

**CITY OF IOWA FALLS  
REGULAR MEETING  
NOVEMBER 16, 2009**

The Mayor and City Council of the City of Iowa Falls met in regular session on Monday, November 16, 2009 with Mayor Jerrold Welden presiding over the meeting. Council Members John Allan, Kurt Knudson, Mark Messa and Bruce Thies were present. Council Member Jody Anderson arrived after the meeting was called to order. Also present was City Manager Brian Weuve.

**ACCEPTANCE OF THE AGENDA**

Messa moved and Allan seconded to accept the agenda as written.  
Vote: Messa, Allan, Thies and Knudson voting aye.

Council Member Jody Anderson arrived at this point in the meeting.

**APPROVAL OF MINUTES**

Anderson moved and Allan seconded to approve the minutes of the regular meeting of October 19, 2009 and the special meetings of November 2, 2009 and November 12, 2009.  
Vote: Anderson, Allan, Messa, Knudson and Thies voting aye.

**APPROVAL OF MONTHLY CLAIMS**

Anderson moved and Thies seconded to approve the monthly claims.  
Roll Vote: Anderson, Thies, Knudson, Allan and Messa voting aye.

**CONSENT AGENDA**

Thies moved and Messa seconded to approve the following:

1. **Liquor License**
  - a. Class C Liquor License for Porter's on Main.
  - b. New Special Class C Liquor License for Q2 located at 502 Washington.

Vote: Thies, Messa, Anderson, Knudson and Allan voting aye.

## **OLD BUSINESS**

### **2. Citizen Request**

a. Mayor Welden opened the public hearing on the proposal to vacate that portion of a public alley for any further use as a street or alley, which said alley lies between lots 1 and 9 in Sunset Plaza, an addition to the City of Iowa Falls, Iowa, subject to reservation of easements for existing or future utilities. There was no oral or written comment made. Mayor Welden closed the public hearing.

b. Allan moved and Thies seconded to approve on first reading an Ordinance vacating that portion of the platted alley between lots 1 and 9 in Sunset Plaza, an addition to the City of Iowa Falls, Hardin County, Iowa, reserving easements for existing and future utilities.  
Vote: Allan, Thies, Knudson, Anderson and Messa voting aye.

c. Messa moved and Allan seconded to approve under the suspension of the rules and placing on third and final reading.  
Roll Vote: Messa, Allan, Thies, Knudson and Anderson voting aye.

d. Allan moved and Thies seconded to approve on third and final reading Ordinance No. 974 vacating that portion of the platted alley between lots 1 and 9 in Sunset Plaza, an addition to the City of Iowa Falls, Hardin County, Iowa, reserving easements for existing and future utilities.  
Roll Vote: Allan, Thies, Knudson, Anderson and Messa voting aye.

e. Allan moved and Thies seconded to approve Resolution No. 2009-54 approving a lease of the vacated portion of an alley lying between lots one (1) and nine (9) Sunset Plaza, an addition to the City of Iowa Falls, Iowa subject to reservations for easements for existing and future utilities.  
Roll Vote: Allan, Thies, Knudson, Anderson and Messa voting aye.

### **3. Airport Improvements**

a. A presentation by Derick Anderson with McClure Engineering Company on the airport improvements.

b. Anderson moved and Messa seconded to approve Amendment No. 3 to the Agreement with McClure Engineering Company and to authorize them to proceed with preliminary and final design.

Roll Vote: Anderson, Messa, Knudson, Thies and Allan voting aye.

c. Anderson moved and Allan seconded to approve Amendment No. 4 to the Agreement with McClure Engineering Company.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

d. Anderson moved and Allan seconded to approve Resolution No. 2009-55 of the City of Iowa Falls, Iowa approving submittal of an Application for FAA Entitlement Planning.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

#### 4. **Development Agreement**

a. Mayor Welden opened the public hearing on the proposal to enter into a Development Agreement with Iowa Falls Area Development Corporation. City Manager Weuve commented that this will finalize the funding agreement and reporting standards. There was no further comment. Mayor Welden closed the public hearing.

b. Allan moved and Anderson seconded to approve Resolution No. 2009-56 approving and authorizing execution of a Development Agreement by and between the City of Iowa Falls and Iowa Falls Area Development Corporation.

Roll Vote: Allan, Anderson, Messa, Knudson and Thies voting aye.

#### 5. **Water Revenue Capital Loan Notes**

a. Anderson moved and Allan seconded to approve Resolution No. 2009-57 appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

b. Messa moved and Anderson seconded to approve the Tax Exemption Certificate.

Roll Vote: Messa, Anderson, Knudson, Thies and Allan voting aye.

c. Anderson moved and Allan seconded to approve the Continuing Disclosure Certificate.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

d. Allan moved and Thies seconded to approve Resolution No. 2009-58 approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance of Capital Loan Notes and providing for a method of payment of the Notes.  
Roll Vote: Allan, Thies, Knudson, Anderson and Messa voting aye.

6. **Sewer Revenue Capital Loan Notes**

a. Messa moved and Allan seconded to approve Resolution No. 2009-59 appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement.  
Roll Vote: Messa, Allan, Thies, Knudson and Anderson voting aye.

b. Anderson moved and Allan seconded to approve the Tax Exemption Certificate.  
Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

c. Allan moved and Thies seconded to approve the Continuing Disclosure Certificate.  
Roll Vote: Allan, Thies, Knudson, Anderson and Messa voting aye.

d. Messa moved and Thies seconded to approve Resolution No. 2009-60 approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance of Capital Loan Notes and providing for a method of payment of the Notes.  
Roll Vote: Messa, Thies, Allan, Knudson and Anderson voting aye.

7. **Sump Pump Inspection Ordinance**

Anderson moved and Messa seconded to approve on second reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, Iowa, by adding a new section in regard to sump pump and groundwater standards.  
Roll Vote: Anderson, Messa, Allan, Thies and Knudson voting aye.

8. **Country Club Road Project**

a. Anderson moved and Allan seconded to approve Change Order No. 1 in the amount of \$834.00.  
Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye

b. Anderson moved and Messa seconded to approve Pay Request No. 2 in the amount of \$183,358.41 to Con-Struct, Inc.  
Roll Vote: Anderson, Messa, Knudson, Thies and Allan voting aye.

9. **South Road Intersection Improvements**

a. Thies moved and Messa seconded to approve Change Order #2 for Division I in the amount of a \$2,808.49 deduct.

Roll Vote: Thies, Messa, Anderson, Knudson and Allan voting aye.

b. Allan moved and Anderson seconded to approve Change Order #4 for Division II in the amount of \$8,619.18

Roll Vote: Allan, Anderson, Messa, Knudson and Thies voting aye.

c. Anderson moved and Allan seconded to approve Change Order #5 for Division III in the amount of \$3,606.25.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

d. Anderson moved and Allan seconded to approve Pay Estimate #8 in the amount of \$40,292.16.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

e. Anderson moved and Allan seconded to approve Resolution No. 2009-61 of acceptance of the Engineer's Statement of Completion and acceptance of public improvements.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

10. **River Interceptor Siphon Sewer Replacement**

a. Anderson moved and Knudson seconded to approve Task Order No. 08A.

Roll Vote: Anderson, Knudson, Messa, Thies and Allan voting aye.

b. Anderson moved and Allan seconded to approve Task Order No. 08B.

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

c. Anderson moved and Allan seconded to approve Change Order No. 1 in the amount of a decrease of \$12,750.00, Change Order No. 2 in the amount of \$6,790.55, Change Order No. 3 in the amount of \$1,050.00, Change Order No. 4 in the amount of \$8,850.00, Change Order No. 5 in the amount of \$5,025.00 and Change Order No. 6 in the amount of \$8,865.00 (net total increase of \$17,830.55).

Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

c. Allan moved and Anderson seconded to approve Pay Request No. 1 to Minger Construction in the amount of \$365,032.73.

Roll Vote: Allan, Anderson, Messa, Knudson and Thies voting aye.

## **NEW BUSINESS**

### 11. **Sunrise Housing Development Request**

The Council discussed the request from Sunrise Housing Inc. to have the City pay for the extension of water, sewer and streets to six lots. Staff was directed to work with the Lewers and come back to the Council.

### 12. **Flow Meters**

Messa moved and Thies seconded to approve the purchase of flow meters.  
Roll Vote: Messa, Thies, Knudson, Allan and Anderson voting aye.

### 13. **Airport Farm Lease**

Anderson moved and Allan seconded to approve the Farm Lease with Steve Thelke contingent upon receiving the signed lease.  
Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

### 14. **Playground Equipment Grant**

Thies moved and Anderson seconded to approve the grant for Assembly and Julia O'Neil Parks.  
Roll Vote: Thies, Anderson, Messa, Knudson and Allan voting aye.

### 15. **Wind Energy Conversion Systems**

Anderson moved and Allan seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, by adding a new Section in regard to Wind Energy Conversion Systems (WECS).  
Roll Vote: Anderson, Allan, Thies, Knudson and Messa voting aye.

### 16. **Street Garage**

Anderson moved and Messa seconded to approve of the bid from Smith-Gehrls in the amount of \$115,500.00 for insulation at the street garage.  
Roll Vote: Anderson, Messa and Allan voting aye, Knudson and Thies voting no.

17. **Communication Project**

Discussion was held in regard to the County Communication Project.

**ADJOURNMENT**

Thies moved and Anderson seconded to adjourn.

Vote: Thies, Anderson, Messa, Knudson and Allan voting aye.

The meeting adjourned at 10:08 p.m.

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Jerrold Welden, Mayor

Attest:

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Jon Kies, City Clerk