



PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 6:00 P.M. MONDAY, JULY 09, 2018 IN THE CITY COUNCIL CHAMBERS, 110 NORTH POPLAR STREET, WEST BRANCH, IOWA

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

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. Convene to Closed Session**
 - 1. Review and evaluate the performance of the City Administrator
- C. Reconvene to Open Session (7:00 pm)**
- D. Opening Ceremonies**
 - 1. Pledge of Allegiance
 - 2. Welcome
- E. Roll Call**
- F. Guest Speaker, Presentations and Proclamations**
 - 1. City Cam Project – Nick Shimmin, IT Director and Mike Horihan, Police Chief
- G. 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.

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H. 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 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 June 25, 2018.
2. **Motion to Approve** the Brick Arch Winery – Outdoor Service Permit for Hoover Hometown Days August 4th, 2018.
3. **Motion to Approve** Claims Report.

I. Public Hearing / Non-Consent Agenda

1. **Third 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.
2. **Second Reading of New Ordinance:** Planned Unit Development
3. **First Reading, Ordinance 756** Amending Chapter 92 – Water Rates Code of Ordinances (sec. 92.05 entitled: “Service Discontinued”).
4. **First Reading, Ordinance 757** Amending Chapter 70 – Traffic Code Enforcement Procedures (section 70.30 entitled: “Parking Violations: Alternate”).
5. **First Reading, Ordinance 758** Amending Chapter 80 – Abandoned Vehicles (sec. 80.06 entitled: “Fees for Impoundment”)
6. **First Reading, Ordinance 759** Amending Chapter 122 – Peddlers, Solicitors and Transient Merchants.
7. **Resolution 1726** – Adopting Various Administrative Service Fees and adding them to the West Branch Schedule of Fees.
8. **Motion to Authorize:** the City Administrator to finalize an Easement Access and Fence Request Agreement with Care Initiatives (aka Crestview).
9. **Motion to Approve** a Request for an Easement on College Street Bridge Project.
10. **Motion to Submit** the Amended West Branch Urban Renewal Plan to the Planning and Zoning Commission.
11. **Resolution 1727 – A Resolution Approving Partial Pay Estimate #3** in the Amount of \$247,973.87 to Needham Excavating Inc. for the Cubby Park Improvement Project.
12. **Discussion Item:** Consideration regarding additional waterway grading, clearing and grubbing for the Cubby Park Improvements Project.
13. **Discussion Item:** Discussion on delay of turf seeding and grow-in plan for the Cubby Park Improvements.

J. Reports

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

K. Comments from Mayor and Council Members

L. 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. The minutes are not approved until the next regularly scheduled City Council meeting.)

West Branch, Iowa
Council Chambers

City Council Meeting

June 25, 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, Jodee Stoolman and Jordan Ellyson were present. Brian Pierce and Nick Goodweiler was absent. Laughlin welcomed the audience and the following City staff: City Administrator Redmond Jones, City Attorney Kevin Olson, Deputy City Clerk Leslie Brick, Finance Officer Gordon Edgar, Park & Recreation Director Melissa Russell, Library Director Nick Shimmin, Fire Chief Kevin Stoolman and Police Chief Mike Horihan.

GUEST SPEAKER, PRESENTATIONS, AND PROCLAMATIONS

None.

PUBLIC COMMENT

None.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION

1. Motion to approve minutes for City Council Meeting June 4, 2018.
2. Motion to approve destruction of certain records with Shred-it Services listed on Records Destruction Form as per the Record Retention Manual for Iowa Cities.
3. Motion to approve West Branch Fire Department Class B Beer (BB) (Includes Wine Coolers) with Outdoor Service for Hoover’s Hometown Days.
4. Motion to approve Class E liquor license with privileges: Class B Carryout Wine permit, Class C Carryout Beer permit, and Sunday Sales permit for Kum & Go, LC, dba Kum & Go #254.
5. Motion to approve a consultant contract with Rebecca Knoche for the services of filming City Council meetings.
6. Motion to approve the Library Board appointment of Allen G. Eakes.
7. Resolution 1723 – Approving the Cedar County Solid Waste Commission 28E Agreement.
8. Motion to approve “The Down Under” Hoover’s Hometown Days – Outdoor Liquor Permit request.
9. Motion to approve claims report.

EXPENDITURES	6/25/2018	
BAKER & TAYLOR INC.	BOOKS	394.76
BARRON MOTOR SUPPLY	SUPPLIES	691.35
BEAVER HEATING AND AIR CON	FREON	235.50
BUSINESS RADIO SALES	SUPPLIES	38.29
CAJ ENTERPRISES INC	ROADSTONE	227.35
CEDAR RAPIDS PHOTO COPY IN	COPIER MAINTENANCE	138.31
CHIEF SUPPLY CORPORATION	UNIFORMS	92.72
CJ COOPER & ASSOCIATES	DRUG TESTING	35.00
DEWEYS JACK & JILL	DEWEYS JACK & JILL	38.54
DIAMOND VOGEL PAINTS	STREET PAINT	2,133.63
FEHR GRAHAM	308 PV PARK CONST MGMT	14,915.25
FELD FIRE EQUIPMENT CO. IN	EQUIPMENT	190.00
FINANCIAL ADJUSTMENT BUREA	COLLECTION FEE	12.40
GONGORA, JOSE	SAFETY CONSULTING	3,900.00
HARRY'S CUSTOM TROPHIES LT	SUPPLIES	75.00

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HY-VEE ACCOUNTS RECEIVABLE		61.64
IOWA ONE CALL		36.90
JOHN DEERE FINANCIAL		547.58
JOURNEYED COM INC		107.14
KIRKWOOD COMM. COLLEGE		7.00
MEDIACOM		40.90
MENARDS		169.96
MIDCO DIVING AND MARINE SE		2,975.00
MIDLAND GIS SOLUTIONS, LLC		18,607.00
MISCELLANEOUS VENDOR		
MUNICIPAL SUPPLY INC.		
OASIS ELECTRIC LLC		
OVERDRIVE INC		
PIP PRINTING & MARKETING S		
PITNEY BOWES INC		
PLAY IT AGAIN SPORTS		
PORT 'O' JONNY INC.		
QC ANALYTICAL SERVICES LLC		
QUALITY ENGRAVED SIGNS		
QUILL CORP		
STATE HYGIENIC LAB		
SWANK MOTION PICTURES INC		
U.S. POSTAL SERVICE		
UPS		
VERIZON WIRELESS		
WEST BRANCH FORD		
WEST BRANCH REPAIRS		
WEST BRANCH TIMES		
WEST LIBERTY GUN CLUB, INC		
TOTAL		64,551.79
PAYROLL	6/15/2018	57,261.44
PAID BETWEEN MEETINGS		
ANDERSON, MICHAEL	LIBRARY PROGRAM	325.00
CEDAR COUNTY RECORDER	RECORDING FEES	26.00
CROELL, INC.	TOWN HALL DRIVEWAY	970.50
FLANEGAN, JAMIE LYNN	LIBRARY PROGRAM	100.00
JULIA HIME	VIDEOGRAPHY SERVICES	300.00
PDT SERVICES	REPAIR ICE MACHINE	446.20
STEPHENS, CAROLE	LIBRARY PROGRAM	450.00
UPS	SEWER-SHIPPIING	21.82
HILLARY GRIER	UTILITY REFUND	33.55
HILLARY GRIER	DEPOSIT REFUND	100.00
ETS CORPORATION	CREDIT CARD FEES	126.00
ALLIANT ENERGY	ELECTRIC SERVICE	9,330.29
BAKER & TAYLOR INC.	BOOKS	395.31
BEAN & BEAN	GRAVE OPENINGS	1,650.00
BP AMOCO	VEHICLE FUEL	682.28
BROWN'S WEST BRANCH	MAINTENANCE SERVICE	115.19
GROUT MUSEUM DISTRICT	LIBRARY PROGRAM	291.00
INTOXIMETERS	SUPPLIES	38.00
JOHNSON COUNTY REFUSE	RECYCLING, GARBAGE STICKERS	4,463.00
KUSICK, MIKE	MILEAGE	27.82
LENOCH & CILEK	MAINTENANCE SUPPLIES	49.80
LINN COUNTY REC	ELECTRIC SERVICE	155.30
NEEDHAM EXCAVATING INC.	308 PV PARK CONSTRUCTION	362,865.81
PITNEY BOWES	POSTAGE METER LEASE - LIBRARY	102.39
PITNEY BOWES	POSTAGE	1,003.50
THE GAZETTE	SUBSCRIPTION	324.54
UNITED LABORATIES	SUPPLIES	433.20
UPS	SEWER-SHIPPIING	21.37
US BANK CORPORATE CREDIT CARD	PROGRAM SUPPLIES, TRAVEL EXPENSE	4,642.81

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US BANK EQUIPMENT FINANCE	COPIER LEASE	59.00
USA BLUE BOOK	SUPPLIES	120.96
WEX BANK	VEHICLE FUEL	1,922.68
BANKERS TRUST COMPANY	INTEREST & PRINCIPAL	585,251.69
IOWA FINANCE AUTHORITY	INTEREST & PRINCIPAL	53,797.50
BEST BUY	PROGRAM SUPPLIES	59.99
IOWA DEPT OF NATURAL RESOURCES	EXAM FEE	30.00
WALMART	SUPPLIES	280.57
TOTAL		
	1,031,013.07	
GRAND TOTAL EXPENDITURES		
	1,152,826.30	

FUND TOTALS		
001 GENERAL FUND		52,315.14
022 CIVIC CENTER		625.65
031 LIBRARY		13,511.12
110 ROAD USE TAX		7,238.55
112 TRUST AND AGENCY		13,764.68
226 GO DEBT SERVICE		585,251.69
308 PARK IMP - PEDERSEN VALLEY		377,781.06
600 WATER FUND		19,352.61
603 WATER SINKING FUND		53,797.50
610 SEWER FUND		29,188.30
GRAND TOTAL		1,152,826.30

Motion by Ellyson, second by Miller to approve all agenda/consent agenda items except #8 for more discussion. AYES: Ellyson, Miller, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Stoolman questioned why The Down Under (#8) did not have to meet the same double fencing requirement as the fire department for serving alcoholic beverages for the event and didn't agree with the fencing option presented. Council concluded that last year the same fencing was used and there were no issues. The Council also had no issue with the request for extended service hours.

Motion by Ellyson, second by Miller to approve agenda/consent agenda item #8 as submitted. AYES: Ellyson, Miller. NAYS: Stoolman. Absent: Pierce and Goodweiler. Motion carried.

Public Hearing / Non-Consent Agenda

Discussion: The Meadows Subdivision is beginning their planning process for phase 4 of their development. It is requiring decisions regarding aging sewer infrastructure.

Brad Larson, partner of KLM Development presented a preliminary concept for The Meadows – Phase 4 which includes the construction of a new street (Dawson Drive) that intersects with W. Main Street and goes north/northeast to the future Gilbert Drive extension which also provides access to Cedar-Johnson Road. The preliminary concept shows approximately 49 new residential lots. Larson said the existing sewer line running through the property is inadequate for handling the new phase and asked the Council to consider using TIF to reimburse KLM for replacing the sewer line. Larson said he had received a quote for approximately \$350,000 from Lynch Excavating for replacing the line. The council agreed that the sewer line has issues and was agreeable to considering an agreement with KLM. Council directed the City Administrator to pursue an agreement and bring back to the next meeting for consideration.

Third Reading Ordinance 754 – Approve the rezoning of the following described parcel located at 116 N. 1st 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. /Move to action.

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Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319)351-2277
Return to: Leslie Brick, Deputy City Clerk, P.O. Box 218, West Branch, Iowa 52358 (319)643-5888

ORDINANCE NO. 754

AN ORDINANCE RE-ZONING THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 116 N. 1ST 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. 1st 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.

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

First Reading: June 4, 2018
Second Reading: June 4, 2018 (Rules suspended)
Third Reading: June 25, 2018

Roger Laughlin, Mayor

ATTEST: _____
Redmond Jones II, City Administrator/Clerk

Motion by Miller, second by Ellyson to approve third reading of Ordinance 754. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Resolution 1724 – Approving an Agreement not to exceed \$50,000 for the services of site preparation to Barnhart’s Custom Services, LLC. /Move to action.

Laughlin said the agreement includes breaking up the remaining concrete, stock piling it on-site and grading of the area cleared.

Motion by Ellyson, second by Stoolman to approve Resolution 1724. AYES: Ellyson, Stoolman, Miller. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Third Reading Ordinance 751, Amending Chapter 69.08 entitled “No Parking Zone” (add 67) to prohibit Semi Truck and other parking on Tidewater Drive. /Move to action.

Motion by Miller, second by Ellyson to approve third reading of Ordinance 751. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

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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

Roger Laughlin, Mayor

ATTEST: _____

Leslie Brick, Deputy City Clerk

Third 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. /Move to action.

Stoolman said a resident approached her for clarification on requirements for skateboarders if they were to wear lights as is required for bicyclists at night. Chief Horihan explained the difference between pedestrian and bicyclist laws and said that skateboards fall under the pedestrian laws. He reiterated that the change had public safety in mind and to create a safer environment. Horihan provided examples of dangerous behavior recently observed which prompted this Code change. The council decided to table this item and bring back to the next meeting to give the change some additional thought.

Motion by Miller, second by Ellyson to postpone the third reading of Ordinance 752. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Resolution 1722 – A Resolution Setting Salaries for Appointed Officers and Employees of the City of West Branch, Iowa for Fiscal Year 2019. /Move to action.

Motion by Miller, second by Ellyson to approve Resolution 1722. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

Motion to Approve an Updated West Branch Schedule of Fees. /Move to action.

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

Discussion: Care Initiatives (Crestview) Easement Access and Fence Request.

Jones provided some background on a recent discovery with the Cubby Park project regarding the need for an easement from Care Initiatives (Crestview) to get power to the park. Jones then gave an update from a recent meeting with Alliant Energy who is working on an alternate solution which will not require the easement. Jones said staff is also working on a solution for the fence request.

Resolution 1725 – Authorizing the City Administrator to enter into a Settlement Agreement and Release with French Reneker Associates Inc. Engineers & Surveyors of Fairfield, Iowa.

Jones reported that he and Councilperson Miller met with a representative from French-Reneker Associates recently and came to an agreement with receiving a refund of engineering fees paid for the West Branch Village

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project which failed to meet DNR standards. The agreement was mutually agreed upon between both parties and Jones suggested that the Council allow City Engineer Dave Schechinger review the site to see if the project can be redesigned and completed sometime in the future. Jones also said the REAP grant funds the City received would need to be returned and that the City would have to re-apply for the grant.

Motion by Miller, second by Ellyson to approve Resolution 1725. AYES: Miller, Ellyson, Stoolman. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

First Reading of New Ordinance: Planned Unit Development

Laughlin said the ordinance was written and approved by the Planning & Zoning Commission for the former Croell Redi Mix site. Although very detailed in nature, Laughlin said it does what it was intended to do and that was give the City control over what gets developed on the site. Laughlin recommended that the Council approve the language for the new ordinance. Note: the ordinance will be numbered 755 and will appear as such on the next Council agenda.

Motion by Miller, second by Stoolman to approve first reading of Ordinance 755. AYES: Miller, Stoolman, Ellyson. Absent: Pierce and Goodweiler. NAYS: None. Motion carried.

CITY ADMINISTRATOR REPORT

Jones reported on a recent meeting with Veenstra & Kimm and the waste water task group and said the engineers informed them that the City's current lagoon system is operating at or above capacity. The means that another lagoon will be needed with any alternative waste water process chosen. Estimated costs for adding a third lagoon is \$1 million. The alternative would be to build a waste water plant but preliminary estimates show the operating costs will be higher than a lagoon process. The task group will meet again to discuss next steps and will be waiting for the DNR required facility study (scope of work and process) identified and available for Council review in July. Jones also said the US Autoforce has moved into their new location on Council Drive and is hiring. Jones also reported that a fireworks tent opened on Friday, June 22nd in an open lot on Tidewater Drive.

CITY ATTORNEY REPORT

No report.

STAFF REPORTS

Park & Recreation Director, Melissa Russell reported that the City received a Minnesota Twins grant in the amount of \$5,000 for Cubby Park to be used for the ball fields.

COMMENTS FROM MAYOR AND COUNCIL MEMBER

Mayor Laughlin mentioned the Acciona agreement should be reviewed and addressed before the next annual appropriation is due on December 1st. He also mentioned that the City of Clarence recently installed a small splash pad using community donations and discussed how they are operating it.

Stoolman questioned if the grates from the storm sewers along 6th Street were going to be re-installed as she felt they imposed a safety hazard. Public Works Director Matt Goodale was not available for comment.

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ADJOURNMENT

Motion to adjourn by Miller, second by Ellyson. Motion carried on a voice vote. City Council meeting adjourned at 8:39 p.m.

Roger Laughlin, Mayor

ATTEST: _____

Leslie Brick, Deputy City Clerk

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Motion to Approve the Brick Arch Winery – Outdoor Service Permit for Hoover Hometown Days August 4 th , 2018
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Deputy City Clerk Leslie Brick
DATE:	July 6, 2018

BACKGROUND:

Brick Arch Winery has submitted a sketch for outdoor service for Hoover’s Hometown Days. The license will be for Saturday, August 4th from 11:00 a.m. to 5:00 p.m.

STAFF RECOMMENDATION: Approve Motion – Move to Action

REVIEWED BY CITY ADMINISTRATOR:

COUNCIL ACTION:

MOTION BY:

SECOND BY:

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Motion to Approve the Claims Report
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Gordon Edgar, Finance Director
DATE:	July 6, 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.

