

The Independence City Council met in regular session in the council chambers at 5:00 p.m., on Monday, November 28, 2022.

### OPENING/ROLL CALL

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

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.

### APPROVE THE AGENDA

Motion by Council Member Jensen, second by Council Member Huston to approve the agenda as presented for the regular meeting held November 28, 2022. Ayes: All.

### CONSENT AGENDA

Motion by Council Member Hanna, second by Council Member Jensen to accept and approve the consent agenda that approves the following: 1) The minutes of the November 14, 2022, Regular Meeting. 2) The minutes of the November 21, 2022, Special Meeting. Ayes: All.

### FINANCIALS

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

ACCESS SYSTEMS	EQUIP CONTRACT-ALL	\$ 1,925.11
AFLAC	AFLAC PRE-TAX	\$ 287.46
ALLEN OCCUPATIONAL HEALTH	SERVICES-PR,ST	\$ 332.00
ALTORFER INC	EQUIPMENT-W	\$ 39,480.00
AMAZON CAPITAL SERVICES	Supplies-CH,L	\$ 1,361.35
BANK IOWA	BOND FEES-CH	\$ 17,225.50
BEATTY, JAKE	UMPIRE-PR	\$ 108.00
BIEBER, BRAYLON	UMPIRE-PR	\$ 36.00
BLACKSTONE PUBLISHING	SUPPLIES-L	\$ 624.56
BLAD, CHRISTIAN	VOLUNTEER-FD	\$ 542.55
BODENSTEINER IMPLEMENT 01	VEH REPAIR-ST	\$ 11.35
BOLTON & MENK, INC.	SERVICES-A	\$ 3,450.00
BOWMAN, RICHARD	VOLUNTEER-FD	\$ 287.23
BRODART CO	SUPPLIES-L	\$ 1,912.36
BROWN SUPPLY COMPANY	SUPPLIES-W	\$ 266.00
BUCHANAN COUNTY EXTENSION	TRAINING-PR	\$ 60.00
BUCHANAN COUNTY HEALTH CE	AMB.SVC-CH	\$ 6,996.06
BURNS, JEFFERY	VOLUNTEER-FD	\$ 414.89
CABELL, TRENTON	UMPIRE-PR	\$ 144.00
CARD SERVICES-LIBRARY	MISC EXP-L	\$ 968.94
CEDAR BEND HUMANE SOCIETY	ANIMAL CONTROL-B	\$ 54.00
CENGAGE LEARNING	BOOKS-L	\$ 198.97
CERAS, JOSHUA	VOLUNTEER-FD	\$ 255.32
CLINTON, CASEY	VOLUNTEER-FD	\$ 159.57
COLONIAL LIFE & ACCIDENT	COLONIALPRETAX	\$ 627.20
CORNWELL, GRADY	UMPIRE-PR	\$ 36.00
CY & CHARLEY'S FIRESTONE	Veh Maint-PD	\$ 28.33
DECKER, JASON	VOLUNTEER-FD	\$ 159.57
DELTA DENTAL OF IOWA	DENTAL BENEFIT	\$ 3,160.60
DENNY'S PUNKIN' PATCH	SUPPLIES-L	\$ 68.75
DON'S TRUCK SALES INC	DUMP TRUCK-ST	\$ 118,241.00
EAST-CENTRAL IOWA R.E.C.	UTILITY-A,PR,ST,W	\$ 2,624.63
EMPLOYEE BENEFIT SYSTEMS	SAFE-T FUND-ALL	\$ 8,320.74

ERICKSON-DALE, TANNER	VOLUNTEER-FD	\$ 239.36
FAREWAY STORES INC	SUPPLIES-PR	\$ 664.36
FELD FIRE	SUPPLIES-F	\$ 532.00
FENNER, GORDY	VOLUNTEER-FD	\$ 191.49
FIRE SERVICE TRAINING BUR	TRAINING-FD	\$ 100.00
FUELLING, DAWSON	UMPIRE-PR	\$ 168.00
GEATER MANUFACTURING	TIF REBATE-CH	\$ 4,387.00
HANNA, DEB	REIMBURSE-CH	\$ 24.49
HAWKEYE ENVIRONMENTAL	SERVICES-CH	\$ 290.00
HOOKEM, WES	VOLUNTEER-FD	\$ 159.57
HUPKE, KORVER	UMPIRE-PR	\$ 156.00
HYDRITE CHEMICAL CO	CHEMICALS-W	\$ 1,227.80
IA POETRY ASSOCIATION	BOOKS-L	\$ 12.75
ICAP	Insur-CH	\$ 334.00
IMWCA	WORK COMP-ALL	\$ 1,938.00
INDEPENDENCE BULLETIN-JOU	SUBSCRIPTION-PR	\$ 99.00
INDEPENDENCE CONSTRUCTION	TIF REBATE-CH	\$ 16,776.82
INDEPENDENCE LIGHT & POWE	UTILITIES-ALL	\$ 29,000.33
INDEPENDENCE PLUMBING HEA	Bldg Maint/Equip-PR	\$ 3,692.16
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$ 23,087.05
IPERS	IPERS-PROTECTIV	\$ 31,336.16
JACOBS, MORGAN	VOLUNTEER-FD	\$ 239.36
JOHN DEERE FINANCIAL	SUPPLIES-PR,W,A,ST,B,PD	\$ 1,165.39
JOHNSON PLBG HEATING & AI	HOME REHAB-CH	\$ 8,000.00
KENNEDY, DALTON	UMPIRE-PR	\$ 144.00
KILER, CHASE	UMPIRE-PR	\$ 180.00
KREMER, KADEN	UMPIRE-PR	\$ 276.00
KREMER, KAMERON	UMPIRE-PR	\$ 108.00
KUENNEN, GABE	UMPIRE-PR	\$ 24.00
KURT, BRADY	UMPIRE-PR	\$ 12.00
LAMPE, SUSI	REIMBURSE-CH	\$ 10.45
LATWEENSEN, OWEN	UMPIRE-PR	\$ 276.00
LIFE TIME FENCE COMPANY	EQUIPMENT-PR	\$ 723.48
LOVELESS, MIKE	VOLUNTEER-FD	\$ 590.43
LYNCH DALLAS, PC	LEGAL EXP-CH	\$ 895.00
MANATT'S INC	CEMENT-PR	\$ 658.56
MAYNER, MATTHEW	VOLUNTEER-FD	\$ 159.57
MEIKE, CAIDEN	UMPIRE-PR	\$ 36.00
MICHEAL, TANNER	UMPIRE-PR	\$ 264.00
MIDAMERICAN ENERGY COMPAN	Utility-CH,L,PR,ST,W	\$ 4,244.49
MIDWEST OVERHEAD CRANE	SERVICES-W	\$ 1,262.37
MILLER, QUINTON	REFUND-PR	\$ 25.00
NICOLAS, ROY	VOLUNTEER-FD	\$ 398.94
OELWEIN PUBLISHING COMPAN	PUBLICAT-CH	\$ 83.06
P & N CORPORATION	FUEL PROFITS-A	\$ 312.77
PALMER, CARTER	UMPIRE-PR	\$ 192.00
PATTERSON, JILL S	PROGRAMMING-L	\$ 250.00
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	\$ 70,722.97
PENGUIN RANDOM HOUSE LLC	BOOKS-L	\$ 46.50
PERMA-BOUND	BOOKS-L	\$ 80.52
POLCO/NRC	SERVICES-CH	\$ 14,200.00
POST, MATT	MAINT-PR	\$ 300.00
PUSH-PEDAL-PULL INC	EQUIPMENT-PR	\$ 7,328.00
QUILL CORPORATION	SUPPLIES-CH	\$ 99.56
R & E REAL ESTATE, LLC	RENT-PD	\$ 2,700.00
REED, NOLAN	UMPIRE-PR	\$ 24.00

REED, RANGER	UMPIRE-PR	\$ 132.00
RESSLER, REMINGTON	UMPIRE-PR	\$ 96.00
RJS WELDING LLC	SERVICES-PR,ST	\$ 1,345.00
ROTTINGHAUS, ANDREW	HANGAR SHARE-A	\$ 60.00
S & K COLLECTIBLES	SHIPPING-W	\$ 27.26
SIGNS & MORE	SUPPLIES-PR,ST	\$ 99.78
SIMMONS, JENNIFER	VOLUNTEER-FD	\$ 159.57
SIMMONS, TAYLOR	VOLUNTEER-FD	\$ 127.66
STATE STREET BANK & TRUST	ICMA-RC \$ PRE	\$ 5,326.02
STEVE GEE CONSTRUCTION	TIF REBATE-CH	\$ 18,535.48
STONER, COLIN	UMPIRE-PR	\$ 108.00
STOREY KENWORTHY - MATT P	SUPPLIES-L	\$ 361.84
STRAND ASSOCIATES	SERVICES-W	\$ 16,120.00
SUPERB CLEANING SERVICES	Bldg Maint-L,PR	\$ 2,047.50
TASC	FLEX MEDICAL	\$ 1,773.52
THREE OAKS GREENHOUSE	SUPPLIES-CH	\$ 1,710.00
TILL, BRODY	VOLUNTEER-FD	\$ 271.28
TITAN MACHINERY	Equip Maint-PR,W	\$ 1,941.20
TREASURER-STATE OF IOWA	STATE TAXES	\$ 7,561.00
TRUE VALUE HARDWARE	SUPPLIES-L	\$ 11.27
TYSON FOODS, INC.	TIF REBATE-CH	\$ 763.50
UMB BANK NA	Bond Payments	\$ 107,442.50
UNUM	LIFE/AD&D INS	\$ 937.05
US CELLULAR	PHONE-L	\$ 209.06
USA BLUE BOOK	Supplies-F,W	\$ 1,247.95
VISION SERVICE PLAN	VISION PRETAX	\$ 286.27
WALMART COMMUNITY	SUPPLIES-L	\$ 91.46
WELLMARK BCBS	HEALTH BENEFIT	\$ 47,432.80
WOLF, JACOB	VOLUNTEER-FD	\$ 478.72
WORKSPACE	MAINT-REPAIR-L	\$ 110.00
WULFEKUHLE, JORDON	VOLUNTEER-FD	\$ 223.40
ZIMMERLY, MIKE	VOLUNTEER-FD	\$ 191.49

**CLAIMS TOTAL \$658,045.38;** General Fund \$174,524.53; Library \$27,986.17; Hotel-Motel Tax \$1,710.00; Streets Dept-Road Use \$33,440.17; Employee Benefits \$4,492.63; Tax Increment Financing \$40,462.80; Urban Renewal-LMI Housing \$8,000.00; Economic Development \$290.00; Debt Service \$114,339.25; Cap Project-Airport \$3,450.00; Cap Outlay Savings/LOST \$131,348.60; Water Fund \$50,089.83; Water Revenue Bond \$6,728.75; Sewer Utility Fund \$49,261.91; Sewer Sinking Revenue Bond \$3,600.00; Self Insurance \$8,295.74; Self Insurance-Enterprise \$25.00.

**REVENUES MONTH TO DATE TOTAL \$1,236,429.94;** General Fund \$180,563.28; Library \$34,199.80; Streets Dept-Road Use \$65,955.00; Employee Benefits \$45,573.47; Emergency Levy \$2,691.83; Tax Increment Financing \$16,394.48; Economic Development \$7,418.00; Debt Service \$37,163.58; Debt-Special Assessment \$8,084.00; Cap Proj-Airport \$1,623.60; Cap Outlay Savings/LOST \$70,369.83; Cap Project Highway 150 \$467,339.42; Water Fund \$74,464.37; Water Revenue Bond \$7,429.83; Sewer Utility \$170,774.55; Sewer Sinking Revenue Bond \$16,266.67; Storm Water \$9,065.02; Self Insurance \$20,973.21; Self Insurance-Enterprise \$80.00.

The November 2022 budgeted monthly transfers and the revenues and expenses by department to date were available for council review and discussion.

#### PETITIONS FROM THE PUBLIC

Maggie Burger, Speer Financial, dropped off the annual debt/TIF report with a memo explaining the different sections in the report earlier that Monday. Mayor Bleichner stated if any Council Members had questions to please reach out to him or City Clerk/Treasurer Lampe.

#### RIGHT OF WAY VACATION

Council Member Kurtz with a motion to receive and file proof of publication of notice of Public Hearing for the proposed vacation and disposition of a portion of the 5<sup>th</sup> Street NE right of way, second by Council Member

Callahan. Ayes: All. Council Member Prusator with a motion to hold the public hearing, second by Council Member Huston. Ayes: All. Mayor Bleichner spoke on the previous discussions that Council had on this topic. He also spoke about the background of the situation and how Council will decide to resolve the issue. There was general discussion on why do just this one property and not all of them on the block. City Attorney O'Connell spoke on how this is a common issue needing to be resolved everywhere because when buildings were built years ago, property lines were not checked before the building went up. Further discussion was held that if similar situations would arise, they would be reviewed on a case-by-case basis. Council Member Hanna with a motion to close the public hearing, second by Council Member Jensen. Ayes: All.

Council Member Jensen with a motion to approve the second reading of the ordinance providing for the vacation and conveyance of a portion of the 5<sup>th</sup> Street NE right of way, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, Jensen, and Callahan. Nays: O'Loughlin.

#### **NOA MARTING GYMNASTICS**

Council Member Huston with a motion to receive and file proof of publication of notice of Public Hearing for the proposed development agreement with Noa Marting Gymnastics, second by Council Member Jensen. Ayes: All. Council Member Callahan with a motion to hold the public hearing, second by Council Member Hanna. Ayes: All. Council Member Kurtz had been asked if the building was in City limits. City Clerk/Treasurer Lampe reported that it was within City limits. Council Member Prusator with a motion to close the public hearing, second by Council Member Huston. Ayes: All.

Council Member Kurtz with a motion to approve a resolution approving the development agreement with Noa Marting Gymnastics, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Callahan, Huston, Hanna, and Kurtz.

**Resolution adopted and upon approval by Mayor assigned No. 2022-143 in the Official Book of Resolutions.**

#### **HEARINGS & ORDINANCES**

Council Member Huston with a motion to receive and file proof of publication of notice of public hearing for amending Code Section 69.06(4) Parking Regulations-Parking Prohibited, second by Council Member Jensen. Ayes: All. Council Member Callahan with a motion to hold the public hearing, second by Council Member Huston. Ayes: All. Mayor Bleichner spoke on the background for this amendment. Council Member Hanna shared her concerns about the amendment saying the sidewalk must be completely blocked. City Attorney O'Connell spoke on the amendment's wording and recommended Council to table the reading until research can be done to address the proper wording to address concerns of how much of the sidewalk needs to be blocked. Council Member Kurtz with a motion to close the public hearing, second by Council Member Hanna. Ayes: All. Council Member Huston with a motion to table the first reading, second by Council Member Prusator. Ayes: All.

Council Member Jensen with a motion to approve the third and final reading of an ordinance providing for the division of taxes levied on taxable property in the October 2022 addition to the Independence Urban Renewal Area, pursuant to section 403.19 of the Code of Iowa, second by Council Member Kurtz. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-570 in the Official Book of Ordinances.**

#### **REPORTS**

The following comments were heard from Council and Staff: Hanna- Spoke of the upcoming holiday events within Independence. Kurtz- Spoke to the Mayor on finding a new Council Member to be a representative on the Upper Wapsi Watershed Committee. Mayor- Stated he will do a formal appointment to the Upper Wapsi Watershed Committee. He provided an update on the City Manager process and the Police Department building renovation project.

Council Member Jensen with a motion to go into recess prior to the closed sessions at 5:45 pm, second by Council Member Huston. Ayes: All

Council Member Jensen with a motion to resume the council meeting at 6:25 p.m., second by Council Member Callahan. Ayes: All

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

Mayor Bleichner sought the opinion of the City Attorney earlier in the day before 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 Jensen with a motion to enter closed session per Iowa Code 21.5 (1)(I); to evaluate professional competency of an individual at 6:28 p.m., second by Council Member Prusator. The roll being called the following Council Members voted: Ayes: Hanna, Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Huston. 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, Candidate 1, and Brent Hinson with Hinson Consulting, LLC.

At 7:04 p.m. Council Member Callahan made a motion to resume regular session, second by Council Member Prusator. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna.

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

Mayor Bleichner sought the opinion of the City Attorney earlier in the day before 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 Jensen with a motion to enter closed session per Iowa Code 21.5 (1)(I); to evaluate professional competency of an individual at 7:05 p.m., second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Callahan, Huston, Hanna, and Kurtz. 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, Candidate 2, and Brent Hinson with Hinson Consulting, LLC.

At 7:46 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, and Prusator. Absent: O'Loughlin. Council Member O'Loughlin disconnected the phone call just prior to resuming regular session.

#### **ADJOURNMENT**

Motion by Council Member Kurtz, second by Council Member Callahan to adjourn. Ayes: All. Absent: O'Loughlin.

Whereupon Mayor Bleichner declared the meeting adjourned at 7:46 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