



CITY COUNCIL WORK SESSION
MONDAY, DECEMBER 16, 2024 - 6:00 P.M.
LOCATION: TOWN HALL
113 N. 1ST ST., WEST BRANCH, IOWA

WORK SESSION – 6:00 P.M.

1. Call to order
2. Roll Call
3. City Council Strategic Planning Work Session.
4. Adjourn from Work Session.

CITY COUNCIL (REGULAR) MEETING
MONDAY, DECEMBER 16, 2024 - 7:00 P.M.
110 N. Poplar St.,
WEST BRANCH, IOWA

<https://zoom.us/j/5814699699>

or dial in phone number 1-312-626-6799 with Meeting ID 581 469 9699.

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Welcome
5. Approve Agenda. /Move to action.
6. Approve Consent Agenda/Move to action.
 - a. Approve minutes from the December 2, 2024 City Council meeting.
 - b. Approve Claims for December 16, 2024.
7. Presentations/Communications/Open Forum
8. Public Hearing/Non-Consent Agenda
 - a. **Public Hearing** – Proposal to Vacate an Official Plat of Auditor’s Parcel N as described in Book L, Page 55, records of Cedar County.
 - b. **Third Reading Ordinance 820** – Amending Chapter 47 – Municipal Park Policies and Regulations. /Move to action.
 - c. **Second Reading Ordinance 821** – Amending Chapter 165 – Zoning Regulations. / Move to action.
 - d. **Resolution 2024-133** - Revising Resolution 2024-117 regarding the collection of funds to be used for low-to-moderate income housing assistance. / Move to action.
 - e. **Resolution 2024-134** – Approving the Vacation of Auditor’s Parcel N, as recorded in Book L, Page 55, Records of the Cedar County Recorder’s Office. / Move to action.
 - f. **Resolution 2024-135** - Approving a Salary Adjustment for Library Director Jessie Schafer. / Move to action.
 - g. **Resolution 2024-136** - Amending the West Branch Parks and Recreation Facility, Park, Sports Field Use and Fees Policy. / Move to action.
 - h. **Resolution 2024-137** - Approving a Contract with Willie Guy for Cubby Park Concession Sales and Management for 2025. / Move to action.
9. City Administrator Report
10. City Attorney Report
11. City Engineer Report
12. City Staff Reports
13. Comments from Mayor and Council Members
14. Motion to adjourn.

Mayor: Roger Laughlin • **Council Members:** Jodee Stoolman, Tom Dean, Jerry Sexton, Mike Horihan, Colton Miller
City Administrator Adam Kofoed • **City Clerk** Leslie Brick • **Finance Officer** Heidi Van Auken • **Police Chief** Greg Hall •
Fire Chief Kevin Stoolman • **Public Works Director** Matt Goodale • **Library Director** Jessica Schafer
Parks & Recreation Director Erin Laughlin

(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
Special Meeting**

**December 2, 2024
6:30 p.m.**

Mayor Roger Laughlin called the West Branch City Council special meeting to order at 6:30 p.m.
Roll call: Council members Jerry Sexton, Colton Miller, Mike Horihan, Jodee Stoolman and Tom Dean.
Staff present: City Administrator Adam Kofoed and City Attorney Kevin Olson.

Motion to adjourn to closed session to discuss the purchase of particular real estate only where premature disclosure could reasonably be expected to increase the price the governmental body would have to pay for that property pursuant to Section 21.5(j) of the Code of Iowa. /Move to action.

Motion by Miller, second by Dean to enter into closed session. AYES: Miller, Dean, Sexton, Horihan, Stoolman. NAYS: None. Motion carried.

ADJOURNMENT

Motion to adjourn Closed Session by Miller, second by Horihan. Motion carried on a voice vote. City Council meeting adjourned at 6:47 p.m.

**West Branch, Iowa
Council Chambers**

**City Council
Regular Meeting**

**December 2, 2024
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 Jerry Sexton, Colton Miller, Mike Horihan, Jodee Stoolman and Tom Dean.
City Staff present: City Administrator Adam Kofoed, City Clerk Leslie Brick, Public Works Director Matt Goodale, Park & Recreation Director Erin Laughlin and City Attorney Kevin Olson.
Staff attending via Zoom: Finance Officer Heidi Van Auken, Deputy Clerk Jessica Brown, Library Director Jessie Schafer, Police Chief Greg Hall and Sergeant Cathy Steen.

APPROVE THE AGENDA

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

APPROVE CONSENT AGENDA

Approve minutes from the November 18, 2024 City Council meeting.
Approve a Class C Retail Alcohol license for Hazelhasky LLC dba Herb & Lou's, 105 N. Downey Street, effective January 1, 2025 through December 31, 2025.
Approve the October Monthly Financial Report.
Approve Claims for December 2, 2024.

| EXPENDITURES | 12/2/2024 | |
|----------------------------|----------------------------|----------|
| AMAZON.COM | BOOKS, DVDS, IT | 458.65 |
| BAKER & TAYLOR | BOOKS | 172.96 |
| BARNHART'S CUSTOM SERVICES | ROCK STOCK PILE | 1,155.00 |
| BRICK, LESLIE | MILEAGE REIMBURSE-BRICK | 24.12 |
| ELECTRIC PUMP | LIFT STATION REPAIR | 1,040.58 |
| HAMER, JUNE | SR. FITNESS FEE REFUND | 69.00 |
| HI-LINE | SHOP SUPPLIES | 296.49 |
| IOWA ONE CALL | UTILITY LOCATION SERVICE | 56.70 |
| LEDoux, JESSICA | 3/4 BOYS BBALL FEE REFUND | 50.00 |
| MENARDS | SIGN/STREET PAINT SUPPLIES | 406.66 |
| MOORE'S WELDING | SIGN POST CUTTING | 62.86 |
| OLSON, KEVIN D | LEGAL SERVICES-NOV 2024 | 1,500.00 |
| SIVER, KRISTEN | 3/4 BOYS BBALL FEE REFUND | 50.00 |
| STERICYCLE | SHREDDING SERVICES | 90.63 |
| TOTAL | | 5,433.65 |

PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS

11/22/2024

70,443.90

PAID BETWEEN MEETINGS

| | | |
|---------------------------|--------------------------------|-----------|
| JOHN DEERE FINANCIAL | UNIFORMS | 366.92 |
| LEAF CAPITAL FUNDING | COPIER LEASE-CITY OFFICE | 396.00 |
| LYNCH'S EXCAVATING | CEDAR JOHNSON RD RECON | 1,625.00 |
| MEDIACOM | CABLE SERVICE | 41.90 |
| STATE INDUSTRIAL PRODUCTS | CHEMICALS | 257.89 |
| VERIZON WIRELESS | VERIZON WIRELESS | 454.71 |
| METLIFE | INSURANCE PREMIUM | 2,389.08 |
| SISCO | INSURANCE PREMIUM | 18,681.33 |
| SISCO | HEALTH CLAIMS 11/8/2024 | 273.56 |
| SISCO | HEALTH CLAIMS 11/12/2024 | 34.68 |
| ALLIANT ENERGY | ALLIANT ENERGY | 15,830.06 |
| APPARATUS TESTING SERVICE | PUMP TESTING-FIRE | 484.50 |
| ARNOLD MOTOR SUPPLY | OIL, FILTERS, SHOP SUPPLIES-PW | 389.58 |
| BAKER & TAYLOR | BOOKS | 227.83 |
| CEDAR COUNTY COOPERATIVE | FUEL-FIRE | 459.20 |
| CULLIGAN WATER TECH | WATER SOFTENER SERVICE | 30.49 |
| DIRK WIENEKE | CUBBY TOP DRESS & PATCH WORK | 7,450.00 |
| FELD FIRE EQUIPMENT | BUNKER GEAR-FIRE | 2,445.00 |
| FUSIONSITE MIDWEST | LHLM PORT-O-POTTY | 33.00 |
| HEIMAN FIRE EQUIPMENT | HOSE, THERMAL CAMERA | 5,218.40 |
| JOHNSON COUNTY AUDITOR | CONTRIBUTION LOWER CEDAR WMA | 500.00 |
| LINN COUNTY R.E.C. | STREET LIGHTS | 309.22 |
| OVERDRIVE | DIGITAL & AUDIO BOOKS | 350.49 |
| PARKSIDE SERVICE | TIRES #199-FIRE | 2,456.12 |
| QC ANALYTICAL SERVICES | LAB ANALYSIS | 1,108.00 |
| RIVER PRODUCTS COMPANY | ROCK FOR STOCK PILE | 672.50 |
| SCHNOEBELEN | DITCH MOWER PARTS-PW | 1,062.72 |
| SUMMIT FIRE PROTECTION | EXTINGUISHER SERVICE CALL-FIRE | 731.00 |
| THOMAS HEATING & AIR | FURNACE DRAIN REPAIR-FIRE | 101.00 |
| US BANK CORPORATE CARD | CREDIT CARD PURCHASES | 2,898.97 |
| USA TODAY | ANNUAL SUBSCRIPTION | 400.35 |
| WB COMMUNITY SCHOOLS | YOUTH BBALL GYM RENTAL | 360.00 |
| WEST BRANCH REPAIRS | BATTERIES #191-FIRE | 1,261.48 |

TOTAL 69,300.98

GRAND TOTAL EXPENDITURES 145,178.53

FUND TOTALS

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|----------------------------|-----------|
| 001 GENERAL FUND | 59,742.38 |
| 022 CIVIC CENTER | 227.72 |
| 031 LIBRARY | 6,013.43 |
| 110 ROAD USE TAX | 8,448.95 |
| 112 TRUST AND AGENCY | 32,137.63 |
| 331 CEDAR JOHNSON RD RECON | 1,625.00 |
| 600 WATER FUND | 16,460.64 |
| 610 SEWER FUND | 19,312.99 |
| 740 STORM WATER UTILITY | 1,209.79 |

GRAND FUND TOTAL 145,178.53

REVENUE-FISCAL YEAR 2025

FUND OCTOBER

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|---------------------------------|------------|
| 001 GENERAL FUND | 867,790.36 |
| 022 CIVIC CENTER | 760.01 |
| 031 LIBRARY | 2,301.14 |
| 036 TORT LIABILITY | 32,186.89 |
| 110 ROAD USE TAX | 28,104.25 |
| 112 TRUST & AGENCY | 181,692.08 |
| 121 LOCAL OPTION SALES TAX | 28,477.52 |
| 125 TIF | 264,246.34 |
| 226 DEBT SERVICE | 152,000.62 |
| 300 CAPITAL IMPROVEMENT RESERVE | 42,915.91 |
| 324 WW TREATMENT FACILITY | 21,234.84 |
| 330 EASTSIDE WATER MAINS PH2 | 222,068.72 |
| 500 CEMETERY PERPETUAL FUND | 1,367.06 |
| 600 WATER FUND | 87,819.81 |
| 610 SEWER FUND | 91,562.02 |

Miller asked the police department if there were any known violations with Herb & Lou's liquor license. Chief Hall said there were none.

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

PRESENTATIONS / COMMUNICATIONS / OPEN FORUM

Brian Shay – presentation of proposed Site Plan for Lot 9, Parkside Hills. Shay said he is interested in constructing townhomes in Parkside Hills and presented his conceptual plans. Shay proposed a different concept from the original developer which increases the density, adds additional driveway space, and increases the number of beds and baths. The Council liked Shay's proposal and gave their verbal approval for Shay to proceed.

PUBLIC HEARING / NON-CONSENT AGENDA

Public Hearing – on the proposed amendment to Chapter 165 – Zoning Regulations.

