ellyson, second by Goodweiler to approve first reading of Ordinance 756. AYES: Ellyson, Goodweiler, Pierce, Stoolman, Miller. NAYS: None. Motion carried.

First Reading, Ordinance 757 Amending Chapter 70 – Traffic Code Enforcement Procedures (section 70.30 entitled: “Parking Violations: Alternate”). / Move to action.

Motion by Goodweiler, second by Stoolman to approve first reading of Ordinance 757. AYES: Goodweiler, Stoolman, Ellyson, Miller, Pierce. NAYS: None. Motion carried.

First Reading, Ordinance 758 Amending Chapter 80 – Abandoned Vehicles (sec. 80.06 entitled: “Fees for Impoundment”). / Move to action.

Motion by Miller, second by Stoolman to approve first reading of Ordinance 758. AYES: Miller, Stoolman, Pierce, Goodweiler, Ellyson. NAYS: None. Motion carried.

First Reading, Ordinance 759 Amending Chapter 122 – Peddlers, Solicitors and Transient Merchants. / Move to action.

The Council reviewed the current peddler fees compared to other cities and determined that the City’s fees were sufficient. They questioned the current process and liked the idea of a waiting period be imposed before the issuance of permits and also obtain vehicle information from the permittee. Council directed staff to provide some options for identifying peddlers for resident safety and security.

Motion by Stoolman, second by Pierce to approve first reading of Ordinance 759. AYES: Stoolman, Pierce, Goodweiler, Miller, Ellyson. NAYS: None. Motion carried.

Resolution 1726 – Adopting various administrative service fees and adding them to the West Branch Schedule of Fees. / Move to action.

Motion by Ellyson, second by Pierce to approve Resolution 1726. AYES: Ellyson, Pierce, Miller, Stoolman, Goodweiler. NAYS: None. Motion carried.

Motion to authorize the City Administrator to finalize an easement access and fence request agreement with Care Initiatives (aka Crestview). / Move to action.

Jones said he met with Crestview representatives and had come to an agreement to install a 275 foot commercial grade chain link fence at the rear of their property to provide additional safety for their residents. Jones said hedges would also be planted on the park side of the fence to provide additional screening. The Council was alarmed by the price of the fence and directed Jones to obtain additional quotes and have it be a separate project to be completed after the electrical work was complete.

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

Motion to approve a request for an easement on College Street Bridge Project. / Move to action.

Schechinger explained the request from the Fobian’s for an easement exchange to allow them to access to park semi-trucks along the west side of the Hoover Nature Trail north of College Street. Laughlin said they are local farmers and the City should support them. The Council was agreeable to granting the easement but said they would pay for the gravel parking area.

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

Motion to submit the amended West Branch Urban Renewal Plan to the Planning and Zoning Commission. / Move to action.

Jones presented the amended urban renewal plan and noted that the areas highlighted in green would be added to the existing urban renewal plan. Laughlin requested that The Meadows Part 4 be included in its entirety to encompass the aging sewer line that runs through the property.

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

Resolution 1727 – Approving partial pay estimate #3 in the amount of \$247,973.87 to Needham Excavating Inc. for the Cubby Park Improvement Project./ Move to action.

Cody Buelt, Fehr-Graham provided a progress update on the project. Buelt noted that the concession stand footings have been poured and the floor and walls would be done within the next week. He also said the trail around the pond is being worked on as well as final grading for the ballfields is near completion. Motion by Goodweiler, second by Pierce to approve Resolution 1727. AYES: Goodweiler, Pierce, Stoolman, Miller, Ellyson. NAYS: None. Motion carried.

Discussion - Consideration regarding additional waterway grading, clearing and grubbing for the Cubby Park Improvements Project.

Jones reported that estimates were received on the additional creek clean-up requested by the Council at the last meeting. Two areas were addressed with one estimate being \$10,000 and the other \$30,000. Jones also confirmed that DNR approval would not be needed. The Council discussed and decided to hold off until the project was near completion and to see if there was still money left over from the contingency.

Discussion- Discussion on delay of turf seeding and grow-in plan for the Cubby Park Improvements Project.

Buelt advised the Council that water was still seeping from the hillside. He said the field tile has helped but is still not enough. Buelt said additional drainage tile will be needed, but Buelt could not confirm if that would resolve the issue. This matter along with other weather related issues will delay the seeding schedule. He further stated that the seeding company said that a fall seeding is actually more successful and set a new date of August 15th for the work to commence. The Council discussed the drainage issue in length and disagreed would should be responsible (the City or contractor) for paying to correct this issue since the last fix was not successful.

CITY ADMINISTRATOR REPORT

Jones reported that a recent inspection of the College Street Bridge requires immediate attention to fill a gap in the approach. Jones said Public Works will make the repair this week. Jones also said that the City had received the DNR construction permit to proceed with the project. He also provided updates on other various activities including; the French-Renneker reimbursement check had been received, the Hoover's Hometown Days fireworks permit had been submitted, and the memorandum of understanding with Cedar's Edge and Little Lights had been delivered but that signatures had not yet been received.

CITY ATTORNEY REPORT

No report.

STAFF REPORTS

Public Works reported that several trees in town have been affected by Asian beetles including some of the new trees planted on West Orange Street. Goodale said the beetles will not kill the trees so he was not concerned. He also said a couple of the trees died and will be replaced.

Park & Recreation reported that day camp programs are in progress and attendance is good.

COMMENTS FROM MAYOR AND COUNCIL MEMBER

No Comments.

ADJOURNMENT

Motion to adjourn by Goodweiler, second by Pierce. Motion carried on a voice vote. City Council meeting adjourned at 9:35 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk