

CITY OF MARSHALLTOWN
COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS
10 W STATE STREET
JUNE 18, 2018, NOON, 12:00 PM

A. NOTICE TO PUBLIC

The Mayor and City Council welcome comment from the public during discussion of any of the agenda items. You are required to step to the microphone, state your name and address for the record and to limit the time used to present your remarks 3 minutes or less in order that others may be given the opportunity to speak. All speakers shall speak clearly and direct their comments to the Mayor and City Council and not to any Councilmember specifically. It is at the discretion of the Mayor and Council to respond to specific questions and comments or to have staff respond during the meeting.

B. CALL TO ORDER

Mayor Joel T.S. Greer

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

Cahill, Gowdy, Hoop, Isom, Lamer, Martin, Wirin.

E. URBAN RENEWAL AREA #3, AMENDMENT NO. 7

1. PUBLIC HEARING - Amendment No 7 To The Urban Renewal Plan For Area #3, Followed By Consideration Of Resolution 2018-113 And The First Reading Of Ordinance 14975.
 - a. Public Hearing Amending the Plan
 - b. Resolution 2018-112 Approving Amendment No 7 to the Urban Renewal Plan for the Marshalltown Urban Renewal Area No. 3.
 - c. Ordinance 14975 Providing for the Division of Taxes Levied on Taxable Property in Amendment No. 7 to the Urban Renewal Plan for Marshalltown Urban Renewal Area No. 3, pursuant to Section 403.19 of the Code of Iowa, first reading.

Documents:

[05-14-2018_2018-070_TIF3 -MAP Final Marshalltown Urban Renewal Area No 3 Amendment No 3 April 2018.pdf](#)
[UR3 Plan Marshalltown Urban Renewal Area No 3 Amendment No 3 June 2018.pdf](#)
[06-18-2018_2018-112_RES HrngUR No3AmdmtNo.7Marshalltown422742-33-v1.pdf](#)
[06-11-2018_14975_OrdinanceAmdmtNo.7URNo.3Marshalltown422742-33-v1.pdf](#)

F. MOTIONS

-
1. Motion To Reconsider Ordinance 14973, Amending Chapter 26. Streets And Sidewalks, Article III, Sidewalks, By Repealing Current Language And Adopting New Language.

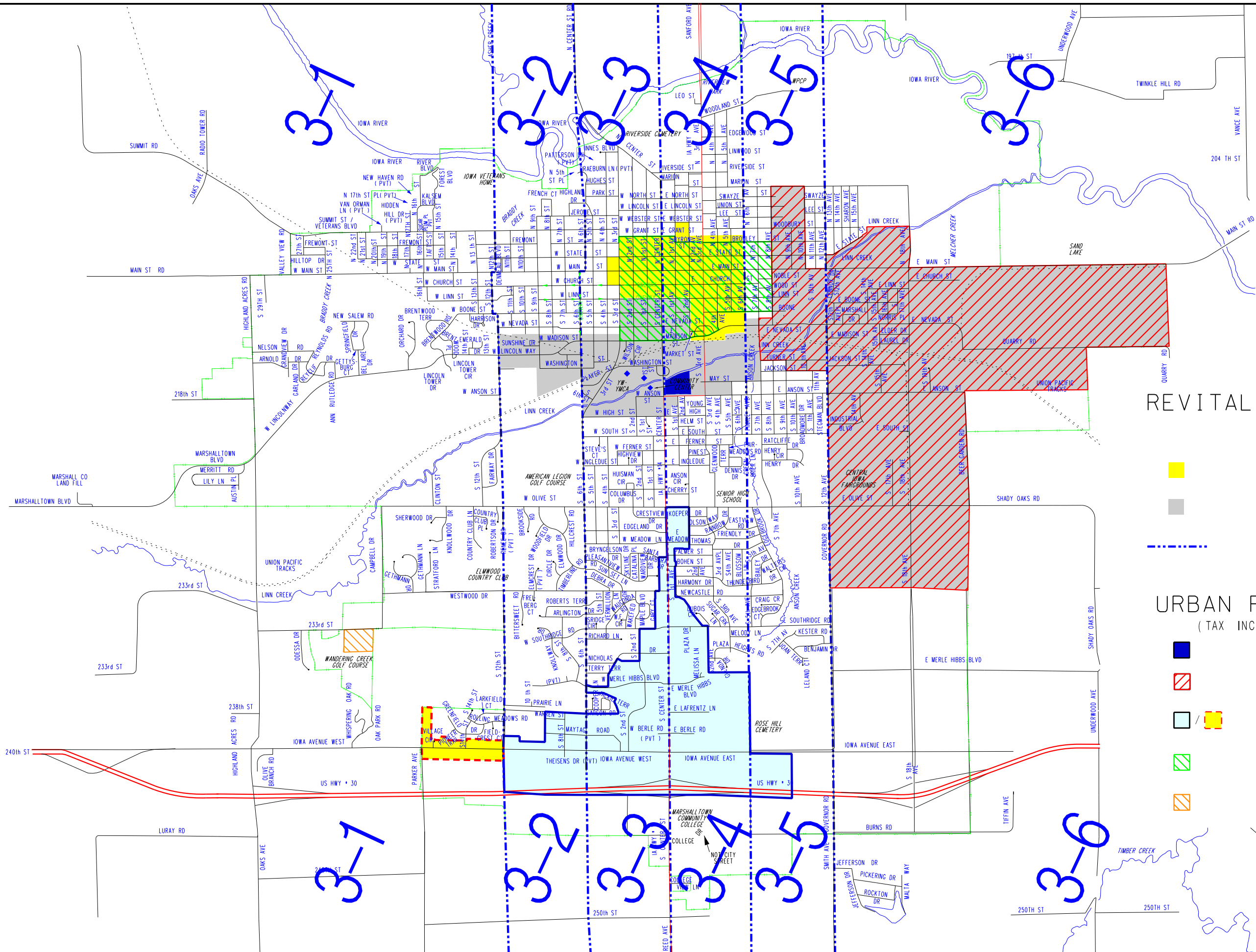
The second reading of Ordinance 14973 failed by a 3-4 vote of the council, with Lamer, Martin, Gowdy and Hoop dissenting. As one of the four prevailing votes, Gowdy requested this item be reconsidered. According to Council Rules, the second reading of Ordinance 14973 may be reconsidered with 2/3 majority vote of the council, or five affirmative votes. If the motion to reconsider passes, the Council may consider the second reading of Ordinance 14973 at the regular City Council Meeting on June 25, 2018.

Documents:

[06-11-2018_14973 Sidewalk ORD Amendment Final.pdf](#)
[2017-10-09_2017-287_FINAL Council Manual.pdf](#)

G. **ADJOURN**

Please visit the City's website for the complete agenda packet and to subscribe to agenda notices and department news. www.marshalltown-ia.gov



REVITALIZATION AREAS (TAX ABATEMENT)



NO. 1 AS AMENDED



NO. 2 AS AMENDED



NO. 3

URBAN RENEWAL AREAS (TAX INCREMENT FINANCING)



NUMBER 1



NUMBER 2



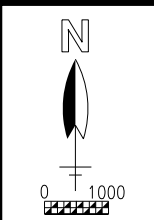
NUMBER 3 / PROPOSED AMENDMENT



NUMBER 4



NUMBER 5



AMENDMENT NO. 7
to the
**CITY OF MARSHALLTOWN AMENDED
AND RESTATED URBAN RENEWAL
AREA NO. 3 URBAN RENEWAL PLAN**
for the
**CITY OF MARSHALLTOWN AMENDED
AND RESTATED URBAN RENEWAL
AREA NO. 3 URBAN RENEWAL AREA**

City of Marshalltown, Iowa

Original Plan – February 1996

Amendment No. 1 – April 2000

Amended and Restated Urban Renewal Plan Amendment No. 2 – January 2007

Amended and Restated Urban Renewal Plan Amendment No. 3 – June 2013

Amended and Restated Urban Renewal Plan Amendment No. 4 – June 2015

Amended and Restated Urban Renewal Plan Amendment No. 5 – October 2015

Amended and Restated Urban Renewal Plan Amendment No. 6 – October 2016

Amended and Restated Urban Renewal Plan Amendment No. 7 – June 2018

Local Government Professional Services, Inc.

DBA – Simmering-Cory

AMENDMENT NO. 7
to the
AMENDED AND RESTATED URBAN RENEWAL AREA NO. 3
URBAN RENEWAL PLAN
for the
AMENDED AND RESTATED URBAN RENEWAL AREA NO. 3
CITY OF MARSHALLTOWN, IOWA

The Amended and Restated Urban Renewal Area No. 3 Urban Renewal Plan (the “Plan” or “Urban Renewal Plan”) for the Amended and Restated Urban Renewal Area No. 3 Urban Renewal Area (the “Area” or “Urban Renewal Area”) was adopted in 1996 and has been previously amended six times including the following amendments:

- Amendment No. 1 (April 2000). Amendment No. 1 added land to the Urban Renewal Area.
- Amendment No. 2 (January 2007). Amendment No. 2 Amended and Restated the Urban Renewal Plan No. 3 for the Urban Renewal Area No. 3. The Amendment also added land and removed land from the Urban Renewal Area.
- Amendment No. 3 (June 2013). Amendment No. 3 added a project, Plumb Supply Company, LLC. To the Urban Renewal Plan and removed a self-imposed expiration date.
- Amendment No. 4 (June 2015). Amendment No. 4 added a project, Theisen’s, Inc., to the Urban Renewal Plan.
- Amendment No. 5 (October 2015). Amendment No. 5, also referred to as 2015-A Amendment, added a project, Bobcat Academy, to the Urban Renewal Plan.
- Amendment No. 6 (October 2016). Amendment No. 6 added a project, Hawkeye Hotels, LLC, to the Urban Renewal Plan.

Now the Amended and Restated Urban Renewal Plan No. 3 is being further amended for the purpose of adding additional land to the Urban Renewal Area and to identify a new urban renewal project to be undertaken within the Urban Renewal Area by this Amendment No. 7 (“Amendment No. 7” or “Amendment”) in accordance with the provisions of Chapter 403 of the *Code of Iowa*.

Except as modified by this Amendment, the provisions of the Amended and Restated Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

DESCRIPTION OF PROPERTY ADDED TO THE URBAN RENEWAL AREA

A legal description of the property being added to the Urban Renewal Area by this Amendment is attached hereto as Exhibit “A”. A map of the entire Urban Renewal Area, as amended, is attached hereto as Exhibit “B.”

The City reserves the right to modify the boundary of the Area as needed in at some future date.

AREA DESIGNATION

The Urban Renewal Area was originally designated as both an economic development area appropriate for the promotion of commercial and industrial development and an area in which blighted conditions exist, appropriate for blight remediation activities. Amendments No. 2 and 3 reconfirmed the designation of economic development and the presence of blighting factors within the area. Amendments four through six did not make any changes to the Area designation.

This Amendment makes no change in the Area designation.

ELIGIBLE URBAN RENEWAL PROJECTS (AMENDMENT NO. 7)

1. Development Agreement: The City is hereby amending the Urban Renewal Plan, as amended, in accordance with the provisions of Chapter 403 of the *Code of Iowa*, to authorize a new urban renewal project that is proposed to be undertaken in the Urban Renewal Area.

The proposed project involves the use of incremental property tax revenues to make economic development payments to TC Casady Property, LLC., in an amount not to exceed \$250,000.00 in connection with the development of a commercial building by TC Casady Property, LLC., located in the Urban Renewal Area. The City anticipates that the development will create an increase in assessed value for the property of \$530,000. Payments will be made for ten years, in an amount equal to 100% of the incremental property tax payments that are attributable to the expanded property.

2. Planning, Engineering Fees (for Urban Renewal Plans), Attorney Fees, Administrative, and Other Related Costs to Support Urban Renewal Projects and Planning:

Project	Estimated Date	Estimated Cost to be Funded by TIF Funds
Fees & Costs	Undetermined	Not to Exceed \$25,000

FINANCIAL INFORMATION

1.	July 1, 2017 Constitutional Debt Limit:	\$68,225,606
2.	Outstanding General Obligation Debt:	\$33,349,985
3.	Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Eligible Urban Renewal Project (Amendment No. 7) is identified above in the Eligible Urban Renewal Projects (Amendment No. 7). The project cost in this Plan will be incurred and spent over a number of years based on the terms of a development agreement. Subject to the foregoing, it is estimated that the cost of the Eligible Urban Renewal Projects (Amendment No. 7) as described above will be approximately as stated in the next column:	\$275,000.00

EFFECTIVE PERIOD

This Amendment No. 7 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document, the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the “division of revenue,” as those words are used in Chapter 403 of the *Code of Iowa*, will be consistent with Chapter 403 of the *Code of Iowa*. The division of revenues shall continue on the Area for the maximum period allowed by law.

At all times, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the *Code of Iowa*) by the City for activities carried out under the Urban Renewal Area shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

REPEALER

Any parts of the Plan, as previously amended, in conflict with this Amendment are hereby repealed.

SEVERABILITY CLAUSE

If any part of this Amendment No. 7 is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

EXHIBIT A
LEGAL DESCRIPTION OF LAND ADDED TO URBAN RENEWAL AREA BY
AMENDMENT NO. 7

LEGAL DESCRIPTION OF LAND TO BE ADDED BY AMENDED AND RESTATED
AMENDMENT NO. 7:

Beginning at the northwest corner of the NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;

thence southerly along the west line of the NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M. to a point 341.4' south of the northwest corner in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;

thence westerly 673.0' bearing S 89° 10' W;

thence northerly to a point 617.4' east of the northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M. along the north line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;

thence westerly 66' along the north line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;

thence southerly 353.4' bearing S 5° 38' E;

thence westerly to a point 379.7' south of the northwest corner, along the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;

thence northerly along said west line to the NW corner of section 15 township 83 north range 18 west of the 5th P.M.;

thence north along the east line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 9 township 83 north range 18 west of the 5th P.M.;

thence east along the north line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 289.96';

thence south to the northwest corner of Lot 5, Block 3, Pioneer Village First Addition to Marshall;

thence easterly along the north lines of Lots 5, 6, 7, 8, 9, 10, 11, 12, and 13 to the northeast corner of lot 13 of Block 3, Pioneer Village First Addition to Marshall;

thence southeast to the northwest corner of Lot 14, Block 3, Pioneer Village First Addition to Marshall;

thence southeast to the northeast corner of lot 16, Block 3, Pioneer Village First Addition to Marshall;

thence east to a point along the east line of Pioneer Village First Addition to Marshall, 195' north of the southeast corner of the South Fourteenth St. Right of Way of Pioneer Village First Addition to Marshall.

thence north along said east line to the southwest corner of Lot 1, Block 3, Rolling Meadows 2nd Addition to Marshall;

thence east along the south line of Rolling Meadows 2nd Addition to Marshall to the southeast corner of Lot 9, Block 3, Rolling Meadows 2nd Addition to Marshall;

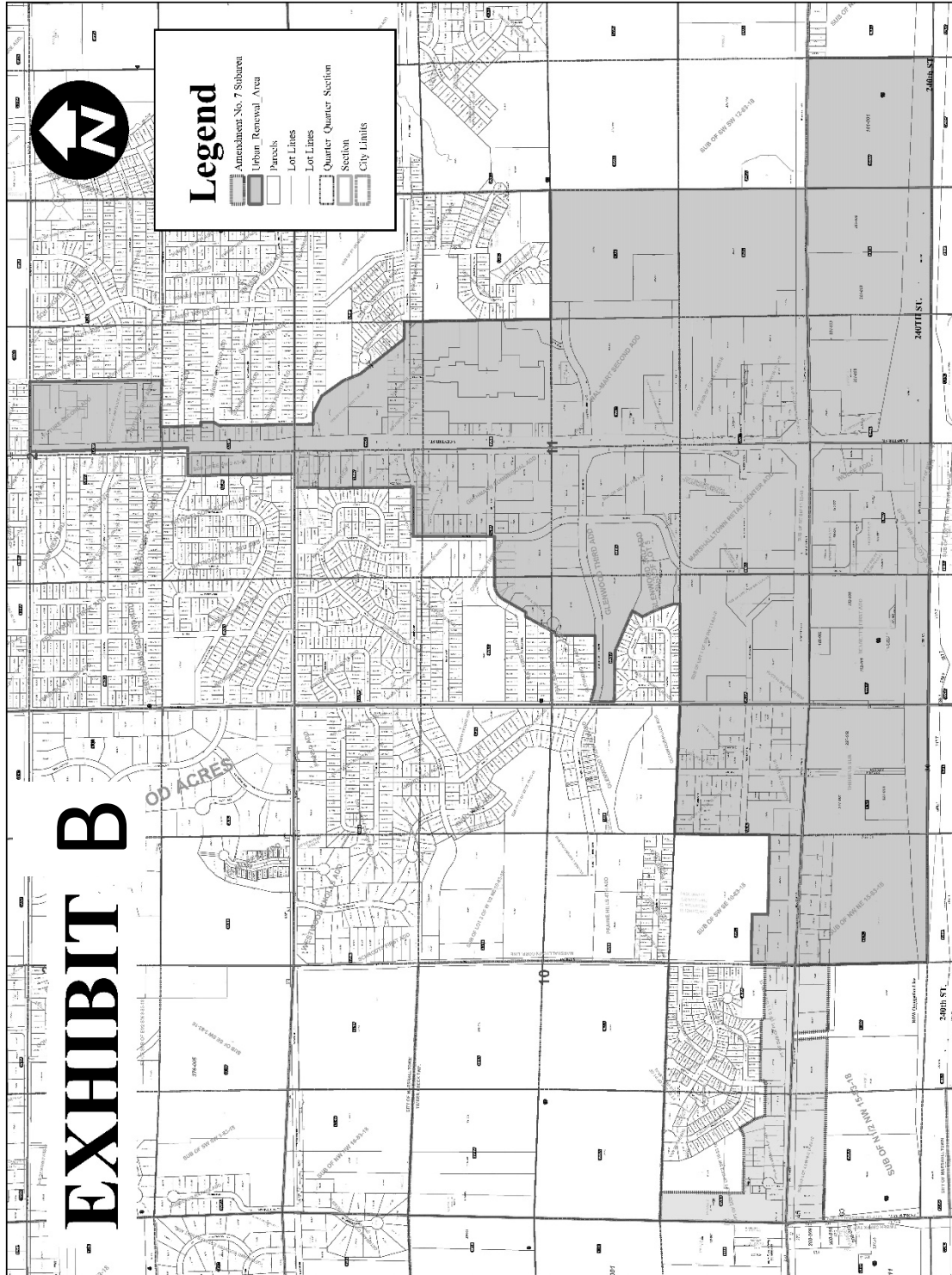
thence south to the northwest corner of Parcel "A" in Lot 1 of the Subdivision of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 10 township 83 north range 18 west of the 5th P.M.;

thence east to a point 302.6' north of the southwest corner, along the west line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 township 83 north range 18 west of the 5th P.M.;

thence southerly along said west line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 township 83 North Range 18 west of the 5th P.M. to the northwest corner of the NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M. and point of beginning.

EXHIBIT B

MAP OF MARSHALLTOWN URBAN RENEWAL AREA NO. 3, AS AMENDED



APPROVE AMENDMENT NO. 7 TO
URBAN RENEWAL PLAN FOR URBAN
RENEWAL AREA NO. 3

422742-33

Marshalltown, Iowa

June 18, 2018

The City Council of the City of Marshalltown, Iowa, met on June 18, 2018, at 12:00 o'clock, p.m., at the Council Chambers, for the purpose of conducting a public hearing on a proposed urban renewal plan amendment. The Mayor presided and the roll being called the following members of the Council were present and absent:

Present: _____

Absent: _____

It was reported that notice of the intention of the Council to conduct a public hearing on Amendment No. 7 to the urban renewal plan for the Marshalltown Urban Renewal Area No. 3, which describes certain property that is being added to that urban renewal area and describes a new urban renewal project that is proposed to be undertaken, had been published according to law and as directed by the Council and that this is the time and place at which the Council shall receive oral or written comments from any resident or property owner of the City. All written comments, statements, and evidence heretofore filed were reported to the Council.

The following named persons presented oral comments, statements, or evidence as summarized below; filed written comments or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

There being no further comments, or evidence offered, the Mayor announced the hearing closed.

Council Member _____ moved the adoption of a resolution entitled “A Resolution to Approve Amendment No. 7 to the urban renewal plan for the Marshalltown Urban Renewal Area No. 3”, seconded by Council Member _____. After due consideration, the Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO 2018-112

A resolution to approve Amendment No. 7 to the urban renewal plan for the Marshalltown Urban Renewal Area No. 3

WHEREAS, the City Council of the City of Marshalltown, Iowa (the “City”) has created the Marshalltown Urban Renewal Area No. 3 (the “Urban Renewal Area”) and has approved an urban renewal plan for the Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa requires that, before a city adds any property or any new urban renewal projects to an urban renewal plan, a city must amend the existing urban renewal plan to describe the new property and the new projects that are being added to that plan; and

WHEREAS, Amendment No. 7 to the urban renewal plan for the Urban Renewal Area (“Amendment No. 7”) has been prepared which proposes to add certain property to the Urban Renewal Area and describes a new urban renewal project that will be undertaken; and

WHEREAS, notice of a public hearing by the City Council of the City on the proposed Amendment No. 7 was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing; and

WHEREAS, copies of Amendment No. 7, notice of public hearing and notice of a consultation meeting with respect to Amendment No. 7 were sent to Marshall County and the Marshalltown Community School District; the consultation meeting was held and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, Amendment No. 7 was submitted to and reviewed by the City’s Plan and Zoning Commission;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Marshalltown, Iowa, as follows:

Section 1. It is hereby determined by this City Council as follows:

A. Amendment No. 7 to the Urban Renewal Plan for the Marshalltown Urban Renewal Area No. 3 conforms to the general plan of the City.

B. The project described in Amendment No. 7 is necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 2. Amendment No. 7, in the form presented to the City Council, is hereby made a part of this Resolution and is hereby in all respects approved.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved June 18, 2018.

Mayor

Attest:

City Clerk

• • • • •

There being no further business to come before the meeting, it was upon motion adjourned.

Mayor

Attest:

City Clerk

ORDINANCE NO. 14975

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN AMENDMENT NO. 7 TO THE URBAN RENEWAL PLAN FOR MARSHALLTOWN URBAN RENEWAL AREA NO. 3, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

BE IT ENACTED by the Council of the City of Marshalltown, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property included in Amendment No. 7 to the urban renewal plan for Marshalltown Urban Renewal Area No. 3 each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Marshalltown to finance projects in Urban Renewal Area No. 3.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Marshalltown, Iowa.

“County” shall mean Marshall County, Iowa.

“Urban Renewal Area” shall mean Marshalltown Urban Renewal Area No. 3, as from time to time amended.

“Urban Renewal Area Amendment” shall mean the taxable property included in Amendment No. 7 to the urban renewal plan for Marshalltown Urban Renewal Area No. 3 of the City of Marshalltown, the description of which taxable property is set out below, approved by the City Council by resolution adopted on June 18, 2018:

Beginning at the northwest corner of the NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;
thence southerly along the west line of the NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M. to a point 341.4' south of the northwest corner in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;
thence westerly 673.0' bearing S 89° 10' W;
thence northerly to a point 617.4' east of the northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M. along the north line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;
thence westerly 66' along the north line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;
thence southerly 353.4' bearing S 5° 38' E;
thence westerly to a point 379.7' south of the northwest corner, along the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M.;

thence northerly along said west line to the NW corner of section 15 township 83 north range 18 west of the 5th P.M.;

thence north along the east line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 9 township 83 north range 18 west of the 5th P.M.;

thence east along the north line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 289.96';

thence south to the northwest corner of Lot 5, Block 3, Pioneer Village First Addition to Marshall;

thence easterly along the north lines of Lots 5, 6, 7, 8, 9, 10, 11, 12, and 13 to the northeast corner of lot 13 of Block 3, Pioneer Village First Addition to Marshall;

thence southeast to the northwest corner of Lot 14, Block 3, Pioneer Village First Addition to Marshall;

thence southeast to the northeast corner of lot 16, Block 3, Pioneer Village First Addition to Marshall;

thence east to a point along the east line of Pioneer Village First Addition to Marshall, 195' north of the southeast corner of the South Fourteenth St. Right of Way of Pioneer Village First Addition to Marshall.

thence north along said east line to the southwest corner of Lot 1, Block 3, Rolling Meadows 2nd Addition to Marshall;

thence east along the south line of Rolling Meadows 2nd Addition to Marshall to the southeast corner of Lot 9, Block 3, Rolling Meadows 2nd Addition to Marshall;

thence south to the northwest corner of Parcel "A" in Lot 1 of the Subdivision of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 10 township 83 north range 18 west of the 5th P.M.;

thence east to a point 302.6' north of the southwest corner, along the west line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 township 83 north range 18 west of the 5th P.M.;

thence southerly along said west line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 township 83 North Range 18 west of the 5th P.M. to the northwest corner of the NE $\frac{1}{4}$ of section 15 township 83 north range 18 west of the 5th P.M. and point of beginning.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which

amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized in Section 403.19(2) of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa, to the extent authorized in Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed by the Council of the City of Marshalltown, Iowa, the ____ day of _____, 2018.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

**AMENDING CHAPTER 26, STREETS AND SIDEWALKS, ARTICLE III,
SIDEWALKS, BY REPEALING CURRENT LANGUAGE AND ADOPTING NEW
LANGUAGE**

BE IT ENACTED by the City Council of the City of Marshalltown, Iowa:

SECTION 1. Amendment. Chapter 26, Article III of the City of Marshalltown Code of Ordinances is hereby amended by repealing all current language of Sections 39 to 66 and replacing it with the following new language:

Sec. 26-39 Purpose.

The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

Sec. 26-40 Definitions.

For use in this chapter the following terms are defined:

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Defective sidewalk” means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to one (1) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.
 - H. A change from the design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
3. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
5. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
6. “Portland cement” means any type of cement except bituminous cement.
7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

Sec. 26-41 Responsibility for Maintenance.

The owner of any lot or parcel thereof abutting upon any sidewalk on the city streets in the city shall maintain said sidewalk in state of good repair, free from cracks, holes and unevenness to that the sidewalk does not constitute a safety hazard. A state of sidewalk disrepair is hereby

declared a public nuisance. The owner of any lot or parcels who fails to repair said sidewalk shall be liable to any person injured as a result of such failure and shall further save, defend, indemnify and hold harmless the City of Marshalltown from and against any claim arising out of the failure to maintain said sidewalk.

Sec. 26-42 City may order repairs.

If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within thirty (30) days, and if such action is not completed within such time, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2d & e])

Sec 26-43 Sidewalk Construction Ordered.

The Council may order the construction of permanent or temporary sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

Sec. 26-44 New sidewalks required.

A public sidewalk shall be constructed adjacent to any lot platted prior to January 1, 2001, at the time any of the following occur:

1. Construction of a new building is completed upon a vacant lot.
2. Construction or reconstruction of a building upon the lot which amounts to an increase in value of 50% or more of an existing structure.
3. Reconstruction of a building which has incurred 50% or more in damage.
4. The property owner shall pay for all costs for constructing all sidewalks required under this section.

(Ord. 14668, § 1, 2-26-01)

Sec. 26-45 Deferments of New Sidewalk Construction.

The construction of a sidewalk, as required by Section 26-44 may be deferred for a specified period of time in a given instance. Applications for deferments must be submitted to the Housing and Community Development Department, along with the established fee, as set by resolution. A deferment will be recommended by staff if an applicant demonstrates one or more of the following criteria have been met:

1. Where the location of the proposed sidewalk is not adjacent to a street which has or will have curb and gutter;
2. Where the location of the proposed sidewalk has grade and drainage problems which would significantly interfere with the construction of the sidewalk at that location;
3. Where the location of the proposed sidewalk is on non-residential or non-retail property adjacent to an existing street with curb and gutter, and grade and drainage problems would not significantly interfere with the construction of its sidewalk at that location, and the following conditions are met:
 - a.) No pedestrian generators exist in this location; or
 - b.) The unique use of the property in conjunction with sidewalks or bike paths near the location allow for alternate pedestrian routes, unless the proposed sidewalk is needed to connect area residential property to other sidewalks in the area.

Should a deferment not be granted by City staff, the applicant can appeal this denial to the City Council.

Sec. 26-46 Deferment Expiration and Repeal.

Deferments will expire automatically if the street adjacent to the deferred location is improved and curb and gutter is installed. If conditions supporting the deferment change, the City Zoning officer may administratively repeal the deferment.

(Ord. No. 14779, § 1, 03-13-2006)

Sec. 26-47 Permit required.

No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee as set forth and established by Resolution of the City Council.

Sec. 26- 48 Sidewalk standards.

Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be constructed in accordance with the City's standard specifications. All such work shall be done under the direction and supervision of and subject to inspection and approval of the Public Works Director. If such work does not comply with the provisions of this chapter, the Public Works Director, after notice to the property owner, shall cause the sidewalks to be constructed in the proper manner and assess the cost for such work against the abutting property for collection in the same manner as a property tax.

Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards.

1. *Cement.* Portland cement concrete shall be the only cement used in the construction and repair of sidewalks. The cement shall be standard gray color. Request to use any other color must be approved by the City Engineer.
2. *Construction.* Sidewalks shall be of one-course construction, using State Department of Transportation Class C portland cement concrete.
3. *Sidewalk base.* Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four-inch sub-base of compact, clean, coarse gravel, sand or cinders shall be laid. The adequacy of the soil drainage is to be determined by the city.
4. *Sidewalk bed.* The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. *Length, width and depth.* Length, width and depth requirements are as follows:
 - a. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet in length;
 - b. Business district sidewalks shall extend from the property line to the curb. Each section shall be four inches thick and no more than six feet in length and width unless the City Engineer so directs; and
 - c. Driveway areas shall be not less than six inches in thickness.
6. *Grade.* The City Engineer shall establish the sidewalk grade.
7. *Elevations.* The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
8. *Slope.* All sidewalks shall have a maximum slope of 2% towards the curb.
9. *Finish.* All sidewalks shall be finished with a broom finish. All walks must be true to grade.
10. *Ramps for persons with disabilities.* There shall be not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least 48 inches wide, shall be sloped at not greater than one inch of rise per 12 inches lineal distance, with a maximum cross slope of 2%. Each curb ramp shall include installation of detectable warning panels with truncated domes. All curb ramp installations should comply with the Iowa SUDAS Standard Specifications, Division 7, Section 7030.

Sec. 26-49 Location.

Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot outside the property line, unless the Council establishes a different distance due to special circumstances.

Sec. 26-50 Barricades and warning lights.

Whenever sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it is the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk

and at each end of any pile of material deposited in the street, a sufficient number of approved traffic control barricades, and to keep them lit during the entire night and to maintain said barricades both at night and in the daytime to secure the same as stated in Section 26-22. The party or parties using the street for any of the purposes specified in this chapter are liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

Sec. 26-51 Failure to repair or barricade.

It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

Sec. 26-52 Encroaching steps.

It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

Sec. 26-53 Openings and enclosures.

It is unlawful for a person to:

1. *Stairs and railings.* Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. *Openings.* Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public; and/or
3. *Protect openings.* Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

Sec. 26-54 Interference with sidewalk improvements.

No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

Sec. 26-55 Fires or fuels on sidewalks.

It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

Sec. 26-56 Defacing.

It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.
(Code of Iowa, Sec. 716.1)

Sec. 26-57 Debris on sidewalks.

It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.
(Code of Iowa, Sec. 364.12 [2])

Sec. 26-58 to 66 Reserved.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed ____ day of _____, 2018, and signed this ____ day of _____, 2018.

CITY OF MARSHALLTOWN, IOWA

Joel Greer, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk

I, Shari L. Coughenour, CMC, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing AMENDMENT was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____, 2018, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____, 2018.

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN, IOWA

Council Manual

Rules and Procedures

Adopted October 9, 2017

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PART 1. GENERAL

AUTHORITY

Iowa Code Section 372.13(5) provides that the City Council shall determine its own rules of procedure. The following set of rules shall be in effect upon adoption by the Council until such time as they are amended or new rules adopted.

INTERPRETATION OF THE RULES OF PROCEDURE

The City Attorney shall act as parliamentarian and rule on any questions regarding the application or interpretation of these 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. Any good faith, non-intentional error in the application of these rules shall not void any public action taken if, notwithstanding the good faith, non-intentional error, the action taken otherwise complied with the Marshalltown Code of Ordinances and the Iowa Code.

RULE ENFORCEMENT

The presiding officer, whether it be the Mayor, Mayor Pro Tem or Acting Mayor Pro Tem, shall enforce these rules and procedures. Any Councilmember who believes the presiding officer is failing to enforce the rules may call attention to it by making a point of order referencing the Rule or Procedure the Councilmember believes is applicable. The raising of a point of order has the effect of requiring the presiding officer to make a ruling on the question involved and, if appropriate, to enforce the applicable rule.

Unless otherwise specified by law or these rules, all business will be conducted by majority rule of those present and voting.

Following any adverse ruling on a point of order, any Councilmember may move to appeal the decision of the presiding officer and, in so doing, state the appropriate action which the Councilmember believes should have been taken. If this motion receives the required second, the City Council may, by majority vote, adopt the alternative ruling stated in the motion.

SUSPENSION AND AMENDMENT OF THESE RULES

A motion to suspend the rules is debatable but requires a two-thirds vote to pass. This motion allows the City Council to suspend its own rules temporarily in order to accomplish a particular purpose.

Temporary Suspension.

These rules may be temporarily suspended by the unanimous consent of all the Councilmembers present, or by a vote of two-thirds of all the Councilmembers. The vote on any such suspension shall be taken by “yeses” and “nos” and entered upon the record.

Amendment of These Rules.

These rules may be amended or new rules adopted, by majority vote of all Councilmembers and shall, at a minimum, be reviewed every two (2) years.

Supplemental Rules.

The current edition of Robert's Rules of Order is adopted to supplement these rules, where not in conflict with these rules. However, any good faith, non-intentional error in the application of Roberts Rules of Order shall not void any public action taken if, notwithstanding the good faith, non-intentional error, the action taken otherwise complied with the Marshalltown Code of Ordinances and the Iowa Code.

CITY GOVERNMENT STRUCTURE**Mayor.**

The Mayor is the chief executive officer of the City and carries out the responsibilities specified in the Code of Ordinances. When present, the Mayor is the presiding officer at meetings of the City Council. The Mayor has veto powers authorized by the Iowa Code. The Mayor appoints all board and commission members as provided for in these rules. The roles of these committees are detailed in the Board and Commission Manual, which is consistent with Iowa Code § 372.14.

Mayor Pro Tem.

The Mayor Pro Tem is vice president of the City Council. When the Mayor is absent or unable to act, the Mayor Pro Tem shall perform the Mayor's duties. The Mayor Pro Tem retains all of the powers of a Councilmember while performing the duties of the Mayor.

City Council.

The City Council is the legislative body elected by the citizens of Marshalltown to make laws and policies for the community. The Council approves the budget and determines the tax rate, among other required duties set forth in the Iowa Code and Code of Ordinances. The Council is responsible for major issues, such as community growth, land use development, capital improvement plans, capital financing and strategic planning. The Council appoints the City Administrator, who is tasked under the Code of Ordinances with the supervision of the City staff and with carrying out most day-to-day functions of the City government when the Council is not in session. The Council supervises and evaluates the City Administrator's performance.

The role of a City Councilmember is similar to being a member of the board of directors of a large business. The City Council provides a focal point, or the conscience of the community. It is not the job of Councilmembers to become directly involved in the daily operations of the City. The City Administrator and the Department Directors are responsible for overseeing the implementation of services. The Council sets the level of services and the policies by which the City operates.

City Administrator.

The City Council shall select a City Administrator, who serves as the Chief Administrative Officer, and shall evaluate his or her performance on a routine basis. The City Administrator shall work with, coordinate and supervise the Department Directors who have the knowledge, ability and

expertise to manage their departments, including day-to-day operations, personnel supervision and assignment, expenditures within the limitations of the City budget, the administration of laws, rules and regulations applicable to their departments, and staffing. Except for the purposes of fact-finding, City Councilmembers shall deal with the administrative agencies of the City through the City Administrator.

MAYOR'S DUTIES

Chairperson.

The Mayor, when present, shall act as presiding officer of all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall act as presiding officer. In the absence of both the Mayor and the Mayor Pro Tem, the longest-serving Councilmember, including all combined terms and years of service on the Council, shall act as presiding officer.

Substitution Procedure for Presiding Officer.

In the case of the Mayor's absence or recusal due to conflict of interest, the Mayor will call on the Mayor Pro Tem, or the longest-serving Councilmember then present and available, to temporarily preside over the meeting. Said temporary arrangement shall not continue beyond adjournment, or cessation of discussion of the matter requiring recusal.

Council Rules.

These rules, including any amendments to these rules which may be made from time to time, shall be effective when adopted by a majority vote of the entire Council.

Call to Order.

The meetings of the Council shall be formally called to order by the presiding officer.

Right of Floor.

Any Councilmember desiring to speak shall be first recognized by the Mayor, unless requesting to be recognized or seconding a motion. Councilmembers shall confine their remarks to the subject under consideration.

Order and Decorum.

The presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. The presiding officer shall ensure that debate and discussion of an agenda item focuses on the item and the policy in question. The presiding officer shall abide by the following rules when controlling discussion:

- a) Debate on policy is healthy and necessary, but ad hominem criticisms of other Councilmembers is not. The Mayor has the right to stop discussion which is personal in nature, abusive, unduly loud, inappropriate, repetitive or excessively time-consuming.
- b) One person shall have the floor at a time, and the speaker shall be recognized by the presiding officer before proceeding to speak.

ROLE OF CITY STAFF AT COUNCIL MEETINGS

City Administrator.

The City Administrator or designee shall attend all meetings of the Council unless excused by the Mayor. The City Administrator shall make recommendations to the Council when appropriate, either in writing prior to the meeting, or orally as necessary during the meeting.

City Attorney.

The City Attorney or designee shall attend all meetings of the Council, unless excused by the Mayor or the City Administrator. The City Attorney shall act as the Council's parliamentarian when present.

City Clerk.

The City Clerk or designee shall attend all meetings of the Council, unless excused by the Mayor or the City Administrator, and shall keep the official minutes and perform such other duties at the meeting as may be requested by the Council.

City Employees.

Department heads or other designated employees of the City shall attend the Council meetings, unless excused by the Mayor or the City Administrator.

TYPES OF MEETINGS, NOTICE, PROCEDURES

Notices of, and agendas for, all meetings of the City Council, appointed boards, committees or commissions shall be given in compliance with the requirements of Iowa Code Section 21.4. Meeting notices shall be posted by the City Clerk, or designee, at least twenty-four (24) hours prior to the meeting. Likewise, any established boards, commissions or committees established by the City Council shall follow the same procedures.

The City Council meeting agenda and pertinent packet information shall be posted on the City's website, www.marshalltown-ia.gov. The Mayor and Councilmembers should contact the City Clerk with any routine questions concerning the agenda prior to the meeting. Questions regarding policy issues on the agenda and clarification of action items should be directed to the City Administrator ahead of the meeting, whenever possible.

All official meetings of the Council, appointed boards, committees or commissions shall be open to the public, except those legally designated as closed sessions. Regular Council meetings shall be held in a building or room that is accessible to persons with disabilities, which shall normally be the Council chambers at the Marshalltown City Hall, located on the second floor of the building at 10 West State Street. For Council meetings held in part or in whole at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible. Special arrangements for the hearing impaired, or for interpreters, will be considered upon request to the City Clerk's Office.

Regular Meeting.

The regular Council meetings will be held the second and fourth Mondays of every month, except when the regular meeting date is a holiday, in which event the meeting will be held at noon on the next day. Meetings will commence at 5:30 p.m., unless the Council directs otherwise.

Work Sessions.

The Council may meet informally as needed in work sessions which are open to the public. Starting times will be dependent on the number of items scheduled for discussion. The purposes for work sessions include, but are not limited to, budget sessions, joint meetings, reviewing upcoming programs, receiving progress reports on current programs, receiving information from the City Administrator or discussing other matters of concern. No formal action on any item may be taken at a work session, but matters may, by motion, be placed on the agenda for a later City Council meeting.

Items may be placed on the work session agenda by the City Administrator, Mayor or a Councilmember. The City Attorney or other City staff may place items on the agenda if approved by the City Administrator. Agenda items must be submitted at least five (5) days prior to the scheduled work session. No public comment shall be permitted during a work session unless public comment is specifically called for on the agenda, or unless solicited by the presiding officer.

Special Meetings.

Special meetings of the City Council may be held if called by the Mayor, with the required public notice under Chapter 21. In such cases, the Mayor shall provide written notice to each Councilmember by email or other appropriate means. The cost of calling a special Council meeting for approval of a permit, license or similar instrument is \$500.00 and shall be the responsibility of the petitioner.

Open Session.

Except as provided in the Iowa Code, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

Closed and Exempt Sessions.

Iowa Code Section 20.17 permits public bodies to hold exempt sessions (i.e., not subject to the Open Meetings Law) to discuss collective bargaining with their bargaining representatives. Iowa Code Sections 21.5 and 21.9 permit closed sessions for certain limited, and narrowly defined, reasons. A vote to go into a closed session requires an affirmative vote of either two-thirds (2/3) of the Councilmembers or all of the Councilmembers present at the meeting. No ordinance, resolution, motion or other formal action may be taken in closed session.

In the case of any exempt or closed session, the agenda shall be drafted with the assistance of legal counsel to state the specific statutory basis under which the closed session will be held. The City Attorney or other legal counsel shall provide, in writing, the legal basis for the closed session and provide the same to the Mayor and Council prior to the meeting or, in the alternative, the City Attorney or outside legal counsel shall attend the meeting and state publicly the basis for the closed session. Said written or oral opinion shall specify the particular Iowa Code section which allows the exempt or closed session and a short statement of why the subject matter to be discussed in

closed session makes the section applicable. The Council shall not enter closed session until this opinion is provided.

PUBLIC HEARINGS

Informal Public Hearings.

An informal public hearing is called in order to give the public an opportunity to comment on a matter of public interest before the Council. Informal hearings are not required by State law or City ordinance. The board, committee or commission concerned may set rules for notifying the public of an informal hearing, establish a time frame and conduct the hearing in any fair manner it chooses.

Formal Public Hearings.

A formal public hearing is one required by State laws or City ordinances and is designed to solicit comment from the general public.

Hearing Procedures.

Hearings shall be fair and impartial. If a Councilmember has a personal interest in the outcome of a hearing, such that there is a legally recognized conflict of interest, he or she should disqualify himself or herself from participation.

Persons and groups who may be affected by the matter being discussed in the hearing shall be provided at least the minimum statutory notice of the time and place of the hearing. Such persons and groups attending the hearing shall be given a reasonable opportunity to be heard. Persons or groups requesting to address the Council may be represented by legal counsel and may present oral and documentary evidence.

The presiding officer should open the hearing and explain the hearing procedures. The presiding officer should inquire whether any comment on the public matter at issue has been received in the Clerk's office, and the Clerk should then relate any such comments for the record.

Following the report of the Clerk, the public should be invited to address the Council. If there are numerous persons representing the same views and opinions, the presiding officer may ask that a spokesperson be selected to speak on behalf of the group. If this arrangement cannot be made, the presiding officer may restrict each speaker to a limited time (generally three minutes) so that all may be heard. Irrelevant comments or speakers who run over the time allotted may be ruled out of order by the presiding officer.

Following comments from the public, staff persons who have information to present should be invited to present their respective reports.

When all interested persons (except as reasonably limited by the presiding officer, as stated above) have had the opportunity to speak, the hearing is closed, ending audience participation. Councilmembers may then discuss and take action on the proposal following the hearing if notice of such action is stated on the meeting agenda.

MEDIA COVERAGE OF COUNCIL MEETINGS

Open Meetings.

All official meetings of the City Council shall be open to the public and the media. All meetings may be recorded by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Agendas.

Agendas may be obtained by members of the media by contacting the City Clerk (754-5701) or by downloading the agenda from the City's website. Further, printed agendas are available at each City Council meeting.

MEETING CONDUCT

Disorderly Conduct.

No person shall disrupt the orderly conduct of a Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any Councilmember while the Council is in session must be made through the City Clerk.

- a) Recognition by Mayor. Councilmembers shall not address the meeting until recognized by the presiding officer.
- b) Two or More Speakers. When two or more Councilmembers request to be recognized at once, the presiding officer shall recognize and name the Councilmember who is to speak first.
- c) Speaking More than Once on One Question. No Councilmember shall be recognized to speak twice on the same matter until every Councilmember desiring to comment on the matter has spoken.
- d) Inappropriate Language and Behavior. The Mayor, Councilmembers, City Administrator and staff shall at all times conduct themselves civilly. No person shall be permitted to shout, curse or use personally offensive language directed at other individuals.
- e) Person Called to Order. Any person called to order by the presiding officer shall immediately desist in the objectionable behavior.
- f) Private Discourse Prohibited. While any person is addressing the meeting, who has been duly recognized by the presiding officer, no person shall hold any disruptive or distracting private conversation.

g) Removal. Any of the following shall be sufficient cause for law enforcement personnel, by order of the presiding officer, to remove any person from the Council chambers or meeting hall for the duration of the meeting:

1. Unreasonably loud or disruptive language, noise or conduct which obstructs the work of conducting of the business of the Council.
2. Willful injury of furnishings or of the interior of the Council chambers or meeting hall.
3. Refusal to obey the rules of conduct, including the limitations on occupancy and seating capacity.
4. Refusal to obey an order of the presiding officer or an order approved by a majority of the Council present.

Except where a disruptive person presents a physical danger to others (in which case law enforcement personnel will immediately apprehend and remove the person), the presiding officer shall give a warning to a disruptive person before ordering the person's removal. If a meeting is disrupted by more than one member of the audience and where it appears a general breakdown of order has occurred or will occur, the presiding officer or a majority of the Council present may order that the Council chambers or other meeting hall be cleared.

Enforcement of Decorum.

The presiding officer is the Sergeant-at-Arms of the Council meetings. That person maintains order and decorum at the Council meetings. Physical removal, when necessary, will be undertaken by law enforcement personnel.

Action by Verbal Motion.

Verbal motions of the Council shall be stated clearly. In the case of an ambiguous or confusing motion capable of several interpretations, the presiding officer shall, as soon as practicable following the initial statement of the motion, clarify the intent of the motion so as to ensure all Councilmembers understand its meaning and intent. In such cases, Councilmembers should be asked to amend their motions by friendly amendment.

AGENDA PREPARATION

Agenda Deadline.

Except in cases of pressing need or emergency, no business may be submitted for placement on the regular Council agenda after 12:00 p.m. of the 5th day (Wednesday) prior to the meeting day. Items may be placed on the agenda by the City Administrator, Mayor or a Councilmember. The City Attorney or other City staff may place items on the agenda if approved by the City Administrator. When a holiday falls on a Friday, the City Clerk may revise the agenda cutoff time and shall, with the concurrence of the City Administrator, notify all staff, the Mayor and Councilmembers of the same.

Agenda and Agenda Packet Preparation.

The Mayor, City Administrator and City Clerk are responsible for preparation of the agenda and packet. Councilmembers should promptly review their packets and contact the City Administrator

if there are any questions regarding the information. The Mayor and City Administrator, after considering any requests for agenda items, shall approve the tentative agenda. Any request for an agenda item from the general public shall not be placed on the agenda unless and until timely requested by the Mayor or City Administrator. Staff may also place on the agenda items brought forward by the public, if approved by the City Administrator.

Councilmembers should, whenever possible, avoid using Council meeting time as a fact-finding exercise. Councilmembers are instead encouraged to consult with the City Administrator ahead of the meeting to clarify any packet materials which are unclear. Meeting time should be used, as much as possible, for bona fide debate of public matters, rather than fact gathering which could have been accomplished with due diligence before the meeting.

Agendas for public meetings shall be posted at City Hall and shall be made available to the Mayor and City Council, City Department Directors and to the local media. At 5:00 p.m. on the Friday prior to Council meetings, the agenda packets are taken to the Police Department where officials may pick them up throughout the weekend. The agenda packets are also posted to the City's website for viewing by the general public.

Withdrawn Items.

Agenda items may be withdrawn by either the Mayor or the City Administrator prior to agenda distribution. Further, under circumstances where unforeseen problems are discovered with an agenda item after distribution of the agenda, the agenda may be modified as necessary by the Mayor.

ORDER OF BUSINESS

The order of business shall be as contained in the agenda. The order of business may also be changed by majority vote of Councilmembers present, for reasons of efficiency. Reasons of efficiency include, but may not be limited to, the convenience of persons attending the meeting, the lateness of the hour, and similar concerns.

Meetings shall normally be conducted in the following order:

- a) CALL MEETING TO ORDER
- b) PLEDGE OF ALLEGIANCE
- c) ROLL CALL
- d) COMMENTS BY THE MAYOR, COUNCILMEMBERS, CITY ADMINISTRATOR AND PRESENTATIONS. Informational, explanatory or educational comments by the Mayor, Councilmembers and City Administrator which do not require any action. These comments may also include announcements of events, welcoming special guests or recognition of an achievement.
- e) CONSENT AGENDA. The consent agenda shall consist of non-controversial, routine items such as, but not limited to, refunds, routine appointments not requiring Council

approval, department reports, applications, simple service contracts already vetted by City staff and not requiring Council attention, and communications not requiring action. The items comprising the consent agenda will not be considered individually, but will be adopted on one motion. Councilmembers or the Mayor may remove any item on the consent agenda for individual discussion, and no second shall be required. No vote on such a request shall be required.

- f) **REPORTS.** The Council may request reports from cooperating agencies or private groups who are working with the Council on official projects or other community initiatives.
- g) **MOTIONS.** Motions are proposals to move a matter forward or to take some action in circumstances where no written resolution has been prepared. Councilmembers should make a motion when there is new or non-routine business requiring Council discussion prior to a vote, including, but not limited to, new liquor licenses and cigarette permits. Example: “I move the liquor license for XYZ Restaurant be approved.” Any motions concerning any procedure matter, such as the order of business or the general conduct of the meeting, may be made prior to the consideration of other business.
- h) **RESOLUTIONS.** Resolutions are written directives of the City Council directing certain actions, such as the approval of contracts. Resolutions typically direct the Mayor to sign the resolution and frequently direct the City Clerk to take whatever actions are necessary to carry out the resolution, such as to “place the contract on file in the usual manner.” Resolutions are necessary for more formal actions where a definite record of Council action is important. Resolutions presented and seconded shall first be discussed by the City Council and Mayor. After discussion by the Council and Mayor, a resolution may, at the discretion of the presiding officer, be addressed by members of the general public upon the same conditions provided under public comments. A resolution pertaining directly to other items of business should be placed first in order of resolutions being considered. Resolutions requiring a public hearing shall be considered immediately following the public hearing. Resolutions requiring a public hearing will be considered last in order of resolutions.
- i) **ORDINANCES.** Ordinances are the laws of the City. Ordinances must be read, considered and passed three separate times at three separate meetings of the City Council in order to become law. However, if the agenda provides the required public notice, a motion may be made to allow all three readings to occur at one meeting. If the motion is approved by two-thirds (2/3) of all Councilmembers (i.e., not just those Councilmembers present), then the requirement of making the readings at three separate meetings may be waived, and all three readings may occur at the present meeting. Such a motion to waive the three meetings requirement may occasionally be appropriate when an ordinance is not controversial and where time is of the essence. After discussion by the Council, members of the general public may, at the discretion of the presiding officer, address an ordinance, upon the same conditions as provided under public comments. An ordinance which requires a public hearing prior to adoption will be placed last in the order of ordinances being considered. In the case of any ordinance to amend or repeal

an ordinance or section of an ordinance, the proposed amendment shall contain the entire text of the ordinance or section to be amended or repealed. Ordinances amending or repealing existing ordinances shall be drafted to repeal the former ordinance or section in its entirety, and set forth the entire text of the proposed ordinance or section, as amended.

- j) **DISCUSSION.** Items placed on the agenda solely for discussion purposes will not be acted upon. Such discussion items determined to require action may be placed on a subsequent agenda by motion or, if no motion is made, by placement of the item on a subsequent meeting agenda through the usual process described in the “Agenda Preparation” section of these rules.
- k) **PUBLIC COMMENT.** Members of the general public may, during the allotted timeframe on the meeting agenda, make comments on any item which was not on the agenda. The proposed speaker shall, after being recognized by the presiding officer, approach the microphone, and state his or her name and address. Comments shall be limited to three minutes, unless a longer comment is authorized by the presiding officer. The speaker shall direct comments to the presiding officer and to the Council as a whole. The presiding officer and Councilmembers shall not engage in discussion or debate on items raised by members of the public unless the subject matter concerns an item on the posted agenda. No action may be taken on items raised in public comments.
- l) **ADJOURNMENT.**

Individual Electronic Participation.

An absent Councilmember may participate electronically in any City Council meeting by speaker phone or other device, provided the comments of the Councilmember are plainly audible to the public.

Quorum.

A quorum is necessary for the conduct of business. A majority of the Councilmembers shall constitute a quorum. If a quorum is not present, those in attendance may elect to discuss items, but may not take official action, except to adjourn to a later date.

Recording of Votes.

Affirmative and negative votes shall be recorded on all ordinances and resolutions and entered into the official minutes of the City Council. The outcome of a vote on a motion shall be announced by the Mayor and recorded by the Clerk.

Majority Vote Required.

Unless otherwise provided by State Code, an affirmative vote of at least four (4) Councilmembers shall be necessary to pass an ordinance or resolution. When any vote is called, each Councilmember shall respond: “yes,” “no” or “abstain.” An “abstain” vote of a Councilmember is a “no” vote, unless the Councilmember states he or she has a conflict of interest and states the nature of the conflict. In the case of a conflict of interest, the number of votes to approve any action is recalculated to exclude the abstaining Councilmember. For example, if two Councilmembers abstain due to a

conflict of interest, an item could pass on a three to two vote (provided the vote does not require a majority of the entire Council).

Ordinance and Resolution Passage Procedure.

When passed by the City Council, an ordinance or resolution shall be signed by the legally required person (normally the Mayor) and shall be attested to by the City Clerk. It shall be immediately filed and thereafter preserved in the office of the City Clerk.

Publications.

All minutes, ordinances and notices will be published as required by State law.

Consideration of Emergency Matters.

If, under Iowa Code 21.4(2), and after conferring with the City Attorney, the City Council determines by majority vote that an emergency exists, agenda items may be added without twenty-four (24) hours' notice to the public. In such cases, the reasons for said emergency shall be noted in the minutes and, particularly, the reasons why the Council determined the items could not reasonably be deferred to a later meeting. Such action should rarely occur, and only when the Council believes irreparable harm will occur if action is not taken immediately.

VOTING AND DISCUSSION ON MOTIONS AND RESOLUTIONS

No motion or resolution shall be debated unless seconded. When a matter is seconded, the Mayor shall restate the motion or resolution and open the floor for debate.

- a) **Three-minute Rule.** Councilmembers speaking on a matter shall confine their remarks strictly to the matter under consideration, and shall limit their remarks to three minutes in duration.
- b) **Vote Required when Present.** Every Councilmember present when a question is stated from the presiding officer shall vote thereon, unless the Councilmember has declared a conflict of interest in the outcome of the question under consideration.
- c) **Motion or Resolution Withdrawn.** After a motion or resolution is seconded and stated by the Mayor, it may be withdrawn at any time before decision, but if any amendment has been proposed and adopted, it shall not be withdrawn without the consent of the mover of such amendment.
- d) **Several Distinct Propositions.** If the question in debate contains several distinct propositions, any Councilmember may have the same divided, and the item(s) considered separately.

Votes Recorded.

In all cases where a resolution or a motion is entered in the minutes of the City Council, the name of the Councilmember moving the same shall be stated in the minutes.

- a) “Yeses” and “Nos” Recorded. The “yeses” and “nos” upon any question shall be entered in the minutes.
- b) Blanks. When a blank is to be filled, and different sums or times are proposed, the question shall be taken first on the largest sum, or the longest time.

PROCEDURE FOR MAKING A MOTION

When a Councilmember wishes to propose an idea for discussion and possible action, the Councilmember must make a motion. In order to make a motion, these steps must be taken:

- a) The Councilmember asks to be recognized by the presiding officer.
- b) After being recognized, the Councilmember makes the motion (“I move...”).
- c) Another Councilmember seconds the motion.
- d) The presiding officer states the motion and asks for discussion.
- e) When there has been sufficient discussion, the presiding officer will close debate (“Are you ready for the question?” or “Is there any further discussion?”).
- f) If no one requests to make additional comments, the presiding officer puts the question to vote.
- g) After the vote, the presiding officer announces the outcome of the motion (“The motion is carried” or “Motion fails”).

Until the presiding officer states the motion (step d), the Councilmember making the motion may rephrase (amend) or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. It is particularly important when a motion is amended that the presiding officer restate the motion, as amended.

In making a motion, Councilmembers must avoid combining multiple proposals in the same motion. If a Councilmember prefers to see proposals divided and voted upon separately, the Councilmember should ask the presiding officer to divide the motion into separate motions for consideration. The presiding officer may then proceed to treat each distinct proposal as a distinct motion, each requiring its own second, and to be acted upon separately. The presiding officer should solicit motions when the situation demands by either inviting a motion or suggesting a motion to the Councilmembers.

THE FOUR BASIC MOTIONS

Common Motions.

- a) The basic motion. Puts forward a decision for consideration. Example: “I move that we create a five-member committee to plan the annual fundraiser.”

- b) The motion to amend. Changes a basic motion under consideration. Example: “I move we amend the motion to have a ten-member committee.” A motion to amend requires a second and must be decided before the Council returns to consideration of the original motion.
- c) The motion to postpone to a date certain. Proposes delay in further discussion of the matter under consideration until a specific, stated time at which the item will be debated further. Example: “I move we postpone further discussion of this item until our first regular meeting in October.”
- d) The motion to lay on the table. Postpones discussion of an item indefinitely, unless taken off the table. Example: “I move we table this item.” Tabling an item leaves it on the table and no specific time is stated for further discussion. It stays “on the table,” until a later agenda item provides notice it will be brought from the table for further discussion.

DEBATE

Most motions, except for procedural motions, such as calling the previous question, adjournment, etc., are debatable. Debate may continue as long as Councilmembers wish to discuss an item, subject to any motion for previous question, which ends debate. Absent a successful motion for previous question, debate will end if the presiding officer solicits further comments and none are forthcoming.

Some motions are not debatable. The presiding officer should immediately call for a vote of the Council, without debate on the following:

- a) Motion to Adjourn. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- b) Motion to End Debate or the “Previous Question.” The most common form of this motion is to say: “I move the previous question,” or “I move the question,” or “I call for the question.” When a Councilmember makes such a motion, the Councilmember is really saying, “I’ve had enough debate. Let’s get on with the vote.” The motion requires a second. If the motion carries by two-thirds (2/3) majority of those Councilmembers present, all further debate is concluded, and the question put in this order: first upon the amendments pending, and then upon the main proposition before the Council.
- c) Motion to Limit Debate. An alternative to the previous question is a motion to limit debate, which includes, by its stated terms, a time limit. For example: “I move we limit debate on this agenda item to fifteen minutes.” The motion to limit debate requires a two-thirds (2/3) vote of the Council.
- d) Motion Objecting to Consideration. A similar motion is a motion objecting to consideration of an item. This motion is not debatable and, if passed, precludes the

Council from even considering an item on the agenda. It also requires a two-thirds (2/3) vote.

- e) Motion to Lay on the Table. A motion to lay a question upon the table is not debatable.
- f) Motion to Postpone to a Date Certain. A motion to postpone to a date certain is not debatable (except for discussion of the specific date).
- g) Motion to Refer to Committee. This motion directs that the item under consideration be sent to a committee for further analysis and recommendations.
- h) Motion to Fix the Time to Adjourn. This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
- i) Motion to Recess. This motion, if passed, requires the Council to immediately take a recess. Normally, the presiding officer determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

MAJORITY AND SUPER-MAJORITY VOTES

In addition to the specific rules for passage of motions, resolutions and ordinances as set by State law, there are procedural exceptions to the rule of passage by a simple majority. The exceptions occur when the City Council is taking an action that effectively cuts off the ability of a minority opinion to take an action or discuss an item. These extraordinary motions require a two-thirds (2/3) majority (a super-majority) to pass:

- a) Motions to Limit Debate. Whether a Councilmember says, "I move the previous question," "I move the question," "I call for the question," or "I move to limit debate," these motions, if successful, cut off the ability of the minority to discuss an item.
- b) Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary, because the objectionable item is usually tabled or defeated. However, when Councilmembers do not wish there to be any consideration of an item, such a motion is in order. It is not debatable.

MOTION TO RECONSIDER

After a vote is taken, the matter is deemed concluded and is subject to reconsideration only upon a timely motion. A motion to reconsider shall only be made by a Councilmember who originally voted in favor of the measure (i.e., a Councilmember on the prevailing side). A motion to reconsider requires a two-thirds (2/3) majority vote to pass, but there are two limitations: First, a motion to reconsider may be made at the meeting where the item was first voted upon. The motion maybe

made at any time before adjournment. A motion to reconsider may also be made in the case of a failed measure, if made at a subsequent meeting within ten (10) days of the original measure's failure by a Councilmember who voted against the measure.

If the motion to reconsider passes, then the original matter is back before the City Council, and a new original motion is in order.

The matter may be discussed and debated as if it were on the floor for the first time.

Once a matter has been duly reconsidered, no further motion to reconsider the issue can or shall be made without the unanimous consent of the City Council.

No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. This rule does not prevent substantively different iterations of the measure from being brought forth at later meetings of the Council. Further, once a new City Council is seated following the next regular election, any matter may be revived.

LIMITING DEBATE AND DISCUSSION

Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including Councilmembers, in the interest of efficiently and effectively using time.

Generally, a Councilmember will not be interrupted by other Councilmembers, but may be under the following circumstances:

- a) Privilege. The proper interruption would be: "Point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the comfort of the meeting participants. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- b) Order. The proper interruption would-be: "Point of order." The Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Mayor moved to a vote on a motion that permits debate without allowing discussion or debate.
- c) Appeal. If the Mayor makes a ruling with which a Councilmember disagrees, that Councilmember may appeal the ruling of the Mayor to the parliamentarian.
- d) Call for Orders of the Day. This is another way of saying, "Let's return to the agenda." If a Councilmember believes the Council has drifted from the agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.

- e) Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other Councilmember may make the motion, if properly recognized.

ADJOURNMENT

When the City Council has finished its business, the Mayor may declare the meeting adjourned.

MINUTES

Minutes of all proceedings of the City Council shall be kept by the City Clerk, or designee, and shall be entered in the official record of the Council. Minutes of the proceedings shall be open to public inspection, except those of closed sessions. Minutes shall be published in a newspaper of general circulation within fifteen (15) days of the Council meeting, as required by the Iowa Code. City Council policy does not require that minutes be recorded verbatim. Minutes record the essence of decisions made and of actions taken. Minutes shall show the date, time and place of the meeting, Councilmembers present, action taken, the results of each vote taken and information sufficient to indicate the vote of each Councilmember present.

Minutes of meetings and closed session recordings are retained as required by State law. Minutes of all meetings must be prepared by the City Clerk, or the City Clerk's designee, secretary of the board, committee or commission, or that body's staff liaison. A copy of all such minutes must be filed with the City Clerk's office. Upon approval by the board, committee or commission, written minutes constitute the official record of its activities. Personal notes or recordings made by the City Clerk for personal reference and convenience in preparing minutes shall not be considered part of the record and need not be preserved.

Additions and corrections to the minutes may be made only in public meetings, with the approval of the Council, and not by private request of individual Councilmembers.

Minutes of boards, committees and commissions are available on the City's website for viewing by the City Council and general public.

CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

Please refer to the Board and Commission Manual for more information. Any resident of Marshalltown may be considered a candidate for appointment to boards, committees and commissions. Applicants complete an application form stating their interests and background information. Appointments on boards, committees or commissions are announced by the Mayor at regular City Council meetings. Applications for these appointive positions are available at the City Clerk's office and on the City of Marshalltown's website. The completed applications are reviewed

by the Mayor, who recommends appointees to the Council. Final appointment is made by an affirmative vote of a majority of the City Council.

Purpose of Committees, Boards and Commissions.

As permitted by the Iowa Code and the Marshalltown Code of Ordinances, the Mayor and/or the City Council may create committees, boards and commissions to assist with such public duties as the Council may specify. All Councilmembers, the Mayor, City Administrator and City Attorney are welcome to attend any meeting of a committee, board or commission. Notice of committee, board and commission meetings will be given to the entire Council and the Mayor and posted for the public.

Any special or ad-hoc committee will be formally approved by the City Council. When a board, committee or commission is established by the City Council, the specific duties of the group are set forth in the ordinance or resolution which created it. An advisory body is limited to consideration of those matters specifically assigned to it. If a commission, board or committee determines its activities should be expanded beyond its existing authority, the commission, board or committee should formally request specific authorization from the City Council to consider the additional matters and to formulate recommendations accordingly.

Special committees shall report their findings and recommendations in writing. All recommendations shall be approved by a majority of the committee before presentation to the City Council as a whole, though a minority report and recommendation may likewise be made, and the Council shall consider both reports. Committees will make reports to the City Council as requested by the Council. All committee recommendations, decisions or proposed actions shall be subject to the final approval and adoption of the City Council. Upon submission of a final report to the City Council, the special or ad-hoc committee shall dissolve, unless tasked with additional work by the Council.

Special committees of the City Council shall be empowered to require the attendance of witnesses, and for that purpose, the chairperson of such committee is authorized to issue subpoenas. Subpoenas shall be provided to the Chief of Police, who shall immediately cause service of the same on the summoned individuals, in the usual manner required by law.

Membership and Selections.

Membership and selection of members shall be as provided by the Mayor and the City Council if not specified by the Code of Iowa or the Code of Ordinances. No committee so appointed shall have powers other than advisory to the City Council or the City Administrator, except as otherwise specified by the Code of Ordinances or the Code of Iowa. Members of boards, committees and commissions should be independent of the City Council, or other boards, committees and commissions, and of other governmental units, so they may exercise unbiased judgment in addressing the tasks and issues before them.

Gender Balance.

In 2009, the Iowa Legislature passed a law requiring appointive boards and commissions to be gender balanced by 2012, or as close as possible for boards and commissions with an uneven number of members. Only after making a good faith effort for 90 days to find sufficient volunteers to create

gender balance may the City proceed to fill positions in a manner which does not evenly balance boards and commissions.

Ineligible Appointments.

The following persons shall not be eligible for appointments to standing boards, committees or commissions of the City of Marshalltown:

- a) Spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, stepmother, stepfather, stepchild, aunt or uncle of a current City Councilmember.
- b) A current member of a comparable County board, committee or commission, unless dual or joint memberships are provided for in the ordinance, resolution or statute, which creates the board, committee or commission to which appointment is being made.

Council and Commission Effectiveness.

The City Council and all appointed advisory boards, committees and commissions are policy-oriented groups. The advisory groups operate as satellite units, which focus on particular concerns, issues or problems in the community. When an advisory board, committee or commission has an item on a City Council meeting agenda, a representative from that body shall be present at the City Council meeting. Similarly, when a member of any board, committee or commission addresses the City Council at a public meeting, he or she should always clearly state whether he or she is speaking on behalf of the advisory group or as an individual.

Interactions with City Council – Procedural Guidelines.

The City Council considers input and recommendations from a variety of sources in its decision-making process. Therefore, the Council may not always follow the specific recommendations of any one particular board, committee or commission in adopting policy or procedure. Once the Council has established its position, members of advisory groups may continue to have reservations or individual objections. As representatives of the larger group, however, members should remember they are expected to act in a manner consistent with the established policy and/or program as approved by the City Council.

Council Policy on Legislative Issues.

The City Council is ultimately responsible for establishing City policy and determines the public position of the City on legislative matters. Therefore, commissions, boards or committees shall not issue public statements on legislation pending before the City Council, unless said statements are reviewed and approved by the Council.

This policy is not intended to prevent advisory groups from carrying out their normal functions publicly and openly; rather, its purpose is to establish that boards, committees and commissions do not issue policy statements or take public positions which fall within the purview of the City Council.

Submitting a Formal Request for Consideration – Procedure.

In the event a board, committee or commission wishes to request the City Council endorse or approve a particular position or idea formulated by the board, committee or commission, said request should first be reflected in the minutes of the meeting of the board, committee or commission at

which the action was approved. Following such action, the board, committee or commission's secretary or staff liaison should submit a written request to the City Council, with a copy to the City Administrator's office for inclusion on the agenda of an upcoming Council committee or City Council meeting. In the interim, copies of the request will be made available to all Councilmembers. The communication should include the degree of urgency and a specific statement of the action requested.

Relations with the Public.

Councilmembers and members of appointed boards, committees or commissions are encouraged to maintain awareness of public opinion. Citizen input should be welcomed and heard at meetings, and members should be considerate of all interests, attitudes and differences of opinion. Members should be vigilant about maintaining not only the appearance, but also the principle of impartiality.

Conflicts of Interest.

To determine whether an applicant to a board, commission or committee has a conflict of interest, applicants should review Chapters 362.5, 362.6 and 403A of the Code of Iowa. Assistance is available from the City Attorney's office if applicants have questions about this matter.

In the event a City Councilmember determines that he or she has a direct, definite (demonstrable) conflict of interest regarding an issue before the Council, that conflict should be clearly stated at the beginning of Council deliberations. Councilmembers should consult the City Attorney, or private counsel of their own choosing, prior to deliberating or voting on a matter on which the Councilmember believes he or she may have a conflict of interest. The matter of what constitutes a "conflict of interest" is often misunderstood and misstated. People elected to public office are frequently motivated to seek office because of their personal interest in certain issues. The mere fact that their lives may generally be affected, either positively or negatively, by a decision of the City Council does not, by itself, create a conflict of interest. Rather, a legally significant conflict of interest stems from a conflict between a direct, definite and demonstrable personal interest of the Councilmember (particularly pecuniary, business or familial) and the judgment the Councilmember must exercise in the matter to be decided. Whether a conflict of interest exists can only be determined by applying the individual facts to the law. Again, Councilmembers should consult legal counsel if in doubt about a conflict of interest issue.

Another matter arises from time to time which may create the appearance of a conflict of interest. Elected officials are frequently solicited to join such organizations as the Chamber of Commerce, Marshall Economic Development, etc. Participation in these organizations results in an exchange of valuable information and views. Nevertheless, when such an organization takes a position in favor of or in resistance to a proposal pending before the City Council, at the very least the appearance of a conflict of interest exists. It may appear to the layperson that membership in the organization involved would create an irreconcilable conflict of interest. A case might be made that a City Councilmember has a conflict of interest while he or she is a member of an organization, if that organization appears before the City Council and takes an official position on an issue. Under such circumstances, it may be advisable for elected officials to abstain from voting on that issue. Again, consultation with legal counsel is advised.

City officers or employees are restricted by Iowa Code Section 362.5 with regard to direct or indirect benefits they may receive from any contract performed for the City. That Code section provides as follows: “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 officers or employees of the City. A contract entered into in violation of this section is void.”

Gifts.

The State of Iowa covers restrictions of gifts in Iowa Code Chapter 68B. Any questions regarding the acceptance of gifts should be directed to the City Attorney.

The City Council feels it is important to recognize special achievements among its citizens and employees. For that reason, the Council has authorized the purchase of plaques, certificates and memorabilia for the purpose of distinguishing special service. City staff is authorized to purchase such materials as necessary to carry out this policy.

Communications between Staff, City Council and Advisory Groups.

The City Hall administrative staff report to the City Administrator and it is the City Administrator’s responsibility to direct and allocate staff time. Similarly, City Councilmembers and board, committee and commission members schedule their meetings so City staff may be available to carry out day-to-day business. The City Administrator will assign staff liaisons to assist boards, committees and commissions as necessary. Boards, committees and commissions meet regularly and, as a group, present their issues and concerns to the City Council through reports and recommendations.

Advisory groups will consider the recommendations and proposals of the City Administrator and City staff. If the board, committee or commission is not in agreement with the recommendations of the City staff, the City Administrator should describe any difference of opinion in writing to the City Council. Any differences of opinion may be discussed at the Council meeting.

Removal of Members of Boards and Commissions.

If the Mayor or the City Council wishes to remove an appointee, they shall follow the procedures required by State law or City Code.

Abolishment of a Board or Commission.

The abolishment or modification of a board or commission shall be done in accordance with applicable State law or City Code.

FISCAL MATTERS

The financial plan for the City’s operating revenues and expenditures plus capital improvements is prepared according to State law and specific guidelines provided by the City Administrator.

Departments develop capital projects deemed necessary according to requests from the City Council, boards, committees or commissions, the public, or the departments themselves. Any funds to be spent by boards, committees or commissions are budgeted in the financial plan of the department, which works with each respective body. Typically, a board, committee or commission that oversees

operations of a department (such as the Library Board of Trustees or Water Works) will review and approve its financial plan before it is submitted to the City Administrator.

The City Council will hold work sessions to review and finalize the entire financial plan. In accordance with State regulations, the proposed one-year budget is published in the local newspaper in general circulation, prior to a public hearing. The City Council simultaneously holds a public hearing on the entire financial plan and one-year budget and adopts them at the same time. The one-year budget is required by the State and must be adopted by March 15 of each year.

Purchasing Procedures.

For purchasing procedures for the City of Marshalltown, see the Purchasing Policy.

PART 2. PUBLIC PARTICIPATION IN MEETINGS

GENERAL

One of the goals of the City Council rules is to create an atmosphere of efficiency, fairness and maximum participation. It is the responsibility of the Mayor, the Councilmembers, City staff and members of the public to maintain common courtesy and decorum throughout any meeting.

Members of the public have the right to attend City Council meetings, subject to the need to maintain order and space limitations.

The City Council meeting space will, to the extent possible, be arranged so that all interested persons can observe the meeting and hear all Council discussions and votes.

The Mayor, Councilmembers, City staff and members of the public should speak one at a time in a civil and courteous manner so as to be heard by all persons in attendance.

All cell phones or other communication devices should be silenced during City Council meetings. No one should take a voice phone call during a Council meeting without first leaving the Council chambers and closing the chamber doors.

PUBLIC PARTICIPATION

All persons attending are asked to observe the following when speaking:

- a) Only persons recognized by the Mayor will be allowed to speak. During public hearings or at other allowable times, members of the public will not address items on the agenda unless and until recognized by the presiding officer.
- b) A person recognized to speak should approach the podium, state his or her name and address, and make his or her statement as briefly as is possible. Speaking times are limited to three (3) minutes.

- c) All speakers shall speak clearly and direct their comments to the Mayor and City Council and not to any Councilmember specifically.
- d) A person recognized to speak should maintain a courteous and polite demeanor, as well as refrain from using inappropriate, combative, profane or abusive language, or attacking the character of City officials and employees in a personal manner.
- e) Persons may address the City Council for the reading of protests, petitions or communications relating to any matter over which the Council has jurisdiction. When anyone appears before the City Council stating he or she has a petition, the Mayor will accept the petition and the minutes will reflect that action. The Mayor and City Council are not permitted to respond to or engage in debate or discussion concerning subjects raised by members of the public which are not on the posted agenda.
- f) A person should not address the City Council about issues that are known to be within the responsibility of other City staff/officials and have not been previously presented to that responsible party.
- g) Persons should not engage other members of the public while addressing the City Council or engage individual Councilmembers in a discussion, except as permitted by the Mayor.

Councilmembers may, in their individual discretion, make themselves available to persons attending the meeting before or after the City Council meeting.

HANDLING REQUESTS DURING MEETINGS

The City Council may not take action on any matter not specifically posted on the agenda. However, City staff may note any request for immediate action by City staff or, if necessary, by the City Council at a later meeting.

PART 3. PUBLIC RECORDS AND OPEN MEETINGS LAW

PUBLIC RECORDS/OPEN RECORDS

Availability of public records is governed by the Iowa Open Records Law, Iowa Code Chapter 22.

OPEN MEETINGS LAW

The Iowa Open Meetings Law is addressed in Iowa Code Chapter 21.