

REGULAR SESSION – APRIL 1, 2019

The City Council met in regular session at 6:00 p.m. on April 1, 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.

Karey Bishop, member of the Funding Committee for RAGBRAI, requested funding from the City for the RAGBRAI event (July 21-July 27, 2019) – this will be an item for the April 15, 2019 council agenda.

Item Q – claims on the computer printout for April 1, 2019 was pulled from the consent agenda.

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

Approval of agenda

March 19, 2019 Minutes

Applications - A renewal refuse hauling permit for Waste Connections of Iowa

Resolution No. 2019-63 approving order accepting acknowledgement/settlement agreements and imposing civil penalty with regard to cigarette permit holder (Wal Mart) violations of Iowa Code 453A.2 (The complete resolution may be viewed at the City Clerk's Office)

Resolution No. 2019-64 approving order accepting acknowledgement/settlement agreements and imposing civil penalty with regard to cigarette permit holder (Dollar General) violations of Iowa Code 453A.2 (The complete resolution may be viewed at the City Clerk's Office)

Authorize an I&I Loan in an amount of \$2,645.29 be sent to the Iowa Offset Program

Resolution No. 2019-65 approving salaries (The complete resolution may be viewed at the City Clerk's Office)

Approval of a sidewalk use agreement for Groggy Dog LLC - 116 W Ashland

Home Base Iowa Initiative Application from Carter Jacobson and authorization of a handwritten warrant in the amount of \$1,500

Home Base Iowa Initiative Application from Aaron Norgrant and authorization of a handwritten warrant in the amount of \$1,500

Request from the Indianola Chamber of Commerce for Friday Night Live Summer Concert Series at the Memorial Park - Dates will be June 7, June 28 and July 12, 2019 (4:00 p.m. - 9:30 p.m.)

Resolution No. 2019-66 suspending enforcement of Indianola Code 47.01(11) regarding the sale of beer and wine coolers in city parks for the Friday Night Live Summer Concert Series as requested by the Indianola Chamber of Commerce (The complete resolution may be viewed at the City Clerk's Office)

A new Class "B" Beer (includes Wine Coolers) and outdoor area for the Indianola Chamber of Commerce at the Memorial Park (North "G" and West Euclid Avenue)

A noise permit request from the Indianola Chamber of Commerce at the Memorial Park for Friday Night Live Summer Concert Series at Memorial Park on June 7, June 28 and July 12, 2019 from 4:00 p.m. - 9:00 p.m.

Resolution No. 2019-67 approving a Memorandum of Understanding for facility use during a public health emergency (The complete resolution may be viewed at the City Clerk's Office)

Noise permit for Mike Murphy - Indianola Classic Car & Truck Show & Shine at the Tru-Bank Parking Lot on April 20, 2019 – September 24, 2019 (Every third Saturday of the month)

Approval of a sidewalk waiver (no curb and gutter) for 983 East Hillcrest Avenue

Receipt and file of the monthly update regarding the EMS Billing Activity

Approval of a street closure request from the Mayor's Youth Council - Bike Fest 2019 - June 15, 2019 - 6:00 a.m. - 1:00 p.m. – will close the entire square

The claims on the computer printout for April 1, 2019 were approved on a motion by Clark and seconded by Kling. On roll call the vote was, AYES: Marchant, Gezel, Southall, Kling and Clark. NAYS: None. ABSTAINED: Parker. Whereupon the Mayor declared the motion carried.

Sally Dix, Executive Director, presented the BRAVO annual report.

It was moved by Marchant and seconded by Kling to approve the nomination of Bill Mettee to the Board of Adjustment/Appeals for a term to begin immediately and expire December 31, 2023. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Mike Metcalf, Electric Superintendent, presented a report on the decorative highway lights on north Highway 65/69. It was the consensus of the Council to move forward with this project.

The Mayor and City Council discussed the proposed development agreement with Autumn Ridge. It was the consensus of the City Council to move forward with the development agreement and bring back to a future council meeting.

The following Indianola High School students of Brock Elbert, Joe Menke, Matt Dieke, Isaac Dieke and Aidan Ruble discussed their Operation Recognition of Service banners and requested an extension of the time limit for displaying the banners and a waiver of the insurance. It was the consensus of the Council to allow the extension of the time limit the banners will be displayed, a waiver of the insurance and for flexible with other organizations that may want to display their banners.

A public hearing and first consideration to amend Chapter 122, Section 23, relating to Mobile Food and Beverage Vendors as requested by Ammon Taylor was held. There were no oral or written objections. A letter in favor of the request was received from the Indianola Chamber of Commerce. Ammon Taylor, 1303 S. "O", spoke in favor of his request. Nate Fehl, Director of Hy Vee and Brenda Easter, Indianola Chamber of Commerce, spoke in favor of this request. Southall moved and Gezel seconded to approve the first consideration of this request. On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously. Council member Clark moved to suspend the rules requiring an ordinance be considered at three separate meetings before its adoption and to approve ORDINANCE NO. 1610 entitled, "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDIANOLA, IOWA, CHAPTER 122, ZONING REGULATIONS CONCERNING MOBILE FOOD UNITS." Council member Southall seconded the motion to adopt. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the ordinance to be effective upon publication.

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 Jerry Kelley Trail 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. A motion was made by Marchant

and seconded by Kling to continue the public hearing and defer any action until the April 15, 2019 Council meeting. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

A motion was made by Parker to approve the following resolution entitled, "RESOLUTION RENAMING CERTAIN STREETS WITHIN THE CORPORATE LIMITS OF INDIANOLA, IOWA." Kling seconded the motion to adopt. On roll call the vote was, AYES: Kling, Clark, Marchant, Gezel, Southall and Parker. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2019-68
RESOLUTION RENAMING CERTAIN STREETS WITHIN THE CORPORATE
LIMITS OF INDIANOLA, IOWA

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

The following resolution entitled, "RESOLUTION APPROVING THE PROPERTY OWNERS PAVING OF THE ALLEY AT 404 SOUTH 1ST STREET WITHIN THE CITY OF INDIANOLA" was approved on a motion by Parker and seconded by Kling. On roll call the vote was, AYES: Kling, Clark, Gezel, Southall and Parker. NAYS: None. ABSTAINED: Marchant. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2019-69
RESOLUTION APPROVING THE PROPERTY OWNERS PAVING OF THE ALLEY AT 404 SOUTH 1ST
STREET WITHIN THE CITY OF INDIANOLA

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

A motion was made by Southall and seconded by Parker to receive and file correspondence of the weekly updates dated March 15 and 22, 2019 from Ryan Waller, City Manager and the following update:

- The non-emergency offices at City Hall will be closed April 26, 2019 for a cleaning day

On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

The Mayor and Council discussed extending the West Euclid judgments for an additional 10 years in the Gray v. Indianola special assessment litigation. There is a limitation period on judgment enforcement, but it can be renewed. It was the consensus of the Council to not extend the judgments.

The Mayor and Council discussed the IDOT Agreement for highway signage along Jefferson Way. The Council gave direction in support of this effort.

It was moved by Kling and seconded by Marchant 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: Clark, Marchant, Gezel, Southall, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

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

Meeting adjourned at 8:10 p.m. on a motion by Marchant and seconded by Parker,

Kelly B. Shaw, Mayor

Diana Bowlin, City Clerk