

**CITY OF IOWA FALLS  
REGULAR MEETING  
SEPTEMBER 16, 2024**

The City council of the City of Iowa Falls met in regular session on Monday, September 16, 2024 at 6:30 p.m. with Mayor Michael Emerson presiding over the meeting. Council members Bruce Thies, Micah Cutler, Roger Nissly, Steve Klein and Dave Henry were present. Also present was City Manager Kaci Elkin.

**ACCEPTANCE OF THE AGENDA**

Klein moved and Nissly seconded to accept the agenda, amending item No. 14, the item was removed until further notice.

Roll vote: Klein, Nissly, Thies, Cutler and Henry voting aye.

**APPROVAL OF MINUTES**

Thies moved and Nissly seconded to approve the minutes of the Regular Meeting of August 19, 2024.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

**APPROVAL OF MONTHLY CLAIMS AND FINANCIALS**

Cutler moved and Thies seconded to approve the monthly claims and financials.

Roll vote: Cutler, Thies, Nissly, Klein and Henry voting aye.

**CONSENT AGENDA:**

Nissly moved and Klein seconded to approve the following items:

1. **Liquor Licenses**
  - a. 5-day Special Class C Retail Alcohol License for Top of Iowa Lucky Wife, LLC at 523 Washington Avenue.
  - b. Class C Retail Alcohol License for The Five O Three.
  - c. Class E Retail Alcohol License for Rock C Liquor & Wine & Tobacco.
  - d. Class C Retail Alcohol License for Plaza Vera Cruz Mexican Restaurant.
  
2. **Street Closure**
  - a. Resolution No. 2024-44 closing Fischer Avenue from Washington Avenue to Linden Avenue from 9:00 am to 6:00 pm on October 6<sup>th</sup>, 2024 for a block party.
  
  - b. Noise Ordinance variance from 9:00 am to 6:00 pm on October 6<sup>th</sup>, 2024 for a block party.

3. **Rock Run School "STEM" Night**

Resolution No. 2024-45 closing College Avenue from North Street to Siloam Avenue from 5:30 pm to 7:00 pm on October 15<sup>th</sup>, 2024 for Rock Run STEM night to allow for parking of two semis for the kids to go in and out of.

Roll vote: Nissly, Klein, Thies, Cutler, and Henry voting aye.

**OLD BUSINESS**

4. **Palisades Estates Plat 2**

Cutler moved and Klein seconded to approve the pay application to Gehrke, Inc in the amount of \$279,019.93.

Roll vote: Cutler, Klein, Thies, Nissly and Henry voting aye.

5. **Palisades Estates Townhomes**

a. Nissly moved and Thies seconded to approve the revised townhome renderings.

Roll vote: Nissly, Thies, Cutler, Klein and Henry voting aye.

b. Klein moved and Nissly seconded to approve the final plat.

Roll vote: Klein, Nissly, Thies, Cutler, and Henry voting aye.

6. **Palisades Land Development**

a. Nissly moved and Cutler seconded to approve the reimbursement for Palisades Estates Plat 1 in the amount of \$2,634.59.

Roll vote: Nissly, Cutler, Thies, Klein and Henry voting aye.

b. Klein moved and Thies seconded to approve the reimbursement for Palisades Estates Plat 3 in the amount of \$1,109.96.

Roll vote: Klein, Thies, Cutler, Nissly and Henry voting aye.

7. **Urban Renewal Plan Amendment**

a. Mayor Emerson opened the Public Hearing on the proposed Amendment No. 16 to the Iowa Falls Urban Renewal Plan in the City of Iowa Falls, State of Iowa.  
No public comment.

b. Nissly moved and Cutler seconded to approve Resolution No. 2024-46 adding proposed urban renewal projects to the list to be undertaken within the Urban Renewal Area. No land is being added or removed from the Urban Renewal Area by this amendment.

Roll vote: Nissly, Cutler, Thies, Klein and Henry voting aye.

8. **England Commercial Rentals RHM, LLC**

Klein moved and Nissly seconded to approve first benchmark payment of \$700,000 to England Commercial Rentals RHM, LLC.

Roll vote: Klein, Nissly, Thies, Cutler, and Henry voting aye.

9. **Floodproofing Project**

Cutler moved and Nissly seconded to approve pay application #1 to Tricon General Construction Inc. for \$259,863 with funds coming from water/wastewater funds.

Roll vote: Cutler, Nissly, Thies, Klein and Henry voting aye.

10. **Pool concrete Project**

Thies moved and Cutler seconded to approve Change Order #1 of \$3,318.56 to King Construction for extra concrete with funds coming from 80% LOST.

Roll vote: Thies, Cutler, Nissly, Klein and Henry voting aye.

**NEW BUSINESS**

11. **Iowa Falls Housing Trust Fund**

Cutler moved and Henry seconded to approve Resolution No. 2024-47 to approve a local match of \$20,491 from CDBG Revolving Loan Fund for the Region 6 Housing Trust fund 2025 Application.

Roll vote: Cutler, Henry, Thies, Nissly and Klein voting aye.

12. **Mother Kluckers Poultry Processing Center LLC**

Cutler moved and Nissly seconded to approve Resolution No. 2024-48 fixing date for a public hearing on the proposal to enter into a development Agreement, with Mother Kluckers Poultry Processing Center LLC, and providing for publication of notice thereof, for the October 21, 2024 City Council meeting.

Roll vote: Cutler, Nissly, Thies, Klein and Henry voting aye.

13. **Meyer Purchase Agreement**

Klein moved and Nissly seconded to approve Meyer purchase agreement of \$200,000 plus closing costs with funds coming from water/wastewater cash.

Roll vote: Klein, Nissly, Cutler, Henry voting aye. Thies voting nay.

14. **Railroad St- water issues**

This item was removed until further notice.

15. **Property Maintenance Code**

Several citizens spoke in regards to property maintenance code violations in their neighborhood. Council directed city staff to implement municipal infraction citations.

16. **Abandoned Connections**

Council directed city staff to research what other cities dictate in their abandoned connections ordinance.

17. **Property Maintenance Code Ordinance**

a. Cutler moved and Thies seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to Property Maintenance Code Violations.

Roll vote: Cutler, Thies, Nissly, Klein and Henry voting aye.

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

Roll vote: Nissly, Klein, Thies, Cutler and Henry voting aye.

c. Cutler moved and Thies seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to Property Maintenance Code Violations.

Roll vote: Cutler, Thies, Nissly, Klein, and Henry voting aye.

18. **Pedestrian's Right-of-way Ordinance**

a. Klein moved and Henry seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to Pedestrian's Right-of-way.

Roll vote: Klein, Henry, Thies, Cutler, and Nissly voting aye.

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

Roll vote: Cutler, Thies, Nissly, Klein and Henry voting aye.

c. Thies moved and Nissly seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to Pedestrian's Right-of-way.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

19. **Publication of Minutes Ordinance**

a. Thies moved and Nissly seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to Publication of Minutes.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

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

Roll vote: Klein, Cutler, Thies, Nissly and Henry voting aye.

c. Thies moved and Nissly seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to Publication of Minutes.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

20. **Adult Establishment Nuisances Ordinance**

a. Cutler moved and Nissly seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, adding a new section pertaining to adult establishment nuisances.

Roll vote: Cutler, Nissly, Thies, Klein and Henry voting aye.

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

Roll vote: Thies, Klein, Cutler, Nissly and Henry voting aye.

c. Thies moved and Nissly seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, adding a new section pertaining to adult establishment nuisances.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

21. **Bond Requirements Ordinance**

a. Thies moved and Nissly seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to bond requirements.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

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

Roll vote: Cutler, Thies, Nissly, Klein and Henry voting aye.

c. Thies moved and Nissly seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to bond requirements.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

## 22. **Electronic Meetings Ordinance**

a. Klein moved and Nissly seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to electronic meetings.

Roll vote: Klein, Nissly, Thies, Cutler, and Henry voting aye.

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

Roll vote: Cutler, Thies, Nissly, Klein and Henry voting aye.

c. Thies moved and Nissly seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to electronic meetings.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

## 23. **Fire Officials Authority to Cite Violations Ordinance**

a. Thies moved and Cutler seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to fire officials authority to cite violations.

Roll vote: Thies, Cutler, Nissly, Klein and Henry voting aye.

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

Roll vote: Cutler, Nissly, Thies, Klein and Henry voting aye.

c. Nissly moved and Thies seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to fire officials authority to cite violations.

Roll vote: Nissly, Thies, Cutler, Klein and Henry voting aye.

24. **Operating Budget Preparation Ordinance**

a. Nissly moved and Cutler seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to operating budget preparation.

Roll vote: Nissly, Cutler, Thies, Klein and Henry voting aye.

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

Roll vote: Klein, Thies, Cutler, Nissly and Henry voting aye.

c. Thies moved and Cutler seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to operating budget preparation.

Roll vote: Thies, Cutler, Nissly, Klein and Henry voting aye.

25. **Property Rehabilitation Program**

Nissly moved and Henry seconded to approve rehabilitation program for city acquired properties.

Roll vote: Nissly, Henry, Thies, Cutler, and Klein voting aye.

26. **Parking Regulations Ordinance**

a. Klein moved and Thies seconded to approve on first reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to no parking on North Street.

Roll vote: Klein, Thies, Cutler, Nissly and Henry voting aye.

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

Roll vote: Nissly, Thies, Cutler, Klein and Henry voting aye.

c. Thies moved and Cutler seconded to approve on third and final reading an Ordinance amending the Code of Ordinances of the City of Iowa Falls, amending the provisions to no parking on North Street.

Roll vote: Thies, Cutler, Nissly, Klein and Henry voting aye.

27. **Halloween Trick or Treat**

Thies moved and Nissly seconded to set Halloween Trick or Treat for October 31st, 2024 from 5:00 p.m. to 7:00 p.m.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

28. **Appointments**

a. Klein moved and Nissly seconded to approve the Mayor's appointment of Daryl Wiese to the Historic Preservation Committee for terms to expire October 2027.

Roll vote: Klein, Nissly, Thies, Cutler, and Henry voting aye.

b. Nissly moved and Cutler seconded to approve the Mayor's appointment of James Hammann, Committee chair, to the Historic Preservation Committee for terms to expire October 2027.

Roll vote: Nissly, Cutler, Thies, Klein and Henry voting aye.

c. Thies moved and Nissly seconded to approve the Mayor's appointment of Tim Smith to the Historic Preservation Committee for terms to expire October 2027.

Roll vote: Thies, Nissly, Cutler, Klein and Henry voting aye.

d. Cutler moved and Thies seconded to approve the Mayor's appointment of Jessica Lara to the Historic Preservation Committee for terms to expire October 2027.

Roll vote: Cutler, Thies, Nissly, Klein and Henry voting aye.

**PUBLIC COMMENT**

29. **Closed session**

Klein moved and Nissly seconded to go into closed session as allowed in Iowa Code Section 21.5.1.c to discuss pending litigation, and Iowa Code Section 21.5.1.j to discuss land acquisition and disposal.

Roll vote: Klein, Nissly, Thies, Cutler, and Henry voting aye.

Cutler moved and Nissly seconded to go back into open session having taken no action in closed session.

Roll vote: Cutler, Nissly, Thies, Klein and Henry voting aye.

**PUBLIC COMMENT**

**ADJOURNMENT**

Thies moved and Klein seconded to adjourn.

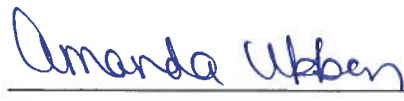
Roll vote: Thies, Klein, Cutler, Nissly and Henry voting aye.  
Meeting adjourned at 8:57 p.m.





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Mayor Michael Emerson



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Amanda Ubben, City Clerk