

City of West Branch

~ A Heritage for Success ~

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CITY COUNCIL MEETING AGENDA
Monday, April 4, 2011 • 7:00 p.m.
City Council Chambers, 110 North Poplar Street
Action may be taken on any agenda item.

1. Call to order
2. Roll call
3. Welcome
4. Approve Agenda/Consent Agenda/Move to action
 - a. Approve minutes from the March 7, 2011 City Council Meeting
 - b. Approve minutes from the March 7, 2011 City Council Work Session.
 - c. Approve minutes from the March 21, 2011 City Council Meeting.
 - d. Approve minutes from the March 31, 2011 City Council Work Shop.
 - e. Approve transfer of \$274.23 from Capital Improvement Fund to General Fund to close out City Office building capital project.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
 - a. Resolution 933, approving the contract and bond documents for the West Branch Fire Department New Addition – New Roof./Move to action.
 - b. First reading of Ordinance 675 amending Chapter 90 “WATER SERVICE SYSTEM” by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.
 - c. First reading of Ordinance 676 amending Chapter 96 “BUILDING SEWERS AND CONNECTIONS” by establishing a permit fee per the City of West Branch Schedule of Fees./Move to action.
 - d. First reading of Ordinance 678 amending Chapter 17 “COUNCIL” of the Code of West Branch, Iowa./Move to action.
 - e. Discussion of Subdivider’s Agreement, Meadows Subdivision.
 - f. Discussion of preliminary plat of Meadows Subdivision.
 - g. Resolution 934, amending the employee handbook to include incentive pay for Public Works./Move to action.
 - h. Approve Community Garden Project./Move to action.
7. Mayor
 - a. Appointments/Reappointments/Move to action.
 - i. Historic Preservation Commission – Lane Shields
 - ii. Historic Preservation Commission – Lisa Harkey
8. Reports
9. Adjourn

Mayor: Don Kessler • **Council Members:** Mark Worrell, David Johnson, Robert Sexton, Jim Oaks, Dan O’Neil
City Administrator/Clerk: Matt Muckler • **Deputy City Clerk:** Dawn Brandt • **Library Director:** Nick Shimmin
Parks & Recreation Director: Melissa Russell • **Police Chief:** David Bloem • **Fire Chief:** Kevin Stoolman

(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

City Council Meeting

**March 7, 2011
6:30 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, Administrative Assistant Ashley Borland-Kaalberg, Library Director Nick Shimmin, Assistant Library Director Becky Knoche, Park & Rec. Director Melissa Russell, and Fire Chief Administrator Dick Stoolman.

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

APPROVE AGENDA/CONSENT AGENDA

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

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

COMMUNICATIONS/OPEN FORUM

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

Cheryl Fischer, Procter and Gamble Iowa Distribution Center Leader – Presentation of \$2,500 Donation from Procter and Gamble to the West Branch Public Library for the 2011 Summer Reading Program. Fischer presented the West Branch Library Board with a check for \$2,500 that follows Procter and Gamble's motto, "touching lives and improving life".

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

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

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

No discussion.

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

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

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

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

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

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

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

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

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

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

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

- Some 11 ¾ acres are proposed for rezoning to business use. These acres are not only located at the very edge of the city, on Main Street at County Line Road, they are opposite the High School. Any type of commercial activity on this land will generate more traffic than residential land, and present an increased hazard to high school drivers as they come to and from the high school. There is no indication that the developer has taken this hazard into account, and no indication that the proposed internal road system will provide access for the business parcel. Rather, it must be assumed that the businesses in this parcel will attempt to have direct and unsafe access to these well-traveled streets.

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

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

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

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

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

- The Comprehensive Plan calls for additional recreational areas in West Branch (in particular “pocket parks”). The development proposal is to dedicate two unbuildable areas (Outlots “A” and “B”) to the city, and provide no parks. These are areas required for storm water retention and about a small stream. Neither performs the needed recreation function; neither appears useable by either future residents of the development nor by city residents in general; neither appears to have parking available.

The city should expect that a developer of this large parcel would dedicate useful recreation land to the public. The current comprehensive plan found our city to have a “significant deficit of parkland” and recommended new subdivisions be required to turn over 5% of usable land to the city for parks. The deficit seems especially acute on the west side of town.

3. Does the plat map have technical deficiencies?

Yes—note:

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

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

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

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

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

- Do the roads meet minimum design criteria? Some road gradients exceed the maximum allowable 5% by more than 2%. The minimum street width is for 60 feet of right-of-way (with 29 feet paved), although it would seem that Orange Street and Gilbert Drive should qualify functionally as collectors rather than as local streets, and thereby be subject to a higher minimum (34 feet paved). While the currently paved portion of Orange Street has 31 feet of pavement, that is no reason to reduce the width of the newly constructed street, particularly because the new section of Orange Street’s average daily traffic will be higher due to its connection with County Line Road and the added residential development feeding into Orange Street. Moreover, given the problems experienced with residential parking in some of our newer areas of the city, standards substantially greater than the minimum width requirement deserve consideration, especially were R-2 density to be permitted. Are road curvatures and gradients satisfactory for sight distance at 25 mph limits? Are cul-de-sacs desirable designs for snow plowing and emergency vehicles?

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

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

Glenn Meisner described the sanitary sewer issues and possible routes to put in a new sewer line. Additionally he explained how the curve on Orange Street has been lengthened to improve street grades.

He stated the reasoning of the B-2 parcel request as it is bordered by creeks. He acknowledged that Council would not be discussing this parcel until a later date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Written statement submitted by Marybeth Stevenson, 209 N. Downey Street, West Branch, IA 52358.
“Issues About Proposed Rezoning” *The Meadows Subdivision, West Branch, March 7, 2011.* First off – I’m not familiar enough with the area to know whether or not flooding is a recurring problem...If it is a problem, then I would strongly advocate to the city that the new development **not** increase runoff to Hoover Creek. This is not unprecedented; Cedar Falls recently passed a post-construction ordinance that requires runoff from new development be equal to or less than the runoff prior to development. Here is a link to their ordinance:

<http://library.municode.com/index.aspx?clientId=10264&stateId=15&stateName=Iowa>

Second – I am concerned that lots 1 & 83 are built in the 100-yr floodplain. Several other lots will be pretty close to the boundary as well. These folks ought to be concerned with flooding – especially given the fact that scientists agree that precipitation is likely to increase now into the future.

Third – Hoover Creek is listed by the Iowa DNR and US EPA to be an impaired waterbody. Any discharges to Hoover Creek could exacerbate the water quality problems the creek already experiences. I would advocate to limit runoff into Hoover Creek. Can the developers say with certainty what the effect on discharge to the creek will be?

Fourth – Again, limiting runoff is a goal here. Any flash flooding could negatively impact the ability of students to get to school; it could cause downstream flooding; it could further degrade Hoover Creek. I’d like to see some low-impact development practices here: permeable pavements, bioretention areas, infiltration strips, vegetated swales... these are all options.

Fifth - Will downspouts from the houses be connected to the storm sewer system? If so, this will exacerbate flooding/runoff concerns as well. Low-impact development practices such as those I listed above would be helpful alternatives.

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

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

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

MAYOR DON KESSLER

Appointments/Reappointments

REPORTS

City Attorney Kevin Olson – Water and Sewer Connection Fee Options

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

ADJOURNMENT

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

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

(The following is a synopsis of the minutes of the West Branch City Council Work session. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

City Council Work Session

**March 7, 2011
6:00 p.m.**

Mayor Don Kessler opened the Work Session by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, City Attorney Kevin Olson, and Administrative Assistant Ashley Borland-Kaalberg.

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

West Branch High School TEAM (Total Energy Action Management) – Energy Saving Opportunities Presentation

The TEAM suggested to Council that the City ordinance pages 588 and 589 be updated to include energy saving requirements to new construction.

TEAM participated in a contest and was awarded \$2,000 that provides them with funds to loan out to businesses interest free to assist the businesses with improving their energy efficiency.

ADJOURNMENT

Motion by Mayor Kessler to adjourn. City Council Work Session adjourned at 6:17 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk

(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

City Council Meeting

**March 21, 2011
6:30 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, Deputy City Clerk Dawn Brandt, Library Director Nick Shimmin, Park & Rec. Director Melissa Russell, and Fire Chief Administrator Dick Stoolman. Council members: David Johnson, Robert Sexton, Mark Worrell, and Jim Oaks. Absent: Dan O'Neil

APPROVE AGENDA/CONSENT AGENDA

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

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

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

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

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

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

Total **\$97,695.24**

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

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

| | | | | | |
|-------------------------|----|-----------|------------------------|----|-----------|
| Water, Sewer, Recycling | \$ | 48,148.44 | Cedar Co. Property Tax | \$ | 6,731.48 |
| Water Utility Deposits | \$ | 100.00 | Johnson Co. Prop. Tax | \$ | - |
| Cookson Rent | \$ | - | Road Use Tax | \$ | 19,151.56 |
| Town Hall Rent | \$ | 245.00 | Fines | \$ | 824.05 |

| | | | | | |
|-------------------------|----|------------------|--------------------------|-----------|-------------------------|
| Misc. | \$ | 772.50 | Twp. Fire Contract | \$ | - |
| Library | \$ | 336.48 | Building Permits | \$ | - |
| Donations | \$ | 450.00 | Police Department Grant | \$ | - |
| Interest | \$ | 362.92 | Krouth Fund Interest | \$ | 0.32 |
| Investments Interest | \$ | 50.18 | M. Gray Savings Interest | \$ | - |
| Cable fees | \$ | - | Cemetery Perp. Care Int. | \$ | 0.35 |
| Hometown Days | \$ | - | MV Fuel Tax Refund | \$ | - |
| Cat & Dog Registrations | \$ | 300.00 | Reimbursement/Refunds | \$ | - |
| Beer & Liquor Lic. Fees | \$ | 375.00 | Grave Openings | \$ | 800.00 |
| Park & Rec. Activities | \$ | - | Cemetery Lots | \$ | - |
| SUBTOTAL | \$ | <u>51,140.52</u> | SUBTOTAL | \$ | <u>27,507.76</u> |
| | | | TOTAL | \$ | <u>78,648.28</u> |

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

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

COMMUNICATIONS/OPEN FORUM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discuss preliminary plat of KLM Investments, Inc.

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

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

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

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

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

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

Worrell and Larson discussed potential storm water solutions.

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

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

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

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

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

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

MAYOR DON KESSLER

Appointments/Reappointments

REPORTS

City Attorney Kevin Olson – Water and Sewer Fee Options

Olson discussed other rates used by surrounding communities.

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

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

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

ADJOURNMENT

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

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

(The following is a synopsis of the minutes of the West Branch City Council Work session. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

City Council Work Session

**March 31, 2011
6:30 p.m.**

Mayor Don Kessler opened the Work Session by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, City Attorney Kevin Olson, and Administrative Assistant Ashley Borland-Kaalberg, Fire Administrator Dick Stoolman, Park and Recreation Director Melissa Russell. Council members: David Johnson, Robert Sexton, Jim Oaks, Mark Worrell and Dan O'Neil.

Discussion of the time of regular Council Meetings (Chapter 17.04)

City Administrator Matt Muckler referenced the March 21, 2011 Council Meeting that addressed the time change from 6:30pm to 7:00pm that happens in April and November.

Worrell said that he would like to see the time change in April and November stay. Johnson, Sexton and O'Neil said that they were indifferent on the time and Oaks said that he would like to see the time stay consistent at 6:30pm.

Water and Sewer Permit Fee Discussion (Chapter 90.06 and 96.02)

Muckler presented options for the fee increase and gave surrounding communities as an average. He explained that this amount would continue to be added to the building permit as is currently being done.

Johnson said that he was interested in Council looking into one of the proposed options of \$315 with 5% per year increases.

Sexton voiced that he feels the increase is too high. Worrell would like staff to look into the comparable communities' multi-family pricing and if it is different from single family.

Discussion of preliminary plat of Meadows Subdivision

Dave Schechinger, Veenstra and Kimm presented his calculations concerning the requirements for the development's water retention options.

Council discussed the City taking ownership of the out lot of 4 acres in the Meadows Subdivision.

Discussion was had on the option of districting for new service to contribute to the lift station.

Muckler addressed the possibility of a pedestrian street crossing on Main Street. Worrell suggested using the location of the driveways of either the High School or Dawson drive as a dedicated area for the crossing. The necessity of a traffic study in the area was discussed.

Brad Larson, KLM Investors, presented Council with an estimate of construction costs to replace the existing sewer line that runs through the property.

Larson proposed cost sharing options with the City for the construction costs of the sewer project.

ADJOURNMENT

Motion by Mayor Kessler to adjourn. City Council Work Session adjourned at 8:45 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk

RESOLUTION NO. 933

RESOLUTION APPROVING THE CONTRACT AND BOND DOCUMENTS FOR THE WEST BRANCH FIRE STATION NEW ADDITION – NEW ROOF.

WHEREAS, the City Council of the City of West Branch did heretofore receive the bids for the “Fire Station Addition and Renovation Project” (the “Project”); and

WHEREAS, the Garling Construction in the amount of \$376,700.00 was the lowest responsible bid submitted for the project; and

WHEREAS, accordingly, the City Council did heretofore award the contract for the Project to Garling Construction for a total contract price of \$376,700; and

WHEREAS, the City Attorney has reviewed the Contract and Bond Documents, including, without limitation, the Contractor's Performance Bond and Certificate of Insurance for the project; and

WHEREAS, the Project Engineer and City Attorney have recommended approval of said Contract and Bond Documents; and

WHEREAS, it would be in the best interest of the City of West Branch to enter into the aforementioned contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Branch, Iowa, that the Contract and Bond Documents for the aforementioned project be and the same are approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute said contract documents on behalf of the City of West Branch.

* * * * *

Passed and approved this 4th day of April, 2011.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

NOTICE OF AWARD

-To: Garling Construction
1120 11th St
Belle Plaine, IA 52208

Project Description: **WEST BRANCH FIRE STATION
WEST BRANCH, IOWA**

The OWNER has considered the BID submitted by you for the above described WORK in response to their Public Hearing and Letting on March 21, 2011.

You are hereby notified that your BID has been accepted in the amount of \$ 376,700.00

You are required by the Specifications and Contract Documents to execute the Form of Contract and furnish the required CONTRACTOR'S Performance Bond, Payment Bond, Maintenance Bond and certificates of insurance within ten (10) calendar days from the date of receipt of this Notice.

If you fail to execute said Form of Contract and to furnish said BONDS within ten (10) days from the date of this Notice, said OWNER will be entitled to consider your rights arising out of the OWNER'S acceptance of your BID as abandoned. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 21st day of March 2011.

Owner: City of West Branch, Iowa By: James C. Jacob PE - Project Engineer

ACCEPTANCE OF AWARD

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by: Garling Construction, Inc.

this the 28 day of March, 2011.

By: Jay Johnson

Title: President

FORM OF CONTRACT

CITY OF WEST BRANCH WEST BRANCH FIRE STATION NEW ADDITION- NEW ROOF

THIS AGREEMENT made and entered into this 21st day of March, 2011, by and between the City of West Branch, Iowa, party of the first part, hereinafter referred to as the "Owner" and Garling Construction, Inc., party of the second part, hereinafter referred to as the Contractor.

WITNESSETH

THAT WHEREAS the Owner has heretofore caused to be prepared certain drawings, specifications, and Form of Proposal dated the 21st day of March, for the West Branch Fire Station New Addition- New Roof, for the City of West Branch, Iowa under the terms and conditions therein fully stated and set forth, and whereas, said drawings, specifications and proposal accurately and fully describe the terms and conditions upon which the Contractor is willing to perform the work specified:

NOW THEREFORE, IT IS AGREED:

1. That the Owner hereby accepts the proposal of the Contractor for the work and for the sum listed below:

CITY OF WEST BRANCH West Branch Fire Station New Addition- New Roof

CONTRACT AMOUNT \$ 376,700.00

2. That this contract consists of the following component parts which are made a part of this Agreement and Contract as fully and absolutely as if they were set out in detail in this Contract:
 - a. This Instrument
 - b. Addendum Numbers # 1, # 2 and # 3
 - c. Form of Proposal (signed copy)
 - d. General Conditions
 - e. Special Conditions
 - f. Specifications
 - g. Drawings

The components listed above are complimentary and what is called for by one shall be as binding as if called for by all. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the most stringent provision shall govern.

FORM OF CONTRACT

- 3. That payments are made to the Contractor in accordance with and subject to the provisions embodied in the documents which are hereby made a part of the Contract.
- 4. That this Contract is executed in four (4) original copies.
- 5. That the Contractor shall complete all work prior to ~~August 15, 2011~~. *August 1, 2011*
- 6. That liquidated damages in the amount of \$500 per calendar day will be assessed for failure to meet the deadline above.
- 7. That the contractor shall receive a tax exempt certificate for all supplies to be used for this project from the City of West Branch.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the date first written above.

CITY OF WEST BRANCH, IOWA

CONTRACTOR

SEAL



SEAL

(Title)

Douglas DeMeulenaere, President

(Title)

ATTEST:

ATTEST:


(Title)

Amy DeMeulenaere, Secretary/Treasurer

Title (Company Official)

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/24/2011

PRODUCER
DRAHN INSURANCE AGENCY, INC.
 PO BOX 184
 BELLE PLAINE, IA 52208
 (319) 444-3109

INSURED **Garling Construction, Inc.**
 DBA Belle Plaine Lumber
 1120 11th Street
 Belle Plaine, IA 52208
 319-444-3409

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

| INSURERS AFFORDING COVERAGE | NAIC# |
|---------------------------------------|-------|
| INSURER A: United Fire & Cas. Company | |
| INSURER B: | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | ADD'L INSRD | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS | | | | | | | | |
|-----------------------------|-------------|---|---------------|----------------------------------|-----------------------------------|--|---------------------|-------|--------------------|------------|----------------------------|------------|-----------------------------|------------|
| A | | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMSMADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> X, C, U GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | 60-071-802 GL | 01/01/11 | 1/1/2012 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 | | | | | | | | |
| A | | AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | 60-071-802 BA | 01/01/11 | 1/1/2012 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ | | | | | | | | |
| | | GARAGE LIABILITY <input type="checkbox"/> ANY AUTO | | | | AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$ | | | | | | | | |
| A | | EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMSMADE DEDUCTIBLE RETENTION \$ | 60-071-802 UM | 01/01/11 | 1/1/2012 | EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ \$ \$ | | | | | | | | |
| A | | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER | 60-071-802 WC | 01/01/11 | 1/1/2012 | <table border="1"> <thead> <tr> <th>WC STATUTORY LIMITS</th> <th>OTHER</th> </tr> </thead> <tbody> <tr> <td>E.L. EACH ACCIDENT</td> <td>\$ 500,000</td> </tr> <tr> <td>E.L. DISEASE - EA EMPLOYEE</td> <td>\$ 500,000</td> </tr> <tr> <td>E.L. DISEASE - POLICY LIMIT</td> <td>\$ 500,000</td> </tr> </tbody> </table> | WC STATUTORY LIMITS | OTHER | E.L. EACH ACCIDENT | \$ 500,000 | E.L. DISEASE - EA EMPLOYEE | \$ 500,000 | E.L. DISEASE - POLICY LIMIT | \$ 500,000 |
| WC STATUTORY LIMITS | OTHER | | | | | | | | | | | | | |
| E.L. EACH ACCIDENT | \$ 500,000 | | | | | | | | | | | | | |
| E.L. DISEASE - EA EMPLOYEE | \$ 500,000 | | | | | | | | | | | | | |
| E.L. DISEASE - POLICY LIMIT | \$ 500,000 | | | | | | | | | | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

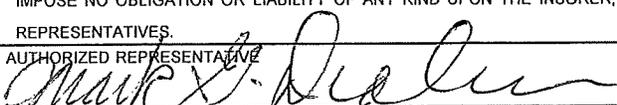
The City of West Branch and their employees and VJ Engineering are listed as additional insureds per this project only.

