



**PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 7:00 P.M. MONDAY, JUNE 4, 2018 IN THE CITY COUNCIL CHAMBERS, 110 NORTH POPLAR STREET, WEST BRANCH, IOWA**

<b>Mayor</b>	<b>Roger Laughlin</b>	<a href="mailto:mayor@westbranchiowa.org">mayor@westbranchiowa.org</a>
<b>Mayor Pro Tem</b>	<b>Colton Miller</b>	<a href="mailto:mcolton@rocketmail.com">mcolton@rocketmail.com</a>
<b>Council Member</b>	<b>Jordan Ellyson</b>	<a href="mailto:Jordanellyson@gmail.com">Jordanellyson@gmail.com</a>
<b>Council Member</b>	<b>Brian Pierce</b>	<a href="mailto:brianapierce@outlook.com">brianapierce@outlook.com</a>
<b>Council Member</b>	<b>Jodee Stoolman</b>	<a href="mailto:j.stoolmanwbcc@yahoo.com">j.stoolmanwbcc@yahoo.com</a>
<b>Council Member</b>	<b>Nick Goodweiler</b>	<a href="mailto:nickgoodweilerwbcc@gmail.com">nickgoodweilerwbcc@gmail.com</a>
<b>City Administrator</b>	<b>Redmond Jones II</b>	<a href="mailto:rionesii@westbranchiowa.org">rionesii@westbranchiowa.org</a>
<b>City Attorney</b>	<b>Kevin Olson</b>	<a href="mailto:kevinolsonlaw@gmail.com">kevinolsonlaw@gmail.com</a>
<b>Deputy City Clerk</b>	<b>Leslie Brick</b>	<a href="mailto:leslie@westbranchiowa.org">leslie@westbranchiowa.org</a>

**Please note:** *Most written communications to or from government officials regarding government business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.*

**AGENDA**

**A. Call to Order**

**B. Opening Ceremonies**

1. Pledge of Allegiance
2. Welcome

**C. Roll Call**

**D. Guest Speaker, Presentations and Proclamations**

1. Movie Concept by Dustin Hills – History of West Branch Bears Football
2. Safety Committee Presentation – Jose Gongora
3. Workers Compensation Insurance – Kyle Austen

**E. Public Comment**

*Anyone wishing to address the City Council may come forward when invited; please state your name and address for the record. Public comments are typically limited to three minutes, and written comments may be submitted to the Deputy City Clerk. Special instructions for public comments will be provided at the meeting if a public hearing or quasi-judicial matter is scheduled on the agenda.*

**F. Approve Agenda / Consent Agenda / Move to Action**

*Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a Council member, staff member or member of the Public wishes to discuss any item on the Consent Agenda, they can request the item be removed from the Consent Agenda*

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*for discussion. The remaining items on the Consent Agenda will be voted on with one motion being made for all items on the Consent Agenda*

1. **Motion to Approve** Meeting Minutes for City Council Meeting May 21, 2018.
2. **Resolution 1718** – A Resolution Approving A Liability Insurance Proposal with ICAP
3. **Resolution 1719** – A Resolution Approving Workers Compensation Insurance Proposal with IMWCA.
4. **Motion to Approve** Cigarette Permit Renewals for Fiscal Year 2019.
5. **Motion to Approve** Claims Report.

#### **G. Public Hearing / Non-Consent Agenda**

1. **Public Hearing:** A Public Hearing on the matter of a Rezoning of the following described parcel located at 116 N.1<sup>st</sup> Street, West Branch, Cedar County, Iowa. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.
2. **First Reading,** Ordinance 754 – Approve the Rezoning of the following described parcel located at 116 N. 1<sup>st</sup> Street, West Branch, Cedar County, Iowa; Rezoning parcel #0500-13-05-357-015-0 from CB-1 Central Business District to RB-1 Residential Business District.
3. **Motion to Suspend the Rules,** and collapse the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance No. 754.
4. **Second Reading,** Ordinance 751, Amending Chapter 69.08 entitled “No Parking Zone” (add 67) to prohibit Semi Truck and other parking on Tidewater Drive.
5. **Second Reading,** Ordinance 752 Amending Chapter 76 (sec. 76.02, 76.10, 76.11, and 76.14) the Current Bicycle Regulations to Include the Operation of Skate Boards.
6. **Resolution 1706** – A Resolution Approving Employee Salary Adjustments for Extra Duties Assigned and Required.
7. **Resolution 1720** – A Resolution Approving Partial Pay Estimate Number 2 in the Amount of \$362,865.81 to Needham Excavating Inc. for the Cubby Park Improvement Project.
8. **Resolution 1721** – A Resolution Approving Change Order Number 3, Revised in the Amount by \$9,672.30 on the Cubby Park Improvements Project.
9. **Motion to Approve** a Memorandum of Understanding (MOU) with the Partners of “Cedar’s Edge Golf Course & Little Light’s Events”.
10. **Discussion Item:** Staff Seeking Direction in responding to an Unsolicited Proposal from Barnhart’s Custom Services, LLC for the services of site preparation.
11. **Discussion Item:** Planned Unit Development

#### **H. Reports**

1. City Administrator’s Report
2. City Attorney Report
3. Other Staff Hearsays

#### **I. Comments from Mayor and Council Members**

#### **J. Adjournment**

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*(The following is a synopsis of the minutes of the West Branch City Council meeting. A video recording is available for inspection on the City of West Branch Website at [www.westbranchiowa.org/government/council-videos](http://www.westbranchiowa.org/government/council-videos). The minutes are not approved until the next regularly scheduled City Council meeting.)*

*West Branch, Iowa*  
**Council Chambers**

*City Council Meeting*

*May 21, 2018*  
**7:00 p.m.**

Mayor Laughlin called the West Branch City Council meeting to order at 7:00 p.m. Mayor Laughlin invited the Council, Staff and members of the audience to stand and led the group in the Pledge of Allegiance. Roll call: Council members: Colton Miller, Nick Goodweiler, Jodee Stoolman and Brian Pierce were present. Jordan Ellyson was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, Deputy City Clerk Leslie Brick, Finance Officer Gordon Edgar, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin and Police Chief Mike Horihan.

**GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS**

Home Rule Proclamation - Mayor Laughlin reiterated the importance of the Home Rule in Iowa and shared that this year marks its fiftieth year of allowing local government municipal control of its cities. Laughlin then read the Home Rule proclamation.

Main Street Market Place Analysis – Kevin Rogers presented the survey and explained how the data was analyzed. Rogers said the survey results are available on the Main Street CDG website for further review.

Summer Library Programs – Library Director Nick Shimmin presented the library’s summer calendar and said their program kicks off June 1<sup>st</sup>. Shimmin invited the Council and community to an open house to meet the new youth librarian and wishing the current youth librarian, Becky Knoche best wishes on her new endeavors on Tuesday, May 29<sup>th</sup> at the library beginning at 7:00 p.m.

**PUBLIC COMMENT**

None.

**APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION**

Motion to approve Meeting Minutes for City Council Meeting May 7, 2018.

Motion to approve the Appointment of Levi Kleinmeyer to the West Branch Fire Department as a Cadet.

Motion to approve the Class C Liquor License with Outdoor Service and Sunday Sales Privileges for Cedar’s Edge Golf Course Inc. located at 19 Greenview Ln, West Branch, IA 52358.

Motion to approve (Hoover’s Hometown Days) – Outdoor Liquor Permit Request for Brick Arch Winery located at 116 W. Main Street, West Branch, IA 52358.

Motion to approve the Home Rule Proclamation

Approve Claims Report.

EXPENDITURES	5/21/2018	
ALLIANT ENERGY	WATER TOWER	9,330.83
AMAZON	BOOKS, PROGRAM SUPPLIES	198.53
BAKER & TAYLOR INC.	BOOKS	1,475.49
BARRON MOTOR SUPPLY	MAINTENANCE SUPPLIES	121.38
BP AMOCO	VEHICLE FUEL	403.48
BRET F STOUT	STREET REPAIR	795.00
CEDAR RAPIDS PHOTO COPY IN	COPIER MAINTENANCE	73.28
CHAUNCEY BUTLER POST 514	FLAGS	80.00
CJ COOPER & ASSOCIATES	DRUG TESTING	127.30
DEARBORN NATIONAL INSURANC	LIFE INSURANCE	68.15
DEMCO	PROGRAM SUPPLIES	176.93
EAST CENT INTERGOVT ASN.	GRANT WRITING CONTRACT	283.50
EBSCO INDUSTRIES, INC	MERCHANDISE CREDIT	695.67

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FEHR GRAHAM	308 - PV PARK CONST MGMT	3,198.50
FRED'S FEED & SUPPLY LLC	SUPPLIES	17.13
GLOBAL SOFTWARE	TAC 10 MAINT 6-18 TO 5-19	1,272.00
HARRY'S CUSTOM TROPHIES LT	SOCCER MEDALS	165.00
HAWKINS INC	CHEMICALS	674.40
HOLLYWOOD GRAPHICS	SHIRTS	1,894.30
HY-VEE ACCOUNTS RECEIVABLE	CONCESSION SUPPLIES	87.45
IOWA ONE CALL	UTILITY LOCATION SERVICE	76.50
JC CROSS CO	BLOWER REPAIR	52.22
JOHN KEVIN DOLAN	LIBRARY PROGRAM	350.00
JOHNSON COUNTY REFUSE INC.	RECYCLING APR 2018	4,285.25
KELTEK INC	TOUGHBOOK COMPUTERS	10,089.93
KINGDOM GRAPHICS LLC	VEHICLE DECALS	100.00
LENOCH & CILEK	TREE INSTALLATION	26.97
LYNCH'S PLUMBING INC	VACCCUMN TRUCK RENTAL	1,854.00
MENARDS	SUPPLIES	83.90
OASIS ELECTRIC LLC	SERVICE CALL	70.00
PLUNKETT'S PEST CONTROL IN	PEST CONTROL CITY OFFICE	95.18
QC ANALYTICAL SERVICES LLC	LAB ANALYSIS	781.00
RIVER PRODUCTS COMPANY INC	ROADSTONE	316.02
STATE HYGIENIC LAB	LAB ANALYSIS	26.00
UNITED LABORATORIES	MAINTENANCE SUPPLIES	1,269.80
UPS	SEWER-SHIPPING	21.82
US BANK CORPORATE CARD	OFFICE & PROGRAM SUPPLIES	1,170.01
USA BLUE BOOK	MAINTENANCE SUPPLIES	198.12
WALMART COMMUNITY/RFCSLLC	DVDS, PROGRAM & MAINT SUPPLIES	239.23
WATER SOLUTIONS UNLIMITED	PHOSPHATE	2,635.00
WELLMARK	CREDIT- HEALTH INSUROR FEES	13,399.74
WEST BRANCH TIMES	ADVERTISING/LEGAL PUBLICATION	626.16
WEX BANK	VEHICLE FUEL	1,701.52
TOTAL		60,606.69
PAYROLL	5/18/2018	55,633.81
PAID BETWEEN MEETINGS		
NEEDHAM EXCAVATING, INC.	308-PV PARK CONSTRUCTION	276,843.04
GRAND TOTAL EXPENDITURES		393,083.54
FUND TOTALS		
001 GENERAL FUND	47,648.32	
022 CIVIC CENTER	580.89	
031 LIBRARY	9,290.65	
110 ROAD USE TAX	4,913.43	
112 TRUST AND AGENCY	20,585.42	
308 PARK IMP - PEDERSEN VALLEY	280,041.54	
600 WATER FUND	17,396.21	
610 SEWER FUND	12,627.08	
GRAND TOTAL	393,083.54	

Motion by Goodweiler, second by Pierce to approve agenda/consent agenda items. AYES: Goodweiler, Pierce, Stoolman, Miller. Absent: Ellyson. NAYS: None. Motion carried.

**Public Hearing:** A Public Hearing on Amending the Current Budget for the Fiscal Year Ending June 30, 2018. Laughlin opened the public hearing at 7:37 p.m. There were no public comments. Laughlin closed the public hearing at 7:38 p.m.

**Resolution 1713 – Amending the Current Budget for the Fiscal Year Ending June 30, 2018./Move to action.** Edgar explained the general government expenses increased due to costs associated with replacing the city administrator. Debt Service expense increased due to payments required on loans obtained after the FY18 budget was completed and revenue increased due to increasing our bond issuance above the budget amount.

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Motion by Miller, second by Goodweiler to approve Resolution 1713. AYES: Miller, Goodweiler, Stoolman, Pierce. Absent: Ellyson. NAYS: None. Motion carried.

Resolution 1714 – Authorizing the Transfer of Funds./Move to action.

Motion by Goodweiler, second by Miller to approve Resolution 1714. AYES: Goodweiler, Miller, Stoolman, Pierce. Absent: Ellyson. NAYS: None. Motion carried.

First Reading, Ordinance 751, amending Chapter 69 – Parking Regulations./Move to action.

Chief Horihan said he notified area businesses about the ordinance change and had only received positive comments. Motion by Pierce, second by Goodweiler to approve first reading of Ordinance 751. AYES: Pierce, Goodweiler, Stoolman, Miller. Absent: Ellyson. NAYS: None. Motion carried.

First Reading, Ordinance 752 amending Chapter 76 - Bicycle Regulations./Move to action.

Motion by Goodweiler, second by Pierce to approve first reading of Ordinance 752. AYES: Goodweiler, Pierce, Stoolman, Miller. Absent: Ellyson. NAYS: None. Motion carried.

First Reading, Ordinance 753 amending Chapter 65 – Stop or Yield Required./Move to action.

Chief Horihan stated that three additional stop signs had already been placed at the intersection of West Orange Street and Ridge View Drive. He further explained that when the streets were extended, the intersection was intended to be a four way stop, but only one sign had been posted. In reviewing the Code, it was determined that the intersection had not been added to Chapter 65 and therefore not enforceable.

Motion by Goodweiler, second by Stoolman to approve first reading of Ordinance 753. AYES: Goodweiler, Stoolman, Miller, Pierce. Absent: Ellyson. NAYS: None. Motion carried.

Miller motioned to collapse the second and third reading of Ordinance 753 since the signs have been posted and the issue resolved. Motion by Miller, second by Stoolman. AYES: Miller, Stoolman, Pierce, Goodweiler. Absent: Ellyson. NAYS: None. Motion carried. Motion by Pierce, second by Goodweiler to approve the second and third reading of Ordinance 753. AYES: Pierce, Goodweiler, Miller, Stoolman. Absent: Ellyson. NAYS: None. Motion carried.

**ORDINANCE 753  
ORDINANCE REGULATING STOP OR YIELD REQUIRED**

**WHEREAS**, the City of West Branch, Iowa has jurisdiction to establish and designate Stop and /or Yield on through streets; and

**WHEREAS**, Stop or Yield required shall mean, every driver of a vehicle shall stop unless a yield is permitted by this ordinance before entering an intersection identified in this ordinance; and

**WHEREAS**, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the no parking zones within the City.

**NOW, THEREFORE, BE IT ORDAINED**, that:

1. Amendment. Section 65.02 of the Code of Ordinances is hereby adding subsection fifty-Seven (57) with the following:  
  
57. On Orange St and Ridge View Dr. at the intersection of Ridge View Dr. and Orange St.
2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.
3. 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.
4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: May 21, 2018

Second reading: May 21, 2018

Third Reading: May 21, 2018

\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST:

\_\_\_\_\_  
Leslie Brick, Deputy City Clerk

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Motion to Approve Simply Summer Special Event Application./Move to action.

Parks & Recreation Director Russell said that although the application was received late and changes to the plan were made to disallow camping, she had no concerns with the event. Russell further stated that the event would have little to no impact on city resources.

Motion by Miller, second by Goodweiler. AYES: Miller, Goodweiler, Stoolman, Pierce. Absent: Ellyson. NAYS: None. Motion carried.

Discussion Item: Hoover Hometown Days Update and Schedule.

Russell updated the Council on Hoover's Hometown Days planning and schedule and stated that new entertainment would be hitting the stage but no other major changes would occur. Russell encouraged all vendors and parade participants to sign up early.

Resolution 1715 – A Resolution Approving Various Contracts for the Hoover Hometown Days Celebration in the Amount of \$800./Move to action.

Motion by Pierce, second by Goodweiler to approve Resolution 1715. AYES: Pierce, Goodweiler, Miller, Stoolman. Absent: Ellyson. NAYS: None. Motion carried.

Resolution 1716 – A Resolution Approving Engineering Services Agreement for 2018- 2019 Bridge Inspection and Rating./Move to action.

Motion by Goodweiler, second by Stoolman to approve Resolution 1716. AYES: Goodweiler, Stoolman, Pierce, Miller. Absent: Ellyson. NAYS: None. Motion carried.

Resolution 1717 – Approving the Main Street Iowa Program Agreement./Move to action.

Motion by Stoolman, second by Miller to approve Resolution 1717. AYES: Stoolman, Miller, Pierce, Goodweiler. Absent: Ellyson. NAYS: None. Motion carried.

**CITY ADMINISTRATOR REPORT**

Jones reported on the Gross-Wen Technologies in Skokie, Illinois site visit as compared to the Nano2 technology pilot project in Tipton. Both systems have beneficial components but Tipton's pilot program did show a significant reduction in sludge which generates high levels of ammonia which is of concern with the City's current system. Jones said the task group will be looking at financing strategies and potential pilot projects to meet DNR requirements.

Jones also reported that he had met with the partners of Little Lights on the Lane and Cedar's Edge to prepare a proposal to be presented to the Council in June.

Jones also shared a letter from Crestview Care Initiatives on concerns over screening from Cubby Park. Additional City Administrator reports can be found on the city's website.

**CITY ATTORNEY REPORT**

Olson reported that he had not heard back from French Renneker yet on the engineering services performed for the West Branch Village project. He also said that he was still working on updating the Urban Renewal Plan and it was almost ready for Council approval.

**COMMENTS FROM MAYOR AND COUNCIL MEMBER**

Laughlin said he would like to get moving on the Croell site clean-up as soon as possible. He said that now that Croell has vacated the property, it is in need of grading and removal of the concrete. Laughlin suggested working with a local excavator who has the proper equipment to help with the cleanup and possibly crushing the concrete into gravel for future use or sale to help offset the cleanup costs. Laughlin asked on the status of the

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land exchange time frame. Olson responded that the new facility has not passed its final inspection and therefore deeds cannot be transferred until the occupancy permit has been issued.

Stoolman asked if there was any money put aside to install welcome signs to West Branch similar to the one by the high school. Rogers, Executive Director of CDG stated that recently their group had been bequeathed a sum of money from a local resident to put toward a new sign on the entrance to the City from the interstate. Rogers was not able to give any additional information at this time. Stoolman also asked why the City Office did not have a Facebook page. She commented that most residents rely on social media to get news and asked that one be created since most all of the other departments of the City already have one too. Other Council members agreed and directed staff to move forward with the idea.

Goodweiler asked for a status update on the old Casey's building on East Main Street. Olson said that Casey's was required to clean-up the contamination and that is most likely preventing the sale of the building.

**ADJOURNMENT**

Motion to adjourn by Pierce, second by Goodweiler. Motion carried on a voice vote. City Council meeting adjourned at 8:34 p.m.

\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST: \_\_\_\_\_  
Leslie Brick, Deputy City Clerk

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## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Resolution 1718 – A Resolution Approving a Liability Insurance Proposal with ICAP.
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Gordon Edgar, Finance Director
<b>DATE:</b>	May 30, 2018

### BACKGROUND:

West Branch has been a member of the Iowa Communities Assurance Program (ICAP) for approximately four years. Our insurance policy period coincides with the City fiscal year of July 1 to June 30. For the past four years our premiums have been in the range of around \$38,000 to \$41,000. The City received \$36,000 for a claim during the current fiscal year. The premium for the next fiscal year will be about \$43,100.

<b>STAFF RECOMMENDATION:</b>	Approve Resolution – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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RESOLUTION NO. 1718

RESOLUTION APPROVING A LIABILITY INSURANCE PROPOSAL WITH ICAP

WHEREAS, the City of West Branch, Iowa received an insurance renewal quotation from the Iowa Communities Assurance Pool (ICAP); and

WHEREAS, after reviewing the insurance renewal quotation, the City Council has decided to accept the quotation from and continue membership with ICAP, effective July 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the insurance renewal with ICAP is hereby approved.

Passed and approved this 4th day of June, 2018.

\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST:

\_\_\_\_\_  
Redmond Jones II, City Administrator/Clerk



**INVOICE**

FOR

**City of West Branch**

Anniversary Date: 07/01/2018

5701 Greendale Road  
Johnston, IA 50131  
[www.icapiowa.com](http://www.icapiowa.com)



### Member Invoice

Member Name: City of West Branch

Anniversary Date: 07/01/2018

Policy Number: R0883PC2018-01

<u>Coverage</u>	<u>Limit of Coverage</u>	<u>Contribution</u>
General Liability	\$2,000,000	\$9,996.22
Automobile Liability	\$2,000,000	\$3,731.15
Law Enforcement Liability	\$2,000,000	\$1,632.96
Public Officials Wrongful Acts	\$2,000,000	\$1,894.83
Excess Liability	\$4,000,000	\$5,942.40
Vehicles	\$626,170	\$1,129.79
Property	\$11,196,811	\$17,438.61
Equipment Breakdown	Included	Included
Crime	\$100,000	\$150.00
Bond		\$150.00
Marketing and Administration Fees		\$2,009.37
<b>TOTAL CONTRIBUTION</b>		<b>\$44,075.33</b>

**MAKE CHECKS PAYABLE TO IOWA COMMUNITIES ASSURANCE POOL ON OR  
BEFORE: 07/01/2018**

When you provide a check as payment, you authorize us to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution. If you have further questions regarding this process or do not wish to participate, please call us at 515-276-7557.



## Commitment to Continue Membership

I, City of West Branch, do hereby affix my signature to this form and promise to submit the contribution of \$44,075.33 (less attached vouchers if applicable) by \_\_\_\_\_ . In order to fulfill this commitment, our check will be received by the Iowa Communities Assurance Pool, at the address on this form, no later than \_\_\_\_\_ .

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Iowa Communities  
Assurance Pool  
5701 Greendale Road  
Johnston, IA 50131



## Member Proxy

Be it known, that the undersigned representative of the Governmental Sub-Division (hereafter referred to as MEMBER) by resolution of the governing body, a copy of which is attached hereto, hereby nominates and appoints the following individual and alternate to represent the MEMBER with the Iowa Communities Assurance Pool (hereinafter referred to as the POOL). The individual and alternate shall act as liaison between MEMBER and the POOL for the purposes of relating risk reduction and loss control information, and any other loss information or instructions concerning the obligations of the MEMBER imposed by signing the Iowa Risk Management Agreement and the rules and regulations established thereunder, to the same extent and with like effect as the undersigned thereunder, to the same extent as the undersigned could do if personally present and the undersigned does hereby ratify and confirm and adopt all action done or taken by the individual or alternate.

Primary Contact:	<u>Gordon Edgar</u>	Alternate Contact:	<u>Roger Laughlin</u>
Title:	<u>Duty City Clerk/ Finance Director</u>	Title:	<u>Mayor</u>
Address:	<u>PO Box 218</u>	Address:	<u>PO Box 218</u>
Address:	<u></u>	Address:	<u></u>
City, State, Zip:	<u>West Branch, IA 52358-0218</u>	City, State, Zip:	<u>West Branch, IA 52358-0218</u>
Email:	<u>gordon@westbranchiowa.org</u>	Email:	<u></u>
Telephone:	<u>3196435888</u>	Telephone:	<u></u>

In witness whereof, this proxy was executed on the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, by the undersigned duly authorized officers of the Governmental Subdivision indicated below:

Governmental Subdivision: City of West Branch

Member ICAP #: 883

By: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

(City Clerk/County Auditor/Board Secretary)



### Anniversary Information Acknowledgement

The undersigned representative of the City of West Branch acknowledges that he/she:

- Reviewed the information provided on all Iowa Communities Assurance Pool applications and all applicable supplemental applications.
- Reviewed all applicable property and vehicle schedules.
- Confirms, to the best of his/her knowledge, that all information provided is complete and accurate.
- Reviewed the optional coverage(s) offered by the Iowa Communities Assurance Pool for increased limits. After consideration of the coverage(s) offered and the contribution for same, City of West Branch has elected to:
  - Waive any and all coverage(s) and any applicable contribution charges. City of West Branch understands that to add increased limits coverage in the future, it will be subject to Iowa Communities Assurance Pool's approval and underwriting guidelines at the time of the request and that such request must be made in writing. In addition, City of West Branch will not hold the Iowa Communities Assurance Pool responsible for this decision to waive optional coverage(s).
  - Accept the increased limits: \_\_\_\_\_  
(Limit of Liability Accepted)

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, by the undersigned duly authorized officer of the Governmental Subdivision (City of West Branch) indicated below:

BY: \_\_\_\_\_

Title: \_\_\_\_\_

Member: City of West Branch

Member Number: 883

Anniversary Date: 07/01/2018



## Quote Summary

City of West Branch

Anniversary Date: 07/01/2018

Coverage	Contribution	Limit of Coverage	Deductible	Retroactive Date	Coverage Effective
General Liability	\$9,996.22	\$2,000,000	\$0	07/01/2018	07/01/2018
Automobile Liability	\$3,731.15	\$2,000,000	\$0	07/01/2018	07/01/2018
Law Enforcement Liability	\$1,832.96	\$2,000,000	\$2,000	07/01/2018	07/01/2018
Public Officials Wrongful Acts	\$1,894.83	\$2,000,000	\$500	07/01/2018	07/01/2018
Excess Liability	\$5,942.40	\$4,000,000			07/01/2018
Vehicles	\$1,129.79	\$626,170	See Schedule		07/01/2018
Property	\$17,438.61	\$11,196,811	See Schedule		07/01/2018
Equipment Breakdown	Included	Included	Included		Included
Crime	\$150.00	\$100,000	\$1,000		07/01/2018
Bond	\$150.00				07/01/2018
<b>TOTAL CONTRIBUTION</b>	<b>\$42,065.96</b>				
Agency Fee	\$2,009.37				
<b>FINAL CONTRIBUTION</b>	<b>\$44,075.33</b>				

Excess Liability Options	Contribution	Limit of Liability	Coverage Effective
Excess Liability	\$7,310.40	\$5,000,000	07/01/2018
Excess Liability	\$8,620.80	\$6,000,000	07/01/2018
Excess Liability	\$9,868.80	\$7,000,000	07/01/2018
Excess Liability	\$11,059.20	\$8,000,000	07/01/2018
Excess Liability	\$12,187.20	\$9,000,000	07/01/2018
Excess Liability	\$13,257.60	\$10,000,000	07/01/2018
Excess Liability	\$14,265.60	\$11,000,000	07/01/2018
Excess Liability	\$15,220.80	\$12,000,000	07/01/2018
Excess Liability	\$16,147.20	\$13,000,000	07/01/2018

*This quotation expires on the Proposed Effective Date.*

**IOWA COMMUNITIES ASSURANCE POOL**  
**Quotation Summary**

**City of West Branch**  
**Effective Date: 7/1/2018**

<b>Coverage</b>	<b>Current Contribution:</b>	<b>\$1,000 ded.</b>	<b>\$500/\$1,000</b>
Automobile Physical Damage	<b>\$1,129.79</b>		\$1,068.21
Current Deductibles	\$250 comp/\$500 collision		
	<b>Savings/Amount to deduct from invoice</b>		<b>\$61.58</b>
Property	<b>\$17,438.61</b>	\$16,945.12	
Current Deductible	\$500.00		
	<b>Savings/Amount to deduct from invoice</b>	<b>\$493.49</b>	
Boiler	Included	Included	Included



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Resolution 1719 – A Resolution Approve Workers Compensation Insurance Proposal with IMWCA
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Gordon Edgar, Finance Director
<b>DATE:</b>	May 30, 2018

**BACKGROUND:**

**Great News!!!**

West Branch has been a member of the Iowa Municipalities Workers’ Compensation Association for approximately four years. Our insurance policy period coincides with the City fiscal year of July 1 to June 30. For the past four years our premiums have been in the range of around \$30,000 to almost \$50,000. The City had experienced some high claims that resulted in high Work Comp premiums. The City created a Safety Committee and hired Jose Gongora as a consultant to perform safety and health consulting services with the expectation that Workers’ Compensation claims would be significantly reduced. Through the efforts of Jose and the Safety Committee and some good fortune, the Work Comp premium for fiscal year 2019 will be about \$19,000, **a reduction of \$30,000 from the prior year’s premium.**

<b>STAFF RECOMMENDATION:</b>	Approve this Resolution – Move to Action
------------------------------	--

<b>REVIEWED BY CITY ADMINISTRATOR:</b>
<b>COUNCIL ACTION:</b>
<b>MOTION BY:</b>
<b>SECOND BY:</b>

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RESOLUTION NO. 1719

RESOLUTION APPROVING WORKERS COMPENSATION INSURANCE PROPOSAL  
WITH IMWCA

WHEREAS, the City of West Branch, Iowa received an insurance renewal quotation from the Iowa Municipalities Workers' Compensation Association (IMWCA); and

WHEREAS, after reviewing the insurance renewal quotation, the City Council has decided to accept the quotation of IMWCA, effective July 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the insurance renewal with IMWCA is hereby approved.

Passed and approved this 4th day of June, 2018.

\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST:

\_\_\_\_\_  
Redmond Jones II, City Administrator/Clerk

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2018-2019  
Workers' Compensation  
Coverage Documents  
Packet

**PLEASE MAINTAIN THESE DOCUMENTS IN YOUR INSURANCE FILE**

*Information Page of the Coverage Memorandum*  
(Includes endorsements, if applicable)

*Estimated Premium Schedule for 2018-2019*

*Experience Modification Factor Worksheet*  
(If applicable)

**THE INVOICE WILL BE MAILED SEPERATELY**



**West Branch (0851)**  
**Estimated Premium Schedule as of 5/11/2018**  
**Policy Period: 7/1/2018-7/1/2019**

**Workers' Compensation Coverage**

Class Code	Description	Rate	Payroll	Premium	Modified Premium	Discounted Premium
5506	Street or Road Paving	8.79%	78,558	6,905	5,455	2,952
7520	Waterworks Operations & Driver	4.93%	37,597	1,854	1,465	793
7580	Sewage Disposal Plant Operation	2.17%	18,700	406	321	174
7705V	Ambulance Service Companies, Volunteer EMS providers & drivers.	7.15%	5,000	357	282	153
7711	Volunteer Firefighters & Drivers	47.34%	31,500	14,912	11,780	6,375
7720	Police Officers & Drivers	3.6%	247,324	8,904	7,034	3,807
7720V	Reserve Peace Officers & Drive	3.6%	35,000	1,260	995	538
8380	Automobile - All Others	3.23%	89,150	2,880	2,275	1,231
8810	Clerical Office Employees - NO	0.25%	355,728	889	702	380
8810V	Elected or Appointed Officials	0.25%	15,000	38	30	16
9101	Public Library/Museums - Maint	5.96%	1,084	65	51	28
9102	Parks NOC - All Employees	4.24%	85,528	3,626	2,865	1,551
9220	Cemetery Operations & Drivers	5.39%	14,362	774	611	331
9402	Street Cleaning & Drivers	5.35%	8,207	439	347	188
9410	Municipal Employees	3.02%	9,000	272	215	116
<b>Totals:</b>			<b>1,031,738</b>	<b>43,581</b>	<b>34,428</b>	<b>18,633</b>

**Your IMWCA Discount for Workers' Compensation Coverage:**

Longevity Credit:	\$ 344	1%
Loss Experience Credit:	\$ 7,574	22%
Large Premium Discount:	\$ 3,787	11%
<b>Total Discount:</b>	<b>\$ 11,706</b>	<b>34%</b>

**Workers' Compensation Premium Calculation**

Pure Premium:	\$ 43,581
Experience Modification Factor: X	.79
Modified Premium:	\$ 34,428
IMWCA Discount Amount: -	\$ 11,706
Discounted Premium:	\$ 22,722
Good Experience Bonus: X	.82
Expense Constant: +	\$ 160
Annual Premium:	\$ 18,793
<b>Total Premium:</b>	<b>\$ 18,793</b>

**Other Coverage**

**Non-Statutory Medical Coverage**

Rate: \$10/Volunteer, Minimum Premium \$100  
 Estimated Number of Volunteers: 10 Rate: 10 Premium: 0

Premium generated by count falls beneath minimum premium standards, therefore a minimum premium of \$100 has been used.

Non-Stat. Vol. Premium: 0  
 Minimum Premium: 100

**Total Estimated Coverage Premium: \$ 18,893**

This is not an invoice.





## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Motion to Approve Cigarette Permit Renewals for Fiscal Year 2019.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Deputy City Clerk Leslie Brick
<b>DATE:</b>	May 30, 2018

### BACKGROUND:

Approve FY19 Cigarette Permit renewals for:

Kum & Go LC dba Kum & Go #254

Fisher's Market Nauvoo IL Inc. dba Dewey's Jack & Jill

Casey's Marketing Company, dba Casey's General Store #3463

Shivji LLC, dba BP Amoco.

Renewals effective July 1, 2018 to June 30, 2019.

<b>STAFF RECOMMENDATION:</b>	Approval Motion – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Motion to Approve the Claims Report
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Gordon Edgar, Finance Director
<b>DATE:</b>	May 30, 2018

**BACKGROUND:**

These are routine expenditures that include such items as payroll, budget expenditures, and other financial items that relate to council approved items and/or other day to day operational disclosures.

<b>STAFF RECOMMENDATION:</b>	Approve Claims Report – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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## EXPENDITURES

6/4/2018

BAKER & TAYLOR INC.	BOOKS	180.17
BANKERS ADVERTISING COMPANY	NAME BADGE	20.58
BUSINESS RADIO SALES	RADIO REPAIRS	80.00
CDW GOVERNMENT INC.	COMPUTERS	2,685.39
CEDAR COUNTY AUDITOR	ELECTION SERV-HOTEL/MOTEL TAX	1,884.62
CEDAR VALLEY OUTFITTERS	AMMUNITION	390.00
CJ COOPER & ASSOCIATES	ALCOHOL BREATH TEST SUPPLIES	132.65
CULLIGAN WATER TECHNOLOGIES	WATER SOFTENER SERVICE	35.20
D&R PEST CONTROL	PEST CONTROL SERVICE	70.00
DEMCO	SHIRT	15.25
EMERGENCY MEDICAL PRODUCTS INC	MEDICAL SUPPLIES	220.85
F&B COMMUNICATIONS INC	EQUIPMENT REPAIR	559.98
FELD FIRE EQUIPMENT CO. INC	VEHICLE REPAIR	155.00
FULL COMPASS SYSTEMS LTD	MICROPHONE & ACCESSORIES	951.60
HD CLINE COMPANY	REPAIR PARTS	122.82
KIRKWOOD COMM. COLLEGE	TRAINING	14.00
LIBERTY COMMUNICATIONS	LIBERTY COMMUNICATIONS	1,289.16
LYNCH'S PLUMBING INC	SERVICE CALL-LIBRARY	157.00
MATT PARROTT/STOREY KENWORTHY	MATT PARROTT/STOREY KENWORTHY	318.39
MEDIACOM	CABLE SERVICE	40.90
METROPOLITAN COMPOUNDS INC	CHEMICALS	1,124.80
MISCELLANEOUS VENDORS	REFUND:VARIOUS	105.00
MUNICIPAL SUPPLY INC.	WATER METERS & ACCESSORIES	3,677.50
OLSON, KEVIN D	LEGAL SERVICES JUNE 2018	1,500.00
PACHECO, HUGO VINICIO HERNANDEZ	REMODEL RESTROOMS	4,000.00
PDT SERVICES	COOLER REPAIR	222.48
RATHJE CONSTRUCTION CO	TREE GRINDING	8,250.00
SHIMMIN, NICK	LIBRARY WEB HOSTING RENEWAL	131.88
SHRED-IT USA	DOCUMENT DESTRUCTION	48.15
TRUGREEN PROCESSING CENTER	LAWN SERVICE LIONS FIELD	376.00
UPS	SEWER-SHIPPIING	21.82
VEENSTRA & KIMM INC.	STORMWATER CONSULT-NPS	182.35
VEENSTRA & KIMM INC.	PV MULTI FAMILY REVIEW	265.35
VEENSTRA & KIMM INC.	310-COLLEGE ST BRIDGE FINAL DESIGN	928.60
VEENSTRA & KIMM INC.	P & Z LOT SITE PLAN REVIEW	332.00
VEENSTRA & KIMM INC.	POPLAR STREET PAVING COORDINATION-WBCS	83.00
VEENSTRA & KIMM INC.	WASTEWATER TREATMENT FAC-PRELIM EVAL	2,159.00
VERIZON WIRELESS	WIRELESS SERVICE	874.00
WEST BRANCH REPAIRS	VEHICLE REPAIR	80.00
<b>TOTAL</b>		<b>33,685.49</b>

<b>PAYROLL</b>	<b>6/1/2018</b>	<b>44,405.05</b>
<b>PAID BETWEEN MEETINGS</b>		
GALAXY CLEANING SERVICES	JANITOR SERVICE	1,278.66
HORIHAN, MIKE	AMMUNITION	199.99
J & M DISPLAYS INC	FIREWORKS	25,000.00
JOHN DEERE FINANCIAL	SUPPLIES, TREES	540.55
UPS	SHIPPING	21.82
COMMUNITY STATE BANK	PRINCIPAL & INTEREST	49,850.48
<b>TOTAL</b>		<b>76,891.50</b>
<b>GRAND TOTAL EXPENDITURES</b>		<b>154,982.04</b>
<b>FUND TOTALS</b>		
001 GENERAL FUND		58,503.08
022 CIVIC CENTER		397.74
031 LIBRARY		11,614.26
110 ROAD USE TAX		11,281.98
112 TRUST AND AGENCY		4,808.89
226 DEBT SERVICE		49,850.48
310 COLLEGE STREET BRIDGE		928.6
600 WATER FUND		8,830.90
610 SEWER FUND		8,583.76
740 STORM WATER UTILITY		182.35
<b>GRAND TOTAL</b>		<b>154,982.04</b>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE OPERATION	GENERAL FUND	CEDAR VALLEY OUTFITTERS	AMMUNITION	390.00
		VERIZON WIRELESS	WIRELESS SERVICE	314.10
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	249.78
		CJ COOPER & ASSOCIATES	LAB FEES-DRUG TEST	35.00
		CDW GOVERNMENT INC.	COMPUTERS	2,685.39
			TOTAL:	3,674.27
FIRE OPERATION	GENERAL FUND	BUSINESS RADIO SALES	RADIO REPAIRS	80.00
		KIRKWOOD COMM. COLLEGE	TRAINING	14.00
		PDT SERVICES	COOLER REPAIR	222.48
		WEST BRANCH REPAIRS	VEHICLE REPAIR	80.00
		VERIZON WIRELESS	WIRELESS SERVICE	40.00
		FELD FIRE EQUIPMENT CO. INC	VEHICLE REPAIR	155.00
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	99.68
		EMERGENCY MEDICAL PRODUCTS INC.	MEDICAL SUPPLIES	182.43
		CULLIGAN WATER TECHNOLOGIES	MEDICAL SUPPLIES	38.42
			WATER SOFTENER SERVICE	35.20
			TOTAL:	947.21
PARK & RECREATION	GENERAL FUND	TRUGREEN PROCESSING CENTER	LAWN SERVICE LIONS FIELD	376.00
		VERIZON WIRELESS	WIRELESS SERVICE	36.81
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	155.03
		MISCELLANEOUS V A CRISTOFFEL	A CRISTOFFEL:REFUND	35.00
		A MALLOY	A MALLOY:REFUND	15.00
		K SHELTON	K SHELTON:REFUND	35.00
		T SEXTON	T SEXTON:REFUND	20.00
			TOTAL:	672.84
CEMETERY	GENERAL FUND	HD CLINE COMPANY	REPAIR PARTS	122.82
			TOTAL:	122.82
CLERK & TREASURER	GENERAL FUND	CEDAR COUNTY AUDITOR	ELECTION SERV-HOTEL/MOTEL	1,884.62
		MATT PARROTT/STOREY KENWORTHY	MATT PARROTT/STOREY KENWOR	318.39
		F&B COMMUNICATIONS INC	EQUIPMENT REPAIR	559.98
		LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	330.42
		CJ COOPER & ASSOCIATES	ALCOHOL BREATH TEST SUPPLI	97.65
		SHRED-IT USA	DOCUMENT DESTRUCTION	48.15
			TOTAL:	3,239.21
LEGAL SERVICES	GENERAL FUND	OLSON, KEVIN D	LEGAL SERVICES JUNE 2018	1,500.00
			TOTAL:	1,500.00
LOCAL CABLE ACCESS	GENERAL FUND	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	67.00
		FULL COMPASS SYSTEMS LTD	MICROPHONE & ACCESSORIES	677.42
		MEDIACOM	MICROPHONE & ACCESSORIES	274.18
			CABLE SERVICE	40.90
			TOTAL:	1,059.50
COMMISSION	GENERAL FUND	VEENSTRA & KIMM INC.	PV MULTI FAMILY REVIEW	265.35
			P & Z LOT SITE PLAN REVIEW	332.00
			TOTAL:	597.35
TOWN HALL	CIVIC CENTER	LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	27.24
			TOTAL:	27.24
LIBRARY	LIBRARY	LYNCH'S PLUMBING INC	SERVICE CALL-LIBRARY	157.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
ROADS & STREETS	ROAD USE TAX	DEMCO SHIMMIN, NICK BAKER & TAYLOR INC. D&R PEST CONTROL LIBERTY COMMUNICATIONS BANKERS ADVERTISING COMPANY PACHECO, HUGO VINICIO HERNANDEZ	SHIRT SHIMMIN, NICK BOOKS PEST CONTROL SERVICE TELEPHONE SERVICE NAME BADGE REMODEL RESTROOMS TOTAL:	15.25 131.88 180.17 70.00 204.34 20.58 4,000.00 4,779.22
INVALID DEPARTMENT	COLLEGE STREET BRI	VEENSTRA & KIMM INC.	WIRELESS SERVICE POPLAR ST PAVING COOR-WBCS TELEPHONE SERVICE TREE GRINDING TOTAL:	161.03 83.00 51.89 8,250.00 8,545.92
WATER OPERATING	WATER FUND	MUNICIPAL SUPPLY INC. VERIZON WIRELESS LIBERTY COMMUNICATIONS	310-COL ST BRIDGE FINAL DE TOTAL:	928.60 928.60
WATER OPERATING	WATER FUND	MUNICIPAL SUPPLY INC. VERIZON WIRELESS LIBERTY COMMUNICATIONS	WATER METERS & ACCESSORIES WIRELESS SERVICE TELEPHONE SERVICE TOTAL:	3,677.50 161.03 51.89 3,890.42
SEWER OPERATING	SEWER FUND	UPS VERIZON WIRELESS METROPOLITAN COMPOUNDS INC VEENSTRA & KIMM INC. LIBERTY COMMUNICATIONS	SEWER-SHIPING WIRELESS SERVICE CHEMICALS WW TREATMENT FAC-PRELIM EV TELEPHONE SERVICE TOTAL:	21.82 161.03 1,124.80 2,159.00 51.89 3,518.54
STORM WATER UTILITY	STORM WATER UTILIT	VEENSTRA & KIMM INC.	STORMWATER CONSULT-NPS TOTAL:	182.35 182.35

===== FUND TOTALS =====	
001 GENERAL FUND	11,813.20
022 CIVIC CENTER	27.24
031 LIBRARY	4,779.22
110 ROAD USE TAX	8,545.92
310 COLLEGE STREET BRIDGE	928.60
600 WATER FUND	3,890.42
610 SEWER FUND	3,518.54
740 STORM WATER UTILITY	182.35
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GRAND TOTAL:	33,685.49



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	<b>Public Hearing:</b> A Public Hearing on the matter of a re-zoning of the following described parcel located at 116 N. 1 <sup>st</sup> Street, West Branch, Cedar County, Iowa. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Leslie Brick, Deputy City Clerk
<b>DATE:</b>	May 30, 2018

**BACKGROUND:**

David Poppen and wife Kami, have several rental properties in Iowa City, West Liberty and West Branch. They recognize the need for affordable rental properties in West Branch and have offer accepted at 116 N. 1<sup>st</sup> St. contingent on the ability to rezone the property. The property is currently zoned CB-1, which allows for rental property on the upper floor of the building. The Poppen’s would like to remodel the lower level for living space making the building a duplex. Rezoning to RB-1 would be needed to accomplish this.

On May 1, 2018, Planning & Zoning approved the request contingent upon it meeting the required set-back of 25 feet from the front property line. It was determined that the vestibule on the front of the building is only 19.5 feet, and thus the Poppen’s took their case to the Zoning Board of Adjustment on May 15, 2018. The Board approved their request for a variance on the set-back for the vestibule only with additional contingencies as to not allow the front of the building to change in any way with regard to the 25 foot set-back requirement. On May 29, 2018, Planning & Zoning held a public hearing on the rezoning and there was no public comment on the matter.

Due to time constraints relating to land purchase, private investment being placed on hold, and apparent public acceptance it is being requested that City Council condense public reading process into one reading.

<b>STAFF RECOMMENDATION:</b>	Open Hearing / Close Hearing
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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## **PUBLIC HEARING**

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

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the West Branch Planning and Zoning Commission in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 p.m.. On Tuesday, May 29, 2018. The public hearing will discuss the proposed rezoning of the following described parcel: East ½ of Lot 3, Block 34 West Branch, Cedar County, Iowa, more commonly known as 116 N. 1<sup>st</sup> Street. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.

YOU ARE FURTHER NOTIFIED that a public hearing will be held by the City Council of the City of West Branch, Cedar County, in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 p.m.. On Monday, June 4, 2018. The public hearing will discuss the proposed rezoning of the following described parcel: East ½ of Lot 3, Block 34 West Branch, Cedar County, Iowa, more commonly known as 116 N. 1<sup>st</sup> Street. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.

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

/s/ Leslie Brick  
Leslie Brick, Deputy City Clerk  
by West Branch City Council

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## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	First Reading, Ordinance 754 Approve the Rezoning of the following described parcel located at 116 N.1 <sup>st</sup> Street, West Branch, Cedar County, Iowa; Rezoning parcel #0500-13-05-357-015-0 from CB-1 Central Business District to RB-1 Residence Business District.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Leslie Brick, Deputy City Clerk & Kevin Olson City Attorney
<b>DATE:</b>	May 30, 2018

### BACKGROUND:

David Poppen and wife Kami, have several rental properties in Iowa City, West Liberty and West Branch. They recognize the need for affordable rental properties in West Branch and have offer accepted at 116 N. 1<sup>st</sup> St. contingent on the ability to rezone the property. The property is currently zoned CB-1, which allows for rental property on the upper floor of the building. The Poppen's would like to remodel the lower level for living space making the building a duplex. Rezoning to RB-1 would be needed to accomplish this.

On May 1, 2018, Planning & Zoning approved the request contingent upon it meeting the required set-back of 25 feet from the front property line. It was determined that the vestibule on the front of the building is only 19.5 feet, and thus the Poppen's took their case to the Zoning Board of Adjustment on May 15, 2018. The Board approved their request for a variance on the set-back for the vestibule only with additional contingencies as to not allow the front of the building to change in any way with regard to the 25 foot set-back requirement. On May 29, 2018, Planning & Zoning held a public hearing on the rezoning and there was no public comment on the matter.

Due to time constraints relating to land purchase, private investment being placed on hold, and apparent public acceptance it is being requested that City Council condense public reading process into one reading.

<b>STAFF RECOMMENDATION:</b>	Approve Resolution – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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April 15, 2018

City of West Branch  
PO Box 218  
West Branch, IA 52358

City of West Branch Planning and Zoning Commission:

The city of West Branch has a need for additional rental housing; and Kami and David Poppen have identified a property that could create new housing. Our proposal is to convert the building located at 116 N 1st Street into a duplex. This property is located in the downtown area and will require a zoning change in order to proceed with this proposal.

**Property description:**

116 N 1st Street is a 2 story building. The lower level is currently vacant and has been vacant for several years, but it was last used as a doctor's office. The building also has an apartment on the 2<sup>nd</sup> level. Figures 1 and 2 show a photo of the building and the land.



Figure 1: Photo of the front of the building

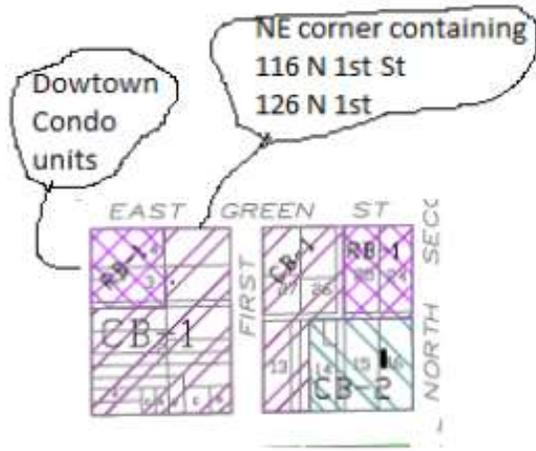
Figure 2: Aerial shot of 116 and 126 N First Street

**Zoning Change request**

The property is currently zoned as CB-1 which does not allow multi-family units. Thus we are requesting the city change the zoning to RB-1 (figure 3) to allow for multi-family units or business use on the property.

RB-1 is also the zoning for the downtown condo units in the NW corner of the block. Changing the zoning for the two properties in the NE corner, 116 N 1<sup>st</sup> and 126 N 1<sup>st</sup>, would make the entire North half of the block RB-1.

Figure 3 below showing the zoning for the corner of N Downey and E Green streets and Zoning for the corner of E Green and N 1<sup>st</sup> Streets.



**Future Plans:**

We have a long-term interest in acquiring additional property on the block, and if that were to happen we would be interested in combining the parcels and building additional multi-family units.

Figure 4 below shows the area for potential construction in the future if the area is rezoned to RB-1.



Please feel free to reach out to me at 319-471-3723 or [DKpoppen@hotmail.com](mailto:DKpoppen@hotmail.com) if you have any additional questions regarding our zoning change request.

Kind Regards,

David Poppen

**ORDINANCE NO. 754**

**AN ORDINANCE RE-ZONING THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 116 N. 1<sup>ST</sup> STREET FROM CB-1 CENTRAL BUSINESS DISTRICT TO RB-1 RESIDENCE BUSINESS DISTRICT.**

**WHEREAS**, David and Kami Poppen (“Poppen”) have petitioned the City of West Branch for a zoning district amendment for 116 N. 1<sup>st</sup> Street, said parcel being legally described as:

East ½ of Lot 3, Block 34 West Branch, Cedar County, Iowa (the “Parcel”);

**WHEREAS**, Poppen has requested that the Parcel be rezoned to be located in an RB-1 Residence Business District, in place of an CB-1 Central Business District; and

**WHEREAS**, the West Branch Planning and Zoning Commission has recommended the City Council approve said rezoning request; and

**WHEREAS**, a public hearing has been held on said request pursuant to published notice thereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of West Branch, Iowa:

Section 1. That the zoning map for the City of West Branch is hereby amended to show the Parcel being located in a RB-1 Residence Business District in place of an CB-1 Central Business District.

Section 2. This ordinance shall be in full force and effect from and after its publication as by law provided.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 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 \_\_\_\_ day of \_\_\_\_\_, 2018.

First Reading:        June 4, 2018  
Second Reading:     June 25, 2018  
Third Reading:        July 9, 2018

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Roger Laughlin, Mayor

ATTEST: \_\_\_\_\_  
Redmond Jones II, City Administrator/Clerk



## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	<b>Motion to suspend the rules</b> and collapse the 2nd and 3rd readings of Ordinance No. 754. (This would need 4 votes to pass and should be placed after the first reading)
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Leslie Brick, Deputy City Clerk & Kevin Olson City Attorney
<b>DATE:</b>	May 30, 2018

### BACKGROUND:

Due to time constraints relating to land purchase, private investment being placed on hold, and apparent public acceptance it is being requested that City Council condense public reading process into one reading.

<b>STAFF RECOMMENDATION:</b> Approve Resolution – Move to Action
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<b>REVIEWED BY CITY ADMINISTRATOR:</b>
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<b>COUNCIL ACTION:</b>
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<b>MOTION BY:</b>
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<b>SECOND BY:</b>
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## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	<b>Second Reading, Ordinance 751</b> , Amending Chapter 69.08 entitled “No Parking Zone” (add 67) to prohibit Semi Truck and other parking on Tidewater Drive
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Mike Horihan, Police Chief
<b>DATE:</b>	May 31, 2018

### BACKGROUND:

Tidewater drive is a narrow road that does not have street lights. It does have industrial type of traffic and is used by large trucks and semis. The city has received complaints where semis were parked on Tidewater, just East of Baker. This interferes with visibility and the traffic flow at that intersection. The businesses are well off the traveled portion of Tidewater Drive and this ordinance would not interfere with their business parking. Recommend the following gets added to our No Parking Ordinance.

69.08 No Parking Zones.

#### **New provision**

67. Both sides of Tidewater Dr. East of Baker Ave. Parking would be allowed during special events, when authorized by the City Council or the Chief of Police. (Example- Kites over West Branch)

<b>STAFF RECOMMENDATION:</b>	Approve Second Reading
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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**69.08 NO PARKING ZONES.** No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

*(Code of Iowa, Sec. 321.236 [1])*

1. The south side of Orange Street from Fourth to Sixth Streets;
2. The east side of Fourth Street from Main to the north City limits, and on the west side of Fourth Street except in the following instances:
  - A. The west side of Fourth Street from the north curb line of Main Street to a point north approximately 120 feet;
  - B. The west side of Fourth Street from the south curb line of the intersection of College and Fourth Street to a point approximately 260 feet to the south, between the hours of 5:00 p.m. and 8:00 a.m.; *(Ord. 642 - Aug. 08 Supp.)*
  - C. The west side of Fourth Street from a point 115 feet to the north of the north curb line of the intersection of College and Fourth Street to the intersection of Fourth Street and Orange Street.
3. The west side of Downey Street from the south line of Friends Church property, north to the north City limits, except that the west side parking will be permitted between the hours of 7:00 a.m. and 12:00 noon on Sunday.
4. The east side of Second Street from Main Street to Water Street.
5. The west side of Second Street from a point 100 feet south of the bridge to the south end of the street.
6. Both sides of South Downey Street from the south City limits, north to Water Street.
7. The west side of South Downey Street from Water Street north to its intersection with Wetherell Street.
8. The south side of Northside Drive from its intersection with North Downey Street if extended to Oliphant Street.
9. The south side of West Orange Street from its intersection with Downey Street west to the end of the street.
10. The east side of Oliphant Street from its intersection with Main Street north to the south line of the West Branch Community School District property.

11. The east side of Oliphant Street from its intersection with Orange Street to a point 150 feet south.
12. Both sides of Oliphant Street from Main Street north to the intersection of Orange Street from 12:00 a.m. to 6:00 a.m.
13. Both sides of Oliphant Street from Main Street to the football field.
14. The east side of South Poplar Street from its intersection with Main Street south to the end of the street.
15. The north side of Main Street from its intersection with Poplar Street west to Oliphant Street.
16. Both sides of West Main Street from Oliphant Street west to the City limits.
17. Both sides of East Main Street from the intersection with Fourth Street east to the City limits.
18. The west side of Poplar Street where it intersects with West Main Street to Wetherell Street.
19. The west side of Fifth Street from its intersection with Main Street north to its intersection with Orange Street.
20. The west side of Second Street from Main Street to College Street.
21. The south side of Cedar Street from the corner of Second Street South and Cedar Street, 56 feet to the west. Parking is allowed on the balance of the south side of the street.
22. The south side of Cookson Drive.
23. The west side of Fifth Street.
24. The west side of Sixth Street.
25. The south side of East Orange Street.
26. The south side of College Street that lies east of the C R I & P Railway right-of-way.
27. The south side of Green Street that lies east of the C R I & P Railway right-of-way.
28. The north side of College Street that lies west of the C R I & P Railway right-of-way.
29. The east side of North First Street that lies north of Green Street.

30. The south side of Wetherell Street.
31. The south side of West Main Street at its intersection with the west line of Oliphant Street extending east 180 feet. *(Ord. 550 – Jun. 02 Supp.)*
32. The west side of Foster Street.
33. The west side of Thomas Drive.
34. The west side of North Maple Street from its intersection with West Orange Street north to the cemetery entrance.
35. The south side of Northside Drive from Oliphant Street to Maple Street.
36. The west side of Oliphant Street that lies north of West Orange Street.
37. *(Deleted by Ordinance No. 550 – Jun. 02 Supp.)*
38. The south side of Water Street.
39. Both sides of Cookson Drive.
40. The east side of South Fourth from its intersection with Maple Street to Cookson Drive.
41. The north side of Cedar Street.
42. Both sides of North Poplar from its intersection with Main Street to the school property line.
43. Both sides of North Maple from its intersection with Orange Street to the school property line.
44. The north side of Cookson Drive from its intersection with First Street to Second Street.
45. Both sides of Parkside Drive.
46. The south side of Wetherell Street between Poplar and Downey.
47. On the north side of Wetherell Street from Poplar Street to Downey from 2:00 a.m. to 6:00 a.m.
48. The east side of North Downey from where Orange Street intersects with said North Downey, to the City limits.
49. Both sides of Thomas Drive from Main Street to the north curb line of Sagert Drive.
50. South of the gazebo on South Downey Street.
51. The west side of Sagert Drive.

52. The east side of Scott Drive. *(Ord. 515 – Sep. 99 Supp.)*
53. The outer edge of Bickford Drive.
54. Both sides of 300<sup>th</sup> Street.
55. Both sides of the two-way traffic street and the inside edge of the one-way street of Northridge Drive.
56. Beginning at a point 70 feet west of the east property line to a point ending 48 feet north of the south property line on the street side of Lot 39 of Northside 3<sup>rd</sup> Addition. *(Ord. 510 – Sep. 99 Supp.)*
57. West side of Pedersen Street from its intersection with West Main Street to its intersection with Hilltop Drive and the east side of Pedersen Street from its intersection with West Main Street to a point 70 feet north. *(Ord. 605 – Mar. 06 Supp.)*
58. The west side of Pedersen Street from its intersection with Hilltop Drive to its intersection with West Orange Street.
59. The south and west sides of Hilltop Drive from its intersection with Pedersen Street to its intersection with West Orange Street. *(Subsections 57-59 – Ord. 587 – Jul. 05 Supp.)*
60. Either side of Baker Avenue in corporate City limits from Interstate 80 to south corporate City limits. *(Ord. 609 – Mar. 06 Supp.)*
61. The south side of Sullivan Street from its intersection with Gilbert Drive west to the end of the street. *(Ord. 624 – Oct. 07 Supp.)*
62. The west side of Gilbert Drive from its intersection with Orange Street north to the end of the street. *(Ord. 624 – Oct. 07 Supp.)*
63. The west side of Greenview Drive from its intersection with Orange Street to the end of the street. *(Ord. 624 – Oct. 07 Supp.)*
64. Both sides of Council Street. *(Ord. 637 – Oct. 07 Supp.)*
65. The east side of Oliphant Street from the intersection with Orange Street extending north 125 feet. *(Ord. 684 – Feb. 13 Supp.)*
66. The north side of Greenview Drive beginning at the east property line of 5 Greenview Drive and extending west 320 feet. *(Ord. 724 – May 15 Supp.)*

**New provision**

67. Both sides of Tidewater Dr. East of Baker Ave. Parking would be allowed during special events, when authorized by the City Council or the Chief of Police. (Example- Kites over West Branch)

**ORDINANCE 751**

**ORDINANCE REGULATING NO PARKING ZONES.**

**WHEREAS**, the City of West Branch, Iowa has jurisdiction to establish Parking Regulations within the corporate limits of the City of West Branch; and

**WHEREAS**, No Parking Zones shall mean, no stop, stand, or parking of a vehicle in any of the following designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal; and

**WHEREAS**, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the no parking zones within the City.

**NOW, THEREFORE, BE IT ORDAINED**, that:

1. Amendment. Section 69.08 of the Code of Ordinances is hereby adding subsection sixty-Seven (67) with the following:

67. Both sides of Tidewater Dr. East of Baker Ave. Parking would be allowed during special events, when authorized by the City Council or the Chief of Police. (Example- Kites over West Branch)

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

3. 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.

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

First reading: May 21, 2018

Second reading: June 4, 2018

Third Reading: June 25, 2018

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Roger Laughlin, Mayor

ATTEST:

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Leslie Brick, Deputy City Clerk



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	<b>Second Reading, Ordinance 752</b> , Amending Chapter 76 entitled “Bicycle Regulations” (amending subsections 02, 10, 11 and 14) to include the “Operation of Skate Boards”.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Mike Horihan, Police Chief
<b>DATE:</b>	May 31, 2018

**BACKGROUND:**

We are trying to get a handle on kids ridding skateboards and riding bicycles at night. Thinking of a \$65.00 dollar fine, and would be handled as an unscheduled simple misdemeanor.

<b>STAFF RECOMMENDATION:</b>	Approve Second Reading
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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## CHAPTER 76

### BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Carrying Articles
76.02 Traffic Code Applies	76.09 Riding on Sidewalks
76.03 Double Riding Restricted	76.10 Towing
76.04 Two Abreast Limit	76.11 Improper Riding
76.05 Bicycle Paths	76.12 Parking
76.06 Speed	76.13 Equipment Requirements
76.07 Emerging from Alley or Driveway	76.14 Special Penalty

**76.01 SCOPE OF REGULATIONS.** These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

*(Code of Iowa, Sec. 321.236 [10])*

Added Language

**76.02 TRAFFIC CODE APPLIES.** Every person riding a bicycle or using a skateboard or in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts or stops from a bicycle or using the skateboard or in-line skates, the person shall be subject to all regulations applicable to pedestrians.

Skateboards and in-line skates shall not be allowed on city Streets, 20 minutes before dusk till 30 minutes after dawn.

*(Code of Iowa, Sec. 321.234) |*

**76.03 DOUBLE RIDING RESTRICTED.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

*(Code of Iowa, Sec. 321.234 [3 and 4])*

**76.04 TWO ABREAST LIMIT.** Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

*(Code of Iowa, Sec. 321.236 [10])*

**76.05 BICYCLE PATHS.** Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

*(Code of Iowa, Sec. 321.236 [10])*

**76.06 SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

*(Code of Iowa, Sec. 321.236 [10])*

**76.07 EMERGING FROM ALLEY OR DRIVEWAY.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

*(Code of Iowa, Sec. 321.236 [10])*

**76.08 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

*(Code of Iowa, Sec. 321.236 [10])*

**76.09 RIDING ON SIDEWALKS.** The following shall apply to riding bicycles and skateboards on sidewalks:

1. Business District. No person shall ride a bicycle or skateboard upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

*(Code of Iowa, Sec. 321.236 [10])*

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles and skateboards thereon by any person, no person shall disobey the signs.

*(Code of Iowa, Sec. 321.236 [10])*

3. Yield Right-of-way. Whenever any person is riding a bicycle or skateboard upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

*(Code of Iowa, Sec. 321.236 [10])*

**76.10 TOWING.** It is unlawful for any person riding a bicycle, skateboard or in-line skates to be towed or to tow any other vehicle upon the streets of the City.

**76.11 IMPROPER RIDING.** No person shall ride a bicycle, skateboard or inline skates in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

Added Language

**76.12 PARKING.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

*(Code of Iowa, Sec. 321.236 [10])*

**76.13 EQUIPMENT REQUIREMENTS.** Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. **Lamps Required.** Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

*(Code of Iowa, Sec. 321.397)*

2. **Brakes Required.** Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

*(Code of Iowa, Sec. 321.236 [10])*

**76.14 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists, skateboarders, or in-line skates or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

Added Language

## ORDINANCE 752

### ORDINANCE AMENDING BICYCLE REGULATIONS.

**WHEREAS**, the City of West Branch, Iowa has jurisdiction to establish Bicycle Regulations within the corporate limits of the City of West Branch; and

**WHEREAS**, Bicycle Regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein; and

**WHEREAS**, the intent of this amendment is not change the regulations regarding bicycling rather it is to include regulations related to the various forms of Skateboarding.

**WHEREAS**, the City Council has heretofore deemed it necessary and desirable to pass legislation regulating the bicycle and skateboard within the City.

**NOW, THEREFORE, BE IT ORDAINED**, that:

1. Amendment. Section 76.02, 76.10, 76.11, and 76.14 of the Code of Ordinances is hereby amending section seventy (70) with the following:

**76.02 TRAFFIC CODE APPLIES.** Every person riding a bicycle or using a skateboard or in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts or stops from a bicycle or using the skateboard or in-line skates, the person shall be subject to all regulations applicable to pedestrians. Skateboards and in-line skates shall not be allowed on city Streets, 20 minutes before dusk till 30 minutes after dawn.

*(Code of Iowa, Sec. 321.234)*

**76.10 TOWING.** It is unlawful for any person riding a bicycle, skateboard or in-line skates to be towed or to tow any other vehicle upon the streets of the City.

**76.11 IMPROPER RIDING.** No person shall ride a bicycle, skateboard or inline skates in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

**76.14 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists, skateboarders, or in-line skates or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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

3. 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.

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

First reading: May 21, 2018

Second reading: June 4, 2018

Third Reading: June 25, 2018

---

Roger Laughlin, Mayor

ATTEST:

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Leslie Brick, Deputy City Clerk



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Resolution 1706 – A Resolution Approving Employee Salary Adjustments for Extra Duties Assigned and Required.
<b>CITY GOAL:</b>	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
<b>PREPARED BY:</b>	Redmond Jones II, City Administrator / City Clerk
<b>DATE:</b>	May 31, 2018

**BACKGROUND:**

The Deputy City Clerk (Leslie Brick) and the Building Official (Terry Goerd) have been executing additional task and responsibilities vacated by the departure of the Zoning Administrator (Paul Stagg) who has been gone for 18 months. The City no longer has a Zoning Administrator position and the dollars that were paid for those duties were never reassigned. Therefore, this recommendation and measure would assign those dollars to reflect the new duties picked up by the City Deputy Clerk (\$4,000 additional pay is being recommended) and the Building Official (an additional pay of \$1.00 an hour is being recommended).

These recommendations would not be effective until July 1<sup>st</sup> 2018 of the new fiscal year, and will have a minimal impact on the FY-19 budget.

<b>STAFF RECOMMENDATION:</b>	Approve the Resolution – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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**RESOLUTION 1706**

**A RESOLUTION APPROVING EMPLOYEE SALARY ADJUSTMENT**

**WHEREAS**, The Deputy City Clerk and the Building Official provide administrative and technical support for the City Office and the City's Permit Process; and

**WHEREAS**, The Deputy City Clerk and the Building Official has assumed additional Zoning Administration duties including additional record keeping, site review, building permitting, building inspection work orders and general planning coordinating, including providing staff support to the Planning and Zoning Committee; Board of Adjustments; and

**WHEREAS**, the City Administrator acknowledges the impact and importance of these duties and contributions to the city organization; and

**WHEREAS**, it is now necessary to approve an increase \$4,000 salary adjustment for the Deputy City Clerk and a \$1.00 an hour increase for the Building Official in order to account for the additional duties assigned and required;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of West Branch, Iowa, that the aforementioned resolution is hereby approved. Further, the Mayor is directed to execute the agreements on behalf of the City.

\* \* \* \* \*

Passed and approved this 4th day of June, 2018.

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Roger Laughlin, Mayor

ATTEST:

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Redmond Jones II, City Administrator/Clerk



## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Resolution 1720 – A Resolution Approving Partial Pay Estimate Number 2 in the Amount of \$362,865.81 to Needham Excavating Inc. for the Cubby Park Improvements Project.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Cody Buelt, Fehr Graham
<b>DATE:</b>	May 31, 2018

### BACKGROUND:

This is the second pay estimate for work at Cubby Park completed by Needham Excavating.

<b>STAFF RECOMMENDATION:</b>	Approve the Resolution – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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PARTIAL PAY ESTIMATE NUMBER TWO  
CUBBY PARK IMPROVEMENTS, WEST BRANCH, IOWA  
PROJECT NUMBER 16-072

Name of Contractor: Needham Excavating, Inc. 17470 70th Ave Walcott, IA 52773		Name of Owner: City of West Branch 110 North Poplar St. / PO Box 52358-0218 West Branch, IA							
Date of Completion:		Amount of Contract:		Dates of Estimate:					
Original: By November 2, 2018		Original: \$	2,945,427.39	From: April 29, 2018					
Revised:		Revised: \$	2,839,319.54	Through: May 26, 2018					
Item	Code	Description	Quantity	Unit	Unit Price	This Period Quantity	This Period Amount	Total To Date Quantity	Total To Date Amount
<b>BID ITEMS</b>									
1	1070-206-A-3	TRAFFIC CONTROL	1	LS	\$ 2,800.00		\$ -	1	\$ 2,800.00
2	2010-108-C-0	CLEARING AND GRUBBING	1	LS	\$ 3,560.00		\$ -	1	\$ 3,560.00
3	2010-108-D-1	TOPSOIL, OH-SITE	15985	CY	\$ 5.75	3827.5	\$ 22,008.13	14827.5	\$ 85,258.13
4	2010-108-E-0	EXCAVATION, CLASS 10	36540	CY	\$ 3.95	16540	\$ 65,333.00	36540	\$ 144,333.00
5	2010-108-E-0	EXCAVATION, CLASS 13	2191	CY	\$ 6.10		\$ -		\$ -
6	2010-108-I-0	SUBBASE, MODIFIED (IADOT GRADATION NO. 14)	3903	TON	\$ 23.40		\$ -	89.56	\$ 2,095.70
7	2010-108-I-1	SUBBASE, MACADAM (IADOT GRADATION NO. 13)	203	TON	\$ 23.80		\$ -	504.6	\$ 12,009.48
8	2010-108-O-0	SUBBASE, WASHED SAND, 4" THICK, UNDER SURFACE AGGREGATE	1295	TON	\$ 26.70		\$ -		\$ -
9	2010-108-P-0	INFIELD/WARNING TRACK SKIN SURFACE, RED BALL DIAMOND AGGREGATE, 5" THICK	1590	TON	\$ 79.70		\$ -		\$ -
10	2010-108-Q-0	BATTING CAGE SURFACE, FINE LIMESTONE (IADOT GRADATION NO. 8)	40	TON	\$ 16.50	98	\$ 1,617.00	98	\$ 1,617.00
11	4010-108-A-1	SAINTARY SEWER GRAVITY MAIN, TRENCHED, SDR 26 PVC, 8"	649	LF	\$ 34.10	508	\$ 17,322.80	508	\$ 17,322.80
12	4010-108-E-0	SAINTARY SEWER SERVICE STUB, PVC SDR 23.5, 4"	1	EA	\$ 1,000.00	1	\$ 1,000.00	1	\$ 1,000.00
13	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 15"	42	LF	\$ 73.90	42	\$ 3,103.80	42	\$ 3,103.80
14	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 18"	693	LF	\$ 54.85	765	\$ 41,960.25	765	\$ 41,960.25
15	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 24"	56	LF	\$ 94.95	56	\$ 5,317.20	56	\$ 5,317.20
16	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 36"	180	LF	\$ 109.75	180	\$ 19,755.00	180	\$ 19,755.00
17	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 6"	36	LF	\$ 17.45		\$ -		\$ -
18	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 12"	26	LF	\$ 31.50		\$ -		\$ -
19	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 15"	156	LF	\$ 40.60		\$ -		\$ -
20	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 18"	844	LF	\$ 44.90	182	\$ 8,171.80	182	\$ 8,171.80

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
21	4020-108-C-0	REMOVAL OF STORM SEWER, 18" RCP	5	LF	\$ 25.00		\$ -		\$ -
22	4030-108-B-0	PIPE APRON, RCP, 12"	2	EA	\$ 1,383.50	2	\$ 2,767.00	2	\$ 2,767.00
23	4030-108-B-0	PIPE APRON, RCP, 18"	3	EA	\$ 1,560.00	3	\$ 4,680.00	3	\$ 4,680.00
24	4030-108-B-1	PIPE APRON, RCP, 36"	1	EA	\$ 2,320.00	1	\$ 2,320.00	1	\$ 2,320.00
25	4030-108-D-0	PIPE APRON GUARD, 36"	1	EA	\$ 1,765.00	1	\$ 1,765.00	1	\$ 1,765.00
26	4040-108-A-0	SUBDRAIN, HDPE, 2" DIA. PERF.	5248	LF	\$ 5.00		\$ -		\$ -
27	4040-108-A-0	SUBDRAIN, HDPE, 4" DIA. PERF.	198	LF	\$ 12.00		\$ -		\$ -
28	4040-108-A-0	SUBDRAIN, HDPE DUAL WALL, NON PERF, 4" DIA	25	LF	\$ 12.00		\$ -		\$ -
29	4040-108-A-1	SUBDRAIN, HDPE DUAL WALL, NON PERF, 6" DIA	1310	LF	\$ 15.10	900	\$ 13,590.00	900	\$ 13,590.00
30	4040-108-A-0	SUBDRAIN, HDPE DUAL WALL, 6"	530	LF	\$ 16.80		\$ -		\$ -
31	4040-108-C-0	SUBDRAIN CLEANOUT, TYPE A-1, 6"	3	EA	\$ 600.00		\$ -		\$ -
32	5010-108-A-1	WATER MAIN, TRENCHED, DR18 PVC, 6"	756	LF	\$ 28.00	756	\$ 21,168.00	756	\$ 21,168.00
33	5010-108-A-1	WATER MAIN, TRENCHED, CLASS 52 DIP, 6", WITH NITRILE GASKETS	80	LF	\$ 60.25	80	\$ 4,820.00	80	\$ 4,820.00
34	5010-108-A-1	WATER MAIN, TRENCHED, DR21 PVC, 3"	104	LF	\$ 40.00	104	\$ 4,160.00	104	\$ 4,160.00
35	5010-108-C-2	FITTING, MJ DIP	427	LB	\$ 29.10	587	\$ 17,081.70	587	\$ 17,081.70
36	5010-108-F-0	CONNECTION TO EXISTING WATER MAIN	1	EA	\$ 710.00	1	\$ 710.00	1	\$ 710.00
37	5010-108-G-0	IRRIGATION DELIVERY SYSTEM FOR 3 FIELDS	1	LS	\$ 7,500.00		\$ -		\$ -
38	5010-108-H-0	IRRIGATION SYSTEM - SOFTBALL FIELD	1	LS	\$ 10,500.00		\$ -		\$ -
39	5010-108-H-0	IRRIGATION SYSTEM - LITTLE LEAGUE FIELD 1	1	LS	\$ 8,500.00		\$ -		\$ -
40	5010-108-H-0	IRRIGATION SYSTEM - LITTLE LEAGUE FIELD 2	1	LS	\$ 8,500.00		\$ -		\$ -
41	5020-108-A-0	VALVE, GATE, 3"	1	EA	\$ 1,010.00	1	\$ 1,010.00	1	\$ 1,010.00
42	5020-108-A-0	VALVE, GATE, 6"	4	EA	\$ 1,372.50	3	\$ 4,117.50	3	\$ 4,117.50
43	5020-108-C-0	FIRE HYDRANT ASSEMBLY	3	EA	\$ 4,895.00	3	\$ 14,685.00	3	\$ 14,685.00
44	6010-108-A-0	MANHOLE TYPE SW-301, 48"	37.58	VF	\$ 593.00	37.58	\$ 22,284.94	37.58	\$ 22,284.94
45	6010-108-A-0	MANHOLE TYPE SW-401, 48"	13.29	VF	\$ 519.25	13.29	\$ 6,900.83	13.29	\$ 6,900.83
46	6010-108-A-0	MANHOLE TYPE SW-402, 48"x48"	12.92	VF	\$ 608.00	12.92	\$ 7,855.36	12.92	\$ 7,855.36
47	6010-108-B-0	INTAKE TYPE SW-501	1	EA	\$ 3,595.00	1	\$ 3,595.00	1	\$ 3,595.00
48	6010-108-B-0	INTAKE TYPE SW-507	4	EA	\$ 4,597.50	3	\$ 13,792.50	3	\$ 13,792.50
49	6010-108-B-0	INTAKE TYPE SW-508	2	EA	\$ 6,955.00	2	\$ 13,910.00	2	\$ 13,910.00
50	6010-108-B-0	INTAKE TYPE SW-509	1	EA	\$ 5,455.00	1	\$ 5,455.00	1	\$ 5,455.00
51	6010-108-B-0	INTAKE TYPE NYLOPLAST, 24" W/ H-20 STANDARD GRATE	10	EA	\$ 2,220.00	3	\$ 6,660.00	3	\$ 6,660.00
52	6010-108-H-0	REMOVE INTAKE	1	EA	\$ 510.00		\$ -		\$ -
53	7010-108-A-0	PAVEMENT, PCC, 6"	5771	SY	\$ 33.55		\$ -		\$ -
54	7010-108-A-0	PAVEMENT, PCC, 6" THICK, REINFORCED	210	SY	\$ 67.15		\$ -		\$ -
55	7010-108-A-0	PAVEMENT, PCC, 8" REINFORCED	193	SY	\$ 61.55		\$ -		\$ -
56	7010-108-F-0	BEAM CURB, PCC	393	LF	\$ 22.35		\$ -		\$ -
57	7010-108-I-0	PCC PAVEMENT SAMPLES AND TESTING	1	LS	\$ 2,240.00		\$ -		\$ -
58	7030-108-C-1	SHARED USE PATH, PCC, 6" THICK	4337	SY	\$ 33.55		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
59	7030-108-C-2	SHARED USE PATH, PCC, 8" THICK (NOMINAL) REINFORCED	14	SY	\$ 90.55		\$ -		\$ -
60	7030-108-E-0	SIDEWALK, PCC, 4" THICK	885	SY	\$ 44.75		\$ -		\$ -
61	7030-108-G-0	DETECTABLE WARNING	104	SF	\$ 44.75		\$ -		\$ -
62	7080-108-B-0	ENGINEERING FABRIC (PLAYGROUND)	600	SY	\$ 1.30		\$ -		\$ -
63	8020-108-C-0	PAINTED PAVEMENT MARKINGS, DURABLE	1	LS	\$ 1,680.00		\$ -		\$ -
64	8020-108-G-0	PAINTED SYMBOLS AND LEGENDS	6	EA	\$ 184.50		\$ -		\$ -
65	8030-108-A-0	SIGN, INSTALL, HANDICAP	5	EA	\$ 125.00		\$ -		\$ -
66	8030-108-A-0	SIGN, INSTALL, HANDICAP W/ VAN	1	EA	\$ 135.00		\$ -		\$ -
67	9010-108-A-0	SEEDING, FERTILIZING, AND MULCHING, TYPE 4	12.75	AC	\$ 1,808.00		\$ -		\$ -
68	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, TYPE 1 PERMANENT LAWN	4.57	AC	\$ 2,884.70		\$ -		\$ -
69	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, TYPE 1 BALLFIELD LAWN SEEDING	2.37	AC	\$ 3,070.75		\$ -		\$ -
70	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, NO MOW FESCUE	0.96	AC	\$ 3,080.00		\$ -		\$ -
71	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, SHORT GRASS PRAIRIE	2.05	AC	\$3,594.00		\$ -		\$ -
72	9010-108-A-1	CONVENTIONAL SEEDING AND FERTILIZING, FLOOD PLAIN	0.47	AC	\$3,570.00		\$ -		\$ -
73	9010-108-B-0	HYDRAULIC MULCHING	10.42	AC	\$1,127.50		\$ -		\$ -
74	9010-108-D-0	WATERING	25,000	TGAL	\$0.20		\$ -		\$ -
75	9010-108-F-0	SPORTSFIELD SOIL PREPARATION	1	LS	\$ 13,500.00		\$ -		\$ -
76	9010-108-G-0	SPORTSFIELD GROW IN PLAN	1	LS	\$6,500.00		\$ -		\$ -
77	9030-108-B-0	PLANTS, TREE, AUTUM BLAZE FREEMAN MAPLE - 3" CAL.	9	EA	\$670.35		\$ -		\$ -
78	9030-108-B-0	PLANTS, TREE, EUROPEAN BLACK ALDER - 6' HT.	5	EA	\$468.75		\$ -		\$ -
79	9030-108-B-0	PLANTS, TREE, ARMSTRONG COLUMNAR MAPLE - 3" CAL.	3	EA	\$563.75		\$ -		\$ -
80	9030-108-B-0	PLANTS, TREE, RIVER BIRCH - 10' HT.	10	EA	\$317.80		\$ -		\$ -
81	9030-108-B-0	PLANTS, TREE, WASHINGTON HAWTHORN - 6' HT.	8	EA	\$340.15		\$ -		\$ -
82	9030-108-B-0	PLANTS, TREE, DAWYCK PURPLE BEECH - 3" CAL.	1	EA	\$720.65		\$ -		\$ -
83	9030-108-B-0	PLANTS, TREE, MAIDENHAIR TREE - 3" CAL.	5	EA	\$687.00		\$ -		\$ -
84	9030-108-B-0	PLANTS, TREE, SKYLINE HONEYLOCUST - 3" CAL.	9	EA	\$608.75		\$ -		\$ -
85	9030-108-B-0	PLANTS, TREE, NORWAY SPRUCE - 6' HT.	4	EA	\$396.25		\$ -		\$ -
86	9030-108-B-0	PLANTS, TREE, LONDON PLANETREE - 3" CAL.	1	EA	\$565.00		\$ -		\$ -
87	9030-108-B-0	PLANTS, TREE, BLACK HILLS SPRUCE - 8' HT.	16	EA	\$541.60		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
88	9030-108-B-0	PLANTS, TREE, COLORADO BLUE SPRUCE - 8' HT.	1	EA	\$558.35		\$ -		\$ -
89	9030-108-B-0	PLANTS, TREE, WHITE PINE - 7' HT.	5	EA	\$413.00		\$ -		\$ -
90	9030-108-B-0	PLANTS, TREE, WHITE OAK - 3" CAL.	11	EA	\$651.35		\$ -		\$ -
91	9030-108-B-0	PLANTS, TREE, BUR OAK - 3" CAL.	12	EA	\$649.00		\$ -		\$ -
92	9030-108-B-0	PLANTS, TREE, ACCOLADE ELM - 3" CAL.	3	EA	\$584.00		\$ -		\$ -
93	9030-108-B-0	PLANTS, TREE, BLACK HAW VIBURNUM - 4' HT.	8	EA	\$122.00		\$ -		\$ -
94	9030-108-B-0	PLANTS, SHRUB, HAPPY RETURNS DAYLILY - 1 GAL.	75	EA	\$19.60		\$ -		\$ -
95	9030-108-B-0	PLANTS, SHRUB, GRO-LOW FRAGRANT SUMAC - 18" HT.	14	EA	\$68.35		\$ -		\$ -
96	9030-108-B-0	PLANTS, SHRUB, NEON FLASH SPIREA - 18" HT.	78	EA	\$66.00		\$ -		\$ -
97	9030-108-B-0	PLANTS, SHRUB, MISSION STRAIN ARBORVITAE, 5' HT.	48	EA	\$236.10		\$ -		\$ -
98	9030-108-B-0	PLANTS, SHRUB, ARROWWOOD VIBURNUM - 36" HT.	31	EA	\$95.10		\$ -		\$ -
99	9030-108-F-0	LIVE FASCINE	200	LF	\$64.90		\$ -		\$ -
100	9040-108-A-2	SWPPP, MANAGEMENT	1	LS	\$2,950.00		\$ -	0.5	\$ 1,475.00
101	9040-108-E-0	TEMPORARY RECP, TYPE 2	11,100	SY	\$1.45		\$ -		\$ -
102	9040-108-F-1	WATTLES, 9", INSTALLATION, MAINTENANCE	6,300	LF	\$1.68	940	\$ 1,579.20	1156	\$ 1,942.08
103	9040-108-F-2	WATTLES, REMOVAL	6,300	LF	\$0.17		\$ -		\$ -
104	9040-108-J-0	RIP RAP, EROSION STONE W/FABRIC	150	TON	\$28.90	120	\$ 3,468.00	120	\$ 3,468.00
105	9040-108-H-1	SILT FENCE OR SILT FENCE DITCH CHECK, INSTALLATION	4,250	LF	\$1.35		\$ -	1675	\$ 2,261.25
106	9040-108-H-2	SILT FENCE OR SILT FENCE DITCH CHECK, REMOVAL OF SEDIMENT	1,500	LF	\$0.65		\$ -		\$ -
107	9040-108-H-3	SILT FENCE OR SILT FENCE DITCH CHECK, REMOVAL OF DEVICE	4,250	LF	\$0.34		\$ -		\$ -
108	9040-108-O-2	STABILIZED CONSTRUCTION ENTRANCE	200	TON	\$26.85		\$ -	28.47	\$ 764.42
109	9040-108-P-1	DUST CONTROL, WATER	24,000	SY	\$0.04		\$ -		\$ -
110	9040-108-T-1	INLET PROTECTION DEVICE, SURFACE APPLIED, INSTALLATION AND MAINTENANCE	18	EA	\$78.25		\$ -		\$ -
111	9040-108-T-2	INLET PROTECTION DEVICE, REMOVAL	18	EA	\$28.00		\$ -		\$ -
112	9060-108-H-0	FENCING CAP, OUTFIELD FENCE	1,226	LF	\$3.15		\$ -		\$ -
113	9080-108-A-0	CONCRETE STEPS	40	SF	\$53.00		\$ -		\$ -
114	9080-108-B-0	HANDRAIL, ALUMINUM	10	LF	\$150.00		\$ -		\$ -
115	9090-108-A-0	SPORTSFIELD EQUIPMENT - SOFTBALL FIELD	1	LS	\$1,950.00		\$ -		\$ -
116	9090-108-A-0	SPORTSFIELD EQUIPMENT - LITTLE LEAGUE FIELD 1	1	LS	\$1,950.00		\$ -		\$ -
117	9090-108-A-0	SPORTSFIELD EQUIPMENT - LITTLE LEAGUE FIELD 2	1	LS	\$1,950.00		\$ -		\$ -
118	9090-108-B-0	ELECTRONIC SCOREBOARDS	3	EA	\$ 10,135.00		\$ -		\$ -
119	9090-108-C-0	BATTING CAGE EQUIPMENT	1	LS	\$11,190.00		\$ -		\$ -
120	9090-108-D-0	BLEACHERS, ALUMINUM, 15' LONG, 4 ROWS	9	EA	\$2,135.00		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
121	9090-108-E-0	PICKLEBALL COURT EQUIPMENT	1	LS	\$11,350.00		\$		\$
122	9090-108-F-0	PICKLE BALL COURT SURFACING	1	LS	\$4,280.00		\$		\$
123	9090-108-G-0	PLAYGROUND EQUIPMENT	1	LS	\$98,235.00		\$		\$
124	9090-108-H-0	SAFETY SURFACING - 12" DEPTH	157	CY	\$47.00		\$		\$
125	9090-108-I-0	BIKE RACKS	1	LS	\$2,740.00		\$		\$
126	9090-108-J-0	PARK BENCHES	6	EA	\$1,277.50		\$		\$
127	9090-108-K-0	TRASH RECEPTACLES	9	EA	\$1,400.00		\$		\$
128	9090-108-L-0	FLAG POLE - 30' HT. WITH INTEGRAL LIGHT	1	EA	\$5,900.00		\$		\$
129	9090-108-L-0	FLAG POLE - 25' HT.	2	EA	\$5,895.00		\$		\$
130	9090-108-M-0	LANDSCAPE BOULDERS - STONE STEPS AND OUTCROPPING	24	TON	\$689.30		\$		\$
131	9090-108-M-0	LANDSCAPE BOULDERS - SEAT STONES	18	TON	\$470.35		\$		\$
132	9090-108-M-0	LANDSCAPE BOULDERS - PLAYGROUND STEPPER BOULDERS	22	TON	\$336.20		\$		\$
133	9100-108-A-0	ELECTRICAL SYSTEM	1	LS	\$149,942.65		\$		\$
134	9110-108-A-0	PAVILION BUILDING AND APPURTENANCES	1	LS	\$312,500.00		\$		\$
135	11,010-108-A	CONSTRUCTION SURVEY	1	LS	\$20,600.00		\$	0.25	\$5,150.00
136	11,020-108-A	MOBILIZATION	1	LS	\$118,685.00		\$	1	\$118,685.00
137	11,050-108-A-0	CONCRETE WASHOUT	1	LS	\$5,765.00		\$		\$
		FENCING A BID ITEMS							
FA1	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 6' TALL (06A)	984	LF	\$15.35		\$		\$
FA2	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 6' TALL (06B)	1126	LF	\$17.90		\$		\$
FA3	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 10' TALL (10A)	402	LF	\$29.20		\$		\$
FA4	9060-108-A-0	CHAIN LINK FENCE, ALUMINIZED, 20' TALL (20A)	180	LF	\$107.40		\$		\$
FA5	9060-108-B-0	GATES, CHAIN LINK, ALUMINIZED, 4' WIDE	7	EA	\$447.50		\$		\$
FA6	9060-108-B-0	GATES, CHAIN LINK, ALUMINIZED, 6' TALL, DOUBLE 6" (12' WIDE)	3	EA	\$750.00		\$		\$
		FIELD LIGHTING A BID ITEMS							
LA1	9100-108-B-0	FIELD LIGHTING, HID CONTROL SYSTEM AND DISTRIBUTION FOR 3	1	LS	\$50,355.00		\$		\$
LA2	9100-108-C-0	FIELD LIGHTING POLES & LUMINAIRES, HID, SOFTBALL FIELD	1	LS	\$134,277.00		\$		\$
LA3	9100-108-C-0	FIELD LIGHTING, HID - LITTLE LEAGUE FIELD 1	1	LS	\$95,113.00		\$		\$
LA4	9100-108-C-0	FIELD LIGHTING, HID - LITTLE LEAGUE FIELD 2	1	LS	\$89,518.00		\$		\$
		DUGOUT A BID ITEMS							
DA1	9090-108-II-0	DUGOUT, LUMBER FRAMED, 10' DEEP x 32' WIDE	6	EA	\$7,193.50		\$		\$
DA2	9090-108-O-0	TWO TIER DUGOUT BENCH, LUMBER, 24' LONG	6	EA	\$560.00		\$		\$
A01		4" HDPE PERFORATED DRAIN TILE	1340	LF	\$15.00	1200	\$18,000.00	1200	\$18,000.00
		TOTAL BASE BID					\$367,524.01		\$658,937.74

PARTIAL PAY ESTIMATE NUMBER TWO  
 CUBBY PARK IMPROVEMENTS, WEST BRANCH, IOWA  
 PROJECT NUMBER 16-072

This Period	Retainer 5.00%	Total to Date
\$ 381,964.01	Amount Earned	\$ 673,377.74
\$ 19,098.20	Amount Retained	\$ 33,668.89
XXXXXXXXXXXXXXXXXXXX	Previous Payments	\$ 276,843.04
\$ 362,865.81	Amount Due	\$ 362,865.81

Estimated Percent of Job Completed 23.72%

Is Contractor's Construction Progress on Schedule? No - weather has hindered expected progress

Submitted By:

Approved By:

\_\_\_\_\_  
Needham Excavating, Inc.

\_\_\_\_\_  
City of West Branch, Iowa

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Joseph D. Needham, President

Gordon R. Edgar, Finance Officer / Deputy City Clerk

Recommended By:

\_\_\_\_\_  
Fehr Graham

By: \_\_\_\_\_ Date: \_\_\_\_\_

Redmond Jones II, City Administrator

By: \_\_\_\_\_ Date: \_\_\_\_\_

Nathan P. Kass, PE, PLS

**RESOLUTION 1720**

**A RESOLUTION APPROVING PARTIAL PAY ESTIMATE NUMBER 2 IN THE AMOUNT OF \$362,865.81 TO NEEDHAM EXCAVATING INC. FOR THE CUBBY PARK IMPROVEMENTS PROJECT.**

**WHEREAS**, Needham Excavating Inc. of Walcott, Iowa was awarded the construction contract for Cubby Park Improvements for West Branch, Iowa (the “Project”) by the West Branch City Council through the passage of Resolution 1680 on January 16, 2018 in the amount of \$2,945,427.39; and

**WHEREAS**, Needham Excavating has declared that said project has started and work has been rendered in accordance with drawings and specifications on the Project, based on observations West Branch project managers and the project managers of Fehr Graham who are contracted with the City of West Branch to oversee the construction process.

