

*(The following is a synopsis of the minutes of the West Branch City Council meeting. A video recording is available for inspection on the City of West Branch Website at [www.westbranchiowa.org/government/council-videos](http://www.westbranchiowa.org/government/council-videos). The minutes are not approved until the next regularly scheduled City Council meeting.)*

**West Branch, Iowa  
Council Chambers**

**City Council Meeting**

**April 1, 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, Nick Goodweiler and Brian Pierce were present. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy Clerk Leslie Brick, Police, City Attorney Kevin Olson, Chief Mike Horihan, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin and Public Works Director Matt Goodale.

**GUEST SPEAKER AND PRESENTATIONS**

None.

**PUBLIC COMMENT**

There were no public comments.

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

Motion to Approve Meeting Minutes for City Council Meeting March 18, 2019.  
 Motion to Approve Board & Commission Appointments / Reappointments (Jan Jacobson – Library Board).  
 Motion to Approve \$500 Donation to the Lower Cedar Watershed Management Authority as start-up Funds.  
 Motion to Approve the Claims Report.

**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/BUILDING INCENTIVE PMT	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**

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

**PUBLIC HEARING / NON-CONSENT AGENDA**

Third Reading, Ordinance 764 – Rezoning a portion of The Meadows Subdivision, Part Four, of real property from R-1 to R-2 Residential District. /Move to action.

**ORDINANCE NO. 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

Motion by Miller, second by Goodweiler to approve 3rd reading of Ordinance 764. AYES: Miller, Goodweiler, Stoolman, Ellyson, Pierce. NAYS: None. Motion carried.

Public Hearing: Proposed Development Agreement with EMV Holdings, LLC (aka Little Lights) which includes annual appropriations of tax increment rebates.

Laughlin opened the public hearing at 7:04 p.m. There were no public comments. Laughlin closed the public hearing at 7:05 p.m.

Resolution 1797 – Approving a Development Agreement with EMV Holdings, LLC (aka Little Lights) which includes annual appropriations of tax increment rebates. /Move to action.

City Attorney Olson clarified that the agreement allows for up to \$150,000 in tax rebates to the developer over a ten year period. The agreement will not exceed \$150,000 (or \$15,000 per year) and the agreement ends after ten years unless the Council chooses to change the provisions of the agreement to extend it.

Motion by Goodweiler, second by Pierce to approve Resolution 1797. AYES: Goodweiler, Pierce, Ellyson, Miller, Stoolman. NAYS: None. Motion carried.

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. / Move to action.

Pierce wanted assurance that the change from completion date to working days contract would in fact hold the contractor accountable if further deadlines were missed. Cody Buelt, Fehr Graham said if the thirty four working days were exceeded, then liquidated damages would be assessed to the project. Buelt said that Russell and Goodale would be monitoring the progress and reporting to Fehr Graham who will be providing updates to the Council.

Motion by Goodweiler, second by Pierce to approve Resolution 1798. AYES: Goodweiler, Pierce, Miller, Ellyson, Stoolman. NAYS: None. Motion carried.

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. / Move to action.

Jones said he requested a breakdown for the change order from Fehr Graham who was working with the contractor on obtaining. Jones suggested that this item be tabled until the information was received.

Motion by Ellyson, second by Miller to table Resolution 1799 for more information. AYES: Ellyson, Miller, Stoolman, Pierce, Goodweiler. NAYS: None. Motion carried.

Discussion: Regarding replacing the tablets / City Council paperless packet devices – a review of options.

Shimmin presented several tablet replacement options to the Council per their request from the last meeting. A few members have been having difficulties with their current tablets which are more than five years old.

Shimmin asked if the Council preferred more of a reading device versus a laptop. The consensus was that a reading device was preferred, however a larger screen would make viewing plans easier. Shimmin said he would do some more research and provide options and costs at the next meeting.

### **CITY ADMINISTRATOR REPORT**

Jones reported that the facility plan for the waste water treatment plant is expected from Veenstra & Kimm within the next couple of weeks. Early estimates indicate the plant could cost the City between five to twelve million dollars. Jones also shared some agenda items to be discussed at the next joint City Council / School Board meeting scheduled for April 15<sup>th</sup>. He reminded the Council about an upcoming nuisance conference to be held in Iowa City on May 15<sup>th</sup>. Jones said that Mayor Laughlin, Miller, Horihan, Brick and himself would be attending.

### **CITY ATTORNEY REPORT**

Olson said he was working with Cedar’s Edge and getting the final plat documents recorded. He said he was also working with Loethen Ridge Estates on their final plat as well as working on the sidewalk agreement for Brian Shay’s housing project.

### **STAFF REPORTS**

None.

**COMMENTS FROM MAYOR AND COUNCIL MEMBER**

Laughlin asked Goodale if plans had been made for the drainage issue at Heritage Square. Goodale replied that he has met with Lynch Excavating and they will be doing some additional tiling and adding a storm sewer intake to redirect the water away from the Hoover House. Laughlin asked Jones to reach out to the Hoover Foundation to see if they would provide a donation to Hoover's Hometown Days to cover the expense of the stage on park ground.

**ADJOURNMENT**

Motion to adjourn by Goodweiler, second by Ellyson. Motion carried on a voice vote. City Council meeting adjourned at 7:52 p.m.

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Roger Laughlin, Mayor

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