

(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 westbranchiowa.org/city-of-west-branch/mayor-city-council/meetings/. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

**City Council
Regular Meeting**

**November 16, 2020
7:00 p.m.**

An Electronic Meeting (pursuant to Iowa Code Section 21.8) of the City Council of the City of West Branch, Cedar County, IA was held on Monday, November 16, 2020 at 7:00 p.m. because a meeting in person was impossible or impractical due to concerns for the health and safety of Council Members, Staff and the Public presented by COVID-19.

Until further notice, all of our Council Meetings will be held electronically. Persons may still attend, observe and participate in the meeting at the Council Chambers, City Office, 110 N. Poplar St, West Branch, Iowa. Social distancing practices shall be observed for any persons attending the meeting in person at City Hall.

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:00 p.m. Roll call: Council members: Colton Miller, Jodee Stoolman, Nick Goodweiler, Jerry Sexton and Tom Dean were present. City Staff present: Finance Officer Gordon Edgar and City Attorney Kevin Olson. City Staff attending via Zoom: City Administrator Redmond Jones II, Deputy Clerk Leslie Brick, City Engineer Dave Schechinger, Public Works Director Matt Goodale, Park & Recreation Director Melissa Russell, Library/IT Director Nick Shimmin, and Sergeant John Hanna.

GUEST SPEAKER PRESENTATIONS

Nick Shimmin, Library Director gave his annual report for fiscal year 2020. Shimmin started by reporting that the library recently re-opened to the public on ‘an appointment only’ basis since closing in March due to the COVID 19 pandemic. Shimmin added that masks are required when in the library and that seemed to be working rather well. Shimmin reported that visits were obviously down from 2019 but was on a good upward trend before the March closing adding that although visits were down, electronic use (eBooks and eAudiobooks) was up thirty percent from the prior year. Shimmin said the pandemic affected other areas such as programming and circulation but said that virtual and contactless programs were added to fill the void and seemed to be very popular with families looking for safe alternatives from the usual group settings. Shimmin also reported that the library was able to add a teen room from a generous donation from the Karen Fieseler Memorial. Fieseler, a forty year volunteer of the library passed away in 2018. Shimmin concluded with future plans for an outdoor space with seating, tables and canopies that would expand the library and provide additional social distancing opportunities in the future.

PUBLIC COMMENT

None.

CONSENT AGENDA

Motion to Approve Minutes for City Council Meeting November 2, 2020.

Motion to Approve the Liquor License Renewal for “Down Under” located at 201 W. Main Street.

Resolution 1950 – Approving \$1,500 Contribution to the West Branch Community Development Group for Assistance in Funding Expenses Related to the Christmas Past Ice Skating Rink.

Motion to Approve the Claims Report.

November Claims and October Revenue

EXPENDITURES	11/16/2020	
AERO RENTAL INC	EQUIPMENT RENTAL	206.30
ALLIANT ENERGY	ALLIANT ENERGY	9,340.41
AT & T MOBILITY	WIRELESS SERVICE	389.28
BARRON MOTOR SUPPLY	MINOR EQUIPMENT & SUPPLIES	214.63
BEAN & BEAN	GRAVE OPENING	550.00

BROWN'S WEST BRANCH	TIRES & INSTALLATION	1,757.91
BUSINESS RADIO SALES	BATTERIES	381.20
CATHERINE STEEN	TELEPHONE ACCESSORIES	32.02
CEDAR COUNTY RECORDER	RECORDING FEES	28.00
CEDAR COUNTY TRANSFER STATION	TRASH DISPOSAL	31.00
DAVE'S WELDING & REPAIR	SUPPLIES	75.00
DES MOINES STAMP MFG CO	OFFICE SUPPLIES	32.40
EARL MAY NURSERY & GARDEN	STRAW BALES	119.88
GIERKE-ROBINSON COMPANY INC	REBAR	780.00
HD SUPPLY CONST AND INDUST	SUPPLIES	65.00
HEMMEN CRAIG OR JEAN	BUILDING INCENTIVE PAYMENT	915.17
HOLIDAY INN DES MOINES AIRPORT	LODGING - L BRICK	403.20
HUEBBE MARY T OR TOBIOUS A	BUILDING INCENTIVE PAYMENT	620.54
IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	733.51
JESSICA SCHAFER	REFUND-CHRISTMAS CLUB WITHHOLDING	30.00
JOHNSON COUNTY REFUSE INC.	RECYCLING & TRASH OCT 2020	15,477.00
KILER, KEVIN L OR KAY A	BUILDING INCENTIVE PAYMENT	1,182.95
KIRKWOOD COMM. COLLEGE	TRAINING	15.00
LENOCH & CILEK	KEY	23.92
LINN COUNTY R.E.C.	STREET LIGHTS	184.52
MERIDITH COLEMAN	BUILDING INCENTIVE PAYMENT	1,018.53
PORT 'O' JONNY INC.	SERVICE-WAPSI PARK	108.00
PYRAMID SERVICES INC.	MAINTENANCE & REPAIR SUPPLIES	207.87
QUILL CORP	SUPPLIES	235.72
SCHIMBERG CO	MAN HOLE REPLACEMENT	947.42
STATE HYGIENIC LAB	LAB ANALYSIS	57.00
WERLING ABSRACT COMPANY	ABSTRACT UPDATE-CASEY'S MARKET	425.00
WEST BRANCH ANIMAL CLINIC	TRAP/NEUTER CAT PROGRAM	55.00
WEST BRANCH TIMES	LEGAL PUBLICATIONS & ADVERTISING	1,008.27
WEX BANK	WEX BANK	1,298.07
TOTAL		38,949.72
PAYROLL	11/13/2020	48,138.26
PAID BETWEEN MEETINGS		
CEDAR COUNTY CO-OP	VEHICLE FUEL	824.73
KEVIN & RACHEL WAUL	UTILITY REFUND	40.96
MEGAN HOFFMAN	CLEANING SERVICE	306.00
TOTAL		1,171.69
GRAND TOTAL EXPENDITURES	88,259.67	
FUND TOTALS		
001 GENERAL FUND	51,518.39	
022 CIVIC CENTER	5,753.49	
031 LIBRARY	470.39	
110 ROAD USE TAX	5,816.50	
112 TRUST AND AGENCY		
600 WATER FUND	10,233.25	
610 SEWER FUND	9,249.86	
GRAND TOTAL	88,259.67	
REVENUE-FISCAL YEAR 2021		
FUND OCT		
001 GENERAL FUND	630,204.53	
022 CIVIC CENTER	8,557.71	
031 LIBRARY	12,224.63	
036 TORT LIABILITY	19,625.36	
110 ROAD USE TAX	20,081.05	
112 TRUST & AGENCY	124,407.01	
119 EMERGENCY TAX FUND	17,140.18	
121 LOCAL OPTION SALES TAX	20,282.27	
125 TIF	231,512.45	
226 DEBT SERVICE	162,712.35	
312 DOWNTOWN EAST REDEVELOPMENT	100.00	

500 CEMETERY PERPETUAL FUND	420.11
502 KROUTH INTEREST FUND	0.03
600 WATER FUND	50,989.17
610 SEWER FUND	50,506.69
740 STORM WATER UTILITY	5,151.94
TOTAL	1,353,915.48

Jones said that an email received late last week, additional Christmas Past activities had been cancelled including the ice skating rink due to the rising number of COVID cases. Jones suggested that the Council table this Resolution 1950 reconsider it at a later date if the activity was rescheduled.

Motion by Goodweiler, second by Sexton approve agenda/consent agenda items number 1, 2 and 4 and table Resolution 1950. AYES: Goodweiler, Sexton, Miller, Stoolman, Dean. NAYS: None. Motion carried.

PUBLIC HEARING / NON-CONSENT AGENDA

Third Reading of Ordinance 781 – Amending Title “Traffic and Vehicles” Chapter 65 “Stop or Yield Required”. / Move to action.

Motion by Miller, second by Sexton to approve the third reading of Ordinance 781. AYES: Miller, Sexton, Stoolman, Dean, Goodweiler. NAYS: None. Motion carried.

ORDINANCE 781

AN ORDINANCE AMENDING TITLE "TRAFFIC AND VEHICLES" CHAPTER 65 "STOP OR YIELD REQUIRED".

WHEREAS, the West Branch City Council finds it in the best interest of the residents of West Branch to have a stop sign installed on Dawson Drive (north bound) where it intersects with Prairie View Drive and a stop sign installed on Prairie View Drive where it intersects with Cedar / Johnson Road (North, West, approach) in order to provide for the safety of the West Branch Community.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of West Branch, Cedar County, Iowa:

Section 1. Amendment. The Code of Ordinances is hereby amended by the City Council of West Branch, Iowa by adding the following language to Title, "TRAFFIC AND VEHICLES", Chapter 65, "STOP OR YIELD REQUIRED", Section 65.02, STOP REQUIRED.

- 61. The north bound lane of Dawson Drive to its intersection with Prairie View Drive.
- 62. Prairie View Drive on the north and west approach to its intersection with Cedar / Johnson Road.

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Adjudication. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

Passed and approved this 16th day of November, 2020.

First Reading: October 19, 2020
 Second Reading: November 2, 2020
 Third Reading: November 16, 2020

 Roger Laughlin, Mayor

ATTEST:

 Redmond Jones II, City Administrator/Clerk

Third Reading of Ordinance 778 – Amending Chapter 165; Entitled, “Zoning Regulations”. / Move to action.

Motion by Miller, second by Goodweiler to approve the third reading of Ordinance 778. AYES: Miller, Goodweiler, Stoolman, Dean, Sexton. NAYS: None. Motion carried.

ORDINANCE NO. 778

AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS.”

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that the clarification of certain sections in the Zoning Code will lead to a clearer understanding of the Code’s requirements; and

WHEREAS, the Planning & Zoning Commission of the City of West Branch, Iowa, believes that a more uniform and consistent wording in the language contained within certain sections in the Zoning Code will aide in making the Zoning Code more navigable and lead to more consistent interpretation of the requirements; and

WHEREAS, the Planning & Zoning Commission recommends to the City Council of the City of West Branch, adoption of these amendment recommendations in the Zoning code; and

WHEREAS, the City Council of the City of West Branch, Iowa has reviewed these recommendations and concurs with the Planning & Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 "ZONING REGULATIONS" of the Code of West Branch, Iowa is hereby amended by revising the following subsections to Chapter 165.

165.12 CORNER LOTS.

165.12 – Amend by adding number 4:

4. Corner lots with a frontage ratio of not more than 2:3, the narrowest frontage shall be considered the front yard to determine the required rear yard set-back. Corner lots with a lot frontage ratio of greater than 2:3, either frontage can be considered the front yard to determine the required rear yard set-back.

Passed and approved this 16th day of November, 2020.

First Reading: October 19, 2020
Second Reading: November 2, 2020
Third Reading: November 16, 2020

Roger Laughlin, Mayor

Attest:

Leslie Brick, Deputy Clerk

Public Hearing: Regarding the Request for Proposals to Dispose of and Develop Property.

Laughlin opened the public hearing at 7:24 p.m. There were no public comments. Laughlin closed the public hearing at 7:25 p.m.

Resolution 1951 – Approving the Disposal of Lot B of Lot 4 of Rummells Commercial Subdivision and Approving the Purchase Agreement with Newport Fabricating, LLC. / Move to action.

Miller asked who prepared the agreement. Olson replied that the Frees' attorney drafted the agreement and he had reviewed it and had no issues or concerns and said it was pretty straight forward. There were no other comments from the Council.

Motion by Miller, second by Sexton to approve Resolution 1951. AYES: Miller, Sexton, Goodweiler, Dean, Stoolman. NAYS: None. Motion carried.

Resolution 1952 – Approving the Site Plan of Newport Fabricating, LLC. Located at 145 Fawcett Drive. / Move to action.

Brick stated that the Planning & Zoning Commission reviewed and approved the site plan at a special meeting on November 10, 2020. Brick said only two concerns were raised by staff with regard to the number of fire hydrants on the property and if there would be any waste water concerns. Brick said both comments were addressed and that the commission had no comments or concerns and voted unanimously to approve the site plan.

Motion by Dean, second by Goodweiler to approve Resolution 1952. AYES: Dean, Goodweiler, Stoolman, Sexton, Miller. NAYS: None. Motion carried.

Resolution 1953 – Approve Hiring Logan Cilek for the Full-Time "Streets Maintenance Worker I" Position with the Department of Public Works. / Move to action.

Motion by Dean, second by Stoolman to approve Resolution 1953. AYES: Dean, Stoolman, Miller, Sexton, Goodweiler. NAYS: None. Motion carried.

Resolution 1954 – Consider Approving the Request of Acciona Windpower North America, LLC to Rebate a Portion of Tax Increment Revenues. / Move to action.

Sexton asked for an explanation of the historical 'no' vote on this subject. Olson explained that the lawsuit requires the City to 'consider' the TIF rebate each year as per the original agreement. Olson reminded the Council that the City lost the lawsuit in 2017 against Acciona and was ordered to pay them \$495,000 as the result of the judgement. Miller went on record stating that since the lawsuit, Acciona has been great partners with the City and that there were 'no hard feelings' between the two but added "we are not giving them any more money".

Motion by Miller, second by Sexton to consider Resolution 1954. AYES: None. NAYS: Miller, Dean, Sexton, Stoolman, Dean. **Motion failed.**

Resolution 1955 – Consider Approving the Request of Casey’s Marketing Company to Rebate a Portion of Tax Increment Revenues. / Move to action.

Olson reminded the Council that the TIF agreement with Casey’s was as part of their project, Casey’s paid for the street improvements on S. Downey Street and Tidewater Drive and the City would reimburse them through TIF. Edgar said this year’s payment was approximately \$33,900.

Motion by Sexton, second by Dean to approve Resolution 1955. AYES: Sexton, Dean, Miller, Goodweiler, Stoolman. NAYS: None. Motion carried.

Resolution 1956 – Considering the Issue of Whether EMV Holdings, LLC Should be Rebated the Incremental Tax Revenues Pursuant to Development Agreement. / Move to action.

Olson reminded the Council that this agreement was a 70/30 split with EMV Holdings getting seventy percent and the City retaining thirty percent. Olson said that this equates to a \$15,000 annual rebate for ten years totaling \$150,000 to EMV Holdings (a.k.a. Little Lights).

Motion by Miller, second by Goodweiler to approve Resolution 1956. AYES: Miller, Goodweiler, Dean, Sexton, Stoolman. NAYS: None. Motion carried.

Resolution 1957 – Consider Approving the Request of Meadows Development, Inc. to Rebate a Portion of Tax Increment Revenues. / Move to action.

Olson explained that this agreement rebates The Meadows Development Inc. for installing and paying for a new sewer line that runs through Part 4 that needed replaced in order for the development to expand. Olson said this agreement rebates \$400,000 or ends in 2035 (whichever comes first).

Motion by Sexton, second by Miller to approve Resolution 1957. AYES: Sexton, Miller, Stoolman, Dean, Goodweiler. NAYS: None. Motion carried.

Resolution 1958 – Obligor Funds from the Urban Renewal Tax Revenue Fund for the Payment of Annual Appropriation Tax Increment Financed Obligations in FY 2022. / Move to action.

Motion by Miller, second by Sexton to approve Resolution 1958. AYES: Miller, Sexton, Stoolman, Goodweiler, Dean. NAYS: None. Motion carried.

Resolution 1959 – Approving Annual Insurance Renewals With Wellmark Blue Cross Blue Shield Of Iowa For Health And Dental Insurance. / Move to action.

Edgar said the renewal received was favorable for both the city and its employee and recommended the Council its acceptance.

Motion by Goodweiler, second by Miller to approve Resolution 1959. AYES: Goodweiler, Miller, Sexton, Stoolman, Dean. NAYS: None. Motion carried.

Discussion: Update on Progress of the Capital Improvement Plan.

Jones provided a recap of the Council’s priorities from the November 9th work session. Jones said the projects were categorized as top, high and moderate. Those making the top priority were; Wapsi Creek widening (as part of the flood mitigation plan), Greenview connection (connecting Greenview Subdivision to Prairie View Drive), West Branch High School turn-lane, crosswalk and sidewalk project, Waste water treatment process project, and the Herbert Hoover Highway connection to West Main Street (at Cedar-Johnson Rd.). Projects making the next highest priority: Northwest end booster station (improved water pressure for residents in the northwest corner of the city), East side infrastructure improvements (seal coat street replacements and water main upgrades on East College, East Orange and North 6th Streets. And lastly, a moderate priority was the restructure of Cedar-Johnson Road. Dean said he would like to see some of these projects added to the Urban Renewal Plan. Laughlin added that this was a good start and encouraged to keep the momentum going. Jones said the Capital Improvement Plan would be a part of the annual goal setting process.

CITY ADMINISTRATOR REPORT

Jones updated the Council on Governor Reynolds newest proclamation that occurred just before the meeting regarding the rise of COVID cases in Iowa. Jones suggested that the Council either move to all virtual meetings rather than in person and consider closing the office to the public once again, but allowing appointments as needed if business could not be handled over the phone. The Council discussed Jones' suggestions but said they preferred to meet in person and limit the number of staff and public at the meetings per the Governor's proclamation. Laughlin stated meetings will continue on the Zoom platform to allow public participation. The Council said they had no issue with closing city buildings as deemed necessary by Jones.

Jones reported on a meeting he had with Alliant Energy regarding moving power lines underground in the older sections of town where their wires are still overhead. Jones said initial talks indicated that the homeowners would be assessed the costs for relocating the wires underground but that was not an official decision at this time. Jones said this topic was spurred by this summer's Derecho which caused many downed power lines by fallen trees and wind.

CITY ATTORNEY REPORT

No report.

STAFF REPORTS

No reports.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Laughlin said that due to rising number of COVID cases in the city and surrounding areas, further modifications were being made to Christmas Past, which included cutting the ice rink which was new to the event this year. Laughlin said that CDG was working hard to still offer the community a safe event, but only time will tell.

Sexton said he had recently been to Lone Tree and noted that their city had a fairly new community center and questioned on a small city might be able to afford one. Sexton said that West Branch has been wanting one for years and wondered about the possibility of grant opportunities.

ADJOURNMENT

Motion to adjourn the regular meeting by Goodweiler, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:28 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Leslie Brick, Deputy City Clerk