



— Clerk's Office —

NOTICE:

The City of Indianola is committed to maintaining a high level of communication with the community by providing easy-to-access information and materials about government activities and policies.

For those who do not wish to attend City Council meetings in person, the City of Indianola hosts its meetings virtually at https://www.youtube.com/channel/UCCwqdy2irWQILB_1QzcVrdw

You may also view the meeting via a zoom webinar (Password: 424344):
<https://us02web.zoom.us/j/86125946020?pwd=cEQwbUVEcW4xNzZTTmI4aHV3ZEFQQT09>

Or One tap mobile: 1-646-558-8656, 86125946020#, *424344# or 1-301-715-8592, 86125946020#, *424344#

Or Telephone Dial: 1-646-558-8656 or 1-301-715-8592 or 1-312-626-6799 or 1-669-900-9128 or 1-253-215-8782 or 1-346-248-7799

Webinar ID: 861 2594 6020 Passcode: 424344

If you have a question or would like to submit a public comment, but are unable to attend the City Council meeting, please do one of the following:

- Submit an electronic public comment form by visiting our website at <http://www.indianolaiowa.gov/Public-Comment>
- Submit the form on page seven (7) of the packet to:

City Clerk's Office
110 N 1st Street
Indianola, IA
50125

(May be dropped off at the north entrance of City Hall)

Forms received by 4:00 p.m. on the day of the meeting will be distributed to the City Council prior to the meeting. Comments received after the deadline will be sent to the City Council as soon as possible.

The City of Indianola is pleased to provide accommodations to disabled individuals or groups and encourages their participation in city government. Should special accommodations be required, please contact the Clerk's office at least 48 hours in advance at 515-961-9410 or email cityclerk@indianolaiowa.gov to have reasonable accommodations provided.



CITY OF INDIANOLA COUNCIL MEETING

July 6, 2021

6:00 p.m.

City Council Chambers

Agenda

1. **Call to order**
2. **Pledge of Allegiance**
3. **Roll call**
4. **Page 6** Open Forum (Public comment)
5. **Consent**
 - A. Approval of agenda
 - B. **Page 8** Claims on the computer printout for July 6, 2021.
 - C. **Page 17** June 21 and 28, 2021 Minutes.
 - D. **Page 24** Resolution setting a Public Hearing on an application for exemption of sign code at 407 North Jefferson Way.
 - E. **Page 28** Resolution setting a Public Hearing on an application for exemption of sign code at 123 South Howard Street.
 - F. **Applications**
 1. **Page 32** Approval of a renewal Class E liquor license with Sunday sales privileges for I Towner Stop, located at 403 West 2nd Avenue.
 2. **Page 33** Approval of an event application from Willow Moon Apothecary for a Toasting to the Autumnal Equinox: A Wine and Charcuterie Event, on September 18, 2021.

3. **Page 40** Approval of an event application from CrossFit 65/69 for a half-marathon to be held on August 21, 2021.
- G. **Page 45** Approval of Payment Application Number 3 for the Water Resource Recovery Facility influent trunk sewer and outfall project from Langman Construction Inc in the amount of \$351,864.44.
- H. **Page 57** Resolution approving Payment Application and Change Order Number 3 for the East Iowa Avenue Paving Project.
- I. **Page 70** Resolution approving Change Order and Payment Application Number 1 for the Square Reconstruction Project.
- J. **Page 81** Resolution approving the purchase of a vehicle for the Police Department.
- K. **Page 91** Approval of an order accepting acknowledgement/settlement agreement with Murphy USA.

L. Ordinance Amendments

1. **Page 94** Third and final consideration of an Ordinance approving the right-of-way vacation and conveyance of a portion of the east/west alley that lies between Lots 1, 2, 3 and Lots 10, 11, 12 and a portion of the north/south alley that lies between Lots 3 and 4, all in Block 14 of the Plat of Jones and Windles Addition to Indianola, Warren County, Iowa to Peterson Funeral Service, Inc.
2. **Page 96** Second consideration of an Ordinance approving the vacation of a Storm Sewer and Drainage Way Easement on part of Lot 1, Williams Terrace Plat 1.
3. **Page 98** Second consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for adult entertainment and uses.
4. **Page 115** Second consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for massage establishments and technicians.

M. Page 119 Approval of Urban Revitalization Designations.

N. Page 120 Resolution approving salaries.

6. Council Reports

A. Page 122 Treasurer's Report — Doug Shull

B. Page 125 Receive and file the EMS Billing Activity Report for May 2021.

C. Art Commission Report — Council Member Kling

7. **Mayor's Report — Pam Pepper**
 - A. Community Update
 - B. **Page 127** Parks and Recreation Month Proclamation
8. Public Consideration
 - A. **Old Business**
 1. **Ordinance Amendments — Second Consideration**
 - a. **Page 129** Second consideration of an Ordinance approving amendments to Chapter 165 (Zoning Regulations) and Chapter 166 (Site Plan).
 - b. **Page 264** Second consideration of an Ordinance approving an amended Official Zoning Map of Indianola, Iowa.
 2. **Page 266 Fiscal Year 22 Budget**
 - a. **Page 270** Public Hearing on a Fiscal Year 22 budget amendment.
 - b. **Page 271** Resolution approving an amendment to the Fiscal Year 22 budget.
 3. **Page 272 Development Agreement with Johansen Enterprises**
 - a. **Page 275** Public Hearing regarding the execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC.
 - b. **Page 276** Resolution approving and authorizing execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC.
 - B. **New Business**
 1. **Page 285** Consideration of a sewer credit request from the customer at 501 South Jefferson Way.
 2. **Proposed Ordinance Amendments**
 - a. **Page 293** First consideration of a proposed Ordinance establishing the street grades for the East Iowa Avenue Paving Project.
 - b. **Page 301** First consideration of an Ordinance approving amendments to Chapter 27 of the City Code (Art Commission).

3. **Page 304** Resolution approving an engagement letter with Ahlers & Cooney, P.C. regarding amendment Number 1 to the Amended and Restated 1998 Citywide Urban Revitalization Plan.

9. **Other Business**

A. City Manager's Report — Ryan Waller

1. **Page 311** Discussion and direction on event and noise permit application fees.
2. **Page 312** Receive and file the Fiscal Year 23 budget calendar.
3. **Page 314** Receive and file correspondence from June 18 and 25, 2021 weekly updates from City Manager, Ryan Waller.

B. **Page 320** Enter into closed session in accordance with Iowa Code Section 21.5 (1)(c) to discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government.

10. Adjourn

Meeting Date: 07/06/2021

Subject

Open Forum (Public comment)

Information

- A maximum of twenty (20) minutes will be set aside for members of the public to address the Council on any item not on the agenda and on any subject over which the Council has the authority to act.
- Presentations will be limited to three (3) minutes to a maximum of (5) minutes.
- Preference will be given to individuals who did not speak at the previous council meeting's Open Forum.
- Individuals may not speak more than once during Open Forum.
- All speakers must address the entire Council and will not be permitted to engage in dialogue.
- Any individual addressing the Council will be asked by the presiding officer to clearly state his/her name and address prior to speaking before the Council or minimally during or after his/her presentation to the Council so that his/her name may be accurately recorded in the minutes of the meeting.
- Once completed, the [public comment form](#) becomes a public document.

(Indianola City Council Rules of Procedure)

Attachments

Public Comment Form



CITY OF INDIANOLA PUBLIC COMMENT FORM

If you would like to address the Council during Open Forum (aka Public Comment) or during a Public Hearing, please complete and return this form to the Deputy City Clerk.

Electronic submissions will be distributed to the Mayor and Council. Citizens attending the meeting will be called to the podium to speak.

Please complete the following information:

Your Name: _____

Your Address: _____

Organization (if applicable): _____

City Council Meeting Date: _____

Agenda Item or topic if not on the agenda: _____

Comment: _____

Open Forum

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(Indianola City Council Rules of Procedure)

Meeting Date: 07/06/2021

Subject

Claims on the computer printout for July 6, 2021.

Information

Attachments

Vendor Report

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
A 6FT GEEK LLC				
A 6FT GEEK LLC	ACTIVITY CENTER MONTHLY CLEANING - J	06/22/2021	1,525.00	PARK & RECREATI
Total A 6FT GEEK LLC:			1,525.00	
ABSOLUTE CONCRETE CONSTRUCTION INC				
ABSOLUTE CONCRETE CONST	DOWNTOWN SQUARE RECONSTRUCTION P	06/25/2021	214,430.91	SQUARE STREETS
Total ABSOLUTE CONCRETE CONSTRUCTION INC:			214,430.91	
AMAZON CAPITAL SERVICES				
AMAZON CAPITAL SERVICES	OFFICE SUPPLIES, FRIST AID SUPPLIES	06/22/2021	102.65	PARK & RECREATI
AMAZON CAPITAL SERVICES	AMAZON REFUND	06/06/2021	57.88-	GENERAL FUND
AMAZON CAPITAL SERVICES	MATERIALS & SUPPLIES	06/06/2021	65.90	GENERAL FUND
AMAZON CAPITAL SERVICES	WASP SPRAY, BASKETBALL, WALKIE TALKIE	06/29/2021	141.77	POOL (MEMORIAL)
AMAZON CAPITAL SERVICES	AQUATIC CENTER CONCESSIONS	06/22/2021	40.08	POOL (MEMORIAL)
Total AMAZON CAPITAL SERVICES:			292.52	
APWA IOWA CHAPTER				
APWA IOWA CHAPTER	MEMBERSHIP 7/1/21-6/30/22	04/05/2021	215.00	ROAD USE TAX FU
Total APWA IOWA CHAPTER:			215.00	
ATLANTIC BOTTLING CO.				
ATLANTIC BOTTLING CO.	AQUATIC CENTER CONCESSIONS	06/25/2021	559.02	POOL (MEMORIAL)
ATLANTIC BOTTLING CO.	PICKARD CONCESSIONS	06/25/2021	283.90	PARK & RECREATI
Total ATLANTIC BOTTLING CO.:			842.92	
AUBERT'S TOWING				
AUBERT'S TOWING	ABANDONED TOW	05/20/2021	160.00	POLICE FUND
Total AUBERT'S TOWING:			160.00	
AVESIS THIRD PARTY ADMINISTRATORS INC				
AVESIS THIRD PARTY ADMINIS	VISION - CITY MANAGER	07/01/2021	10.43	GENERAL FUND
AVESIS THIRD PARTY ADMINIS	VISION - HR	07/01/2021	10.43	GENERAL FUND
AVESIS THIRD PARTY ADMINIS	VISION - AMBULANCE	07/01/2021	67.18	AMBULANCE FUN
AVESIS THIRD PARTY ADMINIS	VISION - P&R	07/01/2021	30.87	PARK & RECREATI
AVESIS THIRD PARTY ADMINIS	VISION - PARKS	07/01/2021	21.45	PARK & RECREATI
AVESIS THIRD PARTY ADMINIS	VISION - LIBRARY	07/01/2021	36.00	LIBRARY FUND
AVESIS THIRD PARTY ADMINIS	VISION - SEWER	07/01/2021	44.50	SEWER FUND
AVESIS THIRD PARTY ADMINIS	VISION - EE LIABILITY	07/01/2021	419.73	GENERAL FUND
AVESIS THIRD PARTY ADMINIS	VISION - IT	07/01/2021	10.43	GENERAL FUND
AVESIS THIRD PARTY ADMINIS	VISION - FINANCE/CLERK	07/01/2021	30.28	GENERAL FUND
AVESIS THIRD PARTY ADMINIS	VISION - COMM DEV	07/01/2021	19.85	GENERAL FUND
AVESIS THIRD PARTY ADMINIS	VISION - STREETS	07/01/2021	53.33	ROAD USE TAX FU
AVESIS THIRD PARTY ADMINIS	VISION - POLICE	07/01/2021	152.34	POLICE FUND
AVESIS THIRD PARTY ADMINIS	VISION - FIRE	07/01/2021	11.85	FIRE FUND
Total AVESIS THIRD PARTY ADMINISTRATORS INC:			918.67	
BAKER ELECTRIC INC				
BAKER ELECTRIC INC	POOL LIGHTS REPLACEMENT	06/17/2021	4,400.00	POOL (MEMORIAL)
Total BAKER ELECTRIC INC:			4,400.00	

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
BOOT BARN				
BOOT BARN	SHIRTS - STEVE GREIF	06/17/2021	112.44	ROAD USE TAX FU
Total BOOT BARN:			112.44	
BRICK GENTRY P.C.				
BRICK GENTRY P.C.	CODE ENFORCEMENT LEGAL FEES	06/25/2021	328.40	GENERAL FUND
BRICK GENTRY P.C.	TOBACCO PROSECUTIONS	06/25/2021	300.00	GENERAL FUND
BRICK GENTRY P.C.	COM DEV LEGAL SERVICE FEES	06/25/2021	780.00	GENERAL FUND
BRICK GENTRY P.C.	WARREN COUNTY 28E AGREEMENT	06/25/2021	180.00	FIRE FUND
BRICK GENTRY P.C.	LEGAL SERVICE FEES	06/25/2021	7,350.00	GENERAL FUND
BRICK GENTRY P.C.	LEGAL SERVICE FEES	06/25/2021	375.00	GENERAL FUND
BRICK GENTRY P.C.	LEGAL SERVICE FEES	06/25/2021	225.00	GENERAL FUND
BRICK GENTRY P.C.	PROSECUTIONS	06/25/2021	315.00	GENERAL FUND
BRICK GENTRY P.C.	LEGAL CONSULTING SERVICES	06/25/2021	180.00	ROAD USE TAX FU
BRICK GENTRY P.C.	LEGAL SERVICE FEES UNION NEGOTIATION	06/25/2021	4,140.00	POLICE FUND
BRICK GENTRY P.C.	LEGAL SERVICE FEES	06/25/2021	105.00	SEWER FUND
Total BRICK GENTRY P.C.:			14,278.40	
CIVICPLUS				
CIVICPLUS	WEBSITE ANNUAL MAINTENANCE/HOSTING	08/01/2021	6,129.03	GENERAL FUND
Total CIVICPLUS:			6,129.03	
CNM OUTDOOR EQUIPMENT				
CNM OUTDOOR EQUIPMENT	SMALL ENGINE FUEL CAPS	06/29/2021	11.24	FIRE FUND
Total CNM OUTDOOR EQUIPMENT:			11.24	
CREATIVE GENIUSES LLC				
CREATIVE GENIUSES LLC	CREATIVE GENIUSES INSTRUCTOR	06/24/2021	651.00	PARK & RECREATI
Total CREATIVE GENIUSES LLC:			651.00	
DLH GRAFX				
DLH GRAFX	T-BALL LEAGUE SHIRTS	06/21/2021	1,337.40	PARK & RECREATI
Total DLH GRAFX:			1,337.40	
DOWNEY TIRE PROS				
DOWNEY TIRE PROS	DISPOSAL OF ABANDONED TIRE	06/22/2021	8.99	GENERAL FUND
DOWNEY TIRE PROS	MEDIC 247 NEW FRONT TIRES	06/25/2021	719.19	AMBULANCE FUN
DOWNEY TIRE PROS	MEDIC 247 ALIGNMENT	06/28/2021	200.00	AMBULANCE FUN
Total DOWNEY TIRE PROS:			928.18	
EMERGENCY MEDICAL PRODUCTS INC				
EMERGENCY MEDICAL PRODU	EMS SUPPLIES	06/24/2021	171.76	AMBULANCE FUN
Total EMERGENCY MEDICAL PRODUCTS INC:			171.76	
GALLS LLC				
GALLS LLC	R BERRY BADGE UNIFORMS	06/24/2021	80.00	FIRE FUND
Total GALLS LLC:			80.00	

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
GRAINGER INC				
GRAINGER INC	FITTING FOR JETTER FILL HOSE	06/24/2021	55.54	SEWER FUND
Total GRAINGER INC:			55.54	
HAWKINS INC				
HAWKINS INC	AQUATIC CENTER CHLORINE	06/17/2021	360.34	POOL (MEMORIAL)
Total HAWKINS INC:			360.34	
HR GREEN INC				
HR GREEN INC	WRRF CONST ENG	06/11/2021	189,119.44	WWTP FACILITY C
Total HR GREEN INC:			189,119.44	
IA COMMUNITIES ASSURANCE POOL				
IA COMMUNITIES ASSURANCE	LIABILITY - LIBRARY	07/01/2021	3,756.57	LIBRARY FUND
IA COMMUNITIES ASSURANCE	LIABILITY - POLICE	07/01/2021	24,368.57	POLICE FUND
IA COMMUNITIES ASSURANCE	LIABILITY - FIRE	07/01/2021	4,113.57	FIRE FUND
IA COMMUNITIES ASSURANCE	LIABILITY - AMBULANCE	07/01/2021	4,277.57	AMBULANCE FUN
IA COMMUNITIES ASSURANCE	LIABILITY - PARKS	07/01/2021	4,114.57	PARK & RECREATI
IA COMMUNITIES ASSURANCE	LIABILITY - REC	07/01/2021	3,856.57	PARK & RECREATI
IA COMMUNITIES ASSURANCE	LIABILITY - POOL	07/01/2021	8,092.57	POOL (MEMORIAL)
IA COMMUNITIES ASSURANCE	AUTO - AMBULANCE	07/01/2021	4,698.38	AMBULANCE FUN
IA COMMUNITIES ASSURANCE	AUTO - PARKS	07/01/2021	1,828.49	PARK & RECREATI
IA COMMUNITIES ASSURANCE	AUTO - REC	07/01/2021	245.02	PARK & RECREATI
IA COMMUNITIES ASSURANCE	AUTO - SEWER	07/01/2021	3,422.51	SEWER FUND
IA COMMUNITIES ASSURANCE	LIABILITY - GOV'T	07/01/2021	7,888.08	GENERAL FUND
IA COMMUNITIES ASSURANCE	LIABILITY - STREETS	07/01/2021	3,756.57	ROAD USE TAX FU
IA COMMUNITIES ASSURANCE	PROPERTY - LIBRARY	07/01/2021	4,658.26	LIBRARY FUND
IA COMMUNITIES ASSURANCE	PROPERTY - SEWER	07/01/2021	20,630.08	SEWER FUND
IA COMMUNITIES ASSURANCE	AUTO - COMM DEV	07/01/2021	264.01	GENERAL FUND
IA COMMUNITIES ASSURANCE	AUTO - STREETS	07/01/2021	7,720.90	ROAD USE TAX FU
IA COMMUNITIES ASSURANCE	AUTO - POLICE	07/01/2021	4,820.88	POLICE FUND
IA COMMUNITIES ASSURANCE	AUTO - FIRE	07/01/2021	10,748.14	FIRE FUND
IA COMMUNITIES ASSURANCE	PROPERTY - STREETS	07/01/2021	12,674.38	ROAD USE TAX FU
IA COMMUNITIES ASSURANCE	PROPERTY - POLICE	07/01/2021	2,357.85	POLICE FUND
IA COMMUNITIES ASSURANCE	PROPERTY - FIRE	07/01/2021	6,166.71	FIRE FUND
IA COMMUNITIES ASSURANCE	PROPERTY - PARKS	07/01/2021	10,511.00	PARK & RECREATI
IA COMMUNITIES ASSURANCE	PROPERTY - REC	07/01/2021	791.28	PARK & RECREATI
IA COMMUNITIES ASSURANCE	PROPERTY - POOL	07/01/2021	2,580.00	POOL (MEMORIAL)
IA COMMUNITIES ASSURANCE	PROPERTY - GOV'T	07/01/2021	16,188.34	GENERAL FUND
IA COMMUNITIES ASSURANCE	LIABILITY - SEWER	07/01/2021	3,756.57	SEWER FUND
IA COMMUNITIES ASSURANCE	CYBER COVERAGE BREAKOUT	07/01/2021	2,068.00	GENERAL FUND
Total IA COMMUNITIES ASSURANCE POOL:			180,355.44	
INDIANOLA BODY SHOP				
INDIANOLA BODY SHOP	330 DAMAGED WINDOW	06/25/2021	522.00	FIRE FUND
Total INDIANOLA BODY SHOP:			522.00	
INDIANOLA COMMUNITY YOUTH FDN				
INDIANOLA COMMUNITY YOUT	FY22 CONTRIBUTION	04/27/2021	5,000.00	GENERAL FUND
Total INDIANOLA COMMUNITY YOUTH FDN:			5,000.00	

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
INDIANOLA HOME & LAWN CARE				
INDIANOLA HOME & LAWN CAR	ABATEMENT OF 411 W SALEM, 1001 N L, 110	06/25/2021	1,650.00	GENERAL FUND
Total INDIANOLA HOME & LAWN CARE:			1,650.00	
IOWA LEAGUE OF CITIES				
IOWA LEAGUE OF CITIES	ANNUAL DUES	06/10/2021	6,019.00	GENERAL FUND
Total IOWA LEAGUE OF CITIES:			6,019.00	
IOWA ONE CALL				
IOWA ONE CALL	LOCATES	06/24/2021	507.60	SEWER FUND
Total IOWA ONE CALL:			507.60	
JOE'S JUNK REMOVAL				
JOE'S JUNK REMOVAL	208 S 4TH ST ABATEMENT	06/24/2021	470.00	GENERAL FUND
Total JOE'S JUNK REMOVAL:			470.00	
KELLER'S GARAGE				
KELLER'S GARAGE	330 A/C RECHARGED	06/08/2021	123.10	FIRE FUND
Total KELLER'S GARAGE:			123.10	
KIYA KODA HUMANE SOCIETY				
KIYA KODA HUMANE SOCIETY	KIYA KODA	06/29/2021	2,912.00	POLICE FUND
Total KIYA KODA HUMANE SOCIETY:			2,912.00	
KLING, JASON				
KLING, JASON	J KLING WELLNESS PROGRAM	06/23/2021	15.00	FIRE FUND
Total KLING, JASON:			15.00	
LANGMAN CONSTRUCTION INC				
LANGMAN CONSTRUCTION INC	TRUNK SEWER PAY APP # 3	06/25/2021	351,864.44	WWTP FACILITY C
Total LANGMAN CONSTRUCTION INC:			351,864.44	
LAWSON PRODUCTS				
LAWSON PRODUCTS	PERSONAL PROTECTIVE EQUIPMENT	06/15/2021	513.72	ROAD USE TAX FU
Total LAWSON PRODUCTS:			513.72	
LUNDE, SEAN				
LUNDE, SEAN	ATHLETIC REIMBURSEMENT	06/25/2021	15.00	FIRE FUND
Total LUNDE, SEAN:			15.00	
MARTIN BROS.				
MARTIN BROS.	PICKARD CONCESSIONS	04/13/2021	37.51	PARK & RECREATI
MARTIN BROS.	PICKARD CONCESSIONS	05/03/2021	1,403.19	PARK & RECREATI
MARTIN BROS.	AQUATIC CENTER CONCESSIONS	06/21/2021	650.56	POOL (MEMORIAL)
MARTIN BROS.	AQUATIC CENTER CONCESSIONS	06/28/2021	484.60	POOL (MEMORIAL)
MARTIN BROS.	PICKARD CONCESSIONS	06/24/2021	1,256.56	PARK & RECREATI

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
Total MARTIN BROS.:			3,832.42	
MCCOY HARDWARE INC				
MCCOY HARDWARE INC	BUCKETFOR JR FIRE ACADEMY	06/08/2021	12.14	FIRE FUND
MCCOY HARDWARE INC	BROOM FOR HOSE CLEANING	06/14/2021	33.29	FIRE FUND
MCCOY HARDWARE INC	BATTERIES FOR DEPARTMENT	06/29/2021	10.79	FIRE FUND
MCCOY HARDWARE INC	PADDLE LOCK KEYS	06/29/2021	8.24	SEWER FUND
Total MCCOY HARDWARE INC:			64.46	
MCINTYRE, CRAIG				
MCINTYRE, CRAIG	COED CHURCH SB	06/29/2021	56.00	PARK & RECREATI
Total MCINTYRE, CRAIG:			56.00	
MID AMERICAN ENERGY CO.				
MID AMERICAN ENERGY CO.	UTILITIES	06/21/2021	135.94	GENERAL FUND
MID AMERICAN ENERGY CO.	FUEL HEAT - ACTIVITY CENTER	06/22/2021	52.14	PARK & RECREATI
MID AMERICAN ENERGY CO.	UTILITIES	06/22/2021	49.87	ROAD USE TAX FU
MID AMERICAN ENERGY CO.	FUEL BUILDING	06/22/2021	26.53	POLICE FUND
MID AMERICAN ENERGY CO.	69750-52006 QM 3 LIFT STATION	06/22/2021	67.74	SEWER FUND
MID AMERICAN ENERGY CO.	AQUATIC CENTER HEATING FUEL	06/22/2021	2,257.82	POOL (MEMORIAL)
Total MID AMERICAN ENERGY CO.:			2,590.04	
NORWALK READY-MIXED CONCRETE				
NORWALK READY-MIXED CON	SOUTH R STREET PAVEMENT REPAIRS	06/21/2021	2,128.50	ROAD USE TAX FU
NORWALK READY-MIXED CON	SOUTH R STREET PAVEMENT REPAIRS	06/22/2021	1,906.00	ROAD USE TAX FU
NORWALK READY-MIXED CON	SOUTH R STREET PAVEMENT REPAIRS	06/23/2021	2,414.00	ROAD USE TAX FU
Total NORWALK READY-MIXED CONCRETE:			6,448.50	
O'REILLY AUTO PARTS				
O'REILLY AUTO PARTS	CABIN FILTER UNIT 44 SKIDSTEAR	06/17/2021	9.98	ROAD USE TAX FU
O'REILLY AUTO PARTS	RETURN CABIN FILTER UNIT 44	06/17/2021	9.98	ROAD USE TAX FU
O'REILLY AUTO PARTS	HOSE CLAMPS	06/25/2021	15.28	SEWER FUND
Total O'REILLY AUTO PARTS:			15.28	
PARK, KRIS				
PARK, KRIS	COED CHURCH SB	06/21/2021	84.00	PARK & RECREATI
PARK, KRIS	COED CHURCH SB	06/29/2021	84.00	PARK & RECREATI
Total PARK, KRIS:			168.00	
PELLA PRINTING				
PELLA PRINTING	IMAG PRINTING	06/26/2021	5,863.50	GENERAL FUND
PELLA PRINTING	IMAG PRINTING	06/26/2021	5,863.50	PARK & RECREATI
Total PELLA PRINTING:			11,727.00	
PERCY, SYDNI				
PERCY, SYDNI	WEDDING DAMAGE DEPOSIT	06/22/2021	50.00	PARK & RECREATI
Total PERCY, SYDNI:			50.00	

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
PHILIPS MEDICAL CAPITAL				
PHILIPS MEDICAL CAPITAL	CARDIAC MONITOR LEASE PHILIPS MEDICA	06/17/2021	1,348.11	AMBULANCE FUN
Total PHILIPS MEDICAL CAPITAL:			1,348.11	
POTTORFF, BROOKE				
POTTORFF, BROOKE	REFUND POOL PARTY	06/29/2021	55.00	POOL (MEMORIAL)
Total POTTORFF, BROOKE:			55.00	
PRO-IMAGE SIGN & LIGHTING				
PRO-IMAGE SIGN & LIGHTING	STREETSCAPE SIGNS	06/17/2021	2,800.00	SQUARE STREETS
Total PRO-IMAGE SIGN & LIGHTING:			2,800.00	
REDITECH				
REDITECH	MONTHLY IT SUPPORT	06/23/2021	5,310.00	GENERAL FUND
Total REDITECH:			5,310.00	
ROGERS SEPTIC MAINTENANCE & REPAIR				
ROGERS SEPTIC MAINTENANC	SEED SLUDGE FOR AERATION BASIN	06/24/2021	450.00	SEWER FUND
ROGERS SEPTIC MAINTENANC	SEED SLUDGE FOR AERATION BASIN	06/25/2021	900.00	SEWER FUND
Total ROGERS SEPTIC MAINTENANCE & REPAIR:			1,350.00	
RUNYAN, ERIKA				
RUNYAN, ERIKA	REFUNDS	06/15/2021	287.88	POLICE FUND
Total RUNYAN, ERIKA:			287.88	
SANDRY FIRE SUPPLY LLC				
SANDRY FIRE SUPPLY LLC	HYDRANT FLOW TESTING EQUIPMENT	06/22/2021	1,377.15	FIRE FUND
SANDRY FIRE SUPPLY LLC	SCBA FACE PIECE TESTED	06/23/2021	66.34	FIRE FUND
Total SANDRY FIRE SUPPLY LLC:			1,443.49	
SHER, BRIAN				
SHER, BRIAN	CELL PHONE	06/30/2021	50.00	POLICE FUND
Total SHER, BRIAN:			50.00	
SHULL, DOUG				
SHULL, DOUG	MONTHLY CONTRACTED SERVICES	06/29/2021	83.33	GENERAL FUND
Total SHULL, DOUG:			83.33	
SKF INC				
SKF INC	REFUND FOR OVER PAYMENT	06/24/2021	25.00	GENERAL FUND
Total SKF INC:			25.00	
SNYDER & ASSOCIATES INC				
SNYDER & ASSOCIATES INC	TRAFFIC SIGNAL UPDATE ENGINEERING	06/28/2021	1,015.00	STREET CAPITAL
SNYDER & ASSOCIATES INC	IOWA AVE PAVING-ENGINEERING	06/28/2021	11,743.84	STREET CAPITAL
SNYDER & ASSOCIATES INC	W CLINTON AVE CULVERT	06/28/2021	1,251.00	STORMWATER UTI
SNYDER & ASSOCIATES INC	MISC ENGINEERING	06/28/2021	227.50	GENERAL FUND
SNYDER & ASSOCIATES INC	STREET ISSUES	06/28/2021	48.75	ROAD USE TAX FU

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
SNYDER & ASSOCIATES INC	DRAINAGE ISSUES	06/28/2021	48.75	STORMWATER UTI
SNYDER & ASSOCIATES INC	PARKS & REC ENGINEERING	06/28/2021	146.25	CAPITAL PROJECT
SNYDER & ASSOCIATES INC	SITE PLAN REVIEW	06/28/2021	256.25	GENERAL FUND
SNYDER & ASSOCIATES INC	CAVITT CREEK CONDO REVIEW	06/29/2021	458.00	GENERAL FUND
SNYDER & ASSOCIATES INC	MICROMOBILITY CODE DEVELOPMENT	06/23/2021	380.00	GENERAL FUND
Total SNYDER & ASSOCIATES INC:			15,575.34	
STEPHENS, ANGIE				
STEPHENS, ANGIE	REFUND FOR AQUATIC RENTAL FEE	06/22/2021	360.00	POOL (MEMORIAL)
Total STEPHENS, ANGIE:			360.00	
T.R.M. DISPOSAL LLC				
T.R.M. DISPOSAL LLC	ACCT #1506 TRASH	06/24/2021	85.00	GENERAL FUND
T.R.M. DISPOSAL LLC	GARBAGE - BUILDING ACCT #159	06/24/2021	17.00	POLICE FUND
T.R.M. DISPOSAL LLC	ACCT #583 NORTH PLANT	06/24/2021	82.00	SEWER FUND
T.R.M. DISPOSAL LLC	ACCT #583 SOUTH PLANT	06/24/2021	54.00	SEWER FUND
Total T.R.M. DISPOSAL LLC:			238.00	
TK ELEVATOR CORPORATION				
TK ELEVATOR CORPORATION	ELEVATOR MAINTENANCE	06/22/2021	328.74	GENERAL FUND
Total TK ELEVATOR CORPORATION:			328.74	
U.S. CELLULAR				
U.S. CELLULAR	CELL PHONES US CELLULAR	06/12/2021	130.04	AMBULANCE FUN
Total U.S. CELLULAR:			130.04	
ULINE				
ULINE	ORANGE SAND BAGS	06/15/2021	98.37	FIRE FUND
Total ULINE:			98.37	
VANDERPOOL CONSTRUCTION				
VANDERPOOL CONSTRUCTION	EAST IOWA AVENUE PAVING CONSTRUCTIO	06/07/2021	391,245.34	STREET CAPITAL
Total VANDERPOOL CONSTRUCTION:			391,245.34	
WARREN COUNTY ENGINEER				
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - COMM DEV	06/03/2021	59.53	GENERAL FUND
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - FIRE DEPT	06/03/2021	966.04	FIRE FUND
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - AMBULANCE	06/03/2021	860.93	AMBULANCE FUN
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - POLICE DEPT	06/03/2021	2,011.63	POLICE FUND
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - PARKS	06/03/2021	593.59	PARK & RECREATI
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - REC - VANS	06/03/2021	35.61	PARK & RECREATI
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - REC - GAS CANS	06/03/2021	190.52	PARK & RECREATI
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - STREETS	06/03/2021	1,680.95	ROAD USE TAX FU
WARREN COUNTY ENGINEER	FUEL DISTRIBUTION - SEWER	06/03/2021	692.64	SEWER FUND
Total WARREN COUNTY ENGINEER:			7,091.44	
WHITLOCK, DOUG				
WHITLOCK, DOUG	COED CHURCH SB	06/22/2021	84.00	PARK & RECREATI

Vendor Name	Description	Invoice Date	Net Invoice Amount	FUND
Total WHITLOCK, DOUG:			84.00	
WIEGERT DISPOSAL CO.				
WIEGERT DISPOSAL CO.	JANITORIAL SERVICES	07/01/2021	270.00	PARK & RECREATI
WIEGERT DISPOSAL CO.	JANITORIAL SERVICES	07/01/2021	585.00	PARK & RECREATI
WIEGERT DISPOSAL CO.	JANITORIAL SERVICES	07/01/2021	45.00	POOL (MEMORIAL)
Total WIEGERT DISPOSAL CO.:			900.00	
WREEVES AND ASSOCIATES INC				
WREEVES AND ASSOCIATES INC	EMERGENCY LIGHTS FOR 331	05/10/2021	718.80	FIRE FUND
Total WREEVES AND ASSOCIATES INC:			718.80	
Grand Totals:			1,440,461.67	

City Council: _____

Meeting Date: 07/06/2021

Subject

June 21 and 28, 2021 Minutes.

Information

Attachments

June 21, 2021

June 28, 2021

City of Indianola - Regular Session – June 21, 2021

The Indianola City Council met in regular session at 6:00 p.m. on June 21, 2021 in the City Hall Council Chambers. Mayor Pam Pepper called the meeting to order and on roll call the following members were present: Heather Hulen, John Parker, Bob Kling, Greg Marchant, Gwen Schroder, Greta Southall and Mayor Pepper. Absent: None.

Mayor Pepper read a resolution honoring the service of Police Chief Dave Button, who is retiring, and thanked him for his service to the City.

Bill Howard, 701 E 2nd Ave, stated the Sustainability Committee worked with City staff to include solar panel codes in proposed ordinance changes.

Council Members Hulen and Parker requested Claims on the computer printout for June 21, 2021 be pulled from the consent agenda and Council Member Kling requested Resolution approving Fiscal Year 22 Salaries be pulled from the consent agenda, all citing a conflict of interest. Council Member Southall moved to approve the consent agenda and Schroder seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously. The consent agenda was as follows:

- Approval of agenda
- Resolution 2021-138 approving monthly transfers.
- June 7, 2021 Minutes.
- Resolution 2021-139 setting a Public Hearing date for a Fiscal Year 22 budget amendment on July 6, 2021 at 6:00PM
- Annual renewal of cigarette permit applications.
- Approval of a renewal Class E liquor license with Class B and C permits and Sunday sales privileges for Casey's General Store, located at 1101 East 2nd Avenue.
- Approval of a special Class C liquor license with Sunday sales privileges for Des Moines Metro Opera, at 513 North D Street.
- Approval of a renewal Class C Beer liquor license with Sunday sales and Class B Wine permit privileges for Feed and Foster, located at 103 North Buxton Avenue.
- Resolution 2021-140 approving Change Order Number 4, Payment Application Number 2 and final acceptance for the Traffic Signal System Timing Updates Project.
- Approval of Payment Application Number 12 from Williams Brothers Construction for the Water Resource Recovery Facility in the amount of \$1,467,673.67.
- Resolution 2021-141 approving Amendment Number 2 to a Professional Services Agreement with Bolton and Menk, Inc. for engineering services for the Square Reconstruction Project.
- Resolution 2021-142 approving a Professional Services Agreement with Schneider Geospatial, LLC. For Geo Permits Portal Development, Hosting and Maintenance.
- Resolution 2021-143 approving an agreement with Snyder and Associates for the West Boston Avenue and North F Street Reconstruction Project.
- Resolution 2021-144 approving an agreement with Terracon for Geotechnical Engineering Services on Prairie Glynn Plat 3.
- Resolution 2021-145 approving an agreement with HR Green for engineering services.
- Resolution 2021-146 approving liability, auto, property, worker's compensation and machinery equipment replacement insurance for Fiscal Year 22.

- Second consideration of an Ordinance approving the right-of-way vacation and conveyance of a portion of the east/west alley that lies between Lots 1, 2, 3 and Lots 10, 11, 12 and a portion of the north/south alley that lies between Lots 3 and 4, all in Block 14 of the Plat of Jones and Windles Addition to Indianola, Warren County, Iowa to Peterson Funeral Service, Inc.
- Approval of the Civil Service Commission list of applicants certified eligible for the position of career Firefighter/Paramedic.
- Resolution 2021-147 approving salaries.

Southall moved and Marchant seconded to approve Claims on the computer printout for June 7, 2021. On roll call, the vote was AYES: Kling, Schroder, Southall and Marchant. NAYS: None. ABSTAIN: Hulen, Parker. Whereas the Mayor declared the motion passed.

It was moved by Marchant and seconded by Parker to approve Resolution 2021-148 approving Fiscal Year 22 salaries. On roll call, the vote was AYES: Hulen, Parker, Schroder, Southall and Marchant. NAYS: None. ABSTAIN: Kling. Whereas the Mayor declared the motion passed.

City Manager Ryan Waller stated many of the items on the consent agenda will help staff prepare for the new fiscal year beginning on July 1.

Parker moved and Hulen seconded to receive and file the April 2021 EMS Billing Activity Report. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council Member Parker reported the Des Moines Convention and Visitors Bureau has approved their FY22 budget and that events postponed due to the pandemic are mostly coming back to the area.

Council Member Kling stated the Metro Advisory Committee reviewed legislative changes that affect cities.

In the Bravo report, Council Member Kling reported the Des Moines Metro Opera was one of the recipients of Bravo's capital project grants.

Mayor Pepper gave a statement detailing a petition filed against the City and the subsequent dismissal of the claim by the State of Iowa's Public Information Board. She also recently attended a meeting at which changes to the county's emergency dispatch program were decided upon.

Mayor Pepper said that she and Council Member Southall are forming a Human Relations Commission to address issues in Indianola so that all people feel welcome in our community. She then read a Proclamation on Pride Month.

The second consideration of an Ordinance approving the rezoning of property located in the Southwest Quarter of the Southwest Quarter of Section 29, Township 76 North, Range 23 West from A-1 (Agricultural) to R-3 (Mixed Residential) was introduced on a motion by Kling and seconded by Parker. In discussion, Community and Economic Development Director Charlie Dissell said there was a request to waive the third reading of the Ordinance. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council Member Marchant moved to suspend the rules and waive the third reading of the Ordinance and Schroder seconded it. In discussion, Parker stated he doesn't like to suspend the rules but since there have been no comments against the rezoning, he would vote in favor of waiving the final reading. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Parker moved and Southall seconded to open the Public Hearing regarding the Valley Place Reconstruction Project. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Public Works Director, Akhilesh Pal, explained the plans for the project and recommended that Council award the contract to TK Concrete. No other public comments were offered. Southall moved and Parker seconded to close the Public Hearing. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Resolution 2021-149 approving the plans, specifications, form of contract and estimate of cost for the Valley Place Reconstruction was introduced on a motion by Kling and seconded by Hulen. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Schroder moved and Southall seconded to approve Resolution 2021-150 awarding the contract for the Valley Place Reconstruction project. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council Member Southall moved to open the Public Hearing regarding the vacation of a storm sewer and drainage way easement on part of Lot 1, Williams Terrace Plat 1 and Kling seconded it. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Dissell summed up the agenda items for Williams Terrace, noting that during the review of the plat, the need to change the storm sewer and drainage easement came to light. No other public comments were offered. Hulen moved and Parker seconded to close the Public Hearing. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

It was moved by Southall and seconded by Kling to approve the first consideration of an Ordinance approving the vacation of a storm sewer and drainage way easement on part of Lot 1, Williams Terrace Plat 1. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Kling moved and Parker seconded to approve Resolution 2021-151 approving a site plan for Williams Terrace, a residential development on a lot exceeding one acre, located at 1603 North 9th Street. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Dissell informed the Council that staff believes there is no longer a nuisance at 608 South G Street. Dennis Dop, 608 South G Street, stated he would like permission to collect items again during the city-wide cleanup event. Marchant moved to determine that a nuisance does not exist at the property located at 608 South G Street. Council Member Kling seconded it. In discussion, Council stated the process was followed this year and should be in future years as well if another complaint is received. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

The first consideration of an Ordinance approving amendments to Chapter 165 (Zoning Regulations) and Chapter 166 (Site Plan) was introduced on a motion by Parker and seconded by Hulen. In discussion, Dissell explained the changes to the Ordinance as a result of Council direction at the May 17 Study Session. Council further directed staff to have the Planning and Zoning Commission research shopping cart storage codes. Dissell also explained the zoning changes necessitated ordinances on adult entertainment and massage establishments. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Kling moved to approve the first consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for adult entertainment and uses, and Schroder seconded it. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

The first consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for massage establishments and technicians was introduced on a motion by Schroder. Hulen seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

It was moved by Marchant and seconded by Southall to open the Public Hearing regarding the adoption of an amended Official Zoning Map of Indianola, Iowa. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Dissell stated with new zoning code comes new zoning districts, which requires the zoning map to be updated. No other public comments were offered. Southall moved and Parker seconded to close the Public Hearing. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

The first consideration of an Ordinance approving an amended Official Zoning Map of Indianola, Iowa was introduced on a motion by Kling and seconded by Schroder. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

It was moved by Marchant and seconded by Parker to approve Resolution 2021-153 approving a preliminary plat for Fox Run Plat 2. In discussion, Dissell informed the Council the developer plans to donate part of the ground to the City for a park. The current sanitary sewer lines on the property need to be moved, which will require a development agreement between the City and Johansen Enterprises. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council Member Marchant moved to approve Resolution 2021-154 setting a Public Hearing for July 6, 2021 regarding execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC and Parker seconded it. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Resolution 2021-155 approving an agreement between the City of Indianola and Bird Rides, Inc was introduced on a motion by Kling and seconded by Southall. Dissell stated in discussion that the agreement outlines conditions under which scooters shall operate. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Southall moved and Marchant seconded to approve Resolution 2021-156 approving a request for alternative method of approval for a site plan for Herold Trailer Sales, located at 1806 West 2nd Avenue. In discussion, Dissell said the expansion project does not meet design standards so staff recommended tree planting along Hwy 92 instead. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Ryan Waller, City Manager, reminded the public of the June 28 special meeting and that the first regular meeting in July will be on Tuesday, July 6 due to city offices being closed on July 5th. He also reported that staff walked around the Square to review and look for improvements to pedestrian signage during construction. Staff will continue to reach out to businesses to address any issues that arise throughout construction.

Kling moved and Southall seconded to receive and file correspondence from June 4 and 11, 2021 weekly updates provided by City Manager, Ryan Waller. Question was called for and on voice vote the Mayor declared the motion carried unanimously.

Meeting adjourned at 7:07 pm on a motion by Marchant and seconded by Parker.

Immediately following the meeting, Council held a study session to receive an update on the proposed residential housing code.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO

Indianola City Council Special Meeting – June 28, 2021

The City Council met in special session at 10:00 a.m. on June 28, 2021, in the City Hall Council Chambers. Mayor Pam Pepper called the meeting to order and on roll call the following members were present: Heather Hulen, John Parker via phone, Bob Kling, Gwen Schroder, Greta Southall via phone, Greg Marchant and Mayor Pepper Absent: None.

Council Member Marchant moved to approve the consent agenda and Hulen seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously. The consent agenda was as follows:

- Approval of agenda
- Claims on the computer printout for June 28, 2021
- Resolution 2021-157 approving Fiscal Year 21 year-end transfers

Marchant moved and Kling seconded to adjourn the meeting at 10:01 a.m.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO

Meeting Date: 07/06/2021

Subject

Resolution setting a Public Hearing on an application for exemption of sign code at 407 North Jefferson Way.

Information

Attachments

Sign Request Memorandum

Public Hearing Notice

Resolution Setting Hearing



COMMUNITY DEVELOPMENT

To: Mayor and City Council
From: Charlie E. Dissell, Community and Economic Development Director
CC: Ryan Waller, City Manager
Date: June 28, 2021
Re: Resolution setting public hearing on application for exemption of sign code at
407 North Jefferson Way, Indianola, Iowa

At its meeting on July 6, the City Council will be asked to set a public hearing for a sign exemption request for Route 69 Vapor, located at 407 North Jefferson Way, which proposes to use an existing ground sign that does not meet the front setback of 15'. As such, an exemption for the sign is requested.

No such exemption shall be granted by the Council without a public hearing. Notice thereof shall be given at least four (4) days but no more than twenty (20) days in advance of the hearing by a single publication in a newspaper of general circulation within the City. Staff requests that the public hearing take place on July 19 and will work to have notice published on July 14.

I will attend the July 6 Council meeting if you have any questions.



**NOTICE OF PUBLIC HEARING ON APPLICATION FOR EXEMPTION OF SIGN CODE AT 407 NORTH
JEFFERSON WAY, INDIANOLA, IOWA**

Notice is Hereby Given: That at 6:00 P.M., at the Council Chambers, City Hall, 110 N. 1st Street, Indianola, IA 50125 on July 19, 2021, the City Council of the City of Indianola, Iowa will hold a public hearing to consider an application for an exemption of the sign code at 407 North Jefferson Way, Indianola, Iowa

A copy of the proposed exemption is on file for public inspection in the office of the City Clerk.

At said hearing any interested person may file written objections or present oral comments with respect to the subject matter of the hearing.

\s\ Andrew J. Lent, City Clerk/CFO

City of Indianola
RESOLUTION NO. 2021-_____

**RESOLUTION SETTING A PUBLIC HEARING ON APPLICATION FOR EXEMPTION OF SIGN CODE
AT 407 NORTH JEFFERSON WAY, INDIANOLA, IOWA**

WHEREAS, the Municipal Code of the City of Indianola, Iowa, provides that the City Council may grant a specific exemption for a sign, provided the Council shall find the existence of a special and unusual, individual circumstance; and

WHEREAS, Rich Thompson of Eagle Sign Company, on behalf of Route 69 Vapor, located at 407 North Jefferson Way, has requested a sign exemption; and

WHEREAS, a public hearing is required prior to consideration of said exemption.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Indianola, Iowa, that a public hearing on the proposed sign exemption is hereby set for the 19th day of July 2021, at six o'clock p.m. in the Council Chambers of the Municipal Building in Indianola, Iowa.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Indianola, Iowa, that the City Clerk is hereby directed to publish notice in compliance with Iowa Code section 372.2.

APPROVED this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Resolution setting a Public Hearing on an application for exemption of sign code at 123 South Howard Street.

Information

Attachments

Sign Request Memorandum

Public Hearing Notice

Resolution Setting Hearing



COMMUNITY DEVELOPMENT

To: Mayor and City Council
From: Charlie E. Dissell, Community and Economic Development Director
CC: Ryan Waller, City Manager
Date: June 28, 2021
Re: Resolution setting public hearing on application for exemption of sign code at
123 South Howard Street, Indianola, Iowa

At its meeting on July 6, the City Council will be asked to set a public hearing for a sign exemption request for Edward Jones, located at 123 South Howard Street, which proposes to use an existing sign that does not meet the front setback of 20'. As such, an exemption for the sign is requested.

No such exemption shall be granted by the Council without a public hearing. Notice thereof shall be given at least four (4) days but no more than twenty (20) days in advance of the hearing by a single publication in a newspaper of general circulation within the City. Staff requests that the public hearing take place on July 19 and will work to have notice published on July 14.

I will attend the July 6 Council meeting if you have any questions.



**NOTICE OF PUBLIC HEARING ON APPLICATION FOR EXEMPTION OF SIGN CODE AT 123 SOUTH
HOWARD STREET, INDIANOLA, IOWA**

Notice is Hereby Given: That at 6:00 P.M., at the Council Chambers, City Hall, 110 N. 1st Street, Indianola, IA 50125 on July 19, 2021, the City Council of the City of Indianola, Iowa will hold a public hearing to consider an application for an exemption of the sign code at 123 South Howard Street, Indianola, Iowa

A copy of the proposed exemption is on file for public inspection in the office of the City Clerk.

At said hearing any interested person may file written objections or present oral comments with respect to the subject matter of the hearing.

\s\ Andrew J. Lent, City Clerk/CFO

City of Indianola
RESOLUTION NO. 2021-_____

**RESOLUTION SETTING A PUBLIC HEARING ON APPLICATION FOR EXEMPTION OF SIGN CODE
AT 123 SOUTH HOWARD STREET, INDIANOLA, IOWA**

WHEREAS, the Municipal Code of the City of Indianola, Iowa, provides that the City Council may grant a specific exemption for a sign, provided the Council shall find the existence of a special and unusual, individual circumstance; and

WHEREAS, Lisa Hanrahan of Iowa Sign Company, on behalf of Edward Jones, located at 123 South Howard Street, has requested a sign exemption; and

WHEREAS, a public hearing is required prior to consideration of said exemption.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Indianola, Iowa, that a public hearing on the proposed sign exemption is hereby set for the 19th day of July 2021, at six o'clock p.m. in the Council Chambers of the Municipal Building in Indianola, Iowa.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Indianola, Iowa, that the City Clerk is hereby directed to publish notice in compliance with Iowa Code section 372.2.

APPROVED this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Approval of a renewal Class E liquor license with Sunday sales privileges for I Towner Stop, located at 403 West 2nd Avenue.

Information

Council will need to consider a renewal Class E liquor license with Sunday sales privileges for I Towner Stop. Sukhjinder Singh is the owner. All paperwork is in order and staff has approved.

Attachments

No file(s) attached.

Meeting Date: 07/06/2021

Subject

Approval of an event application from Willow Moon Apothecary for a Toasting to the Autumnal Equinox: A Wine and Charcuterie Event, on September 18, 2021.

Information

Brandy Werner, of Willow Moon Apothecary, has requested to hold an event in the public parking lot west of 208 West Ashland Avenue. Set-up would begin on September 17 at 5:00 pm, with the event to be held September 18 from 5:00 pm — 10:00 pm. The application also includes a noise permit for music. All paperwork is in order and staff has approved.

Attachments

Application

Date: 6/17/21

Event Application from Willow Moon Apothecary

For Toasting to the Autumnal Equinox: A Wine and Charcuterie Event

Event Date: September 18 (with set-up to begin September 17)

Staff Recommendation

Attached is an event application. Please review; add any comments you feel are necessary, such as concerns or other items to be considered regarding the request.

Initial and date under either approve or disapprove and email on to the next department.

	Approve	Disapprove
Street Department – Akhilesh Pal	<u>Akhilesh Pal</u>	_____
P&R Department – Doug Bylund	<u>DJB 6/17</u>	_____
Police Department – Brian Sher	<u>Sher 6/17</u>	_____
HR & Risk Manager – Courtney Silliman	<u>CNS 06/17/21</u>	_____
Fire Department – Greg Chia	<u>GMC06/21</u>	_____
City Manager – Ryan Waller	<u>RW 6/24/21</u>	_____

Comments:

Please return to Jackie Raffety by: June 30, 2021

Thank you for your time and consideration!



Event Details:

Event Name: Toasting to the Autumnal Equinox: A Wine & Charcuterie Event

Event Sponsor(s): Willow Moon Apothecary LLC

Event Type (Check all that apply): ☐ Parade ☐ Bike Ride/Race ☐ Concert

Running Event: Fun Run ☐ Timed Race ☐ Will trails/sidewalks be utilized? Yes ☐ No ☒

Other: A wine tasting with charcuterie and music

Date/Time of event: September 18, 2021 5p.m.-8p.m.

Location of event: Public Parking Lot West of of 208 W Ashland

Anticipated Attendance: 60 Per Day 60 Total

Organization: Willow Moon Apothecary

Contact Name: Brandy Werner

Address: 208 W Ashland Ave, STE100, Indianola, IA 50125

Telephone Number: 515-442-5520

Fax Number: _____

Email address: brandy@willowmoondsm.com

Today's Date: 6/16/2021

Please describe your request and event: We would like to hold an event for a local wine tasting. 34 of our local wine suppliers, platters w/ purpose food trailer, and some nice jazz music. Tickets would be presold. We would like to put up a tent in the public parking lot

Please describe what streets, trails or parks you are planning to close or use:

no streets or parks, just the parking lot on W. Ashland, west of Willow Moon Apothecary

Set Up Begins

Date 9/17

Time 5pm

Day of Week Friday

Event Starts

Date 9/18

Time 5pm

Day of week Sat.

Event Ends

Date 9/18

Time 8pm

Day of week Sat

Dismantle

Date 9/18

Time by 10am

Day of week Sat



Please describe your safety plan including crowd control. The Indianola Police and Fire Departments will review your safety plans to determine if safety is adequate for the planned event. In reviewing the application, they will be looking at anticipated crowd size, demographics, entertainment, alcohol, prior history with this event or similar events and other criteria. Attach additional sheets if necessary.

Crowd Control will be mitigated by resale of tickets.
Safety plan - we plan to be outdoors with the parking lot closed to avoid any issues. All staff will be trained to handle anyone out of control.
Please describe your emergency/medical plan, including your communication procedures. Attach additional sheets if necessary.

All staff will be trained to ask the music to be stopped in the case of emergency. The DJ will ask if any medical professional is onsite and we will call 911.

Please describe your plan for clean up and removal of recyclable goods and garbage during and after your event.

We will have bins for both and will take garbage to the dumpsters and recycling to our truck. Recycling will be dropped off @ 7pm Monday 9/20.

Before submitting this application be sure to complete the following:

- ☒ The event application is completely filled out
- ☒ Map A attached – showing streets/trails/parks/lane closures, location of barrier/barricades, stages, platforms, parking, etc.
- ☒ Map B attached – shows where vendors are expected to park vehicles off the Square
- ☒ Street closure permit application if applicable, attached to application. Application is on website under “How Do I submit”.
- ☐ Noise permit application if applicable, attached to application. Application available on website under “How do I apply for noise permit”.
- ☐ Insurance certificate showing the City as an additional insured in the amount of \$1,000,000 is attached to the application.

As the event sponsor(s) I have read through the rules and certify that our event abides by the rules and regulations set by the Indianola Iowa City Council.

Applicant Signature: Dandy Weiner

Date: 6/16/21

Thank you for your interest in holding a neighborhood or community event!

Return Application with attachments to:

City of Indianola

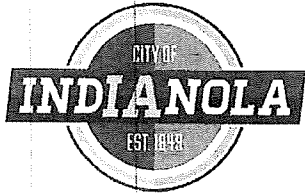
Attn: Event Applications

110 N 1st St PO Box 299

Indianola, Iowa 50125

email cityclerk@indianolaiowa.gov

City website indianolaiowa.gov



City of Indianola

Noise Permit Application

Today's Date: 6/16/21
Event Name: Toasting to the Autumnal Equinox: A Wine + Character Event
Date/Time/ Location of Event: Saturday, Sept. 18, 2021
Event Sponsor(s): Willow Moon Apothecary

Contact Information

Organization: Willow Moon Apothecary
Contact Name: Brandy Wilmer
Address: 208 W Ashland St 100, Indianola, IA 50125
Telephone Number: 515-442-5520 Cell Phone: 515-205-4369
Email Address: brandy@willowmoonism.com
Anticipated Attendance: 60 Per Day 60 Total

Event Information:

Event Starts: Date: 9/18 Time: 5pm Day of Week: Sat
Event Ends: Date: 9/18 Time: 8pm Day of Week: Sat

Previous Event Information: N/A

Date of Event: _____ Time of Event: _____

Please provide a map showing the event location and location of band/music, please specify:

Band _____ DJ _____ undecided which it will be
Other (please specify) _____

Applicant Signature: Brandy Wilmer

Office Use Only:

Late Fee: Amount _____ Payment Method _____ Received By: _____

Date Received in office: _____

Return completed noise application to:

City of Indianola
Attn: Noise Permit Application

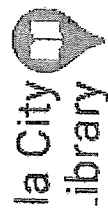
110 N 1st Street

PO Box 299

Indianola, Iowa 50125

Email: cityclerk@indianolaiowa.gov

W Boston Ave



la City
library

N Buxton St



Indianola Frienc

Avitt Al

N B St

Public Parking



Winn's Pizza
& Steakhous

Takeout

Funaro's Deli

Takeout • Delivery

W Ashland Ave

Stitching Place

Google

Jonathan P.

N B

Quilt shop

Andison data center Canada United States Tampa Dallas Oakland

Food truck trailer



tent



-hawaiiya printing inkjet



-257/Burd





WILLO-1

OP ID: FF

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/09/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER River Valley Insurance, LLC. 819 Main St. Adel, IA 50003 Angela Johnston	515-993-3515	CONTACT River Valley Ins NAME: PHONE (A/C, No, Ext): 515-993-3515 FAX (A/C, No): E-MAIL ADDRESS:
		INSURER(S) AFFORDING COVERAGE INSURER A: Pekin Insurance Company INSURER B: Illinois Casualty Company INSURER C: INSURER D: INSURER E: INSURER F:
		NAIC # 24228

INSURED Willow Moon Apothecary L.L.C. Brandy Werner 208 W Ashland Ave # 100 Indianola, IA 50125	
--	--

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
X	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		CL0255318	02/23/2021	02/23/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability	X		LL109743	06/01/2021	06/01/2022	Coverage \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Store/location liability for property at 208 W. Ashland Ave #100 Indianola IA.
Products sold: Homemade Candles, Essential oils, Teas, Organic Herbs and
Class B Local Wine Tasting.

CERTIFICATE HOLDER

CANCELLATION

City of Indianola
110 North 1st St
Indianola, IA 50125

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Meeting Date: 07/06/2021

Subject

Approval of an event application from CrossFit 65/69 for a half-marathon to be held on August 21, 2021.

Information

CrossFit 65/69 has requested to begin their event at Pickard Park and use trails and sidewalks to get to the Summerset Trail. Setup will begin at 5:00 am and be dismantled by 11:00 am on August 21. All paperwork is in order and staff has approved.

Attachments

Event Application



Event Details:

Event Name: Nealey Webster

Event Sponsor(s): CrossFit 65/69

Event Type (Check all that apply): ☐ Parade ☐ Bike Ride/Race ☐ Concert

Running Event: Fun Run ☒ Timed Race ☐ Will trails/sidewalks be utilized? Yes ☒ No ☐

Other: _____

Date/Time of event: August 21, 2021

Location of event: Summerset Trail

Anticipated Attendance: _____ Per Day 30 Total

Organization: CrossFit 65/69

Contact Name: Nealey Webster

Address: 502 S Jefferson Way Indianola, Iowa

Telephone Number: 5156817561

Fax Number: _____

Email address: info@crossfit6569.com

Today's Date: 6/3/2021

Please describe your request and event:

CrossFit 65/69 is holding a half marathon for it's members and other members of the community that would like to join. It is not a chip timed event. It will be more of a fun run that our members have been training throughout the summer for.

Please describe what streets, trails or parks you are planning to close or use:

We plan to start this run at Pickard Park. We will run down Hwy 92 on McVay Trail, cross the hwy and 15th Street to get back onto McVay Trail. We will then follow the trail to the Summerset Trail and then follow the that all the way to Carlisle. The event will end at Johnny and Mike's Pizza in Carlisle

Set Up Begins	Date <u>8/21</u>	Time <u>5a</u>	Day of Week <u>Sat</u>
Event Starts	Date <u>8/21</u>	Time <u>7a</u>	Day of week <u>Sat</u>
Event Ends	Date <u>8/21</u>	Time <u>11a</u>	Day of week <u>Sat</u>
Dismantle	Date <u>8/21</u>	Time <u>7-11a</u>	Day of week <u>Sat</u>



Please describe your safety plan including crowd control. The Indianola Police and Fire Departments will review your safety plans to determine if safety is adequate for the planned event. In reviewing the application, they will be looking at anticipated crowd size, demographics, entertainment, alcohol, prior history with this event or similar events and other criteria. Attach additional sheets if necessary.

We don't expect a crowd for this event. We will have volunteers hosting drinking stations for the runners that will be responsible to pick up all of the trash during the event.

Please describe your emergency/medical plan, including your communication procedures. Attach additional sheets if necessary.

We will have volunteers on bicycles to keep up with runners and be along the trail if any runner were to fall ill or get injured during the run. Each biker will have a walkie talkie to talk to a volunteer in a vehicle so the vehicle can assess the situation and come get the runner. All volunteers will have cell phones to call 911 if deemed necessary.

Please describe your plan for clean up and removal of recyclable goods and garbage during and after your event. As all the runners pass drink stations, volunteers will be there to clean up any trash. No trash will be left behind by the end of the race.

Before submitting this application be sure to complete the following:

- ☒ The event application is completely filled out
- ☒ Map A attached – showing streets/trails/parks/lane closures, location of barrier/barricades, stages, platforms, parking, etc.
- ☒ Map B attached – shows where vendors are expected to park vehicles off the Square
- ☒ Street closure permit application if applicable, attached to application. Application is on [website](#) under “How Do I submit”.
- ☒ Noise permit application if applicable, attached to application. Application available on [website](#) under “How do I apply for noise permit”.
- ☒ Insurance certificate showing the City as an additional insured in the amount of \$1,000,000 is attached to the application.

As the event sponsor(s) I have read through the rules and certify that our event abides by the rules and regulations set by the Indianola Iowa City Council.

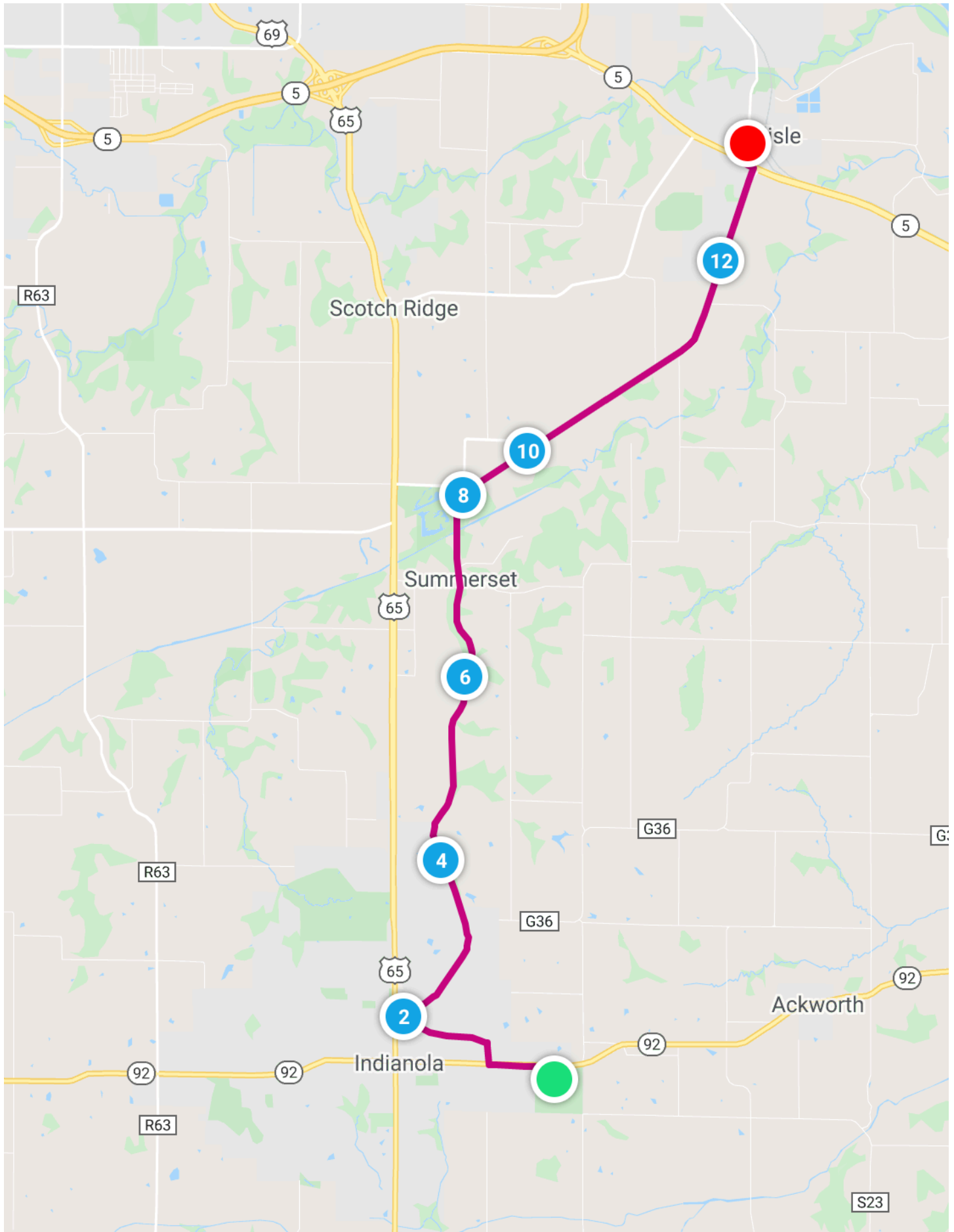
Applicant Signature: *Melby W. Brown* Date: 6/21/2021

Thank you for your interest in holding a neighborhood or community event!

Return Application with attachments to:

City of Indianola
Attn: Event Applications
110 N 1st St PO Box 299
Indianola, Iowa 50125
email cityclerk@indianolaiowa.gov

City website indianolaiowa.gov





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/24/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Nexo Insurance Services, Inc. 111 N. Sepulveda Blvd. Suite 325 Manhattan Beach, CA 90266	CONTACT NAME: Christine Galligani PHONE (A/C. No. Ext): (310) 937-2007 FAX (A/C. No.): (310) 937-1127 E-MAIL ADDRESS: staff@crossfitrrg.com														
INSURED Webster Strength, LLC CrossFit 65/69 15218 140th Avenue Indianola, IA 50125	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : CrossFit Risk Retention Group, Inc</td> <td>13720</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : CrossFit Risk Retention Group, Inc	13720	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : CrossFit Risk Retention Group, Inc	13720														
INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Professional Liability-Insurance GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:			AF439921	02/16/2021	02/16/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 Professional Liability \$ 1,000,000
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			AF439921	02/16/2021	02/16/2022	COMBINED SINGLE LIMIT (Ea accident) \$ Included BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Premises address: [502 S. Jefferson Way, Indianola, IA 50125]. Certificate holder is named as additional insured where required by written contract with respects to general liability arising out of operations of the named insured. Sexual Abuse and Molestation Limit \$100,000. Please refer to loan number is 147446541000.

CERTIFICATE HOLDER

GreenState Credit Union
Attn: Commercial Services

P.O. BOX 800
North Liberty, IA 52317

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

Meeting Date: 07/06/2021

Subject

Approval of Payment Application Number 3 for the Water Resource Recovery Facility influent trunk sewer and outfall project from Langman Construction Inc in the amount of \$351,864.44.

Information

As of the Pay Application, Langman Construction Inc has been paid 36.6% of the contract. Items included in this application are through June 23, 2021, and include mobilization, modified subbase (rock for dust control), construction testing, approximately 528 linear feet of 42-inch sewer, approximately 804 linear feet of 6-inch irrigation force main, 1 manhole, and SWPPP management.

Attachments

Payment Application



▷ 5525 Merle Hay Road | Suite 200 | Johnston, IA 50131
Main 515.278.2913 + Fax 515.278.1846

▷ HRGREEN.COM

June 25, 2021

Mr. Rick Graves
City of Indianola WPC
P.O. Box 299
Indianola, IA 50125

Re: WRRF INFLUENT TRUNK SEWER & OUTFALL PROJECT
Contractor's Application for Payment No. 3

Dear Rick:

Attached is an electronic copy of Payment Application No. 3 from Langman Construction Inc. for the WRRF Influent Trunk Sewer and Outfall Sewer project. Items included in this application include mobilization, modified subbase (rock for dust control), construction testing, construction testing, approximately 528 linear feet of 42-inch sewer, approximately 804 linear feet of 6-inch irrigation force main, 1 manhole, and SWPPP management.

The total request for Payment Application No. 3 is \$351,864.44. As of this Pay Application, Langman Construction has been paid 36.6% of the contract. We have reviewed and recommend full partial payment of Payment Application No. 3 as submitted by Langman Construction. Please execute the pay application and distribute copies to all parties.

Sincerely,
HR Green, Inc.

A handwritten signature in blue ink that reads 'Joseph Frankl'.

Joseph Frankl, P.E.
Project Manager

Cc: Andy Lent, City Clerk
File

Enclosures

J:\2021\210240\Construction\Payment\Pay_Estimates\#3\lrr-062521-Trunk_Sewer_Langman_Pay_Request3.docx

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

Page 1 of 8 Pages

TO OWNER:	City of Indianola 110 N. 1st Street Indianola, IA 50125	PROJECT:	WRRF Influent Trunk Sewer & Outfall Sewer 11870 Hoover Street Indianola, IA 50125	APPLICATION NO:	3	Distribution to:	☐ OWNER ☐ ARCHITECT ☐ CONTRACTOR ☐ ☐
FROM	Langman Construction, Inc.	ARCHITECT:	HR Green, Inc.	PERIOD TO:	June 23, 2021		
CONTRACTOR:	220-34th Avenue Rock Island, IL 61201		5525 Merle Hay Road, Suite 200	PROJECT NOS:			

CONTRACT FOIGeneral Construction

CONTRACT DATE: March 16, 2021

CONTRACTOR'S APPLICATION FOR PAYMENT

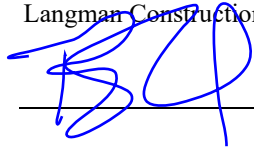
Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$6,603,000.00
2. NET CHANGE BY CHANGE ORDERS	\$0.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$6,603,000.00
4. TOTAL COMPLETED & STORED TO DATE (Column L on G703)	\$2,545,763.35
5. RETAINAGE:	
a. 5 % of Completed Work (Column J on G703)	\$56,343.88
b. 5 % of Stored Material (Column K on G703)	\$70,944.29
Total Retainage (Lines 5a + 5b or Total in Column N of G703)	\$127,288.17
6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total)	\$2,418,475.18
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$2,066,610.74
8. CURRENT PAYMENT DUE	\$351,864.44
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$4,184,524.82

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Langman Construction, Inc.

By:  Date: June 23, 2021

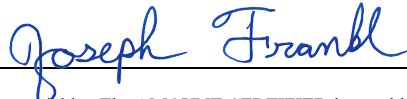
ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ \$351,864.44

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By:  Date: 6/25/2021

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

Page 2 of 8 Pages

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 3

APPLICATION DATE: 6/23/2021

PERIOD TO: 6/23/2021

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C ITEM QUANTITY	D UNITS	E UNIT PRICE	F TOTAL VALUE OF ITEM	G PREVIOUS QUANTITIES	H ESTIMATED QUANTITY INSTALLED THIS PERIOD	I QUANTITIES TO DATE	J VALUE OF WORK THIS PERIOD	K VALUE OF WORK INSTALLED TO DATE	L MATERIALS PRESENTLY STORED (NOT IN H)	M TOTAL COMPLETED AND STORED TO DATE (H+I)	N % (L ÷ F)	O BALANCE TO FINISH (F - L)	P RETAINAGE (IF VARIABLE RATE)
1	Mobilization	1.00	LS	\$849,000.00	\$849,000.00	0.25	0.25	0.50	\$212,250.00	\$424,500.00		\$424,500.00	50.00%	\$424,500.00	\$21,225.00
2	Construction Survey	1.00	LS	\$20,000.00	\$20,000.00	0.20		0.20		\$4,000.00		\$4,000.00	20.00%	\$16,000.00	\$200.00
3	Clearing and Grubbing	1.00	LS	\$100,000.00	\$100,000.00	0.85		0.85		\$85,000.00		\$85,000.00	85.00%	\$15,000.00	\$4,250.00
4	Topoil, Onsite	34046.00	CY	\$2.00	\$68,092.00								0.00%	\$68,092.00	\$0.00
5	Subgrade Preparation	4520.00	SY	\$1.35	\$6,102.00								0.00%	\$6,102.00	\$0.00
6	Subbase, Modified, 6"	3010.00	TON	\$25.50	\$76,755.00		551.39	551.39	\$14,060.45	\$14,060.45		\$14,060.45	18.32%	\$62,694.56	\$703.02
7	Removal of Known Box Culvert, 4x5RCB	30.00	LF	\$65.00	\$1,950.00								0.00%	\$1,950.00	\$0.00
8	Removal of Known CMP Culvert, 24"	56.00	LF	\$10.00	\$560.00	56.00		56.00		\$560.00		\$560.00	100.00%		\$28.00
9	Rock Removal	500.00	CY	\$0.01	\$5.00								0.00%	\$5.00	\$0.00
10	Trench Foundation	1000.00	TON	\$21.00	\$21,000.00								0.00%	\$21,000.00	\$0.00
11	Concrete Encasement	100.00	LF	\$400.00	\$40,000.00								0.00%	\$40,000.00	\$0.00
12	Construction Testing	1.00	LS	\$3,000.00	\$3,000.00	0.08	0.08	0.16	\$230.00	\$480.00		\$480.00	16.00%	\$2,520.00	\$24.00
13	Gravity Outfall Sewer, Trenched,PVC, 30" Diameter	30.00	LF	\$263.00	\$7,890.00						\$1,914.60	\$1,914.60	24.27%	\$5,975.40	\$95.73
14	Gravity Outfall Sewer, Trenched,PVC, 42" Diamater	2942.00	LF	\$271.00	\$797,282.00						\$370,544.90	\$370,544.90	46.48%	\$426,737.10	\$18,527.25
15	Gravity Trunk Sewer, Trenched, PVC,36" Diameter, Normal Bury	1969.00	LF	\$238.00	\$468,622.00						\$181,797.77	\$181,797.77	38.79%	\$286,824.23	\$9,089.89
16	Gravity Trunk Sewer, Trenched, PVC, 36" Diameter, Deep Bury, Structure1259-Structure 1262	766.00	LF	\$330.00	\$252,780.00						\$70,724.78	\$70,724.78	27.98%	\$182,055.22	\$3,536.24
17	Gravity Trunk Sewer, Trenched, PVC, 36" Diameter, Deep Bury, Station 20+50-Structure 1265	379.00	LF	\$295.00	\$111,805.00						\$21,512.89	\$21,512.89	19.24%	\$90,292.11	\$1,075.64
18	Gravity Trunk Sewer, Trenched, PVC,42" Diameter, Normal Bury	5963.00	LF	\$271.00	\$1,615,973.00	472.46	2.02	474.48	\$547.42	\$128,584.08	\$691,279.09	\$819,863.17	50.73%	\$796,109.83	\$40,993.16
19	Gravity Trunk Sewer, Trenched, PVC, 42" Diameter, Deep Bury, Structure1273-1275	644.00	LF	\$383.00	\$246,652.00						\$81,111.80	\$81,111.80	32.89%	\$165,540.20	\$4,055.59
20	Gravity Trunk Sewer, Trenched, PVC, 42" Diameter, Deep Bury, Structure1283-1285	977.00	LF	\$304.00	\$297,008.00	491.04	485.96	977.00	\$147,731.84	\$297,008.00	\$0.00	\$297,008.00	100.00%		\$14,850.40
21	Gravity Outfall Sewer, Trenched, DIP, 42" Diameter	76.00	LF	\$600.00	\$45,600.00								0.00%	\$45,600.00	\$0.00
22	Gravity Trunk Sewer, Trenched, DIP, 36" Diameter	143.00	LF	\$530.00	\$75,790.00								0.00%	\$75,790.00	\$0.00
23	Gravity Trunk Sewer, Trenched, DIP, 42" Diameter	101.00	LF	\$600.00	\$60,600.00		40.00	40.00	\$24,000.00	\$24,000.00		\$24,000.00	39.60%	\$36,600.00	\$1,200.00
24	Irrigation Force Main, Trenched, Unrestrained PVC, 6"	10423.00	LF	\$20.00	\$208,460.00	659.00	804.00	1463.00	\$16,080.00	\$29,260.00		\$29,260.00	14.04%	\$179,200.00	\$1,463.00
25	Irrigation Force Main, Trenched, Restrained PVC, 6"	392.00	LF	\$45.00	\$17,640.00								0.00%	\$17,640.00	\$0.00
26	Irrigation Force Main, Trenched, Restrained PVC, 4"	284.00	LF	\$40.00	\$11,360.00								0.00%	\$11,360.00	\$0.00
27	Irrigation Force Main, Trenched, Restrained DIP, 6"	107.00	LF	\$100.00	\$10,700.00								0.00%	\$10,700.00	\$0.00
28	Storm Sewer, Trenched, RCP, 30"	83.00	LF	\$135.00	\$11,205.00								0.00%	\$11,205.00	\$0.00
29	Storm Sewer, Trenched, RCP, 36"	39.00	LF	\$170.00	\$6,630.00								0.00%	\$6,630.00	\$0.00
30	Storm Sewer, Trenched, RCAP, 42" (53" X 32") ARCH	20.00	LF	\$245.00	\$4,900.00								0.00%	\$4,900.00	\$0.00
31	Pipe Culvert, Trenched, RCAP, 72" (88" X 54") ARCH	29.00	LF	\$510.00	\$14,790.00								0.00%	\$14,790.00	\$0.00
32	Pipe Culvert, Trenched, RCP, 24"	50.00	LF	\$120.00	\$6,000.00	50.00		50.00		\$6,000.00		\$6,000.00	100.00%		\$300.00
33	RCP Apron, Type II, 24"	2.00	EA	\$900.00	\$1,800.00	2.00		2.00		\$1,800.00		\$1,800.00	100.00%		\$90.00
34	RCP Apron, Type II, 36"	2.00	EA	\$1,300.00	\$2,600.00								0.00%	\$2,600.00	\$0.00
35	RCAP Apron, 4030 223 , 42" ARCH	2.00	EA	\$2,000.00	\$4,000.00								0.00%	\$4,000.00	\$0.00
36	RCAP Apron, Iowa DOT DR-202, 72" ARCH	2.00	EA	\$3,800.00	\$7,600.00								0.00%	\$7,600.00	\$0.00
37	RCP Apron Footing, 36"	2.00	EA	\$500.00	\$1,000.00								0.00%	\$1,000.00	\$0.00
38	RCAP Apron Footing, 42"	2.00	EA	\$2,000.00	\$4,000.00								0.00%	\$4,000.00	\$0.00
39	6" 11.25° DI MJ Bend	18.00	EA	\$375.00	\$6,750.00	1.00		1.00		\$375.00		\$375.00	5.56%	\$6,375.00	\$18.75
40	6" 22.5° DI MJ Bend	9.00	EA	\$370.00	\$3,330.00								0.00%	\$3,330.00	\$0.00
41	6" 45° DI MJ Bend	12.00	EA	\$382.00	\$4,584.00	2.00		2.00		\$764.00		\$764.00	16.67%	\$3,820.00	\$38.20
42	6"X4" DI MJ TEE	1.00	EA	\$500.00	\$500.00								0.00%	\$500.00	\$0.00
43	6" DI MJ Sleeve, Connect to Existing Force Main	1.00	EA	\$1,000.00	\$1,000.00	1.00		1.00		\$1,000.00		\$1,000.00	100.00%		\$50.00
44	4" DI MJ Sleeve, Connect to Existing Force Main	1.00	EA	\$900.00	\$900.00								0.00%	\$900.00	\$0.00
45	6" DI MJ CAP	1.00	EA	\$375.00	\$375.00								0.00%	\$375.00	\$0.00
46	Tracer System	1.00	LS	\$4,000.00	\$4,000.00								0.00%	\$4,000.00	\$0.00
47	6" Gate Valve with Valve Box	1.00	EA	\$850.00	\$850.00								0.00%	\$850.00	\$0.00

CONTINUATION SHEET

AIA DOCUMENT G703

Page 3 of 8 Pages

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 3

APPLICATION DATE: 6/23/2021

PERIOD TO: 6/23/2021

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C ITEM QUANTITY	D UNITS	E UNIT PRICE	F TOTAL VALUE OF ITEM	G PREVIOUS QUANTITIES	H ESTIMATED QUANTITY INSTALLED THIS PERIOD	I QUANTITIES TO DATE	J VALUE OF WORK THIS PERIOD	K VALUE OF WORK INSTALLED TO DATE	L MATERIALS PRESENTLY STORED (NOT IN H)	M TOTAL COMPLETED AND STORED TO DATE (H+I)	N % (L ÷ F)	O BALANCE TO FINISH (F - L)	P RETAINAGE (IF VARIABLE RATE)
48	4" Gate Valve with Valve Box	1.00	EA	\$710.00	\$710.00								0.00%	\$710.00	\$0.00
49	Connection to Existing Manhole	1.00	EA	\$7,000.00	\$7,000.00	1.00		1.00		\$7,000.00		\$7,000.00	100.00%		\$350.00
50	Sanitary Manhole, SW-301, 60" Diameter	8.00	EA	\$12,700.00	\$101,600.00								0.00%	\$101,600.00	\$0.00
51	Sanitary Manhole, SW-301, 72" Diameter	27.00	EA	\$16,600.00	\$448,200.00	2.00	1.00	3.00	\$16,600.00	\$49,800.00		\$49,800.00	11.11%	\$398,400.00	\$2,490.00
52	Sanitary Manhole, SW-301, >25'Deep, 72" Diameter	2.00	EA	\$28,500.00	\$57,000.00	1.00		1.00		\$28,500.00		\$28,500.00	50.00%	\$28,500.00	\$1,425.00
53	Sanitary Manhole, SW-302, 7' X 7'	1.00	EA	\$27,700.00	\$27,700.00								0.00%	\$27,700.00	\$0.00
54	Sanitary Manhole, SW-303, 84" Diameter	1.00	EA	\$35,200.00	\$35,200.00								0.00%	\$35,200.00	\$0.00
55	Storm Manhole, SW-401, 84" Diameter	1.00	EA	\$10,600.00	\$10,600.00								0.00%	\$10,600.00	\$0.00
56	Outfall Headwall	1.00	EA	\$30,000.00	\$30,000.00								0.00%	\$30,000.00	\$0.00
57	Class A Road Surfacing, 3"	842.00	TON	\$30.00	\$25,260.00								0.00%	\$25,260.00	\$0.00
58	Traffic Control	1.00	LS	\$4,500.00	\$4,500.00	0.20		0.20		\$900.00		\$900.00	20.00%	\$3,600.00	\$45.00
59	Hydraulic Seeding, Fertilizing, and BFM Mulching, Type 2 Mix	4.10	ACRE	\$3,200.00	\$13,120.00								0.00%	\$13,120.00	\$0.00
60	Hydraulic Seeding, Fertilizing, and BFM Mulching, Type 5 Mix	7.80	ACRE	\$2,650.00	\$20,670.00								0.00%	\$20,670.00	\$0.00
61	Hydraulic Seeding, Fertilizing, and BFM Mulching, Native Mix	14.70	ACRE	\$3,750.00	\$55,125.00								0.00%	\$55,125.00	\$0.00
62	Hydraulic Seeding, Fertilizing, and BFM Mulching, Wetland Mix	3.40	ACRE	\$4,000.00	\$13,600.00								0.00%	\$13,600.00	\$0.00
63	Plants, Trees	0.05	ACRE	\$40,000.00	\$2,000.00								0.00%	\$2,000.00	\$0.00
64	SWPPP Preparation	1.00	LS	\$1,905.99	\$1,905.99	1.00		1.00		\$1,905.99		\$1,905.99	100.00%		\$95.30
65	SWPPP Management	1.00	LS	\$4,500.00	\$4,500.00	0.08	0.08	0.16	\$345.00	\$720.00		\$720.00	16.00%	\$3,780.00	\$36.00
66	Filter Sock, Installation, Maintenance, and Removal	7000.00	LF	\$1.50	\$10,500.00								0.00%	\$10,500.00	\$0.00
67	Temporary RECP, Type 2 C	930.00	SY	\$1.30	\$1,209.00								0.00%	\$1,209.00	\$0.00
68	Rip-Rap, Class E, Stream Crossings	368.00	TON	\$60.00	\$22,080.00								0.00%	\$22,080.00	\$0.00
69	Rip-Rap, Class D, Stream Bank Stabilization	275.00	TON	\$60.00	\$16,500.00								0.00%	\$16,500.00	\$0.00
70	Rip-Rap, Class D, Outfall	84.00	TON	\$60.00	\$5,040.00								0.00%	\$5,040.00	\$0.00
71	Rip-Rap, Class A, Storm Sewer	184.00	TON	\$60.00	\$11,040.00								0.00%	\$11,040.00	\$0.00
72	Silt Fence, Installation, Maintenance, and Removal	7000.00	LF	\$1.50	\$10,500.00								0.00%	\$10,500.00	\$0.00
73	Stabilized Construction Entrances	1.00	LS	\$1,500.00	\$1,500.00								0.00%	\$1,500.00	\$0.00
74	Dust Control, Water	12.50	MGAL	\$100.00	\$1,250.00	5.10		5.10		\$510.00		\$510.00	40.80%	\$740.00	\$25.50
75	Dust Control, Calcium Chloride	37.50	TON	\$500.00	\$18,750.00	15.30		15.30		\$7,650.00		\$7,650.00	40.80%	\$11,100.00	\$382.50
76	Removal and Replacement of Field Fence	360.00	LF	\$15.00	\$5,400.00								0.00%	\$5,400.00	\$0.00
77	Concrete Washout	1.00	LS	\$100.00	\$100.00								0.00%	\$100.00	\$0.00
78	Air Release Valve Station	4.00	EA	\$16,000.00	\$64,000.00								0.00%	\$64,000.00	\$0.00
79	Dewatering	1.00	LS	\$0.01	\$0.01								0.00%	\$0.01	\$0.00
80	Creek Crossing	3.00	EA	\$25,000.00	\$75,000.00	0.50		0.50		\$12,500.00		\$12,500.00	16.67%	\$62,500.00	\$625.00
81															\$0.00
82															\$0.00
83															\$0.00
84															\$0.00
85															\$0.00
86															\$0.00
	GRAND TOTALS				\$6,603,000.00				\$431,844.71	\$1,126,877.52	\$1,418,885.83	\$2,545,763.35	38.55%	\$4,057,236.65	\$127,288.17

Stored Material Summary

For (Contract): WRRF Influent Trunk Sewer & Outfall Sewer								Application Number: 3			
Application Period: 4/21/2021 to 6/23/2021								Application Date: 6/23/2021			
A		B			C		D	Subtotal Amount	E		F
Bid Item No.	Supplier Invoice No.	Storage Location	Description of Materials Stored	Footage	Stored Previously		Amount Stored this Month (\$)	Completed and Stored to Date (C + D)	Incorporated in Work		Materials Remaining in Storage (\$) (D + E - F)
					Date Placed	Amount (\$)			Date (Month/Year)	Amount (\$)	
	N828587		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011875		30 INCH SEWER PIPE	30	4/2021	\$1,914.60		\$1,914.60			\$1,914.60
	O011875		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011885		36 INCH SEWER PIPE	140	4/2021	\$12,926.20		\$12,926.20			\$12,926.20
	O011891		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011899		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011905		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011913		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011920		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011933		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011948		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011975		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011979		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O011996		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O034628		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	4/2021	\$21,159.60	\$0.00
	O034637		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	4/2021	\$21,159.60	\$0.00
	O034648		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	5/2021	\$21,159.60	\$0.00
	O034665		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	5/2021	\$21,159.60	\$0.00
	O034682		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	5/2021	\$21,159.60	\$0.00
	O034682		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O034741		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O034763		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	5/2021	\$21,159.60	\$0.00
	O034763		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O034892		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	6/2021	\$21,159.60	\$0.00
	O034960		42 INCH SEWER PIPE	28	4/2021	\$3,526.60		\$3,526.60	6/2021	\$3,526.60	\$0.00
	O034960		36 INCH SEWER PIPE	140	4/2021	\$12,926.20		\$12,926.20			\$12,926.20
	O035146		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	6/2021	\$21,159.60	\$0.00
	O035159		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60	6/2021	\$10,010.51	\$11,149.09
	O035167		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O035182		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O046882		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O046882		36 INCH SEWER PIPE	168	4/2021	\$15,511.44		\$15,511.44			\$15,511.44
	O055532		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O055738		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O075827		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O076055		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O076062		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O084813		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O084828		42 INCH SEWER PIPE	168	4/2021	\$21,159.60		\$21,159.60			\$21,159.60
	O094678		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60			\$21,159.60

	O094691		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O094700		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O102393		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O102421		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O102429		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O102444		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O109826		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O109843		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O109858		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O110000		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O110025		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O110039		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O133491		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O133501		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O133512		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O147425		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O147692		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O147801		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O147986		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148003		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148133		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148161		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148177		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148467		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148481		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O148495		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O151218		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O151228		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O164687		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O164706		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O164720		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O164737		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O164750		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O164758		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O168526		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O168596		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O198883		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O198895		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O198912		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O199055		42 INCH SEWER PIPE	98	5/2021	\$12,343.10		\$12,343.10		\$12,343.10
	O199087		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O199108		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60		\$21,159.60
	O199118		42 INCH SEWER PIPE	168	5/2021	\$21,159.60		\$21,159.60	5/2021	\$2,015.20
				CURRENT STORED FOOTAGE	VALUE					
			30 INCH SEWER PIPE	30.00	\$1,914.60					
			36 INCH SEWER PIPE	2968.00	\$274,035.44					
			42 INCH SEWER PIPE	9074.52	\$1,142,935.79					

				Totals	\$1,603,714.94	\$0.00	\$1,603,714.94			\$1,418,885.83
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Sanitary Sewer

Structure	Point Number	Northing	Easting	Elevation	Description	Invert Out	Distance
1287	24	513721.2	1613707.27	809.359	Existing STR Center Flat-top		
1286	23	513642.9	1613787.21	808.661	Rim Not finished Grade	793.69	111.89
1285	25	513282.35	1613784.24	806.419	Rim Not finished Grade		360.57
1284	28	512787.21	1613786.05	819.275	Rim Not finished Grade	794.64	495.14
1283	29	512303.33	1613787.39	804.409	Rim Not finished Grade	795.21	483.88

					140.93
Point	Description	Northing	Easting	Desc	Distance
16	valve	513748.664	1613746.446	top of valve	
17	Bend	513746.64	1613746.998	Top of Main	2.0979
19	Bend	513650.673	1613762.805	Top of Main	97.26
21	Bend	513648.494	1613763.153	Top of Main	2.2066
22	Bend	513625.483	1613795.089	Top of Main	39.363



BRUENING ROCK PRODUCTS INC
PO BOX 127
DECORAH IA 52101 US
(P) 563-382-2933
(F) 563-382-8375

INVOICE

Page 3 of 4

Invoice #:	204524
Date:	04/20/21
Customer No:	39495
PO #:	Indianola Truck Sewe

Sold To:

Delivered To:

LANGMAN CONSTRUCTION CO
220 34TH AVE
ROCK ISLAND, IL 61201 US

Date	Ticket #	Units	UM	Unit Price	Matl Total	HaulRate	Haul Total	Tax	Total
JOB # / PO # : - / Indianola Truck Sewe - Continued									
S & S Quarry				MATERIAL: 1" CLEAN - Continued					
04/14/21	413556	14.180	TON	13.950 E	197.81	0.000	0.00	0.00	197.81
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413557	14.470	TON	13.950 E	201.86	0.000	0.00	0.00	201.86
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413558	14.210	TON	13.950 E	198.23	0.000	0.00	0.00	198.23
Comments: <u>Indianola Truck Sewer Project</u>									
Total for 04/14/2021		268.14			3,740.57		\$1,037.15	\$0.00	\$4,777.72

S & S Quarry				MATERIAL: 1 1/8" MODIFIED SUBBASE					
04/14/21	413365	27.530	TON	13.500 E	371.66	6.950	191.33	0.00	562.99
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413366	27.460	TON	13.500 E	370.71	6.950	190.85	0.00	561.56
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413367	27.660	TON	13.500 E	373.41	6.950	192.24	0.00	565.65
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413374	15.770	TON	13.500 E	212.90	0.000	0.00	0.00	212.90
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413375	15.310	TON	13.500 E	206.69	0.000	0.00	0.00	206.69
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413376	15.590	TON	13.500 E	210.47	0.000	0.00	0.00	210.47
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413381	27.890	TON	13.500 E	376.52	6.950	193.84	0.00	570.36
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413395	28.190	TON	13.500 E	380.57	6.950	195.92	0.00	576.49
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413396	28.470	TON	13.500 E	384.35	6.950	197.87	0.00	582.22
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413398	27.940	TON	13.500 E	377.19	6.950	194.18	0.00	571.37
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413405	26.990	TON	13.500 E	364.37	6.950	187.58	0.00	551.95
Comments: <u>Indianola Truck Sewer Project</u>									
04/14/21	413431	27.860	TON	13.500 E	376.11	6.950	193.63	0.00	569.74
Comments: <u>Indianola Truck Sewer Project</u>									



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PO #:	Indianola Truck Sewe

Sold To:

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LANGMAN CONSTRUCTION CO
220 34TH AVE
ROCK ISLAND, IL 61201 US

Date	Ticket #	Units	UM	Unit Price	Matl Total	HaulRate	Haul Total	Tax	Total
JOB # / PO # / Indianola Truck Sewe - Continued									
S & S Quarry MATERIAL: 1 1/8" MODIFIED SUBBASE - Continued									
04/14/21	413432	27.930	TON	13.500 E	377.06	6.950	194.11	0.00	571.17
Comments: Indianola Truck Sewer Project									
04/14/21	413437	15.020	TON	13.500 E	202.77	0.000	0.00	0.00	202.77
Comments: Indianola Truck Sewer Project									
04/14/21	413438	14.800	TON	13.500 E	199.80	0.000	0.00	0.00	199.80
Comments: Indianola Truck Sewer Project									
04/14/21	413439	14.590	TON	13.500 E	196.97	0.000	0.00	0.00	196.97
Comments: Indianola Truck Sewer Project									
04/14/21	413440	28.060	TON	13.500 E	378.81	6.950	195.02	0.00	573.83
Comments: Indianola Truck Sewer Project									
04/14/21	413441	28.440	TON	13.500 E	383.94	6.950	197.66	0.00	581.60
Comments: Indianola Truck Sewer Project									
04/14/21	413467	28.000	TON	13.500 E	378.00	6.950	194.60	0.00	572.60
Comments: Indianola Truck Sewer Project									
04/14/21	413468	28.390	TON	13.500 E	383.27	6.950	197.31	0.00	580.58
Comments: Indianola Truck Sewer Project									
04/14/21	413476	27.570	TON	13.500 E	372.20	6.950	191.61	0.00	563.81
Comments: Indianola Truck Sewer Project									
04/14/21	413477	28.340	TON	13.500 E	382.59	6.950	196.96	0.00	579.55
Comments: Indianola Truck Sewer Project									
04/14/21	413481	13.590	TON	13.500 E	183.47	0.000	0.00	0.00	183.47
Comments: Indianola Truck Sewer Project									
Total for 04/14/2021		551.39			7,443.83		\$3,104.71	\$0.00	\$10,548.54

Total Invoice:	1,136.74	\$15,609.48	\$6,346.47	\$0.00	\$21,955.95
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DATE: 4.20.21
VENDOR: 4022
JOB: 2107
COST CODE: 1000
COST CLASS: 2
O/L EXPENSE: 4010
38156

Payment Type: On Account

30 Pay Terms Net 30th

Total: 21,955.95

Meeting Date: 07/06/2021

Subject

Resolution approving Payment Application and Change Order Number 3 for the East Iowa Avenue Paving Project.

Information

Attachments

Iowa Avenue Memorandum
Cost Share
Resolution Approving Payment
Change Order
Pay Application Letter
Pay Application



PUBLIC WORKS

To: Mayor and City Council
CC: Ryan Waller, City Manager and
Andy Lent, City Clerk/CFO
From: Akhilesh Pal, Public Works Director
Date: July 6, 2021
Re: Payment App. No. 3 and Change Order No. 3 for the East Iowa Avenue Paving Project

Staff has received Payment Application No. 3, in the amount of \$391,245.34, for the East Iowa Avenue Paving Project. The primary items associated with this pay application include roadbed preparation, mainline and side road paving, streetlighting, and other associated tasks. Change Order No. 3 reflects changes to quantity adjustments, resulting in a net increase of \$7,022.40 and changing the contract amount from \$909,691 to \$916,713.40. This Change Order No. 3 required additional excavation to prepare for rock subbase, additional modified subbase, subdrain along North 17th Street, and subdrain cleanouts & outlets along North 17th Street. The total cost breakdown for this project to date is listed below. Staff recommends that the City Council approve the pay request as presented.

Summary of Contract:	Total Amounts	Council Approval Date:
Original Contract Total:	\$914,143.50	19-Oct-20
Change Order 1	\$2,277.50	3-May-21
Change Order 2	(\$6,730.00)	7-Jun-21
Change Order 3	\$7,022.40	6-Jul-21 *
Total Contract:	\$916,713.40	

Summary of Pay Requests:	Total Amounts:	Council Approval Date:
Pay Request No. 1	\$111,102.50	3-May-21
Pay Request No. 2	\$197,641.99	7-Jun-21
Pay Request No. 3*	\$391,245.34 *	6-Jul-21 *
Total Amount Paid:	\$699,989.83 *	
5% Retainage:	\$36,841.57 *	
Amount Remaining on the Contract:	\$179,882.00 *	

**Applies only if this Pay Application and change order are approved by City Council on July 6, 2021.*

INTERNAL COST ALLOCATION SUMMARY

Application for Partial Payment No.3

PROJECT: East Iowa Avenue Paving Project

S&A PROJECT NO.:

119.1077

OWNER: City Of Indianola
CONTRACTOR: Vanderpool Construction
ADDRESS: 1100 North 14th Street
Indianola, IA 50125
DATE: 7/6/2021

PAYMENT PERIOD:
to

5/21/2021
6/18/2021

1. CONTRACT SUMMARY:

	City	IMU Water	Project Total	EDA Participation (50%)
Participating Costs	\$ 806,805.12	\$ 89,740.38	\$ 896,545.50	\$ 448,272.74
Non Participating Costs	\$ 9,744.50	\$ 7,853.50	\$ 17,598.00	\$ -
Total Original Contract	\$ 816,549.62	\$ 97,593.88	\$ 914,143.50	\$ 448,272.74
(1) Net Change by Change Order	\$ 2,750.48	\$ (180.58)	\$ 2,569.90	\$ -
Contract Amount to Date	\$ 819,300.10	\$ 97,413.30	\$ 916,713.40	\$ 448,272.74

2. WORK SUMMARY:

	City	IMU Water	Project Total
Participating Work to Date	\$ 630,124.74	\$ 86,654.76	\$ 716,779.50
Non-Participating Work to Date	\$ 9,628.50	\$ 7,853.50	\$ 17,482.00
Change Order Work to Date	\$ 2,750.48	\$ (180.58)	\$ 2,569.90
Total Earned to Date	\$ 642,503.72	\$ 94,327.68	\$ 736,831.40
(2) Total Earned Less Retainage (5%)	\$ 610,378.53	\$ 89,611.30	\$ 699,989.83
(3) EDA Participation to Date (50%)	\$ 315,062.37	\$ 43,327.38	\$ 358,389.75
Less Previous Applications	\$ 112,694.12	\$ 38,880.52	\$ 151,574.64
(4) AMOUNT DUE THIS APPLICATION	\$ 182,622.04	\$ 7,403.40	\$ 190,025.44

NOTES:

- (1) Change Orders are not considered participating until the EDA provides written approval.
- (2) The *Project Total* reflects the total amount earned by the contractor to date.
- (3) *EDA Participation to Date* is 50% of *Participating Work to Date*.
- (4) Party's amount owed for work completed this pay period less EDA participation.

ITEMIZED RECAPITULATION
Application for Partial Payment No. 3

ITEM NO.	DESCRIPTION	CONTRACT ITEMS						COMPLETED WORK				
		PLAN QTY.	UNIT	UNIT COST	CITY COST	IMU WATER COST	COST TOTAL	QTY. TO DATE	CITY COST	IMU WATER COST	COST TOTAL	
EDA PARTICIPATING COSTS (50%)												
Cost Share on Mutual Bid Items:				83.3%		10.7%			83.3%		10.7%	
	EARTHWORK											
2.1	Clearing and Grubbing	175.8	UNITS	\$ 70.00	\$ 12,306.00	\$ -	\$ 12,306.00	175.8	\$ 12,306.00	\$ -		12,306.00
2.2	Topsoil, On-site	1988	CY	\$ 9.25	\$ 16,421.38	\$ 1,967.62	\$ 18,389.00	994	\$ 8,210.69	\$ 983.81		9,194.50
2.3	Excavation, Class 1C	2580	CY	\$ 5.70	\$ 14,706.00	\$ -	\$ 14,706.00	2,580	\$ 14,706.00	\$ -		14,706.00
2.4	Excavation, Class 10, Contractor Provided Borrow	1087	CY	\$ 7.00	\$ 7,609.00	\$ -	\$ 7,609.00	1,087	\$ 7,609.00	\$ -		7,609.00
2.5	Subgrade Preparation	5975	SY	\$ 2.80	\$ 16,730.00	\$ -	\$ 16,730.00	5,975	\$ 16,730.00	\$ -		16,730.00
2.6	Subbase, Modified, 6"	5485	SY	\$ 7.80	\$ 42,783.00	\$ -	\$ 42,783.00	5,485	\$ 42,783.00	\$ -		42,783.00
2.7	Removal of Known Pipe Culvert, CMP, 15"	124	LF	\$ 9.50	\$ 1,178.00	\$ -	\$ 1,178.00	101	\$ 959.50	\$ -		959.50
2.8	Removal of Known Pipe Culvert, RCP, 12"	88	LF	\$ 15.00	\$ 1,320.00	\$ -	\$ 1,320.00	86	\$ 1,290.00	\$ -		1,290.00
2.9	Removal of Known Pipe Culvert, RCP, 18"	80	LF	\$ 18.00	\$ 1,440.00	\$ -	\$ 1,440.00	80	\$ 1,440.00	\$ -		1,440.00
2.10	Compaction Testing	1	LS	\$ 5,300.00	\$ 4,732.90	\$ 567.10	\$ 5,300.00	1.00	\$ 4,732.90	\$ 567.10		5,300.00
2.11	Class A Roadstone	144	TON	\$ 28.00	\$ 4,032.00	\$ -	\$ 4,032.00	120	\$ 3,360.00	\$ -		3,360.00
	SEWERS AND DRAINS											
4.1	Sanitary Sewer Gravity Main, Trenched, PVC, 8"	387	LF	\$ 39.00	\$ 15,093.00	\$ -	\$ 15,093.00	387	\$ 15,093.00	\$ -		15,093.00
4.2	Removal of Sanitary Sewer, RCP, 21'	6	LF	\$ 70.00	\$ 420.00	\$ -	\$ 420.00	6	\$ 420.00	\$ -		420.00
4.3	Storm Sewer, Trenched, RCP, 12"	31	LF	\$ 48.00	\$ 1,488.00	\$ -	\$ 1,488.00	31	\$ 1,488.00	\$ -		1,488.00
4.4	Storm Sewer, Trenched, RCP, 15"	378	LF	\$ 48.00	\$ 18,144.00	\$ -	\$ 18,144.00	378	\$ 18,144.00	\$ -		18,144.00
4.5	Storm Sewer, Trenched, RCP, 18"	142	LF	\$ 50.00	\$ 7,100.00	\$ -	\$ 7,100.00	114	\$ 5,700.00	\$ -		5,700.00
4.6	Storm Sewer, Trenched, RCP, 24"	58	LF	\$ 64.00	\$ 3,712.00	\$ -	\$ 3,712.00	58	\$ 3,712.00	\$ -		3,712.00
4.7	Storm Sewer, Trenched, RCP, 30"	55	LF	\$ 70.00	\$ 3,850.00	\$ -	\$ 3,850.00	48	\$ 3,360.00	\$ -		3,360.00
4.8	Pipe Apron and Apron Guard, RCP, 15"	1	EA	\$ 1,500.00	\$ 1,500.00	\$ -	\$ 1,500.00	1	\$ 1,500.00	\$ -		1,500.00
4.9	Pipe Apron and Apron Guard, RCP, 18"	1	EA	\$ 1,600.00	\$ 1,600.00	\$ -	\$ 1,600.00	1	\$ 1,600.00	\$ -		1,600.00
4.10	Pipe Apron, Footing, and Apron Guard, RCP, 30"	1	EA	\$ 2,800.00	\$ 2,800.00	\$ -	\$ 2,800.00	1	\$ 2,800.00	\$ -		2,800.00
4.11	Subdrain, PVC, 6"	2786	LF	\$ 10.00	\$ 27,860.00	\$ -	\$ 27,860.00	2,711	\$ 27,110.00	\$ -		27,110.00
4.12	Subdrain Cleanout, PVC, 6", Type A-1	7	EA	\$ 400.00	\$ 2,800.00	\$ -	\$ 2,800.00	7	\$ 2,800.00	\$ -		2,800.00
4.13	Subdrain, Outlet Into Structure, 6"	14	EA	\$ 325.00	\$ 4,550.00	\$ -	\$ 4,550.00	16	\$ 5,200.00	\$ -		5,200.00
4.14	Concrete Collar, Type PC-2, RCP, 12"	1	EA	\$ 700.00	\$ 700.00	\$ -	\$ 700.00	1	\$ 700.00	\$ -		700.00
4.15	Sewer Pipe Support Over Existing Utility Line	2	EA	\$ 1,400.00	\$ 2,800.00	\$ -	\$ 2,800.00	1	\$ 1,400.00	\$ -		1,400.00
	WATER MAIN AND APPURTENANCES											
5.1	Water Main, Trenched, PVC, 12"	1200	LF	\$ 41.00	\$ -	\$ 49,200.00	\$ 49,200.00	1,200	\$ -	\$ 49,200.00		49,200.00
5.2	Fitting, Tee, 12" x 12"	1	EA	\$ 1,900.00	\$ -	\$ 1,900.00	\$ 1,900.00	1	\$ -	\$ 1,900.00		1,900.00
5.3	Fitting, 45 Degree Bend, 12"	4	EA	\$ 1,200.00	\$ -	\$ 4,800.00	\$ 4,800.00	4	\$ -	\$ 4,800.00		4,800.00
5.4	Valve, Gate, 12"	4	EA	\$ 2,700.00	\$ -	\$ 10,800.00	\$ 10,800.00	4	\$ -	\$ 10,800.00		10,800.00
5.5	Fire Hydrant Assembly	3	EA	\$ 4,500.00	\$ -	\$ 13,500.00	\$ 13,500.00	3	\$ -	\$ 13,500.00		13,500.00
	STRUCTURES FOR SANITARY AND											
6.1	Manhole, SW-301, 48"	2	EA	\$ 4,500.00	\$ 9,000.00	\$ -	\$ 9,000.00	2	\$ 9,000.00	\$ -		9,000.00
6.2	Manhole, SW-401, 48"	1	EA	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00	1	\$ 5,000.00	\$ -		5,000.00
6.3	Intake, SW-501	3	EA	\$ 2,300.00	\$ 6,900.00	\$ -	\$ 6,900.00	3	\$ 6,900.00			6,900.00
6.4	Intake, SW-503	3	EA	\$ 3,800.00	\$ 11,400.00	\$ -	\$ 11,400.00	3	\$ 11,400.00			11,400.00
6.5	Intake, SW-505	1	EA	\$ 3,200.00	\$ 3,200.00	\$ -	\$ 3,200.00	1	\$ 3,200.00			3,200.00
6.6	Intake, SW-506	1	EA	\$ 5,500.00	\$ 5,500.00	\$ -	\$ 5,500.00	1	\$ 5,500.00			5,500.00
6.7	Intake, SW-509	2	EA	\$ 5,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	2	\$ 10,000.00			10,000.00
6.8	Intake, SW-513, 4' x 4'	1	EA	\$ 3,200.00	\$ 3,200.00	\$ -	\$ 3,200.00	1	\$ 3,200.00			3,200.00
6.9	Remove Manhole	1	EA	\$ 1,300.00	\$ 1,300.00	\$ -	\$ 1,300.00	1	\$ 1,300.00	\$ -		1,300.00
	STREETS AND RELATED WORK											
7.1	Pavement, PCC, 8"	5390	SY	\$ 55.50	\$ 299,145.00	\$ -	\$ 299,145.00	5,053	\$ 280,441.50	\$ -		280,441.50
7.2	PCC Pavement Samples and Testing	1	LS	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00	0.5	\$ 1,500.00	\$ -		1,500.00
7.3	Shared Use Path, PCC, 6"	1510	SY	\$ 39.50	\$ 59,645.00	\$ -	\$ 59,645.00		\$ -	\$ -		-
7.4	Use Path	1720	SY	\$ 2.40	\$ 4,128.00	\$ -	\$ 4,128.00	1,720	\$ 4,128.00	\$ -		4,128.00
7.5	Sidewalk, PCC, 4"	685	SY	\$ 55.00	\$ 37,675.00	\$ -	\$ 37,675.00	477	\$ 26,235.00	\$ -		26,235.00
7.6	Sidewalk, PCC, 6"	35	SY	\$ 69.00	\$ 2,415.00	\$ -	\$ 2,415.00	6	\$ 414.00	\$ -		414.00
7.7	Detectable Warning	142	SF	\$ 50.50	\$ 7,171.00	\$ -	\$ 7,171.00		\$ -	\$ -		-
7.8	Driveway, Paved, PCC, 6"	65	SY	\$ 68.50	\$ 4,452.50	\$ -	\$ 4,452.50		\$ -	\$ -		-
7.9	Driveway, Paved, PCC, 7"	45	SY	\$ 73.00	\$ 3,285.00	\$ -	\$ 3,285.00		\$ -	\$ -		-
7.10	Driveway, Granular	32	TON	\$ 35.00	\$ 1,120.00	\$ -	\$ 1,120.00	16	\$ 560.00	\$ -		560.00
	TRAFFIC CONTROL											
8.1	Temporary Traffic Control	1	LS	\$ 6,900.00	\$ 6,900.00	\$ -	\$ 6,900.00	0.90	\$ 6,210.00	\$ -		6,210.00
	SITE WORK AND LANDSCAPING											
9.1	Hydraulic Seeding, Fertilizing, and Mulching	2.2	ACRE	\$ 2,400.00	\$ 4,715.04	\$ 564.96	\$ 5,280.00		\$ -	\$ -		-
9.2	SWPPP Preparation	1	LS	\$ 500.00	\$ 446.50	\$ 53.50	\$ 500.00	1	\$ 446.50	\$ 53.50		500.00
9.3	SWPPP Management	1	LS	\$ 2,400.00	\$ 2,143.20	\$ 256.80	\$ 2,400.00	0.75	\$ 1,607.40	\$ 192.60		1,800.00
9.4	Filter Sock, 8"	6000	LF	\$ 2.40	\$ 12,859.20	\$ 1,540.80	\$ 14,400.00	3,175	\$ 6,804.66	\$ 815.34		7,620.00
9.5	Filter Socks, Removal	6000	LF	\$ 0.35	\$ 1,875.30	\$ 224.70	\$ 2,100.00		\$ -	\$ -		-
9.6	Rip Rap, Class E Revetment	45	TON	\$ 85.00	\$ 3,825.00	\$ -	\$ 3,825.00	45	\$ 3,825.00	\$ -		3,825.00
9.7	Inlet Protection Device, Drop In	10	EA	\$ 190.00	\$ 1,900.00	\$ -	\$ 1,900.00		\$ -	\$ -		-
9.8	Inlet Protection Device, Open Throat	16	LF	\$ 35.00	\$ 560.00	\$ -	\$ 560.00	0	\$ -	\$ -		-
9.9	Inlet Protection Device, Maintenance	12	EA	\$ 20.00	\$ 240.00	\$ -	\$ 240.00		\$ -	\$ -		-
9.10	Removal of Fence	647	LF	\$ 2.00	\$ -	\$ 1,294.00	\$ 1,294.00	443	\$ -	\$ 886.00		886.00
	MISCELLANEOUS											
11.1	Construction Survey	1	LS	\$10,700.00	\$ 9,555.10	\$ 1,144.90	\$ 10,700.00	0.90	\$ 8,599.59	\$ 1,030.41		9,630.00
11.2	Mobilization	1	LS	\$18,000.00	\$ 16,074.00	\$ 1,926.00	\$ 18,000.00	1.00	\$ 16,074.00	\$ 1,926.00		18,000.00
11.3	Street Lighting	1	LS	\$50,500.00	\$ 50,500.00	\$ -	\$ 50,500.00	0.25	\$ 12,625.00	\$ -		12,625.00
PARTICIPATING SUBTOTAL =					\$ 806,805.12	\$ 89,740.38	\$ 896,545.50		\$ 630,124.74	\$ 86,654.76		\$ 716,779.50
NON-PARTICIPATING COSTS (50%)												
	SCHEDULE B: NON-PARTICIPATING											

City of Indianola
RESOLUTION NO. 2021-_____

**RESOLUTION APPROVING CHANGE ORDER NO 3 AND PAY APPLICATION NO 3 FOR THE
EAST IOWA AVENUE PAVING PROJECT**

WHEREAS, the City of Indianola is currently under obligation of a construction contract with Vanderpool Construction for the East Iowa Avenue Paving Project; and

WHEREAS, additional labor and materials are needed on the project as described on the attached Change Order No 3; and

WHEREAS, Vanderpool Construction has submitted Pay Application No 3 as described on the attached application; and

WHEREAS, the City Council now deems it appropriate to approve Change Order No 3 and Pay Application No 3 as attached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Indianola, Iowa, that:

1. Change Order No 3 to increase the contract amount by \$7,022.40 is hereby approved
2. Pay Application No 3 in the amount of \$391,245.34 shall be paid
3. Staff is hereby authorized to sign the documents on behalf of the City of Indianola

PASSED AND APPROVED this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO

CHANGE ORDER NO. 3

OWNER: City of Indianola

PROJECT: East Iowa Avenue Paving
S&A PROJECT #: 119.1077

To: Vanderpool Construction Inc.
Contractor
1100 North 14th Street
Address
Indianola, IA 50125
City, State, Zip

You are directed to make the following changes in this contract:

1. Description of change to be made:

- 2.6: Install modified subbase beneath North 17th Street.
- 4.12: Install two additional cleanouts and Iowa Ave high point just west of North 17th, and two cleanouts along North 17th Street.
- 4.13: Install two additional outlets into storm sewer intake along North 17th Street,
- 13.6: Excavate below original roadway to grade to allow placement of 6" modified subbase.

2. Reason for Change:

- 2.6, 4.13, City specifications, which were updated after project was bid, require modified subbase and subdrain beneath proposed North 13.6: 17th Street.
- 4.12: Two of the four cleanouts required are new for subdrain required along North 17th Street. The remaining two cleanouts are required to isolate subdrain lengths in separate directions at the high point of East Iowa Avenue.

3. Settlement for the cost of making the change shall be as follows:

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
2.6	Subbase, Modified, 6"	492	SY	\$7.80	\$3,837.60
4.1	Subdrain Cleanout, PVC, 6", Type A-1	4	EA	\$400.00	\$1,600.00
4.1	Subdrain, Outlet Into Structure, 6"	2	EA	\$325.00	\$650.00
13.6	Below Grade Excavation	82	CY	\$11.40	\$934.80
TOTAL					\$7,022.40

4. This change order will result in a net change in the contract completion time of 0 days and a net change in the cost of the project of \$7022.40 divided as follows:

	Contract Amount	Contract Completion Date
Approved funds and contract completion date as per (Engineer's Estimate, Contract or last approved C.O.)	\$909,691.00	September 30, 2021
Change due to this C.O. (+ or -)	\$7,022.40	0
Totals including this C.O.:	\$916,713.40	September 30, 2021

The change described herein is understood, and the terms of settlement are hereby agreed to:

Vanderpool Construction Inc.

CONTRACTOR

By

DATE:

6/23/21

Snyder & Associates, Inc.

ENGINEER

By

DATE: June 24, 2021

City of Indianola

OWNER

By

DATE:

July 6, 2021

Akhilesh Pal, P.E.
City of Indianola
110 North 1st Street
Indianola, IA 50125

RE: PARTIAL PAYMENT APPLICATION NO.3
EAST IOWA AVENUE PAVING PROJECT
SNYDER AND ASSOCIATES PROJECT NO. 119.1077

Dear Mr. Pal:

Partial Payment Application No.3 includes work completed between May 21, 2021 and June 18, 2021. The contractor completed work associated with roadbed preparation, mainline and side road paving, and began installing street lighting facilities along East Iowa Avenue. The contractor has until July 27th, 2021 to substantially complete work and open East Iowa Avenue to vehicular traffic, with work fully complete no later than September 30, 2021.

Change Order No. 3, which is submitted in conjunction with this partial payment application, brings the contract into harmony with the work complete in the field as it relates to North 17th Street construction and subdrain installation. The City established standard supplemental specifications after the bidding of this project that require modified subbase and subdrain to drain the subbase; the four change order items account for additional excavation to prepare for rock subbase, additional modified subbase, subdrain along North 17th Street, and subdrain cleanouts & outlets along North 17th Street. Two of the cleanouts included in Change Order 3 were installed along East Iowa Avenue to isolate subdrain runs in each directions at the roadways high point. Below Grade Excavation is proposed at twice the contract rate for excavation due to the additional depths associated with the work. The remaining items are included at their contract unit prices.

As shown in the attached documents, Change Order No.3 totals **\$7,022.40** and increases the contract's value from **\$909,691.00** to **\$916,713.40**.

It is Snyder & Associates recommendation that a change order be enacted in the amount of **\$7,022.40**, and payment of **\$391,245.34** to the Contractor, Vanderpool Construction, Inc. Approximately 75% of construction is complete when comparing the *earned value*, the dollar amount of work completed, to the total contract amount.

The total amount earned thus far in the project is shared as follows:

Party	P.P.A. No. 1	P.P.A. No. 2	P.P.A. No. 3	Total
City of Indianola:	\$16,289.66	\$96,404.46	\$182,622.04	\$295,316.16
IMU Water:	\$37,389.10	\$1,491.43	\$7,403.40	\$46,283.92
EDA Participation:	\$57,423.75	\$99,746.10	\$201,219.90	\$358,389.75
Total:	\$111,102.50	\$197,641.99	\$391,245.34	\$699,989.83

Sincerely,

SNYDER & ASSOCIATES, INC.



David N. Moeller, P.E.
President

MLA

Enclosure

APPLICATION FOR PARTIAL PAYMENT NO. 3

PROJECT: East Iowa Avenue Paving Project

S&A PROJECT NO.:

119.1077

OWNER: City Of Indianola
CONTRACTOR: Vanderpool Construction
ADDRESS: 1100 North 14th Street
Indianola, IA 50125
DATE: 7/6/2021

PAYMENT PERIOD: 5/21/2021
to 6/18/2021

1. CONTRACT SUMMARY:

Original Contract Amount: \$ 914,143.50
Net Change by Change Order: \$ 2,569.90
Contract Amount to Date: \$ 916,713.40

CONTRACT PERIOD: TOTAL CALENDAR DAYS

Notice to Proceed: December 11, 2020

Original Contract Completion Date: September 30, 2021

Revised Completion Date: -

2. WORK SUMMARY:

Total Work Performed to Date: \$ 736,831.40
Retainage: 5% \$36,841.57
Total Earned Less Retainage: \$699,989.83
Less Previous Applications for Payment:
P.P.A. No.1: \$ 111,102.50
P.P.A. No.2: \$ 197,641.99
Total: \$ 308,744.49

Contract Time to Date (Days): 189

Contract Time Remaining (Days): 104

AMOUNT DUE THIS APPLICATION: \$391,245.34

3. CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that:

- (1) all previous progress payments received from OWNER on account of Work done under the contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with the Work covered by prior Applications for Payment; and
- (2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by the application for Payment are free and clear of all liens, claims, security interests, and encumbrances

Vanderpool Construction Inc.
CONTRACTOR

By [Signature] DATE: 6/23/21

4. ENGINEER'S APPROVAL:

Payment of the above AMOUNT DUE THIS APPLICATION is recommended:

Snyder & Associates, Inc.
ENGINEER

By [Signature] DATE: June 24, 2021

5. OWNER'S APPROVAL

OWNER

By _____ DATE: _____

6. DETAILED ESTIMATE OF WORK COMPLETED:

ITEM NO.	DESCRIPTION	CONTRACT ITEMS						COMPLETED WORK				
		PLAN QTY.	UNIT	UNIT COST	EDA PARTICIPATING COST	NON-PARTICIPATING	TOTAL	QTY. TO DATE	CO #	EDA PARTICIPATING COST	NON-PARTICIPATING	COST TOTAL
	EARTHWORK											
2.1	Clearing and Grubbing	175.8	UNITS	\$ 70.00	\$ 12,306.00	\$ -	\$ 12,306.00	175.8		\$ 12,306.00	\$ -	12,306.00
2.2	Topsoil, On-site	1988	CY	\$ 9.25	\$ 18,389.00	\$ -	\$ 18,389.00	994		\$ 9,194.50	\$ -	9,194.50
2.3	Excavation, Class 1C	2580	CY	\$ 5.70	\$ 14,706.00	\$ -	\$ 14,706.00	2,580		\$ 14,706.00	\$ -	14,706.00
2.4	Excavation, Class 10, Contractor Provided Borrow	1087	CY	\$ 7.00	\$ 7,609.00	\$ -	\$ 7,609.00	1,087		\$ 7,609.00	\$ -	7,609.00
2.5	Subgrade Preparation	5975	SY	\$ 2.80	\$ 16,730.00	\$ -	\$ 16,730.00	5,975		\$ 16,730.00	\$ -	16,730.00
2.6	Subbase, Modified, 6'	5485	SY	\$ 7.80	\$ 42,783.00	\$ -	\$ 42,783.00	5,485		\$ 42,783.00	\$ -	42,783.00
2.7	Removal of Known Pipe Culvert, CMP, 15"	124	LF	\$ 9.50	\$ 1,178.00	\$ -	\$ 1,178.00	101		\$ 959.50	\$ -	959.50
2.8	Removal of Known Pipe Culvert, RCP, 12"	88	LF	\$ 15.00	\$ 1,320.00	\$ -	\$ 1,320.00	86		\$ 1,290.00	\$ -	1,290.00
2.9	Removal of Known Pipe Culvert, RCP, 18"	80	LF	\$ 18.00	\$ 1,440.00	\$ -	\$ 1,440.00	80		\$ 1,440.00	\$ -	1,440.00
2.10	Compaction Testing	1	LS	\$ 5,300.00	\$ 5,300.00	\$ -	\$ 5,300.00	1.00		\$ 5,300.00	\$ -	5,300.00
2.11	Class A Roadstone	144	TON	\$ 28.00	\$ 4,032.00	\$ -	\$ 4,032.00	120		\$ 3,360.00	\$ -	3,360.00
	SEWERS AND DRAINS											
4.1	Sanitary Sewer Gravity Main, Trenched, PVC, 8"	387	LF	\$ 39.00	\$ 15,093.00	\$ -	\$ 15,093.00	387		\$ 15,093.00	\$ -	15,093.00
4.2	Removal of Sanitary Sewer, RCP, 21"	6	LF	\$ 70.00	\$ 420.00	\$ -	\$ 420.00	6		\$ 420.00	\$ -	420.00
4.3	Storm Sewer, Trenched, RCP, 12"	31	LF	\$ 48.00	\$ 1,488.00	\$ -	\$ 1,488.00	31		\$ 1,488.00	\$ -	1,488.00
4.4	Storm Sewer, Trenched, RCP, 15"	378	LF	\$ 48.00	\$ 18,144.00	\$ -	\$ 18,144.00	378		\$ 18,144.00	\$ -	18,144.00
4.5	Storm Sewer, Trenched, RCP, 18"	142	LF	\$ 50.00	\$ 7,100.00	\$ -	\$ 7,100.00	114		\$ 5,700.00	\$ -	5,700.00
4.6	Storm Sewer, Trenched, RCP, 24"	58	LF	\$ 64.00	\$ 3,712.00	\$ -	\$ 3,712.00	58		\$ 3,712.00	\$ -	3,712.00
4.7	Storm Sewer, Trenched, RCP, 30"	55	LF	\$ 70.00	\$ 3,850.00	\$ -	\$ 3,850.00	48		\$ 3,360.00	\$ -	3,360.00
4.8	Pipe Apron and Apron Guard, RCP, 15"	1	EA	\$ 1,500.00	\$ 1,500.00	\$ -	\$ 1,500.00	1		\$ 1,500.00	\$ -	1,500.00
4.9	Pipe Apron and Apron Guard, RCP, 18"	1	EA	\$ 1,600.00	\$ 1,600.00	\$ -	\$ 1,600.00	1		\$ 1,600.00	\$ -	1,600.00
4.10	Pipe Apron, Footing, and Apron Guard, RCP, 30"	1	EA	\$ 2,800.00	\$ 2,800.00	\$ -	\$ 2,800.00	1		\$ 2,800.00	\$ -	2,800.00
4.11	Subdrain, PVC, 6"	2786	LF	\$ 10.00	\$ 27,860.00	\$ -	\$ 27,860.00	2,711		\$ 27,110.00	\$ -	27,110.00
4.12	Subdrain Cleanout, PVC, 6", Type A-1	7	EA	\$ 400.00	\$ 2,800.00	\$ -	\$ 2,800.00	7		\$ 2,800.00	\$ -	2,800.00
4.13	Subdrain, Outlet Into Structure, 6"	14	EA	\$ 325.00	\$ 4,550.00	\$ -	\$ 4,550.00	16		\$ 5,200.00	\$ -	5,200.00
4.14	Concrete Collar, Type PC-2, RCP, 12"	1	EA	\$ 700.00	\$ 700.00	\$ -	\$ 700.00	1		\$ 700.00	\$ -	700.00
4.15	Sewer Pipe Support Over Existing Utility Line	2	EA	\$ 1,400.00	\$ 2,800.00	\$ -	\$ 2,800.00	1		\$ 1,400.00	\$ -	1,400.00
	WATER MAIN AND APPURTENANCES											
5.1	Water Main, Trenched, PVC, 12"	1200	LF	\$ 41.00	\$ 49,200.00	\$ -	\$ 49,200.00	1,200		\$ 49,200.00	\$ -	49,200.00
5.2	Fitting, Tee, 12" x 12"	1	EA	\$ 1,900.00	\$ 1,900.00	\$ -	\$ 1,900.00	1		\$ 1,900.00	\$ -	1,900.00
5.3	Fitting, 45 Degree Bend, 12"	4	EA	\$ 1,200.00	\$ 4,800.00	\$ -	\$ 4,800.00	4		\$ 4,800.00	\$ -	4,800.00
5.4	Valve, Gate, 12"	4	EA	\$ 2,700.00	\$ 10,800.00	\$ -	\$ 10,800.00	4		\$ 10,800.00	\$ -	10,800.00
5.5	Fire Hydrant Assembly	3	EA	\$ 4,500.00	\$ 13,500.00	\$ -	\$ 13,500.00	3		\$ 13,500.00	\$ -	13,500.00
	STRUCTURES FOR SANITARY AND STORM											
6.1	Manhole, SW-301, 48"	2	EA	\$ 4,500.00	\$ 9,000.00	\$ -	\$ 9,000.00	2		\$ 9,000.00	\$ -	9,000.00
6.2	Manhole, SW-401, 48"	1	EA	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00	1		\$ 5,000.00	\$ -	5,000.00
6.3	Intake, SW-501	3	EA	\$ 2,300.00	\$ 6,900.00	\$ -	\$ 6,900.00	3		\$ 6,900.00	\$ -	6,900.00
6.4	Intake, SW-503	3	EA	\$ 3,800.00	\$ 11,400.00	\$ -	\$ 11,400.00	3		\$ 11,400.00	\$ -	11,400.00
6.5	Intake, SW-505	1	EA	\$ 3,200.00	\$ 3,200.00	\$ -	\$ 3,200.00	1		\$ 3,200.00	\$ -	3,200.00
6.6	Intake, SW-506	1	EA	\$ 5,500.00	\$ 5,500.00	\$ -	\$ 5,500.00	1		\$ 5,500.00	\$ -	5,500.00
6.7	Intake, SW-509	2	EA	\$ 5,000.00	\$ 10,000.00	\$ -	\$ 10,000.00	2		\$ 10,000.00	\$ -	10,000.00
6.8	Intake, SW-513, 4' x 4'	1	EA	\$ 3,200.00	\$ 3,200.00	\$ -	\$ 3,200.00	1		\$ 3,200.00	\$ -	3,200.00
6.9	Remove Manhole	1	EA	\$ 1,300.00	\$ 1,300.00	\$ -	\$ 1,300.00	1		\$ 1,300.00	\$ -	1,300.00

ITEM NO.	DESCRIPTION	CONTRACT ITEMS						COMPLETED WORK				
		PLAN QTY.	UNIT	UNIT COST	EDA PARTICIPATING COST	NON-PARTICIPATING	TOTAL	QTY. TO DATE	CO #	EDA PARTICIPATING COST	NON-PARTICIPATING	COST TOTAL
	STREETS AND RELATED WORK											
7.1	Pavement, PCC, 8"	5390	SY	\$ 55.50	\$ 299,145.00	\$ -	\$ 299,145.00	5,053		\$ 280,441.50	\$ -	280,441.50
7.2	PCC Pavement Samples and Testing	1	LS	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00	0.5		\$ 1,500.00	\$ -	1,500.00
7.3	Shared Use Path, PCC, 6"	1510	SY	\$ 39.50	\$ 59,645.00	\$ -	\$ 59,645.00			\$ -	\$ -	-
7.4	Special Subgrade Preparation for Shared Use Path	1720	SY	\$ 2.40	\$ 4,128.00	\$ -	\$ 4,128.00	1,720		\$ 4,128.00	\$ -	4,128.00
7.5	Sidewalk, PCC, 4"	685	SY	\$ 55.00	\$ 37,675.00	\$ -	\$ 37,675.00	477		\$ 26,235.00	\$ -	26,235.00
7.6	Sidewalk, PCC, 6"	35	SY	\$ 69.00	\$ 2,415.00	\$ -	\$ 2,415.00	6		\$ 414.00	\$ -	414.00
7.7	Detectable Warning	142	SF	\$ 50.50	\$ 7,171.00	\$ -	\$ 7,171.00			\$ -	\$ -	-
7.8	Driveway, Paved, PCC, 6"	65	SY	\$ 68.50	\$ 4,452.50	\$ -	\$ 4,452.50			\$ -	\$ -	-
7.9	Driveway, Paved, PCC, 7"	45	SY	\$ 73.00	\$ 3,285.00	\$ -	\$ 3,285.00			\$ -	\$ -	-
7.10	Driveway, Granular	32	TON	\$ 35.00	\$ 1,120.00	\$ -	\$ 1,120.00	16		\$ 560.00	\$ -	560.00
	TRAFFIC CONTROL											
8.1	Temporary Traffic Control	1	LS	\$ 6,900.00	\$ 6,900.00	\$ -	\$ 6,900.00	0.90		\$ 6,210.00	\$ -	6,210.00
	SITE WORK AND LANDSCAPING											
9.1	Hydraulic Seeding, Fertilizing, and Mulching	2.2	ACRE	\$ 2,400.00	\$ 5,280.00	\$ -	\$ 5,280.00			\$ -	\$ -	-
9.2	SWPPP Preparation	1	LS	\$ 500.00	\$ 500.00	\$ -	\$ 500.00	1		\$ 500.00	\$ -	500.00
9.3	SWPPP Management	1	LS	\$ 2,400.00	\$ 2,400.00	\$ -	\$ 2,400.00	0.75		\$ 1,800.00	\$ -	1,800.00
9.4	Filter Sock, 8"	6000	LF	\$ 2.40	\$ 14,400.00	\$ -	\$ 14,400.00	3,175		\$ 7,620.00	\$ -	7,620.00
9.5	Filter Socks, Removal	6000	LF	\$ 0.35	\$ 2,100.00	\$ -	\$ 2,100.00			\$ -	\$ -	-
9.6	Rip Rap, Class E Revetment	45	TON	\$ 85.00	\$ 3,825.00	\$ -	\$ 3,825.00	45		\$ 3,825.00	\$ -	3,825.00
9.7	Inlet Protection Device, Drop In	10	EA	\$ 190.00	\$ 1,900.00	\$ -	\$ 1,900.00			\$ -	\$ -	-
9.8	Inlet Protection Device, Open Throat	16	LF	\$ 35.00	\$ 560.00	\$ -	\$ 560.00	0		\$ -	\$ -	-
9.9	Inlet Protection Device, Maintenance	12	EA	\$ 20.00	\$ 240.00	\$ -	\$ 240.00			\$ -	\$ -	-
9.10	Removal of Fence	647	LF	\$ 2.00	\$ 1,294.00	\$ -	\$ 1,294.00	443		\$ 886.00	\$ -	886.00
	MISCELLANEOUS											
11.1	Construction Survey	1	LS	\$10,700.00	\$ 10,700.00	\$ -	\$ 10,700.00	0.90		\$ 9,630.00	\$ -	9,630.00
11.2	Mobilization	1	LS	\$18,000.00	\$ 18,000.00	\$ -	\$ 18,000.00	1.00		\$ 18,000.00	\$ -	18,000.00
11.3	Street Lighting	1	LS	\$50,500.00	\$ 50,500.00	\$ -	\$ 50,500.00	0.25		\$ 12,625.00	\$ -	12,625.00
	SCHEDULE B: NON-PARTICIPATING ITEMS											
12.1	Sanitary Sewer Service Stub, PVC, 4"	131	LF	\$ 58.00	\$ -	\$ 7,598.00	\$ 7,598.00	129		\$ -	\$ 7,482.00	7,482.00
12.2	Storm Sewer Service Stub	1	EA	\$ 1,700.00	\$ -	\$ 1,700.00	\$ 1,700.00	1		\$ -	\$ 1,700.00	1,700.00
12.3	Water Service Stub, Copper, 1"	1	EA	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 2,400.00	1		\$ -	\$ 2,400.00	2,400.00
12.4	Water Service Stub, Copper, 2"	1	EA	\$ 5,400.00	\$ -	\$ 5,400.00	\$ 5,400.00	1		\$ -	\$ 5,400.00	5,400.00
12.5	Mobilization	1	LS	\$ 500.00	\$ -	\$ 500.00	\$ 500.00	1		\$ -	\$ 500.00	500.00
TOTAL ORIGINAL CONTRACT =										\$ 716,779.50	\$ 17,482.00	\$ 734,261.50
CHANGE ORDER SUMMARY												
	CHANGE ORDER 01											
13.1	Storz Connections	3	EA	450.00	\$ 1,350.00	\$ -	\$ 1,350.00	3		\$ 1,350.00	\$ -	1,350.00
13.2	Removal of Known Pipe, PVC, 4"	135	LF	5.00	\$ 675.00	\$ -	\$ 675.00	135		\$ 675.00	\$ -	675.00
13.3	Vinyl Sign Covering	1	LS	252.50	\$ 252.50	\$ -	\$ 252.50	1		\$ 252.50	\$ -	252.50
TOTAL CHANGE ORDER AMOUNT:										\$ 2,277.50	-	2,277.50
	CHANGE ORDER 02											
5.4	Valve, Gate, 12"	-1	EA	\$ 2,700.00	\$ (2,700.00)	\$ -	\$ (2,700.00)	-1		\$ (2,700.00)	\$ -	(2,700.00)
12.3	Water Service Stub, Copper, 1"	1	EA	\$ 2,400.00	\$ -	\$ 2,400.00	\$ 2,400.00	1		\$ -	\$ 2,400.00	2,400.00

ITEM NO.	DESCRIPTION	CONTRACT ITEMS						COMPLETED WORK				
		PLAN QTY.	UNIT	UNIT COST	EDA PARTICIPATING COST	NON-PARTICIPATING	TOTAL	QTY. TO DATE	CO #	EDA PARTICIPATING COST	NON-PARTICIPATING	COST TOTAL
12.4	Water Service Stub, Copper, 2"	-1	EA	\$ 5,400.00	\$ -	\$ (5,400.00)	\$ (5,400.00)	-1		\$ -	\$ (5,400.00)	(5,400.00)
13.4	Sand Bedding Removal	1	LS	(2,880.00)	\$ (2,880.00)	\$ -	\$ (2,880.00)	1		\$ (2,880.00)	\$ -	(2,880.00)
13.5	Water Service Relocation, 2'	1	LS	1,850.00	\$ 1,850.00	\$ -	\$ 1,850.00	1		\$ 1,850.00	\$ -	1,850.00
		TOTAL CHANGE ORDER AMOUNT:								\$ (3,730.00)	\$ (3,000.00)	(6,730.00)
	CHANGE ORDER 03											
2.6	Subbase, Modified, 6'	492	SY	\$ 7.80	\$ 3,837.60	\$ -	\$ 3,837.60	492		\$ 3,837.60	\$ -	3,837.60
4.12	Subdrain Cleanout, PVC, 6", Type A-1	4	EA	\$ 400.00	\$ 1,600.00	\$ -	\$ 1,600.00	4		\$ 1,600.00	\$ -	1,600.00
4.13	Subdrain, Outlet Into Structure, 6"	2	EA	\$ 325.00	\$ 650.00	\$ -	\$ 650.00	2		\$ 650.00	\$ -	650.00
13.6	Below Grade Excavator	82	CY	\$ 11.40	\$ 934.80	\$ -	\$ 934.80	82		\$ 934.80	\$ -	934.80
		TOTAL CHANGE ORDER AMOUNT:								\$ 7,022.40	\$ -	7,022.40
		TOTAL CHANGE ORDERS =										\$ 2,569.90
		TOTAL CONTRACT & CHANGE ORDERS										\$ 736,831.40

Meeting Date: 07/06/2021

Subject

Resolution approving Change Order and Payment Application Number 1 for the Square Reconstruction Project.

Information

Attachments

Streetscape Memorandum
Resolution Approving Payment
Change Order and Pay Application



COMMUNITY DEVELOPMENT

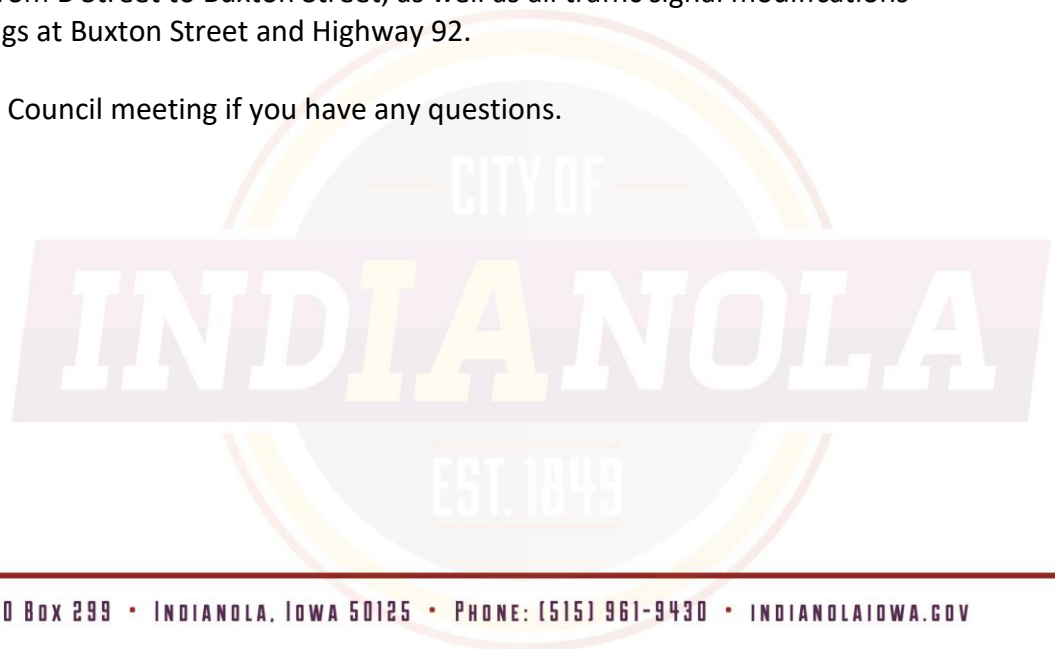
To: Mayor and City Council
From: Charlie E. Dissell, Community and Economic Development Director
CC: Ryan Waller, City Manager
Date: June 28, 2021
Re: Resolution Approving Change Order No 1 and Pay Application No 1 for the
Square Reconstruction Project

As Council is aware, the Square Reconstruction Project is underway. The contractor has been working on utility construction along Salem Avenue from B Street to Buxton Street over the past week. It is anticipated utility construction will continue for the next 3 weeks along this block. Attached to this memo is Change Order No 1 and Pay Application No 1.

Change Order No 1, in the amount of \$14,919.55 is requested for two items. The first item is the addition of various "Pedestrian Access Open" signs that were added to the sidewalks in Phase 1. These signs serve to better assist with pedestrian traffic flow. The second item was for various additions to the mailbox pad that will be constructed on South Buxton Street, in front of the US Post Office. As Council will recall, with the conversion of traffic from one-way to two-way, a new mailbox pad is required for mail drop-off. It is anticipated that construction of this mailbox pad will begin in a few weeks.

Pay application No 1, in the amount of \$214,430.91 is requested from Absolute Concrete Construction Company. This amount includes work completed to date on storm sewer work along Salem Avenue from B Street to Buxton Street, as well as all traffic signal modifications and pavement markings at Buxton Street and Highway 92.

I will attend the July 6 Council meeting if you have any questions.



City of Indianola
RESOLUTION NO. 2021-

**RESOLUTION APPROVING CHANGE ORDER NO 1 AND PAY APPLICATION NO 1 FOR THE
SQUARE RECONSTRUCTION PROJECT**

WHEREAS, the City of Indianola is currently under obligation of a construction contract with Absolute Concrete Construction Inc. for the Square Reconstruction Project; and

WHEREAS, additional labor and materials are needed on the project as described on the attached Change Order No 1; and

WHEREAS, Absolute Concrete Construction Inc. has submitted Pay Application No 1 as described on the attached application; and

WHEREAS, the City Council now deems it appropriate to approve Change Order No 1 and Pay Application No 1 as attached.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Indianola, Iowa, that:

1. Change Order No 1 in the amount of \$14,919.55 is hereby approved
2. Pay Application No 2 in the amount of \$214,430.91 shall be paid
3. Staff is hereby authorized to sign the documents on behalf of the City of Indianola

PASSED AND APPROVED this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO



Real People. Real Solutions.

430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

June 25, 2021

Akhilesh Pal, Public Works Director
Charlie Dissell, Director of Community & Economic Development
City of Indianola
110 N 1st Street
Indianola, IA 50125

RE: City Square Reconstruction
City of Indianola, IA
Project No.: T62.121517

Dear Mr. Pal & Dissell,

Enclosed is Pay Request #1 in the amount of \$214,430.91 and Change Order #1 \$14,919.55 for your review and acceptance for the above referenced project. The documents have been signed by the Engineer and is recommended for approval at the July 6th, 2021 council meeting.

The contractor has been working on utility construction along Salem Avenue from B Street to Buxton Street over the past week. It is anticipated utility construction will continue for the next 3 weeks along this block. All traffic signal modifications and pavement markings have been completed at the intersection of Buxton Street and Hwy 92.

Sincerely,

Bolton & Menk, Inc.

Justin Heim, P.E.
Project Engineer

APPLICATION FOR PARTIAL PAYMENT OF CONTRACT



**BOLTON
& MENK**



Project Title: City Square Reconstruction
Contractor: Absolute Concrete Construction Inc.
Address: 1000 W. 6th AVE Slater, IA 50244
Original Contract Date: May 3, 2021

Date of Council Meeting: July 6, 2021
PAYMENT REQUEST # 1
PAYMENT PERIOD: From: June 1, 2021 Through: June 22, 2021

Contract Summary

Original Contract Amount:	\$	8,499,759.80	
Net change by Change Orders:	\$	14,919.55	
Contract Amount to Date: (line 1 ± 2)	\$	8,514,679.35	
Total completed and stored to date:	\$	225,716.75	
Retainage: 5 % of Completed Work:	\$	11,285.84	
Total Earned less Retainage:	\$	214,430.91	
Less previous applications for payment:	\$	-	
SUBTOTAL	\$		214,430.91
OTHER CHARGES (Attach an itemized list)	\$		-
CURRENT PAYMENT DUE	\$		214,430.91
Balance to finish, including retainage:	\$	8,300,248.44	

Contract Time Remaining (If applicable) 846.00 CALENDAR DAYS

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all the amounts have been paid by the Contractor for work for which previous Certificate(s) for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

Construction Contractor Approval: Absolute Concrete Construction Inc.
Signature: Eli Hartog Firm Name: Absolute Concrete Construction Inc. Date: 06-24-21

Engineer / Consultant Approval: Bolton & Menk, Inc.
Signature: C. V. K... Firm Name: Bolton & Menk, Inc. Date: 25 JUNE 2021

City of Indianola Approval:
Signature: _____ Date: _____

Submit to: Akhilesh Pal, P.E. - Public Works Director
E-mail: apal@indianolaiowa.gov **Phone:** (515) 961-9415

APPLICATION FOR PARTIAL PAYMENT OF CONTRACT

Previous Applications for Payment

No.	Date	Amount
1		
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Previous Applications for Payment

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TOTAL \$ -

Record of Change Orders

No.	Date	Amount
1	June 22, 2021	\$ 14,919.55
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TOTAL \$ 14,919.55

Contract Time Remaining

Contract Period:	CALENDAR DAYS
Original Contract Date:	May 3, 2021
Original Completion Date:	October 30, 2023
Added by Change Order:	
Contract Time to Date:	910.00
Time Used to Date:	64.00
Contract Time Remaining:	846.00

APPLICATION FOR PARTIAL PAYMENT OF CONTRACT

CONTRACT PRICE DETAIL

ITEM NO.	DESCRIPTION (Include Change Order # if Applicable)	UNITS	ORIGINAL PROPOSED QUANTITY	QUANTITY CHANGE (BY CHANGE ORDER)	TOTAL QUANTITY	UNIT PRICE	EXTENDED PRICE	QUANTITY COMPLETE	VALUE OF COMPLETED WORK	REMAINING QUANTITY	PERCENT COMPLETE
DIVISION 1											
1	AMENDED PLANTING SOIL	CY	352.00		352.00	\$ 85.00	\$ 29,920.00		\$ -	352.00	0.00%
2	ENGINEERED SOIL	CY	140.00		140.00	\$ 80.00	\$ 11,200.00		\$ -	140.00	0.00%
3	STRUCTURAL SOIL (TREE PLANTING)	CY	360.00		360.00	\$ 265.00	\$ 95,400.00		\$ -	360.00	0.00%
4	EXCAVATION, CLASS 10	CY	8,313.60		8,313.60	\$ 18.00	\$ 149,644.80		\$ -	8,313.60	0.00%
5	SUBGRADE PREPARATION	SY	17,500.00		17,500.00	\$ 4.00	\$ 70,000.00		\$ -	17,500.00	0.00%
6	SUBGRADE TREATMENT, GEO-GRID	SY	7,400.00		7,400.00	\$ 6.00	\$ 44,400.00		\$ -	7,400.00	0.00%
7	SUBBASE, MODIFIED, 6 IN.	SY	17,500.00		17,500.00	\$ 12.50	\$ 218,750.00		\$ -	17,500.00	0.00%
8	SUBBASE, MODIFIED, 4 IN.	SY	5,425.00		5,425.00	\$ 10.50	\$ 56,962.50		\$ -	5,425.00	0.00%
9	TRENCH FOUNDATION	TON	100.00		100.00	\$ 55.00	\$ 5,500.00		\$ -	100.00	0.00%
10	REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL	CY	700.00		700.00	\$ 85.00	\$ 59,500.00		\$ -	700.00	0.00%
11	SANITARY SEWER GRAVITY MAIN, TRENCHED, PVC, SDR 26, 8 IN.	LF	1,024.00		1,024.00	\$ 425.00	\$ 435,200.00		\$ -	1,024.00	0.00%
12	SANITARY SEWER SERVICE, PVC, SDR 23.5, 6 IN.	EA	38.00		38.00	\$ 5,000.00	\$ 190,000.00		\$ -	38.00	0.00%
13	STORM SEWER, TRENCHED, RCP, 12 IN.	LF	110.00		110.00	\$ 145.00	\$ 15,950.00		\$ -	110.00	0.00%
14	STORM SEWER, TRENCHED, RCP, 15 IN.	LF	1,860.00		1,860.00	\$ 150.00	\$ 279,000.00	15.00	\$ 2,250.00	1,845.00	0.81%
15	STORM SEWER, TRENCHED, RCP, 18 IN.	LF	455.00		455.00	\$ 175.00	\$ 79,625.00		\$ -	455.00	0.00%
16	STORM SEWER, TRENCHED, RCP, 24 IN.	LF	270.00		270.00	\$ 200.00	\$ 54,000.00		\$ -	270.00	0.00%
17	STORM SEWER, TRENCHED, RCP, 36 IN.	LF	380.00		380.00	\$ 275.00	\$ 104,500.00	115.00	\$ 31,625.00	265.00	30.26%
18	REMOVAL OF STORM SEWER, LESS THAN 36 IN.	LF	1,110.00		1,110.00	\$ 30.00	\$ 33,300.00	24.00	\$ 720.00	1,086.00	2.16%
19	SUBDRAIN, PERFORATED, 6 IN.	LF	4,350.00		4,350.00	\$ 25.00	\$ 108,750.00		\$ -	4,350.00	0.00%
20	SUBDRAIN, PERFORATED, 8 IN.	LF	1,220.00		1,220.00	\$ 28.00	\$ 34,160.00		\$ -	1,220.00	0.00%
21	SUBDRAIN CLEANOUT	EA	25.00		25.00	\$ 1,000.00	\$ 25,000.00		\$ -	25.00	0.00%
22	SUBDRAIN OUTLETS AND CONNECTIONS	EA	40.00		40.00	\$ 275.00	\$ 11,000.00		\$ -	40.00	0.00%
23	STORM SEWER SERVICE STUB, PVC SDR 23.5, 6" (ROOF DRAIN CONNECTION)	LF	180.00		180.00	\$ 55.00	\$ 9,900.00		\$ -	180.00	0.00%
24	WATER MAIN, TRENCHED, PVC, C900, 8 INCH	LF	2,700.00		2,700.00	\$ 110.00	\$ 297,000.00		\$ -	2,700.00	0.00%
25	WATERMAIN FITTINGS BY WEIGHT, DUCTILE IRON	LBS	1,462.00		1,462.00	\$ 15.00	\$ 21,930.00		\$ -	1,462.00	0.00%
26	WATER SERVICE, TYPE K COPPER, 3/4 IN.	EA	52.00		52.00	\$ 2,300.00	\$ 119,600.00		\$ -	52.00	0.00%
27	WATER SERVICE, TYPE K COPPER, 2 IN.	EA	1.00		1.00	\$ 3,500.00	\$ 3,500.00		\$ -	1.00	0.00%
28	WATER SERVICE CURB STOP AND BOX	EA	53.00		53.00	\$ 885.00	\$ 46,905.00		\$ -	53.00	0.00%
29	TEMPORARY WATER SYSTEM	LS	1.00		1.00	\$ 165,000.00	\$ 165,000.00		\$ -	1.00	0.00%
30	VALVE, GATE, 6 INCH	EA	1.00		1.00	\$ 1,800.00	\$ 1,800.00		\$ -	1.00	0.00%
31	VALVE, GATE, 8 INCH	EA	8.00		8.00	\$ 2,300.00	\$ 18,400.00		\$ -	8.00	0.00%
32	TAPPING VALVE ASSEMBLY, 8 INCH	EA	3.00		3.00	\$ 7,000.00	\$ 21,000.00		\$ -	3.00	0.00%
33	FIRE HYDRANT ASSEMBLY	EA	4.00		4.00	\$ 6,800.00	\$ 27,200.00		\$ -	4.00	0.00%
34	FIRE HYDRANT ASSEMBLY, RELOCATE	EA	1.00		1.00	\$ 3,800.00	\$ 3,800.00		\$ -	1.00	0.00%
35	FIRE HYDRANT ASSEMBLY REMOVAL	EA	6.00		6.00	\$ 1,000.00	\$ 6,000.00		\$ -	6.00	0.00%
36	SANITARY MANHOLE, SW-301, 48 INCH	EA	6.00		6.00	\$ 7,100.00	\$ 42,600.00		\$ -	6.00	0.00%
37	STORM MANHOLE, SWV-401, 48 INCH	EA	15.00		15.00	\$ 5,500.00	\$ 82,500.00		\$ -	15.00	0.00%
38	STORM MANHOLE, SWV-401, 60 INCH	EA	6.00		6.00	\$ 8,800.00	\$ 52,800.00	0.75	\$ 6,600.00	5.25	12.50%
39	STORM MANHOLE, SWV-401, 72 INCH	EA	1.00		1.00	\$ 12,000.00	\$ 12,000.00	0.75	\$ 9,000.00	0.25	75.00%
40	INTAKE, SW-501	EA	28.00		28.00	\$ 4,500.00	\$ 126,000.00	0.75	\$ 3,375.00	27.25	2.68%
41	INTAKE, SW-511	EA	1.00		1.00	\$ 4,500.00	\$ 4,500.00		\$ -	1.00	0.00%
42	MANHOLE ADJUSTMENT, MINOR	EA	6.00		6.00	\$ 3,200.00	\$ 19,200.00		\$ -	6.00	0.00%
43	CONNECTION TO EXISTING MANHOLE/INTAKE, STORM SEWER	EA	3.00		3.00	\$ 6,000.00	\$ 18,000.00		\$ -	3.00	0.00%
44	CONNECTION TO EXISTING MANHOLE, SANITARY SEWER	EA	6.00		6.00	\$ 5,500.00	\$ 33,000.00		\$ -	6.00	0.00%
45	REMOVE MANHOLE	EA	9.00		9.00	\$ 1,000.00	\$ 9,000.00	1.00	\$ 1,000.00	8.00	11.11%
46	REMOVE INTAKE	EA	18.00		18.00	\$ 1,000.00	\$ 18,000.00		\$ -	18.00	0.00%
47	PAVEMENT, PCC, 7 IN.	SY	3,700.00		3,700.00	\$ 65.00	\$ 240,500.00		\$ -	3,700.00	0.00%
48	PAVEMENT, PCC, 8 IN.	SY	10,900.00		10,900.00	\$ 85.00	\$ 926,500.00		\$ -	10,900.00	0.00%
49	PAVEMENT, PCC, 8 IN., COLORED	SY	250.00		250.00	\$ 130.00	\$ 32,500.00		\$ -	250.00	0.00%
50	PCC CURB AND GUTTER, 2'	LF	6,775.00		6,775.00	\$ 80.00	\$ 542,000.00		\$ -	6,775.00	0.00%
51	CONCRETE MEDIAN	SY	55.00		55.00	\$ 100.00	\$ 5,500.00		\$ -	55.00	0.00%
52	REMOVAL OF SIDEWALK/DRIVEWAY	SY	4,850.00		4,850.00	\$ 12.00	\$ 58,200.00	185.00	\$ 2,220.00	4,665.00	3.81%
53	SIDEWALK, PCC, 5 INCH	SY	4,300.00		4,300.00	\$ 45.00	\$ 193,500.00		\$ -	4,300.00	0.00%
54	SIDEWALK, PCC, 6 INCH	SY	960.00		960.00	\$ 50.00	\$ 48,000.00		\$ -	960.00	0.00%
55	SIDEWALK, PCC, 5 INCH, COLORED	SY	170.00		170.00	\$ 95.00	\$ 16,150.00		\$ -	170.00	0.00%
56	SIDEWALK UNIT PAVER W/ PCC BASE	SF	4,225.00		4,225.00	\$ 25.00	\$ 105,625.00		\$ -	4,225.00	0.00%
57	DETECTABLE WARNING	SF	640.00		640.00	\$ 50.00	\$ 32,000.00		\$ -	640.00	0.00%
58	DRIVEWAY, PAVED, PCC, 6 INCH	SY	240.00		240.00	\$ 55.00	\$ 13,200.00		\$ -	240.00	0.00%
59	PAVEMENT REMOVAL	SY	24,700.00		24,700.00	\$ 14.00	\$ 345,800.00	2,156.00	\$ 30,184.00	22,544.00	8.73%
60	STORAGE AGGREGATE	TON	5,420.00		5,420.00	\$ 40.00	\$ 216,800.00		\$ -	5,420.00	0.00%
61	FILTER AGGREGATE	TON	1,330.00		1,330.00	\$ 45.00	\$ 59,850.00		\$ -	1,330.00	0.00%
62	PERMEABLE INTERLOCKING PAVERS	SY	5,160.00		5,160.00	\$ 62.50	\$ 322,500.00		\$ -	5,160.00	0.00%
63	PCC EDGE RESTRAINT, 2 FT	LF	2,100.00		2,100.00	\$ 25.00	\$ 52,500.00		\$ -	2,100.00	0.00%
64	PAINTED PAVEMENT MARKINGS, DURABLE	STA	65.00		65.00	\$ 575.00	\$ 37,375.00	13.30	\$ 7,647.50	51.70	20.46%
65	PERMANENT TAPE MARKINGS, PREFORMED THERMOPLASTIC MARKING	STA	27.00		27.00	\$ 730.00	\$ 19,710.00		\$ -	27.00	0.00%
66	PAINTED SYMBOLS AND LEGENDS	EA	15.00		15.00	\$ 325.00	\$ 4,875.00		\$ -	15.00	0.00%
67	TYPE A SIGN, SHEET ALUMINUM	EA	45.00		45.00	\$ 425.00	\$ 19,125.00		\$ -	45.00	0.00%
68	TEMPORARY TRAFFIC CONTROL	LS	1.00		1.00	\$ 75,000.00	\$ 75,000.00	0.10	\$ 7,500.00	0.90	10.00%
69	SOD	SQ	100.00		100.00	\$ 75.00	\$ 7,500.00		\$ -	100.00	0.00%
70	DECIDUOUS SHRUBS	EA	60.00		60.00	\$ 150.00	\$ 9,000.00		\$ -	60.00	0.00%
71	PERENNIAL GROUND COVER (1 GAL.)	EA	2,134.00		2,134.00	\$ 20.00	\$ 42,680.00		\$ -	2,134.00	0.00%
72	DECIDUOUS TREE	EA	43.00		43.00	\$ 550.00	\$ 23,650.00		\$ -	43.00	0.00%
73	TREE GRATE AND FRAME	EA	24.00		24.00	\$ 500.00	\$ 12,000.00		\$ -	24.00	0.00%
74	SWPPP PREPARATION	LS	1.00		1.00	\$ 2,000.00	\$ 2,000.00	1.00	\$ 2,000.00	-	100.00%
75	SWPPP MANAGEMENT	LS	1.00		1.00	\$ 13,500.00	\$ 13,500.00	0.02	\$ 270.00	0.98	2.00%
76	FILTER SOCK, 8 INCH	LF	1,500.00		1,500.00	\$ 2.50	\$ 3,750.00		\$ -	1,500.00	0.00%
77	TEMPORARY RECP, TYPE 3.A	SY	270.00		270.00	\$ 3.00	\$ 810.00		\$ -	270.00	0.00%
78	EROSION CONTROL MULCHING, HYDROMULCHING	AC	2.00		2.00	\$ 2,000.00	\$ 4,000.00		\$ -	2.00	0.00%
79	INLET PROTECTION DEVICE, DROP IN	EA	41.00		41.00	\$ 265.00	\$ 10,865.00	1.00	\$ 265.00	40.00	2.44%
80	VAULT, FILL	EA	1.00		1.00	\$ 7,400.00	\$ 7,400.00		\$ -	1.00	0.00%
81	CISTERN ABANDONMENT	EA	3.00		3.00	\$ 8,000.00	\$ 24,000.00		\$ -	3.00	0.00%
82	MOBILIZATION	LS	1.00		1.00	\$ 1,000,000.00	\$ 1,000,000.00	0.10	\$ 100,000.00	0.90	10.00%
83	CONCRETE WASHOUT	LS	1.00		1.00	\$ 10,000.00	\$ 10,000.00		\$ -	1.00	0.00%
84	MONUMENT TYPE 1 (ARCHWAY MONUMENT)	EA	-		-	\$ 200,000.00	\$ -		\$ -	-	0.00%
85	MONUMENT TYPE 2 (GATEWAY MONUMENT)	EA	-		-	\$ 75,000.00	\$ -		\$ -	-	0.00%
86	MONUMENT TYPE 3 (HIGHWAY MONUMENT)	EA	-		-	\$ 75,000.00	\$ -		\$ -	-	0.00%
87	STEEL BENCH	EA	9.00		9.00	\$ 3,250.00	\$ 29,250.00		\$ -	9.00	0.00%
88	LITTER RECEPTACLE	EA	6.00		6.00	\$ 3,000.00	\$ 18,000.00		\$ -	6.00	0.00%
89	BIKE RACK	EA	6.00		6.00	\$ 925.00	\$ 5,550.00		\$ -	6.00	0.00%
90	EVENT POWER PEDESTAL	EA	7.00		7.00	\$ 1,500.00	\$ 10,500.00		\$ -	7.00	0.00%
91	1" CONCRETE BAND	LF	1,270.00		1,270.00	\$ 35.00	\$ 44,450.00		\$ -	1,270.00	0.00%
92	PLANTER CURB	LF	430.00		430.00	\$ 85.00	\$ 36,550.00		\$ -	430.00	0.00%
93	SEAT WALL	LF	108.00		108.00	\$ 125.00	\$ 13,500.00		\$ -	108.00	0.00%
94	BIO-RETENTION ROCK CHAMBER	TON	35.00		35.00	\$ 100.00	\$ 3,500.00		\$ -	35.00	0.00%
95	RAIN GUARDIAN TURRET	EA	5.00		5.00	\$ 7,500.00	\$ 37,500.00		\$ -	5.00	0.00%

APPLICATION FOR PARTIAL PAYMENT OF CONTRACT

96	NYLOPLAST OUTLET STRUCTURE, 12 INCH DIAMETER	EA	5.00		5.00	\$ 1,400.00	\$ 7,000.00		\$ -	5.00	0.00%
97	SALVAGE STREET LIGHT POLE	EA	12.00		12.00	\$ 350.00	\$ 4,200.00	1.50	\$ 525.00	10.50	12.50%
98	PLANTER POT	EA	4.00		4.00	\$ 2,125.00	\$ 8,500.00		\$ -	4.00	0.00%
99	GFCI RECEPTACLE	EA	32.00		32.00	\$ 950.00	\$ 30,400.00		\$ -	32.00	0.00%
100	LIGHTING UNIT (INSTALL ONLY)	EA	52.00		52.00	\$ 1,650.00	\$ 85,800.00		\$ -	52.00	0.00%
101	SERVICE CABINET	EA	2.00		2.00	\$ 4,350.00	\$ 8,700.00		\$ -	2.00	0.00%
102	HANDHOLE	EA	59.00		59.00	\$ 750.00	\$ 44,250.00		\$ -	59.00	0.00%
103	3/4 INCH PVC CONDUIT TRENCHED	LF	1,699.00		1,699.00	\$ 10.50	\$ 17,839.50		\$ -	1,699.00	0.00%
104	1-1/2" INCH PVC CONDUIT TRENCHED	LF	6,673.00		6,673.00	\$ 12.50	\$ 83,412.50		\$ -	6,673.00	0.00%
105	2" INCH PVC CONDUIT TRENCHED	LF	650.00		650.00	\$ 16.50	\$ 10,725.00		\$ -	650.00	0.00%
106	3" INCH PVC CONDUIT TRENCHED	LF	945.00		945.00	\$ 21.00	\$ 19,845.00		\$ -	945.00	0.00%
107	1-1/2" HDPE CONDUIT HDD	LF	866.00		866.00	\$ 24.00	\$ 20,784.00		\$ -	866.00	0.00%
108	#6 AWG CONDUCTOR	LF	26,943.00		26,943.00	\$ 2.00	\$ 53,886.00		\$ -	26,943.00	0.00%
109	#8 AWG CONDUCTOR	LF	5,216.00		5,216.00	\$ 1.50	\$ 7,824.00		\$ -	5,216.00	0.00%
110	#10 AWG CONDUCTOR	LF	3,661.00		3,661.00	\$ 1.50	\$ 5,491.50		\$ -	3,661.00	0.00%
111	#12 AWG CONDUCTOR	LF	1,244.00		1,244.00	\$ 1.25	\$ 1,555.00		\$ -	1,244.00	0.00%
112	YARD HYDRANT	EA	16.00		16.00	\$ 2,300.00	\$ 36,800.00		\$ -	16.00	0.00%
113	PERMEABLE PAVER MONITORING WELL	EA	6.00		6.00	\$ 2,000.00	\$ 12,000.00		\$ -	6.00	0.00%
114	"PEDESTRIAN ACCESS OPEN" SIGN	LS		1.00	1.00	\$ 3,496.50	\$ 3,496.50	0.50	\$ 1,748.25	0.50	50.00%
DIVISION 2											
D2.1	FULL DEPTH PATCHES	SY	30.00		30.00	\$ 90.00	\$ 2,700.00		\$ -	30.00	0.00%
D2.2	PAVEMENT REMOVAL	SY	30.00		30.00	\$ 50.00	\$ 1,500.00		\$ -	30.00	0.00%
D2.3	TRAFFIC SIGNAL MODIFICATIONS	LS	1.00		1.00	\$ 2,875.00	\$ 2,875.00	1.00	\$ 2,875.00	-	100.00%
D2.4	PAINTED PAVEMENT MARKINGS, PREFORMED THERMOPLASTIC MARKING	STA	22.50		22.50	\$ 700.00	\$ 15,750.00	9.36	\$ 6,552.00	13.14	41.60%
D2.5	PAINTED SYMBOLS AND LEGENDS	EA	16.00		16.00	\$ 325.00	\$ 5,200.00	16.00	\$ 5,200.00	-	100.00%
D2.6	PAVEMENT MARKINGS REMOVED	STA	10.00		10.00	\$ 200.00	\$ 2,000.00	10.00	\$ 2,000.00	-	100.00%
D2.7	PAVEMENT SYMBOLS REMOVED	EA	4.00		4.00	\$ 115.00	\$ 460.00	4.00	\$ 460.00	-	100.00%
D2.8	TYPE A SIGN, SHEET ALUMINUM	EA	4.00	4.00	8.00	\$ 425.00	\$ 3,400.00	4.00	\$ 1,700.00	4.00	50.00%
D2.9	CONCRETE MEDIAN, 4" SLOPED CURB	SY		27.30	27.30	\$ 183.15	\$ 5,000.00		\$ -	27.30	0.00%
D2.10	GROOVES CUT FOR PAVEMENT MARKINGS	STA		3.00	3.00	\$ 149.85	\$ 449.55		\$ -	3.00	0.00%
D2.11	BOLLARDS	EA		4.00	4.00	\$ 555.00	\$ 2,220.00		\$ -	4.00	0.00%
D2.12	WET RETROREFLECTIVE REMOVABLE TAPE MARKINGS	STA		6.00	6.00	\$ 166.50	\$ 999.00		\$ -	6.00	0.00%
D2.13	MOBILIZATION	LS		1.00	1.00	\$ 1,054.50	\$ 1,054.50		\$ -	1.00	0.00%

TOTAL CONTRACT AND VALUE OF WORK COMPLETED TO DATE

\$ 8,514,679.35

\$ 225,716.75

-97.35%

CHANGE ORDER FORM



**BOLTON
& MENK**



Project Title: City Square Reconstruction
Contractor: Absolute Concrete Construction Inc.
Address: 1000 W. 6th AVE Slater, IA 50244
Original Contract Date: May 3, 2021

Change Order Number: 1

Change Order Date: June 21, 2021

Purpose of Change Order:

Item 8001 "Pedestrian Access Open" signs added to contract to provide additional information to pedestrians around the square.
 Increase Item D2.8 quantity to account for work described on sheets AT1 - AT2.
 Items D2.9 - D2.13 added to contract to complete work described on sheets AT1 - AT2 in the contract documents.

Details of Change Order:

ITEM #	DESCRIPTION	UNITS	QUANTITY CHANGE	UNIT PRICE	EXTENDED PRICE
114	"Pedestrian Access Open" sign	LS	1.00	\$ 3,496.50	\$ 3,496.50
D2.8	Type A Sign, Sheet Aluminum	EA	4.00	\$ 425.00	\$ 1,700.00
D2.9	Concrete Median, 4" Sloped Curb	SY	27.30	\$ 183.15	\$ 5,000.00
D2.10	Grooves Cut for Pavement Markings	STA	3.00	\$ 149.85	\$ 449.55
D2.11	Bollards	EA	4.00	\$ 555.00	\$ 2,220.00
D2.12	Wet Retroreflective Removable Tape Markings	STA	6.00	\$ 166.50	\$ 999.00
D2.13	Mobilization	LS	1.00	\$ 1,054.50	\$ 1,054.50
					\$ -

Change Order Number: 1 makes the following adjustments to the contract: **\$ 14,919.55**

Contractor Accepted: Absolute Concrete Construction Inc.

Signature: [Signature] Firm Name: Absolute Concrete Construction Inc.
 Date: 06-22-21

Engineer Approved: Bolton & Menk, Inc.

