Council Proceedings
May 12, 2014

The Marshalltown City Council met in regular session on May 12, 2014, at 5:30 pm, in the Council Chambers at City Hall. Mayor Lowrance called the meeting to order and led the Pledge of Allegiance. Present: Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin. Kenn Vinson announced the Alliant project is moving forward with additional certificates and pipeline permits received. Chief Tupper recognized Juan Tejada, named Police Department of the year. Scott Johnson honored Tim Hillygus for his thirtieth employment anniversary. Mayor Lowrance thanked Curt Ward for his service as City Attorney. Schubert moved to approve the agenda, second by Greer. Motion approved 7-0.

CONSENT AGENDA

Wirin moved to approve the Consent Agenda, removing the police defensive vehicle from the consent agenda: Approve Council meeting Minutes of April 28, 2014, and Special Minutes of May 5, 2014; Approve Bill List in the amount of $ 910,687.64; Accept Settlement Agreements: Use of Affirmative Defense by HyVee Food and Drugstore, relating to 2nd Violation, sale of alcohol to minor on November 1, 2013; Resolution 2014-051 Ordering Construction of the Concrete Repair 2014 in the City of Marshalltown, Iowa, Setting Public Hearing on Proposed Plans, Specifications, form of contract and estimated cost and directing publication of notice to bidders, project 76014005. Public hearing May 27 at noon, bids due June 3 at 10:00 am; Resolution 2014-052 Ordering Construction of the Mill and Overlay 2014 Project 76014004, in the City of Marshalltown, Iowa, Setting Public Hearing on Proposed Plans, Specifications, form of contract and estimated cost and directing publication of notice to bidders, project 76014004. Public hearing May 27 at noon, bids due June 3 at 10:00 am; Resolution 2014-053 Accepting Competitive Quotation for the Linn Creek Trail Repair Project and Directing Execution of Contract and Furnishment of Performance Bond, Denco Highway Construction Company, $46,321.17; Resolution 2014-054 Approving an Amended Master Plan For Glenwood Place Planned Unit Development; Resolution 2014-055 to Certify Unpaid Bills for Collection with Taxes; second by Greer. Consent agenda adopted 7-0.

MOTIONS:

Greer moved to approve Purchase of Caiman MTV Defensive Vehicle, second by Gowdy. Chief Tupper explained the use of vehicle may save lives, estimated it may be used 1-2 times per year, and informed the council the weight of the vehicle is lighter than the fire department's aerial truck. Motion carried 4-3, with Lamer, Schubert and Gowdy dissenting.

Schubert moved to authorize Crime Scene Vehicle Replacement of 2001 Ford Excursion with used panel or utility van, second by Martin. Motion carried 6-1, with Hoop dissenting.

RESOLUTIONS:

Wirin moved to adopt Resolution 2014-056 Accepting Bid and Authorizing the Award of Contract for Iowa River (West) Interceptor Parallel Sewer project 59011019A with SM Hentges & Sons, Inc., in the amount of $5,716,508.72, second by Greer. Resolution adopted 6-1, with Lamer dissenting.

Lamer moved to adopt Resolution 2014-057 Approving Easements for the Alliant Gas Fired Plant / East Nevada Street Rebuild Project 66013014, second by Wirin. Resolution adopted 7-0.

Martin moved to adopt Resolution 2014-058 Accepting Bid and Authorizing the Award of Contract for the Alliant Gas Fired Plant / East Nevada Street Rebuild Project 66013014, with Blommer's Construction, Inc. in the amount of $1,078,918.50, second by Wirin. Resolution adopted 6-0 with Lamer abstaining due to the relationship of his adult son with the construction activity.

Wirin moved to adopt Resolution 2014-059 Ordering Construction of the Airport Hanger Floor Replacement Project 77013010, Setting Public Hearing on Plans and Specifications for June 9, 2014, cost estimate at $88,200. Local contribution, 15% estimated at $13,230, budgeted funds of $20,000 are included in the 2013 capital improvement plan, second by Lamer. Resolution adopted 7-0.

Lamer moved to adopt the Resolution 2014-060 Adopting Amendments to the Purchasing Policy for the City of Marshalltown, amending language relating to departmental cooperation in determining specifications for bidding, second by Wirin. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open for the plans, specifications, form of contract and cost for the 2014 Concrete Repair TIF project 76014006. Brad Bateman was present to answer questions, with three contractors having requested plans to date. Bids are due May 15, Accept Bid, and the council will consider award of contract, Approve Contract and Bond May 27. Money is remaining from the Menards project, due to construction costs being favorable, and the money is required to be spent in that district. The money needs to be used prior to close of the fiscal year due to bonding rules. There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Schubert moved to adopt Resolution 2014-061 Approving Plans, Specifications, form of Contract and Cost for 2014 Concrete Repair TIF District 3 Project 76014006, second by Wirin. Resolution adopted 6-1, with Hoop dissenting.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open regarding a permanent electrical easement for Interstate Power and Light Company in the parking lot west of Hammer Medical Supply for a new pole and junction cabinet. There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Lamer moved to adopt Resolution 2014-062 Adopting Tentative Resolution Providing for the Perpetual Easement Described from the City to Interstate Power and Light Company of Cedar Rapids, Iowa, to the Property Described Herein and Authorizing Execution and Delivery of the Electric Line Easement, second by Wirin. Resolution adopted 7-0.

ORDINANCES:

Hoop moved to adopt the second reading of Ordinance #14929 Rezoning 3901 South Center Street from R2 Low Density Residential to OP Office Park, second by Wirin. Second reading adopted 6-1 with Lamer against.

Wirin moved to adopt the first reading of Ordinance #14930 Approving Changes to the Marshalltown Zoning Ordinance of 2010, Regarding Chapter 5, Site Plan Review Requirements, Chapter 22, Central Business District, Chapter 30 Signs, and Chapter 35, Site Plan Review Board, amending language to require $300,000 liability insurance for sign installation, second by Greer. First reading adopted 7-0.

FUTURE AGENDA ITEMS DISCUSSION:

The council discussed the following items: Mill and Overlay 2014 Project 76014004, public hearing on plans and specifications May 27, bids due June 3; Concrete Repair 2014 Project 76014005, public hearing on plans and specifications May 27, bids due June 3; Concrete Repair 2014 TIF Project 76014006, Accept Bid and Award Contract; FY 2014 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program, set public hearing May 27; Rezoning 114 North Center Street from R4 Medium Density Residential to CBD Central Business District; Reminder: Noon meeting on Tuesday, May 27, no meeting on Memorial Day.

PUBLIC COMMENTS:

Bill Egleston, 509 Brentwood Road, asked about property acquisition for the Police and Fire Department building. City Attorney Ward advised the public the details surrounding the property acquisition are not being made public at this time to protect the price the taxpayers will pay for property acquisition. Egleston also asked questions about a legal publication. Housing and Community Director Spohnheimer responded that her department is finalizing paperwork for the Neighborhood Stabilization Program.

CLOSED SESSION

At 6:56 p.m., Martin moved to enter into Closed session pursuant to Section 21.5 subsection (1) paragraph (j) OF THE CODE OF IOWA to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Iowa Code § 21.5(1)(j) (2011), as amended by, Senate File 289, 84th G.A., 1st Sess., § 5 (Iowa 2011), second by Gowdy. Motion carried 7-0.

OPEN SESSION

At 7:26 p.m., Greer moved to enter open session, second by Wirin. Motion carried 7-0. Roll call, all present.

Lamer moved to extend the option for parcel A for sixty days, second by Wirin. Motion failed 3-4, with Martin, Schubert, Gowdy and Greer dissenting.

Hoop moved to not pursue option for parcel D, second by Martin. Motion was withdrawn by Hoop, Martin amiable to withdrawal.

CLOSED SESSION

At 7:28 p.m., Gowdy moved to enter into Closed session pursuant to Section 21.5 subsection (1) paragraph (j) OF THE CODE OF IOWA to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Iowa Code § 21.5(1)(j) (2011), as amended by, Senate File 289, 84th G.A., 1st Sess., § 5 (Iowa 2011), second by Greer. Motion carried 7-0.

At 7:33 p.m., Gowdy moved to leave closed session, second by Greer. Motion carried 7-0, roll call – all present. Hoop moved to drop consideration of parcel C, second by Martin. Motion failed 2-5, with Schubert, Wirin, Gowdy, Greer, Hoop and Lamer dissenting.

ADJOURNMENT

The meeting adjourned at 7:36 PM, upon motion by Martin and second by Greer. Motion carried 7-0.

Respectfully submitted,

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Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

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ATTEST: James L. Lowrance, Mayor

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Shari L. Coughenour, CMC, City Clerk