

The Independence City Council met in regular session in the council chambers at 5:00 p.m., on Monday, December 12, 2022.

### OPENING/ROLL CALL

Mayor Bleichner opened the meeting by calling the meeting to order with Council Members Callahan, Huston, Hanna, Kurtz, Prusator, O'Loughlin, and Jensen in attendance.

This meeting was available for public attendance. The meeting was also broadcasted on the local access channel in addition to being hosted electronically on Microsoft Teams. City Clerk/Treasurer Lampe stated the Microsoft Teams link had to be changed right before the meeting started as she was not able to get into the correct account for the original link.

### APPROVE THE AGENDA

Mayor Bleichner stated Resolution items G, H, J, and Other Business item M needed to be removed from the agenda. Resolution items G, H, and J were not ready to have action taken yet. Other Business item M was only a placeholder if needed after City Manager interviews on Saturday, December 10, 2022. Motion by Council Member Callahan, second by Council Member O'Loughlin to approve the agenda as amended for the regular meeting held December 12, 2022. Ayes: All.

### CONSENT AGENDA

Motion by Council Member Hanna, second by Council Member Prusator to accept and approve the consent agenda that approves the following: 1) The minutes of the November 28, 2022, Regular Meeting. 2) 319 Social House Class C Liquor License renewal that includes Sunday Service, January 1, 2023, through December 31, 2023. 3) Elm Tree Special Class B Retail Native Wine License renewal November 30, 2022, through November 29, 2023. Ayes: All.

### FINANCIALS

Motion by Council Member Callahan, second by Council Member O'Loughlin to approve the following bills for payment. Ayes: All.

ACCESS SYSTEMS	OVERAGE-ALL	\$	5.70
ALLEN OCCUPATIONAL HEALTH	SERVICES-PD	\$	92.00
AMAZON CAPITAL SERVICES	SUPPLIES-PD,F	\$	199.51
AVFUEL CORPORATION	EQUIP RENTAL-A	\$	20.00
BAGBY'S AUTOMOTIVE	VEH MAINT-PR	\$	139.64
BEATTY, ROBERT	PHONE ALLOWANCE	\$	45.00
BERGANKDV	FY2022 AUDIT-CH	\$	18,000.00
BLEICHNER, BRAD	PHONE ALLOWANCE	\$	100.00
BRYAN HEAVY EQUIPMENT	EQUIP MAINT-A	\$	297.13
BUCHANAN COUNTY TOURISM B	DUES-CH	\$	125.00
BULS, JANET L	INSTRUCTOR-PR	\$	160.50
CABELL, TRENTON	PHONE ALLOWANCE	\$	45.00
CARD SERVICES-VISA	MISC EXP-PR,CH,A,F,W,PD,L	\$	5,713.55
CITY LAUNDERING CO INC	BLDG MAINT-PR,A,W,CH,PD	\$	742.49
CONSOLIDATED ENERGY CO	FUEL-ALL	\$	12,208.28
CRAWFORD ENGINEERING & SU	ENGINEERING-ST	\$	35,664.45
CY & CHARLEY'S FIRESTONE	Veh Maint-PR,W	\$	796.20
DAVE SCHMITT CONSTRUCTION	SERVICES-W	\$	24,492.52
DON'S TRUCK SALES INC	VEH MAINT-ST	\$	1,024.99
DUNLAP MOTORS INC	VEH MAINT-PR	\$	105.93
ECHO EQUIPMENT	EQUIP-PR	\$	2,545.00
ELECTRIC PUMP INC	Equip Repair-W	\$	47,796.00
EMPLOYEE BENEFIT SYSTEMS	SAFE-T FUND-ALL	\$	11,427.09
ESCH, BRAD	PHONE ALLOWANCE	\$	45.00
FAMILY ANIMAL CARE	ANIMAL CONT-B	\$	179.18
FOLEY, TRAVIS	PHONE ALLOWANCE	\$	45.00
FOUR FARMERS LLC	SERVICES-W	\$	8,468.10

GALLS INC	UNIFORM-F	\$ 416.18
GREEN PRO SOLUTIONS	SUPPLIES-ST	\$ 999.85
HARDWARE HANK	SUPPLIES-W,ST,PR	\$ 1,313.81
HAWKEYE ALARM SIGNAL COMP	REPAIR-F	\$ 570.00
HAYWARD, BLAKE	PHONE ALLOWANCE	\$ 45.00
HERO INDUSTRIES, INC	CANINE PURCH-PD	\$ 2,750.00
HINSON CONSULTING, LLC	SERVICES-CH	\$ 2,000.00
IA DNR	TANK FEES-A	\$ 130.00
IA LAW ENFORCEMENT INTELL	TRAINING-PD	\$ 200.00
INDEPENDENCE CELEBRATIONS	4TH OF JULY-CH	\$ 5,000.00
INDEPENDENCE PLUMBING HEA	BLDG REPAIR-CH	\$ 202.50
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$ 23,366.01
IOWA FINANCE	Bond Payment-W	\$ 13,660.00
JACOBS, MORGAN	REIMB-F	\$ 77.50
KEYSTONE LABORATORIES INC	LAB ANALYSIS-W	\$ 115.25
KILER, ANGELA	PHONE ALLOWANCE	\$ 45.00
LAU, BRIAN	PHONE ALLOWANCE	\$ 45.00
MAIN, TIMOTHY E	INSTRUCTOR-PR	\$ 450.00
MANATT'S INC	CEMENT-PR	\$ 596.06
METERING & TECHNOLOGY SOL	SUPPLIES-W	\$ 707.30
MICHELS, TOM	SUPPLIES-PR	\$ 633.00
MICROSOFT CORPORATION	OFFICE 365-ALL	\$ 8,106.17
NAPA AUTO PARTS	SUPPLIES-ST,W,F,PR	\$ 1,027.10
NIEDERT, DAVID J	REIMBURSE-PD	\$ 16.00
NORTHERN ESCROW, INC.	SERVICES-CH	\$ 55,047.52
OELWEIN PUBLISHING COMPAN	PUBLICAT-CH	\$ 678.16
OFFICE TOWNE INC	Supplies-A,CH,F,PD,PR	\$ 699.04
P & N CORPORATION	FUEL PROFITS-A	\$ 219.09
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	\$ 70,890.42
PEPSI-COLA GEN. BOT. IN	CONCESSION-PR	\$ 39.00
PETERS & LONGMUIR PLC	SERVICES-PD	\$ 850.00
PITNEY BOWES GLOBAL FINAN	EQUIP LEASE-CH	\$ 315.48
PRICE ELECTRIC	EQUIPMENT-W	\$ 6,538.15
RECK, BRENT	PHONE ALLOWANCE	\$ 45.00
RYAN EXTERMINATING INC	PEST CONTROL-CH	\$ 47.00
RYDELL AUTO GROUP	VEH MAINT-PD	\$ 159.93
S & K COLLECTIBLES	SHIPPING-W	\$ 154.07
SCHARES, ANGELA	REFUND-CH	\$ 308.75
SIGNS & MORE	Supplies-PR,ST	\$ 701.80
SKYLINE CONSTRUCTION, INC	SERVICES-PR	\$ 558.60
SPAHN & ROSE LUMBER COMPA	SUPPLIES-PR,A,ST,F	\$ 1,992.66
STATE STREET BANK & TRUST	ICMA-RC \$ PRE	\$ 5,885.06
STEVE'S LOCK & KEY	SERVICES-PD	\$ 285.00
TASC	FLEX MEDICAL	\$ 1,078.57
TESTAMERICA LABORATORIES	LAB ANALYSIS-W	\$ 1,546.31
TRUE VALUE HARDWARE	SUPPLIES-PR,F	\$ 331.62
US CELLULAR	Utility-B,F,PD	\$ 681.97
USA BLUE BOOK	SUPPLIES-W	\$ 1,197.79
VERIZON WIRELESS	Utility-CH,F,PD,PR	\$ 172.38
WALMART COMMUNITY	SUPPLIES-B,PR,W,ST	\$ 383.91
WASTE MANAGEMENT	GARBAGE-A,CH,PR,W	\$ 48,687.57
WINTHROP NEWS, THE	PUBLICAT-CH	\$ 473.32

**CLAIMS TOTAL \$432,923.16;** General \$167,561.33; Library \$9,766.30; Hotel-Motel Tax \$5,125.00; Streets Dept-Road Use \$23,006.79; Economic Development \$55,047.52; Cap Project-City Buildings \$850.00; Cap Project-Visioning Project \$558.60; Cap Outlay Savings/LOST \$3,141.06; Cap Project Highway 150 \$32,708.45; Water

\$38,130.01; Sewer Utility \$71,941.01; Sewer SRF Sinking \$13,660.00; Self Insurance \$11,363.86; Self Insurance-Enterprise \$63.23.

**REVENUES MONTH TO DATE TOTAL \$292,513.30;** General \$42,947.69; Hotel-Motel Tax \$41,823.63; Employee Benefits \$800.11; Local Option Sales Tax \$80,998.59; Economic Development \$31,151.00; Cap Project-City Buildings \$4,000.00; Cap Outlay Savings/LOST \$306.56; Water \$30,058.59; Sewer Utility \$44,050.25; Storm Water \$4,949.79; Self Insurance \$11,363.86; Self Insurance-Enterprise \$63.23.

The November 2022 bank reconciliation and the revenues and expenses by department to date were available for council review and discussion.

### **PETITIONS FROM THE PUBLIC**

Dustin Opatz, BerganKDV, presented the Fiscal Year 2022 preliminary audit report.

Brian Crawford, Crawford Engineering, spoke on the Highway 150 Reconstruction Project Phase 2, the 12<sup>th</sup> Street NE Storm Sewer Project, and the finalization of the Street Prioritization Program.

### **HEARINGS & ORDINANCES**

Mayor Bleichner opened the public hearing for the Fiscal Year 2023 Budget Amendment #1 and did state that it was published in the November 30, 2022, edition of the Bulletin Journal. City Clerk/Treasurer Lampe shared this amendment will avoid one being done after May 31, 2023, and another amendment will be done in the Spring of 2023 to get additional items as needed. Mayor Bleichner closed the public hearing.

Council Member Prusator with a motion to approve the third and final reading of the ordinances providing for the vacation and conveyance of a portion of the 5<sup>th</sup> Street NE right-of-way, second by Council Member Jensen. Mayor Bleichner explained this is for the property that has a portion of the house in the right-of-way and there were other potential liability issues. A contract was entered into to convey the portion of the house in the right-of-way to the homeowner and to redo the lot lines. Mayor Bleichner did state there are other issues along the same street that will need to be addressed as those issues are brought forth to the City. Council Member Hanna asked if she had signed the agreement. Mayor Bleichner responded she did sign the agreement and has paid the agreed upon price. Council Member O'Loughlin asked if this was for eight feet and made mention of another property owner on that same street that wants a similar conveyance. Mayor Bleichner confirmed that it is for eight feet to be conveyed to the property owner and if there is another property owner in a similar situation, he/she needs to contact the City. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, Jensen, and Callahan. Nays: O'Loughlin.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-571 in the Official Book of Ordinances.**

Council Member Callahan with a motion to approve the first reading for the amendment to Code Section 69.06(4) Parking Regulations-Parking Prohibited, second by Council Member Hanna. Mayor Bleichner read the current ordinance as written and shared the purposed change after talking to the City Attorney's office. Council Member O'Loughlin made mention of 2<sup>nd</sup> Ave NE and 7<sup>th</sup> St NW that there will still be issues of vehicle bumpers covering the sidewalk when parking. Mayor Bleichner explained that this change will hopefully make people more aware of how they are parking and allow officers more direction on enforcing the ordinance. There are certain places that still may need exceptions. The roll being called the following Council Members voted: Ayes: Hanna, Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Huston. Council Member Jensen with a motion that the statutory rule requiring an ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, second by Council Member Huston. Council Member Prusator stated that as much discussion that has been held on this topic, it would make sense to waive the second and third readings. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna. Council Member Prusator with a motion to have this ordinance amendment for Code Section 69.06(4) Parking Regulations-Parking Prohibited be placed on its final passage for adoption pursuant to Iowa Code Section 380.3, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Callahan, Huston, Hanna, and Kurtz.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-572 in the Official Book of Ordinances.**

### **RESOLUTIONS**

Council Member Callahan with a motion to approve a resolution that re-appoints J. Leaven to the Planning & Zoning Commission, second by Council Member Prusator. Council Member Hanna asked if she wanted to stay on. Mayor Bleichner contacted her, and she did express interest on staying on the Planning & Zoning Commission. He also reached out to Building Inspector Sherrets for his recommendation. The roll being called the following Council Members voted: Ayes: O'Loughlin, Jensen, Callahan, Huston, Hanna, Kurtz, and Prusator.

**Resolution adopted and upon approval by Mayor assigned No. 2022-144 in the Official Book of Resolutions.**

Council Member Jensen with a motion to approve a resolution that re-appoints S. Sailer to the Planning & Zoning Commission, second by Council Member Callahan. Mayor Bleichner stated this was a seat he held prior to becoming Mayor. He reached out to her and Building Inspector Sherrets about the re-appointment. The roll being called the following Council Members voted: Ayes: Jensen, Callahan, Huston, Hanna, Kurtz, Prusator, and O'Loughlin.

**Resolution adopted and upon approval by Mayor assigned No. 2022-145 in the Official Book of Resolutions.**

Council Member Prusator with a motion to approve a resolution that re-appoints N. Whited to the Board of Adjustment, second by Council Member O'Loughlin. Mayor Bleichner reached out to Nate, and he is interested in continuing on the Board of Adjustment. The roll being called the following Council Members voted: Ayes: Callahan, Huston, Hanna, Kurtz, Prusator, O'Loughlin, and Jensen.

**Resolution adopted and upon approval by Mayor assigned No. 2022-146 in the Official Book of Resolutions.**

Council Member Prusator with a motion to approve a resolution for a necessary transfer transaction to place funds into a reserve fund account, second by Council Member Jensen. Mayor Bleichner said this transaction was based on BerganKDV's recommendation when performing the Fiscal Year 2022 audit. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan.

**Resolution adopted and upon approval by Mayor assigned No. 2022-147 in the Official Book of Resolutions.**

Council Member Kurtz with a motion to repeal Resolution 2022-126 that stated the City's support for the Historic Highway 20 Tourism Grant, second by Council Member Hanna. Mayor Bleichner stated Resolution 2022-126 was showing the City's support for a project grant that was in conjunction with two other communities. It was decided after the passage of the resolution to not go forward with the grant. The roll being called the following Council Members voted: Ayes: Hanna, Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Huston.

**Resolution adopted and upon approval by Mayor assigned No. 2022-148 in the Official Book of Resolutions.**

Council Member Jensen with a motion to approve a resolution establishing the use of American Recovery Plan Act Funds for designated projects, second by Council Member Callahan. Mayor Bleichner explained that the designated projects would be the Complex turf project and the Brimmer Park Improvement Project. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna.

**Resolution adopted and upon approval by Mayor assigned No. 2022-149 in the Official Book of Resolutions.**

Council Member Jensen with a motion to approve a resolution that approves the professional services agreement with Ritland+Kuper Landscape Architects for the Brimmer Park Improvements Project, second by Council Member O'Loughlin. Mayor Bleichner explained that Ritland+Kuper would be the main architects for the design aspect of the project but would work with Crawford Engineering. Council Member Hanna asked if payments would be made to Crawford or if that is included in the \$12,300. Mayor Bleichner said it is all included in the \$12,300. The roll being called the following Council Members voted: Ayes: Jensen, Callahan, Huston, Hanna, Kurtz, Prusator, and O'Loughlin.

**Resolution adopted and upon approval by Mayor assigned No. 2022-150 in the Official Book of Resolutions.**

Council Member Hanna with a motion to approve a resolution that replaces and repeals Resolution 2022-141 that approved a homeowner/agency repair program project for 202 19<sup>th</sup> Ave NW Lot 6, second by Council Member O'Loughlin. It was found out that the furnace cost had gone up since the original quote was done. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan.

**Resolution adopted and upon approval by Mayor assigned No. 2022-151 in the Official Book of Resolutions.****OTHER BUSINESS**

Council Member Callahan with a motion to approve the revised homeowner/agency repair program project for 202 19<sup>th</sup> Ave NW Lot 6, second by Council Member Hanna. The roll being called the following Council Members voted: Ayes: Hanna, Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Huston.

Council Member O'Loughlin with a motion to accept Council Member Kurtz's resignation and declare a vacancy in the At-Large 2 council seat effective January 2, 2023, second by Council Member Callahan. Ayes: All.

Council Member O'Loughlin with a motion to fill the council vacancy for the At-Large 2 council seat by appointment, second by Council Member Callahan. Mayor Bleichner shared that the appointment would be until the next general election. Discussion was held that then the election would be to finish the original term of the At-Large 2 seat. The appointment will be done at the January 9, 2023, council meeting. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna.

Council Member Hanna with a motion approve the Tobacco King Cigarette Permit, second by Council Member Kurtz. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Huston, Hanna, and Kurtz. Nays: Callahan.

Council Member Kurtz with a motion to approve the additional cost of \$4,238.00 to put the City of Independence logo on the MHI water tower, second by Council Member O'Loughlin. Council Member Huston asked how visible that water tower was to people. Discussion was held that the tower was very visible to people traveling by Independence. The roll being called the following Council Members voted: Ayes: O'Loughlin, Jensen, Callahan, Huston, Hanna, Kurtz, and Prusator.

Council Member Callahan with a motion to approve the additional cost of \$7,700.00 to put the City of Independence logo on the Street Shop water tower, second by Council Member Huston. Council discussed that this would be to place the logo on two sides as this tower is also very visible to people in the Northeast. The roll being called the following Council Members voted: Ayes: Jensen, Callahan, Huston, Hanna, Kurtz, Prusator, and O'Loughlin.

Council Member Kurtz with a motion to approve the revised Façade Project – Asbestos Abatement removal contract with ECCO Midwest, Inc., second by Council Member O'Loughlin. Mayor Bleichner reported that this is for work to be done at 217 1<sup>st</sup> Street East. The roll being called the following Council Members voted: Ayes: Callahan, Huston, Hanna, Kurtz, Prusator, O'Loughlin, and Jensen.

Council Member Huston with a motion to approve Change Order #6 with no contract cost changes for the Independence Façade COVID Project, second by Council Member Jensen. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan.

Council Member Callahan with a motion to authorize the City Clerk/Treasurer to sign the agreement for gWorks payments and start the changeover for electronic payment processing, second by Council Member O'Loughlin. The roll being called the following Council Members voted: Ayes: Hanna, Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Huston.

Council Member Callahan with a motion to cancel the Tuesday, December 27, 2022, regularly scheduled City Council Meeting, second by Council Member Hanna. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Hanna. Nays: Huston.

Council Member Prusator with a motion to adopt the 2023 City Council meeting schedule, second by Council Member Callahan. Ayes: All.

Council Member O'Loughlin with a motion to observe Christmas Eve 2023 on Friday, December 22, 2023, and New Year's Eve 2023 on Friday, December 29, 2023, second by Council Member Jensen. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Callahan, Huston, Hanna, and Kurtz.

## REPORTS

The following comments were heard from Council and Staff: O'Loughlin- Good community support on Saturday for those that were involved in the City Manager interviews. Thank you to those that participated. Kurtz- Thankful for his years on City Council and looks forward to being on the Buchanan County Board of Supervisors. Hanna- Merry Christmas and Happy New Year. Huston- Merry Christmas and Happy New Year. Callahan- Congratulated Kurtz on his years of service on City Council. Mayor- Reminded Council Members about the City-County-School meeting tomorrow night at the Independence School Administration Office. Provided an update on the Police Department project.

## CLOSED SESSION: PER IOWA CODE 21.5 (1) (I)

Mayor Bleichner and City Clerk/Treasurer Lampe sought the opinion of the City Attorney prior to the meeting about requesting a motion to enter a closed session. City Attorney Herman stated it is appropriate to go into closed session. Council Member Huston with a motion to enter closed session per Iowa Code 21.5 (1)(I); to evaluate professional competency of an individual at 6:07 p.m., second by Council Member O'Loughlin. The roll being called the following Council Members voted: Ayes: O'Loughlin, Jensen, Callahan, Huston, Hanna, Kurtz, and Prusator. Those invited into the closed session were the following: Council Member Callahan, Council Member Huston, Council Member Hanna, Mayor Bleichner, City Clerk/Treasurer Lampe, Council Member Kurtz, Council Member Prusator, Council Member O'Loughlin, Council Member Jensen, City Manager Candidate, and Brent Hinson with Hinson

Consulting, LLC.

At 6:16 p.m. Council Member Callahan made a motion to resume regular session, second by Council Member Jensen. The roll being called the following Council Members voted: Ayes: Jensen, Callahan, Huston, Hanna, Kurtz, Prusator, and O'Loughlin.

Council Member Huston with a motion to approve the employment agreement between the City of Independence and Matthew R. Schmitz consistent with the terms presented and discussed in closed session and also authorizing the Mayor to sign the agreement on behalf of the City of Independence since Mr. Schmitz has signed the agreement, second by Council Member Prusator. The roll being called the following Council Members voted: Ayes: Callahan, Huston, Hanna, Kurtz, Prusator, O'Loughlin, and Jensen.

**Resolution adopted and upon approval by Mayor assigned No. 2022-152 in the Official Book of Resolutions.**

#### **ADJOURNMENT**

Motion by Council Member Jensen, second by Council Member O'Loughlin to adjourn. Ayes: All.

Whereupon Mayor Bleichner declared the meeting adjourned at 6:20 p.m.



Brad Bleichner, Mayor of the City of Independence, Iowa

ATTEST:



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