Laughlin opened the public hearing at 7:22. John Fuller, resident and Chairperson of the West Branch Planning & Zoning Commission expressed his support for the ordinance and said that the proposed ordinance has been reviewed multiple times with the Historic Preservation Commission, Main Street West Branch, the Planning & Zoning Commission and other city partners. Jessi Simon, Main Street West Branch and other members of her Board were present and also shared their support of the ordinance. There were no other public comments. Laughlin closed the public hearing at 7:35 p.m.

First Reading Ordinance 821 – Amending Chapter 165 – Zoning Regulations. / Move to action.

The Council had no comments.

Motion by Dean, second by Miller to approve the first reading of Ordinance 821. AYES: Dean, Miller, Stoolman, Horihan, Sexton. NAYS: None. Motion carried.

Second Reading Ordinance 820 – Amending Chapter 47 – Municipal Park Policies and Regulations. / Move to action.

The Council had no comments.

Motion by Dean, second by Sexton to approve the second reading of Ordinance 820. AYES: Dean, Sexton, Horihan, Miller, Stoolman. NAYS: None. Motion carried.

Resolution 2024-130 - Approve the Annual Agreement in the amount of \$10,540 with the U.S. Geological Survey for the ongoing operation and maintenance of the stream flow gaging located on the Wapsinonoc Creek at College Street. / Move to action.

Miller expressed his support for continuing with the stream monitoring and reminded the Council that the City charges storm water fees to pay for it.

Motion by Sexton, second by Dean to approve Resolution 2024-130. AYES: Sexton, Dean, Miller, Stoolman, Horihan. NAYS: None. Motion carried.

Resolution 2024-131 – Approve the Bedrock Industrial – Part 1 Final Plat. / Move to action.

Brian Boelk, Axiom Consultants explained the property owner's desire to split the parcel into two lots. Lot 1 is being proposed to be developed although no site plan has been submitted to date. The parcel is being divided diagonally by a floodplain and gas easement.

Motion by Dean, second by Sexton to approve Resolution 2024-131. AYES: Dean, Sexton, Stoolman, Horihan, Miller. NAYS: None. Motion carried.

Resolution 2024-132 –Waiving the right to a formal review of an extra-territorial jurisdiction subdivision within two miles of the corporate limits of West Branch (Slach-Vikel Subdivision). / Move to action.

Brick stated that the owners of the property (located in Johnson County) has petitioned Johnson County to rezone the parcel from Agriculture to Residential. The property currently has a house on it and has had a new septic installed and will be using the existing well and driveway.

Motion by Dean, second by Sexton to approve Resolution 2024-132. AYES: Dean, Sexton, Stoolman, Horihan. NAYS: Miller. Motion carried.

CITY ADMINISTRATOR REPORT

Kofoed informed the Council that there will be a strategic planning work session on Monday, December 16, 2024. And due to the number of attendees, the meeting will take place at Town Hall (113 N. 1st St.) Kofoed said the regular City Council meeting will be held at Town Hall at 7:00 p.m. immediately following the work session. Kofoed also informed the Council that he will be working with ECIA and Van Auken planning for low-to-moderate income funds the City is collecting from various TIF projects and hopes to be able to share some progress in February 2025.

CITY ATTORNEY REPORT - No report

CITY ENGINEER REPORT – Absent

STAFF REPORTS – No reports

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Laughlin reminded the audience that Christmas Past is this weekend and encouraged all to attend the annual festival. Miller expressed his displeasure with the City not replacing the holiday lights that used to adorn the residential areas along Main Street and North Downey. Miller acknowledge that the Council is aware that it is due to budget constraints.

ADJOURNMENT

Motion to adjourn by Miller, second by Sexton. Motion carried on a voice vote. City Council meeting adjourned at 8:03 p.m.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk



REQUEST FOR COUNCIL CONSIDERATION

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| MEETING DATE: December 16, 2024 |
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| AGENDA ITEM: Claims for December 16, 2024 |
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| PREPARED BY: Heidi Van Auken, Finance Officer |
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| DATE: December 12, 2024 |
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SUMMARY:

Claims Report: These are routine expenditures that include payroll, budget expenditures, and other financial items that relate to City Council approved items and/or other day-to-day operational disclosures.

EXPENDITURES**12/16/2024**

| | | |
|---------------------------|--------------------------------|-------------------|
| ADVANTAGE RENTALS | ADVANTAGE RENTALS TIF REBATE 1 | 4,099.53 |
| AERO RENTAL | BOOM LIFT RENTAL-LIGHTS | 980.50 |
| AMAZON.COM | BOOKS | 80.64 |
| CAPITAL ONE | BLDG SUPPLIES-LIBRARY | 12.96 |
| CASEYS GENERAL STORES | CASEY'S TIF REBATE #11 | 23,165.00 |
| CEDAR COUNTY RECORDER | RECORDING FEES | 257.00 |
| CEDAR COUNTY TRANSFER | TRASH DISPOSAL | 40.00 |
| CJ COOPER & ASSOCIATES | DOT DRUG TESTING-PW | 210.00 |
| DORSEY & WHITNEY | EASTSIDE WATER PH2 LEGAL SRF | 9,500.00 |
| ELITE HOLDING | SS HATS-P&R | 407.00 |
| EMV HOLDINGS | EMV HOLDINGS TIF REBATE #7 | 7,500.00 |
| EOCENE ENVIRONMENTAL | WIDENING WAPSI CREEK | 592.55 |
| HAWKINS | CHEMICALS | 3,062.74 |
| HI-LINE | SHOP SUPPLIES-PW | 330.30 |
| HOTSY CLEANING SYSTEMS | POWER WASHER SOAP & WAX | 516.11 |
| IMWCA | IMWCA FY25 INSTALLMENT 6 | 2,747.00 |
| IOWA CITY TIRE & SERVICE | TIRES FOR DURANGO-PD | 988.20 |
| IOWA POLICE CHIEFS ASSN | MEMBERSHIP RENEWAL 2025 | 125.00 |
| KANOPY | ON DEMAND VIDEO SERVICE | 31.00 |
| LINN COUNTY REC | STREET LIGHTS | 311.54 |
| LRS HOLDINGS | TRASH & RECYCLING NOV 2024 | 18,817.25 |
| MAINSTAY SYSTEMS OF IOWA | SECURITY CAMERAS UPDATE-LIB | 4,712.00 |
| MENARDS | BLGD SUPPLIES-PW, CITY, PD | 574.47 |
| MOPPY MO'S | CLEANING SERVICES-CITY, TH | 752.50 |
| OASIS ELECTRIC | RETROFIT LIGHT FIXTURES-LIB | 508.80 |
| OVERDRIVE | DIGITAL & AUDIO BOOKS | 562.44 |
| PLUNKETT'S PEST CONTROL | PEST CONTROL - CITY OFFICE, TH | 60.10 |
| PROTECT YOUTH SPORTS | BACKGROUND CHECKS-P&R | 45.50 |
| PYRAMID SERVICES | EQUIP MAINT SUPPLIES-PW | 149.45 |
| QUILL | OFFICE SUPPLIES-CITY | 21.07 |
| RALLY APPRAISAL | BERANEK DR ROW APPRAISAL | 2,500.00 |
| SCHAFFER, JESSICA | MILEAGE REIMBURSEMENT-SCHAFFER | 22.51 |
| SINCLAIR TRACTOR | SKIDLOADER | 59,475.00 |
| STATE HYGIENIC LAB | LAB ANALYSIS | 43.50 |
| U.S. POSTAL SERVICE | LIB ANNUAL PO BOX RENTAL | 110.00 |
| UNIVERSITY OF IOWA HEALTH | DRUG TESTS-PD, PW | 56.00 |
| VEENSTRA & KIMM | VARIOUS PROJECTS | 24,038.45 |
| WEST BRANCH REPAIRS | VEHICLE REPAIR-PD, FIRE | 142.90 |
| WEST BRANCH TIMES | LEGAL PUBLICATIONS | 1,186.17 |
| TOTAL | | 168,735.18 |
| REGULAR PAYROLL | | 64,149.73 |
| COUNCIL ANNUAL PAYROLL | | 9,321.95 |
| FIRE ANNUAL PAYROLL | | 34,781.74 |

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| PAYROLL-WAGES, TAXES, EMPLOYEE BENEFITS | 12/6/2024 | 108,253.42 |
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PAID BETWEEN MEETINGS

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| SISCO | HEALTH CLAIMS 12/9/2024 | 3,412.23 |
| ARNOLD MOTOR SUPPLY | SHOP STOCK-PW | 304.67 |
| AT&T MOBILITY | WIRELESS SERVICE | 594.79 |
| BAKER & TAYLOR | BOOKS | 227.16 |
| LL PELLING | COLD PATCH MATERIALS | 2,100.00 |
| LEAF CAPITAL FUNDING | COPIER LEASE-LIBRARY | 142.02 |
| LYNCH'S EXCAVATING | MAIN & 2ND SAWING MAIN REPAIR | 513.50 |
| MIDWEST FRAME & AXLE | PLOW PARTS | 831.92 |
| PITNEY BOWES GLOBAL FINANCIAL | POSTAGE METER LEASE-LIBRARY | 77.37 |
| WEX BANK | VEHICLE FUEL | 1,159.40 |
| VARIOUS VENDORS | UB REFUNDS | 185.80 |
| SISCO | HEALTH CLAIMS 12/2/2024 | 34.92 |
| SISCO | HEALTH CLAIMS 11/27/2024 | 2.18 |
| UMB BANK | GO BONDS INTEREST | 103,995.00 |

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|--------------|--|-------------------|
| TOTAL | | 113,580.96 |
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| GRAND TOTAL EXPENDITURES | | 390,569.56 |
|---------------------------------|--|-------------------|

FUND TOTALS

| | | |
|------------------------------|--|------------|
| 001 GENERAL FUND | | 119,064.32 |
| 022 CIVIC CENTER | | 240.05 |
| 031 LIBRARY | | 10,697.86 |
| 110 ROAD USE TAX | | 28,548.41 |
| 112 TRUST AND AGENCY | | 20,949.94 |
| 125 T I F | | 34,764.53 |
| 226 DEBT SERVICE | | 103,995.00 |
| 321 WIDENING WAPSI CREEK | | 3,811.09 |
| 324 WW TREATMENT FACILITY | | 133.50 |
| 330 EASTSIDE WATER MAIN PH 2 | | 13,512.81 |
| 331 CEDAR JOHNSON RD RECON | | 14,124.80 |
| 600 WATER FUND | | 11,053.68 |
| 610 SEWER FUND | | 29,176.41 |
| 740 STORM WATER UTILITY | | 497.16 |

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| GRAND FUND TOTAL | | 390,569.56 |
|-------------------------|--|-------------------|

| DEPARTMENT | FUND | VENDOR NAME | DESCRIPTION | AMOUNT | | |
|-----------------------|--------------|---|----------------------------|------------------|------------|-----------|
| POLICE OPERATION | GENERAL FUND | IOWA POLICE CHIEFS ASSOCIATION WEST BRANCH REPAIRS | MEMBERSHIP RENEWAL 2025 | 125.00 | | |
| | | | VEHICLE REPAIR-PD | 53.90 | | |
| | | MENARDS | VEHICLE REPAIR-PD | 89.00 | | |
| | | | POWER STATION-PD | 129.99 | | |
| | | UNIVERSITY OF IOWA HEALTH CARE-OH IOWA CITY TIRE & SERVICE | SHOVEL-PD | 20.94 | | |
| | | | DRUG TESTS-PD | 18.00 | | |
| | | | TIRES FOR DURANGO-PD | 988.20 | | |
| | | | TOTAL: | 1,425.03 | | |
| | | ROADS AND STREETS | GENERAL FUND | SINCLAIR TRACTOR | SKIDLOADER | 18,750.00 |
| | | | | | TOTAL: | 18,750.00 |
| STREET LIGHTING | GENERAL FUND | LINN COUNTY R.E.C. | STREET LIGHTS | 311.54 | | |
| | | | TOTAL: | 311.54 | | |
| PARK & RECREATION | GENERAL FUND | ELITE HOLDING COMPANY PROTECT YOUTH SPORTS | SS HATS | 407.00 | | |
| | | | BACKGROUND CHECKS-P&R | 45.50 | | |
| | | | TOTAL: | 452.50 | | |
| CEMETERY | GENERAL FUND | PYRAMID SERVICES INC. CEDAR COUNTY TRANSFER STATION | EQUIP MAINT SUPPLIES-PW | 149.45 | | |
| | | | TRASH DISPOSAL | 40.00 | | |
| | | | TOTAL: | 189.45 | | |
| COMM & CULTURAL DEVEL | GENERAL FUND | AERO RENTAL INC | BOOM LIFT RENTAL-LIGHTS | 980.50 | | |
| | | | TOTAL: | 980.50 | | |
| ECONOMIC DEVELOPMENT | GENERAL FUND | RALLY APPRAISAL LLC | BERANEK DR ROW APPRAISAL | 2,500.00 | | |
| | | | TOTAL: | 2,500.00 | | |
| CLERK & TREASURER | GENERAL FUND | QUILL CORP PLUNKETT'S PEST CONTROL INC MOPPY MO'S LLC | OFFICE SUPPLIES-CITY | 21.07 | | |
| | | | PEST CONTROL - CITY OFFICE | 30.05 | | |
| | | | CLEANING SERVICES-CITY | 175.00 | | |
| | | | TOTAL: | 226.12 | | |
| LEGAL SERVICES | GENERAL FUND | WEST BRANCH TIMES CEDAR COUNTY RECORDER | LEGAL PUBLICATIONS | 1,186.17 | | |
| | | | RECORDING FEES | 257.00 | | |
| | | | TOTAL: | 1,443.17 | | |
| SOLID WASTE | GENERAL FUND | LRS HOLDINGS, LLC | TRASH & RECYCLING NOV 2024 | 18,817.25 | | |
| | | | TOTAL: | 18,817.25 | | |
| COMMISSION | GENERAL FUND | VEENSTRA & KIMM INC. | LOT SITE PLAN REVIEW | 474.00 | | |
| | | | WB HERITAGE HILL SITE | 1,323.60 | | |
| | | | TOTAL: | 1,797.60 | | |
| TOWN HALL | CIVIC CENTER | PLUNKETT'S PEST CONTROL INC MOPPY MO'S LLC | PEST CONTROL - TOWN HALL | 30.05 | | |
| | | | CLEANING SERVICES-TH | 210.00 | | |
| | | | TOTAL: | 240.05 | | |
| LIBRARY | LIBRARY | OVERDRIVE INC OASIS ELECTRIC LLC U.S. POSTAL SERVICE SCHAFFER, JESSICA KANOPY AMAZON.COM.CA., INC. | DIGITAL & AUDIO BOOKS | 562.44 | | |
| | | | RETROFIT LIGHT FIXTURES-LI | 508.80 | | |
| | | | LIB ANNUAL PO BOX RENTAL | 110.00 | | |
| | | | MILEAGE REIMBURSEMENT-SCHA | 22.51 | | |
| | | | ON DEMAND VIDEO SERVICE | 31.00 | | |
| | | | BOOKS | 20.86 | | |
| | | | PAPER TOWELS, TRASH BAGS-L | 59.78 | | |

| DEPARTMENT | FUND | VENDOR NAME | DESCRIPTION | AMOUNT |
|----------------------|--------------------|-----------------------------------|----------------------------|-----------|
| | | CAPITAL ONE | BLDG SUPPLIES-LIBRARY | 12.96 |
| | | MAINSTAY SYSTEMS OF IOWA LLC | SECURITY CAMERAS UPDATE-LI | 4,712.00 |
| | | MOPPY MO'S LLC | JANITORIAL SERVICES-LIBRAR | 367.50 |
| | | | TOTAL: | 6,407.85 |
| ROADS & STREETS | ROAD USE TAX | VEENSTRA & KIMM INC. | 2024 CIP PLANNING | 751.20 |
| | | CJ COOPER & ASSOCIATES | DOT DRUG TESTING-PW | 210.00 |
| | | HOTSY CLEANING SYSTEMS | POWER WASHER SOAP & WAX | 516.11 |
| | | SINCLAIR TRACTOR | SKIDLOADER | 18,750.00 |
| | | UNIVERSITY OF IOWA HEALTH CARE-OH | DRUG TESTS-PW | 38.00 |
| | | | TOTAL: | 20,265.31 |
| POLICE OPERATIONS | TRUST AND AGENCY | IMWCA | WORK COMP - POLICE | 582.74 |
| | | | TOTAL: | 582.74 |
| FIRE OPERATION | TRUST AND AGENCY | IMWCA | WORK COMP - FIRE | 1,395.52 |
| | | | TOTAL: | 1,395.52 |
| BUILDING INSPECTIONS | TRUST AND AGENCY | IMWCA | WORK COMP - BLDG INSPECT | 19.71 |
| | | | TOTAL: | 19.71 |
| ROADS & STREETS | TRUST AND AGENCY | IMWCA | WORK COMP - STREETS | 439.28 |
| | | | TOTAL: | 439.28 |
| LIBRARY | TRUST AND AGENCY | IMWCA | WORK COMP - LIBRARY | 18.40 |
| | | | TOTAL: | 18.40 |
| PARK & RECREATION | TRUST AND AGENCY | IMWCA | WORK COMP - PARK & REC | 111.96 |
| | | | TOTAL: | 111.96 |
| CEMETERY | TRUST AND AGENCY | IMWCA | WORK COMP - CEMETERY | 44.79 |
| | | | TOTAL: | 44.79 |
| CLERK & TREASURER | TRUST AND AGENCY | IMWCA | WORK COMP - ADMIN | 40.42 |
| | | | TOTAL: | 40.42 |
| TIF DEBT SERVICE | T I F | CASEYS GENERAL STORES, INC. | CASEY'S TIF REBATE #11 | 23,165.00 |
| | | EMV HOLDINGS LLC | EMV HOLDINGS TIF REBATE #7 | 7,500.00 |
| | | ADVANTAGE RENTALS, LLC | ADVANTAGE RENTALS TIF REBA | 4,099.53 |
| | | | TOTAL: | 34,764.53 |
| CAPITAL PROJECT | WIDENING WAPSI CRE | VEENSTRA & KIMM INC. | CHANNEL WIDENING FLOOD IMP | 3,218.54 |
| | | EOCENE ENVIRONMENTAL GROUP, INC | WIDENING WAPSI CREEK | 592.55 |
| | | | TOTAL: | 3,811.09 |
| CAPITAL PROJECT | WW TREATMT FAC IMP | VEENSTRA & KIMM INC. | WW TREATMENT FACILITY | 133.50 |
| | | | TOTAL: | 133.50 |
| CAPITAL PROJECT | EASTSIDE WATER MAI | DORSEY & WHITNEY LLP | EASTSIDE WATER PH2 LEGAL S | 9,500.00 |
| | | VEENSTRA & KIMM INC. | EAST SIDE WATER MAINS PH2 | 458.00 |
| | | | EAST SIDE WATER MAINS PH2 | 3,287.81 |
| | | | EAST SIDE WATER MAINS PH2 | 267.00 |
| | | | TOTAL: | 13,512.81 |
| CAPITAL PROJECT | CEDAR JOHNSON RD R | VEENSTRA & KIMM INC. | CEDAR JOHNSON RD RECON | 14,124.80 |
| | | | TOTAL: | 14,124.80 |

| DEPARTMENT | FUND | VENDOR NAME | DESCRIPTION | AMOUNT |
|-----------------|------------|--------------------|-------------------|-----------|
| WATER OPERATING | WATER FUND | STATE HYGIENIC LAB | LAB ANALYSIS | 43.50 |
| | | HAWKINS INC. | CHEMICALS | 3,062.74 |
| | | IMWCA | WORK COMP - WATER | 72.43 |
| | | HI-LINE INC | SHOP SUPPLIES-PW | 216.84 |
| | | | TOTAL: | 3,395.51 |
| SEWER OPERATING | SEWER FUND | MENARDS | SHOP SUPPLIES-PW | 423.54 |
| | | IMWCA | WORK COMP - SEWER | 21.75 |
| | | SINCLAIR TRACTOR | SKIDLOADER | 18,750.00 |
| | | | SKIDLOADER | 3,225.00 |
| | | HI-LINE INC | SHOP SUPPLIES-PW | 113.46 |
| | TOTAL: | 22,533.75 | | |

===== FUND TOTALS =====

| | | |
|--------------|---------------------------|------------|
| 001 | GENERAL FUND | 46,893.16 |
| 022 | CIVIC CENTER | 240.05 |
| 031 | LIBRARY | 6,407.85 |
| 110 | ROAD USE TAX | 20,265.31 |
| 112 | TRUST AND AGENCY | 2,652.82 |
| 125 | T I F | 34,764.53 |
| 321 | WIDENING WAPSI CREEK @ BE | 3,811.09 |
| 324 | WW TREATMT FAC IMP 2021 | 133.50 |
| 330 | EASTSIDE WATER MAIN PH2 | 13,512.81 |
| 331 | CEDAR JOHNSON RD RECONS | 14,124.80 |
| 600 | WATER FUND | 3,395.51 |
| 610 | SEWER FUND | 22,533.75 |
| ----- | | |
| GRAND TOTAL: | | 168,735.18 |
| ----- | | |



REQUEST FOR COUNCIL CONSIDERATION

| | |
|----------------------|--|
| MEETING DATE: | December 16, 2024 |
| AGENDA ITEM: | Public Hearing – On proposal to Vacate an Official Plat of Auditor’s Parcel N, as recorded in Book L, Page 55, Records of the Cedar County Recorder’s Office. |
| PREPARED BY: | Leslie Brick, City Clerk |
| DATE: | December 11, 2024 |

Summary:

In 2019, a final plat was submitted and approved by the City Council for The Meadows, Part 4A. On this official plat, lots 1, 2 and 3 were zoned RB-1 (Residential-Business). (see attached)

2021 - the Developer/owner planned a commercial project (known as Dawson Plaza) that would span across all 3 lots. In order to complete the project, they had the 3 lots combined into 1 lot, known as Auditor’s Parcel N. (see attached)

2022 - the Dawson Plaza project was put on hold indefinitely.

2024 - the owner KLM Investments sold the property to Larson Builders Inc. to construct residential homes. (see attached)

Larson Builders submitted a building permit for a zero lot in May of 2024 and was advised at that time that the former owner had combined the 3 lots into 1 lot and that they would need to take steps to revert the lots back to 3 lots prior to completion of the homes.

