

(The following is a synopsis of the minutes of the West Branch City Council meeting. A video recording is available for inspection on the City of West Branch Website at www.westbranchiowa.org/government/council-videos. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

City Council Meeting

**July 18, 2016
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:01 p.m. Mayor Laughlin then invited the Council, Staff and members of the audience to stand and led the group in the Pledge of Allegiance. Roll call: Mayor Roger Laughlin was present. Council members: Jordan Ellyson, Colton Miller, Tim Shields and Mary Beth Stevenson were present. Councilperson Brian Pierce was absent. Laughlin welcomed the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Police Chief Mike Horihan, Parks and Recreation Director Melissa Russell, Public Works Director Matt Goodale Police Officer Cathy Steen and City Engineer Dave Schechinger.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION.

Approve minutes from the June 22, 2016 Special City Council Meeting.

Approve minutes from the June 27, 2016 Regular City Council Meeting.

Approve Class C Liquor License (LC) (Commercial) with Outdoor Service and Sunday Sales privileges for Mexico Lindo, Inc., DBA: Mexico Lindo Grill and Cantina.

Approve claims.

Motion by Shields, second by Stevenson to approve agenda/consent agenda, with the exception of the \$21,126.28 claim for the Cedar County Auditor. AYES: Shields, Stevenson, Ellyson, Miller. Motion carried.

EXPENDITURES	7/18/2016	
ALLIANT ENERGY	UTILITY SERVICE	8,348.18
AMAZON	BOOKS & SUPPLIES	1,265.87
BAKER & TAYLOR INC.	BOOKS	821.41
BARNHART'S CUSTOM SERVICES	LANDSCAPE GRADING	620.00
BARRON MOTOR SUPPLY	VEHICLE REPAIRS	61.07
BUSINESS RADIO SALES	RADIO REPAIR	51.75
CCEDCO	DUES	6,223.00
CEDAR COUNTY AUDITOR	DISASTER SERVICES ASSESSMENT	22,126.28
CEDAR COUNTY RECORDER	RECORDING FEES	46.00
CEDAR COUNTY TRANSFER STAT	LANDFILL FEE	20.00
CJ COOPER & ASSOCIATES	ADMIN FEES-DRUG POLICY	115.00
DEWEYS JACK & JILL	SUPPLIES	134.56
DORSEY & WHITNEY LLP	LEGAL FEES	10,507.60
EAST CENT INTERGOVT ASN.	MEMBERSHIP DUES	1,439.64
EMERGENCY MEDICAL PRODUCT	MEDICAL SUPPLIES	699.11
FELD FIRE EQUIPMENT CO. IN	REPAIR SERVICE	25.50
HAWKEYE PHOTO BOOTHS	HHTD ENTERTAINMENT	400.00
HOSPERS & BROTHER PRINTERS	OFFICE SUPPLIES	178.98
IHEARTMEDIA	ADVERTISING	314.00
IMWCA	WORK COMP DEPOSIT	17,141.00
IOWA COMMUNITIES ASSURANCE	PROPERTY/LIABILITY INSURANCE	40,252.85
IOWA DEPARTMENT OF NATURAL	PUBLIC WATER SUPPLY ANNUAL FEE	269.70
IOWA LEAGUE OF CITIES	MEMBERSHIP DUES	1,365.00
IOWA ONE CALL	LOCATION SERVICE	68.40
J & M DISPLAYS INC	FIREWORKS	20,000.00
JOHNSON COUNTY EMERGENCY M	HAZ MAT 28E AGREEMENT	47.50
JOHNSON COUNTY REFUSE INC.	RECYCLING MAY 2016	7,476.50
JONNY STAX PRESENTS, INC.	CONSULTING SERVICES	2,000.00
LINN COUNTY R.E.C.	UTILITY SERVICE	138.00
LONNIE FULTS	SUMMER CONCERT	450.00
LYNCH'S EXCAVATING INC	CURB INTAKE-DOWNEY & MAIN	4,486.80
LYNCH'S PLUMBING INC	HYDRANT@ CEMETERY	615.50
MIDWEST FRAME & AXLE	VEHICLE REPAIRS	80.73
MIDWEST JANITORIAL SERVICE	JANITORIAL SERVICE	656.26
MIDWEST TAPE LLC	DVDS	10.99
MISCELLANEOUS VENDOR	NEVIN TUCKER:TARPS	132.59
MOORE'S WELDING INC	EQUIPMENT REPAIR	3,185.00
OASIS ELECTRIC LLC	BUILDING REPAIRS	86.30
OLSON, KEVIN D	LEGAL SERVICES	1,500.00

OVERDRIVE INC	EBOOKS	349.93	
PLUNKETT'S PEST CONTROL IN	PEST CONTROL SERVICE	47.59	
PYRAMID SERVICES INC.	MAINTENANCE SUPPLIES	200.57	
SCIENCE CENTER OF IOWA	LIBRARY PROGRAM	200.00	
THOMAS HEATING & AIR LLC	SERVICE CALL	290.00	
UPSTART	PROGRAM SUPPLIES	133.22	
US BANK CORPORATE CARD	REC SUPPLIES & TRAINING EXP	1,594.31	
US BANK EQUIPMENT FINANCE	COPIER RENT	300.80	
USA BLUE BOOK	SUPPLIES	167.53	
VEENSTRA & KIMM INC.	CASEY'S TURN LANE CONSULTING	17,182.47	
WALMART COMMUNITY/GEMB	MAINTENANCE & PROGRAM SUPPLIES	403.99	
WEST BRANCH ANIMAL CLINIC	BOARDING OF IMPOUNDED ANIMALS	330.00	
WEST BRANCH REPAIRS	VEHICLE REPAIRS	1,252.11	
WEX BANK	VEHICLE & MOWER FUEL	1,566.55	
WINDSTAR LINES INC	BUS CHARTER	<u>959.00</u>	
TOTAL			178,339.14
PAYROLL 7-1-16			39,561.54
PAYROLL 7-15-16			49,815.68
PAID BETWEEN MEETINGS			
ALLYSON SIMPSON	UMPIRE SERVICES	75.00	
CLAIRE BRIDGES	UMPIRE SERVICES	25.00	
COSTCO WHOLESALE	LIBRARY, PARK & REC SUPPLIES	522.88	
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	34.70	
ETS CORPORATION	WATER & SEWER CREDIT CARD FEES	179.82	
FENNER, COLEMAN	UMPIRE SERVICES	100.00	
HOLLYWOOD GRAPHICS	YOUTH SPORTS SUPPLIES	660.71	
IOWA CITY FENCING CENTER	DAYCAMP ACTIVITY	390.00	
LUNA, JOHN	SUMMER CONCERT	1,326.29	
MAURICE EDWARD ENGLISH	SUMMER CONCERT	600.00	
MAX LIPNICK	SUMMER CONCERT	500.00	
MISCELLANEOUS VENDORS	REFUNDS	90.44	
PITNEY BOWES GLOBAL FINANCE	EQUIPMENT RENTAL	120.00	
PITNEY BOWES INC	COPIER RENTAL	180.00	
PITNEY BOWES PURCHASE POWER	POSTAGE	503.50	
PLUNKETT'S PEST CONTROL	PEST CONTROL	47.59	
QUILL CORP	OFFICE SUPPLIES	85.35	
ROBERT WALLACE	SUMMER CONCERT	850.00	
TISINGER, MATT	REFUND	6,365.93	
UPS	SHIPPING	54.06	
US BANK CORPORATE CARD	SUPPLIES	732.61	
WINDSTAR LINES INC	BUS CHARTER	<u>1,238.00</u>	
TOTAL			<u>14,681.88</u>
GRAND TOTAL EXPENDITURES			282,398.24
FUND TOTALS			
001 GENERAL FUND	141,562.60		
022 CIVIC CENTER	341.04		
031 LIBRARY	14,484.36		
036 TORT LIABILITY	43,329.51		
110 ROAD USE TAX	4,559.23		
112 TRUST AND AGENCY	15,116.66		
306 4TH ST IMPROVEMENTS PROJ	7,388.76		
307 MAIN ST INTERSECTION IMP	2,022.61		
310 COLLEGE STREET BRIDGE	6,635.10		
600 WATER FUND	23,805.00		
610 SEWER FUND	18,666.57		
740 STORM WATER UTILITY	<u>4,486.80</u>		
GRAND TOTAL		282,398.24	

COMMUNICATIONS/OPEN FORUM

City Engineer Dave Schechinger – Provided an update on partial payments requested by vendors for the Main Street Sidewalk Phase 3 Project and the 4th Street Reconstruction Project. Council expressed willingness to pay these claims in between meetings.

Police Chief Mike Horihan – Discussed a request that came from residents concerning yield signs at the intersection of Greenview Drive and Greenview Circle. Council expressed support for the installation of the signage.

PUBLIC HEARING/NON-CONSENT AGENDA

Superintendent Pete Swisher, Herbert Hoover National Historic Site - National Park Service Update

Swisher stated that crews were working to complete the Parkside Drive Project as soon as possible and ensured the Council that there would be no traffic delays on Hoover's Hometown Days. Swisher invited the public to attend the last two Music on the Green Concerts on July 21st and July 28th. Swisher announced that a deputy director from the National Park Service Washington D.C. Office will attend Hoover's Hometown Days this year.

Mr. Jerry Sexton – Presentation of Cedars Edge Golf Course Zoning Exhibit and Discussion of Development Agreement

Sexton presented his plan for rezoning and invited the Council to attend the Planning and Zoning Meeting scheduled for July 26, 2016. Sexton stated that he would like to bring the zoning change before the Council for their consideration at the August 1, 2016 Council Meeting. Sexton requested assistance with road improvements on County Line Road north of Greenview Drive. Councilperson Stevenson stated that having the golf course in West Branch is important and thanked Mr. Sexton for his investment. Stevenson stated her willingness to fund a portion, but not all, of the cost of improving County Line Road north of Greenview Drive. Councilperson Miller stated that the City would not be required to construct a banquet facility as part of the new community center planned to be constructed in the future at the park space in Pedersen Valley if Sexton constructs a similar facility at Cedars Edge Golf Course, saving the City on future construction costs. Miller spoke in favor of assisting Sexton with road improvements, but stated that the water main should be constructed at Sexton's expense. Muckler stated that this discussion will assist in the creation of a development agreement.

Ms. Vanessa Fixmer-Oraiz, HBK Engineering, LLC – Lions Field Creek Restoration Project

Fixmer-Oraiz briefed the Council on a public meeting concerning the project which took place on June 13, 2016. There was a good turnout from residents and some confusion about the purpose of the project. Fixmer-Oraiz told the residents that the purpose of the project is not to reduce flooding at nearby homes, rather to control erosion on the creek and improve water quality. Fixmer-Oraiz stated that residents wanted to address who would maintain the land adjacent to the project area and some residents expressed an interest in purchasing land from the City. Fixmer-Oraiz discussed possible scenarios to address ownership and maintenance issues including the potential for the City to dedicate 20 or 30 feet of land to each landowner. Fixmer-Oraiz also discussed proposed creek bank restoration BMP's with residents. Mayor Laughlin expressed support for the trail to be constructed on the west side of the creek and stated that the Stream Team 2 was working to identify locations to install flood retention structures upstream to reduce flooding in the future. Councilperson Stevenson complimented Fixmer-Oraiz on the presentation and stated that this project, while not reducing flooding, would make the area more flood resilient and reduce erosion of the creek. City Attorney Olson advised the Council that turning over any land to residents in this project area could place those residents in the position of having to obtain flood insurance and therefore advised the Council against this approach.

Third Reading of Ordinance 739, rezoning two parcels of real property located north of West Main Street from Residence R-1 Single Family District to Residence/Business RB-1 District./Move to action.

School Board President Mike Colbert spoke in favor of the ordinance on behalf of the West Branch Community School District. Colbert stated that the project would help grow West Branch and provide employment opportunities for residents. Colbert stated that he would be opposed to an entrance to the parcel from Main Street, but would support an entrance located on County Line Road. Bruce Barnhart, owner of Barnhart's Custom Services, 412 E. Main Street, West Branch, IA, stated his support for the ordinance. Brad Larson, KLM partner, spoke on behalf of KLM Investments, Inc. in favor of the ordinance. Mayor Laughlin asked if the developer was still interested in bringing assisted living to the parcel at the intersection of Main Street and County Line Road. Larson stated that KLM was still interested and working to bring an assisted living facility to this parcel. Councilperson Shields thanked KLM for providing the Council with extensive information on this rezoning request.

Motion by Stevenson, second by Shields to approve third reading of Ordinance 739. AYES: Stevenson, Shields, Miller, Ellyson. Motion carried.

ORDINANCE NO. 739

AN ORDINANCE RE-ZONING TWO PARCELS OF REAL PROPERTY LOCATED NORTH OF WEST MAIN STREET FROM RESIDENCE R-1 SINGLE FAMILY DISTRICT TO RESIDENCE/BUSINESS RB-1 DISTRICT.

WHEREAS, KLM Investments, Inc. has petitioned the City of West Branch for a zoning district amendment for two parcels, Rezoning Parcels #1 and #3, both portions of Auditor Parcel G; and

WHEREAS, Parcel #1 is an approximate 12.77-acre parcel located in the Meadows Subdivision, said parcel being legally described as Beginning at the Southwest Corner of Auditor Parcel "G", in accordance with the Plat thereof recorded in Plat Book I, at Page 103 of the Records of the Cedar County Recorder's Office; Thence N01°19'13"W, along the West Line of said Auditor Parcel "G", 755.33 feet; Thence N88°40'47"E, 157.95 feet; Thence S81°06'34"E, 108.86 feet; Thence S74°08'16"E, 365.98 feet; thence S57°30'03"E, 273.91 feet; Thence S02°51'42"E, 452.25 feet, to a Point on the South Line of said Auditor Parcel G; Thence S87°06'47"W, along said South Line, 854.78 feet, to the Point of Beginning. Said Rezoning Tract contains 12.77 Acres (556,235 square feet), and is subject to easements and restrictions of record; and;

WHEREAS, Parcel #3 is an approximate 0.82-acre parcel located in the Meadows Subdivision, said parcel being legally described as Commencing at the Southeast Corner of Auditor Parcel "G", in accordance with the Plat thereof recorded in Plat Book I, at Page 103 of the Records of the Cedar County Recorder's Office; Thence N00°40'57"E, along the East Line of said Auditor Parcel "G", 46.71 feet; Thence S87°07'22"W, along said East Line, 350.51 feet, to the POINT OF BEGINNING; Thence continuing S87°07'22"W, 113.67 feet; Thence Northwesterly, 40.82 feet along a 25.00 foot radius curve, concave Northeasterly, whose 36.44 foot chord bears N46°05'56"W; Thence N00°40'47"E, 233.75 feet; Thence S89°19'13"E, 140.00 feet, to a Point on the East Line of said Auditor Parcel "G"; Thence S00°40'47"W, along said East Line, 251.65 feet, to the Point of Beginning. Said Rezoning Tract #3 contains 0.82 Acre (35,685 square feet), and is subject to easements and restrictions of record; and

WHEREAS, KLM Investments, Inc. has requested that both parcels be rezoned to be located in a Residence/Business RB-1 District, in place of a Residence R-1 Single Family District; and

WHEREAS, the West Branch Planning and Zoning Commission has considered and voted on a recommendation to the City Council on the disposition of said rezoning request; and

WHEREAS, a public hearing has been held on said request pursuant to published notice thereof.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of West Branch, Iowa :

Section 1. That the zoning map for the City of West Branch is hereby amended to show the parcels being located in a Residence/Business RB-1 District in place of a Residence R-1 Single Family District.

Section 2. This ordinance shall be in full force and effect from and after its publication as required by law.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 18th day of July, 2016.

Read First Time: May 2, 2016

Read Second Time: June 27, 2016

Read Third Time: July 18, 2016

Roger Laughlin, Mayor

ATTEST: _____

Matt Muckler, City Administrator/Clerk

Third Reading of Ordinance 740, amending Chapter 165 "Zoning Regulations."/Move to action.

Motion by Ellyson, second by Miller to approve third reading of Ordinance 740. AYES: Ellyson, Miller, Shields, Stevenson. Motion carried.

ORDINANCE NO. 740

AN ORDINANCE AMENDING CHAPTER 165 "ZONING REGULATIONS."

WHEREAS, the city staff of the City of West Branch, Iowa, believes that allowances for temporary directional signage for open house events in the city right-of-way should be allowed the Code section related to "For Sale" and "To Rent" signs; and

WHEREAS, the city staff of the City of West Branch, Iowa, believes that a clarification in the language contained within *Section 165.43 SIGNS* in the Zoning Code will aide Realtors and others wishing to buy and sell homes; and

WHEREAS, local Realtors have reviewed and provided input on these recommendations; and

WHEREAS, the City Council of the City of West Branch, Iowa has reviewed these recommendations and concurs with the city staff.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 "ZONING REGULATIONS" of the Code of West Branch, Iowa is hereby amended by revising the following subsection to Chapter 165:

165.43 SIGNS. – Amend as follows:

165.43(1) Permitted Signs, R District.

165.43(1) (B) "For Sale" and "To Rent" Signs, subject to the following:

165.43(1) (B) (2) No sign shall project beyond the property line into the public way, **except for an open house or similar event. For an open house, portable off-premises residential directional signs announcing directions to a specific residence open house for sale or rent shall not exceed 42 inches in height. These signs may be located on the right-of-way outside of vehicular and bicycle lanes, but shall only be permitted for 48 hours prior to the open house and must be removed immediately after the open house.**

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.

3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4. 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 this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 18th day of July, 2016.

First Reading: June 6, 2016

Second Reading: June 27, 2016

Third Reading: July 18, 2016

Roger Laughlin, Mayor

Attest: _____

Matt Muckler, City Administrator/Clerk

Resolution 1497, approving a "Wellness Policy" section in the City of West Branch, Iowa Employee Handbook./Move to action.

Councilperson Shields stated that it might be worthwhile to consider including elected officials as a part of this policy in the future. Motion by Ellyson, second by Miller to approve Resolution 1497. AYES: Ellyson, Miller, Stevenson, Shields. Motion carried.

Resolution 1502, hiring a youth counselor as a temporary Parks and Recreation employee for the City of West Branch, Iowa and setting the salary for the position for the fiscal year 2016-2017./Move to action.

Russell stated that this hire was needed for summer day camp. Councilperson Miller encouraged Russell to increase staffing in the coming year to ensure that adequate supervision is provided for every Parks and Recreation program. Miller stated that at least two paid staff should be part of every program than the City sponsors. Muckler stated that the City Council could consider additional part-time staffing in the coming year.

Motion by Miller, second by Shields to approve Resolution 1502. AYES: Miller, Shields, Stevenson, Ellyson. Motion carried.

Resolution 1503, approving advertising agreement with KCJJ./Move to action.

Mayor Laughlin approached KCJJ about advertising Hoover's Hometown Days and encouraged Council approval. Laughlin stated that this agreement would cost \$1,000 and also includes interviews with elected officials and other community members.

Motion by Ellyson, second by Stevenson to approve Resolution 1503. AYES: Ellyson, Stevenson, Shields, Miller. Motion carried.

Resolution 1504, approving a 28E agreement with the West Branch Community School District to employ a School Resource Officer./Move to action.

School Board President Mike Colbert spoke in favor of the resolution on behalf of the West Branch Community School District. President Colbert stated that Chief Horihan and Officer Steen attended the June School Board Meeting and presented a proposal. Colbert reported that the School Board recently voted unanimously in favor of

the 28E Agreement. Colbert stated that the School District has a great relationship with the West Branch Police Department and that this 28E Agreement would be a further extension of that partnership. Colbert also touted Officer Steen's sixteen years' experience. Councilperson Shields spoke in favor of the 28E Agreement, stating that it would be a great resource that would help children in the community and police officers get to know each other. Shields also stated that this agreement was another example of the partnership between the City and the School District. Councilperson Stevenson spoke in favor of the resolution. Stevenson asked about Officer Steen's uniform. Chief Horihan stated that the SRO would wear a casual police uniform and discussed Officer Steen's qualifications, training and impressive educational background. Councilperson Ellyson spoke in favor of the 28E Agreement and felt that it would help children be more comfortable in approaching law enforcement officers when they need assistance. Muckler stated that all of our police officers would continue to be part of the City's community policing programs and would have a continued presence in the School District. Superintendent Kevin Hatfield also spoke in favor of the resolution. Hatfield complimented the City's police officers and stated that the School District will continue to dealing with the day-to-day discipline in the schools and that police officers are pulled into discipline situations on rare occasions. Hatfield stated that this agreement would provide great benefits to the students. Motion by Stevenson, second by Shields to approve Resolution 1504. AYES: Stevenson, Shields, Miller, Ellyson. Motion carried.

CITY STAFF REPORTS

City Administrator Matt Muckler – ICAP Policy Recommendations

Muckler briefed the Council on recommendations from ICAP which included installing back-up power at the water plant, procuring insurance certificates from groups organizing events in town, and tracking maintenance records for all city vehicles.

Public Works Director Matt Goodale – CIP Construction Update

Goodale update the Council on the 4th Street Reconstruction Project and the Main Street Intersection and Sidewalk Improvements Project and discussed the water main in the project area. Councilperson Miller spoke in favor of replacing the section of water main from Northridge to Cargill. Mayor suggested to replace the line with a 12" line. Goodale reported that this repair would need to be paid for with capital improvement project funds.

Public Works Director Matt Goodale – Erosion Control at the Park Space in Pedersen Valley

Goodale suggested that the new park space in Pedersen Valley was seeded to reduce erosion on the site. Mayor Laughlin spoke in favor of this approach.

Public Works Director Matt Goodale – IDNR Wastewater Recommendations

Goodale reported that the DNR recommended repair of a curtain separating the second cell in the wastewater lagoons, repair of several leaks in the aeration piping, installation of a basket where influent enters the headworks of the wastewater system, and continued lining and grouting of the collection system.

Parks and Recreation Director Melissa Russell – Hoover's Hometown Days 2016

Russell provided the Council with the highlights of the 2016 Hoover's Hometown Days Celebration.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Mayor Laughlin reported that the Stream Team 2 met last week and is working on identifying areas that could accommodate flood retention structures upstream from West Branch in the watershed. Laughlin also reported on discussions with the IDOT on interstate signage on barns and silos.

ADJOURNMENT

Motion to adjourn regular meeting by Shields, second by Ellyson. Motion carried on a voice vote. City Council meeting adjourned at 9:18 p.m.

Roger Laughlin, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk