Council Proceedings
November 25, 2019

Mayor Greer called the meeting to order at 5:30 PM, November 25, 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. The following employees were honored for their years of service: AJ Accola - 10 years, and Joan Helm - 20 years.

CONSENT AGENDA:
Wirin moved to adopt the Consent agenda: Approve Council Minutes, November 11, November 18, 2019, And Bill List In The Amount Of $1,785,275.34; Receipt Of 11-5-2019, Election Abstract; Receipt Of Civil Service List - Planner; RESOLUTION 2019-301 ADOPTING THE 2020 IOWA FIRE SERVICE HAZARDOUS MATERIALS RESPONSE FEE SCHEDULE; RESOLUTION 2019-302 APPROVING AN AGREEMENT BETWEEN THE CITY OF MARSHALL TOWN, IOWA, AND UNITI FIBER, LLC TO UTILIZE CERTAIN PUBLIC RIGHT OF WAYS FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF A COMMUNICATIONS NETWORK; RESOLUTION 2019-303 APPROVING THE MARSHALLTOWN MUNICIPAL AIRPORT FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND FEDERAL FUNDING APPLICATION; RESOLUTION 2019-304 APPROVING AN AGREEMENT FOR THE RESIGNATION OF EMPLOYMENT AND RELEASE OF CLAIMS; RESOLUTION 2019-305 AUTHORIZING INTERNAL DEBT REIMBURSEMENT TO TAX INCREMENT REVENUE FUND, FOR URBAN RENEWAL AREA NO. 3; RESOLUTION 2019-307 APPROVING CONTRACT WITH POSPISIL PAINTING INC FOR THE PAINTING OF THE LAZY RIVER AND PLUNGE POOL IN THE AMOUNT OF $46,715; RESOLUTION 2019-308 APPROVING CONTRACT BETWEEN THE CITY OF MARSHALLTOWN, IOWA, AND CXT, INC., FOR A FLUSH TOILET BUILDING FOR RIVERVIEW PARK IN THE AMOUNT OF $50,432; Approve Renewal Tree Trimmer License, Ledford Tree And Lawn, Expires 5-12-2020; Liquor License Renewals (January) Dave's 207 E Main; EAST SIDE LIQUOR&GROCERY 1116 EAST NEVADA STREET; Rumours Sports Bar 309 South 12th Ave. Place 7 Rayos Liquor Store 120 E Main St; MAMA DiGrado's PASTA & PIZZA 2500 S. Center St. Suite 1690 Iowa River Brewing Company, Inc. 107 N 1st Street; second by Isom. Motion carried 7-0.

REPORTS
Marshall County Arts & Culture Alliance Executive Director Amber Danielson and the city clerk explained the Lean Process Review for the Special Events application, which was evaluated for ease of use and compliance with the council's strategic goals. The lean group identified efficiencies and implemented internal changes benefitting both external and internal customers.
Cahill moved to bring an ordinance forward to consider changes to Special Events and consumption of beer and wine at approved events, second by Martin. Motion carried 6-1, Hoop dissenting.

RESOLUTIONS:
Isom moved to adopt RESOLUTION 2019-306 TO APPROVE THE CODE BUILDING UPGRADE GRANT APPLICATION FOR 10 E. MAIN STREET, 2ND FLOOR, MARSHALLTOWN, IOWA, second by Wirin. The code upgrade work on the property is eligible for 25% reimbursement of $31,722, not to exceed $7,930.50. Resolution adopted 7-0.

Isom moved to adopt RESOLUTION 2019-309 TO AMEND CITY OF MARSHALLTOWN EMPLOYEE POLICY MANUAL FOR EMPLOYEES BY REVISING POLICY 2.15, RESIDENCY REQUIREMENTS, BY AMENDING RESOLUTION 2010-186, TO AMEND CITY OF MARSHALLTOWN POLICY MANUAL FOR EMPLOYEES BY REVISING POLICY 2.15, RESIDENCY REQUIREMENTS, RELATING TO PUBLIC SAFETY PERSONNEL, second by Martin. Resolution adopted 7-0.

Wirin moved to adopt RESOLUTION 2019-310 AUTHORIZING THE MARSHALLTOWN FIRE DEPARTMENT AND THE MARSHALLTOWN POLICE DEPARTMENT TO PURCHASE A PUBLIC SAFETY UNMANNED AERIAL VEHICLE (DRONE), WITH A BUDGET NOT TO EXCEED $35,000.00, UTILIZING SURPLUS DOLLARS FROM THE FIRE AND POLICE BUILDING PROJECT, second by Cahill. Chief Tupper recommended the purchase to enhance critical safety response in an emergency. Resolution adopted 6-1, Lamer dissenting, citing concern about using project funds until the project is closed out.

Isom moved to adopt RESOLUTION 2019-311 APPROVING THE FY2019 ANNUAL FINANCIAL REPORT FOR THE CITY OF MARSHALLTOWN, second by Gowdy. Resolution adopted 7-0.

Isom moved to adopt RESOLUTION 2019-312 AUTHORIZING THE ISSUANCE OF $8,830,000 GENERAL OBLIGATION CORPORATE PURPOSE AND REFUNDING BONDS, SERIES 2019, AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME, second by Cahill. The city retains Moody rating of Aa2. The bonds have a true interest rate of 1.7966% with premium. Resolution adopted 5-2, Lamer and Hoop dissenting.

Wirin moved to adopt RESOLUTION 2019-313 APPROVING THE USE OF $20,940 OF COUNCIL-DESIGNATED LOCAL OPTION SALES TAX TO FOR THE DEVELOPMENT OF DOWNTOWN DESIGN GUIDELINES, second by Isom. The City's Downtown Master Plan provided the foundation for such design guidelines. The City will partner with Main Street, Plan Zoning Commission, the State's Historical Architect for development of the guidelines and in addition, require major public input on this process prior to council recommendation and approval of the final design guidelines. Chamber Executive Olberding explained the guidelines are an important step in recovering from the tornado damage. Resolution adopted 7-0.

Lamer moved to adopt RESOLUTION 2019-314 APPROVING AGREEMENT AMENDMENT NO. 3 BY AND BETWEEN THE CITY OF MARSHALLTOWN, IOWA, AND STORY CONSTRUCTION FOR TEMPORARY FACILITIES FOR THE POLICE AND FIRE PROJECT, BEING PROJECT NO. BLD 17001, second by Wirin. Resolution adopted 7-0.

Gowdy moved to adopt RESOLUTION 2019-315 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#6-1 GENERAL SUPPLIES FOR GARLING CONSTRUCTION AN INCREASE OF $2,066.28 and RESOLUTION 2019-316 APPROVING CONTRACT CHANGE ORDER FOR THE POLICE & FIRE HEADQUARTERS PROJECT # BLD17001 BP#9-3 PAINTING FOR HEARTLAND FINISHES AN INCREASE OF $3001.86, second by Martin. Resolutions adopted 7-0.

Gowdy moved to adopt RESOLUTION 2019-317 APPROVING THE ANNUAL URBAN RENEWAL REPORT FOR THE CITY OF MARSHALLTOWN, second by Cahill. Resolution adopted 7-0.

Mayor Greer declared the public hearing open at 6:44 PM for the agreement with the Chamber utilizing funds from Urban Renewal Area #3. There were no written comments received by the clerk. Chamber Executive Olberding spoke as to how the economic development agreement strengthens the collaboration with the city. The five year agreement is not to exceed $250,000. Mayor Greer declared the public hearing closed at 6:46 PM.

Lamer moved to adopt RESOLUTION 2019-318 APPROVING AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES WITH MARSHALLTOWN AREA CHAMBER OF COMMERCE, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT, second by Gowdy. Resolution adopted 7-0.

Gowdy moved to adopt RESOLUTION 2019-319 AUTHORIZING CERTIFICATION OF CODE OF IOWA 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS TO THE COUNTY AUDITOR FOR EACH URBAN RENEWAL AREA WITHIN THE CITY OF MARSHALLTOWN, second by Isom. Resolution adopted 7-0.

ORDINANCES:

Mayor Greer declared the public hearing open at 6:57 PM for the rezoning of areas defined in Ordinance 14989. Attorney Marquess presented a petition requesting no zoning change. Receipt of the petition requires a supermajority of the council to proceed with the change. Chamber Executive Olberding spoke in favor of the zoning, and described benefits, being significant Department of Transportation investment in the community, improvement of the Highway 14 Corridor on the north, removes an hazardous intersection, and opens up future area for manufacturing development. Region Six Planner Julie Winters spoke in favor of the rezoning, citing the unique opportunity for the USA EDA grant utilizing disaster supplemental funds, which could be withdrawn if the project is not approved timely by the council. Spohnheimer also addressed the council, stating the funding is available now, and the project as designed could cure Highway 14 corridor safety issues. Kinser clarified there is more right of way at the Edgewood Street intersection than the Marion Street, improved from 50' to 120 feet.

Several individuals spoke against the proposed rezoning, citing the safety issue is moved to Edgewood. Lamer asked if there were plans for landscaping barrier or relocation of residents. Spohnheimer answered there is no plan for relocation, however, a 50' wide buffer is planned to the east of existing residences on the east side of N 5th Avenue. There are no planned improvements to Edgewood Street, just the use of the street. Mayor Greer declared the public hearing closed at 7:19 PM.

Cahill moved to adopt the third reading of and 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. Third reading and Ordinance adopted 6-1, with Lamer dissenting.

Wirin moved to adopt the second reading of ORDINANCE 14991 TO AMEND THE NUMBER OF HANDICAP PARKING SPACES, TO ADD ONE SPACE ON THE WEST SIDE OF S 6TH STREET IN THE 300 BLOCK, ONE SPACE AS SIGNED, second by Gowdy. The Seventh Adventist Church requested an additional handicap space in front of their building. Second reading adopted 7-0.

Wirin moved to waive the third reading and adopt Ordinance 14991, second by Gowdy. Third reading waived and Ordinance adopted 7-0.

DISCUSSION:
The council discussed the contract with IVCC to perform maintenance of the McTV governmental access channel, in place since 1998. Staff recommended disbanding the McTV Cable Advisory Board, effective June 30, 2020. Meeting content will be provided by the city online and KDAO TV will continue to offer the council meetings on UHF Channel 45. The annual contract with IVCC is in excess of $50,000, and was funded with Mediacom's franchise fees. The council provided general direction to proceed as recommended.

PUBLIC COMMENT:
There were no public comments.

CLOSED SESSION – PENDING LITIGATION
At 7:49 PM, Gowdy moved to enter into closed session pursuant to Section 21.5, subsection 1, paragraph c, of the Code of Iowa, to discuss strategy with counsel in matters where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the city in that litigation. 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 8:23 PM, Cahill moved to enter into open session, second by Wirin. Motion carried 7-0. Roll call: All present. The meeting promptly adjourned.

ADJOURNMENT:
Meeting Adjourned at 8:23 PM

Respectfully submitted,

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Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

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ATTEST: Joel T.S. Greer, Mayor

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Shari L. Coughenour, CMC, City Clerk