

The Independence City Council met in regular session in the council chambers at 5:00 p.m., on Monday, February 12, 2024.

OPENING/ROLL CALL

Mayor Bleichner opened the meeting by calling the meeting to order with Council Members Weber, Huston, Moore, Prusator, and O’Loughlin in attendance. Council Member Hanna via phone. Council Member Jensen was excused.

This meeting was available for public attendance. The meeting was also broadcast on the local access channel.

APPROVE THE AGENDA

Motion by Council Member Moore, second by Council Member Huston to approve the agenda as presented for the regular meeting held February, 12, 2024. Ayes: All. Absent: Jensen.

CONSENT AGENDA

Motion by Council Member Huston, second by Council Member Moore to accept and approve the consent agenda that approves the following: 1) The minutes of the January 22, 2024, Regular Meeting. 2) Dollar General #2329 Class B Retail Alcohol License renewal effective March 1, 2024, through February 28, 2025. 3) Gedney Bakery & Coffeehouse Class C Retail Alcohol License amendment for ownership updates, address change, and outdoor-service privileges. Ayes: All. Absent: Jensen.

FINANCIALS

Motion by Council Member O’Loughlin, second by Council Member Huston to approve the following bills for payment. Ayes: All. Absent: Jensen.

ACE HARDWARE	SUPPLIES-W,ST,PR,F	\$ 987.77
ADVANCE AUTO PARTS	VEH REPAIR-PD	\$ 97.79
AIR SERVICES INC	EQUIP MAINT-F	\$ 2,064.00
ALLEN OCCUPATIONAL HEALTH	SERVICES-PD,ST,W	\$ 259.00
AMAZON CAPITAL SERVICES	SUPPLIES-F,PD	\$ 907.69
ASSURITY LIFE INSURANCE	ASSUR CRIT ILL	\$ 496.46
AVFUEL CORPORATION	EQUIP RENTAL-A	\$ 20.00
B5I BASEBALL LLC	TOURNEY FEE-PR	\$ 800.00
BAGBY'S AUTOMOTIVE	VEH REPAIR-W	\$ 920.88
BEAM INSURANCE ADMIN LLC	VISION PRETAX	\$ 449.09
BEATTY, ROBERT	PHONE ALLOWANCE	\$ 45.00
BEENBLOSUM, NATHAN	VOLUNTEER-F	\$ 418.31
BLAD, CHRISTIAN	VOLUNTEER-F	\$ 728.17
BLEICHNER, BRAD	PHONE ALLOWANCE	\$ 100.00
BODENSTEINER IMPLEMENT 01	VEH REPAIR-PR,ST	\$ 741.32
BOLTON & MENK, INC.	SERVICES-A	\$ 12,155.47
BOWMAN, RICHARD	VOLUNTEER-F	\$ 247.89
BREEDLOVE SPORTING GOODS	EQUIPMENT-PR	\$ 2,731.00
CABELL, TRENTON	PHONE ALLOWANCE	\$ 45.00
CARD SERVICES-VISA	MISC EXP-CH,PR,PD,F,W,B	\$ 10,554.37
CERAS, JOSHUA	VOLUNTEER-F	\$ 15.49
CITY LAUNDERING CO INC	BLDG MAINT-PD,PR,W	\$ 417.20
CLERK OF DISTRICT COURT	COURT FEES-PD	\$ 190.00
COMPASS MINERALS AMERICA	SNOW MAINT-ST	\$ 5,150.94
CONSOLIDATED ENERGY CO	FUEL-ALL	\$ 12,530.84
CORKERYS WELDING & REPAIR	SERVICES-ST	\$ 161.37
CRAWFORD ENGINEERING & SU	SERVICES-B,ST	\$ 7,232.00
CY & CHARLEY'S FIRESTONE	SERVICES-PD,ST	\$ 660.35
DECKER, JASON	VOLUNTEER-F	\$ 201.41
DELGADO-CONNOR, TONY	VOLUNTEER-F	\$ 278.87
DELTA DENTAL OF IOWA	DENTAL BENEFIT	\$ 4,221.56
DON'S TRUCK SALES INC	VEH MAINT-ST	\$ 303.30

DUGGER, BENJAMIN	VOLUNTEER-F	\$ 278.87
DUNLAP MOTORS INC	VEH MAINT-W	\$ 42.95
EASTERN IOWA SPORTS FACIL	SOFTBALL ENTRY-PR	\$ 570.00
ELECTRIC PUMP INC	SERVICES-W	\$ 2,206.00
ELECTRICAL ENGINEERING &	EQUIPMENT-F	\$ 152.59
ELITE K-9, INC	CANINE PURCH-PD	\$ 56.00
EMPLOYEE BENEFIT SYSTEMS	SAFE-T FUND-ALL	\$ 8,904.64
ERICKSON-DALE, TANNER	VOLUNTEER-F	\$ 371.83
ESCH, BRAD	PHONE ALLOWANCE	\$ 45.00
ESCHEN'S CLOTHING	UNIFORM-W	\$ 526.00
FANGMAN, TY	VOLUNTEER-F	\$ 201.41
FAREWAY STORES INC	SUPPLIES-PR	\$ 1,777.36
FENNER, GORDY	VOLUNTEER-F	\$ 46.48
FIRE SERVICE TRAINING BUR	TRAINING-FD	\$ 725.00
FLETCHER-REINHARDT CO	SUPPLIES-PR	\$ 864.00
FOLEY, TRAVIS	PHONE ALLOWANCE	\$ 45.00
FUTURE LINE LLC	MISC EXP-ST,W	\$ 3,701.43
GALLS INC	UNIFORM-PD	\$ 263.04
GRAINGER INC	SUPPLIES-W	\$ 501.55
GTG PETERBILT	VEH REPAIR-ST	\$ 173.98
HAWKEYE ALARM SIGNAL COMP	ANNUAL FEE-CH	\$ 300.00
HAYWARD, BLAKE	PHONE ALLOWANCE	\$ 45.00
HOOKEM, WES	VOLUNTEER-F	\$ 263.38
HUPP ELECTRIC MOTORS INC	REPAIR-W	\$ 3,194.93
IA DEPT OF PUBLIC SAFETY	SERVICES-PD	\$ 682.50
IA DEPT OF REVENUE	SALES TAX-PR	\$ 1,638.53
IA INSURANCE COMMISSIONER	DUES-CH	\$ 101.59
IA PUBLIC AIRPORTS ASSOC	DUES-A	\$ 200.00
IA SOCIETY OF FIRE SERVIE	TRAINING-F	\$ 140.00
IA TRANSMISSION REBUILDER	VEH REPAIR-PD	\$ 71.61
IIMC	DUES-CH	\$ 185.00
INDEPENDENCE LIGHT & POWE	SERVICES-CH	\$ 150.04
INDEPENDENCE PLUMBING HEA	SERVICES-PR	\$ 180.52
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$ 50,780.24
IPERS	IPERS-PROTECTIV	\$ 33,776.61
J & R SUPPLY INC	SUPPLIES-W	\$ 1,381.00
JACOBS, MORGAN	VOLUNTEER-F	\$ 185.92
JOHN DEERE FINANCIAL	SUPPLIES-PR,ST,W,F,A	\$ 994.02
KEYSTONE LABORATORIES INC	LAB ANALYSIS-W	\$ 122.50
KILER, ANGELA	PHONE ALLOWANCE	\$ 45.00
KQ SPORTS	SOFTBALL ENTRY-PR	\$ 350.00
KRIVACHEK JANITORIAL SUP	SUPPLIES-ST	\$ 153.48
LAU, BRIAN	PHONE ALLOWANCE	\$ 45.00
LEGALSHIELD	FAM LEG & IDENT	\$ 138.66
MANCHESTER KIDS LEAGUE	SOFTBALL ENTRY-PR	\$ 250.00
MAYNER, MATTHEW	VOLUNTEER-F	\$ 30.99
METERING & TECHNOLOGY SOL	SUPPLIES-W	\$ 985.86
METLIFE	MET ER LIFEAD&D	\$ 1,502.40
MIDAMERICAN ENERGY COMPAN	UTILITY-CH,PD,PR,W,ST	\$ 5,797.08
MURPHY TRACTOR & EQUIPMEN	VEH REPAIR-PR,ST	\$ 459.36
NAPA AUTO PARTS	SUPPLIES-W,F,ST,A	\$ 1,000.50
NEJDL, MICHELLE	PHONE ALLOWANCE	\$ 45.00
NICOLAS, ROY	VOLUNTEER-F	\$ 139.44
NORTHERN ESCROW, INC.	SERVICES-CH	\$ 145,720.97
NUTRI-JECT SYSTEMS, INC.	SERVICES-W	\$ 507.50
OELWEIN PUBLISHING COMPAN	PUBLICAT-CH,ST	\$ 791.99

OFFICE TOWNE INC	SUPPLIES-F,PD,PR,W	\$ 813.69
P & N CORPORATION	FUEL PROFITS-A	\$ 157.74
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	\$ 158,003.85
PITNEY BOWES GLOBAL FINAN	EQUIP LEASE-PR	\$ 167.64
PRECISION PLUMBING, HEATI	REPAIR-A	\$ 150.00
PRINT EXPRESS	PRINTING-PR	\$ 2,688.09
PURCHASE POWER	POSTAGE-PR,B	\$ 208.99
PYT SPORTS, INC	EQUIPMENT-PR	\$ 6,105.00
RATCHFORD, DANIEL	VOLUNTEER-F	\$ 263.38
RECK, BRENT	PHONE ALLOWANCE	\$ 45.00
REICKS, DREW	VOLUNTEER-F	\$ 604.23
RJS WELDING LLC	MISC EXP-F,PR,ST,W	\$ 2,286.59
S & K COLLECTIBLES	SHIPPING-W	\$ 89.00
SCHMITZ, MATTHEW	PHONE ALLOWANCE	\$ 100.00
SEILER INSTRUMENT & MFG	SUPPLIES-W	\$ 33.18
SIMMONS, JENNIFER	VOLUNTEER-F	\$ 294.37
SIMMONS, TAYLOR	VOLUNTEER-F	\$ 92.96
SOUKUP, BRETT	PHONE ALLOWANCE	\$ 45.00
SPAHN & ROSE LUMBER COMPA	SUPPLIES-F,PR,ST,W	\$ 1,122.80
STATE FARM	BENEFIT-CH,ST,W	\$ 63.65
STATE STREET BANK & TRUST	ICMA-RC \$ PRE	\$ 14,323.16
SUPERB CLEANING SERVICES	BLDG MAINT-PR	\$ 2,410.00
T MOBILE	PHONE-PD,F	\$ 694.56
TASC	FLEX MEDICAL	\$ 2,959.56
TAYLOR, JUDD	REIMBURSE-ST	\$ 25.00
TBT SPORTS	SOFTBALL ENTRY-PR	\$ 8,000.00
TILL, BRODY	VOLUNTEER-F	\$ 201.41
TREASURER-STATE OF IOWA	STATE TAXES	\$ 7,703.00
TRUE VALUE HARDWARE	SUPPLIES-CH,F,PD,PR	\$ 2,167.40
TSCHIGGFRIE EXCAVATING IN	SERVICES-W	\$ 19,400.88
US CELLULAR	PHONE-F	\$ 194.51
VERIZON WIRELESS	PHONE-CH,PD,PR,F	\$ 172.74
VOLTMER, INC.	SERVICES-A	\$ 21,202.07
V-S CLUB SOFTBALL	SOFTBALL ENTRY-PR	\$ 750.00
WALMART COMMUNITY	SUPPLIES-PD,PR,W	\$ 172.96
WASTE MANAGEMENT	GARBAGE-A,CH,PR,W	\$ 47,952.31
WELLMARK BCBS	HEALTH BENEFIT	\$ 43,276.28
WESTERN DUBUQUE YOUTH SOF	SOFTBALL ENTRY-PR	\$ 490.00
WINDOW WORLD	SERVICES-CH	\$ 5,014.00
WOLF, JACOB	VOLUNTEER-F	\$ 371.83
WULFEKUHLE, JORDON	VOLUNTEER-F	\$ 139.44
ZIMMERLY, MIKE	VOLUNTEER-F	\$ 123.94

**CLAIMS TOTAL \$691,022.50;** General Fund \$310,046.03; Library \$28,891.10; Streets Dept-Road Use \$59,442.12; Employee Benefits Fund \$295.81; Urban Renewal-LMI Housing \$5,014.00; Economic Development \$145,720.97; Cap Project-Street Improvement \$6,961.97; Parks & Rec Projects \$6,105.00; Cap Project-Airport \$33,357.54; Cap Outlay Savings/LOST \$2,160.49; Water Fund \$41,589.23; Sewer Utility Fund \$42,533.60; Self Insurance \$8,695.23; Self Insurance-Enterprise \$209.41.

**REVENUES MONTH TO DATE TOTAL \$152,053.44;** General Fund \$107,879.55; Employee Benefits \$734.69; Water Fund \$12,379.19; Sewer Utility \$20,581.22; Storm Water \$1,933.75; Self Insurance \$8,380.58; Self Insurance-Enterprise \$164.46.

The January 2024 bank reconciliation and the revenues and expenses by department to date were available for council review and discussion.

**2024 STREET REHABILITATION**

Mayor Bleichner stated pursuant to the agenda, he will now convene a public hearing on the proposed plans, specifications, form of contract, and estimate of cost for the 2024 Street Rehabilitation Project. City Clerk/Treasurer Lampe stated no written comments were received for the public hearing. Mayor Bleichner closed the public hearing and stated City Clerk Lampe will note all comments in the record.

Council Member Weber with a motion to approve a resolution to finally approve and confirm the plans, specifications, form of contract, and estimate of cost for the 2024 Street Rehabilitation Project and to authorize the Mayor to sign the resolution, second by Council Member Huston. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Moore, Prusator, O'Loughlin, and Weber. Absent: Jensen.

**Resolution adopted and upon approval by Mayor assigned No. 2024-10 in the Official Book of Resolutions.**

Mayor Bleichner stated bids were received on February 8, 2024, until 11:00 a.m., on that same day and time, such bids were opened and read and now is the time for the bids to be considered. Crawford Engineering prepared the plans and reviewed the bids received to make sure they are within the project's scope. The bids ranged from \$371,845.45 to \$473,777.70. Council Member O'Loughlin asked if there were enough funds allocated with the bond proceeds received earlier? City Manager Schmitz stated there are adequate funds to pay for the project. Mayor Bleicher stated the low bid is approximately \$50,000 less than the Engineer's estimate.

Council Member Huston with a motion to approve the resolution awarding the contract of the 2024 Street Rehabilitation Project to Aspro Inc. of Waterloo, IA in the amount of \$371,845.45, and to authorize the Mayor to sign the resolution, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Hanna, Moore, Prusator, O'Loughlin, Weber, and Huston. Absent: Jensen.

**Resolution adopted and upon approval by Mayor assigned No. 2024-11 in the Official Book of Resolutions.**

**HEARINGS & ORDINANCES**

Council Member O'Loughlin with a motion to set March 25, 2024, at 4:45 p.m. as a Public Hearing on the Proposed Property Tax Levy for Fiscal Year 2025, second by Council Member Huston. The roll being called the following Council Members voted: Ayes: Moore, Prusator, O'Loughlin, Weber, Huston, and Hanna. Absent: Jensen.

Council Member Weber with a motion to approve the first reading of an ordinance that amends provisions pertaining to Public Health and Safety – Discharging Weapons, second by Council Member Prusator. Mayor Bleichner stated this is just the first reading and not the final passage and Council has discussed this in great lengths. The language in the amendment in the agenda packet has been reviewed and if there were to be any language revisions, those revisions were to have been submitted by noon of last Wednesday. Council Member O'Loughlin asked if someone didn't want firearms discharged in the community, are they to vote no? Mayor Bleichner replied that is correct. Council Member Huston asked what the State law was regarding the possession or discharging of firearms? Mayor Bleichner said without the Council's permission, an individual can't discharge firearms within the City of Independence. There are other State laws that limit when an individual can and can't discharge weapons. Council Member Hanna asked what does it cost the City to amend this? City Clerk/Treasurer Lampe stated there are publication costs for publishing the summary and the cost from Iowa Codification when a new code supplement is sent. The rates vary from the newspaper and Iowa Codification. Council Member Hanna asked if the Council didn't want weapons discharged, then they wouldn't have to vote on this would they? City Clerk/Treasurer Lampe stated the current code already allows people to come before Council to ask for permission. The amendment would require those individuals to come back each year to renew their permission. Council Member O'Loughlin asked if the current code allows discharging firearms? City Clerk/Treasurer Lampe stated the current code does allow it, but people must come get permission from the Council first. Council Member O'Loughlin would like to amend the amendment, so it removes the ability to discharge firearms within city limits even with Council's permission. Council Member Huston asked if that would need to be a separate item? City Clerk/Treasurer Lampe stated if Council wants to go forward with Council Member O'Loughlin's recommendation, that would strike out that section. This would also mean a person could not ask for permission as it would not be allowed. Council Member Moore said his understanding of the current code is that a person may discharge a firearm as long as permission was granted. Police Chief Neidert stated there are also State laws that dictate certain distances that people must observe when wanting to discharge a firearm. Council Member Moore stated he had done research of the different laws that must be followed and he wouldn't want to deprive current and future hunters of the opportunity to hunt, but there are proper places for individuals to hunt. Mayor Bleichner stated the other part of the amendment addresses hunting parties and each member of the party must seek permission. Council Member O'Loughlin asked if Council votes no, this would also impact bow hunters? City Manager Schmitz said it would as they would have to ask permission from Council before hunting. Mayor Bleichner stated this amendment is trying to clean up the permission being given as some people would get permission once and then have for all years. The amendment addressing hunting parties was drafted with the thoughts of just one person making the list of all the individuals that would be in the group and then presenting that to Council for approval. Council Member O'Loughlin spoke of previous hunting

requests from bow hunters in previous years. He feels that the previous approval for a hunting request that uses firearms was passed in error and feels his amendment would take care of this. Discussion was held on the proper steps to amend the ordinance with the current language or to make changes to the current proposed amendment. Council Member Huston asked what the difference is between allowing firearms and not allowing fireworks? City Clerk/Treasurer Lampe stated the two code sections addressing firearms and fireworks, but fireworks can't be discussed tonight as that is on the agenda. Discussion was held on what the current amendment would change and what voting no would mean. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Weber, Huston, Hanna, and Moore. Absent: Jensen.

## RESOLUTIONS

Council Member Huston with a motion to approve the resolution to assess property owner(s) for Chapter 136 Sidewalk Regulations – failure to comply and to authorize the Mayor to sign the resolution, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: O'Loughlin, Weber, Huston, Hanna, Moore, and Prusator. Absent: Jensen.

### **Resolution adopted and upon approval by Mayor assigned No. 2024-12 in the Official Book of Resolutions.**

Council Member O'Loughlin with a motion to approve and authorize the Mayor to sign the resolution accepting and approving the final plat of Maryville within two miles of the city limits of the City of Independence, Iowa, second by Council Member Weber. City Manager Schmitz stated the preliminary plat was discussed in the beginning of December and minor adjustments were made. The roll being called the following Council Members voted: Ayes: Weber, Huston, Hanna, Moore, Prusator, and O'Loughlin. Absent: Jensen.

### **Resolution adopted and upon approval by Mayor assigned No. 2024-13 in the Official Book of Resolutions.**

## OTHER BUSINESS

Council Member Huston with a motion to authorize the closure of 4<sup>th</sup> Avenue SE from 4:00 pm to 7:00 pm on February 20, 2024, second by Council Member Moore. Council Member Moore asked if 7:00 pm would be late enough as it is usually done by 7:00 pm. Assistant Fire Chief Butler said the event is done at 7:00 pm and the road would be opened back up when things are done. The road won't be closed any longer than needed. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Moore, Prusator, O'Loughlin, and Weber. Absent: Jensen.

Council Member O'Loughlin with a motion to Change Order #13 for the Independence Façade Phase 1 project with no change to the contract amount and to authorize the City Manager to sign the Change Order, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Hanna, Moore, Prusator, O'Loughlin, Weber, and Huston. Absent: Jensen.

Council Member Moore with a motion to approve and authorize the Mayor and City Manager to sign the Integrated Roadside Vegetation Management Plan, second by Council Member Weber. Mayor Bleichner stated this was found out in the Community Visioning meeting and would allow the City to be eligible for future grants. The roll being called the following Council Members voted: Ayes: Moore, Prusator, O'Loughlin, Weber, Huston, and Hanna. Absent: Jensen.

## REPORTS

The following comments were heard from Council and Staff: Hanna – Asked if the Housing Assessment Meeting on February 16<sup>th</sup> at 9 am would have the option to attend virtually? O'Loughlin – Would like to commend the Independence Wrestling team that had members advance to the next round. Would like to know when the good time would be to propose his ordinance amendment to 41.11. City Manager – The Housing Meeting can be attended in person or virtually. He will work on getting that link and sending it out. Will reach out to the City Attorney about making changes to a proposed amendment to an ordinance and then changing the wording during the three-reading process. The Chamber has sent out the invitation for the 2023 Chamber Banquet that will be held on March 2<sup>nd</sup> at Heartland Acres. If anyone would like to attend, please email him.

### **POTENTIAL CLOSED SESSION PER IOWA CODE 21.5(1)(j)**

City Manager Schmitz had confirmed with the City Attorney about the request of the closed session earlier prior to the meeting. City Attorney Herman stated it is appropriate to go into closed session. Council Member Moore with a motion to enter into closed session per Iowa Code 21.5 (1)(j); to discuss the purchase or sale of particular real estate at 5:33 p.m., second by Council Member Weber. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Weber, Huston, Hanna, and Moore. Absent: Jensen. Those invited into the closed session were the following: Council Member Weber, Council Member Huston, Council Member Hanna, City Manager Schmitz, Mayor Bleichner, City Clerk/Treasurer Lampe, Council Member Moore, Council Member

Prusator, and Council Member O’Loughlin.

At 5:54 p.m., Council Member Moore made a motion to enter back into open session, second by Council Member Weber. The roll being called the following Council Members voted: Ayes: O’Loughlin, Weber, Huston, Hanna, Moore, and Prusator. Absent: Jensen.

**POTENTIAL CLOSED SESSION PER IOWA CODE 21.5(1)(j)**

City Manager Schmitz had confirmed with the City Attorney about the request of the closed session earlier prior to the meeting. City Attorney Herman stated it is appropriate to go into closed session. Council Member Prusator with a motion to enter into closed session per Iowa Code 21.5 (1)(j); to discuss the purchase or sale of particular real estate at 5:55 p.m., second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Moore, Prusator, O’Loughlin, and Weber. Absent: Jensen. Those invited into the closed session were the following: Council Member Weber, Council Member Huston, Council Member Hanna, City Manager Schmitz, Mayor Bleichner, City Clerk/Treasurer Lampe, Council Member Moore, Council Member Prusator, and Council Member O’Loughlin.

At 6:13 p.m., Council Member Weber made a motion to enter back into open session, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Hanna, Moore, Prusator, O’Loughlin, Weber, and Huston. Absent: Jensen.

Council Member O’Loughlin with a motion to authorize the City Manager to move forward with the course of action Council discussed in Closed Session, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Moore, Prusator, O’Loughlin, Weber, Huston, and Hanna. Absent: Jensen.

**ADJOURNMENT**

Motion by Council Member O’Loughlin, second by Council Member Prusator to adjourn. Ayes: All. Absent: Jensen.

Whereupon Mayor Bleichner declared the meeting adjourned at 6:14 p.m.

ATTEST: Brad Bleichner, Mayor of the City of Independence, Iowa

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, Iowa