

**CITY OF IOWA FALLS  
REGULAR MEETING  
SEPTEMBER 16, 2013**

The Mayor and City Council of the City of Iowa Falls met in regular session on Monday, September 16, 2013 with Mayor Pro-Tem Roger Nissly presiding over the meeting. Council Members present were Kurt Knudson, Mark Messa and Bruce Thies. Council Member David Hampe arrived after the meeting was called to order. Mayor Jerrold Welden was absent. Also present was City Manager Jody Anderson.

**ACCEPTANCE OF THE AGENDA**

Knudson moved and Thies seconded to accept the agenda as written but moving item #5 up on the agenda to be discussed after item #2.

Vote: Knudson, Thies, Nissly and Messa voting aye.

**APPROVAL OF MINUTES**

Knudson moved and Thies seconded to approve the minutes of the August 19, 2013 meeting.

Vote: Knudson, Thies, Nissly and Messa voting aye.

**APPROVAL OF MONTHLY CLAIMS**

Messa moved and Nissly seconded to approve the monthly claims.

Roll Vote: Messa, Nissly, Knudson and Thies voting aye.

**PROCLAMATION**

Mayor's Proclamation proclaiming September 21, 2013 Hugh Jackman Day and also proclaiming September 21, 2013 as Metropolitan Theater Day celebrating their Grand Re-Opening.

**CONSENT AGENDA**

Knudson moved and Thies seconded to approve the following items:

1. **Jones Park Pedestrian Trail and Bridge**

Pay Request #2 in the amount of \$20,333.20 to Peterson Contractors.

2. **Water Reservoir Tank Repair**

Pay Request #2 in the amount of \$33,772.50 to Smith-Gehrls Inc.

Roll Vote: Knudson, Thies, Messa and Nissly voting aye.

## **OLD BUSINESS**

### **5. Ellis Avenue Project**

e. The Council discussed the assessment. Various citizens from Ellis Avenue discussed the assessment. It was noted that the maximum assessment which was earlier set at \$3,095 has been lowered to \$2,745.

Council Member Hampe arrived during this item.

Nissly moved to apply no assessment to the property owners. The motion died for lack of a second.

Knudson moved that the assessment be 50% of the real cost. Knudson withdrew his motion.

Knudson moved and Messa seconded to assess the property owners \$1,375.  
Roll Vote: Knudson, Messa and Hampe voting aye, Nissly voting no and Thies abstaining.

a. Knudson moved and Hampe seconded to approve Progress Payment #12 in the amount of \$20,659.17.

Roll Vote: Knudson, Hampe, Thies, Nissly and Messa voting aye.

b. Hampe moved and Thies seconded to approve Change Order #4 in the amount of a \$158,396.05 deduct.

Roll Vote: Hampe, Thies, Knudson, Nissly and Messa voting aye.

c. Hampe moved and Knudson seconded to accept the \$20,000 from the project to complete some of the work that still needs to be done allowing the project closeout to move forward.

Roll Vote: Hampe, Knudson, Thies, Nissly and Messa voting aye.

d. Nissly moved and Knudson seconded to apply no penalties to the contractor for the project.

Roll Vote: Nissly, Knudson, Thies, Hampe and Messa voting aye.

### **3. Request to Purchase City Property**

a. Council discussed the request from David & Emily England to purchase property located immediately west of their property at 621 Railroad. The Council wanted to retain the west three feet of the street right of way.

b. Knudson moved and Messa seconded to approve Resolution No. 2013-55 tentatively approving the vacation of a portion of Main Street and tentatively approving sale of that property described as all real property between the curb line on the east side of Main Street (except the west three feet (3')) to the west boundary line of real property described as the West

82 feet 4 inches of Lot 3 and 4, Block 21, Original Town of Iowa Falls, Iowa with the retention of the west three feet of the street right of way and scheduling the public hearing for the Monday, October 21, 2013 City Council meeting.

Roll Vote: Knudson, Messa, Nissly, Thies and Hampe voting aye.

4. **South River Street Water Main Project**

a. Knudson moved and Hampe seconded to approve Change Order No. 3 in the amount of a \$3,000 deduct.

Vote: Knudson, Hampe, Thies, Nissly and Messa voting aye.

b. Nissly moved and Knudson seconded to approve Pay Request #2 in the amount of \$475.00 to Iowa Falls Heating & Air Conditioning.

Vote: Nissly, Knudson, Thies, Hampe and Messa voting aye.

c. Messa moved and Thies seconded to approve the Engineer's Statement of Completion and approve the final payment to Iowa Falls Heating & Air Conditioning in the amount of \$8,310.16.

Roll Vote: Messa, Thies, Hampe, Knudson and Nissly voting aye.

6. **Rocksylvania Avenue Culvert Rehabilitation**

a. Thies moved and Knudson seconded to approve the estimate in the amount of \$27,830 from Shuck-Britson Inc. for Construction Review and Administration Services for the project.

Roll Vote: Thies, Knudson, Nissly, Messa and Hampe voting aye.

b. Nissly moved and Hampe seconded to approve Pay Request #1 in the amount of \$39,145.32 to Peterson Contractors to be financed with TIF funds.

Roll Vote: Nissly, Hampe, Thies, Knudson and Messa voting aye.

7. **2013 Street Improvements**

Knudson moved and Messa seconded to approve the payment to Heartland Asphalt, Inc. in the amount of \$560,970.72.

Roll Vote: Knudson, Messa, Nissly, Thies and Hampe voting aye.

**NEW BUSINESS**

8. **Subdivision**

Knudson moved and Hampe seconded to approve the Planning & Zonings recommendation to waive the City's subdivision requirements for Alex and Danita Jansen on 2.019 acres of land owned by Dennis Prochaska.

Roll Vote: Knudson, Hampe, Thies, Messa and Nissly voting aye.

9. **Lease of Property**

a. The Council discussed the lease request from Dan and Tracy Barnhart to lease a portion of city property for parking use.

b. Hampe moved and Nissly seconded to approve the Resolution. Hampe and Nissly withdrew their motions. Hampe moved and Nissly seconded to approve Resolution No. 2013-56 tentatively approving lease of city property consisting of real property identified as a strip of land fifty feet (50') in width directly east of land owned by Daniel R. Barnhart and Tracy L. Barnhart, husband and wife, (hereinafter referred to as Barnhart), legally described as: Commencing at the S ¼ corner of Section 13, Township 89 North, Range 21, West of the 5<sup>th</sup> P.M., Hardin County, Iowa; thence East 365.1 feet to the east line of South River Street, Iowa Falls, Iowa; thence North 32° 08' East 313.3 feet to the point of beginning; thence continuing North 32° 08' East along the East line of South River Street 214 feet; thence South 80° 42' East 208.7 feet; thence South 32° 08' West 214 feet; thence North 80° 42' West 208.7 feet to the point of beginning; being a part of Lot 21, Auditor's First Plan, Iowa Falls, Iowa for a ten year period at \$20 per year with the public hearing scheduled for the Monday, October 21, 2013 meeting.

Roll Vote: Hampe, Nissly, Messa, Knudson and Thies voting aye.

10. **Annual Manhole Rehabilitation**

Hampe moved and Knudson seconded to approve up to \$20,000 for the annual manhole rehabilitation.

Roll Vote: Hampe, Knudson, Thies, Nissly and Messa voting aye.

11. **Downtown Streetscape**

Knudson moved and Hampe seconded to approve obtain costs for engineering and design services for preparing the downtown alleys for the streetscape project.

Vote: Knudson, Hampe, Thies, Nissly and Messa voting aye.

12. **Property Burn**

Nissly moved and Knudson seconded to authorize the Fire Department to conduct a burn of the house at 727 Bliss.

Vote: Nissly, Knudson, Thies, Hampe and Messa voting aye.

13. **Met Theater**

Thies moved and Knudson seconded to approve Resolution No. 2013-57 closing Estes Street from Main to Oak, Washington Avenue from Main to Oak and Stevens Street from Rocksylvaniana to Railroad at 6:00 a.m. Friday, September 20, 2013 through 12:00 a.m. Sunday, September 22, 2013 for the Grand Re-opening of the Met Theater.

Roll Vote: Thies, Knudson, Nissly, Messa and Hampe voting aye.

14. **Halloween**

Messa moved and Thies seconded to schedule Halloween for Thursday, October 31, 2013 from 5:30 until 7:30 p.m.

Vote: Messa, Thies, Hampe, Knudson and Nissly voting aye.

15. **Code Update**

a. Knudson moved and Nissly seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, Iowa, by adding provisions pertaining to removal of an officer's communication or control device.

Roll Vote: Knudson, Nissly, Thies, Hampe and Messa voting aye.

b. Messa moved and Hampe seconded to approve suspension of the rules and placing on third and final reading.

Roll Vote: Messa, Hampe, Thies, Knudson and Nissly voting aye.

c. Knudson moved and Hampe seconded to approve on third and final reading Ordinance No. 1044 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by adding provisions pertaining to removal of an officer's communication or control device.

Roll Vote: Knudson, Hampe, Thies, Nissly and Messa voting aye.

d. Nissly moved and Knudson 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 lien exemption.

Roll Vote: Nissly, Knudson, Thies, Hampe and Messa voting aye.

e. Messa moved and Nissly seconded to approve suspension of the rules and placing on third and final reading.

Roll Vote: Messa, Nissly, Knudson, Thies and Hampe voting aye.

f. Hampe moved and Knudson seconded to approve on third and final reading Ordinance No. 1045 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to lien exemption.

Roll Vote: Hampe, Knudson, Nissly, Thies and Messa voting aye.

16. **Railroad Street Parking**

Staff will look into the parking on the north side of Railroad Street from Oak Street to Stevens Street.

17. **Resolution to Rescind a Resolution**

Thies moved and Nissly seconded to approve Resolution No. 2013-58 rescinding Resolution No. 1991-43.

Roll Vote: Thies, Nissly, Knudson, Hampe and Messa voting aye.

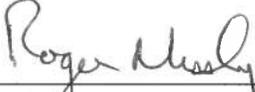
18. **Closed Session**

Knudson moved and Nissly seconded to go into closed session to discuss union negotiation strategy as allowed under Section 21.5c of the Code of Iowa.  
Roll Vote: Knudson, Nissly, Messa, Hampe and Thies voting aye.

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

**ADJOURNMENT**

Messa moved and Nissly seconded to adjourn.  
Vote: Messa, Nissly, Knudson, Thies and Hampe voting aye.  
The meeting adjourned at 9:30 p.m.

  
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Roger Nissly, Mayor Pro-Tem

Attest:

  
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Jon Kies, City Clerk