

## REGULAR SESSION – SEPTEMBER 17, 2018

The City Council met in regular session at 6:00 p.m. on September 17, 2018 in the City Hall Council Chambers. Mayor Kelly B. Shaw called the meeting to order and on roll call the following members were present: Shirley Clark, Joe Gezel, Bob Kling, Greg Marchant, John Parker and Greta Southall.

Kenny Herring, 1307 W. 14<sup>th</sup>, spoke regarding the stop sign report and requested the City place the speed spy at the 1400 block of West 14<sup>th</sup> during the weekend.

Mayor Shaw presented a proclamation and meritorious performance awards to Police Officer Devan Wick and Brian Stern for their dedication to their profession and going beyond the call of duty that resulted in a life saved.

Mayor Shaw presented meritorious performance awards to Sergeant Rick Largesse and Police Officer Devin Thomas for presented the Indianola Police Department and community in a positive light by being a part of the nationwide police lip sync challenge. This was all completed during their off-duty time. They were also captured on video playing a pick-up game of basketball with Simpson College students in the middle of the night.

Mayor Shaw read three letters addressed to him from the following (the complete letters may be viewed at the City Clerk's Office)

Josh Stafford – Managing Partner of Phillips Strafford Insurance Group, Altoona Iowa

Barb McMurry – Managing Broker Iowa Realty, Indianola, Iowa

Benjamin C. Neitzel, Attorney – Simpson, Jensen, Abels, Fischer & Bouslog PC, Des Moines, Ia

The consent agenda consisting of the following was approved on a motion by Clark and seconded by Southall. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Approval of agenda

September 4, 2018 Minutes

Applications

- A renewal Class "C" Liquor License, Outdoor Area and Sunday Sales Privilege for Los Padrinos LLC dba El Padrino Mexican Restaurant - 200 S. Jefferson
- A renewal Class "B" Wine, Class "C" Beer and Class "E" Liquor License for Fareway Stores - 1309 W. 2nd
- A renewal Class "C" Beer permit and Sunday Sales Privilege for Casey's – 607 N. Jefferson
- A renewal Class "B" Wine Permit and Special Class "C" Liquor License for The Local Vine - 126 W. Ashland
- A renewal Class "C" Liquor License, Outdoor Area and Sunday Sales Privilege for Saint Thomas Aquinas Church - 210 R63 Hwy

Resolution No. 2018-158 setting October 1, 2018 as a hearing for complaints filed on tobacco sales permit violations (the complete resolution may be viewed at the City Clerk's Office)

Second consideration of a request from Kacee West to include "athletic training facility" under M-2 (general industrial) zoning regulations as a permitted principal use

Final consideration of an ordinance amending the Indianola Municipal Code Chapter 165, Zoning, by adding reference to Builders Board of Appeals and adopting ORDINANCE

NO. 1600 entitled, "ORDINANCE AMENDING THE INDIANOLA MUNICIPAL CODE CHAPTER 165, ZONING, BY ADDING REFERENCE TO BUILDERS BOARD OF APPEALS – the ordinance to be effective upon publication

Resolution No. 2018-159 approving a one-year extension to the Janitorial Contract with Dust Pros (the complete resolution may be viewed at the City Clerk's Office)

Street usage request from the Indianola High School for the Homecoming Parade on September 27, 2018 from 5:30 p.m. to 7:30 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

Street closure request from the Crimson Anchor & Unique Decor on September 29, 2018 from noon to 5:00 p.m. - requesting to close West Salem Avenue from "B" Street east to in front of their business

Claims on the computer printout for September 17, 2018

The July 2018 City Treasurer's Report was approved on a motion by Marchant and seconded by Parker. 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 Maloney, DA Davidson, presented the sanitary sewer financing report for the new WWTP. Southall moved and Kling seconded to approve the following resolution entitled, "RESOLUTION APPROVING MUNICIPAL ADVISOR SERVICES AGREEMENT BETWEEN CITY OF INDIANOLA AND DA DAVIDSON FOR THE NEW WASTEWATER TREATMENT FACILITY." On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried and the following resolution duly adopted.

#### RESOLUTION NO. 2018-160

#### RESOLUTION APPROVING MUNICIPAL ADVISOR SERVICES AGREEMENT BETWEEN CITY OF INDIANOLA AND DA DAVIDSON FOR THE NEW WASTEWATER TREATMENT FACILITY

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

The following nominations to the Planning and Zoning Commission were approved on a motion by Southall and seconded by Kling. On roll call the vote was, AYES: Parker, Kling, Marchant, Gezel and Southall. NAYS: Clark. Whereupon the Mayor declared the motion carried.

Erin Freeberg and Jeromy Pribil – a term to begin immediately and expire February 1, 2020

A motion was made by Parker and seconded by Kling to approve the following representatives to the WCEDC Board:

City Manager Ryan Waller and alternate Council member Greg Marchant

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

Mayor Shaw proclaimed September 21, 2018 as International Day of Peace.

Mayor Shaw reported on the Metro Advisory meeting.

A motion was made by Marchant and seconded by Parker to receipt and filing of a report concerning a stop sign request in the vicinity of the West 14th neighborhood. After discussion, the Police Department will place the speed spy in the 1400 Block of West 14<sup>th</sup> during the period of Thursday – Sunday. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

It was moved by Southall and seconded by Marchant to suspend the rules requiring an ordinance be considered at three separate meeting before its adoption and approved ORDINANCE NO. 1601 entitled, "AN ORDINANCE AMENDING CHAPTER 106, COLLECTION OF SOLID WASTE, INDIANOLA CODE OF ORDINANCES TO INCREASE RECYCLING FEES." On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the ordinance to be effective October 1, 2018.

The following resolution entitled, "RESOLUTION APPROVING THE CONTRACT AND BOND" for the Plainview and McCord Power and Control Project, was approved on a motion by Marchant and seconded by Kling. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-161  
RESOLUTION APPROVING THE CONTRACT AND BOND  
for the Plainview and McCord Power and Control Project

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

Change order number one in an amount of (-\$4,000.00) for the Fixed Film Reactor ByPass Project was approved on a motion by Clark and seconded by Marchant. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Council member Marchant moved and Parker seconded to adopt the following resolution entitled, "RESOLUTION ACCEPTING FINAL COMPLETION OF THE FIXED FILM REACTOR BYPASS PROJECT AND RELEASE RETAINED FUNDS" for the Fixed Film Reactor ByPass Project. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-162  
RESOLUTION ACCEPTING FINAL COMPLETION OF THE FIXED FILM REACTOR BYPASS  
PROJECT AND RELEASE RETAINED FUNDS  
for the Fixed Film Reactor ByPass Project

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

The first consideration of an ordinance amending the City's floodplain regulation was approved on a motion by Southall and seconded by Kling. On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

It was moved by Clark and seconded by Marchant to approve the following resolution entitled, "RESOLUTION AUTHORIZING A HOST AGENCY AGREEMENT WITH NATIONAL ABLE NETWORK FOR SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM." On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried and the following resolution duly adopted.

RESOLUTION NO. 2018-163  
RESOLUTION AUTHORIZING A HOST AGENCY AGREEMENT WITH NATIONAL ABLE  
NETWORK FOR SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

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

Kling moved to adopt the following resolution entitled, "RESOLUTION AUTHORIZING THE PURCHASE OF SEVERE WEATHER NOTIFICATION SIREN" from Frontline Warning Systems in an amount of \$20,832.50. Marchant seconded the motion to adopt. On roll call the vote was, AYES: Clark, Marchant, Gezel, Southall, Parker and Kling. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the following resolution duly adopted.

RESOLUTION NO. 2018-164  
RESOLUTION AUTHORIZING THE PURCHASE OF  
SEVERE WEATHER NOTIFICATION SIREN  
From Frontline Warning Systems in an amount of \$20,832.50

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

A motion was made by Marchant and seconded by Kling to adopt the following resolution entitled, "RESOLUTION SUSPENDING ENFORCEMENT OF INDIANOLA CODE 47.01(11) REGARDING THE SALE AND CONSUMPTION OF ALCOHOL AND INDIANOLA CODE 122.22 REGARDING MOBILE FOOD AND BEVERAGES TRUCKS IN CITY PARKS FOR THE BEER AND HYMNS IN BUXTON PARK" on October 20, 2018. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

RESOLUTION NO. 2018-165  
RESOLUTION SUSPENDING ENFORCEMENT OF INDIANOLA CODE 47.01(11) REGARDING  
THE SALE AND CONSUMPTION OF ALCOHOL AND INDIANOLA CODE 122.22 REGARDING  
MOBILE FOOD AND BEVERAGES TRUCKS IN CITY PARKS  
FOR THE BEER AND HYMNS IN BUXTON PARK  
on October 20, 2018

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

A new Class "B" Beer Permit and Outdoor Area for The Zoo - 210 W. Girard (Buxton Park) on October 20, 2018 was approved on a motion by Southall and seconded by Kling. On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Parker moved and Kling seconded to approve the "RESOLUTION APPROVING SALARIES." 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. 2018-166  
RESOLUTION APPROVING SALARIES

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

A motion was made by Marchant and seconded by Parker to receive and file correspondence of the weekly updates dated August 31 and September 7, 2018 from Ryan Waller, City Manager. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

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

Southall moved and Kling seconded to return to regular session. On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. Whereupon the Mayor declared the motion carried unanimously.

Marchant moved and Parker seconded 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, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

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

Meeting adjourned at 8:15 p.m. on a motion by Clark and seconded by Southall.

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Kelly B. Shaw, Mayor

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Diana Bowlin, City Clerk