COUNCIL PROCEEDINGS
February 22, 2016

The Marshalltown City Council met in regular session on February 22, 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, Hoop, Lamer, Martin, Schubert, Wirin. Participating fully by speakerphone due to being out of state: Greer. Mayor Lowrance recognized Captain Jones and Sargeant Thein for graduating from a Northwestern University leadership program, and the following employees for years of service: 20 years- Stacy Roads, 15 years – Michelle Spohnheimer, 10 Years – Scott Shively and Nathan White. Councilor Lamer requested the Anson Park area be evaluated and included in the site review for the Police and Fire building study. Schubert moved to approve the agenda, second by Gowdy. Motion approved 7-0.

CONSENT AGENDA:
Gowdy moved to approve the Consent Agenda: Approve Council meeting Minutes of February 8, 2016, and Special Meeting minutes of February 15, 2016; Approve Bill List in the amount of $ 1,244,152.67; Receipt of January 2016 Building Report; Appoint Jake Reynolds to the Marshalltown Softball Association; Renewal Liquor licenses: Vaughn's Pub, Food & Gas Mart (613 N 3rd Ave), Kwik Star #706 (810 S 3rd Ave); second by Greer. Consent agenda adopted 7-0.

REPORT:
Fire Chief Rierson presented the 2015 Annual Fire Department Report.

MOTIONS:
Schubert moved to approve 8 month liquor license, Marshalltown Speedway, Class B Beer (BB) includes Wine Coolers, effective date March 26, 2016. Application made by Toby Kruse, same operator as previous year, second by Lamer. Motion carried 7-0.

RESOLUTIONS:
Lamer moved to adopt Resolution 2016-018 Approving Permit Fee and Service Charges Schedule of the Fire Department, second by Martin. Fees were updated to include fees for hazardous material handling, re-inspection of failed inspections and plan review. Resolution adopted 7-0.

Schubert moved to adopt Resolution 2016-019 Approving Interlocal Contract for Cooperative Purchasing, re: purchase of fire vehicle, second by Gowdy. The city attorney evaluated the purchasing agreement and found it documented and complied with the competitive bidding process required by state law. Resolution adopted 7-0.

Martin moved to adopt Resolution 2016-020 Ordering Construction of the 2016 Televising Project 590015011A, Fox Engineering, second by Wirin. The project is part the of the DNR Consent Order and assesses the sewers for the next lining project. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2016-021 Approving Engineering Services Agreement with Clapsaddle-Garber Associates, Inc., for 18th Ave Portland Cement Concrete Patching Project 76015009, in the amount of $98,380.00, second by Schubert. Resolution adopted 7-0.

Hoop moved to adopt Resolution 2016-022 Approving Engineering Services Agreement with Clapsaddle-Garber Associates, Inc., for Ingledue Storm Sewer Rehab Project 29108009, in the amount of $86,000.00, second by Gowdy. Resolution adopted 7-0.

Greer moved to adopt Resolution 2016-023 Approving Engineering Services Agreement with Clapsaddle-Garber Associates, Inc., for T-Hangar Floor Improvements Project – Phase II, $14,700.00, second by Wirin. Six hangars were paved in 2014. This project will pave the remaining four. The project is paid by 85% state funds, with 15% paid from the general fund. Resolution adopted 7-0.

Greer left the meeting at 6:07 PM, due to the call being disconnected. Lamer moved to adopt Resolution 2016-024 Approving Engineering Services Agreement with Clapsaddle-Garber Associates, Inc., for the Pavement Rehabilitation Project – Runway 18 and Connecting Taxiway to Runway 36, in the amount of $34,744.00, second by Wirin. The FAA requires runways to meet minimum paving standard, this project is federally funded at 90% with the remainder to be paid from the general fund. Resolution adopted 6-0, Greer absent.

PUBLIC HEARING
Mayor Lowrance declared the public hearing open regarding the ten year lease with Central Iowa River Gun Club of Marshalltown. There were no written or public comments. Greer joined the meeting at 6:10 PM.
Schubert moved to adopt Resolution 2016-025 Adopting Tentative Resolution Approving Lease Agreement with Central Iowa River Gun Club of Marshalltown, Iowa, relating to lease of facility under the Center Street viaduct, for a period of ten years, in the amount of one hundred dollars, second by Wirin. Resolution adopted 7-0.

PUBLIC HEARING
Mayor Lowrance declared the public hearing open regarding the Plans and Specifications, Form of Contract and Cost for the WPCP Bio Gas Generator Replacement Project 52015014A. There were no written or public comments.
Lamer moved to adopt Resolution 2016-026 Approving Plans and Specifications, Form of Contract and Cost for the WPCP Bio Gas Generator Replacement Project 52015014A, second by Hoop. Resolution adopted 7-0.

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PUBLIC HEARING
Mayor Lowrance declared the public hearing open regarding the Plans and Specifications, Form of Contract and Cost for the 2015 Oil Mix Street Project 76015005. Mr. Carkhuf, 2504 Hilltop Drive, asked for clarification that the street will be graded and manholes adjusted. Public Works Director Nickel responded the work includes 12 inches of subsurface grading prior to adding street surface material and the manholes will be adjusted. There were no written comments.
Hoop moved to delete the section of Maytag Road east of 6th Street from the plans, second by Schubert. The council discussed concern that the city would be deeding the street to the Central Iowa Farm Store. The Central Iowa Farm Store is not the sole abutting owner to Maytag Road, although a portion of Maytag Road runs through their implement yard. Motion failed 3-4, with Lamer, Martin, Wirin and Gowdy dissenting. Greer left the meeting at 6:19 PM.
Lamer moved to adopt Resolution 2016-027 Approving Plans and Specifications, Form of Contract and Cost for the 2015 Oil Mix Street Project 76015005 (Hilltop, 8th St, Maytag Rd, Highland Acres Rd frontage south of Lincoln Way), second by Martin. Resolution adopted 6-0, Greer absent. Greer returned at 6:21.

ORDINANCES
Martin moved to adopt the second reading of Ordinance 14947 Amending Chapter 27 "Vegetation" relating to planting and maintenance of terrace trees and prohibited tree species on or adjacent to any street, terrace, avenue of highway in the city, second by Hoop. Section 27-20 will be corrected to replace the word "compiled" with "complied". Second reading adopted 6-1, with Schubert dissenting.

Wirin moved to adopt the first reading of Ordinance 14948 Amending the Marshalltown Zoning Ordinance Amending the Wandering Creek Planned Unit Development Generally Located on the South Side of 233rd Street West of Campbell Drive, hereafter known as Eagle View at Wandering Creek Planned Unit Development, second by Gowdy. Spohnheimer informed the council the Plan Zoning Commission recommends approval. A public hearing is required before the ordinance may be adopted. The area was rezoned in 2007 and amended in 2011 to add single units. New owners have provided new plans to add 52 units. First reading adopted 7-0.

DISCUSSION
The clerk asked the council to consider the resolution approving the Tax Schedule, regarding unpaid fees for nuisance abatement, illegal fire response fees, rental registration and no show rental inspection charges at the May 7th special meeting previously set for the public budget hearing. These unpaid charges will be assessed to be paid as a property tax.

PUBLIC COMMENT
City Administrator Wetmore advised the public the Parks and Recreation office will be understaffed and closed part of the day between February 24 and March 2. There will be signage to indicate when the office will be closed. Chief Tupper encouraged participation in the 2016 Police Academy.

CLOSED SESSION
6:35 PM. Lamer 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, second by Wirin. Motion carried 7-0.

Gowdy moved, second by Greer to enter open session. All approved 7-0. Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin.

6:53 PM. In open session. Roll call: Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin. All present.

Motion in open session: Greer moved to reject the settlement offer made by the landlord's and proceed with litigation, second by Schubert. Motion passed 7-0. Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin.

Martin moved to adjourn, second by Gowdy. Motion passed 7-0. Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin.

ADJOURNMENT
The meeting adjourned at 6:54 PM.

Respectfully submitted,

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Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

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James L. Lowrance, Mayor

ATTEST:

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Shari L. Coughenour, CMC, City Clerk