

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@Lcom.net

CITY COUNCIL WORK SESSION
Tuesday, January 3, 2012 • 6:00 p.m.
City Council Chambers, 110 North Poplar Street

1. Call to order
2. Roll call
3. City Administrator Matt Muckler – Council Code of Ethics and Code of Conduct
4. City Attorney Kevin Olson – Rules of Procedure for the West Branch City Council
5. Adjourn

CITY COUNCIL MEETING AGENDA
Tuesday, January 3, 2012 • 6:30 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 December 19, 2011 City Council Work Session.
 - b. Approve minutes from the December 19, 2011 City Council Meeting.
 - c. Approve claims.
 - d. Approve moving the Monday January 16, 2012 City Council Meeting to Tuesday, January 17, 2012, due to Martin Luther King Jr. Holiday.
 - e. Approve the Wellmark BlueCross BlueShield Flexible Benefits Renewal for April 1, 2012-March 31, 2013 in the amount of \$457.60.
5. Communications/Open Forum
6. Public, Department Heads, Commissions, City Administrator and City Council
 - a. Approve Resolution 966, approving a Code of Ethics for members of the West Branch City Council./Move to action.
 - b. Approve Resolution 967, adopting a Code of Conduct for members of the West Branch City Council./Move to action.

Mayor: Don Kessler • **Council Members:** Jordan M. Ellyson, Colton Miller, Jim Oaks, Dan O'Neil, Mark Worrell
City Administrator/Clerk: Matt Muckler • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin
Parks & Rec Director: Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

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CITY COUNCIL MEETING AGENDA **Tuesday, January 3, 2012 • 6:30 p.m. (continued)** **City Council Chambers, 110 North Poplar Street** *Action may be taken on any agenda item.*

- c. Approve Resolution 968, adopting Procedural Rules for the West Branch City Council./Move to action.
 - d. Set a public hearing for Tuesday January 17, 2012 at the 6:30 p.m. City Council Meeting on amending the current budget for the fiscal year ending June 30, 2012./Move to action.
 - e. First reading of Ordinance 688 amending Chapter 92 “WATER RATES” by increasing water rates over a five-year period effective July 1, 2012./Move to action.
7. Mayor
- a. Appointments/Reappointments/Move to action.
 - i. Mayor Pro-Tem: Jim Oaks
 - ii. Official City Newspaper: West Branch Times
8. Reports
- a. City Administrator Matt Muckler – Fiscal Year 2012-2013 Annual Budget Schedule & General FY 2013 Budget Discussion
9. Adjourn

(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

City Council Work Session

December 19, 2011

Council Chambers

6:00 p.m.

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Administrative Assistant Ashley Borland-Kaalberg, Public Works Director Matt Goodale, Fire Chief Administrator Dick Stoolman and Library Director Nick Shimmin. Council members: Mark Worrell, David Johnson, Dan O'Neil, Robert Sexton and Jim Oaks. Commission Chair Roger Laughlin, Members Gary Slach, Trent Hansen, Al Rozinek, John Fuller and Mary Beth Stevenson.

Nicole Turpin, Regional Planning Coordinator, East Central Intergovernmental Association, Comprehensive Plan Update Questionnaire Results and Draft Survey

Turpin presented the West Branch 2032 Comprehensive Plan Public Input Results. Public Input categories included infrastructure, housing, parks and recreation, city districts, commercial and industrial, and other thoughts. These results formed the basis for the draft West Branch Plan Public Input Survey, which was also presented. Eighteen potential questions were discussed and suggestions for improvement were provided by members of the Council and Planning & Zoning Commission. Turpin will make revisions to the draft survey and resubmit the survey to the City Council and Planning & Zoning Commission prior to its release for further public input.

Don Kessler, Mayor

ATTEST: _____
Ashley Borland-Kaalberg, Administrative Assistant

(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

**December 19, 2011
6:30 p.m.**

Mayor Don Kessler opened the West Branch City Council meeting by welcoming the audience and the following City staff: City Administrator Matt Muckler, City Attorney Kevin Olson, Administrative Assistant Ashley Borland-Kaalberg, Park and Rec Director Melissa Russell, Public Works Director Matt Goodale, Library Director Nick Shimmin, Fire Chief Kevin Stoolman, Fire Chief Administrator Dick Stoolman and Police Chief Mike Horihan.

Council members: Mark Worrell, David Johnson, Robert Sexton, Dan O'Neil and Jim Oaks.

APPROVE AGENDA/CONSENT AGENDA

- a) Approve minutes from the December 5, 2011 City Council Meeting.
- b) Approve claims.
- c) Approve moving the first regular Council Meeting of 2112 from Monday January 2, 2012 to Tuesday January 3, 2012 at 6:30p.m.
- d) Approve acceptance of letter from the Iowa Department of Transportation concerning Portland Cement Concrete Patching on I-80.
- e) Approve acceptance of the North Downey Resurfacing Project.

Motion by Johnson, second by Worrell to approve agenda. AYES: Johnson, Worrell, Sexton, O'Neil, Oaks.

Motion carried.

Date 12/19/2011	City of West Branch Claims Register Report	
Aero Rental	Fire - Chair Carts	392.00
Agvantage FS Inc	Streets - Tank Rental	25.00
	Streets - LP Gas	950.07
Alliant Energy	Various Depts. - Utilities	6,137.52
	Water - Utilities	45.54
Amazon	Library - Supplies	347.63
American Water Works	Water - Annual Membership	84.00
Baker & Taylor Books	Library - Books	1,036.92
Barron Motor Supply	Various Depts. - Supplies	1,179.43
Bdc Building Plan Review	Admin - Building Insp.	258.30
BP Amoco	Police/Fire/Water/Street	1,636.43
Business Radio Sales	Fire - Antenna	11.40
Cedar County Auditor	Admin - City Election	1,688.10
Cedar County Public Health	Various Depts - Flu Shots	325.00
Cedar County Recorder	Admin - Recording Fax Fee	4.00
Cedar Rapids Photo Copy	Library - Service	25.51
	Library - Service	60.24
Community State Bank	Fire Station Loan payment	8,364.57
Creative Software Service	Admin - Computer Consult	243.74
	Police - Computer Consult	306.94
Culligan Water	Fire - Service	36.90
Dave's Welding & Repair	Streets - Supplies	67.64
Demco	Library - Supplies	27.80
Deweys Jack & Jill	Various Depts. - Supplies	20.63
Ed Roehr Safety Products	Police - Taser Equipment	128.87
Ed.M.Feld Equipment Co.	Fire - Kevlar Straps	224.00
Eide, Sharon	Water - Credit Refund	56.16
Emergency Services Market	Fire - Annual Subscript.	725.00
Financial Adjustment Bur	Library - Service	1.10
Fleet Services	Police - Fuel	224.58

General Pest Control	Library - Service	70.00
George Lawson Consulting	Library - Library Space	2,950.00
Greatamerica Leasing	Admin - Copier Service Cont.	252.06
Harry's Custom Trophies	Park & Rec - Plaques	66.20
	Park & Rec - Medals	165.00
Hawkeye Area Cap	Library - 32.5 Hours	65.00
	Library - 40 Hours	80.00
Iowa Assn. Mun. Util.	Water - Eiasso Dues	548.72
Iowa Business Supply	Admin - Office Supplies	27.99
Iowa Finance Authority	SRF Revenue bond payment	990.00
	SRF Revenue bond payment	10,350.00
	SRF GO bond payment	20,595.00
Iowa Network Services	Admin - Service	26.99
Iowa One Call	Water/Sewer - Service	25.20
	Water/Sewer - Service	32.40
Iowa Rural Water Assoc.	Water - Community Member	250.00
Johnson County Refuse	Recycling - November	3,576.75
Kingdom Graphics	Park & Rec - Frosty Frenzy	502.50
Lease Consultants Corp	Library - Service Cont.	59.00
Lenoch & Cilek	Admin - Cfl Bulbs	25.97
Liberty Communications	Various Depts - Phone	1,064.26
Linn County R.E.C.	Streets - Utilities	102.00
Lowes Business Acct	Streets - Tool Box	268.00
Lynch's Excavating Inc	Water - Repair Water Main	1,066.10
	Water - Repair Greenview	600.00
	Water - Replace Leaking	1,325.00
Lynch's Plumbing	Fire - Service Hookup	259.30
	Water - Service Dug Up	424.80
	Water - Repair Service	1,097.80
Menards	Park & Rec - Antifreeze	104.71
	Town Hall - Christmas Lights	35.58
Midwest Janitorial	Town Hall - Detail Clean	450.00
	Various Depts. - Cleaning	637.00
Moore's Welding Inc	Streets - Service	60.00
Municipal Supply Inc.	Water - Supplies	316.20
Olson, Atty Kevin	Legal - Legal Services Dec.	1,250.00
Oriental Trading Co. Inc	Park & Rec - Supplies	151.99
Payroll claims 12-9-11	Total payroll	27,821.92
Peden, Shanelle	Cable - Videotaping	100.00
Pitney Bowes	Admin/Water/Sewer - Postage	500.00
Plumbers Supply Co.	Water - Supplies	143.36
Port 'O' Jonny Inc.	Cemetery - Service	80.00
Postmaster	Library - PO Office Box	60.00
Pyramid Services Inc.	Cemetery - Supplies	395.42
Qc Analytical Services	Sewer - Testing	690.00
Quad City Safety Inc	Fire - Supplies	678.50
Quill Corp	Admin - Supplies	24.70
	Admin - Chairmats	68.97
	Library - Office Supplies	12.38
	Library - Supplies	18.41
	Fire - Supplies	69.99
	Admin - Frames For Cert.	11.49
Rodriguez, Richard	Water - Credit Refund	58.20
Russell, Melissa	Park & Rec - Reimbursement	681.11
	Town Hall - Reimbursement	421.34
Sprint	Police - Service	179.97
Stevenson, Mike	Water - Credit Refund	65.79
The Library Store Inc	Library - Office Supplies	204.65
Toynes Ia. Fire Trk.Serv	Fire - Beacon Lens	162.88
Treas. State of Iowa	Iowa Sales Tax - November	2,017.30
Tyler Technologies	Admin - Thermal Receipt	1,050.00
UPS	Sewer - Shipping	22.58
	Sewer - Shipping	45.16
	Sewer - Shipping	22.58

US Cellular	Various Depts - Phone	355.58
	Police - Phone Service	208.04
	Fire - Phone Service	37.04
Veenstra & Kimm Inc.	Streets - Engineering	64.44
	Legal - Engineering Serv.	473.63
	Legal - Eng Services	670.00
	Sewer - Engineering Serv.	2,698.08
	Capital Project-Lift Station	11,720.00
Walmart Community	Library - Supplies	433.06
Wenndt, Joe	Fire - Training 12/14/11	125.00
West Branch Heating	Fire - Service Pilot	78.00
	Library - Service Furnace	78.00
West Branch Repairs	Fire - Service/Repair	2,004.84
West Branch Times	Legal - Publications	272.98
	Grand Total	129,331.93
Fund Totals		
001 General Fund	36,792.24	
022 Civic Center	1,370.61	
031 Library	9,412.08	
110 Road Use Tax	3,218.90	
111 Police Recovery Act Grant	118.77	
112 Trust And Agency	3,171.40	
226 Debt Service	28,959.57	
304 Wastewater Lift Station Project	11,720.00	
600 Water Fund	14,258.15	
603 Water Sinking	11,340.00	
610 Sewer Fund	8,970.21	
****	129,331.93	

The Clerk reported the following receipts for the month of November 2011:

Water, Sewer, Recycling	\$ 48,402.64	Cedar Co. Property Tax	\$ 212,117.80
Water Utility Deposits	\$ 650.00	Johnson Co. Prop. Tax	\$ 17.87
Town Hall Rent	\$ 625.00	Road Use Tax	\$ 19,055.00
Misc.	\$ 258.03	Fines	\$ 361.59
Library	\$ 2,089.22	Twp. Fire Contract	\$ 3,000.00
Donations	\$ 370.00	Building Permits	\$ 3,849.69
Interest	\$ 134.65	Fire Station Loan Proceeds	\$ -
Investments Interest	\$ 1,040.60	Krouth Fund Interest	\$ 0.03
Cable fees	\$ 3,544.92	M. Gray Savings Interest	\$ -
Transfers In	\$ 13,864.57	Cemetery Perp. Care Int.	\$ 0.04
Cat & Dog Registrations	\$ 10.00	MV Refund	\$ -
Beer & Liquor Lic. Fees	\$ 692.50	NPS Plowing Contract	\$ -
Park & Rec. Activities	\$ 1,819.00	Grave Openings	\$ -
Police Recovery Act Grant	\$ -	Cemetery Lots	\$ -
Local Option Tax	\$ 11,138.64	Reimbursements	\$ -
SUBTOTAL	\$ 84,639.77	SUBTOTAL	\$ 238,402.02
		TOTAL	\$ 323,041.79

The Clerk reported the following balances for the month of November 2011:

(Balances = Financial Statement Report Bank Balance + Investments)

Funds	Bank Balance	Investments	Total
001 General	\$ 499,838.96	\$ 87,154.04	\$ 586,993.00
022 Civic Center	\$ 34,428.44	\$ -	\$ 34,428.44
031 Library Operating	\$ 13,513.12	\$ 16,314.41	\$ 29,827.53
036 Tort Liability	\$ (1,976.84)	\$ -	\$ (1,976.84)

050 Home Town Days	\$	11,473.28	\$	-	\$	11,473.28
110 Road Use Tax	\$	77,783.90	\$	30,050.87	\$	107,834.77
111 Police Recovery Act Grant	\$	(1,494.18)	\$	-	\$	(1,494.18)
112 Trust & Agency	\$	42,227.46	\$	-	\$	42,227.46
119 Emergency Tax Fund	\$	9,690.56	\$	-	\$	9,690.56
121 Local Option Tax	\$	6,307.81	\$	-	\$	6,307.81
125 TIF	\$	286,825.73	\$	-	\$	286,825.73
160 Economic Develop.	\$	-	\$	-	\$	-
200 Debt Service	\$	1,354.33	\$	-	\$	1,354.33
226 SRF Debt Service	\$	128,217.94	\$	-	\$	128,217.94
300 Capital Improvement	\$	-	\$	-	\$	-
301 Safe Routes Sidewalk Project	\$	(289.00)	\$	-	\$	(289.00)
303 Fire Capital Project Addition	\$	-	\$	-	\$	-
304 Wastewater Lift Station	\$	(26,970.00)	\$	-	\$	(26,970.00)
500 Cemetery Perpetual	\$	10,816.00	\$	88,000.00	\$	98,816.00
501 Krouth Fund Principal	\$	-	\$	101,931.70	\$	101,931.70
502 Krouth Enlow Int. Fund	\$	8,502.28	\$	16,124.32	\$	24,626.60
600 Water Operating	\$	192,500.74	\$	-	\$	192,500.74
603 Water Sinking Fund	\$	29,354.14	\$	-	\$	29,354.14
610 Sewer Operating	\$	285,304.55	\$	-	\$	285,304.55

TOTAL	\$	1,607,409.22	\$	339,575.34	\$	1,946,984.56
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COMMUNICATIONS/OPEN FORUM

PUBLIC, DEPARTMENT HEADS, COMMISSIONS, CITY ADMINISTRATOR AND CITY COUNCIL

City Administrator/Clerk Matt Muckler – Administer Oath of Office to elected city officials.

Muckler administered the oath to Councilperson Mark Worrell and Councilpersons-elect Colton Miller and Jordan Ellyson.

Approve Resolution 962, approving an Engineering Services Agreement with Ament, Inc. in connection with the Safe Routes to School Project./Move to action.

Shelia Dalton, 50 Greenview Drive, a resident for 35 years says she worries about the children on the east side of town walking to school. Lisa Corr, 51 Greenview Drive told the Council that the trail between Greenview and Pedersen Valley gets muddy and unusable. The sidewalks would provide a safe and usable route to town.

Sally Peck, 223 N Downey provided a written statement to Council and summarized her statement in favor of the Safe Routes to School Project noting that there are no stop signs from Downey to 4th Street on College Street and that pedestrians are often walking in the middle of the road. She added that there are many other dangerous streets in West Branch and that money cannot be an excuse not to provide safe pathways through town. Pam Strabala, 530 Oliphant Street, expressed concern with her daughter and the other children walking to school every morning with the hills and curves on North Oliphant Street. Jennie Embree referenced that there are numerous other streets and intersections within the City that raise concerns of children’s safety. She noted that moving forward with this grant is the first step. Embree added that there are fifty children on Oliphant Street. Heidi Zahner stated that she felt the Council should move forward with the grant so that the sidewalks would be properly engineered. Zahner stated that the sidewalk project could not be completed properly by a local contractor who would cut corners and complete the project incorrectly. Councilperson Sexton spoke in support of the grant. He noted the growth in young students and added that he has very strong feelings in support. Councilperson Johnson stated that installation of new sidewalk on College Street, Poplar Street, and connecting Orange Street to West Branch Middle School, as proposed in estimates requested by Worrell would never happen. Worrell and Mayor Kessler stated that the installation of sidewalk along these three routes could happen without the Safe Routes to School Grant. Councilperson O’Neil voiced that he will be voting “no” but that he wants to see the sidewalk project move forward without grant money. Worrell stated that he does not feel it is a fiscally

responsible decision to accept the grant that would inflate the cost of the project when local contractors could complete priority routes that would require a smaller contribution from the city budget.

Motion by Johnson, second by Sexton to approve Resolution 962. Roll call vote – AYES: Johnson, Sexton. NAYS: Worrell, O’Neil and Oaks. Motion failed.

Approve Resolution 963, adopting a policy authorizing the City Clerk or Deputy City Clerk to pay certain bills prior to the City Council’s approval./Move to action. Councilman Oaks questioned whether or not it would be appropriate for bills to be paid prior to Council approval. Muckler stated that the policy is currently in place. The resolution was brought forward by request of the city’s annual auditor. Muckler listed the types of bills that could be paid by staff prior to Council approval. One example was bills that would otherwise result in late fees or interest.

Motion by Sexton, second by Johnson to approve Resolution 963. Roll call vote – AYES: Sexton, Johnson, Worrell, O’Neil and Oaks. Motion carried.

Approve Resolution 964, adopting the City of west Branch Investment Policy./Move to action.

Motion by Worrell, second by Sexton to approve Resolution 964. Roll call vote – AYES: Worrell, Sexton, Johnson, O’Neil and Oaks. Motion carried.

MAYOR DON KESSLER

Appointments/Reappointments

None

REPORTS

None

ADJOURNMENT

Motion to adjourn meeting by Sexton. City Council meeting adjourned at 7:06 p.m.

Don Kessler, Mayor

ATTEST:

Ashley Borland-Kaalberg, Administrative Assistant

DATE 1/3/2012

CITY OF WEST BRANCH
CLAIMS REGISTER REPORT

BLUE CROSS BLUE SHIELD	HEALTH INS.	6,585.00
	DENTAL INS.	461.76
	LIFE INS.	52.10
	DENTAL INS	86.76
	HEALTH INS	783.95
BORLAND-KAALBERG, ASHLEY	ACH PAYROLL EXPENSE	585.17
BRANDT, DAWN	ACH PAYROLL EXPENSE	1,194.73
BRICK, GERRY	ACH PAYROLL EXPENSE	130.52
GOODALE, MATTHEW	ACH PAYROLL EXPENSE	1,747.64
HANNA, JOHN	ACH PAYROLL EXPENSE	1,185.18
HEICK, GINA	ACH PAYROLL EXPENSE	79.91
HORIHAN, MICHAEL	ACH PAYROLL EXPENSE	1,541.23
HY-VEE	PARK & REC - SUPPLIES	45.84
INTERNAL REVENUE SERVICE	FEDERAL W/H	2,044.03
	FICA-MED.CAR	2,240.59
	FICA-MED.CAR	624.78
IPERS	IPERS	2,393.00
	IPERS	884.66
JOHN DEERE FINANCIAL	STREETS/CEMETERY - SUPPLIES	269.70
KARR, DANIEL	PAYROLL EXPENSE	1,181.64
KNOCHE, REBECCA	ACH PAYROLL EXPENSE	746.63
KORSMO, KATRINA	ACH PAYROLL EXPENSE	160.15
MARTIN, KIMBERLY	ACH PAYROLL EXPENSE	204.65
MEDIACOM	ADMIN - SERVICE	34.95
MOSS, TIMOTHY	ACH PAYROLL EXPENSE	1,002.11
MUCKLER, MATTHEW	ACH PAYROLL EXPENSE	1,902.51
O'NEIL, PAUL	ACH PAYROLL EXPENSE	1,158.27
PITNEY BOWES	ADMIN - POSTAGE MACHINE CONT.	444.03
RUSSELL, MELISSA	ACH PAYROLL EXPENSE	900.23
SHIMMIN, NICHOLAS	ACH PAYROLL EXPENSE	1,039.46
STEWART, THOMAS	ACH PAYROLL EXPENSE	1,011.65
TREAS. STATE OF IOWA	STATE WTH.	990.00
WALLICK, CLAUDIA	ACH PAYROLL EXPENSE	201.78
	GRAND TOTALS	33,914.61

FUND TOTALS

001	GENERAL FUND	13,614.02
031	LIBRARY	3,160.38
110	ROAD USE TAX	223.07
111	POLICE RECOVERY ACT GRANT	107.08
112	TRUST AND AGENCY	7,965.77
600	WATER FUND	4,443.09
610	SEWER FUND	4,401.20
	****	33,914.61



Wellmark Blue Cross Blue Shield of Iowa
Wellmark Blue Cross Blue Shield of South Dakota

Independent Licensees of the Blue Cross and
Blue Shield Association

BluePriority FlexSM

Flexible Benefits
PO Box 14585
Des Moines, Iowa 50306-3585

Flexible Benefits Renewal
Flexible Benefits Customer Service: (800) 624-2755
Email: wellfsa@wellmark.com

This is not a statement of contract. Actual services are subject to the terms and conditions specified in the written Administration Agreement that does not become effective until signed by both parties.

General Information

Group Number: 02095 Company Name: CITY OF WEST BRANCH

CITY OF WEST BRANCH

Federal Tax I.D.: 42-6005357 ERISA: 501 Total Eligible Employees: _____

Street Address: 110 N. POPLAR ST., PO BOX 218 City: WEST BRANCH State: IA Zip: 52358

Company Administrative Contact: DAWN BRANDT E-mail: dawn@westbranchiowa.org

Telephone Number: 319-643-5888 Fax Number: 319-643-2305

Company Financial Contact: _____ E-mail: _____

Telephone Number: _____ Fax Number: _____

Business Entity: C-Corporation LLC Subchapter S Partnership Proprietorship Tax-Exempt Employer

List any subsidiaries or affiliates to be included in this plan. If more space is necessary, attach a separate sheet.

Affiliated Company Name: _____ Federal Tax I.D.: _____

Effective Date of the Plan

Administration of this plan will begin on 4/1/2012 and end on 3/31/2013

Original effective date is: 4/15/2006

Benefits to be Offered Under the Plan

Select the benefits available to the eligible employees. These benefits are taken through pre-tax payroll deductions.

Pre-Tax Premium for: Medical Dental Prescription Drugs Term Life Insurance
 Disability Cancer Vision Accident Other _____

Medical Reimbursement Account (General Purpose & Limited Purpose Account):
Minimum \$0.00 Maximum \$5,000.00

Dependent Care Reimbursement Account: Minimum \$0.00 Maximum \$5,000.00

Pre-Tax Contribution to Health Savings Account (HSA): If pre-tax HSA contributions are elected, a Participant may change their contribution election:

- By filing a new election form pursuant to the administrative rules established by the Employer
- Only in connection with a Change in Status of other event permitting benefit elections to be changed mid-year under the Plan

Cash Option/Flexible Credits: Each Plan Year a Participant may elect to receive in cash up to \$_____ of Flexible Dollars,

if any, allocated by the Employer to the Plan for the benefit of the Participant.

- Blue Priority Flex Debit Cards for Medical Expense Reimbursement Accounts**
(Not available for participants who are offered and choose automatic reimbursement)
- Prepayment of Orthodontia Claims Option**
(This option is required if Blue Priority Flex Debit Cards are offered to employees)
- The Qualified Reservist Distribution available for Reservist's Medical Expense Reimbursement Account**
- Wellmark Blue Cross and Blue Shield will complete Section 125 Non-Discrimination Testing**

Reimbursement Account Processing

- Direct deposit of disbursements is available to all participants
- Check/direct deposit minimum of \$25.00
- Standard Plan Documents
- All IRS qualified status changes will be allowed for election changes during the plan year
- All expenses allowed by the IRS will be eligible except for Limited Purpose Medical Reimbursement Accounts
Employer website at www.eflexonline.com

Grace Period and Claim Run Out Processing

- Grace Period of 2 ½ months will apply to both Medical and Dependent Care Expense Reimbursement Accounts

Claim Run Out Period from the end of the plan year will be the end of the month following:

- 90 Days
- 120 Days

Automatic Reimbursement Option

Automatic reimbursement of medical claims administered by Wellmark will include: Medical Blue Dental RX

We offer a Partial Self-Funded plan to our employees and do not qualify for automatic reimbursement of medical claims.

Remaining unpaid eligible medical expenses of Wellmark Blue Cross and Blue Shield health claims will automatically be directed to their Medical Reimbursement Account for further consideration. This option is not available if you offer a Partial Self-Funded plan.

Termination of Employees

Employees who terminate employment are considered terminated on:

- The date of termination
- The first of the month following the date of termination

Participation and Eligibility

All Employees shall be eligible to participate in the Plan except the following Employees shall *NOT* be eligible to participate:

- No exclusions
- Employees who have not attained age 18
- Employees who have not completed 30 days of service
- Employees who do not work at least 30 hours per week on a regular basis
- Employees covered under a collective bargaining agreement
- Employees who are temporary or seasonal, or who are employed with the understanding that their employment is for a specific period of time or will be terminated upon completion of a specific project
- Other employees (specify): _____

Plan Entry Date

An Employee who has met the eligibility requirements may become a Participant in the plan as of such effective date:

- On the first of the month following the date of hire
- On the first date of the first payroll period following the date on which the employee meets the eligibility requirements of the Plan
- On the first day of the first month following the date on which the employee meets the eligibility requirements of the Plan
- following the date on which the Employee meets the eligibility requirements of the Plan
- Immediately on the date on which the employee meets the eligibility requirements of the Plan
- Other (specify waiting period): _____

Forfeiture Information

Forfeitures of Medical Expense Reimbursement Accounts:

Forfeitures shall be used first, to offset any losses experienced by the Employer as a result of making reimbursements in excess of contributions paid by participants, and then as follows:

- Reduce the cost of administering the Medical Expense Reimbursement Account during the plan year and the subsequent plan year
- Reduce salary reduction amounts (commonly referred to as a "premium holiday") for the immediately following plan year on a reasonable and uniform basis
- Increase the annual benefits or coverage amount for the immediately following plan year on a reasonable and uniform level
- Allocate to participants in cash
- The Plan Administrator, at its discretion, will determine each year how to apply the forfeitures based upon the permissible uses under the IRS regulations and ERISA.

Forfeitures of Dependent Care Expense Reimbursement Accounts:

Forfeitures shall be used first, to offset any losses experienced by the Employer as a result of making reimbursements in excess of contributions paid by participants, and then as follows:

- Reduce the cost of administering the Dependent Care Expense Reimbursement Account during the plan year and the subsequent plan year
- Reduce salary reduction amounts (commonly referred to as a "premium holiday") for the immediately following plan year on a reasonable and uniform basis
- Increase the annual benefits or coverage amount for the immediately following plan year on a reasonable and uniform level
- Allocate to participants in cash
- The Plan Administrator, at its discretion, will determine each year how to apply the forfeitures based upon the permissible uses under the IRS regulations and ERISA.

Definition of Compensation

Following is the generally accepted definition of compensation: the total amount of all payments made by, or on behalf of, an Employer to an Employee for services rendered to the Employer, including bonuses, commissions, overtime pay and salary reduction contributions made under the Flexible Benefits Plan or any other plan of the Employer, but does not include expense reimbursements, fringe benefits provided by the Employer, director's fees, severance pay, contributions made by the Employer for group insurance, self-insured benefits, or to any employee benefit plan.

The above definition is satisfactory OR is not satisfactory.

Payroll Deduction Schedule

Flex deduction information is vital to the proper administration of your plan. These dates are used to post flex deductions to your employees' accounts on the dates in which the deductions are actually taken from the employees' payroll check. Timely notification of any deduction change is crucial to make sure that flexible benefit claims are paid correctly and timely for your employees. If a deduction date falls on a holiday, your flexible benefit deductions will be processed the prior business day.

Total Number of Different Flex Deduction cycles for the plan year: _____

Complete deduction schedule information for each deduction cycle identified above. If more than three, attach a separate sheet. If "Other", submit a separate sheet listing each deduction date for the plan year.

1. Deduction Cycle (select one):

- Monthly (12) Monthly (9) Weekly (52) Bi-weekly (26)
 Bi-weekly (24) Semi Monthly (24) Semi Monthly (18) Other

First deduction date: ___/___/___ Second deduction Date: ___/___/___ Last deduction date: ___/___/___

Dates deductions are not taken: ___/___/___ , ___/___/___ , ___/___/___ , ___/___/___

2. Deduction Cycle (If applicable, select one):

- Monthly (12) Monthly (9) Weekly (52) Bi-weekly (26)
 Bi-weekly (24) Semi Monthly (24) Semi Monthly (18) Other

First deduction date: ___/___/___ Second deduction Date: ___/___/___ Last deduction date: ___/___/___

Dates deductions are not taken: ___/___/___ , ___/___/___ , ___/___/___ , ___/___/___

3. Deduction Cycle (If applicable, select one):

- Monthly (12) Monthly (9) Weekly (52) Bi-weekly (26)
 Bi-weekly (24) Semi Monthly (24) Semi Monthly (18) Other

First deduction date: ___/___/___ Second deduction Date: ___/___/___ Last deduction date: ___/___/___

Dates deductions are not taken: ___/___/___ , ___/___/___ , ___/___/___ , ___/___/___

Enrollment Information

A. Select the method you will be using to submit participant enrollment information:

- Electronic Enrollment Files (file specification and instructions are located at www.wellmark.com/flex)
 Blues Enroll. Please contact your Wellmark Representative for more information on Blues Enroll. If you are currently a Blues Enroll group for flexible benefits, you must choose the Blues Enroll option.
This option is only available to Wellmark health groups with 100+ eligibles.
 Paper Enrollments. Please submit all paper enrollments one month prior to effective date of plan year to guarantee timely setup of your plan

B. Select the method for receiving enrollment materials (See Proposed Pricing section, or if a new group see Wellmark Blue Cross and Blue Shield proposal for additional administrative service fees):

- PDF enrollment materials sent via email to the Company Administrative Contact (default option).

Email address PDF materials should be sent to dawn@westbranchiowa.org

- Paper enrollment materials will be sent to the Company Administrative Contact. Please allow 10 working days for delivery. Overnight requests will be sent COD.

- Number of enrollment kits needed: _____
- Date enrollment kits needed: ___/___/___

C. Employees should return completed enrollment forms to Dawn Brandt by ___/___/___
(i.e. HR Dept., Jane Doe, etc) (please allow sufficient set up time)

D. Assistance requested for enrollment meetings? Yes No
If yes, please indicate the dates for employee meetings: ___/___/___ , ___/___/___ , ___/___/___

E. Additional forms and supplies are available on our website at www.wellmark.com/flex.

Funding Options

Select one of the two claims processing frequency options. Then choose a funding method under the selected option.

- Option 1 - Daily processing of claim payments.** This option is **required** if electing the Blue Priority Flex Debit Cards. New daily processing setup requires an initial funding prior to execution of plan.
- Automated Clearing House (ACH) of flex payroll deductions will be initiated by Wellmark from the Plan Sponsor into escrow account maintained by Wellmark for payment of flex benefit payments, whether by check, direct deposit or via the Blue Priority Flex Debit card. An ACH Funding Authorization Form will be e-mailed to the company's financial contact person (if not already on file).
 - Wire Transfer or ACH transfer of flex payroll deductions will be initiated by the Plan Sponsor into the escrow account maintained by Wellmark for payment of flex benefit payments, whether by check, direct deposit or via the Blue Priority Flex Debit card. Wellmark will provide transfer instructions to the company's financial contact.
 - Flex benefit payments by check or direct deposit will be processed by the Plan Sponsor (termed a "Register group"). Bi-weekly non Debit Card claim payment notifications will be sent to the company's financial contact. Blue Priority Flex Debit card payments will be withdrawn directly from the plan sponsor bank account on a daily basis. The plan sponsor is responsible for all reconciliation of the plan sponsor bank account. An Employer Funded Authorization Form will be e-mailed to the company's financial contact person for daily debit card payments (if not already on file).
- Option 2 – Weekly or Bi-weekly processing of claim payments.** Reimbursement of flex benefit claims will be held until funds are received from the plan sponsor. Claim payment funding notifications will be sent via email to the company's financial contact.

Select processing frequency: Weekly Bi-Weekly

- Automated Clearing House (ACH) of claim payment funds will be initiated by Wellmark from the Plan Sponsor into an account maintained by Wellmark for payment of flex benefit claims. An ACH Funding Authorization Form will be e-mailed to the company's financial contact (if not already on file).
- Wire Transfer or ACH transfer of claim payment funds will be initiated by the Plan Sponsor into an account maintained by Wellmark for payment of flex benefit claims. Wellmark will provide transfer instructions to the company's financial contact.
- Flex benefit payments will be processed and paid by the Plan Sponsor (termed a "Register group"). The plan sponsor is responsible for all reconciliation of the plan sponsor bank account. Bi-weekly processing frequency is required for this funding method.

Administrative Fees

Annual Administrative Service Fee \$400.00

Claim Processing Fee

Monthly claims processing fee per participating employee \$4.80

Select invoice billing frequency: Annually Monthly

Blue Priority Flex Debit Card Service Fees are included in the administration fee

By signing below I certify I am an authorized representative of the employer that sponsor's the flex plan or of the plan and I accept the proposed pricing arrangement for the upcoming plan year as well as confirm that the plan accepts the provision of all other services noted within this Flexible Benefits Renewal.

Printed Name: _____

Title: _____

Signature: _____

Date: _____

RESOLUTION NO. 966

A RESOLUTION TO ADOPT A CODE OF ETHICS FOR MEMBERS OF THE WEST BRANCH
CITY COUNCIL

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to adopt a Code of Ethics for Members of the West Branch City Council; and

WHEREAS, The citizens and businesses of West Branch are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity.

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

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

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

Passed and approved this 3rd day of January, 2012.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT “A”

CODE OF ETHICS FOR MEMBERS OF THE WEST BRANCH CITY COUNCIL

Preamble

The citizens and businesses of West Branch are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. In keeping with the City of West Branch's Commitment to Excellence, the effective functioning of democratic government therefore requires that:

Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the West Branch City Council has adopted a Code of Ethics for members of the City Council to assure public confidence in the integrity of local government and its effective and fair operation.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of West Branch and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the West Branch City Council.

2. Comply with the Law

Members shall comply with the laws of the nation, the State of Iowa and the City of West Branch in the performance of their public duties. These laws include, but are not limited to: the United States and Iowa constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. Conduct of Public Meetings

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting

other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Council, which they may have received from sources outside of the public decision-making process. Any contact that a Council Member has with a party involved, or potentially involved, in a matter that is or will be before the City Council, outside of the Public Hearing process is known as an ex-parte contact. Engaging in outside, or ex-parte contacts can violate due process requirements and should be avoided if at all possible. The job of the City Council member is to make decisions or recommendations based solely on the evidence presented during the Public Hearing. If ex-parte contact is unavoidable, any substantive information a Council Member receives related to the matter at hand must be made a part of the public record so that it can be available for consideration or challenge by all interested parties. This should be done by way of a public statement made by the Council Member at the City Council meeting.

8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

In accordance with the law, no member shall participate in the disposition of any matter in which he or she is interested. For purposes of this section "interested" includes any direct or indirect financial or personal interest held by a member or member of his/her family. Before any matter is heard, a member having an interest shall state it and withdraw from participation, or he/she may disclose the facts involved and request a determination by the Council of whether a conflict of interest exists. Any question of the existence or non-existence of a conflict of interest sufficient to disqualify a member from participating in the disposition of any matter shall be decided by a majority vote of the other members of the Council. In case of a tie, the member shall be disqualified.

9. Gifts and Favors

Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits, which might compromise their independence of judgment or action or give the appearance of being compromised.

10. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Private Interests

In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City.

13. Advocacy

Members shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of West Branch, nor will they allow the inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the mayor-council structure of West Branch city government as outlined by the Chapter 372.4 of Iowa Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff.

The City Administrator/Clerk shall be directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the council shall be brought before the body by the Administrator/Clerk and all Council involvement in administration initiated by the Council must be coordinated through the Administrator/Clerk.

15. Independence of Boards and Commissions

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

16. Positive Work Place Environment

Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

17. Implementation

As an expression of the standards of conduct for members expected by the City, the West Branch Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for candidates for City Council and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of West Branch code of ethics. In addition, the Code of Ethics shall be annually reviewed by the City Council and the City Council shall update it as necessary.

18. Compliance and Enforcement

The West Branch Code of Ethics expresses standards of ethical conduct expected for members of the West Branch City Council. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

City Council members who intentionally and repeatedly do not follow proper ethical standards may be reprimanded or formally censured by the Council. It is the responsibility of the Council to initiate action if a Council member's behavior may warrant sanction. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Administrator and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations or recommending sanction to the full Council to consider in a public meeting.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council decision.

**Model of Excellence
West Branch City Council
MEMBER STATEMENT**

As a member of the West Branch City Council, I agree to uphold the Code of Ethics and the Code of Conduct for elected and appointed officials adopted by the City and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct, which is divisive or harmful to the best interests of West Branch;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of West Branch Code of Ethics and the City of West Branch Code of Conduct.

Signature

Date

Printed Name

RESOLUTION NO. 967

A RESOLUTION TO ADOPT A CODE OF CONDUCT FOR MEMBERS OF THE WEST BRANCH
CITY COUNCIL

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to adopt a Code of Conduct for Members of the West Branch City Council; and

WHEREAS, the citizens and businesses of West Branch are entitled to have Council members who treat one another, city staff, constituents and others with respect.

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

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

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

Passed and approved this 3rd day of January, 2012.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT “A”

CODE OF CONDUCT FOR MEMBERS OF THE WEST BRANCH CITY COUNCIL

Roles, Responsibilities and Respect

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of West Branch.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

All Council members:

All members of the City Council have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect. Council members must recognize that they act collectively as a governing body during properly noticed public meetings. Members must recognize that they do not have authority to make decisions or take individual actions on behalf of the City Council unless expressly directed to do so by the City Council.

All Council members should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration and courtesy to others.
- Prepare in advance of Council meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people’s time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in West Branch government.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor will recommend which Council member should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

Endorsement of Candidates

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings.

Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues. Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff or the public.

IN PUBLIC MEETINGS

- **Practice civility and decorum in discussions and debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- **Honor the role of the Chair in maintaining order**

It is the responsibility of the Chair to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- **Avoid personal comments that could offend other Council members**

If a Council member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Chair will maintain control of this discussion.

- **Demonstrate effective problem-solving approaches**

Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, and email**

Technology allows words written or said without much forethought to be distributed far and wide. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this e-mail message was forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information should be directed only to the City Administrator or Department Heads. The Office of the City Administrator should be copied on any request.

Requests for follow-up or directions to staff should be made only through the City Administrator. When in doubt about what staff contact is appropriate, Council members should ask the City Administrator for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

- **Do not disrupt City staff from their jobs**

Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

- **Never publicly criticize an individual employee**

Council members should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.

- **Do not get involved in administrative functions**

Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- **Check with City staff on correspondence before taking action**

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless requested by staff.**

Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **Limit requests for staff support**

Requests for staff support – even in high priority or emergency situations -- should be made to the City Administrator who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff**

Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- **Be welcoming to speakers and treat them with care and gentleness**

The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

- **Be fair and equitable in allocating public hearing time to individual speakers**

The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

- **Give the appearance of active listening**

It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. There shall be no sidebar conversations.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Chair or City Administrator – not individual Council members -- can interrupt a speaker during a presentation. However, a Council member can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance**

Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow parliamentary procedure in conducting public meetings**

The City Administrator serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council makes final rulings on parliamentary procedure.

IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the Council**

Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book fine, plant new flowers in the median, etc.).

- **Make no personal comments about other Council members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.

- **Remember that you are a highly visible member of the City**

Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of West Branch. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Council Conduct with Other Public Agencies

- **Be clear about representing the city or personal interests**

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Administrator to be filed at City Hall as part of the permanent public record.

City letterhead is not be used for correspondence of Council members representing a personal point of view or a dissenting point of view from an official Council position.

Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting, be careful to only express personal opinions**

Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- **Limit contact with Board and Commission members to questions of clarification**

It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for Council members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

Council Conduct with the Media

Council members are frequently contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record"**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- **The Mayor and City Administrator are the official spokespersons for the representative on City position.**

The Mayor and City Administrator are the designated representatives of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Sanctions

- **Public Disruption**

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

- **Inappropriate Staff Behavior**

Council members should refer to the City Administrator any City staff who does not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

- **Council members Behavior and Conduct**

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. It is the responsibility of the Council to initiate action if a Council member's behavior may warrant sanction. Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct.

If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem. It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Administrator and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to discussing and counseling the individual on the violations or recommending sanction to the full Council to consider in a public meeting.

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council decision.

RESOLUTION NO. 968

A RESOLUTION TO ADOPT PROCEDURAL RULES FOR THE WEST BRANCH CITY COUNCIL

WHEREAS, the City Council, of the City of West Branch, Iowa deems it advisable to adopt Procedural Rules for the West Branch City Council; and

WHEREAS, the adoption of these rules will provide for orderly, fair, open and efficient deliberation on issues before the City Council.

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

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

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

Passed and approved this 3rd day of January, 2012.

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

EXHIBIT “A”

PROCEDURAL RULES OF THE WEST BRANCH CITY COUNCIL

Part I. General Provisions

Rule 1. Scope of Rules. These rules shall govern the conduct of the Council and shall be interpreted to insure fair and open deliberations and decision making.

Rule 2. Technical Parliamentary Forms Abolished. Except as specifically provided in these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms. Only motions specified within these rules are allowed.

Rule 3. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with or without the assistance and advice of the City Attorney and/or the City Administrator in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a majority vote of the Council.

Rule 4. Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Iowa and the ordinances of the City of West Branch.

Part II. Time and Place of Meeting

Rule 5. Regular Meetings. The regular meetings of the Council are on the first of third Mondays of each month in the Council Chambers at City hall. The time of said meetings shall be 6:30 p.m. when held during the months of November through March and shall be at 7:00 p.m. when held during the months of April through October. If such day falls on a legal holiday, the meeting is held at a mutually agreeable time, as determined by the Council. (City Code Chapter 17.04.1, Ord. 650 – Aug. 08 Supp.)

Rule 6. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Administrator/Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of the notice shall be maintained by the Administrator/Clerk. (City Code Chapter 17.04.2, Code of Iowa, Sec. 372.13[5])

Rule 7. Quorum. A majority of all Council members is a quorum. (City Code Chapter 17.04.3, Code of Iowa, Sec.372.13[1])

Rule 8. Attendance. The Mayor or Council Members may attend either in person or by telephone conference call or video communications.

Part III. Agenda

Rule 9. Preparation of Agenda. Prior to each regular Council meeting the City Administrator/Clerk shall publish an Agenda which contains all items the Council anticipates acting upon at the meeting. The Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and may adopt the agenda as amended.

Rule 10. Consent Agenda. In preparing an Agenda the City Administrator/Clerk shall separately designate items as "Consent Agenda" which may be acted upon by the Council under Rule 50. The "Consent Agenda" shall consist of routine non-controversial items which in the City Administrator/Clerk's determination can be appropriately considered in bulk at the Council meeting.

Rule 11. Agenda Requests and Deadline. The Mayor, any member of the Council and the City Administrator/Clerk may have an item included upon the Agenda by requesting the City Administrator/Clerk to include the item by noon on the Tuesday preceding the Council meeting.

Citizens may address the Council, pursuant to Part V of these rules, to request an agenda item at a future Council Meeting or contact one of their elected officials to request that they include an item on a future agenda.

Rule 12. Extra Items. Items requested or filed after noon on the Tuesday preceding a Council meeting shall not be included upon the Agenda unless the Mayor, a Council Member or the City Administrator/Clerk shall deem the item of sufficient urgency to warrant immediate Council action. These items shall be designated as "Extra" items and will be considered at the appropriate place on the regular Agenda (prior to or after a related item) or at the end of the regular Agenda. The City Administrator/Clerk shall record on the item the name of the sponsoring Council member.

Rule 13. Sponsor Required. The City Administrator/Clerk shall not place upon the Agenda any matter for reconsideration unless sponsored by a Council member who voted on the originally prevailing side or who was absent at the time of the original action.

Rule 14. Withdrawal of Items. Only the City officer requesting the placement of an item on the Agenda may withdraw the item prior to the Council meeting, but in withdrawing the item shall state the reason therefore which reason shall be transmitted to the Council. An item withdrawn by the City Administrator/Clerk may nonetheless, in the discretion of the Council, be acted upon in its regular order.

Rule 15. Order of Consideration of Agenda. Except as otherwise provided in these rules, each Agenda item shall be considered in the numerical order assigned by the City Administrator/Clerk. Each Agenda item shall be separately announced by the presiding officer, or City Administrator/Clerk, for purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by the number assigned by the City Administrator/Clerk, unless greater specificity is requested by

some person in attendance. This rule shall not apply to consideration of items under Rule 49 or Rule 50. The following is the order of business of the City Council at its meetings:

- 1) Call to order
- 2) Roll call
- 3) Welcome
- 4) Approve Agenda/Consent Agenda/Move to action
- 5) Communications/Open Forum
- 6) Public Hearings/Non-Consent Agenda
- 7) City Staff Reports
- 8) Comments from Mayor and Council Members
- 9) Adjournment

The following is the order of business of the City Council at its work sessions:

- 1) Call to order
- 2) Roll call
- 3) Work Session Agenda Items
- 4) Adjournment

Part IV. Conduct of Meetings

Rule 16. Presiding Officer. The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent the most senior Council member present shall preside. In the event two or more members equally possess the greatest seniority then the eldest person among them shall preside.

Rule 17. Control of Discussion. The presiding officer shall control discussion of the Council on

each Agenda item to assure full participation in accordance with these rules.

Rule 18. Discussion. A Council member shall speak only after being recognized by the presiding officer. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized shall not be interrupted except by the presiding officer to enforce these rules, or by another Council member raising a point of order.

Rule 19. Members May Speak – How Often. No member shall speak more than once on the same question until all other members desiring to speak have spoken.

Rule 20. Members Address the Presiding Officer. Members will address their comments to the presiding officer, not to each other, staff or public attending the meeting.

Rule 21. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) may enter into any discussion.

Rule 22. Remarks to be Germane. Comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of comments. Members making personal, impertinent, or slanderous remarks may be barred, at the presiding officer's discretion, from further comment on the item under consideration.

Rule 23. No side conversations between members. Members shall not have side conversations with each other during any Council Meeting. Should a member of Council wish to share information with other members, that member should seek the recognition of the chair.

Rule 24. Profanity. No member shall use profanity while speaking in any Council Meeting.

Rule 25. Motive. No member shall question the motive of another.

Rule 26. Dress Code. At all times during meetings of the Council, proper attire for men shall be

a combination of collared shirt (such as a dress shirt or polo shirt), and cotton trousers (such as khakis or blue, green, brown, or black trousers) with a belt or jeans. Proper attire for women includes a skirt or trousers (including denim) combined with a top.

Rule 27. Electronic Devices. Tape recorders, portable phones, video equipment, photography equipment and/or any other electronic recording devices are not authorized for use in the Council Chambers prior to, during or following a meeting of the Council unless permission has been granted by the presiding officer and a public notice has been given to all members of the Council present. Nothing contained in this rule shall prevent any member from using a portable laptop computer, which is hereby specifically authorized.

Rule 28. Distracting Activities. No food, newspapers, or other items or activities distractive to Council deliberations shall be permitted during a meeting of the Council.

Part V. Citizen Participation

Rule 29. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council in the open forum section of the agenda for items not on the agenda, or prior to Council discussion of an item for specific Agenda items, if he or she completes a Citizen Comment Form. Citizen Comment Forms will be provided by the City Administrator/Clerk, Deputy City Clerk or Administrative Assistant, and must be completed and provided to the City Administrator/Clerk, Deputy City Clerk or Administrative Assistant prior to the start of the meeting.

Rule 30. Manner of Addressing Council. A person desiring to address the Council shall stand up (unless that person has physical limitations which prevents the person from doing so), state his or her name, address, and group affiliation (if any), speak clearly and address his or her comments to the presiding officer. Comments shall be limited to statements. Citizens are not allowed to address

questions to any elected or appointed officials or staff. Rather, citizens are encouraged to contact their elected officials or the City Administrator/Clerk prior to meetings of the Council with any questions they might have.

Rule 31. Time Limit on Citizen's Remarks. Citizens shall be limited to three minutes speaking time per item. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations of this rule.

Rule 32. Remarks of Citizens to be Germane. Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

Part VI. Council Action

Rule 33. Call to Order. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. In the absence of the Mayor and the Mayor Pro Tem the City Administrator/Clerk shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 16. The selected temporary presiding officer shall serve as successor Mayor Pro Tem for the meeting for purposes of being authorized to sign all measures passed and contracts approved at the meeting.

Rule 34. Roll Call. Before proceeding with the business of the Council, the City Administrator/Clerk, Deputy City Clerk or Administrative Assistant shall call the roll call of members present, and enter those named in the minutes. The City Administrator/Clerk, Deputy City Clerk or Administrative Assistant shall determine the presence of a quorum as required by law and these rules.

Rule 35. Motion Required. All action requiring a vote shall be moved by a member of the

Council.

Rule 36. Motions. Allowable motions include the following: 1) Motion to approve, 2) motion to amend, 3) motion to adjourn, 4) motion to recess, 5) motion to postpone to a certain time, 6) motion to postpone indefinitely, 7) motion to appeal the rule of the chair, 8) motion to suspend the rules, 9) motion to reconsider and 10) motion for the previous question. Form and example:

Motion to approve: I move the adoption of item 6b.

Motion to amend: I move to amend by inserting the words “and grade” after “purchase.” Discussion and a vote would then take place on the amendment, i.e. the addition of the words “and grade.” Whether the amendment is or is not adopted, a subsequent vote would be taken on the underlying item.

Motion to adjourn: I move to adjourn.

Motion to recess: I move that the meeting recess until 9:00 p.m. Or, I move to recess for ten minutes.

Motion to postpone to a certain time: I move to postpone the motion to the next meeting.

Motion to postpone indefinitely: I move that the item be postponed indefinitely.

Motion to appeal the rule of the chair: I appeal from the decision of the chair. If seconded, the chair shall clearly state the exact question at issue, the reason for his or her decision and states the question, “Shall the decision of the chair be sustained?”

Motion to suspend the rules: I move that the rules be suspended which interfere with ... [stating the object of the suspension].

Motion to reconsider: I move to reconsider the vote on the resolution relating to the annual banquet.

I voted for [or against] the resolution.

Motion for the previous question: I move the previous question.

Rule 37. Motions – Requiring a second. No motion shall be debated until another member has seconded the motion. After a motion has been made, another member who wishes it to be considered says, “I second the motion,” and may do so without obtaining the floor.

Rule 38. Must be read or stated before debate. After a motion is made and seconded, it shall be stated by the presiding the presiding officer before being debated.

Rule 39. Points of Order. Members of Council, who notice a breach of these rules, may raise a point of order to insist upon their enforcement. (If the presiding officer notices a breach, he or she corrects the matter immediately; but if he or she fails to do so, any member can make the appropriate point of order.) Points of order are ruled upon by the presiding officer. Points of order are not debatable.

Rule 40. Appeal from a Ruling of the Presiding Officer. Should there be an appeal from any ruling of the presiding officer, the question, “Shall the chair be sustained?” shall be immediately put and determined before the Council proceeds to other business.

Rule 41. Previous Question. Any member may move the previous question. The motion shall be restated by the presiding officer in this form: “Shall the question under immediate consideration be now put?” It shall only prevail when supported by four-fifths of the Council and until decided shall preclude debate. If the motion is sustained, the proponent of the matter under consideration shall have one minute in which to make a closing statement before the Council votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the Council; but the Council shall proceed as if the motion had not been made.

Rule 42. Not debatable. The following motions shall be decided without debate: 1) motion to adjourn, 2) motion for the previous question, 3) motion to suspend the rules and 4) motion to recess.

Rule 43. Indefinite postponement. When a question is postponed indefinitely, that item shall not be acted on again in the same calendar year except when supported by four-fifths of the Council.

Rule 44. Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule 45. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council. Except as provided by Rule 22, a call for the vote shall not close discussion if any member of the Council still wishes to be heard.

Rule 46. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action or by a Council Member absent at the time of the original action.

Rule 47. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule 48. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately by electronic means and each separate vote shall be recorded by the City Administrator/Clerk.

Rule 49. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in single motion. Each Council Member shall separately note upon a form provided by the City Administrator/Clerk any matter on the "Consent Agenda" upon which he or she wishes to speak or to vote no. At the time of consideration of the "Consent Agenda" the presiding

officer shall announce the items upon which Council members have indicated they wish to speak or vote no. The presiding officer shall also recognize any person in attendance who has indicated on the Citizen Comment Form their wish to speak upon a particular consent item. Items upon which any Council Member or citizen wishes to speak shall be considered separately and not as a portion of any motion calling for action upon the remainder of the "Consent Agenda". The City Administrator/Clerk, Deputy City Clerk or Administrative Assistant, on all matters contained in the "Consent Agenda," shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 15 shall not apply.

Rule 50. Action to Multiple Items. With the consent of a majority of the Council, Rule 50 hereof notwithstanding, the Council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the City Administrator/Clerk noting specific yes or no votes of each Council member on each item.

Rule 51. Recording Names of Moving Members. The City Administrator/Clerk, Deputy City Clerk, or Administrative Assistant shall record the name of the Council Member making and seconding each motion.

Rule 52. Consideration of Matters Not on Agenda. Except as to matter which by law require the publication of notice before consideration by the Council any member of the Council may, at the close of the regular Agenda, bring a matter not on the Agenda to the Council's attention. Council may not act upon such matters, rather direct such matter be included upon a later Agenda.

Part VII. Miscellaneous

Rule 53. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under

consideration.

Rule 54. Waiver of Ordinance Readings.

A Council member may move the final passage of an ordinance, with waiver of first or second consideration of the ordinance or waiver or both, by reciting the following motion.

"Moved by (insert the moving Council member's name) that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended; that the first and second consideration and vote be waived; that the ordinance be placed upon its final passage and that the ordinance do now pass."

or may move waiver by reference to the language of this section to be known as "the waiver rule".

Rule 55. Name of Sponsor on Roll Call. Any time these rules require an action to be sponsored by a Council member, the City Administrator/Clerk shall note the name of the sponsoring Council member on the face of the roll call for said item.

Rule 56. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a two-thirds majority of the Council.

Rule 57. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Council.

Rule 58. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Attorney, City Administrator/Clerk or any City employee.

RESOLUTION NO. 965

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR
ENDING JUNE 30, 2012

FY12 Budget Amendment – See State Form

PASSED, APPROVED, AND ADOPTED this 17th day of January, 2012.

Don Kessler, Mayor

ATTEST:

Matt Muckler, City Administrator/City Clerk

**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

The City Council of West Branch in CEDAR & JOHNSON County, Iowa
will meet at West Branch City Council Chambers
at 6:30 PM on 1/17/2012
(hour) (Date)

for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2012
(year)

by changing estimates of revenue and expenditure appropriations in the following functions for the reasons given.
Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

	Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources			
Taxes Levied on Property	1,126,647		1,126,647
Less: Uncollected Property Taxes-Levy Year			0
Net Current Property Taxes	1,126,647	0	1,126,647
Delinquent Property Taxes			0
TIF Revenues	450,000		450,000
Other City Taxes	151,677		151,677
Licenses & Permits	25,000		25,000
Use of Money and Property	10,000		10,000
Intergovernmental	641,810		641,810
Charges for Services	672,092	14,520	686,612
Special Assessments			0
Miscellaneous	59,500		59,500
Other Financing Sources	657,272		657,272
Total Revenues and Other Sources	3,793,998	14,520	3,808,518
Expenditures & Other Financing Uses			
Public Safety	474,779	500	475,279
Public Works	417,518	190,929	608,447
Health and Social Services	0		0
Culture and Recreation	396,743	29,706	426,449
Community and Economic Development	469,900	138,935	608,835
General Government	255,612	-1,000	254,612
Debt Service	126,000	120,000	246,000
Capital Projects	984,161	-284,161	700,000
Total Government Activities Expenditures	3,124,713	194,909	3,319,622
Business Type / Enterprises	596,744	188,500	785,244
Total Gov Activities & Business Expenditures	3,721,457	383,409	4,104,866
Transfers Out	207,272		207,272
Total Expenditures/Transfers Out	3,928,729	383,409	4,312,138
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	-134,731	-368,889	-503,620
Continuing Appropriation		N/A	0
Beginning Fund Balance July 1	1,822,973	118,160	1,941,133
Ending Fund Balance June 30	1,688,242	-250,729	1,437,513

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.

City Clerk/ Finance Officer Name

FY12 Budget Amendment

Revenue Area	From	To	Amend. Amt.	Inc/Dec	Account Code	Explanation
Delinquent Prop Tax						
TIF Revenues						
Other City taxes						
Licenses & Permits						
Use of Money & Prop.						
Intergovernmental						
Charges for services	672,092	686,612	7,500.00	Incr.	600-9-810-1-4560	1% LOST Sales tax revenue
			7,020.00	Incr.	600-9-810-1-4710	Northway Well - Revenue for Well #5 rec. from EMC Insurance claim
Total charges for serv.			14,520.00			
Special Assessments						
Miscellaneous						
Other Fin. Sources						
Total Revenue			14,520.00			

Expenditure Area	From	To	Amend. Amt.	Inc/Dec	Account Code	Explanation
Public Safety	474,779	475,279	500.00	Incr.		To correct balance in correct columns on budget forms/already correct in financial system
Public Works	417,518	608,447	19,748.00	Incr.	2-110-210-6761	Street projects budgeted in FY11 completed in FY12 - Concrete work in Pedersen Valley & N
			164,161.00	Incr.		Move to Public Works from Capital Projects
			7,020.00	Incr.	9-600-810-6783	Northway Well - Payment for Well #5 rec. from EMC Insurance claim
Total Public Works			190,929.00			
Culture & Recreation	396,743	426,449	17,732.00	Incr.	4-022-460-6792	Town Hall renovation project money
			11,474.00	Incr.	4-050-620-6599	Fireworks & Park & Rec deposits for FY13 Hoover's HomeTown Days - using cash balance in HT days fund 050.
			500.00	Incr.		To correct balance in columns on budget forms
Total Culture & Rec			29,706.00			
Community Eco. Dev.	469,900	608,835	138,935.00	Incr.	5-160-520-6421	Revolving loan fund to Main Street - appvd. by Council 6-20-11
General Government	255,612	254,612	(1,000.00)	Decr.		To correct balance in correct columns on budget forms/correct in financial system (Line 37 Exp.)
Debt Service	126,000	246,000	120,000.00	Incr.		To correct balance in columns on budget forms (Fire loan - must be paid from debt service)
Capital Projects	984,161	700,000	(120,000.00)	Decr.		To correct balance in columns on budget forms
			(164,161.00)	Decr.		Move from Capital Projects to Public Works
			(284,161.00)			

Business Type Act.	596,744	785,244	181,000.00	Incr.	9-600-810-6783	Used water fund balance to pay for Water Tower painting project
			7,500.00	Incr.	9-610-810-64181	Local option sales tax - Iowa Sales tax expense
<u>Total Business Act.</u>			188,500.00			
Transfers out						
Total Expenditures			\$ 383,409.00			

ORDINANCE NO. 688

AN ORDINANCE AMENDING TITLE CHAPTER 92 "WATER RATES"

1. BE IT ENACTED by the City Council of West Branch, Iowa, that Chapter 92 "WATER RATES" of the Code of West Branch, Iowa is hereby amended by deleting Section 92.02 in its entirety and inserting in lieu thereof:

92.02 RATES FOR SERVICE.

Water service shall be furnished at the rate of:

\$4.59 per 1,000 gallons, with a 1,700-gallon minimum, payable monthly effective June 20, 2006.

\$ ___ per 1,000 gallons, with a 1,700-gallon minimum, payable monthly effective July 1, 2012.

\$ ___ per 1,000 gallons, with a 1,700-gallon minimum, payable monthly effective July 1, 2013.

\$ ___ per 1,000 gallons, with a 1,700-gallon minimum, payable monthly effective July 1, 2014.

\$ ___ per 1,000 gallons, with a 1,700-gallon minimum, payable monthly effective July 1, 2015.

\$ ___ per 1,000 gallons, with a 1,700-gallon minimum, payable monthly effective July 1, 2016.

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 3rd day of January, 2012.

First Reading: January 3, 2012

Second Reading:

Third Reading:

Don Kessler, Mayor

Attest:

Matt Muckler, City Administrator/Clerk

Water/Wastewater Rate Analysis

FY	Water Fund		Gallons treated	Base Cost Per 1,000 Gallons		Gallons Treated Incl. Water Bond	Cost Per 1,000 Gallons Billed Incl.	
	Expend.	Revenue		1,000 Gallons Treated	1,000 Gallons Billed		Water Bond	Water Bond Payment
FY 2007	\$336,326	\$312,507	81,855	\$4.11	\$5.59	\$6.72	\$121,200.00	
FY 2008	\$335,540	\$318,325	81,052	\$4.14	\$5.63	\$6.58	\$121,130.00	
FY 2009	\$274,999	\$309,187	86,911	\$3.16	\$4.56	\$5.88	\$121,000.00	
FY 2010	\$348,381	\$295,184	77,203	\$4.51	\$6.09	\$7.31	\$121,810.00	
FY 2011	\$319,697	\$301,672	79,377	\$4.03	\$5.56	\$6.71	\$121,530.00	
FY 2012 *	\$530,100	\$305,442	80,369	\$6.60	\$8.10	\$9.79	\$121,190.00	
FY 2013 *	\$388,578	\$313,078	81,374	\$4.78	\$6.27	\$7.57	\$121,790.00	
FY 2014 *	\$398,292	\$320,905	82,391	\$4.83	\$6.31	\$7.62	\$121,300.00	
FY 2015 *	\$408,249	\$328,927	83,421	\$4.89	\$6.35	\$7.67	\$121,750.00	
FY 2016 *	\$418,455	\$337,150	84,464	\$4.95	\$6.39	\$7.72	\$121,110.00	
FY 2017 *	\$428,917	\$345,579	85,519	\$5.02	\$6.44	\$7.77	\$121,410.00	

FY	Sewer Fund		Gallons Billed	Base Cost Per 1,000 Gallons Billed (Incl. Lift Station)	
	Expend.	Revenue		1,000 Gallons Billed	1,000 Gallons Billed (Incl. Lift Station)
FY 2007	\$177,106	\$199,076	43,372	\$4.08	\$5.47
FY 2008	\$181,469	\$205,114	44,687	\$4.06	\$5.40
FY 2009	\$194,428	\$191,797	41,786	\$4.65	\$6.09
FY 2010	\$203,830	\$198,615	43,271	\$4.71	\$6.10
FY 2011	\$204,411	\$236,000	51,416	\$3.98	\$5.14
FY 2012 *	\$247,644	\$247,644	52,059	\$4.76	\$5.91
FY 2013 *	\$305,085	\$253,835	52,710	\$5.79	\$6.93
FY 2014 *	\$312,712	\$260,181	53,368	\$5.86	\$6.98
FY 2015 *	\$320,530	\$266,686	54,036	\$5.93	\$7.04
FY 2016 *	\$328,543	\$273,353	54,711	\$6.01	\$7.10
FY 2017 *	\$336,757	\$280,186	55,395	\$6.08	\$7.16

* Projected

WATER & SEWER 6.5% Increase per Thousand Gallons per Year for 5 Years

Fiscal year	Water/1,000 gal. @		Sewer/1,000 gal.		Increase /		Revenue/FY based on		Increase in revenue per year	Minimum Monthly Bill*	Average Monthly Bill**
	6.5% increase	1,000 gal.	@ 6.5% increase	1,000 gal.	1,000 gal.	1,000 gal.	70,000,000 Gal. Water &	55,000,000 Gal. Sewer			
FY 12	\$4.59	\$0.30	\$4.59	\$0.30	\$0.30	\$573,750.00	\$20.90	\$37,500.00	\$42.76		
FY 13	\$4.89	\$0.30	\$4.89	\$0.30	\$0.30	\$611,250.00	\$21.96	\$37,500.00	\$45.24		
FY 14	\$5.19	\$0.30	\$5.19	\$0.30	\$0.30	\$648,750.00	\$23.01	\$37,500.00	\$47.72		
FY 15	\$5.49	\$0.30	\$5.49	\$0.30	\$0.30	\$686,250.00	\$24.07	\$37,500.00	\$50.21		
FY 16	\$5.79	\$0.30	\$5.79	\$0.30	\$0.30	\$723,750.00	\$25.13	\$37,500.00	\$52.69		
FY 17	\$6.09	\$0.30	\$6.09	\$0.30	\$0.30	\$761,250.00	\$26.18	\$37,500.00	\$55.18		

WATER 6.5% Increase & SEWER 11.25% Increase per Thousand Gallons per Year for 5 Years

Fiscal year	Water/1,000 gal. @		Sewer/1,000 gal.		Increase /		Revenue/FY based on		Increase in revenue per year	Minimum Monthly Bill*	Average Monthly Bill**
	6.5% increase	1,000 gal.	@ 11.25% increase	1,000 gal.	1,000 gal.	1,000 gal.	70,000,000 Gal. Water &	55,000,000 Gal. Sewer			
FY 12	\$4.59	\$0.30	\$4.59	\$0.52	\$0.52	\$573,750.00	\$20.90	\$49,600.00	\$42.76		
FY 13	\$4.89	\$0.30	\$5.11	\$0.52	\$0.52	\$623,350.00	\$22.33	\$49,600.00	\$46.12		
FY 14	\$5.19	\$0.30	\$5.63	\$0.52	\$0.52	\$672,950.00	\$23.76	\$49,600.00	\$49.48		
FY 15	\$5.49	\$0.30	\$6.15	\$0.52	\$0.52	\$722,550.00	\$25.19	\$49,600.00	\$52.85		
FY 16	\$5.79	\$0.30	\$6.67	\$0.52	\$0.52	\$772,150.00	\$26.62	\$49,600.00	\$56.21		
FY 17	\$6.09	\$0.30	\$7.19	\$0.52	\$0.52	\$821,750.00	\$28.05	\$49,600.00	\$59.58		

*Including Water, Sewer, \$4.75 Mandatory Recycling Fee and all taxes at 1,700 gallon minimum.

**Average household monthly usage equals 4,000 gallons.

WATER 14% Increase & Sewer 6.5% Increase per Thousand Gallons per Year for 5 Years

Fiscal year	Revenue/FY based on					Average Monthly Bill**
	Water/1,000 gal. @ 14% increases	Increase / 1,000 gal.	Sewer/1,000 gal. @ 6.5% increases	Increase / 1,000 gal.	70,000,000 Gal. Water & 55,000,000 Gal. Sewer	
FY 12	\$4.59	\$0.64	\$4.59	\$0.30	\$573,750.00	\$20.90
FY 13	\$5.23	\$0.64	\$4.89	\$0.30	\$635,050.00	\$22.58
FY 14	\$5.87	\$0.64	\$5.19	\$0.30	\$696,350.00	\$24.25
FY 15	\$6.51	\$0.64	\$5.49	\$0.30	\$757,650.00	\$25.92
FY 16	\$7.15	\$0.64	\$5.79	\$0.30	\$818,950.00	\$27.60
FY 17	\$7.79	\$0.64	\$6.09	\$0.30	\$880,250.00	\$29.27

WATER 14% Increase & Sewer 11.25% Increase per Thousand Gallons per Year for 5 Years

Fiscal year	Revenue/FY based on					Average Monthly Bill**
	Water/1,000 gal. @ 14% increases	Increase / 1,000 gal.	Sewer/1,000 gal. @ 11.25% increases	Increase / 1,000 gal.	70,000,000 Gal. Water & 55,000,000 Gal. Sewer	
FY 12	\$4.59	\$0.64	\$4.59	\$0.52	\$573,750.00	\$20.90
FY 13	\$5.23	\$0.64	\$5.11	\$0.52	\$647,150.00	\$22.95
FY 14	\$5.87	\$0.64	\$5.63	\$0.52	\$720,550.00	\$25.00
FY 15	\$6.51	\$0.64	\$6.15	\$0.52	\$793,950.00	\$27.05
FY 16	\$7.15	\$0.64	\$6.67	\$0.52	\$867,350.00	\$29.09
FY 17	\$7.79	\$0.64	\$7.19	\$0.52	\$940,750.00	\$31.14

*Including Water, Sewer, Mandatory Recycling Fee and all taxes at 1,700 gallon minimum.

**Average household monthly usage equals 4,000 gallons.

WATER 14% Increase & Sewer 14% Increase per Thousand Gallons per Year for 5 Years

Fiscal year	Water/1,000 gal. @ 14% increases		Sewer/1,000 gal. @ 14% increases		Increase / 1,000 gal.	Revenue/FY based on 70,000,000 Gal. Water & 55,000,000 Gal. Sewer	Increase in revenue per year	Minimum Monthly Bill*	Average Monthly Bill**
	Increase / 1,000 gal.	\$	Increase / 1,000 gal.	\$					
FY 12	\$0.64	\$4.59	\$0.64	\$4.59	\$0.64	\$573,750.00	\$80,000.00	\$20.90	\$42.76
FY 13	\$0.64	\$5.23	\$0.64	\$5.23	\$0.64	\$653,750.00	\$80,000.00	\$23.15	\$48.05
FY 14	\$0.64	\$5.87	\$0.64	\$5.87	\$0.64	\$733,750.00	\$80,000.00	\$25.41	\$53.35
FY 15	\$0.64	\$6.51	\$0.64	\$6.51	\$0.64	\$813,750.00	\$80,000.00	\$27.66	\$58.65
FY 16	\$0.64	\$7.15	\$0.64	\$7.15	\$0.64	\$893,750.00	\$80,000.00	\$29.91	\$63.95
FY 17	\$0.64	\$7.79	\$0.64	\$7.79	\$0.64	\$973,750.00	\$80,000.00	\$32.16	\$69.25

* Including Water, Sewer, Mandatory Recycling Fee and all taxes at 1,700 gallon minimum.

** Average household monthly usage equals 4,000 gallons.

WEST BRANCH **Times**

Birthplace of President Herbert Hoover • The Great Humanitarian

124 W. Main Street, West Branch, IA 52358 Phone: (319)643-2131 Fax: (319)643-5853
Email: wbtimes@Lcom.net

12.21.11

City of West Branch:

Please consider this an official request to again be named an official newspaper for City of West Branch.

As you know, the *Times* is the only newspaper that solely covers the West Branch community. In that capacity, we have been one of the city's official newspapers for years.

We look forward to working with you again in 2012!

Gregory R. Norfleet
Editor
West Branch Times

Fiscal Year 2012-2013 Budget Calendar

The following schedule, provided by the Iowa League of Cities, is an example for cities to follow during the budgeting process. The following information assumes the city has a Thursday newspaper with a Tuesday deadline and the council meets on the first and third Monday. Cities should adopt a calendar that meets their specific circumstances. Dates noted by an asterisk are statutory deadlines or requirements.

Typical Budget Timeline

City department heads give budget and proposals to city finance officerJanuary 3
(Normally held first Monday of January, however January 2 is an observed Holiday.)

Budget work session(s) with finance officer and city councilJanuary 16
(and February 6)

Council receives and adopts final proposed budget and orders notice of hearingFebruary 20

Notice of hearing on adoption of final budget publishedFebruary 23

NOTICE REQUIREMENT: Notice of the budget hearing must be given not more than 20* days nor less than 10* days before the date of the hearing.

DETAILED BUDGET: The detailed budget must be available for public inspection at least 10* days before the final budget hearing and 20* days before final date for certification, and is to be available at the clerk's and mayor's offices and the public library, or posted at three places designated by ordinance if there is no library.

Budget hearingMarch 5

Adoption of final budgetMarch 5

Certified budget to county auditorMarch 15*

Persons affected by the budget have 10 days after the date of certification to file a written protestMarch 25*

Iowa Department of Management certifies taxes back to county auditorJune 15*

Budget takes effectJuly 1*

**Dates noted by an asterisk are statutory deadlines or requirements.*