

CITY OF HARLAN – HARLAN, IOWA – August 1st, 2017

The City Council of the City of Harlan, Iowa met pursuant to law and the rules of said Council in regular session in the Council Chambers in City Hall at 5:15 o'clock P.M. the 1st day of August, 2017. The meeting was called to order by Kate Kohorst, Mayor in the Chair, and the following Council members were:

PRESENT: Mike Kolbe, Dave Pedersen, Sharon Kroger, Greg Bladt, Dave Miller, Jay Christensen
ABSENT: None

The City Clerk presented the amended agenda. It was moved by Pedersen and seconded by Christensen to approve the amended agenda. The motion carried unanimously.

The Mayor asked the Council members to state any conflicts of interest, as applicable.

It was moved by Miller and seconded by Bladt that the following items contained in the Consent Agenda be approved and adopted:

All items listed under the Consent Agenda will be enacted by one motion with a roll call vote. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion. Consent Agenda items may include any non-controversial subjects.

- a. Minutes of the 07/18/17 Council meeting
- b. Abstract No. 1150 in the amount of \$239,013.80
- c. Renewal Application by The Flower Barn, 624 Market St, Class B Native Wine Permit (WBN) Sunday Sales

A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

The motion carried and the Consent Agenda items were approved and adopted.

Mary Petersen, with the Shelby County Speedway was present to discuss the Tiny Lund Memorial to be held September 15-17, 2017. It was moved by Miller and seconded by Kroger to extend the noise curfew until 2:00 a.m. on September 16, 2017 in anticipation of a concert to be held following the races. The motion carried unanimously.

It was moved by Miller and seconded by Pedersen to receive and file the minutes of the P & F Committee from 07/25/2017. The motion carried unanimously.

The Mayor announced that this was the time, date, and place for a public hearing regarding:

- a. Proposed Sale of City Property – Lots 15-19 G.H. Christiansen Subdivision:
The Public Hearing was opened at 5:37 p.m.
No oral or written objections were filed.

It was moved by Kroger and seconded by Christensen to close the hearing. The motion carried unanimously.

Council Member Miller introduced **Resolution No. 2296 entitled “RESOLUTION FOR THE DISPOSAL OF CITY-OWNED PROPERTY, LEGALLY DESCRIBED AS LOTS 15, 16, 17, 18 & 19, G.H. CHRISTIANSEN SUBDIVISION, IN THE CITY OF HARLAN, IOWA.”** Council Member Pedersen seconded the motion. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

The motion carried unanimously and the resolution was duly adopted.

Mayor Kohorst introduced Ordinance No. 2017-11 – **“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLAN, IOWA, 2006, BY AMENDING CHAPTER 120.05 (11) AGE TO REMAIN UPON A LICENSED PREMISE”, No person under twenty-one (21) will be permitted or allowed to remain upon a licensed premise, with the exception of establishment employees, if over fifty percent (50%) of the dollar volume of the business establishment is realized from the sale of alcoholic beverages, wine, and beer, annually. This provision does not apply to business establishments in which all sales of alcoholic beverages are consumed off site or are holders of a Class “C” beer permit only.**

It was moved by Kolbe and seconded by Kroger that Ordinance No 2017-11 now be read for the second time. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Miller, Christensen

Abstain: Bladt, due to conflict of interest, because of employment with Hy-Vee Wine & Spirits.

Nays: None

The motion carried.

It was moved by Kolbe and seconded by Christensen that the third reading of Ordinance No. 2017-11 be dispensed and that it be placed upon its final adoption. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Miller, Christensen

Abstain: Bladt, due to conflict of interest, because of employment with Hy-Vee Wine & Spirits.

Nays: None

The motion carried and the ordinance was duly adopted.

Mayor Kohorst introduced Ordinance No. 2017-12 – **“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLAN, IOWA, 2006, BY AMENDING CHAPTER 80.05 FEES FOR IMPOUNDMENT”**, **Claimant shall pay twenty dollars (\$20.00) impoundment fee, plus seven dollars (\$7.00) per day storage fee, plus towing charges if stored by the City.**

It was moved by Bladt and seconded by Kroger that Ordinance No 2017-12 now be read for the second time. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

The motion carried.

It was moved by Kroger and seconded by Pedersen that the third reading of Ordinance No. 2017-12 be dispensed and that it be placed upon its final adoption. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

The motion carried and the ordinance was duly adopted.

Mayor Kohorst introduced Ordinance No. 2017-13 – **“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLAN, IOWA, 2006, BY AMENDING CHAPTER 22.03, PROVISIONS PERTAINING TO THE BOARD MEMBERSHIP REQUIREMENTS FOR THE LIBRARY BOARD OF TRUSTEES”**

It was moved by Bladt and seconded by Pedersen that Ordinance No 2017-13 now be read for the first time. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

The motion carried.

Council Member Kolbe introduced **Resolution No. 2297, entitled “RESOLUTION TO SET A DATE FOR PUBLIC HEARING REGARDING THE PROPOSAL FOR THE DISPOSAL OF THE CITY-OWNED PROPERTY LOCATED AT 1502 SIXTH STREET, LEGALLY DESCRIBED AS THE NORTH 70 FEET OF THE WEST 38 FEET OF LT 5 & THE NORTH 70 FEET OF LT 6 IN BLK 78 IN LONG’S ADDITION IN THE CITY OF HARLAN, IOWA.”** Council Member Kroger seconded the motion. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

The motion carried unanimously and the resolution was duly adopted.

It was moved by Kroger and seconded by Miller to approve the engagement letter with Ahlers & Cooney to review and update the Employee Policy and Procedure Manual for an amount not to exceed \$3,000, but does not include mileage that may accrue to attend local meetings with Council and staff. The motion carried unanimously.

The City Administrator presented his report.

The City Clerk presented her report.

The Mayor presented her report.

It was moved by Kroger and seconded by Bladt to approve the Library Board recommendation to appoint Bill Early to the Library Board for a 4-year term, to expire 7/1/2021. The motion carried unanimously.

Behrend Ventures LLC, were present to express interest in purchasing City-owned property, Lots 3 & 4 on Industrial Parkway at a price of \$7,000.

It was moved by Kroger and seconded by Miller to enter into closed session at this time, as per 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. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

Whereupon the motion carried.

The Mayor, Council, City Administrator and City Clerk entered into closed session at 6:06 P.M.

It was moved by Kolbe and seconded by Pedersen to come out of closed session. A roll call vote was had which was as follows:

Ayes: Kolbe, Pedersen, Kroger, Bladt, Miller, Christensen

Nays: None

Whereupon the motion carried.

Regular session re-opened at 6:28 P.M.

It was moved by Kolbe and seconded by Pedersen to set the purchase price of City-owned property, Lots 3 and 4 on Industrial Parkway, at \$25,000. The motion carried unanimously.

There being no further business, the meeting on motion adjourned.

Jane Smith, City Clerk

Kathleen Kohorst, Mayor

“These minutes are as recorded by the Clerk and are subject to Council approval at the next regular meeting.”