In consultation with the City Attorney, it was determined that the new owners have two choices: 1) submit a final plat and revert the parcel back to 3 lots, **OR** 2) vacate the official plat. Larson Builder’s chose the latter and filed a petition with the City on November 14, 2024. (see attached)

Per Chapter 354.22 of the Iowa Code (and direction from the City Attorney), public notices were published on November 21st and December 5th and the public hearing is set for December 16, 2024. The approval of this resolution to vacate an official plat will be forwarded to the Cedar County Auditor so that they can update the parcel information and allow Larson Builder’s to continue with construction on the remaining lots.

| |
|---|
| RECORDER'S INDEX |
| COUNTY: CEDAR |
| SECTION: 6-79-4 |
| QUARTER SECTION: SW 1/4 OF SW 1/4 AND SE 1/4 OF THE SW 1/4 |
| CITY: WEST BRANCH |
| SUBDIVISION: MEADOWS SUBDIVISION PART 4A |
| BLOCK: NA |
| LOT(S): 1, 2, AND 3 |
| PROPRIETOR: KLM INVESTMENTS LLC |
| REQUESTED BY: PROGRESSIVE REHAB ASSOCIATES |
| PREPARED BY: AXIOM CONSULTANTS, LLC, 60 E. Court St. Unit 3 Iowa City, IA 52240 - PH# 319.519.6220 |

FOR RECORDER'S USE ONLY

DESIGNATED BY CEDAR COUNTY AUDITOR
 PARCEL N
 DATE 12/20/2021



Book L Page 55

Document 2021 4866 Pages 1
 Date 12/20/2021 Time 10:44:55AM
 Rec Amt \$7.00

pd.

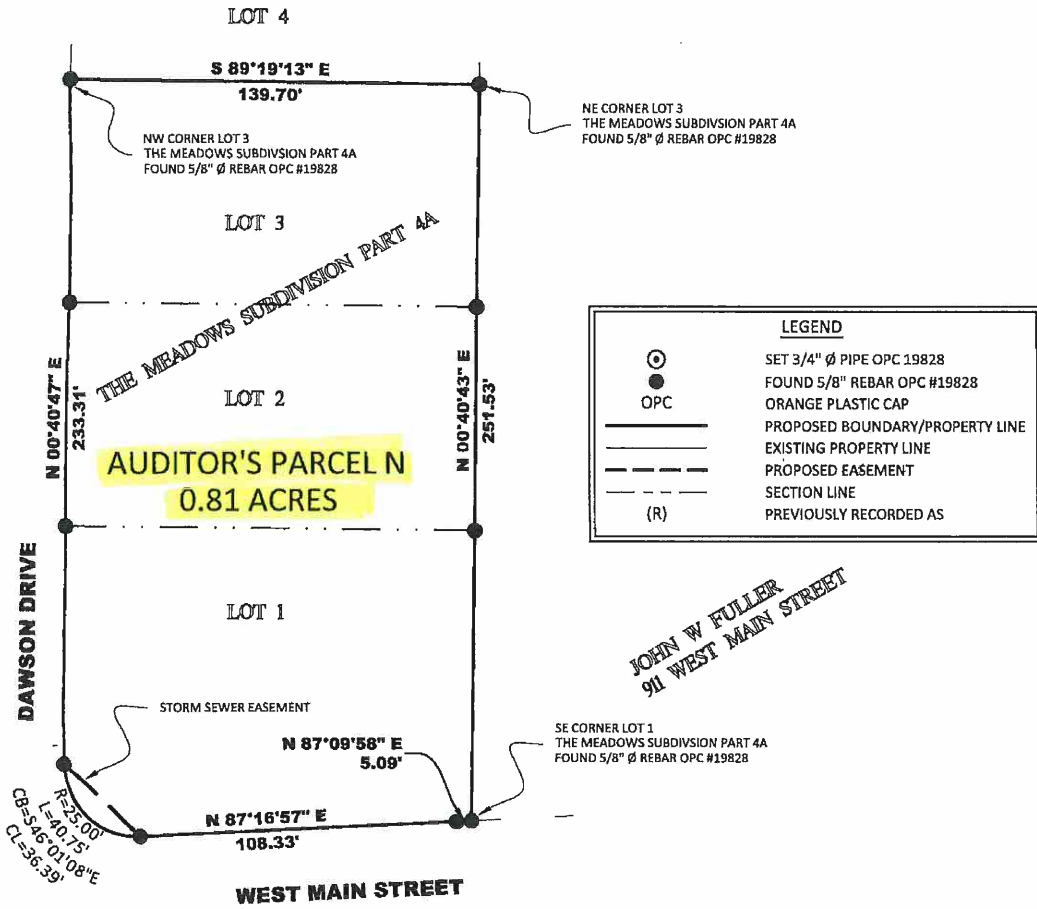
MELISSA BAHNSEN, RECORDER
 CEDAR COUNTY IOWA

PLAT OF SURVEY

AUDITOR'S PARCEL N

LOTS 1, 2, AND 3 OF THE MEADOWS SUBDIVISION PART 4A

CITY OF WEST BRANCH, CEDAR COUNTY, IOWA



| LEGEND | |
|--------|---------------------------------|
| | SET 3/4" Ø PIPE OPC 19828 |
| | FOUND 5/8" REBAR OPC #19828 |
| | ORANGE PLASTIC CAP |
| | PROPOSED BOUNDARY/PROPERTY LINE |
| | EXISTING PROPERTY LINE |
| | PROPOSED EASEMENT |
| | SECTION LINE |
| | (R) PREVIOUSLY RECORDED AS |

LEGAL DESCRIPTION

Lots 1, 2, and 3 of the Meadows Subdivision Part 4A, according to the plat thereof recorded in Book 1492, Page 39 of the Cedar County Recorder's Office, City of West Branch, Cedar County, Iowa

Described area contains 0.81 acres and is subject to easements and other restrictions of record

| | |
|--|---|
| | I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. <i>Bradley R. Geater</i> 12/17/21 DATE |
| | BRADLEY R. GEATER, P.L.S., P.E. LICENSE NUMBER 19828 |
| | MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021. PAGES OR SHEETS COVERED BY THIS SEAL: THIS PLAT |
| | PROJECT NO.: 210119 SHEET NUMBER: 210119 |



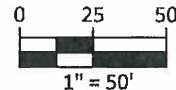
SHEET TITLE:
AUDITOR'S PARCEL N

PROJECT NAME:
PROGRESSIVE REHAB

PROJECT MANAGER:
BRG

DATE ISSUED:
12/15/2021

CURRENT REV:
01



A.

U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
SETTLEMENT STATEMENT

C. *NOTE: This form is furnished to give you a statement of actual settlement. Items marked "[POC]" were paid outside the closing; they are not included in this statement.*

D. NAME AND ADDRESS OF BORROWER

Larson Builders, Inc.
2626 Newport Road NE
Iowa City, IA 52240

E. NAME AND ADDRESS OF LENDER

KLM Investors
PO Box 69
West Branch, IA 52358

G. PROPERTY LOCATION

Lots 1, 2, 3 Meadows Part 4A
West Branch, IA 52358
Cedar County, Iowa
Parcel No. 0050013063530010
Parcel No. 050013063530020
Parcel No. 050013063530030

H. SETTLEMENT LOCATION

PLACE OF SETTLEMENT
568 Highway 10
Iowa City, Iowa

J. SUMMARY OF BORROWER'S TRANSACTION

100. GROSS AMOUNT DUE FROM BORROWER:

101. Contract Sales Price

102. Personal Property

103. Settlement Charges to Borrower (Line 1400)

354.22 Vacation of official plats.

1. The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition for vacation with the governing body which would have jurisdiction to approve the plat at the time the petition is filed. After the petition has been filed, the governing body shall fix the time and place for public hearing on the petition. Written notice of the proposed vacation shall be served in the manner of original notices as provided in Iowa rules of civil procedure and be served upon proprietors and mortgagees within the official plat that are within three hundred feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa department of natural resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen days between publications, stating the date, time, and place of the hearing.

2. The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

a. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each proprietor along with an accurate description to be used to describe the land after the lots are vacated.

b. A resolution by the governing body approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside or dedicated for public use.

c. A certificate of the auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

3. No part of [this section](#) authorizes the closing or obstructing of public highways.

4. The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction. Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgagees within the official plat.

[90 Acts, ch 1236, §36](#)

C91, §409A.22

[92 Acts, ch 1055, §1](#)

C93, §354.22

[2010 Acts, ch 1061, §180](#)

Referred to in [§354.23](#)

KENNEDY
LAW FIRM PC
ATTORNEYS & COUNSELORS AT LAW

RECEIVED
11/14/24
Lyonick

MICHAEL W. KENNEDY
KANDIE K. GELNER
NATALIE H. CRONK
PAUL K. WATERMAN
ZACHARY R. DAVELAAR

920 SOUTH DUBUQUE STREET
P.O. BOX 2000
IOWA CITY, IOWA 52244

November 11, 2024

MARCUS M. MILLS
KATHERINE E. OTTO SIMMERING
ANTHONY R. GENTILE

Leslie Brick
City Clerk
PO Box 218
West Branch, IA 52358

Re: Larson Builders, Inc. – Petition to Vacate Plat

Dear Leslie:

I am representing Larson Builders, Inc. in connection with their desire to have a plat in the City of West Branch vacated. I am enclosing the original and one copy of the Petition to Vacate Plat. Would you please file this petition and return a file-stamped copy to me in the enclosed self-addressed stamped envelope. Could you please have this matter set for hearing at your earliest opportunity and let me know the hearing date. I will then need to give notice to all parties. Thank you very much.

Very truly yours,


Michael W. Kennedy

MWK/lb

Enc.

Cc: Chris Kofoed (ckofoedcpa@lcom.net)
Steve Anderson (steve@iclax.net)
Kevin Olson, City Attorney (kevinolsonlaw@gmail.com)
Chris Eden (chrisedenrealestate@gmail.com)

9108(4).7/2024-11-11 Ltr to City Clerk

PETITION TO VACATE PLAT

Submitted to: The City Council of West Branch, Iowa

Applicant: Larson Builders, Inc.

Larson Builders, Inc. (hereinafter referred to as "Larson") hereby submits its Petition to Vacate the Plat of Survey of Auditor's Parcel N (hereinafter referred to as the "Plat"), which was recorded December 20, 2021 in Book L, Page 55, Records of the Cedar County Recorder, a copy of which is attached hereto and marked Exhibit "A," and in support of this Petition states as follows:

1. When the Plat was recorded on December 20, 2021, the real estate located within the Plat was owned by KLM Investments, L.L.C. (hereinafter "KLM"). At that time, KLM was tentatively planning to develop Lots 1, 2 and 3 of The Meadows Subdivision Part 4A, which are the three lots located within the Plat, as a commercial strip mall. Consequently, the Plat was prepared at KLM's request by Axiom Consultants in order to facilitate KLM's ability to obtain a building permit for the construction of a commercial building located on all three lots.

2. Subsequent to the preparation and recording of the Plat, KLM abandoned its plan to construct a commercial building on the land located within the Plat.

3. The real estate described in the Plat was conveyed by KLM to Larson pursuant to a warranty deed that was recorded July 10, 2024 in Book 1738, Pages 181-182, Records of the Cedar County Recorder.

4. Larson now desires to construct separate residential buildings on each of the three lots contained within the Plat, and therefore needs to be able to convey Lots 1, 2 and 3 of The Meadows Subdivision Part 4A to the separate purchasers of said lots. At the time of its purchase of the land located within the Plat, Larson was unaware of the existence of said Plat.

In light of the foregoing facts, Larson now requests that the City Council of West Branch approve the vacation of the Plat, in order that Larson may convey each of the lots located within the Plat as separate lots in separate transactions.

DATED this 11th day of November, 2024.

Larson Builders, Inc.

By: 

Swen Larson, President

| RECORDER'S INDEX | |
|------------------|--|
| COUNTY: | CEDAR |
| SECTION: | 6-79-4 |
| QUARTER SECTION: | SW 1/4 OF SW 1/4 AND SE 1/4 OF THE SW 1/4 |
| CITY: | WEST BRANCH |
| SUBDIVISION: | MEADOWS SUBDIVISION PART 4A |
| BLOCK: | NA |
| LOT(S): | 1, 2, AND 3 |
| PROPRIETOR: | KLM INVESTMENTS LLC |
| REQUESTED BY: | PROGRESSIVE REHAB ASSOCIATES |
| PREPARED BY: | AXIOM CONSULTANTS, LLC, 80 E. Court St. Unit 3 Iowa City, IA 52240 - PH# 319.519.6220 |

FOR RECORDER'S USE ONLY

EXHIBIT

A

DESIGNATED
 BY
 CEDAR COUNTY AUDITOR
 PARCEL
 DATE 12/20/2021

Book: L Page 55
 Document 2021 4866 Pages 1
 Date 12/20/2021 Time 10:44:55AM
 Rec Amt \$7.00

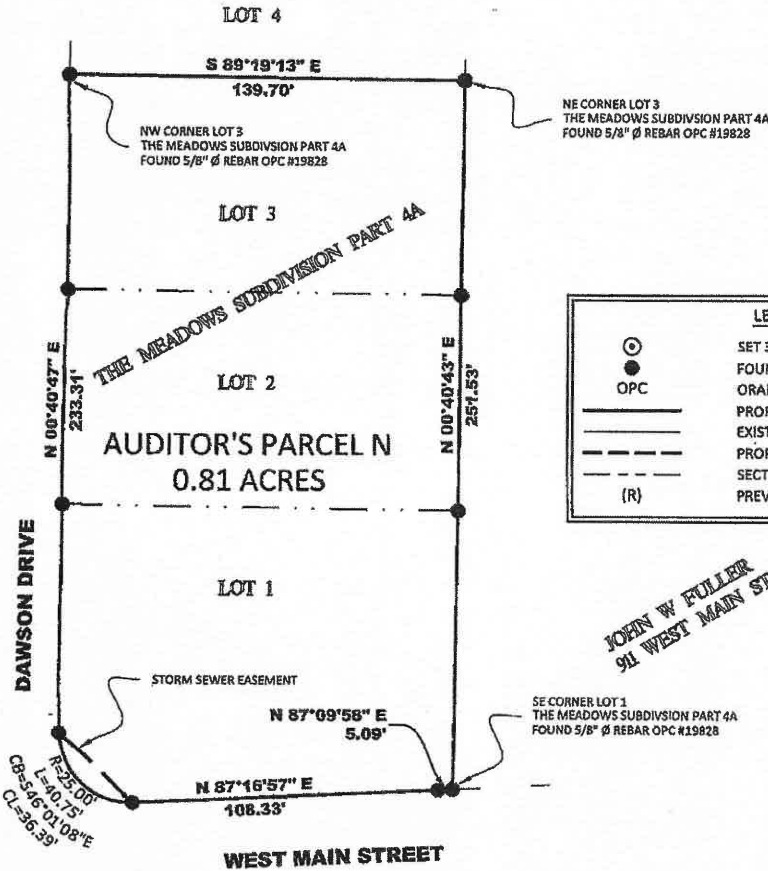
MELISSA BAHNSEN, RECORDER
CEDAR COUNTY IOWA

PLAT OF SURVEY

AUDITOR'S PARCEL N

LOTS 1, 2, AND 3 OF THE MEADOWS SUBDIVISION PART 4A

CITY OF WEST BRANCH, CEDAR COUNTY, IOWA



| LEGEND | |
|--------|---------------------------------|
| | SET 3/4" Ø PIPE OPC 19828 |
| | FOUND 5/8" REBAR OPC #19828 |
| | ORANGE PLASTIC CAP |
| | PROPOSED BOUNDARY/PROPERTY LINE |
| | EXISTING PROPERTY LINE |
| | PROPOSED EASEMENT |
| | SECTION LINE |
| | (R) PREVIOUSLY RECORDED AS |

JOHN W FULLER
 91 WEST MAIN STREET

LEGAL DESCRIPTION

Lots 1, 2, and 3 of the Meadows Subdivision Part 4A, according to the plat thereof recorded in Book 1492, Page 39 of the Cedar County Recorder's Office, City of West Branch, Cedar County, Iowa

Described area contains 0.81 acres and is subject to easements and other restrictions of record

| | |
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| | I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. |
| | <i>Brad Geater</i> 12/17/21 DATE |
| | BRADLEY R. GEATER, P.L.S., P.E. LICENSE NUMBER 19828 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021. PAGES OR SHEETS COVERED BY THIS SEAL: THIS PLAT |

WWW.AXIOM-CON.COM | (319) 519-6220

SHEET TITLE:
 AUDITOR'S PARCEL N
 PROJECT NAME:
 PROGRESSIVE REHAB

PROJECT MANAGER:
 BRG
 DATE ISSUED:
 12/15/2021
 CURRENT REV:
 01

PROJECT NO.:
 210119
 SHEET NUMBER:
 210119

0 25 50
 1" = 50'

ESPPD-ECTD-201110119-05-0001-0001-0001-0001-0001-0001-0001-0001-0001-0001

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSAL TO VACATE AN OFFICIAL PLAT OF AUDITOR'S PARCEL N AS RECORDED IN BOOK L, PAGE 55, RECORDS OF CEDAR COUNTY, IOWA.

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the City Council of the City of West Branch in the Council Chambers, at the City Hall at 110 N. Poplar Street, at 7:00 o'clock P.M., **on Monday, December 16, 2024**. Said public hearing shall be to consider the petition to vacate the Official Plat of Auditor's Parcel N, as recorded in Book L, Page 55, Records of Cedar County, Iowa (the "Plat").

BE FURTHER ADVISED that all interested persons are invited to attend and be heard on the petition to vacate said Plat. Further information regarding the above-referenced petition may be obtained by contacting the West Branch City Clerk.

Leslie Brick, City Clerk,
by Direction of the City Council



REQUEST FOR COUNCIL CONSIDERATION

| |
|--|
| MEETING DATE: December 16, 2024 |
|--|

| |
|--|
| AGENDA ITEM: Third Reading Ordinance 820 – Amending Chapter 47 – Municipal Park Policies and Regulations. /Move to action. |
|--|

| |
|---|
| PREPARED BY: Park & Recreation Director, Erin Laughlin |
|---|

| |
|-------------------------------|
| DATE: December 3, 2024 |
|-------------------------------|

BACKGROUND:

A thorough review of the current Municipal Park Policies and Regulations has been now been completed. Several areas of the current Code were deemed outdated and/or not reflective of current policies and practices.

Chapter 47 was reviewed by the Parks & Recreation Commission and myself and several changes were proposed and are represented on Exhibit A attached to Ordinance 820. The current Code is attached for comparison purposes.

I recommend that Chapter 47 be deleted in its entirety and replaced with the language represented in Exhibit A.

ORDINANCE 820

AN ORDINANCE AMENDING CHAPTER 47 – MUNICIPAL PARK POLICIES AND REGULATIONS.

WHEREAS, the City Administration has recommended updating the City’s Municipal Park Policies and Regulations; and

WHEREAS, the City Administrator and Parks & Recreation Director have proposed a total revision to the existing Chapter 47 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Chapter 47 of the Code of Ordinances of the City of West Branch, Iowa, is hereby deleted in its entirety and replaced with the proposed Chapter 47 listed on Exhibit “A” attached hereto and incorporated into this Ordinance by this reference.
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.

Passed and approved this ____ day of _____, 2024.

First reading: November 18, 2024
Second reading: December 2, 2024
Third Reading: December 16, 2024

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2024.

City Clerk



REQUEST FOR COUNCIL CONSIDERATION

| |
|--|
| MEETING DATE: December 16, 2024 |
|--|

| |
|--|
| AGENDA ITEM: Second Reading Ordinance 821 – Amending Chapter 165 – Zoning Regulations. / Move to action. |
|--|

| |
|---|
| PREPARED BY: Adam Kofoed, City Administrator |
|---|

| |
|-------------------------------|
| DATE: December 3, 2024 |
|-------------------------------|

SUMMARY

Since 2021, West Branch Main Street has been inquiring about city ordinances that can enhance the built environment. For example, the city does not have an ordinance that would protect Main Street from certain types of businesses, signage, and aesthetic requirements.

Starting on May 6th 2024, City Administrator, Adam Kofoed contacted Decorah’s City Manager on ideas for preserving and enhancing downtown districts. Since then, Kofoed has been in contact with Main Street Director Jessi Simon on design guideline ideas, signage requirements, and prime businesses Main Street would like to have in the district.

In addition, to Main Street, the 2016 Historic Preservation plan encourages the city to seek new historic properties, establish a historic neighborhood district, and the Planning and Zoning Commission has expressed a keen interest on the matter.

Main Street, Historic Preservation Commission, and Planning and Zoning Commissions are requesting the City of West Branch to protect, preserve, and enhance the Main Street district.

PURPOSE

1. Establish a temporary overlay district for three years, as the City of West Branch seeks its to complete a comprehensive plan.
2. Study the proper size of an overlay district, solicit feedback, observe what changes could be made, and adopt a permanent district.
3. Prohibit signs, businesses, new buildings, and building expansions that are not compatible with Main Street Iowa Design Guidelines.
4. Ensure new commercial growth is visually appealing and constructed with sound materials.

ORDINANCE 821

AN ORDINANCE AMENDING CHAPTER 165 – ZONING REGULATIONS

Section 1: Amendment. This ordinance shall be in full force and effect as of January 9, 2025 and shall expire without further action of the City Council on January 9, 2028. However, the expiration date may be extended after a public hearing by approval of the City Council.

(Insert after current subsection)

165. 37 Prosperity Pathway Interim Development Overlay District

1. Purpose: The purpose of the Prosperity Pathway Interim Development Overlay (IDO) is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in the Prosperity Pathway where potential development could be detrimental or have adverse impacts on current planning, land use or zoning studies underway.
2. Applicability: The Prosperity Pathway IDO is adopted as an amendment to the Zoning Code and shall be illustrated on the Zoning Map and applied to the base district designation. Where inconsistencies exist between the Prosperity Pathway IDO regulations and other provisions of the Municipal Code, the Prosperity Pathway IDO regulations shall apply. The Prosperity Pathway IDO incorporates the Sub-boundaries of the Main Street Sub-District and the Historic District. Both districts will have additional review processes outlined within this ordinance and said sub-district boundaries shall be shown on the Zoning Map and applied to the base district designation.
3. District and Sub-district boundaries:
See Exhibit "i-iii"
4. Definition: "Substantial improvement" includes the following:
 - a. Any new building construction within the Prosperity Pathway IDO or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls.
 - b. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement.
 - c. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance.
 - d. Routine repair or replacement of existing roof materials that do not materially change the appearance, shape or configuration of the existing roof will not be considered a "substantial improvement".
 - e. Owner-occupied detached single-family residences will not be subject to these regulations.

- f. Within the Main Street Sub-District "substantial improvement" also Includes:
 - i. New, modified or replacement awning structures or similar material extensions over the public sidewalk area.
 - ii. Demolition or Removal of any portion of a building otherwise not specified by these regulations.
 - iii. New, modified or replacement of permanent signage.

5. Land Uses

- a. Permitted Uses: Allowable uses within the Prosperity Pathway Interim Development Overlay District include; commercial, professional office and service-oriented businesses, uses or facilities, including hotels and lodging facilities and, all such uses currently allowed in the RB-1 Neighborhood Commercial, CB-1 and CB-2 Commercial Business District Commercial unless herein limited.
 - b. If the underlying zoning district is more restrictive than the CB-1 and CB-2 Commercial Business Commercial district, then only those uses permitted in the more restrictive district shall be allowed.
 - c. No residential or storage use may be established on the ground floor of any store front or shop front located within the area zoned CB-1 and CB-2, Commercial Business District Commercial. Residential uses are encouraged to be established in upper levels of commercial facilities.
6. Prohibited Uses. These prohibited uses are incompatible with the historic, commercial, and aesthetic goals of the Prosperity Pathway IDO, which prioritizes preserving the character of West Branch's downtown as a vibrant, service-oriented area. In furthering the goals of the Prosperity Pathway Interim Development Overlay District, the following uses shall be prohibited in the Main Street Sub-District on the first-floor commercial storefronts:
- a. Storage: No first-floor commercial storefront may be used primarily or exclusively for storage of goods, materials, equipment, or any other non-retail items, except as incidental to an active, permitted commercial use.
 - b. Residential: No first-floor commercial storefront may be converted to or used for residential purposes, including but not limited to apartments, condos, or other living spaces.
 - c. Mechanic Shops
 - d. Recreational Drug Stores, including liquor, tobacco, marijuana and other recreation drugs
 - e. Gas Stations
 - f. Pawn Shops
 - g. Lumber Yards
 - h. Building or construction supply business
 - i. Truck Terminals
 - j. Boat Sales

- k. Vehicle Sales
 - l. Pre-Assembly Yards
 - m. Light manufacturing
 - n. Firework Sales
7. Conditional Uses: All Conditional Use Site and Building Plans shall be reviewed by the Planning and Zoning Commission and City Council prior to proceeding to the Zoning Board of Adjustment for consideration.
8. Site and Building Plan Review Process: No person who proposes to substantially improved or new building structure or development, shall be issued a building permit or certificate of occupancy, as the case may be, until said person submits a detailed site plan, building plan and color renderings for review as established below:
- a. Prosperity Pathway IDO Review: Any proposed substantial improvement or new building structure located in the Prosperity Pathway IDO, including proposed residential facilities, must submit a detailed site plan and building plan for review and approval by the Planning and Zoning Commission and the City Council.
 - b. Main Street Sub-District: Any proposed substantial improved or new building structure located within the Main Street West Branch Sub- district, including proposed residential facilities, must submit a detailed site plan and building plan for review and recommendation by the Main Street West Branch Board of Directors or their designee for consistency with the Iowa Main Street program. Design Guidelines prior to the project being reviewed by the Planning and Zoning Commission and City Council.
 - c. Historic District Review: Any proposed substantial improvement or new building structure located within the Historic District, shall be reviewed by the Historic Preservation Commission, or their designee, and a report provided to determine whether the project would be consistent with the Historic District. Any substantial improvement or new building structure located within the Historic District that is determined to detract from the Historic District shall be denied.
9. Site and Building Design Considerations:
- a. Elements to be considered in this review process are proposed use, proposed building improvements or new structural elements, with particular attention to exterior building design elements, landscaping and how the proposed improvement or development will complement existing and proposed uses and building design elements.
 - b. The upcoming comprehensive plan will be considered during this review process. In the event the City Council determines that the proposed project is not consistent with the direction of the comprehensive plan, the project may be delayed until such time the plan is complete.

- c. Paramount in this review will include consideration of, exterior building materials on all sides, coloration of materials, building height, roof line, size and location of windows and doors, roof mounted appurtenances, and facades.

10. Design Elements

- a. Proportion: The relationship of width and height of the front elevations of adjacent buildings shall be considered in the construction or alteration of a building. The relationship of width and height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building. Particular attention must be given to the scale of street level doors, walls and windows. Large expanses of blank wall spaces at street level are to be discouraged, unless utilized for approved public art installation.
- b. Color: Building colors should emphasize light and muted colors, with earth tones dominant. Saturated hues and bright colors except for use in small areas is not encouraged.
- c. Architectural features: Architectural features including but not limited to cornices, entablatures, doors, windows, shutters, fanlights and other elements prevailing in the area shall be considered in the construction or alteration of a building. For properties outside the Historic District, it is not intended that the details of existing buildings be duplicated precisely, but those features should be suggestive of the extent, nature and scale of details that would be appropriate on new buildings or associated with building alterations.
- d. Materials and Texture: Architectural design within this area shall recognize the importance of material strength and permanency through the selection of building materials and the principle of structural strength and permanency shall dominate the structural and exterior materials and components. The primary material shall constitute at least 25% of the wall area, excluding glass. The primary exterior material shall consist of a combination of brick, architectural concrete panels, textured concrete block, or architectural steel, or stone panels.
- e. No wood, Masonite, asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco, vinyl, E.I.F.S. (Exterior Insulation and Finish Systems) or other similar materials shall constitute any portion of any building, except as trim.
- f. In the Main Street Sub-District and Historic District, the Main Street Design Guidelines shall regulate Material and Texture.

- 11. Emergency Repairs: In the case of emergency repairs of no more than 65% of the building's assessed value is needed as the result of unanticipated building or facade damages due to events such as fire, vandalism, or weather-related damages, site plan review will not be required, provided that the needed repairs do not alter the appearance of the structure prior to the event causing the unanticipated damages.

12. Signage: Signage within the Main Street and Historic District should align with the aesthetic goals of the district, with size and placement ensuring visual harmony. Businesses are encouraged to utilize traditional materials such as wood or metal for signage to maintain historical continuity. All signage shall conform to requirements of the Chapter 165.42 Signs, except as provided for below:

- a. Electronic Message Center Signs shall not be permitted within the Prosperity Pathway IDO.
- b. In the Main Street West Branch Sub-District and the Historic District signage shall be reviewed by the City Administrator and Historic Preservation Chair

13. Exterior Lighting: All lighting within the West Branch Main Street District must provide warm white of up to 2,900 Kelvin degrees.

Renumber all remaining sections after these changes.

Section 1. Time Frame: This Ordinance shall be of no further force or effective thirty-six (36) months after adoption unless prior to that date, after a public hearing, the City Council by majority vote extends the Prosperity Pathway IDO Overlay District.

Section 2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 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 no adjudged invalid or unconstitutional.

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

Passed and approved this _____ day of _____, 2025.

First Reading: December 2, 2024
Second Reading: December 16, 2024
Third Reading:

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2024.

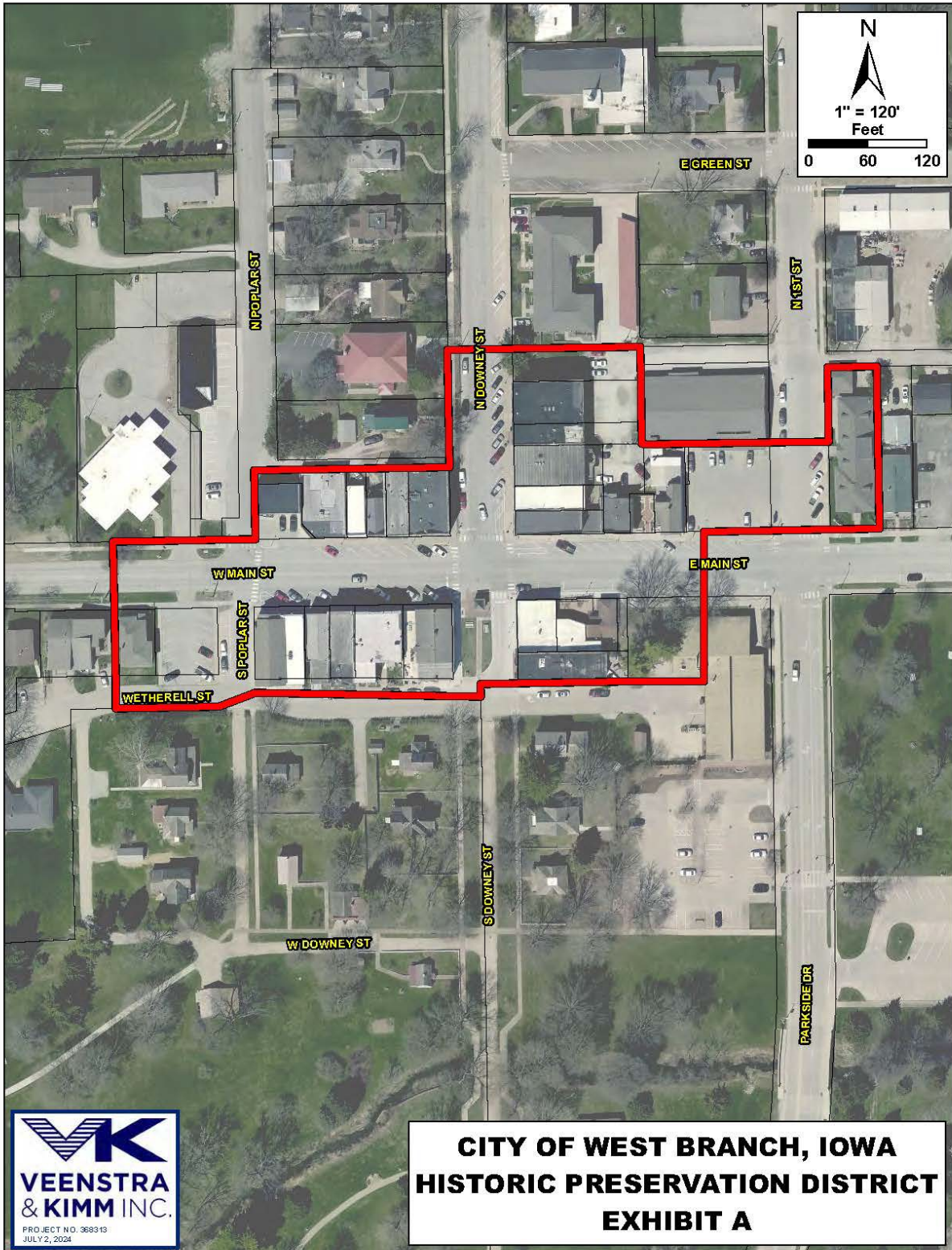
City Clerk

Exhibits

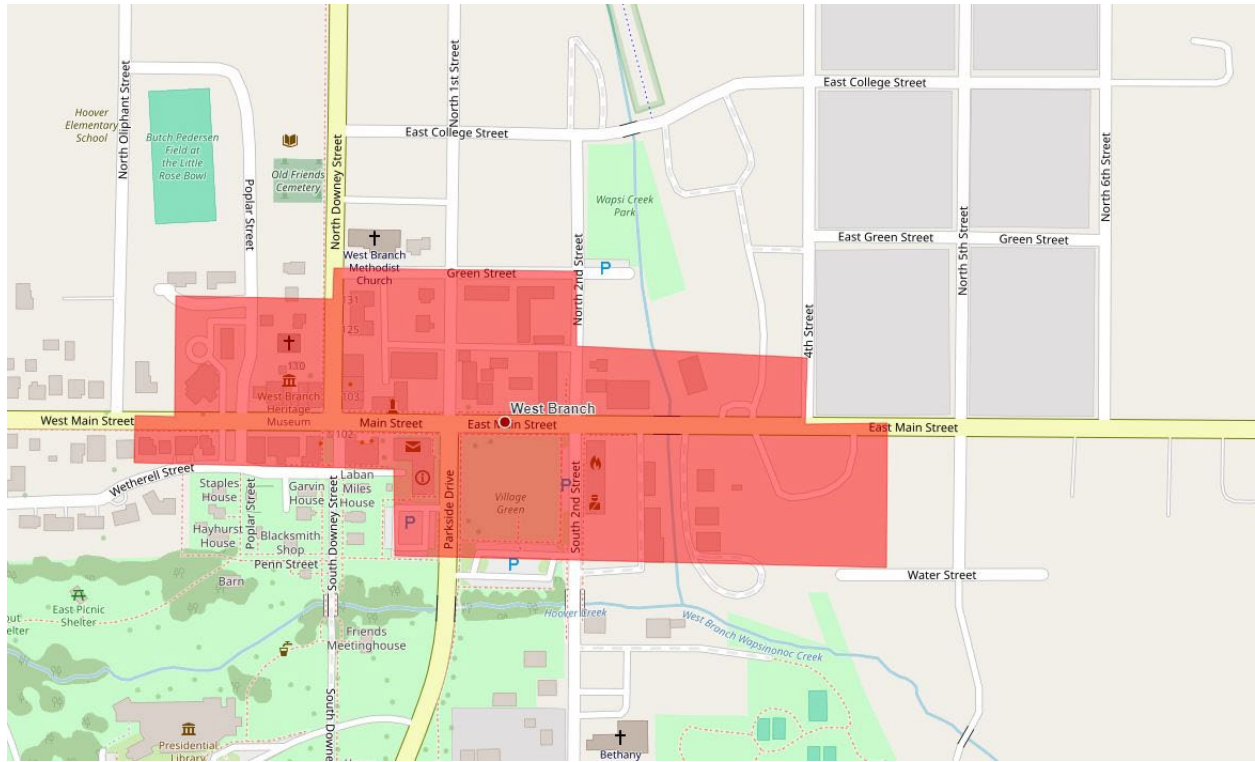
Prosperity Pathway Interim Development Ordinance

