

**CITY OF IOWA FALLS
REGULAR MEETING
MARCH 16, 2015**

The Mayor and City Council met in regular session on March 16, 2015 with Mayor Gene Newgaard presiding over the meeting. Council Members Verv Davidson, Mark Messa, Roger Nissly, Bruce Thies and Rob Wohlert were present. Also present was City Manager Jody Anderson.

ACCEPTANCE OF THE AGENDA

Thies moved and Messa seconded to approve the agenda as written.
Vote: Thies, Messa, Davidson, Nissly and Wohlert voting aye.

APPROVAL OF MINUTES

a. Wohlert moved and Davidson seconded to approve the minutes of the regular meeting of February 17, 2015.
Vote: Wohlert, Davidson, Messa, Nissly and Thies voting aye.

b. Messa moved and Davidson seconded to approve the minutes of the special meeting of March 2, 2015.
Vote: Messa, Davidson, Nissly, Thies and Wohlert voting aye.

APPROVAL OF MONTHLY CLAIMS AND FINANCIALS

Thies moved and Wohlert seconded to approve the monthly claims and financials.
Roll Vote: Thies, Wohlert, Nissly, Davidson and Messa voting aye.

OLD BUSINESS

1. **Downtown Streetscape Project**

a. Mayor Newgaard opened the public hearing on the Contract Documents (plans, specifications and form of contract) and Estimated Cost of the improvements. There were no oral or written comments. Mayor Newgaard closed the public hearing.

b. Messa moved and Davidson seconded to approve Resolution No. 2015-12 approving Contract Documents (plans, specifications and form of contract) and Estimated Cost for Public Improvements.
Roll Vote: Messa, Davidson, Nissly, Thies and Wohlert voting aye.

c. One bid was received; it was from K. Cunningham Construction in the amount of \$3,968,896.40 which was approximately 10% higher than the Engineer's estimate.

d. Messa moved and Nissly seconded to approve Resolution No. 2015-13 accepting the lowest responsible bid and authorizing the Mayor to enter into a contract for Downtown Streetscape Improvements Project.
Roll Vote: Messa, Nissly, Thies, Wohlert and Davidson voting aye.

e. Thies moved and Wohlert seconded to approve Change Order No. 1 in the amount of a deduct of \$96,106.50.

Roll Vote: Thies, Wohlert, Nissly, Davidson and Messa voting aye.

NEW BUSINESS

2. Cigarette Permit Violations

e. Mayor Newgaard opened the hearing regarding the mandatory \$300.00 civil penalty prescribed by Iowa Code Section 453A.22(2)(a) for the violation of Iowa Code Section 453A.2(1), selling, giving or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age for Handi Stop Food. Bob Welch spoke and asked the Council that the fine be waived due to the fact that he had not had any violations in the 23 years he has been in business. Mayor Newgaard closed the hearing

f. Wohlert moved and Messa seconded to assess a civil penalty in the amount of \$300.00 to Handi Stop Food.

Roll Vote: Wohlert, Messa, Davidson, Nissly and Thies voting aye.

a. Mayor Newgaard opened the hearing regarding the mandatory \$1,500.00 civil penalty and a 60 day cigarette permit suspension prescribed by Iowa Code Section 453A.22(2)© for the violation of Iowa Code Section 453A.2(1), selling, giving or otherwise supplying any tobacco, tobacco products, or cigarette to any person under eighteen years of age for the Weasels Den. No one was present representing the Weasels Den. Mayor Newgaard closed the hearing.

b. Wohlert moved and Thies seconded to assess a civil penalty in the amount of \$1,500.00 and approve suspension of the cigarette permit for 60 days beginning March 18, 2015.

Roll Vote: Wohlert, Thies, Nissly, Davidson and Messa voting aye.

c. Mayor Newgaard opened the hearing regarding the mandatory \$300.00 civil penalty prescribed by Iowa Code Section 453A.22(2)(a) for the violation of Iowa Code Section 453A.2(1), selling, giving or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age for Woody's. It was noted that the violation was received today.

d. No action was needed on assessing the violation since it was paid.

3. Fire Department

City Finance Director Jon Kies advised the Council that this would be a budget amendment. Wohlert moved and Davidson seconded to approve the purchase of two 12 ton geothermal units in the amount of \$28,068.24 from Iowa Falls Heating, the low bidder with the funds coming from General Fund reserves.

Roll Vote: Wohlert, Davidson, Messa, Nissly and Thies voting aye.

4. **Vehicle Purchases**

a. Messa moved and Wohlert seconded to approve the purchase of a garbage truck \$102,261.00 from Elliott Equipment.

Roll Vote: Messa, Wohlert, Thies, Nissly and Davidson voting aye.

b. Wohlert moved and Nissly seconded to approve the purchase of a truck for the Parks & Recreation Department in the amount of \$37,000 including a plow blade.

Roll Vote: Wohlert, Nissly, Thies, Davidson and Messa voting aye.

5. **Pager Project**

a. Presentation was given on the grant received from FEMA which will provide 380 new pagers for Hardin County. There will be no cost to the city for this project as the city will be a pass through for an estimated \$183,801.

b. City Finance Director Jon Kies advised the Council that this item would be a budget amendment. Thies moved and Nissly seconded to approve submittal of the grant application for the pagers.

Roll Vote: Thies, Nissly, Wohlert, Messa and Davidson voting aye.

6. **Urban Animals**

City Manager Anderson reported that the Planning and Zoning Commission has a meeting scheduled for March 18, 2015 to review possible ordinances for urban animals.

7. **Cigarette Permits**

Wohlert moved and Davidson seconded to approve accepting applications from the following: Casey's General Stores at 1225 North Oak, 1801 Washington Avenue and 904 Washington Avenue, Dollar General, Fareway, Handi Stop Food Mart, Hy-Vee Food Store, Rock C Store, Wal-Mart Store and Woody's Railroad Street Tobacco & Spirits, an application will not be accepted from Weasels Den.

Roll Vote: Wohlert, Davidson, Messa, Nissly and Thies voting aye.

8. **Nuisance Properties**

The Council discussed nuisance properties and the process that will be used to abate the nuisance. The Council requested that addresses of the nuisance properties be made public and put in the newspaper. The annual bus tour of nuisance properties will be held in early May.

9. **No Parking**

a. Thies moved and Messa seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to No Parking Zones.

Roll Vote: Thies, Messa, Davidson, Nissly and Wohlert voting aye.

b. Wohlert moved and Thies seconded to approve suspension of the rules and placing on third and final reading
Roll Vote: Wohlert, Thies, Nissly, Davidson and Messa voting aye.

c. Nissly moved and Wohlert to approve on third and final reading Ordinance No. 1062 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to No Parking Zones.
Roll Vote: Nissly, Wohlert, Thies, Davidson and Messa voting aye.

10. **Liquor License**

a. Messa moved and Wohlert seconded to approve a Class C Liquor License for Las Flores.
Vote: Messa, Wohlert, Thies, Nissly and Davidson voting aye.

b. Thies moved and Nissly seconded to approve a Special Class C Liquor License (Beer/Wine) for The Gathering Place.
Vote: Thies, Nissly, Wohlert, Messa and Davidson voting aye.

11. **Closed Session**

Thies moved and Wohlert seconded to go into closed session as allowed in Iowa Code Section 21.5.1.j to discuss land acquisition and disposal and pending litigation as allowed in Section 21.5.1.c.
Roll Vote: Thies, Wohlert, Nissly, Davidson and Messa voting aye.

Wohlert moved and Thies seconded to go back into open session having taken no action in closed session.
Roll Vote: Wohlert, Thies, Nissly, Davidson and Messa voting aye.

ADJOURNMENT

Nissly moved and Wohlert seconded to adjourn.
Vote: Nissly, Wohlert, Thies, Davidson and Messa voting aye.
The meeting adjourned at 8:55 p.m.



Gene Newgaard, Mayor

Attest:



Jon Kies, City Clerk