CERTIFICATE HOLDER

City of West Branch, Iowa
 City Hall, 110 North Poplar Street
 PO Box 218
 West Branch, Iowa 52358

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE


THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A312

Performance Bond

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

CONTRACTOR (Name and Address):

Garling Construction, Inc.
1120 11th Street
Belle Plaine, Iowa 52208
319-444-3409

SURETY (Name and Principal Place of Business):

United Fire & Casualty Company
P.O. Box 73909, 118 Second Avenue SE
Cedar Rapids, Iowa 52407-3909
800-343-9130

OWNER (Name and Address):

City of West Branch, Iowa
City Hall, 110 North Poplar St.
PO Box 218
West Branch, Ia 52358

CONSTRUCTION CONTRACT

Date: March 21st, 2011

Amount: \$376,700.00

Description (Name and Location): West Branch Fire Station New Addition-New Roof in
West Branch, Iowa.

BOND

Date (Not earlier than Construction Contract Date): March 23rd, 2011

Amount: Three Hundred Seventy-six Thousand Seven Hundred Dollars and Zero/100's-----

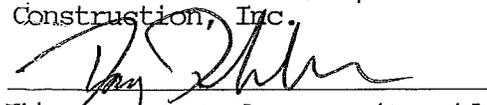
Modifications to this Bond:

None

See Page 3

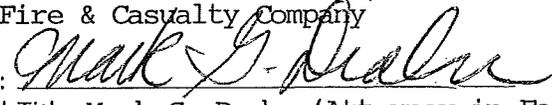
CONTRACTOR AS PRINCIPAL

Company: _____ (Corporate Seal)
Garling Construction, Inc.

Signature: 
Name and Title: Doug DeMeulenaere (President)

SURETY

Company: _____ (Corporate Seal)
United Fire & Casualty Company

Signature: 
Name and Title: Mark G. Drahn (Attorney-in-Fact)

(Any additional signatures appear on page 3)

(FOR INFORMATION ONLY—Name, Address and Telephone)

AGENT or BROKER **Mark G. Drahn** 319-444-3109 OWNER'S REPRESENTATIVE (Architect, Engineer or
Drahn Insurance Agency, Inc. other party): **VJ Engineering**
821 13th Street, Box 184 2570 Holiday Rd Ste 10
Belle Plaine, Iowa 52208 Coralville, Ia 52241

able to sureties as a defense in the jurisdiction of the suit shall be applicable.

10 Notice to the Surety, the Owner or the Contractor shall be mailed or delivered to the address shown on the signature page.

11 When this Bond has been furnished to comply with a statutory or other legal requirement in the location where the construction was to be performed, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. The intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

12 DEFINITIONS

12.1 Balance of the Contract Price: The total amount payable by the Owner to the Contractor under the Construction Contract after all proper adjustments have been made, including allowance to the Con-

tractor of any amounts received or to be received by the Owner in settlement of insurance or other claims for damages to which the Contractor is entitled, reduced by all valid and proper payments made to or on behalf of the Contractor under the Construction Contract.

12.2 Construction Contract: The agreement between the Owner and the Contractor identified on the signature page, including all Contract Documents and changes thereto.

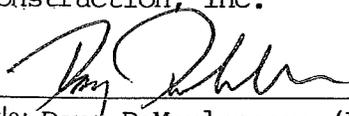
12.3 Contractor Default: Failure of the Contractor, which has neither been remedied nor waived, to perform or otherwise to comply with the terms of the Construction Contract.

12.4 Owner Default: Failure of the Owner, which has neither been remedied nor waived, to pay the Contractor as required by the Construction Contract or to perform and complete or comply with the other terms thereof.

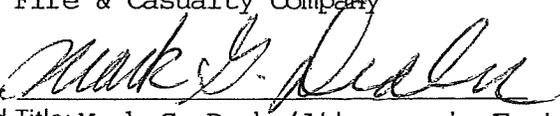
MODIFICATIONS TO THIS BOND ARE AS FOLLOWS: None

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL
Company: _____ (Corporate Seal)
Garling Construction, Inc.

Signature: 
Name and Title: Doug DeMeulenaere (President)
Address: 1120 11th Street
Belle Plaine, Iowa 52208

SURETY
Company: _____ (Corporate Seal)
United Fire & Casualty Company

Signature: 
Name and Title: Mark G. Drahn (Attorney-in-Fact)
Address: 118 Second Avenue, Box 73909
Cedar Rapids, Iowa 52407-3909

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A312

Payment Bond

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

CONTRACTOR (Name and Address):

Garling Construction, Inc.
1120 11th Street
Belle Plaine, Iowa 52208
319-444-3409

SURETY (Name and Principal Place of Business):

United Fire & Casualty Company
P.O. Box 73909, 118 Second Avenue SE
Cedar Rapids, Iowa 52407-3909
800-343-9130

OWNER (Name and Address):

City of West Branch, Iowa
City Hall, 110 North Poplar St.
PO Box 218
West Branch, Ia 52358

CONSTRUCTION CONTRACT

Date: March 21st, 2011

Amount: \$376,700.00

Description (Name and Location): West Branch Fire Station New Addition-New Roof in West Branch, Iowa.

BOND

Date (Not earlier than Construction Contract Date): March 23rd, 2011

Amount: Three Hundred Seventy-six Thousand Seven Hundred Dollars and Zero/100's-----

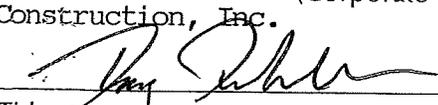
Modifications to this Bond:

None

See Page 6

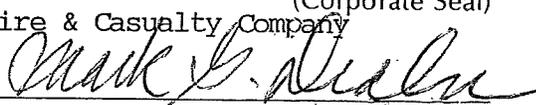
CONTRACTOR AS PRINCIPAL

Company: (Corporate Seal)
Garling Construction, Inc.

Signature: 
Name and Title: Doug DeMeulenaere (President)

SURETY

Company: (Corporate Seal)
United Fire & Casualty Company

Signature: 
Name and Title: Mark G. Drahn (Attorney-in-Fact)

(Any additional signatures appear on page 6)

(FOR INFORMATION ONLY—Name, Address and Telephone)

AGENT or BROKER: Mark G. Drahn 319-444-3109
Drahn Insurance Agency, Inc.
821 13th Street, PO Box 184
Belle Plaine, Iowa 52208

OWNER'S REPRESENTATIVE (Architect, Engineer or other party): VJ Engineering
2570 Holiday Rd Ste 10
Coralville, Ia 52241

Bond shall be construed as a statutory bond and not as a common law bond.

14 Upon request by any person or entity appearing to be a potential beneficiary of this Bond, the Contractor shall promptly furnish a copy of this Bond or shall permit a copy to be made.

15 DEFINITIONS

15.1 Claimant: An individual or entity having a direct contract with the Contractor or with a subcontractor of the Contractor to furnish labor, materials or equipment for use in the performance of the Contract. The intent of this Bond shall be to include without limitation in the terms "labor, materials or equipment" that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental equipment used in the

Construction Contract, architectural and engineering services required for performance of the work of the Contractor and the Contractor's subcontractors, and all other items for which a mechanic's lien may be asserted in the jurisdiction where the labor, materials or equipment were furnished.

15.2 Construction Contract: The agreement between the Owner and the Contractor identified on the signature page, including all Contract Documents and changes thereto.

15.3 Owner Default: Failure of the Owner, which has neither been remedied nor waived, to pay the Contractor as required by the Construction Contract or to perform and complete or comply with the other terms thereof.

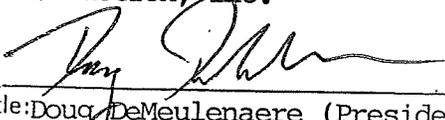
MODIFICATIONS TO THIS BOND ARE AS FOLLOWS:

Paragraph 6 is deleted in its entirety and the following is substituted in its place:

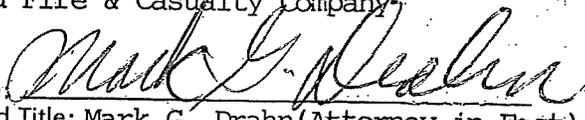
6. When the Claimant has satisfied the conditions of Paragraph 4, and has submitted all supporting documentation and any proof of claim requested by the Surety, the Surety shall, within a reasonable period of time, notify the Claimant of the amounts that are undisputed and the basis for challenging any amounts that are disputed, including, but not limited to, the lack of substantiating documentation to support the claim as to entitlement or amount, and the Surety shall, within a reasonable period of time, pay or make arrangements for payment of any undisputed amount; provided, however, that the failure of the Surety to timely discharge its obligations under this paragraph or to dispute or identify any specific defense to all or any part of a claim shall not be deemed to be an admission of liability by the Surety as to such claim or otherwise constitute a waiver of the Contractor's or Surety's defenses to, or right to dispute, such claim. Rather, the Claimant shall have the immediate right, without further notice, to bring suit against the Surety to enforce any remedy available to it under this Bond.

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL
Company: _____ (Corporate Seal)
Garling Construction, Inc.

Signature: 
Name and Title: Doug DeMeulenaere (President)
Address: 1120 11th Street
Belle Plaine, Iowa 52208

SURETY
Company: _____ (Corporate Seal)
United Fire & Casualty Company

Signature: 
Name and Title: Mark G. Drahn (Attorney-in-Fact)
Address: 118 Second Avenue SE, Box 73909
Cedar Rapids, Iowa 52407-3909

UNITED FIRE & CASUALTY COMPANY
HOME OFFICE - CEDAR RAPIDS, IOWA
CERTIFIED COPY OF POWER OF ATTORNEY

(Original on file at Home Office of Company - See Certification)

KNOW ALL MEN BY THESE PRESENTS, That the UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa, and having its principal office in Cedar Rapids, State of Iowa, does make, constitute and appoint MARK G. DRAHN, OR JANELLE K. JACK, BOTH INDIVIDUALLY of BELLE PLAINE IA

its true and lawful Attorney(s)-in-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature as follows: All bonds not to exceed \$15,000,000.00 and to bind UNITED FIRE & CASUALTY COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of UNITED FIRE & CASUALTY COMPANY and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

The Authority hereby granted is continuous and shall remain in full force and effect until revoked by UNITED FIRE & CASUALTY COMPANY.

This power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by Board of Directors of the Company on April 18, 1973.

"Article V - Surety Bonds and Undertakings"

Section 2, Appointment of Attorney-in-Fact. "The President or any Vice President, or any other officer of the Company may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby, and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed. Such attorneys-in fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President, the Board of Directors or any other officer of the Company may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the UNITED FIRE & CASUALTY COMPANY has caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 27th day of August, 2010



UNITED FIRE & CASUALTY COMPANY

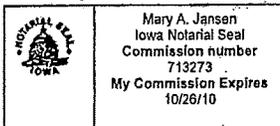
By *Dennis J. Richmann*

Vice President

State of Iowa, County of Linn, ss:

On 27th day of August, 2010, before me personally came Dennis J. Richmann

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of the UNITED FIRE & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Mary A. Jansen

Notary Public

I, the undersigned officer of the UNITED FIRE & CASUALTY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the by-laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Company this 30th day of March 20 11

David A. Gage

Secretary

UNITED FIRE & CASUALTY COMPANY

118 Second Avenue SE, P.O. Box 73909 CEDAR RAPIDS, IOWA 52407-3909

MAINTENANCE BOND

Bond Number 54-175490

KNOW ALL BY THESE PRESENTS: That we Garling Construction Inc.
of Belle Plaine, IA 52208

as Principal, and **UNITED FIRE & CASUALTY COMPANY**, an Iowa corporation of Cedar Rapids, Iowa, and authorized to do business
in the State of Iowa as Surety, are held and firmly bound unto _____
City of West Branch

in the penal sum 100%
of (\$ 376,700) Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made,
the Principal and Surety bind themselves, their, and each of their heirs, executors, and administrators, successors and assigns, jointly
and severally, firmly by these presents.

WHEREAS, the said Principal entered into a certain contract, dated 3/21/2011, to furnish all the material and labor
necessary for the construction of
West Branch Fire Station New Addition - New Roof in West Branch, IA

in conformity with certain specifications; and

WHEREAS, a further condition of said contract is that the said Principal should furnish a bond of indemnity, guaranteeing to remedy
any defects in workmanship or materials that may develop in said work within a period of 1 years from the date of acceptance
of the work under said contract and

WHEREAS, the said **UNITED FIRE & CASUALTY COMPANY**, of Cedar Rapids, Iowa, for a valuable consideration, has agreed to join
with said Principal in such bond or guarantee, indemnifying said City of West Branch
as aforesaid;

NOW, THEREFORE, the Condition of This Obligation is Such, that if the said Principal does and shall, at his/her own cost and
expense, remedy any and all defects that may develop in said work, within the period of 1 years from the date of acceptance of
the work under said contract, by reason of bad workmanship or poor material used in the construction of said work, and shall keep all
work in continuous good repair during said period, and shall in all other respects, comply with all the terms and conditions of said
contract with respect to maintenance and repair of said work, then this obligation to be null and void; otherwise to be and remain in full
force and virtue in law.

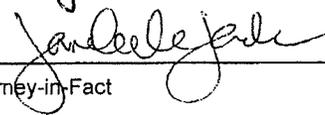
SIGNED, AND DELIVERED this 30 day of March A.D., 20 11

Garling Construction Inc. - Doug DeMeulenaere

Principal

By 

UNITED FIRE & CASUALTY COMPANY

By 
Attorney-in-Fact

ORDINANCE NO. 675

AN ORDINANCE AMENDING TITLE CHAPTER 90 "WATER SERVICE SYSTEM"

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

90.06 FEE FOR PERMIT.

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

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

Passed and approved this 4th day of April, 2011.

First Reading: April 4, 2011

Second Reading:

Third Reading:

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

ORDINANCE NO. 676

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

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

96.02 CONNECTION CHARGE.

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

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

Passed and approved this 4th day of April, 2011.

First Reading: April 4, 2011

Second Reading:

Third Reading:

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

ORDINANCE NO. 678

AN ORDINANCE AMENDING TITLE CHAPTER 17 "COUNCIL"

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

17.04.1 Regular Meetings. The regular meetings of the Council are on the first and third Mondays of each month in the Council Chambers at the City Office Building. The time of said meetings shall be 6:30 p.m. If such day falls on a holiday, the meeting is held at a mutually agreeable time, as determined by the Council.

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

Passed and approved this 4th day of April, 2011.

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

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

4/1/11

CITY OF WEST BRANCH, IOWA/SUBDIVIDER'S AGREEMENT

THE MEADOWS SUBDIVISION, PART ONE

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

WITNESSETH

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

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

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

SECTION 2. SIDEWALKS.

The Subdivider agrees that no later than three (3) years from the date of the City's Resolution approving the Final Plat of The Meadows Subdivision, Part One, West Branch,

{00259418.DOC}

Iowa, or upon seventy-five percent (75%) of the development of the lots therein, whichever occurs first, to install sidewalks abutting each lot which shall be at least four (4) feet wide and constructed according to the plans and specifications as approved by the City Engineer. The escrow provision need not include the sidewalk installation, however, the same shall remain a lien against each lot until accepted and released by the City.

SECTION 3. ESCROW MONIES

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

SECTION 4. USE OF ESCROW MONIES

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

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

SECTION 5. WAIVER

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

SECTION 6. LIEN

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

SECTION 7. RELEASE

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

SECTION 8. PUBLIC SERVICES.

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

SECTION 9. PAYMENT OF SANITARY SEWER CONNECTION FEE.

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

SECTION 10. SIDEWALK CONNECTION.

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

SECTION 11. STORM WATER DETENTION OR MANAGEMENT FACILITIES

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

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

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

SECTION 12. TRAFFIC STUDY/PEDESTRIAN STREET CROSSING ON MAIN STREET.

Subdivider shall conduct an appropriate traffic study to determine necessary improvements required for street and pedestrian improvements. For this subdivision, 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/or traffic study. In addition, Subdivider will construct a connection from the crosswalk on Main Street to the existing trail located on the south side of said street.

SECTION 13. PARKS/TRAILS.

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

SECTION 14. ASSIGNS AND SUCCESSORS

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

Dated this ____ day of _____, 2011.

KLM Investments, LLC:

City of West Branch:

By: _____
 , Manager

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

STATE OF IOWA, COUNTY OF CEDAR, ss:

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

A Notary Public in and for the
State of Iowa

STATE OF IOWA, COUNTY OF CEDAR, ss:

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

Notary Public

April 1, 2011

Matt Muckler
City Administrator
City of West Branch
P.O. Box 218
110 N. Poplar St.
West Branch, Iowa 52358

The City of West Branch has recently been investigating alternatives for cost recovery on capital improvements projects that are proposed for the near future. The City has expressed an interest in the connection fee method of cost recovery. In order to better understand how the connection fee method would be implemented, a preliminary connection fee district has been prepared for the lift station replacement project that is expected to occur soon. The improvements and associated costs are determined as follows:

LIFT STATION

The proposed improvements to the lift station have been discussed in recent meetings and have been sized at 3,000 gallons per minute capacity with an estimated cost of \$750,000. The Iowa Department of Natural Resources (IDNR) has established general design criteria for wastewater contribution per capita. The contribution is estimated at 100 gallons per day per person. For an area of this size, a ratio of peak to average day flow of 4 is used. The average daily usage rate is estimated for each type of development based on a per capita per day value. Using these values, the cost of service for each type of development can be calculated for the proposed lift station.

Dividing the estimated cost of \$750,000 for the proposed lift station improvements over the capacity of the lift station (3,000 gpm or 4,320,000 gpd) would result in a cost of \$250 per gpm or \$0.174 per gallon. The typical density of development for various classifications of development are shown in Table 1.1. The table also shows the design values for average daily and peak daily use per unit for each classification. The lift station must be sized to handle daily peak flows.

TABLE 1.1 DESIGN FLOWS FOR PLANNING PURPOSES

| CLASSIFICATION | DENSITY | DEMAND/ CAPITA | AVG. DAY USE | PEAK DAY USE |
|------------------------|-------------|---|-----------------|---------------|
| Single Family | 3.5 | 100 gpcd | 350 gpd | 1400 gpd |
| Mobile Home | 2.5 | 50 gpcd | 125 gpd | 500 gpd |
| Multi Family | 1.5/bedroom | 75 gpcd | 112.5 g/bedroom | 450 g/bedroom |
| Hotel/Motel | 1.5/room | 50 gpcd | 75 g/room | 300 g/room |
| Schools | # of seats | 10 gpcd | 10 g/seat | 40 g/seat |
| Office Buildings | 1/200 SF | 10 gpcd | 10 g/200 SF | 40 g/200 SF |
| Commercial/ Industrial | per fixture | Demand to be calculated based on intended use | | |

Combining the cost per gallon (\$0.174) with the average daily use values from the table above, the cost per unit for each classification can be developed. Table 1.2 shows the cost per unit. These costs are for the 2011 calendar year and will need to be updated for inflation annually. The index to be used to adjust the cost each year for inflation could be established as the Engineering News Record Construction Cost Index.

TABLE 1.2 COST PER UNIT FOR LIFT STATION CONNECTION FEE

| CLASSIFICATION | PEAK DAY USE | ESTIMATED FEE |
|------------------------|---------------|---------------|
| Single Family | 1400 gpd | \$244 |
| Mobile Home | 500 gpd | \$87 |
| Multi Family | 450 g/bedroom | \$78 |
| Hotel/Motel | 300 g/room | \$52 |
| Schools | 40 g/seat | \$7 |
| Office Buildings | 40 g/200 SF | \$7 |
| Commercial/ Industrial | /fixture | \$0.174/gal |

RESOLUTION NO. 934

A RESOLUTION TO AMEND THE CITY OF WEST BRANCH, IOWA EMPLOYEE HANDBOOK

WHEREAS, the City Council, of the City of West Branch, Iowa adopted an Employee Handbook on September 8, 2009, and amended same handbook on October 19, 2009, February 1, 2010, October 4, 2010, and December 6, 2010; and February 21, 2011.

WHEREAS, the City Council finds that the following changes should be made to said Handbook by inserting the following text under Compensation section after the third paragraph:

Public Works employees shall earn an increase of \$.50 per hour incentive pay when a Water/Wastewater grade 1 or 2 certification is obtained. For a grade 3 certification or above, the employee shall earn an increase of \$.75 per hour. This pay increase would be effective the following pay period.

NOW, THEREFORE, BE IT RESOLVED that the City Council of West Branch, Iowa does hereby approve and adopt the City of West Branch Personnel Handbook dated April 2011.

Passed and approved this 4th day of April, 2011.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk