COUNCIL PROCEEDINGS
May 23, 2016

The Marshalltown City Council met in regular session on May 23, 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. Employees were honored for their terms of service, Phil Grommet with 15 years and Alexandria Erickson with five years. Wirin moved to approve the agenda, second by Greer. Motion approved 7-0.

CONSENT AGENDA:
Schubert moved to approve the Consent Agenda: Approve Council meeting Minutes of May 9, 2016, and special meeting Minutes of May 9, 2016; Approve Bill List in the amount of $1,047,100.98; Approve Purchases between $10,000 and $35,000 and Vertical Public Improvements below $36,000 Approved by City Administrator: Temporary Construction Easements, Morrison Enterprises ($2,500) and Farmers Savings Bank ($1,500), paid for from road use tax, Concrete work at Glenwood Park, LeRoy Morford Construction, $12,478, paid for from the general fund; Receipt of Civil Service Certified New Hire Lists, Electrician I and Communication Operator; Receipt of Building Report for April 2016; Appoint Anne Selness to the Marshalltown Visitors and Convention Bureau, as city representative; second by Greer. Consent agenda adopted 7-0.

REPORT:
Kenn Vinson updated the council on the progress of the Alliant plant construction.

MOTIONS:
Hoop moved to consider Mr. Sanchez's application for a new Class C Liquor with Brew Pub Endorsement, removing tabled item for discussion, second by Martin. Motion carried 7-0.

Schubert moved to deny Mr. Sanchez's application for a new Class C Liquor with Brew Pub endorsement, Ugly Coyotes, LLC, 102 W Main Street, second by Martin. Chief Tupper informed the council Mr. Sanchez has been less than cooperative with the local police. There were 103 calls for service at Palm Beach & Grill Nightclub, 1010 W Lincoln Way, another establishment owned by the applicant, between March 2014 and May 2016. There were two recent incidents of violence at two of Mr. Sanchez's establishments, one on 2/21/2016, occurring at Palm Beach & Grill Nightclub and one on 5/15/2016, just outside of the current premises application, "Wild Coyotes," aka Ugly Coyotes, LLC, 102 W Main Street. Mr. Sanchez allowed members of the public to bring in their own alcohol at 102 W Main Street as the premise had not yet been issued a liquor license. On 2/21/16, there was a fight in the parking lot of the Palm Beach & Grill Nightclub that resulted in a life threatening head injury. Police department personnel reported the security staff at 1010 W Lincoln Way knew the assault occurred but did nothing to stop the assault or notify the department. On 5/15/2016, there was a stabbing at "Wild Coyotes." In each of the two instances of violence, the applicant failed to cooperate with the police. The applicant, Oscar Sanchez, was represented by his attorney, Michael Marquess, and indicated Sanchez was interested in complying with local authorities. Sanchez explained the stabbing on 3/15/16 occurred after his business had closed and his staff was at the door waiting for a ride home. Sanchez said he didn't return the police department's phone calls following the 5/15/16 stabbing, as he misunderstood the request and thought the department needed to talk with a staff member. The 5/15/16 stabbing is still under investigation. A member of the public, Natasha Nusbaum, the fiancé of the May 15th stabbing victim, asked the council to not grant the license and refuted the claim of Sanchez, stating the stabbing occurred during open hours of business at 102 W Main Street. Councilor Greer stated he had more complaints from individuals in his ward about Palm Beach & Grill than other establishments. Motion carried 7-0.

Lamer moved to approve new Liquor license, Central Iowa Fair, 1308 E Olive Street, two five day Special Class C liquor licenses, July 6-11, 2016, and March 1-6, 2017, second by Wirin. Motion carried 7-0.

Wirin moved to approve April Financials, second by Greer. Motion carried 7-0.

RESOLUTIONS:
Lamer moved to adopt Resolution 2016-085 Declaring Surplus 1989 Pierce Fire Truck and obsolete

Lycoming Aircraft Power Plant Generator, to be donated to the Marshall County Historical Society, and Resolution 2016-086 Authorizing an Agreement with Brindlee Mountain Fire Apparatus for the advertising and sale of 1989 Pierce Fire Truck, and Resolution 2016-087 Authorizing an Agreement with Fire Line Equipment for the advertising and sale of 1989 Pierce Fire Truck, second by Schubert. Resolutions adopted 7-0.

Wirin moved to adopt Resolution 2016-088 Approving Lease Agreement with Marshalltown Senior Citizen Center, 7/1/2016 – 6/30/2017, second by Gowdy. Resolution adopted 7-0.

Gowdy moved to adopt Resolution 2016-089 Approving Renewal of 28E Agreement with the Marshalltown Area Chamber of Commerce for the purposes of operating a Convention and Visitor's Bureau, for the year ending 6/30/2017, second by Greer. Resolution adopted 6-0, Hoop abstained due to his membership on the board.

Lamer moved to adopt Resolution 2016-090 Accepting bids and authorizing the award of contract for the Dangerous and Dilapidated Building Program 47815001A, to Construct, Inc., $60,607.00, and Resolution 2016-091 Approving Contract and Bond for Dangerous and Dilapidated Building Program 47815001A, ConStruct, Inc., $60,607.00, second by Greer. Resolutions adopted 7-0.

