



# CITY COUNCIL WORK SESSION

Monday, August 04, 2025 at 5:30 PM

Council Chambers - 331 First Street East

## AGENDA

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### RULES OF PROCEDURE

*Workshops are not Public Hearings. No member of the public or interested party has the right to make a presentation or address the Council on an item under consideration in a workshop or a study session.*

*During the City Council Work Session, the Council will primarily discuss and debate items intended to be formally considered at a future City Council Meeting. However, the Council may at any noticed meeting, including a City Council Work Session meeting, take action on any item shown on the posted agenda as a potential action item. The City Council Work Session meeting is a regular meeting of the Independence City Council.*

### MEETING OPENING

Call the Meeting to Order

### PRESENTATIONS

- [1.](#) Fire Department Expansion – Architect Contract Update FY 26

### DEPARTMENT UPDATES

- [2.](#) Department Report – Airport
- [3.](#) Department Report – Building/Code Enforcement
- [4.](#) Department Report – Streets
- [5.](#) Department Report – Utilities

### NEW BUSINESS

- [6.](#) Chapter 142 – Right of Way Ordinance
- [7.](#) Chapter 143 – Road Closures & Neighborhood Block Parties
- [8.](#) Chapter 69 – Parking Regulations (Residential Areas)
- [9.](#) Chapter 102 – Stormwater Management Policy and SUDAS
- [10.](#) Electric Scooters on Sidewalks
- [11.](#) Fee Discussion
12. Council Topics
13. Mayor Topics
14. City Manager Topics

### ADJOURNMENT

This agenda is subject to change.



## CITY COUNCIL WORK SESSION MEMORANDUM

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**TO:** Matthew R. Schmitz, MPA - City Manager

**FROM:** Blake Hayward – Fire Chief

**DATE OF MEETING:** August 04, 2025

**ITEM TITLE:** Fire Department Expansion – Architect Contract Update FY 26

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### **DISCUSSION:**

Brian Stark, with Martin Gardner Architects, will be here to provide the council with an update and discuss the updated Contract for FY 26.

### **RECOMMENDATION:**

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.

July 8, 2025

City of Independence  
331 1st Street East  
Independence, IA 50644

**Re: Revised Proposal for Services - Independence Fire Station**

Dear Mr. Schmitz,

We appreciate the continued opportunity to work with the City of Independence on the Fire Station Renovation and Addition project. As you are aware, our team initially commenced the schematic design (SD) phase under our base contract. During that process, the city elected to explore alternative site options, and our agreement was subsequently amended to include site selection services. To help manage costs, the remaining SD fee balance was applied toward that additional scope.

With the City's decision to proceed with the existing site, we have resumed our schematic design efforts focused on the renovation and addition. At this point, the time allocated to both the initial SD phase and the site selection work has fully utilized the original SD fee.

To maintain progress toward the planned public rollout this fall, we have continued advancing the schematic design and have been tracking our time with the understanding that a contract amendment is forthcoming. We are now pleased to submit this proposal to formally amend the agreement and reauthorize the funding necessary to complete the schematic design phase.

We propose an amended schematic design fee of \$15,000 to complete the development of a single schematic design plan based on the results of the previously completed chip game. This plan will serve as the foundation for finalizing the schematic layout and developing elevation concepts. Additionally, to support the City's public engagement and communication efforts, we propose an additional \$8,000 for the preparation of rendered exterior views of the proposed addition. These visuals will be incorporated into printed materials for the fall public presentation. The total proposed fee for this amended phase of service is \$23,000.

Upon signature, this letter shall serve as an amendment to our current agreement, authorizing the services and fees outlined above. All other terms and conditions of the original agreement shall remain in full force and effect.

Please let us know if there are specific items you would like us to address in this proposal, or if you would prefer to meet prior to finalizing. We look forward to continuing our support of the City of Independence as the project moves into this exciting next phase.

Sincerely,



Brian Stark, Senior Project Manager  
**MARTIN GARDNER ARCHITECTURE, P.C.**

**Authorized by:**  
**Martin Gardner Architecture**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Authorized by:**  
**City of Independence**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## CITY COUNCIL WORK SESSION DEPARTMENT REPORT

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**TO:** Matthew R. Schmitz, MPA - City Manager  
**FROM:** Brett Soukup – Airport Director  
**DATE OF MEETING:** August 4, 2025  
**ITEM TITLE:** Department Report – Airport

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### Fuel Sales

- **100LL:** 1,043 gallons
- **Jet A:** 7,662 gallons
- Due to the high volume of Jet A sold, a purchase order has been placed for 7,500 gallons for delivery.

### Grounds

- Experienced issues with the AWOS phone line.
- A new tenant moved into a T-hangar after July 1st. The hangar was washed in preparation.
- Mowing continues as weather permits, though rain has caused occasional delays.
- The Parks Department assisted with spraying along fence rows.
- Rasmussen Drainage excavated tile lines in the adjacent field and found several blockages in the main line.

### Equipment

- Purchased new blades for the large mower.

### Miscellaneous

- Provided an airport tour to a local family and spoke to their grandchildren about aviation and the airport.
- Spray planes began operations on July 17th, bringing significant activity. Between 4 to 5 spray planes have been flying out of the airport regularly.
- Several spray plane operators commented positively on the new apron north of the terminal building.



## CITY COUNCIL WORK SESSION DEPARTMENT REPORT

**TO:** Matthew R. Schmitz, MPA - City Manager

**FROM:** Matt Chesmore, Building Official

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Department Report – Building/Code Enforcement

### **Building Department:**

Between June 1st, 2025, and July 28th, 2025, 64 Permits were issued.

(see permit report for individual permit uses)

### **Code Enforcement:**

15 Letters of Violation were sent in the months of June and July. (see Violation report)

**Abandon Property (657A.10B):** Staff has initiated 657A.10B proceedings on 3 additional properties as discussed at the July 14<sup>th</sup>, 2025, regular City Council meeting.

### **812 10<sup>th</sup> Street NE – Derelict property**

Staff currently has an RFQ in legal review. Once the review is complete, staff will solicit realtors by publishing in the paper, posting the RFQ in City Hall, and on social media resources. Once the RFQ deadline for response has elapsed, staff will review each RFQ received and rank them in accordance with the RFQ. Once a realtor has been selected to represent the City, staff will enter into an agreement for the possible disposition of this property. Note: The City has reserved all rights to accept any or refuse any and/or all offers.

### **Planning and Zoning:**

Planning and Zoning met on 7/1/2025, where it was moved to recommend to City Council to accept and approve the 2025 Urban Renewal Area Amendment. This is for the Indee Storage project, where the area needed to be removed from the current TIF district and added back into a newly created TIF district.

Planning and Zoning also approved a rezoning request for 319 Social Club to rezone from C2 to C1 to allow the placement of an electronic sign, advertising the business.

The Planning and Zoning Commission approved a Preliminary Plat within 2 miles of the City of Independence. The Rosburg First addition preliminary plat was then updated the same day, thus significantly changing the approved plat and requiring review by P&Z. The updated plat of survey for property located within 2 miles of Independence, the Rosburg First Addition, is scheduled for Planning and Zoning review on 8/5/2025. The plat is expected to be granted approval and then will move onto the City Council's agenda.

Planning and Zoning reviewed Article 17, "Signs," of the Independence Zoning Ordinance, where it was recommended to further review. Article 17 was updated and sent out for legal review.

Given recent activity and legal guidance regarding the display, location, and/or contents of certain signs, it leaves staff with little confidence that the current ordinance is adequately defensible should the Council hear an objection.

Staff is initiating a complete overhaul or significant amendment of the Sign ordinance. To accomplish this will take time and resources; however, staff also feels it's better to have an ordinance we can defend rather than a piecemealed document that may have inadvertent loopholes, due to possible contradictions across sections, technological advances in signage, and/or potential to violate a citizen's constitutionally protected rights.

**Board of Adjustments:**

No Activity

**Flood Plain Administration:**

**Hazard Mitigation Grant Program:** The properties of 67 10<sup>th</sup> Street NE and 45 8<sup>th</sup> Street NE have voluntarily disenrolled in the buyout program, citing timeliness and lack of funding

**Training:**

No activity

## All Permits issued previous 2 months - Set Date Range

File Date	Location	Permit Type	Permit Use	Fee Amount	Permit Date	Project Value
June 25, 2025	307 16TH AVE NE, INDEPENDENCE 50644	Residential	Building	\$46.00	June 30, 2025	\$2,500
July 3, 2025	302 ENTERPRISE DR, INDEPENDENCE 50644	Commercial	Building	\$136.00	July 7, 2025	\$17,460
June 2, 2025	808 1ST ST E, INDEPENDENCE 50644	Residential	Building	\$20.00	June 2, 2025	\$1,000
June 3, 2025	301 1ST ST E, INDEPENDENCE 50644	Commercial	Building	\$0.00	June 3, 2025	\$0
June 3, 2025	512 8TH AVE SW, INDEPENDENCE 50644	Residential	Building	\$203.00	June 3, 2025	\$30,000
June 3, 2025	614 8TH AVE NE, INDEPENDENCE 50644	Residential	Building	\$94.00	June 3, 2025	\$10,001
June 23, 2025	1504 7TH ST NE, INDEPENDENCE 50644	Residential	Building	\$20.00	June 25, 2025	\$900
<b>Subtotal For Building (7 Records)</b>				\$519.00		\$61,861
July 24, 2025	139 14TH AVE NE, INDEPENDENCE 50644	Residential	Decking	\$52.00	July 24, 2025	\$3,982
July 7, 2025	803 8TH AVE NE, INDEPENDENCE 50644	Residential	Decking	\$20.00	July 14, 2025	\$1,000
May 28, 2025	207 8TH AVE NE, INDEPENDENCE 50644	Residential	Decking	\$148.00	June 2, 2025	\$19,500
June 9, 2025	801 9TH AVE SW, INDEPENDENCE 50644	Residential	Decking	\$28.00	June 9, 2025	\$1,302
June 6, 2025	1409 KELLIE AVE, INDEPENDENCE 50644	Residential	Decking	\$58.00	June 6, 2025	\$4,200
June 25, 2025	207 5TH ST SE, INDEPENDENCE 50644	Residential	Decking	\$52.00	July 14, 2025	\$3,500
<b>Subtotal For Decking (6 Records)</b>				\$358.00		\$33,484
June 26, 2025	813 9TH ST NE, INDEPENDENCE 50644	Residential	Demolition	\$0.00	June 26, 2025	\$0
June 27, 2025	2325 JAMESTOWN AVE, INDEPENDENCE 50644	Residential	Demolition	\$0.00	June 27, 2025	\$0



File Date	Location	Permit Type	Permit Use	Fee Amount	Permit Date	Project Value
<b>Subtotal For Demolition (2 Records)</b>				\$0.00		\$0
June 17, 2025	517 6TH AVE SE, INDEPENDENCE 50644	Residential	Fence	\$52.00	June 17, 2025	\$4,000
July 28, 2025	1404 6TH AVE SW, INDEPENDENCE 50644	Residential	Fence	\$52.00	July 28, 2025	\$4,000
May 14, 2025	902 7TH AVE SW, INDEPENDENCE 50644	Residential	Fence	\$58.00	June 2, 2025	\$4,500
May 27, 2025	515 6TH AVE NW, INDEPENDENCE 50644	Residential	Fence	\$20.00	June 27, 2025	\$700
<b>Subtotal For Fence (4 Records)</b>				\$182.00		\$13,200
July 21, 2025	501 5TH AVE SW, INDEPENDENCE 50644	Residential	Garage	\$544.00	July 21, 2025	\$127,436
<b>Subtotal For Garage (1 Records)</b>				\$544.00		\$127,436
June 3, 2025	214 1ST ST E, INDEPENDENCE 50644	Commercial	Mechanical (HVAC)	\$90.00	June 4, 2025	\$9,690
May 22, 2025	1503 CARRIE AVE, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$52.00	June 4, 2025	\$3,485
June 5, 2025	310 12TH AVE NW, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$90.00	July 18, 2025	\$10,000
July 10, 2025	517 14TH AVE NE, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$76.00	July 18, 2025	\$7,779
May 30, 2025	715 7TH AVE NW, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$52.00	June 4, 2025	\$3,375
June 6, 2025	1110 5TH ST NE, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$136.00	June 24, 2025	\$17,458
June 10, 2025	115 6TH AVE NW, INDEPENDENCE 50644	Commercial	Mechanical (HVAC)	\$1,337.50	June 10, 2025	\$450,000
July 10, 2025	214 6TH ST SE, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$52.00	July 18, 2025	\$3,687
June 16, 2025	302 ENTERPRISE DR, INDEPENDENCE 50644	Commercial	Mechanical (HVAC)	\$166.00	June 17, 2025	\$22,800

File Date	Location	Permit Type	Permit Use	Fee Amount	Permit Date	Project Value
May 20, 2025	1105 DAVID DR, INDEPENDENCE 50644	Residential	Mechanical (HVAC)	\$58.00	June 4, 2025	\$4,250
			<b>Subtotal For Mechanical (HVAC) (10 Records)</b>	\$2,109.50		\$532,524
July 17, 2025	403 MATTHEW ST, INDEPENDENCE 50644	Residential	New Construction	\$58.00	July 28, 2025	\$4,009
May 29, 2025	307 MATTHEW ST, INDEPENDENCE 50644	Residential	New Construction	\$1,281.00	June 5, 2025	\$425,000
			<b>Subtotal For New Construction (2 Records)</b>	\$1,339.00		\$429,009
April 29, 2025	1810 1ST ST W, INDEPENDENCE 50644	Commercial	Plumbing	\$34.00	June 4, 2025	\$1,655
May 1, 2025	1115 7TH ST NE, INDEPENDENCE 50644	Residential	Plumbing	\$34.00	June 4, 2025	\$1,620
July 1, 2025	211 4TH ST SE, INDEPENDENCE 50644	Residential	Plumbing	\$82.00	July 18, 2025	\$8,339
June 16, 2025	302 ENTERPRISE DR, INDEPENDENCE 50644	Commercial	Plumbing	\$377.00	June 17, 2025	\$74,000
			<b>Subtotal For Plumbing (4 Records)</b>	\$527.00		\$85,614
July 3, 2025	604 4TH ST SE, INDEPENDENCE 50644	Residential	Remodel/Addition	\$180.00	July 3, 2025	\$25,000
July 7, 2025	803 8TH AVE NE, INDEPENDENCE 50644	Residential	Remodel/Addition	\$20.00	July 7, 2025	\$1,000
August 1, 2024	302 ENTERPRISE DR, INDEPENDENCE 50644	Commercial	Remodel/Addition	\$3,903.00	June 16, 2025	\$1,725,108
			<b>Subtotal For Remodel/Additio n (3 Records)</b>	\$4,103.00		\$1,751,108
June 16, 2025	519 1ST ST E, INDEPENDENCE 50644	Zoning Board	Rezoning Request	\$250.00	July 9, 2025	\$0
			<b>Subtotal For Rezoning Request (1 Records)</b>	\$250.00		\$0

File Date	Location	Permit Type	Permit Use	Fee Amount	Permit Date	Project Value
June 4, 2025	615 4TH ST SW, INDEPENDENCE 50644	Residential	Right-of-Way	\$64.00	June 4, 2025	\$5,969
<b>Subtotal For Right-of-Way (1 Records)</b>				\$64.00		\$5,969
June 25, 2025	1102 5TH AVE NE, INDEPENDENCE 50644	Residential	Roofing	\$112.00	June 25, 2025	\$13,129
July 15, 2025	615 4TH ST SW, INDEPENDENCE 50644	Residential	Roofing	\$118.00	July 15, 2025	\$14,725
June 3, 2025	206 2ND ST SE, INDEPENDENCE 50644	Residential	Roofing	\$106.00	June 3, 2025	\$12,268
July 24, 2025	131 15TH AVE NE, INDEPENDENCE 50644	Residential	Roofing	\$90.00	July 24, 2025	\$9,968
July 22, 2025	700 7TH AVE SE, INDEPENDENCE 50644	Residential	Roofing	\$100.00	July 22, 2025	\$11,500
July 22, 2025	700 7TH AVE SE, INDEPENDENCE 50644	Commercial	Roofing	\$142.00	July 22, 2025	\$18,500
June 6, 2025	602 5TH ST NW, INDEPENDENCE 50644	Residential	Roofing	\$46.00	June 6, 2025	\$2,550
July 17, 2025	821 2ND ST NE, INDEPENDENCE 50644	Residential	Roofing	\$82.00	July 17, 2025	\$8,550
July 17, 2025	63 9TH ST NE, INDEPENDENCE 50644	Residential	Roofing	\$82.00	July 18, 2025	\$9,000
July 14, 2025	200 7TH AVE NE, INDEPENDENCE 50644	Residential	Roofing	\$124.00	July 14, 2025	\$15,900
June 6, 2025	128 TERRACE DR, INDEPENDENCE 50644	Residential	Roofing	\$82.00	June 6, 2025	\$8,600
June 12, 2025	1201 7TH ST NE, INDEPENDENCE 50644	Residential	Roofing	\$112.00	June 12, 2025	\$13,129
June 13, 2025	307 4TH ST SE, INDEPENDENCE 50644	Residential	Roofing	\$46.00	June 13, 2025	\$3,000
June 16, 2025	209 3RD ST NE, INDEPENDENCE 50644	Residential	Roofing	\$46.00	June 17, 2025	\$3,000
July 3, 2025	200 9TH AVE NW, INDEPENDENCE 50644	Commercial	Roofing	\$90.00	July 7, 2025	\$10,000
June 16, 2025	412 2ND ST SW, INDEPENDENCE 50644	Residential	Roofing	\$228.00	June 16, 2025	\$35,000

File Date	Location	Permit Type	Permit Use	Fee Amount	Permit Date	Project Value
June 17, 2025	700 20TH AVE SW, INDEPENDENCE 50644	Commercial	Roofing	\$106.00	June 17, 2025	\$12,500
July 1, 2025	706 4TH AVE SW, INDEPENDENCE 50644	Residential	Roofing	\$46.00	July 3, 2025	\$2,800
			<b>Subtotal For Roofing (18 Records)</b>	\$1,758.00		\$204,119
June 3, 2025	905 5TH AVE NE, INDEPENDENCE 50644	Commercial	Sign	\$82.00	June 12, 2025	\$8,532
			<b>Subtotal For Sign (1 Records)</b>	\$82.00		\$8,532
June 24, 2025	207 8TH AVE SW, INDEPENDENCE 50644	Residential	Window/Door Replacement	\$106.00	June 25, 2025	\$12,177
July 8, 2025	901 SPRUCE DR, INDEPENDENCE 50644	Residential	Window/Door Replacement	\$58.00	July 10, 2025	\$4,030
			<b>Subtotal For Window/Door Replacement (2 Records)</b>	\$164.00		\$16,207
July 28, 2025	301 7TH AVE SE, INDEPENDENCE 50644	Residential	Zoning Clearance	\$0.00	July 28, 2025	\$0
July 28, 2025	706 2ND ST NE, INDEPENDENCE 50644	Residential	Zoning Clearance	\$0.00	July 28, 2025	\$0
			<b>Subtotal For Zoning Clearance (2 Records)</b>	\$0.00		\$0
			<b>T O T A L - 64 Records</b>	\$11,999.50		\$3,269,062

## Complaints previous two months (set date range)

Entry Date	Complaint Location	Complaint Description	Complaint Status
June 16, 2025	810 9TH ST SW, INDEPENDENCE 50644	Many junked vehicles on property.  It's too bad the city can't seem to take action regarding the properties like this throughout the city. There seem to be more and more of these types of properties popping up. Not just vehicles but garbage and clutter. I'm not sure why this is so difficult to figure out. This type of complaint doesn't seem to accomplishe much but I'm submitting it anyway.	Unsubstantiated
June 23, 2025	509 3RD AVE NE, INDEPENDENCE 50644	High Grass	Unsubstantiated
June 23, 2025	11th St NE (Bachman Real Estate LLC by RR)	Storage of metal construction material	Unsubstantiated
July 3, 2025	410-B1 16TH AVE NE, INDEPENDENCE 50644	Junk sitting outside	Violation Issued
July 3, 2025	502 27TH ST SE, INDEPENDENCE 50644	Canadian thistles	Void
July 9, 2025	507 7TH AVE NW, INDEPENDENCE 50644	Fence built on property line without fence agreement. Unkept area between two fences.	Unsubstantiated
July 14, 2025	707 JUNIPER DR, INDEPENDENCE 50644	Car on jack stands	Violation Issued
July 16, 2025	800 5TH AVE SW, INDEPENDENCE 50644	Grass clippings blown onto roadway	Violation Issued

**8 Complaints**

## All Violations last two months - Set Date Range

Violation Date	Violation Location	Violation Subtype	Violation Status	Violation Notes
June 30, 2025	900 2ND AVE NE, INDEPENDENCE 50644	High Grass, Weeds & Vegetation	Closed/Resolved	Grass over 8"
June 3, 2025	601 8TH AVE NE, INDEPENDENCE 50644	High Grass, Weeds & Vegetation	Closed/Resolved	Grass over 8"
June 5, 2025	301 7TH AVE SE, INDEPENDENCE 50644	Nuisance Enumerated	Pending	Toilet in right-of-way. Toilet has been repurposed into a flower pot, however this has elevated potential to impact the safety of the traveling public by causing more damage to a vehicle or bystanders than it otherwise would. Owner states he will remove by 7/30/25. City is under legal advice we can remove the item. Legal dept. sent letter to property owner advising of this.
June 5, 2025	1201 6TH AVENUE, INDEPENDENCE IOWA 50644	Sign Violation	Closed/Resolved	Business sign in residential property
June 23, 2025	311 5TH ST SE, INDEPENDENCE 50644	Multi-Violation	Violation Notice Sent	High grass, junk vehicle, overgrowth surrounding structures. Owner has mowed and is working on vehicles.
June 25, 2025	710 7TH AVE SE, INDEPENDENCE 50644	High Grass, Weeds & Vegetation	Closed/Resolved	Grass over 8"
June 27, 2025	304 2ND ST SW, INDEPENDENCE 50644	High Grass, Weeds & Vegetation	Closed/Resolved	Grass over 8"
July 8, 2025	1000 9TH AVE SW, INDEPENDENCE 50644	Junked Motor Vehicle Violation	Closed/Resolved	Vehicle missing tail light and front grill
July 7, 2025	410-B1 16TH AVE NE, INDEPENDENCE 50644	Trash, Junk & Debris	Pending	Junk sitting outside
July 8, 2025	207 3RD AVE SE, INDEPENDENCE 50644	High Grass, Weeds & Vegetation	Closed/Resolved	Grass over 8"
July 11, 2025	802 NELSON AVE NE, INDEPENDENCE 50644	Trash, Junk & Debris	Violation Notice Sent	Junk, trash and debris located throughout rear yard and under deck. 7-17-2025 - Spoke to tenant (new) and they are taking a truck load of junk out each week as they can afford to. I said as long as they were making progress I would extend the the resolve by deadline.

Violation Date	Violation Location	Violation Subtype	Violation Status	Violation Notes
July 14, 2025	707 JUNIPER DR, INDEPENDENCE 50644	Junked Motor Vehicle Violation	Void	Vehicle up on jack stand.
July 14, 2025	707 JUNIPER DR, INDEPENDENCE 50644	Junked Motor Vehicle Violation	Closed/Resolved	Car on jack stands
July 16, 2025	800 5TH AVE SW, INDEPENDENCE 50644	Trash, Junk & Debris	Violation Notice Sent	Grass clippings blown onto roadway
July 23, 2025	301 7TH AVE SE, INDEPENDENCE 50644	Sign Violation	Pending	Sign in front yard "Save the Crapper". Remove by 7/30/25. Owner indicates he wil remove by deadline

## 15 Violations



## CITY COUNCIL WORK SESSION DEPARTMENT REPORT

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**TO:** Matthew R. Schmitz, MPA - City Manager

**FROM:** Brad Esch, Street Director

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Department Report – Streets

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All things associated with the 4<sup>th</sup> of July celebrations.

Routine maintenance at the Tree Dump. All the grindings on the south side of the creek have been sifted, leaving a large row of compost dirt.

Removal of large limbs and trees from recent storm damage.

Concrete and asphalt repairs from water main breaks.

Good start to street marking painting with more areas to still touch up.

The department has spent most of July working on the 8th Ave water main project and the 1st St. West sewer collapse.

We have contacted the vendor to order parts for the 150 Hwy and Enterprise Dr. signal, and researched the installation of speed limit warning signs on 6<sup>th</sup> Ave. SW and 2<sup>nd</sup> Ave. NE. Those signs should be ordered soon.

Indy Light & Power has been asked to proceed with the lighting project for Lover's Lane as well.





## CITY COUNCIL WORK SESSION DEPARTMENT REPORT

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**TO:** Matthew R. Schmitz, MPA - City Manager  
**FROM:** Travis Foley – Utilities Department Director  
**DATE OF MEETING:** August 04, 2025  
**ITEM TITLE:** Department Report – Utilities

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### Water –

- 8<sup>th</sup> Ave NE – We will be done with all the water connections the week of July 28<sup>th</sup>.
- On August 4<sup>th</sup> or 5<sup>th</sup>, we will be shutting down water along 6<sup>th</sup> Ave SW to allow for a main connection for Steve Gee's new development.
- On Tuesday, August 5<sup>th</sup>, the MHI water tower will be washed out as part of our routine water tower maintenance program. In preparation for this, we will be flushing the hydrants on MHI grounds the week of July 28<sup>th</sup> and draining the tower on Monday, August 4<sup>th</sup>. We hope to have it filled and back online on Thursday, August 7<sup>th</sup>.
- In August and September, we plan to have our valve exerciser out working on valves around town as a part of preventative maintenance.

### Sewer Collection –

- In August and September, we will be out with our sewer camera inspecting a section of town as part of preventative maintenance. As we identify issues, we will prioritize them and create a schedule to have them repaired as necessary. Our end goal is to identify and resolve issues before they become problems.
- A common issue we have been recently finding is roots growing in the mains. We believe this has become a bigger problem due to the drought conditions we experienced in the last couple of years (we clearly aren't having those issues now). We purchased a root cutter for our jet machine, which has been a huge help when we encounter these issues.

### Wastewater-

- On the night of July 22<sup>nd</sup>/ morning of July 23<sup>rd</sup>, the wastewater plant got hit with a lightning strike. We spent much of the day on the 23<sup>rd</sup> getting things back up and running correctly. The strike took out several electronics throughout the buildings. I am working on obtaining replacement costs for all the equipment and will submit them to the insurance. Parts have been ordered and will be installed as soon as possible.



## CITY COUNCIL WORK SESSION MEMORANDUM

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**TO:** City Council

**FROM:** Matthew R. Schmitz, MPA - City Manager

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Chapter 142 – Right of Way Ordinance

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### DISCUSSION:

At the July 7, 2025, City Council Work Session, Staff brought up the idea of examining a new Code Chapter to define what should be allowed in the Right-of-Way in Independence. To that end, Staff has worked with the City Attorney and prepared the attached ordinance for the Council to review and comment on.

### RECOMMENDATION:

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDEPENDENCE, IOWA, BY ENACTING A NEW CHAPTER TITLED "RIGHT-OF-WAY OBSTRUCTIONS, ENCROACHMENTS, AND BEAUTIFICATION."**

**SECTION I. CHAPTER ADDED.** The Code of Ordinances of the City of Independence, Iowa, is amended by adding Chapter 142, Right-of-Way Obstructions, Encroachments, and Beautification, which shall read as follows:

**142.01 PURPOSE AND FINDINGS.** The City Council of the City of Independence finds that the public rights-of-way are a valuable public resource held in trust for the benefit of its citizens. The purpose of this Chapter is to protect the public health, safety, and welfare by:

- A. Ensuring the safe and unimpeded passage of vehicular and pedestrian traffic
- B. Preserving the integrity of public infrastructure located within the right-of-way
- C. Preventing the creation of public nuisances and hazardous conditions within the right-of-way
- D. Establishing clear, consistent, and legally defensible standards for abutting property owners who wish to place certain private installations, structures, or plantings within the public right-of-way.

This Chapter is intended to balance the public's right to a safe and open right-of-way with the desire of property owners to enhance the aesthetic appearance of their properties.

**142.02 DEFINITIONS.** For the purposes of this Chapter, the following terms shall have the meanings ascribed to them:

1. **"Abutting Property"** means any real property that shares a common boundary with a public right-of-way.
2. **"Breakaway Support"** means a mailbox support post constructed of either a wood post no larger than four (4) inches by four (4) inches in nominal cross-section, or a standard steel or aluminum pipe with a diameter of no more than two (2) inches, which is buried no more than twenty-four (24) inches into the ground and is not embedded in concrete. This is consistent with Federal Highway Administration safety recommendations.
3. **"Boulevard"** means that portion of the public right-of-way located between the back of the street curb (or the edge of the traveled roadway if no curb is present) and the public sidewalk, or if no sidewalk is present, the property line of the abutting property.
4. **"City"** means the City of Independence, Iowa.

5. **"Encroachment"** means any privately owned structure, object, or planting, except for those plantings permitted under Chapter 151 of the Code, that is constructed, placed, planted or maintained so that it is located wholly or partially within the public right-of-way.
6. **"Junk"** means any singular object, material or item or collection of objects, materials or items including, but not limited to: old or scrap rope, rags, batteries, paper, trash, rubber debris, tires, waste, used or salvaged lumber, packing boxes, or pallets; inoperable, dismantled or scrapped vehicles, machinery, or appliances and their parts; and any upholstered or finished furniture, carpeting, or other household furnishings or equipment designed and intended for indoor usage.
7. **"Major Mailbox Structure"** means any mailbox support structure and its enclosure constructed of brick, stone, masonry, concrete, heavy steel, or any combination of such materials, or any other non-breakaway design that does not conform to the definition of a "Breakaway Support."
8. **"Obstruction"** means any object, material, item, or condition within the public right-of-way that is an impediment, hindrance, or hazard which impedes, opposes, or interferes with the free and safe passage of the public or the performance of official City duties.
9. **"Public Right-of-Way (ROW)"** means the entire area of land dedicated or reserved for public use for streets, alleys, utilities, sidewalks, lighting, and other public improvements, the boundaries of which extend to the property lines of abutting properties, and which includes the traveled roadway, shoulders, ditches, and boulevards, all as more specifically set forth in the various plats establishing said right of ways.
10. **"Vision Triangle"** means the triangular area of property at a street intersection defined by the two intersecting street curb lines and a straight line connecting said curb lines at points thirty (30) feet distant from their point of intersection. At a driveway, it is the triangular area defined by the edge of the driveway, the street curb line, and a straight line connecting points ten (10) feet along both the driveway edge and the curb line from their point of intersection.

#### **142.03 GENERAL PROHIBITION OF OBSTRUCTIONS; MAINTENANCE OF RIGHT-OF-WAY.**

1. **Prohibition.** Except as expressly permitted by this Chapter, it shall be unlawful for any person to place, construct, cause, plant, or maintain any obstruction or encroachment within any public right-of-way in the City.
2. **Maintenance.** Pursuant to Iowa Code §364.12(2)(c), the owner of an abutting property shall be responsible for the routine maintenance of the boulevard and any other portion of the public right-of-way between their property line and the street curb. This maintenance includes, but is not limited to, mowing grass, removing weeds, and clearing litter and

debris. This subsection does not require the property owner to remove diseased trees or dead wood from trees located within the ROW.

**142.04 PERMITTED ENCROACHMENTS BY RIGHT (NO PERMIT REQUIRED).** The following encroachments are permitted within the public right-of-way without the need to obtain a permit, provided said uses are otherwise in compliance with all other applicable standards set forth herein, and other applicable City ordinances and Iowa State Code.

1. **Standard Mailbox Installations.** A curbside mailbox supported by a Breakaway Support, as defined in Section 2 of this Chapter, is permitted, provided it is installed in accordance with all applicable United States Postal Service regulations regarding height, setback, and placement.
2. **Minor Landscaping and Beautification.** The planting and maintenance of flowers, ornamental grasses, and shrubs within the boulevard is permitted, subject to the following strict conditions :
  - A. The total area of all such plantings shall not exceed a cumulative sixty-four (64) square feet per abutting property.
  - B. No planting shall be of a type that grows to a mature height exceeding thirty-six (36) inches above the top of the adjacent street curb.
  - C. No portion of any planting shall be located within the Vision Triangle of any street intersection or driveway.
  - D. All planters, containers, or edging materials used for such plantings shall be of a conventional design and material customarily used for landscape purposes and shall not include prohibited items as defined in Section 142.07.
  - E. The property owner shall be solely responsible for the maintenance of such plantings.
  - F. The property owner assumes all risk for such plantings.

The City shall not be liable for any damage to or destruction of said plantings, or related landscaping items or materials, that occurs during the course of snow removal, utility maintenance, street repairs, or any other official City operation. No compensation shall be provided by the City for damage to, removal of and/or replacement of such items/materials.

#### **142.05 ENCROACHMENTS REQUIRING A PERMIT.**

1. **Major Mailbox Structures.** No person shall construct, install, reconstruct, or maintain a Major Mailbox Structure, as defined in Section 2 of this Chapter, without first applying for and obtaining a Major Mailbox Structure Permit from the Building Official or their designee.

2. **Other Major Encroachments.** No person shall construct or install any other significant encroachment, including but not limited to retaining walls, underground irrigation systems, or permanent landscape features not otherwise permitted by Section 4, without first obtaining a Right-of-Way Encroachment Permit.

#### **142.06 PERMIT REQUIREMENTS FOR ENCROACHMENTS REQUIRING A PERMIT.**

An application for Encroachments Requiring a Permit, as set forth in Section 142.05 above, shall be subject to the following requirements and conditions, which must be met prior to permit issuance and maintained for the life of the structure.

1. **Application.** The property owner shall submit a complete application to the Building Official on a form provided by the City. The application shall include, at a minimum:
  - A. A scaled site plan showing the precise location and dimensions of the proposed structure, its setback from the curb, and its location relative to property lines, driveways, intersections, sidewalks, and the Vision Triangle.
  - B. Detailed construction plans and specifications, including foundation design, materials to be used, and the dimensions of the proposed structure.
  - C. Proof that Iowa One Call has been notified to locate all underground utilities in the vicinity of the proposed construction.
  - D. Payment of a non-refundable application fee in an amount to be set by resolution of the City Council.
2. **Mandatory Indemnification and Insurance.** As a condition of the permit, the property owner shall:
  - A. Execute an Indemnification and Hold-Harmless Agreement, in a form approved by the City Attorney, that releases the City of Independence, its employees, officers, and agents from any and all liability for property damage, personal injury, or death arising from the existence, condition, or collision with the Major Mailbox Structure, or Other Major Encroachment. Said agreement shall require the property owner to defend, indemnify, and hold harmless the City from any and all claims, lawsuits, or damages. This agreement shall be recorded with the Buchanan County Recorder against the title of the abutting property and shall be binding on all future owners of the property.
3. **Construction and Location Standards.** All Structures requiring a permit shall comply with the following:
  - A. No part of the structure or its foundation shall be located within the Vision Triangle of any street intersection or driveway.

- B. The face of the structure closest to the roadway shall be set back a minimum of six (6) inches from the back of the street curb.
- C. The structure's foundation shall not be embedded more than twenty-four (24) inches into the ground and shall not interfere with any known public or private utility lines.
- D. The final design and location must be approved by the Building Official, who may impose additional conditions as necessary to protect public safety and infrastructure.
- E. **City Not Liable for Damage.** The property owner assumes all risk of damage to the Major Mailbox Structure. The City shall not be liable for any damage caused to a Major Mailbox Structure during snow removal, street maintenance, utility work, or any other City operation. In the event of such damage, any reimbursement from the City, if offered at the City Manager's sole discretion, shall be limited to the actual replacement cost of a standard mailbox and Breakaway Support.

#### **142.07 PROHIBITED ITEMS AND NUISANCES IN THE RIGHT-OF-WAY.**

- 1. **Nuisance.** It is unlawful to create or maintain a nuisance, as defined in Iowa Code Chapter 657, within the public right-of-way.
- 2. **Prohibited Items.** The following items are hereby declared to be nuisances when placed, stored, or maintained within the public right-of-way and are expressly prohibited:
  - A. Junk, as defined in Section 2 of this Chapter.
  - B. Inoperable, unlicensed, or junked vehicles, boats, or trailers.
  - C. The use of repurposed or discarded items as planters or landscape decorations. This includes, but is not limited to, toilets, bathtubs, sinks, tires, and household appliances, which are deemed inconsistent with the aesthetic and safety purposes of this Chapter, as well as inconsistent and/or in conflict with the intended use and/or purpose of the ROW for the installation, repair, and maintenance of public and private utilities.
  - D. Garbage, refuse, debris, or any noxious substance.
  - E. Any item, structure, or condition, not specifically mentioned above, found to obstruct or encumber the public right-of-way, or to impair sightlines for vehicular or pedestrian traffic.
- 3. **Attachments to Public Property.** It shall be unlawful for any person to attach any private object, including but not limited to signs, basketball hoops, or decorative items, to any City-owned utility pole, traffic control sign, or other public structure located within the right-of-way.

## 142.08 ADMINISTRATION AND ENFORCEMENT.

1. **Authority.** The Building Official, or their designee, is hereby authorized and directed to administer and enforce all provisions of this Chapter.
2. **Violations and Notice.** If the Building Official determines that a violation of this Chapter exists, they shall serve a written notice of violation upon the owner of the abutting property. The notice shall be served by certified mail or personal service and shall contain:
  - A. A description of the violation.
  - B. The location of the violation.
  - C. The corrective action required to abate the violation.
  - D. A statement that the owner must complete the abatement within thirty (30) days of the date of the notice, or, within that same period, make a written request to the City Clerk for a hearing before the City Council.
3. **Hearing.** If a hearing is requested, the City Council shall hear testimony from the property owner and City staff and shall make a final determination as to whether a violation exists. If the Council finds that a violation exists, it shall order the abatement thereof within a reasonable time tied to the abatement requirements, time of year, and other relevant considerations, but in no event shall the time for abatement exceed thirty (30) days.
4. **Abatement and Cost Recovery.** If the property owner fails to abate the violation as directed and within the time specified, the City may perform the required action to abate the violation, including the removal and disposal of the offending encroachment or nuisance. The City shall keep an accurate account of all costs incurred, including administrative fees. The total cost shall be billed to the property owner. If the bill is not paid within thirty (30) days, the City Clerk shall certify the costs to the Buchanan County Treasurer to be assessed against the property for collection in the same manner as property taxes.
5. **Penalties.** In addition to any abatement action, a violation of this Chapter shall constitute a municipal infraction, punishable by a civil penalty as provided in Chapter 4 of the Code of the City of Independence. Each day that a violation continues shall be considered a separate offense.

**SECTION II. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION III. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this



ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 20\_\_ - \_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA



## CITY COUNCIL WORK SESSION MEMORANDUM

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**TO:** City Council

**FROM:** Matthew R. Schmitz, MPA - City Manager

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Chapter 143 – Road Closures & Neighborhood Block Parties

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### DISCUSSION:

At the July 7, 2025, City Council Work Session, Staff proposed looking at a new Code Chapter, loosely modeled on Norwalk, IA's City Code, to address Neighborhood Block Parties, Road Closures, etc.

Staff has prepared the attached Ordinance to add a code chapter to the IMC (Independence Municipal Code). Staff has prepared the application that would go with this process as well.

Additionally, an Ordinance updating 1.15 – Fines and Fees would need to be adopted and has been included for review as well.

### RECOMMENDATION:

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDEPENDENCE, IOWA, BY ENACTING A NEW CHAPTER TITLED "CLOSING PUBLIC THOROUGHFARES."**

**SECTION I. CHAPTER ADDED.** The Code of Ordinances of the City of Independence, Iowa, is amended by adding Chapter 143, Closing Public Thoroughfares, which shall read as follows:

**143.01 PURPOSE AND FINDINGS.** The City Council of the City of Independence finds that the public rights-of-way are a valuable public resource held in trust for the benefit of its citizens.

The purpose of this chapter is to regulate and provide for the temporary closing and use of streets, thoroughfares, and public ways for not-for-profit groups within the City.

**143.02 STREET CLOSURES.**

1. Any not-for-profit organization desiring to use a street exclusively shall first make application to the City by completing a Street Closure Permit application and submitting the application to the City Clerk's office at least thirty (30) days prior to the event.
2. The application must include a map of the specific area to be used and blocked off from, unless otherwise agreed to by the City, cross intersection to cross intersection. Upon submission, the application shall be brought before the City Council for final determination regarding the granting or denial of the permit. The Council may also place additional conditions upon the granting of a permit to address security, sanitation, or other concerns. With the exception of the Independence Area Chamber of Commerce, no individual or organization shall be allowed to make more than two applications for a street closure in any 12-month period.
3. A nonrefundable fee in the amount shown on the Fines and Fees Schedule in Section 1.15 of this Code of Ordinances shall be paid to the City Clerk with each street closure permit application.
4. Street closures are limited to six (6) hours in residential districts, and eight (8) hours in commercial districts; between nine o'clock (9:00) a.m. and eleven o'clock (11:00) p.m. Sunday through Thursday, or between nine o'clock (9:00) a.m. and twelve-thirty o'clock (12:30) a.m. Friday and Saturday. Special Event Permits may include additional time for closure than outlined here, subject to the Council's approval of those permits. The applicant must comply with all Federal, State, County, and City laws, ordinances, and regulations, including all regulations adopted and established by the City.
5. The applicant for a street closure permit shall submit an insurance plan with the application, and a certificate of insurance shall be submitted to the City Clerk. The certificate of

insurance will show one million dollars (\$1,000,000.00) in liability coverage with the City named as an additional insured.

6. While the granting of a street closure permit does not grant the right to the applicant to serve beer or other alcoholic beverages upon public streets or property, if permission is granted to the applicant, the applicant shall also submit a separate liquor liability insurance, with a maximum of \$1,000,000 per occurrence, at any time alcoholic beverages are sold or dispensed at an event.

### **143.03 NEIGHBORHOOD BLOCK PARTY.**

1. For the purpose of this section “neighborhood block party” means an event open to a specific, defined neighborhood or area where no admission fee is charged for attendance; where alcoholic beverages are not sold; where a street is not closed more than six (6) hours; where the use of porta potties is not necessary; and where no street closure permit is needed.
2. Any organization, private or public, or individual desiring to exclusively use a street or part thereof for a neighborhood block party shall complete a block party application and submit the same to the City Clerk’s office at least thirty (30) days prior to the event. The application must include a map of the specific area to be used and blocked off and shall, unless otherwise directed by the City, be from cross intersection to cross intersection so that no traffic can turn onto the closed street.

**143.04 CONSENT OF NEIGHBORS.** The application for street closures and block parties shall be accompanied by a petition designating the proposed areas of the street to be used and the time of the proposed use. The petition shall be signed by owners representing not less than seventy-five percent (75%) of the affected properties (commercial and residential) abutting the area of the street to be closed. The applicants shall provide at least a 72-hour notice of the event to all residents and commercial tenants, owners, and lessees and provide a copy to the City Clerk’s office.

