

# City of West Branch

~ A Heritage for Success ~

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110 N. Poplar St. • P.O. Box 218 • West Branch, Iowa 52358  
Ph. 319-643-5888 • Fax 319-643-2305 • www.westbranchiowa.org • wbcity@Lcom.net

## CITY COUNCIL MEETING AGENDA Monday, April 18, 2011 • 7:00 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 April 4, 2011 City Council Meeting.
  - b. Approve minutes from the April 11, 2011 Council Work Session.
  - c. Approve claims.
  - d. Approve Change Order #1 in amount of \$1386.00 to Fire Station Expansion Project.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
  - a. City Attorney Kevin Olson, Conflict of Interest Update
  - b. Approve Subdivider's Agreement on Meadows Subdivision between the City of West Branch, IA and KLM Investment, L.L.C./Move to action.
  - c. Approve variance on Meadows Subdivision per 170.22 of the City of West Branch Code of Ordinances./Move to action.
  - d. Approve preliminary plat of Meadows Subdivision, pursuant to the execution of the Subdivider's Agreement between the City of West Branch and KLM Investment, L.L.C./Move to action.
  - e. First reading of Ordinance 679 amending Chapter 17 "COUNCIL" of the Code of West Branch, Iowa./Move to action.
  - f. Bill Schulte, Executive Director, Cedar County Economic Development Commission – Discussion on Future Projects.
  - g. Second reading of Ordinance 675 amending Chapter 90 "WATER SERVICE SYSTEM" by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.
  - h. Second reading of Ordinance 676 amending Chapter 96 "BUILDING SEWERS AND CONNECTIONS" by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.
7. Mayor
  - a. Appointments/Reappointments/Move to action.
8. Reports
  - a. Crime Data Processor Gina Heick – West Branch Police Department Monthly Report
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 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**

**April 4, 2011  
7:00 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, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Police Chief David Bloem, Park & Rec. Director Melissa Russell, Fire Chief Administrator Dick Stoolman, Fire Chief Kevin Stoolman and Public Works Lead Water Operator Tim Moss.  
Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil, and Jim Oaks.

#### **APPROVE AGENDA/CONSENT AGENDA**

- a) Approve minutes from the March 7, 2011 City Council Meeting
- b) Approve minutes from the March 7, 2011 City Council Work Session.
- c) Approve minutes from the March 21, 2011 City Council Meeting.
- d) Approve minutes from the March 31, 2011 City Council Work Shop.
- e) Approve transfer of \$274.23 from Capital Improvement Fund to General Fund to close out City Office building capital project.

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

#### **COMMUNICATIONS/OPEN FORUM**

City Administrator Matt Muckler shared an e-mail he received from a citizen commending the West Branch Parks & Recreation Dept. and Melissa Russell for the Boot-camp exercise class and all the programs that she has provided for the community.

Muckler also notified Council and staff that the photographer will be at the April 18th meeting to take make-up photos that will be added to the website. There has been much progress on the website and it will be launched prior to May 1st.

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

Resolution 933, approving the contract and bond documents for the West Branch Fire Department New Addition – New Roof./Move to action.

Muckler stated that the contract, insurance information, performance and payment bond were included in the packet for Council review. Worrell asked if our attorney and engineer have reviewed the contract and documents. Attorney Kevin Olson stated that he had reviewed them and that all of the documents were in order.

Motion by Sexton, second by Worrell to approve Resolution 933. Roll call vote – AYES: Sexton, Worrell, Johnson, O'Neil, Oaks. Motion carried.

First reading of Ordinance 675 amending Chapter 90 "WATER SERVICE SYSTEM" by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.

Muckler stated that one community charged an extra \$50 per unit on a multi-family unit, another charged an extra \$150, and all other surrounding communities charge the same fee for duplexes. This ordinance does not set a service fee for the water. It states that the fee will not be set by ordinance, but rather by a schedule of fees that would be set by resolution. The second reading would take place on April 18th and the third reading would take place on May 4<sup>th</sup>, followed by the consideration by Council to establish and schedule of fees.

Motion by Sexton, second by Johnson to approve first reading of Ordinance 675. Roll call vote – AYES: Sexton, Johnson, Worrell, O'Neil, Oaks. Motion carried.

First reading of Ordinance 676 amending Chapter 96 “BUILDING SEWERS AND CONNECTIONS” by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.

Motion by Johnson, second by Sexton to approve first reading of Ordinance 676. Roll call vote – AYES: Johnson, Sexton, Worrell, O’Neil, Oaks. Motion carried.

First reading of Ordinance 678 amending Chapter 17 “COUNCIL” of the Code of West Branch, Iowa./Move to action.

Muckler said ordinance 678 would set Council meetings year round at 6:30 PM. Worrell would like to keep the meeting times the same as they are now and follow daylight savings time. Johnson would like to set a consistent time, prefers 6:30 to allow getting home at a decent hour. O’Neil would also like the meetings to be at the same time, either 6:30 or 7:00 for the whole year.

Motion by Oaks, second by Johnson to approve first reading of Ordinance 678. Roll call vote – AYES: Oaks, Johnson. NAYS: Worrell, Sexton, O’Neil. Motion failed.

Discussion of Subdivider’s Agreement, Meadows Subdivision.

Attorney Olson explained the development subdivider’s agreement drawn up for The Meadows Subdivision.

Sexton asked if the same type of agreement would be used for Pedersen Valley if they did any further development. Olson stated that there would be the same type of agreement for all developers.

Worrell liked all of the agreement except section 1, which included a traffic study and pedestrian street crossing on Main Street. He was concerned that the cost for the study would be paid entirely by the developer. He would like to have our engineer involved in the study and have the City share in the cost. Sexton agreed with Worrell on having the City involved and that there also needs to be an additional study done at Pedersen Valley and Scott.

Dave Schechinger explained the connection fee method and design flows for planning purposes. Cost per unit for lift station connection fees for single family classification is an estimated fee of \$244 per lot based on average daily usage. Kevin Olson stated that these fees will go up with inflation and be adjusted each year.

Council discussed Section 10. Sidewalk connection that subdivider shall construct a five foot sidewalk located between Lots 15 and 16. Brad Larson asked if they could use prairie grass or wetland grasses around the basin. Section 11 of the agreement states that the vegetation in the storm water detention area shall be no taller than six inches in height. John Fuller said that these types of grasses would help with water retention. It would also add some diversity and interest to the area.

Discussion of preliminary plat of Meadows Subdivision.

School Board President Mike Owen said that he is excited to see this development come here. Affordable housing has been an issue for a while in West Branch and he hopes that there will be some accommodation for R-2 in the plan. We need more kids to move here for the school district to thrive. We can’t get there by standing still. Nothing comes easy in West Branch. He hopes that all can come together for a good plan for the future of the community.

Resolution 934, amending the employee handbook to include incentive pay for Public Works./Move to action.

Muckler discussed uniform increases of compensation for all public works employees that earn new certifications. Public Works employees that obtain a grade 1 or 2 certification shall earn an increase of \$.50 per hour. For a grade 3 certification or above they shall earn \$.75 per hour. Worrell asked if this was additional incentive on top of what is currently in the handbook. Not all employees will go after these certifications and he wants to make sure that what is currently in the handbook would still apply. Muckler stated that this incentive pay would be extra.

Motion by Worrell, second by Johnson to approve Resolution 934. AYES: Worrell, Johnson, Sexton, O’Neil, Oaks. Motion carried.

Approve Community Garden Project./Move to action.

Park & Recreation Director Melissa Russell said that she and Tim Moss are looking for a good spot with water available and good soil for the garden project. Russell will have more details at the next council meeting. Sexton asked if there will be a fee charged. Russell said that lots in Iowa City by Wetherby Park are 10 X 50 ft. with a \$20 resident fee, and a \$25 non resident fee.

Oaks said that the area to the west of the maintenance building by the Cookson property would be a good location. It would need to have water accessible to the area, it has good soil and a garden was there in the past.

Motion by Johnson, second by O'Neil to approve community garden project. Roll Call vote – AYES: Johnson, O'Neil, Worrell, Sexton, Oaks. Motion carried.

**MAYOR DON KESSLER**

Appointments/Reappointments

i. Historic Preservation Commission – Lane Shields

ii. Historic Preservation Commission – Lisa Harkey

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

**REPORTS**

**ADJOURNMENT**

Meeting adjourned by Mayor Kessler. City Council meeting adjourned at 8:07 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 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  
West Branch Fire Station**

**City Council Work Session**

**April 11, 2011  
5:30 p.m.**

Mayor Don Kessler opened the Work Session by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler and City Attorney Kevin Olson. Council members: David Johnson, Robert Sexton, Jim Oaks, Mark Worrell and Dan O'Neil.

Discussion on subdivider's agreement and the preliminary plat of Meadows Subdivision

Discussion took place on the April 1, 2011 version of the Subdivider's Agreement on the Meadows Subdivision Phase One between KLM Investments, L.L.C. and the City of West Branch. Council discussed sections 2, 9, 10 and 12. Brad Larson, of KLM Investments, L.L.C. expressed his intention to have further discussion on section 11 at a future date. Council requested that modifications be made to Section 12 and that the subdivider's agreement be brought before Council for a vote at the April 18, 2011 Council Meeting. The changes to Section 12 included the elimination of the requirement for a traffic study as part of this phase of the development. The City will set an ordinance that would establish a school zone and KLM will provide a crosswalk and traffic signalization per the Manual on Uniform Traffic Control Devices. The subdivider would then work with the West Branch Community School District to connect the crossing to the school property.

**ADJOURNMENT**

Motion by Mayor Kessler to adjourn. City Council Work Session adjourned at 6:41 p.m.

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

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

4/18/2011

CITY OF WEST BRANCH  
CLAIMS REGISTER REPORT

ABC FIRE PROT. INC.	VARIOUS DEPTS - SERVICE	1,017.50
	POLICE - SERVICE	44.75
	FIRE - SERVICE	125.00
AERO RENTAL	TOWN HALL - DRYWALL LIFT	37.80
	FIRE - SERVICE/SUPPLIES	527.75
ALLIANT ENERGY	WATER - UTILITIES	58.97
	VARIOUS DEPTS - UTILITIES	8,828.09
AMAZON	LIBRARY - SUPPLIES/BOOKS	40.09
AMSAN	ADMIN - BALLAST	19.32
	ADMIN - LIGHT BULBS	50.70
ANDREWS, ALISON	ACH PAYROLL EXPENSE	184.80
	ACH PAYROLL EXPENSE	215.60
BAKER & TAYLOR BOOKS	LIBRARY - SUPPLIES	638.53
BARRON MOTOR SUPPLY	POLICE - SUPPLIES	16.10
	STREETS - SUPPLIES	191.15
BDC BUILDING PLAN REVIEW	ADMIN - BUILDING INSPECT	193.20
BLOEM, DAVID	ACH PAYROLL EXPENSE	1,408.02
	ACH PAYROLL EXPENSE	1,761.97
	POLICE - REIMBURSEMENT	11.45
BLUE CROSS BLUE SHIELD	LIFE INS.	8.00
	DENTAL INS	86.76
	HEALTH INS	707.41
	HEALTH INS.	6,271.44
	DENTAL INS.	432.86
	LIFE INS.	52.10
	DENTAL INS	72.30
	HEALTH INS	627.16
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	506.66
	TOWN HALL - REIMBURSEMENT	11.10
	ACH PAYROLL EXPENSE	569.48
BP AMOCO	FIRE/POLICE/SEWER - FUEL	1,322.83
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,272.70
	ACH PAYROLL EXPENSE	1,173.14
BRICK, GERRY	ACH PAYROLL EXPENSE	195.65
	ACH PAYROLL EXPENSE	161.26
BROWN SUPPLY CO. INC.	STREETS - SOCKET SET/FLA	380.00
BUSINESS RADIO SALES	FIRE - SERVICE	150.00
CEDAR COUNTY RECORDER	ADMIN - RECORDING FEES	48.00
CEDAR COUNTY SOLID WASTE	STREETS - DEBRIS REMOVAL	36.00
CEDAR RAPIDS PHOTO COPY	LIBRARY - SERVICE	32.65
	LIBRARY - SERVICE	69.76
CHRIS JONES TRUCKING	STREETS - TRUCKING	455.07
COLLECTION SERVICE CNTR.	CHILD SUP.	245.90
	CHILD SUP.	245.90
CREATIONS WITH A TWIST	LIBRARY - SERVICE CONTRACT	112.81
CREATIVE SOFTWARE SERV.	LEGAL - CONSULTING SERVICES	1,386.73
CULLIGAN WATER TECHNOLOGY	FIRE - SERVICE	2.95
CY FROMMELT	CEMETERY - TREE REMOVAL	355.00
DAVE'S WELDING & REPAIR	STREETS - SUPPLIES/HOSES	205.78
DEWEYS JACK & JILL	PARK & REC/WATER - SUPPL	26.52
DIVISION OF LABOR/ELEVAT	PARK & REC - ELEVATOR	125.00
EBSCO SUBSCRIPTION	LIBRARY - SUBSCRIPTION	929.09
ED.M.FELD EQUIPMENT CO.	FIRE - UNIFORMS/BUNKER	3,900.00
	FIRE - SUPPLIES	1,752.05
FLEET SERVICES	POLICE - FUEL	265.50
GENERAL PEST CONTROL	LIBRARY - SERVICE	70.00
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,198.21
	ACH PAYROLL EXPENSE	1,271.70
GREATAMERICA LEASING	ADMIN -COPIER SERVICE	252.06
HACH COMPANY	WATER - TESTING	372.41

HANNA, JOHN	ACH PAYROLL EXPENSE	1,078.12
	ACH PAYROLL EXPENSE	1,002.31
HEICK, GINA	ACH PAYROLL EXPENSE	811.19
	ACH PAYROLL EXPENSE	675.84
	POLICE - CLEANING	40.00
HSBC BUSINESS SOLUTIONS	STREETS - SUPPLIES	112.50
HYGIENIC LAB.ACCT.REC.	WATER - TESTING	230.00
INTERNAL REVENUE SERVICE	FEDERAL W/H	1,896.38
	FICA-MED.CAR	2,253.07
	FICA-MED.CAR	628.22
	FEDERAL W/H	1,829.15
	FICA-MED.CAR	2,132.24
	FICA-MED.CAR	594.60
IOWA ASSN. MUN. UTIL.	STREETS - SAFETY CLASS	30.00
IOWA BUSINESS SUPPLY	ADMIN - OFFICE SUPPLIES	2.94
	ADMIN - OFFICE SUPPLIES	3.82
	ADMIN - OFFICE SUPPLIES	6.23
	ADMIN - OFFICE SUPPLIES	23.75
	ADMIN - OFFICE SUPPLIES	20.29
	ADMIN - OFFICE SUPPLIES	6.29
	ADMIN/FIRE - OFFICE SUPPLIES	73.90
IOWA DNR	WATER - APPLICATION FEE	20.00
IOWA NETWORK SERVICES	ADMIN - SERVICE	26.99
IOWA ONE CALL	WATER/SEWER - SERVICE	19.80
IOWA PAPER	ADMIN/TOWN HALL/WATER -	592.32
IOWA WORKFORCE DEV.	WATER - UNEMPLOYMENT INS	21.44
IPERS	IPERS	2,059.21
	IPERS	809.66
	IPERS	1,911.68
	IPERS	880.27
JOHNSON COUNTY REFUSE	RECYCLING - MARCH	3,548.25
	SOLID WASTE - GARBAGE TAGS	1,250.00
JOHNSON, TOM	PAYROLL EXPENSE	71.44
	PAYROLL EXPENSE	59.90
KARR, DANIEL	PAYROLL EXPENSE	1,093.97
	PAYROLL EXPENSE	1,159.56
KESSLER, DONALD	PAYROLL EXPENSE	186.20
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	728.00
	ACH PAYROLL EXPENSE	625.16
KONE INC	PARK & REC - ELEVATOR	450.00
L. L. PELLING CO. INC	STREETS - PREMIX	497.25
LEASE CONSULTANTS CORP	LIBRARY - SERVICE CONTRACT	59.00
LENOCH & CILEK	STREETS - SUPPLIES	25.19
LIBERTY COMMUNICATIONS	VARIOUS DEPTS - PHONE	1,304.86
LINN COUNTY R.E.C.	STREETS - UTILITIES	102.00
LYNCH'S PLUMBING	WATER - SERVICE	636.00
MATA, ROBERT	WATER - CREDIT REFUND	60.67
MEDTRONIC EMERGENCY RESP	FIRE - SUPPLIES	312.15
MENARDS	TOWN HALL - SUPPLIES	140.92
	PARK & REC - SUPPLIES	49.00
	TOWN HALL - SUPPLIES	446.33
MOSS, TIM	WATER - MILEAGE	102.80
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,057.06
	ACH PAYROLL EXPENSE	992.37
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	2,006.63
	ACH PAYROLL EXPENSE	1,487.99
NASH, ANN	ADMIN - CLEANING	240.00
NEWELL, CHRISTIAN	WATER - CREDIT REFUND	74.02
NIABI ZOO	PARK & REC - NIABI ZOO	25.00
NORTH AMERICAN SALT CO.	STREETS - SALT	4,905.94
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,194.92
	ACH PAYROLL EXPENSE	1,075.65
OASIS ELECTRIC	TOWN HALL - INSTALL	350.00

