

**CITY OF IOWA FALLS
REGULAR MEETING
MAY 16, 2011**

The Mayor and City Council of the City of Iowa Falls met in regular session on Monday, May 16, 2011 with Mayor Jerrold Welden presiding over the meeting. Council Members David Hampe, 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

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

APPROVAL OF MINUTES

Messa moved and Knudson seconded to approve the minutes of the regular meeting of April 18, 2011 and the special meeting of May 2, 2011.
Vote: Messa, Knudson, Thies and Hampe voting aye.

APPROVAL OF MONTHLY CLAIMS

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

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

CONSENT AGENDA

Knudson moved and Anderson seconded to approve the following items under the Consent Agenda:

1. **Tax Abatement Application**

Approval of a tax abatement application for Cheryl Rankin.

2. **Noise Ordinance Variance**

Approval of a noise ordinance variance for Friday, May 27, 2011 from 12:00 noon until 11:30 p.m. for dance in Estes Park as requested by Harley Olsthoorn for the Iowa Falls JAM 24.

3. **Liquor License**

- a. Approval of a Class B Beer Permit for Pizza Hut.
- b. Approval of a 5 day Class B Beer Permit for Iowa Falls Chamber/Main Street.

4. **South Interceptor Sewer Extension**

Approval of Pay Request #4 from Keller Excavating in the amount of \$116,200.68

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

OLD BUSINESS

5. **Ellis Avenue Project**

a. John Gade, Fox Engineering, was present to discuss project details.

b. Messa moved and Thies seconded to approve Resolution No. 2011-13 fixing date for a meeting on the authorization of a Loan Agreement and the issuance of not to exceed \$4,200,000 General Obligation Capital Loan Notes, Series 2011, of the City of Iowa Falls, State of Iowa, and providing for publication of notice thereof.

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

c. Knudson moved and Hampe seconded to approve Resolution No. 2011-14 fixing date for a meeting on the authorization of a Loan Agreement and the issuance of not to exceed \$850,000 Sewer Revenue Capital Loan Notes, of the City of Iowa Falls, State of Iowa, and providing for publication of notice thereof.

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

6. **Alliant Energy Franchise Fee Revenue Statement**

a. Mayor Welden opened the public hearing on the Revenue Purpose Statement in conjunction with the imposition of a Franchise Fee on gas and electric bills within the City of Iowa Falls. City Manager Weuve stated that the Revenue Purpose Statement is required to be adopted prior to approving a franchise fee. There was no further public comment. Mayor Welden closed the public hearing.

b. Anderson moved and Knudson seconded to approve Resolution No. 2011-15 approving and adopting a revenue purpose statement for the use or expenditure of fee revenues from proposed natural gas and electricity franchise fees.

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

7. **Franchise Agreement with Alliant Energy – Electric**

a. Messa moved and Hampe seconded to approve on second reading an Ordinance granting to Interstate Power and Light Company, (Company), its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City of Iowa Falls, Hardin County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the City of Iowa Falls, Hardin County, Iowa, to supply individuals, corporations, communities and municipalities both inside and outside of said City with electric light,

heat and power for the period of twenty-five (25) years and granting to said Company the right of eminent domain.

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

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

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

c. Anderson moved and Knudson seconded to approve on third and final reading Ordinance No. 998 granting to Interstate Power and Light Company, (Company), its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City of Iowa Falls, Hardin County, Iowa, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the City of Iowa Falls, Hardin County, Iowa, to supply individuals, corporations, communities and municipalities both inside and outside of said City with electric light, heat and power for the period of twenty-five (25) years and granting to said Company the right of eminent domain.

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

8. **Franchise Agreement with Alliant Energy - Gas**

b. Hampe moved and Thies seconded to approve on second reading an Ordinance granting to Interstate Power and Light Company, its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate a natural gas distribution system in the City of Iowa Falls, Hardin County, Iowa, and the right to lay down, operate and maintain the necessary pipes, mains, and other conductors and appliances in, along and under the streets, avenues, alleys and public places of the City of Iowa Falls, Hardin County, Iowa, as now or hereafter constituted, for a period of twenty-five(25) years, for the purpose of distributing, supplying and selling natural gas to the City and its inhabitants thereof and to persons and corporations beyond the limits thereof; and granting to said Company the right of eminent domain.

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

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

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

c. Anderson moved and Hampe seconded to approve on third and final reading Ordinance No. 999 granting to Interstate Power and Light Company, its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate a natural gas distribution system in the City of Iowa Falls, Hardin County, Iowa, and the right to lay down, operate and maintain the necessary pipes, mains, and other conductors and appliances in, along and under the streets, avenues, alleys and public places of the City of Iowa Falls, Hardin County, Iowa, as now or hereafter constituted, for a period of twenty-five(25) years, for the purpose of distributing, supplying and selling natural gas to the City and its inhabitants thereof and to persons and corporations beyond the limits thereof; and granting to said Company the right of eminent domain.

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

9. **Lease of City Street**

a. Mayor Welden opened the public hearing on the vacation of a portion of the 100 block of Main Street. The Council members discussed the need and use for the vacation of the street. Mayor Welden closed the public hearing.

b. Thies moved to approve on first reading an Ordinance vacating that portion of Main Street described as: Commencing at the northeast corner of Lot Two (2), Block Twenty-two (22), Original Town of Iowa Falls, Hardin County, Iowa, thence north on the east line of said Lot One (1) in said Block Twenty-Two (22), a distance of 13 feet and 8 inches from the point of beginning; thence north 24 feet to the northeast corner of said Lot One (1); thence east on a continuation of the north line of said Lot One (1) a distance of 16 feet ; thence south parallel to the east line of said Lot One (1) 24 feet; thence west parallel to the north line of said Lot One (1) 16 feet to the point of beginning. The motion died for lack of a second.

Knudson moved and Anderson seconded to approve on first reading an Ordinance vacating that portion of Main Street described as: Commencing at the northeast corner of Lot Two (2), Block Twenty-two (22), Original Town of Iowa Falls, Hardin County, Iowa, thence north on the east line of said Lot One (1) in said Block Twenty-Two (22), a distance of 13 feet and 8 inches from the point of beginning; thence north 30 feet to the northeast corner of said Lot One (1); thence east on a continuation of the north line of said Lot One (1) a distance of 6 feet; thence south parallel to the east line of said Lot One (1) 30 feet; thence west parallel to the north line of said Lot One (1) 6 feet to the point of beginning. Roll Vote: Knudson, Anderson and Messa voting aye, Thies and Hampe voting no.

10. **Head Shop Ordinance**

a. Hampe moved and Knudson seconded to approve on second reading an Ordinance relating to the location of retail “Head Shop” businesses within the City limits of the City of Iowa Falls, Iowa.

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

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

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

c. Anderson moved and Hampe seconded to approve on third and final reading Ordinance No.1000 relating to the location of retail “Head Shop” businesses within the City limits of the City of Iowa Falls, Iowa.

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

11. **Utility Rate Ordinances**

a. Knudson moved and Anderson seconded to approve on third and final reading Ordinance No. 1001 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to water user rates.

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

b. Anderson moved and Knudson seconded to approve on third and final reading Ordinance No. 1002 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to rates for sanitary sewer service.

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

c. Messa moved and Thies seconded to approve on third and final reading Ordinance No. 1003 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to rates for sanitary sewer service rates for outside city limits.

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

d. Hampe moved and Anderson seconded to approve on third and final reading Ordinance No. 1004 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to rates for solid waste collection and disposal.

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

NEW BUSINESS

12. Community Development Block Grant – Housing Rehabilitation Program

a. Mayor Welden opened the public hearing on the status of the Community Development Block Grant Housing Rehabilitation Program. Dick Webb with Region Six Planning Commission updated the Council on the number of homes that have been completed, are being started and those yet to be started. A total of ten or eleven homes will be rehabilitated through the grant program. Mayor Welden closed the public hearing.

b. Knudson moved and Thies seconded to approve Resolution No. 2011-16 to approve the City of Iowa Falls Community Development Block Grant Owner Occupied Housing Rehabilitation contract for 1013 2nd Avenue North.

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

13. Sidewalk Snow Removal

Brian Miller representing ArloDean Investments requested that billings for sidewalk snow removal at 311 Rocksylvania Avenue be adjusted.

Messa moved and Anderson seconded to leave the bill as is in the amount of \$367.25.

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

14. Agreement for Mutual Aid Protection

Anderson moved and Knudson seconded to approve the Agreement for Mutual Aid Protection with the Grant/Lee Township.

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

15. **Hotel / Motel Tax Grant Application**

Anderson moved and Hampe seconded to approve the Hotel / Motel Tax Funding Advisory Board's recommendation to fund the request from the Friends of the Pat Clark Art Collection in the amount of \$1,355.33 for a gallery hanging system.

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

16. **Dangerous Buildings**

a. Messa moved and Knudson seconded to proceed with advising the owners that their property at 620 E Rocksylvania Avenue needs to be demolished.

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

b. Knudson moved and Anderson seconded to proceed with advising the owners that their property at 727 Bliss Boulevard needs to be removed.

Roll Vote: Knudson, Anderson, Messa and Thies voting aye, Hampe voting no.

c. Anderson moved and Knudson seconded to proceed with advising the owners that their property at 136 E Rocksylvania and 134 E Rocksylvania need to be demolished.

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

d. Anderson moved and Knudson seconded to authorize the hiring of a structural engineer.

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

17. **Ordinances**

a. Anderson 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 Junk and Junk Vehicles. Anderson and Knudson amended their motion to include in definition after current year "as required by law".

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

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

c. Messa moved and Anderson seconded to approve on third and final reading Ordinance No. 1005 amending the Code of Ordinances of the City of Iowa Falls, Iowa, by amending provisions pertaining to Junk and Junk Vehicles.

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

d. Thies 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 Planning and Zoning Commission. Thies and Knudson amended their motion to take out section 23.05.08.

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

18. **Budget Amendment**

a. Mayor Welden opened the public hearing on an amendment to the FY2010-2011 Budget. City Clerk Jon Kies commented on the budget amendment. Mayor Welden closed the public hearing.

b. Messa moved and Knudson seconded to approve Resolution No. 2011-17 amending the current budget for the Fiscal Year ending June 30, 2011.

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

c. Anderson moved and Knudson seconded to schedule a public hearing on an amendment to the budget for the special meeting on Monday, June 6, 2011 at 6:30 p.m. this is due to increased insurance costs.

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

19. **Appointments**

a. Anderson moved and Hampe seconded to approve the appointment of Bob Rohlfen to the Planning & Zoning Commission for a five year term to expire May 2016.

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

b. No action was taken on the appointment of two members to the Board of Adjustment for five year terms to expire May of 2016.

ADJOURNMENT

Anderson moved and Thies seconded to adjourn.

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

The meeting adjourned at 9:20 p.m.

Jerrold Welden, Mayor

Attest:

Jon Kies, City Clerk