Signature: [Signature] Firm Name: Bolton & Menk, Inc.
 Date: 25 JUNE 2021

Owner Accepted: City of Indianola

Signature: _____ Title: _____
 Date: _____

Record of Change Orders

#	Date	Amount
	Original Contract Amount	\$ 8,499,759.80
1	June 22, 2021	\$ 14,919.55
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

Revised Contract Amount **\$ 8,514,679.35**

CONTRACT PRICE DETAIL - Funding Break Down

ITEM NO.	DESCRIPTION (Include Change Order # if Applicable)	UNITS	ORIGINAL PROPOSED QUANTITY	QUANTITY CHANGE (BY CHANGE ORDER)	TOTAL QUANTITY	UNIT PRICE	Qty. Quantity Complete	City Value of Work Complete	City - Sanitary Sewer Quantity Complete	City Sanitary Sewer Value of Work Complete	SRF Quantity Complete	SRF Value of Work Complete	IMU - Water Quantity Complete	IMU - Water Value of Work Complete	TOTAL VALUE OF COMPLETED WORK
	DIVISION 1														
1	AMENDED PLANTING SOIL	CY	352.00		352.00	\$ 85.00		\$ -		\$ -		\$ -		\$ -	\$ -
2	ENGINEERED SOIL	CY	140.00		140.00	\$ 80.00		\$ -		\$ -		\$ -		\$ -	\$ -
3	STRUCTURAL SOIL (TREE PLANTING)	CY	360.00		360.00	\$ 265.00		\$ -		\$ -		\$ -		\$ -	\$ -
4	EXCAVATION, CLASS 10	CY	8,313.60		8,313.60	\$ 18.00		\$ -		\$ -		\$ -		\$ -	\$ -
5	SUBGRADE PREPARATION	SY	17,500.00		17,500.00	\$ 4.00		\$ -		\$ -		\$ -		\$ -	\$ -
6	SUBGRADE TREATMENT, GEO-GRID	SY	7,400.00		7,400.00	\$ 6.00		\$ -		\$ -		\$ -		\$ -	\$ -
7	SUBBASE, MODIFIED, 6 IN.	SY	17,500.00		17,500.00	\$ 12.50		\$ -		\$ -		\$ -		\$ -	\$ -
8	SUBBASE, MODIFIED, 4 IN.	SY	5,425.00		5,425.00	\$ 10.50		\$ -		\$ -		\$ -		\$ -	\$ -
9	TRENCH FOUNDATION	TON	100.00		100.00	\$ 55.00		\$ -		\$ -		\$ -		\$ -	\$ -
10	REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL	CY	700.00		700.00	\$ 85.00		\$ -		\$ -		\$ -		\$ -	\$ -
11	SANITARY SEWER GRAVITY MAIN, TRENCHED, PVC, SDR 26, 8 IN.	LF	1,024.00		1,024.00	\$ 425.00		\$ -		\$ -		\$ -		\$ -	\$ -
12	SANITARY SEWER SERVICE , PVC, SDR 23.5, 6 IN.	EA	38.00		38.00	\$ 5,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
13	STORM SEWER, TRENCHED, RCP, 12 IN.	LF	110.00		110.00	\$ 145.00		\$ -		\$ -		\$ -		\$ -	\$ -
14	STORM SEWER, TRENCHED, RCP, 15 IN.	LF	1,860.00		1,860.00	\$ 150.00	15.00	\$ 2,250.00		\$ -		\$ -		\$ -	\$ 2,250.00
15	STORM SEWER, TRENCHED, RCP, 18 IN.	LF	455.00		455.00	\$ 175.00		\$ -		\$ -		\$ -		\$ -	\$ -
16	STORM SEWER, TRENCHED, RCP, 24 IN.	LF	270.00		270.00	\$ 200.00		\$ -		\$ -		\$ -		\$ -	\$ -
17	STORM SEWER, TRENCHED, RCP, 36 IN.	LF	380.00		380.00	\$ 275.00	115.00	\$ 31,625.00		\$ -		\$ -		\$ -	\$ 31,625.00
18	REMOVAL OF STORM SEWER, LESS THAN 36 IN.	LF	1,110.00		1,110.00	\$ 30.00	24.00	\$ 720.00		\$ -		\$ -		\$ -	\$ 720.00
19	SUBDRAIN, PERFORATED, 6 IN.	LF	4,350.00		4,350.00	\$ 25.00		\$ -		\$ -		\$ -		\$ -	\$ -
20	SUBDRAIN, PERFORATED, 8 IN.	LF	1,220.00		1,220.00	\$ 28.00		\$ -		\$ -		\$ -		\$ -	\$ -
21	SUBDRAIN CLEANOUT	EA	25.00		25.00	\$ 1,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
22	SUBDRAIN OUTLETS AND CONNECTIONS	EA	40.00		40.00	\$ 275.00		\$ -		\$ -		\$ -		\$ -	\$ -
23	STORM SEWER SERVICE STUB, PVC SDR 23.5, 6" (ROOF DRAIN CONNECTION)	LF	180.00		180.00	\$ 55.00		\$ -		\$ -		\$ -		\$ -	\$ -
24	WATER MAIN, TRENCHED, PVC, C900, 8 INCH	LF	2,700.00		2,700.00	\$ 110.00		\$ -		\$ -		\$ -		\$ -	\$ -
25	WATERMAIN FITTINGS BY WEIGHT, DUCTILE IRON	LBS	1,462.00		1,462.00	\$ 15.00		\$ -		\$ -		\$ -		\$ -	\$ -
26	WATER SERVICE, TYPE K COPPER, 3/4 IN.	EA	52.00		52.00	\$ 2,300.00		\$ -		\$ -		\$ -		\$ -	\$ -
27	WATER SERVICE, TYPE K COPPER, 2 IN.	EA	1.00		1.00	\$ 3,500.00		\$ -		\$ -		\$ -		\$ -	\$ -
28	WATER SERVICE CURB STOP AND BOX	EA	53.00		53.00	\$ 885.00		\$ -		\$ -		\$ -		\$ -	\$ -
29	TEMPORARY WATER SYSTEM	LS	1.00		1.00	\$ 165,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
30	VALVE, GATE, 6 INCH	EA	1.00		1.00	\$ 1,800.00		\$ -		\$ -		\$ -		\$ -	\$ -
31	VALVE, GATE, 8 INCH	EA	8.00		8.00	\$ 2,300.00		\$ -		\$ -		\$ -		\$ -	\$ -
32	TAPPING VALVE ASSEMBLY, 8 INCH	EA	3.00		3.00	\$ 7,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
33	FIRE HYDRANT ASSEMBLY	EA	4.00		4.00	\$ 6,800.00		\$ -		\$ -		\$ -		\$ -	\$ -
34	FIRE HYDRANT ASSEMBLY, RELOCATE	EA	1.00		1.00	\$ 3,800.00		\$ -		\$ -		\$ -		\$ -	\$ -
35	FIRE HYDRANT ASSEMBLY REMOVAL	EA	6.00		6.00	\$ 1,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
36	SANITARY MANHOLE, SW-301, 48 INCH	EA	6.00		6.00	\$ 7,100.00		\$ -		\$ -		\$ -		\$ -	\$ -
37	STORM MANHOLE, SW-401, 48 INCH	EA	15.00		15.00	\$ 5,500.00		\$ -		\$ -		\$ -		\$ -	\$ -
38	STORM MANHOLE, SW-401, 60 INCH	EA	6.00		6.00	\$ 8,800.00	0.75	\$ 6,600.00		\$ -		\$ -		\$ -	\$ 6,600.00
39	STORM MANHOLE, SW-401, 72 INCH	EA	1.00		1.00	\$ 12,000.00	0.75	\$ 9,000.00		\$ -		\$ -		\$ -	\$ 9,000.00
40	INTAKE, SW-501	EA	28.00		28.00	\$ 4,500.00	0.75	\$ 3,375.00		\$ -		\$ -		\$ -	\$ 3,375.00
41	INTAKE, SW-511	EA	1.00		1.00	\$ 4,500.00		\$ -		\$ -		\$ -		\$ -	\$ -
42	MANHOLE ADJUSTMENT, MINOR	EA	6.00		6.00	\$ 3,200.00		\$ -		\$ -		\$ -		\$ -	\$ -
43	CONNECTION TO EXISTING MANHOLE/INTAKE, STORM SEWER	EA	3.00		3.00	\$ 6,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
44	CONNECTION TO EXISTING MANHOLE, SANITARY SEWER	EA	6.00		6.00	\$ 5,500.00		\$ -		\$ -		\$ -		\$ -	\$ -
45	REMOVE MANHOLE	EA	9.00		9.00	\$ 1,000.00	1.00	\$ 1,000.00		\$ -		\$ -		\$ -	\$ 1,000.00
46	REMOVE INTAKE	EA	18.00		18.00	\$ 1,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
47	PAVEMENT, PCC, 7 IN.	SY	3,700.00		3,700.00	\$ 65.00		\$ -		\$ -		\$ -		\$ -	\$ -
48	PAVEMENT, PCC, 8 IN.	SY	10,900.00		10,900.00	\$ 85.00		\$ -		\$ -		\$ -		\$ -	\$ -
49	PAVEMENT, PCC, 8 IN., COLORED	SY	250.00		250.00	\$ 130.00		\$ -		\$ -		\$ -		\$ -	\$ -
50	PCC CURB AND GUTTER, 2'	LF	6,775.00		6,775.00	\$ 80.00		\$ -		\$ -		\$ -		\$ -	\$ -
51	CONCRETE MEDIAN	SY	55.00		55.00	\$ 100.00		\$ -		\$ -		\$ -		\$ -	\$ -
52	REMOVAL OF SIDEWALK/DRIVEWAY	SY	4,850.00		4,850.00	\$ 12.00	185.00	\$ 2,220.00		\$ -		\$ -		\$ -	\$ 2,220.00
53	SIDEWALK, PCC, 5 INCH	SY	4,300.00		4,300.00	\$ 45.00		\$ -		\$ -		\$ -		\$ -	\$ -
54	SIDEWALK, PCC, 6 INCH	SY	960.00		960.00	\$ 50.00		\$ -		\$ -		\$ -		\$ -	\$ -
55	SIDEWALK, PCC, 5 INCH, COLORED	SY	170.00		170.00	\$ 95.00		\$ -		\$ -		\$ -		\$ -	\$ -
56	SIDEWALK UNIT PAVER W/ PCC BASE	SF	4,225.00		4,225.00	\$ 25.00		\$ -		\$ -		\$ -		\$ -	\$ -
57	DETECTABLE WARNING	SF	640.00		640.00	\$ 50.00		\$ -		\$ -		\$ -		\$ -	\$ -
58	DRIVEWAY, PAVED, PCC, 6 INCH	SY	240.00		240.00	\$ 55.00		\$ -		\$ -		\$ -		\$ -	\$ -
59	PAVEMENT REMOVAL	SY	24,700.00		24,700.00	\$ 14.00	2156.00	\$ 30,184.00		\$ -		\$ -		\$ -	\$ 30,184.00
60	STORAGE AGGREGATE	TON	5,420.00		5,420.00	\$ 40.00		\$ -		\$ -		\$ -		\$ -	\$ -
61	FILTER AGGREGATE	TON	1,330.00		1,330.00	\$ 45.00		\$ -		\$ -		\$ -		\$ -	\$ -
62	PERMEABLE INTERLOCKING PAVERS	SY	5,160.00		5,160.00	\$ 62.50		\$ -		\$ -		\$ -		\$ -	\$ -
63	PCC EDGE RESTRAINT, 2 FT	LF	2,100.00		2,100.00	\$ 25.00		\$ -		\$ -		\$ -		\$ -	\$ -
64	PAINTED PAVEMENT MARKINGS, DURABLE	STA	65.00		65.00	\$ 575.00	13.30	\$ 7,647.50		\$ -		\$ -		\$ -	\$ 7,647.50
65	PERMANENT TAPE MARKINGS, PREFORMED THERMOPLASTIC MARKING	STA	27.00		27.00	\$ 730.00		\$ -		\$ -		\$ -		\$ -	\$ -
66	PAINTED SYMBOLS AND LEGENDS	EA	15.00		15.00	\$ 325.00		\$ -		\$ -		\$ -		\$ -	\$ -
67	TYPE A SIGN, SHEET ALUMINUM	EA	45.00		45.00	\$ 425.00		\$ -		\$ -		\$ -		\$ -	\$ -
68	TEMPORARY TRAFFIC CONTROL	LS	1.00		1.00	\$ 75,000.00	0.10	\$ 7,500.00		\$ -		\$ -		\$ -	\$ 7,500.00
69	SOD	SQ	100.00		100.00	\$ 75.00		\$ -		\$ -		\$ -		\$ -	\$ -
70	DECIDUOUS SHRUBS	EA	60.00		60.00	\$ 150.00		\$ -		\$ -		\$ -		\$ -	\$ -
71	PERENNIAL GROUND COVER (1 GAL.)	EA	2,134.00		2,134.00	\$ 20.00		\$ -		\$ -		\$ -		\$ -	\$ -
72	DECIDUOUS TREE	EA	43.00		43.00	\$ 550.00		\$ -		\$ -		\$ -		\$ -	\$ -
73	TREE GRATE AND FRAME	EA	24.00		24.00	\$ 500.00		\$ -		\$ -		\$ -		\$ -	\$ -
74	SWPPP PREPARATION	LS	1.00		1.00	\$ 2,000.00	1.00	\$ 2,000.00		\$ -		\$ -		\$ -	\$ 2,000.00

75	SWPPP MANAGEMENT	LS	1.00		1.00	\$ 13,500.00	0.02	\$ 270.00		\$ -		\$ -		\$ -	\$ 270.00
76	FILTER SOCK, 8 INCH	LF	1,500.00		1,500.00	\$ 2.50		\$ -		\$ -		\$ -		\$ -	\$ -
77	TEMPORARY RECP, TYPE 3 A	SY	270.00		270.00	\$ 3.00		\$ -		\$ -		\$ -		\$ -	\$ -
78	EROSION CONTROL MULCHING, HYDROMULCHING	AC	2.00		2.00	\$ 2,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
79	INLET PROTECTION DEVICE, DROP IN	EA	41.00		41.00	\$ 265.00	1.00	\$ 265.00		\$ -		\$ -		\$ -	\$ 265.00
80	VAULT, FILL	EA	1.00		1.00	\$ 7,400.00		\$ -		\$ -		\$ -		\$ -	\$ -
81	CISTERN ABANDONMENT	EA	3.00		3.00	\$ 8,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
82	MOBILIZATION	LS	1.00		1.00	\$ 1,000,000.00	0.10	\$ 100,000.00		\$ -		\$ -		\$ -	\$ 100,000.00
83	CONCRETE WASHOUT	LS	1.00		1.00	\$ 10,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
84	MONUMENT TYPE 1 (ARCHWAY MONUMENT)	EA	-		-	\$ 200,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
85	MONUMENT TYPE 2 (GATEWAY MONUMENT)	EA	-		-	\$ 75,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
86	MONUMENT TYPE 3 (HIGHWAY MONUMENT)	EA	-		-	\$ 75,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
87	STEEL BENCH	EA	9.00		9.00	\$ 3,250.00		\$ -		\$ -		\$ -		\$ -	\$ -
88	LITTER RECEPTACLE	EA	6.00		6.00	\$ 3,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
89	BIKE RACK	EA	6.00		6.00	\$ 925.00		\$ -		\$ -		\$ -		\$ -	\$ -
90	EVENT POWER PEDESTAL	EA	7.00		7.00	\$ 1,500.00		\$ -		\$ -		\$ -		\$ -	\$ -
91	1' CONCRETE BAND	LF	1,270.00		1,270.00	\$ 35.00		\$ -		\$ -		\$ -		\$ -	\$ -
92	PLANTER CURB	LF	430.00		430.00	\$ 85.00		\$ -		\$ -		\$ -		\$ -	\$ -
93	SEAT WALL	LF	108.00		108.00	\$ 125.00		\$ -		\$ -		\$ -		\$ -	\$ -
94	BIO-RETENTION ROCK CHAMBER	TON	35.00		35.00	\$ 100.00		\$ -		\$ -		\$ -		\$ -	\$ -
95	RAIN GUARDIAN TURRET	EA	5.00		5.00	\$ 7,500.00		\$ -		\$ -		\$ -		\$ -	\$ -
96	NYLOPLAST OUTLET STRUCTURE, 12 INCH DIAMETER	EA	5.00		5.00	\$ 1,400.00		\$ -		\$ -		\$ -		\$ -	\$ -
97	SALVAGE STREET LIGHT POLE	EA	12.00		12.00	\$ 350.00	1.50	\$ 525.00		\$ -		\$ -		\$ -	\$ 525.00
98	PLANTER POT	EA	4.00		4.00	\$ 2,125.00		\$ -		\$ -		\$ -		\$ -	\$ -
99	GFCI RECEPTACLE	EA	32.00		32.00	\$ 950.00		\$ -		\$ -		\$ -		\$ -	\$ -
100	LIGHTING UNIT (INSTALL ONLY)	EA	52.00		52.00	\$ 1,650.00		\$ -		\$ -		\$ -		\$ -	\$ -
101	SERVICE CABINET	EA	2.00		2.00	\$ 4,350.00		\$ -		\$ -		\$ -		\$ -	\$ -
102	HANDHOLE	EA	59.00		59.00	\$ 750.00		\$ -		\$ -		\$ -		\$ -	\$ -
103	3/4 INCH PVC CONDUIT TRENCHED	LF	1,699.00		1,699.00	\$ 10.50		\$ -		\$ -		\$ -		\$ -	\$ -
104	1-1/2" INCH PVC CONDUIT TRENCHED	LF	6,673.00		6,673.00	\$ 12.50		\$ -		\$ -		\$ -		\$ -	\$ -
105	2" INCH PVC CONDUIT TRENCHED	LF	650.00		650.00	\$ 16.50		\$ -		\$ -		\$ -		\$ -	\$ -
106	3" INCH PVC CONDUIT TRENCHED	LF	945.00		945.00	\$ 21.00		\$ -		\$ -		\$ -		\$ -	\$ -
107	1-1/2" HDPE CONDUIT HDD	LF	866.00		866.00	\$ 24.00		\$ -		\$ -		\$ -		\$ -	\$ -
108	#6 AWG CONDUCTOR	LF	26,943.00		26,943.00	\$ 2.00		\$ -		\$ -		\$ -		\$ -	\$ -
109	#8 AWG CONDUCTOR	LF	5,216.00		5,216.00	\$ 1.50		\$ -		\$ -		\$ -		\$ -	\$ -
110	#10 AWG CONDUCTOR	LF	3,661.00		3,661.00	\$ 1.50		\$ -		\$ -		\$ -		\$ -	\$ -
111	#12 AWG CONDUCTOR	LF	1,244.00		1,244.00	\$ 1.25		\$ -		\$ -		\$ -		\$ -	\$ -
112	YARD HYDRANT	EA	16.00		16.00	\$ 2,300.00		\$ -		\$ -		\$ -		\$ -	\$ -
113	PERMEABLE PAVER MONITORING WELL	EA	6.00		6.00	\$ 2,000.00		\$ -		\$ -		\$ -		\$ -	\$ -
114	"PEDESTRIAN ACCESS OPEN" SIGN	LS		1.00	1.00	\$ 3,496.50	0.50	\$ 1,748.25		\$ -		\$ -		\$ -	\$ 1,748.25
DIVISION 2															
D2.1	FULL DEPTH PATCHES	SY	30.00		30.00	\$ 90.00		\$ -		\$ -		\$ -		\$ -	\$ -
D2.2	PAVEMENT REMOVAL	SY	30.00		30.00	\$ 50.00		\$ -		\$ -		\$ -		\$ -	\$ -
D2.3	TRAFFIC SIGNAL MODIFICATIONS	LS	1.00		1.00	\$ 2,875.00	1.00	\$ 2,875.00		\$ -		\$ -		\$ -	\$ 2,875.00
D2.4	PAINTED PAVEMENT MARKINGS, PREFORMED THERMOPLASTIC MARKING	STA	22.50		22.50	\$ 700.00	9.36	\$ 6,552.00		\$ -		\$ -		\$ -	\$ 6,552.00
D2.5	PAINTED SYMBOLS AND LEGENDS	EA	16.00		16.00	\$ 325.00	16.00	\$ 5,200.00		\$ -		\$ -		\$ -	\$ 5,200.00
D2.6	PAVEMENT MARKINGS REMOVED	STA	10.00		10.00	\$ 200.00	10.00	\$ 2,000.00		\$ -		\$ -		\$ -	\$ 2,000.00
D2.7	PAVEMENT SYMBOLS REMOVED	EA	4.00		4.00	\$ 115.00	4.00	\$ 460.00		\$ -		\$ -		\$ -	\$ 460.00
D2.8	TYPE A SIGN, SHEET ALUMINUM	EA	4.00	4.00	8.00	\$ 425.00	4.00	\$ 1,700.00		\$ -		\$ -		\$ -	\$ 1,700.00
D2.9	CONCRETE MEDIAN, 4" SLOPED CURB	SY		27.30	27.30	\$ 183.15		\$ -		\$ -		\$ -		\$ -	\$ -
D2.10	GROOVES CUT FOR PAVEMENT MARKINGS	STA		3.00	3.00	\$ 149.85		\$ -		\$ -		\$ -		\$ -	\$ -
D2.11	BOLLARDS	EA		4.00	4.00	\$ 555.00		\$ -		\$ -		\$ -		\$ -	\$ -
D2.12	WET RETROFLECTIVE REMOVABLE TAPE MARKINGS	STA		6.00	6.00	\$ 166.50		\$ -		\$ -		\$ -		\$ -	\$ -
D2.13	MOBILIZATION	LS		1.00	1.00	\$ 1,054.50		\$ -		\$ -		\$ -		\$ -	\$ -
								City		City - Sanitary Sewer		SRF		IMU - Water	Total
								Total Completed to Date:	\$ 225,716.75	\$ -		\$ -		\$ -	\$ 225,716.75
								Retained Percentage (5%):	\$ 11,285.84	\$ -		\$ -		\$ -	\$ 11,285.84
								Total Amount of Previous Payments:	\$ -	\$ -		\$ -		\$ -	\$ -
								Net Amount Due:	\$ 214,430.91	\$ -		\$ -		\$ -	\$ 214,430.91

Meeting Date: 07/06/2021

Subject

Resolution approving the purchase of a vehicle for the Police Department.

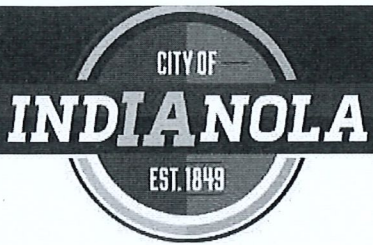
Information

In the City's Capital Improvement Plan (CIP) for FY22, the Indianola Police Department is replacing one of their detective vehicles. The state bid is currently \$28,695. The department is receiving a trade-in of \$3,500 on the current vehicle, which places the final cost at \$25,195. Their original estimate in the CIP was \$25,000. The City's purchasing policy allows for purchases through the state contract price without receiving multiple quotes.

Attachments

Vehicle Purchase Memorandum

Resolution Approving Purchase



— POLICE DEPARTMENT —

June 23rd, 2021

To: Mayor & City Council

From: Lieutenant Rob Hawkins

CC: Andy Lent, Director of Finance; Ryan Waller, City Manager

Re: Patrol vehicle purchase authorization

In line with the Indianola Police Department Fleet Vehicle acquisition and replacement schedule, the Indianola Police Department was approved to purchase one (1) new detective vehicle for the FY22 year. We are requesting council approval to purchase and authorize payment for one 2021 Jeep Grand Cherokee Laredo. This vehicle was bid out by Stew Hansen Dodge City in Urbandale, Iowa at the Iowa state bid price of \$25,195.00 including a trade in. As part of this purchase, IPD will be trading in a 2012 Dodge Avenger for \$3,500.00.

Approvals:

Finance _____

HR _____

Clerk _____

2021 Jeep Grand Cherokee Laredo



Stew Hansen Dodge City

Jeep



Prepared For:

Prepared By:

Administrator
Stew Hansen Dodge City
12103 Hickman Rd
Urbandale, Iowa, 50323
Phone: 515.251.4234

SELECTED EQUIPMENT

2021 Jeep Grand Cherokee

4dr 4x4 Laredo (WKJH74)

MSRP

WKJH74	Base Vehicle Price (WKJH74)	STD	35,095.00
Packages			
2BE	Quick Order Package 2BE Laredo E	OPT	1,550.00
Powertrain			
ERC	Engine: 3.6L V6 24V VVT UPG I w/ESS	STD	N/C
DFT	Transmission: 8-Speed Automatic (850RE) (MAKE)	STD	N/C
DLK	3.45 Rear Axle Ratio	STD	N/C
Z6K	GVWR: 6,500 lbs	STD	N/C
Wheels & Tires			
TDC	Tires: 265/60R18 BSW A/S LRR	STD	N/C
WK4	Wheels: 18" x 8.0" Fine Silver Aluminum	STD	N/C
Seats & Seat Trim			
A5	Cloth Bucket Seats	STD	N/C
Other Options			
APA	Monotone Paint Application	STD	N/C
SDA	Normal Duty Suspension	STD	N/C
AHX	Trailer Tow Group IV 180 Amp Alternator; 7 & 4 Pin Wiring Harness; Class IV Receiver Hitch; (TBP) Full Size Spare Tire; Rear Load Leveling Suspension; Steel Spare Wheel	OPT	995.00
UAG	Radio: Uconnect 4 w/7" Display	STD	N/C

The information contained in this package is provided to assist in assessing our vehicles and is for your information only. Prices and content information shown are subject to change and should be treated as estimates only. Information on the comparison vehicle is derived from available public sources and may not be completely current or accurate. No representations, warranties or guarantees are given in the information. Neither Chrysler nor the dealer will be liable for any reliance on the contents hereof. Please see salesperson for the most current information and other details. Actual pricing may vary. Reference DX05102932 3/1/2021

SELECTED EQUIPMENT Continued

		MSRP	
Fleet Options			
	FCA 5 yr/100,000 Mile Powertrain Limited Warranty <i>All properly reported FCA Group LLC commercial fleet vehicles (NVDR type sale 3 and type sale 5) receive the 3 year 36,000 mile Basic Limited Warranty and the 5 year 100,000 mile Fleet Powertrain coverage. The 5 year/100,000 mile Fleet Powertrain coverage will go with the vehicle, so there will be no need to do warranty transfers and there will be no charge to second/subsequent owners to continue the warranty beyond the original owner. THIS LIMITED WARRANTY IS PROVIDED TO OWNERS of a Chrysler, Dodge, Jeep and RAM vehicle (excluding vehicles equipped with diesel engines) who purchased it through FCA US LLC specifically for Fleet Government Bid/Leases and Fleet Commercial/Lease orders only.</i>	OPT	N/C
TBP	Full Size Spare Tire	INC	Included
Interior Colors For : Primary w/Laredo			
X9	Black	OPT	N/C
Primary Colors For : Primary w/Laredo			
PXJ	Diamond Black Crystal Pearlcoat	OPT	245.00
Vehicle Subtotal			\$37,885.00
Destination			\$1,495.00
Vehicle Subtotal (including Destination)			\$39,380.00

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Prepared For:

Prepared By:

Administrator
Stew Hansen Dodge City
12103 Hickman Rd
Urbandale, Iowa, 50323
Phone: 515.251.4234

PRICE SHEET

2021 Jeep Grand Cherokee

4dr 4x4 Laredo (WKJH74)

	MSRP
Vehicle Price (excluding option discounts)	\$37,885.00
Vehicle Subtotal	\$37,885.00
Option Credits	0.00
Other (Discount)Margin	(10,685.00)
Incentives	0.00
Total Other Items	(10,685.00)
Net Selling Price	\$27,200.00
Destination	1,495.00
Total Quote	\$28,695.00
Less: Trade In	3,500.00
<i>2012 Dodge Avenger Serial #: 1C3CDZABXCN141918 w/ 69,200.00 miles. Condition: Average Gross amount 3,500.00 less lien amount 0.00</i>	
Net Difference	25,195.00
Lien payment for :2012 Dodge Avenger	0.00
TOTAL	\$25,195.00

Customer Signature

Date

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**Prepared For:****Prepared By:**

Administrator
Stew Hansen Dodge City
12103 Hickman Rd
Urbandale, Iowa, 50323
Phone: 515.251.4234

DIMENSIONS & CAPACITIES**2021 Jeep Grand Cherokee****4dr 4x4 Laredo (WKJH74)**

Output	293 hp @ 6,400 rpm
Torque	260 lb.-ft. @ 4,000 rpm
Drag coefficient	0.37
1st gear ratio	4.714
2nd gear ratio	3.143
3rd gear ratio	2.106
4th gear ratio	1.667
5th gear ratio	1.285
6th gear ratio	1.000
7th gear ratio	0.839
8th gear ratio	0.667
Reverse gear ratio	3.295
City/hwy	18 mpg/25 mpg
Curb weight	4,625 lbs.
GVWR	6,500 lbs.
Front GAWR	3,200 lbs.
Rear GAWR	3,700 lbs.
Payload	1,370 lbs.
Towing capacity	6,200 lbs.
Front legroom	40.3 "
Rear legroom	38.6 "
Front headroom	39.9 "
Rear headroom	39.2 "
Front hiproom	57.0 "
Rear hiproom	56.2 "
Front shoulder room	58.7 "
Rear shoulder room	58.0 "
Passenger area volume	105.4 cu.ft.
Length	189.8 "
Body width	76.5 "
Body height	69.3 "
Wheelbase	114.8 "
Front track	63.9 "
Rear track	64.1 "

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DIMENSIONS & CAPACITIES Continued

Turning radius	18.5 '
Fuel tank	24.6 gal.
Interior cargo volume	36.3 cu.ft.
Interior cargo volume seats folded	68.3 cu.ft.
Interior maximum cargo volume	68.3 cu.ft.

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Prepared For:

Prepared By:

Administrator
Stew Hansen Dodge City
12103 Hickman Rd
Urbandale, Iowa, 50323
Phone: 515.251.4234

WARRANTY

2021 Jeep Grand Cherokee

4dr 4x4 Laredo (WKJH74)

Months/Distance

Basic	36 month/36,000 miles
Powertrain	60 month/100,000 miles
Corrosion Perforation	60 month/unlimited mileage
Roadside Assistance	60 month/60,000 miles
Maintenance	36 month/unlimited mileage

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Effective Date: 3/1/2021
Date Printed: April 06, 2021

Page 7
QuoteID: <None>

City of Indianola
RESOLUTION 2021-

RESOLUTION APPROVING PURCHASE OF POLICE VEHICLE

WHEREAS, the Indianola Police Department has budgeted \$25,000 for a replacement vehicle in Fiscal Year 22, as included in the Capital Improvement Plan; and

WHEREAS, the Department will receive a trade-in of \$3,500 on the current vehicle; and

WHEREAS, the State Bid is \$28,695, which places the final cost at \$25,195.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Indianola, Iowa approves the purchase of one (1) 2021 Jeep Grand Cherokee Laredo vehicle for the Indianola Police Department in the amount of \$25,195.

Passed and approved this 6th day of July 2021.

APPROVED:

Pamela Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO

Meeting Date: 07/06/2021

Subject

Approval of an order accepting acknowledgement/settlement agreement with Murphy USA.

Information

Murphy USA has waived the right to a hearing on tobacco violations and has remitted a civil penalty in the amount of \$300 to the City. Council is asked to accept the signed order accepting acknowledgement/settlement agreement.

Attachments

Order Accepting Settlement
Murphy USA Agreement

**ORDER ACCEPTING
ACKNOWLEDGMENT/SETTLEMENT AGREEMENT**

IN RE:	:	
	:	
Permit Holder:	:	
Murphy USA	:	FIRST VIOLATION
1502 N Jefferson	:	
Indianola, IA 50125	:	
	:	

NOW ON THIS the ____ day of _____, 2021, in lieu of a public hearing on the matter, the Indianola City Council approves the attached Acknowledgment/Settlement Agreement between the above captioned Permit Holder and the City of Indianola.

WHEREFORE, the Indianola City Council **FINDS** that the above captioned Permit Holder has remitted to the City of Indianola a civil penalty in the amount of Three Hundred Dollars (\$300.00). Be advised that this sanction will count as a First Violation of Iowa Code Section 453A.2(1), pursuant to Iowa Code Section 453A.22(2)(a).

IT IS THEREFORE ORDERED that the judgment in this matter is hereby satisfied.

Dated at Indianola, Iowa, the ____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andy Lent, City Clerk

Copies to:
Amy S. Beattie
BRICK, GENTRY, BOWERS, SWARTZ & LEVIS, P.C.
6701 Westown Parkway, Suite 100
West Des Moines, Iowa 50266
Telephone: (515) 274-1450
Fax: (515) 274-1488
E-mail: amy.beattie@brickgentrylaw.com

ACKNOWLEDGMENT/SETTLEMENT AGREEMENT

IN RE:	:	
	:	
Permit Holder:	:	
Murphy USA	:	FIRST VIOLATION
1502 N Jefferson	:	
Indianola, IA 50125	:	
	:	

We hereby knowingly and voluntarily acknowledge that we have received the Notice of Hearing and the Hearing Complaint filed against us in the above-captioned case. We hereby knowingly and voluntarily acknowledge the facts and allegations contained in the Hearing Complaint, attached hereto and incorporated herein by reference, and knowingly and voluntarily admit that the same are true and correct. We hereby knowingly and voluntarily waive hearing, and submit to the statutory penalties prescribed by Iowa law. We understand that this penalty will count as an official "First Violation" of Iowa Code Section 453A.2 pursuant to Iowa Code Section 453A.22. We have enclosed a check for the amount of \$300.00 made payable to the "City of Indianola" to settle the above-referenced Hearing Complaint. In signing below, I hereby certify that I have the authority to bind the above-named Permit Holder.

By: 
Title: VP Asset Development

On behalf of Permit Holder: Murphy USA
1502 N. Jefferson
Indianola, 50125

Mailing Address: Murphy USA PO Box 7300 El Dorado AR 71731 ATTN: Permits

If you decide to sign this Acknowledgment/Settlement Agreement and waive your appearance at a hearing, this document, properly signed and dated, along with your \$300.00 check made payable to the "City of Indianola", must be returned to:

Amy S. Beattie
BRICK, GENTRY, BOWERS, SWARTZ & LEVIS, P.C.
6701 Westown Parkway, Suite 100
West Des Moines, Iowa 50266
Telephone: (515) 274-1450
Fax: (515) 274-1488
E-mail: amy.beattie@brickgentrylaw.com

ATTORNEY FOR THE CITY OF INDIANOLA, IA

Meeting Date: 07/06/2021

Subject

Third and final consideration of an Ordinance approving the right-of-way vacation and conveyance of a portion of the east/west alley that lies between Lots 1, 2, 3 and Lots 10, 11, 12 and a portion of the north/south alley that lies between Lots 3 and 4, all in Block 14 of the Plat of Jones and Windles Addition to Indianola, Warren County, Iowa to Peterson Funeral Service, Inc.

Information

Attachments

Ordinance

ORDINANCE NO. 2021 - _____

AN ORDINANCE VACATING A PORTION OF THE EAST/WEST ALLEY THAT LIES BETWEEN LOTS 1, 2, 3 AND LOTS 10, 11, 12 AND A PORTION OF THE NORTH/SOUTH ALLEY THAT LIES BETWEEN LOTS 3 AND 4, ALL IN BLOCK 14 OF THE PLAT OF JONES AND WINDLES ADDITION TO INDIANOLA, WARREN COUNTY, IOWA

WHEREAS, on the 7th day of June, 2021, pursuant to published notice as required by law, the City Council of the City of Indianola, Iowa held a public hearing on a proposal to vacate a portion of real estate owned by the City generally described as an alley and more specifically described as:

A portion of the east/west alley that lies between Lots 1, 2, 3 and Lots 10, 11, 12 and a portion of the north/south alley that lies between Lots 3 and 4, all in Block 14 of the Plat of Jones and Windles Addition to Indianola, Warren County, Iowa; and

WHEREAS, the City Council of the City of Indianola, Iowa, has determined that it is in the best interests of the City to vacate said alley.

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

Section 1. The City of Indianola, Iowa, hereby vacates the following described real estate:

A portion of the east/west alley that lies between Lots 1, 2, 3 and Lots 10, 11, 12 and a portion of the north/south alley that lies between Lots 3 and 4, all in Block 14 of the Plat of Jones and Windles Addition to Indianola, Warren County, Iowa

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

First reading: _____
Second reading: _____
Third reading: _____
Publication Date: _____

Meeting Date: 07/06/2021

Subject

Second consideration of an Ordinance approving the vacation of a Storm Sewer and Drainage Way Easement on part of Lot 1, Williams Terrace Plat 1.

Information

Roll call is in order.

Attachments

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE VACATING 50' STORM SEWER AND DRAINAGE
EASEMENT AT LOT 1 WILLIAMS TERRACE PLAT 1**

WHEREAS, on the 21st day of June 2021, pursuant to published notice as required by law, the City Council has held a public hearing on a proposal to vacate a storm sewer and drainage easement legally described as follows:

PART OF LOT 1, WILLIAMS TERRACE PLAT 1, IN THE CITY OF INDIANOLA, WARREN COUNTY, IOWA AS RECORDED IN INSTRUMENT NO. 2021-05221 IN THE OFFICE OF THE WARREN COUNTY, IOWA RECORDER.

EASEMENT ORIGINALLY ESTABLISHED WITH THE REPLAT - HILLCREST INDUSTRIAL PARK PLAT 1, INDIANOLA, WARREN COUNTY, IOWA AS RECORDED IN BOOK 10, PAGES 649-651 IN THE OFFICE OF THE WARREN COUNTY, IOWA RECORDER; and

WHEREAS, the City Council of the City of Indianola, Iowa, has determined that it is in the best interests of the City to vacate said storm sewer and drainage easement.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Indianola, Iowa, as follows:

Section 1. The City of Indianola, Iowa, hereby vacates the following described storm sewer and drainage easement:

PART OF LOT 1, WILLIAMS TERRACE PLAT 1, IN THE CITY OF INDIANOLA, WARREN COUNTY, IOWA AS RECORDED IN INSTRUMENT NO. 2021-05221 IN THE OFFICE OF THE WARREN COUNTY, IOWA RECORDER.

EASEMENT ORIGINALLY ESTABLISHED WITH THE REPLAT - HILLCREST INDUSTRIAL PARK PLAT 1, INDIANOLA, WARREN COUNTY, IOWA AS RECORDED IN BOOK 10, PAGES 649-651 IN THE OFFICE OF THE WARREN COUNTY, IOWA RECORDER.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this 21st day of June 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Second consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for adult entertainment and uses.

Information

Attachments

Adult Entertainment Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF
INDIANOLA, IOWA CREATING REGULATIONS FOR ADULT
ENTERTAINMENT AND USES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. The following chapter and sections be and is hereby added by
inserting the language as follows:

**CHAPTER 128
ADULT ENTERTAINMENT AND USES**

128.01 PURPOSE AND INTENT.

128.02 DEFINITIONS.

128.03 CLASSIFICATION AND STANDARDS OF CONDUCT AND OPERATION.

128.04 PERMIT REQUIRED.

128.05 ISSUANCE OF PERMIT.

128.06 FEES.

128.07 INSPECTION.

128.08 EXPIRATION OF PERMIT.

128.09 SUSPENSION.

128.10 REVOCATION.

128.11 TRANSFER OF PERMIT.

128.12 LOCATION RESTRICTIONS.

128.13 NONCONFORMING USES.

128.14 ADDITIONAL REGULATION FOR ADULT MOTELS.

**128.15 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT
FILMS OR VIDEOS.**

128.16 EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES.

128.17 SIGNAGE.

128.18 PERSONS YOUNGER THAN EIGHTEEN PROHIBITED.

128.19 MESSAGES OR BATHS ADMINISTERED.

128.20 CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED.

128.21 NOTICES.

128.22 INJUNCTION.

128.23 EXEMPTIONS

128.01 PURPOSE AND INTENT.

It is the purpose of this chapter to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually

oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.

128.02 DEFINITIONS.

The following terms are defined for use in this chapter:

1. "Administrator" means the zoning administrator or police chief, and such employees of the police department as the police chief may designate to perform the duties of the administrator under this chapter.
2. "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machines at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
3. "Adult Bookstore" or "Adult Video Store" means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration, any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical area; or
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store, so long as one of its principal business purposes is the offering for sale or rental for consideration, the specified materials which depict or describe specified sexual activities or specified anatomical areas. A principal business purpose need not be a primary use of an establishment, so long as it is a significant use, based upon the visible inventory or commercial activity of the establishment.

4. "Adult Cabaret" means a commercial establishment that regularly features:
 - a. Persons who appear in a state of semi-nudity; or
 - b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

- d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interest or titillation of an audience or customers.
- 5. "Adult Motel" means a hotel, motel, or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration, and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of these adult types of photographic reproductions; or
 - b. Offers a sleeping room for rent for a period of time that is less than twenty-four hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four hours.
- 6. "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 7. "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- 8. "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 9. "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes for a fee, tip, or other consideration.
- 10. "Establishment" means and includes any of the following:
 - a. The opening or commencement of any sexually oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. The additions of any sexually oriented business to any other existing sexually oriented business; or
 - d. The relocation of any sexually oriented business.
- 11. "Licensed day-care center" means a facility licensed by the state, whether situated within the City or not, that provides care, training, education, custody, treatment, or supervision for more than twelve children under fourteen years of age, where such children are not related by blood, marriage, or adoption to the owner or operator of the facility, of less than twenty-four hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.
- 12. "Permittee" means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- 13. "Nude Model Studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched,

drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

14. "Nudity" or "State of Nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque, complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
15. "Semi-nude" means a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast with a fully opaque, complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
16. "Sexual Encounter Center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.
17. "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
18. "Specified Anatomical Areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
19. "Specified sexual activities" means and includes any of the following:
 - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of, or in connection with, any of the activities set forth in subsections A through C above.
20. "Substantial Enlargement" of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent from the original premises.
21. "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:
 - a. The sale, lease, or sublease of the business;
 - b. The transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c. The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

128.03 CLASSIFICATION AND STANDARDS OF CONDUCT AND OPERATION.

1. Sexually oriented businesses are classified as follows:

- A. Adult arcades;
 - B. Adult bookstores or adult video stores;
 - C. Adult cabarets;
 - D. Adult motels;
 - E. Adult motion picture theaters;
 - F. Adult theaters;
 - G. Escort agencies;
 - H. Nude model studios; and
 - I. Sexual encounter centers.
2. The following standards of conduct must be adhered to by entertainers and employees of any sexually oriented business while on the premises:
 - A. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume, or clothing so as to expose to view any specified anatomical area, except when such entertainer or employee is separated from any and all customers by a window or other partition which is maintained free of holes or other structural openings, which would permit physical contact between such entertainer and employee and any customer within the viewing area, and customers are not permitted within four feet of the window or other partition. However, a single opening in such window or partition, allowing for payment for entertainment, by a customer to the entertainer, shall be permitted and at this point, customers are permitted within two feet of the window or other partition to allow customers to reach the opening.
 - B. No employee or entertainer shall perform:
 1. Any specified sexual activities; or
 2. The displaying of any specified anatomical area, except as provided for in paragraph A of this subsection.
 - C. No employee or entertainer who is either not separated from any and all customers, as provided in paragraph A of this subsection, or in an area of the premises not open to customers, shall be unclothed or in less than opaque and complete attire, costume, or clothing, as described in paragraph A of this subsection.
 - D. No employee or entertainer shall knowingly touch any specified anatomical area of such employee or entertainer; or no employee or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed, or knowingly permit another person to fondle or caress any specified anatomical area of such employee or entertainer, whether such area is clothed, unclothed, covered, or exposed.
 - E. No entertainer shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, while such entertainer is unclothed or in such attire, costume, or clothing to expose to view any specified anatomical area or while performing any entertainment, either while clothed or unclothed.
 - F. No entertainer shall solicit, demand, or receive any payment or gratuity from any customer for any act prohibited by this chapter.

- G. No entertainer shall receive any payment of gratuity from any customer, except through an opening at the window or partition separating such entertainer from a customer, as described in paragraph A of this subsection.
- 3. At any sexually oriented business, the following are required:
 - A. A sign, on which upper-case letters are at least two inches high and lower-case letters are at least one inch high, shall be conspicuously displayed in the common area at the principal entrance and shall read as follows:
THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY THE CITY OF INDIANOLA, IOWA.
ENTERTAINERS ARE:
 - 1. Not permitted to engage in any type of sexual conduct on the premises or in prostitution;
 - 2. Not permitted to be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks and/or genitals, except when separated from customers by the window or partition between the entertainers and customers.
 - 3. Not permitted to receive any payment or gratuity from any customer, except through an opening in their window or partition separating such entertainer from a customer.

128.04 PERMIT REQUIRED.

- 1. It is unlawful for a person to operate a sexually oriented business without a valid permit issued by the administrator.
- 2. An application for a permit must be made on a form provided by the City. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- 3. The applicant must be qualified according to the provisions of this chapter, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, building official and zoning official.
- 4. If a person who wishes to operate a sexually oriented business is an individual, they must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or the entity that wishes to operate such a business, each individual having ten percent or greater interest in the corporation must sign the application for a permit as applicant.
- 5. The fact that a person possesses other types of state or city permits and/or licenses does not exempt said person from the requirement of obtaining a sexually oriented business permit.
- 6. Applications for a permit, whether original or renewal, must be made to the administrator by the intended operator of the enterprise. Applications must be submitted by hand delivery to the office of the administrator during regular working

hours. Application forms shall be supplied by the administrator. The intended operator shall be required to give the following information on the application:

- A. The name, street address (and mailing address, if different), and Iowa driver's license number of the intended operator;
 - B. The name and street address (and mailing address if different) of the owner;
 - C. The name under which the establishment is to be operated and a general description of the services to be provided;
 - D. The telephone number of the establishment;
 - E. The address and legal description of the tract of land on which the establishment is to be located;
 - F. If the establishment is in operation; the date on which the owner acquiring the establishment began operations as a sexually oriented business at the location for which the permit is sought; and
 - G. If the establishment is not in operation, the expected start-up date (which shall be expressed in number of days from the date of issuance of the permit). If the expected start-up date is to be more than ten days following the date of issuance of the permit, then a detailed explanation of the construction, repair, or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
 - H. Statement that the applicant has not been convicted of a felony or released from confinement for conviction of a felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of a misdemeanor or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, sexual abuse of a child or pornography and related offenses, as defined in the Code of Iowa, federal law, or the statutes of any other state, or controlled substance or illegal drugs or narcotics offenses, as defined in the Code of Iowa, federal law or the statutes of any other state, or has not been convicted of a municipal ordinance violation or released from confinement for conviction of a municipal ordinance violation, whichever event is later, within two years immediately preceding the application, where such municipal ordinance involved indecent exposure, prostitution or the possession or sale of controlled substances or illegal drugs or narcotics.
7. The application shall be accompanied by the following:
- A. Payment of the application fee in full.
 - B. If the establishment is an Iowa corporation, a certified copy of the articles of incorporation, together with all amendments thereto.
 - C. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in the state, together with all amendments thereto.
 - D. If the establishment is a partnership formed under the laws of the State, a certified copy of the certificate of partnership and the qualification documents, together with all amendments thereto.
 - E. If the establishment is a foreign partnership, a certified copy of the certificate of partnership and the qualification documents, together with all amendments thereto.

- F. Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed.
 - G. If the persons identified as the fee owners of the tract of land in item F are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract, or other document evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment.
 - H. Any of items B through G above shall not be required for a renewal if the applicant states that the documents previously furnished the administrator with the original application or previous renewals thereof remain correct and current.
8. The application shall contain a statement under oath that:
 - A. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and
 - B. The applicant has read the provisions of this chapter.
 9. A separate application and permit shall be required for each sexually oriented business.

128.05 ISSUANCE OF PERMIT.

1. The administrator shall approve the issuance of a permit to an applicant within thirty days after receipt of an application unless the administrator finds one or more of the following to be true:
 - A. An applicant is under eighteen years of age.
 - B. An applicant or an applicant's spouse is overdue in payment to the City of taxes, fines, or penalties assessed against said applicant or spouse or imposed in relation to a sexually oriented business.
 - C. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 - D. An applicant is residing with a person who has been denied a permit by the City to operate a sexually oriented business within the preceding twelve months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding twelve months.
 - E. The premises to be used for the sexually oriented business has not been approved by the health department, fire department, building official and zoning official as being in compliance with applicable laws and ordinances.
 - F. The permit fee required by this chapter has not been paid.
 - G. An application of the proposed establishment is in violation of or is not in compliance with applicable laws and ordinances.
2. The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business that it may be easily read at any time.

3. The health department, fire department, building official and zoning official shall complete their certification that the premises is in compliance or not in compliance within twenty days of receipt of the application by the administrator. The certification shall be promptly presented to the administrator.
4. In the event that the administrator determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within forty-five days after the receipt of the application by the administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this chapter.
5. An applicant may appeal the decision of the administrator regarding a denial to the Board of Adjustment by filing a written notice of appeal with within fifteen days after the applicant is given notice of the administrator's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal to the Board of Adjustment. After reviewing such memoranda, as well as the administrator's written decision, if any, and exhibits submitted to the administrator, the Board of Adjustment shall vote either to uphold or overrule the administrator's decision. Such vote shall be taken within twenty-one calendar days after the date on which the notice of appeal is received. However, all parties shall be required to comply with the administrator's decision during the pendency of the appeal.

128.06 FEES.

The annual fee for a sexually oriented business permit shall be as set by Resolution of the City Council. This fee is to be used to pay for the cost of the administration and enforcement of this chapter. Fees may be adjusted by action of City Council from time to time.

128.07 INSPECTION.

An applicant or permittee shall permit representatives of the police department or other city or state department or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

128.08 EXPIRATION OF PERMIT.

1. Each permit shall expire one year after the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least thirty days before the expiration date and when made less than thirty days before the expiration date, the expiration of the permit will not be affected.
2. When the administrator denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to the denial, the administrator finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety days has elapsed since the date the denial became final.

128.09 SUSPENSION.

The administrator shall suspend a permit for a period not to exceed thirty days if it is determined that the permittee or an employee of a permittee has:

1. Violated or is not in compliance with any section of this chapter;
2. Become impaired or intoxicated through the use of alcoholic beverages or controlled substances while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
4. Knowingly permitted illegal gambling by any person on the sexually oriented business premises.

128.10 REVOCATION.

1. The administrator shall revoke a permit if a cause of suspension in Section 128.09 occurs and the permit has been suspended within the preceding twelve months.
2. The administrator shall also revoke a permit if it is determined that:
 - A. A permittee gave false or misleading information in the material submitted during the application process.
 - B. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
 - C. A permittee or an employee has knowingly allowed prostitution on the premises.
 - D. A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.
 - E. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the premises.
 - F. A permittee is delinquent in the payment to the City or state for any taxes or fees past due.
 - G. The owner or operator of the establishment knowingly allowed a person under eighteen years of age to enter an establishment.
 - H. There was a change of owner or operator for which a transfer application was not filed in a timely manner.
3. When the Administrator revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented permit for one year from the date revocation became effective. If, subsequent to revocation, the administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety days has elapsed since the date the revocation became effective.

128.11 TRANSFER OF PERMIT.

A permittee shall not transfer the permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any other place than the address designated in the application.

128.12 LOCATION RESTRICTIONS.

A sexually oriented business shall be permitted in any I-3 zoned heavy industrial district, provided that:

1. The sexually oriented business may not be operated within 2,000 feet of:
 - A. A church or synagogue or regular place of religious worship;
 - B. A public or private elementary or secondary school;
 - C. A boundary of any residential district;
 - D. A public park;
 - E. A licensed day-care center;
 - F. Another sexually oriented business; or
 - G. Residential lot or residence.
2. A sexually oriented business may not be operated in the same building, structure or portion thereof, containing another sexually oriented business.
3. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, a regular place of worship, or a public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district or residential lot, or licensed day-care center.
4. For purposes of subsection 3 of this section, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

128.13 NONCONFORMING USES.

1. Any business lawfully operating on the effective date of the ordinance codified in this chapter (July 28, 2021) that is in violation of the configuration requirements with regard to structure and location contained in this chapter shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.
2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, synagogue or regular place of worship, public or private elementary school or secondary school, licensed day-care center, public park, or residential district within 2,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

128.14 ADDITIONAL REGULATION FOR ADULT MOTELS.

1. Evidence that a sleeping room in a hotel, motel or a similar commercial establishment has been rented and vacated two or more times in a period of time

that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

2. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business permit, rents or sub-rents a sleeping room to a person and, within ten hours from the time the room is rented, rents or sub-rents the same sleeping room again.

For purposes of subsection 2 of this section, the term "rent" or "sub-rent" means the act of permitting a room to be occupied for any form of consideration.

128.15 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS.

A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet of floor space, a film, video cassette, or other video reproduction that depicts "specified sexual activities" or "specified anatomical areas", shall comply with the following requirements:

1. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus, or minus six inches. The director may waive the foregoing diagram for renewal application if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without prior approval of the administrator.
4. It is the duty of the owners and operator of the premises to ensure that at least one employee is always on duty and situated in each manager's station that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the

manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other material at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection 1 of this section.
7. No viewing room may be occupied by more than one person at a time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to an illumination of not less than one foot-candle as measured at the floor level.
9. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

128.16 EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES.

1. It is unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
2. It is unlawful for an owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent permitted by the provisions of this chapter.
3. It is unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - A. The establishment is a part of a commercial multi-unit center; and
 - B. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
 - C. Nothing in this chapter shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

128.17 SIGNAGE.

1. Notwithstanding any other City ordinance, code or regulation to the contrary, it is unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the primary sign and one secondary sign, as provided herein.
2. Primary signs shall have no more than two display surfaces. Each such display surface shall:
 - A. Not contain any flashing lights;
 - B. Be a flat plane, rectangular in shape;

- C. Not exceed seventy-five square feet in area; and
- D. Not exceed ten feet in height or ten feet in length.
- 3. Primary signs shall contain no photographs, silhouettes, drawings, or pictorial representations in any manner, and may contain only the name of the enterprise.
- 4. Each letter forming a word on a primary sign shall be of solid color and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- 5. Secondary signs shall have only one display surface. Such display surface shall:
 - A. Be a flat plane, rectangular in shape;
 - B. Not exceed twenty square feet in area;
 - C. Not exceed five feet in height and four feet in width; and
 - D. Be affixed or attached to any wall or door of the enterprise.
- 6. The provisions of paragraph A of subsection 2 and of subsections 3 and 4 shall also apply to secondary signs.

128.18 PERSONS YOUNGER THAN EIGHTEEN PROHIBITED.

- 1. It is unlawful to allow a person who is younger than eighteen years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.
- 2. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is always stationed at each public entrance to the sexually oriented business during regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished:
 - A. A valid operator's, commercial operator's or chauffeur's driver's license; or
 - B. A valid personal identification certificate issued by the state reflecting that such person is 18 years of age or older.

128.19 MASSAGES OR BATHS ADMINISTERED.

It is unlawful for any establishment, regardless of whether it is a public or private facility, to operate a massage salon, massage parlor, or any similar type of business where any physical contact with the recipient of such services is provided, unless licensed by the State of Iowa.

128.20 CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED.

The permittee of a sexually oriented business shall not allow the possession or consumption on premises by any person of any alcoholic beverage, wine or beer. No person shall possess or consume any alcoholic beverage, wine or beer on the premises of any sexually oriented business.

128.21 NOTICES.

- 1. Any notice required or permitted to be given by the director or any other City office, division, department, or other agency under this chapter to any applicant, operator, or owner of an establishment may be given either by personal delivery or by certified

United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the director, or any notice of address change that has been received by the director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the director shall cause it to be posted at the principal entrance to the establishment.

2. Any notice required or permitted to be given to the administrator by any person under this chapter shall not be deemed given until and unless it is received in the office of the administrator.
3. It is the duty of each owner who is designated on the permit application and each operator to furnish a notice to the administrator in writing of any change of residence or mailing address.

128.22 INJUNCTION.

A person who operates or causes to be operated a sexually oriented business without a permit or otherwise violates this chapter is subject to a suit for injunction as well as prosecution for criminal violations.

128.23 EXEMPTIONS.

It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated by:

1. A proprietary school licensed by the State of Iowa of a college, junior college or university supported entirely or partly by taxation; or
2. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021, and approved

this _____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of

Indianola, Iowa, on _____, 2021, and was published on _____, 2021.

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Second consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for massage establishments and technicians.

Information

Attachments

Massage Establishments Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF
INDIANOLA, IOWA CREATING REGULATIONS FOR MASSAGE
ESTABLISHMENTS AND TECHNICIANS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. The following chapter and sections be and is hereby added by inserting the language as follows:

**CHAPTER 127
MASSAGE ESTABLISHMENTS AND TECHNICIANS**

127.01 PURPOSE.

127.02 DEFINITIONS.

127.03 STATE LICENSE REQUIRED.

127.04 DISPLAY OF LICENSE

127.05 PENALTY.

127.06 SEVERABILITY CLAUSE.

127.01 PURPOSE.

The State of Iowa licenses massage therapists under the provisions of Iowa Code Chapter 152C. State licensed massage therapists and businesses offering massage therapy services perform an important service in addressing the health and well-being of residents. Unfortunately, there are businesses that advertise they provide massage therapy and/or other therapeutic services, but engage in various illegal activities, which may include prostitution and/or human trafficking. This article is not intended to discourage legitimate, licensed massage therapists or massage therapy businesses from providing their services. The purpose of this ordinance is to identify and address businesses that engage in the practice of massage therapy without valid licenses and/or are involved in illegal activities, which may include prostitution and/or human trafficking. Businesses providing massage therapy, but also conducting various types of illegal activity, are harmful to the health, safety, and welfare of the city and negatively impact the massage therapy profession.

127.02 DEFINITIONS.

For the purposes of this article, the following words and phrases have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended.

- 1) "Massage therapist" means a person licensed under Iowa Code Chapter 152C to practice the health care service of the healing art of massage therapy

- 2) "Massage therapy business" means any business or place of business, including mobile, temporary, and transient businesses, wherein, or on whose behalf, any of the treatments, techniques, or methods of treatment referred to as "massage therapy" are administered, practiced, used, given, advertised or applied.

127.03 STATE LICENSE REQUIRED.

The practice of massage therapy, as defined in Iowa Code Chapter 152C, is prohibited by unlicensed individuals. It is unlawful for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of Iowa Code Section 152C.3.

127.04 DISPLAY OF LICENSE.

Each massage therapist shall keep his/her license in possession at all times while doing business in the city and shall, upon request of a prospective customer or city official, exhibit the license as evidence of compliance with all requirements of this article.

127.05. PENALTIES

- a) A violation under this article is declared to be a municipal infraction in addition to a misdemeanor and any person, or in connection with one or more persons or as principle, agent, or accessory found violating any provision of this article, shall be subject to the general penalty provisions of the Indianola Municipal Code, Chapter 4 to include both criminal and/or civil penalties.
- b) The chief of police, or designee, shall place in a highly noticeable location a placard stating Unsafe to Enter; Unlicensed Massage Therapy Must Cease and is subject to criminal and/or civil penalty per Indianola Municipal Code, Chapter 4. This notice shall remain posted until a valid state license is obtained or other legal use has been established.
- c) No person shall remove the placard posted pursuant to subsection (b) of this section without approval of the chief of police or designee.
- d) No person, or in connection with one or more persons or as principle, agent, or accessory shall continue to offer "massage therapy" services after a massage therapy business has been placarded as unsafe for entry unless the chief of police or designee has approved removal of the placard.

127.06 SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged to be 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 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021, and approved

this _____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of

Indianola, Iowa, on _____, 2021, and was published on _____, 2021.

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Approval of Urban Revitalization Designations.

Information

The following comprise a list of Urban Revitalization Designations for residential new construction. All applications are in order.

602 South Y Street	Curtis and Martha Robertson
805 Orchard Avenue	Ground Breaker Homes
813 Trail Ridge Road	Ground Breaker Homes
815 Trail Ridge Road	Ground Breaker Homes
1606 East Euclid Avenue	Linda and Jay Bennett

Attachments*No file(s) attached.*

Meeting Date: 07/06/2021

Subject

Resolution approving salaries.

Information

Attachments

Resolution Approving Salaries

City of Indianola
RESOLUTION NO 2021-

RESOLUTION APPROVING SALARIES

This action sets salaries in accordance with the personnel management guide, union contract and seasonal salaries.

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

Casey Larson, part-time EMS Paramedic, \$19.902/hour, effective June 29, 2021;

Annette DeFrancisco, seasonal Lifeguard 1, \$8.00/hour, effective July 2, 2021.

Passed and approved this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO

Meeting Date: 07/06/2021

Subject

Treasurer's Report — Doug Shull

Information - Simple motion to recieve and file is in order.

Attachments

Treasurer's Report

**FINANCIAL REPORT
MONTH OF MAY, 2021**

Fund	Beginning Balance	Revenue	Expense	Transfers In	Transfers Out	Fund Balance
001 General Government	3,613,208.59	192,903.42	188,673.22	96,836.19	5,564.83	3,708,710.15
011 Police	2,541,515.06	182,266.68	247,379.23	88,261.56	5,469.17	2,559,194.90
015 Fire	487,028.67	33,656.57	62,011.91	11,954.96	1,089.92	469,538.37
016 Ambulance	302,735.53	93,158.91	136,674.66	27,370.57	6,176.25	280,414.10
041 Library	537,294.31	33,858.72	56,372.99	12,269.57	3,525.83	523,523.78
042 Park & Recreation	877,531.28	93,993.93	98,988.14	18,578.90	3,957.75	887,158.22
045 Memorial Pool	222,637.44	17,751.90	16,809.26	-	-	223,580.08
099 Franchise Fee-MEC	918,249.34	-	-	-	-	918,249.34
GENERAL FUND SUB-TOTAL	9,500,200.22	647,590.13	806,909.41	255,271.75	25,783.75	9,570,368.94
110 Road Use Tax (Streets)	2,517,417.70	150,622.95	86,788.49	-	33,773.91	2,547,478.25
112 Trust & Agency	36,668.19	158,994.41	-	-	158,994.41	36,668.19
115 Wellness Center Maintenance Fund	306,095.03	-	-	-	-	306,095.03
121 Local Option sales Tax	7,631,436.54	146,031.26	-	-	-	7,777,467.80
125 TIF	6,864,488.40	148,809.51	-	-	-	7,013,297.91
141 Library Special Revenue	57,426.78	1,024.45	2,624.01	-	-	55,827.22
142 Park & Rec Special Revenue	89,243.59	-	-	-	-	89,243.59
160 Downtown Revolving Loan	148,271.14	-	560.00	-	-	147,711.14
161 Downtown BIZ Program	107,406.01	10,884.58	-	-	-	118,290.59
177 Police Forfeiture	19,830.07	-	-	-	-	19,830.07
190 Vehicle Reserve	811,185.04	-	15,429.38	-	-	795,755.66
199 Police Retirement	18,994.69	-	-	-	-	18,994.69
SPECIAL REVENUE SUB-TOTAL	18,608,463.18	616,367.16	105,401.88	-	192,768.32	18,926,660.14
200 G.O. DEBT SERVICE	1,220,527.21	40,865.94	-	-	-	1,261,393.15
301 Capital Projects (General)	513,638.30	-	9,493.10	-	-	504,145.20
321 Capital Projects (Streets)	(223,709.46)	3,268.67	124,884.04	-	-	(345,324.83)
322 Downtown Square Streetscape	4,326,182.37	-	11,034.00	-	-	4,315,148.37
323 Hillcrest Ave Improvements	-	-	-	-	-	-
324 K Street Improvements	(11,225.47)	-	-	-	-	(11,225.47)
353 Community Redevelopment (D&D)	88,537.03	-	-	-	-	88,537.03
CAPITAL PROJECTS SUB-TOTAL	4,693,422.77	3,268.67	145,411.14	-	-	4,551,280.30
541 LIBRARY ENDOWMENT FUND	44,323.14	110.39	-	-	-	44,433.53
610 Sewer	1,003,774.54	6,967.15	177,007.91	158,333.33	35,185.84	956,881.27
650 Stormwater Utility	457,940.90	17,603.03	2,797.69	-	766.92	471,979.32
670 Recycling	139,068.99	28,209.13	25,546.31	-	766.92	140,964.89
710 Sewer Capital Projects	1,656,380.59	284,245.74	70,430.90	-	158,333.33	1,711,862.10
771 Sewer Reserve	114,238.70	-	-	-	-	114,238.70
781 WRRF Construction	(582,015.38)	2,928,438.37	2,928,438.37	-	-	(582,015.38)
791 Sewer Revenue Bonds	119,088.21	-	16,000.00	-	-	103,088.21
820 Health Insurance	2,079,319.88	146,006.19	81,170.55	-	-	2,144,155.52
830 Health Reimbursement Accounts	5,607.71	-	-	-	-	5,607.71
840 Flex/STD	185,838.01	241.54	237.04	-	-	185,842.51
850 Liability Insurance Reserve-City	(36,237.02)	-	3,704.82	-	-	(39,941.84)
CITY UTILITY & ISF SUB-TOTAL	5,143,005.13	3,411,711.15	3,305,333.59	158,333.33	195,053.01	5,212,663.01
City Funds Subtotal	39,209,941.65	4,719,913.44	4,363,056.02	413,605.08	413,605.08	39,566,799.07
IMU Funds in Casselle	(389,766.56)	655,089.01	254,044.06	-	7,755.00	3,523.39
GRAND TOTAL CITY FUNDS	38,820,175.09	5,375,002.45	4,617,100.08	413,605.08	421,360.08	39,570,322.46
Cross Check Total						39,570,322.46
Investments				Clerk's Balance		39,570,322.46
Bankers Trust	\$	20,811,514.37	1.94%			
Iowa Public Agency Inv. Trust	\$	116,206.82	0.02%			
Payroll Account, TruBank	\$	-				
Checking Account, TruBank	\$	8,018,125.94	0.20%	Plus Outstanding Checks	\$	255,414.04
Sweep Account, TruBank	\$	10,019,716.13	0.40%	Minus Outstanding Deposits	\$	(744.74)
Indianola Hometown Pride, TruBank	\$	353.58		Bank Adjustment		688.15
Indianola EMS - TruBank	\$	857,425.68		Book Adjustment		-45.00
Wells Fargo	\$	2,292.39				
BANK BALANCE		39,825,634.91		BOOK BALANCE		39,825,634.91

Fund	Beginning Balance	Revenue	Expense	Transfers In	Transfers Out	Fund Balance
IMU Funds from FY2020	-		-	-		-
600 Water	(36,102.78)	113,764.11	42,453.51	-	6,755.00	28,452.82
620 IMU Administration	(70,613.48)	125,821.91	50,687.50	-	-	4,520.93
625 Revolving Economic Development	-	-	-	-	-	-
626 USDA RLF	-	-	-	-	-	-
630 Electric	(201,036.56)	280,381.65	105,405.49	-	1,000.00	(27,060.40)
640 Fiber/Communications	(77,022.89)	127,753.59	53,055.25	-	-	(2,324.55)
700 Water Capital Projects	-	-	-	-	-	-
730 Electric Capital Projects	(4,347.21)	6,467.37	2,185.57	-	-	(65.41)
740 Fiber/Comm Capital Projects	(643.64)	900.38	256.74	-	-	-
770 Water Reserve	-	-	-	-	-	-
773 Electric Reserve	-	-	-	-	-	-
780 Water Capital Improvement	-	-	-	-	-	-
783 Electric Improvement	-	-	-	-	-	-
790 Water Revenue Bonds	-	-	-	-	-	-
793 Electric Revenue Bonds	-	-	-	-	-	-
855 Liability Insurance Reserve--IMU	-	-	-	-	-	-
IMU SUB-TOTAL	-389,766.56	655,089.01	254,044.06	0.00	7,755.00	3,523.39

INTEREST DISTRIBUTION	INTEREST		FYTD
	INCOME	% OF TOTAL	
General Fund (Non-Program 9500)	\$ 23,285.47	44.30%	\$ 108,899.99
Library Special Revenue (Fund 141)	\$ 141.92	0.27%	\$ 1,360.89
TIF (Fund 125)	\$ 16,830.72	32.02%	\$ 78,750.68
Library Endowment Fund (Fund 541)	\$ 110.38	0.21%	
Sewer (Fund 710)	\$ 7,096.02	13.50%	\$ 29,420.38
Health Insurance (Fund 820)	\$ 5,098.62	9.70%	\$ 26,231.78
TOTAL	\$ 52,563.14	100.00%	\$ 244,663.72

Meeting Date: 07/06/2021

Subject

Receive and file the EMS Billing Activity Report for May 2021.

Information

Simple motion is in order.

Attachments

EMS Billing Report



FIRE DEPARTMENT

TO: Mayor Pam Pepper and City Council Members
CC: City Manager Ryan Waller, Finance Director Andy Lent
FROM: Fire Chief Gregory M. Chia
DATE: 07-01-2021
RE: May 2021 EMS Billing Activity

May 2021 EMS billing activity from Digitech Company is posted below. Digitech has posted financial activity for Indianola Fire Department EMS section. The information shown is the fire department and Digitech activity for the month of May 2021.

Details for the month of May 2021 EMS Billing activity.

For the period: 05/01/2021 to 05/31/2021

New Charges: \$123,961.00	All Accounts Collected Old / New: \$56,497.21
Billable Transports: \$122,961.00	Non-Transports Collected: \$1000.00
Non-Transports Billable: \$1000.00	Unidentified Payments Collected: \$0
Total Non-Billable: (\$14,268.00)	Refunds: (\$1,361.63)
ALS Tier: 0	
Total Accounts Created: \$109,693.00	Net Total Collected: \$55,135.58

With the above activity the TruBank Account Balance now stands at \$857,425.68 as reflected on May 31, 2021.



Meeting Date: 07/06/2021

Subject

Parks and Recreation Month Proclamation

Information

Attachments

Proclamation



— Office of the Mayor —

PROCLAMATION

Parks and Recreation Month 2021

WHEREAS, Parks and Recreation programs contribute to a high quality of life in a community; and

WHEREAS, these programs also provide friends and families opportunities to spend time together, build strong bonds and enrich their lives; and

WHEREAS, parks have a positive impact on the environment while providing health benefits to the residents; and

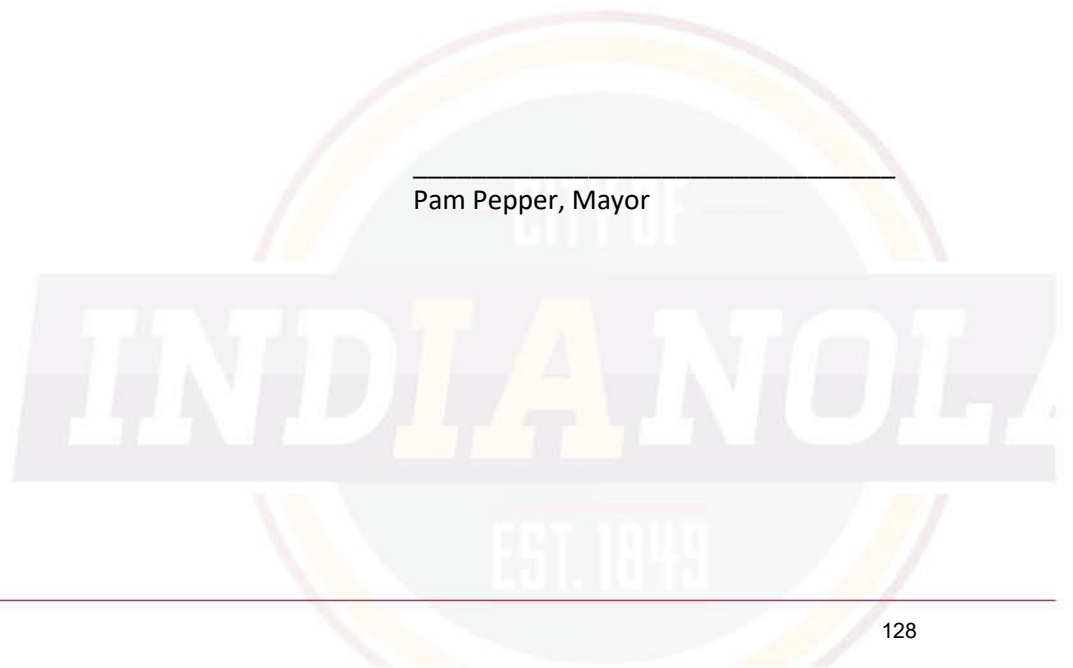
WHEREAS, the Indianola community has many dedicated professionals and volunteers who diligently work behind the scenes to provide a variety of experiences that enhance and preserve the quality of life in Indianola; and

WHEREAS, these individuals have created a community with an assortment of parks, trails, recreation facilities and activities which are modern, fun, safe and attractive, highly valued by the community, enhance economic and neighborhood growth and enhance the quality of life for our local citizens.

THEREFORE, I, Mayor Pam Pepper, do hereby proclaim July 2021 as Parks and Recreation Month in the City of Indianola, and encourage our residents to enjoy these essential spaces and participate in the programs the City offers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Indianola, Iowa this 6th day July 2021.

Pam Pepper, Mayor



Meeting Date: 07/06/2021

Subject

Second consideration of an Ordinance approving amendments to Chapter 165 (Zoning Regulations) and Chapter 166 (Site Plan).

Information

Roll call is in order.

Attachments

Ordinance

Attachment A

Attachment B

Attachment C

Attachment D

Attachment E

Attachment F

Attachment G

Attachment H

Attachment I

Attachment J

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 165, ZONING REGULATIONS
AND CHAPTER 166, SITE PLAN**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. Chapters 165 and 166 of the Code of Ordinances of the City of Indianola, Iowa be and is hereby by deleted in its entirety.

Section 2. The Table of Contents for Chapter 165 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment A.

Section 3. Section 165.01 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment B.

Section 4. Section 165.02 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment C.

Section 5. Section 165.03 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment D.

Section 6. Section 165.04 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment E.

Section 7. Section 165.05 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment F.

Section 8. Section 165.06 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment G.

Section 9. Section 165.07 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment H.

Section 10. Section 165.08 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment I.

Section 11. Section 165.09 of the Code of Ordinances of the City of Indianola, Iowa is hereby amended by inserting the language as shown in Attachment J.

Section 12. Repealer. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section 13. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021, and approved
this _____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of

Indianola, Iowa, on _____, 2021, and was published on _____, 2021.

Andrew J. Lent, City Clerk

ZONING REGULATIONS TABLE OF CONTENTS**165.01 TITLE, PURPOSE, JURISDICTION AND ESTABLISHMENT OF DISTRICTS AND MAP**

1. TITLE AND STATEMENT OF PURPOSE
2. JURISDICTION
3. INTERPRETATION OF STANDARDS
4. ESTABLISHMENT OF DISTRICTS
5. ADOPTION OF ZONING MAP

165.02 PROCEDURES, AMENDMENT, AND ENFORCEMENT

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2. BUILDING PERMIT AND SITE PLAN REQUIRED
3. ADMINISTRATION AND ENFORCEMENT
 - A. Zoning Administrator
 - B. Board of Adjustment
4. CERTIFICATE OF OCCUPANCY
 - A. Construction Compliance Certificate
 - B. Multiple-Dwelling Construction Compliance Certificates
 - C. Occupancy Compliance Certificate
 - D. Application for Compliance Certificates
5. AMENDMENTS
 - A. Request by Petition
 - B. City Council Referral
 - C. Zoning Commission Disapproval or Protest Petition
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6. APPLICATIONS AND FEES
7. PENALTIES

165.03 DEFINITIONS**165.04 GENERAL PROVISIONS**

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 - A. Interpretation of District Boundaries
 - B. Zoning Districts Dividing Property
 - C. Future Annexation of Territory
 - D. Street Frontage Required
 - E. Visibility at Intersections
 - F. Lot and Yard Regulations
 - G. Height Regulation Exception
 - H. Use of Public Right-Of-Way
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 - A. Intent
 - B. General Provisions
 - C. Applicability
 - D. Location and Setbacks
 - E. Area and Height Limit
 - F. Building Design
 - G. Exempt Structures
3. ANTENNAS, SATELLITE DISH ANTENNAS, AND TOWERS (NOT INCLUDING WIRELESS TELECOMMUNICATIONS FACILITIES)
4. FENCES AND WALLS
 - A. Residential Districts
 - B. Industrial and Commercial Districts
 - C. Decorative Features

- D. Swimming Pool Enclosures
- E. Fences Frames
- F. Retaining Walls
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- H. Measuring Fence or Wall Height
- I. Overland Flowage Easements
- J. Exceptions to Fence Requirements
- 5. NONCONFORMITIES
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 - B. Nonconforming Lots of Record
 - C. Nonconforming Uses of Land
 - D. Nonconforming Structures
 - E. Nonconforming Uses of Structures
 - F. Repairs and Maintenance

165.05 ZONING DISTRICT REGULATIONS

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 - B. Single-Family Residential Detached Zoning District (R-1)
 - C. Single-Family Residential Attached Zoning District (R-2)
 - D. Multi-Family Residential Zoning District (R-3)
 - E. Manufactured Home Park Zoning District (R-4)
 - F. Neighborhood Commercial Zoning District (C-1)
 - G. Highway Commercial Zoning District (C-2)
 - H. Downtown Mixed-Use Zoning District (C-3)
 - I. Limited Industrial Zoning District (M-1)
 - J. General Industrial Zoning District (M-2)
 - K. Planned Unit Development (PUD)
- 2. RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS
- 3. NON-RESIDENTIAL BULK AND DENSITY REGULATIONS
- 4. PERMITTED AND SPECIAL USES
- 5. STANDARDS FOR ALL ZONING DISTRICTS
 - A. Small Wind Energy Conversion Systems
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 - C. Accessory Dwelling Units
 - D. Home Occupations
 - E. Outdoor Sales and Displays for Commercial and Retail Businesses
 - F. Outdoor Storage
 - G. Loading Docks, Delivery and Service Overhead Doors
 - H. Trash and Recycling Collection
 - I. Equipment Screening
 - J. Exterior Lighting
 - K. Attached and Free-Standing Drive-Thru Canopies
 - L. Medical Cannabidiol Dispensaries and Manufacturing Facilities
 - M. Delayed Deposit Services Businesses and Pawnshops
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- 1. SITE PLAN REQUIRED
- 2. SITE PLAN APPLICATION
 - A. Agricultural Related and Single-Family Dwellings
 - B. All Other New Uses, Buildings, and Structures
 - C. General Provisions
- 3. SITE PLAN EXPIRATION
- 4. DESIGN STANDARDS
 - A. General Design Policies
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5. CONDOMINIUM CONVERSIONS
 - A. Conversion to Condominium
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165.08 OPEN SPACE, LANDSCAPING AND BUFFERING

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 - A. Open Space
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6. PLANT MATERIALS STANDARDS
 - A. Plant Materials
 - B. Existing Trees and Tree Preservation Credit
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 - B. Plan Submittal Requirements
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165.09 BUILDING DESIGN STANDARDS

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CHAPTER 165 ZONING REGULATIONS

SECTION 165.01 TITLE, PURPOSE, JURISDICTION AND ESTABLISHMENT OF DISTRICTS AND MAP

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| 2. JURISDICTION | 5. ADOPTION OF ZONING MAP |
| 3. INTERPRETATION OF STANDARDS | |
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1. TITLE AND STATEMENT OF PURPOSE

The ordinance codified in this chapter is entitled “An ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts, and other open spaces; to establish minimum lot areas; and regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size and number of signs, to divide the City into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa,” and may be known and cited as “The Zoning Ordinance of the City of Indianola, Iowa.”

The purpose of this chapter is to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan.

2. JURISDICTION

These regulations apply to development of any parcel of land located within the corporate limits of the City of Indianola or outside the corporate limits of the city as provided by law. No building permit or certificate of occupancy shall be issued for any parcel of land or development after the effective date of this Chapter that is not in conformance with the provisions of the Zoning Ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the Zoning Ordinance.

3. INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of the Zoning Ordinance shall be held to be minimum requirements. Where the Zoning Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Ordinance shall control.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Director of Community Development shall interpret the district boundaries.

4. ESTABLISHMENT OF DISTRICTS

The City is hereby divided into districts which are designated as follows:

Agricultural / Open Space Zoning District (A-1)

Single-Family Residential Detached Zoning District (R-1)

Single-Family Residential Attached Zoning District (R-2)

Multi-Family Residential Zoning District (R-3)

Manufactured Home Park Zoning District (R-4)

Neighborhood Commercial Zoning District (C-1)

Highway Commercial Zoning District (C-2)

Downtown Mixed-Use Zoning District (C-3)

Limited Industrial Zoning District (M-1)

General Industrial Zoning District (M-2)

Planned Unit Development (PUD)

The locations and boundaries of these districts are shown on the official zoning map.

5. ADOPTION OF ZONING MAP

The official zoning map, and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the Mayor and attested to by the Clerk. The official zoning map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

CHAPTER 165 ZONING REGULATIONS

SECTION 165.02 PROCEDURES, AMENDMENT, AND ENFORCEMENT

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| D. Application for Compliance Certificates | |
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1. CONFORMANCE REQUIRED

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by the Zoning Ordinance for the district in which the building or land is located.

2. BUILDING PERMIT AND SITE PLAN REQUIRED

No building, structure, foundation, tower, fence, or wall shall be constructed or erected without prior approval and receipt of a building permit from the City. No building permit and no certificate of occupancy shall be issued until a Site Plan or Special Use Permit has been approval as provided herein this Chapter. Approval of a Site Plan is required as follows for all uses in accordance with the procedures and requirements of Chapter 165.06 herein this ordinance. A record of applications and site plans shall be kept in the office of the Zoning Administrator.

3. ADMINISTRATION AND ENFORCEMENT

A. Zoning Administrator

There is hereby created the position of Zoning Administrator, who shall be named by the City Manager. The Zoning Administrator shall administer and enforce the provisions of the Zoning Ordinance and shall have the following powers and duties in connection therewith:

- (1) To issue all permits and certificates required by the Zoning Ordinance.

- (2) To notify in writing the person responsible for any violations of any of the provisions of the Zoning Ordinance, indicating the nature of the violation and ordering the action necessary to correct it.
- (3) To order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or take any other action authorized by the Zoning Ordinance to ensure compliance with or to prevent violation of its provisions.

The City Manager may delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the City or may combine the powers and duties of this office with any other office or position.

B. Board of Adjustment

A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Mayor subject to confirmation by the Council for staggered terms of five years. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute. Vacancies will occur in said Board on the death, resignation, or failure to meet residency requirements of any member of said board. If any member fails to attend at least 75% of the official meetings in one year an automatic vacancy will exist on said board. A member may have only one excused absence per year. The excused absence shall only be granted by the Chairperson of the Board. When a vacancy occurs, the vacancy will then be filled in the same manner as the original appointment for the remainder of the unexpired term.

- (1) Meetings: The meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths, subpoena witnesses and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record. The presence of three (3) members is necessary to constitute a quorum.
- (2) Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with the Zoning Administrator, that by reason of the facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed

otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the City Clerk the fee as established by resolution of the City Council.

(3) Power and Duties: The Board shall have the following powers and duties:

- a. **Appeals** - To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Zoning Administrator in enforcement of the Zoning Ordinance.
- b. **Variances** - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:
 - i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - iii. That the special conditions and circumstances do not result from the actions of the applicant;
 - iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances

shall the Board grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district.

If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

- c. **Special Use Permits** - To review and consider approval of a Special Use Permit for a Special Use as identified Permitted and Special Uses Table contained in CHAPTER 165.05 of the Zoning Regulations. The following shall be required:
 - i. Special Use Permit Application - A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Special Use Permit Application fee as established by resolution of the City Council.
 - ii. Special Use Permit Procedure - The Special Use Permit Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
 - iii. Special Use Permit Review by Board of Adjustment - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Board a copy of the Special Use Permit Application along with a written recommendation as to the application's conformity with the rules and regulations of the city.
 - iv. The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Special Use Permit Application.
 - v. Findings for Approval - In order to approve a Special Use Permit, the Board shall make the following findings:

- 1 - The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - 2 - The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - 3 - The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - 4 - The proposed use and site improvements shall not unduly increase traffic congestion;
 - 5 - The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - 6 - The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
 - 7 - The issuance of the Special Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- vi. Expiration of Special Use Permit Approval - All Special Use Permit approvals shall expire and terminate 24-months after the date of the Board approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate.

d. ***Public Hearing Noticing***

Notice of each Board of Adjustment public hearing shall be mailed by first class mail 10 days prior to the meeting to all property owners within 200 feet of the boundary of the property requesting a Variance or Special Use Permit.

e. ***Decisions of the Board.***

- i. In exercising the above powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as it believes proper, and to that end shall have all of the powers of the Zoning Administrator. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter on which it is required to pass under this chapter.

- ii. No act of the Board shall become effective until after the decision of the Board has been filed. Such decision may be contained within the minutes of the Board.
- iii. Each variance granted by the Board shall contain a date upon which it shall be effective.
- iv. Every appeal, variance, or Special Use Permit granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
- v. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to Iowa Code 17A.19, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

4. CERTIFICATE OF OCCUPANCY

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of the Zoning Ordinance. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of the Zoning Ordinance. Nothing in this section shall prevent the continuance of a nonconforming use as authorized in the Zoning Ordinance, unless discontinuance is necessary for the safety of life or property.

A. Construction Compliance Certificate

Subsequent to the adoption of this chapter a construction compliance certificate shall be obtained from the Administrative Officer before any building or structure shall be erected, reconstructed, or structurally altered to increase the exterior dimensions, height, or floor area, or remodeled to increase the exterior dimensions, height, or floor area, or remodeled to increase the number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The construction compliance certificate shall state that the proposed construction complies with all provisions of this chapter, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this chapter. A construction compliance certificate issued under this section shall lapse six months from the date of its issuance unless construction has begun within that period and shall also lapse if construction is stopped after it is initiated for a period of time in excess of 120 days. In the event that a construction compliance certificate lapses for either of the above reasons, a new certificate shall be required before construction can resume. This amendment shall apply to all outstanding building permits at the time of its adoption so that if construction

is not commenced within six months after the date of this amendment, the rights under the building permit shall lapse.

B. Multiple-Dwelling Construction Compliance Certificates

Requests for construction of multiple-dwelling compliance certificates shall be examined by the Fire Chief who shall make a recommendation for approval or disapproval to the Zoning Administrator who shall finally either approve or disapprove the request.

C. Occupancy Compliance Certificate

Subsequent to the effective date of this chapter, no change in the use or occupancy of land nor any change in use or occupancy in an existing building, other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than a single-family dwelling until an occupancy compliance certificate has been issued by the Administrative Officer. Every occupancy compliance certificate shall state that the new occupancy complies with all provisions of this chapter and no subsequent modifications shall be made to the occupancy, use, or method of operation that would be in violation of this chapter. No single-, two-, or multiple-family dwelling or other structure designed for human use or occupancy shall be occupied nor shall any occupancy compliance certificate be issued for any of the foregoing until and unless all improvements and installations required by Chapter 170 of this Code of Ordinances have been made and accepted by the City.

D. Application for Compliance Certificates

Applications for compliance certificates shall be made prior to beginning construction or assuming occupancy on fully completed application forms obtained from the Administrative Officer, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this chapter.

5. AMENDMENTS

The City Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council. The procedures for amendment are as follows:

A. Request by Petition

Whenever any person desires that any amendment, or change be made in the Zoning Ordinance, including the text and/or map, as to any property covered by the Zoning Ordinance, and there is presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying

outside of said tract but within two hundred (200) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred (200) feet, it is the duty of the Council to receive and refer the request to the Zoning Commission for its review and consideration at a duly noticed public meeting in accordance to the Commission's rules of procedures and the noticing requirements contained herein. The findings and recommendations of the Zoning Commission shall then be forwarded to the City Council for consideration and action.

B. City Council Referral

The owner of a property may submit a written request to the Zoning Administrator for their property to be rezoned. If the requested rezoning is not consistent with the adopted Comprehensive Plan, the property owner may further request the Comprehensive Plan be amended as part of the requested rezoning. The Zoning Administrator will then present this request to the City Council, who, at their discretion, may adopt a motion to refer the request to the Zoning Commission for consideration at a duly noticed public meeting in accordance with their procedures and the noticing requirements contained herein. The findings and recommendations of the Zoning Commission shall then be forwarded to the City Council for consideration and action. The City Council may further by motion forward their own request to the Zoning Commission to review and consider an amendment to the adopted Comprehensive Plan, the rezoning of a given property or properties, or amendments to the zoning regulations.

C. Zoning Commission Disapproval or Protest Petition

In case the proposed amendment, supplement or change is disapproved by the Zoning Commission, or a protest is presented duly signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all members of the Council. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established has been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of filing of the first petition.

D. Public Hearing Noticing

Not less than seven nor more than 20 days' notice of the time and place of the City Council hearing to consider any proposed amendment or change in the Zoning Ordinance or zoning district boundaries shall be published in a newspaper having general circulation in the City. The Commission shall not make any recommendation to the Council on an amendment to any zoning district boundaries until a sign 18 inches by 24 inches indicating the amendment requested has been prepared and posted by the City in a visible location on the premises for a period of 10 days. Notice of the Commission meeting shall be mailed by first class mail 10

days prior to the meeting to all property owners within 200 feet of the boundary of the property requesting an amendment to its zoning district boundaries.

E. Filing Fees

Before any action is taken as provided in this section, the owner or owners of the property requesting the proposed change in the district regulations or district boundaries shall pay to the City Clerk the fee as established by resolution of the City Council.

6. APPLICATIONS AND FEES

The Zoning Administrator shall establish and provide the application form and information required for all applications as may be necessary and required by this ordinance. The fees for all applications shall be as established by resolution of the City Council.

7. PENALTIES

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Zoning Ordinance shall, upon conviction, be fined for each offense up to the maximum amount as allowed by the Code of Iowa. Each day that a violation is permitted to exist constitutes a separate offense.

CHAPTER 165

ZONING REGULATIONS

SECTION 165.03 DEFINITIONS

The following terms are defined for the purposes of this chapter:

1. Accessory use or structure: A use or structure on the same lot with the principal use or structure and serving a purpose customarily incidental and subordinate to the principal use or structure. An accessory use shall not be taller than, encompass more floor area or use a greater part of the lot than the principal permitted use or as further limited within this Zoning Regulations. A prohibited principal use is also a prohibited accessory use in the same district.
2. Addition: An extension or increase in floor area or height of a building or structure.
3. After Hours Business: Any business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.
4. Agriculture: The use of land for agricultural purposes, including those forms of row-crop farming, horticulture, floriculture, forestry, groves, orchards, and viticulture and limited animal husbandry, apiculture, dairying, poultry husbandry, ranching as specified herein appropriate for operation in an urban and urbanizing area, and also those necessary accessory uses for packing, treating or storing the produce. The operation of the accessory uses shall be subordinate to that of the normal agricultural activities. This definition does not include any animal feeding operations, confined animal feeding operations, open feedlots, and similar operations containing 12 or more animals. Furthermore, this definition does not include any processing of animal products.
5. Amusement arcade: A building or part of building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
6. Animal shelter: A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity, including (but not limited to) a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.
7. Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building. (Also see "satellite dish antenna" and "communications tower.")

8. Apartment house or building: Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building. Said buildings have dwelling units that are both vertically and horizontally attached to one another. (See "Dwelling, multiple-family.")
9. Assisted living residential facility: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.
10. Automobile sales and storage lot: An open, off-street area where 100 or more new and used operable motor vehicles are stored or offered or displayed for sale or advertising purposes. No motor vehicle may be sold or stored in any location other than an automobile sales and storage lot.
11. Automobile service center: Any building or premises where at least fifty percent (50%) of the business is derived from retail sales of auto parts and accessories. Major work, including (but not limited to) engine and transmission overhauls and/or changes, shall not be permitted.
12. Bar: Any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such beverages are consumed on the premises. (This definition includes and may also be referred to as a "Cocktail Lounge," "Tavern," or "Saloon.")
13. Basement: The lower part of a building having more than one-half (½) of its height between its floor and the floor of the story above it below the adjacent ground elevation.
14. Bed and Breakfast Inn: An owner-occupied dwelling unit that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation. For establishments to be considered a bed and breakfast inn, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
15. Billboard: All structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
16. Boarding house or rooming house: A building other than a hotel or motel where, for compensation, lodging, or lodging and meals, are provided for three (3) or more persons.
17. Body Piercing Studio: Any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as

a complimentary service. (See "Tattoo Studio.")

18. Brewery, micro: A business that brews beers, ales, and/or similar beverages on-site for distribution, retail or wholesale, on or off-premises and produces no more than 10,000 barrels of beer or ale annually. A microbrewery may include a tasting room for consumption on-premises as defined in Iowa Code Section 123.3(16).
19. Buffer: A landscaped area, wall, or other structure intended to separate or partially obstruct the view between two adjacent zoning districts, land uses or properties from one another. (Also see "screening.")
20. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
21. Building, height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the highest gable of a pitch or hip roof.
22. Building line: The line parallel to the front lot line over which no portion of any building, except an overhang or chimney, may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
23. Car wash: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
24. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of the Zoning Regulations, a carport attached to a principal building is considered as part of the principal building and subject to all yard requirements herein.
25. Child: A person under 18-years of age.
26. Child Care Center: A facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility or when officially registered by the State of Iowa as a Child Development Home. (See Chapter 237A.1 of the State Code of Iowa.)
27. Child Day Care: (See Chapter 237A of the State Code of Iowa) The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of two hours or more, and less than twenty-four hours per day per child, on a regular basis, in a place other than the child's home, but does not have:
 - A. An institutional program administered by a public or non-public school system approved by the Iowa State Department of Public Instruction or the Iowa State Board of Regents.
 - B. A religious-related instructional program of not more than one day per week.

- C. Short-term classes held between school terms.
 - D. A program administered by a political subdivision of the State which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.
- 28. Child Care Home: A private residence where child care is provided to five (5) or fewer children at any one time and that is not registered with the State of Iowa. (See Chapter 237A.3 of the State Code of Iowa.)
 - 29. Child Development Home: A private residence, officially registered by the State of Iowa as a "Child Development Home," to provide child day care to six or more children at any one time following the categories and regulations as defined by the Iowa Department of Human Services (DHS) on July 1, 2017. (See Chapter 237A.3A of the State Code of Iowa.)
 - 30. Church or place of religious worship: An institution that people regularly attend to participate in or hold religious services, meetings, and other typical ancillary activities. The term "church" does not carry a secular connotation and includes buildings in which the religious services of any denomination are held. This does not include a dwelling.
 - 31. Clinic, medical or dental: A building or buildings in which physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their professions.
 - 32. Club: An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, fitness, or the like but not operated for profit, excluding churches, or other houses of worship.
 - 33. Comprehensive Plan: The Comprehensive Plan for the City of Indianola, which sets forth the City's long-range plans for land use, transportation, municipal utilities, City expansion, management and development policies to guide the City's growth and from which the City's zoning regulations shall be based.
 - 34. Commission: Means the Planning and Zoning Commission of Indianola, Iowa.
 - 35. Communications tower: A structure that is intended for transmitting or receiving television, radio, short-wave, citizens band or telephone communications. (See Chapter 161 for definitions related to Communication Towers and Equipment.)
 - 36. Condominium: An estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
 - 37. Condo-Conversion (Condominium Conversion): The filing of a condominium regime, per the Code of Iowa, for an existing real estate property, such as the conversion of an apartment building into condominiums.

38. Convenience store: Any retail establishment, generally less than 10,000 square feet in size, offering for sale food products, household items and other goods commonly found in grocery stores and may include automotive and truck fuel sales. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.
39. Cul-de-sac: A local street, one end of which is closed and consists of a circular turnaround.
40. Delayed Deposit Services Business: A person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:
- A. Accepts a check, draft, share draft, or other instrument for the payment of money dated after the date it was written.
 - B. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.
- The above are typically referred to as "Check Cashing," "Payday Lending," or "Car Title Loan" establishments.
41. Density, gross: The number of dwelling units permitted per acre of gross land within a defined area including public streets and open spaces.
42. Density, net: The number of dwelling units per net acre of land being developed not including public streets and open spaces.
43. Department store: Any store, whether independently operated or part of a larger entity, which markets consumer goods to the general public and occupies a space of 10,000 square feet or more.
44. Display lot: The lot area that is for display of sellable durables that are the primary durables of the business.
45. Dock: any elevated protrusion intended or used for purposes of loading and unloading goods, merchandise, cargo, or other tangible goods.
46. Drive-in or Drive-thru Facility: An establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru vehicle stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. For the purposes of the Zoning Regulations, automotive and truck washes and automotive and truck fuel sales facilities will not be categorized as drive-thru facilities.

47. Driveway: A privately owned roadway giving access from a public street to a building lot or abutting property.
48. Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, and designed to be placed on, supported by and attached to a continuous perimeter foundation, which is permanent and constructed in accordance with the Indianola Building Code for site-built housing.
49. Dwelling, accessory: A separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within, attached to, or built separate from the principal single-family dwelling. Examples include: a dwelling over an attached or detached garage, a tiny house built on a separate foundation in the backyard, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.
50. Dwelling, multiple-family: A building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two units. Said buildings have dwellings units that are both vertically and horizontally attached to one another. (See "Apartment house or building.")
51. Dwelling, row: Three (3) or more horizontally attached dwelling units in a continuous row. (See "Dwelling, townhouse.")
52. Dwelling, single-family, detached: A detached dwelling erected on its own lot and designed for or occupied by one family only, with the minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.
53. Dwelling, single-family, semi-detached: A dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such dwelling on one side only by a wall located on the lot line and which has yards on the remaining sides (commonly referred to as a duplex). Each dwelling shall have a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.
54. Dwelling, townhouse: A dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit maintains an individual entrance from the exterior of the building. (See "Dwelling, row.")
55. Dwelling, two-family: A dwelling designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, and erected on one lot. Each dwelling shall have a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.

56. Dwelling unit: A room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one family, containing sleeping, bathroom, and kitchen facilities.
57. Easement: A granted right by a land owner to a person, government agency, or public utility company to use land owned by another for a specific purpose.
58. Elder group home: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa. In accordance with the Code of Iowa, elder group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. (See "Family home.")
59. Factory-built home: Any structure, designed for residential use, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of the Zoning Regulations, factory-built homes include manufactured homes and modular homes.
60. Family: One (1) or more individuals occupying a dwelling unit and living together as a single, nonprofit housekeeping unit, and sharing common living, sleeping, cooking, and eating facilities. The definition of Family does not include any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; and, any group of individuals who are in a group living arrangement because of criminal offenses. The definition of Family may include licensed group care facilities or family homes as may be otherwise permitted.
61. Family home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.
62. Farming: Defined as the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
63. Farm Support Housing: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.

64. Fireworks retail sales facility: A retail sales facility for the sale of first-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(c) and/or second-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(e).
65. Fitness center: An establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only, and occupying a space of 10,000 square feet or more.
66. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
67. Flood elevation: The elevation floodwaters reached at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.
68. Flood Insurance Rate Map (FIRM): The official map prepared by the Federal Insurance Administration as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
69. Flood Insurance Study: A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards and providing the City with the necessary information for adopting a flood plain management program and establishing actuarial flood insurance rates.
70. Flood plain: A land area susceptible to being inundated by water as a result of a flood.
71. Flood plain management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
72. Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
73. Floodway: The channel of a river stream or other watercourse and those portions of the flood plain adjoining the channel, which are required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels or flow velocities.
74. Floodway Fringe: Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flood velocities.

75. Floor area: (See Sec 407 UBC as adopted.)
76. Funeral home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: (i) embalming and the performance of other services used in preparation of the dead for burial; (ii) the performance of autopsies and other surgical procedures; (iii) the storage of caskets, urns, and other related funeral supplies; (iv) the storage of funeral vehicles; and (v) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
77. Garage, private: A detached, accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building specifically designed for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature, and to which there is legal vehicular access from a public right-of-way.
78. Gas station or service station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.
79. Golf car: A small self-propelled vehicle designed to carry golfers and their golf equipment around a golf course (sometimes erroneously referred to as a 'golf cart').
80. Group care facility: (See "Family home.")
81. Health club: An establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only, and occupying a space less than 10,000 square feet.
82. Home occupation: A business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building and complies with all city code requirements. (See Chapter 165.05, Section 5-D, Home Occupations, for regulations.)
83. Home owner's or property owner's association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area, who

collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.

84. Hookah Lounge: An establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Hookah Lounge or Bar.
85. Hotel or motel: A building containing guest rooms in which lodging is provided and offered to the public on a temporary basis for compensation, and which is open to transient guests, in contrast to a bed and breakfast inn, boarding house, or rooming house. For establishments to be considered a hotel or motel, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
86. Hotel, extended stay or apartment hotel: A building containing furnished bedrooms with or without cooking facilities in which lodging is provided and offered to the public on a weekly or month basis for compensation.
87. Junk yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations. No disassembled vehicle will be allowed to be stored or kept in any location in the City other than a junk yard.
88. Kennel: Any establishment where dogs, cats, or other similar animals or pets are boarded for compensation or are bred or raised for commercial purposes or sale.
89. Landscape: The design and development of land for human use and enjoyment. It is concerned with the beauty of natural surroundings as well as practical ways to use land and the objects on it.
90. Laundry, self-service: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.
91. Livestock: Animals kept or raised for use or pleasure, including cattle, horses, sheep, goats, swine, and similar hooved animals.
92. Liquor Store: A retail shop or establishment that primarily sells prepackaged alcoholic beverages, including wine, beer, and alcoholic liquors, intended to be consumed off the store's premises, and where 50% or more of total gross sales are derived from the sale of alcohol and tobacco.

93. Lot: For the purpose of the Zoning Regulations, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have a frontage on a public street unless it is part of a townhouse complex, and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portion of lots of record; or of portions of lots of record; and (iv) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Zoning Regulations.
94. Lot line: A line dividing one lot from another lot or from a street or alley.
- A. Common lot line – A side lot line that is shared between attached structures.
 - B. Front lot line - The line which adjoins a public street or private street.
 - C. Rear lot line - The boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at points most distant from the front lot line.
 - D. Side lot line - Any lot line not a front lot line or a rear lot line.
 - E. Street side lot line of a corner lot – For a corner lot, the street frontage that is the longest is typically the street side lot line and is perpendicular to the rear lot line.
 - F. Depth - The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth is the horizontal distance between the midpoints at the front lot line and rear lot lines.
 - G. Width - The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback.
95. Lot of record: A lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of the Zoning Regulations, an existing contract of purchase at the time of the effective date of the Zoning Regulations also constitutes a lot of record.
96. Lot types: As follows:
- A. Corner lot - A lot located at the intersection of two or more streets and having the street right-of-way about the front lot lines of the lot.

- B. Double frontage or through lot - A lot, other than a corner lot, with frontage on more than one street or public thoroughfare which do not intersect one another.
 - C. Interior lot - A lot, other than a corner lot, having frontage on but one street or public thoroughfare.
 - D. Outlot - An unbuildable lot designated on a subdivision plat and intended for future replatting into a buildable lot or lots or intended to be held and owned by a home owner's association, property owner's association, or similar private consortium as common space, open space, area for stormwater facilities, shared parking, or similarly shared site improvements or elements.
 - E. Postage-stamp lot - A small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.
97. Low-speed vehicle: A four-wheeled motor vehicle that has a gross vehicle weight rating of less than 3,000 pounds and a top speed of 25 miles per hour (mph) that allows them to travel on public roads.
98. Manufactured home: A factory-built, single-family structure not less than 40 feet wide, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, *Federal Manufactured Home Construction and Safety Standards*, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have any permanently attached wheels or axles to its body or frame. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of these regulations, a manufactured home shall be considered the same as any site-built single-family detached dwelling.
99. Manufactured home park: Any site, lot, field or tract of land upon which two or more manufactured homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available - also referred to as a "manufactured home community." The manufactured home park or manufactured home community shall meet the requirements of any zoning regulations that are in effect.
100. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any form of consideration or gratuity.
101. Massage therapy establishment: Any establishment having a fixed place of business wherein any of the treatments, techniques, or methods of treatment referred to as "massage therapy"

are administered, practiced, used, given, advertised or applied by persons licensed by the State of Iowa under the provisions of Chapter 152C of the Code of Iowa, when performing massage services as part of the profession for which licensed.

102. Medical cannabidiol: Means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the State of Iowa Medical Cannabidiol Board, approved by the State of Iowa Board of Medicine, and adopted by the State of Iowa Department of Public Health.
103. Medical cannabidiol dispensary: Means a business that dispenses medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol dispensary.
104. Medical cannabidiol manufacturer: Means a manufacturer of medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol manufacturer.
105. Mini-storage or self-storage: A building or group of buildings, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers' goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials. No business activities other than rental of storage units shall be conducted on the premises.
106. Mini-warehouse or self-storage facility: (See "Mini-storage or self-storage.")
107. Mixed-use building: A multi-story commercial building that includes office and/or retail uses on the first floor or lower levels of the building and multiple family dwellings above the first floor or on the upper levels of the building.
108. Mobile home: Factory-built housing without motive power and built on a chassis for conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a place of human habitation for one or more persons. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided, if such mobile home has not been converted to property tax assessable real estate in accordance with Chapter 435.26 of the Code of Iowa. Nothing in the Zoning Regulations shall be construed as permitting a mobile home in other than an approved mobile home park.
109. Mobile home park: Any lot or portion of lot upon which one or more mobile homes, modular homes, or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
110. Mobile home subdivision: A subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes

converted to real estate and having public streets, utilities and other public facilities installations approved by the City Council in accordance with the subdivision regulations of the City of Indianola, Iowa.

111. Mobile home space: A plot of ground within a mobile home park designated for the accommodation of one mobile home.
112. Multi-family residential: (See "Dwelling, multiple-family.")
113. Nonconforming structure: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Regulations, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
114. Nonconforming use: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Regulations, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
115. Nursing or convalescent home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.
116. Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.
117. Off-street parking area: Any area containing parking spaces, driveways or access drives devoted to the parking of motor vehicles whether free or for compensation.
118. Open space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include buildings, driveways, parking lots, display areas for retail sales of merchandise, loading areas, outdoor storage areas, or other surfaces designed or intended for vehicular travel.
119. Park: Any public or private land reserved for active and passive recreation, to include such facilities as playgrounds, swimming pools, tennis courts, trails, shelters, and other similar uses associated with a designed recreation area. The term park is not intended to include private or public amusement parks, permanent carnivals, or similar type activities.
120. Parking space: A permanently surfaced area plus necessary maneuvering space for the parking of a motor vehicle as defined in Chapter 169 of the Zoning Code. Space for maneuvering, incidental to parking or unpacking, shall not encroach upon any public right-of-way.

121. Paving, HMA: A surface paved with hot mix asphalt (HMA) that is of an appropriate thickness and includes an appropriate pavement base as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
122. Paving, PCC: A surface paved with Portland cement concrete (PCC) that is of an appropriate thickness and includes an appropriate pavement base and internal reinforcement as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
123. Pawnshop: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking.
124. Pet store or pet shop: A store at which one can purchase supplies for pets.
125. Phase: An area of the Master Plan that is not less than five (5) acres.
126. Place of business: Any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.
127. Planned Unit Development (PUD): Any development in which the proposed land uses, transportation elements, building densities, arrangements and types are set out in a unified plan. A PUD may consist of mixed residential, commercial, limited industrial and public land uses.
128. Porch, unenclosed: A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.
129. Principal building: A building in which the principal use of the lot on which the building is located is conducted.
130. Principal use: The main use of land or structures as distinguished from an accessory use.
131. Print shop: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.
132. Recreation vehicle (RV): A vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty vehicle; and (iv) designed primarily not for use as a

- permanent dwelling but as temporary living quarters or recreational, camping, travel, or seasonal use.
133. Residential Animal Raising: The keeping of animals on a non-commercial, non-profit basis. Restrictions on this type of use include no more than three (3) large animals per acre (e.g. horses, sheep and cattle, etc.); no more than twenty-five (25) small fowl or animals per acre (e.g. chickens, rabbits, ducks, ferrets, etc.); and no more than ten (10) large fowl per acre (e.g. turkeys, geese, peacocks, etc.).
134. Restaurant: an establishment that prepares and serves food and beverages to persons for immediate consumption. Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.
- A. Dine-in restaurant - A restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.
- B. Drive-in restaurant - A restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. This definition includes coffee shops, ice cream parlors, and any other business that serves food or drinks to patrons in a motor vehicle.
- C. Carry-out restaurant - A restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer; there is no consumption of food or beverages on the premises by patrons.
135. Right-of-way: A strip of land occupied or intended to be occupied by a street, walkway, drainageway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, trail, or other public use.
136. Satellite dish antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.
137. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features. (Also see "buffer.")
138. Short-Term Rental: Any dwelling that is leased or rented for a period of less than 31-days. This definition includes any dwelling leased or rented through an online marketplace such as Airbnb. This definition does not include Bed and Breakfast Inns, Boarding or Rooming Houses, and Extended Stay Hotels or Apartment Hotels.
139. Sign: (See Signage, Chapter 165.10, for sign definitions.)

140. Single Family Attached Residential (See "Dwelling, row," "Dwelling, single-family, semi-detached," "Dwelling, townhouse," and "Dwelling, two-family.")
141. Single Family Detached Residential (See "Dwelling, single-family.")
142. Site improvements: Includes all improvements to a site plan in addition to proposed buildings, and including but not limited to utilities, storm water management, parking, loading areas, landscaping, buffers, and freestanding signs.
143. Site plan: A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land. (For detailed requirements of a site plan see Chapter 166.)
144. Smoking Lounge: An establishment where patrons can purchase and consume tobacco products on site or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Cigarette, Vape, or Vapor Lounge or Bar.
145. Start of construction: Occurs when footings or structural support columns are installed or constructed. For a "factory-built home," actual start will occur when it is placed on a site or foundation is constructed.
146. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than five (5) feet above grade, such basement shall be considered a story.
147. Street line: The right-of-way line of a street.
148. Street, public: Any thoroughfare or public way not less than twenty-six (26) feet in width, which has been dedicated to the public or deeded to the City for street purposes; and also any such public way as may be created after enactment of the Zoning Regulations, provided it is fifty (50) feet or more in width.
149. Structural alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
150. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, antenna, mobile homes, billboards, poster panels, factories, sheds, cabins, factory-built homes, satellite dish antenna, storage tanks, towers, and other similar uses.

151. Subdivision: A division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use; provided, however, this definition of a subdivision does not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes.
152. Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
153. Substantial improvement: Any reconstruction, rehabilitation, additions, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or (ii) any alteration that will not preclude the structure's continued designation as a "historic structure."
154. Supervised group residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.
155. Tavern: (See "Bar.")
156. Tattoo Studio: Any establishment in which tattooing is carried out professionally and may or may not include ear and body piercing. (See "Body Piercing Studio.")
157. Tiny Home: A single-family detached residential dwelling that is not less than the minimum sq. ft. in total livable floor area as required by the City's adopted building code regulations. The dwellings are either constructed on site (site-built) or modular (factory-built) and set on a permanent masonry foundation. This definition does not include manufactured homes.
158. Tobacco Store: A retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products, including nicotine products and supplies such as electronic cigarettes and other devices capable of providing an inhalable dose of nicotine, for off premise consumption and where 50% or more of total gross sales are derived from the sale of tobacco and nicotine products or a combination of tobacco products and alcohol. These establishments may also be known or referred to as an E-Cigarette, E-Hookah, Vape or Vapor Store or Shop.

159. Townhouse: A dwelling unit which is attached horizontally and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowner's association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.
160. Trail: A walkway or bikeway designated with a surfaced pathway for travel by means other than by motorized vehicles.
161. Trailer park: (See "Mobile home park.")
162. Truck stop: A service station which is designed principally for the servicing and temporary parking of trucks.
163. Variance: A modification of the specific regulations of the Zoning Regulations granted by resolution of the Board of Adjustment in accordance with the terms of the Zoning Regulations for the purpose of assuring that no property, because of special circumstances and hardships applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.
164. Variety store: Any store, whether independently operated or part of a larger entity, which markets consumer goods to the general public and occupies a space less than 10,000 square feet.
165. Video store: Any establishment whose primary business is the rental or sale of commercial films or videos.
166. Warehouse: A building used primarily for the storage of goods and materials.
167. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided however, fences, walls, signs, poles, posts, and other customary yard accessories, ornaments, and furniture more than thirty (30) inches in height may be permitted in any yard subject to requirements limiting obstruction of visibility and other provisions of the Zoning Regulations.
- A. Yard, front - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof.
- B. Yard, rear - A yard extending across the full width of the lot and measured between the rear lot line and the building.

- C. Yard, side - A yard extending from the front yard to the rear yard and measured between the side lot lines and the building line. For corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.
168. Zero lot line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
169. Zoning Administrator: (See Chapter 166 for definition.)

DRAFT

CHAPTER 165

ZONING REGULATIONS

SECTION 165.04 GENERAL PROVISIONS

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1. GENERAL PROVISIONS

A. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.

- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
 - (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
 - (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.
- B. Zoning Districts Dividing Property.** Where one lot or parcel is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the other in its respective zoning classification and for the purpose of applying the regulations of the Zoning Ordinance, each portion shall be considered as if in separate and different ownership.
- C. Future Annexation of Territory.** All territory which may hereafter be annexed to the City shall be considered as lying in the A-1 Zoning District until such classification shall have been changed by amendment in accordance with the provisions of the Zoning Regulations.
- D. Street Frontage Required.** Except as may permitted elsewhere within the Zoning Regulations and Subdivision Regulations, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts at least twenty (20) feet on at least one public street, or unless it has an exclusive unobstructed private street easement of access or right-of-way of at least twenty (20) feet wide to a public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide shall be provided for two (2) or more such single-family dwellings, or for one or more two-family or multi-family dwellings.
- E. Visibility at Intersection.** On a corner lot in any district, except the Downtown Mixed Use Zoning District (C-3), no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines. For purposes of this section, a split rail fence, chain link fence, or any other fence which consists of vision blocking material over twenty-five percent (25%) or less of its total surface area is not considered as obstructing vision.

F. Lot and Yard Regulations

- (1) Corner Lots. For corner lots, the front yard regulation shall apply to each street side of the corner lot. The Zoning Administrator shall designate the rear yard of a lot which shall generally be that portion of yard opposite the narrow street side.
- (2) Through Lots. The Zoning Administrator shall designate the front yard of a through lot (also known as a double frontage lot) which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard regulations shall apply to each street side of a through lot.
- (3) Postage-Stamp Lot. Structures built within a postage-stamp lot shall be setback no less five (5) feet from all lot lines, excluding shared walls located along a common lot line, and shall otherwise meet all other building setback requirements for the zoning district in which it is located. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an adjoining outlot or association held parcel.
- (4) Front Yard. In all residential districts, there shall be a minimum front yard required as stated in the yard requirement of that particular district.
- (5) Required Yard Cannot Be Reduced. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum required by the Zoning Ordinance. No part of a yard, open space, off-street parking or loading space provided about any building or structure shall be included as part of a yard, open space, off-street parking or loading space required for another building, structure, or use.
- (6) Projecting Overhang or Structure. The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, bay windows, or other similar architectural features, except for gutters and downspouts, may not project or extend more than three (3) feet into a required yard, provided no part of a building is closer than 5 ft to a lot line.
- (7) Yard Encroachments.
 - a. Carports, cantilevered projections, chimneys, accessory buildings, and structures may not project into any required yard.
 - b. Air conditioning units, heat pumps, or other such similar devices may encroach into the required side yard.
 - c. Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard.
 - d. Front stoops, stairs, open decks and unenclosed porches may encroach up to 6 ft into the required front yard setback.

- e. Stoops, stairs, and open decks, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback.
 - f. Uncovered patios, brick or stone pavers, concrete slab structures, or other paved surfaces constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards, except that no such patio or paved area shall encroach closer than two (2) feet of the property line nor extend more than ten feet (10') beyond either side of a driveway.
- G. Height Regulation Exception.** The height limitations contained in the schedules of district regulations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.
- H. Use of Public Right-of-Way.** No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. Provided, however, tables, chairs and displays associated with the adjoining business shall be allowed in the C-3 zoning (Downtown Mixed-Use Zoning District) subject to the following:
- (1) Permitted on all sidewalks provided there remains a free walking path with a minimum walking surface of five (5) feet in width.
 - (2) Allowed during business hours only, unless specifically authorized by the City of Indianola as part of an approved sidewalk agreement.
 - (3) Provide proof of public liability insurance for such sign in the amount of \$100,000.00.

2. ACCESSORY BUILDINGS AND STRUCTURES

- A. Intent.** Principal uses specified as permitted uses or special uses for a district shall be deemed to include accessory buildings and uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. These accessory buildings and structures include: free standing garages for automobiles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, and above-ground and in-ground pools and hot-tubs. It is the intent of these standards herein this section to establish the basic regulations for accessory buildings and structures.
- B. General Provisions.** No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

- C. Applicability.** The following regulations shall apply to all accessory buildings and structures for agricultural uses, single-family dwellings, two-family dwellings, townhouse or row dwellings, and manufactured home parks. Accessory buildings and structures for all other uses shall comply with the regulations and standards as established for principal structures.
- D. Location and Setbacks.** The following location and setback requirements shall apply to all accessory buildings and structures:
- (1) Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.
 - (2) Accessory buildings and structures shall not be erected within any required buffer or easement.
 - (3) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.
 - (4) When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.
 - (5) No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line.
 - (6) Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.
 - (7) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.
 - (8) All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.

E. Area and Height Limit.

- (1) Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.
- (2) Accessory buildings and structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case more than one and one-half (1.5) stories in height and shall not exceed a height of 24-feet.

F. Building Design. Accessory buildings shall match the architectural style and design of the principal structure. The exterior building materials (siding and roofing materials) shall also be similar and of identical quality as that found on the principal structure.

G. Exempt Structures. Accessory structures of eighty (80) square feet or less, no taller than twelve (12) feet, and of a movable design, plus ground mounted play structures no taller than ten (10) feet with a footprint of no more than 400 square feet, shall be exempt from permit requirements. These structures must conform to all setback requirements. The square footage of these structures shall be included in the maximum cumulative area requirements of this Chapter.

3. ANTENNAS, SATELLITE DISH ANTENNAS, AND TOWERS (NOT INCLUDING WIRELESS TELECOMMUNICATIONS FACILITIES).

The following standards shall apply to all antennas, satellite dish antennas, and towers that are not part of a wireless telecommunications facility:

- A. Freestanding antennas, satellite dish antennas, and towers uses shall comply with the height restrictions and setback requirements for accessory buildings and structures.
- B. Antennas, satellite dish antennas, and towers attached to a principal building or structure shall comply with the height restrictions and setback required of that principal building or structure for the zoning district in which it is located.
- C. No satellite dish antenna, radio or TV antenna, or related tower use shall be permitted within any front or side yard or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the antenna or satellite dish antenna within the confines of the rear yard and obtain a signal.

- D. No satellite dish antenna with a dish diameter greater than three (3) feet or height greater than fifteen (15) feet shall be permitted in any residential zoning district. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public streets.

4. FENCES AND WALLS

A. Residential Districts.

- (1) In all residential zoning district, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. Fences and walls are permitted in the front yard with a maximum height of forty-eight (48) inches. All fences and retaining walls within a front yard shall be a minimum of two (2) feet from any property line abutting frontage to a public street and shall be subject to the restrictions and standards herein this section. All fences located between the front property line and the front yard building setback, shall be designed with a minimum open space of forty percent (40%). Retaining walls shall be the only type of wall allowed within a residential front yard.
- (2) Any yard abutting a public street shall be considered a front yard. Residential corner lots contain two (2) front yards, and any fence extending into either front yard shall be a maximum of forty-eight (48) inches in height and shall be subject to all other requirements for front yard fences.
- (3) On through lots or double frontage lots, a privacy type fence not exceeding six (6) feet in height may be placed within the designated rear yard, as determined by the Zoning Administrator, provided it is a minimum of ten (10) feet from the street right-of-way line.
- (4) Fences and walls shall be built wholly on the owner's property.

B. Industrial and Commercial Districts.

- (1) In industrial zoning districts, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yard.
- (2) Fences within a commercial district, within the front yard of an industrial district, or exceeding eight (8) feet in height in industrial districts, may be permitted by special exception of the Board of Adjustment or by City Council approval as part of a site plan application.
- (3) As part of a sidewalk use agreement or any other outdoor seating area, fences not exceeding four (4) feet in height are permitted, and shall be constructed of wrought iron, aluminum, wood, polyvinyl chloride (PVC).
- (4) Fences and walls shall be built wholly on the owner's property.

- C. Decorative Features.** In all districts, decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to

exceed the maximum fence height by no more than twelve (12) inches.

D. Swimming Pool Enclosures. Barriers constructed for the purpose of enclosing a swimming pool, shall also be subject to the requirements of this chapter.

E. Fence Frames. The frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.

F. Retaining Walls.

- (1) Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height.
- (2) Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.

G. Materials and Maintenance.

(1) Allowed Materials.

- a. Fences are to be constructed of customarily used materials such as chain-link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
- b. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as fencing material; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
- c. An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of this chapter. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.

- d. **Walls and Retaining Walls.** Walls and retaining walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc., and shall not be painted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.
- (2) **Prohibited Materials.** A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited.
- (3) **Construction and Maintenance.** All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator after ten (10) days' notice to the owner of the fence, may order the removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

H. Measuring Fence or Wall Height. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:

- (1) In a yard abutting a street, the total effective fence or wall height above the finished grade shall be measured on the side nearest the street. Notwithstanding, if a property or premises is lower than an adjacent street, then the height of the fence or wall shall be determined by a measurement from the street grade at a ninety degree (90°) angle from the fence or wall; provided the total vertical measurement from the ground beneath the fence or wall to the top of the fence or wall shall not exceed eight feet (8').
- (2) In any other required yard, the total effective fence or wall height above the finished grade shall be measured on the side nearest the adjacent property.
- (3) On a property line, the fence or wall height shall be measured from the finished grade of the side of the adjacent property.
- (4) Swales and other earth depressions up to six feet (6') wide shall not be used when measuring the fence or wall height.
- (5) Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall, except in the case of a fence or wall constructed within an industrial zoning district or as otherwise may be required by the City for the purposes of screening.

I. Overland Flowage Easements.

- (1) Fences may encroach into an overland flowage easement providing measures are taken

to make certain that the fence does not cause siltation buildup or restrict the water flow.

- (2) Permitted fence material includes chain-link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.
- (3) All fencing shall be elevated a minimum of three (3) inches through the swale part of the easement to allow water flowage.

J. Exceptions to Fence Requirements.

(1) Agricultural Purposes.

- a. In agriculture districts, barbed wire and woven wire fencing may be allowed, subject to a minimum setback of ten (10) feet, provided it is used to contain livestock or to protect crops and plantings.
- b. In agriculture districts, an electrified fence may be allowed subject to a minimum setback of ten (10) feet for the purpose of containing livestock.

- (2) **Industrial Districts.** In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than six (6) feet above the ground.

- (3) **Recreational Purposes.** Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open space for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator.

- (4) **Governmental Properties.** Fences associated with governmental (federal, state, county, city) facilities and properties.

- (5) **Temporary Fences.** Temporary or seasonal fences, e.g., snow fence, garden fence, are exempt from permitting requirements providing they are not more than four (4) feet in height. Snow fence shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fence shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this Chapter.

- (6) **Temporary Construction Fence.** Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.

- (7) **Existing Fence.** Repair of existing, legal but nonconforming fences shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence. Complete replacement of an existing fence requires compliance with the terms of this Chapter. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence.

5. NONCONFORMITIES

- A. Nonconforming Uses.** Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- B. Nonconforming Lots of Record.** In any district in which single-family dwellings are permitted the single-family dwelling and customary accessory buildings may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations for the district in which the lot is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment.
- C. Nonconforming Uses of Land.** Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity.
- (2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

E. Nonconforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

- (4) Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, thereafter, shall not be used except in conformance with the regulations of the district in which it is located.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

CHAPTER 165 ZONING REGULATIONS

SECTION 165.05 ZONING DISTRICT REGULATIONS

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1. REGULATIONS BY ZONING DISTRICT

A. Agricultural / Open Space Zoning District (A-1)

- (1) Statement of Intent: The A-1 zoning district is intended to provide for the continued use of agricultural land uses in those portions of the City where they are appropriate and allow limited creation of new residential uses that are consistent with these agricultural uses.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards:
 - a. Every single-family residential and other residential and non-residential structures, except for ag-related structures, constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)
- (8) Signage: (See Chapter 165.10.)

B. Single-Family Residential Detached Zoning District (R-1)

- (1) Statement of Intent: The R-1 zoning district is intended accommodate single-family residential dwellings on building lots of various sizes and certain non-residential uses common within single-family residential areas.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards:
 - a. Every single-family dwelling, townhouse dwelling or row dwelling, and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)
- (8) Signage: (See Chapter 165.10.)

C. Single-Family Residential Attached Zoning District (R-2)

- (1) Statement of Intent: The R-2 zoning district is intended accommodate single-family attached residential dwellings including duplex and two-family dwellings, townhomes, and rowhouses and certain non-residential uses common within single-family residential areas.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards:
 - a. Every single-family dwelling, two-family dwelling, townhouse dwelling or row dwelling, and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)
- (8) Signage: (See Chapter 165.10.)

D. Multi-Family Residential Zoning District (R-3)

- (1) Statement of Intent: The R-3 zoning district is intended accommodate single-family attached residential dwellings and multi-family dwellings including rowhouses, townhomes, and apartments and certain non-residential uses common within multi-family residential areas.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards:
 - a. Every single-family dwelling (semi-detached and two-family), townhouse dwelling, row dwelling, multi-family dwelling (apartment), and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)
- (8) Signage: (See Chapter 165.10.)

E. Manufactured Home Park Zoning District (R-4)

- (1) Statement of Intent: The R-4 zoning district is intended accommodate the development of manufactured and mobile home parks (herein after referred to as manufactured home

parks). For the purposes of this section, the term manufactured home shall also refer to mobile home.

(2) Bulk Regulations:

- a. The minimum proposed area for a manufactured home park shall have at least 10 acres of gross development area. The maximum density allowed for the gross development area shall be seven manufactured homes units per acre.
- b. All manufactured home parks perimeter yard requirements shall not be less than 30 feet. No structures shall be permitted within this yard.
- c. No part of any manufactured home or other structure shall be closer to any public street upon which the park adjoins than 50 feet; however, interior park drives may be located within the setback area.
- d. The minimum width for manufactured home platted lot or manufactured home space as designated on a site plan shall be 40 feet.
- e. Front Yard Setback: Minimum 15 feet, measured from the edge of the surfaces private drive to the closest point of the lower face of the manufactured home.
- f. Side Yard Setback: Minimum 20-foot separation at the nearest point between any manufactured home.
- g. Rear Yard Setback: Minimum 20-foot separation at the nearest point between any manufactured home.
- h. Maximum Height for All Structures: 20 feet.
- i. Detached Accessory Structures to the Manufacture Home (Including Garages and Sheds): Shall not be located within the front yard setback and shall maintain a minimum 10 feet separation at the nearest point between any manufactured home and any other structure. Sheds 64 square feet in size and less do not need to comply with this minimum separation requirement.
- j. Uncovered and open decks, patios, and stairs may encroach the front, side, and rear yard setback areas.
- k. Structures Ancillary to the Manufactured Home Park (Including Storm Shelters, Equipment Buildings, Pool Houses, and Community Buildings)
 - i. Setbacks: No ancillary structure shall be located closer than 50 feet from the perimeter of the manufactured home park.
 - ii. No ancillary structure shall be located closer than 20 feet to another structure.

iii. Maximum Building Height: 35 feet.

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Fences and Walls: (See Chapter 165.04.)

(5) Site Plan Required: Each petition for a change to the R-4 zoning classification submitted to the City shall be accompanied by a manufactured home park site plan. Said site plan shall show each manufactured home space, or platted lot, the water, electrical and sewer lines serving each manufactured home space, the location of water hydrants, community shelter building or buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping. The plan shall be considered by the Planning and Zoning Commission and the City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Ordinance and the General Provisions contained hereinbelow. All changes to the R-4 classification shall be made in accordance with the provisions of Chapter 165 of this Zoning Ordinance.

(6) General Provisions: The manufactured home park shall conform to the following requirements.

- a. Drainage. The park shall be located in a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. Signs. One permanent identification sign shall be required at any main entrance to a manufactured home park.
- c. Streets. The entrance road connecting the park driveways with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior driveways shall be not less than twenty-five (25) feet in width, measured back to back of curbs. All streets and driveways, including driveways to and within individual manufactured home spaces, shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Gravel or unpaved streets, driveways, and parking areas shall not be permitted.
- d. Skirting. Skirtings of a permanent type material and construction shall be installed within thirty (30) days from the date the manufactured home is set and leveled. The skirting shall enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home lot. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home park.
- e. Parking Spaces Required for Each Manufactured Home. Each manufactured home shall be provided a minimum of 2 paved parking spaces.
- f. Walkways. Walkways not less than six (6) feet wide shall be provided from the

manufactured home spaces and community buildings to the roadways and public streets. The walkways shall be all-weather surfaced of concrete, well-marked in the daytime and lighted at night.

- g. **Electrical Service.** Electrical service shall be provided for each manufactured home space.
- h. **City Services.** Each manufactured home space shall be connected to City services and watermain, fire hydrants, and sanitary sewer lines shall be installed in accordance to City regulation.
- i. **Refuse Disposal.** The owner of the park shall be responsible for the provision of adequate refuse collection containers and regular refuse disposal. Disposal shall occur no less than once per week.
- j. **Identifying Number.** Each manufactured home space shall be provided with a uniform identifying number of at least three-inch numbers readily visible from the drive immediately in front of said space and uniformly placed at the front of the space.
- k. **Community Building:** For the purposes of this section, a "Community Building" means a building serving as the shelter facility for the manufactured home park residents in the event of inclement weather. Each manufactured home park shall provide a community building as defined herein. The community building shall be:
 - i. Well lighted at all times of the day or night.
 - ii. Well ventilated with screened openings.
 - iii. Constructed of such moisture-proof material as shall permit repeated cleaning and washing.
 - iv. Maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit year-round.
 - v. Constructed in compliance with all applicable codes to house residents in the event of threatening weather conditions and sized to adequately accommodate all residents of the manufactured home park with a minimum of thirty (30) square feet of floor area provided for each manufactured home planned.
 - vi. The floors of the community building shall be of water impervious material and shall slope to a floor drain connected with the sewage system.
 - vii. The community building and the grounds of the manufactured home park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.

(7) Subdivision Requirements: Every manufactured home park authorized under the provisions of this chapter shall fully comply with the subdivision requirements of the City, and all improvements shall be completed as required under said subdivision regulations.

(8) Building Design Standards:

a. Every non-residential structured constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)

(9) Signage: (See Chapter 165.10.)

F. Neighborhood Commercial Zoning District (C-1)

(1) Statement of Intent: The C-1 zoning district is intended for smaller, neighborhood scale retail and office uses located close to residential areas and are intended to serve the daily retail needs for the residents.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

(5) Off-Street Parking Regulations: (See Chapter 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)

(7) Building Design Standards: (See Chapter 165.10.)

(8) Signage: (See Chapter 165.10.)

G. Highway Commercial Zoning District (C-2)

(1) Statement of Intent: The C-2 zoning district is intended to be located along major highways with more auto-oriented uses with the intent of providing commercial products and services to the local, regional, and general motoring public.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

(5) Off-Street Parking Regulations: (See Chapter 165.07.)

- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)

H. Downtown Mixed-Use Zoning District (C-3)

- (1) Statement of Intent: The C-3 zoning district is intended to preserve and promote the Downtown area with pedestrian oriented, walkable environment with retail, office and upper-story residential uses.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.) In order to promote the economic vitality and attractiveness of all properties located within the C-3 zoning district, the ground floor of any building shall not be used for storage nor remain vacant for an extended period of time due to the neglect of the property owner or building tenant to actively maintain and market the property for use.
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)

I. Limited Industrial Zoning District (M-1)

- (1) Statement of Intent: The M-1 zoning district is intended for a mixed of certain retail service, office, light manufacturing, and warehouse and distribution uses with limited outdoor storage.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)

- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)
- (9) Outdoor Storage: Licensed and operable trailers, trucks, power equipment, and shipping containers plus limited storage of other equipment and bulk materials is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.

J. General Industrial Zoning District (M-2)

- (1) Statement of Intent: The M-2 zoning district is intended for industrial, manufacturing, and warehouse and distribution uses with or without outdoor storage.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)
- (9) Outdoor Storage: Outdoor storage is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.

K. Planned Unit Development (PUD)

- (1) Intent: The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with an approved Master Plan. The development guidelines and standards in which land uses, transportation facilities, building densities, arrangements, and types are set out in a unified Master Plan in order to provide greater flexibility of land use, development densities, and building locations than other zoning districts may allow.

The PUD District is intended to maximize benefits from the use of open spaces, preserve natural areas and existing tree cover, protect steep slopes, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the general health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a single use or a

mix of residential, commercial, and limited industrial uses, provided such PUD is compatible with the Future Land Use Map and Comprehensive Plan of the City. It is not the intent of the PUD district to be utilized to reduce or provide relief from an existing zoning regulation or requirement.

(2) Procedures:

- a. Application: The owner or owners of a parcel of land within the zoning jurisdiction of the City may submit to the Zoning Administrator an application accompanied by a PUD Master Plan requesting a rezoning to the PUD Zoning District. The application form, Master Plan (including number of copies), proposed development rules and regulations, design guidelines, and other submittal details and requirements shall be as determined by the Zoning Administrator as necessary to review the request. The required application fee shall be as determined by resolution of the City Council.
- b. Review Process: The PUD Application shall be reviewed by the Zoning Administrator for completeness. Applications deemed incomplete shall be returned to the applicant with a list of the missing or incomplete items. Applications deemed complete shall be distributed by the Zoning Administrator to other City departments and agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent City codes, regulations, standards, and policies.
- c. Subsequent to review by the Zoning Administrator and other City departments and agencies, the Zoning Administrator shall submit to all members of the Planning and Zoning Commission a copy of the PUD Application along with a written recommendation as to the request's conformity with the rules and regulations of the City and may include a recommendation for approval, approval with conditions, or denial of the application.
- d. The Planning and Zoning Commission shall subsequently hold a public meeting for a rezoning as prescribed by their rules of procedures and the Zoning Ordinance and review the PUD Application for conformity with the zoning regulations and standards and may confer with the applicant on changes to their requested as may be deemed advisable. The Planning and Zoning Commission shall consider the following as part of their deliberation:
 - i. Compatibility with the Future Land Use Map and the Comprehensive Plan.
 - ii. Land uses, building sizes and densities, and number of dwelling units.
 - iii. Building types, functions, architecture, and building placement and setbacks.
 - iv. Provisions for open space, landscaping, buffers, pedestrian circulation, and storm water management.
 - v. Preservation and protection of natural features, drainageways, steep slopes, and existing tree cover.

- vi. Provisions for adequate public infrastructure including sanitary sewer and water service, storm water run-off, public parks, and public safety services.
- vii. Traffic circulation and congestions including access to and from the site.
- viii. General relationship to and impact on the surrounding area and neighboring properties.

After completion of its deliberation, the Planning and Zoning Commission may adopt a recommendation for approval or denial of the PUD Master Plan and associated development rules, regulations, and guidelines as submitted. The Planning and Zoning Commission may also request the developer agree to certain conditions or agree to make certain modifications, alterations, adjustments, or amendments to the proposed Master Plan and associated rules, regulations, and guidelines in order to secure a recommendation of approval from the Planning and Zoning Commission.

The Planning and Zoning Commission shall forward its recommendation to the City Council within 60 days of the receipt of a PUD Application deemed complete by the Zoning Administrator. If the Planning and Zoning Commission does not act within the 60 days as prescribed above, the PUD Application shall be deemed to have received a recommendation of approval by the Planning and Zoning Commission unless the applicant agrees to an extension of time.

Within 60 days of receiving a recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing for a rezoning as prescribed by their rules of procedures and the Zoning Ordinance and review the PUD Application for conformity with the zoning regulations and standards. During this hearing, the City Council may confer with the applicant on changes to their request as may be deemed advisable in order to secure the approval by the City Council. The City Council may approve, approve with conditions or modifications as agreed to by the applicant, or deny the application. If the City Council fails to act within the herein prescribed 60-day period, the PUD Application shall be deemed to have been denied, unless both the applicant and the City Council agree to an extension of time.

Whenever any PUD Application has been denied by the City Council, no new application covering the same property, or the same property and additional property, shall be filed with or considered by the City Council until one year has elapsed from the date of the filing of the first application.

- e. Recording of the Master Plan and Associated Regulations and Guidelines: The ordinance providing for the rezoning of the property to the PUD Zoning District and the associated Master Plan, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the Warren County Recorder and shall be binding on the property owners, their heirs, successors, or assigns. No phase of the PUD shall be started, and no building permits shall be issued until all documents have been recorded.

- f. **Modifications:** Any application by the property owner or owners for modification to an approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Planning and Zoning Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final.

No modification may be considered that is more than a ten percent (10%) increase in density or change of uses of the site without a public hearing by the Planning and Zoning Commission and City Council as required for a rezoning. A public hearing may be held by the Planning and Zoning Commission or City Council on any requested modification. All modifications and adjustments shall be recorded at the Office of the Warren County Recorder.

- g. **Platting and Development:** Prior to development within the PUD, applications for Preliminary and Final Plats, Site Plans, and Building Permits that are in conformance with the provisions of the PUD shall be submit for review in accordance with the City's regulations. At the applicant's own risk, Preliminary Plats, Final Plats, and Sites Plans may be submitted and reviewed concurrently with the PUD Application process.

- 2. **RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS.** The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling (Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	15 acres	7,200 sq ft	8,400 sq ft	n/a	n/a	40,000 sq ft
Min. Lot Width ¹	300 ft	60 ft	70 ft	24 ft.	80ft	100 ft
Min. Lot Street Frontage ²	20 ft	20 ft	20 ft	20 ft	20 ft	40 ft
Front Yard Setback ³	40 ft	30 ft	25 ft	25 ft	30 ft.	35 ft.
Side Yard Setback ⁴	10 ft	8 ft min one side, 18 ft total sum of both side yards	10 ft ⁶	8 ft. ⁶	30 ft	30 ft
Rear Yard Setback ⁵	35 ft	35 ft	30 ft	30 ft	30 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	35 ft	35 ft	35 ft	35 ft	50 ft	40 ft
Min. Open Space	n/a	20%	20%	25%	25%	25%
Max. Dwelling Units Per Acre	0.067	n/a	n/a	8	20	n/a
¹ Measured at the front yard building setback line						
² Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line						
³ Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback						
⁴ Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line						
⁵ Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback						
⁶ Zero feet from common lot lines of attached structures						

- 3. NON-RESIDENTIAL BULK AND DENSITY REGULATIONS.** The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each non-residential zoning district.

NON-RESIDENTIAL BULK AND DENSITY REGULATIONS TABLE					
BULK AND DENSITY REGULATION BY ZONING DISTRICT	ZONING DISTRICTS				
	C-1	C-2	C-3	M-1	M-2
Min. Lot Size	n/a	n/a	n/a	n/a	n/a
Min. Lot Width	150 ft	150 ft	n/a	n/a	n/a
Min. Lot Street Frontage ⁴	40 ft	40 ft	40 ft	40 ft	40 ft
Front Yard Setback	30 ft	40 ft	0 ft	35 ft	35 ft
Side Yard Setback ¹	10 ft	10 ft	0 ft	20 ft	20 ft
Rear Yard Setback ²	10 ft	10 ft	0 ft	35 ft	35 ft
Min. Separation Between Buildings Not Attached	20 ft	20 ft	20 ft	20 ft	20 ft
Max. Building Height	50 ft ³	50 ft ³	50 ft	50 ft ³	50 ft ³
Min. Building Height	n/a	n/a	28 ft	n/a	n/a
Min. Open Space	20%	20%	0%	15%	15%
Max. Dwelling Units Per Acre	n/a	n/a	18	n/a	n/a
¹ 30 feet when said yard adjoins a residential zoning district or existing residential property					
² 40 feet when said yard adjoins a R-1 or R-2 zoning district or existing single-family property					
³ An additional 10 ft of height is permitted for every 10 ft of additional building setback provided to a maximum height of 60 ft					
⁴ Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line					

- 4. PERMITTED AND SPECIAL USES.** The following table identifies the allowable uses within each zoning district. A use identified with a "P" within a given zoning district column is a Permitted use. A use identified with a "S" within a given zoning district column requires approval of a Special Use Permit from the Board of Adjustment in accordance with city code. A blank space indicated that use is not permitted within the given zoning district. Uses not listed shall be considered not permitted uses.

The definitions for each listed use shall coincide first with the definition contained within Chapter 165.03 of the Zoning Code, second as may be defined elsewhere in the City Code, and finally the commonly understood definition as determined by the Zoning Administrator.

A proposed use may follow under more than one category; however, for the purposes of this section, the proposed use shall follow the closest, most similar or specific use as listed in the Use Matrix.

It shall be the sole discretion of the Zoning Administrator to make the determine as to where a proposed use falls within the Uses Table, whether it fits within or is similar to a use listed within the Uses Table or is otherwise not listed and therefore not permitted. The determination by the Zoning Administrator is appealable to the Board of Adjustment per the procedures as provided in city code.

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
AGRICULTURAL USES											
Commercial Farm Operation											
	Farming (row crop, vegetables, greenhouse, vineyards, orchards)	P									
	Animal Husbandry (raising of livestock including animal feeding operations)										
	Truck gardening and nurseries	P									
	Farm Support Housing	S									
Horse boarding and riding stables		P									
Residential Animal Raising (see definition)		P									
Kennel		P									
RESIDENTIAL USES											
Household Living											
	Single-family dwelling, detached	P	P	P							
	Single-family dwelling, semi-detached (traditional duplex on two lots)		S	P	P						
	Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single-family home into 2 dwelling units)			P	P						
	Townhouse dwelling (3+ units)			P	P						
	Multiple family dwelling (3+ apartment or condo units)				P				S		
	Manufactured Home Park					P					
	Accessory dwelling (includes the conversion of an existing single family detached dwelling into 2 units such as converting a basement or attached garage space into a separate dwelling unit)	S	S	S							
	Dwelling units located above the ground floor only (mixed use building)								P		
Group Residential											
	Family home / Group care facility	P	P	P	P						
	Elder group home	P	P	P	P						
	Assisted living residential facility		P	P	P			P	P		
	Nursing or convalescent home		P	P	P			P	P		
	Supervised group residence				S				S		

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
PUBLIC AND CIVIC USES										
College, university, vocational and trades schools	S	S	S	S	S	S	S	S	S	S
Cultural exhibit, museum, or library						P	P	P		
Membership or religions organization, social club or lodge, and other place of public assembly	S	S	S	S	S	S	S	S	S	S
Public or private elementary, middle, or high school	S	S	S	S	S	S	S	S		
Public or private parks, golf courses, golf driving ranges, country clubs, swimming pools, playgrounds, and indoor or outdoor recreational facilities and ball fields	P	P	P	P	P	P	P	P	P	P
Public Utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)	P	P	P	P	P	P	P	P	P	P
Government buildings and properties	P	P	P	P	P	P	P	P	P	P
Hospital							P	P	P	P
COMMERCIAL USES										
After hours business										
Agricultural Sales and Services							P		P	P
Animal services										
Kennel (including day kenneling)										P
Veterinary services (without overnight kenneling)						P	P	P	P	P
Art gallery						P	P	P		
Banks and financial services										
Banks, not including delayed deposit service business						P	P	P		
Delayed deposit service business (including check cashing, payday lending, car title loan business)								S		
Pawnshop								S		
Freestanding automated teller machine (ATM)						P	P	P		
Body piercing studio or tattoo studio								S		
Child Care Center (<i>child care home and child development home are addressed under the home occupations chapter</i>)		S	S	P		P	P	P	S	S

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use										
No outdoor storage							P		P	P
With outdoor storage										P
Drive-in or drive-thru facilities						S	P			
Eating and drinking establishment										
Restaurant							P	P		
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales	S						P	P	P	P
Tavern / Bar							P	P		
Entertainment										
Movie theater, performance hall, performing arts studio						P	P	P		
Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P	P	P	
Outdoor: drive-in theater, waterpark, miniature golf, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P		P	P
Funeral and interment services										
Cemetery, mausoleum, columbarium	P	P	P	P		P	P		P	P
Cremation services										S
Funeral Home including funeral services and retail sales with no outdoor display or storage			S	S		P	P	P	P	P
Retail sales with outdoor displays and storage							P		P	P
Lodging										
Bed & breakfast inn	P	S	S	P		P	P	P		
Boarding or rooming house				S						
Extended stay or apartment hotel							S	S		
Hotel or motel							P	P		
Campground	P							S	S	
Short-term rental	P	P	P	P	P			P		

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use						P	P	P		
Mini warehouse or self-storage facility										
In-door only									P	P
Out-door storage including vehicle, boat, camper, recreational vehicle										P
Motor vehicle and motor equipment-oriented businesses										
Automobile service center (auto parts sales)							P		P	
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							P		P	P
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P		P	P
Electric vehicle charging stations (not ancillary to a principal use)						P	P	P	P	P
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)							P		P	P
Automobile sales, rental, storage lot, and off-street parking							P		P	P
Automobile, truck and equipment auction facilities									P	P
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P		P	P
Light equipment sales, rental, or repair service							P		P	P
Heavy equipment sales, rental or repair service										P
Truck Stop, not including trailer washout										P
Commercial parking lots and parking structures (not ancillary to a principal use)							P	S	P	P

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Personal and consumer service											
	Beauty salon, barbershop						P	P	P		
	Dry cleaner and laundry service								P	P	P
	Dry cleaner and laundry service (pick-up/drop-off service only)						P	P	P	P	P
	Laundry (self-serve laundromat)						P	P	P	P	P
	Massage therapy establishment, state licensed						P	P	P		
	Fitness center, gym, health spa						P	P	P	P	P
	Tailor						P	P	P		
Print shop, copy center, retail shipping store								P	P	P	P
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)							P	P	P		
Television and radio broadcast studio, offices, and production facilities							P	P	P		
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)							P	P	P		
Retail sale - intensive											
	Convenience store with fuel sales							P	P	P	
	Fireworks retail sales facility							P		P	P
	Hardware store, lawn and garden store, or similar use with outdoor storage							P	P	P	P
	Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)							P			
	Liquor store							S	S		
	Lumber yard and Construction Sales and Services							S		P	P
	Medical cannabidiol dispensary							S	S		
	Can and bottle redemption facility							P		P	P
	Smoking lounge or hookah lounge							S	S		
	Tobacco store (including vape shop)							S	S		
Adult oriented establishment											S
Spectator sports											
	Indoor	S								P	P
	Outdoor	S								P	P

PERMITTED AND SPECIAL USES TABLE										
USE		ZONING DISTRICT								
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1 M-2
Sports and recreation, participant										
	Outdoor	S								P P
	Indoor	S								P P
INDUSTRIAL USES										
Animal feedlots, processing of animals or animal by-products										
Electrical power generation (utility scale for off-site use, distribution, or sale)		S								S
Manufacturing, production and industrial services										
	<u>Limited</u> (no food related processing and manufacturing, all activities wholly contained within a building)									P P
	<u>General</u> (limited food processing, outdoor storage limited)									P P
	<u>Intensive</u> (may include outdoor storage of materials and activities not contained within a building) and includes:									
	Auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)									S
	Truck or trailer washout									S
	Cement, lime, gypsum, or plaster manufacture									S
	Explosive and ammunition manufacture or storage									S
	Junk or garbage processing, recycling, storage, or transfer station (indoor only)									S
	Petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage									S
	Rubber goods manufacture									S
	Sand or gravel pits, mining, and crushing									S
	Smelting and processing of ore, metal and scrap metal									S

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
	Medical cannabidiol manufacturer										S
	Repair service										
	Electronics, appliance, household goods, furniture or similar							P		P	P
	Small engine										P
	Research laboratory and testing										P
	Storage of equipment, data and records, electronic data center, furniture and similar										P
	Trucking/freight terminal										P
	Wholesale fuel storage, sales, or distribution										S
	Grain storage and distribution										P
	Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)										P
	Waste related use										
	Junkyard including auto, truck and machinery wrecking and recycling										S
	Recycling facility										S
	Sanitary landfill										S
OTHER USES											
	Gas and electrical power distribution station	S									S
	Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)	S									S
	Wireless telecommunications facility										
	Tower	S	S	S	S	S	S	S	S	S	S
	Co-located	S	S	S	S	S	S	S	S	S	S
	Commercial broadcast antennas, towers, and satellite dishes	S	S	S	S	S	S	S	S	S	S

5. STANDARDS FOR ALL ZONING DISTRICTS**A. Small Wind Energy Conversion Systems**

- (1) Intent. The intent of this section is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City finds these regulations are necessary to ensure that Small Wind Energy Conversion Systems are appropriately designed, sited and installed.
- (2) Definitions. The following terms are defined for this section:
 - a. "Height, total system" means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
 - b. "Lot" (or parcel) means any legally established lot or parcel which contains or could contain a permitted or special use as provided by Chapter 165 of this Code of Ordinances.
 - c. "Off grid" means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
 - d. "Shadow flicker" means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
 - e. "Small Wind Energy Conversion System (SWECS)" means a wind energy conversion system which has a nameplate rated capacity of up to 15 kilowatts for residential uses and districts and up to 100 kilowatts for commercial and industrial districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.
 - f. "Small Wind Energy Conversion System, free standing" means a SWECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition.
 - g. "Small Wind Energy Conversion System, horizontal axis" means a small wind energy conversion system that has blades which rotate through a horizontal plane.
 - h. "Small Wind Energy Conversion System, building mounted" means a SWECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower

structure which is in turn fastened to the principal building. These systems are prohibited by this chapter.

- i. "Small Wind Energy Conversion System, vertical axis" means a small wind energy conversion system that has blades which rotate through a vertical plane.
- j. "Tower" means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.
- k. "Wind Energy Conversion System (WECS)" means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.
- l. "Wind turbine generator" means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

(3) General Regulations.

- a. Special Use Permit. A Small Wind Energy Conversion System (SWECS) shall be allowed only as an accessory use to a permitted principal use and with approval of a special use permit from the Board of Adjustment.
- b. Zoning. SWECS may be allowed in any zoning district subject to the provisions contained herein and elsewhere within this City Code.
- c. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City, unless a special use permit has been obtained from the Board of Adjustment. The special use permit may be revoked by resolution of the Board of Adjustment any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Board of Adjustment. The owner/operator of the SWECS must also obtain any other permits required by other federal, state and local agencies/departments prior to constructing the system. 164.05

Application for SWECS shall be made on forms provided by the City. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.

- d. Number of Systems per Zoning Lot.
 - i. No more than one freestanding SWECS may be placed on any parcel or lot. Additional freestanding SWECS are prohibited.
- e. Tower. Only monopole towers shall be permitted for freestanding SWECS. Lattice, guyed or towers of any other type shall not be considered to be in compliance with this chapter.

- f. Color. Freestanding SWECS shall be a neutral color such as white, sky blue or light gray. Other colors may be allowed at the discretion of the Board of Adjustment. The surface shall be non-reflective.
- g. Lighting. No lights shall be installed on the tower, unless required to meet FAA regulations.
- h. Signage. No signage or advertising of any kind shall be permitted on the tower or any associated structures.
- i. Climbing Apparatus. The tower must be designed to prevent climbing within the first 10 feet.
- j. Maintenance. Facilities shall be well maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this chapter or elsewhere within this City Code.
- k. Displacement of Parking Prohibited. The location of the SWECS shall not result in the net loss of required parking as specified elsewhere in the City Zoning Code.
- l. Utility Notification. The City shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.
- m. Interconnection. The SWECS, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind shall be issued until the City has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.
- n. Restriction on Use of Electricity Generated. A SWECS shall be used exclusively to supply electrical power to the owner for on site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.
- o. Noise. A SWECS shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in this City Code.
- p. Shadow Flicker. No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
- q. Safety Controls. Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine

components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.

- r. Shut Off. A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Community Development Director.
- s. Electromagnetic Interference. All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.
- t. Wind Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.
- u. Engineer Certification. Applications for any SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the SWECS showing compliance with the applicable regulations and certified by an Iowa licensed professional engineer shall also be submitted.
- v. Installation. Installation must be done according to manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.
- w. Removal. If the SWECS remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The SWECS owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The SWECS owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the Zoning Administrator shall notify the SWECS owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.
- x. Right of Entrance. As a condition of approval of a special use permit an applicant seeking to install SWECS shall be required to sign a petition and waiver agreement

which shall be recorded and run with the land granting permission to the City to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

- y. Feasibility Study. It is highly recommended that a feasibility study be made of any site prior to installing a wind turbine. The feasibility study should include measuring actual wind speeds at the proposed turbine site for at least three months.

(4) Bulk Regulations.

- a. Setbacks. The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to 150 percent of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.
- b. Maximum Height. Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.
 - i. For lots of more than one and fewer than three acres, the maximum height shall be 65 feet.
 - ii. For lots of more than three and fewer than five acres, the maximum height shall be 80 feet.
 - iii. For lots more than five acres, the maximum height shall be 100 feet.
- c. Minimum Lot Size.
 - i. The minimum lot size for a freestanding SWECS within C-1, C-2, C-4, M-1 and M-2 shall be one acre.
 - ii. The minimum lot size for a freestanding SWECS within A-1 and all residential zoning classifications shall be three acres.
- d. Clearance of Blade. No portion of a horizontal axis SWECS blade shall extend within 30 feet of the ground. No portion of a vertical axis SWECS shall extend within 10 feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure, or above ground utility facilities.
- e. Location.
 - i. No part of a SWECS shall be located within or over drainage, utility or other established easements.
 - ii. A SWECS shall be located entirely in the rear yard.

- iii. A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
- iv. No SWECS shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.
- v. Building mounted SWECS shall be prohibited.

B. Solar Energy Systems

- (1) Intent. The intent of this section is to establish provisions for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity, namely solar energy, and to provide standards for the construction and use of solar energy systems. The City finds these regulations are necessary to ensure that Solar Energy Systems are appropriately designed, sited and installed.
- (2) Definitions. The following terms are defined for this section:
 - a. "Building-integrated Solar Energy Systems" means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - b. "Ground-mounted" means a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems are accessory to the principal use.
 - c. "Roof-mount" means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
 - d. "Solar Access" means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
 - e. "Solar Carport" means a solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
 - f. "Solar Mounting Devices" means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

- (3) Restrictions. Except as provided in this article, no solar energy system or solar collection device shall be erected, constructed, altered or maintained on any lot within the city, without first receiving a permit to do so and complying with the regulations herein this chapter.
- (4) General Regulations.
- a. ***Building-integrated solar energy systems and roof-mounted and building-mounted solar energy systems*** are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.
 - b. ***Ground-mounted solar energy systems*** shall require approval of a Special Use Permit from the Board of Adjustment.
- (5) Standards. All solar energy systems or solar collection devices shall meet the following standards and conditions:
- a. ***Height*** – Solar energy systems must meet the following height requirements:
 - i. Building-mounted or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
 - ii. Ground-mounted or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
 - iii. Solar carports in non-residential districts shall not exceed 20 feet in height.
 - b. ***Setback*** - Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, except as allowed below.
 - i. Roof-mounted or Building-mounted Solar Energy Systems - The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

- ii. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- c. **Visibility** – Solar energy systems shall be designed to minimize visual impacts from the public street right-of-way.
 - i. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 - ii. Aesthetic restrictions - Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
 - (a) Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - (b) Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
 - iii. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- d. **Lot Coverage** – Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure.
 - i. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
 - ii. Ground-mounted systems shall not count toward accessory structure limitations.
- e. All solar energy system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.
- f. All solar energy system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus. The design and drawings of any system or apparatus shall be completed and sealed by a licensed design professional.

- (5) Building Permit Required. No solar energy system or solar collection device shall be constructed, erected, added to, or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot or parcel of land unless the owner, contractor or agent of either shall first have received approval of a site plan or Special Use Permit, as may be required, and applied for and received from the Building Official a permit therefore as provided for in this section.
- (6) Application for Permit. Any application for the building permit required hereunder shall show that the proposed construction meets the requirements set forth in this section. Should any submittal in the opinion of the Building Official contain design elements that are substantially unique and outside the normal configuration of typical solar array components, design or system requirements, the application for permit shall be forwarded to the Board of Adjustment for action.
- (7) Issuance of Permit. Any building permit issued pursuant to the provisions of this article for the construction, erection or modification of a solar energy system or solar collection device shall only be issued after the Building Official has determined the proposed construction meets the requirements of this section, the building code regulations, and that the design of the solar system or solar collection device is in general conformity with the style and design of surrounding structures.
- (8) Solar Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The solar owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient sunlight as may or may not be necessary to operate the system.
- (9) Removal. If the solar energy system remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The solar energy system owner/operator shall remove the abandoned system at their expense. Removal of the system includes all panels, mounting devices, and appurtenant equipment and structures from the property. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter for photovoltaic systems or a thermometer for a solar collector system. The solar energy system owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the solar energy system if requested. If removal of structures and appurtenant facilities is required, the Zoning Administrator shall notify the solar energy system owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.
- (10) Right of Entrance. As a condition of approval of a special use permit for a ground-mounted solar energy system, the applicant seeking to install the solar energy system shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the solar energy system pursuant to the terms of approval and to assure compliance with the other

conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

C. Accessory Dwelling Units

All accessory dwellings shall comply with the following:

- (1) No more than a total of two (2) dwelling units (principal and accessory) are allowed on a single lot or parcel.
- (2) An accessory dwelling may be contained within, attached to, or detached and separate from the principal dwelling and must be located wholly within the same lot or parcel of the principal dwelling.
- (3) The lot or parcel, principal dwelling, and accessory dwelling shall all be under the same ownership and the owner must live on the property either in the principal dwelling or the accessory dwelling as their principal place of residency.
- (4) The total gross floor area of the accessory dwelling cannot exceed the lesser of eight hundred square feet (800 sq. ft.) or eighty-percent (80%) of the total gross floor area of the principal dwelling.
- (5) The accessory dwelling shall have no more than one (1) bedroom and shall have its own bathroom and kitchen.
- (6) The accessory dwelling shall comply with the building setback and bulk regulations for a principal building as applicable for the zoning district in which its lot or parcel is located.
- (7) The exterior design and appearance of the accessory dwelling, attached or detached, must match and be consistent with the design, features, exterior building materials, and level of finish of the principal dwelling building and shall otherwise comply with the requirements of the architectural design standards found in the City's zoning code regulations.
- (8) The accessory dwelling may have its own entrance or share an entrance with the principal dwelling but cannot have its own separate entrance on the same façade as the front or street-facing entrance of the principal dwelling.
- (9) The accessory dwelling must share utility connections with the principal dwelling.
- (10) The principal dwelling shall have no less than two (2) off-street parking spaces and one (1) additional off-street parking space shall be provided for the accessory dwelling. Tandem style parking spaces (where access to a given space may be blocked by the designated parking space of another vehicle) shall not count towards meeting the parking requirements of this section. Unless specifically approved by the Board of Adjustment, accessory dwelling units shall not have a driveway separate from that of the principal dwelling.

(11) All accessory dwellings require approval of a Special Use Permit from the Board of Adjustment in accordance with the procedures outlined within the city code. To approve a request for a Special Use Permit, after a public hearing, the Board of Adjustment shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any or all of these requirements shall be cause to deny the request.

- a. The size, location, layout, and appearance of the principal dwelling and the proposed accessory dwelling do not negatively impact the adjoining properties and surrounding neighborhood.
- b. Adequate provisions for parking have been made for both the accessory dwelling and the principal dwelling.
- c. The property is appropriately zoned for an accessory dwelling and all city code requirements have been satisfied.

D. Home Occupations

The following operations and/or uses are considered permitted in any district that allows household living:

- (1) Home sewing or tailoring.
- (2) Writing or editing, studios for painting, sculpting, ceramics, music, photography, or other similar arts.
- (3) Office for architects, engineers, realtors, accountants, or similar occupations and office related activities requiring a limited number of trips to the home.
- (4) Home office for persons engaged in marketing, distributing, and selling make-up, household goods, firearms (in accordance with all Federal, State, and local regulations), clothing, and similar materials, provided all product sales (including product demonstrations and sales meetings) do not occur on-site and that product distribution is conducted either off-site or by mail, delivery.
- (5) Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for selling a product off-premise, by mail or delivery.
- (6) Tutoring to no more than four (4) students at any one time.
- (7) Home-cooking, preserving and baking for selling a product off-premise, by mail or delivery.
- (8) Computer programming, repair, internet services and similar occupations.
- (9) Mail order business where products are shipped directly from an off-site supplier to the customer.

(10) In-home Child Care Home or Child Development Home, provided the following requirements are met:

- a. All Child Care Homes and Child Development Homes shall be registered and/or licensed, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
- b. Child Development Homes registered as either a Category A, Category B, or Category C as defined by the DHS shall be permitted.
- c. All Child Care Homes and Child Development Homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.
- d. No in-home child care service shall be allowed that does not meet items A through C above.

(11) State licensed massage therapists having no age requirement for admittance and otherwise in compliance with the requirements city code.

(12) In-home beauty salon or barber.

(13) Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Zoning Administrator.

(14) Restrictions for All Home Occupations: In addition to all the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

- a. Not more than one (1) person who is not a resident on the premises shall be employed and at least one resident of the premises shall be the primary operator of the home occupation.
- b. Home occupations are limited to one operation per dwelling unit, and rental property must have landlord approval prior to operation.
- c. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
- d. No home occupation shall be apparent to adjoining residences and from any public street.
- e. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.

- f. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation and at no time shall any parking generated by the home occupation take place on-street.
- g. Commercial signage shall be limited to one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling.
- h. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation, with the exception of a child care home or a child development home. The home occupation shall be conducted entirely within the principal dwelling unit.
- i. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
- j. No home occupation shall be noxious, offensive, or hazardous due to vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- k. Except for an in-home a child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.
- l. Home occupations may have no more eight (8) on-site product pick-ups by customers in a one-day period. This shall not be the primary method by which products are delivered to customers. Pick-up times shall by appointment only and shall be limited to between the hours of 7:00 am and 7:00 pm. Customers may not enter the home occupation property for the purposes of viewing items for sale.
- m. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

E. Outdoor Sales and Displays for Commercial and Retail Businesses

- (1) Outdoor Displays and Sales and Outdoor Food and Beverage Service Areas for Permanent Businesses:
 - a. Appropriately zoned, retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales (i.e., pumpkins, plants, lawn and garden goods), including outdoor seating areas for food and beverage service, subject to the provisions contained herein.
 - b. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan (or sketch plan if proposed for an existing site) and obtain approval as part of a site plan process or otherwise obtain site plan approval

from the City. All other City Code requirements for seasonal and temporary uses must be met.

- c. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot not be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas.
- d. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
- e. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.
- f. Outdoor food and beverage service areas are required to have a permanent barrier or fence, that is a minimum three feet (3') tall, enclosing the outdoor seating area. The permanent barrier or fence shall be architecturally consistent and appropriate with the level of finish and appearance of the adjacent retail building.
- g. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code.

(2) Seasonal Garden Centers and Seasonal Outdoor Displays for Permanent Businesses:

- a. Seasonal garden centers, selling outdoor lawn and garden goods and supplies, the sale of agricultural products, and Christmas tree sales, may be permitted within appropriately zoned retail properties subject to the provisions contained herein.
- b. All proposed seasonal garden centers, temporary agricultural product sales, and other seasonal outdoor displays must be clearly defined and detailed on a sketch plan and obtain approval from the Zoning Administrator. Information to be shown on the sketch plan includes details of product display and storage areas, all proposed tents, fencing, barriers, and other structures as well as proposed modifications to the site circulation and parking areas.
- c. Garden centers and outdoor display areas shall be located on a surface paved with PCC or HMA in accordance with City Code and no more than twenty percent (20%) of the parking lot or the total parking available on an individual site may be utilized for a seasonal garden center or seasonal outdoor display. No main drive aisles, as determined by the City, shall be blocked or closed. The layout shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5')

of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.

- d. Garden centers and outdoor display areas shall be located no closer than 15 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
 - e. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code. All other City Code requirements for seasonal and temporary uses must be met including obtaining an annual permit and the limitation of the dates of the installation and operation as contained herein.
 - f. Fireworks sales are only permitted in the C-2, M-1, and M-2 zoning districts.
- (3) Public Sidewalk Usage (C-3 Zoning District Only): Businesses located within the C-3 zoning district may place tables, chairs and displays associated with the adjoining business subject to the provisions of Chapter 165.04, Section H of this code.

F. Outdoor Storage

The outdoor storage of any materials, goods, shipping containers, construction equipment, trucks or trailers over 30 feet in length, inoperable vehicles, inoperable trucks, other inoperable equipment, parts, containers, pallets, construction equipment, debris, or other materials is prohibited in all zoning districts except where expressly permitted by the Zoning Regulations. When permitted, outdoor storage is subject to site plan review and approval and shall comply with the following standards:

- (1) Must be located on a surface paved with PCC or HMA in accordance with City Code. The City Council may, at their full discretion, approve a gravel surface for a storage yard in the M-2 zoning district provided the storage yard is wholly located within the rear yard of the site and mitigation measures are established to prevent dust and gravel from leaving the site.
- (2) Shall comply with the Open Space, Landscaping and Buffering requirements of the Zoning Code.
- (3) Shall be screened from view from all adjoining public street rights-of-way and all adjoining residentially developed or zoned properties, schools and similar sensitive uses and properties.
- (4) Shall be enclosed by an opaque fence no less than six (6) feet in height, eight (8) feet for an industrially zoned property.

G. Loading Docks, Delivery and Service Overhead Doors

In all zoning districts, with the exception of the M-1 and M-2 zoning districts, loading docks and overhead doors for delivery, distribution and service, including vehicle repair service bay doors, shall not face a public street. This requirement may be waived by the City Council upon review of a site plan.

H. Trash and Recycling Collection

The following trash and recycling collection standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse dwellings:

- (1) Provisions Required. All buildings and dwellings shall have adequate provisions for the collection of trash, grease, and recyclable materials with sufficient numbers and locations of collection containers as determined by the Zoning Administrator, at their sole discretion.
- (2) Screening of Collection Containers. All outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be opaquely screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed of permanent materials such as textured block, split faced concrete block, brick or stone. Colors shall be compatible with the dominant architectural materials of buildings on site and shall be integral to a building on site whenever possible. The enclosure shall be located out of public view and constructed to visibly screen the views from the adjoining properties.

I. Equipment Screening

The following equipment screening standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse dwellings:

- (1) All ground mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be screened from view from adjacent public streets and residential developed or zoned properties.
- (2) Required screening shall be accomplished by one or more of the following: landscaping, screen walls, and building structure.

J. Exterior Lighting

The following exterior lighting standards shall apply to all sites excluding agricultural uses, single-family dwellings, and two-family dwellings:

- (1) All site and building lighting shall be LED type (light produced via light emitting diodes) of a soft-white or bright-white light color and quality.
- (2) All light fixtures shall be downcast in nature and must possess sharp, cut-off qualities to limit off-site glare. Wall-pack type light fixtures are prohibited.
- (3) In all multi-family, office, commercial, and industrial zoning districts, all parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.
- (4) Buildings and signage may be up-cast or downcast illuminated provided said lighting does not shine or glare off or past the sign or building wall.

- (5) Upon the request of the Zoning Administrator, a photometric plan and cut-sheets of all light fixtures shall be provided to the City during the site plan and/or building permit review process to ensure compliance with the regulations of this section.

K. Attached and Free-Standing Drive-Thru Canopies

The following regulations shall apply to all vehicle drive-thru or drive-up canopies, including bank ATM and teller service canopies, fuel pump island canopies, and restaurant drive-thru and drive-up canopies.

- (1) Canopies shall meet the building setback requirements for the property on which it is located.
- (2) The minimum vertical clearance for all canopies shall be 14 ft.
- (3) The maximum height for all free-standing canopies shall be 20 ft.
- (4) All structural and supporting columns shall be wrapped in a material consistent with or complementary to the primary building material of the principal building or buildings located on the same site. Canopies clad in any architectural metal panel shall consist of no more than two different colors.
- (5) Under-canopy lighting shall be flush mounted.

L. Medical Cannabidiol Dispensaries and Manufacturing Facilities

The following regulations are in response to the State of Iowa's Medical Cannabidiol Act, as adopted on May 12, 2017. Nothing within these regulations herein or elsewhere within the City's zoning ordinance shall be construed as an official endorsement or recognition that medical cannabidiol dispensaries and medical cannabidiol manufacturing facilities are legal uses as it may pertain to federal law. The intent of these regulations is to address the negative secondary impacts these uses may create.

- (1) The following regulations shall apply to all medical cannabidiol dispensary facilities.
- (2) All facilities shall be licensed by the State of Iowa as a medical cannabidiol dispensary and comply with all State of Iowa rules and regulations for a medical cannabidiol dispensary.
- (3) Facilities may only be located on a property that is zoned for such a facility as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.
- (4) No facility shall be located within 1,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 1,000 feet of residentially property or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.

- (5) No medical cannabidiol dispensary shall be located within 1,000 feet of any other such facility as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.
- (6) The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.
- (7) All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.
- (8) Vehicle drive-up or drive-thru service is prohibited.
- (9) Off-site delivery is prohibited.
- (10) No outdoor display of merchandise is allowed, and no outdoor seating shall be permitted.
- (11) No facility shall permit any person to consume medical cannabidiol on the facility premises or property.
- (12) No facility shall permit any person not directly affiliated with the facility to loiter on the facility premises or property.
- (13) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- (14) Signage for a medical cannabidiol dispensary shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol dispensaries.
- (15) All medical cannabidiol dispensaries shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.

The following regulations shall apply to all medical cannabidiol manufacturing facilities.

- (1) All facilities shall be licensed by the State of Iowa as a medical cannabidiol manufacturing facility and shall comply with all State of Iowa rules and regulations for a medical cannabidiol manufacturer.
- (2) Facilities may only be located on a property that is zoned for such a facility as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.
- (3) No facility shall be located within 2,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 2,000 feet of residentially property or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior

walls of the building or portion thereof in which the business is conducted to the property line of the protected use.

- (4) All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.
- (5) No facility shall permit any person to consume medical cannabidiol on the facility premises or property.
- (6) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- (7) Signage for a medical cannabidiol manufacturing facility shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol manufacturing facilities.
- (8) All medical cannabidiol manufacturing facilities shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.
- (9) No medical cannabidiol dispensary or medical cannabidiol manufacturing facility shall occupy a building, begin operation, or otherwise conduct business within the City of Indianola until such time the proposed facility has received approval of a Special Use Permit from the Board of Adjustment.

M. Delayed Deposit Services Businesses and Pawnshops

The following regulations shall apply to all delayed deposit services businesses (commonly known as check cashing, payday lending, or car title loan businesses) and pawnshops.

- (1) May only be located on a property that is zoned for such a business as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.
- (2) Shall not be located within 1,000 feet of any public or private elementary, secondary or high schools, residentially property, or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.
- (3) Shall not be located within 1,000 feet of any other such business as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.
- (4) The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.

N. Manufactured Homes

- (1) Conversion to Real Property. A mobile home or manufactured home that is located outside a manufactured home community or park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:
 - a. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
 - b. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.
- (2) Foundation Requirements. A mobile home or manufactured home located outside of a manufactured home community or home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. Said home shall further comply with the basement requirement for single-family and two-family dwellings.
- (3) Single-Family Residential Building Finish and Form. A mobile home or manufactured home located outside of a manufactured home community or home park shall have a pitched roof consistent with the form and style of any single-family homes within 1,000 feet of the lot or parcel on which it is located. The roof and exterior of the mobile home or manufactured home shall be clad with typical residential siding and roofing materials such as horizontal, lap style siding and asphalt shingles.

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CHAPTER 165 ZONING REGULATIONS

SECTION 165.06 SITE PLAN REGULATIONS AND PROCEDURES

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| 2. SITE PLAN APPLICATION | A. General Design Policies |
| A. Agricultural Related and Single-Family Dwellings | B. Storm Water Management, Grading, and Paving Design Standards |
| B. All Other New Uses, Buildings, and Structures | 5. CONDOMINIUM CONVERSIONS |
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1. SITE PLAN REQUIRED

Site plans, as provided herein this section, are required prior to approval of a building permit for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel.

2. SITE PLAN APPLICATION

The following site plans are required for all uses:

A. Agricultural Related and Single-Family Dwellings. New agricultural related uses and buildings, single-family dwellings, two-family dwellings, conversion of existing single-family dwellings into two-family dwellings, accessory dwellings units, and related additions and accessory structures shall require the following:

(1) Sketch Plan. A Sketch Plan Application is required prior to the construction or erection of a new building, building addition, fence, accessory structure, or other permitted structure or improvement.

- a. **Sketch Plan Application** - Each application to the Building Official for a building permit to construct or erect a new building, building addition, fence, accessory structure, or other permitted structure or improvement shall be accompanied by a sketch plan (including required sketch plan details), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements including building setbacks and off-street parking requirements.

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- b. **Sketch Plan Procedure** - The Sketch Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Codes as part of the review of the corresponding building permit application.

B. All Other New Uses, Buildings, and Structures. All other new uses, buildings, structures, conversions or changes of use, changes or modifications to building facades, and related additions and accessory structures that are not included in Section A herein above shall require the following:

- (1) Major Site Plan. A Major Site Plan Application is required for the development of a property, the construction of a new building or improvement, the redevelopment of an existing property (including a significant change in use), or an amendment or change to a previously approved site plan.

- a. **Major Site Plan Application** - A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Major Site Plan Application fee as established by resolution of the City Council.
- b. **Major Site Plan Review Procedure** - The Major Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
- c. **Major Site Plan Review by Zoning Commission** - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Zoning Commission a copy of the Major Site Plan Application along with a written recommendation as to the plan's conformity with the rules and regulations of the city.
- d. The Commission shall subsequently hold a meeting as prescribed by their rules of procedures and review the Major Site Plan Application for conformity with the zoning regulations and standards and may confer with the applicant on changes deemed advisable in such Site Plan.
- e. The Commission shall forward its recommendation to the City Council for approval, approval with conditions, or denial of the Major Site Plan Application within 45 days of the receipt of a Major Site Plan Applicant deemed complete by

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the Zoning Administrator. If the Commission does not act within the 45 days as prescribed above, the Major Site Plan Application shall be deemed to be recommended for approval by the Commission unless the applicant agrees to an extension of time.

- f. **Findings for Approval** – In order for the Commission to make a recommendation for approval of a Major Site Plan, the Commission shall make the following findings:
- i. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - ii. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - iii. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - iv. The proposed use and site improvements shall not unduly increase traffic congestion;
 - v. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - vi. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
 - vii. The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- g. **Major Site Plan Review by City Council** - The City Council, upon receipt of the recommendation of the Commission, shall either approve, approve with conditions, or disapprove the Major Site Plan Application. In order for the Council to approve a Major Site Plan, the Council shall confirm or make the aforementioned findings in subsection f. herein above.
- (2) Minor Site Plan. A Minor Site Plan Application may be submitted to the Zoning Administrator for minor changes to an existing developed site or to an approved site plan, including changes or modifications to the building facades and landscape plan or minor changes in use, provided that all code requirements are met and the following:

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- i. The application does not include a new building, building expansion, or building addition of more than 2,000 sq. ft., and does not increase the total building gross floor area of the site by more than 20% of the of the existing building gross floor area. Both the 2,000 sq. ft. and the 20% expansion limits for a Minor Site Plan cannot be exceeded by sequential Minor Site Plans.
- ii. The application does not include the expansion or addition of more than 4,000 sq. ft. of paving or impervious area including cumulatively by multiple Minor Site Plans.
- iii. The application does not increase the total number of dwelling units.
- a. **Minor Site Plan Application** - A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Site Plan Application fee as established by resolution of the City Council.
- b. **Minor Site Plan Procedure** - The Minor Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Code. In order for the Zoning Administrator to approve a Minor Site Plan, the Zoning Administrator shall make the following findings:
 - i. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - ii. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - iii. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - iv. The proposed use and site improvements shall not unduly increase traffic congestion;
 - v. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - vi. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established

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property values in adjoining or surrounding property; and,

- vii. The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- c. Any application which exceeds the prescribed limitations outlined in this section shall require a Major Site Plan Application and review by the Zoning Administrator as prescribed in Subsection a hereinabove.

C. General Provisions.

- (1) Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, City policy, or previous directives of the City Council.
- (2) The Zoning Administrator shall have the discretion to refer any Minor Site Plan Application to the Zoning Commission and City Council for its review and action.
- (3) Whenever any Major or Minor Site Plan application has been denied by the applicable review authority, no new Major or Minor Site Plan application covering the same property for a similar use or site improvements shall be submitted or considered by the applicable review authority until one year shall have elapsed from the date of filing of the first application, unless the new application is substantially different from the first application, as determined at the sole discretion of the Zoning Administrator.
- (4) The approval or denial of any site plan that is subject to the review and approval of a Special Use Permit by the Board of Adjustment shall be at the sole discretion of the Board of Adjustment under their authority to approve or deny any Special Use Permit application as provided for in Chapter 165.02 of this code.

3. SITE PLAN EXPIRATION

Expiration of Site Plan approval. All site plan approvals shall expire and terminate 24-months after the date of approval unless a building permit has been issued for the construction provided for in the site plan. This shall apply to all site plans approved after the date of adoption of this ordinance. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

4. DESIGN STANDARDS

- A. General Design Policies.** In addition to the specific design standards herein this chapter, each site plan presented shall comply with the following general design policies. The approval authority, as specified in this chapter, may refuse to grant approval to a site plan even though it complies with the specific design standards if, in the opinion of the relevant approval authority, it does not comply with the general design policies as hereinafter enumerated. Any site plan presented shall be designed in such a way as to insure the orderly and harmonious

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development of property in such a manner as will safeguard the public's health, safety and general welfare, as hereinafter set out.

- (1) The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines for what they were designed nor increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property.
- (2) The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers and impairment of natural light and impairment or pollution of air. For the purpose of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning districts in which such adjoining property is located.
- (3) The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.
- (4) To such end as may be necessary and proper to accomplish the standards in Subsections 1, 2 and 3 of this section, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.
- (5) The proposed development shall conform to all applicable provisions of the laws of the State of Iowa, and all applicable provisions of this Code of Ordinances.

B. Storm Water Management, Grading, and Paving Design Standards. On approval of a site plan by the relevant review authority as specified in this chapter, building permits may be issued, as long as all other requirements of the City, State and County are met, and construction may commence. In order for the relevant review authority to approve a site plan application, the following specific design standards must be met:

- (1) Storm Water Management Required.
 - a. Site plans must provide for adequate routing of all storm water run-off including but not limited to downspout discharge, footing drain discharge and parking lot runoff.
 - b. Storm water may not be directed out driveways into the City right-of-way, except where permitted by the City. Storm water shall be collected and piped to a storm sewer where a storm sewer is available within 300 feet from the property line. The

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storm sewer system's pipes and intakes shall be capable of conveying runoff from a five-year recurrence interval storm from the site and tributary upstream areas.

- c. Storm water runoff calculations shall be made utilizing the Soil Conservation Service methods as presented in Technical Release No. 55, Urban Hydrology for Small Watersheds, Soil Conservation Service, U.S. Department of Agriculture. The Zoning Administrator may waive this requirement, provided the area to be developed is less than 10,000 square feet.
 - d. Existing overland drainage courses must be maintained and improved to provide capacity to convey the runoff from a 100-year recurrence interval storm across the site. Storm water runoff shall be computed on the basis of a fully developed drainage basin, using the method prescribed in Paragraph B of this subsection. No reduction in the required overland drainage course capacity will be made due to use of storm sewers or storm water detention facilities. Easements for the overland drainage course must be prepared by the developer and conveyed to the City.
 - e. Storm water detention is required for all sites larger than one acre in size, unless it is determined by the Zoning Administrator to be unnecessary or impractical. The maximum allowable discharge rate from the storm water detention facility will be limited to that from a five-year return frequency storm after development of the site or to the proportionate capacity of existing downstream sewers and drainageways during a five-year storm which was utilized by the runoff from the site prior to the development, whichever discharge rate is less. Storm water runoff and storm water detention facilities shall be determined using the method prescribed in this subsection. The discharge rate shall be controlled at the detention facilities outlets and not in the storm sewer size serving the site.
- (2) Storm Water Management Plans. Unless otherwise not required as determined by the Zoning Administrator, a storm water management plan in compliance with this section shall be included as part of the site plan application. This storm water management plan shall include storm water calculations certified by an engineer, architect or landscape architect registered in the State of Iowa and familiar with such calculations. This plan shall further follow recognized best practices for storm water management including those outlined in the Iowa Stormwater Management Manual as prepared by the Iowa Department of Natural Resources.
- (3) Grading. To help alleviate erosion and maintenance problems, ground slope should not exceed 4:1. However, the approval authority may approve a maximum ground slope of 3:1 for special reasons.
- (4) Paving Standards. Parking lots and access drives shall be hard-surfaced, limited to a maximum slope of six percent in a direction perpendicular to the car. Driveways shall not exceed a 10 percent slope. Except for the individual driveways for Single-Family, Two-Family, and Townhouse or Row Dwellings, an integral six-inch Portland cement

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concrete (PCC) curb shall be provided along the edges of all parking lots, drive aisles, loading area, access drives, and driveways. Openings within the required curbing may be permitted for the purposes of conveying storm water.

- a. Where Portland cement concrete pavement is used, the pavement shall comply with the materials and be constructed in such a manner as to provide an equivalent finished product as specified in the most current Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation, utilizing a "Class C Concrete" mix Class 2 or 3 durability coarse aggregate.
- b. Where asphaltic cement concrete pavement is used, the pavement shall comply with the materials and be constructed in such a manner as to provide an equivalent finished product as specified in the Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation. The pavement shall utilize nonrecycled virgin material which shall include Type B base and Type A surface courses and which shall comply with the most current Iowa Department of Transportation job-mix formula.
- c. Where asphaltic cement concrete is placed on a crushed stone base, the base shall comply with an approved Iowa Department of Transportation Class A or B crushed stone base material and gradation.
- d. All hard-surfacing shall be constructed on a prepared uniform subgrade compacted to 95 percent of maximum density (Standard Proctor Density).
- e. The parking lot and driveway design shall meet or exceed the following minimum paving thickness requirements:

	Full Depth Asphaltic Cement Concrete	Asphaltic Cement Concrete Over Crushed Stone Base				
Parking Lot	Type B Base	Type A Surface	Crushed Stone	Type B Base	Type A Surface	Portland Cement Concrete
Parking Lots 50 Stalls or Less	3 inches	2 inches	6 inches	0 inches	3 inches	4 inches
Parking Lots More than 50 Stalls Except Loading Dock or Drive Areas with Bus or Truck Traffic	3 inches	3 inches	6 inches	0 inches	4 inches	5 inches
Loading Dock Area	NOT ACCEPTABLE	NOT ACCEPTABLE	7 inches			
Driveway Areas with Bus or Truck Traffic	6 inches	2 ½ inches	6 inches	3 inches	3 inches	6 inches

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- (5) Equivalent Residential Unit (ERU). Site plans shall calculate the ERU for each site. Less than or equal to 3,400 square feet of impervious surface area shall be one (1) ERU, and each additional 340 square feet of impervious area shall be an additional 0.1 ERU.

5. PRIVATE UTILITIES

All private underground utility lines and pipes installed after the date of this ordinance shall include a tracer line to facilitate above-ground locating.

6. CONDOMINIUM CONVERSIONS

- A. Conversion to Condominium.** In order to protect the health, safety, and welfare of the building occupants and to ensure compliance with the City of Indianola's rules and regulations, all conversions to a Condominium or to a Multiple Housing Cooperative are required to comply with the Zoning Regulations and Building and Fire Codes adopted by the City of Indianola.

The conversion of any building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy for the building(s) and parcel or lot, requiring both site plan review and approval and review and approval of a new certificate of occupancy.

- B. Application.** Any person or entity seeking to establish a horizontal property regime or multiple housing cooperative by establishing a horizontal property regime pursuant to Iowa Code 499B or by establishing a multiple housing cooperative pursuant to Iowa Code 499A shall establish and document compliance with the following, by filing a minor site plan application and a request of a new certificate of occupancy and obtaining subsequent approvals from the Zoning Administrator and Building Official:

- (1) That all materials, manner and means of construction in the proposed building meet current building codes for new residential construction including current fire, building, plumbing, electrical, mechanical, energy conservation, and post construction storm water management codes.
- (2) That the building and site meet all requirements of the zoning ordinance that would be required for new residential construction.
- (3) That the building and site meet all requirements for handicapped accessibility that would be required for new residential construction.
- (4) That separate utility services, with separate metering, be provided to each dwelling unit that would be required for new residential construction.

- C. Recording of Declaration.** At least sixty (60) days before a declaration or other instrument establishing a horizontal property regime pursuant to Iowa Code 499B or establishing a multiple housing cooperative pursuant to Iowa Code 499A ("declaration")

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is to be recorded in the office of the County Recorder, any person or entity shall file a minor site plan application for approval from the Zoning Administrator and Building Official. In addition to the site plan application, the applicant shall file the following:

- (1) A site plan, building plans and code analysis demonstrating compliance with the provisions addressed above.
- (2) A copy of the declaration or other instrument consistent with Iowa Code 499A or 499B.

The declaration shall not be recorded unless a certificate of occupancy for the proposed building has been issued by the City.

DRAFT

CHAPTER 165 ZONING REGULATIONS

SECTION 165.07 OFF-STREET PARKING REGULATIONS

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|---|----------------------------------|
| 1. STATEMENT OF INTENT | 3. PARKING AREA DESIGN STANDARDS |
| 2. OFF-STREET LOADING AND PARKING SPACES REQUIRED | A. Access and Driveways |
| A. Off-Street Loading Spaces | B. Setbacks |
| B. Off-Street Parking Spaces | |
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1. STATEMENT OF INTENT

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. In all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this Article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

2. OFF-STREET LOADING AND PARKING SPACES REQUIRED

A. Off-Street Loading Spaces

- (1) In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet, or major fraction thereof, of gross floor area, so used, in excess of 10,000 square feet.
- (2) Each loading space shall be not less than 12 feet in width and 40 feet in length.
- (3) Such space may occupy all or any part of any required rear or side yard, except where adjoining a residentially zoning property, and shall be setback and screened as required within this chapter and elsewhere within the Zoning Regulations.

- (4) All loading yards and access drives to loading yards and loading docks shall be paved with asphaltic or Portland cement concrete pavement in accordance with surfacing requirements set forth in this section.

B. Off-Street Parking Spaces

- (1) All parking and storage of vehicles, trailers, recreational vehicles, campers, boats and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this Chapter. Unlicensed or inoperable vehicles and equipment shall not be stored outside unless part of an approved storage area on a property located within the M-1 or M-2 zoning districts. In all zoning districts space for parking and storage of vehicles and trailers shall be provided in accordance with the Off-Street Parking Required Table and the standards contained herein this Chapter. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served.
- (2) Off-Street Parking Required Table: The following table identifies the minimum number of parking spaces required for the specified use. The intent of these standards is to provide the appropriate number of parking spaces on site for the given use and to accommodate changes in uses over time. No off-street parking shall be required in the C-3 Zoning District. At the discretion of the Zoning Administrator, the City may require the amount of parking required for a site be based on the parking standards contained within the latest edition of the ITE Parking Generation manual or by an alternative parking study and analysis.

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
RESIDENTIAL USES	
Household Living	
Single family dwelling, detached	2 per dwelling unit
Single family dwelling, semi-detached	2 per dwelling unit
Two family dwelling	2 per dwelling unit
Townhouse dwelling (3+ units)	2 per dwelling unit
Multiple family dwelling	1 per bedroom
Manufactured home park	2 per dwelling unit
Accessory dwelling	2 per dwelling unit
Dwelling units located above the ground floor (mixed use building)	1 per bedroom
Group Living	
Family home / Group care facility	1 per 4 residents plus 1 per employee at max shift
Elder group home	"
Assisted living residential facility	"
Nursing or convalescent home	"
Supervised group residence	"

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
PUBLIC AND CIVIC USES	
College, university, or vocational school	1 per 4 student desks or seats at max capacity plus 1 per employee at max shift, additional parking required for stadium/theater type facilities and dorms/student housing
Cultural exhibit, museum, or library	1 per 300 sq. ft. GFA, additional parking required for classroom, meeting space, and theater type facilities
Membership or religions organization, social club or lodge, and other place of public assembly	1 per 4 seats at max capacity in the main assembly area
Public or private elementary, middle, or high school	1 per 4 student desks or seats at max capacity plus 1 per max number of employees concurrently on site
Public or private golf course, golf driving range, country club, swimming pool, and indoor or outdoor recreational facilities and fields	4 spaces per hole or driving range tee, parking required for restaurant and meeting spaces
Public Utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)	1 per employee at max shift
Government buildings and properties	1 per 200 sq. ft. GFA
Hospital	3 per bed
COMMERCIAL USES	
Animal services	
Kennel (including day kenneling)	1 per 400 sq. ft. GFA
Veterinary services (without overnight kenneling)	1 per 200 sq. ft. GFA
Art gallery	1 per 250 sq. ft. GFA
Banks and financial services	1 per 250 sq. ft. GFA plus 3 vehicle queuing spaces per drive-up or ATM lane
Body piercing studio or tattoo studio	1 per 250 sq. ft. GFA
Child Care Center	1 per employee at max shift plus 1 per 10 children
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use	1 per 250 sq. ft. GFA
Eating and drinking establishment	
Restaurant (including fast food restaurants, coffee shops, and ice cream shops)	1 per 150 sq. ft. GFA plus 10 vehicle queuing spaces per drive-up lane
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales	1 per employee at max shift plus 1 per 150 sq. ft. of patron space
Tavern / Bar	1 per 100 sq. ft. GFA
Entertainment	
Movie theater, performance hall, performing arts studio	1 per 4 seats
Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving range, go-carts, trampoline park, playground play space or similar use	1 per 4 persons at max capacity

OFF-STREET PARKING SPACES REQUIRED		
USE		NUMBER OF PARKING SPACES REQUIRED
Outdoor: drive-in theater, waterpark, miniature golf, commercial driving range, go-carts, trampoline park, playground play space or similar use		1 per 4 persons at max capacity
Funeral and interment services		1 per 250 sq. ft. of office space plus 1 per 4 seats at max capacity
Lodging		1 per bedroom
	Bed and breakfast inn	1 per bedroom
	Boarding or rooming house	1 per bedroom
	Extended stay or apartment hotel	1 per bedroom
	Hotel or motel	1 per bedroom
	Short-term rental	1 per bedroom
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use		1 per 250 sq. ft. GFA
Mini warehouse or self-storage facility		1 per 20 storage units or spaces plus 1 per employee at max shift
Motor vehicle and motor equipment-oriented businesses		
	Automobile service center (auto parts sales)	2 per service bay plus 1 per employee at max shift
	Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout	1 per employee at max shift plus 5 vehicle queuing spaces per wash bay or wash bay lane
	Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane	1 per 250 sq. ft. GFA of retail space plus 2 per service bay plus 1 per employee at max shift
	Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)	2 per service bay plus 1 per employee at max shift
	Automobile sales, rental, storage lot, and off-street parking	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
	Automobile, truck and equipment auction facilities	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
	Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
	Light equipment sales, rental, or repair service	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
	Heavy equipment sales, rental or repair service	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
	Truck Stop, not including trailer washout	1 per 250 sq. ft. GFA plus 1 per 5,000 sq. ft. of lot area
Personal and consumer service		
	Beauty salon, barbershop	1 per 250 sq. ft. GFA
	Dry cleaner and laundry service	4 plus 1 per employee at max shift plus
	Laundry (self-serve laundromat)	1 per 250 sq. ft. GFA
	Fitness center, gym, health spa	1 per 150 sq. ft. GFA

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
Tailor	1 per 250 sq. ft. GFA
Print shop, copy center, retail shipping store	1 per 250 sq. ft. GFA
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)	1 per 250 sq. ft. GFA
Television and radio broadcast studio, offices, and production facilities	1 per 250 sq. ft. GFA
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)	1 per 250 sq. ft. GFA
Retail sale - intensive uses including multi-tenant commercial centers	1 per 250 sq. ft. GFA
Convenience store with fuel sales	1 per 250 sq. ft. GFA
Sexually oriented business	1 per 250 sq. ft. GFA
Spectator sports	1 per 4 seats at max capacity
Sports and recreation, participant	1 per 4 seats at max capacity
INDUSTRIAL USES	
Animal feedlots, processing of animals or animal by-products	1 per employee at max shift
Electrical power generation (utility scale for off-site use, distribution, or sale)	1 per employee at max shift
Manufacturing, production and industrial services	1 per 1,000 sq. ft. GFA
Repair service	1 per 250 sq. ft. GFA
Research laboratory and testing	1 per 1,000 sq. ft. GFA
Storage of equipment, data and records, electronic data center, furniture and similar	1 per 10,000 sq. ft. GFA or 1 per employee at max shift, whichever is greater
Trucking/freight terminal	"
Wholesale fuel storage, sales, or distribution	"
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)	"
Waste related use	1 per employee at max shift
OTHER USES	
Agricultural uses	1 per employee at max shift
Boarding stables and riding schools	1 per employee at max shift
Gas and electrical power distribution station	1 per employee at max shift
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction	1 per employee at max shift
Wireless facility	1 per employee at max shift

- (3) Calculating of Parking Required. In computing the number of parking spaces required, the following rules shall govern:
- (1) Uses Not Specifically Mentioned. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned, and to which said use is similar, shall apply.
 - (2) Unknown Uses. Where new buildings are proposed but the owner or developer does not wish to designate the type of use that will occupy the building, the most intensive use possible (recognizing the use imitations of the zoning on the property) shall determine the parking requirements.
 - (3) Fractional Spaces. Any space 0.5 or more shall be considered a whole space.
 - (4) Seating Capacity. When the unit of measurement determining the number of required parking spaces is based upon the seating capacity of a structure or use, each 24 inches of pew, bench or other seating shall count as one seat.
 - (5) Employees. When the unit of measure determining the number of required parking spaces is based on the number of employees, the maximum shift or employment period during which the greatest number of employees is present at the structure or use shall be used in the computation.
 - (6) Two or More Different Uses. If a building contains two or more differing uses, the parking requirement shall be determined by the addition of the parking requirements for each use. This calculation may be modified at the discretion of the Zoning Administrator.
- (4) Accessibility parking. Accessibility parking (handicapped parking) shall be provided in accordance with State and Federal law requirements, the Statewide Urban Design and Specifications (SUDAS) as maintained by the Institute for Transportation at Iowa State University, and provided spaces shall count towards the total parking requirement.
- (5) Gross Floor Area. The term "gross floor area" (GFA) means the area included within the exterior walls of a building or portion thereof, exclusive of vent shaft and courts and any portion of a structure above or below ground used for off-street parking, loading areas, or mechanical equipment.
- (6) Off-Site Parking. Off-street parking areas for residential uses shall be provided on the same lot. Non-residential uses may be permitted off-site parking areas at the discretion of the Zoning Administrator.
- (7) Garages and Structured Parking. Each parking space within a residential garage that is directly connected to an individual dwelling unit may count towards the fulfillment of the parking space requirement. In all other situations, each parking space within a residential garage or parking structure shall count as 0.5 (one-half) of a parking space for the purposes of calculating the fulfillment of the parking space requirement.

- (8) Tandem Parking. Tandem parking spaces, defined as a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway, are not permitted and shall not be counted towards the fulfillment of the parking space requirement except when within the individual driveway of a single-family residence or manufactured home, within the individual driveway that is directly in front of a garage that is connected to an individual townhome or apartment unit, or within a parking facility when an attendant is on duty during the hours when the facility is being used. The minimum required depth of a tandem parking space is 20-feet.
- (9) Alternate Calculations and Deferrals. At their full discretion, the Zoning Administrator may approve an alternate method for calculating the required parking for a given site including credit for shared parking between off-peak uses and parking shared at multi-tenant retail centers. The Zoning Administrator may further defer the construction of required parking to a date certain, as part of a future phases, or upon determination of need. Deferred parking must be identified upon the site plan and accommodated as part of the site plan design including storm water management.
- (10) Bicycle Parking. Every building greater than 5,000 square feet in gross floor area that contains a retail or office use shall provide or have access to a shared or common bike parking facility, such as a bike rack or bike lock boxes or an indoor bike storage area.

3. PARKING AREA DESIGN REQUIREMENTS

Every lot or parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements. At the discretion of the Zoning Administrator, any design standard contained herein may be superseded by the standards contained in the Statewide Urban Design and Specifications (SUDAS) as maintained by the Institute for Transportation at Iowa State University.

A. Access Drive and Driveways.

An access drives (or driveway) is required to provide access to all off-site parking areas and to any garage.

- (1) Location and Spacing. All access drives, driveways, driveway approaches shall be located and designed according to the standards as established in this Chapter and elsewhere within City Code.
- (2) Width. The widths of all driveway approaches shall comply with the standards as established in the City Code. The widths of all access drives and driveways shall comply with the following:
 - a. Single Family, Two-Family, and Townhouse or Row Dwellings where each individual unit directly fronts on a public or private street, all driveways shall be no less than 8-feet wide and no greater than 24-feet wide or the width of the garage opening(s) that face the street. One additional wing-style parking space no greater than 10-feet in

width may be added to the edge of a driveway. Driveway tapers, as may be necessary to transition the driveway to meet the maximum allowable driveway width as measured at the right-of-way line, shall begin no less than 10-feet from said right-of-way line. The design of the driveway apron within the public street right-of-way shall be in accordance with the design standards as established by the City.

- b. All other access drives and driveways shall be a minimum 24-feet wide for two-way drives and 16-feet wide for one-way drives.
- (3) Parking lot interconnections required. In order to provide mutually beneficial cross circulation and access, the parking lots for adjoining similar commercial and office uses shall be interconnected unless impractical due to topography or other physical constraints of either site.
- (4) Paving. All driveways, access drives, and off-street parking and loading areas shall be paved with hot mix asphalt (HMA), Portland cement concrete (PCC), or pavers (including permeable pavement and paver systems). The design and construction of said pavement or pavers shall be of sufficient thickness, reinforcement, and sub-base necessary to provide a durable, dustless surface designed and rated for the traffic it is anticipated to carry. All paved areas shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. No vehicles or trailers shall be parked or storage upon an unpaved surface except as may be permitted within a designated and approved outdoor storage area. See Chapter 165.06, Section 4 for specific design standards.
- (5) Curbing. Except for the individual driveways for Single-Family, Two-Family, and Townhouse or Row Dwellings, an integral six-inch Portland cement concrete (PCC) curb shall be provided along the edges of all parking lots, drive aisles, loading area, access drives, and driveways. Openings within the required curbing may be permitted for the purposes of conveying storm water. Prefabricated curbs or wheel stops are prohibited unless specifically approved by the Zoning Administer at their discretion.
- (6) Sidewalks. Sidewalks shall be required as necessary to connect parking areas to the building entrances. In addition, at least one sidewalk connection shall be made to the public sidewalk. All sidewalks shall be a minimum 5-feet in width. Sidewalk adjoining parking stalls shall be widened a minimum 2-feet in width as necessary to accommodate vehicle overhang.
- (7) Parking Lot Markings and Traffic Control Signage. Parking lots, drive aisles, and driveways shall be marked and signed per the standards within the Manual on Uniform Traffic Control Devices (MUTCD). The location of each parking space shall be identified by surface markings or other effective means and shall be maintained so as to be readily visible at all times.

- (8) Maintenance Required. All paved areas shall be properly maintained at all times, including pavement markings and traffic control signage, to permit the safe access of the site by customers, visitors, and emergency services.
- (9) Parking Lot Dimensional Standards. All parking spaces shall be provided in accordance with the SUDAS design standards and the following requirements. Should a conflict between these standards arise, the more restrictive standard shall be applied.

The standard-size parking space or stall shall be at least 9 feet wide and 19 feet long. The length of the parking stall may be reduced by up to two-feet when overhanging open space or a sidewalk that is not less than 7-feet in width.

Required Parking Stall Dimensions		
Degree of Angle	Stall width	Stall length
0 (Parallel)	10.0 feet	23 feet
30	9.0 feet	34 feet
45	9.0 feet	28 feet
60	9.0 feet	24 feet
90	9.0 feet	19 feet

At the discretion of the Zoning Administrator, alternate parking stall dimensions may be approved for structured parking.

B. Setbacks.

- (1) No parking or loading area shall be constructed within a required buffer.
- (2) Parking is prohibited within the required parking lot setback areas. However, parking is permitted upon the individual driveway of a Single Family, Two-Family, or Townhouse or Row Dwelling, provided no vehicle or trailer overhangs, crosses, or encroaches upon a sidewalk or street right-of-way.

- (3) **Parking Setback Table.** The following table identifies the setback requirements for all parking and loading areas. All setbacks are measured from edge of paving.

OFF-STREET PARKING AND LOADING AREA SETBACK TABLE										
REQUIRED SETBACKS	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Front Yard Setback	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	5 ft	15 ft	15 ft
Side Yard Setback¹	10 ft ²	10 ft ²	10 ft ²	10 ft ²	10 ft	10 ft	10 ft	5 ft	10 ft	10 ft
Rear Yard Setback³	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
¹ No side yard setback required between adjoining parcels that share a driveway or have interconnected parking lots.										
² Side yard setback is 1 ft for individual driveways of Single Family, Two-Family, and Townhouse or Row Dwellings.										
³ Rear Yard Setback is required from any alley line. A 20 ft setback is required for garages that face an alley.										

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CHAPTER 165

ZONING REGULATIONS

SECTION 165.08 OPEN SPACE, LANDSCAPING AND BUFFERING

- | | |
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1. STATEMENT OF INTENT

Landscaping and landscaped open spaces provide multiple benefits including energy conservation, increased property values, and an enhanced aesthetic quality throughout the City. Combined, these benefits promote the health and general welfare of the citizens of Indianola. The purpose of this Chapter is to establish minimum standards to achieve the following objectives: preservation of existing vegetation and topsoil; protection of water quality and wildlife habitat; reduction of heat generated from paved surfaces, buffering of incompatible land uses and screening negative site elements; and, enhancement of the overall appearance and natural beauty of the community.

2. APPLICABILITY

These regulations shall apply to new development, the redevelopment of existing sites, all site modifications including building additions and expansions, new parking lots and paved area expansions, and the subdivision of land within all zoning districts.

The approval authority can approve alternative landscaping standards in order to address special or unique circumstances provided the overall intent of this section is met.

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3. DEFINITIONS

The following terms are defined for this chapter:

- A. Deciduous Ornamental Tree.** A deciduous tree (often an ornamental type tree) that reaches a mature height of less than 30 feet.
- B. Deciduous Shade Tree.** Defined as a deciduous tree with one vertical stem or trunk which begins branching at a height of six (6) feet or more and has a distinct crown that reaches a mature height of at least 30 feet.
- C. Evergreen / Coniferous Tree.** Defined as a tree that has needle-shaped or scale like leaves that remain green throughout the year; commonly referred to as pine, fir, and spruce trees. These trees generally reach a mature height of over 25 feet.
- D. Invasive Plant Species.** A plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive plants are those plants recognized by the Iowa Department of Natural Resources (Iowa Code; Chapter 317.1A Noxious weeds).
- E. No Mow and Low Maintenance Grasses.** Defined as cultivated grasses that do not grow taller than 12 inches or require limited mowing to maintain a height of 12 inches or less.
- F. Open Space.** Any area not covered by a building, structure, parking lot, loading area, driveway, or other similarly paved area. Open space may include sidewalks, trails, pedestrian plazas and patios, and landscaped parking lot islands.
- G. Ornamental Grasses.** Defined as tall perennial grasses, generally over 24-inches at mature height, that are specifically grown and cultivated for their decorative properties. Most of the commonly used ornamental grasses are non-native, introduced species such as: Feather Reed Grass, Blue Oat Grass, Silvergrass, and Fountain Grass.
- H. Prairie Grass Plantings.** Native grasses and forbs (flowering plants) found within the native prairie environment typical for the area prior to clearance and cultivation of the land by European settlers. For the purposes of this Chapter, prairie plantings may contain native grasses without forbs to simplify prairie plant installation and maintenance.
- I. Turf Grass.** A continuous plant coverage consisting of a grass species that is mowed or maintained at an established height of 6 inches or less and can include native and non-native vegetation, e.g., Kentucky Blue Grass, Perennial Ryegrass, Tall Fescue, Fine Fescue, Buffalo Grass.

4. OPEN SPACE AND LANDSCAPING REQUIRED

- A. Open Space.** All sites shall provide no less than the minimum amount of landscaping as required for each zoning district.

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B. Landscaping.

- (1) Ground Cover. All area unencumbered by buildings, paving or hard-surfaced, shall be landscaped with turf grass, prairie grass plantings, plant beds, shrubs, and trees. No mow and low maintenance grasses should not be utilized within the street rights-of-way, within parking lots, and within the front yard area of any site and should be restricted to low traffic and low visibility areas or larger areas within a site intended to be preserved and maintained as a more natural area.
- (2) Use of Mulch. Except for single-family and two-family dwellings, wood-based mulch shall be used around all plantings and in all plant beds. Large areas of wood mulch that do not contain plantings shall not be permitted except when used around play structures. Inorganic ground cover material, including rock, chip brick, and synthetic turf (unless part of a designated sport field or play surface), is prohibited except along building foundations, around drainage structures, and in other limited applications as may be deemed acceptable by the Zoning Administrator.
- (3) Minimum Open Space Landscape Requirements. The following minimum open space plantings shall be required for all sites except for single-family and two-family dwellings. Each single-family and two-family dwellings constructed after the adoption of this ordinance shall be required to plant two (2) trees (ornamental or shade) and four (4) shrubs per lot or unit prior to the issuance of an occupancy permit.
 - a. One (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs shall be planted for every 2,000 square feet of required open space. However, the minimum required landscape for all sites shall be no less than one (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs.
 - b. This landscaping is in addition to landscaping required for parking lot landscaping and open space plant materials shall not count towards the fulfillment of any other landscaping requirement.
- (4) Off-Street Parking, Driveways and Loading Areas. The following standards shall apply to all off-street parking and loading areas with ten (10) or more parking stalls or with more than 2,500 square feet of paved area. Off-street and loading area required plant materials shall not count towards the fulfillment of any other landscaping requirement.
 - a. Parking Lot Design.
 - i. All rows of parking shall be terminated with a curbed landscaped island that is a minimum nine (9) feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
 - ii. No off-street parking or loading area shall be more than 100 feet from a deciduous shade tree located within a landscaped open space area.
 - iii. Sidewalks that abut the front edge of any parking stall shall be no less than seven (7) feet wide to accommodate a two (2) feet vehicle overhang.

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b. Landscaping Required.

- i. All parking lot islands shall be landscaped with a combination of turf grass, prairie grass plantings, plant beds, shrubs, and trees.
- ii. Rock, chip brick, pavers, pavement and similar hard surfacing shall not be permitted within a parking lot island. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation.
- iii. No less than one (1) deciduous shade tree shall be planted within each required landscaped island.

c. Parking Lot Screening.

- i. Whenever an off-street parking area fronts along a public street an average of one (1) deciduous shade tree and two (2) deciduous ornamental trees shall be planted every 50 feet within the parking lot setback area.
- ii. Additionally, a minimum three (3) foot tall vehicle headlight screen shall be installed between the parking lot and the adjoining street. This screen can be constructed with any combination of prairie plantings, shrubs, ornamental grasses, earth berming, and low masonry walls.

5. BUFFERING

A. Buffers Required. Buffers are required, as provided in this Chapter, for the following conditions. Properties separated by a public street right-of-way are not considered adjoining for the purposes of this section.

- (1) Between any residentially zoned or developed property and any adjoining commercial, office, or industrial uses.
- (2) Between any single-family residentially zoned or developed property and any multi-family residential use.
- (3) Between any commercial or office zoned or developed property and any industrial use.
- (4) Double Frontage Lots. Any proposed single-family residential lot that has both its front and rear lines abutting a street shall have a buffer from the street along its rear yard. No fences or structures shall be permitted within this buffer and the rear yard building setback shall be measured from the buffer yard line.

B. Burden of Providing a Required Buffer. The burden of constructing and maintaining a required buffer shall be determined as follows:

- (1) In the case of a buffer required between two (2) undeveloped properties, the property with the more intensive zoning shall be burdened with the buffer requirements.

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- (2) In the case of a buffer required between an undeveloped and a developed property, the property proposing the development shall be burdened with the buffer requirements.
- (3) In the case of a buffer required between a property proposed for redevelopment and a developed property, the property proposed for redevelopment shall be burdened with the buffer requirements.
- (4) Two properties may agree to transfer or share the burden of a required buffer.

C. General Buffer Provisions.

- (1) All building and parking lot setbacks shall be measured from the closest edge any required buffer yard.
- (2) No structures or parking lots or loading areas may be permitted within a required buffer. Fences, sidewalks, and trails may be permitted within a required buffer except that no fence may be constructed within a buffer that fronts along a street.
- (3) Buffer plantings should be in small groupings to appear more natural versus evenly spaced in a line.
- (4) Earth berming required within a buffer may vary and undulate to accommodate drainage and to provide a more nature appearance.

D. Buffer Options. The following buffer options may be utilized to meet the buffering requirements of this chapter, unless an alternate standard is established by the Board of Adjustment as a condition for approval of a Special Use Permit conditional use or by the City Council as a condition of a rezoning or site plan approval to mitigate conditions that may otherwise be detrimental to adjoining residential properties.

(1) 30-Foot Wide Buffer.

- a. Minimum Width: 30 feet.
- b. Landscape Requirements: For every 25 linear feet of required buffer a minimum of 1-overstory tree, 2-evergreen trees, and 6-shrubs shall be planted.
- c. Earth Berming: three (3) foot tall.

(2) 60-Foot Wide Buffer.

- a. Minimum Width: 60 feet.
- b. Landscape Requirements: For every 25 linear feet of required buffer a minimum of 1-overstory trees, 1-evergreen trees, and 3-shrubs shall be planted.
- c. Earth Berming: three (3) foot tall.

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- (3) Buffer Reduction. Should the burden of a buffer requirement cause a property to become practically undevelopable, at the sole discretion of the Zoning Administrator, the width of a required buffer may be reduced in lieu of the installation of additional landscaping, a minimum six (6) foot tall privacy fence or masonry screen wall, and other measures necessary to mitigate the impact on the property to be buffered.

6. PLANT MATERIALS STANDARDS

A. Plant Materials. All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals.

- (1) To reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.
- (2) No less than 50% of the plant material on an individual site shall be species native to Iowa.
- (3) Ornamental and prairie grass plantings must be appropriate in size, scale, quantity, and type for the location they are being placed so not to appear unkempt or encroach walkways and driveways.
- (4) Prohibited Trees. The City declares that invasive nonnative species as listed by the most recent publication of the Iowa Department of Natural Resources' (IDNR's) list of invasive plant species are a public nuisance that degrades landscaped and natural areas. The City shall prohibit the planting of any nonnative invasive plant species in all public and private properties. The following trees are prohibited:
 - a. Ash (all species/cultivars)
 - b. Black Locust
 - c. Birch, White/Paper
 - d. Boxelder
 - e. Eastern Cottonwood
 - f. Elm (all species/cultivars except Dutch Elm Disease resistant cultivars)
 - g. Maple, Silver/Norway/Amur
 - h. Pear (all species/cultivars)
 - i. Poplar (all species/cultivars)
 - j. Russian and Autumn Olive
 - k. Trees with thorns

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(5) Minimum Plant Sizes. All plant sizes shall meet the following size and design requirements:

- a. Deciduous Shade Trees – minimum 2.0-inch caliper, measured six (6) inches above the immediate ground level.
- b. Deciduous Ornament Trees – minimum 1.5-inch caliper, measured six (6) inches above the immediate ground level.
- c. Evergreen / Coniferous Tree – minimum 5-feet in height.
- d. Shrubs – minimum three (3) gallon container.
- e. Ornamental Grasses – minimum one (1) gallon container.

(6) Plant Locations. All plantings shall comply with the following:

- a. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.
- b. Trees shall be located no closer than six (6) feet to the back of curb along any street or driveway and no closer than four (4) feet to the edge of any parking lot, sidewalk or walkway.
- c. Ornamental and prairie grasses with a mature height of over four (4) feet shall not be permitted within the front yard area of any residential property.
- d. Landscaping must meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.
- e. Deciduous shade trees should not be placed within any public sanitary sewer, storm sewer or watermain utility easement.
- f. No landscaping shall be planted in violation of the City's street intersection vision clearance requirements.
- g. A permit must be obtained prior to planting any street tree or landscape material in the public right-of-way and shall comply with all City clearance and setback requirements.

(7) Plant Substitutions. Substitution of required plant materials may be made as follows:

- a. One (1) deciduous shade tree may be substituted in place of 10 required shrubs.
- b. One (1) deciduous ornamental tree may be substituted in place of five (5) required shrubs.
- c. One (1) evergreen/coniferous tree may be substituted in place of one (1) required deciduous shade tree.

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- d. One (1) deciduous shade tree may be substituted in place of two (2) required deciduous ornamental trees. Deciduous ornamental trees may not be substituted for required deciduous shade trees.
- e. Three (3) ornamental grasses may be substituted for one (1) required shrub.

B. Existing Trees and Tree Preservation Credit. The preservation of existing trees on a site is encouraged when they are in good condition and at least 2-inch caliper in size. Such trees may be counted as part of the required number of trees on a site.

A credit of two (2) trees toward the number trees shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over ten (10) inch caliper in size measured six (6) inches above the immediate ground level. However, this credit may not be applied in reducing the number of required interior parking lot trees, unless the tree is located within the parking lot area.

7. REVIEW AND APPROVAL PROCESS

A. Plan Approval Required. A landscape plan that follows the provisions of this Chapter shall be submitted as part of any application for approval of a Site Plan and as part of any application for approval of a Preliminary Plat that is for a single-family residential subdivision. No building permit shall be issued without an approved landscape plan in accordance with this Chapter.

B. Plan Submittal Requirements. The landscape plan shall be prepared and signed by a licensed landscape architect or other licensed professional with competency in preparing landscape plans. The plan set shall include the following:

- (1) Property boundary and general location of all existing and proposed structures, fences, walls, paved areas, parking lots, utilities, easements, and storm water management facilities.
- (2) Identification of all required Stream Buffers (see Chapter 104)
- (3) Existing and proposed grades.
- (4) Identification of all existing landscaping including whether it is to be preserved or removed.
- (5) Details for the methods by which existing landscaping planned to be preserved will be protected during site construction.
- (6) Identification of all proposed landscaping include plant species and size.
- (7) Identification of all proposed ground cover.
- (8) Width and details for all required buffers including buffer type and plant quantifies.

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(9) Details of all required screening.

(10) Specifications for soil conditioning and plant installation.

(11) Summary of the following site details:

- a. Square footage of the total site area.
- b. Sum square footage of all impervious areas.
- c. Square footage of the current and proposed building footprint area and paved areas (not including sidewalks, patios, and pedestrian plaza).
- d. Required open space calculations and square footage of open space provided.
- e. Calculation of the required landscaping and summary of landscape provided.

(12) Other information as required by the Zoning Administrator.

(13) The Zoning Administrator may waive any of these required elements if determined unnecessary to ensure compliance with this Chapter.

- C. Final Approval.** Prior to approval of a Final Plat for any single-family residential subdivision and prior to issuance of a Certificate of Occupancy for any building, all landscaping must be installed in accordance with the approved landscape plan. Should any of the required landscaping not be installed prior to a request for Final Plat approval or Certificate of Occupancy, due to weather conditions or time of the year, the Zoning Administrator, at their sole discretion, may accept a cash surety or performance bond as a guarantee of installation and approve the Final Plat or issue a temporary Certificate of Occupancy. The surety amount shall be no less than one and one-half (1½) times the cost of installation.
- D. Modifications.** The Zoning Administrator may administratively review and approve requests for minor changes to any approved landscape plan, such as changes in plant materials or plant locations, provided those changes comply with the requirements of this Chapter and do not materially alter the appearance of the site.
- E. Nonconformities.** Existing developed sites seeking approval of a building permit or site plan approval for any site modifications including building additions and paving expansions shall attempt to bring the entire property into full compliance with the requirements of this Chapter. At a minimum, all new buildings, building additions, new parking lots, and new paved areas shall comply with the regulations of this Chapter. No site plan or building permit shall be approved that causes or increases a site's nonconformity with this chapter.

8. MAINTENANCE AND REPLACEMENT

- A. Maintenance.** All property owners shall maintain all landscaping including regular mowing, trimming, and pruning and removal of dead, dying, or diseased plant material and keep the

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property clear from weeds, debris, and litter. Plant material shall be regularly trimmed and pruned to keep from encroaching sidewalks, walkways, driveway, and parking areas.

- B. Replacement.** The owner of any lot or parcel for which a landscape plan has been approved under this section shall further be responsible for the replacement of any dead, dying, or diseased plant material to remain in compliance with the approved landscape plan. Should a tree for which a landscape credit was given, die, become diseased, or is otherwise removed, the owner of the property on which the tree is located shall replace the tree at the same ratio at which the credit was originally given. Failure to maintain the landscaping in accordance with this provision shall constitute a violation of the site's site plan and/or building permit approval and certificate of occupancy.

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CHAPTER 165

ZONING REGULATIONS

SECTION 165.09 BUILDING DESIGN STANDARDS

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1. STATEMENT OF INTENT

It is the intent of this chapter to establish building design standards to enhance the general appearance, maintain and improve the quality of life of residents and visitors, and protect the value of properties within the City of Indianola. Building design and construction of all buildings shall employing good design principals and quality building materials to be long-lasting and in harmony with the neighboring properties and the City.

All buildings shall employ recognized architectural styles and design principals on all sides and be proportional, with elements in scale. Building exterior materials shall be applied in an authentic and honest manner reflecting the material's purpose, weight, and typical use in order to convey a sense of strength and durability.

2. APPLICABILITY

With the exception of agriculturally related buildings, these regulations shall apply to new development, the redevelopment of existing sites and buildings, and all site and building modifications including building additions and expansions and changes or modifications to building facades. All new buildings, including accessory structures, and additions to existing buildings shall be subject to the standards of this section. However, building expansions or additions, including successive additions, totaling less than twenty percent (20%) of the gross floor

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area of the existing building may use the same or superior exterior building materials and building design that matches that of the existing building.

3. EXCEPTIONS

The regulations of this chapter do apply to changes in building facades but do not apply to building façade maintenance and repair including repainting of existing painted surfaces, window, door, siding and roof replacement with identical or similar materials.

At the full discretion of the City, deviations from these standards may be granted in order to ensure the building addition is aesthetically compatible with the existing building design and appearance.

4. DEFINITIONS

The following terms are defined for this chapter:

- A. Primary Façade.** All street-facing façades (i.e., all building façades that face or front along a public or private street including highways), and façades with a building's main customer entrance. Buildings may have more than one primary façade as is the case with buildings located on corner lots and double frontage lots. All other façades shall be "secondary" façades.
- B. Street Facing Façade.** All building façades that have frontage along or face a public or private street at an angle of 45 degrees or less from the street line. This definition includes those building façades separated from the street by a parking lot or open space. This definition does not include frontage along an internal drive that is not classified as a private street.
- C. Major Façade Materials.** Exterior finish materials that cover at least 5% of a building's façade area. Any material that covers less than 5% of a building façade area shall not be considered a "major" façade material and will not count towards meeting any requirement for use of multiple class 1, 2, and/or 3 materials. A distinctly different color of fired clay brick (full brick or brick veneer) may be considered as an additional Class 1 or Class 2 material for the purposes of meeting the required minimum number of different major façade materials.
- D. Façade Area.** The total exterior wall area of all vertical or near-vertical faces of a building wall four (4) feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four (4) feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.
- E. Accessory Building Standards.** Accessory buildings in all non-residential zoning districts, except for temporary and small movable structures including ATMs and donation boxes, shall comply with the building design requirements for the principal building of the lot or parcel on which the accessory building is located. Garages and structured parking shall follow the standards required of the primary building.

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5. GENERAL PROVISIONS

The following provisions shall not apply to agricultural buildings and single-family and two-family dwellings.

A. Building Facadism. Building facadism, defined as the application of false or fake building façades or elements over an existing building façade or roof, is discouraged. Windows or dormers should be in proportion with and match the adjoining roof pitch and have the appearance of being functional and operational. Hip or mansard roofs that only partially conceal a roof well or low slope roof area are also discouraged. Roof parapets and roof top screen walls must have returns along the sides to conceal the edges. Building towers and other above roof building elements must be multi-sided and finished on all sides.

B. Application of Exterior Building Materials on Primary Facades.

- (1) Application of Brick and Stone. Heavy exterior materials, such as any type of brick and stone, shall be applied so as to acknowledge its historic use as a building foundation and structure material. Brick or stone that appears to be unsupported or 'float' within a façade shall not be permitted, e.g., stone applied to a roof dormer.
- (2) Painting of Brick and Stone. Brick and stone exterior finishes should not be painted, except as may be determined by the Zoning Administrator, at their full discretion, as appropriate based on the building design and architectural style.
- (3) Use of EIFS. EIFS shall not be permitted within ten (10) feet of the finished floor elevation of the façade on which it is located.
- (4) Thin Brick and Stone Veneer. Thin brick and stone veneer shall comply with the following:
 - a. Thin brick and stone veneer shall only be used in applications where the actual brick or stone thickness will not be distinguishable or is otherwise addressed by adjustments in the wall plane to provide the appearance of full depth brick or real stone.
 - b. 'L' shaped brick corner pieces and full-depth brick caps shall be utilized at all corners and edges to maintain the appearance of full-depth brick.
 - c. Thin brick and stone veneer shall be continued (returned) a minimum of 12-inches around wall corners to further maintain the appearance of full-depth brick or real stone.

C. Use of Trim on Primary Façades. Except where architecturally unsuitable, appropriately scaled trim shall be included around all window and door openings, building corners, roof lines, and façade material transitions located on primary façades.

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- D. Shutters.** If used, shutters must be in scale with the adjoining opening and be operational or have the appearance of being operational and functional as a true shade or shutter. Each shutter shall be equal to the height, and one-half (1/2) the width of the adjoining opening and shall be paired with a matching shutter on the opposite side of the opening, or alternatively, a single shutter shall be equal to both the height and width of the adjoining opening.
- E. Soffits, Overhangs, and Cornices.** All building soffits, overhangs, and cornices shall be appropriately scaled with a typical projection of no less than 6 inches, except as may be appropriate based on the architectural style.
- F. Building Mounted Equipment Screening (Roof-Top and Exterior-Mounted Mechanical Equipment).** All exterior-mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be located out of view or otherwise screened from view from all adjacent public or private streets and residential developed or zoned properties. Screening shall be accomplished via landscaping, walls, and building elements or screen walls, or a combination of these methods. For roof-top equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefabricated architectural metal panels, stucco panels, masonry walls, or similar building materials. The height of the screen shall be no lower than the height of the equipment. The above provisions shall not apply to solar energy panels.

6. BUILDING EXTERIOR FINISH MATERIALS

For the purpose of this chapter, exterior building materials shall be divided into the following categories. All materials must be utilized in the application as intended by the manufacturer and follow property installation requirements and standards, including management of water migration and installation of appropriate substrate material.

The Zoning Official may recategorize a building material provided below or may categorize a building material not listed below if it finds that the material is similar or of higher quality to the other materials in the same category with regard to durability, quality, and appearance.

BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
Masonry and Stone (Non-load bearing)					
Brick veneer, fired clay	✓				Fired clay brick, full-veneer masonry wall system
Brick veneer (thin), fired clay		✓			Thin veneer fired clay brick adhered to a wall surface or wall anchoring system, with the appearance of full brick
Brick paneling, fired clay			✓		Prefabricated panels of thin veneer fired clay brick
Brick veneer, synthetic			✓		Synthetic bricks adhered to wall surface or wall anchoring system
Brick paneling, synthetic			✓		Prefabricated panels of synthetic brick adhered to a wall surface or wall anchoring system
Stone veneer, natural	✓				Genuine stone, full-veneer masonry wall system

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BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
Stone paneling, natural		✓			Prefabricated panels of genuine stone adhered to wall surface or wall anchoring system
Stone veneer, synthetic		✓			Synthetic stone adhered to wall surface or wall anchoring system (also referred to as cultured stone)
Stone paneling, synthetic			✓		Prefabricated panels of synthetic stone adhered to a wall surface or wall anchoring system (also referred to as cultured stone)
Terracotta rainscreen panels	✓				Fired clay panels with a rainscreen wall anchoring system
Stucco, genuine	✓				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete Masonry Units					
Cast stone	✓				A highly refined architectural precast concrete masonry unit intended to simulate natural-cut stone
Burnished/ground-faced block		✓			Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints
Patterned or shaped block		✓			Concrete modular blocks, face surface has pattern or shape, not flat, and with mortared joints
Split-faced block			✓		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block				✓	Concrete modular blocks, plain, flat finish, and with mortared joints
	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete					
Architectural quality precast concrete panels	✓				Highest finish precast concrete panels, textured or burnished, and integrally colored - not painted
Cast-in-place concrete, board formed or decorative form liner		✓			Architecturally designed cast-in-place concrete with a high-quality patterned or textured surface created by board forms or decorative concrete form liners
Cast-in-place concrete, plain			✓		Textured or smooth finish, may be painted
Site cast and precast concrete panels			✓		Site cast and precast concrete panels, plain, smooth finish, may be painted
	Class 1	Class 2	Class 3	Class 4	Definitions
Metal					
Architectural quality, composite metal wall panel systems	✓				High quality composite metal panels for decorative surface application, such as <i>Alucobond panel systems</i>
Architectural quality, insulated metal wall panel systems	✓				High quality insulated metal panels for decorative surface application with concealed fasteners, such as <i>Centria Formawall Dimension Series</i>

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BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
Architectural quality metal wall panel systems, concealed fastening		✓			High quality metal panels for decorative surface application with concealed fasteners, such as <i>Firestone Delta</i>
Architectural quality metal wall panel systems, exposed fastening			✓		High quality metal panels for decorative surface application with exposed fasteners, such as <i>Firestone Omega</i>
Metal (panels, siding, and trim)				✓	Standard metal siding and panels, painted or coated for exterior application
	Class 1	Class 2	Class 3	Class 4	Definitions
Glass					
Clear glass (windows, curtain walls, paneling systems)	✓				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass blocks			✓		Hollow translucent block of varying shapes and sizes made entirely from glass. Also, known as glass brick.
Mirrored glass				✓	Glass with a reflective or mirrored coating or finish
Tinted glass (including color applied)			✓		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Spandrel Glass	✓				Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns floors and shear walls
	Class 1	Class 2	Class 3	Class 4	Definitions
Other Materials					
Architectural quality fiber cement wall panels textured to resemble stone or metal		✓			The highest quality fiber cement wall panel systems textured to resemble stone or metal with concealed fasteners – such as <i>Nichiha</i>
Wood (panels and siding)			✓		Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Cement fiber board (panels and siding)			✓		Cement panels reinforced with cellulose fibers, such as <i>HardiePlank</i> and <i>HardiePanel</i>
Exterior Insulation and Finish System (EIFS)			✓		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated
Composite wood (panels, siding, and trim)				✓	Composite or other synthetic wood types, such as <i>LP SmartSide</i>
Vinyl and PVC (panels, siding, and trim)				✓	Exterior siding and trim that is made from a synthetic resin or plastic.
Ceramic			✓		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel and skylight systems		✓			Polycarbonate panels in a concealed aluminum support system – such as <i>CPI Daylighting UniQuad</i>
Fabric					(not permitted)

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	Class 1	Class 2	Class 3	Class 4	Definitions
Roofing Materials					
Standing Seam Metal	✓				Vertically run or horizontal-Bermuda style metal panels connected within interlocking raised seams
Metal roof panel system		✓			High quality metal panels designed for roof application including metal shingles
Metal panel				✓	Standard metal roof panels, designed for roof application
Slate	✓				Natural stone tiles (or shingles) cut from slate, traditionally applied in an overlapping pattern
Tile	✓				Fired clay, ceramic, or concrete roofing tiles applied in an overlaying pattern
Synthetic or composite slate		✓			Molded plastic to mimic the appearance of slate tiles
Green roof	✓				Low-slope roof covered with roof-top plants in a designed roof-top planting system
Simulated metal roofing		✓			Membrane roofing system designed with the appearance of a standing seam metal roof
Membrane or ballast (not visible)		✓			Typical roofing materials for low-slope roofs and is not visible from any adjacent public or private street or residential developed or zoned properties
Membrane or ballast (visible)				✓	Typical roofing materials for low-slope roofs
Asphalt shingles (laminated or dimensional)		✓			Asphalt shingles constructed with a heavy base mat and multiple adhered layers to provide a thicker, dimensional appearance - also known as laminated architectural shingles
Asphalt shingles (3-tab)			✓		Asphalt shingles constructed with a single layer of material and 3 cut shingle "tabs"
Wood shake shingles				✓	Shingle shakes constructed of rot resistance wood, such as cedar
Glass roofing	✓				A roof constructed of glass panels or glass tiles within a glass framing system - also known as a roof glazing system
Fabric				✓	Exterior rated fabric designed for application in a canopy or roofing system

7. STANDARDS BY BUILDING USE TYPE

A. Building Use Types. For the purposes of this chapter, all buildings shall be categorized in the following building use types. Any building type not listed or any question as to the appropriate categorization of a building shall be as determined by the Zoning Administrator. The building design standards shall be regulated by both building use type and the zoning district in which the building is located. Unless otherwise permitted by the Zoning Administrator, all accessory buildings and structures shall comply with the design standards required of the principal building.

(1) Agricultural Building: Agricultural related buildings in the A-1 zoning district.

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- (2) Single-Family and Two-Family Dwellings: Includes accessory dwellings, bed and breakfast Inns, and Group Homes.
- (3) Horizontally Attached Residential: Includes townhouse and row dwellings.
- (4) Vertically Attached Residential: Includes apartments, condos, rooming houses, live-work units, community living, homeless shelter, assisted living, skilled care facilities, and continuing care retirement facilities.
- (5) Non-Residential Building in Residential Zoning District: Includes schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
- (6) Commercial/Retail Building: Includes single and multi-tenant commercial buildings, day care centers, restaurants, financial institutions, hotels, motels, and recreational and entertainment buildings.
- (7) Office and Civic Building: Includes single and multi-tenant office buildings and, when in non-residential zoning districts, schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
- (8) Mixed-Use Building: A multi-story building that contains two (2) or more different uses such as residential and retail and/or office uses.
- (9) Industrial Building: A building or structure constructed for an industrial use and located within the A-1, M-1, or M-2 zoning district.

B. Buildings Design Standards by Building Use Type

- (1) Agricultural Building: No specific standards.
- (2) Single-Family and Two-Family Dwellings: All dwellings including accessory structures shall have roofs with a minimum 4-12 pitch, except as may be appropriate based on its architectural style, and be constructed of a combination of Class 1, 2, 3, and 4 building exterior and roofing materials.
- (3) Horizontally Attached Residential:
 - a. All dwellings including accessory structures shall be constructed of a combination of Class 1, 2, 3, and 4 building exterior and roofing materials.
 - b. Each primary façade shall have no less than three (3) different class 1, class 2, class 3, or class 4 façade materials.

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- c. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio.
- d. The primary façade of each individual unit dwelling must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining units.

(4) Vertically Attached Residential:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 40% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 60% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. Elevated open walkways along the exterior of the building are prohibited.
- d. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio or access to a shared roof-top or outdoor amenity space.
- e. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(5) Non-Residential Building in Residential Zoning District:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 50% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 50% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(6) Commercial/Retail Building:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.

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- b. At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 20% clear glass fenestrations (windows and full glass doors) on the first level.
- c. All structures shall utilize Class 1 or 2 roofing materials.
- d. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(7) Office and Civic Building:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. No primary façade shall exceed 80 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(8) Mixed-Use Building:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 30% clear glass fenestrations (windows and full glass doors) on the first level.
- c. All structures shall utilize Class 1 or 2 roofing materials.
- d. No primary façade shall exceed 80 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

Attachment J

(9) Industrial Building:

- a. Each primary façade shall contain no less than two (2) different class 1, class 2, or class 3 façade materials, together composing at least 80% of the primary façade area. Class 4 façade materials in aggregate shall not exceed 10% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. No primary façade shall exceed 100 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

8. REVIEW AND APPROVAL PROCESS

- A. Plan Approval Required.** As part of the submittal of a site plan for development (with the exception of agriculturally related buildings and single-family and two-family dwellings), architectural plans for buildings shall be submitted for review and approval as part of the site plan application.

The determination of compliance with the provisions and requirements of this section shall be at the sole discretion of the Zoning Administrator and the approval body per the procedures as provided in the Zoning Regulations.

- B. Plan Submittal Requirements.** The applicant shall submit the following for each proposed building, addition, or renovation subject to this chapter:

- (1) Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
- (2) Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
- (3) Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
- (4) Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan, if required by the Zoning Administrator.
- (5) In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage

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areas, and solid waste and recycling containment areas.

- (6) Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
- (7) Exterior building and finish material samples and color pallets, if required by the Zoning Administrator.
- (8) Other information as may be required by the Zoning Administrator. The Zoning Administrator shall further have the discretion to waive any of the above submittal requirements.

DRAFT

Meeting Date: 07/06/2021

Subject

Second consideration of an Ordinance approving an amended Official Zoning Map of Indianola, Iowa.

Information

Roll call is in order.

Attachments

Zoning Map Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDIANOLA,
IOWA BY ADOPTION OF THE OFFICIAL ZONING MAP OF INDIANOLA, IOWA.**

WHEREAS, the City Council of the City of Indianola, Iowa, deems it necessary and proper to amend the Official Zoning Map of Indianola, Iowa by adoption of a new zoning map.

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

Section 1: The Official Zoning Map of Indianola, Iowa is shown on Attachment A.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____ 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

First reading:
Second reading:
Third reading:
Publication Date:

Subject

Fiscal Year 22 Budget

Information

Attachments

Budget Amendment



— CERK/FINANCE DEPARTMENT —

To: Mayor and Council
From: Andrew J. Lent, City Clerk/CFO
CC: Ryan Waller, City Manager
Date: 06 July 2021
Re: First FY2022 Budget Amendment

The City of Indianola is amending its budget for the following two reasons:

- **Moving Items from FY2021 to FY2022:** The following items will be moved from FY2021 to FY2022. No additional revenue for these projects but decrease in fund balance is offset by non-expense in FY2021.
 - Purchase of Fire Department Aerial Truck: \$810,000
 - Remaining Iowa Avenue engineering and construction: \$400,000
 - South Plant Lift Station engineering and construction: \$850,000
 - Autumn Ridge sewer connection assistance: \$40,000
 - WRRD Generator Servicing: \$27,125
- **Community Development Permit Software:** The Community Development Department has reviewed software to track building permits. (\$24,000)
- **American Rescue Plan Funding:** The City anticipates receiving half the American Rescue Plan funding in FY2022 and Council's directive for this funding is water and sewer upgrade on Boston Avenue. (\$1.1 Million)
- **LOST Transfer:** Transfer from LOST to Square Streetscape Improvement Project (\$2,667,910).

I recommend approval of the amendment and will be present to answer any questions.

RESOLUTION 2021-

**RESOLUTION APPROVING FIRST AMENDMENT TO
CITY OF INDIANOLA FISCAL YEAR 2022 BUDGET**

WHEREAS, the City of Indianola needs to amend the Fiscal Year 2022 budget, and

WHEREAS, said amendment is detailed on the attached page and below, and

WHEREAS, a hearing on the amendment was held with notice published on June 23, 2021 in the Indianola Record-Herald.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Indianola, Iowa that

1. the attached amendment to the Fiscal Year 2021 budget is approved for the following reasons:
 - a. Moving items from FY2021 to FY2022: The following items will be moved from FY2021 to FY2022. No additional revenue for these projects but decrease in fund balance is offset by non-expense in FY2021.
 - i. Purchase of Fire Department Aerial Truck: \$810,000
 - ii. Remaining Iowa Avenue engineering and construction: \$400,000
 - iii. South Plant Lift Station engineering and construction: \$850,000
 - iv. Autumn Ridge sewer connection assistance: \$40,000
 - v. WRRD Generator Servicing: \$27,125
 - b. Community Development Permit Software: \$24,000
 - c. American Rescue Plan Funding for Project: \$1,100,00
 - d. Transfer from LOST to Square Streetscape Improvement Project: \$2,667,910
2. the Mayor and City Clerk are authorized to sign the amendment on behalf of the City.

Passed and approved this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET

INDIANOLA

Fiscal Year July 1, 2021 - June 30, 2022

The City of INDIANOLA will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2022

Meeting Date/Time: 7/6/2021 06:00 PM

Contact: Andrew Lent

Phone: (515) 962-5246

Meeting Location: Indianola City Hall, 110 N 1st Street, Indianola, IA 50125

There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing.

REVENUES & OTHER FINANCING SOURCES		Total Budget as Certified or Last Amended	Current Amendment	Total Budget After Current Amendment
Taxes Levied on Property	1	8,410,643	0	8,410,643
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0
Net Current Property Tax	3	8,410,643	0	8,410,643
Delinquent Property Tax Revenue	4	0	0	0
TIF Revenues	5	1,500,000	0	1,500,000
Other City Taxes	6	1,509,301	0	1,509,301
Licenses & Permits	7	320,700	0	320,700
Use of Money & Property	8	357,709	0	357,709
Intergovernmental	9	1,691,851	1,100,000	2,791,851
Charges for Service	10	5,615,696	0	5,615,696
Special Assessments	11	0	0	0
Miscellaneous	12	281,870	0	281,870
Other Financing Sources	13	26,000,000	0	26,000,000
Transfers In	14	10,725,554	2,667,910	13,393,464
Total Revenues & Other Sources	15	56,413,324	3,767,910	60,181,234
EXPENDITURES & OTHER FINANCING USES				
Public Safety	16	7,292,720	834,000	8,126,720
Public Works	17	1,733,270	0	1,733,270
Health and Social Services	18	0	0	0
Culture and Recreation	19	2,618,853	0	2,618,853
Community and Economic Development	20	217,659	0	217,659
General Government	21	1,746,039	0	1,746,039
Debt Service	22	2,212,417	0	2,212,417
Capital Projects	23	7,009,069	4,167,910	11,176,979
Total Government Activities Expenditures	24	22,830,027	5,001,910	27,831,937
Business Type/Enterprise	25	29,253,285	917,125	30,170,410
Total Gov Activities & Business Expenditures	26	52,083,312	5,919,035	58,002,347
Transfers Out	27	10,725,554	2,667,910	13,393,464
Total Expenditures/Transfers Out	28	62,808,866	8,586,945	71,395,811
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	-6,395,542	-4,819,035	-11,214,577
Beginning Fund Balance July 1, 2021	30	35,404,405	0	35,404,405
Ending Fund Balance June 30, 2022	31	29,008,863	-4,819,035	24,189,828

Explanation of Changes: Move from FY21 to FY22: Fire Department aerial truck, remaining Iowa Avenue engineering and construction, Streetscape Improvement engineering and construction, South Plant Lift Station engineering and construction, Autumn Ridge connection assistance, generator service; New to FY22 budget: Community Development permit software, transfer of LOST revenue for Streetscape Improvement Project. Receiving first half of American Rescue Plan funding and capital expenditure on project.

Meeting Date: 07/06/2021

Subject

Public Hearing on a Fiscal Year 22 budget amendment.

Information

Roll call to open and close the Public Hearing is in order.

Attachments

No file(s) attached.

Meeting Date: 07/06/2021

Subject

Resolution approving an amendment to the Fiscal Year 22 budget.

Information

Roll call is in order.

Attachments

No file(s) attached.

Meeting Date: 07/06/2021

Subject

Development Agreement with Johansen Enterprises

Information

Attachments

Fox Run Memorandum
Request



COMMUNITY DEVELOPMENT

To: Mayor and City Council
From: Charlie E. Dissell, Community and Economic Development Director
CC: Ryan Waller, City Manager
Date: June 28, 2021
Re: Public hearing regarding execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises LLC; and, Resolution approving and authorizing execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises LLC

At its meeting on June 21, the City Council set a public hearing for July 6, 2021 regarding execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises LLC. Also, at its June 21 meeting, the City Council approved a Preliminary Plat for Fox Run Plat 2, of which Johansen Enterprises LLC is the Developer. The preliminary plat approved creates 12 lots with 11 single-family lots and one multi-family lot that proposes 36 units. Additionally, this plat also creates an outlot located on the north side that will be used for stormwater management. As noted to Council, the property owner wishes to donate this outlot to the City for park ground. The development agreement notes that the Developer shall transfer Outlot X to the City by warranty deed for future park ground. On June 23, staff presented the proposal of parkland dedication to the Parks and Recreation Commission, and the Parks and Recreation Commission agreed unanimously to recommend to the Council this land be accepted for such.

As part of this plat, and to achieve the properties full development potential, a relocation of existing sanitary sewer lines is necessary. To help assist with the relocation of these existing lines, the developer has requested a development agreement with the City. The Developer has requested funds in the amount of \$110,000 to help assist with the sanitary sewer location. The development agreement states that this funding would be paid in four (4) installments of \$27,500 each. One installment would be paid to the Developer once the 11 single-family dwellings were completed and a CO was issued to each. The other three (3) installments would be paid for every 12 multi-family units completed and a CO was issued to each. These funds would be paid by sanitary sewer reserves.

I will attend the July 6 Council meeting if you have any questions.



June 30, 2021

RE: Fox Run Developers Agreement

Dear Charlie:

We would like to request that no formal action be taken on this agreement after the public hearing at the next city council meeting. We are working with the Developer on some design changes that may affect the scope of this project. If council delays action until the next meeting, we will have the changes resolved and be able to provide appropriate direction on how this project is moving forward.

Please let me know if I can provide anything further at this time.

Sincerely,

Josh Rabe, Development & Preconstruction Manager
Downing Construction

Meeting Date: 07/06/2021

Subject

Public Hearing regarding the execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC.

Information

Roll call to open and close the Hearing is in order.

Attachments

No file(s) attached.

Meeting Date: 07/06/2021

Subject

Resolution approving and authorizing execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC.

Information

Roll call is in order.

Attachments

Resolution Approving Agreement
Development Agreement

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING
EXECUTION OF A DEVELOPMENT AGREEMENT BY
AND BETWEEN THE CITY OF INDIANOLA AND
JOHANSEN ENTERPRISES LLC

WHEREAS, the City has adopted the Urban Revitalization Plan ("Plan") designating a portion of the City as an urban revitalization area pursuant to the City's powers under Chapter 404 of the Code in order to encourage private development and improvements in the area, and to enhance the area and substantially improve the neighborhood and the community; and

WHEREAS, it is desirable that properties within the area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the City has received a proposal from Johansen Enterprises LLC. (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the City and the Developer on the "Development Property" legally described as follows:

OUTLOT "Z" OF FOX RUN PLAT 1, BEING AN OFFICIAL PLAT INCLUDED AND FORMING PART OF THE CITY OF INDIANOLA, WARREN COUNTY, IOWA; and,

WHEREAS, pursuant to said notice published as required by law, this Council has held a public meeting and hearing upon the proposal to approve and authorize execution of the Agreement, and has considered the extent of objections received from residents or property owners as to said proposed Agreement; and, accordingly the following action is now considered to be in the best interests of the City and residents thereof; and

WHEREAS, the Council has determined that the Agreement is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan.

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

Section 1. The Council finds that the performance by the City of its obligations under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and in furtherance of the best interests of the residents of the City.

Section 2. The form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are

authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Agreement, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

PASSED AND APPROVED this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

When Recorded Return to:,

City of Indianola, Iowa
Attn: City Clerk
110 North 1st Street
Indianola, IA 50023

Preparer Information: Douglas A. Fulton, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266

Phone: 515-274-1450

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF INDIANOLA AND JOHANSEN ENTERPRISES LLC**

WHEREAS, the City of Indianola, Iowa (hereinafter the "City") and Johansen Enterprises LLC., an Iowa limited liability company (hereinafter "DEVELOPER ") have agreed that the development of Fox Run Plat 2 is mutually beneficial to the City and to DEVELOPER for the development of residential housing in Indianola, Iowa; and

WHEREAS, DEVELOPER is developing the subdivision that will be known as Fox Run Plat 2, as shown on Exhibit "A; and

WHEREAS, DEVELOPER will expend considerable sums for construction of sanitary sewer improvements including the relocation of an existing sanitary sewer main that currently makes areas of the property undevelopable; and

WHEREAS, DEVELOPER will construct a storm water detention basin on Outlot X, and will transfer Outlot X to City for future park land upon approval of the final plat by the City and recordation of the final plat by DEVELOPER; and

WHEREAS, the City finds that the City expenditure contemplated for the proposed sanitary sewer main improvements provides a general benefit to the City and its citizens.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, DEVELOPER and the City hereby agree as follows:

1. DEVELOPER shall design and construct all infrastructure improvements shown on the preliminary plats and all other approved construction or development plans for Fox Run Plat 2 in conformance with plans approved by the City Engineer of the City of Indianola and all applicable local, state and federal laws.
2. DEVELOPER intends that Fox Run Plat 2 will include a minimum of 11 single-family building lots and 36 multi-family units. DEVELOPER agrees to submission of the final plat for the subdivision for approval by the City Council and to the dedication and transfer of right of way and Outlot X upon recordation of the plat for Fox Run Plat 2.
3. DEVELOPER shall transfer street right-of-way and Outlot X by Warranty Deed. In addition, DEVELOPER shall grant easements as necessary to accommodate the construction, location and maintenance of improvements for Fox Run Plat 2.

4. The City agrees to reimburse the Developer for the cost of sanitary sewer main improvements to 11 single-family building lots and 36 multi-family units contained in Fox Run Plat 2 and more specifically identified on Exhibit "B" which is attached hereto and incorporated herein by this reference. The City's reimbursement shall be limited to the cost of relocating the existing sanitary sewer main that currently makes areas of the property undevelopable, which amount shall not exceed the sum of \$110,000.00 (the "City's Contribution"). Developer shall submit invoices for all work and costs related to the sanitary sewer main improvements to verify such costs. The City's contribution shall be paid to the developer in four (4) installments as follow:

- a. Installment A, in a sum not to exceed \$27,500, shall be paid upon completion of all improvements to the 11 single-family building lots, according to all plans and specifications as approved by the City, and connection to a sanitary sewer main, acceptance by the City of all work, verified payment of all contractors and subcontractors providing labor and materials and issuance of the final Certificate of Occupancy for the 11 single-family building lots.
- b. Installment B, in a sum not to exceed \$27,500, shall be paid upon completion of all improvements to the first 12 multi-family units, according to all plans and specifications as approved by the City, and connection to a sanitary sewer main, acceptance by the City of all work, verified payment of all contractors and subcontractors providing labor and materials and issuance of the final Certificate of Occupancy for the first 12 multi-family units.
- c. Installment C, in a sum not to exceed \$27,500, shall be paid upon completion of all improvements to the second set of 12 multi-family units, according to all plans and specifications as approved by the City, and connection to a sanitary sewer main, acceptance by the City of all work, verified payment of all contractors and subcontractors providing labor and materials and issuance of the final Certificate of Occupancy for the second set of 12 multi-family units.
- d. Installment D, in a sum not to exceed \$27,500, shall be paid upon completion of all improvements to the third set of 12 multi-family units, according to all plans and specifications as approved by the City, and connection to a sanitary sewer main, acceptance by the City of all work, verified payment of all contractors and subcontractors providing labor and materials and issuance of the final Certificate of Occupancy for the third set of 12 multi-family units.

7. The City's Contribution for each installment shall be paid to Developer within 60 days of request by DEVELOPER, and upon completion of all improvements noted within each installment. However, if upon request by DEVELOPER the City does not have funds available for such contribution, City may delay payments until the start of the next Fiscal Year, but no more than 30 days after the start of the next fiscal year.

8. All work listed above will be more fully described in the engineering plans, construction drawings, preliminary plat and other specifications prepared by DEVELOPER and approved by CITY.

9. This Agreement shall be governed by the laws of the State of Iowa.

10. In the event a party hereto fails to pay its obligations under this Agreement or breaches a covenant, warranty or representation of this Agreement, any other party shall give to the alleged defaulting party written notice of the alleged default and of the actions necessary to cure the default. If the default is not cured within 10 days from the date of notice, the party not in default may exercise all remedies available at law, or in equity, including specific performance.

11. This Agreement contains the entire agreement between the parties. This Agreement may not be changed or modified in any manner, unless a written instrument is executed by the parties. This Agreement may not be assigned by DEVELOPER.
12. All agreements, covenants, representations and warranties made herein are intended to survive until termination of this Agreement.
13. Any uncertainty or ambiguity existing herein shall not be interpreted against a party because such party prepared any portion of this Agreement but shall be interpreted according to the application of rules of interpretation of contracts generally.
14. Performance of the Agreement shall be complete, and this Agreement shall terminate, when each of the parties has satisfied its respective covenants and obligations hereunder.
15. Each party will, whenever it shall be reasonably requested to do so by another party, promptly execute, acknowledge, and deliver, or cause to be executed, acknowledged, or delivered, any and all such further conveyances, confirmations, instruments, or further assurances and consents as may be necessary or proper, in order to effectuate the covenants and agreements herein provided. Each party will cooperate in good faith with the other parties and shall execute, acknowledge, and deliver any and all documents or requests in order to satisfy the conditions set forth therein and carry out the intent and purposes of this Agreement.
16. Any consent or approval required herein shall not be unreasonably withheld; provided, however, that this Agreement is subject to the approval of the City Council of the City of Indianola, Iowa.
17. Neither the method of computation of funding nor any other provisions contained in this Agreement nor any acts of any party shall be deemed or construed by DEVELOPER or by any third person to create the relationship of partnership or joint venture or of any association between the parties.
18. The undersigned officers of the parties covenant and confirm that this Agreement has been approved, and its execution authorized, by DEVELOPER and the City Council of the City of Indianola, Iowa, and that the undersigned officers have been authorized to enter into and execute this Agreement on behalf of DEVELOPER and the City.
19. The City has found and determined that this Agreement serves and accomplishes a public purpose and is in the best interests of the City and its citizens and residents.
20. All notices or requests under this Agreement shall be given by certified mail, postage prepaid, return receipt requested, to the addresses shown below.

City:

City of Indianola
110 North 1st Street
Indianola, IA 50125
Attn: City Manager

DEVELOPER:

Johansen Enterprises LLC
2929 Westown Pkwy Suite 100
West Des Moines IA 50266-1319

Each properly addressed notice or request sent by certified mail shall be deemed given and served upon being actually received by the addressee or being rejected by the addressee. The

City or DEVELOPER shall have the right to send notices by overnight delivery which notices shall be deemed given and served upon actual receipt by the addressee or rejection by the addressee.

21. This Agreement is entered into by the City specifically with Developer and is not assignable by Developer.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be executed by their duly authorized representatives on this the ____ day of _____, 2021.

THE CITY OF INDIANOLA, IOWA

Pam Pepper, Mayor

I, Andrew J. Lent, City Clerk of the City of Indianola Iowa do hereby certify that the within and foregoing Development Agreement was duly approved and accepted by the City Council of said City of Indianola by Resolution No. _____ passed on the ____ day of _____, 2021 and this certificate is made pursuant to authority contained in said Resolution.

Signed the ____ day of _____, 2021.

Andrew J. Lent, City Clerk

STATE OF IOWA, COUNTY OF WARREN, ss:

On the ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Pam Pepper and Andrew J. Lent, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of Indianola, Iowa, a municipal corporation; that the seal affixed to the above and foregoing instrument is the corporate seal of said municipal corporation, and the said Pam Pepper and Andrew J. Lent acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

[Stamp or Seal]

Notary Public in and for the State of Iowa

Johansen Enterprises LLC

_____, Manager

STATE OF IOWA, COUNTY OF WARREN, ss:

On the _____ day of _____, 2021, before me , the undersigned, a Notary in and for the said State, personally appeared _____, to me personally known, who being duly sworn, did say that he is the Manager of Johansen Enterprises LLC, an Iowa Limited Liability Company; the instrument was signed on behalf of the limited liability company by authority of its members; and that he as Manager acknowledges execution of the instrument to be the voluntary act and deed of the limited liability company by it and by him voluntarily executed.

[Stamp or Seal]

Notary Public in and for the State of Iowa

Meeting Date: 07/06/2021

Subject

Consideration of a sewer credit request from the customer at 501 South Jefferson Way.

Information

Staff is recommending a credit of \$1,877.41. According to City Policy, a refund exceeding \$1,000 must be approved by the City Council. The refund shall be a credit on the customer's account and shall not be paid in cash.

Roll call is in order.

Attachments

Claim Memorandum



— WATER RESOURCE RECOVERY DEPARTMENT —

July 6, 2021

To: Mayor Pam Pepper and City Council

cc: Ryan J. Waller, City Manager

From: Rick Graves, WRRD Director

Re: Excessive Usage Claim for 501 S Jefferson Way

I received an Excessive Usage Claim for 501 S Jefferson Way on June 14, 2021. D&D Construction purchased the property on April 5, 2021 and discovered a broken water line under the front porch that ran to four radiators for heating. Vanderpool Plumbing came and fixed the split pipes, approximately 11 places, and since then the usage has been back to normal.

The front porch has a dirt crawl space underneath it and is separate from the basement. The dirt floor soaked in the water and there was no signs of any water making it to the sanitary sewer. While meeting the owner at the residence they showed me the split pieces of pipe and the crawl space under the front porch. After I got back to my office I spoke to Joe Vanderpool and he concurred to what I was told from the owner.

The leak occurred during the months of April and May 2021 as shown in the Water Usage History form that is attached.

My recommendation is to credit the sewer portion of the bill \$923.93 for April and \$953.48 for May. The total credit adds up to \$1,877.41.



INDIANOLA MUNICIPAL UTILITIES
EXCESSIVE USAGE CLAIM

NAME _____

ADDRESS

501 S. Jefferson, Indianola, IA 50125

DATE(S) OF LOSS _____

ARE YOU RESPONSIBLE FOR THE UTILITY BILLS AT THE ABOVE LOCATION: Yes

CLAIM REQUEST FOR:

Electric

X

Water

Sewer

AMOUNT REQUESTED:

Electric

Water

Sewer

How did you determine the above amounts?

Broken pipe

Please describe in detail the purpose of your request and the circumstances involved.
Be very specific.

D&D Construction purchased 502 S. Jefferson, Indianola, Ia, on April 5, 2021. After purchase, a broken water pipe was discovered. Vanderpool fixed pipe in April 2021. There is a large balance due, due to the broken pipe. D&D requests to pay half of amount owed due to these circumstances, and waive the remainder.

Signature

Marvin Bach

Date

6/10/2021

Phone Number

Wk

515-996-8011

Home

Rick Graves

From: Monica M. Thompson
Sent: Monday, June 14, 2021 10:29 AM
To: Rick Graves; Lou Elbert
Subject: RE: Excessive Use Claim

This is the water usage history for the address- I don't know if there is anything we can do for them, but I DO know it's not my decision to make.

Hopefully you all can agree on an amount, if any. (Lou let me know if I need to send the info up to Chris D)
Thanks for looking into it for them.

Requestor
Monica Thompson

Jun 14, 2021
10:25 AM

Water Usage History

D & D Construction (Active: Nov 07, 2017)
501 S Jefferson Way
Indianola, IA 50125-3294

Month	Year	Days	Meter Number	Consumption Meter Reading	Consumption gal	Billed Amount
06	2021	29	28658619	27	3500	\$39.01
05	2021	31	28658619	9992	106900	\$1,652.05
04	2021	26	28658619	8923	103900	\$1,605.25
03	2021	33	28658619	7884	5400	\$68.64
02	2021	32	28658619	7830	5100	\$63.97
01	2021	31	28658619	7779	4400	\$53.04
12	2020	31	28658619	7735	3900	\$45.25
11	2020	34	28658619	7696	5300	\$67.09
10	2020	33	28658619	7643	6700	\$88.93
09	2020	31	28658619	7576	5200	\$65.52
08	2020	32	28658619	7524	6400	\$84.24
07	2020	30	28658619	7460	6100	\$79.57
06	2020	33	28658619	7399	10000	\$133.20
05	2020	29	28658619	7299	4800	\$30.60
04	2020	28	28658619	7251	3700	\$24.28
03	2020	31	28658619	7214	10100	\$61.08
02	2020	33	28658619	7113	1700	\$12.78
01	2020	28	28658619	7096	0	\$8.75
12	2019	34	28658619	7096	0	\$8.75
11	2019	28	28658619	7096	0	\$8.75
10	2019	31	28658619	7096	0	\$8.75
09	2019	33	28658619	7096	0	\$8.75
08	2019	28	28658619	7096	0	\$8.75
07	2019	33	28658619	7096	0	\$8.75
24 Invoice Periods				Ave:	12212	
				Min:	0	
				Max:	106900	

Thank you!

Monica Thompson

Utility Services Representative



From: Rick Graves <rgraves@indianolaiowa.gov>

Sent: Monday, June 14, 2021 10:24 AM

To: Monica M. Thompson <mmthompson@indianolaiowa.gov>; Lou Elbert <lbert@indianolaiowa.gov>

Subject: RE: Excessive Use Claim

How many gallons are we talking about?

Thanks

Rick Graves

Wastewater Supt.

City of Indianola

110 N 1st Street

Indianola, IA 50125

rgraves@indianolaiowa.gov

w. 515.962.5284

c. 515.577.2444

From: Monica M. Thompson <mmthompson@indianolaiowa.gov>

Sent: Monday, June 14, 2021 10:18 AM

To: Lou Elbert <lbert@indianolaiowa.gov>; Rick Graves <rgraves@indianolaiowa.gov>

Subject: Excessive Use Claim

Hey guys- this came into our email this morning, the customer came in on Friday and requested the form—I don't have more details for you, so hopefully there's enough in the form.

Thank you!

Monica Thompson

Utility Services Representative



From: Capro <capitalpro12@gmail.com>

Sent: Friday, June 11, 2021 4:54 PM

To: Utility Services <UtilityServices@indianolaiowa.gov>

Subject: Fwd:

Attached information requested. Excessive claim form.

Thanks
Marcie

----- Forwarded message -----

From: **Paul Scieszinski** <capitalpro12@gmail.com>

Date: Fri, Jun 11, 2021 at 4:43 PM

Subject:

To: <capitalpro12@gmail.com>

Sent from my iPhone

INDIANOLA MUNICIPAL UTILITIES



210 West 2nd Ave
PO BOX 356
INDIANOLA, IA 50125

Electric • Communications • Water

ADDRESS SERVICE REQUESTED

006331 1 AB 0.428 T23 12

D & D CONSTRUCTION
414 WILSON ST STE 101
VAN METEER, IA 50261-9728

G: 2-6331

- ☐ Check here for change of address (See reverse for details)
☐ Check here to enroll in automatic payments (See reverse for details)

To ensure proper credit, please return the top portion of this page with your payment. Keep the lower portion for your records.

INDIANOLA MUNICIPAL UTILITIES



Electric • Communications • Water

Balance Forward

Previous Bill	\$ 3,852.79
Total payments through May 26	\$ 0.00
Balance Transfer From 00055070-9 on May 26	\$ 354.11
Balance Before Current Charges	\$ 4,206.90

Account Charges

Non-Recurring Charges

Admin Fee - Electrical	\$ 6.60
Admin Fee - Sewer	31.62
Admin Fee - Water	19.51
NSF Fee	30.00
Subtotal Account Charges	\$ 87.73

Invoice Totals

IMU Electric	Subtotal
38171068	100.21
38171067	63.11
IMU Water / City of Indianola Sewer	
28658619	67.15
City of Indianola Storm Water	2.00
Subtotal Current Charges	\$ 232.47

Total Amount Due **\$ 4,527.10**

Summary of Charges By Type of Service

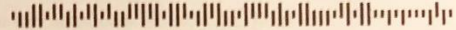
	Past Due	Current	Subtotal
Admin Fee - Telecom	\$ 0.00	\$ 30.00	\$ 30.00
Electric	608.88	169.92	778.80
Sewer	2,220.72	74.25	2,294.97
Storm Water	6.20	2.00	8.20
Water	1,371.10	44.03	1,415.13
	4,206.90	320.20	4,527.10

Remittance Information

Account Number [REDACTED]
Invoice Number [REDACTED]
Bill Date Jun 01, 2021
Due Date Jun 20, 2021
Amount Due \$ 4,527.10

Amount Enclosed: \$

Please include account number on your check and make payable to Indianola Municipal Utilities



INDIANOLA MUNICIPAL UTILITIES
PO BOX 356
INDIANOLA, IA 50125

Billing Inquiries Call: 515-961-9444

Account Summary

Account Number	00047965-4
Invoice Number	10121704
Bill Date	Jun 01, 2021
Due Date	Jun 20, 2021
Previous Bill	\$ 3,852.79
Previous Payments	\$ 354.11
Previous Balance	\$ 4,206.90
Current Charges	\$ 320.20
Advance Payments	\$ 0.00
Amount Due	\$ 4,527.10

Message Center

Questions about products and pricing?
Want to pay a bill?
Check out our website!
indianola.com

Account Number: 00047965-4

C.
320
(75)

Credit Card Payment

Please Select:

☐ Monthly Recurring

Please indicate desired payment withdrawal date (5th-20th) - will be 20th if not specified: _____

Payment will process upon receipt for amount authorized.

Card Number: _____ CW #: _____ Expiration Date: _____ Amount Authorized: \$ _____
Last 3 digits on back of cardName on Credit Card: _____ Type of Card: ☐ Visa ☐ Mastercard ☐ Discover

Billing Address: _____

City: _____ State: _____ Zip: _____ Signature: _____

Recurring Automatic Payment from Checking Account☐ I would like my account to be paid automatically on the _____ (specify day 5th-20th) of each month from my checking acct for the amount due.**Please sign below and attach a voided check to begin this payment option with your next bill.**

Signature: _____ Date: _____

Has your billing or contact information changed? Update your records by providing this new information.

New Mailing Address: _____ Effective Date: _____

City: _____ State: _____ Zip: _____ Daytime Contact #: _____

Signature: _____ e-Mail: _____

Charge Detail**IMU Electric (38171068)****Recurring Charges (May 01 - May 31)**

Electric Monthly Customer Charge - Res 11.00

Electric Charges

Indianola Municipal Utilities 89.21

Total for 38171068 \$ 100.21**IMU Electric (38171067)****Recurring Charges (May 01 - May 31)**

Electric Monthly Customer Charge - Res 11.00

Electric Charges

Indianola Municipal Utilities 52.11

Total for 38171067 \$ 63.11**IMU Water / City of Indianola Sewer (28658619)****Recurring Charges (May 01 - May 31)**

Residential Sewer Service 0.00

IMU Water Monthly Customer Charge 8.75

Sewer Customer Monthly Charge - Res 18.00

Usage Charges (thru May 26)

Indianola Municipal Utilities 14.38

City of Indianola 24.63

Taxes, Fees & Surcharges 1.39**Total for 28658619 \$ 67.15****City of Indianola Storm Water****Recurring Charges (May 01 - May 31)**

Storm Water Monthly Charge 2.00

Total for City of Indianola Storm Water \$ 2.00**IMU Indianola Municipal Utilities****501 S Jefferson Way**

Meter	Period		Type	Reading		Mult.
	Dates	Days		Current	Previous	
28658619	04/15 - 05/14	29	W	27	9992	100
38171067	04/15 - 05/14	29	E	42828	42399	1
38171068	04/15 - 05/14	29	E	66958	66179	1

*Type Explanation
E Electric Consumption
W Water Consumption**IMU Indianola Municipal Utilities****IMU Water (28658619)**

Charges	Allotted	Used	Amount
Water (w)		3,500 gal	14.38
0 - 1,000 gal		1,000 gal	0.00
1,001 - Unlimited gal		2,500 gal	14.38
Taxes			Amount
Water Excise Tax			0.86
Total for 28658619			\$ 15.24

IMU Electric - Residential Service (38171067)

Charges	Allotted	Used	Amount
Electric - Residential Service Winter (w)		429 kWh	52.11
Total for 38171067			\$ 52.11

IMU Electric - Residential Service (38171068)

Charges	Allotted	Used	Amount
Electric - Residential Service Winter (w)		779 kWh	89.21
Total for 38171068			\$ 89.21

City of Indianola**City of Indianola Sewer (28658619)**

Charges	Allotted	Used	Amount
Sewer Res (r)		3,500 gal	24.63
Total for 28658619			\$ 24.63

Account Number: 00047965-4
Page 2 of 3

Meeting Date: 07/06/2021

Subject

First consideration of a proposed Ordinance establishing the street grades for the East Iowa Avenue Paving Project.

Information

Attachments

Ordinance Memorandum
Ordinance



— PUBLIC WORKS —

To: Mayor and City Council
CC: Ryan Waller, City Manager and
Andy Lent, City Clerk/CFO
From: Akhilesh Pal, Public Works Director
Date: July 6, 2021
Re: First reading of Ordinance establishing the street grades for the East Iowa Avenue Paving Project

Staff has received the documentation from Ahlers and Cooney for the consideration of establishing an Ordinance for the street grades for the East Iowa Paving project. The scope of work for this project involves all work associated with the pavement construction on East Iowa Avenue, from 15th Street to approximately 0.25 miles east of 15th Street, including installation of sanitary sewer, storm sewer, street lighting, and water main infrastructure, new concrete pavement, ADA accessible sidewalks, and recreational trails.

Staff recommends that the City Council approve the first reading of Ordinance establishing the street grades for the East Iowa Avenue Paving Project.



ITEMS TO INCLUDE ON AGENDA

CITY OF INDIANOLA, IOWA

- Consideration of proposed Ordinance Establishing the Street Grades for East Iowa Avenue Paving Project

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

_____, 2021

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: _____

* * * * *

*An electronic meeting may be held because a meeting in person is impossible or impractical due to concerns for the health and safety of Council members, staff and the public presented by COVID-19. An electronic meeting is allowed by Iowa Code Section 21.8 and the Emergency Proclamation of Governor Kim Reynolds.

If the meeting is held electronically, public participation in the electronic meeting will be available via the means outlined in the meeting Agenda.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE STREET GRADES FOR THE EAST IOWA AVENUE PAVING PROJECT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA that:

Section 1. Indianola Code Chapter 138, subsection 2, Record Maintained, is hereby amended by adding the following ordinance to the official grade ordinances of the City of Indianola, Iowa.

Section 2. The new grades and elevations of East Iowa Avenue, from North 15th Street to approximately 1,357 linear feet east, are hereby established about the datum plane as follows:

Beginning at the intersection of the centerline of North 15th Street and the centerline of East Iowa Avenue and continuing east to approximately 1,357 linear feet.

Elev at 201+72.34	=	963.26 - Intersection of East Iowa Avenue and North 15 th Street centerlines
Elev at 202+00.00	=	963.34
Elev at 203+00.00	=	962.36
Elev at 204+00.00	=	961.00
Elev at 205+00.00	=	960.68
Elev at 206+00.00	=	961.21
Elev at 207+00.00	=	961.74
Elev at 208+00.00	=	962.04
Elev at 209+00.00	=	961.55
Elev at 210+00.00	=	961.97
Elev at 211+00.00	=	962.56
Elev at 212+00.00	=	963.66
Elev at 213+00.00	=	964.70
Elev at 214+00.00	=	964.55
Elev at 215+00.00	=	962.78
Elev at 215+29.11	=	962.13 – Approximately 1,357 linear feet east of the intersection of East Iowa Avenue and North 15 th Street's centerlines

Section 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. SEVERABILITY CLAUSE. 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 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as required by law.

PASSED AND APPROVED this ____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Passed: _____

Signed: _____

Published: _____

ROLL CALL VOTE:

	1st Reading		2nd Reading		3rd Reading	
	Aye	Nay	Aye	Nay	Aye	Nay
Pepper	_____	_____	_____	_____	_____	_____
Parker	_____	_____	_____	_____	_____	_____
Kling	_____	_____	_____	_____	_____	_____
Schroder	_____	_____	_____	_____	_____	_____
Southall	_____	_____	_____	_____	_____	_____
Hulen	_____	_____	_____	_____	_____	_____
Marchant	_____	_____	_____	_____	_____	_____

CERTIFICATE

STATE OF IOWA

)

) SS

COUNTY OF WARREN

)

I, the undersigned City Clerk of the City of Indianola, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this _____ day of _____, 2021.

City Clerk, City of Indianola, State of Iowa

(SEAL)

Meeting Date: 07/06/2021

Subject

First consideration of an Ordinance approving amendments to Chapter 27 of the City Code (Art Commission).

Information

The Indianola Fine Arts Commission has proposed to rename the commission the Indianola Public Arts Commission and change the number of members from nine to seven. The commission has been meeting regularly since January 2021 and is working on a public piano project.

Roll call is in order.

Attachments

Arts Commission Ordinance

ORDINANCE NO. 2021 - _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF INDIANOLA, IOWA TO AMEND CHAPTER 27 OF THE CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDIANOLA, IOWA:

Section 1. The following chapter be and is hereby amended by deleting the stricken language and inserting the underlined language as follows:

CHAPTER 27

~~FINE ART AND BEAUTIFICATION COMMISSION~~ INDIANOLA PUBLIC ARTS COMMISSION

27.1 ESTABLISHMENT.

There is hereby established the ~~Fine Art and Beautification~~ Indianola Public Arts Commission as an advisory body, to be composed of ~~nine~~ seven persons who are residents of the City of Indianola, to be appointed by the Council. Said members are appointed for three year terms; except that for the first ~~nine~~ seven members appointed, three shall be appointed for a term expiring July 1, 2022, three shall be appointed for a term expiring July 1, 2023, and ~~three~~ one shall be appointed for a term expiring July 1, 2024. The members shall serve without compensation. In the event that a vacancy occurs due to death, resignation or any other cause, replacement members will be chosen through the City of Indianola Boards & Commissions application process.

27.2 POWERS AND DUTIES.

1. As soon as may be practical after appointment of the original members, the Commission shall organize itself and establish its own rules of procedure.
2. The Commission shall encourage the cooperation and coordination of projects in the field of arts that will enhance the cultural level of the arts in the community. The Commission will encourage individual and group activity in the areas of creative writing, music, drama, dance, plastic and visual art, and related activities. Complete records shall be maintained in the office of the Clerk.
3. The Commission shall cooperate with Simpson College, the Indianola Community School District as well as other groups in the use of facilities which may be available, to foster a broad arts program for the community.
4. The Commission shall have the power and authority to accept or reject gifts made or offered to the Commission for use in connection with the Arts Program. Gifts of money shall be deposited with the City Treasurer and shall be credited to the Commission account.

27.3 ANNUAL REPORT.

Every year at a time convenient to the Commission but prior to the last regular meeting of the Council for the year, the Commission shall make a written or oral report to the Council of the Commission's activities for the entire calendar year.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2021, and approved
this _____ day of _____, 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of
Indianola, Iowa, on _____, 2021, and was published on _____, 2021.

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Resolution approving an engagement letter with Ahlers & Cooney, P.C. regarding amendment Number 1 to the Amended and Restated 1998 Citywide Urban Revitalization Plan.

Information

Roll call is in order.

Attachments

Memorandum

Engagement Letter

Schedule

Resolution Approving Engagement



COMMUNITY DEVELOPMENT

To: Mayor and City Council
From: Charlie E. Dissell, Community and Economic Development Director
CC: Ryan Waller, City Manager
Date: June 28, 2021
Re: Resolution approving an engagement letter with Ahlers & Cooney, P.C.
regarding amendment No. 1 to the Amended and Restated 1998 Citywide
Urban Revitalization Plan

At its meeting on July 6, the City Council will be asked to approve an engagement letter with Ahlers & Cooney, P.C. regarding amendment No. 1 to the Amended and Restated 1998 Citywide Urban Revitalization Plan. As the Council may be aware, during the 2021 legislative session, House File 418, which removes the multi-residential property tax assessment classification, was signed into law by Governor Reynolds and will go into effect for property assessments beginning January 1, 2022. This legislation was proposed by the Iowa Department of Revenue, in part, because the multi-residential property and residential property rollbacks are equalizing as of January 1, 2022.

As such, to help eliminate confusion with the existing multi-residential exemption categories in the existing Urban Revitalization Plan, it is necessary to amend the Urban Revitalization Plan to remove the multi-residential exemption and combine it into the residential exemption. If Council agrees to move forward with these changes and direct the Mayor to sign the engagement letter, it is proposed that a Public Hearing would be set for August 16, 2021, and the changes to the Urban Revitalization Plan would also be considered at that meeting.

I will attend the July 6 Council meeting if you have any questions.





Ahlers & Cooney, P.C.

Attorneys at Law

100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Phone: 515-243-7611

Fax: 515-243-2149

www.ahlerslaw.com

Jenna H. Bishop

515.246.0328

jbishop@ahlerslaw.com

June 23, 2021

Sent via email: cdissell@indianolaiowa.gov

Charlie Dissell
City of Indianola
110 N. 1st Street
Indianola, Iowa 50125

RE: Engagement Letter – Amendment No. 1 to the Amended and Restated
1998 Citywide Urban Revitalization Plan

Dear Charlie:

The purpose of this Engagement Agreement ("Agreement") is to disclose and memorialize the terms and conditions under which Ahlers & Cooney, P.C. will represent the City of Indianola, Iowa (the "City") in connection with its adoption of Amendment No. 1 to the Amended and Restated 1998 Citywide Urban Revitalization Plan.

SCOPE OF ENGAGEMENT

We agree to perform the following services for the fees we charge under this Agreement:

1. Prepare an Amendment No. 1 to the Amended and Restated 1998 Citywide Urban Revitalization Plan ("Amendment"), in accordance with Iowa Code Chapter 404;
2. Prepare letters of instructions for Council proceedings;
3. Prepare Notices of Meetings and partial agendas;
4. Prepare proceedings for a resolution setting a public hearing on the Amendment, and to be used on the date fixed for public hearing and adoption of the Amendment;
5. Answer questions and advise City staff and the Council throughout the adoption process for the Amendment; and
6. Any other work related to the adoption of the Amendment.

Our duties under this Agreement are limited to those expressly set forth above. Absent a separate engagement agreement regarding one or more of the following services, the fees we charge hereunder do not include:

1. Preparing any legal description to be used in the Amendment;
2. Defending any legal challenges to or arising out of the Amendment;
3. Acting in a financial advisory role; or
4. Any bond (finance) related services.

It is not anticipated that it will be necessary for us to personally attend Council meetings in order to accomplish our work. We will be coordinating our services with you and other City staff, as directed by the City. In the event that public hearings or litigation should occur in the course of this matter, we would expect the same to be handled by the City Attorney, unless special arrangements are made for our participation.

ATTORNEY-CLIENT RELATIONSHIP

As confirmed by the execution of this Agreement, the City will be our client and an attorney-client relationship will exist between us for preparation and review of the Amendment for which the City staff requests our assistance. Our services are limited to those contracted for in this letter and the City's execution of this Agreement will constitute an acknowledgement of those limitations. The Firm's engagement under this Agreement will end when the Amendment is adopted/approved by the Council and our final invoice has been paid.

FEES

I will be the attorney chiefly responsible for providing you with these legal services. However, if efficient and appropriate, I may call on other attorneys and legal assistants from time to time. The fees will be based on the hours worked by firm personnel at their hourly rates in effect at the time the work is performed. Our rates are generally adjusted on an annual basis, beginning January 1 of each year. My current hourly rate is \$210, and my legal assistant's rate is \$125. It is difficult to estimate the total cost for the work, because we charge by the hour and there are many variables that impact the number of hours spent on the work. Expenses will be billed at the amount incurred. Our statement for services and expenses will be due and payable upon receipt of the invoice, which in most instances, is monthly. Should you have any questions about a statement or a fee, please do not hesitate to call. We do reserve the right to withdraw from representation for any reason, including failure to pay the monthly statement in accordance with this policy. If, for any reason, the City terminates the engagement governed by this Agreement before the completion of the services described herein, we will bill the City for the services rendered as of the date of termination based on the hourly rates of those who provided services.

RECORDS

At the City's request, any documents furnished by the City will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work

product, pertaining to the above referenced project will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retained by us after the termination of this Agreement.

APPROVAL

Please carefully review the terms and conditions of this Agreement. **If this Agreement accurately reflects the terms of this particular engagement, please obtain approval by the City Council, and execute, date, and return to us a copy of this Agreement. Please retain the original for your file.**

If you have questions regarding any aspect of the above or our representation, please do not hesitate to contact us. As always, we appreciate the opportunity to represent the City and we look forward to working with you on this project.

Ahlers & Cooney, P.C.

Sincerely,

By:



Jenna H. Bishop

Accepted and approved on behalf of the City Council of Indianola, Iowa*

By: _____ Dated: _____

Title: _____

*Authorized by action of the governing body, approved on _____, 2021.

**TENTATIVE SCHEDULE FOR ADOPTION OF
AMENDMENT NO. 1 TO THE AMENDED AND RESTATED 1998
CITYWIDE URBAN REVITALIZATION PLAN**
(and information needed to complete relevant proceedings)

	DATE	TIME	LOCATION
FIRST COUNCIL MEETING (Set Date of Public Hearing on Amendment)	7/19/21	6:00 P.M.	Council Chambers, City Hall
Send PUBLIC HEARING NOTICE to paper by this date: (in order to publish on time)		N/A	Name of Newspaper to publish in: Indianola Record Herald
NOTICE OF PUBLIC HEARING PUBLICATION 7-20 days before <i>next regularly scheduled</i> City Council meeting	7/28/21	N/A	N/A
SECOND COUNCIL MEETING/ PUBLIC HEARING (Public Hearing and Adoption of Amendment)	8/16/21	6:00 P.M.	Council Chambers, City Hall

01905626-1\13538-169

RESOLUTION NO. _____

RESOLUTION APPROVING AN ENGAGEMENT LETTER WITH AHLERS & COONEY, P.C. REGARDING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED 1998 CITYWIDE URBAN REVITALIZATION PLAN

WHEREAS, the City has adopted the Urban Revitalization Plan ("Plan") designating a portion of the City as an urban revitalization area pursuant to the City's powers under Chapter 404 of the Code in order to encourage private development and improvements in the area, and to enhance the area and substantially improve the neighborhood and the community; and

WHEREAS, during the 2021 legislative session, the multi-residential property tax assessment classification was removed as part of House File 418, and was signed into law by Governor Reynolds on March 8, 2021; and

WHEREAS, this change will go into effect for property assessments beginning January 1, 2022; and

WHEREAS, the Amended and Restated 1998 Citywide Urban Revitalization Plan, as amended in 2018, provides two tax exemption schedules for properties assessed as multi-residential; and,

WHEREAS, to avoid confusion moving forward, the City proposes to amend the Plan to clarify that there will no longer be properties classified as multi-residential properties and simplify the offered exemptions.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF INDIANOLA IN THE STATE OF IOWA, that the City engage Ahlers & Cooney, P.C. to assist in amending the Amended and Restated 1998 Citywide Urban Revitalization Plan, and directs the Mayor to sign the engagement letter.

PASSED AND APPROVED this 6th day of July 2021.

Pam Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk

Meeting Date: 07/06/2021

Subject

Discussion and direction on event and noise permit application fees.

Information

Staff is asking for direction on late fees assessed on noise permit and event application requests.

Attachments

No file(s) attached.

Meeting Date: 07/06/2021

Subject

Receive and file the Fiscal Year 23 budget calendar.

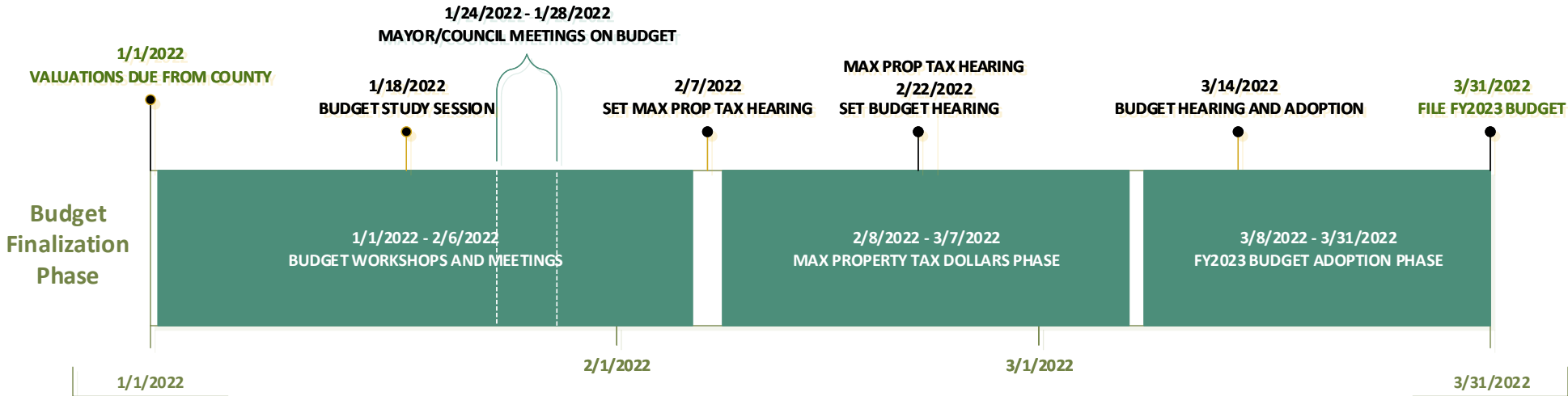
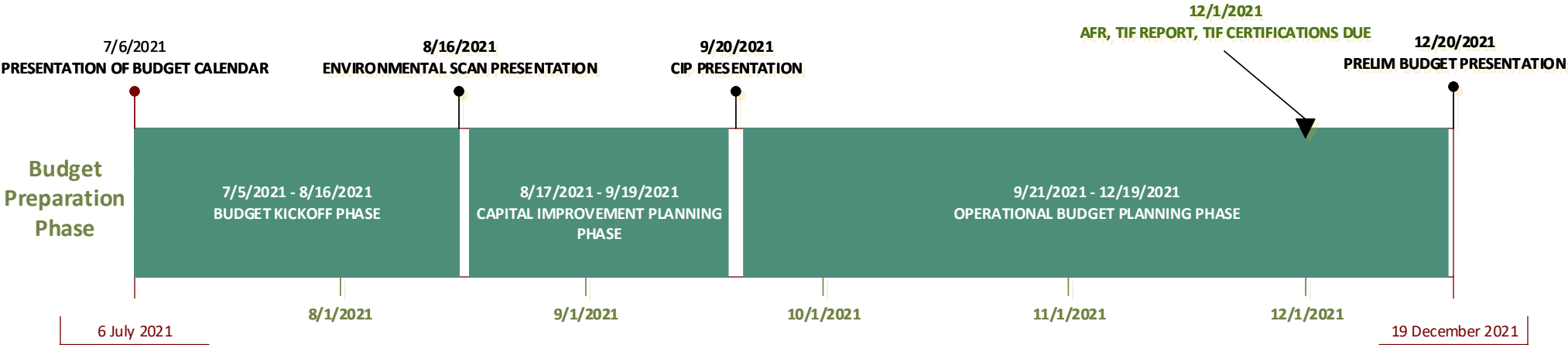
Information

Simple motion is in order.

Attachments

Budget Calendar

FY2023 BUDGET CALENDAR



Meeting Date: 07/06/2021

Subject

Receive and file correspondence from June 18 and 25, 2021 weekly updates from City Manager, Ryan Waller.

Information

Simple motion is in order.

Attachments

Weekly Update 0618

Weekly Update 0625

Jackie Raffety

From: Ryan Waller
Sent: Friday, June 18, 2021 1:57 PM
To: Ryan Waller
Subject: Waller's Weekly 6.18.21

Good afternoon, all.

I hope this finds you well. Below is this week's update email. If there are any questions on the items below, or other city-related matters, please call or email me.

Have a great weekend!

Ryan



Ryan J. Waller

City Manager

rwaller@indianolaiowa.gov

p: 515.962.5274

110 N. 1st Street – Indianola, Iowa 50125

June 21 City Council Meetings

The City Council will meet on Monday, June 21 for its regular meeting and study session (immediately follows regular meeting). The agendas and comprehensive meeting materials are available on the City's website (linked below). The meetings are aired live via the City's YouTube Channel and a Zoom Webinar (links and login information may be found in the meeting packet).

[Agenda Center \(LINK\)](#)

Square Reconstruction (Streetscape) Construction Project

The Square Reconstruction Project began Phase 1 on Monday, June 14. A temporary construction fence has been erected between the sidewalk and streets, allowing for pedestrian traffic to continue on the sidewalks in the Phase 1 area. **Access to all businesses will be maintained throughout the project.**

Now that the project has commenced, staff is working with the Chamber and our contractors to review current signage to identify needed additional signage to better assist and direct

pedestrian traffic. It is anticipated that Phase 1 construction will be completed by mid-November. Additional information on the project may be found via the provided link.

[Project Information \(LINK\)](#)

Valley Place Pavement Reconstruction Project

This project will replace the existing failed concrete pavement on Valley Place, from North 1st Street to North Jefferson Way, which has failed beyond repair and requires complete reconstruction. This project will also upgrade the existing sidewalks to meet ADA standards. Bids for this project were recently received and the low bid was for a total of \$210,620. The City Council is scheduled to consider a contract for this project at its meeting on June 21. If awarded, construction is expected to begin in early August and must be completed by October 30, 2021. Linked below is a graphic showing the construction area.

[Project Area \(PDF\)](#)

Community Development Reports

Attached are the following reports provided by the Community Development Department:

[Current Projects Update \(PDF\)](#)

Of the 17 projects listed, one is awaiting a submittal from the developer, 10 are in review, and six have been approved and are in construction.

[2021 Building Permits \(PDF\)](#)

This week, seven building permits were issued and seven were submitted. There are currently 10 building permit applications in review and 86 building permits have been issued year-to-date.

[Code Enforcement \(PDF\)](#)

There are currently 31 open code enforcement cases (51 code enforcement cases have been opened for the year).

[DSM Home Builders Association Report \(PDF\)](#)

This week, the Des Moines Home Builders Association released its monthly building permit report. Metro-wide 195 more permits were issued in May 2021 compared to May 2020, and 1,018 more permits have been issued year-to-date 2021 compared to 2020.

City Council Anticipated Agendas

Below please find links to the documents containing anticipated agenda items for upcoming City Council meetings. These are working drafts. Agendas are published on the City's website the Thursday prior to a scheduled City Council meeting.

[Anticipated Draft Agenda – June 28, 2021 \(PDF\)](#)

[Anticipated Draft Agenda – July 6, 2021 \(PDF\)](#)

Jackie Raffety

From: Jackie Raffety
Sent: Friday, June 25, 2021 4:35 PM
Subject: Waller's Weekly 06.25

Good afternoon!

Below is this week's update email. If there are any questions on the items below, or other city-related matters, please call or email RWaller@IndianolaIowa.gov.

Have a great weekend!

Jackie Raffety
Deputy City Clerk
City of Indianola
110 N 1st St
Indianola, IA 50125
515-961-9410, option 1
515-962-5240



Iowa Public Information Board Petition Dismissed

At its meeting on June 17, the Iowa Public Information Board (IPIB) unanimously dismissed a petition brought against the City of Indianola alleging violations of Chapters 21 (Open Meetings) and 22 (Open Records) of Iowa Code. The approved order is provided via the link below.

Petition Dismissal Approved Order (PDF)

June 28 Special City Council Meeting

The City Council will meet on Monday, June 28 for a special meeting. This meeting is done annually right before the end of the Fiscal Year (ends June 30) to process year-end bills and transfers. The agenda and meeting materials are available on the City's website (linked below). The meeting is aired live via the City's YouTube Channel and a Zoom Webinar (links and login information may be found in the meeting packet).

Agenda Center (LINK)

Square Reconstruction (Streetscape) Construction Project

Phase 1 of the Square Reconstruction Project continued this week with storm water infrastructure being installed. A reminder that a temporary construction fence has been erected between the sidewalk and streets, allowing for pedestrian traffic to continue on the sidewalks in the Phase 1 area. **Access to all businesses will be maintained throughout the project.** Staff is finalizing additional wayfinding signage and maps that will be installed

in the Phase 1 area on Monday. It is anticipated that Phase 1 construction will be completed by mid-November. Additional information on the project may be found via the provided link.

[Project Information \(LINK\)](#)

Square Reconstruction (Streetscape) Progress Pictures

As contractors are replacing and upgrading the old storm sewers, they have been unearthing remnants of a wooden road. According to an article on the US Dept of Transportation's website, "Like many inventions, the plank road was a progressive idea and enhanced local travel tremendously." Linked below is a collage of pictures from this last week.

[Picture Collage \(JPEG\)](#)

Meeting with Senator Ernst's Office

On June 24, staff met with the Regional Director for Senator Ernst's office. The purpose of the meeting was to review the City's infrastructure needs as the Senate begins its consideration of an infrastructure bill. During the meeting, staff reviewed the data from the various infrastructure studies that the City completed within the last year that help to identify priority areas and funding needs. In addition, staff provided an overview of current projects that have either recently received or are competing for federal grants. Linked below is the presentation that was reviewed during the meeting.

[Presentation \(PDF\)](#)

Community Development Reports

Attached are the following reports provided by the Community Development Department:

[Current Projects Update \(PDF\)](#)

Of the 17 projects listed, one is awaiting a submittal from the developer, 10 are in review, and six have been approved and are in construction.

[2021 Building Permits \(PDF\)](#)

This week, six building permits were issued and 12 were submitted. There are currently 16 building permit applications in review and 92 building permits have been issued year-to-date.

[Code Enforcement \(PDF\)](#)

This week, five code enforcement cases were abated by a hired City contractor. There are currently 24 open code enforcement cases (52 code enforcement cases have been opened for the year).

City Council Anticipated Agendas

Below please find links to the documents containing anticipated agenda items for upcoming City Council meetings. These are working drafts. Agendas are published on the City's website the Thursday prior to a scheduled City Council meeting.

[Anticipated Draft Agenda – July 6, 2021 \(PDF\)](#)

[Anticipated Draft Agenda – July 19, 2021 \(PDF\)](#)

Meeting Date: 07/06/2021

Subject

Enter into closed session in accordance with Iowa Code Section 21.5 (1)(c) to discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government.

Information

Roll call to enter and exit the closed session is in order.

Attachments

No file(s) attached.
