

(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 AND PRESENTATIONS

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
HOTSY 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/RFCSELLC	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		
TAYLOR & JOSH PETERSON	UTILITY REFUND	64.95
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	23.20
JULIA HIME	VIDEOGRAPHY SERVICES	150.00
CEDAR COUNTY COOPERATIVE	FUEL - PUBLIC WORKS	990.62

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 SERRVICE 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:

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or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.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