

(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 5, 2023
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 present: Colton Miller, Jerry Sexton, Tom Dean and Jodee Stoolman. Absent: Nick Goodweiler. City Staff present: City Administrator Kofoed, City Clerk Brick, Police Chief Hanna, Public Works Director Goodale, City Attorney Olson and City Engineer Schechinger. Staff attending via Zoom: Finance Officer Heidi Van Auken.

APPROVE THE AGENDA

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

APPROVE CONSENT AGENDA

Approve minutes from the May 5, 2023 City Council meeting.

Approve a Premise Update for Eldr, LLC to include The Lively on the Lane, located at 3 Ember Lane (formerly Birdie’s Restaurant), West Branch.

Approve a Special Class C Retail Alcohol (5 day) license for Hazelhasky LLC dba Herb & Lou’s for West Branch Main Street’s Kickoff to Summer event on June 10, 2023.

Approve Cigarette Permit Renewals for FY24

Approve a West Branch Fire Department appointment – Eric Lewis

Approve the March Monthly Financial Report
Claims for 6/5/2023

EXPENDITURES	6/5/2023	
AERO RENTAL INC	STUMP GRINDER RENTAL	379.50
BARNHART'S CUSTOM SERVICES	PUSH UP BRUSH PILE	320.00
CEDAR COUNTY COOPERATIVE	FUEL-PW	678.21
CHAUNCEY BUTLER POST 514	FLAGS	230.00
D&R PEST CONTROL	PEST CONTROL - LIBRARY	70.00
DIEMER, JULIA	BLDG INCENTIVE PAYMENT	1,994.90
GALLS, LLC	NON-MARRING WEDGE	20.95
GRIEBAHN INDUSTRIES INC	NAME PLATES - P&R COMMISSION	46.00
HAZELHASKY LLC DBA HERB &	CONCESSION POPCORN	94.68
HEIDI VAN AUKEN	MILEAGE REIMBURSEMENT	24.89
IOWA ONE CALL	UTILITY LOCATION SERVICE	93.60
LORENZ, NANCY R ZMEK OR J	BLDG INCENTIVE PAYMENT	1,505.04
MARK D & AMBER KLEVEN	BLGD INCENTIVE PAYMENT	2,070.34
MUNICIPAL SUPPLY INC.	METER & READER HARDWARE	2,416.00
NEWTON, VINCENT	BLDG INCENTIVE PAYMENT	1,499.88
SCHIMBERG CO	FORCED MAIN VALVE REPLACEMENT	2,735.52
STATE INDUSTRIAL PRODUCTS	CHEMICALS	243.08
TUCKER, JAMIE	CONCESSION FOOD REIMBURSEMENT	33.98
TOTAL		14,456.57
PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS	5/26/2023	55,408.28
PAID BETWEEN MEETINGS		
METLIFE	INSURANCE	1,377.04
SISCO	INSURANCE	11,000.69
CENTRAL EXCAVATING	I80 E UTILITY RELOCATION PAY EST 1	392,074.29
SISCO	HEALTH CLAIMS 5/22/2023	320.47
AMAZON.COM	PROGRAM SUPPLIES	32.41
JOHN DEERE FINANCIAL	PRUNER, POLE, SUPPLIES	891.55
KOENIG, SASHA	UMPIRE - 3 GAMES	90.00
PITNEY BOWES	PRINTER RED INK-LIBRARY	63.90
THE GAZETTE	SUBSCRIPTION	462.80
PLUNKETT'S PEST CONTROL	PEST CONTROL: TH, CITY	105.90
QUILL CORP	BLDG SUPPLIES-CITY, TH	88.45
TYLER TECHNOLOGIES	FLEX SPEND/PSF SETUP	225.00

VERIZON WIRELESS	VERIZON WIRELESS	411.71
HAWKINS	CHEMICALS	3,219.64
LEAF CAPITAL FUNDING	COPIER LEASE-CITY OFFICE	491.00
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,539.95
MEDIACOM	CABLE SERVICE	41.90
JOHNSON CO TREASURER	ROUNDAABOUT REIMBURSEMENT 1	54,668.66
AMAZON.COM	MOVIE, GAME	88.96
CARRIE HOURIGAN	CLEANING SERVICES-LIBRARY	690.00
CEDAR CO COOP	FUEL-PW	749.99
LEAF CAPITAL FUNDING	COPIER LEASE-LIBRARY	156.22
OVERDRIVE	DIGITAL & AUDIO BOOKS	393.47
PIP PRINTING	BUSINESS CARDS-PW	98.38
PITNEY BOWES PURCHASE POWER	REPLENISH POSTAGE-LIBRARY	200.00
SWANK MOTION PICTURES	SITE LICENSE MOVIES	104.00
US BANK CORP CARD	CREDIT CARD PURCHASES	1,861.79
SISCO	HEALTH CLAIMS 5/15/2023	84.00
AMAZON.COM	MEETING OWL, CLEANING SUPPLIES	1,189.26
BOUND TREE MEDICAL	MEDICAL SUPPLIES	412.78
CJ COOPER	FIRE DEPT DRUG TESTING	167.10
CULLIGAN WATER TECH	WATER SOFTENER SERVICE	29.99
FIVE STAR SHOP SERVICE	MINOR EQUIP-FIRE	2,125.65
HEIMAN FIRE EQUIP	BOOTS, FACESHIELD-FIRE	346.00
HY-VEE AR	CONCESSION SUPPLIES	1,186.19
PITNEY BOWES PURCHASE POWER	REPLENISH POSTAGE-CITY	500.00
QUILL CORP	OFFICE & BLDG SUPPLIES	63.41
STRYKER SALES CORP	BATTERY REPLACEMENT	339.75
IA ALCOHOLIC BEV DIVISION	FIRE DEPT HHTD ALCOHOL LICENSE	24.38
TOTAL		477,916.68
GRAND TOTAL EXPENDITURES		547,781.53

FUND TOTALS		
001 GENERAL FUND		44,335.51
022 CIVIC CENTER		148.21
031 LIBRARY		7,335.41
110 ROAD USE TAX		9,057.38
112 TRUST AND AGENCY		22,543.76
319 RELOCATING WATER & SEWER		392,074.29
326 ROUNDAABOUT MAIN & CEDAR		54,668.66
600 WATER FUND		10,401.84
610 SEWER FUND		7,216.47
GRAND FUND TOTAL		547,781.53

REVENUE-FISCAL YEAR 2023
FUND MARCH

001 GENERAL FUND	102,798.20
022 CIVIC CENTER	1,702.86
031 LIBRARY	1,023.48
036 TORT LIABILITY	4,296.95
110 ROAD USE TAX	16,644.64
112 TRUST & AGENCY	21,676.30
119 EMERGENCY TAX FUND	2,465.68
121 LOCAL OPTION SALES TAX	25,903.23
125 TIF	33,500.15
126 TIF LMI MEADOWS PT 4	4.93
226 DEBT SERVICE	17,280.52
300 CAPITAL IMPROVEMENT RESERVE	3,580.68
324 WW TREATMENT FACILITY	179,156.38
500 CEMETERY PERPETUAL FUND	491.81
501 KROUTH PRINCIPAL FUND	428.26
502 KROUTH INTEREST FUND	199.82
600 WATER FUND	46,467.74
610 SEWER FUND	74,056.32
740 STORM WATER UTILITY	5,753.54
TOTAL	537,431.49

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

PRESENTATIONS / COMMUNICATIONS / OPEN FORUM - NONE

PUBLIC HEARING / NON-CONSENT AGENDA

Third Reading of Ordinance 802 - Amending the Code of Ordinances of The City of West Branch, Iowa, by Amending provisions pertaining to No Parking Zones. / Move to action.

ORDINANCE NO. 802

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA, BY AMENDING PROVISIONS PERTAINING TO NO PARKING ZONES

BE IT ENACTED by the City Council of the City of West Branch, Iowa:

SECTION 1. SECTION MODIFIED. Section 69.08 of the Code of Ordinances of the City of West Branch, Iowa, is repealed and the following adopted in lieu thereof:

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

(Code of Iowa, Sec. 321.236[1])

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the West Branch City Council the 5th day of June, 2023.

First Reading: May 1, 2023

Second Reading: May 15, 2023

Third Reading: June 5, 2023

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

There were no comments.

Motion by Miller, second by Dean to approve third reading of Ordinance 802. AYES: Miller, Dean, Stoolman, Sexton. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Second Reading of Ordinance 803 – Amending Chapter 92 Titled “Water Rates” of the Code of Ordinances of the City of West Branch, Iowa. / Move to action.

There were no comments.

Motion by Sexton, second by Dean to approve second reading of Ordinance 803. AYES: Sexton, Dean, Stoolman, Miller. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-54 – Amending the Pay Scale for permanent full-time employees. / Move to action.

Kofoed said the pay scale will be amended annually due the cost of living fluctuation and noted that this year the pay scale was adjusted to five percent.

Motion by Dean, second by Stoolman to approve Resolution 2023-54. AYES: Dean, Stoolman, Miller, Sexton. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-55 –Setting salaries for appointed officials and employees of the City of West Branch, Iowa for FY24. /Move to action.

Brick informed the Council that there were a couple of minor rounding issues that were corrected on the resolution provided in the packet and that the official resolution was ready for signature.

Motion by Dean, second by Miller to approve Resolution 2023-55. AYES: Dean, Miller, Stoolman, Sexton. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-56 – Approve Pay Estimate Number 1 in the amount of \$41,325.00 to Lynch Excavating, Inc. for the Eastside Water Main Replacement Project. / Move to action.

There were no comments.

Motion by Miller, second by Sexton to approve Resolution 2023-56. AYES: Miller, Sexton, Stoolman, Dean. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-57 – Approving 28E Agreements between the City of West Branch, Iowa and the Boards of Trustees of Cass, Gower, Graham, Iowa, Scott and Springdale Townships for the purposes of fire protection and aid and assistance for other emergencies or disasters relating to life and property, or hazardous materials. / Move to action.

There were no comments.

Motion by Miller, second by Sexton to approve Resolution 2023-57. AYES: Miller, Sexton, Stoolman, Dean. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-58 - Approving the City of West Branch Fiscal Management Policies. / Move to action.

Brick explained that she, Kofoed and Van Auken reviewed the city's financial, investment and credit card policies and decided it was best to roll all three documents into one. Brick added that the policies would be reviewed annually to determine effectiveness and to ensure that all policies were being adhered to.

Motion by Miller, second by Sexton to approve Resolution 2023-58. AYES: Miller, Sexton, Stoolman, Dean. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-59 – Approving an Engineering Services Agreement with Veenstra & Kimm Inc., for construction administration services for the Eastside Water Main Replacement Project in an amount not to exceed \$88,600.00. / Move to action.

Schechinger explained that their costs for this project were lowered since his firm was already in town inspecting another project so travel time was not duplicated. He added that he anticipates higher than normal construction oversight with regard to addressing lead service lines that may be encountered throughout the project.

Motion by Miller, second by Dean to approve Resolution 2023-59. AYES: Miller, Dean, Stoolman, Sexton. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-60 – Approving an Engineering Services Agreement with Veenstra & Kimm Inc., for the 2024 Water Main Replacement Project in an amount not to exceed \$144,600. / Move to action.

Schechinger explained that the cost for this phase would be higher than phase one of the Eastside Water Main Project as this portion of the project his firm will work closely on meeting the requirements of the State Revolving Fund loan. He added that this project will include planning, design and construction overview and is expected to have bids let later this fall for a Spring 2024 start date.

Motion by Sexton, second by Miller to approve Resolution 2023-60. AYES: Sexton, Miller, Stoolman, Dean. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-61 – Approving an Engineering Services Agreement with Veenstra & Kimm Inc., for the 2023 Bridge Inspection and Load Rating in an amount not to exceed \$4000.00. / Move to action.

There were no comments.

Motion by Miller, second by Sexton to approve Resolution 2023-61. AYES: Miller, Sexton, Dean, Stoolman. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-62 – Approving Pay Estimate Number 9 in the amount of \$468,052.07 to Boomerang Corp. for the Wastewater Treatment Facility Improvements Project. / Move to action.

Schechinger said that the project is now approximately fifty percent complete.

Motion by Dean, second by Miller to approve Resolution 2023-62. AYES: Dean, Miller, Sexton, Stoolman. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Resolution 2023-63 – Approving Change Order Number 2 in the amount of \$19,261.90 for the Wastewater Treatment Facility Improvements Project. / Move to action.

Schechinger said the change order represents additional fittings, tapping tee and valve for connecting the six-inch water main to the new twelve-inch water main. Schechinger said the decision was made on the tapping tee so as to not disturb some of the surrounding businesses.

Motion by Dean, second by Miller to approve Resolution 2023-63. AYES: Dean, Miller, Sexton, Stoolman. NAYS: None. Absent: Nick Goodweiler. Motion carried.

Motion to accept the resignation of Police Officer Lucas Moore. / Move to action.

Hanna said Moore gave his resignation shortly after completing the police academy and that he has accepted a position with the Johnson County Sheriff's Office. Hanna said per the Officer Training Reimbursement Agreement, Moore is required to reimburse the city for all expenses related to attending the academy (training, room, board, food, uniforms and equipment) if he ended employment within four years. Hanna said the reimbursement amount totaled more than fourteen thousand dollars.

Motion by Miller, second by Sexton. AYES: Miller, Sexton, Stoolman. NAYS: Dean. Absent: Nick Goodweiler. Motion carried.

Discussion – Regarding the City health and dental premium stipend (sponsored by Councilperson Tom Dean)

Dean stated in all of his years of employment, he had never encountered an employer who offers stipends for not taking a benefit and questioned why the City offers it. Kofoed said the benefit was put into place several years ago, but was entirely sure why. He also stated that he has gotten some feedback on current employees that they were against ending the stipend as they rely on it as part of their income. Laughlin said he was not in favor of taking the benefit away from existing employees, but rather not offering it to new employees going forward. Group discussion then centered around how taxes are levied to pay for employee benefits and by taking the stipend away, more taxes may need to be levied for in the future. Currently, stipends are considered 'special pay' and come from the salary account lines.

Discussion – Reconsider closing the south end of the alley located between 4th and 5th Street (sponsored by Councilperson Jodee Stoolman)

Stoolman expressed her opinion that the alley should be closed at East Main Street to avoid continued city maintenance. The Eastside Water Main Project currently plans for the alley apron to be removed so that a new main water can be installed under it. A new apron would then be re-poured up to the sidewalk as part of the project. Laughlin pledged his support for closing the alley and ending future discussions on the subject. Laughlin suggested closing the alley near the rear property lines of 411 and 421 East Main Street and only allow entry and exits from the north end at East Green Street. The other Council members were all in favor of Laughlin's suggestion but Sexton expressed his concern on how drainage would be affected. Laughlin said that the city could add dirt over the alley way that's vacated along with a small retaining wall of sorts to stop gravel from washing down on the new grassy area. Sexton wasn't convinced that Laughlin's plan would work so Schechinger offered to look into solutions for the City. Olson said he would start the process for vacating a portion of the alley and that the two property owners on either side would be given the opportunity to split the alley and have it become a part of their existing properties. Olson said he would prepare the public hearing notice for the next council meeting.

Discussion – Consider accepting a deed from 316 Beranek Drive

Kofoed said the owner of the property approached him with a proposal to deed over a portion of his property to the City that is used as a public street and parking for Beranek Park. Cassabaum is wanting to tear down an old shed on his property and build a new one and exchange for the City to help him enough dirt to prevent the new building from future flooding. Miller said this was a good deal that the Council should accept Cassabaum's proposal. Olson said he would prepare a deed for accepting the property for the Council to consider at the next meeting.

Discussion – Local Options Sales Tax Referendum

Kofoed spearheaded the discussion regarding local option sales tax and how those dollars may be used in the future. The current measure limits the City to only use LOST dollars for parks and park projects, that referendum is scheduled to expire June 30, 2025. Kofoed said he would like to see the City renew LOST, but allow for more flexibility so that the city could use those dollars for other city projects. The Council was in favor of considering a ballot language change and asked Kofoed to provide some options on what future dollars could be spent on. Kofoed said he would work with Olson and provide options at the next Council meeting.

CITY ADMINISTRATOR REPORT

Kofoed asked the Council for direction in updating the current Employee Handbook to define full-time employee hours to be thirty-six or more hours. Kofoed said this change stemmed from a recent library hire. Kofoed also reported that the water towers are being prepped for painting, as well as his start of research on street financing. Kofoed also asked the Council for direction on nuisance grass that is over six inches on properties with steep inclines. The Council directed him to enforce the Code as written regardless of topography.

CITY ATTORNEY REPORT

Olson informed the Council that he was served with an appeal from the Gaskill's regarding the dollar amount awarded from the condemnation board. Olson said that doesn't affect the City from continuing with the Wapsi Creek Widening project. Olson also reported that more papers were filed on the nuisance property at East Green Street. Olson suspects that the property will go to Sheriff's sale and that the bank will buy it back as they may have a buyer for the property.

CITY ENGINEER REPORT

Schechinger gave updates on the various city projects. Eastside Water Main Project (Phase 1) will start construction week of June 12th. The IUP for Phase 2 of the project, that will go out to bid later this fall was submitted on June 1st. The I-80 Utility Relocation Project is nearing completion. Wastewater Treatment Facility Project is approximately fifty percent complete. The Roundabout project is nearing the half way mark for the contract working days. Other items he commented on were that his firm would be starting the bridge inspections on June 6th and that the Meadows Part 3 construction would be starting soon as well.

STAFF REPORTS

Hanna asked the Council for direction to replace Moore. He said he had been in discussions with Kofoed on possible recruitment tools to help compete with other public agencies. The Council agreed Hanna should move forward with replacing the vacated position.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Laughlin reminder the Council and audience that Main Street's Kick-off to Summer event is this upcoming weekend and encouraged all to attend.

ADJOURNMENT

Motion to adjourn by Miller, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:40 p.m.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk