

# *City of West Branch*

~ A Heritage for Success ~

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## **CITY COUNCIL MEETING AGENDA** **Monday, February 7, 2011 • 6:30 p.m.** **City Council Chambers, 110 North Poplar Street** *Action may be taken on any agenda item.*

1. Call to order
2. Roll call
3. Welcome
4. Approve Agenda/Consent Agenda/Move to action.
  - a. Approve minutes from the January 18, 2011 City Council Public Hearing, Work Session, and Council Meeting.
  - b. Approve transfer of \$1,670.00 from Enlow Building Fund CD to Library–General Fund.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
  - a. Approve Resolution 927, appointing Kevin D. Olson as West Branch City Attorney and setting the compensation for the city attorney position at \$15,000 annually./Move to action.
  - b. Approve Resolution 925, Salute to Hospitalized Veterans Day Proclamation./Move to action.
  - c. Approve Resolution 926, amending the City of West Branch, Iowa Employee Handbook./Move to action.
  - d. Second reading of Ordinance 673 amending Chapter 30 “POLICE DEPARTMENT” by adding the following section, Section 30.11: 30.11 RESIDENCY REQUIREMENT: All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City./Move to action.
  - e. First reading of Ordinance 674 re-zoning the south eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2./Move to action.
  - f. Approve revenues and expenditures for all funds in the FY 2011-12 Annual Budget./Move to action.
  - g. Discussion of gas and electric franchise agreements.
  - h. Discussion of request for proposal for plans for a community center.
  - i. Approve Class C Liquor License with Living Quarters, Outdoor Service and Sundays Sales Permits for Fox Run Golf & Country Club.
7. Mayor
  - a. Appointments/Reappointments/Move to action.
    - i. West Branch Park and Recreation Commission – Becky Hosier
8. Reports
  - a. City Administrator Matt Muckler – Discussion of Council Liaisons for Boards and Commissions
9. Adjourn

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**Mayor:** Don Kessler • **Council Members:** Mark Worrell, David Johnson, Robert Sexton, Jim Oaks, Dan O’Neil  
**City Administrator/Clerk:** Matt Muckler • **Deputy City Clerk:** Dawn Brandt • **Library Director:** Nick Shimmin  
**Parks & Recreation Director:** Melissa Russell • **Police Chief:** David Bloem • **Fire Chief:** Kevin Stoolman

**(The following is a synopsis of the minutes of the West Branch City Council public hearing. 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  
City Council Chambers**

**Public Hearing**

**January 18, 2011  
5:45 p.m.**

The West Branch City Council opened in special session with Mayor Don Kessler presiding for the purpose of a Public Hearing on the matter of re-zoning the south 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2. Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks were in attendance.

City staff in attendance: City Administrator/Clerk Matt Muckler, Deputy City Clerk Dawn Brandt, Park & Rec. Director Melissa Russell, Police Chief David Bloem, Fire Chief Administrator Dick Stoolman.

Worrell asked if anyone had responded and was opposed to the re-zoning. City Administrator Matt Muckler stated that there had been no opposition.

ADJOURNMENT.  
Public Hearing adjourned at 5:49 pm.

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Don Kessler, Mayor

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

*(The following is a synopsis of the minutes of the West Branch City Council Work session. 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 Work Session**

**January 18, 2011  
5:49 p.m.**

Mayor Don Kessler opened the Work Session by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, Deputy City Clerk Dawn Brandt, Park and Rec Director Melissa Russell, Fire Chief Administrator Dick Stoolman, and Police Chief David Bloem.  
Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks.

Discussion of Neumann Monson Architects Feasibility Study for Cookson Community Center.

Mr. Kim McDonald presented the Cookson Community Center study and gave a structural analysis of the existing building. The building is structurally sound but not suited for recreational activities. Several maintenance conditions were identified:

- 1) Entire roof replacement
- 2) Tuck pointing exterior brick masonry
- 3) Modify exterior grading to assure water drains away from the foundation
- 4) Asbestos Abatement
- 5) Window replacement
- 6) Fire safety improvements
- 7) HVAC system improvements
- 8) Electrical system improvements
- 9) Telecommunications system improvements
- 10) Safety and security system improvements

Mr. McDonald also provided options for future potential recreation facilities.

**ADJOURNMENT**

Motion by Mayor Don Kessler to adjourn. City Council Work Session adjourned at 6:15 p.m.

\_\_\_\_\_  
Don Kessler, Mayor

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

*(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**

**January 18, 2011  
6:32 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, City Attorney Bruce Goddard, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Police Chief David Bloem, Park & Rec. Director Melissa Russell, Fire Chief Administrator Dick Stoolman, Crime Data Processor Gina Heick, and Fire Chief Kevin Stoolman. Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks.

Motion by Johnson and second by Sexton to amend the current agenda and remove item 6d) Approve re-zoning the south 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2 and bring it back with proper notification for the first reading at the next Council Meeting on 2/7/11.

Roll call vote – AYES: Johnson, Sexton, Worrell, O'Neil, Oaks. Motion carried.

**APPROVE AGENDA/CONSENT AGENDA**

- a) Approve minutes from the January 3, 2011 City Council Work Session and the January 3, 2011 City Council Meeting.
- b) Approve claims.

<b>City of West Branch Claims - 1/18/11</b>			Hach Company	supplies	168.54
Agvantage FS Inc.	LP gas	763.64	Heick, Gina	cleaning	40.00
Alliant Energy	utilities	8036.87	Hygienic Lab	water testing	142.00
Altoona Public Library	lost item	26.50	Iowa Business Supply	office supplies	553.71
Amazon	supplies	43.20	Iowa City Press Citizen	attorney ad	220.60
Aramark	service	309.97		service	
Baker & Taylor Books	books	643.17	Iowa Network Services	contract	26.99
Barron Motor Supply	supplies	388.87	Iowa One Call	service	27.90
BDC Building Plan Review	service	90.30	Iowa Workforce Development	unemp. claim	6161.18
	grave		Johnson County Mutual Aid	annual dues	95.00
Bean & Bean	openings	5000.00	Johnson County Refuse	recycling	3543.50
Bloem, David	reimbursement	107.51		training	
Business Radio Sales	repair service	20.00	Kirkwood College	classes	425.00
Cedar County Public Health	flu shots	125.00		elevator	
Cedar Rapids Photo Copy	service	65.35	Kone Inc.	service	450.00
Central Iowa Distributing	cleaner	44.55	Lease Consultants Corp.	service	59.00
Chris Jones Trucking	roadstone	441.62	Lenoch & Cilek	supplies	9.99
City Electric	light bulbs	138.76	Liberty Communications	utilities	1126.75
Creative Software Service	service	191.25	Linn Co. REC	utilities	102.00
Cusumano, Chris	credit refund	79.18	Lynch Excavating Co.	service	1985.60
	97 F-700		Matt Parrott	billing forms	474.13
Dave Seydel Auto & Truck	service	179.42	Menards	supplies	1366.85
	Oshkosh		Ann Nash	cleaning	480.00
Dave's Welding & Repair	service	300.00	Oasis Electric	repair service	549.68
Deweys Jack & Jill	supplies	110.75	Payroll	01/01/2011	40703.15
	carpet		Payroll	01/14/2011	32319.95
Duraclean	cleaning	600.00	Peden, Shanelle	videotaping	150.00
Ed M Feld Equipment	helmet	284.50	Plato Electric	service	568.80
Farm & Home Publishers	books	76.20	Plumber's Supply	supplies	14.70
Farm Plan	supplies	146.15	Plunkett's Pest Control	service	24.00
Fleet Services	fuel	371.73	QC Analytical Services	sewer testing	690.00
General Pest Control	service	100.00	Quality Engraved Signs	supplies	66.00
Goddard, Atty. Bruce	legal service	160.00	Radioshack Corporation	power supply	95.98

