

REGULAR SESSION – APRIL 15, 2019

The City Council met in regular session at 6:00 p.m. on April 15, 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.

Mayor Shaw administered the oath office to Paramedics/Firefighters Robert Collier, Jason Kling and Samuel Hofer.

Item “J” – Agreement between The Sport Page Grill, Inc. dba BrickHouse Tavern and the City of Indianola for a deck located at 107 N. Buxton was pulled from the consent agenda.

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

Approval of agenda

April 1, 2019 Minutes

Applications

- A renewal Class “B” Wine, Class “C” Beer, Class “E” Liquor and Sunday Sales Privilege for Wal Mart located at 1500 N. Jefferson
- A renewal Class “C” Liquor License and Sunday Sales Privilege for The Garage located at 114 E Ashland
- A renewal Class “B” Wine, Class “C” Beer, Class “E” Liquor License and Sunday Sales Privilege for Indy 66 located at 1201 N. Jefferson

Approval of a sidewalk use agreement for The Local Vine and an addition of an outdoor area liquor license at 126 W. Ashland

Resolution No. 2019-70 authorizing the certification of liens to the Warren County Treasurer for purposes of assessing the cost of nuisance abatement against property (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-71 adopting the FCC Small Cell Order Policy and adding it to the City Council Policy (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-72 approving the Warren County Geographic Information System (GIS) Commission 28E Agreement (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-73 approving the purchase of a Raw Pump for the North Plant (The complete resolution may be viewed at the City Clerk’s Office)

Resolution No. 2019-74 approving salaries (The complete resolution may be viewed at the City Clerk’s Office)

Noise permit for A.J. Nelson – Warren County Speedway

Prior and final approval applications for Urban Revitalization Designation (the complete list may be viewed At the City Clerk’s Office)

Resolution No. 2019-75 setting dates of a consultation (April 24, 2019) and a public hearing (May 20, 2019) on a proposed Amendment No. 1 to the Hillcrest/Downtown Unified Urban Renewal Plan in the City of Indianola, State of Iowa (The complete resolution may be viewed at the City Clerk’s Office)

Claims on the computer printout for April 15, 2019

A motion was made by Parker and seconded by Kling to approve the agreement between The Sports page Grill, Inc. dba BrickHouse Tavern and the City of Indianola for a deck located at 107 N. Buxton – Agreement shall be automatically renewed annually and shall not exceed five, one-year renewals. On roll call the vote was, AYES: Kling, Marchant, Gezel, Southall and Parker. NAYS: Clark. Whereupon the Mayor declared the motion carried.

The February 2019 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.

It was moved by Southall and seconded by Parker to receive and file the monthly update regarding the EMS Billing Activity. On roll call the vote was, AYES: Parker, Kling, Clark, Marchant, Gezel and Southall. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

Mayor Shaw update the City Council regarding the 911 Commission Emergency Management meeting.

Mayor Shaw proclaimed April 26, 2019 as Arbor Day.

A public hearing was held to consider the adoption of the second amendment to FY 19 budget. There were no objections either oral or written. Finance Director Andy Lent presented the FY 19 budget amendment. A motion was made by Kling and seconded by Gezel to adopt the following resolution entitled, “RESOLUTION APPROVING THE ADOPTING OF THE SECOND AMENDMENT TO THE FY 19 BUDGET”. 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. 2019-76  
RESOLUTION APPROVING THE ADOPTING OF THE SECOND  
AMENDMENT TO THE FY 19 BUDGET

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

A public hearing and first consideration of a request from Mark Putney with Putney Auction Services for an amendment to Chapter 165 (Zoning Regulations), Section 09 to include “Auction Sales” under M-2 (General Industrial) as a permitted principal use was held. There were no objections either oral or written. Clark moved, and Kling seconded to approve the first consideration of this amendment. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker, Kling and Clark. NAYS: None. Whereupon the Mayor declared the motion carried unanimously. A motion was made by Gezel and seconded by Clark to suspend the rules requiring an ordinance be considered at three separate meetings before its adoption and to adopt ORDINANCE NO. 1611 entitled, “AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF INDIANOLA, IOWA, CHAPTER 165, ZONING REGULATIONS, M-2 GENERAL INDUSTRIAL TO ADD AUCTION SALES.” On roll call the vote was, AYES: Southall, Parker, Kling, Clark, Marchant and Gezel. NAYS: None. Whereupon the Mayor declared the motion carried unanimously and the ordinance to be effective upon publication.

The first consideration of an Ordinance amending the City Code establishing a temporary RAGBRAI Ordinance that will remain in effective until 5:00 p.m. on July 24, 2019 was approved on a motion by Southall and seconded by Marchant. 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 Marchant to contribute \$10,000 to RAGBRAI. Parker seconded the motion. On roll call the vote was, AYES: Gezel, Southall, Parker, Kling, Clark and Marchant. NAYS: None. Whereupon the Mayor declared the motion carried unanimously.

This being the time and place fixed for the continuation of 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.

The following resolution entitled, “RESOLUTION ADOPTING PLANS, SPECS, FORM OF CONTRACT

AND ESTIMATE OF COSTS” for the 2019 Jerry Kelley Trail Improvement Project was approved on a motion by Southall and seconded by Clark. 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 following resolution duly adopted.

RESOLUTION NO. 2019-77  
RESOLUTION ADOPTING PLANS, SPECS, FORM OF CONTRACT AND ESTIMATE OF COSTS  
for the 2019 Jerry Kelley Trail Improvement Project

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

Council member Kling moved and Southall seconded to adopt the “RESOLUTION AWARDDING CONTRACT” for the 2019 Jerry Kelley Trail Improvement Project to Howrey Construction in an amount of \$484,711.06. 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. 2019-78  
RESOLUTION AWARDDING CONTRACT  
for the 2019 Jerry Kelley Trail Improvement Project

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

The Mayor and City Council discussed the recommendation from the Hometown Pride regarding Iowa Great Places Designation. It was the consensus of the City Council that the City of Indianola applies for Great Places Designation in 2020 and the Hometown Pride will take the leadership role in applying for the IGP designation.

The Indianola Square Lease Agreement with the City of Indianola and Indianola Bike Night was approved on a motion by Parker and seconded by Gezel. On roll call the vote was, AYES: Clark, Marchant, Gezel, Southall and Parker. NAYS: None. ABSTAINED: Kling. Whereupon the Mayor declared the motion carried unanimously.

A motion was made by Southall and seconded by Gezel to approve the following resolution entitled, “RESOLUTION REGARDING TEMPORARY CLOSURE/NO PARKING ON THE DOWNTOWN SQUARE AND ONE BLOCK IN ALL DIRECTIONS FOR INDIANOLA BIKE NIGHT” (May 17, June 21, July 19, August 18 and September 20, 2019 from 5:00 p.m. - 10:30 p.m.). On roll call the vote was, AYES: Parker, Clark, Marchant, Gezel and Southall. NAYS: None. ABSTAINED: Kling. Whereupon the Mayor declared the motion carried unanimously.

RESOLUTION NO. 2018-79  
“RESOLUTION REGARDING TEMPORARY CLOSURE/NO PARKING ON THE DOWNTOWN SQUARE  
AND ONE BLOCK IN ALL DIRECTIONS FOR INDIANOLA BIKE NIGHT”  
April 20, May 18, June 15, July 20, August 17 and September 21, 2018 from 5:00 p.m. - 10:30 p.m.

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

The noise permit for Indianola Bike Night (May 17, June 21, July 19, August 19 and September 20, 2019 from 5:00 p.m. - 10:30 p.m.) was approved on a motion by Clark and seconded by Gezel. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker and Clark. NAYS: None. ABSTAINED: Kling. Whereupon the Mayor declared the motion carried unanimously.

A new Class “B” Beer Permit and Outdoor Area for Indianola Bike Night on May 17, June 21, July 19, August 19 and September 20, 2019 from 5:00 p.m. - 10:30 p.m. was approved on a motion by Clark and seconded by Gezel. On roll call the vote was, AYES: Marchant, Gezel, Southall, Parker and Clark. NAYS: None. ABSTAINED: Kling. Whereupon the Mayor declared the motion carried unanimously.

Council member Southall introduced the following resolution entitled, “RESOLUTION APPROVING THE HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF INDIANOLA AND WEST HILL BREWING COMPANY” and moved its adoption. Council member Marchant seconded the motion to adopt. 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 following resolution duly adopted.

RESOLUTION NO. 2019-80

RESOLUTION APPROVING THE HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF INDIANOLA  
AND WEST HILL BREWING COMPANY

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

Clark moved and Gezel seconded to approve a \$300 contribution to Dollars for Scholars. On roll call the vote was, AYES: Gezel, Southall and Clark. NAYS: Marchant, Parker and Kling. Whereupon the Mayor voted AYE and declared the motion carried.

A motion was made by Parker and seconded by Kling to receive and file correspondence of the weekly updates dated March 29 and April 5, 2019 from Ryan Waller, City Manager and the following update:

- Starting April 30, 2019, the City will be doing maintenance on the northern quarter median and the inside lane of will be closed
- The Census point person will be Charlie Dissell, Community and Economic Development Director
- The non-emergency offices at City Hall will be closed April 26, 2019 for a cleaning day
- Iowa Realty requires a documentation to be signed for the sale of the D&D lots next to Keller's Garage in order to proceed - it was Council direction to authorize the City Manager to sign these
- Bill Stow, spouse of City Attorney Amy Beattie, passed away and staff will be circulated a sympathy card

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

City Manager Ryan Waller updated the Mayor and Council regarding the turkey vultures that are a nuisance at a home on West Clinton Avenue.

Andy Lint, Finance Director, updated the Mayor and Council regarding Banker's Trust Notice of Assignment to UMB Bank. A resolution will be placed on a future council agenda.

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

It was moved by Marchant and seconded by Parker 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.

The following item was struck from the council agenda - 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.

Meeting adjourned at 8:27 p.m. on a motion by Southall and seconded by Parker.

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Kelly B. Shaw, Mayor

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Diana Bowlin, City Clerk