

City of West Branch

~A Heritage for Success~

110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358
(319) 643-5888 • Fax (319) 643-2305 • www.westbranchiowa.org • city@westbranchiowa.org

PLANNING AND ZONING COMMISSION MEETING

Tuesday, July 26, 2016 • 7:00 p.m.

West Branch City Council Chambers, 110 N. Poplar St.

Council Quorum May Be Present

1. Call to Order
2. Roll Call
3. Approve Agenda/Consent Agenda/Move to action.
 - a. Approve minutes from the May 24, 2016 Planning and Zoning Commission Meeting.
 - b. Approve minutes from the June 21, 2016 Planning and Zoning Commission Meeting.
4. Public Hearing/Non-Consent Agenda
 - a. Public Hearing on the proposed amendment to the West Branch Zoning Code concerning a rezoning request from Cedars Edge Golf Course.
 - b. Approve a recommendation to the City Council for the rezoning of four tracts located in the Cedars Edge Golf Course: An approximately 27.49 acre parcel on the Westerly portion of the W. ½ N.W.1/4 Sec. 6 T.79N. R.4W in West Branch, Cedar County, Iowa, more commonly known as Cedars Edge Golf Course. Rezoning Tract #1: A-1 to R-1, Rezoning Tract #2: A-1 to R-2, Rezoning Tract #3: A-1 to R-3, and Rezoning Tract #4: A-1 to B-1./Move to action.
 - c. Approve recommendation to the City Council to pursue adoption of a residential plot plan./Move to action.
 - d. Discussion on Update to the West Branch Comprehensive Plan
 - e. Discussion of Rules of Procedure
5. City Staff Reports
6. Comments from Chair and Commission Members
7. Next Regularly Scheduled Commission Meeting – September 27, 2016 at 7:00 p.m.
8. Adjourn

Planning & Zoning Commission Members: Chair John Fuller, Vice Chair Ryan Bowers, LeeAnn Aspelmeier, Sally Peck, Clara Oleson, Liz Seiberling, Gary Slach • **Zoning Administrator:** Paul Stagg • **Deputy City Clerk:** Leslie Brick
Mayor: Roger Laughlin • **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

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

City of West Branch Planning & Zoning Commission Meeting

May 24, 2016

West Branch City Council Chambers, 110 North Poplar Street

Chairperson John Fuller opened the meeting of the Planning & Zoning Commission at 7:00 p.m. welcoming the audience and following City Staff; Zoning Administrator Paul Stagg and Deputy City Clerk Leslie Brick. Commission Members, LeeAnn Aspelmeier, Ryan Bowers, Clara Oleson, Liz Seiberling and Gary Slach. Absent: Sally Peck.

Approve the agenda for the May 24, 2016 meeting./Move to action.

Motion by Bowers, second by Slach to approve the agenda. Absent Peck. Motion carried on a voice vote.

Approve minutes from the April 12, 2016 Planning and Zoning Commission Meeting./Move to action.

Motion by Bowers, second by Aspelmeier to approve the minutes. Absent Peck. Motion carried on a voice vote.

Approve the Plastic Products Site Plan./Move to action.

Kevin Shuldt, Plastic Products presented the company's plan to construct a 24 x 51 foot building to hold customer returns and add additional parking spaces for employees.

Motion by Oleson, second by Bowers to approve the site plan. AYES: Oleson, Bowers. Absent: Peck.

Motion carried on a voice vote.

Approve the Kum N Go Retaining Wall Site Plan./Move to action.

Brian Boelk, HBK Engineering presented the Kum & Go's site plan for reconstructing a new retaining wall in the current location. The existing retaining wall would be removed and replaced with a concrete block wall. Slach questioned if the new wall would impact the realignment of West Tidewater Drive. Boelk indicated that he had been in discussions with City Administrator Matt Muckler on the subject.

Motion by Oleson, second by Bowers to approve the site plan. AYES: Oleson, Bowers. Absent: Peck.

Motion carried on a voice vote.

Wayne and Steve Lynch, Lynch's Plumbing, Inc. – Lynch Heights Subdivision Update

Wayne Lynch, co-owner of Lynch Heights Subdivision proposed a change to the original plan on the development of the site to eliminate 4 lots and create a cul-de-sac on Ohrt Street instead of extending Ohrt Street to Main Street. Lynch said addressing storm water issues on the south side would be too expensive and not in the best interest of the immediate residents, the city and themselves. With the current proposal, the storm water will be handled through Lions Field.

Jerry Sexton – Presentation of Preliminary Concept Plan for the development of Cedars Edge Golf Course.

Jerry Sexton, owner of Cedars Edge Golf Course presented his plans for redevelopment of the golf course. Plans are to construct a new clubhouse/event space with some commercial opportunities, residential lots and additional parking. The residential lots would include R-1 (single family), R-2 (two-family) and R-3 (multi-family). Sexton continued that the new 5000 square foot clubhouse would have a 300-350 occupant venue for weddings/receptions/parties, etc. He also stated that a few of the greens would be relocated but the par would not change. Sexton said the overall project would be done in phases and hopes to get started as soon as possible.

Jonny Stax, Jonny Stax Presents, Inc. – Promoting West Branch.

Staxx was unable to attend the meeting so Mayor Laughlin provided an update on the progress of the cities promotions objective.

Discussion of future land use map, specifically for zoning on West Main Street.

Fuller asked for this item to be put on the agenda to discuss the current land use map for W. Main Street as it is currently zoned R-1. And to consider the future land use map as the City Council is currently considering to change the zoning to RB-1. Laughlin responded that the Council tabled the second reading of Ordinance 739 to get additional information from the developers on what type of building and/or business is being sought after for the property.

Discussion on Update to the West Branch Comprehensive Plan.

The members discussed various chapters within the Comprehensive plan and continue to make suggestions for improvements.

Recommend approval of Ordinance 740, amending Chapter 165 “Zoning Regulations.”/Move to action.

Zoning Administrator Paul Stagg reviewed the suggested changes to the code to clarify what types of signs and when signs could be placed for the purposes of advertising that are placed in the public right of way.

Motion by Oleson, second by Bowers to recommend approval of Ordinance 740 to the City Council.

AYES: Oleson, Bowers. Absent: Peck. Motion carried on a voice vote.

CITY STAFF REPORTS

Zoning Administrator Paul Stagg - Updated West Branch Urban Renewal Plan

Stagg reviewed the changes on the urban renewal plan and asked for feedback from the commission. The commission had no comments.

Zoning Administrator Paul Stagg – Rules of Procedure

Stagg presented the councils rules of procedures and suggested that this commission adopt similar rules. Fuller agreed that rules were needed and Stagg noted that this item would appear on a future agenda for consideration.

Zoning Administrator Paul Stagg - Residential Plot Plan

Stagg suggested the commission consider adopting a residential plot plan and indicated that this could become part of the building permit process. Stagg noted that this would be a future agenda item for consideration.

Zoning Administrator Paul Stagg – Property Maintenance Code

Stagg commented that this was a suggestion from the city’s building inspector. Currently, inspections are done for new construction only which leaves a gap with maintenance issues and nuisance properties. Stagg suggested that the commission add the topic as a future agenda item and invite building inspector Terry Goerdts to speak on the subject.

COMMENTS FROM CHAIR AND COMMISSION MEMBERS

Fuller called for a Special Commission Meeting – June 21, 2016 at 7:00 p.m. for Lynch Heights Preliminary Plat consideration.

Mayor Laughlin comments that the Croell Redi-Mix land swap was approved and in progress. He also said that developers, public and the commission were invited to help create a vision for the four acre property. Aspelmeier asked commission members how they are getting their information for the Planning & Zoning meetings and if they were having any issues electronically. Slach provided some possible solutions to help with her issues. Bowers commented that he prefers to be paperless and use his own personal electronic device for reviewing agenda and packet information while others use a combination of paper and electronic methods.

Adjourn

Motion to adjourn meeting by Oleson, second by Bowers. Motion carried on a voice vote.
Planning & Zoning Commission Meeting at 8:29 p.m.

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

City of West Branch Planning & Zoning Commission Meeting

June 21, 2016

West Branch City Council Chambers, 110 North Poplar Street

Chairperson John Fuller opened the meeting of the Planning & Zoning Commission at 7:00 p.m. welcoming the audience and following City Staff; Zoning Administrator Paul Stagg and City Administrator Matt Muckler. Commission Members, Ryan Bowers, Liz Seiberling, LeeAnn Aspelmeier and Sally Peck. Absent: Gary Slach, Clara Oleson.

Approve Agenda/Consent Agenda

Motion by Peck, second by Bowers to approve the agenda. Absent Slach and Oleson. Motion carried on a voice vote.

Approve Lynch Heights Preliminary Plat. /Move to action.

Steve Lynch provided an overview of the preliminary plat and indicated that stormwater would be directed north and ultimately to Lions field. Matt Muckler added that the city engineer had reviewed the plat and determined that the storm water conveyance was adequate.

Motion by Bowers, second by Aspelmeier to approve the Lynch Heights Subdivision Preliminary Plat with the stipulations that 1) the gravel drives connecting to the cul-de-sac be paved, 2) the easement to out lot A becomes part of that parcel, and 3) that the raingarden proposed on lot 13 be moved to out lot A. AYES: Bowers, Aspelmeier, Fuller, Peck, Seiberling. Absent: Slach and Oleson. Motion carried.

COMMENTS FROM CHAIR AND COMMISSION MEMBERS

Peck stated that she would like to see the city form a plan to replace trees that have to be removed.

Stagg asked that the members of the commission email in their respective chapter assignments for the comp plan update so that he can begin compiling them.

Next Commission Meeting – July 26, 2016 at 7:00 p.m.

Adjourn

Fuller adjourned the Planning & Zoning meeting at 7:26 p.m.

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE WEST BRANCH ZONING CODE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the West Branch Planning and Zoning Commission in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 P.M., on Tuesday, July 26, 2016. The public hearing will discuss the proposed rezoning of the following described parcel: An approximately 27.49 acre parcel on the Westerly portion of the W. ½ N.W.1/4 Sec. 6 T.79N. R.4W in West Branch, Cedar County, Iowa, more commonly known as Cedars Edge Golf Course. Rezoning Tract #1: A-1 to R-1, Rezoning Tract #2: A-1 to R-2, Rezoning Tract #3: A-1 to R-3, and Rezoning Tract #4: A-1 to B-1.

YOU ARE FURTHER NOTIFIED that a public hearing will be held by the City Council of the City of West Branch, Cedar County, in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 P.M., on Monday, August 1, 2016. The public hearing will discuss the proposed rezoning of the following described parcel: An approximately 27.49 acre parcel on the Westerly portion of the W. ½ N.W.1/4 Sec. 6 T.79N. R.4W in West Branch, Cedar County, Iowa, more commonly known as Cedars Edge Golf Course. Rezoning Tract #1: A-1 to R-1, Rezoning Tract #2: A-1 to R-2, Rezoning Tract #3: A-1 to R-3, and Rezoning Tract #4: A-1 to B-1.

All interested persons are invited to attend these meetings and be heard on the aforementioned proposed adoption of the amendment. Further information regarding same may be obtained by contacting the West Branch City Clerk.

/s/Matt Muckler

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

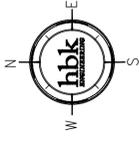
DESCRIPTION - REZONING TRACT #1 (A-1 TO R-1) - BEGINNING AT THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 79, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA; THENCE N01°02'17"W ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 756.27 FEET; THENCE N88°57'43"E, A DISTANCE OF 183.00 FEET; THENCE S01°02'17"E, A DISTANCE OF 689.00 FEET; THENCE N86°42'09"E, A DISTANCE OF 20.02 FEET; THENCE N01°02'17"W, A DISTANCE OF 228.21 FEET; THENCE N88°57'43"E, A DISTANCE OF 419.56 FEET; THENCE S03°13'20"E, A DISTANCE OF 230.63 TO THE NORTHEAST CORNER OF LOT 9 OF GREEN VIEW ESTATES AS RECORDED IN BOOK 5, PAGE 207 OF THE RECORDERS OFFICE OF CEDAR COUNTY; THENCE S86°43'55"W ALONG THE NORTH LINE OF SAID GREEN VIEW ESTATES, A DISTANCE OF 193.71 FEET; THENCE S03°09'26"E ALONG SAID WEST LINE; A DISTANCE OF 40.96 FEET; THENCE S86°42'09"W ALONG SAID NORTH LINE, A DISTANCE OF 439.64 FEET TO THE POINT OF BEGINNING. SAID REZONING TRACT CONTAINS 5.74 ACRES (249,886 SQUARE FEET), AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION - REZONING TRACT #2 (A-1 TO R-2) - COMMENCING AT THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 79, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA; THENCE N01°02'17"W ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 756.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N01°02'17"W ALONG SAID WEST LINE, A DISTANCE OF 367.00 FEET; THENCE N88°57'43"E, A DISTANCE OF 243.00 FEET; THENCE N01°02'17"W, A DISTANCE OF 70.00 FEET; THENCE N88°57'43"E, A DISTANCE OF 208.41 FEET; THENCE S70°16'50"E, A DISTANCE OF 170.06 FEET; THENCE S36°18'56"E, A DISTANCE OF 145.31 FEET; THENCE S50°31'50"W, A DISTANCE OF 179.45 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET AND A CHORD BEARING OF S05°32'16"W, AN ARC DISTANCE OF 106.11 FEET; THENCE N62°44'59"W, A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET AND A CHORD BEARING OF S58°06'22"W AND AN ARC DISTANCE OF 118.48 FEET; THENCE S88°57'43"W, A DISTANCE OF 418.64 FEET TO THE POINT OF BEGINNING. SAID REZONING TRACT CONTAINS 5.50 ACRES (239,761 SQUARE FEET), AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION - REZONING TRACT #3 (A-1 TO R-3) - COMMENCING AT THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 79, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA; THENCE N01°02'17"W ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 756.27 FEET; THENCE N88°57'43"E, A DISTANCE OF 183.00 FEET TO THE POINT OF BEGINNING; THENCE S01°02'17"E, A DISTANCE OF 155.00 FEET; THENCE N88°57'43"E, A DISTANCE OF 317.82 FEET; THENCE N54°02'41"E, A DISTANCE OF 131.83 FEET; THENCE N29°34'42"W, A DISTANCE OF 140.23 FEET; THENCE N62°44'59"W, A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 110.00 FEET AND A CHORD BEARING OF S58°06'22"W, AN ARC DISTANCE OF 118.48 FEET; THENCE S88°57'43"W, A DISTANCE OF 235.64 FEET TO THE POINT OF BEGINNING. SAID REZONING TRACT CONTAINS 1.46 ACRES (63,691 SQUARE FEET), AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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REZONING EXHIBIT CEDARS EDGE GOLF COURSE WEST BRANCH, CEDAR COUNTY, IOWA



PROJECT NUMBER:
16-0496

PROJECT NAME:
CEDARS EDGE
GOLF COURSE

TITLE:
REZONING EXHIBIT

ENGINEER:
hbk
ENGINEERING
HBK ENGINEERING, LLC
509 S. GILBERT ST.
IOWA CITY, IA 52240
PHONE: (319) 338-7557
FAX: (319) 358-2937
IOWA DEPARTMENT
OF LABOR
REGISTRATION
NO. 00527328
WWW.HBKENGINEERING.COM

OWNER/DEVELOPER:
SEXTON CONSTRUCTION
192 HILLTOP DR.
WEST BRANCH, IA
52358

ATTORNEY:
DOUGLAS D. RUPPERT
122 S. LINN STREET
IOWA CITY, IA 52240

FOLDER NAME:
160496

DATE CREATED:
06-08-2016

DRAWING LOG

DATE	ISSUED FOR	DB	CB
06-11-16	DESIGN	ESW	ESW
07-11-16	FOR REVIEW	ESW	ESW
07-11-16	SUBMITTAL	MAW	BAR

PROJECT MANAGER:
ROBERT DECKER

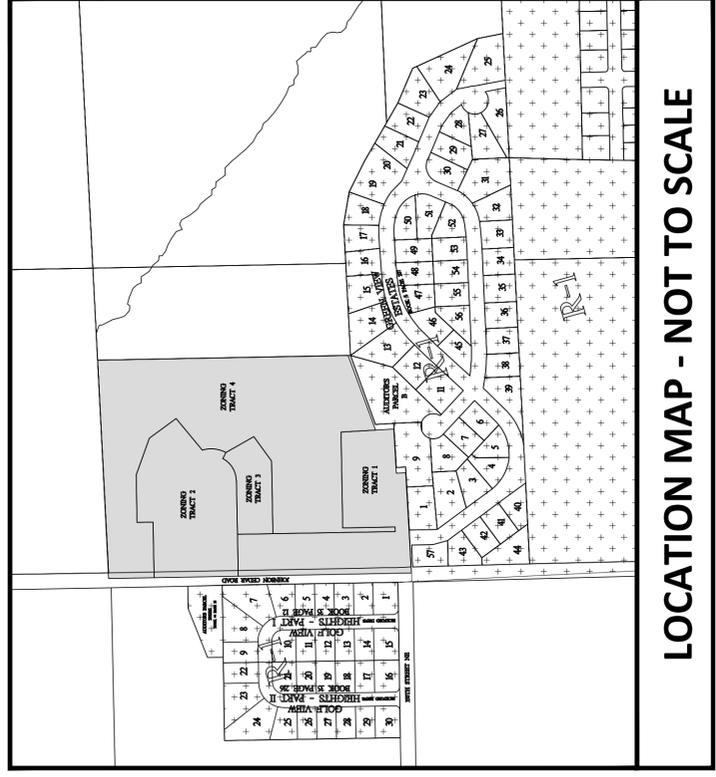
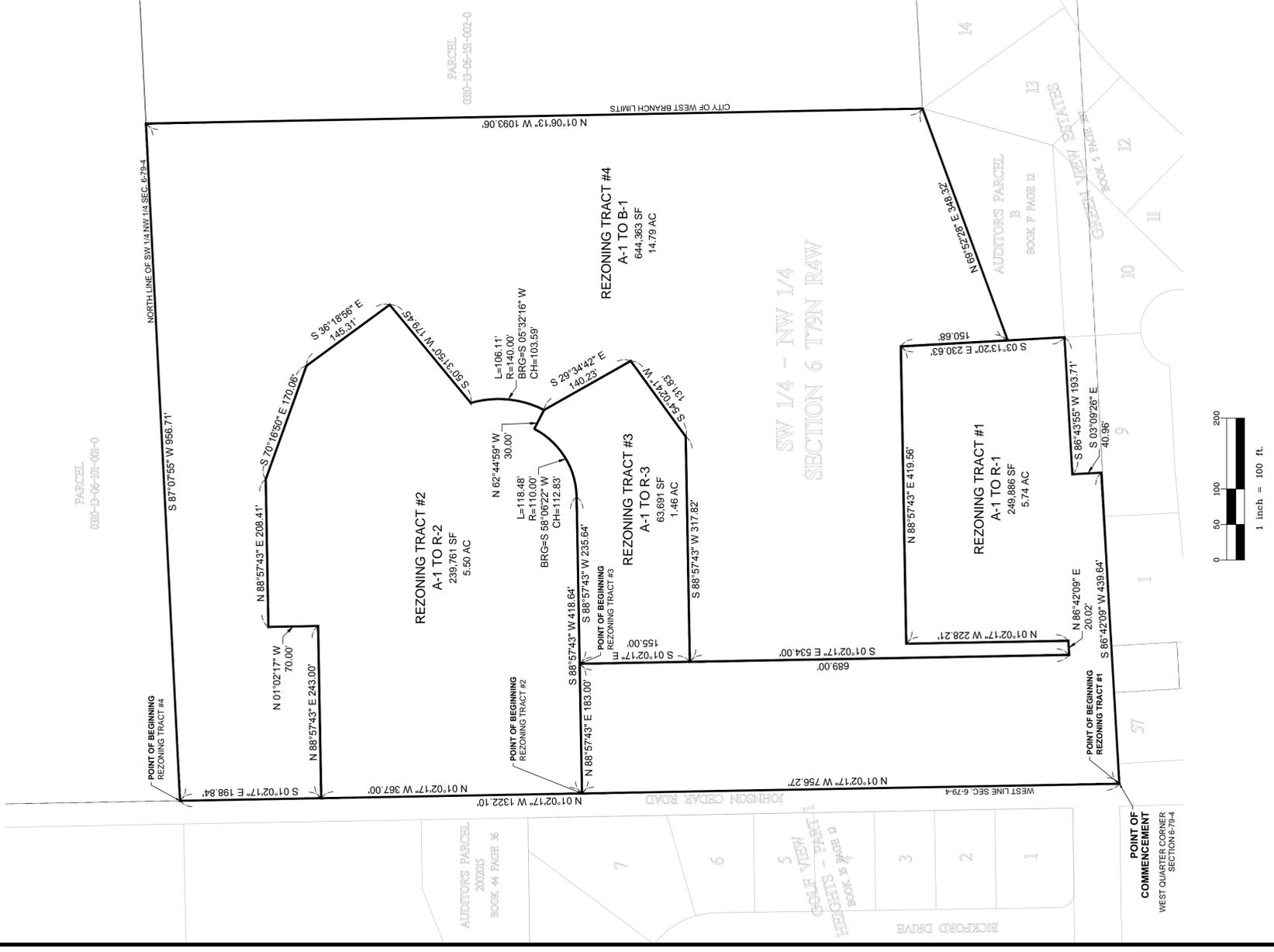
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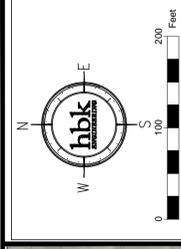
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PROJECT NO: **15-5186**

PROJECT: **WEST BRANCH CONCEPT**

ENGINEER: **hbk ENGINEERING**
 HBK ENGINEERING, LLC
 895 S. GILBERT ST.
 BOVA CITY, IA 52506
 PH: (319) 382-2927
 FAX: (319) 382-2937
 CHICAGO - OAK BROOK - NORWISTOWN
 WWW.HBKENGINEERING.COM

OWNER DEVELOPER:
 OWNER MAILING ADDRESS
 DEVELOPER MAILING ADDRESS

CONTRACTOR:
 CONTRACTOR MAILING ADDRESS

TITLE: **SHEET NAME**

REV	DATE	DESCRIPTION	BY
01			
02			
03			
04			
05			
06			
07			
08			
09			
10			
11			
12			

DRAWN BY:	CHECKED BY:	APPROVED BY:
PROJECT NUMBER:	15-5186	
FILE NAME:	WB CONCEPT C.DWG	
DATE DRAWN:	05/19/2016	
SCALE:	1" = 100'	
SHEET:	C1.0	

SITE CONCEPT PLAN
 APPROXIMATELY 20.45 ACRES
 CR1 LOTS: 12 (2.03 ACRES)
 R2 LOTS: 21 (3.19 ACRES)
 TOWNHOUSE UNITS: 12 (27 ACRES)
 80 PARKING SPACES REQUIRED
 PLUS 4 ACCESSIBLE SPACES
 103 PARKING STALL SHOWN
 PLUS 6 ACCESSIBLE





Residential Individual Lot Site Plan Requirements City of West Branch

110 N. Poplar Street | West Branch, Iowa 52358
319.643.5888 | www.westbranchiowa.org

Subdivision Name / Lot # _____	Owner _____
1 st Review _____	2 nd Review _____
Date Approved _____	
Project Name _____	Project Location / Address _____
Reviewer _____	Designer _____
Contact _____	Phone _____
	Fax _____

* This section to be filled in by the City of West Branch Building Department

What is a site plan?

A site plan is a scaled drawing or map showing what improvements you intend to make on your property. A site plan is required for land use/development reviews and to obtain building permits. A correctly drawn site plan shows the lot lines for a parcel, the existing and proposed development, adjacent streets, driveways, utilities, and easements on the site.

What do I need to submit?

Submit the number of copies of the site plan as specified on your land use application form or building permit application checklist. See the site plan example on the back of this page to help you include all the information needed in the site plan.

Where can I get help preparing a site plan?

Neither the City Engineer nor the City staff can draw the plans or design the project for you. We can only check the completed plans to be sure they meet the code requirements. You will save time and money if your plans do not need major revisions. We are available to assist you in understanding the code requirements. If you need help in drawing the site plan, please consult a professional for advice or help. The yellow pages or various builders may provide you with references.

How does a site plan help me?

A detailed site plan helps in your own planning, communicates your construction ideas to both your contractor and us, and helps assure that your planned project complies with the building and zoning codes. A site plan also communicates your ideas to other reviewing agencies (utility companies, fire district, etc.) who may not be able to visit the site. A complete and accurate set of plans helps to expedite the plan review process and allows the project to proceed more efficiently.

Residential site plans must identify all of the following items, if applicable:

1. ___ Address and/or lot number and subdivision name.
2. ___ Site boundary survey with north arrow. Minimum scale 1" = 30'.
3. ___ All street names, widths, and location of right-of-way.
4. ___ Total lot area in acres and square feet.
5. ___ Limits of disturbance including all areas where any work will occur (tree save and silt fencing must be within the limits of disturbance). Label total disturbed acreage.
6. ___ Existing and proposed side walk, curb and gutter, driveway, building footprint, easements, setbacks, and structures.
7. ___ Impervious area in square feet (total area of building, structures, and driveway).
8. ___ Zoning buffers – show and label square footage.
9. ___ Stream buffers – show and label square footage.
10. ___ Drainage and utility easements – show and label square footage. Show location of all pipes and structures (sewer manholes, storm structures, power boxes, etc.). Provide top and invert elevations of structures.
11. ___ Existing and proposed topography at 1-foot intervals and proposed spot elevations at all high and low points and elsewhere as necessary with associated flow arrows to illustrate drainage patterns.
12. ___ Existing and proposed location of sanitary sewer tie-in, water connection, and sump pump drain connection.
13. ___ Floodplain – show and label elevation.
14. ___ Base of all fill slopes steeper than 4:1 must terminate a safe distance from all property lines to allow for constructability and not adversely affect adjacent properties.
15. ___ Provide all necessary details for retaining walls, concrete encasement, etc. (location, material, height). If retaining wall is proposed over 4' in revealed height, include the structural design signed, dated, and sealed by an Iowa P.E. (Note that a separate building permit will be required).
16. ___ Drainage, erosion, and sedimentation control plan – show drainage paths, erosion control measures (including construction exit) and their locations.
17. ___ Tree survey identifying all trees over 18" and all trees that will be saved.

RESOLUTION NO. 966

A RESOLUTION TO ADOPT A CODE OF ETHICS FOR MEMBERS OF THE WEST BRANCH
CITY COUNCIL

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to adopt a Code of Ethics for Members of the West Branch City Council; and

WHEREAS, The citizens and businesses of West Branch are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity.

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

Section 1. That the Code of Ethics 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.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT “A”

CODE OF ETHICS FOR MEMBERS OF THE WEST BRANCH CITY COUNCIL

Preamble

The citizens and businesses of West Branch are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of West Branch's Commitment to Excellence, the effective functioning of democratic government therefore requires that:

Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the West Branch City Council has adopted a Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of West Branch and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the West Branch City Council.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of Iowa and the City of West Branch in the performance of their public duties. These laws include, but are not limited to: the United States and Iowa constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes of this section “interested” includes any direct or indirect financial or personal interest held by a member or member of his/her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he/she may disclose the facts involved and request a determination by the Council of whether a conflict of interest exists. Any question of the existence or non-existence of a conflict of interest sufficient to disqualify a member from participating in the disposition of any matter shall be decided by a majority vote of the other members of the Council. In case of a tie, the member shall be disqualified.

7. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

8. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

9. Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

10. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City.

11. Advocacy

Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of West Branch, nor will they allow the inference that they do.

12. Policy Role of Members

Members shall respect and adhere to the mayor-council structure of West Branch city government as outlined by the Chapter 372.4 of Iowa Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff.

The City Administrator/Clerk shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council

shall be brought before the body by the Administrator/Clerk and all Council involvement in administration initiated by the Council must be coordinated through the Administrator/Clerk.

13. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

14. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

15. Implementation

As an expression of the standards of conduct for members expected by the City, the West Branch Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of West Branch code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council and the City Council shall update it as necessary.

16. Compliance and Enforcement

The West Branch Code of Ethics expresses standards of ethical conduct expected for members of the West Branch City Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

City Council members who intentionally and repeatedly do not follow proper ethical standards may be reprimanded or formally censured by the Council. It is the responsibility of the Council to initiate action if a Council member's behavior may warrant censure. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant censure. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Administrator and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations or recommending censure to the full Council to consider in a public meeting.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council decision.

**Model of Excellence
West Branch City Council
MEMBER STATEMENT**

As a member of the West Branch City Council, I agree to uphold the Code of Ethics and the Code of Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct, which is divisive or harmful to the best interests of West Branch;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of West Branch Code of Ethics and the City of West Branch Code of Conduct.

Signature _____
Date

Printed Name

RESOLUTION NO. 967

A RESOLUTION TO ADOPT A CODE OF CONDUCT FOR MEMBERS OF THE WEST BRANCH
CITY COUNCIL

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to adopt a Code of Conduct for Members of the West Branch City Council; and

WHEREAS, the citizens and businesses of West Branch are entitled to have Council members who treat one another, city staff, constituents and others with respect.

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

Section 1. That the Code of Conduct 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.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT “A”

CODE OF CONDUCT FOR MEMBERS OF THE WEST BRANCH CITY COUNCIL

Roles, Responsibilities and Respect

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of West Branch.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

All Council members:

All members of the City Council have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect. Council members must recognize that they act collectively as a governing body during properly noticed public meetings. Members must recognize that they do not have authority to make decisions or take individual actions on behalf of the City Council unless expressly directed to do so by the City Council.

All Council members should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people’s time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in West Branch government.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

Endorsement of Candidates

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

IN PUBLIC MEETINGS

- **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other Council members**

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and email**

Technology allows words written or said without much forethought to be distributed far and wide. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this e-mail message was forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information should be directed only to the City Administrator or Department Heads. The Office of the City Administrator should be copied on any request.

Requests for follow-up or directions to staff should be made only through the City Administrator. When in doubt about what staff contact is appropriate, Council members should ask the City Administrator for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

- **Do not disrupt City staff from their jobs**

Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee**

Council members should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.

- **Do not get involved in administrative functions**

Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- **Check with City staff on correspondence before taking action**

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless requested by staff.**

Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **Limit requests for staff support**

Requests for staff support – even in high priority or emergency situations -- should be made to the City Administrator who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff**

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with care and gentleness**

The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

- **Be fair and equitable in allocating public hearing time to individual speakers**

The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. There shall be no sidebar conversations.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Chair or City Administrator – not individual Council members -- can interrupt a speaker during a presentation. However, a Council member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance**

Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings**

The City Administrator serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council makes final rulings on parliamentary procedure.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council**

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book fine, plant new flowers in the median, etc.).

- **Make no personal comments about other Council members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

- **Remember that you are a highly visible member of the City**

Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of West Branch. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

- **Be clear about representing the city or personal interests**

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Administrator to be filed at City Hall as part of the permanent public record.

City letterhead is not be used for correspondence of Council members representing a personal point of view or a dissenting point of view from an official Council position.

Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Council Conduct with the Media

Council members are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record"**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor and City Administrator are the official spokespersons for the representative on City position.**

The Mayor and City Administrator are the designated representatives of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**

Council members should refer to the City Administrator any City staff who does not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

- **Council members Behavior and Conduct**

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. It is the responsibility of the Council to initiate action if a Council member's behavior may warrant censure. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant censure. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Administrator and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations or recommending censure to the full Council to consider in a public meeting.

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council decision.

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.

Don Kessler, Mayor

Attest:

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.