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

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EXPENDITURES

7/9/2018

ALLIANT ENERGY	LIGHTS-219 E GREEN	12.30
BRICK, LESLIE	MILEAGE	108.08
EAST CENT INTERGOVT ASN.	DUES 7-1-18 TO 12-31-18	766.26
HAWKINS INC	CHEMICALS-AZONE	817.85
ICMA	ICMA DUES 7-1-18 TO 6-30-19	720.00
IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	563.75
IOWA CITY/COUNTY MANAGEMEN	MEMBERSHIP DUES	120.00
IOWA DEPARTMENT OF NATURAL	ANNUAL WATER SUPPLY FEE	266.69
IOWA LEAGUE OF CITIES	MEMBERSHIP DUES	1,491.00
JOHNSON COUNTY EMERGENCY M	FY-2019 HAZ MAT TEAM 28E AGREM	47.50
LIBRARICA LLC	SOFTWARE SERVICE RENEWAL	313.35
LINN COUNTY R.E.C.	LIGHTS & SIREN @ GREENVIEW	155.30
OLSON, KEVIN D	LEGAL SERVICES	1,500.00
PORT 'O' JONNY INC.	SERVICE -WAPSI PARK	180.00
TYLER TECHNOLOGIES	SOFTWARE SUBSCRIPTION FEE	8,378.00
UPS	SEWER-SHIPING	43.82
US BANK EQUIPMENT FINANCE	LIBRARY COPIER LEASE	59.00
WEST BRANCH TIMES	ADVERTISING, LEGAL PUB	388.85
WINDSTAR LINES INC	BUS CHARTER - CAMP	1,290.00
TOTAL		17,221.75

PAYROLL

6/29/2018

42,214.13

PAID BETWEEN MEETINGS

ALEXIS FIRE EQUIPMENT COMPANY	MAINTENANCE SERVICE	12,105.00
MIDWEST WIRELESS LLC	CAMERAS	3,067.50
MENARDS	MAINTENANCE SUPPLIES	20.95
MUNICIPAL PIPE TOOL CO. LLC	SEWER MAINTENANCE & INSPECTION	5,550.20
OASIS ELECTRIC LLC	SERVICE CLL	70.00
AMAZON	BOOKS, PROGRAM SUPPLIES	924.30
BAKER & TAYLOR	BOOKS, PROGRAM SUPPLIES	155.25
BEAVER HEATING & AIR CONDITIONING	SERVICE CALL	117.00
CY'S TREE REMOVAL	TREE REMOVAL & STUMP GRINDING	11,580.00
FELD FIRE EQUIPMENT CO. INC.	EQUIPMENT	1,807.00
GALAXY CLEANING SERVICES	CLEANING SERVICE	1278.66
HARRY'S CUSTOM TROPHIES	MEDALS	352.00
JULIA HIME	VIDEOGRAPHY SERVICES	50.00
KIRKWOOD COMMUNITY COLLEGE	CPR TRAINING	238.00
KNOCHE, REBECCA	VIDEOGRAPHY SERVICES	150.00
KOCH BROTHERS	COPIER MAINTENANCE	427.64
LIBERTY COMMUNICATIONS	TELEPHONE SERVICE	1,277.19
OFFICE OF AUDITOR OF STATE	AUDIT SERVICES	12,935.52
OVERDRIVE INC	BOOKS	134.98
PACHECO, HUGO VINICIO HERNANDEZ	REPLACE KITCHEN FLOOR	2,710.00
PLAY IT AGAIN SPORTS	SUPPLIES	33.27
PLUNKETT'S PEST CONTROL	PEST CONTROL	95.18
PSC DISTRIBUTION	SUPPLIES	190.04
QUILL	SUPPLIES	183.34

SHRED-IT USA	DOCUMENT DESTRUCTION	45.00
SUPPLYWORKS	MAINTENANCE SUPPLIES	47.67
VEENSTRA & KIMM	WW TREATMENT FAC-PRELIM EVALUATION	1,480.50
WEST BRANCH FAMILY PRACTICE	DRUG TESTING	40.00
BENDERA, GEORGE & ALINE	UTILITY REFUND	28.21
KILBURG, JUSTINE	UTILITY REFUND	61.79
BLANK PARK ZOO	LIBRARY -SUMMER PROGRAM	157.24
HAWKEYE PHOTO BOOTHS	HHTD AMUSEMENT	450.00
IMWCA	WORKMEN'S COMPENSATION	4,725.00
IOWA COMMUNITIES ASSURANCE POOL	PROPERTY & LIABILITY INSURANCE	43,374.73
TOTAL		105,863.16
GRAND TOTAL EXPENDITURES		165,299.04
FUND TOTALS		
001 GENERAL FUND		65,048.16
022 TOWN HALL		3,171.33
031 LIBRARY		7,442.46
036 TORT LIABILITY		35,570.31
110 ROAD USE TAX		14,232.51
112 TRUST AND AGENCY		4,570.76
600 WATER FUND		15,274.75
610 SEWER FUND		19,988.76
GRAND TOTAL		165,299.04

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE OPERATION	GENERAL FUND	WEST BRANCH TIMES	ADVERTISING, LEGAL PUB	30.00
			TOTAL:	30.00
FIRE OPERATION	GENERAL FUND	JOHNSON COUNTY EMERGENCY MANAGEMENT AG	FY-2019 HAZ MAT TEAM 28E A	47.50
			TOTAL:	47.50
STREET LIGHTING	GENERAL FUND	LINN COUNTY R.E.C.	LIGHTS & SIREN @ GREENVIEW	155.30
			TOTAL:	155.30
PARK & RECREATION	GENERAL FUND	PORT 'O' JONNY INC.	SERVICE -WAPSI PARK	90.00
		ALLIANT ENERGY	LIGHTS-219 E GREEN	12.30
		WINDSTAR LINES INC	BUS CHARTER - CAMP	1,290.00
			TOTAL:	1,392.30
CEMETERY	GENERAL FUND	TYLER TECHNOLOGIES	SOFTWARE SUBSCRIPTION FEE	587.00
		PORT 'O' JONNY INC.	SERVICE-CEMETERY	90.00
			TOTAL:	677.00
COMM & CULTURAL DEVEL	GENERAL FUND	WEST BRANCH TIMES	ADVERTISING, LEGAL PUB	90.00
			TOTAL:	90.00
CLERK & TREASURER	GENERAL FUND	EAST CENT INTERGOVT ASN.	DOES 7-1-18 TO 12-31-18	766.26
		IOWA LEAGUE OF CITIES	MEMBERSHIP DUES	1,491.00
		TYLER TECHNOLOGIES	SOFTWARE SUBSCRIPTION FEE	3,756.00
		BRICK, LESLIE	MILEAGE	108.08
		IOWA CITY/COUNTY MANAGEMENT ASSOC.	MEMBERSHIP DUES	120.00
		ICMA	ICMA DUES 7-1-18 TO 6-30-1	720.00
			TOTAL:	6,961.34
LEGAL SERVICES	GENERAL FUND	WEST BRANCH TIMES	ADVERTISING, LEGAL PUB	268.85
		OLSON, KEVIN D	LEGAL SERVICES	1,500.00
			TOTAL:	1,768.85
LIBRARY	LIBRARY	LIBRARICA LLC	SOFTWARE SERVICE RENEWAL	313.35
		US BANK EQUIPMENT FINANCE	LIBRARY COPIER LEASE	59.00
			TOTAL:	372.35
WATER OPERATING	WATER FUND	IOWA DEPARTMENT OF NATURAL RESOURCES	ANNUAL WATER SUPPLY FEE	266.69
		TYLER TECHNOLOGIES	SOFTWARE SUBSCRIPTION FEE	2,017.50
		IOWA ASSN. MUN. UTILITIES	SAFETY TRAINING	563.75
		HAWKINS INC	CHEMICALS-AZONE	817.85
			TOTAL:	3,665.79
SEWER OPERATING	SEWER FUND	TYLER TECHNOLOGIES	SOFTWARE SUBSCRIPTION FEE	2,017.50
		UPS	SEWER-SHIPPIING	21.82
			SEWER-SHIPPIING	22.00
			TOTAL:	2,061.32

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
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===== FUND TOTALS =====
001 GENERAL FUND          11,122.29
031 LIBRARY                372.35
600 WATER FUND           3,665.79
610 SEWER FUND            2,061.32
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GRAND TOTAL:             17,221.75
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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	June 25, 2018
AGENDA ITEM:	Third Reading, Ordinance 752 , Amending Chapter 76 entitled “Bicycle Regulations” (amending subsections 02, 10, 11 and 14) to include the “Operation of Skate Boards”.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Mike Horihan, Police Chief
DATE:	June 21, 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.

In response to the discussion and questions from the June 25th City Council Meeting the State of Iowa definition for bicycle and pedestrian is provided. There was also reference to West Liberty’s Ordinance... that is also included in the attachments. Please see attachment 1 and attachment 2 within this item.

STAFF RECOMMENDATION:	Approve Third and Final Reading – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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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

Attachment 1:

321.1 (40) Bicycle Definition (Iowa)

c. “Bicycle” means either of the following:(1) A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.(2) A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

321.1 (40) Pedestrian (Iowa)

51. “Pedestrian” means any person afoot.

321.326 Pedestrians on left. (Iowa)

Pedestrians shall at all times when walking on or along a highway, walk on the left side of such highway.

WEST BRANCH CITY ORDINANCE

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

67.01 WALKING IN STREET. Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code of Iowa, Sec. 321.328)

67.04 USE SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

WEST LIBERTY ORDINANCE

8-2-11: ROLLER SKATES; SIMILAR DEVICES:

- A. Riding On Roadways Restricted: No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City. (1975 Code § 8-2-10)
- B. Skateboards; Rollerblades; Roller Skates: It shall be unlawful for any person to ride on a skateboard, which is a board held off the ground by a series of wheels, rollerblades or roller skates, on any sidewalk in the "central business district", as defined in Section [8-1-1](#) of this Title; and also the area bounded to the north by the alley between Fourth and Fifth Streets and Clay Street and Spencer Street. It shall be unlawful for any person to ride a "skateboard", as defined, rollerblades or roller skates, on any street or alley within the City limits. In all cases, and upon all sidewalks and crosswalks within the City limits, the pedestrians shall have the right of way. A violator of this Section shall be subject to a fine of five dollars (\$5.00). (Ord. 4-91, 8-20-1991; and. Ord. 8-95, 6-20-1995; 1998 Code)

8-2-12: FINES NOT PAID:

All five dollar (\$5.00) fines not paid within thirty (30) days of the date upon which the violation occurred shall increase to ten dollars (\$10.00). (Ord. 8-95, 6-20-1995)

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 (tabled)
Third Reading: July 9, 2018

Roger Laughlin, Mayor

ATTEST:

Leslie Brick, Deputy City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	June 25, 2018
AGENDA ITEM:	Second Reading of Ordinance 755, Amending Chapter 165 with new section 165.50; entitled: “Planned Unit Development”
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Roger Laughlin, Mayor
DATE:	June 21, 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

STAFF RECOMMENDATION:	Approve Second Reading – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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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.¹

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.² 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”³ 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.⁴ Approval of a PUD results in a change in zoning district with specific requirements and standards that are unique to the PUD.⁵

The PUD is a negotiated private/public contract for land development, rather than a development following a set of minimum requirements.⁶ 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;⁷
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;⁸
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;⁹
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;¹⁰
5. Provide incentive for cluster development to increase open space, avoid development within environmentally sensitive areas, and encourage remediation of brownfield sites;¹¹

¹ (Nervig 2014)

² (American Planning Association 2006)

³ (City of West Branch IA 2013, 78)

⁴ (Perry IA Code of Ordinances May, 2006)

⁵ (Blaine WA Municipal Code 2018)

⁶ (Burlington IA City Code 2018)

⁷ (Blaine WA Municipal Code 2018)

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ 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;¹²
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;¹³
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;¹⁴
 - b. Support the vision of the Complete Streets policy¹⁵ to “provide safe and comfortable routes for walking, bicycling, and, in the future when practicable, public transportation”;¹⁶
 - 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;¹⁷ promote preservation, rehabilitation, and investment in the city housing stock and neighborhoods to improve housing opportunities;¹⁸ and, address affordable housing needs by increasing aging-in-place ownership, rental options and inclusionary zoning;¹⁹
 - d. Support the Economic Development goal to reuse, revitalize, and redevelop underutilized commercial properties;²⁰ improve the local shopping atmosphere;²¹ retain and expand existing local businesses;²² and, increase number of entrepreneurial firms;²³
 - e. Support the Administrative goal to provide opportunities for recreation activities, connect to the Hoover Nature Trail and synchronize with the Community Trails Plan;²⁴
 - 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.²⁵

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”:²⁶

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

¹² Ibid.

¹³ (West Linn OR Municipal Code 2018)

¹⁴ (City of West Branch IA 2013, 10)

¹⁵ (City of West Branch IA 2013, 10)

¹⁶ (City of West Branch IA Pending 2018, 5)

¹⁷ (City of West Branch IA 2013, 72)

¹⁸ (City of West Branch IA 2013, 8)

¹⁹ (City of West Branch IA January 2018, 4)

²⁰ (City of West Branch IA Pending, 2)

²¹ Ibid.

²² (City of West Branch IA 2013, 6)

²³ Op. Cit., p. 7

²⁴ Op. Cit., p. 11

²⁵ Op. Cit., p. 13, 14

²⁶ (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, Accessed Nov., 2017

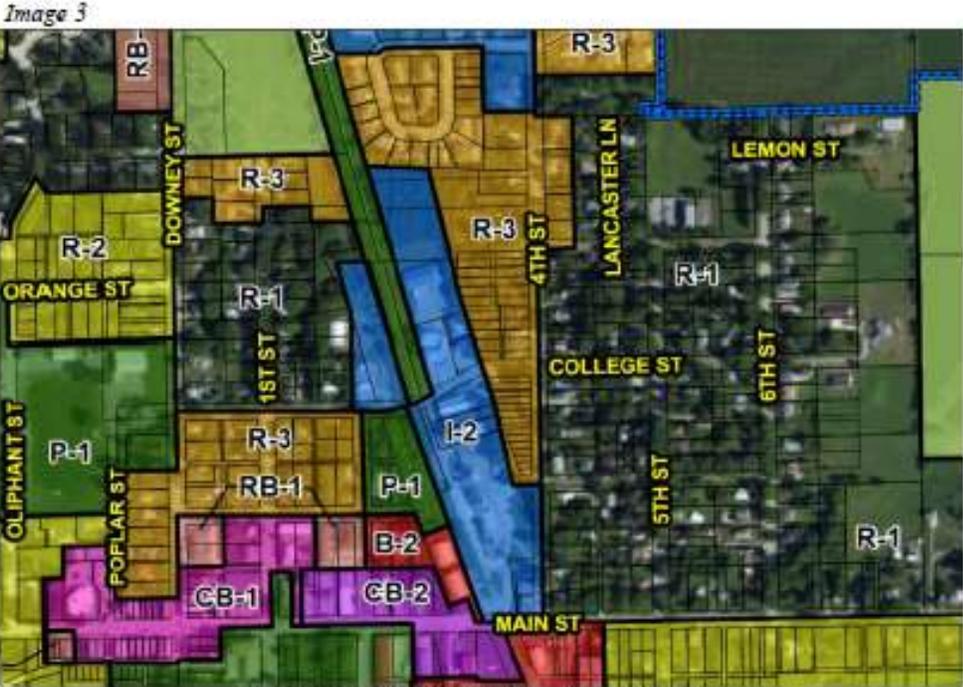
Image 2



The proposed PUD site is outlined in red.

Source: Cedar County Assessor, 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

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
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;²⁷ or
2. All owners having title to the property in the area proposed for the PUD project.²⁸

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.²⁹

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.³⁰

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

²⁷ (Blaine WA Municipal Code 2018)

²⁸ Ibid.

²⁹ (Victoria MN Municipal Code 2018)

³⁰ Ibid.

compliance with the proposed or approved PUD.³¹

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.³²

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 buildings³³:
 - 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.³⁴
3. Neighborhood retail commercial and service establishments:³⁵
 - 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

³¹ Ibid.

³² (Victoria MN Municipal Code 2018)

³³ (Cumming IA City Code 2016)

³⁴ Ibid.

³⁵ 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.³⁶
 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.³⁷

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.³⁸
 - 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.³⁹
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.⁴⁰
3. *Façade*. Buildings facing public streets must have entrance doors facing the public street.

³⁶ (Cumming IA City Code 2016)

³⁷ *Ibid.*

³⁸ (City of Portland OR 2035 2016)

³⁹ *Ibid.*

⁴⁰ (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.⁴¹ 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.⁴² 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.⁴³
6. *Signs.* Sign requirements shall follow provisions of the adopted sign ordinance for the most closely related zoning district.⁴⁴
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.⁴⁵
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.⁴⁶
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.⁴⁷

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.⁴⁸
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.⁴⁹
3. No parking space shall be greater than seventy-five (75) feet from a landscaped open space.⁵⁰
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

⁴¹ (Blaine WA Municipal Code 2018)

⁴² (Cumming IA City Code 2016)

⁴³ Ibid.

⁴⁴ (Victoria MN Municipal Code 2018)

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ (Cumming IA City Code 2016)

⁴⁹ Ibid.

⁵⁰ Ibid.

or parking bay aisle providing direct access to the parking space.⁵¹

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.⁵²
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.⁵³
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:⁵⁴

1. Minimum safety standards for emergency vehicle access are provided within the PUD.⁵⁵
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.⁵⁶
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.⁵⁷
4. Approval of a private street would not negatively impact the traffic circulation in the surrounding neighborhood or area.⁵⁸
5. Through streets extending across the PUD site are not identified in the comprehensive plan.⁵⁹
6. The applicant demonstrates the ability to maintain a private street system within the PUD.⁶⁰
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.⁶¹

⁵¹ Ibid.

⁵² (Cumming IA City Code 2016)

⁵³ (West Linn OR Municipal Code 2018)

⁵⁴ (Blaine WA Municipal Code 2018)

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ 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.⁶² 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.⁶³

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.⁶⁴
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.⁶⁵
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:⁶⁶
 - 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 available⁶⁷; 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;⁶⁸ 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.⁶⁹

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.⁷⁰
2. *Meets Requirements*. The PUD meets the requirements for a PUD set forth in this chapter.⁷¹
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.⁷²
4. *Public Welfare*. The PUD will not be detrimental to the public health, safety, morals, or general welfare.⁷³
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

⁶² (Victoria MN Municipal Code 2018)

⁶³ (City of West Branch IA 2013)

⁶⁴ (Blaine WA Municipal Code 2018)

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

- property.⁷⁴
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.⁷⁵
 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.⁷⁶
 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.⁷⁷
 - 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.⁷⁸
 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.⁷⁹
 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.⁸⁰
 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.⁸¹

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

⁷⁴ Ibid.
⁷⁵ (Blaine WA Municipal Code 2018)
⁷⁶ Ibid.
⁷⁷ Ibid.

⁷⁸ Ibid.
⁷⁹ Ibid.
⁸⁰ Ibid.
⁸¹ Ibid.

City Council per judgment of the Commission using the following process:⁸²

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;⁸³
 - 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;⁸⁴
 - d. Revision of the proposal based on input from the community conference is solely at the discretion of the applicant.⁸⁵
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.⁸⁶ [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.⁸⁷
 - b. *Expectations.* The applicant can expect the following results from the community conference:⁸⁸
 - i. The more information an applicant can provide for a community conference, the more complete the feedback and input will be for the proposal;⁸⁹
 - ii. Any information or opinions expressed shall not be binding on the final decision or constitute approval or denial of the proposed project;⁹⁰
 - iii. Any inconsistencies with the comprehensive plan, this code and other applicable policies and regulations can be discussed;⁹¹
 - iv. City staff, the public, and the applicant should discuss creative approaches to address challenging site constraints or potential mitigations;⁹²
 - v. Recommended revisions or modifications to the proposal will be discussed;⁹³ 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.⁹⁴
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;⁹⁵

⁸² (City of West Branch IA May, 2015)

⁸³ (Victoria MN Municipal Code 2018)

⁸⁴ (Blaine WA Municipal Code 2018)

⁸⁵ Ibid.

⁸⁶ (Victoria MN Municipal Code 2018)

⁸⁷ (Blaine WA Municipal Code 2018)

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ (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;⁹⁶
 - 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;⁹⁷
 - 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;⁹⁸
 - 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;⁹⁹
 - 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.¹⁰⁰
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.¹⁰¹

⁹⁶ (Blaine WA Municipal Code 2018)

⁹⁷ *Ibid.*

⁹⁸ (West Linn OR Municipal Code 2018)

⁹⁹ (Victoria MN Municipal Code 2018)

¹⁰⁰ (Victoria MN Municipal Code 2018)

¹⁰¹ (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.¹⁰²

Modifications and Amendments

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

1. Modifications are minor changes to an approved PUD, subject to approval or denial as an administrative decision by the Commission, which do not:¹⁰⁴
 - a. Change the residential density more than five percent by increasing or decreasing the number of units in a PUD;¹⁰⁵
 - 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;¹⁰⁶
 - 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;¹⁰⁷
 - d. Significantly alter the approved architectural concept of the PUD master plan or site plan;¹⁰⁸
 - e. Significantly alter the basic layout of the approved project infrastructure;¹⁰⁹
 - f. Require revision to the approved PUD master plan as determined by Commission.¹¹⁰
2. Amendments are major changes to an approved PUD that do not qualify as modifications.¹¹¹
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.¹¹²
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.¹¹³
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.¹¹⁴

¹⁰² Ibid.

¹⁰³ (Blaine WA Municipal Code 2018)

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² (Cumming IA City Code 2016)

¹¹³ (Blaine WA Municipal Code 2018)

¹¹⁴ (West Linn OR Municipal Code 2018)

Works Cited

- American Planning Association. 2006. *Planning and Urban Design Standards*. New Jersey: Wiley Publishers.
- Blaine WA Municipal Code. 2018. *Blaine Municipal Code*. Accessed February 2018.
<http://www.codepublishing.com/WA/Blaine/#!/Blaine17/Blaine1768.html>.
- Burlington IA City Code. 2018. *Burlington Iowa Code of Ordinances*. Burlington: City of Burlington Iowa. Accessed February 2018.
https://library.municode.com/ia/burlington/codes/code_of_ordinances?nodeId=ZONING_SUBDIVISION_CH170.20DIRE_170.20.40PUPLUNDE.
- City of Portland OR 2035. 2016. *2035 Comprehensive Plan*. Portland: City of Portland. Accessed February 2018. <https://www.portlandoregon.gov/bps/2035-comp-plan.pdf>.
- City of West Branch IA. May, 2015. *City of Ordinances of the City of West Branch, Iowa*. Clear Lake: Iowa Codification, Inc.
- City of West Branch IA. Pending. *Draft Chapter 7: Economic Development*. Comprehensive Plan, City of West Branch Iowa.
- City of West Branch IA. Pending 2018. *Draft Chapter 9: Transportation*. Comprehensive Plan, City of West Branch Iowa.
- City of West Branch IA. January 2018. *Revised Chapter 6: Housing*. Comprehensive Plan, City of West Branch Iowa.
- City of West Branch IA. 2013. *West Branch Comprehensive Plan*. Comprehensive Plan, City of West Branch Iowa.
- Cumming IA City Code. 2016. Cumming. Accessed February 18, 2018. http://www.cumming-iowa.com/index.asp?Type=B_BASIC&SEC=%7B2ED43C5E-E183-4B86-9128-1EAB44F5AC6B%7D.
- Nervig, James E. 2014. *2014 Zoning Law*. West Des Moines: Brick Gentry P.C. Accessed February 18, 2018. <http://www.brickgentrylaw.com/support/upload/news/ZoningLaw.pdf>.
- Perry IA Code of Ordinances. May, 2006. "Code of Ordinances Chapter 165 Planned Unit Development District, PUD." Ordinance, Perry. <http://www.perryia.org/code-of-ordinances.html>.
- Victoria MN Municipal Code. 2018. *Victoria, MN*. Accessed February 2018.
https://library.municode.com/mn/victoria/codes/code_of_ordinances?nodeId=PTIILADEOR_CH109ZOLAUSRE_ARTXVIIPLUNDEPU.
- West Linn OR Municipal Code. 2018. "West Linn Community Development Code." West Linn. Accessed February 2018. <http://www.codepublishing.com/OR/WestLinn/CDC.html>.



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	First Reading Ordinance 756 , Amending Chapter 92 – Water Rates.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Deputy City Clerk Leslie Brick
DATE:	July 5, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Public Works Director Matt Goodale requested a fee increase for the water service disconnection (Chapter 92.05(4) Service Disconnection. The fee is requested to be increased to cover the cost of staff time and to deter habitual offenders.

STAFF RECOMMENDATION:	Approve 1st Reading of Ordinance 756
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

"Turning Vision Into Reality is our Business"

ORDINANCE 756

ORDINANCE AMENDING CHAPTER 92 – WATER RATES

CHAPTER 92 WATER RATES CODE OF ORDINANCES, WEST BRANCH, IOWA

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following: (Code of Iowa, Sec. 384.84)

1. Notice. The billing clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance. 2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of twenty dollars ~~(\$20.00)~~ (\$50.00) shall be charged before service is restored to a delinquent customer during working hours and a fee of fifty dollars ~~(\$50.00)~~ (\$75.00) shall be charged before service is restored during non-working hours. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	First Reading Ordinance 757 , Amending Chapter 70 – Traffic Code Enforcement Procedures (sec. 70.03 entitled: “Parking Violations: Alternate”).
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Deputy City Clerk Leslie Brick
DATE:	July 5, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Police Chief Mike Horihan requested a fee increase for parking violations (Chapter 70.03 Parking Violations. The change is requested to charge a late fee on parking violations to improve timely collections and to increase the disability parking fee to current state limit of \$200.00.

STAFF RECOMMENDATION:	Approve 1st Reading of Ordinance 757
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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ORDINANCE 757

ORDINANCE AMENDING CHAPTER 70 – TRAFFIC CODE ENFORCEMENT PROCEDURES

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine of payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of fifteen dollars (\$15.00) (\$30 after 10 days) for all violations except improper use of a persons with disabilities parking. The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (~~\$100.00~~) (\$200.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

(Ord. 607 – Mar. 06 Supp.) (Code of Iowa, Sec. 321.236 [1a] & 321L.4[2])



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	First Reading Ordinance 758 , Amending Chapter 80 – Abandoned Vehicles.
CITY GOAL:	Promote quality of life including public safety, community pride events, strong citizen involvement, parks and recreation opportunities and investment.
PREPARED BY:	Leslie Brick, Deputy City Clerk
DATE:	July 5, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Police Chief Mike Horihan requested a fee increase for impounding vehicles (Chapter 80.06 - Fees for Impoundment). The change is requested to increase storage fees from \$3.00 per day to \$35.00 per day.

STAFF RECOMMENDATION:	Approve First Reading – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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ORDINANCE 758

ORDINANCE AMENDING CHAPTER 80 – ABANDONED VEHICLES

80.06 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay three dollars (~~\$3.00~~) (\$35.00) if claimed within five (5) days of impounding, plus one dollar (\$1.00) for each additional day within the reclaiming period plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

(Code of Iowa, Sec. 321.89[3a])



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	First Reading, Ordinance 759 Amending Chapter 122 – Peddlers, Solicitors and Transient Merchants.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Deputy City Clerk Leslie Brick
DATE:	July 5, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, Chapter 122 - Peddlers, Solicitors and Transient Merchants (Chapter 122.05 – License Fees), Council requested staff to research fees that surrounding cities charge for permits. The information for 4 surrounding cities is attached for Council review and direction.

STAFF RECOMMENDATION:	Approve First Reading – Move to Action
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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ORDINANCE 759

**ORDINANCE AMENDING CHAPTER 122 – PEDDLERS, SOLICITORS AND
TRANSIENT MERCHANTS**

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

- 1. For one day..... \$ 10.00
- 2. For one week..... \$ 25.00
- 3. For up to six (6) months..... \$ 100.00
- 4. For one year or major part thereof \$ 175.00

City #1 – Tiffin, IA

- 1. For one day..... \$ 30.00
- 2. For one week..... \$ 50.00
- 3. For up to six (6) months..... \$ 100.00
- 4. For one year or major part thereof \$ 250.00

City #2 – Center Point, IA

- 1. For one day..... \$ 10.00
- 2. For one week..... \$ 25.00
- 3. For up to six (6) months..... \$ 50.00
- 4. For one year or major part thereof \$ 150.00

City #3 – North Liberty, IA

- Application Fee \$10 (non-refundable)
- For Solicitors - \$20 per year
- For Peddlers & Transient Merchants
- 1. For one day..... \$10.00
- 2. For one week..... \$ 15.00
- 3. For up to six (6) months..... \$ 40.00
- 4. For one year or major part thereof \$ 75.00

City #4 – Walcott, IA

- 1. Good for one day only..... \$ 5 (48 hour waiting period)



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Resolution 1726 – Adopting Various Administrative Fees and adding them to the West Branch Schedule of Fees.
CITY GOAL:	Establish a sound and sustainable government supported by professionalism, progressive thinking and modernizing the organization.
PREPARED BY:	Deputy City Clerk Leslie Brick
DATE:	July 5, 2018

BACKGROUND:

During a review of current fees listed in the West Branch Code of Ordinances, staff reviewed various services provided and requested to the ability to consistently charge for such services. Fees are listed on “Exhibit A”.

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

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RESOLUTION 1726

**RESOLUTION ADOPTING VARIOUS ADMINISTRATIVE SERVICE FEES AND
ADDING THEM TO THE WEST BRANCH SCHEDULE OF FEES**

WHEREAS, the City charges fees for various licenses, permits and applications to cover its administrative costs; and

WHEREAS, in the past the City has generally adopted fees for licenses, permits and applications by ordinance; and

WHEREAS, the City Administrative Staff's efforts consolidates the information on fees charged by the City in one location, to make it easier to track and charge the fees that reflect the cost of delivering service; and

WHEREAS, the City Administrative Staff has made recommendations for new administrative fees listed on Exhibit "A"; and

WHEREAS, Council has determined that the fees included in this Resolution are appropriate and are reasonably related to the purpose for which such fees are charged.

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

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

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

Passed and approved this 9th day of July, 2018.

Roger Laughlin, Mayor

Attest:

Redmond Jones II, City Administrator/Clerk

EXHIBIT "A"

MISCELLANEOUS ADMINISTRATIVE FEES

Photocopies	\$0.10 per page - black/white
	\$.50 per page – color
Fax Services	\$1.00 1 st page, \$0.50 per page after
Recording Fees (any type)	actual costs
Notary Service	No Charge
Lost Key Fee	\$15

OTHER SERVICE CHARGES

Barricades	\$50 up to 4 (refundable deposit)
Road cones	\$50 up to 10 (refundable deposit)

WEST BRANCH POLICE DEPARTMENT FEES

Fingerprinting	\$15
Certified Officer	\$45 per hour



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Motion to Authorize: the City Administrator to finalize an Easement Access and Fence Request Agreement with Care Initiatives (aka Crestview).
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Redmond Jones, City Administrator
DATE:	July 5, 2018

BACKGROUND:

In order to gain utility access for Cubby Park, Staff has been working through several challenges to gain this access at cost effect matter without losing park character or charm. Alliant Energy has re-examined their original quote and cut it by half to get it to \$23,000 for the installation of Primary service.

As you may recall from our June 25th City Council Meeting that Dave Dixon, Vice President / Chief Financial Officer with Care Initiatives offered granting an easement in exchange for a 6 foot tall solid PVC fence approximately 275 feet in length at an anticipated project expense of potentially \$12,000. This would be added to the \$5,000 of expenses Alliant would need to get utility service to the park; the Crestview Option would be anticipated at \$17,000.

Working with Crestview representatives, staff was able to negotiate a potential win / win scenario. There were several concerns regarding having 6 foot tall PVC fence running 275 along a prominent cubby park property boundary. Should the city council agree, we have reached a tentative agreement that would call for a green chain link fence which would be at a modest height of 4 feet. We expect this type of fencing less expense, less problematic to maintain, and will blend in with the hedges once they grown in. The price for 275 ft of commercial grade green vinyl-coated, chain link fence is \$8,900 for 4ft tall and \$9,500 for 5ft tall. This would be added to the \$5000 of expenses Alliant would need to get utility service to the park; making the win / win option an anticipated cost of \$13,900 – \$14,500.

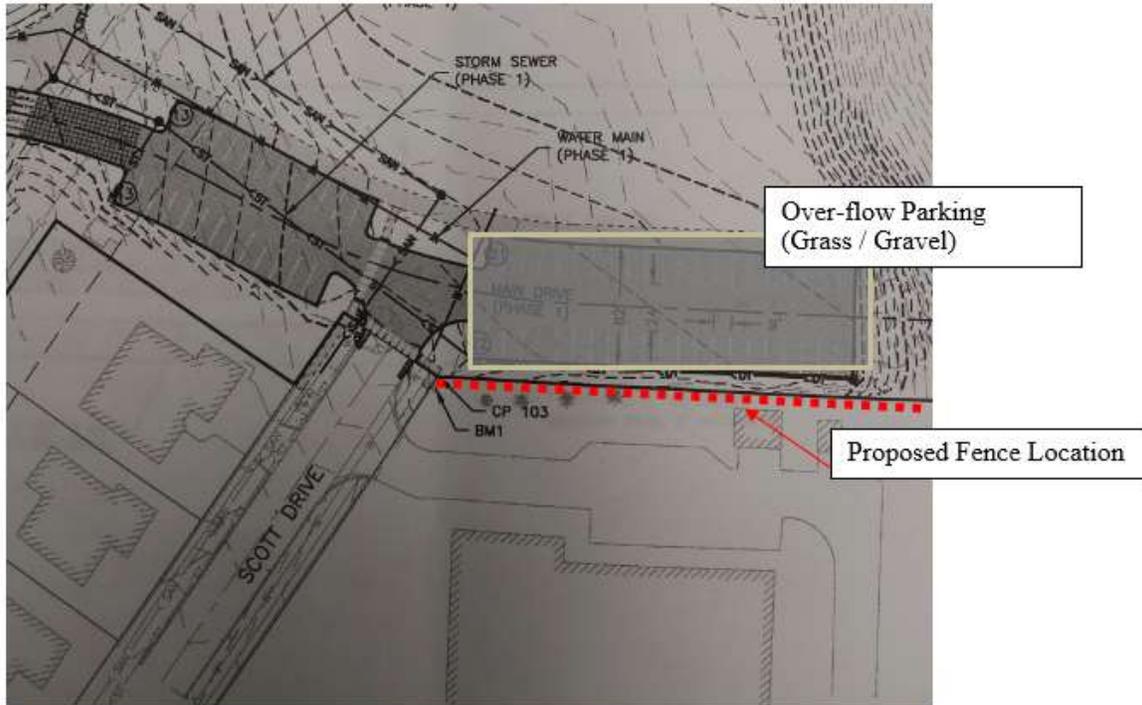
This would be a contingency expense due to not being in the original budget.

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

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Potential Fence Location



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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE: July 9, 2018

AGENDA ITEM: Motion to Approve a Request for an Easement relating to the College Street Bridge Project.

CITY GOAL: Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
--

PREPARED BY: Dave Schechinger, City Engineer

DATE: July 6, 2018

BACKGROUND:

I met with Kenny and Larry Fobian last week to discuss the College Street Bridge project. They indicated they were in favor of the project, but wanted to discuss the ability to use a portion of the City property that was formerly part of the railroad ROW that lies adjacent to the west side of their property. They indicated that they will be losing some of their parking and access area due to realignment of College Street and would like to gain permission to use the east part of the old railroad property to park their vehicles and to serve as an additional driveway when they have vehicles delivering grain to the bins on their property.

I have attached (see attachment 3) a drawing that shows the general location of the area they would like to use as well as the easements we are pursuing on their property. I told Fobians I would relay this request to the City for consideration.

They also asked about future use of their property if the grain bins were destroyed. I told them I would look into it. In doing so, I noticed that I-2 Zoning does not include any are requirements that are listed for other zoning districts. (no front yard/side yard/rear yard setbacks listed).

STAFF RECOMMENDATION: Approve Motion – Move to Action
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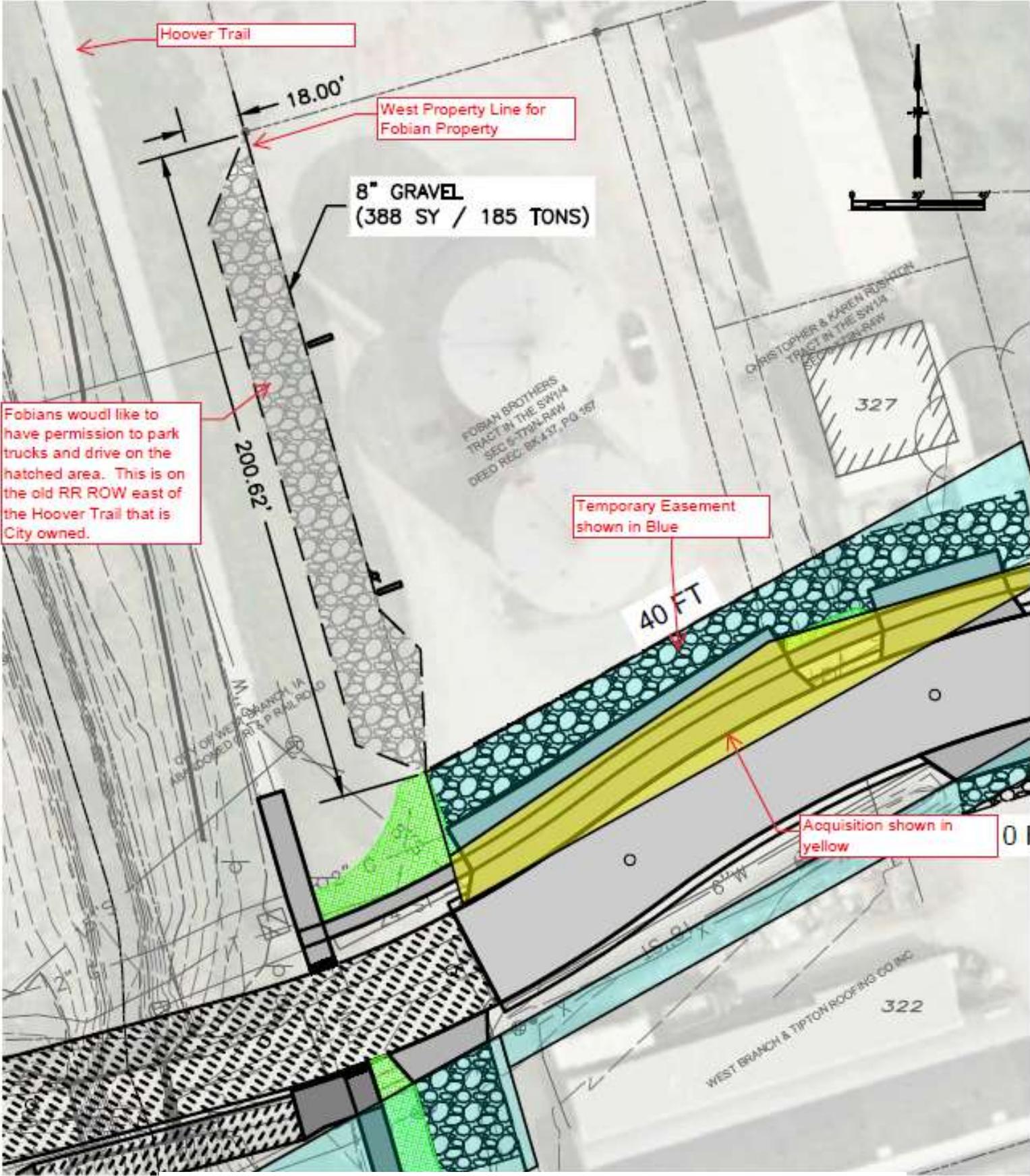
REVIEWED BY CITY ADMINISTRATOR:
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COUNCIL ACTION:

MOTION BY:

SECOND BY:

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Fobians would like to have permission to park trucks and drive on the hatched area. This is on the old RR ROW east of the Hoover Trail that is City owned.

Temporary Easement shown in Blue

Acquisition shown in yellow



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Motion to Submit the Amended West Branch Urban Renewal Plan to the Planning and Zoning Commission.
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Kevin Olson, City Attorney
DATE:	July 6, 2018

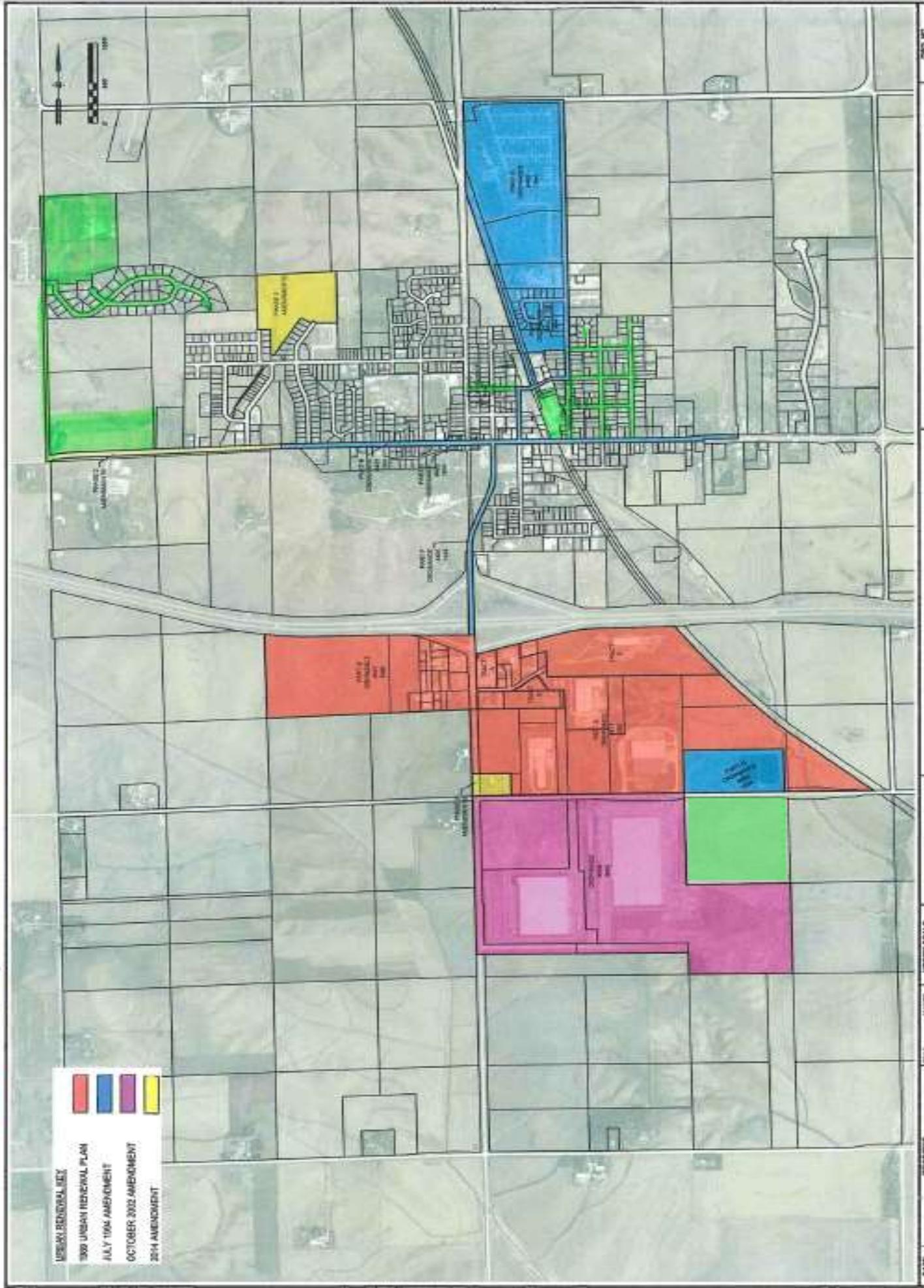
BACKGROUND:

This is the First Step. Designating amendment to the Urban Renewal Plan is not a authorization for any project.

STAFF RECOMMENDATION:	Seek City Council Direction
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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Proposed Amendment





REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Resolution 1727 – A Resolution Approving Partial Pay Estimate #3 in the Amount of \$247,973.87 to Needham Excavating Inc. for the Cubby Park Improvement Project.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Redmond Jones, City Administrator
DATE:	July 6, 2018

BACKGROUND:

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

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

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PARTIAL PAY ESTIMATE NUMBER THREE
 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: May 27, 2018					
Revised:		Revised: \$	2,848,991.84	Through: June 30, 2018					
Item	Code	Description	Quantity	Unit	Unit Price	This Period Quantity	This Period Amount	Total To Date Quantity	Total To Date Amount
BID ITEMS									
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, ON-SITE	15985	CY	\$ 5.75		\$ -	14827.5	\$ 85,258.13
4	2010-108-E-0	EXCAVATION, CLASS 10	36540	CY	\$ 3.95		\$ -	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
11	4010-108-A-1	SANITARY SEWER GRAVITY MAIN, TRENCHED, SDR 26 PVC, 8"	649	LF	\$ 34.10	159	\$ 5,421.90	667	\$ 22,744.70
12	4010-108-E-0	SANITARY SEWER SERVICE STUB, PVC SDR 23.5, 4"	1	EA	\$ 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
14	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 18"	693	LF	\$ 54.85		\$ -	765	\$ 41,960.25
15	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 24"	56	LF	\$ 94.95		\$ -	56	\$ 5,317.20
16	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 36"	180	LF	\$ 109.75		\$ -	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	26	\$ 819.00	26	\$ 819.00
19	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 15"	156	LF	\$ 40.60	156	\$ 6,333.60	156	\$ 6,333.60
20	4020-108-A-1	STORM SEWER, TRENCHED, HDPE DUAL WALL, 18"	844	LF	\$ 44.90	662	\$ 29,723.80	844	\$ 37,895.60
21	4020-108-C-0	REMOVAL OF STORM SEWER, 18" RCP	5	LF	\$ 25.00	5	\$ 125.00	5	\$ 125.00
22	4030-108-B-0	PIPE APRON, RCP, 12"	2	EA	\$ 1,383.50		\$ -	2	\$ 2,767.00

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
23	4030-108-B-0	PIPE APRON, RCP, 18"	3	EA	\$ 1,560.00		\$ -	3	\$ 4,680.00
24	4030-108-B-1	PIPE APRON, RCP, 36"	1	EA	\$ 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
26	4040-108-A-0	SUBDRAIN, HDPE, 2" DIA. PERF.	5248	LF	\$ 5.00	5248	\$ 26,240.00	5248	\$ 26,240.00
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	321	\$ 4,847.10	1221	\$ 18,437.10
30	4040-108-A-0	SUBDRAIN, HDPE DUAL WALL, 6"	530	LF	\$ 16.80	405	\$ 6,804.00	405	\$ 6,804.00
31	4040-108-C-0	SUBDRAIN CLEANOUT, TYPE A-1, 6"	3	EA	\$ 600.00	3	\$ 1,800.00	3	\$ 1,800.00
32	5010-108-A-1	WATER MAIN, TRENCHED, DR18 PVC, 6"	756	LF	\$ 28.00		\$ -	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
34	5010-108-A-1	WATER MAIN, TRENCHED, DR21 PVC, 3"	104	LF	\$ 40.00		\$ -	104	\$ 4,160.00
35	5010-108-C-2	FITTING, MJ DIP	427	LB	\$ 29.10		\$ -	587	\$ 17,081.70
36	5010-108-F-0	CONNECTION TO EXISTING WATER MAIN	1	EA	\$ 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	1	\$ 10,500.00	1	\$ 10,500.00
39	5010-108-H-0	IRRIGATION SYSTEM - LITTLE LEAGUE FIELD 1	1	LS	\$ 8,500.00	1	\$ 8,500.00	1	\$ 8,500.00
40	5010-108-H-0	IRRIGATION SYSTEM - LITTLE LEAGUE FIELD 2	1	LS	\$ 8,500.00	1	\$ 8,500.00	1	\$ 8,500.00
41	5020-108-A-0	VALVE, GATE, 3"	1	EA	\$ 1,010.00		\$ -	1	\$ 1,010.00
42	5020-108-A-0	VALVE, GATE, 6"	4	EA	\$ 1,372.50		\$ -	3	\$ 4,117.50
43	5020-108-C-0	FIRE HYDRANT ASSEMBLY	3	EA	\$ 4,895.00		\$ -	3	\$ 14,685.00
44	6010-108-A-0	MANHOLE TYPE SW-301, 48"	37.58	VF	\$ 593.00		\$ -	37.58	\$ 22,284.94
45	6010-108-A-0	MANHOLE TYPE SW-401, 48"	13.29	VF	\$ 519.25		\$ -	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
47	6010-108-B-0	INTAKE TYPE SW-501	1	EA	\$ 3,595.00		\$ -	1	\$ 3,595.00
48	6010-108-B-0	INTAKE TYPE SW-507	4	EA	\$ 4,597.50	1	\$ 4,597.50	4	\$ 18,390.00
49	6010-108-B-0	INTAKE TYPE SW-508	2	EA	\$ 6,955.00		\$ -	2	\$ 13,910.00
50	6010-108-B-0	INTAKE TYPE SW-509	1	EA	\$ 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	7	\$ 15,540.00	10	\$ 22,200.00
52	6010-108-H-0	REMOVE INTAKE	1	EA	\$ 510.00	1	\$ 510.00	1	\$ 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		\$ -		\$ -
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		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
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 COLUMBIAN 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		\$ -		\$ -
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		\$ -		\$ -

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
94	9030-108-B-0	PLAINTS, SHRUB, HAPPY RETURNS DAYLILY - 1 GAL.	75	EA	\$19.60		\$		\$
95	9030-108-B-0	PLAINTS, SHRUB, GRO-LOW FRAGRANT SUMAC - 18" HT.	14	EA	\$68.35		\$		\$
96	9030-108-B-0	PLAINTS, SHRUB, NEON FLASH SPIREA - 18" HT.	78	EA	\$66.00		\$		\$
97	9030-108-B-0	PLAINTS, SHRUB, MISSION STRAIN ARBORVITAE, 5' HT.	48	EA	\$236.10		\$		\$
98	9030-108-B-0	PLAINTS, 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	96	\$ 161.28	1252	\$ 2,103.36
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
105	9040-108-N-1	SILT FENCE OR SILT FENCE DITCH CHECK, INSTALLATION	4,250	LF	\$1.35	853	\$ 1,151.55	2528	\$ 3,412.80
106	9040-108-N-2	SILT FENCE OR SILT FENCE DITCH CHECK, REMOVAL OF SEDIMENT	1,500	LF	\$0.65		\$		\$
107	9040-108-N-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	4	\$ 313.00	4	\$ 313.00
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, ALUMINIUM	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	LS	\$1,950.00		\$		\$
117	9090-108-A-0	SPORTSFIELD EQUIPMENT - LITTLE LEAGUE FIELD	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, ALUMINIUM, 15' LONG, 4 ROWS	9	EA	\$2,135.00		\$		\$
121	9090-108-E-0	PICKLEBALL COURT EQUIPMENT	1	LS	\$11,350.00		\$		\$
122	9090-108-F-0	PICKLEBALL COURT SURFACING	1	LS	\$4,280.00		\$		\$
123	9090-108-G-0	PLAYGROUND EQUIPMENT	1	LS	\$ 98,235.00	0.693	\$ 68,076.86	0.693	\$ 68,076.86
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		\$		\$

Item	Code	Description	Quantity	Unit	Unit Price	This Period		Total To Date	
						Quantity	Amount	Quantity	Amount
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	0.165	\$ 24,740.54	0.165	\$ 24,740.54
134	9110-108-A-0	PAVILION BUILDING AND APPERTENANCES	1	LS	\$312,500.00	0.107	\$ 33,437.50	0.107	\$ 33,437.50
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	0.5	\$ 2,882.50	0.5	\$ 2,882.50
		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-H-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
A02		IRRIGATION SYSTEM BOOSTER PUMP	1	LS	\$3,512.30		\$ -		\$ -
A03	4020-108-A-1	STORM SEWER, TRENCHED, RCP, 12"	88	LF	\$70.00	88	\$ 6,160.00	88	\$ 6,160.00
		TOTAL BASE BID					\$ 261,025.13		\$ 934,402.87

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

This Period	Retainer 5.00%	Total to Date
\$ 261,025.13	Amount Earned	\$ 934,402.87
\$ 13,051.26	Amount Retained	\$ 46,720.14
XXXXXXXXXXXXXXXXXXXXXX	Previous Payments	\$ 639,708.85
\$ 247,973.87	Amount Due	\$ 247,973.87

Estimated Percent of Job Completed 32.80%

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

Submitted By:

 Needham Excavating, Inc.

Approved By:

 City of West Branch, Iowa

By: _____ Date: _____

Joseph D. Needham, President

By: _____ Date: _____

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 1727

A RESOLUTION APPROVING PARTIAL PAY ESTIMATE NUMBER 3 IN THE AMOUNT OF \$247,973.87 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 7th; and

WHEREAS, the City Council of West Branch also approved the Pay Estimate Number Two (2) in the amount of \$362,865.81 and at which time the project was approximately 24% complete.

WHEREAS, it is now necessary for the City Council to accept the Pay Estimate Number Three (3) in the amount of \$247,973.87 and the project is now approximately 32.80% complete.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of West Branch, that Partial Pay Estimate Number Three in the amount of \$247,973.87 to Needham Excavating Inc. of Walcott, IA is approved.

Passed and approved this 9th day of July, 2018.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator / City Clerk



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Discussion Item: Consideration regarding additional waterway grading and clearing & grubbing for the Cubby Park Improvements Project.
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Nate Kass, Fehr Graham
DATE:	July 6, 2018

BACKGROUND:

We have been asked to provide a cost estimate for the clearing & grubbing of the scrub brush along the easterly bank of the waterway near the pond at Cubby Park, as well as a cost estimate to grade the banks similar to the west side (back yards of the residents along Gilbert Dr) or Lions Field. Due to the pipeline, wetlands, and the pond outlet as constructed, there is limited area that can be graded economically. There is approximately 160 feet between the pond outlet and the pipeline that can feasibly be graded which has a few larger, desirable trees that would be removed (estimated cost of tree removal, grading, and seeding: \$10,000). There is approximately 250 feet of waterway (200 feet straight line) north of the pond outlet that can feasibly be graded that has several larger, desirable trees that would be removed (estimated cost \$30,000). The cost for each does not include any detailed engineering design. We suggest having city staff mark the trees to be removed and simply direct the contractor to complete the grading to the feasible slope within the constraints. If detailed design is required, we can provide a fee estimate upon request.

Note that no wetlands were identified in these specific areas and the grading will be above the normal water line, so a US Army Corps of Engineers Nationwide permit is not required. Because no fill material will be placed in the flood plain, no additional permitting is required by the Iowa DNR Floodplain Section. It is recommended that the floodplain development permit issued by the city be amended to include this work if it is authorized.

STAFF RECOMMENDATION:	Seek City Council Direction
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	July 9, 2018
AGENDA ITEM:	Discussion Item: Discussion on delay of turf seeding and grow-in plan for the Cubby Park Improvements
CITY GOAL:	Develop inviting high profile visual impact projects; including gateways, establishing destination, branding and other projects that reflect tax results.
PREPARED BY:	Nate Kass, Fehr Graham
DATE:	July 6, 2018

BACKGROUND:

Due to weather delays, Needham Excavating was unable to complete the grading in time to seed the ball fields at Cubby Park prior to the specified milestone date to commence the grow-in plan by June 15. The typical climate in Iowa after mid-June and through July is not conducive for good seed germination and grass growth. After consulting with multiple experts and discussions with Needham Excavating, their seeding contractor, the seed supplier, and city staff, it was determined that successful seeding was unlikely before August 1. There is a higher level of confidence that commencing the grow-in plan by August 15 will still result in a playable turf next spring than attempting to seed the fields immediately. Therefore, the contractor is requesting the specified June 15 milestone date be adjusted to August 15 when the weather is more conducive to establishing the turf seeding.

In addition to the weather delays, the groundwater seeping from the hillside is preventing the contractor from being able to finish grading the area around the right field corner of the adult softball field. The additional tile previously approved and installed is running full but not keeping up. The contractor estimates that an additional 300 ft of tile should be installed and connected to the storm sewer system. Only 1,200 ft of the 1,340 ft of tile previously approved was installed, so the overrun on previously approved quantity is approximately 160 ft at \$15/ft, or approximately \$2,400 overrun. We recommend installation of the additional tile. No additional change order would be required at this time as there is a unit cost item in the contract by previous change order.

STAFF RECOMMENDATION:	Seek City Council Direction
REVIEWED BY CITY ADMINISTRATOR:	
COUNCIL ACTION:	
MOTION BY:	
SECOND BY:	

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