

Council Proceedings
May 28, 2019

Mayor Greer called the meeting to order at 5:30 PM, May 28, 2019, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Cahill, Hoop, Isom, Martin and Wirin. Absent: Lamer and Gowdy.

CONSENT AGENDA: Wirin moved to adopt the consent agenda: Approve Council Minutes, May 13, 2019, And Bill List Of \$6,650,401.84; Appoint Laura Eilers To Plan Zoning Commission, Replacing Sharon Greer; Reappoint Jon Boston And Angela Lins-Eich; RESOLUTION 2019-096 ACCEPTING BID AND AUTHORIZING THE PURCHASE OF ONE 2010 FORD F150 TRUCK FROM JENSEN FORD FOR THE PRICE OF \$22,500.00 FOR USE IN THE POLICE DEPARTMENT AS A DETECTIVE VEHICLE AND DECLARING CERTAIN PROPERTY SURPLUS PROPERTY, AND AUTHORIZING SALE AND DISPOSAL THEREOF TO JENSEN FORD, A 2005 DODGE RAM TRUCK FOR \$3,500.00; RESOLUTION 2019-097 APPROVING ADDENDUM TO RESOLUTION 2019- 012 ACCEPTING BID AND AUTHORIZING THE AWARD AND APPROVAL OF CONTRACT FOR THE CHIPPING OF TORNADO RELATED TREE DEBRIS PROJECT IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$59,980.00; RESOLUTION 2019-098 TRANSFERRING FUNDS FOR FISCAL YEAR 2018-2019 AND APPROVING APRIL FINANCIALS; TENTATIVE RESOLUTION 2019-113 ACCEPTING SUBORDINATION AGREEMENT FOR PROPERTY INTEREST AT 7 E LINCOLN STREET, MARSHALLTOWN, IOWA 50158 BEING LEAD ABATEMENT PROJECT NO. 53516071; RESOLUTION 2019-114 CONSENTING TO ASSIGNMENT OF TRUSTEE AGENT AGREEMENTS; ESCROW AGENT AGREEMENTS; AND/OR PAYING AGENT AND REGISTRAR AND TRANSFER AGENT AGREEMENTS; Approve Alcohol License Renewals: LC0033928, Midnight Ballroom, LLC, 1700 S. Center St. Ste A -1; LC0038534, Impala Ballroom, 1005 W. Lincoln Way; BB0027777, Central Iowa Fair, 1308 E Olive (Activity Bldg); LC0032676, El Portal, 1716 S. Center St.; BC0027487, Git N-Go Convenience Stores #34, 3302 S. Center St.; BC0027486, Git N-Go Convenience Stores #35, 902 W Lincoln Way; second by Isom. Motion carried 5-0.

MOTIONS

Martin moved to approve the new liquor license for the Marshalltown Arts Festival Event July 20, 2019, second by Isom. Motion carried 5-0.

REPORTS

The council received an update from the Marshall County Arts & Culture Alliance's Executive Director, Amber Danielson. Danielson spoke highly of the Convention & Visitor's Bureau Event Calendar and encouraged the community to utilize it for activities.

RESOLUTIONS

Isom moved to adopt RESOLUTION 2019-099 ALLOWING OPEN CONTAINERS ON PUBLIC WAYS FOR THE MARSHALLTOWN ART FESTIVAL ON JULY 20, 2019, second by Cahill. Hoop stated he opposed the idea, and wants to see the alcohol inside a fence. Resolution adopted 4-1, Hoop dissenting.

Wirin moved to adopt RESOLUTION 2019-100 APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH MCCLURE ENGINEERING COMPANY PROJECT ECO19001 IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$422,918.00, second by Isom. Public Works Director Nickel explained the extension of East Merle Hibbs Road to 12th Avenue will serve a heavy residential area east of Walmart with a future connection to Southridge Road for the development area. The agreement with McClure Engineering is for engineering services. The total project is estimated at \$3M, and will be completed in two phases, with phase 1 connecting E Merle Hibbs to Plaza Heights. The project is included in the capital improvement plan and funding is scheduled to be road use tax funds. Mark Eaton, 1007 S 7th Ave, asked if TIF will be used for the project. Curt Polley, 1706 W Olive Street, encouraged the council to proceed with the road extension, as larger development lots are needed. Jake Rowley, 718 S Center Street, encouraged builders to rebuild where the tornado hit. Resolution adopted 5-0.

Martin moved to adopt RESOLUTION 2019-101 APPROVING A FEE CHANGE AT THE MARSHALLTOWN COMPOST FACILITY BY THE CITY OF MARSHALLTOWN, IOWA, second by Cahill. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-112 SETTING DATE FOR PUBLIC HEARING ON AMENDMENT NO. 7 TO URBAN RENEWAL PLAN FOR MARSHALLTOWN URBAN RENEWAL AREA NO. 3, second by Wirin. The consultation meeting is set for June 3, 2019 at 11:00 am. The amendment expands the area on the west and the east. The amended plan includes a potential list of allowable projects, which are not binding. The plan sets out the allowable rebate programs, which sets the authority prior to negotiation. Rebates are to be less than 10 years and between \$10k to \$1M. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-102 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#7-1 MEMBRANE ROOFING AND WALL PANELS FOR BLACK HAWK ROOF COMPANY AN INCREASE OF \$369.00, second by Cahill. Public Works Director Nickel noted the city would be pursuing legal means to retrieve the overages caused by the masonry contractor. Each of the contractors on site experienced loss of material or time due to the masonry contractor failure. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-103 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#3-1 CONCRETE FOUNDATIONS FOR CALIBER CONCRETE AN INCREASE OF \$6,990.00, second by Wirin. Resolution adopted 5-0.

Wirin moved to adopt RESOLUTION 2019-104 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#5-1 STEEL FOR CENTRAL WESTERN FABRICATORS AN INCREASE OF \$32,277.00, second by Isom. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-105 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 \$8,205.25, second by Wirin. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-106 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#26-1 ELECTRICAL COMMUNICATIONS & SECURITY FOR DEVRIES ELECTRIC AN INCREASE OF \$181,940.09, second by Cahill. Resolution adopted 5-0.

Wirin moved to adopt RESOLUTION 2019-107 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#8-1 ALUMINUM STOREFRONTS, CURTAINWALLS FOR FORMAN FORD AN INCREASE OF \$2,830.00, second by Martin. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-108 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#6-1 GENERAL SUPPLIES FOR GARLING CONSTRUCTION AN INCREASE OF \$114,382.99, second by Cahill. Resolution adopted 5-0.

Isom moved to adopt RESOLUTION 2019-109 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-1 GYPSUM WALL ASSEMBLIES FOR HILSABEK SCHACHT, INC. AN INCREASE OF \$2438.00, second by Wirin. Resolution adopted 5-0.

Martin moved to adopt RESOLUTION 2019-110 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 \$11,608.96, second by Wirin. Resolution adopted 5-0.

PUBLIC HEARING

Mayor Greer called the public hearing open at 6:20 pm regarding the current year budget amendment. There were no written or public comments. Finance Director Steiner reviewed the proposed budget amendment, noting the revenue and expenditures exceeded the FYE 2018-2019 budget filing in March 2018, due to insurance proceeds and expenses caused by the July 19, 2018, tornado. The city will not receive FEMA reimbursement before the close of this fiscal year. Mayor Greer closed the public hearing at 6:22 pm. Wirin moved to adopt RESOLUTION 2019-111 ADOPTING FY2018-2019 BUDGET AMENDMENT, second by Cahill. Resolution adopted 5-0.

ORDINANCES:

Cahill moved to consider the third reading of and adopt ORDINANCE 14982 TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY AMENDING CHAPTER 20, SECTION 20-161 NO PARKING ANYTIME, BY ADDING NO PARKING ON EAST MAIN STREET BETWEEN 8TH AVENUE AND 9TH AVENUE, second by Martin. Ordinance and third reading adopted 5-0.

Isom moved to adopt the second reading of ORDINANCE 14983 ENACTING A CODE OF ORDINANCES FOR THE CITY OF MARSHALLTOWN, IOWA, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF MARSHALLTOWN, IOWA, DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY, second by Wirin. Second reading adopted 5-0.

DISCUSSION

Finance Director Steiner updated the council on the Police and Fire Building project, with uncommitted and unencumbered funds at \$622,132.84, included the change orders on this agenda, and answered

questions. Landscaping is part of Con-Struct’s contract, and the building’s completion date may be August 31, 2019.

PUBLIC COMMENT:

Mark Eaton, 1007 S 10th Avenue, asked about the deleted youtube council videos and suggested policy be made to protect content.

ADJOURNED:

The meeting adjourned at 6:36 PM

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

Joel T.S. Greer, Mayor

Shari L. Coughenour, CMC, City Clerk