

## REGULAR SESSION – OCTOBER 7, 2019

The City Council met in regular session at 6:00 p.m. on October 7, 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 and Greta Southall.

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

Approval of agenda

September 16 and 30, 2019 Minutes

### Applications

- A renewal Class "B" Wine, Class "C" Beer, Class "E" Liquor License and Sunday Sales Privilege for the Hy Vee Gas Station - 912 N. Jefferson
- A renewal Class "C" Liquor License and Sunday Sales Privilege for MoJo's - 206 N. Howard Street

Second consideration of an ordinance amendment to Chapter 165 (Zoning Regulations), regarding fence regulations

Second consideration of an amendment to the City's parking regulations establishing 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.

Final consideration of an ordinance for a request from Paul D/Rheanna M Edenburn, Timothy J/Shellie 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 and adoption of ORDINANCE NO. 1617 entitled, "AN ORDINANCE VACATING A PORTION OF REAL ESTATE LOCATED AT THE NORTH/SOUTH ALLEY LYING ADJACENT TO LOTS 1-4, IN BLOCK 20 OF COLLEGE ADDITION TO THE CITY OF INDIANOLA, WARREN COUNTY, IOWA (the ordinance to be effective upon publication) and RESOLUTION NO. 2019-183 entitled, "RESOLUTION MAKING FINAL DETERMINATION ON SALE ON INTEREST IN REAL PROPERTY TO TIMOTHY AND SHELLIE MCCONNELL, PAUL D. AND RHEANNA EDENBURN, MICHAEL AND NATALIE SMOTHERS AND LINDA H. AND JOHN R. BENOIT" (The complete resolution may be viewed at the City Clerk's Office)

RESOLUTION NO. 2019-184 APPOINTING BOKF, NA OF LINCOLN, NEBRASKA, TO SERVE AS PAYING AGENT, NOTE REGISTRAR, AND TRANSFER AGENT, APPROVING THE PAYING AGENT AND NOTE REGISTRAR AND TRANSFER AGENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE AGREEMENT (The complete resolution may be viewed at the City Clerk's Office)

RESOLUTION No. 2019-185 APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$4,450,000 GENERAL OBLIGATION REFUNDING CAPITAL LOAN NOTES, SERIES 2019 (QUALIFIED 501(C)(3) BONDS), AND LEVYING A TAX TO PAY SAID NOTES; APPROVAL OF THE TAX EXEMPTION CERTIFICATE AND CONTINUING DISCLOSURE CERTIFICATE (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-186 approving the contract and bond with TK Concrete in an amount of \$149,800 for the 2019 Drainage Improvement Project (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-187 approving easement agreements for the 2019 Drainage Improvement Project

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

Resolution No. 2019-188 setting a public hearing date (October 21, 2019) at which it is proposed to approve and authorize the sale of real property located at 910 E. 2<sup>nd</sup> (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-189 approving the professional service agreement with Jake's Lawn & Landscape, LLC for the 2019/20 snow removal at 306 E. Scenic Valley Drive (YMCA) (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-190 approving the Hold Harmless Agreement by and between the City of Indianola and the Pate Family Limited Partnership for the installation of a handicap ramp at 208 W. Ashland (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-191 approving lease agreements for parking with The First Baptist Church of Indianola, Iowa and The Trinity United Presbyterian Church of Indianola, Iowa (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-192 authorizing the certification of liens to the Warren County Treasurer for purposes of assessing cost of nuisance abatement against property located at 1009 E. Salem (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-193 authorizing the application for a FEMA HMGP grant to be used to update the City's Outdoor Warning Siren network (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-194 amending the City's finance, procurement and procurement card policies (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-195 amending the City's snow and ice removal policy (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-196 determining property to be surplus, authorizing sale of property and approving the purchase of a utility tractor for the Park and Recreation Department (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-197 Approving Salaries (The complete resolution may be viewed at the City Clerk's Office)

Change order number two for the Jerry Kelley Trail in an amount of \$3,400.00

Claims on the computer printout for October 7, 2019

The Employee Engagement Committee presented the breakout of events planned by each department regarding the Employee Recognition Events.

Mayor Shaw proclaimed October 16, 2019 as Support Your Local Chamber of Commerce Day

Mayor Shaw proclaimed the month of October as Community Planning Month.

A public hearing on an amendment to the FY 20 Budget was held. There were no objections either oral or written. A motion was made by Kling and seconded by Southall to adopt the following resolution entitled, "RESOLUTION APPROVING THE SECOND AMENDMENT OF FY 20 BUDGET." On roll call the vote was, AYES: Gezel, Southall, Marchant, Clark, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2019-198  
RESOLUTION APPROVING THE SECOND AMENDMENT OF FY 20 BUDGET

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

A public hearing and first consideration of a request from Steve Darr for an amendment to R-5, Planned Residence District plan for Lots 3-6 of Deer Run Plat 7 was held. There were no objections either oral or written. John Akers, Iowa Realty, spoke in favor of suspending the rules and adopting the ordinance. Parker moved and Clark seconded to approve the first consideration of this request. On roll call the vote was, AYES: Kling, Gezel, Southall, Marchant, Clark and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously. Southall moved and Parker seconded to suspend the rules requiring an ordinance be considered at three separate meetings and adopt ORDINANCE NO. 1618 entitled, "AN ORDINANCE AMENDING THE PLANNED RESIDENCE DEVELOPMENT IN ACCORDANCE WITH THE R-5 ZONING REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF INDIANOLA, IOWA TO ALLOW DUPLEXES AS A PERMITTED USE ON LOTS 3-6 IN DEER RUN PLAT 7." On roll call the vote was, AYES: Marchant, Clark, Parker, Kling, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the ordinance to be effective upon publication.

A public hearing and first consideration of an ordinance for the right-of-way vacation and conveyance of the East and West alley lying North of Lot 1, in Sinderson's Subdivision as requested by Shelly A. Bevard was held. Shelly (Bevard) Spooner and Marty Spooner spoke in favor to suspend the rules and adopt this ordinance. Southall moved and Gezel seconded to approve the first consideration of this ordinance. On roll call the vote was, AYES: Marchant, Clark, Parker, Kling, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously. Kling moved and Southall seconded to suspend the rules requiring an ordinance be considered at three separate meetings before its adoption and adopt ORDINANCE NO. 1619 entitled, "ORDINANCE VACATING A PORTION OF ALLEYS IN THE CITY OF INDIANOLA, IOWA, WARREN COUNTY, IOWA AND RETAINING EASEMENT RIGHTS" and the following resolution entitled, "RESOLUTION APPROVING SALE OF CERTAIN ALLEYS IN THE CITY OF INDIANOLA, WARREN COUNTY, IOWA TO ADJACENT PROPERTY OWNERS." On roll call the vote was, AYES: Gezel, Southall, Marchant, Clark, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the ordinance to be effective upon publication and the following resolution duly adopted.

RESOLUTION NO. 2019-199  
RESOLUTION APPROVING SALE OF CERTAIN ALLEYS IN THE CITY OF INDIANOLA, WARREN  
COUNTY, IOWA TO ADJACENT PROPERTY OWNERS

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

A public hearing and first consideration of an ordinance for 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 was held. There were no objections either oral or written. It was moved by Southall and seconded by Parker to approve the first consideration of this request. 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 public hearing and first consideration of an ordinance for 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 was held. There were no objections either oral or written. Parker moved and Kling seconded to approve the first consideration of this request. On roll call the vote was, AYES: Kling, Gezel, Southall, Marchant, Clark and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The second consideration of an ordinance and a request to suspend the rules 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 approved on a motion by Gezel and seconded by Parker. On roll call the vote was, AYES: Southall, Marchant, Clark, Parker, Kling and Gezel. NAYS: None. Whereupon the Mayor declared the motion carried unanimously. It was moved by Kling and seconded by Parker to suspend the rules requiring an ordinance be considered at three separate meetings before its adoption and adopt ORDINANCE NO. 1620 entitled, "AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION AT 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." On roll call the vote was, AYES: Gezel, Southall, Marchant, Clark, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the ordinance to be effective upon publication.

The following resolution entitled, "RESOLUTION SUPPORTING THE ADDITIONAL BOND ISSUANCE ON NOVEMBER 5, 2019 FOR THE WARREN COURTHOUSE AND JAIL PROJECT" was approved on a motion by Marchant and seconded by Kling. On roll call 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. 2019-200

RESOLUTION SUPPORTING THE ADDITIONAL BOND ISSUANCE ON NOVEMBER 5, 2019 FOR THE  
WARREN COURTHOUSE AND JAIL PROJECT

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

Council member Kling introduced the following resolution entitled, "RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR THE OFFICE AND SLEEPING QUARTERS UPDATE AS PART OF THE CITY HALL/PUBLIC SAFETY BUILDING ASSESSMENT PROJECT." Council member Marchant seconded the motion to adopt. On roll call the vote was, AYES: Gezel, Southall, Marchant, Clark, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2019-201

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR THE OFFICE AND SLEEPING  
QUARTERS UPDATE AS PART OF THE  
CITY HALL/PUBLIC SAFETY BUILDING ASSESSMENT PROJECT

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

Dave Moeller, Snyder and Associates, and Jason Etnyre, Street Superintendent, discussed the Boston and "J" Street Stormwater Improvements. It was the consensus of the City Council to move forward with this project.

Dave Moeller, Snyder and Associates and Jason Etnyre, Street Superintendent, discussed the Hillcrest and South "K" Street Improvements Project. It was the consensus of the City Council to make Hillcrest a priority but see what can be done with this project and the Boston and "J" Street Stormwater Improvement project.

Charlie Dissell, Community and Economic Development Director discussed a request for an amendment to Chapter 165 (Zoning Regulations), regarding limited manufacturing and processing in the C-3 General Retail and Office Districts. It was the consensus of the City Council for Charlie Dissell, Community and Economic Development Director, to look into the zoning ordinance.

A motion was made by Southall and seconded by Parker to receive and file correspondence of the

weekly updates dated September 13, 20 and 27, 2019 from Ryan Waller, City Manager. On roll call the vote was, AYES: Marchant, Clark, Parker, Kling, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

It was the consensus of the City Council to authorize staff to review the TIF areas to be more appropriate for the type of businesses the City would like to attract.

City Council also spoke regarding the Salem Building Project, asked for paperwork showing what the payment to YMCA went for and also discussed the Street Department's concrete equipment.

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

Council member Clark moved, and Kling seconded to come out of closed session. On roll call the vote was, AYES: Parker, Kling, Gezel, Southall, Marchant and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

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

Council member Marchant moved and Southall seconded to come out of closed session. 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 8:14 p.m. on a motion by Marchant and seconded Southall.

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Kelly B. Shaw, Mayor

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Diana Bowlin, City Clerk