

City of West Branch

~ A Heritage for Success ~

110 N. Poplar St. • P.O. Box 218 • West Branch, Iowa 52358
Ph. 319-643-5888 • Fax 319-643-2305 • www.westbranchiowa.org • wbcity@l.com.net

CITY COUNCIL MEETING AGENDA Monday, August 15, 2011 • 7:00 p.m. City Council Chambers, 110 North Poplar Street *Action may be taken on any agenda item.*

1. Call to order
2. Roll call
3. Welcome
4. Approve Agenda/Consent Agenda/Move to action
 - a. Approve minutes from the August 1, 2011 City Council Meeting.
 - b. Approve claims.
 - c. Approve moving the Monday September 5, 2011 City Council Meeting to Tuesday, September 6, 2011, due to Labor Day Holiday.
 - d. Approve Change Order Request 5 for the West Branch Fire Station Expansion Project for \$1,934 for additional roof material.
 - e. Approve Street Closure of the 200 Block of North 5th Street for a Block Party on Saturday September 10, 2011 from 5:00-8:00 p.m.
 - f. Approve payment of \$16,824.50 to Garling Construction for payment of August bills per the City of West Branch Fire Station New Addition – New Roof Agreement.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
 - a. Approve Subdivider's Agreement on Meadows Subdivision Phase Two between the City of West Branch, IA and KLM Investment, L.L.C./Move to action.
 - b. Approve a variance on street grades in Meadows Subdivision Preliminary Plat Phase Two per 170.15.8.A and 170.22 of the City of West Branch Code of Ordinances./Move to action.
 - c. Approve a variance on the street right-of-way widths in Meadows Subdivision Preliminary Plat Phase Two per 170.15.5.D(2) and 170.22 of the City of West Branch Code of Ordinances./Move to action.
 - d. Approve Meadows Subdivision Preliminary Plat Phase Two, pursuant to the execution of the Subdivider's Agreement for the Meadows Subdivision Phase Two between the City of West Branch and KLM Investment, L.L.C./Move to action.
 - e. Third Reading of Ordinance 683, amending Chapter 6 "City Elections." /Move to action.

Mayor: Don Kessler • **Council Members:** Mark Worrell, David Johnson, Robert Sexton, Jim Oaks, Dan O'Neil
City Administrator/Clerk: Matt Muckler • **Deputy City Clerk:** Dawn Brandt • **Library Director:** Nick Shimmin
Parks & Recreation Director: Melissa Russell • **Police Chief:** Mike Horihan • **Fire Chief:** Kevin Stoolman

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CITY COUNCIL MEETING AGENDA
Monday, August 15, 2011 • 7:00 p.m. (continued)
City Council Chambers, 110 North Poplar Street
Action may be taken on any agenda item.

- f. Approve Resolution 951, for the purchase agreement for Wapsi View Park located near the intersection of 2nd Street and Green Street in West Branch, Iowa for the amount of \$70,000./Move to action.
 - g. Set a public hearing per Section 384.38(3a) of the Code of Iowa for the purpose of proposed plans, specifications, form of contract and estimate of cost for the construction of the North Downey Street Project and for the taking of bids therefor./Move to action.
 - h. First Reading of Ordinance 684, amending Chapter 69 “Parking Regulations” to designate both sides of Oliphant Street from the intersection with Orange Street extending north 125 feet as a No Parking Zone./Move to action.
 - i. Accept the resignation of Arlyn Verlo as Director of Cable Access./Move to action.
7. Mayor
- a. Appointments/Reappointments/Move to action.
8. Reports
- a. City Administrator Matt Muckler – Council Annual Goal Setting Session, September 1, 2011
 - b. City Administrator Matt Muckler – Iowa League of Cities 2011 Annual Conference & Exhibit
 - c. City Administrator Matt Muckler – City Council Election Update
9. Adjourn

Mayor: Don Kessler • **Council Members:** Mark Worrell, David Johnson, Robert Sexton, Jim Oaks, Dan O’Neil
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(The following is a synopsis of the minutes of the West Branch City Council meeting. The full text of the minutes is available for inspection at the City Clerk's office. The minutes are not approved until the next regularly scheduled City Council meeting.)

**West Branch, Iowa
Council Chambers**

City Council Meeting

**August 1, 2011
7:00 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator/Clerk Matt Muckler, City Attorney Kevin Olson, Deputy City Clerk Dawn Brandt, Public Works Employees: Paul O'Neil, Tim Moss, Matt Goodale, and Dan Karr, Park & Recreation Director Melissa Russell, Fire Chief Administrator Dick Stoolman, Officer John Hanna and Fire Chief Kevin Stoolman. Council members: Mark Worrell, David Johnson, Dan O'Neil, and Jim Oaks. Absent: Robert Sexton.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the July 18, 2011 City Council Work Session and July 18, 2011 City Council Meeting.
- b) Approve claims.
- c) Approve payment of \$109,098.95 to Garling Constuction for payment of August bills per the City of West Branch Fire Station New Addition – New Roof Agreement.
- d) Approve agreement with L.L. Pelling Co. for seal coat work in the amount of \$49,956.15.

Motion by Johnson, second by Worrell. Roll call vote – Ayes: Johnson, Worrell, O'Neil, Oaks. Absent: Sexton.
Motion carried

DATE 7/27/2011

CITY OF WEST BRANCH
CLAIMS REGISTER REPORT

ANDREWS, ALISON	ACH PAYROLL EXPENSE	225.95
BLUE CROSS BLUE SHIELD	HEALTH INS.	5,853.34
	DENTAL INS.	408.83
	LIFE INS.	48.95
	DENTAL INS	72.30
	HEALTH INS	627.16
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	585.17
BOWERS, MATTHEW	ACH PAYROLL EXPENSE	210.38
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,194.73
BRICK, GERRY	ACH PAYROLL EXPENSE	185.17
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,565.16
GRIMM, JOHN	PAYROLL EXPENSE	462.76
HANNA, JOHN	ACH PAYROLL EXPENSE	1,129.77
HEICK, GINA	ACH PAYROLL EXPENSE	206.43
INTERNAL REVENUE SERVICE	FEDERAL W/H	2,089.12
	FICA-MED.CAR	2,292.51
	FICA-MED.CAR	639.24
IPERS	IPERS	2,573.06
	IPERS	624.41
KARR, DANIEL	PAYROLL EXPENSE	1,394.61
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	746.63
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,365.88
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	1,902.51
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,345.09
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	941.36
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	1,039.46
STENDER, GRANT	ACH PAYROLL EXPENSE	262.10
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,251.39
TREAS. STATE OF IOWA	STATE WTH.	943.00
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	251.73
WARGO, BARBARA	ACH PAYROLL EXPENSE	212.19
	GRAND TOTALS	32,650.39
FUND TOTALS		
001 GENERAL FUND		9,794.81
031 LIBRARY		3,287.35

110	ROAD USE TAX	2,888.50
111	POLICE RECOVERY ACT GRANT	271.62
112	TRUST AND AGENCY	7,061.08
600	WATER FUND	4,684.15
610	SEWER FUND	4,662.88
	****	32,650.39

COMMUNICATIONS/OPEN FORUM

Fire Chief Kevin Stoolman gave an update on the fire department construction. The project is almost complete, the walk-in doors still need to be re-painted and the overhead doors need some sensors replaced.

Main Street Representative Becky Frederick announced there will be a pig raffle fundraiser. Tickets are \$5.00 each or \$20.00 for 5 tickets. Winner will be announced on Saturday night at Hoover’s Hometown Days during the Dale Thomas band.

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL
Resolution 950, approving the hiring of Michael D. Horihan as the Police Chief for the City of West Branch, Iowa and setting the salary for the position for the fiscal year 2011-2012./Move to action

Motion by Johnson, second by Worrell to approve Resolution 950. Roll call vote – AYES: Johnson, Worrell, O’Neil, Oaks. Absent: Sexton. Motion carried.

Recognize Paul O’Neil, Public Works Utilities Specialist for his 10 years of service to the citizens of the City of West Branch. Mayor Kessler thanked Paul for his 10 years of service to the City.

Third reading of Ordinance 681, amending Chapter 55 “Animal Protection and Control.”/Move to action.

Motion by Johnson, second by O’Neil to approve third reading of Ordinance 681. Roll call vote – AYES: Johnson, O’Neil, Worrell, Oaks. Absent: Sexton. Motion carried.

Second reading of Ordinance 683, amending Chapter 6 “City Elections.”/Move to action.

Motion by Johnson, second by Worrell to approve second reading of Ordinance 683. Roll call vote – AYES: Johnson, Worrell, O’Neil, Oaks. Absent: Sexton. Motion carried.

Approve \$100,022 for selected improvements for inclusion in the West Branch Roads and Streets 2011 Project./Move to action.

City Engineer Dave Schechinger presented an engineer’s estimate for the North Downey Street and 280th Street overlay street projects. Estimate for N. Downey St. was \$135,290 and includes N. Downey from Oliphant St. to 140 feet South of Orange St. The estimate for the 280th St. overlay project was \$30,783.70.

City Administrator Matt Muckler gave an overview of the budget for the Downey St. project. The project would be paid for with Road Use Tax funds. Muckler suggested that the Council consider the timing and scope of the project in light of the Road Use Tax Fund available balance. There was also some discussion on whether or not to delay an advance payment on the Public Works Building which was budgeted in the 2011-2012 Annual Budget. Council tabled a motion until the next City Council meeting.

Accept Alternate 2 Bid Item in the amount of \$37,800 from Central Tank Coatings for the Water Tower Repair and Coating 2011 West Branch, Iowa Project./Move to action.

Muckler said that the correct bid amount should be \$38,500; \$37,800 was a typing error.

Motion by Worrell, second by Johnson to accept Alternate 2 Bid Item in the amount of \$38,500 from Central Tank Coatings for the Water Tower Repair and Coating 2011 West Branch, Iowa Project.

Roll Call vote – AYES: Worrell, Johnson, O’Neil, Oaks. Absent: Sexton. Motion carried.

MAYOR DON KESSLER

Appointments/Reappointments

REPORTS

Parks and Recreation Director Melissa Russell – RAGBRAI Update

Ragbrai pass through went well. About 10,000 riders came through and our community served breakfast items to about 6,000 people. There were great volunteers and community support. City Administrator Matt Muckler said that a good plan for traffic control was organized by Officer Kory Hanna, with help from the American Legion, Lions Club, reserve officers and the National Park Service.

Parks and Recreation Director Melissa Russell – Hoover’s Hometown Days Update

Hoover’s Hometown Days is this weekend, Friday and Saturday. Flyers are up and the website has the schedule of all the activities for the weekend.

Motion to adjourn to executive session to discuss the purchase of particular real estate only where premature disclosure could reasonably be expected to increase the price the governmental body would have to pay for that property pursuant to Section 21.5(j) of the Code of Iowa.

Council member Robert Sexton joined the meeting by telephone at 8:00 p.m.

Motion by Johnson and second by Worrell to enter into closed session at 8:09 p.m. Roll call vote – AYES: Johnson, Worrell, Sexton, O’Neil. NAYS: Oaks. Motion carried.

ADJOURNMENT

Meeting adjourned by O’Neil. City Council meeting adjourned at 8:57 p.m.

Don Kessler, Mayor

ATTEST: _____
Matt Muckler, City Administrator/Clerk

DATE 8/15/2011

CITY OF WEST BRANCH
CLAIMS REGISTER REPORT

ADVANCED DRAINAGE SYSTEM	STREETS - SUPPLIES	6,933.56
AERO RENTAL	COMM & CULTURAL DEV	162.00
AESSEAL INC.	WATER - SUPPLIES	205.18
ALLIANT ENERGY	VARIOUS DEPTS - UTILITIES	7,412.27
	WATER - UTILITIES	46.58
ALLMED	FIRE - SUPPLIES	45.96
AMAZON	LIBRARY - SUPPLIES	11.73
ANDERSON, CHRISTY	LIBRARY - SUMMER READING	75.00
ANDREWS, ALISON	ACH PAYROLL EXPENSE	96.83
BAKER & TAYLOR BOOKS	LIBRARY - BOOKS	1,731.48
	LIBRARY - BOOKS	520.40
BARRON MOTOR SUPPLY	FIRE/STREETS - SUPPLIES	134.90
BDC BUILDING PLAN REVIEW	ADMIN - BUILDING INSPECT	235.20
BLUE CROSS BLUE SHIELD	LIFE INS.	8.00
	DENTAL INS	72.30
	HEALTH INS	627.16
BOOKLIST	LIBRARY - SUBSCRIPTION	109.95
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	585.16
BOWERS, MATTHEW	ACH PAYROLL EXPENSE	105.24
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,194.73
BRICK, GERRY	ACH PAYROLL EXPENSE	271.22
CAMPOS, CHARLES	REFUND FOR GARBAGE TAGS	13.75
CEDAR COUNTY AUDITOR	POLICE/FIRE - FY12 DISAS	2,783.75
	SOLID WASTE - FY12 ASSES	7,962.10
	FIRE - FY12 DISASTER SER	2,783.75
CEDAR COUNTY COOPERATIVE	STREETS - CONTRACT FUEL	534.30
	FIRE - CONTRACT FUEL TANKS	534.30
CEDAR RAPIDS PHOTO COPY	LIBRARY - SERVICE	47.04
	LIBRARY - SERVICE	50.40
CENTURION TECHNOLOGIES	LIBRARY - FY12 ANNUAL	50.00
CHRIS JONES TRUCKING	STREETS - HAULING ROADSTONE	235.04
	STREETS - TRUCKING	567.37
COOK, JEREMY	WATER - CREDIT REFUND	57.24
CREATIVE SOFTWARE SERVICE	ADMIN - COMPUTER CONSULT	192.50
	ADMIN - COMPUTER CONSULT	223.60
	ADMIN - COMPUTER CONSULT	65.28
CROELL REDI-MIX INC	WATER - 1ST STREET PATCH	380.00
	STREETS - FILL SAND	34.00
CULLIGAN WATER TECHNOLOGY	FIRE - SERVICE	32.95
DEWEYS JACK & JILL	LIBRARY/SEWER/PARK & REC	169.33
	PARK & REC/LIBRARY/WATER	169.10
DIAMOND VOGEL PAINTS	STREETS - TRAFFIC PAINT	726.65
ED.M.FELD EQUIPMENT CO.	FIRE - SERVICE	600.00
	FIRE - SUPPLIES	595.00
	FIRE - SUPPLIES	204.00
FEDERAL LICENSING INC	POLICE - FCC RULE BOOK	119.00
FLEET SERVICES	POLICE - FUEL	136.40
FUNNY FACE DESIGNS BY LORI	ADMIN - HOOVERS HOMETOWN	675.00
	ADMIN - HOOVERS HTDAYS	56.25
GARLING CONSTRUCTION INC	CAPITAL PROJECTS - FIRE	109,098.95
GENERAL PEST CONTROL	LIBRARY - SERVICE	70.00
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,730.39
	WATER - REIMBURSEMENT	110.00
GREATAMERICA LEASING	ADMIN -COPIER SERVICE CONT	252.06
GRIMM, JOHN	PAYROLL EXPENSE	446.04
HACH COMPANY	WATER - SUPPLIES	287.39
HANNA, JOHN	ACH PAYROLL EXPENSE	1,334.32
HANSEN ASPHALT	WATER - MAIN STREET REPAIR	2,200.00
HANSEN, TRENT	FIRE - REIMBURSEMENT	55.90
HARRY'S CUSTOM TROPHIES	PARK & REC - SUPPLIES	99.00
HEICK, GINA	ACH PAYROLL EXPENSE	44.20
HOSPERS & BROTHER PRINTER	FIRE - SUPPLIES	203.98
HY-VEE ACCOUNTS REC	PARK & REC - SUPPLIES	183.12
INTERNAL REVENUE SERVICE	FEDERAL W/H	2,171.35
	FICA-MED.CAR	2,331.47
	FICA-MED.CAR	650.12
INTERNATIONAL INST	ADMIN - DUES	210.00
IOWA ALCOHOLIC BEVERAGES	ADMIN - WB FIREFIGHTER'S	25.00

IOWA ASSN. MUN. UTIL.	WATER - TRAINING	30.00
IOWA BUSINESS SUPPLY	ADMIN - OFFICE SUPPLIES	16.10
	ADMIN - OFFICE SUPPLIES	11.97
	ADMIN - OFFICE SUPPLIES	30.38
	ADMIN - OFFICE SUPPLIES	38.77
	PARK & REC - OFFICE SUPPLIES	111.95
IOWA DEPT OF PUBLIC SAFETY	POLICE - FY12 MESSENGER	1,200.00
IOWA DNR	WATER - OPERATOR CERTIFICATE	80.00
	SEWER - NPDES PERMIT	210.00
IOWA INSURANCE DIVISION	CEMETERY - FY11 ANNUAL	35.00
IOWA NETWORK SERVICES	ADMIN - SERVICE	26.99
IOWA ONE CALL	WATER/SEWER - SERVICE	39.60
IPERS	IPERS	2,613.20
	IPERS	607.38
JETCO INC.	WATER - SERVICE	528.20
JOHN DEERE FINANCIAL	SEWER - SUPPLIES	188.94
JOHNSON COUNTY E-911	ADMIN/WATER - CODERED	1,000.00
JOHNSON COUNTY REFUSE INC	RECYCLING - JULY	3,534.00
KARR, DANIEL	PAYROLL EXPENSE	1,284.11
KENT, TYLER	WATER - CREDIT REFUND	76.25
KESSLER, DONALD	PAYROLL EXPENSE	186.20
KINGDOM GRAPHICS	COMMUNITY & CULTURAL DEV	328.00
	PARK & REC - SUMMER CAMP	380.00
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	1,442.78
	LIBRARY - REIMBURSEMENT	46.64
KUEHL'S LANDSCAPES LLC	ADMIN - SERVICE	994.42
L. L. PELLING CO. INC	STREETS - PREMIX	367.50
LEASE CONSULTANTS CORP	LIBRARY - SERVICE	59.00
LENOCH & CILEK	COMM & CULTURAL DEV -	120.82
LIBERTY COMMUNICATIONS	VARIOUS DEPTS - PHONE	1,070.64
LINN COUNTY R.E.C.	STREETS - UTILITIES	102.00
LYNCH'S EXCAVATING INC	WATER - REPAIR WATER MAIN	7,219.99
	LIFT STATION - CAP PROJECY	600.00
LYNCH'S PLUMBING	WATER - WATER MAIN REPAIR	959.00
	WATER - WATER MAIN REPAIR	1,817.00
MEDIACOM	ADMIN - SERVICE	34.95
MENARDS	PARK & REC/ADMIN	211.61
	STREETS - SUPPLIES	33.54
MOORE'S WELDING INC	FIRE - SERVICE	65.00
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,197.86
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	1,902.51
NASH, ANN	ADMIN - CLEANING	120.00
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,220.55
OLSON, ATTY KEVIN	LEGAL - LEGAL SERVICES	1,250.00
PEDEN, SHANELLE	CABLE - VIDEOTAPING	100.00
	CABLE - VIDEOTAPING	100.00
PITNEY BOWES GLOBAL	LIBRARY - SERVICE CONT	106.77
PITNEY BOWES PURCHASE	WATER/ADMIN - POSTAGE	500.00
PLATO ELECTRIC	SEWER - SERVICE	120.00
	TOWN HALL - SERVICE	283.56
PLUMBERS SUPPLY CO.	WATER - SUPPLIES	.64
PLUNKETT'S PEST CONTROL	ADMIN - SERVICE	45.76
PORT 'O' JONNY INC.	COMMUNITY & CULTURAL DEV	1,200.00
	CEMETERY - SERVICE	80.00
PYRAMID SERVICES INC.	CEMETERY - WEED TRIMMER	318.00
QC ANALYTICAL SERVICES	SEWER - CONFERENCE/TRAINING	125.00
	SEWER - TESTING	630.00
RIVER PRODUCTS CO.	STREETS - ROADSTONE	1,291.99
ROWRAY, RICKIE	ADMIN - HOOVERS HT DAYS	300.00
RUMMELLS FARMS INC.	WATER/SEWER - EASEMENT	489.00
RUNGE, GEOFF	WATER - CREDIT REFUND	45.68
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	1,010.56
	ADMIN - REIMBURSEMENT	46.01
S & S FLATWORK L.L.C.	WATER - MAIN ST & DOWNEY	4,711.00
	STREETS - SERVICE	10,570.55
SCHIMBERG CO	WATER - DOWNEY & MAIN	4,811.22
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	1,039.46
SHIMMIN, NICK	LIBRARY - REIMBURSEMENT	89.91
SIMPLEXGRINNELL	LIBRARY - SUPPLIES	434.00
	LIBRARY - SUPPLIES	300.00
SOUTHEAST POWER SYSTEMS	FIRE - PARTS FOR TRUCK	2,631.34

SPRINGDALE AGENCY	STREETS/POLICE/CEMETERY	2,363.00
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,262.87
SULZNER, ELLEN	TOWN HALL - CLEANING	175.00
SWEAT, ALBERTA	REFUND FOR BLDG PERMIT	23.50
THE IOWA CHILDREN'S MUSEUM	PARK & REC - FIELD TRIP	160.00
THE LIBRARY STORE INC	LIBRARY - CD BINDER	91.25
TIPTON ELECTRIC MOTORS	FIRE - SERVICE/SUPPLIES	71.43
TOYNES IA. FIRE TRK.SERV	FIRE - SUPPLIES	90.07
	FIRE - SUPPLIES	41.16
TREAS. STATE OF IOWA	STATE WTH.	1,000.00
TYLER TECHNOLOGIES	ADMIN - SOFTWARE SUB	2,854.60
UPS	SEWER - SHIPPING	22.80
	SEWER - SHIPPING	45.60
	SEWER - SHIPPING	22.80
	SEWER - SHIPPING	22.70
US CELLULAR	VARIOUS DEPTS - PHONE	271.05
	POLICE - PHONE SERVICE	197.59
	FIRE - PHONE SERVICE	37.03
USA BLUE BOOK	WATER - SUPPLIES	306.56
	WATER - SUPPLIES	68.16
VEENSTRA & KIMM INC.	LIFT STATION - CAP PROJ	2,930.00
	LIFT STATION - CAP PROJE	2,930.00
	WATER - WATER TOWER REPAIR	400.00
	WATER - WATER TOWER REPAIR	163.10
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	176.56
WALMART COMMUNITY/GEMB	LIBRARY - SUPPLIES	493.62
WARGO, BARBARA	ACH PAYROLL EXPENSE	152.14
WATER SOLUTIONS	WATER - SUPPLIES	1,838.00
WENNDT, JOE	FIRE - TRAINING	250.00
WEST BRANCH ANIMAL CLINIC	ANIMAL CONTROL - SERVICE	198.00
WEST BRANCH FIREFIGHTERS	FIRE - FY11 PAYROLL DUES	680.00
WEST BRANCH HEATING	LIBRARY - SERVICE	106.00
WEST BRANCH REPAIRS	STREETS - REPAIR SEAL	92.00
WEST BRANCH TIMES	LEGAL/COMM & CULTURAL	1,052.36
	LIBRARY - ADVERTISEMENT	67.50
WINDSTAR LINES INC	PARK & REC - DAYCAMP BUS	489.50
	GRAND TOTALS	248,005.49

FUND TOTALS

001	GENERAL FUND	54,940.76
022	CIVIC CENTER	747.49
031	LIBRARY	9,018.83
036	TORT LIABILITY	2,363.00
110	ROAD USE TAX	22,355.30
111	POLICE RECOVERY ACT GRANT	57.49
112	TRUST AND AGENCY	2,660.31
303	FIRE CAPITAL PROJECT ADDITION	109,098.95
304	WASTEWATER LIFT STATION PROJECT	6,460.00
600	WATER FUND	33,459.85
610	SEWER FUND	6,843.51
	****	248,005.49



CHANGE ORDER REQUEST 5

5210 20th Ave SW
 Cedar Rapids, IA 52404
 Ph: 319-398-3340
 Fx: 319-398-3363

Submitted To:	Phone:	Date:	Request #
City of West Branch- Fire Station	319-643-5888	26-Jul-11	5
Street:	Job Name:		
1700 42nd St. NE, Suite N	West Branch Fire Station		
City, State and Zip Code	Job Location:		
Cedar Rapids, IA	West Branch, IA		
Attention:			

Scope of work :	Computation	Total
We agree to the change(s) or additional work as specified below.		
Additional roof material- roof is larger than shown on plans		
Yoder Roofing	Add	\$2,158.00
Owner removed and replaced planter box		
Garling Construction	Deduct	\$400.00
	Difference	\$1,758.00
Garling Construction 10%	Add	\$176.00
	Total	\$1,934.00

NOTE: This Change Order becomes part of and in conformance with the existing contract.

We agree to make the change(s) specified above at this price:

The Sum of: *one thousand nine hundred thirty four dollars*

Authorized signature Troy Pina *Garling Construction, Inc.*
 General Contractor

Date of Acceptance 8/11/11

Authorized Signature *Mr. [Signature]*
 Owner

The above prices and specifications of this Change Order are Satisfactory and are hereby accepted. All work to be performed under same Terms and Conditions as specified in the original contract unless otherwise stipulated.

PAYMENT APPLICATION

TO: West Branch City Administrator
 City Hall
 West Branch, IA 50665
 Attn: Dawn Brandt

PROJECT NAME AND LOCATION: 5287-11
 West Branch Fire Station
 105 South 2nd Street
 West Branch, IA 50665

FROM: Garling Construction, Inc
 1120 11th Street
 Belle Plaine, IA 52208
 General Construction

FOR:

APPLICATION # 4 **Distribution to:**
PERIOD THRU: 08/10/2011 OWNER
PROJECT #s: 5287-11 ARCHITECT
DATE OF CONTRACT: 03/21/2011 CONTRACTOR

CONTRACTOR'S SUMMARY OF WORK

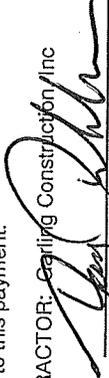
Application is made for payment as shown below. Continuation Page is attached.

1. CONTRACT AMOUNT		\$376,700.00
2. SUM OF ALL CHANGE ORDERS		\$5,023.00
3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2)		\$381,723.00
4. TOTAL COMPLETED AND STORED (Column G on Continuation Page)		\$381,723.00
5. RETAINAGE:		
a. 5.00% of Completed Work (Columns D + E on Continuation Page)	\$19,086.15	
b. 5.00% of Material Stored (Column F on Continuation Page)	\$0.00	
Total Retainage (Line 5a + 5b or Column I on Continuation Page)		\$19,086.15
6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total)		\$362,636.85
7. LESS PREVIOUS PAYMENT APPLICATIONS		\$345,812.35
8. PAYMENT DUE		\$16,824.50
9. BALANCE TO COMPLETION (Line 3 minus Line 6)		\$19,086.15

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$3,089.00	\$0.00
Total approved this month	\$1,934.00	\$0.00
TOTALS	\$5,023.00	\$0.00
NET CHANGES	\$5,023.00	

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: Garling Construction/Inc

By:  Date: 08/09/2011

State of: Iowa Douglas J. DeMeulenaere, President

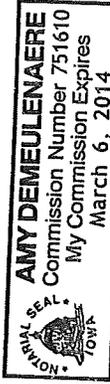
County of: Benton

Subscribed and sworn to before

me this 9th day of August 2011

Notary Public: 

My Commission Expires: 03/06/2014



ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

CERTIFIED AMOUNT:

(If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT:

By: _____ Date: _____

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

CITY OF WEST BRANCH, IOWA/SUBDIVIDER'S AGREEMENT

THE MEADOWS SUBDIVISION, PHASE TWO

This Agreement is made by and between KLM Investments, L.L.C., an Iowa limited liability company, hereinafter referred to as the "Subdivider", and the City of West Branch, Iowa, a Municipal corporation, hereinafter referred to as the "City".

WITNESSETH

SECTION 1. MUNICIPAL IMPROVEMENTS; CONSTRUCTION AND INSTALLATION OF MUNICIPAL IMPROVEMENTS.

In consideration of the city approving the plat and subdivision of real estate known and designated as The Meadows Subdivision, Phase Two, West Branch, Iowa, prior to Subdivider's installation and construction of the required municipal improvements, Subdivider shall make escrow provisions as provided herein. Municipal improvements shall include improvements a 31-foot PCC street known as Orange Street, a 31-foot PCC street known as Dawson Drive (south of Orange Street), and a 29-foot PCC street known as Dawson Drive (north of Orange Street), sanitary sewers, water mains, storm sewers, sump-pump line, street lighting, fire hydrants with appropriate STORZ connections as approved by the Fire Chief and a storm water detention facility as outlined in Paragraph 11 below to serve Part One of this subdivision and additional phases of The Meadows Subdivision. Said municipal improvements shall be constructed and installed in accordance with construction plans and specifications approved by the City Engineer of the City who shall have the right to make or authorize occasional inspections of the work in progress. Said inspections shall not relieve or release the Subdivider from the responsibility to construct the municipal improvements in accordance with the approved plans and specifications.

The sanitary sewer main to be installed by Subdivider on Outlot A shall connect to the existing sanitary sewer line at that certain manhole located to the northwest of Lot 32. The Subdivider is hereby required to remove the abandoned sanitary sewer line that will be located under the proposed storm water retention facility and is required to abandon the remaining sanitary sewer line located on Outlot A in place after placing flowable mortar in said sanitary sewer line.

SECTION 2. SIDEWALKS.

The Subdivider agrees that no later than three (3) years from the date of the City's Resolution approving the Final Plat of The Meadows Subdivision, Part Two, West Branch, Iowa, or upon seventy-five percent (75%) of the development of the lots therein, whichever

occurs first, to install sidewalks abutting each lot which shall be at least four (4) feet wide and constructed according to the plans and specifications as approved by the City Engineer. The escrow provision need not include the sidewalk installation, however, the same shall remain a lien against each lot until accepted and released by the City.

SECTION 3. ESCROW MONIES

The Subdivider shall deposit with the City Clerk in escrow an amount equal to the estimated cost of constructing the municipal improvements plus 10% thereof as determined by the City Engineer and said deposit shall be referred to as "Municipal Improvements Escrow". The escrow deposit shall be in the form of cash, bank check that will be cashed, bond or irrevocable letter of credit, all as approved by the City Attorney.

SECTION 4. USE OF ESCROW MONIES

If, after one year from the date of the City's resolution approving the preliminary plat of the subdivision, the municipal improvements have not been constructed and installed for the subdivision, then City may use and/or make demand upon the municipal improvements escrow to construct and install said municipal improvements. The City shall release any bond or letter of credit or refund to the Subdivider any portions of or any excess escrow monies not used by the City after construction, installation and acceptance of all of the municipal improvements. Any cash or check held in escrow shall be released as needed for payment of the costs of the improvements.

In addition, the City may make use of any of the proceeds of the security provided by Subdivider in order to enforce the erosion control requirements pursuant to Section 170.15(15) of the West Branch Code of Ordinances.

SECTION 5. WAIVER

In the event the Subdivider shall sell or convey or make application for a building permit on any lot or lots in the subdivision without having first constructed and installed all the municipal improvements for the subdivision, then the City shall have the right to proceed therewith as provided in Section 3 above.

SECTION 6. LIEN

The costs of the construction and installation of the municipal improvements shall be a lien and charged against all lots in said subdivision and need not meet the requirements of notice, benefit or value as provided for by the Code of Iowa for assessing said municipal improvements which may exceed the municipal improvements escrow.

SECTION 7. RELEASE

The City agrees that when all municipal improvements have been constructed and installed for the subdivision, to the satisfaction of the City and upon acceptance by resolution, to furnish the Subdivider a good and sufficient Release for filing in the office of the County Recorder so that this Agreement will not constitute a cloud upon the title.

SECTION 8. PUBLIC SERVICES.

Subdivider agrees that public services including, street maintenance, snow plowing, water and sanitary sewer service, will not be provided in said subdivision until the municipal improvements have been constructed, installed and accepted by the City.

SECTION 9. STORM WATER DETENTION OR MANAGEMENT FACILITIES

The Subdivider shall be required to install a storm water detention facility on Outlot A of said subdivision. In constructing said storm water detention facility, the Subdivider shall be required to detain the difference in volume of the five year undeveloped storm and the one hundred year developed storm events on the entire approximate 80 -acre tract owned by Subdivider. In doing so, the Subdivider is required to abandon and remove an existing sanitary sewer main in a manner acceptable to the City Engineer and enter into a Sanitary Sewer Easement Agreement in a form acceptable to the City Attorney. Thereafter, the maintenance of said storm water detention facilities and the entirety of Outlot A shall be the responsibility of Subdivider and the owners of the lots within the subdivision. Said storm water detention facility shall be mowed so that the vegetation in the storm water detention facility is no taller than six inches in height. In addition, the Subdivider shall repair/remove any sand or other siltation in said Storm Water Detention facility so that the facility functions to hold the amount of storm water for which it was designed.

Upon request of the City Engineer, the Subdivider shall provide appropriate data to the City Engineer for review to ensure that the storm water detention facility is capable of providing the design capacity of the facility. The City Engineer, in its sole discretion, may require appropriate measures be performed by the Subdivider if the capacity has been reduced by sand, siltation or any other similar problems.

In the event that the Subdivider, or its assigns, fail to maintain the Storm Water Detention facilities in accordance with the standards set above, then the City has the right to perform said maintenance and invoice Subdivider for said maintenance costs. In the event that the Subdivider does not reimburse the City for its costs within 30 days of the submission of an invoice, the City shall have the right to assess the costs equally to all of the lots of this Subdivision, and any other phases of The Meadows Subdivision. The assessment amount for each lot shall be calculated by dividing the entire costs incurred by

the City, including legal, engineering and administrative costs to perform said required maintenance, and divide that equally among the lots that have been final platted in all phases or parts of The Meadows Subdivision. Subdivider expressly waives all provisions of notice, benefit and value as it pertains to this special assessment.

SECTION 12. PEDESTRIAN STREET CROSSING ON MAIN STREET.

Subdivider shall construct a street crossing on Main Street, which shall include an appropriate crosswalk and traffic signal as approved by the City Engineer and the Manual on Uniform Traffic Control Devices. Subdivider shall work with the West Branch Community School District to connect said crossing to the school property located on the south side of Main Street. The City shall draft an ordinance designating an appropriate school speed zone on Main Street to enhance the safety of the new crossing.

SECTION 13. PARKS/TRAILS.

As required by the comprehensive plan, the Subdivider expressly agrees and acknowledges that future phases of The Meadows subdivisions shall include useable park and open space as required by the comprehensive plan.

SECTION 14. ASSIGNS AND SUCCESSORS

This agreement shall be binding upon the parties, their assigns or successors in interest and it is understood that the City, at its option, may contract for the construction and installation of the municipal improvements as provided above.

Dated this ____ day of _____, 2011.

KLM Investments, LLC:

City of West Branch:

By: _____
 , Manager

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

STATE OF IOWA, COUNTY OF CEDAR, ss:

On this ____ day of _____, 2011, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donald Kessler and Matt Muckler, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West Branch, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as passed by Resolution of the City Council; and Donald Kessler and Matt Muckler acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

A Notary Public in and for the
State of Iowa

STATE OF IOWA, COUNTY OF CEDAR, ss:

This instrument was acknowledged before me on the ____ day of _____, 2011,
by _____ as Manager of KLM Investments, L.L.C..

Notary Public

These minutes are not approved until the next Commission meeting.

City of West Branch Planning & Zoning Commission Meeting
August 2, 2011
West Branch City Council Chambers, 110 North Poplar Street

The West Branch Planning & Zoning Commission opened in regular session at 6:00 p.m. Commission members Roger Laughlin (Chair), Al Rozinek, Gary Slach, Dick Stoolman, John Fuller and Lauren Michael were in attendance. Commission member Trent Hansen was absent. Also in attendance were Mayor Don Kessler, Councilman Mark Worrell, City Administrator Matt Muckler, City Engineer Dave Schechinger and Chris Kofoed with KLM Investments, Inc.

Discuss and approve preliminary plat of the Meadows Subdivision Phase II, KLM Investments, Inc.

The Commission discussed Phase II of the Meadows Subdivision and the following potential recommendations to the City Council:

- 1) The crosswalk across Main Street should be located west of Dawson Drive and east of the High School entrance.
- 2) Change the subdivider's agreement (in Section 1) to show Orange Street as a 31' street instead of a 29' street.
- 3) Require a six-foot wide sidewalk located in front of lot 25 west to the westernmost edge of Outlot A.
- 4) Discussion of a traffic study.
- 5) Require a mid-block crosswalk on the north end of lot 24 across Dawson Drive that would run in between lots 31 and 32.
- 6) Require a sidewalk in between lots 31 and 32.
- 7) Six inch grass height might not be appropriate in section 9 of the subdivider's agreement.

Chris Kofoed was on hand representing KLM Investments, Inc. and mentioned that the language indicating that Outlot A was to be dedicated to the City would be removed from the preliminary plat. Phase II includes seventeen lots and connects to Main Street.

OLD BUSINESS

Site Plan Ordinance Update

Work on the site plan ordinance will resume after the Council has completed deliberations on the Meadows Subdivision Phase II.

Lions Field Update

The Commission requested a concrete surface on the Lion's Field Parking area. Public Works recently completed this work in-house.

NEW BUSINESS:

Comprehensive Plan Update

Work on the comprehensive plan will continue this fall. Public input meetings will take place in October. City staff will develop and administer a community-wide survey in October and November.

Motion by Rozinek and second by Stoolman to adjourn. Meeting adjourned at 7:35 p.m.

Detention Basin Update
by Paul Anderson, MMS
August 2, 2011

The detention basin will be a dry bottom basin with an athletic field incorporated. A low flow channel will be constructed to convey the base flow from the tributary stream and provide detention for small storms without affecting the athletic field. A sediment trap is to be included at the upstream end of the basin to capture sediments transported in the tributary stream. The detention basin is sized to provide storm water detention for up to a 100 year storm event. The volume of runoff stored during a 100 year event is 11.2 Acre-Feet.

The drainage area tributary to the detention basin includes 63 Acres within the Meadows Subdivision development parcel and 66 Acres offsite. 13 Acres of this offsite area is currently residential development with no detention provided.

The detention basin is planned to reduce the peak flow tributary to Hoover Creek by 55% from the existing pre-development conditions and 67% from the flows generated following full development of the Meadows Subdivision during a 100 year storm event. The NRCS Urban Hydrology for Small Water Sheds (TR-55) methodology is being used for hydrologic analysis.

I am assembling additional information to send to you as requested by Brad Larson.

Attached are descriptive information about bio-swales and soil quality restoration. A wetlands investigation on the site prepared by MMS is also included.

I intend to send a hydrologic report, and a cost estimate for the basin promptly.

These minutes are not approved until the next Commission meeting.

City of West Branch Planning & Zoning Commission Meeting
August 9, 2011
West Branch City Council Chambers, 110 North Poplar Street

The West Branch Planning & Zoning Commission opened in regular session at 6:33 p.m. Commission members Roger Laughlin (Chair), Al Rozinek, Gary Slach, Dick Stoolman, John Fuller, Lauren Michael and Trent Hansen were in attendance. Also in attendance were Councilman Mark Worrell, Superintendent Kevin Hatfield, Chris Kofoed, Brad Larson and City Administrator Matt Muckler.

Approve minutes from the August 2, 2011 Planning and Zoning Commission Meeting. Minutes were not available for review by Commission Members. They will be placed on a future meeting agenda.

Approve preliminary plat of the Meadows Subdivision Phase II, KLM Investments, Inc./Move to action.

The Commission discussed Phase II of the Meadows Subdivision and the following potential recommendations to the City Council:

- 1) The crosswalk across Main Street should be located west of Dawson Drive and east of the High School entrance.
- 2) Change the subdivider's agreement (in Section 1) to show Orange Street as a 31' street instead of a 29' street.
- 3) Require a six-foot wide sidewalk located in front of lot 25 west to the westernmost edge of Outlot A.
- 4) Discussion of a traffic study.
- 5) Require a mid-block crosswalk on the north end of lot 24 across Dawson Drive that would run in between lots 31 and 32.
- 6) Require a sidewalk in between lots 31 and 32.
- 7) Six inch grass height might not be appropriate in section 9 of the subdivider's agreement.

Discussion on the location of the Main Street crosswalk was held. Most members felt that the crossing should be located to the west of Dawson Drive, just east of the current high school entrance. They felt that a traffic study was not warranted at this time but would be necessary prior to the approval of the next Meadows Subdivision preliminary plat. Commission Member Fuller felt that a traffic study was necessary and may be helpful in determining the location of the crosswalk and appropriate signage and/or signalization. Superintendent Hatfield asked the Commission to establish a school zone in this area for the safety of students and community members travelling in this area. Members agreed that a school zone should be established and that the city engineer should work with Johnson County to discuss potential speed reductions on Herbert Hoover Highway just west of the West Branch City Limits.

The Commission was unanimous in support of a six-foot sidewalk to be located on Main Street from Dawson drive to the crosswalk. A mid-block crosswalk on Dawson Drive was also recommended. Members felt that a sidewalk located between lots 31 and 32 was unnecessary at this time. Commission Member Fuller suggested that the six-inch grass height requirement, currently in the subdivider's agreement, is not appropriate as prairie grass or other native plantings might be more appropriate in the detention basin area. He suggested the Council consider adopting a more flexible statement in the subdivider's agreement.

The Commission had a discussion on the appropriate width of sidewalks for new residential developments in West Branch. Commission Member Fuller suggested that the Commission review Chapter 136.07.5.A which currently requires residential sidewalks to be at least four feet wide.

KLM Investments, Inc. has provided a general drawing for the regional detention basin in the Meadows. City Administrator Matt Muckler discussed the Watershed Improvement Review Board Grant Request that was recently submitted to the Iowa Department of Agriculture and Land Stewardship. The grant application includes a request for funding for the regional detention basin.

The Commission is not recommending that a sidewalk go between lots 31 and 32 to access the regional detention basin because at this time the basin will not be accessible by the public. KLM may approach the City at a future time with a proposal to dedicate this area to the City and the sidewalk may be addressed at that time.

Commission Member John Fuller provided a two-page document, *Recommendations to West Branch Planning & Zoning Commission, For the preliminary plat of the Meadows Subdivision, Phase II*, to commission members. The document included recommendations on sidewalks, a traffic study for the Main Street Crosswalk and environmental issues.

Motion by Stoolman and second by Rozinek to approve a recommendation to approve preliminary plat of the Meadows Subdivision Phase II, KLM Investments, Inc. with three proposed changes to the subdivider's agreement: 1) Require a six-foot wide sidewalk on Main Street located in front of lot 25 west to the westernmost edge of Outlot A., 2) Require a mid-block crosswalk on the north end of lot 24 across Dawson Drive that would run in between lots 31 and 32., and 3) Six inch grass height might not be appropriate in section 9 of the subdivider's agreement. Roll call vote – Ayes: Stoolman, Rozinek, Hansen, Slach, Fuller, Michael and Laughlin. Motion carried.

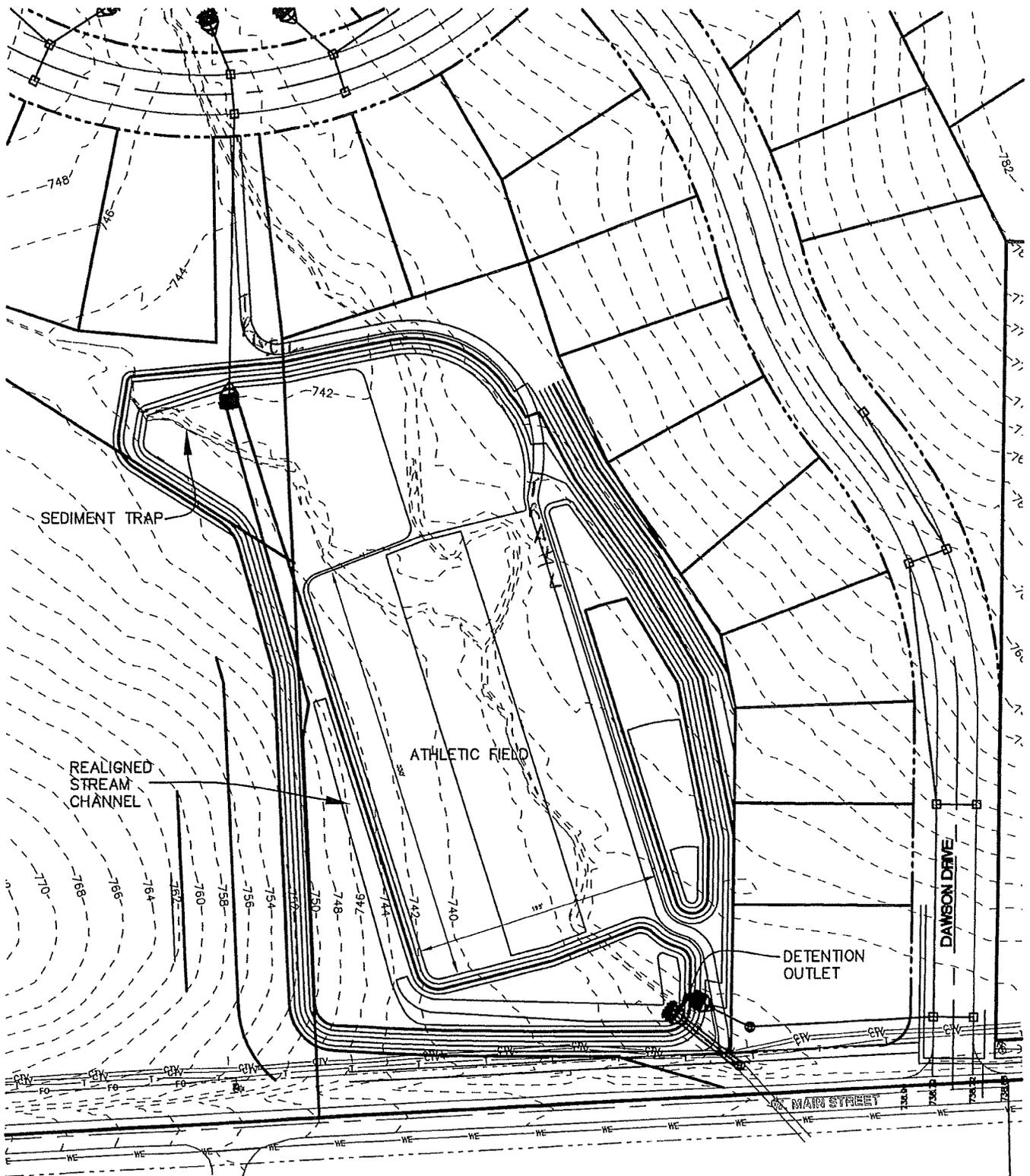
OLD BUSINESS

None.

NEW BUSINESS:

None.

Motion by Fuller and second by Hansen to adjourn. Meeting adjourned at 7:45 p.m.



Designed by:	PVA	Scale:	1"=100'
Drawn by:	CJS	Date:	08-03-11
Checked by:	PVA	Project No.:	IC 8815001

REGIONAL DETENTION BASIN
THE MEADOWS
 WEST BRANCH
 CEDAR COUNTY, IOWA

MMS CONSULTANTS, INC.
 IOWA CITY, IOWA 52240
 (319) 351-8282
 CEDAR RAPIDS, IOWA 52404
 (319) 841-5188
www.mmsconsultants.net



Date	Revision

Recommendations to West Branch Planning & Zoning Commission For the preliminary plat of the Meadows Subdivision, Phase II

By John Fuller, August 9, 2011

Sidewalks

At the Commission's August 2 meeting one topic of discussion was appropriate sidewalks for the development (for the proposed Orange St. extension, Dylan Court, and Dawson Dr.) and for frontage on Main Street from Dawson Dr. to the end of Outlot A. Desired sidewalk width was discussed.

I have researched the following sources: the Iowa DOT Design Manual, Safe Routes to School Guidelines, ADA-ABA Accessibility Guidelines, FHWA's Designing Sidewalks and Trails for Access, and AASHTO's Guide for the Planning, Design, and Operation of Pedestrian Facilities. From reviewing all of these sources, while 8-foot widths are most desirable, I find a reasonably economical, up-to-date standard for residential street sidewalk width, with no sidewalk buffer, is **6 feet**, which I recommend to the Commission members and the City Council. (If a buffer were to be present a 5-foot minimum width would be suitable, but I do not believe the preliminary plat shows a buffer to be proposed.)ⁱ For the sidewalk on Main Street I recommend a buffer zone between the 6-foot sidewalk and Main Street of 8 to 10 feet.

A related topic discussed was the need for a mid-block crossing on Dawson Drive to access the easement between lots 31 and 32 (the access path to Outlot A). We did not take up the topic of **curb ramps** or curb cuts, but such treatment would be necessary at the mid-block crossing, and at Orange Street intersections in the subdivision, and we should recommend their inclusion on the preliminary plat.ⁱⁱ

Traffic Study for Main Street Crosswalk

The Commission discussed the need for an engineering study of Main Street traffic in conjunction with designing and placing an appropriate crosswalk west of Dawson Drive for access from the Meadows to the High School. The question of timing arose: should a traffic study take place before a crosswalk is put in place, but also before build-out of The Meadows occurs, or should a study be done later, once full land-use/traffic effects are felt from the new development. My preference is **for a traffic study soon**, before decisions are made about the crosswalk, so a temporary crosswalk solution can be in place once construction on Phase II lots is underway. In my opinion the study can always be updated, at low cost, as more information about changed land-use impact becomes available, and a permanent crossing solution can then be devised. Waiting for build-out may also mean missing the opportunity for traffic safety improvements when Johnson County undertakes the next resurfacing of Hoover Highway/Main Street.

Environmental Issues

On August 2 the Commission considered grass height limits in the proposed sub-divider's agreement for the Meadows, and agreed that a maximum height of 6 inches might not be appropriate for native vegetation or other suitable vegetation on Outlot A. (A watershed improvement grant has been submitted which needs to be taken into account when making decisions about vegetation and other water-related aspects of full build-out of the Meadows.)

Not discussed by the Commission to any extent was the amount of impermeable surface area that will take the place of what to now has been 80 acres of meadow, wetland, and trees. Native vegetation with its deep root systems can help the situation. However, the development and implementation of permeable street and driveway surfaces has advanced greatly in the past few years, and I recommend that we see consideration given to mitigating water runoff and allowing better water infiltration in the Meadows development through seeking and possibly requiring permeable pavement solutions.ⁱⁱⁱ

ⁱ "The six-foot width allows for two people to walk comfortably side-by-side and provides sufficient space for pedestrians crossing in the opposite direction. If a sidewalk buffer does not exist, an effort should be made to provide a wider sidewalk. A wider sidewalk allows a pedestrian to avoid the splash zone (area adjacent to a motor vehicle travel lane into which water spray created by a motor vehicle traveling through water on the roadway enters) and provides a snow storage area and a more comfortable separation between moving vehicles and pedestrians." Guidelines for sidewalk buffers are available in the FHWA's Designing Sidewalks and Trails for Access (Section 4.1.2) and AASHTO's Guide for the Planning, Design, and Operation of Pedestrian Facilities (Section 3.2.4)

ⁱⁱ ADA guidelines recommend two curb ramps at every intersection, one for each roadway to be crossed, rather than one curb ramp in the center. Two ramps guide pedestrians into the crosswalk rather than into the middle of the intersection. Two ramps which end at the crosswalk also provide directional guidance to pedestrians with vision impairments

ⁱⁱⁱ See Iowa Stormwater Management Manual at <http://www.intrans.iastate.edu/pubs/stormwater/Design/21/21-2%20Pervious%20Concrete%20Pavement.pdf>

One national collection of recent research and findings is at:

<http://www.nebrconcagg.com/assets/PromotionPages/Pervious%20Concrete/RMC/4.pdf>
ISU research to 2010 on a pervious installation put in place in 2006 is reported at:
<http://www.inside.iastate.edu/2010/0429/concrete.php>

ORDINANCE NO. 683

AN ORDINANCE AMENDING TITLE CHAPTER 6 "CITY ELECTIONS"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 6 "CITY ELECTIONS" of the Code of West Branch, Iowa is hereby amended by deleting Section 6.07 in its entirety.
2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 15th day of August, 2011.

First Reading:	July 18, 2011
Second Reading:	August 1, 2011
Third Reading:	August 15, 2011

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

RESOLUTION 951

**RESOLUTION APPROVING AN OFFER TO PURCHASE REAL PROPERTY
WITH EDWIN T. PENCE**

BE IT RESOLVED by the Council of the City of West Branch, Iowa that the City of West Branch, Iowa approves the Offer to Purchase Real Property with Edwin T. Pence in the amount of \$70,000 for the Wapsi View Mobile Home Park.

BE IT FURTHER RESOLVED that the Mayor and City Administrator/Clerk are directed to execute any and all documentation necessary to effectuate the terms of this agreement.

Passed and Approved this 15th day of August, 2011.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/Clerk

OFFER TO PURCHASE REAL PROPERTY

TO: Edwin T. Pence (hereafter "Pence")

1. **REAL ESTATE DESCRIPTION.** The City of West Branch, Iowa, (hereafter "West Branch") a municipal corporation, hereby offers to purchase the following Real Property in the City of West Branch, Cedar County, Iowa:

Wapsi View Mobile Home Park, West Branch, Iowa, said property being the location mobile home park shown generally as the highlighted area on the overhead map attached hereto as Exhibit "A". The exact legal description shall be taken from the abstract.

This parcel shall hereafter be referred to as the "Property."

2. **PURCHASE PRICE.** The purchase price of the Property shall be \$70,000.00, payable at West Branch, Cedar County, Iowa, to be paid as follows:

Upon execution of this Agreement by Pence and approval of the Agreement by the West Branch City Council, West Branch shall deliver a check in the amount of \$500.00 as earnest money for this Agreement, the balance of the Purchase Price to be paid at the closing after all of Pence's obligations have been met.

3. **DATE OF POSSESSION.** If accepted, Pence shall deliver possession to West Branch on either January 1, 2012 (the "Closing") or a date following the completion of CONDITIONS PRECEDENT TO CLOSING listed in Paragraph 22 below, whichever is later.

4. **REAL ESTATE TAXES.** Pence shall pay any unpaid real estate taxes payable in prior years. In addition, Pence shall pay to West Branch, or West Branch shall be given a credit for, taxes from the 1st day of July prior to the date of possession based upon the last known actual net real estate taxes payable according to the Cedar County Treasurer.

5. **RISK OF LOSS AND INSURANCE.** Pence shall bear the risk of loss or damage to the Property prior to the date of possession. Pence shall maintain existing insurance on the Property. In the event of damage to the Property prior to closing, West Branch shall have the right to complete the closing and receive any and all insurance proceeds regardless of the extent of damage.

6. **USE OF PURCHASE PRICE.** At the time of closing, funds from the purchase price may be used to pay any real estate taxes, transfer taxes, abstracting fees, utility bills, and any outstanding liens and to acquire outstanding interests, if necessary.

7. **ABSTRACT AND TITLE.** Pence, at his sole expense, shall promptly obtain an abstract of title to the Property continued through the date of acceptance of this Offer, and deliver it to West Branch for examination. It shall show merchantable title in Pence in conformity with this Agreement, Iowa law and title standards of the Iowa State Bar Association. Pence shall make every reasonable effort to perfect title. If the closing is delayed by Pence's inability to provide marketable title, this Agreement shall remain in full force and effect unless rescinded by West Branch after giving ten days written notice to Pence. The abstract shall become property of West Branch when the purchase price is paid in full. Pence shall pay the costs of any additional abstracting work due to any act or omission of Pence.

8. **DEED.** Upon payment of the purchase price (less allowed deductions), Pence shall convey the Property to West Branch by Warranty Deed, free and clear of all liens, restrictions, and encumbrances.

9. **JOINT TENANCY IN PROCEEDS AND IN REAL ESTATE.** If Pence, immediately preceding acceptance of this Offer, holds title to the Property in joint tenancy with full right of survivorship, and the joint tenancy is not later destroyed by operation of law or by acts of Pence, then the proceeds of this sale, and any continuing or recaptured rights of Pence in the Property, shall belong to Pence as joint tenants with full rights of survivorship and not as tenants in common; and West Branch, in the event of the death of Pence or other joint tenant, agree to pay any balance of the purchase price due Pence under this contract to the surviving joint tenant, and to accept a deed from the surviving joint tenant consistent with paragraph 7.

10. **JOINDER BY JCR'S SPOUSE.** Pence's spouse, if any, if not a titleholder immediately preceding acceptance of this offer, executes this contract only for relinquishing all rights of dower, homestead and distributive shares or in compliance with Section 561.13 of the Iowa Code and agrees to execute the deed or real estate contract for this purpose.

11. **TIME IS OF THE ESSENCE.** Time is of the essence in this contract.

12. **REMEDIES OF THE PARTIES.**

- a. If West Branch fails to perform this contract, Pence may forfeit it as provided in the Iowa Code, and all payments made shall be forfeited, at Pence's option, upon thirty days written notice of intention to accelerate the entire balance because of such failure (during which thirty days such failure is not corrected) Osborne may declare the entire balance immediately due and payable. Thereafter, this contract may be foreclosed in equity and the Court may appoint a receiver.
- b. If Pence fails to timely perform this contract, West Branch shall have the right to have all payments made returned to them.
- c. Pence and West Branch also are entitled to utilize any and all other remedies or actions at law or in equity available to them and shall be entitled to obtain a judgment for costs and attorneys fees as permitted by law.

13. **APPROVAL OF THE COURT.** If the sale of the Property is subject to Court approval, the fiduciary shall promptly submit its contract for such approval. If this contract is not so approved, it shall be void.

14. **CONTRACT BINDING ON SUCCESSORS IN INTEREST.** This contract shall apply to and bind the successors in interest of the parties.

15. **CONSTRUCTION.** Words and phrased shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

16. **TIME FOR ACCEPTANCE.** If this offer is not accepted on or before 5 o'clock p.m. on August 15, 2011, it shall become void and all payments shall be repaid to West Branch.

17. **CERTIFICATION.** Pence and West Branch each certify that they are not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order of the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Each party hereby agrees to defend, indemnify, and hold harmless the other party from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to a breach of the foregoing certification.

18. **CITY COUNCIL APPROVAL REQUIRED.** Both parties acknowledge that this contract is not enforceable against West Branch until such time as it is approved by the West Branch City Council.

19. **ACCESS TO PROPERTY.** Upon execution of this Agreement by both parties, West Branch shall have the right to enter the Property for the purposes of surveying, testing and inspection.

20. **VOLUNTARY TRANSACTION.** Both parties expressly agree that this transaction is voluntary and that West Branch will not use its power of eminent domain to acquire the Property.

21. **SALVAGE RIGHTS.** Prior to the Date of Possession, Pence shall have the right to salvage any materials from any of the mobile homes located on the Property. However, Pence shall have no rights to salvage any portion of the metal storage building located on the Property. Any material left on the Property on the Date of Possession shall become the property of West Branch.

22. **CONDITION PRECEDENT TO CLOSING.** Pence expressly agrees that the following conditions must be met prior to the closing:

- a. Pence shall have given every tenant located on the Property at the time of acceptance of this Agreement by Pence at least ninety (90) days notice to vacate the Property. Pence shall certify prior to closing that no leasehold interests remain on the Property.
- b. That title to all of the mobile homes located on the Property shall be in the name of Pence, and that Pence shall obtain a junking certificate for each mobile home and transfer ownership of the mobile homes to West Branch via Bill of Sale after West Branch has removed the trailers from the Property.
- c. Pence shall provide proof that all property taxes have been paid, in compliance with Chapter 435 of the Code of Iowa, for all of the mobile homes that are left on the Property at the time of Closing.
- d. All hazardous materials that cannot be disposed of at the sanitary landfill shall be removed by Pence at his sole expense.

Dated this ____ day of _____, 2011.

City of West Branch:

Don Kessler, Mayor

ACCEPTED on _____, 2011.

Edwin T. Pence

SSN: _____

ORDINANCE NO. 684

AN ORDINANCE AMENDING TITLE CHAPTER 69 "PARKING REGULATIONS"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 69 "PARKING REGULATIONS" of the Code of West Branch, Iowa is hereby amended by adding the following subsection, Section 69.08.65:

69.08 - NO PARKING ZONES

65. Both sides of Oliphant Street from the intersection with Orange Street extending north 125 feet.

2. This amendment to the ordinance shall be in full effect from and after its publication as by law provided.
3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 15th day of August, 2011.

First Reading: August 15, 2011

Second Reading:

Third Reading:

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

ARLYN D. VERLO

211 West Main St., PO Box 744, West Branch, IA 52358-0744

August 5, 2011

City Council, City Administrator, and Mayor
City of West Branch
110 N Poplar St.
PO Box 218
West Branch, Iowa 52358

Dear Sirs,

This letter serves as my resignation from the position of Director of Cable Access, effective immediately. When I volunteered for this position several years ago, I was upfront with the City Council and the Cable Commission that while I would maintain the cable access department in its current role, I did not have the resources to commit additional time toward expanding the role of cable access. Recently the city manager launched an internship program with University of Iowa students to expand the content on the station. Considering the expanded direction that the city manager is pursuing, I no longer believe that I am the best person to serve in this role.

Fortunately, I leave the cable access department in very capable hands. The department now has a ¼-time assistant who has been handling the majority of day-to-day issues, and a contract videographer for covering school board and city council meetings.

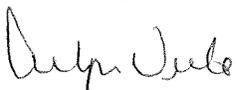
The department is also in very good shape as far as equipment and funding. When I chose the equipment for the council chambers and the control room, my goal was to streamline the process so that people could be trained quickly and efficiently. I believe that we accomplished that goal.

My lingering concerns for the future of the cable access department are two-fold. Currently, the cable access department has approximately \$84K in 2 cd's plus this years budget - local access fees charged to cable subscribers. During tight economic times, that pool of money looks very tempting to government administrators trying to cover the city's expenses. But, as I have cautioned every city manager that I have served with, the courts have already ruled that moneys generated from cable access franchise fees can not be used for general city expenses. Cable franchise fees are not considered a tax and cannot go into the general fund. If the franchise money is not spent supporting local cable access broadcasting, then it cannot be charged to the users. If West Branch begins dipping into that fund, they will rightly face swift legal action by the cable companies and the subscribers.

I am also concerned about the current city initiative to generate content outside the sphere of the official city and school board meetings. There is a fine line between informing and influencing; and when the city begins generating content on its own departments, they will need to toe the line carefully to prevent broadcasting propaganda and putting the city in a vulnerable legal position.

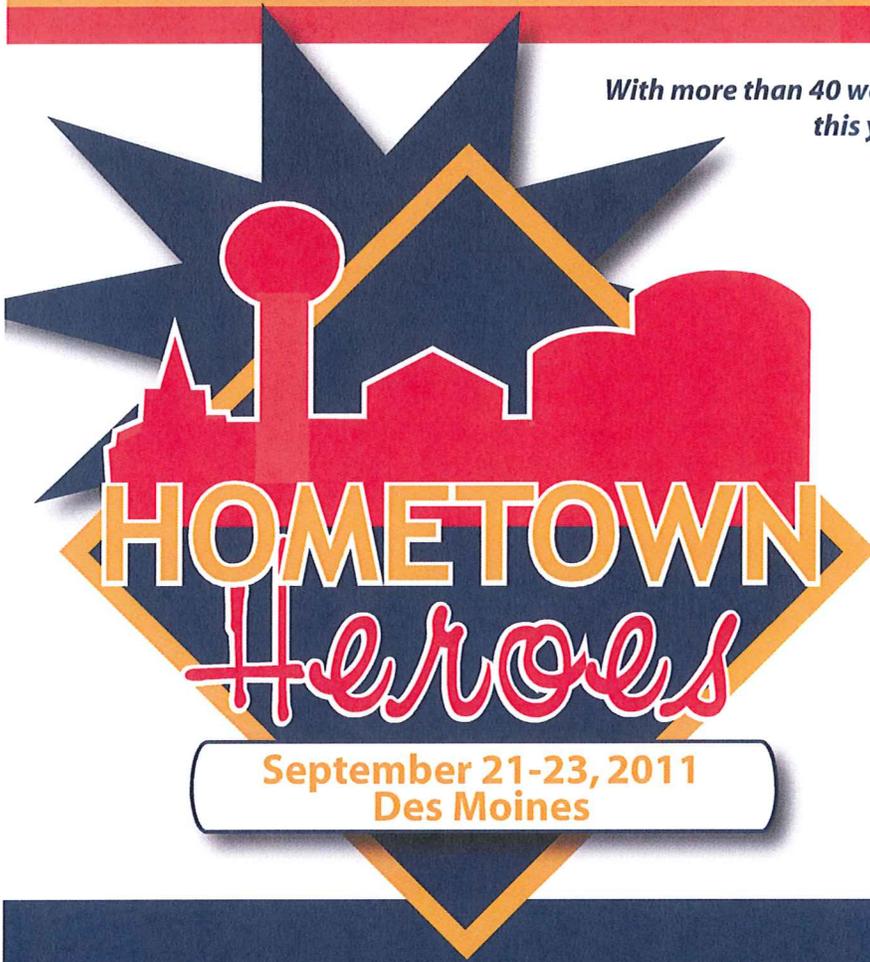
It has been an honor to hold this position for so many years, and I thank all of the council members who have supported my efforts in the past.

Respectfully submitted,



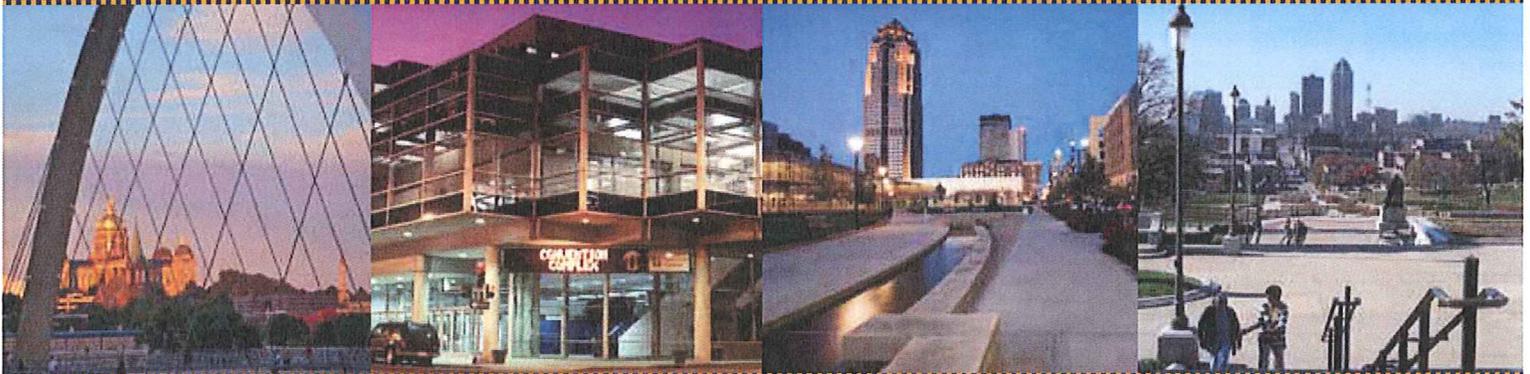
Arlyn D. Verlo

*With more than 40 workshops and unique opportunities to network,
this year's conference lineup has something for you.*



September 21-23, 2011
Des Moines

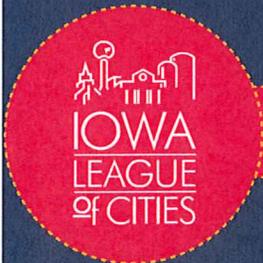
OUT OF THE PARK
EDUCATION
YOU CAN TAKE
ALL THE WAY
H O M E



2011 ANNUAL CONFERENCE & EXHIBIT

SEPTEMBER 21-23

DES MOINES | POLK COUNTY CONVENTION COMPLEX



Conference Registration

Registration Fees

The conference fee includes admission to all general sessions, workshops and meal functions on the conference agenda. Please contact Shannon Busby at (515) 244-7282 for accessibility or dietary accommodations.

Organization/City

Name (as to appear on name badge)

Title

Street Address

City State Zip

Phone Fax

Email Address

I am a first-time attendee

I am new to city government

Guest Registration

Guest Registration is complimentary. However, tickets for meals must be purchased separately. Guests cannot be city officials. (see *Extra Tickets* section)

I'd like to be connected with guests of other conference attendees. It is okay to share my contact information.

Guest name (as to appear on name badge)

Conference

Please circle only one

On or before
Aug. 19

After
Aug. 19

Whole Conference (Wed. - Fri.)

League member	\$185	\$240
Non-League member	\$310	\$365

Partial Conference (Thurs. - Fri.)

(special, only for 2011)

League member	\$145	\$200
Non-League member	\$195	\$250

Extra Tickets

Best Ball Golf Tournament (pre-register)

\$70 x _____ attendee(s) _____ Handicap = \$ _____

Welcome Reception & Exhibit Hall

\$25 x _____ attendee(s) = \$ _____

Thursday Breakfast in Exhibit Hall

\$12 x _____ attendee(s) = \$ _____

Thursday Opening Luncheon

\$25 x _____ attendee(s) = \$ _____

Thursday Banquet & President's Reception

\$45 x _____ attendee(s) = \$ _____

Friday Closing Brunch

\$20 x _____ attendee(s) = \$ _____

Total amount enclosed*

= \$ _____

Each attendee must fill out a separate form.

* Registration will not be processed without payment. All cancellations must be received in writing by Sept. 1. No refunds will be made to no-shows. Cancellations after Sept. 1 are subject to a \$50 administration fee. No refunds after Sept. 15. Hotel reservations must be made on your own; the list of room blocks and hotels are on the back page or go to www.iowaleague.org for more information. Credit card payment available only online.

Requires Pre-Registration

Wednesday

Networking Best Ball Tournament (10:30 a.m.)
\$70 registration fee includes green fees for 18 holes, a shared cart and lunch. Shotgun start at 10:30 a.m. Should end by 4:30 p.m.

Service Project (Tentatively scheduled for 9 – 11:30 a.m.)
Please watch your email for more information.

Thursday

Eighth Annual 5K Run/Walk (7 – 9 a.m.)

I plan to: run walk

T-shirt size: S M L XL XXL

(Must register before August 19 to receive the free shirt.)

Mobile Workshops

Enhancing Services to a Growing City
(Wednesday, 1:30 - 3:30 p.m.)

Connecting a Community (Thursday, 9 - 10:30 a.m.)

The Green Gateway (Thursday, 2:15 - 4:15 p.m.)



Mail form & payment to: Iowa League of Cities, 317 6th Ave, Suite 800, Des Moines, IA 50309

Registration is also available online at www.iowaleague.org

CONFERENCE SCHEDULE | 2011

Note: Schedules may change slightly before the September conference.

PR = Pre-Registration Required

MW = Mobile or off-site event with transportation provided

WEDNESDAY

Registration

8 a.m. – 7:30 p.m.

Service Project

Tentatively scheduled for 9–11:30 a.m.

Cities often team up to strengthen our communities. To continue that spirit, participate in a service project in the Des Moines area. More details about this opportunity will be available via email and at www.iowaleague.org closer to the event.

PR MW

Networking Best Ball Golf Tournament

10:30 a.m.

Take a swing at the Waveland Golf Course. The \$70 registration fee includes green fees for 18 holes, a shared cart and lunch. Prizes will be given to winners in each flight. Shotgun start begins at 10:30 a.m. with lunch on the course. **PR**

Extended Workshop Series

1:30 – 4:30 p.m.

New Member Orientation

5 – 6 p.m.

First time attendees are invited to get to know each other and hear a short program on what to expect and how to get the most out of the conference.

Welcome Reception and Exhibit Hall

6 – 8:30 p.m.

Exhibitors are one of the many resources available to help your city win. Not only will they have services and products to help meet your city's needs, but they can provide insight and expertise to help. This type of networking can help cities make informed decisions about the future. Bring your jersey and trading (business) cards, and participate in this year's baseball-themed Exhibit Hall. Enjoy light appetizers, games and prizes.

THURSDAY

Registration

7:30 a.m. – 6:30 p.m.

Eighth Annual Run/Walk

7:30 – 9 a.m.

Warm up with a 5k run or 2.5K walk around Des Moines' scenic Gray's Lake. Brought to you by the Iowa Municipalities Workers' Compensation Association (IMWCA), the event includes a t-shirt and light breakfast. **PR MW**

Breakfast in the Exhibit Hall

7:30 – 8:45 a.m.

Enjoy breakfast in the exhibit hall while visiting with exhibitors.

Workshops – Series #1

9 – 10 a.m.

Break in Exhibit Hall

10 – 10:45 a.m.

The final inning in the exhibit hall - take advantage of the last chance to visit with exhibitors during this coffee break.

Workshops – Series #2

10:45 – 11:45 a.m.

Opening Luncheon

Noon – 2 p.m.

Special guests will welcome you to their home field, Des Moines. Enjoy networking while eating. Max Phillips will then talk about the benefits of being architects, not victims, of change. Phillips is currently the President of Iowa and South Dakota's Qwest operations. After his retirement this July, he'll become the Chief Operating Officer of the Perry Lutheran Home. In addition to other community involvement, Phillips served three terms as Bouton's mayor and has served on the Woodward-Granger Community School Board.

Workshops – Series #3

2:15 – 3:15 p.m.

Workshops – Series #4

3:30 – 4:30 p.m.

laCMA Reception

4:30 – 5:30 p.m.

Members of the Iowa City/County Management Association (laCMA) will convene for a reception at the Suites of 800 Locust.

ICAP's 25th Anniversary Reception

4:45 – 6 p.m.

This year marks Iowa Communities Assurance Pool's (ICAP) 25th Anniversary! Join them for a celebration before the Awards Banquet on Thursday evening. Help toast ICAP's silver anniversary with appetizers, drinks and live music by Tony Valdez and the Retro Rockets.

Awards Banquet

6 – 8 p.m.

Help celebrate cities and individuals at the top of their game. Enjoy a banquet meal followed by the presentation of the League's annual All-Star Community Awards and other special honors. Get the play-by-play from Ankeny Mayor Steve VanOort, MC for the evening.

President's Reception

8 – 10 p.m.

Join League President Ruth Randleman for a dessert reception at the Iowa Hall of Pride. Attendees will be given tokens at the door, so everyone can participate in the fun and games at the Hall of Pride. **MW**

continues on next page

continued from previous page

Note: Schedules may change slightly before the September conference.

FRIDAY

Registration

7:30 – 11:45 a.m.

Voting Delegate Assignment

7:30 – 9 a.m.

Workshops – Final Series

8 – 9 a.m.

Business Meeting

9:15 – 10 a.m.

Voting delegates from member cities weigh-in on business items including the approval of new League Board members, the League's legislative priorities and changes to the League's Constitution.

Closing Brunch

10:30 a.m. – noon

Enjoy a buffet brunch with special guest Kent Stock. A native of Ankeny, Stock, along with the city of Norway and their high school baseball teams, was the inspiration for the 2007 movie "The Final Season." He will talk about the movie's theme: How would you like to be remembered.

Throughout the conference, be sure to check the City Showcase. The showcase features projects submitted for the All-Star Community Awards. Find inspiration for your hometown, learn about the amazing things happening our cities and congratulate your colleagues on their success!

the LIN

an overview of ga

The list below includes just a few options; on game day you'll have more than 40 workshops to choose from.

Extended Wednesday WORKSHOPS

These workshops take place Wednesday, September 21 from 1:30 – 4:30 p.m.

A City's Map to the Fountain of Youth

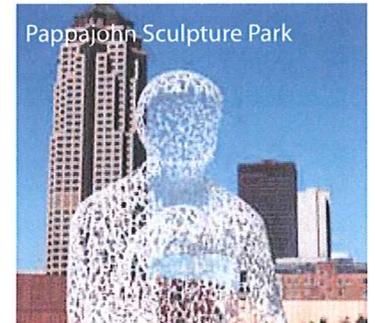
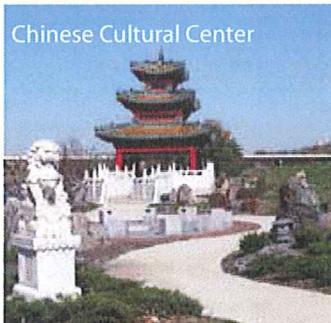
City officials are often concerned with trying to help their community grow, whether by adding new homes or landing new businesses. While new construction is a welcome sight, an alternative is rejuvenating older properties by using the urban renewal process. This workshop will examine how a city moves through that process and helps turn aging properties into attractive and productive pieces of land.

Mega Issues Shaping Government

What does the future of local government look like? Based on an article that appeared in *Public Management* magazine, this workshop will take an in-depth look at five driving forces that will shape local government in the years to come. Issues discussed: the long-term economic outlook of cities; strained relationships with state governments; demographic changes; resource challenges and the utilization of new media and technology.

Everything You Wanted to Know about City Government (But Were Afraid to Ask)

This highly interactive session will feature presentations on the most interesting and frequently asked questions received by League staff. Hear brief presentations on topics of our choice, like open meetings, conflicts of interest, municipal finance, personnel management, workers' compensation, bidding and nuisance abatement; then ask your own questions. Hear the answers to others' questions, or come up with your own and try to "stump the staff."



Iowa State Capitol

Register

E U P

me day workshops

Mobile WORKSHOPS

Mobile workshops take participants into the surrounding community. Must pre-register as seating is limited on transportation.

PR AW

Enhancing Services to a Growing City

Wednesday, 1:30 – 3:30 p.m.

While most cities would welcome a growth in their population, city officials know that an increase in citizens leads to an increase in demand for city services. In Norwalk, where the city has experienced significant population growth in recent years, the city has responded to increased demands by constructing a new public works facility. This tour will take a look at Norwalk's new facility and how it will serve the citizens of Norwalk for many years to come.

Connecting a Community

Thursday, 9 – 10:30 a.m.

Neighborhood organizations can provide a city with more connections to its citizens and lead to a more responsive municipal government. This tour will feature a ride through various Des Moines neighborhoods and take a look at the programs the city has worked on with local organizations. Hear how these efforts have helped strengthen the Des Moines community.

The Green Gateway

Thursday, 2:15 – 4:15 p.m.

In 2009, the Pappajohn Sculpture Park opened and downtown Des Moines gained a unique and beautiful landmark. Once a greenspace on the west side of downtown, the 4.4 acre Gateway Park transformed into an outdoor art gallery that features 26 different sculptures. The park was a collaborative effort of the Pappajohn Family, the Des Moines Art Center and the City of Des Moines.

Adjacent to the sculpture park is the new headquarters of Wellmark. The eye catching building recently earned LEED Platinum status for its environmentally conscious design. The facility also encourages wellness and features a gym and exercise area as well as ergonomic work stations.



Small City Focus WORKSHOPS

Although aimed at the unique needs of small cities, these workshops are helpful to cities of many sizes.

Financial Planning and Analysis

The council needs to do financial planning, but where do you start? This session outlines some tools available to help councils better understand the city's financial condition and how to plan for major projects.

Stealing Home: Fraud and Abuse Protection

How can the council protect the city from fraud? This session will examine the different types of fraud, from stealing money to using city equipment for personal use. Stop fraud before it becomes a problem.

Two Heads are Better Than One

We can no longer consider the city limits as a moat, isolating city service delivery. Economic drivers are requiring that we look at sharing services between governments and with private-public partnerships. This session will explore some of the successes and drawbacks of such crusades.

What is an Independent Contractor?

Both the state and federal government have specific rules governing what qualifies as an independent contractor. Misclassifying what would otherwise be a city employee for the purpose of cost savings can create considerable risk and potential liability for your city. Learn about the rules established by the IPERS, IRS and the U.S. Department of Labor regarding the hiring of independent contractors.

Advanced WORKSHOPS

Rookies and veterans are welcome to attend, however these workshops assume you already have basic knowledge of the topics.

Advanced TIF: Welcome to the Majors

The second part of the tax increment financing (TIF) series will focus on the finer aspects of TIF and cover some of the more advanced parts of the financing tool. Attendees will have ample opportunity to ask questions about their TIF programs.

Flipping Real Estate: The City's Role in Redevelopment

After going through the nuisance abatement process, some cities might still have to deal with a dilapidated or abandoned property. These properties can pose real danger to a community and it's typically up to the city to rectify the situation. Learn the different remedies cities can pursue when dealing with these types of properties and how they can become productive again.

online at www.iowaleague.org

the LINEUP

an overview of game day workshops

continued

Other Workshops

The list below includes something for everyone. Take a peek, but remember, the workshop lineup will be even bigger at the event. Check the League's Web site often for updates.

3 Strikes, You're Out: Nuisance Abatement Basics

This session will provide an overview of the nuisance abatement process. No matter the size of city, all have to deal with nuisance problems such as junk vehicles and unkept lawns. Review city policies that will help identify issues and enforce the city's nuisance laws.

A Little Help From My Friends

Many cities have enjoyed housing redevelopment help from organizations such as Habitat for Humanity. The work these groups do is invaluable and can have a lasting impact on a community. Hear how cities have worked with housing redevelopment organizations and how to enhance your efforts.

Building the Case for Construction Management

When embarking on a new construction project, city officials have much to consider, including the project design, timeline for completion and estimated cost. Using a construction manager can help cities throughout a project by helping with the design, coordinating contractors and ensuring deadlines are met. This session will provide information on construction managers and examples of how they have assisted on projects in Iowa communities.

Child Labor Laws

Youth are often hired to fill seasonal and part-time positions within cities. While this can be a great opportunity for youth to gain experience, it can be extremely problematic for employers if certain rules are not followed. This session will detail common violations and strategies to achieve full compliance with the child labor provisions of the Fair Labor Standards Act (FLSA).

Decision Making in Emergency Responders

Utilizing the most realistic and highest resolution virtual reality system in the world, researchers at Iowa State University are studying emergency responder decision making. This groundbreaking study models the effects of stress on decision making among first responders and the effect of the safety climate on decision making. Firefighters are placed in real-life situations using virtual reality and their level of stress and actions are measured with the objective of improving outcomes and fewer firefighter injuries and fatalities.

Development Opportunities as Big as the Whole Outdoors

As funding cutbacks continue to challenge natural resource programs in Iowa, what's the impact on communities? Iowa's "natural capital" – lakes, parks, rivers, forests, wildlife areas and others – are important components in the overall community development picture. What is the state doing to maintain/improve these vital resources?

Disaster Communication

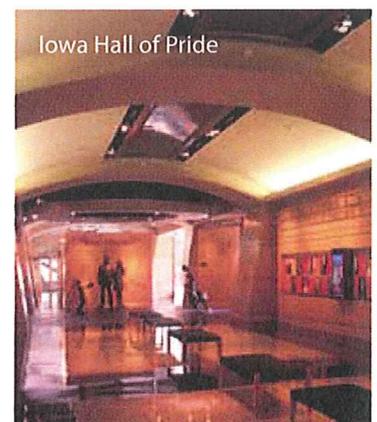
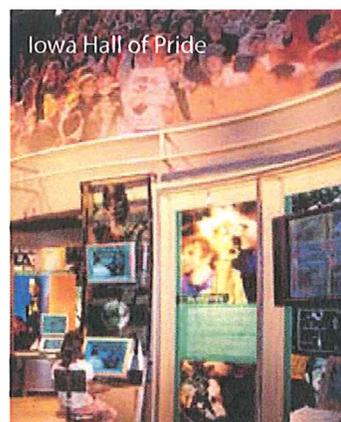
This workshop will provide an overview of crisis communication challenges associated with disasters. The Iowa Emergency Management Association will lead a discussion on the best ways to communicate with the media and the public during disasters as well talk about the growing role of social media in reaching constituents.

Improving Customer Service

Customer service is everyone's responsibility, not just those who staff the front counter at city hall. Every time we interact with an individual, answer the telephone, send an e-mail, write a letter, or attend a meeting, we are making an impression on our customers – whether they are citizens, visitors or people working in the community. This session will provide proven ways to evaluate and improve customer service in the municipal workplace.

It's Not a Game of Hide and Seek

This session discusses the advantages of conducting meetings in an open format, accessible to the public. The session will also cover newspaper publications and the growing trend of providing minutes and other documents on the Internet.



Register

Paving the Future

Several cities in Iowa have used a new method to construct their streets. Permeable paving allows for improved water flow and runoff while also offering a unique and aesthetically pleasing brick-style look. Discover the benefits of this type of street construction and hear how cities in Iowa have used it.

Regional Planning for Sustainable Development

Learn how your community can integrate sustainable development practices locally and regionally. This workshop will illustrate planning tools designed to reduce the environmental impact in the areas of housing, land use, economic and workforce development, transportation and infrastructure investment. These strategies will empower jurisdictions to work cooperatively while using existing regional planning practices.

Starting a New Season

Orientation programs after city elections have proven to be a successful tool in getting elected officials acclimated to city government. While these efforts are helpful to newly elected council members, they can also be a great refresher for veteran officials. Hear examples of what some cities use in this regard and how they run a successful orientation program.

Stormwater Utility Basics

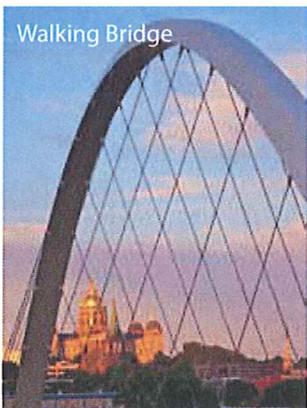
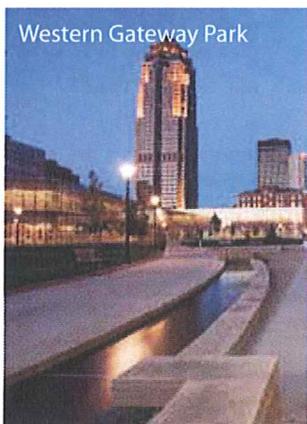
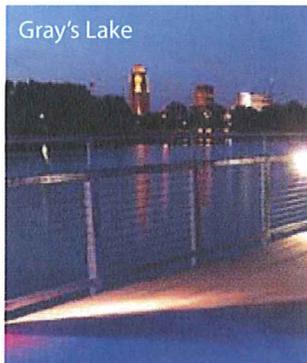
An emerging trend for cities in Iowa is to implement a stormwater utility district. These districts help cities pay for the costs incurred of running a sound stormwater operation. Learn how these districts are created and strategies for managing them well.

Taming the Herd: Animal Control Partnerships

Controlling the animal population in a city can be a difficult task yet necessary and often rewarding. Learn of various programs cities have used to handle animal control and some of their benefits and pitfalls. Discussion will also include tips for partnering with different organizations who can assist in the process.

Tapping Other Wells

State and federal grants are difficult to find in this day of financial crisis. Where else can one look for outside funding for special projects?



TIF Basics: The Minor Leagues

The first part of our discussion on tax increment financing (TIF) will provide a review of the basics: what TIF is, how cities can use it and the laws that govern its use. We'll take a look at how cities create TIF districts and cover best practices for managing TIF activities.

What's Left if We All Drive Electric Cars?

Many of the funding formulas for the Road Use Tax Fund and other federal programs are driven by gasoline and vehicle taxes. But what is in the future as cars become more efficient or use alternative energy?

Where Did Everyone Go?

The results of the Census 2010 population count are official and cities are sorting out how the count affected them. Learn of population trends in Iowa and how that will impact future census counts and city operations.

Workin' 9 to 5 - EMS Issues

How are EMS services changing as our population works away from the city, grows older or moves to another community? Who's left to put the fire out or respond to medical calls?

Workplace Harassment

Workplace harassment is a significant source of litigation and potential liability in the municipal workplace. Learn what constitutes harassment, a hostile workplace, quid pro quo harassment, strict liability standards for supervisory harassment and much more.

Your Virtual Front Door: The New City Web Site

With more and more people conducting much of their business online, cities need to ensure their Web sites are providing the information and services the citizens need. Learn what citizens expect from the city's Web site and how you can improve your city's efforts.

Build-a-Workshop

Can't choose? You might not have to. This workshop occurs during the Thursday and Friday workshop series, and is the ultimate roundtable, with you and your fellow city officials deciding what you want to discuss. League staff will be on-hand to facilitate the discussion, but the group chooses the topic/s.

IMFOA

Receive certification hours for the Iowa Municipal Finance Officer's Association (IMFOA) Certification Program.

Note: Workshops and schedules may change slightly before the September conference.

Iowa League of Cities

2011 CITY CANDIDATE'S GUIDE

317 Sixth Avenue, Suite 800

Des Moines, IA 50309

Phone (515) 244-7282

Fax (515) 244-0740

www.iowaleague.org



Dear Prospective Candidate:

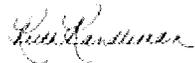
The opportunity to run for political office is a privilege we enjoy in our society. Citizens are fortunate that so many good people offer their time and talents for public service.

However, the requirements for conducting a political campaign, whether in a big city or in a small one, can sometimes seem confusing. This guide is intended to explain those requirements in plain language to alleviate confusion and make compliance much easier. This should allow you, the prospective candidate, to concentrate on issues important to your community.

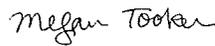
A second purpose of this guide is to let you know that there are resources available to answer questions and provide assistance in complying with Iowa law regarding campaigns, elections and holding public office. Iowans value good, clean government and a sound election process is the foundation of democracy.

If you decide to throw your hat into the ring, we offer our best wishes for your campaign.

Sincerely,



Ruth Randleman
President
Iowa League of Cities



Megan Tooker
Executive Director
Ethics & Campaign
Disclosure Board

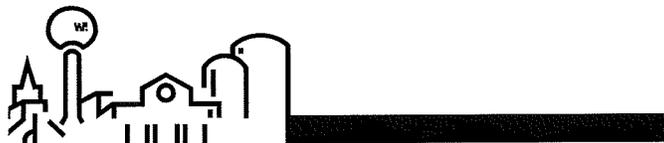


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Actions taken during the 2011 legislative session of the Iowa General Assembly may impact the content of this guide. For any questions regarding possible changes, contact the League at (515) 244-7282 or Iowa Ethics and Campaign Disclosure Board (Board) at (515) 281-4028. Your city clerk or county auditor may also be able to answer your questions.

Election Issues

Eligibility

To hold office in a city, a candidate must be an eligible elector. To be an eligible elector, the candidate must meet the same qualifications required to vote and be a resident of the city he or she plans to serve. If running for a council seat representing a specific ward of the city, the candidate must be a resident of that ward.

Election Process

City elections in Iowa are held in odd-numbered years. Elected city officials serve either two- or four-year terms. If no term is specified, it is two years. The regular city election will be held on November 8, 2011.

There are four methods for placing a name on the ballot for a city election:

- (1) nomination by convention
- (2) nomination by petition
- (3) nomination by petition with a runoff
- (4) nomination by petition with a primary election.

Candidates can find out which method is used by their city when obtaining nomination papers from the city clerk's office. Additionally, Iowa law allows individuals to be elected to city office via a write-in vote. An election guide specific to each city's election process can be obtained from the Iowa Secretary of State's (SOS) office by calling (515) 281-0145 or online at www.sos.state.ia.us.



All candidates must complete and submit an Affidavit of Candidacy with their nomination papers. This affidavit is a written form that includes the office being sought and the candidate's signature witnessed by a notary public. The candidate also needs to state that he or she is an eligible elector. Circumstances making a candidate ineligible are felony convictions and mental instability.

A candidate may withdraw a nomination by filing a request with the city clerk. In addition, individuals may protest a candidate's nomination papers or eligibility by filing a written objection with the city clerk. Deadlines vary depending on the method of election and can be found in the SOS election guide or by contacting the city clerk.

After the election, citizens have 10 days to contest the election or request a recount. Runoff elections are held four weeks after the regular city election for seats in which no one received the majority of the votes cast for that office. The term of office for newly elected officials begins at noon on the first day of January that is not a Sunday or legal holiday (January 3, 2012).

Campaign Issues

Iowa Ethics and Campaign Disclosure Board

Candidates must comply with *Code of Iowa* Chapter 68A that contains the campaign regulations enforced by the Iowa Ethics and Campaign Disclosure Board. The Board is an independent state agency that enforces the laws related to activities of political candidates. Other statutes concerning the board are found in *Code* Chapter 68B.

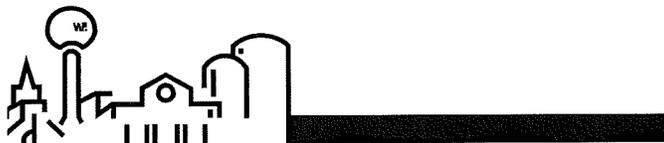
Campaign Finance Disclosure

If a candidate receives contributions, including loans, makes expenditures, or incurs debt in excess of \$750, a committee must be organized and a statement of organization (form DR-1) must be filed with the Board within

10 days after the \$750 threshold is reached, regardless of whether the candidate's campaign is partially or wholly self-financed. The candidate is then responsible for filing campaign disclosure reports (DR-2 and appropriate schedules) on or before the due dates in *Code* Section 68A.402(3). It is important to file the report on or before the due date as civil and criminal penalties may be imposed for late-filed reports. The reports disclose campaign money and other items donated or spent by the candidate.

Common Campaign Violations to Avoid

1. A candidate cannot accept contributions or use the resources of any corporation, bank, savings and loan, credit union, or insurance company (*Code* Section 68A.503). However, a candidate may purchase a good or service from a corporation at fair market value.
2. A candidate must attribute the source on any printed political advertising. If a candidate has registered a committee by filing the Statement of Organization, he or she only needs to include the words "paid for by" and the name of the committee. However, if a committee has not yet registered or if a Form DR-SFA has not been filed, the attribution must include the candidate's full name and address (*Code* Section 68A.405). The attribution must appear on all political advertising including newspaper advertisements, billboards, brochures, letters, posters and Web sites. Yard signs placed in a residential yard that are 32 square feet or less are exempt. Items too small to include the attribution, such as buttons or pens, are also exempt.
3. A candidate must make sure that campaign signs are not placed on corporate property or any governmental property including the public right-of-way between the sidewalk and the curb.



4. A candidate may only use campaign funds for campaign purposes, expenses of holding office, or for constituency services. Campaign funds may not be used for personal benefit or for the benefit of any other candidate's campaign (*Code Sections 68A.301-68A.304*). Campaign funds must be kept in a separate account in a financial institution located in Iowa (*Code Section 68A.203*)

Assistance

Campaign finance laws, rules, advisory opinions, blank forms, brochures and other useful information may be obtained on the Board's Web site at www.iowa.gov/ethics. Call the Board at (515) 281-4028 with questions or concerns about a campaign finance issue.

City Government in Iowa

Federal laws govern the United States as a whole. State laws only apply within the state. City laws, in the form of ordinances, govern the city and only apply within its boundaries. City laws cannot conflict with federal or state laws. See *Figure 1*.

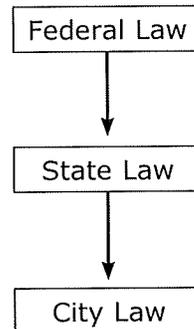


Figure 1: City laws do not supersede state or federal laws.

Home Rule

In 1968, Iowa voters passed an amendment to the Iowa Constitution commonly called the Home Rule Amendment. This gave cities the authority to decide what is best for their community. This authority comes with two exceptions. Cities are unable to levy any tax unless specifically authorized by the Iowa General Assembly and they are unable to enact any laws inconsistent with laws of the General Assembly.

Forms of Government

There are six forms of government under which cities can incorporate in Iowa. The vast majority (over 97 percent) of cities use the Mayor-Council form of government. This form has a mayor elected at-large and, typically, five council members elected at-large or by ward. The city may also create a professional city manager/administrator position to perform administrative duties for the city. Other forms of local government include: council-manager-at-large, council-manager-ward, commission, home rule charter and special charter. Candidates should contact their city clerk to determine the form of government their city has and refer to *Code of Iowa*, Chapter 372. For more detailed information on city government, consult the *Municipal Policy Leaders' Handbook: A Guide for Iowa Mayors and Council Members*, offered by the University of Iowa's Institute of Public Affairs at (319) 335-4520.

City Budget Overview

City Expenditures

Cities in Iowa have numerous responsibilities and provide many types of services to citizens. *Figure 2* shows examples of city services and expenditures.

Public Safety police, fire, emergency management, animal control
Public Works snow removal, garbage collection, street & sidewalk maintenance
Culture & Recreation libraries, pools, parks, recreational programs
Community/Economic Development planning & zoning, community beautification
Utilities & Services water, sewer, gas, electric, cable T.V., stormwater

Figure 2: Cities are responsible for a variety of functions.



City Revenue Sources

To provide these services, cities must collect revenue. Taxes, especially property taxes, are a large part of a city's revenue. Additionally, many cities have adopted a local option sales tax. Other sources of revenue include fees, fines and licenses and enterprise funds such as municipal utility operations. See Figure 3.

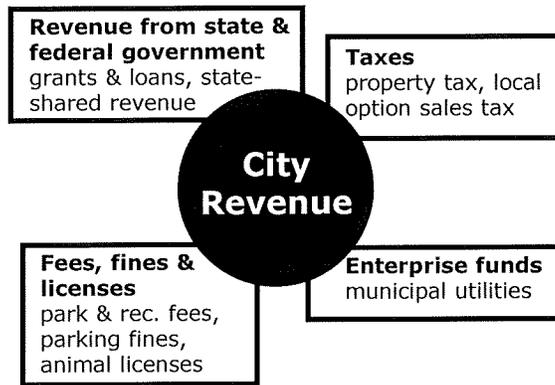


Figure 3: Cities have limited ways to collect revenue.

Debt

Cities can incur debt to fund major projects. They may issue general obligation bonds, which are bonds to be repaid with property taxes.

Depending on the project and the amount of debt, a city may need to hold an election to have voters decide on the issuance of debt. Cities may also incur debt through loan agreements or revenue bonds. Revenue bonds are repaid by an income-generating enterprise activity, such as a utility.

Constitutional Debt Limitation for General Obligation Debt — The city's debt limitation is 5% of the actual value of the taxable property, excluding Ag land valuations, before rollback. The debt limitation applies to all obligations payable from some component of the tax structure, including TIF, Hotel-Motel taxes, LOST, etc.

Policy Makers

Candidates should review their city's ordinances or laws addressing the duties of the mayor and council. Although roles and responsibilities vary from city to city, some commonalities exist.

Citizens elect a mayor and council to represent them and act on their behalf in local policy matters. This action takes place mostly through council meetings. Each city selects a time, date and place for its regular council meeting. Some councils meet monthly, others more often. Cities must give notice of each meeting by posting an agenda at least 24 hours before the meeting occurs.

Many councils have certain parliamentary procedures for their meetings that deal with the process for making motions and voting. In order to conduct any business at a meeting, a majority of council members, or a quorum, must be present.

Some councils set aside time in their meeting agendas to receive citizens' comments. By state law, certain issues require an opportunity for citizens to speak to that issue. This required meeting is called a public hearing. A common example is the requirement to hold a public hearing each year before the council approves the city budget.

The mayor and council are expected to receive input from citizens and carry out a policy in the city's best interests. Both mayor and council also serve an important role in state and federal legislative matters. They have a powerful voice on behalf of their constituents and local governments before the state legislature and Congress. It is important for local officials to visit with state and federal lawmakers, not only when specific concerns surface, but on a regular basis.



Council

The authority of the city resides in the city council. The council votes on and passes motions, resolutions and ordinances. Resolutions are statements of policy and ordinances are the laws of the city. The votes of each council member are recorded in the minutes of the meeting.

The council also approves expenditures and the budget, contracts, city policies and zoning changes.

Mayor

The mayor is the chief executive officer of the city and presides over council meetings. This means the mayor manages the meetings and maintains order. In cities without a city administrator/manager, the mayor also typically supervises city staff. In most cities, the mayor cannot vote on items before the council, but can veto an ordinance or resolution of the council.

Boards and Commissions

Cities often have a variety of boards and commissions. The powers and duties of each board and commission should be spelled out by ordinance. These groups deal with specific issue areas and make reports to the council. Some examples include:

- Library Board of Trustees
- Parks and Recreation Board
- Board of Adjustment
- Planning and Zoning Commission

City Staff

All cities have a city clerk. Many clerk responsibilities are set by the *Code of Iowa* and include publishing/posting council minutes and keeping the city's official records. Some cities also have city managers/administrators who supervise city departments and deal with the day-to-day administration of the city. Cities may also have a treasurer or finance officer who handles the city budget and cash flow. Each city also appoints a city attorney to provide legal advice.

The number of departments and staff vary depending on the size of the city. Cities may have a police force, firefighters, a public works department, a street crew, utility workers, a parks and recreation department and others.

Legal Issues

Open Meetings

The Iowa Open Meetings Law is found in *Code of Iowa* Chapter 21. This law states that all meetings held by a governmental body must be open to the public. The law favors openness and a council can close a meeting, or deny public access, only for specific reasons prescribed by the law.

If unsure whether it is legal to close a meeting, a city should consult its attorney. The *Code* describes a certain process for holding a closed meeting. Individual members of the council can be held personally liable for violations of the open meetings law. The League published a booklet entitled *Open Meetings, Open Government*, which discusses this topic and can be accessed at the League Web site at www.iowaleague.org.

Open Records

Code of Iowa Chapter 22 contains Iowa's Open Records Law. Documents held by a governmental body must be open to the public. The only exceptions are for those documents defined as confidential records within *Code* Chapter 22. Again, the law favors openness and city officials should work with their attorney if unsure whether a requested document is open or confidential. The League also



published a booklet entitled *Open Records, Open Government*, which discusses this topic and can be accessed at the League Web site at www.iowaleague.org.

Conflicts of Interest

Code section 68B.2A prohibits a public official from taking outside employment or participating in activities that conflict with the person's official duties and responsibilities. An official doing so has the option to either stop the activity or publicly disclose the conflict and avoid any official action or duty (including participating in a vote before the council) that would benefit the outside employment or activity.

Code Section 362.5 prohibits city officers from having a direct or indirect interest in a city contract, which means a city official cannot do business with the city. There are exceptions to this prohibition, including contracts entered into through an open competitive bid process, contracts for less than \$2,500 per year in cities with a population of 2,500 or less and contracts for less than \$1,500 a year for cities with a population greater than 2,500.

Gift Law

Once in office, *Code* Section 68B.22 describes strict requirements regarding the receipt of gifts by public officials, public employees and their immediate families. Local government employees and elected officials cannot receive gifts from "restricted donors." This includes:

- Those seeking to do business with the city;
- Those engaged in activities regulated by the city; or
- Those that could be directly financially affected by a city official's performance or nonperformance of a task.

There are 19 exceptions to the gift law, including items \$3 or less in value and informational material relevant to a public servant's official functions. It is not appropriate for an elected official to accept lunch from a restricted donor, even if they are personal friends. Questions concerning *Code* Chapter 68B may be directed to the Iowa Ethics and Campaign Disclosure Board at (515) 281-4028. Local government employees and elected officials may request an advisory opinion from the Board, which constitutes a defense to a complaint filed with the county attorney's office alleging a violation of the ethics laws.

League Information

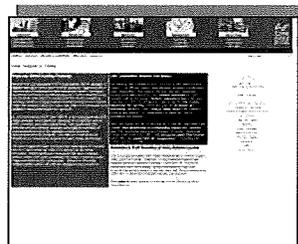
The Iowa League of Cities is a nonprofit association of city governments in Iowa. The League provides a variety of information and services to its members.

Municipal Leadership Academy

New city officials shouldn't miss the League's Municipal Leadership Academy (MLA). This intensive, four-part series gives leaders the tools they need to succeed in public office. Tailored to elected officials, the League's Municipal Leadership Academy prepares attendees for participation in city government and covers everything from council meeting procedures to city budgets and legal issues particular to city officials.

Web Site

The League's Web site, www.iowaleague.org, is an excellent resource for cities. It contains legislative information, frequently asked questions, a calendar of events and information on workshops and League publications. Contact information for League staff and links to state agencies, the *Code of Iowa* and other useful sites are also available.



Technical Assistance

Once a city official takes office, the Iowa League of Cities will provide assistance by answering questions and providing information. Membership Services staff is available to answer questions from cities of all sizes facing a variety of challenges.

Ongoing Training

The League holds a variety of training events throughout the year. Annual workshops cover city budgets, issues facing small cities and a variety of other topics. Each fall, the League holds an annual conference offering the most current, relevant information to city officials.

Advocacy

League staff advocates city policy positions to members of the Iowa Legislature, and monitors federal issues. League publications help local officials stay on top of important issues, making them informed voices when speaking to legislators. The *City Voices* email list is another valuable tool for sharpening advocacy skills. The League's annual Legislative Day in Des Moines invites city officials to receive an update on key issues and gives attendees an opportunity to discuss city issues with their legislators.

Publications

The League provides a variety of publications to cities. *Cityscape* is a monthly magazine with articles designed to inform and educate city officials. During the legislative session, the League sends electronically a weekly *Legislative Link* email with the latest legislative information. The League sends a weekly electronic newsletter, called *League Weekly*, that covers timely information on trainings, publications and current events impacting cities. A biennial *Directory of Cities in Iowa*, a municipal salary and benefits survey and a budget report are also distributed to member cities.

Success Begins With You

Registering for the League's Municipal Leadership Academy (MLA) is one of the most important steps you, as a new city official, can take. Open to all city officials, this multi-part series with the convenience of many workshop destinations prepares its graduates for success.

Watch the mailbox at city hall for brochures containing all of the details, or check out www.iowaleague.org.

MLA Sessions

Part I

- Thurs. Nov. 17, 2011 (Spencer)
Clay County Regional Events Center
- Sat. Nov. 19, 2011 (Cedar Rapids)
Clarion Hotel & Convention Center
- Thurs. Dec. 1, 2011 (Red Oak)
Red Coach Inn
- Sat. Dec. 3, 2011 (Ottumwa)
The Hotel Ottumwa
- Thurs. Dec. 8, 2011 (Charles City)
Sleep Inn & Suites
- Sat. Dec. 10, 2011 (Johnston)
Hilton Garden Inn

Part II

- Will occur during January 2012.

Part III

- Thurs. April 12, 2012 (Washington)
Knights of Columbus
- Sat. April 14, 2012 (Manchester)
Delaware County Fair Grounds Pavilion
- Thurs. April 19, 2012 (Cherokee)
Western Iowa Tech Community College
- Sat. April 21, 2012 (Mason City)
Clarion Inn Hotel
- Thurs. April 26, 2012 (Atlantic)
Cass County Community Center
- Sat. April 28, 2012 (Altoona)
Adventureland Inn

