

*(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/](http://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 1, 2021  
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council regular meeting to order at 7:00 p.m. Roll call: Council members: Colton Miller, Jerry Sexton, Jodee Stoolman and Nick Goodweiler was present. Absent: Tom Dean. City Staff present: City Clerk Leslie Brick, City Attorney Kevin Olson, Parks & Recreation Director Melissa Russell. City Staff attending via Zoom: Finance Officer Heidi Van Auken, Public Works Director Matt Goodale, Library/IT Director Nick Shimmin, Police Chief John Hanna, Officer Cathy Steen and City Engineer Dave Schechinger.

**APPROVE THE AGENDA**

Motion by Goodweiler, second by Miller to approve the Agenda. AYES: Goodweiler, Miller, Sexton, Stoolman. Absent: Dean. NAYS: None. Motion carried.

**APPROVE CONSENT AGENDA**

Minutes from the October 18, 2021 City Council regular meeting.

Approve Kyle Tisinger as a Fire Cadet with the West Branch Fire Department.

Approve a Special Event Permit for Christmas Past submitted by West Branch Comm Development Group.

Claims

August monthly financial reports

EXPENDITURES	11/1/2021	
BAKER & TAYLOR INC.	BOOKS	328.21
CROELL, INC.	SHOP PARKING LOT	1,611.50
HOTSY CLEANING SYSTEMS	REPAIRS TO BAY PRESSURE WASHER	1,074.46
IOWA ONE CALL	UTILITY LOCATION SERVICE	48.60
JAYME CILEK	CLEANING SERVICES	229.50
JOHN DEERE FINANCIAL	SHOP TOOLS, UNIFORMS	624.31
JOHNSON COUNTY REFUSE	FALL CLEANUP-LANDFILL	802.80
KNOCHE, REBECCA	CONFERENCE EXPENSES	169.46
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,541.99
LYNCH GARRETT H	BLDG INCENTIVE PAYMENT	1,147.32
LYNCH'S PLUMBING INC	WATER SUPPLY TO N END OF SHOP	418.20
MARTIN P GILLESPIE	BLDG INCENTIVE PAYMENT	847.24
MUNDELL, JENNIFER	BLDG INCENTIVE PAYMENT	1,572.23
MUNICIPAL SUPPLY INC.	FB FIELD METER CREDIT	3,591.38
OVERDRIVE INC	DIGITAL BOOKS	299.97
PORT 'O' JONNY INC.	SERVICE-VB EVENT	220.00
QC ANALYTICAL SERVICES	LAB ANALYSIS	913.00
QUILL CORP	OFFICE SUPPLIES	82.94
RIVER PRODUCTS COMPANY	ROCK FOR SWALES & PIPING	328.40
THE HOME DEPOT PRO	CAN LINERS	810.59
TYLER TECHNOLOGIES	EASY PAY FEES	12.50
U&E CONSTRUCTION LLC	N DOWNEY ST WATER RUNOFF PROJECT	4,500.00
US BANK EQUIPMENT FINANCE	LIBRARY COPIER LEASE	106.25
VEENSTRA & KIMM INC.	LOT SITE PLAN REVIEW	68,270.14
VERIZON WIRELESS	VERIZON WIRELESS	361.37
WEST BRANCH CDG	DOWNTOWN GIFT CERTIFICATES	90.00
WEST BRANCH TIMES	LEGAL PUBLICATIONS	713.55
<b>TOTAL</b>		<b>90,715.91</b>
PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS	10/29/2021	41,781.93
PAID BETWEEN MEETINGS		
MEDIACOM	CABLE SERVICE	41.90
PITNEY BOWES PURCHASE POWER	REPLENISH POSTAGE	500.00
US BANK CORPORATE CARD	CREDIT CARD PURCHASES	3,170.52
<b>TOTAL</b>		<b>3,712.42</b>
<b>GRAND TOTAL EXPENDITURES</b>		<b>136,210.26</b>

FUND TOTALS	
001 GENERAL FUND	37,283.85
022 CIVIC CENTER	850.08
031 LIBRARY	7,113.02
110 ROAD USE TAX	14,494.27
112 TRUST AND AGENCY	5,252.54
319 I-80 EAST WATER MAIN & SEWER	1,740.00
321 WIDENING WAPSI CREEK	5,825.28
323 I-80 WEST WATER MAIN	465.00
324 WW TREATMENT FACILITY	46,640.00
326 ROUNDABOUT MAIN & CEDAR	5,027.00
600 WATER FUND	8,045.53
610 SEWER FUND	3,473.69
GRAND FUND TOTAL	136,210.26

AUGUST REVENUE-FISCAL YEAR 2022

001 GENERAL FUND	48,582.09
022 CIVIC CENTER	325.00
031 LIBRARY	294.57
110 ROAD USE TAX	21,572.51
121 LOCAL OPTION SALES TAX	22,402.26
125 TIF	55.96
226 DEBT SERVICE	98.55
302 ARPA FUND	185,683.49
324-WW TREATMENT FACILITY IMPROVEMENT	40,810.00
500 CEMETERY PERPETUAL FUND	120.00
600 WATER FUND	50,588.95
610 SEWER FUND	59,115.57
740 STORM WATER UTILITY	5,311.50
TOTAL	434,960.45

Motion by Stoolman, second by Miller to approve the Consent Agenda. AYES: Stoolman, Miller, Goodweiler, Sexton. Absent: Dean. NAYS: None. Motion carried.

**COMMUNICATIONS / OPEN FORUM - NONE**

**PUBLIC HEARING / NON-CONSENT AGENDA**

Second Reading Ordinance 784 – Rezoning certain property generally located north of East Main Street and west of and adjacent to North 4<sup>th</sup> Street from Industrial District to PUD – Planned Unit Development District. /Move to action.

No discussion.

Motion by Miller, second by Goodweiler to approve second reading of Ordinance 784. AYES: Miller, Goodweiler, Stoolman, Sexton. Absent: Dean. NAYS: None. Motion carried.

Third Reading Ordinance 783 – Amending Chapter 75. / Move to action.

**ORDINANCE NO. 783**

**AN ORDINANCE AMENDING TITLE “ALL-TERRAIN VEHICLE AND SNOWMOBILES” CHAPTER 75**

**WHEREAS**, the West Branch City Council finds it in the best interest of the residents of West Branch to have consistent laws within Cedar County that regulate the operation of All-terrain and Off-road Utility Vehicles on all City roads.

**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 repealing Title, “ALL-TERRAIN VEHICLE AND SNOWMOBILES”, Chapter 75 in its entirety and is hereby replaced with Title, “ALL-TERRAIN VEHICLE, OFF-ROAD VEHICLE AND SNOWMOBILES”, Chapter 75.

**75.01 PURPOSE.** The purpose of this chapter is to regulate the operation of all-terrain, off-road utility vehicles (excluding the Fire Department or Police Department all-terrain or off-road utility vehicles) and snowmobiles within the City of West Branch.

**75.02 DEFINITIONS.** For use in the chapter the following terms are defined:

1. “All-terrain Vehicle” as defined by Iowa Code Section 3211.1 means a motorized vehicle with not less than three (3) and not more than six (6) non-highway tires that is limited in engine displacement to less than one thousand two hundred cubic centimeters (1,200cc) and in total dry weight to less than one thousand two hundred (1,200) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2. “Off-road Utility Vehicle” as defined by Iowa Code Section 3211.1 means a motorized vehicle with not less than four (4) and not more than eight (8) non-highway tires or rubberized tracks that have a seat that is of a bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road Utility Vehicle” includes the following vehicles:

- A. "Off-road Utility Vehicle—type 1" means an Off-road Utility Vehicle with a total dry weight of one thousand two hundred (1,200) pounds or less and a width of fifty (50) inches or less.
  - B. "Off-road Utility Vehicle—type 2" means an Off-road Utility Vehicle, other than a type 1 Off-road Utility Vehicle, with a total dry weight of two thousand (2,000) pounds or less, and a width of sixty-five (65) inches or less.
  - C. "Off-road Utility Vehicle—type 3" means an Off-road Utility Vehicle with a total dry weight of more than two thousand (2,000) pounds or a width of more than sixty-five (65) inches, or both.
3. "Snowmobile" as defined by Iowa Code Section 321G.1 means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle or off-road utility vehicle, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.
4. "Roadway" as defined by Iowa Code Section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

**75.03 GENERAL REGULATIONS, SNOWMOBILES.** No person shall operate a snowmobile within the City in violation of the provisions of Chapter 321G of the Code of Iowa or rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, numbering and equipment and manner of operation.

**75.04 PLACES OF OPERATION, SNOWMOBILES.** The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

- 1. Roadways. Snowmobiles shall be operated only upon roadways which have not been plowed during the snow season and on such other roadways as may be designated by resolution of the Council.
- 2. Exceptions. Snowmobiles may be operated on prohibited roadways only under the following circumstances:
  - A. Emergencies. Snowmobiles may be operated on any roadway in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
  - B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited roadway provided:
    - (1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing;
    - (2) The snowmobile is brought to a complete stop before crossing the roadway;
    - (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
    - (4) In crossing a divided roadway, the crossing is made only at an intersection of such roadway with another roadway.

**75.05 GENERAL REGULATIONS, ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES.** No person shall operate an all-terrain vehicle and/or off-road utility vehicle within the City in violation of this Chapter.

**75.06 OPERATION ON ROADWAYS, ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES.** A registered All-Terrain Vehicle or Off-road Utility Vehicle may be operated on City roadways pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa. A person shall not operate an All-terrain vehicle or Off-road Utility Vehicle upon roadways in the City unless,

- 1. The operator has a valid driver's license and is at least 16 years of age.
- 2. A person under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate on board as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed.
- 3. Operation of an All-Terrain Vehicle and/or Off-road Utility Vehicle is only permitted on the roadway or shoulder, not in the ditch.

**75.07 UNLAWFUL OPERATION.** A person shall not operate an All-terrain Vehicle, Off-road Utility Vehicle and/or snowmobile under any of the following conditions.

- 1. At a rate of speed in excess of the speed limit of the roadway or thirty-five (35) miles per hour, whichever is less.
- 2. In a careless, reckless or negligent manner so as to endanger any person; cause injury or damage to person or property; or create unnecessary skidding or sliding or cause any wheel or wheels, ski or skis to unnecessarily lose contact with the ground.
- 3. Without a lighted headlight and taillight.
- 4. On public land, ice or snow in violation of official signs prohibiting such operation.
- 5. In any City park, playground or upon any other City-owned property without the express permission of the City.
- 6. Any portion of a meandered stream or the bed of a non-meandered stream has been identified as a navigable stream or river by the Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity and or operation on ice.
- 7. Upon an operation railroad right of way. All-terrain Vehicles, Off-road Utility Vehicles and Snowmobiles may be driven directly across a railroad right-of-way only at an established crossing.
- 8. With more persons on the vehicle than it was designed to carry.
- 9. On any riding area or trail unless the trail is designated by signs as open to All-terrain, Off-Road Utility vehicle and/or snowmobile operation.

**75.08 REGISTRATION REQUIREMENT AND OTHER CONDITIONS.** Individuals who operate on roadways within the City of West Branch must register the All-terrain Vehicle, Off-road Utility Vehicle and/or Snowmobile with the Iowa Department of Natural Resources. The following conditions apply:

- 1. The owner of each All-terrain Vehicle or Off-road Utility Vehicle or Snowmobile shall be required to provide proof of ownership including but not limited to bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and Proof of Liability Insurance.
- 2. All-terrain Vehicles, Off-Road Utility Vehicles or Snowmobiles registered in Iowa are required to display their current registration decal and carry their certificate on board.

3. All-terrain Vehicles, Off-Road Utility Vehicles or Snowmobiles registered in another state are required to also display a valid Iowa Department of Natural Resources User Permit in addition to displaying their current registration decal and carrying their certificate on board.
4. Registration shall not be required for All-terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements or as identified by the Code of Iowa.

**75.09 NEGLIGENCE.** The owner and operator of an All-terrain Vehicle, Off-Road Utility Vehicle or Snowmobile are liable for any injury or damage occasioned by the negligent operation of the All-terrain Vehicle, Off-Road Utility Vehicle or Snowmobile.

**75.10 ACCIDENT REPORTS.** Whenever an All-terrain Vehicle, Off-Road Utility Vehicle or Snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred (\$200.00) dollars or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report in accordance with the Code of Iowa.

**75.11 PENALTIES.** Violation of this chapter will be punishable as a Simple Misdemeanor subject to a fine plus applicable court surcharge costs and/or up to 30 days in jail.

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|----------------------------------|---------------|
| 1. First Offense:                | \$100.00 fine |
| 2. Second Offense:               | \$200.00 fine |
| 3. Third and subsequent Offense: | \$300.00 fine |

**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 1st day of November, 2021.

First Reading: October 4, 2021  
 Second Reading: October 18, 2021  
 Third Reading: November 1, 2021

\_\_\_\_\_  
 Roger Laughlin, Mayor

ATTEST:

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 Leslie Brick, City Clerk

Motion by Goodweiler, second by Stoolman to approve third reading of Ordinance 783. AYES: Goodweiler, Stoolman, Sexton, Miller. Absent: Dean. NAYS: None. Motion carried.

Resolution 2043 – Approving and accepting certain Municipal Public Improvements constructed in Loethen Ridge Estates. / Move to action.

Motion by Miller, second by Stoolman to approve Resolution 2043. AYES: Miller, Stoolman, Sexton, Goodweiler. Absent: Dean. NAYS: None. Motion carried.

Resolution 2044 – Support and financial commitment for the Main Street Program, West Branch, Iowa. /Move to action.

Laughlin asked the Council to consider increasing the West Branch Community Development Group’s (CDG) annual contribution which is currently \$10,000 per year. Laughlin said the annual contribution was reduced in 2017 from \$15,500 to \$10,000 and said he felt like the group deserved more financial support from the City. Laughlin further stated that by raising the annual contribution, the group wouldn’t need to solicit addition funds from the city for events such as Christmas Past. Laughlin told the Council that late last week, Brick advised him that Hotel/Motel tax dollars could be used for funding the program rather than General Fund dollars and that recently state auditors advised cities that they would begin looking into municipalities donating to Non-Profit groups such as the West Branch CDG. Brick informed the Council that the City has been receiving Hotel/ Motel tax since 2019, but none of the dollars received thus far have been budgeted for spending. The Council requested to have the resolution be amended to include “a minimum contribution of \$10,000 annually” and that they would discuss the actual future funding amount during the upcoming budget discussions.

Motion by Miller, second by Stoolman to approve Resolution 2044. AYES: Miller, Stoolman, Sexton, Goodweiler. Absent: Dean. NAYS: None. Motion carried.

Resolution 2045 – Approving a contribution to “A Christmas Past” event for the purpose of horse drawn carriage rides. / Move to action.

After discussing the West Branch Community Development Groups annual funding request, Council member Miller suggested increasing the contribution for the carriage rides to \$3000.00 to match what was given in years past. The Mayor and other council members agreed with Miller’s suggestion. Laughlin advised the

Council that the funding source for the expense would be from the Community Cultural & Development line item which Van Auken informed him was only budgeted for \$5000 for FY22. Therefore, this expense will use more than half of the current budget. Van Auken said that this fund historically only gets budgeted with \$5000 and is also used for expenses related to the installation of the city's Christmas lights each year. Goodweiler noted that this is another budget line item that should be reviewed and increased appropriately.

Motion by Miller, second by Goodweiler to amend Resolution 2045. AYES: Miller, Goodweiler, Sexton, Stoolman. Absent: Dean. NAYS: None. Motion carried.

Resolution 2046 – Considering the issue of whether Acciona Windpower North America, LLC should be rebated a portion of Tax Increment Revenues. / Move to action.

Motion by Miller, second by Goodweiler. AYES: None. NAYS: Miller, Goodweiler, Stoolman, Sexton. Absent: Dean. Motion failed.

Resolution 2047 – Accepting and approving the City Street Finance Report for FY21. / Move to action.

Van Auken presented the FY21 Street Finance Report and briefly explained that the purpose of the report is to document expenses, revenues, bonds, loans and projects associated with city roads and streets.

Motion by Miller, second by Stoolman to approve Resolution 2047. AYES: Miller, Stoolman, Sexton, Goodweiler. Absent: Dean. NAYS: None. Motion carried.

Motion to approve an Assignment Agreement with Johnson County Refuse Inc. for Residential Solid Waste Collection. / Move to action.

Laughlin said that the owner (Steve Smith) of Johnson County Refuse informed him last week of the pending sale of his business to Lakeshore Recycling Services from Chicago. Smith said the current contract with the city did not have an assignment clause in it and is requesting the city to sign the agreement. Smith promised there would be no disruption in service through the remainder of the contract and that he would stay on and manage the business.

Motion by Sexton, second by Miller. AYES: Sexton, Miller, Stoolman, Goodweiler. Absent: Dean. NAYS: None. Motion carried.

## **STAFF REPORTS**

Goodale reported on an upcoming tree removal on West Main Street and gave an update on the former Casey's parking lot site improvements. Russell reported that the City was selected for the Trees Forever Community Visioning project and said the kick off meeting will be held on Tuesday, November 2<sup>nd</sup>. City Engineer Dave Schechinger gave an update on the Herbert Hoover round-about project and said the 28E Agreement had been reviewed by Olson and himself and has been forwarded back to Johnson County for their attorney to review. He said he will be attending a meeting with Johnson County engineers on the final design for the round-about.

## **CITY ADMINISTRATOR REPORT – N/A**

## **CITY ATTORNEY REPORT - NONE**

## **COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

Laughlin commented on the issue of the brush pile being closed this fall and said that office staff receives daily complaints on the matter. Goodale said the brush pile gates were locked for a variety of reasons including that residents were removing the lock and leaving gates open after hours, not returning keys, dumping in the road way, and giving keys to people from outside of the community. Goodale said the city recently spent approximately \$8000 to chip the brush pile from last year's derecho and is trying to prevent non-community members from dumping at the site which increase chipping costs for the city. Goodale said that a large quantity of the mulch on the site will be used for the new waste water treatment plant, however there will be some hauling costs in the future. Laughlin suggested that the brush pile be re-opened for the month of November to allow residents to dispose of their yard waste from the summer and then close it again on December 1<sup>st</sup> for all large loads. Sexton questioned Russell regarding the lights being turned on at Cubby Park. Russell said that she had received several requests from residents who used to walk in the high school during the colder months (as part of a Park & Rec program) if the lights could be turned on in the early mornings and evenings to light the trail and pickle ball courts. Russell said she agreed with the request and decided to try the idea out and see

what kind of participation the request would receive. Russell commented that the lights are set on a timer and that she would monitor the amount of electricity generated in October and November and report back to Council.

**ADJOURNMENT**

Motion to adjourn the regular meeting by Miller, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:00 p.m.

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Roger Laughlin, Mayor

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