

(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 5, 2012
6:32 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Deputy City Clerk Dawn Brandt, Public Works Director Matt Goodale, Library Director Nick Shimmin, Fire Chief Administrator Dick Stoolman and Police Chief Mike Horihan.

Council members: Mark Worrell, Jordan Ellyson, Colton Miller and Jim Oaks. Absent: Dan O'Neil.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the February 21, 2012 City Council Work Session.
- b) Approve minutes from the February 21, 2012 City Council Meeting.
- c) Approve claims.
- d) Approve Class C Liquor License with Sunday Sales Permit for Fiesta Riviera.

Motion by Worrell to approve the agenda while moving item 4d to approve Class C Liquor License with Sunday Sales Permit for Fiesta Riviera to 6e-1, second by Miller. AYES: Worrell, Miller, Ellyson, Oaks. Absent: O'Neil. Motion carried.

Date 3/5/2012	<u>City of West Branch</u>	Claims Register Report	
Kid Again Inflatable Fun Shows		Bounce House deposit for HHT Days	4,450.00
Fund Total		050 HT Days Fund	4,450.00

COMMUNICATIONS/OPEN FORUM

Library Director Nick Shimmin invited everyone to the public input forums on April 3rd at 7:00 pm and April 4th at 1:00 pm. They will also be hosting a youth forum at 2:00 pm on April 4th. The input will be used in the Library building program which will give guidance to the library board, our consultant, and architects as to what to focus on in a future library facility, i.e. do we need a bathroom near the children's area, how many seats do we need in the building, what type of seats, do people want study carrels, do they want study rooms, do they want a coffee area?

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

Police Chief Mike Horihan – Presentation of Reserve Certification to Todd Thurmann.

Horihan introduced Todd Thurman, reserve officer and presented his certification from the Iowa Law Enforcement Academy.

Panel Discussion on End of Natural Gas Franchise Agreement Options for Cities in Iowa including Pat Stief, President, Iowa Association of Municipal Utilities, Bob Haug, Executive Director, Iowa Association of Municipal Utilities, Eldon Snook, Gas Superintendent, Montezuma Municipal Gas, Bill Lindley, President, Clayton Energy and Larry Sorensen, Utilities Regulation Inspector, Iowa Utilities Board.

The panel provided information and answered questions concerning the options with the natural gas franchise agreement. Council members asked questions about the process a city would go through to convert to a municipal gas utility. IAMU can provide training and the organization coordinates a mutual aid system composed of municipal gas utilities throughout the state. The first step in exploring the possibility of converting to a municipal gas utility would be to obtain a feasibility study.

Third Reading of Ordinance 689, adopting Title, "Zoning and Subdivision," Chapter 173 "Site Plan Requirements."/Move to action.

Muckler said that the ordinance includes a five year maintenance bond. Worrell stated that he would like to change the maintenance bond in the future to a shorter time period, as he feels that five years is too long. However, he felt it best to pass the ordinance as written and come back and make those changes at a later date. Motion by Worrell, second by Miller to approve Third Reading of Ordinance 689. AYES: Worrell, Miller, Ellyson, Oaks. Absent: O'Neil. Motion carried.

Ordinance No. 689

AN ORDINANCE AMENDING THE WEST BRANCH ZONING CODE, SPECIFICALLY INCORPORATING CHAPTER 173 REGARDING SITE PLAN REQUIREMENTS

This chapter shall be known, cited and referred to as "Site Plan Regulations of the City of West Branch, Iowa." It is the intent and purpose of this chapter to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations. Site plans shall only be required whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of and within any district of the West Branch Zoning Ordinance, and for any use, except one and two family dwellings.

The foregoing is a summary of Ordinance No. 689. Said ordinance may be inspected in its entirety at the City Office, City of West Branch, 110 N Poplar St. West Branch, IA between the hours of 8 am-4 pm Monday-Friday. Ordinance No. 689 was passed and approved by the West Branch City Council on March 5, 2012, and will become effective on March 15, 2012, date of publication as provided by law.

First Reading of Ordinance 692, amending maintenance bond requirements in Title, "Zoning and Subdivision," Chapter 170 "Subdivision Regulations."/Move to action.

Motion by Worrell, second by Miller to approve First Reading of Ordinance 692. AYES: Worrell, Miller, Ellyson, Oaks. Absent: O'Neil. Motion carried.

Third Reading of Ordinance 690, vacating the northern 75 feet of the 16' alley located to the west of Lot 19 and to the east of Lot 18 in Block 22 in Cameron (Original Town) A.K.A. West Branch, in West Branch, Cedar County, Iowa, generally located near Main Street and North 2nd Street./Move to action.

Motion by Miller, second by Ellyson to approve Third Reading of Ordinance 690. AYES: Miller, Ellyson, Worrell, Oaks. Absent: O'Neil. Motion carried.

Ordinance No. 690

AN ORDINANCE VACATING THAT CERTAIN 75-FOOT PORTION ON AN ALLEY LOCATED BETWEEN LOTS 18 AND 19 IN BLOCK 22 IN CAMERON, (NOW KNOWN AS WEST BRANCH), WEST BRANCH, IOWA.

WHEREAS, pursuant to Section 354.23 of the Code of Iowa, the City has held a public hearing on the proposed vacation of a 75-foot portion of the alley located between Lots 18 and 19, Block 22 in Cameron, Cedar County, Iowa; and

WHEREAS, it is now necessary to pass an ordinance vacating said section of alley and directing the County Auditor to use this ordinance as the conveyance document for said alley without further documentation.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA, AS FOLLOWS:

Section 1. Vacation of Alley.

The northern 75-feet of that certain 16-foot wide alley located between Lots 18 and 19 in Block 22 in Cameron, Cedar County, Iowa, be and the same is hereby vacated.

Section 2. Conveyance.

Pursuant to Section 354.23 of the Code of Iowa, the alley shall be conveyed as follows:

- a. The west 8-feet of said northern 75-foot alley shall be conveyed to Jeanne R. Donovan (Parcel #0500-13-05-360-003-0)
- b. The east 8-feet of said northern 75-foot alley shall be conveyed to The Dalton Gang (Parcel #0500-13-05-360-006-0)

The County Auditor is directed to show said conveyance on its books without further documentation.

Section 3. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Adjudication. 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

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Passed and approved this 5th day of March, 2012.

First Reading: February 6, 2012
 Second Reading: February 21, 2012
 Third Reading: March 5, 2012

 Don Kessler, Mayor

ATTEST:

 Matt Muckler, City Administrator/Clerk

Approve Class C Liquor License with Sunday Sales Permit for Fiesta Riviera.

Motion by Worrell, second by Ellyson to approve Class C Liquor License for Fiesta Riviera. AYES: Worrell, Ellyson, Miller, Oaks. Absent: O’Neil. Motion carried.

Public Hearing on the Fiscal Year 2013 Annual Budget.

Mayor Kessler opened the public hearing at 8:35. With no comments from the public, the public hearing was closed.

Resolution 981, adopting fiscal year 2012-13 budget./Move to action.

City Administrator Matt Muckler gave a summary on the FY13 budget. The FY 2013 budget keeps the tax levy for the third year in a row at 12.04/thousand of assessed value, which is below 2009 levels (12.14/thousand). It pays off debt ahead of schedule. In the FY 2011 budget, the Rise Road Loan was paid off. In FY 2012, we are paying off the public works building two years ahead of time. In the FY 2013 budget, we will be paying off the city office remodel loan that was not expected to be paid off until 2019. There are vehicle set-asides in Road & Streets, Police Department, and Fire Department and set-asides in the Water Budget for tower painting. There are funds budgeted to address the I & I work identified in the I & I Study – Phase I. There are funds devoted to sidewalk repairs and increased partnership with Main Street. There are 1.5% employee increases with additional increases for Library, two junior police officers and one Public Works employee. There is \$200,000 more road work included. Additional funds are included to showcase West Branch at Hoovers Hometown Days. There is strong support of the library, not only salaries but also summer reading and a new carpet in the community room.

Motion by Worrell, second by Ellyson to approve resolution 981. AYES: Worrell, Ellyson, Miller, Oaks. Absent: O’Neil. Motion carried.

Resolution 977, approving the purchase of a new Police Department vehicle./Move to action.

Motion by Worrell second by Ellyson to approve resolution 977. AYES: Worrell, Ellyson, Miller, Oaks. Absent: O'Neil. Motion carried.

Resolution 976, authorizing the City Administrator/Clerk, Deputy City Clerk, Mayor and Mayor Pro Tem to approve claims against the City's bank accounts./Move to action.

Worrell would like there be two signatures required on all checks when paying claims and asked staff to bring back an ordinance which would require two signatories on each check issued by the City.

Motion by Worrell second by Miller to approve resolution 976. AYES: Worrell, Miller, Ellyson, Oaks. Absent: O'Neil. Motion carried.

Main Street West Branch Program Director Rod Ness and City Engineer Dave Schechinger, P.E. – Hoover House Project Update.

Ness updated Council on the project progress and said that the siding and painting still needed to be completed. Discussion was held regarding the steps in front of the building that are on the sidewalk. Two members of the Council, the Mayor and City Administrator will meet with Koester Construction representatives and Main Street and then property owners this week to discuss a sidewalk project on Main Street. In the meantime, the sidewalk will be closed for safety reasons.

MAYOR DON KESSLER

Appointments/Reappointments

None

CITY STAFF REPORTS

City Engineer Dave Schechinger, P.E. - Lift Station Project Update

Schechinger gave an update on the lift station project. The current lift station would need to be raised up 4 ½ feet to move it into the 500 feet flood level.

City Administrator Matt Muckler – Comprehensive Plan Public Input Survey Update

Muckler informed Council that a copy of the Comprehensive Plan will be mailed to every resident, will be available on the City's website, included in the school's weekly information and will be an insert in the West Branch Times.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Worrell said that he will go and look at the Mill Creek Bridge located near Clarence, IA on Wednesday 3/7/12 at 11:00am.

ADJOURNMENT

Motion to adjourn meeting by Worrell, second by Miller. City Council meeting adjourned at 10:50 p.m.

Don Kessler, Mayor

ATTEST: _____
Dawn Brandt, Deputy City Clerk