



## Agenda

City Council Work Session Meeting  
Oelwein City Hall, 20 Second Avenue SW, Oelwein, Iowa  
6:30 PM

November 13, 2023  
Oelwein, Iowa

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**Mayor:** Brett DeVore

**Mayor Pro Tem:** Lynda Payne

**Council Members:** Karen Seeders, Tom Stewart, Matt Weber, Dave Garrigus, Dave Lenz

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### Pledge of Allegiance

#### Discussions

- [1.](#) Discussion on Budget and Taxes.
- [2.](#) Discussion on IT Management.
- [3.](#) Discussion on Code Codification.
- [4.](#) Discussion on Council Procedures.

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### Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



# Budget FY2025 Preview

Oelwein

November 13, 2023

# Biggest Budget Hurdle- House File 718

- Consolidation of levies and creation of a newly-defined adjusted city general fund levy (ACGFL)
- Levy limitation based on property tax valuation growth “tiers”
- New homestead exemption for residential property owners of age 65 or more
- Military service exemption expansion
- Property tax abatement agreements and limits
- County auditor reports to distinguish revaluation and other additions to the tax base
- Required statement to be mailed to each property owner
- Changes to the budget timelines, forms, hearings and processes
- Single date annually for bond elections
- Bond financing (new general corporate purpose bonding limitations) and reporting requirements

				January 1, 2022 Property Valuations		
				With Gas & Electric		Without Gas & Electric
Regular				2a	2b	
DEBT SERVICE				3a	3b	
Ag Land				4a		
TAXES LEVIED						
Code Sec.	Dollar Limit	Purpose	(A) Request with Utility Replacement	(B) Property Taxes Levied	(C) Rate	
384.1	8.10000	Regular General levy	5			
<b>Non-Voted Other Permissible Levies</b>						
12(8)	0.67500	Contract for use of Bridge	6		0	44
12(10)	0.95000	Opr & Maint publicly owned Transit	7		0	45
12(11)	Amnt Nec	Rent, Ins. Maint of Civic Center	8		0	46
12(12)	0.13500	Opr & Maint of City owned Civic Center	9		0	47
12(13)	0.06750	Planning a Sanitary Disposal Project	10		0	48
12(14)	0.27000	Aviation Authority (under sec.330A.15)	11		0	49
12(15)	0.06750	Levee Impr. fund in special charter city	13		0	51
12(17)	Amnt Nec	Liability, property & self insurance costs	14		0	52
12(21)	Amnt Nec	Support of a Local Emerg.Mgmt.Comm.	462		0	465
<b>Voted Other Permissible Levies</b>						
12(1)	0.13500	Instrumental/Vocal Music Groups	15		0	53
12(2)	0.61000	Memorial Building	16		0	54
12(3)	0.13500	Symphony Orchestra	17		0	55
12(4)	0.27000	Cultural & Scientific Facilities	18		0	56
12(5)	As Voted	County Bridge	19		0	57
12(6)	1.35000	Missi or Missouri River Bridge Const.	20		0	58
12(9)	0.03375	Aid to a Transit Company	21		0	59
12(16)	0.20500	Maintain Institution received by gift/devise	22		0	60
12(18)	1.00000	City Emergency Medical District	463		0	466
12(20)	0.27000	Support Public Library	23		0	61
28E.22	1.50000	Unified Law Enforcement	24		0	62
<b>Total General Fund Regular Levies (5 thru 24)</b>			25	0	0	
384.1	3.00375	Ag Land	26	0	0	63
<b>Total General Fund Tax Levies (25 + 26)</b>			27	0	0	Do Not Add
<b>Special Revenue Levies</b>						
384.8	0.27000	Emergency (if general fund at levy limit)	28		0	54
384.6	Amnt Nec	Police & Fire Retirement	29		0	
	Amnt Nec	FICA & IPERS (if general fund at levy limit)	30		0	
Rules	Amnt Nec	Other Employee Benefits	31		0	
<b>Total Employee Benefit Levies (29,30,31)</b>			32	0	0	65
<b>Sub Total Special Revenue Levies (28+32)</b>			33	0	0	
<b>Valuation</b>						
386	As Req	With Gas & Elec				
	SSMID 1 (A)	Without Gas & Elec	34		0	66

# PROPERTY TAX SYSTEM BASICS

## OTHER IMPORTANT ITEMS

Item 1.

### ELDERLY TAX CREDIT

\* Expanded 2023

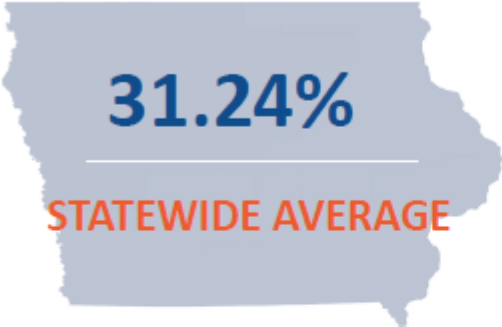


### HOMESTEAD TAX CREDIT

\* Expanded 2023



### BUSINESS PROPERTY TAX CREDIT (CONVERTED TO ROLLBACK)



(3.9%/year)



CITIES WITH LESS GROWTH  
THAN STATEWIDE AVERAGE  
FOR ALL LOCAL GOVERNMENTS  
= 8 YEAR SCHEDULE

# PROPERTY TAX SYSTEM BASICS

## BACKFILL REDUCTION/ELIMINATION



CITIES WITH MORE GROWTH  
THAN STATEWIDE AVERAGE FOR  
ALL LOCAL GOVERNMENTS  
= 5 YEAR SCHEDULE

# Backfill Loss Over Five Years

	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>
Backfill	\$111,382	\$89,105	\$66,829	\$44,553	\$22,276	\$0
Annual Loss		\$22,276	\$22,276	\$22,276	\$22,276	\$89,105
Total Loss		\$22,276	\$44,553	\$66,829	\$89,105	\$222,763

# ROLLBACK NUMBERS

## FY 2025

Item 1.

Stolen from the Iowa League of Cities



**AGRICULTURAL – 71.8370%**



**COMMERCIAL – 90%\***



**INDUSTRIAL – 90%\***



**RAILROAD – 90%\***



**RESIDENTIAL – 46.3428%**

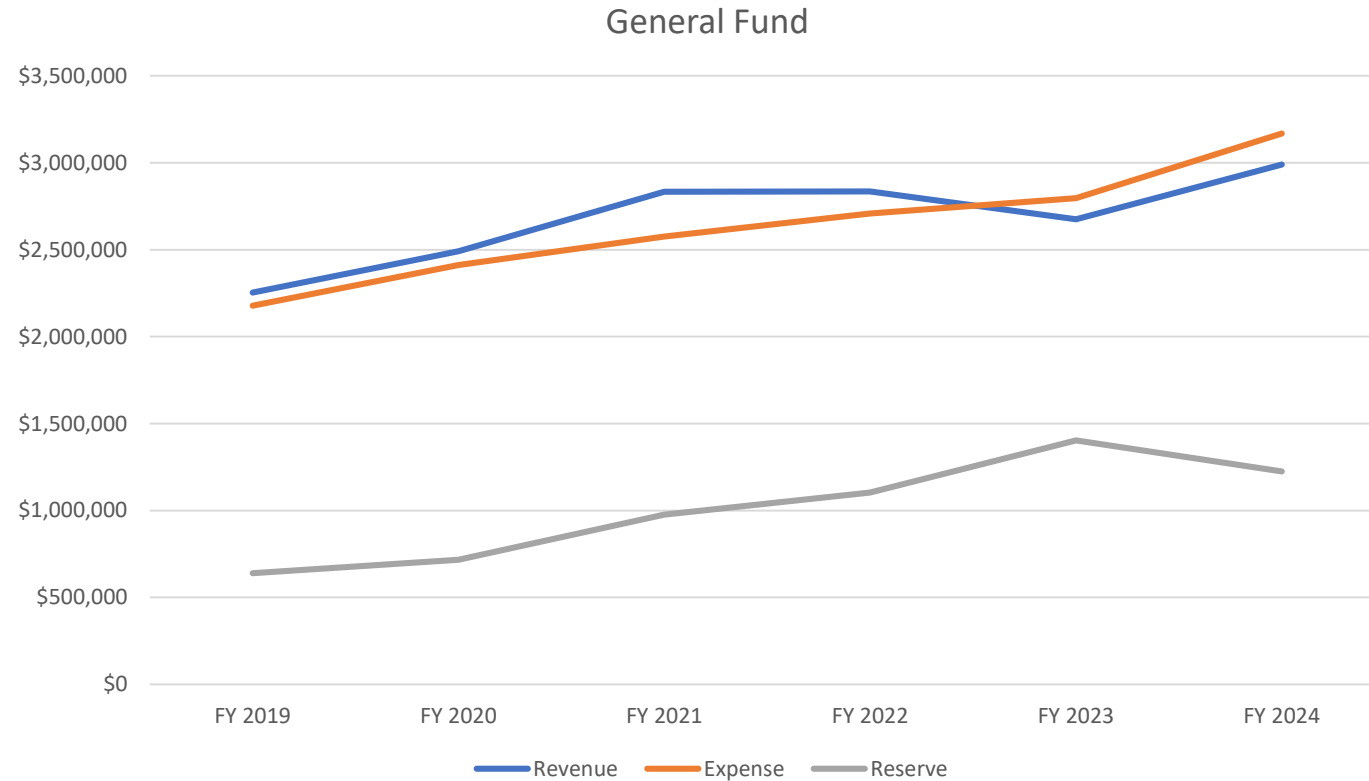
**First \$150,000 subject to residential rollback**



# Math, YEA!

	Assessed Value	Rollback			FY2024 Rate	
Residential	\$100,000	54.65010%	\$54,650.10	\$54.65	17.99215	\$983.27
FY2025	\$100,000	46.34280%	\$46,342.80	\$46.34	17.99215	\$833.81
Commercial	\$200,000	90.00000%	\$180,000	\$180	17.99215	\$3,238.59
FY2025	\$200,000	46.34280%	\$69,514	\$69.51	17.99215	\$87.51
		90.00000%	\$45,000	\$45.00	17.99215	\$809.65
					Total	\$897.15

# Revenue- General Fund



	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenue	\$2,253,798	\$2,490,984	\$2,833,336	\$2,834,795	\$2,676,180	\$2,990,142
Expense	\$2,178,321	\$2,412,946	\$2,575,205	\$2,708,227	\$2,796,626	\$3,168,705
Reserve	\$638,976	\$717,943	\$976,094	\$1,103,332	\$1,404,075	\$1,225,512

# Oelwein Budget Cut Act of FY2025

- Several factors have led the city to work toward a tighter general fund
  - No Backfill
  - New legislation
  - Constant low valuations on dwelling units in Oelwein
- The City Administrator is proposing cutting \$334,000 from the general fund over three years
  - If you only cut \$178,563 in one year the next year will still require a cut
  - Extending the cut over three years allows council to adjust as needed each year
  - Cuts are only required if a revenue source cannot be created

# General Fund Cuts

Police	\$105,000
Fire	\$20,000
Inspection	\$25,000
Airport	\$10,000
Library	\$30,000
Parks	\$30,000
Campground	\$5,000
Rec	\$9,000
Pool	\$15,000
Cemetery	\$10,000
General Admin	\$75,000
Total	\$334,000



# Budget Cuts

- Cuts are determined by department.
- Recommended to council.
- Council will make the difficult policy decisions and determine if they are necessary or if departments should take priority
- Cuts are calculated as a percentage of the general fund

# Budget Hearing

- Need to have a separate Budget Hearing Meeting
- Need to provide county with information to mail all city residents notice of meeting and possible levy changes
- No more max tax levy

# Speed Camera Revenue

- Projected to be \$400,000 in FY2025
- City Council should determine where and how that money can be spent
  - The general fund will need it
- The state of Iowa is discussing this in 2024



# Proposal for Road Infrastructure

- Move the Police CIP over to the general fund and fund it using traffic camera revenue
- Use the increase in Franchise Fees to supplement road improvements
- Use the increase in Local Option Sales Tax



# Road Infrastructure Fund

RUT	\$100,000
Franchise	\$75,000
LOST	\$75,000
Total	\$250,000



# Raise Taxes?

- The city is at a 17.9, if the city goes to a 19, it could open up debt service funding and benefits funding.
- The potential impact is:
  - Residential- \$60 per \$100,00 in home assessed value
  - Commercial- \$100 per \$100,000 in commercial industrial assessed value

# 10<sup>th</sup> Street Bridge

- City has a bridge grant for \$1,500,000
- The Bridge Replacement cost \$2,900,000
- The City need to loan for \$1,400,00
- The payment on a 10-year loan is \$180,000 at 5% interest
  - Could use the Infrastructure fund
  - Could raise taxes and use debt service
  - Could close the bridge and let it tumble

# Budget Decisions

- All budget decisions should be driven by the Strategic Plan in the 2023 Comprehensive Plan

# Utility Rates

- Prepare for a significant discussion on rates in December



City of Oelwein

***IT Managed Services – REQUEST FOR PROPOSAL***

ISSUED DATE: 10/9//2023

SUBMISSION DATE: NOVEMBER 16, 2023 AT 4:30 PM  
CENTRAL STANDARD TIME

RFP COORDINATOR:

Dylan Mulfinger

CITY ADMINISTRATOR

20 2<sup>nd</sup> Ave SW

Oelwein, Iowa 50662

PHONE: 319-283-5440

E-MAIL: [dmulfinger@cityfoelwein.org](mailto:dmulfinger@cityfoelwein.org)

This RFP was created by a professional that is not in the information technology field. While staff have worked to create an RFP that will provide the best service for Oelwein, the city will rely on experts within the field of information technology to ensure all areas of need are being met.



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**1 Request for Proposal (RFP)**

The City of Oelwein invites you to respond to this Request for Proposal (RFP). The focus of the RFP is to select a single organization to provide IT managed services to the City of Oelwein over a three years period, beginning on January 1, 2024 and ending no later than December 31, 2026. Following the initial term, there is a possibility to renew this contract for multiple a two-year term.

**2 Introduction to The City of Oelwein**

The City of Oelwein is located within Northeast Iowa in Fayette County. Oelwein covers approximately 4.85 square miles with an estimated total population of 5,920. The employs approximately 42 employees, including full-time, part-time, limited-term, volunteer, and seasonal. City operations include a public works department (street, water, and sewer), a law enforcement agency, a fire department, a parks and recreation department, cemetery services, a community development department (code enforcement), administrative services (city hall), and other governmental related functions.

**3 Overview of Current City of Oelwein IT Environment**

- Who is in charge of the environment?

The City Administrator oversees the IT functions for the City with assistance from our contracted provider and department managers. The City Council is responsible for approval of the funding and budget.

- How many users?

We have approximately 17 users. 25 users (mailboxes) in Exchange (mail server) and 21 users (mailboxes) through Gmail Business Suite.

- How many locations do users work from?

- |  |                      |
|--|----------------------|
| 1) City Hall – Community Development (same building) | 2) Fire Department   |
| 3) Parks Department                                  | 4) Police Department |
|  | 5) Public Works      |

- Do users work remotely?

Yes, using SSL VPN

- How man PC’s and laptops?

Non-law enforcement -	18 managed PC’s	10 managed laptops
Law enforcement -	20 managed PC’s	13 managed laptops

- How many mobile devices?

12

Vendor may be asked to assist users with their smartphones for setting up e-mail but will not be asked to monitor or manage.

- **Is it a PC environment?**

This is a PC environment.

- **How many servers?**

Non-law enforcement - There are 2 virtual. This does not include 3<sup>rd</sup> party vendor servers.

Law enforcement - There are 4 virtual. This does not include 3<sup>rd</sup> party vendor servers.

Proposals may include the vendor coming on-site to scan server locations for accuracy of the above count and needs.

- **Where are those servers located?**

Servers are located at the Oelwein City Hall – 20 2<sup>nd</sup> Ave SW, Oelwein, Iowa 50662

Oelwein Police Department – 501 Rock Island Road, Oelwein, Iowa 50662

- **Explain the network environment.**

The network is a Windows network with most of the servers in the server room in a controlled environment. There are a few VLAN's, with the police department on a separate VLAN for security.

The phone system is presently maintained by Creative Planning and runs over the Ring Central platform.

All PCs and laptops are Windows.

- **What is the backup process?**

City Hall – Local backups on hard drives.

Police Department -- Most of the servers are virtual, and those servers are backed up using Veeam to a NAS located at the Oelwein Police Department. Some of the servers are maintained by different vendors, and those vendors are responsible for the backup solution or recovery.

#### 4 Value Added Service Requirements

As part of this RFP, the following services are the current priority items for City of Oelwein:

- **Business Hours Onsite and Remote Support Services – Non-law enforcement departments**

- Telephone based and remote support via software agent
- Helpdesk service hours, 8:00 a.m. to 4:30 p.m., Monday – Friday,
- Onsite support and travel time
- After Hours and Emergency Support

- **24 x7x365 Onsite and Remote Support Services – Police Department**

Telephone based and remote support via software agent  
Onsite support and travel time  
After Hours and Emergency Support

- **Project Planning & Implementation Services**

Project planning and needs development with Department Managers and City Administrator  
Project implementation services, including (but not limited to):  
New server installations and current server upgrades/migration  
Department new PC refresh installations  
Server and software installation for 3<sup>rd</sup> party vendors  
firewall/router configurations and installations

New

- **Proactive PC/Workstation Management and Monitoring**

Software agent based 24x7x365 PC monitoring  
Service desk (Automatic/Proactive Management of Incidents)  
Preventive Maintenance & Security – Windows Updates  
Preventive Maintenance & Security – Software Updates (Adobe, Java, etc.)  
Automated Hardware & Software Optimization (dis defrag, clear temp files, etc.)  
Malware & anti-virus software protection monitoring and management  
Rapid problem resolution  
PC systems documentation and performance reporting  
Automated weekly and monthly system status and performance reporting.  
Reports can be sent to individuals.

- **Proactive Server Management and Monitoring**

Software agent based 24x7x365 Server monitoring  
Preventive Maintenance & Security – Windows Updates  
Preventive Maintenance & Security – Software Updates (Adobe, Java, etc.)

Automated Hardware & Software Optimization (disk defrag, clear temp files, etc.)  
 Monitoring and management of system backup jobs  
 Installation, configuration, and management of Server software Adds/moves/changes to server domain users  
 Active/Retired Asset Audit and Reporting  
 Server systems documentation and performance reporting  
 Malware & anti-virus software protection monitoring and management  
 Server license management  
 Automated weekly and monthly stems status and performance reporting. Reports can be sent to individuals, IT Committee, etc.

- **Proactive Network & Firewall Management and Monitoring**

Monitoring and management of critical firewalls Review of firewall security protocols and VPN access  
 Firewall software upgrades  
 Configuration of secured VPN access for remote users and to outside systems  
 Segregation of networks and systems as required for enhanced security  
 Ensuring appropriate security protocols and access methods for all wireless access points  
 Configuration and maintenance of network switches and other network infrastructure  
 Firewall configuration changes and updates  
 Configuration and implementation of Intrusion Prevention System and Web filtering

- **Proactive Environment Management and Administration**

License compliance monitoring and license management  
 Annual Technology Budget creation in conjunction with Department Managers and City Administrator  
 Management of technical vendor relationships and vendor communication  
 Asset management and tracking of in-service schedule for network and PC hardware  
 Assistance to Department Managers and City Administrator for cost effective and time efficient procurement of hardware and software  
 Assistance to the City Administrator for development of a comprehensive Disaster Recovery Plan

## 5 *Selection Criteria*

The City of Oelwein will use multiple criteria to select the most appropriate partner. Respondents are encouraged to be as aggressive and creative as possible in their proposals. The following list summarizes the major qualitative areas that will be evaluated, along with their overall weighting.

- Industry expertise and experience
- Demonstrated customer service quality and support
- Experience working in and being compliant in a CJIS environment (for law enforcement)
- Previous relevant experience
- Vendor strength and stability

- Account management
- Reporting capabilities
- Financial considerations

## 6 *Response Contents and Format*

Please complete all sections of the RFP. If additional material is required for one or more questions, please label attachments clearly and reference them in your response. Your response to this RFP will serve as the basis for the consideration of your potential as a partner.

## 7 *Information Requirements*

For the purposes of understanding more about your company and your ability to successfully fulfill this important City of Oelwein requirement, please provide the information below as part of your response, **clearly referencing each specific question**.

### 7.1 *Corporate Information*

1. Give a brief overview of your organization's involvement in providing IT value added services in the marketplace.
2. How long has the organization been in this business and what is your current market share?
3. In what cities do you maintain offices?
4. Indicate the number of employees in your organization. How many of those are dedicated to account management and/or technical support?
5. How many are full-time vs. contract?
6. What differentiates your organization from your competitors in the marketplace and how will this be relevant to us?
7. Will you subcontract any components of the proposed solution to third party organizations? If so, please describe the components to be subcontracted and provide details of any agreement in place with the subcontracted firm/individuals as well as a summary of past work that you have successfully completed together.
8. Please describe your organization's experience in transitioning clients to cloud-based technologies from more traditional IT service models.
9. Please provide details of three current customer accounts that are similar in scope and requirements to those of the City of Oelwein.

### 7.2 *Proposed Approach and Solution*

1. Please provide a proposed work plan for a migration to your organization as a City of Oelwein preferred vendor. Specifically, provide the following information:
  - i. Key activities
  - ii. Timing
  - iii. Information/resource requirements from the City of Oelwein
  - iv. Deliverables
  - v. Key milestones, checkpoints, and other decision points
2. If we elect to move forward with your organization, what City of Oelwein resources would you require (e.g., information, data, staff resources, communication) during the course of migration and on an ongoing basis?

3. Please identify the team that will be assigned to the account and describe how you plan to interact with us and any third-party providers that may provide services to City of Oelwein.
4. Please describe your experience in providing the following value-added services:
  - a. Technology Roadmap
  - b. Working in a CJIS compliant environment
  - c. Solution design
  - d. Network and email system monitoring
  - e. Remote backup
  - f. On-demand Technology Training
  - g. Managed Cyber Security
  - h. Procurement management
  - i. Technical support, including remote user support
  - j. Reporting and communication
  - k. IT policy review and development
  - l. Implementation planning and guidance
  - m. PC deployment
  - n. On-site implementation of business applications
  - o. Asset inventory management
  - p. Software licensing control
5. Please describe your experience in providing server technology and service for your customers, focusing on planning, implementation, and ongoing support.
6. Can you provide specific examples of how you have worked with customers that began with significant technology limitations and helped to successfully transform them into organizations with well planned and executed technology strategies? What were the critical success factors in this transformation?
7. How can we be confident that hardware pricing levels will be aggressive and will remain highly competitive over a multi-year period during which new models may be introduced?

### **7.3 Support**

1. Describe fully your technical support options including the assistance request process, escalation process, support hours, response times, staffing levels, staff expertise, and physical location of the help desk.
2. Please provide details on your standard reporting capabilities.
3. Describe any documentation and support (e.g., user manuals, online help, interactive demos, web-based seminars, and online knowledge base) that will be available, both from the technical perspective and the end user perspective.
4. What options are available for user training and technical training that may be required by our staff?
5. Describe any user groups, websites, newsletters, conferences, or any other means you support for sharing information and soliciting service feedback.
6. How do you monitor customer satisfaction and quality assurance on an ongoing basis and how might we benefit from this process?
7. City of Oelwein user base varies considerably in its level of technical sophistication. Please describe your experience in successfully supporting users that may be remote and possess limited technical skills.

#### 7.4 Financials

1. Describe the pricing model(s) that you typically employ for your standard services.
2. Please indicate the charges associated with each of the following services, including the key driver of each cost and whether it is included in a standard per-unit cost vs. charged on an ad hoc basis.
  - Technology Roadmap
  - Solution design
  - Network and email system monitoring
  - Remote backup
  - On-demand Technology Training
  - Managed Cyber Security
  - Procurement management
  - Technical support, including remote user support
  - Reporting and communication
  - IT policy review and development
  - Implementation planning and guidance
  - PC deployment
  - On-site implementation of business applications
  - Asset inventory management
  - Software licensing control
3. Do you offer service bundles and if so, describe the effect of this bundling on pricing?

#### 8 Communications and Response

Dylan Mulfinger is the designated City of Oelwein representative for this initiative. For any information relative to this RFP, please direct all inquiries to his contact information as follows:

Dylan Mulfinger

City Administrator  
319-283-5440

[dmulfinger@cityofuelwein.org](mailto:dmulfinger@cityofuelwein.org)

#### 9 Notification of Intent to Respond and Clarification Questions

Please indicate your intention to respond, by email, to the above email address by the *Intent to Respond and Questions Due* date outlined in the *Key Dates* table below. In addition, please provide the contact details of the individual responsible for coordinating your RFP response. At the same time, we ask that you submit any clarification questions regarding the RFP. Answers will be provided to all respondents by the *Answers Provided* date.

#### 10 Response Delivery Instructions

Please submit an electronic copy of your proposal to the email address indicated in the *Communications and Response* section above. All responses must be received on or before November 16, 2023 at 4:30 PM. (CST) on the *Proposals Due* date indicated in the *Key Dates* table

below.

**11 Vendor Presentations**

Our intention is to hold presentations/demonstrations with one or more firms on the *Presentations* dates indicated in the *Key Dates* table below. The presentations will be held at Oelwein City Hall located at 20 2<sup>nd</sup> Ave SW, Oelwein, Iowa and we will endeavor to provide the successful firms with as much advance notice as possible.

**12 Key Dates**

Event	RFP Issued	Intent to Respond and Questions Due	Answers Provided	Proposals Due	Presentations
Date	October 9, 2023	October 18, 2023	November 1, 2023	November 16, 2023	December 4, 2023
Time	1:00 PM	4:30 PM	4:30 PM	4:30 PM	1:30 PM and 2:30 PM p.m.

**13 No Obligation**

The submission of a proposal shall not in any manner oblige the City of Oelwein to enter into a contract or to be responsible for the costs incurred by your organization in responding to this request. The City of Oelwein reserves the right to reject any and all proposals in its sole discretion, and to negotiate the terms of the contract, including the contract amount, with the selected respondent(s) prior to entering into a contract. If none of the proposals are deemed acceptable, the City of Oelwein reserves the right to seek additional proposals after the proposal date. The successful respondent will be required to comply with all Equal Opportunity laws and regulations as well as other federal, state, and local regulations.

**14 Agreement of Non-Disclosure**

This document is considered to be proprietary and shall not be disclosed to any other party. It is designed, developed and submitted to potential partners of the City of Oelwein solely for the benefit of the City of Oelwein.

**15 No Guarantee**

The City of Oelwein makes no guarantee of future volumes and offers volume information for directional purposes only, to assist vendors with proposal preparation.

**16 Approval**

The City of Oelwein will work toward approval with City Council in December of 2023. Once the contract is approved the City will implement the managed services in the winter and spring of 2023. The availability of the vendor and the city will dictate implementation.



Section Number	Comment
	Chapter 1
1-2	<i>Include a definition of Code as Code of Ordinances, City of Oelwein, Iowa allowing the abbreviated term Code to be used throughout the Code?</i>
1-2	Are the holidays listed in this rule of construction regarding computing time, the holidays the city observes. See I.C.A. § 4.1.
1-2	Although this definition of personal property complies with I.C.A. § 4.1, the city may want to amend it to include all property that is not real property.
1-2	Define the term used to identify the state law citations as either Code of Iowa or I.C.A.?
1-3	This section should be divided into separate sections with the explanations of catchlines, notes and references in separate sections.
1-10	Amend the general penalty section to conform to I.C.A. § 364.3 and 903.1(1)(a)?
	Add a section stating the provisions of the new Code shall be considered continuations of existing provisions and not new enactments?
	Add a section stating the repeal of provisions of the Code shall not affect existing liabilities, etc. in effect at the time of the repeal?
	Add a section stating the repeal of provisions of the Code shall not revive former provisions repealed unless specifically so provided?
	Add a section listing the ordinances, Code provisions, etc. not included in the new Code but not intended to be repealed when the new Code is adopted?
	Add a section in the new Code granting authority and establishing the procedure for amending the new Code.
	Add a section in the new Code granting authority and establishing the procedure for supplementing the new Code.
	Conform this section on municipal infractions to I.C.A. § 364.22?
	Chapter 2
2-1	It is not necessary to define elections as it is defined in state law which is applicable in the city.
2-2	It is not necessary to adopt the voter registration chapter, I.A.C. ch. 48A on elections as it is in effect in the city without adoption.
2-3	It is not necessary to require the use of the state registration system as it is required in I.A.C. ch. 48A and is no longer referred to as the permanent registration list.
2-4	It is not necessary to adopt this section on election offenses as it is contained in state law, I.A.C. § 39A.4 which is punishable as a serious misdemeanor.
2-5 -- 2-8	It appears the description of the Wards is current having been amended in 2021.
2-9	It appears the intent of this section is to adopt the state law which is provided in I.C.A., § 45.1(9)(a). Correct the state law cite and conform to the changes in the state law?
	Chapter 3

- 3-1 Are the bond amounts adopted in 1988 still correct, current and sufficient?
- 3-2 -- 3-6 These sections were amended in 2022.
- 3-7 -- 3-9 Is everything in these sections on the city attorney current, correct and complete?
- 3-10 This section on competing with private enterprises adopted in 1988 should be reviewed with I.C.A. § 23A.2 and conform to any changes adopted.
- 3-11 Is this section regarding representation by the city attorney correct?
- 3-31 Is this section on the meeting dates and times and notice correct?
- 3-32 Is this section on the salaries of the council members adopted in 2008 still correct?
- 3-33 Is this section on the salaries of the mayor adopted in 2015 still correct?
- 3-34 Is this section on the salary of the mayor pro tempore adopted in 1959 still correct?
- 3-35 -- 3-37 Are these sections on the removal of officers and council members by the city council adopted in 1899 still correct? I.C.A. § 372.15.
- 3-50 -- 3-53 Are these sections on the duties of officers and processes by the city originally adopted in 1976 still correct? I.C.A. § 372.15
- 3-54 Is this section on the power and duties of the mayor adopted in 1987 still correct? I.C.A. § 372.14.
- 3-54 Does the mayor oversee all the departments or is that delegated to the city administrator?
- 3-70 et seq. Are these sections on the city administrator originally adopted in 1979 still correct? I.C.A. § 372.13
- 3-73 (7) I.C.A. § 384.95 et seq. was repealed in 2007.
- 3=73(8) Change Soldier's Preference Law to Veterans Preference Law, I.C.A. ch. 35C (I.C.A. § 400.10).
- 3-74 Is this section on vacating offices still required or can it be deleted?
- 3-79 This section is entitled city treasurer, but it addresses in the text the office of the city clerk. Should it be city clerk as section 3-80 is also regarding the city clerk?
- 3-81 Is everything in this section regarding the budget and purchasing current, correct and complete?
- 3-82 Is this section on transfer of appropriations still current, correct and complete?
- 3-90 et seq. Is everything in this article on the code enforcement officer including the duties regarding mechanical, electrical and plumbing inspections still current, correct and complete?
- 3-110 Is everything in this article on the plan commission still correct?
- 3-130 Is everything in this article on the library board of trustees still correct?
- 3-170 et seq. Is everything in this article on the park and recreation commission still correct?
- Chapter 4  
This chapter was amended just recently and is presumed to be up to date.
- Chapter 5  
This chapter was amended just recently.  
Is the title of the head of the fire department the public safety chief, but there is still a volunteer fire chief?

- 5-20 This section adopts the International Fire Code and the state in I.C.A. chapter 201 has adopted the 2015 Edition of the International Fire Code as amended. Change to cite that edition as amended and reference the state law?
- 5-23 Is this section on key boxes still current, correct and complete and not superseded by the state fire code?
- Chapter 6
- 6-1 et seq. Are these provisions regarding the Oelwein Municipal Airport adopted in 1969 and last amended in 1983 still current, correct and complete?
- 6-41 Is the plan commission acting as a zoning commission the designated airport zoning commission as required in I.C.A.. § 414.6?
- 6-50 et seq. Are the airport zoning regulations adopted in 1976 still current, correct and in compliance with present requirements and principles?
- 6-100 et seq. Is everything in this article regarding the Oelwein Airport Board adopted in 2000 current, correct and complete?
- Chapter 7
- 7-2 It is not necessary to define those terms defined in chapter 1 which is applicable to the entire Code. Delete the definition of person, shall.
- 7-10 Is this section on the water rates effective July 1, 2021 still current?
- 7-11 -- 7-22 Is section 7-11 adopted in 1933 regarding estimating the charges when the meter is not operating and the following sections on meters and billing still current and correct?
- 7-23 -- 7-30 Are these sections on the city water system still current and correct?
- 7-40, 7-42 -- 7-47 Are these sections regarding the sanitary sewer system adopted in 1950 and last amended in 1995 and 2012 still current, complete and correct?
- 7-70 -- 7-76, 7-81 Are these sections on sewer use and regulations still current, correct and complete?
- 7-80 -- 7-91 Are these sections on the public water supply wellhead protection regulations still current, correct and complete?
- Chapter 8
- 8-1 Are Woodlawn Cemetery and Oakdale Cemetery the only cemeteries owned by the city?
- 8-2, 8-7 Are the provisions regarding the perpetual care current and correct?
- 8-4 The term undertaker should be changed to funeral director throughout the chapter.
- 8-6 Are the duties of the superintendent correct and complete?
- 8-16 Inturnments should be changed to interments.
- Chapter 9
- This entire chapter should be reviewed as it appears for the most part to be obsolete and superseded in part by state and federal law. (I.C.A. § 477A.2; I.C.A. § 364.2; I.C.A. 480A.1 et seq.; Federal Cable Communications Policy Act of 1984, 47 U.S.C.A. § 521 et seq.)
- Chapter 10
- 10-4 Conform this section to the amendment adopted in Acts 2011, ch. 34, § 167 to I.C.A. § 427B.3.
- 10-6 Change the title of the director of revenue to director of revenue and finance?

- 10-7 Conform this section to I.C.A. § 427B.5.
- 10-8 Delete this section as already enacted or state that fact as in compliance with state law.
- Chapter 11
- It appears I.C.A. Chapter 123 has been amended. The amendments will not go into effect until January 1, 2023.
- Add a section adopting by reference the definitions in I.C.A. § 123.3 or include the definitions applicable in text for this chapter.
- 11-1 Include the hours for Sunday and conform this section to I.A.C. § 123.49(2)(b) applicable to liquor control licensees retail liquor control licensees or retail wine or beer permit holders?
- 11-1 Delete "Senate File 144 of the 65th General Assembly of the State of Iowa, Section 1' from the history note and insert a state law reference to I.A.C. § 123.49(2)(b) after the section?
- 11-1 Include all subsections on hours of sale in I.C.A. § 123.49 etc.?
- Conform the definition of person of good moral character to I.C.A. § 123.3(40) and include a section on definitions applicable to the entire chapter as suggested in this chapter review? Legal age is no longer 19 years of age (I.C.A. § 123.3(28)).
- 11-3
- 11-5 Is everything in this section on conditions for approval current, correct and complete?
- 11-6 Is everything in this section on beer permits current, correct and complete? Apparently I.C.A. § 123.131 on beer permits has been repealed and the fees for the classification of alcoholic beverages have been amended effective January 1, 2023.
- 11-7 Is everything in this section on liquor licenses current, correct and complete? Apparently I.C.A. §§ 123.36 and 123.173 on liquor control licenses have been repealed and replaced and the fees for the classification of alcoholic beverage licenses has been amended effective January 1, 2023.
- 11-11 Delete the reference to "simplified" as former I.C.A. § 123.35 relating to simplified renewal procedure and class "E" procedure was repealed in 2011?
- 11-19 Conform this section to I.C.A. § 123.49?
- 11-20 Conform this section to I.C.A. § 123.51?
- 11-21 I.C.A. § 123.39 on suspension or revocation of licenses or permits was amended effective January 1, 2023. Conform this section to those amendments effective January 1, 2023?
- 22-22 I.C.A. § 123.40 on effect of revocation of licenses or permits was amended effective January 1, 2023. Conform this section to those amendments effective January 1, 2023?
- 11-23 If this is a reference to the city license, should this reference to director not be city's disapproval? There does not appear to be a department hearing board as I.C.A. § 123.32(7) states the appeal of disapproval of a local license is to the administrator?
- 11-24 Conform this section to the state law?
- 11-24 Conform this section to I.C.A. § 123.32(8) on Judicial review of the administrator's action?

- 11-25 This section on penalties adopted in 1995 should be reviewed and conformed to the penalties within the city's jurisdiction under the state law.
- 11-26 Is everything in this section on hearing conducted by the city council current, correct and complete?  
Chapter 12
- 12-2 I.C.A. § 380.10 provides "A city may adopt the provisions of any statewide or nationally recognized standard code or portions of any such code by an ordinance which identifies the code by subject matter, source and date, and which incorporates the provisions of the code or portions of the code by reference without setting them forth in full. Copies of the proposed code or portions of such code shall be available at the office of the city clerk."  
Adopt the International Building Code, 2015 Edition by reference which is the state building code?
- 12-3, 12-4 Are all the amendments in these sections, current, correct and complete?  
What edition of the International Existing Building Code has the city adopted? Adopt the International Existing Building Code, 2015 Edition by reference which is the state code?
- 12-5
- 12-6 Are the amendments in these sections, current, correct and complete?  
What edition of the International Residential Code for One- and Two-family Dwellings has the city adopted? Adopt the 2015 Edition by reference which is the state code?
- 12-7
- 12-8 Are the amendments in this section, current, correct and complete?  
What edition of the International Plumbing Code has the city adopted? Adopt the International Plumbing Code, 2015 Edition by reference which is the state code?
- 12-12
- 12-14 What edition of the International Mechanical Code has the city adopted? Adopt the International Mechanical Code, 2015 Edition by reference which is the state code?
- 12-15 What edition of the National Electrical Code has the city adopted? Adopt the National Electrical Code, 2020 Edition by reference which is the state code? Has the city adopted by reference any of the other state codes?
- 12-30 Except for plumbers, does the city still license and administer the examination for tradesmen? If so, is this division current, correct and complete?
- 12-50 et seq. Is everything in this chapter on Unsafe Buildings correct and complete?  
The Uniform Code for Abatement of Dangerous Buildings is no longer published. Does the International Existing Building Code provide standards or does the city apply the standards adopted in the International Property Maintenance Code of Oelwein, chapter 25 of this Code as the city's adopted housing code?
- 12-55
- 12-70 et seq. Is everything in this article on Off-premises Signs correct and complete? This article should be reviewed for conflicts and duplication with Ord. No. 670, § 201.5 and similar sections regarding permitted signs in each district in the zoning ordinance.
- 12-100 et seq. Is everything in this chapter on House Moving correct and complete?

12-150 et seq. This article adopted in 1965 regarding mobile homes which were manufactured prior to 1976 is obsolete and should be amended to apply to manufactured homes defined as: "Manufactured home" means a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by the United States department of housing and urban development, and was constructed on or after June 15, 1976." in I.C.A. § 103A.51.

12-201 et seq. Although there are exceptions, this article on small wind energy conversion systems appears to attempt to follow the Iowa League model ordinance drafted in accordance with I.C.A. § 476.48(3). The city may want to review the model ordinance on the league website and also may want to update the insurance requirement.

12-200 et seq. This article should be reviewed with I.C.A. § 364.17(3)(a) which states "A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following: . . . . ."

As previously mentioned, is the International Property Maintenance Code of Oelwein, chapter 25 of this Code the city's adopted housing code?

12-400 et seq. This article on vacant buildings adopted in 2018 should be reviewed for any changes necessary and updates. The reference in section 12-409 to the deadline (No later than June 30, 2019, following passage of this ordinance, and subsequently) should be deleted as obsolete.

12-411 The board of appeals mentioned in this section does not appear to be created in this article. Where is this board of appeals created and what is the requirements and procedure for the appeal?

Chapter 13

The city council apparently has adopted a new zoning ordinance, Ord. No. 670 and a new Subdivision ordinance also numbered Ord. No. 670 which were received on April 11, 2022. What is the date these new ordinances were adopted?

13-1 This section states the zoning ordinance contains: "provisions of this ordinance; requiring the issuance of building permits before the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving any building or structure; providing for permit fees; defining certain terms . . . . ." and contains standards and requirements for construction. The building code also requires a building permit and the various codes adopted in the building chapter as amended establish standards and the similar provisions in the zoning ordinance number 670 should be reviewed for conflicts and duplication and the standards and regulations regarding the trades should be in the building chapter.

Chapter 14

14-1 et seq. Is everything in this article regarding street naming and building numbering still current, correct and complete?

- 14-20 et seq. Is everything in this article regarding street naming and building numbering still current, correct and complete?
- 14-20 Was the definition of pavement surface intended to include streets, avenues and alleys and all rights of way?
- 14-21 Although permits are mentioned in sections 14-22 – 14-24, this section apparently requiring a permit was deleted in 2003. Does the city require a permit for this activity? If so, a section requiring a permit for this work should be included.
- 14-25 Similarly this section on deposits and bonds was deleted, but a cash payment and bond are apparently required in section 14-24.
- 14-40 et seq. Is everything in this article regarding street excavations still current, correct and complete?
- 14-60 et seq. This article on use of the city streets, etc. does not appear to require any notice to the city or permit or franchise? Does the city require a permit, etc. and supervision of such activity?
- 14-70 et seq. Is everything in this article regarding utility equipment placement adopted in 2002 still current, correct and complete?
- 14-114 Is everything in this article regarding sidewalk construction and maintenance adopted in 1975 still current, correct and complete and not duplicative or conflicting in part when compared with section 14-100 et seq.?
- 14-120 et seq. Is everything in this article regarding trees adopted in 1995 including a tree board still current, correct and complete?
- 14-140 et seq. Is everything in this article regarding awnings, canopies and marquees adopted in 2006 still current, correct and complete?
- 14-142(e) The reference in this subsection to compliance with removal by July 1, 2008 should be deleted as obsolete.
- 14-142)1) The reference to existing movie marquees mentioned in this sentence should either be deleted as obsolete or dated to indicate the definition of “existing.”
- 14-142(2) This section which attempts to grandfather certain awnings and canopies should be reviewed and either deleted as obsolete or dated to define “exist.”
- 14-143(3) The reference to existing awnings mentioned in this section should either be deleted as obsolete or dated to indicate the definition of “existing.”
- 14-150 et seq. Is everything in this article regarding sidewalk cafes adopted in 1975 still current, correct and complete?
- Chapter 15
- Chapter 25 creates a property maintenance code for the city which also cites nuisances and remedies and should be reviewed for duplication and conflicts.
- 15-1 This section generally addresses other sections which specifically prohibit similar acts as in section 16-1, chapter 18, ch. 25, etc. Keep this section and place all nuisances as articles, etc. in one chapter?
- 15-2 Amend this section to prohibit rodent infestation and delete the specific reference to the requirement of property ownership.
- Chapter 16

- 16-1 This section generally addresses what other sections prohibit as in section 15-1, chapter 18, etc. Keep this section and place all nuisances and environmental regulations as articles, etc. in one chapter?  
These definitions should be reviewed and updated to include present terminology and those words that are defined in chapter 1 may be deleted as they are applicable to the entire chapter.
- 16-2
- 16-4 -- 16-14 Are these sections current, correct and complete?  
This article on collection which was adopted in 2018 appears to supersede the sections in Article 1. The city should delete those sections in Article I that are superseded and no longer in effect.
- 16-20.01 et seq.
- 16-40(1) Are the collection fees adopted in 2018 correct?  
Does the city still operate a landfill? If not delete these landfill charges which apparently were last amended in 1992?
- 16-40(2)
- 16-41, 16-43 If the city does not operate a landfill, these sections should be deleted.
- 16-50 Noxious weeds are actually defined in I.C.A. § 317.1a.
- 16-51 Is everything in this section current and correct?  
Conform this article on hazardous substances to the applicable provisions of I.C.A. ch. 455B?
- 16-60 et seq.
- 16-80 et seq. Is everything in this article on open burning current, correct and complete?  
Chapter 17  
Transient merchant is defined in I.C.A. § 9C.1. Review that definition for possible inclusion in this section.
- 17-1
- The request for a social security number is subject to 5 USC § 552a which states: “Sec. 7. [5 U.S.C. 552a note] (a)(1) It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.” See application information required in I.C.A. §9C.3.
- 17-3)1)
- 17-7 The required bond of \$100 should be reviewed with I.C.A. § 9C.4 . I don't think you can secure a bond of only \$100 and it is insufficient.  
This section on charitable and nonprofit organizations should be reviewed and updated to include organizations active in the city.
- 17-10
- This section should also include those entitles exempt in I.C.A. § 9C.1(3) such as “ persons running a huckster wagon, . . . fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or employees.
- 17-11
- This section should reference the sound limits in the city noise ordinance which is applicable to everyone. Does the city council authorize sales on public property.
- 17-13
- Delete the sentence of imprisonment as infractions are not punishable by imprisonment as provided in I.C.A. § 364.3(6).
- 17-14 This article includes itinerant dealers which are also included and regulated as transient merchants in Article I as precious metals dealers which should be the title of this separate article. Is everything in this article current, correct and being enforced in the city?
- 17-20 et seq.
- 17-30 et seq. Is everything in this article on scrap and recyclable material dealers current, correct and being enforced in the city?



- 17-31 Include beverage cans in the prohibition of purchase of any materials from a minor?
- 17-32 Isn't the storage of flammable materials regulated in the fire code?
- 17-40 et seq. Has the city entered into an agreement with the Iowa Department of Inspections and Appeals as provided in I.C.A. § 137F.3? If so conform this article to I.C.A. ch. 137F?
- Chapter 18  
Is everything in this chapter on noise control correct and complete?
- Chapter 19  
Since fowl are animals, this chapter should just be entitled Animals.
- Is everything in this chapter last amended in 2018 current, correct and complete?
- 19-1, 19-2 Section 19-1 apparently adopted in 1888 suggests that the only animals allowed on sidewalks are dogs and cats which is restated in section 19-2 including a prohibition on allowing a dog or cat access to the sidewalk. These sections should be combined and be more specific as to what animals under the care and direction of a person are prohibited from being on a sidewalk, if any.
- 19-21(1) (C) The availability of a special permit for just AKC recognized breeds is of questionable validity unless there is a valid distinction that necessitates the discrimination.
- 19-21(4) The acceptable temperatures for unattended animals should be reviewed as they seem unreasonable and may require adjustment.
- 19-41 I.C.A. § 351.33 requires dogs be vaccinated against rabies at six months of age with an exception for dogs not allowed to run at large. The city may be more stringent
- Chapter 20  
This chapter may be codified with the alcoholic beverage provisions or the offenses chapter.
- 20-1 If the chapters and therefore the definitions are not combined, this section should reference and specifically adopt the definitions.
- 20-2 This section on possession of alcoholic beverages by underage persons should be amended to conform to state and federal law which is 21 years of age, etc. State law reference—I.C.A. § 123.49.
- 20-3 This section should be amended to conform to the state law, I.C.A. § **123.47, Persons under eighteen years of age, persons eighteen, nineteen, or twenty years of age, and persons twenty-one years of age and older.**
- 20-4 **Conform this section on dispensing alcoholic beverages to underage persons to the requirements in I.C.A. § 123.47.**
- 20-5 **Conform this section on misrepresentation of age by underage persons to the requirements in I.C.A. § 123.47.**
- 20-6 Conform this section on consumption in public places including public intoxication to I.C.A. § 123.46.
- 20-8 This section on open containers in public places is similar to and should be combined with section 20-6 and conformed to state law.
- 20-9 This section on various prohibitions should be reviewed and conformed to state law where necessary.

- 20-10 This section on sales of tobacco, etc. should be conformed to the revisions in the state law including changing the age to 21 years, etc. State law reference—Persons under legal age for use of tobacco products, etc., I.C.A. § 453A.2.
- Chapter 21  
If this chapter is retained containing only park violations, the title should be changed to Park Regulations.  
It is presumed everything in this chapter is correct and current having been last amended in 2020.
- Chapter 22
- 22-1 -- 22-16 This article contains the provisions of the state law regarding traffic and vehicles in effect as adopted in 2003. The sections if retained in their entirety should be amended to include amendments to the state law adopted since 2003.
- 22-20 -- 22-36 This article contains the provisions of the state law regarding motor vehicle equipment requirements in effect as adopted and last amended in 2012. The sections if retained in their entirety should be amended to include amendments to the state law adopted to each section.
- 22-40 -- 22-57 This division contains the provisions of the state law regarding operation of motor vehicles in effect as adopted and last amended in 2012. The sections if retained in their entirety should be amended to include changes to the state law adopted to each section.
- 22-70 This section contains speed limits for specific streets or areas which was last amended in 2003 and should be reviewed and updated to include the current restrictions and regulations.
- 22-71 This section contains specific streets which are designated as one way streets which was last amended in 1979 and should be reviewed and updated to include the current restrictions and regulations.
- 22-72 This section contains specific alleys which are designated as one way alleys which was last amended in 1979 and should be reviewed and updated to include the current restrictions and regulations.
- 22-73 This section contains instructions and designations regarding turns at intersections which was last amended in 1987 and should be reviewed and updated to include the current restrictions and regulations.
- 22-74 This section contains instructions and designations regarding U-turns at specific intersections which was last amended in 1949 and should be reviewed and updated to include the current restrictions and regulations.
- 22-90 -- 22-95 These sections contain the provisions of the state law regarding stopping, standing and parking and including requirements and regulations on specific streets in effect as adopted and amended. The sections if retained in their entirety should be amended to include amendments to the state law adopted and to include current restrictions and regulations in the applicable section.
- 22-96, 22-97 These sections contain designations and instructions regarding obedience to official traffic control signals last amended in 1987 which should be reviewed to include any changes in specific street regulations and as adopted in the state law.

- 22-98 -- 22-103 These sections contain the provisions of the state law which were last amended in 1995 which should be reviewed to include any changes to that state law.
- 22-104 This section contains the city parking fines last amended in 2018 which should be reviewed to include any changes in the fines.
- 22-105, 22-106 These sections contain requirements for payment of parking fines which should be reviewed to include any changes in procedures and state law.
- 22-110 et seq. This article contains specific street and area restrictions regarding parking which should be reviewed and updated to contain present regulations.
- 22-120 This section on drag racing, etc. should be reviewed with and conformed to any changes in I.C.A. § 321.278.
- 22-121 This section regarding right of way should be reviewed with and conformed to any changes in state law adopted since 1987.
- 22-122 This section on stop or yield intersections should be reviewed with and conformed to any changes in the state law adopted since 1980.
- 22-123, 22-124 Similarly, these sections should be reviewed with and conformed to any changes in the state law.
- 22-125 This section restricting parking during certain hours in specific streets and areas last amended in 1986 should be reviewed and updated with any changes.
- 22-126 This section on snow emergency parking ban was last amended in 2019.
- 22-127 This section on designation of specific spaces for handicapped parking last amended in 2014 should be reviewed and updated with any changes.
- 22-128, 22-129 These sections on designation of truck routes last amended in 2015 should be reviewed and updated.
- 22-130 This section on load limit designation on specific streets last amended in 2008 should be reviewed and updated with any changes.
- 22-140 et seq. This article on municipal parking lots adopted in 1953 should be reviewed and updated with any changes.
- 22-160 This section on railroad trains blocking intersections should be reviewed with I.C.A. § 327G.32 and include any necessary changes
- 22-161 This section on mechanical devices at certain crossings adopted in 1949 should be reviewed.
- 22-162 This section establishing maximum speed limits for railroad trains is of questionable validity and should be reviewed with the Federal Railway Safety Act.
- 22-163 This section on signals at crossings adopted in 1893 should be reviewed.
- 22-170 et seq. This article on taxicabs adopted in 1954 should be reviewed and updated and include any changes in procedures and the state law.
- 22-180 et seq. This article on traffic enforcement adopted in 2021 is presumed to be current and correct.
- 22-190 -- 22-194 These sections on licensing of bicycles should be reviewed and any changes included in the applicable sections.
- 22-195 -- 22-203 These sections on bicycle and skateboard, etc. regulations and equipment should be reviewed with and conformed to any changes in city regulations and the state law.

- 22-210 et seq. These sections on snowmobiles and all-terrain vehicle regulations and equipment should be reviewed with and conformed to any changes in city regulations and the state law. I.C.A. chs. 321I and 321G.
- 22-230 et seq. This article on junked vehicles including outdoor storage adopted in 2006 should be reviewed with the referenced state law and city regulations and practices and updated.  
Chapter 23
- 23-1 This section on assault which was last amended in 1987 if retained should be conformed to the changes in I.C.A. § 708.1 which was last amended in 2021.
- 23-2 This section on refusing to assist a police officer should be reviewed as to whether it is something that should be mandated and if retained whether there should be some exceptions.
- 23-3 This section on interfering with official acts amended in 2003 should be reviewed with I.C.A. § 719.1 which was last amended in 2021 and conformed.
- 23-4 This section on false call for fire department or police should be reviewed with I.C.A. § 718.6 which was last amended in 1995 and conformed.
- 23-30 et seq. This article on trespass should be reviewed with the similar provisions in the state law and conformed.
- 23-40 et seq. This article on disturbing the peace should be reviewed with the similar provisions in the state law and conformed
- 23-60 et seq. This article on miscellaneous prohibitions should be reviewed with provisions in state law and conformed.
- 23-81 et sq. This article on prisoner administrative fees should be reviewed with the similar provisions in the state law and city practices and updated and conformed.
- Article VII This article on fireworks should be reviewed with the similar provisions in the state law and city practices and updated and conformed.
- 23-91 et seq. This article on chronic nuisance property should be reviewed with the similar nuisance provisions in the state law and city practices and updated and conformed.  
Chater 24
- 24-2(2) This chapter on business security adopted in 2012 should be reviewed and updated if necessary to conform to present practices.
- Chapter 25  
This subsection regarding upgrading systems by January 1, 2014 should be deleted.  
Chapter 25  
Does this chapter contain provisions similar to that in the International Property Maintenance Code. This chapter references that Code and cites several other International Council Codes. Several of the Codes cited have not been adopted by the city. Does the city want to adopt those Codes?  
In case of duplication, does the city want to insert a statement that the more stringent provision will prevail?
- 25-44 Is Table 404.5 mentioned in this chapter available for inclusion in the chapter?



**Rules of Procedure for Conduct of City Council Business  
Oelwein, Iowa**

I. Rules of Procedure

- A. The Council shall determine the rules of its own proceedings by resolution, and the Clerk shall keep such rules on file for public inspection.

II. Quorum

- A. Four (4) out of the total six (6) members of the City Council constitute a quorum to do business. When there is no quorum, the Mayor, Mayor Pro Tem, or any other Council Member shall adjourn the meeting. If no Council Member is present, the City Administrator shall adjourn the meeting.

III. Agenda

- A. All written petitions, communications, and other matters to be submitted to the City Council for inclusion in the agenda packet for consideration at a scheduled regular, special or workshop meeting should be delivered to the City Administrator (or designee) no later than Noon on the Thursday preceding a scheduled Monday evening council meeting.
- B. The City Administrator, in consultation with the Mayor will establish the agenda and the order of the agenda. Council members may request items on the agenda with support from an additional council member or the Mayor. Support from council members must be made in writing. These requirements are to ensure that council is working on policies that the council wants to address.
- C. The City Administrator (or designee) shall compile the agenda, listing all matters to be considered by the Council according to the order of business, lettering and/or numbering each item consecutively. A copy of the agenda and packet will be posted online by Thursday at 5:00 PM. The agenda packet for any special or workshop council meeting shall be posted online no later than 24 hours prior to the scheduled meeting.
- a. In the event of an issue posting the agenda the City Administrator will make not to the City Council that the agenda will be posted no later than 5:00 PM on the Friday before the City Council meeting.
- D. It is strongly recommended that questions concerning the minutes of a meeting, itemized claims, an agenda item or any supporting documentation for an agenda item or items be submitted by phone, e-mail or in person to the City Administrator for research and/or explanation or correction prior to 12:00 PM (noon) on the day of the meeting. If such a question is posed to the City Administrator for the first time at the meeting of the Council at which such matter is being considered, it shall be appropriate for the Mayor, without further motion, to remove such item from the agenda and postpone consideration to a day certain to afford time for such research as may be necessary. The agenda is to be available to the public no later than 7:00 PM on the Friday preceding the regular council meeting and in the Council Chambers during each meeting. In the case of a special or workshop council meeting, the agenda will be available to the public no later than 24 hours prior to the scheduled meeting.
- E. The City Council shall have the authority to delete items from the agenda and change the order of items on the agenda.
- F. Although the City Administrator has been delegated considerable authority and responsibility for preparation of the final agenda, there are ample protections. The Mayor and City Attorney have been allocated a slot on the agenda for their respective communiques and can place what they want before the Council. Similarly, the individual Council members can always ask to have an item addressed under City Council Updates.



#### IV Conduct of Meeting

##### A. Regular Scheduled Meeting.

1. Meeting Time. The council shall meet in regular sessions beginning at 6:00 PM, local time, on the second and fourth Monday of each month, except upon vote of the Council.
2. Meeting Place. Meetings of the Council shall be held in the Council Chambers at City Hall, 20 2nd Ave SW, Oelwein, Fayette County, Iowa, unless otherwise posted and provided in the meeting notice. Attendance shall be limited to the posted seating capacity. While the Council is in session, members of the public shall not remain standing in the Council Chamber, except to address the Council at the request of the presiding officer. Sitting on the floor of the Council Chamber shall not be permitted.
3. Meeting Notices. All meeting calls, notices and agendas shall be prepared and given in compliance with state statutes, laws and local ordinances.
4. Length of Meeting. The length of any meeting shall be limited to three hours. This limitation may be extended for any particular meeting by an affirmative vote of a minimum of four (4) council members to suspend the rules and extend the meeting by the time required.

##### B. The Agenda Order

1. Order of Business.
  - a. Call to Order.
  - b. Pledge of Allegiance.
  - c. Roll Call. (Rotating).
  - d. Approval of Minutes.
  - e. Adopt Agenda: Once adopted by the Council, the business of the meeting will follow the printed agenda and all matters will be addressed in the order presented on the agenda, as amended. After the agenda has been adopted, the agenda cannot be changed except by majority vote of the Council.
  - f. Citizen Comments: Comments made by members of the general public. Citizen comments are limited to three minutes. In order to ensure council has time to conduct city business, public comments may be limited once all sides of the issue are recognized. All Citizen commentators must request to be recognized by the Mayor and upon being recognized, shall approach the microphone, state their name and address, and succinctly make their statement. All speakers shall direct comments to the Mayor or the Council as a whole. Citizen comments is a time designated on the agenda for Citizens to make statements and is not designed for interrogation or demanding a dialogue. No formal action of the Council shall be acted on pursuant to Citizen Comments. The Mayor and City Council are under no obligation to answer questions during citizen comment or make a formal decision on said topics. The Mayor has the authority to close public comments should no new comments are to be made. If several community members continue to provide the same information for their comments, the Mayor may stop public comment.
  - g. Consent Agenda: The consent agenda shall consist of administrative, routine or non-controversial matters that shall appear on the prepared agenda as such. The items comprising the consent agenda shall be furnished to each council member, Mayor, City Administrator and City Attorney and will not be considered individually and shall be adopted on one motion. The Mayor or any individual Council member may



request to remove any item from the consent agenda to be considered and acted upon separately as an individual agenda item.

- h. Public Hearings: Interested persons or their authorized representatives may address the Council regarding public hearing matters under consideration. The Mayor opens and closes public hearings. No formal resolution or motion is needed to open and close a public hearing unless required by the public hearing. Once the public hearing is closed, further discussion from the public on the matter will be denied, except upon the request of a Council Member through the presiding officer.
- i. Ordinances. An Ordinance requiring a public hearing shall be considered immediately following the public hearing and shall be given a priority on the agenda. Members of the general public are invited to participate in the public hearing on the same terms and conditions applicable to "Citizen Comments". Ordinance shall be voted on by roll call which shall be reported on the face of said Ordinance.
  - 1. All ordinances require four votes of council regardless of the quorum present.
  - 2. All tied ordinances fail and cannot be broke by the mayor.
- j. Resolutions. A Resolution requiring a public hearing shall be considered immediately following the public hearing and shall be given a priority on the agenda. Members of the general public are invited to participate in the public hearing on the same terms and conditions applicable to "Citizen Comments". A Resolution that pertains directly to another item of business may be placed in proximity with said agenda item(s). Resolutions shall be voted on by roll call which shall be reported on the face of said Resolution.
  - 1. All resolutions require four votes of council regardless of the quorum present.
  - 2. All tied resolutions fail and cannot be broke by the mayor.
- k. Motions. Items on the agenda may only require a simple motion. Once discussion of the item is ended, the Mayor will call for a motion and a second. A vote shall be taken after the motions affirming the direction of council.
  - 1. A tied motion can be broken by the Mayor if the motion does not lead to a resolution or ordinance.
- l. Committee Reports
- m. City Council Updates
- n. Mayor's Report
- o. City Attorney Report
- p. City Administrator's Report
- q. Executive Session
- r. Public Action on Executive Session
- s. Adjournment

#### C. Mayor and Council Meeting Conduct

- 1. Elected officials should come to each meeting having read the agenda packet and asked all questions to the City Administrator before the meeting.
- 2. Council members should remain calm and collective during the meetings. Disagreements will happen and all elected officials should remain professional.
- 3. While passion is allowed in meetings, that passion should never spill into name calling, yelling, or harassment of fellow elected officials or staff.
- 4. Any elected official that raises their voice to a fellow elected official or city staff member should excuse themselves from the meeting for the remainder of the night.



5. Elected Officials should refrain from coming with a hidden agenda creating moments intended to embarrass or catch fellow elected officials or city staff off guard. Elected officials should provide their information to fellow elected officials and staff before an item is discussed.
6. Elected Officials and staff are on the same team and meetings should be conducted as such.
7. Mayor and Council are policy makers for the city. Elected officials should not act in an administration role and should provide high level leadership for the community.

#### D. Meeting Items

1. The City Administrator and Mayor shall have the authority to vary the Agenda and recommended schedule to expedite the conduct of business or accommodate persons having business under consideration of the Council.
2. Council can delete and change order of Agenda.
3. Method of keeping minutes. The minutes of the Council shall be prepared at the direction of the City Administrator and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings. The minutes must contain only a record of such business as was actually passed upon by a vote of the Council and shall not be required to contain a verbatim transcript of the proceedings. A record shall be made of the names of persons addressing the Council, the title of the subject to which their remarks relate and whether they spoke in support of or in opposition to such matter.
4. Remarks of Council. A Council Member may request, through the presiding officer, the privilege of having an abstract of that member's statements on any subject under consideration by the Council entered in the minutes. If the Council consents, such statements shall be entered in the minutes.
5. Delivery of minutes. The City Administrator (or designee) shall cause a copy of the minutes to be forwarded to the Mayor and each Council Member and department head, typically delivered with the agenda packet for the next regular meeting.
6. Approve Minutes. The minutes of the preceding council meeting may be approved without being read aloud, provided that the City Administrator has previously furnished each member of the Council with a copy of the minutes and that a majority of the Council has not requested such a reading.
7. Correction of Minutes. When a Council Member wishes to correct the minutes, that Council Member should contact the City Administrator in advance of the meeting with the correction. The City Administrator will then verify the correction by listening to that meeting's audio recording. Upon verification of an error in the minutes, the City Administrator will provide the corrections to the Council in advance of the meeting, immediately prior to the meeting or during the meeting. If time constraints prevent this procedure, the Council should continue the approval, of the minutes to the next meeting, and direct the City Administrator to verify the error.
8. Ordinances and Resolutions. All ordinances shall be prepared or reviewed by the City Attorney. Ordinances and resolutions shall be prepared for presentation to the City Council upon the request of the Mayor, any Council Member, the City Administrator, or through the initiative of the City Attorney. As time allows, the City Attorney may assist individual Council Members in preparation of ordinances for future Council consideration. All ordinances, resolutions and contract documents to be presented to the Council shall first be approved as to form and legality by the City Attorney or an authorized representative. When substantive matters of administration are involved, the ordinance, resolution, or contract shall also be





examined for administration by the City Administrator, the head of the affected department, or an authorized representative of the City Administrator.

1. In the event of a tie on an ordinance, the ordinance dies and can only be brought back by two members of the dissenting vote.
  2. In the event of a tie on a resolution, the resolution dies and can only be brought back by two members of the dissenting vote.
9. Closed Sessions. A closed session may be held only by an affirmative vote of a minimum of four (4) members of the entire City Council. The City Council may hold a closed session only to the extent a closed session is necessary and for the discussion of any statutorily authorized purpose as referenced in the Code of Iowa § 20.17; 21.5; 21.9 or other authority of the Iowa Open Meetings law, State Statute or Law. The vote of each member on the question of holding the closed session and the reason for holding the closed session shall be announced publicly at the open session and entered into the minutes. Final action on any matter will be taken in open session. The detailed minutes and audio recording of a closed session shall be sealed and shall not be open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or audio recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or audio recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, or for as long as the matter is in litigation proceedings.
10. Handling Requests during Meetings: The Council has limited authority to act on a Citizen's request that arises during a meeting. The Council is permitted to:
- a. Give administrative direction to the City Administrator to pursue a resolution of the matter and to report back at a subsequent meeting of the Council
  - b. Defer official action with instructions that the matter be included for action on a subsequent Agenda of the Council.
  - c. Waive the rules and amend the Agenda for official Council action. This shall only be appropriate in circumstances which the Council deems to be an emergency. This process shall be guided by the City Attorney.
11. In the event of a no vote on an item that council had previously voted in favor for, or provided direction to the City Administrator to commence work on, the city council should take a moment to provide direction to the City Administrator. Ordinances, Resolutions, or motions that are voted no should come with an explanation from City Council and provide direction the City Administrator. This ensures the city is moving forward and that progress can be made, and no questions continue to linger after a meeting.
- E. Special Meetings.
1. Special Meetings of the Council may be held at any time, upon request of the Mayor or written petition of at least four Council members. Notice of Special meetings must comply with state law and shall be sent to each member of the Council and Mayor. Special Meetings required



to meet a need of a private person or entity shall be required to advance a fee set by annual Resolution of the Council.

#### F. Workshop Meetings.

1. The Council may conduct workshop meetings or study sessions on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. Items to be considered will be placed on an agenda as required by the open meetings statutes.
2. At workshop meetings the Council will receive information and presentation of issues from the City Administrator and City staff. Council may ask questions and may request that certain information be provided, or issues be addressed when items are considered further at another workshop meeting or a regular meeting of the Council. Council may direct that matters under consideration be brought forward for formal action at a regular meeting, that further study be conducted if appropriate, that matters under consideration not be pursued further (except for matters requiring a public hearing), or that modifications be made before a matter is considered further.
3. Final action on items is not taken during workshop or study sessions. No formal vote of the Council in favor or against any workshop or study session agenda item may be taken.
4. Workshops are not public hearings. On public hearing items, public testimony will be taken before Council action on the item at a regular meeting. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or a study session. Questions may be directed by the Council to a member of the public or another interested party or, in appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such response to questions or presentation.

#### G. Electronic Meetings.

1. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:
2. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
3. The governmental body complies with §2 1.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.
4. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.
5. A meeting conducted in compliance with this section shall not be considered in violation of this chapter.
6. A meeting by electronic means may be conducted without complying with paragraph D(1), above, if conducted in accordance with all of the requirements for a closed session contained in §21.5.

#### H. Committee Meetings.

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



2. Committee meetings shall comply with all Notice and Open meeting requirements in compliance with State Statute, laws and Local Ordinance. All City council members, the Mayor, City Administrator and City Attorney are welcome to attend any Committee meeting, and notice of all Committee meetings will be provided to each Council member, the Mayor and posted for the public.
3. Committees shall report, in writing, to the Council as the full Council requests. All Committee recommendations, decisions or proposed action shall be subject to final approval and adoption of appropriate motion, Resolution or Ordinance in formal meeting of the Council as a whole. Committee reports and recommendations shall be approved by a majority of the Committee for presentation to the Council as a whole, although a minority report and recommendation may also be made and considered in the course of the Council's regular deliberations.
4. All Council Committees shall be comprised of three members, unless the full Council specifies. The Committee shall select a Chair, unless the Chair is designated by the full Council. The Mayor may take part in discussion during Council Committee meetings.

#### V. MAYOR - DUTIES OF PRESIDING OFFICER

- A. The Mayor (or in the Mayor's absence, the Mayor Pro Tem) shall be the presiding officer of the Council. In the absence of the Mayor and the Mayor Pro Tem, the City Administrator shall call the council meeting to order, whereupon a temporary presiding officer shall be elected by the members of the Council who are present. Upon the arrival of the Mayor or the Mayor Pro Tem, the temporary presiding officer shall relinquish the chair upon the conclusion of the matter of business before the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council, announce the Council's decisions on all subjects, and decide all questions of order. If there is an appeal to a decision of the presiding officer, the Council as a whole shall decide the question by majority vote.
- B. The Mayor, as presiding officer, may debate, but may not make a motion.
- C. The principal functions of the Mayor during sessions of the Council are:
  1. Call the meeting to Order.
  2. Announce the Order of business as provided in the Agenda.
  3. State motions "on the table".
  4. Put motions to a vote, when appropriate, and announce the result of all votes.
  5. Prevent irrelevant or frivolous debate or discussion.
  6. Maintain order and decorum.
  7. Vote to break tie votes of the Council on motions that will not ultimately require an Ordinance or Resolution as final action.
  8. Otherwise enforce the Council's rules and appropriate parliamentary procedures.
- D. The Mayor Pro Tem, as presiding officer, may debate, vote as a regular Council Member and retains all of the powers as a Council Member. The presiding officer is subject to the limitations of debate that are imposed on all Council Members.
- E. In the absence of the Mayor or Mayor Pro Tem, the City Administrator shall call the meeting to Order and a temporary presiding officer shall then be selected by the Council Members present.



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

#### VI. COUNCIL MEMBERS

- A. Every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate. A Council Member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege or appeal of presiding officer's procedural ruling).
- B. Procedure For Council Action. All Council Members shall vote when called upon to do so by the presiding officer. The results of the vote shall then be in the Council Chambers and the results of the vote read aloud by the City Administrator or designee. A roll call vote will be taken of all Council Members' votes on Ordinances or Resolutions. All ordinances, resolutions and other matters or subjects requiring action by the Council must be introduced and sponsored by a Council Member, by motion duly made and seconded. Debate shall not be permitted on a motion until it is seconded. After the vote has been called, there will be no further discussion or debate, except that members of the Council may be permitted by the presiding officer to explain their votes. All ordinances may be introduced and passed by reading the title only. Ordinances shall be read in full only when requested by a majority of the Council.
- C. Disqualification / Abstentions. All members present at any meeting may disqualify themselves or abstain from voting, in which case the disqualification shall be publicly declared and a record made thereof. The City Attorney is available to help Council Members decide if they should declare a disqualification on any issue. In these or other instances Council Members may choose to use the phrase, "...to avoid the appearance of impropriety."
- D. Vote Required. (Reference Code of Iowa §380.4) A City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance. (Code of Iowa §364.3).
- E. Ordinances, Amendments and Resolutions. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council unless otherwise required by statute (i.e., passage of a Resolution of Necessity in final form). A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a vote of not less than three-fourths of all the members of the Council. If a proposed ordinance, amendment or resolution fails to receive sufficient votes for passage at any consideration, the proposed ordinance, amendment or resolution shall be considered defeated (Code of Iowa §3 80.3). If the rules requiring three separate readings is suspended and the proposed ordinance fails to pass by the required three-fourths vote, the proposed ordinance will be placed on the agenda for the next regular meeting of the Council.
- F. Motions. Passage of a motion requires a majority vote of a quorum of the Council. NOTE: The Mayor may cast a vote to break a tie vote of the Council on a motion that does not ultimately require an Ordinance or Resolution for final action. Mayor may not cast a vote on any Ordinance or Resolution.
- G. NOTE: Pursuant to Code of Iowa §380.4, "all of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council Member declines (abstains) to vote by reason of a conflict of interest. A conflict of interest is defined as "a direct relationship or pecuniary interest in a matter."



However, if a Council Member declines (abstains) to vote for any other reason, that Council Member's seat will be included in "all of the members of the Council."

H. Council compensation:

1. Members of the Council shall be paid Fifty and No/00 dollars (\$50.00) for each Regular, Special or Committee meetings. (See Oelwein Code of Ord. 3-32)

VII. CITY ADMINISTRATOR

A. The City Administrator is the chief administrative officer for the City and oversees the day-to-day operations of the City. The City Administrator is responsible for the implementation of all policy decisions of the City Council and the enforcement of all City Ordinances. The City Administrator appoints, with the approval of the Council, and directly supervises the directors of the City's operating departments and City Hall. The City Administrator oversees the administration of all City contracts, execution of all public improvements, and the construction, improvement and maintenance of all City properties and facilities. The City Administrator shall prepare the annual budget and submit the budget to the Council for consideration and approval consistent with State law, and presents recommendations and programs to the City Council. City Clerk's Office and City Treasurer's Office are held by the City Administrator. The City Administrator is responsible for compliance with employment laws and regulations, coordinates the application process for all staff positions on behalf of the City, and maintains information on Civil Service requirements, employment contracts, compensation and City employee benefits, including health insurance, vacation and sick leave

B. Declaration of Policy:

1. The City Council shall select a City Administrator and shall evaluate the performance of the City Administrator on a routine basis. The City Administrator shall work with, coordinate, and supervise the various department heads who have the knowledge, ability and expertise to govern their respective departments, including day-to-day operations, personnel supervision, assignments and expenditures within the limitations of these rules.
2. Except for the purpose of inquiry, members of the Council shall deal with the various departments of the City through the City Administrator.

VIII Legal

A. The City Attorney is the chief legal officer of the City, representing the City and its boards, committees and commissions in legal matters. The City Attorney prepares or approves all proposed Ordinances, Resolutions, contracts, and other legal documents. The City Attorney represents the City in litigation, advises and prepares legal opinions and prosecutes violations of City Ordinances.

IX Decorum During Council Meetings - Addressing Council - Public

A. Decorum During Council Meetings

1. Requirements

- A. While the Council is in session, all persons shall preserve order and decorum. Any person that refuses to abide by the rules shall be asked to leave the Council Chambers.
- B. Every member of the public and every Council Member desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding all indecorous



language and references to personalities and abiding by the following rules of civil debate:

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

C. Addressing Council From Floor

2. Securing Permission to Speak

- A. Any persons desiring to address the Council are required to follow the procedures as posted in Council Chambers and shall first secure permission from the presiding officer. Remarks should be directed to the matter being considered.
- B. Address the Council as “Mayor and Members of the Council”.
- C. Refrain from making personal attacks on members of the Council or other citizens.
- D. Vulgar, profane, demeaning, disrespectful, abusive, impertinent, slanderous language, or loud, threatening remarks, will not be tolerated.
- E. Any person who disrupts, disturbs or otherwise impedes the orderly conduct of the Council meeting, or who otherwise engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting, shall upon the direction of the presiding officer or a majority of the Council, be barred from further attendance at the Council meeting.
- F. Remarks of Citizens must be germane and must be directed to business within the Province of the Council.
- G. Citizens conducting themselves in disregard of these rules or a disorderly manner may be barred from further participation in the meeting and removed from the Council Chambers by law enforcement.

3. Individuals

- A. Persons addressing the Council will stand at the podium, give their full name and address in a clear and audible tone of voice for the record. Citizens shall be limited to three minutes speaking time per item, unless additional time is granted by the presiding officer. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations on this rule. All remarks shall be addressed to the Council as a whole and not to any individual member. Without the permission of the presiding officer only Council Members and the person addressing the Council shall be permitted to enter into any discussion.

4. Spokesperson for Group Presentation

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

5. Citizen Comment

- A. A maximum of twenty (20) minutes will be set aside for members of the public to address Council on any item not on the agenda.
  1. Presentations will be limited to three minutes.



2. Preference will be given to individuals who did not speak at the previous council meeting's Citizen comment.
  3. Individuals may not speak more than once during Citizen Comment.
  4. All speakers must address the entire Council and will not be permitted to engage in dialogue.
- B. Any individual addressing the Council will be asked by the presiding officer to clearly state his/her name and address prior to speaking before the Council or minimally during or after his/her presentation to the Council so that his/her name may be accurately recorded in the minutes of the meeting.
  - C. Time limits may be increased at the presiding officer's discretion. A Council Member may object to the extension of time to the speaker by the presiding officer. Such disapproval will be noted and a roll call will be taken on the question.
  - D. After a motion is made and seconded by a Council Member, no person shall address the Council except upon the request of a Member of the Council through the presiding officer.
  - E. Generally, matters presented during Citizen Comment which require further investigation or information shall be referred to City staff, and if Council determines that action is required, the item may be placed on a future agenda.

#### X. Council Procedures and Motions

##### A. Motions.

###### a. Procedures - Motions.

- i. Motions are the vehicles for decision-making. It is usually best to have a motion before the Council prior to discussing an agenda item in order to help the members focus on the issue before them. Motions are made in a simple two-step process. First, the Mayor recognizes the member. Second, the member makes a motion by preceding his or her desired approach with the words: "I move ...." A typical motion might be: "I move that we give ten days' notice in the future for all our meetings."
- ii. Any motion made by a member must be seconded by another member. Otherwise the motion fails.

###### b. The Mayor may initiate the motion by:

- i. Inviting the members to make a motion: "A motion at this time would be in order."
- ii. Suggesting a motion to the members: "A motion would be in order that we give ten days' notice in the future for all our meetings."

##### B. Four Basic Motions.

- a. The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan the annual fundraiser."
- b. The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.



- c. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."
  - d. The motion to table. The motion may contain a specific time at which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to bring the item back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.
    - i. Motions to amend and substitute motions are often confused. A motion to amend seeks to retain the basic motion on the floor but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a motion to amend or a substitute motion is left to the Mayor. If a member makes what that member calls a motion to amend, but the Mayor determines it is really a substitute motion, the Mayor's designation governs.
- C. Multiple Motions. Up to three motions may be on the floor simultaneously. The Mayor may reject a fourth motion until the three that are on the floor have been resolved.
- a. When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. For example, assume the first motion is a basic motion to have a five-member committee to plan the annual fundraiser. During the discussion of this motion, a member might make a second motion to amend the main motion to have a ten-member committee, not a five-member committee, to plan the annual fund raiser. And perhaps, during that discussion, a member makes yet a third motion as a substitute motion that we not have an annual fund raiser this year.
  - b. The proper procedure would be as follows.
    - i. The Mayor would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions.
    - ii. If, however, the substitute motion (the third motion) failed, the Mayor would proceed to consideration of the second (now the last) motion on the floor.
    - iii. Finally, the Mayor would deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (ten member committee), and the question on time floor for discussion and decision would be whether a committee should plan the annual fund raiser.
- D. DEBATE. The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor that it is time to move on and take action.
- a. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following





motions are not debatable, so when the following motions are made and seconded, the Mayor should immediately call for a vote of the Council without debate on the motion/

- i. Motion to Adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
  - ii. Motion to Recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Mayor determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.
  - iii. Motion to Fix the Time to Adjourn. This motion, if passed, requires the body 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.
  - iv. Motion to Limit Debate. 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 member of the body makes such a motion, the member is really saying, "I've had enough debate. Let's get on with the vote." When such a motion is made, the Mayor should ask for a second to the motion. If a second is received, the Mayor should stop debate and the members should vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to fifteen minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.
- E. 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 Council is taking an action that effectively cuts off the ability of a minority opinion to take an action or discuss an item. Although these extraordinary motions require a two-thirds majority (a super-majority) to pass, the uniqueness of this requirement is minimized by the fact that the City of Oelwein is largely governed by a Council of six members. This form of government requires a minimum of four (4) votes to adopt any Ordinance or Resolution and this results in no practical distinction between a majority vote of four (4) voters or a 2/3rd Super Majority vote which also requires a minimum of four (4) votes. The limited situation when this distinction actually makes a difference is when the vote is taken on a motion as follows:
- F. Motion to Limit Debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a minimum of four (4) Council votes to pass.
  - G. Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of the Council do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable and requires a minimum of four (4) Council votes to pass.
  - H. Motion to Suspend the Rules. This motion is debatable but requires a minimum of four (4) Council votes to pass. This motion allows the Council to suspend its own rules for a particular purpose.



- a. Motion to Reconsider. There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.
  - I. First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider at the same meeting can be made at any time before adjournment. A motion to reconsider made at a later time is untimely.
  - J. Second. a motion to reconsider may be made only by certain members of the Council. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Council again and again, which would defeat the purpose of finality.
  - K. If the motion to reconsider passes, then the original matter is back before the 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.
  - L. 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 Council).
- M. LIMITING DEBATE AND DISCUSSION.
  - a. Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including members of the Council, in the interest of efficiently and effectively using time.
  - b. Generally, a Council member will not be interrupted by other council members but may be under the following circumstances:
    - i. 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 normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
    - ii. Order. The proper interruption would be, 'Point of order.'" Again, 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 that discussion or debate.
    - iii. Appeal. If the Mayor makes a ruling with which a member of the Council disagrees, that member may appeal the ruling of the Mayor to the parliamentarian.
    - iv. Call for Orders of the Day. This is simply another way of saying, "Let's return to the agenda" If a member believes that 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.



- v. 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 member may make them notion if properly

N. Table A Motion.

- a. The council meeting agenda is generally modified during a council meeting when voting on the “Agenda Approval.” A motion to table an agenda item during a council meeting can only be used for a reason of urgency such as a Council Member or public participant arriving late or needing to leave early and requesting an item be moved forward. A motion to table, for a reason of urgency, will only bring forward the next agenda item. If more than one item needs to be tabled before reaching the item in question, a motion to table several items at once could be made (i.e., “I move to table Items 8 through 15 in order to proceed with Item 16.”). A motion to table requires a second, is not debatable (the chair may ask the maker of the motion to state their reason for tabling the motion), is not amendable, requires a majority vote for passage and, if adopted, cannot be reconsidered. The tabled item(s) may then be taken from the table by motion, second, and a majority vote as soon as the interrupting issue is disposed of. A motion to table should not be used to postpone an agenda item, to limit public debate, or to suppress a minority of the Council.
- b. Items or motions that have been tabled, placed in the care of the City Administrator or Deputy Clerk, are not automatically placed on the agenda for the next meeting. If not taken from the table in the meeting at which tabled, there will be a notation made in the meeting’s minutes that the item(s) or motion(s) have been tabled. Council Members interested in taking action on a tabled item or motion from the previous meeting must request that the item or motion be placed on the next council agenda.
- c. If a Council Member wishes to take action on a tabled item or motion during the meeting at which the item or motion had been tabled, the Council Member must bring back the item or motion by moving to “take (the item or motion) from the table.” The motion to “take from the table” needs a second, is not debatable and requires a majority vote. If an item or motion is not taken from the table during the meeting at which it was tabled or by the close of the next regularly scheduled council meeting, the item or motion dies.
- d. Motion to Postpone. Postponing an item or a motion to a specific date and time ensures that the item or motion will be on the agenda at the adopted date and time. Any item or motion which is to be considered at the next meeting should be postponed to that meeting rather than tabled.

O. Robert’s Rules of Order, 11th Edition, are adopted to supplement these Rules, where not in conflict.

XI. Miscellaneous

A. Conflicts of Interest:

- a. In the event that a member of the Council determines that the member has a direct, definite (demonstrable) conflict of interest regarding an issue before the Council, then that conflict should be clearly stated at the beginning of Council deliberations.
  - Deliberations: Having a conflict of interest may or may not prevent the Council member from expressing an opinion on the matter under



consideration largely determined by that individual Council member's personal judgment.

- Vote Prohibited: Having a conflict of interest, however, prohibits the conflicted Council member voting on the issue with legal consequences for a violation.
  - b. What constitutes a "conflict of interest" is often misunderstood and misstated. Obviously, elected officials are frequently motivated to seek office by virtue of their personal contact with government and an interest in what develops thereafter. The mere fact that a Council members life may be affected by a decision or vote does not equate to a conflict of interest. To constitute a "conflict of interest" something must be involved that is direct, definite and capable of demonstration, it cannot be simply a remote possibility.
  - c. A city officer or employee shall NOT have an interest, direct or indirect, in any contract for work or material or the profit thereof or services to be furnished or performed (with exceptions) pursuant to Iowa Code 362.5.
  - d. NOTE: Major exception- Contracts made by a City, upon competitive bid, publically invited and opened; Iowa Code 362.5(4)
  - e. What constitutes a "conflict of interest" is the frequent subject of litigation and legal opinion. What constitutes a conflict of interest can only be determined by critically applying the law to the unique circumstances presented. A city official or employee presented with a potential question regarding a conflict of interest is instructed to contact the City Attorney.
- B. GIFTS**
- a. The State of Iowa has established laws concerning gifts to public officials, which includes elected officials, employees, persons appointed to local boards, committees and commissions (excepting purely advisory). The official definition of a "gift" is "Anything of value given by a person, doing, or seeking to do business with a public agency, within the donee's (recipient's) jurisdiction."
    - Iowa law bans all gifts received from a person who might benefit, except gifts of food or drink having a value of \$2.99 or less per calendar day.
  - b. A city official or employee presented with a question regarding a potential receipt of a gift, is instructed to contact the City Attorney.
- C. Processing Council Mail**
- a. The Mayor (or designee) is authorized to receive and review all mail generally addressed to the City Council. All correspondence not requiring Council action will be acted upon between council meetings and referred to City staff if appropriate. Action taken on these communications will later be reported to the City Council.
- D. Interpretation Of The Rules Of Procedure**
- a. The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of City Council business.
- E. Preparation And Staff Approval Of Ordinances, Resolutions And Contract Documents**
- a. All Ordinances shall be prepared or reviewed by the City Attorney. Ordinances shall be prepared for presentation to the City Council only if ordered by majority vote of the Council, requested by the City Administrator, or prepared on the City Attorney's own



initiative. As time allows, the City Attorney may assist individual Council Members in preparation of Ordinances for future Council consideration.

- b. The City Attorney shall first approve all Ordinances, Resolutions and contract documents to be presented the Council as to form and legality. When substantive matters of administration are involved, the City Administrator and the head of the affected Department shall also examine the Ordinance, Resolution, or contract.

XII. AMENDMENT - REPEAL

These Rules may be Amended, Repealed, Modified or Temporarily Suspended by a minimum for (4) votes of the Council.



## Oelwein Guidelines for Citizen Participation at City Council Meetings Adopted by Council Resolution #####-####

### Citizen Comments at Council Meetings

#### 1. Council Workshops / Work Sessions.

The committee chair runs the work session. The purpose of work sessions is to allow staff to present material and for the Council to have time to discuss and consider issues in greater detail before they might take action on them.

#### Citizen Comments:

Because the Workshop/Work Session is designed for discussion among the members of the City Council and for them to gain information from the staff, public comment is not warranted unless the chair recognizes a citizen or interested party or if a Council member requests that a citizen be recognized. If so recognized, the same rules of decorum as listed below for Council meetings will apply.

#### 2. Regular City Council Meetings

##### A. Citizens Public Comments

The first opportunity for citizen comment is listed on the agenda as "Citizens Public Comments". This time is set aside for citizens to address the City Council on issues not scheduled on the agenda. It is not to be confused with a public hearing, which is a formal proceeding conducted for the purpose of discussing a specific topic, such as the city budget.

Anyone wishing to address the City Council must adhere to the following "Rules of Decorum":

- Be recognized by the Mayor or Mayor Pro Tem.
- State their name and address.
- Speak from the podium in a civil, non-argumentative and respectful manner.
- Whenever a group wishes to address the City Council on the same subject, the Mayor may request that a spokesperson be chosen by the group.
- Comments are to be limited to 3 minutes in length.
- Should the Mayor or Council ask for clarification, the Mayor may provide additional time to the speaker
- Speakers should speak into the microphone and speak clearly and succinctly.
- All remarks should be directed at the City Council as a body rather than to any particular Councilmember or any member of the staff or audience and should refer to staff by title and/or department.
- If the speaker has documents or papers they wish to share with the City Council that support their comments, they must provide a copy to the City Clerk.
- The Mayor may allow more time for a speaker or make other judgments or limitations about this portion of the agenda, depending upon the circumstances.





- Speakers will refrain from using; profanity; language likely to incite violence or outbursts from the audience; language that is disruptive to the orderly process of the meeting; engaging in conversations with individual council members; making comments of a personal nature regarding others; shouting, yelling or screaming.
- In many cases, the speaker will be directed to meet with staff to resolve the issue or to get their questions answered.
- Other than asking a question to clarify a statement, Council members should refrain from entering into a dialogue with the speaker. This time on the agenda is not intended for a discussion between the City Council and the speaker and should not be used for that purpose.
- Speakers will not continue to address the City Council once they have left the podium and will not engage in conversation with Council members from their seat.
- The Mayor is responsible for maintaining order and decorum and will not allow the speaker to make personal attacks or inflammatory comments and can ask the speaker to be quiet and sit down. If the individual does not comply with the Mayor's request, the speaker may be asked to leave, or if necessary, be escorted from the meeting. The Mayor may call for a break or recess to allow for the speaker to leave the meeting.

#### B. Citizen Comments on Agenda Items during the meeting

The City Council meeting is designed for the City Council to discuss and make decisions on the various issues on the agenda. The procedure for agenda items is as follows:

- Each agenda item is introduced by the Mayor
- The Mayor asks for a staff presentation or clarification of the staff report.
- If dealing with an issue with an applicant, the Mayor may ask for comments from the applicant.
- The Mayor asks if there are any citizens wishing to comment on the item.
- The Mayor will call for a motion and second.
- Once a motion has been made and seconded, no additional comments will be heard from a citizen and only the City Council will discuss the issue from that point on.

The rules for addressing the City Council at the designated time during this portion of the meeting are:

- The speaker must be recognized by the Mayor.
- Other than asking for clarification by the Mayor or a Council member, discussion is limited to among the members of the City Council after a motion has been made.
- At no time will members of the audience be allowed to enter into the City Council discussion from their seats in the audience. If recognized by the Mayor, a citizen may only be allowed to speak at the podium during the City Council discussion if the Mayor believes their comments are germane and necessary or helpful for the City Council to continue their discussion or make their decision.





- Each speaker should only speak once unless clarification is requested by the City Council.
- The City Council has the minutes of that public hearing so they can take those comments into consideration during their deliberation. Comments are not allowed on an item due to the possibility of new information being presented outside the official public hearing which could open the door to potential litigation.
- The rules of decorum explained in “Citizen Concerns” above also apply to comments for an agenda item.

### C. Public Hearings

When an item requires a public hearing by statute, the Mayor will open and facilitate the public hearing. Public comments can be made in the same manner as the public comment agenda item. Reasonable limitations on the number of speakers and time allowed to speak may be imposed by the Mayor in order to keep the meeting moving. Public hearings are held to gather data and opinions from the citizenry that facilitate the decision-making by the City Council. The rules of decorum explained in “Citizen Concerns” above also apply to comments for a public hearing.

### 3. Rules of Decorum for the Audience

Meeting attendees (the audience):

- Will refrain from commenting, clapping, shouting, booing, or other inappropriate and/or disruptive behavior.
- Will refrain from private conversations during meetings.
- Should not address Council members in individual conversation or make comments to individual Council members.

### 4. Contacting City Council Members outside of Meetings

You may contact your City Council member at any time. Their contact information is on the City’s website (<https://www.cityofuelwein.org>) at the button marked Government then City Council. Phone numbers may be provided City Hall should permission be given by the elected official.

