

PUBLIC NOTICE

POSTVILLE COMMUNITY SCHOOL SEPTEMBER 13, 2021 INVOICES APPROVED GENERAL FUND

A & S Lawn Care	Lawn care	2,290.00
Alliant Energy	Electricity	14,396.79
Amazon.Com, LLC	Elem Supplies	10,046.54
Apple Computer, Inc.	Technology supplies	1,477.21
B & K Heating & Plumbing, Inc.	Maintenance supplies	833.94
Blackhawk Sprinklers, Inc.	Inspection fee	552.50
BMO HARRIS MASTERCARD	Supplies	4,630.12
Bodley Equipment & Repair	Building repairs	184.76
Casey's Business Mastercard	General supplies	1,018.07
City Laundering Co.	Cleaning services	200.00
City of Postville	Water	1,350.57
Dean Family Chiropractic	Employee Physicals	225.00
Decker Equipment	Maintenance repairs	3,835.98
Decorah Community Schools	Tuition	1,378.00
Discovery Education	Credit Tax	17,940.00
Earl's Locksmith	Building repair service	281.75
EBSO	Elementary Periodicals	58.07
ENTERPRISE FINANCIAL	Copier services	4,314.00
Fayette County Union	Publications	291.00
Flinn Scientific Inc.	Science Supplies	76.10
Follett School Solutions, Inc.	Elementary library books	219.14
GreenLawn	Lawn care	384.48
Hawkeye Communication/Fandel Alarm	Building service	80.00
Hillyard/Des Moines Sanitary	Maintenance supplies	1,900.89
Hoglund Bus Co., Inc.	Bus parts	686.28
Houghton Mifflin Harcourt	Elementary supplies	320.51
Impact7G	Staff Development	125.00
Iowa Communications Network	JR/SR telephone	3,870.67
Iowa Division of Labor Services	Maintenance fees	160.00
Iowa H.S. Speech Association	Speech Dues	75.00
Iowa Testing Programs	Testing Service	97.50
ISEBA	Retiree Insurance	460.06
JMC Computer Service, Inc.	HS office supplies	87.50
John's Appliance	Maintenance supplies	319.99
John's Hardware Center		

Maintenance supplies	349.92	
Keystone Area Education Agency	Science software	1,162.34
Lansing, Glen	Cell phone	70.00
Letter Werks Sign City, LLC	Maintenance supplies	1,700.00
Literacy Resources, Inc.	Elem Supplies	87.99
LTl Water Conditioning	Water	221.00
Malcom Enterprises, Inc.	Garbage collection	605.00
Meyer's Auto Service	Labor	718.30
Meyer, Karen	Supplies - Board of	150.00
Mid-America Publishing Corp.	Publications expense	1,533.67
Moss Roofing & Insulation, Inc.	Roof repairs	450.00
NCS Pearson, Inc.	Elementary Level III	357.50
Ness Pumping	Garbage collection	235.00
Northeast Iowa Telephone Co.	Internet	651.15
Nunez, Dirsra	Registration Refund	90.00
Outlook, The	Elementary Periodicals	35.00
P.Q.L. Inc	Maintenance supplies	319.21
Palas Service & Repair	Parts	972.27
Postmaster Postage	Postmaster Postage	144.84
Postville Herald	Elementary Periodicals	90.00
Quill Corporation	Supplies	3,425.44
Riverside Insights	Elementary TAG supplies	456.90
S & P Refrigeration	Plumbing repairs	455.41
Savvas Learning Company, LLC	Math Software	2,200.00
Schutte, Jennifer	Elem. Principal travel	62.00
Sports World	JR/SR High supplies	309.95
Superior Building Center	Maintenance supplies	292.82
Supreme School Supply Co.	HS Supplies	165.24
Teaching Strategies, LLC	Preschool services	365.75
Tierney	Technology supplies	3,423.89
Tri-State Business Machines	Copier services	723.33
Verizon Wireless	Hot Spots-GEER	285.38
Winona Controls, Inc.	Service	778.04
WoodRiver Energy, LLC	Natural Gas	1,263.66
STUDENT ACTIVITY FUND		
Amazon.Com, LLC	Elem Office	27.49
BMO HARRIS MASTERCARD	Supplies	3,259.20
Byerly, Brad	Football official	200.00

Delaney, Jesse	Football official	200.00
Educational Theatre Association	Thespians Fees	258.00
Herman, Ronald	Football official	200.00
Iowa Girls Coaches Association	Athletic fees	75.00
Iowa H.S. Music Association	Music entry fee	25.00
Iowa Thespians	Fesitval fees	2,130.00
Lyons, Dennis	Football official	200.00
Skeeter Kell Sporting Goods	Football supplies	1,138.15
Zehr, Jeremy	Football official	115.00
Zieman, Rebecca	Refund Activity Pass	150.00
Zuercher, Nick	FFA Travel	327.00
MANAGEMENT FUND LEVY		
Petersburg Agency, A & J	Bus Insurance	384.00
CAPITAL PROJECTS		
Cresco Building Service, Inc.	Construction services	30,456.00
Phillip's Floors, Inc.	Construction services	5,575.00
PHYSICAL PLANT & EQUIPMENT		
Driveway Specialist	Construction services	2,800.00
Gericke, Anthony	Building rent	825.00
Hawkeye Communication/Fandel Alarm	Fixture updates	3,614.97
Riverside Technologies, Inc.	Fixture updates	82,994.36
DEBT SERVICE FUND		
UMB Bank N.A	Issuance fees	600.00
Vantage Financial, LLC	Lease/Rent Payment	11,121.00
SCHOOL NUTRITION FUND		
EMS Detergent Services	General supplies	665.90
Henry, Amy	Lunch money refund	60.00
Iowa Food Hub	Food	1,535.40
John's Hardware Center	General supplies	3.91
KOENIG, NORMA	Mileage reimbursement	62.00
LOONEY, SUSAN	General supplies	27.99
Martin Brothers Distributing Co.,	Food Credit	10,754.77
Pan-O-Gold Baking Company,	Food	277.50
Prairie Farms Dairy, Inc.	Food	2,118.29
Riverland Expressions	General supplies	853.85
Wilker, Fred	Food	765.00

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CLAIMS ALLOWED BY THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS SEPTEMBER 13, 2021

General Basic Fund

Advanced Busi Systems	postage	179.00
Alla Clayton Elec elec		742.45
Alla Co Economic Develop	misc	23,099.86
Alla Co Treasurer taxes		8,474.00
Alliant Energy Elec elec		4347.21
American Legion Post #62	supplies	80.00
Anderson Law Off	services	495.00
AT&T Mobility Data	services	619.05
Denise Beyer mtg		646.82
Black Hills Energy	services	72.10
Bodensteiner Impl	services	72.39
Jaquie Byrnes supplies		98.79
Canon Financial Svcs	services	131.20
CDW Gov't Inc	supplies	540.00
CenturyLink svcs		108.67
City of Waukon svc		229.39
Clark Tire Pros tubes		130.18
Clayton Co Sheriff svcs		35.00
Cole's Auto Repair svcs		94.00
Croell Redi Mix	concrete	186.50
Culligan services		245.80
Epic Wear supplies		85.00
Galls LLC supplies	295.64	
Grau Funeral Homes	services	980.00
Hartig Drug Co	supplies	466.30
Hausladens supplies		31.98
Hennesty Towing	services	125.00
IA's Co Conserv System	mtg	65.00
IA Dept of Public Safety	services	1,615.50
IA Substance Abuse	dues	100.00
Jadeccs supplies		963.90
James L Janet mtg		472.20
Glen Jevne supplies		6.18
Jim's Full Service	services	611.63
Kiesler Police Supply	supplies	538.80
Ross Kolsrud mtg		326.67
Mail Services LLC	postage	510.41
Martin Bros Distributing	supplies	485.25
Mediacom services		993.99
Mid-America Publishing	services	180.68
NE IATelephone services		114.94
News Publishing services		965.17
North IA Reporting	services	123.00
Postmaster postage		58.00
Professional Of Services	supplies	242.80
Quadient Finance USA	postage	1,000.00
Quillin's supplies		27.65
Quillins fuel		164.93
RELX Inc LexisNexis	services	198.38
Riley's supplies		28.54

Stephanie Runkle mtg	626.27	
Phil Schlueter services	143.89	
Schneider Corp	services	1,305.00
Schumacher Elevator Co	services	334.50
SOS Notary svcs		30.00
Solutions svcs		17,731.76
Sportsmen's Unlimited	supplies	669.98
IA Off State Medic	services	2,028.00
Storey Kenworthy	supplies	586.91
Chloe Stortz supplies		3.09
Tactical Solutions	supplies	408.00
Tower Co supplies		155.50
Town & Country Sanitation	services	116.09
Tri-State Busi Machines	services	280.79
UERPC svcs		3,064.90
VMH svcs		10,416.67
Viking Pest Control	supplies	80.00
Village Farm & Home	supplies	187.03
Visa services		72.04
Waste Mgmt svcs		62.28
Debbie Winke mtg		605.94
Winona Controls	services	302.70
Winona Htg & Ventilating	services	531.00
Xerox Financial Services	services	152.85
General Supplemental Fund		
Alla Co Auditor ins		925.00
Alla Co Sheriff svcs		104.15
IA SOS services		1,779.05
Well Grant Fund		
UPS postage		19.99
MH-DD Services Fund		
Alla Co services		96.00
Rural Services Basic Fund		
Alla Clayton Elec elec		49.99
Alliant Energy elec		144.31
Culligan services		18.75
Cunningham Hdwe	supplies	18.87
Kious Kountry	services	250.00
Town & Country Sanitation	services	15,009.59
Village Farm & Home	supplies	77.97
Secondary Road Fund		
AcenTek phone		86.62
Alla Clayton Elec elec		312.92
Alliant Energy elec		545.54
American State Equip Co	supplies	422.82
Bard Materials supplies		129.43
Black Hills Energy	services	40.36
Bodensteiner Impl	supplies	929.19
Brennan Construction	services	35027.09
Bruening Rock Products	rock	14636.54
Carquest supplies		1,103.60
Cedar Falls Constr	services	60,085.22
City Laundering Co	services	325.10
Culligan services		25.00
Diamond Mowers	supplies	305.54

Fastenal supplies	169.18	
Fehr Graham services	2,683.00	
Hausladens supplies	48.99	
Hovden Oil fuel	4,832.21	
Innovative Ag Services	svcs & supplies	727.50
IA DNR services		175.00
Lansing Auto Parts	supplies	30.25
Lawson Products Inc	supplies	492.63
LNM Truck & Trailer Repair	services	459.95
Mediacom services	291.50	
MOLO Petroleum LLC	supplies	496.27
Mulgrew Oil fuel	52,480.76	
News Publishing	services	270.44
Rainbow Quarry rock		1,171.42
RC Tire & Trucking	services	170.00
Sadler Power Train	supplies	322.56
Superior Welding Supply	supplies	38.34
Town & Country Sanitation	services	78.75
Truck Country of IA	supplies	66.37
Turf N Timber Corp	services	53.39
Verizon phone		166.32
Village Farm & Home	supplies	425.30
Ziegler Inc	services & supplies	205,783.46
Watershed		
Bruening Rock Products	rock	170.71
Emergency Manag/Disaster		
Amazon Capital Services	supplies	63.56
AT&T Mobility svcs		82.54
CenturyLink phone		6.00
Cunningham Hdwe	supplies	5.00
Storey Kenworthy supplies		36.47
Torkelson's services		64.57
Village Farm & Home	supplies	44.71
Xerox Financial Services	services	38.20
Assessor Fund		
Ann Burckart mtg		650.25
ISAA mtg		650.00
Kwik Trip Extended fuel		132.71
Mediacom phone		99.64
RICOH USA services		14.58
Schneider Corp services		1,305.00
Solutions Inc services		113.90
E-911 Surcharge Fund		
AcenTek phone		1,762.82
CenturyLink phone		29.70
Centurtyel of Postville	phone	160.27
Xerox Financial Services	services	38.20
E-911 Operating Fund		
AT&T Mobility services		41.27
DeSoto Fire Dept	services	124.00
NE IA Telephone	services	1100.00
US Cellular phone		250.54
Village Farm & Home	supplies	2.99
Grand Total		503,190.00

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PUBLIC NOTICE

REGULAR MEETING OF THE CITY COUNCIL OF POSTVILLE, IOWA SEPTEMBER 13, 2021

1. A regular meeting of the City Council of Postville, Iowa, in the Council Chambers at 147 N. Lawler St. on September 13, 2021, beginning at 7:00 p.m. with Mayor Rekow presiding.

2. On call of the roll, the following Council Members were present: Don Miller, Mary Engstrom, Ross Malcom, Zev Frimerman and Larry Moore. Absent: None.

3. Council Member Engstrom made a motion to approve the agenda as posted by the Clerk. Seconded by Malcom. Carried 5:0.

4. Several bids were reviewed for tree removal; Council Member Moore made a motion to award the tree removal bid to Hangartner Tree Removal in the amount of \$23,000 and \$3,620 for the stumps. Seconded by Malcom. Carried 5:0.

5. No bids were received for the sale of the sewer jet. Council Member Engstrom made a motion to offer for sale at a Sweeney auction. Seconded by Moore. Carried 5:0.

6. Council reviewed a cooperation agreement of the SOO Green. A presentation of the project will be held at the October 11, 2021 meeting.

7. Council Member Malcom made a motion to approve the 28E agreement with NEICAC. Seconded by Miller. Carried 5:0.

8. Council Member Malcom made a motion to approve the tables at turner hall for sale by sealed bid. Seconded by Engstrom. Carried 5:0. Discussion was held on the upper-level exit door at Turner Hall needing replacement or repair a bid from Mobile Glass was reviewed in the amount of \$3,455.41. Council requested more options for the door repair or replacement. The City Clerk will gather more options for the October meeting.

9. Council Member Malcom made a motion to approve the police purchase of a Bola Wrap 100 in the amount of \$1,179.92. Seconded by Moore. Carried 5:0. Chief Ellis gave an update on the police truck purchase that was approved last year. The model will be a 2022 series Dodge at the same price with trade in on the 2015 Dodge truck \$500 less than the original agreed amount due to the mileage increase.

10. Council set October 18, 2021 at 6 p.m. for a work session with the Planning and Zoning Commission to review the Zoning Ordinances.

11. Council Member Malcom made a motion to adopt Ordinance # 694-21, An Ordinance Amending Chapter 46 (Minors) to the City Code of Ordinances. Seconded by Engstrom. The roll was called ayes: Miller, Engstrom, Malcom, Frimerman and Moore. Nays: None. Carried 5:0. Council Member Engstrom made a motion to waive the second and third reading and final adopt Ordinance 694-21. Seconded by Moore. The roll was called ayes: Miller, Engstrom, Malcom, Frimerman and Moore. Nays: None. Carried 5:0.

12. Council Member Moore made a motion to approve the installation of a transfer switch in the street garage by Electric Motor Shop in the amount of \$824. Seconded by Miller. Carried 5:0.

13. Council Member Engstrom made a motion to approve the consent agenda.

a. Approval of the minutes of the meeting of August 9, 2021.

b. Departmental reports for the month of August 2021

(1) Treasurer and Clerk

(2) Police

(3) Swimming Pool

(4) Zoning Administrator

(5) Public Works

(6) Library

(7) Fire Department

c. Claims and Transfers for September 13, 2021.

d. IAMU – Iowa Safety Education Program Participant Agreement.

e. James Cunningham -6 mo. Probation.

f. Fire Department Parade of Lights Street Closure 9/25/21

Seconded by Frimerman. Carried 5:0.

14. Council Member Engstrom

PUBLIC NOTICE

made a motion to approve the resolution for money to pay claims. Seconded by Miller. The roll was called ayes: Miller, Engstrom, Malcom, Frimerman and Moore. Nays: None. Carried 5:0.		
CASH RECEIPTS for month of August 2021	GENERAL	179,876.92
LIBRARY		630.10
SWIMMING POOL		1,721.67
RUT		20,689.92
EMERGENCY		8,737.50
LOST		58,101.73
WATER		50,498.63
SEWER		230,949.18
STORM WATER		3,034.04
RESOLUTION FOR THE APPROPRIATION OF MONEY	BE IT RESOLVED by the City Council of the City of Postville, Iowa, that there is hereby appropriated out of any funds in the City Treasury not otherwise appropriated in payment of all bills and miscellaneous claims this day allowed:	
GENERAL FUND		69,638.28
ROAD USE FUND		43,044.95
TRUST & AGENCY FUND		6,016.89
EMERGENCY FUND		131.57
LOCAL OPTION SALES TAX FUND		12,242.32
CAPITAL PROJECT FUND		68,138.31
WATER FUND		34,830.11
SEWER FUND		20,024.34
TRANSFERS - (610) USDA IND WW Sewer to Sewer Sinking- \$27,844; Gen (001) to Health (500) \$8,400; Cap Imp (300) to Gen (001)- \$51,000; Gen (001) to LOST (121) -\$37,000; Sponsored Project (305) to Sewer (610) -\$52,063.65; WWTF Project (307) to Sewer (610)-\$99,048.39; Gen (001) to Greene St Project (ARF) (311) \$100,000; Ind WW (301) to Gen (001) \$34,883.44.		
Dated at Postville, Iowa, this 13th day of September 2021.	Attest: Darcy Radloff, Clerk	Leigh Rekow, Mayor
CLAIMS OF SEPTEMBER 13, 2021		
ALLAMAKEE-CLAYT	ELECTRIC SERVICE	963.37
ALLIANT ENERGY	ELECTRIC SERVICE	20,562.12
BLACK HILLS ENERGY	NATURAL GAS SERVICE	339.34
BODLEY EQUIPMENT & REPAIR	ROTARY MOWER REPAIR	90.5
CENTURY LINK	TELEPHONE SERVICE	87.59
FIDELITY BANK-941	FED/FICA TAX	27,012.22
COMPLETE CLEANING	CLEANING	295
ELECTRIC MOTOR SHOP	WELL	120.5
HAWKINS INC.	CHEMICALS	3,504.05
IOWA LEAGUE OF CITIES	ANNUAL CONFERENCE	265
IPERS IPERS		6,986.27
JOHN'S APPLIANCE	CHAIN SHARPENING	12
JOHN'S HARDWARE CENTER	TABLES TURNER HALL	2,594.88
KEYSTONE LABORATORIES INC	WATER TESTING	25.3
TREASURER - STATE OF IOWA	STATE TAXES	5,536.00
STOREY KENWORTHY	OFFICE SUPPLIES	189.54
SHUTTLEWORTH & INGERSOLL	LEGAL FEES LAGOONS	2,009.50
ELECTRIC PUMP	SERVICE AGREEMENT LIFT STATION	1,500.00
VEENSTRA & KIMM	ENGINEERING SOLAR PROJECT	1,950.00
UNITED STATES POST OFFICE	UTILITY BILLING EXPENSE	195.72
POSTVILLE MEDICAL CLINIC	DRUG TESTING	40
DAVY LABORATORIES	TESTING	829
PETTY CASH-POLICY	PETTY CASH	15.75
U.S. CELLULAR	CELL PHONE SERVICE	910.79
REGGIE LUBKA	FARMERS MARKET SIGN SUPPLIES	44.22
GALLS INCORPORATED	UNIFORM POLICE	705.34
REKOW LEIGH	MILEAGE REIMBURSEMENT	41.44

PUBLIC NOTICE

HANGARTNER CONSTRUCTION	TREE REMOVAL	2,950.00
SPEER FINANCIAL	MSRB FILING	300

PUBLIC NOTICE

POSTVILLE BOARD OF EDUCATION MEETING REGULAR SCHEDULED MEETING AT 6:00 P.M. FINE ARTS LOBBY (BROADCAST ON <https://tinyurl.com/postvilleschoolboard>) SEPTEMBER 13, 2021

President Gericke called the regular meeting of the Postville Board of Education to order at 6:00 PM, on Monday, September 13, 2021, with the following members present: Travis Koenig and Staci Malcom. Members absent: Jessica Deering and Amy Loera.

Motion by Malcom, second by Koenig, to approve the agenda. Carried unanimously.

Motion by Koenig, and by Malcom, to approve the consent agenda, with amendments. Carried unanimously.

a. Approve August 9, 2021 regular meeting minutes. b. Approve the monthly invoices and financial reports (reviewed by Tony Gericke).

c. Approve the hiring of Bryan Mueller/Junior High Football Coach; Abby Livingood/FT Jr./Sr. High Paraprofessional; Lisa Davis/FT Elementary Paraprofessional; R.J. Olsen/Jr. High School Cross Country Coach.

d. N/A-no resignations.

e. N/A-no transfers.

f. Approve the certified lane changes for the 2021-2022 School Year.

Marissa Davis to BA12, Felicia DeJong to MA30, Dara Knudtson to BA12, Bryan Mueller to MA, Todd Neal to BA24, Kathy Ohloff to BA24, Brian Orr to MA, Jessie Samuelson to BA12, Sarah Sanderson to BA12, and Morgan Taake to BA24

g. N/A-no donations.

h. Approve the open enrollment applications for:

i. In: from MFL MarMac: Elianna James Lightfoot (K), Olivia McManigle (10), Vanessa McManigle (11).

ii. Out: to MFL MarMac: Preslee

Jo Ross (2), Blake Ross (4), Brody Ross (5); to Decorah: Luca Davi (2) Home School Assistance Program. Mr. Dugger updated the board on the Instructional Support Program and the need to consider the renewal/extension of the program with board action for a period of five years, FY26-FY31, recommending starting the process in October 2021. Mrs. Schutte shared information about the Elementary Computer Science Program and Learning Lab being hosted by Postville on 9/22. Marshall, the therapy dog, visits the school twice a week.

Mr. Knudtson provided information on the new JR/SR High Advisor schedule and rotation process. Homecoming week is scheduled for 9/20-9/24. The NICC Construction Simulator will be coming to the Postville Campus.

Motion by Koenig, second by Malcom, to approve a five-year maintenance contract with Schumacher Elevator for the Recreation Center. Carried unanimously.

Motion by Malcom, second by Koenig, to approve the second reading of the following updated board policies: 200.3, 206.1, 206.2, 213, 213.1, Rescind 213.1R1, 302.5, 303.6, 401.14, 412.3, 501.14, 501.15, 502.3, 502.3R1, Rescind 504.3, Rescind 504.3R1, 505.5, 603.6, 604.1, 606.2, 701.2, 711.2, Rescind 711.2R2, 804.6, 804.6R1, and 905.3. Carried unanimously.

The next regular board meeting will be held on October 11, 2021, at 6:00 P.M. at the Postville Fine Arts Center Lobby.

Motion by Koenig, second by Malcom, to adjourn the meeting at 6:20 P.M. Carried unanimously.

Anthony Gericke, President

Melissa Fettkether, Secretary

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MINUTES OF THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS MONDAY, SEPTEMBER 13, 2021 (UNOFFICIAL)

Board members present: Byrnes, Reiser and Schellhammer. All members voting "AYE" unless noted.

Meeting called to order by Schellhammer, followed by the Pledge of Allegiance.

21.335-Motion Byrnes/Second Reiser to approve today's agenda and the minutes from September 7, 2021. Motion carried.

The following people were present at various times throughout the meeting in person or via Zoom: Joseph Moses – Standard newspaper, Denise Beyer – Auditor and Clerk to Supervisors, Melissa Collum, Darin Svenson, Stephanie Runkle, Heather Homewood, Brian Ridenour.

Public Comment: Melissa Collum, new editor of Postville Herald, and Supervisors introduced themselves to each other. Val Reinke spoke about childcare survey being done to determine demand, ACED Annual meeting on October 14 in Post-

ville at Turner Hall, and upcoming events in county communities.

Val Reinke explained Home Base Iowa program and read the resolution. Home Base Iowa connects Iowa businesses with Veterans and their spouses when they are relocating or wanting to relocate. Heather Homewood spoke about county and businesses creating incentives for veterans relocating to their communities.

21.336-Motion Byrnes/Second Reiser to approve the Home Base Iowa Resolution. Roll call-Reiser-aye; Byrnes-aye; Schellhammer-aye. Motion carried. (Full text of resolution available in Auditor's office)

Auditor Beyer read the Proclamation for National Voter Registration Month.

21.337-Motion Reiser/Second Byrnes to proclaim September 2021 as National Voter Registration Month in Allamakee County. Motion carried.

Engineer Ridenour explained the plans for road construction on Prairie Drive.

21.338-Motion Byrnes/Second

Reiser to approve the set of plans for road construction on Prairie Drive. Motion carried.

Department Head/COVID-19 updates: Ridenour shared a picture of some signs that will be placed throughout the county as part of the Home Base Iowa program; gave department and project update; updated on filling open positions in his department. Auditor Beyer updated on upcoming elections including September 14 Special Lansing election and November 2 City-School election; also preparing for Hacker Nelson auditors to come the week of October 4. Supervisor Schellhammer asked Beyer about American Rescue Plan funds and setting up the first meeting with Paul Berland at RC&D.

21.334-Motion Byrnes/Second Reiser to adjourn. Motion carried.

Larry Schellhammer, Chairperson
ATTEST:

Denise Beyer, Auditor

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PUBLIC NOTICE

ORDINANCE NO. 694-21 AN ORDINANCE AMENDING CHAPTER 46 (MINORS) TO THE CITY CODE OF ORDINANCES

WHEREAS, the City Council has determined that it is in the best interests of the City and the residents of the City of Postville to amend section 46.01 (Curfew) of Chapter 46 (Minors) of the Postville Code of Ordinances to ensure that the minor residents of the City of Postville are protected from undesirable influences and criminal activities that occur during certain hours of the day and to minimize the likelihood of criminal behavior carried out by unsupervised minors at certain hours; and

WHEREAS the City Council has deemed it necessary to repeal and replace section 46.01 of Chapter 46 of the City Code to carry out those objectives listed above.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POSTVILLE, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to protect and promote the public health, safety, morals and general welfare of the residents of the City of Postville by regulating the hours that minors may occupy certain public spaces without responsible adult supervision while at the same time ensuring that minors are permitted to engage in lawful and/or protected activities as necessary.

To further effectuate the City's purpose above, a new section must be replaced to the City Code of Ordinances for the City of Postville, Iowa.

SECTION 2. SECTIONS REPEALED AND REPLACED. Section 46.01 (Curfew) of Chapter 46 of the City Code is hereby repealed in its entirety and replaced with the following provisions. No underline/strikethrough text is included in this section, as the entirety of section 46.01 as shown below constitutes newly replaced language:

CHAPTER 46 MINORS

46.01-1. PURPOSE. A curfew for minors is necessary to promote the public health, safety, morals and general welfare of the residents of the City, and is enacted to achieve

the following purposes:

1. Reinforce the primary authority and responsibility of adults responsible for minors;

2. Protect the public from illegal acts committed by minors and;

3. Protect minors from improper influences and criminal activity more prevalent at certain hours.

46.01-2. DEFINITIONS. For the purpose of this chapter, the following terms have the respective meanings given herein:

1. EMERGENCY ERRAND: means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident, or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.

2. KNOWINGLY: means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility through an objective test. It shall, therefore, be no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

3. MINOR: means any unemancipated person under the age of eighteen (18) years.

4. NONSECURED CUSTODY: means custody in an unlocked area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secured detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a peace officer or person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecure custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release of the person's parents, or other responsible adult, or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention.

5. PUBLIC PLACE: shall include the city square, shopping centers, parking lots, parks, playgrounds, streets, alleys, sidewalks, dedicated to public use; and shall also include such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is permitted without specific invitation, or to which the general public has access.

6. RESPONSIBLE ADULT: means a parent, guardian or other adult specifically authorized by law, or authorized by a parent or guardian to have custody or control of a minor.

7. UNEMANCIPATED: means unmarried and still under custody or control of a responsible adult.

46.01-3. CURFEW ESTABLISHED.

1. No minor fourteen (14) years of age or younger shall be in any public place during the following times:

a. September 1 through May 31
i. Sunday through Thursday – 10:00 p.m. to 5:00 a.m.

ii. Friday and Saturday – 12:00 midnight to 5:00 a.m.

b. June 1 through August 31

i. Sunday through Thursday – 11:00 p.m. to 5:00 a.m.

ii. Friday and Saturday – 12:00 midnight to 5:00 a.m.

2. No minor fifteen (15) through seventeen (17) years of age shall be in any public place during the following times:

a. September 1 through May 31
i. Sunday and Thursday – 11:00 p.m. to 5:00 a.m.

ii. Friday and Saturday – 1:00 am to 5:00 a.m.

b. June 1 through August 31

i. Sunday through Thursday – 12:00 midnight to 5:00 a.m.

ii. Friday and Saturday – 1:00 a.m. to 5:00 a.m.

46.01-4. EXCEPTIONS. The following are exceptions to the curfews established above:

1. The minor is accompanied by a responsible adult.

2. When the minor is on the sidewalk or property where the minor resides, or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor

to be there.

3. The minor is present or is traveling between home and one of the following:

a. Minor's place of employment, trade or occupation, in which the minor is permitted by law to be engaged; or, if traveling, within one (1) hour after the end of work.

b. Minor's place of religious activity; or, if traveling, within (1) hour after the end of the religious activity.

c. Governmental or political activity; or, if traveling, within one (1) hour after the end of the activity.

d. School activity; or, if traveling, within one (1) hour after the activity.

e. Assembly such as a march, protest, demonstration, sit-in; or meeting of an association for advancement of economic, political, religious or cultural matters; or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, and freedom of assembly. If traveling, within one (1) hour after the end of the activity.

f. The minor is on an emergency errand for a responsible adult.

46.01-5. RESPONSIBILITY OF ADULTS. NONLIABILITY OF CITY. It is unlawful for an responsible adult knowingly to permit or allow a minor to be in any public place in the city within the time periods prohibited by this chapter, unless the minor's presence falls within one of the exceptions set forth herein.

46.01-6. ENFORCEMENT PROCEDURES.

1. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as birth certificate or driver's license, a police officer shall, in the first instance, use his or her best judgment in determining age.

2. Grounds for Arrest. The following shall constitute grounds for arrest:

a. Refusal to sign the citation without qualification;

b. Two (2) or more violations of the curfew ordinance;

c. Refusal to provide proper identification;

d. An individual engaged in action that constitutes an immediate threat to the person's own safety or the

safety of the public.

3. Conditions of Custody. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

4. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such persons to produce the child in court at such time as the court may direct.

5. Minor Without Adult Supervision. If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor within a reasonable period of time, the peace officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child, or another adult person who is known to the child.

46.01-7 PENALTY.

1. Responsible adult's first violation—warning. In the case of a first violation by a minor, the police department shall send the adult responsible for the minor a written notice of the violation by certified mail, with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor.

2. Responsible adult's second violation—civil infraction. Any responsible adult as defined in this chapter who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section shall be guilty of a civil infraction, and upon conviction, shall be punished by a civil penalty not to exceed sixty-five dollars (\$65.00) plus applicable court costs.

3. Minor's first violation—warning.

In the case of a first violation by a minor, the police shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor.

4. Minor's second and subsequent violations—civil infraction. For the minor's second violation of any of the provisions of this chapter, the minor shall be guilty of a civil infraction. Upon conviction, the minor shall be punished by a civil penalty not to exceed sixty-five dollars (\$65.00) plus applicable court costs. For each subsequent violation after the minor's second offense, the civil penalty shall increase by ten dollars (\$10.00) for each subsequent offense.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 13th day of September, 2021.

Leigh Rekow, Mayor
ATTEST:

Darcy Radloff, City Clerk

CERTIFICATION

I, Darcy Radloff, City Clerk, do hereby certify the above is a true and correct copy of Ordinance No. 694-21 which was passed by the Postville City Council this 13th day of September, 2021 and published in the Postville Herald this 22nd day of September, 2021.

Darcy Radloff, City Clerk

Published September 22, 2021 in the Postville Herald.