

Council Proceedings
July 22, 2019

Mayor Greer called the meeting to order at 5:30 PM, July 22, 2019, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Gowdy, Hoop, Isom, Lamer, Martin, Wirin. Absent: Cahill.

CONSENT AGENDA: Wirin moved to adopt the consent agenda: Approve Minutes for 7/8/2019, Bill List Of \$1,832,156.31; Approve May 2019 Financial Statements; Boards & Commissions: Reappointments: Library Board, Maureen Lyons, term expires 7/1/2025; Housing Appeals Board, Karen Shipley Cooper, term expires 9/1/2025; Solid Waste Commission, Merrill Price, term expires 9/1/2025; Accept Resignation from Julie Squiers for the Fisher Center Board; Receipt Of Board & Commission Members Vacancy List: Fisher Center Board; Vacant - one public member, indefinite term; Solid Waste Commission; Vacant - two public members, five year terms; Electrician Examining Board Vacant - licensed journeyman, three years term, Vacant - licensed as restricted, three years term, Vacant - licensed contractor, three years term; Public Housing Advisory Governing Board, Vacant - Resident Advisory Board member, one year term; Dangerous Building Board of Appeals Vacant - one public member, term is indefinite; Electric Appeals Board, Vacant - three public members, six year terms; Housing Appeals Board; Vacant - one member, indefinite term with Required experience: Iowa Registered Architect or Engineer; Uniform Building Board of Appeals; Vacant - one member, five year term; RESOLUTION 2019-162 TRANSFERRING FUNDS FOR FISCAL YEAR 2018-2019; RESOLUTION 2019-163 DECLARING CERTAIN PROPERTY SURPLUS PROPERTY AND AUTHORIZING SALE AND DISPOSAL THEREOF, 1978 CASE BACKHOE AND A HYDRAULIC PAVING BREAKER; RESOLUTION 2019-164 APPROVING QUOTE AND AWARD TO HAY CONSTRUCTION SERVICES, INC. FOR THE INSTALLATION OF THE CITY HALL WEST ANNEX WALL IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$71,845.00; RESOLUTION 2019-165 APPROVING AMENDED ENGINEERING SERVICES AGREEMENT FOR THE 2014 SANITARY SEWER REHABILITATION PROJECT # 59014007 FOR FOX ENGINEERING ASSOCIATES, INC AN INCREASE OF \$14,303.00; RESOLUTION 2019-166 AUTHORIZING THE PURCHASE OF A FALCON ASPHALT RECYCLER & HOT BOX TRAILER FOR THE STREET DEPARTMENT, FROM FOR THE PRICE OF \$32,375.00; RESOLUTION 2019-167 APPROVING QUOTE AND AWARD TO CIRO DIORIO MASONRY & LANDSCAPING FOR THE REPAIR OF THE SALT STORAGE BUILDING PROJECT TOR18018 IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$99,090.00; RESOLUTION 2019-168 APPROVING QUOTE AND AWARD TO CLEAR SPAN FABRIC STRUCTURES INTERNATIONAL FOR THE SALT STORAGE BUILDING REPAIR PROJECT TOR18018 IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$92,950.00; RESOLUTION 2019-173 APPROVING ENGINEER'S STATEMENT OF COMPLETION AND ACCEPTING THE IOWA RIVER TRAIL PHASE 3, BEING PROJECT NO. TRL17001, WITH A FINAL PROJECT COST IN THE AMOUNT OF \$224,671.20; RESOLUTION 2019-174 APPROVING CONTRACT CHANGE ORDER #1 FOR THE IOWA RIVER TRAIL PHASE 3 PROJECT #TRL17001 A DECREASE OF \$20,666.65; Renewal Liquor Licenses (September) ; Wal-Mart Supercenter #581, 2802 S Center St; Casey's General Store #3508, 108 Iowa Ave W; Calvin Rockett, 2013 South Center St; La Raza Taco Shop, 822 North 3rd Avenue; Totem Bowl, 1101 S 6th Street; second by Isom. Motion carried 6-0.

RESOLUTIONS

Isom moved to adopt RESOLUTION 2019-169 APPROVING THE CREATION OF A FULL-TIME TRANSIT OPERATIONS ASSISTANT II IN FISCAL YEAR 2019, second by Wirin. Resolution adopted 6-0.

Isom moved to adopt TENTATIVE RESOLUTION 2019-170 PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO THE PROPERTY HEREIN DESCRIBED, 108 N 7th AVENUE, FROM THE CITY OF MARSHALLTOWN, IOWA TO DAN OSWALD, second by Lamer. Resolution adopted 6-0.

Gowdy moved to adopt TENTATIVE RESOLUTION 2019-171 PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO THE PROPERTY HEREIN DESCRIBED, 707 S 4TH STREET, FROM THE CITY OF MARSHALLTOWN, IOWA TO MARSHALLTOWN WATER WORKS, second by Wirin. Resolution adopted 6-0.

Martin moved to adopt RESOLUTION 2019-172 TO APPROVE FEDERAL GRANT AGREEMENT #3-19-0058-016-2019 TO CONSTRUCT T-HANGAR: PHASE 1 FOR THE MARSHALLTOWN MUNICIPAL AIRPORT PROJECT ARP19001, second by Lamer. Resolution adopted 6-0.

Wirin moved to approve both Building Code And Facade Grant Items for 30 W Main Street, Resolution 2019-175 To Approve Code Building Upgrade At 30 E. Main Street and Resolution 2019-176 To Approve Facade Application At 30 E. Main Street, as one item, second by Isom. Motion carried 6-0. Wirin moved to adopt both Resolutions, second by Isom. Resolutions adopted 6-0.

Lamer moved to adopt the Resolutions approving the following Police And Fire Building Change Orders: RESOLUTION 2019-177 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 \$468.56; RESOLUTION 2019-178 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#21-1 FIRE SUPPRESSION FOR BLACKHAWK AUTOMATIC SPRINKLER A DECREASE OF \$193.15; RESOLUTION 2019-179 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#26-1 ELECTRICAL COMMUNICATIONS & SECURITY FOR DEVRIES ELECTRIC A DECREASE OF \$1,360.50; RESOLUTION 2019-180 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#3-1 CONCRETE FOUNDATIONS FOR CALIBER CONCRETE A DECREASE OF \$3867.38; RESOLUTION 2019-181 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#5-1 STEEL FOR CENTRAL WESTERN FABRICATORS A DECREASE OF \$16,373.11; RESOLUTION 2019-182 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#6-1 GENERAL SUPPLIES FOR GARLING CONSTRUCTION AN INCREASE OF \$14,911.91; RESOLUTION 2019-183 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#8-1 ALUMINUM STOREFRONTS,CURTAINWALLS GLAZING FOR FORMAN FORD AN INCREASE OF \$18,678.64; RESOLUTION 2019-184 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-1 GYMPSUM WALL ASSEMBLIES FOR HILSABEK SCHACHT, INC. A DECREASE OF \$618.00; RESOLUTION 2019-185 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-2 FLOOR COVERINGS FOR ALLIED CONSTRUCTION SERVICES, INC. AN INCREASE OF \$6143.00; RESOLUTION 2019-186 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-3 PAINTING FOR HEARTLAND FINISHES AN INCREASE OF \$3798.65; second by Gowdy. Resolutions adopted 6-0.

PUBLIC HEARING

Mayor Greer called the public hearing open at 5:53 PM for the plans and specifications for the WPCP CONCRETE REPAIR PHASE 3 Project WPC19001. There were no written or public comments. Superintendent Ranson explained the project replaces concrete laid in 1938. Mayor Greer closed the public hearing at 5:55 PM.

Wirin moved to adopt RESOLUTION 2019-187 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE WPCP CONCRETE REPAIR PHASE 3 PROJECT, IN THE CITY OF MARSHALLTOWN, IOWA, BEING PROJECT NO. WPC19001, second by Martin. Resolution adopted 6-0.

Mayor Greer called the public hearing open at 5:56 PM for the plans and specifications for the ANSON PARK Project PRK19001. There were no written or public comments. Bolton & Menk's Landscape Architect Casey Byers was present to answer questions. Mayor Greer closed the public hearing at 5:57 PM.

Gowdy moved to adopt RESOLUTION 2019-188 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE ANSON PARK PROJECT, IN THE CITY OF MARSHALLTOWN, IOWA, BEING PROJECT NO. PRK19001, second by Isom. Resolution adopted 6-0.

ORDINANCES

Mayor Greer called the public hearing open at 5:57 PM for the plans and specifications for adopting codes by reference relating to building codes. There were no written or public comments. City Administrator Kinser summarized the references and indicated the City is now on the same code edition as the State. Staff have made amendments outlined in the ordinance, authorized by council. Mayor Greer closed the public hearing at 5:58 PM.

Lamer moved to adopt the third reading and Ordinance 14984 Adopting 2015 Building Code, second by Wirin. AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MARSHALLTOWN, IOWA, BY REPEALING CHAPTER 151, SECTIONS 151.001 THROUGH 151.003 THEREOF ENTITLED "BUILDING CODE," CONSISTING OF THE INTERNATIONAL BUILDING CODE (IBC), 2006 EDITION AS AMENDED; AND ENACTING AND ADOPTING A NEW CHAPTER 151, SECTIONS 151.001 THROUGH 151.003 IN LIEU THEREOF ENTITLED "BUILDING CODE," BEING THIS ORDINANCE HEREAFTER SET OUT, WHICH ADOPTS BY REFERENCE, WITH CERTAIN AMENDMENTS, THE INTERNATIONAL BUILDING CODE 2015 EDITION, INTERNATIONAL RESIDENTIAL CODE 2015 EDITION, AND THE INTERNATIONAL EXISTING BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., REGULATING BUILDING CONDITIONS AND REQUIREMENTS IN THE CITY OF MARSHALLTOWN, IOWA; AND CONTINUE A BUILDING DEPARTMENT AND PROVIDING FOR A BUILDING OFFICIAL THEREOF, AND DEFINING THEIR POWERS AND DUTIES IN THE

ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; AND BY REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THERE WITH. Third reading and Ordinance adopted 6-0.

Mayor Greer called the public hearing open at 5:58 PM for the plans and specifications for adopting codes by reference relating to fire codes. The clerk received one written comment against open burning provisions from Sally Wilson. Sally Wilson and Linda Clark commented against the open burning provisions. Fire Chief Rierson reviewed the code references. The council made amendments to the open burning provisions. Mayor Greer closed the public hearing at 6:08 PM.

Wirin moved to adopt the final reading and Ordinance 14985 Adopting 2015 Fire Code, second by Isom. AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MARSHALLTOWN, IOWA, BY REPEALING CHAPTER 91 THERE OF ENTITLED “FIRE PREVENTION CODE,” CONSISTING OF THE INTERNATIONAL FIRE CODE (IFC), 2006 EDITION AS AMENDED; AND ENACTING AND ADOPTING A NEW CHAPTER 91 IN LIEU THEREOF ENTITLED “FIRE PREVENTION CODE,” BEING THIS ORDINANCE HEREAFTER SET OUT, WHICH ADOPTS BY REFERENCE, WITH CERTAIN AMENDMENTS, THE INTERNATIONAL FIRE CODE 2015 EDITION, INCLUDING APPENDICES A, B, C, D, E, F, G, H, I, J, K, L, AND M AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., REGULATING CONDITIONS HAZARDOUS TO LIFE AND/OR PROPERTY FROM FIRE OR EXPLOSION IN THE CITY OF MARSHALLTOWN, IOWA; AND CONTINUE A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREOF, AND DEFINING THEIR POWERS AND DUTIES IN THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; AND REGULATION THE PROHIBITION, STORAGE, HANDING AND USE OF FLAMMABLE OR COMBUSTIBLE OR HAZARDOUS MATERIAL, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND BY REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THERE WITH. Third reading and Ordinance 14985 adopted, 5-1, with Hoop opposed.

Martin moved to adopt the third reading of and ORDINANCE 14986 PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN AMENDMENT NO. 7 TO THE URBAN RENEWAL PLAN FOR MARSHALLTOWN URBAN RENEWAL AREA NO. 3, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA, second by Isom. Ordinance 14986 adopted 6-0.

DISCUSSION:

The council discussed proceeding with the quiet zone study, looking at four major crossings at grade level. The council expressed interest in holding a public meeting and conducting online surveys to gather more information.

Public Works Director Nickel updated the council on the 12th Avenue Shared Use Path, which was noted as a council priority and to provide safety for pedestrians. 12th Avenue abuts both industrial and residential areas. Proposed width of path is 8’ wide from Anson Street south to Emerson’s entrance south of Olive Street, 5’ wide on 17th Avenue south to Olive Street, and 5’ wide on Olive Street from 17th Avenue to 12th Avenue. The city is responsible for maintenance of and clearing of paths 8’ wide and over, which includes the entire length of 12th Avenue. The adjacent property owners are responsible for maintenance of and clearing of paths and sidewalks less than 8 feet wide. Initial work concluded the sidewalk is more appropriate to be built on the east side of 12th Avenue, due to residential obstacles on the west side. The city held a meeting for the impacted property owners. Several have stated opposition to the industrial area having the path, citing safety issues with industrial traffic. Comments against included Steffens, Kilstroms, and Gary Thompson. Thompson suggested moving the 17th Avenue halfway house, which appeared to benefit for installation of the path. The council discussed additional users for the path, including eventual sidewalk access to the soccer field on S 18th Avenue. Nickel stated all properties require temporary easements with most requiring permanent easement for construction of the paths. Lamer stated he was opposed to use of eminent domain, that in his experience, it is possible to come to an agreement with eminent domain. Nickel stated it was his intent to fairly negotiate with the property owners, and in his experience eminent domain is a fair process for both the city and property owners, utilizing outside persons to assign value to the property requested for the project. Nickel asked the council to consider a resolution providing for the use of eminent domain at the next meeting, to hedge against any negotiation opposition. (Postscript note: halfway houses are not allowed in residential zoned districts)

The council reviewed the incentives available to property owners within the Urban Renewal Area No 4, also known as the Downtown Area, as requested by Lamer, for discussion of ways the City can support facades and code compliance for new buildings, through a similar program as the MCBBD’s façade and code compliance grant programs.

PUBLIC COMMENT:

There were no comments from the public.

ADJOURNED:

The meeting adjourned at 7:48 PM

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

Joel T.S. Greer, Mayor

Shari L. Coughenour, CMC, City Clerk