

1. Agenda

Documents:

[09-11-2017 AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[09-11-2017 BILL LIST AND PACKET.PDF](#)

[09-11-2017 HULL HANDOUT.PDF](#)

[09-11-2017 SSMID HIGHLIGHTS.PDF](#)



COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET
September 11, 2017, at 5:30 PM

NOTICE TO PUBLIC: The Mayor and City Council welcome comment from the public during discussion. You are required to step to the microphone, state your name and address for the record and to limit the time used to present your remarks in order that others may be given the opportunity to speak.

CALL TO ORDER: Mayor James L. Lowrance

PLEDGE OF ALLEGIANCE:

ROLL CALL: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin.

MAYOR, COUNCIL AND ADMINISTRATOR COMMENTS:

Chief Rierson:

Moment of Silence in observance of 9/11

APPROVAL OF AGENDA:

CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.

1. Approve Council meeting Minutes of August 28, 2017.
2. Approve Bill List in the amount of \$2,245,884.09.
3. Appoint Kyley Leger to the MCVB Board.
4. Appoint Steve Hay to Fire Code Board of Appeals.
5. Resolution 2017-220 Approving FFY2018 Highway Safety Contract with the Governor's Traffic Safety Bureau, October 1, 2017 – September 30, 2018.
6. Resolution 2017-221 Approving Certificate of Completion and Final Project Costs with Boland Recreation, in the amount of \$37,500, for Construction of the MEGA-10 Park Playground Equipment and Surfacing Project PRK17001.
7. Resolution 2017-222 Accepting Bid and Authorizing the Purchase of One John Deere 1570 Front Mount Mower for use in Parks, Van Wall Equipment, \$18,000.
8. Liquor License Renewals: Casey's General Store #3508; Casey's General Store #1564; Fiddle & Whistle Pub; Ibiza Dance Club; Zamora Fresh Market; Kwik Star #394; Aldi, Inc.; Old Timers Tavern; Dave's; Totem Bowl; East Side Liquor & Grocery.

(end of consent agenda items)

MOTIONS:

9. New liquor license, Mahana Ventures, LLC, dba Calvin Rockett, 2013 S Center St.

REPORTS:

10. Sister Cities – Kristin Alman
11. Plan Zoning Commission Report on Self-Supported Municipal Improvement District

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RESOLUTIONS:

12. Resolution 2017-223 Setting a time and place for a meeting at which the City Council proposes to hold a hearing and take action on the establishment of the Marshalltown Downtown Self-Supported Municipal Improvement District, 5:30 pm on October 9, 2017.
13. Resolution 2017-224 Authorizing a Grant Application to National Endowment for the Arts for a Public Art Master Plan for the Iowa River Trail.
14. Resolution 2017-225 Approving a Contract for Providing Ambulance Assistance to Unity Point Health – Marshalltown.
15. Resolution 2017-197 Approving a Sole Source Procurement for the Purchase, Installation and Maintenance of Dispatch Equipment.
16. Resolution 2017-200 Creating a Code Enforcement Inspector position and providing funding for said position in fiscal year 2018.
17. Tentative Resolution 2017-226 Accepting Subordination Agreement for property interest at 310 Green Mountain Road, Green Mountain, IA, lead abatement project 53514097, Set public hearing for 9/25
18. Resolution 2017-227 Approving One-time Funding for the early hire of a Police Officer Position in Fiscal Year 2018.
19. Resolution 2017-228 Approving a Professional Services Agreement with Bolton & Menk to Update a 2010 Railroad Crossing Safety Improvement Study.
20. Resolution 2017-229 Approving a Contribution to Marshall Economic Development to Support the Update of the Community Housing Study, \$2,500, from the current year allocation of Council-designated local option sales tax.
21. Resolution 2017-230 Authorizing Acceptance of a State Recreation Trail Grant in the amount of \$650,000 from the Iowa Department of Transportation for Iowa River Trail Construction.
22. Resolution 2017-231 Approving Contract Change Order #1 for the 2017 Full Depth Street Repair Project STR17004, an increase of \$760,466.33.

PUBLIC HEARING – sale of bonds

23. Resolution 2017-232 Awarding Sale of General Obligation Municipal Building Bonds, Series 2017.

PUBLIC HEARING – notice of federal funds grant

24. Resolution 2017-233 Approving Interlocal Grant Agreement for the Iowa/Byrne Justice Assistance grant Program (JAG) \$21,822.00 Split 50% with Marshall County, to assist with Law Enforcement Programming or Equipment Purchases, and Approval of Memorandum of Understanding to Share Grant Funds with Marshall County.

ORDINANCES:

25. Ordinance 14969 to Amend the Code of Ordinances, City of Marshalltown, Iowa, by amending Sections in Chapter 28, Waters and Sewer, of the City Code, Division 4, Relating to Nonresidential Pre-treatment Regulations, first reading. Regarding Federal and State wastewater streamlining compliance.

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ORDINANCES AND RESOLUTIONS - SALE OF PROPERTY:

26. Ordinance #14968 to Vacate portions of Swayze Street and Union Street east of North 8th Avenue, and to Convey Same to Crystal Distribution Services Inc., 1st reading, setting Public Hearing September 25th
27. Tentative Resolution 2017-234 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Crystal Distributing, INC, setting public hearing for September 25, sale price of \$___ plus other good and valuable consideration. Re: portions of Swayze Street and Union Street east of North 8th Avenue.

PUBLIC HEARING – vacate alley by ordinance and convey by quit claim deed

28. Ordinance #14966 to Vacate a north south alley adjacent to 206 and 212 E State Street, and to Convey Same to Avita Properties LLC, 2nd reading.
29. Resolution 2017-235 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Avita Properties, LLC, sale price of \$1,000.00 plus other good and valuable consideration. Re: Alley between 206 and 212 E State Street.

PUBLIC HEARING – (this was held 8/28/17) to vacate parcels by ordinance and convey by quit claim deed

30. Ordinance #14967 to Vacate Parcel “A” located in Paglia’s Second Addition, and Parcel “B” located in Paglia’s Addition and Paglia’s 2nd Addition, as described in Plat of Survey Filed April 24, 2017, at File 2017-00002028 in the office of the Recorder of Marshall County, Iowa, and Convey Same to Marshalltown Church of Christ, 2nd reading.
31. Resolution 2017-236 Providing the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Marshalltown Church of Christ, sale price of \$50 plus other good and valuable consideration.

DISCUSSION:

32. Amend the Code of Ordinances, removing imprisonment / jail time from penalty sections and making penalties for violations consistent with penalties in Chapter 1.

PUBLIC COMMENT:

ADJOURNMENT:

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Advertising

Great.Wstrn.Bnk/1	3.22	5210
WFCA-Dispatch/1	405.00	5210

Consulting & Professional Fees

Bernie.Lowe/2	1,131.79	5230
CGA.Assoc/1	531.84	5233
Fox.Engrg.Assc/12	155,310.75	5233
Great.Wstrn.Bnk/1	31.70	5230
Story.Constr/1	35,332.63	5230
Wellmark.Inc./1	10,290.47	5230

Contracts

Aramark.Unfrm/12	332.74	5342
ARL/1	4,333.33	5331
BDH/14	11,851.00	5347
Brown,S/1	50.00	5342
Calhoun-Burns/1	5,565.00	5349
CDW.Governmnt/1	1,893.06	5741
CGA.Assoc/1	942.50	5342
CINTAS.Safety/1	58.75	5342
Construct/1	224,010.00	5342
Electronic.Engr/12	2,955.20	5347
Fisher.Comm.Ctr/1	6,396.66	5331
Great.Wstrn.Bnk/3	746.68	5342
Marshall.Co. Em/1	2,419.08	5331
MMIT.INC/2	112.96	5344
Mrshll.Co.Crime/1	20,000.00	5331
ONSITE.INFO.DES/3	120.00	5344
Premier.Equip/1	41.40	5344
Racom.Corp/1	929.38	5344
Servicemaster/2	1,538.00	5342
Sje.Rhombus/1	26,876.50	5765
Stone.Sanit/8	2,222.23	5342
Williams.Plumbg/1	12,352.74	5342
Woodruff.Constr/2	90,858.00	5750
Xerox.Corp/3	72.19	5344
YMCA.YWCA/1	25,366.93	5331
Zuercher.Techng/2	18,925.20	5347

Debt Service

CRBT/2	8,707.57	5820
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Equipment/Minor

Nikkel.Associat/1	4,883.90	5412
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Library Books

Great.Wstrn.Bnk/54	1,383.04	5732
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Medical

Bernie.Lowe/3	20,042.22	5339
HARTFORD.ACCTS/1	6,868.29	5337
Wellmark.Inc./5	146,303.31	5339

Payroll.Deductions

American.Educa./1	64.41	0
AXA/2	450.00	0
Collection.Svs./6	1,734.58	0
Colonial.Life/1	397.02	0
Fidelity.Securi/2	389.45	0
Galls.LLC/1	40.80	0
Great.Wstrn.Bnk/4	(69.56)	0

I.M.W.C.A/1	9,522.00	0
I.P.E.R.S./7	69,468.77	0
I.R.S./6	85,493.32	0
IA.Treasurer/6	35,702.00	0
ICMA.457/11	9,407.19	0
IUPAT.PPME/1	1,006.22	0
M.F.P.R.S.I./4	117,103.00	0
Meskwaki Nation/1	322.88	0
Teamsters238/2	2,202.52	0
Texas.Child.Sup/2	252.57	5870
TotalAdmin.Serv/5	7,775.95	0
Payroll.Net		
Payroll/1	268,306.85	60
Refund/Reimbursed		
GOODING.B/1	785.31	5114
Great.Wstrn.Bnk/2	194.46	5132.01
Hinmon,M/1	260.40	5980
Mendoza,J/1	22.00	5980
Pohle,J/1	445.50	5980
Tompkins,J/1	258.00	5980
Wellmark.Inc./1	(11,531.54)	4875
Rents/Leases		
ABC.Rentals/2	514.00	5242
Ackley.Housing/13	1,963.00	5242
ALL.AMER.PROP/15	4,997.00	5242
Altar.Proprty/1	191.00	5242
Altringer,J/1	282.00	5242
AMES,STEVEN/2	314.00	5242
ARGUS.WOOKIE/1	283.00	5242
Arlington.Inv/4	913.00	5242
ARMSTRONG,B/1	206.00	5242
B.B.Rentals/1	363.00	5242
Bahr,L/1	478.00	5242
BLOOD,A/1	211.00	5242
Bluffwood.Partn/1	287.00	5242
Borota,K/1	204.00	5242
BOULDER.COOP.HS/2	870.00	5242
BROWN,B/2	396.00	5242
Bryngelson.Corp/1	479.00	5242
Chicago.Hsg.Aut/1	945.00	5242
CIRSI/7	804.00	5242
Citizen.Svgs.Ba/2	316.00	5242
CLAWSON,J/1	245.00	5242
CMHC.INVEST/1	334.00	5242
Crestview.Apt/25	6,307.00	5242
CROSSER,D/1	363.00	5242
D.D.Rentals/2	375.00	5242
DELGADILLO,L/1	453.00	5242
Eakin,R/1	226.00	5242
ECKLOR,S/3	944.00	5242
Elwayne.Inc./2	514.00	5242
EUBANKS,C/3	634.00	5242
F.C.Rentals.LLC/2	511.00	5242
Farrell.Propert/5	1,083.00	5242
FISCHELS,R/3	577.00	5242

Frese.Propts/2	893.00	5242
FRIEND,T/1	236.00	5242
Friendly.Apts/4	600.00	5242
Gladbrook.Hsg/1	182.00	5242
Glenda.Drive.LL/9	3,282.00	5242
Grant.Park.LLC/23	4,695.00	5242
Hala.Ventures/3	811.00	5242
HANSEN,J/1	253.00	5242
HANSEN,R/1	156.00	5242
HARRIS,T/1	324.00	5242
HATCH,J/3	1,094.00	5242
Hatch,R/2	1,201.00	5242
HAVELKA,W/1	500.00	5242
Hilltop.Village/10	1,736.00	5242
HOWARD,J/1	175.00	5242
Hsg.Auth.CookCo/2	1,429.00	5242
Hsg.Auth.Joliet/1	906.00	5242
HUBBARD.MAPLE/5	435.00	5242
JARED,S/3	595.00	5242
JASPERS,M/1	128.00	5242
JBI.COOP.Assn/5	930.00	5242
JKM.Coop/2	385.00	5242
JN.Home.Rentals/2	415.00	5242
Kramer,M/1	349.00	5242
LAWSON,R/2	306.00	5242
Lawthers.Prop.M/3	1,225.00	5242
LUENSE,B/6	1,925.00	5242
MANNSON.PROP/2	326.00	5242
MARION.MANOR/1	246.00	5242
Marion.Manor.II/1	559.00	5242
Marshalltown.Sr/9	1,850.00	5242
MATNEY,L/1	238.00	5242
Miss.Hsg.Author/1	1,073.00	5242
MtownWesttownLLP/17	3,331.00	5242
MURPHY,M/1	159.00	5242
NAUGHTON,R/1	825.00	5242
North.Tama.Hsg/3	425.00	5242
OETKER,D/3	570.00	5242
Oetker,J/1	471.00	5242
OLMSTEAD,T/1	900.00	5242
Palisade.Holdng/1	155.00	5242
Park.Elms,LLC/5	1,208.00	5242
Pinecrest.Park/1	141.00	5242
Polley,M/1	502.00	5242
Prairie.Home.Pp/1	261.00	5242
Premier/4	693.00	5242
PYLE,D/1	231.00	5242
R.E.P.Corp/3	995.00	5242
RA.Rental/1	369.00	5242
REM.Homes/1	507.00	5242
River.Birch/9	2,905.00	5242
River.Oaks/9	3,730.00	5242
S.E.Invst/2	480.00	5242
Sands.Time.LLC/1	250.00	5242
SCENIC.CITY/1	199.00	5242

SCHMIDT,M/4	682.00	5242
SCHULER-VANLANG/1	231.00	5242
SCOTT,L/1	358.00	5242
SESKER,R/2	622.00	5242
SMITH,N/3	528.00	5242
Soltero,W/1	159.00	5242
SPECHT,G/1	468.00	5242
Squire,B/1	264.00	5242
STEELSMITH,INV/5	1,134.00	5242
Stichter.Constr/1	139.00	5242
Sunrise.Apt/2	142.00	5242
Superior.Rental/5	1,871.00	5242
Swan.Estates/1	356.00	5242
SWITZER RENTAL/3	788.00	5242
Tallcorn.Tower/15	3,805.00	5242
TAYLOR,M/1	216.00	5242
TOWN.APARTMENT/6	769.00	5242
TR.Homes/1	450.00	5242
TREVRON,LLC/1	310.00	5242
TT.C.Coop.Hsg/2	506.00	5242
VEST,L/2	321.00	5242
VILLAGE.PARK/1	403.00	5242
WARREN,C/1	226.00	5242
WB.REALESTATE/1	251.00	5242
WEATHERLY,PROP/2	790.00	5242
WEICHERS,B/1	280.00	5242
WEIDNER,R/1	226.00	5242
WIEBENSOHN,L/1	105.00	5242
WIND-HUSAK,D/1	399.00	5242
Service/Repairs		
Aponte,M/1	10.00	5246
Appliance.Dr/2	148.95	5410
Arnold.Motor.Su/1	55.68	5410
Atkins,T/1	27.00	5246
Bates,C/1	46.00	5246
Becks.Painting/15	5,907.00	5415
BLUEGLOBES.INC/1	209.14	5410
Bob's.Lawn.Care/1	1,470.00	5386
Boulder.Contract/1	159,477.70	5351
Carmer,D/1	12.00	5246
CARRIGAN,K/1	37.00	5246
Carter,G/1	9.00	5246
Century.Link/27	1,228.27	5450
Chicago.Hsg.Aut/1	36.31	5238
Construct/1	166,590.48	5351
Cummins.Cntrl.P/2	2,086.88	5410
Day.Constr/2	53,846.76	5351
DeSautels,S/1	50.00	5246
Devig.Srvcs/4	260.00	5263
Entenmann.Rovin/1	16.00	5410
Faronics.Techn/1	239.56	5251
FEAGAN,C/1	30.00	5431
Fillyaw,A/1	28.00	5246
Freeman,A/1	34.00	5246
Gale-Hazen,E/1	45.00	5358

Gale-Hazen,K/1	150.00	5358
Gbala,R/1	7.00	5238
Gentry,S/17	16,837.00	5410
Great.Wstrn.Bnk/44	7,336.25	5433
Greenwood,S/1	63.00	5246
Heart.of.Iowa/2	538.00	5450
Hsg.Auth.CookCo/1	69.16	5238
Hsg.Auth.Joliet/1	36.31	5238
Ia.Assoc.Hsg/1	40.00	5280
Ia.Chapter.IAA/1	30.00	5280
IA.Dept.Insp.Ap/1	67.50	5251
Ia.Prof.Fire./2	70.00	5280
IA.Sec.State/1	30.00	5280
Kapaun.Brown/1	1,080.63	5410
Kiwanis.PM/1	825.00	5386
KROENER,L/1	50.00	5246
K-Van.Construct/2	8,220.00	5410
Larry.Towing.Ti/1	50.00	5359
LUAL,S/1	63.00	5246
Marsh.Co.Landfi/1	10.00	5261
Marsh.Co.Treas/1	176.56	5347.15
McAtee.Tire/4	898.65	5410
Minerva.Val.Tel/1	50.00	5450
Miss.Hsg.Author/1	36.31	5238
Mtn.Wtrwrks/3	8,671.93	5220
Neave,G/1	37.00	5246
OEL.Constr/1	93,501.69	5348
ONE.SOURCE/1	30.00	5216
Orpheum.Theatre/1	88.00	5357
Pajic.Tuck.Pntg/1	12,300.00	5410
Precision.Bldrs/18	16,490.00	5410
Racom.Corp/4	2,380.45	5410
RazorTek/3	3,060.00	5704
Scharnweber.Wtr/1	27.00	5380
Scott.Tent/7	1,979.00	5386
Scroggins,J/1	69.00	5246
Servicemaster/1	147.71	5320
Shomo-Madsen/1	1,286.74	5290
STREET-LOPEZ,J/1	47.00	5246
Verizon.Wireles/1	32.15	5450
VF.Services/33	29,185.00	5410
Windstream/1	76.44	5450
WOOD,A/1	42.00	5246

Supplies/Parts

Adland.Engrvg/1	70.85	5601
App.Testing.Svc/2	1,212.88	5565
Arnold.Motor.Su/17	878.37	5565
BDH/2	888.00	5612
Bituminous.Mat/1	769.31	5618
Brentwood.Ind/2	298.86	5600
Carpenter.Unfrm/3	1,502.75	5132
Cessford.Constr/1	539.40	5619
Clemons.Inc./1	60.00	5565
Cntrl.IA.Distr/2	216.50	5611
Cntrl.Office/1	184.78	5605

Coast.Coast/2	546.48	5605
Concrete/6	1,255.80	5600
Crop.Production/1	219.00	5565
Cummins.Cntrl.P/5	6,369.61	5565
Dairy.Queen/1	2,978.40	5608
Dave.Wright.Bui/3	413.94	5565
Diamond.Vogel/10	1,781.39	5565
Digital.Ally/1	3,025.00	5718
Environ.Hazards/11	802.75	5604
Fastenal.Co/1	6.00	5562
Galls.LLC/14	1,775.20	5132
Gillig.LLC/2	1,319.08	5565
Graphic.Edge/3	152.16	5132
Great.Wstrn.Bnk/151	16,731.18	5600
Hillers,C/1	29.48	5132
Hoglund.Bus/1	177.00	5565
Home.Rental/2	241.44	5600
Ia.Assoc.Hsg/2	700.00	5460
IA.League.Citie/1	11.63	5460
Ia.Prof.Fire./1	40.00	5460
Kirkwood.Colleg/1	50.00	5460
McGrew,J/1	67.00	5570
Midland.Scienti/4	234.04	5603
Minuteman/1	1,708.00	5605
Napa.Auto/11	524.98	5565
Natl.Tactical.O/1	1,430.00	5460
Northern.Lights/1	51.95	5608
Oreilly.Automot/3	19.09	5565
Orpheum.Theatre/1	73.50	5601
Park,K/2	1,611.00	5611
Racom.Corp/5	3,307.65	5718
Region.Six/1	500.00	5718
Road.Machinery/1	86.40	5565
Stevenson,K/1	46.25	5570
Storey.Kenwrthy/2	36.15	5605
Terminal.Supply/1	277.25	5565
Treasurer-ISU/1	50.00	5460
USPCA.Reg.21/1	200.00	5460
Verizon.Wireles/1	718.69	5451
Watson,T/1	32.46	5570
Witmer.Public.S/1	98.39	5600
Ziegler/3	942.17	5600
Travel/Training		
CHANDLER,J/1	36.66	5472
Great.Wstrn.Bnk/2	68.04	5462
Stevenson,K/1	27.68	5464
VAUGHN,R/1	88.92	5472
Watson,T/1	19.36	5464
Utilities		
Alliant/58	44,372.85	5481
Great.Wstrn.Bnk/2	137.98	5486
I.R.U.A./1	148.92	5483
Mtwn.Wtrwrks/1	206.90	5480
Total/1199	2,245,801.09	



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14. Resolution 2017-225 Approving a Contract for Providing Ambulance Assistance to Unity Point Health – Marshalltown.
15. Resolution 2017-197 Approving a Sole Source Procurement for the Purchase, Installation and Maintenance of Dispatch Equipment.
16. Resolution 2017-200 Creating a Code Enforcement Inspector position and providing funding for said position in fiscal year 2018.
17. Tentative Resolution 2017-226 Accepting Subordination Agreement for property interest at 310 Green Mountain Road, Green Mountain, IA, lead abatement project 53514097, Set public hearing for 9/25
18. Resolution 2017-227 Approving One-time Funding for the early hire of a Police Officer Position in Fiscal Year 2018.
19. Resolution 2017-228 Approving a Professional Services Agreement with Bolton & Menk to Update a 2010 Railroad Crossing Safety Improvement Study.
20. Resolution 2017-229 Approving a Contribution to Marshall Economic Development to Support the Update of the Community Housing Study, \$2,500, from the current year allocation of Council-designated local option sales tax.
21. Resolution 2017-230 Authorizing Acceptance of a State Recreation Trail Grant in the amount of \$650,000 from the Iowa Department of Transportation for Iowa River Trail Construction.
22. Resolution 2017-231 Approving Contract Change Order #1 for the 2017 Full Depth Street Repair Project STR17004, an increase of \$760,466.33.

PUBLIC HEARING – sale of bonds

23. Resolution 2017-232 Awarding Sale of General Obligation Municipal Building Bonds, Series 2017.

PUBLIC HEARING – notice of federal funds grant

24. Resolution 2017-233 Approving Interlocal Grant Agreement for the Iowa/Byrne Justice Assistance grant Program (JAG) \$21,822.00 Split 50% with Marshall County, to assist with Law Enforcement Programming or Equipment Purchases, and Approval of Memorandum of Understanding to Share Grant Funds with Marshall County.

ORDINANCES:

25. Ordinance 14969 to Amend the Code of Ordinances, City of Marshalltown, Iowa, by amending Sections in Chapter 28, Waters and Sewer, of the City Code, Division 4, Relating to Nonresidential Pre-treatment Regulations, first reading. Regarding Federal and State wastewater streamlining compliance.

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ORDINANCES AND RESOLUTIONS - SALE OF PROPERTY:

26. Ordinance #14968 to Vacate portions of Swayze Street and Union Street east of North 8th Avenue, and to Convey Same to Crystal Distribution Services Inc., 1st reading, setting Public Hearing September 25th
27. Tentative Resolution 2017-234 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Crystal Distributing, INC, setting public hearing for September 25, sale price of \$___ plus other good and valuable consideration. Re: portions of Swayze Street and Union Street east of North 8th Avenue.

PUBLIC HEARING – vacate alley by ordinance and convey by quit claim deed

28. Ordinance #14966 to Vacate a north south alley adjacent to 206 and 212 E State Street, and to Convey Same to Avita Properties LLC, 2nd reading.
29. Resolution 2017-235 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Avita Properties, LLC, sale price of \$1,000.00 plus other good and valuable consideration. Re: Alley between 206 and 212 E State Street.

PUBLIC HEARING – (this was held 8/28/17) to vacate parcels by ordinance and convey by quit claim deed

30. Ordinance #14967 to Vacate Parcel “A” located in Paglia’s Second Addition, and Parcel “B” located in Paglia’s Addition and Paglia’s 2nd Addition, as described in Plat of Survey Filed April 24, 2017, at File 2017-00002028 in the office of the Recorder of Marshall County, Iowa, and Convey Same to Marshalltown Church of Christ, 2nd reading.
31. Resolution 2017-236 Providing the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Marshalltown Church of Christ, sale price of \$50 plus other good and valuable consideration.

DISCUSSION:

32. Amend the Code of Ordinances, removing imprisonment / jail time from penalty sections and making penalties for violations consistent with penalties in Chapter 1.

PUBLIC COMMENT:

ADJOURNMENT:

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COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET
September 11, 2017, at 5:30 PM

NOTICE TO PUBLIC: The Mayor and City Council welcome comment from the public during discussion. You are required to step to the microphone, state your name and address for the record and to limit the time used to present your remarks in order that others may be given the opportunity to speak.

CALL TO ORDER: Mayor James L. Lowrance

PLEDGE OF ALLEGIANCE:

ROLL CALL: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin.

MAYOR, COUNCIL AND ADMINISTRATOR COMMENTS:

Chief Rierson:

Moment of Silence in observance of 9/11

APPROVAL OF AGENDA:

CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.

1. Approve Council meeting Minutes of August 28, 2017.
2. Approve Bill List in the amount of \$2,245,884.09.
3. Appoint Kyley Leger to the MCVB Board.
4. Appoint Steve Hay to Fire Code Board of Appeals.
5. Resolution 2017-220 Approving FFY2018 Highway Safety Contract with the Governor's Traffic Safety Bureau, October 1, 2017 – September 30, 2018.
6. Resolution 2017-221 Approving Certificate of Completion and Final Project Costs with Boland Recreation, in the amount of \$37,500, for Construction of the MEGA-10 Park Playground Equipment and Surfacing Project PRK17001.
7. Resolution 2017-222 Accepting Bid and Authorizing the Purchase of One John Deere 1570 Front Mount Mower for use in Parks, Van Wall Equipment, \$18,000.
8. Liquor License Renewals: Casey's General Store #3508; Casey's General Store #1564; Fiddle & Whistle Pub; Ibiza Dance Club; Zamora Fresh Market; Kwik Star #394; Aldi, Inc.; Old Timers Tavern; Dave's; Totem Bowl; East Side Liquor & Grocery.

(end of consent agenda items)

MOTIONS:

9. New liquor license, Mahana Ventures, LLC, dba Calvin Rockett, 2013 S Center St.

REPORTS:

10. Sister Cities – Kristin Alman
11. Plan Zoning Commission Report on Self-Supported Municipal Improvement District

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RESOLUTIONS:

12. Resolution 2017-223 Setting a time and place for a meeting at which the City Council proposes to hold a hearing and take action on the establishment of the Marshalltown Downtown Self-Supported Municipal Improvement District, 5:30 pm on October 9, 2017.
13. Resolution 2017-224 Authorizing a Grant Application to National Endowment for the Arts for a Public Art Master Plan for the Iowa River Trail.
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DISCUSSION:

32. Amend the Code of Ordinances, removing imprisonment / jail time from penalty sections and making penalties for violations consistent with penalties in Chapter 1.

PUBLIC COMMENT:

ADJOURNMENT:

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COUNCIL PROCEEDINGS

August 28, 2017

The Marshalltown City Council met in regular session on August 28, 2017, at 5:30 PM, in the Council Chambers at City Hall. Mayor Lowrance called the meeting to order and led the Pledge of Allegiance and asked for a moment of silence in memory of Rex Ryden. Present: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin. Greer moved to approve the agenda, removing item numbers 7 and 10 from the consent agenda, second by Wirin. Motion approved 7-0.

CONSENT AGENDA:

Wirin moved to approve the Consent Agenda: Approve Council meeting Minutes of August 14, 2017, and special minutes of August 16, 2017; Approve Bill List in the amount of \$1,584,538.82; Approve June Financials; Receipt of Building Report for July 2017; Resolution 2017-186 Transferring Local Option Sales Tax revenue to be used for General Fund activities, in the amount of \$193,044; Resolution 2017-187 Approving Public Works Street Division Equipment Purchase Contract by and between the City of Marshalltown, Iowa, Municipal Street Department and O'Halloran International for the purchase of a 2018 International Workstar Dump Truck with Snow Plow attachments in the amount of \$132,269.00; Resolution 2017-188 Approving Public Works Utility Division Equipment Purchase Contract by and between the City of Marshalltown, Iowa, Municipal Street Department and Kurtz Truck Equipment for the purchase of a 2017 Ford F350 with Knapheide Truck Body and RH38D Insulated Aerial Lift Ladder Truck in the amount of \$76,426.88; Resolution 2017-189 Approving Agreement Amendment No 2 by and between the City of Marshalltown, Iowa, and Fox Engineering Associates, Inc., for engineering services for 2016 Manhole and Point Repairs project 59016002, in the amount of \$16,000.00; Resolution 2017-190 Approving Change Order #2 with HydroKlean for the 2014 CIPP Project, an increase of \$23,375; Resolution 2017-192 Transferring funds for FY 2016-2017; second by Kester. Consent agenda adopted 7-0.

Martin moved to adopt Resolution 2017-188 Approving Public Works Utility Division Equipment Purchase Contract by and between the City of Marshalltown, Iowa, Municipal Street Department and Kurtz Truck Equipment for the purchase of a 2017 Ford F350 with Knapheide Truck Body and RH38D Insulated Aerial Lift Ladder Truck in the amount of \$76,426.88, second by Gowdy. Resolution adopted 7-0.

Greer moved to adopt Resolution 2017-191 Approving changes to the FY 2017-2021 Capital Improvement Plan for fiscal year 2018, second by Lamer. Resolution adopted 7-0.

REPORTS:

Chief Tupper reviewed highlights of the 2016 Annual Police Department Report.

MOTIONS:

Greer moved to approve the five day liquor license for the Oktoberfest event September 20-25, second by Kester. Beer and malt beverages will be sold on Friday from 5 pm – 9 pm and Saturday from 2 pm – 10 pm. The alcohol sales and consumption areas will be designated but not fenced. At least five officers will be present. Motion carried 4-3, with Wirin, Hoop and Lamer opposed.

RESOLUTIONS:

Greer moved to adopt Resolution 2017-193 Accepting Petition for Establishment of Marshalltown Downtown Self-Supported Municipal Improvement District, second by Wirin. The Marshalltown Central Business District has met the minimum requirement to request a SSMID review, with signatures of 61% of the valuation and 27% of the owners. Petitions against SSMID establishment may be submitted up to the first reading of the ordinance establishing the SSMID, sometime prior to November 13, 2017. Resolution adopted 5-1, with Lamer dissenting, requesting at least 70% of the owners signing in favor. Kester abstained, owning property in the proposed district. The Plan Zoning Commission will review the SSMID request and present a report to the council.

Lamer moved to adopt Resolution 2017-194 Accepting Bid and Authorizing the Award of Contract to GTG Construction for the West End Futsal Courts Project P&R17001, in the amount of \$238,534, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-195 Approving Contract and Bond with GTG Construction for Construction of the West End Futsal Courts Project P&R17001, in the amount of \$238,534, and Resolution 2017-196 Approving Contract Change Order #1 for the West End Futsal Courts Project P&R17001, a reduction of \$9,160.00, second by Greer. Resolutions adopted 7-0.

COUNCIL PROCEEDINGS

August 28, 2017

Lamer moved to adopt Resolution 2017-199 Approving and Funding a Project to place high voltage electric lines underground in the area of Summit Street and North 13th Street, second by Greer. Resolution adopted 6-1, with Hoop against.

Lamer moved to adopt Resolution 2017-201 Setting Date for Sale of \$12,720,000 General Obligation Municipal Building Bonds, Series 2017 and Approving the Preliminary Official Statement, bids due 11:00 am September 11, 2017, second by Kester. Resolution adopted 7-0.

Kester moved to adopt Resolution 2017-202 Setting Public Hearing on September 11, 2017, Regarding an Interlocal Grant Agreement for the Iowa/Byrne-Justice Assistance Grant Program (JAG) \$21,822.00 Split 50% with Marshall County, to assist with law enforcement programming or equipment purchases, notifying the public of the grant award and proposed use of federal funds, second by Greer. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-203 Approving Contract Amendments with Tyler Technologies for Parking Ticket software & implementation (\$40,390), ticket writer and equipment (\$5,690), annual maintenance (\$3,863) annual online payment module (\$900), plus per diem as needed if not remote, second by Kester. Resolution adopted 7-0.

PUBLIC HEARING – plans & specifications

Mayor Lowrance declared the public hearing open regarding plans and specifications for the following bid packages for the Police and Fire Safety Building and addressed each bid package separately.

- Bid Package 02-2 Sidewalks & Paving 011200.22:
- Bid Package 03-1 Concrete Foundations & Flatwork 011200.31
- Bid Package 04-1 Masonry 011200.41
- Bid Package 05-1 Steel 011200.51
- Bid Package 06-1 General 011200.61
- Bid Package 07-1 Membrane Roofing & Wall Panels 011200.71
- Bid Package 08-1 Al Storefronts, Curtainwalls & Glazing 011200.81
- Bid Package 09-1 Gypsum Wall Assemblies 011200.91
- Bid Package 09-2 Floor Coverings 011200.92
- Bid Package 09-3 Painting 011200.93
- Bid Package 14-1 Elevators 011200.141
- Bid Package 21-1 Fire Suppression 011200.211
- Bid Package 22-1 Plumbing & Mechanical 011200.221
- Bid Package 26-1 Electrical, Communications & Security 011200.261

There were no public or written comments either for or against the proposal. Mayor Lowrance declared the public hearing closed.

Kester moved to adopt Resolution 2017-204 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 02-2 SIDEWALKS & PAVING 011200.22 project BLD17001, second by Greer. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-205 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 03-1 CONCRETE FOUNDATIONS & FLATWORK 011200.31 project BLD17001, second by Greer. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-206 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 04-1 MASONRY 011200.41 project BLD17001, second by Greer. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-207 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 05-1 STEEL 011200.51 project BLD17001, second by Martin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-208 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 06-1 GENERAL 011200.61 project BLD17001, second by Lamer. Resolution adopted 6-1, with Greer dissenting.

COUNCIL PROCEEDINGS

August 28, 2017

Kester moved to adopt Resolution 2017-209 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 07-1 MEMBRANE ROOFING & WALL PANELS 011200.71 project BLD17001, second by Greer. Resolution adopted 7-0.

Greer moved to adopt Resolution 2017-210 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 08-1 AL STOREFRONTS, CURTAINWALLS & GLAZING 011200.81 project BLD17001, second by Gowdy. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-211 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 09-1 GYPSUM WALL ASSEMBLIES 011200.91 project BLD17001, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-212 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 09-2 FLOOR COVERINGS 011200.92 project BLD17001, second by Gowdy. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-213 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 09-3 PAINTING 011200.93 project BLD17001, second by Martin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-214 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 14-1 ELEVATORS 011200.141 project BLD17001, second by Gowdy. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-215 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 21-1 FIRE SUPPRESSION 011200.211 project BLD17001, second by Greer. Resolution adopted 7-0.

Kester moved to adopt Resolution 2017-216 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 22-1 PLUMBING & MECHANICAL 011200.221 project BLD17001, second by Gowdy. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-217 Approving Plans, Specifications, form of contract and Cost for the MARSHALLTOWN POLICE AND FIRE HEADQUARTERS: BID PACKAGE 26-1 ELECTRICAL, COMMUNICATIONS & SECURITY 011200.261 project BLD17001, second by Greer. Resolution adopted 7-0.

ORDINANCES:

Wirin moved to adopt the first reading of Ordinance #14966 to Vacate a north south alley adjacent to 206 and 212 E State Street, and to Convey Same to Avita Properties LLC, 1st reading, setting Public Hearing September 11th, second by Greer. First reading adopted 7-0.

Martin moved to adopt the first reading of Ordinance #14967 to Vacate Parcel "A" located in Paglia's Second Addition, and Parcel "B" located in Paglia's Addition and Paglia's 2nd Addition, as described in Plat of Survey Filed April 24, 2017, at File 2017-00002028 in the office of the Recorder of Marshall County, Iowa, and Convey Same to Marshalltown Church of Christ, 1st reading, setting Public Hearing September 11th, second by Kester. First reading adopted 7-0.

RESOLUTIONS – sale of property, to be sold following public hearings and Vacation Ordinances.

Gowdy moved to adopt Tentative Resolution 2017-218 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Avita Properties, LLC, setting public hearing for September 11, sale price of \$1,000.00 plus other good and valuable consideration. Re: Alley between 206 and 212 E State Street, second by Greer. Tentative Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance opened the public hearing regarding the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to Marshalltown Church of Christ, sale price of \$50 plus other good and valuable consideration. There were no written or public comments. Mayor Lowrance declared the public hearing closed. The council did not take further action.

COUNCIL PROCEEDINGS
August 28, 2017

DISCUSSION:

There were no general discussion items.

PUBLIC COMMENT:

There were no public comments.

ADJOURNMENT

The meeting adjourned at 7:11.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk



Board and Commission Roster

Convention & Visitors Bureau

Department: Mayor

Dept. Phone: (641) 754-5712

Appointed by C&V Bureau - approved by Council - Three year terms.

<u>Term End Date</u>	<u>Member Contact Information</u>		
12/31/2019	Al Hoop 209 Olson Way Marshalltown, IA 50158	(641) 691-8813	ahoop7@mchsi.com <i>approved by CVB / city representative</i> Appointed: 3/29/2016
12/31/2020	Kyley Leger 16 E Main St #106 Marshalltown, IA 50158	(641) 691-2790	kyley.leger@visionmarshalltown.org Appointed: 9/11/2017

State of Iowa gender equality statistics

Males - Count / %	1	50.00%
Females - Count / %	1	50.00%
Total Members	2	

2017-__

RESOLUTION APPROVING FFY 2018 HIGHWAY SAFETY CONTRACT WITH
THE GOVERNOR'S TRAFFIC SAFETY BUREAU,
OCTOBER 1, 2017 – SEPTEMBER 30, 2018

WHEREAS the City of Marshalltown, Iowa has negotiated a Contract with the STATE OF IOWA to fund the Governor's Traffic Safety Bureau program for FFY ending September 30, 2018; and

WHEREAS the City Council of the City of Marshalltown finds that this Agreement is in the best interest of the Council; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

Section 1. That the attached Contract with the State of Iowa is hereby approved and ratified.

Section 2. That the Police Chief for the City of Marshalltown is hereby authorized and directed to execute said Contract and submit all necessary documents to secure this federal funding on behalf of the City of Marshalltown.

Section 3. This Contract and this Resolution shall be in full force and effect from and after its passage and signature as by law provided.

Passed this __ day of September, 2017, and signed this __ day of September 2017.
CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk



POLICE DEPARTMENT

James L. Lowrance, Mayor
Jessica Kinser, City Administrator
Michael W. Tupper, Chief of Police
22 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5725
Fax - (641) 752-1211

TO: Mayor James L. Lowrance
Members of the City Council
Jessica Kinser, City Administrator

FROM: Michael W. Tupper
Chief of Police

DATE: 6 September 2017

RE: 2018 Governor's Traffic Safety Bureau State and Community Highway Safety Grant

Policy Issue: City policy requires governing body approval of agreements and state or federal grant applications or awards.

Recommendation: Staff recommends Council approve the attached FY 18 Governor's Traffic Safety Bureau (GTSB) State and Community Highway Safety Grant award and authorize the Chief of Police to sign and submit all necessary contract documents to secure this funding.

Background: The police department has historically received GTSB funding to assist the department in purchasing traffic safety enforcement equipment and to help offset overtime expenses during traffic safety enforcement operations. The police department has been awarded GTSB grant funds for FY 18 to assist the department in purchasing two, in-vehicle camera systems (estimated cost \$9000.00) and one in-vehicle moving radar system (estimated cost \$1500.00). The police department is also receiving \$7000.00 in funding to offset overtime expenses in support of traffic safety enforcement operations and traffic safety education events.

Total grant award from GTSB is \$17,500.00.

Budget Impact: The City of Marshalltown will receive \$17,500 in funding to be used for highway safety enforcement equipment purchases and police officer overtime funds to be used to enhance traffic safety in our community. There are no match requirements.

Attachment: 2018 Governor's Traffic Safety Bureau Section 402 State and Community Highway Safety Grant award documents.

Marshalltown



CITY COUNCIL

Mike Gowdy, Joel Greer, Al Hoop, Dan Kester,
Leon Lamer, Bill Martin, Bethany Wirin

M E M O R A N D U M

Governor's Traffic Safety Bureau



TO: FFY 2018 Highway Safety Contractor

FROM: Cristin Dee, Grants Administrator
Governor's Traffic Safety Bureau

SUBJECT: Signing of Highway Safety Contracts

Enclosed are 2 copies of your FFY 2018 highway safety contract with the Governor's Traffic Safety Bureau. **Please read and follow these instructions:**

1. Check the contract to verify that it is accurate. Pay special attention to the Transmit Contract Information on Page 1 and the persons listed in Articles 5.2 and 6.0 as well as Article 12.0 (Budget). *If changes are needed, please call me at 515-725-6130 or send the correct information to dee@dps.state.ia.us immediately.*
2. Have both copies of your contract signed and dated by the appropriate person in your agency (usually the Chief, Sheriff or Head of the Agency).
3. **RETURN THE FOLLOWING BY OCTOBER 1st, 2017** to the Governor's Traffic Safety Bureau at 215 East 7th Street, Des Moines, IA 50319-0248.
 - ✓ One signed copy of the contract. *The other is for you to keep.*
 - ✓ Federal Accountability form (if applicable you will have it in your packet)

Forms needed to manage your contract (HSP-2, Claim Checklist, HSP-3, Report Form, etc.) will be sent via e-mail in mid-October to the contact listed on Page 1. **Do NOT use forms from the previous year.** *Also, it is very important that you keep me updated on the correct e-mail address for your contact since almost all information will be e-mailed.*

Reimbursement claims (HSP-2s) must be mailed with an original signature, four copies and one set of the required supporting documents. **Claims must be submitted within 90 days of the expense being paid by the Contractor.** Activity reports must be submitted via e-mail to your Program Administrator and to me at dee@dps.state.ia.us.

Your contract is effective October 1, 2017. If equipment is ordered prior to that date, we will not be able to reimburse your agency for it. **The contractor must obtain a signed letter of approval from GTSB before they purchase any equipment over \$5,000. Failure to secure prior approval will result in the contractor being responsible for the cost of the equipment purchase, retroactive approval from NHTSA is not an option.**

**GOVERNOR'S TRAFFIC SAFETY BUREAU
IOWA DEPARTMENT OF PUBLIC SAFETY**

CONTRACT NUMBER: State and Community Highway Safety Grant
PAP 18-402-M0AL, Task 11-00-00

ISSUING AGENCY: DPS/Governor's Traffic Safety Bureau

PROJECT CONTRACTOR: Marshalltown Police Department

PROJECT BUDGET: Highway Safety Funded Amount: \$17,500.00

AGENCY/LAW/ SOURCE: National Highway Traffic Safety Administration (NHTSA)
Public Law 114-94, Section 402

Submit Reimbursement Claims To:

Todd Olmstead, Program Administrator
Governor's Traffic Safety Bureau
215 East 7th Street, 3rd Floor
Des Moines, IA 50319-0248

Issue Payment To:

Marshalltown City of
Finance Dept
24 N Center St
Marshalltown, IA 50158-4911

Submit Reports To:

Todd Olmstead, Program Administrator
Governor's Traffic Safety Bureau
215 East 7th Street, 3rd Floor
Des Moines, IA 50319-0248
515-725-6122, FAX 515-725-6133

Transmit Contract Information To:

Lieutenant Rick Bellile
Marshalltown Police Department
22 N Center St
Marshalltown, IA 50158
641-754-5733, FAX 641-752-1211

The Contractor agrees to furnish and deliver all products and perform all services set forth in the attached Special Conditions for the consideration stated herein. The rights and obligations of the parties to this contract will be subject to and governed by the Special Conditions and the General Conditions. To the extent that any specifications or other conditions which are made a part of this contract by reference or otherwise conflict, the Special Conditions and the General Conditions will control. To the extent that any inconsistency between the Special Conditions and the General Conditions exists, the Special Conditions will control. When approved, the instrument becomes a contract to accomplish the provisions contained within the Fiscal Year 2018 Highway Safety Plan, State and Community Highway Safety Grant 18-402-M0AL, Task 11-00-00, and thereby constitutes an official program with the Governor's Traffic Safety Bureau. This activity meets the requirements of Public Law 114-94 and the requirements set forth in the Governor's Traffic Safety Bureau Procedures Manual, as amended.

IN WITNESS THEREOF, the parties hereto have executed this contract on the day and year last specified below.

CONTRACTOR:

By _____

Date: _____

ISSUING AGENCY:

By Patrick J. Hoyer
Patrick J. Hoyer, Bureau Chief

Date: 8-1-17

Effective Date: 10/01/17

Expiration Date: 09/30/18

SPECIAL CONDITIONS

Article 1.0 Identification of Parties. This Contract is entered into by and between the Iowa Department of Public Safety/Governor's Traffic Safety Bureau (hereafter referred to as DPS/GTSB) and the Marshalltown Police Department (hereinafter referred to as Contractor).

Article 2.0. Statement of Purpose.

WHEREAS, the Highway Safety Plan is the tool for developing and improving overall safety capabilities; improving the program management and decision-making capabilities of safety officials; addressing special problems or opportunities; and providing a coordination mechanism for the purpose of reducing traffic-related property damage, personal injury and fatal crashes, and

WHEREAS, the DPS/GTSB has been designated to administer the State and Community Highway Safety Programs established under Section 402 of the Fixing America's Surface Transportation Act, as amended, and

WHEREAS, the Contractor has the necessary ability to develop and carry out a portion of that Highway Safety Plan,

THEREFORE, the parties hereto do agree as follows:

Article 3.0 Area Covered. The Contractor will perform all the work and services required under this Contract in connection with and respecting the following areas:

City of Marshalltown, Iowa and other jurisdiction(s) authorized by a shared enforcement agreement.

Article 4.0 Reports and Products. The Contractor will submit the following reports and products:

- 4.1 A Claim for Reimbursement (HSP-2) form, documentation and, if applicable, an Equipment Accountability Report (HSP-3) form for reimbursement within 90 days of the expense being paid by the Contractor with the exception of the final claim which is due into the DPS/GTSB office no later than November 15, 2018.
- 4.2 A cumulative final report due November 1, 2018 covering accomplishments of Statement of Work and Services.
- 4.3 Any reports and products deemed prudent by the Issuing Agency or Contractor.
- 4.4 A copy of all audit reports within 30 days of completion of said audit.
- 4.5 Monthly activity reports due the 15th of the following month on forms provided by the DPS/GTSB that quantify project activities as well as total departmental effort.

Article 5.0 Designation of Officials.

- 5.1 DPS/GTSB - The Governor's Representative for Highway Safety and the Director of the Governor's Traffic Safety Bureau are the only persons authorized to execute and approve any changes in terms, conditions, or amounts specified in this Contract.
- 5.2 Contractor Designee, Chief Michael Tupper, is designated to approve in writing, on behalf of the Contractor, the HSP-2 Claim for Reimbursement and any negotiated changes in this Contract.

Article 6.0 Key Personnel. The Contractor hereby assigns the duties and responsibilities of project administration to Lieutenant Rick Bellile, representing the Contractor in this agreement.

Article 7.0 Time of Performance. The services of the Contractor will commence on or after the effective date stipulated on the signature page and will be completed before or by the expiration date.

Article 8.0 Modification of General Conditions. None.

Article 9.0 Additional Special Conditions.

- 9.1 Expense Documentation. The Contractor will document the expenditure of such funds authorized as eligible for reimbursement in accordance with the conditions of this Contract upon submission of the HSP-2 and, for equipment, the HSP-3 as supplied by the DPS/GTSB.
- 9.2 Policies and Procedures. The Contractor will comply with all policies and procedures contained in the Iowa DPS/GTSB Policies and Procedures Manual, as amended, including appropriate attachments provided by the DPS/GTSB in accordance with Section 402 of the Fixing America's Surface Transportation Act, and the Iowa Administrative Code, Section 661, Chapter 20.
- 9.3 Copyrights. The Federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:
 - a. The copyright in any work developed under a grant, sub-grant, or contract under a grant or sub-grant; and
 - b. Any rights of copyright to which a grantee, sub grantee or a contractor purchases ownership with grant support.
- 9.4 Debarred, Suspended and Ineligible Status. The Contractor certifies that the Contractor and/or any of its subcontractors have not been debarred, suspended or declared ineligible by any agency of the State of Iowa or as defined in the Federal Acquisition Regulation (FAR) 48 C.F.R. Ch.1 Subpart 9.4. The Contractor will immediately notify the DPS/GTSB if the Contractor is debarred by the State or placed on the Consolidated List of Debarred, Suspended and Ineligible Contractors by a federal entity.
- 9.5 Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes 23 CFR 1200.21. The Contractor will comply with all applicable procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20. The contractor must have prior written approval from DPS/GTSB before purchasing equipment over \$5,000. Failure to secure prior approval will result in the contractor being responsible for the cost of the equipment purchase; retroactive approval from NHTSA is not an option.
- 9.6 Civil Rights Act - The Contractor will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101. *et seq.* PL 101-336)

which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (k) the requirements of any other nondiscrimination statute(s) which may apply.

- 9.7 Buy America Act - The Contractor will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements: Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.
- 9.8 Political Activity (Hatch Act) - The Contractor will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds. As such, the Contractor will not subcontract with any agency to conduct DPS/GTSB contract-related activities.
- 9.9 Lobbying Restrictions - None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Article 10.0 Conditions of Payment.

- 10.1 Maximum Payments. It is expressly understood and agreed the maximum amount to be paid to the Contractor by the DPS/GTSB for any item of work or service will be the amount specified under Article 12.0 subject to Article 11.0 herein. It is further understood and agreed the total of all payments to the Contractor by the DPS/GTSB for all work and services required under this Contract will not exceed \$17,500.00 unless modified by written amendment of this Contract as provided in Section 1.0 of the General Conditions.
- 10.2 HSP-2 Form for Payment. All payments to the Contractor will be subject to the DPS/GTSB's receipt of an HSP-2 and documentation. If claiming equipment

HSP-3 must also be submitted. The Contractor must perform services and receive merchandise between the effective dates of the contract and pay for expenses prior to submitting the claim for reimbursement. An HSP-2 will be submitted on a form provided by the DPS/GTSB. No payments will be made if required reports are more than two months past due unless approved by the DPS/GTSB Director.

10.3 Receipt of Federal Funds.

- a. All payments hereunder will be subject to the receipt of federal funds by the DPS/GTSB. The termination, reduction, or delay of federal funds to the DPS/GTSB may be reflected by a corresponding modification to the conditions of this Contract.
- b. Notwithstanding any other provisions of this Contract, if funds anticipated for the continued fulfillment of this Contract are at any time not forthcoming or insufficient, either through failure of the State of Iowa to appropriate funds, discontinuance or material alteration of the program for which funds were provided, the DPS/GTSB will have the right to terminate this Contract without penalty by giving not less than thirty (30) days written notice documenting the lack of funding, discontinuance or program alteration. Unless otherwise agreed to by the parties, the Contract will become null and void on the last day of the fiscal year for which appropriations were received, except that if an appropriation to cover cost of this Contract becomes available within sixty (60) days subsequent to termination under this clause, the DPS/GTSB agrees to re-enter a Contract with the terminated Contractor under the same provisions, terms and conditions as the original Contract.
- c. In the event of termination of this Contract due to non-appropriation, the exclusive, sole and complete remedy of Contractor will be payment for services rendered prior to termination.

10.4 Non-Performance Termination. If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligation under this contract, or if the Contractor shall violate any of the agreements or stipulations of this contract, the DPS/GTSB shall thereupon have the right to terminate this contract and withhold further payment of any kind by giving written notice to the Contractor of such termination and specifying the effective date thereof, at least thirty (30) days before such date. The DPS/GTSB shall be the sole arbitrator of whether the Contractor or its subcontractor is performing its work in a proper manner with reference to the quality of work performed by the Contractor or its subcontractor under the provisions of this contract. The Contractor and the DPS/GTSB further agree that this contract may be terminated by either party by giving written notice of such termination and specifying the effective date thereof, at least thirty (30) days before such date.

10.5 The Contractor will arrange for a single audit to be performed in accordance with OMB Circular A-133 when, as a non-federal entity, the Contractor receives \$750,000.00 or more in federal funds. The federal agency, National Highway Traffic Safety Administration, Department of Transportation, passes funds through the Department of Public Safety, Governor's Traffic Safety Bureau. The Catalog of Federal Domestic Assistance (CFDA) number 20.600 applies to State & Community Highway Safety Grants. A copy of the audit report will be submitted to the DPS/GTSB within thirty (30) days after the completion of the audit.

Article 11.0 Statement of Work and Services. The Contractor will perform in a satisfactory and proper manner, as determined by the DPS/GTSB the following work and services:

- 11.1 The Contract will be monitored by the National Highway Traffic Safety Administration (NHTSA) and the DPS/GTSB. All records and documents pertaining to the project are subject to auditing and evaluation by those agencies or their designees.
- 11.2 The Contractor will absorb all costs not contained in this contract.
- 11.3 The project will be evaluated on all items contained in the Statement of Work and Services and the Budget.
- 11.4 There will be no change in the Statement of Work and Services or Budget without prior written approval of the DPS/GTSB.
- 11.5 The Contractor will comply with all requirements contained within the Policies and Procedures Manual of the DPS/GTSB.
- 11.6 All documents relative to fiscal claims will be maintained in the Contractor's office and will be available for review during regular office hours.
- 11.7 Staffing plan:
 - a. Officers to conduct 133 hours of directed overtime enforcement.
 - b. Officers to conduct 22 hours of overtime for educational presentations.
- 11.8 Contract activities:
 - a. Conduct 133 overtime hours of high visibility traffic enforcement with a maximum effort directed at occupant restraint, impaired driving and excessive speed violations during times and at locations identified as high-risk, including at least two special traffic enforcement projects, one of which will be conducted at night.
 - b. Conduct 22 overtime hours for educational presentations.
 - c. Conduct at least twelve public information/education activities aimed at improving driver safety behaviors.
 - d. Conduct and publicize results of two observational occupant protection surveys during March and August.
 - e. Purchase one NHTSA-approved radar unit and utilize for speed enforcement.
 - f. Purchase two in-car video cameras and utilize for impaired driving-related traffic enforcement.
- 11.9 Key dates:
 - a. By November 15, 2017 and the 15th of each subsequent month through October 15, 2018, submit a monthly report as specified in Article 4.5.
 - b. By September 30, 2018, receive one radar unit and two in-car video cameras as specified in Article 11.8 (e) and 11.8(f)
 - c. By November 1, 2018, submit an annual report as specified in Article 4.2.

d. By November 15, 2018, submit final claim for reimbursement.

11.10 Objective/performance measures:

- a. At least 133 hours of overtime enforcement conducted and all overtime and agency traffic enforcement contacts reported showing a sustained effort based on past performance.
- b. At least 22 hours of overtime for educational presentations.
- c. Twelve public information activities conducted and reported.
- d. Two occupant protection surveys completed and results publicized.
- e. One radar unit and two in-car video cameras purchased and utilized.

Article 12.0 Project Budget.

	Highway Safety Funds
Personal Services	
Directed overtime enforcement	\$ 6,000.00
Overtime for educational presentations	\$ 1,000.00
Equipment	
One radar and two in-car video cameras	<u>\$10,500.00</u>
TOTAL	\$17,500.00

RESOLUTION APPROVING CERTIFICATE OF COMPLETION
AND FINAL PROJECT COSTS WITH BOLAND RECREATION,
IN THE AMOUNT OF \$37,500 FOR CONSTRUCTION OF THE
MEGA-10 PARK PLAYGROUND EQUIPMENT AND SURFACING
PROJECT IN THE CITY OF MARSHALLTOWN, IOWA,
PROJECT NO. PRK17001

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the Mega-10 Park Playground and Surfacing Project.

WHEREAS, said project has been completed Boland Recreation, of Marshalltown, Iowa, pursuant to the plans and specifications covering said project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

That the labor and material for the Mega-10 Park Playground and Surfacing Project, is hereby accepted pursuant to the City of Marshalltown's Certificate of Completion for the final project cost of \$37,500.

BE IT FURTHER RESOLVED that the Mayor and City Clerk is hereby authorized and directed to do all things necessary to complete the contract with Boland Recreation, including the payment of the items called for in said contract and approved for final payment.

Passed this 11th day of September, 2017 and signed this 11th day of September 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN, IOWA

CERTIFICATE OF COMPLETION AND
FINAL ACCEPTANCE WORK

CONTRACTOR: Boland Recreation PROJECT NO.: PRK 17001

ADDRESS: 2347 Oak Park Road Marshalltown, IA

SURETY: Performance Bond, #106643792 \$181,801.50 ADDRESS Travelers Casual and Surety
Company of America.

KIND OF WORK: Procurement, delivery and installation of train themed playground
equipment. Installation of sub surfacing consisting of poured in place rubber.

CONTRACT COMPLETION DATE: Sept. 1, 2017

This is to certify that the work covered by the contract with Boland Recreation
on the above project, let January 23, 2017 and dated January 24, 2017, with
original contract amount of \$242,402 consisting of playground equipment and
installation including sub surfacing and located Mega-10 Park, 902 South 6th Street was
completed on the 1st day of September, 2017, and that the materials listed
on the attached final estimate were delivered and placed by the Contractor.

Final Contract Amount: \$ 242,402 Retainage: \$37,500 (final check).

Tax Exempt Form Rec'd: Yes Lien Waivers Received: No hereby
further certify that this report was prepared by me and I hereby recommend acceptance of this work.

Signed: _____
Anne Selness, Parks and Recreation Director

Date: _____

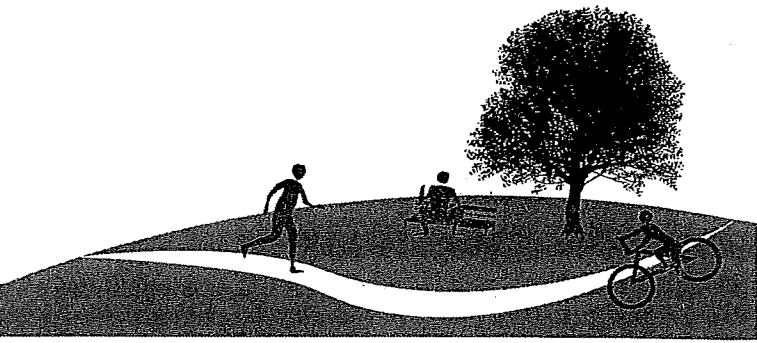
APPROVED AND WORK ACCEPTED BY THE CITY OF MARSHALLTOWN, IOWA

By: _____
Jim Lowrance, Mayor

Attest: _____
Shari L. Coughenour, City Clerk

Marshalltown

Parks and Recreation



Staff:

AnneMarie Selness
Director
ASelness@ci.marshalltown.ia.us

Brad Weuve
Parks Superintendent
(641) 754-5755
bweuve@ci.marshalltown.ia.us

Jennifer Hart
Recreation Supervisor
jhart@ci.marshalltown.ia.us

Becky Baedke
Administrative Assistant
BBaedke@ci.marshalltown.ia.us

Office:

10 W. State St.
Marshalltown, IA 50158

Hours:

Monday – Friday
8:30 a.m. – 4:30 p.m.

Contact Us:

Office: 641-754-5715
Fax: 641-754-5728
precoffice@ci.marshalltown.ia.us
marshalltownparkandrec.com

Follow us on:  

Marshalltown



PARKS
Grow Healthy Communities

To: Anne Selness

From: Brad Weuve, Parks Superintendent

Date: August 30, 2017

Re: Mower

Parks and Recreation has \$22,000 in our CIP to replace our 2004 New Holland MC 28 mower. This unit has a 72" mowing deck and hard-side cab which we will be trading.

The MC 28 is used by the Police department to mow there gun range and as a backup snow removal unit. We will trade this unit in and then they will use another of our mowers to mow their range.

Specifications were sent out to three equipment vendors asking for quotations and we received three quotes back. Two were from our local implement dealers and one from another dealer which did not meet our specifications.

Van Wall Equipment	\$18,000
Central Iowa Farm Store	\$21,993
MTI Distributing	\$21,528.43 (does not meet specs)

I recommend we accept the bid from Van Wall Equipment.

2017-

RESOLUTION ACCEPTING BID AND AUTHORIZING THE PURCHASE OF ONE JOHN DEERE 1570 FRONT MOUNT MOWER FOR USE IN PARKS, VAN WALL EQUIPMENT \$18,000.

WHEREAS the City of Marshalltown, Iowa desires to procure a mower to be utilized by the Parks and Recreation Department for mowing throughout the City and sought quotes for this purpose; and

WHEREAS Van Wall Equipment, Marshalltown, Iowa submitted the low bid for \$18,000 for a new front mount 72" riding mower, and

WHEREAS acceptance of this bid is in the best interest of the City of Marshalltown.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

Section 1. That the City of Marshalltown accepts the low bid from Van Wall Equipment for said Parks and Recreation mower in the amount of \$18,000.

Section 2. The Parks and Recreation Director of the City of Marshalltown is hereby authorized to enter into agreements on behalf of the City of Marshalltown to purchase said mower at the above referenced price and conditions.

Passed this 11th day of September, 2017, and signed this 11th day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



James Lowrance, Mayor
Jessica Kinser, City Administrator
Marshalltown Parks and Recreation
Anne Selness, Director
10 West State
Marshalltown, Iowa 50158-1830
(641) 754-5715
Fax—(641) 754-5728

FROM: Brad Weuve, Parks Superintendent
RE: Mower Quotation Request
DATE: July 21, 2017

The Marshalltown Parks and Recreation Department is seeking quotations for one new front mount riding mower. The unit must meet or exceed the following specifications:

- 72 inch side discharge deck
- 34 H.P, or more, water cooled engine
- Diesel
- Steering wheel
- Hydrostatic transmission
- Foot pedal forward/reverse
- Individual brakes
- Two dual acting remote hydraulic valves for attachments
- Maximum number of rear weights and bracket
- PTO drive for front attachments
- Hydraulic lift for attachments
- High back foam cushion seat with suspension system
- Two extra sets of cutting blades
- Unit to be delivered ready-to-go
- Dealer must provide orientation/training of operation
- ROPS
- Spare rim and drive tire
- Spare rim and steering tire
- Spare deck rim and tire
- Owners, repair and parts manuals
- 4 WD
-
-

We will be trading a 2004 New Holland MC28 front mount mower with 72" deck, hard side cab with heater with approximately 2450 hours. For more information contact Brad Weuve at 754-5755

City Council
Mike Gowdy, Joel Greer, Al Hoop, Leon Lamer,
Dan Kester, Bill Martin, Bethany Wirin

CITY OF MARSHALLTOWN
Parks & Recreation Department

REQUEST FOR QUOTATION

Quotation Due: August 25, 2017 by 5:00 p.m.

Return To: Brad Weuve, Parks Superintendent
Marshalltown Parks and Recreation - MOWER BID
10 West State Street
Marshalltown, Iowa 50158

The undersigned hereby propose to provide a lawn_mower in accordance with the specifications.

Price	<u>23,500</u>
2004 N. H. MC28 Trade in Price	<u>5,500</u>
Total Price	<u>18,000</u>

The award of the contract will be made to the bidder whose proposal is deemed to be in the City's best interest and agreed upon by the Marshalltown City Council. The City of Marshalltown, Iowa, reserves the right to reject any or all bids and to award bid to the best acceptable bidder.

Firm: Van Wall Equipment

By: Adam Janssen Title: Sales

Business Address: 3006 S Center St

Phone: 641-750-3811 Date: 8-25-17

Warranty information: 2 year warranty

Expected Delivery Date: 30 days from order

Applicant License Application ()

Name of Applicant: <u>Mahana Ventures LLC</u>		
Name of Business (DBA): <u>Calvin Rockett</u>		
Address of Premises: <u>2013 South Center St</u>		
City <u>Marshalltown</u>	County: <u>Marshall</u>	Zip: <u>50158</u>
Business <u>(641) 328-1033</u>		
Mailing <u>2013 South Center St</u>		
City <u>Marshalltown</u>	State <u>IA</u>	Zip: <u>50158</u>

Contact Person

Name <u>Grant Mattox</u>	
Phone: <u>(641) 751-7666</u>	Email <u>grantmattox@gmail.com</u>

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 09/12/2017

Expiration Date: 01/01/1900

Privileges:

Catering Privilege

Class C Liquor License (LC) (Commercial)

Sunday Sales

Status of Business

BusinessType: <u>Limited Liability Company</u>	
Corporate ID Number: <u>533395</u>	Federal Employer ID <u>82-2480785</u>

Ownership

David Mattox

First Name: <u>David</u>	Last Name: <u>Mattox</u>	
City: <u>Marshalltown</u>	State: <u>Iowa</u>	Zip: <u>50158</u>
Position: <u>Member</u>		
% of Ownership: <u>50.00%</u>	U.S. Citizen: <u>Yes</u>	

Leah Mattox

First Name: <u>Leah</u>	Last Name: <u>Mattox</u>	
City: <u>Marshalltown</u>	State: <u>Iowa</u>	Zip: <u>50158</u>
Position: <u>Member</u>		
% of Ownership: <u>50.00%</u>	U.S. Citizen: <u>Yes</u>	

Insurance Company Information

Insurance Company: <u>Windsor Casualty Co</u>
--



James L. Lowrance, Mayor
36 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

September 7, 2017

To: Mayor James L. Lowrance and City Administrator Jessica Kinser
Members of the City Council

From: Plan Zoning Commission Members
Prepared by Michelle Spohnheimer, Housing & Community Development Director

Re: Recommendation to the Marshalltown City Council regarding the received petition to establish the Marshalltown Downtown Self-Supported Municipal Improvement District (SSMID).

The following report was prepared in accordance with Iowa Code 368.3 Section 3.

The following shall serve as communication from the Plan Zoning Commission for the City of Marshalltown advising that at their meeting held on September 7, 2017 starting at 5:00 PM, the following recommendation was made regarding the request to establish the Marshalltown Downtown Self-Supported Municipal Improvement District (SSMID).

At the meeting the following information was presented.

EVALUATION

The City Plan Zoning Commission, with due diligence reviewed the merit and feasibility of the project. The Commission received information presented to the City Council including a memo from City Administrator Jessica Kinser regarding the validation of the petition, information from the Marshalltown Central Business District, comments from the public, a copy of the Council resolution, a copy of the final petition, a map of the area and a list of validated owners.

STAFF REPORT TO THE PLAN ZONING COMMISSION

Property owners within the proposed SSMID area have submitted signed petition to establish a new Marshalltown Downtown SSMID to provide improvements throughout the district as outlined in the information presented by the MCBF Board of Directors and as authorized by the Iowa Code. The petitions have been validated by the City Administrator and meet the Iowa Code Chapter 368 requirements.

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop,
Dan Kester, Bill Martin, Bethany Wirin



The role of the Commission was to review the proposal for consistency with various planning goals, objectives and community plans. There is a defined process which includes referral from the City Council to the Commission for a recommendation back to the Council.

SUMMARY OF DISCUSSION AND PUBLIC COMMENTS

Representatives from the Central Business District were present to discuss the proposal before the City. An overview of the background leading up to the submission was included.

The City Administrator presented information related to Code requirements and validation process of owner names and property valuations.

Several public comments were received at the meeting in opposition to the SSMID, the financial impacts and rate structure.

Further details can be found in the Plan Zoning Commission meeting minutes which are attached.

The Commission members discussed their role as it relates to community planning compared to the role of the elected officials who will review some of the other issues discussed and compared to the State legislature that enact the Code we follow.

COMMISSION RECOMMENDATION

The Plan Zoning Commission approved the following recommendations to be included in the report for the City Council which is to be prepared by the Housing & Community Development Director.

The efforts of the proposal submitted do align with the intent of the comprehensive plan and the goals of the City Council and the Plan Zoning Commission. They are consistent with the various community plans that have been accepted including the Comprehensive Plan, City Center plan and other strategic plans conducted over the years.

The Commission does recognize however there appears to be some financial inequities which should be reviewed by the City Council as it relates to the various rate structures and application to exempt properties that would not be contributing yet are counted in the process.

The Commission recognizes there are many ways to achieve the goals identified and that all owners on both sides of the petition support the Downtown and the Community.

COMMISSION RECOMMENDATION:

Greer moved to submit the recommendations regarding the Marshalltown Downtown Self-Supported Municipal Improvement District (SSMID) in the form of a report to the City Council. Valbracht seconded the motion.

Commission Action:	Yes	Nay	Abstain	Absent
Jon Boston	X			
Sharon Greer	X			
Aimee Deimerly-Snider	X			
Keith Bloomquist	X			
Angela Lins-Eich				X
Fauna Nord				X
Steve Valbracht	X			

Based on the votes the motion passed to forward the recommendation to the Council

Respectfully submitted on behalf of the Plan Zoning Commission,



Michelle Spohnheimer
Housing & Community Development Director
City of Marshalltown

MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
SEPTEMBER 7, 2017

Call to order: 5:00 PM

Members Present: Jon Boston-Chair, Sharon Greer-Vice-Chair, Keith Bloomquist, Aimee Deimerly-Snyder and Steve Valbracht

Absent: Fauna Nord & Angela Lins-Eich

1. Approval of Minutes from May 11, 2017

Approved as distributed.

2. **DISCUSSION & SET PUBLIC HEARING** for rezoning proposed parcel owned by Marshalltown Center IO LLC (Marshalltown Mall) from RC, Regional Commercial to R-4 Medium density Residential

Steve Troskey, CGA, and Ken Huge, Marshalltown Mall, presented the rezoning request before the Commission. The Mall is requesting to rezone the northeast corner of the property to R-4, Medium Density Residential for future residential development. At this time it is unknown if the mall will be the developer or if the property would be sold to another party.

The Commission expressed concern related to ensuring that there is buffering between the mall and the residential area. Spohnheimer indicated that that question would be taken to legal counsel for an opinion on what is the best way to ensure that code is satisfied. It may be in the rezoning ordinance or the subdivision plat. Boston indicated a desire to see the development come forward as a PUD rather than an R-4 zone to ensure the design features and access in and around the site.

Spohnheimer indicated the next step would be to set a public hearing which would be scheduled for October 12, 2017.

Motion by Valbracht to set the public hearing. Second by Greer. Motion Carried 5-0

3. **REVIEW & RECOMMENDATION** to the City Council on the Marshalltown Downtown SSMID (Self-Support Municipal Improvement District) petition.

Spohnheimer began the discussion with an overview of the process outlined in the State Code. The Code requires when a petition to create a SSMID has been submitted to the City for consideration and has been validated it is placed on the Council agenda. The City Council is required to refer the proposal to the Plan Zoning Commission. It is the responsibility of the Commission to evaluate the merit of the submission and make a recommendation back to the City Council. Spohnheimer described that the Commission should evaluate the proposal based on the planning aspects as it relates to our community plans and goals.

Spohnheimer indicated that representatives from the Marshalltown Central Business District were present to provide an overview of the proposal and answer questions related to the proposal. City Administrator, Jessica Kinser, was present to address questions in the validation process and

compliance with the Iowa Code under the direction of the City's legal Counsel. Members of the public were also present to make comments.

Nathan McCormick presented on behalf of the MCBF information related to the history of discussions around establishing a SSMID and potential uses of the funds which would impact the downtown. He discussed the efforts to meet with owners, secure signatures and answer questions about the process and impact. He discussed the various rates based on the zones within the SSMID.

Jessica Kinser presented information related specifically to the totaling of numbers and percentages used for the various calculations. She explained that an individual is considered to be an owner and that it is not calculated based on the parcel or building. One owner may own multiple properties and they would be considered a single owner. Additionally one property may have three individual owners listed which go into the calculation. Valuations are calculated using all properties as is the number of owners. The Iowa Code requires 25% of owners and 25% of valuation be achieved in order to present a valid petition. Kinser confirmed that the numbers were validated.

Jonathan Hull, a downtown property owner, came forward with public comments in opposition of the SSMID. He discussed the issues with having exempt property owners being able to sign a petition when they would not face the financial impact a taxed property would. Hull described that the memo presented to the Commission and Council did contain an error and that the Code indicates if an opposing petition is filed that satisfies 40% of owners or 40% of valuation are opposed the process would not continue.

Mindy Van Dyke submitted written comments read aloud by Jonathan Hull. Her comments included concerns to funding an agency through tax dollars that could be funded through fundraising efforts. She indicated the impact to small businesses is significant and in an effort to encourage downtown development a new tax would not be the best approach.

Darrel Meyer, a downtown property owner, came forward and discussed that the role of the Commission was to evaluate the merit of the proposal and to prepare a report and that he felt that Commission should take time to conduct that process.

Tim Hoffman, a downtown property owner, questions the inclusion of residential properties in the district.

Dave Thompson, a downtown property owner, presented public comments in opposition to the SSMID. He voiced concerns related to the non-profits that could support something they would not have to pay for. Thompson presented the differences in the rates that two similarly classed commercial properties would pay is not fair and equal treatment. Thompson discussed proposed items to be included such as snow removal and how that is the responsibility of the property owner and should not be covered by all through a tax. Thompson questioned the audience to see how many property owners were present that were opposed who would be taxed. 12 individuals were identified. He in return questioned how many were present in favor that would be taxed and there was 1. Thompson repeated his opinion related to equal representation.

Commissioners comments included discussion related to the various rate structures presented indicating that the Iowa Code allows for the variances but questioned if that was the most appropriate. Deimerly-Snyder discussed her understanding with the struggles of keeping the doors open while recognizing the economic impacts to the community. Greer commented on role the

State legislature has in creating the laws that govern the process and that although we may not always agree they are the Codes that we work within and that the role of the Commission is to evaluate the planning aspect and the issues of financial equity and fairness are things the Council will discuss. Boston described other planning related areas that the Commission reviews and that it is often challenging for the public to understand how the Commission has to evaluate issues that come before them.

Valbracht questioned if the commission must make a unanimous decision to send back to the Council? Spohnheimer indicated that our legal Counsel had addressed that question and that the Commission was not responsible for making unified recommendation and that the comments would be presented in the form of a report which may include a variety of things for the Council to consider.

Based on all of the comments received and discussion which took place the Commission decided to include the following comments in their report to the Council. Motion by Greer. Second by Valbracht. Motion carried 5-0.

The efforts of the proposal submitted do align with the intent of the comprehensive plan and the goals of the City Council and the Plan Zoning Commission. They are consistent with the various community plans that have been accepted including the Comprehensive Plan, City Center plan and other strategic plans conducted over the years.

The Commission does recognize however there appears to be some financial inequities which should be reviewed by the City Council as it relates to the various rate structures and application to exempt properties that would not be contributing yet are counted in the process.

The Commission recognizes there are many ways to achieve the goals identified and that all owners on both sides of the petition support the Downtown and the Community.

A report will be prepared by the Housing & Community Development Director along with the minutes of the meeting so that it can be forwarded to the City Council for consideration at the public hearing.

With no further business the Commission adjourned.

Respectfully submitted,

Michelle Spohnheimer, Housing & Community Development Director

RESOLUTION NO. _____

Resolution setting a time and place for a meeting at which the City Council proposes to hold a hearing and take action on the establishment of the Marshalltown Downtown Self-Supported Municipal Improvement District.

WHEREAS, a Petition for the establishment of a Self-Supported Municipal Improvement District in the City of Marshalltown (the "City") to be known as the "Marshalltown Downtown Self-Supported Municipal Improvement District" (the "Proposed District") has been filed with the City of Marshalltown, Marshall County, Iowa in accordance with the provisions of Chapter 386, Code of Iowa (the "Act"); and

WHEREAS, pursuant to the Act, the Petition has been referred to the City Plan Zoning Commission, which Commission has prepared and filed with the City Council an evaluative report on the merit and feasibility of the project proposed in the Petition in accordance with the provisions of the Act; and

WHEREAS, no petition has been filed with the City Clerk of the City containing the signatures of at least 40% of all owners of property within the Proposed District or signatures which together represent ownership of property with an assessed value equal to 40% or more of the assessed value of all property within the Proposed District objecting to the establishment of the Proposed District and seeking withdrawal of such establishment from Council consideration; and

WHEREAS, it is necessary to fix a time and place for a meeting at which the City Council proposes to hold a hearing and take action on the establishment of the Proposed District;

NOW, THEREFORE, be it resolved by the City Council of Marshalltown, Iowa, as follows:

Section 1. The 9th day of October, 2017, at 5:30 o'clock p.m. at the Council Chambers, Marshalltown, Iowa, is hereby fixed as the time and place at which the City Council will meet for the purpose of holding a hearing and taking action on the establishment of the Proposed District.

Section 2. At that time and place, the City Council will hear all owners of property in the Proposed District or residents of the City desiring to express their views with respect to the establishment of the Proposed District.

Section 3. The Clerk is hereby authorized and directed to give notice of the hearing by publication of a notice once, at least 4 and not more than 20 days prior to the date set for such hearing, in a legal newspaper of general circulation in the City, and shall also mail a copy of such notice by certified mail to each owner of property within the Proposed District, as shown by the records in the office of the County Auditor, not less than 15 days prior to the date set for such hearing. The said notice shall be in substantially the following form:

NOTICE OF HEARING ON ESTABLISHMENT OF MARSHALLTOWN DOWNTOWN SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN: There is now on file for public inspection in the office of the City Clerk of the City of Marshalltown, Iowa, a Petition asking the City Council to establish a Self-Supported Municipal Improvement District pursuant to Chapter 386, Code of Iowa (the "Act"), to be known as the "Marshalltown Downtown Self-Supported Municipal Improvement District" (the "Proposed District").

The purposes for which the Proposed District is to be established shall be the undertaking of actions and the design and construction of any and all improvements authorized by the Act and the performance of administration, redevelopment and revitalization of the Proposed District, as authorized by the Act, any and all of which actions and improvements are intended to benefit the property within the Proposed District.

A consolidated description of the property within the Proposed District is as follows:

LEGAL DESCRIPTION

THE MARSHALLTOWN SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT (SSMID) LOCATED IN THE CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA. FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 7, BLOCK 6, ORIGINAL TOWN OF MARSHALL; THENCE, EAST TO THE NORTHWEST CORNER OF LOT 10, BLOCK 5, ORIGINAL TOWN OF MARSHALL; THENCE, NORTH TO THE NORTHWEST CORNER OF LOT 3, BLOCK 5, NORTH MARSHALL ADDITION; THENCE, EAST TO THE NORTHWEST CORNER OF LOT 10, BLOCK 4, NORTH MARSHALL ADDITION; THENCE, NORTH TO THE NORTHWEST CORNER OF LOT 7, BLOCK 4, NORTH MARSHALL ADDITION; THENCE, EAST TO THE NORTHEAST CORNER OF LOT 6, BLOCK 3, NORTH MARSHALL ADDITION; THENCE, SOUTH TO THE NORTHEAST CORNER OF LOT 3, BLOCK 3, NORTH MARSHALL ADDITION; THENCE, EAST TO THE NORTHEAST CORNER OF LOT D, BLOCK 2, NORTH MARSHALL ADDITION; THENCE, SOUTH TO THE NORTHEAST CORNER OF LOT 1, BLOCK 11, ORIGINAL TOWN OF MARSHALL; THENCE, EAST TO THE NORTHEAST CORNER OF LOT 1, BLOCK 8, ORIGINAL TOWN OF MARSHALL; THENCE, SOUTH TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 2, ANDREW'S ADDITION TO MARSHALL; THENCE, WEST TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 13, ORIGINAL TOWN OF MARSHALL; THENCE, SOUTH TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 23, ORIGINAL TOWN OF MARSHALL; THENCE, WEST TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 20, ORIGINAL TOWN OF MARSHALL; THENCE, SOUTH TO THE SOUTHEAST CORNER OF LOT 12, BLOCK 27, ORIGINAL TOWN OF MARSHALL; THENCE, WEST TO THE SOUTHWEST CORNER OF LOT 9, BLOCK 27, ORIGINAL TOWN OF MARSHALL; THENCE, NORTH TO THE NORTHWEST CORNER OF LOT 7, BLOCK 20, ORIGINAL TOWN OF MARSHALL; THENCE, WEST TO THE NORTHWEST CORNER OF LOT 7, BLOCK 19, ORIGINAL TOWN OF MARSHALL; THENCE, NORTH TO THE NORTHWEST CORNER OF LOT 7, BLOCK 16, ORIGINAL TOWN OF MARSHALL; THENCE, WEST TO THE NORTHWEST CORNER OF LOT G, BLOCK 17, ORIGINAL TOWN OF MARSHALL; THENCE, NORTH TO THE NORTHEAST CORNER OF LOT D, BLOCK 17, ORIGINAL TOWN OF MARSHALL; THENCE, WEST TO THE NORTHWEST CORNER OF LOT D, BLOCK 17, ORIGINAL TOWN OF MARSHALL; THENCE, NORTH TO THE POINT OF BEGINNING.

The Petition also provides for the establishment of a Self-Supported Municipal Improvement District Operation Fund and the levy of an annual tax with respect to such fund upon all the property, as defined in the Act, within the Proposed District, excluding property assessed as residential property for property tax purposes, for the purposes of paying administrative expenses and maintenance expenses of improvements, the maximum rates of which tax in any year shall not exceed \$3.60 per thousand dollars of taxable value of commercial

Main Street frontage property and \$3.16 per thousand dollars of taxable value of commercial properties adjacent to Main Street.

The City Council will meet on the 9th day of October, 2017, at 5:30 o'clock p.m. at the Council Chambers, Marshalltown, Iowa, for the purpose of holding a hearing and taking action on the establishment of the Proposed District. At that time and place, the City Council will hear all owners of property in the Proposed District or residents of the City desiring to express their views with respect to the establishment of the Proposed District.

Shari L. Coughenour, CMC,

City Clerk

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Approved the _____ day of September, 2017.

Mayor

Attest:

City Clerk



James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: September 11, 2017
RE: NEA Grant

Policy Issue: Council must approve use of funds not budgeted

Recommendation: To approve the resolution as proposed

Background: Trails Inc. has been in discussions with MPAC/Arts and Culture Alliance about a master plan for the entire length of the Iowa River Trail. This plan would provide consistency in the design of signage, design bridges, and develop a plan for public art along the trail. City staff located a grant from the National Endowment for the Arts which requires a partnership between a local government and a non-profit arts and culture group (Marshall County Arts and Culture Alliance) to work towards arts engagement and cultural planning. A plan for the Iowa River Trail public art would be eligible for funding.

The City is the only entity that can apply due to a deadline to submit a SF-424 indicating interest and providing general information by September 18th. It takes 2 weeks or longer to be approved to apply for the SF-424, and the City already has an account set up. The grant is available in increments of \$25,000, with a one-to-one match. Therefore, we are proposing to apply for \$50,000 with \$5,000 of the match to come from the City and the other \$45,000 to be identified before the application due date of October 2nd.

Budget Impact: \$5,000 to come from LOST Council designated fund balance

Attachment: None

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin



**RESOLUTION AUTHORIZING A GRANT APPLICATION TO NATIONAL ENDOWMENT FOR
THE ARTS FOR A PUBLIC ART MASTER PLAN FOR THE IOWA RIVER TRAIL**

WHEREAS the City of Marshalltown has a portion of the Iowa River Trail within City limits and owns the portion of the trail located in Marshall County; and

WHEREAS, Trails, Inc., would like to pursue a comprehensive master plan for the entire trail, including the Marshall and Hardin County portions; and

WHEREAS, the comprehensive master plan would seek to address signage, aesthetics and amenities, public art, trailhead design, and bridge design; and

WHEREAS, the National Endowment for the Arts has available an Our Town grant for arts engagement, cultural planning and design, of which a master plan for the public art component could be funded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, staff is hereby authorized to submit a grant application to the National Endowment for the Arts in the amount not to exceed \$100,000; and

BE IT FURTHER RESOLVED, the City of Marshalltown pledges \$5,000 towards the completion of a the master plan for the Iowa River Trail to come from local option sales tax undesignated fund balance.

Passed this 11th day of September, 2017, and signed this _____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

#2017-

RESOLUTION APPROVING A CONTRACT FOR PROVIDING AMBULANCE
ASSISTANCE TO UNITY POINT HEALTH - MARSHALLTOWN

WHEREAS the City of Marshalltown Fire Department is a Basic Life Support (BLS) response agency; and

WHEREAS Unity Point Health – Marshalltown is the Advanced Life Support (ALS) provider and transport service in Marshalltown; and

WHEREAS Unity Point Health – Marshalltown wishes to compensate the City and its Fire Department for services rendered in the amount of \$5,833 per month; and

WHEREAS, the Council has examined the contract and has found same to be in the best interests of the City of Marshalltown, Iowa, and that same should now be approved and accepted

THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:

Section 1. The City of Marshalltown, Iowa authorizes approval of a contract with Unity Point Health – Marshalltown for compensation of services in the amount of \$5,833 per month.

Section 2. This Resolution is in full force and effect from and after its passage.

Passed this 11th day of September, 2017, and signed this __ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CONTRACT CONCERNING AMBULANCE ASSISTANCE CALLS

WHEREAS UnityPoint Health - Marshalltown (UPH-M) provides a paramedic level ambulance service to patients in the Marshalltown area, and:

WHEREAS the City of Marshalltown, through its Fire Department has available qualified medical technicians, trucks, radios, and other emergency equipment that would support UPH-M in the provision of paramedic ambulance services, and:

WHEREAS in the normal course of emergency response it is not uncommon that Fire Department personnel arrive at the scene before UPH-M ambulance personnel, and in those instances Fire Department personnel are able to initiate vital services, including cardiopulmonary resuscitation, that may be a very substantial benefit to the patients being served by UPH-M;

THEREFORE, UPH-M wishes to compensate the City of Marshalltown and its Fire Department for the services rendered through this contract, delineated here below;

THEREFORE, this Contract is made between UPH-M and City of Marshalltown, as follows:

1. **Subject Matter:** The City of Marshalltown agrees to, through the Marshalltown Fire Department (MFD) , respond to Emergency Medical Calls within the municipal corporate boundaries of the City of Marshalltown subject to the following:
 - a. No response will be made to nursing home calls or to the Iowa Veterans Home unless an emergency situation is deemed to exist by UPH-M at the time it responds to the call and same is communicated to MFD.
 - b. MFD shall respond to Emergency Calls except when unable because it is already performing other emergency services at the time of the request for assistance.
2. **Equipment:** In responding to Emergency Medical Calls MFD shall utilize its rescue truck and other fire apparatus, staffed by Marshalltown Firefighters/EMT' s. Personnel responding shall be trained in first aid and shall have available oxygen for required purposes.
3. **UPH-M Shall Provide:** UPH-M shall provide MFD with two semi- automatic external defibrillators which are to be stored on MFD premises and used by MFD when providing first responder services. In addition, UPH-M shall provide MFD with maintenance on the defibrillators and shall provide quarterly qualification training in their use. This training shall be made available to all MFD personnel functioning as first responders.
4. **Supplies:** UPH-M shall also provide MFD with replacement supplies for those utilized in Emergency Medical Calls which represent assistance to UPH-M.
5. **Compensation:** UPH-M will pay to the City of Marshalltown a rate of \$5,833 per month starting _____ 1, 2017, payable quarterly. This sum shall be paid regardless of the number of call responded to. This sum shall be mailed to the City of Marshalltown, Finance Department, 24 North Center, Marshalltown, Iowa, 50158. Neither Marshalltown

nor MFD shall bill UPH-M for this quarterly payment but it shall be paid within ten (10) days after the close of the quarter.

6. **Contract Term:** This contract shall be in full force and effect until terminated by either party. Termination shall be at the election of either party by mailing a 30 day notice of termination to the other party by ordinary mail at the last know business address. This Contract shall also be reviewed annually.
7. **Liability Insurance Coverage:** MFD will continue its coverage under the existing City liability and UPH-M will provide its own independent coverage for liability purposes.
8. **Contract Amendment:** No modification or amendment of this contract shall be made orally. Any modification or amendment must be reduced to writing and approved my Marshalltown and UPH-M before becoming effective. Approval by Marshalltown means approval by the Marshalltown City Council.
9. **Effective Date:** This agreement shall be in full force and effect from and after its approval by Resolution by the City Council of the City of Marshalltown and signature by authorized representatives of UPH-M.
10. **No Exclusion:** Each party represents and warrants that it is not now nor has it ever been an Excluded Provider. For purposes of this Section, the term "Excluded Provider" means a person or entity that either: (1) has been convicted of a crime related to health care, or (ii) is currently listed by a federal agency as sanctioned, debarred, excluded, suspended, or otherwise ineligible for participation in any Federal Health Care Program, as defined at 42 U.S.C. §1320a-7b(f), including, without limitation, Medicare and Medicaid. Either Party shall notify the other Party within five (5) days after the Party receives notice that it is an Excluded Provider. The Party receiving such notice from the Excluded Provider shall have the right to terminate this Agreement at any time after learning that the notifying Party is an Excluded Provider. For purposes of this Section, "UPH-M" and "MFD" shall include, as applicable, (1) the entity entering into this Agreement and (2) any such entity's directors, officers, managing employees, or any similar agent of such entity, any person who retains an ownership or controlling interest of 5% or more in the entity, and any subcontractors or employees performing the Agreement or providing the services hereunder.
11. **Access to Books and Records:** To the extent required by law, until the expiration of four (4) years after the furnishing of products and services pursuant to this Agreement, MFD agrees to make available upon receipt of written request from the Secretary of Health and Human Services or the U.S. Comptroller General or any of their duly authorized representatives, this Agreement and the books, documents and records that are necessary to certify the nature and extent of costs of products and services provided by MFD hereunder.
12. **Indemnification:** Each party (the "Indemnifying Party") agrees to indemnify and hold the other party, its officers, directors, employees and agents (the "Indemnified Party") harmless from and against any loss, liability, damage, action, cost or expense (including reasonable attorney's fees and court costs) arising out of (i) the negligence acts or omission of the Indemnifying Party, its officers, directors, employees or agents, and (ii) a breach of the terms of this Agreement, including any attachments or exhibits to this Agreement, by the Indemnifying Party.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the dates set forth below their respective signatures.

**UNITYPOINT HEALTH -
MARSHALLTOWN**

By: _____
Its: _____
Date: _____

CITY OF MARSHALLTOWN

By: _____
Its: _____
Date: _____

RESOLUTION APPROVING A SOLE SOURCE PROCUREMENT FOR THE PURCHASE,
INSTALLATION AND MAINTENANCE OF DISPATCH EQUIPMENT

WHEREAS, the City of Marshalltown is building a new facility for Police and Fire operations, which will also house the Marshall County Communications Center; and

WHEREAS, most of the current equipment is outdated and was not planned to be moved to the new facility; and

WHEREAS, due to the requirements of the purchase including required direct connectivity and integration to existing digital land mobile radio systems, integration between the existing 911 telephone system and computer aided dispatch system, and a requirement of a thirty-minute response time in case of an outage, this purchase is available from a sole economically feasible source; and

WHEREAS, the purchase of the Marshall County Communications Center equipment and installation must be such that it aids in the safety of Marshalltown residents.

WHEREAS, the purchase of this equipment from a sole economically feasible source will exceed the maximum amount allowed for a single-source purchase pursuant to the City of Marshalltown Purchasing Policy; and

WHEREAS, moving forward with the purchase of the Marshall County Communications Center equipment from a sole economically feasible source and waiving the City of Marshalltown Purchasing Policy will harmonize the dollar amounts listed in the purchasing policy and the fact that this product is available from a sole economically feasible source,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, the Purchasing Policy of the City of Marshalltown is hereby waived to provide for a sole source procurement of dispatch equipment and the installation and maintenance of said equipment.

Passed this 11th day of September, 2017, and signed this ____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: August 7, 2017
RE: Sole Source of Dispatch Equipment

Many months ago a question was asked about whether the City could utilize a single vendor with no bidding process for the purchase and installation of new equipment for the Communications Center in the new Police and Fire Facility. We took this question to Lynch Dallas, P.C. to see if this equipment was included as part of the public improvement project ("Project"), and therefore subject to the State of Iowa bidding requirements. After a careful review of the bid documents for both the architect and the construction manager and the resulting contracts for each, Lynch Dallas determined that the equipment purchase and installation was not part of the greater Project, as it was not specifically outlined in the scope of work for each bid or contract. Therefore, it was not subject to that State of Iowa's bidding requirements.

While the purchase of the new equipment for the Communications Center in the new Police and Fire Facility is not subject to the State of Iowa's bidding requirements, the City of Marshalltown Purchasing Policy addresses the purchase. This policy states:

Sole Economically Feasible Source: This method is permissible when a competitive bid or competitive quotation is not required by state law or by this purchasing policy and a product or service is only available from a single supplier, such as parts available only from an OEM, or under an existing warranty.

Because this purchase requires direct connectivity and integration to the existing digital land mobile radio system and integration between our existing 911 telephone system and our computer aided dispatch system, it is only available from a sole economically feasible source. Additionally, the purchase, installation, and maintenance of this communications-related equipment must be done in such a manner that ensures the safety of Marshalltown citizens and employees, which currently has a guaranteed 30 minute response time in case of an outage.

Therefore, in order to harmonize the dollar amounts listed in the purchasing policy and the fact that this product is available from a sole economically feasible source, the City Council would need to approve a resolution waiving the dollar amount requirements listed in the City of Marshalltown Purchasing Policy for the procurement of communications-related equipment and installation. If this is something the Council would like to proceed with, a resolution will appear on the August 28th agenda.

City Council

Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin

Marshalltown





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City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: August 7, 2017
RE: Proposal for Code Enforcement Inspector

One of major inefficiencies of our organization through this year has been the lack of a full-time individual dedicated to nuisance and other code enforcement issues. As we have communicated throughout the year, there has been general agreement that we need to address this issue as soon as feasible. With the successful reallocation of local option sales tax, we will have additional funding in the current fiscal year with which to make this change.

Since May 2012, the Police Department included the position of Code Enforcement Officer. This was a civilian position, which when vacated in 2015 was not refilled. This resulted in a sworn officer taking on the duties of nuisance enforcement. In early 2017, the Police Department no longer was able to have an assigned officer dedicated to this function due to staffing shortages, so Chief Tupper took on the responsibility. Since May, his efforts have been supported by an officer assigned to light duty.

I would like to propose to the Council that the City move forward with hiring a full-time civilian dedicated to Code Enforcement, but with a few changes.

First, the title of "code enforcement" does not match the job description. Code enforcement encompasses nuisance enforcement, property maintenance enforcement, and zoning enforcement, along with the dangerous building ordinance and essentially any other issue which could be a violation of the Code of Ordinances of the City of Marshalltown. The current job description (attached) focuses mostly on nuisance and parking issues, excluding the others. I am proposing that a job description be created for a Code Enforcement Inspector, which would add in the other areas not currently in the job description and reflect a position that meets the needs of multiple areas within the City. Some examples of additional duties include the following:

- Zoning code enforcement on items such as fence or sign violations.
- Assistance with dangerous building identification when related to a public nuisance or property maintenance violation.

City Council

Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin

Marshalltown



- Enforcement of the property maintenance code.
- Enforcement of general City code violations related to things like swimming pools without proper fencing.

Changing the position from Code Enforcement Officer to Inspector and adding additional duties and qualifications will also result in the position starting in a different pay classification. Currently, the hiring level for a pay grade 16 is \$19.99 per hour. Moving this to be consistent with other Inspector positions within the City would be at a grade of 18, with a starting wage of \$22.22 per hour, or \$46,217 annual wages.

Second, I would propose that this position be placed in the Housing and Community Development Department. The Police Department and personnel have done a great job trying to keep up with a growing issue in the community while holding true to their policing mission. Prior to the civilian position in the Police Department, it was housed and managed by the Housing and Community Development Director. Neither department head is opposed to this change.

The hiring process can be a lengthy one, and this is a civil service position that will require a testing process and certification of a hiring list. Therefore, I am requesting the Council approve moving forward with the change in title and pay classification and allow the position to be posted. A formal resolution to adjust the budget and fund the position would come on the August 28th meeting.

City Council

Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin

Marshalltown



RESOLUTION CREATING A CODE ENFORCEMENT INSPECTOR POSITION AND
PROVIDING FUNDING FOR SAID POSITION IN FISCAL YEAR 2018

WHEREAS, the City of Marshalltown has previously had a Code Enforcement Officer position within the Police Department, dedicated to handling nuisance issues throughout the City; and

WHEREAS, the position of Code Enforcement Officer was vacated in 2015 and has not been refilled due to budgetary constraints; and

WHEREAS, the recent change in the use of local options sales tax provides the Council with the funding needed for a position; and

WHEREAS, it is proposed that the position be recreated as a Code Enforcement Inspector, at pay grade 18 and placed under the Housing and Community Development Department, with the duties of nuisance enforcement, property maintenance code enforcement, and zoning enforcement, as detailed in the attached job description;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, the position of Code Enforcement Inspector is hereby created and local option sales tax dollars estimated at \$32,740 are hereby allocated to the General Fund to fund the position for the remainder of fiscal year 2018, with all associated benefits funded through corresponding benefit tax levies.

Passed this 11th day of September, 2017, and signed this ____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

Class Title	Code Enforcement Inspector
FLSA Classification	Non-exempt (hourly)
Civil Service Classification	Covered
Pay Grade Assignment	18
Adopted	August 2017

General Statement of Duties

Enforces various adopted codes, rules, and regulations established by the City and/or State of Iowa including but not limited to nuisance, zoning, property maintenance and other applicable codes; does related work as required.

Distinguishing Features of the Class

This position is responsible for difficult code enforcement work involving the enforcement of a wide variety of public safety and health laws, policies, rules, and regulations pertaining but not limited to garbage, junk, and abandoned vehicles, dangerous public sidewalks, unshoveled snow on sidewalks, dangerous and dilapidated buildings, low hanging tree branches, tree and shrubs on private property, tall weeds and grass, swimming pools, fences, signs, and zoning violations. The work is performed under the general direction and supervision of the Housing & Community Development Director but considerable leeway is granted for the exercise of independent judgment and initiative. The nature of the work performed requires that an employee in this class establish and maintain close cooperative working relationships with the Housing & Community Development Director, City Administrator, Mayor, members of the City Council, City department and division managers, other City employees, representatives of county and state government, private property owners, and the general public.

Examples of Essential Work (Illustrative Only)

- Locates, documents, investigates, and photographs code violations within the City and prepares appropriate reports;
- Researches and identifies property and vehicle owners relating to code violations;
- Prepares and sends notices and citations to violators and follows procedures to abate violations in accordance with local and state laws and regulations;
- Works with the City Attorney to initiate legal actions to remove or abate code violations as necessary;
- Appears and testifies in court concerning code violations as required;
- Coordinates and contacts independent contractors to bid and conduct nuisance abatement actions in accordance with established policies and procedures;
- Coordinates abatement actions with other local and state officials as necessary;
- Ensures that the general public is informed concerning current laws, regulations, policies and procedures related to code enforcement;

Required Special Qualifications

- Possession of a valid Driver's License issued by the State of Iowa.
- Experience working with personal computers to include, but not limited to, word processing programs and databases
- Fluency in the Spanish language is preferred.

Essential Physical Abilities

- Sufficient clarity of speech and hearing, with or without reasonable accommodation, which permits the employee to communicate effectively with others in person and by telephone;
- Sufficient vision, with or without reasonable accommodation, which permits the employee to observe and evaluate nuisance conditions and their removal or abatement in accordance with local and state laws;
- Sufficient manual dexterity, with or without reasonable accommodation, which permits the employee to operate a manual transmission vehicle and make detailed investigations of nuisance conditions;
- Sufficient personal mobility, with or without reasonable accommodation, which permits the employee to visit the sites of alleged parking and nuisance violations and to undertake the required investigations and actions to remove or abate such violations, including traversing rough terrain; ability to climb or balance; stoop, kneel, crouch, or crawl; smell;
- Ability to work outside during all seasons of the year;
- Ability to pass employment physicals including drug testing;

Essential Working Conditions

- The noise level in the work environment is usually moderate.
- Employee has some exposure to outside weather conditions.

APPROVED & SIGNED BY

CITY ADMINISTRATOR: _____

DATE: _____

APPROVED & SIGNED BY

DEPT. MANAGER: _____

DATE: _____

SIGNED BY & COPY RECEIVED

BY EMPLOYEE: _____

DATE: _____



James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: August 7, 2017
RE: Proposal for Code Enforcement Inspector

One of major inefficiencies of our organization through this year has been the lack of a full-time individual dedicated to nuisance and other code enforcement issues. As we have communicated throughout the year, there has been general agreement that we need to address this issue as soon as feasible. With the successful reallocation of local option sales tax, we will have additional funding in the current fiscal year with which to make this change.

Since May 2012, the Police Department included the position of Code Enforcement Officer. This was a civilian position, which when vacated in 2015 was not refilled. This resulted in a sworn officer taking on the duties of nuisance enforcement. In early 2017, the Police Department no longer was able to have an assigned officer dedicated to this function due to staffing shortages, so Chief Tupper took on the responsibility. Since May, his efforts have been supported by an officer assigned to light duty.

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- Assistance with dangerous building identification when related to a public nuisance or property maintenance violation.

City Council

Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
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City Council

Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin

Marshalltown



2012



James L. Lowrance, Mayor
36 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

Housing & Community Development

TO: Mayor and City Council

FROM: Michelle Spohnheimer, Housing & Community Development Director 

DATE: September 11, 2017

RE: Subordination agreement for forgivable loan provided for property located at
310 Green Mountain Rd., Green Mountain, Iowa 50632

The owners of a property located at **310 Green Mountain Rd., Green Mountain, Iowa 50632** participated in the City of Marshalltown Lead Hazard Control Program wherein they received assistance to eliminate lead hazards in his property. The lead hazard control assistance was paid for with grant funds made available through the City of Marshalltown Lead Hazard Control Grant Program. The grant funds used to assist households are provided to the owner(s) in the form of a forgivable loan. The loan is forgiven 20% each year after the completion of lead hazard control assistance until the end of the fifth year at which time the loan is entirely forgiven. The terms of the forgivable loan are enforced via a lien document that is filed with the County Recorder.

The owners of the property listed above have approached their lending institution with a request to refinance their mortgage to secure a home improvement loan. The Amount that will be refinanced is \$56,500. The appraised value of the property is \$71,000. Originally \$6,950 in grant funds were used in the remediation of lead hazards with \$4,170 (60%) remaining. The lending institution has requested that the City of Marshalltown's lien take a subordinate position to the financial institution as a condition of refinancing. The council has the authority to agree to subordination. To achieve subordination, a public hearing must be held in consideration of a tentative resolution to authorize subordination. The public hearing has been scheduled for September 25, 2017.

If you have questions, please contact Michelle Spohnheimer at 754-5756 or e-mail mspohnheimer@ci.marshalltown.ia.us.

Property Address:	310 Green Mountain Rd. Green Mountain, IA 50632
Date of Completion:	12/19/2014
Current Mortgage Amount:	\$39,775.76
Original Lien Amount:	\$6,950.00
% of Lien Forgiven:	40%
Remaining Balance on Lien:	\$4,170.00
New Mortgage Amount:	\$56,500.00
Appraised Value:	\$71,000.00
Lien plus New Mortgage:	\$60,670.00
Difference:	\$10,330.00
The amount of new mortgage and remaining balance on the liens is LESS THAN the appraised value.	

**TENTATIVE RESOLUTION ACCEPTING SUBORDINATION AGREEMENT FOR
PROPERTY INTEREST AT 310 GREEN MOUNTAIN RD., GREEN MOUNTAIN, IOWA, 50632
BEING LEAD ABATEMENT PROJECT NO. 53514097**

WHEREAS the owners of a property located at 310 Green Mountain Rd., Green Mountain, Iowa has participated in the Marshalltown Lead Hazard Control Program; and

WHEREAS the nature of the Marshalltown Lead Hazard Control Program is to provide qualifying applicants with forgivable loans for the purpose of eliminating residential lead-based paint hazards; and

WHEREAS a lien has been filed to enforce the provisions of the forgivable loan which is recorded as Instrument No. 2015-00000439 in the records of Marshall County, Iowa; and

WHEREAS the owner of said property wishes to refinance the property, which refinancing requires the city's liens to be subordinated to the new mortgage agreement; and

WHEREAS such a subordination may be construed as a disposal of an interest in real property pursuant to Section 364.7 of the Code of Iowa, thus necessitating a proposed resolution and public hearing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

Section 1. The City of Marshalltown, Iowa by this Tentative Resolution proposes to consent to the filing of the attached Subordination Agreement, which is incorporated and made part of this resolution.

Section 2. The attached Subordination Agreement, shall be for real property located at 310 Green Mountain Rd., Green Mountain, Iowa described as follows:

Lot 4, 5 and 6, Block 14 in the Town of Green Mountain, Marshall County, Iowa.

Section 3. The City Clerk shall cause to be published the notice required by law, by publication once in the Marshalltown Times-Republican, a newspaper having general circulation in the City of Marshalltown, Iowa, and published at least once weekly, the publication to be not less than ten (10) nor more than twenty (20) days prior to the date hereinafter fixed for public hearing concerning this matter. Said public hearing is hereby fixed the 25th day of September 2017, at the Council meeting to commence at 5:30 PM in the Council Chambers, 10 W. State Street, Marshalltown, Iowa. Said public hearing shall convene to consider any and all comments filed with the City Clerk or made in open council meeting in response to the proposed action as recited herein, and the Council shall have authority to take final action at that time.

Passed this _____ day of _____ 2017, and signed this _____ day of _____ 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

SUBORDINATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS Joseph and Jordan Soy are the owners of the following described premises:

Lot 4, 5 and 6, Block 14 in the Town of Green Mountain, Marshall County, Iowa.

WHEREAS said property owners have executed a Forgivable Loan in favor of the City of Marshalltown, Iowa (hereinafter referred to as CITY OF MARSHALLTOWN), which are recorded as Instrument No. 2015-00000439 in the records of Marshall County, Iowa, and the City of Marshalltown is the present lien holder thereof; and

WHEREAS the CITY OF MARSHALLTOWN recognizes said property owner wishes to refinance current mortgage obligations; and,

WHEREAS State Farm Bank, FSB ISAOA/ATIMA has requested a condition prior to approving a mortgage loan to said property owner which requires the city's lien to take a subordinate position to the property owner's refinancing efforts.

NOW THEREFORE the City of Marshalltown specifically subordinates the Marshalltown forgivable loans to said mortgage of State Farm Bank, FSB ISAOA/ATIMA; and

The City of Marshalltown further acknowledges the mortgage of State Farm Bank, FSB ISAOA/ATIMA as a first and prior lien upon said premises, not to exceed \$56,500.00 nor be increased without prior written consent of the City of Marshalltown; and

The City of Marshalltown, by the execution of this Subordination Agreement, does not release the liens of its Forgivable Loans, but only subordinates and makes junior such liens to the mortgage of State Farm Bank, FSB ISAOA/ATIMA and all correction hereinafter.

Witness the hand and seal of the undersigned this ____ day of _____ 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

STATE OF IOWA
COUNTY OF MARSHALL

On this ____ day of _____ 2017 before me, a Notary Public, appeared James L. Lowrance, Mayor, who being duly sworn, did say that he is the chief elected official of the CITY OF MARSHALLTOWN, and that the foregoing instrument was signed by him/her on behalf of the CITY OF MARSHALLTOWN as the free act and deed of said city. IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the date and year last above written.

_____, Notary Public

My commission expires:

**RESOLUTION ADOPTING TENTATIVE RESOLUTION
ACCEPTING THE SUBORDINATION AGREEMENT FOR PROPERTY INTEREST
AT 310 GREEN MOUNTAIN RD., GREEN MOUNTAIN, IOWA, 50632, LEAD ABATEMENT
PROJECT 53514097**

WHEREAS the Council of the City of Marshalltown, Iowa did, on the 11th day of September 2017, place on file a Tentative Resolution whereby it proposed to accept subordination of a forgivable lien at 310 Green Mountain Rd., Green Mountain, Iowa, property hereinafter described; and

WHEREAS published notice as required by law of the intended acceptance of the subordination agreement by the CITY OF MARSHALLTOWN, IOWA, of the real estate lien has all been duly published and no objections to the proposed subordination have been filed in writing with the City Clerk and no objections thereto are made in open Council meeting to the proposed subordination as heretofore set forth and that this is the time and place provided for in said Tentative Resolution and in the published notice for this Council to take final action upon said Tentative Resolution; and

WHEREAS the purpose of this Resolution is to authorize the subordination of the forgivable loan as recorded as Instrument No. 2015-00000439 in the records of Marshall County, Iowa so the property owners may refinance their home mortgage.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Tentative Resolution placed on file in the office of the Clerk of the CITY OF MARSHALLTOWN, IOWA, on the 11th day of September 2017, whereby it is proposed subordinate title of the CITY MARSHALLTOWN, IOWA, to the real estate located in the City of Marshalltown described as:

Lot 4, 5 and 6, Block 14 in the Town of Green Mountain, Marshall County, Iowa.

is hereby approved and adopted..

Section 2. The Mayor and Clerk are hereby authorized to execute the attached Subordination Agreement and to do all things necessary to carry out subordination.

Passed this _____ day of _____ 2017, and signed this _____ day of _____ 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: September 11, 2017
RE: Request for Early Hire of Officer

Policy Issue: Council must authorize funding for positions/items not in the current budget

Recommendation: To approve the resolution as proposed

Background: The Council has provided early funding for one officer to be hired in this fiscal year to replace a retiree in this fiscal year. The next retirements in the PD are slated for very early in fiscal year 2018, meaning that if we would like to continue to ensure continuity in staffing, the City would need to hire the next officer in the current fiscal year for a possible retirement in early July 2018.

Two other retirements are planned for September 2018. At this time, I am recommending we not address these retirements until after January 1st when we will know more about the valuations and budget for fiscal year 2018.

Budget Impact: \$24,500 for wages; due to the retirement not occurring until the following fiscal year, no savings in this fiscal year are anticipated to help offset the costs. The amount could come from LOST Council designated amount still available in this current fiscal year.

Attachment: None

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin



RESOLUTION APPROVING ONE-TIME FUNDING FOR THE EARLY HIRE OF A
POLICE OFFICER POSITION IN FISCAL YEAR 2018

WHEREAS, the City of Marshalltown Police Department has budgeted staffing of 42 in the fiscal year 2018 budget; and

WHEREAS, the City Council has previously approved one-time funding in the amount of \$32,000 for the early hire of a Police Officer to attend the Iowa Law Enforcement Academy in August in order to have an Officer who is ready to be assigned to patrol by spring 2018, when a retirement is anticipated; and

WHEREAS, three additional Police Department personnel are eligible for retirement between July 1, 2018 and September 30, 2018, creating short-staffing issues and a void of personnel should all employees retire when first eligible; and

WHEREAS, the next session of the Iowa Law Enforcement Academy is scheduled for January 2018, with a total of approximately seven months required before an officer is approved to work independently on a shift;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, one-time funding from the Council-designated allocation of Local Option Sales Tax in the current fiscal year is hereby approved in the amount of \$24,500 for the early hire of a Police Officer in fiscal year 2018 to attend the January 2018 Iowa Law Enforcement Academy in order to adequately train and prepare the officer to be street ready by the time of the first retirement; and

BE IT FURTHER RESOLVED, all associated benefits are to be covered by the employee benefit tax levies and are not included in the base wage figure above.

Passed this 11th day of September, 2017, and signed this ____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH
BOLTON & MENK TO UPDATE A 2010 RAILROAD CROSSING SAFETY
IMPROVEMENT STUDY

WHEREAS, the City of Marshalltown hired Bolton & Menk in 2010 to conduct a study of the railroad crossings at 2nd, 6th and 12th Streets to identify safety improvements for the crossings which would also help contribute to the implementation of a quiet zone; and

WHEREAS, no actions have been implemented from the original study; and

WHEREAS, the City of Marshalltown would like to further investigate implementing a quiet zone which would span the entire City; and

WHEREAS, Bolton and Menk proposes not to exceed \$5,000 to update the 2010 study and add the crossing at 12th Avenue in order to encompass all at grade crossings in the City of Marshalltown;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, the professional services agreement is hereby approved with funding from the Road Use Tax Fund and the City Administrator is authorized to execute the contract and proceed with the study for railroad crossing safety improvements.

Passed this 11th day of September, 2017, and signed this ____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: September 11, 2017
RE: RR Crossing Study

Policy Issue: Council must authorize all contracts

Recommendation: To approve the resolution as proposed

Background: The City undertook improvements at the railroad crossing at 12th Avenue but did not pursue designation as a quiet zone in the late 2000's. In 2010, a study was initiated with Bolton & Menk related to the three crossings on the west side of the City- 2nd, 6th and 12th Streets. No action ultimately came of the study but improvements to 6th Street were discussed.

Justin Nickel and I met with representatives from Bolton and Menk about the 2010 study and what it would take to make a quiet zone in the City of Marshalltown. For a not to exceed price of \$5,000, Bolton and Menk would update the 2010 study and include 12th Avenue in the scope of the updated study to determine what improvements would need to be made in order to work towards a quiet zone and railroad crossing safety.

This update would be complete by the end of the year, so the Council could discuss funding improvements as part of the fiscal year 2018 budget discussion.

Budget Impact: \$5,000 to come from the Road Use Tax Fund.

Attachment: None

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin



RESOLUTION APPROVING A CONTRIBUTION TO MARSHALL ECONOMIC
DEVELOPMENT TO SUPPORT THE UPDATE OF THE COMMUNITY HOUSING STUDY

WHEREAS, Marshall Economic Development completed a housing study in 2014, which has provided an active plan for housing development and redevelopment throughout Marshalltown; and

WHEREAS, the housing study is in need of updating to identify housing gaps after a number of multi-family, senior and single family units have been planned and/or built in the last three years; and

WHEREAS, Marshall Economic Development needs to raise \$10,000, with \$3,000 committed currently;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, that a \$2,500 contribution is hereby approved for support of the housing study from the current year allocation of Council-designated local option sales tax.

Passed this 11th day of September, 2017, and signed this ____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



James L. Lowrance, Mayor
Jessica Kinser, Administrator
Justin Nickel, Public Works Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5734
Fax - (641) 754-5793

DEPARTMENT OF PUBLIC WORKS

September 7, 2017

**To: Mayor James L. Lowrance
Members of the City Council**

From: Justin Nickel
Director of Public Works

Re: State Recreation Trail Grant Agreement—for construction of Iowa River Trail from Summit Street to Iowa River

Policy Issue: City policy requires Governing Body approval of all intergovernmental agreements

Recommendation: Staff recommends approving the SRT Agreement with the DOT for funding the Iowa River Trail not to exceed \$650,000.

Background: The SRT agreement funds the design and construction of trail and bridge rehabilitation from Summit Street to the Iowa River bridge.

Budget Impact: This project will be funded with 75% SRT funds and 25% local match from the local Trails group. No City funding is required.

Attachment: SRT Agreement.

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Dan Kester, Bill Martin, Bethany Wirin



**RESOLUTION AUTHORIZING ACCEPTANCE OF A
STATE RECREATION TRAIL GRANT IN THE
AMOUNT OF \$650,000 FROM THE IOWA DEPARTMENT OF TRANSPORTATION
FOR IOWA RIVER TRAIL CONSTRUCTION**

WHEREAS the City of Marshalltown (hereinafter referred to as the “City”), State of Iowa, is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the “State”); and

WHEREAS the City of Marshalltown applied for a SRT grant from Iowa Department of Transportation for the construction and improvement of trails and bridges for the Iowa River Trail project; and

WHEREAS IOWA DOT has awarded the City of Marshalltown a SRT trails grant in the amount of \$650,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:

Section 1. The City of Marshalltown, Iowa accepts the \$650,000 grant from Iowa DOT to be used for construction and improvement of trails and bridges for the Iowa River Trail project.

Section 2. The Mayor or City Clerk is hereby authorized to execute any and all documents required concerning this matter.

Section 3. This Resolution shall be in full force and effect from and after its passage and adoption as by law required.

Passed this 11th day of September 2017, and signed this ____ day of September 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

Iowa Department of Transportation Agreement for a State Recreational Trails Project

RECIPIENT: City of Marshalltown

PROJECT NUMBER: RT-4797(624)--9H-64

IOWA DOT AGREEMENT NUMBER: 2017-RT-003

This is an agreement between the City of Marshalltown (hereinafter referred to as Recipient) and the Iowa Department of Transportation (hereinafter referred to as the DOT). The Recipient submitted an application to the DOT for funding through the State Recreational Trails (RT) fund under Iowa Code Chapter 465B, and the application was approved by Transportation Commission Order No. PPM-2017-24 on October 11, 2016, hereinafter referred to as the effective date.

Pursuant to the terms of this agreement, and applicable statutes and administrative rules the DOT agrees to provide funding to the Recipient for the authorized and approved costs for eligible items associated with the development of the project.

In consideration of the foregoing and the mutual promises contained in this agreement, the parties agree as follows:

1. The Recipient shall be the lead organization for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the DOT's and/or the Recipient's contact person. The DOT's contact person shall be Yvonne Diller, Office of Systems Planning, 800 Lincoln Way, Ames, IA 50010, telephone 515-239-1252, email: yvonne.diller@iowadot.us. The Recipient's contact person shall be Annemarie Selness, Parks and Recreation Director, City of Marshalltown, 24 N. Center Street, Marshalltown, Iowa 50158, telephone 641-754-5715, email: aselness@ci.marshalltown.ia.us.
3. The Recipient shall be responsible for the development and completion of the following described project:

Iowa River Trail-Marshalltown to South Side of Iowa River

4. Eligible project costs for the project described in Section 3 of this agreement, listed above, which are incurred after the effective date of this agreement shall be paid as follows:

RT Funds (Grant):	\$650,000.00
Local Contribution:	<u>\$216,666.67</u>
Project Total:	\$866,666.67

5. The local contribution stated above may include cash or non service in-kind contributions. The Recipient shall certify to the DOT the value of any non-cash contribution to the project prior to it being incurred. For right of way contributions, the recipient shall submit an appraisal from a qualified independent appraiser. The DOT reserves the right to review the Recipient's certificate of value and has sole authority to determine the value of the Recipient's non-cash contribution for the purposes of this agreement. If, as a result of the DOT's determination, the Recipient's total cash and non-cash contribution is below that stated in the terms of this agreement, the Recipient shall increase its cash contribution in order to complete the Recipient's local contribution, or the grant and/or loan amount associated with this project shall be reduced accordingly.
6. The portion of total project costs paid by grant shall not exceed the amount stated above \$650,000.00 or 75 percent of the total cost of the eligible items, whichever is the smaller amount. Any cost overruns shall be paid solely by the applicant.
7. Project activities or costs eligible for funding include only those items set out in Exhibit A which is attached hereto and by this reference incorporated into this agreement, and which are necessary to complete the project as described in Section 3.
8. Activities or costs ineligible for funding include but are not limited to those items set out in Exhibit B which is attached hereto and by this reference incorporated into this agreement.
9. Notwithstanding any other provisions of this contract, if funds anticipated for the continued fulfillment of this contract are at any time not forthcoming or insufficient, either through the failure of the State of Iowa to appropriate funds or discontinuance or material alteration of the program for which funds were provided, the DOT shall have the right to terminate this contract without penalty by giving not less than ninety (90) days written notice.
10. The DOT reserves the right to delay reimbursement of funds to the Recipient if necessary to maintain a positive cash flow. If such a delay is necessary and lasts more than five working days, the DOT shall so notify the Recipient in writing and shall give the Recipient an estimate of when reimbursement might be expected. The DOT shall establish a system to equitably make reimbursements to all Recipients so affected.

11. The Recipient shall submit to the DOT, no later than 30 days subsequent to the Recipient's signature date on this agreement, a timetable outlining the project schedule. Failure to do so by the Recipient may be considered a default under this agreement.
12. The Recipient must have let the contract or construction started within two years of the date this project is approved by DOT. If the Recipient does not do this, they will be in default for which the DOT can revoke funding commitments. This agreement may be extended for periods up to six months upon receipt of a written request from the Recipient at least sixty (60) days prior to the deadline.
13. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
14. It is the intent of both parties that no third party beneficiaries be created by this agreement.
15. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same instrument.
16. This agreement is not assignable without the prior written consent of the DOT.
17. If the project described in Section 3 of this agreement crosses a DOT primary road, then:
 - A. The Recipient shall convey title to the State of Iowa, by quitclaim deed, to any right of way necessary for the primary road crossing, all at no cost to the DOT. However, the DOT shall prepare detailed legal descriptions and plats. The general configuration of the right of way to be conveyed shall be agreed to by the Recipient and the DOT prior to the survey.
 - B. The Recipient shall submit six copies of plans for all primary road system crossings to the DOT contact person for review and approval by the District Offices for necessary permits, Offices of Road Design and Maintenance with regard to crossing design and location, signing, fencing, safety, maintenance, compliance with access control policy, etc. Said approval shall be obtained before the Recipient proceeds with the construction of any primary road system crossing.
 - C. The use of primary highway right of way for this projects' purpose shall be subject to any rights enjoyed by any existing utility lines presently within the right of way. If excavation of a utility line over which this project has been placed is necessary for any reason, the utility shall be responsible for proper backfilling of said excavation to ground level. The Recipient shall be responsible for any necessary resurfacing or restoration.

- D. The use of primary highway right of way for this project's purposes shall be subject to any future plans for reconstruction, improvement, maintenance, and/or relocation of the highway by the DOT. Any relocation of this project necessary because of said plans shall be at the expense of the Recipient, all at no cost to the DOT.
18. The Recipient shall acquire the project right of way, whether by lease, easement or fee title and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in the DOT's Right of Way manual. The Recipient shall contact the DOT for assistance, as necessary, to ensure compliance with the required procedures, even if no federal funds in the right of way purchase are involved. The Recipient will need to get environmental concurrence before acquiring any needed right of way. With prior approval, hardship and protective buying is possible. If the Recipient requests Federal-aid participation for right of way acquisition, the Recipient will need to get environmental concurrence and Federal Highway Administration (FHWA) authorization before purchasing any needed right of way.
19. The Recipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highways Right of Way and the Policy for Accommodating Utilities on Primary Road system when on the DOT's right of way. Certain utility relocation, alteration, adjustment, or removal costs to the Recipient for the project may be eligible for Federal-aid reimbursement in accordance with the FHWA rules applicable to the type of utility involved and Iowa Code Chapter 306A.
20. The Recipient shall be responsible for obtaining any permits, such as the Right to Occupy and/or Perform Work Within the Right of Way, Permit of Access, Utility Accommodation, Right to Install and Maintain Traffic Control Devices, and/or other construction permits required for the project prior to the start of construction.

In addition, the Recipient shall certify to the DOT's contact person that all known required environmental permits have been received and that all environmental regulations have been complied with before funds are reimbursed or credited.

Neither the approval of the project application for funding nor the signing of this agreement shall be construed as approval of any required permit from DOT.

21. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 Iowa Administrative Code Chapter (IAC) 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.
22. In the event that right of way is required for the project, said right of way will be acquired in accordance with 761 IAC Chapter 111, Real Property Acquisition and Relocation Assistance, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

23. The project plans, specifications and cost estimate shall be prepared and certified by a professional engineer, architect and or landscape architect (whichever applies), licensed to practice in the State of Iowa. The Recipient shall submit the plans, specifications and other agreement documents to the DOT for review. This submittal may be in divisions and in the order of preference as determined by the Recipient. However, the plans, specifications and other agreement documents for each division must be submitted at least thirty (30) days prior to the project letting of each division. The DOT shall review said submittal(s) recognizing the Recipient's development schedule and shall, after satisfactory review, authorize in writing the Recipient to proceed with implementation of the project. The work on this project shall be in accordance with the survey, plans, and specifications on file. Any modification of these plans and specifications must be approved by the DOT prior to the modification being put into effect.
24. The recipient shall be responsible for the daily inspection of the project. For projects let to contract, the Recipient shall compile a daily log of materials and quantities. For projects constructed with local forces, the Recipient shall compile a daily log of materials, equipment and labor on the project. The DOT reserves the right to inspect project activities and to audit claims for funding reimbursement. The purpose of the inspection or audit is to determine substantial compliance with the terms of this agreement.
25. The Recipient shall maintain all books, documents, papers, accounting records, reports and other evidence pertaining to costs incurred for the project. The Recipient shall also make such materials available at all reasonable times during the construction period and for three years from the date of final reimbursement, for inspection by the DOT, FHWA, or any authorized representatives of the Federal government. Copies of said materials shall be furnished by the Recipient if requested.
26. The Recipient may submit to the DOT periodic itemized claims for reimbursement for eligible project costs. Reimbursement claims shall include certification that all eligible project costs, for which reimbursement is requested, have been completed in substantial compliance with the terms of this agreement.
27. The DOT shall reimburse the Recipient for properly documented and certified claims for eligible project activity costs less a retainage of not more than ten percent, either by state warrant, or by crediting other accounts from which payment may have been made initially. If, upon audits of contracts, the DOT determines the Recipient is overpaid, the Recipient shall reimburse the overpaid amount to the DOT.
28. Upon completion of the project described in this agreement, a professional engineer, architect and or landscape architect (whichever applies), licensed to practice in the State of Iowa, shall certify in writing to the DOT that the project activities were completed in substantial compliance with the plans and specifications set out in this agreement.

In addition, prior to final reimbursement for the project the Recipient shall furnish three sets of "as-built" plans of the project to the DOT.

Final reimbursement of funds, including retainage, shall be made only after the DOT accepts the project as complete.

29. If, in the opinion of the Recipient, the specific provisions of this agreement requiring the services of a professional engineer, architect and or landscape architect (whichever applies), licensed to practice in the State of Iowa, prove to be burdensome to the Recipient or otherwise not in the public interest, and if the Recipient decides that the provisions of this agreement can be otherwise complied with without endangering public safety, the Recipient may request that said provisions be waived on all or specific parts of the project identified by the Recipient. Such request shall be made in writing to the DOT's contact person who shall, after consultation with other DOT staff, as necessary, make the final determination concerning said waiver. If said waiver is granted, all provisions of this agreement requiring the services of a professional engineer, architect and or landscape architect (whichever applies), licensed to practice in the State of Iowa, shall be performed by the Recipient's contact person or designee.
30. To the extent permitted by law, the Recipient agrees to indemnify, defend and hold the DOT harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection or use of this project. This agreement to indemnify, defend and hold harmless applies to all aspects of the DOT's application review and approval process, plan and construction reviews and funding participation.
31. This agreement may be declared to be in default by the DOT if the DOT determines that the Recipient's application for funding contained inaccuracies, omissions, errors or misrepresentations; or if the DOT determines that the project is not developed as described in the application.
32. If the Recipient fails to perform any obligation under this agreement, the DOT shall have the right, after first giving thirty (30) days written notice to the Recipient by certified mail return receipt requested, to declare any part or all of this agreement in default. The Recipient shall have thirty (30) days from date of mailing of the notice to cure the default. If the Recipient cures the default, the Recipient shall notify DOT no later than five (5) days after cure or before the end of said thirty (30) day period given to cure the default. Within ten (10) working days of receipt of Recipient's notice of cure, the DOT shall issue either a notice of acceptance of cure or a notice of continued default.
33. In the event a default is not cured the DOT may revoke funding commitments and/or seek repayment of funds loaned or granted by this agreement. By signing this agreement the Recipient agrees to repay said funding if they are found to be in default. Repayment methods must be approved by the DOT Commission and may include cash repayment, installment repayments with negotiable interest rates, charges against the Recipient's share of road use tax funds, or other methods as approved by the Commission.

34. In case of dispute concerning the terms of this agreement, the parties shall submit the matter to arbitration pursuant to Iowa Code Chapter 679A (2011). Either party has the right to submit the matter to arbitration after ten (10) days' notice to the other party of their intent to seek arbitration. The written notice must include a precise statement of the disputed question. DOT and the Recipient agree to be bound by the decision of the appointed arbitrator. Neither party may seek any remedy with the state or federal courts absent exhaustion of the provisions of this section for arbitration.
35. The Recipient shall maintain, or cause to be maintained for the intended public use, the improvement for twenty (20) years from the completion date in a manner acceptable to the DOT. Failure to comply with this provision may be considered a default of this agreement.
36. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability.
37. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the associated Federal regulations that implement these laws.
38. The Recipient shall use positive efforts to solicit bids from and to utilize Targeted Small Business (TSB) enterprises as contractors and ensure that the contractors make positive efforts to utilize these enterprises as subcontractors, suppliers or participants in the work covered by this agreement. Efforts shall be made and documented in accordance with Exhibit C which is attached hereto and by this reference incorporated into this agreement.
39. The Recipient shall conduct the project development and implementation in compliance with applicable laws, ordinances and administrative rules. For portions of the project let to bid, the Recipient shall advertise for bidders, make a good faith effort to get at least three bidders and hold a public letting for the project work. Prior to awarding the contract, the Recipient shall provide the DOT file copies of project letting documents within five (5) working days after the letting. The Recipient must wait for DOT concurrence before making the final award.
40. The Recipient shall include in their Notice to Bidders that Sales Tax Exemption Certificates will be issued, as provided for by Iowa Code section 423.3, subsection 80. The Recipient shall be responsible for obtaining the sales tax exemption certificates through the Iowa Department of Revenue and Finance. The Recipient shall issue these certificates to the successful bidder and any subcontractors to enable them to purchase qualifying materials for the project free of sales tax.
41. This agreement as set forth in sections 1 through 41 herein, including referenced exhibits, constitutes the entire agreement between the DOT and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and

May 2017

neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement must be made in the form of an addendum to this agreement. Said addendum shall become effective only upon written approval of the DOT and Recipient.

May 2017

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement Number 2017-RT-003 as of the date shown opposite its signature below.

RECIPIENT: City of Marshalltown

By: _____ Date: _____, 2017

Title: _____

I, _____, certify that I am _____, and that _____, who signed said Agreement for and on behalf of _____ was duly authorized to execute the same by virtue of a formal Resolution duly passed and adopted by _____, on the _____ day of _____, 2017.

Signed: _____ Date: _____, 2017

Address: _____

IOWA DEPARTMENT OF TRANSPORTATION
Planning, Programming and Modal Division
800 Lincoln Way, Ames, Iowa 50010

By: _____ Date: _____, 2017

Craig Markley
Director
Office of Systems Planning

Exhibit A

Project activities or costs eligible for RT funding include only the following:

- a. Land acquisition costs including, but not limited to, appraisal costs, negotiation costs and the required cultural resources survey pursuant to Iowa Code Chapter 305A are eligible project costs. Land may be acquired by lease, easement or fee simple. Except for primary road projects, the performance of land negotiation and acquisition activities shall not be the responsibility of the DOT although the DOT may provide advisory services.
- b. Trail surfacing, resurfacing, rehabilitation, modernization, upgrading and reconstruction, including pavement repairs and overlays and shoulder widening and stabilization; or initial trail construction including grading, drainage, paving and erosion control.
- c. Bridge and culvert repair, modernization, replacement or initial construction.
- d. Roadway intersection and interchange improvements, including warranted traffic signalization that is an integral part of this project.
- e. Construction or improvement of rest areas, information centers, waysides, permanent interpretive displays, lighting and rest rooms, including the costs of utility connections that are an integral part of the project.
- f. Design engineering and construction inspection costs directly associated with the project.
- g. Storm drainage and storm sewer costs to the extent needed for draining the trail.
- h. Utility relocation costs necessary for trail construction or improvement if the utility is not located on public right of way.
- i. Trail signs, fencing, landscaping, parking areas and walkways.

Exhibit B

Activities or costs ineligible for RT funding include but are not limited to the following:

- a. Any and all costs incurred prior to Transportation Commission approval of funding for a project are ineligible for funding under the recreational trails program, except:
 - (1) If there is an extreme urgency involving land acquisition, a potential applicant may formally request from the DOT a written waiver which, if granted, shall permit the applicant to acquire the land immediately without jeopardizing the project's eligibility for funding approval. Granting of the waiver shall not imply or guarantee that a subsequent application which includes the acquisition costs shall be funded. The request for the advance eligibility waiver must include justification regarding the urgency of the acquisition, a description of the land to be acquired and a county map showing its location. The advance eligibility waiver must be requested and approved prior to the applicant's acquisition of the land in question.
 - (2) If the Transportation Commission specifically grants an exception to its rules to allow a project or reimbursement of project expenses which would otherwise be ineligible.
- b. Routine maintenance of a trail, bridge, culvert, fence or sign; winter maintenance of a trail or bridge, including snow plowing, sanding and salting.
- c. Overhead and operating costs associated with a project, such as auditing, legal and administrative costs.
- d. Expenses associated with the preparation and submission of a project application.
- e. Pre-design engineering and planning expenses.
- f. Utility costs other than those listed in Exhibit A, Section H.
- g. Pavement markings, traffic signs, safety appurtenances or lighting except as an integral part of a trail project.
- h. Purchases of office furnishings or equipment, construction equipment or personal property.
- i. Sanitary sewers or water mains except as necessary for rest room construction.
- j. General government expenses and expenses associated with the provision of any public service that are not otherwise eligible for project funding.

EXHIBIT C

UTILIZATION OF TARGETED SMALL BUSINESS (TSB) ENTERPRISES ON NON-FEDERAL AID PROJECTS (THIRD-PARTY STATE-ASSISTED PROJECTS)

In accordance with Iowa Code Section 19B.7, it is the policy of the Iowa Department of Transportation (Iowa DOT) that Targeted Small Business (TSB) enterprises shall have the maximum practicable opportunity to participate in the performance of contracts financed in whole or part with State funds.

Under this policy the Recipient shall be responsible to make a positive effort to solicit bids or proposals from TSB firms and to utilize TSB firms as contractors or consultants. The Recipient shall also ensure that the contractors or consultants make positive efforts to utilize TSB firms as subcontractors, subconsultants, suppliers, or participants in the work covered by this agreement.

The Recipient's "positive efforts" shall include, but not be limited to:

1. Obtaining the names of qualified TSB firms from the Iowa Economic Development Authority (515-725-3132) or from its website at: <https://www.iowa.gov/tsb/index.php/home>.
2. Notifying qualified TSB firms of proposed projects involving State funding. Notification should be made in sufficient time to allow the TSB firms to participate effectively in the bidding or request for proposal (RFP) process.
3. Soliciting bids or proposals from qualified TSB firms on each project, and identifying for TSB firms the availability of subcontract work.
4. Considering establishment of a percentage goal for TSB participation in each contract that is a part of this project and for which State funds will be used. Contract goals may vary depending on the type of project, the subcontracting opportunities available, the type of service or supplies needed for the project, and the availability of qualified TSB firms in the area.
5. For construction contracts:
 - a. Including in the bid proposals a contract provision titled "TSB Affirmative Action Responsibilities on Non-Federal Aid Projects (Third-Party State-Assisted Projects)" or a similar document developed by the Recipient. This contract provision is available on-line at:

http://www.dot.state.ia.us/local_systems/publications/tsb_contract_provision.pdf
 - b. Ensuring that the awarded contractor has and shall follow the contract provisions.
6. For consultant contracts:
 - a. Identifying the TSB goal in the Request for Proposal (RFP), if one has been set.
 - b. Ensuring that the selected consultant made a positive effort to meet the established TSB goal, if any. This should include obtaining documentation from the consultant that includes a list of TSB firms contacted; a list of TSB firms that responded with a subcontract proposal; and, if the consultant does not propose to use a TSB firm that submitted a subcontract proposal, an explanation why such a TSB firm will not be used.

The Recipient shall provide the Iowa DOT the following documentation:

1. Copies of correspondence and replies, and written notes of personal and/or telephone contacts with any TSB firms. Such documentation can be used to demonstrate the Recipient's positive efforts and it should be placed in the general project file.
2. Bidding proposals or RFPs noting established TSB goals, if any.
3. The attached "Checklist and Certification." This form shall be filled out upon completion of each project and forwarded to: Iowa Department of Transportation, Civil Rights Coordinator, Office of Employee Services, 800 Lincoln Way, Ames, IA 50010.

CHECKLIST AND CERTIFICATION
For the Utilization of Targeted Small Businesses (TSB)
On Non-Federal-aid Projects (Third-Party State-Assisted Projects)

Recipient: _____ Project Number: _____

County: _____ Agreement Number: _____

1. Were the names of qualified TSB firms obtained from the Iowa Department of Inspections and Appeals? ☐ YES ☐ NO

If no, explain _____

2. Were qualified TSB firms notified of project? ☐ YES ☐ NO

If yes, by ☐ letter, ☐ telephone, ☐ personal contact, or ☐ other (specify) _____

If no, explain _____

3. Were bids or proposals solicited from qualified TSB firms? ☐ YES ☐ NO

If no, explain _____

4. Was a goal or percentage established for TSB participation? ☐ YES ☐ NO

If yes, what was the goal or percentage? _____

If no, explain why not: _____

5. Did the prime contractor or consultant use positive efforts to utilize TSB firms on subcontracts? ☐ YES ☐ NO

If no, what action was taken by Recipient? _____

Is documentation in files? ☐ YES ☐ NO

6. What was the dollar amount reimbursed to the Recipient from the Iowa Department of Transportation?

\$ _____

What was the final project cost?

\$ _____

What was the dollar amount performed by TSB firms?

\$ _____

Name(s) and address(es) of the TSB firm(s) _____
(Use additional sheets if necessary)

Was the goal or percentage achieved? ☐ YES ☐ NO

If no, explain _____

As the duly authorized representative of the Recipient, I hereby certify that the Recipient used positive efforts to utilize TSB firms as participants in the State-assisted contracts associated with this project.

Title

Signature

Date

CONTRACT PROVISION

Targeted Small Business (TSB) Affirmative Action Responsibilities on Non-Federal-aid Projects (Third-party State-Assisted Projects)

1. TSB DEFINITION

A TSB is a small business, as defined by Iowa Code Section 15.102(10), which is 51% or more owned, operated and actively managed by one or more women, minority persons, service-disabled veterans or persons with a disability provided the business meets all of the following requirements: is located in this state, is operated for profit and has an annual gross income of less than 4 million dollars computed as an average of the three preceding fiscal years.

2. TSB REQUIREMENTS

In all State-assisted projects made available through the Iowa Department of Transportation, local governments have certain affirmative action requirements to encourage and increase participation of disadvantaged individuals in business enterprises. These requirements are based on Iowa Code Section 19B.7. These requirements supersede all existing TSB regulations, orders, circulars and administrative requirements.

3. TSB DIRECTORY INFORMATION

Available from: Iowa Economic Development Authority
Targeted Small Business Certification Program
200 East Grand Avenue
Des Moines, IA 50309
Phone: 515-725-3132
Website: <https://www.iowa.gov/tsb/index.php/home>

4. THE CONTRACTOR'S TSB POLICY

The contractor is expected to promote participation of disadvantaged business enterprises as suppliers, manufactures and subcontractors through a continuous, positive, result-oriented program. Therefore, the contractor's TSB policy shall be:

It is the policy of this firm that Targeted Small Business (TSB) concerns shall have the maximum practical opportunity to participate in contracts funded with State-assisted funds which are administered by this firm (e.g. suppliers, manufactures and subcontractors). The purpose of our policy is to encourage and increase the TSB participation in contracting opportunities made available by State-assisted programs.

5. CONTRACTOR SHALL APPOINT AN EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICER

The contractor shall designate a responsible person to serve as TSB officer to fulfill the contractors affirmative action responsibilities. This person shall have the necessary statistics, funding, authority and responsibility to carry out and enforce the firm's EEO policy. The EEO officer shall be responsible for developing, managing and implementing the program on a day-to-day basis. The officer shall also:

- A. For current TSB information, contact the Iowa Economic Development Authority (515-725-3132) to identify potential material suppliers, manufactures and contractors.
- B. Make every reasonable effort to involve TSBs by soliciting quotations from them and incorporating them into the firm's bid.
- C. Make every reasonable effort to establish systematic written and verbal contact with those TSBs having the materials or expertise to perform the work to be subcontracted, at least two weeks prior to the time quotations are to be submitted. Maintain complete records of negotiation efforts.
- D. Provide or arrange for assistance to TSBs in seeking bonding, analyzing plans/specifications or other actions that can be viewed as technical assistance.

TSB Affirmative Action

- E. Ensure the scheduled progress payments are made to TSBs as agreed in subcontract agreements.
- F. Require all subcontractors and material suppliers to comply with all contract equal opportunity and affirmative action provisions.

6. COUNTING TSBs PARTICIPATION ON A PROJECT

TSBs are to assume actual and contractual responsibilities for provision of materials/supplies, subcontracted work or other commercially useful function.

- A. The bidder may count:
 - (1) Planned expenditures for materials/supplies to be obtained from TSB suppliers and manufacturers; or
 - (2) Work to be subcontracted to a TSB; or
 - (3) Any other commercially useful function.
- B. The contractor may count:
 - (1) 100% of an expenditure to a TSB manufacturer that produces/supplies goods manufactured from raw materials.
 - (2) 60% of an expenditure to TSB suppliers that are not manufacturers; provided the suppliers perform a commercially useful function in the supply process.
 - (3) Only those expenditures to TSBs that perform a commercially useful function in the work of a contract, including those as a subcontractor.
 - (4) Work the Contracting Authority has determined that it involves a commercially useful function. The TSB must have a necessary and useful role in the transaction of a kind for which there is a market outside the context of the TSB program. For example, leasing equipment or purchasing materials from the prime contractor would not count.

7. REQUIRED DATA, DOCUMENTS AND CONTRACT AWARD PROCEDURES FROM BIDDERS/CONTRACTORS FOR PROJECTS WITH ASSIGNED GOALS

A. Bidders

Bidders who fail to demonstrate reasonable positive efforts may be declared ineligible to be awarded the contract. Bidders shall complete the bidding documents plus a separate form called "TSB Pre-Bid Contact Information". This form includes:

- (1) Name(s) of the TSB(s) contacted regarding subcontractable items.
- (2) Date of the contract.
- (3) Whether or not a TSB bid/quotation was received.
- (4) Whether or not the TSB's bid/quotation was used.
- (5) The dollar amount proposed to be subcontracted.

B. Contractors Using Quotes From TSBs

Use those TSBs whose quotes are listed in the "Quotation Used in Bid" column along with a "yes" indicated on the Pre-bid Contact Information form.

TSB Affirmative Action

C. Contractors NOT Using Quotes From TSBs

If there are no TSBs listed on the Pre-bid Contract Information form, then the contractor shall document all efforts made to include TSB participation in this project by documenting the following:

- (1) What pre-solicitation or pre-bid meetings scheduled by the contracting authority were attended?
- (2) Which general news circulation, trade associations and/or minority-focused media were advertised concerning the subcontracting opportunities?
- (3) Were written notices sent to TSBs that TSBs were being solicited and was sufficient time allowed for the TSBs to participate effectively?
- (4) Were initial solicitations of interested TSBs followed up?
- (5) Were TSBs provided with adequate information about the plans, specifications and requirements of the contract?
- (6) Were interested TSBs negotiated with in good faith? If a TSB was rejected as unqualified, was the decision based on an investigation of their capabilities?
- (7) Were interested TSBs assisted in obtaining bonding, lines of credit or insurance required by the contractor?
- (8) Were services used of minority community organization, minority contractors' groups; local, State and Federal minority business assistance offices or any other organization providing such assistance.

The above documentation shall remain in the contractor's files for a period of three (3) years after the completion of the project and be available for examination by the Iowa Economic Development Authority.

8. POSITIVE EFFORT DOCUMENTATION WHEN NO GOALS ARE ASSIGNED

Contractors are also required to make positive efforts in utilizing TSBs on all State-assisted projects which are not assigned goals. Form "TSB Pre-bid Contact Information" is required to be submitted with bids on all projects. If there is no TSB participation, then the contractor shall comply with section 7C. of this document prior to the contract award.

Contractor _____

Page#

Project#

County _____

City _____

TARGETED SMALL BUSINESS (TSB)
PRE-BID CONTACT INFORMATION

(To Be Completed By All Bidders Per The Current Contract Provision)

In order for your bid to be considered responsive, you are required to provide information on this form showing your Targeted Small Business contacts made with your bid submission. This information is subject to verification and confirmation.

In the event it is determined that the Targeted Small Business goals are not met, then before awarding the contract, the Contracting Authority will make a determination as to what her or not the apparent successful low bidder made good faith efforts to meet the goals.

NOTE: Every effort shall be made to solicit quotes or bids on as many subcontractable items as necessary to achieve the established goals. If a TSB's quote is used in the bid, it is assumed that the firm listed will be used as a subcontractor.

TABLE OF INFORMATION SHOWING BIDDERS PRE-BID
TARGETED SMALL BUSINESS (TSB) CONTACTS

[illegible]

Total dollar amount proposed to be subcontracted to TSB on this project \$ _____ List items by name to be subcontracted: _____



James L. Lowrance, Mayor
Jessica Kinser, Administrator
Justin Nickel, Public Works Director
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5734
Fax - (641) 754-5793

DEPARTMENT OF PUBLIC WORKS

September 7, 2017

**To: Mayor James L. Lowrance
Members of the City Council**

From: Justin Nickel
Director of Public Works

Re: Change Order #1 – Manatt's, Inc for 2017 Full Depth Street Repair Project (STR 17004)

Policy Issue: City policy requires Governing Body approval of all change orders.

Recommendation: Staff recommends approving the Change Order with Manatt's resulting in an increase of \$760,466.33.

Background: All of the streets included in the 2017 Full Depth Street project required additional subgrade work to ensure the improvements would last. In addition, several of the streets included in the 2017 Mill and Overlay project were insufficient to overlay. As such, several of those streets received a full depth pavement replacement. Bittersweet Road required additional rock and geogrid to stabilize the subbase.

Budget Impact: The Local Option Sales Tax and Road Use Tax fund are sufficient to add this additional work.

Attachment: Change Order #1

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Dan Kester, Bill Martin, Bethany Wirin



RESOLUTION APPROVING CONTRACT CHANGE ORDER #1 FOR THE 2017 FULL
DEPTH STREET REPAIR PROJECT NUMBER (STR17004)
AN INCREASE OF \$760,466.33

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with
Manatt's, Inc, for the labor and material for the 2017 Full Depth Street Repair Project
STR17004; and

WHEREAS an increase is requested for additional items to complete the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
MARSHALLTOWN, IOWA:

Section1. That the contract Change Order #1 for 2017 Full Depth Street Repair Project, in the
increased amount of \$760,466.33 is hereby accepted and approved.

Passed this 11th day of September 2017, and signed this _____ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CHANGE ORDER

OWNER: CITY OF MARSHALLTOWN, IOWA
DEPARTMENT OF PUBLIC WORKS

CONTRACTOR: MANATT'S, INC.
P.O. BOX 945
NEWTON, IA. 50208

PROJECT: 2017 FULL DEPTH STREET REPAIR

SUBJECT: CHANGE ORDER #1

PROJECT NUMBER: STR 17004

DATE: SEPTEMBER 6TH, 2017

You are hereby ordered to make the following changes from the plans or do the following work on your contract for the above referenced project.

A) DESCRIPTION OF CHANGES TO BE MADE OR EXTRA WORK TO BE DONE:

CONTRACT ITEMS:

- 7001) Increase the amount of **Excavation, Class 13** by 5,796.1 cubic feet
- 7002) Increase the amount of **30" Curb & Gutter** by 1,514.0 linear feet
- 7003) Increase the amount of **Triax Geogrid Fabric** by 14,502.0 square yards
- 7004) Increase the amount of **4" Choke Stone Subbase** by 49,873.9 square yards
- 7005) Increase the amount of **HMA 4", 1/2" Mix, Type A** by 2,433.5 Tons
- 7006) Increase the amount of **Asphalt Binder** by 176.9 Tons

NON-CONTRACT ITEMS (EXTRA WORK ORDER):

- 8001) Manhole Adjustment, Storm Sewer Pipe Repair 1 Lump Sum
- 8002) 3" Macadam Stone 2,008.9 Tons

B) REASON FOR ORDERING CHANGES OR EXTRA WORK:

CONTRACT ITEMS:

- 7001) The increase in the amount of **Excavation, Class 13** was due to finding areas of poor soil quality that needed to be removed
- 7002) The increase in the amount of **30" Curb & Gutter** was due in part of finding additional areas that were in disrepair
- 7003) The increase in the amount **Triax Geogrid Fabric** was due to placing additional grid in the areas of excavation
- 7001) The increase in the amount of **4" Choke Stone Subbase** was due to finding poor soils which needed additional rock subbase (Bittersweet Rd)
- 7002) The increase in the amount of **HMA 4", 1/2" Mix, Type A** was due to additional asphalt laid in poor areas
- 7003) The increase in the amount **Asphalt Binder** was due to the increase in the HMA quantity

NON-CONTRACT ITEMS (EXTRA WORK ORDER):

- 8001) The addition of the **Manhole Adjustment, Storm Sewer Pipe Repair** was due to finding a damaged pipe and structure after excavation (W Boone St)
- 8002) The addition of **3" Macadam Stone** was due to finding poor soils which needed additional rock subbase (Bittersweet Rd)

Original Contract completed to date	\$ 869,536.25
Change Order #1 Net Value:	\$ 760,466.33
New Contract Price:	\$ 1,630,002.58

Receipt is acknowledged of this change order and terms of settlement are hereby agreed to.

CONTRACTOR: MANATT'S INC.

CITY ENGR: _____

BY: Steve Ellingworth

DATE: _____

DATE: 9-7-2017

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

City of Marshalltown
Notice of Bond Sale September 11

I, LeAnn Siemens, being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" for:

One

on the day as follows, to-wit:
September 5, 2017

Statutory fees for publishing said notice are:
78.38

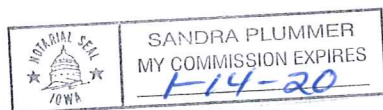
LeAnn Siemens

Sworn to before me and subscribed in my
presence by the said LeAnn Siemens, this
Fifth Day of Sept., 2017

Sandra Plummer

Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
L02000 City of Marshalltown



Legals NOTICE OF BOND SALE

City of Marshalltown, Iowa

\$12,720,000* General Obligation
Municipal Building Bonds, Series
2017

Bids will be received on behalf of
the City of Marshalltown, Iowa,
until 11:00 o'clock a.m. on
September 11, 2017, for the
purchase of the City's
\$12,720,000* General Obligation
Municipal Building Bonds, Series
2017.

Any of the methods set forth
below may be used, but no open
bids will be accepted:

Sealed Bidding: Sealed bids will
be received at the office of the
City Clerk, City Hall, 24 North
Center Street, Marshalltown,
Iowa.

Electronic Internet Bidding:
Electronic internet bids will be
received at the office of the City
Clerk, City Hall, Marshalltown,
Iowa, and must be submitted
through SpeerAuction.

Electronic Facsimile Bidding:
Electronic facsimile bids will be
received at fax number
319/291-8628, and will be sealed
and treated as sealed bids.
After the deadline for receipt of
bids has passed, sealed bids will
be opened and announced, and
electronic internet bids will be
accessed and announced. All
bids will be presented to the City
Council for consideration at its
meeting to be held at 5:30 o'clock
p.m. on September 11, 2017, at
the Council Chambers,
Marshalltown, Iowa, at which time
the Bonds will be sold to the best
bidder for cash.

The Bonds will be issued as fully
registered bonds in
denominations of \$5,000 or any
integral multiple thereof, will be
dated October 10, 2017, will bear
interest payable semiannually on
each June 1 and December 1 to
maturity, commencing June 1,
2018, and will mature on June 1
in each of the years, as follows:

Year	Amount
2019	\$535,000
2020	\$525,000
2021	\$155,000
2022	\$100,000
2023	\$505,000
2024	\$515,000
2025	\$535,000
2026	\$350,000
2027	\$360,000
2028	\$375,000
2029	\$390,000
2030	\$915,000
2031	\$950,000
2032	\$990,000
2033	\$1,020,000
2034	\$1,060,000
2035	\$1,105,000
2036	\$1,155,000
2037	\$1,180,000

Bonds maturing in each of the
years 2026 to 2037, inclusive,
are subject to redemption prior to
maturity on June 1, 2025, or on
any date thereafter.

Bidders must specify a price of
not less than \$12,618,240, plus
accrued interest. The legal
opinion of Dorsey & Whitney
LLP, Attorneys, Des Moines,
Iowa, will be furnished by the
City.

A good faith deposit of \$254,400
is required from the successful
bidder and may be forfeited to
the City in the event the
successful bidder fails or refuses
to take and pay for the Bonds.

The City reserves the right to
reject any or all bids and to waive
irregularities in any bid.

The Bonds are being issued
pursuant to the provisions of
Chapter 384 of the Code of Iowa
and will constitute general
obligations of the City, payable
from taxes levied upon all the
taxable property in the City
without limitation as to rate or
amount.

The Securities and Exchange
Commission (the "SEC") has
promulgated certain amendments
to Rule 15c2-12 under the
Securities Exchange Act of 1934
(17 C.F.R. § 240.15c2-12) (the
"Rule") that make it unlawful for
an underwriter to participate in
the primary offering of municipal
securities in a principal amount of
\$1,000,000 or more unless,
before submitting a bid or
entering into a purchase contract
for such securities, an
underwriter has reasonably
determined that the issuer or an
obligated person has undertaken
in writing for the benefit of the
holders of such securities to
provide certain disclosure
information to prescribed
information repositories on a
continuing basis so long as such
securities are outstanding.

On the date of issuance and
delivery of the Bonds, the City
will execute and deliver a
Continuing Disclosure Certificate
pursuant to which the City will
undertake to comply with the
Rule. The City will covenant and
agree to comply with and carry
out the provisions of the
Continuing Disclosure Certificate.
All of the officers of the City will
be authorized and directed to
take any and all actions as may
be necessary to comply with the
Rule and the Continuing Discl-
osure Certificate.

Bidders should be aware that the
official terms of offering to be
published in the Official
Statement for the Bonds contain
additional bidding terms and
information relative to the Bonds.
In the event of a variance
between statements in this Notice
of Sale (except with respect to
the time and place of the sale of
the Bonds and the principal
amount offered for sale) and said
official terms of offering, the
provisions of the latter shall
control.

By order of the City Council of
Marshalltown, Iowa.
Shari Coughenour
City Clerk
— — — 23905

RESOLUTION NO. _____

Awarding Sale of General Obligation Municipal Building Bonds, Series 2017

WHEREAS, pursuant to an election held on August 2, 2016, the City of Marshalltown, Iowa (the "City"), Marshall County, State of Iowa, has received authority to issue its General Obligation Municipal Building Bonds in an amount not exceeding \$17,500,000, to pay the cost of constructing, furnishing and equipping a facility for the joint use of the municipal police and fire departments; and

WHEREAS, City has previously issued its General Obligation Municipal Building Bonds in the amount of \$4,780,000 for such purpose; and

WHEREAS, pursuant to advertisement of sale, bids for the purchase of General Obligation Municipal Building Bonds, Series 2017, in the amount of \$12,720,000 (the "Bonds") were received and canvassed on behalf of the City and the substance of such bids noted in the minutes; and

WHEREAS, upon final consideration of all bids, the City's municipal advisor has determined that the bid of _____ (the "Purchaser"), is the best, such bid proposing the lowest interest cost to the City;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Marshalltown, Iowa, as follows:

Section 1. The bid of the Purchaser referred to in the preamble is hereby accepted, and the Bonds, in the principal amount of \$_____ are hereby awarded to the Purchaser at the price specified in such bid, together with accrued interest.

Section 2. The form of agreement of sale (the "Sale Agreement") of the Bonds to the Purchaser is hereby approved, and the Mayor and City Clerk are hereby authorized to execute the Sale Agreement for and on behalf of the City.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved September 11, 2017.

Mayor

Attest:

City Clerk

2017-__

RESOLUTION APPROVING INTERLOCAL GRANT AGREEMENT FOR THE
IOWA/BYRNE-JUSTICE ASSISTANCE GRANT PROGRAM (JAG)
\$21,822.00 SPLIT 50% WITH MARSHALL COUNTY, TO ASSIST WITH LAW
ENFORCEMENT PROGRAMMING OR EQUIPMENT PURCHASES, AND
APPROVAL OF MEMORANDUM OF UNDERSTANDING TO SHARE GRANT
FUNDS WITH MARSHALL COUNTY

WHEREAS the City of Marshalltown, Iowa has negotiated an Agreement with the STATE OF IOWA to provide a grant award of \$21,822.00, through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS the City Council of the City of Marshalltown finds that this Agreement is in the best interest of the Council; and

WHEREAS a public hearing was held, notifying the public of the grant award and proposed use of federal funds; and

WHEREAS said Agreement should be approved and ratified by the Council of the City of Marshalltown, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

Section 1. That the attached Agreement relating to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for FY 2017-2018 is hereby approved and ratified with the understanding it is shared equally with Marshall County and used to assist with law enforcement programming or equipment purchases.

Section 2. The council authorizes the Police Chief for the City of Marshalltown to enter into a Memorandum of Understanding with Marshall County to share the grant funds.

Section 3. That the Police Chief for the City of Marshalltown is hereby authorized and directed to execute said Agreements and submit all necessary documents to secure this federal funding on behalf of the City of Marshalltown.

Section 4. This Agreement and this resolution shall be in full force and effect from and after its passage and signature as by law provided.

Passed this __ day of September, 2017, and signed this __ day of September 2017.
CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

City of Marshalltown

The Council is considering passage of a Resolution to Approve the Acceptance of a Federal Local Law Enforcement Block Byrne-JAG Grant

I, LeAnn Siemens, being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" for:

One

on the day as follows, to-wit:
September 5, 2017

Statutory fees for publishing said notice are:
15.76

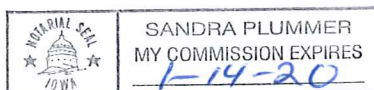
LeAnn Siemens

Sworn to before me and subscribed in my
presence by the said LeAnn Siemens, this
Fifth Day of Sept., 2017

Sandra Plummer

Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
L02000 City of Marshalltown



NOTICE OF PUBLIC HEARING

The Marshalltown City Council is considering passage of a Resolution to Approve the Acceptance of a Federal Local Law Enforcement Block Byrne-JAG Grant in the amount of \$21,822.00, to be shared 50% with Marshall County. The city will use their share of the federal funds for equipment or programming for the Police Department.

You are hereby notified that the City Council has fixed September 11, 2017, at 5:30 PM in the City Council Chambers of the City Hall, 10 West State Street, Marshalltown, Iowa, as the time and place where said consideration will be heard and passage thereof. That any and all objection may be made in writing and orally or in writing before the Council at the time fixed herein.

To all of which take due notice and be governed accordingly.

Shari L. Coughenour, CMC
City Clerk, Marshalltown Iowa
--- --23901



James L. Lowrance, Mayor
Jessica Kinser, City Administrator
Michael W. Tupper, Chief of Police
22 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5725
Fax - (641) 752-1211

TO: Mayor James L. Lowrance
Members of the City Council
Jessica Kinser, City Administrator

FROM: Michael W. Tupper
Chief of Police

DATE: August 23, 2017

RE: 2017-2018 Byrne-JAG Grant Award

Policy Issue: City policy requires governing body approval of agreements and federal grant awards. The Byrne-JAG grant also requires public notification regarding the grant award and proposed use of federal funds.

Recommendation: Staff recommends Council accept the 2017-2018 Byrne JAG award and authorize the Chief of Police to submit all necessary application documents to secure this federal funding. Additionally staff recommends the Council authorize the Chief of Police to enter into a Memorandum of Understanding to share these grant funds with Marshall County.

Background: On August 3, 2017, the police department received email notification from the federal government the City will be allocated \$21,822.00 in grant funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. JAG legislation requires Cities and Counties to partner and share funds allocated as part of this federal program. These funds are traditionally split evenly with Marshall County. Consequently, the City of Marshalltown's share is \$10,911.00. These federal funds are intended for equipment or programming expenditures for FY 17-18. These funds cannot supplant funding already in place for law enforcement programming or equipment purchase plans.

While the grant award has already been announced, there is still an application and review process. The application must be submitted to the United States Department of Justice by September 5. As part of this process, we are required to approve a budget and spending plan via city council action. Additionally, we are required to hold a public hearing about how these funds will be spent. These requirements must be met prior to the September 5 application submission date. This issue will be on the August 28 city council agenda as an action item.

I have met with members of the police department leadership team. Staff recommends that council accept this grant award and designate the City portion of these funds to be expended on the purchase of an alternate light source for crime scene investigations. This light source allows personnel to locate blood, semen and similar substances that can be crucial items of evidence as part of felony criminal investigations. The department will spend \$7,593.35 of this grant award on this alternate light source

CITY COUNCIL

Mike Gowdy, Joel Greer, Al Hoop, Dan Kester,
Leon Lamer, Bill Martin, Bethany Wirin

equipment. The remaining \$3,317.65 will be spent to purchase two, AXON electronic control weapons and miscellaneous equipment necessary for the deployment of this equipment into the field.

Budget Impact: None

Attachment: 2017 Iowa Local JAG Allocations Spreadsheet

THE STATE OF IOWA

COUNTY OF MARSHALL

INTERLOGICAL AGREEMENT

BETWEEN THE CITY OF MARSHALLTOWN, IOWA AND COUNTY OF MARSHALL, IOWA

2017 BRYNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this day of August 31, 2017 by and between The County of Marshall acting by and through its governing body, the Board of Supervisors, hereinafter referred to as COUNTY, and the CITY of MARSHALLTOWN, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Marshall County, State of IOWA, witnesseth:

WHEREAS, this Agreement is made under the authority of Section 28E, Iowa State Code: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, with a total grant agreement of \$21,822.00 the CITY agrees to provide the COUNTY \$10,911.00 from the JAG award for the purchasing of equipment in support of law enforcement in Marshall County and the CITY of Marshalltown agrees to retain \$10,911.00 for the purchasing of equipment in support of law enforcement services in the CITY of Marshalltown: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the COUNTY AND CITY agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of \$10,911.00 of JAG funds.

Section 2.

County agrees to use \$10,911.00 for the 2017 JAG Grant Program until the programs end date.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Tort Claims Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of services by the other party.

Section 6.

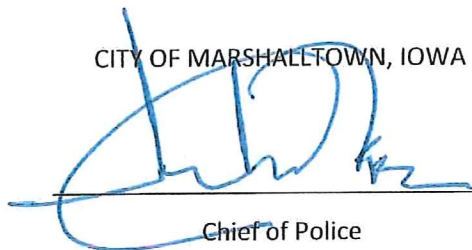
The parties to the Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF MARSHALLTOWN, IOWA

COUNTY OF MARSHALL, IOWA



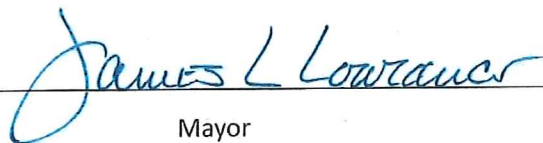
Chief of Police

Michael W. Tupper



Marshall County Sheriff

Steven W. Hoffman



Mayor

James L. Lowrance



Chairman Board of Supervisors

William T. Patten

2017 IOWA LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report here: <https://www.bja.gov/jag/pdfs/JAG-Technical-Report.pdf> and current JAG Frequently Asked Questions here: <https://www.bja.gov/funding/JAGFAQ.pdf>

Finding your jurisdiction:

(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.

(2) Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.

(3) Counties that have an asterisk (*) under the "Eligible Individual Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
IA	BLACK HAWK COUNTY	County	*	
IA	WATERLOO CITY	Municipal	\$78,918	\$78,918
IA	CLINTON COUNTY	County	*	
IA	CLINTON CITY	Municipal	\$23,363	\$23,363
IA	DES MOINES COUNTY	County	*	
IA	BURLINGTON CITY	Municipal	\$19,990	\$19,990
IA	DUBUQUE COUNTY	County	*	
IA	DUBUQUE CITY	Municipal	\$18,782	\$18,782
IA	JOHNSON COUNTY	County	*	
IA	IOWA CITY CITY	Municipal	\$27,444	\$27,444
IA	LEE COUNTY	County	*	
IA	KEOKUK CITY	Municipal	\$13,077	\$13,077
IA	LINN COUNTY	County	*	
IA	CEDAR RAPIDS CITY	Municipal	\$47,809	\$47,809
IA	MARSHALL COUNTY	County	*	
IA	MARSHALLTOWN CITY	Municipal	\$21,822	\$21,822
IA	MUSCATINE COUNTY	County	*	
IA	MUSCATINE CITY	Municipal	\$17,533	\$17,533
IA	POLK COUNTY	County	*	
IA	DES MOINES CITY	Municipal	\$142,719	
IA	WEST DES MOINES CITY	Municipal	\$13,993	\$156,712
IA	POTTAWATTAMIE COUNTY	County	*	
IA	COUNCIL BLUFFS CITY	Municipal	\$45,144	\$45,144

2017 IOWA LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2017 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report here: <https://www.bja.gov/jag/pdfs/JAG-Technical-Report.pdf> and current JAG Frequently Asked Questions here: <https://www.bja.gov/Funding/JAGFAQ.pdf>

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State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
IA	SCOTT COUNTY	County	*	
IA	DAVENPORT CITY	Municipal	\$84,249	\$84,249
IA	STORY COUNTY	County	*	
IA	AMES CITY	Municipal	\$11,119	\$11,119
IA	WARREN COUNTY	County	*	
IA	INDIANOLA CITY	Municipal	\$10,536	\$10,536
IA	WEBSTER COUNTY	County	*	
IA	FORT DODGE CITY	Municipal	\$21,614	\$21,614
IA	WOODBURY COUNTY	County	*	
IA	SIOUX CITY CITY	Municipal	\$40,313	\$40,313
	Local total		\$638,425	



The City of Marshalltown, Iowa
James L. Lowrance, Mayor
Jessica Kinser, City Administrator
Bob Ranson, Superintendent WPC
1001 Woodland Street
Marshalltown, IA 50158-1810
Tel - (641) 754-5709
Fax - (641) 754-5741
Email - branson@ci.marshalltown.ia.us

WATER POLLUTION CONTROL

MEMORANDUM

Date: September 7, 2017

To: Mayor, City Council, City Administrator, Public Works Director, and City Clerk

From: Bob Ranson, Superintendent WPCP

Re: Pretreatment Streamlining Addition to the City Code of Ordinances

The City of Marshalltown was issued a new NPDES permit in 2016 from the Iowa Department of Natural Resources. A stipulation of that permit is to evaluate the approved pretreatment program. See the following insert from the NPDES permit:

5. The City shall evaluate the approved pretreatment program for compliance with 40 CFR 403 and Iowa Administrative Code 567 – Chapter 62, specifically with regards to the pretreatment streamlining rule published in the Federal Register on October 14, 2005. Complete the evaluation and submit to the Department a report containing the findings of the evaluation, including a proposal for modifications to correct any deficiencies that are identified, by [one year from permit issuance].

Winnie Gleason with Fox Engineering evaluated our pretreatment program and city ordinances and prepared a report to submit to the IDNR. In that report, several items were identified that were required to be adopted to comply with the 2005 Streamlining Rules from the EPA, and also some optional rules that could be adopted but were not mandatory.

Roger Schoell reviewed the report and submitted a highlighted copy of the proposed modifications or additions to the City Code for review and approval by the IDNR. The modifications and additions were for the mandatory additions only and did not include any optional revisions. These documents were submitted to the IDNR for approval in April. The IDNR approved the modifications to the City Code.

Roger Schoell was asked to prepare one change to the proposal by adding one of the optional revisions. The optional revision allows me the authority to permit qualifying industries as a Non-Significant Categorical Industrial User (NSCIU). This would allow industries that produce less than 100 gallons per day of categorical wastewater and comply with all other applicable pretreatment standards, to have reduced monitoring and would not be required to hold a pretreatment permit with the City.

The IDNR has reviewed and approved the additional proposed modifications. Therefore, I will be presenting Council with a resolution requesting the adoption of these changes to our ordinance.



August 29, 2017

BOB RANSON, SUPT.
CITY OF MARSHALLTOWN
24 N CENTER ST
MARSHALLTOWN IA 50158-4912

RE: Program Modifications – Streamlining Requirements

Dear Mr. Ranson:

I have reviewed your updated request to modify the City of Marshalltown's Pretreatment Program submitted on August 23, 2017. The proposed modifications to the sewer use ordinance will allow the program to comply with the Pretreatment Streamlining Rules promulgated by EPA on October 14, 2005 and adopted by the State of Iowa on November 15, 2006.

As proposed, the modifications directly reflect the revisions to 40 CFR 403. As noted in the preamble of the Streamlining Rule, modifications that directly reflect the revisions to 40 CFR 403 are to be treated as non-substantial modifications. Pursuant to 40 CFR 403.18(d) the proposed changes are considered approved by the department. Please provide me with a copy of the final sewer use ordinance reflecting the approved revisions along with the date the ordinance is effective.

The City is required by its NPDES permit to continue to implement the local pretreatment program and any amendments thereto. Approval of these revisions is considered an amendment to the pretreatment program. Permits must be modified or reissued, as necessary, to significant industrial users to require compliance with the revisions.

The City has complied with the pretreatment requirements on page 18 of the NPDES permit issued on May 1, 2016. The Department appreciates your attention to this matter.

If you have any questions, please contact me at 515-725-8406 or ben.hucka@dnr.iowa.gov.

Sincerely,



Ben Hucka
NPDES Section

CC: Paul Marshall, USEPA Region VII
Field Office 5

ORDINANCE TO AMEND THE CODE OF ORDINANCES,
CITY OF MARSHALLTOWN, IOWA BY AMENDING SECTIONS IN CHAPTER 28, WATER AND
SEWER, OF THE CITY CODE, DIVISION 4. RELATING TO NONRESIDENTIAL PRETREATMENT
REGULATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Code of Ordinances, City of Marshalltown, Iowa is hereby amended by repealing Section 28-77 (a) 3 and enacting the following as a substitute:

Sec. 28-77. Definitions and abbreviations.

3.) *Authorized representative of the industrial user* means as follows:

i.) If the industrial user is a corporation:

ii.) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy- or decision-making functions for the corporation.

iii.) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00, in second quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

If the industrial user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

If the industrial user is a federal, state or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.

The individuals described in subsections (i) and (ii) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

3.5.) *Authorized signor of documentation of compliance* means any individual authorized to sign documentation of compliance must have the ability to authorize funds and personnel as needed to ensure compliance with pretreatment standards. *****

Section 2. The Code of Ordinances, City of Marshalltown, Iowa is hereby amended by adding new section 28-77 (31A):

Sec. 28-77. Definitions and abbreviations.

31A.) The Control Authority may reduce oversight of certain Industrial Users that may be reclassified as NonSignificant Categorical Industrial Users (NCSIUs). [\$403.3(v)(2); 403.8(f)(2)(v); 403.12(e)(3)(i)]: Previously, all IUs falling under a Federal-listed Category were designated as Categorical Industrial Users (CIUs), no matter the size of the operations. The amendment creates two additional classifications for CIUs:

- i. Non-significant CIU: CIUs that consistently comply with applicable pretreatment standards consistently discharge less than 100 gpd of categorical wastewater, and never discharge any untreated concentrated wastewater may be classified as Non-Significant CIU. This classification reduces the monitoring requirements for an industry and does not require that the facility have a pretreatment permit. However, they must continue to comply with applicable pretreatment standards and requirements and provide annual certification of compliance.

- ii. Middle Tier CIU: CIUs which are: 1) <0.01% of POTW's design dry weather hydraulic capacity or 5,000 gpd, whichever is smaller (measured by continuous effluent flow monitoring unless the CIU is a batch discharger; AND 2) <0.015 of POTW's design dry weather treatment capacity; AND 3) <0.01% of the Maximum Allowable Headworks Loading (MAIL) for any local limits.

To be eligible for classification as a Middle Tier CIU, the CIU must not have been in SNC for any time in the previous two years and the daily flow rates, production levels, or pollutant levels cannot vary significantly whereby reduced reporting would not be representative of operating conditions. Adoption of these classifications allows for reduced monitoring and regulatory burden for CIUs with very low flows and potential to impact the POTW.

Section 3. The Code of Ordinances, City of Marshalltown, Iowa is hereby amended by repealing Section 28-84 (a) and enacting the following as a substitute:

Sec. 28-84. Accidental discharges (slug loads).

- a.) Generally. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review and shall be approved by the city before construction of the facility and each user shall verify the status of the slug control plan for any renewal cycle.

No user who commences contribution to the POTW after the effective date of the ordinance from which this division derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this division. If an accidental discharge (slug load) occurs, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, the type of waste, the concentration and volume, and corrective actions.

Section 4. The Code of Ordinances, City of Marshalltown, Iowa is hereby amended by repealing Section 28-85 and enacting the following as a substitute:

Sec. 28-85. Accidental discharge/slug control plans.

For the purpose of this division, the director may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the director shall evaluate whether each significant industrial user needs a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan that addresses, at a minimum, the following:

- a.) Description of discharge practices, including nonroutine batch discharges.
- b.) Description of stored chemicals.
- c.) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge that would violate any of the prohibited discharges in section 28-78.
- d.) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants including solvents, and/or measures and equipment for emergency response.
- e.) Industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

Section 5. The Code of Ordinances, City of Marshalltown, Iowa is hereby amended by repealing Section 28-92 and enacting the following as a substitute

Sec. 28-92. Inspection and sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this division is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination/copying or in the performance of any of their duties. The city, approval authority and Environmental Protection Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into the premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, approval authority and Environmental Protection Agency will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sampling of an industrial user's wastewater shall be required at least semiannually (once every six months). The POTW may choose to monitor in lieu of requiring the industrial user to perform the self-monitoring. If sampling conducted by the industrial user indicates a violation, the user must repeat the sampling and submit analytical results within 30 days after becoming aware of the violation. If the industrial user performed the initial sampling, the user must notify the POTW within 24 hours of becoming aware of the violation in addition to performing the follow-up sampling and analysis. Industrial users that are identified as "significant" are required to report all monitoring results to the POTW.

In cases of violation where the POTW has assumed responsibility for sampling in lieu of the industrial user, the POTW must repeat the sampling and analysis. An exception of that requirement is made if the POTW performs the sampling at the facility at a frequency of at least once a month or if the POTW performs sampling at the industrial user between the time of the initial sampling and the receipt of the results of that sampling.

Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composited sampling techniques, unless the POTW authorized time-proportional composite sampling or grab sampling. Where the POTW authorizes time-proportional composite sampling or grab sampling, (1) the samples must be representative of the discharge, and (2) the justification for the decision to allow the alternative sampling must be documented in the IU's file for that facility or facilities. When grab samples are determined to be applicable for representative sampling under certain circumstances, the POTW shall determine and document the number of grab samples necessary to assess and assure compliance with applicable limits.

Section 6. That this ordinance shall be in full force and effect after its passage and publication as by law.

Passed this ___ day of _____, 2017, and signed this ___ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

9/6/2017

Justin Nickel, P.E.

Director of Public Works

24 N. Center Street

Marshalltown, Iowa

Dear Justin,

I am writing to you on behalf of Crystal Distribution here in Marshalltown, IA. As discussed in previous conversations, Crystal Distribution, located at 816 Union St., is interested in purchasing 2 pieces of property from the city of Marshalltown. The first piece of property is located in the 800 block of Union St. and the second property is located in the 800 block of Swayze St.

We have received and looked over the estimated value of the properties sent to us from the city. Upon further discussions with Tom Poe, President and CEO of Crystal Distribution Services headquartered in Waterloo, IA, we feel we are ready to move on to the next step in the process and make a formal counter offer to the city of Marshalltown for the purchase of these properties.

For the two pieces of property that we interested in purchasing Crystal Distribution would be willing to pay the sum of \$100.00 to the city of Marshalltown. Please pass along this offer to all parties involved in the decision making process and also please put us on the agenda for the next City Council meeting. We look forward to discussing this matter further with the City Council members and the Honorable Mayor Lowrance.

Thank you for taking the time to consider our request and please feel free to contact me with any questions or comments that you might have concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Lowrance", with a long horizontal flourish extending to the right.

Chris Lowrance

Crystal Distribution

ORDINANCE NO. 14968

ORDINANCE TO VACATE A PORTION SWAYZE STREET AND UNION STREET
LOCATED IN SUNRISE ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA,
AND TO CONVEY SAME TO CRYSTAL DISTRIBUTION SERVICES, INC.

BE IT ORDAINED by the City Council of the City of Marshalltown, Iowa:

SECTION 1. That the following described area be and the same is hereby vacated and the
rights of public use therein IS thereby terminated.

THE WEST 123 FEET OF SWAYZE STREET BETWEEN BLOCK 1 AND
BLOCK 6; **AND** THE WEST 123 FEET OF UNION STREET BETWEEN
BLOCK 6 AND BLOCK 7, ALL IN SUNRISE ADDITION TO THE TOWN OF
MARSHALL, MARSHALL COUNTY, IOWA, SUBJECT TO EXISTING
EASEMENTS FOR UTILITY PURPOSES.

SECTION 2. That the aforesaid real estate is not being used in any manner by the City of
Marshalltown, Iowa, is not required for any public purpose, and no rights of private persons will
be adversely affected by the vacation proceedings provided for herein.

SECTION 3. That this ordinance shall convey legal title to the real estate described in
Section 1 above, subject to the reservation of existing easements for utility purposes, to
Crystal Distribution Services, Inc., an adjacent property owner, without further notice or
hearing.

SECTION 4. In accordance with Section 354.23 of the Code of Iowa, this ordinance
shall operate as a conveyance of the aforesaid real estate to Crystal Distribution Services,
Inc., an adjacent property owner, and upon passage and recording of this ordinance, the
ordinance shall be the equivalent of a Deed of Conveyance and shall be indexed as a
conveyance by the Recorder and Auditor of Marshall County, Iowa.

SECTION 5. There is hereby reserved by the City of Marshalltown all existing
easements for utility purposes.

SECTION 6. The vacated area shall be shall be conveyed to Crystal Distribution Services, Inc. as follows:

THE WEST 123 FEET OF SWAYZE STREET BETWEEN BLOCK 1 AND BLOCK 6; **AND** THE WEST 123 FEET OF UNION STREET BETWEEN BLOCK 6 AND BLOCK 7, ALL IN SUNRISE ADDITION TO THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, SUBJECT TO EXISTING EASEMENTS FOR UTILITY PURPOSES.

SECTION 7. This ordinance shall be set for public hearing on the ____ day of _____, 2017, as by law provided. The City Clerk is directed to publish notice thereof and to send notice by mail to the adjoining land owners.

SECTION 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 9. All ordinances or parts of ordinances in conflict the provisions of this ordinance are hereby repealed.

Passed by Council on this ____ day of _____, 2017, and on the ____ day of _____, 2017, the Mayor did the following:

____ approved the ordinance; ____ vetoed the ordinance; ____ took no action on the ordinance.

Mayor

Attest: _____
Clerk

I certify the following ordinance was posted as required by law on the ____ day of _____, 2017.

City Clerk

**TENTATIVE RESOLUTION PROVIDING FOR THE VACATION, CONVEYANCE,
AND TRANSFER OF THE STREETS HEREIN DESCRIBED FROM THE CITY OF
MARSHALLTOWN, IOWA TO CRYSTAL DISTRIBUTION SERVICES, INC.**

WHEREAS, the Council of the City of Marshalltown, Iowa, proposes to vacate, transfer, and convey subject to existing easements of record for utility purposes that part of Swayze Street and Union Street described as follows:

The West 123 feet of Swayze Street between Block 1 and Block 6; **AND** The West 123 feet of Union Street between Block 6 and Block 7, all in Sunrise Addition to the Town of Marshall, Marshall County, Iowa, subject to existing easements for utility purposes,

; and

WHEREAS, the consideration for the vacation, transfer, and conveyance of the streets above described to Crystal Distribution Services, Inc., as set forth above, is the full sum of _____ Dollar, the payment of all costs of recording, publication of notices, and all administrative expense in connection with same, by Crystal Distribution Services, Inc.; and

WHEREAS, this property to be vacated is not required for any public purposes, the rights of private persons will not be adversely affected and the consideration to be paid is fair.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The City of Marshalltown, Iowa, by this Tentative Resolution proposes to vacate, transfer, and convey title by Quit Claim Deed to the following described streets to Crystal Distribution Services, Inc., to wit:

The West 123 feet of Swayze Street between Block 1 and Block 6; **AND** The West 123 feet of Union Street between Block 6 and Block 7, all in Sunrise Addition to the Town of Marshall, Marshall County, Iowa, subject to existing easements for utility purposes.

Section 2. The Council will meet at 5:30 P.M. in the council chambers in the City Hall, Marshalltown, Iowa, on the _____ day of _____, 2017, and will hold a public hearing to consider any and all comments filed with the City Clerk or made in open council to the proposal for vacation of the streets as herein described and to take final action thereon.

Section 3. The City Clerk shall cause to be published notice of said hearing required by law, by publication once in the Marshalltown Times Republican, a newspaper having general circulation in the City of Marshalltown, Iowa. The publication shall not be less than four (4) days nor more than twenty (20) days prior to the date therein fixed for public hearing.

Passed this ____ day of _____, 2017, and signed this ____ day of _____, 2017.

CITY OF MARSHALLTOWN

by _____

James L. Lowrance, Mayor

ATTEST:

by _____

Shari Coughenour, City Clerk

**RESOLUTION ADOPTING TENTATIVE RESOLUTION PROVIDING FOR THE
VACATION, CONVEYANCE, AND TRANSFER OF TITLE TO THE STREETS
HEREIN DESCRIBED FROM THE CITY OF MARSHALLTOWN, IOWA, TO
CRYSTAL DISTRIBUTION SERVICES, INC., AND AUTHORIZING EXECUTION
AND DELIVERY OF A QUIT CLAIM DEED.**

WHEREAS, the Council of the City of Marshalltown, Iowa, did, on the _____ day of _____, 2017, place on file a Tentative Resolution proposing to vacate, convey and transfer a part of Swayze Street and Union Street located in Marshalltown, Iowa, as hereinafter described and owned by the CITY OF MARSHALLTOWN, IOWA, to Crystal Distribution Services, Inc.; and

WHEREAS, published notice as required by the law of the intended conveyance by the CITY OF MARSHALLTOWN, IOWA, of the streets described hereinafter has been duly published and no objections to the proposed conveyance have been filed in writing with the City Clerk and no objections thereto are made in open Council meeting to the proposed conveyance for the consideration therein described and that this is the time and place provided for in said Tentative Resolution and in the published notice for this Council to take final action upon said Tentative Resolution; and

WHEREAS, the purpose of this Resolution is to authorize the conveyance by the CITY OF MARSHALLTOWN, IOWA, to Crystal Distribution Services, Inc., of said streets.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Tentative Resolution placed on file in the office of the Clerk of the CITY OF MARSHALLTOWN, IOWA, on the ____ day of _____, 2017, whereby it is proposed to vacate, convey, and transfer title subject to existing easements of record for utility purposes of a part of Swayze Street and Union Street located in the City of Marshalltown, Iowa, described as follows:

The West 123 feet of Swayze Street between Block 1 and Block 6; **AND** The West 123 feet of Union Street between Block 6 and Block 7, all in Sunrise Addition to the Town of Marshall, Marshall County, Iowa, subject to existing easements for utility purposes,

to Crystal Distribution Services, Inc., is hereby approved.

Section 2. The conveyance of the vacated streets as described in Section 1 of this Resolution shall be by Quit Claim Deed, from the CITY OF MARSHALLTOWN, to Crystal Distribution Services, Inc.

SECTION 3. The Mayor and Clerk are hereby authorized to execute the Quit Claim Deed and deliver the deed to Crystal Distribution Services, Inc., and do all things necessary to carry out said vacations, conveyance, and transfer.

Passed this ____ day of _____, 2017, and signed this ____ day of _____, 2017.

CITY OF MARSHALLTOWN

by _____
James L. Lowrance, Mayor

ATTEST:

by _____
Shari Coughenour, City Clerk

<u>Calculation of land value</u>		816 UNION ST
Adjacent lot #A		CRYSTAL DISTRIBUTION SERVICES
Adjacent lot dimension	(=43560 sq.ft. *3.46 acres)	
Lot size in square feet:	150,718 sq.ft.	816 UNION ST
Assessed value of lot:	\$ 75,320.00	COMMERCIAL CLASS
	\$ 0.50	<u>Calculated assessed value per square foot</u>

<u>Calculation of land value</u>		
Adjacent lot #B		
Adjacent lot dimension	(=43560 sq.ft. *0.35 acres)	
Lot size in square feet:	15,246 sq.ft.	802 SWAYZE ST
Assessed value of lot:	\$ 8,030.00	RESIDENTIAL CLASS
	\$ 0.53	<u>Calculated assessed value per square foot</u>

<u>Calculation of land value</u>		
Adjacent lot #B		
Adjacent lot dimension	(=43560 sq.ft. *1.76 acres)	
Lot size in square feet:	76,666 sq.ft.	407 N 8TH AVE
Assessed value of lot:	\$ 30,680.00	INDUSTRIAL - NO STRUCTURE
	\$ 0.40	<u>Calculated assessed value per square foot</u>

Total adjacent lots, sq ft	242,629
Total adjacent lots, value	\$ 114,030.00

<u>Property for sale</u>		\$ 0.4700
UNION ST - 50' X 122.67'	6,134	weighted avg cost / sq.ft.
SWAYZE ST - 50' X 122.91'	6,146	
Total property / sq ft	12,279 sq ft	
	\$2,883	<u>Calculated purchase price - Union St</u>
	\$2,888	<u>Calculated purchase price - Swayze St</u>
	\$5,771	<u>Total est average price</u>

PORTIONS OF SWAYZE AND UNION ST EAST OF NORTH 8TH AVENUE
REQUEST TO VACATE

CRYSTAL DISTRIBUTION SERVICES INC
DBA COLD STORAGE - MEAT LOCKER
PO BOX 1744
WATERLOO, IA 50704

<u>Calculation of land value</u>		816 UNION ST
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PORTIONS OF SWAYZE AND UNION ST EAST OF NORTH 8TH AVENUE
REQUEST TO VACATE

CRYSTAL DISTRIBUTION SERVICES INC
DBA COLD STORAGE - MEAT LOCKER
PO BOX 1744
WATERLOO, IA 50704



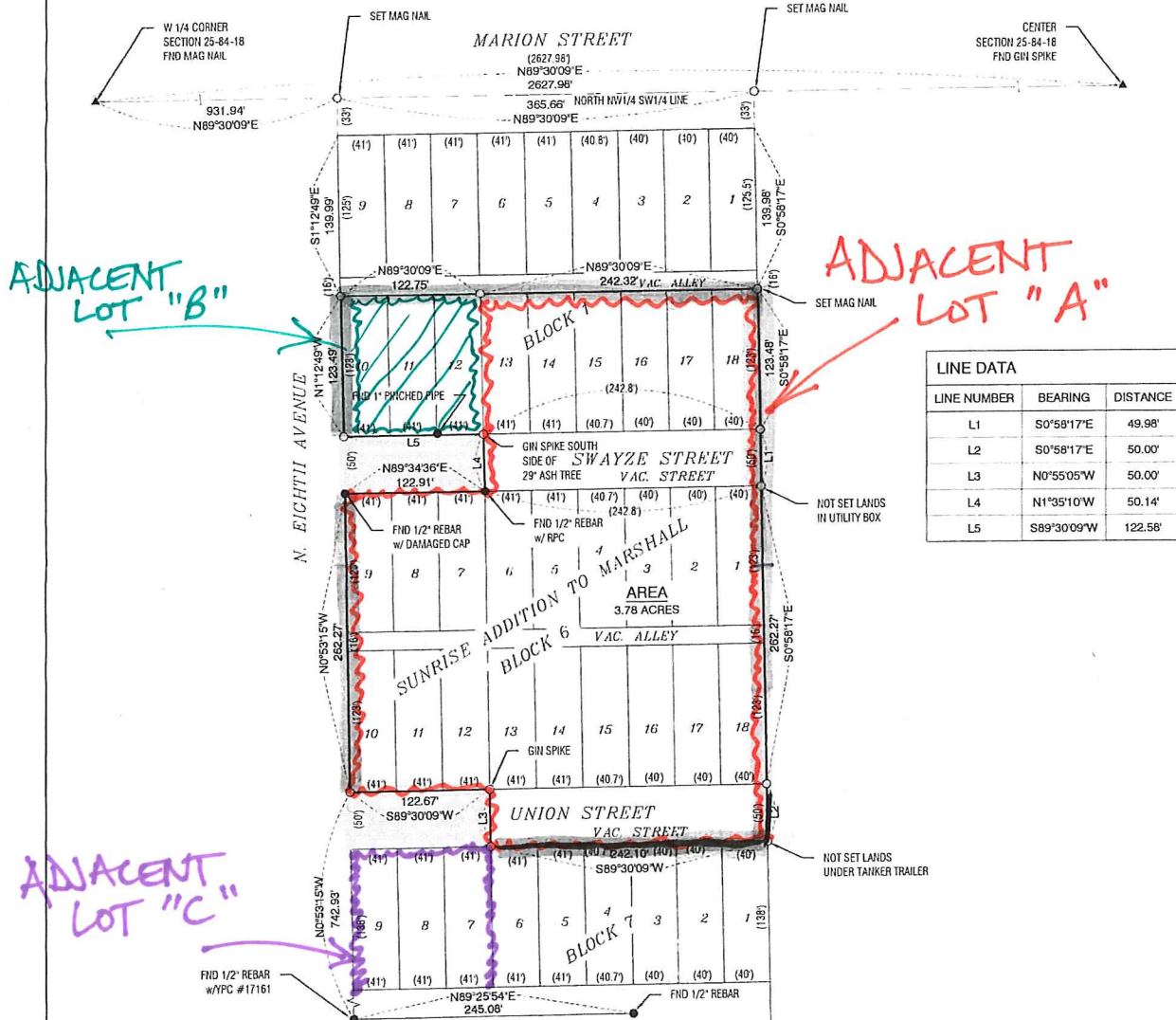
RETRACEMENT PLAT OF SURVEY

\$7 Chg

INDEX LEGEND	
LOCATION:	IN BLOCKS 1 AND 6, SUNRISE ADDITION TO MARSHALL
PROPRIETOR:	CRYSTAL DISTRIBUTION SERVICES INC
SURVEY REQUESTED BY:	CRYSTAL DISTRIBUTION SERVICES INC
FIELD WORK COMPLETED:	6/23/2017
SURVEY PREPARED BY:	CLAPSADOLE-GARBER ASSOCIATES, INC.
RESPOND TO:	16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158
JEREMY HARRIS	PHONE 641-752-6701
	JHARRIS@CGACONSULTANTS.COM



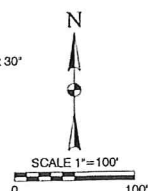
Recorded: 07/10/2017 at 01:48:54 PM
 Amt: \$7.00 Charge Page 1 of 1
 Revenue Tax:
 Marshall County Iowa
 Deanne Raymond County Recorder
 File **2017-00003701**



DESCRIPTION
 LOTS 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18, IN BLOCK 6, AND ALL OF VACATED ALLEY LYING IN BLOCK 6, ALL IN SUNRISE ADDITION TO THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, AND COMMENCING AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 1, SUNRISE ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA, THENCE EAST 242.8 FEET TO THE SOUTHEAST CORNER OF LOT 18, BLOCK 1, SUNRISE ADDITION, THENCE SOUTH TO THE NORTHEAST CORNER OF LOT 1, BLOCK 6, SUNRISE ADDITION, THENCE WEST 242.8 FEET TO THE NORTHWEST CORNER OF LOT 6, BLOCK 6, SUNRISE ADDITION, THENCE NORTH TO THE POINT OF BEGINNING, BEING THE EAST 242.8 FEET OF THAT PART OF SWAYZE STREET LOCATED EAST OF 8TH AVENUE AND WEST OF 9TH AVENUE EXTENDED, AND THAT PART OF UNION STREET IN THE CITY OF MARSHALLTOWN, IOWA, DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 6, SUNRISE ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA AND PROCEEDING WESTERLY TO THE SOUTHWEST CORNER OF LOT 13 AND PROCEEDING SOUTH THEREFROM 50 FEET TO THE NORTHWEST CORNER OF LOT 6 AND EASTERLY THEREFROM TO THE NORTHEAST CORNER OF LOT 1 AND NORTH THEREFROM 50 FEET TO THE POINT OF BEGINNING, ALL IN SUNRISE ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

NOTE:
 ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

- LEGEND:**
- ▲ GOVERNMENT CORNER MONUMENT FOUND
 - △ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/BUE PLASTIC ID CAP #22259
 - PARCEL OR LOT CORNER MONUMENT FOUND
 - SET 1/2" x 30" REBAR w/BUE PLASTIC ID CAP #22259
 - () RECORDED AS



CRYSTAL DISTRIBUTION SURVEY
 MARSHALL COUNTY

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Jeremy A. Harris, PLS
 Iowa License Number 22259
 My License Renewal Date is December 31, 2017
 Pages or sheets covered by this seal: THIS SHEET

CGA
 Clapsadole-Garber Associates, Inc.
 16 East Main Street
 Marshalltown, Iowa 50158
 PH 641-752-6701
 www.cgaconsultants.com

DRAWN: CAQ
 DATE: 7-7-2017
 SHEET NO.: 1
 PP: 1

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Property Information							
Tax Year 2017	Parcel Number 8418-25-306-006						
Tax Status Taxable	Property Class C-COMMERCIAL						
Township/City M'TOWN CITY MC	School District MARSHALLTOWN SCH DIS						
Tax District 450800 - MTOWN CITY MC	TIF District 450826 - MARSHALLTOWN CITY/MARSHALLTOWN SCH/ESIDE UR TIF						
Total Acres 3.46	Assessed Value 1,231,150						
2017 Tax Rate information is not currently available.							
Property Address 816 UNION ST MARSHALLTOWN, IA 50158		Mailing Address CRYSTAL DISTRIBUTION SERVICES INC DBA: COLD STORAGE - MEAT LOCKER PO BOX 1744 WATERLOO, IA 50704		Owner (Title) CRYSTAL DISTRIBUTION SERVICES INC,			
Land							
Property Description SUNRISE ADD LOTS 13-18 BLK 1; ALL OF BLK 6 & ALL OF VAC ALLEY IN BLK 6 & COMM AT SW COR LOT 13 BLK 1 SUNRISE ADD THENCE E 242.8' TO SE COR LOT 18 BLK 1 THENCE S TO NE COR LOT 1 BLK 6 THEN W 242.8' TO NW COR LOT 6 BLK 6 THENCE N TO POB; UNION ST DESC AS BEG AT SE COR BLK 6 & PROCEEDING WLY TO SW COR LOT 13 & PROCEEDS THEREFROM 50' TO NW COR LOT 6 ELY THEREFROM TO NE COR OF LOT 1 BLK 7 N 50' TO POB							
Assessments							
Assessment 2017	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	COMMERCIAL	75,320	1,155,830	1,231,150	0	0	0
EXEMPTION		0	0	0	0	0	0
NET		75,320	1,155,830	1,231,150	0	0	0
Assessment 2016	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	COMMERCIAL	75,320	1,141,400	1,216,720	67,788	1,027,260	1,095,048
EXEMPTION		0	0	0	0	0	0
NET		75,320	1,141,400	1,216,720	67,788	1,027,260	1,095,048
Assessment 2015	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	COMMERCIAL	75,320	1,141,400	1,216,720	67,788	1,027,260	1,095,048
EXEMPTION		0	0	0	0	0	0
NET		75,320	1,141,400	1,216,720	67,788	1,027,260	1,095,048
Assessment 2014	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	COMMERCIAL	75,320	1,141,400	1,216,720	67,788	1,027,260	1,095,048
EXEMPTION		0	0	0	0	0	0
NET		75,320	1,141,400	1,216,720	67,788	1,027,260	1,095,048
Assessment 2013	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	COMMERCIAL	75,320	1,141,400	1,216,720	71,554	1,084,330	1,155,884
EXEMPTION		0	0	0	0	0	0
NET		75,320	1,141,400	1,216,720	71,554	1,084,330	1,155,884

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Property Information							
Tax Year 2017	Parcel Number 8418-25-303-005			 ADJACENT LOT "B"			
Tax Status Taxable	Property Class R-RESIDENTIAL						
Township/City M'TOWN CITY MC	School District MARSHALLTOWN SCH DIS						
Tax District 450800 - MTOWN CITY MC	TIF District 450826 - MARSHALLTOWN CITY/MARSHALLTOWN SCH/ESIDE UR TIF						
Total Acres 0.35	Assessed Value 33,820						
2017 Tax Rate information is not currently available.							
Property Address 802 SWAYZE ST MARSHALLTOWN, IA 50158		Mailing Address CRYSTAL DISTRIBUTION SERVICES INC DBA: COLD STORAGE - MEAT LOCKER PO BOX 1744 WATERLOO, IA 50704		Owner (Title) CRYSTAL DISTRIBUTION SERVICES INC,			
Land							
Property Description SUNRISE ADD LOTS 10, 11 & 12 BLK 1							
Assessments							
Assessment 2017	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	RESIDENTIAL	8,030	25,790	33,820	0	0	0
EXEMPTION		0	0	0	0	0	0
NET		8,030	25,790	33,820	0	0	0
Assessment 2016	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	RESIDENTIAL	8,030	25,180	33,210	4,572	14,337	18,909
EXEMPTION		0	0	0	0	0	0
NET		8,030	25,180	33,210	4,572	14,337	18,909
Assessment 2015	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	RESIDENTIAL	8,030	25,180	33,210	4,467	14,007	18,474
EXEMPTION		0	0	0	0	0	0
NET		8,030	25,180	33,210	4,467	14,007	18,474
Assessment 2014	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	RESIDENTIAL	8,030	25,180	33,210	4,475	14,034	18,509
EXEMPTION		0	0	0	0	0	0
NET		8,030	25,180	33,210	4,475	14,034	18,509
Assessment 2013	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	RESIDENTIAL	8,030	25,180	33,210	4,368	13,698	18,066
EXEMPTION		0	0	0	0	0	0
NET		8,030	25,180	33,210	4,368	13,698	18,066

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Property Information							
Tax Year 2017	Parcel Number 8418-25-309-010			 ADJACENT LOT "C"			
Tax Status Taxable	Property Class I-INDUSTRIAL						
Township/City M'TOWN CITY MC	School District MARSHALLTOWN SCH DIS						
Tax District 450800 - MTOWN CITY MC	TIF District 450826 - MARSHALLTOWN CITY/MARSHALLTOWN SCH/ESIDE UR TIF						
Total Acres 1.76	Assessed Value 30,680						
2017 Tax Rate information is not currently available.							
Property Address 407 N 8TH AVE MARSHALLTOWN, IA 50158		Mailing Address SWIFT PORK COMPANY 1770 PROMONTORY CIR GREELEY, CO 80634		Owner (Title) SWIFT, PORK COMPANY			
Land							
Property Description SUNRISE ADD LOTS 7 THRU 18 BLK 7 & N 1/2 VAC E LEE ST LYING BETWEEN BLKS 7 & 12							
Assessments							
Assessment 2017	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	INDUSTRIAL	30,680	0	30,680	0	0	0
EXEMPTION		0	0	0	0	0	0
NET		30,680	0	30,680	0	0	0
Assessment 2016	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	INDUSTRIAL	30,680	0	30,680	27,612	0	27,612
EXEMPTION		0	0	0	0	0	0
NET		30,680	0	30,680	27,612	0	27,612
Assessment 2015	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	INDUSTRIAL	30,680	97,070	127,750	27,612	87,363	114,975
EXEMPTION		0	0	0	0	0	0
NET		30,680	97,070	127,750	27,612	87,363	114,975
Assessment 2014	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	INDUSTRIAL	30,680	97,070	127,750	27,612	87,363	114,975
EXEMPTION		0	0	0	0	0	0
NET		30,680	97,070	127,750	27,612	87,363	114,975
Assessment 2013	Class	Assessed Values			Taxable Values		
		Land	Improved	Total	Land	Improved	Total
GROSS	INDUSTRIAL	30,680	97,070	127,750	29,146	92,217	121,363
EXEMPTION		0	0	0	0	0	0
NET		30,680	97,070	127,750	29,146	92,217	121,363

ORDINANCE NO. 14966

ORDINANCE TO VACATE A PORTION OF THE NORTH-SOUTH ALLEY LOCATED IN
BLOCK ONE OF THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA,
AND TO CONVEY SAME TO AVITA PROPERTIES, LLC

BE IT ORDAINED by the City Council of the City of Marshalltown, Iowa:

SECTION 1. That the following described area be and the same is hereby vacated and the
rights of public use therein IS thereby terminated.

ALL OF THE NORTH-SOUTH ALLEY IN BLOCK ONE OF THE ORIGINAL
TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, SUBJECT TO
EXISTING EASEMENTS FOR UTILITY PURPOSES.

SECTION 2. That the aforesaid real estate is not being used in any manner by the City of
Marshalltown, Iowa, is not required for any public purpose, and no rights of private persons will
be adversely affected by the vacation proceedings provided for herein.

SECTION 3. That this ordinance shall convey legal title to the real estate described in
Section 1 above, subject to the reservation of existing easements for utility purposes, to
Avita Properties, LLC, an adjacent property owner, without further notice or hearing.

SECTION 4. In accordance with Section 354.23 of the Code of Iowa, this ordinance
shall operate as a conveyance of the aforesaid real estate to Avita Properties, LLC, an
adjacent property owner, and upon passage and recording of this ordinance, the ordinance
shall be the equivalent of a Deed of Conveyance and shall be indexed as a conveyance by
the Recorder and Auditor of Marshall County, Iowa.

SECTION 5. There is hereby reserved by the City of Marshalltown all existing
easements for utility purposes.

SECTION 6. The vacated area shall be shall be conveyed to Avita Properties, LLC
as follows:

ALL OF THE NORTH-SOUTH ALLEY IN BLOCK ONE OF THE ORIGINAL
TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, SUBJECT TO
EXISTING EASEMENTS FOR UTILITY PURPOSES.

SECTION 7. This ordinance shall be set for public hearing on the 11th day of
Sept4ember, 2017, as by law provided. The City Clerk is directed to publish notice
thereof and to send notice by mail to the adjoining land owners.

SECTION 8. This ordinance shall be in full force and effect from and after its
passage and publication as provided by law.

SECTION 9. All ordinances or parts of ordinances in conflict the provisions of this
ordinance are hereby repealed.

Passed by Council on this ____ day of _____, 2017, and on the ____
day of _____, 2017, the Mayor did the following:

____ approved the ordinance; ____ vetoed the ordinance; ____ took no action on the
ordinance.

Mayor

Attest: _____
Clerk

I certify the following ordinance was posted as required by law on the ____ day of
_____, 2017.

City Clerk



14966
2017-218

James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: August 24, 2017
RE: **Alley Vacation- E. State St.**

Policy Issue: Council action is required to vacate right of way and dispose of property

Recommendation: To move forward with the counteroffer of \$1,000 and approve the resolution setting the public hearing on the sale and to complete the 1st reading of the ordinance and set a public hearing on the vacation of the alley

Background: The City was approached by Dr. Sundaram of Avita Properties has purchased 206 East State Street and would like to purchase the north-south alley adjacent to the property to help facilitate additional parking and improve safety by changing how vehicles would access the parking. A utility easement will be maintained as Alliant Energy has power lines in the right-of-way currently.

The City Clerk completed the calculations required under the City's policy of disposing of right-of-way, and came up with a value of \$6,480. Dr. Sundaram/Avita Properties has countered back with a \$1,000 offer. I recommend moving forward with the counteroffer.

Budget Impact: The priced offered will exceed the costs of vacating and selling the alley (publication, recording, attorney time)

Attachment: Offer from Dr. Sundaram; City policy calculation

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin



Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

City of Marshalltown

Public Notice a tentative Resolution to convey and transfer by Quit Claim Deed and Vacate From the City of AVITA Properties, LLC.

I, LeAnn Siemens, being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Manager of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" for:

One

on the day as follows, to-wit:
September 5, 2017

Statutory fees for publishing said notice are:
23.43

LeAnn Siemens

Sworn to before me and subscribed in my
presence by the said LeAnn Siemens, this
Fifth Day of Sept., 2017

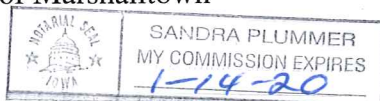
Sandra Plummer

Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name

L02000

City of Marshalltown



NOTICE OF PUBLIC HEARING

PUBLIC NOTICE is hereby given that there is now on file in the Office of the Clerk of the CITY OF MARSHALLTOWN, IOWA, a Tentative Resolution wherein it is proposed to convey and transfer by QUIT CLAIM DEED and VACATE public use of the following described properties in Marshalltown, Marshall County, Iowa, legally described as:

All of the North-South alley in Block One of the Original Town of Marshall, Marshall County, Iowa, subject to existing easements for utility purposes.

From the City Of Marshalltown to AVITA PROPERTIES, LLC. The consideration for such conveyance shall be the sum of \$1,000.00 plus costs of transfer and publication.

The final action on the Ordinance VACATING PUBLIC USE and the TENTATIVE RESOLUTION CONVEYING by QUIT CLAIM DEED now on file will be taken at a meeting of the City Council to be held in the City Council Chambers, City Hall, 10 W State Street, on the 11th day of September, 2017, at 5:30 PM, Central Standard Time, at which time and place hearing will be had on any bids or comments made in writing or orally at said hearing to the proposed conveyance and the Council will take final action on the resolution now on file.

This notice is given as required by Section 364.7 of the Code of Iowa.

Shari L. Coughenour, CMC, City Clerk of Marshalltown Iowa.
---23902

**RESOLUTION ADOPTING TENTATIVE RESOLUTION PROVIDING FOR THE
VACATION, CONVEYANCE, AND TRANSFER OF TITLE TO THE ALLEY HEREIN
DESCRIBED FROM THE CITY OF MARSHALLTOWN, IOWA, TO AVITA
PROPERTIES, LLC, AND AUTHORIZING EXECUTION AND DELIVERY OF A QUIT
CLAIM DEED.**

WHEREAS, the Council of the City of Marshalltown, Iowa, did, on the 28th day of August, 2017, place on file a Tentative Resolution proposing to vacate, convey and transfer the North-South alley in Block One of the Original Town of Marshall and located in Marshalltown, Iowa, as hereinafter described and owned by the CITY OF MARSHALLTOWN, IOWA, to Avita Properties, LLC; and

WHEREAS, published notice as required by the law of the intended conveyance by the CITY OF MARSHALLTOWN, IOWA, of the streets described hereinafter has been duly published and no objections to the proposed conveyance have been filed in writing with the City Clerk and no objections thereto are made in open Council meeting to the proposed conveyance for the consideration therein described and that this is the time and place provided for in said Tentative Resolution and in the published notice for this Council to take final action upon said Tentative Resolution; and

WHEREAS, the purpose of this Resolution is to authorize the conveyance by the CITY OF MARSHALLTOWN, IOWA, to Avita Properties, LLC, of said streets.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Tentative Resolution placed on file in the office of the Clerk of the CITY OF MARSHALLTOWN, IOWA, on the 28th day of August, 2017, whereby it is proposed to vacate, convey, and transfer title subject to existing easements of record for utility purposes of a North-South alley located in the City of Marshalltown, Iowa, described as follows:

All of the North-South alley in Block One of the Original Town of Marshall,
Marshall County, Iowa, subject to existing easements for utility purposes,

to Avita Properties, LLC, is hereby approved.

Section 2. The conveyance of the vacated streets as described in Section 1 of this Resolution shall be by Quit Claim Deed, from the CITY OF MARSHALLTOWN, to Avita Properties, LLC.

SECTION 3. The Mayor and Clerk are hereby authorized to execute the Quit Claim Deed and deliver the deed to Avita Properties, LLC, and do all things necessary to carry out said vacations, conveyance, and transfer.

Passed this ____ day of _____, 2017, and signed this ____ day of _____, 2017.

CITY OF MARSHALLTOWN

by _____
James L. Lowrance, Mayor

ATTEST:

by _____
Shari Coughenour, City Clerk

ORDINANCE 14967 TO VACATE PARCEL "A" LOCATED IN PAGLIA'S SECOND ADDITION, AND PARCEL "B" LOCATED IN PAGLIA'S ADDITION AND PAGLIA'S 2ND ADDITION, AS DESCRIBED IN PLAT OF SURVEY FILED APRIL 24, 2017, AT FILE 2017-00002028 IN THE OFFICE OF THE RECORDER OF MARSHALL COUNTY, IOWA, AND TO CONVEY SAME TO MARSHALLTOWN CHURCH OF CHRIST

BE IT ORDAINED by the City Council of the City of Marshalltown, Iowa:

SECTION 1. That the following described area be and the same is hereby vacated and the rights of public use therein IS thereby terminated.

Parcel "A" located in Paglia's Second Addition of Marshall, Marshall County, Iowa, and Parcel "B" located in Paglia's Addition and Paglia's Second Addition of Marshall, Marshall County, Iowa, as described in Plat of Survey filed April 24, 2017, at File 2017-00002028 in the office of the Recorder of Marshall County, Iowa, ALL SUBJECT TO EXISTING EASEMENTS FOR UTILITY PURPOSES.

SECTION 2. That the aforesaid real estate is not being used in any manner by the City of Marshalltown, Iowa, is not required for any public purpose, and no rights of private persons will be adversely affected by the vacation proceedings provided for herein.

SECTION 3. That this ordinance shall convey legal title to the real estate described in Section 1 above, subject to the reservation of existing easements for utility purposes, to MARSHALLTOWN CHURCH OF CHRIST, an adjacent property owner, without further notice or hearing.

SECTION 4. In accordance with Section 354.23 of the Code of Iowa, this ordinance shall operate as a conveyance of the aforesaid real estate to MARSHALLTOWN CHURCH OF CHRIST, an adjacent property owner, and upon passage and recording of this ordinance, the ordinance shall be the equivalent of a Deed of Conveyance and shall be indexed as a conveyance by the Recorder and Auditor of Marshall County, Iowa.

SECTION 5. There is hereby reserved by the City of Marshalltown all existing easements for utility purposes.

SECTION 6. The vacated area shall be conveyed to MARSHALLTOWN CHURCH OF CHRIST as follows:

Parcel "A" located in Paglia's Second Addition of Marshall, Marshall County, Iowa, and Parcel "B" located in Paglia's Addition and Paglia's Second Addition of Marshall, Marshall County, Iowa, as described in Plat of Survey filed April 24, 2017, at File 2017-00002028 in the office of the Recorder of Marshall County, Iowa. ALL SUBJECT TO EXISTING EASEMENTS FOR UTILITY PURPOSES.

SECTION 7. This ordinance shall be set for public hearing on the 11th day of September, 2017, as by law provided. The City Clerk is directed to publish notice thereof and to send notice by mail to the adjoining land owners.

SECTION 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 9. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Passed this ____ day of _____, 2017, and signed this ____ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

RESOLUTION ADOPTING TENTATIVE RESOLUTION
PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE
BY THE CITY OF MARSHALLTOWN, IOWA
TO MARSHALLTOWN CHURCH OF CHRIST
TO THE PROPERTY DESCRIBED HEREIN AND
AUTHORIZING EXECUTION AND DELIVERY OF QUIT CLAIM DEED

WHEREAS the Council of the City of Marshalltown, Iowa did, on the 14th day of August, 2017, place on file a Tentative Resolution whereby it proposed to sell, dispose of and convey the title of the CITY OF MARSHALLTOWN, IOWA to MARSHALLTOWN CHURCH OF CHRIST, the property, located in Marshalltown, Iowa, herein after described; and

WHEREAS published notice as required by law of the intended conveyance by the CITY OF MARSHALLTOWN, IOWA, of the real estate owned by it and described hereinafter has all been duly published and no other bids or objections to the proposed conveyance have been filed in writing with the City Clerk and no objections thereto are made in open Council meeting to the proposed conveyance for the consideration as therein described and as heretofore set forth and that this is the time and place provided for in said Tentative Resolution and in the published notice for this Council to take final action upon said Tentative Resolution; and

WHEREAS the purpose of this Resolution is to authorize the conveyance by the CITY OF MARSHALLTOWN, IOWA, to MARSHALLTOWN CHURCH OF CHRIST, of the real estate hereinafter described subject to easements, rights of way and access for public utilities and sewers,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Tentative Resolution placed on file in the office of the Clerk of the CITY OF MARSHALLTOWN, IOWA, on the 14th day of August, 2017, whereby it is proposed to sell and dispose of and convey title of the CITY MARSHALLTOWN, IOWA, subject to easements, rights of way and access for public utilities and sewers as set out in Section 2, to the real estate located in the City of Marshalltown described as:

As described:, legally described as follows:

Parcel "A" located in Paglia's Second Addition of Marshall, Marshall County, Iowa, and Parcel "B" located in Paglia's Addition and Paglia's Second Addition of Marshall, Marshall County, Iowa, as described in Plat of Survey filed April 24, 2017, at File 2017-00002028 in the office of the Recorder of Marshall County, Iowa, subject to reservation by the City for existing right-of-way as a public street,

to MARSHALLTOWN CHURCH OF CHRIST, is hereby approved and adopted.

Section 2. The conveyance of the real estate as is described in Section 1 of this Resolution shall be by Quit Claim Deed, from the CITY OF MARSHALLTOWN, subject to easements, rights of ways and access being retained for said property for utilities, access and maintenance of utilities, and for such other municipal easement as presently exists. Said easements, rights of way and access will be retained until such time as their retention is no longer desired by the City of Marshalltown, Iowa.

Section 3. The Mayor and Clerk are hereby authorized to execute the Quit Claim Deed, as referred to herein and upon receipt of the consideration therein, deliver the deed to the Buyer and to do all things necessary to carry out said sale.

Passed this 11th day of September, 2017, and signed this ____ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk



James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

City Administrator's Office

To: Mayor Lowrance and the City Council
From: Shari L. Coughenour, CMC, City Clerk
Date: September 8, 2017

RE: Ordinance to remove jail time / imprisonment

Policy Issue: Council must approve changes to the city code by ordinance

Recommendation: To remove all references of jail / imprisonment as a penalty from the City code, and consider uniform fines for municipal violations.

Background: Legislation recently passed requiring legal counsel be provided to all indigent persons facing any offense where incarceration is a sentencing option, including those facing incarceration as a result of violating a city ordinance. In cases involving violation of city ordinances, the new law places financial responsibility for providing legal counsel to indigent defendants that are prosecuting. [SF374]

Cities have until January 2018 before they must start reimbursing the state for cost of legal counsel for indigent persons.

Budget Impact: City Code must remove incarceration references to avoid costs.

Attachment: List of City Code sections with varying fines and penalties of incarceration.

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin



CITY CODE - REFERENCES OF INCARCERATION AS PENALTY

Section	Title	Text	Notes	
Sec. 01-08	General Penalty.	The doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code or any technical code adopted in this Code by reference or the omission or failure to perform any act or duty required by this Code or any technical code adopted in this Code by reference is, unless another penalty is specified, punishable by a fine in a sum not exceeding the maximum punishable under Iowa law for commission of a simple misdemeanor or imprisonment not to exceed 30 days, in addition to applicable surcharges and costs.	Chapter 1 - General	Imprisonment
Sec. 01-10.	Civil penalties for municipal infractions, continuing violations and alternate relief	Sec. 1-10(a). A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in the Code: SCHEDULE OF CIVIL PENALTY: 1)First offense, not to exceed seven-hundred fifty dollars (\$750.00). 2)All repeat offenses, not to exceed one-thousand dollars (\$1,000.00).	Chapter 1 - General	
Sec. 02-190.	Penalties.	Anyone violating the provisions of this division for any offense as is set forth in section 2-189 hereof, shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or committed to jail for a period not exceeding thirty (30) days.	Mutilation of Art / Community Art Center	jail
Sec. 06-22	Dogs at large	a. In addition to the penalties, remedies, and relief as provided in this Municipal Code of Ordinances in addition to being a simple misdemeanor, a violation of this section shall also be a municipal infraction punishable as a civil penalty with the following schedule of civil penalties: 1. First offense by the owner of keeper, \$25.00; 2. Second offense by the owner or keeper, \$100.00; 3. Third offense and subsequent offenses by the owner or keeper, forfeiture of the dog found at-large.	Animals at Large	
Sec. 06-37	Domesticated animal causing disturbance or annoyance.	It shall be unlawful for any person owning or harboring a domesticated animal to allow or permit such domesticated animal to cause serious or habitual disturbance or annoyance to any person by frequent or habitual howling, yelping, barking or otherwise noise some conduct. Any person violating the provision of this section, shall upon conviction be fined one hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days.	Barking animals / etc.	Imprisonment
Sec. 06-63.	Violation; penalty.	Any person violating any section of this article shall, upon conviction, be fined not less than \$50.00 or more than \$100.00, or be imprisoned not to exceed 30 days.	Keeping of Dangerous Animals	Imprisonment
Sec. 13- 60.	Penalty for violation.	Any person who violates the provisions of this article shall, upon conviction, be fined not more than \$100.00 or be imprisoned not to exceed 30 days. In addition to the criminal penalty set forth in this section, a violation of this article is a municipal infraction.	Disposal of yard wastes	Imprisonment
Sec. 13- 85.	Penalty for violation.	A violation of any section of this article shall constitute a misdemeanor and shall be punishable by a fine of not more than \$100.00 or imprisonment for a period of not more than 30 days.	Recyclables / Placement of recyclables for pickup	Imprisonment
Sec. 13-116.	Penalty for violation.	A violation of any section of this article shall constitute a misdemeanor and shall be punishable by a fine of not more than \$100.00 or imprisonment for a period of not more than 30 days.	Recycle hauler violations	Imprisonment
Sec. 13-123. & 13-125	Notification process.	a. The property owner is required to return this completed form within 14 calendar days of receipt of notification. Failure to return the completed form within 14 calendar days, will subject the property owner to penalties as set out in Section 13-126.	when mandatory collection is required	

CITY CODE - REFERENCES OF INCARCERATION AS PENALTY

<u>Section</u>	<u>Title</u>	<u>Text</u>	<u>Notes</u>
Sec. 13-126	Penalties for violations of this Article.	"Sec. 13-126. A violation of any Section of this Article shall constitute a municipal infraction punishable as provided in Sec. 1-10 of the Code. Seeking a civil penalty as authorized in this Article, does not preclude the City from seeking alternate relief from the court in the same action, or pursuing other criminal and civil remedies or actions."	mandatory garbage collection req
Sec. 14.5-7.	Penalty for violation.	Any person violating any provision, section, or paragraph of this chapter shall be guilty of a misdemeanor and on conviction thereof be subject to a fine of not more than \$100.00 or be imprisoned for not more than 30 days. Each day a violation occurs shall constitute a separate offense.	Imprisonment Hazardous conditions
Sec. 14-2.	Penalty for violation.	Any person who violates any section of this chapter shall, upon conviction, be fined not more than \$100.00 or be imprisoned not more than 30 days. In addition, a violation of this chapter is a municipal infraction. In addition to the foregoing, the city plumbing and gas inspector may order the removal, correction or disconnection of any gas or plumbing installation that does not meet the code specifications and shall have the authority to disconnect installation when it is found that it endangers life and health.	Imprisonment Gas & Plumbing violations
Sec. 14-78.	Penalty for violation.	Any person who violates any provision of section 14-76 or 14-77 shall, upon conviction, be fined not more than \$100.00 or be imprisoned not more than 30 days. In addition, a violation of section 14-76 or 14-77 is a municipal infraction. In addition to the foregoing, the city plumbing and gas inspector may order the removal, correction or disconnection of any gas or plumbing installation that does not meet code specifications and shall have the authority to disconnect the installation when it is found that it endangers life and health.	Imprisonment Gas & Plumbing violations
Sec. 15.5-5.	Violations and penalties.	g.) Willful or repeated noncompliance with the requirements of this chapter by the owner, operator, or occupant shall constitute a misdemeanor, punishable by a fine of up to \$100.00, or imprisonment up to 30 days in the county jail. Each day of noncompliance will constitute a separate violation.	Imprisonment Housing code
Sec. 19-2.	Recreational Equipment Usage.	At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping or housekeeping purposes for a period of time to exceed five consecutive days or by prior approval by the chief of police. Any person violating the provision of this section shall, upon conviction be fined up to one hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days.	Imprisonment Recreational equipment
Sec. 20-169.4.	Penalty for violation.	Anyone violating the provisions of this Section shall, upon conviction, be subject to a fine not to exceed one hundred (\$100.00) dollars or be imprisoned not to exceed thirty (30) days. In addition thereto, a violation of this ordinance shall be a municipal infraction.	Imprisonment snow removal parking
Sec. 20-306.	Penalty	A fine of not less than \$1.00 or more than \$50.00 shall upon conviction, punish any person violating any of the provisions of this ordinance.	bicycle license
Sec. 20-399	Movement and presence of people on public streets and parking areas.	a. Penalty. A person who violates this section shall be subject to a fine not to exceed \$100.00.	loitering in public
Sec. 20-403.	Penalty	A person violating a provision of Section 20-400, 20-401, or 20-402 shall be guilty of a simple misdemeanor punishable by a fine of Twenty-Five Dollars (\$25.00)	20-400, 401, 402, re motorized vehicles / bicycles /sidewalk / licensed

CITY CODE - REFERENCES OF INCARCERATION AS PENALTY

<u>Section</u>	<u>Title</u>	<u>Text</u>	<u>Notes</u>
Sec. 20-46.	Penalty.	Anyone violating the provisions of this section shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or be committed to jail not exceeding thirty (30) days.	traffic control device jail
Sec. 20-6.1.	Operation of golf carts on city streets.	c.) Any person violating any provision of this section shall, upon conviction, be fined or imprisoned pursuant to section 1-8.	Golf cart use Imprisonment
Sec. 21.5-10	Penalty for violation.	Anyone violating the provisions of section 21.5-1-21.5-9 shall, upon conviction, be fined or imprisoned pursuant to section 1-8.	Park conduct Imprisonment
Sec. 21.5-11	Hours for public use.	d.) Penalty for violation. Any person violating the provisions of this section shall, upon conviction, be fined or imprisoned pursuant to section 1-8.	after house violation in park Imprisonment
Sec. 21.5-12	Alcoholic beverages	b.) Anyone violating the provisions of this section shall, upon conviction, be fined or committed to jail pursuant to section 1-8. Violation of this section is a municipal infraction.	in public parks, road, parking areas jail
Sec. 21-102	Violation and penalty	Such violation of the City Property Maintenance Code under this Chapter shall constitute a municipal infraction as defined in Iowa Code 364.22(2) subject to the penalties prescribed therein, as amended.	property maint code violations
Sec. 21- 11.1	Open Containers prohibited on public ways.	c.) Any person violating the provisions of this section shall, upon conviction, be fined or imprisoned pursuant to § 1-8.	open container Imprisonment
Sec. 21- 12.5.	Drug paraphernalia.	g.) Any person violating the provision of this section shall upon conviction be fined one hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days."	drug paraphernalia Imprisonment
Sec. 21- 15	Curfew-Minors on streets.	Penalty. A minor who violates this subsection (b) shall be subject to a fine of one hundred dollars (\$100.00).	curfew violation
Sec. 21- 31.1	Hunting within city boundaries.	c.) Penalty. Any person violating the provisions of this section shall, upon conviction, be guilty of a simple misdemeanor, punishable by a fine or imprisonment pursuant to section 1-8.	hunting Imprisonment
Sec. 21- 37.	Loud Noises on Vehicles - Stereos, Etc.	No person shall operate any motor vehicle stereo (stereo, tape player, compact disc player, radio or any other sound amplification device) in a public place or on any public right-of-way that can be heard a distance of fifty (50) feet or more from the motor vehicle stereo. The provisions of this section may be enforced following personal observation or hearing, or both, of any police officer or upon receipt of a complaint made or filed with the police department by any person observing and hearing a violation. The city administrator may grant a temporary variance to this section to facilitate special events. The city administrator is specifically authorized to revoke the grant variance if the applicant shall fail to meet any of the limitations placed upon the grant of the variance or other circumstances occurring subsequent to the grant of the variance requiring such revocation, or both. Any person violating the provisions of this Section shall, upon conviction, be fined \$50.00 or imprisoned not to exceed thirty (30) days.	vehicle noises/ stereo Imprisonment

CITY CODE - REFERENCES OF INCARCERATION AS PENALTY

Section	Title	Text	Notes
Sec. 21- 52.1	Urinating in improper places.	b. Any person violating the provision of this section shall upon conviction be fined one hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days.	improper urination Imprisonment
Sec. 21- 58.	Garage sales.	c.) Any violation of this section shall be punished by a fine or by imprisonment pursuant to section 1-8.	garage sales Imprisonment
Sec. 21-62.	Nuisances Prohibited	The creation or maintenance is prohibited. A nuisance, public or private, may be abated in the manner provided in this Article. In addition, the creation or maintenance of a nuisance is a municipal infraction and may be punished as provided in Sec. 1-10 of the Code."	nuisance
Sec. 21- 78.	Penalties.	Any person who shall interfere in any way whatsoever with the due process of enforcement in any section of this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine or imprisonment as provided in section 1-8.	Article II Public Nuisances Imprisonment
Sec. 26.5-5.	Penalty.	Any person violating the provisions of this chapter shall, upon conviction, be fined not to exceed \$100.00 or be imprisoned not to exceed 30 days.	swimming pool violations Imprisonment
Sec. 26-55.	Compliance with article required; penalties.	b.) Any person violating any of the pertinent provisions of this article shall be punished by a fine or by imprisonment pursuant to section 1-8.	Sidewalks Imprisonment
Sec. 27-30.	Penalties.	Violation of any section of this article shall be deemed to be a municipal infraction.	Trees - improper terrace trees, tree trimming violations
Sec. 28-209.	Violations	Unless another penalty is expressly provided by this Article for any particular provision or section, any person violating any provision of this Article or any rule or regulation adopted herein by reference shall be subject to a municipal infraction. Each day that a municipal infraction occurs and continues to exist constitutes a separate offense.	WPCP NDPES / PCSWMP
Sec. 28-53.	Penalty.	Any person, firm or corporation violating the provisions of this division shall, upon conviction, be liable for any damages done to the sanitary sewer system or the water pollution control plant and shall be fined not exceeding \$750.00 and/or imprisoned not exceeding 30 days. Each day that a violation continues may be considered a separate violation.	WPCP sanitary sewer violations Imprisonment
Sec. 28-69.	Enforcement action.	Any person, firm or corporation who violates the enforcement of any provision of this Division shall be guilty of a municipal infraction, punishable as provided in Sec. 1-10 of the Code. Each violation constitutes a separate offense. Any person, firm, or corporation who violates a provision of this Division after previously being found guilty of violating the same provision of this Division at the same location or at a different location, shall be guilty of a repeat offense	WPCP trucked waste
Sec. 28-89.	Reporting requirements for permittee.	1. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."	WPCP permittee requirements Imprisonment

CITY CODE - REFERENCES OF INCARCERATION AS PENALTY

Section	Title	Text	Notes	
Sec. 28-98.	Judicial enforcement remedies	c.) Criminal prosecution. Any person who violates any provision of this division shall, in addition to the civil penalties in this section, upon conviction, be fined not to exceed \$100.00 or be imprisoned not to exceed 30 days.	WPCP Nonresidential pretreatment regulations - also includes fine of \$1,000 per occurrence	Imprisonment
Sec. 28-98.	Judicial enforcement remedies	d.) Falsifying information. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division or the wastewater contribution permit or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than \$100.00 or by imprisonment for not more than 30 days.	WPCP Nonresidential pretreatment regulations	Imprisonment



City Administrator's Office

James Lowrance, Mayor
Jessica Kinser, Administrator
Shari L. Coughenour, Clerk
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5799
Fax - (641) 754-5717

To: Mayor Lowrance and City Council
From: Jessica Kinser, City Administrator
Date: August 23, 2017
RE: Validation of SSMID Petitions

The Marshalltown Central Business District has presented valid petitions representing the minimum requirement of 25 percent of the owners and 25 percent of the valuation. Each petition was validated using the attached instructions provided by Dorsey & Whitney.

Prior to petitions being presented, we had to determine the number of owners and the valuation of the proposed SSMID area. This resulted in a great deal of back and forth discussion with Bob Josten, attorney at Dorsey & Whitney, who is the City's legal counsel for this item, and in turn, it changed the basis of calculation for the MCBD.

The boundaries of the proposed SSMID area encompass a large number of exempt and residential properties that will not pay the additional tax if implemented; however, Iowa Code states that all properties are to be counted. This did exclude all governmental properties (City, County, IVCC) as well as utilities (Interstate Power and Light) which do not have an assessed value. What we arrived at was 262 individual parcels with 239 unique owners encompassing \$52,031,935 in 2016 assessed valuation. The 2016 assessed valuation figures were used rather than the 2017 due to the 2017 assessments being considered preliminary at the time the validation began.

An owner is any individual or entity that is listed as a titleholder. As an example, if a husband and wife are both listed individually as titleholders according to the records of the County Assessor, they count as two owners. If the titleholder is a business, a corporate certificate was required to verify that signer on the petition was authorized to sign on behalf of the business. **If the property has a titleholder and a contract holder, both parties are counted as individual property owners.**

As stated previously, the MCBD effort could only move forward with 25 percent of all property owners and 25 percent of the valuation of the district. After a thorough review

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin



57 signatures

of the petitions presented, I can validate that both 25 percent requirements have been met and the process should proceed.

	Total	25% Minimum	Valid Amount	Valid Percent
Property Owners	236	59	64	27%
Property Valuation	\$52,031,935	\$13,007,984	\$31,811,055 27,811,055	61%

This process would stop if a petition against the creation of a SSMID were to be presented representing 40 percent of owners in the proposed area as well as 40 percent of the valuation. With the MCBP presenting 61% of the valuation, it appears it would not be possible for the process to be stopped with a petition against the effort.

The August 28th agenda includes a resolution accepting the petitions and referring the process to the Planning and Zoning Commission for a recommendation as required by Iowa Code. With this action on the 28th, here is the schedule for the remaining process:

- September 7th Planning and Zoning Commission meeting
- September 11th Planning and Zoning Commission recommendation presented to the City Council; Resolution setting the public hearing
- October 9th Public hearing held
- November 13th 1st reading of SSMID Ordinance
- November 27th 2nd reading of SSMID Ordinance
- December 11th 3rd reading of SSMID Ordinance

Please take note that Iowa Code requires that actions up to and including the holding of the public hearing are completed. This means that there will be resolutions on our upcoming agendas, but if the resolution were to fail to be approved, the process would not stop. After the public hearing is set, the City is required to do a mailing to all business owners notifying them of the public hearing, which is why we have scheduled 4 weeks between setting and holding the public hearing. Iowa Code requires a minimum of 30 days between holding the public hearing and the first vote on adopting an ordinance. Iowa Code also requires a super majority of Council members for approval, meaning six of seven council members will need to vote in the affirmative at the November 13th ordinance reading in order for the additional readings to proceed.

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Dan Kester, Michael Gowdy, Bethany Wirin

Marshalltown



2012

4. Upon the receipt of the commission's final report the council shall set a time and place for a meeting at which the council proposes to take action for the establishment of the district, and shall publish notice of the meeting as provided in [section 362.3](#), and the clerk shall send a copy of the notice by certified mail not less than fifteen days before the meeting to each owner of property within the proposed district at the owner's address as shown by the records of the county auditor. If a property is shown to be in the name of more than one owner at the same mailing address, a single notice may be mailed addressed to all owners at that address. Failure to receive a mailed notice is not grounds for objection to the council's taking any action authorized in [this chapter](#).

5. In addition to the time and place of the meeting for hearing on the petition, the notice must state:

- a. That a petition has been filed with the council asking that a district be established.
- b. The name of the district.
- c. The purpose of the district.
- d. The property proposed to be included in the district.
- e. The maximum rate of tax which may be imposed upon the property in the district.

6. At the time and place set in the notice the council shall hear all owners of property in the proposed district or residents of the city desiring to express their views. The council must wait at least thirty days after the public hearing has been held before it may adopt an ordinance establishing a district which must be comprised of all the property which the council finds has the relationship or whose owners have the interest described in [subsection 1](#), paragraph "c". Property included in the proposed district need not be included in the established district. However, no property may be included in the district that was not included in the proposed district until the council has held another hearing after it has published and mailed the same notice as required in [subsections 4 and 5](#) of [this section](#) on the original petition to the owners of the additional property, or has caused a notice of the inclusion of the property to be personally served upon each owner of the additional property, or has received a written waiver of notice from each owner of the additional property.

7. Adoption of the ordinance establishing a district requires the affirmative vote of three-fourths of all of the members of the council, or in cities having but three members of the council, the affirmative vote of two members. However if a remonstrance has been filed with the clerk signed by at least twenty-five percent of all owners of property within the proposed district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all of the property in the proposed district, the adoption of the ordinance requires a unanimous vote of the council.

8. The clerk shall cause a copy of the ordinance to be filed in the office of the county recorder of each county in which any property within the district is located.

9. At any time prior to adoption of an ordinance establishing a district, the entire matter of establishing such district shall be withdrawn from council consideration if a petition objecting to establishing such district is filed with its clerk containing the signatures of at least forty percent of all owners of property within the proposed district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the proposed district.

10. The adoption of an ordinance establishing a district is a legislative determination that the property within the district has the relationship or its owners have the interest required under [subsection 1](#), paragraph "c" and includes all of the property within the area which has that relationship or the owners of which have that interest in the district.

11. Any resident or property owner of the city may appeal the action and the decisions of the council, including the creation of the district and the levying of the proposed taxes for the district, to the district court of the county in which any part of the district is located, within thirty days after the date upon which the ordinance creating the district becomes effective, but the action and decision of the council are final and conclusive unless the court finds that the council exceeded its authority. No action may be brought questioning the regularity of the proceedings pertaining to the establishment of a district or the validity of the district, or the propriety of the inclusion or exclusion of any property within or from the district, or the

386.3 Establishment of district.

1. Districts may be created by action of the council in accordance with the provisions of [this chapter](#). A district shall:

a. Be comprised of contiguous property wholly within the boundaries of the city. A self-supported municipal improvement district shall be comprised only of property in districts which are zoned for **commercial** or **industrial** uses and properties within a duly **designated historic district**.

b. Be given a descriptive name containing the words "self-supported municipal improvement district".

c. Be comprised of property related in some manner, including but not limited to present or potential use, physical location, condition, relationship to an area, or relationship to present or potential commercial or other activity in an area, so as to be benefited in any manner, including but not limited to a benefit from present or potential use or enjoyment of the property, by the condition, development or maintenance of the district or of any improvement or self-liquidating improvement of the district, or be comprised of property the owners of which have a present or potential benefit from the condition, development or maintenance of the district or of any improvement or self-liquidating improvement of the district.

2. The council shall initiate proceedings for establishing a district upon the filing with its clerk of a petition containing:

a. The signatures of at least twenty-five percent of all owners of property within the proposed district. These signatures must together represent ownership of property with an assessed value of twenty-five percent or more of the assessed value of all of the property in the proposed district.

b. A description of the boundaries of the proposed district or a consolidated description of the property within the proposed district.

c. The name of the proposed district.

d. A statement of the maximum rate of tax that may be imposed upon property within the district. The maximum rate of tax may be stated in terms of separate maximum rates for the debt service tax, the capital improvement fund tax, and the operation tax, or in terms of a maximum combined rate for all three.

e. The purpose of the establishment of the district, which may be stated generally, or in terms of the relationship of the property within the district or the interests of the owners of property within the district, or in terms of the improvements or self-liquidating improvements proposed to be developed for the purposes of the district, either specific improvements, self-liquidating improvements, or general categories of improvements, or any combination of the foregoing.

f. A statement that taxes levied for the self-supported improvement district operation fund shall be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements for a specified length of time, along with any options to renew, if the taxes are to be used for this maintenance purpose.

3. a. The council shall notify the city planning commission upon the receipt of a petition. It shall be the duty of the city planning commission to make recommendations to the council in regard to the proposed district. The city planning commission shall, with due diligence, prepare an evaluative report for the council on the merit and feasibility of the project. The council shall not hold its public hearings or take further action on the establishment of the district until it has received the report of the city planning commission. In addition to its report, the commission may, from time to time, recommend to the council amendments and changes relating to the project.

b. If no city planning commission exists, the council shall notify the metropolitan or regional planning commission upon receipt of a petition, and such commission shall have the same duties as the city planning commission set forth in [this subsection](#). If no planning commission exists, the council shall notify the zoning commission upon receipt of a petition, and such commission shall have the same duties as the city planning commission set forth in [this subsection](#). If no planning or zoning commission exists, the council shall call a hearing on the establishment of a district upon receipt of a petition.

Ames Tribune

New state law hampers push for Campustown special tax district

By Dan Mika, Staff Writer dmika@amestrib.com

Posted Aug 18, 2017 at 1:45 PM

Updated Aug 18, 2017 at 11:01 PM

Campustown Action Association's bid to form a special taxing district in the commercial district has run into a legal roadblock that could cut its income by up to three quarters than originally estimated.

SSMID stands for self-supported municipal improvement district and is used by local governments in Iowa to raise taxes on businesses and property owners within the area to fund improvements within the district's boundaries.

But under a law passed earlier this year by the Legislature, cities can only impose SSMIDs on commercial-zoned properties. Under that rule, CAA's plan to collect taxes off mixed-use developments are limited to just the ground-floor commercial square footage instead of the entire building.

Campustown Action Association Executive Director Karen Chitty said the new rule could drop the revenue from a SSMID from an estimated \$170,000 per year to \$85,000 or less. That number includes a few neighborhood members Chitty said offered to make larger contributions.

However, the new law has thrown a wrench in CAA's push to raise more money for neighborhood services.

"It's been a struggle this summer," she said. "We're not nearly as far as we hoped to be, and it was definitely a hard thing to hear and to have to go back to the drawing board and rework some of those things."

8-18-2017

Property Owner's per City Administrator report-- 236

Less Exempt –Residential- Multires -not in district
Or cannot find owner on County Tax assessment

~~58~~
~~<60>~~

Qualified property owners per Iowa Code 386 - 176 -

<u>OWNERS- ALL DUPLICATES REMOVED</u>	
ABBAS PROPERTIES LLC	
ALL AMERICAN PROPERTIES COOP #10	
ALLEN HEALTH SYSTEMS INC	
AMENDT STARLA P	n
AMES RENTAL PROPERTIES COOP	
ANDERSON, GARALD	Cannot find parcel
ANGSTMAN, KEVIN	n
ANGSTMAN, ROBIN	n
APGAR, THOMAS P	
ARGUS & WOOKIE INC	
AYARD-SOLIS PATRICIA	
B PLUS, PROPERTIES LLC	
BACKES, ROBERT	Residential
BACKES, SHELLEY	Residential
BARAJAS- CASTELLANOS ALVARO	
BENEVOLENT PROTECTIVE ORDER OF & ELKS LODGE 312	
BLOOMQUIST, MICHAEL	
BOROTA, KENT	Cannot find in district - Residential
BOTELLO, ANTONIO 1/2	
BOTELLO, JOEL 1/2	
BOWMAN FRANCES P	
BOWMAN JAMES R	
BRATLAND, RANDY	Residential
BRIGHT FUTURES LLC	
BROWN FAMILY TRUST& BROWN JERRY D TRUSTEE	
BROWN ROGER	n
BROWN, BETTY LUANN	Residential
BUSCHBOM KATHLEEN DIANE	n
CALAMARI, LC	
CARILLO LOPEZ, JOSE	
CARNAHAN DANIEL	
CARNAHAN PAT	
CASTELLANOS JOSE&	
CATHOLIC CHURCH/ DBA ST MARYS CATHOLIC CHURCH	Exempt not in historic district
CENTRAL IOWA CHRISTIAN CENTER	
CG LLC	
CGA PROPERTIES LLC	
CHARDOLULIAS, DEBORAH	Residential
CHATHAM, DEAN	
CHAVEZ, GERARDO	no Parcel found
CHIEF, TREMONT CORPORATION	
CITIZENS, SAVINGS BANK	
CKROBIN, LLC	
CLARK DAVID J	n
CLINE HAROLD W	n

VALIDATION

ALL PROPERTIES	240
40%	96

AGAINST SSMID	
23	10%

U

CLINE L ARDELL	n
COLLISON JOHN G	
COMPASSION PROPERTIES LLC	
CURLEY, MARY K &	
CURLEY, THOMAS E	
CUTLER, SHAWNA	n
DANLEE CORP	
DAVIS, JONATHAN	Residential
DAYTON, KIMBERLY	
DEHAVEZ, MARIA LEON	Residential
DEVAUL, INCORPORATED	
DIM, NGUN HLEI	Residential
DOWNTOWN, LEASES & LOFTS LLC	
ECKLOR CHRISTINE	
ECKLOR SHANE	
EDWARDS, JAMES D	Residential
EL WAYNE INC	
ELDER, DEAN H JR &	
ELDER, KAREN C	
EUBANKS PROPERTIES LLC	Residential
EVANS ABSTRACT CO	
F M BANK-IOWA	
FARMERS SAVINGS BANK	
FARMERS SAVINGS BANK TRSTEE & PALMER OE TRUST	
FEI, YUM LLC	
FIRST PRESBYTERIAN CHURCH	Exempt not in historic district
FIRST UNITED METHODIST	Exempt
FISHER CONTROLS INTERNATIONAL LLC	
FREEMAN, ELENA DENISE	Residential
FRESE PROPERTIES LLC	
FRESE, CHAD R	
GALLERY GARDEN LLC	
GARDEA, ALEXANDRO &	Cannot find parcel
GARZA, EUGENIO	Residential
GASKILL BONNIE C	N
GAYTAN, JESUS&	
GAYTAN, MICAELA H	
GERSTANDT CASSANDRA M	
GERSTANDT MATTHEW A	
GIFFORD ED	
GIFFORD THERESA	
GLENN, FRANK ALBERT SR	Residential
GMK INC	
GOMEZ, JESUS	
GOMEZ, MARIA	
GRABENBAUER, MARLA ANN	
GRAPHIC IMPRESSIONS INC	

GREER, JOEL
GREER, SHARON
GRUETZMACHER JAMES H
GRUETZMACHER MARTHA E
HAGSTRAND, BARBARA K
HATCH, JAMES P Residential
HATCH, KAREN S Residential
HATCH, MELANIE Residential
HATCH, ROGER Residential
HEART OF IOWA VENTURES Exempt
HELPER JOHN P
HELPER PATRICIA A
HELLBERG, GAYLE E
HELLBRG H VICTOR III 1/2
HEMMINGER DAVID L JR
HEMMINGER JOYCE L
HINSHAW BEVERLY A TRUSTEE& HINSHAW GEORGE W TRUST
HISTORIC TALLCORN TOWERS LLLP
HISTORICAL SOCIETY OF MARSHALL CO Exempt
HOUSE, TREVA JUNE Multires - Residential
HOUSE, WAYNE
INNOVATIVE, COMMUNICATIONS LLC
IOLE, RON Residential
IRVINE JOHN R
IRVINE, MADELYN M
JANSSEN KEVIN C&
JANSSEN PAMELA R
JARM, BUILDING CO
JBI COOPERATIVE ASSOCIATION Residential
JMT INVESTMENTS LLC
JOHNSON JAMES D JR
JOHNSON KRISTIE L
JOHNSON, RICHARD Residential
JONES, STUART Residential
JUDGE, MICHAEL Residential
K F INVESTMENT LC
KATHLEEN KNOX HOOGLAND LIVING TRUST
KKH LLC
KLEINMAN, LAURI Residential
KLOHANSON LLC
KLOPPENBORG, SHELLEY Residential
KLOPPENBORG, TONY Residential
KYAW WIN&
LBO INVESTMENTS LLC Dual
LENCAR INC
LINN VALLEY APTS INC
MAIN STREET REAL ESTATE INC

MALLOY, CINDY	Residential
MALLOY, KEVIN R	Residential
MARSHALL COUNTY ABSTRACT	
MARSHALLTOWN CENTRAL BUSINESS DISTRICT	Exempt
MARSHALLTOWN WOMENS FEDERATION	Exempt
MARSHALLTOWN, SENIOR RESIDENCES LLC	
MASONIC HOLDING CORP	
MENTAL HEALTH CENTER	Exempt
MESKWAKI INC	
MID-IOWA COMMUNITY ACTION	Exempt
MIDWEST LIQUOR LLC	
MOBIUS GROUP	
MOELLER TOM L	n
MORCIEGO, SONIA Y	n
MTOWN/WESTOWN, LLLP	
MURATALLA PATRICIA	
NDIHOKUBWAYO, LEVIS	Residential
NEAL, LARRY M	Residential
NEAL, LINDA R	Residential
NELSON, MAX E	n
NEW HORIZONS LLC	
NEWMAN, KIMBERLY D	Residential
NORBERG, DENNIS	Residential not in district?
NORTHERN BLUE LLC	
NUNEZ, JOSE	Residential
NUNEZ-GARCIA, ABIGAIL	Residential
OETKER JOHN J JR	
OGDEN NEWSPAPERS OF IOWA LLC	
ORDAZ, SONIA	Residential
OUR 30 E LLC	
OWEN ROBERT W REVOCABLE TRUST	
PAGLIA WADE A 1/2	n
PAGLIA, JAY A 1/2	n
PALACIOS ANTONINO	
PETIT STEFI T	
PRISKE STEVEN E	
PROFESSIONAL DEVELOPERS INC,	
QMJ, LLC	
RACOM CORPORATION	
RANDALL HOWARD C/O	
REGALADO JOSE ANGEL	N
REGALADO, JOSE RAMON	
REM, HOMES LLC	
RETSEK LLC	
REZAC KILLEEN D	
REZAC MARK A &	
ROBLES, LUIS ANTONIO CHAVEZ	Residential

Exempt not in historic district

Exempt not in historic district

Exempt not in historic district

RUTHERFORD BRADLEY J
RYDEN, NANCY
RYDEN, REX
SALVATION ARMY
SANCHEZ JORGE OSCAR
SANCHEZ, AGUSTIN ORDAZ
SANCHEZ, ANGELA
SANCHEZ, OSCAR
SANDRA PAULINE SHORT TRUSTEE & PAULENA TAYLOR TRUST
SANDVE, HENRY JOE
SCHAUDT GARY D
SCHOSSOW, GARLAND RAY
SCHOSSOW, JULIE R
SHAPLE,Y TINA S
SHARP, DUWAYNE M
SHARP, TRUDY S
SMOKIN GS LLC
SOUTH OFFICE REAL ESTATE LLC
SOWER SUSIE F TRUST & MOWRY & IRVINE BRADBURY M TRUSTEES
ST PAULS CHURCH OF MARSHALLTOWN
STRUEBING, JOANN E
SUBSTANCE ABUSE TREATMENT
SUSIE SOWER TRUST & TRUSTEES FOR BENEFIT OF MARSHALL COUNTY HISTORIC SOCIETY
T2 PROPERTIES LLC
TEAMWORK-1 LLC
THET TUN MIN
THIRD GENERATION PROPERTIES LLC
THOMPSON DAVID E
THOMPSON KATHLEEN A
TOMHAVE RICHARD B
TOP FARMS LLLP
TWO CORNER INC
U, S BANK NA
UITERMARKT, MELINDA DIANE
UNDERWOOD, CAROLYN TRUST
UNDERWOOD, MARK TRUST
UNITED BANK AND TRUST NA
VARGAS AVALOS GABRIELA
VARGAS GONZALEZ, DANIEL
VARGAS GONZALEZ, SILVESTRE 1/4
VARGAS SANCHEZ, VINCENTE 1/4
VARGAS, ARTEMIA GONZALEZ DE
VAUGHN KEVIN J
VELDEY, JOHN
VENTURE, FIVE LTD CO
VINEYARD CHRISTIAN FELLOWSHIP
WAHL & ASSOCIATES LLC

Residential
Residential

Exempt not in historic district

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Multires

Exempt

not in historic district

Exempt

Exempt

not in historic district

Exempt

Residential

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Exempt

WAHL GROUP LLC
WELLS FARGO BANK IOWA NA
WILLARD, REALTY CO
YEPEZ, ANABEL <i>Residential</i>
YEPEZ, JESUS <i>Residential</i>
ZARAGOZA OCHOA, MARIA
ZHANG, DESHAN

n

Jonathan Hull

From: Mindy VanDyke <mindy@steppingstonesbookstores.com>
Sent: Thursday, September 07, 2017 11:32 AM
To: willard.fur@mchsi.com
Subject: email re: proposed property tax increase

I am writing to state my concerns about the proposal to tax downtown Marshalltown building owners to fund MCBF for downtown improvements. First of all, I believe supporting a non-profit organization and their mission should be a voluntary decision not a mandated one through taxes. Secondly, many of our downtown building owners, myself included, are retail store owners. It is a struggle for many of us to continue to have a presence downtown. So, if you are wanting to encourage retail businesses to stay and/or come to downtown Marshalltown, it doesn't seem to make sense to me that you would tax them exclusively and therefore add an additional financial burden to them. Even if they are renting, this would most likely cause their rent to increase.

My personal situation is that my store, Stepping Stones Christian Bookstore, is in business for the mission of furthering God's Kingdom in the communities we serve and to help others along their faith journey. It is a challenge to just keep the doors open, it is not about making a large profit but to continue to our mission. I tell you this to let you know that it would be a financial burden to have my property taxes increase substantially due to this additional tax.

I would like to offer another solution. Prior to owning Stepping Stones in Marshalltown, I spent over 20 years in Development (Fundraising). I propose the MCBF organization put their efforts into a fundraising campaign to complete the projects they would like to accomplish downtown instead of taxing building owners. That way those people who are passionate about the projects and have the means to help support them can voluntarily make the decision to do so as they consider their charitable contributions for the year. Traditionally, that is how non-profits are funded not through mandatory taxation.

Please consider discontinuing any efforts to increase the tax burden of downtown business owners and consider a fundraising campaign instead. If a non-profit organization is not able to raise voluntary financial support from those who believe in their mission, perhaps it is time for them to dissolve their organization.

God bless you,

Mindy Van Dyke
641-990-1381
Stepping Stones Christian Bookstores
929 Broad Street, Grinnell, IA 50112 - 641-236-9235
14 W. Main Street, Marshalltown, IA 50158 - 641-753-1430
www.steppingstonesbookstores.com
Facebook: Stepping Stones Christian Bookstores



SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICTS

A toolkit for planning, implementation, and evaluation

INTRODUCTION

Under the auspices of the Iowa Initiative for Sustainable Communities, this report has been prepared as part of a capstone project for completion of the School of Urban and Regional Planning master's degree program at the University of Iowa.

*Aaron Kline
Catherine Dunn
Katie Gieszler
Peter Jordet
Sidney Noyce*

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Carol Lilly, Cedar Falls Community Main Street
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Darlene Strachan, Main Street Iowa
Michael Wagler, Main Street Iowa

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EXECUTIVE SUMMARY

With a strong focus on Business Improvement Districts (BIDs), this is a guide for groups seeking to achieve economic development goals. A BID is a mechanism for property owners and businesses in a defined area to fund district-specific improvements and services. Prepared for the Czech Village/New Bohemia Main Street District in Cedar Rapids, Iowa, this toolkit references aspects of BIDs that are unique to Iowa, while also including extensive information relevant to interested parties nationwide. States and countries use various names to refer to BIDs; in Iowa, for example, these districts are called Self-Supported Municipal Improvement Districts (SSMIDs). For clarity, when generally speaking about business improvement districts, the report uses the term "BID" to refer to any form of business improvement district. When referring to specific improvement districts, the report uses the term with which each district identifies. As such, we refer to BIDs in Iowa as Self-Supported Municipal Improvement Districts, or SSMIDs. This toolkit also describes elements of successful BIDs, which are considered to be BIDs that have been established or renewed.

Timeline

Research indicates the process of planning and establishing a BID takes about one year. Once the BID is implemented, there should be an ongoing evaluation component. Following is an approximate timeline for the entire BID establishment process. This timeline can be tailored to each prospective district's circumstances.

- Feasibility (1-2 months)
- Planning and Organization (3-4 months)
- Community Outreach (3-6 months)
- Establishment (3-6 months; Varies dependent on city requirements)

Research and Development

Beginning with a brief overview of BIDs, the Research and Development section describes the history of BIDs in the United States and throughout the world, and outlines state-enabling legislation, highlighting variances between states.

BIDS: AN OVERVIEW

What is a BID?

A BID is a mechanism for property owners and businesses in a defined area to fund district-specific improvements and services. Under BIDs, commercial and industrial property owners in a district formally organize and pay a fee in addition to their property taxes for services, projects, and district operations in order to improve a defined area. Generally, BIDs are established to deliver a variety of services above and beyond the level of existing municipal services, and can serve as an economic development tool to revitalize neighborhoods and spur business growth and retention.

Through a petition process, commercial and industrial property owners voluntarily agree to form a district and pay property taxes at a higher rate. Once established, the district obtains the additional levied funds, and uses them to pay for projects and services, which are aimed at keeping the district economically competitive. While the components of individual BIDs vary, there are three common elements: a levy rate, a levy term, and a board of directors. A BID's petition clearly indicates a maximum tax levy rate allowed for the duration of the district's term. The levy term, or "sunset" period, is the length of time for which the BID will

be in place. Once the sunset period ends, the BID can be renewed and changed if desired. A BID board of directors, generally appointed by the city council or mayor, oversees the district's operations and funds.

What can a BID do?

The exact use of BID funds is dependent upon the needs of an individual district and the amount of available funds. However, uses generally fall under two categories: maintenance or improvements. Examples of common BID maintenance projects include snow removal, street cleaning, or security. Improvements are projects that add to the appeal of the district, such as sidewalk planters or signage. Often, BID funds are also used to cover a portion of the district's administrative costs.

BIDs provide a sustainable funding source that groups can rely on for a set period of time. All funds provided by the BID levy are invested within the district, expecting to ultimately increase property values and attract further investment. As the total value of properties in the district increases, the BID funds increase at the same levy rate and more improvements may be funded.

Establishment

The majority of states, including Iowa, allow for creation of a BID through municipal government approval following the petition of property or business owners in an area. Legislation often stipulates a minimum required level of support for a BID before a municipal body can grant approval. This minimum support is based on obtaining a required share of support from property owners to whom the BID levy will be applied. This required share may be based on several different measurements including counts, value per square foot, assessed value, square footage, feet of street frontage or a combination of these measurements. To seek approval from city council, Iowa requires a petition with signatures from property owners representing a minimum of 25% of the assessed property value, and 25% of the property owners within the proposed district boundary. In other states, the level of property owner approval needed for establishment ranges from requiring signatures from property owners representing as much as 75% of the district's assessed value in Georgia and Utah, to states such as Wisconsin and North Carolina, which only specify that land owners propose the district to the city council; these states require no specific percent of district property owner approval.²⁶ Requirements for approval may also vary by city, as municipalities are granted the power to increase requirements enacted in state legislation.²⁷

In many states, a minority of district property owners can bring up an area for consideration to a municipal governing body. To provide a balance to this facet of the BID establishment process, many states permit a system of counter petitioning. Though Wisconsin requires only a

ore a town council
ers or valuation in
y creation.²⁸ Iowa
representing 25%
to require a city
council to unanimously approve the district, and a petition
representing 40% of the assessed value or property owners
in the district can veto the district's creation automatically.²⁹

Through statutory law, several states have provided to municipalities an alternative avenue of improvement district creation by granting municipalities the power to authorize improvement districts without the approval of property or business owners in the district.³⁰ Conversely, Mississippi allows for the creation of an improvement district without approval of a city council or other authority, only requiring the agreement of landowners within set boundaries.³¹

Governance Structures

All state statutes address the creation of a guiding body that will govern the use of collected funds in a district. A majority of states allow for board member recommendations to be brought before a city council for approval.³² Alternatively, statutes may require that property or business owners in a district approve a board by a vote. Law in some states dictates the composition of a governing or advisory board, limiting it exclusively to property owners or affected parties. Meanwhile, several states and municipalities require the inclusion of non-property or business owners from the district, or of citizens from the general public.³³

page 2

BID

When considering to fund improvements to an area, several considerations should be assessed before beginning the process. This will ensure the BID is the proper funding mechanism for an area.

- **District Property Composition**

- A majority of the properties in the area should be commercial or industrial. This ensures a substantial base for levy collection, as commercial and industrial properties are the only property types subject to the levy. In Iowa, residential property may be included if the district is located within in a designated historical district.

- **Anticipated Fund Uses**

- The needs of the area should be considered. The BID often helps carry out projects or services that will occur over an extended period of time. If the needs of the area are limited in scope and could be addressed by one or two projects, other funding sources such as a grant or a special assessment may be a more appropriate approach. Additionally, a BID should not be used for crisis funding due to a potentially lengthy approval and implementation process.

- **Process Commitment**

- There should be a core group of dedicated property or business owners willing to put in the time and effort to oversee the planning and implementation

process. The BID approval and implementation process involves a large time commitment and considerable effort. It is essential to have a dedicated core of supporters to follow through and champion the process.

If it is determined that a BID is not the most appropriate financing mechanism for a community, other options should be considered. Please refer to *Financing Alternatives* for additional information about resources available to communities in Iowa.

BOUNDARY PLANNING

Introduction

Boundary determination is of utmost importance when proposing the creation of a BID. Required as part of the petition, boundary definition also allows the steering committee to identify the geographic area where BID levy funds will be collected and can be spent. In Iowa, and many other states, the properties defining the boundary must be contiguous.³⁸ Parcels only within the boundary will be taxed at the higher levy rate and will be eligible to benefit from any services and improvements provided by the BID. The steering committee should consider the number of parcels within the proposed boundary, their classification, and their use. Additionally, it is recommended that local stakeholders define and make clear their expectations of the BID to the steering committee. Any existing managing organization providing services to the proposed district should be discussed during this phase as well to determine appropriateness of assuming BID management services.

Key

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- **Number of commercial and industrial parcels and total assessed value**
 - More assessed value equates to more revenue generated through the BID levy, translating into more services and improvements for the area.
- **Number of tax exempt parcels (non-profits, residential, government-owned, and vacant land)**
 - Tax-exempt parcels cannot sign the petition in support of the BID effort to count towards the legislative requirements to create a BID. Some tax-exempt properties and organizations may voluntarily contribute funds to the budget, but are not required to do so.
- **Location and use of property**
 - For example, a heavy industrial manufacturing facility falls under a property type that would pay the BID levy. However, typical uses of BID funds such as basic maintenance and security may not provide much benefit to the property owner of an industrial manufacturing facility if the property is located outside of the central business district. Location and use of property are as important as property type when considering benefits of the BID in relation to the boundary.