- i. Historic District.
- ii. Main Street Sub-district
- iii. Prosperity Pathway Interim Dev. Overlay Dist.

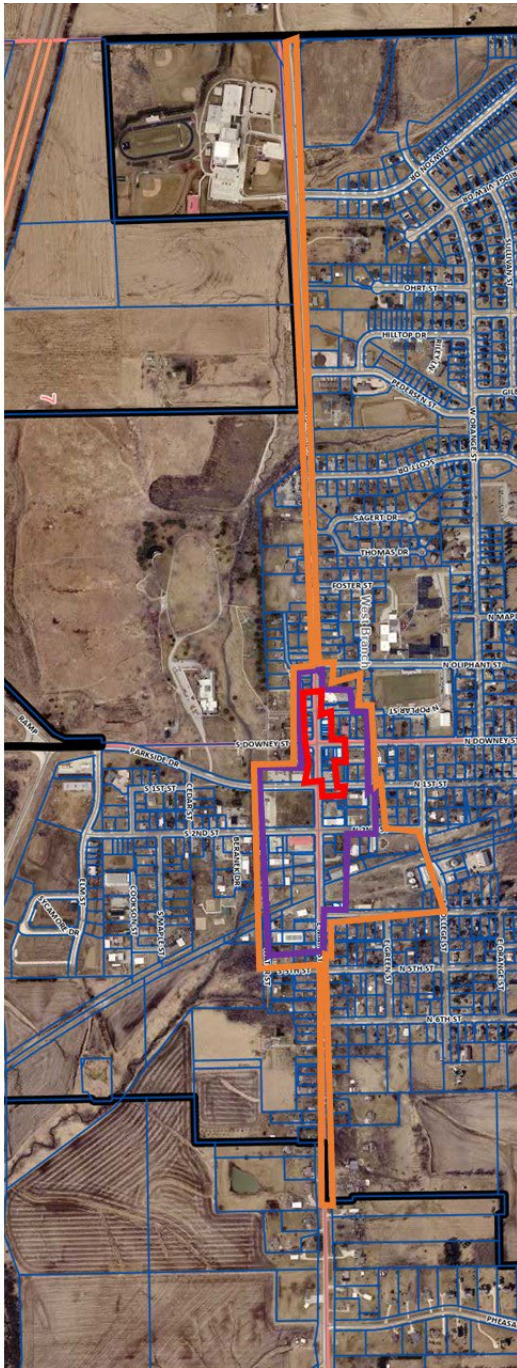
Historic District



Main Street Sub-District



Prosperity Pathway Interim Development Overlay District





REQUEST FOR COUNCIL CONSIDERATION

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| MEETING DATE: December 16, 2024 |
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| AGENDA ITEM: Resolution 2024-133 – Revising Resolution 2024-117 regarding the Collection of Funds to be used for Low-and-moderate income housing. |
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| PREPARED BY: City Clerk, Leslie Brick & Finance Office Heidi Van Auken |
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| DATE: December 5, 2024 |
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SUMMARY:

While reviewing the Developer's Agreement recently approved via Resolution 2024-117, it was noted that Low-to-Moderate Income was not mentioned as part of the Agreement. Municipalities are required to ensure that a TIF-sponsored housing projects will provide for housing assistance for low-and-moderate income families.

Information provided by the Iowa Economic Development Authority (IDEA) shows that the LMI percentage is currently 32.10%. This resolution will amend the Developer's Agreement.

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241
Return to: City of West Branch, Iowa, 110 N. Poplar Street, PO Box 218, West Branch, Iowa 52353

RESOLUTION 2024-133

**RESOLUTION REVISING RESOLUTION 2024-117 REGARDING THE
COLLECTION OF FUNDS TO BE USED FOR LOW-TO-MODERATE
INCOME HOUSING ASSISTANCE.**

WHEREAS, the City Council of the City of West Branch passed Resolution No. 2024-117 on October 21, 2024, approving a development agreement that provided tax increment rebates to the developer for a residential development; and

WHEREAS, pursuant to Section 403.22 of the Code of Iowa, the City is required to set aside 32.10% of the incremental tax rebates to be used for low to moderate income housing assistance; and

WHEREAS, the City Council desires to create said obligation to collect from incremental tax revenues received from the development.

NOW, THEREFORE, It Is Resolved by the Council of the City of West Branch, Iowa, that the Finance Officer is directed to collect the amount of 32.10% in incremental tax revenues to satisfy the requirements of said Section 403.22 of the Code of Iowa.

Passed and approved this 16th day of December, 2024.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk



REQUEST FOR COUNCIL CONSIDERATION

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| MEETING DATE: | December 16, 2024 |
| AGENDA ITEM: | Resolution 2024-134 – Approving the Vacation of Auditor’s Parcel N, as recorded in Book L, Page 55, Records of the Cedar County Recorder’s Office. / Move to action. |
| PREPARED BY: | Leslie Brick, City Clerk |
| DATE: | December 11, 2024 |

Summary:

In 2019, a final plat was submitted and approved by the City Council for The Meadows, Part 4A. On this official plat, lots 1, 2 and 3 were zoned RB-1 (Residential-Business).

2021 - the Developer/owner planned a commercial project (known as Dawson Plaza) that would span across all 3 lots. In order to complete the project, they had the 3 lots combined into 1 lot, known as Auditor’s Parcel N.

2022 - the Dawson Plaza project was put on hold indefinitely.

2024 - the owner KLM Investments sold the property to Larson Builders Inc. to construct residential homes.

Larson Builders submitted a building permit for a zero lot in May of 2024 and was advised at that time that the former owner had combined the 3 lots into 1 lot and that they would need to take steps to revert the lots back to 3 lots prior to completion of the homes.

In consultation with the City Attorney, it was determined that the new owners have two choices: 1) submit a final plat and revert the parcel back to 3 lots, **OR** 2) vacate the official plat. Larson Builder’s chose the latter and filed a petition with the City on November 14, 2024.

Per Chapter 354.22 of the Iowa Code (and direction from the City Attorney), public notices were published on November 21st and December 5th and the public hearing is set for December 16, 2024. The approval of this resolution to vacate an official plat will be forwarded to the Cedar County Auditor so that they can update the parcel information and allow Larson Builder’s to continue with construction on the remaining lots.

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319) 351-2277
Return to: West Branch City Clerk, 110 N. Poplar Street, PO Box 218, West Branch, Iowa 52358

RESOLUTION 2024-134

RESOLUTION APPROVING THE VACATION OF AUDITOR'S PARCEL N, AS RECORDED IN BOOK L, PAGE 55, RECORDS OF THE CEDAR COUNTY RECORDER'S OFFICE.

WHEREAS, KLM Investments, LLC, previously platted The Meadows Subdivision, Part 4A, West Branch, Iowa, according to the plat thereof recorded in Book 1492 at Page 39, Records of the Cedar County Recorder's Office; and

WHEREAS, subsequent to the final platting of The Meadows Subdivision, Part 4A, KLM Investments, LLC, combined Lots 1, 2 and 3 of The Meadows Subdivision, Part 4A, into Auditor's Parcel N, being recorded in Book L, Page 55, Records of the Cedar County Recorder's Office; and

WHEREAS, the current owner of the Property, Larson Builders, Inc. has heretofore filed a Petition of Vacate the Plat of Auditor's Parcel N so that Auditor's Parcel N would revert back to Lots 1, 2 and 3 of the Meadows Subdivision, Part 4A, West Branch, Iowa pursuant to Section 354.22 of the Code of Iowa; and

WHEREAS, the City has published notice of a public hearing in the West Branch Times twice with 14 days between said publications as required by said Section 354.22(1) of the Code of Iowa; and

WHEREAS, the Petitioner has personally served upon the proprietors and mortgagees of record pursuant to Section 354.22(1) of the Code of Iowa; and

WHEREAS, the City Council of the City of West Branch has held a public hearing on said Petition to Vacate Auditor's Parcel N.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the aforementioned Plat of Survey for Auditor's Parcel N is hereby vacated

and that the property contained within said Auditor's Parcel N shall again be legally described as Lots 1, 2 and 3, The Meadows Subdivision, Part 4A, West Branch, Iowa.

BE IT FURTHER RESOLVED, that there are no areas in the vacated plat that were previously set aside for public use pursuant to Section 354.22(2)(b) of the Code of Iowa.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a copy of this Resolution to be recorded, along with the required documents outlined in Section 354.22(2) of the Code of Iowa.

Passed and approved this 16th day of December, 2024.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk



REQUEST FOR COUNCIL CONSIDERATION

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| MEETING DATE: | December 16, 2024 |
| AGENDA ITEM: | Resolution 2024-135 - Approving a salary adjustment for Library Director Jessie Schafer. / Move to action. |
| PREPARED BY: | Adam Kofoed, City Administrator |
| DATE: | November 26, 2024 |

RESOLUTION 2024-135

**A RESOLUTION APPROVING A SALARY ADJUSTMENT FOR
LIBRARY DIRECTOR JESSIE SCHAFER**

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

Section 1. The City Council has recommended a proficiency salary increase for Library Director Jessie Schafer.

Section 2. The following person and position named shall be paid the annual wage indicated below and the City Clerk/Finance Officer is authorized to issue warrants/checks, less legally required or authorized deductions for the amounts set out below, and make such contributions to IPERS and Social Security or other purposes as required by law or authorization of the Council:

| <u>Position</u> | <u>Name</u> | <u>Current Wage</u> | <u>New Wage</u> |
|---------------------|----------------|-------------------------|---------------------|
| Library Director | Jessie Schafer | \$56,994 annually | \$58,700 annually |

SECTION 4. The salary increase will go into effect on December 30, 2024.

