

The Independence City Council met in regular session in the council chambers at 5:00 p.m., on Monday, September 26, 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.

#### APPROVE THE AGENDA

Motion by Council Member Callahan, second by Council Member O'Loughlin to approve the agenda as presented for the regular meeting held September 26, 2022. Ayes: All.

#### PUBLIC COMMENT

Leanne Harrison spoke on behalf of the 175<sup>th</sup> Celebration Committee about upcoming events.

#### CONSENT AGENDA

Motion by Council Member Jensen, second by Council Member O'Loughlin to accept and approve the consent agenda that approves the following: 1) The minutes of the September 9, 2022, Special Meeting. 2) The minutes of the September 12, 2022, Regular Meeting. 3) Hartig Drug #14 Class E Liquor License renewal that includes Class C Beer Permit, Class B Wine Permit, and Sunday Service, November 12, 2022, through November 11, 2023. 4) Wee Willy's Checkered Flag LLC Class C Liquor License renewal that includes Sunday Service, October 1, 2022, through September 30, 2023. 5) Wee Willy's Checkered Flag LLC amendment that includes Outdoor Service, October 1, 2022, through September 30, 2023. Ayes: All.

#### FINANCIALS

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

ACCESS SYSTEMS	EQUIP CONTRACT-ALL	\$ 1,471.25
ACCO	CHEMICALS-PR	\$ 3,635.01
AFLAC	AFLAC PRE-TAX	\$ 301.36
AIRGAS	EQUIP-ST	\$ 34.40
ALLEN OCCUPATIONAL HEALTH	SERVICES-B	\$ 40.00
AMAZON CAPITAL SERVICES	Supplies-L,FD,CH	\$ 1,556.52
AMERICAN TEST CENTER INC	SERVICES-FD	\$ 1,153.00
AVFUEL CORPORATION	EQUIP RENTAL-A	\$ 20.00
AWE ACQUISITION, INC.	EQUIP-L	\$ 4,204.00
BEATTY, DREW	UMPIRE-PR	\$ 195.00
BLACKSTONE PUBLISHING	SUPPLIES-L	\$ 660.80
BOLTON & MENK, INC.	SERVICES-A	\$ 4,485.00
BRODART CO	SUPPLIES-L	\$ 521.71
BRODIGAN, LUANN	REFUND-PR	\$ 77.50
BRUENING ROCK PRODUCTS IN	ROAD ROCK-PR	\$ 1,186.09
BUCHANAN COUNTY HEALTH CE	SERVICES-B,ST	\$ 71.59
CANINE DEVELOPMENTAL GRO	CANINE PURCH-PD	\$ 140.00
CARD SERVICES-LIBRARY	MISC EXP-L	\$ 258.46
CENGAGE LEARNING	BOOKS-L	\$ 148.14
CENTER POINT LARGE PRINT	SUPPLIES-L	\$ 26.57
COLONIAL LIFE & ACCIDENT	COLONIALPRETAX	\$ 627.20
CONTINENTAL RESEARCH CORP	SUPPLIES-PR	\$ 133.56
CORKERY, CLARK	SAFE-T FUND-PR	\$ 119.47
CORNWELL, GRADY	UMPIRE-PR	\$ 410.00
D & S PORTABLES INC	SERVICES-PR	\$ 1,890.00
DECKER, TALON	UMPIRE-PR	\$ 105.00

DELTA DENTAL OF IOWA	DENTAL BENEFIT	\$ 3,101.16
DEMCO	SUPPLIES-L	\$ 142.64
DON'S TRUCK SALES INC	VEH MAINT-ST	\$ 34.14
DUNLAP MOTORS INC	TRUCK-ST	\$ 36,935.00
EAST-CENTRAL IOWA R.E.C.	UTILITY-A,PR,ST,W	\$ 2,217.52
EBSCO	DUES-L	\$ 29.00
ECCO MIDWEST, INC.	SERVICES-CH	\$ 13,200.00
EMPLOYEE BENEFIT SYSTEMS	SAFE-T FUND-ALL	\$ 7,714.41
ESCHEN'S CLOTHING	UNIFORM-ST	\$ 258.00
FAHR BEVERAGE INC	CONCESSION-PR	\$ 164.02
FELD FIRE	VEHICLE-FD	\$ 73.44
FUELLING, DAWSON	UMPIRE-PR	\$ 35.00
GALLS INC	Supplies-PD	\$ 1,890.93
HANNA, DEB	REIMB-CH	\$ 24.49
HAWKINS, INC.	CHEMICALS-W	\$ 30.00
HINSON CONSULTING, LLC	Services-CH	\$ 5,901.25
IA DEPT OF JUSTICE	FORFEITURE-PD	\$ 59.80
IA DEPT OF REVENUE	Sales Tax-W	\$ 9,150.98
INDEPENDENCE LIGHT & POWE	UTILITIES-All	\$ 36,523.02
INDEPENDENCE PLUMBING HEA	SUPPLIES-PR	\$ 134.48
INGRAM LIBRARY SERVICES	BOOKS-L	\$ 189.16
INRCOG	SERVICES-CH	\$ 5,830.68
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$ 23,811.14
IPERS	IPERS-PROTECTIV	\$ 31,942.79
J.P. SCHERRMAN INC	EQUIP MAINT-PR	\$ 860.62
JOHN DEERE FINANCIAL	SUPPLIES-W,B,ST,PR,A	\$ 863.48
KEYSTONE LABORATORIES INC	LAB ANALYSIS-W	\$ 254.25
KILER, CHASE	UMPIRE-PR	\$ 70.00
KOBLINSKA, BOBBY	UMPIRE-PR	\$ 520.00
KREMER, KADEN	UMPIRE-PR	\$ 590.00
KROMMINGA MOTORS INC.	SUPPLIES-A	\$ 335.73
KUENNEN, GABE	UMPIRE-PR	\$ 575.00
LEGACY FIRE APPARATUS	VEHICLE-FD	\$ 9,677.13
LYNCH, DAVE	SERVICES-ST	\$ 4,770.00
M&T BANK- 305533	ICMA-RC \$ PRE	\$ 5,671.84
MEIKE, CAIDEN	UMPIRE-PR	\$ 515.00
MIDAMERICAN ENERGY COMPAN	UTIITY-PR,W,ST,CH	\$ 3,581.99
MORONEY, CREIGHTON	SERVICES-ST	\$ 3,200.00
MSA PROFESSIONAL SERVICES	SERVICES-W	\$ 6,738.98
MURPHY TRACTOR & EQUIPMEN	REPAIR-ST	\$ 634.00
MYERS-COX CO	CONCESSIONS-PR	\$ 892.98
NISSSEN, THOMAS	PROGRAMS-L	\$ 600.00
OFFICE TOWNE INC	SUPPLIES-PR,F	\$ 713.88
O'LOUGHLIN, KATIE	REIMB-PD	\$ 86.51
OLSEN, JOE	REIMBURSE-PR	\$ 643.42
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	\$ 74,717.64
PDCM INSURANCE	SURETY BOND-PD,W	\$ 716.00
PENGUIN RANDOM HOUSE LLC	SUPPLIES-L	\$ 68.25
PENWORTHY COMPANY, THE	BOOKS-L	\$ 166.26
PEPSI-COLA GEN. BOT. IN	CONCESSION-PR	\$ 581.46
PRINT EXPRESS	SUPPLIES-L	\$ 77.81
PRO HYDRO-TESTING LLC	REPAIR-FD	\$ 1,791.00
PROQUEST LLC	DUES-L	\$ 1,701.15
PURCHASE POWER	POSTAGE-B,CH,PR,W	\$ 270.99
R & E REAL ESTATE, LLC	RENT-PD	\$ 2,700.00
RJS WELDING LLC	SERVICES-F	\$ 150.00

S & K COLLECTIBLES	SHIPPING-W	\$ 26.85
SIGNS & MORE	SUPPLIES-PR,B,ST	\$ 1,400.55
SPAHN & ROSE LUMBER COMPA	SUPPLIES-PR,ST,W	\$ 381.47
STATE HYGIENIC LABORATORY	LAB ANALYSIS-W	\$ 13.50
STOREY KENWORTHY - MATT P	SUPPLIES-L	\$ 140.00
STRUVE, JOSH	UMPIRE-PR	\$ 150.00
SUPERB CLEANING SERVICES	BLDG MAINT-L,PR	\$ 2,835.00
T & W GRINDING & COMPOST	SERVICES-ST	\$ 8,915.40
TASC	FLEX MEDICAL	\$ 1,078.57
THE SLED SHED-TOOL SHED	REPAIR-PR	\$ 8.70
TREASURER-STATE OF IOWA	STATE TAXES	\$ 8,331.00
TRUE VALUE HARDWARE	SUPPLIES-PR,W,F,ST	\$ 785.73
UNUM	LIFE/AD&D INS	\$ 885.90
US CELLULAR	PHONE-L	\$ 217.45
USA BLUE BOOK	SUPPLIES-W	\$ 359.04
UTILITY EQUIPMENT COMPANY	SUPPLIES-W	\$ 484.50
UTILITY SERVICE CO., INC.	SERVICES-W	\$ 6,780.00
VISION SERVICE PLAN	VISION PRETAX	\$ 286.27
WALMART COMMUNITY	SUPPLIES-L	\$ 123.50
WASTE MANAGEMENT	GARBAGE-PR	\$ 435.86
WELLMARK BCBS	HEALTH BENEFIT	\$ 46,861.85
WILSON, DAVID	UMPIRE-PR	\$ 325.00

**CLAIMS TOTAL \$408,426.19;** General Fund \$207,674.35; Library \$27,932.82; Streets Dept-Road Use \$27,289.90; Employee Benefits \$2,553.34; Urban Renewal-LMI Housing \$1,400.00; Economic Development \$17,630.68; Cap Project-Airport \$4,485.00; Cap Outlay Savings/LOST \$44,885.82; Water Fund \$21,964.34; Sewer Utility Fund \$44,811.19; Storm Water \$84.34; Self Insurance \$7,709.41; Self Insurance-Enterprise \$5.00.

**REVENUES MONTH TO DATE TOTAL \$1,715,247.63;** General Fund \$267,062.47; Library \$31,109.61; Street Dept-Road Use \$95,100.54; Employee Benefits \$76,960.76; Emergency Levy \$4,663.00; Local Option Sales Tax \$47,164.83; Tax Increment Financing \$32,406.02; Police Forfeiture \$2,390.00; Debt Service \$63,642.65; Debt-Special Assessment \$4,201.50; Cap Project-Bridges \$629,932.14; Cap Project-Airport \$17,473.83; Cap Outlay Savings/LOST \$2,944.62; Cap Project Highway 150 \$244,734.96; Water Fund \$71,429.94; Water Revenue Bond \$7,429.83; Sewer Utility \$76,139.04; Sewer Sinking Revenue Bond \$16,266.67 Storm Water \$7,940.54; Self Insurance \$15,990.58; Self Insurance-Enterprise \$264.10.

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

#### **LMI HOMEOWNER REPAIR**

Council Member Hanna with a motion to receive and file proof of publication of notice of Public Hearing for the LMI Homeowner Repair Program, second by Council Member O'Loughlin. Ayes: All. Council Member Callahan with a motion to hold the public hearing, second by Council Member O'Loughlin. Ayes: All. No written comments were received. Council Member Hanna with a motion to close the public hearing, second by Council Member Callahan. Ayes: All.

City Clerk/Treasurer Lampe stated that no bids were received for the three identified properties. Contact will be made with the homeowners if a quote was not turned in with the initial application. Quotes that were received will be reviewed with Building Inspector Sherrets and brought back to Council for consideration.

#### **URBAN RENEWAL AREA**

Council Member Jensen with a motion to approve a resolution that deletes property from the Independence Urban Renewal Area, second by Council Member Callahan. 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. 2022-119 in the Official Book of Resolutions.**

Council Member Callahan with a motion to approve an ordinance that deletes property from the Tax Increment Financing District for the Independence Urban Renewal Area of the City of Independence, Iowa, pursuant to Section 403.19 of the Code of Iowa, second by Council Member Jensen. The roll being called the following Council

Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna. 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 Kurtz. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Callahan, Huston, Hanna, and Kurtz. Council Member Kurtz with a motion to approve an ordinance deleting property from the tax increment financing district for the Independence Urban Renewal Area of the City of Independence, Iowa pursuant to Section 403.19 of the Code of Iowa for the final consideration and adoption, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: O'Loughlin, Jensen, Callahan, Huston, Hanna, Kurtz, and Prusator.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-564 in the Official Book of Ordinances.**

Council Member Prusator with a motion to approve a resolution that sets October 24, 2022, at 5:00 pm for a public hearing on the designation of the expanded Independence Urban Renewal Area and on the Urban Renewal Plan Amendment, second by Council Member Kurtz. 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. 2022-120 in the Official Book of Resolutions.**

**HEARINGS & ORDINANCES**

Council Member O'Loughlin with a motion to set a date of October 10, 2022, at 5:00 p.m., for a public hearing for an amendment to Code Section 105.12(1) City Brush Dump & County Recycling Facility, second by Council Member Jensen. Ayes: All.

Council Member Callahan with a motion to receive and file proof of publication of notice of public hearing for amending Code Section 52.02 Mowing of Properties - Exemptions, second by Council Member Hanna. Ayes: All. Council Member Prusator with a motion to hold the public hearing, second by Council Member Hanna. Ayes: All. Discussion was held on the proposed amendment which requires properties to submit an annual exemption for Council approval. Council Member Hanna with a motion to close the public hearing, second by Council Member Prusator. Ayes: All. Council Member Callahan with a motion to approve the first reading, second by Council Member Hanna. 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 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 Prusator. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan. Council Member Prusator with a motion to have this ordinance amendment for Code Section 52.02 be placed on its final passage for adoption pursuant to Iowa Code Section 380.3, 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.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-565 in the Official Book of Ordinances.**

Council Member Huston with a motion to approve the third and final passage of the amendment to Code Section 1.15 Fines and Fees Schedules for adoption pursuant to Iowa Code Section 380.3, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-566 in the Official Book of Ordinances.**

Council Member Callahan with a motion to approve the third and final passage of the amendment to Code Section 52.03 Mowing of Properties - Definitions for adoption pursuant to Iowa Code Section 380.3, second by Council Member Hanna. 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. 2022-567 in the Official Book of Ordinances.**

Council Member Jensen with a motion to approve the third and final passage of the amendment to Code Section 41.13(3) Fireworks Sale Regulations for adoption pursuant to Iowa Code Section 380.3, second by Council Member Hanna. The roll being called the following Council Members voted: Ayes: O'Loughlin, Jensen, Callahan, Hanna, Kurtz, and Prusator. Nays: Huston.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-568 in the Official Book of Ordinances.**

**RESOLUTIONS**

Council Member Prusator with a motion to approve a resolution that accepts the acquisition of real estate with the

letter of intent to donate and authorizes the Mayor to execute the letter of intent to donate, second by Council Member Callahan. Mayor Bleichner shared that Dawn Vogel and Larry Thompson wish to donate the old theater on Swan Lake Boulevard to the City. If approved, then the City would propose working with Kidsville to provide more childcare options for residents in Independence. Council Member Hanna asked why the donation couldn't be made directly to Kidsville and it is for legal reasons when applying for grants. Council Member Huston asked what would happen if the grants weren't awarded to Kidsville and Kidsville couldn't move into the proposed location. Mayor Bleichner shared that there is already support from the bigger employers within Independence to help with the grant support process. Discussion was held on proposed improvements to the facility. 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. 2022-121 in the Official Book of Resolutions.**

Council Member Prusator with a motion to approve the Engineering Agreement with Crawford Engineering for the 5-year City Street Improvement Prioritization Program, second by Council Member Jensen. Mayor Bleichner met with Street Superintendent Esch and Crawford Engineering to review the purposed agreement to make sure the Streets Department had a more active role in choosing the streets for the program. 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. 2022-122 in the Official Book of Resolutions.**

**OTHER BUSINESS**

Council Member Prusator with a motion to approve the affirmative defense order for Hy-Vee Dollar Fresh from a tobacco violation of Iowa Code Section 453A.2(1), second by Council Member Callahan. Ayes: All.

Council Member Callahan with a motion to approve the addendum to the development agreement with Dominick Sparrgrove, second by Council Member O'Loughlin. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan.

Council Member Jensen with a motion to approve the Water/Wastewater Farm Lease with the bid of \$270.00 per acre, 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 approve Change Order #11 with no contract cost changes for the Independence Façade Project, second by Council Member O'Loughlin. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna.

Council Member Kurtz with a motion to approve Change Order #3 for the Highway 150 Reconstruction Project in the amount of \$122,444.60, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Callahan, Huston, Hanna, and Kurtz.

Council Member Kurtz with a motion to extend the project completion date to October 17, 2022, for the Liberty Trail South Extension Project, second by Council Member Jensen. The roll being called the following Council Members voted: Ayes: O'Loughlin, Jensen, Callahan, Huston, Hanna, Kurtz, and Prusator.

Mark Crawford, Crawford Engineering, spoke on the Highway 150 Phase 2 Reconstruction Project.

**CITY MANAGER SEARCH**

Brent Hinson, Hinson Consulting LLC, provided an update on the process.

Items B and C for the City Manager search were not acted upon as information was provided during the meeting and not earlier in the day to amend the agenda in a timely manner.

**REPORTS**

The following comments were heard from Council and Staff: Callahan- Reminded everyone that this Thursday is the Wine and Chocolate walk. O'Loughlin- Received requests from constituents about no parking on the south side of Bland Boulevard. City Clerk- Reminded Council Members to bring in their code books for the updates previously approved amendments. They could also wait until the publications are received for the amendments just approved tonight. Mayor- Requested that Kelly from Kidsville stand up and spoke on the City accepting the gift of the theater. City wide trick-or-treating will be October 31, 2022, from 5:00 pm to 7:00 pm. There will be a ribbon cutting for the Liberty Trail project at Triangle Park on October 5, 2022, at 9:00 am. The grant submitted for the 1<sup>st</sup> Street West Corridor and Green Space study was approved, but we have not received the official word yet. Mayor did receive deeds from the prior restaurants in that area and reviewed them for any restrictions.

**CLOSED SESSION: PER IOWA CODE 21.5 (1) (J)**

Mayor Bleichner sought the opinion of the City Attorney earlier in the day before the meeting about requesting a motion to enter into a closed session. City Attorney Herman stated it is appropriate to go into closed session. Council Member Jensen with a motion to enter into closed session per Iowa Code 21.5 (1)(J); to discuss the purchase of particular real estate at 6:23 p.m., second by Council Member Prusator. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan. 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, and Police Chief Niedert.

At 6:55 p.m. Council Member Jensen made a motion to resume regular session, 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 Jensen with a motion to provide authorization to Mayor to proceed with negotiations on real estate proposal #2 and to move forward and to allow Mayor to sign necessary paperwork to finalize agreements, second by Council Member Hanna. 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. 2022-123 in the Official Book of Resolutions.**

**ADJOURNMENT**

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

Whereupon Mayor Bleichner declared the meeting adjourned at 6:56 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