

*(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**

**September 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, Jodee Stoolman and Nick Goodweiler. City Staff present: City Administrator Adam Kofoed, City Clerk Leslie Brick, Public Works Director Matt Goodale and City Engineer Dave Schechinger. Staff attending via Zoom: Finance Officer Heidi Van Auken and Library Director Becky Knoche. Absent: Fire Chief Kevin Stoolman, Police Chief John Hanna, Parks & Recreation Director Matt Condon.

**APPROVE THE AGENDA**

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

**APPROVE CONSENT AGENDA**

Approve Minutes from the August 21, 2023 City Council meeting.  
Approve a Special Event Permit for the Iowa City High X Country West Branch Run on Saturday, September 30, 2023.  
Approve a Special Event permit for Fall Fest sponsored by Main Street West Branch & Whitney’s Wings on October 6<sup>th</sup> and 7<sup>th</sup>, 2023.  
Claims for 9/5/2023

|   |                                |            |
|---|--------------------------------|------------|
| EXPENDITURES                            | 9/5/2023                       |            |
| AMAZON.COM.CA., INC.                    | SUPPLIES - LIBRARY, P&R        | 235.17     |
| BAKER & TAYLOR INC.                     | BOOKS                          | 243.99     |
| CEDAR CO SHERIFF'S OFFICE               | HHTD PATROL RESERVES           | 420.00     |
| CEDAR COUNTY COOPERATIVE                | FUEL-PW                        | 850.77     |
| ECONO SIGNS LLC                         | STREET SIGNS                   | 3,133.10   |
| IMWCA                                   | IMWCA FY24 INSTALLMENT 3       | 2,836.00   |
| IOWA PRISON INDUSTRIES                  | LOST SIGNS                     | 517.44     |
| L. L. PELLING CO. INC                   | POTHOLE REPAIRS                | 1,050.00   |
| LIBERTY COMMUNICATIONS                  | LIBERTY COMMUNICATIONS         | 1,542.83   |
| LRS HOLDINGS, LLC                       | HHTD PORTABLE SERVICE          | 1,160.00   |
| MAINSTAY SYSTEMS OF IOWA L              | WATCHGUARD LICENSES            | 3,710.00   |
| MOODY'S INVESTORS SERVICE,              | 2023 BOND PROF FEE             | 14,500.00  |
| MUNICIPAL SUPPLY INC.                   | WATER METER EQUIPMENT          | 3,085.00   |
| OLSON, KEVIN D                          | LEGAL SERVICES AUGUST 2023     | 1,500.00   |
| PIP PRINTING & MARKETING S              | LOST YARD SIGNS                | 402.42     |
| QUILL CORP                              | OFFICE SUPPLIES-LIBRARY        | 171.73     |
| SPEER FINANCIAL INC                     | 2023 BOND SERVICE FEE          | 14,085.00  |
| VEENSTRA & KIMM INC.                    | VARIOUS PROJECTS               | 41,993.24  |
| YOTTYS, INC.                            | HHTD GOLF CARTS                | 1,082.00   |
| TOTAL                                   |                                | 92,518.69  |
| PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS | 9/1/2023                       | 49,533.40  |
| PAID BETWEEN MEETINGS                   |                                |            |
| SISCO                                   | HEALTH CLAIMS 8/28/2023        | 107.26     |
| UMB BANK                                | 2023 BOND ACCEPTANCE FEE       | 300.00     |
| LYNCH'S EXCAVATING                      | EAST SIDE WATER PAY ESTIMATE 3 | 307,409.74 |
| JOHNSON CO. TREASURER                   | ROUNDAABOUT REIMBURSE 2 & 3    | 790,555.42 |
| METLIFE                                 | INSURANCE                      | 1,479.54   |
| SISCO                                   | INSURANCE                      | 12,352.31  |
| BOOMERANG                               | WW TREATMENT PAY ESTIMATE 10   | 476,187.40 |
| CROELL INC.                             | W MAIN ST WATER MAIN REPAIR    | 828.13     |
| JOHN DEERE FINANCIAL                    | SUPPLIES - PW                  | 460.01     |
| LEAF CAPITAL FUNDING                    | COPER LEASE - CITY OFFICE      | 396.00     |
| LYNCH DALLAS                            | LEGAL FEES EE HANDBOOK         | 1,975.00   |
| MEDIACOM                                | CABLE SERVICE                  | 41.90      |

|                              |                       |              |
|------------------------------|-----------------------|--------------|
| STATE INDUSTRIAL PRODUCTS    | CHEMICALS             | 243.08       |
| THE HOME DEPOT               | BLDG SUPPLIES-LIBRARY | 98.92        |
| VERIZON WIRELESS             | VERIZON WIRELESS      | 411.80       |
| TOTAL                        |                       | 1,592,846.51 |
| GRAND TOTAL EXPENDITURES     |                       | 1,734,898.60 |
| FUND TOTALS                  |                       |              |
| 001 GENERAL FUND             | 33,925.07             |              |
| 022 CIVIC CENTER             | 44.56                 |              |
| 031 LIBRARY                  | 6,495.88              |              |
| 036 TORT LIABILITY           | 2,673.62              |              |
| 110 ROAD USE TAX             | 11,982.47             |              |
| 112 TRUST AND AGENCY         | 16,734.19             |              |
| 319 RELOCATING WATER & SEWER | 128.00                |              |
| 321 WIDENING WAPSI CREEK     | 3,912.07              |              |
| 324 WW TREATMENT FACILITY    | 495,247.56            |              |
| 326 ROUNDABOUT MAIN & CEDAR  | 804,544.27            |              |
| 329 EASTSIDE WATER MAINS     | 339,294.45            |              |
| 600 WATER FUND               | 11,739.35             |              |
| 610 SEWER FUND               | 7,543.11              |              |
| 740 STORM WATER UTILITY      | 634.00                |              |
| GRAND FUND TOTAL             | 1,734,898.60          |              |

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**

John Gillenwater, 616 E. Main Street addressed the Council regarding issues with the alley known as Terror Trail. Gillenwater stated that he has Quit Claim Deeds to two of the unknown properties near the alley, one is directly on the west side of the alley. He said he was working with the Cedar County Auditor to show him and his wife as the owner of those parcels. He also said that several years ago, MMS Consultants surveyed his property but it was undetermined “who” owns the alley. (Currently, the city maintains the alley to some degree). Gillenwater said the Cedar County Auditor is unable to determine who owns the alley as well. Leesa Johnson, 626 E. Main Street also addressed the Council and stated that she lives on the east side of the alley and had received a letter from the City directing her to remove all vegetation encroaching the alley way. Johnson said she would clear the brush, but since the actual alley was not defined with the exact location or who owned it, she didn’t know where her property ended and the alley began. She did acknowledge that there were some dead trees at the southwest corner of her property that needed to be removed and said she was willing to remove them to allow the neighbor to the east a clearer access to their property.

**PUBLIC HEARING / NON-CONSENT AGENDA**

Public Hearing – Public Hearing on proposal to enter into a Water Revenue Loan and Disbursement Agreement.

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.

Second Reading Ordinance 805 – Amending Chapter 92, Water Rates. / Move to action.

There were no comments.

Motion by Miller, second by Dean to approve second reading of Ordinance 805. AYES: Miller, Dean, Sexton, Stoolman, Goodweiler. NAYS: None. Motion carried.

Second Reading Ordinance 806 – Amending Chapter 165, Zoning Regulations. / Move to action.

Brick said she surveyed four surrounding cities on what they charge for rezoning and fees ranged from \$150 to \$750. Brick said rezoning requests only occur about once per year and generally takes five to ten hours of staff time. The Council had no other comments.

Motion by Sexton, second by Dean to approve second reading of Ordinance 806. AYES: Sexton, Dean, Stoolman, Goodweiler. NAYS: Miller. Motion carried.

Second Reading Ordinance 807 – Amending Chapter 166, Subdivision Regulations. / Move to action.

There were no comments.

Motion by Dean, second by Goodweiler to approve second reading of Ordinance 807. AYES: Dean, Goodweiler, Miller, Sexton, Stoolman. NAYS: None. Motion carried.

Resolution 2023-93 – Setting a Public Hearing on the intent to vacate a 130-foot section of the alley located between Lots 22 and 23, Block 9, in Townsend & Gue’s Subdivision, West Branch, Iowa. / Move to action.

John Proeller, 411 E. Main Street cited the West Branch Code regarding the process for vacating public alleys and said that the matter went before the Planning & Zoning Commission in July and they chose to table it at that time. Proeller added that there was no August meeting for the Commission to reconsider the Council’s request to close a portion of the alley. Proeller requested that all residents who have property adjacent to the alley be notified of the public hearing to allow them to provide comments as he said there are some that use the portion of the alley in question during inclement weather. Stoolman stated that she felt that the south end of the alley poses a safety issue for vehicular traffic, especially during inclement weather. Kofoed said he would consult with the City Attorney on whether or not the city was required to notify the other residents prior to the public hearing.

Motion by Miller, second by Dean to approve Resolution 2023-93. AYES: Miller, Dean, Goodweiler, Stoolman, Sexton. NAYS: None. Motion carried.

Resolution 2023-94– Resolution taking additional action with respect to a Water Revenue Loan and Disbursement Agreement and authorizing, approving and securing the payment of a \$54,700 Water Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement) / Move to action.

Stoolman asked why the city needed to borrow more money for this project and asked if water rates would increase again because of it. Kofoed said the Water Revenue Loan is an “interest-free” loan and that borrowing the money make the most sense, rather than using current revenues to fund the project. Miller stated his opinion that this part of the project should be delayed since it is not contingent upon the current project underway on the east side. Miller said “times are uncertain right now, maybe this should wait”.

Motion by Dean, second by Sexton to approve Resolution 2023-94. AYES: Dean, Sexton, Goodweiler. NAYS: Stoolman and Miller. Motion carried.

Resolution 2023-95 – Approving the purchase of a Fixed Base Network with Municipal Supply Inc. /Move to action.

Goodale explained that his department had been considering adding this software for several years and finally planned and budgeted for it in FY23. However, due to other priorities last fiscal year, the project was put on hold. Goodale reiterated that adding the software doesn’t necessarily save money, but it will save staff time and create efficiencies for the monthly meter reading process, reduce staff time for meters reads throughout the month for residents moving in or out and identifying customer leaks sooner. Goodale estimated that the addition of the software will save about ten percent of the water operator’s time to devote to other required tasks. Miller said he feels “that this a want, not a need” with the City’s current budget issues related to HF718. Goodweiler said he was in support of the software enhancement as it will improve employee safety. Goodweiler said a former staff member had told him that in order to read some residential meters they have to access fenced areas, walk on un-level terrain, and occasionally dodge outdoor household pets.

Motion by Sexton, second by Goodweiler to approve Resolution 2023-95. AYES: Sexton, Goodweiler, Dean. NAYS: Stoolman and Miller. None. Motion carried.

Resolution 2023-96 – Approve Invoice #31168 in the amount of \$5,020.00 to Impact7G for the Wapsi Creek Widening SRF Sponsored Project. /Move to action.

There were no comments.

Motion by Miller, second by Sexton to approve Resolution 2023-96. AYES: Miller, Sexton, Stoolman, Dean, Goodweiler. NAYS: None. Motion carried.

Resolution 2023-97 – Approving Pay Estimate Number 11 in the amount of \$282,084.55 to Boomerang Corp. for the Wastewater Treatment Facility Improvements Project. /Move to action.

Motion by Miller, second by Goodweiler to approve Resolution 2023-97. AYES: Miller, Goodweiler, Sexton, Stoolman, Dean. NAYS: None. Motion carried.

Resolution 2023-98 – Setting a date for Consultation and a date for a Public Hearing on the proposed Amendment No. 6 to the Amended and Restated West Branch Urban Renewal Plan. / Move to action.

Kofoed said the proposed amendment number six would include the following projects; tax rebate for The Meadows Part 3 Assisted Living Center, Brown’s West Branch business expansion and including street improvements for West Main Street and Cedar-Johnson Road.

Motion by Dean, second by Goodweiler to approve Resolution 2023-98. AYES: Dean, Goodweiler, Stoolman, Miller, Sexton. NAYS: None. Motion carried.

Motion to accept the resignation of Parks & Recreation Director Matt Condon. / Move to action.

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

### **CITY ADMINISTRATOR REPORT**

Kofoed said an offer was out on the police officer position but that the candidate had not made a decision yet. Kofoed also mentioned that he had a meeting with Alliant Energy on franchise fees and learned that many cities are now starting to charge franchise fees because of HF718 to help recoup some of the general fund dollars to be lost. Kofoed said he would more information by the October 2<sup>nd</sup> City Council meeting.

**CITY ATTORNEY REPORT** - Absent

### **CITY ENGINEER REPORT**

Schechinger gave brief reports on the various city projects and said there was nothing urgent to report on any of them.

**STAFF REPORTS** – No reports

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

Miller said the roundabout looks great and thanked Schechinger for his oversight of the project. Sexton said he heard several positive comments on the roundabout as well. Dean informed the Council that the temporary Croell site was being taken down but noted that someone had been adding large chunks of concrete which he assumed came from I-80. Dean also suggested that the Council consider revising the City Code to better address what types of grass or landscaping could be in resident’s yards as nuisance grass is an on-going issue which takes up several hours of staff time.

### **ADJOURNMENT**

Motion to adjourn by Miller, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:21 p.m.

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Roger Laughlin, Mayor

ATTEST:

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Leslie Brick, City Clerk