

(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 4, 2019
7:00 p.m.**

Mayor Roger Laughlin called the West Branch regular 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 arrived at 7:23 p.m. Laughlin welcomed the audience and the following City staff: Deputy Clerk Leslie Brick, City Attorney Kevin Olson, Finance Officer Gordon Edgar, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin, Fire Chief Kevin Stoolman and Police Chief Mike Horihan. City Administrator Redmond Jones was absent.

GUEST SPEAKER AND PRESENTATIONS

Impact 7G – Doug Ongie (This presentation was postponed to a later date.)

PUBLIC COMMENT

Mary McGee, West Branch resident addressed the Council with some recent safety concerns she had experienced.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

Motion to approve City Council minutes from February 19, 2019.

Motion to approve a liquor license refund of \$308.75 for Thirsty on 30 Inc. DBA Thirsty on 80 due to business closing effective February 7, 2019.

Motion to approve a liquor license renewal for Casey's General Store #3463 – 615 S. Downey Street, West Branch, Iowa.

Motion to approve the claims report.

EXPENDITURES	3/4/2019	
AMAZON	BOOKS, OFFICE & PROG. SUPPLIES	953.47
BIG COUNTRY SEEDS INC	ICE MELT	1,396.50
CAROL ROGHAIR	BUILDING INCENTIVE PAYMENT	1,058.55
COMPASS MINERALS AMERICA I	HIGHWAY SALT	1,963.84
CROELL, INC.	SAND	780.10
DORSEY & WHITNEY LLP	BOND COUNSEL FEES \$4,200,000	12,045.96
DREAMHOST WEBHOSTING	MALWARE PROTECTION	36.00
IOWA ASSN. MUN. UTILITIES	MEMBERSHIP DUES	723.00
IOWA MUNICIPAL FINANCE OFF	DUES BRICK 18-19	100.00
IOWA SECTION AWWA	TRAINING	80.00
JOHN DEERE FINANCIAL	SUPPLIES	224.85
JOHNSON COUNTY REFUSE INC.	GARBAGE STICKERS	600.00
JOSHUA LANGFORD	BUILDING INCENTIVE PAYMENT	1,107.98
KNOCHE, REBECCA	VIDEOGRAPHY SERVICES	150.00
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,285.15
LYNCH'S EXCAVATING INC	WATERMAIN REPAIR	8,820.85
LYNCH'S PLUMBING INC	NEW BOILER	13,894.30
OLSON, KEVIN D	LEGAL SERVICES	1,500.00
OVERDRIVE INC	AUDIOBOOKS	193.94
PAC-VAN INC	STORAGE UNIT	4,405.50
PARKSIDE SERVICE	SERVICE	126.00
QUILL CORP	OFFICE SUPPLIES	71.86
SHRED-IT USA	DOCUMENT DESTRUCTION	48.15
STATE INDUSTRIAL PRODUCTS	CHEMICALS	244.00
UPS	SHIPPING	22.82
VEENSTRA & KIMM INC.	ADMIN USGS FLOOD STUDY	447.40
VEENSTRA & KIMM INC.	PLAN REVIEW	688.00
VEENSTRA & KIMM INC.	COLLEGE ST BRIDGE - BID & CONST ENGINEERING	5,855.58
VEENSTRA & KIMM INC.	PLAN REVIEW	688.00
VERIZON WIRELESS	VERIZON WIRELESS	1,141.12
WELLMARK, INC.	ADMIN - FLEX CLAIMS	118.80
WEST BRANCH COMMUNITY SCHOOL	GYM RENT - VOLLEYBALL	720.00

TOTAL		61,491.72
PAYROLL	2/22/2019	55,263.89
PAID BETWEEN MEETINGS		
MEDIACOM	CABLE SERVICE	41.90
UPS	SHIPPING	66.10
TOTAL		108.00
GRAND TOTAL EXPENDITURES		116,863.61
FUND		
001 GENERAL FUND	29,006.02	
022 CIVIC CENTER	43.44	
031 LIBRARY	6,510.66	
110 ROAD USE TAX	21,757.47	
112 TRUST AND AGENCY	12,950.91	
308 PARK IMP - PEDERSEN VALLEY	9,864.84	
310 COLLEGE STREET BRIDGE	7,427.22	
318 COLLEGE ST & 2ND ST IMPROVEMENT	609.48	
600 WATER FUND	16,963.13	
610 SEWER FUND	11,730.44	
GRAND TOTAL	116,863.61	

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

Discussion: Proposed Ordinance to all bike riders 14 or over wear helmets.

Chief Horihan thanked the Hoover Elementary 4th grade class for their suggestion for an ordinance on requiring children under 14 to wear a helmet when riding bikes, scooters and skateboards. He said it was a good idea, but didn't feel an ordinance was needed. Horihan agreed to promote a safety program to raise awareness on bicycle safety and said the police department would coordinate a bicycle rodeo to demonstrate bicycle safety. Horihan also said he was working with Main Street Sweets on issuing 'safety coupons' to kids wearing helmets when riding bikes, scooters and skateboards but noted there would be a limit on coupons issued. Horihan said more information would be presented at a later date.

Second 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.

Motion by Stoolman, second by Ellyson to approve 2nd reading of Ordinance 763. AYES: Stoolman, Ellyson, Miller, Goodweiler. NAYS: None. Absent: Pierce. Motion carried.

Public Hearing: Adopting the City Administrator's recommended budget for fiscal year beginning July 1, 2019 and ending June 30, 2020.

Laughlin opened the public hearing at 7:15 p.m. There were no public comments. Laughlin closed the public hearing at 7:16 p.m.

Resolution 1788 – Adopting the City Administrator's recommended budget for fiscal year beginning July 1, 2019 and ending June 30, 2020. /Move to action.

Stoolman asked for clarification on the Emergency General Fund Levy. Edgar explained the purpose of the fund listed on form 16-142.

Motion by Goodweiler, second by Ellyson to approve Resolution 1788. AYES: Goodweiler, Ellyson, Miller, Stoolman. NAYS: None. Absent: Pierce. Motion carried.

Public Hearing: Considering rezoning a portion of the Meadows Subdivision, Part 4, of real property from R-1 Residential District to R-2 (lots 40-57).

Laughlin opened the public hearing at 7:18 p.m. Chris Kofoed, KLM Investments LLC explained the request for additional R-2 lots would help meet the demand for people wanting to downsize and making housing more affordable for new homeowners. There were no additional public comments. Laughlin closed the public hearing at 7:19 p.m.

First 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 Goodweiler, second by Stoolman to approve 1st reading of Ordinance 764. AYES: Goodweiler, Stoolman, Miller, Ellyson. NAYS: None. Absent: Pierce. Motion carried.

Public Hearing: Rezoning the Kuene/Kofron Property

Laughlin opened the public hearing at 7:21 p.m. There were no public comments. Laughlin closed the public hearing at 7:22 p.m.

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

Laughlin spoke in favor of the project and said it would really help West Branch grow. He said the location was perfect for this type of project and is excited to see it happen. Stoolman questioned the access points for the development. Laughlin confirmed that there are two access points to Parkside Drive and South Second Street. Motion by Goodweiler, second by Ellyson to approve 1st reading of Ordinance 765. AYES: Goodweiler, Ellyson, Miller, Stoolman, Pierce. NAYS: None. Motion carried.

Resolution 1785 – Approving Northside First Addition Condos Site Plan (Brian Shay). / Move to action.

Mayor Laughlin invited resident Frank Frostestad, 102 Crestview Drive (lot 7 in Lynch's Second Addition shown on the site plan) to address the Council. Frostestad said he had attended the Planning & Zoning Commission (P&Z) meeting on February 26, 2019 and had a list of concerns on this development. First with the lack of privacy of his property and the neighbor to the east of his. He requested that a privacy fence be constructed around the perimeter of the site. Second, that sidewalks be installed to get any children potentially living here in the future a safe route to school. Frostestad said that several years ago, a City project added sidewalks to N. Oliphant St. in order to provide a safe route to school for West Branch children and he said that was a great project. He continued that he recommends the developer add sidewalks be added to the property and to direct them toward Northside Drive. Third, he commented that the proposed site is a large pond during heavy rain events. He continued and said that surrounding properties on the west and north all drain to this area and is concerned that adding housing would only add to the problems. Lastly, he raised a concern that the fire department had for on-street parking that could inhibit access for emergency vehicles.

Brian Shay, developer confirmed that fencing and fire lanes have been added to the site plan per the request of the Planning & Zoning Commission.

City Attorney Kevin Olson confirmed that the West Branch Police Department can enforce fire lane and handicap violations on private property.

Norma Jean Havlik-Smith, 104 Crestview Drive (lot 6 in Lynch's Second Addition shown on the site plan) then addressed the Council with her concerns. She started with saying she was disappointed with the lack of communication from the developer and the City on this project. She and her spouse heard of the project by word of mouth from another resident not affected by the project. While she later watched the November P&Z meeting and understood that the site plan process doesn't require public notice when rezoning is not requested, she felt the process could be improved. She continued with her list of concerns of the development; lack of green space, density with the number of units, and a potential of a sidewalk to be constructed between her property and lot 5, shown on the site plan. Havlik-Smith listed safety concerns with the placement of a sidewalk in that location as that the ground has a steep slope and is in an area that City crews pile snow from the cul-de-sac as they did this winter. Havlik-Smith asked that if a sidewalk has to be constructed there that the City be responsible for maintaining it as well as be responsible for injuries that could occur there. She asked the Council to consider a developer's requirements for resident notification, open communication with affected residents and signage of the proposed development to ensure that encroachment be minimized.

Brian Shay, developer for Northside First Addition Condos, 650 Broadmoor Drive, North Liberty then took the podium to address the residents' concerns. He stated that in October of 2018 he met with City staff and Zoning Administrator Terry Goerdt and presented his concept plan showing the number of units, building setbacks and confirmed that the property had the correct zoning for this type of project. From this meeting, a site plan was developed and engineering took place to identify any challenges with the property. Drainage to and from this property was identified and because of that, the original number of units was decreased and retention and detention structures were added. He further stated that residents to the south of this property were also being impacted from the original grading of the property, but Shay's and the City Engineer have addressed that issue with further grading along the south edge of the property. A preliminary site plan was presented to the P&Z commission on November 27, 2018.

Shay apologized to the residents for his words being taken out of context with regard to 'being a good neighbor'. Shay reaffirmed that he told City staff and Planning and Zoning that he would do whatever was asked of him and whatever surrounding neighbors wanted as he recognized that this would impact them. He responded to the fencing concern first. Shay said that his original plan was to fence the entire property but said the Zoning Administrator preferred a natural vegetative screen for future maintenance reasons. Shay said he was then contacted by a resident (Havlik-Smith) who requested a privacy fence due to the close proximity of her property line and building B. Shay confirmed that a fence will be provided on the west, north (toward lot 6 and around lot 7) of the property. Due to the apartment complex located on lot 44, which is located within five feet of the property line, it was decided by P&Z that vegetative screening would be more appropriate than a fence. To address the issue of sidewalks, Shay said that P&Z meeting held on February 26, 2019, it was decided that a sidewalk was needed between buildings A and B so that the overflow parking located on the north side of the property would direct people through the development rather than on the edge of North Downey St. To further address the request for a sidewalk going to the south of the south driveway (toward a ditch at the corner of N. Downey and Northside Drive, Shay said it is virtually impossible to add a sidewalk there as he would not be able to meet ADA requirements. He said he is willing to pay the City for future urbanization costs or putting in the sidewalk at a later date when the City urbanizes the west side of North Downey. The Mayor agreed that a sidewalk right now is impossible to install and would most likely need to be removed later to join up with the future urbanization. Miller disagreed and said that he walked the property and took some measurements. He continued and said if you put nineteen residents on this 'island' with no way to get them off, then it may not be the best use of the property. Olson said an agreement could be written up to address the sidewalk issue on North Downey and could be tied to the issuance of the first building permit. Olson confirmed that the Council wants two sidewalk agreements written, one for a connection between lots 5 and 6 of Lynch's Second Addition, and the other for future urbanization of a sidewalk from the south property line to Northside Drive. Stoolman asked for clarification on where the water would go from the property. Shay said his property would convey the water to the north/south ditch on the west side of Downey to an intake between his property and N. Oliphant, under N. Downey to a wetland on the east side of N. Downey and eventually to the creek by the Hoover Nature Trail. The Council continued to discuss the sidewalk issue with this property and other new developments, but didn't all agree on a solution. Miller suggested that the City Engineer provide some estimated costs for a sidewalk connection from Northside Drive to the south edge of Shay's property to see what kind of costs would be associated with that type of project. Goodale mentioned that a four inch water main from the property would dead end on the south end of the property and suggested that the sidewalk connection could be coordinated with extending the water main to Northside Drive as a city project. Shay said he is willingly to do whatever the Council asks with regard to connecting the future sidewalk, but said him going to the south property line at this time didn't make sense as it would most likely need to be removed and replaced in the future. Further discussion led the Council to request an agreement drawn up by the City Attorney that requires Shay to install a sidewalk from the south driveway of building C to the south edge of his property. They also directed the City Engineer to draft plans, specifications and costs for the City for a sidewalk from Northridge Drive to the south edge of Shay's property. This condition also is attached to Shay installing said sidewalk on the south to the certificate of occupancy of building C. The consensus for approval of the site plan is as follows; Shay will install an engineered approved sidewalk from the south driveway to the south edge of the property. The sidewalk must be installed before a certificate of occupancy will be issued on building C of the project. The site plan will be approved based on this contingency. Stoolman who originally made the motion to approve the site plan, withdrew her motion. Goodweiler asked the residents who attended this evenings meeting if this sidewalk

agreement satisfied their concerns and they replied that it did. Olson confirmed that the agreement would not include a sidewalk between lots 5 and 6 as earlier discussed. Council agreed.

Motion by Ellyson, second by Goodweiler to approve the site plan with the attached sidewalk contingency agreement. AYES: Ellyson, Goodweiler, Pierce. NAYS: Stoolman, Miller. Motion carried.

Resolution 1786 – Approving Cedar’s Edge Subdivision Final Plat. /Move to action.

Laughlin explained that the developer requested that the final plat be approved before municipal improvements are installed so that lot 26 can be sold to Little Lights. Olson explained that the City Code allows for this approval with the developer providing the City with a letter of credit for those improvements and that without the approval of the final plat and letter of credit, lots cannot be sold.

Motion by Pierce, second by Goodweiler to approve Resolution 1786. AYES: Pierce, Goodweiler, Stoolman, Miller, Ellyson. NAYS: None. Motion carried.

Resolution 1787 – Approving Cedar’s Edge Subdivider’s Agreement. /Move to action.

Stoolman questioned sidewalks on Cedar-Johnson Road. Olson explained that since the road is not urbanized, sidewalks cannot be installed. However, with each individual lot when sold, this agreement which will be recorded requires the current property owner to install sidewalks. Olson explained that the City could install as part of the project and assess the cost to the property owner, or the owner could do it at their own expense when the street improvement are done. Olson confirmed that this is the same argument as with the Shay property.

Motion by Pierce, second by Goodweiler to approve Resolution 1787. AYES: Pierce, Goodweiler, Miller, Ellyson. NAYS: Stoolman. Motion carried.

Motion to accept the resignation of Wesley Homeister. /Move to action.

Laughlin said Homeister has accepted a job in Polk County and will be leaving the West Branch Police Department. Olson explained that Homeister will owe the City approximately \$3900 from his employment agreement which is fifty percent of his tuition, mileage, food costs while in the academy, equipment and book fees. Payments will be made to the City monthly in the amount of at least \$300.00. Council asked why information in the packet didn’t reflect Olson’s calculations and Finance Office Edgar replied that some additional information was discovered after the packet was distributed.

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

Motion to approve starting the hiring process for a West Branch Police Officer. /Move to action.

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

Resolution 1789 – Approving an Engineering Services Agreement not-to-exceed \$59,200.00 with Veenstra & Kimm Inc. for services related to the relocation of water main and force main necessary for the I-80 widening project. / Move to action.

Schechinger said the IDOT is widening I-80 from Iowa City to west of West Branch and with the project they will be removing a bridge that serves as a secondary emergency access to the south side of town to the industrial area. The DOT will be replacing the bridge with a box culvert and thus requiring the City to move utilities. The water main and force main will need to be moved so they can place the culvert. IDOT will be reimbursing the City for the cost of engineering and the cost of moving the utilities for the project.

Motion by Goodweiler, second by Stoolman to approve Resolution 1789. AYES: Goodweiler, Stoolman, Miller, Ellyson, Pierce. NAYS: None. Motion carried.

Resolution 1790 – Amending a construction Engineering Service Agreement in the amount not-to-exceed \$34,000 with V&K for services related to added scope of work items on 2nd Street from College to Green Street. /Move to action.

Schechinger said this amount is in the bottom line of the original non- participating part of the project although it was previously approved. This amendment is to include the additional engineering.

Motion by Pierce, second by Ellyson to approve Resolution 1790. AYES: Pierce, Ellyson, Miller, Stoolman, Goodweiler. NAYS: None. Motion carried.

CITY ADMINISTRATOR REPORT

Jones was absent for this meeting.

CITY ATTORNEY REPORT

Olson reported that he has received an agreement from Casey’s and that he drafted a proposed development agreement for Little Lights.

STAFF REPORTS

No report.

COMMENTS FROM MAYOR AND COUNCIL MEMBER

Miller thanked the Public Works staff for the great job they did this year on snow plowing.

Laughlin said he would be scheduling the next review for the City Administrator.

ADJOURNMENT

Motion to adjourn by Ellyson, second by Pierce. Motion carried on a voice vote. City Council meeting adjourned at 9:14 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk