

Council Proceedings

April 28, 2014

The Marshalltown City Council met in regular session on April 28, 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. Chief Tupper recognized Alicia Hunter for ten year employment anniversary and Juan Tejada for five years. Housing and Community Director Michelle Spohnheimer recognized Rebakah Traver for five year employment anniversary. Schubert moved to approve the agenda, second by Greer. Motion approved 7-0.

CONSENT AGENDA

Wirin moved to approve the Consent Agenda: Approve Council meeting Minutes of April 14, 2014; Approve Bill List in the amount of \$994,110.34; Approve Financials Reports, January & February 2014; Receipt of Building Report for March, 2014; Accept Settlement Agreements: 1st Violation, sale of Alcohol To Minor: Casey's General Store #1441, 1402 S 12th Avenue; Casey's General Store #1303 111 N 3rd Avenue; Appointment of Nancy A. Harris, of Marshalltown, Iowa, to the Civil Service Commission. Ramon Ibarra and Veronica Guevara to the Human Rights Commission; Approve Purchase of Heavy duty rotary mower, purchase Land Pride Mower from Van Wall Equipment \$14,950, within budgeted amount in this year's capital improvement program; Resolution 2014-040 Approving 28E Agreement and Adopting the Marshall County Emergency Medical Services Association Mutual Aid and Contingency Agreement; Resolution 2014-041 Approving the Title VI Program for Marshalltown Municipal Transit; Resolution 2014-042 Authorizing Submission of 2014 Application to Iowa DOT for Airport Improvement Program fund, to pave hangar floor, vertical infrastructure, total project amount \$42,000, state share 85%. Local contribution estimated at \$6,300, budgeted funds in 2013 capital improvement plan; Resolution 2014-043 Approving Contract Change Order #2 for the WPCP Ultraviolet Disinfection Replacement project 52011024, Change Order #2, decrease of \$4,890, revision in the electric monorail hoist; second by Gowdy. Consent agenda adopted 7-0.

MOTIONS:

Hoop moved to suspend the alcohol license or permit for fourteen days held by Enrique Maravilla, d.b.a Tacos Y Mariscos, regarding Civil Penalty under Iowa Code 123.50(3)(a) for failure to pay Civil Penalty Timely for 1st Violation Sale to Person in Violation of Iowa Code 123.49(2), beginning May 1, 2014, second by Martin. Motion carried 7-0.

Lamer moved to set special council meeting for May 5, 2014, second by Wirin. Motion carried 7-0.

RESOLUTIONS:

Wirin moved to adopt Resolution 2014-044A Changing Resolution 2014-038, changing the date for the Public Hearing on Proposed Plans, Specifications, Form of Contract and Estimated Cost and Directing Publication of Notice to Bidders with Bids due on May 6, 2014, at 10 am, relating to the Alliant Gas Fired Plant East Nevada Street Rebuilding Project 66013014, second by Lamer. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open for the budget amendment for fiscal year ending June 30, 2014. . There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Greer moved to adopt Resolution 2014-045, approving the Budget Amendment for fiscal year ending June 30, 2014, second by Martin. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Lowrance declared the public hearing open regarding the Iowa Department of Transportation Transit Assistance. The application is for application to receive assistance of \$195,317 to support transit activities. There were no written or public comments. Mayor Lowrance declared the public hearing closed.

Greer moved to adopt Resolution 2014-046 Authorizing Transit Assistance program application to the Iowa Department of Transportation financial assistance, \$195,317, second by Schubert. Resolution adopted 7-0.

ORDINANCES:

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

FUTURE AGENDA ITEMS DISCUSSION:

Purchasing Policy recommendations; Military Surplus Vehicle; Crime Scene Vehicle Replacement; Permanent Easement with Iowa Interstate Power & Light Company, Underground Electric Lines, 213 East Main Street; Iowa River (West) Interceptor Parallel Sewer Project 59011019, bid tabulation, bids exceed estimate; Concrete Repair Project 2014 # 76014005; Concrete Repair Project 2014 TIF District 3 Project 76014006; Mill and Overlay 2014 Project 76014004; Linn

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Creek Trail Repair, Denco Highway Construction, \$46,321.17; Glenwood Place PUD amendment; Changes to Zoning Ordinance, re: Site Plan Review Board; Affirmative Defense for HyVee, relating to Alcohol Sale to Minor, Second Offense; Attorney Contract; Certify unpaid nuisance abatement bills as property tax.

PUBLIC COMMENTS:

Jack Carkhuff, 2504 Hilltop Drive, asked about progress on street repair. Stephen Troskey reminded residents there are rules prohibiting signs on utility poles.

CLOSED SESSION

Schubert 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

Hoop moved to enter open session, second by Schubert. Motion carried 7-0. Roll call, all present.

Lamer moved to authorize negotiation for temporary, permanent and alternate easement acquisition based on fair market value as calculated by Clapsaddle Garber Associates in closed session presentation, second by Wirin. Motion carried 7-0.

Wirin moved to approve the purchase option agreement for Parcel D, previously identified by council, as recommended by legal counsel in closed session, second by Schubert. Motion adopted 7-0.

Greer moved to delay the Phase II Environmental Study of Parcel A until Phase I Environmental Study is completed on Parcel D, second by Martin. Motion adopted 6-1, Lamer dissenting.

ADJOURNMENT

The meeting adjourned at 8:41 PM.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk