

The Independence City Council met in regular session in the council chambers at 5:00 p.m., on Monday, April 25, 2022.

Mayor Pro Tem Kurtz asked for a moment of silence in honor and respect of Mayor Hill and his family.

#### OPENING/ROLL CALL

Mayor Pro Tem Kurtz opened the meeting by calling the meeting to order with Council Members Callahan, Huston, Hanna, 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 Prusator, second by Council Member Hanna to approve the agenda as presented for the regular meeting held April 25, 2022. Ayes: All.

Mayor Pro Tem Kurtz read a proclamation declaring May 1 – 7, 2022, as Municipal Clerks Week.

#### CONSENT AGENDA

Mayor Pro Tem Kurtz removed Item 4, Las Dos Marias Mexican Restaurant Class C Liquor License Application as they were not in compliance with Building and Fire requirements as of this afternoon. Motion by Council Member O'Loughlin, second by Council Member Prusator to accept and approve the consent agenda that approves the following: 1) The minutes of the April 11, 2022, Regular Meeting. 2) The Crowbar Class C Liquor License Renewal application that includes outdoor service and Sunday sales, May 15, 2022, thru May 14, 2023. 3) Dollar General Store #2329 Class C Beer Permit Liquor License Renewal application that includes Class B Wine Permit and Sunday Sales, March 1, 2022, thru February 28, 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	Equip Contract-ALL	\$ 1,337.50
AFLAC	AFLAC PRE-TAX	\$ 301.36
AIRGAS	Equip Rental-ST	\$ 8.80
ALTORFER INC	Equip Maint-W	\$ 1,120.44
AMAZON CAPITAL SERVICES	Supplies-L	\$ 1,113.68
AVFUEL CORPORATION	Equip Rental-A	\$ 20.00
B SPORTS	Tourney Fees-PR	\$ 275.00
BIG SIX SWIM CLUB	Coaches-PR	\$ 150.00
BLACKSTONE PUBLISHING	Supplies-L	\$ 533.78
BLAKER, LAURA	Reimburse-L	\$ 200.00
BLAND, COLIN	Reimburse-W	\$ 200.00
BOLTON & MENK, INC.	Engineering-A	\$ 15,005.00
BRODART CO	Supplies-L	\$ 923.92
BROWN SUPPLY COMPANY	Supplies-W	\$ 958.46
BRUENING ROCK PRODUCTS IN	Road Rock-PR	\$ 757.87
BUCHANAN COUNTY HEALTH CE	Amb Svc-CH	\$ 13,505.58
BUTLER, JOHN R	Reimburse-FD	\$ 146.50
CARD SERVICES-LIBRARY	Misc Exp-L	\$ 409.55
CARD SERVICES-VISA	Misc Exp-A,CH,PR,W,PD	\$ 7,848.60
CENGAGE LEARNING	Books-L	\$ 222.21
COLONIAL LIFE & ACCIDENT	COLONIALPRETAX	\$ 622.16
COMPASS MINERALS AMERICA	Snow Maint-ST	\$ 6,021.14
D & K PRODUCTS	Supplies-PR	\$ 1,369.35
DECKER SPORTING GOODS	Supplies-PR	\$ 1,477.05
DELTA DENTAL OF IOWA	DENTAL BENEFIT	\$ 3,216.72
DEMCO	Supplies-L	\$ 148.75

EAST-CENTRAL IOWA R.E.C.	Utility-A,PR,ST,W	\$ 2,556.50
FAHR BEVERAGE INC	Supplies-PR	\$ 27.66
FAHRNER ASPHALT SEALERS	Repair-A	\$ 10,907.54
FAREWAY STORES INC	Supplies-PR	\$ 554.16
FERTILIZER DEALER SUPPLY	Supplies-PR	\$ 208.65
FINAL NOTICE, LLC	Services-PD	\$ 250.00
FLETCHER-REINHARDT CO	Services-ST	\$ 864.00
GRAINGER INC	Supplies-PR	\$ 106.68
GROUP SERVICES INC	Safe-T Fund-All	\$ 15,859.64
HAWKEYE COMMUNICATION	Card System-PR	\$ 105.00
HOSKINS, YVONNA	Reimburse-L	\$ 32.87
IA DEPT OF REVENUE	Sales Tax-PR	\$ 2,941.54
IA WORKFORCE DEVELOPMENT	Unemployment-PD,ST	\$ 619.27
INDEPENDENCE LIGHT & POWE	Utilities-All	\$ 34,372.45
INDEPENDENCE PLUMBING HEA	Maint-PR	\$ 383.68
INDEPENDENCE ROTARY CLUB	Supplies-L	\$ 131.00
INGRAM LIBRARY SERVICES	Books-L	\$ 233.17
INRCOG	Service-CH	\$ 1,377.68
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$ 22,566.87
IPERS	IPERS-PROTECTIV	\$ 29,433.88
J.P. SCHERRMAN INC	Equip Maint-PR	\$ 517.42
JOHN DEERE FINANCIAL	Supplies-PR,CH,W,ST,B	\$ 1,201.88
LOCKSPERTS, INC	Services-W	\$ 16.00
LYNCH DALLAS, PC	Legal Exp-CH	\$ 5,687.69
M&T BANK- 305533	ICMA-RC \$	\$ 1,665.65
MCCANN, LINDA	Programming-L	\$ 50.00
MIDAMERICAN ENERGY COMPAN	Utility-W	\$ 7,906.75
MID-AMERICAN RESEARCH CHE	Supplies-ST	\$ 196.27
MIDWEST SAFETY COUNSELORS	Equipment-W	\$ 240.00
MYERS-COX CO	Concessions-PR	\$ 960.14
MYERS-PETERSON, ROXIE	RV Host-PR	\$ 500.00
NATIONAL PARKS CONSERVATN	Dues-L	\$ 35.20
NISSSEN, THOMAS	Programs-L	\$ 670.00
NORTH CENTRAL LABORATORIE	Lab Analysis-W	\$ 26.91
OELWEIN DAILY REGISTER	Dues-L	\$ 200.99
PAYROLL CHECKS	TOTAL PAYROLL CHECKS	\$ 71,974.34
PENGUIN RANDOM HOUSE LLC	Supplies-L	\$ 113.25
PENWORTHY COMPANY, THE	Supplies-L	\$ 155.13
PERFECTION LEARNING CORP	Supplies-L	\$ 574.57
POLICE LEGAL SCIENCES	Training-PD	\$ 1,200.00
PRECISION PLUMBING, HEATI	Equipment-FD	\$ 3,460.00
PURCHASE POWER	Postage-B,CH,PR,W	\$ 541.98
R & E REAL ESTATE, LLC	Rent-PD	\$ 2,700.00
RJS WELDING LLC	Services-W	\$ 3,320.00
RODER, ALBERT W.	Mileage-CH	\$ 141.68
SIGNS & MORE	Supplies-PR	\$ 10,614.90
SOUKUP, BRETT	Reimburse-A	\$ 12.00
SPAHN & ROSE LUMBER COMPA	Supplies-PR,F,B	\$ 832.85
SPEER FINANCIAL INC	TIF Report-CH	\$ 350.00
STATE HYGIENIC LABORATORY	Lab Analysis-W	\$ 500.00
STOREY KENWORTHY - MATT P	Supplies-L	\$ 66.67
SUPERB CLEANING SERVICES	Bldg Maint-L	\$ 1,750.00
SUPERIOR CLEANING SERVICE	Bldg Maint-PR	\$ 100.00
SWISHER & COHRT	Prof Service-CH	\$ 37.00
TASC	FLEX MEDICAL	\$ 1,188.26
TOM'S AUTO TRIM	Repair-PR	\$ 100.00

TREASURER-STATE OF IOWA	STATE TAX	\$ 7,402.00
TRUE VALUE HARDWARE	Supplies-L	\$ 16.17
UNUM	LIFE/AD&D INS	\$ 924.04
USA BLUE BOOK	Supplies-W	\$ 254.33
VESSCO INC	Equip Repair-W	\$ 4,496.66
VISION SERVICE PLAN	VISION PRETAX	\$ 305.70
WALMART COMMUNITY	Supplies-L	\$ 236.05
WASTE MANAGEMENT	Garbage-PR	\$ 1,490.52
WELLMARK BCBS	HEALTH BENEFIT	\$ 50,963.48
WESTERN DUBUQUE YOUTH BAE	Tourney Fees-PR	\$ 250.00
WORLD TRADE PRESS	Dues-L	\$ 325.00

**CLAIMS TOTAL \$367,697.14;** General Fund \$189,596.76; Library \$27,641.31; Streets Dept-Road Use \$37,769.04; Employee Benefits Fund \$4,081.14; Economic Development \$1,377.68; Cap Project-Airport \$25,912.54; Cap Outlay Savings/LOST \$3,966.53; Cap Project Highway 150 \$864.00; Water Fund \$17,620.91; Sewer Utility Fund \$43,007.59; Self Insurance \$15,773.48; Self Insurance-Enterprise \$86.16.

**REVENUES MONTH TO DATE TOTAL \$3,128,232.35;** General Fund \$940,423.13; Library \$33,905.54; Streets Dept-Road Use \$90,701.50; Employee Benefits \$419,908.55; Emergency Levy \$24,287.33; Tax Increment Financing \$264,967.21; Economic Development \$767,035.43; Debt Service \$347,919.33; Debt-Special Assessment \$20,499.00; Cap Proj-Visioning Proj \$1,812.50; Cap Outlay Savings/LOST \$12,143.65; Water Fund \$58,816.67; Sewer Utility \$100,346.33; Sewer Sinking Revenue Bond \$13,161.50; Storm Water \$8,042.94; Self Insurance \$24,165.58; Self Insurance-Enterprise \$96.16.

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

## HEARINGS & ORDINANCES

Council Member Callahan with a motion to hold the tobacco enforcement hearing, second by Council Member Jensen. Ayes: All. Dan Morgan, Lynch Dallas, explained why the tobacco enforcement hearing against Mini Mart, 709 1<sup>st</sup> Street West, was brought forth to the City Council. He presented that a notice was mailed to Iowa Investment LLC and Mini Mart regarding the violation and hearing date. Mr. Morgan went over the evidence provided to Council Members to fulfill state requirements on documenting the violation that had occurred. Ashley Pint, Iowa Investment LLC and Mini Mart representative, was present for the hearing and stated the \$300.00 civil penalty would be paid. Council Member O'Loughlin with a motion to close the public hearing, second by Council Member Jensen. Ayes: All. Council Member O'Loughlin with a motion to acknowledge Mini Mart violated Iowa Code Section 453A.2(1), by selling, giving, or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age and that this is a first violation of the statute, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Kurtz, Prusator, O'Loughlin, Jensen, and Callahan. Council Member O'Loughlin with a motion to authorize the Mayor Pro Tem to sign the order assessing the penalty for a first violation, second by Council Member Callahan. The roll being called the following Council Members voted: Ayes: Hanna, Kurtz, Prusator, O'Loughlin, Jensen, Callahan, and Huston.

Council Member Hanna with a motion to receive and file proof of publication of the public hearing notice for the Fiscal Year 2022 Budget Amendment, 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. City Manager Roder explained this amendment considers revenues and expenses that were not originally accounted for when Fiscal Year 2022 budget work was done. Council Member O'Loughlin with a motion to close the public hearing, second by Council Member Callahan. Ayes: All.

Council Member Huston with a motion to receive and file proof of publication of the public hearing notice for amending Codes Section 63.04 Special Speed Zones, second by Council Member Jensen. Ayes: All. Council Member O'Loughlin with a motion to hold the public hearing, second by Council Member Callahan. Ayes: All. Council O'Loughlin did not remember the City asking for the traffic study being done in the proposed area. City Manager Roder stated that Building Inspector Todd Sherrets made the request to the Iowa DOT based on the increase of businesses and traffic in the area. He did make Council aware of this in January/February 2022. Council Member O'Loughlin with a motion to close the public hearing, second by Council Member Huston. Ayes: All. Council Member Callahan with a motion to approve the first reading, second by Council Member Huston. 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 to waive the requirement of three considerations of this ordinance prior to final passage, and have this measure placed on its final passage for adoption pursuant to Iowa Code Section 380.3, second by Council Member Huston. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Huston, and Kurtz. Nays: Callahan and Hanna. Motion failed.

Council Member Huston with a motion to approve the third and final passage of the amendment to Code Section 17.02(8) 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: O'Loughlin, Jensen, Callahan, Huston, Hanna, Kurtz, and Prusator.

**Ordinance adopted and upon approval by Mayor assigned No. 2022-557 in the Official Book of Ordinances.**

## **RESOLUTIONS**

Council Member O'Loughlin with a motion to approve a resolution that approves the use for the American Recovery Plan Act Funds in Fiscal Year 2022, second by Council Member Prusator. 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. 2022-81 in the Official Book of Resolutions.**

## **OTHER BUSINESS**

Council Member Callahan with a motion to approve the 2022-2023 Supplemental Agreement with the Iowa Department of Transportation, second by Council Member O'Loughlin. The roll being called the following Council Members voted: Ayes: Callahan, Huston, Hanna, Kurtz, Prusator, O'Loughlin, and Jensen.

Council Member Prusator with a motion to approve the donation agreement with Blue Buffalo for the Indee Bark Park, 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 O'Loughlin with a motion to waive City Code Section 122.10 – Transient Merchant time restriction, second by Council Member Callahan. 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 approve a farm lease for a parcel North of the Terminal Building for haying operation with Leon Bachman, second by Council Member Hanna. Council Member Huston asked if lease would interfere with any FAA regulations. City Manager Roder answered that it would not, and a 48-hour notice would need to be given if a large event is to be held and that area is needed. This is a one-year lease as the proposed location is in the proposed area for a project to be done next year. The roll being called the following Council Members voted: Ayes: Kurtz, Prusator, O'Loughlin, Jensen, Callahan, Huston, and Hanna.

Mark Crawford, Crawford Engineering, spoke on the 6<sup>th</sup> Avenue SW Trail Project, Highway 150 Reconstruction Phase 2 Project, and the Liberty Trail South Extension Project.

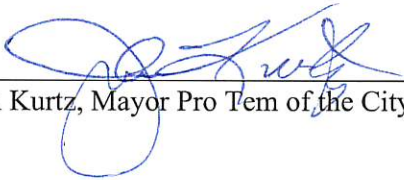
## **REPORTS**

The following comments were heard from Council and Staff: Callahan- Condolences to the Hill family. Thought he was doing an excellent job as Mayor. She will miss his positivity and joviality. Huston- Thoughts and prayers to the Hill family. Even though he had a short time as Mayor, he had a positive impact on the community and would want us to continue that. Hanna- Thoughts and prayers to the family. Very proud of his family and talked about them a lot. Jensen- Thoughts and prayers to the family. Worked with him on the school board. O'Loughlin- Condolences to the family. Asked the community to realize where and what he was all involved in besides city government. Prusator- Condolences from his family to the Hill family. He didn't have the history with the Council, but Bob always made him feel welcome. Will miss his smile and sense of humor. Kurtz- Knew Bob for many years and had a friendly support for the Green Bay Packers. Always had good conversations even when they didn't see eye to eye on the same topic. City Attorney- expressed condolences from Lynch Dallas that have worked with the City and Bob. Bob met with him and Holly recently on a project that was dear to him. Police- As a Mayor, Bob did not tow a party line, he towed the Independence line. Spoke about Dan Morgan's work with the Police Department on quality-of-life issues that Council may not be aware of. City Clerk- Enjoyed working with Mayor and will miss him. City Manager- Bob was a fiber of the community and was always involved in something. Have received outpouring support from other communities from people that knew Bob.

## **ADJOURNMENT**

Motion by Council Member Callahan, second by Council Member Hanna to adjourn. Ayes: All.

Whereupon Mayor Pro Tem Kurtz declared the meeting adjourned at 5:40 p.m.

  
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John Kurtz, Mayor Pro Tem of the City of Independence, Iowa

ATTEST:

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