

# City of West Branch

~ A Heritage for Success ~

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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 #1**  
**Monday, January 6, 2014 • 6:00 p.m.**  
**City Council Chambers, 110 North Poplar Street**

1. Call to order
2. Oath of Office, Mayor Mark Worrell and Councilperson Mary Beth Stevenson
3. Roll call
4. City Attorney Kevin Olson – Presentation on Open Meetings, Open Records, Gift Law, Conflict of Interest and West Branch City Council Rules of Procedure
5. Adjourn

**CITY COUNCIL MEETING AGENDA**  
**Monday, January 6, 2014 • 6:30 p.m.**  
**City Council Chambers, 110 North Poplar Street**  
*Action may be taken on any agenda item.*

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Welcome
5. Approve Agenda/Consent Agenda/Move to action.
  - a. Approve minutes from the December 16, 2013 City Council Meeting.
  - b. Approve claims.
  - c. Approve 2014 City Council Meeting Schedule.
  - d. Approve Class C beer license including Class B native wine and Sunday Sales privileges for Shivji LLC DBA BP Amoco.
6. Communications/Open Forum
7. Public Hearing/Non-Consent Agenda
  - a. Resolution 1170, 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.
  - b. Councilperson Brian Pierce - Appointments/Reappointments/Move to action.
    - i. Kami Poppen – Zoning Board of Adjustment, December 31, 2017
  - c. Councilperson Colton Miller - Appointments/Reappointments/Move to action.
    - i. Wayne Frauenholtz – Zoning Board of Adjustment, December 31, 2018
  - d. Councilperson Mary Beth Stevenson - Appointments/Reappointments/Move to action.
    - i. Paul Stagg – Zoning Administrator/Iowa Certified Construction Site Pollution Prevention Inspector (ICCSPP)

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**Mayor:** Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson  
**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**  
**Monday, January 6, 2014 • 6:30 p.m. (continued)**  
**City Council Chambers, 110 North Poplar Street**  
*Action may be taken on any agenda item.*

- e. Councilperson Jordan Ellyson - Appointments/Reappointments/Move to action.
  - i. Nevin Tucker – West Branch Volunteer Firefighter
  - ii. Allison Kusick – West Branch Volunteer Cadet
- f. Councilperson Tim Shields - Appointments/Reappointments/Move to action.
  - i. Mayor Mark Worrell – Cedar County Economic Development Corporation
- g. Mayor Mark Worrell - Appointments/Reappointments/Move to action. (continued)
  - i. Mayor Pro Tem – Colton Miller
  - ii. Official City Newspaper - West Branch Times
  - iii. Dr. Thomas Novak – Public Health Officer
  - iv. West Branch Animal Clinic – Animal Control Facility
  - v. City Engineer – Dave Schechinger, Veenstra & Kimm, Inc.
  - vi. Leesa Johnson - Animal Control Commission, December 31, 2016
  - vii. Lane Shields – Historic Preservation Commission, December 31, 2015
  - viii. Beth Noe – Park & Recreation Commission, December 31, 2016
8. City Staff Reports
9. Comments from Mayor and Council Members
10. Adjournment

**CITY COUNCIL WORK SESSION #2**  
**Monday, January 6, 2014**  
**Immediately following regular City Council Meeting**  
**City Council Chambers, 110 North Poplar Street**

1. Call to order
2. Roll call
3. Updated City of West Branch, Iowa FY 15 Proposed Budget Timeline
4. Review of City Council Goals
5. FY 13 Expenditures & Revenue, Property Tax Distribution, My Tax Dollars at Work
6. Supervision of Information Technology Services and Cable Access
7. Total Employee Compensation – FY 2014/15
8. Introduction of Budget Forms & Department Director Budget Presentations
9. Council Member Input - Questions and Comments for Staff
10. Adjourn

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**Mayor:** Mark Worrell • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Tim Shields, Mary Beth Stevenson  
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Iowa League of Cities



*Open Meetings,  
Open Government*

*Revised 2013*



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## Open Meetings

The purpose of this publication is to provide general guidance on the Iowa Open Meetings Law, *Code of Iowa* Chapter 21. This law requires meetings of governmental bodies to be open to the public. Cities often have questions about the applicability of this law to day-to-day city business. The information contained here is designed to be general in nature and does not constitute legal advice. If there are specific legal questions about open meetings requirements, the city should contact the city attorney. The Iowa Open Meetings Law favors openness, so situations where the applicability of the law is unclear should be resolved on the side of openness.

### *Meetings Generally*

The Iowa Open Meetings Law applies to governmental bodies, including city, county and state governments. Governmental body refers to a “board, council, commission or other governing body.” The law also applies to “an advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.” For cities, this law applies to the city council, as well as entities such as the planning and zoning commission, the board of adjustment, library board and the park and recreation commission. The law also applies to any entity organized under *Code of Iowa* Chapter 28E. [*Code of Iowa* 21.2]

A meeting is “a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties.” [*Code of Iowa* 21.2(2)]

To conduct a meeting, a quorum (or majority) of the governing body must be present when there is discussion or deliberation on city business.

Vacant positions must be included when calculating the number of council members that must be present for a quorum. [*Code of Iowa* 21.2 and *Code of Iowa* 380.4]

*Examples: If a five-member council has two vacancies, it needs a majority of the five (all three current members) to be present in order to conduct a meeting. If a regular meeting is held and only two members of a five-member council attend, business cannot be conducted for lack of a quorum of the council.*

A gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the requirements of the open meetings law is not a meeting. [*Code of Iowa* 21.2]

*Example: Three council members of a five-member city council attend the same high school football game. They do not need to avoid each other, but should not get together during the game to discuss city business as this could constitute a meeting.*

## 6 | Open Meetings, Open Government

**Q: Are committee meetings that include the mayor and several council members required to be open meetings?**

Ordinarily committees that are created by a city are covered by and subject to open meetings law requirements.

*Example: A city council operating under the Mayor-Council form (mayor and five council members) passes a motion to establish a budget committee, consisting of the mayor, two council members and the city finance officer. It may be argued that this committee would be subject to open meetings requirements and an opinion should be sought from the city attorney on whether or not that is the case.*

**Q: Are work sessions or retreats where the council discusses, but does not take any action on items, subject to the open meetings law requirements?**

Yes, if a majority of the council is present and they are discussing or deliberating on city business. The fact that the council is deliberating on city policy is sufficient to make the gathering an

open meeting. It is not necessary that the council take action or vote to make the gathering into a meeting under Iowa law.

## **Public Notice and Agendas**

Meetings of governmental bodies must be preceded by public notice. Public notice is given by delivering a copy of the public notice to those in the media who have requested it and by posting the public notices in a prominent place in the city office. Many cities post notice on a bulletin board in city hall or on the door. If the city does not have a city hall, they can post notice in the building where the meeting will be held.

Public notice must give:

- Time, date and place of the meeting
- The tentative agenda for the meeting

Public notice must be given at least 24 hours prior to the meeting. [*Code of Iowa* 21.4]

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**Q: When posting the agenda, what needs to be listed and in how much detail?**

The agenda should list the items the council intends to discuss and intends to act upon. There is no clear definition on what is enough information, therefore, if in doubt, give more rather than less information.

*Example: An agenda item of “water” may not be enough information to tell the public that the council will be discussing an amendment to an ordinance increasing water rates. On the other hand, it is not necessary for the agenda to include the wording of the entire ordinance.*

**Q. Can cities hold meetings with less than 24 hours notice?**

Yes, if it is not possible or practicable to give 24 hours notice. If an emergency situation requires a meeting with less than 24 hours notice, give as much notice as can be given, but in any event, give at least some notice. The city must justify its reason for not giving 24 hours notice in the minutes of the meeting. The city must also justify its action if it holds a meeting at a place not

reasonably accessible or at a time not reasonably convenient to the public. [*Code of Iowa* 21.4]

*Example: A levee breaks and the city is being flooded, the council may need to have an emergency meeting to hire a contractor to come in and repair the levee immediately. The minutes of the meeting need to explain the nature of the good cause which justified holding a meeting without providing 24 hours notice.*

### **Q. Can the council amend the agenda once the council meeting has started?**

While the council can amend the agenda to delete items or rearrange order of consideration, it is not advisable to amend the agenda to add new items after a council meeting has started or if the agenda has been posted and less than 24 hours remain before the start of the meeting. The council must provide 24 hours notice to the public on what will be discussed at the meeting. If an item is added to the agenda less than 24 hours prior to a meeting or at a meeting, the public may contend that proper notice was not given.

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*Example: During the public forum, a citizen complains about dogs running at large and suggests the council pass an ordinance at that meeting to address the problem. The mayor or presiding officer should defer the discussion and action to the next council meeting or suggest a special meeting be called if there is an immediate need to address the issue. It is not appropriate to move forward with action on an item that was not on the agenda.*

**Q. Once a properly noticed meeting has started can you take a break and reconvene the meeting at a later time?**

Yes, a meeting can be reconvened within four hours of the start of its recess, where an announcement of the time, date and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda. [*Code of Iowa 21.4*]

### **Meeting Procedures and Minutes**

A meeting occurs when a majority of the council gathers to discuss city business. If a quorum of

members of the governing body is not present, a meeting cannot be held.

**Q: Can a council member who will not be present at a meeting send in their vote with another council member or tell the clerk to record their vote a certain way?**

No, although state law does not explicitly prohibit proxy voting, it is not advisable for a council member to vote by proxy. Sending in a vote and not participating in the discussion at a meeting denies the public access to whatever information or discussion led a council member to vote in a certain way. Additionally, had a council member attended the meeting, they may have been presented with information that would have caused them to vote differently.

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**Q: The minutes have to record the vote of each council member. Does this mean a roll call vote is required on each action of the council?**

The procedure to record the vote of each member is to either take a roll call vote or to determine each member's vote in some other manner. The method is not as critical as the fact that each council member's vote is recorded.

*Example: Some cities may use an electronic voting system that records each council member's vote. Some mayors or clerks may be adept at picking up on how each council member voted during a regular voice vote or may request that council members raise their hands to vote.*

**Q. Do citizens have to be allowed to participate in a meeting or can cities have rules regulating the public attending a council meeting?**

The public can use cameras or recording equipment to take photos, movies, recordings, etc. of any open session. Although many cities provide time for public input, it is not a requirement of the open meetings law. Many cities provide a time for

public comment in order to allow citizens to give feedback and have input in their city government. There are specific situations that require the city to hold a public hearing (prior to adoption of the budget, for example). The purpose of a public hearing is to solicit public input on the proposed action, so receiving public comment is a requirement. Cities can make rules of conduct for their meetings to ensure the meetings are orderly. The rules can permit the council or presiding officer to establish time limits for public comments. The mayor or presiding officer is ordinarily responsible for enforcing these rules. Contact the League for sample rules of conduct for meetings.

*Example: A city might offer a “public comment” agenda item and limit each person to five minutes, requesting that they state their name and address, etc.*

## **Electronic Meetings**

A city can only hold a meeting by electronic means if conducting such meeting in person is either impossible or impractical, and then only if the city complies with all of the following requirements:

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- Public access to the conversation of the meeting has been provided to the extent reasonably possible.
- Notice is given of the meeting time, date, place and tentative agenda as soon as reasonably possible, pursuant to *Code of Iowa* Section 21.4
- Minutes are kept of the meeting and must include a statement explaining why a meeting in person was impossible or impractical.

Council members who are unable to attend a regular council meeting may participate electronically but must be connected by a means that allows them to hear and be heard.

**Q: Can electronic or e-mail communication between city council members be considered a meeting under Iowa Open Meetings Law?**

A “meeting” under Iowa law means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy making duties.

No Iowa court has specifically ruled on the application of the Iowa Open Meetings Law to simultaneous electronic communication between council members. City officials should keep in mind that the Iowa Open Meetings Law is intended to require that the city's business be conducted in open meetings.

### ***Closed Meetings Generally***

A closed meeting is a meeting of a governmental body that is closed to public access, meaning that neither the general public nor the press can be present at that meeting. A city council or other body can close a meeting only for very specific reasons described in law. The law favors openness so before closing any meeting, the city should consult the city attorney.

*Code of Iowa* Section 21.5 provides specific reasons and procedures for closing access to a public meeting. The most common reason cities hold a closed meeting is to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless

and irreparable injury to that individual's reputation and that individual requests a closed session. Other common reasons a city would close a session include the discussion of strategy with legal counsel in matters that are presently in litigation or where litigation is imminent. In addition, the purchase or sale of real estate is commonly discussed in a closed session where premature disclosure would adversely impact price. The qualification with this exemption is that the minutes and the recording of a session closed under this paragraph need to be available for public examination when the transaction discussed is completed.

**Q: Are there any meetings of a governmental body that are exempt from the open meetings requirements?**

Yes. A meeting to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement under *Code* Chapter 20. A city considering holding a meeting of this sort should seek the guidance of the city attorney. [*Code of Iowa* Section 21.9]

*Note: This exemption is only for the purpose of discussing strategy. Therefore, action involving employment conditions must be taken at a meeting that complies with the open meetings requirements. For this purpose, “employment conditions” means areas included in the scope of negotiations listed in Code of Iowa Section 20.9.*

**Q. Does the city clerk have to be present during a closed session to take minutes?**

No. If the clerk is not present, the governing body must appoint someone to perform this function.

**Q: Can persons other than members of the governing body be present during a closed session?**

Yes, provided that governing body authorizes their presence. However, particularly when meeting with the city attorney, caution should be used to avoid potential problems in exercising the attorney-client privilege.

**Q: Do persons other than members of the governing body have a right to be present at a closed session?**

No.

### ***Procedure for Closing a City Council Meeting***

The council meeting must begin in open session with a call to order and a roll call. In order to go into closed session for a specific reason authorized under *Code of Iowa* Section 21.5, there must be an affirmative vote by two-thirds of the members of the body or by all those present. The minutes must record the votes of individual council members on the question of holding a closed session. In addition, the motion and minutes must state the exemption that permits a closed session.

No business can be discussed during the closed session that does not directly relate to the specific reason for the closed session.

Upon completion of the closed session, a mo-

tion and vote must be taken to end the closed session and return to open session. Final action on any matter must be taken in open session unless another *Code* section specifically allows such action to be taken in closed session.

**Q: Does a closed session have to be listed on the governing body's agenda?**

If a closed session is anticipated, the fact that there is to be such a session should be made known by setting forth the topic for the closed session and the fact that a closed session will be held on the agenda. However, if during an open meeting a topic comes up which may be considered during a closed session and which could not reasonably have been anticipated at the time notice of the agenda was given, then it would be appropriate to proceed to closed session from the open meeting following the procedure outlined in *Code of Iowa* Section 21.5.

## **Closed Meeting Procedures and Minutes**

When holding a closed session, the government

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body must keep the following:

- Detailed minutes of all discussion, persons present and action occurring during the closed session.
- An audio recording of the entire closed session.

The minutes must be sealed and shall be kept by the governmental body for a period of at least one year from the date of the meeting.

**Q: Is there any situation which could result in the sealed detailed minutes and the recording of a closed session becoming unsealed?**

If a lawsuit is brought to enforce provisions of the Iowa Opening Meetings Law relating to a closed city council session, then by an order of the court, the detailed minutes and audio recording must be unsealed and examined by the court in chambers without the presence of parties to the lawsuit. The court then must determine what part, if any, of the minutes shall be disclosed to the party seeking to enforce the law. [*Code of Iowa* Section 21.5(4)]

**Q: If a member of a governing body is absent and the governing body holds a closed session, can that member listen to the audio recording of the closed session?**

Yes. The member who is absent still remains a member of the governing body. The member has a right to be informed of discussion and action that occurred during his or her absence. The fact that the detailed minutes and audio recording of a closed session are not open to public inspection does not preclude a person who would otherwise have been privy to such records, except for an absence, from later listening to the audio or reviewing the minutes.

## ***Closed Meeting on Personnel Issues***

A frequently used reason for holding a closed meeting is to evaluate and discuss the appointment, hiring, performance or discharge of an individual, when needed to prevent irreparable injury to the individual's reputation. In order to hold a closed session for this reason, the person

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or persons being discussed must request a closed session.

**Q: If a person who may request a closed session makes such a request, must the request be granted?**

No. The law provides that a governing body may hold a closed session for certain specific purposes. It does not require that such a session be held.

**Q: Can job interviews be conducted during a closed session?**

Yes. However, the person being interviewed must request the closed session.

*Example: The city plans to hire a city administrator. The city has narrowed their list of candidates to three they plan to interview. The city may alert the candidates that they may request a closed session. If the candidate requests a closed session for the interview, the city could proceed to conduct the interview during a closed session.*

**Q: When a closed session is held to discuss the competency of a specific employee whose appointment, hiring, performance or discharge is being considered, is the city required to allow the employee to attend the closed session?**

No. The council determines who can attend a closed session.

**Q: Can a closed session be held to discuss salaries in general for the upcoming year?**

No. There is no authority in the Iowa Open Meetings Law to discuss salaries in a closed session.

## ***Enforcement***

Resolving disputes and enforcing the Iowa Open Meetings Law is the responsibility of multiple entities. Alleged violations can be received by the Iowa Public Information Board (IPIB) and the Office of Ombudsman. In addition, any

aggrieved person, the attorney general or the county attorney can bring a lawsuit to enforce the law in District Court. The burden is on the city to prove they complied with the law.

### **Q: What happens if a violation of the Iowa Open Meetings Law is substantiated?**

The following judgments may be entered when IPIB or a court has found a violation of the open meetings law:

1. Assess each member of the governing body who simply participated in the violation an amount not less than \$100 and not more than \$500. For knowingly participating in the violation members must be assessed not less than \$1,000 and not more than \$2,500 (available to IPIB and courts).
2. All costs and reasonable attorney fees will also be awarded to the party who successfully established in court a violation of the law and will be assessed against the members found to have participated in the violation (available only to a court).
3. Void any action taken in violation of the law if the action for enforcement is brought

within six months of the violation and that the public interest in enforcing the policy of the Iowa Open Meetings Law outweighs the public interest in sustaining the validity of the action taken in the closed session. This action is not available to void the issuance of bonds or other evidence of indebtedness of a governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness (available to IPIB and courts).

4. Issue an order removing the member from office if that member has engaged in one prior violation of the open meetings requirements for which damages were assessed against such a member during the member's term (available to IPIB and courts).
5. In addition, the court may also issue a mandatory injunction punishable by civil contempt ordering the member of the governing body to refrain for one year from any future violations of the open meetings law.
6. In addition, IPIB can impose appropriate remedies calculated to declare, terminate or remediate any open meetings law violation.

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**Q: Can a person charged with a violation of the Iowa Open Meetings Law claim they did not know the provisions of the law?**

No, ignorance of the law is not a defense.

**Q: What are the defenses for a member of a governing body for violations of the Open Meetings Law?**

1. Voting against the closed session. This demonstrates the importance of recording the vote of each council member.
2. Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.
3. Reasonably relied on a court decision, formal attorney general's opinion, IPIB opinion, opinion of attorney for the governmental body given in writing or memorialized in the meeting minutes, or a written advisory opinion by the attorney general or attorney for the governmental body.

**Q: Do members of governing bodies need to be provided with information about the Iowa Open Meetings Law?**

Yes. The appropriate commissioner of elections must provide this information to the elected members of governmental bodies. Also, the authority that appoints members of governing bodies must provide this information.

*Example: The county auditor must provide this information to mayors and city council members. When city councils make appointments to boards or commissions or to fill a vacancy on the council, they must provide this information to their appointees.*

## **About the Iowa League of Cities**

The Iowa League of Cities serves as the unified voice of cities, providing advocacy, training and guidance to strengthen Iowa's communities.

### **The League provides guidance.**

Through membership services, research, publications, trainings and other collaborations, the League provides guidance and serves as the resource for member cities.

### **The League leads a grass-roots advocacy effort for local government.**

The League promotes excellent government, effective public policy and Home Rule among members as well as state and federal law makers.

### **The League keeps cities informed with a constantly updated slate of workshops and publications.**

The League provides education and training for elected and appointed city officials through workshops, publications, the Web and personal interactions.

- Monthly *Cityscape* magazine
- *League Weekly* e-newsletter
- Weekly Legislative Link during the state's legislative session
- An annual listing of New Laws related to cities

after each legislative session

- An annual series of workshops on several different topics
- Action Calls on immediate legislative concerns at the state or federal level
- Special Reports on topical issues, including Budget, Home Rule and Law Enforcement
- Biennial Directory of League member cities in Iowa
- Annual municipal salary survey

**The League is a resource for insurance and investment needs.**

The League consolidates common city needs enabling group purchasing power and specialized assistance. Programs created by or sponsored by the League provide cost-effective quality services to cities. The League's affiliated programs offer health, workers' compensation, liability and casualty coverage as well as a prosperous, liquid asset investment program. Other programs assist cities in developing services to better serve their citizens.

# Iowa League of Cities



## *Open Records, Open Government*

*Revised 2013*



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## Open Records

The purpose of this publication is to provide general guidance on the Iowa Open Records Law, *Code of Iowa* Chapter 22. This law generally provides that every person has the right to examine and copy public records and to disseminate these records or the information contained therein. Cities often have questions about the applicability of this law to day-to-day city business. The information contained in this booklet is designed to be general in nature and does not constitute legal advice. If there are specific legal questions about open records requirements, the city should contact the city attorney. The Iowa Open Records Law favors accessibility to public records, so situations where the applicability of the law is unclear should be resolved on the side of openness.

### **Public Records Generally**

The Iowa Open Records Law applies to governmental bodies, including city, county and state government. “Governmental body” includes any branch, department, board, bureau, commission, council, committee, official or officer of the foregoing or any employee delegated the responsibility for implementing the requirements of the Iowa Open Records Law. [*Code of Iowa* 22.1(1)]. Government records in the possession of persons outside of a government body, including city board and commission members, remain government records, governed by the Iowa Open Records Law.

#### **Q. What are Public Records?**

“Public Records” include all records, documents, tapes, or other information stored or preserved in any medium, of or belonging to the governmental body. They also include all records relating to the investment of public funds such as investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds, a fiduciary or other third party. [*Code of Iowa* 22.1(3)]

**Q. Are e-mail messages and other electronic communications public records?**

The definition of public records is broad enough to encompass e-mail messages and other electronic correspondence. Cities are encouraged to adopt their own records retention policies and to follow them consistently. If the message remains recoverable then the city would be obliged to provide it upon request, though the requester can be charged a reasonable fee for retrieval. Cities should also be cautious regarding e-mail and other forms of interactive electronic communications in respect to open meetings law. [*Code of Iowa* 22.1(3)]

**Q. How long must public records be kept by a city?**

There is no one rule which governs all types of records and situations. Some records are required to be retained permanently while others may be subject to a shorter recommended retention schedule.

The Iowa League of Cities, the Iowa Municipal Finance Officers' Association and the Office of the State Archivist have developed a Record Retention Manual for Iowa Cities. This manual, available on the League's Web site ([www.iowaleague.org](http://www.iowaleague.org)), is intended to assist officials in the management of records created and received in the conduct of city business. The manual also provides model record retention schedules. However, the advice of legal counsel should be obtained when establishing a records retention system.

### *Right to Examine, Copy and Publish Public Records*

#### **Q. Who has the right to examine, copy and publish public records?**

Every person has the right to examine, copy and publish public records. The examination and copying must be done under the supervision of the custodian of the public records or a person authorized by the custodian. The custodian may adopt and enforce reasonable rules to protect

the public records. The custodian must provide a place for this work in the custodian's office unless this is impracticable, in which event the person desiring to examine or copy must pay the necessary expenses of providing a place for the examination and copying. [*Code of Iowa* 22.3(1)]

### **Q. Who is the “lawful custodian” of records?**

The “lawful custodian” means the governmental body currently in physical possession of the public record. Each governmental body must delegate to particular officials or employees the responsibility for implementing an open records policy. In many cities, the city clerk or an individual in the clerk's office performs this function. In larger organizations, there may be an individual located in each department. The law requires the governmental body publicly announce the particular officials or employees whom are responsible for implementing the open records policy. [*Code of Iowa* 22.1(2)]

### **Q. When may public records be examined or copied?**

Public records may be examined or copied during the customary office hours of the custodian. If the custodian does not have customary office hours of at least 30 hours per week, the records may be examined or copied at any time from 9:00 a.m. to noon and from 1 p.m. to 4 p.m. Monday through Friday, excluding legal holidays, unless the custodian and the person seeking the records agree to a different time. This may be the case in very small cities where there are no regular office hours. [*Code of Iowa 22.4*]

### **Q. Can a person be required to sign their name or state why they are requesting a public record?**

No. While it may be helpful to obtain additional information from those requesting records in order to fulfill an ambiguous request, it is inadvisable to deny access to records when such information is not provided.

**Q. Can a city charge a fee to examine public records?**

No, the city may not charge a fee to examine a public record as long as the public record is in the physical possession of its custodian. The custodian may charge a reasonable fee for supervising the examination and copying of records. The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization. [*Code of Iowa* 22.3]

**Q. Can a city charge a fee to copy public records?**

If the custodian has copying equipment available, the custodian may charge a fee for the cost of the copying. However, the cost is limited to the actual cost directly attributable to supervising the examination, copying and providing the records. Cities are specifically prohibited from including costs such as employee benefits, depreciation, maintenance, electricity or insurance. [*Code of Iowa* 22.3]

## 10 | Open Records, Open Government

### Q. Do requests have to be made in person?

No, requests may be made in writing, by telephone or by electronic means. [*Code of Iowa* 22.3]

### Q. Can a public record be photographed?

Yes, as long as the public records remain in the physical possession of its custodian.

### Q. Are there exceptions to the right to examine and copy public records?

Yes. There are two exceptions to the right to examine and copy records involving databases and data processing software [*Code of Iowa* 22.2] and also categories of confidential records discussed below that may be protected.

## **Confidential Records**

Certain public records shall be kept confidential unless otherwise ordered by a court, released by the lawful custodian of the records or by another person duly authorized to release them. The Open Records Law identifies 65 specific records deemed to be confidential. The complete list

can be found in Section 22.7 in the *Code of Iowa*.

Several examples include:

1. Attorney work product which is related to litigation or claims made by or against a city. [Code of Iowa 22.7(4)]
2. Peace officers' investigative reports, if part of an ongoing investigation, subject to certain exceptions. [Code of Iowa 22.7(5)]
3. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project. [Code of Iowa 22.7(7)]
4. Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records:
  - Name and compensation, including any written agreement
  - Date the individual was employed by the government body
  - Positions the individual holds or has held
  - Educational institutions attended by the individual, including diplomas and degrees earned

## 12 | Open Records, Open Government

- Names of previous employers, positions held and dates of employment
  - Any final disciplinary action taken that resulted in discharge [*Code of Iowa* 22.7(11)]
5. Library records which would reveal the identity of library patrons. [*Code of Iowa* 22.7(13)]
  6. Records of owners of public bonds or obligations. [*Code of Iowa* 22.7(17)]
  7. Communications not required by law, rule, procedure, or contract made to the city or its employees by persons outside of the city government to the extent it is reasonably believed that such persons would not make such communications if such communications were to become available to the public, with certain exceptions. [*Code of Iowa* 22.7(18)]
  8. Examinations including but not limited to cognitive and psychological examinations for law enforcement officer candidates. [*Code of Iowa* 22.7(19)]
  9. Data processing software developed by a government body. [*Code of Iowa* 22.7(33)]
  10. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of government employees,

visitors to the government body, persons in the care, custody or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons or property. [*Code of Iowa 22.7(50)*]

11. Information in a record that would permit a governmental body to hold a closed session in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. [*Code of Iowa 22.7(61)*]
12. Tentative, preliminary, draft, speculative or research materials prior to completion in form submitted for use or used in the actual formulation, recommendation, adoption or execution of any official policy or action by a public official. [*Code of Iowa 22.7(65)*]

*Note: This is not an all-inclusive list; the confidential records exception contains numerous exclusions that are not covered here. Legal counsel must be consulted in regard to confidential public record questions.*

### **Q. Are settlements of legal disputes public records?**

Yes. When a government body reaches a final, binding written settlement agreement of a legal dispute where monetary damages or equitable relief are sought, or a violation of a rule or statute is claimed, the settlement agreement is a public record. If requested, the governing body must also prepare a brief summary of the resolution of the dispute, indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the governmental body and any actions to be taken by the government body. However, the summary need not be prepared if the settlement agreement includes the information required to be included in the summary. Any summary is also a public record.

### **Q: Are customer utility records open records?**

Iowa Code 388.9A does allow a city to exempt private customer information of a city utility or enterprise that identifies a specific customer and any record of a customer account from examina-

tion and copying under Chapter 22 of the Code of Iowa, the open records law. However, it is important to seek the advice of a city attorney on this issue as it depends on numerous factors.

**Q. Is a letter from a citizen to the city on a specific matter confidential?**

Generally, these records are not considered confidential. Although some communications of this nature can be confidential under *Code of Iowa* 22.7(18), which allows a communication to be confidential if it is not required by law, made by someone outside of government and if the disclosure would result in people being discouraged from making such communication if they were available for general public examination. Cities have used this section to protect the identity of those registering complaints with the city.

**Q: Are notes or policy drafts considered open public records?**

Tentative, preliminary, draft, speculative or research material can remain confidential prior to its completion for the purpose for which

it is intended and in a form prior to the form in which it is submitted for use or used in the actual formulation, recommendation, adoption or execution of any official policy or action by a public official authorized to make such decisions for the governmental body or the government body. This exception does not apply to public records that are actually submitted for use or are used in the formulation, recommendation, adoption or execution of any official policy or action of a governmental body or a government body by a public official authorized to adopt or execute official policy for the governmental body or the government body. .

### **Q. How much time does a city have to respond to a request to examine a public record?**

Records are required to be made available at any time during the customary office hours of the lawful custodian of the records. The law does allow the custodian a good faith reasonable delay for the following reasons:

- To determine whether the custodian is entitled to seek an injunction preventing examination.
- To determine whether the record is a public record or a confidential record.
- To determine whether a confidential record should be made available for inspection and copying. A reasonable delay for this particular purpose cannot exceed twenty calendar days and ordinarily should not exceed ten business days. [*Code of Iowa 22.8*]

**Q. What options are available if the governmental body and a person seeking records do not agree as to whether a public record is confidential under Iowa Law?**

*Disputes regarding public records can be resolved by the following entities:*

**District Court**

The district court may grant an injunction to restrain examination or copying of public records after holding a hearing upon reasonable notice as determined by the court to the persons requesting access to the records. Before the court can

grant the injunction, it must find that the examination would clearly not be in the public interest and that it would substantially and irreparably injure any person or persons. The court must take into consideration that it is the policy of the law that free and open examination of public records is generally in the public interest. [*Code of Iowa 22.8*]

### **Iowa Public Information Board (IPIB)**

This board can receive complaints alleging open records violations. The office can seek resolution of such complaints through informal assistance or through mediation and settlement. The board has the authority to formally investigate complaints and determine if there is probable cause to believe a violation has occurred. If probable cause has been found, the board also has the authority to prosecute the respondent in a contested case proceeding and impose penalties.

### **The Office of Ombudsman**

This office serves as an independent agency to which citizens can air their grievances about state and local governments. The office can facilitate communications between citizens and govern-

ment and can make recommendations to improve administrative practices and procedures.

**Q. Who may bring an action for such an injunction?**

The lawful custodian of a government record, or another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record. [*Code of Iowa* 22.8]

***Enforcement***

Any aggrieved person, any taxpayer to or citizen of the state of Iowa, the attorney general, any county attorney or the Iowa Public Information Board can bring an action to enforce the Iowa Open Records Law. Enforcement actions would be filed against the lawful custodian of the public record and any other persons who would be appropriate defendants.

**Q. What happens if a violation of the Iowa Open Records Law is substantiated?**

The lawful records custodian and other appropriate persons will be ordered to comply with the Iowa Open Records Law by either a court or the Iowa Public Information Board (IPIB). Damages can also be assessed against the persons who participated in violating the law. The amount of damages can range from \$100 to \$500 for those that simply participated in violating the law and can increase to \$1,000 to \$2,500 for knowing violations. A court can also order payment of costs including attorney fees. Both a court and IPIB can also order the removal of a person from office if the person has been assessed damages for a prior open records law violation. In addition, IPIB can impose appropriate remedies calculated to declare, terminate or remediate any open records law violation. [*Code of Iowa* 22.10, 23.6 and 23.10].

**Q. Can a person charged with a violation of the Iowa Open Records Law claim they did not know the provisions of the law?**

No. Ignorance of the law is not a defense.

**Q. Can the Iowa Open Records Law be enforced in other ways?**

Yes. The law can be enforced not only by injunction but also by mandamus. Mandamus is a legal proceeding that seeks to require a governmental body to do what it is lawfully required to do.

Rights under the Iowa Open Records Law may also be enforced by an action for judicial review according to the provisions of the Iowa Administrative Procedure Act. [*Code of Iowa* 22.5 and 22.10]

***Iowa Fair Information Practices Act***

This act requires that the information policies of state agencies are clearly defined and subject to public review and comment.

**Q. Are cities required to adopt the policies mandated by this act?**

No. However, a city may choose to adopt such policies. If it does choose to adopt such policies, it must follow the procedure specified in *Code of Iowa* 22.12

## *About the Iowa League of Cities*

The Iowa League of Cities serves as the unified voice of cities, providing advocacy, training and guidance to strengthen Iowa's communities.

### **The League provides guidance.**

Through membership services, research, publications, trainings and other collaborations, the League provides guidance and serves as the resource for member cities.

### **The League leads a grass-roots advocacy effort for local government.**

The League promotes excellent government, effective public policy and Home Rule among members as well as state and federal law makers.

### **The League keeps cities informed with a constantly updated slate of workshops and publications.**

The League provides education and training for elected and appointed city officials through workshops, publications, the Web and personal interactions.

- Monthly *Cityscape* magazine
- *League Weekly* e-newsletter
- Weekly *Legislative Link* during the state's legislative session
- Annual listing of New Laws related to cities after each legislative session
- Annual series of workshops on various topics
- Action Calls on immediate legislative concerns at the state or federal level
- Special Reports on topical issues
- Biennial Directory of League member cities
- Annual municipal salary survey

**The League is a resource for insurance and investment needs.**

The League consolidates common city needs enabling group purchasing power and specialized assistance. Programs created by or sponsored by the League provide cost-effective quality services to cities. The League's affiliated programs offer health, workers' compensation, liability and casualty coverage as well as a prosperous, liquid asset investment program. Other programs assist cities in developing services to better serve their citizens.

**Gift Law** (Page 38, Iowa Municipal Policy Leaders' Handbook)

Code of Iowa Section 68B.22 prohibits public officials, employees and candidates from accepting or soliciting gifts from anyone defined as a restricted donor. These restrictions apply even if you have a long standing relationship or friendship that predates your role with the city. The law also covers the spouse and dependent child of individuals included in those categories, so it is important to educate your family on the limitations established by the law. The intent of Iowa's Gift Law is to prohibit any gift that creates an unacceptable conflict of interest or the appearance of impropriety by government officials.

**Gift Law Definitions**

*"Gift"* means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

*"Immediate family members"* means the spouse and dependent children of a public official or public employee.

*"Restricted donor"* is defined as any person who would be affected by the performance or nonperformance of a recipient's official governmental duties. The term, as defined by Code Section 68B.2(24), includes any person who falls in any of the following categories:

- Is currently seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the gift recipient holds office or is employed.
- Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance of the recipient's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region.
- Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency and over which the gift recipient has discretionary authority as part of their official duties or employment within the regulatory agency subunit.
- Is a lobbyist or a client of a lobbyist with respect to matters within the gift recipient's jurisdiction.

**Gifts That Can Be Accepted**

- Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- Full list of exceptions included in *Code of Iowa* 68B.22

## E. ETHICS FOR MUNICIPAL OFFICIALS

For public officials, ethics may be defined simply as “upholding the public trust”. You were elected to perform your job in a responsible manner and ensure the fair and equitable delivery of services to your community.

As an elected official, you need to be aware of the following Iowa laws:

### 1. State Ethics Laws

The Iowa Ethics and Gift Law (*Iowa Code* Chapter 68B) governs the acceptance of gifts, conflicts of interest, hiring relatives, transacting of private business with a public employer, and acquiring urban renewal land by city officials.

### 2. Acceptance of Gifts by City Officials

Under Iowa law, you are not allowed to accept any gifts with a value of more than \$3.00 per day from the following types of restricted donors:

- Those seeking to do business with the city.
- Those engaged in activities which are regulated or controlled by the city.
- Those who could be directly and substantially financially affected, in a manner greater than the effect on the general public, by a donee's performance or non-performance of a task.

The *Iowa Code* allows acceptance of gifts under the following circumstances:

- Contributions to political candidates or candidates' committees.
- Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents or periodicals.
- Gifts from relatives or inheritances or anything distributed to the public generally.
- Expenses for food, beverage, travel, or lodging in return for a speaking engagement or panel presentation.
- Things of negligible resale value.
- Non-monetary items with a value of \$3.00 or less received from any one donor during one calendar day.
- Items or services solicited or given to a state, national, or regional organization in which the State of Iowa or a political subdivision of the State is a member.
- Items or services received as part of a regularly scheduled event that is part of a conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional organization in which the State of Iowa or a political subdivision of the State is a member.

For more information, refer to *Iowa Code* Section 68B.22 and consult your city attorney.

### 3. Transacting Private Business with the City

Section 362.5 of the *Iowa Code* prohibits city officials from participating in any contract work for their municipality. Specifically, that section states:

"A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the officer's or employee's city. A contract entered into in violation of this section is void."

The *Iowa Code* lists several exceptions to this provision, including:

- Contracts by a city having a population of 2,500 or less for the purchase of goods or services involving a city official or employee if the cumulative total of purchases does not exceed \$2,500 in a fiscal year.
- Contracts by a city having a population of more than 2,500 for the purchase of goods or services involving a city official or employee if the cumulative total of purchases does not exceed \$1,500 in a fiscal year.
- The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
- Contracts made by a city upon competitive written bidding, publicly invited and opened.
- A contract with a corporation in which a city official owns stock if the official or his/her direct family owns or controls less than 5 per cent of the outstanding stock of the company.
- A contract involving a city official or employee if the contract was made before the time the official or employee was elected or appointed, but the contract may not be renewed.

Consult *Iowa Code* Section 362.5 and your city attorney for more information.

### 4. Conflicts of Interest

State law addresses conflicts of interest for city officers under Section 362.6 of the *Iowa Code*. As a general rule, a conflict of interest exists when a member has a personal interest in a measure under consideration. For the purposes of Section 362.6, the statement by a city council member that he or she declines to vote by reason of conflict of interest is conclusive and must be entered of record in the council minutes.

A majority of all members of the governing body is required for a quorum. However, a majority or unanimous vote as required by statute must be computed on the basis of the number of officers not disqualified by reason of conflict of interest.

*Iowa Code* Section 68B.2A also provides that city officials and employees cannot engage in outside employment or activity that creates a financial advantage for them or their immediate family (spouse/dependent children). The law sets out several specific examples:

- City officials cannot use government resources to further their outside employment or activity.
- City officials cannot receive compensation from anyone other than the city for doing work that is part of their official city duties.
- If the outside employment or activity is subject to the control, inspection, review, audit or enforcement of the city official or city employee, then the official or employee must abstain from taking any action on the outside employment or activity.

City officials must take certain actions if they are conducting activities or outside employment prohibited under rules of the Ethics and Campaign Disclosure Board or under Iowa Senate or House codes of ethics (see *Iowa Code* Sections 68B.2A, 68B.7, 68B.26, and 68B.35).

## 5. Nepotism

Nepotism for city officials means appointing or hiring a person related by blood or marriage to a job financed by public funds. Hiring relatives is prohibited by Chapter 71 of the *Iowa Code*. Generally speaking, this prohibition covers the hiring of immediate relatives, unless the appointment is first approved by the officer, board, council or commission, whose duty it is to approve the bond of the principal. In other words, a supervisor would not be able to hire a relative unless this action was approved by the city council.

## 6. City Ethics Ordinances and Policies

City councils may adopt additional standards or policies related to ethical conduct in their communities.

## 7. Advice on Ethics Issues

If you believe you may have a situation that could be considered a conflict of interest or other ethics-related issue, you should consult with your city attorney prior to voting or taking any action at a city council meeting.

In addition, city officials and employees can obtain advice from the Iowa Ethics Board concerning Board advisory opinions. Information posted on the Board's web site [www.iowa.gov/ethics](http://www.iowa.gov/ethics) which can help you work your way through gift and conflict of interest questions under Iowa law. The website also provides information regarding the various campaign finance and ethics laws, local ballot issues, use of public funds and other items as they apply to city officials.

# 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 50 or Rule 51. The following is the order of business of the City Council at its meetings:

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

*(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 16, 2013  
6:30 p.m.**

Mayor Worrell 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 Shanelle Peden, Library Director Nick Shimmin, Police Chief Mike Horihan, and Public Works Director Matt Goodale. Council members: Jordan Ellyson, Colton Miller, Jim Oaks, Brian Pierce, and Tim Shields.

**APPROVE AGENDA/CONSENT AGENDA**

- a. Approve minutes from the December 2, 2013 City Council Work Session.
- b. Approve minutes from the December 2, 2013 City Council Meeting.
- c. Approve claims.
- d. Approve 2014 Seal Coat Unit Pricing Agreement with L.L. Pelling Company.

Motion by Miller to approve, seconded by Shields. AYES: Miller, Shields, Ellyson, Oaks, Pierce.  
NAYS: None. Motion carried.

Date 12-16-13

City of West Branch  
Claims Register Report

Agvantage FS	Streets - Tank Rent	25.00
Alliant Energy	Various Depts - Utilities	7,468.09
Altorfer	Fire - Generator	32,159.40
Amazon	Library - Supplies	48.91
American Water Works	Water - Membership Renewal	86.00
Amsan	Town Hall/Admin - Supplies	110.60
Atkinson, Ron	Water - Utility Refund	74.59
Baker & Taylor Inc.	Library - Books	1,445.75
Bankers Trust Company	Sewer-2013 Go Bond Interest	21,895.00
Barron Motor Supply	Cem/Str/P&R/Police-Supplies	359.32
Best Buy	Park & Rec - Printer Ink	161.95
Bound Tree Medical	Fire - Supplies	539.99
BP Amoco	Police/Water/Fire - Fuel	1,607.38
CDW Government Inc.	Police - Laser Printer	230.85
Cedar County Auditor	Admin - City Election	1,498.65
Cedar County Cooperative	Streets/Fire - Diesel Fuel	2,405.35
Cedar County Recorder	Legal - Document Recording	270.00
Cedar County Solid Waste	Streets - Waste Disposal	72.50
Cedar Rapids Photo Copy	Library - Service	34.92
Chasing4life	Library - Dep For Reading Prog	150.00
Chris Jones Trucking	Streets - Sand & Hauling	646.51
Community State Bank	Debt Srv-Go Equip Loan Interest	10,441.14
Croell Redi-Mix	Streets - City Shed Shop Floor	5,857.00
Crown Awards	Park & Rec - Supplies	213.80
Culligan	Fire - Water Cond Rental	37.65
Deweys Jack & Jill	P&R/Town Hall - Supplies	22.40

East Cent Intergovt Asn.	Admin - Trng Clerks Mtg Nov	24.00
EFTPS	Federal Withholdings	5,772.49
ETS Corporation	Water/Sewer -Credit Card Fees	20.65
F&B Communications	Admin - Computer Service	29.95
Fiesta Riviera	Water - Utility Refund	78.64
Fiderlein, Debra	Park & Rec - Exercise Classes	455.00
Fitch, Kerri	Park & Rec - Zumba Instruction	576.00
Fred's Feed & Supply	Streets - Supplies	76.49
Galls	Police - Supplies	213.39
Gaylord Bros Inc.	Library - Book Ends	187.58
General Pest Control	Library - Service	70.00
Gierke-Robinson	Streets - Supplies	879.53
Greatamerica Leasing	Admin - Copier Lease	252.06
ICKS Graphics	Police - Vinyl New Police Car	425.00
Iowa Assn. Mun. Utilities	Water - Eiasso Dec-Feb	533.10
Iowa Finance Authority	Water Sinking-SRF Rv Bond Pmt	10,095.00
Iowa One Call	Water/Sewer - Service	23.40
Joey Dean Wenndt	Fire - Dec Fire Training	150.00
Johnson County Refuse Inc.	Recycling - November 2013	3,714.50
Kevin D Olson	Legal Services December 2013	1,500.00
Kieck's Career Apparel	Fire - Uniform Shirts	310.20
Kingdom Graphics LLC	Police - Badge Design	65.00
Kinion Auto Sales	Fire - Service 03 Ford F550	2,150.04
L. L. Pelling Co.	Streets - Poplar St Overlay	33,091.78
Lampe, Jill	Water - Utility Refund	45.54
Lenoch & Cilek	Streets - Supplies	23.95
Liberty Communications	Various Depts - Phone Service	1,075.89
Linn County R.E.C.	Streets - Utilities	120.00
Lynch's Plumbing	Town Hall/Streets - Service	183.00
Main Street West Branch	Comm & Cult - Holiday Greenery	221.00
Matt Parrott	Admin - Window Envelopes	129.69
Menards	Streets - Supplies	347.79
Midwest Janitorial Service	Lib/TH/Admin/Police-Cleaning	646.56
Muckler, Matt	Adm-Reimb Training Mileage	204.25
Municipal Supply Inc.	Water - Meter Wire	220.00
Oasis Electric LLC	Library - Service	834.64
Oriental Trading Co. Inc.	Park & Rec - Christmas Past	171.24
Overdrive	Library - EBooks	291.14
Pappas, Peter	Water - Utility Refund	74.59
Parkside Service	Streets - Service Skidloader	113.95
Payroll Expense	Payroll Expense 12-6-13	25,284.15
Pierce, Shawn	Park & Rec - Exercise Classes	455.00
Pitney Bowes	Admin/Water/Sewer - Postage	500.00
Plato Electric	Fire/Streets - Service	1,118.84
Postmaster	Library - Post Office Box	64.00
Pyramid Services Inc.	Cemetery - Supplies	333.87
Qc Analytical Services	Sewer - Testing	1,314.00
Quad City Safety	Fire - Supplies	315.76
Quality Engraved Signs	Admin - Nameplates	81.90
Quill Corp	Lib/Police/Adm/P&R/Water - Supplies	505.56
Racom Corporation	Police - Service Ram Truck	66.00

Ricklefs Excavating Ltd	Wastewater - Lift Station Project	63,737.88
Roger R Laughlin	Town Hall - Painting Of Ext	11,900.00
Russell, Melissa	Park & Rec -Reimb For Supplies	200.29
Seydel Auto & Truck	Streets - Parts	83.31
Shanelle M Peden	Admin - Reimb For Supplies & Mileage	94.70
Shimmin, Nick	Library - Craft Supplies Reimb	36.07
Simpson, Faith	Water - Utility Refund	74.59
Sperry, Brenda	Water - Utility Refund	28.66
Sprint	Police - Service	179.97
Terence J Goerd	Admin - Building Inspections	140.00
Treasurer State Of Iowa	Iowa Sales Tax Pmt Nov 2013	2,355.39
University Of Iowa: State	Water - Testing	24.00
UPS	Sewer - Shipping	48.78
US Bank Equipment Finance	Library - Copier Lease	70.42
US Cellular	Various Depts - Phone Service	517.96
USA Blue Book	Sewer - Sigma Sd900	4,701.97
USA Today	Library - Subscription	299.32
Veenstra & Kimm Inc.	Various - Engineering	5,417.40
Wageworks	Hcfsa2013 - Flex	9.00
Walter, Dani	Water - Utility Refund	21.24
Walmart	Library - Supplies	175.91
Waters, Christy	Water - Utility Refund	74.59
West Branch Animal Clinic	Animal Control - Stray Cats	232.00
West Branch Community Schools	Park & Rec - BBall Gym Time	80.00
West Branch Ford	Streets - Service 02 & 04 Ford Trck	423.31
West Branch Repairs	Fire - Replace Batteries	414.85
West Branch Times	Legal - Publications	531.08
WEX Bank	Police - Fuel	444.05
White Cap Construction Supply	Streets - Supplies	285.78
Wilson, Michael	Water - Utility Refund	76.52
Yeggy, Jodi	Park & Rec - Exercise Classes	364.00
	Grand Total	276,341.90

Fund Totals	
001 General Fund	79,081.45
022 Civic Center	12,556.60
031 Library	9,093.83
110 Road Use Tax	44,091.13
112 Trust And Agency	1,367.31
226 Go Debt Service	10,441.14
600 Water Fund	11,494.99
603 Water Sinking Fund	10,095.00
610 Sewer Fund	34,373.57
614 Wastewater Lift Station	63,737.88
950 BC/BS Flexible Benefit	9.00
Grand Total	276,341.90

## **PUBLIC HEARING/NON-CONSENT AGENDA**

Mayor Mark Worrell-Recognition of Dave's Welding & Repair.

Mayor Mark Worrell recognized Dave Peden of Dave's Welding & Repair for his thirty eight years of presence in the community and dedication to the City of West Branch.

Resolution 1166, approving Change Order Number One, decreasing the contract amount by \$25,327.88, and Partial Payment Estimate Number Five for work completed between October 12, 2013 and November 15, 2013 in the amount of \$63,737.88 to Ricklefs Excavating, Ltd. for the West Branch Lift Station & Force Main Project and accepting the project as substantially completed.

City Engineer Schechinger indicated that there are some minor details to verify before declaring the project as complete, and that the City will still be withholding retainage until final completion. Councilperson Pierce asked how Ricklefs would be held accountable to the aforementioned two year time frame for completion.

Motion by Ellyson to approve, second by Miller. AYES: Ellyson, Miller, Oaks, Pierce, Shields. NAYS: None. ABSENT: None. Motion carried.

Resolution 1167, approving agreement between Sacaba, LLC, Clean Energy, and the City of West Branch, Iowa.

City Administrator Muckler referred Council to an additional item showing a signed agreement between Sacaba LLC, Clean Energy, and the City of West Branch. Muckler stated that Casey's will be paying for all costs up front and Clean Energy would reimburse the City for the work in an amount not to exceed \$30,760.00. Councilperson Miller asked how the City would know what its cost would be. Muckler referred the Council to the estimate prepared by City Engineer Dave Schechinger.

Motion by Pierce to approve agreement between Sacaba, LLC, Clean Energy, and the City of West Branch, Iowa, second by Miller. AYES: Pierce, Miller, Ellyson, Oaks, Shields. NAYS: None. ABSENT: None. Motion carried.

Resolution 1168, approving the Clean Energy Site Plan.

Ben Steckler, Project/Entitlement Manager with the Fiedler Group, representing Clean Energy, spoke to the Council regarding Clean Energy's Site Plan. Clean Energy is a liquid natural gas that company is committed reducing emissions by compressing and liquefying the natural gas product. Steckler added that liquefied gas is denser than traditional gas. Steckler indicated that Clean Energy constructs these facilities to allow drivers to fuel up as needed with efficiency and ease. City Engineer Schechinger described the Planning & Zoning Commission's review of the stormwater prevention plan and the landscaping required at the Site. Steckler shared that truck volumes would be approximately 400 per day when operating at maximum capacity. Councilperson Miller asked if special training is available for the Fire Department. Steckler responded that Clean Energy would send chosen members of the fire department for site specific training to Texas A & M University and provide on-site training.

Motion by Miller to approve the Clean Energy Site Plan, second by Ellyson. AYES: Miller, Ellyson, Oaks, Pierce, Shields. NAYS: None. ABSENT: None. Motion carried.

1169-Approving a one-year extension of Lot #1 Pedersen Valley, Part One Site Plan per Section 173.09 of the City Code.

Motion by Miller to approve one-year extension of Lot #1, second by Shields. AYES: Miller, Shields, Ellyson, Oaks, Pierce. NAYS: None. ABSENT: None. Motion carried.

Accept the resignation of Nolan R. Bogaard as building inspector.

Motion by Miller to accept the resignation of Nolan Bogaard, second by Ellyson. AYES: Miller, Ellyson, Oaks, Pierce, Shields. NAYS: None. ABSENT: None. Motion carried.

Accept the resignation of Lisa Schettler from the Planning & Zoning Commission

Motion by Shields to approve the resignation of Lisa Schettler from the Planning & Zoning Commission, second by Ellyson. AYES: Shields, Ellyson, Miller, Oaks, Pierce. NAYS: None. ABSENT: None. Motion carried.

**CITY STAFF REPORTS**

There were no comments from the Mayor or Council members.

**COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

Mayor Worrell thanked Councilperson Oaks for his years of service to the City as an employee and as a council member.

**ADJOURNMENT**

Motion by Ellyson to adjourn the meeting, seconded by Miller. Motion carried on a voice vote. City Council meeting adjourned at 7:20 p.m.

\_\_\_\_\_  
Mark Worrell, Mayor

ATTEST: \_\_\_\_\_  
Matt Muckler, City Administrator/Clerk

Date 1-6-14	City of West Branch	
Blue Cross Blue Shield	Insurance	10,465.41
Dearborn National Insurance	Life Insurance	60.10
EFTPS	Federal Withholdings	7,319.31
Iowa Department Of Revenue	Payroll Expense	898.92
Iowa Municipal Finance Officers	Admin -IIMC Conference Bus Deposit	100.00
IPERS	IPERS	8,211.48
Main Street West Branch	Streets - Main St. Sidewalk Agr. pmt	3,581.13
Muckler, Matt	Admin - Reimbursement	140.17
Nudd, Byron	Water - Utility Refund	40.85
Payroll Expense	Payroll Expense 12-20-13	32,635.53
Wageworks	Flex - HCFSA2013	254.89
		63,707.79
Fund Totals		
001 General Fund		32,264.40
031 Library		5,063.16
110 Road Use Tax		2.16
112 Trust And Agency		11,912.03
600 Water Fund		7,689.94
610 Sewer Fund		6,521.21
950 BC/BS Flexible Benefit		254.89
Grand Total		63,707.79

## 2014 City Council Meeting Schedule

### January

Monday Jan. 6<sup>th</sup>

Tuesday Jan. 21<sup>st</sup>

### February

Monday Feb. 3<sup>rd</sup>

Tuesday Feb. 18<sup>th</sup>

### March

Monday Mar. 3<sup>rd</sup>

Monday Mar. 17<sup>th</sup>

### April

Monday Apr. 7<sup>th</sup>

Monday Apr. 21<sup>st</sup>

### May

Monday May 5<sup>th</sup>

Monday May 19<sup>th</sup>

### June

Monday June 2<sup>nd</sup>

Monday June 23<sup>rd</sup>

### July

Monday July 21<sup>st</sup>

### August

Monday Aug. 4<sup>th</sup>

Monday Aug. 18<sup>th</sup>

### September

Tuesday Sept. 2<sup>nd</sup>

Tuesday Sept. 15<sup>th</sup>

### October

Monday Oct. 6<sup>th</sup>

Monday Oct. 20<sup>th</sup>

### November

Monday Nov. 3<sup>rd</sup>

Monday Nov. 17<sup>th</sup>

### December

Monday Dec. 1<sup>st</sup>

Monday Dec. 15<sup>th</sup>

RESOLUTION NO. 1170

A RESOLUTION ADOPTING A POLICY AUTHORIZING THE CITY CLERK OR DEPUTY CITY CLERK TO PAY CERTAIN BILLS PRIOR TO THE CITY COUNCIL'S APPROVAL.

BE IT RESOLVED, by the City Council of the City of West Branch, Iowa:

Section 1. The City Council hereby establishes the following policy authorizing the City Clerk or Deputy City Clerk to pay the following bills prior to the City Council's approval:

- Utility Deposit Refunds
- Payroll
  - Payroll taxes and other checks relative to the Payroll (such as garnishments, insurance, etc.)
- Postage
- Library Bills approved by the Library Board of Trustees
- Recycling Contract
- Conferences
  - Registration fees, mileage, meals, books and lodging
- Employee Reimbursements
- Recording and Filing Fees
- Loan and Bond Payments
- Authorize the City Clerk or Deputy City Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late fee or additional interest cost.

Section 2. All Resolutions or parts of Resolutions in conflict with the provisions of this resolution are hereby repealed.

PASSED AND APPROVED, this 6th day of January 2014.

---

Mark Worrell, Mayor

ATTEST:

---

Matt Muckler, City Administrator/Clerk

**City of West Branch  
Advisory Board/Commission  
Application Form**

Individuals serving on boards or commissions play an important role in advising the City Council on matters of interest to our community and its future. For the most part, Board and Commission members must be residents of West Branch.

When a vacancy occurs an announcement of that vacancy will be posted. No sooner than two weeks later the Mayor and City Council will review all applications. The appointment will be made at a formal City Council meeting. Appointees serve as unpaid volunteers.

**This application is a public document and as such it or the information it contains may be reproduced and distributed. This application will remain active for two years and you will automatically be considered for any vacancy occurring during that time.**

Name of Board or Commission: Zoning Board of Adjustment Date: 12-22-13

Your Name: Kami Poppen Street Address: 125 Bickford Dr.

Phone number(s): (eveni \_\_\_\_\_ (day) \_\_\_\_\_

Email: \_\_\_\_\_

Do you live within the corporate limits of West Branch?  Yes  No

How long have you been a resident of West Branch? 17 yrs.

Occupation: Sales / Property Mgmt Employer: Self-Employed

***Optional Questions (use back of application if necessary)***

What experience and/or skills do you have that might especially qualify you to serve on this board or commission?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What particular contributions do you feel you can make to this board or commission?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

West Branch Fire and Rescue Department  
PO Box 218  
205 South 2<sup>nd</sup> St.  
West Branch, IA 52358

Phone Emergency: 911  
Business: (319) 643-2110  
Fax: (319) 643-3293

### West Branch Fire and Rescue Department Application for Membership

Name Nevin Tucker Occupation \_\_\_\_\_

Address 1650 Franklin Ave Phone \_\_\_\_\_

Age \_\_\_\_\_ SS# \_\_\_\_\_ Marital Status \_\_\_\_\_

How long employed at present job? \_\_\_\_\_ Hours Worked \_\_\_\_\_

Do you live within the city limits? Yes \_\_\_\_\_ No  Are you employed within the city limits? Yes \_\_\_\_\_ No

Will your employer allow time off to respond to emergency calls? Yes  
If so, employers signature \_\_\_\_\_ Date \_\_\_\_\_

Do you have any current or previous physical ailments, disabilities, or mental disorders that could affect your duties as an emergency responder? \_\_\_\_\_  
If so, list:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you willing to take a DOT physical? This is required by the department.  
Yes  No \_\_\_\_\_

Driver's license history will need to be checked for insurance purposes. Do we have your permission to do so? Yes  No \_\_\_\_\_

What type of responder are you applying for? Firefighter  Medical \_\_\_\_\_ Both

Are you willing to take a 40 hour First Responder course? Yes  No \_\_\_\_\_

The department will expect your attendance at all meetings, training, fundraisers, etc. as well as responding to calls. Can you give this much time? Yes  No \_\_\_\_\_

Please list any previous experience or certifications  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

West Branch Fire and Rescue Department  
PO Box 218  
205 South 2<sup>nd</sup> St.  
West Branch, IA 52358

Phone Emergency: 911  
Business: (319) 643-2110  
Fax: (319) 643-3293

Please briefly explain why you would like to be considered for membership to the West Branch Fire and Rescue Department.

I like being around the members of the WBFD. They treat me like family. But I really do like to help people and put out fires.

Contact person in case of an Emergency  
Phone Number \_\_\_\_\_

Second contact  
Phone Number \_\_\_\_\_

Upon your signature of this document, you are stating these questions have been answered truthfully, and to the best of your knowledge.

Applicants Signature Neville Tucker

Applicants Spouse \_\_\_\_\_

1<sup>st</sup> WBFD Sponsor [Signature]

2<sup>nd</sup> WBFD Sponsor [Signature]

Department use only:

If and when membership of the WBFD have voted to accept this individual as a member of the said department, at a regular meeting of the department, Chief, and Secretary sign below as documentation of that fact.

Chief [Signature] Date: 12/11/13

Secretary [Signature] Date: 12-11-13

West Branch Fire and Rescue Department  
PO Box 218  
205 South 2<sup>nd</sup> St.  
West Branch, IA 52358

Phone Emergency: 911  
Business: (319) 643-2110  
Fax: (319) 643-3293

**West Branch Fire and Rescue Department  
Application for Membership**

Name Allison Kusick Occupation \_\_\_\_\_

Address 123 Thomas Dr Phone \_\_\_\_\_

Age \_\_\_\_\_ SS# \_\_\_\_\_ Marital Status NO

How long employed at present job? NO Hours Worked NO

Do you live within the city limits? Yes  No \_\_\_\_\_ Are you employed within the city limits? Yes \_\_\_\_\_ No

Will your employer allow time off to respond to emergency calls?  
If so, employers signature [Signature] Date 12-11-2013

Do you have any current or previous physical ailments, disabilities, or mental disorders that could affect your duties as an emergency responder? NO  
If so, list:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you willing to take a DOT physical? This is required by the department.  
Yes  No \_\_\_\_\_

Driver's license history will need to be checked for insurance purposes. Do we have your permission to do so? Yes  No \_\_\_\_\_

What type of responder are you applying for? Firefighter \_\_\_\_\_ Medical  Both \_\_\_\_\_

Are you willing to take a 40 hour First Responder course? Yes  No \_\_\_\_\_

The department will expect your attendance at all meetings, training, fundraisers, etc. as well as responding to calls. Can you give this much time? Yes  No \_\_\_\_\_

Please list any previous experience or certifications  
Rescue breathing, baby sitting first aid  
\_\_\_\_\_  
\_\_\_\_\_

West Branch Fire and Rescue Department  
PO Box 218  
205 South 2<sup>nd</sup> St.  
West Branch, IA 52358

Phone Emergency: 911  
Business: (319) 643-2110  
Fax: (319) 643-3293

Please briefly explain why you would like to be considered for membership to the West Branch Fire and Rescue Department.

I am hoping to pursue a career in neuroscience so  
I think being involved in the fire department will give me  
a good opportunity to be exposed to the medical field.

Contact person in case of an Emergency \_\_\_\_\_  
Phone Number \_\_\_\_\_

Second contact \_\_\_\_\_  
Phone Number \_\_\_\_\_

Upon your signature of this document, you are stating these questions have been answered truthfully, and to the best of your knowledge.

Applicants Signature Heaven Kusick

Applicants Spouse NO

1<sup>st</sup> WBFD Sponsor Paul K...

2<sup>nd</sup> WBFD Sponsor GR C...

Department use only:

If and when membership of the WBFD have voted to accept this individual as a member of the said department, at a regular meeting of the department, Chief, and Secretary sign below as documentation of that fact.

Chief AW [Signature] Date: 12/11/13

Secretary Paul [Signature] Date: 12-11-13

The Fire Cadet may become a candidate for full membership in the department after their 18<sup>th</sup> birthday provided an opening exists.

The cadets shall be supervised by the Trustees.

Notification Letter and Parental/Guardian Consent Form

West Branch Fire and Rescue Fire Cadet Program

To: Parent/Guardian of Fire Cadet Applications  
From: West Branch Fire and Rescue  
Re: Son/Daughter's Application to become a Fire Cadet

Dear Parents/ Guardian:

Your Son/Daughter has requested an application indicating their interest in becoming a Fire Cadet with this Fire Department. Please review the attached Operating Guidelines and the attached Parental Consent Form. If you grant permission for their membership with this Fire Department, please complete the consent form and return it to the Fire Department.

Parental/Guardian Consent Form

We have reviewed the application and operating guidelines relating to the Fire Cadet Program and understand the requirements of being a Fire Cadet. We also understand my son/daughter's performance responsibilities and duties as a Fire Cadet with the West Branch Fire and Rescue.

We hereby give Allison Kusic our consent to become a Fire Cadet with the West Branch Fire and Rescue.

Parents or Guardians: Mike, Cindy Kusic  
Address: 123 Thomas Dr.  
City: West Branch State: Iowa Zip: 52358  
Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Signature of Parents: Mike Kusic Cindy Kusic  
Date: 12-11-2013

# WEST BRANCH Times

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

11.14.13

City of West Branch:

It's hard to believe yet another year has gone by so quickly!

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

As you know, the *West Branch 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 2014!

Gregory R. Norfleet  
Editor  
West Branch Times