COUNCIL PROCEEDINGS
September 11, 2017

The Marshalltown City Council met in regular session on September 11, 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. Chief Rierson asked for a moment of silence in memory for those who perished on 9/11/00. Present: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin. Greer was present via speakerphone and actively participated. Lamer moved to approve the agenda, second by Wirin. Motion approved 7-0.

CONSENT AGENDA:

Martin moved to approve the Consent Agenda: Approve Council meeting Minutes of August 28, 2017; Approve Bill List in the amount of $2,245,884.09; Appoint Kyley Leger to the MCVB Board; Appoint Steve Hay to Fire Code Board of Appeals; Resolution 2017-220 Approving FFY2018 Highway Safety Contract with the Governor's Traffic Safety Bureau, October 1, 2017 – September 30, 2018; 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; 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; 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; second by Kester. Consent agenda adopted 7-0.

Kester moved to approve a New liquor license, Mahana Ventures, LLC, dba Calvin Rockett, 2013 S Center St, second by Gowdy. Motion carried 7-0.

REPORTS:

Sister Cities – Kristin Alman and two students reported on their interaction with Marshalltown's Sister City, Minami Alps, Japan. Alman requested the city provide funding for this important program.

Housing and Community Development Director Michelle Spohnheimer reviewed the Plan Zoning Commission Report on Self-Supported Municipal Improvement District. The Plan Zoning Commission recommended establishing the Marshalltown Downtown Self-Supported Municipal Improvement District. The Commission found the proposal to establish the SSMID district as described is aligned with the intent of the comprehensive plan and the goals of the City Council and the Plan Zoning Commission, and are consistent with the other strategic plans conducted over the years, include the Comprehensive Plan and the City Center Plan. The commission recognized there are some financial inequities relating to the various rate structures, as well as the inclusion of tax exempt properties in the ownership and valuation calculation.

RESOLUTIONS:

Greer moved to adopt 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, second by Martin. Resolution adopted 6-1, with Lamer dissenting.

Kester moved to adopt Resolution 2017-224 Authorizing a Grant Application to National Endowment for the Arts for a Public Art Master Plan for the Iowa River Trail, second by Wirin. Resolution adopted 4-3, with Hoop, Lamer and Martin dissenting.

Lamer moved to adopt Resolution 2017-225 Approving a Contract for Providing Ambulance Assistance to Unity Point Health – Marshalltown, second by Gowdy. Resolution adopted 7-0.

Kester moved to adopt Resolution 2017-197 Approving a Sole Source Procurement for the Purchase, Installation and Maintenance of Dispatch Equipment, second by Gowdy. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-200 Creating a Code Enforcement Inspector position and providing funding for said position in fiscal year 2018, second by Lamer. Resolution adopted 7-0.

Kester moved to adopt 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, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-227 Approving One-time Funding for the early hire of a Police Officer Position in Fiscal Year 2018, second by Kester. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-228 Approving a Professional Services Agreement with Bolton & Menk to Update a 2010 Railroad Crossing Safety Improvement Study, second by Martin. Resolution adopted 7-0.

Greer moved to adopt 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, second by Kester. Resolution adopted 7-0.

Kester moved to adopt 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, second by Wirin. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-231 Approving Contract Change Order #1 for the 2017 Full Depth Street Repair Project STR17004, an increase of $760,466.33, second by Martin. Resolution adopted 7-0.

PUBLIC HEARING – sale of bonds

Mayor Lowrance declared the public hearing open regarding the sale and award of bonds. Three bids were received. Maggie Burger, representing Speer Financial, recommended the council accept the favorable bid of $12,810,099.65 from Robert W Baird & Co., Inc., with a true interest rate bid of 2.9319% for $12,720,000 non-bank qualified bonds. The bonds are callable on June 1, 2025, and include a $90,099 premium. The City maintains the Aa2 Moody's bond rating. There were no public or written comments either for or against the proposal. Mayor Lowrance declared the public hearing closed.

Lamer moved to adopt Resolution 2017-232 Awarding Sale of General Obligation Municipal Building Bonds, Series 2017, second by Gowdy. Resolution adopted 6-1, Kester dissenting.

PUBLIC HEARING – notice of federal funds grant

Mayor Lowrance declared the public hearing open regarding receipt and expenditure of federal funds for law enforcement programming or equipment purchases. 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 2017-233 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, second by Wirin. Resolution adopted 7-0.

ORDINANCES:

Gowdy moved to adopt the first reading of 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, second by Kester. First Reading adopted 7-0.

ORDINANCES AND RESOLUTIONS - SALE OF PROPERTY:

Kester moved to adopt the first reading of 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., setting Public Hearing September 25th, second by Wirin. First Reading adopted 7-0.

Lamer moved to adopt 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 $100.00 plus other good and valuable consideration. Re: portions of Swayze Street and Union Street east of North 8th Avenue, second by Kester. Resolution adopted 7-0.

Kester moved to adopt the first reading of 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., setting Public Hearing September 25th, second by Wirin. First Reading adopted 7-0.

COUNCIL PROCEEDINGS
September 11, 2017

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

Mayor Lowrance declared the public hearing open regarding vacating a north south alley adjacent to 206 and 212 E State Street, and to convey same to Avita Properties LLC. There were no public or written comments either for or against the proposal. Mayor Lowrance declared the public hearing closed.

Martin moved to adopt the second 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, second by Kester. Second reading adopted 7-0.

Kester moved to waive the third reading and adopt Ordinance #14966 to Vacate a north south alley adjacent to 206 and 212 E State Street and to Convey Same to Avita Properties LLC, second by Martin. Third reading waived and Ordinance adopted, upon a 7-0 vote.

Lamer moved to adopt 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, second by Kester. Resolution adopted 7-0.

Kester moved to adopt the second reading, waive the third and adopt 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, and adopt 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, second by Wirin. The public hearing on the vacation of public property and conveyance was held during the August 28, 2017, council meeting. Motion carried 7-0.

DISCUSSION:

Staff recommended City Code of Ordinances be amended to remove imprisonment / jail time from penalty sections and make penalties for violations consistent with penalties in Chapter 1, Section 10. Cities have until January 1, 2018, to remove imprisonment penalties to avoid indigent defense expense.

PUBLIC COMMENT:

Members of the public asked questions regarding the SSMID and presented information for the council.

ADJOURNMENT

The meeting adjourned at 7:13.

Respectfully submitted,

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Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

_____
James L. Lowrance, Mayor

ATTEST:

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Shari L. Coughenour, CMC, City Clerk