**143.05 BARRICADES REQUIRED.** Standard, orange and white, safety barricades are required to be erected for both street closures and neighborhood block parties. The barricades must be sufficient so as to completely close the street. A minimum of two per traffic lane, evenly spaced so that vehicles are not able to detour around the closed street segment, shall be used. Saw horses, ropes, and flags and other homemade barricades are not permitted as alternatives. It is strongly encouraged that someone in the group be responsible for always maintaining the proper position of the barricades, as their mobility is a risk. For additional safety, it is also recommended that the block party be held no less than one hundred (100) feet inside the barricaded area. Following the event, the barricades will be removed from the roadway or street by the applicant and the area shall be cleared of all debris. The City may provide barricades if available, however the applicant should not count on the supply of barricades by the City. Arrangements must be made with the Streets Department for pickup and return of the barricades. City staff will determine if special services are required such as police coverage, sanitation requirements (dumpsters, porta-potties), and other equipment.

**143.06 ASSUMPTION OF RISK.** The applicant, for both street closures and neighborhood block parties, shall exclusively assume the risk of all uses authorized by said permit including the establishment of barricades, restoration of streets or property used, policing of said property, injuries, medical insurance and all matters that may arise directly or indirectly with reference to the aforesaid uses and shall hold the City harmless from any claims, causes of action commenced or alleged by reason of any of the activities of the applicant or permit holder as the case may be.

**143.07 VIOLATIONS.** In the event of the violation of the terms or a condition of the permit herein authorized, the City Manager, may terminate said event without notice and cancel future events with reference to said activities, and this chapter shall not in any way be construed to authorize interference with the enforcement of State statutes, or ordinances, rules and regulations of the City of Independence, Iowa, through its authorized personnel. The City shall not be held accountable or liable for any of its acts with reference to the enforcement or attempted enforcement of this chapter.

**SECTION II. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION III. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 20\_\_ - \_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA



City of Independence  
331 1<sup>st</sup> Street East  
Independence, IA 50644  
Phone: 319-334-2780  
Email: cityclerk@independenceia.gov

Item #7.

## EVENT APPLICATION

### City of Independence Municipal Code

#### Chapter 143.02 Street Closures

#### Chapter 143.03 Neighborhood Block Party

An application is required to regulate and provide for the temporary closing and use of streets, thoroughfares, and public ways for not-for-profit groups within the City. A Neighborhood Block Party is defined as an event open to a specific, defined neighborhood or area where no admission fee is charged for attendance; where alcoholic beverages are not sold; where a street is not closed more than six (6) hours; where the use of porta potties is not necessary.

- Event Applications must be submitted to the City Clerk's Office at least 30 days prior to the event.
- The Applicant must comply with all federal, state, county, and city laws, ordinances and regulations, including all regulations adopted and established by the City.
- Signatures of owners representing not less than 75% of the affected properties (commercial and residential) abutting the area of the street to be closed, is required.
- No major thoroughfare (arterial or collector streets) shall be blocked off without Council authorization.
- **Barricades are required.** The City can provide barricades for block parties if available. Arrangements must be made with the Streets Department at 319-334-4210 for pickup and return. Staff will NOT deliver barricades for block parties.
- The application must include a map of the specific area to be used and blocked off unless otherwise agreed to by the City.
- A fee of \$50.00 shall be submitted with each event application (**not needed for block parties**).
- The applicant for an event application shall submit an insurance plan with the application and certificate of insurance shall be submitted to the City Clerk. The certificate of insurance will show one million dollars (\$1,000,000) in liability coverage with the City named as an additional insured (**not needed for block parties**).
- The granting of a street closure does not establish a right to the applicant to serve alcoholic beverages upon public streets or property. If permission is granted to the applicant, the applicant shall also submit a separate liquor license liability insurance, with a maximum of \$1,000,000 per occurrence, at any time alcoholic beverages are sold or dispensed at an event.
- If alcohol will be sold, applicant must complete the application for a beer/liquor permit at [www.iowaabd.com](http://www.iowaabd.com)
- Event sponsors are responsible for the collection and cleanup of trash from the event. Groups who leave the street in a condition that requires cleanup will be charged for the cost of cleanup.
- Any music or other noise shall be kept to an acceptable level. Any reasonable complaint of disturbance of the peace may result in a warning. If additional reasonable complaints are received, the event may be terminated. The use of fireworks is not allowed except on allowed dates incorporated into the Independence Municipal Code. Persons using fireworks may be criminally charged and the event may be terminated.
- Any inflatable/bouncy house or tents must be installed on private property only and cannot be on the Street Pavement.



City of Independence  
331 1<sup>st</sup> Street East  
Independence, IA 50644  
Phone: 319-334-2780  
Email: cityclerk@independenceia.gov

Item #7.

Event Type: ☐ Street Closure ☐ Neighborhood Block Party

Event Description: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Address of Event: \_\_\_\_\_

Time of Event: Start: \_\_\_\_\_ End: \_\_\_\_\_ (limited to 6 hours in residential districts and eight (8) hours in commercial districts - between 9:00 am and 11:00 pm, Sunday through Thursday and between 9:00 am and 12:30 am Friday and Saturday)

Street(s)/Block(s) to be closed: \_\_\_\_\_

**The City of Independence has the right to deny the closure of any street.**

Is Traffic Control Needed?      YES      NO

City Services Needed: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone No: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Streets approved \_\_\_\_\_

Fire Department approved \_\_\_\_\_

Police Department approved \_\_\_\_\_

City Clerk approved \_\_\_\_\_

City Manager approved \_\_\_\_\_



City of Independence  
331 1<sup>st</sup> Street East  
Independence, IA 50644  
Phone: 319-334-2780  
Email: cityclerk@independenceia.gov

Item #7.

If a street is requested to be closed, the following section **must** be completed. Signatures of owners representing not less than 75% of the affected properties (commercial and residential) abutting the area of the street to be closed is required.

We, the undersigned business owner or resident, in the City of Independence, Iowa, do hereby agree to the closing of the following street(s) and or block(s) of street(s), as requested above.

Street(s)/Block(s) to be closed: \_\_\_\_\_

**The City of Independence has the right to deny the closure of any street.**

Signature	Address	Date	Phone Number

*(If additional signatures are required, use another sheet of paper and attach)*

I, \_\_\_\_\_ am acquainted with all persons who have signed the foregoing petition and know them to be business owners or residents over eighteen (18) years old of the area proposed to be closed. I further certify that the foregoing petition contains the appropriate number of signatures of the business owners and residents of the said area.

Signature of Circulator: \_\_\_\_\_ Phone No: \_\_\_\_\_



## ORDINANCE NO. 2025-

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY AMENDING PROVISIONS PERTAINING TO FINES AND FEES SCHEDULES

Be It Enacted by the City Council of the City of Independence, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 1.15 of the Code of Ordinances of the City of Independence, Iowa, is repealed and the following adopted in lieu thereof:

#### 1.15 FINES AND FEES SCHEDULE.

Code Section	Code Title	Penalty
1.14	Standard Penalty	At least \$65.00 but not to exceed \$625.00
4.03	Penalties	<ul style="list-style-type: none"> <li>• Standard Civil Penalties: First offense - not to exceed \$750.00 Each repeat offense - not to exceed \$1,000.00</li> <li>• Special Civil Penalties: Noncompliance with a pretreatment standard or requirement - not to exceed \$1,000.00 per day a violation exists or continues Environmental violation - not more than \$1,000.00 for each occurrence</li> </ul>
40.06	Excessive Noise from Motor Vehicle	First offense - \$25.00 Second offense - \$50.00 Third offense or more - \$100.00
40.07	Disorderly House	First Offense - \$750.00 Second and Subsequent Offenses - \$1,000.00
41.14(5)	Fireworks Use	At least \$250.00
55.06	Animals at Large	First offense - \$25.00 Second offense - \$75.00 Third offense - \$125.00 Offenses thereafter - \$175.00
55.12	Quarantine Requirements	Vicious Animal Impound Fee \$150

Code Section	Code Title	Penalty												
55.13	At Large: Impoundment	Animal Impound Fee \$79.00												
70.02	Scheduled Traffic Violations – Automated Traffic Enforcement System	Speeding Violation 11-20 miles per hour over the posted speed limit - \$75.00 21-25 miles per hour over the posted speed limit - \$100.00 26-30 miles per hour over the posted speed limit - \$250.00 More than 31 miles per hour over the posted speed limit - \$500.00  Speed Violation (School Zone) 11-20 miles per hour over the posted speed limit - \$75.00 21-25 miles per hour over the posted speed limit - \$100.00 26-30 miles per hour over the posted speed limit - \$250.00 More than 31 miles per hour over the posted speed limit - \$500.00												
70.03	Parking Violations: Alternative	<ul style="list-style-type: none"><li>• Improper use of a persons with disabilities parking permit - \$200.00</li><li>• Other Parking Violations - \$15.00, increased by \$10.00 if not paid within 30 days</li></ul>												
80.05	Fees for Impoundment	\$20.00 for each day within the reclaiming period												
90.06	Fee for Permit and Connection Charge	Schedule of Connection Charges: <table><thead><tr><th><u>Service Line Size</u></th><th><u>Connection Charges</u></th></tr></thead><tbody><tr><td>1¼ inch or less.....</td><td>\$ 250.00</td></tr><tr><td>1½ inch.....</td><td>\$ 265.00</td></tr><tr><td>2 inch.....</td><td>\$ 475.00</td></tr><tr><td>3 inch.....</td><td>\$1,000.00</td></tr><tr><td>4 inch and over .....</td><td>\$1,500.00</td></tr></tbody></table>	<u>Service Line Size</u>	<u>Connection Charges</u>	1¼ inch or less.....	\$ 250.00	1½ inch.....	\$ 265.00	2 inch.....	\$ 475.00	3 inch.....	\$1,000.00	4 inch and over .....	\$1,500.00
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3 inch.....	\$1,000.00													
4 inch and over .....	\$1,500.00													
91.06	Remote Meter Readers	Replacement prior to scheduled replacement - \$25.00 Monthly administrative fee for non-compliance \$50.00												
91.09	Service Calls and Tests	\$25.00 deposit for all water meter service calls and/or water meter calibration checks												
92.01	Service Charge	Surcharge of \$4.00 for every hookup												

Code Section	Code Title	Penalty																																		
92.02	Rates for Service	<p>\$2.48 per 1,000 gallons used per month, following the annual increase schedule per year Unit charge:</p> <table><thead><tr><th></th><th>Base</th><th>Unit</th></tr></thead><tbody><tr><td>May 1, 2017</td><td>\$5.40 .....</td><td>\$2.74</td></tr><tr><td>May 1, 2018</td><td>\$6.80 .....</td><td>\$3.00</td></tr><tr><td>May 1, 2019</td><td>\$8.20 .....</td><td>\$3.26</td></tr><tr><td>May 1, 2020</td><td>\$9.60 .....</td><td>\$3.52</td></tr><tr><td>May 1, 2021</td><td>\$11.00 .....</td><td>\$3.79</td></tr></tbody></table> <p>plus the following additional charges:</p> <table><thead><tr><th>Water Meter Tap Size</th><th>Additional Charges</th></tr></thead><tbody><tr><td>3/4 inch -5/8 inch .....</td><td>\$ 1.00</td></tr><tr><td>1 inch.....</td><td>\$ 4.00</td></tr><tr><td>1½ inch.....</td><td>\$ 5.00</td></tr><tr><td>2 inch.....</td><td>\$ 7.50</td></tr><tr><td>3 inch.....</td><td>\$12.00</td></tr><tr><td>4 inch.....</td><td>\$15.00</td></tr><tr><td>6 inch.....</td><td>\$25.00</td></tr></tbody></table>		Base	Unit	May 1, 2017	\$5.40 .....	\$2.74	May 1, 2018	\$6.80 .....	\$3.00	May 1, 2019	\$8.20 .....	\$3.26	May 1, 2020	\$9.60 .....	\$3.52	May 1, 2021	\$11.00 .....	\$3.79	Water Meter Tap Size	Additional Charges	3/4 inch -5/8 inch .....	\$ 1.00	1 inch.....	\$ 4.00	1½ inch.....	\$ 5.00	2 inch.....	\$ 7.50	3 inch.....	\$12.00	4 inch.....	\$15.00	6 inch.....	\$25.00
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92.08	Temporary Vacancy	<p>\$30.00 disconnect fee at the time vacancy begins</p> <p>\$30.00 reconnect fee at the time vacancy ends.</p>																																		
96.02	Connection Charge	<p>\$250.00 to cover the cover the cost of supervising, regulating, and inspecting the sewer connection work, and a Romac saddle and sleeve plus the labor cost to install and connect</p>																																		
99.05	Charges Based on Usage	<ul style="list-style-type: none"><li>Residential Contributors: Minimum charge of \$9.50 per month, and A user/flow charge of \$5.78 per 1,000 gallons of metered water following the annual increase schedule:</li></ul> <table><thead><tr><th></th><th>Base</th><th>Unit</th></tr></thead><tbody><tr><td>May 1, 2017</td><td>\$10.60.....</td><td>\$6.18</td></tr><tr><td>May 1, 2018</td><td>\$11.70.....</td><td>\$6.58</td></tr><tr><td>May 1, 2019</td><td>\$12.80.....</td><td>\$6.98</td></tr><tr><td>May 1, 2020</td><td>\$13.90.....</td><td>\$7.48</td></tr><tr><td>May 1, 2021</td><td>\$15.00.....</td><td>\$7.82</td></tr></tbody></table> <ul style="list-style-type: none"><li>Industrial Contributors:</li></ul>		Base	Unit	May 1, 2017	\$10.60.....	\$6.18	May 1, 2018	\$11.70.....	\$6.58	May 1, 2019	\$12.80.....	\$6.98	May 1, 2020	\$13.90.....	\$7.48	May 1, 2021	\$15.00.....	\$7.82																
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Code Section	Code Title	Penalty																		
		<p>Minimum charge of \$9.50 per month, and \$2.13 per 1,000 gallons of metered wastewater, plus \$.281 per pound BOD discharged \$.523 per pound TSS unit discharge \$2.81 per pound ammonia - with a threshold of 25 mg/l The annual increase schedule for Industrial Contributors is as follows:</p> <table><thead><tr><th></th><th><u>Base</u></th><th><u>Unit</u></th></tr></thead><tbody><tr><td>May 1, 2017</td><td>\$10.60.....</td><td>\$2.28</td></tr><tr><td>May 1, 2018</td><td>\$11.70.....</td><td>\$2.42</td></tr><tr><td>May 1, 2019</td><td>\$12.80.....</td><td>\$2.57</td></tr><tr><td>May 1, 2020</td><td>\$13.90.....</td><td>\$2.76</td></tr><tr><td>May 1, 2021</td><td>\$15.00.....</td><td>\$2.88</td></tr></tbody></table> <p>The above rates include costs for operation and maintenance including replacement and the sum of \$2.44 per contributor for debt retirement</p>		<u>Base</u>	<u>Unit</u>	May 1, 2017	\$10.60.....	\$2.28	May 1, 2018	\$11.70.....	\$2.42	May 1, 2019	\$12.80.....	\$2.57	May 1, 2020	\$13.90.....	\$2.76	May 1, 2021	\$15.00.....	\$2.88
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May 1, 2021	\$15.00.....	\$2.88																		
106.07	Collector's License	\$30.00 license fee																		
110.14	Franchise Fee	Franchise fee upon the following revenue classes for the length of the agreement: <ul style="list-style-type: none"><li>• Residential Customers - 5%</li><li>• Nonresidential Customers - 5%</li></ul>																		
121.04	Fees: Retail Cigarette or Tobacco Permit	<table><thead><tr><th><u>For Permits Granted During</u></th><th><u>Fee</u></th></tr></thead><tbody><tr><td>July, August or September .....</td><td>\$75.00</td></tr><tr><td>October, November or December .....</td><td>\$56.25</td></tr><tr><td>January, February or March .....</td><td>\$37.50</td></tr><tr><td>April, May or June .....</td><td>\$18.75</td></tr></tbody></table>	<u>For Permits Granted During</u>	<u>Fee</u>	July, August or September .....	\$75.00	October, November or December .....	\$56.25	January, February or March .....	\$37.50	April, May or June .....	\$18.75								
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121.07	Persons Under Legal Age	First violation - \$300.00 Second violation - \$1,500.00 or permit suspension for 30 days Third violation - \$1,500.00 and permit suspension for 30 days Fourth violation - \$1,500.00 and permit suspension for 60 days																		
122.04	Application for License	\$25.00 application fee																		
122.05	License Fees	Fees for the issuance of a peddler or solicitor license: <table><tbody><tr><td>For one day .....</td><td>\$ 25.00</td></tr><tr><td>For seven consecutive days .....</td><td>\$ 50.00</td></tr></tbody></table>	For one day .....	\$ 25.00	For seven consecutive days .....	\$ 50.00														
For one day .....	\$ 25.00																			
For seven consecutive days .....	\$ 50.00																			

Code Section	Code Title	Penalty
		For up to 30 consecutive days .....\$ 100.00 For six months .....\$ 200.00 For one year \$ 300.00
123.03	Application and Fee for Permit	\$100.00 for a house movers permit fee
125.12	License Fees	Electrical Contractor - \$75.00 annually Journeyman Electrician - \$20.00 annually
126.08	License Fees	First taxicab license to any one owner, \$50.00 Each additional license to the same owner, \$25.00
126.10	Driver's License Fee	\$25.00 for the issuance or renewal of a driver's license
136.03	Removal of Snow, Ice and Accumulations	Minimum charge of \$50.00 per occurrence for removal by the City
143.02	Street Closures	\$50.00 non-refundable application fee
147.40	Occupancy Permit	\$50.00 application fee for the occupancy permit
175.11	Submission, Referral and Review of Preliminary Plat	\$10.00 fee per lot
175.17	Submission and Referral of Final Plat	\$10.00 fee per lot
175.49	Enforcement, Violations and Penalties	\$50.00 for each lot and part of lot sold or disposed of, leased or offered for sale.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_ day of \_\_\_\_ 2025.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 2025- on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA



## CITY COUNCIL WORK SESSION MEMORANDUM

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**TO:** City Council

**FROM:** Matthew R. Schmitz, MPA - City Manager

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Chapter 69 – Parking Regulations (Residential Areas)

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### DISCUSSION:

Originally started in October of 2024, Staff brought this item back to the May 5, 2025, City Council Work Session for additional discussion and feedback by Council Members. This originated due to concerns about limiting RV Parking in residential areas, as well as parking on grass in residential areas throughout the City.

Staff has received feedback from one Council member since that meeting, and is asking for additional discussion to determine the direction of this item so that it can be brought forth for final consideration by the Council.

### RECOMMENDATION:

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 69 “PARKING REGULATIONS” OF THE  
CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA**

**SECTION I. PURPOSE.** The purpose of this ordinance is to ensure protection of residential communities from unsafe parking and creation of nuisance conditions at residential properties.

**SECTION II. SECTION ADDED.** Chapter 69 “Parking Regulations” of the City Code is hereby amended as follows to add an entirely new section:

**CHAPTER 69**

**69.32 OFF-STREET PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL  
AREAS AND ON RECREATIONAL TRAILS.**

1. Definitions. For use in this section, the following terms are defined:

- A. All-weather surface: shall mean an asphalt, Portland cement concrete, turf blocks, or brick pavers of sufficient thickness to adequately support motor vehicles and of adequate continuous surface area to cover the entire undercarriage of the vehicle.
- B. Front Yard Area: shall mean all that area between the front property line and a line drawn along the front face or faces of the primary structure on the property and extended to the side property lines.
- C. Hike/Bike Trail (recreational trails): shall mean any trail constructed and maintained by the City of Independence for walking, biking, and other recreational purposes.
- D. Motor Vehicle and Vehicles: shall mean any motor vehicle as defined in Iowa Code, Chapter 321.1, or other vehicles, including the following:
  - i. All-terrain vehicles
  - ii. Fifth-wheel travel trailer
  - iii. Motorized bicycle
  - iv. Motorcycle
  - v. Motor home
  - vi. Tractors or farm machinery
  - vii. Travel trailer
  - viii. Trailer
  - ix. Watercraft (any type)



- E. Side Yard Corner Lots: shall mean the yard area adjacent to the street right-of-way on a corner lot extending from the front yard along the side of the structure to the rear property line.
- F. Side Yard: shall mean the yard area adjacent to the residential structure, but not adjacent to the street right-of-way, extending from the front yard along the side of the structure to the rear property line.
- G. Habitation: shall mean a place in which to live, sleep or dwell.
- H. Recreational vehicle: Recreation vehicle as used in this chapter shall mean a vehicular or portable unit designed to be mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, motor homes, or truck campers which may be used as a temporary dwelling or sleeping.

## 2. Prohibited Parking.

No person shall cause, undertake, permit or allow the outside parking and storage of vehicles on property used for residential purposes and/or on residentially zoned property unless it complies with the following requirements:

Front yard or side yard, corner lots: Vehicles which are parked or stored outside in any front yard, or any side yard of corner lot areas must be on an all-weather surface driveway which shall not exceed forty percent (40%) of the front yard of any lot or the side yard of a corner lot. Driveways exceeding forty percent (40%) of the front yard of any lot or the side yard of a corner lot prior to the adoption of this section are exempt provided no additional surface area is added. This provision, however, shall not prevent the construction of hard surface paving to access the garage(s) for multiple attached dwellings, provided the design is approved by City building officials.

Exceptions: During emergency snow removal operations (when snow ordinance is in effect), vehicles may be parked in a manner whereas the entire vehicle may be parked in any portion of a residentially zoned property or any property used for residential purposes. Said vehicles must then be moved to normal parking (all-weather surface) within twenty-four (24) hours following the cancellation of the snow ordinance.

Side yards: Parking of all vehicles, including registered and operable vehicles, must be parked in a permanent roofed structure or on an all-weather surface when parked in a side yard. Such an all-weather surface in a side-yard must be connected to a driveway leading from an approved curb drop or entrance, which also consists of an all-weather surface. The vehicle wheels and any component touching the ground must be located entirely on, and directly above, the appropriate surface.

Rear yards: Parking for recreational vehicles, travel trailers, trailers, boats, snowmobiles, and other such recreational vehicles may occur on grass surfaces in rear yards.

Recreational vehicles:

- 1) Excluding an existing developed recreational park, no person shall occupy, for the purpose of habitation, a lawfully parked recreational vehicle on a residentially zoned property.
- 2) Excluding an existing developed recreational park, no more than two (2) recreational vehicles may be lawfully parked on a residentially zoned property for more than twenty-four (24) continuous hours.

Recreational Trails: No person shall cause the parking of vehicles on any recreational trails.

3. Declaration of Nuisance. The outside parking and storage of motor vehicles and vehicles as defined above, on property used for residential purposes and/or residentially zoned property, in violation of the requirements set forth in this section, is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents full use of residential streets for residential parking, (d) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (e) otherwise adversely affects property values and neighborhood patterns. Any violation of this section may be abated in the manner provided for in Chapter 50, Code of Ordinances or Chapter 657 of the Code of Iowa, or may be enforced under Chapter 4, Municipal Infractions, Code of Ordinances.

**SECTION III. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION IV. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 20\_\_-\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

## CHAPTER 69

## 69.32 OFF-STREET PARKING AND STORAGE OF VEHICLES IN RESIDENTIAL AREAS AND ON RECREATIONAL TRAILS.

## 1. Definitions.

For use in this section, the following terms are defined:

- **Maintained surface:** shall mean a surface consisting of asphalt, Portland cement concrete, turf blocks, brick pavers, gravel, or grass, provided that such surface is mowed, free of weeds, debris, or mud, and is capable of adequately supporting the parked vehicle. The surface must provide continuous coverage under the full undercarriage of the vehicle.
- **Front Yard Area:** shall mean all that area between the front property line and a line drawn along the front face or faces of the primary structure on the property and extended to the side property lines.
- **Hike/Bike Trail (recreational trails):** shall mean any trail constructed and maintained by the City of Independence for walking, biking, and other recreational purposes.
- **Motor Vehicle and Vehicles:** shall mean any motor vehicle as defined in Iowa Code Chapter 321.1, or other vehicles, including the following:
  - i. All-terrain vehicles
  - ii. Fifth-wheel travel trailer
  - iii. Motorized bicycle
  - iv. Motorcycle
  - v. Motor home
  - vi. Tractors or farm machinery
  - vii. Travel trailer
  - viii. Trailer
  - ix. Watercraft (any type)
- **Side Yard Corner Lots:** shall mean the yard area adjacent to the street right-of-way on a corner lot extending from the front yard along the side of the structure to the rear property line.
- **Side Yard:** shall mean the yard area adjacent to the residential structure, but not adjacent to the street right-of-way, extending from the front yard along the side of the structure to the rear property line.

- Habitation: shall mean a place in which to live, sleep, or dwell.
- Recreational vehicle: shall mean a vehicular or portable unit designed to be mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth-wheel trailers, camping trailers, motor homes, or truck campers which may be used as a temporary dwelling or for sleeping.

## 2. Prohibited Parking.

No person shall cause, undertake, permit or allow the outside parking and storage of vehicles on property used for residential purposes and/or on residentially zoned property unless it complies with the following requirements:

### Front Yard and Side Yard (Corner Lots):

No more than forty percent (40%) of the total area of a front yard or a side yard on a corner lot may be used for the outdoor parking or storage of vehicles. All such vehicles must be parked or stored on a maintained surface. This includes grass or gravel, provided the area is mowed, free of weeds, debris, or mud, and can adequately support the vehicle.

### Side Yards (Non-Corner Lots):

Parking of vehicles in side yards must be on a maintained surface and may not exceed forty percent (40%) of the total side yard area.

### Rear Yards:

Parking for recreational vehicles, travel trailers, trailers, boats, snowmobiles, and other such recreational vehicles may occur on maintained grass or gravel surfaces in rear yards.

### Recreational Vehicles:

Recreational vehicles may be parked on residentially zoned property without restriction on quantity, provided they comply with applicable yard and surface requirements outlined in this section.

1. Temporary Occupancy Permitted: A recreational vehicle may be temporarily occupied on a residentially zoned property for short-term stays such as weekends,

family visits, or seasonal use. Temporary occupancy shall not constitute or resemble full-time habitation and must not extend to permanent or continuous living.

2. Prohibited Full-Time Habitation: No person shall use a recreational vehicle as a permanent dwelling or establish it as their primary residence on any residentially zoned property, excluding designated and developed recreational parks.

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#### Recreational Trails:

No person shall cause the parking of vehicles on any recreational trails.

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#### 3. Declaration of Nuisance.

The outside parking and storage of motor vehicles and vehicles, as defined above, on property used for residential purposes and/or residentially zoned property, in violation of the requirements set forth in this section, is declared to be a public nuisance because it:

- (a) obstructs views on streets and private property;
- (b) creates cluttered and otherwise unsightly areas;
- (c) prevents full use of residential streets for residential parking;
- (d) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood; and
- (e) otherwise adversely affects property values and neighborhood patterns.

Any violation of this section may be abated in the manner provided for in Chapter 50 of the Code of Ordinances or Chapter 657 of the Code of Iowa, or may be enforced under Chapter 4, Municipal Infractions, Code of Ordinances.

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#### SECTION III. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

---

#### SECTION IV. SEVERABILITY.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

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#### SECTION V. EFFECTIVE DATE.

This ordinance shall be effective after its passage and publication as required by law.



## CITY COUNCIL WORK SESSION MEMORANDUM

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**TO:** City Council

**FROM:** Matthew R. Schmitz, MPA - City Manager

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Chapter 102 – Stormwater Management Policy and SUDAS

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### DISCUSSION:

During the May 5, 2025, and July 7, 2025, City Council Work Sessions, Staff brought forth this item for discussion by the Council. As we have continued to work through this process, we have received feedback from Wapsie Valley Creamery, Crawford Engineering, Fehr Graham Engineering (through WVC), and David Carney, Director of SUDAS/Public Works Service Bureau, Institute for Transportation, at Iowa State University. Based on all of that feedback, we have modified the original Ordinance to incorporate their feedback. We are now ready to move forward with this ordinance, after final discussion by the Council.

Attached is the revised Ordinance, as well as an Ordinance to create Chapter 168 - SUDAS to adopt the Iowa Statewide Urban Design and Specifications (SUDAS) to use on all Public Infrastructure projects in the City of Independence.

### RECOMMENDATION:

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.



## ORDINANCE NO. 2025-

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, BY ADDING A NEW CHAPTER ON STORM WATER MANAGEMENT

**BE IT ENACTED** by the City Council of the City of Independence, Iowa:

**SECTION 1. NEW CHAPTER.** The Code of Ordinances of the City of Independence, Iowa, is amended by adding a new Chapter 102, entitled STORM WATER MANAGEMENT, which is hereby adopted to read as follows:

#### STORM WATER MANAGEMENT

102.01 Purpose	102.07 Ownership by City
102.02 Definitions	102.08 Private Ownership
102.03 Areas Requiring Storm Water Management Plan	102.09 Further Requirements
102.04 Storm Water Management Requirements	102.10 Exemptions
102.05 Management Plan Design Requirements	102.11 Penalties
102.06 Submission and Approval of Plan	102.12 Objections

#### 102.01 PURPOSE.

It is the purpose of this chapter to establish policies to manage and control Storm Water Runoff occurring from new Development of residential, commercial and industrial areas. The goal is to reduce peak runoff caused by Development of the land. Additional protection is provided through detention and storage structures to control release rates to downstream systems. This will result in cost savings to the overall storm sewer collection system by reducing the size of improvements required. In addition, increased public safety and sediment and erosion control are the expected benefits.

#### 102.02 DEFINITIONS.

The following terms are defined for use in this chapter:

1. “Capacity (of a storm water facility)” means the maximum volume or rate of conveyance available in a storm water management facility, including freeboard, to store or convey storm water without damage to public or private property.

2. “Civil Engineer” means a professional engineer licensed in the State of Iowa to practice in the field of civil works.
3. “Control structure” means part of a storm water management facility designed to regulate the storm water runoff release rate.
4. “Design storm” means a storm with characteristics of the average storm for the desired return frequency.
5. “Detention basin” means any facility designed for the purpose of temporarily holding water which is then released at a predetermined rate and controls the flow of storm water downstream.
6. “Development” means the changing of land from its existing state or an area of land use change, usually involving the building of infrastructure, housing, commercial, and/or industrial structures.
7. “Developed condition” means the hydraulic and hydrologic site characteristics that occur upon completion of a development.
8. “Drainage area” means an area of land contributing to storm water runoff.
9. “Green infrastructure” means natural drainage ways, wet lands, infiltration systems, open green space, permeable pavements, etc.
10. “Green space” means that area in and around a development which is covered with grass, trees, shrubs, and other natural plantings that naturally absorbs storm water.
11. “New development” means the platting of land for the establishment of residential, commercial, industrial and/or agricultural lots.
12. “Overflow path” means the path taken by storm water runoff as a result of flows exceeding the capacity of the underground drainage system or detention basin. The path may include streets, channels, drainage ways or areas of sheet flows, and be located on public property or private property within an easement.
13. “Permeable pavement” means a system consisting of permeable pavers, porous hot mix asphalt, or pervious Portland cement concrete, with storage aggregate and underdrain, designed to manage stormwater.
14. “Pre-developed condition” means hydraulic and hydrologic site characteristics that occur prior to a new proposed development or substantial redevelopment. For the purposes of this chapter, stormwater analyses for the pre-developed condition of a site, regardless of existing site conditions, shall be based on the actual existing condition of the site at the time the construction commences. Stormwater analysis shall use runoff curve numbers for each particular soil and ground cover at the construction site as defined in the runoff curve numbers for urban areas table (Table 2-2a) of the USDA Urban Hydrology for Small Watersheds Technical Release 55 (TR-55).
15. “Redevelopment” means changing or improving land from its existing state and includes any exterior additions to an existing building(s).

16. “Regional storm water management facilities” means those facilities designed to handle storm water runoff from several lots which may include the entire subdivision, or multiple subdivisions, and may include existing developed areas.

17. “Retention basin” means a facility for the temporary storage of stormwater with a permanent water surface.

18. “Return frequency” means the statistic parameter that defines the average occurrence time for a storm of a given magnitude.

19. “Site” means a lot, parcel or tract of land (or portion thereof) where development is occurring or has occurred and which may or may not require additional permits.

20. “Site plan” means an overall plan of the area to be developed including, but not limited to: proposed building location, proposed parking and drive locations, proposed utilities including storm sewer components and subsurface drain tile, proposed ground elevations with drainage patterns highlighted, roof drainage outlet locations, other underground utilities, and property boundaries.

21. “Storm sewer system” means facilities for the conveyance of storm water runoff, a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters and swales.

22. “Storm water management facilities” means a detention or retention basin and the associated appurtenances to make the system functional.

23. “Storm water management plan” means a site plan certified by a Civil Engineer, including materials, construction phasing, grading activities, and methods used for mitigation of increased storm water runoff from the site.

24. “Storm water runoff” means the flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.

25. “Subdivision” – refer to Section 175.03(27) of this Code of Ordinances.

### 102.03 AREAS REQUIRING STORM WATER MANAGEMENT PLAN.

A storm water management plan shall be required for the following; however, if an area under development or redevelopment consideration is known to have drainage challenges and/or capacity issues under the existing conditions, the jurisdiction may require more restrictive stormwater solutions in order to protect adjacent and downstream property:

1. All new residential, commercial, industrial, and manufacturing developments and subdivisions 2 acres in size and larger. Phased residential, commercial, industrial, and manufacturing developments whose combined total is 2 acres and larger.

2. Commercial, industrial, and manufacturing developments under 2 acres in size shall maintain a minimum of 20% green space. Stormwater management practices that reduce runoff to traditional drainage systems, improve water quality, and enhance infiltration, such as green

roofs, permeable pavements, and rain gardens, shall reduce the need for green space. For each 1% of these systems that are installed (on a square footage basis), 0.5% of the green space shall not be required.

3. In developments where the natural drainage is divided into more than one watershed, the individual watershed drainage areas must meet the criteria mentioned above before storm water management is required.

4. Residential, commercial, industrial, and manufacturing zoning districts with an overall area of two acres or more shall provide on-site storm water detention. Commercial, industrial and multi-family residential lots with an overall area less than two acres shall comply with one of the following, as approved by the City Manager:

A. Privately owned, on-site detention or retention basin.

B. Tributary to a privately or publicly owned detention or retention basin, storm sewer, drainage watercourse or storm water management facility.

In some watersheds, on-site storm water detention may not be required, at the discretion of the City Manager, for non-single-family lots with an overall area of less than two acres.

5. Other developments may be required to submit a storm water management plan at the discretion of the City Council. No subdivision or development plan over two acres will be approved unless adequate drainage will be provided to an appropriate storm sewer, drainage watercourse, or storm water management facility.

6. At the discretion of the City Council, a fee may be charged the developer in lieu of providing storm water management facilities. This may be utilized when the City is constructing a larger regional storm water management facility to handle multiple existing or proposed developments.

#### 102.04 STORM WATER MANAGEMENT REQUIREMENTS.

The storm water management plan shall include, but not be limited to, the following information:

1. Peak discharges for pre-developed and developed conditions based upon the design storms.
2. Individual parameters used for determining discharges shall be listed.
3. Hydraulic capacity of storm sewer inlets, pipes, open channels or other means of conveying water.
4. Green space calculations to meet the 20% minimum requirement.
5. Detention or retention basin design with capacity listed.
6. Control structure/outlet design.
7. Review of existing or proposed downstream conveyance capacities.

8. The SCS TR-55 computerized runoff volume program or other technically proven method shall be utilized for runoff calculations.

#### 102.05 MANAGEMENT PLAN DESIGN REQUIREMENTS.

The design requirements of the storm water management plan shall include:

1. The rate runoff for the developed site(s) for design storm events having an expected return frequency of five, ten, twenty-five, and fifty years (twenty-four-hour duration), shall not exceed the pre-developed condition peak runoff from a design storm with a five-year return frequency (twenty-four-hour duration). Allowable discharge may be restricted due to downstream capacity.
2. The maximum release rate for storms up to an expected return frequency of 100 years shall be the 5-year pre-developed storm. The single-stage outlet (i.e. one culvert pipe) is not recommended because of its inability to detain post-developed runoff. A more desirable outlet has two or more stages. A safe overflow path shall be designed for storms exceeding the capacity of the detention or retention basin.
3. Regional storm water management facilities are encouraged. Retention basins are also encouraged because they enhance water quality, add aesthetic value, and increase property value.
4. For new residential developments, storm water detention is not allowed within any front or side yard setbacks required by the Zoning Code, or within 25 feet from the estimated rear building line. A single lot detention or retention will not be allowed within 3 feet of rear building lot line.
5. Dry-bottomed detention basins shall be oversized by 10% to help offset anticipated sedimentation. An alternative to over-sizing is the construction of a series of sediment trapping forebays in the basin with firm bottoms which allow routine removal of sediment.
6. Maximum side slopes of detention or retention basins shall not exceed 3.5:1.
7. Provisions shall be made to keep the bottom of a detention basin dry unless a permanent pond or lake is being utilized for detention.

#### 102.06 SUBMISSION AND APPROVAL OF PLAN.

A site plan shall be a required attachment to a proposed storm water management plan, all of which is to be submitted to the City Manager for review. Include a cover sheet with project name and location, name of firm or agency preparing the report, a Professional Engineer's signed and sealed certification, and a table of contents. Number each page of the report.

The storm water management plan, including proposed storm water detention facilities, shall be reviewed and approved by the City Manager (or those chosen by the City Manager) prior to the issuance of any building permit for the proposed Development. The City may inspect the site at any time to determine compliance with this chapter. Upon determination that a site is not in compliance with this chapter, the City may issue a stop work order until compliance is achieved. The order shall describe the problem, specify a completion date, and indicate the penalties to be assessed for further noncompliance.

#### 102.07 OWNERSHIP BY CITY.

Regional storm water management facilities which are of sufficient size may be deeded to and be maintained by the City. The conditions for City ownership will be reviewed on a case-by-case basis. The City is under no obligation to accept ownership of the facility. If the City elects to obtain ownership of the facility, the property owner shall dedicate to the City any property on which public storm sewer detention or retention basins will be located with a 25-foot perimeter (subject to change) to establish and maintain a vegetative buffer. Ingress-egress easements for maintenance of public facilities shall be provided prior to final approval.

#### 102.08 PRIVATE OWNERSHIP.

For sites on which privately owned storm water detention or retention facilities are located, the property owner will be responsible for the following:

1. All future grading, repairs, and maintenance.
2. Maintenance of the minimum storm water detention capacity, as originally designed.
3. Maintenance of the detention or retention basin control structures and discharge pipes to insure the maximum theoretical design release rate is not increased.
4. The property owner shall not place fill material, or erect any buildings, obstructions, or other improvements on the area reserved for storm water detention or retention purposes, unless approved in writing by the City.
5. Maintenance of the facility so as to be in compliance with Section 50.02 of this Code of Ordinances.

#### 102.09 FURTHER REQUIREMENTS.

Compliance with this chapter does not relieve the developer or property owner of other responsibilities relating to storm water discharge. This includes, but is not limited to NPDES storm water discharge permits regulated by the Iowa Department of Natural Resources and other State of Iowa and federal requirements.

#### 102.10 EXEMPTIONS.

The following are exempt from the requirements of the chapter:

1. Agricultural use of land.
2. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.

3. Areas deemed appropriate by the City Manager.

102.11 PENALTIES.

Any person who shall engage in the development of a site within the area of jurisdiction of this chapter before meeting the requirements of this chapter shall be subject to the following: No foundation permits or building permits shall be issued for the property in question until the violations are corrected. Nothing contained herein shall limit the right of the City to any other remedies available to the City for the enforcement of this chapter, including the use of municipal infractions. Enforcement of this section shall be the responsibility of the City.

102.12 OBJECTIONS.

The City Council shall review any objections to decisions made pursuant to this chapter and make the final decision.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, CMC, IaCMC, IaCFO,  
Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 2025-\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Susi Lampe, CMC, IaCMC, IaCFO,  
Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDEPENDENCE, IOWA, BY ENACTING A NEW CHAPTER TITLED "STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS)."**

**SECTION I. CHAPTER ADDED.** The Code of Ordinances of the City of Independence, Iowa, is amended by adding Chapter 168, Statewide Urban Design and Specifications (SUDAS) which shall read as follows:

**168.01 ADOPTION OF STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS).** Certain documents, copies of which are on file and available in the office of the City Clerk beign marked and designated as:

1. *Statewide Urban Design and Specifications (SUDAS), 2025 Edition* (hereafter to be known as SUDAS).

**168.02 AMENDMENTS TO SUDAS DESIGN MANUAL.**

The following amendments, modifications, additions, and deletions to the *Statewide Urban Design and Specifications (SUDAS), 2025 Edition Design Manual*, are hereby made:

-NONE-

**168.03 AMENDMENTS TO SUDAS SPECIFICATIONS MANUAL.**

The following amendments, modifications, additions, and deletions to the *Statewide Urban Design and Specifications (SUDAS), 2025 Edition Specifications Manual*, are hereby made:

-NONE-

**SECTION II. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION III. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of Independence, Iowa, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Brad Bleichner, Mayor of the City of Independence, IA

ATTEST:

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 20\_\_ - \_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Susi Lampe, IaCMC, IaCFO, Assistant City Manager/City Clerk/Treasurer of the City of Independence, IA



## CITY COUNCIL WORK SESSION MEMORANDUM

**TO:** City Council

**FROM:** Matthew R. Schmitz, MPA - City Manager

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Electric Scooters on Sidewalks

### DISCUSSION:

During the July 28, 2025, City Council Meeting, Staff was asked to add a discussion item to the next City Council Work Session regarding Electric Scooters and their operation on City Sidewalks.

For reference, here is the pertinent section of code from the City of Spencer, IA, related to this type of activity:

#### § 72.021 ELECTRIC STAND-UP SCOOTERS.

(A) Operators of electric stand-up scooters in the city shall be subject to the following provisions of this chapter in the same manner as operators of bicycles: 72.005, 72.008 through 72.010, 72.015 through 72.017 and 72.999.

(B) Operation of electric stand-up scooters.

(1) No operator of an electric stand-up scooter intended for one person shall carry a second person on any part of the scooter.

(2) No operator of an electric stand-up scooter shall carry any package, bundle or article which prevents the operator from keeping both hands on the handlebars.

(3) Operators of electric stand-up scooters on roadways shall not ride more than two abreast and, on laned roadways, shall ride within a single lane.

(4) No person operating an electric stand-up scooter shall ride so as to impede the normal and reasonable movement of traffic.

(5) Electric stand-up scooters shall not be operated on city sidewalks except to enter or exit the nearest other public way.

(6) Electric stand-up scooters may be operated on recreational trails.

(7) The operator of an electric stand-up scooter shall exercise caution to avoid colliding with pedestrians, shall yield the right-of-way to any pedestrian and shall give audible warning before overtaking and passing a pedestrian.

### RECOMMENDATION:

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.



## CITY COUNCIL WORK SESSION MEMORANDUM

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**TO:** City Council

**FROM:** Matthew R. Schmitz, MPA - City Manager

**DATE OF MEETING:** August 4, 2025

**ITEM TITLE:** Fee Discussion

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### **DISCUSSION:**

Staff was asked to add an item to a City Council Work Session to discuss the fees being charged for Home Occupation Permits, as well as for the rental of property within the Floodplain that is City-owned (Floodplain Remnant Leases).

### **RECOMMENDATION:**

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.