REGULAR SESSION – NOVEMBER 5, 2018

The City Council met in regular session at 6:00 p.m. on November 5, 2018 in the City Hall Council Chambers. Mayor Kelly B. Shaw called the meeting to order and on roll call the following members were present: Shirley Clark, Joe Gezel, Bob Kling, Greg Marchant, John Parker and Greta Southall.

Rob Keller, 17477 Hamilton Street, Bailey Saal, 411 W. Ashland and Amye Shivers, 702 N. "G", spoke regarding the Indianola School Safety Committee and requested the Indianola Community Schools and the City of Indianola share a School Resource Officer (SRO).

Council member Parker moved to approve the consent agenda as follows and Kling seconded the motion. On roll call the vote was, AYES: Kling, Clark, Marchant, Gezel, Southall and Parker. NAYS: Whereupon the Mayor declared the motion carried unanimously.

Approval of agenda

October 15, 2018 minutes

Final consideration and adoption of ORDINANCE NO. 1605 entitled, "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDIANOLA, IOWA, CHAPTER 35, POLICY DEPARTMENT DEPARTMENTAL RULES" – the ordinance to be effective upon publication.

Resolution No. 2018-184 authorizing the purchase of a 2018 Police Ford Utility Vehicle from Stivers Ford Lincoln in an amount of $28,907 (the complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2018-185 approving the professional service agreement with Jakes Lawn & Landscaping for 2018-2019 snow removal at 306 E. Scenic Valley Drive (YMCA) the complete resolution may be viewed at the City Clerk's Office

Resolution No. 2018-186 confirming execution and payment under settlement agreement and release with J&K Contracting LLC and Iowa Trenchless LLC (the complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2018-187 approving a one-year lease agreement between the City of Indianola, First Baptist Church and Trinity United Presbyterian Church (the complete resolution may be viewed at the City Clerk's Office)

Refuse hauling rate increase from Waste Connections and TRM Disposal effective January 1, 2019 (the complete list may be viewed at the City Clerk's Office)

Claims on the computer printout for November 5, 2018

Council member Kling reported on the BRAVO meeting.

Aaron Hurt was introduced as the Indianola Fire Department Training Captain.

A public hearing was held to approve and authorize the sale of real property for development located at 410 S. Jefferson. There were no objections either oral or written. A motion was made by Southall and seconded by Kling to approve the following resolution entitled, "RESOLUTION MAKING THE FINAL DETERMINATION ON POTENTIAL SALE OF INTEREST IN REAL PROPERTY (410

S. Jefferson) AND APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF INDIANOLA AND KENNETH MCCOY." On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-188
RESOLUTION MAKING THE FINAL DETERMINATION ON POTENTIAL SALE OF INTEREST IN REAL PROPERTY (410 S. Jefferson) AND APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF INDIANOLA AND KENNETH MCCOY

(The complete resolution may be viewed at the City Clerk's Office)

A public hearing and first consideration of a request from Tim Phillips to rezone 2508 N. Jefferson Way from A-1 (agriculture) to C-2 (highway commercial) was held. There were no objections either oral or written. Clark moved, and Parker seconded to approve the first consideration of this request. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The following resolution entitled, "RESOLUTION NUNC PRO TUNC CORRECTING AND AMENDING A SCRIVENER'S ERROR IN RESOLUTION NO. 2018-152 APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF INDIANOLA AND JK MANAGEMENT LLC D/B/A KAPPELMAN APPLIANCE" was approved on a motion by Kling and seconded by Gezel. On roll call the vote was, AYES: Clark, Marchant, Gezel, Southall, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-189
RESOLUTION NUNC PRO TUNC CORRECTING AND AMENDING A SCRIVENER'S ERROR IN RESOLUTION NO. 2018-152 APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF INDIANOLA AND JK MANAGEMENT LLC D/B/A KAPPELMAN APPLIANCE

(The complete resolution may be viewed at the City Clerk's Office)

A motion was made by Clark and seconded by Parker to approve the following resolution entitled, "RESOLUTION ACCEPTING THE FINAL PLAT OF DEER CREEK 2, ALL PUBLIC IMPROVEMENTS, FOUR YEAR MAINTENANCE BONDS FOR UNDERGROUND UTILITIES AND PAVEMENT, OVERFLOW FLOWAGE EASEMENT, PUBLIC SANITARY SEWER EASEMENT, WARRANTY DEED AND PARTIAL RELEASE OF REAL ESTATE MORTGAGE." On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried and the following resolution duly adopted.

RESOLUTION NO. 2018-190
RESOLUTION ACCEPTING THE FINAL PLAT OF DEER CREEK 2, ALL PUBLIC IMPROVEMENTS, FOUR YEAR MAINTENANCE BONDS FOR UNDERGROUND UTILITIES AND PAVEMENT, OVERFLOW FLOWAGE EASEMENT, PUBLIC SANITARY SEWER EASEMENT, WARRANTY DEED AND PARTIAL RELEASE OF REAL ESTATE MORTGAGE

(The complete resolution may be viewed at the City Clerk's Office)

Council member Southall moved to adopt the following resolution entitled, "RESOLUTION AUTHORIZING INTERNAL LOAN TO FUND URBAN RENEWAL PROJECTS COSTS IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT WITH THE 360 GROUP IN SUMMERCREST HILLS PLAT 4 AND 5". Council member Kling seconded the motion to adopt. It was then moved by Southall and seconded by Kling to amend their motion to strike Section 2 of the Resolution and adopt the following resolution entitled, "RESOLUTION AUTHORIZING INTERNAL LOAN TO FUND URBAN RENEWAL PROJECTS COSTS IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT WITH THE 360 GROUP IN SUMMERCREST HILLS PLAT 4 AND 5". On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-191
RESOLUTION AUTHORIZING INTERNAL LOAN TO FUND URBAN RENEWAL PROJECTS COSTS IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT WITH THE 360 GROUP IN SUMMERCREST HILLS PLAT 4 AND 5

(The complete resolution may be viewed at the City Clerk's Office)

The request from IMU to waive the building permit fee in an amount of $740 for the Municipal Utilities Customer Service Center Remodeling at 210 W. 2nd was approved on a motion by Kling and seconded by Parker. On roll call the vote was, AYES: Clark, Marchant, Gezel, Southall, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The following resolution entitled, "RESOLUTION AMENDING THE CITY COUNCIL POLICY" for the Snow and Ice Manual, was approved on a motion by Clark and seconded by Parker. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-192
RESOLUTION AMENDING THE CITY COUNCIL POLICY
for the Snow and Ice Manual

(The complete resolution may be viewed at the City Clerk's Office)

A motion was made by Parker and seconded by Clark to approve the following resolution entitled, "RESOLUTION APPROVING THE 28E AGREEMENT WITH THE INDIANOLA COMMUNITY SCHOOLS DISTRICT AND INDIANOLA PARKS AND RECREATION DEPARTMENT". On roll call the vote was, AYES: Kling, Clark, Marchant, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-193
RESOLUTION APPROVING THE 28E AGREEMENT WITH THE INDIANOLA COMMUNITY SCHOOLS DISTRICT AND INDIANOLA PARKS AND RECREATION DEPARTMENT

(The complete resolution may be viewed at the City Clerk's Office)

Marchant moved, and Clark seconded to approve the "RESOLUTION APPROVING SALARIES." On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-194
RESOLUTION APPROVING SALARIES

(The complete resolution may be viewed at the City Clerk's Office)

A motion was made by Marchant and seconded by Parker to receive and file correspondence of the weekly updates dated October 12, 19 and 26, 2018 from Ryan Waller, City Manager, and the following updates:

- The Park and Recreation have been evaluating their staffing positions. As a result, two positions have been reclassified which will result in a savings of $13,258. The salaries will be placed on the next council agenda.
- The consultant will present the City Hall Building Assessment at a Special Council Study Committee meeting on November 12, 2018 at 5:30 p.m. in the Training Room.
- The City has received streetscape design proposals from four companies regarding the Square Assessment. Staff are currently reviewing.

AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

It was moved by Marchant and seconded by Kling to enter into closed session in accordance with Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

A motion was made by Southall and seconded by Marchant to return to regular session. On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The following resolution entitled, "RESOLUTION CONFIRMING COMMITMENTS REGARDING THE WASTE WATER TREATMENT PLANT" was approved on a motion by Marchant and seconded by Kling. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-195
RESOLUTION CONFIRMING COMMITMENTS REGARDING
THE WASTE WATER TREATMENT PLANT

(The complete resolution may be viewed at the City Clerk's Office)

The following item was struck from the agenda - enter into closed session in accordance with Iowa Code Section 21.5(1)(j) to discuss the purchase or sale or particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for the property or reduce the price the governmental body would receive for that property.

Meeting adjourned at 7:25 p.m. on a motion by Kling and seconded by Parker.

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Kelly B. Shaw, Mayor   Diana Bowlin, City Clerk