

(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 19, 2014
7:00 p.m.**

Mayor Worrell opened the West Branch City Council meeting at 7:01 p.m. by welcoming the audience and the following City staff: Administrative Assistant Shanelle Peden, Library Director Nick Shimmin, Parks & Recreation Director Melissa Russell, Police Chief Mike Horihan, Public Works Director Matt Goodale, Zoning Administrator Paul Stagg, City Attorney Kevin Olson, City Engineer Dave Schechinger. Council members: Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, and Mary Beth Stevenson.

APPROVE AGENDA/CONSENT AGENDA

- a. Approve minutes from the May 5, 2014 City Council Meeting.
- b. Approve minutes from the May 5, 2014 City Council Work Session.
- c. Approve claims.
- d. Approve transfer of \$930.00 from the water fund to water sinking fund for SRF revenue bond loan payment.

Date 5-19-14

City of West Branch

Claims Register Report

Aero Rental Inc	Sewer - Power Rake Rental	495.00
Alliant Energy	Various Depts - Utilities	8,987.34
Amazon	Library/Cable - Supplies	392.17
Apparel 1 Screen Printing	P&R - Summer League Shirts	2,293.00
Baker & Taylor Inc.	Library - Books	1,274.83
Barco Products	Streets - Supplies	644.58
Barron Motor Supply	Streets/Fire/Police - Supplies	447.80
BP Amoco	Police/Fire/Cemetery - Fuel	1,540.97
Brown's West Branch	Police - 08 Ram Oil Change	43.40
Business Radio Sales	Fire - Service	103.50
CDW Government Inc.	Police - Paper For Computers	124.14
Cedar County Cooperative	Streets - Diesel Fuel	1,675.20
Cedar County Recorder	Legal - Recording Doc Fees	12.00
Cedar Rapids Photo Copy	Library - Service	52.58
Chauncey Butler Post 514	Cemetery - Flag	27.00
Chris Jones Trucking	Streets - Hauling Roadstone	247.68
City Construction Group	Refund For Water Meter	5,823.60
Community State Bank	Fire Dept Expansion Loan Pmt	8,364.57
Costco Wholesale	Library/Admin - Supplies	37.40

Croell Redi-Mix	Streets - Concrete	268.50
Culligan Water	Fire - Water Cond Rental	33.70
Debra Fiderlein	P&R - 2014 Session 3 Fitness	188.55
Deweys Jack & Jill	Lib/P&R/Cemetery - Supplies	50.56
Dreamhost Webhosting	Admin - Website Hosting	119.40
Earl May Nursery & Garden	Library - Plants	125.00
Ebsco Industries	Library - Subscriptions	920.99
Ed.M.Feld Equipment	Fire - Supplies	1,485.00
EFTPS	Federal Withholdings	5,579.52
Emslrc	Fire - Healthcare Cards	244.00
ETS Corporation	Admin - Credit Card Fees	40.78
F&B Communications	Admin - Web Hosting	29.95
Future Line Truck Equip	Streets - Cutting Edge	175.98
General Pest Control	Library - Pest Control	70.00
George Lawson Consulting	Library - Charrette Fee	4,169.12
Greatamerica Leasing	Admin - Copier Lease	252.06
Hampton Inn & Suites	Water - Lodging For Training	296.37
HBK Engineering	P&R - Eng Park Prj A13-0839	4,315.00
HD Cline Company	Cemetery - Oil Filter	110.33
Heiman Fire Equipment	Fire - Cylinders/Valves	20,054.15
Holiday Inn Des Moines	Admin - Lodging At Trng Conf	557.76
Image Trend	Fire - Res Bridge Setup Fee	500.00
IMWCA	Streets - Prorated WC Premium	7,154.00
Iowa Library Association	Library - Training	250.00
Iowa One Call	Water/Sewer - Service	39.60
Iowa Park And Recreation	Park & Rec - Conference Fee	210.00
Iowa State University	Fire - Ff2 Training Class	50.00
Jodi Yeggy	P&R - 2014 Session 3 Fitness	230.45
Joey Dean Wenndt	Admin - Is100 & 700 Trng Class	225.00
John Deere Financial	Cemetery/Water - Supplies	340.11
Johnson County Refuse Inc.	Recycling - April 2014	4,632.40
Kevin D Olson	Legal Services May 2014	1,500.00
King's Material	Cemetery - Supplies	338.85
Liberty Communications	Various Depts - Phone Service	1,086.41
Linn County R.E.C.	Streets - Utilities	220.00
Lynch's Excavating Inc	Water - Service	4,129.95
Lynch's Plumbing Inc	Water - Parts	12.60
Matt Parrott	Admin - Minute Book & Paper	275.59
Mediacom	Cable - Service	40.90
Menards	Cemetery - Plants & Supplies	758.17
Midwest Frame & Axle	Fire - Service Fire Truck	843.00
Midwest Janitorial Service	Adm/Police/Lib/TH-Cleaning	1,371.56
Moore's Welding Inc	Fire - Service New Fire Trk	507.38

Movie Licensing USA	Library - Site License	75.00
Municipal Supply Inc.	Water - Supplies	1,660.40
Oriental Trading Co. Inc.	Park & Rec - Easter Supplies	550.94
Overdrive	Library - Ebooks	618.86
Parkside Tire & Wrecker	Fire - Atv Tire Repair Labor	60.00
Paul Stagg	Water -Reimb For Fuel To Trng	44.40
Payroll Expense	Payroll Expense - 5-9-14	24,596.17
Pitney Bowes	Admin/Water/Sewer - Postage	500.00
Plunkett's Pest Control	Admin - Pest Control	91.52
Port 'O' Jonny Inc.	Park & Rec - Service	83.00
Qc Analytical Services	Sewer - Testing	730.00
Quill Corp	Library - Supplies	371.15
Red Buffalo Tree Service	Streets - Remove Trees	2,100.00
River Products Company	Streets - Roadstone	564.22
RK Dixon	Admin - Blk/Wht & Color Copies	680.95
S & S Flatwork	Streets-Sidewalk Repairs	2,130.00
Sandry Fire Supply	Fire - Supplies	432.00
Shanelle M Peden	Water/Cable - Reimb/Videotaping	320.23
Shawn Pierce	P&R- 2014 Session 3 Fitness	188.55
Sprint	Police - Service	179.97
Terence J Goerd	Admin - Building Inspections	350.00
Toynes Ia. Fire Trk.Serv	Fire - Step Light	31.92
Treasurer State Of Iowa	Iowa Sales Tax Ach Pmt - April	2,524.69
U Of Iowa: State Hygienic Lab	Water - Testing	163.00
Ups	Sewer - Shipping	101.04
Us Bank Equipment Finance	Library - Copier Contract	70.42
Us Cellular	Various Depts - Phone Service	550.41
USA Blue Book	Water - Hydrant Diffuser	323.56
Veenstra & Kimm Inc.	Engineering - Various Projects	19,045.48
Wageworks	Flex - Hcfsa2013 Russell Ach	9.00
Walmart	Library - Supplies	142.72
Water Solutions	Water - Blended Phosphate	2,442.00
Wellmark, Inc.	Admin -Flex Admin & Claims Fee	520.00
West Branch Firefighters	Fire-FDIC Fire Training Reimb	683.68
West Branch Ford	Sewer - Service 04 Ford	245.37
West Branch Repairs	Fire - Parts & Labor	349.76
West Branch Times	Sewer/P&R/Legal - Publications	970.32
Wex Bank	Police - Fuel	687.61
	Grand Total	161,577.79

Fund Totals

001 General Fund 83,184.01

022 Civic Center	836.78
031 Library	13,504.52
036 Tort Liability	7,154.00
110 Road Use Tax	6,203.84
112 Trust And Agency	1,856.99
226 Go Debt Service	8,364.57
600 Water Fund	22,436.97
610 Sewer Fund	9,144.61
614 Wastewater Lift Station	8,882.50
950 BC/BS Flexible Benefit	9.00
Grand Total	161,577.79

COMMUNICATIONS/OPEN FORUM

No comments were made during the communications/open forum.

Third Reading of Ordinance 718, amending the Code of Ordinances of the City of West Branch by creating and incorporating a storm water utility

Motion by Ellyson to approve Ordinance 718, second by Stevenson. AYES: Ellyson, Stevenson, Pierce, Shields. NAYS: Miller. Motion carried.

ORDINANCE NO. 718

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH BY CREATING AND INCORPORATING A STORM WATER UTILITY.

WHEREAS, the City Council of the City of West Branch, Iowa, has heretofore deemed it necessary and desirable to create a storm water utility for the construction, repair and maintenance of the storm water management system within the City; and

WHEREAS, in order to fund a storm water program, the City Council has heretofore deemed it necessary for the collection of fees from contributors and users of the storm water management system within the City.

NOW, THEREFORE, BE IT ORDAINED:

1, Amendment. The Code of Ordinances of the City of West Branch is hereby amended by incorporating the chapter entitled "Storm Water Utility", which reads as attached on Exhibit "A" attached hereto.

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 not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall be in full force and effect on July 1, 2014, after its passage, approval and publication as required by law.

First Reading: April 21, 2014
 Second Reading: May 5, 2014
 Third Reading: May 19, 2014

 Mark Worrell, Mayor

ATTEST:

 Matt Muckler, City Administrator/Clerk

Third Reading of Ordinance 721, amending Title Chapter 165 “Zoning Regulations”
Motion by Stevenson to approve Ordinance 721, second by Pierce. AYES: Stevenson, Pierce, Ellyson, Miller, Shields. NAYS: None. Motion carried.

ORDINANCE NO. 721

AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS”

WHEREAS, the City Council of the City of West Branch, Iowa, has heretofore deemed it necessary and desirable to create a public use zoning district; and

WHEREAS, the City Council has updated its zoning map and assigned all public uses with a P-1 zoning designation.

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 deleting Section 165.24 in its entirety and inserting in lieu thereof:

165.24 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES. For the purpose of this chapter, the City is hereby divided into the following districts:

Agricultural	A-1 District
Residence	R-1 Single Family District
Residence	R-2 Two Family District
Residence	R-3 Multiple Family District
Residence/Business	RB-1 District
Business	B-1 District
Business	B-2 District
Industrial	I-1 District
Industrial	I-2 District
Flood Plain	FP District
Highway Commercial Industrial	HCI District
Central Business	CB-1 District
Central Business	CB-2 District
Central Industrial	CI-2 District
Public Use	P-1 District

Said districts are bounded and defined as shown on a map entitled “Zoning District Map, West Branch, Iowa,” adopted May 19, 2014, which, with all explanatory matter therein, is hereby made a part of this chapter.

2. 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 adding the following section to Chapter 165:

165.XX PUBLIC USE DISTRICT.

It is the intent of the Public Use District (P-1) to provide reference on the zoning map to public uses of land. Thus, land owned by the United States Federal Government, the State of Iowa, Johnson or Cedar County, the West Branch Community School District, the City of West Branch or other governmental entities will be designated Public Use.

1. Permitted Principal Uses and Structures.
 - A. Use of land, buildings, or structures of the aforementioned Federal and State governments or political subdivisions thereof.
 - B. Agriculture.
2. Permitted Accessory Uses and Structures. Uses subject to the provisions of Section 165.07.
3. Special Exceptions. None.
4. Minimum Lot Areas and Width. None.
5. Minimum Yard Requirements. None.
6. Maximum Height. None.
7. Minimum Off-Street Parking and Loading Spaces. All parking and loading areas shall be constructed and loading facilities shall be provided in the following required amounts:
 - A. Public community center or library – 10 spaces plus one space for every 200 square feet of floor area in excess of 2,000 square feet.
 - B. Schools – one space for each classroom or office space plus one space for every ten seats of average seating in the main auditorium, stadium, or place of public assembly.

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

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

5. 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 19th day of May, 2014.

First Reading: April 21, 2014
Second Reading: May 5, 2014
Third Reading: May 19, 2014

Mark Worrell, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

Third Reading of Ordinance 723, amending Title “Police, Fire, and Emergencies”, Chapter 31
“Reserve Police Force”

Motion by Stevenson to approve Ordinance 723, second by Ellyson. AYES: Stevenson, Ellyson, Pierce, Miller, Shields. NAYS: None. Motion carried.

ORDINANCE NO. 723

AN ORDINANCE AMENDING TITLE “POLICE, FIRE AND EMERGENCIES”, CHAPTER 31 “RESERVE POLICE FORCE”

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 31 “RESERVE POLICE FORCE” of the Code of West Branch, Iowa is hereby amended by deleting subsection 1 of section 31.01 “POLICE RESERVES CREATED” in its entirety and inserting in lieu thereof:

31.01 POLICE RESERVES CREATED

1. Membership: The police reserves shall consist of a volunteer police reserve company composed of no more than six (6) members. Membership in the police reserves shall be determined by standards as provided pursuant to Iowa Code, Sec. 80D.1 et seq. All prospective members of the reserves shall submit to the MMPI psychological test before commencing duties with the City. Members of the police reserves shall be appointed by the Mayor, subject to approval by the Council, and after taking an oath of office.

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 19th day of May, 2014.

First Reading: April 21, 2014
Second Reading: May 5, 2014
Third Reading: May 19, 2014

Mark Worrell, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

Resolution 1196, setting salaries for appointed officers and employees of the City of West Branch, Iowa for the fiscal year 2014-2015

Motion by Shields to approve Resolution 1196, second by Stevenson. AYES: Shields, Stevenson, Ellyson, Miller, Pierce. NAYS: None. Motion carried.

Public Hearing on amending the current budget for the fiscal year ending June 30, 2014

Worrell opened the public hearing at 7:05 p.m. With no comments from mayor, council, or the public, Worrell closed the public hearing at 7:06 p.m.

Resolution 1200, amending the current budget for the fiscal year ending June 30, 2014

Motion by Shields to approve Resolution 1200, second by Pierce. AYES: Shields, Pierce, Ellyson, Miller, Stevenson. NAYS: None. Motion carried.

Resolution 1201, approving changes to the existing Linn County Rural Electric Cooperative Street Light System

Motion by Miller to approve Resolution 1201, second by Pierce. AYES: Miller, Pierce, Ellyson, Shields, Stevenson. NAYS: None. Motion carried.

Resolution 1202, approving the City of West Branch Mission Statement

Stevenson acknowledged the additions made to the mission statement, and asked that additional language be added which would include preservation and enhancement of West Branch's historical significance.

Motion by Shields to postpone Resolution 1202 to June 2, 2014, second by Stevenson. AYES: Shields, Stevenson, Ellyson, Miller, Pierce. NAYS: None. Motion carried.

Resolution 1203, approving the placement of Little Free Libraries at Wapsi Creek Park and Beranek Park

Shields asked if a little free library could be placed at Lions Field. Russell responded that Staff was contacted by students from West Branch High School regarding the specific locations.

Motion by Pierce to approve Resolution 1203, second by Miller. AYES: Pierce, Miller, Ellyson, Shields, Stevenson. NAYS: None. Motion carried.

City Attorney Kevin Olson – Urban Renewal Plan Amendment Update

Olson noted that a consultation was held on May 14, 2014 at 5:30 p.m. for affected taxing entities to attend the public hearing on the proposed amended and restated West Branch Urban Renewal Plan. Olson also noted that no representatives were in attendance at the May 14, 2014 consultation. Olson closed his remarks by stating that a public hearing as well as a resolution will be brought forth to Council for the June 2, 2014 meeting.

Park & Rec Director Melissa Russell – Community Center Building Project RFP

Russell indicated that information had been sent and a deadline of May 23, 2014 for proposals was given. Stevenson mentioned that she had the opportunity to see the community center in Wellman, Iowa. Shields asked if Council would have an opportunity to review the information that would be received by City Staff. Russell indicated that she and City Administrator Matt Muckler would be reviewing the submissions.

Chief Mike Horihan – Proposed No Parking Ordinance (4-5 Greenview Drive)

Horihan noted that the Police Department has reviewed the area and has expressed concern for public safety due to the lack of visibility in the area. Debbie Joens, 5 Greenview Drive, indicated that she and residents of her home attempt to park in the grass in order to avoid congestion in the road. Horihan noted that the Department is recommending no parking in the area to improve overall public safety. Horihan closed his statements, indicating that he intends to bring back an ordinance amending the parking regulations in that area for the June 2, 2014 Council meeting.

Main Street Executive Director Mackenzie Krob – Hoover’s Hometown Days Planning Update

Krob remarked that street closures have been confirmed and will be forthcoming to Council at the June 2, 2014 meeting. Krob indicated that the closures will allow Main Street to host a car show as well as antique tractors, trucks, and pony rides. Krob finally noted that Music on the Green concerts will be held at the Village Green on Thursday evenings in June.

City Engineer Dave Schechinger – Ohrt Street Stormwater Issues

Schechinger noted that he and City Staff went to review the area on May 12, 2014 to assess water flow issues that had been occurring. Schechinger also noted that perimeter control from property is first borne by the developer, then subsequently to the property owner. Stevenson noted that this type of activity was not acceptable and asked if some type of infiltration or re-grading could be done to the area. Schechinger recommended that the area be re-graded, but not necessarily at a cost to the City. Amanda Rushton, 155 Ohrt Street, noted that the water around her home is making a ninety degree turn and eroding the land. Schechinger noted that the area may not be graded properly. Olson added that Chapter 170 of the City’s Code clarifies the requirement for contractors on rainwater runoff. Jerry Strawn, Vice President of PV Properties, remarked that he felt that the developer should not bear the cost of re-grading an area once the property is sold. Angie Cochran, 801 W Orange Street, asked why the sidewalk on the south side of the 800 block of West Orange Street is depositing sediment in the area.

City Engineer Dave Schechinger – Pedersen Valley Part IV Stormwater Issues

Schechinger continued the prior discussion by mentioning that the water and its velocity are causing the runoff. Craig Cochran, 801 West Orange Street, asked what could be done for the City to take a section of the area for an easement. Schechinger mentioned that development of an easement would need to be agreed upon by all involved property owners to allow the City access to the area. Brian Driscoll, 701 West Orange Street, asked Council if they had viewed the video he had sent regarding the water flow near his home. Driscoll acknowledged his sister, Jane Driscoll, an engineer, was in attendance seated to his left. Jane Driscoll asked if the Meadows Subdivision was in compliance in regards to proper drainage practices. Olson clarified the purpose of a storm sewer and noted that not all homes are conducive for development of flat lots. Stevenson remarked that it would be important for the City to have a post-development stormwater ordinance. Schechinger noted that this type of ordinance would require a significant amount of time from a staff person to oversee the process. Miller added that when the City constructs infrastructure connections, it does so with the understanding of the approximate flow of the area. Schechinger presented some grading options to the Council that have been used in the past to remedy this type of issue. He also noted that the City recently adopted the Iowa Stormwater Management Manual. Rick DeClue, 518 N Downey Street #1, noted that stormwater runoff has been a difficult issue for municipalities now and years ago. Stevenson asked if a stormwater detention pond/basin could be required before development in an area begins.

COMMENTS FROM MAYOR AND COUNCIL

Pierce noted that he had the opportunity to speak to a third grade class at Herbert Hoover Elementary School in regards to his role on the Council. Pierce noted that the students posed intelligent questions, and Worrell indicated he also was in attendance and echoed those sentiments.

ADJOURNMENT

Motion by Ellyson to adjourn the city council meeting, second by Shields. Motion carried on a voice vote. City Council meeting adjourned at 9:30 p.m.

Mark Worrell, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk