

Council Proceedings
October 14, 2019

Mayor Greer called the meeting to order at 5:30 PM, October 14, 2019, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Cahill, Gowdy, Hoop, Isom, Lamer, Martin, Wirin. Martin reminded individuals to attend the Senior Citizens open house at the Fisher Community Center Friday, October 18, and thanked the Library for providing community programming, specifically enjoying the Celtic Guitar Concert. Transit Director Kevin Pigors was recognized for receiving the Federal Transit Award, with ridership increasing by 11%. City Administrator Kinser was recognized for receiving the Rhonda Wood Smith Award by the Iowa League of Cities. Carol Hibbs was recognized for her leadership at the Community Y.

CONSENT AGENDA:

Wirin moved to adopt the Consent agenda: Approve Council Minutes, September 23, September 30, 2019 And Bill List Of \$2,089,121.23; Motion Amending Minutes Re Settlement Agreement Per Legal Counsel; RESOLUTION 2019-248 AUTHORIZING TRANSFER OF DISPATCH EQUIPMENT TO MARSHALL COUNTY COMMUNICATIONS COMMISSION, second by Isom. Motion carried 7-0.

MOTIONS

Wirin moved to approve Tannin, Inc., Temporary Liquor License Transfer For Event, At 2 N 2nd Ave For Event, November 5, 2019, second by Martin. Motion carried 6-1, Hoop dissenting.

REPORTS

Marshall County Arts & Culture Alliance, Executive Director, Amber Danielson announced the Selection of Public Art Finalist for Police and Fire Safety Building Selection, Frank Swanson, of Littleton, Colorado. The stone sculpture is named "Symbiosis."

RESOLUTIONS:

Lamer moved to adopt RESOLUTION 2019-249 WAIVING THE POLICY FOR THE NAMING, DEDICATION, AND SPONORSHIP OF CITY FACILITIES TO DEDICATE THE POLICE AND FIRE BUILDING TO MAYOR TOMMY THOMPSON AND THE TRAINING ROOM TO COUNCIL MEMBER ROBERT SCHUBERT, second by Gowdy. Plaques will be placed in the lobby and training room areas. Resolution adopted 7-0.

Lamer moved to adopt RESOLUTION 2019-250 CREATING A \$50,000 INCENTIVE FOR NEW CONSTRUCTION PROJECTS LOCATED IN URBAN RENEWAL AREA #4, second by Cahill. Resolution adopted 7-0.

Isom moved to adopt RESOLUTION 2019-251 APPROVING AN ECONOMIC DEVELOPMENT GRANT TO GARRET GOODMAN FOR 7 ½ EAST STATE STREET, second by Wirin. Resolution adopted 6-1, Hoop dissenting.

Martin moved to adopt RESOLUTION 2019-252 APPROVING AGREEMENT WITH IMPACT7G, INC., RELATING TO INSPECTION RELATED SERVICES ASSOCIATED WITH THE HUD LEAD BASED PAINT HAZARD REDUCTION PROGRAM (IALHB0665-18), second by Gowdy. Resolution adopted 7-0.

Cahill moved to adopt RESOLUTION 2019-253 TO FIX A DATE FOR PUBLIC HEARINGS ON LOAN AGREEMENTS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$9,730,000, second by Isom. Set three hearings to be held on October 28, 2019, at the 5:30 PM Regular City Council Meeting: (1) GENERAL OBLIGATION ESSENTIAL PURPOSES. \$8,830,000 for the purposes of paying the cost, to that extent, of constructing improvements to streets, sidewalks, storm sewers, and municipal parks; replacing a bridge; and refunding the outstanding balance of the City's General Obligation Corporate

Purpose Bonds, Series 2011, (2) GENERAL OBLIGATION SCHOOL DISTRICT TENNIS COURTS, not to exceed \$300,000 for the purpose of entering into a cooperative agreement with the Marshalltown Community School District and paying a portion of the costs of constructing tennis courts on property owned by the School District, (3) GENERAL OBLIGATION RAILROAD QUIET ZONE - not to exceed \$600,000 for the purpose of paying a portion of the costs of projects to be undertaken by Union Pacific Railroad to reconstruct certain railroad street crossings and replace existing crossing gates, as part of the establishment of a Quiet Zone. Resolution adopted 4-3, Gowdy, Hoop and Lamer dissenting.

Cahill moved to adopt RESOLUTION NO. 2019-267 SETTING DATE FOR PUBLIC HEARING ON A DEVELOPMENT AGREEMENT WITH JOSE ANGEL REGALADO, INCLUDING ECONOMIC DEVELOPMENT PAYMENTS IN AN ESTIMATED AMOUNT NOT TO EXCEED \$850,000, second by Wirin. Resolution adopted 7-0.

Gowdy moved to adopt RESOLUTION 2019-254 APPROVING CONTRACT CHANGE ORDER FOR THE DEMOLITION OF THE SENIOR CITIZENS BUILDING PROJECT #TOR18006 FOR LANSING CONSTRUCTION, AN INCREASE OF \$39,298.11, second by Isom. Resolution adopted 7-0.

Lamer moved to adopt the following resolutions: RESOLUTION 2019-255 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 \$1,600.00; RESOLUTION 2019-256 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#3-1 CONCRETE FOUNDATIONS FOR CALIBER CONCRETE AN INCREASE OF \$1,626.50; RESOLUTION 2019-257 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#5-1 STEEL FOR CENTRAL WESTERN FABRICATORS AN INCREASE OF \$3595.00; RESOLUTION 2019-258 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#6-1 GENERAL SUPPLIES FOR GARLING CONSTRUCTION AN INCREASE OF \$1958.14; RESOLUTION 2019-259 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 \$9,494.00; RESOLUTION 2019-260 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#8-1 ALUMINUM STOREFRONTS, CURTAIN WALLS & GLAZING FOR FORMAN FORD AN INCREASE OF \$120,681.00; RESOLUTION 2019-261 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-1 GYPSUM WALL ASSEMBLIES FOR HILSABEK SCHACHT, INC. AN INCREASE OF \$43,075.33; RESOLUTION 2019-262 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-3 PAINTING FOR HEARTLAND FINISHES AN INCREASE OF \$5,711.49; second by Isom. Resolution adopted 7-0.

Isom moved to adopt RESOLUTION 2019-263 APPROVING THE PRELIMINARY PLAT FOR SOUTHRIDGE ESTATES, second by Lamer. Resolution adopted 7-0.

Mayor Greer opened the public hearing for a long term lease at 6:32 PM regarding RESOLUTION 2019-264 ADOPTING TENTATIVE RESOLUTION APPROVING 28E AGREEMENT FOR LEASE OF SPACE WITH THE MARSHALL COUNTY COMMUNICATIONS COMMISSION OF MARSHALLTOWN, IOWA. There were no written comments or public comments received. Mayor Greer closed the public hearing at 6:33 PM. Lamer moved to adopt RESOLUTION 2019-264 ADOPTING TENTATIVE RESOLUTION APPROVING 28E AGREEMENT FOR LEASE OF SPACE WITH THE MARSHALL COUNTY COMMUNICATIONS COMMISSION OF MARSHALLTOWN, IOWA, second by Wirin. Resolution adopted 7-0.

Mayor Greer opened the public hearing for plans and specifications relating to RESOLUTION 2019-265 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE

VETERANS MEMORIAL COLISEUM RENOVATION, IN THE CITY OF MARSHALLTOWN, IOWA, BEING PROJECT NO. BLD19001. There were no written comments. Mark Eaton asked about funding for the project. Kinser answered funding includes grants, donations, and cash on hand. Mayor Greer closed the public hearing at 6:38 PM.

Lamer moved to adopt RESOLUTION 2019-265 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE VETERANS MEMORIAL COLISEUM RENOVATION, IN THE CITY OF MARSHALLTOWN, IOWA, BEING PROJECT NO. BLD19001, second by Cahill. Resolution adopted 7-0.

Mayor Greer called the public hearing open at 6:39 PM regarding refunding sewer bonds relating to RESOLUTION 2019-266 EXPRESSING INTENT TO ENTER INTO A SEWER REVENUE REFUNDING LOAN AGREEMENT, SERIES 2012 AND SERIES 2014. Refunding offers a potential to save over \$165,000 in interest costs. There were no public or written comments. Mayor Greer closed the public hearing at 6:41 PM.

Gowdy moved to adopt RESOLUTION 2019-266 EXPRESSING INTENT TO ENTER INTO A SEWER REVENUE REFUNDING LOAN AGREEMENT, SERIES 2012 AND SERIES 2014, second by Martin. Resolution adopted 7-0.

ORDINANCES:

Gowdy moved to adopt the first reading of Ordinance No. 14989, Rezoning Parcels 8418-26-229-015, 8418-25-151- 001 & 8418-25-101-002 From R-2, Low Density Residential To M-2, Heavy Industry, second by Isom. First reading adopted 7-0.

DISCUSSION:

MCBD Incentive Grant Funding Request. Lamer moved to encourage private investment, by leveraging their investment, establishing an incentive grant to fund improvements in the Downtown Area TIF #4, second by Isom. Motion carried 7-0. Cahill Moved to fund the incentive from cash on hand in that program, second by Wirin. Motion adopted 7-0.

Rezoning Discussion Of Parcel 8318-12-126-010 From R-2A, Low Density Residential To R-2, Low Density Residential. Plan Zoning commission recommended the zoning remain R2A. Isom moved to keep the parcel zoned R2A, second by Wirin. Motion failed 3-4, Hoop, Lamer, Martin, Gowdy dissenting. An Ordinance to change the area to R-2 will be presented at the next council meeting. This ordinance requires a public hearing, November 25, 2019.

Scope Of Project For 12th Avenue South Sidewalk. The council discussed additional design work to extend sidewalk on the north side of Olive Street west of 12th Avenue to existing sidewalk at 7th Avenue. A resolution will be presented at the next council meeting regarding the engineering agreement.

Police & Fire Building Cost Update. The project is pending completion, with \$235,000 unencumbered. The masonry issue is not settled.

PUBLIC COMMENT:

Library Director Sarah Rosenblum announced the Holocaust exhibition is coming to Marshalltown.

CLOSED SESSION:

At 7:35, Wirin moved to enter into Closed session pursuant to 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. 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 Lamer. Motion approved 7-0. At 7:46 Cahill moved to enter into open session, second by Wirin. Motion Carried 7-0. Roll call: All Present. Lamer moved to

authorize the Mayor to execute a purchase order regarding Parcel A as discussed in closed session, second by Martin. Motion carried 7-0.

At 7:46 PM Cahill moved to enter into Closed session pursuant to 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. 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 7:59 PM Cahill moved to enter into open session, second by Gowdy. Motion carried 7-0. Roll call: All present. Cahill moved to direct staff to proceed with a request for proposal for a realtor regarding parcel B, second by Martin. Motion carried 7-0.

ADJOURNMENT:

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