



AGENDA OF THE SPECIAL SESSION OF THE
COUNCIL OF THE CITY OF WASHINGTON, IOWA
TO BE HELD IN THE COUNCIL CHAMBERS
AT 120 E. MAIN STREET
AT 6:00 P.M., TUESDAY, MARCH 10, 2015

Call to Order

Pledge of Allegiance

Roll call

Agenda for the Special Session to be held at 6:00 P.M., Tuesday, March 10, 2015 to be approved as proposed or amended.

Consent:

1. Ray & Associates, 2014-2015 Year Negotiations Contracts, \$6,000.00
2. Hy-Vee Food Store, 528 Hwy 1 S., Class C Beer Permit, (BC); Class B Wine Permit; Sunday Sales, (new)

PRESENTATION FROM THE PUBLIC - Please limit comments to 3 Minutes.

CONSIDERATION OF HEARINGS, ORDINANCES & RESOLUTIONS

Discussion and Consideration of Resolution Approving 28E Fire Protection Agreement – Township Coverage.

Public Hearing on FY16 Budget.

Discussion and Consideration of Resolution Adopting FY16 Budget.

Discussion and Consideration of Third Reading of Ordinance Amending Chapter 165 – Residential Zoning Code Changes.

NEW BUSINESS

Discussion of Council Rules of Procedure.

Discussion of North Water Tower Logo and Paint Colors.

DEPARTMENTAL REPORT

Police Department
City Administrator

City Attorney

MAYOR & COUNCILPERSONS

Sandra Johnson, Mayor
Mark Kendall
Jaron Rosien
Kathryn Salazar
Bob Shellmyer
Bob Shepherd
Russ Zieglowsky

ADJOURNMENT

Illa Earnest, City Clerk


Ray and Associates, Inc.

City of Washington
Attn: Accounts Payable
215 E Washington St
Washington, IA 52353

INVOICE
February 13, 2015

2014 - 2015 Fiscal Year Negotiations Contracts

Police, Account #230648.001

Fee for Services (per flat fee agreement) July 2014 - February 2015 \$2,666.64

Public Works, Account #230648.002

Fee for Services (per flat fee agreement) July 2014 - February 2015 \$3,333.36

BALANCE DUE:

\$6,000.00

MAKE CHECKS PAYABLE TO:
Ray and Associates, Inc.

MAIL TO:
Accounts Receivable
P.O. Box 2457
Cedar Rapids, IA 52406-2457

Applicant License Application ()

Name of Applicant: <u>Hy-Vee, Inc.</u>		
Name of Business (DBA): <u>Hy-Vee Food Store</u>		
Address of Premises: <u>528 Hwy 1 S</u>		
City <u>Washington</u>	County: <u>Washington</u>	Zip: <u>52353</u>
Business <u>(319) 653-5406</u>		
Mailing <u>5820 Westown Pkwy</u>		
City <u>West Des Moines</u>	State <u>IA</u>	Zip: <u>50266</u>

Contact Person

Name <u>Jenna Willert</u>		
Phone: <u>(515) 267-2874</u>	Email <u>jwillert@hy-vee.com</u>	

Classification Class C Beer Permit (BC)

Term: 12 months

Effective Date: 03/17/2015

Expiration Date: 01/01/1900

Privileges:

Class B Wine Permit

Class C Beer Permit (BC)

Sunday Sales

Status of Business

Business Type: <u>Privately Held Corporation</u>		
Corporate ID Number: <u>19862</u>	Federal Employer ID <u>42-0325638</u>	

Ownership

Randy Edeker

First Name: Randy **Last Name:** Edeker
City: Urbandale **State:** Iowa **Zip:** 50322
Position: CEO, President
% of Ownership: 0.00% **U.S. Citizen:** Yes

Michael Jurgens

First Name: Michael **Last Name:** Jurgens
City: Des Moines **State:** Iowa **Zip:** 50312
Position: Vice President, Secretary
% of Ownership: 0.00% **U.S. Citizen:** Yes

Michael Skokan

First Name: Michael **Last Name:** Skokan
City: Waukee **State:** Iowa **Zip:** 50263

Position: CFO, Treasurer

% of Ownership: 0.00%

U.S. Citizen: Yes

Jeffrey Pierce

First Name: Jeffrey

Last Name: Pierce

City: Waukee

State: Iowa

Zip: 50263

Position: Ass't Treasurer, Financial

% of Ownership: 0.00%

U.S. Citizen: Yes

Insurance Company Information

Insurance Company:	
Policy Effective Date:	Policy Expiration
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective Date:	Temp Transfer Expiration Date:

*Brent Hinson, City Administrator
Sandra Johnson, Mayor
Illa Earnest, City Clerk
Kevin Olson, City Attorney*



*215 East Washington Street
Washington, Iowa 52353
(319) 653-6584 Phone
(319) 653-5273 Fax*

Memorandum

March 6, 2015

To: Mayor and City Council
Cc: Illa Earnest, City Clerk

From: Brent Hinson
City Administrator

Re: Fire Agreement between City and Townships

Attached is a joint resolution between the City and the six Townships for which we provide fire protection. Washington and Franklin are 100% covered by the City of Washington, and the other four are partially covered by us and partially by other departments. We have been working on the attached agreement for the past year. The effect will be that all of the Townships will levy the state max of 60.75 cents per thousand of taxable valuation and transfer that money to the City. This will increase the amount paid to the City from approximately \$40,000 to approximately \$80,000 annually. As of the writing of this memo, I have received back signature pages from 3 of the 6 Townships, but have confirmed that the other 3 have approved and signed the agreement as well. I have indicated to them that I need these signature pages back no later than Tuesday afternoon so that the Council has the peace of mind needed to pass this agreement.

As we discussed during budget, the plan is to apply approximately \$29,000 of the increased amount per year for each of the next five years for the purchase of a new brush truck.

RESOLUTION NO. _____

**A JOINT RESOLUTION APPROVING A CONSOLIDATED
AGREEMENT FOR FIRE PROTECTION PURSUANT
TO THE PROVISIONS OF IOWA CODE SECTION 28E**

WHEREAS, the City of Washington, Iowa; Washington Township in Washington County, Iowa; Franklin Township in Washington County, Iowa; and the respective portions of Cedar Township, Dutch Creek Township, Jackson Township, and Marion Township (as indicated in the attached Exhibits A through D), all within Washington County, Iowa wish to adopt a new agreement for fire protection under Iowa Code Chapter 28E:

NOW, THEREFORE, BE IT JOINTLY RESOLVED AS FOLLOWS:

Section 1. This agreement pertains to all property within the boundaries of the City of Washington, Iowa, Washington Township, and Franklin Township. It also pertains to the respective portions of Cedar, Dutch Creek, Jackson, and Marion Townships in Washington County, as indicated in Exhibits A through D attached hereto and made a part hereof by this reference.

Section 2. The governing body of each Township which is a part of this agreement shall cause to be levied an annual tax of 60.75 cents per thousand of assessed value of taxable property pursuant to the provisions of Iowa Code Section 359.43 and shall cause the proportionate amount of such revenue based on the extent of the area to be served by this agreement to be paid to the City of Washington, Iowa, as soon as the same is available after collection of taxes.

Section 3. In consideration of the foregoing payments, the City of Washington, Iowa shall maintain and provide fire protection equipment and personnel to each property located within the Township or portion thereof indicated in this agreement.

Section 4. The Washington Fire Department reserves the right to determine at its sole discretion whether an emergency situation exists upon receipt of a fire call request. Subject to availability of personnel and equipment, assistance will be dispatched to the property located within the area indicated in this agreement. There shall be no charge, billing, or assessment by the City of Washington to the property owner for responding to a fire call request with the exception of items billed to residents within the Washington city limits as a matter of departmental policy.

Section 5. Each party to this agreement hereby waives, relinquishes, and forfeits all rights to claim, obtain, or recover any form of compensation, reimbursement, or indemnification from or against another party to this agreement due to death, injury, property loss, or other damage occurring as a consequence of the performance of this agreement. The City of Washington, Iowa shall maintain liability insurance coverage in such amounts as it deems appropriate.

Section 6. This agreement shall be in effect March 1, 2015. Modification, amendment, or revision to said agreement shall require written notice by the party seeking the change to said resolution and majority vote of each of the governing bodies party to the agreement. Termination of said resolution requires six (6) months written notice by a party seeking termination.

PASSED AND APPROVED by the City Council of the City of Washington, Iowa this _____ day of _____, 201__.

ATTEST:

Sandra Johnson, Mayor

Illa Earnest, City Clerk

Approved by the Board of Trustees of Washington Township in
Washington County, Iowa on the 10 day of December, 2014

Trustee

Trustee

Trustee

ATTEST:

Township Clerk

Approved by the Board of Trustees of Cedar Township in
Washington County, Iowa on the 10th day of December, 2014

Trustee

Trustee

Trustee

ATTEST:

Township Clerk

Approved by the Board of Trustees of Marion Township in

Washington County, Iowa on the 16th day of January, 2015.

Edna Rebel

Trustee

Steve Leisner

Trustee

Chris Guber

Trustee

ATTEST

Marilyn Schatz

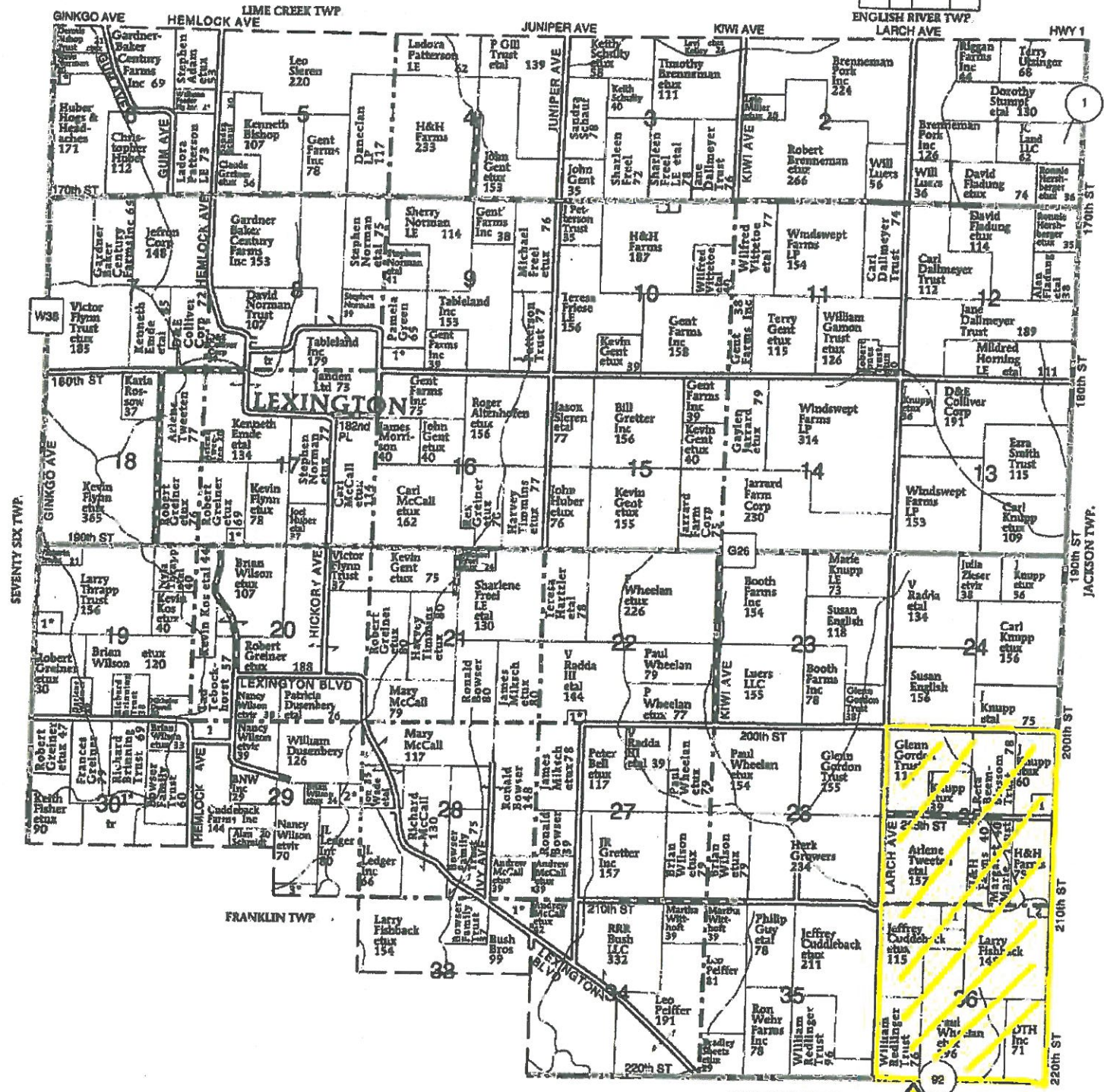
Township Clerk

T-76-N

CEDAR PLAT

(Landowners)

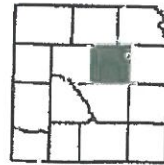
R-8-W



WASHINGTON TWP.
WASHINGTON FIRE SERVICE AREA

EXHIBIT C

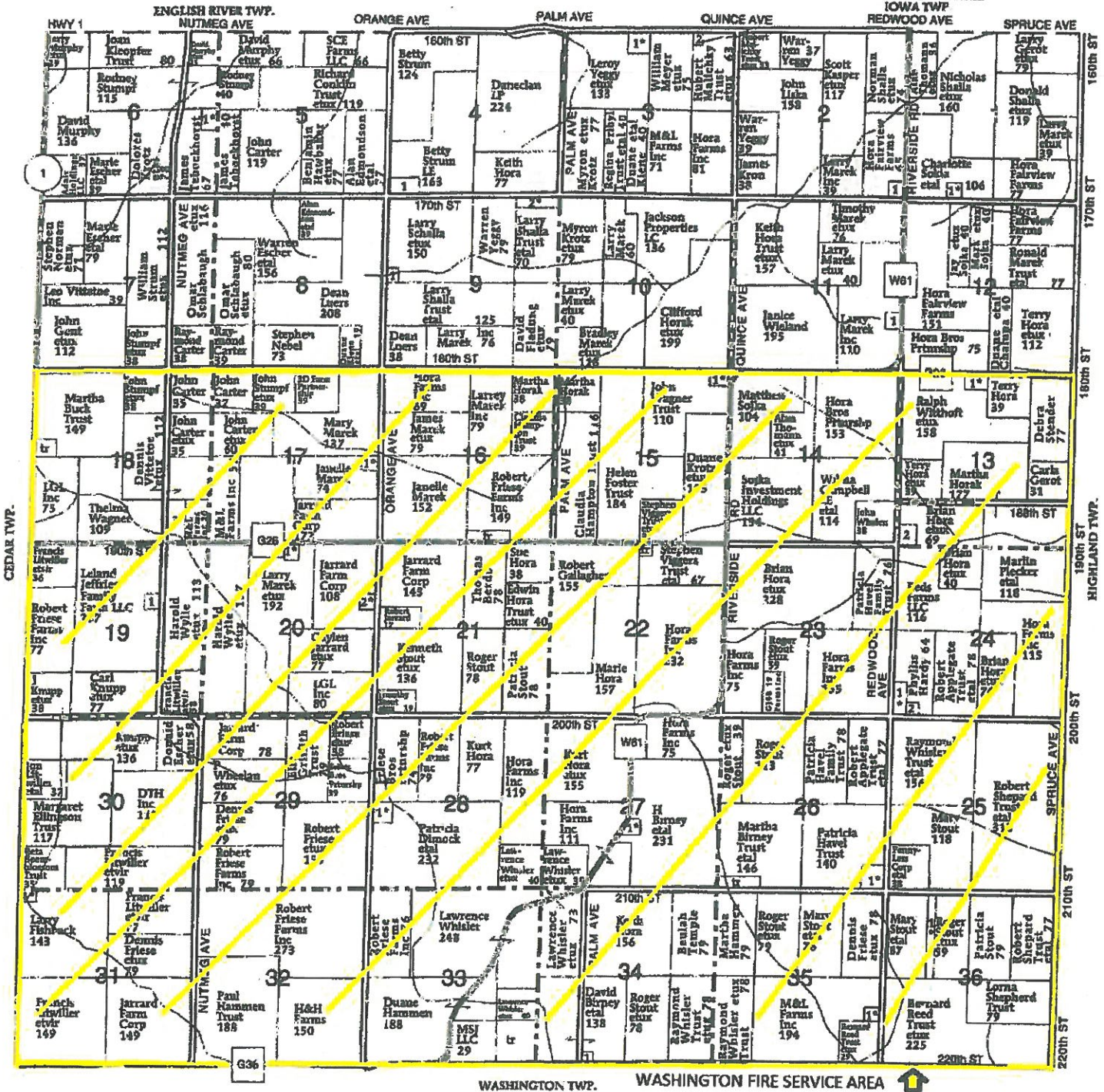
R-7-W



T-76-N

JACKSON PLAT

(Landsurvey)



WASHINGTON TWP.

WASHINGTON FIRE SERVICE AREA

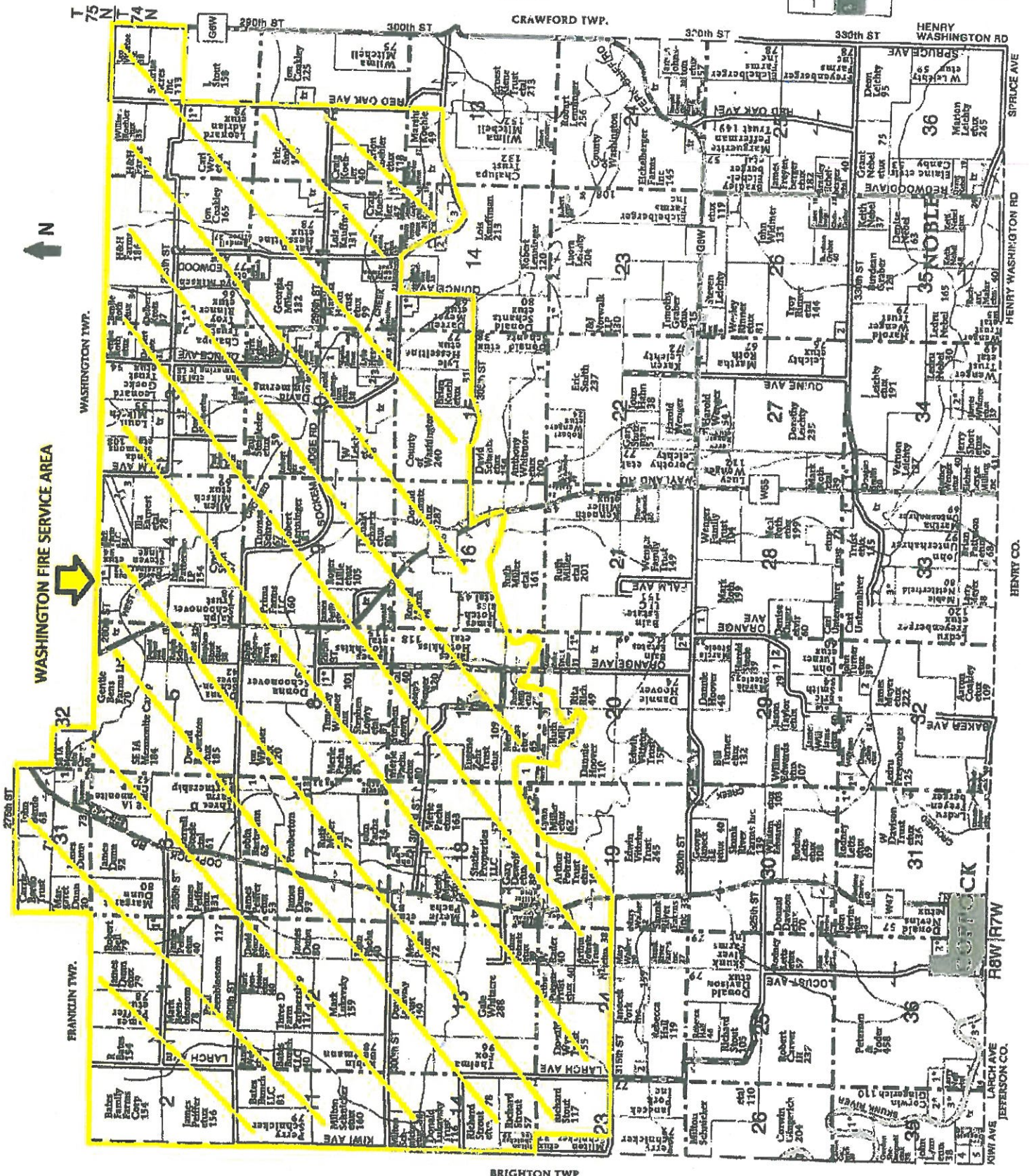


T-74-75-N

MARION PLAT

(Landowners)

EXHIBIT D
R-7-8-W



WASHINGTON FIRE SERVICE AREA

BRIGHTON TWP

HENRY CO.

JEFFERSON CO.

RESOLUTION NO. _____

**RESOLUTION ADOPTING THE ANNUAL BUDGET
FOR THE FISCAL YEAR ENDING JUNE 30, 2016**

WHEREAS, the City Council and staff have prepared an annual budget for the Fiscal Year ending June 30, 2016; and

WHEREAS, this proposed budget showing resource and requirements detail was published as required by law; and

WHEREAS, a Public Hearing was held on March 10, 2015, at which time citizen input was specifically requested and all citizen comments were heard:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, IOWA:

Section 1. The City Council declares that the budget for the Fiscal Year ending June 30, 2016 is hereby approved.

Section 2. City staff is directed to make all filings required by law related to the approval of this budget and prepare City financial records and systems accordingly.

PASSED AND APPROVED this 10th day of March, 2015 by the following roll-call vote:

Ayes: _____

Nays: _____

Absent: _____

Sandra Johnson, Mayor

ATTEST:

Illa Earnest, City Clerk

92-887

Adoption of Budget and Certification of City Taxes

FISCAL YEAR BEGINNING JULY 1, 2015 - ENDING JUNE 30, 2016

The City of: Washington County Name: WASHINGTON Date Budget Adopted: 3/10/2015

At a meeting of the City Council, held after the public hearing as required by law, as specified above, the proposed budget was adopted as summarized and attached hereto, and tax levies, as itemized below, were approved for all taxable property of this City. There is attached a Long Term Debt Schedule Form 703 for the debt service needs, if any.

County Auditor Date Stamp		319-653-6584 <small>Telephone Number</small>	<small>Signature</small>
January 1, 2014 Property Valuations			
Regular	2a	With Gas & Electric	Without Gas & Electric
DEBT SERVICE	3a	206,582,165	201,890,592
Ag Land	4a	213,175,118	208,483,545
		1,265,500	
			Last Official Census 7,266

TAXES LEVIED

Code Sec.	Dollar Limit	Purpose	(A) Request with Utility Replacement	(B) Property Taxes Levied	(C) Rate	
384.1	8.10000	Regular General Levy	1,673,316	1,635,314	8.10000	
Non-Voted Other Permissible Levies						
12(8)	0.67500	Contract for use of Bridge	0	0	0	
12(10)	0.95000	Opr & Maint publicly owned Transit	0	0	0	
12(11)	Amt Nec	Rent, Ins. Maint of Civic Center	0	0	0	
12(12)	0.13500	Opr & Maint of City owned Civic Center	0	0	0	
12(13)	0.06750	Planning a Sanitary Disposal Project	0	0	0	
12(14)	0.27000	Aviation Authority (under sec.330A.15)	0	0	0	
12(15)	0.06750	Levee Impr. fund in special charter city	0	0	0	
12(17)	Amt Nec	Liability, property & self insurance costs	0	0	0	
12(21)	Amt Nec	Support of a Local Emerg.Mgmt.Comm.	104,000	101,638	0.50343	
384	Voted Other Permissible Levies					
12(1)	0.13500	Instrumental/Vocal Music Groups	0	0	0	
12(2)	0.81000	Memorial Building	0	0	0	
12(3)	0.13500	Symphony Orchestra	0	0	0	
12(4)	0.27000	Cultural & Scientific Facilities	0	0	0	
12(5)	As Voted	County Bridge	0	0	0	
12(6)	1.35000	Missi or Missouri River Bridge Const.	0	0	0	
12(9)	0.03375	Aid to a Transit Company	0	0	0	
12(16)	0.20500	Maintain Institution received by gift/devise	0	0	0	
12(18)	1.00000	City Emergency Medical District	0	0	0	
12(20)	0.27000	Support Public Library	0	0	0	
28E.22	1.50000	Unified Law Enforcement	0	0	0	
Total General Fund Regular Levies (5 thru 24)			1,777,316	1,736,952		
384.1	3.00375	Ag Land	3,801	3,801	3.00375	
Total General Fund Tax Levies (25 + 26)			1,781,117	1,740,753	Do Not Add	
Special Revenue Levies						
384.8	0.27000	Emergency (if general fund at levy limit)	55,777	54,510	0.27000	
384.8	Amt Nec	Police & Fire Retirement	0	0	0	
	Amt Nec	FICA & IPERS (if general fund at levy limit)	627,401	613,152	3.03705	
Rules	Amt Nec	Other Employee Benefits	0	0	0	
Total Employee Benefit Levies (28,30,31)			627,401	613,152	3.03705	
Sub Total Special Revenue Levies (28+32)			683,178	667,662		
Valuation						
388	As Req	With Gas & Elec	Without Gas & Elec			
SSMID 1	(A)	(B)	34	0	0	
SSMID 2	(A)	(B)	35	0	0	
SSMID 3	(A)	(B)	36	0	0	
SSMID 4	(A)	(B)	37	0	0	
SSMID 5	(A)	(B)	655	0	0	
SSMID 6	(A)	(B)	656	0	0	
SSMID 7	(A)	(B)	1177	0	0	
Total SSMID			0	0	Do Not Add	
Total Special Revenue Levies			683,178	667,662		
384.4	Amt Nec	Debt Service Levy 76.10(6)	833,580	815,235	3.91031	
384.7	0.67500	Capital Projects (Capital Improv. Reserve)	0	0	0	
Total Property Taxes (27+39+40+41)			3,297,875	3,223,650	15.82079	

COUNTY AUDITOR - I certify the budget is in compliance with ALL the following:

Budgets that DO NOT meet ALL the criteria below are not statutorily compliant & must be returned to the city for correction.

- 1) The prescribed Notice of Public Hearing Budget Estimate (Form 831.1) was lawfully published, or posted if applicable, and notarized, filed proof was evidenced.
- 2) Budget hearing notices were published or posted not less than 10 days, nor more than 20 days, prior to the budget hearing.
- 3) Adopted property taxes do not exceed published or posted amounts.
- 4) Adopted expenditures do not exceed published or posted amounts in each of the nine program areas, or in total.
- 5) The budget file uploaded to the SUBMIT Area matched the paper copy certified by the city to this office.

NOTICE OF PUBLIC HEARING BUDGET ESTIMATE

FISCAL YEAR BEGINNING JULY 1, 2015 - ENDING JUNE 30, 2016

City of Washington, Iowa

The City Council will conduct a public hearing on the proposed Budget at Former Library, 120 East Main
on 3/10/2015 at 6:00 PM
(Date) xx/xx/xx (hour)

The Budget Estimate Summary of proposed receipts and expenditures is shown below.
Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor,
City Clerk, and at the Library.

The estimated Total tax levy rate per \$1000 valuation on regular property \$ 15.82079

The estimated tax levy rate per \$1000 valuation on Agricultural land is \$ 3.00375

At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.

319-653-6584

phone number

Brent Hinson

City Clerk/Finance Officer's NAME

		Budget FY 2016	Re-estimated FY 2015	Actual FY 2014
		(a)	(b)	(c)
Revenues & Other Financing Sources				
Taxes Levied on Property	1	3,223,650	3,362,133	3,381,970
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	3,223,650	3,362,133	3,381,970
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	219,617	210,916	149,557
Other City Taxes	6	794,225	686,537	759,039
Licenses & Permits	7	126,825	123,865	85,086
Use of Money and Property	8	178,947	187,337	156,985
Intergovernmental	9	1,663,784	4,382,333	1,884,769
Charges for Fees & Service	10	4,764,457	4,677,591	4,455,549
Special Assessments	11	20,000	35,500	39,559
Miscellaneous	12	20,008	31,533	228,641
Other Financing Sources	13	625,000	2,350,000	466,598
Transfers In	14	5,482,397	7,415,212	4,378,550
Total Revenues and Other Sources	15	17,118,910	23,462,957	15,986,303
Expenditures & Other Financing Uses				
Public Safety	16	1,795,488	1,783,747	1,706,779
Public Works	17	1,433,540	1,711,867	1,285,352
Health and Social Services	18	0	0	0
Culture and Recreation	19	841,583	827,948	881,488
Community and Economic Development	20	28,889	17,518	118,061
General Government	21	857,281	792,611	792,362
Debt Service	22	1,201,692	950,458	1,667,215
Capital Projects	23	1,085,446	5,406,991	966,678
Total Government Activities Expenditures	24	7,243,919	11,491,140	7,417,935
Business Type / Enterprises	25	5,590,277	6,655,447	3,519,315
Total ALL Expenditures	26	12,834,196	18,146,587	10,937,250
Transfers Out	27	5,482,397	7,415,212	4,378,550
Total ALL Expenditures/Transfers Out	28	18,316,593	25,561,799	15,315,800
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	-1,197,683	-2,098,842	670,503
Beginning Fund Balance July 1	30	6,078,119	8,176,961	7,506,458
Ending Fund Balance June 30	31	4,880,436	6,078,119	8,176,961

CITY OF Washington
ADOPTED BUDGET SUMMARY
YEAR ENDED JUNE 30, 2016

	(A)	(B)	Fiscal Years									
			(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
	GENERAL	SPECIAL	TIF	DEBT	CAPITAL	PERMANENT	PROPRIETARY	BUDGET	RE-ESTIMATED	ACTUAL		
	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)		
Revenues & Other Financing Sources												
Taxes Levied on Property	1,740,753	667,662		815,235				3,223,650	3,362,133	3,381,970		
Less: Uncollected Property Taxes-Levy Year	0	0		0				0	0	0		
Net Current Property Taxes	1,740,753	667,662		815,235				3,223,650	3,362,133	3,381,970		
Delinquent Property Taxes	0	0		0				0	0	0		
TIF Revenues			219,617					0	0	0		
Other City Taxes	40,364	735,516						219,617	210,916	149,557		
Licenses & Permits	126,825	0		18,345				794,225	686,537	759,039		
Use of Money and Property	429,843	0						126,825	123,865	85,066		
Intergovernmental	428,283	733,140	0	27,361	48,900	200		178,947	187,337	156,965		
Charges for Fees & Service	517,000	0		0	475,000			1,663,784	4,382,333	1,884,769		
Special Assessments	5,737	14,271		0	20,000			4,764,457	4,677,591	4,455,549		
Miscellaneous	2,988,805	2,150,592		860,942				20,000	35,500	39,559		
Sub-Total Revenues	1,325,383	139,510	219,617	1,162,555	543,900	200	4,247,457	11,011,513	13,697,745	11,141,155		
Other Financing Sources:												
Total Transfers In	1,325,383	139,510	0	301,613	1,137,163	0	2,578,728	5,482,397	7,415,212	4,378,550		
Proceeds of Debt	0	0	0	0	375,000	0	250,000	625,000	2,350,000	466,598		
Proceeds of Capital Asset Sales	0	0	0	0	0	0	0	0	0	0		
Total Revenues and Other Sources	4,314,188	2,290,102	219,617	1,162,555	2,056,063	200	7,076,185	17,118,910	23,462,957	15,986,303		
Expenditures & Other Financing Uses												
Public Safety	1,795,468	0	0	0				1,795,488	1,783,747	1,706,779		
Public Works	638,510	795,030	0	0				1,433,540	1,711,867	1,285,352		
Health and Social Services	0	0	0	0				0	0	0		
Culture and Recreation	810,723	30,660	0	0				841,383	827,948	881,488		
Community and Economic Development	0	27,000	1,889	0				28,889	17,518	118,061		
General Government	852,281	5,000	0	0				857,281	792,611	792,362		
Debt Service	0	0	0	1,162,555				1,201,892	950,458	1,667,215		
Capital Projects	0	0	0	0	1,085,446			1,085,446	5,406,991	966,678		
Total Government Activities Expenditures	4,097,002	857,690	41,028	1,162,555	1,085,446	200	5,590,277	7,243,919	11,491,140	7,417,935		
Business Type Proprietary Enterprise & ISF								5,690,277	6,655,447	3,519,315		
Total Transfers Out	4,097,002	857,690	41,028	1,162,555	1,085,446	200	5,590,277	12,834,196	18,146,587	10,937,250		
Total ALL Expenditures/Fund Transfers Out	105,255	1,541,318	177,962	0	2,101,503	0	1,556,359	5,482,397	7,415,212	4,378,550		
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	4,202,257	2,399,008	218,988	1,162,555	3,166,949	200	7,146,636	18,316,593	25,561,799	15,315,800		
	111,931	-108,906	629	0	-1,130,886	0	-70,451	-1,197,683	-2,098,842	670,603		
Beginning Fund Balance July 1	1,157,006	897,783	0	0	1,718,789	218,313	2,086,228	6,078,119	8,176,961	7,506,458		
Ending Fund Balance June 30	1,268,937	788,877	629	0	587,903	218,313	2,015,777	4,890,436	6,078,119	8,176,961		

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, IOWA, BY AMENDING CHAPTER 165.01, "DEFINITIONS"

BE IT ORDAINED by the City Council that the Code of Ordinances of the City of Washington, Iowa be amended as follows:

SECTION 1. **Delete Item.** Section 165.01(1), "Accessory use or structure" is hereby repealed.

SECTION 2. **Add Item.** A new Section 165.01(1), "Accessory use" is hereby added as follows:

"1. "Accessory use" means a use which is incidental and subordinate to the main use and which is located on the same lot."

SECTION 3. **Add Item.** A new Section 165.01(2), "Accessory building" is hereby added as follows:

"2. "Accessory building" means a subordinate building occupied or devoted to an accessory use which is located on the same lot with the main building. Where an accessory building is attached to the main building in a substantial manner, such as by a wall or roof, such accessory building shall be considered part of the main building. If attached, the square footage of the accessory use shall not exceed the square footage of the main use."

SECTION 4. **Renumber.** All subsequent definitions in Section 165.01 are hereby renumbered by increasing each number preceding the definition by one.

SECTION 5. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. **Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2015.

Sandra Johnson, Mayor

Attest:

Illa Earnest, City Clerk

Approved on First Reading: February 17, 2015
Approved on Second Reading: March 3, 2015
Approved on Third & Final Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day
of _____, 2015.

City Clerk

*Brent Hinson, City Administrator
Sandra Johnson, Mayor
Illa Earnest, City Clerk
Kevin Olson, City Attorney*



*215 East Washington Street
Washington, Iowa 52353
(319) 653-6584 Phone
(319) 653-5273 Fax*

Memorandum

March 6, 2015

To: Mayor & City Council
Cc: Illa Earnest, City Clerk

From: Brent Hinson
City Administrator

A handwritten signature in blue ink, appearing to be "BH", is written over the name "Brent Hinson".

Re: Council Rules of Procedure

In the goal-setting we did late last year, the Council identified as one of the goals to "Implement City Council policies on behavior & expectations". Many cities have adopted similar types of policies in recent years. Iowa Code Chapter 372.13(5) even says that "the Council shall determine its own rules". While we have some elements of our meeting practices that have been pretty consistent throughout the years, in other areas the lack of a clear policy has probably created unnecessary difficulties. I agree wholeheartedly with the Council's goal of establishing formal policies on the rules of procedure.

In preparing the attached draft, an ad-hoc committee of Sandra, Illa, Kevin and me examined seven policies, from cities including Decorah, Nevada, Riverside and others. The policy we felt most captured what we were trying to accomplish, however, was a policy prepared by the City of Windsor Heights. We used this as the base for our draft policy, but attempted to incorporate some of the best elements of all of the other policies, as well as tried to capture the City of Washington's current unwritten policies (I have also attached a marked up version of our draft policy showing Windsor Heights' policy and all of the changes we made to arrive at the proposed draft). Finally, you will find a few things in the policy that I would describe as "corrective" to our current procedures, such as ensuring that meeting dialogue goes through the presiding officer, some guidelines for how public input is handled, etc. I hope the draft rules reasonably represent what you were seeking when you established this strategic goal.

DRAFT 3/6/15

City of Washington



City Council Rules of Procedure

March 2015

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**RULES OF PROCEDURE FOR
CONDUCT OF CITY COUNCIL BUSINESS
FOR THE CITY OF WASHINGTON, IOWA**

I. THESE RULES OF PROCEDURE

(Reference Code of Iowa Chapter 372.13(5))

The Council wishes to determine written rules of its own proceedings, and the Clerk shall keep these rules on file for public inspection. The portions of these rules related to public comments shall be prepared in summary form and be made available at each regular Council meeting for the review of any members of the public intending to make public comments.

II. MEETING DATES OF THE CITY COUNCIL

All regular meetings of the Washington City Council shall be held at the Council Chambers at the Former Public Library, 120 East Main, at 6 PM on the 1st and 3rd Tuesdays of the month, as set by Council resolution, unless the Council determines to hold a regular meeting at a different location by resolution. Workshops and/or Special Meetings will typically be held in the Nicola-Stoufer Room of the Washington Free Public Library, 115 West Washington Street. Workshops will typically be held on the 4th Tuesday of the month at 6 PM, but this may differ depending on the time of the year and can be set by general agreement of the Council and given proper notice provided to the public and media of the meeting date, time and location.

III. PRESIDING OFFICER

The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. The presiding officer's name shall be called last on any question in voting. For purposes of this document, the term "Mayor" will refer to the elected Mayor only, while the term "presiding officer" will refer to the chair of a particular City Council meeting, whether that individual is the elected Mayor or not.

IV. QUORUM

Four (4) out of the total six (6) members of the City Council constitute a quorum to do business. When there is no quorum, the presiding officer shall adjourn the meeting. If no presiding officer is present, the City Clerk shall adjourn the meeting.

V. COUNCILOR NON-ATTENDANCE

Councilors who are unable to attend a scheduled meeting shall contact the Mayor, City Administrator or City Clerk by phone or email as far in advance of the meeting as possible and state the reason for their inability to attend the meeting. In the case where an absence is not

communicated in advance and the Council does not have the necessary quorum to proceed with the meeting due to other absences, the presiding officer shall cause the absent Councilor to be contacted and advised that their presence is necessary. An absent Councilor in this situation will make every reasonable effort to come to the meeting.

VI. AGENDA PREPARATION

All written petitions, communications and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a scheduled regular, special, or other meeting should be delivered to the City Clerk no later than Noon on the Friday preceding the meeting. The City Administrator, in consultation with the Mayor, City Council and department heads will establish the agenda and the order of the agenda.

The Mayor, City Administrator, City Clerk, City Attorney, or a Councilor may add items to the agenda, which will typically be prepared by the City Clerk. Except for the circumstance described in the following paragraph, the Mayor may order any item to be deleted from the agenda.

If the Mayor or City Administrator believes a Councilor's agenda request is unreasonable, detrimental or out of order, the City Administrator will inform the requesting Council Member that a second Council Member's support is required. This concurrence of a second member must be communicated to the City Administrator directly by the concurring Councilor no later than Noon on the Friday prior to the meeting.

Notwithstanding the paragraph above, the City Council shall have the authority to delete any items from the agenda and change the order of items on the agenda during the meeting by majority vote.

The City Clerk shall compile the agenda, listing all matters to be considered by the Council according to the order of business. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be known as the agenda packet. The agenda packet for any regular council meeting shall be delivered electronically to each Council Member, the Mayor, City Attorney, and City Administrator no later than the Friday preceding the meeting. If a recipient of the packet wishes to have a paper copy of the packet, they will inform the City Clerk of this preference, and a paper copy will be prepared for each subsequent meeting unless the recipient advises differently. Paper packets will be available for pick up at City Hall. The agenda packet shall be posted on the City's website no later than the Friday preceding the meeting, and the agenda posted at City Hall and distributed to the appropriate media outlets. In the event that staff needs to provide materials on agenda items after agenda packets are distributed, these materials will be emailed out to Councilors as far in advance of the meeting as possible, with paper copies available at the meeting, and will be posted on the City website as an agenda packet supplement. Staff will make efforts to minimize the need for agenda packet supplements to the greatest extent possible.

It is the duty of each official to review and familiarize themselves with the contents of the agenda packet prior to the meeting. To the greatest extent possible, the Mayor or Councilors shall submit questions concerning the minutes of a meeting, the claims and payroll, an agenda item or any supporting documentation for an agenda item by phone, e-mail or in person to the City Administrator, City Clerk, or Finance Director (as appropriate) for research, explanation or correction prior to 12:00 PM (noon) on the day of the meeting. If such a question is posed to the City staff for the first time at the meeting of the Council at which such matter is being considered, it shall be appropriate for the presiding officer, without further motion, to declare such question to be

out of order, or to remove such item from the agenda and postpone consideration to a day certain to afford time for such research as may be necessary.

VII. LENGTH OF MEETING

The length of any meeting shall be limited to three hours, and all officials involved will make an effort to have efficient meetings, while ensuring time for necessary dialogue and public comment. No new item of business shall be taken up by the City Council after the conclusion of three hours, unless this limitation is extended for any particular meeting by a majority vote to suspend the rules and extend the meeting by the time required. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular meeting unless the Council directs otherwise.

VIII. CONDUCT OF BUSINESS

Order of Business

The recommended order of business for a regular council meeting shall be as follows:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Agenda Approval
- Consent Agenda
- Claims and Financial Reports
- Special Presentations
- Public Comment
- Unfinished Business
- New Business
- Consideration of Hearings, Ordinances & Resolutions
- Departmental Reports
- Mayor and Council Reports
- Closed Session (if needed)
- Action Related to Closed Session (if needed)
- Adjournment

The City Clerk, in preparing the agenda, shall have the authority to vary from this recommended schedule to expedite the conduct of business or accommodate persons having business to be considered by the Council. Likewise, the presiding officer shall have the authority to request the Council change the order of agenda at the meeting for the same reasons.

Special Meetings & Workshops

Special meetings will be set by the Mayor, City Administrator, or at the request of three (3) Council Members during an open council session. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

At workshop meetings the Council will receive information and presentation of issues from the City Administrator, City staff and/or the City Attorney and engage in in-depth discussion, but typically not final action, on matters of importance. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.

Closed Session

(Reference Code of Iowa, Chapter 21.5)

A closed session may be held only by an affirmative vote of four of the six Councilors (2/3 majority of the full Council). The City Council may hold a closed session only to the extent a closed session is necessary and for the discussion of any statutorily authorized purpose as referenced in the Code of Iowa, Chapter 21.5, and only after the City Attorney has verbally (if present at the meeting) or submitted in writing (if not present at the meeting) his/her interpretation that entering into closed session is allowable by law for the topic at hand.

The vote of each member on the question of holding the closed session and the reason for holding the closed session shall be announced publicly at the open session and entered into the minutes. Final action on any matter will be taken in open session. Minutes and an audio recording will be kept of the closed session, and handled in the manner described in detail in Iowa Code 21.5(4).

Electronic Meetings

The Council may allow a City elected or appointed official to participate in a meeting by electronic means only in circumstances where that person's physical attendance is impossible or impractical and only if the electronic participant can be heard by all in attendance at the meeting and can hear the full proceedings of the meeting.

IX. DECORUM DURING COUNCIL MEETINGS

Requirements

While the Council is in session, all persons shall preserve order and decorum. Any person that refuses to abide by the rules shall be asked to leave the Council Chambers.

Every member of the public, staff or Council desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate:

- We may disagree, but we will be respectful of one another.
- All comments will be directed to the issue at hand.
- Personal attacks will not be tolerated.

City officials should utilize microphones, when available, and should speak in a clear and audible tone to ensure they can be heard by all in attendance at meetings.

Use of Electronic Devices

City officials are to recognize that use of electronic devices to communicate with other City officials or members of public (i.e., texting) during a meeting on topics being considered may constitute a violation of Iowa's open meetings law, and this activity is prohibited.

X. RULES OF DEBATE

Presiding Officer

The Mayor as presiding officer may debate, but may not make a motion or vote, except to break a tie on a simple motion. The Mayor Pro Tem or other Councilor acting as presiding officer may not make a motion, but may vote, and is subject to the same limits of debate that may be placed on other Councilors. The major functions of the presiding officer during sessions are generally to:

1. Call the meeting to order
2. Announce the order of business as provided in the agenda
3. State motions on "the table"
4. Put motions to a vote, when appropriate, and then announce the result of the vote
5. Generally prevent irrelevant or frivolous debate or discussion
6. Maintain order and decorum
7. Otherwise enforce the Council's rules and appropriate procedures

Councilor/Staff

Every Councilor or staff member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A Councilor or staff member, once recognized, shall be afforded the opportunity to succinctly make his/her point, and should not be interrupted under normal circumstances except for a point of order, a request for clarification or at the option of the presiding officer in the interest of the general smooth flow of the meeting.

XI. ADDRESSING COUNCIL FROM FLOOR

Securing Permission to Speak

Any persons desiring to address the Council shall first secure permission from the presiding officer. Remarks should be limited to the matter being considered.

Public Comments Generally

Members of the public addressing the Council will stand at the podium, give their full name and address in a clear and audible tone of voice for the record, remain respectful and avoid personal attacks. A sign-in sheet will be made available for each speaker to record their name and address for the official record. Members of the public shall be limited to three minutes speaking time, unless additional time is granted with good cause by the presiding officer. Total input on any subject under Council consideration may be limited to a fixed period by the presiding officer. All remarks shall be addressed to the Council as a whole and not to any individual member. Councilors or staff shall seek the permission of the presiding officer prior to posing questions or asking for clarification

from those making public comments. Without the permission of the presiding officer, only Councilors, staff and the person addressing the Council shall be permitted to enter into any discussion. A member of the public may not speak more than once during the Public Comment time period without the specific permission of the presiding officer.

Generally, matters presented during the Public Comment requiring further investigation or information shall be referred to City staff, and/or if Council determines that action is required, the item may be placed on a future agenda.

City officials should take great care in refraining from making comments that may expose the City to liability, particularly those regarding heated public issues. City officials are not immune from being sued personally when the City itself is sued. Officials with questions related to these matters should consult with the City Attorney prior to the meeting, if possible.

Spokesperson for Group Presentations

Organized groups that wish to make a presentation longer than the public comment time allowed will be required to contact the City Clerk prior to the meeting to be added under the "Special Presentations" portion of the agenda. Presentations will be limited to 10 minutes, with 5 minutes allowed for Council questions, unless extended by the presiding officer for good cause. It is highly recommended that such groups provide any handouts in advance so that they may be included in the agenda packet and allow for more efficient discussion.

Public Hearings

Public Hearings will generally take place immediately preceding the related action item. Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration. Any formal presentations shall be limited to 10 minutes.

After a motion is made and seconded and a vote taken to close the hearing, further discussion from the public on this matter will not be allowed, except for good cause as determined by the presiding officer.

XII. PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be prepared at the direction of the City Clerk and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs. The minutes typically contain only a record of such business as was actually passed upon by a vote of the Council and is not be required to contain a verbatim transcript of the proceedings.

Approval of Minutes

The minutes of the preceding Council meeting may be approved without being read aloud, provided that the City Clerk has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.

Correction of Minutes

When a Councilor wishes to correct the minutes, that Councilor should contact the City Clerk in advance of the meeting with the correction. Upon verification of an error in the minutes, the City Clerk will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting.

XIII. PROCESSING COUNCIL MAIL

The City Administrator (or designee) is authorized to receive and review all mail generally addressed to the City Council and received at City Hall. Unless of a routine or strictly administrative nature, this correspondence will be scanned and emailed to all Councilors for their information. All correspondence not requiring Council action will be acted upon between Council meetings and referred to City staff if appropriate. Action taken on these communications will later be reported to the City Council.

XIV. SPECIAL COMMITTEES

Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and/or private citizens, as deemed desirable and necessary to assist and advise the City Council in its work.

XV. PREPARATION AND REVIEW OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

All ordinances proposed for consideration shall be reviewed by the City Attorney. Ordinances and resolutions shall be prepared for presentation to the City Council upon the request of the Mayor, at least two Councilors, the City Administrator, or through the initiative of the City Attorney.

All ordinances, resolutions and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be examined by the City Administrator, the head of the affected department, or an authorized representative of the City Administrator.

XVI. COUNCIL ACTION

(Reference Code of Iowa Chapters 380.3 & 380.4)

Procedure for Council Action

Typically, discussion on a matter shall occur prior to a motion on the subject. This procedure is designed to provide for procedural clarity and contribute to a smooth flow to the meeting. After a motion is made and seconded and no further debate or comment is forthcoming, or by election of the presiding officer shall proceed to call for the vote. Motions shall be disposed of by voice vote, unless a member requests a roll call vote. Resolutions and ordinances shall be disposed of by roll call vote, with the roll call read by the City Clerk at the direction of the presiding officer.

Ordinances shall typically require readings at three (3) separate meetings, unless five (5) or more Councilors agree with good cause that one or more readings should be waived. In this case, a

motion and second shall first be made to suspend the rules and roll call taken. To gain approval, the result of this vote must be that at least five (5) Councilors are in favor. A motion and second may then be made to adopt the ordinance.

Amending a Motion

A motion on the floor may be amended. A Councilor wishing to amend a motion on the floor may pursue the motion in one of two ways: 1) If the amendment is a procedural correction or small adjustment to the original motion, it may be incorporated into the main motion as a "friendly amendment" with the consent of the Councilors making the original motion and second; or 2) If the amendment is of a more substantial nature, a second is required to move the amendment to vote. In the latter case, the presiding officer shall call for a voice vote on the amendment. If passed, the amendment shall be incorporated in the main motion, which then must be separately considered.

Motion to Table

If insufficient information exists to take action on an agenda item, for the purpose of proceeding to more urgent agenda items or for other good cause, the Council may choose to table an agenda item. This requires a motion, second and roll call vote. If possible, the motion will specify when the item will be brought back for consideration, although this may not be known in some cases. Items that are not untabled at the same meeting will typically be included by the City Clerk on future agendas under the "Unfinished Business" section of the agenda, with a note stating that the item was tabled and the date it was tabled.

An item may be untabled by a motion, second and roll call vote.

Abstentions

Every Councilor present shall vote on each action item, unless a conflict of interest exists. Any member believing they have a conflict of interest should abstain from voting, in which case the abstention shall be publicly declared and a record made thereof. The City Attorney is available to help Council Members decide if they should declare a conflict on any issue. Councilors are encouraged to contact the City Attorney prior to the meeting if they have any concern that they may have a conflict of interest and would like to seek the City Attorney's opinion.

Abstentions for reason of conflict of interest reduce the number of members of the Council for voting purposes, and thus a typical resolution with one member abstaining for reason of conflict of interest would only require three (3) affirmative votes for passage, for example.

Motion to Reconsider

A motion to reconsider may be made by any Council Member on the prevailing side and may be made at the same meeting as the original action, but in no case may be made later than the next regular Council meeting. The motion needs a second. It is debatable, if the original action it reconsiders was debatable. The motion requires a majority vote to adopt and cannot be reconsidered.

XVII. INTERPRETATION OF THE RULES OF PROCEDURE

All City meetings shall be conducted in accordance with these rules of procedure, as well as any applicable state laws. The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures.

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City of ~~Windsor Heights~~ Washington

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City Council Rules of Procedure For Conduct of City Council Business

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April 1, 2013

March 2015

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**RULES OF PROCEDURE FOR
CONDUCT OF CITY COUNCIL BUSINESS
WINDSOR HEIGHTS FOR THE CITY OF WASHINGTON, IOWA**

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I. THESE RULES OF PROCEDURE

(Reference Code of Iowa Chapter 372.13(5))

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For purposes of this document, the term "Mayor" will refer to the elected Mayor only, while the term "presiding officer" will refer to the chair of a particular City Council meeting, whether that individual is the elected Mayor or not.

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Three ~~(3)~~ Four (4) out of the total ~~five (5)~~ six (6) members of the City Council constitute a quorum to do business. When there is no quorum, the Mayor, Mayor Pro Tem, or any other Council Member presiding officer shall adjourn the meeting. If no Council Member presiding officer is present, the City Clerk shall adjourn the meeting.

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A Council Member may request the City Administrator to add an item to the agenda. If the Mayor or City Administrator believes thea Councilor's agenda request is unreasonable or detrimental or out of order, the City Administrator will inform the requesting Council Member that a second Council Member's support is required. The request for This concurrence of a second Council Member's support member must be communicated within two business days after the initial request; otherwise, the item must be added to the agenda. Once a requested item is added City Administrator directly by the concurring Councilor no later than Noon on the Friday prior to the agenda, only the requesting Council Member(s) or City Council may remove it meeting.

The Notwithstanding the paragraph above, the City Council shall have the authority to delete any items from the agenda and change the order of items on the agenda during the meeting by majority vote.

The City Administrator Clerk shall compile the agenda, listing all matters to be considered by the Council according to the order of business, lettering and/or numbering each item consecutively. A copy of the agenda, complete with all accompanying staff reports and other background materials, shall be known as the agenda packet. The agenda packet for any regular council meeting shall be delivered (paper or electronically) to each Council Member, the Mayor, City Attorney, and City Administrator no later than the five days Friday preceding the meeting. Each department head shall receive an electronic. If a recipient of the packet wishes to have a paper copy of the regular packet, they will inform the City Clerk of this preference, and a paper copy will be prepared for each subsequent meeting agenda packet unless the recipient advises differently. Paper packets will be available for pick up at City Hall. The agenda packet shall be posted on the City's website no later than the Friday preceding the meeting. The agenda packet for any special or workshop council meeting shall be, and the agenda posted at City Hall and distributed to each Council Member the appropriate media outlets. In the event that staff needs to provide materials on agenda items after agenda packets are distributed, these materials will be emailed out to Councilors as far in advance of the meeting as possible, with paper copies available at the meeting, and will be posted on the City

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website as an agenda packet supplement. Staff will make efforts to minimize the need for agenda packet supplements to the greatest extent possible.

It is the duty of each official to review and familiarize themselves with the contents of the agenda packet prior to the meeting. To the greatest extent possible, the Mayor, City Attorney, City Administrator, and department heads no later than the business day preceding the meeting. It is strongly recommended that or Councilors shall submit questions concerning the minutes of a meeting, the claims and payroll, an agenda item or any supporting documentation for an agenda item or items be submitted by phone, e-mail or in person to the City Administrator, City Clerk, or Finance Director (as appropriate) for research and/or explanation or correction prior to 12:00 PM (noon) on the day of the meeting. If such a question is posed to the City Administrator staff for the first time at the meeting of the Council at which such matter is being considered, it shall be appropriate for the Mayor presiding officer, without further motion, to declare such question to be out of order, or to remove such item from the agenda and postpone consideration to a day certain to afford time for such research as may be necessary.

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It is the intent of City staff to make the agenda packet available to the public on the Wednesday preceding the regular council meeting, but no later than 5:00 PM on Friday and in the Council Chambers during each meeting. In the case of a special or workshop council meeting, the agenda will be available to the public no later than 24 hours prior to the scheduled meeting.

VII. LENGTH OF MEETING

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The length of any meeting shall be limited to three hours. This, and all officials involved will make an effort to have efficient meetings, while ensuring time for necessary dialogue and public comment. No new item of business shall be taken up by the City Council after the conclusion of three hours, unless this limitation may be extended for any particular meeting by a super majority vote to suspend the rules and extend the meeting by the time required. In the event it appears that the entire agenda cannot be completed by the normal time of adjournment, the Council may take up and act upon the more pressing agenda items. All agenda items not considered at the meeting shall be on the agenda of the next regular meeting unless the Council directs otherwise.

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VIII. CONDUCT OF BUSINESS

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Order of Business

The recommended order of business for a regular council meeting shall be as follows:

Call to Order/ Roll Call/ Pledge of Allegiance

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Pledge of Allegiance

Roll Call

Agenda Approval

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Minutes Approval

Public comment

Consent Agenda:

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Remainder of Agenda:

Claims and Financial Reports

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Special Presentations

Public Comment

Unfinished Business

New Business

1. Consideration of Hearings, Ordinances & Resolutions for Adoption

2. Ordinances for Adoption

Staff Updates

Departmental Reports

Mayor and Council Comments — Reports

Mayor's Inquiries

Closed Session (if needed)

Action related to closed session Related to closed session Closed Session (if needed)

Adjournment

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The City Administrator, prior to Clerk, in preparing the council meeting, and Mayor agenda, shall have the authority to vary from this recommended schedule to expedite the conduct of business or accommodate persons having business to be considered by the Council. Likewise, the presiding officer shall have the authority to request the Council change the order of agenda at the meeting for the same reasons.

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Special Meeting Meetings & Workshops

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Special meetings will be set by the Mayor, City Administrator, or at the request of three (3) Council Members during an open council session. Every notice (agenda) for a special meeting will state the public's right to address the Council on the item(s) appearing on that agenda.

At workshop meetings the Council will receive information and presentation of issues from the City Administrator, City staff and/or the City Attorney and engage in in-depth discussion, but typically not final action, on matters of importance. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.

Closed Session

(Reference Code of Iowa § Chapter 21.5)

A closed session may be held only by an affirmative vote of the supermajority four of the entire City six Councilors (2/3 majority of the full Council or all of the members present at the meeting.). The City Council may hold a closed session only to the extent a closed session is necessary and for the discussion of any statutorily authorized purpose as referenced in the Code of Iowa §21.5, Chapter 21.5, and only after the City Attorney has verbally (if present at the meeting) or submitted in writing (if not present at the meeting) his/her interpretation that entering into closed session is allowable by law for the topic at hand.

The vote of each member on the question of holding the closed session and the reason for holding the closed session shall be announced publicly at the open session and entered into the minutes. Final action on any matter will be taken in open session. The minutes and audio recording of a closed session shall be closed and shall not be open to public inspection. However, upon order of the court in an

action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or audio recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or audio recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, or for as long as the matter is in litigation proceedings. Minutes and an audio recording will be kept of the closed session, and handled in the manner described in detail in Iowa Code 21.5(4).

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Electronic Meeting Meetings (Reference Code of Iowa §21.8)

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A governmental body may conduct

1.—The Council may allow a City elected or appointed official to participate in a meeting by electronic means only in circumstances where such a meeting in person that person's physical attendance is impossible or impractical and only if the governmental body complies with all of the following:

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- a.—The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
- b.—The governmental body complies with §21.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.
- c.—Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.

2.—A meeting conducted in compliance with this section shall not be considered in violation of this chapter.

3.—A meeting by electronic means may be conducted without complying with paragraph "a" of subsection 1 if conducted in accordance with all of the requirements for a closed session contained in §21.5.

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Workshop or Study Session Meetings

The Council may conduct workshop meetings or study sessions on matters which are expected to come before the Council for formal action participant can be heard by all in attendance at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.

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At workshop meetings the Council will receive information the meeting and presentation of issues from the City Administrator, City staff and/or the City Attorney. Council may ask questions and may request that certain information be provided or issues be addressed when items are considered further at another

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~~workshop meeting or a regular meeting of the Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further can hear the full proceedings of the meeting.~~

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~~Final action on items is not taken during workshop or study sessions. No formal vote of the Council in favor or against any workshop or study session agenda item may be taken.~~

~~Workshops and study sessions are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or a study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such response to questions or presentation.~~

IX. DECORUM DURING COUNCIL MEETINGS

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Requirements

While the Council is in session, all persons shall preserve order and decorum. Any person that refuses to abide by the rules shall be asked to leave the Council Chambers.

Every member of the public ~~and every staff or Council Member~~ desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous language and references to personalities and abiding by the following rules of civil debate:

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- We may disagree, but we will be respectful of one another.
- All comments will be directed to the issue at hand.
- Personal attacks will not be tolerated.

DUTIES OF PRESIDING OFFICER

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~~The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the City Clerk shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote. The presiding officer's name shall be called last on any question in voting.~~

APPROVAL OF MINUTES

~~The minutes of the preceding council meeting may be approved without being read aloud, provided that the City Administrator has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.~~

CORRECTION OF MINUTES

~~When a Council Member wishes to correct the minutes, that Council Member should contact the City Administrator in advance of the meeting with the correction. The City Administrator will then verify the correction by listening to that meeting's audio recording. Upon verification of an error in the minutes, the City Administrator will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting. If time constraints prevent this procedure, the Council should continue the approval of the minutes to the next meeting, and direct the City Administrator to verify the error.~~

~~City officials should utilize microphones, when available, and should speak in a clear and audible tone to ensure they can be heard by all in attendance at meetings.~~

Use of Electronic Devices

~~City officials are to recognize that use of electronic devices to communicate with other City officials or members of public (i.e., texting) during a meeting on topics being considered may constitute a violation of Iowa's open meetings law, and this activity is prohibited.~~

X. RULES OF DEBATE

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Presiding Officer

~~The Mayor as presiding officer may debate, but may not make a motion. The major functions of the Mayor during council or vote, except to break a tie on a simple motion. The Mayor Pro Tem or other Councilor acting as presiding officer may not make a motion, but may vote, and is subject to the same limits of debate that may be placed on other Councilors. The major functions of the presiding officer during sessions are generally to:~~

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1. Call the meeting to order
2. Announce the order of business as provided in the agenda
3. State motions on "the table"
4. Put motions to a vote, when appropriate, and then announce the result of the vote
5. Generally prevent irrelevant or frivolous debate or discussion
6. Maintain order and decorum
7. Otherwise enforce the Council's rules and appropriate ~~parliamentary~~ procedures

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~~The Mayor Pro Tem as presiding officer may debate, vote as a regular Council Member and retains all the powers as a Council Member. The presiding officer is subject to the limitations of debate that are imposed on all Council Members.~~

~~In the absence of the Mayor or Mayor Pro Tem, the City Clerk shall call the meeting to order and a temporary presiding officer shall then be selected by the Council Members present.~~

Council Member

Councilor/Staff

Every ~~Council Member~~ **Councilor or staff member** desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A ~~Council Member~~ **Councilor or staff member**, once recognized, shall **be afforded the opportunity to succinctly make his/her point, and should not be interrupted under normal circumstances except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege or appeal of presiding officer's procedural ruling), a request for clarification or at the option of the presiding officer in the interest of the general smooth flow of the meeting.**

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XI. ADDRESSING COUNCIL FROM FLOOR

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Securing Permission to Speak

~~Any persons desiring to address the Council shall first secure permission from the presiding officer. Any persons desiring to address the Council shall first secure permission from the presiding officer. Remarks should be directed limited to the matter being considered. The elected official presiding over the meeting and/or the City Attorney reserve the right to limit citizens' permission to speak.~~

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Individuals

Persons Public Comments Generally

~~Members of the public~~ addressing the Council will stand at the podium, give their full name and address in a clear and audible tone of voice for the record, remain respectful and avoid personal attacks. ~~Citizens shall be limited to five. A sign-in sheet will be made available for each speaker to record their name and address for the official record. Members of the public shall be limited to three minutes speaking time per item, unless additional time is granted with good cause by the presiding officer. Total citizen input on any subject under Council consideration may be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations on this rule.~~ All remarks shall be addressed to the Council as a whole and not to any individual member. ~~Councilors or staff shall seek the permission of the presiding officer prior to posing questions or asking for clarification from those making public comments. Without the permission of the presiding officer, only Council Members, Councilors, staff and the person~~ addressing the Council shall be permitted to enter into any discussion.

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Spokesperson for Group Presentations

~~Organized groups that wish to make a presentation longer than the time allowed will be required to contact the City Administrator prior to the meeting.~~

Public Comments

~~A maximum member of twenty (20) minutes will be set aside for members of the public to address Council on any item not on the agenda.~~

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- Presentations will be limited to five minutes.
- Preference will be given to individuals who did not speak at the previous council meeting's Public Comments.
- Individuals the public may not speak more than once during the Public Comment.
- All speakers must address time period without the entire Council and will not be permitted to engage in dialogue.

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Any individual addressing the Council will be asked by the specific permission of the presiding officer to clearly state his/her name and address prior to speaking before the Council or minimally during or after his/her presentation to the Council so that his/her name may be accurately recorded in the minutes of the meeting.

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Time limits may be increased at the presiding officer's discretion. A Council Member may object to the extension of time to the speaker by the presiding officer. Such disapproval will be noted and a roll call will be taken on the question.

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Generally, matters presented during the Public Comment ~~which require~~ requiring further investigation or information shall be referred to City staff, and /or if Council determines that action is required, the item may be placed on a future agenda.

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City officials should take great care in refraining from making comments that may expose the City to liability, particularly those regarding heated public issues. City officials are not immune from being sued personally when the City itself is sued. Officials with questions related to these matters should consult with the City Attorney prior to the meeting, if possible.

Spokesperson for Group Presentations

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Organized groups that wish to make a presentation longer than the public comment time allowed will be required to contact the City Clerk prior to the meeting to be added under the "Special Presentations" portion of the agenda. Presentations will be limited to 10 minutes, with 5 minutes allowed for Council questions, unless extended by the presiding officer for good cause. It is highly recommended that such groups provide any handouts in advance so that they may be included in the agenda packet and allow for more efficient discussion.

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Public Hearings

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Public Hearings will generally take place immediately preceding the related action item. Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration. ~~Interested persons or their authorized representatives may address the Council in regard to public hearing matters under consideration.~~

For land use application public hearings, the applicant presentation shall be limited to 10 minutes, maximum; all other individuals shall be limited to 5 minutes, maximum.

For appeals public hearings, the appellant shall be limited to 10 minutes, maximum; all other individuals shall be limited to 5 minutes, maximum. Any formal presentations shall be limited to 10 minutes.

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After a motion is made and seconded by a Council Member following a public and a vote taken to close the hearing on the matter so moved, further discussion from the public on this matter will not

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be denied allowed, except upon the request of a Council Member through for good cause as determined by the presiding officer.

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XII. PREPARATION OF THE MINUTES

Method of Keeping Minutes

The minutes of the Council shall be prepared at the direction of the City Administrator Clerk and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs. The minutes must typically contain only a record of such business as was actually passed upon by a vote of the Council and shall not be required to contain a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks relate and whether they spoke in support of or in opposition to such matter.

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Remarks of Council Members Entered in Approval of Minutes

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The minutes of the preceding Council Member meeting may request, through the presiding officer, be approved without being read aloud, provided that the privilege of having an abstract City Clerk has previously furnished each member of that member's statements on any subject under consideration by the Council entered in with a copy of the minutes. If and that a majority of the Council consents, has not requested such statements shall be entered a reading.

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Correction of Minutes

When a Councilor wishes to correct the minutes, that Councilor should contact the City Clerk in advance of the meeting with the correction. Upon verification of an error in the minutes, the City Clerk will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting.

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Delivery of Minutes

The City Administrator shall cause a copy of the minutes to be forwarded to the Mayor and each Council Member and department head, typically delivered with the agenda packet for the next regular meeting.

XIII. PROCESSING COUNCIL MAIL

The City Administrator (or designee) is authorized to receive and review all mail generally addressed to the City Council: and received at City Hall. Unless of a routine or strictly administrative nature, this correspondence will be scanned and emailed to all Councilors for their information. All correspondence not requiring Council action will be acted upon between council Council meetings and referred to City staff if appropriate. Action taken on these communications will later be reported to the City Council.

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XIV. SPECIAL COMMITTEES

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Subject to approval of the Council, the Mayor may appoint special advisory or ad hoc committees consisting of Council Members, City staff and/or private citizens, as deemed desirable and necessary to assist and advise the City Council in its work.

XV. PREPARATION AND REVIEW OF ORDINANCES, RESOLUTIONS AND CONTRACT DOCUMENTS

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All ordinances ~~proposed for consideration~~ shall be ~~prepared by the City Administrator and/or~~ reviewed by the City Attorney. Ordinances and resolutions shall be prepared for presentation to the City Council upon the request of the Mayor, ~~any Council Member~~ at least two Councilors, the City Administrator, or through the initiative of the City Attorney.

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All ordinances, resolutions and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be examined ~~for administration~~ by the City Administrator, the head of the affected department, or an authorized representative of the City Administrator.

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XVI. COUNCIL ACTION

(Reference Code of Iowa ~~§~~ Chapters 380.3- & 380.4)

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Procedure for Council Action

~~All Council Members shall vote when called upon to do so by the presiding officer. The results of the vote shall be read aloud by the City Administrator or Deputy City Clerk. All ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a Council Member, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. All ordinances may be introduced and passed by reading the title only. Ordinances shall be read in full only when requested by a majority of the Council.~~

Disqualifications/Typically, discussion on a matter shall occur prior to a motion on the subject. This procedure is designed to provide for procedural clarity and contribute to a smooth flow to the meeting. After a motion is made and seconded and no further debate or comment is forthcoming, or by election of the presiding officer shall proceed to call for the vote. Motions shall be disposed of by voice vote, unless a member requests a roll call vote. Resolutions and ordinances shall be disposed of by roll call vote, with the roll call read by the City Clerk at the direction of the presiding officer.

Ordinances shall typically require readings at three (3) separate meetings, unless five (5) or more Councilors agree with good cause that one or more readings should be waived. In this case, a motion and second shall first be made to suspend the rules and roll call taken. To gain approval, the result of this vote must be that at least five (5) Councilors are in favor. A motion and second may then be made to adopt the ordinance.

Amending a Motion

A motion on the floor may be amended. A Councilor wishing to amend a motion on the floor may pursue the motion in one of two ways: 1) If the amendment is a procedural correction or small adjustment to the original motion, it may be incorporated into the main motion as a "friendly amendment" with the consent of the Councilors making the original motion and second; or 2) If the amendment is of a more substantial nature, a second is required to move the amendment to vote. In the latter case, the presiding officer shall call for a voice vote on the amendment. If passed, the amendment shall be incorporated in the main motion, which then must be separately considered.

Motion to Table

If insufficient information exists to take action on an agenda item, for the purpose of proceeding to more urgent agenda items or for other good cause, the Council may choose to table an agenda item. This requires a motion, second and roll call vote. If possible, the motion will specify when the item will be brought back for consideration, although this may not be known in some cases. Items that are not tabled at the same meeting will typically be included by the City Clerk on future agendas under the "Unfinished Business" section of the agenda, with a note stating that the item was tabled and the date it was tabled.

An item may be untabled by a motion, second and roll call vote.

Abstentions

All membersEvery Councilor present at any meeting may disqualify themselves or shall vote on each action item, unless a conflict of interest exists. Any member believing they have a conflict of interest should abstain from voting, in which case the disqualificationabstention shall be publicly declared and a record made thereof.

The City Attorney is available to help Council Members decide if they should declare a disqualificationconflict on any issue. In these or other instances Council Members may chooseCouncilors are encouraged to usecontact the phrase, "City Attorney prior to avoid the appearancemeeting if they have any concern that they may have a conflict of impropriety." interest and would like to seek the City Attorney's opinion.

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Vote Required
(Reference Code of Iowa §380.4)

A City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. (Code of Iowa §364.3)

a. Ordinances, Amendments and Resolutions

Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council unless otherwise required by statute (i.e., passage of a Resolution of Necessity in final form). A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a vote of not less than three-fourths of all the members of the Council. If a proposed ordinance, amendment or resolution fails to receive sufficient votes for passage at any consideration, the proposed ordinance, amendment or resolution shall be considered defeated (Code of Iowa §380.3). If the rules requiring three separate readings is suspended and the proposed ordinance fails to pass by the required three-fourths vote, the proposed ordinance will be placed on the agenda for the next regular meeting of the Council.

b. Motions

Passage of a motion requires a majority vote of a quorum of the Council.

Pursuant to Code of Iowa §380.4, "all of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council Member declines (abstains) to vote by reason of a conflict of interest. A conflict of interest is defined as "a direct relationship or pecuniary interest in a matter." However, if a Council Member declines (abstains) to vote for any other reason, that Council Member's seat will be included in "all of the members of the Council."

Abstentions for reason of conflict of interest reduce the number of members of the Council for voting purposes, and thus a typical resolution with one member abstaining for reason of conflict of interest would only require three (3) affirmative votes for passage, for example.

Motion to Reconsider

A motion to reconsider may be made by any Council Member on the prevailing side and ~~must~~ may be made at the same meeting as the original action, but in no case may be made later than the next regular Council meeting. The motion needs a second. It is debatable, if the original action it reconsiders was debatable. The motion requires a majority vote to adopt and cannot be reconsidered.

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Motion to Table

The council meeting agenda is generally modified during a council meeting when voting on the "Approval of the Agenda." A motion to table an agenda item during a council meeting can only be used for a reason of urgency such as a Council Member or public participant arriving late, or needing to leave early and requesting an item be moved forward. A motion to table, for a *reason of urgency*, will only bring forward the next agenda item. If more than one item needs to be tabled before reaching the item in question, a motion to table several items at once could be made (i.e., "I move to table Items 8 through 15 in order to proceed with Item 16.") A motion to table requires a second, is not debatable (the chair may ask the maker of the motion to state their reason for tabling the motion), is not amendable, requires a

majority vote for passage and, if adopted, cannot be reconsidered. The tabled item(s) may then be taken from the table by motion, second, and a majority vote as soon as the interrupting issue is disposed of. A motion to table should not be used to postpone an agenda item, to limit public debate, or to suppress a minority of the Council.

Items or motions that have been tabled, placed in the care of the City Administrator or Deputy Clerk, are not automatically placed on the agenda for the next meeting. If not taken from the table in the meeting at which tabled, there will be a notation made in the meeting's minutes that the item(s) or motion(s) have been tabled. Council Members interested in taking action on a tabled item or motion from the previous meeting must request that the item or motion be placed on the agenda the Wednesday prior to the next council meeting or minimally 24 hours prior to the next council meeting.

If a Council Member wishes to take action on a tabled item or motion during the meeting at which the item or motion had been tabled, the Council Member must bring back the item or motion by moving to "take (the item or motion) from the table." The motion to "take from the table" needs a second, is not debatable and requires a majority vote. If an item or motion is not taken from the table during the meeting at which it was tabled or by the close of the next regularly scheduled council meeting, the item or motion dies.

Motion to Postpone

Postponing an item or a motion to a specific date and time ensures that the item or motion will be on the agenda at the adopted date and time. Any item or motion which is to be considered at the next meeting should be postponed to that meeting rather than tabled.

Tie Vote

When a tie vote occurs, the motion is lost.

XVII. INTERPRETATION OF THE RULES OF PROCEDURE

All City meetings shall be conducted in accordance with these rules of procedure, as well as any applicable state laws. ~~To the extent an issue arises that is not addressed under these rules, then the City Council shall refer to the most recent edition of Robert's Rules of Order for resolution of the issue.~~

~~The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of City Council business.~~

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*Brent Hinson, City Administrator
Sandra Johnson, Mayor
Illa Earnest, City Clerk
Kevin Olson, City Attorney*



*215 East Washington Street
Washington, Iowa 52353
(319) 653-6584 Phone
(319) 653-5273 Fax*

Memorandum

March 6, 2015

To: Mayor and City Council
Cc: Illa Earnest, City Clerk

From: Brent Hinson
City Administrator

A handwritten signature in blue ink, appearing to be "BH", is written over the name "Brent Hinson".

Re: North Water Tower Paint Scheme

Attached are some concepts for the North Water Tower paint scheme that have been developed with the help of local artist Pedro Lujano (Pedro also designed our logo). As we've discussed in the past, I really think it makes sense to take advantage of the opportunity of building a new tower by making it look really sharp and making it a point of pride for the community.

Pedro has developed nine concepts to this end. I have distributed these concepts to a number of people, and the consensus of those polled so far seems to be the logo on option #7, but possibly with the font used in #5 or #8. We will also need to decide whether or not to paint the stem and/or underside of the tank a darker color. This is done sometimes to cover up the buildup that tends to occur on the underside of the tank due to condensation, but not everyone likes the look of the darker color.

