

Council Proceedings
December 26, 2018

Mayor Pro Tem Wirin called the meeting to order at 12:00 PM, December 26, 2018, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Cahill, Gowdy, Hoop, Isom, Lamer, Martin and Wirin. Councilor Cahill asked the community to work together for improvement.

CONSENT AGENDA:

Isom moved to adopt the consent agenda: Approve Council Minutes, 12/10/2018; Approve Bill List, \$1,246,800.17; Approval Of 2019 Council Meeting Schedule And Announcing Trick Or Treat On October 31, 2019, From 5:30 Pm - 7:00 Pm; Receipt Of Civil Service - New Hire List - Fire Marshal; New Tree Trimmer - Custom Tree Care Inc.; RESOLUTION 2018-230 APPROVING SALARY ADJUSTMENT FOR CITY ADMINISTRATOR JESSICA KINSER; second by Gowdy. Motion carried 7-0.

RESOLUTIONS:

Lamer moved to adopt TENTATIVE 2018-231 RESOLUTION ACCEPTING SUBORDINATION AGREEMENT FOR PROPERTY INTEREST AT 904 W. NEVADA STREET, MARSHALLTOWN, IOWA 50158 BEING LEAD ABATEMENT PROJECT NO. 53504002, second by Isom. Housing and Community Development Director Spohnheimer reviewed the project, noting the city's subordinated position is somewhat secured as the assessed valuation of the property exceeds the debt. Public hearing is scheduled for January 14, 2019. Resolution adopted 7-0.

Lamer moved to adopt both items relating to the Iowa River Trail - Change Order And Certificate Of Completion: RESOLUTION 2018-232 APPROVING CONTRACT CHANGE ORDER #2 FOR THE PCC IOWA RIVER TRAIL PROJECT # 41016001 FOR GENERAL SUPPLIES FOR BOULDER CONTRACTING, LLC AN INCREASE OF \$24,599.66 and RESOLUTION 2018-233 APPROVING ENGINEER'S STATEMENT OF COMPLETION AND ACCEPTING THE PCC IOWA RIVER TRAIL, BEING PROJECT NO. 40115012, WITH A FINAL PROJECT COST IN THE AMOUNT OF \$819,018.83, second by Cahill. The City of Marshalltown owns all of the trail within Marshall County. The project is funded by state trail funds and private monies raised by the Iowa River Trail group. The change order resolution is to finalize quantities. There were no direct city funds spent on the project. The Iowa River Trails group was invoiced for construction inspection work performed by the city. Martin cautioned use of city staff administrative time. Anna Wolvers, 213 Thomas Drive, remarked about the splash pad. Resolution adopted 7-0.

Isom moved to adopt six resolutions relating to the Public Safety Building Project - Change Orders: RESOLUTION 2018-235 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP# 22-1 PLUMBING & MECHANICAL FOR TONY'S PLUMBING & HEATING LLC. AN INCREASE OF \$1,744.00; RESOLUTION 2018-236 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#2-1 SITE DEMOLITION AND EARTHWORK FOR CON-STRUCT, INC. AN INCREASE OF \$116,898.09; RESOLUTION 2018-237 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#2-2 SIDEWALKS & PAVING FOR CALIBER CONCRETE AN INCREASE OF \$1,795.00; RESOLUTION 2018-238 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#26-1 ELECTRICAL COMMUNICATIONS & SECURITY FOR DEVRIES ELECTRIC AN INCREASE OF \$21,021.44; RESOLUTION 2018-239 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#3-1 CONCRETE FOUNDATIONS FOR CALIBER CONCRETE AN INCREASE OF \$2526.00; RESOLUTION 2018-240 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-1 GYMPSUM WALL ASSEMBLIES FOR HILSABEK SCHACHT, INC. AN INCREASE OF \$801.00; second by Martin. The project is well, with \$1.3M currently unencumbered. Martin commented he doesn't like change orders. Resolution adopted 7-0.

Gowdy moved to adopt RESOLUTION 2018-241 TO RESCIND RESOLUTION 2018-208 AND TO APPROVE A REVISED OFFER TO BUY REAL ESTATE WITH COHEN ESREY FOR THE SALE OF CITY-OWNED PROPERTY LOCATED AT 213 EAST MAIN STREET, second by Isom. Cohen increased their amount to \$25,000. Lamer complained the removal of the city parking lot would disadvantage the E Main Street area near the Orpheum and the college satellite site on E Church St. The Downtown master plan will identify city parking lots, studying their utilization. Resolution adopted 6-1, Lamer dissented.

Mayor Pro Tem Wirin declared the public hearing open regarding the sale of 12, 20, And 26 East State Street. There were no written comments received by the clerk. Several individuals spoke, mark Eaton, Lee Bauder, and Linda Clark, relating to demolition of the building leased to the Senior Citizens group. The city council terminated the lease with the Senior Citizens group, a 501C(3) organization, months prior to the tornadic destruction of the building knowing the city could not afford to maintain two public buildings, with preference given to restoration or reconstruction of the Veterans Memorial Coliseum for optimal use by the public. The Senior group is leasing space at the Meadow Lane Mall. Mayor Pro Tem Wirin declared the public hearing closed at 12:44 PM.

With Resolutions 2018-242 & 2018-243

Isom moved to adopt RESOLUTION 2018-242 AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 12, 20 AND 26 EAST STATE STREET second by Cahill. Richard Sova, representing Landover Corporation, explained their desire is to support affordable housing in the area recently hit by the tornado. The building will have a 30 year life span. Several councilors wondered if Landover could increase the contribution amount. Resolution adopted 4-3 with Lamer, Gowdy and Hoop dissenting.

Isom moved to adopt RESOLUTION 2018-243 EXPRESSING INTENT TO CONSIDER A DEVELOPMENT AGREEMENT WITH LANDOVER CORPORATION FOR THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS, second by Cahill. Resolution adopted 4-3 with Lamer, Gowdy and Hoop dissenting.

Isom moved to adopt RESOLUTION 2018-244 SETTING PUBLIC OFFICE HOURS FOR CITY HALL AND CARNEGIE BUILDING COMPLEX, second by Wirin. Martin moved to table indefinitely, second by Cahill. Motion to table carried 4-3 with Wirin, Hoop and Isom dissenting.

DISCUSSION:

Administrator Kinser presented options for the council to consider at the January 14, 2019, council meeting and during FY2020 budget preparation:

1. Building Maintenance Fund. Recommendation to repeal any fund balance requirement for the building maintenance fund-031. Keeping the requirement restricts budgeting process.
2. Coliseum Fund. Eliminate fund 050 and move activities to the General Fund, maintaining separate revenue and expenses for those activities. Keeping the fund 050 requires additional staff time to manage.
3. Cash Reserve Fund - 010. The Cash Reserve has conflicting requirements in the City Code v. the Cash Management policy regarding these emergency reserve funds. Staff recommends funding at 15% to allow for utilization of funds above the 15% to be utilized for purposes approved by the Council. The recent tornadic destruction did not utilize the emergency cash reserve fund.
4. Local Option Sales tax Support of General Fund. In prior fiscal years, the 5% of Council-designated LOST was automatically placed in the General Fund. This changed last year when we removed 911 Communications from our budget and did not need a significant subsidy. Staff would like to have some direction from Council on the use of LOST in the General Fund, and if there is a percentage that is acceptable to include in the budget. We are estimating \$3 million in LOST to be received in fiscal year 2020, with 5% totaling \$150,000. RECOMMENDATION: Authorize the General Fund Budget to be prepared with the 5% allocation, or \$150,000, from the total 22% Council-designated allocation.
5. Funding for a Fire Truck Purchase in FY21. The current CIP includes the refurbishing of the aerial fire truck in fiscal year 2021 which was estimated at \$425,000. With a more refined estimate from a company, the new estimate to refurbish is more than \$800,000, while the purchase of a new truck is approximately \$1.2 million. Last year, we had planned to make this purchase with funds from the Capital Improvement tax levy (fund 032); however it would be impossible to do so at the new cost estimate while still trying to fund capital needs for other departments. RECOMMENDATION: To plan to borrow for the replacement of the fire truck in fiscal year 2021 (type of replacement to be determined).
6. Police/Fire Building Janitorial Position. The Police Department has a vacant part-time records position which they would like to convert to a janitorial position in the current fiscal year and in the future. This would not result in any additional expense to the City and would provide less expense for hired outside janitorial services to be provided at the new facility. This position would cover the PD and common areas, while the FD areas would be covered by staff. RECOMMENDATION- Consider a resolution on January 14th to create a part-time janitorial position.
7. Façade Grant Dollars. The City has requested TIF dollars for the Downtown Façade Grant program for many years, not all of which has been spent in each year which has created a fund balance of \$73,990. The separate accounting for these dollars within the Urban Renewal Area #4

dollars and within the larger TIF Fund (125) creates additional accounting which could be eliminated by transferring the dollars to the MCBF for administration, with the requirement of a quarterly report on how the dollars are spent. RECOMMENDATION: Consider an agreement with the MCBF on January 14th for the administration of the Façade Grant funds on-hand.

8. CVB Contract. The current contract with the CVB expires on June 30, 2019, and is currently funded at 67% of hotel/motel tax. The City is legally required to utilize 50% of hotel/motel tax for tourism purposes, meaning this is a contract that can be reduced. RECOMMENDATION- Begin work on a 2 year contract with the CVB to step down the hotel/motel tax contributions to 60% in FY2020 and 50% in FY2021.
9. Solid Waste Fees. The City collects a solid waste fee on all utility bills. This fee is then used to pay our portion of the operating revenue to the Marshall County Landfill. We tend to collect more in revenue than we have in expense, so the fee not paid out to the Landfill has been used to pay for the City-wide Clean-up events (around \$2,000) as well as offset the clean-up charges paid from the nuisance abatement/code enforcement function (around \$13,000). We have a balance of \$478,745 as of 06/30/18 in the General Fund of solid waste fees which have not been allocated from past years, and would like the Council to formalize a connection between these fees and the Dangerous & Dilapidated Building Fund. RECOMMENDATION: Consider a resolution on January 14th to authorize the transfer of Solid Waste Fee fund balance to Fund 355 (D&D) and to continue this practice with all un-budgeted/unspent Solid Waste Fees in future fiscal years.
10. Full-Time Transit Driver Position The Transit Department has budgeted for 5 part-time drivers in recent years. The department currently has 2 part-time employees and has not hired a part-time employee in almost 3 years. Adding 1 full-time position and continuing to budget for 3 part-time employees will help offset overtime costs of approximately \$28,000 annually, as well as keep administrative staff from having to drive routes. This will also be a more attractive opportunity to applicants due to benefits. RECOMMENDATION- Consider a resolution on January 14th to add a full-time driver position to the Transit budget for this current fiscal year.

PUBLIC COMMENT:

Brandon Mitchell, 3141 Garwin Road, had questions about the tree bid due later in the week. Anna Wolvers, 213 Thomas Drive, questioned about a contractor error. Linda Clark remembered councilor Robert Schubert. Wendy Reisinger, 507 Woodbury, identified debris in alley in 7th and 5th Avenue areas, commenting the city and school buses should be downsized.

CLOSED SESSION:

At 1:44 PM Lamer moved to enter into Closed session pursuant to Section 21.5, Subsection (1) Paragraph (i) OF THE CODE OF IOWA 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 requests a closed session The City of Marshalltown has an attorney-client relationship with Attorney Roger Schoell, appointed as City Attorney on May 5, 2014, by Council Resolution #2014-047; and with Lynch Dallas P.C., by Council Resolution #2017-093, approved May 8, 2017, second by Isom. Motion carried 7-0. At 6:30 PM Cahill moved to end closed session, second by Martin. Motion carried 7-0.

At 1:49 PM Cahill moved to exit closed session, second by Hoop. Motion carried 7-0. Open session roll call: All seven members present.

The council waited for members of the public to come into the council chambers.

At 1:50 PM, Hoop moved to approve RESOLUTION 2018-245 CONFIRMING APPOINTMENT OF GEOFF HUBBARD AS MARSHALLTOWN PARKS AND RECREATION DIRECTOR, second by Gowdy. Motion carried 7-0.

The meeting adjourned at 1:50 PM.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

Joel T.S. Greer, Mayor

Shari L. Coughenour, CMC, City Clerk