

*(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**

**August 1, 2022  
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council regular meeting to order at 7:04 p.m. Roll call: Council members present: Colton Miller, Jerry Sexton, Jodee Stoolman, Nick Goodweiler and Tom Dean. City Staff present: City Administrator Adam Kofoed, City Clerk Leslie Brick, Public Works Director Matt Goodale, and Police John Hanna. City Staff attending via Zoom: Finance Officer Heidi Van Auken, Library Director Nick Shimmin, Parks & Recreation Director Melissa Russell and City Engineer Dave Schechinger.

**APPROVE THE AGENDA**

Motion by Miller, second by Sexton to approve the agenda. Motion carried on a voice vote.

**APPROVE CONSENT AGENDA**

Approve minutes from the July 18, 2022 City Council meeting.

Approve West Branch Fire Department appointments.

Claims for 8/1/2022

EXPENDITURES	8/1/2022	
AMAZON.COM.CA., INC.	PARKS & REC SUPPLIES	1,364.02
ANNA WEIKAMP	TOWN HALL ALCOHOL DEP REFUND	100.00
CEDAR CO SHERIFF'S OFFICE	SERVICE PROCESS FEE	96.69
CILEK LOGAN	MILEAGE REIMBURSEMENT	15.50
DIAMOND VOGEL, INC.	STREET PAINT	4,750.77
GATEWAY HOTEL & CONFERENCE	MPI CONF HOTEL VAN AUKEN	533.12
HAWKINS INC	CHEMICALS	3,046.44
IOWA DEPARTMENT OF NATURAL	NPDES FEE FOR FY23	210.00
IOWA ONE CALL	UTILITY LOCATION SERVICE	79.20
JETCO ELECTRIC INC.	WATER PLANT PLC REPLACEMENT	7,594.50
KIESLER POLICE SUPPLY, INC	AMMUNITION	409.01
LEXIPOL, LLC	POLICY MANUAL & TRAINING FY23	3,284.15
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,562.76
MENARDS	CEMETERY SHED	244.55
PLUNKETT'S PEST CONTROL IN	PEST CONTROL-CITY OFFICE	98.98
QC ANALYTICAL SERVICES LLC	WASTEWATER CONFERENCE FEE	450.00
STATE INDUSTRIAL PRODUCTS	CHEMICALS	236.00
UNITED STATES GEOLOGICAL S	STREAM GAGE MAINT & OPERATION	8,640.00
VEENSTRA & KIMM INC.	VARIOUS PROJECTS	15,850.18
WEST BRANCH TIMES	JOB AD - POLICE	102.50
<b>TOTAL</b>		<b>48,668.37</b>
<b>PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS</b>	<b>7/22/2022</b>	<b>59,311.71</b>
<b>PAID BETWEEN MEETINGS</b>		
ALATORRE LLC	WINDOW CLEANING -CITY BLDG	70.00
ALLIANT ENERGY	ALLIANT ENERGY	12,902.16
BARNHART'S CUSTOM SERVICES	PEDEN'S LOT	10,405.00
CULLIGAN WATER TECH	WATER SOFTNER SERVICE	29.99
FELD FIRE EQUIPMENT	CONDENSATE VALVE -FIRE	1,605.92
HEIMAN FIRE EQUIPMENT	UNIFORM - BOOTS	650.00
MENARDS	CEMETERY SHED	862.67
QC ANALYTICAL SERVICES	LAB ANALYSIS	968.25
TUTTLE, PETER	COOLER REPAIR - FIRE	356.23
US BANK CORP CARD	CREDIT CARD PURCHASES	2,047.36
WEST BRANCH TIMES	BOARD OF TRUSTEES AD	82.00
WEX BANK	VEHICLE FUEL	2,252.57
IA ALCOHOLIC BEVERAGES DIVISION	HHTD ABD LICENSE FOR FIRE DEPT	25.00
HY-VEE ACCOUNTS RECEIVABLE	RECREATION SUPPLIES	304.88
JOHN DEERE FINANCIAL	VARIOUS PURCHASES - PW	1,515.47

MEDIACOM	CABLE SERVICE	41.90
PITNEY BOWES PURCHASE POWER	REPLENISH POSTAGE -CITY	500.00
VERIZON WIRELESS	VERIZON WIRELESS	403.15
CAMP COURAGEOUS OF IOWA	CAMP ACTIVITY FEES	270.00
PITNEY BOWES INC	POSTAGE SUPPLIES	203.97
TOTAL		35,496.52
GRAND TOTAL EXPENDITURES		143,476.60
FUND TOTALS		
001 GENERAL FUND	52,797.28	
022 CIVIC CENTER	938.64	
031 LIBRARY	8487.98	
110 ROAD USE TAX	10,885.35	
112 TRUST AND AGENCY	14,411.61	
321 WIDENING WAPSI CREEK	1,276.05	
324 WW TREATMT FAC	13,380.13	
326 ROUNDABOUT MAIN & CEDAR	995.00	
600 WATER FUND	22,748.39	
610 SEWER FUND	8916.17	
740 STORM WATER UTILITY	8,640.00	
GRAND FUND TOTAL	143,476.60	

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

### **PRESENTATIONS / COMMUNICATIONS / OPEN FORUM**

Animal Control Commission Chairperson Dr. Alan Beyer – Dog Park expansion planning  
 Beyer said he solicited bids for fencing in April and received the lowest bid from Central Iowa Fencing in the amount of \$15,790.00. An additional estimated one thousand dollars would also be needed for concrete. Beyer said that a one-thousand-dollar deposit was made to hold the quote, but it was unclear where that money came from. Beyer said the commission would like to start fundraising as soon as possible. Finance Officer Van Auken, who was made aware of the project earlier this summer, had a few questions for Beyer. Van Auken asked for confirmation in writing regarding how long the quote was good for, but Beyer said he did not have that. She also asked if there was a plan for money donated if the commission could not meet their fundraising goals and what the city should do with the money being held. Beyer did not seem to think they would not meet their goal to fully pay for the new fencing. The Council was not opposed to the expansion and asked no follow questions.

### **PUBLIC HEARING / NON-CONSENT AGENDA**

Third Reading Ordinance 796 – Amending Chapter 55 – Animal Protection and Control. / Move to action.

#### ORDINANCE 796

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH REGARDING ANIMAL CONTROL.

WHEREAS, the Animal Control Commission of the City of West Branch has recommended changes to Chapter 55 of the Code of Ordinances. NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 55.01 of the Code of Ordinances is hereby amended by adding the following definition:
 

“Bite wound – type” means

  - a. Pre-bite. The animal gets aggressive but only snaps or bites into the air, with no contact with human skin.
  - b. Near bite. The animal’s skin come into contact with human skin, but the bite does not puncture the skin.
  - c. Shallow puncture. The animal punctures the skin, but only in the shallow layers of tissue.
  - d. Multiple shallow punctures. The animal punctures the skin in multiple areas, but said multiple areas only penetrate shallow layers of skin.
  - e. Deep puncture. A bite causing serious or severe injury, penetrating further than a shallow puncture.
  - f. Death – The animal kills or consumes a person’s flesh.”
2. Amendment. Section 55.16(c) is hereby amended by deleting in its entirety and replacing with the following:
 

“Level 3 behavior is established if an animal, whether confined or at large, bites or causes physical injury less than serious injury to any person or other domesticated animal.”
3. Amendment. Section 55.16(D)(1) and (2) are hereby amended by deleting in their entirety and replacing with the following:
  - “1. An animal, whether or not confined, unprovoked or aggressively bites or causes wounds of deep puncture or greater, or
  2. An animal, while at large, kills or causes wounds of deep puncture or greater to any domesticated animal; or”

4. Amendment. Section 55.16(B) is hereby amended by deleting all of the section after the first sentence in its entirety and replacing it with the following:

“The owner of the animal, or the offended party, may appeal the classification to the Animal Control Appeals Board within ten (10) days of receipt of the classification order. The owner or offended party may file notice of appeal and request for a hearing in writing by filing with the City Clerk. The hearing shall be held within 30 days of the receipt of said notice. Failure to appeal will result in the classification being final. After said hearing, the Board shall notify the appealing party of its ruling in writing within 10 days. The appealing party may file notice of appeal of the Board’s ruling with the Iowa District Court within ten (10) days of the date of the Board’s ruling.”

5. Amendment. Chapter 55 is hereby amended by adding Section 55.23, which reads as follows:

“55.23. Animal Control Appeals Board. The Animal Control Appeals Board will be comprised of three members appointed by the Mayor. The three members shall consist of the following: a veterinarian, a member of the City Council and a member of the Animal Control Commission. The City Attorney shall attend all meetings of the Animal Control Appeals Board.”

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

7. 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.

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

First reading: July 5, 2022  
Second reading: July 18, 2022  
Third Reading: August 1, 2022

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Roger Laughlin, Mayor

ATTEST:

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Leslie Brick, City Clerk

Motion by Sexton, second by Goodweiler to approve the third reading of Ordinance 796. AYES: Sexton, Goodweiler, Stoolman, Miller, Dean. NAYS: None. Motion carried.

Resolution 2022-73 – Approving Pay Estimate Number 1 in the amount of \$756,667.50 to Boomerang Corp. for the Wastewater Treatment Facility Improvements Project. / Move to action.

Motion by Goodweiler, second by Miller to approve Resolution 2022-73. AYES: Goodweiler, Miller, Sexton, Stoolman, Dean. NAYS: None. Motion carried.

Resolution 2022-74 – Allowing event signage in the public right of way for Hoover’s Hometown Days August 5<sup>th</sup>-7<sup>th</sup>, 2022. / Move to action.

Motion by Sexton, second by Miller to approve Resolution 2022-74. AYES: Sexton, Miller, Stoolman, Goodweiler, Dean. NAYS: None. Motion carried.

Resolution 2022-75 – Approving a proposal with Terracon Consultants Inc. for construction observation and material testing services. / Move to action.

Miller asked if this was a planned expense of the project. Kofoed said he confirmed that it was.

Motion by Miller, second by Goodweiler to approve Resolution 2022-75. AYES: Miller, Goodweiler, Dean, Stoolman, Sexton. NAYS: None. Motion carried.

#### Discussion – Kaeser property

Kofoed stated that Kent Kaeser contacted him about a piece of property that he owns along the Hoover Trail (former railroad right-of-way) and asked if the city would want it. When Kaeser sold his property on North 1<sup>st</sup> Street, this section did not get transferred to the new owner and Kaeser has no need for the property. Kofoed said that during additional research of the property, the County also has a few other parcels listed as “unknown owner”. Miller asked if the City should claim those as well if future creek improvements were made. The Council agreed that the City should take the Kaeser property and directed City Attorney Olson to prepare a resolution and quit claim deed for the property.

#### Discussion – West Branch property tax rates

Kofoed researched peer communities tax rates as requested by Councilperson Miller during the CIP work session held on July 18<sup>th</sup>. This research revealed that West Branch tax rate was average as compared to other cities and would be in-line if the Council decides to increase an estimated \$0.91 for the CIP bonding.

#### Discussion – West Branch water rates

Kofoed presented the current water rates set at \$7.79 per 1000 gallons. The rate which has been in effect since July of 2016 with no scheduled increase set. The Council asked about if the current water rates were sufficient to cover the cost of producing the water and if any maintenance costs were also included. Kofoed said that water rates had not been reviewed since City Administrator Muckler left in 2017. Goodweiler suggested that staff review water rates and associated costs, including maintenance would warrant a rate increase.

#### Discussion- West Branch work anniversaries

Kofoed asked for Council direction on if they had a preference on how to recognize employee work anniversaries. Kofoed said there currently is no written policy and that some things have been done in the past, but not consistently. Dean said he was in favor of recognizing employees to show that they are appreciated and Sexton agreed. Stoolman said she would like to see some sort of compensation for certain milestones but not sure how the city would fund that. Kofoed suggested that he would meet with department directors and get a consensus and would report back.

#### Discussion – Volunteers for Hoover’s Hometown Days

Event co-organizer Becky Knoche informed the Council that the inflatable company notified her last week that they would not be able to fully staff the inflatables without an extra charge. Knoche said that when she received quotes from the company, they said that nine people were needed to staff the inflatables. It was realized last week that twelve people were needed. Kofoed asked the Council to consider volunteering some time to help with the annual event. Kofoed said he would be available later in the afternoon after a family commitment. Laughlin also said he would help wherever was needed.

#### **CITY ADMINISTRATOR REPORT**

Kofoed gave an update on a nuisance property and said the defendant did not appear in court last week due to illness. Kofoed warned the Council that he will be asking them for “support in taking the property” if progress is not made on cleaning up the property. Kofoed also informed the Council that during the most recent re-codification of the City Code, that a portion of the Historic Preservation chapter was omitted. Kofoed said he was looking into the issue but the Council will need to re-adopt the chapter.

#### **CITY ATTORNEY REPORT**

Olson said he has another meeting scheduled with a property owner along the Wapsi Creek on Tuesday and would report back on the progress.

#### **CITY ENGINEER REPORT**

Schechinger said a meeting was held with the West Branch school district regarding a possible acquisition of property on West Main Street or easements needed for the round-about project.

#### **STAFF REPORTS – None**

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

Dean reported that the West Branch Fire Department ran seventy-nine calls in July, the highest number of calls on record. He added that the cadet program helps the fire department with engaging high schoolers to become active in the community. Miller thanked Dean for his service to the community as well. Sexton asked if the Opera Block’s building painting project would be complete before the weekend and commented that several parking stalls have been taken up for several weeks. Kofoed said he spoke with the property owner last week and that painting should be complete and the lift removed before Hoover’s Hometown Days.

#### **ADJOURNMENT**

Motion to adjourn by Miller, second by Goodweiler. Motion carried on a voice vote. City Council meeting adjourned at 8:12 p.m.

ATTEST:

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Leslie Brick, City Clerk