



CITY COUNCIL WORK SESSION

Monday, July 07, 2025 at 5:30 PM

Council Chambers - 331 First Street East

AGENDA

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.](#) Civic Center Update
- [2.](#) WWTP Replacement Project Update
- [3.](#) Buchanan County Economic Development Co. Update

DEPARTMENT UPDATES

- [4.](#) Department Report – Fire Department
- [5.](#) Department Report – Library
- [6.](#) Department Report – Parks & Recreation
- [7.](#) Department Report – Police

NEW BUSINESS

- [8.](#) Brimmer Park Sculpture / Dam & Mill Lighting
- [9.](#) Oakwood Cemetery – Possible T-Mobile Grant
- [10.](#) RV Park Rules Discussion
- [11.](#) Stormwater Management Policy
- [12.](#) Potential Code Revisions – Rights-of-Way
- [13.](#) Street Vacation – Innovative Ag
- [14.](#) Road Closures and Neighborhood Block Parties
- [15.](#) Device Permits
- [16.](#) City Hall Operating Hours
- [17.](#) Employee Handbook Updates
- 18.** Council Topics
- 19.** Mayor Topics
- 20.** City Manager Topics

ADJOURNMENT

This agenda is subject to change.



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Civic Center Update

DISCUSSION:

Dan Levi from CMBA+LEVI Architecture will be present to give the Council an update on the Civic Center project, which involves repurposing the old Starlight Movie Theatre into a Civic Center. Attached for your review is a cost estimate from Larson Construction for potential renovations to the Movie Theatre building, along with a schematic floor plan. Based on the cost presented and what we expect to receive from the sale of the existing Civic Center, I'm unsure how we can proceed with this project. Due to the significantly higher cost than we anticipated—costs we wouldn't have known without engaging Levi Architecture and obtaining a professional opinion—I believe this project should not move forward. Ultimately, however, that decision rests with 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.



P.O. Box 100
INDEPENDENCE, IA 50644
Telephone (319) 334-7061 Fax (319) 334-4474
Web site: larsonconst.com

Item #1.

6/18/2025

Re: Budget Estimate – Independence Sportsplex

Starlight Cinema
Swan Lake BLVD.
Independence, Iowa 50644

Attn: Dan Levi

Starlight Cinema Renovation

Larson Construction is pleased to submit a **preliminary budget of \$2,290,750.00** for the renovation of the Starlight Cinema, based on the scope and inclusions outlined in the Usher Architecture plans dated March 9, 2006.

See Budget Estimate Inclusions Below:

Division 01 – General Requirements

- Permitting
- Project and Contract Management: Oversee all aspects of project execution and contractual agreements with subcontractors and suppliers.
- Site Supervision
- Project Toilets
- Builders Risk Insurance
- Dumpster Arrangements and Site Clean-up

Division 02 – Existing Conditions

- Demolition required for new installations: Includes removal necessary for the installation of doors, MEP components, and architectural finishes. Including theater seating & sloped upper floor.

Division 03 – Concrete

- Patch back concrete flooring
- Floor to be re-poured to restore uniform elevation.

Division 04 - Masonry

- Masonry patching if necessary

Division 05 – Metals

- Necessary structural steel reinforcements in conjunction with masonry repairs

Division 06 – Wood, Plastics and Composites

- Necessary blocking to support casework installation and rough framing.

Division 07 – Thermal and Moisture Protection

- Necessary fire-rated caulking and joint sealing

Division 08 – Openings

- Frames, doors, and associated hardware in framed openings
- Revise existing aluminum three openings to accommodate new configurations

Division 09 – Finishes

- Gypsum board assemblies for partition walls
- ACT Ceilings
- “Lobby” flooring
- Painting

Division 10- Specialties

- Fire protection specialties

Division 22 & 23 – Plumbing & HVAC

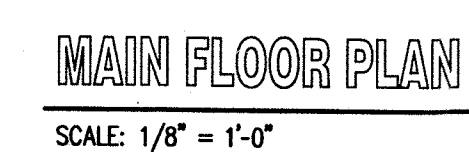
- Assumptions considered

Division 26, 27 & 28- Electrical, Communications & Safety

- Assumptions considered

See Budget Estimate Exclusions Below:

- Architectural and Design Fees
- Engineering and Technical Services Fees
- Utility Infrastructure Relocations
- Sport Court Flooring and/or Rubberized Flooring
- Fire Sprinkler Work
- Hazardous Material Removal and Abatement



DRAWING NAME:
MAIN FLOOR PLAN

PROJECT:
STARLIGHT CINEMA
SWAN LAKE BLVD.
INDEPENDENCE, IOWA

REVISIONS:

▲ REVISED AISLE WIDTH

▲ REVISED HANDICAP SEATS

▲ ADDED NOTES

DATE PLOTTED:
3/9/2006

PROJECT NO.:
05-118

SHEET NO.:

A2.0



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: WWTP Replacement Project Update

DISCUSSION:

Bradley Lake from Strand Engineering will be present to give the Council an update on the current status of the Wastewater Treatment Plant Replacement Project.

Attached is an update sheet from Strand with the current anticipated project schedule.

Maggie Burger from Speer Financial will also be present to give the Council information on the SRF Loan process and to walk through what that will look like as we continue to move forward with the project.

Attached are two slides that outline the next steps for SRF and what current loan terms are, etc.

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 of Independence
Wastewater Treatment Plant Modifications
Design Progress Report by Strand Associates
July 7, 2025 Workshop**

Anticipated Project Schedule

- *November 8, 2024 - Drawings and Specifications Submitted to Iowa DNR for Review/Approval
- *June 18, 2025 - Anti-Degradation Analysis submitted to DNR after 30-Day Public Comment Period
- *July 31, 2025 - Anticipated DNR Comments/Approval of Anti-Degradation Analysis
- *August 1, 2025 - Submittal of IUP Application (for Loan) and Facilities Plan to DNR
- *August 2, 2025 - DNR Loan Department begins Environmental Review Process
- *September 15, 2025 - Anticipated DNR Approval of Facilities Plan
- *October 31, 2025 - Anticipated DNR Approval of Drawings/Specifications and Issuance of Construction Permit
- *November 1, 2025 - Finalize Advertisement for Bids for City Advertisement
- *December, 2025 - Bid Opening
- *January, 2026 - City Awards Project to Lowest Responsible Bidder
- *February, 2026 - Construction Contract Signed and Notice to Proceed Issued to Contractor
- *March, 2026 - Construction Period Begins
- *September, 2029 - Construction Complete (3 year-6 month estimated construction period)

Bidding-Phase Services projected to begin August/September, 2025

Construction-Phase Services projected to begin January/February, 2026

Questions from City Council/Staff?

SRF PROGRAM STEPS:

- Intended Use Plan Submission
 - Agency Technical/Environmental Reviews
 - Project Bidding
- SRF Construction Loan Application
- Loan Disbursement & Closeout

INDEPENDENCE NEXT STEPS

- Final Project Design Completion
- Project Bidding
- Council Acceptance of Project Bid
- Construction Loan Application Prep, Proforma & Submission (Speer/City/Engineer)
- Council Sets & Holds Public Hearing on SRF Borrowing (Bond Counsel)
- Iowa Finance Board Approval (first Friday of month)
- Council Enters into SRF Loan Agreement (Bond Counsel)
- SRF Loan Closing & First Disbursement
- Disbursements throughout project
- Project Completion- Closeout & Final Debt Schedule (Re-run proforma)



LOAN TERMS:

20YR Loan Rate (Current 3.37%)

Below market interest rates

Low Fees

No Debt Service Reserve Fund

Low Debt Service Coverage Requirement

Funding is always available

No maximum loan amount

No “affordability” restrictions or
population limits

Callable at anytime (payoff early)



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Buchanan County Economic Development Co. Update

DISCUSSION:

Lisa Kremer will be present to provide an update to the Council on what BCEDC has been working on and what is upcoming for them.

Attached is a sheet providing an update, as well as information about the 2025 Leadership Series.

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.



What Buchanan County Economic Development Has Been Up To In 2025

TO DATE:

- Closed out the Independence Catalyst Grant
- Closed out the Fairbank Catalyst Grant
- Wrote and received a Rural Grocery Store Grant to assist with expansion at Nick's Family Grocery
- Assisted with additional grant writing for trails and BOOST applications
- Launched the LEAD Buchanan Academy Leadership program
- Working with City of Jesup on Downtown Revitalization
- Continued extensive work with Buchanan County Tourism
- Continued work with housing including participation in Habitat for Humanity Steering committee
- Meeting with and assisting with communities for RAGBRAI along with Tourism
- Participated in Site Selector Visit with the Cedar Valley Regional Partnership
- Increased State wide participation for BCEDC when appointed to the Iowa Rural Development Council
- Participating with Tourism on the First Impressions grant
- RLF to The Farmers Kitchen in Fairbank
- Approved Key Business Grant for SIPS in

UPCOMING:

- Business Leadership Program
- Building Better Business – September 2nd - Celina Peerman – Goal Setting
– October 8th - Molly Mackey - Beat Burnout
- Housing Task Force for Region implemented by Butler County REC
- Assist with RAGBRAI as it comes through and other tourism events
- Close out of LEAD Buchanan and planning for next year



BUILDING BETTER LEADERS

4 PREMIERE SPEAKERS - 6 PRIME SESSIONS!

Each Session has two optional class times: 9AM - 12PM or 1PM - 4PM



Dr. Celina Peerman



Brenda Meeker



Sandra Flikkema



Marcie Van Note

9/9

Leading for Impact | Dr. Celina Peerman

Understand the role of leadership in organizations and across our communities. Increase your self awareness and set a plan that will help you lead with an even bigger impact for those around you. You will also receive a personality assessment.

9/11

Leaders Listen | Marcie Van Note

On average, organizational leaders spend a minimum of 50% of their day listening. Explore your listening style, learn how to identify the styles of colleagues, and how to leverage listening for improved team effectiveness and organizational efficiency.

9/18

Time Management | Sandra Flikkema

We'll talk about personality preferences and their effect on how we choose to spend our time. Then we'll cover the top practices for exercising greater control over this most limited resource. Finally, a shout out to online tools that can move the needle forward in automation, organization, and focus.

9/25

Elevating Work: Be a High-Performing Team | Brenda Meeker

Working with a group of high performers is fantastic. They bring their best every day, strive for excellence, and develop and hone their skills that support the organization's work. What's even better? Working together as a high performing team, where each member uses their unique strengths to achieve high quality results together. During this session, discover the mindset and qualities needed to develop a high performing team.

10/2

Time to Talk: Difficult Discussions | Sandra Flikkema

Communicating as a leader calls for a higher level of skill in the frequency, appropriateness, and quality (FAQ's) of communicating, controlling actions / reactions to influence others' behaviors, as well as some planning and activities to practice feedback-for-performance and coaching-for-development. We'll learn tactics for dealing with difficult behavior, scripts and tips, that build trust relationships.

10/9

Power of Positivity/Inspired to Lead | Marcie Van Note

Research in the field of positive psychology in the past 10 years has proven that happier employees are more likely to keep their jobs, with productivity boosts of up to 31% and added resiliency, along with suffering less burnout-resulting in lower turnover. We will share the techniques for building a culture of positive thinking.

JOIN US!

Pipestone Vet Services
Independence, IA

\$450/Entry (Session Limit 20/Class)
BCEDC Partners Receive Discount

AM SESSION



PM SESSION





CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA - City Manager

FROM: Blake Hayward – Fire Chief

DATE OF MEETING: July 7, 2025

ITEM TITLE: Department Report – Fire Department

Independence Fire closed out the school year by participating in the Junior/Senior High School Career Fair. We try to use this event to get out to the schools and promote volunteering in public safety, as well as answer questions students have about public safety. Some students asked about Law Enforcement, Fire Service, EMS, and nursing. Although we don't work in all those fields, we were able to answer some questions they had and direct them to avenues that could assist them. We also had gear on hand for students to try on, flyers on the Cadet program, as well as our Crisis K9 Shakespeare, who was a big hit!



Independence Fire also participated in the Annual Careers on Wheels event at West Elementary. Crews took Engine 2 and Ladder 1 to the event and were able to show families the inside of the fire trucks as well as some of the equipment we carry and use. It was a perfect evening to be out with the public, and we had a lot of people stop by and visit.



Independence Fire participated in the Guns & Hoses Bowling tournament. This event helps donate money to the local schools for delinquent lunch balances. IPD Reserve Office Dave Wilson has been instrumental in setting this up and running with it each year. We are always happy to bowl and participate in such a great cause. This year, we raised over \$1500 for St John's, Independence, and East Buchanan lunch programs.



Dogs for Law Enforcement were in town, and IFD was asked to assist with river operations with several officers and their K9 partners. Officers boarded our boats, took a short boat ride upriver, before being deployed on a K9 decoy. This was great training for the officers and dogs, as well as members from IFD. We were able to get a lot of boat operation time for some newer members, as well as a good review for others. IFD was assisted by Iowa DNR officer Dakota Drish for the day as well.



The Independence Fire Rescue Association held its annual Golf Tournament on Father's Day Weekend. The tournament was another great success, selling out weeks before the event, and wasn't even able to be opened to the public as it was full so quickly. We are still waiting for final numbers, but last check, we had broken previous records for funds raised. This continues to be one of our best fundraisers for the year, and we are looking at a couple of changes we can make in the future to help make it even bigger and better!



City Manager Schmitz, along with our Station Committee, has met with Brian from Martin Gardner on several occasions over the past few months. With the decision to stay at our current location, we were able to move forward with design ideas. We discussed several layout options and worked with scale drawings to help give us a vision for where trucks and rooms could go. This was a great opportunity for us to experiment with some ideas and see what works and what doesn't. As we continue to move forward, we are excited to see how things work out.

We have started the process of designing a new Rescue Truck. This goes hand in hand with the station addition as we need to know the size for the future truck, as well as what we are currently limited to, with space in the current station. We had Eric with Reliant Fire Apparatus come in and discuss several options and share ideas. This is also a lengthy and detailed process that our department is working diligently on. This process can take anywhere from 6 to 12 months to design and research, with build times currently as long as 4 years. A couple of things we learned during our conversations with Eric are that they currently manufacture 2,000 fire trucks per year and have 10,000 orders placed, with varying levels of funding. Many towns used ARPA funds to purchase much-needed emergency equipment, resulting in a significant increase in orders for manufacturers over the years.

Our goal is to have a design in place so that when the time comes, we can send out proposals and get bids in a timely manner. Our rescue truck is a very important asset to our fleet and responds to nearly every call we respond to. It carries specialized gear that we don't carry on our Engines or the Ladder Truck. This is partially due to limited space in our Engines and Ladder, along with the different responsibilities and assignments for the trucks on calls. As with the station addition, we are really taking our time and making sure we do our research in designing this piece of equipment, as most of our equipment serves our community for 20+ years.





CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA - City Manager
FROM: Laura Blaker
DATE OF MEETING: July 7, 2025
ITEM TITLE: Department Report – Library

Summer Reading Program: Level Up at Your Library

The library has been busy with our summer reading program. We met our registration goal and have 961 people participating in the program as of June 29th. This includes: 339 adults, 62 babies, 441 children, and 119 tweens/teens.



We have had a variety of programs like Candy Sushi for Teens, Star Lab, Barnstorming Babe (with author Tim Grover), a Puzzle Contest, Minecraft, Level Up Your Cooking, Outdoor Story Time, and Lego-fy Yourself. As of June 29th, 353,785 minutes have been read by the community. We have a goal of 750,000 minutes.



Funding: The City funds 25% of the Summer Reading Program cost, and the Foundation, and donors/sponsors pay for the other 75% of the project. All prizes are purchased with donated funds.

City Connection:

Promote and encourage community involvement and engagement

Improved quality of life for everyone (open and accessible to all ages/demographics)

New Vision, Mission, Motto, etc

After the City created a new vision, mission, and goals, the library was due to review ours. Our new vision, etc, meshes well with the City's goals and mission. Our vision, mission, motto, and mascot are attached, and I will highlight a few of those here:

Vision: To be the heart of the community, where lives are enriched, lifelong learning is realized, and people of all ages connect, engage, discover, and create.

Motto: Enriching Lives, Inspiring Growth

Mascot: Oaklee the Squirrel

City Connection:

Efficient and effective planning and prioritizing of all available resources.

Promote and encourage community involvement and engagement.



Library of Things

Through IPL Foundation and Friends funding, the library has improved our Library of Things Collection. This has included things like bean bag toss, puzzles, giant Jenga, pickleball rackets, etc. A sampling of new items are: a fort builder, croquet set, Magna-tiles, sand/snow molds, and twenty-five new puzzles for checkout.

City Connection:

Improved quality of life for all.

Promote and encourage community involvement and engagement.

Community Room Usage in 2025

The library's Community Room is a wonderful resource for organizations and businesses. We have many local and regional groups using the room for meetings and trainings. In 2025, it was used 57 times by 955 people from 30 Iowa Counties and 7 States. This resource with AV capabilities, a kitchenette, and friendly assistance brings groups back repeatedly. The USDA, with people from Allamakee, Black Hawk, Bremer, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Tama, and Winneshiek Counties used the room nine times over the course of the fiscal year.

The Buchanan County Health Center used the space six times, and people from Buchanan, Black Hawk, Butler, Clayton, and Fayette Counties attended.

When the Ace Hardware Group came to Independence, they represented Buchanan, Benton, Black Hawk, Bremer, Butler, Delaware, and Fayette Counties.

The Iowa Rural Water Association Training was held in IPL's Community Room, and residents of Buchanan, Black Hawk, Cerro Gordo, Delaware, Fayette, Grundy, Humboldt, Jefferson, Johnson, Jones, Lee, Linn, Wapello, Winneshiek Counties attended.

City Connection:

Encourage a supportive environment for businesses, workforce, and economic development.

Support High Quality City services.

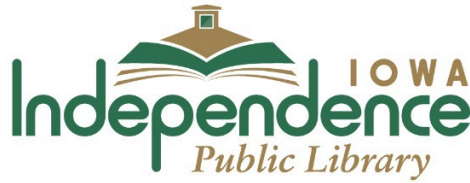
Laura Blaker 319-334-2470

lblaker@independenceia.gov

www.independenceia.gov/library

Independence Public Library

Vision and Mission Statements

**VISION:**

To be the heart of the community, where lives are enriched, lifelong learning is realized, and people of all ages connect, engage, discover, and create.

MISSION:

We empower our community by meeting people where they are, fostering connection, curiosity, and growth through exceptional service and dynamic library experiences.

MOTTO:

Enriching Lives, Inspiring Growth

CORE VALUES:

- Excel in service to others
- Enact proactive, relevant solutions
- Empower individuals
- Engage in relationships and community
- Evaluate and improve continually
- Encourage creativity and innovation

MASCOT:

Oaklee the Squirrel



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA - City Manager

FROM: Bob Beatty – Parks & Recreation Director

DATE OF MEETING: July 7, 2025

ITEM TITLE: Department Report – Parks & Recreation

Forestry

Flower and tree watering has been excellent this season. We did have that one hot and windy weekend that hurt some of the tanks without reservoirs. The downtown baskets and planters were relatively unaffected by those days (some wind damage) due to the water reservoirs keeping them hydrated. As we move forward, maybe we can purchase a couple of those planters each year to use in the parks as well. It will reduce watering and help prevent some of the damage caused by the weather.

Parks

The Parks staff remain busy with mowing and weed-eating. Staff were able to edge many of the parks and will continue that after the 4th of July. They also changed all the lights at Liberty Park and cleaned up the shelter – thanks for pointing that out to us. Adding water there this spring has certainly helped. We have put out pricing requests for the tractor and the new UTV, and all pricing is due back by July 7. Since these are expected to be under \$50,000, they will be within the City Manager's authority as a budgeted expense.

Recreation

Little League wrapped up last week. Finishing another successful season. We have posted all of our fall baseball and softball leagues.

River'sEDGE Facility

River'sEDGE teams will be competing at state over the next three weekends. We did have our 11U softball team play in the State Championship a couple of weekends ago. They finished 2nd. Our 14th team to play in a State Championship (RE is 7-7 in those games). We will be posting tryout dates for the 2026 season and restarting that process. The graduation party season has ended for us. We hosted many again this year and are already booking for next year.

Falcon Civic Center Facility

The FCC has slowed with the warmer temps, but many of the college kids and 24/7 members keep it busy at night. We replaced our broken lateral pull-down machine and have been extremely happy with the new piece of equipment.

Aquatic Center Facility

The Aquatic Center remains busy. We started the year slowly due to the cool temperatures, but the heat and humidity have once again boosted attendance. Most of our lifeguard crew are new and inexperienced, but have done a great job this season. We have had many saves, and water safety

remains a priority. We have completed a couple of lesson sessions and will continue those for most of July.

RV Park

The RV Park remains busy. We did have a few evictions and hired a camper to do some extra mowing, and it has worked out very well. I think it is a 180-degree turnaround from what it was in the Spring, and going back to seasonal will only help that further.

Complex

The last River'sEDGE tournaments of the season are scheduled this weekend, hosting 27 teams. Thus far, we have had 401 teams participate in tournaments this summer. We have one more large rental and have also applied to host one age group for State. We are reviewing estimates for expanding the Banklowa field, so we don't have to move the fence on McMillan and T-Mobile back and forth.

Cemetery

Staff will finish mowing and trimming this week in preparation for the 4th of July. The cemetery brigade continues to meet and work on Saturday mornings.



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA - City Manager

FROM: David Niedert – Chief of Police

DATE OF MEETING: July 7, 2025

ITEM TITLE: Department Report – Police

- Our department is hosting the 2nd Annual Cops-N-Bobbers fishing event at Triangle Park on July 12th. This event reaches out to kids through fishing, supplying them with all the necessary tackle and poles.
- Our officers participated in the annual bike rodeo day at the elementary school.
- We are in the planning stages for Building Direction for Families to participate in Cupcakes with a Cop, scheduled for some time in August.
- Some of the body-worn cameras and in-car camera hardware have started to arrive from Axon. This will replace all the equipment for officers and cars. This upgrade will also facilitate the redaction of video when needed for public release, simplify access to videos for officers, and enable the blending of multiple camera vantage points into a single presentation for court or internal purposes. This is part of the CIP money that was budgeted.
- Captain Lau and I have been working on the upcoming transition by ensuring that he has access to all the information I have built up over the years. We are ahead of schedule for the August 1st transition date.
- Chief Niedert will attend his last FBI Criminal Justice Information Systems advisory board meeting in August. This is the same advisory board he has been a part of for the past three years. The FBI covers all costs associated with this trip, not the City of Independence.
- Our hiring process is moving forward, with the candidate's physical agility testing scheduled for July 9th.



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Brimmer Park Sculpture / Dam & Mill Lighting

DISCUSSION:

During trips to Cedar Falls and exploring their downtown area, I noticed that they have some sculptures downtown that add a very nice artistic touch. After thinking about this for a while, I reached out to Joe and Judy Olsen to discuss what the City could consider for a sculpture in the downtown area. We met and talked about the idea, and Jim Gillespie from the Steve Brown Art Center also joined us. The location that seems to make the most sense is Brimmer Park, so we started discussing options there. Our idea was to remove the flagpole and light and replace them with a sculpture and new lighting to make the park more welcoming. We also discussed creating a sculpture to honor the naming of the Wapsipinicon River. Attached to this memo is a PBS article about the river's naming, and while we're not sure if it's entirely accurate, it seemed like a good direction to explore. Included with this item are three different AI-generated concepts of what the sculpture could look like.

Further discussion also raised the idea of lighting the dam, particularly if modifications to the lighting in Brimmer Park are required. This has been considered in the past as well. Attached are a couple of images showing what the dam could look like if lit, also generated by AI.

Significantly more work would be necessary, as there is currently no project planned or funding allocated for this purpose. The purpose of this agenda item is simply to initiate a discussion with the Council and gauge their interest in pursuing such ideas, both for their artistic value and the ambiance created by lighting the dam and the Mill.

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.



[MY PATH](#) | [MEDIA ARTIFACTS](#) | [TIMELINE](#) | [QUEST](#) |
[TEACHERS](#) | [ABOUT](#) | [SEARCH](#)

The Wapsipinicon: A Love Story or a Swan's Potato?

No one is sure where certain Iowa rivers got their names. Some people believe the following legend about the Wapsipinicon River. (But not all legends are true stories!). Other people think the name came from a plant. Here are both explanations.

The Legend

Years ago the Sauk and the Meskwaki tribes lived between the Mississippi River and what we now call the Wapsipinicon River. Another tribe, the Dakota Sioux, had long been their enemy.

One day the Sauk were out hunting. They found the body of one of their young men, Swift Deer. Had the Sioux killed him?

The leader Black Wing sent his son Pinnekon and six others to look for clues. When they returned, the Sauk decided the Sioux were to blame. But the Sauk needed help

attacking the Sioux. They asked their friend Good Heart if his tribe, the Meskwakis, would fight with them. Good Heart agreed.

Item #8.

Together, the Sauk and Meskwaki warriors won the battle against the Sioux. When it was over, Good Heart invited the Sauk warriors to his village. Black Wing sent his son, Pinnekon.

In Good Heart's village, Pinnekon met the chief's daughter, Wapsie. Pinnekon and Wapsie fell in love. Good Heart agreed that the two could be married.

Everyone seemed glad about the coming wedding except a Meskwaki warrior named Fleet Foot. He had wanted to marry Wapsie himself.

One day Wapsie and Pinnekon were canoeing on the river. Suddenly an arrow shot through Pinnekon's chest. Wapsie screamed and jumped up to help him. The canoe overturned. Wapsie and Pinnekon sank below the water.

Was it the jealous Fleet Foot who shot the arrow? No one knows. But ever since the day when the two lovers died, the river has carried their names joined together—Wapsipinicon.

The Plant

The Wapsipinicon was named after the arrowhead plant that grows along streams. The Indians ate the white root of the plant. Waubessa was a native word for white or swan-like. Pinne-ac meant a root like a potato. Over the years the spelling changed from waubessa pinne-ac to Wapsipinicon.

It's Your Choice

Which story do you think is true? What do the stories tell us about how Native Americans lived?

Source:

- Ginalie Swaim Ed., “The First Iowans to Use the Rivers,” *The Goldfinch* 6, no. 4 (April 1985): 4.

Pathways

River Transportation

.....

Which story do you think is true? Why?

.....

Media Artifacts



Mississippi River From Pike's Peak



Sauk Women and Children, c 1880



Mesquakie Ponder Future



Mesquakies Return to Iowa

.....

Reading Tip: Rereading and Reviewing

Ask yourself questions about the article. Is this important information to record? Can this information be used later?

.....



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P.O. Box 6450

Johnston, IA 50131

515.725.9700

800.532.1290

EXPLORE

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CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Oakwood Cemetery – Possible T-Mobile Grant

DISCUSSION:

Alison Michels and Keith Wieland contacted us to apply for a T-Mobile Grant through the City of Independence Parks & Recreation Department for Oakwood Cemetery.

Attached are the documents submitted to the City for this potential grant application. We would like to discuss with the Council whether they believe this is a direction the City should pursue.

The committee also provides a budget summary. It should be noted that these budget numbers are not from the City's official accounting of funds, etc.

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.

The City of Independence Parks & Recreation Department is spearheading a vital project to restore Oakwood Cemetery, a historic community landmark. This initiative, titled "Restoring Oakwood's Legacy: A Community Revitalization, Storm Resilience, and Heritage Tourism Initiative," aims to bring the cemetery back to its former glory and transform it into both a cherished community space and a potential heritage tourism destination.

Why Oakwood Cemetery Needs Help

Established in 1864, Oakwood Cemetery is more than just a burial ground; it's a living part of Independence's history, holding the stories of generations who shaped the town. However, years of neglect, natural weathering, and severe storms have taken their toll.

We're seeing:

- * **Deterioration:** Headstones are cracked, leaning, or have fallen over. Pathways are eroded and uneven, and some areas are overgrown.
- * **Storm Damage:** Past severe weather, like the strong winds in June 2011 and heavy rainfall in July 2017, caused significant damage. Trees fell, damaging headstones, and pathways eroded further.

Despite these challenges, our community is stepping up! The Oakwood Cemetery Restoration Brigade, a dedicated group of 24 volunteers, has already put in over 1,450 hours since April 2024. They've been clearing debris, making initial repairs, and tidying up the grounds. But the damage is extensive and requires professional help and additional resources to truly make a difference.

What We're Going to Do

This project involves several key activities to bring Oakwood Cemetery back to life:

- * **Headstone Restoration:** We'll bring in professional conservators to repair and reset severely damaged headstones. Our volunteers will continue cleaning and stabilizing less damaged stones, with a special focus on veterans' graves.
- * **Pathway Repair:** We'll fix and resurface eroded pathways to improve accessibility for everyone and prevent future erosion, especially during heavy rains. We'll also add better drainage solutions.
- * **Landscaping Improvements:** This includes removing damaged trees and planting new, storm-resistant varieties. We'll also regrade and stabilize the soil to improve drainage and make the cemetery more beautiful.
- * **Visitor Amenities:** We'll install benches in accessible spots and place weatherproof information kiosks throughout the cemetery. These kiosks will share the cemetery's history, highlight notable figures, and offer self-guided tour information.
- * **Long-Term Care:** We're establishing a long-term maintenance plan that includes regular volunteer work every Saturday morning. We'll also implement measures to prepare for future storms, ensuring the cemetery's long-term preservation and appeal.

How This Project Will Benefit Our Community

Restoring Oakwood Cemetery offers numerous benefits for Independence:

- * **Preserving History:** We'll protect a vital link to our town's past and make the cemetery more resilient to future storms.
- * **Enhanced Community Space:** A revitalized cemetery will be a more respectful, peaceful, and accessible place for residents to honor loved ones and connect with local history.
- * **Increased Community Pride:** Building on the amazing work of our volunteers, this project will foster a stronger sense of community ownership and pride.
- * **Heritage Tourism Potential:** A beautifully maintained and historically interpreted Oakwood Cemetery can become a significant attraction for heritage tourists, genealogical researchers, and history enthusiasts, boosting our local economy.

Our Partners

This project is a true community effort, with several key partners:

- * **City of Independence Parks & Recreation Department:** Leading the project, overseeing activities, and managing long-term maintenance.
- * **Buchanan County Historical Society:** Providing valuable historical research and content for the informational kiosks.
- * **Oakwood Cemetery Restoration Brigade:** This dedicated group of volunteers is crucial to the project's success, providing ongoing labor, local knowledge, and unwavering commitment.
- * **Independence Chamber of Commerce/Local Tourism Initiative:** Potential partners in promoting the restored cemetery as a visitor destination.
- * **Local Businesses:** We're hoping for in-kind donations of supplies or financial contributions.

Our Confidence in Success

We're confident this project will be a success because:

- * **Strong Leadership:** The City of Independence Parks & Recreation Department has a proven track record of managing public spaces.
- * **Ready to Go:** The volunteer brigade's initial assessments have clearly identified our priority needs. We'll work with professional contractors to develop detailed plans and budget estimates.
- * **Sustainable Effort:** The consistent Saturday morning work of the Oakwood Cemetery Restoration Brigade ensures ongoing maintenance and monitoring.
- * **Prepared for the Future:** Our plan includes measures to mitigate future storm damage and ensure accessible pathways for all visitors.

Show Your Support!

We're seeking letters of support from key community leaders to emphasize the widespread backing for this project. These letters will come from:

- * **The Mayor of Independence,** highlighting the project's importance to our town's heritage, resilience, and tourism potential.
- * **A representative from the Buchanan County Historical Society,** detailing their commitment to historical expertise and educational goals.
- * **A leader from the Oakwood Cemetery Restoration Brigade,** outlining their past and ongoing work, volunteer commitment, and strong support for the restoration.

* A representative from the Independence Chamber of Commerce or local tourism initiative, emphasizing the revitalized cemetery's potential to attract visitors and boost the local economy.

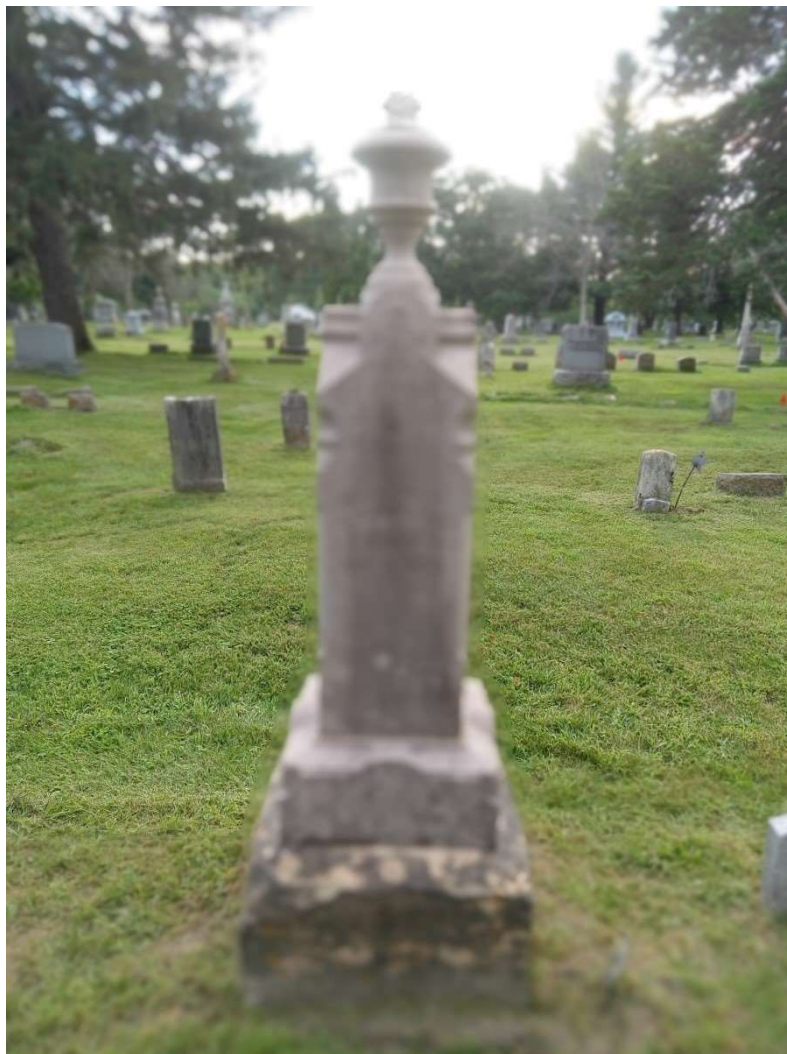




After restoration
See the ground marking?



Before Cleaning



After cleaning

Before restoration



After restoration





Repairing grout



Serving Chili for Fundraising



Thank you for your continued support



Oakwood Cemetery Restoration Brigade Budget Summary

Historical Summary

In March of 2024, a group of individuals came together to engage in conversation around a dream that Alisoin Michaels shared with those present - to restore and renovate the military graves in Oakwood Cemetery. Oakwood is included on Iowa's Registry of Historical sites and has over time, fallen into a state of disrepair. The shared goal of the group was to repair, restore the grave stones of military personnel, as well as other residents of the community and surrounding area. There are over 8,000 burials in the cemetery, but not all have markers.

The group was fortunate to have Lisa Lang, a member of Daughters of the American Revolution, as a local resource to assist in learning to clean the grave stones. Alison and several other members of the group attended a workshop sponsored by Atlas Preservation, sharing what they learned, as well as connecting with a resource for cleaning products and preservation knowledge.

As a volunteer group, funding and raising the money needed to support the work became one of the roles of the group.

Initial Fundraising

Between April 2024 and January 2025, funds were generated through the raffle of a commemorative rifle , a chili cook-off and silent raffle, and the donations of persons interested in the project. Between April 2024 and January 2025, the group raised a total of \$12,213.97 .

Total Assets on Hand - \$12, 213.97

| | |
|--|------------|
| <u>Calendar Year 2024-2025</u> Raffle of Commemorative Rifle, Donations | \$7,252.84 |
| <u>Calendar Year 2025 to July 3, 2025</u> Chili Cook-off, silent auction, donations | \$4,961.13 |

Total number of Volunteers associated with the Oakwood Cemetery Restoration Brigade: 30

Total number of stones cleaned, repaired to date: 177

Total number of stones restored: 36

Expenditures to date:

NOTE: all expenses have been paid from the Parks and Rec account. Funds will be transferred from the Oakwood account to the Park and Rec account internally.

| | |
|---|----------------------|
| Cement (repair, replace bases for headstones) 2 pallets @ \$350.00 each | \$700.00 |
| D2 Biological Cleaner (for marble and granite headstones) 5 Gal. Bucket \$299.99 each x 2 1 Gal. Container \$49.99 each x 2 | \$419.00 \$ 49.98 |
| Epoxy Repair Kit (resetting broken stones, bases) 5 Kits ordered in bundle | \$ 23.40 |
| Stone Cleaning Kits: Including bucket, brushes (2), plastic scraper, paint stick, garden pressure sprayer, gloves) Donated. Approximate value each: \$40.00 x 6 | \$240.00 |
| Tuck pointing Grout (1 bag) | \$ 35.00 |
| Lead, Contractor putty and grouting | \$380.00 |
| Gravel (Leveling and stabilizing stones, uniform base prior to pouring new base) | Donated |
| Tripod with chain fall (Lumber and hardware donated by members of the group, assembled by group. Note - new, -commercially built - \$1200 and up.) | \$375.00 |
| Commemorative Raffle for raffle | \$1,200.00 |
| Professional Repair - 2 Stones (Beyond skills of group at time they were repaired) | \$1,350.00 |

Total Expenses to date (July 1, 2025)

\$4772.38

Approximate Cost of Repairs

Note: Cost is based on materials used and does not include the cost of labor. All labor is volunteer. Cost is based on evaluation of stone for needed repair.

| | |
|---|---|
| Base repaired or replaced, depending on size, scale of base | \$12 - \$15 per stone |
| Cleaning only | \$35 and up, depending on size/dimension of stone, age |
| Cleaning monument joints: repair, replace, tuck-pointing | \$35 - \$75 per stone, depending on size, dimension and damage to stone |

Each stone is assessed for damage, and cost to repair is based on the combination of repairs needed. All work is volunteer, so there is no cost assessed to the Park and Rec Department or the family of the deceased.

The VA is contacted and markers for veterans whose military markers are missing are replaced.

Approximate value of all repairs to date (based on basic cleaning, leveling stone and minor repairs) $\$95.00 - \$100.00 \times 177 = \$17,700$

Approximate value of restoration on 36 stones $\times \$50$ (average) = \$1,800

Total value of all work completed by the Restoration Brigade - \$19,500.

Total value of restoration work - actual cost of materials and supplies = \$14, 727.62 saved through efforts of the Oakwood Cemetery Restoration Brigade.

In-Kind Donations

All labor related to cleaning and repair of stones, bases and cemetery grounds

Lumber for forms

Cleaning kits - made by volunteers prior to the availability of the materials donated by area businesses to begin cleaning

D2 cleaner - several volunteers purchased D2 in spray bottles (quarts) prior to availability of funds to purchase as group

Multiple businesses donated approximately \$4000 valuation of prizes for silent auction

Chili for cook-off, dessert, set-up and serving for chili cook-off

Tree removal donated by the City of Independence and Indy-tel

Eagles service organization donated profit from concession at the Cemetery Ghost walk hosted by the historical society.

Buchanan County Genealogical Society for information related to plots and history of Oakwood.



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: RV Park Rules Discussion

DISCUSSION:

The RV Park is coming off its most successful year in its history. By adopting a year-round format three years ago, however, we have been unable to maintain the campground as we would like, as there has never been downtime to perform larger maintenance tasks. We decided at the end of winter to close November 15, 2025, as we have budgeted funds for rock, seed, and dirt to improve the park.

Bob agrees with the Council that the RV Park looked poor this spring and likely attracted a different crowd than it has in the past.

Attached are the current rules for the park, and we would like to suggest the following rules be adopted moving forward (starting on January 1, 2026).

1. "Season" will be defined as March 1 through November 15 each year.
2. All campers must have a current license plate displayed at all times.
3. We would like to maintain the option for campers to stay in a designated spot throughout the entire season. If we cut it shorter than that, we believe we will lose most of our campers, and weekend-only campers will not recover the potential lost revenue.
4. We, as Staff, agree that we will do a better job moving forward of evicting earlier. The winter made that hard as there are NO other campgrounds in Iowa open in the winter.

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.

Independence Parks & Recreation Our Mission...

The Independence Parks & Recreation Department is a team of professionals **committed** to **facilitating** the **growth** and **development** of recreational opportunities, as well as **managing** the care and upkeep of park land in the Independence area. Through continued efforts, we will **promote** and **improve** our present activities to **enrich** the quality of life and pride in our community.

City of Independence Website

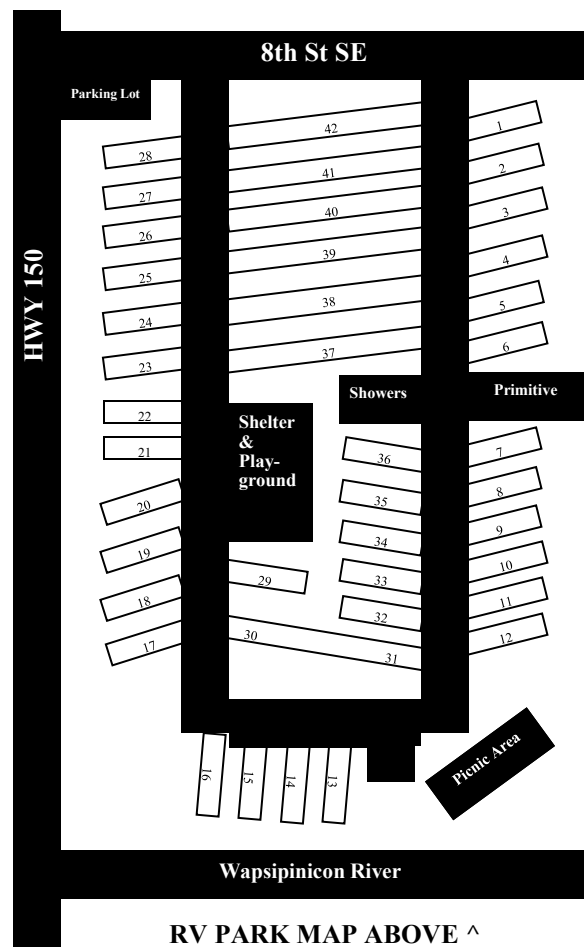
www.independenceia.org



Independence Light & Power, Telecommunications
Wi-Fi Access

The RV Campground now has Wi-Fi, campers no longer need to purchase individual internet service from Independence Light & Power, Telecommunications.

Community Garden Plots available for rent (call 319-334-6711 to check availability) & Community Orchard open for picking during peak ripeness (located across Hwy 150, west of the RV Campground along the Wapsipinicon River).



RV PARK MAP ABOVE ^

Other Valuable Information from the Independence Parks & Recreation Department:

Independence Aquatic Center 319-334-7464

Season: 5/24- 8/24: Session 1: 12-6pm- \$5 swimmer & \$3 non-swimmer/ Session 2: 6:30-8pm- \$3 everyone

Falcon Civic Center 319-334-2606

Gym, Weight Room, Cardio Room, Game Room, Racquetball, Sauna, Rental Rooms, Showers

Independence Parks & Rec 319-334-6711

For Information about City Park Locations, Programs & Leagues offered, Community Orchard & Gardens located west of HWY150

River'sEDGE 319-332-1525

Minimally staffed mid July- Labor Day/ Follow on Facebook/
24-Hr Access w/ Membership

Rental Room, Batting Cages, HitTrax, Golf Open Hitting Cage, Sports specific training equipment



Independence Parks & Recreation

Item #10.

RV CAMPGROUND



2025 Camping Season March 1st- November 15th

**RV Campground Address:
301 8th Street SE
Independence, Iowa 50644**

Reservations may be made by
calling the RV Campground Hosts @
319-440-0472 during the season or
by calling the Independence Parks
& Recreation Department @
319-334-6711 during the offsea

Independence Parks & Recreation Department

RV Campground

Rules & Regulations

Section 1. Definitions

- A. "Council" shall mean City of Independence City Council.
- B. "Director" shall mean the Parks & Recreation Director.
- C. "Authorized Representative" shall include any Parks & Recreation Staff designated from time to time by the Director.
- D. "Camp or Camping" shall mean the use of a tent, trailer, motor vehicle, tarpaulin, or sleeping bag for temporary residence at a campground.
- E. "Area" shall mean all or any part of the land and or water owned, managed, or by other means under the control of the Parks & Recreation Department or City of Independence.
- F. "Campground" shall mean any area designated by the Council for camping.
- G. "Capacity" shall mean the maximum number of camping parties or camping units that the board determined may occupy an area, campground, or campsite.
- H. "Noise" shall mean any loud, confused or senseless shouting or outcry; or a sound lacking in agreeable musical quality or which is noticeably unpleasant or excessively loud as to disturb others.
- I. "Department" shall mean the Independence Parks & Recreation Department.
- J. "Camping Unit" shall mean either a single tent, not larger than 114 square feet in size at its base, pickup camper, motor vehicle, recreational trailer, tarpaulin or sleeping bag used by a camping party. Camping is restricted to one basic unit per site.
- K. "Camping Party" shall mean any individual family, or informal unorganized group of not more than five persons occupying one campsite.

Section 2. Scope

The provisions of these regulations shall apply to all areas:

- A. Persons desiring camping privileges shall produce means of photographic identification upon the request of the Director or the Director's designee. Failure to produce such identification may be grounds for denial of camping privilege, at the discretion of the Director or the Director's designee.
- B. Fees and charges made for services or for the use of land, facilities, equipment, materials or supplies, shall be established by the board and collected by the director or his authorized representative.
- C. **Speed Limit through the park is 10MPH.**

Section 3. Removal of Natural Features

Any plant material, bird nest, rock formations, or artifacts shall not be removed, altered, or revived. Use of chainsaws and metal detectors is prohibited.

Section 4. Use of firearms PROHIBITED

The use by the public of firearms and weapons of all kinds is prohibited on all City owned property.

Section 5. Animals on a Leash

No privately owned animals shall be permitted to run at large in any campgrounds, picnic area, playgrounds, fishing accesses or waters within the property of the RV Park. Every such animal shall be deemed running at large unless the owner carries such animal or leads it by a leash not exceeding six feet in length. In the interest of public safety, the director or his designee may order the removal of any animal at any time from any area. All animal waste is the owners responsibility to dispose of properly. **Clean up after your dogs. NO FENCES.**

Section 6. Camping

- A. Reservations may be made by calling the Falcon Civic Center at 319-334-6711 through the offseason. We keep a number of sites available on a 1st Come-1st Serve Basis to help accommodate unexpected travelers.
- B. Call 319-440-0472 during the season. Campers must register and pay fee within one hour of arrival. You must be 18 years or older to register.
- C. When the campground is open and in usable condition, all charges and fees shall be in effect and enforced as set forth in the official fee schedule approved by the board.
- D. Registration tags must be on the outside of the vehicle and be visible from the road and all vehicles must be licensed.
- E. It shall be unlawful to park any motor vehicle outside the parking designated at each campsite, and not more than two licensed vehicles are permitted at any one campsite. A parking lot is available for visitors and overflow parking. **No parking on the grass or vacant sites.**
- F. Campfires are limited to the designated rings and shall be attended to at all times. The fire rings are not to be moved by anyone other than the Campground Host or IPRD Staff.
- G. All campers shall maintain quiet and avoid excessive noise in the campgrounds between 10:30pm and 6:00am.
- H. Any non-registered person visiting a camping party must use visitor parking and vacate the campground area by 10:30pm. Absolutely no parking on the roadways.
- I. One picnic table per campsite.
- J. Checkout time is 4:00pm Sunday thru Thursday, 3:00pm Friday & Saturday.
- K. Small children need to be monitored when using the shower facility. No clothing, pots or pans may be washed in the shower/ bathing facility.
- L. No commercial selling or solicitation for selling by means of placards, signs, or audio attraction for selling goods or services shall be permitted.
- M. Campers shall restore their campsites to the same approximate condition or better than they found it. Permeable Mats/Rugs limited to 2'x3' in size placed directly in front of camper entrance.
- N. Tent camping is allowed in space available. No electricity is allowed within the tents unless renting a site. (4 consecutive day limit)
- O. Tent camping shall be restricted to "primitive area" unless designated by the director or host and/or accompanying a RV Camper.