OFFICE DEPOT CREDIT PLAN	PARK & REC - OFFICE SUPPLIES	81.25
OLSON, ATTY KEVIN	LEGAL - LEGAL SERVICES	1,250.00
PEDEN, SHANELLE	CABLE - VIDEOTAPING	150.00
	CABLE - VIDEOTAPING	100.00
PITNEY BOWES GLOBAL	ADMIN - POSTAGE MACHINE	444.03
	LIBRARY - SERVICE CONTRACT	106.77
PLATO ELECTRIC	SEWER - SERVICE	80.00
	FIRE - TRANSFER SWITCH	5,000.00
PLAY IT AGAIN SPORTS	PARK & REC - SOCCER BALL	107.89
	PARK & REC - SOCCER GOAL	59.98
PYRAMID SERVICES INC.	CEMETERY - JOHN DEERE PARTS	22.57
QC ANALYTICAL SERVICES	SEWER - TESTING	552.00
	WATER - CONFERENCE/TRAINING	50.00
	SEWER - TESTING	690.00
QUILL CORP	LIBRARY - SUPPLIES	20.78
	LIBRARY - SUPPLIES	63.75
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	938.02
	ACH PAYROLL EXPENSE	903.36
S & G MATERIALS	STREETS - SAND	671.78
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	1,065.19
	ACH PAYROLL EXPENSE	909.44
SIMKIN, ATTY DOUGLAS W	POLICE - LEGAL SERVICE	375.00
	POLICE - LEGAL SERVICE	342.50
SIRCHIE FINGER PRINT LAB	POLICE - SUPPLIES	47.59
SPAHN & ROSE LUMBER CO.	STREETS - DRICRETE	50.81
SPRINT	POLICE - SERVICE	179.97
STAPLES	PARK & REC - OFFICE SUPPLIES	57.53
STEWART, THOMAS	ACH PAYROLL EXPENSE	927.96
	ACH PAYROLL EXPENSE	927.96
STREICHER'S INC.	POLICE - BELTS/SUPPLIES	87.98
	POLICE - RAIN COAT	122.98
THE LIBRARY STORE INC	LIBRARY - SUPPLIES	29.20
TIPTON CONSERVATIVE	LIBRARY - SUBSCRIPTION	33.00
TREAS. STATE OF IOWA	STATE WTH.	926.00
	STATE WTH.	886.00
TREAS. STATE OF IOWA	IOWA SALES TAX - APRIL	1,579.80
UNITED LABORATORIES	STREETS - SUPPLIES	433.02
UPS	SEWER - SHIPPING	22.18
	SEWER - SHIPPING	22.18
	SEWER - SHIPPING	22.38
	SEWER/POLICE - SHIPPING	34.95
UPSTART	LIBRARY - SUPPLIES	6.95
	LIBRARY - SUPPLIES	459.55
US BANK	FIRE - 2010 INT'L TANKER	75,379.96
US CELLULAR	POLICE - PHONE SERVICE	208.49
	VARIOUS DEPTS - PHONE	332.00
	FIRE - PHONE SERVICE	36.79
VARGASON, COLLEEN	FIRE - SUPPLIES	89.00
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	160.82
	ACH PAYROLL EXPENSE	160.82
WALMART COMMUNITY/GEMB	LIBRARY - SUPPLIES	216.78
WARGO, BARBARA	ACH PAYROLL EXPENSE	145.11
	ACH PAYROLL EXPENSE	137.46
WENNDT, JOE	FIRE - TRAINING	100.00
WEST BRANCH FORD	STREETS - SERVICE 2003	278.97
WEST BRANCH HEATING	TOWN HALL - FURNACE REPAIR	364.60
WEST BRANCH TIMES	VARIOUS DEPTS - PUBLICAT	714.64

GRAND TOTALS

188,008.91

FUND TOTALS		
001	GENERAL FUND	129,640.19
022	CIVIC CENTER	2,241.90
031	LIBRARY	9,434.85
110	ROAD USE TAX	12,493.11
111	POLICE RECOVERY ACT GRANT	2,081.22
112	TRUST AND AGENCY	10,290.16
600	WATER FUND	12,249.90
610	SEWER FUND	9,577.58
	****	188,008.91



**Concrete Central LLC**  
 400 Westcor Dr.  
 Coralville, IA 52241  
 PH. (319) 545-4150  
 FAX (319) 545-4151



**ESTIMATE #:** 11-348

**DATE:** 4/15/2011

NAME / ADDRESS	JOB NAME/ADDRESS
GARLING CONSTRUCTION	WEST BRANCH FIRE STATION PCO #1

Item	DESCRIPTION
WC 1	ADD STOOP WALLS AT 3 OPENINGS

ACCEPTANCE OF OFFER: We, the undersigned, do hereby state that we have read the offer herein made, including the prices, specifications, and conditions, and we hereby accept said offer and authorize Concrete Central to perform in accordance hereof, and collectively my business and personally agree to pay Concrete Central in accordance with the terms hereof.	<b>Total</b> <b>\$1,260.00</b>
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Authorized Signature: _____	Concrete Central: _____
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**CITY OF WEST BRANCH, IOWA/SUBDIVIDER'S AGREEMENT**

**THE MEADOWS SUBDIVISION, PART ONE**

This Agreement is made by and between KLM Investments, L.L.C., an Iowa limited liability company, hereinafter referred to as the "Subdivider", and the City of West Branch, Iowa, a Municipal corporation, hereinafter referred to as the "City".

WITNESSETH

SECTION 1. MUNICIPAL IMPROVEMENTS; CONSTRUCTION AND INSTALLATION OF MUNICIPAL IMPROVEMENTS.

In consideration of the city approving the plat and subdivision of real estate known and designated as The Meadows Subdivision, Part One, West Branch, Iowa, prior to Subdivider's installation and construction of the required municipal improvements, Subdivider shall make escrow provisions as provided herein. Municipal improvements shall include improvements a 29-foot PCC street known as Dawson Court and a 31-foot PCC street known as Dawson Drive, sanitary sewers, water mains, storm sewers, sump-pump line, street lighting, fire hydrants with appropriate storm water connections as approved by the Fire Chief and a storm water detention facility as outlined in Paragraph 11 below to serve Part One of this subdivision and additional phases of The Meadows Subdivision. Said municipal improvements shall be constructed and installed in accordance with construction plans and specifications approved by the City Engineer of the City who shall have the right to make or authorize occasional inspections of the work in progress. Said inspections shall not relieve or release the Subdivider from the responsibility to construct the municipal improvements in accordance with the approved plans and specifications.

The sanitary sewer main to be installed by Subdivider on Outlot A shall connect to the existing sanitary sewer line at that certain manhole located to the northwest of Lot 9. The Subdivider is hereby required to remove the abandoned sanitary sewer line that will be located under the proposed storm water retention facility and is required to abandon the remaining sanitary sewer line located on Outlot A in place after placing flowable mortar in said sanitary sewer line.

SECTION 2. SIDEWALKS.

The Subdivider agrees that no later than three (3) years from the date of the City's Resolution approving the Final Plat of The Meadows Subdivision, Part One, West Branch, Iowa, or upon seventy-five percent (75%) of the development of the lots therein, whichever

occurs first, to install sidewalks abutting each lot which shall be at least four (4) feet wide and constructed according to the plans and specifications as approved by the City Engineer. The escrow provision need not include the sidewalk installation, however, the same shall remain a lien against each lot until accepted and released by the City.

### SECTION 3. ESCROW MONIES

The Subdivider shall deposit with the City Clerk in escrow an amount equal to the estimated cost of constructing the municipal improvements plus 10% thereof as determined by the City Engineer and said deposit shall be referred to as "Municipal Improvements Escrow". The escrow deposit shall be in the form of cash, bank check that will be cashed, bond or irrevocable letter of credit, all as approved by the City Attorney.

### SECTION 4. USE OF ESCROW MONIES

If, after one year from the date of the City's resolution approving the preliminary plat of the subdivision, the municipal improvements have not been constructed and installed for the subdivision, then City may use and/or make demand upon the municipal improvements escrow to construct and install said municipal improvements. The City shall release any bond or letter of credit or refund to the Subdivider any portions of or any excess escrow monies not used by the City after construction, installation and acceptance of all of the municipal improvements. Any cash or check held in escrow shall be released as needed for payment of the costs of the improvements.

In addition, the City may make use of any of the proceeds of the security provided by Subdivider in order to enforce the erosion control requirements pursuant to Section 170.15(15) of the West Branch Code of Ordinances.

### SECTION 5. WAIVER

In the event the Subdivider shall sell or convey or make application for a building permit on any lot or lots in the subdivision without having first constructed and installed all the municipal improvements for the subdivision, then the City shall have the right to proceed therewith as provided in Section 3 above.

### SECTION 6. LIEN

The costs of the construction and installation of the municipal improvements shall be a lien and charged against all lots in said subdivision and need not meet the requirements of notice, benefit or value as provided for by the Code of Iowa for assessing said municipal improvements which may exceed the municipal improvements escrow.

SECTION 7. RELEASE

The City agrees that when all municipal improvements have been constructed and installed for the subdivision, to the satisfaction of the City and upon acceptance by resolution, to furnish the Subdivider a good and sufficient Release for filing in the office of the County Recorder so that this Agreement will not constitute a cloud upon the title.

SECTION 8. PUBLIC SERVICES.

Subdivider agrees that public services including, street maintenance, snow plowing, water and sanitary sewer service, will not be provided in said subdivision until the municipal improvements have been constructed, installed and accepted by the City.

SECTION 9. PAYMENT OF SANITARY SEWER CONNECTION FEE.

Prior to approval of the Final Plat of the Meadows, Part One, the Subdivider shall pay to the City the sum of \$4,750.00 as payment of the Meadows Sanitary Sewer Connection Fee District.

SECTION 10. SIDEWALK CONNECTION.

Subdivder shall construct a five (5) foot sidewalk on that certain easement located between Lots 15 and 16 on the Final Plat. The City shall be responsible for maintaining said sidewalk after acceptance of the sidewalk by the City.

SECTION 11. STORM WATER DETENTION OR MANAGEMENT FACILITIES

The Subdivider shall be required to install a storm water detention facility on Outlot A of said subdivision. In constructing said storm water detention facility, the Subdivider shall be required to detain the difference in volume of the five year undeveloped storm and the one hundred year developed storm events on the entire approximate 80 -acre tract owned by Subdivider. In doing so, the Subdivider is required to abandon and remove an existing sanitary sewer main in a manner acceptable to the City Engineer and enter into a Sanitary Sewer Easement Agreement in a form acceptable to the City Attorney. Thereafter, the maintenance of said storm water detention facilities and the entirety of Outlot A shall be the responsibility of Subdivider and the owners of the lots within the subdivision. Said storm water detention facility shall be mowed so that the vegetation in the storm water detention facility is no taller than six inches in height. In addition, the Subdivider shall repair/remove any sand or other siltation in said Storm Water Detention facility so that the facility functions to hold the amount of storm water for which it was designed.

Upon request of the City Engineer, the Subdivider shall provide appropriate data to the City Engineer for review to ensure that the storm water detention facility is capable of providing the design capacity of the facility. The City Engineer, in its sole discretion, may require appropriate measures be performed by the Subdivider if the capacity has been reduced by sand, siltation or any other similar problems.

In the event that the Subdivider, or its assigns, fail to maintain the Storm Water Detention facilities in accordance with the standards set above, then the City has the right to perform said maintenance and invoice Subdivider for said maintenance costs. In the event that the Subdivider does not reimburse the City for its costs within 30 days of the submission of an invoice, the City shall have the right to assess the costs equally to all of the lots of this Subdivision, and any other phases of The Meadows Subdivision. The assessment amount for each lot shall be calculated by dividing the entire costs incurred by the City, including legal, engineering and administrative costs to perform said required maintenance, and divide that equally among the lots that have been final platted in all phases or parts of The Meadows Subdivision. Subdivider expressly waives all provisions of notice, benefit and value as it pertains to this special assessment.

SECTION 12. PEDESTRIAN STREET CROSSING ON MAIN STREET.

Subdivider shall construct a street crossing on Main Street, which shall include an appropriate crosswalk and traffic signal as approved by the City Engineer and the Manual on Uniform Traffic Control Devices. Subdivider shall work with the West Branch Community School District to connect said crossing to the school property located on the south side of Main Street. The City shall draft an ordinance designating an appropriate school speed zone on Main Street to enhance the safety of the new crossing.

SECTION 13. PARKS/TRAILS.

As required by the comprehensive plan, the Subdivider expressly agrees and acknowledges that future phases of The Meadows subdivisions shall include useable park and open space as required by the comprehensive plan.

SECTION 14. ASSIGNS AND SUCCESSORS

This agreement shall be binding upon the parties, their assigns or successors in interest and it is understood that the City, at its option, may contract for the construction and installation of the municipal improvements as provided above.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

April 12, 2011

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KLM Investments, LLC:

City of West Branch:

By: \_\_\_\_\_  
      , Manager

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

ATTEST:

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

**STATE OF IOWA, COUNTY OF CEDAR, ss:**

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donald Kessler and Matt Muckler, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West Branch, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as passed by Resolution of the City Council; and Donald Kessler and Matt Muckler acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

\_\_\_\_\_  
A Notary Public in and for the  
State of Iowa

April 12, 2011

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**STATE OF IOWA, COUNTY OF CEDAR, ss:**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_ as Manager of KLM Investments, L.L.C..

\_\_\_\_\_  
Notary Public



**ORDINANCE NO. 675**

AN ORDINANCE AMENDING TITLE CHAPTER 90 "WATER SERVICE SYSTEM"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 90 "WATER SERVICE SYSTEM" of the Code of West Branch, Iowa is hereby amended by deleting Section 90.06 in its entirety and inserting in lieu thereof:

**90.06 FEE FOR PERMIT.**

**Before any permit is issued, the person who makes application shall pay a fee for permit per the City of West Branch Schedule of Fees.**

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 18th day of April, 2011.

First Reading:                      April 4, 2011  
Second Reading:                    April 18, 2011  
Third Reading:

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

Attest:

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

**ORDINANCE NO. 676**

AN ORDINANCE AMENDING TITLE CHAPTER 96 "BUILDING SEWERS AND CONNECTIONS"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 96 "BUILDING SEWERS AND CONNECTIONS" of the Code of West Branch, Iowa is hereby amended by deleting Section 96.02 in its entirety and inserting in lieu thereof:

**96.02 CONNECTION CHARGE.**

**Before any permit is issued, the person who makes application shall pay a fee for permit per the City of West Branch Schedule of Fees.**

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 18th day of April, 2011.

First Reading: April 4, 2011  
Second Reading: April 18, 2011  
Third Reading:

---

Don Kessler, Mayor

Attest:

---

Matt Muckler, City Administrator/Clerk

**CITY OF WEST BRANCH  
COUNCIL ACTION REPORT**

MEETING DATE: April 18, 2011 AGENDA ITEM: 6h

DATE PREPARED: April 5, 2011

STAFF LIAISON: Matt Muckler, City Administrator

ACTION TITLE: First reading of Ordinance 679 amending Chapter 17 "COUNCIL" of the Code of West Branch, Iowa.

WORKSHOP    SPECIAL    CONSENT    NON-CONSENT    TABLED    PUBLIC HEARING

**RECOMMENDATIONS:**

The Council might consider 7:00 p.m. as a year-round time for regular Council Meetings.

**ATTACHMENTS:**

Chapter 17.04  
Ordinance 679

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

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

**17.04 COUNCIL MEETINGS.** Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The regular meetings of the Council are on the first and third Mondays of each month in the Council Chambers at City Hall. The time of said meetings shall be 6:30 p.m. when held during the months of November through March and shall be at 7:00 p.m. when held during the months of April through October. If such day falls on a legal holiday, the meeting is held at a mutually agreeable time, as determined by the Council. (*Ord. 650 – Aug. 08 Supp.*)

**ORDINANCE NO. 679**

AN ORDINANCE AMENDING TITLE CHAPTER 17 "COUNCIL"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 17 "COUNCIL" of the Code of West Branch, Iowa is hereby amended by deleting Section 17.04.1 in its entirety and inserting in lieu thereof:

**17.04.1 Regular Meetings. The regular meetings of the Council are on the first and third Mondays of each month in the Council Chambers at the City Office Building. The time of said meetings shall be 7:00 p.m. If such day falls on a holiday, the meeting is held at a mutually agreeable time, as determined by the Council.**

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 18th day of April, 2011.

First Reading: April 18, 2011  
Second Reading:  
Third Reading:

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

Attest:

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