**WHEREAS**, the City Council of West Branch, approved Partial Pay Estimate Number One (1) in the amount of \$276,843.04 to Needham Excavating Inc. of Walcott, IA is approved on May 7<sup>th</sup>; and

**WHEREAS**, it is now necessary for the City Council to accept the Pay Estimate Number Two (2) in the amount of \$362,865.81 and the project is now approximately 24% complete.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of West Branch, that Partial Pay Estimate Number Two in the amount of \$362,865.81 to Needham Excavating Inc. of Walcott, IA is approved.

**Passed and approved this 4<sup>th</sup> day of June, 2018.**

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Roger Laughlin, Mayor

ATTEST:

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Redmond Jones II, City Administrator / City Clerk



**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Resolution 1721 – A Resolution Approving Change Order Number 3, Revised in the Amount By \$9,672.30 on the Cubby Parks Improvements Project.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Melissa Russell, Parks and Recreation
<b>DATE:</b>	May 31, 2018

**BACKGROUND:**

This change order for work at Cubby Park is recommended to cover two items as follows:

Booster pump – the water system pressure at Cubby Park is not sufficient to operate the proposed irrigation system. The project specifications required the contractor to conduct testing required to operate their proprietary system as each system is different. Testing was completed and found to be substantially insufficient. The specifications were written such that if a pump was required, it would be paid for separately. This change order is to cover that cost. Note that the cost for this type of pump for this type of system often runs \$3,000 to \$5,000.

12” Storm Sewer – the detention pond outlet system consists of two pipes at specific elevations and grades to throttle the release of flow downstream. The lower pipe was designed as 12” RCP but the bid item was inadvertently omitted from the list of quantities, thus there was not a unit price on the contract. This was a small quantity, so seems comparatively high to other pipe on the project with much larger quantities, but such a difference in unit price is very common and expected. The unit price is also lower than the 15” RCP of similar quantity.

We feel the proposed prices are fair and recommend approval.

<b>STAFF RECOMMENDATION:</b>	Approve Resolution – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

*"Turning Vision Into Reality is our Business"*

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CHANGE ORDER

No.: 3

Date of Issuance: May 30, 2018                      Effective Date: June 5, 2018

Owner: City of West Branch, Iowa

Contractor: Needham Excavating, Inc.

Contract: Joseph D. Needham, President

Project: Cubby Park Improvements

Owners Contract No.: N/A                      Engineer's Project No.: 16-072

Engineer: Fehr Graham - Nathan P. Kass, PE, PLS

You are directed to make the following changes in the Contract Documents:

Description:

Provide and install booster pump for irrigation system. Pump shall be 1.5 hp Complete Pro II booster pump with smartbox controls rated at 208-230 volt, single phase electrical.

Provide unit price for Storm Sewer, Trenched, RCP, 12".

Reason for Change Order:

Per the project specifications, the irrigation contractor tested the water pressure available at the project site with the assistance of the City of West Branch Public Works. The pressure was found to be 65 psi. The irrigation system requires 90 psi.

A bid item for Storm Sewer, Trenched, RCP, 12" was inadvertently omitted from the bid items so no unit price was provided at the time of bid. This item was shown in the Plans for part of the detention pond outlet system but no bid item provided in the quantities list.

Attachments: (List documents supporting change):

See attached proposal from Needham Excavating.

See attached Summary of Cost.

CHANGE IN CONTRACT PRICE:

Original Contract Price

\$ 2,945,427.39

Previous Change Orders No.

1 To No. 2  
\$ 106,107.85 Decrease

Contract Price prior to this Change Order

\$ 2,839,319.54

Net Increase (Decrease) of this Change Order

\$ 9,672.30 Increase

Contract Price with all approved Change Orders

\$ 2,848,991.84

CHANGE IN CONTRACT TIMES:

Original Contract Times

By November 2, 2018 days or dates

Net change from previous Change Orders

0 days

Contract Time prior to this Change Order

11/2/2018 days

Net Increase (Decrease) of this Change Order

0 days or date

Contract Time with all approved Change Orders

11/2/2018 days or date

RECOMMENDED: Fehr Graham

APPROVED: City of West Branch

ACCEPTED: Needham Excavating, Inc.

Nathan P. Kass, PE, PLS  
ENGINEER

Roger Laughlin, Mayor  
OWNER

Joseph D. Needham, President  
CONTRACTOR

By:

(Signature)

By:

(Signature)

By:

(Signature)

Date

Date

Date

END SECTION.



May 29, 2018

NATHAN P. KASS, PE, PLS | Branch Manager

Fehr Graham | Engineering & Environmental

RE: Cubby Park Irrigation Pump

Nate:

The sprinkler contractor tested the water pressure with West Branch water department and they come up with existing pressures at 65 PSI. The system we are using requires 90PSI. This results in us needing to install a booster pump.

Our price for providing and installing a booster pump for the Cubby Park Sprinkler system is \$3,512.30.

*Jeff Dunlavey*

*cell (563)726-3136*

Unit Price Changes for Cubby Park Improvements, West Branch, Iowa  
 Project Number 16-072 Letting Date January 11, 2018  
 Prepared by Fehr Graham

CHANGE ORDER 3 - SUMMARY OF COST							
NO.	ACTION	ITEM	QUANTITY	UNIT	PRICE/UNIT	DECREASE	INCREASE
A02	Add	BOOSTER PUMP FOR IRRIGATION SYSTEM	1.00	EA	\$3,512.30		\$3,512.30
A03	Add	STORM SEWER, TRENCHED, RCP, 12"	88.00	LF	\$70.00		\$6,160.00
TOTALS						\$0.00	\$9,672.30
TOTAL CHANGE ORDER COST							\$9,672.30

**RESOLUTION 1721**

**A RESOLUTION APPROVING CHANGE ORDER NUMBER 3, REVISED IN THE AMOUNT BY \$9,672.30 ON THE CUBBY PARKS IMPROVEMENTS PROJECT.**

**WHEREAS**, Needham Excavating, Inc. of Walcott, Iowa was awarded the construction contract for Cubby Park Improvements for West Branch, Iowa (the “Project”) by the West Branch City Council through the passage of Resolution 1680 on January 16, 2018 in the amount of \$2,945,427.39; and

**WHEREAS**, the West Branch City Council subsequently approved Change Order No. 1 on May 7, 2018 to reflect a Value Engineering decrease in the project scope for a price in the amount of \$126,000; and

**WHEREAS**, the West Branch City Council subsequently approved Change Order No. 2 on May 7, 2018 to reflect a decrease in the project price in the amount of \$20,100; and

**WHEREAS**, Change Order Number Three, Revised has been reviewed and recommended by the contracted Engineering firm of Fehr Graham in the amount of \$9,672.30; and

**WHEREAS**, it is now necessary for the City Council to approve said change order.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of West Branch, Cedar County, Iowa, that the City Council approves a change order with Needham Excavating, Inc. for the Cubby Park Improvements project for West Branch, IA in an amount not to exceed \$9,672.30

**Passed and approved this 4th day of June, 2018.**

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Roger Laughlin, Mayor

ATTEST:

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Redmond Jones II, City Administrator / City Clerk

## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	May 4, 2018
<b>AGENDA ITEM:</b>	Motion to Approve a Memorandum of Understanding (MOU) with the Partners of “Cedar’s Edge Golf Course & Little Light’s Events”.
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Redmond Jones, City Administrator
<b>DATE:</b>	May 29, 2018

**BACKGROUND:** Public/private partnerships take many shapes, and public incentives /investments vary from project to project based on its own merits. Rule of Thumb typically reflect incentive packages that range from 7% - 10%. However, there are several examples of public incentives that are well beyond these percentage examples.

\$2 Million Project	\$2.5 Million Project	\$3 Million Project	\$3.5 Million Project
7% - \$140,000	7% - \$175,000	7% - \$210,000	7% - \$245,000
8% - \$160,000	8% - \$200,000	8% - \$240,000	8% - \$280,000
9% - \$180,000	9% - \$225,000	9% - \$270,000	9% - \$315,000
10% - \$200,000	10% - \$250,000	10% - \$300,000	10% - \$350,000
11% - \$220,000	11% - \$275,000	11% - \$330,000	11% - \$385,000
12% - \$240,000	12% - \$300,000	12% - \$360,000	12% - \$420,000
13% - \$260,000	13% - \$325,000	13% - \$390,000	13% - \$455,000
14% - \$280,000	14% - \$350,000	14% - \$420,000	14% - \$490,000
15% - \$300,000	15% - \$375,000	15% - \$450,000	14.5% - \$504,000
16% - \$320,000	16% - \$400,000	16% - \$480,000	
17% - \$340,000	17% - \$425,000	16.7% - \$501,000	
18% - \$360,000	18% - \$450,000		
19% - \$380,000	19% - \$475,000		
20% - \$400,000	20% - \$500,000		
21% - \$420,000			
22% - \$440,000			
23% - \$460,000			
24% - \$480,000			
25% - \$500,000			

<b>STAFF RECOMMENDATION:</b>	Approve Motion – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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Jerry & Tammy Sexton  
Erin Morrison-Vincent & Jason Vincent

May 25, 2018

"Cedar's Edge Golf Course & Little Light's Events"

19 Greenview Ln  
West Branch, IA 52358  
Office: (319) 631-4984

**Topic:** Memorandum of Understanding Regarding Potential Development of an Event Center in West Branch.

**Attn:** To the Officer(s) / Investors authorized to sign for and on behalf of "Cedar's Edge Golf Course & Little Light's Events". For the purposes of establishing an initial conceptual agreement structure that will be used as an outline for a future negotiation of a formal development agreement subject to City Council Approval and continued support.

**Whereas,** "Cedar's Edge Golf Course & Little Light's Events" is a joining of two local businesses to form Limited Liability Partnership for the special purpose of developing, constructing, and operating a wedding, events, and golf club house venue within the City of West Branch, Iowa; and

**Whereas,** the City of West Branch has as one of its City Goals "Developing inviting High Profile Visually Impactful Projects: Including Projects that Establish West Branch as a Destination, Branding and Other Projects that Reflect Sound Use of Tax Dollars". Additionally, the City seeks to promote the public interest of assisting business interest grow employment opportunities, and industry productivity with its city limits.

**Terms of "Cedar's Edge Golf Course & Little Light's Events"**

1. "Cedar's Edge Golf Course & Little Light's Events" will agree to verify site control of the project, and will limit any future development agreement term(s) to expire should the corporate entity dissolve, sale its interest, or defunct the ownership and/ or the corporate entity.
2. "Cedar's Edge Golf Course & Little Light's Events" agrees to develop the aforementioned wedding, events, and golf club house venue at the quality and commercial standards of the city's building code. As well as assume the construction and related development cost.
3. Contingency upon dates and events of Little Light's choosing, Little Light's agrees to provide each the City, the School District, and a Civic Group (of their choosing) with one free event a year.

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4. "Cedar's Edge Golf Course & Little Light's Events" agrees to make a Total Cash Investment of 30% - 40% of the project, with the remaining derived from financing and other investments.
5. "Cedar's Edge Golf Course & Little Light's Events" agrees to develop a project that represents a Grand Total Investment of \$2.5 million – \$3.5 million.

**Terms of the City of West Branch**

1. The City of West Branch agrees to utilize its economic development authority to award, credit, waiver or tax rebate all or portions of the aforementioned project.
2. The City of West Branch agrees to consider incentives that reflect an annual proportional investment for a term not to exceed 10 years.
3. The City of West Branch agrees to consider a total Investment of 7% - 20% of the overall project cost.
4. The City of West Branch agrees to open an annual public forum /public meeting to receive a business update from "Little Lights on the Lane".
5. The City of West Branch agrees to participated conceptually with incentive(s) for a project that represents a Grand Total Investment of \$2.5 million – \$3.5 million

Again, this agreement is not intended to explore every detail of a potential development agreement. Instead it is intended to be the starting point of an on-going negotiation, which will consider several options for incentives that could make an investment package. Although, public /private partnerships takes many forms, and public incentives may vary from project to project based on its own merits, typical public incentives range from 7% - 10% of total investment. Percentages over this amount are usually accompanied with equity shares, first rights of refusals in business decisions, and/or minority voting rights within the business entity in some form. It should also be noted: this agreement is not binding and is open interpretation. The Signature lines of this agreement only signify a good faith effort in an attempt to negotiate the aforementioned terms basis of a development agreement. It is understood that the City Council is the only body who can approve such an agreement. Therefore, the City Council will need to review and approve any negotiated development agreement.

Sincerely,

\_\_\_\_\_  
Redmond Jones II  
City Administrator  
City of West Branch

Date: \_\_\_\_\_

Accepted;

\_\_\_\_\_  
Erin Vincent  
Managing Partner

\_\_\_\_\_  
Jerry Sexton  
Managing Partner  
Little Lights on the Lane, LLP

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**REQUEST FOR COUNCIL CONSIDERATION**

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Discussion: Staff Seeking Direction in responding to an Unsolicited Proposal from Barnhart’s Custom Services, LLC for the services of site preparation.
<b>CITY GOAL:</b>	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
<b>PREPARED BY:</b>	Rodger Laughlin, Mayor
<b>DATE:</b>	May 31, 2018

**BACKGROUND:**

The property was purchased in 1989 by Croell Redi-mix, a cement company with more than 130 locations in six states, and employs its own crew that not only pours foundations and walls but constructs plants. Croell Redi-mix operated on a four-acre parcel at 325 East Green Street which is ranged north to south between Main Street and College Street. While planning for a plant expansion at that site, the city proposed a land swap. Instead of having this industrial use expand its operations in this transitional area that exist between a celebrated historic downtown with 14 buildings on the National Historic Register, and a well-established neighborhood known for its mature tree line and eclectic housing; the city pursued a land swap that exchanged 12 acres of industrial park property for the aforementioned 4 acre site. The swap is nearing to conclusion, in the meantime we can consider site preparation services to make the site more enticing to potential developers.

<b>STAFF RECOMMENDATION:</b>	Seek City Council Direction
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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# Barnhart's Custom Services, L.L.C.

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PO Box 36

West Branch Iowa 52358

Office: 319-643-7230

Cell: 319-631-1101

May 30, 2018

Mayor Laughlin  
West Branch City Council

RE: Croell Site

I met with Mayor Laughlin and Public Works Director Matt Goodale on May 21, 2018 to discuss options and come up with a possible plan to clean up the Croell Redi-Mix site.

As I stated to the Council at the meeting later that evening, the difficulty with bidding a site like this is there are so many unknowns and concrete structures that have been covered up or more concrete just put on top of them. This has been a railroad and industrial area for well over 100 years. In addition to what is visible on the surface I know there is a row of concrete silos, probably around six on the south end of the property, that have their bases still in place. There is probably a concrete rail dump adjacent to them that is covered up. In the middle of the property there was an old grain elevator complex that burned down that had a pit, building foundations, ramps, retaining walls, and at least two exterior grain bins associated with it. There may also be a rail dump pit. This has all been covered up with concrete washout and fill and a concrete cap poured on the top. On the north end of the property, where the current rock bins are, there used to be retaining walls and the concrete trucks would actually load on the lower level where the railroad tracks were. There was also a pit and leg for elevating the rock to the cement plant. This has all been filled with either concrete, concrete washout, or rubble and then had more concrete poured on top of it to build the space for the Croell concrete plant.

In our discussion that day, we thought the most logical way forward would be to consider breaking the project up into multiple phases. The first phase would be remove, process, and stockpile the concrete for possible crushing and recycling. The second would be to either crush the concrete and have it available for City projects or sell it to contractors, and third would be to grade the site. Grading could also be done second and the crushing done last.

At the time of our meeting we did not know what kind of quantities there would be or if it would be cost effective to bring in a concrete crusher. After measuring the visible concrete and looking at old photographs which tell me where the coal silos and grain bins were and how many, I have an estimate of approximately 6,800 tons of concrete. In addition to that, I would estimate that there could possibly be a minimum of another 2,000 tons that is buried or poured over.

I have made contact with Bushman Excavating which does concrete recycling. They have a \$14,000.00 minimum. This would include \$4,000.00 for mobilization and 1,000 tons of crushing at \$10.00/ton. Anything over 1,000 tons would be at \$10.00/ton. This would assume that the concrete is in a pile and has been processed and sorted for crushing. By crushing the material that would save a minimum of 630 dump truck loads of concrete being hauled somewhere for disposal.

To begin this process I would propose doing the concrete removal and clean up on a per hour basis, with a "not to exceed" number. We have the proper equipment to do a job such as this consisting of multiple excavators with thumbs, but more importantly the attachments to go with the excavators to break up and process the concrete, which include a hydraulic breaker/hammer and a hydraulic concrete pulverizer; an off-road haul truck to haul the concrete to a common stockpile area; and a bulldozer to grade the site.

The rates for the equipment on a per hour basis would be:

- PC290 Excavator with thumb - \$195.00/hour
- PC290 Excavator with hydraulic concrete pulverizer - \$350.00/hour
- PC200 Excavator with thumb - \$155.00/hour
- PC200 Excavator with hydraulic breaker - \$225.00/hour
- John Deere 250D Off Road Truck - \$150.00/hour
- John Deere 850J Dozer - \$155.00/hour
- Labor - \$55.00/hour (for cutting or torching steel, if needed)

These machines would not all be used at the same time, but the advantage to having multiple excavators on site is not having to switch buckets and attachments. We can go from exposing concrete, breaking and pulverizing, and loading by just having operators switch machines and not switching buckets and attachments on and off.

This is our first year for having the concrete pulverizer and used it in conjunction with our hydraulic breaker to break up and process the foundations of an old fertilizer plant for Cedar County Coop. We also worked with Chris Jones Trucking on a project at the University of Iowa to demolish Seashore Hall and used the same combination of equipment to break up and process that building's foundation and retaining walls. An advantage of the concrete pulverizer is it can break the concrete off any rebar or metal and the metal can be recycled. This recycled metal can be sold for additional income and also keeps the recycled concrete free of metal contamination, which makes the recycled aggregate more valuable.

The approach I would recommend is starting with the areas with the most unknowns and the hardest to remove concrete, which would consist of the area around the concrete rock bins, concrete plant, area over the old grain elevator, and the old coal silo bases. Then depending on how much money was spent we could keep going on the driveway and flat work areas. That way if funds do not allow the entire concrete removal portion to be completed we

have finished the most difficult and unknown portions and the remaining flat work would be easier to remove and to estimate those costs.

I did not include the two existing buildings in the beginning work because before they can be demolished they would first have to be inspected for asbestos, and if any is found, abated. The abatement contractor has to file a 10 day notice with the Iowa DNR before abatement can start and then the demo contractor has to file an additional 10 day notice with the Iowa DNR before demolition can begin. I did include the floor and foundation of both buildings in the concrete quantity estimates for the whole project stated above.

