

(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 18, 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 Nick Goodweiler. Jodee Stoolman arrived at 7:02 p.m. City Staff present: City Administrator Adam Kofoed, City Clerk Leslie Brick, Finance Officer Heidi Van Auken, Public Works Director Matt Goodale, Fire Chief Kevin Stoolman, Library Director Becky Knoche, City Attorney Kevin Olson and City Engineer Dave Schechinger. Staff attending via Zoom: Police Chief John Hanna.

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 September 5, 2023 City Council meeting
Approve the July Monthly Financial Report
Accept the resignation of Sally Peck from the Planning & Zoning Commission.
Claims for 9/18/2023

| EXPENDITURES | 9/18/2023 | |
|---|---|------------|
| AMAZON.COM | YOUTH PROGRAM SUPPLIES | 68.95 |
| BAKER & TAYLOR INC. | BOOKS | 582.10 |
| BARNHART'S CUSTOM SERVICES | REPAIR STORMWATER HIGH SCHOOL | 9,019.40 |
| BRICK, LESLIE | MILEAGE REIMBURSEMENT- BRICK | 24.24 |
| CEDAR COUNTY RECORDER | RECORDING FEES | 14.00 |
| HAWKINS INC. | CHEMICALS | 2,353.21 |
| HI-LINE INC. | SAFETY GLASSES | 290.06 |
| IMPACT7G INC. | WIDENING WAPSI CREEK | 5,020.00 |
| IOWA CODIFICATION INC. | JULY 2023 SUPPLEMENT | 967.00 |
| IOWA ONE CALL | UTILITY LOCATION SERVICE | 73.80 |
| JEFFREY & ELIZABETH JOHANN | BLDG INCENTIVE PAYMENT | 1,000.00 |
| KANOPY | ON DEMAND VIDEO SERVICE | 20.00 |
| KLM INVESTMENTS LLC | ACQUISITION ROW FOR ROUNDABOUT | 25,775.00 |
| L. L. PELLING CO | ANNUAL SEAL COAT | 38,911.00 |
| LEAF CAPITAL FUNDING LLC | COPIER LEASE-LIBRARY | 142.02 |
| LRS HOLDINGS, LLC | TRASH & RECYCLING AUGUST 2023 | 17,884.75 |
| MACQUEEN EQUIPMENT | STREET SWEEPER BROOMS | 1,043.51 |
| MENARDS | SUPPLIES - PW | 54.89 |
| MOPPY MO'S LLC | JANITORIAL SERVICE-LIBRARY, TH, CITY, P&R | 857.50 |
| MPEC | VARIOUS ITEMS - PW | 540.28 |
| OASIS ELECTRIC LLC | STRRET LIGHT REPAIR | 379.90 |
| OLSON, KEVIN D | LEGAL SERVICES SEPT 2023 | 1,500.00 |
| OVERDRIVE INC. | DIGITAL & AUDIO BOOKS | 356.25 |
| PYRAMID SERVICES INC. | GROUNDS MAINT MTRLS | 5.68 |
| SCHNOEBELEN INC. | DITCH MOWER PARTS | 409.01 |
| SINCLAIR TRACTOR | MOWER PARTS | 1,309.02 |
| STANARD & ASSOCIATES INC. | POLICE SELECTION TEST | 50.50 |
| STOREY KENWORTHY | RECEIPT BOOKS | 276.00 |
| TRAFFIC SAFETY CORP | RADAR SPEED SIGN | 4,181.90 |
| WEST BRANCH COMM SCHOOLS | ACQUISITION ROUNDABOUT SIDEWALK | 20,749.00 |
| TOTAL | | 133,858.97 |
| PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS | 9/15/2023 | 58,132.16 |
| PAID BETWEEN MEETINGS | | |
| VARIOUS VENDORS | UB REFUNDS | 479.86 |
| GLOBAL PAYMENTS | AUGUST 2023 CC FEES | 1,274.15 |
| ACTION SEWER & SEPTIC | SEWER LINE TELEWISE MAIN ST | 325.00 |
| AT&T MOBILITY | WIRELESS SERVICE | 358.39 |

| | | |
|--------------------------|------------------------------|------------|
| CEDAR COUNTY TREASURER | PROPERTY TAXES | 100.00 |
| LYNCH'S EXCAVATING | WATER MAIN PATCH | 160.00 |
| WEX BANK | VEHICLE FUEL | 1,760.19 |
| BOOMERANG CORP | WW TREATMENT PAY ESTIMATE 11 | 282,084.55 |
| SISCO | HEALTH CLAIMS 9/5/2023 | 33.15 |
| TOTAL | | 286,575.29 |
| GRAND TOTAL EXPENDITURES | | 478,566.42 |

| | | |
|-----------------------------|--|------------|
| FUND TOTALS | | |
| 001 GENERAL FUND | | 50,893.72 |
| 022 CIVIC CENTER | | 140.00 |
| 031 LIBRARY | | 7,779.79 |
| 110 ROAD USE TAX | | 47,991.89 |
| 112 TRUST AND AGENCY | | 11,549.04 |
| 321 WIDENING WAPSI CREEK | | 5,020.00 |
| 324 WW TREATMENT FACILITY | | 282,084.55 |
| 326 ROUNDABOUT MAIN & CEDAR | | 46,524.00 |
| 600 WATER FUND | | 10,364.51 |
| 610 SEWER FUND | | 6,644.80 |
| 740 STORM WATER UTILITY | | 9,574.12 |
| GRAND FUND TOTAL | | 478,566.42 |

REVENUE-FISCAL YEAR 2024
FUND JULY

| | | |
|---------------------------------|--|------------|
| 001 GENERAL FUND | | 42,565.14 |
| 022 CIVIC CENTER | | 313.69 |
| 031 LIBRARY | | 4,324.76 |
| 036 TORT LIABILITY | | 117.36 |
| 110 ROAD USE TAX | | 28,197.35 |
| 112 TRUST & AGENCY | | 2,697.25 |
| 119 EMERGENCY TAX FUND | | 67.36 |
| 121 LOCAL OPTION SALES TAX | | 23,523.76 |
| 125 TIF | | 347.47 |
| 126 TIF LMI MEADOWS PT 4 | | 1.55 |
| 226 DEBT SERVICE | | 637.15 |
| 300 CAPITAL IMPROVEMENT RESERVE | | 97.78 |
| 321 WIDENING WAPSI CREEK | | 4,864.00 |
| 326 ROUNDABOUT MAIN & CEDAR | | 26,144.00 |
| 329 EASTSIDE WATER MAINS | | 29,792.00 |
| 500 CEMETERY PERPETUAL FUND | | 300.00 |
| 600 WATER FUND | | 71,484.78 |
| 610 SEWER FUND | | 100,672.41 |
| 740 STORM WATER UTILITY | | 5,949.00 |
| TOTAL | | 342,096.81 |

There were no comments.

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

PRESENTATIONS / COMMUNICATIONS / OPEN FORUM

Maggie Burger, Speer Financial – West Branch Annual TIF Report

Burger presented the Annual TIF report to the Council and reviewed the City's current general debt obligations, (which can be levied with property taxes), revenue debt (which is repaid with the city's revenues such as water and sewer fees), and TIF rebate obligations (tax rebate agreements between the City and certain businesses and developer's). Burger reviewed the city's debt capacity (borrowing capacity) and how TIF revenues help pay back the city's past and current debts.

MCM Consulting Group Inc. – EMS Essential Service Referendum

This consulting group was hired by the Cedar County Board of Supervisor's to help them implement a county-wide ambulance service for timely, professional and consistent emergency medical response. In November 2023, there will be referendum on the ballot asking voters to support emergency medical services as an "essential service". If this referendum passes, the County will levy taxes for the service to help fund it. Currently, a few cities in the county have an ambulance, but they are all run by volunteers so service can be

delayed. If this referendum passes, there will be two paramedic staffed ambulances on-duty twenty-four hours a day ready to respond to emergencies within the county. For more information on the referendum visit cedarcountyems.org.

PUBLIC HEARING / NON-CONSENT AGENDA

Public Hearing – on the Proposal to vacate and dispose of the City’s interest in the south 130 feet of that certain alley located between Lots 22 and 23, Block 9, Townsend & Gue’s Subdivision, West Branch, Iowa.

Laughlin opened the public hearing at 7:48 p.m. Steve Dole, 121 N. 4th St. said he strongly opposes closing the alleys south entrance. Dole said that due to the alleys steep slope, it is difficult to exit to the north during inclement weather and that the south opening is the only way to get out of his property at times. Dole also noted that when city crews plow in the winter, the north entrance gets blocked for some time. Dole said he desires full access to his property at all times of the year. John Proeller, 411 E. Main St. presented a list of his concerns and current condition of the alley and asked the Council to send this matter back to the Planning & Zoning Commission for their recommendation as described in the City Code. Tawny Toth, 122 N. 5th St. said she doesn’t use the alley to access her property, but asked what the city’s plan was for incentivizing the residents who do use the alley. Toth asked if the city had plans to make the north section of alley easier for residents to enter or exit their properties. George Chamberlain, 421 E. Main St. said he lives on the east side of the proposed alley closure and listed the same concerns as the others and said he and his wife also use the south end during inclement weather. Chamberlain asked what the city’s plans were for the vacated portion of the alley. Laughlin closed the public hearing at 8:04 p.m.

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

ORDINANCE NO. 805

AN ORDINANCE AMENDING CHAPTER 92 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA.

WHEREAS, the City Administration has been updating the City’s rates and fees that have remain unchanged for numerous years; and

WHEREAS, the City Administration recommends the following fee increase for Water Deposits for Rental Property.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 92.09(5) of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:
“5. A \$150.00 deposit shall be paid by the tenant(s) of rental property when the tenant(s) establish(es) service. Upon disconnection of water service, the deposit, less deductions for any unpaid water usage, penalties, and interest, shall be returned to the tenant, without interest.
2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
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.
4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: August 21, 2023
Second reading: September 5, 2023
Third Reading: September 18, 2023

Passed and approved this 18th day of September, 2023.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

There were no comments.

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

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

ORDINANCE NO. 806

AN ORDINANCE AMENDING CHAPTER 165 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA.

WHEREAS, the City Administration has been updating the City’s rates and fees that have remain unchanged for numerous years; and

WHEREAS, the City Administration recommends the following fee increase for re-zoning requests.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 165.20(5) of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:
5. Fees and Expenses. All requests for changes in the Zoning Ordinance or map, except those initiated by the Council or City Planning and Zoning Commission, shall be at the expense of the person requesting said change. Said expense shall include costs of publication, fees paid for special Council meetings, and engineering and legal fees in connection with said zoning change. At the time said request for change is made, a deposit of \$300.00, unless waived by resolution of the Council, shall be paid to the Clerk. This amount shall be applied towards the costs of said requested change.
2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

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

First reading: August 21, 2023
Second reading: September 5, 2023
Third Reading: September 18, 2023

Passed and approved this 18th day of September, 2023.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

There were no comments.

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

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

ORDINANCE NO. 807

AN ORDINANCE AMENDING CHAPTER 166 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA.

WHEREAS, the City Administration has been updating the City's rates and fees that have remain unchanged for numerous years; and
WHEREAS, the City Administration recommends the following fee increase for subdivision platting fees.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 166.03(1) of the Code of Ordinances is hereby deleted in its entirety and replaced with the following:
 1. Fees. At the time said preliminary or final plat is filed with the Clerk, a fee of \$300.00 (each), unless waived by resolution of the Council, shall be paid to the Clerk.
 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
 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.
 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: August 21, 2023
Second reading: September 5, 2023
Third Reading: September 18, 2023

Passed and approved this 18th day of September, 2023.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

There were no comments.

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

First Reading of Ordinance 808 – Vacating the south 130 feet of that certain alley. / Move to action.

The Council discussed how the alley closure would be funded and some thought that storm water fees would be appropriate to be used. They asked City Engineer Schechinger for his estimated costs for the closure and he provided two options. A “easy” fix \$10k-\$15k, the correct fix which would address the storm water issue as well, \$30k-\$40k. Upon that estimate, Goodweiler suggested that they re-evaluate the alley closure and ask residents if they were willing to help the city come up with an agreeable plan for addressing the alley issues.

Motion by Sexton, second by Stoolman to approve first reading of Ordinance 808. AYES: Stoolman. NAYS: Sexton, Dean, Goodweiler, Miller. Motion FAILED.

Resolution 2023-99– Approving the revised job description for the position of Parks & Recreation Director. / Move to action.

The council requested that the requirement to obtain the Safe-serv certification be shortened to six months, rather than twelve and approved the revised job description.

Motion by Miller, second by Goodweiler to approve Resolution 2023-99. AYES: Miller, Goodweiler, Sexton, Stoolman, Dean. NAYS: None. Motion carried.

Resolution 2023-100 – Approve the Fire Pak Insurance for the West Branch Fire Department and West Branch Firefighters Inc. /Move to action.

Van Auken reminded the Council that the current Fire Pak insurance has been with a local insurance agency for several years because it was a local company that offered lower rates. Van Auken said she had recently received the insurance renewal from Springdale Insurance which has an effective date of October 1st and was notified that the insuring company has been changed from Western Continental to Provident Fire Plus. Van Auken continued that upon further review of the insurance renewal by herself and Chief Stoolman, they discovered that the renewal had the fire department under insured for both their vehicles and building contents. A revised proposal was requested and the annual premium will now be \$22,254.00. Van Auken and the Chief recommend accepting this proposal due to the effective date of the policy being just days away, but will look to ICAP to providing an insurance proposal for the future.

Motion by Dean, second by Sexton to approve Resolution 2023-100. AYES: Dean, Sexton, Miller, Stoolman, Goodweiler. NAYS: None. Motion carried.

Resolution 2023-101 – Approve Change Order Number 1 in the amount of \$4,835.00 for the Eastside Water Main Improvement Project. / Move to action.

There were no comments.

Motion by Miller, second by Goodweiler to approve Resolution 2023-101. AYES: Miller, Goodweiler, Dean, Stoolman, Sexton. NAYS: None. Motion carried.

Resolution 2023-102 – Approve Change Order Number 2 in the amount of \$870.00 for the Eastside Water Main Improvement Project. / Move to action.

There were no comments.

Motion by Sexton, second by Goodweiler to approve Resolution 2023-102. AYES: Sexton, Goodweiler, Miller, Dean, Stoolman. NAYS: None. Motion carried.

Resolution 2023-103 – Approve Pay Estimate Number 4 in the amount of \$161,324.16 to Lynch Excavating Inc. for the Eastside Water Main Improvement Project. / Move to action.

There were no comments.

Motion by Dean, second by Sexton to approve Resolution 2023-103. AYES: Dean, Sexton, Goodweiler, Stoolman, Miller. NAYS: None. Motion carried.

Resolution 2023-104 – 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.

Motion by Sexton, second by Dean to approve Resolution 2023-104. AYES: Sexton, Dean, Goodweiler, Miller, Stoolman. NAYS: None. Motion carried.

Discussion – Brown’s West Branch – Tax Rebate request

Kofoed explained Brown’s request for a tax rebate for a future business expansion. Kofoed said the seven-million-dollar project would include an additional building, expanded parking that would triple the amount of inventory, 35-40 new jobs and possibly the addition of electric vehicle (EV) stations. Goodweiler asked if the dealership would remain on W. Main Street because he didn’t want an abandoned building sitting empty along Main Street. Kofoed said that the plan does include moving the Ford line to the new expanded area but wasn’t at liberty to say what the future held for that building. Olson reminded the Council that car sales do not get charged the one-percent local option sales tax revenue so the city would not benefit from that and that although the project cost is high, much of the project is parking lot which does not necessarily add to increased property tax values. Kofoed said the Mayor was willing to consider a twenty-five percent rebate on the increment in property value but would not entertain helping with the cost of funding EV stations since there would be no benefit to the city. Goodweiler and Stoolman both stated they would like to know what the plan for the Ford dealership would entail before approving any sort of development agreement.

CITY ADMINISTRATOR REPORT

Kofoed said that he and Mayor Laughlin will be giving a presentation on the Heritage Hill project at the Iowa League of Cities later this week.

CITY ATTORNEY REPORT

Olson said the property on East Green Street will be going to a sheriff's sale on October 3rd.

CITY ENGINEER REPORT

I-80 project – box culverts are being installed under I-80 east of the exit 254. Eastside Water Main Project is finishing up on N. 6th St. Street lights have been installed at the roundabout. The cul de sac is being prepped for concrete in the Meadows Part 3 development.

STAFF REPORTS

Hanna stated that the certified officer rejected his offer of employment. Hanna said he would bring back other options to Council at a later date.

Goodale reported that the north water tower is being drained for maintenance. He said the water will run down W. Orange Street during this process. Goodale said water pressure may be affected and said the maintenance will take approximately ten days.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS – None.

ADJOURNMENT

Motion to adjourn by Miller, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 9:14 p.m.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk