

The Independence City Council met in regular session in the council chambers at 5:00 p.m., on Monday, March 25, 2024.

OPENING/ROLL CALL

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

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 March 25, 2024. Ayes: All.

PUBLIC COMMENT

Brian Crawford, Crawford Engineering, stated work on the 2nd Street SW Bridge has started. At the INRCOG meeting on March 21st, the City was awarded \$230,000 in STBG funds for the 2028 Street Rehabilitation Project.

Alison Michels, 1647 280th Street, addressed the Council about work she would like to do at Oakwood Cemetery and raising funds for cleaning and repairing headstones.

CONSENT AGENDA

Motion by Council Member Hanna, second by Council Member Moore to accept and approve the consent agenda that approves the following: 1) The minutes of the March 11, 2024, Regular Meeting. 2) BrewBQ 2024 Special Event Application for Saturday, August 24, 2024. 3) Bow Hunting request from Curtis Cooksley. Ayes: All.

FINANCIALS

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

ACCESS SYSTEMS LEASING	EQUIP CONTRACT-ALL	\$ 1,528.41
ACCO	SUPPLIES-PR	\$ 304.51
ACE HARDWARE	SUPPLIES-F,PR,L,W	\$ 82.99
AMAZON CAPITAL SERVICES	SUPPLIES-CH,F,L,PD	\$ 2,680.57
ASSURITY LIFE INSURANCE	ASSUR CRIT ILL	\$ 461.34
BEAM INSURANCE ADMIN LLC	VISION PRETAX	\$ 455.22
BLACK HAWK CO HEALTH DEPT	SERVICES-PR	\$ 300.00
BLACKSTONE PUBLISHING	SUPPLIES-L	\$ 192.56
BRODART CO	SUPPLIES-L	\$ 710.77
BUCHANAN COUNTY ENGINEER	SERVICES-ST	\$ 525.00
BUCHANAN COUNTY HEALTH CE	AMB. SVC-CH	\$ 11,271.00
BUCHANAN COUNTY TREASURER	PROPERTY TAX-W	\$ 236.00
BURNS, JEFFERY	REIMBURSE-F	\$ 800.00
CARD SERVICES-LIBRARY	MISC EXP-L	\$ 413.92
CARD SERVICES-VISA	MISC EXP-PD,F,W	\$ 2,453.18
CENGAGE LEARNING	BOOKS-L	\$ 51.73
CENTER POINT LARGE PRINT	BOOKS-L	\$ 140.55
CORE & MAIN LP	SUPPLIES-W	\$ 532.31
CORKERYS WELDING & REPAIR	SERVICES-ST	\$ 296.57
CY & CHARLEY'S FIRESTONE	SERVICES-W	\$ 686.88
DAKOTA SUPPLY GROUP	VEH REPAIR-ST	\$ 2,608.47
DELTA DENTAL OF IOWA	DENTAL BENEFIT	\$ 4,166.48
DUNLAP MOTORS INC	VEH REPAIR-W	\$ 463.45
EAST-CENTRAL IOWA R.E.C.	UTILITY-A,PR,ST,W,CH	\$ 3,047.50
ELECTRIC PUMP INC	EQUIP REPAIR-W	\$ 13,663.24
EMPLOYEE BENEFIT SYSTEMS	SAFE-T FUND-ALL	\$ 3,933.94
ESCHEN'S CLOTHING	UNIFORM-ST	\$ 651.00

FAIRCHILD FEED & SUPPLY	CHEMICALS-W	\$ 191.40
FERGUSON ENTERPRISES LLC	SUPPLIES-W	\$ 553.30
FIRE SERVICE TRAINING BUR	TRAINING-FD	\$ 50.00
FRONTLINE WARNING SYSTEMS	SERVICES-F	\$ 1,200.00
GALLS INC	UNIFORM-PD	\$ 250.48
GRAINGER INC	SUPPLIES-W	\$ 869.72
HAUSERS WATER SYSTEMS INC	COMMERCIAL SALT-ST	\$ 22.90
IA DEPT OF REVENUE	SALES TAX-PR,W	\$ 8,291.02
IA PRISON INDUSTRIES	SIGNAGE-ST	\$ 512.60
ICAP	INSUR-PR	\$ 39.00
IMFOA	MISC EXP-CH	\$ 370.00
INDEPENDENCE LIGHT & POWE	UTILITIES-ALL	\$ 27,303.95
INGRAM LIBRARY SERVICES	BOOKS-L	\$ 901.51
INRTC	DUES-CH	\$ 2,500.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$ 24,675.56
IPERS	IPERS-PROTECTIV	\$ 32,885.80
KEYSTONE LABORATORIES INC	LAB ANALYSIS-W	\$ 142.25
LAMPE, SUSI	UNIFORM-CH	\$ 44.99
LEGALSHIELD	FAM LEG & IDENT	\$ 138.65
LINOH20	LAB ANALYSIS-W	\$ 299.00
LL PELLING COMPANY	PREMIX-ST	\$ 992.25
LYNCH DALLAS, PC	LEGAL EXP-CH	\$ 874.50
MANATT'S INC	CEMENT-PR	\$ 2,179.57
MCCANN, LINDA	PROGRAMS-L	\$ 170.00
METLIFE	MET ER LIFEAD&D	\$ 1,024.46
MIDAMERICAN ENERGY COMPAN	UTILITY-CH,L,PD,PR,ST,W	\$ 6,718.47
MIDWEST BREATHING AIR L.L	SERVICES-F	\$ 193.45
MIDWEST SAFETY COUNSELORS	SAFETY EQUIP-W	\$ 265.00
MSA PROFESSIONAL SERVICES	SERVICES-W,B,SW	\$ 186.25
NISSEN, THOMAS	PROGRAMS-L	\$ 600.00
OELWEIN PUBLISHING COMPAN	PUBLICAT-CH	\$ 417.61
OFFICE EXPRESS OFFICE PRD	SUPPLIES-L	\$ 182.60
OFFICE TOWNE INC	SUPPLIES-PD,PR,W	\$ 251.94
OVERDRIVE INC.	SUPPLIES-L	\$ 4,000.00
PAYROLL CHECKS	PAYROLL CHECKS	\$ 78,293.71
PERMA-BOUND	BOOKS-L	\$ 85.83
PRINT EXPRESS	SUPPLIES-PR	\$ 137.48
RACOM CORPORATION	EQUIP MAINT-PD	\$ 13,179.76
REGINA2029	TOURNEY FEE-PR	\$ 400.00
S & K COLLECTIBLES	SHIPPING-W	\$ 13.50
SECRETARY OF STATE	NOTARY-PD	\$ 30.00
SIGNS & MORE	SERVICES-PR	\$ 7,590.50
STATE FARM	BENEFITS CH,ST,W	\$ 63.65
STATE STREET BANK & TRUST	ICMA-RC \$ PRE	\$ 5,984.64
STRAND ASSOCIATES	SERVICES-W	\$ 205,190.00
SUPERB CLEANING SERVICES	BLDG MAINT-L	\$ 1,850.00
T & W GRINDING & COMPOST	SERVICES-ST	\$ 8,143.00
TASC	FLEX MEDICAL	\$ 1,356.71
TESTAMERICA LABORATORIES	LAB ANALYSIS-W	\$ 3,997.76
TITAN MACHINERY	VEH MAINT-ST	\$ 1,333.67
TREASURER-STATE OF IOWA	STATE TAXES	\$ 7,496.54
US CELLULAR	UTILITY-B,L,PD	\$ 854.37
VESSCO INC	SUPPLIES-W	\$ 63.40
WALMART COMMUNITY	SUPPLIES-W,PD,ST,PR	\$ 532.29
WASTE MANAGEMENT	GARBAGE-PR	\$ 410.68
WELLMARK BCBS	HEALTH BENEFIT	\$ 42,256.04

CLAIMS TOTAL \$551,219.35; General Fund \$176,233.96; Library \$32,443.65; Streets Dept-Road Use \$33,660.27; Employee Benefits \$865.94; Parks & Rec Projects \$7,382.25; Cap Outlay Savings/LOST \$17,365.51; Water Fund \$20,181.90; Sewer Utility Fund \$259,105.36; Storm Water \$46.57; Self Insurance \$3,886.21; Self Insurance-Enterprise \$47.73.

REVENUES MONTH TO DATE TOTAL \$737,590.75; General Fund \$189,727.95; Library \$35,039.49; Streets Dept-Road Use \$49,443.97; Employee Benefits \$46,290.85; Emergency Levy \$2,437.11; Tax Increment Financing \$34,721.65; Economic Development \$129,864.16; Debt Service \$37,061.12; Parks & Rec Projects \$525.00; Cap Outlay Savings/LOST \$1,218.56; Water Fund \$40,632.88; Water Revenue Bond \$7,824.59; Sewer Utility \$69,828.84; Sewer SRF Sinking Fund \$7,996.66; Sewer Sinking Revenue Bond \$42,422.66; Storm Water \$6,781.26; Self Insurance \$35,532.62; Self Insurance-Enterprise \$241.38.

The March 2024 budgeted monthly transfers and the revenues and expenses by department to date were available for council review and discussion.

HEARINGS & ORDINANCES

Council Member O'Loughlin with a motion to set April 8, 2024, at 4:45 pm as a public hearing on the Fiscal Year 2025 Budget, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Huston, Hanna, Moore, Prusator, O'Loughlin, Jensen, and Weber.

Council Member Prusator with a motion to approve the first reading of an ordinance that amends provisions pertaining to Public Health and Safety-Fireworks to be used on July 3rd and 4th ceasing 11:00 pm, on December 25th ceasing at 11:00 pm, and January 1st ceasing at 11:00 pm, second by Council Member Moore. Brian Kieierleber, 1110 5th Street NE, is a veteran and has 2 brothers-in-law that are Vietnam veterans that do not like fireworks. He spoke in opposition to allowing fireworks not just for veterans, but also for animals. If people want to shoot them off, then they need to do it elsewhere. Vicki Pilcher, lives in NW Independence, asked the Council why? She states she listens to fireworks for a month around the 4th of July. If she takes a walk in the neighborhood, she hears them during this time. When the City did allow them, it was like a war zone when she and her husband would try to talk a walk. Random fireworks would be shot off in front of their path. She stated that people's houses were getting damaged, and people's pets were injured from trying to get away from the noise. Encouraged the Council to think of how fireworks affect veterans and animals. Tracy Belle, Wildthunder Director, spoke of the impact of fireworks on animals and how fireworks impact PTSD for veterans and animals. Julie Klammer, 511 2nd Ave NE, remembers when she moved to Independence and there were discussions of allowing fireworks. She stated in her neighborhood there are older homes that have the potential of being damaged by fireworks. She spoke of getting medication for her dogs as they didn't like fireworks. She wanted to know why the Council would give a permit for the fireworks display that is done at Teacher's Park but would not give out permits for residents that want to shoot them off. Mayor Bleichner read a letter from Dr. Brenna Gray from PAWS in opposition to allowing fireworks and the impacts of fireworks on animals. Council Member Moore stated the motion he seconded has parameters of set days and times. He understands that people will buy them and shoot them off anyway. If there are certain days and times to allow people to use them, it can be used as a trial period. He feels that law enforcement has a better opportunity to enforce the rules when fireworks are used on unallowed days. He wasn't here when the City allowed fireworks before. He has heard from several people that it is not fair that fireworks can be sold within City Limits, but they can't be used. He understands the State has allowed fireworks to be sold and is wondering if another trial period should be done to see if it can be controlled better. The loudness of the 4th of July show would be louder than residents shooting them off during those days and times. Council Member Prusator thanked everyone that came in to speak on this item and it is needed for Council to make good decisions. He did research on the tradition of fireworks and found that fireworks have been used since July 4, 1777. He is proud to be here for what those people have done. He does think fireworks should be used but with constraints. If people are using fireworks disrespectfully, then the Police Department should be contacted. He wants to propose a common ground that people can enjoy fireworks on certain days and times. He acknowledged that fireworks can impact animals and agrees with Dr. Gray's opinion about the indiscriminate use of fireworks. He did not look into accidents or fire calls that involved fireworks but would be willing to reach out to the Fire Chief. He spoke of the different classes of fireworks and the loudness of each rating being different. He spoke of how highly he values veterans and the efforts they have done for this country and residents. Council Member O'Loughlin said in his ten years this issue has been the one he has received the most phone calls on. The City has tried this before, it lasted one year and it was a failure. People were injured that year on their way to the actual fireworks display on July 4th. There are still issues with enforcement of people using fireworks. Council Member Jensen said that people aren't following the rules right now and did not receive any calls from her neighborhood. She would rather have a structure to allow people to use them on certain days and times instead of whenever they wanted. Council Member Hanna doesn't think that the public doesn't weigh in on the main display on the 4th, and people tolerate that. When the City did allow it, it was constant use from people until 2 am. She did say if this passes, she would give out the phone numbers of the Council Members who voted in favor of this if she were to get complaints. She said it is the fireworks that sound like bombs that bother people with PTSD. Council Member Huston thanked everyone that came and share their comments. It is a frustration of the Council that the public doesn't show up to meetings and speak during public hearings. He equates

firework usage to people using the walking trails. About 90 – 95% of the people that use the trail respect the trail and others that also use it. There will always be the 5- 10% that just do not care and he is afraid that will happen if fireworks are allowed. When the 4th of July show is done, there are professionals that come in and set them off. That is very different from a resident that wants to shoot off their own. He doesn't understand how the City can say people can't set off fireworks, but can allow for vendors to come and sell them within City Limits. He is wondering if something can be posted at firework stands that says that fireworks can't be used within City Limits. Council Member Weber wants to try and make it so everyone can enjoy fireworks. The public that did come spoke in opposition and the people that spoke in favor are sitting at the Council dais. He was put on the Council to speak on behalf of his ward and to vote with their interests in mind. Police Chief Niedert thinks if this amendment passes it will still be the same as it currently is with people using them and it isn't allowed. Fire Chief Hayward said there have not been any fire related events they have responded to that included firework. The hospital would have to be contacted regarding fireworks-related injuries. City Manager Schmitz reviewed the language in the proposed ordinance amendment that he drafted using model language from the Iowa League of Cities ordinance for all cities to use. Council Member Prusator amended his motion to remove January 1st and add December 31st for the same time, second by Council Member Moore. The roll being called the following Council Members voted: Ayes: Moore, Prusator, and Jensen. Nays: Hanna, O'Loughlin, Weber, and Huston.

RESOLUTIONS

Council Member Weber with a motion to approve and authorize the Mayor to sign the resolution appointing Quentin Stenger to the Library Board of Trustees, second by Council Member Prusator. The roll being called the following Council Members voted: Ayes: Moore, Prusator, O'Loughlin, Jensen, Weber, Huston, and Hanna.

Resolution adopted and upon approval by Mayor assigned No. 2024-18 in the Official Book of Resolutions.

Council Member Prusator with a motion to approve and authorize the Mayor to sign the resolution approving the Engineering Services Agreement with Crawford Engineering and to authorize the City Manager to sign the Engineering Services Agreement, second by Council Member O'Loughlin. Council Member Jensen asked if the agreement encompasses everything. Mayor Bleichner stated City Manager Schmitz, City Attorney Herman, and Crawford Engineering have worked together on revisions to the agreement to have the finished agreement that is included in the agenda packet. There will be additional engineering costs if there are change orders during the project. This proposed agreement addresses more communication between Crawford Engineering and the City related to project-related tasks. The roll being called the following Council Members voted: Ayes: Prusator, O'Loughlin, Jensen, Weber, Huston, Hanna, and Moore.

Resolution adopted and upon approval by Mayor assigned No. 2024-19 in the Official Book of Resolutions.

REPORTS

The following comments were heard from Council and Staff: Huston – All is well. O'Loughlin – Commendations to the Street Department for treating the roads before the storm hit. Jensen – Had addressed the potential new stop sign at an intersection between meetings. City Manager – He received an email from the Buchanan County Auditor about receiving the TIF reports by the end of this week. Last Thursday, he attended the meeting at INRCOG and was told about the \$230,000 in STBG funds for the 2028 Street Rehabilitation Project. There is a bit of give and take at those meetings. He is working with INRCOG and Ritland + Kuper to apply for a RAISE grant for work on 1st Street West from 10th Avenue to 20th Avenue. The RAISE grant is a federal grant and can provide 100% funding for applicants. He attended a webinar with Iowa DNR about 2D flood mapping and reached out to them to see when it can be done for Independence. The new street sweeper's price that is budgeted in Fiscal Year 2024 went up due to Freightliner raising prices. There are funds available for this increase. He will be out of the office this Wednesday – Friday for the IMMI in Iowa City.

ADJOURNMENT

Motion by Council Member Moore, second by Council Member Jensen to adjourn. Ayes: All.

Whereupon Mayor Bleichner declared the meeting adjourned at 6:07 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