I would be happy to discuss possible options with the Council and/or City staff.

Sincerely,



Bruce Barnhart

BB/lh

THE ABOVE PROPOSAL AS STATED NOT TO EXCEED \$50,000.00 FOR CONCRETE REMOVAL, BREAKING, PROCESSING, STOCKPILING, AND PREPARATION FOR FUTURE RECYCLING.

ACCEPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018 BY:

CITY OF WEST BRANCH

BARNHART'S CUSTOM SERVICES

\_\_\_\_\_  
ROGER LAUGHLIN, MAYOR

\_\_\_\_\_  
BRUCE BARNHART

\_\_\_\_\_  
REDMOND JONES, CITY ADMINISTRATOR



## REQUEST FOR COUNCIL CONSIDERATION

<b>MEETING DATE:</b>	June 4, 2018
<b>AGENDA ITEM:</b>	Discussion: Planned Unit Development
<b>CITY GOAL:</b>	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
<b>PREPARED BY:</b>	Roger Laughlin, Mayor
<b>DATE:</b>	May 31, 2018

**BACKGROUND:**

The origins of PUDs in American communities can be traced to British movements during the 1950s. The developments in Britain's new communities dealt with the locations of industrial elements and how they were publicly dictated before building ever began in order to uphold an economic base.

PUD as a regulatory process is a means of land regulation which promotes large scale, unified land development by means of mid-range, realistic programs in chase of physically curable, social and economic deficiencies in land and cityscapes. Where appropriate, this development control promotes:

- A mixture of both land uses and dwelling types with at least one of the land uses being regional in nature
- The clustering of residential land uses providing public and common open space
- Increased administrative discretion to a local professional planning staff while setting aside present land use regulations and rigid plat approval processes
- The enhancement of the bargaining process between the developer and government municipalities which in turn strengthens the municipality's site plan review and control over development for potentially increased profits due to land efficiency, multiple land uses, and increased residential densities.

Frequently, PUDs take on a variety of forms ranging from small clusters of houses combined with open spaces to new and developing towns with thousands of residents and various land uses. However, the definition of a PUD does not take into consideration these types of developments unless they fit into a category of size ranging from 100 to 200 acres (40 to 81 ha). In a PUD the property owner owns the land the dwelling sits on

<b>STAFF RECOMMENDATION:</b>	Approve Resolution – Move to Action
<b>REVIEWED BY CITY ADMINISTRATOR:</b>	
<b>COUNCIL ACTION:</b>	
<b>MOTION BY:</b>	
<b>SECOND BY:</b>	

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## PUD Description

A planned unit development (hereinafter “PUD”) is an exception to the requirement of Chapter 414.2 of the Code of Iowa for general uniformity of regulations within a zoning district. Municipal planning authorities have recognized that traditional zoning ordinance regulations which dictate specific uses, building lines and minimum-area requirements can be relaxed and made more flexible under appropriate circumstances.<sup>1</sup>

PUD regulations typically merge zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, with the design flexibility to mix land uses, housing types and densities.<sup>2</sup> This allows flexible zoning regulations for projects that are beneficial to a community and that support and further the goals of West Branch’s Comprehensive Plan. The PUD directly supports the comprehensive plan goal to “encourage redevelopment opportunities to revitalize unused property”<sup>3</sup> as well as supports additional goals in several areas, including economic development, housing, transportation, and environmental stewardship.

## Purpose

The purpose of a PUD is to allow innovative, creative, and flexible development that is sensitive to economic, environmental, and cultural considerations in partnership with public values as outlined in the comprehensive plan. The PUD district is intended to maximize benefits from the use of open spaces, maximize aesthetics, encourage certain design standards for buildings, and permit mixed uses and diversity of regulations without endangering the health, safety, welfare and land value of surrounding properties.<sup>4</sup> Approval of a PUD results in a change in zoning district with specific requirements and standards that are unique to the PUD.<sup>5</sup>

The PUD is a negotiated private/public contract for land development, rather than a development following a set of minimum requirements.<sup>6</sup> The PUD is a binding development plan created under a permit review process and has the following additional purposes:

1. Permit greater flexibility and consequently more creative and imaginative design for the development of residential and business uses than is generally possible under conventional zoning regulations, including alteration of bulk and scale requirements that may be included in the underlying zoning district;<sup>7</sup>
2. Promote more economical and efficient use of the land while providing a variety of housing choices, a higher level of city attractiveness and quality, and preservation or implementation of scenic open space;<sup>8</sup>
3. Promote infill development within established neighborhoods, and promote a higher density housing pattern that supports smaller-scale neighborhood retail and service uses that work to encourage non-vehicular trips;<sup>9</sup>
4. Promote the development of housing and mixed housing/commercial developments that generally emulate a traditional village setting that blends Main Street and residential zones in the City, and/or provide a truly unique development style that is not otherwise commonly available through other development entitlements;<sup>10</sup>
5. Provide incentive for cluster development to increase open space, avoid development within environmentally sensitive areas, and encourage remediation of brownfield sites;<sup>11</sup>

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<sup>1</sup> (Nervig 2014)

<sup>2</sup> (American Planning Association 2006)

<sup>3</sup> (City of West Branch IA 2013, 78)

<sup>4</sup> (Perry IA Code of Ordinances May, 2006)

<sup>5</sup> (Blaine WA Municipal Code 2018)

<sup>6</sup> (Burlington IA City Code 2018)

<sup>7</sup> (Blaine WA Municipal Code 2018)

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

6. Increase the public benefit to the community and provide benefits to the developer that cannot be achieved through the standard subdivision or site development process;<sup>12</sup>
7. Correlate comprehensively the provisions of this title and all applicable plans; encourage developments which will provide a desirable, attractive, and stable environment in harmony with that of the surrounding area;<sup>13</sup>
8. Implement goals identified within the comprehensive plan, especially goals relating to transportation, housing, commercial, land use/zoning, and public facilities. While not exhaustive, the following list provides examples:
  - a. Support the Public Infrastructure goal to adopt the Complete Streets Policy by increasing walkability and pedestrian-friendly transport;<sup>14</sup>
  - b. Support the vision of the Complete Streets policy<sup>15</sup> to “provide safe and comfortable routes for walking, bicycling, and, in the future when practicable, public transportation”;<sup>16</sup>
  - c. Support the Housing goals to: provide a variety of housing types and costs as well as encourage a range of affordable, accessible, decent, safe and sanitary rental housing options;<sup>17</sup> promote preservation, rehabilitation, and investment in the city housing stock and neighborhoods to improve housing opportunities;<sup>18</sup> and, address affordable housing needs by increasing aging-in-place ownership, rental options and inclusionary zoning;<sup>19</sup>
  - d. Support the Economic Development goal to reuse, revitalize, and redevelop underutilized commercial properties;<sup>20</sup> improve the local shopping atmosphere;<sup>21</sup> retain and expand existing local businesses;<sup>22</sup> and, increase number of entrepreneurial firms;<sup>23</sup>
  - e. Support the Administrative goal to provide opportunities for recreation activities, connect to the Hoover Nature Trail and synchronize with the Community Trails Plan;<sup>24</sup>
  - f. Support the Smart Planning principles in the “Iowa Smart Planning Act” to: incorporate clean, renewable and efficient principals into design standards; facilitate the redevelopment and/or reuse of established town centers and revitalize existing sites; and, promote developments, buildings and infrastructure that utilize green design and construction practices.<sup>25</sup>

Of emphasis, the PUD should be developed in support of the 2013 Comprehensive Plan Land Use and Zoning Goal, as identified in Chapter 2 “Vision Statement, Goals and Objectives”:<sup>26</sup>

1. Encourage redevelopment opportunities to revitalize unused property.
  - a. Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites;
  - b. Promote infill development;
  - c. Promote affordable commercial space for small start-up, new or growing businesses;
  - d. Encourage reinvestment in our existing neighborhoods (i.e., smart growth);
  - e. Consider incentives for smart growth.

This PUD provides the Planning and Zoning Commission (hereinafter the “Commission”) with the flexibility to address mixed uses for buildings, vary building setbacks between uses, support pedestrian and bicycle safety, ensure environmental protection and complete brownfield remediation within a limited amount of space.

### The Site

It is recommended West Branch initiate a proactive zoning strategy to promote investment in the

<sup>12</sup> Ibid.

<sup>13</sup> (West Linn OR Municipal Code 2018)

<sup>14</sup> (City of West Branch IA 2013, 10)

<sup>15</sup> (City of West Branch IA 2013, 10)

<sup>16</sup> (City of West Branch IA Pending 2018, 5)

<sup>17</sup> (City of West Branch IA 2013, 72)

<sup>18</sup> (City of West Branch IA 2013, 8)

<sup>19</sup> (City of West Branch IA January 2018, 4)

<sup>20</sup> (City of West Branch IA Pending, 2)

<sup>21</sup> Ibid.

<sup>22</sup> (City of West Branch IA 2013, 6)

<sup>23</sup> Op. Cit., p. 7

<sup>24</sup> Op. Cit., p. 11

<sup>25</sup> Op. Cit., p. 13, 14

<sup>26</sup> (City of West Branch IA 2013)

redevelopment and/or adaptive use of the former Croell Redi-Mix site at 325 E. Green St. It is recommended that the Croell site be established as a PUD district.

The nearly four-acre site is near the heart of downtown West Branch. It has access to E. Main Street, E. Green St. and E. College St., as well as the Hoover Nature Trail. To the north of the parcel is additional commercial property, on the north east is residential, on the very southeast corner are three small commercial buildings, directly to the south is commercial, on the southwest corner are three commercial buildings, and to the west/northwest sits a 1.6-acre city park across the creek. The proposed PUD site is highlighted in red in both Image 1 and Image 2 below.

Image 1



The proposed PUD site is outlined in red.

Source: Cedar County Assessor, [www.cedarcounty.org](http://www.cedarcounty.org), Accessed Nov., 2017

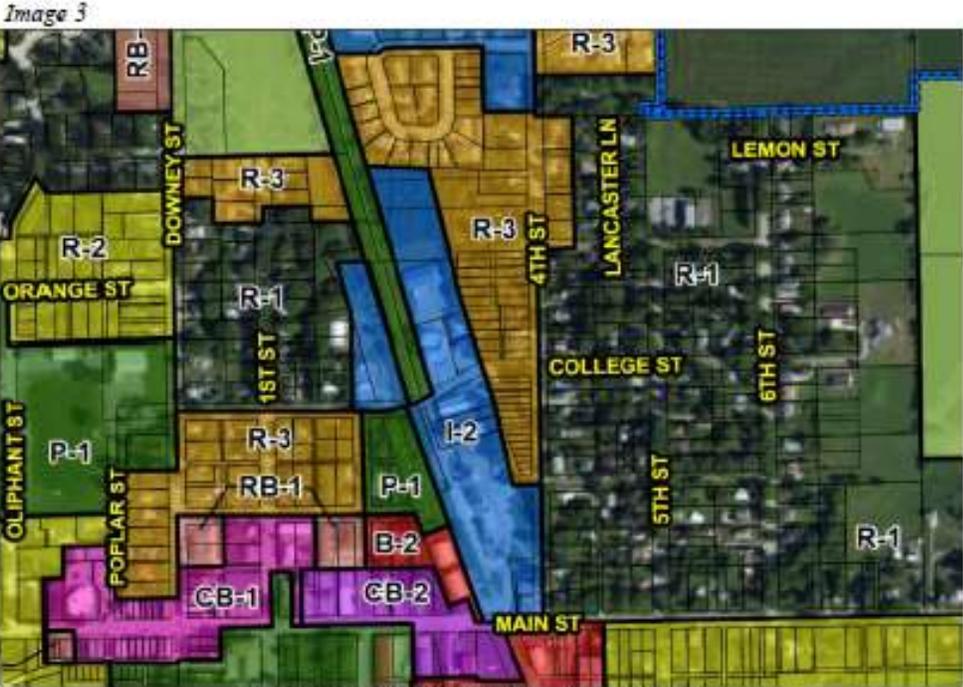
Image 2



The proposed PUD site is outlined in red.

Source: Cedar County Assessor, [www.cedarcounty.org](http://www.cedarcounty.org), Accessed Nov., 2017

Image 3 below is the zoning map for the proposed PUD site and surrounding properties.



The proposed PUD site is zoned I-2 - Industrial.  
 Adjacent zoning is P-1 (Public Use), B-2 (Business), CB-2 (Central Business),  
 R-1 (Single Family Residential), and R-3 (Multiple Family Residential).  
 Source: City of West Branch, [http://westbranchiowa.org/sites/default/files/Zoning\\_3-13-14\\_3.pdf](http://westbranchiowa.org/sites/default/files/Zoning_3-13-14_3.pdf)

Table 1 below summarizes the four parcels which combine to form the Croell Redi Mix site.

*Table 1*

Parcel Number	Deed Holder	Class	Acres
0500-13-05-356-003-0	CROELL REDI MIX INC	Commercial	0.29
0500-13-05-361-001-0	CROELL REDI MIX INC	Commercial	0.082
0500-13-05-361-002-0	CROELL REDI MIX INC	Commercial	0.115
0500-13-05-361-007-0	CROELL REDI MIX INC	Commercial	3.45
		Total Acres	3.937

*This space intentionally left blank.*

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The west side of the proposed PUD site abuts a small creek. Image 4 below is the flood plain map.

Image 4



Orange (Zone X) is 0.2% Annual Chance of Flood Hazard  
(500-year floodplain)

Blue and Striped (Zone AE) is 1% Annual Chance of Flood Hazard  
(100-year floodplain)

Source: Cedar County Assessor, [www.cedarcountv.org](http://www.cedarcountv.org)  
Accessed Nov., 2017

### Applicability

What follows adopts best practices for PUDs and draws from PUDs employed by communities that are comparable with West Branch.

A PUD application may be submitted for the Creoll Redi-Mix site at 325 E. Green St. and adjacent parcels as presently zoned. Future implementation of the PUD is to be on a case-by-case basis as submitted to the Commission.

Permissible initiators of a PUD are:

1. The owner of all the property involved, if under one ownership;<sup>27</sup> or
2. All owners having title to the property in the area proposed for the PUD project.<sup>28</sup>

The proposed project incorporates a mix of land uses coexisting within the same development to accommodate demands of the population in type, design, and layout uncharacteristic of traditional or existing land use practices in the community.<sup>29</sup>

### Ownership

All property to be included within a PUD shall be under unified ownership or control or be subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved PUD development plan and final site and building plan.<sup>30</sup>

### Compliance

No building or other permit shall be issued for any work on property included within a proposed or approved PUD prior to City Council approval, nor shall any work occur unless such work is in

<sup>27</sup> (Blaine WA Municipal Code 2018)

<sup>28</sup> Ibid.

<sup>29</sup> (Victoria MN Municipal Code 2018)

<sup>30</sup> Ibid.

compliance with the proposed or approved PUD.<sup>31</sup>

#### Termination of PUD

If no substantial development has taken place in an approved PUD in one year following approval of the PUD, the city shall have the right to terminate the agreement. The City Council may grant an extension of one year to the applicant if deemed appropriate. No development may be granted more than one extension unless voted by super majority of the City Council.<sup>32</sup>

#### Permitted Uses

Permitted uses include housing (single family, duplex, multi-family, attached, renter and owner-occupied), commercial, and mixed use. Uses not permitted include agriculture and industrial.

The site is expected to provide neighborhood commercial, retail, and/or residential uses to serve the needs of the City of West Branch.

1. Professional and semi-professional office buildings<sup>33</sup>:
  - a. Abstracting or title business
  - b. Accountants, actuaries, auditors and bookkeeping
  - c. Advertising office (no sign shops)
  - d. Adjusters (insurance)
  - e. Aerial survey and photography
  - f. Appraisers and auctioneers (no auction sale of any type on site)
  - g. Architects, civil engineers, landscape architects and planners
  - h. Attorneys
  - i. Banks and financial institutions
  - j. Business or financial analysts and counselors
  - k. Building contractors, office only (no shops or equipment and material storage)
  - l. Counseling, child guidance and family service
  - m. City, County, State or Federal Government office use only (no shops or equipment and material storage)
  - n. Drafting and printing services
  - o. Engineers
  - p. Professional insurance
  - q. Manufacturer's agents
  - r. Market research, marketing agencies
  - s. Model agencies or schools
  - t. Mortgage brokers
  - u. Public libraries
  - v. Real estate sales and management (office only)
  - w. Stock broker exchanges, investment services or brokers
  - x. Tax consultants
  - y. Similar or general office users
2. Medical doctors and medical practitioners, optometrists, chiropractors and medical services offices, clinics or group medical centers, including dental clinics, but not including animal clinics.<sup>34</sup>
3. Neighborhood retail commercial and service establishments:<sup>35</sup>
  - a. Apparel (specialty) shops
  - b. Bakeries (retail), including baking for sale on premises only
  - c. Beauty shops and barber shops
  - d. Bicycle repair, rentals, sales
  - e. Book stores and stationery stores
  - f. Breweries and brewpubs
  - g. Camera and photographic supply
  - h. Candy, nut, and confectionery stores
  - i. Coffee shops
  - j. Convenience store, provided there is no vehicle washing or repair on site
  - k. Drug stores
  - l. Dry cleaning establishment using nonflammable solvents
  - m. Florists, including potted plants
  - n. Gift, party supply and souvenir shops
  - o. Grocery and specialty food
  - p. Hobby and game shops
  - q. Home accessories, such as small appliances, cookware, and glassware
  - r. Home video equipment and movie rentals
  - s. Jewelry stores
  - t. Liquor stores

<sup>31</sup> Ibid.

<sup>32</sup> (Victoria MN Municipal Code 2018)

<sup>33</sup> (Cumming IA City Code 2016)

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

- u. Optical goods and medical supplies
  - v. Restaurants and cafes, provided there is no drive-through/drive-in facility
  - w. Sewing, needlework, linen and piece goods stores
  - x. Shoe repair and tailor shops, including clothing alteration/repair
4. Day care center, day nursery or nursery school, licensed in the State of Iowa, provided there is established and well-maintained a completely fenced play lot of no fewer than one thousand (1,000) square feet in area for the first twenty (20) or fewer children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building, or as required by State law.<sup>36</sup>
  5. Any use which is found by the Commission to be similar to one of the above named uses and determined to conform to the intent of this parcel.<sup>37</sup>

### Development Standards

Development standards shall be in accordance with city standards as identified in Chapter 170 "Subdivision Regulations" in the City code. As the western edge of the parcel is within the floodplain it is expected the developer will consult Chapter 160 "Flood Plain Regulations" in the City code. The PUD provides opportunities to expand upon these regulations to better meet aforementioned comprehensive planning objectives. Two desirable development outcomes follow.

1. The use of bio-swales, landscaping and shrubs should be implemented to maximize storm-water management efficiency.
  - a. In accordance with the Complete Streets Policy, the City encourages street trees, landscapes, and planting strips, including native plants where possible, in order to buffer traffic noise and protect and shade pedestrians and bicyclists. Trees planted on public property shall adhere to the list of permitted trees in City Code Chapter 150 "Trees".
  - b. The development should contribute to the City's long-term goal to reduce surface water runoff by reducing the amount of impervious surfaces on the streets, as explained in the Complete Streets Policy.
  - c. Development is preferred that includes native landscaping, storm water swales, trees, green roofs and rain gardens as they help clean the air, store water, and reduce energy costs by cooling buildings in the summer. Designing with nature will directly improve water quality, reduce stresses on the storm water management system and contribute to cleaner air in the region.<sup>38</sup>
  - d. Support of nature-friendly infrastructure, such as green infrastructure, enhances natural areas and helps minimize risks from flooding. Preserving and enhancing city habitat corridors allows for safe and healthy places for resident and migratory wildlife to move throughout or stay within the city.<sup>39</sup>
2. The implementation of LEED energy efficiency standards for all buildings is encouraged.

### Building Design Regulations and Development Standards

The PUD design is expected to be suitably in accord with neighboring districts.

1. *Maximum Height Restrictions*: No principal building shall exceed thirty-five (55) feet in height and no accessory structure shall exceed fifteen (35) feet in height.
2. *Adjacent Buildings in the Same Complex*. If a building is planned to be attached or closely located to adjacent buildings in the same complex, the side or sides which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback if construction complies with building and fire codes.<sup>40</sup>
3. *Facade*. Buildings facing public streets must have entrance doors facing the public street.

<sup>36</sup> (Cumming IA City Code 2016)

<sup>37</sup> *Ibid.*

<sup>38</sup> (City of Portland OR 2035 2016)

<sup>39</sup> *Ibid.*

<sup>40</sup> (Cumming IA City Code 2016)

4. *Lighting and Landscaping.* A landscape and lighting plan, identifying the type, size, spacing, and maintenance schedule for all landscaping and lighting elements proposed within the required buffer areas, open space areas, and other common areas, shall be developed where applicable.<sup>41</sup> Lighting shall be provided to illuminate any off-street parking of more than two parking spaces or loading area and shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets. Lighting illumination shall not exceed one (1) foot-candle at the property line. Low pressure sodium lighting fixtures shall be prohibited.<sup>42</sup> All outdoor lighting should be in accordance with the dark skies objective to limit light pollution as outlined in Chapter 10 “Environmental Stewardship” of the comprehensive plan (currently under revision).
5. *Architectural Standards.* As the gateway and the major transportation corridor carrying traffic through West Branch, land development fronting Main Street will have an impact on the community’s image. Any building on the south side of the PUD shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood.<sup>43</sup>
6. *Signs.* Sign requirements shall follow provisions of the adopted sign ordinance for the most closely related zoning district.<sup>44</sup>
7. *Compatibility.* The design of the PUD shall achieve compatibility with surrounding land uses, both existing and proposed, and shall minimize the potential adverse impacts of the PUD on surrounding land uses.<sup>45</sup>
8. *Construction Phasing.* If development of the PUD is to be completed in phases, each phase of construction shall address criteria as outlined in the PUD ordinance and as determined by the City Council.<sup>46</sup>
9. *Infrastructure.* Unique qualities of each PUD require that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the city ordinances ordinarily governing them. The City Council may approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications or ordinance requirements if it is found that strict adherence to the usual standards or requirements are not required to meet the intent of this section.<sup>47</sup>

Off-Street Parking Area Landscaping, Screening and Open Space Requirements

It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore:

1. Wherever practical, all new parking areas shall be screened from public street view by incorporating natural landscape and topography with the introduction of permanent earth berms of adequate height, and additional landscape plantings to accomplish this desire.<sup>48</sup>
2. All parking areas shall include landscape areas and islands within the boundaries of the paved parking area equal to not less than ten percent (10%) of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs, or other acceptable plant life, with a preference for native species.<sup>49</sup>
3. No parking space shall be greater than seventy-five (75) feet from a landscaped open space.<sup>50</sup>
4. Parking spaces shall be separated from any adjoining roadway by a landscaped island or elevated separation (i.e. sidewalk) of a minimum of nine (9) feet in width, except the roadway

<sup>41</sup> (Blaine WA Municipal Code 2018)

<sup>42</sup> (Cumming IA City Code 2016)

<sup>43</sup> Ibid.

<sup>44</sup> (Victoria MN Municipal Code 2018)

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> (Cumming IA City Code 2016)

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

or parking bay aisle providing direct access to the parking space.<sup>51</sup>

#### Landscape, Buffer and Open Space

This site shall be developed at a minimum in accordance with City Code Chapter 173 “Site Plan Requirements” Section 06 “Open Space, Landscaping, Parking and Architectural Requirements”.

The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one land use to another contrasting land use in recognition of neighbor’s rights, to lessen the impact of the transition of conflicting land uses and to protect the value of buildings and property.

1. The developer may be required to install a buffer along the north boundary of the parcel.
2. The trees described within shall be maintained for 20 years once the finished parcel is recorded by the Cedar County Recorder Office. Any tree or shrub planted as part of the landscape buffer that may die or is diseased shall be replaced by the property owner.<sup>52</sup>
3. It is encouraged to exceed the minimum quantity expectations of trees and shrubs in City Code Chapter 173.06, and to place emphasis on species which are native to the region.
4. Storm water retention is encouraged to allow the flow of water to percolate back into the soil and water table instead of draining through septic systems to wastewater treatment plant.
5. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.<sup>53</sup>
6. A site plan which amplifies the natural creek feature within the development is encouraged.

#### Street Design Standards

All streets to be constructed within the interior of a PUD site or existing streets fronting on a PUD site shall be improved in accordance with city standards as identified in Chapter 170 “Subdivision Regulations” Section 15 “General Requirements” in the City Code. In some instances, streets within a PUD may be private, provided that the applicant demonstrates the following:<sup>54</sup>

1. Minimum safety standards for emergency vehicle access are provided within the PUD.<sup>55</sup>
2. Adequate travel-way width for the anticipated levels of traffic, including appropriate provisions for off-street and on-street parking, backing, vehicle stacking, pedestrian movements, bicycle movements, and truck turning movements are provided.<sup>56</sup>
3. Street layout within the PUD is consistent with the surrounding street system and shall not preclude remote parcels of property from gaining access to the city street system.<sup>57</sup>
4. Approval of a private street would not negatively impact the traffic circulation in the surrounding neighborhood or area.<sup>58</sup>
5. Through streets extending across the PUD site are not identified in the comprehensive plan.<sup>59</sup>
6. The applicant demonstrates the ability to maintain a private street system within the PUD.<sup>60</sup>
7. The final plat documents shall reference any restrictive covenants regarding private streets and shall include an acknowledgment statement indicating city policy to refuse consideration of private streets for dedication unless and until said private streets are improved to meet then current minimum city standards.<sup>61</sup>

<sup>51</sup> Ibid.

<sup>52</sup> (Cumming IA City Code 2016)

<sup>53</sup> (West Linn OR Municipal Code 2018)

<sup>54</sup> (Blaine WA Municipal Code 2018)

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

### Public Services Availability

The PUD shall promote an efficient and effective use of streets, utilities, and public facilities to support high-quality development at reduced cost.<sup>62</sup> The adoption of “green” infrastructure should be utilized to meet the community values explained in Chapter 8 “Public Infrastructure and Utilities” of the comprehensive plan.<sup>63</sup>

1. PUD approvals shall not be granted unless such facilities as water lines, sewer lines and streets exist or are immediately planned in sufficient quantity to service the proposed new development.<sup>64</sup>
2. PUD projects shall be located with respect to arterials and collector streets or other transportation facilities so as to provide direct access without creating substantial traffic along local access streets in residential neighborhoods outside the PUD.<sup>65</sup>
3. PUD projects shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public cost will be required. Such PUD projects shall be so located with respect to schools, parks, playgrounds and other public facilities and services as to have access in the same degree as would development in a form generally permitted in the area; provided, that a PUD may be approved if, alternatively:<sup>66</sup>
  - a. The developers will provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis, and assure their satisfactory continuing operation and maintenance permanently or until equivalent public utilities, facilities or services are available<sup>67</sup>; or
  - b. The developers will make provision, acceptable to the City, for offsetting any added net public cost or early commitment of public funds necessitated by such development;<sup>68</sup> and
  - c. The city is able to make such determinations through experts acceptable to it and at the cost of the developers, considering the difference in anticipated public installation, operation and maintenance costs, and the difference in anticipated public revenue.<sup>69</sup>

### Criteria for Approval

The City may approve a PUD application only if it finds the following requirements have been met:

1. *Design*. The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and solely on this basis modifications to the use and design standards established by such regulations are warranted.<sup>70</sup>
2. *Meets Requirements*. The PUD meets the requirements for a PUD set forth in this chapter.<sup>71</sup>
3. *Consistent with Comprehensive Plan*. The PUD is consistent with the objectives of the City comprehensive plan as viewed in light of any changed conditions since its adoption.<sup>72</sup>
4. *Public Welfare*. The PUD will not be detrimental to the public health, safety, morals, or general welfare.<sup>73</sup>
5. *Compatible with Environs*. Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, substantially impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding

<sup>62</sup> (Victoria MN Municipal Code 2018)

<sup>63</sup> (City of West Branch IA 2013)

<sup>64</sup> (Blaine WA Municipal Code 2018)

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*

- property.<sup>74</sup>
6. *Natural Features.* The design of the PUD is as consistent as practical with the preservation of natural features of the site such as stands of mature trees, steep slopes, natural drainage ways, wetlands, or other areas of sensitive or valuable environmental character.<sup>75</sup>
  7. *Circulation.* Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of pedestrians, automobiles, trucks, bicycles, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.<sup>76</sup>
  8. *Open Space and Landscaping.* The quality and quantity of public and common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it usable for recreation purposes.<sup>77</sup>
    - a. Open space between all buildings is adequate to allow for light and air, for access by fire-fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted uses of adjacent property from adverse effects from the development.<sup>78</sup>
  9. *Covenants.* Where individual parcels or condominiums are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium associations and bylaws or covenants, conditions, and restrictions all in a form approved by the City, for the preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body, including such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan. Such a provision must be binding on all future ownership.<sup>79</sup>
  10. *Public Services.* The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the city, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burdens on existing residents and businesses.<sup>80</sup>
  11. *Phasing.* Each development phase of the PUD shall, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial sureties guaranteeing their improvement, is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.<sup>81</sup>

#### Procedure

The procedure to develop a PUD will generally adhere to City Code Chapter 170 “Subdivision Regulations” and Chapter 173 “Site Plan Requirements”.

Chapter 170 Section 21 “Large Scale Development” allows for the regulations to be modified by the

<sup>74</sup> Ibid.  
<sup>75</sup> (Blaine WA Municipal Code 2018)  
<sup>76</sup> Ibid.  
<sup>77</sup> Ibid.

<sup>78</sup> Ibid.  
<sup>79</sup> Ibid.  
<sup>80</sup> Ibid.  
<sup>81</sup> Ibid.

City Council per judgment of the Commission using the following process:<sup>82</sup>

1. Step one: Pre-application meeting.
  - a. Meet with City staff to review contemplated project in relation to community development objectives, the comprehensive plan, and this zoning ordinance. The pre-application meeting will determine requirements of the applicant. Comments received at the pre-application meeting shall not be binding;<sup>83</sup>
  - b. The purpose of the meeting is to provide early and informal notification to the public, to generate discussion, and make the proponent aware of community concerns relative to the proposed project;
  - c. City staff, the public, and the applicant should discuss creative approaches to address challenging site constraints or potential mitigations;<sup>84</sup>
  - d. Revision of the proposal based on input from the community conference is solely at the discretion of the applicant.<sup>85</sup>
2. Step two: Conceptual development (sketch plat) plan development for public review during a community conference. The developer is to erect a sign on the property identifying the proposed name of the development, identify the developer, and the public conference date(s) and time(s). Said sign shall be placed on the site at least ten days prior to a public meeting.<sup>86</sup> [Note: there is currently nothing in West Branch City Code Chapter 165 or 170 that details required signs for such purposes].
  - a. *Purpose.* The community conference is an informal public meeting hosted by the applicant. The purpose of the meeting is to provide early and informal notification to the public, to generate discussion, and make the proponent aware of community concerns relative to the proposed project. It is intended to provide a means by which the applicant, staff, and the public are able to work together in a productive and creative manner. However, options and issues raised may not be all-inclusive and no decisions or guarantees on the project design or outcome are made. Revision of the proposal based on input from the community conference is solely at the discretion of the applicant.<sup>87</sup>
  - b. *Expectations.* The applicant can expect the following results from the community conference:<sup>88</sup>
    - i. The more information an applicant can provide for a community conference, the more complete the feedback and input will be for the proposal;<sup>89</sup>
    - ii. Any information or opinions expressed shall not be binding on the final decision or constitute approval or denial of the proposed project;<sup>90</sup>
    - iii. Any inconsistencies with the comprehensive plan, this code and other applicable policies and regulations can be discussed;<sup>91</sup>
    - iv. City staff, the public, and the applicant should discuss creative approaches to address challenging site constraints or potential mitigations;<sup>92</sup>
    - v. Recommended revisions or modifications to the proposal will be discussed;<sup>93</sup> and
    - vi. The public will be invited to speak to issues related to the proposal, but their input shall not be considered public testimony in regard to the application when and if submitted.<sup>94</sup>
3. Step three: A master plan, together with a preliminary plat, plus a report of the community conference, is presented to the Commission for public hearing. The master plan is to be a site plan application, and shall include the following for consideration by City staff, the Commission, and the City Council:
  - a. Submittal of application, signed by the owner of the property with review fees as determined by the fee schedule;<sup>95</sup>

<sup>82</sup> (City of West Branch IA May, 2015)

<sup>83</sup> (Victoria MN Municipal Code 2018)

<sup>84</sup> (Blaine WA Municipal Code 2018)

<sup>85</sup> Ibid.

<sup>86</sup> (Victoria MN Municipal Code 2018)

<sup>87</sup> (Blaine WA Municipal Code 2018)

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> (Victoria MN Municipal Code 2018)

- b. Submit full preliminary plat plan as described in City Code Chapter 170 Section 05 “Requirements of a Preliminary Plat”;
  - c. Submit full final plat plan as described in City Code Chapter 170 Section 11 “Requirements of the Final Plat”;
  - d. Incorporates additional detail as necessary to clearly convey the intent of the developer and the approval of the city. This includes the conditions of project approval and the contents of the covenants, conditions, and restrictions in a manner that the master plan becomes the guiding document for development of the overall site, individual phases, building sites and structures, and public and private open space;<sup>96</sup>
  - e. Such submittal shall occur within 180 calendar days of the issuance of the final decision. A single 90-day extension may be granted by the planning commission upon written request of the applicant. No development, except clearing and grading, shall be authorized in the PUD until the master plan is approved by the planning commission;<sup>97</sup>
    - a. Shall include a conceptual streetscape plan, a preliminary landscape plan, a preliminary open space amenity, and trail plan;
    - b. Conceptual architectural renderings demonstrating the style of all residential and non-residential uses, with thorough detail for multiple-family residential, mixed-use and commercial structures.
  - f. Unless otherwise specified within this ordinance, the regulations and standards of the City’s Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within the PUD.
4. Step four: A final plat plan is submitted to the Commission, which holds a public meeting on the final plat and makes its recommendation to the City Council.
- a. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity;<sup>98</sup>
  - b. *Development Agreement.* The city may require the owner and developer of a proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the final PUD development plan as a condition to approval of a final PUD. The development agreement should include information regarding a potential homeowner’s association and outline the HOA maintenance plan as well as development amenities such as landscaping, lighting, and signage;<sup>99</sup>
  - c. *Letter of Credit.* The development agreement may require the developers to provide an irrevocable letter of credit in favor of the city, performance guarantee or cash escrow. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the city. The city may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in the amount sufficient to ensure the provision or development of improvement called for by the development agreement.<sup>100</sup>
5. Step five: The City Council holds a hearing on the final plat and determines its approval, denial or modification.
- a. Following a PUD approval by the City Council, the applicant shall make any required revisions and submit the revised PUD site plan and revised preliminary plat or other land division tool to the city for staff review, approval, and stamping.<sup>101</sup>

<sup>96</sup> (Blaine WA Municipal Code 2018)

<sup>97</sup> *Ibid.*

<sup>98</sup> (West Linn OR Municipal Code 2018)

<sup>99</sup> (Victoria MN Municipal Code 2018)

<sup>100</sup> (Victoria MN Municipal Code 2018)

<sup>101</sup> (Blaine WA Municipal Code 2018)

- b. Following a PUD approval by the City Council, the applicant shall prepare a final PUD master plan for review and approval by the Commission.<sup>102</sup>

### Modifications and Amendments

An approved PUD site plan may be modified or amended upon written request of the property owner(s).<sup>103</sup>

1. Modifications are minor changes to an approved PUD, subject to approval or denial as an administrative decision by the Commission, which do not:<sup>104</sup>
  - a. Change the residential density more than five percent by increasing or decreasing the number of units in a PUD;<sup>105</sup>
  - b. Change the mix of uses, or significantly alter the arrangement of buildings, or increase or decrease the commercial floor area by more than 10 percent;<sup>106</sup>
  - c. Significantly alter the amount or arrangement of open space or recreational amenities, or the treatment of environmentally sensitive areas that may exist on the site;<sup>107</sup>
  - d. Significantly alter the approved architectural concept of the PUD master plan or site plan;<sup>108</sup>
  - e. Significantly alter the basic layout of the approved project infrastructure;<sup>109</sup>
  - f. Require revision to the approved PUD master plan as determined by Commission.<sup>110</sup>
2. Amendments are major changes to an approved PUD that do not qualify as modifications.<sup>111</sup>
3. No amendment or modification may be considered that is more than a ten percent (10%) increase in density or change of uses on the property without a public hearing as required of a rezoning procedure.<sup>112</sup>
4. Proposed PUD amendments shall be processed in the same manner as a PUD application, including noticed community conference and public hearing, Commission review and recommendation, and review and decision by the City Council.<sup>113</sup>
5. Amendments to PUDs shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved PUD plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes.<sup>114</sup>

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<sup>102</sup> Ibid.

<sup>103</sup> (Blaine WA Municipal Code 2018)

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> (Cumming IA City Code 2016)

<sup>113</sup> (Blaine WA Municipal Code 2018)

<sup>114</sup> (West Linn OR Municipal Code 2018)

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