



CITY OF INDIANOLA COUNCIL MEETING

December 28, 2023

6:00 PM

City Council Chambers

110 N 1st Street, Indianola, IA

Agenda

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Recognition of the service of Council Members Parker and Schroder**
- 5. Public Comment**
- 6. Consent Agenda**
 - A. Resolution certifying banking authority.
- 7. Public Consideration**
 - A. Old Business
 1. South K Street Paving Project
 - a. Public hearing for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the District.
 - b. Resolution with respect to the adoption of the resolution of necessity proposed for the South K Street Paving Project.
 - c. Resolution directing preparation of detailed plans and specifications, form of contract and notice to bidders on the South K Street Paving Project.
- 8. Adjourn**



MEMORANDUM

To: Mayor and City Council
From: Jackie Raffety, City Clerk/Asst. Finance Director
Date: December 28, 2023
Subject: Resolution certifying banking authority.

Recommendation: Upon the resignation of Andrew Lent, a new banking authority needs to be certified in order to carry out the duties of the Finance Department as set in council policy and state and federal law.
Roll call is in order.

Attachments: 1. Res 2023- Certifying Banking Authority

City of Indianola
RESOLUTION NO. 2023-

RESOLUTION CERTIFYING BANKING AUTHORITY

WHEREAS, Jackie Raffety has been duly appointed as interim Finance Director of the City of Indianola upon the resignation of Andrew Lent; and

WHEREAS, the Jackie Raffety has banking duties on behalf of the City of Indianola;

THEREFORE, BE IT RESOLVED by the City Council of the City of Indianola that Jackie Raffety is hereby authorized to:

- Act for and on behalf of the City of Indianola to carry out and perform transactions under the terms and conditions of the banking agreements in force by the City of Indianola and is authorized and empowered to execute such other agreements and to perform such other acts as deemed reasonably necessary to carry out the provisions of the banking agreement.
- Sign any item that draws on the City of Indianola's bank accounts.
- Endorse all checks, drafts, notes and other items payable to or owned by the City of Indianola for deposit or for collection or discount by the bank; and to accept drafts and other items payable at the bank.

This authority is subject to limitations set forth in the Investment Policy, Financial Policy, Depository Resolution, and any other state or federal law, and ordinance, resolution, or policy adopted by the Indianola City Council.

Adopted this 28th day of December 2023.

Stephanie Erickson, Mayor

ATTEST:

Jackie Raffety, City Clerk



MEMORANDUM

To: Mayor and City Council
From:
Date: December 28, 2023
Subject: South K Street Paving Project

Recommendation:

Attachments: 1. Letter and proceedings adopting res of necessity- Indianola South K Street Paving Project

December 19, 2023

VIA EMAIL

Mr. Ben Reeves
City Manager
City of Indianola
110 North 1st Street
Indianola, Iowa 50125-0299

RE: South K Street Paving Project

Dear Ben:

The proceedings for the hearing on the resolution of necessity, including the public meeting notice and separate instructions for its use, are enclosed. The enclosed procedure includes the following:

Part 1. Hearing proceedings on resolution of necessity; resolution with respect to the adoption of the resolution of necessity; and resolution directing preparation of detailed plans and specifications, form of contract and notices;

Part 1A. Deferred meeting proceedings;

Part 2. Certificate for filing of assessment schedule and resolution of necessity with the County Treasurer.

Part 3. Certificate with respect to agricultural deferment.

Public Hearing.

As the first order of business the Council is required to hold a hearing and act on the resolution of necessity at the hearing. Use Part 1 for this action. If, after receipt of all objections, the Council is not in a position to act to amend or adopt the resolution at that time, it is permissible to defer final action to a specific place, date and time.

Adoption of Resolution of Necessity.

The resolution with respect to the adoption of the resolution of necessity ***must be acted on at the hearing.*** Under this resolution, the Council can vote to:

- a) defer action to a specified later date and place;
- b) adopt the resolution of necessity with amendments listed on the attached page; or
- c) adopt the resolution of necessity without amendments.

Please note that if the Council fails to take one of these actions at the original hearing or at any deferred hearing date, the project is terminated.