Passed and approved this 16th day of December, 2024.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk



REQUEST FOR COUNCIL CONSIDERATION

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| MEETING DATE: December 16, 2024 |
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| AGENDA ITEM: Resolution 2024-136 - Amending the West Branch Parks and Recreation Facility, Park, Sports Field Use and Fees Policy. / Move to action. |
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| PREPARED BY: Parks & Recreation Director, Erin Laughlin |
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| DATE: November 22, 2024 |
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BACKGROUND:

This is the last document in a review of current park policies and regulations. The Recreation Facility, Park, Sport Field Use & Fee Policy provides specific procedures on use and fees. Prices are being updated to cover the cost of use better and simplify registration through RecDesk. Guidelines are being updated and clarified to support the revised Code and address gaps observed in the current version. The Use and Fee Policy was reviewed and supported by the Parks & Recreation Commission.

RESOLUTION 2024-136

A RESOLUTION AMENDING THE WEST BRANCH PARKS AND RECREATION FACILITY, PARK, SPORTS FIELD USE AND FEES POLICY.

WHEREAS, it is the policy of the West Branch Parks Department and Recreation Department to control the use of recreation facilities, parks and sport fields, to protect these resources and to allow usage to individuals, groups and organizations based on availability and priority; and

WHEREAS, the use of such facilities (See Exhibit A) shall be consistent with City Policies and Ordinances; and

WHEREAS, it the intent of the City of West Branch to promote wellness, recreation, and positive participation and sportsmanship; and

WHEREAS, the City desires to be supportive of such use and will schedule and help facilitate their use in accordance with the requirements of this policy; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch, Iowa, that the aforementioned policy is hereby approved.

Passed and approved this 16th day of December, 2024.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk



West Branch Parks and Recreation

113 N 1st Street • PO Box 218 • West Branch, Iowa 52358
(319) 930-0393 • Fax (319) 643-2305 • www.westbranchiowa.org • recdirector@westbranchiowa.org

Recreation Facility, Park, Sport Field Use & Fee Policy

It is the policy of the West Branch Parks and Recreation Department to control the use of recreation facilities, parks, and sports fields to protect these resources and to allow usage to individuals, groups, and organizations based on availability and priority. Use shall be consistent with City Policies and Ordinances, and promote wellness, recreation, positive participation, and sportsmanship. The City desires to be supportive of such use and will schedule and help facilitate their use following the requirements of this policy.

➤ **Purpose**

This policy is intended to enhance the recreation opportunities and events available to the citizens of West Branch; to facilitate City and non-City use and scheduling of recreational venues; to offer recreation programming for participants and spectators and to adequately reimburse the City for expenses related to providing this use. While not all scenarios or situations can be anticipated, the following are intended to guide in the appropriate application of fees.

➤ **Guidelines**

Reservations & Scheduling

1. West Branch Parks and Recreation reserves the right to schedule activities and events on facilities and parks on an "as available" basis. West Branch Parks and Recreation reserves the right to cancel any scheduled activity due to conditions or circumstances that are determined to be detrimental, unsafe, or in conflict with City Ordinances and policies.
2. Scheduling must be requested annually. No automatic or protected right to use because of previous use shall be granted. The City reserves the right to deny the use of City facilities to any user that, in the City's opinion, has had public relations problems, has abused City facilities or property, has administered its programs in such a way to cause discredit to the City or has not paid all fees due or past due.
3. Park bathrooms are closed for the winter from the middle of October through March.
4. Reservations do not stop the public from using park amenities that do not allow for reservations, such as playgrounds, trails, restrooms, or courts

Cancellations

5. Cancellation of an event before it begins due to weather, facility or field conditions, or city-declared emergency will be rescheduled, if possible, or refunded. Playability of fields will be determined by the West Branch Parks and Recreation Director. Cancellation of an event after it has begun will not result in a refund.
6. Cancellation of an event due to the user failing to comply with this policy or City Code and policies, or due to acts or activities deemed to be offensive or harmful, shall not receive a refund. The City reserves the right to prohibit the user from future use of or scheduling of the facilities.
7. Cancellation of an event by the user due to their own decision or reasoning must be done 14 days before a reservation or a refund shall not be received.

Park Use Rules

8. Alcohol is allowed at city parks so long as all laws and guidelines of West Branch City Code Chapter 47.07 are followed.
9. Users shall make every reasonable and prudent effort to keep the area in which user's activities are held, clean and free from trash or other debris. User will clean up any trash and debris generated by user's activities and place it in trash containers provided by the City. The user is responsible for any maintenance or cleanup cost incurred through the negligence of the user of any area or facility.
10. All lights must be turned off by 10:00 p.m. Park hours are 7:00am to 10:00pm daily unless approved by a Special Event permit.

Fees

11. The recreation facilities, parks, and sports field use fees will be paid in advance of use. Teams, team members, or individuals who do not pay the fee by the deadline will have all future reservations deleted until the previous bill is up to date. If paying by check, it must be received at City Offices no less than 10 business days before the use/event.
12. Users can be invoiced for the use of City facilities without a reservation if the Parks and Recreation Director determines the use qualified for the need of a reservation.

City Obligations

13. Users conducting their activities for commercial or individual financial gain are not endorsed by the City. Conducting business or sale of merchandise for profit is prohibited without prior approval. A Special Event or Peddler, Solicitor, Transient Merchant permit will be required if activities fall under the requirements.
14. User shall release, indemnify, and hold harmless the City of West Branch, its elected and appointed officials, officers, employees, and volunteers from any and all claims, damages, lawsuits, losses, and expenses (including attorney fees) arising out of or resulting from User's performance or failure to perform this agreement and all of User's activities conducted on City's facilities/property.
15. The City assumes no financial responsibility for the user's group, programs, or any of their constituents.

Other

16. Users shall abide by sport or event-specific rules and field usage rules. All tournaments, games, and practice games need to be scheduled through West Branch Parks and Recreation. A game is defined by any one of the following criteria:
 - A. If there is more than one team present.
 - B. If there are officials present, certified or not, or coaches acting as officials.
 - C. If players are in uniform.
 - D. If one of the teams travels to the game site from another city or location.
17. No painting or altering of fields is allowed. Moving of bleachers, tables or other equipment owned, maintained, or managed by the City is not allowed.
18. Concessions will be maintained and operated by the City of West Branch or a contracted party unless specifically directed otherwise by the Parks and Recreation Director.
19. Users are allowed to charge a gate fee to spectators of the event; however, park patrons will not be charged the fee.

20. Requests for Cubby Park made before April 24th for May-June may be delayed in approval to allow for City league schedules to be finalized and scheduled first.
21. All activities must also meet all rules outlined in the City code, expressly Chapter 47 – Municipal Park Policies and Regulations.

➤ **Fees**

Town Hall

- Monday-Thursday: \$10/hour resident, \$15/hour non-resident
- Weekend Full Day (8:00am – 10:00pm): \$100 resident, \$180 non-resident
- Weekend 6-hour block (8:00am – 2:00pm OR 4:00pm – 10:00pm): \$60 resident, \$90 non-resident

Lion's Field

- Field (all or nothing): \$5/hour resident, \$10/hour non-resident

Beranek Park

- Shelter-\$5/hour resident, \$10/hour non-resident
- Volleyball Courts (all or nothing)-\$5/hour resident, \$10/hour non-resident

Cubby Park Fields

- Field for practice (bases in, field dragged, no chalk): \$5/hour resident, \$10/hour non-resident
- Field for game (bases in, dragged, equipment for chalking provided): \$10/hour resident, \$20/hour non-resident
- Tournament (all 3 fields, bases in, dragged, equipment for chalking provided): \$175/day resident, \$350/day non-resident

Wapsi Park

- Via Special Event permit only

Mural Park

- Via Special Event permit only

Heritage Square

- Via Special Event permit only



REQUEST FOR COUNCIL CONSIDERATION

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| MEETING DATE: December 16, 2024 |
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| AGENDA ITEM: Resolution 2024-137 - Approving a Contract with Willie Guy for Cubby Park Concession Sales and Management for 2025. |
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| PREPARED BY: Erin Laughlin, Parks & Rec Director |
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| DATE: December 11, 2024 |
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BACKGROUND:

The previous concession stand contract with Willie Guy ended with the conclusion of the fall baseball and softball activities. Last season Guy was easy to communicate and work with, and facilities were kept clean. Opportunity points would be more detailed and timely financial reporting and a more consistent schedule. These expectations have been more clearly defined in the contract and are supported by Guy. This new contract also added a requirement for concession sales and a 10% cut to the City at weekday activities on top of the previous contract's requirement for tournament activities. This contract would continue Guy's operations of the Cubby Park concession stand through the 2025 baseball and softball season.

RESOLUTION 2024-137

A RESOLUTION APPROVING A CONTRACT WITH WILLIE GUY FOR CUBBY PARK CONCESSION SALES AND MANAGEMENT FOR 2025

WHEREAS, the City of West Branch, Iowa is interested in outsourcing the concession sales at Cubby Park, 301 Scott Drive, West Branch, Iowa for the 2025 spring, summer and fall season; and

WHEREAS, the City Council has a desire to enter into an agreement to Willie Guy, independent contractor to perform concession sales (see Exhibit A); and

WHEREAS, Guy will provide the necessary staff, food and drink products for event sales and remit ten percent of the total gross sales to the City of West Branch within seven business days of each event; and

WHEREAS, Guy will carry his own liability insurance and list the City as an additional insured.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Cedar County, Iowa, hereby approves a service contract with Willie Guy for concession sales at Cubby Park for the 2025 season.

Passed and approved this 16th day of December, 2024.

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, City Clerk

West Branch Concession Stand Contract

LOCATION: Cubby Park

ADDRESS: 301 Scott Drive

CITY/STATE/ZIP: West Branch, IA 52358

TOURNAMENT/EVENT NAME: Varies

DATES: Varies 2025 spring, summer, fall

Contact:

Willie Guy ("Concessionaire")

319-777-2451

PLEASE READ AND UNDERSTAND THE RULES AND RESPONSIBILITIES ASSOCIATED WITH THE USAGE OF THE CONCESSION STAND.

Terms:

The length of this contract is for one baseball/softball season from March 2025 through November 2025. The City must give a 30-day notice of termination.

The City of West Branch will supply the following:

- Concession building, electricity, water, garbage cans.
- Supplies for restrooms, toilet paper/paper towels, hand soap, and trash bags.
- Communication of pick up and drop off of concession keys.
- Communication of facility schedule.
- (two) refrigerators, (one) two-door sliding display drink cooler, (one) hotdog roller, (one) pizza warmer, (one) popcorn machine, and (one) George Foreman grill.

Duties of Concessionaire:

- Supply all food products and supplies as needed.
- Maintain a neat and clean concession area.
- Empty concession stand garbage in the outside dumpster.
- Post and maintain established prices.
- At least one adult must be present at all times the concession stand is open.
- No alcohol is allowed to be sold at the concession stand.
- Complete cleaning for the concession building before leaving.
- Log total gross sales for each day and report to Parks and Rec Department within seven days of each concession date. Accounting books must be available for inspection every 30 days.
- Have and maintain a ServSafe or other appropriate safe food serving certifications.
- Provide their own point of sale system.

- Be open for sales at the start of tournaments and remain open at least through the 3rd inning of the last game.
- Be open for sales Monday- Thursday any day a team travels to Cubby Park to play, opening at the start of any City league games and remaining open at least through the 3rd inning of the last scheduled game.

Rental Agreement (Concessionaire agrees to pay the following rate/fees):

- Damage/cleaning fee of \$100 if not clean, including facilities and appliances.
- 10% of concessions gross sales will be paid by the concessionaire to the City within 7 business days of each event. Concessionaire shall keep appropriate books and records to justify its payment to the City, which it shall provide to the City upon request.

I, Willie Guy agree to terms above _____ Date: _____

City of West Branch agrees to terms above _____ Date: _____