Hoop moved to adopt Resolution 2016-092 Approving Preliminary Plat for Husak Subdivision, Waiving Certain Subdivision Standards, second by Gowdy. Resolution adopted 5-2, Wirin and Martin dissenting.

Lamer moved to adopt Resolution 2016-093 Approving Certificate of Completion and final project cost for South 18th Avenue Improvements (Menards) Project 76015011A, Boulder Contracting, LLC., $146,709.00, second by Wirin. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2016-094 Approving Certificate of Completion and final project cost for 2015 Concrete Repair Project 76015006A, Day Construction Services, LLC, $174,337.95, second by Greer. Resolution adopted 7-0.

Martin moved to adopt Resolution 2016-095 Ordering Construction, setting public hearing on proposed plans, specifications, form of contract and estimated cost and directing publication of notice to bidders for the 2016 Asphalt Crack Seal Project 76016007A, second by Schubert. Resolution adopted 7-0.

Greer moved to adopt Resolution 2016-096 Ordering Construction, setting public hearing on proposed plans, specifications, form of contract and estimated cost and directing publication of notice to bidders for the Turner Street Force Main Project 59012009A, second by Schubert. Resolution adopted 7-0.

Gowdy moved to adopt Resolution 2016-097 Approving Agreement with Union Pacific Railroad Company for Longitudinal Pipe Line Crossing, for the Turner Street Force Main Project 59012009A, $36,300.00, from near Linn Creek at approximately 6th Avenue, running 1840 feet easterly, second by Greer. Resolution adopted 7-0.

Greer moved to adopt Resolution 2016-098 Ordering Construction, setting public hearing on proposed plans, specifications, form of contract and estimated cost and directing publication of notice to bidders for the Airport Pavement Rehabilitation Runway End 18 and Connecting Taxiway to Runway 36 Project 77016010A, second by Schubert. Resolution adopted 7-0.

Martin moved to adopt Resolution 2016-099 Ordering Construction, setting public hearing on proposed plans, specifications, form of contract and estimated cost and directing publication of notice to bidders for the Airport Hangar Floor Replacement Phase II Project 77016009A, second by Wirin. Resolution adopted 7-0.

PUBLIC HEARING Mayor Lowrance declared the public hearing open regarding the budget amendment for fiscal year ending 6/30/2016. There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Schubert moved to adopt Resolution 2016-100 Adopting Budget Amendment for fiscal year ending June 30, 2016, second by Wirin. Resolution adopted 7-0.

PUBLIC HEARING Mayor Lowrance declared the public hearing open regarding the plans and specifications for the PCC Crack and Joint Seal project 76016008A. There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Wirin moved to adopt Resolution 2016-101 Approving Plans, Specifications, form of contract and cost for the 2016 PCC Crack and Joint Seal project 76016008A, second by Schubert. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2016-102 to Approve the State Recreational Trail Application for the Iowa River Trail, and Resolution 2016-103 To Approve the REAP Application for the Iowa River Trail, second by Lamer. The applications for funding are for paving the trail from Summit Street to Radio Tower Road and rehabilitate five bridges. This phase of the project is estimated to take two or three years to complete. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2016-104 Approving Settlement Agreement re Rental Registration lawsuit, second by Gowdy. Resolution adopted 7-0.

ORDINANCES:

PUBLIC HEARING Mayor Lowrance declared the public hearing open regarding the rezoning request on E Olive Street. Housing and Community Director Spohnheimer reviewed the request. There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Schubert moved to adopt the first reading of Ordinance 14946 Approving Rezoning approximately 7 to 8 acres of Parcel 8318-01-326-002 from R-3 Medium Density Residential to R-4 Medium Density Residential, , generally located at 900 E Olive Street, south side of the street, second by Greer. First reading adopted 7-0.

DISCUSSION:

Police and Fire Building public input meetings at the Fisher Community Center: May 25 (11am – 1pm and 5pm-7 pm) and May 26 (7 am – 8:15 am).

The capital improvement plan included $30,000 for improvement and maintenance of the bike trail. The city has a 28E Agreement with TRAILS, Inc., for maintenance of the trail. Wirin stated she was in favor of the monies turned over to assist with funding, as the grant applications review local government support of the project. Lamer stated he was not in support of using tax dollars for the project, as the purpose of the original 28E Agreement for operation and maintenance of the trail with TRAILS, INC., was intended to use city funds for trail construction or maintenance. Briggs and Smith, members of the public, spoke in favor of the city funds to assist with grant applications.

PUBLIC COMMENT

Leon Lamer asked that a street light be considered at 4th Street near the Congregational Church.

CLOSED SESSION

Schubert 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, second by Greer. 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. Motion carried 7-0.

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

Greer moved to authorize the Mayor and City Administrator to execute real estate options as discussed in closed session, second by Wirin. Motion carried 7-0.

ADJOURNMENT

The meeting adjourned at 7:40 PM.

Respectfully submitted,

____

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

____
James L. Lowrance, Mayor

____
Shari L. Coughenour, CMC, City Clerk