If the hearing is adjourned, it will be necessary to post and otherwise give public notice of the adjourned meeting. You can reuse the same form of meeting notice for this purpose changing only the date and time. Extra copies of the notice are enclosed for that purpose. Also, please refer to Part 1A for instructions on modifying the proceedings for use at a deferred meeting. If more than one deferral occurs, the proceedings can be used again until the Council takes final action.

If the resolution of necessity is amended to either eliminate or reduce the work on any street, water, sanitary sewer, storm sewer and other public improvements it may be necessary to further amend the resolution of necessity with respect to the description of the assessable area for the street, water, sanitary sewer, storm sewer and other public improvements in question.

The adoption of the resolution of necessity must receive an affirmative vote for passage equal to three-fourths of the full membership of the Council. If a remonstrance or objections are filed signed by property owners subject to 75% of the assessments, a unanimous vote would be necessary.

After the resolution of necessity is adopted a copy of the resolution as proposed with any amendments, as well as the assessment plat and schedule and estimate of costs should be filed with the county treasurer to perfect the assessment lien. A copy of the certificate of filing (Part 2) should be returned to our office with original signatures and seals.

An extra copy of the procedure is enclosed to be completed as the original and certified back to our office, together with a copy of the agenda, proof of publication of the notice of hearing and proof of posting of the notice to bidders.

Owners of agricultural land who claim the right to defer the payment of assessments under Iowa Code § 384.62 must file a claim of deferral with the City Clerk. A certificate (Part 3) is enclosed to be returned after ten (10) days following the hearing on resolution of necessity with all requests for deferment attached.

December 19, 2023

Page 3

Please contact me with any questions.

Very truly yours,

AHLERS & COONEY, P.C.

/s/ Maria E. Brownell

Maria E. Brownell

MEB:aes

Enclosures

cc w/encl. (*via email*):

Charles Driscoll
Akhilesh Pal
Jackie Raffety
Dave Moeller

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ITEMS TO INCLUDE ON AGENDA

CITY OF INDIANOLA, IOWA

Resolution of necessity for the South K Street Paving Project.

- Public hearing on proposed resolution of necessity.
- Resolution with respect to adopting resolution of necessity.
- Resolution directing preparation of detailed plans and specifications, form of contract and notice to bidders.

NOTICE MUST BE GIVEN PURSUANT TO CHAPTER 21,
CODE OF IOWA, AND THE LOCAL RULES OF THE CITY.

PART 1 -- HEARING PROCEEDINGS

Attached are proceedings conducting the hearing on the resolution of necessity. Following the public hearing, proceed either to a) defer action, b) vote to amend and adopt or c) vote to adopt without amending the resolution of necessity.

After adopting the resolution of necessity, the Council should adopt the second resolution to direct preparation of plans and contract documents.

If the Resolution of Necessity is deferred, please refer to Part 1A -- Deferral of Action -- Notice of Second Meeting.

December 28, 2023

The City Council of the City of Indianola, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 110 N. 1st Street, Indianola, Iowa, at 6:00 P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor then called for objections to the adoption of the proposed Resolution of Necessity for the construction of the South K Street Paving Project in the City, pursuant to notice of the time and place of hearing duly published and mailed, and pursuant to prior action of the Council; and announced to those present at the Council meeting that both written and oral objections would be received and considered by the Council at this time. Written and oral objections were then received or heard.

Council Member _____ moved that the time for the public hearing and receiving of objections be closed. Seconded by Council Member _____. On vote, the motion was adopted.

After reviewing all the objections received, the Council found and determined that no remonstrance, pursuant to the provisions of Section 384.51, Code of Iowa, was filed with the Council, pertaining to the proposed improvement as set out in the Resolution of Necessity as originally proposed.

Council Member _____ introduced the following Resolution entitled "RESOLUTION WITH RESPECT TO THE ADOPTION OF THE RESOLUTION OF NECESSITY PROPOSED FOR THE SOUTH K STREET PAVING PROJECT" and moved that it be adopted. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION WITH RESPECT TO THE ADOPTION OF THE
RESOLUTION OF NECESSITY PROPOSED FOR THE SOUTH
K STREET PAVING PROJECT

WHEREAS, this Council has proposed a Resolution of Necessity for the South K Street Paving Project, has given notice of the public hearing thereon as required by law; and

WHEREAS, the public hearing has been held, all persons offering objections have been heard and consideration given to all objections and is pending before this Council; and

WHEREAS, this is the time and place set as provided for the taking of action on the proposed Resolution of Necessity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, STATE OF IOWA:

Section 1. That the proposed Resolution of Necessity described above is hereby:

- ☐ Adopted, without amendment, and all objections filed or made having been duly considered are overruled.
- ☐ Adopted as amended by the Schedule of Amendments attached hereto as Exhibit A, and made a part hereof by reference. All objections filed or made having been duly considered are overruled.
- ☐ Deferred for later consideration to a Council meeting to be held on _____ day of _____, _____, at _____ .M, at this meeting place, with jurisdiction retained for further consideration and action at the adjourned meeting.
- ☐ Abandoned.

Section 2. That all written requests for agricultural deferment by property owners must be filed within ten (10) days following the date of adoption of this Resolution.

PASSED AND APPROVED this 28th day of December, 2023.

Mayor

ATTEST:

City Clerk

EXHIBIT A

SCHEDULE OF AMENDMENTS TO THE RESOLUTION OF
NECESSITY PROPOSED FOR THE SOUTH K STREET
PAVING PROJECT

The Resolution of Necessity proposed for the South K Street Paving Project is amended as follows:

Section 3. By eliminating therefrom, the proposed improvements with locations following, to-wit:

Section 4. By making changes in the preliminary plat and schedule of assessments as follows, to-wit:

Section 5. By amending the Resolution of Necessity, as follows, to-wit:

I certify that the foregoing schedule lists all amendments to the Resolution of Necessity as adopted by the Council.

City Clerk

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING PREPARATION OF DETAILED PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND NOTICE TO BIDDERS ON THE SOUTH K STREET PAVING PROJECT" and moved that it be adopted. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING PREPARATION OF DETAILED
PLANS AND SPECIFICATIONS, FORM OF CONTRACT AND
NOTICE TO BIDDERS ON THE SOUTH K STREET PAVING
PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, STATE OF IOWA:

That David N. Moeller, P.E., Engineer, is hereby ordered and directed to prepare and file with the Clerk detailed plans and specifications for the construction of the South K Street Paving Project.

BE IT FURTHER RESOLVED that the Engineer hereby ordered and directed to prepare and file with the Clerk a Notice to Bidders and form of contract for the construction of the South K Street Paving Project.

PASSED AND APPROVED this 28th day of December, 2023.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF WARREN)

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, _____.

(SEAL)

PART 1A -- DEFERRAL OF ACTION
NOTICE OF SECOND MEETING

1. If action is deferred to a second meeting, compliance with the open meetings law will be required. The same public notice form used for the original public hearing may be utilized in posting and otherwise giving notice of the second meeting. Only the date and time of meeting need be changed.
2. Insert the attached page in place of page one of a copy of (Part 1) proceedings for the hearing on the resolution of necessity. Part 1 proceedings can then be used for the deferred meeting.

PART 1A

Deferred Meeting

_____, _____

The City Council of the City of Indianola, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 110 N. 1st Street, Indianola, Iowa, at 6:00 P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

Absent: _____

* * * * *

The Mayor announced that this is the time set for deferred action on the Resolution of Necessity for the South K Street Paving Project introduced on the 28th day of December, 2023. After discussion of the Resolution of Necessity, objections and other related matters, the following action was taken:

Council Member _____ introduced the following Resolution and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION WITH RESPECT TO THE ADOPTION OF
THE RESOLUTION OF NECESSITY PROPOSED FOR THE
SOUTH K STREET PAVING PROJECT

WHEREAS, this Council has proposed a Resolution of Necessity for the South K Street Paving Project, has given notice of the public hearing thereon as required by law; and

WHEREAS, the public hearing has been held, all persons offering objections have been heard and consideration given to all objections and is pending before this Council; and

WHEREAS, this is the time and place set as provided for the taking of action on the proposed Resolution of Necessity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, STATE OF IOWA:

Section 1. That the proposed Resolution of Necessity described above is hereby:

- ☐ Adopted, without amendment, and all objections filed or made having been duly considered are overruled.
- ☐ Adopted as amended by the Schedule of Amendments attached hereto as Exhibit A, and made a part hereof by reference. All objections filed or made having been duly considered are overruled.
- ☐ Deferred for later consideration to a Council meeting to be held on _____ day of _____, _____, at _____ .M, at this meeting place, with jurisdiction retained for further consideration and action at the adjourned meeting.
- ☐ Abandoned.

Section 2. That all written requests for agricultural deferment by property owners must be filed within ten (10) days following the date of adoption of this Resolution.

PASSED AND APPROVED this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

STATE OF IOWA)
) SS
COUNTY OF WARREN)

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, _____.

(SEAL)

PART 2

CERTIFICATE OF THE CLERK OF THE CITY OF
INDIANOLA, STATE OF IOWA, TO BE FILED, INCLUDING
EXHIBITS ATTACHED, WITH THE COUNTY TREASURER
OF WARREN COUNTY, IOWA, AFTER ADOPTION OF THE
RESOLUTION OF NECESSITY

STATE OF IOWA)
) SS
COUNTY OF WARREN)

NOTICE OF PENDING ASSESSMENT PROCEEDINGS

I, _____, Clerk of the City of Indianola, Iowa, hereby certify that the Council of City of Indianola, Iowa has adopted a Resolution of Necessity for certain street, storm sewer, shared-use path and other public improvements, the improvements being generally designated in the Resolution and in prior proceedings of the Council as the South K Street Paving Project. A true copy of the Resolution of Necessity is attached hereto, and consists of the Resolution of Necessity as originally proposed and Resolution with respect to the adoption of the Resolution of Necessity proposed for the South K Street Paving Project are hereby attached, marked Exhibits "1" and "2."

I further certify that attached hereto, marked Exhibit "3" and "4" are true and correct copies of the preliminary plat and schedule of assessments, the schedule setting out the estimated assessments proposed to be made against benefited properties for the purpose of paying a portion of the total overall cost of the improvements. The assessments are a lien upon the benefited properties from the date of filing a certified copy of the Resolution of Necessity, the plat, and the schedule of assessments, as provided in Section 384.65(5), Code of Iowa.

City Clerk, City of Indianola, Iowa

(SEAL)

I hereby certify that on the _____ day of _____, _____, there was filed with me as County Treasurer of Warren County, State of Iowa, pursuant to Sections 384.51 and 384.65(5), Code of Iowa, an executed copy of the certificate of the Clerk of the City of Indianola, Iowa, as hereinabove set out, and a copy of the items therein referred to as Exhibits "1," "2," "3," and "4."

Witness my hand and the County seal at Indianola, Iowa, this _____ day of _____, _____.

County Treasurer

(SEAL)

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PART 3

SPECIAL ASSESSMENT CERTIFICATE WITH RESPECT TO
CLAIMS FOR DEFERMENT OF ASSESSMENT ON
AGRICULTURAL LAND

The undersigned, Clerk of the City of Indianola, Iowa, hereby certifies that the following owners of benefited property for the South K Street Paving Project filed written request for deferment of their assessment with the City Clerk at the time of the hearing on the Resolution of Necessity for the project or within ten days thereafter:

<u>Parcel No.</u>	<u>Owner</u>	<u>Total Assessment</u>
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No tract of land listed above is of less than one-quarter acre surrounding any dwelling or nonfarm structure on that tract.

I further certify that attached to this Certificate are copies of all requests for deferment filed.

Witness my hand and the seal of the City hereto affixed this _____ day of _____, ____.

City Clerk

(SEAL)

(To be executed only after 10 days have elapsed following the hearing on Resolution of Necessity).

(Attach to this Certificate all requests for deferment timely filed. If requests are filed the validity of which are questioned, those too should be forwarded for our review).



MEMORANDUM

To: Mayor and City Council

From:

Date: December 28, 2023

Subject: Public hearing for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the District.

Recommendation: Roll call to open and close the public hearing is in order.

Attachments: None



MEMORANDUM

To: Mayor and City Council

From:

Date: December 28, 2023

Subject: Resolution with respect to the adoption of the resolution of necessity proposed for the South K Street Paving Project.

Recommendation: Roll call is in order.

Attachments: None



MEMORANDUM

To: Mayor and City Council

From:

Date: December 28, 2023

Subject: Resolution directing preparation of detailed plans and specifications, form of contract and notice to bidders on the South K Street Paving Project.

Recommendation: Roll call is in order.

Attachments: None