

# City of West Branch

~A Heritage for Success~

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110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358  
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## **PLANNING AND ZONING COMMISSION JOINT WORK SESSION WITH THE ZONING BOARD OF ADJUSTMENT**

**Tuesday, January 27, 2015 • 6:00 p.m., City Council Chambers, 110 North Poplar Street**  
*Council Quorum May Be Present*

1. Call to order
2. Roll call
3. Zoning Administrator Paul Stagg – Zoning Duties and Responsibilities within the City of West Branch
4. Potential Board and Commission Rules of Procedure
5. February 24, 2015 – U of I Institute of Public Affairs Board and Commission Training, Brick Arch Winery
6. April 6, 2015 - ISU Extension Introduction to Planning and Zoning for Local Officials Workshop, Davenport Public Library
7. Adjournment

## **PLANNING AND ZONING COMMISSION MEETING**

**Tuesday, January 27, 2015 • 6:30 p.m., West Branch City Council Chambers, 110 North Poplar St.**  
*Council Quorum May Be Present*

1. Call to Order
2. Roll Call
3. Approve minutes from the December 16, 2015 Special Planning and Zoning Commission Meeting/Move to action.
4. Approve \_\_\_\_\_ as Chairperson of the Planning & Zoning Commission./Move to action.
5. Approve \_\_\_\_\_ as Vice Chairperson of the Planning & Zoning Commission./Move to action.
6. Public Hearing on Proposed Amendment to Sections 165.22(7) and 170.15(5)D of the West Branch Zoning Ordinance.
7. Zoning Board of Adjustment Chair Craig Walker – Proposed Special Exception Form
8. Approve recommendation to the City Council for the passage of Ordinance 725, amending Chapter 165 “Zoning Regulations.”/Move to action.
9. Approve recommendation to the City Council for the passage of Ordinance 726, amending Chapter 170 “Subdivision Regulations.”/Move to action.
10. Approve the Meadows Subdivision – Phase 2 Preliminary Plat./Move to action.
11. City Engineer Dave Schechinger – Update on Future Land Use Plan
12. Discussion on connection between Greenview and Pedersen Valley
13. Old Business
14. New Business
15. Adjourn

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**Zoning Board of Adjustment Members:** Chair Craig Walker, Jennie Embree, Wayne Frauenholtz, Frank Frostestad, Kami Poppen • **Planning & Zoning Commission Members:** Chair Roger Laughlin, LeeAnn Aspelmeier, Ryan Bowers, John Fuller, Clara Oleson, Sally Peck, Gary Slach • **Zoning Administrator:** Paul Stagg • **Deputy City Clerk:** Leslie Brick  
**Mayor:** Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson  
**City Administrator/Clerk:** Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin  
**Parks & Rec Director:** Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

RESOLUTION NO. 968

A RESOLUTION TO ADOPT PROCEDURAL RULES FOR THE WEST BRANCH CITY COUNCIL

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to adopt Procedural Rules for the West Branch City Council; and

WHEREAS, the adoption of these rules will provide for orderly, fair, open and efficient deliberation on issues before the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch as follows:

Section 1. That the Procedural Rules for the West Branch City Council set forth in Exhibit "A" attached hereto and made a part hereof, be in full force and effect immediately upon its adoption and approval, as provided by law.

Section 2. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved this 3rd day of January, 2012.

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Don Kessler, Mayor

Attest:

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Matt Muckler, City Administrator/Clerk

# EXHIBIT “A”

## PROCEDURAL RULES OF THE WEST BRANCH CITY COUNCIL

### Part I. General Provisions

Rule 1. Scope of Rules. These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making.

Rule 2. Technical Parliamentary Forms Abolished. Except as specifically provided in these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms. Only motions specified within these rules are allowed.

Rule 3. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with or without the assistance and advice of the City Attorney and/or the City Administrator in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a majority vote of the Council.

Rule 4. Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Iowa and the ordinances of the City of West Branch.

### Part II. Time and Place of Meeting

Rule 5. Regular Meetings. The regular meetings of the Council are on the first of 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. (City Code Chapter 17.04.1, Ord. 650 – Aug. 08 Supp.)

Rule 6. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Administrator/Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of the notice shall be maintained by the Administrator/Clerk. (City Code Chapter 17.04.2, Code of Iowa, Sec. 372.13[5])

Rule 7. Quorum. A majority of all Council members is a quorum. (City Code Chapter 17.04.3, Code of Iowa, Sec.372.13[1])

Rule 8. Attendance. The Mayor or Council Members may attend either in person or by telephone conference call or video communications. The video conference or telephonic participation must be available to be heard by members of the public.

### Part III. Agenda

Rule 9. Preparation of Agenda. Prior to each regular Council meeting the City Administrator/Clerk shall publish an Agenda which contains all items the Council anticipates acting upon at the meeting. The Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and may adopt the agenda as amended.

Rule 10. Consent Agenda. In preparing an Agenda the City Administrator/Clerk shall separately designate items as "Consent Agenda" which may be acted upon by the Council under Rule 50. The "Consent Agenda" shall consist of routine non-controversial items which in the City Administrator/Clerk's determination can be appropriately considered in bulk at the Council meeting.

Rule 11. Agenda Requests and Deadline. The Mayor, any member of the Council and the City Administrator/Clerk may have an item included upon the Agenda by requesting the City Administrator/Clerk to include the item by noon on the Tuesday preceding the Council meeting. Citizens may address the Council, pursuant to Part V of these rules, to request an agenda item at a future Council Meeting or contact one of their elected officials to request that they include an item on a future agenda.

Rule 12. Extra Items. Items requested or filed after noon on the Tuesday preceding a Council meeting shall not be included upon the Agenda unless the Mayor, a Council Member or the City Administrator/Clerk shall deem the item of sufficient urgency to warrant immediate Council action. These items shall be designated as "Extra" items and will be considered at the appropriate place on the regular Agenda (prior to or after a related item) or at the end of the regular Agenda. The City Administrator/Clerk shall record on the item the name of the sponsoring Council member.

Rule 13. Sponsor Required. The City Administrator/Clerk shall not place upon the Agenda any matter for reconsideration unless sponsored by a Council member who voted on the originally prevailing side or who was absent at the time of the original action, provided said Council member made the motion at the next Council Meeting that Council member attended.

Rule 14. Withdrawal of Items. Only the City officer requesting the placement of an item on the Agenda may withdraw the item prior to the Council meeting, but in withdrawing the item shall state the reason therefore which reason shall be transmitted to the Council. An item withdrawn by the City Administrator/Clerk may nonetheless, in the discretion of the Council, be acted upon in its regular order.

Rule 15. Order of Consideration of Agenda. Except as otherwise provided in these rules, each Agenda item shall be considered in the numerical order assigned by the City Administrator/Clerk. Each Agenda item shall be separately announced by the presiding officer, or City Administrator/Clerk, for purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by the number assigned by the City Administrator/Clerk, unless greater specificity is requested by some person in attendance. This rule shall not apply to consideration of items under Rule 50 or Rule 51. The following is the order of business of the City Council at its meetings:

- 1) Call to order
- 2) Roll call
- 3) Welcome
- 4) Approve Agenda/Consent Agenda/Move to action
- 5) Communications/Open Forum
- 6) Public Hearings/Non-Consent Agenda
- 7) City Staff Reports
- 8) Comments from Mayor and Council Members
- 9) Adjournment

The following is the order of business of the City Council at its work sessions:

- 1) Call to order
- 2) Roll call
- 3) Work Session Agenda Items
- 4) Adjournment

#### Part IV. Conduct of Meetings

Rule 16. Presiding Officer. The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent the most senior Council member present shall preside. In the event two or more members equally possess the greatest seniority then the eldest person among them shall preside. The presiding officer is also known as the chair.

Rule 17. Control of Discussion. The presiding officer shall control discussion of the Council on each Agenda item to assure full participation in accordance with these rules.

Rule 18. Discussion. A Council member shall speak only after being recognized by the presiding officer. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized shall not be interrupted except by the presiding officer to enforce these rules, or by another Council member raising a point of order.

Rule 19. Members May Speak – How Often. No member shall speak more than once on the same question until all other members desiring to speak have spoken.

Rule 20. Members Address the Presiding Officer. Members will address their comments to the presiding officer, not to each other, staff or public attending the meeting.

Rule 21. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) may enter into any discussion.

Rule 22. Remarks to be Germane. Comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of comments. Members making personal, impertinent, or slanderous remarks may be barred, at the presiding officer's discretion, from further comment on the item under consideration.

Rule 23. No side conversations between members. Members shall not have side conversations with each other during any Council Meeting. Should a member of Council wish to share information with other members, that member should seek the recognition of the chair.

Rule 24. Profanity. No member shall use profanity while speaking in any Council Meeting.

Rule 25. Motive. No member shall question the motive of another.

Rule 26. Dress Code for members of the Council. At all times during meetings of the Council, proper attire for men shall be a combination of collared shirt (such as a dress shirt or polo shirt), and dress slacks with a belt or jeans. Proper attire for women includes a skirt or trousers (including denim) combined with a top. This rule applies only to members of Council.

#### Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council in the open forum section of the agenda for items not on the agenda, or prior to Council discussion of an item for specific Agenda items, if he or she completes a Citizen Comment Form. Citizen Comment Forms will be provided by the City Administrator/Clerk, Deputy City Clerk or Administrative Assistant, and must be completed and provided to the City Administrator/Clerk, Deputy City Clerk or Administrative Assistant prior to the start of the meeting.

Rule 28. Manner of Addressing Council. A person desiring to address the Council shall stand up (unless that person has physical limitations which prevents the person from doing so), state his or her name, address, and group affiliation (if any), speak clearly and address his or her comments to the presiding officer.

Rule 29. Time Limit on Citizen's Remarks. Citizens shall be limited to three minutes speaking time per item. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations of this rule.

Rule 30. Remarks of Citizens to be Germane. Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment

before the Council during the meeting.

#### Part VI. Council Action

Rule 31. Call to Order. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. In the absence of the Mayor and the Mayor Pro Tem the City Administrator/Clerk shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 16. The selected temporary presiding officer shall serve as successor Mayor Pro Tem for the meeting for purposes of being authorized to sign all measures passed and contracts approved at the meeting.

Rule 32. Roll Call. Before proceeding with the business of the Council, the City Administrator/Clerk, Deputy City Clerk or Administrative Assistant shall call the roll call of members present, and enter those named in the minutes. The City Administrator/Clerk, Deputy City Clerk or Administrative Assistant shall determine the presence of a quorum as required by law and these rules.

Rule 33. Motion Required. All action requiring a vote shall be moved by a member of the Council.

Rule 34. Motions. Allowable motions include the following: 1) Motion to approve, 2) motion to amend, 3) motion to adjourn, 4) motion to recess, 5) motion to postpone to a certain time, 6) motion to postpone indefinitely, 7) motion to appeal the rule of the chair, 8) motion to suspend the rules, 9) motion to reconsider and 10) motion for the previous question. Form and example:

Motion to approve: I move the adoption of item 6b.

Motion to amend: I move to amend by inserting the words “and grade” after “purchase.” Discussion and a vote would then take place on the amendment, i.e. the addition of the words “and grade.” Whether the amendment is or is not adopted, a subsequent vote would be taken on the underlying item.

Motion to adjourn: I move to adjourn.

Motion to recess: I move that the meeting recess until 9:00 p.m. Or, I move to recess for ten minutes.

Motion to postpone to a certain time: I move to postpone the motion to the next meeting.

Motion to postpone indefinitely: I move that the item be postponed indefinitely.

Motion to appeal the rule of the chair: I appeal from the decision of the chair. If seconded, the chair shall clearly state the exact question at issue, the reason for his or her decision and states the question, “Shall the decision of the chair be sustained?”

Motion to suspend the rules: I move that the rules be suspended which interfere with ... [stating the object of the suspension].

Motion to reconsider: I move to reconsider the vote on the resolution relating to the annual banquet. I voted for [or against] the resolution.

Motion for the previous question: I move the previous question.

Rule 35. Motions – Requiring a second. No motion shall be debated until another member has seconded the motion. After a motion has been made, another member who wishes it to be considered says, “I second the motion,” and may do so without obtaining the floor.

Rule 36. Must be read or stated before debate. After a motion is made and seconded, it shall be stated by the presiding the presiding officer before being debated.

Rule 37. Points of Order. Members of Council, who notice a breach of these rules, may raise a point of

order to insist upon their enforcement. (If the presiding officer notices a breach, he or she corrects the matter immediately; but if he or she fails to do so, any member can make the appropriate point of order.) Points of order are ruled upon by the presiding officer. Points of order are not debatable.

Rule 38. Appeal from a Ruling of the Presiding Officer. Should there be an appeal from any ruling of the presiding officer, the question, "Shall the chair be sustained?" shall be immediately put and determined before the Council proceeds to other business.

Rule 39. Previous Question. Any member may move the previous question. The motion shall be restated by the presiding officer in this form: "Shall the question under immediate consideration be now put?" It shall only prevail when supported by four-fifths of the Council and until decided shall preclude debate. If the motion is sustained, the proponent of the matter under consideration shall have one minute in which to make a closing statement before the Council votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the Council; but the Council shall proceed as if the motion had not been made.

Rule 40. Not debatable. The following motions shall be decided without debate: 1) motion to adjourn, 2) motion for the previous question, 3) motion to suspend the rules and 4) motion to recess.

Rule 41. Indefinite postponement. When a question is postponed indefinitely, that item shall not be acted on again in the same calendar year except when supported by four-fifths of the Council.

Rule 42. Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule 43. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council. Except as provided by Rule 22, a call for the vote shall not close discussion if any member of the Council still wishes to be heard.

Rule 44. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action or by a Council Member absent at the time of the original action.

Rule 45. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule 46. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately and each separate vote shall be recorded by the City Administrator/Clerk.

Rule 47. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in single motion. Each Council Member shall separately note upon a form provided by the City Administrator/Clerk any matter on the "Consent Agenda" upon which he or she wishes to speak or to vote no. At the time of consideration of the "Consent Agenda" the presiding officer shall announce the items upon which Council members have indicated they wish to speak or vote no. The presiding officer shall also recognize any person in attendance who has indicated on the Citizen Comment Form their wish to speak upon a particular consent item. Items upon which any Council Member or citizen wishes to speak shall be considered separately and not as a portion of any motion calling for action upon the remainder of the "Consent Agenda". The City Administrator/Clerk, Deputy City Clerk or Administrative Assistant, on all matters contained in the "Consent Agenda," shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 15 shall not apply.

Rule 48. Action to Multiple Items. With the consent of a majority of the Council, Rule 46 hereof notwithstanding, the Council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the City Administrator/Clerk noting specific yes or no votes of each Council member on each item.

Rule 49. Recording Names of Moving Members. The City Administrator/Clerk, Deputy City Clerk, or Administrative Assistant shall record the name of the Council Member making and seconding each motion.

Rule 50. Consideration of Matters Not on Agenda. Except as to matter which by law require the publication of notice before consideration by the Council any member of the Council may, at the close of the regular Agenda, bring a matter not on the Agenda to the Council's attention. Council may not act upon such matters, rather direct such matter be included upon a later Agenda.

#### Part VII. Miscellaneous

Rule 51. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under consideration.

Rule 52. Waiver of Ordinance Readings.

A Council member may move the final passage of an ordinance, with waiver of first or second consideration of the ordinance or waiver or both, by reciting the following motion.

"Moved by (insert the moving Council member's name) that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended; that the first and second consideration and vote be waived; that the ordinance be placed upon its final passage and that the ordinance do now pass."

or may move waiver by reference to the language of this section to be known as "the waiver rule".

Rule 53. Name of Sponsor on Roll Call. Any time these rules require an action to be sponsored by a Council member, the City Administrator/Clerk shall note the name of the sponsoring Council member on the face of the roll call for said item.

Rule 54. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a two-thirds majority of the Council.

Rule 55. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Council.

Rule 56. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Attorney, City Administrator/Clerk or any City employee.

Elected officials and citizen-led boards and commissions make up the backbone of the local planning and zoning process. Unfortunately, the issues surrounding land use, and the tools and techniques available to address them, are becoming increasingly complex. At the same time developers, landowners, and residents are increasingly likely to litigate over unfavorable decisions.

The Introduction to Planning and Zoning workshop is designed as a “basic training” for local elected and appointed officials on the land use issues facing them today. Using case scenarios in a highly-interactive format, it will provide participants with an overview of the roles and responsibilities of the planning commission, the board of adjustment, and the elected council and board of supervisors. It also will highlight legal issues frequently faced by local officials, such as variances, special uses, nonconforming uses, spot zoning, hearing procedures, and conflicts of interest. The workshop is intended primarily for local officials new to planning and zoning issues, though it also will serve as a refresher for veteran members.



**IOWA STATE UNIVERSITY**  
Extension and Outreach

# INTRODUCTION TO **Planning & Zoning for Local Officials** WORKSHOP

**SPRING 2015**

Presented by  
IOWA STATE UNIVERSITY EXTENSION  
COMMUNITY AND ECONOMIC DEVELOPMENT  
with assistance from  
Iowa League of Cities  
Iowa's Regional Councils of Government  
Iowa State Association of Counties  
ISU Extension County Offices



**IOWA STATE UNIVERSITY**  
Extension and Outreach  
COMMUNITY AND ECONOMIC DEVELOPMENT  
2321 North Loop Drive, Suite 121  
Ames, Iowa 50010

The Introduction to Planning and Zoning for Local Officials workshops are offered annually across the state. Locations change from year-to-year so that city officials can attend a location near them at least once every two years.

**March 23 Council Bluffs**  
Mon  
Hilton Garden Inn  
2702 Mid America Drive

**March 24 Fort Dodge**  
Tue  
Quality Inn  
2001 Hwy 169 South

**March 30 Dubuque**  
Mon  
Hotel Julien Dubuque  
200 Main Street

**March 31 Waterloo**  
Tue  
Waterloo Center for the Arts  
255 Commercial Street

**April 6 Davenport**  
Mon  
Davenport Public Library -  
Eastern Avenue Branch  
6000 Eastern Ave

**April 7 Fairfield**  
Tue  
Fairfield Arts and Convention Center  
200 North Main

**April 13 Johnston**  
Mon  
Hilton Garden Inn  
8600 Northpark Drive

## REGISTRATION INFORMATION

The Introduction to Planning and Zoning Workshops will be held in seven locations throughout Iowa in March and April 2015.

All programs will begin with registration and a light supper at 5:30 p.m. The program will begin at 6:00p.m. and conclude by 8:45p.m.

The registration fee is \$65 per individual. This fee is reduced to \$50 per individual if a city or country registers 5 or more officials to attend. This fee covers supper and the workshop materials.



## Certification Credits

The workshop has been pre-approved by the Iowa Municipal Finance Officers Association and the Iowa League of Cities for credits toward certification.

... and justice for all  
Iowa State University Extension and Outreach programs are available to all without regard to race, color, age, religion, national origin, sexual orientation, gender identity, genetic information, sex, marital status, disability, or status as a U.S. veteran. Inquiries can be directed to the Director of Equal Opportunity and Compliance, 3280 Beardshear Hall, (515) 294-7612.

Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Cathann A. Kress, director, Cooperative Extension Service, Iowa State University of Science and Technology, Ames, Iowa.

## REGISTER ONLINE

We have moved exclusively to an online registration system for the Planning and Zoning for Local Officials workshops.

To register, go to

<http://blogs.extension.iastate.edu/planningBLUZ>

Click on the "Intro to Planning and Zoning Workshops" tab at the top of the page, then click on the "Register Online Here" link. When you register you will have the option to pay by credit card, or to be invoiced via email.

To receive a meal you must register at least one week before the scheduled date of the workshop you wish to attend. You may register and pay at the door on the day of the workshop if you cannot register by the one-week deadline; however, no meal will be provided.

If you have registered but find you cannot attend you may send a substitute or cancel your registration; however, no refunds will be made for cancellations received less than 3 business days prior to the workshop. No exceptions.

## CONTACT FOR QUESTIONS

For registration questions please contact:

## Registration Services

515-294-6222  
registrations@iastate.edu

For other information about the workshops please contact:

## Gary Taylor

515-290-0214  
gtaylor@iastate.edu

## Alan Vandelaar

515-231-6513  
alanv@iastate.edu

## Linda Doering

515-294-8707  
ldoering@iastate.edu

To download additional brochures and link to registration page please visit

<http://blogs.extension.iastate.edu/planningBLUZ>

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

**City of West Branch**  
**Amended Special Planning & Zoning Commission Meeting**  
**December 16, 2014**  
***West Branch City Council Chambers, 110 North Poplar Street***

Chairman Roger Laughlin opened the regular meeting of the Planning & Zoning Commission at 6:33 p.m. welcoming the audience and Mayor Mark Worrell, City Administrator Matt Muckler, Zoning Administrator Paul Stagg, Deputy City Clerk Leslie Brick, City Engineer Dace Schechinger, Council Member Mary Beth Stevenson, West Branch Community School District Superintendent Kevin Hatfield and School Board Member Deb Schreiber. Commission Members Roger Laughlin (Chair), LeeAnn Aspelmeier, Ryan Bowers, John Fuller, Clara Oleson, Sally Peck and Gary Slach were present.

New Commission Members Clara Oleson and Sally Peck were introduced to the Commission.

Approve minutes from the November 25, 2014 Planning & Zoning Commission Meeting.

Motion by Fuller, second by Laughlin. AYES: Fuller, Laughlin, Aspelmeier, Bowers and Slach. NAYS: None. Abstain: Oleson and Peck. Motion carried.

Approve the Meadows Subdivision – Phase 2 Preliminary Plat. Move to action.

Laughlin opened the discussion with mention that the Commission was in receipt of comments City Engineer Dave Schechinger addressed to MMS Consultants regarding items on the Phase 2 Preliminary Plan for the conformance with the City's ordinances and design standards. Glen Meisner of MMS Consultants provided an overview of the Meadows Subdivision Phases and the Commission addressed each item on the list from the City Engineer and MMS Consultant response to each. The Commission had issue with 5 of the items that will need further discussion;

- 170.05.18 – A proposed grading plan shall be submitted for review prior to considering a preliminary plat. *P&Z recommended MMS to prepare a preliminary grading plan.*
- 170.15.5.D – Orange Street is proposed at 31 feet wide to match the existing sections. A variance should be requested to reduce the width from the required 34 ft width for a collector street. *P&Z recommended that Dawson Drive to the north of Orange Street should continue at 31 ft to match the width of Dawson Drive south to Main Street.*
- Note in Parcel G indicates City is to pay for sanitary sewer from Orange Street to the existing sewer to the north. *Muckler responded that sewer costs were the responsibility of the developer, not the City.*
- The proposed stormwater detention basin in Outlot A should be revised to allow adequate room for a trail to be installed around it. Lots 32 and 33 may need to be

- reduced in length to allow room. *P&Z recommended that they would like to see a wet bottom, rock lined basin with grading for a future trail around it.*
- The City and Developer will need to agree on the trail location and responsibility for installation. A pedestrian crossing will be required to connect this subdivision to the existing trail network south of Main Street. Appropriate signage must be installed. *P&Z recommended cost sharing for the intersection of Dawson Drive, future high school entrance and Main Street be engineered.*

Based on the above discussion items and the need for additional follow-up, the Commission postponed approval of Meadows Subdivision Phase 2 Preliminary Plat to the next regular meeting scheduled for January 27, 2015. Motion to postpone vote by Laughlin, second by Fuller. AYES: Laughlin, Fuller, Aspelmeier, Bowers, Oleson, Peck and Slach. NAYS: None. Motion carried.

#### Old Business

None to report.

#### New Business

Slach asked the City to consider putting a connection in for the Greenview residents before the work on Cedar-Johnson road begins. Once work begins, the residents will only have gravel roads to get out. This item will be added to the agenda for the next Planning & Zoning Commission Meeting scheduled January 27, 2015. The following 2015 dates have been set for future Planning & Zoning meetings as follows; January 27, March 24, May 26, July 28, September 22, and November 24.

#### Adjourn

Motion to adjourn meeting by Slach, second by Aspelmeier. Motion carried on a voice vote. Planning & Zoning meeting adjourned at 9:12 p.m.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTIONS 165.22(7) AND 170.15(5)D OF THE WEST BRANCH ZONING ORDINANCE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held to consider the above referenced matter by the Planning and Zoning Commission of the City of West Branch, Cedar County, in the Council Chambers at the City Hall at 110 N. Poplar Street, at 6:30 o'clock P.M., on Tuesday, January 27<sup>th</sup>, 2015. The proposed amendment will clarify the Zoning Board of Adjustments ability to attach conditions and safeguards to special exceptions and make the subdivision regulations regarding sidewalk width conform to zoning regulations.

All interested persons are invited to attend the meeting and be heard on the aforementioned proposed amendment to the West Branch Code of Ordinances. Further information on this matter may be obtained by contacting the West Branch City Clerk.

/s/Matt Muckler  
Matt Muckler, City Clerk  
by West Branch City Council

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO SECTIONS 165.22(7) AND 170.15(5)D OF THE WEST BRANCH ZONING ORDINANCE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held to consider the above referenced matter by the City Council of the City of West Branch, Cedar County, in the Council Chambers at the City Hall at 110 N. Poplar Street, at 7:00 o'clock P.M., on Monday, February 2, 2015. The proposed amendment will clarify the Zoning Board of Adjustments ability to attach conditions and safeguards to special exceptions and make the subdivision regulations regarding sidewalk width conform to zoning regulations.

All interested persons are invited to attend the meeting and be heard on the aforementioned proposed amendment to the West Branch Code of Ordinances. Further information on this matter may be obtained by contacting the West Branch City Clerk.

/s/Matt Muckler  
Matt Muckler, City Clerk  
by West Branch City Council

**City of West Branch - draft**  
*Application for Special Exception to City Zoning Regulations*

**Instructions:**

Individuals requesting a Special Exception must complete this application and submit it to the City Zoning Administrator at the West Branch City Office - 110 N. Poplar Street, West Branch, IA 52358.

Individuals requesting a special exception should familiarize themselves with the requirements as outlined under the West Branch City Code 165.26 - 165.29 - District Requirements (as applicable) and 165.04 - Definitions (as applicable). The City Code is available on the West Branch website [www.westbranchiowa.org](http://www.westbranchiowa.org)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
E-mail \_\_\_\_\_  
Phone \_\_\_\_\_  
Zoning District \_\_\_\_\_

Describe in detail the Special Exception you are requesting:

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

Zoning Board of Adjustment Action (including specific conditions - if applicable):

Chair Zoning Board of Adjustment \_\_\_\_\_ Date \_\_\_\_\_

Applicant acknowledgement of specific conditions (if applicable)

Signature \_\_\_\_\_ Date \_\_\_\_\_

xx/xx/2015

**ORDINANCE NO. 725**

AN ORDINANCE AMENDING CHAPTER 165 “ZONING REGULATIONS”

WHEREAS, the City Council of the City of West Branch, Iowa, has heretofore deemed it necessary and desirable to provide a process whereby the Zoning Board of Adjustment could allow uses by special exception under certain conditions, and

WHEREAS, it is desirable for the City Code to be consistent with the State Code.

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 165 “ZONING REGULATIONS” of the Code of West Branch, Iowa is hereby amended by revising the following subsection to Chapter 165:

**165.22 (7) Powers of the Board of Adjustment**

165.22 (7) — Insert the following: In granting a variance, or Special Exception, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this chapter. Violation of any of these conditions or safeguards shall be deemed violation of this chapter.

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 2nd day of February, 2015.

First Reading: February 2, 2015

Second Reading:

Third Reading:

\_\_\_\_\_  
Mark Worrell, Mayor

Attest:

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

**ORDINANCE NO. 726**

**AN ORDINANCE AMENDING CHAPTER 170 “SUBDIVISION REGULATIONS”**

WHEREAS, it is desirable for the City’s Zoning Regulations (Chapter 165) to be consistent with the City’s Subdivision Regulations (Chapter 170).

NOW, THEREFORE, BE IT ORDAINED:

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 170 “SUBDIVISION REGULATIONS” of the Code of West Branch, Iowa is hereby amended by revising the following subsection to Chapter 170:

**170.15(5)D. Street right-of-way widths shall be as follows:**

- (1) Arterial Streets: a 70-foot right-of-way, 42-foot pavement, and 5-foot sidewalks per City Specifications.
- (2) Collector Streets: a 66-foot right-of-way, 34-foot pavement, and 5-foot sidewalks per City Specifications.
- (1) Minor Streets: a 60-foot right-of-way, 29-foot pavement, and 5-foot sidewalks per City Specifications.

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 2nd day of February, 2015.

First Reading: February 2, 2015

Second Reading:

Third Reading:

---

Mark Worrell, Mayor

Attest:

---

Matt Muckler, City Administrator/Clerk





December 14, 2014

Matt Muckler  
City Administrator  
City of West Branch  
110 North Poplar St.  
West Branch, IA 52358

WEST BRANCH, IOWA  
MEADOWS SUBDIVISION - PHASE 2  
PRELIMINARY PLAT

We have reviewed the preliminary plat for Meadows Subdivision – Phase 2 to the City of West Branch for conformance with the City’s ordinances and design standards. Based on our review, we offer the following comments:

1. 170.05.7 Show building setback lines on plat
2. 170.05.10 Show location of any proposed street lights on plat.
3. 170.05.13 Indicate zoning for adjacent properties
4. 170.05.16 Lot 31 is situated in the 100 yr flood plain. The lot will require a minimum low opening.
5. 170.05.18 A proposed grading plan shall be submitted for review prior to considering the preliminary plat.
6. 170.15.5.D Orange Street is proposed at 31 feet wide to match the existing sections. A variance should be requested to reduce the width from the required 34 ft width for a collector street.
7. 170.15.6.C Label radii on lot corners to demonstrate compliance with requirements.
8. 170.15.8 Orange Street is proposed at 8% grade east of Dawson Drive to match the existing grade to the east. A variance should be requested to allow Orange Street to be installed at 8% in this phase

9. 170.16.6.D A sump pump drain line is required behind the back of curb. The typical street section should be revised to show a drainable base and drain tiles sized appropriately. The sidewalk should be 5' wide and 1.5% slope.
10. Label on Dylan Ct should be changed to Ridge View in Part 1.
11. Note in Parcel G indicates City is to pay for sanitary sewer from Orange Street to the existing sewer to the north. Any agreement for City to pay for improvements should be confirmed and documented in the developer's agreement.
12. The proposed stormwater detention basin in Outlot A should be revised to allow adequate room for a trail to be installed around it. Lots 32 and 33 may need to be reduced in length to allow room. The proposed grading may need to be revised to allow room in the southeast corner of the basin. The current grading encroaches into the utility easement which would require that utilities install inside the basin. The City previously requested that the proposed detention facility be enhanced to provide multiple uses to the community. Additional information should be provided to indicate how that will be accomplished.
13. If the detention basin in Outlot A is dedicated to the City for stormwater detention under Phase 2, prior to full development of the Meadows Subdivision, the developer's agreement should clearly indicate if capacity has been reserved for additional lots to be developed upstream of this facility. The reserved capacity should be documented. It should also be noted that the developer is responsible for turning over a clean and operating facility. If development activity contaminates the facility and it must be cleaned, the responsibility for cleaning should be agreed to prior to accepting the facility.
14. The existing manholes and sanitary sewer running through Outlot A and north of Dawson Drive should be removed to prevent issues with the detention basin and future lots.
15. Past discussions regarding trails in this subdivision have included an option for a wider sidewalk along Dawson Drive. The City and Developer will need to agree on the trail location and responsibility for installation. A pedestrian crossing will be required to connect this subdivision to the existing trail network south of Main Street. Appropriate signage must be installed for the crossing.
16. The water main on Dawson Drive should be a minimum of 8" diameter. The proposed valve and hydrant locations at the intersection of West Main Street and Dawson Drive will need to be coordinated with the utility companies to avoid conflicts.

Matt Muckler  
December 14, 2014  
Page 3

17. The sanitary sewer and storm sewer alignments south of Lot 38 will need to be revised to eliminate multiple crossings of these utilities. Additional easement may be required on lot 38 to accomplish this.

Should you have any questions or comments, please contact us at 319-466-1000.

VEENSTRA & KIMM, INC.

Dave Schechinger

cc: Paul Anderson, MMS Consultants

# *City of West Branch*

~A Heritage for Success~

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## Office of the City Attorney

### MEMORANDUM

TO: Matt Muckler

FROM: Kevin D. Olson

Date: December 15, 2014

RE: The Meadows Subdivision, Phase Two, West Branch, Iowa  
Preliminary Plat

CC: Dave Schechinger

Matt, in addition to providing a draft Subdivider's Agreement, I make the following comments:

1. There are listed two sediment basins for the proposed Storm Water Management Facility of Outlot A. Some type of access will need to be granted to allow for the City (if the City takes the Outlot) or the Subdivider/Homeowners' Association access to clean/dredge the sediment basins.
2. I have listed two alternatives in the Subdivider's Agreement for the construction of the storm water management facility on Outlot A.
3. Needs to be a sidewalk across Outlot A adjacent to Main Street if the sidewalk will continue to the west.
4. Do we need any more right-of-way along W. Main Street for future improvements as shown by the traffic study?
5. Waivers will have to be granted for Orange Street.
6. If the City does not take possession of Outlot A, we will need easements at the outfalls to ensure we have access to clean these out since the outfalls will take water from the street.
7. Subdivider should pay for cost of crossing of W. Main Street.

Let me know if you have any questions.

**CITY OF WEST BRANCH, IOWA/SUBDIVIDER'S AGREEMENT**

**THE MEADOWS SUBDIVISION, PHASE TWO**

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, Phase Two, 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 a 31-foot PCC street known as Orange Street, a 31-foot PCC street known as Dawson Drive (south of Orange Street), a 29-foot PCC street known as Dawson Drive (north of Orange Street), sanitary sewers, water mains, storm sewers, sump-pump line, street lighting, a 6-foot sidewalk on Main Street in front of Outlot A continuing westerly to the westernmost point of Outlot A, a mid-block crosswalk across Dawson Drive as shown on the plat, fire hydrants with appropriate STORZ connections as approved by the Fire Chief and a storm water detention facility as outlined in Paragraph 11 below to serve Phase Two 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 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, Phase Two, West Branch, Iowa, or upon seventy-five percent (75%) of the development of the lots therein,

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whichever occurs first, to install sidewalks abutting each lot which shall be at least five (5) 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. STORM WATER DETENTION OR MANAGEMENT FACILITIES

The Subdivider shall be required to install a wet-bottom 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. In addition, the Subdivider shall construct a ten foot trail around the entire perimeter of the wet-bottom basin in accordance with City's standards. Once the wet-bottom and trail have been completed, the Subdivider shall convey the title to Outlot A to the City via Warranty Deed and after said conveyance, maintenance shall be the responsibility of the City. (WET-BOTTOM WITH TRAIL – CITY ACCEPTS)

OR

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.

The Subdivider shall form a homeowners' association to be responsible for the maintenance of said detention basin. 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, except where necessary to assist with the functioning of said Storm Water Detention facility, as approved by the City Engineer. In addition, the Subdivider shall repair/remove any sand or other siltation in said Storm Water Detention facility so that the facility

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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, the Homeowners' Association, 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 or Homeowners' Association 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 The Meadows Subdivision, Phase Two or the rest of the property to be developed as future phases of the Meadows Subdivision(s). 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.

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Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

KLM Investments, LLC:

City of West Branch:

By: \_\_\_\_\_  
\_\_\_\_\_, Manager

\_\_\_\_\_  
Mark Worrell, Mayor

ATTEST:

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

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

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mark Worrell 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 Mark Worrell 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

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

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_ as Manager of KLM Investments, L.L.C.

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