



PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 7:00 P.M. MONDAY APRIL 1, 2019 IN THE CITY COUNCIL CHAMBERS, 110 NORTH POPLAR STREET, WEST BRANCH, IOWA.

Mayor	Roger Laughlin	mayor@westbranchiowa.org
Mayor Pro Tem	Colton Miller	mcolton@rocketmail.com
Council Member	Jordan Ellyson	Jordanellyson@gmail.com
Council Member	Brian Pierce	brianapierce@outlook.com
Council Member	Jodee Stoolman	j.stoolmanwbcc@yahoo.com
Council Member	Nick Goodweiler	nickgoodweilerwbcc@gmail.com
City Administrator	Redmond Jones II	rjonesii@westbranchiowa.org
City Attorney	Kevin Olson	kevinolsonlaw@gmail.com
Deputy City Clerk	Leslie Brick	leslie@westbranchiowa.org

Please note: *Most written communications to or from government officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.*

AGENDA

A. Call to Order

B. Opening Ceremonies

1. Pledge of Allegiance
2. Welcome

G. Roll Call

D. Guest Speaker, Presentations and Proclamations

E. Public Comment

Anyone wishing to address the City Council may come forward when invited; please state your name and address for the record. Public comments are typically limited to three minutes, and written comments may be submitted to the Deputy City Clerk.

F. Approve Agenda / Consent Agenda / Move to Action

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Council member, staff member or member of the Public wishes to discuss any item on the Consent Agenda, they can request the item be removed from the Consent Agenda for discussion.

1. **Motion to Approve** Meeting Minutes for City Council Meeting March 18, 2019.
2. **Motion to Approve** Board & Commission Appointments / Reappointments (Jan Jacobson – Library Board).

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3. **Motion to Approve** \$500 Donation to the Lower Cedar Watershed Management Authority as start-up Funds.
4. **Motion to Approve** the Claims Report.

G. Public Hearing / Non-Consent Agenda

1. **Third Reading, Ordinance 764** – An Ordinance Rezoning a Portion of the Meadows Subdivision, Part Four, of Real Property From R-1 to R-2 Residential District.
2. **Public Hearing:** On a Proposed Development Agreement with EMV Holdings, LLC (aka Little Lights) which includes Annual Appropriations of Tax Increment Rebates.
3. **Resolution 1797** – A Resolution Approving the Development Agreement with EMV Holdings, LLC (aka Little Lights) which includes Annual Appropriations of Tax Increment Rebates.
4. **Resolution 1798** – Approving Change Order #7 for work at Cubby Park to convert remaining exterior site work from “Completion Date” contract to “Working Days” contract.
5. **Resolution 1799** – Approving Change Order #8 for \$7,586.67 for the Lift Rental Expense Related to Work Stoppage, Additional Installation Labor, and Material Transportation related to the Pavilion Panels.
6. **Discussion Item:** Regarding Replacing the Tablets / City Council Paperless Packet Devices – A Review of Options.

H. Reports

1. City Administrator’s Report
2. City Attorney Report
3. Staff Hearsays

I. Comments from Mayor and Council Members

J. Adjournment

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(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

March 18, 2019
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: Council members: Colton Miller, Jordan Ellyson, Jodee Stoolman and Nick Goodweiler were present. Brian Pierce was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy Clerk Leslie Brick, Finance Officer Gordon Edgar, Park & Recreation Director Melissa Russell and Public Works Director Matt Goodale.

GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS

Michael LeClere, Martin Gardner Architecture presented the final Reuse Report of the former Croell Redi-Mix site. LeClere said the report addresses concerns regarding density and parking issues raised from the last meeting. He stated that the report includes information on the brownfield site assessment, citizen participation in the charrette exercise and the results from that exercise showing what the community wants to see happen with the site. The Reuse Report will guide future developers with research and reference information of the site, design features and exhibits for the preferred use of the property to meet community needs.

PUBLIC COMMENT

There were no public comments.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

EXPENDITURES	3/18/2019	
ALLIANT ENERGY	UTILITIES-WATER TOWER	12,880.84
ALTORFER INC	REPAIR PARTS	575.33
AMAZON	BOOKS, SUPPLIES	375.34
BAKER & TAYLOR INC.	BAKER & TAYLOR INC.	916.34
BALDRIDGE ENVIRONMENTAL SERVICES	EQUIP INSTALL-PILOT STUDY	15,000.00
BARRON MOTOR SUPPLY	MAINTENANCE SUPPLIES	76.96
BIG COUNTRY SEEDS INC	ICE MELT	700.00
BP AMOCO	BP AMOCO	504.63
BROWN'S WEST BRANCH	VEHICLE REPAIR	224.33
CEDAR COUNTY RECORDER	SERVICE	14.00
CITY TRACTOR CO	REPAIR PARTS	5.95
CONLEY & JENNA NASH	BUILDING INCENTIVE PAYMENT	1,040.82
CROELL, INC.	SAND	351.40
DEWEYS JACK & JILL	SUPPLIES	33.22
EDGAR, GORDON	MILEAGE	9.63
FEHR GRAHAM	308 PV CONST SERVICE	522.50
FRED'S FEED & SUPPLY LLC	SUPPLIES	58.47
GALVAN, RUBEN	GALVAN, RUBEN	1,379.00
HAWKINS INC	CHEMICALS-AZONE	518.30
HOTSYS CLEANING SYSTEMS	SUPPLIES	475.00
INTERSTATE POWER SYSTEMS INC	SEMI-ANNUAL INSPECT/ LOAD TEST	868.50
IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	593.16
IOWA POLICE CHIEFS ASSOCIATION	CONFERENCE REGISTRATION	135.00
ISOLDA PAGE	MILEAGE	15.19
JAMES MCLAIN	BUILDING INCENTIVE PAYMENT	1,933.17
JOHNSON COUNTY REFUSE INC	RECYCLING FEBRUARY 2019	3,895.00
KIESLER POLICE SUPPLY, INC.	SUPPLIES	647.00
LACKENDER FABRICATIONS INC	REPAIR PARTS	860.00
LENOCH & CILEK	SUPPLIES	101.96
LINN COUNTY R.E.C.	STREET LIGHTS	153.94
LYNCH'S EXCAVATING INC	WATER MAIN REPAIR 5TH ST	2,292.75
MENARDS	SUPPLIES	370.06
MISCELLANEOUS VENDOR	MARCY HUTT- LIQUOR LIC REFUND	308.75

MOORE'S WELDING INC	EQUIPMENT REPAIR/MAINTENANCE	2,419.05
OVERDRIVE INC	EBOOKS & AUDIO BOOKS	524.95
PATRICK HYDE	BUILDING INCENTIVE PAYMENT	546.92
PITNEY BOWES GLOBAL FINANCE	LIBRARY POSTAGE METER LEASE	102.39
PITNEY BOWES PURCHASE POWER	LIB - REPLENISH POSTAGE METER	1,003.50
PORT 'O' JONNY INC.	SERVICE-WAPSI PARK	192.00
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	732.00
QUALITY ENGRAVED SIGNS	OFFICE SUPPLIES	60.00
QUILL CORP	QUILL CORP	412.64
SCHIMBERG CO	SUPPLIES	184.00
STATE HYGIENIC LAB	LAB ANALYSIS	26.00
UPS	SEWER-SHIPPING	22.82
US BANK CORPORATE CARD	US BANK CORPORATE CARD	1,007.44
US BANK EQUIPMENT FINANCE	LIBRARY COPIER LEASE	116.88
WALMART COMMUNITY/RFC/LLC	DVDS, PROGRAM SUPPLIES	161.64
WEST BRANCH REPAIRS	VEHICLE REPAIR	613.04
WEST BRANCH TIMES	LEGAL PUBLICATIONS	652.64
WEX BANK	WEX BANK	893.49
TOTAL		57,507.94

PAYROLL 3/8/2019 42,481.21

PAID BETWEEN MEETINGS	UTILITY REFUND	64.95
TAYLOR & JOSH PETERSON	WATER SOFTENER SERVICE	23.20
CULLIGAN WATER TECHNOLOGIES	VIDEOGRAPHY SERVICES	150.00
JULIA HIME	FUEL - PUBLIC WORKS	990.62
CEDAR COUNTY COOPERATIVE		
TOTAL		1,228.77
GRAND TOTAL EXPENDITURES		101,217.92

FUND TOTALS		
001 GENERAL FUND		36,802.48
022 CIVIC CENTER		1,271.70
031 LIBRARY		9,784.01
110 ROAD USE TAX		10,760.29
112 TRUST AND AGENCY		4,678.30
308 PARK IMP - PEDERSEN VALLEY		522.50
600 WATER FUND		12,558.89
610 SEWER FUND		24,839.45
GRAND TOTAL		101,217.62

EXPENDITURES

3/18/2019 #2

CLIA LABORATORY PROGRAM	CLIA LABORATORY FEE	180.00
FIRE SERVICE TRAINING BUREAU	REPAIR PARTS	100.00
SANDY HEICK	EVOS TRAINING - FIRE DEPT	150.00
HOSPERS & BROTHER PRINTERS	SUPPLIES	124.67
KUSICK, MIKE	MILEAGE	19.26
MERCY IOWA CITY PHYSICIAN & CLINICS	SERVICE	165.00
OASIS ELECTRIC LLC	REPAIR SERVICE	742.30
JODEE STOOLMAN	MILEAGE	128.40
WEST BRANCH REPAIRS	VEHICLE REPAIR	361.51
GRAND TOTAL EXPENDITURES		1,971.14

FUND TOTALS		
001 GENERAL FUND		1,971.14
GRAND TOTAL		1,971.14

REVENUE-FISCAL YEAR 2019		
FUND FEBRUARY		
001 GENERAL FUND		23,666.66
022 CIVIC CENTER		124.19
031 LIBRARY		222.83

036 TORT LIABILITY	129.35
110 ROAD USE TAX	25,106.59
112 TRUST & AGENCY	810.64
119 EMERGENCY TAX FUND	102.02
121 LOCAL OPTION SALES TAX	16,222.58
125 TIF	1,904.95
226 DEBT SERVICE	782.85
500 CEMETERY PERPETUAL FUND	0.45
502 KROUTH INTEREST FUND	0.16
600 WATER FUND	40,650.95
610 SEWER FUND	30,796.73
740 STORM WATER UTILITY	5,210.00
950 BC/BS FLEXIBLE BENEFIT	
TOTAL	145,730.95

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

PUBLIC HEARING / NON-CONSENT AGENDA

Third Reading Ordinance 763 – An Ordinance amending the Zoning Code of the City of West Branch by adding several amendments regarding front yard, back yard, and zero-lot line requirements. /Move to action.

ORDINANCE 763

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF WEST BRANCH.

WHEREAS, the Planning and Zoning Commission of the City of West Branch, Iowa, has heretofore recommended it necessary to make certain amendments to the City’s Zoning Code; and

WHEREAS, a public hearing on said zoning revisions was previously held as required by law.

WHEREAS, this Ordinance replaces Ordinance 747, passed and approved December 4, 2017; and

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 165.11(2) of the Code of Ordinances is hereby amended to add subsection (E) which reads as follows:
“E. In all residential districts there shall be a minimum front yard required for that particular zoning district in this Chapter; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback than stated in said particular zoning district, the front yard requirement for an undeveloped lot shall be the average of these building setbacks. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. However, in no case shall the required front yard setback exceed fifty (50) feet.”
2. Amendment. Section 165.28(3)(A) is hereby amended by adding subparagraph (3) which reads as follows:
“Zero-lot line dwellings shall have a frontage of not less than thirty-five (35) feet and a lot area of four thousand two hundred (4200) square feet.”
3. Amendment. Sections 165.29(3)(B) is hereby amended by adding the following sentence at the end of said section:
“Zero-lot line dwellings shall have a lot area of four thousand two hundred (4200) square feet with a minimum width at the established building line of thirty-five (35) feet.”
4. Amendment. Section 165.29(3)(G) is hereby amended by adding the following sentence to the end of said section:
“Zero-lot line dwellings shall have two side yard setbacks, one which is zero (0) feet and the other shall be a minimum of eight (8) feet.”
5. Amendment. Section 165.35(2)(C) is hereby amended by deleting it in its entirety and replacing it with the following:
“C. Rear Yard. No rear yard shall be required in the Central Business CB-1 District. When abutting a residential district, a twenty (20) rear yard is required.”
6. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
7. 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.
8. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: February 19, 2019
 Second reading: March 4, 2019
 Third Reading: March 18, 2019

 Roger Laughlin, Mayor

ATTEST:

 Leslie Brick, Deputy City Clerk

Motion by Ellyson, second by Miller to approve 3rd reading of Ordinance 763. AYES: Ellyson, Miller, Stoolman, Goodweiler. NAYS: None. Absent: Pierce. Motion carried.

Second Reading Ordinance 764 – An Ordinance rezoning a portion of The Meadows Subdivision, Part Four, of real property from R-1 Residential District to R-2 (lots 40-57). /Move to action.

Motion by Ellyson, second by Goodweiler to approve 2nd reading of Ordinance 764. AYES: Ellyson, Goodweiler, Stoolman, Miller. NAYS: None. Absent: Pierce. Motion carried.

Second Reading Ordinance 765 – An Ordinance rezoning the Kuene/Kofron property from A-1 (Agricultural) to a Planned Unit Development District (PUD). /Move to action.

City Administrator said a request was received from the developer and MMS to collapse the second and third readings of the rezoning ordinance. Sandy Steil, MMS Consultants spoke on behalf of the developer. She stated that there have been no negative comments on the development from the Planning & Zoning Commission or residents and had the City's full support. Steil said that collapsing the 2nd and 3rd readings would allow MMS and the client to move forward with the developing and engineering the project. Laughlin said that this is a great project for the City and pledged his support. Miller said that although he was normally against collapsing the readings to allow public the opportunity to comment, but having not heard anything negative, Miller said he would support of collapsing the 2nd and 3rd readings.

Motion by Goodweiler, second by Miller to **approve 2nd reading** of Ordinance 765. AYES: Goodweiler, Miller, Stoolman, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319)351-2277
Return to: City of West Branch, 110 N. Poplar Street, P.O. Box 218, West Branch, Iowa 52358 (319)643-5888

ORDINANCE NO. 765

AN ORDINANCE RE-ZONING THAT CERTAIN 23.28 ACRE PARCEL OF REAL PROPERTY LOCATED NORTH OF AND ADJACENT TO INTERSTATE 80 AND EAST OF PARKSIDE DRIVE FROM A-1 AGRICULTURAL DISTRICT TO PUD – PLANNED UNIT DEVELOPMENT DISTRICT.

WHEREAS, the Owner of the property described below has petitioned the City of West Branch for a zoning district amendment for property located north of and adjacent to Interstate 80 and east of Parkside Drive, said parcel being legally described as:

A PORTION OF LOT D OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 79 NORTH, RANGE 4 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WEST BRANCH, CEDAR COUNTY, IOWA, DESCRIBED AS FOLLOWS:
Commencing at the Northwest Corner of Section 8, Township 79 North, Range 4 West, of the Fifth Principal Meridian, West Branch, Cedar County, Iowa; Thence S00°52'40"E, along the West Line of the Northwest Quarter of said Section 8, a distance of 1637.40 feet; Thence N89°24'33"E, 60.52 feet, to a Point on the East Right-of-Way Line of Ramp "E" of Interstate No. 80, and the POINT OF BEGINNING; Thence continuing N89°24'33"E, 232.95 feet, to the Southwest Corner of Cookson Subdivision, in accordance with the Plat thereof Recorded in Book 1211 at Pages 333-334 of the Records of the Cedar County Recorder's Office; Thence N89°22'29"E, along the South Line of said Cookson Subdivision, 650.25 feet, to the Southeast Corner thereof, and the Southwest Corner of Stoolman's 1st Addition, in accordance with the Plat thereof Recorded in Book 140 at Page 129 of the Records of the Cedar County Recorder's Office; Thence N89°25'17"E, along the South Line of said Stoolman's 1st Addition, and the Easterly projection thereof 803.44 feet, to the Northwest Corner of Lot A of Lot D, in accordance with the Plat thereof Recorded in Book 3 at Page 265 of the Records of the Cedar County Recorder's Office; Thence S01°02'25"E, along the West Line of said Lot A of Lot D, a distance of 885.86 feet, to its intersection with the North Right-of-Way Line of said Interstate No. 80; Thence S85°19'36"W, along said North Right-of-Way Line, 3.75 feet, to a Point 150.00 feet normally distant Northerly from Interstate No. 80 centerline station 72+13; Thence S89°35'43"W, along said North Right-of-Way Line 313.16 feet, to a Point 160.00 feet normally distant Northerly from Interstate No. 80 centerline station 69+00; Thence N68°48'05"W, along said Northerly Right-of-Way Line, 1294.32 feet, to the Southeast Corner of the Tract of Land conveyed by Warranty Deed, as Recorded in Book 668 at Pages 88-89 of the Records of the Cedar County Recorder's Office; Thence N00°23'24"W, along the East Line of said conveyed Tract, 334.42 feet; Thence S89°24'33"W, along a line parallel with and 40.00 feet normally distant Southerly from the North Line of said Conveyed Tract, 169.05 feet, to a Point on the West Line of said Conveyed Tract and the said East Right-of-Way Line of Ramp "E"; Thence N10°07'24"W, along said West Line and East Right-of-Way Line, 40.56 feet, to the Point of Beginning. Said tract of land contains 23.28 Acres, and is subject to easements and restrictions of record. (the "Parcel"); and

WHEREAS, the Owner has requested that the Parcel be rezoned to be located in a PUD – Planned Unit Development District in place of an AG Agriculture 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 PUD – Planned Unit Development District in place of AG Agriculture 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 18th day of March, 2019.

Read First Time: March 4, 2019
Read Second Time: March 18, 2019
Read Third Time: March 18, 2019

Roger Laughlin, Mayor

ATTEST: _____
Redmond Jones II, City Administrator/Clerk

Motion by Goodweiler, second by Stoolman to **approve 3rd reading** of Ordinance 765. AYES: Goodweiler, Stoolman, Miller, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1791 – Approving hiring Zachary Murdock as a Police Officer for the City of West Branch and setting the hourly wage for the position until completion of a law enforcement academy. /Move to action.

Laughlin said he was in support of the hire. He said that Murdock had been a reserve officer for about two years and has been doing a great job. He was interviewed by Horihan, Jones and Laughlin. Jones confirmed that Murdock will also sign an employment agreement as a condition of employment.

Motion by Miller, second by Goodweiler to approve Resolution 1791. AYES: Miller, Goodweiler, Ellyson, Stoolman. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1796 – Setting a Public Hearing on a proposed development agreement with EMV Holdings, LLC (aka Little Lights) which includes annual appropriations tax increment rebates. /Move to action.

Edgar advised the Council that the agreement should be amended to reflect a change in valuation of the proposed project as per the recent building permit issued. Edgar stated that Morrison-Vincent had previously stated the valuation of the project to be 1.5 million. However, changes to the scope of the project lowered that valuation in recent months. He asked the Council to carefully consider the agreement before approving it. The Council said clarification was needed from the City Attorney who drafted the agreement and agreed to set the hearing date for April 1, 2019.

Motion by Goodweiler, second by Miller to approve Resolution 1796. AYES: Goodweiler, Miller, Stoolman, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Discussion: Casey’s Agreement of the former store site.

The Council discussed that the agreement needed to include that Casey’s provide a dustless surface (chip & seal is preferred) once the building was removed from the property. Council directed Jones to contact City Attorney Olson for making that change and contacting Casey’s.

Resolution 1792 – Approving a fireworks agreement with J&M Displays for Hoover’s Hometown Days. /Move to action.

Motion by Goodweiler, second by Miller to approve Resolution 1792. AYES: Goodweiler, Miller, Ellyson, Stoolman. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1793 – Approving a Memorandum of Understanding (MOU) with the West Branch Community School District relating to the Summer League Programs. /Move to action.

Park & Rec Director Russell said the agreement is for one year and that the City will pay the West Branch School district one thousand dollars for the use of the ball fields for 2019. Russell said with the late opening of Cubby Park this year, an MOU would not be needed in the future.

Motion by Ellyson, second by Goodweiler to approve Resolution 1793. AYES: Ellyson, Goodweiler, Miller, Stoolman. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1794 – Approving various contracts for Hoover’s Hometown Days in the amount of \$5,605.17.
/Move to action.

Stoolman questioned why the Hoover Foundation or National Park was not paying for activities within the park and referenced the Coralville stage for \$925. Russell said that in recent years, the City has paid for the majority of the Hoover’s Hometown Days events and activities regardless of where they took place. Stoolman said she would not approve to pay for events held on Park property and suggested that the Hoover Foundation be asked to help pay for the event. Ellyson agreed with Stoolman and said she would not approve the resolution with the Coralville stage included. Laughlin said he would reach out to the Hoover Foundation.

Motion by Miller, second by Goodweiler to amend the resolution to remove the Coralville stage. AYES: Miller, Goodweiler, Stoolman, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Motion by Miller, second Goodweiler to approve the amended Resolution 1794. AYES: Miller, Goodweiler, Stoolman, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Resolution 1795 – Approving the Recreation Facility, Park & Sport Field Use and Fee Policy. /Move to action.

Russell said the agreement was the same as presented at the last meeting with the exception of the field fee which was changed to match how the West Branch School District charges. Goodweiler said he had received some negative feedback on the field pricing and maintenance charges. He said some coaches didn’t feel the fields were adequately prepped for the maintenance fees charged.

Motion by Stoolman, second by Ellyson to approve Resolution 1795. AYES: Stoolman, Ellyson, Miller, Goodweiler. NAYS: None. Absent: Pierce. Motion carried.

CITY ADMINISTRATOR REPORT

Jones reported on the waste water project start with Baldrige Environmental and said sludge testing would occur next week to determine how much sludge is in the lagoons. This would help determine how to treat the lagoons and help them perform more efficiently.

Jones also gave brief updates on the College Street Bridge Project start date, and other upcoming nuisance abatement conference in May and invited a council member to attend. Jones also advised the Council that Care Initiatives (Crestview) has lobbied for a tax reclassification from multi-residential to residential and was approved by the Cedar County Assessor. The change in tax classification will cost the City approximately twenty thousand dollars in lost general fund revenues each year. Lastly, Jones said there will be a joint City Council / West Branch School Board meeting at 6:00 p.m. on April 15, 2019.

CITY ATTORNEY REPORT

City Attorney Olson was absent.

STAFF REPORTS

Russell introduced Alliant Energy’s and the Iowa DNR Operation Relief Residential Tree Order form which allows residents to purchase trees from Alliant Energy for \$25.00. Russell said that residents who want to purchase trees from the Marion, Iowa location, Public Works will pick them up and deliver them to residents free of charge.

COMMENTS FROM MAYOR AND COUNCIL MEMBER

Laughlin said that Barnhart would start clearing the Croell site as soon as frost was out of the ground but said Barnhart was also busy with two housing developments and hoped he could get to it soon. He also mentioned that a couple of developers was interested in the gravel created from the site. The City would sell the gravel but need to keep track of the sales as it would help with the derelict grant. Goodweiler asked how the concession stand at Cubby Park was progressing. Goodale said drywall was complete.

ADJOURNMENT

Motion to adjourn by Ellyson, second by Goodweiler. Motion carried on a voice vote. City Council meeting adjourned at 8:50 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Motion to Approve Board & Commission Appointments / Reappointments (Jan Jacobson – Library Board).
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Nick Shimmin, Library Director
DATE:	March 26, 2019

BACKGROUND:

This item will fill a vacancy on the board.

STAFF RECOMMENDATION:	Approve the Motion – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

"Turning Vision into Reality is our Business"



CITY OF
WEST BRANCH
IOWA

Advisory Board/Commission
Application Form

Individuals serving on boards or commissions play an important role in advising the City Council on matters of West Branch.

When a vacancy occurs, an announcement of that vacancy will be posted. No sooner than two weeks later the Mayor and City Council will review all applications. The appointment will be made at a formal City Council meeting. Appointees serve as unpaid volunteers.

This application is a public document and as such it or the information it contains may be reproduced and distributed. This application will remain active for two years and you will automatically be considered for any vacancy occurring during that time.

Board or Commission _____ Today's Date _____

(Please print)

Name: Jan Jacobson Address: 312 N First Street

Phone: (home) 319-512-0043 Phone: (cell) (same as home)

Email: jicjacobson@gmail.com

Do you live within the corporate city limits of West Branch? Yes No

How long have you been a resident of West Branch? 2 years

Occupation: Retired; but, work parttime Employer: Groom Station (receptionist)

Optional Questions (use the back if necessary)

What experience and/or skills do you have that might qualify you to serve on this board / commission?

Enjoy reading; love literature (books)
Enjoy participating on advisory boards;
currently I am on an advisory board with
West Branch Kiwanis.

What contributions do you feel you can make to this board / commission?

in the past; when I was working professionally
I participated on an advisory board for
Special Education, Mental Health & HACAP.

Thank you for your interest! We will contact you after your application has been reviewed.



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Motion to Approve \$500.00 Donation to the Lower Cedar Watershed Management Authority to be used as start-up fund.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Roger Laughlin, Mayor
DATE:	March 26, 2019

BACKGROUND:

In 2010, Iowa lawmakers passed legislation authorizing the creation of Watershed Management Authorities (Iowa Administrative Code Chapter 466B Subchapter II). A Watershed Management Authority (WMA) is a mechanism for cities, counties, Soil and Water Conservation Districts (SWCDs) and stakeholders to cooperatively engage in planning and management at the watershed scale. A WMA has recently been formed for the Lower Cedar Watershed, which includes parts of Cedar, Johnson, Jones, Linn, Louisa, Muscatine, and Scott Counties.

This item is intended to assist this newly formed WMA start establishing and functioning the organization.

STAFF RECOMMENDATION:	Approve the Motion – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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**Lower Cedar Watershed Management Authority
Action Item**

TO: Members of the Lower Cedar Watershed Management Authority

FROM: Lower Cedar WMA Executive Committee

SUBJECT: Request for funds for startup funds/ information / education materials / grant match

ACTION: Funds contributed by WMA members and / or partners

BACKGROUND:

The Lower Cedar Watershed Management Authority (LCWMA) Executive Committee met on April 17 to discuss next steps for advancing the effort forward. The committee discussed the importance of developing some basic informational materials that will help explain the purpose of the WMA and provide more information to the public. The following information / education materials were discussed:

- Website, to be developed by Holly Howard (Project Coordinator, Muscatine SWCD) with assistance from executive committee members
- Logo, for use on printed materials (agenda, brochures, other official documents)
- Banner, for use at field days or county fairs
- Brochure, to be distributed through WMA members to the public
- Grant Match, money to use as match to secure grants for WMA

ACTION ITEM:

The LCWMA Executive Committee is requesting contributions from each WMA member to help develop these materials. Contributions ranging from \$100 - \$1000 would be welcomed. The goal of this fundraising effort is to raise funds for the items listed above. All funds would be held by Johnson County (serving as WMA fiscal agent) and reported on by the WMA Treasurer. Any funds not expended for the materials listed above would be held in an account and used as match funds for any grants for which the LCWMA collectively decides to apply.

Contributions are not a requirement but will be beneficial to help establish name recognition and allow the Project Coordinator to conduct related outreach and education activities.

Budget Item	Amount
Website development	850
Website yearly maintenance	145
Logo development	600-1000
Logo materials-banner, brochures...	800
General grant match for various grants	300-3000
Watershed planning grant match	5000



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE: April 1, 2019

AGENDA ITEM:	Motion to Approve the Claims Report.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Gordon Edgar, Finance Director
DATE:	March 26, 2019

BACKGROUND:

These are routine expenditures that include such items as payroll, budget expenditures, and other financial items that relate to City Council approved items and/or other day to day operational disclosures.

STAFF RECOMMENDATION: Approve Claims Report – Move to Action

REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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EXPENDITURES

4/1/2019

BAKER & TAYLOR INC.	BOOKS	577.78
CAJ ENTERPRISES INC	ROCK	3,415.17
CONLEY & JENNA NASH	BUILDING INCENTIVE PAYMENT	1,040.81
DEMCO	OFFICE SUPPLIES	275.41
EAST CENT INTERGOVT ASSOCIATION	GRANT WRITING SERVICE	1,000.00
JOHN DEERE FINANCIAL	SUPPLIES	286.83
KNOCHE, REBECCA	VIDEOGRAPHY SERVICE	972.21
KOCH OFFICE GROUP	COPIER MAINTENANCE	317.10
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,268.85
MISCELLANEOUS VENDOR	MT HOREB PUB LIB:LOST BOOK	45.00
OLSON, KEVIN D	LEGAL SERVICES	1,500.00
PITNEY BOWES INC	POSTAGE METER RENTAL	180.00
PLUNKETT'S PEST CONTROL INC	SERVICE - PUBLIC SERVICE BLDG	75.00
PORT 'O' JONNY INC.	SERVICE-WAPSI PARK	192.00
QUILL CORP	COMPUTER SUPPLIES	47.24
STATE INDUSTRIAL PRODUCTS	CHEMICALS	244.00
UPS	SHIPPING	22.82
USA BLUE BOOK	SUPPLIES	200.70
WATER SOLUTIONS UNLIMITED	CHEMICALS	2,515.00
WEST BRANCH COMMUNITY SCHOOL	ADJUSTMENT	992.00
WEST BRANCH FAMILY PRACTICE	DRUG TESTING	40.00
WEST BRANCH FORD	REPAIR PARTS	113.98
TOTAL		15,321.90

PAYROLL

3/22/2019 54,577.74

PAID BETWEEN MEETINGS

UPS	SHIPPING	22.82
VERIZON WIRELESS	WIRELESS SERICE	800.75
CATHERINE STEEN	UNIFORM	50.00
MEDIACOM	CABLE SERVICE	41.90

TOTAL**915.47****GRAND TOTAL EXPENDITURES****70,815.11****FUND TOTALS**

001 GENERAL FUND	28,014.96
022 CIVIC CENTER	43.29
031 LIBRARY	6,429.93
110 ROAD USE TAX	6,829.46
112 TRUST AND AGENCY	12,743.13
600 WATER FUND	9,939.91
610 SEWER FUND	6,814.43

GRAND TOTAL**70,815.11**

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT			
POLICE OPERATION	GENERAL FUND	PLUNKETT'S PEST CONTROL INC LIBERTY COMMUNICATIONS WEST BRANCH FORD	SERVICE - PUBLIC SERVICE B	37.50			
			TELEPHONE SERVICE	246.05			
			REPAIR PARTS	10.00			
			TOTAL:	293.55			
FIRE OPERATION	GENERAL FUND	PLUNKETT'S PEST CONTROL INC LIBERTY COMMUNICATIONS	SERVICE - PUBLIC SERVICE B	37.50			
			TELEPHONE SERVICE	100.14			
			TOTAL:	137.64			
PARK & RECREATION	GENERAL FUND	WEST BRANCH COMMUNITY SCHOOLS PORT 'O' JONNY INC. LIBERTY COMMUNICATIONS	MENS BASKETBALL LEAGUE	637.00			
			ADJUSTED INVOICE	95.00			
			ADJUSTMENT	60.00			
			ADJUSTED INVOICE	40.00			
			ADJUSTED INVOICE	280.00			
			SERVICE-WAPSI PARK	96.00			
			TELEPHONE SERVICE	153.08			
			TOTAL:	1,241.08			
			CREMTERY	GENERAL FUND	PORT 'O' JONNY INC.	SERVICE-CEMETERY	96.00
						TOTAL:	96.00
ECONOMIC DEVELOPMENT	GENERAL FUND	EAST CENT INTERGOVT ASN. KNOCHE, REBECCA CONLEY & JEMNA NASH	GRANT WRITING SERVICE	1,000.00			
			BUILDING INCENTIVE PAYMENT	822.21			
			BUILDING INCENTIVE PAYMENT	1,040.81			
			TOTAL:	2,863.02			
CLERK & TREASURER	GENERAL FUND	KOCH OFFICE GROUP LIBERTY COMMUNICATIONS PITNKY BOWES INC	COPIER MAINTENANCE	317.10			
			TELEPHONE SERVICE	321.20			
			POSTAGE METER RENTAL	180.00			
			TOTAL:	818.30			
LEGAL SERVICES	GENERAL FUND	OLSON, KEVIN D	LEGAL SERVICES	1,500.00			
			TOTAL:	1,500.00			
LOCAL CABLE ACCESS	GENERAL FUND	KNOCHE, REBECCA LIBERTY COMMUNICATIONS	VIDEOGRAPHY SERVICE	150.00			
			TELEPHONE SERVICE	64.95			
			TOTAL:	214.95			
TOWN HALL	CIVIC CENTER	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	43.29			
			TOTAL:	43.29			
LIBRARY	LIBRARY	DEMCO QUILL CORP BAKER & TAYLOR INC. LIBERTY COMMUNICATIONS MISCELLANEOUS V MT HOREB PUB LIB	OFFICE SUPPLIES	275.41			
			COMPUTER SUPPLIES	21.84			
			OFFICE SUPPLIES	25.40			
			BOOKS	409.44			
			BOOKS	168.34			
			TELEPHONE SERVICE	186.38			
			MADISON PUB LIB:LOST BOOK	45.00			
			TOTAL:	1,131.81			
			ROADS & STREETS	ROAD USE TAX	JOHN DEERE FINANCIAL CAJ ENTERPRISES INC LIBERTY COMMUNICATIONS WEST BRANCH FORD	SUPPLIES	286.83
						ROCK	160.91
ROCK & SALT	1,907.57						
ROCK & SALT	1,346.69						
TELEPHONE SERVICE	51.26						
REPAIR PARTS	93.78						
TOTAL:	67.98						

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
WATER OPERATING	WATER FUND	WEST BRANCH FAMILY PRACTICE	REPAIR PARTS	10.20
			DRUG TESTING	40.00
			TOTAL:	3,897.24
WATER OPERATING	WATER FUND	WATER SOLUTIONS UNLIMITED INC. LIBERTY COMMUNICATIONS USA BLUE BOOK	CHEMICALS	2,515.00
			TELEPHONE SERVICE	51.25
			SUPPLIES	200.70
			TOTAL:	2,766.95
SEWER OPERATING	SEWER FUND	UPS LIBERTY COMMUNICATIONS STATE INDUSTRIAL PRODUCTS	SHIPPING	22.82
			TELEPHONE SERVICE	51.25
			CHEMICALS	244.00
			TOTAL:	318.07

FUND TOTALS	
001 GENERAL FUND	7,164.54
022 CIVIC CENTER	43.29
031 LIBRARY	1,131.81
110 ROAD USE TAX	3,897.24
600 WATER FUND	2,766.95
610 SEWER FUND	318.07
GRAND TOTAL:	15,321.90



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Third Reading, Ordinance 764 – An Ordinance Rezoning a Portion of the Meadows Subdivision, Part Four, of Real Property from R-1 Residential District to R-2 lots 40-57.
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	March 26, 2019

BACKGROUND:

Third reading of Ordinance 764, rezoning a portion of The Meadows, Part 4 from R-1 to R-2, lots 40-57.

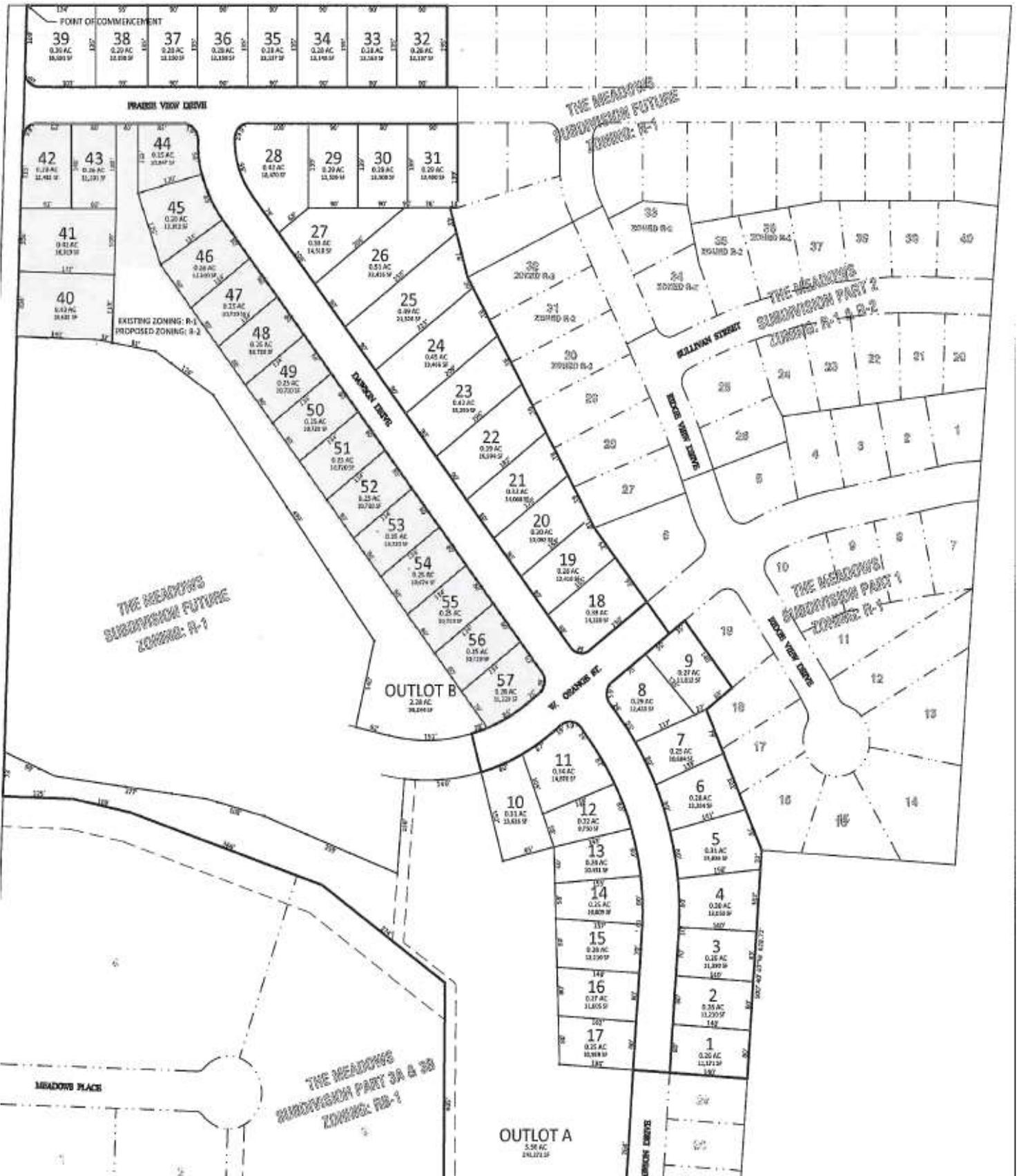
STAFF RECOMMENDATION: Approve Third and Final Reading – Move to Action
REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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REZONING EXHIBIT

THE MEADOWS SUBDIVISION PART 4

WEST BRANCH, CEDAR COUNTY, IOWA



ORDINANCE 764

AN ORDINANCE RE-ZONING THAT A PORTION OF THE MEADOWS SUBDIVISION, PART FOUR, OF REAL PROPERTY FROM R-1 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT.

WHEREAS, KLM Investments, Inc. (“KLM”) has petitioned the City of West Branch for a zoning district amendment for properties located in the Meadows Subdivisions, said parcel being legally described as:

A PORTION OF THE MEADOWS SUBDIVISION PART 4, BEING PART OF PARCEL G, AS RECORDED IN PLAT BOOK I, PAGE 103 OF THE CEDAR COUNTY RECORDER’S OFFICE, IN THE SOUTHWEST FRACTIONAL QUARTER (SW1/4) OF THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) AND THE NORTHWEST FRACTIONAL QUARTER (NW ¼) OF THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) OF SECTION 6, TOWNSHIP 89 NORTH, RANGE 4 WEST, IN THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 44 OF THE GREENVIEW ESTATES SUBDIVISION, AN OFFICIAL PLAT NOW IN THE CITY OF WEST BRANCH, THENCE S1°19’13”E, 195.11 FEET TO THE POINT OF BEGINNING, THENCE 86°46’30”E, 315.69 FEET; THENCE S3°13’30”E, 24.96 FEET; THENCE 143.10 FEET ALONG A 216.00 FOOT RADIUS CURVE CONCAVE EAST (CHORD BEARING S21°52’40”E, 141.10 FEET); THENCE S40°56’32”E, 967.89 FEET; THENCE S49°03’24”W, 50.37 FEET; THENCE 89.97 FEET ALONG A 300.00 FOOT RADIUS CURVE CONCAVE NORTH (CHORD BEARING S57°38’54”W, 89.63 FEET); THENCE N40°56’32”W, 961.68 FEET; THENCE S88°40’13”W, 77.11 FEET; THENCE S01°19’47”E, 127.44 FEET; THENCE N82°46’48”W, 37.29 FEET; THENCE S88°40’47”W, 140.28 FEET; THENCE N01°19’13”W, 351.60 FEET TO THE POINT OF BEGINNING.(the “Parcel).

WHEREAS, KLM has requested that the Parcel be rezoned to be located in an R-2 Residential District, in place of an R-1 Residential 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 R-2 Residential District in place of R-1 Residential 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 1st day of April, 2019.

Read First Time: March 4, 2019
Read Second Time: March 18, 2019
Read Third Time: April 1, 2019

Roger Laughlin, Mayor

ATTEST: _____
Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Public Hearing: On a Proposed Development Agreement with EMV Holdings, LLC (aka Little Lights) which includes Annual Appropriations of Tax Increment Rebates.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Kevin Olson, City Attorney
DATE:	March 26, 2019

BACKGROUND:

This Agreement is to make annual appropriation incremental property tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated from the Little Lights Event Center development located within the Amended and Restated West Branch Urban Renewal Area. All payments under this Agreement will be subject to annual appropriation of the City Council.

STAFF RECOMMENDATION:	Open / Close Public Hearing – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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**NOTICE OF PUBLIC HEARING ON THE APPROVAL OF A DEVELOPMENT
AGREEMENT WITH EMV HOLDINGS, LLC (LITTLE LIGHTS) AND
AUTHORIZATION OF ANNUAL APPROPRIATION TAX INCREMENT
PAYMENTS**

The City Council of the City of West Branch, Cedar County, Iowa, will meet at the City Council Chambers, 110 N. Poplar Street, on the 1st day of April, 2019, at 7:00 o'clock p.m. at which time and place a public hearing will be held on the proposal to enter into a Development Agreement with EMV Holdings, LLC. and the City of West Branch in connection with the construction of an event center, which provides for annual appropriation tax increment payments in a total amount not-to-exceed \$150,000, as authorized by Section 403.9 of the Code of Iowa, as amended.

The Agreement to make annual appropriation incremental property tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated from the event center located within the Amended and Restated West Branch Urban Renewal Area. All payments under this Agreement will be subject to annual appropriation of the City Council.

At the meeting, the City Council will receive oral and written objections from any resident or property owner of the City. Thereafter, the City may, at the meeting, or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council in accordance with Section 403.9 of the Code of Iowa, as amended.

/s/ _____
Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Resolution 1797 – A Resolution Approving the Development Agreement with EMV Holdings, LLC (aka Little Lights) which includes Annual Appropriations of Tax Increment Rebates.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Kevin Olson, City Attorney
DATE:	March 27, 2019

BACKGROUND:

This Agreement is to make annual appropriation incremental property tax payments will not be a general obligation of the City, but will be payable solely and only from incremental property tax revenues generated from the Little Lights Event Center development located within the Amended and Restated West Branch Urban Renewal Area. All payments under this Agreement will be subject to annual appropriation of the City Council.

STAFF RECOMMENDATION:	Approve Resolution / Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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MEMORANDUM

TO: Redmond Jones

FROM: Kevin D. Olson

Date: March 29, 2019

RE: EMV Holdings, LLC (Little Lights) development agreement

This resolution approves the proposed development agreement with EMV Holdings LLC (Little Lights) for the construction of the project at Cedar's Edge.

As a review, the Developer is eligible to receive a total \$150,000 in tax increment rebate payments over a ten-year time frame, or \$15,000 per year. This amount is totally based upon the assessed value of the project and the taxes paid by the developer. The agreement allows the Developer to access 70% of the annual tax increment revenues received just from this Project, which will be paid back on a semi-annual basis. The annual amount is capped at \$15,000. Also, the number of payments is capped at 20 semi-annual rebate payments. So if the developer's total rebate payments do not equal or exceed \$150,000 at the end of 20 payments, the agreement terminates, and the developer does not receive the entire \$150,000. Conversely, if the Developer reaches total aggregate rebate payments of \$150,000 prior to the end of the 20 payments, the agreement terminates and the final payments will not be made.

To summarize:

1. Developer receives 70% of the tax increment revenues generated from her development.
2. Annual cap on payments is \$15,000.
3. Aggregate cap on payments is \$150,000 over 10 years.
4. If Developer does not reach an aggregate total of \$150,000 over ten years, the Agreement still terminates.

Please let me know if you have questions. I will be at the meeting for any questions also. I apologize for the delay in getting this memo to all of you.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) entered into by and between the **City of West Branch, Iowa**, 110 N. Poplar Street, West Branch, Iowa 52358, hereafter referred to as “City”; and **EMV Holdings, LLC**, 281 310th Street, West Liberty, Iowa 52776-901, hereafter referred to as “Developer.”

WHEREAS, the Developer is the owner (or holds a long-term land lease) of that certain real property legally described as:

Lot 26, Cedar’s Edge, West Branch, Cedar County, Iowa, according to the recorded plat thereof in Book ____ at Page ____, Records of the Cedar County Recorder

(the “Development Property”); and

WHEREAS, the Developer desires to develop the Development Property as an approximate 13,400 square foot events center that will hosts weddings and other large events on the Development Property (the “Development Project”); and

WHEREAS, the Development Property is located within the West Branch Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, the Developer is willing to construct the Development Property on the Development Property in accordance with the requirements outlined in this Development Agreement.

NOW, THEREFORE, ON THE BASIS OF THE PRECEDING RECITALS, AND FOR THE MUTUAL CONSIDERATION OF ENTERING INTO THIS AGREEMENT, THE DEVELOPER AND CITY AGREE AS FOLLOWS:

A. Developer’s Obligations.

1. The Developer shall either acquire the Development Property or enter into a long-term lease on the Development Property in order to facilitate construction of the Development Project.

2. The Developer shall construct the Development Project on the Development Property and shall have received an occupancy permit for said Development Project by the City no later than eighteen (18) months from the date of this Agreement.

3. The Developer, shall operate the Development Project on the Development Property as a events center for a period of ten (10) years following the issuance of an occupancy permit for the Development Project. In the event that there is a dispute as to

whether the Development Project is being operated as an events center, the City's sole opinion shall be the final arbiter of that question.

4. The Developer shall pay, when due, all real estate taxes levied against the Development Property to the Cedar County Treasurer. Prior to receiving any economic development tax increment payments, the Developer shall provide receipts to the City evidencing payment of said real estate taxes. Failure to pay property taxes for any year shall constitute a breach of this Agreement by the Developer.

B. City's obligations.

1. In recognition of the Developer's obligations set out above, the City agrees to maintain the tax increment ordinances in effect and to make economic development tax increment payments (the "Payments") to the Developer in each fiscal year during the term of this Agreement, pursuant to Chapters 15A and 403 of the Code of Iowa. Said annual Payments shall be the lesser of the seventy percent (70%) of the incremental tax revenues received by the City from the Development Property by the Cedar County Treasurer, or \$15,000.00, payable in two equal, semi-annual installments.

2. The Payments shall be made on June 1st and December 1st (the "Payment Date") of each fiscal year. The Developer expressly agrees that no Payment will be made to the Developer if the Developer is not in compliance with this Agreement.

4. The Payments to the Developer contemplated under this Agreement will be for ten (10) fiscal years (a total of 20 payments), the first Payment being made on the first tax payment based upon the assessment for the completed Development Project. (By way of example, if the Project receives an occupancy permit on December 15, 2019, the first Payment contemplated under this Agreement will be based upon the January 1, 2020 tax assessment made by the Cedar County Assessor, and the first Payment would be made December 1, 2021 because taxes payable on January 1, 2020 assessment are paid by October 1 and April 1 of 2021.)

5. The Payments contemplated under this Agreement shall not constitute general obligations of the City, but shall be made solely and only from incremental property taxes received by the City from the Cedar County Treasurer, which are attributable to the Development Property.

6. Each Payment contemplated under this Agreement shall be subject to the annual appropriation of the City Council. Prior to December 1 of each year during the term of this Agreement, the City Council of the City shall consider the question of obligating for appropriation to the funding of the Payments due in the following fiscal year 100% of the amount of incremental tax increment revenues to be collected in the following fiscal year. (the "Appropriated Amount"). The Developer expressly agrees that in no event shall the Appropriated Amount, when added to the previous Payments, exceed the \$150,000.00.

The City agrees to certify pursuant to Section 403.19 of the Iowa Code by December 1st of each year during the term of this Agreement to the Cedar County Auditor an amount equal to the most recent Appropriated Amount. The City will give notice to the Developer of the amount certified pursuant to Section 403.19 of the Code on or before December 1st of each year, for the fiscal year beginning the following July 1st. If the City fails to certify an amount to be collected pursuant to said Section 403.19 of the Code for the obligations contemplated under this Agreement, then an event of non-appropriation shall have occurred, as discussed herein. If an event of non-appropriation occurs, the City's obligation to pay pursuant to this Agreement for the fiscal year in question shall cease, and the Developer expressly acknowledges that it has no recourse against the City for said non-appropriation. Future Payments, if any, contemplated under this Agreement shall be subject to future appropriation by the City, all of which shall be contemplated pursuant to said Section 403.19 and certified each December 1st for the fiscal year beginning the following July 1st.

C. Administrative Provisions.

1. Each party represents to the other that the party has full power and authority to enter into this Agreement and that this Agreement is a binding Agreement duly authorized by the governing body of each party.

2. This Agreement represents the entire agreement between the parties and may not be amended or assigned without the express permission of the other party. However, by execution of this Agreement, the City hereby authorizes the Developer to assign the rights to receive the Payments to a private lender, as security, without further action of the City Council and the receipt of a written assignment to receive the Payments from the Developer.

3. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

4. This Agreement shall be deemed to be a contract made under the laws of the State of Iowa, and for all purposes shall be governed by and construed in accordance with the laws of the State of Iowa.

5. If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid, illegal or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected and shall be enforceable to the fullest extent permitted by law.

6. That this Agreement may be executed in counterparts.

(Signature pages to follow)

SIGNATURE PAGE OF CITY OF WEST BRANCH, IOWA.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk

STATE OF IOWA, CEDAR COUNTY, ss:

This instrument was acknowledged before me on this _____ day of _____, 2019, by Roger Laughlin and Redmond Jones II as Mayor and City Clerk respectively of the City of West Branch, Iowa.

Notary public

SIGNATURE PAGE OF DEVELOPER:

By: _____
Erin Morrison-Vincent, Manager

STATE OF IOWA, COUNTY OF _____:

On this ____ day of _____, 2018, this document was executed by Erin Morrison-Vincent, as Manager of EMV Holdings, LLC.

Notary Public

RESOLUTION 1797

RESOLUTION APPROVING A DEVELOPER'S AGREEMENT WITH THE EMV HOLDINGS, LLC, INCLUDING TAX INCREMENT REBATE PAYMENTS.

WHEREAS, EMV Holdings, LLC (the "Developer") has agreed to construct an events center on Lot 26, Cedar's Edge, West Branch, Iowa (the "Project"); and

WHEREAS, the City has agreed to grant tax increment payments to the Developer as an incentive to construct the Project; and

WHEREAS, to that end, the City Attorney has drafted a Developer's Agreement which states that the Developer is eligible for not-to-exceed \$150,000 in tax increment rebate payments over a 10 year period; and

WHEREAS, it is now necessary to approve said Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of West Branch, Iowa, that this Council hereby finds:

1. That the use of tax increment rebate payments pursuant to Chapters 15A and 403 of the Code of Iowa will generate new opportunities for the state and local economies.
2. That the funds dispensed pursuant to this Agreement will generate appropriate public gains and benefits that are warranted in comparison to the funds dispensed.

BE IT FUTHER RESOLVED; that the aforementioned Agreement be and the same is hereby approved. Further, the Mayor and City Clerk are hereby directed to execute this Agreement on behalf of the City.

Passed and approved this 1st day of April, 2019.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Resolution 1798 – Approving Change Order #7 for work at Cubby Park to convert the remaining exterior site work from “Completion Date” contract to “Working Days” Contract.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Nate Kass, Fehr Graham
DATE:	March 27, 2019

BACKGROUND:

Per discussion at a previous council meeting, following is a change order for work at Cubby Park to convert remaining exterior site work from “Completion Date” contract to “Working Days” contract. Work on the Pavilion shall have its own schedule and shall be completed on or before May 1, 2019.

The exhibit included with the change order shows the Schedule Worksheet provided by Needham Excavating Inc.

Working days reports will be submitted on a weekly bases by Fehr Graham after the exterior work commences.

STAFF RECOMMENDATION: Approve Resolution – Move to Action
--

REVIEWED BY CITY ADMINISTRATOR:
--

COUNCIL ACTION:

MOTION BY:

SECOND BY:

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CHANGE ORDER 7

No.: 7

Date of Issuance: March 11, 2019 Effective Date: March 19, 2019
Owner: City of West Branch, Iowa
Contractor: Needham Excavating, Inc.
Contract: Joseph D. Needham, President
Project: Cubby Park Improvements
Owners Contract No.: N/A Engineer's Project No.: 16-072
Engineer: Fehr Graham - Nathan P. Kass, PE, PLS

You are directed to make the following changes in the Contract Documents:

Description:

Convert remaining exterior site work from "Completion Date" contract to "Working Days" contract. For this applicable work, Supplemental Specifications Section 1080, 1.02 - CONTRACT TIME, A. and B. shall be deleted and replaced with Section 1080, 1.02 - CONTRACT TIME, A. 3. b. Approximate Start Date: March 22, 2019. Previous extensions and completion dates will no longer be effective. Substantial completion of the remaining work not including the Pavilion shall be completed in not more than 34 working days. Working days shall be defined per SUDAS Section 1080 as determined by the Engineer.

Work on the Pavilion shall have its own schedule and shall be completed on or before May 1, 2019. Working days will not be counted for the work that remains due to the interior nature of the work, thus is not directly affected by weather conditions.

Reason for Change Order:

Work was not completed by the contract completion date and the remaining site work, specifically the paving, finish grading, seeding and plantings, and playground improvements, are to be completed when the site is fit in the spring and early summer of 2019. The contract will be converted to a "Working Days" contract so that weather conditions may be factored into the completion schedule more easily.

Attachments: (List documents supporting change):

See attached Schedule Worksheet provided by Needham Excavating Inc.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price

Original Contract Times

\$ 2,945,427.39

By November 2, 2018 days or dates

Previous Change Orders No.

Net change from previous Change Orders

1 To No. 6

50 days

\$ 36,785.55 Decrease

Contract Price prior to this Change Order

Contract Time prior to this Change Order

\$ 2,908,641.84

12/22/2018, days
3/30/19 and
5/24/2019

Net Increase (Decrease) of this Change Order

Net Increase (Decrease) of this Change Order

\$ 0.00 Increase

34 days; 5/1/19 days or date

Contract Price with all approved Change Orders

Contract Time with all approved Change Orders

\$ 2,908,641.84

34 days; 5/1/19 days or date

RECOMMENDED: Fehr Graham

APPROVED: City of West Branch

ACCEPTED: Needham
Excavating, Inc.

Nathan P. Kass, PE, PLS
ENGINEER

Roger Laughlin, Mayor
OWNER

Joseph D. Needham, President
CONTRACTOR

By:

By:

By:

(Signature)

(Signature)

(Signature)

Date

Date

Date

END SECTION.

Needham Excavating Inc.

