REGULAR SESSION – SEPTEMBER 5, 2017

The City Council met in regular session at 6:00 p.m. on September 5, 2017. Mayor Kelly B. Shaw called the meeting to order and on roll call the following members were present: Joe Gezel, John Parker, Pam Pepper, Brad Ross and Greta Southall. ABSENT: Shirley Clark.

The consent agenda consisting of the following was approved on a motion by Ross and seconded by Gezel. On roll call the vote was, AYES: Pepper, Gezel, Southall, Parker and Ross. NAYS: None. ABSENT: Clark. Whereupon the Mayor declared the motion carried unanimously.

Approval of agenda

August 21, 2017 Minutes

Applications

- A renewal Class "B" Wine, Class "C" Beer and Class "E" Liquor License for Fareway Food Stores - 1309 W. 2nd
- A renewal Class "C" Liquor License, Outdoor Area and Sunday Sales Privilege for Los Padrinos LLC dba El Padrino Mexican Restaurant - 200 S. Jefferson
- A renewal Class "C" Liquor License, Outdoor Area and Sunday Sales Privilege for Bush's Place LLC dba The Hide Out - 204 E. Clinton

Second consideration of an ordinance amending the municipal code of the City of Indianola, Iowa concerning utility billing

Home Base Iowa Initiative Application from Keisha Fears and authorization of a handwritten warrant in the amount of $1,500

Street closure request from the American Cancer Society for the Relay for Life of Warren County - will close the inside lanes around the square on September 16, 2017 from 12:00 p.m. - 10:30 p.m.

Street usage request from the Indianola High School for the Homecoming Parade on September 21, 2017 from 5:30 p.m. to 7:30 p.m. - will start at Irving School and go east on Clinton, south on Buxton, east on Ashland, south on Howard, west on West Salem and north on "F" Street

Claims on the computer printout for September 5, 2017

Council member Clark arrived at the meeting.

Jeff Schott, Institute of Public Affairs, presented the draft 2017 Community Survey.

It was moved by Clark and seconded by Pepper to approve the Mayor's nomination of Jessica Credidio to the Veteran's Memorial Aquatic Center Commission. On roll call the vote was, AYES: Pepper, Gezel, Southall, Parker, Ross and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The Mayor and Council discussed the Greater Des Moines Partnership investment. It was the consensus of the Council to discuss increasing the City's contribution during next fiscal years' budget.

A public hearing and first consideration of an ordinance amending the city's recycling rates was held. There were no objections either oral or written. Parker moved and Southall seconded to approve the first consideration of this ordinance amendment. On roll call the vote was, AYES: Ross, Clark, Pepper, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and the issuance to the Iowa Finance Authority of not to exceed $3,300,000 Sewer Revenue Capital Loan Notes to evidence the obligations of the City under said Loan and Disbursement Agreement, in order to provide funds to pay costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer System, including those costs associated with the Morlock Lift Station project, discharge sanitary force main and improvements to the downstream gravity sanitary sewer, with related work, and that notice of the proposed action by the City Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.83, as amended.

The Mayor then asked the Clerk whether any written objections had been filed by any City resident or property owner to the proposal. The City Clerk advised the Mayor and the City Council that no written objections had been filed. The Mayor then called for oral objections to the proposal and none were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

The City Council then considered the proposed action and the extent of objections thereto.

Whereupon, Council Member Clark introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED $3,300,000 SEWER REVENUE CAPITAL LOAN NOTES", and moved that the Resolution be adopted. Council Member Pepper seconded the motion. The roll was called and the vote was, AYES: Pepper, Gezel, Southall, Parker, Ross and Clark. NAYS: None. Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION NO. 2017-114

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED $3,300,000 SEWER REVENUE CAPITAL LOAN NOTES

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

Council Member Pepper introduced the following Resolution entitled "RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS (2017 Drainage Repairs Project) AND FIXING A DATE FOR HEARING (September 18, 2017) AND TAKING OF BIDS (September 13, 2017)", and moved that it be adopted. Council Member Parker seconded the motion to adopt. The roll was called and the vote was, AYES: Gezel, Southall, Parker, Ross, Clark and Pepper. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted:

RESOLUTION NO. 2017-115

RESOLUTION ORDERING CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS (2017 Drainage Repairs Project) AND FIXING A DATE FOR HEARING (September 18, 2017) AND TAKING OF BIDS (September 13, 2017)

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

This being the time and place fixed for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost relative to the 2017 Morlock Lift Station and Force Main Improvement Project (Construction), the Mayor called for any oral objections to the adoption of the plans, specifications, form of contract and estimate of cost. No oral objections were offered and the City Clerk reported that no written objections had been filed. Jim Rasmussen, HR Green, spoke in favor of the project.

Council Member Ross introduced the following Resolution entitled "RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST", and moved that it be adopted. Council Member Clark seconded the motion to adopt. The roll was called and the vote was, AYES: Clark, Pepper, Gezel, Southall, Parker and Ross. NAYS: None. Whereupon the Mayor declared the following resolution duly adopted:

RESOLUTION NO. 2017-116
RESOLUTION ADOPTING PLANS, SPECIFICATIONS,
FORM OF CONTRACT AND ESTIMATE OF COST
For the 2017 Morlock Lift Station and Force Main Improvement Project

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

The Mayor then announced that the following bids had been opened and tabulated for the public improvements described in general as the 2017 Morlock Lift Station and Force Main Improvement Project (Construction) for the City of Indianola, Indianola, Iowa, in accordance with the plans and specifications previously adopted.

The following bids were presented by the City Clerk and Finance Director:

Company	Total Bid
McAninch Corp Des Moines, Iowa	$1,300,487.00
Keller Excavating Inc. Boone, Iowa	$1,243,387.00
Vanderpool Construction Indianola, Iowa	$1,046,087.00
Greff Excavating Toledo, Iowa	$1,112,325.00
Joiner Construction Plano, Iowa	$1,004,093.00
J&K Construction Ames, Iowa	$1,192,458.00
Pleva Mechanical Woodward, Iowa	$1,283,421.08

The Finance Director then recommended that the bid of Joiner Construction in the amount of $1,004,093.00 be accepted.

Council Member Ross introduced the following resolution entitled "RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT", and moved its adoption. Council Member Parker seconded the motion to adopt. The roll was called and the vote was: AYES: Clark, Pepper, Gezel, Southall, Parker and Ross. NAYS: None. Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 2017-117
RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT
To Joiner Construction in an amount of $1,004,093.00
For the 2017 Morlock Lift Station and Force Main Project

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

This being the time and place fixed for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost relative to the 2017 Morlock Lift Station Downstream Gravity Sewer Improvement Project, the Mayor called for any oral objections to the adoption of the plans, specifications, form of contract and estimate of cost. No oral objections were offered and the City Clerk reported that no written objections had been filed. Jim Rasmussen, HR Green, spoke in favor of the project.

Council Member Clark introduced the following Resolution entitled "RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST" for the 2017 Morlock Lift Station Downstream Gravity Sewer Improvement Project, and moved that it be adopted. Council Member Pepper seconded the motion to adopt. The roll was called and the vote was, AYES: Pepper, Gezel, Southall, Parker, Ross and Clark. NAYS: None. Whereupon the Mayor declared the following resolution duly adopted:

RESOLUTION NO. 2017-118
RESOLUTION ADOPTING PLANS, SPECIFICATIONS,
FORM OF CONTRACT AND ESTIMATE OF COST
For the 2017 Morlock Lift Station Downstream Gravity Sewer Improvement Project

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

The Mayor then announced that the following bids had been opened and tabulated for the public improvements described in general as the 2017 Morlock Lift Station Downstream Gravity Sewer Main Improvement Project for the City of Indianola, Indianola, Iowa, in accordance with the plans and specifications previously adopted.

The following bids were presented by the City Clerk and Finance Director:

Company	Total Bid
J&K Contracting Ames, Iowa	$1,882,222.00

The Finance Director then recommended that the bid of J&K Contracting in the amount of $1,882,222.00 be accepted.

Council Member Pepper introduced the following resolution entitled "RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT", and moved its adoption. Council Member Parker seconded the motion to adopt. The roll was called and the vote was: AYES: Gezel, Southall, Parker, Clark and Pepper. NAYS: Ross. Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 2017-119

RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT
To J&K Contracting in the amount of $1,882,222.00
For the 2017 Morlock Lift Station Downstream Gravity Sewer Improvements Project

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

The following resolution entitled, "RESOLUTION APPROVING A PRIVATE SANITARY SEWER LINE EASEMENT FOR SHARON HULEN AND NEW HEIGHTS CHURCH" was approved on a motion by Southall and seconded by Parker. On roll call the vote was, AYES: Parker, Ross, Clark, Pepper, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-120
RESOLUTION APPROVING A PRIVATE SANITARY SEWER LINE EASEMENT FOR SHARON HULEN AND NEW HEIGHTS CHURCH

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

A motion was made by Pepper and seconded by Parker to approve the following resolution entitled, "RESOLUTION APPROVING BRICK GENTRY LAW FIRM AS THE CITY'S PROSECUTOR." On roll call the vote was, AYES: Gezel, Southall, Parker, Ross, Clark and Pepper. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-121
RESOLUTION APPROVING BRICK GENTRY LAW FIRM AS THE CITY'S PROSECUTOR

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

It was moved by Parker to approve the following resolution entitled, "RESOLUTION APPROVING EMERGENCY REPAIRS FOR THE INDIANOLA WWTP FIXED FILM REACTOR REPLACEMENT 2017 PROJECT." Southall seconded the motion to adopt. On roll call the vote was, AYES: Ross, Clark, Pepper, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-122
RESOLUTION APPROVING EMERGENCY REPAIRS FOR THE INDIANOLA WWTP FIXED FILM REACTOR REPLACEMENT 2017 PROJECT

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

Council member Parker introduced the following resolution entitled, "RESOLUTION ACCEPTING EASEMENT AGREEMENTS FOR THE 2017 SOUTH BUXTON STORM PROJECT." Council member Pepper seconded the motion to adopt. On roll call the vote was, AYES: Ross, Clark, Pepper, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-123
RESOLUTION ACCEPTING EASEMENT AGREEMENTS FOR THE 2017 SOUTH BUXTON STORM PROJECT

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

The following resolution entitled, "RESOLUTION DETERMINING PROPERTY TO BE

SURPLUS AND AUTHORIZE THE SALE OF ITEMS FROM PARK AND RECREATION AND FIRE DEPARTMENTS" was approved on a motion by Pepper and seconded by Ross. On roll call the vote was, AYES: Gezel, Southall, Parker, Ross, Clark and Pepper. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-124
RESOLUTION DETERMINING PROPERTY TO BE SURPLUS AND AUTHORIZE THE SALE OF ITEMS FROM PARK AND RECREATION AND FIRE DEPARTMENTS

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

Chris DesPlanques, Finance Director discussed the outstanding obligation on the I&I Loans and Account Receivable. It was the consensus of the City Council to authorize the City Attorney to draft a letter, mail certified and give the recipients 30 days to respond. For those that do not respond, collection efforts will then be handled from the City Attorney's through legal means.

Community Director Chuck Burgin updated the Mayor and Council regarding the sidewalk program.

The Mayor and Council discussed the noise permit application process. The current process authorizes staff to review and approve any noise permits for one day. Any permits that would be for multiple days would need to be approved by the City Council. It was the consensus of the City Council to continue with the current process and authorized staff to send communications to the Mayor and City Council when a noise permit has been approved through staff. Also, to place on the web site if possible.

The Mayor and Council discuss the December 2017 holidays (December 24 and 25) which this year lands on Sunday and Monday. It was the consensus of the Council to direct staff to recognize Monday (December 25, 2017) and Tuesday (December 26, 2017) for this year.

The following "RESOLUTION APPROVING SALARIES" was approved on a motion by Pepper and seconded by Parker. On roll call the vote was, AYES: Gezel, Southall, Parker, Ross, Clark and Pepper. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-125
RESOLUTION APPROVING SALARIES

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

It was moved by Parker and seconded by Pepper to go into closed session in accordance with Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. On roll call the vote was, AYES: Ross, Clark, Pepper, Gezel, Southall and Pepper. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

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

Council member Parker moved and Southall seconded by to go 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: Ross, Clark, Pepper, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

It was moved by Parker and seconded by Southall to return to regular session. On roll call the vote was, AYES: Ross, Clark, Pepper, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The following resolution entitled "RESOLUTION APPROVING RECEIPT AND RELEASE WITH FORD MOTOR COMPANY" was approved on a motion by Parker and seconded by Pepper. On roll call the vote was, AYES: Ross, Clark, Pepper, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2017-126
RESOLUTION APPROVING RECEIPT AND RELEASE WITH FORD MOTOR COMPANY

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

Meeting adjourned at 7:57 p.m. on a motion by Parker and second by Southall.

______________________________	______________________________
Kelly B. Shaw, Mayor	Diana Bowlin, City Clerk