

COUNCIL PROCEEDINGS

June 8, 2015

The Marshalltown City Council met in regular session on June 8, 2015, at 5:30 PM, in the Council Chambers at City Hall. Mayor Lowrance called the meeting to order and led the Pledge of Allegiance. Police Chief Tupper thanked the community for supporting the car safety seat and food drive events. Mayor Lowrance thanked the fire department for helping install flags at Riverside Cemetery over the Memorial Day weekend. Present: Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin. Schubert moved to approve the agenda, second by Greer. Motion approved 7-0.

CONSENT AGENDA:

Lamer moved to approve the Consent Agenda: Approve Council meeting Minutes of May 26, 2015; Approve Bill List in the amount of \$5,705,317.35; Approve Marked Police Vehicle Purchase, FY 2015-2016; Receipt of List of Purchases and Vertical Public Improvements between \$10,000 and \$35,000 approved by City Administrator (add Police Janitorial Contract and Sewer Department Truck); Receipt of Civil Service New Hire List, police entrance, valid through 6/2/2016; Resolution 2015-087 Ordering Construction 2015 Sidewalk Repair Project 76015007, plans and specifications hearing June 22, bids due June 25; Resolution 2015-088 Approving Sanitary Sewer Televising Project 59015011 – Engineering Services Agreement, Fox Engineering, \$33,200; Resolution 2015-089 Approving South 18th Avenue Improvements 76015011 – Engineering Services Agreement, Clapsaddle-Garber Associates, \$18,981. Funded 50% by Iowa DOT Rise Grant and Menards; Resolution 2015-090 Approving Sanitary Sewer Rate Study project 52012006– Engineering Services Agreement, Stanley Consultants, \$20,900; Resolution 2015-091 Approving Stormwater Utility Rate Study project 29112001 – Engineering Services Agreement, Stanley Consultants, \$19,000; Resolution 2015-092 Accepting Bid and Authorizing the Award of Contract for the 2015 Mill and Overlay Project 76015004; Revision to Tentative Resolution 2015-077 Providing for the Vacation, Conveyance, and Transfer of the Streets herein described to Fisher Controls, International, LLC, regarding part of East Boone Street between South 1st Avenue and South 2nd Avenue and part of East Nevada Street east of S. Center Street to 1st Avenue and pedestrian passage over Parcel “J”, all as described in the Quit Claim Deed, set public hearing on June 22; Revision to Tentative Resolution 2015-078 Adopting Tentative Resolution Set hearing on DT Retail Properties, LLC, vacation of public utility easement, set public hearing for June 22; Revision to Resolution 2015-081 Ordering Construction of the 2015 Concrete Repair Project 76015006, setting public hearing for June 22 and bids due on June 25; Revision to Resolution 2015-061 Approving Application for State and Federal Transit Assistance for Marshalltown Municipal Transit, in the amount of \$202,561; Approve Liquor Licenses: (Pending fire inspection passage) NEW: The Spot – Outdoor Service application for June 13 event; Estrella Grocery Store liquor license, Class C Beer, 101 W Main Street; Midnight Ballroom, Transfer Request to Central Iowa Fairgrounds, June 20, 21, 28, July 5, 25, 26, August 1, 2, 8, 9, 15, 16, 22, 23, 29, 30 Sept. 5, 6, 13, 19, 20; second by Wirin. Consent agenda adopted 7-0.

MOTIONS:

Wirin moved to approve the liquor license for EastSide Market – Alcohol License application returned to City Council to correct omission of history not included on the State’s DCI background check, 1116 E Nevada Street, second by Schubert. Motion carried 4-3, with Hoop, Lamer and Martin dissenting.

REPORTS:

Kenn Vinson, representing Alliant, updated the council on the project construction on 18th Avenue.

RESOLUTIONS:

Lamer moved to adopt Resolution 2015-093 REJECTING Contract WPCP Concrete Repair Phase II Project 520130017 – Award Contract, Hay Construction, \$231,662.50, second by Wirin. The contract will be re-bid with a 110 day construction schedule. Resolution adopted 7-0.

Schubert moved to adopt Resolution 2015-094 Authorizing Acceptance of a Bid from Scott Safety / Feld Fire in the amount of \$157,770 for the purpose of replacing Fire Department Self-Contained Breathing Apparatus (SCBA), funded by grant, second by Gowdy. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open for the 2015 Urban Renewal Plan Amendment for the Marshalltown Urban Renewal Area No 3, relating to the expansion of a commercial facility owned by Theisen’s, Inc. The consultation hearing was held with no attendance by other taxing agencies and no comments were received for consideration. The commercial facility is located on Iowa Avenue West. There were no public comments or written comments received by the clerk. Mayor Lowrance declared the public hearing closed.

Lamer moved to adopt Resolution 2015-095 Approving 2015 Urban Renewal Plan Amendment for the Marshalltown Urban Renewal Area No 3, relating to the expansion of a commercial facility owned by Theisen’s Inc, second by Greer. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open regarding the Development Agreement with Theisens, Inc., for the expansion of the commercial facility, with a six year rebate of taxes at fifty percent, not to exceed \$140,000. The development agreement is still being negotiated, with the increased number of jobs to the facility in discussion. There were no public comments or written comments received by the clerk. Mayor Lowrance declared the public hearing closed.

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Martin moved to adopt Resolution 2015-096 Approving Development Agreement with Theisen's Inc., Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of Agreement in a total amount not to exceed \$140,000, second by Greer. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open regarding the Byrne-Jag Grant application, receipt of \$19,304 to be shared equally with Marshall County, monies to be used for equipment and programming. Chief Tupper explained the city would invest in body cameras, with seized asset funds covering any amount exceeding \$9,652. There were no public comments or written comments received by the clerk. Mayor Lowrance declared the public hearing closed.

Schubert moved to adopt Resolution 2015-097 FY 15-16 Byrne-JAG Grant Application authorization, \$19,304, split 50% with Marshall County; city share \$9,652 to be used for equipment and programming, second by Greer. Resolution adopted 7-0.

FUTURE AGENDA ITEMS DISCUSSION:

The council discussed the following items to be addressed at a future meeting: Hy Vee Party Room transfer schedule for upcoming year to Best Western; Iowa River Brew Pub – outdoor service area; Beer License - July 4th at Central Iowa Fairgrounds, Midnight Ballroom; Beer License– Linn Creek Arts Festival, July 17-19, “Mobile Taps”; Governor’s Traffic Safety Bureau update; IVH Agreements – Police, Traffic Control & Fire, Fire Safety and confined space entry; Lead grant: contracts for partnerships – MICA and Friends of the Marshalltown Public Library; Proposed Urban Revitalization Tax Abatement Program for Housing; Oil Mix roads, ordinance change regarding performance bond requirement – the state requires performance bond for projects over \$25,000; the city can consider amending the bond requirement if stated in the project specifications that the bond is only for one year and the city would then be responsible for upkeep and maintenance of the road repair which is not possible to maintain the edge of the road using cold mix and durapatcher, the cost of the project is indeterminate until bid prices come in, as there were no bids for the last bid process, discussion also included manholes located above grade, and request by Hoop to include Marone access at 1405 Highland Acres Rd; 2015 Mill & Overlay Project 76015004, accept bid, award contract and approve contract and bond with Cessford \$530,711.86; 2015 Concrete Repair Project 76015006, plans and specifications hearing June 22, bids due June 25, Accept Bid July 13; 2015 Sidewalk Repair Project 76015007, plans and specifications hearing June 22; 2014 Sidewalk Repair Project 76014009, Change Order #1, \$9,064.13, certificate of completion, final costs \$41,169.13, Day Construction Services, LLC; April Financial reports.

CLOSED SESSION – LITIGATION AND REAL ESTATE

Schubert 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; and 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 Gowdy. Motion carried 7-0.

Greer moved to enter into open session, second by Gowdy. Motion carried 7-0. Roll call: All present. Lamer moved to reject bids relating to the real estate closed session issue, second by Greer. Motion carried 7-0.

ADJOURNMENT

The meeting adjourned at 7:42 PM.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk