

PUBLIC NOTICE AND AGENDA OF THE WEST BRANCH SPECIAL CITY COUNCIL MEETING SCHEDULED TO CONVENE AT 6:30 P.M. TUESDAY OCTOBER 13, 2020 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	Jodee Stoolman	<u>j.stoolmanwbcc@yahoo.com</u>
Council Member	Nick Goodweiler	nickgoodweilerwbcc@gmail.com
Council Member	Tom Dean	<u>tdiowa@hotmail.com</u>
Council Member	Jerry Sexton	<u>jerrysextonwb@gmail.com</u>
City Administrator	Redmond Jones II	<u>rjonesii@westbranchiowa.org</u>
City Attorney	Kevin Olson	<u>kevinolsonlaw@gmail.com</u>
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. Electronic Meeting (Pursuant to Iowa Code section 21.8) An electronic meeting is being held because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff and the public presented by COVID-19. You can watch and/or participate in the meeting at the following link https://zoom.us/j/5322527574 or dial in phone number 1-312-626-6799 with Meeting ID 532 252 7574. A video of the meeting will also be made available October 16th on the City Website. For your safety and the safety of others please explore all available opportunities to participate by phone or computer. If you are unable to attend or participate by computer or phone, you may come to City Hall as an audience member.

AGENDA

A. Call to Order

B. Opening Ceremonies

1. Pledge of Allegiance

C. Roll Call

D. Public Hearing / Non-Consent Agenda

- 1. **Resolution 1940** Amendment to that Certain Subdivider's Agreement by and Between the City Of West Branch, Iowa and KLM Investments, LLC for the Meadows, Part Four, West Branch, Iowa.
- 2. **Resolution 1941** Approving the Final Plat for the Meadows Subdivision Part 4B, West Branch.

E. Comments from Mayor and Council Members

F. Adjournment Regular Meeting

"Turning Vision into Reality is our Business"



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	October 13, 2020
AGENDA ITEM:	Resolution 1940 – Amendment to that Certain Subdivider's Agreement by and Between the City Of West Branch, Iowa and KLM Investments, LLC for the Meadows, Part Four, West Branch, Iowa
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Kevin Olson
DATE:	October 12, 2020

BACKGROUND:

KLM Investments has requested to final plat a certain part of The Meadows, Part 4B.

All rezoning of the above lots have been previously approved by City Ordinances.

STAFF RECOMMENDATION: Approve the Resolution 1940 – Move to Action

REVIEWED BY CITY ADMINISTRATOR:

COUNCIL ACTION:

MOTION BY:

SECOND BY:

"Turning Vision into Reality is our Business"

Prepared by: Kevin D. Olson, West Branch City Attorney, PO Box 5640, Coralville, Iowa 52241 (319)351-2277 Return to: City of West Branch, Iowa, 110 N. Poplar Street, West Branch, Iowa 52358

RESOLUTION 1940

AMENDMENT TO THAT CERTAIN SUBDIVIDER'S AGREEMENT BY AND BETWEEN THE CITY OF WEST BRANCH, IOWA AND KLM INVESTMENTS, LLC FOR THE MEADOWS, PART FOUR, WEST BRANCH, IOWA

REFERENCE is hereby made to that certain Subdivider's Agreement (the "Agreement") recorded in Book 1452 at Page 262, Records of the Cedar County Recorder's Office, by and between the City of West Branch, Iowa (the "City") and Meadows Development, Inc. (the "Subdivider").

WHEREAS, the Subdivider and City entered into the Agreement as part of the approval of the Preliminary Plat of The Meadows Subdivision, Part Four (the "Subdivision"); and

WHEREAS, the Subdivider and City entered into an Amendment to that certain Subdivider's Agreement for The Meadows Subdivision, Part 4A; and

WHEREAS, the Subdivider has decided to final plat the final portion of the Subdivision, said final plat being referred to as "The Meadows Subdivision, Part 4B"; and

WHEREAS, in order to ensure that marketable title can be given for the lots in The Meadows Subdivision, Part 4B, the Agreement will need to be amended to reflect the new lot numbering and configuration; and

WHEREAS, to that end, the parties desire to amend the Agreement.

NOW, THEREFORE, the parties agree as follows:

1. The Subdivider in this Amendment shall now be "Meadows Development, Inc.," in place of "KLM Investments, LLC."

2. Section 1 of the Agreement is hereby amended by removing reference to "a 29-foot PCC Street known as Gilbert Drive and a "31-foot PCC street known as W. Orange Street" and replacing it with "31-foot street known as Prairie View Drive."

3. Section 2 of the Agreement is hereby amended by removing reference to "The Meadows Subdivision, Part Four" and replacing it with "The Meadows Subdivision, Part 4B."

4. Section 10 is hereby amended by replacing the figure of "\$14,250.00" with "\$17,171.20."

5. Section 11 is hereby amended by deleting it in its entirety and replacing it with the following:

"The parties expressly agree that the zoning for the Subdivision is as follows:

Lots 1 through 32 R-2 Two Family Residential District

5. Section 14 is hereby amended by deleting all reference to "Lots 16 and 17," and replacing it with "Lots _____."

7. In all other aspects except as outlined in Sections 1-6 of this Amendment, the Agreement shall remain in full force and effect.

Dated this _____ day of _____, 2020.

CITY:

SUBDIVIDER:

Roger Laughlin, Mayor

Chris Kofoed, Vice-President and Treasurer

ATTEST:

Redmond Jones II, City Administrator/Clerk

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this _____ day of _____, 2020, by Roger Laughlin and Redmond Jones II, as Mayor and City Clerk respectively of the City of West Branch, Iowa.

Notary Public

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on this _____ day of _____, 2020, by Chris Kofoed, as Vice-President and Treasurer of Meadows Development, Inc.

Notary Public



REQUEST FOR COUNCIL CONSIDERATION

MEETING DATE:	October 13, 2020
AGENDA ITEM:	Resolution 1941 – Approving the Final Plat for the Meadows Subdivision, Part 4B, West Branch.
CITY GOAL:	Develop, maintain and rebuild safe, clean, diverse, healthy, neighborhoods, including partnering with the school district.
PREPARED BY:	Kevin Olson, City Attorney
DATE:	October 12, 2020

BACKGROUND:

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All rezoning of the above lots have been previously approved by City Ordinances.

STAFF RECOMMENDATION: Approve the Resolution 1941 / Move to Action

REVIEWED BY CITY ADMINISTRATOR:

COUNCIL ACTION:

MOTION BY:

SECOND BY:

"Turning Vision into Reality is our Business"



FINAL PLAT APPLICATION

Applicant Name: Meadows Developme	nt, Inc		
Address: PO Box 698	West Branch	lowa	52358
Street or PO Box Phone: <u>319-936-2052</u>	_{City} Email: _ckofo	_{State} pedcpa@lcom.net	Zip Code
	Signature:		
Additional Contact			
Name:			
Phone:	Email:		
Property Owner (if other than applicat	<u>nt)</u>		
Name:			
Address: Street or PO Box #	City	State	Zip Code
Phone:			
During the review process City staff, Planning & the property owner does not wish to allow visitor			sit the property. If
Property Information Address (if none, list name of closest str	eets): Located east of		
Assessor's Parcel # (Attach Legal Descr	iption): see final plat		
Subdivision Name: Meadows Subdivision			
Number of Lots: <u>32 lots</u> Prop Outlot A & Lot A to be dedicated to city Subdivider's Engineer	erty Size: <u>12.45 Acres</u>	Current Zoning:	R-2
Name: Axiom Consultants, LLC; Brian	A Boelk		
Address, 60 E Court Street Unit 2			

Address	$100 \ge 000$ $100 \le 000$	Iowa City	lowa	52240
	Street or PO Box #	City	State	Zip Code
Phone:	319-519-6220	Email: bboelk	@axiom-con.com	

PRELIMINARY CHECKLIST

Please attach following items. Additional materials may be required during the review process. Failure to submit the complete application materials may result in delays in processing, use the following checklist on page 3 & 4 to confirm that application is complete.

Submittal Deadline: 1st working day of the month at 12:00 p.m.

Submittal Requirements:.

- I completed copy of this application form, including checklist.
- 2 scalable copies folded to 8.5"x11" & Acrobat "PDF" files emailed to leslie@westbranchiowa.org
- □ Other information requested by City Staff for review of the proposed project.

For Staff Use:

Date application and Final plat received
--

_____ Information forwarded to City Engineer, City Attorney, Planning & Zoning Commission, Building Inspector, Public Works Director and Fire Chief

Comments received from:

City Attorney _____ City Engineer

_____ Public Works Director _____ Building Inspector

Fire Chief

Comments forwarded to Planning & Zoning Commission.

Date or 1st Planning & Zoning Commission meeting

_____ Date of Planning & Zoning Commission Approval

_____ Stamp Final Plat 'Approved' – email to Subdivider, their engineer & City Council

_____ Forward approved Final Plat to City Attorney for creation of Resolution

_____ Invoice Subdivider for Engineering fees

_____ Date of 1st City Council meeting, preceding P&Z approval

Final Plat Resolution #_____, approved _____

Signature of City Staff / Title ______ Date _____

City of West Branch - Final Plat Requirements: Chapter 170.11

- \square Title under which the subdivision is to be recorded.
- The linear dimensions (as required by the Iowa Code) of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
- Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan (and approved by Cedar County EMA).
- Description and location of all permanent monuments set in the subdivision to be placed at all block corners, at all angels and points of curve of the street and alley property lines, and at all corners and angles on the exterior boundary. The plat shall show that the subdivision is tied to a physically monumented land line, which is identified by two U.S. public land survey systems corners, or by two physically monumented corners of a recorded subdivision.
- IThe plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
- X A sealed certification of the accuracy of the plat by a land surveyor who prepared the final plat.
- Signatures of utilities approving easements and locations of utilities.
- It he legal description of the area being platted.
- Identification of all adjoining properties, and where such adjoining properties are part of recorded subdivisions, the names of those subdivisions.
- Any other pertinent information, which may include a site development plat, necessary for the proper evaluation of the plat.
- It he locations, dimension and uses of all proposed easements.

Final Plat Attachments: Chapter 170.12 – Subdivider shall cause all documents to be recorded and copies provided to the City before construction begins.

- A correct description of the subdivision land.
- □ A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public used, if the dedication is approved by the Council.
- □ An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
- □ A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
- □ A statement from the mortgage holders of lienholders, if any that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
- □ A certificate of dedication of streets and other public property.
- A statement of restriction of all types that run with the land and become covenants in the deeds of lots.
- A resolution and certificate of approval by the Council and for signatures of the Mayor and Clerk.

- Design plans for all public improvements prepared under the direction of a registered professional engineer licensed in the State, including plan and profiles, typical cross sections and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or north at the left.
- □ A certificate by the City Engineer or similar official within two (2) weeks of submission that all required improvements and installations have been completed, or that a letter of credit or performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision, or by agreement between the City and subdivider as to installation and assessment of such improvements.
- ☐ The encumbrance bond, if any.
- ☐ Final plans, following completion of construction, identifying the as-built location and elevation of all public improvements installed.
- □ A statement by a registered land surveyor that the plat was prepared under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's lowa registration number or seal.

Process: Staff will review the first submittal and issue a preliminary report listing required and recommended changes, and will include a date by which a revised complete set of 7 copies is required to be submitted for final staff review and for Planning & Zoning Commission and Council consideration. Along with a revised set, Acrobat "PDF" files of all materials are required.

ENGINEER: **AXIOM CONSULTANTS, INC.** 60 E. Court Street

Iowa City, IA 52240 Project No.: 18-0024 Monday, October 5, 2020 Final Plat Approval - Escrow Opinion of Costs

NO.	ITEM	UNIT	QUANTITY	UNIT COST	ENGINEER'S ESTIMATE
1	Cleanout Storm Pipe (if necessary)	LS	1	\$1,000	\$1,000
2	Cleanout Basins (if necessary)	LS	1	\$3,000	\$3,000
3	Install Intake Tops	EA	14	\$1,000	\$14,000
4	Adjust Fire Hydrant	LS	2	\$500	\$1,000
5	Adjust Sanitary Sewer Manhole	EA	2	\$500	\$1,000
6	Adjust Storm Sewer Manhole	EA	1	\$500	\$500
7	Sidewalk, Outlot	SY	23	\$36	\$828
8	Sidewalk, Curb Ramps	SY	79	\$44	\$3,476
9	Pave Remaining Intersection	SY	158	\$37	\$5,846
10	Pave intake throats	EA	14	\$500	\$7,000
11	Erosion Control, Remaining Maintenance	LS	1	\$5,000	\$5,000
12	Seeding, Remaining	ACRE	13.5	\$2,250	\$30,375
13	Setting of Property Pins & As-builts	LS	1.0	\$3,800	\$3,800
13	Street Lights	EA	5.0	\$1,100	\$5,500
13	Dead-end Signage	LS	1	\$400	\$400
				Total	\$82,725

Notes:

The following additional items will also need to be completed as part of the overall improvements:

- 1. Installation of traffic signs (to be coordinated with City)
- 2. Installation of street name signs (to be coordinated with City)
- 3. Installation of street lights
- 4. As-built drawings

FOR RECORDER'S USE ONLY

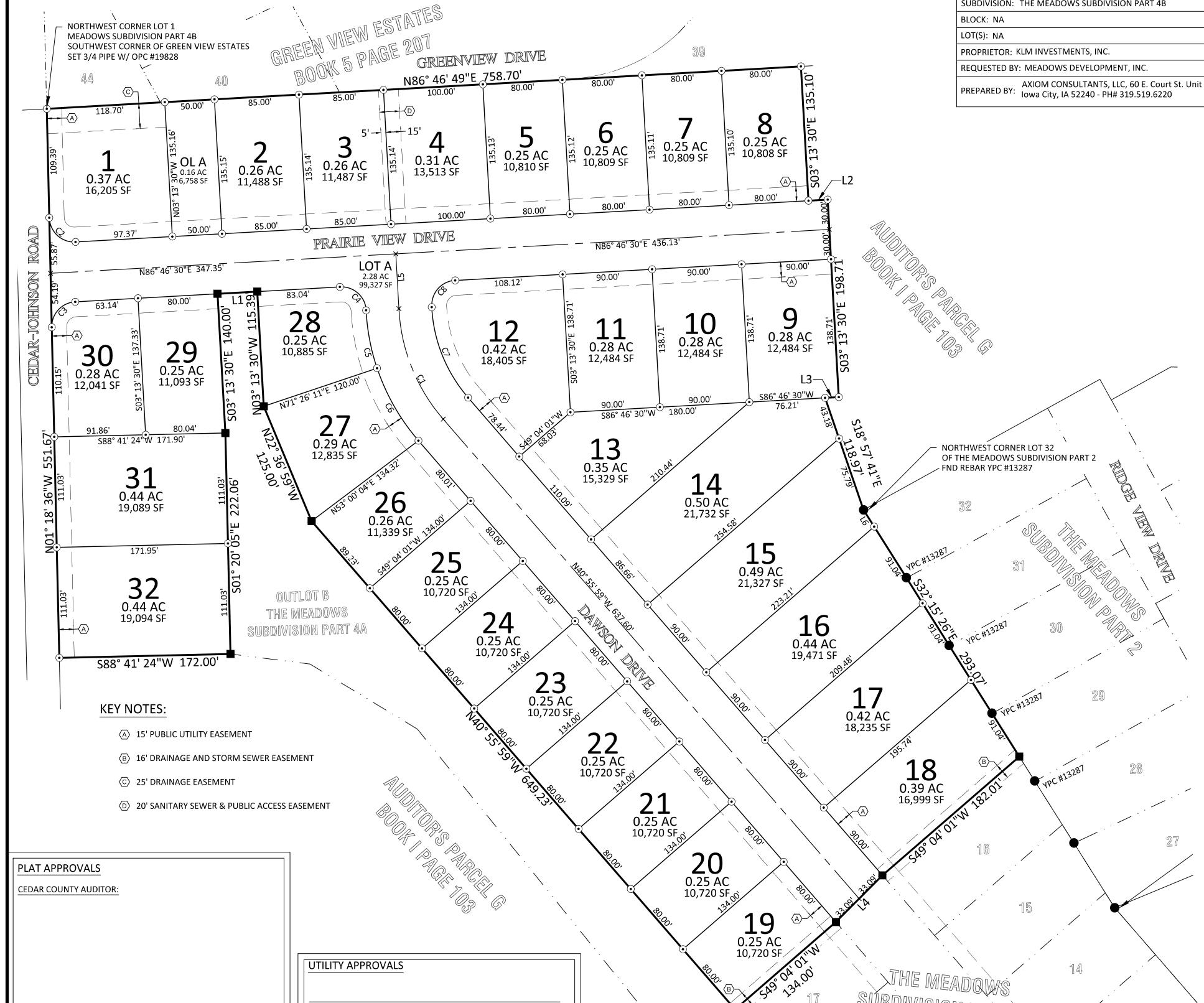
FINAL PLAT THE MEADOWS SUBDIVISION PART 4B WEST BRANCH, IOWA

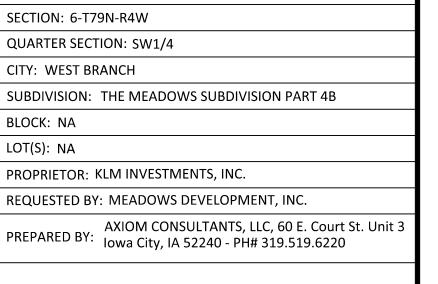
LEGAL DESCRIPTION

THE MEADOWS SUBDIVISION PART 4B BEING PART OF AUDITOR'S PARCEL G, AS RECORDED IN PLAT BOOK I, PAGE 103 OF THE CEDAR COUNTY RECORDER'S OFFICE, IN THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) OF THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) AND THE NORTHWEST FRACTIONAL QUARTER (NW ¼) OF THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) OF SECTION 6, TOWNSHIP 79 NORTH, RANGE 4 WEST, IN THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 17 OF THE MEADOWS SUBDIVISION PART 4A, AN OFFICIAL PLAT NOW IN THE CITY OF WEST BRANCH, THENCE ALONG THE EAST LINE OF OUTLOT B OF SAID PART 4A N40°55'59"W, 649.23 FEET; THENCE ALONG SAID EAST LINE N22°36'59"W, 125.00 FEET; THENCE ALONG SAID EAST LINE N03°13'30"W, 115.39 FEET TO THE NORTH LINE OF SAID OUTLOT B; THENCE ALONG SAID NORTH LINE S86°46'30"W, 40.00 FEET TO THE WEST LINE OF SAID OUTLOT B; THENCE ALONG SAID WEST LINE S03°13'30"E, 140.00 FEET; THENCE ALONG SAID WEST LINE S01°20'05"E, 222.06 FEET; THENCE S88°41'24"W, 172.00 FEET TO THE EAST RIGHT OF WAY LINE OF CEDAR-JOHNSON ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE N01°18'36"W, 551.67 FEET TO THE NORTH LINE OF SAID PARCEL G; THENCE ALONG SAID NORTH LINE N86°46'49"E, 758.70 FEET; THENCE S03°13'30"E, 135.10 FEET; THENCE N86°46'30"E, 19.26 FEET; THENCE S03°13'30"E, 198.71 FEET; THENCE S86°46°30"W, 13.79 FEET; THENCE S18°57'41"E, 118.97 FEET TO THE WEST LINE OF THE MEADOWS SUBDIVISION PART 2 AND OFFICIAL PLAT NOW IN THE CITY OF WEST BRANCH; THENCE ALONG SAID WEST LINE S32°15'26"E, 293.07 FEET TO THE NORTH LINE OF SAID MEADOWS SUBDIVISION PART 4A; THENCE ALONG SAID NORTH LINE S49°04'01"W, 182.01 FEET; THENCE ALONG SAID NORTH LINE S44°53'11"W, 66.18 FEET; THENCE ALONG SAID NORTH LINE S49°04'01"W, 134.00 FEET TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 12.45 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.





RECORDER'S INDEX

COUNTY: CEDAR

		ALLIANT ENERGY		DATE			`. \						URTHAIS[ON PARI	ÇAA	
OWNER / DEVELOPER	DATE	LINN COUNTY REC		DATE			THWEST C	∖ OF BEGINNING → ORNER LOT 17 S SUBDIVISION				18				13 / .
WEST BRANCH CITY CLERK	DATE	MEDIACOM		DATE				PART 4A AR OPC #19828		$\boldsymbol{<}$		10				
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WEST BRANCH MAYOR	DATE			DATE		2.	UNLESS N	IOTED OTHERWI	ISE, ALL DIMENS SS THAN 1 IN 10,			EET AND I	IUNDREDTHS.			
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BRADLEY R. GEATER 19828				C4 C5	39.27	25.00	89°59'20" 15°44'25"	S48° 13' 10"E S10° 41' 37"E	35.35		L4 L5	66.18	S44° 53' 11"W N03° 13' 30"W	RPC	RED PLASTIC CAP PROPOSED BOUNE	DARY/PROPERTY LINE
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SHEET NAME: FINAL PLAT	PROJECT NAME:	EADOWS B	ISSUED FOR:					REV DES	DRAWING			DAT	E ENGINEER:			
SHEET NUMBER: PROJECT NO.: PROJEC 1 OF 1 180024 BOI	T MANAGER: CLIENT NAME: ELK KLM, LI	_C	date issued:	MBER 8	3, 2020	CURRE	NT REV:							CONSI IOM-CON.COM	ULTANTS (319) 519-6220	

<u>Prepared by: Kevin D. Olson, 1400 5th Street, Coralville, Iowa 52241 (319) 351-2277</u> Return to: City of West Branch, 110 Poplar Street, West Branch, Iowa 52358 (319) 643-5888

RESOLUTION 1941

RESOLUTION APPROVING THE FINAL PLAT OF THE MEADOWS SUBDIVISION, PART 4B, WEST BRANCH, IOWA.

WHEREAS, the developer did file with the City Clerk of West Branch, a final plat for The Meadows Subdivision, Part 4B, West Branch, Iowa; and

WHEREAS, the legal description for said Subdivision is as follows:

See Exhibit "A" attached hereto

; and

WHEREAS, said property has been dedicated with the free consent and in accordance with the desires of the owner; and

WHEREAS, the aforementioned plat and subdivision is found to conform with Chapter 354 of the State Code of Iowa, Chapter 170 of the West Branch Code of Ordinances, and all other ordinances and statutory requirements; and

WHEREAS, said final platting of the aforementioned subdivision has been examined by the West Branch Planning and Zoning Commission; and

WHEREAS, recommendations from both said Commission and City Staff have been made; and

WHEREAS, after due deliberation, said Commission has recommended that the final platting of the proposed subdivision, be accepted and approved.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coralville, Iowa, that the final platting of The Meadows Subdivision, Part 4B, West Branch, Iowa, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the revised Subdivider's Agreement for The Meadows, Part 4B is also hereby approved.

BE IT FURTHER RESOLVED that the City Clerk of the City of West Branch, Iowa, is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Cedar County, Iowa, along with all other required ancillary documents, including the revised Subdivider's Agreement for The Meadows Subdivision, Part 4B.

* * * * * * *

Passed and approved this 13th day of October, 2020.

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk