

(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

**March 21, 2011
6:30 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, Park & Rec. Director Melissa Russell, and Fire Chief Administrator Dick Stoolman.

Council members: David Johnson, Robert Sexton, Mark Worrell, and Jim Oaks. Absent: Dan O'Neil

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the March 7, 2011 City Council Meeting.
- b) Approve claims.
- c) Approve transfer of \$5,738.98 from Krouth Interest Fund CD to Library-General Fund.

Motion by Johnson to amend agenda by removing item 4a, second by Sexton. Roll call vote – Ayes: Johnson, Sexton, Oaks, Worrell. Absent: O'Neil. Motion carried.

Motion by Johnson to approve consent agenda items b and c, second by Sexton. Roll call vote – Ayes: Johnson, Sexton, Oaks, Worrell. Absent: O'Neil. Motion carried.

**City of West Branch
Claims - 3/21/11**

Agvantage FS Inc.	LP fuel	864.88
Alliant Energy	utilities	9813.19
Amazon	supplies	15.53
Amsan	supplies	206.57
Aramark	service	269.42
Baker & Taylor Books	books	383.22
Barron Motor Supply	supplies	258.97
Battery Products	supplies	111.78
Bender, Justin	credit refund	35.28
BP Amoco	fuel	1488.49
Cedar County Coop	fuel	1219.80
Cedar County Recorder	recording fees	6.00
Cedar County Solid Waste	debris removal	30.00
Cedar Rapids Photo Copy	service	68.76
Dave's Welding & Repair	service	593.40
Decatur Electronics	power cable	50.00
Deweys Jack & Jill	supplies	40.20
EHS Inc.	service	200.00
Electric Motors	supplies	21.64
Farm Plan	supplies	190.43
Fleet Services	fuel	173.47
Freeman Lock & Alarm	keys	18.00
	curb guard	
Future Line Truck Equip.	supp.	622.99
General Pest Control	service	100.00
Great America Leasing	copier contract	252.06
Heick, Gina	cleaning	40.00
IA Assoc. Municipal Util.	training/dues	1168.83
Iowa Business Supply	office supplies	85.49
	code	
Iowa Codification	supplement	360.00
Iowa Municipal Finance	annual dues	45.00
	service	
Iowa Network Services	contract	26.99
Johnson County Refuse	recycling	3562.50
Kingdom Graphics	jerseys	990.00
Lease Consultants Corp.	service	59.00
Liberty Communications	utilties	1060.37
Linn Co. REC	utilties	102.00
Lynch's Excavating	service	1808.70
Matt Parrott	laser checks	250.08
Menards	supplies	511.03
Ann Nash	cleaning	300.00

Oasis Electric	wiring/service	3195.09
Office Depot	office supplies	184.14
Olson, Atty. Kevin	legal service	2500.00
Payroll	03/01/2011	25241.94
Payroll	03/18/2011	32022.55
Peden, Shanelle	videotaping	150.00
Pigsley's Tires	service repair	65.00
Pitney Bowes	postage	500.00
Plato Electric	service	431.31
Pyramid Services	supplies	2.04
Quality Engraved Signs	nameplate	14.62
Quill Corp.	office supplies	44.00
Security Cameras Direct	supplies	664.52
	service	
Sprint	contract	179.97
Sultzner, Ellen	cleaning	544.00
The Library Store Inc.	supplies	111.13
Thein Motor Sales	repair service	60.60
Treasurer State of Iowa	sales tax	1650.03
UPS	shipping	88.36
Urbandale Library	book fee	32.00
US Cellular	service	531.40
USA Blue Book	parts	834.01
Walmart	supplies	100.92
Wenndt, Joe	training	100.00
WB Animal Clinic	service	248.00
West Branch Times	publications	615.54
	transportation	
Windstar Lines Inc	deposit	180.00

Total \$97,695.24

Fund Totals

General Fund	40837.58
Civic Center	1453.32
Library	7848.04
Road Use Tax	7536.30
Police Recovery Act Grant	2052.75
Trust & Agency	10234.84
Water	19259.47
Sewer	8472.94
	\$97,695.24

The Clerk reported the following receipts for the month of February 2011:

Water, Sewer, Recycling	\$	48,148.44	Cedar Co. Property Tax	\$	6,731.48
Water Utility Deposits	\$	100.00	Johnson Co. Prop. Tax	\$	-
Cookson Rent	\$	-	Road Use Tax	\$	19,151.56
Town Hall Rent	\$	245.00	Fines	\$	824.05
Misc.	\$	772.50	Twp. Fire Contract	\$	-
Library	\$	336.48	Building Permits	\$	-
Donations	\$	450.00	Police Department Grant	\$	-
Interest	\$	362.92	Krouth Fund Interest	\$	0.32
Investments Interest	\$	50.18	M. Gray Savings Interest	\$	-
Cable fees	\$	-	Cemetery Perp. Care Int.	\$	0.35
Hometown Days	\$	-	MV Fuel Tax Refund	\$	-
Cat & Dog Registrations	\$	300.00	Reimbursement/Refunds	\$	-
Beer & Liquor Lic. Fees	\$	375.00	Grave Openings	\$	800.00
Park & Rec. Activities	\$	-	Cemetery Lots	\$	-
SUBTOTAL	\$	51,140.52	SUBTOTAL	\$	27,507.76
			TOTAL	\$	78,648.28

**The Clerk reported the following balances on hand for the month of February 2011:
(Balances =Financial Statement Report Bank Balance + Investments)**

Funds	Bank Balance	Investments	Total
001 General	\$ 176,702.12	\$ 228,738.72	\$ 405,440.84
011 Police Donations	\$ 8,851.54	\$ -	\$ 8,851.54
014 Fire Dept. Donations	\$ 52,600.00	\$ -	\$ 52,600.00
018 Park Donations	\$ 5,388.71	\$ -	\$ 5,388.71
022 Civic Center	\$ 9,531.53	\$ 23,216.73	\$ 32,748.26
031 Library Operating	\$ (15,858.36)	\$ 16,310.85	\$ 452.49
036 Tort Liability	\$ 6,550.15	\$ -	\$ 6,550.15
050 Home Town Days	\$ 11,473.28	\$ -	\$ 11,473.28
110 Road Use Tax	\$ 185,685.97	\$ 29,819.47	\$ 215,505.44
111 Police Recovery Act Grant	\$ (6,272.11)	\$ -	\$ (6,272.11)
112 Trust & Agency	\$ 16,958.99	\$ -	\$ 16,958.99
119 Emergency Tax Fund	\$ 50,359.85	\$ -	\$ 50,359.85
121 Local Option Tax	\$ -	\$ -	\$ -
125 TIF	\$ 591,282.13	\$ -	\$ 591,282.13
160 Economic Develop.	\$ 138,934.85	\$ -	\$ 138,934.85
200 Debt Service	\$ 1,354.33	\$ -	\$ 1,354.33
226 SRF Debt Service	\$ 85,733.35	\$ -	\$ 85,733.35
300 Capital Improvement	\$ 274.23	\$ -	\$ 274.23
500 Cemetery Perpetual	\$ 9,254.97	\$ 88,000.00	\$ 97,254.97
501 Krouth Fund Principal	\$ -	\$ 101,159.50	\$ 101,159.50
502 Krouth Enlow Int. Fund	\$ 8,501.39	\$ 16,006.13	\$ 24,507.52
600 Water Operating	\$ 229,500.81	\$ 123,900.21	\$ 353,401.02
603 Water Sinking Fund	\$ 32,366.64	\$ -	\$ 32,366.64
610 Sewer Operating	\$ 141,919.35	\$ 76,587.19	\$ 218,506.54
TOTAL	\$ 1,741,093.72	\$ 703,738.80	\$ 2,444,832.52

COMMUNICATIONS/OPEN FORUM

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

Report on bids for the West Branch Fire Department Expansion and Renovation Project.

Jim Jacob, VJ Engineering said that they took bids for the project on Friday, March 18th, 2011. They presented the results to Council and stated that Garling Construction submitted the lowest bid at \$376,700. There were 5 higher bids submitted for the expansion project.

Johnson inquired on the discrepancy on the bid amounts being so large. Worrell noted that the company will be in town so they will not have the transportation costs. Jim Jacob added that they see the wide discrepancy in the amounts often.

Approve Resolution 932, accepting a bid for the West Branch Fire Department Expansion and Renovation Project./Move to action.

Worrell made the motion to approve Resolution 932, second by Oaks. AYES: Worrell, Oaks, Johnson, Sexton. Absent: O'Neil. Motion carried.

Park and Recreation Director Melissa Russell and Mary Hanson, National Park Service – Presentation of Draft West Branch Trails Plan.

Russell introduced Mary Hanson and informed Council that there have been multiple Trails meetings discussing potential routes. Hanson presented the plan for the proposed trail route to Council.

Roger Laughlin Planning and Zoning Chair gave his verbal approval of the trail plan.

Johnson asked Hanson if she has viewed the proposed plat for the new development. Hanson said that she has viewed the plans for the development and therefore altered the trail path from the county line road route and now has it going through the new development.

John Fuller asked if the State would be notified of the proposed trail when Herbert Hoover Highway is resurfaced. Hanson said that this should be addressed. Laughlin suggested having the trail go further west of City limits.

Josh Worrell asked if the grants would cover the current sidewalks resurfacing or widening and who would be responsible for paying for it. Hanson said that typically trails become part of the park system and the construction and maintenance typically goes with the City. Worrell followed up with inquiring about signage. Hanson said that trails are typically treated as streets and would have signage.

First reading of Ordinance 677 re-zoning 0.57 acres, located north of West Main Street in Auditor's Parcel G, West Branch, Cedar County and adjacent to the Plat of Survey, Cedar County, Iowa, recorded in Plat Book 5, at Page 17, in the Records of the Cedar County Recorder's Office, from R-1 to R-2./Move to action.

City Attorney Kevin Olson addressed Councilman Johnson's request at the 3.7.11 Council meeting to research spot zoning.

He cited his case book. Olson said that there could be arguments both ways with the R-1, R-2 since R-2 does allow single family housing. Olson said that this could be spot zoning although it may be allowed and is up to Council discretion.

John Fuller said that this part of the City should and needs to be developed without question. Fuller said that he would like to see the entire area platted out before deciding on a section to be rezoned.

Roger Laughlin commented that the proposed lot seems like an ideal lot for one duplex. Laughlin said that pocket of R-2 would be better than a mass of R-2.

Worrell addressed Olson saying that spot zoning could go either way. Olson agreed.

Johnson asked if Sexton and Worrell worked in the Pedersen Valley addition. Johnson stated that Sexton and Worrell have a financial gain and asked them to abstain from voting. Sexton responded stating that this was not any different from voting on the Pedersen Valley addition. Worrell said that until there is a signed contract in his favor that he will not abstain from voting. Worrell said that at the time he has everyone's best interest in mind. Johnson said that he will file complaints with the State Attorney General so that if they do see a conflict, the vote could be nullified.

Laughlin addressed Councilman Johnson saying that the value in the potential work does not have much difference. Johnson said that he is looking at the entire development. Worrell asked Johnson to please not make it hard for professionals in West Branch that want to run for Council because they will not run if they will get treated the way that they currently are.

Johnson said that he is not accusing Worrell and Sexton of making decisions for personal gain but rather looking at the validity of the potential conflict of interest.

City Attorney Kevin Olson said in his opinion it is the job on the individual Council member to abstain in a conflict of interest. He asked that if a Council member would like to abstain that it is voiced as abstaining with a conflict of interest because it does have bearing on how the votes are tabulated.

Motion by Worrell, second by Sexton to approve Resolution 929. AYES: Worrell, Sexton. NAYS: Oaks, Johnson. Absent: O'Neil. Motion failed.

Discuss preliminary plat of KLM Investments, Inc.

Mary Beth Stevenson, 115 N 5th Street West Branch voiced her concerns of increased flooding and run off as a result from the new development. She noted that she is not opposed to the development and thinks that this is a great opportunity to promote solid storm water management practices to ensure the protection from excessive flooding. Stevenson stated that the EPA and DNR have classified the Hoover Creek as an impaired water body and that she does not want to further increase the impact on the water body with the run off. Stevenson said that she is not a storm water expert but rather has experience in water quality and water run off issues.

She recommended to Council that they ask for the storm water management plan before the project is approved. Additionally, she asked Council to require an erosion control plan from the developers. Stevenson also asked that the developers account and plan for the runoff from the surrounding developments.

City Administrator Muckler said that Mary Beth Stevenson and Judy Hagan's written comments have been provided to Council.

Glenn Meisner M.M.S. Consultants presented their updates referencing the widening of Dawson Drive and the sidewalk between lots 15 and 16 for public access and put a cross walk on West Main Street along with illustrating phase 1 on the plat map.

Brad Larson spoke to Council and the Community voicing his openness to Community concerns and how they have made changes accordingly. Larson addressed additional discussion items such as a pond with the City maintaining the green space and the possibility of donating land to the City for a future recreation facility.

Larson distributed a spreadsheet to Council the summarized the potential lots and their distribution of property tax noting the City's annual gain for the prospect 147 new houses. Councilman Johnson noted that the financial break down does not include the City's additional expenses for the expansion.

Worrell and Larson discussed potential storm water solutions.

Muckler said that after the developer's agreement is agreed to that the preliminary plat could be voted on by Council.

Laughlin suggested that the Council present a list to the developers as to what they would like to see. City Engineer Dave Schechinger, presented storm water calculations for Pedersen Valley and surrounding areas and noted that KLM would need to know if their concept is approved or they will not be able to provide a detailed analysis until they know that this is something that the City wants to do. Further discussion was had on options for water retention and the possibility of a home owner's association.

Brad Larson requested a work session with Council and KLM. Work session will be scheduled by City staff.

Approve Resolution 931, declaring intent to enter into a Loan Agreement not to exceed \$1,400,000 for the purpose of financing sanitary sewer improvements./Move to action.

Oaks asked if a loan agreement would be entered through a local bank why the bond would need to be set. Muckler explained the bonding process and asked Council to approve the resolution while inviting the local banks to participate in both the sanitary sewer improvements and Fire Station project.

Motion by Johnson, second by Sexton to approve Resolution 931. AYES: Johnson, Sexton, Worrell. NAYS: Oaks. Motion carried.

MAYOR DON KESSLER

Appointments/Reappointments

REPORTS

City Attorney Kevin Olson – Water and Sewer Fee Options

Olson discussed other rates used by surrounding communities.

Oaks asked for City Administrator Matt Muckler's opinion on the fee. Muckler suggested a \$250-\$500 fee per utility.

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

Heick presented Council with the Police Department's monthly report for February 2011.

ADJOURNMENT

Meeting adjourned by Mayor Kessler. City Council meeting adjourned at 8:52 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk