

COUNCIL PROCEEDINGS

September 26, 2016

The Marshalltown City Council met in regular session on September 26, 2016, at 5:30 PM, in the Council Chambers at City Hall. Mayor Lowrance called the meeting to order and led the Pledge of Allegiance. Present: Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin. Gowdy moved to approve the agenda, second by Greer. Motion approved 7-0.

CONSENT AGENDA:

Wirin moved to approve the Consent Agenda: Approve Council meeting Minutes of September 12, 2016, special meeting minutes of September 13, 2016, September 15, 2016, and September 16, 2016; Approve Bill List in the amount of \$1,340,104.47; Receipt of the August 2016 Building Report; Resolution 2016-181 Approving Renewal 28E Tobacco Agreement with State of Iowa; Resolution 2016-182 Approving Street Financial Report for period ending June 30, 2016; Resolution 2016-183 Approving Fiscal Year 2016 Interfund Transfers; Renewal liquor licenses: Fiddle & Whistle Pub, Palm Beach Grill & Night Club, TC's, In & Out BP Travel Plaza, Haley's Deli, Casey's Store 1564, Casey's Store 1415, Casey's Store 3228; second by Greer. Consent agenda adopted 7-0.

REPORT

Kenn Vinson updated the council on the Alliant project.

MOTION:

Lamer moved to approve Class C Liquor License for Hive Hospitality, LLC, aka Totem Bowl, second by Martin. Motion carried 6-1, with Greer abstaining due to his professional association with the licensee.

RESOLUTIONS:

Greer moved to adopt Resolution 2016-184 Approving Sewer Equipment Purchase Contract with TransIowa Equipment of Ankeny, Iowa, for an Environsight Sewer Rover and Camera System, \$204,338.12, second by Hoop. Resolution adopted 7-0.

Greer moved to adopt Resolution 2016-185 Approving 28E Agreement for Operation of a Municipal Band, through December 31, 2018, second by Schubert. Resolution adopted 7-0.

Hoop moved to adopt two Resolutions, Resolution 2016-186 Authorizing Loan to Tax Increment Fund for Marshalltown Urban Renewal Area No. 3, to cover administrative expenses up to \$5,000 and Resolution 2016-187 Setting date for public hearing on 2016 amendment to urban renewal plan for Marshalltown Urban Renewal Area No. 3, being October 10, 2016, second by Greer. These relate to adopt Urban Renewal Area No. 3 – Hawkeye Subdivision. Resolutions adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open regarding the development agreement with Red Earth Real Estate holdings regarding Eagle View at Wandering Creek, located within Urban Renewal Area No. 5. Tom Deimerly, Executive Director of MEDIC reviewed the proposed improvements. Due to conflicting provisions within the development agreement, tax abatement will not be allowed for those parcels. There were no public or written comments. Mayor Lowrance declared the public hearing closed.

Lamer moved to adopt Resolution 2016-188 Approving Development Agreement with Red Earth Real Estate Holdings including economic development payments in an amount not to exceed \$1,300,000, second by Martin. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open regarding the no interest loan for a Pierce light duty rescue vehicle. There were no public or written comments. Mayor Lowrance declared the public hearing closed.

Schubert moved to adopt two Resolutions, Resolution 2016-189 approving loan agreement for fire truck, and Resolution 2016-190 approving purchase of 2017 Pierce light-duty Rescue Vehicle through HGAC Government Purchasing Program, second by Greer. Resolution adopted 7-0..

Lamer moved to adopt Resolution 2016-191 Approving Employment Agreement with Jessica Kinser and Appointing Kinser as City Administrator, second by Greer. Resolution adopted 6-1, with Schubert dissenting.

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Schubert moved to adopt Resolution 2016-192 Approving Transit Federal Aid Agreement, 2016-2017, 85% reimbursement for financing the purchase of one heavy duty bus, up to \$349,350, second by Wirin. Resolution adopted 5-2, Hoop and Lamer dissenting.

Wirin moved to adopt Resolution 2016-193 Approving Change Order 1, quantity adjustment decrease of \$1,752.75, Con-Struct, Inc., for the Craig Circle project 76016005, second by Martin. Resolution adopted 7-0.

Hoop moved to adopt Resolution 2016-194 Approve Engineering Services Agreement with Fox Engineering Associates, Inc., for design services not to exceed \$58,000 for the 2016 Manhole & Joint Repair project 59016002, second by Schubert. Resolution adopted 6-1, Lamer dissenting.

Greer moved to adopt Resolution 2016-195 Approving Certificate of Completion, final projects costs of \$239,054.50 with Con-Struct, Inc., for the 2015 Columbus & Crestview project 76015002, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt two Resolutions, Resolution 2016-197 Change Order 1, increase of \$17,305.56, increase of sealer material and Resolution 2016-198 Approve Certificate of Completion, final costs of \$150,505.56, relating to the 2016 PCC Crack & Joint Seal project 76016008A, Denco Highway Construction Corporation, second by Greer. Resolutions adopted 7-0.

Wirin moved to adopt two Resolutions, Resolution 2016-199 Change Order 1, increase of \$15,579.20, increase of material and Resolution 2016-200 Approve Certificate of Completion, final costs of \$224,747.20, relating to the 2016 PCC Patch Repair project 76016006A, Brycon, LLC, second by Hoop. Resolution adopted 7-0.

Gowdy moved to adopt Resolution 2016-201 Authorizing Acceptance of Grant Award Number 2016-09 from the Martha Ellen Tye Foundation, in the amount of \$25,000, to support the completion of a feasibility and assessment plan of the Veterans Memorial Coliseum, second by Schubert. Resolution adopted 7-0.

ORDINANCES:

Wirin moved to adopt the third reading of and Ordinance 14950 Amending the Glenwood Place Planned Unit Development Located at 2907 S 6th Street, second by Greer. Third reading and Ordinance adopted 7-0.

Martin moved to remove from the table the first reading of Ordinance to Amend City Code Section 28-125 Rate Structure and Storm Water Rate, second by Schubert. Motion carried 7-0.

Martin moved to approve an amended first reading of Ordinance 14952 to Amend City Code Section 28-125 Rate Structure and Storm Water Rate, modifying the rates by stopping the increase for fiscal year ending June 30, 2017, and reverting back to the prior year, as an incentive for council to proceed with a study regarding project financing, second by Wirin. First reading adopted 6-1, Lamer dissenting. Hoop moved to waive the second reading, second by Greer. Second reading waived 6-1, Lamer dissenting. Greer moved to set a public hearing on the increase for October 10, second by Gowdy. Motion carried 7-0.

Hoop moved to adopt the second reading of Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Marshalltown Urban Renewal Area No. 5, Pursuant to Section 403.19 of the Code of Iowa, setting public hearing for October 10, 2016, second by Gowdy. Relating to Eagle View at Wandering Creek. Second reading adopted 7-0.

DISCUSSION:

One bid was received for Voice over Internet Protocol phone equipment on Friday, September 23, 2016, and far exceeded the budgeted amount. Staff will review the bid and come back with a recommendation.

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PUBLIC COMMENT

CLOSED SESSION: union negotiation

Schubert moved to enter into closed session pursuant to Section 20.17 subsection 3 of the Code of Iowa concerning strategy meetings of the public employer for collective bargaining purposes. The City of Marshalltown has an attorney-client relationship with Michael Galloway, Ahlers & Cooney, PC, pursuant to an engagement letter dated July 1, 2011, second by Gowdy. Motion carried 7-0.

OPEN SESSION: (If appropriate and recommended by legal counsel.)

Schubert moved to enter into open session, second by Greer. Motion carried 7-0. There were no additional motions.

ADJOURNMENT

The meeting adjourned at 7:01 PM.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk