

City of Indianola - Regular Session – July 6, 2021

The Indianola City Council met in regular session at 6:00 p.m. on July 6, 2021 in the City Hall Council Chambers. Mayor Pam Pepper called the meeting to order and on roll call the following members were present: Heather Hulen, John Parker, Bob Kling, Gwen Schroder, Greta Southall, Greg Marchant and Mayor Pepper. Absent: None.

In public comment, Mayor Pepper noted Christina Beach, 409 W 5th Avenue, had submitted a public comment, which Council received prior to the meeting.

Council Member Southall moved to approve the consent agenda and Kling seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously. The consent agenda was as follows:

- Approval of agenda
- Claims on the computer printout for July 6, 2021.
- June 21 and 28, 2021 Minutes.
- Resolution 2021-157 setting a Public Hearing on an application for exemption of sign code at 407 North Jefferson Way.
- Resolution 2021-158 setting a Public Hearing on an application for exemption of sign code at 123 South Howard Street.
- Approval of a renewal Class E liquor license with Sunday sales privileges for I Towner Stop, located at 403 West 2nd Avenue.
- Approval of an event application from Willow Moon Apothecary for a Toasting to the Autumnal Equinox: A Wine and Charcuterie Event, on September 18, 2021.
- Approval of an event application from CrossFit 65/69 for a half-marathon to be held on August 21, 2021.
- Approval of Payment Application Number 3 for the Water Resource Recovery Facility influent trunk sewer and outfall project from Langman Construction Inc in the amount of \$351,864.44.
- Resolution 2021-159 approving Payment Application and Change Order Number 3 for the East Iowa Avenue Paving Project.
- Resolution 2021-160 approving Change Order and Payment Application Number 1 for the Square Reconstruction Project.
- Resolution 2021-161 approving the purchase of a vehicle for the Police Department.
- Approval of an order accepting acknowledgement/settlement agreement with Murphy USA.
- Third and final consideration of an Ordinance approving the right-of-way vacation and conveyance of a portion of the east/west alley that lies between Lots 1, 2, 3 and Lots 10, 11, 12 and a portion of the north/south alley that lies between Lots 3 and 4, all in Block 14 of the Plat of Jones and Windles Addition to Indianola, Warren County, Iowa to Peterson Funeral Service, Inc.
- Second consideration of an Ordinance approving the vacation of a Storm Sewer and Drainage Way Easement on part of Lot 1, Williams Terrace Plat 1.

- Second consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for adult entertainment and uses.
- Second consideration of an Ordinance amending the City Code of the City of Indianola, Iowa creating regulations for massage establishments and technicians.
- Approval of Urban Revitalization Designations.
- Resolution 2021-162 approving salaries.

City Manager Ryan Waller stated for the record the consent agenda set two public hearings, approved pay applications on projects, and included approvals of the second readings of Ordinances. Public Works Director Akhilesh Pal updated Council on the progress of the Iowa Avenue Paving project.

City Treasurer, Doug Shull, provided the Council with the May 2021 Treasurer's Report. It was moved by Marchant and seconded by Southall to receive and file the May 2021 Treasurer's Report. Question was called for and on voice vote the Mayor declared the motion passed unanimously.

Marchant moved and Parker seconded to receive and file the May 2021 EMS Billing Activity Report. Question was called for and on voice vote the Mayor declared the motion passed unanimously.

In the Art Commission report, Council Member Kling explained the public piano project the commission is developing, as well as other goals of the commission.

Council directed staff to add the Fireworks Ordinance to a future study session agenda.

Mayor Pepper stated she has been speaking with businesses around the Square during the Streetscape project to ensure the project is going smoothly. She noted July has a lot of cultural attractions for our community and urged citizens to join. She also said that the July study session will include a discussion on a new Human Relations Commissions.

Simpson College Professors John Pauley and Clint Meyer gave a brief presentation about a joint research project they would like to do with the City, focusing on the Water Resource Recovery Facility (WRRF). Results of the study will be available in the spring of 2022.

Mayor Pepper read a Proclamation on Parks and Recreation Month.

The second consideration of an Ordinance approving amendments to Chapter 165 (Zoning Regulations) and Chapter 166 (Site Plan) was introduced on a motion by Marchant and seconded by Schroder. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

The second consideration of an Ordinance approving an amended Official Zoning Map of Indianola, Iowa was introduced on a motion by Hulen and seconded by Parker. On roll call, the vote

was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Marchant moved and Parker seconded to open the Public Hearing on a Fiscal Year 22 budget amendment. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Andrew Lent, City Clerk/CFO, explained that the budget amendment will allow staff to move items from FY21 to FY22. No additional revenue is projected for these projects but a decrease in fund balance is offset by non-expense in FY21. Other amendment items include permitting software, American Rescue Plan funding and a LOST transfer. Lent noted that the LOST transfer does not impact payments towards WRRF. Mayor Pepper then read public comments that were electronically submitted in opposition to the budget amendment from Jesse Beckford, 708 South K Street; Tim Brend, 908 N Buxton; Kelly Shaw, 101 Phillip Place; Scott Edgerton, 1909 W 5th Ave; Emily Fox, 1014 N 9th St; Christina Beach, 409 W 5th Ave; Brad Ross, 812 North S Ct; Shirley Clark, 403 North Y St; Holli Duncan, 1905 W 4th Ave; Stephanie Erickson, 1102 E Kentucky Ave; Denise Kalbus, 1319 E Franklin Ave; and Lori Fredrickson, 708 North U St.

City Attorney Fulton clarified for the record that the LOST funds can be used for infrastructure, per the referendum that voters passed. He also stated that filings with the Iowa Public Information Board are public records and as such, citizens are no longer private when making public filings. IPIB found no legitimacy in the claims filed against the City and dismissed them.

City Manager Ryan Waller explained that the WRRF is paid partly by user rates and partly by LOST funds. With this budget amendment, no funds are being taken from the obligation to pay on the WRRF loans and no rate increases are expected due to using a portion of LOST funds for the Streetscape project. He also clarified that the monuments for the Square are directional signage to assist in getting visitors to the Square.

No other public comments were offered. Marchant moved and Parker seconded to close the Public Hearing. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council Member Parker stated an excess of LOST funds were never anticipated when the LOST referendum was passed. Now that the City is receiving more than originally budgeted, the money can be used to do other projects without affecting the tax rates or payments on the WRRF bond. Council agreed it is the best thing they can do while having the least financial impact on residents.

Parker introduced Resolution 2021-163 approving an amendment to the Fiscal Year 22 budget and moved for its adoption. Council Member Hulen seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council Member Marchant moved to open the Public Hearing regarding the execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC and

Schroder seconded it. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

City Manager Waller explained the agreement includes the donation of park land and financial assistance to help relocate sewer lines. Included in the agenda packet was a request from the developer to continue the approval of the agreement to the July 19 meeting. No other public comments were offered. Marchant moved and Southall seconded to close the Public Hearing. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Schroder moved to continue the resolution approving and authorizing the execution of a Development Agreement by and between the City of Indianola and Johansen Enterprises, LLC to the July 19 meeting and Hulen seconded. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Southall moved to approve the sewer credit request from the customer at 501 South Jefferson Way in the amount of \$1,877.41 and Hulen seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

The first consideration of a proposed Ordinance establishing the street grades for the East Iowa Avenue Paving Project was introduced on a motion by Southall and seconded by Hulen. In discussion, Public Works Director Pal stated legal counsel recommends approval of the Ordinance. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

It was moved by Kling and seconded by Marchant to approve the first consideration of an Ordinance approving amendments to Chapter 27 of the City Code (Art Commission). On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Marchant moved and Parker seconded to approve Resolution 2021-165 approving an engagement letter with Ahlers & Cooney, P.C. regarding amendment Number 1 to the Amended and Restated 1998 Citywide Urban Revitalization Plan. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

Council directed staff to review late fees on event and noise permit applications in order to update the process to be more business friendly.

It was moved by Marchant and seconded by Parker to receive and file the Fiscal Year 23 budget calendar. In discussion, City Clerk/CFO Lent noted there will be a special meeting in March to approve the budget. Question was called for and on voice vote, the Mayor declared the motion carried unanimously.

Kling moved and Hulen seconded to receive and file correspondence from June 18 and 25, 2021 weekly updates provided by City Manager, Ryan Waller. Question was called for and on voice vote the Mayor declared the motion carried unanimously.

It was moved by Marchant at 6:59 pm to enter into closed session in accordance with Iowa Code Section 21.5 (1)(c) to discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government. Schroder seconded the motion. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

At 7:07 pm Marchant moved, and Parker seconded to exit the closed session. On roll call, the vote was AYES: Hulen, Parker, Kling, Schroder, Southall and Marchant. NAYS: None. Whereas the Mayor declared the motion carried unanimously.

No action was taken on items discussed in the closed session.

Meeting adjourned at 7:07 pm on a motion by Schroder and seconded by Parker.

Pamela Pepper, Mayor

ATTEST:

Andrew J. Lent, City Clerk/CFO