Section 7. ATVs/ Snowmobiles Restricted

Operation of any motorized vehicle shall be restricted to designated roadways and prohibited within the area. All roadways are considered public roads and governmental rules and regulations apply to all vehicles (including license requirements).

Section 8. Alcohol Consumption

Alcohol (beer and light wine) may be consumed in areas designated by the committee; provided however, that consumption of alcoholic beverages is prohibited on roads, parking lots, and shelter/ playground areas. No person or group shall use, or have in his or her possession, beer in a keg or any other container larger than a quart. Any beer possessed in violation of this rule shall be subject to seizure by the Director or Designee and will be destroyed.

Section 9. Hitching to Trees

- A. No animal shall be hitched or tied to any tree, shrub, or in such a manner as to result to injury to city property.
- B. No clothing lines, etc... shall be tied to any tree, shrub or in such a manner to result to injury to city property.

Section 10. Campsite Property

No camper allowed planting, erecting, or placing any permanent structure. This includes but is not limited to items that cannot be immediately moved and/ or required mounting or erection in the ground. Items can and will be confiscated after 1st verbal warning.

Section 11. Recreational Use Only

It shall be unlawful for any person to occupy any portion of any area for washing or repairing vehicles; advertising or political campaigning, hawking, peddling, or any commercial activity or any other purpose not primarily recreational. All visible decorations must be in good taste and respectful of other campers.

Section 12. Disturbance of the Peace

The following conduct within areas administered by the board is prohibited at all times:

- A. Quarreling, fighting, violent behavior and disturbance of the peace, which interferes with the use, enjoyment of such areas by persons lawfully engaged in activities approved for such areas.
- B. The use of profane, offensive, or obscene language, which is intended to abuse the hearer.

Section 13. Noise

Creating or sustaining any unreasonable noise in any portion of all areas governed by the board is prohibited at all times. Noise which can be heard at a distance of 50 feet shall be considered unreasonable, between the hours of 10:30pm- 6:00am.

Section 14. Flooding

All campers will have the capability to remove RV campers and vehicles at a moments notice. Any person refusing to move vehicles during a flood emergency can and will be liable for the towing expense.

Section 15. Regular Site Based Fees

See Chart Below

Water, Electric, Sewer, & Wi-Fi Access Sites Sites 1-42

As of the 2022 Season, We have upgraded all 42 sites to 50 amp service.

Independence RV Campground

319-440-0472 or 319-334-6711

| Full Hook-up (50Amp) | Daily | Weekly | Monthly |
|----------------------|-------|--------|---------|
| Regular | \$35 | \$145 | \$385 |
| Senior (60yrs & up) | \$30 | \$135 | \$350 |
| Tent | \$7 | | |

Our campground amenities include: men's & women's shower/ restroom facilities, open air shelter with electricity, concrete walking/biking trail, a Little Free Library, 2-5 yr. old playground, swings, primitive camping available and 42 sites Wi-Fi access, sewer, water, electricity, picnic table, and fire pit. We are conveniently located near the Independence Aquatic Center, river access for canoes and fishing, public 18 hole golf course, disc golf course, hardware store, grocery stores, a variety of restaurants, recreation facilities, local shops, and Community Orchard & Gardens (limited garden plots available, call 319-334-6711).

THANK YOU FOR STAYING WITH US!!!



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Stormwater Management Policy

DISCUSSION:

Staff initially started this discussion during the May 5, 2025, City Council Work Session. During that meeting, concerns were raised about the attached Stormwater Policy, which is largely a copy of the Manchester version.

Additionally, Wapsie Valley Creamery has expressed interest in providing feedback on this policy and has attached additional feedback they received, which they wish to share with the Council as we continue to work on this policy.

I reached out to David Carney, Director of SUDAS/Public Works Service Bureau, Institute for Transportation, at Iowa State University, also to ask if this policy would still be necessary if the City were to formally adopt SUDAS regulations.

Mr. Carney's advice was to adopt a Stormwater Management Policy AND adopt SUDAS as well. He also recommended that retention should be discouraged and only used if the site doesn't have access to drainage/storm sewer. He also recommended against the "variance" of "No storm water management facilities are required if storm water runoff from a development, up to and including the 100-year storm, can be piped or conveyed in its entirety to the Wapsipinicon River without significant adverse impact to intervening properties. Similar waivers of stormwater management requirements may be considered on other watersheds on a case-by-case basis."

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. “Pre-developed condition” means the hydraulic and hydrologic site characteristics that occur prior to a proposed development, including natural storage areas, drainage ways, drainage tiles and highway drainage structures.
14. “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.

15. “Retention basin” means storm water management practice that captures storm water runoff, and does not directly discharge to a surface water body. Water that is “retained” is “discharged” from the basin either by infiltration or evaporation.

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

17. “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.

18. “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.

19. “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.

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

21. “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.

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

23. “Subdivision” – refer to Section 170.06(31) 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.

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/retention basin.

B. Tributary to a privately or publicly owned detention/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/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.

No storm water management facilities are required if storm water runoff from a development, up to and including the 100-year storm, can be piped or conveyed in its entirety directly to the Wapsipinicon River without significant adverse impact to intervening properties. Similar waivers of storm water management requirements may be considered on other watersheds on a case-by-case basis.

102.05 MANAGEMENT PLAN DESIGN REQUIREMENTS.

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

1. Developments requiring storm water management shall be required to detain the difference between the 5-year pre-developed storm and the 100-year developed storm.
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/retention basin.
3. Regional storm water management facilities are encouraged. Wet 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/retention basins shall not exceed 3.5:1.
7. Provisions shall be made to keep the bottom of the 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/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/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, 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.

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

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. “Pre-developed condition” means the hydraulic and hydrologic site characteristics that occur prior to a proposed development, including natural storage areas, drainage ways, drainage tiles and highway drainage structures.

Clear definition of pre-developed condition is important and we encourage wording similar to that noted below in the Decorah code be added. RMW

"The City of Decorah, Iowa, Stormwater Ordinance, 13.44.030 - Definitions,"

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).

Redevelopment means changing or improving land from its existing state and includes any exterior additions to an existing building(s).

"The City of Decorah, Iowa, Stormwater Ordinance,"

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.

"The City of Decorah, Iowa, Stormwater Ordinance,"

14. "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.

15. "Retention basin" means storm water management practice that captures storm water runoff, and does not directly discharge to a surface water body. Water that is "retained" is "discharged" from the basin either by infiltration or evaporation.

"The City of Dubuque, Iowa, Unified Building Code - Definitions,"

Retention Basin: a facility for the temporary storage of stormwater with a permanent water surface.

16. "Return frequency" means the statistic parameter that defines the average occurrence time for a storm of a given magnitude.

17. "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.

18. "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.

19. "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.

20. "Storm water management facilities" means a detention/retention basin and the associated appurtenances to make the system functional.

21. "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.

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

23. "Subdivision" – refer to Section 170.06(31) 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.

May storm water management practices be allowed if 20% green space is not maintained on commercial, industrial and manufacturing sites under two acres? - RMW

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/retention basin.

- B. Tributary to a privately or publicly owned detention/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/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.

No storm water management facilities are required if storm water runoff from a development, up to and including the 100-year storm, can be piped or conveyed in its entirety directly to the Wapsipinicon River without significant adverse impact to intervening properties. Similar waivers of storm water management requirements may be considered on other watersheds on a case-by- case basis.

102.05 MANAGEMENT PLAN DESIGN REQUIREMENTS.

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

1. Developments requiring storm water management shall be required to detain the difference between the 5-year pre-developed storm and the 100-year developed storm.

"The City of Decorah, Iowa, Stormwater Ordinance, 13.44.060"

Five-Year Design Storm Pre-Developed: The rate of 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. Refer to Section 13.144.030 for the definition of the pre-developed condition.

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/retention basin.

3. Regional storm water management facilities are encouraged. Wet 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/retention basins shall not exceed 3.5:1.

7. Provisions shall be made to keep the bottom of the 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/retention basins will be located with a 25-foot perimeter (subject to change) to establish and maintain a vegetative buffer. Ingress-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/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.

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

Matthew R. Schmitz

From: Kurt Barker <kurtb@wapsievalley.com>
Sent: Tuesday, June 24, 2025 7:50 PM
To: Matthew R. Schmitz
Cc: Ryan Nielsen; Mark Nielsen
Subject: Stormwater Detention Policy Comments
Attachments: Independence City Ordinance 2025-102 - Review Notes RMW (002).docx

Matthew,

Attached is the code with references I found in red that we believe has more detailed definitions and or design requirements. In the blue is additional comments from Ryan M Wicks of Fehr Gram and with his permission I have included his overall comments on the code below.

Another consideration is that we develop a management plan as it pertains to the regional or industrial campus. We can accomplish the same purpose of the storm water management ordinance if we consider that some of our “sites” as defined in the ordinance, or parcels, have a greater positive impact to storm water management verses another “site” within the same storm water system.

It would therefore be in all parties’ best interest if we were given credit when improving a site or dedicating a site for storm water detention beyond the need for a particular site, to be in a better position for future expansion planning. Some examples, we could add 12”+ of topsoil to the more than 20% of the greenspace of the administration building site and or we could lower the grade of our 10th street gravel lot to allow some flooding in a 10year rain events while also controlling the release, both examples would offset other drainage on the regional or industrial campus.

Another consideration is that any site under 2 acres and has a minimum 20% greenspace, doe does not require a storm water management plan. The greenspace could be further defined as simple acceptable green infrastructures that reduces runoff to traditional drainage systems, improves water quality, and enhances infiltration, some examples, green roofs, permeable pavements, and rain gardens.

<https://iowastormwater.org/green-infrastructure/>

Ryan M Wicks comments

Hello Kurt,

I reviewed the shared document and added a few comments (blue text in the attached document, see pages 2 and 4). Overall, the code, as currently used by Manchester and proposed by Independence, is sound and allows for site-specific review and consideration. On many projects, we have had site-specific conversations with the municipality and frequently convey alternatives to what is commonly assumed to be a large basin to meet code requirements. That doesn't mean there are major variances approved by the community, but items such as downstream improvements, use of infiltration or simply clearly defining the discharger rate based on the current condition vs. the proposed is helpful and determining the most practical solution.

A major function of stormwater management for any community is to protect the existing public from the impact of increased stormwater runoff, which is created as land is transformed from permeable to impermeable. An important part of the review and design process for all new and redevelopment projects is to assess the downstream systems and ensure that the proposed changes do not negatively impact the existing systems downstream.

As proposed, the code specifies releasing storm events from a new or redeveloped site at a maximum discharge rate equivalent to the 5-year predeveloped site conditions. This remains the most common requirement as it has been in place

for many communities for some time. A few communities we have worked with have allowed variations of this approach using the 10-year predeveloped maximum release rate or release rates not exceeding the existing discharge rate for a given event. I honestly would not recommend such a release rate to any of our municipalities.

Several communities are transitioning to the unified sizing criteria approach for stormwater management. <https://iowastormwater.org/stormwater-design/> This approach is not entirely different, but it does incorporate additional review of smaller events, infiltration, water quality, and stream protection.

Considerations for your site looking ahead will be related to an evaluation of the downstream stormwater system and the existing overflow route for large storm events. Based on our conversations and past reviews in the community, it is likely that the existing storm sewer does not have excess capacity, and the overland route may already have undesirable impacts. With that in mind, a proactive approach to review options and use a combination of on-site improvements and downstream system upgrades will likely be the best overall solution. As called out in the proposed code, the concept of directly running storm sewer to the river is a viable option and can be considered. We may find that the size of the storm sewer and impact on other properties to convey the 100-year event may be more costly than providing a combination of onsite detention and downstream improvements. Regarding on-site detention, it may be possible to utilize a portion of the gravel surfacing as a "detention basin" instead of taking an area out of use and creating a grass-bottom basin. With this approach, when extreme events occur, you will experience short-term flooding in the lot, but the location will not be taken out of use indefinitely. This is common with larger retail sites, as the parking lot is often designed as a large bowl with the low point further away from the building. The design depth of storage is relatively shallow to avoid damage to personal property. In your specific scenario, if the lot is being used for trailer storage or for turning movements, is it critical if there is 6 or 12 inches of water over a portion of the lot for a day or so every 5 or 10 years?

Big picture, it is important for the City to have a code of this nature to help protect its infrastructure and its citizens, and as long as there is room in the code to have sound conversations on best practices for both the developer and the City, there is a means to a sound solution.

I believe there is flexibility in the code as presented to work with the City to complete a review of your overall concept, review existing conditions, proposed conditions and the downstream capacity of the existing system and develop a plan with the City which meets your objectives and doesn't negatively impact the downstream land owners or the City's stormwater system.

Let me know if you have questions or would like to further discuss your overall plans. Big picture, stormwater management does require some review and evaluation, but the upfront design investment will reduce project construction cost and overall land use impact.

Thanks,

RYAN M. WICKS, PE | Principal
Fehr Graham | Engineering & Environmental

Thank you,

Kurt Barker
Kurtb@wapsievalley.com
Wapsie Valley Creamery, Inc.
PO Box 391
Independence, IA 50644-0391

319-334-7193 (phone)
319-334-4914 (fax)





CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Potential Code Revisions – Rights-of-Way

DISCUSSION:

As Staff has continued to engage with Mr. Jason Keninger related to the items he has placed in the City Right of Way, we recognized a desire to have additional conversations with the City Council about what could or should be allowed in the Right of Way.

Doug Herman, City Attorney, will be present to discuss with the Council the ramifications of allowing or disallowing items such as this within the City's Rights-of-Way.

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

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

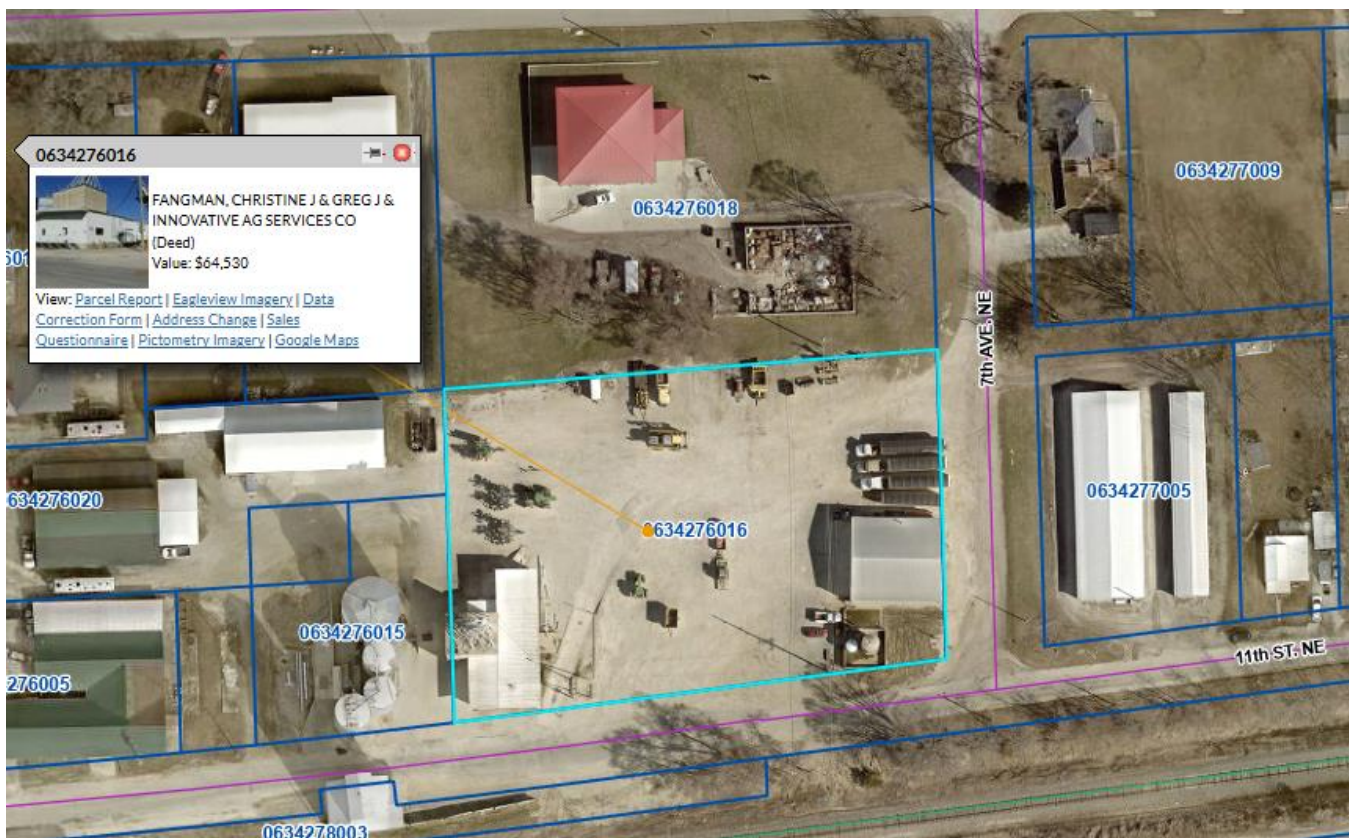
ITEM TITLE: Street Vacation – Innovative Ag

DISCUSSION:

Greg Fangman, owner of Innovative Ag, located at the Northwest corner of 11th St. NE and 7th Ave. NE. has asked for the Council to consider vacating both 11th St. NE and 7th Ave. NE adjacent to his property.

Staff would like to get feedback from the Council on if they would like to consider this or not.

Here is a Map of the area:



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

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Road Closures and Neighborhood Block Parties

DISCUSSION:

Staff would like to discuss with the Council the possibility of modifying the Independence Municipal Code (IMC) to accommodate road closures and neighborhood block parties.

An example code and event application from Norwalk, IA are included as a starting point.

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.

CLOSING PUBLIC THOROUGHFARES

| | |
|---------------------------------|-----------------------------|
| 141.01 Purpose | 141.04 Consent of Neighbors |
| 141.02 Street Closures | 141.05 Barricades Required |
| 141.03 Neighborhood Block Party | 141.06 Assumption of Risk |
| | 141.07 Violations |

141.01 PURPOSE.

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.

141.02 STREET CLOSURES.

1. Any not-for-profit organization desiring to exclusively use a major collector street including, but not limited to North Avenue, Main Street, Lakewood Drive, Wakonda Drive, Wright Road, Cherry Street/Parkway, Lexington Drive, Colonial Parkway, and Colonial Circle, 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 certain extraordinary community events, no individual or organization shall be allowed to make more than two applications for a street closure in any 12-month period.

3. A fee, as established in Chapter 177 of this Code of Ordinances, shall be submitted with each street closure permit application.

4. Street closures are limited to six (6) hours; 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. 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.

(Ord. 19-21 – Jan. 20 Supp.)

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.

141.03 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 kybos/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.

(Ord. 19-21 – Jan. 20 Supp.)

141.04 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 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.

141.05 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 is also recommended that the block party be held no less than one hundred (100) feet inside the barricaded area. If 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 can provide barricades if available. Arrangements must be made with the Community Services 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.

141.06 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.

141.07 VIOLATIONS.

In the event of the violation of the terms or a condition of the permit herein authorized, the City of Norwalk, Iowa, through its authorized agent, 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 Norwalk, Iowa, through its authorized personnel. The City shall not be held accountable or liable for any of its acts with reference to enforcement or attempted enforcement of this chapter.



City of Norwalk
705 North Ave.
Norwalk, IA 50211
Phone: 515-981-0228
Fax: 515-981-0933
Email: hollyj@norwalk.iowa.gov

Item #14.

EVENT APPLICATION

City of Norwalk Municipal Code

Chapter 125 Special Events; Chapter 141.02 Street Closures;

Chapter 141.03 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 kybos/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 Public Works Department at 515-981-9527 for pickup and return.
- 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
- 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 Norwalk 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.



City of Norwalk
705 North Ave.
Norwalk, IA 50211
Phone: 515-981-0228
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Email: hollyj@norwalk.iowa.gov

Item #14.

Event Type: ☐ Street Closure ☐ Neighborhood Block Party ☐ Special Event

Event Description: _____

Date of Event: _____

Address of Event: _____

Time of Event: Start: _____ End: _____ (limited to 6 hours - 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 Norwalk has the right to deny closure of certain streets.

Is Traffic Control Needed? YES NO

City Services Needed: _____

Contact Person: _____ Phone No: _____

Address: _____

Email: _____

Applicant Signature: _____ Date: _____

☐ Public Works approved _____

☐ Fire Department approved _____

☐ Police Department approved _____

☐ Parks & Recreation approved _____

☐ City Clerk approved _____



City of Norwalk
705 North Ave.
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Item #14.

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 Norwalk, 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 Norwalk has the right to deny closure of certain streets.

| Signature | Address | Date | Phone Number |
|-----------|---------|------|--------------|
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(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: _____



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Device Permits

DISCUSSION:

Staff would like to have a conversation with the Council about Device Permits, specifically whether they should be allowed or consistently denied.

For reference, a Device Permit refers to a Device Retailer Permit, which took effect on January 1, 2025. This is for businesses selling “devices” made wholly or partially of glass or metal that are designed for inhaling tobacco, hemp, or other plant materials. To legally display these devices, the retailer must ensure that the devices are not visible to anyone under 21 years of age and that individuals under 21 are not permitted to enter the area where these devices are displayed and sold. The Council recently voted to deny two renewals due to non-compliance with the law.

Several cities in Iowa have opted not to allow these devices, and as a result, they are not issuing permits. Manchester and Carroll have also declared they will not permit these devices.

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

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: City Hall Operating Hours

DISCUSSION:

Staff would like to discuss the possibility of adjusting the operational hours for the public-facing Administration and Building Departments located at City Hall. We would like to close City Hall to the public from 12:00 PM to 4:30 PM every Wednesday to provide a dedicated block of time for staff to complete essential tasks uninterrupted.

While I believe this administrative decision falls within the City Manager's role, I am committed to working closely in partnership with the City Council. To that end, I am sharing this plan to seek your feedback and opinions before making any decision about implementation. The change is intended to increase efficiency, improve the quality of our services, and ultimately better serve the residents of our community.

All other City departments and services will continue to operate at their regular hours.

Staff within the Administration and Building Departments at City Hall face numerous daily interruptions, including phone calls, walk-in inquiries, and other immediate demands. While we are committed to providing excellent customer service, constant context-switching makes it challenging to focus on complex projects, detailed reports, and other critical back-office functions that are essential to municipal operations.

By closing City Hall to the public for a half-day each week, we aim to increase productivity, as a dedicated block of uninterrupted work time will enable staff to focus on their core responsibilities, resulting in faster project completion and a higher volume of work processed. We also believe that this will improve accuracy by reducing distractions, allowing the team to give their undivided attention to detailed tasks, thereby reducing the likelihood of errors and ensuring a higher standard of quality in our work. Additionally, we believe this will enhance service delivery by completing essential background tasks more efficiently, allowing staff to be better prepared and more available to assist the public during our open hours, leading to a more positive and practical customer experience.

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

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: July 7, 2025

ITEM TITLE: Employee Handbook Updates

DISCUSSION:

Through conversations with the Employee Relations Committee, as well as internal review by HR and Administrative Staff, we have identified areas of the Handbook that need to be updated.

Changes to the handbook are highlighted in the attached file.

Of note, the following sections have been revised or modified:

1. Performance Reviews
 - a. Clarifying that all Full-Time and Permanent Part-Time Employees will receive yearly reviews.
2. Definition of Employee Status
 - a. Adding Permanent to the Part-Time definition.
 - b. Adding a new Seasonal Part-Time Employee definition.
3. Library Holiday Schedule
 - a. This was missed when we did the Vacation Update and should have been changed then.
4. Bereavement Leave
 - a. Change from 3 days to 5 days for the Employee's grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, or sister-in-law.
 - b. Change from 1 to 2 days for Firefighter's grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, or sister-in-law.
5. Sick Leave Benefit
 - a. Change to add illness or injury of a parent.
6. Pregnancy Workers Fairness Act and Lactation Policy
 - a. Added this new section.

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 of Independence Personnel Policy Handbook

Adopted
May 6, 2018
Amended
February 11, 2019
August 12, 2019
October 14, 2019
April 12, 2021
June 13, 2022
August 8, 2022
January 22, 2024
July 14, 2025

City of Independence

Employee Handbook

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Notice of Disclaimer: At-Will Employment

Your employment with the City is on an “at-will” basis. This means your employment may be terminated, voluntarily or involuntarily, at any time, with or without notice or cause. Nothing in the employee handbook or any other City document should be understood as creating guaranteed or continued employment, a right to termination only “for cause,” or of any other guarantee of continued benefits or employment. Only the hiring authority, the City Manager, has the authority to make promises or negotiate with regard to guaranteed or continued employment, and any such promises are only effective if placed in writing and signed by the hiring authority.

1.1 Welcome Statement, Applicability Statement, Disclaimer, and Employment Acknowledgment

Welcome to the City of Independence, Iowa. This handbook was written to describe and outline some of the City's policies, procedures, employment benefits, and other matters concerning your employment with the City. Some of the policies and benefits described in this handbook, such as the group health insurance plan, are covered in greater detail in official policy documents from the insurance carrier. You should refer to those documents for more information.

All City employees are covered by the policies in this Employee Handbook even if they do not qualify for benefits. For employees covered under a collective bargaining agreement, if this Employee Handbook conflicts with any provisions of the collective bargaining agreement, the collective bargaining agreement shall supersede the Employee Handbook.

1.2 General Employee Conduct

Public Relations

It is the responsibility of each employee when dealing with members of the public to act in a courteous, responsive, and prompt manner.

General Appearance

Employees are expected to maintain personal appearance and a level of personal hygiene and grooming that is considerate of other employees and projects an image which inspires the confidence of citizens and others with whom the employee must associate in the course of work. Employees are expected to begin each work day with a clean body and clean clothing. If a uniform is supplied by the City, the employee is required to wear the uniform.

2.1 Hiring and Orientation Policies

Equal Employment Opportunity/Non-Discrimination

The City is dedicated to equal employment and advancement opportunities. It is the City's policy to hire and promote individuals on the basis of their qualifications, interest and aptitude, and without unlawful regard to race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state or federal law. This policy applies to all terms, conditions, and privileges of employment, including but not limited to recruiting, hiring, training, transfers, promotions and benefits.

The City will not tolerate discrimination by or against any employee on the basis of race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by law. Employees of the City shall be free to join or refrain from joining any employee union or association. The City will not tolerate retaliation against any employee who, in good faith, reports discrimination or in good faith participates in an investigation regarding discrimination.

If an employee believes that he or she is subject to discrimination or retaliation, the employee should use the complaint procedure outlined in the City's policy in this Section below.

Policy Against Workplace Harassment/Sexual Harassment

Harassment, retaliation, coercion, interference, or intimidation of any employee because of that employee's race, religion, creed, color, sex, gender, gender identity, sexual orientation, pregnancy, age, national origin, disability, genetic information, or any other characteristic protected by local, state, or federal law ("harassing conduct"), is illegal and is strictly forbidden. Harassing conduct in the workplace includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts or words; and written or printed material that denigrates or shows hostility toward an individual or group made or posted in the workplace or in the course of employment for the City. Such harassing conduct is a prohibited form of discrimination under state and federal employment laws and is also considered misconduct subject to disciplinary action. The City will not tolerate harassment against any employee. The City will not tolerate retaliation against any employee who, in good faith, reports discrimination or in good faith participates in an investigation regarding discrimination.

If an employee believes that he or she is subject to harassment or retaliation, the employee should use the complaint procedure outlined in the City's policy in this Section, below.

This policy also includes sexual harassment, a form of harassment. Sexual harassment is illegal discrimination on the basis of sex. It can consist of unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual or harassing nature by supervisors, managers, co-workers, or others in the workplace. Sexual harassment exists when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the employee's employment;
2. Submission to or rejection of the conduct is used as the basis for decisions affecting the employee's employment; or
3. The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment may consist of a variety of behaviors, including, but not limited to the following examples:

1. Verbal conduct such as sexual innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, or threats;
2. Nonverbal or visual materials such as derogatory posters, photography, graffiti, cartoons, drawings, or gestures;
3. Physical conduct such as unwelcome touching, hugging, kissing, coerced sexual contact, or assault;
4. Threats or demands to submit to sexual requests in order to keep the employee's job or receive some job-related benefit; or
5. Retaliation for reporting or threatening to report harassment.

The City is committed to maintaining a workplace that is free of any such harassment, sexual or otherwise, and will not tolerate discrimination against employees, customers or guests. Harassment is prohibited under local, state and federal employment laws and is also considered misconduct subject to disciplinary action, up to and including termination. Immediate action will be taken to resolve complaints about discrimination and harassment. See the complaint procedure in this Section below.

Retaliation

Employees who make good faith claims of discrimination or harassment shall not be subjected to retaliation. Witnesses who, in good faith, participate in any investigation regarding discrimination or harassment, shall not be subjected to retaliation. Retaliation is punishing an employee by demoting them, terminating them, or changing their work conditions in a material way. The City shall not tolerate retaliation. Claims of retaliation should be brought to the attention of the employee's department head and/or the City Manager pursuant to the Complaint procedures below. If an employee reports retaliation to his or her supervisor, the supervisor shall immediately notify the City Manager.

Investigation of a complaint normally will include interviewing the parties involved and any named or apparent witnesses. All employees are expected to cooperate with an investigation. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint under this policy, participating in an investigation, or filing a complaint with a state or federal agency.

Any employee determined after investigation to have retaliated against another employee will be subject to appropriate disciplinary procedures depending upon the severity of the behavior, up to and including termination.

Complaint Procedure for Claims of Discrimination, Harassment, and Retaliation

Any employee who feels he or she is being subjected to unlawful discrimination, harassment and/or retaliation should immediately contact one of the persons listed

below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. Employee's Supervisor
2. City Manager
3. Mayor

The employee should be prepared to provide the following information:

1. Employee's name, department and position title.
2. Name of the person or persons committing the unlawful conduct.
3. Date(s) and approximate time(s) of the unlawful conduct.
4. The specific nature of the unlawful conduct, how long it has gone on, and any employment action (demotion, failure to promote, termination, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against him/her as a result of the harassment.
5. Witnesses to the unlawful conduct, if any.
6. Whether the employee has previously reported such unlawful conduct and, if so, when and to whom.

After receiving a complaint about unlawful discrimination, harassment and/or retaliation, the person receiving the complaint shall document the complaint in writing. The employee shall sign the written complaint attesting to the accuracy and truthfulness of the incident. All information disclosed in the complaint procedure will be held and will be disclosed only on a need-to-know basis in order to investigate and resolve the matter.

Investigation of Claims of Discrimination

It is the City Manager's responsibility to coordinate the investigation of unlawful discrimination, harassment and/or retaliation complaints. If the City Manager is the subject of the complaint, the Mayor shall coordinate the investigation. The following procedures shall apply to the investigation of such complaints:

1. The person to whom the complaint is made shall immediately present it in writing to the City Manager;
2. The City Manager shall name an impartial investigator who shall promptly begin the investigation;
3. The investigator shall meet with the complainant and the respondent, as well as any witnesses who may assist in the investigation;
4. The investigator shall notify the respondent of the allegations against them unless immediate notification would jeopardize the investigation or result in a safety concern;
5. The respondent shall be given appropriate opportunity to refute the allegation and present information and/or witnesses on their behalf.

6. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by all persons interviewed about the unlawful conduct;
7. Based upon the investigative report, the City Manager shall determine whether the respondent's conduct constituted unlawful discrimination, harassment and/or retaliation. In making that determination, the City Manager shall look at the record as a whole and the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred. The City Manager shall use the preponderance of the evidence standard in determining whether the complaint about the unlawful conduct is substantiated or not substantiated;
8. If the City Manager determines the complaint is substantiated, he or she shall determine the appropriate disciplinary measures depending upon the nature and severity of the behavior, up to and including termination of employment. The City Manager shall take appropriate measures intended to not only discipline the offender, but which are reasonably calculated to prevent further discrimination, harassment or retaliation in the future.
9. This determination shall include whether a supervisory relationship exists and any other factors the City Manager believes relate to fair and efficient administration of the City, including the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the City. Upon the conclusion of the investigation, the City Manager shall notify the complainant and respondent of the determination (substantiated or not substantiated.) If any disciplinary measures are implemented, they are confidential personnel matters which shall not be disclosed to any employees. The City Manager shall notify the complainant and respondent that retaliation will not be tolerated and that if the complainant experiences retaliatory conduct, he or she should report it to the City Manager or their supervisor.
10. Upon the conclusion of the investigation, the City Manager shall notify the witnesses that the matter has concluded, and that if they experience retaliatory conduct to promptly report it to the City Manager or their supervisor.
11. If the City Manager determines after reviewing the investigation report that the complainant did not make the complaint in good faith or otherwise falsified the complaint, the City Manager shall determine the appropriate disciplinary measures depending upon the nature and severity of the behavior, up to and including termination of employment.

Disability Accommodation

If an applicant or employee has or believes he or she has a disability as defined by the Americans with Disabilities Act as Amended (ADAAA), and the disability requires a reasonable accommodation for the applicant or employee to perform his or her essential job functions, the applicant or employee should notify the City with that information. In compliance with the ADAAA, the City will engage in the interactive process with qualified applicants or employees with disabilities to determine if a reasonable accommodation

exists that will allow the applicant/employee to perform his or her essential job functions. The City encourages applicants or employees to raise any issues implicating the ADAAA with his or her immediate Supervisor or the City Manager. All information regarding employees' disabilities and/or medical information shall be kept in a separate confidential medical file for the employee.

2.2 Orientation Period

The orientation period shall be regarded as an integral part of the examination process to observe the employee's work and to secure the most effective adjustment of the new employee to his or her position.

The initial orientation period shall extend for 180 days.

An employee must obtain an overall evaluation rating of satisfactory or better at the completion of the orientation period in order to obtain regular employment status.

2.3 Proof of Employability

To comply with the Immigration Reform and Control Act of 1986, the City requires all employees to present documented proof of identity and eligibility to work in the United States. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly re-hired employees must also complete the form if the employee has not previously filed an I-9 with the City, or if their previous I-9 is more than three years old or is no longer valid. At the time the form is completed, employees must show the original copies of two forms of legal identification such as driver's license, Social Security card, Birth Certificate, or an Immigration and Naturalization "green" card.

2.4 Physical Examinations

The City may require an applicant to submit to a job-related physical examination by a physician designated by the employer and at the employer's expense, or the prospective employee's physician at the prospective employee's expense if the employee requests to see his or her own physician. The physical examination shall occur after the applicant has been offered a position, but before the applicant starts work if the physical examination is required of all entering employees in the classification. The results of the examination will be kept in a confidential separate medical file.

Additionally, the City may require that an employee be examined by a qualified and licensed physician or other appropriate medical professional selected by the City if there is any question concerning an employee's fitness for duty or fitness to return to duty following a layoff or leave of absence. Following the examination, the employee shall provide a written statement from the physician indicating that the employee is capable

of performing the essential functions of the employee's job with or without reasonable accommodations or is capable of performing the essential functions of another job, which is open/available and for which the employee is qualified, with or without reasonable accommodations.

2.5 Employment of Relatives

It is the City's policy to hire the best-qualified person available for each position. Relatives of current employees are eligible for employment with the City subject to limitations of state law governing the employment of relatives of public officials and employees and the terms of this policy. To avoid the appearance of favoritism and difficulties in administering discipline, the City will not hire, appoint, transfer, promote, or otherwise place an individual in a position that involves the direct supervision of or by a family member. For purposes of this policy, "family member" includes the individual's spouse, child, step-child, foster child, mother, father, sister, brother, father-in-law, mother-in-law, sister-in-law, brother-in-law, step-mother, step-father, foster parent, step-sister, step-brother, grandparent, grandchild, great-grandchild, niece, nephew, aunt, uncle, great aunt, or great uncle.

If a supervisory relationship between family members is created by the marriage of two employees, the two employees will be given the option of deciding who will transfer, if possible, or who will terminate employment. If the decision cannot be made by the two employees in a timely manner, length of service in the department will be the deciding factor and the least senior employee will be transferred if possible. Otherwise, the employment of the least senior employee will be terminated.

This policy applies to all City departments and all categories of employment, including full-time, part-time, and temporary classifications.

2.6 VACANT

2.7 Employee Access to Personnel Files

Personnel files are property of the City. The City Clerk, or his or her designee, shall maintain personnel files in a secure location on each employee. These files contain job-related information including performance appraisals, disciplinary records, and some beneficiary designations. Any information contained in the files will be released only as required by law, if the employee makes a written request for the City to release the information, or to a Councilmember, City Manager, or Department Head in accordance with this policy. The City will release information relating to dates of employment, job description, salary, and such other information as may be required pursuant to Iowa Code Chapter 22. The City will release any information relating to the results of federally required drug tests in accordance with the applicable law.

To assure that City records are current, employees should notify their department head whenever there are any changes in the employee's home address, telephone number, marital status, emergency contact, beneficiary designations, and number of dependents. As stated in Section 91B.1 of the Iowa Code, an employee shall have access to and shall be permitted to obtain a copy of the employee's personnel file maintained by the City, including but not limited to performance evaluations, disciplinary records, and other information concerning employer-employee relations.

However, an employee's access to a personnel file is subject to all of the following:

1. The City Manager and employee shall agree on the time the employee may have access to the employee's personnel file and a representative of the City may be present.
2. An employee shall not have access to employment references written for the employee.
3. The City may charge a reasonable fee for each page of a copy made for an employee of an item in the employee's personnel file. For purposes of this subsection, "reasonable fee" means an amount equivalent to an amount charged per page for copies made by a commercial copying business.

In the event the City Manager is unavailable to respond to a request for access to personnel files and such absence is reasonably anticipated to exist for 48 hours or more the City Clerk shall, consistent with the terms of this policy, have authority to take action in the place of the City Manager. In the event the City Clerk shall take action in the place of the City Manager pursuant to the terms of this policy, the City Clerk shall take the following additional actions:

1. The City Clerk shall file with the Mayor and City Council written notice of the date and time that action has been taken in the place of the City Manager. Such notice shall state the circumstance of the absence of the City Manager.
2. The City Clerk shall prepare a summary report to the City Manager indicating who requested access to the personnel files and what files were provided to the request.

Department Heads may obtain information from the personnel files only on employees within their respective departments. The City Council may request personnel records be provided for review by the entire Council without the consent of the employee when it is a business necessity and for legitimate employment-related reasons. Care shall be taken to protect the privacy rights of all persons mentioned in the records at any meeting, whether closed or public. Any Councilmember or Department Head seeking to review a confidential personnel record of a City employee shall provide reasonable prior written notice of the request to the City Manager. Upon providing such notice to the City Manager, the Councilmember or Department Head shall be permitted, during normal business hours, to review the confidential personnel records of the City employee listed on the written request. The City Manager may be present during the review of personnel

records and shall inventory the file prior to any authorized review of the file. Confidential personnel records or any portion of confidential personnel records shall not be removed from City Hall. Copies of confidential personnel records shall not be made by anyone, except for an employee obtaining information from his or her own file, or except for use by the City in a matter involving the employee. A record of the time and date of the authorized review of the confidential personnel file shall be maintained by the City Manager.

2.8 References

The City will release only non-confidential public information as defined by Iowa Code Section 22.7. The City will release any information relating to the results of federally required drug tests in accordance with the applicable law.

2.9 Job Posting

Whenever a position becomes available, a notice of such opening will be posted at each Department's Employee Bulletin Board for at least ten (10) days before the deadline for submitting applications for the position. Notice shall also be posted externally including, but not limited to, Iowa Workforce Development. The notice will contain the position title, a brief job description, and minimum hiring specifications.

Application forms are available from City Hall and shall be submitted to the appropriate individual outlined in the job posting. Applicants, including current employees, shall be considered on the basis of ability, performance, experience, training, aptitude, length of service, veteran status, and other job-related qualifications.

2.10 Termination of Employment

An employee shall provide written notice to the City Manager or Mayor at least two (2) weeks before the effective date of an employee's resignation/retirement. Employees giving notice of a resignation/retirement may be granted vacation leave during his or her final two (2) weeks of employment at the discretion of the Department Head/City Manager/Library Board. An employee who fails to give two weeks' notice of retirement/resignation shall not be permitted to use his or her vacation leave during the final two-week period. An employee who utilizes sick leave during his or her final two (2) weeks of employment shall be required to provide satisfactory proof of illness, which may include a physician's statement or other evidence.

Employment records will reflect the last day worked as the date of termination regardless of the amount of notice approved. The employee will receive pay through the last day worked. Employees shall report to City Hall during the final two weeks for exit processing, benefit plan continuation, or other related items. City property issued to an employee must be returned at the time the employee terminates employment.

If an employee resigns or is otherwise terminated after completing one year of service and has given his or her two (2) week notice, he or she will be paid for unused, earned vacation.

Employer paid health, dental, and life insurance coverage shall terminate the last day of the month worked. When applicable, the option to continue health insurance coverage under C.O.B.R.A. shall be offered.

2.11 Performance Reviews

All full time employees and permanent part-time employees shall receive, at least once per year, a performance review which will objectively assess their performance and accomplishments relative to the job description. Performance reviews for each employee shall be completed by the Department Head. Annual reviews may occur either by the employee's anniversary date or in January. The timing of the reviews is at the discretion of the Department Head.

Standardized forms will be used to record all formal performance reviews. These records will be used to help determine potential salary increases and other personnel actions.

All employees must be given the opportunity to review and make copies of performance reviews. Employees are encouraged to include written comments on the review, if appropriate. Employees who disagree with reviews are encouraged to discuss areas of disagreement with their Department Head. Employees must sign and date their performance review after all comments have been noted.

Performance reviews become a permanent part of the employee's personnel file. Performance reviews shall be confidential and may only be released to a third party with the prior, written approval of the employee.

2.12 Inclement Weather

In the event of inclement weather, employees who choose not to report to work shall be required to provide notice to their immediate supervisor prior to the start of their scheduled shift and shall be required to use vacation, compensatory, or casual leave for work missed. If the employee has no vacation, compensatory, or casual leave available, the time off shall be taken as unpaid leave.

3.1 Definition of Employee Status

“Full-time employee” means an employee hired to work the City’s normal full-time forty (40) hour work week on a regular basis. Such employees may be exempt or nonexempt under the Fair Labor Standards Act (FLSA) as described below.

“Permanent Part-time employee” means an employee hired to work fewer than thirty (30) hours per week on a regular basis. Such employees may be exempt or nonexempt under the Fair Labor Standards Act (FLSA) as defined below. Part-time employees are not eligible for any benefits described in this handbook, unless otherwise indicated in this handbook or required by law.¹

“Seasonal Part-time employee” means an employee hired to work fewer than thirty (30) hours per week on a temporary basis who continues to work for the City at the completion of a specific assignment on a part-time basis. Such employees may be exempt or nonexempt under the Fair Labor Standards Act (FLSA) as defined below. Part-time employees are not eligible for any benefits described in this handbook, unless otherwise indicated in this handbook or required by law.²

“Temporary or seasonal employee” means an employee engaged to work full-time or part-time on the City payroll with the understanding that his or her employment will be terminated no later than upon completion of a specific assignment. Temporary or seasonal employees are not eligible for any benefits described in this handbook, unless otherwise indicated in this handbook or required by law.

¹ The City does not employ any employees who are regularly scheduled to work between 31 and 39 hours in a week, however, the City reserves the right to assign any employee to work those hours on occasion when operational needs require.

² The City does not employ any employees who are regularly scheduled to work between 31 and 39 hours in a week, however, the City reserves the right to assign any employee to work those hours on occasion when operational needs require.

“Exempt employee” means an employee who is not eligible to receive overtime in accordance with the Fair Labor Standards Act (FLSA) for work performed beyond forty (40) hours in a work week.

“Nonexempt employee” means an employee who is required to be paid at the rate of time and one-half (1.5) his or her regular rate for all hours worked beyond forty (40) hours in a work week in accordance with the FLSA.

3.2 Hours of Work

Work Hours

Full-time nonexempt employees normally work forty (40) hours per week. Full-time nonexempt employees normally receive an unpaid meal period during the middle of the workday.

When a Public Works employee works four (4) hours beyond the normal workday, the employee shall be entitled to a one-half (1/2) hour lunch break, which shall be taken during the additional four (4) hours work, and which one-half (1/2) hour shall be paid by the City at the employee's overtime rate, however, the employee shall bear the cost of his or her meal.

Daily and weekly work schedules are set by Department Heads and should generally follow the employee's job description. The employees daily and weekly work schedules may be changed at the discretion of the City to meet varying conditions and workload. Changes in work schedules will be announced as far in advance as possible.

Recording Work Hours

Employees must accurately record his or her hours worked for each pay period on a form or platform provided by the City. This form must be given to the appropriate Department Head or Supervisor who will submit it to City Hall at the end of each pay period. If an employee fails to record or submit his or her time, the employee shall be subject to discipline up to and including termination.

Payday

The work week for payroll purposes shall begin at 12:00 A.M. (midnight) on Sunday and end at 11:59 P.M. on the following Saturday or when the shift for that Saturday ends if after 11:59 p.m.

Employees are normally paid by the beginning of business hours every other Friday. If a regular payday falls on a holiday, employees will be paid on the first business day prior to the holiday.

All required deductions, including those for state and federal taxes and all authorized voluntary deductions, including health insurance contributions, will be automatically withheld from an employee's paycheck.

Overtime/Compensatory Time and Out-of-Shift Work Time

All nonexempt employees (See Definition of Employee Status), will receive compensation for approved overtime worked at the rate of time and one-half (1.5) for each hour worked over forty (40) hours in the work week. The fire department will receive compensation for approved overtime worked at the rate of time and one-half (1.5) for each hour worked over one hundred six (106) hours in a two-week period. The employee will need to note on his or her time sheet if he or she wants overtime pay or compensatory time.

Paid leaves, holidays, or any other paid non-work time shall not be counted as work time for purposes of determining overtime.

All overtime must be approved by the appropriate Department Head/Supervisor and/or the City Manager, except in emergency situations. If an employee works overtime in a non-emergency situation without authorization, he or she may be disciplined up to and including termination.

Call Out

Full-time nonexempt employees, excluding employees of the fire department, who return to work outside of his or her scheduled shift shall be paid a minimum of two hours at the rate of time and one-half (1.5), except on Sundays in which it shall be double (2) time. The employee will need to note on his or her timesheet if he or she wants overtime pay or compensatory time. However, if an employee is on site and asked to begin work up to one half hour early, the two-hour minimum shall not apply. A weekend begins for all employees outside of the regularly scheduled hours. While work outside of an employee's scheduled shift is not overtime until the employee meets the overtime hours threshold outlined above, the employee will be entitled to take compensatory time for any work outside of the employee's scheduled shift at the same rate he or she is entitled to receive as pay for said work. Once the employee has met the overtime hours threshold outlined above, the regular overtime rules apply.

Compensatory time may be accumulated to a maximum of forty (40) hours for full-time nonexempt employees. Compensatory time for full-time fire department employees may be accumulated to a maximum of forty-eight (48) hours. Hours worked in excess of these maximums will be paid.

An employee shall be permitted to use compensatory time at his or her discretion as such use does not unduly disrupt the operations of the City as long as the increments chosen meet with departmental approval.

Payment for accrued compensatory time upon termination of employment shall be calculated at the final regular rate of pay received by the employee.

3.3 Longevity Pay

Full-time employees shall be paid longevity on the basis of the following chart after completion of 4 years of service. This longevity pay is in addition to the employee's regular wages and will be effective and paid commencing with the first pay period following entitlement based upon the full-time employee's individual anniversary date of full-time employment. Longevity rates shall be applied as follows and will be paid bi-weekly. (Monthly amount multiplied by twelve. That amount is then divided by the number of pay periods for the year. This amount is what will be paid bi-weekly.)

| <u>On Date of Anniversary</u> | <u>Monthly Amount</u> |
|-------------------------------|-----------------------|
| 4 Years | \$25.00 |
| 8 Years | \$40.00 |
| 12 Years | \$55.00 |
| 16 Years | \$70.00 |
| 20 Years | \$85.00 |
| 24 Years | \$100.00 |
| 28 Years | \$115.00 |
| 32 Years | \$130.00 |

4.1 Holidays

Holidays Observed

The City, with the exception of library employees, will observe the following holiday schedule:

| | | | |
|-----------------|---------|-------------------------------|---------|
| New Year's Day | 8 Hours | Veterans' Day | 8 Hours |
| Presidents' Day | 8 Hours | Thanksgiving Day | 8 Hours |
| Good Friday | 8 Hours | Friday after Thanksgiving Day | 8 Hours |
| Memorial Day | 8 Hours | Christmas Eve Day | 8 Hours |
| Fourth of July | 8 Hours | Christmas Day | 8 Hours |
| Labor Day | 8 Hours | One-half day, December 31 | 4 Hours |

Library – Library employees will observe the following holiday schedule:

| | | | |
|-----------------|---------|-------------------------------|---------|
| New Year's Day | 8 Hours | Veterans' Day | 8 Hours |
| Presidents' Day | 8 Hours | Thanksgiving Day | 8 Hours |
| Good Friday | 8 Hours | Friday after Thanksgiving Day | 8 Hours |
| Memorial Day | 8 Hours | Christmas Eve Day | 8 Hours |
| Fourth of July | 8 Hours | Christmas Day | 8 Hours |
| Labor Day | 8 Hours | One-half day, December 31 | 4 Hours |

Full-time library staff will receive 1 days (8 hours) of floating holiday.

Pay for Holidays Not Worked

Full-time employees who do not work on a holiday listed above will receive "holiday pay" computed at one time his or her hourly wage rate. "Holiday pay" is the amount a full-

time employee would have received for working on the holiday, not an amount in addition to regular pay.

Pay for Holidays Worked

Depending on the services provided by an employee's department, he or she may be required to work on a holiday. Full-time employees who work on a holiday, except for the floating holiday, will receive double (2) time the employee's hourly wage rate for hours worked on the holiday and holiday pay.

Part-time employees who work on a holiday will receive straight time for the hours worked and no holiday pay.

Holidays falling on a Saturday or Sunday

Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the following Monday. However, employees whose normal schedule includes weekends will observe the actual holiday.

Eligibility for Holiday Pay

To be eligible for holiday pay, he or she must work his or her regularly scheduled hours or be on approved paid leave (including FMLA leave running concurrent with another paid leave), the workday preceding and the workday following the holiday.

Excused Absence Before or After Holiday

If an employee is absent due to jury service on the day before or after a holiday, you must present proof of jury service satisfactory to the City in order to be eligible for holiday pay.

Holidays During Paid Leave

If a holiday falls during your vacation or any period of approved paid leave, it will be counted as a holiday and will not be deducted from his or her accumulated vacation or other accumulated paid leave.

Holidays During Unpaid Leave

Employees on an unpaid leave of absence at the time a holiday occurs will not be paid for the holiday.

Fire Department

Full-time nonexempt firefighters will receive four (4) floating holidays (4 x 24=96 Hours) as they are required to work on the following listed holidays:

| | |
|-----------------|---------------------------|
| New Year's Day | Veterans' Day |
| Presidents' Day | Thanksgiving Day |
| Good Friday | Friday after Thanksgiving |
| Memorial Day | Christmas Eve Day |
| Fourth of July | Christmas Day |
| Labor Day | One-half day, December 31 |
| Easter Sunday | |

He or she will be paid double time for hours worked if he or she works the actual holiday listed. It will be his or her choice if he or she is paid out or if he or she will bank half of his or her time worked (example: work 16 hours – paid for 16 hours and 16 hours is put in compensatory time or 16 hours double time the hourly rate). The employee will need to mark this on his or her timesheet.

All Holidays and floating holidays, for all departments are given by calendar year and must be used in a calendar year.

4.2 Vacation

The City of Independence values our staff and their well-being. To that end, we require that every employee takes a minimum of one week of vacation per year (40 hours) to prevent burnout. This time away does not need to be consecutive.

Accrual Rates

Vacation leave shall be earned and accrued from the most recent day of employment per the charts below. All requests for vacation leave are subject to supervisor approval. Employees will accrue vacation leave during their first six (6) months of employment; however, they are not permitted to use any during this time. Subsequently, if the employee terminates his or her employment with the City before the completion of the first six (6) months of employment, he or she will not be paid for any accrued vacation leave.

Full-time employees (Non-Union) shall accrue annual leave in the following manner:

| | Per Pay Period (26 Pay Periods Per Year) | Per Year |
|--|---|----------|
| | | |

| Years of Service | Hours | Days | Hours | Days |
|------------------------------|-------|--------|--------|--------|
| 1st – 4th Year (Group 1)* | 3.08 | 0.385 | 80.08 | 10.01 |
| 5th – 9th Year (Group 2) | 4.00 | 0.500 | 104.00 | 13.000 |
| 10th – 14th Year (Group 3) | 4.62 | 0.5775 | 120.12 | 15.015 |
| 15th – 19th Year (Group 4) | 5.54 | 0.6925 | 144.04 | 18.005 |
| 20th – 24th Year (Group 5) | 6.16 | 0.77 | 160.16 | 20.02 |
| 25th Year & Beyond (Group 6) | 7.70 | 0.9625 | 200.20 | 25.025 |

* Denotes that during the first 6 months of employment, vacation will be accrued, but none may be used by the employee.

Full-time firefighter employees (Non-Union) shall accrue annual leave in the following manner:

| | Per Pay Period (26 Pay Periods Per Year) | | Per Year | |
|------------------------------|---|---------|----------|----------|
| Years of Service | Hours | Days | Hours | Days |
| 1st – 4th Year (Group 1)* | 4.62 | 0.19250 | 120.12 | 5.00500 |
| 5th – 9th Year (Group 2) | 5.54 | 0.23083 | 144.04 | 6.00166 |
| 10th – 14th Year (Group 3) | 6.47 | 0.26958 | 168.22 | 7.00917 |
| 15th – 19th Year (Group 4) | 7.39 | 0.30792 | 192.14 | 8.00583 |
| 20th – 24th Year (Group 5) | 9.24 | 0.38500 | 240.24 | 10.01000 |
| 25th Year & Beyond (Group 6) | 11.08 | 0.46167 | 288.08 | 12.00333 |

* Denotes that during the first 6 months of employment, vacation will be accrued, but none may be used by the employee.

Union Employees shall accrue vacation according to their collective bargaining agreement.

For purposes of this policy, “length of continuous service” shall mean an employee’s length of continuous service with the City of Independence since the employee’s most recent full-time date of hire.

Scheduling Vacation

Vacations may be taken as weekly periods or as individual days, as long as the increments chosen meet with the supervisor’s approval. Vacation requests for five (5) days or more must be

communicated to the Department Head and/or City Manager at least forty-eight (48) hours before the start of the vacation period. Vacation requests for less than five (5) days must be communicated to the Department Head and/or City Manager as soon as possible. Vacation preferences are subject to staffing requirements as determined by the City. All vacation requests may be denied by the Department Head and/or City Manager based on workload demands or other work-related reasons.

Carryover

Carryover from the prior calendar year shall be limited to the maximum accrual amount that the employee is eligible for each year – based on the groups identified in the accrual charts above, minus the required vacation use outlined at the beginning of Section 4.2. For example, a Full-Time employee currently in Group 3 would be eligible to carry over 80.12 hours. A Full-Time Firefighter currently in Group 3 would be eligible to carry over 128.22 hours. If extenuating circumstances exist, the City Manager may allow for more carryover, but the employee must make an effort to utilize any excess vacation carried over during the first three months of the following year.

Vacation Pay Upon Termination

If employment with the City is terminated, either voluntarily or involuntarily, for any reason during the first six months of employment, no vacation is due upon termination. If employment is terminated for any reason after the first six months of service, the employee will be paid for any unused earned vacation at their current pay rate.

Accrual of Vacation During Unpaid Leaves

Vacation will not accrue during unpaid leaves of absence of thirty (30) calendar days or longer.

4.3 Casual Days

Eligibility

Full-time employees who have completed their Orientation Period (180 days) and are actively employed are eligible for two (2) paid casual days (16 hours) per anniversary year. Full-time nonexempt firefighters will receive two (2) paid casual days (48 hours) per anniversary year.

Scheduling Casual Days

Requests for casual days are subject to staffing requirements as determined by the City as long as the increments chosen meets with departmental approval. All casual day

requests may be denied by the immediate Department Head/Supervisor and/or City Manager based upon workload demands or other work-related reasons.

Carryover

All casual days must be taken during the employee's anniversary year. There is no carryover of unused casual days from one year to the next. If you do not use your casual days for the year, they are forfeited and unpaid.

Pay Upon Termination

If employment with the City is terminated for any reason, either voluntary or involuntary, after the Orientation Period, the employee shall not be compensated for any accrued, unused casual days.

4.4 Family and Medical Leave of Absence Policy

It is the City's policy to provide unpaid family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA). This policy provides general information about which employers are covered by the FMLA, when employees are eligible and entitled to take FMLA leave, and what rules apply when employees take FMLA leave. Whether a particular situation is covered by the FMLA depends on whether the law's requirements have been met, not on whether an employee actually requests FMLA leave. The City will designate leave as FMLA leave if the employee is eligible for FMLA leave and if the law's other requirements are satisfied, even if the employee has not requested FMLA leave. If it is found that any provision of this policy conflicts with state or federal law, including federal FMLA law, the law shall supersede this policy.

General Provisions

For purposes of this policy:

- "Child" means son or daughter under 18 years of age, or a child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual daily responsibility for care and includes a biological, adopted, foster or step-child.
- "Parent" does not include parents-in-law.
- "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves:
 1. an overnight stay in a hospital, hospice, or residential medical care facility;
 2. a period of incapacity that requires absence from work for more than three consecutive calendar days AND involves either two or more treatments by a healthcare provider, or at least one treatment by a healthcare provider plus a regimen of continuing treatment;

3. any period of incapacity due to pregnancy or for prenatal care;
 4. a chronic serious health condition that results in periods of incapacity and sometimes requires treatment;
 5. permanent or long-term conditions which require medical supervision; or
 6. multiple treatments and recovery therefrom.
- “Spouse” means a husband or wife in a marriage or in a common law marriage. Spouse does not include an unmarried domestic partner.
 - The “12-month period” during which the leave entitlement occurs is designated as the 12-month period measured forward from the first date of the leave.

Married employees:

If an employee and his or her spouse are both employed by the City, and are both eligible for family and medical leave, the employee and his or her spouse will be limited to a combined total of twelve weeks of family and medical leave a year taken for any one or all of the following reasons: birth of a child or to care for the child after birth; placement of a child with the employee for adoption or foster care, or to care for the child after placement; or to care for the employee’s parent with a serious health condition. This limitation does not apply in cases of leave to care for the serious health condition of an employee’s spouse or child, or because of an employee’s own serious health condition.

Qualifying Uses for FMLA:

Eligible employees may use FMLA for one or more of the following reasons:

1. Birth of a child, to care for a newborn child, and/or placement of a child with the employee for adoption or foster care.
2. To care for an immediate family member (spouse, child, or parent) with a serious health condition.
3. To care for their own serious health condition (such a condition makes the employee unable to perform essential job functions).
4. Qualifying Exigency Leave: Eligible employees may take up to 12 weeks of FMLA leave to handle exigencies related to a family member's active duty military service or call to active duty, which means leave to deal with child care, financial or legal arrangements due to deployment, leave to address issues arising from the death of his or her covered service member, or leave to spend time with a covered service member who is on short-term temporary rest and recuperation leave during deployment, among other things; and
5. Covered Service Member Family Leave: Eligible employees may take up to 26 weeks of FMLA leave to care for a spouse, son, daughter, parent or next of kin who has a serious injury or illness incurred in the line of active duty in the United States Armed Forces.

Eligibility Requirements:

To be eligible for family and medical leave, you must have (1) worked for the City for at least twelve (12) months, (2) worked for at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave; and (3) worked at a location where the City has at least fifty (50) employees within seventy-five (75) miles. Only eligible employees are entitled to take FMLA leave.

How and When Leave May Be Taken:

Family and medical leave is taken either in consecutive workweeks; intermittently in separate blocks of time; or by reducing the number of days you work per week, or hours per day.

Duration of FMLA: Eligible employees may receive up to twelve (12) weeks of FMLA within a rolling twelve-month period, measuring backward from the date leave is requested. Spouses working for the City are entitled to a combined twelve weeks in a twelve-month period, unless the leave is for a serious health condition of either spouse. FMLA for the birth or placement of a child for adoption or foster care must be concluded within twelve months of the birth or placement of the child.

Intermittent/Reduced Schedule Leave: Intermittent or reduced schedule leave may be taken when medically necessary to care for your spouse, child, or parent with a serious health condition, or because of your own serious health condition. Intermittent or reduced schedule leave may be taken in as small as one-quarter hour increments. You must provide the City with medical certification of the need for intermittent or reduced schedule leave and must attempt to schedule your intermittent or reduced schedule leave so as not to disrupt City operations. You may be transferred temporarily to an alternative position or schedule, with equivalent pay and benefits to the employee's current position, which better accommodates the intermittent leave or reduced schedule.

Notice Requirements:

If an employee's leave is foreseeable, the employee must notify the City Clerk Staff at least thirty (30) days in advance in writing using the proper form to request family medical leave. If circumstances require that the leave begin in less than 30 days, you must notify the City Clerk Staff as soon as is practicable.

Any leave for a serious health condition, whether for the employee or for the employee's child, spouse, parent, or covered service member, will require medical certification. Medical certification forms are available from the City Clerk Staff. Certification will include the date of onset, the probable duration, type of treatment, and other appropriate medical facts concerning the condition. If you are seeking leave for your own health condition, the certification must also state that you are unable to perform the functions of your position. For leave to care for a family member, the certification must state that you are needed to care for the family member, and an estimate of the amount of time

you will be needing. Other certification requirements apply in the case of intermittent or reduced schedule leave. The City may request a second or third opinion of a medical certification at the City's expense. Periodic re-certification at the company's expense may also be required. Medical certifications, if requested, must be provided within fifteen (15) calendar days of the request, unless special permission is received from the City Clerk Staff.

Employees will be required to periodically check in with the City Manager or his or her designee during their leave to keep the City apprised of their status and intent to return to work.

Confidentiality regarding an employee's request for FMLA will be maintained except for return-to-work information or required information to ensure safety. FMLA files are considered medical records and will be kept separate from the personnel file. Certification will include the date of onset, the probable duration, type of treatment and other appropriate medical facts concerning the condition. If an employee is seeking leave for his or her own health condition, the certification must also state that the employee is unable to perform the essential functions of his or her position. For leave to care for a family member, the certification must state that the employee is needed to care for the family member, and an estimate of the amount of leave time the employee will need. Other certification requirements apply in the case of intermittent or reduced schedule leave.

The City reserves the right to require an employee to provide recertification for the need for leave, depending on the amount of leave required.

Fitness for duty medical certification may also be required when an employee is returning to work after leave for his or her own serious health condition.

The City reserves the right to require a copy of the covered service member's active duty orders or other documentation issued by the military which indicates the service member is on active duty or called to active duty status and the dates of the covered service member's active duty service. This information need only be provided to the City once.

Use of Paid Leave (as amended February 11, 2019):

The City requires employees to use paid leave concurrently with their family and medical leave as follows: An employee must use any accrued but unused sick leave, vacation, and personal days for as much of the portion of the twelve-week FMLA leave as employee's accrued paid leave allows. When an employee has used all required paid leave, the balance of the FMLA leave will be without pay.

An employee may request to use his or her balance of compensatory time for a FMLA reason. If the City permits the compensatory time to be used, the absence which is paid

from the employee's accrued compensatory time account will not be counted against the employee's FMLA entitlement

Rights and Benefits during Leave:

Longevity, sick leave and vacation will accrue only during periods of paid leave. The City Manager may make an exception in writing to this section for a leave not exceeding ten workdays.

All benefits which an employee had accrued before taking leave will be retained after returning from an approved FMLA leave, if not depleted during the leave. While an employee is on family or medical leave, paid or unpaid, the City will maintain your group health insurance coverage at the same level and under the same conditions that coverage would have been provided had you continued working. You will be required to continue to pay your contribution to the premium on the same schedule as payments are made under COBRA. It is the employee's responsibility to make arrangements with the City to ensure that the employee's portion of the health insurance premium is paid. Loss of insurance coverage may occur if the employee is more than thirty days late with payment of the premium. If the City pays any of the employee's share of the premium while the employee is on leave the employee shall be required to reimburse the City. The City shall be authorized to withhold the amount of the insurance premium owed to the City from the employee's paycheck pursuant to Iowa Code Chapter 91A.

If an employee does not return from FMLA, the City reserves the right, in its discretion, to recover the employer portion of premiums it has paid to maintain the employee's health coverage.

Return from FMLA: Employees using FMLA for their own serious health condition will be required to provide medical certification of release to full duty before they will be permitted to return to work. If the employee can perform the essential functions of his or her job, the employee will be restored to his or her former position, if that position is vacant, or one with equivalent pay, benefits and conditions of employment, provided the employee has complied with the requirements of this policy. If an employee's healthcare provider states that the employee may return to work, but that he or she has certain restrictions which limit the employee's ability to perform certain essential job functions, then such work restrictions shall be analyzed with respect to the essential functions in order to determine whether or not a reasonable accommodation is possible.

Exhaustion of FMLA: If an employee fails to return to work after exhaustion of his or her 12 weeks of FMLA, that staff person's employment may be terminated. If any employee informs the City that he or she does not intend to return after FMLA that will be considered that employee's resignation.

Other Provisions: Salaried executive, administrative, and professional employees of covered employers, who meet the Fair Labor Standards Act (FLSA) criteria for exemption

from minimum wage and overtime under the FLSA regulations, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exemption to the “salary basis” requirements for FLSA’s exemption extends only to an eligible employee’s use of FMLA leave.

Dishonesty: Any deliberate misrepresentation resulting in the misuse of FMLA leave will subject employees to disciplinary action, up to and including termination.

Enforcement: It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit the Federal Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

4.5 Military Leave (USERRA)

The City will grant leaves of absence for military service to full-time and part-time regular employees with applicable state and federal laws. A Full-time or part-time regular employee who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave for the period of service. This leave shall be without loss of pay for the first thirty (30) calendar days of the leave. You are entitled to thirty (30) calendar days of paid leave for military service per calendar year. Any amount of military leave taken during any part of an employee’s scheduled workday, regardless of the number of hours taken, shall count as one day toward the thirty (30) calendar days without loss of pay. Absences required for military service that exceed thirty (30) calendar days shall be granted in accordance with the City’s policies on vacation, compensatory time, or unpaid leave, and with applicable state and federal law.

Your eligibility for re-employment with the City after you complete military service will be determined in accordance with applicable state and federal law. Conditions for reemployment are briefly explained as follows:

1. You, or an appropriate officer of the uniformed service in which you serve, must give advance written or verbal notice of your service to your immediate supervisor, unless military necessity prevents you from giving notice or it is otherwise impossible or unreasonable;
2. The cumulative length of the absence and all previous absences from your employment with the City for reason of military service must not exceed five (5) years, except in certain instances as required by law;
3. Your discharge from military service must be honorable; and
4. When you return from military service, you must report to work or submit a timely application for re-employment according to the following schedule:

For service of less than 31 days you must report to work by the beginning of your first regularly scheduled work day that would fall eight hours after you return home, however you shall be permitted travel time and an eight-hour rest period. For service of 31 to 180 days you must apply for reemployment within 14 days after completing service. For service of 181 days or more you must apply for reemployment no later than 90 days after completing service.

Employees on leave for military service and any of their dependents entitled to coverage under the City's health insurance plan are entitled to coverage as follows:

1. An employee that leaves employment for less than 31 days is entitled to continued health insurance coverage and will not be required to pay more than what an active employee would pay for coverage.
2. An employee that leaves employment for more than 30 days is allowed to elect to receive continued coverage under the City's health insurance plan for up to 24 months following separation from employment or until the employee's reemployment rights expire, whichever event occurs first. The City may require the employee to pay up to 102% of the premium under this circumstance.

4.6 Bereavement Leave

Paid Leave

Full-time employees will be granted a leave with pay in the event of a death in the family. IPERS eligible employees will be granted a leave with pay in the event of a death in the family that reflects their scheduled work hours when on leave. The following guidelines apply:

- Up to five (5) working days (40 hours) in the event of the death of the employee's or spouses', spouse, father, mother, step-parent, child, step-child, brother, sister, grandchild, or grandparent.
- Up to one (1) working day (8 hours) in the event of the death of the employee's step-sister, step-brother, foster child, foster parent, niece, nephew, aunt or uncle or for any funeral in which the employee is serving as pallbearer (not honorary).

Fire Department

Full-time nonexempt employees will be granted a leave with pay in the event of a death in the family according to the following guidelines:

- Up to two (2) working days (48 hours) in the event of the death of the employee's or spouses', spouse, father, mother, step-parent, child, step-child, brother, sister, grandchild, or grandparent.
- Up to one (1) working day (24 hours) in the event of the death of the employee's, step-sister, step-brother, foster child, foster parent, niece, nephew, aunt, or uncle or for any funeral in which the employee is serving as pallbearer (not honorary).

Part-time employees will be granted a leave with pay in the event of a death in the family that reflects their scheduled work hours when on leave.

If a death in an employee's family occurs, the employee is asked to notify his or her Department Head/Supervisor and/or the City Manager as to the expected length of his or her absence. Funeral leave is not compensable when the employee is on approved leave of absence including but not limited to sick leave, vacation, compensatory time, or layoff.

Unpaid Leave

Any employee may request an unpaid leave to attend the funeral of a relative or friend, subject to the approval of the Department Head/Supervisor and/or City Manager.

4.7 Jury and Witness Duty

All employees required to report for jury duty during his or her regularly scheduled work hours shall receive a paid leave of absence for the time spent on jury duty.

Employees subpoenaed to appear as a witness in a civil or criminal proceeding in which that employee is not directly involved as a plaintiff or defendant shall be granted a leave without pay. Employees who must appear as a witness in a civil or criminal proceeding in which he or she is directly involved as a plaintiff or defendant may be eligible for an unpaid leave of absence under Section 4.9 of this handbook. Employees involved in legal action adverse to the City shall not receive witness duty pay.

Hours spent by any employee in any job-related legal proceeding at the direction of the City shall be considered to be work time. Prior approval to attend the job-related legal proceeding must be received from the City Manager or Mayor. If a disagreement arises between the employee and the City Manager or Mayor, the decision of the City Manager is final.

All employees summoned to jury duty will submit a copy of the summons to his or her Supervisor within two working days after receiving the summons. All employees on jury duty are expected to promptly return to work when released from service, either temporarily or permanently, if more than two (2) hours of his or her regularly scheduled work shift remains.

When leave for jury duty is paid leave, the City will continue an employee's regular salary, but he or she must submit certification of the number of hours spent in jury service and assign any compensation he or she receives in connection with such duty, less any reimbursement for travel or meal expenses, to the City.

4.8 Voting Leave

The City encourages all employees to fulfill his or her civic responsibilities and to vote in all official public elections. Generally, an employee's working hours are such that he or she will have ample time to cast his or her vote before or after working hours. However, if he or she does not have three consecutive nonworking hours between the opening and closing of polls in which to vote, he or she may submit a written request to his or her Department Head/Supervisor and/or City Manager as soon as possible before the election for paid time off of up to three hours to vote. An employee's supervisor will designate and notify him/her of the time he or she will be allowed to vote.

4.9 Unpaid Leaves of Absence

Unpaid leaves of absence may be granted in certain circumstances. If an employee has exhausted all vacation, sick, casual days and compensatory time, he or she may request an unpaid leave of absence. Approval of unpaid leave is at the discretion of the City except for bereavement leave. Generally, the City shall not allow an unpaid leave to be longer than 90 days as such a leave would cause the City an undue hardship, however, the City will review any requests for unpaid leave as a reasonable accommodation under the Americans with Disabilities Act as Amended on a case-by-case basis.

During an unpaid leave granted under this section, an employee does not receive compensation and does not accrue seniority or vacation (see Section 4.2). The City does not make contributions to retirement programs for the duration of the leave.

If an employee participates in the City's group health insurance program, the City will continue to pay its portion for the first week of unpaid leave in a calendar year. For unpaid leaves in excess of one week (5 working days) in a calendar year, if he or she is eligible to participate in the City's group health insurance program, he or she may continue to participate during an unpaid leave under this section by paying the full cost of the premium by the 25th of the month for the following month's coverage. Failure to pay the premium in a timely manner will result in termination of coverage.

An employee's coverage for the Life Insurance & Accidental Death & Dismemberment and Long-Term Disability will continue until the end of the following month in which the leave of absence began.

If an employee plans to return to work following an unpaid leave taken under this section, he or she must notify his or her Department Head/Supervisor and/or the City Manager before the end of his or her leave. The City will attempt to restore him/her to the position he or she held at the start of the leave, or in a comparable position, if possible. If no such position is available, his or her employment will be terminated.

4.10 Sick Leave Benefit

Eligibility

All eligible full-time employees may accrue paid sick leave for periods of temporary absences due to illnesses or injuries. Eligible full-time employees may use sick leave benefits for an absence due to the following:

- the employee's own illness or injury,
- the illness or injury of a dependent family member,
- the illness or injury of a parent,
- the illness or injury of a family member that resides in the employee's household.

Use of Sick Leave Benefits

Sick leave increments chosen will need to meet with departmental approval. Sick leave is in no way to be construed as additional vacation time. Sick leave shall not be granted unless the Department Head/Supervisor, City Manager, or the Mayor has been notified. Failure to provide such notification will result in the employee being considered absent without leave. Leave without pay will not be granted for illness or injury if the employee has any sick leave credit. Provided accrued sick leave benefits have been exhausted, earned vacation time, casual days, and earned compensation time may be used for sick leave absence.

When Coverage Begins

Sick leave benefits for an eligible full-time employee are effective on the first day of the month following the date of hire.

When Coverage Ends

Sick leave benefits are intended solely to provide protection in the event of illness or injury and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while he or she is employed or upon either voluntary or involuntary termination of employment.

Accrual

Eligible full-time employees will accrue sick leave benefits at the rate of twelve (12) days (96 hours) per year (1 day for every full month of service) for the first year of service. Eligible full-time employees will accrue sick leave benefits at the rate of twenty-four (24) days (192 hours) per year (2 days for every full month of service) for each year of service thereafter. Full-time firefighters will accrue sick leave benefits at the rate of twelve (12) days (288 hours) per year (1 day for every full month of service) for the first year of service. Eligible full-time firefighters will accrue sick leave benefits at the rate of twenty-four (24) days (576 hours) per year (2 days for every full month of service) for each year of service thereafter. Part-time employees shall not be eligible for sick leave benefits. Sick leave shall not accrue while an employee is utilizing one (1) of the following leaves for more than thirty (30) consecutive calendar days: an unpaid leave of absence, a work-related leave for which the employee is being compensated by the City's worker's compensation insurance company or for any unpaid disciplinary suspension.

Pay for Sick Leave

In the event of sickness or injury, the employee will receive straight time pay for each work day that he or she is sick to the extent of his or her earned sick leave credit, but no more sick benefit per week than employee's normal work week.

Unused Sick Leave

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of one hundred fifty (150) days (1200 hours) worth of sick leave benefits. If the employee benefit reaches this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Return to Work from Sick Leave

In order for an employee who has been on sick leave for three (3) consecutive days to return to work, a doctor's certificate may, upon the Department Head/Supervisor's and/or City Managers request, be required.

Termination of Employment

Employees whose employment is terminated with the City, either voluntarily or involuntarily, shall forfeit all accrued and unused sick leave hours.

All City employees upon reaching retirement age and in good standing, will be reimbursed ten percent (10%) of his or her unused accumulated sick leave at the employee's current straight time rate upon retirement.

4.11 Pregnancy Workers Fairness Act

Pregnancy Accommodations: The City will provide reasonable accommodations to a qualified employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. Employees seeking an accommodation shall notify their supervisor of the known condition the employee seeks an accommodation for. The employee shall then meet with their supervisor to engage in an interactive process regarding possible reasonable accommodations. All accommodations shall be determined through the interactive process. Employees shall not be required to take leave, paid or unpaid, if another reasonable accommodation exists. Temporary assignments and/or light duty may be provided if available. Temporary assignments and/or light duty assignments may be assigned outside of the employee's regular department and may result in change of schedule and work hours, but will not exceed employee's regularly scheduled hours within a pay period. A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges or conditions of employment because of that pregnancy, childbirth, or related medical condition.

Pregnancy/Maternity/Paternity Leaves: As required by the Iowa Civil Rights Act, an employee who is disabled because of the employee's pregnancy, childbirth, or related medical conditions will be granted an unpaid leave of absence during the period of the disability up to a maximum of eight weeks. There is no minimum service requirement to use this leave. If there is a reasonable accommodation available other than leave that allows the employee to perform the employee's essential job functions, the City shall not require the employee to take leave.

An employee who wishes to use this leave must provide timely notice of the period of leave requested. Leave must be approved by the City in order for it to qualify as pregnancy leave. The City shall require medical certification verifying that the employee's disability results from pregnancy and that the employee is not able to reasonably perform the duties of employment.

An employee on an approved pregnancy or childbirth leave of absence may use accumulated sick leave, personal leave, vacation leave, holiday leave during the leave. Employees may elect to use compensatory time if they wish to do so. If short term disability benefits are available to the employee, the employee may supplement such leave with vacation or personal time. After accumulated sick and vacation leave has been used, the balance of the employee's absence shall be without pay. If an employee's leave is unpaid the employee shall make arrangements with the City to pay the employee's portion of the employee's insurance premiums.

Employees seeking time off for a serious health condition related to pregnancy and/or birth and bonding following the birth, placement or adoption of a child should refer to the City's FMLA policy. If an employee's use of pregnancy leave also qualifies for the Family and Medical Leave, as described above, the leave will be counted against the employee's entitlement for both purposes.

5.1 Group Health and Dental Insurance Benefits

Eligibility of Full-Time Employees

All eligible full-time employees may participate in the City's group health and/or dental insurance programs. The eligible employee electing to participate will be required to make a contribution to the cost of the health and/or dental insurance program(s). Eligible dependents of full-time employees may also participate in the City's group health and/or dental insurance program(s). Employees who desire to cover his or her dependent(s) under the plan(s) will be required to pay a portion of the cost for the dependent premium(s).

Employee Single Contribution shall be 10% of the discounted group health insurance premium rate, increase not to exceed \$10.00 monthly per year.

Employee family contribution shall be 10% of the total discounted group health insurance premium rate, increase not to exceed \$20.00 monthly per year and total payment not to be less than \$140.00 per month.

Employee's contribution to be deducted from wage payment preceding the premium due date.

When Coverage Begins

Coverage for eligible employees and his or her dependents is effective on the first day of the month following the employee's date of hire. The insurance program(s), coverage and eligibility will be subject to all terms and conditions of the contracts with the insurance carriers selected by the City. Details of the plans are explained in the City group health and dental insurance plan booklets.

When Coverage Ends

Insurance coverage terminates the last day of the month of the last day worked. Please review the policy set forth in this handbook regarding continuing health insurance benefits after termination of employment.

Life Insurance & Accidental Death & Dismemberment

The City shall maintain a group term life insurance policy in the face amount of twenty-five thousand dollars (\$25,000) for all full-time employees. Beneficiary for such policy shall be as named by the employee.

Long-Term Disability

The City shall maintain a Long-Term Disability Income Protection Insurance policy for all full-time employees.

5.2 Continuation of Medical Coverage

Continuation Coverage Under Iowa Code, Chapter 509A

Employees who retire from City employment before age 65 are eligible to continue in the City's health insurance plan up to age 65. Coverage must be continuous meaning the employee must elect the same coverage at retirement and the retired employee must pay the full cost of the premium. For purposes of this section, a retired employee is one who has applied for and is receiving a retirement allowance.

Continuation Coverage Under Iowa Code, Chapter 509B

If an employee resigns or his or her employment is otherwise terminated, or if he or she is on a permanent or temporary layoff or approved leave of absence, and consequently the employee or his or her dependents are no longer eligible to participate in the group health insurance plans offered by the City, the employee and his or her eligible dependents may have the right to continue to participate for up to eighteen (18) months at the employee's (or his or her dependents') expense.

If the employee or his or her eligible dependents elect to continue in the group health insurance plan, he or she will be charged the applicable premium. Failure to make timely payments may result in termination of coverage.

City Hall will contact the employee concerning these options at the time of termination, layoff, or an approved leave of absence occurs. City Hall will contact the employee's qualified beneficiaries in the event of an employee's death. However, in the event that an employee becomes divorced or an employee's marriage is annulled, the employee and/or his or her dependents are responsible for contacting City Hall to discuss continuation of rights.

5.3 Worker's Compensation

To provide for payment of your medical expenses and partial salary continuation in the event of a work-related injury or illness, you are covered by workers' compensation insurance. The amount and duration of benefits payable depend on the nature of your injury or illness. If you are injured on the job, you must notify your Department Head and the Safety Director immediately. Within twenty-four (24) hours of the injury, you, your

Department Head, and/or the Safety Director must report the injury to the City Clerk so that injury reports required by state law can be completed. Failure to report such an injury shall result in discipline up to and including termination. An employee injured at work may be requested to consult with a physician approved by the City.

An employee shall return to work when the physician states he or she is able to do so. Prior to being allowed to return to work, the employee shall provide a written statement from a physician indicating that the employee is released to return to work and is capable of performing all the duties of his or her position.

During work related injury leave as validated, the City shall pay the employee's group and life insurance premiums provided by the employer and sick leave shall continue to accrue for a maximum of six months or when declared by competent medical authority, approved by the City Manager, to be unable to work or permanently disabled. Upon such a declaration, the employee shall be entitled to be paid for accrued sick leave and vacation leave.

At the employee's written request, the City may supplement Iowa Workmen's Compensation payments. The goal of this policy is to allow employees receiving workmen's compensation to be paid a supplemental amount to bring their total compensation as close as reasonably possible to the regular time take home pay they would have earned on the job. All supplemental payments will be charged against the employees' accumulated sick or vacation leave, first using the employee's sick leave and then the employee's vacation leave. This supplemental payment will be made once, after the employee returns to work in order to reduce the extra bookwork associated with this process. In a situation where the employee will be off of work for an extended period of time, the City Manager may allow exceptions to the one-time supplemental payment policy.

Light Duty Policy

Definitions:

- Light duty: limited and/or modified duty assignments which excuse an employee from performing some or all of the essential job functions in their position or in another position with or without a reasonable accommodation for a temporary period of time in order to permit the employee to continue working and earning pay during their period of recovery/recuperation from a mental or physical impairment (including pregnancy and/or child birth related conditions). Light duty shall not continue indefinitely. Light duty shall not be provided for permanent impairments which impact the employee's ability to perform some or all of the essential functions of his or her job with or without a reasonable accommodation. Instead, when an impairment becomes permanent, the City and the employee shall discuss, through the interactive process, whether the employee's permanent impairment is a disability as defined by the Iowa Civil Rights Act or the Americans

with Disabilities Act as amended and whether reasonable accommodations that do not present an undue burden can be implemented.

- Temporary disability: a mental or physical impairment or impairments (including pregnancy and/or child birth related conditions) which results in temporary physical limitations/restrictions certified by the employee's health care provider which temporarily impact the employee's ability to perform the essential functions of his or her position as set forth in the job description.
- Temporary: Lasting for a limited period of time. An interim measure, which is not permanent. However, this term will be defined on a case by case basis depending upon the availability of light duty, the anticipated length of time needed for the light duty, and the creation of any undue burden on the City's operations and its employees.

Policy:

The City is committed to encouraging employees to return to work when their health care provider certifies that they are physically and mentally able to perform some or all of the essential job functions of their position or in another position. This permits the employee to continue working and earning pay; accruing benefits; avoiding loss of sick leave; and avoiding expiration of any applicable leaves of absence.

Accordingly, if an employee with a temporary disability as defined above requests light duty and if light duty is available within the employee's limitations and restrictions certified by his or her health care provider, the City shall offer temporary light duty to the employee. The City shall provide the light duty offer using the City's form found in Attachment A.

Light duty shall extend only for the temporary period the light duty is available and the temporary period during which the employee's health care provider certifies the need. Light duty is not applicable to permanent impairments (see definitions). Employees shall remain in regular communication with the City regarding their status and need for light duty. Employees shall provide all health care provider status updates or changes to the City in writing.

All temporary light duty requests shall be made in writing, using the form in Attachment A and attaching the requesting employee's health care provider's written certification of the need for temporary light duty with an express and detailed explanation of the limitations/restrictions on employee's mental or physical abilities, and in relation to employee's essential job functions and the time period for the light duty if known. Employees shall deliver the light duty request to their supervisor with a copy to the City Manager. The City shall provide the written offer of light duty to employee and his or her supervisor.

If an employee believes that an offer of light duty does not comply with the employee's job restrictions, the employee shall notify the City using the Attachment A. The Employer shall then evaluate the employee's concerns and either (1) modify the offer of light duty;

(2) revoke the offer of light duty; or (3) communicate to the employee that the offer stands unchanged because it complies with the employee's work restrictions. If an employee fails to report to work when the employee has been ordered to return to a light duty position that complies with the employee's work restrictions, the employee shall be disciplined up to and including termination.

All materials related to requests for light duty, health care providers' written communications and the offer of light duty shall be kept in the employee's confidential medical file.

5.4 Voluntary Payroll Deductions

Employees interested in setting up a payroll deduction shall inform City Hall in writing. The employee must give his or her signed authorization pursuant to Iowa Code Chapter 91A prior to any authorizations being allowed.

Eligible employees interested in participating in the additional 457 (b) retirement plan will receive a City match of up to one thousand dollars (\$1,000) each calendar year.

5.5 Social Media Policy

The City of Independence understands that social media can be a fun and rewarding way to share an employee's life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist in making responsible decisions about an employee's use of social media, the City has established these guidelines for appropriate use of social media. This policy applies to ALL employees who work for the City of Independence.

Definitions:

- Posting: any writing, image, video, download, audio file, and hyperlink to other websites, or media which is downloaded, referenced, inserted, or placed upon any social media site.
- Social media or site: includes, but is not limited to, electronic communication through which users create online communities to share information, ideas, personal messages, photographs, videos, and other content. Examples of the types of social networking sites covered by this policy include, but are not limited to: blogs, LinkedIn, Facebook, Google+, Twitter, YouTube, Instagram, Pinterest, Snapchat, YikYak, photo and video sharing sites, micro-blogging, podcasts, wikis, news sites, as well as viewable comments posted on Internet sites. This policy is not meant to address only certain forms of social media, but rather social media

in general as advances in technology will occur and new tools will emerge that are also expected to be used in accordance with this policy.

Guidelines

All City employees are expected to use City computers, tablets, mobile phones, computer applications and programs, internet resources and network communications in a responsible, professional, ethical, and lawful manner always. This includes use of all social media utilizing these devices. Employees should be aware that all content, including social media, on these devices is not private and the employer could access any information saved to, accessed by, created on, transmitted on, downloaded to, exchanged over, or discussed on these devices, including social media, at any time. Consequently, employees have no reasonable expectation of privacy when engaging in these activities and employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone.

In addition, employees are expected to follow all other City policies with regard to their use of social media. Any employee who violates this policy may be subject to disciplinary action up to and including termination.

The same principles and guidelines found in City policies and these basic beliefs apply to an employee's activities online. Ultimately, an employee is solely responsible for what he or she posts online. The employee may be personally responsible for any litigation that may arise should he or she make unlawful defamatory, slanderous, or libelous statements.

Know and Follow the Rules

Carefully read this handbook in its entirety and ensure an employee's postings are consistent with these policies. Postings that include unlawful discriminatory remarks, harassment (as defined by our discrimination/harassment/retaliation policies), and threats of violence or other unlawful conduct will not be tolerated and may subject an employee to disciplinary action up to and including termination.

City-Sponsored Sites:

- The City's social media are limited public forums. The sites are not an editorial page or blog for visitors and they are subject to the commenting restrictions listed below in this policy. The City does not intend by its social media sites to create or allow the creation of an unlimited public forum for the public to post comments of any kind.
- The establishment and use by any City department of City social media sites are subject to approval by the City Manager. At the time such site is approved, the City Manager must determine who will be responsible for developing this site including establishing an administrative profile, designating who will have

authority for speaking on behalf of the City, and who will keep the site up to date, including answering questions in a timely manner.

- City social media accounts will only become affiliated with (i.e., “like,” “follow,” etc.) another social media page if it is related to official City business, services, and events. The City Manager shall have the final determination if another social media page is related to official City business, services, and events.
- Wherever possible, City social media sites should link back to the official City website for forms, documents, online services, and other information necessary to conduct business with the City.
 - The City Manager or his or her designee will monitor the City’s social media accounts to ensure that the social media cites further the City’s policies, interests, and goals.
 - Comments containing any of the following inappropriate forms of content will not be allowed on the City’s social media sites and are subject to removal by the City:
 - Comments unrelated to the original topic;
 - Comments that are obscene, vulgar, or profane;
 - Content that promotes, fosters or perpetuates discrimination of any protected class under local, state, or federal law;
 - Defamatory or personal attacks;
 - Threats to any person or organization;
 - Comments in support of, or in opposition to, any political campaigns or ballot measures;
 - Solicitation of commerce, including but not limited to advertising of any business or product for sale;
 - Conduct in violation of any federal, state or local law;
 - Encouragement of illegal activity;
 - Information that may tend to compromise the safety or security of the public or public systems; or
 - Content that violates a legal ownership interest, such as a copyright.
 - Comments that are threatening in nature will be forwarded as appropriate to law enforcement.
 - The City reserves the right to restrict or remove any content that is deemed in violation of City policy, including this policy, or applicable law. Any content removed based on these guidelines must be retained by the City Manager or his or her designee for a minimum of 90 days, including the time, date, and identity of the poster, when available.
 - Comments posted by the public on the City’s social media site express the opinions of the commentators or posters. Such comments do not necessarily reflect the opinions or policies of the City, and the publication of such comments does not imply endorsement or agreement by the City.
 - The City is not responsible for and has no control over the accuracy, subject matter, content, information or graphics when viewing links attached to its social media sites. The City also does not endorse any organizations sponsoring linked websites or the views or products they offer.

- The City is not liable for the content of postings by individuals employed by the City or third parties not affiliated with the City on any City social media sites.
- The City reserves the right to deny access to its social media site for any individual who violates the City's policies or the law at any time and without prior notice. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable local, state or federal law.
- The City's website at <http://www.independenceia.gov> will remain the City's primary and predominant Internet presence.
- Employees representing the City via social media accounts must conduct themselves at all times as representatives of the City and must identify themselves as representatives of the City when doing so. Employees that fail to identify themselves and/or conduct themselves in an appropriate manner shall be subject to discipline up to and including dismissal.

Employees' Personal Use of Social Media:

- Employees should limit their use of social media during working hours or on equipment provide by the City unless such use is work-related or authorized by a supervisor. Employees shall not use City-provided e-mail addresses to register on social networks, blogs or other websites for personal use. Employees should note that this provision is not meant to prohibit employees from engaging in concerted protected activity where prohibited by law.
- Employees may not, unless expressly authorized in writing, make statements on behalf of the City on the employee's social media accounts. If an employee wishes to make a work-related statement on his or her social media, the employee should consider including a disclaimer indicating that the opinions are the employee's personal opinions not the opinion of the City.
- Employees shall not use City-provided email accounts to sign up for or access social media unless expressly authorized to do so by the employee's supervisor.
- Employees shall have no expectation of privacy if they access their social media using City e-mail, City networks, City servers, City devices, and/or any other City resources when accessing social media.
- Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment with the City unless expressly authorized. In addition, employees are expected to respect the privacy of their co-workers and citizens and must take steps to protect the privacy and confidentiality of others.
- Employees are not to use the City's intellectual property such as trademarks, logos, letterhead, *etc.* when posting on social media or in any other actions, unless expressly authorized in writing. This includes posting pictures of yourself or others wearing City uniforms or other apparel bearing the City's name or logo.
- Employees are not allowed to use photographs or other depictions related to City business, including as discussed in the paragraph above, unless expressly authorized in writing. This includes, but is not limited to posting, transmitting,

and/or disseminating any photographs or videos of City training, activities, or work-related assignments.

- Employees shall not post material that is abusive, obscene, libelous, threatening, profane or otherwise inappropriate about the City, its employees, or citizens.
- Employees shall not post material that may be construed to be discriminatory, harassing, or retaliatory under local, state, or federal law about the City, its employees, or citizens.
- Nothing in this policy is intended to infringe upon any employee's legitimate First Amendment rights and employees are free to express themselves as private citizens on social media sites. The intent of this policy is to prevent employees from engaging in unlawful speech, improperly impairing the working relationships of this City, impeding the performance of City duties and/or negatively affecting the public perception of the City. As public employees, employees are cautioned that speech made pursuant to an employee's official duties is not protected speech under the First Amendment and may form the basis for discipline.

Honesty and Accuracy

An employee should understand that honesty and accuracy are important when posting information or news, especially such information or news concerning the City, and that it is good practice to correct a mistake quickly, an employee may want to be open about any previous posts he or she has altered. Remember that the Internet archives almost everything; therefore, even deleted postings often can be searched.

Respect of Transparency

Respect copyright, trademark, and similar laws and use such protected information in compliance with applicable legal standards.

Media Contacts

All media inquiries for official City responses should be directed to the City Manager. Employees should not speak to the media for official responses on the City's behalf without contacting the City Manager.

Open Records

The City's social media sites may be considered public records under Iowa Public Records laws. If requested, the City may be compelled to disclose public records to third party requestors. The City in its sole discretion shall determine whether postings on its social media websites are public records and whether exemptions from disclosure apply.

For More Information

If an employee has questions or needs further guidance, please contact the City Manager.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment, or to restrain employees in exercising any other right protected by law. Employees have the right to engage in or refrain from such activities.

Employees who violate this policy shall be subject to discipline up to and including termination.

6.1 Work Rules and Discipline

In order to maintain safe, efficient, and harmonious operations, and to continue to provide the highest standard of public service, the City has adopted the following rules. Each rule reflects a common understanding of what behavior is acceptable in the workplace.

These rules can be modified by the City as changing conditions warrant. The City may take whatever disciplinary action it deems appropriate in response to an offense, even if it is not included in the following list. An employee must understand that any offense, whether or not it is included in these work rules, may result in disciplinary action, up to and including discharge, without prior warning.

The City expects an employee's complete cooperation in observing these rules which have been designed for the City's common protection and benefit.

Work Rules

While it is not possible to list all the offenses for which an employee will be disciplined, the following are examples of inappropriate, unacceptable conduct:

- Unsatisfactory work performance (i.e., inefficiency, misuse of company time, incompetence, negligence)
- Dishonesty and/or lying, including falsifying employment or other job-related records.
- Violating the City's policy against workplace harassment, discrimination, or retaliation of any kind.
- Establishing an unacceptable pattern of tardiness or absenteeism.
- Engaging in excessive, unnecessary, or unauthorized use of City property or supplies, particularly for personal use.
- Consuming, having unauthorized possession of, or being under the influence of intoxicants, narcotics, controlled substances, or other non-medically prescribed drugs during the work day, including lunch or break periods, on or off City premises.
- Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs.

- Bringing or using alcoholic beverages on City property or using alcoholic beverages while engaged in City business off of City premises.
- Fighting or using obscene, abusive, or threatening language.
- Stealing, willfully destroying or unauthorized use or alteration of property of co-workers, customers, clients, or the City.
- Disregarding smoking, safety, or security regulations.
- Being non-cooperative with assigned employees, co-workers, supervisors, or managers.
- Failing to follow City job instruction or to perform work requested by a supervisor or manager.
- Violating a City safety rule or practice or creating or contributing to unsafe, unhealthy, or unsanitary conditions.
- Failing to maintain confidentiality of City, employee, client, patient, or customer information.
- Having unauthorized weapons, knives, explosives, or firearms on City premises or while on City business.
- Violation of any employee requirements in the Employee Handbook.
- Unauthorized copying of City records.
- Refusal to work without good reason when called in for emergency situations.
- Sleeping, or giving the impression of sleeping during work hours.
- Fighting, physically assaulting an individual, or disorderly, subversive, immoral, or indecent conduct.
- Failing to notify an employee's supervisor in advance of an absence from work, including arriving late or leaving early.
- Making untruthful or malicious statements about fellow employees.
- Threatening, coercing, or intimidating fellow employees or others.
- Working on personal projects or carrying on secondary employment, including sales, on company time.
- Modifying another employee's timecard without authorization from the appropriate supervisor or asking another employee to modify your timecard.
- Gambling on City property.
- Soliciting monetary contributions or distributing non-work materials without proper permission of the City Manager.
- Discourteous treatment of any kind to members of the public.
- Failure to report an occupational injury.
- Failure to keep necessary certifications and credentials.
- Failure to maintain necessary licenses and insurability, either from accidents both on and/or off the job.

All violations of the above stated work rules, or other City policies, rules, procedures or expectations, must be reported to the employee's Department Head/Supervisor or to the City Manager.

Discipline

If the employee's performance, work habits, attitude, or demeanor becomes unsatisfactory in the judgment of the City, based on violations of either the rules listed above, or other City policies, rules, procedures, or expectations, an employee will be subject to disciplinary action, up to and including termination. Certain offenses can be corrected using progressive discipline. Situations that the City believes will respond to corrective discipline will normally be handled as follows:

1. *Counseling:* The employee's Department Head/Supervisor will normally give the employee a verbal warning.
2. *Written Warning:* If the unsatisfactory conduct continues, the employee's Department Head/Supervisor will normally issue a written warning. The written warning will state the reasons for the warning and the consequences of continued action. The employee shall acknowledge receiving the written warning by his or her signature on the written warning. A copy shall be given to the employee and a copy shall be placed in the employee's personnel file.
3. *Suspension:* If sufficient improvement has not been made or if the conduct continues, the employee may be suspended without pay. The suspension shall be documented and state the reasons for the suspension and the consequences of continued action. The employee shall acknowledge receiving documentation of the suspension by his or her signature on the documentation. A copy of the documentation shall be given to the employee and a copy shall be placed in the employee's personnel file.
4. *Termination:* If the conduct continues, the City may terminate the employment of the employee.

The City reserves the right to use whatever discipline it decides is appropriate in any situation, up to and including discharge, without regard to the progressive discipline guidelines explained above.

If the City takes disciplinary action against an employee that may result in information considered as part of resignation in lieu of termination, discharge, or demotion being placed in the employee's personnel file, the employee shall be notified in writing that the information placed in the employee's personnel file as a result of the disciplinary action may become a public record.

6.2 Substance Abuse Policy

Purpose

The City is committed to ensuring that its employees work in a safe, drug-free environment. It is well recognized that individuals who use illicit drugs or use alcohol are more likely to have workplace accidents and perform their work in an inefficient and substandard manner.

To effectuate this commitment, the City has determined that it must take the necessary steps to ensure that City employees are free from the influence of drugs and/or alcohol while performing their duties. The City has developed the following Drug and Alcohol Testing Policy which covers all City employees not otherwise affected by state or federal drug testing laws. This policy is applicable to all applicants for city positions and all city employees at any time they are actually performing, preparing to perform, or immediately available to perform any paid function as designated by the City.

All employees in positions requiring Commercial Drivers Licenses are subject to the federal and state laws requiring drug and alcohol testing, and where those laws conflict with this policy, those laws shall supersede such provisions of this policy. The Federal Transit Administration has adopted drug and alcohol testing procedures covering safety-sensitive employees engaged in mass transit and those laws also supersede the provisions of this policy. For purpose of DOT/FMCSA testing, the City Manager or his or her designee will serve as the City's designated representative (DER).

Definitions:

- Safety Sensitive Employee: A safety sensitive employee is an employee working in a position wherein an accident or an error could cause the loss of human life, serious bodily injury, or significant property or environmental damage, including a position with duties that include immediate supervision of a person in a job that meet the requirements of this paragraph. However, the City reserves the right to add or remove positions from its list of safety sensitive positions at any time. This includes part-time safety sensitive employees.
- Reasonable Suspicion Drug and Alcohol Test: Drug or alcohol tests based upon evidence that an employee is using or has used alcohol or other drugs in violation of this written policy. Evidence in support of such a violation is drawn from specific objectives, articulable facts, and reasonable inferences drawn from those facts in light of training and experience. For the purposes of this paragraph, facts and inferences may be based upon, but are not limited to, any of the following:
 1. Observations while at work, such as direct observation of alcohol or drug use or abuse, or physical symptoms or manifestations of being impaired due to alcohol or drug use as described in the educational materials provided to employees.
 2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 3. A credible source's report of alcohol use or the use of drugs. The City Manager will have the final determination of who is a credible source.
 4. Evidence that an individual has tampered with any drug or alcohol test during the individual's employment with the City.
 5. Evidence that an employee has caused an accident while at work which resulted in an injury to a person or an accident that resulted in damage to property, including equipment, in an amount reasonably estimated at the time of the accident to exceed One Thousand Dollars (\$1,000.00).

6. Evidence that an employee has manufactured, sold, distributed/solicited, possessed, used or transferred drugs while on the employer's premises, or while operating the employer's vehicle, machinery, or equipment.
 7. The employee's statement or admissions of drug use while he or she is a City employee.
- Positive Test: An employee tests positive for drugs if any trace of an illegal substance is detected following a drug test. An employee tests positive for alcohol if he or she has a blood alcohol concentration equal to 0.04 or greater.
 - Illegal Drugs/Substances: Any substance that is illegal by law has not been legally obtained, or which cannot be legally obtained. This includes prescription medication for which the employee does not have a prescription and/or is not taken according to the prescription.
 - City Official: Elected officers of the City including the Mayor and City Council members.

Policy Statement/Procedures

1. *Prohibited Activity:*
 - A. No employee shall illegally use, sell, transfer, purchase, or possess drugs, alcohol, controlled substances, or drug paraphernalia, or any combination thereof while in a City facility, vehicle, vessel, or aircraft or while performing City business, including business conducted in the employee's own home.
 - B. No employee shall report for work while under the influence of illegal drugs or alcohol. Furthermore, no employee shall report to work within four (4) hours of consuming alcohol even if the employee does not believe he or she is under the influence of alcohol during that time.
 - C. No employee shall use illegal drugs or consume alcohol while at work.
 - D. No employee shall use prescription drugs unless: (1) a doctor has prescribed the medication to the employee; and (2) the doctor has advised the employee that the drug will not adversely affect the employee's ability to perform the essential duties of his or her job without endangering the public's, co-workers', or the employee's safety.
 - i. Any employee using properly prescribed drugs that may impair the employee or affect the employee's job performance shall notify his or her immediate supervisor about the use of the drug. A drug may impair an employee or affect an employee's job performance if it may cause the employee dizziness or drowsiness or the employee or the employee's doctor believe the drug will impair the employee or affect the employee's job performance in some way.
 - ii. If an employee is using a prescription drug and his or her doctor has advised him or her that the drug may adversely affect the employee's ability to perform the essential duties of his or her job, the employee shall advise his or her supervisor of the adverse effects and the prescribed period of use.

- iii. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in the medical file of the employee maintained by City Clerk. See subsection 7 for information regarding the storage of drug test results and other medical information.
 - iv. Any employee using properly prescribed prescription drugs must carry the medication in its original container and the container must be labeled with the employee's name, employee's doctor, dosage, and the name of the drug prescribed.
 - E. Any employee who unintentionally ingests or is made to ingest a controlled substance shall immediately report the incident to his or her supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety.
- 2. *Notification:*
 - A. The City will notify applicants of this drug and alcohol testing policy at the time of his or her first interview.
 - B. The City will provide all employees with drug and alcohol education, including the effects of drugs and alcohol, signs and symptoms of drug and alcohol use, assistance available for those abusing drugs and alcohol, drugs and alcohol to be tested, and drug and alcohol testing requirements.
 - C. All drug testing results and other confidential information will be kept confidential.
 - D. Each employee and applicant will sign a form acknowledging receipt of these materials.
- 3. *Prospective Employee Drug Testing:*
 - A. All prospective, safety sensitive employees who have been extended a conditional offer of employment with the City shall be informed that a condition of employment includes passing a drug test as part of the pre-employment process. The City shall bear the cost of the pre-employment test.
 - B. If a prospective, safety-sensitive employee refuses to take a pre-employment drug test when scheduled or tests positive for a substance, that employee is ineligible for City employment for one (1) calendar year from the date of the drug test.
 - C. If an employee is transferred to a safety-sensitive position, drug and alcohol testing under this policy is a condition of the transfer.
 - D. For part-time prospective employees, if the prospective employee is covered under another Law Enforcement Agency's drug test policy, the prospective employee may bring proof that he or she is covered under the other policy and the City Manager may waive the requirement that the prospective employee be drug tested.
- 4. *Employee Drug Testing:*
 - A. Random Testing

- i. Because of the safety-sensitive nature of their employment, employees with safety-sensitive job duties may be required to take a drug test as a condition of continued employment in order to ascertain prohibited drug use, as provided below:
 - 1. The City may conduct random drug and alcohol testing on safety sensitive employees who are not covered by another drug/alcohol testing policy mandated by the state or federal government without individualized suspicion.
 - 2. The selection of employees to be tested from the pool of employees subject to testing shall be done based on a computerized randomly generated selection process administered by a third-party, in which each member of the employee pool has an equal chance of selection.
 - 3. All random drug testing will be uniform and unannounced.
 - 4. The City Manager will determine the frequency and timing of the random drug testing.
 - 5. For part-time employees covered under another Law Enforcement Agency's drug testing policy, those employees may bring proof that they are covered under the other policy to the City Manager who may then waive the requirement that the employee be drug tested. The City Manager shall keep a copy of the policy in the employee's personnel file and if at any time the employee is no longer subject to drug testing, he or she shall notify the City Manager immediately.

B. Post-Accident Testing

- i. After an accident, testing shall be conducted on employees whose performance could have contributed to the accident if (1) it is required by state or federal law; or (2) reasonable suspicion exists.

C. Reasonable Suspicion Testing

- i. When any supervisor, manager, or City Official has reasonable suspicion that a City employee is under the influence of drugs or alcohol while on duty, or otherwise violating the terms of this policy, that supervisor, manager, or official shall require reasonable suspicion testing. The reasons for such reasonable suspicion shall be documented.
- ii. If reasonable suspicion testing is required, the employee will not be permitted to drive to or from the testing or while at work until the test is returned, and then, only if the test produces negative results. The City will provide transportation to/from the testing at the City's expense if necessary.

5. *Drug Testing Procedures:*

- A. Drug and alcohol testing shall require the employee to present a reliable form of photo identification to the person collecting the sample.

- B. Buchanan County Health Center in Independence will serve as the City's local collection facility, if they are not available Allen Occupation Health Services will be the alternate.
 - C. The City will designate the type of testing to be performed on the sample collected.
 - D. Drug and alcohol testing shall normally occur during or immediately before working hours begin or immediately after working hours. The time required for such testing shall be considered work time for the purpose of compensation and benefits.
 - E. A specimen testing positive will undergo an additional test to confirm the initial result.
 - F. The drug screening tests selected shall be capable of identifying every major drug likely to be abused including, but not limited to, marijuana, cocaine, phencyclidine (PCP), opiates, codeine/morphine, amphetamines, AM (heroin), hydrocodone/hydromorphone, and oxycodone/oxymorphone.
 - G. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in the collection process.
 - H. Any employee who breaches the confidentiality of testing information shall be subject to discipline.
 - I. The City shall pay all testing costs for pre-employment, reasonable suspicion, regularly scheduled, or follow-up drug or alcohol testing ordered by the City.
 - J. In conducting drug or alcohol testing pursuant to this policy, the laboratory, the Medical Review Officer, and the City shall ensure, to the extent feasible, that the testing records maintained by the City show only such information required to confirm or rule out the presence of prohibited alcohol or drugs in the body.
 - K. An employee who refuses to submit to a controlled substance test will be immediately removed from safety-sensitive functions and shall be subject to disciplinary action up to and including termination.
6. *Post-Testing Procedures:*
- A. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. The employee may request a copy of the memorandum be placed in the employee's medical file.
 - B. An employee who has a positive drug or alcohol test, either from random testing or reasonable suspicion testing, shall be subject to disciplinary action up to and including discharge.
 - C. An employee with positive drug testing results shall be immediately removed from all safety sensitive functions and, depending on the nature of the employee's job, may not be permitted to return to work until the actions described below are taken. Employees who undergo substance abuse treatment and counseling under this policy and who continue to work must meet all established standards of conduct and job performance.
 - D. If the employee is permitted to return to work, the employee may be required to submit to evaluation by a Substance Abuse Professional and undergo

treatment recommended by the Substance Abuse Professional prior to returning to work. If the employee successfully completes the treatment, no further disciplinary action will be taken against the employee. If the employee refuses to submit to the evaluation or fails to successfully complete treatment, the employee will be subject to further discipline up to and including discharge.

- E. If the Substance Abuse Professional determines that the employee has a drug or alcohol related problem the employee will be required to do follow-up testing upon the employee's return to work. All follow-up testing will be unannounced and without prior notice to the employee and will be at the employee's expense.
- F. An employee required to take time off in order to participate in a rehabilitation program will be permitted to use sick leave, vacation time, accumulated compensatory time, and/or unpaid leave.

7. *Drug Test Results:*

- A. All records pertaining to required drug tests shall remain confidential and shall not be provided to other employees or agencies, with the exception of the City Manager and City Clerk, without the written permission of the person whose records are sought. The City Manager and City Clerk shall have access to the records for purposes of employment decisions. Computerized record keeping shall comply with this provision of the policy.
- B. Drug test results and records shall be stored and securely retained for an indefinite period in an employee medical file maintained by the City Clerk.

8. *Responsibility:*

- A. It shall be the responsibility of the City Manager to enforce this policy. Employees are expected to report any suspicious behavior or suspected drug abuse of an employee.
- B. It is the responsibility of each employee to abide by the procedures as outlined. Any employee refusing to submit to a drug test request made under this policy will be subject to discipline up to and including discharge.

Condition of Employment

Compliance with the City's Substance Abuse Policy is a condition of employment. Failure or refusal of an employee to cooperate fully or submit to any inspection or drug test as provided will be grounds for termination.

6.3 Complaint Resolution Procedure

Misunderstandings, conflicts, problems, or other questions about an employee's job can arise in any workplace. To ensure effective working relations, it is important that such matters be resolved before serious problems develop. If an employee's concern relates to discrimination, harassment or retaliation, follow the procedure in those policies in this

Handbook. Also, certain complaints may fall under resolution procedures established by state law. For other complaints, the City has adopted the following procedure to respond to your concerns.

First, an employee should see his or her immediate supervisor. The employee's immediate supervisor is in the best position to resolve an employee's problems or concerns. If, however, the employee does not believe a discussion with his or her supervisor is appropriate, or if he or she is not satisfied with the answer given by his or her immediate supervisor, the employee should request a meeting with the City Manager or Mayor within five days of the incident or response given by the employee's immediate supervisor, whichever is later. In an effort to resolve the problem, the City Manager or Mayor will consider the facts and conduct an investigation, if necessary. The employee will normally receive a response regarding his or her problem within ten days of meeting with the City Manager or Mayor.

If the employee is not satisfied with the decision of the City Manager or Mayor, he or she may prepare a written summary of his or her concerns and request that the matter be reviewed by the Employee Relations Committee. After a full examination of the facts (which may include a review of the written summary of the employee's statement, discussions with all individuals concerned, and a further investigation if necessary), the Employee Relations Committee will normally advise the employee of its decision within fifteen (15) days.

If the employee is not satisfied with the Employee Relation Committee's decision, he or she may prepare a written summary of his or her concerns and request that the matter be reviewed by the City Council. After a full examination of the facts (which may include a review of the written summary of the employee's statement, discussions with all individuals concerned, and a further investigation if necessary), the City Council will normally advise the employee of its decision within fifteen (15) days. The decision of the City Council shall be final.

6.4 Office of the Ombudsman

Pursuant to Iowa Code Section 70A.29, the City is putting you on notice that Iowa Code Chapter 2C authorizes the State of Iowa Office of the Ombudsman to investigate complaints. Any employee wishing to contact the Ombudsman's Office may do so by calling toll-free at 1-888-426-6283.

7.1 Political Activity

An employee of the City may not use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office. He or she may not directly or indirectly coerce, attempt to coerce, command or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization or person for political purposes.

An employee who is elected to a municipal, county, state or federal office shall, upon written application to the Mayor, be granted an unpaid leave of absence from regular employment to serve in that office except where prohibited by federal law.

All political activity will be governed by the applicable state and federal regulations.

7.2 Solicitation

The City wants to ensure that employees and visitors are not bothered by others who wish to solicit for their own business or organizations. Thus, contributions may be solicited at the City only with the permission of the City Manager, Mayor, or the Mayor Pro Tem.

The City's solicitations are to be kept to a minimum and for such purposes as buying flowers in the event of a death or illness in the immediate family of an employee and contributing to recognized civic and charitable institutions in the community.

7.3 Equipment Usage

City employees shall not directly or indirectly allow the use of City property, including leased property, for use other than officially approved activities. Each employee has a duty to protect and conserve City property, including, but not limited to, equipment, supplies, official records, funds, or any other property entrusted or issued to the employee. Employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines. Employees should promptly notify his or her supervisor, the City Manager, Mayor or Mayor Pro Tem if any equipment, tools or vehicles appear to be damaged, defective or in need of repair.

The improper, careless, negligent, destructive or unsafe use or operation of City property can result in disciplinary action, up to and including termination.

Use of Telephones

Personal use of the telephone for long-distance calls is not permitted. Employees may use City office telephones or their own private cellular telephones during work hours to make local personal calls of a reasonable duration and frequency; when they do not interfere with the performance of the City's business; if it is not related to any illegal, discriminatory or harassing behavior or business; if it would not cause the City public embarrassment and does not compromise City security or confidential information. The City reserves the right, in its sole discretion, to define what is a reasonable or permissible personal use. Families and friends should be encouraged to call employees only when urgent or necessary; and such calls must be kept to a minimum. Employees are requested to make personal calls, when necessary, during their breaks or meal periods.

To assure effective telephone communications with callers to the City, employees should always identify themselves to the caller, and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

Information Technology

Information Technology is defined as computers, computer files, networks, internet access, and software furnished to employees are City property and intended for business use. Information technology may only be used for City business. However employees may use the City's information technology for personal purposes such as email or internet surfing only if it is of reasonable duration and frequency; does not interfere with the performance of the City's business; is not related to political or religious uses; does not cost the City additional expenses; it is not related to any illegal, discriminatory or harassing behavior or business; would not cause the City public embarrassment and does not compromise City security or confidential information. The City reserves the right, in its sole discretion, to define what is a reasonable or permissible personal use.

The City reserves the right, in its sole discretion to block access to offensive, malicious, and non-business web content or websites. The content of all communications created or disseminated through the use of any City information technology is the property of the City and shall comply with all policies. Employees should not access files or retrieve any stored information or communications without authorization. Employees should access those files only as necessary for the performance of their duties. Employees using the City's information technology shall not attempt to exceed the access rights granted by the City.

Excessive messages with little information for the entire staff slow down productivity and clogs the system. Any questions about whether one may circulate certain information to all employees shall be directed to the City Manager before proceeding.

Employees may not print; display, download, or send any sexually explicit or offensive messages, cartoons, jokes, drawings, photographs, animations, or like material. If employees receive such items from another person, they are to immediately advise the sender that they are not permitted to receive such information or items and that the sender is not to send such again. If the employee needs assistance in responding to such situations, they may contact the City Manager.

The installation of personal software onto City-owned information technology is prohibited. The copying of purchased or leased software, unless authorized by the software vendor, is prohibited. Additionally, sharing user identification and/or passwords for any City information technology is prohibited, unless directed by the City Manager for legitimate business reasons. Employees shall change their user passwords every ninety days or as directed by the City Manager.

By opening e-mail, sending or receiving information, using the voice mail system, logging on to the Internet or by using any of the City's information technology, employees agree and understand that this technology has been provided by the City at its own expense and that it is the City's property. It is another tool for employee use in business transactions or business communication.

All communications over and activity conducted on the City-owned systems are the property of the City. Employees shall have no expectation of privacy when using City-owned systems, even to information technology where the employee has a personalized username and/or password. Department Heads and the City Manager may review, audit, or download messages that employees send or receive, and may monitor employee Internet access. Additionally, all messages and data sent over City information technology may be subject to public open records requests or subpoenas.

Employees also may not interfere with or disrupt any City network or Internet users, services, programs or equipment. Disruptions include but are not limited to propagation of computer worms, viruses or other debilitating programs and using the City network to make unauthorized entry to any other machines accessible via the network or Internet. Deliberate attempts to degrade or disrupt system performance will be viewed as criminal activity under applicable state and federal law.

Use of Vehicles

City vehicles shall be used only for City business except as authorized by the City Manager. Anyone authorized by the City Manager to operate a City vehicle must:

- Operate the vehicle safely, economically and in strict compliance with all traffic and parking regulations.
- Comply with routine maintenance schedules as established by the City.
- Assume responsibility for reporting needed repairs and maintaining the cleanliness of the interior and exterior of the vehicle.
- Radio equipped vehicles shall maintain radio contact with an appropriate base station when on duty or on call, unless the employee is out of jurisdiction for work-related purpose (i.e., traveling to a training).
- No posters, stickers, or advertisements shall be placed on city vehicles without prior approval of the City Manager.
- City vehicles may be used for transportation to and from meals only when assigned to an employee on a full-time basis or when in use by employees required by job assignments to take their meals in the field.
- Meet all City licensing, registration, insurance and driving record requirements.
- Non-city employees shall be prohibited in operating or riding in city owned vehicles unless receiving prior authorization and approval from the City Manager.
- Smoking is prohibited in all City vehicles.
- Employees driving City vehicles shall operate the vehicle in a safe and courteous

manner.

- Employees shall wear seat belts at all times while in a moving vehicle being used for City business, whether driving or riding as a passenger.
- Any handheld cell phones must be compliant with Iowa law while driving any City vehicles or driving while on City-time.
- Use of hands-free cell phones is discouraged but may be permitted in unusual or emergency circumstances.
- Employees shall strictly follow the City's drug and alcohol policy when operating a vehicle on City time or a City vehicle.
- All accidents must be promptly reported to law enforcement and the City Manager and/or Department Head. Employees must cooperate fully with any insurance claims investigation that occurs.
- Any moving violations or parking violations received while on City time or in a City vehicle must be promptly reported to the City Manager and/or Department Head.
- An employee shall not use a company vehicle while on medication or suffering from a medical condition that impacts his or her ability to operate a vehicle.

The City reserves the right to monitor and/or verify any employee's driving record at any time.

Return of City Property

Employees are responsible for all City property, materials or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon termination of employment. This includes software, manuals, uniforms, brochures, proprietary information or any property or materials issued to the employee or gathered by the employee while on official City business. Pursuant to Chapter 91A of the Iowa Code, the employee authorizes the City to withhold all amounts to reimburse the City for any property that is not returned. The City may also take all action deemed appropriate to recover or protect its property.

Procedure for Requesting Use of City Property

Any request by a non-employee of the City wishing to use City property or by an employee wishing to use City property during personal time, must be presented to the City Manager for his or her approval prior to the proposed use.

7.4 Tobacco Products & E-Cigarettes

Prohibition and Coverage

Iowa's cities and counties are covered by Iowa Code Section 142B.2(1), which prohibits smoking in a public place or a public meeting except in a designated smoking area. All City owned buildings, facilities, and vehicles are smoke free. All tobacco usage, including smoking and smokeless tobacco, is prohibited in all city owned buildings, facilities,

equipment and vehicles and on all public grounds owned by the City except in designated areas.

Each City owned building may establish a designated smoking/tobacco usage area; however, this area shall be located in the building's parking lot away from all building entrances and must not adversely impact other employees or the general public. Please contact your Supervisor/Department Head to identify these designated smoking areas.

Employees are permitted to smoke or use tobacco products within their personal vehicles which are parked in a city owned parking lot. Employees who choose to smoke or use tobacco products must do so in accordance with this section and during normal meal and break periods. Employees are not provided additional time away from work to smoke or use tobacco products.

Posting Requirements

The person having custody or control of a public place or a public meeting must make reasonable efforts to prevent smoking in the place by posting appropriate signs indicating no smoking areas and arranging seating accordingly. Also, the statement "Smoking prohibited except in designated areas" must be conspicuously posted on all major entrances to the public place or meeting. The City shall designate those areas, if any, where smoking shall be allowed.

7.5 Facial Hair

Employees who may be required by their job duties to wear a respirator must be clean shaven when on duty. The following will not be allowed: any type of beard or stubble, sideburns past the earlobe or mutton chops. Excessive facial hair can interfere with and prevent tight sealing of breathing apparatus equipment. The problem can be especially critical when non-powered air-purifying respirators are used. An employee who arrives on duty with excessive facial hair will be required to return home and shave with no pay for the period of lost time. Failure to follow this policy may result in disciplinary action.

7.6 Safety

Employee safety is a top priority for the City. To ensure a safe environment, employees are expected to assist in developing the best possible working conditions.

Each employee is expected to obey safety rules and exercise caution in all work activities. Employees must immediately report any unsafe condition to the Department Head/Supervisor, City Manager or Mayor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination.

The City shall provide safety training for city employees, according to OSHA regulations.

Public Works employees will be issued the following items when hired: Five (5) T-shirts, One (1) pair of coveralls, Five (5) pullover sweatshirts, and two (2) jackets (1 winter and 1 summer) for each employee. The city further agrees to replace such uniforms as they become worn.

Employee shall maintain the uniforms in a clean and presentable manner and attach patches furnished by the City in a manner that will identify the wearer as an employee of the City. All uniforms are to remain the property of the City and shall be returned to the City when the employment relationship between the City and the employee is terminated. In addition, the employee shall not wear any of the articles of the uniform outside the hours of the employment of the employee. Employees can go home, and to and from work in uniform.

The City recognizes the need for protective footwear for safety sensitive positions with the City. The City will reimburse qualifying employees for the purchase of protective footwear not to exceed \$150.00 every year.

7.7 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Activities that are inconsistent, incompatible, or in conflict with City employment include, but are not limited to:

- Any employment activity or enterprise which involves the use of the City's time, facilities, equipment or supplies, prestige or influence of a City office or equipment to give the employee or the employee's immediate family members an advantage or pecuniary benefit that is not available to other similarly situated members or classes or members of the general public.
- Any employment or activity that involves the receipt of, promise of, or acceptance of money or other consideration by the employee or a member of the employee's immediate family from anyone other than the City for the performance of any act that the person would be required or expected to perform as part of the person's regular duties during the hours during which the person performs service or work for the City.
- No City employee shall, directly or indirectly control, inspect, review, audit or enforce the responsibility of his or her office in any activity or enterprise in which he or she, or his or her immediate family, or his or her partner, or an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected.
- No City employee or officer shall accept any consideration given to influence him or her in the performance of his or her duty.

No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the City Manager as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Failure to abide by this policy is considered very serious and will result in immediate disciplinary action up to and including termination.

7.8 Gifts

Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person’s immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a “restricted donor” as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate. (*Code of Iowa, Sec. 68B.22*)

7.9 Supplemental Employment

Supplemental employment outside his or her regular City working hours must in no way interfere or conflict with the satisfactory performance of City duties. No employee is to conduct any supplementary employment during his or her scheduled working hours unless authorized leave has been approved in advance. Supplemental employment shall not in any way conflict with City employment responsibilities, including during emergency situations. City employees may not work for an outside employer whose interests might conflict with those of the City. City employees may not use their positions with the City to further their interest on any supplemental position. City employees may not work for or invest in business concerns with whom they must deal in the course of their employment with the City.

7.10 Expense Reimbursement Requests

When employees of the City are required to travel on official City business, the City will pay reasonable amounts for transportation, meals and lodging. An employee is expected to show good judgment and an appreciation for economy when incurring travel expenses. All requests for travel expenses must be approved by the City Manager or Library Board of Trustees (for library staff) in advance of the anticipated travel. Final expenses must be submitted to the City Clerk within one week following the employee’s return.

Transportation

When air transportation is necessary due to time constraints or distance, the City Manager or designee shall make transportation arrangements, at the least possible cost to the City. Any incentives earned by travel arrangements will become the property of the City. When selecting a mode of transportation, reimbursement will be made for the least expensive form of transportation with the individual bearing any additional cost. Exceptions, due to time restraints, may be made by the City Manager.

When feasible, City vehicles should be utilized as the primary mode of transportation in the performance of City duties. Employee use of his or her private vehicle in the performance of City duties will be reimbursed at the rate established by the Internal Revenue Service and will be reimbursed through Accounts Payable using the City reimbursement form.

Meals

Meal and Incidental Expenses will be reimbursed at the listed rates and shall not be reimbursed unless itemized receipts have been submitted. Meals with no overnight lodging will be reimbursed through payroll. Meals with overnight lodging will be paid through Accounts Payable.

In-State Meal Reimbursement Rates – These amounts include tax and tip, up to 15% (taken from Dept. of Adm. Services).

\$8.00 Breakfast (Depart before 6:00 AM)
 \$12.00 Lunch
 \$15.00 Dinner (For trips when the employee returns after 7:00 PM)
 \$35.00 Per Day Total

Out-of-State Meal Reimbursement Rates will follow the federal guidelines.

Meal allowance will not apply if meals are included in registration costs. Allowances may be increased, by prior approval of the City Manager, if extenuating circumstances exist.

Lodging

Convenience to the traveler in the selection of a hotel/motel site will be considered. However, the most accommodating location at the most reasonable rate should be selected. Should a spouse accompany the employee, reimbursement will only be made for the employee. Receipts are required.

Submitting Travel Requests

All travel requests, including one (1) day seminars, should be submitted to the City Manager. The information should include a proposed estimate of cost, brief description of the need for the request and signature of the Department Head. Also included should be any conference brochures, flyers or written material about the travel request. Upon approval by the City Manager, a copy will be returned to the Department initiating the request. When reimbursement is sought for any travel request, a pay authorization should be submitted delineating all costs and supported with the appropriate receipts. A copy of the original travel request should be attached to the pay authorization.

Emergency Travel

The City recognizes that situations may develop wherein it is necessary to travel on City business on short notice and/or under emergency circumstances. In emergency situations the procedure for submitting a travel request set forth above is waived. If the emergency travel requirement occurs during normal business hours, Department Heads or their designee are authorized to approve such emergency travel with concurrence from the City Manager or Mayor. If the emergency travel requirement occurs outside of normal business hours, Department Heads or their designee are authorized to approve such emergency travel. On the next regular business day, the City Manager or Mayor will be advised of the emergency travel authorized by the Department Head/designee.

7.11 Credit Card Policy

The City recognizes the importance of making a credit card available for planned and unforeseen expenses. As the City is responsible to the general public for any expenditures, it is necessary that any such expenditure be governed by guidelines that control and document legitimate expenditures. Therefore, any use of a credit card in the name of the City must strictly adhere to said guidelines.

Only the City Manager, Library Director, and Assistant Library Director will be authorized to routinely carry a City issued credit card. An additional card shall be kept at City Hall under the security of the City Clerk. Any employee desiring to utilize the credit card must obtain prior approval from the City Manager and/or the City Clerk. The credit card must be signed out, with the sign out sheet showing purpose, date of check out and return. An itemized receipt shall accompany the return of the credit card for each use of the card. ABSOLUTELY NO CASH may be obtained from the credit card.

The credit card may be utilized for the purchase of services and materials relating to City business only. Personal use of the credit card is strictly forbidden. Purchase of any frivolous materials or any unauthorized use of the credit card is strictly forbidden.

In the case of the credit card being lost or stolen, a report shall be made immediately to the City Manager and/or City Clerk.

The City does not ordinarily pay sales tax, but it understands that not all entities honor tax exemption unless prior arrangements and tax exemption certificates have been issued, which the City recognizes that it is not always possible to do so.

Abuse of the utilization of the credit card shall warrant disciplinary action up to and including termination and/or legal action.

7.12 Professional Memberships/Endorsements/Licenses

The City believes in investing in the professional development of its employees and wants its employees to be active in professional advancement activities, training, and education and will consider all request to assist its employees in this effort. Any costs associated with these activities that will be paid by the City will be determined by the City Manager/Mayor and/or Library Board

Membership fees or dues for professional organizations, endorsement fees, and required license expenses related to the employee's responsibilities will be paid by the City if determined by the City Manager/Mayor and/or Library Board (for library staff) to be mutually beneficial to both the City and the employee.

7.13 Cell Phone Policy

The City has consistent and clear rules for the issuance and/or use of cell phones to conduct official business on behalf of the City. The City recognizes that certain City positions may require the employee to be readily accessible for frequent contact outside normal working hours by other City staff and/or the public. The employee may also be required to be away from his or her work location on a regular basis or that his or her work location is typically within a vehicle. Not all employees may require the use of a cell phone for business use.

The City Manager or designee is responsible for determining an employee's need for a cell phone within his or her respective department.

The City Manager or designee will review a request by a Department Head and shall have final authority to deny, modify, or approve any departmental cellphone request.

The City provides two options for employees that require the use of a cell phone for business use. In most instances the City's preferred option is to provide the employee with a cell phone allowance. While employees subject to call-in or overtime procedures are always expected to answer their phone or promptly return calls regarding City business, an employee who is provided a City cell phone or a cell phone allowance shall answer his or her phone whether the employee is on duty or off duty, if unable to answer the phone, promptly return the telephone. If the employee is nonexempt, the employee shall keep detailed records of any off-duty, work-related phone activity including the date, time, description of the communication, and how long the employee spent on the

communication. The employee shall submit that form to his or her Department Head and such time shall be considered time worked. Any employee found to be violating and/or abusing this policy shall be subject to discipline up to and including termination.

Cell Phone Allowance

The Department Head or his or her designee shall determine when a cell phone allowance is in the best interest of the City. The cell phone allowance will assist in deferring the cost of a cell phone or smartphone owned by the employee, which would be used for business use.

If the allowance received is equal to or less than the actual cost of the monthly cell phone service that is attributable to the employee's use of the cellphone for the City (i.e., if the cellphone has an international plan, the cost of the international plan should not be considered in the actual cost of the cellphone service unless the employee is engaged in international communication on behalf of the City), this allowance is in compliance with IRS notice 2011-72 regarding Section 2043 of the Small Business Jobs Act of 2010, Public Law Number 111-240 that sets the guideline for cell phone allowances. The allowance would be a nontaxable benefit. The allowance will not be considered as a part of the employee's base salary, nor will it be used for purposes of determining annual raises, retirement benefits or other benefits.

The monthly allowance will be set by the City Council upon the recommendation from the City Manager and would be reviewed as directed or needed.

An employee receiving the cell phone allowance must retain an active cell phone or smartphone as long as the allowance is in place. The employee must provide any change in cell phone number to his or her Department Head within 48 hours of such change. Members receiving a cell phone allowance are expected to carry the cell phone or smartphone on their person both on and off duty and respond when called for City business. Additionally, if an employee's monthly cell phone service charge becomes less than the monthly allowance, the employee must notify the City Manager within 30 days of such change.

The cell phone or smartphone under this option is considered a personal item, owned by the employee. As such, the employee is responsible for all costs associated with replacing a lost, stolen or damaged cell phone or smartphone. The employee is also responsible for all costs associated with the purchase of accessories.

If, prior to the end of any vendor contractual obligations, a personal decision by the employee, or an employee's misconduct, or misuse of the cell phone or smartphone results in the allowance being discontinued, the employee will bear the cost of any fees associated with that change or cancellation.

An employee conducting City business on his or her personal phone shall be informed that any content on the phone may be reviewed in an open records request pursuant to Chapter 22 of the Iowa Code and that records related to City business may be considered public records.

City Issued Cell Phone

The Department Head or designee shall determine when a City provided cell phone is in the best interest of the City. The City will pay for 100% of the cost of the City issued cell phone and will determine the service plan level and related options/ accessories for the employee.

Normal wear and tear of this type of equipment is expected. If the City determines the equipment needs repair or replacement due to the employee's negligence, the cost of repair and/or replacement of the equipment will be the responsibility of the employee.

A City issued cell phone should be used for business use and emergency personal use only.

If the cell phone is being used inappropriately or for personal gain appropriate disciplinary action shall be taken. If an employee intentionally or negligently damages a City-Issued cell phone, the employee shall be liable for the cost of the phone and such cost shall be subject to income withholding pursuant to Iowa Code Section 91A.5

General Use Conditions

- The Department Head and employee are jointly responsible for understanding the terms of this Policy, as well as the specific wireless vendor's contractual terms; for ensuring compliance with this Policy; and understanding the consequences of noncompliance with this Policy.
- To observe safe vehicle operations, whenever practical and safely possible, the employee shall pull over to a safe off-of-the-roadway location to initiate or to continue any non-emergency call.
- Use of a cell phone or smartphone in any manner contrary to department protocol and local, state, or federal laws will constitute misuse, and may result in appropriate employee discipline.
- Employees who are charged with traffic violations resulting from the use of their cell phone or smartphone while driving will be solely responsible for all liabilities that result from such actions.
- The employee shall surrender all City issued cell phones and related equipment upon termination or upon the direction of the Department Head or City Manager. The cell phone allowance will cease upon termination or upon the direction of the Department Head or City Manager.
- An employee who receives a City issued cell phone shall be aware that ALL voice calls, data, metadata, emails, texts and any other applicable forms of

communication done on the city issued phone are public records and are subject to relevant provisions of Chapter 22 of the Iowa Code, as amended from time to time.

- An employee who receives a cell phone allowance shall be aware that voice calls, data, metadata, emails, texts and any other applicable forms of communication to conduct official City business are public records and are subject to relevant provisions of Chapter 22 of the Iowa Code, as amended from time to time.
- An employee may request a cancellation of a City issued cell phone or of the cell phone allowance at any time in writing to the employee's authorizing manager (i.e. Department Head, City Manager or designee). The authorizing manager may approve or deny the request based on the employee's position and need of the employee to have a cell phone.

7.14 Workplace Non-Violence Policy

The City of Independence is committed to providing a work environment that is safe and free from threats or acts of violence. This policy addresses employee's responsibilities for refraining from any type of workplace violence, and procedures for reporting and correcting any workplace violence or threats of violence that may occur. This policy is not all-inclusive of actions and remedies that may be taken to address threats of violence in the workplace, since workplace violence or threats may be a criminal matter.

For the purposes of this policy, the following definitions shall apply:

Dangerous Weapon – any item, device, thing, instrument, material, or substance, whether animate or inanimate, that is designed or specially adapted for use to, or that is likely to, intentionally cause death or great bodily harm; and anything that closely resembles any such item, device, thing, instrument, material, or substance, and that was displayed or used in a manner that created the impression that the aforementioned thing or substance was capable of or might be used to cause death or great bodily harm.

Dangerous weapons include, but are not limited to:

- Firearms of all types, irrespective of propellant and whether serviceable or unserviceable;
- Archery bows, cross-bows, and slingshots;
- Explosive chemicals, compounds, and mixtures, and devices or pressurized vessels that have been altered or arranged to explode;
- Incendiary devices;
- Cutting and stabbing devices, except folding knives having a blade that is three inches or less in length;
- Taser or other similar electronic immobilizers;
- Bludgeons and other blunt instruments or tools, including use of a vehicle to strike;

- Poison, toxic, acidic, or caustic chemicals, compounds, and mixtures;
- Animals that have been taught to attack on command; and
- In the case of individuals who have been trained in martial arts, boxing, ultimate fighting, or other fighting or defensive regimens, punching, striking, throwing, kicking, pain or submission or choke or any similar holds.

Threat of Violence – any visual, verbal, or physical act, that warns of or expresses an ability or intent to harm or kill; is intended to intimidate or create fear; or has the purpose of unreasonably interfering with an individual's reasonable expectation of a peaceful, non-hostile or inoffensive work environment, whether made in person, by telephone, mail, written or electronic communications, or other means.

No City of Independence employee shall threaten to or commit an act of violence against another person, whether the person is another City of Independence employee or a member of the public, in the workplace or while performing or being paid to perform job duties off-site. Prohibited conduct includes but is not limited to the following:

- Threats of violence;
- Open display or brandishing of a dangerous weapon;
- Intentionally damaging real or personal property of the City of Independence or of another individual;
- Committing acts of harassment;
- Communicating contempt or hatred on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability;
- Stalking or conducting harassing surveillance;
- Any other act or statement that a reasonable person would perceive as constituting a threat or act of violence.

This policy does not apply to:

1. Conduct by Police and Fire Department personnel while performing any and all duties within the scope of their employment, or dangerous weapons carried or possessed by such personnel or any other law enforcement officer in conjunction with their employment and duties. The respective Chiefs may set additional policies for their Department, as a whole or for any given individual, that are either more restrictive or more lenient than this global policy, as deemed necessary by the Chief to ensure that they are appropriately equipped to perform all tasks and duties of their employment, and for personal protection and off-duty obligations that may relate to their profession, as in the case of law enforcement officers.
2. Personally owned folding knives having a blade that is not more than 3" in length.
3. Knives, scissors, items, devices, things, instruments, materials, or substances that are used as tools to accomplish work assignments, but subject to review and approval by the Department Head in the case of any dispute or question pertaining to their necessity or how they are being used.

7.15 Break Time for Nursing Mothers

Employees shall be provided reasonable break times to express breast milk for a nursing child for up to one year after the birth of an employee's child. Such a break shall be provided anytime the employee has a need to express milk. Employees shall be provided a private room which is shielded from the view of others and secure as to not allow intrusion from co-workers and the public except in the case of an emergency. Such room shall not be a bathroom. The space need not be dedicated to expressing breast milk but shall be available for such use whenever needed by an employee. The City shall allow employees to express breast milk during their paid fifteen (15) minute breaks and/or unpaid lunch period. If the employee requires additional breaks for expressing breast milk the employee shall notify her supervisor and such break will be unpaid. The employee must clock out at the start of the break and clock in at the end of the break when returning to work.

OBSERVED BEHAVIOR REASONABLE SUSPICION RECORD

To: _____

From: _____, City of Independence, Iowa

Date: _____

Re: Offer of Transitional Work

This serves as an offer of transitional work as required under Iowa Code Section 85.33(3)(b) and/or Section 5.3 of the City of Independence Personnel Policy Handbook from your employer, City of Independence ("City"). Specifically, the City is offering you work as _____

_____.

This offer of transitional work ☐ does ☐ does not require lodging; ☐ does ☐ does not require meals; ☐ does ☐ does not require transportation. If any of those items are required, information regarding the lodging, meals, and/or transportation required is as follows: _____

_____.

This work required of you in this temporary position is within your stated work restrictions, as determined by your treating healthcare provider, _____, and is therefore deemed suitable under Iowa law and/or Section 5.3 of the City's Personnel Policy Handbook.

If you refuse this offer of transitional work, you must communicate your refusal and the reason for your refusal to the City in writing, including whether your refusal is based on your assertion that the work is or is not suitable. During any period of refusal if you are eligible for workers' compensation benefits, you will not be compensated with temporary total, temporary partial, or healing period benefits, unless the work refused is not suitable.

If you have any questions regarding this offer of work, please contact _____
_____ at _____.

This offer of transitional work shall not be considered a permanent accommodation. Additionally, pursuant to City policies, if you work outside of your restrictions during this transitional work period, you will be subject to discipline up to and including termination.

If you accept this offer of work, please sign the acceptance below. If you refuse this offer of work, please sign the refusal on the attached page. Please respond to this offer of work within seven (7) days of the date of this offer.

I, _____, accept the City of Independence, Iowa's offer of work as described in the offer above.

Signature

Printed Name

Date

I, _____, refuse the City of Independence, Iowa's offer of work made on _____, 20____ and as described in the offer on the previous page. I am refusing this work for the following reasons:

I understand that I must make a refusal of work in writing and that if I am refusing the work because it is not suitable, I must state that in my written refusal. Finally, I understand that during any period of refusal, if eligible for such benefits, I will not be compensated with temporary total, temporary partial, or healing period benefits unless the work refused is not suitable.

Signature

Printed Name

Date

Employee Acknowledgment of Receipt of Handbook

I acknowledge that I have received a copy of the City of Independence Personnel Policy Handbook with the last revision date being January 22, 2024, and that I have had an opportunity to read it. I understand it is my responsibility to read and understand these policies and to comply with the policies contained in this Personnel Handbook and any revisions to it. I understand the Personnel Handbook has been provided to me for informational purposes only, and that the City of Independence has the right to change or withdraw any policies, procedures or benefit programs at any time. I acknowledge that this Personnel Handbook is not a contract of employment, express or implied, and that I am not guaranteed employment for any specific duration. (Library personnel are governed in accordance with Chapter 22 Library Board of Trustees).

Since positions vary in their duties and responsibilities, not all policies and regulations can be covered in this handbook. I understand that I may direct inquiries for additional information to my supervisor or the City Manager. I am aware that if, at any time, I have questions regarding City of Independence policies I should direct them to my supervisor or the City Manager.

I acknowledge my understanding that a violation of any of the policies contained in this Employee Handbook shall result in discipline up to and including **termination** of my employment.

The use of masculine or feminine gender in references or titles shall be considered to include both genders and is not a sex limitation. No policies in this handbook shall supersede any provisions of state or federal law. The policies in this handbook are intended to apply to all City employees.

By signing below employee provides full authority for the City to withhold the amounts identified above in Policies 4.4, 5.4, 7.3 from his or her final paycheck. By signing below, employee acknowledges the parties intend this to serve as a valid authorization for withholding from a final paycheck under Iowa Code Section 91A.5, as amended from time to time.

I understand that a copy of this signed acknowledgement will be maintained in my personnel file.

Employee's Printed Name

Position

Employee's Signature

Date

Note: A copy of this form will be given to all employees at the beginning of their employment with the City or whenever changes are made to the Handbook. Upon receipt, the employee must sign this form, indicating that they have received the Employee Handbook and been given an opportunity to ask questions. The signed form must be returned to City Hall and be placed in the employee's Personnel File.