

Council Proceedings
August 26, 2019

Mayor Greer called the meeting to order at 5:30 PM, August 26, 2019, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Cahill, Gowdy, Hoop, Isom, Martin, Wirin. Absent: Lamer.

Awards: Years of Service: Greg Pepper - 20 years; Joa LaVille - 20 years; Vern Jefferson - 15 years; Ann Rolston - 10 years; Promotion to Fire Lieutenant, Nathan White; New Firefighter Ceremony - Cody German.

CONSENT AGENDA: Isom moved to adopt the amended consent agenda: Approve Minutes, August 12, 2019, And Bill List, \$1,216,422.31; Receipt Of Civil Service New Hire Lists - Fire Lieutenant And Transit Operations Assistant; RESOLUTION 2019-207 ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A 2020 CHEVROLET SILVERADO FOR THE STREET DEPARTMENT, FROM KARL CHEVROLET FOR THE PRICE OF \$26,829.50, AND DECLARING SURPLUS A 2017 DODGE RAM; RESOLUTION 2019-208 ACCEPTING BID AND AUTHORIZING THE PURCHASE OF ONE 2020 FORD F350 TRUCK FROM JENSEN FORD FOR THE PRICE OF \$29,813.00 FOR USE IN THE PARKS DEPARTMENT AND DECLARING CERTAIN PROPERTY SURPLUS PROPERTY, AND AUTHORIZING SALE AND DISPOSAL THEREOF TO JENSEN FORD, A 2005 FORD F350 TRUCK FOR \$1,000.00; RESOLUTION 2019-209 APPROVING 28E INTERAGENCY AGREEMENT BETWEEN IOWA DEPARTMENT OF INSPECTIONS AND APPEALS AND CITY OF MARSHALLTOWN, AGREEMENT EXPIRES AUGUST 22, 2020; RESOLUTION 2019-210 DECLARING CERTAIN PROPERTY SURPLUS PROPERTY AND AUTHORIZING SALE AND DISPOSAL THEREOF, STREET DEPARTMENT MACHINERY AND EQUIPMENT; RESOLUTION 2019-211 AUTHORIZING NEGOTIATION OF AND APPROVAL OF AGREEMENT WITH REGION 6 RESOURCE PARTNERS FOR PROFESSIONAL HOUSING TECHNICAL SERVICES RELATING TO ADMINISTRATION OF CDBG GRANT, NOT TO EXCEED \$24,000; RESOLUTION 2019-212 APPROVING ADDITIONAL PURCHASES FOR THE POLICE AND FIRE BUILDING; RESOLUTION 2019-213 AUTHORIZING HIRING OF POLICE RESERVE OFFICER ROBERTO GONZALEZ; Liquor License Renewals: Old Timers Tavern, 401 S Center St; Hy-Vee Drugstore, 1708 S Center St.; Fiddle & Whistle Pub, 20 West Main Street; Kwik Star # 394, 2500 S Center Street; Zamora Fresh Market, 4 E Main Street; Aldi, Inc. #43, 2405 S. Center St; second by Wirin. Motion carried 6-0.

REPORT

Police Chief Tupper presented the Marshalltown PD Annual Report for 2018 and invited the public to the Open House and Ribbon Cutting Ceremony for the new Police & Fire Building, 909 S 2nd Street, on September 26, 2019, at 6 PM.

RESOLUTIONS

Gowdy moved to adopt RESOLUTION 2019-214 APPROVING OPEN CONTAINER AND LIQUOR LICENSE FOR OKTEMBERFEST, second by Isom. Resolution adopted 5-1, Hoop dissenting.

Martin moved to adopt RESOLUTION 2019-215 APPROVING A FACILITIES MASTER AGREEMENT WITH YOUTH AND SHELTER SERVICES OF MARSHALL COUNTY, second by Wirin. Resolution adopted 6-0.

Isom moved to adopt RESOLUTION 2019-216 AUTHORIZING THE CONVERSION OF HIGHWAY 14 RECALL DETECTING LOOPS TO RECALL DETECTING CAMERAS, AND PURCHASING EQUIPMENT FROM MOBOTREX FOR THE PRICE OF \$98,187.00, second by Gowdy. The electronic equipment replaces outdated signal actuating loops in the pavement. Resolution adopted 6-0.

Isom moved to adopt RESOLUTION 2019-217 APPROVING A PLANNER POSITION WITH PARTIAL GRANT FUNDING, second by Gowdy. Resolution adopted 6-0.

Wirin moved to adopt RESOLUTION 2019-219 OF SUPPORT FOR THE APPLICATION TO THE IOWA DOT RISE GRANT LOCAL DEVELOPMENT PROGRAM FOR THE EDGEWOOD EXTENSION, second by Isom. Resolution adopted 6-0.

Wirin moved to adopt RESOLUTION 2019-220 APPROVING AN ECONOMIC DEVELOPMENT GRANT TO SHANE ECKLOR FOR DEMOLITION, second by Isom. Resolution adopted 5-1, Hoop dissenting.

Isom moved to adopt the following RESOLUTIONS for CHANGE ORDERS FOR THE POLICE & FIRE BUILDING, second by Wirin. RESOLUTION 2019-221 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 \$22,798.08; RESOLUTION 2019-222 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT #BLD17001 BP#21-1 FIRE SUPPRESSION FOR BLACKHAWK

AUTOMATIC SPRINKLER AN INCREASE OF \$675.38; RESOLUTION 2019-223 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT #BLD17001 BP#26-1 ELECTRICAL COMMUNICATIONS & SECURITY FOR DEVRIES ELECTRIC AN INCREASE OF \$5959.56; RESOLUTION 2019-224 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT #BLD17001 BP#3-1 CONCRETE FOUNDATIONS FOR CALIBER CONCRETE AN INCREASE OF \$2462.50; RESOLUTION 2019-225 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT #BLD17001 BP#6-1 GENERAL SUPPLIES FOR GARLING CONSTRUCTION AN INCREASE OF \$2,765.43; RESOLUTION 2019-227 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT #BLD17001 BP#8-1 ALUMINUM STOREFRONTS, CURTAINWALLS FOR FORMAN FORD, INCREASE OF \$16,191.00; RESOLUTION 2019-228 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT #BLD17001 BP#9-1 GYMPSUM WALL ASSEMBLIES FOR HILSABEK SCHACHT, INC. AN INCREASE OF \$15,902.53. Resolutions adopted 6-0.

Wirin moved to adopt RESOLUTION 2019-226 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 \$11,351.10, second by Cahill. Resolution adopted 6-0.

PUBLIC HEARING – federal grant award

Mayor Greer called the public hearing open at 6:13 PM. There were no written or public comments. The grant is shared with the county 50%. The city will use their share of the grant to repair training equipment. Mayor Greer closed the public hearing at 6:14 PM.

Wirin moved to adopt RESOLUTION 2019-229 APPROVING INTERLOCAL GRANT AGREEMENT FOR THE IOWA/BYRNEJUSTICE ASSISTANCE GRANT PROGRAM (JAG) \$18,918.00 SPLIT 50% WITH MARSHALL COUNTY, TO ASSIST WITH LAW ENFORCEMENT PROGRAMMING OR EQUIPMENT PURCHASES, AND APPROVAL OF MEMORANDUM OF UNDERSTANDING TO SHARE GRANT FUNDS WITH MARSHALL COUNTY, second by Isom. Resolution adopted 6-0.

PUBLIC HEARING – Development Agreement, Downtown TIF Urban Renewal Area #4

Mayor Greer called the public hearing open at 6:15 PM. There were no written or public comments. The Development Agreement is to not exceed \$400,000 for actual improvements. The council will consider and act on the Development Agreement at a later date. Mayor Greer closed the public hearing at 6:19 PM.

Martin moved to adopt RESOLUTION 2019-230 DEFERRING CONSIDERATION OF AN AGREEMENT WITH FLINT HILL HOLDINGS, second by Cahill. Resolution adopted 6-0.

DISCUSSION:

DISCUSSION - ZONING AMENDMENT TO RC, REGIONAL COMMERCIAL PERMITTED AND SPECIAL USES: Several citizens spoke against the zoning change that would allow external storage as a special use in a Regional Commercial Zone. The Plan Zoning Commission recommended not to move forward with a 4-1 vote on August 5, 2019. U-Haul was present and discussed their plan for the old Kmart Lot on S Center Street. Martin moved to deny the amendment as presented, second by Hoop. Motion carried 4-2, Hoop and Cahill dissenting.

DISCUSSION - ZONING AMENDMENT TO M2, HEAVY INDUSTRY PERMITTED AND SPECIAL USES: Several citizens spoke against the zoning change that would allow livestock in a M2, Heavy Industry Zone. Representatives of Parks of Iowa, LC, were present, including the Owner, Lawrence Parks of Wallace, North Carolina, and discussed their plan for the parcel on the NE corner of E Main Street and 18th Avenue, at 2821 E Main Street. Hoop moved to not consider this issue any further, second by Cahill. Motion carried 6-0. DISCUSSION - RE-ZONING OF 2821 E MAIN STREET FROM A1, AGRICULTURAL RESERVE TO M2, HEAVY INDUSTRY. Hoop moved to not consider this issue any further, second by Wirin. Motion carried 6-0.

POLICE & FIRE BUILDING UPDATE: Bond revenue with interest is \$18.2M, with \$15.8M spent, which was before the change orders that were approved at tonight's meeting, leaving about \$515,000 uncommitted. Cahill praised the staff and contractors working on the project, keeping it under budget.

Isom asked about the mason issue, how much of the expense can be recovered. Nickel replied that is unknown at this time.

Leigh Bauder, 402 Orchard Drive, thanked the council for listening to the public comments in the discussion segment of the meeting.

CLOSED SESSION – REAL ESTATE:

At 7:43 pm, Isom moved to enter into closed session pursuant Section 21.5 subsection (1) paragraph (j) OF THE CODE OF IOWA to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, second by Cahill. 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. There may be council action by motion following the closed session if directed by the city's attorney.

At 8:00 PM, Gowdy moved to enter into open session, second by Wirin. Motion carried 6-0.

ADJOURNED:

The meeting adjourned at 8:01 PM

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

Joel T.S. Greer, Mayor

Shari L. Coughenour, CMC, City Clerk