Schedule Worksheet

02/27/19

Schedule Worksheet
(Separate Reports)
2018015 Cubby Park Improvements

Task#	Description	Duration	Type	Fixed Date	Early Start	Early Finish	Float
5 Schedule for Exterior Work							
1.000	Install Drain Tile	1	1	03/15/2019	03/15/2019	03/15/2019	34
2.000	Needham - Regrade and Touch ups	3	1	03/15/2019	03/15/2019	03/19/2019	
3.000	Streb - Walking Trails - Fine Grading	5	1		03/20/2019	03/26/2019	
4.000	Streb - Walking Trails - Form Paths	5	1		03/27/2019	04/02/2019	
5.000	Streb - Walking Trails - Pour Paths	5	1		04/03/2019	04/09/2019	
6.000	Streb - Beam Curb - Around Playgro	4	1		04/10/2019	04/15/2019	
7.000	Streb - Parking Lot - Fine Grading	5	1		04/16/2019	04/22/2019	5
8.000	Streb - Parking Lot - Pour Entire Lot	5	1		04/10/2019	04/16/2019	2
9.000	Needham - Topsoil - Around Paths	5	1		04/10/2019	04/16/2019	12
10.000	QC Silt Fence - Fine Grade/Seed - P	3	1		04/23/2019	04/25/2019	5
11.000	Needham - Topsoil - Around Parking	5	1		04/17/2019	04/23/2019	4
12.000	QC Silt Fence - Fine Grade/Seed - P	3	1		04/24/2019	04/26/2019	4
14.000	Needham - Grading East of Pipeline	5	1		03/20/2019	03/26/2019	17
15.000	Needham - Topsoil - East of Pipelin	5	1		03/27/2019	04/02/2019	17
16.000	QC Silt Fence - Fine Grade/Seed - E	5	1		04/03/2019	04/09/2019	17
17.000	Needham - Install Mulch at Playgrou	2	1		04/23/2019	04/24/2019	
18.000	Forever Green - Install stones at Play	5	1		04/25/2019	05/01/2019	
19.000	Forever Green - Tree Plantings - Site	10	1		04/17/2019	04/30/2019	2
20.000	Finish		1		05/02/2019	05/02/2019	

RESOLUTION 1798

RESOLUTION APPROVING CHANGE ORDER #7 FOR WORK AT CUBBY PARK TO CONVERT THE REMAINING EXTERIOR SITE WORK FROM “COMPLETION DATE” CONTRACT TO “WORKING DAYS” CONTRACT.

WHEREAS, This change order is to convert the language of our contract with Needham Excavating Inc. for work at Cubby Park to state “Completion Date” contract to “Working Days” contract; thus, making previous extensions and completion dates no longer effective; and

WHEREAS, this amendment will documents the City’s willingness to forgo its rights to pursue liquidated damages for work delays up and until work completed to date; and

WHEREAS, this amendment allows Needham to finish the project without any additional unbudgeted expense to the city; and

WHEREAS, work on the Pavilion shall have its own schedule and shall be completed on or before May 1, 2019. Working days will not be counted for the work that remains due to the interior nature of the work, thus is not directly affected by weather conditions; and

WHEREAS, “Working Days” are defined per SUDAS Section 1080 as determined by the Engineer; and

WHEREAS, as per this change order #7 the applicable work, Supplemental Specifications Section 1080, 1.02 – Contract Time, A. and B. shall be deleted and replaced with Section 1080, 1.02 – Contract Time, A. 3. B. Approximate Start Date: March 22, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa approves the terms of this resolution.

* * * * *

Passed and approved this 1st day of April, 2019.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Resolution 1799 – Approving Change Order #8 for \$7,586.67 for the Lift Rental Expense Related to Work Stoppage, Additional Installation Labor and Material Transportation related to the Pavilion Panels.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Nate Kass, Fehr Graham
DATE:	March 26, 2019

BACKGROUND:

This change order for work at Cubby Park is recommended in order to reflect additional payment for removal of installed polycarbonate panels on the south side of the Pavilion, transporting panels to and from the city shop for application of the decal film, and additional lift rental required for completing this work.

The exhibit included with the change order is a Change Order Request provided by Needham Excavating Inc.

STAFF RECOMMENDATION:	Approve Resolution – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

"Turning Vision into Reality is our Business"

CHANGE ORDER 8

No.: 8

Date of Issuance: March 11, 2019 Effective Date: March 19, 2019
Owner: City of West Branch, Iowa
Contractor: Needham Excavating, Inc.
Contract: Joseph D. Needham, President
Project: Cubby Park Improvements
Owners Contract No.: N/A Engineer's Project No.: 16-072
Engineer: Fehr Graham - Nathan P. Kass, PE, PLS

You are directed to make the following changes in the Contract Documents:

Description:

Additional payment for removal of installed polycarbonate panels on the south side of the Pavilion, transporting panels to and from the city shop for application of the decal film, and additional lift rental required for completing this work.

Reason for Change Order:

Installation of the polycarbonate panels to allow for natural light into the Pavilion was deemed to be too transparent and city staff and/or elected officials directed the removal of the materials installed. The council chose to have a decal film applied to the interior of the panels prior to installation. Because the installation had already commenced, there was additional labor required to remove the panels already installed. Due to weather conditions and the requirement of the film application to have the materials above freezing and in dry conditions, the panels were transported by the contractor to the city shop and back to the project site after the film was applied.

Attachments: (List documents supporting change):

See attached Change Order Request provided by Needham Excavating Inc.

CHANGE IN CONTRACT PRICE:

Original Contract Price

\$ 2,945,427.39

Previous Change Orders No.

1 To No. 7

\$ 36,785.55 Decrease

Contract Price prior to this Change Order

\$ 2,908,641.84

Net Increase (Decrease) of this Change Order

\$ 7,586.67 Increase

Contract Price with all approved Change Orders

\$ 2,916,228.51

CHANGE IN CONTRACT TIMES:

Original Contract Times

By November 2, 2018 days or dates

Net change from previous Change Orders

Convert to days
working

Contract Time prior to this Change Order

34 working days

Net Increase (Decrease) of this Change Order

0 days days or date

Contract Time with all approved Change Orders

34 days; 5/1/19 days or date

RECOMMENDED: Fehr Graham

APPROVED: City of West Branch

ACCEPTED: Needham
Excavating, Inc.

Nathan P. Kass, PE, PLS
ENGINEER

Roger Laughlin, Mayor
OWNER

Joseph D. Needham, President
CONTRACTOR

By: _____
(Signature)

By: _____
(Signature)

By: _____
(Signature)

Date

Date

Date

END SECTION.



Cubby Park Improvements – Change Order Request

Date: February 4, 2019
To: City of West Branch

Change Order Request

- Marv's glass started to install the polycarbonate panels on the south side of the building and was told to stop and take them down. The price has 3 days of work and lift cost that was there for a week. We also needed to move the panels to a city building then take them back to the job site where they were cleaned again.
NO FILM INCLUDED IN THIS COST

Total amount of Change Order Request - \$7,586.67

Respectfully Submitted,
Nick Needham

17470 70th Avenue
Walcott, Iowa 52773
Office (563) 529-5840
Fax (563) 284-5036

RESOLUTION 1799

RESOLUTION APPROVING CHANGE ORDER #8 FOR \$7,586.67 FOR THE LIFT RENTAL EXPENSE RELATED TO WORK STOPPAGE, ADDITIONAL INSTALLATION LABOR AND MATERIAL TRANSPORTATION RELATED TO THE PAVILION PANELS.

WHEREAS, the installation of the polycarbonate panels to allow for natural light into the Pavilion was deemed to be too transparent and the city directed the removal of the materials installed; and

WHEREAS, the City Council chose to have a decal film applied to the interior of the panels prior to installation; and

WHEREAS, as a result that installation had already commenced when this preference was discovered, there was additional expenses incurred; and

WHEREAS, due to weather conditions and the requirement of the film application to have the materials applied above freezing and in dry conditions, the panels were transported by the contractor to the city shop and back to the project site after the film was applied; and

WHEREAS, Needham Excavating Inc. is requesting payment for the removal of installed polycarbonate panels, transporting panels to and from the city shop for application of the decal film, and additional lift rental required for completing this work.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa approves the change order #8 for \$7,586.67 relating to the terms and explanations of this resolution.

* * * * *

Passed and approved this 1st day of April, 2019.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	April 1, 2019
AGENDA ITEM:	Discussion Item: Regarding Replacing the Tablets / City Council Paperless Packet Devices - A Review of Options.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Nick Shimmin, Library and Information Technology Director
DATE:	March 26, 2019

BACKGROUND:

Our original tablets were somewhere between \$350 and \$400. With the rapid changes in technology these prices have considerably decreased. Currently, we believe we can achieve the same capabilities at a lower price point. Potentially, we could aim for a tablet between \$150 and \$200 with a new case for \$10-\$50. So, probably anywhere between \$160 each to \$250 each or \$1,050 to \$1750 total, depending on what the council wants.

STAFF RECOMMENDATION: Seeking Direction – Move to Action
REVIEWED BY CITY ADMINISTRATOR:
COUNCIL ACTION:
MOTION BY:
SECOND BY:

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