

In this issue: Past, Present & Future of Home Rule

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**PART III**



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## Q&A: A look at the past, present, future of Home Rule

Bob Josten served as the League's executive director from 1974 to 1977, a time when provisions of the Home Rule state codes were developed and adopted. As we continue to celebrate the 50th year of municipal Home Rule in Iowa, Josten shares stories from Home Rule's birth to how it continues to impact cities today.

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## Flood buddies

As the 10 year anniversary of the floods in Columbus Junction approached, community leaders heard that Van Buren, Mo. was experiencing wide-spread flooding. They reached out to share their experience and lessons learned with the southern community.

## About the cover

Outdoor spaces offer a place to learn, grow and recreate. When Iowa hometowns overcome their challenges, they become examples to other communities and have much to teach us about the importance of leadership, business and community involvement, and the power of pride. In the third and final article in the Small City Resurrection Series, on page 23, discover Iowa communities paving the way to more sustainable futures. *(Photo courtesy of Keep Iowa Beautiful).*

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## Bank loans

When your city borrows for major capital improvements, using the bank down the street may be the most convenient option. However, it may not be the lowest cost option.

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## Dealing with neglected cemeteries

Cities can be compelled to take over maintenance and in some cases ownership of forgotten cemeteries in their area. Learn more about these two sections of the Code of Iowa and how they could impact your city.

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## City Department Topics:

- Collecting fees, charges
- Seasonal employees deserve training, too
- Financing cemetery maintenance
- Spraying for insects
- City clerk resources



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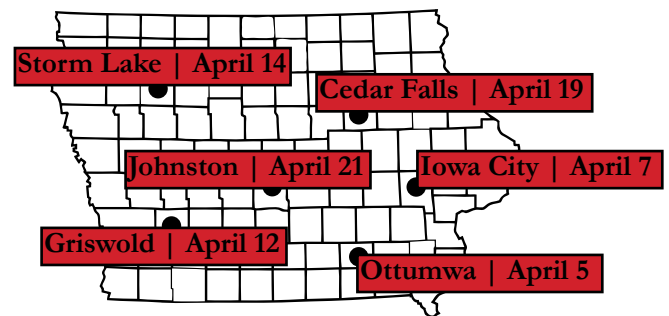
### ***Municipal Leadership Academy Part Three***

Looking for more in-depth information on the challenges facing cities? Make plans to attend Part Three of the Municipal Leadership Academy (MLA). Attendees will hear some of the hottest topics in city government, network with other city officials and share a meal while discussing common concerns.

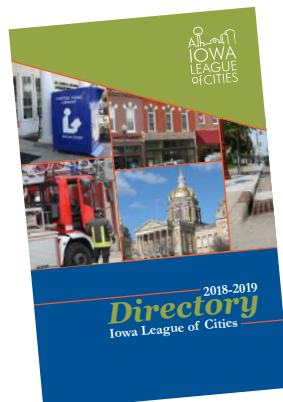
MLA Part Three builds on the information introduced in the first two sessions, although attendance at earlier MLA sessions not required. The program begins with a presentation on the city's role in economic development with an overview of the tools used by cities to retain and attract businesses. The second presentation will discuss community betterment, including examples of how city officials can improve their cities through nuisance abatement. The final presentation discusses strategic planning and goal setting, allowing city leaders to look into the future to better anticipate issues facing their community.

The cost for MLA Part Three is \$75, and registration is open to all elected and appointed city officials.

Learn more and register at  
[www.iowaleague.org](http://www.iowaleague.org).



### ***2018-2019 Directory for Cities available***



The 2018-2019 Directory of member cities and service providers is mailed at the beginning of the month. If you need additional copies send a form with payment to the League. The form is available on the League Web site. Online access to the Directory can be found on the Cities in Iowa page of [www.iowaleague.org](http://www.iowaleague.org).

# UPCOMING Trainings & Events



## Municipal Leadership Academy (MLA)

The Municipal Leadership Academy (MLA) is presented biannually through a partnership of the Iowa League of Cities, Office of State and Local Government Programs at Iowa State University and the Institute of Public Affairs at the University of Iowa. This is the only workshop designed specifically for the needs of newly elected city officials in Iowa.

## Nuisance Abatement Conference

*May 16, 2018*

Effectively managing nuisance abatement can help rebuild homes and buildings, return dormant properties to an active use and restore community pride.

Register online at  
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Learn more about these events and others at  
[www.iowaleague.org](http://www.iowaleague.org)

## Registration is open for 2018 Nuisance Abatement Conference

Registration is now open for the 2018 Nuisance Abatement Conference, our new full-day training event focused on this critical issue. The conference will be held May 16 at the Gateway Conference Center in Ames and features a variety of sessions that offer guidance on ways to rebuild homes and buildings, return dormant properties to an active use and restore community pride.

Featured topics include creating a nuisance abatement plan, financing nuisance code enforcement and abatement activities, tax sales and acquiring abandoned property, proactively dealing with nuisance issues and much more. Full details and online registration is available at [www.iowaleague.org](http://www.iowaleague.org).



## Are you signed up for League Weekly?



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# Celebrate Home Rule with proclamation

Join the League, the Governor and cities across the state in acknowledging the 50th anniversary of the Home Rule Constitutional Amendment by passing a proclamation stating that local control “continues to be vital to the health and prosperity of all cities in Iowa.” A sample proclamation is available at [www.iowaleague.org](http://www.iowaleague.org).

The League is conducting a yearlong celebration to mark the 50th Anniversary of the passage of the city Home Rule amendment to the Iowa Constitution. In 1968, the citizens of Iowa passed an amendment to the Iowa Constitution that enabled cities to exercise Home Rule authority within their jurisdictions. This transitioned Iowa from a state where local government powers are derived exclusively from the state legislature, to a state where local government powers are derived from the State Constitution.



Thank you to these cities and the many others who have passed the proclamation.

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Home Rule Authority allows flexibility to hire the staff needed to run each individual city, but *Code of Iowa* section 380.7 requires the city council to appoint a city clerk (a different title may be used) to do essential duties for the community.

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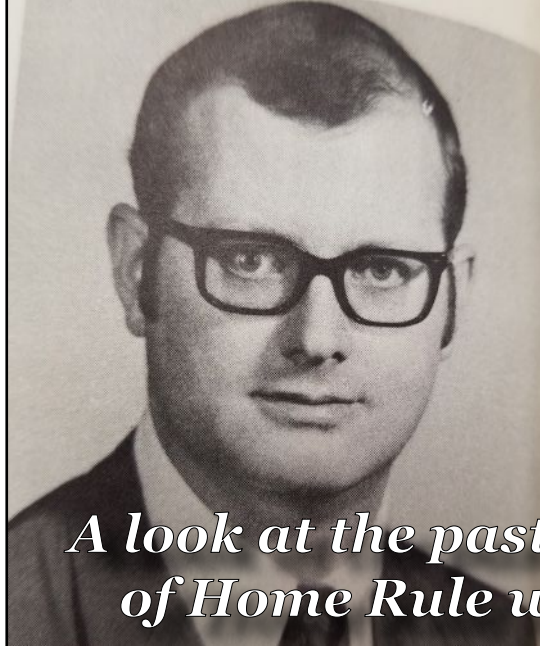






celebrating 50 years of local control

*Join us in celebrating the 50th Anniversary of Home Rule in Iowa! We encourage each city in Iowa to pass a proclamation stating, "Home Rule is essential to effective and responsive municipal governance in all cities in Iowa," and that local control "continues to be vital to the health and prosperity of all cities in Iowa." A sample proclamation is available at [www.iowaleague.org](http://www.iowaleague.org).*



## A look at the past, present, future of Home Rule with Bob Josten



By Mickey Shields | Iowa League of Cities



As we continue to celebrate the 50th year of municipal Home Rule in Iowa, we want to share the perspective of an individual who helped implement the first Home Rule state codes and has worked with cities across the state since the 1970s.

Bob Josten, bond counsel at the Dorsey & Whitney law firm in Des Moines, served as the League's executive director from 1974 to 1977, a time when provisions of the Home Rule state codes were developed and adopted. Since those years, Bob has worked with countless cities on municipal finance issues, providing expert guidance and actively advocating for local governments.



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## **How did you get involved in municipal government and with the Iowa League of Cities?**

I went to Washington D.C. for law school and worked for Congressman Stan Greigg from Sioux City. This is how life is so serendipitous – after Congressman Greigg was defeated I was looking for another part-time job while continuing law school. The National League of Cities was looking for a couple legislative assistants, and I was hired. That's what got me into municipal government and ultimately where I am today.

In those days, all the major cities had their own lobbyists and the National League of Cities had a "Man in Washington" service for legislative efforts. I got to know some people in San Francisco and for three or four years I served as the Washington representative for that city.

In 1973, I became aware of an opening for the Iowa League of Municipalities executive director position and thought, well, that's a way to go home. In 1977, I had an opportunity to join a law firm and worked with Bob Helmick, who was one of the primary municipal bond lawyers in the state along with Ken Haynie, and they helped write the legislation implementing the Home Rule constitutional amendment.

## **What are your recollections from the early days of the Home Rule push and work to get it approved as a constitutional amendment?**

It's such a shame we can't reinvent Park Rinard [former League Executive Director] and Clayton Ringgenberg [former League Research Director]. Park was the key to all of this – a brilliant guy and also extremely politically astute. When you had someone as articulate as Park that really made a difference. Clayton was genuinely a wonderful person, and cities were very fortunate to have Clayton working with them.

## **What are some of the issues from the implementation of Home Rule that stand out to you?**

During my years [as League Executive Director] we started the whole effort to get local optional sales tax legislation approved. Those were times which exemplified the constitutional amendment that says 'sure cities, go off and do everything you want to do except not when it has anything to do with taxation'.

It took quite a while to put the implementing legislation in place. Everybody knew we got rid of the Dillon

Rule [former rule governing municipal powers] so we don't need to have specificity for everything, but what is going to be in state law that governs what cities do. A lot of it had to do with finance – bond issues, public construction projects and a lot of things that needed to be set out in state code.

## **How has Home Rule evolved over the years and what has it meant to cities in Iowa?**

The words 'Home Rule' may carry different meanings for different people, but on their face they suggest that the bottom line of decision-making in a city is the elected representatives on the city council. That's a positive as opposed to being concerned that we need to find a statute that authorizes us to do something, like even hiring a street sweeper, that can be taken for granted now.

The difficulty that we have is that this philosophy has not carried forward through the years in the General Assembly. Many members of the General Assembly still feel that they know better than city officials about what cities ought to be able to do. That's an attitude that is very dangerous.

The best thing that has come out of Home Rule is to be able to educate local officials that they do have powers and responsibilities. And if they take the attitude of let's do what's best for our city and make sure we're not violating any state laws, then everybody can come out of this doing a good job.

## **What do you see for the future of Home Rule?**

It's interesting to note that schools do not yet have Home Rule in Iowa. There has been legislation introduced and several bills have passed that grant a type of Home Rule authority to schools, but that is not going to be enough.

I hope we do not see continued eroding of the Home Rule power, but that is what we're seeing virtually every year with whatever issue comes up. The philosophy itself is out there, but it's not on firm ground in a lot of minds.

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*Mickey Shields is the assistant director of membership services and may be reached at (515) 244-7282 or [mickeyshields@iowaleague.org](mailto:mickeyshields@iowaleague.org).*



# Flood buddies

*Record-setting floods in 2008 led to significant damage in Columbus Junction.*

## Columbus Junction & Oakville

**Location:** Louisa County, southeast Iowa

**Did you know:** About 25 miles apart, Columbus Junction and Oakville sit near the Iowa River as it flows to the nearby Mississippi River.

By Mickey Shields | Iowa League of Cities  
Photos by City of Columbus Junction

## Around the State

Too many communities know the devastation that can result from a flood, damaging homes and property, displacing residents and businesses, and causing serious health concerns. The work of both protecting a city from floods as well as recovering from a disaster can be grueling. However, those efforts can also bring people together in a positive, meaningful way.

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Resident and community leaders in Columbus Junction and Oakville experienced this first-hand during and after the record-setting floods of 2008. The two communities in southeast Iowa were hit hard by that massive flood. The Iowa River crested above 32 feet in Columbus Junction as numerous businesses and properties were heavily damaged. In Oakville, a nearby levee failed and left the community submerged in several feet of water for weeks, destroying dozens of properties.

### Lessons learned

Overcoming that damage became a collective effort as city officials, business owners, residents and volunteers worked together to rebuild their community. Columbus Junction and Oakville also received significant assistance from various federal and state agencies as well as local government partners.

Mallory Smith, community development director in Columbus Junction, said the lessons learned and experience gained put city officials in a unique position to help others.

“We were able to recover as well as we did from the 2008 flood with lots of help from many agencies and organizations, too many to list really. People in Louisa County and its cities have learned a lot about floods and flood recovery, especially about how it goes in a rural area,” Smith said.

Massive rebuilding efforts were done in each community to bring back residents, homes and businesses. The work took years to finish, but left citizens and countless volunteers with a feeling that they could handle the worst. In fact, Oakville took on the moniker of “The Little Town That Would Not Drown”.

### Missouri community experiences devastating flood

Last year, areas of southeast Missouri experienced widespread flooding and property damage. In Van Buren, Mo., a city of a little more than 800 in population near the Mark Twain National Forest, the Current River rose to a record-high of 37 feet. Carter County’s largest city saw hundreds of homes and businesses affected by the floods, including many that were completely destroyed. County government offices were also impacted as several departments had to move to temporary facilities.

As in other flooded communities, it was a challenge for city and county officials to understand the different assistance available from federal and state agencies and



*Severe flooding in 2017 hit the community of Van Buren, Mo. hard and caused property damage throughout the community.*

what rules applied to different situations. Questions abound during and after a natural disaster of who can help, what funding is available, what restrictions apply, whether there are health hazards, when rebuilding efforts can begin and so much more.

### Flood Buddies program aims to provide guidance

As the 10 year anniversary of the floods in Columbus Junction approached, Smith was interested in paying their assistance forward. She heard of the flooding in Van Buren and Carter County and reached out to offer a helping hand.

Smith met with her Missouri counterparts and shared the experiences from Iowa, citing guidance from the Rebuild Iowa Office’s lessons learned materials and the work done to rehabilitate homes and move critical infrastructure out of flood zones.

“In getting to know the people in Carter County we find that we have a lot in common where we can help one another, and it’s not just that we’ve had to deal with destructive flooding. We both have economies based on main street businesses, tourism tied to rivers and natural resources, schools and churches that play really important roles in our communities and interest in preserving and promoting local history. We’re grateful to have the opportunity to be part of the effort to help another community move forward,” she said.

No community wants to experience flooding or any other natural disaster and the damage one can cause. The work to rebuild a community is incredibly challenging, but can be better done with help from a friendly neighbor.

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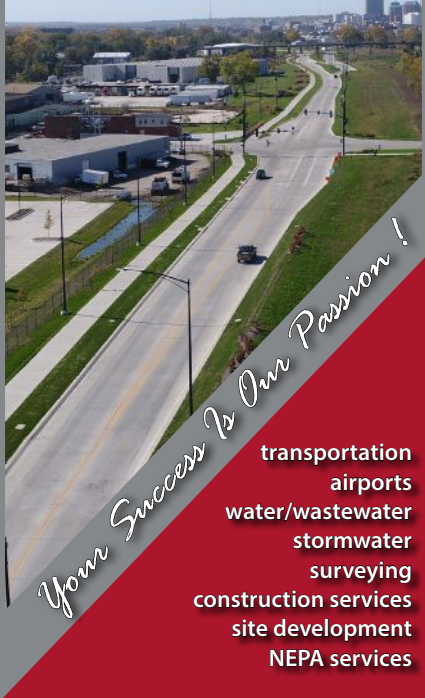
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# Bank loans: Best practices, rules, roles

By Scott Stevenson, Michael Maloney, Nathan Summers and Aaron Smith | D.A. Davidson & Co.

When your city borrows for major capital improvements, there are two necessary participants other than the city: the investor providing the capital and the bond attorney (bond counsel) that provides the legal and (typically) tax exemption opinion for the transaction.

In the simplest form, that investor is the bank down the street. While this may be the most convenient option, it may not be the lowest cost option. A broad market exists for your credit needs, but you probably will need some help accessing it.

In a traditional bond market transaction the city will engage an underwriter, either directly or through a bid process, to purchase the city's debt and distribute to investors. All traditional lending documentation is executed by the underwriting firm and the city. As part of this process the underwriter can offer the bonds to investors ranging from that bank down the street to the largest of financial institutions and mutual funds.

Alternatively, cities can access a similar investor base through a direct bank loan. Bank loans are also referred to as bank placements, private placements, private purchases and/or direct purchases. This article will refer to these collectively as bank loans.

Should a city desire to access the broad marketplace of banks, a placement agent may be enlisted to solicit feedback from banks and negotiate favorable terms on behalf of the city. If the city has a separate municipal advisor, they may help structure the amortization schedule and tailor the size of the loan to suit the city's needs as well as compare bank loan proposals with an estimate of then-current bond market conditions.

Federal regulations draw an important distinction between placement agents and municipal advisors. Placement agents solicit and introduce lenders as well as market and negotiate loan terms, rates and other factors with prospective lenders. Municipal advisors are restricted from conducting dealer activity and cannot actively engage the investor community on the city's behalf.

Over the last several years bank loans have grown in popularity to compete with the municipal bond market as larger regional and national lenders compete for this business. The immediate benefits of bank loans to a city are potentially lower issuance costs and reduced disclosure obligations. Specifically, bank loans do not require a bond rating (such as one purchased from Moody's or Standard & Poor's) and do not require the assembly of an official statement (the offering document for a municipal bond issue) resulting in an expedited timeline. Typically the only ongoing obligation is to provide the bank lender a copy of the annual audited financial statements, limiting staff's ongoing disclosure burden as well.

The placement agent would work with the city's finance team to assemble relevant information about the project being financed and the city's credit quality. This information would be shared with prospective bank lenders (within the local community, regional institutions and national banks) and terms would be negotiated. Ultimately, bids would be submitted by the banks and final terms, repayment schedules and interest rates would be negotiated to ensure the most favorable terms for the city. This would then be memorialized by bond counsel in the legal documents in the same format for a traditional municipal bond market issue.

While bank loans may be considered an "alternative" financing option, it is simply an evolution from the old "bank down the street" option to leverage the best financing terms from a bigger pool of investors for the benefit of the city and its taxpayers.

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*Scott Stevenson, Michael Maloney, Nathan Summers and Aaron Smith with D.A. Davidson & Co. can be reached at (515) 471-2700. D.A. Davidson & Co. is a Partner of the League, part of the Community Alliance Programs (CAP). Learn more about D.A. Davidson & Co. and other CAP's at [www.iowaleague.org](http://www.iowaleague.org).*

# *In their own words..*

*Economic development is vital to all cities, but small cities face unique challenges. Mayors from some of our smaller communities were asked to provide insight based on their experience and success.*

**John Westergaard**, Mayor of Lake View, population 1,142

“One critical shortage in our community is labor force. Our existing industries struggle finding good employees. So, our community has decided to focus our economic development in two areas: (1) housing, and (2) creating a livable community with a high quality of life.

“As a community with a lake, we are blessed to have high-quality housing stock in our community, but that raises the cost of housing. We are finding that workforce housing is needed. This can be “affordable” single family homes or additional multi-family units including apartments.

“As the home of Black Hawk Lake, our community is blessed with outstanding natural resources and recreation opportunities. Over the past several years, we have made an earnest effort to add more amenities to our community to enhance the quality of life for our residents and visitors. We want Lake View to be the preferred place for people to choose to live.”

**Sandra McGrath**, Mayor of Eagle Grove, population 3,583

Several years ago Eagle Grove partnered with their Community Development Corporation to take a hard look at the impression visitors had of the community.

“This was an eye opener as we found sometimes you can’t see the trees for the forest,” said Mayor McGrath. After that look, the city began the process of addressing dilapidated and abandon houses. The community also offers a building incentive, which Mayor McGrath says not only strengthens the tax base but encourages residents to “plant your roots and grow with us.”

“My goal as mayor is to stabilize and turn our city back forward, rather than accepting what many small to mid-size communities are facing: a population and growth decline,” she says.

“Open communication with Iowa Economic Development is also an important step. I encourage communities to look at what they have to offer, communicate what you need, offer suggestions and listen to advice. Our community’s success has a positive, ripple-effect to neighboring communities...Be smart and always look forward for those that follow us.”

*Learn more: Economic development is one of several topics that will be discussed at the Municipal Leadership Academy Part Three trainings happening this month. Register and learn more at [www.iowaleague.org](http://www.iowaleague.org).*





**Doug Moehle**, *Mayor of Northwood, population 1,989*

“Northwood has used a portion of their casino funds to establish both a New Business and Commercial Revitalization Program and a Revolving Loan Fund to provide financial assistance to new and expanding businesses in Northwood. These programs have both contributed to the expansion and addition of businesses. Even with this local support, economic development continues to be an increasing challenge. When you add in housing and infrastructure support smaller communities are in a serious bind.”

**John Drury**, *Mayor of Swaledale, population 165*

“I think two of the biggest issues facing smaller communities are nuisance abatement and economic development, and sometimes I think the two can go hand-in-hand. For example, we have had success in budgeting additional dollars for the enforcement and clean-up of abandoned properties, often times partnering with the property owner to simply deed the property over to the city.”

Mayor Drury says the city has been able to then offer the land to new business owners. However, the cost of this process, clean-up, and legal fees can be greater than the value of the property. That means a long-term view is necessary.

“In the long term, we see a nicer-looking neighborhood and sometimes a new business as a result. So it’s not always a direct incentive to the business owner that can serve as an incentive, but a more creative approach seems to also work.”

**Chad D. Alleger**, *Mayor of Prairie City, population 1,680*

Prairie City’s location, just 20 minutes east of the Des Moines metro, means many goods and services are purchased outside the community.

“We would like to shop locally, but with the lack of resources and cost of goods it’s a real challenge,” explains Mayor Alleger. He says to change this, “We need to grow our residential development. Residential development will in return spur economic development, and we are currently in the process of contacting developers to start that process. I foresee our economic development return, but it’s going to be a slow process.”

**David Mast**, *Mayor of Colfax, population 2,093*

“The current mayor and council have developed a five-point strategic plan and are currently working with ISU (Iowa State University) students on a comprehensive plan. We have gained ownership of several ‘needy’ properties and are now in the process of improving/rebuilding those sites.”

Mayor Mast says grants, especially Community Development Block Grants, have been important in helping his city achieve some of its economic development goals.



*Mayor John Lundell  
City of Coralville  
Iowa League of Cities President*

Membership in the Iowa League of Cities is valuable throughout the year, but its value seems to become even more evident when the Iowa legislature is in session. This time of year highlights one of the critically-important services of the League, advocacy. On February 6 many of you participated in the League's Legislative Day. At that event we heard from several legislators who began their political careers as mayors and council members before going to the statehouse. Multiple times legislators commented on how important League staff members are in keeping them informed on the impacts of proposed legislation.

I cannot overstate the value of the League in representing our

## Return on your League membership

interests on critical issues, such as the preserving the backfill and tax reform. Please follow through when the League asks you to contact your legislators regarding an issue important to our communities. As important as the League's efforts are, they cannot do it without us.

Training is another key service provided by the League, and 2018 brings numerous, valuable events for municipal officials and staff. Throughout April, Part Three of the Municipal Leadership Academy will offer learning opportunities for newly-elected officials, as well as a good refresher for returning officials.

On May 16 the League is hosting the inaugural Nuisance Abatement Conference in Ames. This event will provide guidance on managing derelict/abandoned buildings and returning dormant properties to an active state while restoring community pride.

Another new opportunity for interaction with your peers and vendors is the inaugural golf fundraiser for the Tim Shields Endowment Fund on June 8 at Otter Creek Golf Course in Ankeny. This promises to be a fun and valuable event.

The always-popular Small City Workshops are offered in June. This year's focus will be on planning and completing community development projects, including prioritizing infrastructure needs and budgeting for the projects.

Finally, many of us will be travelling to Council Bluffs for the League's Annual Conference & Exhibit on September 12-14. All city officials and staff are invited to attend. This year's theme is "City Strong."

Registration for many of these events is available online. These events also highlight another key service of the League – to provide guidance. Whether you learn about a new best practice at a workshop, find an innovative or cost-effective product at the conference exhibit hall, or you call or email the League with questions, the League is here to offer training and guidance to members.

Thanks for your membership in the Iowa League of Cities, the organization that serves as the unified voice of cities and provides advocacy, training and guidance to strengthen Iowa's communities.



By Iowa League of Cities

## Collecting fees, charges

The collection of fees and charges is critical to the financial health of all cities. It is much easier to collect these amounts when they are due, rather than wait until it grows to an unmanageable amount for the customer, or when the customer terminates the account. If the outstanding charge is for a utility bill, the city can disconnect that utility service for non-payment (with certain steps and restrictions). The city may also withhold service at a new address for any person with an amount delinquent at a prior address.

### Nonsufficient Funds Checks

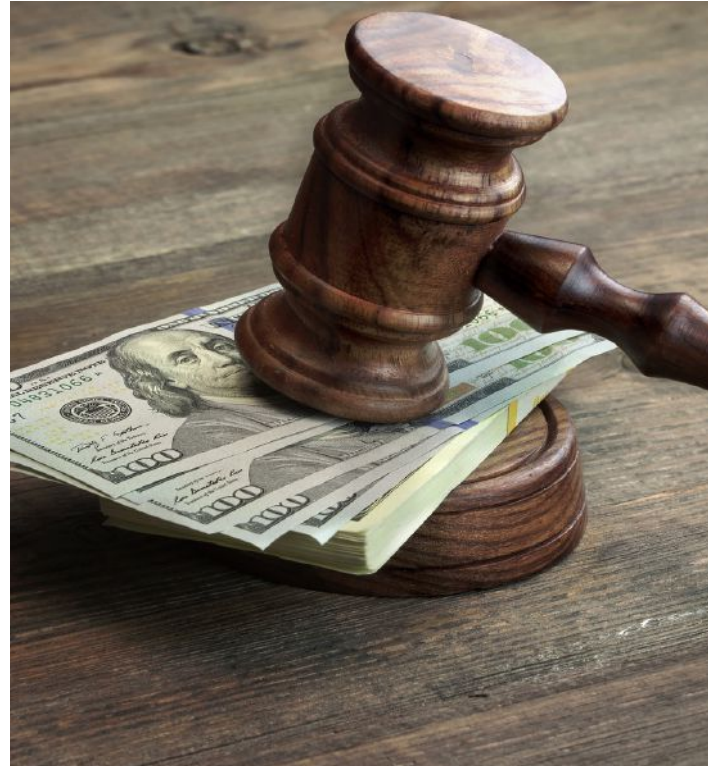
The city should have policies and procedures in place delineating the methods for collection of uncollected amounts (accounts receivable). With the policy in place, the city can, for example, act quickly when a check is returned from the bank for nonsufficient funds.

### Collection Agencies

Cities can use third-party collection agencies. Their contract with the city should be in writing with the fees clearly understood. This may assist the city in recouping some of the outstanding charges; however, agency costs must be considered.

### Income Offset Program

Another option to collect unpaid amounts is through income netting (Income Offset Program). *Code of Iowa* Chapter 8A.504 directs the Department of Administrative Services to establish and maintain a process to collect money owed to an individual or business by a state agency, such as a state income tax refund, and apply that money against the outstanding charges owed by that person or business. Participation requirements can be found at the Income Offset Program Web site.



### Property Liens

A city may place a lien or special assessment on a property by certifying the charges due to a property served with the county treasurer. Written notice must be given to the account holder by ordinary mail not less than 30 days prior to certification of the lien. If the city is unable to certify the delinquent charges against the property on which they accrued due to a sale, the city may then certify the delinquent charges against any other property located within the state owned by the account holder. Special rules may apply for landlords and rental properties.

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*For more information check out the League's Member Resources pages.*

## Seasonal employees deserve training, too



Spring is here and the need to hire seasonal employees is in sight. The big thing to remember when hiring, training and managing seasonal employees is that these individuals are just as much an employee as your regular, full-time and part-time employees. Probably the greatest differences between your regular employees and your seasonal employees is the lack of eligibility for some benefits and that often seasonal employees are minors.

Prior to hiring any minor be sure to look at Iowa Child Labor Law and Occupational Safety and Health Administration (OSHA) young worker rights. These laws protect minors by regulating the type of jobs, number of hours and how late they are allowed to work. Restrictions are based on the minor's age. Examining the rules associated with minors will help ensure you hire minors for the types of positions that have been approved to keep them as safe as possible. See [www.iowadivisionoflabor.gov/child-labor](http://www.iowadivisionoflabor.gov/child-labor) and [www.osha.gov/youngworkers/employers.html](http://www.osha.gov/youngworkers/employers.html) for more detailed information.



In addition, you must follow the same employment laws when hiring, managing and terminating seasonal employees as you do with regular employees. It is common for seasonal employees to be terminated at the end of the season, and rehired at the start of the season next year. Do not make the mistake in thinking that when you rehire former employees you do not need to do a new physical or orientation. Many aspects can change for the rehired employee and the employer during the employee's time away.

In order to help you protect and ensure a safe, productive work environment for your seasonal employee,

a model Seasonal Employee Orientation Program is available at [www.imwca.org](http://www.imwca.org) > Loss Control > Model Programs. More information about employee orientations is also available in the Member Resources area of [www.iowaleague.org](http://www.iowaleague.org).

*Lisa Mart is the IMWCA human resources specialist at the League. She provides IMWCA members with human resources to help them manage their workers' compensation exposures and can be reached at (515) 244-7282 or [lisamart@iowaleague.org](mailto:lisamart@iowaleague.org). The Iowa Municipalities Workers' Compensation Association (IMWCA) is an endorsed program of the League, part of the Community Alliance Programs.*



By Mark Tomb | Iowa League of Cities

## Financing cemetery maintenance

Forever is a long time, and when talking about properly maintaining cemeteries it is an important commitment. Cemetery owners provide peace of mind to family members that where their loved ones rest will be respected and properly maintained. Perpetual care cemeteries help fulfil this long-term commitment by requiring a portion of a cemetery lot price to be set aside for future care and maintenance.

Currently, the requirement as outlined in the Iowa Cemetery Act (*Code of Iowa* Chapter 523I) requires that perpetual care cemeteries set aside an amount equal to or greater than 20 percent of the gross selling price or \$50, whichever is greater, from each lot sale. Cities then place perpetual care money into a separate fund with interest earned on the balance used for maintenance needs. The state currently has 304 cemeteries that are set up this way and each are required to appoint trustees to oversee funds, submit an annual report and are audited by the Regulated Industries Unit of the Iowa Insurance Division at least once every five years.

The problem faced by this model of financing cemetery maintenance is our relatively low interest earning environment. As a result, some cities have deferred maintenance, relied more on volunteer labor, modified the amount of perpetual care contributions or increased fees that directly support current maintenance needs. Cities have also budgeted additional resources to make up maintenance shortfalls.



The problem is especially evident and longer lasting for cemeteries that do not operate as perpetual care cemeteries. These are generally established long before state laws required cemeteries to follow a specific perpetual care model. Although some operate in ways similar to perpetual care cemeteries these are also increasingly relying on help from volunteers, donations and the support of additional taxpayer dollars. This trend is likely to continue as more cities are compelled to take over ownership of cemeteries in disrepair (see page 26 for more information on this trend).

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*Mark Tomb is the director of membership services and can be reached at (515) 244-7282 or [marktomb@iowaleague.org](mailto:marktomb@iowaleague.org).*

## Spraying for insects



As warmer weather approaches, here are a few reminders about spraying for mosquitos and other insects. While many cities contract for spraying services, others provide the service directly using city staff. Either way, the city must ensure that the people spraying and handling pesticides are appropriately licensed.

If city staff is going to spray it is important to understand the chemicals and the methods used to spray for mosquitos and other insects. This starts with a certification process that can establish basic competencies depending on the type of spraying involved. Under *Code of Iowa* Chapter 206 and applicable Iowa Administrative Codes, cities are required to meet most of

the same licensing requirements as a commercial pesticide applicator. Exceptions to this include that fees are waived for the city applicator license and the city does not need to provide proof of financial responsibility.

Certifications are offered by the Iowa Department of Agriculture. Common certifications for cities include right-of-way pest control, public health pest control and community insect control. In addition, there are continuing education components to these certifications. City staff must be able to prove they are receiving adequate annual training, are able to complete the written test at the end of the recertification period, or are able to maintain sufficient training or testing for each

category of pesticide for which they have a permit. If any of the two hours of annual training (per category) is not attended or proper verification is not available, then a written test will be required.

In addition to the individual that actually does the spraying, staff that handle pesticides should also have a Certified Handlers designation. This certification requires annual continuing education to remain up-to-date on best practices such as handling and storing chemicals, mixing pesticides and recognizing symptoms associated with pesticide poisoning.

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*Learn more in the Member Resources area of [www.iowaleague.org](http://www.iowaleague.org).*



## City clerk resources

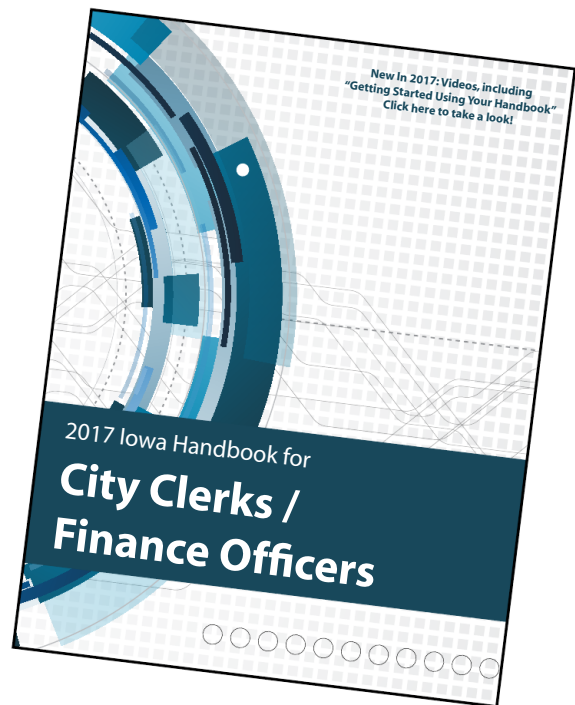
The modern office of city clerk can be traced back to 1272 A.D. during the corporation of Old London. Per *Code of Iowa* section 372.13(3) all cities in Iowa have someone appointed to the time-honored and prestigious position of city clerk by the elected officials of the community.

New clerks have much to learn, but city business marches on so knowing where to go to find the answers will save time and reduce stress. These resources can help get your city the answers it needs quickly.

The **News and Events section** of the League Web page has many valuable resources, one of which is the webinar series. For example, learn about the roles, authority and obligations of the city clerk in the “City Clerk Duties and Responsibilities” webinar. The Member Resources area of the site provides many reference materials.

The **City Clerks/Finance Officers Handbook** is produced by the League every odd year. It is designed as an informational guideline for operations and covers topics from open meetings, open records, human resources and payroll, insurance, accounting, planning and zoning, reports, debt, utilities, and more. It contains many links to training videos and references.

There are also several training and continuing education opportunities. The **Municipal Professionals Institute** offers a variety of courses that cover day-to-day duties. The Municipal Professionals Academy offers continuing education for clerks and finance officers who want to stay current on changes in the field and new laws. The Iowa Municipal Finance Officers Association (IMFOA) and the International Institute of Municipal Clerks (IIMC) both offer certification programs, networking options and training conferences.



For even more resources, select Administration and then City Clerk Resources under the **Member Resources tab** on [www.iowaleague.org](http://www.iowaleague.org). It contains a link to the Clerks Calendar which highlights many of the timelines and due dates that apply to municipalities. You'll also find the City Clerk Contingency List which provides a quick list of clerk tasks in case the clerk becomes suddenly unavailable.

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*Mary Beth Sprouse is a former extension field specialist with the Iowa League of Cities and Iowa State University Extension and Outreach. She is currently the local systems reports specialist with the Iowa Department of Transportation.*



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## ***Iowa successes look a lot like work***

By Keep Iowa Beautiful

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*Part III of the Small City Resurrection Series features examples from communities that have found success in dealing with challenging times by making wise investments and restoring pride.*

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The front lines of Iowa's small city survival are reinforced by dedicated business owners, community leaders and visionaries, impassioned residents and families hungry for small town values, safety, opportunity and accessibility.

The shift from “survive” to “thrive” is how Keep Iowa Beautiful, the statewide nonprofit working to empower Iowans to bring cultural and economic vitality into communities through improvement and enhancement programs, measures success. Success in these communities comes in many forms: behavior change, accepting of new ideas, training of new leaders and a renewal of community pride. ➤



## *Cities Move from Surviving to Thriving*

For Newton, failure simply wasn't an option. Bruce Showalter, director for Newton Housing Development Corporation, believes the persistence of the community leadership is what kept Newton from fading in 2007.

When Maytag Corporation exited the Newton community, it left a huge gap in the city's economy. Maytag had invested \$300,000 over a five year period in revitalization projects. With the loss of jobs, residents moving away and exiting of strong corporate leaders, it suddenly created a deficit that could have been devastating for the community.

"We realized that we needed to maintain the momentum the revitalization had ignited, and we needed to keep people involved. To do that we set goals, first to become a Main Street Community and then, a Hometown Pride Community," Showalter said. "You can't just ride it out, you must get involved and invest in the vision."



## *Make a Statement*

Buy-in from the community begins when we declare that we're committed. Annually, our governor proclaims April as Keep Iowa Beautiful Month. This is an important statement from government that sustainable communities are important and vital to maintaining number-one-in-the-nation status. During Keep Iowa Beautiful Month, please urge your community and civic leaders to draft and formally sign a proclamation for your town.

When you do, share it with us at [info@keepiowabeautiful.com](mailto:info@keepiowabeautiful.com) along with photos marking the day of signing. We'll proudly amplify your efforts by sharing it with Iowa legislators and our social following to applaud your commitment to keeping Iowa beautiful! Download a Customizable Proclamation at [www.keepiowabeautiful.com/aboutus/enhancement-programs/april-proclamation/](http://www.keepiowabeautiful.com/aboutus/enhancement-programs/april-proclamation/).

Thanks to the foresight and leadership of Chaz Allen, former mayor and now State Senator, current Mayor Michael L. Hansen and Showalter, who were asked to assist the city as they developed a comprehensive plan, these initiatives took root. Newton stood on the teetering edge that too many cities fall victim to, and they illustrated how critical it is to engage the right people before it is too late. They chose to focus on the opportunity rather than uncertainty. In the 10 years since the exit of Maytag, Newton has replaced all the jobs lost as new companies entered the community.

A willingness to be progressive and take risks is what sets sustained communities apart from others. For the unincorporated community of Percival in southwest Iowa, investing in the future meant establishing a foundation to support long-term enhancement of the community that was nearly destroyed during the flood of 2011. Their 78-strong population joined forces to raise \$54,000 in grants and private donations to restore their community park and replant trees lost to the flood.

"Last month, a former resident donated \$10,000 to establish a permanent unrestricted endowment to help sustain the future of this community. This is indicative of the commitment residents and business owners make to restoring their hometowns, and once it starts the excitement spreads," said Angie Sheldon, chair of the Percival Hometown Pride Committee.

The Percival Hometown Pride committee plans to grow that endowment as part of their 150th celebration in 2018.

Oftentimes success means tearing down and rebuilding as part of an overarching strategy. In the Louisa County community of Letts, the city took on land-owners of derelict buildings to enforce new policies. This led to tearing down the city's old bank, which was essentially a pile of bricks. A community park will be erected in the vacant space.

For some communities the act of improvement or removal of an eyesore is not the solution; instead, these efforts are symbolic of moving from vision to reality.

## *It Truly Takes a Village*

Successes are met by the individuals, volunteer groups and local leaders who collaborate on a vision and bring together the cultivating hands needed to advance initiatives. Whether the goal is improved economic development or enhancing aspects of a city, bringing ideas to fruition takes good leadership, willing hands and optimism.



Evidence of fruitfulness is sometimes big and bold like the visible facelifts buildings and community facilities get each year through paint grants that freshen up buildings, parks and facilities. Keep Iowa Beautiful and Diamond Vogel Paint have awarded more than 8,900 gallons of paint to Iowa community projects.

But big change can also come from small communities focused on driving economic development, improving features in their community for visitors or enhancing the quality of life for their own residents. Consider the small, but vibrant city of Varina in Pocahontas County. They have grown thanks to their visionary spirit.

“With a population of 73, this community transformed its signature city park into an active playground with new equipment, a renovated basketball court, shelter house, new trees and landscaping, a fire ring, and recycled plastic picnic tables and park benches for all ages to enjoy, thanks to hard work to obtain over \$121,000 in grants and donations,” said Faith Balo, Varina Hometown Pride Committee Chair. “This is proof that when we come together as a community, we can truly make effective changes that improve our town.”

The energy and commitment of leaders and community members rallying for their hometown can be contagious, inspiring others to buy-in and move the needle. Led by a committee of 10, the economic development group in Delmar set their sights on bolstering recreational activities in their city.

“Through fundraising efforts, our group was able to successfully organize the town’s first outdoor concert and now we have a second concert in the planning,” said Delmar Mayor Patty Hardin. “When projects move from vision to reality, communities see the possibilities of more.”

Delmar’s fundraising efforts are now well underway to construct a basketball court for youth and a splash pad in their city park.

These small city efforts are inspiring and their passion, invigorating. But this pride isn’t confined to their county lines or borders, it can spread from city to city, Iowan to Iowan if only we believe the hopes we have for restoring our communities can truly grow into vibrant, sustainable futures.

### *Setting a New Stage*

As we look to the future of Iowa’s small communities, Keep Iowa Beautiful is encouraged by Governor Reynolds’ statement in the Condition of the State Address.

“I believe the heart, soul, and spirit of Iowa will always remain in our small towns and rural communities...Our goal: to keep and bring home Iowa’s sons and daughters and grow the next generation of community leaders.”

We couldn’t agree more about the important focus on growing community leaders. In fact, leadership for these cities is pivotal to their success.

### *Join the Success*

We’re fortunate to have powerful examples of successful and thriving Iowa communities. The fact is, these efforts are replicable anywhere. But to ignite the same pride and passion in your own community we must begin with the understanding that we work better together.

Keep Iowa Beautiful’s Hometown Pride Program takes a coach-approach with participating Iowa communities. By walking alongside the community, our coaches work to unite all entities to focus on a common goal.

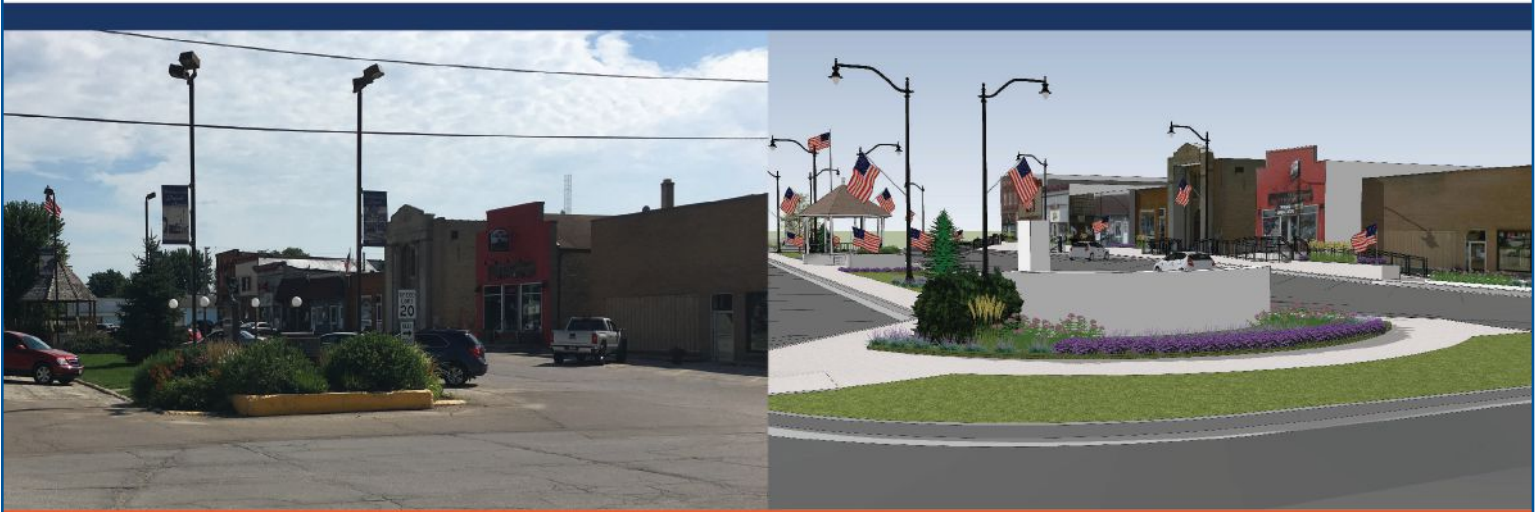


### *Have a community success story from 2017?*

Tell us what your city accomplished in 2017, and your project could encourage excellence in other communities.

The All-Star Community Award program provides a means for sharing Iowa’s community improvement and service ideas. Applications must be submitted using the online entry form and are due Monday, April 24. Learn more online at [www.iowaleague.org](http://www.iowaleague.org).

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# *Dealing with neglected cemeteries*

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By Mark Tomb | Iowa League of Cities

Most of the state's 4,800 cemeteries were established long before state laws that require any new cemetery to follow a perpetual care model. These cemeteries widely vary in condition, with some nicely maintained by local governments or by groups with religious affiliations. Others have largely been forgotten with ongoing maintenance needs and no dedicated resources to pay for even occasional mowing. Many of these forgotten cemeteries meet the qualifications of a pioneer cemetery, defined by *Code of Iowa* as a cemetery where 12 or fewer burials have taken place in the past 50 years. It is important to note that cities can be compelled to take over maintenance and in some cases ownership of these often forgotten cemeteries.

"Even if a city does not own the cemetery, a city often becomes involved since they are among the first to hear complaints about maintenance and overall appearance issues," says Vincent Ledlow, assistant commissioner for enforcement with the Iowa Insurance Division.

Two *Code* sections in particular can compel cities to take a more active role in neglected cemeteries. Section 523I.212 can assign a receivership to take over responsibility of a cemetery. This is a district court proceeding that is initiated by the Iowa Insurance Division or the

Attorney General. This process generally only occurs when cemeteries become insolvent or have engaged in some sort of fraud or mismanagement. In many cases the Iowa Insurance Division will take over the operations of the cemetery and work with local governments or area cemetery owners to find a stable long-term solution.

*Code* Section 523I.316 can also compel local government action. It gives cities a duty to preserve and protect cemeteries within their jurisdiction where preservation is not otherwise provided. This code section outlines a role for local government to act if others are unable or unwilling to step in. This same section also creates a process when remains are discovered that would suggest the ground was previously used as a cemetery. In such cases, cities shall provide notice to the property owner of certain preservation requirements; if there is basis to believe that the site is more than 150 years old the city must also notify the state archaeologist.

For additional information on this topic or questions on the role of cities as it relates to cemeteries, contact the Iowa Insurance Division at (515) 242-5310.

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*Mark Tomb is the director of membership services and can be reached at (515) 244-7282 or [marktomb@iowaleague.org](mailto:marktomb@iowaleague.org).*



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Make plans to join us at this year's Small City Workshops! Information presented at the Small City Workshops is designed for the needs of Iowa's small cities, although anyone is welcome to attend. Each year, the workshops focus on important municipal government issues with the aim of providing guidance for small city officials.

## **Strategically Investing in Your Community**

This year's topic will focus on planning and completing community development projects, including prioritizing infrastructure needs and how to properly budget for projects. It's challenging to properly assess a city's current infrastructure and understand what needs to be replaced – what is the condition of our streets? When do we need to upgrade our utility system? How can we afford these necessary projects?

Attendees will learn how to strategically plan for infrastructure projects, including developing capital improvement plans that fit a small city. The workshops will also feature successful examples of communities that have made smart investments to make needed improvements.

## **Workshop Tour Dates & Location:**

- June 5** Britt, Country Club
- June 7** Wayland, Community Center
- June 12** Early, City Hall (Basement)
- June 14** Toledo, Reinig Center
- June 19** Afton, Community Center
- June 21** West Union, Community Library

**REGISTER ONLINE**  
[www.iowaleague.org](http://www.iowaleague.org)

