

(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 7, 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, Administrative Assistant Ashley Borland-Kaalberg, Library Director Nick Shimmin, Assistant Library Director Becky Knoche, Park & Rec. Director Melissa Russell, and Fire Chief Administrator Dick Stoolman.

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

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the February 21, 2011 City Council Meeting and Work Session.
- b) Authorize Mayor Kessler to sign the Wellmark BlueCross BlueShield Renewal Paperwork for Health, Dental, Life Insurance and Flex Benefit Policies for April 1, 2011-March 31, 2012.
- c) Approve Class C Native Wine License with Outdoor Service and Sunday Sales Permit for Elmira Winery, Inc. DBA Brick Arch Winery.

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

COMMUNICATIONS/OPEN FORUM

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

Cheryl Fischer, Procter and Gamble Iowa Distribution Center Leader – Presentation of \$2,500 Donation from Procter and Gamble to the West Branch Public Library for the 2011 Summer Reading Program.

Fischer presented the West Branch Library Board with a check for \$2,500 that follows Procter and Gamble's motto, "touching lives and improving life".

Mike Quinlan, President, West Branch Lions Club – Presentation on Lions Club "Flags Over West Branch" Program.

Quinlan explained to Council the "Flags Over West Branch" program, modeled from Tipton's Lions Club, providing a flag to individual's homes inside and outside of town for patriotic holidays. This service is provided for a \$35 fee.

Public Hearing on the matter of the budget estimate for Fiscal Year 2012, which is July 1, 2011 to June 30, 2012.

No discussion.

Approve Resolution 929, adopting the annual budget for certification of taxes for the fiscal year ending June 30, 2012./Move to action.

Motion by Sexton, second by O'Neil to approve Resolution 929. Roll call vote – AYES: Sexton, O'Neil, Oaks, Johnson. Absent: Worrell. Motion carried.

Public Hearing on Meadows Subdivision Rezoning Parcel 4 from R-1 to R-2.

Glenn Meisner, MMS Consultants, asked the Council for their approval of parcel 4 in phase 1. He explained that there is only one lot that is being asked for the rezoning approval.

John Fuller, University of Iowa Professor of Urban Regional Planning, Department of Economics and Department of Geography, 911 West Main Street provided Council with a written statement.

Additionally he stated that he does not oppose the development of this property.

"Issues About Proposed Rezoning" *The Meadows Subdivision*, West Branch, March 7, 2011

Presented by Kathy Fait and John Fuller, 911 West Main Street, 643-7476

1. Is the proposal in concert with the adopted West Branch Comprehensive Plan?

No—it scatters commercial and higher-density residential lots at the very edge of the city.

•West Branch already has substantial acreage zoned R-2, Residential—and that land is closer to the center of the city than the 16 ½ acres being proposed for R-2. Why does West Branch need more land zoned R-2 and B-2 at the very edge of our city? Rather, we should encourage more concentrated development towards the city center, and less intense development (zoned R-1) at the city edge.

•Some 11 3/4 acres are proposed for rezoning to business use. These acres are not only located at the very edge of the city, on Main Street at County Line Road, they are opposite the High School. Any type of commercial activity on this land will generate more traffic than residential land, and present an increased hazard to high school drivers as they come to and from the high school. There is no indication that the developer has taken this hazard into account, and no indication that the proposed internal road system will provide access for the business parcel. Rather, it must be assumed that the businesses in this parcel will attempt to have direct and unsafe access to these well-traveled streets.

•Beside danger to high school drivers, commercial development at this corner is a danger to any driver. Traffic coming from the west is traveling at least 50 mph until the 45 mph zone at the last hill before the city limits. As a driver crests the hill, additional commercial activity will add to the traffic turning left onto County Line Road or entering/exiting commercial establishments with direct access to Main Street. To complicate matters, the youth sports fields west of the High School add to the danger at this corner.

•A major community debate took place in 1996 over using this very same area for commercial activity (under a “neighborhood commercial” designation), but the end result was not to establish such a land-use category and not to consider changing the anticipated land use. (See West Branch Times, Oct. 3, 1996 and close-by dates.) The comprehensive plan states: “the City desires to have a centralized commercial area.”

•In its meeting of February 17, 2011, the West Branch Planning and Zoning Commission acted upon a portion of the Meadows Subdivision request (parcel 4), recommending rezoning this lot from R-1 to R-2. Rezoning only a portion of a larger parcel is a legally questionable practice known as spot zoning, and should not be permitted by the Council.

2. Does the Meadows proposal pay attention to city needs?

No—it does not dedicate land for recreational purposes, and burdens the city with storm-water retention areas for upkeep and mowing. This large subdivision does not contain needed recreational trails.

•The Comprehensive Plan calls for additional recreational areas in West Branch (in particular “pocket parks”). The development proposal is to dedicate two unbuildable areas (Outlots “A” and “B”) to the city, and provide no parks. These are areas required for storm water retention and abut a small stream. Neither performs the needed recreation function; neither appears useable by either future residents of the development nor by city residents in general; neither appears to have parking available. The city should expect that a developer of this large parcel would dedicate useful recreation land to the public. The current comprehensive plan found our city to have a “significant deficit of parkland” and recommended new subdivisions be required to turn over 5% of usable land to the city for parks. The deficit seems especially acute on the west side of town.

3. Does the plat map have technical deficiencies?

Yes—note:

•Lot 1 is shown on the rezoning map to be within the 100-year flood plain. This area does flood, and that lot is unbuildable. It may be that lot 83 would have similar problems, as may other lots in the flood fringe.

Note that the flood plain map is based on current land use (farmland, which has been in conservation reserve, with ground cover). With a fully built-out area containing structures and impervious pavement, expected storm-water runoff and flooding potential will undoubtedly be far more of a problem. As is, the storm-water basin for Pederson Valley is designed to handle only a 5-year event. Alteration of a watershed affects its ability to handle water and makes current maps obsolete.

It should also be noted that state-level deliberations continue to take place in Iowa about the desirability of revising regulations to replace the 100-year designation with 500 years, given recent weather patterns and anticipated climate change.

•It is hard to tell from the map provided whether the subdivision would have sidewalks. City policy for new subdivisions desirably should include sidewalks, rather than retrofit them later as homeowner expenses. Because a built-out subdivision of this size will no doubt have many school children as residents, does the subdivision design pay attention to “safe routes to school” criteria?

•Does the proposed Dawson Drive (starting at Main Street on the southeast side of the proposed subdivision) have a 25-foot setback throughout? From the map provided, the setback appears only to occur towards the north.

•Do the roads meet minimum design criteria? Some road gradients exceed the maximum allowable 5% by more than 2%. The minimum street width is for 60 feet of right-of-way (with 29 feet paved), although it would seem that Orange Street and Gilbert Drive should qualify functionally as collectors rather than as local streets, and thereby be subject to a higher minimum (34 feet paved). While the currently paved portion of Orange Street has 31 feet of pavement, that is no reason to reduce the width of the newly constructed street, particularly because the new section of Orange Street’s average daily traffic will be higher due to its connection with County Line Road and the added residential

development feeding into Orange Street. Moreover, given the problems experienced with residential parking in some of our newer areas of the city, standards substantially greater than the minimum width requirement deserve consideration, especially were R-2 density to be permitted. Are road curvatures and gradients satisfactory for sight distance at 25 mph limits? Are cul-de-sacs desirable designs for snow plowing and emergency vehicles?

Summary: The proposed Meadows subdivision appears to have numerous and important deficiencies compared with appropriate development under R-1 residential requirements, and the West Branch City Council should deny rezoning. An improved plat map, for the entire subdivision, should be requested of the developer before any approval is given for development under R-1 conditions.

Presentation on Preliminary Plat for Phase One of the Meadows Subdivision.

Glenn Meisner described the sanitary sewer issues and possible routes to put in a new sewer line. Additionally he explained how the curve on Orange Street has been lengthened to improve street grades. He stated the reasoning of the B-2 parcel request as it is bordered by creeks. He acknowledged that Council would not be discussing this parcel until a later date.

Johnson expressed his concerns with zoning any of the property R-2. Explaining how going from R-1 to R-2 would be concentration of a lot more people in a smaller area in a much quicker time. He explained how 10% of the City's population living in the mobile home village cannot be supported by the City's existing sewer system. He stated it was hard to justify giving the zoning of R-2 that will compound the City's existing problems while denying the mobile home village connection. Johnson also addressed the variance being asked for the street grade and how it affects the sidewalks.

Meisner referenced how it the proposed grade complies with the City ordinance of 5%.

Johnson asked about ADA requirements and asked Meisner to look into regulations on the sidewalks that would comply with the requirements.

Oaks asked Dave Schechinger, Engineer, the criteria used to determine the size of a flood retention basin. Schechinger explained that there are a variety of requirements used to gather this information all dependent on different design guidelines. He noted that he has not viewed the proposed basins for this development. Schechinger said that he will review the storm water report and give Council his opinion. Oaks also expressed his concern on the proposed lot sizes compared to the lot sizes of the Greenview addition with parking. Meisner responded with the City's ordinance that outlines the lot size requirements at a minimum of 7700 square feet.

Sexton questioned the proposed 29 ft wide extension of Dawson Drive and suggested a 31 ft wide street with this area being high traffic. Meisner answered by stating that when they designed the development they designed it to the minimum standards that the City has. Meisner said that he would ask the developers to look at widening the street.

Johnson addressed the aesthetic view of the proposed plans with the large amount of R-2 and said that he does not want to see the City grow faster than it could support with its services.

Jennie Embree, worked with the Safe Routes to School Task Force. She stated that she has concerns with the walk ability of the development. She suggested that this may increase the auto traffic downtown West Branch. Embree provided examples throughout the proposed development that would provide the most problems. She asked that a sidewalk be put on the north side of Main Street or a lighted cross walk. She also suggested a trail that would provide a connection for students to avoid walking the steep sidewalks. Embree also noted how this plan does not reflect the City's goal to provide more green space and parks.

Josh Worrell, West Branch resident stated that he was supportive of development but wants the city to ensure that the maximum amount of capacity with a limited amount of outflow is used when approving the proposed retention. He explained how the creeks within the City cannot support the heavy rains and adding more houses is only going to push the water on Main Street into the heart of West Branch. Worrell also expressed his concern with the City taking over the green space. He asked the City to really think about it before taking on the responsibility.

City Administrator Matt Muckler thanked residents for their input and looks forward to continued discussions with residents and developers to address the important issues involved with the development of the Meadows Subdivision.

Johnson asked City Attorney Kevin Olson to look into “spot zoning” as John Fuller suggested. Olson said that he would look into it before the next meeting.

O’Neil asked about a possible street connection to the Greenview development. Meisner told O’Neil that they did look at a street connecting the two developments but that it didn’t look to provide much benefit with the access already provided from Johnson Cedar road.

Muckler asked Schechinger about the timeline of the preliminary plat, storm water information, and construction drawings. Schechinger explained that if the preliminary plat was approved the construction drawings would be provided along with the storm water calculations.

Kevin Olson explained how all additional phases and additional rezoning requests would need to go through the Planning and Zoning Commission for approval except for the already approved phase 1.

O’Neil suggested the City look into a crossing light similar to the one on near the Post Office.

Sexton raised concern with the current speed limit on the highway coming into West Branch. O’Neil suggested working with Johnson County and lowering the speed limit before entering City limits.

Discussion was had on Planning and Zoning approving the entire preliminary plat.

Written statement submitted by Marybeth Stevenson, 209 N. Downey Street, West Branch, IA 52358.
“Issues About Proposed Rezoning” *The Meadows Subdivision, West Branch, March 7, 2011.* First off – I’m not familiar enough with the area to know whether or not flooding is a recurring problem...If it is a problem, then I would strongly advocate to the city that the new development **not** increase runoff to Hoover Creek. This is not unprecedented; Cedar Falls recently passed a post-construction ordinance that requires runoff from new development be equal to or less than the runoff prior to development. Here is a link to their ordinance:
<http://library.municode.com/index.aspx?clientId=10264&stateId=15&stateName=Iowa>
Second – I am concerned that lots 1 & 83 are built in the 100-yr floodplain. Several other lots will be pretty close to the boundary as well. These folks ought to be concerned with flooding – especially given the fact that scientists agree that precipitation is likely to increase now into the future.
Third – Hoover Creek is listed by the Iowa DNR and US EPA to be an impaired waterbody. Any discharges to Hoover Creek could exacerbate the water quality problems the creek already experiences. I would advocate to limit runoff into Hoover Creek. Can the developers say with certainty what the effect on discharge to the creek will be?
Fourth – Again, limiting runoff is a goal here. Any flash flooding could negatively impact the ability of students to get to school; it could cause downstream flooding; it could further degrade Hoover Creek. I’d like to see some low-impact development practices here: permeable pavements, bioretention areas, infiltration strips, vegetated swales... these are all options.
Fifth - Will downspouts from the houses be connected to the storm sewer system? If so, this will exacerbate flooding/runoff concerns as well. Low-impact development practices such as those I listed above would be helpful alternatives.

Approve Resolution 930, to Fix a Date for a Public Hearing on a Loan Agreement in a Principal Amount not to Exceed \$1,400,000./Move to action.

Oaks voiced his objection for using bond sales as a long term financing option to purchase equipment and to do maintenance work. He suggested other options for funding maintenance work on the water tower and the purchase of a street sweeper. Muckler explained that the Council will have bonding options and that not all of the suggested projects would have to be bonded.

Motion by Oaks, second by Sexton to approve Resolution 930. Roll call vote – AYES: Oaks, Sexton, Johnson, O’Neil. Absent: Worrell. Motion carried.

MAYOR DON KESSLER
Appointments/Reappointments

REPORTS

City Attorney Kevin Olson – Water and Sewer Connection Fee Options

Olson informed Council of what other cities use for a connection fee. He suggested Council consider an update to the City's current water and sewer connection fees.

ADJOURNMENT

Meeting adjourned by Mayor Kessler. City Council meeting adjourned at 8:48 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk