

(The following is a synopsis of the minutes of the West Branch City Council meeting. A video recording is available for inspection at westbranchiowa.org. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

**City Council
Regular Meeting**

**June 20, 2022
7:00 p.m.**

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

APPROVE THE AGENDA

Motion by Dean, second by Stoolman to approve the agenda. AYES: Dean, Stoolman, Miller, Sexton. Goodweiler. Motion carried.

APPROVE CONSENT AGENDA

Approve Minutes from the June 6, 2022 City Council meeting.
Approve Minutes from the June 6, 2022 Special City Council meeting.
Claims for 6/20/2022
Monthly Financial Report (May 2022)

EXPENDITURES	6/20/2022	
ALINE PETRIN	SUMMER CAMP SESS 1 REFUND	190.00
AMANDA MALLOY	SWIM BUS REFUND	40.00
AMAZON	VARIOUS ITEMS - LIBRARY	878.79
BAKER & TAYLOR INC.	BOOKS	126.79
BPG, LLC	FOOD SUPPLIES	31.69
BROWN'S WEST BRANCH	SERVICE FOR VEHICLE	55.56
CAPITAL ONE	VARIOUS ITEMS - LIBRARY	90.24
CARRIE A HOURIGAN	CLEANING SERVICES - LIBRARY	322.00
CEDAR COUNTY COOPERATIVE	FUEL - CEMETERY	956.48
CEDAR COUNTY RECORDER	RECORDING FEES	157.00
CEDAR COUNTY TRANSFER STAT	TRASH DISPOSAL	170.00
CHAUNCEY BUTLER POST 514	FLAGS	84.00
CJ COOPER & ASSOCIATES	FIRE DEPT DRUG TESTING	315.10
ECONO SIGNS LLC	STREET SIGNS	768.81
EMV HOLDINGS LLC	EMV HOLDINGS TIF REBAE #2	5,863.06
FONZIBA KOSTER	SUMMER READING PROGRAM	350.00
FRED'S FEED & SUPPLY LLC	BLDG MAINTENANCE - LIBRARY	603.14
IOWA DEPARTMENT OF PUBLIC	WARRANTS & ARTICLES SYSTEM	1,200.00
ISWEP	ISWEP 2022-23 MEMBER FEE	550.00
JANET VAN DE WOESTYNE	TOWN HALL ALCOHOL DEP REFUND	100.00
JAYME CILEK	CLEANING SERVICES- CITY, TOWN HALL	265.50
KANOPI	ON DEMAND VIDEO SERVICE	27.00
KAREN SWENSON	SUMMER CAMP SESS 1 REFUND	205.00
KONA ICE OF CEDAR RAPIDS L	VENDOR FEE REFUND - HHTD	50.00
LEAF CAPITAL FUNDING LLC	COPIER LEASE - LIBRARY	142.02
LINN COUNTY R.E.C.	STREET LIGHTS	207.80
LRS HOLDINGS, LLC	TRASH & RECYCLING - MAY	16,942.00
LYNCH'S PLUMBING INC	VALVE, WATER LINE REPLACEMENT	2,394.65
OFFICE OF AUDITOR OF STATE	AUDIT FY21 PROGRESS BILL	16,194.45
OVERDRIVE INC	DIGITAL AND AUDIO BOOKS	308.45
PITNEY BOWES GLOBAL FINANC	POSTAGE METER LEASE - LIBRARY	77.37
PREMIER PARTS TIPTON	PARTS	246.79
QUILL CORP	OFFICE SUPPLIES	117.87
RAPIDS REPRODUCTIONS INC	HHTD POSTERS	83.04
THE HOME DEPOT PRO	BLDG SUPPLIES	126.83
U.S. POSTAL SERVICE	PO BOX ANNUAL RENTAL - LIBRARY	62.00
US BANK CORPORATE CARD	CREDIT CARD PURCHASES	1,272.63
WEST BRANCH REPAIRS	VEHICLE REPAIR - POLICE	863.63
WEST BRANCH TIMES	LEGAL PUBLICATIONS	1,010.15

TOTAL 53,449.84

PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS 6/10/2022 47,198.68

PAID BETWEEN MEETINGS

ALLIANT ENERGY	ALLIANT ENERGY	10,873.95
CULLIGAN WATER TECH	WATER SOFTNER SERVICE	186.48
FIRE CATT, LLC	FIRE HOSE TESTING	2,084.25
HEIMAN FIRE EQUIP	FIRE EQUIPMENT	4,970.00
HOSPERS & BRO PRINTERS	ENVELOPES	121.77
JOHNSON COUNTY AMBULANCE	MEDICAL SUPPLIES	91.00
COLEMAN FENNER	UMPIRE PAY - 3 GAMES	150.00
WYATT FIDERLEIN	UMPIRE PAY - 1 GAMES	30.00
GLOBAL PAYMENTS	MAY CREDIT CARD FEES	586.97
WAGeworks	EMPLOYEE FLEX PLAN	1,183.07

TOTAL 20,277.49

GRAND TOTAL EXPENDITURES 120,926.01

FUND TOTALS

001 GENERAL FUND	75,828.50
022 CIVIC CENTER	823.2
031 LIBRARY	9,142.46
110 ROAD USE TAX	7622.17
112 TRUST AND AGENCY	5471.42
125 T I F	5,863.06
600 WATER FUND	8,928.78
610 SEWER FUND	5513.35
740 STORM WATER UTILITY	550.00
950 BC/BS FLEXIBLE BENEFIT	1183.07
GRAND FUND TOTAL	120,926.01

REVENUE-FISCAL YEAR 2022

FUND MAY

001 GENERAL FUND	125,005.48
022 CIVIC CENTER	735.92
027 MEMORIAL GARDEN PROJECT	
031 LIBRARY	5,299.27
036 TORT LIABILITY	1,297.24
110 ROAD USE TAX	14,481.94
112 TRUST & AGENCY	8,439.55
119 EMERGENCY TAX FUND	1,165.00
121 LOCAL OPTION SALES TAX	24,599.84
125 TIF	18,512.10
226 DEBT SERVICE	10,024.95
300 CAPITAL IMPROVEMENT RESERVE	1,715.22
324-WW TREATMENT FACILITY IMPROVEMENT	58,300.00
600 WATER FUND	52,518.90
610 SEWER FUND	68,213.84
740 STORM WATER UTILITY	5,896.50
TOTAL	396,205.75

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

PRESENTATIONS / COMMUNICATIONS / OPEN FORUM – NONE

PUBLIC HEARING / NON-CONSENT AGENDA

Public Hearing - Request for proposals to dispose of and develop property.

Miller opened the public hearing at 7:03 p.m. There were no public comments made at the meeting and no comments were received in writing from the public. Miller closed the public hearing at 7:04 p.m.

Third Reading Ordinance 793 – Amending Title “Sewer Service Charges”, Chapter 99 “Sewer Service Charges Required”. / Move to action.

ORDINANCE 793

**AN ORDINANCE AMENDING TITLE “SEWER SERVICE CHARGES”
CHAPTER 99 “SEWER SERVICE CHARGES REQUIRED”.**

BE IT ENACTED by the City Council of West Branch, Iowa, that Section 99.01 “SEWER SERVICE CHARGES REQUIRED” of the Code of West Branch, Iowa is hereby amended by making the following changes:

99.01 SEWER SERVICE CHARGES REQUIRED. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

(Code of Iowa, Sec. 384.84)

1. \$15.29 per 1,000 gallons, with a 1,700 – gallon minimum, payable monthly effective February 1, 2022.
2. \$16.05 per 1,000 gallons, with a 1,700 – gallon minimum, payable monthly effective July 1, 2022.
(increase of \$0.76)
3. \$17.65 per 1,000 gallons, with a 1,700 – gallon minimum, payable monthly effective July 1, 2023.
(increase of \$1.50)

Pursuant to Section 91.11, customers may install a separate meter to measure water which is not discharged into the sanitary sewer system.

Adding a new Section 99.02 and retaining and renumbering the remaining sections.

99.02 ANNUAL ADJUSTMENT OF SEWER RATES. Effective the first day of January each year, beginning in 2024, the customer monthly rates as set forth in Sections 99.01, 99.03, and 99.04 of this chapter, shall increase by 2% from the prior year. The City shall review the rates every two years to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for proportional distribution of operation and maintenance, including replacement costs, among users and user classes.

3. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby amended.
5. 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 20th day of June, 2022.

First Reading: May 16, 2022
Second Reading: June 6, 2022
Third Reading: June 20, 2022

Colton Miller, Mayor Pro Tem

Attest:

Leslie Brick, City Clerk

No discussion.

Motion by Dean, second by Sexton to approve the third reading of Ordinance 793. AYES: Dean, Sexton, Miller, Goodweiler. NAYS: Stoolman. Motion carried.

Second Reading Ordinance 794 - Amending Chapter 69 “Parking Regulations”. / Move to action.

No discussion.

Motion by Stoolman, second by Dean to approve the second reading of Ordinance 794. AYES: Stoolman, Dean, Goodweiler, Miller, Sexton. NAYS: None. Motion carried.

Second Reading Ordinance 795 – Establishing a Tree Commission for the City of West Branch, Iowa. Chapter 28 – Tree Commission. / Move to action.

No discussion.

Motion by Dean, second by Sexton to approve the second reading of Ordinance 795. AYES: Dean, Sexton, Miller, Stoolman, Goodweiler. NAYS: None. Motion carried.

Resolution 2022-63 – Approving a vehicle towing service contract with Campus Towing. / Move to action.

Sexton asked how many responses were received for the contract services. Kofoed said two responses were received, one from Big 10 Towing and Campus Towing. Local towing company, Robert’s Towing did not submit a bid. Kofoed said this contract will allow the city to continue to enforce its nuisance abatement code

for junk vehicles throughout the city and have a fee schedule that will be provide transparency of the fees charged for certain violations.

Motion by Sexton, second by Dean to approve Resolution 2022-63. AYES: Sexton, Dean, Stoolman, Miller, Goodweiler. NAYS: None. Motion carried.

Resolution 2022-64 – Approving an Auditing Service Agreement with Faller, Kincheloe & Co., PLC for Fiscal Years 2022, 2023, 2024 and 2025. / Move to action.

Kofoed stated that only one bid was received and that the request for proposals was prompted by the State of Iowa’s notification earlier this year that the City needed to find an independent firm to perform audits going forward. FKC met all of the city’s requirements for its annual audit. Kofoed said the quote for services was on pace with what the State of Iowa currently charges. The Council had no questions.

Motion by Stoolman, second by Deann to approve Resolution 2022-64. AYES: Stoolman, Dean, Goodweiler, Miller, Sexton. NAYS: None. Motion carried.

Resolution 2022-65 – Approving a Subdivider’s Agreement with The Meadows Inc. for The Meadows Part 5. / Move to action.

This Subdivider’s Agreement is the city’s standard agreement, no special exceptions were requested for The Meadows, Part 5.

Motion by Dean, second by Sexton to approve Resolution 2022-65. AYES: Dean, Sexton, Stoolman, Goodweiler, Miller. NAYS: None. Motion carried.

Resolution 2022-66 – Approving a Developer’s Agreement with Rebate payments and approving disposal of real property to BBCO LLC. / Move to action.

Kofoed announced that a revised agreement was received from the developer after the council packet was published and recapped the changes submitted. Kofoed outlined the following responsibilities of the city: the city will sell the former Croell Redi Mix site for one dollar to BBCO, LLC, the city will assist in the purchase of the Herring property of up to \$150,000 and a twenty-year tax incentive agreement with the developer will be capped at five million dollars (if all properties are purchased). Kofoed stated the tax rebate will be seventy-five percent to the developer, while the city retains the remaining twenty-five percent. Kofoed then described BBCO’s (developer) responsibilities; BBCO will purchase property from D Three LLC, Bennett, Herring and as an ‘option’, Steve Miller’s property, on the corner of East Main and North 4th Streets., BBCO will construct one hundred ten residential properties, mixed use commercial space and will implement the redevelopment in four phases if a grant the developer is successful in obtaining. Kofoed also mentioned the request from the developer for using a twenty-five percent brick façade on the buildings as it is less costly for the project. The Council had no objections to Kofoed’s recap of the project. Blaine Thomas, partner of BBCO, LLC was present and addressed the Council and said he is excited for the project and said that he enjoys a ‘challenge’, which this particular parcel will have. Thomas described his project as “community minded” that will draw attention to West Branch. Thomas said he is anxious to start moving forward. The Council thanked Thomas and his partners for taking on the challenge of redeveloping the property and shared in his excitement of the project.

Motion by Sexton, second by Dean to approve the amended agreement with the terms outlined by Kofoed for Resolution 2022-66. AYES: Sexton, Dean, Goodweiler, Miller, Stoolman. NAYS: None. Motion carried.

Resolution 2022-67- Authorizing the transfer of funds. / Move to action.

Van Auken explained that the transfers were a requirement of end of year closing for transferring set aside funds for future departmental expenditures. Van Auken confirmed that Public Works did not have any funds to transfer.

Motion by Dean, second by Sexton to approve Resolution 2022-67. AYES: Dean, Sexton, Stoolman, Miller, Goodweiler. NAYS: None. Motion carried.

Resolution 2022-68– Accepting the resignation of Officer Derek Holmes. / Move to action.

Miller and Sexton thanked Holmes for his service to the West Branch community and wished him well in his future endeavors.

Motion by Dean, second by Stoolman to approve Resolution 2022-68. AYES: Dean, Stoolman, Sexton, Miller, Goodweiler. NAYS: None. Motion carried.

Discussion – Council direction regarding right-of way turn lane on West Main Street

Kofoed reminded the Council that a new developer is interested in the property known as The Meadows, Part 3 (a parcel across from the high school) and asked if the Council wanted to include an easement on the property should the city’s future growth require future widening on West Main Street. The Council re-discussed the need for sidewalks in that area and determined that the future trail on the south side of West Main Street was the best location for it and not the north side. Schechinger added that while reviewing preliminary plans for the round-about with Johnson County engineers, that a fifteen-foot easement may be acceptable. Schechinger is still in discussions and said he would discuss further with Johnson County.

Discussion – Waiving permit fees for non-profit organizations

Kofoed said the topic became an issue recently when a member of the Tipton Lions Club applied for a building permit for installing a temporary handicap ramp at a residence in West Branch. The permit was submitted to the city and reviewed and approved by city’s building inspector. A fifty-dollar fee was added for the cost of processing the permit. The permit fee was questioned by the applicant and was under the impression that the city should waive its permit fee requirement for their organization since they are volunteers doing community service projects. Kofoed reminded the Council that he does not have the authority to waive such fees as there is nothing in the Code that allows him to do that. Kofoed outlined pros and cons for waiving fees for non-profits and defining what ‘temporary’ means. The Council discussed and audience members also gave input on the subject. The Council finally determined that temporary ADA ramps would be subject to a building permit so the city knows where they are and that it is acceptable to waive the permit fee. The city will cover the cost of the building inspectors’ review and staff time for processing the permit. They concluded that the project value would be ‘zero-dollars’, which makes permit fee schedule non-applicable.

CITY ADMINISTRATOR REPORT

Kofoed asked the Council for potential meeting dates and times to discuss capital improvement planning. After discussions, July 18th at 5:45 p.m. (prior to the regular City Council meeting) was agreed upon. Kofoed stated that donations were lagging for Hoover’s Hometown Days and that he and the Mayor would be making phone calls to businesses. He also recommended that the city establish a donation policy to better handle how and when the city should seek donations for certain city events and projects.

CITY ATTORNEY REPORT

Olson said that a meeting was held last week with some property owners adjacent to the Wapsi Creek Widening project and that details are being worked through.

CITY ENGINEER REPORT

Schechinger reported on the HHH round about project and said final plans are not yet complete but the Johnson County is working with the utility companies on moving their utilities which needs to be done first. At this time a September bid letting is scheduled with a late-fall start date. He also reported that the waste water treatment plant project should be starting later in the week. He said the contractor has experienced staffing and supply chain issues.

STAFF REPORTS - No reports.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Dean stated his dis-pleasure with the progress on the round-about.

ADJOURNMENT

Motion to adjourn by Sexton, second by Stoolman. Motion carried on a voice vote. City Council meeting adjourned at 8:24 p.m.

Colton Miller, Mayor Pro Tem

ATTEST:

Leslie Brick, City Clerk