



CITY COUNCIL WORK SESSION

Tuesday, September 02, 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

DEPARTMENT UPDATES

- [1.](#) Department Report – Fire
- [2.](#) Department Report – Library
- [3.](#) Department Report – Parks & Recreation
- [4.](#) Department Report – Police

NEW BUSINESS

- [5.](#) Electric Scooters on Sidewalks
- [6.](#) Fee Discussion
- [7.](#) Ordinance to add Chapter 142, Right-of-Way Obstructions, Encroachments, and Beautification to the City of Independence Code of Ordinances.
- [8.](#) Ordinance to amend Chapter 152, Fences, Walls and Hedges in the City of Independence Code of Ordinances.
- [9.](#) 2026/2027 Street Rehabilitation Program
- 10.** Council Topics
- 11.** Mayor Topics
- 12.** City Manager Topics

ADJOURNMENT

This agenda is subject to change.



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA – City Manager

FROM: Blake Hayward – Fire Chief

DATE OF MEETING: September 2, 2025

ITEM TITLE: Department Report – Fire

The Independence Fire Department is excited to share that we continue to have great success in recruiting for our department, as well as the Cadet Firefighter program. We welcomed our newest Probationary Firefighter/EMT, Landen Hager, to our department in August. Landen comes to us with a degree in Fire Science, along with his EMT certification. We are excited to continue bringing on such great candidates, as well as qualified members. This helps reduce the cost of training new members and allows them to hit the ground running with our department. Along with Landen, we also have 3 Cadets in our program. These Cadets have really impressed us with their professionalism, willingness to learn, and motivation to help around the station and on calls. I'm also pleased by the members' willingness to take their time and show the Cadets different aspects of all the things there are to learn around the station, trucks, and equipment. Of course, the long-term goal is to help demonstrate the importance of volunteering for public safety, such as ambulance services and fire departments, whether it's for our department or a community where they will live after completing their schooling.

You may have seen in the newspaper or on Facebook that we are starting to receive some of the equipment for which we have received grants, such as our Fire Extinguisher Training Prop and Hurst Rescue Tools. We are fortunate to have received the grants we have so far and hope to continue our success in the coming years. This is extremely valuable for our department, as it helps us obtain much-needed tools and equipment without the burden of funding on local taxpayers.



As summer winds down, we continue to maintain our extensive training at IFD. We just finished a joint training course on Grain Bin Rescue. We had members from Winthrop & Hazleton Fire Departments join us as we brought in Professional Rescue Innovations (PRI) and their training prop. Members reviewed SOG/SOPs and submerged themselves in actual corn in a grain bin to demonstrate the pressures that exist, giving them a real feel for what a patient could be experiencing. This helped them become more familiar with how the rescues can go. Victims were also placed in various positions to challenge the rescue teams and to demonstrate different ways we can utilize our tools and equipment. We are very thankful for the training we received from PRI, with the assistance of the Fire Service Training Bureau. This valuable training is provided FREE by the State of Iowa. Grain Bin rescues are high-risk, low-frequency incidents, and having the chance to train with surrounding departments makes us all better prepared to protect our communities.



The Independence Fire Department is proud to announce that thanks to the generosity of our community, we raised \$5,320.32 during this year's MDA Boot Drive!

These funds go directly to support the Muscular Dystrophy Association (MDA) and its mission of helping kids and families living with muscular dystrophy, ALS, and other neuromuscular diseases.





CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA - City Manager

FROM: Laura Blaker – Library Director

DATE OF MEETING: September 2, 2025

ITEM TITLE: Department Report – Library

The Summer Reading Program is “in the books” for 2025

We enjoyed our summer reading program this year and had 1011 participants who read 758,922 minutes! Below are some quotes to let you know what the community said in this year’s post-summer reading program survey:

“My child discovered new vocabulary words through the books and has started using them in everyday conversations. It’s been exciting to see that growth.”

“We made it a family activity because of the program. Reading time turned into bonding time, and that helped them enjoy it even more.



“My child started seeing the library as a fun place, not just somewhere quiet. The reading program events and friendly staff made them want to go back often.”

“I come to the library...and usually end up visiting with old and new friends.”

“I really enjoyed discovering new skills in a fun way while having the chance to meet and connect with other people.”

“My kids checked out and read more books this summer than in the past because of your great programming! Your great events brought them into your space, and your book displays intrigued them.”

*City Connection: Promote and encourage community involvement and engagement.
Improved quality of life for everyone.*



Kanopy

The library has launched a video streaming service called Kanopy. With a library card you get tickets that you can use each month to stream movies, documentaries, and tv series on your smart TV, computer, or phone. Over 31,000 videos are available from Warner Brothers, MGM, Paramount, BBC, and more.

kanopy
stream smarter

There is a section called Kanopy Kids with titles from Weston Woods, Sesame Street, Signed Stories, and more. Parental controls can be set to assist parents.

*City Connection: Support high quality city services.
Improved quality of life for everyone.*

On the Go with Oaklee

The library has been selling stuffed Oaklees. They are squirrels inspired by the carved Oaklee north of the library. We have encouraged people to take their mini Oaklee on vacation with them and take photos of him wherever they are. So far, a sampling of the places Oaklee has traveled is to the Buchanan County Fair, to all the midwestern states, California, Florida, Kentucky, Montana, and his international travel has included Iceland and Nigeria.



City Connection: Promote and encourage community involvement and engagement.

1000 Books Before Kindergarten



We held another graduation for 1000 Books Before Kindergarten readers. IPL started the program almost three years ago, and have over 30 little ones who have graduated from the program! It's a great motivator for families to read to and bond with their young children. Also, being read to as a child fosters literacy skills critical for success in school.

*City Connection: Improved quality of life for everyone.
Encourage a supportive environment for businesses, workforce, and economic development.
Our young readers grow up and become part of our communities and workforce.*

Enriching Lives, Inspiring Growth



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA – City Manager

FROM: Bob Beatty – Parks & Recreation Director

DATE OF MEETING: September 2, 2025

ITEM TITLE: Department Report – Parks & Recreation

Forestry

Flower and tree watering has been excellent this season. Aside from a couple of weather events that caused some damage to flowers, it has been a relatively good year. We will likely water well into September before taking the flowers down. We will explore options to standardize the flowerpots across the park system. Currently, many of our pots do not match, as they were donated or collected over the last 5 years. We will try to find a couple of self-watering or reservoir options and slowly replace some each year.

Parks

The Parks remains busy with mowing and weed eating. We have lost many of our seasonal park workers for the summer. We have hired one and transferred another to help keep up with the workload. Weather events cost us a couple of weeks of cleanup, and now we are just playing catch-up. We will be starting on the third ward court remodel. The fencing will be replaced, and a tile surface will be placed over the asphalt. The plan is to have two mini soccer courts (futsal) that we can play floor hockey, kickball, wiffleball, and pickleball on. Multi-use is definitely the way we can help with programming and make the courts more usable, while also cutting down on annual maintenance. The Parks garage will soon receive a new steel roof.

Recreation

We are currently advertising all our football programs. The local AAU will be taking over the 3rd- and 4th-grade basketball, so we will explore programming ideas for K-2.

River'sEDGE

River'sEDGE had a strong finish to the season. We ended up with 6 teams competing for State Championships. We ended up winning one state title. All our teams improved their standing from a year ago, and the program continues to grow. We have already finished our tryouts and making teams for the 2026 season. We will have 25-26 teams in 2026!

Falcon Civic Center

The FCC has slowed, so we will begin some of the construction we had put off until a decision on a possible move is made. We will be expanding the weight room and relocating some storage areas.

Aquatic Center

The Aquatic Center is closed for the season. We will drain it this week once the chemicals have had time to dissipate. We were thankful we had enough staff to remain open until August 24.

RV Park

The RV Park remains busy. We will be closing on November 15.

Complex

We started the fall league last weekend. We had 27 teams play on the first weekend. We will have three more weeks and have two USSSA rentals in September and October. We will start the next session of slow pitch and run it through September as well.

Cemetery

Mowing remains heavy; we are trimming as staff and time allow. The brigade remains busy on Saturday mornings repairing headstones and cleaning up sites.

Futsal court

Our goals will be built into the fence.

Our courts will have a net divide so we can slide it out and use the entire court for kickball/whiffleball

The tile enables us to add sports to the courts for various activities.



CITY COUNCIL WORK SESSION DEPARTMENT REPORT

TO: Matthew R. Schmitz, MPA - City Manager

FROM: Biran Lau – Police Chief

DATE OF MEETING: September 2, 2025

ITEM TITLE: Department Report – Police

Officer Daniel Eschen graduated from the Iowa Law Enforcement Academy on August 22 and has returned home. While attending the academy, Officer Eschen received the ILEA Fitness Award, placing him in the 300 Club, a true testament to his dedication. We look forward to having him back now to serve the community.

We are pleased to announce the hiring of Officer Brandon Bagby as our newest patrol officer. Officer Bagby is a certified officer who resides in town and was previously employed by the City of Jesup. Officer Bagby's first day on patrol will be September 8th, marking the beginning of his field training with our department.

We have initiated the promotional process for a Captain and night shift Lieutenant position, which will entail some restructuring of the command staff to better serve the community with our current staffing levels. This fills the void from when Brian Lau was appointed to Chief from the previous rank of Captain. It will also fill a much-needed night supervisor void. The promotional appointments will take place on October 1st, following the completion of the testing and selection process.

The Independence Police Officers participated in their annual firearms qualifications, that was held at the Buchanan County Wildlife Association. We were assisted by the Buchanan County Sheriff's Office and the State DNR in verifying our qualifications, as our department currently lacks a firearms instructor. Officer Jason Ohrt has been enrolled in an upcoming training that will assist our agency in the future.

The Axon team was onsite at the Police Department this last week installing patrol car cameras, and the new body cameras have all been deployed to our police officers. This changeover was a very smooth process with the Axon team, and we are grateful for all their help. The officers now have updated cameras and technology, which will benefit the city as a whole.

The Independence Police Department participated in the "Cupcakes with Cops" event, organized by Building Direction for Families, in First Ward Park. This event had a good turnout and fostered a good relationship between our youth and the officers.

The Independence Streets Department and Parks and Recreation Department assisted in completing paving and landscaping at the front of our building, which has also addressed some water issues and made the Police Department more inviting to the public. A very big thank you to both departments for all your help!



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 2, 2025

ITEM TITLE: Electric Scooters on Sidewalks

DISCUSSION:

This was tabled from the August 4, 2025, Work Session

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

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

§ 72.021 ELECTRIC STAND-UP SCOOTERS.

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

(B) Operation of electric stand-up scooters.

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

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

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

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

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

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

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

RECOMMENDATION:

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



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 2, 2025

ITEM TITLE: Fee Discussion

DISCUSSION:

This was tabled from the August 4, 2025, Work Session

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

RECOMMENDATION:

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



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 2, 2025

ITEM TITLE: Ordinance to add Chapter 142, Right-of-Way Obstructions, Encroachments, and Beautification to the City of Independence Code of Ordinances.

DISCUSSION:

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

This item was presented at the August 25, 2025, Regular City Council Meeting and was then referred back to the September 2, 2025, Work Session for further discussion.

Items updated from the discussion during the August 25 meeting are shown in the document in [cyan](#).

RECOMMENDATION:

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

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

1. **Standard Mailbox Installations.** A curbside mailbox supported by a Breakaway Support, as defined in Section 2 of this Chapter, is permitted, provided it is installed in accordance with all applicable United States Postal Service regulations regarding height, setback, and placement.
2. **Minor Landscaping and Beautification.** The planting and maintenance of flowers, ornamental grasses, and shrubs within the boulevard is permitted, subject to the following strict conditions :
 - A. The total area of all such plantings shall not exceed a cumulative sixty-four (64) square feet per abutting property.
 - B. No planting shall be of a type that grows to a mature height exceeding thirty-six (36) inches above the top of the adjacent street curb.
 - C. No portion of any planting ~~shall be~~ located within the Vision Triangle of any street intersection or driveway ~~shall exceed a height of twenty-four (24) inches above the top of the adjacent street curb.~~
 - D. No planting or related landscape feature shall be located or maintained in such a manner as to unreasonably obstruct or interfere with the ingress and egress of occupants from legally parked vehicles.
 - E. All plantings must be consistent with the provisions of Chapter 151 of this Code of Ordinances. In the event of a conflict regarding the planting, maintenance, or removal of any woody plant, the provisions of Chapter 151 shall govern.
 - F. All planters, containers, or edging materials used for such plantings shall be of a conventional design and material customarily used for landscape purposes and shall not include prohibited items as defined in Section 142.07.
 - G. The property owner shall be solely responsible for the maintenance of such plantings.
 - H. The property owner assumes all risk for such plantings.

The City shall not be liable for any damage to or destruction of said plantings, or related landscaping items or materials, that occurs during the course of snow removal, utility

maintenance, street repairs, or any other official City operation. No compensation shall be provided by the City for damage to, removal of and/or replacement of such items/materials.

3. **City-Owned Installations.** Nothing in this Chapter shall be construed to limit or prohibit the City of Independence from placing, installing, or maintaining City-owned items, structures, or improvements within the public right-of-way, including but not limited to benches, trash receptacles, signs, public art, streetscape amenities, plantings, planting containers, and utility infrastructure, as may be authorized or deemed necessary by the City Council for a public purpose.

142.05 ENCROACHMENTS REQUIRING A PERMIT.

1. **Major Mailbox Structures.** No person shall construct, install, reconstruct, or maintain a Major Mailbox Structure, as defined in Section 2 of this Chapter, without first applying for and obtaining a Major Mailbox Structure Permit from the Building Official or their designee.
2. **Other Major Encroachments.** No person shall construct or install any other significant encroachment, including but not limited to retaining walls, underground irrigation systems, or permanent landscape features not otherwise permitted by Section 4, without first obtaining a Right-of-Way Encroachment Permit.

142.06 PERMIT REQUIREMENTS FOR ENCROACHMENTS REQUIRING A PERMIT.

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

1. **Application.** The property owner shall submit a complete application to the Building Official on a form provided by the City. The application shall include, at a minimum:
 - A. A ~~sealed~~ site plan showing the precise location and dimensions of the proposed structure, its setback from the curb, and its location relative to property lines, driveways, intersections, sidewalks, and the Vision Triangle.
 - B. Detailed construction plans and specifications, including foundation design, materials to be used, and the dimensions of the proposed structure.
 - C. Proof that Iowa One Call has been notified to locate all underground utilities in the vicinity of the proposed construction.
 - D. Payment of a non-refundable application fee in an amount to be set by resolution of the City Council.
2. **Mandatory Indemnification and Insurance.** As a condition of the permit, the property owner shall:

- A. Execute an Indemnification and Hold-Harmless Agreement, in a form approved by the City Attorney, that releases the City of Independence, its employees, officers, and agents from any and all liability for property damage, personal injury, or death arising from the existence, condition, or collision with the Major Mailbox Structure, or Other Major Encroachment.
 - B. Said agreement shall require the property owner to defend, indemnify, and hold harmless the City from any and all claims, lawsuits, or damages.
 - C. This agreement shall be **executed by the property owner in a form approved by the City Attorney and suitable for recording** with the Buchanan County Recorder against the title of the abutting property and shall be binding on all future owners of the property. **The property owner shall be responsible for all costs associated with recording the agreement.**
3. **Construction and Location Standards.** All Structures requiring a permit shall comply with the following:
- A. No part of the structure or its foundation shall be located within the Vision Triangle of any street intersection ~~or driveway~~.
 - B. The face of the structure closest to the roadway shall be set back a minimum of six (6) inches from the back of the street curb.
 - C. The structure's foundation shall not be embedded more than twenty-four (24) inches into the ground and shall not interfere with any known public or private utility lines.
 - D. The final design and location must be approved by the Building Official, who may impose additional conditions as necessary to protect public safety and infrastructure.
 - E. **City Not Liable for Damage.** The property owner assumes all risk of damage to the Major Mailbox Structure. The City shall not be liable for any damage caused to a Major Mailbox Structure during snow removal, street maintenance, utility work, or any other City operation. In the event of such damage, any reimbursement from the City, if offered at the City Manager's sole discretion, shall be limited to the actual replacement cost of a standard mailbox and Breakaway Support.

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

- 1. **Nuisance.** It is unlawful to create or maintain a nuisance, as defined in Iowa Code Chapter 657, within the public right-of-way.
- 2. **Prohibited Items.** The following items are hereby declared to be nuisances when placed, stored, or maintained within the public right-of-way and are expressly prohibited:

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

142.08 ADMINISTRATION AND ENFORCEMENT.

- 1. **Authority.** The Building Official, or their designee, is hereby authorized and directed to administer and enforce all provisions of this Chapter.
- 2. **Violations and Notice.** If the Building Official determines that a violation of this Chapter exists, they shall serve a written notice of violation upon the owner of the abutting property. The notice shall be served by certified mail or personal service and shall contain:
 - A. A description of the violation.
 - B. The location of the violation.
 - C. The corrective action required to abate the violation.
 - D. A statement that the owner must complete the abatement within thirty (30) days of the date of the notice, or, within that same period, make a written request to the City Clerk for a hearing before the City Council.
- 3. **Hearing.** If a hearing is requested, the City Council shall hear testimony from the property owner and City staff and shall make a final determination as to whether a violation exists. If the Council finds that a violation exists, it shall order the abatement thereof within a reasonable time tied to the abatement requirements, time of year, and other relevant considerations, but in no event shall the time for abatement exceed thirty (30) days.

4. **Abatement and Cost Recovery.** If the property owner fails to abate the violation as directed and within the time specified, the City may perform the required action to abate the violation, including the removal and disposal of the offending encroachment or nuisance. The City shall keep an accurate account of all costs incurred, including administrative fees. The total cost shall be billed to the property owner. If the bill is not paid within thirty (30) days, the City Clerk shall certify the costs to the Buchanan County Treasurer to be assessed against the property for collection in the same manner as property taxes.
5. **Penalties.** In addition to any abatement action, a violation of this Chapter shall constitute a municipal infraction, punishable by a civil penalty as provided in Chapter 4 of the Code of the City of Independence. Each day that a violation continues shall be considered a separate offense.

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

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

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

PASSED AND APPROVED by the City Council of Independence, Iowa, on this _____ day of _____ 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: August 25, 2025
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



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 2, 2025

ITEM TITLE: Ordinance to amend Chapter 152, Fences, Walls and Hedges in the City of Independence Code of Ordinances.

DISCUSSION:

This item was sent to the Work Session from the August 11, 2025, Council meeting

For reference, the original memo from the Council Meeting is attached.

At the August 11, 2025, Regular City Council Meeting, Staff included an item to discuss a potential amendment to the City's Code of Ordinances for Chapter 152, Fences, Walls and Hedges, specifically the requirement that the fence be offset from the property line three (3) feet unless permission is obtained from the adjoining property owner to place the fence on the property line.

In researching this matter in consultation with the City Attorney, we found that Chapter 359A of the Iowa Code applies to Cities. As such, we believe the requirement to offset the fence by three feet is unlawful if the resident wants to build a "lawful fence". If the residents want to make a more decorative fence, we believe the City can and should regulate it.

With that in mind, the Staff would like to discuss with the Council the possible removal of the three-foot offset, as well as ask if there are any other regulations the Council would like to have in place for fences located within the City.

The current code is attached for reference.

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 MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: August 11, 2025

ITEM TITLE: Resident Request to Discuss Amending City Code Chapter 152.02 – Fence Setback Requirements

BACKGROUND:

A city resident, Nathan Hansen, has formally requested to be placed on the agenda to discuss a potential amendment to the City's Code of Ordinances. Specifically, Mr. Hansen is concerned with Chapter 152.02, which requires a three-foot setback for fences when written permission from an adjoining property owner is not obtained. The resident has been in communication with the City's Building Official regarding a fence he wishes to install and has formally requested the Council consider removing this requirement from the code. This ordinance is not subject to Planning & Zoning Commission review and can be acted on directly by the City Council.

DISCUSSION:

Amending a City Ordinance requires a specific, and potentially lengthy, process. Typically, for a prospective ordinance change like this, the item is first brought to the City Council for initial discussion, often at a work session to allow for in-depth review and dialogue.

Following a work session, the ordinance amendment would be presented at a regular Council meeting for its first reading. State law requires three separate readings for an ordinance to be adopted. The Council has the authority to waive the second and third readings with a supermajority vote. If the readings are not waived, the process would span several meetings.

Based on the current meeting schedule, if the Council directs this to a work session, it would likely be held on September 2nd. The first reading would then occur at the September 8th meeting, the second on September 22nd, and the final reading on October 13th. The ordinance would then be published and become effective by the week of October 20th.

RESULTS:

The City has established priorities during strategic planning sessions. This item supports the Vision from that session of **supporting high-quality City services** and **efficient and effective planning and prioritizing of all available resources**.

This item helps achieve that vision by ensuring the City's regulations are reasonable, not unduly burdensome on property owners, and reflect the current needs and desires of the community. Reviewing the ordinance based on resident feedback is a key part of effective governance.

FINANCIAL CONSIDERATION:

There are no direct financial considerations associated with this discussion. If the ordinance is amended, there may be minor costs associated with publishing the new ordinance, which can be absorbed into the current operating budget.

RECOMMENDATION:

Staff recommends that the City Council discuss the resident's request and provide direction. Should the Council be amenable to considering a change, the recommended next step would be to schedule the topic for a City Council Work Session on September 2, 2025, to allow for a more thorough discussion of the matter. If the Council would like to accelerate that, we could bring an Ordinance Change to the August 25, 2025, City Council meeting for consideration.

FENCES, WALLS AND HEDGES

152.01 Corner Lot Restrictions**152.03 Permit Required and Contents****152.02 Interior Lot Restrictions****152.01 CORNER LOT RESTRICTIONS.**

On any corner lot in any Zoning District, no fence, wall or other structure shall be erected to a height of more than three feet above the established curb grade at the intersection of the streets on that part of any yard which is bounded by the street lines and a line connecting two points on said street lines 20 feet from their point of intersection, and no planting or foliage to a height of more than three feet shall be placed or maintained within such area.

152.02 INTERIOR LOT RESTRICTIONS.

On any interior lot in any Zoning District, no fence, wall or hedge shall exceed four feet in height in any required front yard and shall not exceed six feet six inches in height in any required side or rear yard. These regulations also apply to that part of the side and front yards of corner lots not covered by Section 152.01. No fence, wall or hedge shall be within three feet of the property line in any side or rear yard unless a written agreement between the adjoining property owners permitting the location of the fence, wall, or hedge on the property line is filed with the City.

152.03 PERMIT REQUIRED AND CONTENTS.

No fence, wall, or hedge shall hereafter be erected, enlarged, altered, or reconstructed without a permit issued by the Building Inspector. Application to the Building Inspector shall state the applicant's name and address and include the location and height of the proposed fence, wall or hedge.



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 2, 2025

ITEM TITLE: 2026/2027 Street Rehabilitation Program

DISCUSSION:

Mark Crawford from Crawford Engineering will be present to assist in a discussion about the upcoming 2026/2027 Street Rehabilitation Programs.

Included in the bond that was just approved is funding for the 2027 Street Rehabilitation Project (on the attached spreadsheet). Given that we were unsuccessful in obtaining the BUILD grant for this project, Staff believes it is appropriate to move the 2027 Street Rehabilitation Project to 2026, with the intention of reapplying for the First Street West project for the 2027 timeframe.

If the Council is agreeable to that, then the next step would be to discuss the timing, plan, programmed streets, and map of what would become the 2026 Street Rehabilitation Program.

Included from Crawford Engineering is the map and list of streets planned for this upcoming project.

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.

Spring 2025 Bond Issuance

| Description | | Amount | | | |
|--------------|---|-----------------|---|-----------------|--------|
| 302-773-4820 | 2027 Street Rehab (Originally 2025 Rehab) | \$ 900,000.00 | 780,000 construction + 100,000 engineering + 20,000 legal | \$ 1,505,000.00 | 59.80% |
| 325-210-4820 | 1st St W Reconstruction | \$ 425,000.00 | 336,000 City Match for STBG + 89,000 legal & publishing, etc. | | 28.24% |
| 741-868-4820 | IPF Storm Water | \$ 180,000.00 | to pay back what moved over to do work on 1st St W RAISE grant | | 11.96% |
| | | | | | 0.00% |
| | | | | | 0.00% |
| | | | | | 0.00% |
| 323-110-4820 | Police CIP items | \$ 223,700.00 | Squad 52,000 + Squad Equip 20,000 + Body/In-Car Cameras 151,700 | \$ 843,700.00 | 26.51% |
| 323-150-4820 | Fire CIP items | \$ 110,000.00 | Fire equip replaced \$40,000 + Fire gear replaced \$25,000 + tornado siren \$45,000 | | 13.04% |
| 323-170-4820 | Building CIP items | \$ 65,000.00 | New comp plan \$30,000 + Zoning ordinances updated \$20,000 + Zoning map updated \$15,000 | | 7.70% |
| 323-210-4820 | Street CIP items | \$ 112,500.00 | Pick-up w/ construction dump bed & plow \$70,000 + Speed learning signs \$25,000 + Lovers Lane street lights \$17,500 | | 13.33% |
| 323-430-4820 | Parks CIP item | \$ 132,500.00 | Tractor w/ snow removal equip 40,000 + Park Shed roof 12,500 + Polaris Ranger 20,000 | | 15.70% |
| 323-650-4820 | City Hall CIP items | \$ 200,000.00 | property acquisition/parking expansion south of building | | 23.71% |
| | | | | | 0.00% |
| 323-210-4820 | Street CIP items | \$ 65,000.00 | Open front storage shed - adding on to main shop | \$ 65,000.00 | |
| | | | | | |
| | | \$ 2,413,700.00 | | \$ 2,413,700.00 | |

2026 Rehabilitation Program

| Ftr ID | Street | Location | Existing Surface | 2022 PCI | Condition | Blocks | Recommended Improvement | Estimated Cost |
|--------|---------------|---------------------------|------------------|----------|-----------|--------|--------------------------------|----------------|
| 55 | 11th Ave NE | 2nd St NE to 3rd St NE | PCC | 65 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 50 | 2nd St NE | 7th Ave NE to 8th Ave NE | PCC | 65 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 46 | 17th St SE | 5th Ave SE to 8th Ave SE | PCC | 67 | Very Poor | 3 | PCC Crack & Seat w/ACC Overlay | \$ 117,000 |
| 62 | 2nd St NE | 11th Ave NE to East End | PCC | 68 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 63 | 2nd St NE | Bridge to 11th Ave NE | PCC | 68 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 60 | 5th St NE | 5th Ave NE to 6th Ave NE | PCC | 68 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 61 | 5th St NE | 7th Ave NE to 8th Ave NE | PCC | 68 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 54 | 6th St NE | 5th Ave NE to 7th Ave NE | PCC | 69 | Very Poor | 2 | PCC Crack & Seat w/ACC Overlay | \$ 78,000 |
| 19 | 12th Ave NW | 3rd St NW to North End | PCC | 64 | Very Poor | 2 | PCC Crack & Seat w/ACC Overlay | \$ 78,000 |
| 40 | O'Brien Ct NW | Cul-de-Sac to 12th Ave NW | PCC | 66 | Very Poor | 2 | PCC Crack & Seat w/ACC Overlay | \$ 78,000 |
| 51 | 3rd St NE | 4th Ave NE to 5th Ave NE | PCC | 67 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 43 | 9th St NW | 9th Ave NW to 10th Ave NW | PCC | 68 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| 123 | 3rd St SW | 7th Ave SW to 6th Ave SW | PCC | 68 | Very Poor | 1 | PCC Crack & Seat w/ACC Overlay | \$ 39,000 |
| | | | | | | 18 | | \$ 702,000 |

Construction Budget \$ 780,000
Contingency \$ 78,000