REGULAR SESSION – SEPTEMBER 16, 2019

The City Council met in regular session at 6:00 p.m. on September 16, 2019 in the City Hall Council Chambers. Mayor Kelly B. Shaw called the meeting to order and on roll the following members were present: Shirley Clark, Joe Gezel, Bob Kling, Greg Marchant, John Parker (via phone) and Greta Southall.

Council member Clark moved to approve the consent agenda as follows and Southall seconded the motion. On roll call the vote was, AYES: Parker, Kling, Gezel, Southall, Marchant and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Approval of agenda

Applications

- A renewal Class "B" Beer, Class "B" Native Wine and Outdoor Area for Pete's Pizza 118 N. Howard
- A renewal Class "B" Wine, Class "C" Beer Permit and Sunday Sales Privilege for Casey's - 607 N. Jefferson
- A renewal Class "B" Wine, Class "C" Beer and Class "E" Liquor Permit for Fareway Stores - 1309 W. 2nd
- An addition of a new Class "B" Wine Permit for Casey's General Store liquor license- 1006 W. 2nd Avenue
- An addition of a new Class "B" Wine Permit for Casey's General Store liquor license 301 E. Trailridge Avenue

Resolution No. 2019-166 setting October 7, 2019 as a public hearing on the second amendment of FY 20 budget (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-167 setting October 7, 2019 as the public hearing and first consideration on a request from Steve Darr for an amendment to R-5, Planned Residence District plan for Lots 3-6 of Deer Run Plat 7 (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-168 setting October 7, 2019 as a public hearing and first consideration of a request from Shelly A. Bevard and Deon Walker for a right-of-way vacation and conveyance of the East and West alley lying North of Lot 1, in Sinderson’s Subdivision (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-169 setting October 7, 2019 as a public hearing and first consideration of a request from Tim J/Laura L Davison, Timothy G Grimm, and Jeanenne E Glascock Revocable Trust for a right-of-way vacation and conveyance of the East 75’ of the West Half of the East and West alley in Block Ten of the Steele and Granthams Addition to Indianola, Iowa, and the North Half of the North and South alley in Block Ten of the Steele and Granthams Addition to Indianola, Iowa (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-170 setting October 7, 2019 as a public hearing and first consideration of a request from Wouter Hertzberger and Jessica E Halgren-Hertzberger for a right-of- way vacation and conveyance of the South half of the North and South alley in Block 19 of College Addition to the City of Indianola (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-171 approving the professional service agreement with Reliable Maintenance Company for janitorial services (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-172 Approving Salaries (The complete resolution may be viewed at the City Clerk’s Office)

Second consideration of a request from Paul D/Rheanna M Edenburn, Timothy J/Shelli R Mc Connell, John R/Linda H Benoit and Michael/Natalie Smothers for a vacation and conveyance of the north and south alley lying adjacent to Lots 1-4, in Block 20 of College Addition to the City of Indianola

Street usage application from the Indianola Community School District for the annual Homecoming Parade - September 19, 2019 from 4:00 p.m. to 7:00 p.m. - will start at Irving School and go east on Clinton, south on Buxton, east on Ashland, south on Howard, west on West Salem and north on "F" Street

Claims on the computer printout for September 16, 2019

The June 2019 City Treasurer's report was approved on a motion by Southall and seconded by Gezel. On roll call the vote was, AYES: Marchant, Clark, Parker, Kling, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Mayor Shaw proclaimed September 21, 2019 as International Day of Peace.

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed $7,900,000 General Obligation Refunding Capital Loan Notes, in order to provide funds to pay the costs of refunding outstanding indebtedness of the City, including the General Obligation Urban Renewal Bonds, Series 2011E, General Obligation Urban Renewal Bonds, Series 2012A and General Obligation Urban Renewal Bonds, Series 2013B, for essential corporate purposes, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes had been published as provided by Sections 384.24A and 384.25 of the Code of Iowa.

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

Whereupon, the Mayor declared the hearing on the authorization of entering into a Loan Agreement and the issuance of the Notes to be closed.

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

Whereupon, Council Member Marchant introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED $7,900,000 GENERAL OBLIGATION REFUNDING CAPITAL LOAN NOTES" and moved that the Resolution be adopted. Council Member Kling seconded the motion. The roll was called, and the vote was, AYES: Clark, Parker, Kling, Gezel, Southall and Marchant. NAYS: None. Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION NO. 2019-173
RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED $7,900,000 GENERAL OBLIGATION REFUNDING CAPITAL LOAN NOTES

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

Council Member Kling introduced the following resolution entitled "RESOLUTION APPROVING OFFICIAL STATEMENT" and moved that the resolution be adopted. Council Member Southall seconded the motion to adopt. The roll was called, and the vote was, AYES: Gezel, Southall, Marchant, Clark, Parker and Kling. NAYS: None. Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 2019-174
RESOLUTION APPROVING OFFICIAL STATEMENT

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

This being the time and place fixed for a public hearing on the matter of the adoption of plans, specifications, form of contract and estimate of cost relative to the 2019 Drainage Improvement Project, the Mayor called for any oral objections to the adoption of the plans, specifications, form of contract and estimate of cost. No oral objections were offered, and the City Clerk reported that no written objections had been filed.

Council Member Clark introduced the following Resolution entitled "RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST" for the 2019 Drainage Improvement Project and moved that it be adopted. Council Member Gezel seconded the motion to adopt. The roll was called, and the vote was, AYES: Parker, Kling, Gezel, Southall, Marchant and Clark. NAYS: None. Whereupon the Mayor declared the following resolution duly adopted:

RESOLUTION NO. 2019-175
RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST
For the 2019 Drainage Improvement Project

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

The Mayor then announced that the following bids had been opened and tabulated for the public improvements described in general as the 2019 Drainage Improvement Project for the City of Indianola, Indianola, Iowa, in accordance with the plans and specifications previously adopted.

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

Company	Base Bid
TK Concrete Pella, Iowa	$149,800.00
Vanderpool Construction Indianola, Iowa	$169,605.00
Evolution Contracting Indianola, Iowa	$197,000.00
J&K Contracting Urbandale, Iowa	$212,212.21

The Finance Director then recommended that the bid of TK Concrete in the amount of $149,800.00 be accepted.

Council Member Kling introduced the following resolution entitled "RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT" to TK Concrete for the 2019 Drainage Improvement Project and moved its adoption. Council Member Marchant seconded the motion to adopt. The roll was called, and the vote was: AYES: Gezel, Southall, Marchant, Clark, Parker and Kling. NAYS: None. Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 2019-176
RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT
To TK Concrete for the
2019 Drainage Improvement Project

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

Council member Parker was excused from the meeting.

A public hearing and first consideration on request from Steger Construction Inc. to rezone property located in the Northeast Quarter of the Southwest quarter and the Northwest Quarter of the Southeast Quarter of Section 18, Township 76 North, Range 23 West from R-3 (Mixed Residential) and C-2 (Highway Commercial) Zoning Districts to R-3 (Mixed Residential) Zoning District was held. There were no objections either oral or written. A motion was made by Kling and seconded by Gezel to approve the first consideration of this request. On roll call the vote was, AYES: Gezel, Southall, Marchant, Clark and Kling. NAYS: None. ABSENT; Parker. Whereupon the Mayor declared the motion carried unanimously.

A public hearing and first consideration on amendment to Chapter 165 (Zoning Regulations), regarding fence regulations was held. Betsy Freese, 603 E. Hillcrest, spoke regarding their property fence located next to Cavitt Creek Plat. There were no objections either oral or written. It was moved by Clark and seconded by Southall to approve the first consideration of this amendment. On roll call the vote was, AYES: Kling, Gezel, Southall, Marchant and Clark. NAYS: None. ABSENT: Parker. Whereupon the Mayor declared the motion carried unanimously.

A public hearing and consideration to approve a resolution making final determination on sale of interest in real property to Gilbert Johan Wigeland Trust and Becky Sue Wigeland Trust was held. There were no objections either oral or written. The following resolution entitled, "RESOLUTION MAKING FINAL DETERMINATION ON SALE OF INTEREST IN REAL PROPERTY TO GILBERT JOHAN WIGELAND TRUST AND BECKY SUE WIGELAND TRUST" was approved on a motion by Gezel and seconded by Clark. On roll call the vote was, AYES: Southall, Marchant, Clark, Kling and Gezel. NAYS: None. ABSENT: Parker. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted:

RESOLUTION NO. 2019-177
RESOLUTION MAKING FINAL DETERMINATION ON SALE OF INTEREST IN REAL PROPERTY TO GILBERT JOHAN WIGELAND TRUST AND BECKY SUE WIGELAND TRUST

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

Council member Parker (via phone) arrived at the meeting.

Charlie Dissell, Community and Economic Development Director, presented a power point (on file at the City Clerk's Office) regarding the history of the requests from Mark Lee of Lee Chamberlin Consultant Engineers, on behalf of Kading Properties LLC:

- Final plat of Cavitt Creek Plat I and Cavitt Creek Plat II
    - Proposed plats do not create new lots, only renames lots.
    - Currently, the two lots are labeled as outlots.
    - Outlots are land leftover after platting, which is intended to be used as open space or for a future subdivision.
    - The proposed plats are intended to rename these as lots
    - Notes on the both plats indicate that the subdivisions will allow for the development of duplexes and 6-plex dwellings through a horizontal property regime.
    - Cavitt Creek Plat two notes that a trail easement will be dedicated to the City upon recordation of the Plat.
    - Existing public utility easements, sanitary sewer and storm sewer overland flowage easements on both lots are maintained through this platting process.
- Site plan of Cavitt Creek Condominiums I and II
    - Initial plans were submitted on June 3, 2019 and were returned to the applicant on June 20, 2019.
    - First revised plans for Cavitt Creek Condominiums I were submitted on June 28, 2019.
    - First revised plans for Cavitt Creek Condominiums II were submitted on July 10, 2019.
    - Subdivision plats for both properties were submitted on July 15, 2019.
    - Kading Properties hosted a neighborhood meeting on July 16, 2019.
    - First revised plan comments were returned on July 26, 2019.
    - Second revised plans were submitted on July 31, 2019 and returned on August 6, 2019.
    - Kading Properties hosted a second neighborhood meeting on August 14, 2019.
    - Third revised plans were submitted on August 23, 2019.
    - Kading Properties hosted a third neighborhood meeting on August 27, 2019.
    - Fourth revised plans were submitted on August 28, 2019.
    - The P&Z commission recommended the final plats be approved and the site plans be denied on September 10, 2019 due to the following reasons:
        - Proposed development would not have a minimal effect on adjacent properties and existing development
        - Population density concerns
        - No playgrounds/park space or non-detention open space for the amount of density
        - Traffic impacts unknown

Charlie Dissell, Community and Economic Director, noted that the Planning and Zoning Commission's action of recommending approval of the Plats, but denial of the Site Plans showed that they were OK with the type of development that was proposed, but against the layout of the site for the reasons noted.

Mark Lee of Lee Chamberlin Consultant Engineers and Karie Kading Ramsey, 7008 Madison Avenue, Urbandale Iowa, presented information regarding their development of the Cavitt Creek Condominiums I and II, including an upgrade in siding, roofing and additional parking. Ms. Ramsey also spoke to the property tax breakdown which Kading Properties pay, the crime reports, the population density is less than Lincoln Ridge and how this development relates to the Comprehensive Plan. Letters of support were received from Adel Partners Chamber, City of Pleasant Hill, City of Stuart, Clarke County Development Corporation, Des Moines Police Department, Madrid Community School Districts, City of Osceola, City of Bondurant and Newton Fire Department.

Monte Sones, 1208 Lancaster Way, questioned how much open space is required and if this area would include the storm water detention. Ten percent needs to be green space and would include the storm water detention area.

Those speaking against the Cavitt Creek Condominiums I and II site plans included:

- Brian Endrizal – 1000 N. 9th
- Weston Sharp – 1003 Kensington Ct.
- David Metz – 1300 N. 9th
- Linda Alloway – 1201 N. 9th
- Betsy Freese – 603 E. Hillcrest
- Tiffany Money – 1001 Kensington Ct.
- Monte and Mellisa Sones – 1208 Lancaster Way – a petition of 648 signature opposing this project was also submitted on September 11, 2019.

Sean Adams, 1210 N. 9th #26, spoke in favor of the development

Stephanie Erickson, 1102 E. Kentucky, requested the site plans be tabled or delayed for further information.

- Written comments opposing the development were received from:
    - Weston Sharp – 1003 Kensington Ct.
    - Alan and Jessica Schneider – 805 Summit Place
    - Shane and Michelle Mehmen – 1104 E. Madison
    - Jay Sharp -
    - Bryan and Emily Fox – 1014 N. 9th
    - Cary and Katrina Jordan – 1002 E. Madison
    - Tyler and Lindsey Offenburger – 1003 E. Madison
    - Graham and Kari Albaugh – 1308 N. 9th
    - Stacey & Dave Geiger – 1000 E. Madison
    - Kerry Stecker – 801 Summit Place
    - James and Melissa Wilhelmi – 1404 N. 9th
    - David and Jessica Hotchkiss – 1202 E. Madison

The following resolution entitled "RESOLUTION APPROVING THE FINAL PLAT OF CAVITT CREEK PLAT 1" was approved on a motion by Marchant and seconded by Kling. On roll call vote the vote was, AYES: Clark, Parker, Kling, Southall and Marchant. NAYS: Gezel. Whereupon the Mayor declared the motion carried and the following resolution duly adopted.

RESOLUTION NO. 2019-178
RESOLUTION APPROVING THE FINAL PLAT
OF CAVITT CREEK PLAT 1

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

A motion was made by Southall and seconded by Kling to approve the following resolution entitled,

"RESOLUTION APPROVING THE FINAL PLAT OF CAVITT CREEK PLAT II". On roll call the vote was, AYES: Marchant, Clark, Parker, Kling and Southall. NAYS: Gezel. Whereupon the Mayor declared the motion carried and the following resolution duly adopted.

RESOLUTION NO. 2019-179
RESOLUTION APPROVING THE FINAL PLAT
OF CAVITT CREEK PLAT II

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

Marchant moved and Southall seconded to approve the resolution entitled, "A RESOLUTION APPROVING THE SITE PLAN FOR CAVITT CREEK CONDOMINIUMS I." On roll call the vote was, AYES: Southall. NAYS: Clark, Parker, Kling, Gezel and Marchant. Whereupon the Mayor declared the motion failed.

A motion was made by Southall and seconded by Kling to approve the following resolution entitled, "A RESOLUTION APPROVING THE SITE PLAN FOR CAVITT CREEK CONDOMINIUMS II." On roll call the vote was, AYES: Southall. NAYS: Marchant, Clark, Parker, Kling and Gezel. Whereupon the Mayor declared the motion failed.

The first consideration to amend the no parking ordinance to create a No Parking Zone on North 9th Street starting at 300' north of East Madison Avenue and continuing north to 1,250' north of East Madison Avenue was approved on a motion by Southall and seconded by Gezel. On roll call the vote was, AYES: Marchant, Clark, Parker, Kling, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

A motion was made by Marchant and seconded by Clark to receive and file correspondence of the weekly updates dated August 30 and September 6, 2019 from Ryan Waller, City Manager. On roll call the vote was, AYES: Clark, Parker, Kling, Gezel, Southall and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

A motion was made by Marchant and seconded by Kling to enter into closed session at 8:32 p.m. in accordance with Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. On roll call the vote was, AYES: Clark, Parker, Kling, Gezel, Southall and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Council member Marchant moved, and Clark seconded to return to regular session at 8:41 p.m. On roll call the vote was AYES: Clark, Parker, Kling, Gezel, Southall and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Council member Marchant moved to authorize staff to prepare a letter to the Warren County Board of Supervisor's requesting a zoning wavier for the new Waste Water Treatment Plant. Council member Clark seconded the motion to approve. On roll call the vote was, AYES: Clark, Parker, Kling, Gezel, Southall and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Meeting adjourned at 8:50 p.m. on a motion by Marchant and seconded by Clark.

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Kelly B. Shaw, Mayor	Diana Bowlin, City Clerk