River Products	roadstone	967.00	West Liberty Index	attorney ad	14.63
Rohret, Rikki & Julie	credit refund	40.91			
Safariland LLC	supplies	35.69	<b>Total</b>		<b>\$117,614.26</b>
	security				
Security Camera Direct	camera	202.16	<b>Fund Totals</b>		
Spahn & Rose Lumber	supplies	137.25	General Fund	53253.22	
	service		Civic Center	748.22	
Sprint	contract	179.97	Library	8944.39	
Staples	office supplies	23.48	Road Use Tax	9909.06	
Sulzner, Ellen	cleaning	544.00	Police Recovery Act Grant	2508.22	
Thein Motor Sales	repair service	480.25	Trust & Agency	10663.98	
Tipton Conservative	attorney ad	16.54	Water	18004.63	
Treasurer State of Iowa	sales tax	1772.48	Sewer	13582.54	
Treasurer, Iowa State Univ.	training			\$117,614.26	
UPS	classes	195.00			
US Cellular	shipping	62.90			
Walmart	service	533.37			
West Branch Repairs	supplies	191.43			
West Branch Times	service/battery	235.16			
	publications	496.55			

Roll call vote – AYES: Johnson, Sexton, Worrell, O’Neil, Oaks. Motion carried.

**The Clerk reported the following receipts for the month of December 2010:**

Water, Sewer, Recycling	\$	48,204.25	Cedar Co. Property Tax	\$	12,999.56
Water Utility Deposits	\$	350.00	Johnson Co. Prop. Tax	\$	541.72
Cookson Rent	\$	130.00	Road Use Tax	\$	16,005.65
Town Hall Rent	\$	345.00	Fines	\$	1,097.42
Misc.	\$	259.00	Twp. Fire Contract	\$	33,327.23
Library	\$	1,961.92	Building Permits	\$	150.00
Donations	\$	31,442.95	Police Department Grant		
Interest	\$	370.18	Krouth Fund Interest	\$	0.36
Investments Interest	\$	912.82	M. Gray Savings Interest	\$	2.03
Cable fees			Cemetery Perp. Care Int.		
Hometown Days			MV Fuel Tax Refund		
Cat & Dog Registrations	\$	200.00	Reimbursement/Refunds		
Beer & Liquor Lic. Fees	\$	275.00	Grave Openings		
Park & Rec. Activities	\$	340.00	Cemetery Lots		
<b>SUBTOTAL</b>	<b>\$</b>	<b>84,791.12</b>	<b>SUBTOTAL</b>	<b>\$</b>	<b>64,123.97</b>
			<b>TOTAL</b>	<b>\$</b>	<b>148,915.09</b>

**The Clerk reported the following balances on hand for the month of December 2010:  
(Balances =Financial Statement Report Bank Balance + Investments)**

Funds	Bank Balance	Investments	Total
001 General	\$ 244,168.26	\$ 228,723.32	\$ 472,891.58
011 Police Donations	\$ 8,601.54	\$ -	\$ 8,601.54
014 Fire Dept. Donations	\$ 52,150.00	\$ -	\$ 52,150.00
018 Park Donations	\$ 5,388.71	\$ -	\$ 5,388.71
022 Civic Center	\$ 10,936.32	\$ 23,166.55	\$ 34,102.87
031 Library Operating	\$ (6,793.08)	\$ 16,310.85	\$ 9,517.77
036 Tort Liability	\$ 5,733.48	\$ -	\$ 5,733.48
050 Home Town Days	\$ 11,473.28	\$ -	\$ 11,473.28
110 Road Use Tax	\$ 172,119.25	\$ 29,819.47	\$ 201,938.72
111 Police Recovery Act Grant	\$ (1,255.68)	\$ -	\$ (1,255.68)
112 Trust & Agency	\$ 36,001.72	\$ -	\$ 36,001.72
119 Emergency Tax Fund	\$ 50,094.12	\$ -	\$ 50,094.12

121 Local Option Tax	\$	-	\$	-	\$	-
125 TIF	\$	590,749.99	\$	-	\$	590,749.99
160 Economic Develop.	\$	138,934.85	\$	-	\$	138,934.85
200 Debt Service	\$	1,354.33	\$	-	\$	1,354.33
226 SRF Debt Service	\$	84,626.29	\$	-	\$	84,626.29
300 Capital Improvement	\$	274.23	\$	-	\$	274.23
500 Cemetery Perpetual	\$	9,253.84	\$	88,000.00	\$	97,253.84
501 Krouth Fund Principal	\$	-	\$	101,238.58	\$	101,238.58
502 Krouth Enlow Int. Fund	\$	8,500.71	\$	23,382.71	\$	31,883.42
600 Water Operating	\$	225,115.19	\$	123,900.21	\$	349,015.40
603 Water Sinking Fund	\$	21,166.64	\$	-	\$	21,166.64
610 Sewer Operating	\$	129,377.29	\$	76,587.19	\$	205,964.48
<b>TOTAL</b>	<b>\$</b>	<b>1,797,971.28</b>	<b>\$</b>	<b>711,128.88</b>	<b>\$</b>	<b>2,509,100.16</b>

### COMMUNICATIONS/OPEN FORUM

Pete Swisher introduced himself to the Council, as the new Herbert Hoover National Historic Site Superintendent.

### PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL

Councilman Mark Worrell - Recognize City Attorney Bruce Goddard for his twenty-five years of service to the residents of the City of West Branch. Worrell presented City Attorney Goddard with a plaque. Mayor Kessler also thanked Bruce for his years of service.

First reading of Ordinance 673 amending Chapter 30 "POLICE DEPARTMENT" by adding the following section, Section 30.11: 30.11 RESIDENCY REQUIREMENT: All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City/Move to action.

Johnson said that he would like to have the residency requirement for the Police department consistent with the Fire Department, requiring all police officers to live within a five mile radius of the city. O'Neil stated that he is in favor of this ordinance for all officers. Worrell said that Fire is a volunteer dept. and it would be hard to get 30 members to live in town. The Police Department has three full-time paid employees and he feels that all three should live in town.

Motion by Worrell, second by O'Neil to approve First reading of Ordinance 673. Roll call vote – AYES: Worrell, O'Neil, Oaks. NAYS: Johnson, Sexton. Motion carried.

Approve a \$75 annual fee payable to West Branch Animal Control by the owner of Lucy, a black lab with a micro chip, that has been classified as having engaged in Level 3 behavior, due at the time the dog license is renewed each year as long as the owner continues to possess the Level 3 animal within the City limits./Move to action.

Gloria Dorr explained to the Council what happened on her property in her fenced in yard. Her daughter and their dog were in the yard and the neighbor's dog Lucy came under the fence and attacked Gloria's dog. Johnson asked if the dog was registered with the City. Chief Bloem stated that it was not registered. Chief Bloem explained the different levels and classified Lucy at the Level 3. The animal commission suggested the \$75.00 annual fee for this case. Johnson stated that the ordinance should be re-written with the fees for the different levels.

Motion by Sexton, second by Johnson to approve a \$75 annual fee payable to West Branch Animal Control by the owner of Lucy. Roll call vote – AYES: Sexton, Johnson, Worrell, O'Neil and Oaks. Motion carried.

Discussion and approval of initial revenue estimates, general fund salary amounts, and general fund departmental non-salary expenditure amounts./Move to action.

For the February 7, 2011 meeting, Council requested to see the progression of the budget process from the initial director request (1/3) to the administrator recommendation (1/18) to the initial Council approval (1/18). At the February 7, 2011 Council Meeting, Council will discuss line items of concern and make any reductions that they

choose to make. Approximately \$8,000 of additional reductions still need to be made so that general fund expenditures do not exceed revenues. As agreed by the Council at the December 20, 2010 Council Work Session, increases to any general fund department or line item can only be funded with a corresponding decrease from another department or line item.

**MAYOR DON KESSLER**

Appointments/Reappointments

a) West Branch Public Library Board - Peter Pappas

b) West Branch Public Library Board – Laura Gongora

Motion by Johnson, second by O’Neil to approve appointments. Roll call vote – AYES: Johnson, O’Neil, Worrell, Sexton, Oaks. Motion carried.

**REPORTS**

Crime Data Processor Gina Heick – West Branch Police Department Monthly Report.

Gina Heick presented the Police Department’s December calls for service.

Code of Ordinances, Chapter 155.02 – Building Permit Fees

Council discussed the current building permit fees which are from the State building code. Worrell said to look at what other communities around us are charging.

**ADJOURNMENT**

Motion by Sexton to adjourn. City Council meeting adjourned at 8:24 p.m.

\_\_\_\_\_  
Don Kessler, Mayor

ATTEST:

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

**CITY OF WEST BRANCH  
COUNCIL ACTION REPORT**

MEETING DATE: February 7, 2011 AGENDA ITEM: 6a

DATE PREPARED: February 2, 2011

STAFF LIAISON: Matt Muckler, City Administrator

ACTION TITLE: Resolution 927, appointing Kevin D. Olson as West Branch City Attorney and setting the compensation for the city attorney position at \$15,000 annually.

WORKSHOP    SPECIAL    CONSENT    NON-CONSENT    TABLED    PUBLIC HEARING

**RECOMMENDATIONS:**

Approve Resolution 927, appointing Kevin D. Olson as West Branch City Attorney and setting the compensation for the city attorney position at \$15,000 annually.

**PROJECT DESCRIPTION:**

Chapter 20 City Attorney, Chapter 20.01 Appointment and Compensation state the following: "The Mayor shall appoint, subject to approval by majority vote of the Council, a City Attorney to serve at the discretion of the Mayor. The City Attorney shall receive such compensation as established by resolution of the Council."

Resolution 927 would appoint Kevin D. Olson as the West Branch City Attorney. The pay for the position will be set at an annual rate of \$15,000, paid in monthly payments of \$1,250. This fee will include all ordinary legal work, which consists of everything other than extraordinary litigation.

**ATTACHMENTS:**

Resolution 927  
Resume – Kevin D. Olson

CURRENT FISCAL YEAR TOTAL COST (as reflected in motion) 6-001-640-6490

BUDGETED       UNBUDGETED FISCAL YEAR BUDGET (check one)      \$6,250

**RESOLUTION 927**

A RESOLUTION APPOINTING KEVIN D. OLSON AS THE WEST BRANCH CITY ATTORNEY AND SETTING THE COMPENSATION FOR THE CITY ATTORNEY POSITION AT \$15,000 ANNUALLY.

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

SECTION 1. Kevin D. Olson is appointed as the West Branch City Attorney.

SECTION 2. The city attorney position will be paid \$15,000 per year in monthly payments of \$1,250.

SECTION 3. The compensation for the city attorney position will include all ordinary legal work, which consists of everything other than extraordinary litigation.

SECTION 4. This resolution will be effective upon final passage of the City Council.

Passed and Approved this 7<sup>th</sup> day of February, 2011.

\_\_\_\_\_  
Don Kessler, Mayor

ATTEST:

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

## KEVIN D. OLSON

2031 North Ridge Drive  
Coralville, Iowa 52241

e-mail: [kevin-olson@mchsi.com](mailto:kevin-olson@mchsi.com)

cell phone: 319-330-7650

telephone: 319-354-3600

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### SUMMARY OF QUALIFICATIONS:

Considerable experience and strong background in municipal law, real estate transactions, contract law, tort law, insurance law, and claim resolution. Qualified in income tax preparation; providing advice on future tax planning for both individuals and small businesses. Experienced in estate planning. Licensed to practice law within the state of Iowa.

### PROFESSIONAL EXPERIENCE:

#### Law Offices of Kevin D. Olson

(1999 to present)

- Experienced in drafting, review and enforcement of purchase agreements, lease agreements and other documents relating to real property, including conducting abstract examinations and real estate closings.
- Assist individuals with estate planning and probate matters.
- Handle complex real estate and business transactions for municipalities.

#### City Attorney, City of Coralville, Iowa

(2008 to present)

- Appointed City Attorney for the City of Coralville in 2008. Responsible for legal services on a variety of topics in the field of municipal law. Advise the city's boards and commissions, including the Coralville City Council, the Coralville Planning and Zoning Commission, the Coralville Board of Adjustment, the Coralville Civil Service Commission and the Coralville Library Board of Trustees on its statutory duties.
- Work closely with all city Departments, including the City Administrator, Finance Officer, City Engineer, Building and Zoning Official, and police and fire Departments, on matters of contract, land use and zoning, construction, real property and right-of-way matters, criminal and civil prosecutions and employment issues.
- Successfully negotiated agreements for redevelopment between the city and private entities, including agreements for the Iowa Bioventures Center and the Coralville Center for the Performing Arts.
- Formulated and structured agreements with private developers for the construction of large-scale residential, commercial and industrial development within the city.
- Coordinated the city's program for the acquisition and demolition of flood-damaged properties with personnel from the Iowa Homeland Security and Emergency Management Division and the Federal Emergency Management Agency.
- Solely responsible for the acquisition of all property interests necessary to complete City construction and economic development projects.

- Evaluated the potential effect of pending legislation and regulation, and drafted proposed changes for submission to legislators and lobbyists.
- Drafted ordinances and resolutions for adoption by the City Council.
- Evaluated pending litigation and claims and negotiated resolution to claims where possible.
- Communicated the city's position before various state agencies, including the Iowa Department of Transportation, the University of Iowa and the Iowa Department of Economic Development.

**Assistant City Attorney, City of Coralville, Iowa**

(1999 to 2007)

- Appointed Assistant City Attorney for the City of Coralville in 1999. Responsible for the drafting of agreements regarding city construction projects, real estate matters and prosecution of criminal and civil infractions on behalf of the City.
- Drafted and reviewed agreements pertaining to the hiring of consultants, purchasing of equipment and lease agreements.
- Successfully negotiated purchase agreements to acquire the necessary real property for City construction and economic development projects, including Coralville's Iowa River Landing District, the Coralville Town Center District, the Coralville Creekside Ballpark, and the Coralville Youth Sports Complex.
- Provided support to City's bond counsel to secure financing and construction for the Coralville Marriott Hotel and Conference Center, including the bidding and acquisition of furniture, fixtures and equipment for the hotel.
- Assisted lead counsel for City's insurer in matters of litigation, including trials regarding zoning and land use law, urban renewal law and municipal finance.
- Drafted ordinances and resolutions for passage by the City Council.
- Prosecuted simple misdemeanor criminal complaints filed by the Coralville Police Department.
- Prosecuted municipal infraction citations for civil city ordinance violations.

**Law Clerk, Old Republic National Title Insurance Company, Minneapolis, Minnesota**

(1997 to 1998)

- Provided legal research and position papers on matters assigned by the Office of General Counsel for the company
- Developed a database of insurance filing regulations for all 50 states

**EDUCATION:**

*Juris Doctorate*, William Mitchell College of Law, St. Paul, Minnesota, 1998

*Bachelor of Arts*, Political Science, Luther College, Decorah, Iowa 1994

**PROFESSIONAL AFFILIATIONS:**

Iowa Municipal Attorneys Association, including a Board Member (2009-2010)

Iowa Title Guaranty member

Iowa City Athletic Officials Association

**REFERENCES:** Available upon request.

RESOLUTION 925

**SALUTE TO HOSPITALIZED VETERANS DAY PROCLAMATION**

WHEREAS, many thousands of veterans of America's Armed Forces have served this nation in times of both peace and war, and in doing so have thereby assured the independence of all her people, and

WHEREAS, more than a million veterans enter the Department of Veteran Affairs Medical Centers nationwide for medical attention annually, and

WHEREAS, these hospitalized veterans who yet bear the physical and emotional scars of war have most surely earned our gratitude for the many personal sacrifices they have made in our behalf, and

WHEREAS, the Department of Veteran Affairs Medical Centers, for the fourteenth consecutive year, have organized a national day of tribute honoring all hospitalized veterans with the purpose of urging all Americans to remember these men and women, especially on this day, and

WHEREAS, we wish to express to the patients in the Department of Veterans Affairs Medical Center our concern, care, and sincere appreciation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of West Branch, Iowa does hereby proclaim February 14, 2011, as SALUTE TO HOSPITALIZED VETERANS DAY in the City of West Branch and urges all citizens to pay tribute to the hospitalized veterans on this day of the year.

Passed and approved this 7<sup>th</sup> day of February, 2011.

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Don Kessler, Mayor

Attest:

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Matt Muckler, City Administrator/Clerk

**CITY OF WEST BRANCH  
COUNCIL ACTION REPORT**

MEETING DATE: February 7, 2011 AGENDA ITEM: 6c

DATE PREPARED: February 2, 2011

STAFF LIAISON: Matt Muckler, City Administrator

ACTION TITLE: Resolution 926, amending the City of West Branch, Iowa Employee Handbook.

WORKSHOP    SPECIAL    CONSENT    NON-CONSENT    TABLED    PUBLIC HEARING

**RECOMMENDATIONS:**

Approve Resolution 926, amending the City of West Branch, Iowa Employee Handbook.

**PROJECT DESCRIPTION:**

Resolution 926 would approve the conversion of pay periods from semi-monthly to bi-weekly. Resolution 926 would also clarify vacation, holiday, and sick leave pay in terms of hours instead of days (as various employees throughout the City have work days that vary in duration).

**ATTACHMENTS:**

Resolution 926

CURRENT FISCAL YEAR TOTAL COST (as reflected in motion) \_\_\_\_\_

BUDGETED                       UNBUDGETED FISCAL YEAR BUDGET (check one) \_\_\_\_\_

RESOLUTION 926

A RESOLUTION TO AMEND THE CITY OF WEST BRANCH, IOWA EMPLOYEE HANDBOOK

WHEREAS, the City Council, of the City of West Branch, Iowa adopted an Employee Handbook on September 8, 2009, and amended same handbook on October 19, 2009, February 1, 2010, October 4, 2010, and December 6, 2010; and

WHEREAS, the City Council finds that the following changes should be made to said Handbook:

**EMPLOYMENT- Pay Periods - December 2010 Handbook page 8**

Employees shall be paid on the first day of each month and the 16<sup>th</sup> day of each month. Paychecks can be obtained from the Department Head.

**EMPLOYMENT- Pay Periods - Change to the following:**

Employees shall be paid **bi-weekly, effective March 1, 2011**. Paychecks can be obtained from the Department **Director**.

**BENEFITS–Vacation–Personal Days – December 2010 Handbook page 15**

**VACATION – PERSONAL DAYS**

Regular full-time shall accrue vacation leave credit, based on regular full time equivalent service and prorated on a pay period basis. Annual vacation shall be accrued as follows:

Years of Service	Vacation Days
Hire date up to 5 years	13 days
5 years but less than 10 years	16 days
10 years or more	23 days

Vacation will not be paid if employment terminates within the orientation period. Vacation time may not be accumulated to more than 30 days. Vacation usage is subject to approval by Department Head.

**BENEFITS–Vacation–Personal Days – Change to the following:**

**VACATION**

Regular full-time **employees** shall accrue vacation leave credit, based on regular full time equivalent service and prorated on a pay period basis. Annual vacation shall be accrued as follows:

Years of Service	Annual Vacation Hours
Hire date up to 5 years	<b>104</b>
5 years but less than 10 years	<b>128</b>
10 years or more	<b>184</b>

Vacation will not be paid if employment terminates within the orientation period. Vacation time may not be accumulated to more than **240 hours**. **Any accumulation of vacation hours above 240 will be forfeited by each employee on July 1<sup>st</sup> of each year.** Vacation usage is subject to approval by the Department **Director**.

**BENEFITS–Holidays - Sentence One – December 2010 Handbook page 15**

Employees receive their regular compensation for the following city holidays:

**BENEFITS– Holidays - Sentence One – Change to the following:**

**Part-time employees receive their scheduled hours and full-time employees receive eight hours** compensation for the following city holidays:

**SICK LEAVE – December 2010 Handbook pages 17-18**

**SICK LEAVE**

All regular full-time employees shall be entitled to accrue sick leave based on full time equivalent service and the hours worked. Employees shall accrue 12 days of sick leave annually, and sick leave can accumulate to a maximum of 70 days.

For regular full-time employees, the pay for a day of sick leave will be compensation at the employee's regular rate of pay for eight hours or for their regularly scheduled hours of work, if that number of hours is different than eight.

Sick leave accruals may be used for the following reasons:

1. Personal illness or injury which renders the employee unable to perform the duties of his/her position;
2. Illness of a member of the employee's family, including spouse, child, parent or legal ward necessitating the employee to be in attendance;
3. Medical, dental or optical appointments which cannot be scheduled during non-working hours.

An employee continues to accrue sick leave time even while on sick leave.

Employees who are unable to report for work because of illness are to notify the Department Head before the regular work day begins.

Employees can be compensated for 50% of yearly accumulated sick leave above the 70 day maximum accumulation. Employees will be paid for this unused leave on the first pay check after October 15 of each year.

Upon retirement employees hired before January 1, 2009 will be paid 50% of the accumulated sick leave based on the employee's current hourly based salary. Employees hired after January 1, 2009 shall receive 25% of the accumulated sick leave based upon the employee's current hourly based salary.

**SICK LEAVE – Change to the following:**

**SICK LEAVE**

All regular full-time employees shall be entitled to accrue sick leave based on full time equivalent service and the hours worked. Employees shall accrue **96 hours** of sick leave annually, and sick leave can accumulate to a maximum of **560 hours**.

Sick leave accruals may be used for the following reasons:

1. Personal illness or injury which renders the employee unable to perform the duties of his/her position;
2. Illness of a member of the employee's family, including spouse, child, parent or legal ward necessitating the employee to be in attendance;
3. Medical, dental or optical appointments which cannot be scheduled during non-working hours.

An employee continues to accrue sick leave time even while on sick leave.

Employees who are unable to report for work because of illness are to notify their Department **Director** before the regular work day begins.

Employees can be compensated for 50% of yearly accumulated sick leave above the **560 hour** maximum accumulation. Employees will be paid for this unused leave on the first pay check after October 15 of each year.

Upon retirement employees hired before January 1, 2009 will be paid 50% of the accumulated sick leave based on the employee's current hourly based salary. Employees hired after January 1, 2009 shall receive 25% of the accumulated sick leave based upon the employee's current hourly based salary.

NOW, THEREFORE, BE IT RESOLVED that the City Council of West Branch, Iowa does hereby approve and adopt the City of West Branch Personnel Handbook dated February 2011.

Passed and approved this 7th day of February, 2011.

---

Don Kessler, Mayor

Attest:

---

Matt Muckler, City Administrator/Clerk

**CITY OF WEST BRANCH  
COUNCIL ACTION REPORT**

MEETING DATE: February 7, 2011 AGENDA ITEM: 6d

DATE PREPARED: January 20, 2011

STAFF LIAISON: Matt Muckler, City Administrator

**ACTION TITLE:** Second reading of Ordinance 673 amending Chapter 30 "POLICE DEPARTMENT" by adding the following section, Section 30.11: 30.11 RESIDENCY REQUIREMENT: All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City.

WORKSHOP    SPECIAL    CONSENT    NON-CONSENT    TABLED    PUBLIC HEARING

**RECOMMENDATIONS:**

Approve second reading of Ordinance 673 amending Chapter 30 "POLICE DEPARTMENT" by adding the following section, Section 30.11: 30.11 RESIDENCY REQUIREMENT: All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City.

**PROJECT DESCRIPTION:**

City officials and staff had been working under the assumption that a residency requirement was in place for the police chief. Staff has been unable to find a requirement in the Code that would require the police chief to live within the city limits. It appears that in the past, the residency requirement was handled through police chief contracts. Ordinance 671 would have put a residency requirement in place for the police chief. Ordinance 671 passed first and second reading 4-1 and then failed on third reading. Council members expressed concern with treating the police chief differently from other full-time officers in terms of a residency requirement.

Ordinance 673 would require that all full-time peace officers become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City. Due to the fact that West Branch does not have an officer on-duty twenty-four hours each day, there are times when officers who are on-call respond to calls. (West Branch has twenty-four hour on-call police coverage.) Until such time that the West Branch Police Department is staffed sufficiently to provide for an on-duty officer twenty-four hours per day, there will be times when on-call officers will respond to calls. In terms of response times, public safety will be enhanced through the adoption of this policy. All police officers currently reside within the City limits.

**ATTACHMENTS:**

Ordinance 673

**CURRENT FISCAL YEAR TOTAL COST (as reflected in motion)** \_\_\_\_\_

BUDGETED                       UNBUDGETED FISCAL YEAR BUDGET (check one) \_\_\_\_\_

**ORDINANCE NO. 673**

AN ORDINANCE AMENDING TITLE CHAPTER 30 "POLICE DEPARTMENT"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 30 "POLICE DEPARTMENT" of the Code of West Branch, Iowa is hereby amended by adding the following section, Section 30.11:

**30.11 RESIDENCY REQUIREMENT**

**All full-time peace officers, including the Police Chief, shall become residents of the City of West Branch, and continued residency in the City is a requirement for continued employment with the City.**

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 7th day of February, 2011.

First Reading: January 18, 2011

Second Reading: February 7, 2011

Third Reading:

---

Don Kessler, Mayor

Attest:

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Matt Muckler, City Administrator/Clerk

**CITY OF WEST BRANCH  
COUNCIL ACTION REPORT**

MEETING DATE: February 7, 2011 AGENDA ITEM: 6e

DATE PREPARED: January 6, 2011

STAFF LIAISON: Matt Muckler, City Administrator

ACTION TITLE: First reading of Ordinance 674 re-zoning the south eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2.

WORKSHOP    SPECIAL    CONSENT    NON-CONSENT    TABLED    PUBLIC HEARING

**RECOMMENDATIONS:**

Approve first reading of Ordinance 674 re-zoning the south eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2.

**PROJECT DESCRIPTION:**

Bruce Barnhart has requested that his property near 307 Water Street be rezoned from R-2 to B-2 due to a change of use and to allow for building expansion.

**ATTACHMENTS:**

Ordinance 674  
West Branch Planning and Zoning Commission Public Hearing and Meeting Minutes, January 6, 2011  
Notice of Public Hearing, December 22, 2010  
Notice of Public Hearing, January 12, 2011  
Retracement Plat, Block 8, West Branch, IA  
City of West Branch, Iowa Petition for Rezoning  
Notification List of Property Owners within 200 Feet of Property Being Requested to be Rezoned

**CURRENT FISCAL YEAR TOTAL COST (as reflected in motion)** \_\_\_\_\_

BUDGETED                       UNBUDGETED FISCAL YEAR BUDGET (check one) \_\_\_\_\_

**ORDINANCE NO. 674**

**AN ORDINANCE RE-ZONING REAL ESTATE WITHIN THE CORPORATE LIMITS OF WEST BRANCH, IOWA.**

Be it Ordained by the Council of the City of West Branch, Iowa :

Section 1. That the real estate within the following boundaries which is currently zoned R-2 is hereby re-zoned B-2:

The South eighty-nine feet of Lots 72 and 73 and the west eight feet of the vacated alley adjacent to the south eighty-nine feet of Lot 72 in Block 8, West Branch, Cedar County, Iowa.

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

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 7th day of February, 2011.

Read First Time: February 7, 2011

Read Second Time:

Read Third Time:

\_\_\_\_\_  
Don Kessler, Mayor

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

*These minutes are not approved until the next Commission meeting.*

**City of West Branch Planning & Zoning Commission Public Hearing**  
**January 6, 2011**  
***West Branch City Council Chambers, 110 North Poplar Street***

The West Branch Planning & Zoning Commission opened a public hearing at 6:00 p.m. Commission members Roger Laughlin (Chair), Al Rozinek, Gary Slach, Dick Stoolman, and Mark Thomas were in attendance. Commission members Virgil Gingerich and Trent Hansen were absent. Also in attendance were City Engineer Dave Schechinger, P.E., Councilman Robert Sexton and City Administrator Matt Muckler. A public hearing was held on the matter of rezoning the south 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2. No residents were present to voice any objections with the rezoning request.

**City of West Branch Planning & Zoning Commission Meeting**  
**January 6, 2011**  
***West Branch City Council Chambers, 110 North Poplar Street***

The West Branch Planning & Zoning Commission opened in regular session at 6:00 PM. Commission members Roger Laughlin (Chair), Al Rozinek, Gary Slach, Dick Stoolman, and Mark Thomas were in attendance. Commission members Virgil Gingerich and Trent Hansen were absent. Also in attendance were City Engineer Dave Schechinger, P.E., Councilman Robert Sexton and City Administrator Matt Muckler.

Approve the minutes of the November 9, 2010, Planning & Zoning Commission meeting

Motion by Rozinek and second by Stoolman to approve the minutes of the November 9, 2010, Planning & Zoning Commission meeting. Roll call vote – Ayes: Laughlin, Rozinek, Slach, Stoolman, and Thomas. Gingerich and Hansen absent. Motion carried.

Approve a recommendation to the City Council to re-zone the south 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2.

Motion by Stoolman and second by Slach to approve a recommendation to the City Council to re-zone the south 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, from R-2 to B-2. Roll call vote – Ayes: Laughlin, Rozinek, Slach, Stoolman, and Thomas. Gingerich and Hansen absent. Motion carried.

Building Permit Discussion/City Administrator Update

Councilman Bobby Sexton addressed the Commission concerning building permit fees. He suggested that the fees for building permits be set so as to encourage development. Commission members expressed support for this proposal. City Administrator Matt Muckler reported that he spoke with the owner of 128 North Poplar concerning a zoning question. The owner has decided not to pursue rezoning at this time. Dave Schechinger informed the Commission that there was no reference in the City Code to requirements for concrete approaches. He reported that homeowner associations may have these requirements in place in West Branch.

Dave Schechinger, Veenstra and Kimm to present recommendations and facilitate discussion of a Site Plan Ordinance

The Commission requested that staff prepare an ordinance that would incorporate portions of the Solon Zoning Code – Parking Regulations (Chapter 169) related to parking and lighting into Chapter 69 (Parking Regulations) of the West Branch Code of Ordinances. The Commission also discussed Solon, Iowa's Site Plan Requirements and asked staff to prepare an ordinance to adopt Solon's site plan ordinance with some changes, most notably that site plans would be required to include existing and proposed utility lines and easements in accordance with Statewide Urban Design and Specifications (SUDAS).

Approve recommendation to the City Council to proceed with a comprehensive plan update facilitated by the East Central Intergovernmental Association

City Administrator Matt Muckler briefed the Commission on a proposal from the East Central Intergovernmental Association to facilitate an update to the West Branch Comprehensive Plan. Motion by Stoolman and second by Slach to recommend to the City Council to proceed with a comprehensive plan update facilitated by the East Central Intergovernmental Association. The motion carried on a voice vote.

**NEW BUSINESS:**

Commission members discussed potential development in West Branch.

Motion by Thomas and second by Stoolman to adjourn. Meeting adjourned at 7:20 p.m.

PROOF OF PUBLICATION

State of Iowa, Cedar County, ss:

I, Gregory Norfleet, Editor of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which one hereto attached is a copy, was published in said West Branch Times respectively:

12.23.10

*Gregory R. Norfleet*

Fee: \$ 13.25

Sworn to by said Gregory Norfleet before me and signed by

him in my presence this \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_

Notary Public

Received of \_\_\_\_\_

Dollars

in full on above publication.

12-23

### City of West Branch Public Notice

**NOTICE OF PUBLIC HEARING**

Notice of Public Hearing of the West Branch, Iowa, Planning and Zoning Commission  
 To: All owners of real estate situated within the corporate limits of the City of West Branch, Iowa, and To Whom It May Concern:

You are hereby notified that the Planning and Zoning Commission of West Branch, Iowa, Cedar County, will conduct a public hearing at the City Office Council Chamber, 110 N. Poplar Street, at 6:00 p.m. on the 6th day of January 2011, at which time and place the commission will consider a request by Bruce Bamhart, owner, to re-zone from R-2 (Two family Residential) to B-2 (Commercial) the following described parcel of land:

South 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, Iowa

This is a tract of land south of Main Street west of South 5th Street.

Copies of the requests to re-zone are on file at the City Clerk's Office in West Branch.

Dated this 22<sup>nd</sup> day of December, 2010.  
**Matt Muckler, City Administrator/Clerk**  
 City of West Branch, Iowa

**PROOF OF PUBLICATION**

State of Iowa, Cedar County, ss:

I, Gregory Norfleet, Editor of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which one hereto attached is a copy, was published in said West Branch Times respectively:

Thursday, January 13, 2011

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### City of West Branch Public Notice

**Notice of Public Hearing of the West Branch, Iowa City Council**

To: All owners of real estate situated within the corporate limits of the City of West Branch, Iowa, and To Whom It May Concern: You are hereby notified that the West Branch City Council of West Branch, Iowa, Cedar County, will conduct a public hearing at the City Office Council Chamber, 110 N. Poplar Street, at 5:45 p.m. on the 18th day of January 2011 to consider a request by Bruce Barnhart, owner, to re-zone from R-2 (Two family Residential) to B-2 (Commercial) the following described parcel of land: South 89 feet of Lots 72 and 73 and the west 8 feet of the vacated alley adjacent to the south 89 feet of Lot 72 in Block 8, West Branch, Cedar County, Iowa. This is a tract of land south of Main Street west of South 5th Street.

ii. The City Council is scheduled to take action on this item at the January 18, 2011 6:30 p.m. Council Meeting. Copies of the requests to re-zone are on file at the City Clerk's Office in West Branch. Dated this 12th day of January, 2011.

er. Matt Muckler, City Administrator/Clerk  
of City of West Branch, Iowa  
me

1/13/11  
\_\_\_\_\_  
*Greg R. Norfleet*  
\_\_\_\_\_

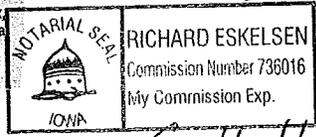
Fee: \$ \_\_\_\_\_

Sworn to by said Gregory Norfleet before me and signed by

him in my presence this 27

day of January, 2011

*Richard Eskelsen*  
\_\_\_\_\_  
Notary Public



Received of

\_\_\_\_\_ Dollars

in full on above publication.



Book I Page 7  
 Document 2009 2717 Pages 1  
 Date 7/27/2009 Time 2:20:31PM  
 Rec Amt \$12.00

UNRECORDED COPY

CHARLINE L THUMM, RECORDER  
 CEDAR COUNTY IOWA

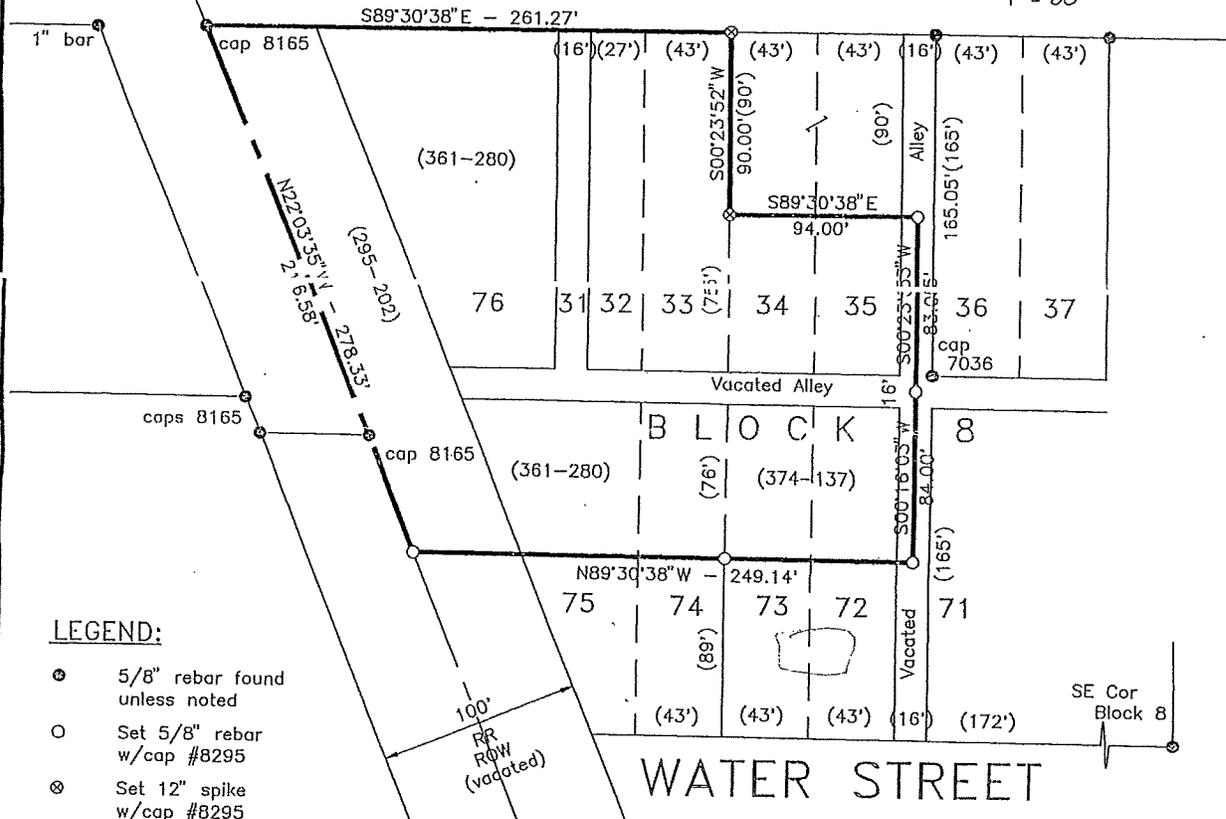
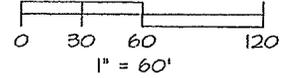
Prepared by Thomas Anthony, 535 Southgate Ave., Iowa City IA 52240, (319) 354-1984

# RETRACEMENT PLAT BLOCK 8 WEST BRANCH IOWA

N



MAIN STREET



**LEGEND:**

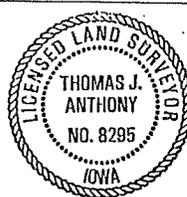
- 5/8" rebar found unless noted
- Set 5/8" rebar w/cap #8295
- ⊗ Set 12" spike w/cap #8295
- ( ) Recorded dimension or Bk - Pg

**LEGAL DESCRIPTION**

Lot 76, the North 76 feet of Lots 72, 73, 74 and 75, Lots 32 and 33, the South 75 feet of Lots 34 and 35, the west half of the vacated alley lying East of said Lots, all of the vacated E-W alley lying between said Lots and the N-S alley between said Lots 32 and 76 (sometimes shown as Lot 31) all in Block 8, Original Town of Cameron, now West Branch, Iowa, and the easterly 50 feet of the abandoned railroad right of way lying west of said Lots, all as recorded in Books 295 - Pages 202, 361-280 and 374-137, Cedar County Recorder's Office.

For Recorder indexing this survey is also located in the NW1/4, Section 8-79-4 of Springdale Township.

Proprietor requesting survey: Bruce Barnhart



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.

*Thomas Anthony July 22, 2009*  
 Thomas J. Anthony  
 License number 8295  
 My license renewal date is December 31, 2010.  
 Pages or sheets covered by this seal: 1 of 1

# CITY OF WEST BRANCH, IOWA

## PETITION FOR REZONING

To: The Honorable Mayor, City Council, Planning & Zoning Commission, City Clerk of West Branch, Iowa, 52358

16 copies to be submitted to the City Clerk: 1 – Zoning Administrator; 7 – P&Z Commission; 6 – City Council; 1 – City Clerk; 1 – City Attorney

Filing Fee: \$150

I/We, the undersigned, owner(s) of the property described in paragraph one (1) below, do hereby respectfully petition your Honorable Body to amend the present Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area to be rezoned is contained in the following legal description:

The south 89 feet of Lot 72 and 73  
Block 8, West Branch, Cedar County, Iowa.  
The West 8 feet of the vacated alley adjacent  
to the South 89 feet of Lot 72.

2. General location or street address of property (Attach a map showing the area):

307 Water Street

3. That it is requested and desired that the foregoing property be rezoned from the R-2 Zoning District to the B-2 Zoning District.

4. That the reasons for requesting the change are as follows:

Change of use and to allow for building  
expansion.

5. Pursuant to Section 165.23(4), attached hereto is a site plan showing existing and proposed structures, uses, open spaces, facilities for parking and loading and arrangements for pedestrian and vehicular circulation of the area proposed for amendment, as well as the use and zoning classification of abutting properties.
6. The proposed time schedule for the beginning and the completion of the development is as follows:
7. That the undersigned own(s) property within the area which is requested to be rezoned. (Note: If the property is being purchased on contract both sellers and buyers must sign.)
8. That the undersigned have been fully apprised and acquainted with the uses to which the area to be rezoned may be put if the rezoning takes place.

9. That the names and the addresses of owners of property located within two hundred feet (200') of the exterior boundaries of the property for which the change is proposed are:

Name	Address
<u>See Attached.</u>	

10. That I/We understand that it is my/our duty to send, at my/our own cost, notice by regular mail of the date, time and place of the public hearings before the Planning & Zoning Commission and the City Council to the owners of the property specified above, and to file with the City Clerk proof of the mailing of such notice before the public hearings.

Dated this 17<sup>th</sup> day of December, 2010.

  
Signature

184-290<sup>th</sup> St, PO Box 36  
West Branch, IA 52358  
Address

319-631-1101  
Phone

Property owners within 200 feet of property being requested to be re-zoned.

John Proller, 411 E. Main St, West Branch, IA 52358

Josh Whetstine, 421 E. Main St, West Branch, IA 52358

Croell Redi Mix, 2040 Kenwood Ave., New Hampton, IA 50659

Hardknocks Investors, 1433 Plato Road, West Branch, IA 52358

Ellen Wellington, 103 N. 4<sup>th</sup> St, West Branch, IA 52358

Herbert Ertle, 109 N. 4<sup>th</sup> St, West Branch, IA 52358

Steve and Janeen Miller, 410 Clark Street, Iowa City, IA 52240

Gerald Monserud, 418 E. Main St, West Branch, IA 52358

Millie Verlo, 424 E. Main St. West Branch, IA 52358

Benjamin Maxson, 432 E. Main St, West Branch, IA 52358

Gary and Pat Robins, 1160 Hiway 6, West Liberty, IA 52776

Roger Larson, 1700 S. 1<sup>st</sup> Ave, Iowa City, IA 52240

Kevin Goben, 104 S. 5<sup>th</sup> St, West Branch, IA 52358

Edward Frauenholtz, 411 Water St, West Branch, IA 52358

Ronald and Dorothy Rood, 423 Water St, West Branch, IA 52358

Peter and Donna Tuttle, 403 Water St, West Branch, IA 52358

Katharine Gaskill, 11 Arbury Ct, Iowa City, IA 52246

Tom Lacina 504 E Main St West Branch, IA 52358

## CHAPTER 110

### NATURAL GAS FRANCHISE

110.01 Franchise Granted  
110.02 Modern System Required  
110.03 Safe Operation Required  
110.04 Construction and Excavations

110.05 Extension of Service  
110.06 Indemnification of City  
110.07 Rates  
110.08 Successors and Assigns

**110.01 FRANCHISE GRANTED.** The City hereby grants unto Iowa Electric Light and Power Company, an Iowa corporation, its successors and assigns, hereinafter called the Grantee, a nonexclusive franchise and right for a period of twenty-five (25) years from and after October 14, 1986, to erect, construct, reconstruct, maintain and operate within the corporate limits of the City, as the same now are or may hereafter be located, a natural gas plant, or plants, and/or a plant, or plants, for the manufacturing and processing of any and all kinds of gas, and to erect, construct, reconstruct, maintain and operate within said corporate limits distributing systems for the distribution of natural gas, or any and all other types and kinds of gas, whether said plant, or plants, and distribution systems have been heretofore or hereafter may be constructed, together with the franchise and right to enter upon and to use and occupy the streets, avenues, alleys, bridges and other public places of the City as the same now are or hereafter may be located or extended, for the purpose of constructing, reconstructing, maintaining and operating therein, thereon and thereunder systems for the distribution of natural gas and/or any and all other kinds of gas, consisting of mains, pipes, pipe lines, distributing lines, conduits and other equipment, appurtenances and construction necessary or incident to said distribution systems, and together with the franchise and right to supply, distribute and sell natural gas and/or any and all other kinds of gas to the City and to the inhabitants thereof and others within and without the corporate limits of the City for any and all purposes, and upon such terms and conditions and under such restrictions and regulations as are hereinafter contained, and such other reasonable rules and regulations as hereafter may be provided by the rule-making body having jurisdiction thereof.

**110.02 MODERN SYSTEM REQUIRED.** The Grantee shall maintain within the City a modern gas service, with sufficient capacity to meet the reasonable requirements of its patrons, and shall supply same in such a manner as to render efficient service unless prevented by an act of God, a public enemy, a governmental authority, or by a cause not under the control of the Grantee, and in any such event, the Grantee may adopt reasonable rules and regulations

governing the volume of gas which it shall be required to furnish its patrons, or any class of patrons.

**110.03 SAFE OPERATION REQUIRED.** The systems for the distribution of gas shall be constructed, maintained and operated by the Grantee in such a manner as not to endanger persons or property, and so as not to interfere unreasonably with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, avenues, alleys, bridges, or other public places, and so as not to interfere with the sewers, drainage or water system of the City.

**110.04 CONSTRUCTION AND EXCAVATIONS.** Whenever the Grantee, in erecting, constructing or maintaining said distribution systems, shall take up or disturb any pavement or sidewalks, or make any excavations in the streets, avenues, alleys, bridges or public places of the City, said excavations shall at once be refilled and the pavement, sidewalk, or other improvement replaced to the satisfaction of the City officials, and in case of failure to do so as promptly as is practical, the City may do so at the expense of the Grantee.

**110.05 EXTENSION OF SERVICE.** The Grantee shall extend its mains as provided by its most current gas tariff and applicable rules promulgated by the governing body for customers in all cases where bona fide customers apply in writing to be supplied with gas.

**110.06 INDEMNIFICATION OF CITY.** The Grantee shall hold the City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of the systems for the distribution of gas and other construction hereby authorized.

**110.07 RATES.** The Grantee shall have the right to supply, distribute and sell gas for any and all purposes to the City and to the inhabitants thereof, and to charge therefor such just and reasonable rates as hereafter may be fixed and determined by the rate-making body established under the laws of the State and given jurisdiction thereof.

**110.08 SUCCESSORS AND ASSIGNS.** All of the provisions of this chapter shall apply to the successors or assigns of the Grantee with the same force and effect as they do to the Grantee.

**EDITOR'S NOTE**

Ordinance No. 400 adopting a gas franchise for the City was passed and adopted on September 8, 1986.

## CHAPTER 111

### ELECTRIC FRANCHISE

111.01 Franchise Granted

111.02 Construction; Maintenance; Indemnification

111.03 Meters and Service Lines

111.04 System Requirements

111.05 Nonexclusive

111.06 Continuous Service

111.07 Term of Franchise

**111.01 FRANCHISE GRANTED.** There is hereby granted to IES UTILITIES, INC., hereinafter referred to as the “Company,” its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City, to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power for the period of twenty-five (25) years; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

**111.02 CONSTRUCTION; MAINTENANCE; INDEMNIFICATION.** The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City, and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

**111.03 METERS AND SERVICE LINES.** The Company, its successors and assigns shall furnish and install all meters at its own expense and shall provide the service wire to buildings as set forth in the Company’s tariff filed with the Iowa Utilities Board.

**111.04 SYSTEM REQUIREMENTS.** The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern and up-to-date condition.

**111.05 NONEXCLUSIVE.** The franchise granted by this chapter shall not be exclusive.

**111.06 CONTINUOUS SERVICE.** Service to be rendered by the Company under this chapter shall be continuous unless prevented from so doing by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company's equipment, and in such event service shall be resumed as quickly as is reasonably possible.

**111.07 TERM OF FRANCHISE.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company.

**EDITOR'S NOTE**

Ordinance No. 533 adopting an electric franchise for the City was passed and adopted on January 2, 2001. Voters approved the franchise at an election held on February 20, 2001.

**City of West Branch  
Advisory Board/Commission  
Application Form**

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Individuals serving on boards or commissions play an important role in advising the City Council on matters of interest to our community and its future. For the most part, Board and Commission members must be residents of West Branch.

When a vacancy occurs an announcement of that vacancy will be posted. No sooner than two weeks later the Mayor and City Council will review all applications. The appointment will be made at a formal City Council meeting. Appointees serve as unpaid volunteers.

**This application is a public document and as such it or the information it contains may be reproduced and distributed. This application will remain active for two years and you will automatically be considered for any vacancy occurring during that time.**

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Name of Board or Commission: Parks/Rec Date: 1/24/11

Your Name: Becky Hosier Street Address: 128 N Poplar St

Phone number(s): (evening) 631 2093 (day) 351 3541

Email: hosier-becky@yahoo.com

Do you live within the corporate limits of West Branch?  Yes  No

How long have you been a resident of West Branch? 6

Occupation: Office manager Employer: Carri Chiropractic

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***Optional Questions (use back of application if necessary)***

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What experience and/or skills do you have that might especially qualify you to serve on this board or commission?

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What particular contributions do you feel you can make to this board or commission?

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**1. What experience and/or skills do you have that might especially qualify you to serve on this board or commission?**

Fitness and wellness are very important aspects of everyday life and my interest in keeping well spans several years from child to adulthood with my very active family. I work for a local Chiropractor where I help others to pursue a healthy lifestyle and I am also an avid athlete still playing on local softball and volleyball teams. I am also a Mother of two young children and have a vested interest in their fitness and wellness opportunities in this great community we call West Branch. I have also attended the meetings on interest in the new community/recreation center in West Branch and want to have a hand in seeing this project through, and am excited to share my ideas and talents in making it happen.

The following is a list of my involvement in various activities that I feel has given me the experience and skills that would make me a valuable asset to the board of Parks/Rec for West Branch:

- I helped organize and put together a 5k race and silent auction fundraiser last June in Iowa City. This involved coordinating donors, raising funds, helping with establishing the location for the auction, putting together participant packets, and then helping with overall organization the day of the event.
- I have participated in a variety of extra curricular activities in Iowa City, Coralville, and West Branch. Some of these include fitness/bootcamp classes, Frosty Frenzy 5k, Bear Stampede 5k, coed softball, sand volleyball, indoor volleyball for women and coed, and three fundraiser softball tournaments.
- Participated in Iowa City Rec League softball all through grade school, and enjoyed the program so much that I found a way to stay involved by umpiring the softball league for four years. I became head umpire the last year and helped organize and schedule the games and tournament for ages 6-18yrs old.
- I have also attended the meetings on interest in the new community/recreation center in West Branch.
- I volunteered to coach my son's first year of tee-ball last summer and look forward to continued opportunities with this. This has helped me become familiar with recreational activities that are already in place and how they work, and keeps my hand on the pulse of other families who are active in what West Branch has to offer and interested in future activities.
- I have helped organize and put together open houses for my recent job and previous jobs.
- My aunt is the director of the Hoover Association and would use that connection to combine and brainstorm ideas together. Consider me a direct link to a major/valuable local resource.

## **2. What particular contributions do you feel you can make to this board/commission?**

I believe that being part of a team is one of the fundamental keys to a successful wellness and fitness campaign and I am a great team player with a positive outlook and full of ideas that will have a low budget but big impact and can make a significant difference and add life and healthy attributes to our community.

I have been a resident of West Branch for six years and have personally benefited from the activities that have been offered to date. I've met a lot of new people by getting involved and developed a love for this community as it is now, but most importantly for its potential in the future as I intend on keeping my family here for quite some time. I strongly believe a community center is a vital component of building great community morale and relationships. I believe that for a smaller town to really thrive, it needs to constantly look at new ways of keeping people here and attracting new families to come. Community centers are a key resource in those efforts, and I would like to offer my knowledge and skills to the creation of such a center. You can trust I will work my hardest to make this a success since I have a personal stake in this venture with my own family both living and working here.

I consider myself to be a very dedicated, hardworking, ambitious, creative, easygoing, and great team player. I think my willingness to create positive change would be a great asset to this team and help meet the needs and wants of our community. I would also use my connections with my husband, who is on the local volunteer fire department, and my aunt, director of the Hoover Association, to help in ideas to offer MORE when it comes to activities and events for all the families in West Branch and the surrounding areas. I hope you will seriously consider me a valuable addition to your team/board, but make no mistake that I will continue to support this community as best I can regardless.