

Le Mars City Council Meeting
Tuesday, June 7, 2011, 12:00 P.M.
Minutes

Mayor Kirchoff presided. Present: Ihrke, Leonard, Knapp, Nelson, Rexwinkel. Absent: None.

NOTE: A hearing was held regarding amending wards and precincts and no oral or written objections were received.

Nelson moved, Ihrke seconded the first reading of Ordinance No. 893 amending Wards and Precincts be approved. On Roll Call: Ayes: Rexwinkel, Leonard, Knapp, Nelson, Ihrke. Nays: None.

Knapp moved, Ihrke seconded that the following items be approved under the "Consent Agenda." On Roll Call: Ayes: All present. Nays: None.

- Regular meeting minutes of May 17, 2011.
- List of bills for period ending 5/31/11.
- Revised Iowa Department of Transportation *Agreement for Maintenance and Repair of Primary Roads in Municipalities* for five (5) years (July 1, 2006 to June 30, 2011).
- The following appointments: Planning and Zoning Commission: Appoint Jim Gergeni and Wayne Schlotfeldt. Le Mars Historic Preservation Commission: Reappoint Kay Luckett and Iris Hemmingson and appoint Dennis Hill. Library Board of Trustees: Appoint Robbin Hermson and Jan Musson and reappoint Kathleen Kipp. Convention and Visitor Bureau (CVB): Appoint Danna Schuster and Dave Westergard and appoint Becky Klohs as a fourth at-large member. Le Mars Broadband Telecommunications Commission: Reappoint Dave Ruden.
- Renewal of Class E Liquor License and Class B Wine Permit to Hy Vee, and Class C Liquor License to Fraternal Order of Eagles and Archie's.

Knapp moved, Nelson seconded the offering of DAS 457 deferred compensation plan be approved. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Knapp seconded a \$25,000 pool of funds for non-bargaining performance based merit increases and increasing the non-bargaining employee health insurance rate by 2% be approved. On Roll Call: Ayes: All present. Nays: None.

Nelson moved, Ihrke seconded that bids for the Airport SRE Building be tabled for clarification and FAA funding is confirmed. On Roll Call: Ayes: All present. Nays: None.

Nelson moved, Leonard seconded the Preliminary Concept for the IA 3 West – Trail be approved and project be authorized to proceed to final design and bid letting. On Roll Call: Ayes: Nelson, Leonard. Nays: Rexwinkel, Ihrke, Knapp. Motion failed.

Knapp moved, Ihrke seconded a partial trail without a bridge for the IA 3 West – Trail be approved and staff be directed to investigate whether the project would still be eligible for federal funding. On Roll Call: Ayes: Knapp, Ihrke, Rexwinkel. Nays: Nelson, Leonard.

Knapp moved, Rexwinkel seconded the offer proposed by Side by Side, Inc. to donate Lots 18, 19, and 20 of Block 48 be accepted with the City to construct a parking lot as proposed. On Roll Call: Ayes: All present. Nays: None.

Rexwinkel moved, Nelson seconded the Engineering Agreement with Bolton & Menk, Inc. to perform an expanded scope of service for the Facility Plan for the Wastewater Treatment Plant at a cost of not to exceed \$30,000 be approved. On Roll Call: Ayes: All present. Nays: None.

Rexwinkel moved, Ihrke seconded trash be picked up every week for the four (4) months of June – September and restore the \$12.00/month charge. On Roll Call: Ayes: Rexwinkel, Ihrke. Nays: Knapp, Leonard, Nelson. Motion failed.

Nelson moved, Knapp seconded the three (3) Solid Waste Committee recommendations: 1) Council endorse the current alternating pickup program; 2) Council authorize the Committee to advertise and conduct special Citywide pickups as warranted; 3) Authorize a special pickup that individuals can request for \$7.00. On Roll Call: Ayes: Leonard, Knapp, Nelson. Nays: Ihrke, Rexwinkel.

Knapp moved, Rexwinkel seconded that staff prepare cost estimates and drawings of options 3, 5 and 7 regarding repairs at the intersection of Central Avenue and Plymouth Street. On Roll Call: Ayes: All present. Nays: None.

Nelson moved, Leonard seconded the Whitetopping concept for one block on 1st Avenue SW and one and one half blocks of 3rd Avenue SE be approved, and staff be authorized to obtain bids for same. On Roll Call: Ayes: Nelson, Knapp, Leonard, Rexwinkel. Nays: None. Abstain: Ihrke.

Leonard moved, Rexwinkel seconded the proposed 5-year storm design concept for Southdale Drive be approved and staff be authorized to contract Phase 1. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Leonard seconded to enter Closed Session under Iowa Code Section 21.5j where the disclosure of the discussion to purchase real estate would be to the disadvantage of the City. On Roll Call: Ayes: Rexwinkel, Nelson, Knapp, Ihrke, Leonard. Nays: None.

Ihrke moved, Knapp seconded to move out of Closed Session. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Leonard seconded to enter Closed Session under Iowa Code Section 388.9 "Competitive Information" where public disclosure would harm the City's competitive position. On Roll Call: Ayes: Rexwinkel, Nelson, Knapp, Ihrke, Leonard. Nays: None.

Ihrke moved, Knapp seconded to move out of Closed Session. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Leonard seconded to enter Closed Session under Iowa Code 21.5c concerning a matter that is presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. On Roll Call: Ayes: Rexwinkel, Nelson, Knapp, Ihrke, Leonard. Nays: None.

Ihrke moved, Knapp seconded to move out of Closed Session. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Leonard seconded to enter closed session per Iowa Code Section 21.5i to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual (Assistant City Administrator) requests a closed session. On Roll Call: Ayes: Rexwinkel, Nelson, Knapp, Ihrke, Leonard. Nays: None.

Ihrke moved, Knapp seconded to move out of Closed Session. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Leonard seconded to enter closed session per Iowa Code Section 21.5i to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual (City Administrator) requests a closed session. On Roll Call: Ayes: Rexwinkel, Nelson, Knapp, Ihrke, Leonard. Nays: None.

Ihrke moved, Knapp seconded to move out of Closed Session. On Roll Call: Ayes: All present. Nays: None.

Ihrke moved, Rexwinkel seconded the meeting be adjourned at 2:50 P.M. On Roll Call: Ayes: All present. Nays: None.

Beverly Langel, City Clerk

Dick Kirchoff, Mayor