

Accept resignation of Monica Tylee from the Animal Control Commission./Move to action.

Motion by Ellyson, second by Stevenson to approve resignation of Monica Tylee from Animal Control Commission. AYES: Ellyson, Stevenson, Pierce, Miller. Absent: Shields. Motion carried.

Mayor Mark Worrell - Appointments/Reappointments/Move to action.

i. Monica Tylee – Library Board of Trustees, June 30, 2016.

Motion by Ellyson, second by Pierce to approve appointment of Monica Tylee to Library Board of Trustees. AYES: Ellyson, Pierce, Miller, Stevenson. Absent: Shields. Motion carried.

Third Reading of Ordinance 720, amending Chapter 165 “Zoning Regulations.”/Move to action.

Motion by Stevenson, second by Ellyson to approve Ordinance 720. AYES: Stevenson, Ellyson, Miller, Pierce. Absent: Shields. Motion carried.

ORDINANCE NO. 720
AN ORDINANCE AMENDING CHAPTER 165 "ZONING REGULATIONS."

WHEREAS, the Zoning Board of Adjustment of the City of West Branch, Iowa, believes that a procedure for City Council review of variances would be beneficial to the Zoning Code; and

WHEREAS, the Zoning Board of Adjustment of the City of West Branch, Iowa, believes that the clarification of certain terms in the Zoning Code will lead to a clearer understanding of the Code's requirements; and

WHEREAS, the Zoning Board of Adjustment of the City of West Branch, Iowa, believes that retaining walls, that do not cause "safety or access" issues which meet certain limitations, should be allowed in at least a portion of the minimum area required for yards; and

WHEREAS, the Planning & Zoning Commission has reviewed these recommendations and concurs with the Zoning Board of Adjustment; and
WHEREAS, the Planning & Zoning Commission recommends to the City Council of the City of West Branch, adoption of these amendment recommendations in the Zoning Code; and

WHEREAS, the City Council of the City of West Branch, Iowa has reviewed these recommendations and concurs with the Zoning Board of Adjustment and Planning & Zoning Commission.

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

Section 1. Amendment. The Code of Ordinances is hereby amended by the City Council of West Branch, Iowa by incorporating the following language to Title, "ZONING AND SUBDIVISION", Chapter 165, "ZONING REGULATIONS":

a. Section 165.22 - POWERS OF THE BOARD is hereby amended to add paragraph 8, which reads as follows:

"8. The effective date of a variance is thirty days after granted by the Zoning Board of Adjustment. The City Council may remand a decision to grant a variance to the Zoning Board of Adjustment for further study. The effective date of the variance in this case is delayed for thirty days from the date of the remand. "

b. Section 165.04 - DEFINITIONS is hereby amended by deleting subsection 165.04(37) and incorporating the following definitions into said Section 165.04:

"Fence" means — "A self-supporting manmade structure extending above ground designed to define, restrict, or prevent movement across a boundary. "

"Screen" means — "A class of fence intended to provide a visual buffer (e.g., hide utility boxes or trash containers)"

"Hedge" means — "A row of closely planted shrubs or low-growing trees that may serve as a fence."

"Retaining Wall" means - "A wall not laterally supported at the top, that resists lateral soil load and other imposed loads"

c. Section 165.11(1) - PERMITTED OBSTRUCTION IN REQUIRED YARDS - In all yards, is hereby amended by adding paragraphs F. and G., which read:

F. Fences, hedges, and walls (see Section 165.44 for requirements)

G. Retaining walls (see Section 165.44 and requirements specific to Retaining Walls in 165.44 (9))

d. Section 165.11(3) and Section 165.11(4) are hereby amended by deleting references to fences.

e. Section 165.44 FENCES is hereby amended by incorporating the following language into said Section 165.44

"165.44 FENCES / HEDGES / WALLS / RETAINING WALLS

f. Section 165.44(1) is hereby amended and reads:

Fences, hedges, and walls shall be located so no part thereof is within two (2) feet of an alley, sidewalk, or a street right-of-way, except in situations where a retaining wall is necessary for the installation of a required public sidewalk in which case the retaining wall may extend up to the sidewalk edge.

g. Section 165.44 (9) is added and reads as follows:

Retaining Walls - are subject to the following additional requirements:

a. May not extend within 4 feet of the lot line, except in situations where a retaining wall is necessary for the installation of a required public sidewalk in which case the retaining wall may extend up to the sidewalk edge.

b. If they are greater than 48" in height must also include an approved fence clearly marking the top of the wall.

c. Will be subject to engineering review if they exceed 48" in height.

d. Will be subject to engineering review when a Surcharge Load is present.

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

Section 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.

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

Passed and approved this 5th day of May, 2014.

First Reading: April 7, 2014

Second Reading: April 21, 2014

Mark Worrell, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

Second reading of Ordinance 721, amending Title Chapter 165 “Zoning Regulations.”/Move to action.

Motion by Ellyson, second by Stevenson to approve Ordinance 721. AYES: Ellyson, Stevenson, Pierce, Miller.
Absent: Shields. Motion carried.

Second Reading of Ordinance 718, amending the Code of Ordinances of the City of West Branch by creating and incorporating a storm water utility./Move to action.

Councilperson Miller stated that Iowa City and Coralville are the only surrounding communities nearby that have a storm water utility. He is concerned that our top five users are paying 32% while the top five in Coralville are contributing 2% to 3%. He concludes that our model is designed for a larger town. Ellyson said Council was provided other community models that were similar in size and they are using the same ERU rate structure. Stevenson agreed with Ellyson and stated that the city is going to match a portion of the utility fees with general funds.

Motion by Pierce, second by Ellyson to approve Ordinance 718. AYES: Pierce, Ellyson, Stevenson. NAYS: Miller. Absent: Shields. Motion carried.

Second Reading of Ordinance 723, amending Title “Police, Fire and Emergencies,” Chapter 31 “Reserve Police Force.”/Move to action. Motion by Ellyson, second by Stevenson to approve Ordinance 723. Ellyson, Stevenson, Pierce, Miller. Absent: Shields. Motion carried.

Resolution 1193, approving a Memorandum of Understanding between the West Branch Community School District and the City of West Branch, Iowa regarding the Summer League Ball Program./Move to action.

City Attorney Kevin Olson said the memorandum outlines the responsibilities of both parties and is for a three year period until July 2016.

Motion by Ellyson, second by Pierce to approve Resolution 1193. AYES: Ellyson, Pierce, Miller, Stevenson.
Absent: Shields. Motion carried.

Resolution 1194, setting a date for consultation and a date for a public hearing on the proposed Amended and Restated West Branch Urban Renewal Plan./Move to action.

Olson explained that the TIF law requires the City to amend the urban renewal plan when projects are added. A consultation among the affected taxing entities is scheduled for Wednesday, May 14, 2014 at 5:30 p.m. A public hearing will be held at 7:00 p.m. on Monday, June 2, 2014 prior to adopting the amendment. City Administrator Matt Muckler gave an overview of the areas and projects being added and said that cost estimates are assigned to each project.

Motion by Stevenson, second by Miller to approve Resolution 1194. AYES: Stevenson, Miller, Pierce, Ellyson.
Absent: Shields. Motion carried.

Resolution 1195, authorizing Internal Advance to Tax Increment Revenue Fund./Move to action.

Olson said that \$100,000 will be advanced from the General Fund in order to fund the administrative legal fees. The Advance shall be repaid in one installment out of the incremental property tax revenue fund without interest by July 1, 2015. The debt will be certified with the Cedar County Auditor.

Motion by Miller, second by Pierce to approve Resolution 1195. AYES: Miller, Pierce, Ellyson, Stevenson.
Absent: Shields. Motion carried.

Resolution 1197, hiring Benjamin Litscher as a Part-Time Public Works Laborer and setting the salary for the FY 2013-2014 fiscal year./Move to action.

Ben Litscher introduced himself to the Council and said that he enjoys working outdoors and appreciates the opportunity for employment.

Motion by Stevenson, second by Ellyson to approve Resolution 1197. AYES: Stevenson, Ellyson, Miller, Pierce. Absent: Shields. Motion carried.

Resolution 1199, to fix a date of meeting for a public hearing in amending the current budget for the fiscal year ending June 30, 2014./Move to action.

Deputy City Clerk Dawn Brandt explained the revenue and expenditures that are being amended.

Motion by Ellyson, second by Pierce to approve Resolution 1199. AYES: Ellyson, Pierce, Miller, Stevenson.

Absent: Shields. Motion carried.

CITY STAFF REPORTS

City Administrator Matt Muckler – City of West Branch Mission Statement

Muckler read the mission statement adopted by a prior Council and asked for feedback or any changes from the Council. Stevenson commented that she would like a reference to sustainability of the community added.

Brian Boelk, HBK Engineering – Report on Park and Library Charrette Open House and Next Steps in Planning Process

Boelk said the charrette open house event was well attended with good public input. FEH and HBK Engineers started with concept drawings using survey results. The public chose two site plans at the noon meeting and the final site plan was presented at the evening meeting.

Zoning Administrator Paul Stagg – May 14, 2014 Planning & Zoning Commission Meeting

Stagg said he was contacted about a consulting home occupation business that did not meet the requirements of the City's current code. An amendment to Chapter 165.26 (2) with an additional section to address this issue will be discussed at the Planning & Zoning Commission meeting.

COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Mayor Worrell commended all who were involved in the charrette process.

Councilperson Stevenson attended the Kites over Hoover Park Event and commented that it was a very nice event.

ADJOURNMENT

Motion to adjourn meeting by Miller, second by Ellyson. Motion carried on a voice vote. City Council meeting adjourned at 8:00 p.m.

Mark Worrell, Mayor

ATTEST: _____
Dawn Brandt, Deputy City Clerk