

*(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)*

**West Branch, Iowa  
Council Chambers**

**City Council Meeting**

**May 16, 2016  
7:00 p.m.**

Mayor Roger Laughlin called the West Branch City Council meeting to order at 7:00 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. Council member Brian Pierce was absent. Laughlin welcomed the audience and the following City staff: City Administrator Matt Muckler, Deputy City Clerk Gordon Edgar, City Attorney Kevin Olson, Police Chief Mike Horihan, Library Director Nick Shimmin and Fire Chief Kevin Stoolman.

**APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION.**

Approve minutes from the April 28, 2016 Special City Council Meeting.

Approve minutes from the May 2, 2016 City Council Meeting.

Approve claims.

Motion by Shields, second by Ellyson to approve agenda/consent agenda. AYES: Shields, Ellyson, Miller, Stevenson. Motion carried.

EXPENDITURES		5/16/2016
ALLIANT ENERGY	P & R 219 E GREEN	8,731.77
AMAZON	BOOKS AND SUPPLIES 5	95.48
BAKER & TAYLOR INC.	BOOKS	90.27
BARNHART'S CUSTOM SE	SPILL CLEANUP	2,895.00
BARRON MOTOR SUPPLY	REPAIR PARTS	36.66
BP AMOCO	FIRE - FUEL	283.95
CAJ ENTERPRISES INC	HAULING - SAND	205.25
COSTCO WHOLESALE LIBRARY	PROGRAM SUPPLIES	43.95
CROELL REDI-MIX INC	SAND	206.86
DEWEYS JACK & JILL	MISCELLANEOUS SUPPLIES	13.80
DIAMOND VOGEL PAINTS	TRAFFIC LANE PAINT	942.50
EBSCO INDUSTRIES, INC	MAGAZINE SUBSCRIPTIONS	31.50
GONGORA, JOSE	MILEAGE FOR TRAINING	106.80
HAZELHASKY LLC DBA HERB & L	MEALS FOR TRAINING EVENT	72.74
HOLIDAY INN DES MOINES	IMFOA CONFERENCE	583.66
HOLLYWOOD GRAPHICS	T-SHIRTS, JERSEYS YOUTH SPORTS	1,709.50
IHEARTMEDIA	ADVERTISING	236.00
IOWA ONE CALL	BURIED CABLE LOCATION	50.40
JOHNSON COUNTY REFUSE INC.	APRIL RECYCLING	4,661.60
KIRKWOOD COMM. COLLEGE	TRAINING	165.00
KUSICK, MIKE	MILEAGE FOR TRAINING	26.70
LINN COUNTY R.E.C.	SECURITY LIGHT GREENVIEW	138.00
LYNCH'S EXCAVATING INC	REPLACE MANHOLE-ORANGE & 4 <sup>TH</sup>	48,435.70
LYNCH'S PLUMBING INC	BACKFLOW VALVE INSPECTION	1,858.30
MECHANICSVILLE PUBLIC LIBRA	ICLIPART	12.50
MIDWEST FRAME & AXLE	STROBE WARNING LIGHT	236.28
MIDWEST JANITORIAL SERVICE	JANITORIAL SERVICE	656.26
MUNICIPAL SUPPLY INC	EQUIPMENT	152.00
OASIS ELECTRIC LLC	REPAIR LIGHT FIXTURES	415.63
OVERDRIVE INC	EBOOKS	197.00
PARKSIDE SERVICE	TIRE REPAIR	38.50
PEDEN, SHANELLE M	RECORDING ANIMAL CONTROL COMM	75.00
PLAY IT AGAIN SPORTS	SUPPLIES-SUMMER LEAGUE	278.00
PLUNKETT'S PEST CONTROL INC	RODENT CONTROL	47.59
QC ANALYTICAL SERVICES LLC	LAB SERVICE	1,209.00
QUALITY ENGRAVED SIGNS	OFFICE SUPPLIES	14.62
QUILL CORP	OFFICE SUPPLIES	256.89
SANDRY FIRE SUPPLY LLC	VEHICLE MAINT SUPPLIES	864.00
TOYNES IA. FIRE TRK. SERVICE	TRUCK REPAIR PARTS	55.96
TRUGREEN PROCESSING CENTER	LAWN SERVICE-LIONS FIELD	365.00
US BANK CORPORATE CARD	SUPPLIES, POSTAGE, TRAVEL	548.08
US BANK EQUIPMENT FINANCE	COPIER LEASE	300.80
WALMART COMMUNITY/GEMB	MAINT & PROG SUPPLIES, DVDS	154.91

WELLMARK, INC.	ADM-ANNUAL FLEX & CLAIMS FEE	530.80
WEST BRANCH FIREFIGHTERS	AEMT PRACTICE EXAM	175.00
WEST BRANCH TIMES	ADVERTISING & LEGAL NOTICES	1,498.82
TOTAL		80,204.03
PAYROLL 5-06-16		37,120.78
PAID BETWEEN MEETINGS		
CEDAR COUNTY COOPERATIVE	HERBICIDE	939.55
HORIHAN, MIKE	SHIPPING	55.57
TISINGER, MATT	MEDICAL REIMBURSEMENT, MILEAGE	3,633.60
UPS	SHIPPING	53.25
WEX BANK	VEHICLE FUEL	1,139.60
TOTAL		5,821.57
GRAND TOTAL EXPENDITURES		123,146.38
FUND TOTALS		
001 GENERAL FUND		40,605.11
022 CIVIC CENTER		227.68
031 LIBRARY		6,622.99
110 ROAD USE TAX		5,028.41
112 TRUST AND AGENCY		4,463.67
600 WATER FUND		21,084.32
610 SEWER FUND		45,114.20
GRAND TOTAL		123,146.38

## COMMUNICATIONS/OPEN FORUM

National Park Superintendent, Pete Swisher, briefed the Council on the Village Green Concert Series. It will kick-off on May 24<sup>th</sup> with the West Branch High School Jazz Band and continue every Thursday through July 28<sup>th</sup>. He also said there will be someone from his staff or the city staff conducting activities to entertain younger children each concert evening this summer. Also, on behalf of Jonny Stax, Superintendent Swisher invited elected officials and community members to a West Branch Promotions Strategy Session from 7:00 to 9:00 p.m. at Heritage Merchants on May 19<sup>th</sup>.

Nick Shimmin, Library/Information Technology Director for West Branch asked for input from the Council to help him with his selection of new microphones for the Council Chambers.

Police Chief Mike Horihan briefed the council on the status of the police force and spoke about seeking funding for three Automatic External Defibrillators. He had received \$2,000 from the Cedar County Foundation and will be receiving \$2,200 from the Lions Club.

Jerry Sexton spoke about his recent acquisition of the golf course and thanked the community members for their assistance in readying the course for play.

## PUBLIC HEARING/NON-CONSENT AGENDA

Approve street closure of the 100 block of S. Downey from 8:00 a.m. until 5:00 p.m. on Saturday June 4, 2016 for Summer Festival sponsored by Main Street West Branch./Move to action.

Erin Morrison-Vincent, owner of Little Lights Events and Nature's Grace Photography, briefed the Council on the upcoming Simply Summer Festival. In its inaugural year, the theme of the event will be "Summer Camp" and take place on June 3<sup>rd</sup> and 4<sup>th</sup> in West Branch.

Motion by Shields, second by Stevenson to approve street closure. AYES: Shields, Stevenson, Miller, Ellyson. Motion carried.

Public Hearing on proposed action to institute proceedings to enter into a loan agreement and to borrow money thereunder in a principal amount not to exceed \$400,000.

Entered Public Hearing at 7:25 p.m. Attorney Kevin Olson explained that two hearings must be held because the \$400,000 borrowing is for General Corporate Purposes and is taxable on individual Federal tax returns. The \$500,000 is for Essential Corporate Purposes and is double tax exempt. Exited Public Hearing at 7:27 p.m.

Public Hearing on proposed action to institute proceedings to enter into a loan agreement and to borrow money thereunder in a principal amount not to exceed \$500,000.

Entered Public Hearing at 7:27 p.m. No one asked to speak at the hearing. Exited Public Hearing at 7:28 p.m.

Resolution 1463, taking additional action on proposal to enter into Loan Agreements and combining Loan Agreements./Move to action.

Motion by Stevenson, second by Ellyson to approve Resolution 1463. AYES: Stevenson, Ellyson, Miller, Shields. Motion carried.

Resolution 1464, approving a five-year Agreement for Maintenance and Repair of Primary Roads in Municipalities between the City of West Branch and the Iowa Department of Transportation./Move to action.

Motion by Stevenson, second by Miller to approve Resolution 1464. AYES: Stevenson, Miller, Ellyson, Shields. Motion carried.

Resolution 1465, awarding the construction contract for the Main Street Intersections and Sidewalk Improvements Project./Move to action.

City Engineer Dave Schechinger spoke on the two bids received for the project and recommended accepting All American Concrete's bid for Scope 1.

Motion by Shields, second by Stevenson to approve Resolution 1465. AYES: Shields, Stevenson, Miller Ellyson, Motion carried.

Resolution 1466, hiring two youth counselors as temporary Parks and Recreation employees for the City of West Branch, Iowa and setting the salary for the positions for the fiscal year 2015-2016./Move to action.

Motion by Ellyson, second by Miller to approve Resolution 1466. AYES: Ellyson, Miller, Stevenson, Shields. Motion carried.

Resolution 1467, approving the purchase of a camera security system for the West Branch City Offices./Move to action.

Nick Shimmin, Library/Information Technology Director spoke briefly about the camera locations and what they would cover.

Motion by Shields, second by Stevenson, to approve Resolution 1467. AYES: Shields, Stevenson, Ellyson, Miller. Motion carried.

Discussion of Ordinance 740, amending Chapter 165 "Zoning Regulations."

City Administrator Muckler explained the purpose of the amendment is to allow directional signage for open houses to be installed on city right-of-way property forty-eight hours ahead of the event, which then must be removed immediately after the event. There was a consensus to send the amendment to P and Z for their recommendation.

Resolution 1469, ordering notice of public hearing on proposed plans and specifications, proposed form of contract and estimate of cost for construction of the Main Street Sidewalk Improvements – Phase 3 Project for the City of West Branch, Iowa, and the taking of bids therefor./Move to action.

City Administrator Muckler explained that the city would like to utilize the Revolving Loan Fund to finance the project as has been done with previous sidewalk projects and the city would like to complete the project before the annual Hoover's Hometown Days Celebration in August. City Engineer Schechinger described some of the issues such as curb heights and steps in front of buildings that will have to be settled before the project can be bid. Motion by Miller, second by Shields to approve Resolution 1469. AYES: Miller, Shields, Stevenson, Ellyson, Motion carried.

Discussion of Meadows Subdivision – Part 2 variance request, subdivider’s agreement and preliminary plat.

Brad Larson, representing KLM Investments, presented the latest version of the subdivision plan which included new plans for storm water drainage. Dave Schechinger, City Engineer, spoke about storm water drainage issues, City Administrator Muckler spoke about water drainage issues and the timing of sidewalk installation.

Third Reading of Ordinance 738, re-zoning an approximate 2.34 acre parcel of real property located north of West Main Street from Residence R-1 Single Family District to Residence R-2 Two Family District./Move to action.

**ORDINANCE NO. 738**

**AN ORDINANCE RE-ZONING AN APPROXIMATE 2.34 ACRE PARCEL OF REAL PROPERTY LOCATED NORTH OF WEST MAIN STREET FROM RESIDENCE R-1 SINGLE FAMILY DISTRICT TO RESIDENCE R-2 TWO FAMILY DISTRICT.**

WHEREAS, KLM Investments, Inc. has petitioned the City of West Branch for a zoning district amendment for an approximate 2.34-acre parcel located in the Meadows Subdivision, said parcel being legally described as Commencing at the Northeast 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 S86°46'30"W, along the North Line of said Auditor Parcel "G", 491.76 feet; Thence S03°13'30"E, 346.74 feet, to the POINT OF BEGINNING; Thence S19°24'18"E, 144.18 feet; thence Southwesterly, 163.12 feet, along a 980.00 foot radius curve, concave Southeasterly, whose 162.93 foot chord bears S65°49'36"W; Thence S61°03'30"W, 1.70 feet; Thence Northwesterly, 39.27 feet, along a 25.00 foot radius curve, concave Northeasterly, whose 35.36 foot chord bears N73°56'30"W; thence S61°03'30"W, 60.00 feet; thence S28°56'30"E, 17.22 feet; Thence S61°03'30"W, 197.17 feet; thence N32°15'55"W, 241.50 feet; thence N61°03'30"E, 271.17 feet; Thence S28°56'30"E, 23.66 feet; Thence N61°03'30"E, 68.43 feet; Thence S88°48'26"E, 80.24 feet; Thence S15°39'23"E, 32.45 feet; Thence N77°42'45"E, 86.21 feet, to the POINT OF BEGINNING. Said Rezoning Tract #2 contains 2.34 Acres (101,904 square feet), and is subject to easements and restrictions of record.; and

WHEREAS, KLM Investments, Inc. has requested that the Parcel be rezoned to be located in a Residence R-2 Two Family 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 Parcel being located in a Residence R-2 Two Family 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 16th day of May, 2016.

Read First Time: April 18, 2016  
Read Second Time: May 2, 2016  
Read Third Time: May 16, 2016

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Roger Laughlin, Mayor

ATTEST: \_\_\_\_\_  
Matt Muckler, City Administrator/Clerk

Motion by Ellyson, second by Stevenson, to approve third reading of Ordinance 738. AYES: Stevenson, Ellyson, Miller, Shields. Motion carried.

Second 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.

Helen Fawcett felt that high end professional offices were better suited for the west side of town as opposed to being located at the present Croell Redi-Mix site. She also was concerned about the city not wanting to do any rezoning as long as the Croell site is available.

Kathy Fate spoke in support of utilizing the Comprehensive Plan as a guide for rezoning. She said there should be a plan first, then a request for a zoning change. She also spoke about the speed of traffic approaching the school area from the west.

Brad Larson spoke in favor of rezoning, mentioning that they have received an inquiry about the availability of 10 acres for an assisted living facility.

Motion by Stevenson, second by Ellyson to approve second reading of Ordinance 739. This motion was withdrawn by Stevenson and Ellyson agreed to the withdrawal.

Motion by Miller to postpone the second reading of this ordinance to June 6, seconded by Shields. AYES: Miller, Shields, Ellyson, Stevenson. Motion carried

Resolution 1470, approving an offer to purchase real property with Hawkeye Land Company in the amount of \$22,000./Move to action.

Motion by Stevenson, second by Ellyson to approve Resolution 1470. AYES: Stevenson, Ellyson, Shields. NAYS: Miller. Motion carried.

## **CITY STAFF REPORTS**

Library/IT Director Nick Shimmin – Summer Reading Program

Nick reported that there will be a Summer Reading Program for kids 12 and under, for teenagers and for adults and the themes relate to activities, sports and games. Participants will receive prizes based on the number of books read. Kickoff for the Program will be June 3 with Olympic style games, free popcorn and snow cones. The programs will end July 31.

City Engineer Dave Schechinger - 4<sup>th</sup> Street Reconstruction Project Pre-Construction Meeting

A Pre-Construction meeting was held May 12<sup>th</sup> and the plan is to start work in the week of June 6. They want to keep affected homeowners informed through letters and posting info on the city website.

City Administrator Matt Muckler - Fire Department Volunteer Cadet Program

City Administrator Muckler reported that the Fire Department's Cadets are not covered through the City's Workmen's Compensation Insurance plan. He also reported that we are investigating how other fire departments insure the participants of cadet programs.

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

Mayor Laughlin reported meeting with Mrs. Miller's 3<sup>rd</sup> grade class in the Council Chambers and receiving an envelope of thank you notes and an envelope of West Branch promotional brochures prepared by the class.

## **ADJOURNMENT**

Motion to adjourn regular meeting by Miller, second by Shields. Motion carried on a voice vote. City Council meeting adjourned at 9:05 p.m.

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Roger Laughlin, Mayor

ATTEST: \_\_\_\_\_  
Gordon R. Edgar, Deputy City Clerk