

1. Agenda

Documents:

[AGENDA.PDF](#)

2. Supporting Meeting Documents

Documents:

[2ND QUARTER UPDATE ON GOALS.PDF](#)

[BILL LIST.PDF](#)

[DRAFT COUNCIL MANUAL.PDF](#)

[PACKET.PDF](#)



**COUNCIL AGENDA**  
**CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET**  
**July 10, 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:**

**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 June 26, 2017, and special meeting Minutes of July 5, 2017.
2. Approve Bill List in the amount of \$1,683,711.73.
3. Resolution 2017-142 Approving Contract Change Order #1 for the Ingledue Storm Sewer Project 29108009, decrease of \$11,382.02.
4. Resolution 2017-143 Approving Certificate of Completion and Final Project Costs with Vieth Construction Corporation in the amount of \$1,127,498.98 for construction of the Ingledue Storm Sewer Repair Project 29108009.

**(end of consent agenda items)**

**RESOLUTIONS:**

5. Resolution 2017-144 Authorizing the City of Marshalltown to Request Assignment of Certain Tax Certificates held by Marshall County following the Public Nuisance Tax Sale.
6. Resolution 2017-145 Supporting the Creation of Submarine Veterans Memorial Highway.
7. Resolution 2017-146 Setting Date for Public Hearing on 2017 Amendment to Urban Renewal Plan for Marshalltown Urban Renewal Area No. 4. (Downtown Area)
8. Tentative Resolution 2017-147 providing for the Conveyance and Transfer of Title to the property herein described (710 Wood Street) from the City Marshalltown, Iowa, to Guadalupe Juarez.
9. Resolution 2017-148 Approving Lease Agreement with Interstate Power and light Company, relating to a staging area lease on the abandoned railroad corridor near 401 Clinton Street in Liscomb, Iowa, for a period of fourteen months, ending on or about August 31, 2018, unless continued pursuant to terms in the agreement, in the amount of \$230 per month plus an initial amount of \$2,800.
10. Resolution 2017-149 Allowing Open Containers on Public Ways for the Oktoberfest Saturday Evening Events.
11. Resolution 2017-150 Approving Engineering Services Contract with HDR Engineering, Inc., for the 4<sup>th</sup> St and Meadow Lane Storm Sewer Enhancements Project SMW17001, in the amount of \$146,300.

Visit [www.ci.marshalltown.ia.us](http://www.ci.marshalltown.ia.us)

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.



12. Resolution 2017-151 Approving One-Time Funding for the early Hire of a Police Officer Position in Fiscal Year 2018.

**PUBLIC HEARING – convey property**

13. Resolution 2017-152 Adopting Tentative Resolution Providing for the Conveyance and transfer of Title by the City of Marshalltown, Iowa, to Miguel Angel Garcia Marceleno to the Property Herein Described [114 N 10<sup>th</sup> Avenue] and authorizing execution and delivery of Warranty Deed, consideration of \$45,000.

**PUBLIC HEARING – plans & specifications**

14. Resolution 2017-153 Approving Plans, Specifications, Form of Contract and Cost for the Police and Fire Station Site Demolition and Earthwork Project BLD 17001, Bids due at 10 am July 18.

**ORDINANCES:**

15. Ordinance #14965 to vacate a portion of South First Street Located in Anson's 1<sup>st</sup> Addition to Marshall, Marshall County, Iowa, and to Convey Same to Garrett Goodman, first reading. Public hearing required, set for July 24. Opportunity for the council to waive the third reading.

**DISCUSSION:**

1. 2<sup>nd</sup> quarter update on Goals
2. Council manual revisions

**PUBLIC COMMENT:**

**ADJOURNMENT:**

Visit [www.ci.marshalltown.ia.us](http://www.ci.marshalltown.ia.us)

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.



**GOAL 1: EXPAND AND IMPROVE HOUSING STOCK IN THE COMMUNITY**

Objective 1: Support Marshall Economic Development and the Marshalltown Central Business District in their recruitment efforts

- *Identify locations for infill development*
- *Continue to support downtown housing redevelopment*
- *Create a plan for anticipated low-to-moderate income housing withholding for residential TIF projects.*

- ⇒ City staff continues work with MED on a housing infill development project on 6th Street
- ⇒ City staff is working to amend the Downtown Urban Renewal Plan to provide specific ways in which we can work with the MCBBD on housing redevelopment
- ⇒ City staff has identified multiple vacant lots and other abandoned/dilapidated properties for infill development
- ⇒ City staff continues to participate on the Vision Marshalltown Housing Committee; goals for the committee were released in May/June.

Objective 2: Assist developers with information about the development process and infrastructure

- *Provide information in an easily accessible location on the City's website*

- ⇒ City staff continues to answer questions and meet as requested with possible developers
  - ⇒ The Willows is under construction officially
- ⇒ Staff continues to work with Schrom Properties on the building additional units

2017 2nd Quarter Summary:

One of the in-fill development projects on 6th Street continues to move forward, with staff assisting and providing information as needed.

Vision Marshalltown has released its goals for the Housing Committee, which the City supports and works towards achieving through our own efforts and those of our partners.



**GOAL 2: ENHANCE MARSHALLTOWN'S PUBLIC IMAGE**

Objective 1: Visually enhance the appearance of neighborhoods in Marshalltown

- Continue the Dangerous and Dilapidated Building Program
- Reapply for the HUD Lead Hazard Control Grant in 2017

⇒ 6 properties were on the Public Nuisance Tax Sale; 2 have rehab agreements and City is requesting the other 4 which are planned for demolition

⇒ Funding has been secured to cover 2/3 of cost of a study for N. 3rd Ave corridor improvements

⇒ Discussion has been occurring related to the Highway 14/S. Center St. medians

Objective 2: Improve communication of City programs and initiatives

- Enhance the City's social media presence
- Update the City's website to incorporate useful tools for citizens
- Conduct a Citizen Survey
- Continue to hold the Police and Fire Citizens Academies and find a permanent funding source
- Develop and hold a general Citizens Academy to cover all departments

⇒ Website development is underway; anticipated launch in Dec. 2017

⇒ Implemented Coffee with the Council concept

⇒ PD held 2017 Citizens Police Academy

⇒ Implemented and holding Budgeting 101 presentations in June and July

Objective 3: Promote public art throughout the community

- Develop a plan for art in City Council Chambers
- Develop a plan for art in the new Public Safety Facility
- Continue to identify ways to incorporate art into parks and recreational spaces
- Continue to work with the Arts and Culture Alliance and MPAC to promote public art

⇒ City staff applied for a grant for visual art in Council Chambers, but did not receive funding

⇒ Fence at Mega-10 a new public art project provided by Woodbury Elementary students

⇒ MPAC, City, and Trails working on public art for Wilson Circle Trailhead

2017 2nd Quarter Summary:

We were able to partner with the County Treasurer to identify properties for a public nuisance tax sale. This is a useful tool for the City to continue to move forward with partnerships for rehabbing of nuisance properties or the City requesting the tax certificate to the property with the intent to get a deed.

We continue to look for ways to use the IDOT mill and overlay project of Highway 14 as a springboard to enhance the visual appearance of Marshalltown.

**GOAL 3: CONTINUALLY IMPROVE THE CITY'S ORGANIZATION AND SERVICES****Objective 1:** Review policies, procedures, and ordinances for updates

- Review and update the City's urban renewal areas adopted prior to 2012
- Review and update the Council Manual
- Review and update personnel policies
- Review and update the Purchasing Policy
- Recodify the City's ordinances
- Consider adopting the current version of the State Building Code

- ⇒ UR Area #4– Downtown Plan coming forward in Jul.
- ⇒ Review of the Council Manual coming forward in Jul.
- ⇒ FD is reviewing changes between 2006 and 2015 versions of Building Code
- ⇒ Finance reviewing and redrafting purchasing policy

**Objective 2:** Develop comprehensive plans for City infrastructure and improvements

- Develop a Parks & Rec Master Plan to include future trail projects
- Continue to implement the Street Improvement Plan
- Develop a comprehensive Building Maintenance Plan
- Incorporate new and existing plans into a city-wide Capital Improvement Plan
- Continue the planning, design and construction of the Public Safety Facility
- Develop a plan for enhancements at the Airport

- ⇒ Parks and Rec Master Plan is underway
- ⇒ 2017 Street Improvement Plan is underway with construction around town
- ⇒ Bidding of Police and Fire Facility is underway

**Objective 3:** Recruit, retain, and train employees in order to maintain a successful workforce

- Continue to provide employee training opportunities, including cross-training of positions
- Conduct an employee survey
- Continue to focus on safety in the workplace

- ⇒ 0 safety incidents in Q2 2017
- ⇒ Accident Review Committee reviewed 1 accident in Q2 2017
- ⇒ Hiring incentive for certified police officers implemented

**Objective 4:** Review existing City functions and finances for efficiencies

- Maintain a Code Enforcement/Nuisance Abatement program
- Staff the MS4 program in order to comply with the permit
- Consider the creation of an Aviation Authority
- Identify and fund technology that increases the efficiency of departments
- Review revenue options and General Fund fees and charges to determine subsidization from tax levy
- Consider a special election in 2017 to reallocate LOST

- ⇒ Light duty officer filling Code Enforcement position; have contract in place for mowing/clean-ups
- ⇒ Stormwater Coordinator position posted ActiveNet reservations have reduced phone calls in Parks and Rec; campsites to come online in the fall
- ⇒ Phone system contract awarded, installation in Aug
- ⇒ Review of funding 911 service through E911 Board

**2017 1st Quarter Summary:**

Code enforcement is being handled in a proactive way which has seen success, but we still need a long term solution for this position.

Staff attended a LEAN training and will be proposing to Council ways in which we can work to improve our processes (internal and external) to be more efficient.

**GOAL 4: PARTNER WITH CITIZENS, FOR-PROFIT, NON-PROFIT AND OTHER GROUPS TO IMPROVE QUALITY OF**

**Objective 1:** Partner with the Marshalltown Central Business District on initiatives that enhance downtown Marshalltown

- Support the MCBD efforts to create a SSMID
- Consider ways to use tax increment financing to support projects in the District

- ⇒ MCBD SSMID petitions will come to the Council in July
- ⇒ Amendment of UR #4 plan will provide for additional uses of TIF in downtown

**Objective 2:** Partner with Trails Inc. on trail-related initiatives

- Work with Trails Inc on the Wilson Circle trail head
- Complete the in-city portion of the Iowa River Trail
- Continue efforts to enhance the trail system throughout the City
- Identify outside funding for trail-related projects

- ⇒ Staff working with Trails Inc. on Wilson Circle trailhead
- ⇒ Trail paving continues in Marshalltown

**Objective 3:** Work with other entities on partnerships which benefit the community

- Identify County-held tax certificates which are of use to the City
- Continue and expand the SRO program with the Marshalltown Community School District
- Consider applying to be an Alliant Hometown Rewards community
- Work with community stakeholders to develop and implement a wayfinding system
- Support the Sister Cities Program

- ⇒ County assisted in getting properties on the public nuisance tax sale in 2017; will continue to utilize in the future; City requesting an additional 4 tax certificates from County and looking at other properties which are available through the County
- ⇒ Partnership with Iowa Great Places and 13th Street District to put additional funding towards West End Futsal Courts
- ⇒ Discussion with MCSD on the PERL tax levy/funding; signed lease with MCSD for use of Anson Park parking lot for school bus transfer

**Objective 4:** Continue involvement of City employees in various groups which support quality of life

- Support public safety related groups like Crimestoppers, the Red Cross smoke detector installation, and neighborhood watch programs
- Continue to support and participate in the next All-America City application
- Support Vision Marshalltown and its committees and initiatives

- ⇒ Staff continuing to participate in Vision Marshalltown, MPAC, and other community groups

2017 2nd Quarter Summary:

The City continues to focus on partnerships and working together to make things happen. The West End Futsal Courts has involved a number of partners on funding, as has the North 3rd Avenue Corridor Study. The community supported the City through the fundraising for new bikes for the PD as well as Mega-10 Park both monetarily and with a number of volunteer hours.

**Buildings/Improvements**

Ecologix/4 10,981.16

**Contracts**

Aramark.Unfrm/5 86.52  
ARL/1 4,333.33  
BDH/7 5,886.70  
Boland.Recreati/2 118,953.00  
Calhoun-Burns/1 1,590.00  
Fisher.Comm.Ctr/1 6,396.66  
KB.Undergrnd/1 2,841.75  
Kiwanis.PM/1 660.00  
Koch.Brthrs/1 17,800.00  
Marsh.Co.Landfi/3 119.35  
Marsh.Co.Treas/1 104.55  
Marshall.Co.Em/1 2,419.08  
Marshall.Co.IT./1 5,000.00  
MMIT.INC/2 79.75  
Mtn.Aviation/1 642.00  
Mtn.Wtrwrks/1 28.00  
Municipal.Band/1 6,144.17  
N.I.A.C.C./1 25.00  
O.C.L.C.Inc/1 859.72  
ONSITE.INFO.DES/3 120.00  
Premier.Equip/2 100.79  
Ruff,R/2 1,000.00  
Schendel.Pest.C/3 104.50  
Servicemaster/2 2,772.00  
Simplex.Grinnel/3 1,083.78  
Staples,A/1 186.00  
Sterling.Fire/1 255.00  
Stone.Sanit/8 1,854.16  
Unique.Mgmt.Svc/1 80.55  
Vieth.Construct/1 5,462.50  
Watchguard.Vide/1 10,440.00  
Weblinx/1 650.00  
Woodman.Control/1 20,500.00  
Zuercher.Techng/2 22,875.00

**Debt Service**

CRBT/2 8,707.57

**Equipment**

Construct/2 52,639.50

**Library Books**

Baker.Taylor/43 1,938.37  
Baker.Taylor.En/6 1,862.51  
BOOK.FARM/2 504.20  
BRODART.CO/15 2,424.62  
Cengage.Learng/7 433.11  
Classroom.Lib/1 270.85  
Findaway.World/2 1,519.75  
MicroMarketing./12 2,432.42  
Midwest.Tape/1 119.96  
OVERDRIVE,INC./7 6,467.03  
Rainbow.Book/2 2,578.64  
RECORDED.BOOKS/4 1,579.23

**Medical**

|                           |            |
|---------------------------|------------|
| Prochaska.Assoc/1         | 93,340.67  |
| TotalAdmin.Serv/1         | 1,548.12   |
| Wellmark.Inc./5           | 124,533.85 |
| <b>Payroll.Deductions</b> |            |
| American.Educa./2         | 128.82     |
| AXA/2                     | 450.00     |
| Collection.Svs./6         | 1,734.58   |
| I.M.W.C.A/1               | 9,522.00   |
| I.P.E.R.S./11             | 101,091.77 |
| I.R.S./9                  | 92,197.42  |
| IA.Treasurer/4            | 18,586.00  |
| ICMA.457/11               | 9,198.18   |
| M.F.P.R.S.I./6            | 173,509.40 |
| Meskwaki Nation/1         | 147.99     |
| Texas.Child.Sup/2         | 278.42     |
| United.Way/6              | 1,280.19   |
| <b>Payroll.Net</b>        |            |
| Payroll/1                 | 294,487.38 |
| <b>Refund/Reimbursed</b>  |            |
| Baker.Taylor/1            | 15.00      |
| BRODART.CO/1              | 47.23      |
| Cengage.Learng/2          | 147.95     |
| Curry,S/1                 | 118.00     |
| Davis,G/1                 | 6.99       |
| Giannetto,J/1             | 44.21      |
| GOODING.B/1               | 785.31     |
| Hart,J/1                  | 24.93      |
| Hartwig.Plmbg/1           | 465.18     |
| Ladehoff,M/1              | 19.43      |
| Linn.Valley.Apt/3         | 5,916.68   |
| Madrigal,S/1              | 55.00      |
| McGehee,E/1               | 19.43      |
| Ramirez,C/1               | 39.00      |
| Rettig,R/1                | 71.35      |
| SELNESS,A/1               | 85.28      |
| Soe,Ranniaing/1           | 24.95      |
| Steward,A/1               | 41.79      |
| Thang,S/1                 | 14.98      |
| Turnbull,I/1              | 6.99       |
| Watson,C/1                | 16.99      |
| Weitzell,J/1              | 34.00      |
| Wellmark.Inc./1           | (9,734.58) |
| <b>Rents/Leases</b>       |            |
| ABC.Rentals/2             | 588.00     |
| Ackley.Housing/12         | 1,791.00   |
| ALL.AMER.PROP/13          | 4,473.00   |
| Altar.Proprty/1           | 370.00     |
| AMES,STEVEN/2             | 315.00     |
| Ames.Rental.Prp/1         | 194.00     |
| ARGUS.WOOKIE/1            | 283.00     |
| Arlington.Inv/5           | 1,591.00   |
| ARMSTRONG,B/1             | 206.00     |
| B.B.Rentals/2             | 567.00     |
| Bahr,L/1                  | 478.00     |

|                    |          |
|--------------------|----------|
| BLOOD,A/2          | 338.00   |
| Bluffwood.Partn/2  | 1,063.00 |
| Borota,K/1         | 204.00   |
| BOULDER.COOP.HS/2  | 402.00   |
| BOWN,C/1           | 271.00   |
| BROWN,B/2          | 396.00   |
| Bryngelson.Corp/1  | 479.00   |
| C.I.R.S.I./7       | 804.00   |
| Citizen.Svgs.Ba/2  | 316.00   |
| CLAWSON,J/1        | 245.00   |
| CMHC.INVEST/1      | 334.00   |
| Crestview.Apt/26   | 6,591.00 |
| CROSSER,D/1        | 363.00   |
| D.D.Rentals/2      | 375.00   |
| DELGADILLO,L/1     | 453.00   |
| ECKLOR,S/3         | 944.00   |
| Elwayne.Inc./1     | 148.00   |
| EUBANKS,C/1        | 230.00   |
| F.C.Rentals.LLC/2  | 511.00   |
| Farrell.Propert/6  | 1,303.00 |
| FISCHELS,R/3       | 577.00   |
| Frese.Propts/1     | 550.00   |
| FRIEND,T/1         | 236.00   |
| Friendly.Apts/4    | 600.00   |
| Gladbrook.Hsg/1    | 183.00   |
| Glenda.Drive.LL/11 | 3,768.00 |
| Grant.Park.LLC/22  | 4,456.00 |
| Hala.Ventures/3    | 812.00   |
| HANSEN,J/1         | 253.00   |
| HANSEN,R/1         | 156.00   |
| HARRIS,T/1         | 324.00   |
| HATCH,J/3          | 1,094.00 |
| Hatch,R/1          | 441.00   |
| HAVELKA,W/1        | 500.00   |
| Hilltop.Village/10 | 1,754.00 |
| HOBSON,W/1         | 207.00   |
| HOWARD,J/1         | 176.00   |
| Hsg.Auth.CookCo/1  | 736.00   |
| Hsg.Auth.Joliet/1  | 906.00   |
| HUBBARD.MAPLE/5    | 767.00   |
| Irvine,S/3         | 789.00   |
| JARED,S/3          | 595.00   |
| JASPERS,M/1        | 128.00   |
| JB.I.COOP.Assn/5   | 930.00   |
| JN.Home.Rentals/1  | 386.00   |
| Kramer,M/1         | 349.00   |
| LAWSON,R/2         | 306.00   |
| Lawthers.Prop.M/2  | 970.00   |
| LUENSE,B/6         | 2,343.00 |
| MANNSON.PROP/1     | 252.00   |
| MARION.MANOR/1     | 246.00   |
| Marion.Manor.II/1  | 411.00   |
| Marshalltown.Sr/1  | 1,850.00 |
| MATNEY,L/1         | 238.00   |
| MI.STATE.HSG/1     | 486.00   |

|                    |          |
|--------------------|----------|
| MtownWestownLLP/15 | 3,089.00 |
| Mtwn.Sundance/4    | 831.00   |
| MURPHY,M/1         | 159.00   |
| NAUGHTON,R/2       | 825.00   |
| North.Tama.Hsg/3   | 425.00   |
| OETKER,D/3         | 570.00   |
| Oetker,J/1         | 471.00   |
| OLMSTEAD,T/1       | 900.00   |
| Palisade.Holdng/1  | 79.00    |
| Park.Elms,LLC/5    | 1,037.00 |
| Pinecrest.Park/1   | 141.00   |
| Prairie.Home.Pp/1  | 261.00   |
| PYLE,D/1           | 231.00   |
| R.E.P.Corp/2       | 525.00   |
| RA.Rental/2        | 712.00   |
| REID,M/1           | 129.00   |
| REM.Homes/1        | 507.00   |
| River.Birch/9      | 3,453.00 |
| River.Oaks/13      | 4,853.00 |
| S.E.Invst/2        | 480.00   |
| Sands.Time.LLC/1   | 250.00   |
| SCENIC.CITY/1      | 199.00   |
| SCHMIDT,M/3        | 833.00   |
| SCHULER-VANLANG/1  | 231.00   |
| SCOTT,L/1          | 356.00   |
| SESKER,R/2         | 622.00   |
| SMITH,N/3          | 528.00   |
| SNYDER,R/1         | 518.00   |
| SPECHT,G/1         | 393.00   |
| STEELSMITH,INV/5   | 1,136.00 |
| Stichter.Constr/1  | 139.00   |
| Sunrise.Apt/2      | 142.00   |
| Superior.Rental/6  | 2,224.00 |
| SWITZER RENTAL/2   | 262.00   |
| Tallcorn.Tower/14  | 4,131.00 |
| TAYLOR,M/1         | 216.00   |
| TOWN.APARTMENT/6   | 769.00   |
| TR.Homes/1         | 450.00   |
| TREVRON,LLC/1      | 310.00   |
| TT.C.Coop.Hsg/3    | 816.00   |
| VEST,L/1           | 309.00   |
| VILLAGE.PARK/1     | 403.00   |
| WARREN,C/1         | 226.00   |
| WB.REALESTATE/1    | 188.00   |
| WEATHERLY,PROP/2   | 471.00   |
| WEICHERS,B/1       | 280.00   |
| WEIDNER,R/1        | 227.00   |
| WIEBENSOHN,L/1     | 106.00   |
| WIND-HUSAK,D/1     | 399.00   |

**Service/Repairs**

|                   |          |
|-------------------|----------|
| 3rd.Gen.Upholst/1 | 500.00   |
| Airgas.U.S.A./1   | 19.39    |
| ANDERSON,S/1      | 13.00    |
| Bates,C/1         | 46.00    |
| Becks.Painting/12 | 6,025.00 |

|                   |           |
|-------------------|-----------|
| BLACKSTOCK,S/1    | 43.00     |
| Blank.Park.Zoo/1  | 210.00    |
| Bob's.Lawn.Care/1 | 1,960.00  |
| Boulder.Contrac/1 | 89,841.40 |
| Carmer,D/1        | 12.00     |
| CARRIGAN,K/1      | 37.00     |
| Carter,G/1        | 9.00      |
| Century.Link/1    | 53.91     |
| Chamber.Commerc/1 | 440.00    |
| Construct/1       | 10,830.00 |
| DeSautels,S/1     | 50.00     |
| Devig.Srvcs/1     | 65.00     |
| Dirt.to.Turf/3    | 2,800.00  |
| Down.Paintng/1    | 4,374.50  |
| DUNN,D/1          | 13.00     |
| Ecologix/2        | 5,491.40  |
| Envisionware/1    | 156.60    |
| Exhaust.Pros/1    | 45.00     |
| FEAGAN,C/1        | 75.00     |
| FedEx/6           | 367.61    |
| Gale-Hazen,E/1    | 60.00     |
| Gale-Hazen,K/1    | 172.50    |
| Gentry,S/34       | 25,380.00 |
| Glo-Brite.Windo/1 | 675.00    |
| Greenwood,S/1     | 63.00     |
| Hartwig.Plmbg/6   | 612.28    |
| Hibbs,R/1         | 300.00    |
| Home.Rental/2     | 451.25    |
| HONEYCUTT,C/1     | 20.00     |
| Howard.R.Green/1  | 8,673.34  |
| Hsg.Auth.CookCo/1 | 34.58     |
| Hsg.Auth.Joliet/1 | 36.31     |
| IA.Dept.Health/1  | 180.00    |
| KROENER,L/1       | 50.00     |
| Lenz,L/6          | 690.00    |
| Library.Furnitu/1 | 3,070.00  |
| LUAL,S/1          | 63.00     |
| McAtee.Tire/1     | 2,556.42  |
| MI.STATE.HSG/1    | 36.31     |
| Minerva.Val.Tel/1 | 50.00     |
| Morford.Constr/1  | 2,205.00  |
| Movie.Licensing/1 | 511.00    |
| Mtwn.Aviation/2   | 2,567.51  |
| Mtwn.Wtrwrks/1    | 248.65    |
| New.CenturyFS/1   | 350.00    |
| OEL.Constr/9      | 31,551.32 |
| ORTEGA,L/1        | 30.00     |
| Palmers.Family./1 | 748.00    |
| Pitney.Bowes/1    | 3,500.00  |
| Racom.Corp/2      | 510.55    |
| Scott.Tent/7      | 2,262.00  |
| Scroggins,J/1     | 69.00     |
| Servicemaster/2   | 304.00    |
| Ship.Shape.Lawn/1 | 200.00    |
| Snyder.Associat/1 | 5,330.16  |



|                   |        |
|-------------------|--------|
| US CELLULAR/6     | 273.93 |
| US.Bank.Equipmt/1 | 346.48 |
| Windstream/1      | 76.44  |
| WOOD,A/1          | 42.00  |

**Supplies/Parts**

|                    |          |
|--------------------|----------|
| AAA.Septic/1       | 85.00    |
| Acco.Unlimited/1   | 1,133.80 |
| Adland.Engrvg/3    | 316.69   |
| Alex.Air.Appar./1  | 135.00   |
| Arnold.Motor.Su/19 | 479.35   |
| Atlantic.Bottli/1  | 1,149.38 |
| Baker.Taylor/22    | 1,843.37 |
| BDH/9              | 9,212.74 |
| Biblioteca.LLC/1   | 4,488.01 |
| Big.Belly.Solar/1  | 4,658.00 |
| Bituminous.Mat/4   | 2,520.73 |
| Blink.Electric/1   | 56.00    |
| Carpenter.Unfrm/1  | 118.61   |
| Cessford.Constr/1  | 192.53   |
| Chemsearch/1       | 228.28   |
| City.Laundering/10 | 746.90   |
| Cntrl.IA.Distr/2   | 742.98   |
| Cntrl.IA.Farm/1    | 204.06   |
| Cntrl.Office/5     | 47.96    |
| Concrete/6         | 1,143.79 |
| Crescnt.Electrc/4  | 166.16   |
| Crop.Production/1  | 416.30   |
| DEMCO.INCORP./12   | 5,724.37 |
| Diamond.Vogel/1    | 8.16     |
| Digital.Ally/2     | 3,335.00 |
| EBSCO.Subscr/4     | 7,398.00 |
| Ed.M.Feld.Eq/2     | 29.00    |
| Environ.Hazards/14 | 728.50   |
| Exhaust.Pros/3     | 154.74   |
| Fastenal.Co/2      | 10.64    |
| Findaway.World/1   | 269.94   |
| Galls.LLC/7        | 597.97   |
| Gervich.Sons/2     | 229.60   |
| Home.Rental/5      | 978.95   |
| IA.D.O.T/1         | 177.12   |
| Interst.Battery/1  | 28.30    |
| Intoximeters/1     | 190.00   |
| Lawson.Product/1   | 53.21    |
| LIBRARY.STORE/2    | 1,926.36 |
| Lonely.Planet/1    | 12.00    |
| Mid.IA.Sales/1     | 91.00    |
| Midland.Concret/2  | 842.73   |
| Midland.Scienti/3  | 277.33   |
| MidwestWheel/1     | 251.16   |
| Minuteman/1        | 25.96    |
| Miracle.Recreat/1  | 4,344.14 |
| Mobotrex.Inc./1    | 1,485.00 |
| Mtn.Aviation/1     | 242.67   |
| Muni.Supply/2      | 1,133.72 |
| Napa.Auto/13       | 370.45   |

|                        |                     |
|------------------------|---------------------|
| New.CenturyFS/1        | 272.39              |
| Norlab.Inc./2          | 222.00              |
| Northern.Lights/4      | 2,042.67            |
| Office.Express/11      | 1,305.51            |
| Oreilly.Automot/1      | 60.42               |
| Permacard/1            | 1,301.71            |
| Pitney.Bowes/2         | 163.17              |
| Racom.Corp/2           | 104.00              |
| ROSENBLUM,S/1          | 274.62              |
| Ruff,R/1               | 61.35               |
| Sams.Club/6            | 2,091.51            |
| Staples,A/2            | 3,970.00            |
| Stop.Stick/1           | 156.00              |
| Storey.Kenwrthy/2      | 122.13              |
| Testamerica/2          | 264.60              |
| Tom.Blake.Const/1      | 300.00              |
| Tri.State.Lock/1       | 789.08              |
| Venmill.Industr/1      | 1,749.00            |
| Watkins.Product/1      | 214.61              |
| Willco.Inc/2           | 3,068.18            |
| <b>Travel/Training</b> |                     |
| Fink,K/2               | 93.99               |
| Petermeier,J/1         | 38.30               |
| VAUGHN,R/1             | 59.67               |
| <b>Utilities</b>       |                     |
| Alliant/45             | 37,363.20           |
| Cntrl.IA.Water/1       | 144.56              |
| Mtwn.Wtrwrks/2         | 189.90              |
| <b>Total/1044</b>      | <b>1,683,628.73</b> |

# CITY OF MARSHALLTOWN, IOWA

## Council Manual

---

### Rules and Procedures

DRAFT

x/x/2017

## Contents

|                                                 |          |
|-------------------------------------------------|----------|
| <b>PART 1. GENERAL .....</b>                    | <b>5</b> |
| AUTHORITY .....                                 | 5        |
| INTERPRETATION OF THE RULES OF PROCEDURES ..... | 5        |
| Rule Enforcement. ....                          | 5        |
| SUSPENSION AND AMENDMENT OF THESE RULES .....   | 5        |
| Suspension of These Rules. ....                 | 5        |
| Inconsistent Actions. ....                      | 5        |
| Amendment of These Rules. ....                  | 5        |
| Supplemental Rules. ....                        | 6        |
| CITY GOVERNMENT STRUCTURE .....                 | 6        |
| Mayor. ....                                     | 6        |
| Mayor Pro-Tem. ....                             | 6        |
| City Council. ....                              | 6        |
| City Administrator. ....                        | 6        |
| ROLE OF CITY STAFF AT COUNCIL MEETINGS.....     | 7        |
| City Administrator.....                         | 7        |
| City Attorney.....                              | 7        |
| City Clerk. ....                                | 7        |
| City Employees. ....                            | 7        |
| TYPES OF MEETINGS. ....                         | 7        |
| Public Meetings.....                            | 7        |
| Regular Meeting. ....                           | 7        |
| Work Sessions. ....                             | 8        |
| Special Meetings. ....                          | 8        |
| Open Session.....                               | 8        |
| Closed Sessions. ....                           | 8        |
| PUBLIC HEARINGS .....                           | 8        |
| Informal Public Hearings. ....                  | 8        |
| Formal Public Hearings.....                     | 9        |
| Hearing Procedures. ....                        | 9        |
| MEDIA COVERAGE OF COUNCIL MEETINGS .....        | 9        |
| Open Meetings.....                              | 9        |
| Agendas.....                                    | 9        |
| MAYOR'S DUTIES.....                             | 9        |
| Chairperson. ....                               | 9        |
| Substitution for Chairperson. ....              | 10       |
| Council Rules.....                              | 10       |
| Call to Order.....                              | 10       |
| Priority of Business. ....                      | 10       |
| Right of Floor. ....                            | 10       |
| Order and Decorum. ....                         | 10       |
| Disorderly Conduct. ....                        | 10       |
| Removal. ....                                   | 11       |
| Enforcement of Decorum. ....                    | 11       |
| Action by Motion. ....                          | 11       |

|                                                                                |    |
|--------------------------------------------------------------------------------|----|
| AGENDA PREPARATION .....                                                       | 12 |
| Agenda Deadline. ....                                                          | 12 |
| Agenda and Agenda Packet Preparation. ....                                     | 12 |
| Withdrawn items. ....                                                          | 12 |
| ORDER OF BUSINESS AND AGENDA.....                                              | 12 |
| Agenda. ....                                                                   | 12 |
| Order of Business at Council Meetings.....                                     | 12 |
| Individual Electronic Participation.....                                       | 14 |
| Quorum.....                                                                    | 14 |
| Recording of Votes.....                                                        | 14 |
| Majority Vote Required.....                                                    | 14 |
| Votes Required. ....                                                           | 14 |
| Ordinance and Resolution Passage Procedure. ....                               | 15 |
| Publications. ....                                                             | 15 |
| Consideration of Emergency Matters.....                                        | 15 |
| MOTIONS IN GENERAL. ....                                                       | 15 |
| Votes Recorded. ....                                                           | 16 |
| HOW TO MAKE A MOTION. ....                                                     | 16 |
| THE FOUR BASIC MOTIONS. ....                                                   | 17 |
| Common Motions.....                                                            | 17 |
| Multiple motions are often confusing.....                                      | 17 |
| DEBATE. ....                                                                   | 17 |
| MAJORITY AND SUPER-MAJORITY VOTES. ....                                        | 19 |
| MOTION TO RECONSIDER. ....                                                     | 19 |
| LIMITING DEBATE AND DISCUSSION.....                                            | 19 |
| ADJOURNMENT.....                                                               | 20 |
| MINUTES .....                                                                  | 20 |
| CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS .....                          | 21 |
| Committees, Boards, and Commissions.....                                       | 21 |
| Membership and Selections.....                                                 | 22 |
| Gender Balance. ....                                                           | 22 |
| Ineligible appointments. ....                                                  | 22 |
| Council & Commission Effectiveness.....                                        | 22 |
| Interactions with City Council – Recommended Procedural Guidelines. ....       | 22 |
| Council Policy on Legislative Issues.....                                      | 23 |
| Submitting a Formal Request for Consideration by the Council – Procedure. .... | 23 |
| Relations with the Public.....                                                 | 23 |
| Conflicts of Interest. ....                                                    | 23 |
| Gifts. ....                                                                    | 24 |
| Communications between Staff, Council and Advisory Groups.....                 | 24 |
| Removal of Members of Boards and Commissions. ....                             | 25 |
| Abolishment of a Board or Commission. ....                                     | 25 |
| Fiscal Matters. ....                                                           | 25 |
| Purchasing Procedures. ....                                                    | 25 |

|                                                       |           |
|-------------------------------------------------------|-----------|
| <b>PART 2. PUBLIC PARTICIPATION IN MEETINGS .....</b> | <b>26</b> |
| Public Participation. ....                            | 26        |

|                                                         |           |
|---------------------------------------------------------|-----------|
| <b>PART 3. PUBLIC RECORDS AND OPEN MEETING LAW.....</b> | <b>28</b> |
| Public Records / Open Records.....                      | 28        |
| Open Meeting Law.....                                   | 28        |

## **PART 1. GENERAL**

### **AUTHORITY**

Iowa Code Section 372.13(5) provides that the City Council shall determine its own rules of procedure. The following set of rules shall be in effect upon adoption by the Council until such time as they are amended or new rules adopted.

### **INTERPRETATION OF THE RULES OF PROCEDURES**

The City Attorney shall be considered the final authority on any questions regarding the application or interpretation of the rules and procedures. In the absence of the City Attorney, the City Administrator shall be considered the final authority on the rules of procedure for the conduct of City Council business.

#### **Rule Enforcement.**

The Mayor as the presiding officer has the responsibility of enforcing these Rules and Order of Business. Any council member who believes that the Mayor or the presiding officer in absence of the Mayor, is failing to do so, at the time the breach occurs, may call attention to it, by making a Point of Order. A Point of Order has the effect of requiring the presiding officer to make a ruling on the question involved or to enforce the council rule.

Unless otherwise specified by law or these rules, all business will be conducted by majority rule of those present and voting.

Any two council members, by a motion and a second, have the right to appeal from the decision of the presiding officer, regarding the parliamentary ruling. The parliamentary ruling is then taken from the presiding officer and presented to the council members for a vote for the final decision.

If a council member believes that the ruling of the presiding officer is proper, but would like to change the ruling, the appropriate motion and second would be for a temporary suspension of the Rules.

### **SUSPENSION AND AMENDMENT OF THESE RULES**

A motion to suspend the rules is debatable but requires a two-thirds vote to pass. This motion allows the Council to suspend its own rules for a particular purpose.

#### **Suspension of These Rules.**

These Rules may be temporarily suspended by the unanimous consent of all the members present, or by a vote of two-thirds of all the members of the Council, but shall not be repealed, altered or amended unless by concurrence of two-thirds of all the members of the Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.

#### **Inconsistent Actions.**

If the Council takes an action inconsistent with these rules but in compliance with the applicable section(s) of the Iowa Code and if the action is taken without objection by any Council member, the action taken shall be deemed a lawful and an official action of the City Council.

#### **Amendment of These Rules.**

These rules may be amended or new rules adopted, by majority vote of all members of the Council and should, at a minimum, be reviewed every two (2) years.

**Supplemental Rules.**

Robert's Rules of Order, 9<sup>th</sup> Edition, are adopted to supplement these Rules, where not in conflict with these Rules.

**CITY GOVERNMENT STRUCTURE****Mayor.**

The mayor serves as the chief executive officer of the city, presiding officer of the council and represents the City at public and ceremonial occasions and carries out a variety of other municipal responsibilities. The Mayor chairs all meetings of the Council. The Mayor also has veto powers as established by Iowa Code. The Mayor appoints all board and commission members as provided for in these rules. The roles of these committees are detailed in the Board and Commission Manual. Reference Iowa Code 372.14

**Mayor Pro-Tem.**

The mayor pro tem is vice president of the council. When the mayor is absent or unable to act, the mayor pro tem shall perform the mayor's duties. The mayor pro tem retains all of the powers of a council member.

**City Council.**

The Council is the legislative body; its members are the community's decision makers. Power is centralized in the elected Council, which approves the budget and determines the tax rate, for example. The Council also focuses on the community's goals, major projects and such long-term considerations as community growth, land use development, capital improvement plans, capital financing and strategic planning. The Council hires a City Administrator to carry out the administrative responsibilities and supervises the City Administrator's performance.

The role of a Council member is similar to being a member of the Board of Directors of a large business. Council members are a part of the management team that oversees the City business operations. The Council provides a focal point, or the conscience of the community. It is not the job of Council members to become directly involved in the daily operations of the City. The City Administrator and the Department Directors are responsible for overseeing the implementation of services. The Council sets the level of services and the policies by which the City operates.

**City Administrator.**

The City Council shall select a City Administrator who serves as the Chief Administrator Officer and evaluate his or her performance on a routine basis. The City Administrator shall work with, coordinate, and supervise the department directors who have the knowledge, ability, and expertise to manage their departments, including day-to-day operations, personnel supervision and assignment, expenditures within the limitations of these Rules, the administration of rules and regulations of their departments and the City of Marshalltown, Iowa, and staffing. Except for the purpose of inquiry, members of the City Council shall deal with the administrative agencies of the City through the City Administrator.



## **ROLE OF CITY STAFF AT COUNCIL MEETINGS**

### **City Administrator.**

The City Administrator or designee shall attend all meetings of the Council unless excused by the Mayor. The City Administrator may make recommendations to the Council and take part in discussions but shall have no vote.

### **City Attorney.**

The City Attorney or designee shall attend all meetings of the Council unless excused by the Mayor or the City Administrator and shall, upon request, give an opinion, either written or oral, on any question of law. The City Attorney shall act as the Council's parliamentarian.

### **City Clerk.**

The City Clerk or designee shall attend all meetings of the Council unless excused by the Mayor or the City Administrator and shall keep the official minutes and perform such other duties at the meeting as may be requested by the Council.

### **City Employees.**

Department heads or other designated employees of the City shall attend the Council meetings, unless excused by the Mayor or the City Administrator.

## **TYPES OF MEETINGS.**

Notice of all Council meetings shall be given in compliance with the requirements of Iowa Code Section 21.4. The meeting notice shall be posted by the City Clerk, or designee, at least 24 hours prior to the meeting of the Council or of any appointed board, committee or commission, on the official bulletin board at City Hall. The agenda and pertinent packet information is also posted on the city's website. Contact the City Clerk (754-5701) with any questions. Emergency notice provisions are allowed by Iowa Code.

### **Public Meetings.**

All official meetings of the Council shall be open to the public except those that are specifically designated as closed session. Regular Council meetings shall be held in a building or room that is accessible to persons with disabilities, which is usually the Marshalltown City Council Chamber. For Council meetings held in part or in whole at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible.

### **Regular Meeting.**

Meetings of the Council or of any appointed board, committee, or commission of the City should be held in the public buildings of the City in rooms or chambers which are accessible to the disabled, unless circumstances dictate another arrangement. The location of such meetings is designated by the board, committee or commission by a majority vote of its members. Regular meetings shall be held at regular times and places consistent with the necessity for such meetings, and shall be held on regular days of the week, regular weeks of the month or regular days of the month. The time, date, place and tentative agendas of regular meetings of appointed boards, committees and commissions shall be made public in accordance with the requirements of the Iowa Open Meetings Law.

All meeting calls, notices and agenda shall be given or prepared in accordance with the statutes, laws and ordinances pertaining to same.

Special arrangements for the hearing impaired, or for interpreters will be considered upon request to the City Clerk's Office. (MORE INSTRUCTIONS /TIME)

The City Council shall meet in the Council Chambers for regular Council meetings. The regular Council meetings will be held the second and fourth Mondays of every month, except when the regular meeting date is a holiday, in which event the meeting will be held at noon on the next day. Meetings will commence at 5:30 p.m. unless the Council directs otherwise.

#### **Work Sessions.**

The Council may meet informally as needed in work sessions which are open to the public. Starting times will be dependent on the number of items scheduled for discussion. The purposes for work sessions are varied, including but not limited to budget sessions, joint meetings, reviewing upcoming programs, receiving progress reports on current programs, receiving information from the City Administrator, or discussing other matters of concern as expressed by the Council. Discussions and conclusions will be considered informal and shall require formal action to be taken at a regular Council meeting. No item will be included on the work session agenda unless approved by the Mayor or City Administrator. There will be no public comment during a work session unless called for by the Mayor.

#### **Special Meetings.**

Special meetings of the City Council may be held at any time, upon written notice of at least three Council members or upon written notice by the Mayor. The notice shall be sent to each member of the Council and the Mayor. The cost of calling a special council meeting for approval of a permit, license or similar instrument is \$500.00 and shall be the responsibility of the petitioner.

Each appointed board, committee or commission may establish its own rules and regulations governing the calling of special meetings and such rules and regulations shall be filed in the office of the City Clerk for inspection by any citizen. These rules and regulations shall provide for the giving of reasonable notice of any special meetings whenever possible.

#### **Open Session.**

Except as provided in the Iowa Code, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

#### **Closed Sessions.**

Iowa Code Sections 20.17, 21.5 and 21.9 permit closed sessions for certain specified reasons. A vote to go into a closed session requires an affirmative vote of either two-thirds of the Council members or all of the members present at the meeting. Any formal action shall be taken by motion or resolution adopted in open session.

## **PUBLIC HEARINGS**

#### **Informal Public Hearings.**

An informal public hearing is called in order to give the public an opportunity to comment on a subject. Informal hearings are not required by State law or City ordinance. The board, committee or commission concerned may set rules for notifying the public of an informal hearing, establish a time frame, and conduct the hearing in any fair manner it chooses.

**Formal Public Hearings.**

A formal public hearing is one, which must be conducted in accordance with State laws or City ordinances, and is designed to solicit comment from the general public.

**Hearing Procedures.**

Hearings held should be fair and impartial. If a member is biased or has a personal interest in the outcome of a hearing, he or she should disqualify him or herself from participation.

Persons and groups who may be affected by the matter being discussed in the hearing should be given reasonable notice of the time and place of the hearing, and should be given a reasonable opportunity to be heard. They may be represented by counsel and be permitted to present oral and documentary evidence.

The Mayor or Mayor Pro-tem should open the hearing and explain the hearing procedures. If there are numerous persons who are expecting to participate, and all represent the same views and opinions, the Mayor may ask that a spokesperson be selected to speak on behalf of the group. If this arrangement cannot be made, the chair may restrict each speaker to a limited time (generally three minutes) so that all may be heard. Irrelevant comments or speakers who run over the time allotted may be ruled out of order by the Mayor.

After the hearing has been opened, the usual procedure is for staff to present the staff report, followed by the council's discussion relating to the report, public comments, and written comments received by the city clerk..

When interested persons have had the opportunity to speak, the hearing is closed, ending audience participation. The council members may discuss and take action on the proposal following the hearing if such action is planned on the meeting agenda.

**MEDIA COVERAGE OF COUNCIL MEETINGS****Open Meetings.**

All official meetings of the City Council shall be open to the public and the media. All meetings shall be subject to recording by radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

**Agendas.**

Agendas are available by contacting the City Clerk (754-5701) or by downloading the agenda from the City's website.

**MAYOR'S DUTIES****Chairperson.**

The Mayor, if present, shall preside as chairperson at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside as chairperson. In the absence of both the Mayor and the Mayor Pro Tem, the most senior and long-standing member of the Council then present and available shall preside as chairperson.

**Substitution for Chairperson.**

The Mayor will call on the Mayor Pro Tem, or the most senior and long-standing member of the Council then present and available or, if unavailable, any other member to temporarily chair the meeting if the item in question presents a conflict of interest or in the Mayor's temporary absence from the meeting. The substitution shall not continue beyond adjournment.

**Council Rules**

The Mayor shall determine the council rules which will be approved when adopted by a majority vote of the entire council.

**Call to Order.**

The meetings of the Council shall be called to order by the Mayor. In the absence of both the Mayor and Mayor Pro Tem, the meeting shall be called to order by the most senior and long-standing member of the Council then present shall preside as chairperson.

**Priority of Business.**

All questions relating to the priority of business shall be decided by the Mayor without debate.

**Right of Floor.**

Any Council member desiring to speak shall be first recognized by the Mayor, unless making or seconding a motion. Each member should attempt to confine his or her remarks to the subject under consideration.

**Order and Decorum.**

The Mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. The Mayor should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question. The Mayor should also keep in mind that:

- a.) Debate on policy is healthy; debate on personalities is not. The Mayor has the right to cut off discussion that is too personal, too loud, inappropriate, or repetitive.
- b.) It is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Mayor before proceeding to speak.

**Disorderly Conduct.**

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council table without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

- a.) Putting the Question. While the Mayor is putting the question, no Councilor shall engage in conversation, walk across or out of the room.
- b.) Recognition by Mayor Prior to Speaking. Every Councilor, prior to speaking, shall address the Mayor and shall not proceed with remarks until recognized by the Mayor.
- c.) Two or More Speakers at Once. When two or more Councilors address the Mayor at once, the Mayor shall recognize and name the Councilor who is to speak first.

- d.) Speaking More than Once on One Question. No Councilor shall speak more than once on one question until every member choosing to speak shall have spoken.
- e.) Inappropriate Language Prohibited. No member of the City Council, or any other person authorized to address the Council, shall be permitted to use any inappropriate or personally offensive language.
- f.) Councilor Called to Order. A Councilor called to order shall immediately desist in speaking, unless permitted to explain. If there be no appeal, the decision of the Mayor shall be conclusive.
- g.) Private Discourse Prohibited. While a Councilor is speaking, no Councilor shall hold any private discourse, nor pass between the speaker and the chair.

### **Removal.**

While the Council is in session, the members must preserve order and decorum. Any of the following shall be sufficient cause for the Mayor to remove any person from the council chambers or meeting hall for the duration of the meeting:

- a.) Unreasonably loud or disruptive language, noise or conduct which obstructs the work of conducting of the business of the council.
- b.) Willful injury of furnishings or of the interior of the council chambers or meeting hall.
- c.) Refusal to obey the rules of conduct, including the limitations on occupancy and seating capacity.
- d.) Refusal to obey an order of the presiding officer or an order approved by a majority of the council present.

Before removal of disruptive person / persons from the meeting hall, those person / persons shall be given a warning to cease his or her conduct. If a meeting is disrupted by members of the audience, the presiding officer or a majority of the council present may order that the council chambers or other meeting hall be cleared.

### **Enforcement of Decorum.**

Any Council member present or the Mayor / Mayor Pro-tem is the Sergeant-at-Arms of the Council meetings. That person(s) shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the Council meetings.

### **Action by Motion.**

Action items are subject to a vote by the Council if one Council member makes a motion and another Council member seconds the motion. Before calling for a vote, the Mayor shall ensure any motion before the Council is clear to the Council, staff and the public.

## **AGENDA PREPARATION**

### **Agenda Deadline.**

No business may be submitted for placement on the agenda for a regularly scheduled council meeting after 12:00 p.m. (local time) of the 5th day (Wednesday) prior to the meeting day. Items for the agenda may be submitted by the Mayor, any Council member, Council committee, City Administrator, City Attorney, Department Director and the City Clerk. All agenda items shall be submitted to the City Clerk by the agenda cutoff time. When a Holiday falls on Friday, please contact the city clerk for the revised agenda cutoff time.

### **Agenda and Agenda Packet Preparation.**

The Mayor, City Administrator and City Clerk are responsible for preparation of the agenda and packet. The Agenda Packet details the items of business. Members should contact the City Administrator if there are any questions regarding the information. The Mayor, after considering any requests for agenda items and after consulting with the City Administrator, shall approve the tentative agenda. Any member of the Council may request the Mayor or City Administrator to place on the agenda of the next scheduled Council meeting an ordinance, resolution, or motion on a matter within the Council's policy-making or oversight duties, unless the action is subject to the rules regarding reconsideration. Any request for an agenda item from the general public can be brought to city hall. The individual will be directed to either contact or be contacted by a council member or the Mayor who is the liaison for the department area where the item should be addressed.

Agendas for public meetings shall be posted at City Hall and shall be made available to the Mayor and Council, City Department Directors and to the local media. Consult the City Clerk for procedures. At 5:00 P.M. on Friday, the agenda packets are taken to the Police Department where officials may pick them up through the weekend. The Agenda Packets are posted to the City's website for the general public.

### **Withdrawn items.**

Agenda items may be withdrawn by either the Mayor or the City Administrator prior to agenda distribution..

## **ORDER OF BUSINESS AND AGENDA**

### **Agenda.**

The order of business of each meeting shall be as contained in the agenda as prepared by the City Administrator, subject to approval of the Mayor.

### **Order of Business at Council Meetings.**

The order of business may be changed through a consensus of the City Council. The Mayor shall be the chairperson and presiding officer (or the Mayor pro-tem in the absence of the Mayor, or the most senior and long-standing member of the Council then present and available) and shall conduct the regular meeting in the following order:

- a.) CALL MEETING TO ORDER
- b.) PLEDGE OF ALLEGIANCE
- c.) ROLL CALL

- d.) COMMENTS BY THE MAYOR, COUNCIL, ADMINISTRATOR AND PRESENTATIONS. Comments by the Mayor, Council and City Administrator that are informational, explanatory or educational and that do not require any action, such as announcements of events, welcoming special guests or recognition of an achievement.
- e.) ADOPTION OF THE AGENDA. The Council may consider changes to the agenda prior to adoption, with the exception that no items may be added, in accordance with state law. Once the agenda is adopted by the Council, the business of the meeting will follow that printed agenda and all matters will be taken in the order thereof. After adoption, the agenda cannot be changed except by a two-thirds vote of the Council members present.
- f.) CONSENT AGENDA. The consent agenda shall consist of non-controversial items that will be listed thereon such as, but not limited to, refunds, appointments, department reports, applications, and communications not requiring action. The items comprising the consent agenda will be furnished to each member, the Mayor, the City Administrator, City Clerk and City Attorney and will not be considered individually but will be adopted on one motion. Council members or the Mayor may decide to have any of these items considered individually on the agenda. No vote on such a request is required.
- g.) REPORTS. The Council may request reports from agencies participating with council goals.
- h.) MOTIONS. (description)
- i.) RESOLUTIONS. After discussion by the Council, a resolution may be addressed by the member of the general public upon the same conditions provided under public comments. A resolution pertaining directly to another item of business may be placed first in order of resolutions being considered. The three-minute rule noted below will apply to all comments. Resolutions requiring a public hearing shall be considered immediately following the public hearing. Resolutions requiring a public hearing will be considered last in order of resolutions.
- j.) ORDINANCES. Ordinances require three separate considerations of the City Council at three separate meetings. However, a motion can be made to waive the separate readings requirement and allow the second or third considerations if included on the agenda. Then a vote will be taken on the motion to waive the rules and allow the second or third considerations. If the motion is approved by at least four members of the Council (2/3 of members present?), then the subsequent readings will be waived.

After discussion by the Council, a member of the general public may address an ordinance, upon the same conditions as provided under public comments. An ordinance that requires a public hearing will be placed last in order of ordinances being considered. The three-minute rule noted below will apply to all comments. When a public hearing is required by State Code, the agenda may be prepared to schedule the public hearing at any reading to afford council opportunity waiving of a reading, for instance, in matters of general safety or economic development opportunity.

In all proceedings to amend or change an ordinance or section thereof, the proposed amendment shall contain the entire ordinance or section thereof to be amended or changed, and the former ordinance or section shall be repealed. In other words, an ordinance or section shall not be amended by striking out, inserting or adding words, but the former ordinance or section (as the case may be) shall be repealed, and the new one, as amended, written out in full and substituted in its place.

- k.) DISCUSSION. Items placed on the agenda for Discussion will require a motion of the council for direction prior to being placed on the next agenda for action.
- l.) PUBLIC COMMENT. Comments made by members of the general public on any item not on the agenda. The proposed speaker shall, after being recognized by the chair, approach the microphone, state his or her name and address and should limit their comment to three minutes. The speaker shall direct comments to the Mayor and the council as a whole. The chair may increase or decrease the time allotted to each speaker, unless the time limits imposed are overridden by a majority of the Council members present. No formal action of the Council shall be taken pursuant to public comments.
- m.) ADJOURNMENT

#### **Individual Electronic Participation.**

An absent Council member may participate electronically in any City Council meeting, connected by speaker phone or other device, so the public can hear any discussion by that member. Reference Iowa Code Chapter 21.

#### **Quorum.**

A majority of the members of Council shall constitute a quorum and is necessary for the transaction of business. If a quorum is not present, those in attendance may elect to discuss items but not take official action except to adjourn to a later date.

#### **Recording of Votes.**

Affirmative and negative votes shall be recorded upon action on all ordinances and resolutions and entered upon the official record of the Council. The outcome of a vote on a motion shall be announced by the Mayor and recorded by the Clerk.

#### **Majority Vote Required.**

Unless otherwise provided by State Code, an affirmative vote of at least four Council members shall be necessary to pass an ordinance or resolution. When any vote is called, each Council member shall respond as follows: "yes (aye)," "no (nay)," or "abstain." The "abstain" vote of a Council member shall have the effect of a negative vote unless the Council member states he or she has a conflict of interest and states the nature of the conflict. In the case of a conflict of interest, the number of votes to approve any action is recalculated. For example, if two Council members had a conflict of interest, an item could pass on a three to two vote.

#### **Votes Required.**

When Three Council Members Are Absent. If three Council members are absent, Council has the following options:

- a.) Approve all ordinances and resolutions on the agenda by all four members voting aye.
- b.) A majority of the quorum, or three members, can choose to table an item until such time as all members are present.



- c.) If only one or two members vote aye and the rest nay, the item will be considered to have failed.
- d.) Motions can be decided by a majority of the members present.

### **Ordinance and Resolution Passage Procedure.**

When passed by the Council, an ordinance or resolution shall be signed by the chairperson conducting the meeting and be attested by the City Clerk. It shall be immediately filed and thereafter preserved in the office of the City Clerk.

### **Publications.**

All minutes, ordinances, and notices will be published as required by State law.

### **Consideration of Emergency Matters.**

Agenda items shall not be added during a meeting unless there is an emergency. Non-emergency items shall be deferred until a subsequent Council meeting.

If an emergency exists, and the matter requires immediate Council attention, the Council may:

- a) Entertain a motion by any Council member to waive the rules and to allow consideration of a specific, additional agenda item. Both waiving the rules and voting on the item can be done as a single motion. If fewer than three members agree to waive the rules, the item will not be added and will have to be considered at a later Council meeting.
- b) Give administrative direction to staff to handle the matter.

### **MOTIONS IN GENERAL.**

No motion shall be put or debated unless it is seconded. When a motion is seconded, it shall be stated by the Mayor before debate, and every such motion shall be reduced to writing, if required by a Councilor.

- a.) Three minute rule. Any member of the City Council choosing to give his or her reasons for his or her vote on any question or motion before the Council shall have the right to do so, but shall confine his or her remarks strictly to the matter under consideration, and be limited in time to three minutes.
- b.) Vote Required when Present. Every Councilor who shall be present when a question is stated from the chair shall vote thereon, unless excused by the Council or upon declaring a conflict of interest or an appearance of a conflict of interest in the question, in which case such person shall not vote.
- c.) Motion or Resolution Withdrawn. After a motion or resolution is stated by the Mayor, it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision, but if any amendment has been proposed or adopted, it shall not be withdrawn without the consent of the mover of such amendment.
- d.) Several Distinct Propositions. If the question in debate contains several distinct propositions, any Councilor may have the same divided, and the item(s) considered separately.

### **Votes Recorded.**

In all cases where a resolution or a motion is entered on the minutes of the Council, the name of the Councilor moving the same shall be entered also.

- a.) Ayes and Nays Recorded. The ayes and nays upon any question shall be taken and entered on the minutes.
- b.) Blanks. When a blank is to be filled, and different sums or times are proposed, the question shall be taken first on the largest sum, or the longest time.

### **HOW TO MAKE A MOTION.**

When a member wishes to propose an idea for the body to consider for discussion and possible action, the member must make a motion. In order to make a motion, the following steps must be taken:

- a.) The member asks to be recognized by the chair;
- b.) After being recognized, the member makes the motion ("I move...");
- c.) Another member seconds the motion;
- d.) The chair states the motion and asks for discussion;
- e.) When there has been sufficient discussion, the chair will close the debate ("Are you ready for the question?" or "Is there any further discussion?");
- f.) If no one asks for permission to speak, the chair puts the question to vote;
- g.) After the vote, the chair announces the decision ("The motion is carried", or, "Motion fails," as the case may be).

Phrasing a motion can be difficult. Before action can be taken on a motion, corrections or clarification may be necessary. Until the chair states the motion (step d), the member making the motion may rephrase (amend) or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. In order that members are clear as to what they are voting on, it is particularly important when a motion is amended that the chair restate the motion.

In making a motion, members should avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the chair to divide the motion. If others do not object, the chair may then proceed to treat each proposal as a distinct motion, to be acted upon separately. The request to divide may also be made by motion.

Motions are the vehicles for decision-making. It is usually best to have a motion before the Council prior to discussing an agenda item in order to help the members focus on the issue before them. Motions are made in a simple two-step process. First, the Mayor recognizes the member. Second, the member makes a motion by preceding his or her desired approach with the words: "I move ...."

Any motion made by a member must be seconded by another member. Otherwise the motion fails. The Mayor may initiate the motion by either inviting the members to make a motion or suggest a motion to the members.

## **THE FOUR BASIC MOTIONS.**

### **Common Motions.**

Four motions are the most common:

- a.) The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan the annual fundraiser."
- b.) The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
- c.) The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."
- d.) The motion to table. The motion may contain a specific time at which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to bring the item back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

### **Multiple motions are often confusing.**

If a member is seeking to amend a motion, they should make a motion to withdraw their motion, and then make a new motion in its place. If a second had been made on the original motion, the member making the second should withdraw that second before the new motion is made.

- a.) Motion to modify intention. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.
- b.) Strike Out and Insert. On amendment to "Strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, and those to be inserted, and finally the paragraph as it would stand as so amended.

## **DEBATE.**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are not debatable, so when the following motions are made and seconded, the Mayor should immediately call for a vote of the Council without debate on the motion:

When a question is under debate, the only motion in order shall be:

- a.) To adjourn.

- b.) A motion to adjourn, simply, cannot be amended. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote. A motion to adjourn the Council shall always be in order, except: first, when a Council person is in possession of the floor; second, while the ayes and nays are being called; third, when the members are voting; fourth, when adjournment was the last preceding motion; or, fifth, when it has been decided that the previous question shall be taken. This motion is not debatable.
- c.) Motion to Limit Debate or The previous question. When the previous question is moved and seconded, it shall be put in this form: "Shall the main question be now put?" If this carries by 2/3 majority, all further motion and debate shall be excluded, and the question put in this order: first upon the amendments pending, and then upon the main proposition before the Council. The most common form of this motion is to say: "I move the previous question," or "I move the question," or "I call for the question." When a member of the body makes such a motion, the member is really saying, "I've had enough debate. Let's get on with the vote." When such a motion is made, the Mayor should ask for a second to the motion. If a second is received, the Mayor should stop debate and the members should vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to fifteen minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.
- d.) To lay on the table. A motion to lay a question upon the table, simply, is not debatable, but a motion to lay [a question] on the table conditionally subject to amendment and debate.
- e.) To postpone indefinitely.
- f.) To adjourn to a certain day.
- g.) A motion to adjourn to a given date is open to debate.
- h.) To refer to committee. A motion to refer to a committee shall take precedence over a similar motion for a special meeting.
- i.) To amend. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained.
- j.) Motion to Fix the Time to Adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote. This motion is not debatable.
- k.) Motion to Recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Mayor determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote. This motion is not debatable.

## **MAJORITY AND SUPER-MAJORITY VOTES.**

In addition to the specific rules for passage of motions, resolutions, and ordinances as set by State law, there are procedural exceptions to the rule of passage by a simple majority. The exceptions occur when the Council is taking an action that effectively cuts off the ability of a minority opinion to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super- majority) to pass:

- a.) Motion to Limit Debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.
- b.) Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of the Council do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

## **MOTION TO RECONSIDER.**

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made. A motion to reconsider shall only be made by a member who originally voted against the measure. A motion to reconsider requires a two-thirds majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider may be made at the meeting where the item was first voted upon. A motion to reconsider at the same meeting can be made at any time before adjournment. A motion to reconsider may be made at a subsequent meeting, within 30 days of the original measure failure.

Second, a motion to reconsider may be made only by certain members of the Council. Accordingly, a motion to reconsider may be made only by a member who voted against the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Council may second the motion). A motion may be reconsidered by a vote of two-thirds of all the members of the Council. The motion is debatable. If the motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order.

The matter may be discussed and debated as if it were on the floor for the first time.

Once a matter has been duly reconsidered, no further motion to reconsider the issue can or shall be made without the unanimous consent of the council.

No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

## **LIMITING DEBATE AND DISCUSSION.**

Debate and discussion should be focused, but free and open. At the same time, the Mayor may limit the time allotted to speakers, including members of the Council, in the interest of efficiently and effectively using time.

Generally, a Council member will not be interrupted by other council members but may be under the following circumstances:

- a.) Privilege. The proper interruption would be: "Point of privilege." The Mayor would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- b.) Order. The proper interruption would be, "Point of order." Again, the Mayor would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting, for example, if the Mayor moved to a vote on a motion that permits debate without allowing that discussion or debate.
- c.) Appeal. If the Mayor makes a ruling with which a member of the Council disagrees, that member may appeal the ruling of the Mayor to the parliamentarian.
- d.) Call for Orders of the Day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the Council has drifted from the agenda, such a call may be made. It does not require a vote, and when the Mayor discovers that the agenda has not been followed, the Mayor simply reminds the Council to return to the agenda item properly before them.
- e.) Withdraw a Motion. During debate and discussion of a motion, the maker of the motion on the floor may, at any time, interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## **ADJOURNMENT.**

When the council has finished its business, The mayor may declare the meeting adjourned.

## **MINUTES**

A set of minutes of all proceedings of the Council shall be kept by the City Clerk, or designee, and shall be entered in the official record of the Council. Minutes of the proceedings shall be open to public inspection except those of closed sessions. Minutes shall be published in a newspaper of general circulation within fifteen (15) days of the Council meeting, as required by the Code of Iowa. These shall show the headings and actual votes. Minutes of meetings and closed session recordings are retained as required by State law and for purposes of preserving evidence when litigation is pending. Minutes of all meetings must be prepared by the City Clerk, or Clerk's designee, Secretary of the board, committee or commission, or that body's staff liaison. A copy of all such minutes must be filed with the City Clerk's office. Upon approval by the board, committee or commission, written minutes constitute the official record of its activities. Personal notes or recordings made by the Clerk for personal reference and convenience in preparing minutes shall not be considered part of the record and need not be preserved.

Additions and corrections to the minutes may be made only in public meetings, with the approval of the body, and not by private request of individual members.

Minutes of boards, committees and commissions are available on the city's website for viewing by the city council and general public.

City Council policy does not require that minutes be recorded verbatim. Minutes record the essence of decisions made and of actions taken. Minutes shall show the date, time, and place of the meeting, members present, action taken, the results of each vote taken and information sufficient to indicate the vote of each member present.

## **CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS**

Please refer to the Board and Commission Manual for board roles. Candidates/applicants for appointment to boards, committees and commissions can be identified by referral from residents of the city/community. Applicants are asked to use the application form to provide interest and background information. Appointments on boards, committees or commissions are announced by the Mayor at regular City Council meetings. Applications for these appointive positions are available at the City Clerk's office and the City of Marshalltown website. The completed applications are reviewed by the Mayor who recommends appointees to the Council. Final appointment is made by an affirmative vote of a majority of the City Council.

### **Committees, Boards, and Commissions.**

The Mayor and/or the Council may create committees, boards, and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify if consistent with the Code of Iowa and the City's Code of Ordinances. The Mayor or the committees may request assistance from the department directors for input when needed. All City Council members, the Mayor, City Administrator and City Attorney are welcome to attend any meeting of a committee, and notice of all committee meetings will be given to the entire Council and the Mayor and posted for the public.

Any special or ad-hoc committee will be formally approved by the Council in order for the Council to know who will be serving on the committee. When a board, committee or commission is established by the City Council, the specific duties of the group are set forth in the ordinance or resolution that creates it. It is implicitly understood that the advisory body is limited to consideration of those matters, which are specifically assigned to its jurisdiction. In special or unusual circumstances, if the area of interest spreads beyond the area of jurisdiction, the board, committee or commission should formally request specific authorization from the City Council to consider the matter and to formulate recommendations in that area.

Similarly, in the case of ad-hoc committees appointed by the Mayor or City Administrator, the advisory committee or board should formally propose enlarging its scope and purpose to the appointing city official(s).

Special committees to whom references are made shall in all cases report their opinion in writing. This opinion shall be in the form of an order, resolution, or recommendation. All committee reports and recommendations shall be approved by a majority of the committee before presentation to the Council as a whole, though a minority report and recommendation may likewise be made and the Council consider both reports on the matters submitted to it in the course of its regular business.

Committees will make reports to the council as requested by the Council. All committee recommendations, decisions or proposed action shall be subject to the final approval and adoption of the Council in formal session. Upon submission of a final report to the Council, the special or ad-hoc committee shall dissolve.

Special committees of the City Council shall be empowered to require the attendance of witnesses, and for that purpose, the chairperson of such committee is authorized to issue subpoenas to the city police chief, who shall immediately serve the same as other legal notices are served.

### **Membership and Selections.**

Membership and selection of members shall be as provided by the Mayor and the Council if not specified by the Code of Iowa or the Code of Ordinances. No committee so appointed shall have powers other than advisory to the Council or the City Administrator, except as otherwise specified by the Code of Ordinances or the Code of Iowa. Members of boards, committees and commissions should be independent of the City Council, or other boards, committees and commissions, and of other governmental units, so they may exercise unbiased judgment in addressing the tasks and issues before them.

### **Gender Balance.**

In 2009, Iowa Legislators passed a law requiring appointive groups to be gender balanced by 2012, or as close as possible for boards with an uneven number of members. Only after making a good faith effort for 90 days to find a volunteer of the correct sex may the city maintain a lopsided board.

### **Ineligible appointments.**

It is the City Council's policy that the following persons shall not be eligible for appointments to standing boards, committees or commissions of Marshalltown:

- a.) Spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, stepmother, stepfather, stepchild, aunt or uncle of a current City Council member;
- b.) A current member of a comparable County board, committee or commission, unless dual or joint memberships are provided for in the ordinance, resolution or statute, which creates the board, committee or commission to which appointment, is being made.

### **Council & Commission Effectiveness.**

The City Council and all appointed advisory boards, committees and commissions are policy-oriented groups. The advisory groups operate as satellite units, which focus on particular concerns, issues or problems in the community. When an advisory board, committee or commission has an item on a City Council meeting agenda, it is recommended that a representative from that body be present at the Council meeting. Similarly, when a member of any board, committee or commission addresses the Council at a public meeting, he or she should always clearly state whether he or she is speaking on behalf of the advisory group or as an individual.

### **Interactions with City Council – Recommended Procedural Guidelines.**

The City Council considers input and recommendations from a variety of sources in the decision-making process. Therefore, the Council may not always follow the specific recommendations of any one particular board, committee or commission in adopting policy or procedure. Once the Council has established its position, members of advisory groups may continue to have reservations or individual objections. As representatives of the larger group, however, members should remember that they are expected to act in a manner consistent with the established policy and/or program as approved by the City Council.



**Council Policy on Legislative Issues.**

The City Council is responsible for establishing City policy and determines any public position of the City on legislative matters. Public stands on legislation taken by boards, committees or commissions will be taken only upon review and approval by the Council.

This policy should not prevent advisory groups from carrying out their normal functions publicly and openly, rather, its purpose is to establish that boards, committees and commissions do not issue policy statements or take public positions which fall within the purview of the City Council.

**Submitting a Formal Request for Consideration by the Council – Procedure.**

In the event that a board, committee or commission wishes to request the endorsement or approval of a particular position from the Council, the request should be clearly reflected in the record of the board, committee or commission meeting at which the action is approved.

The board, committee or commission's secretary or staff liaison should immediately submit a written request in letter form, addressed to the City Council, with a copy to the City Administrator's office for inclusion on the next Council committee or City Council agenda. In the interim, copies of the request will be made available to all Council members so that informal discussion, if deemed necessary and appropriate by the Council, can take place. The communication should include an indication of the degree of urgency, which is perceived as necessary for obtaining a response from the Council.

**Relations with the Public.**

Council and members of appointed boards, committees or commissions are encouraged to maintain awareness of public opinion relating to their field of influence. Citizen input should be welcomed and heard at meetings, and members should be considerate of all interests, attitudes, and differences of opinion. Members should be vigilant about maintaining not only the appearance, but also the principle of impartiality.

**Conflicts of Interest.**

To determine whether an applicant has a conflict of interest, the applicant is referred to Chapters 362.5, 362.6 and 403A of the Code of Iowa. Assistance is available from the City Attorney's office if applicants have questions about this matter.

In the event that a member of the Council determines that he or she has a direct, definite (demonstrable) conflict of interest regarding an issue before the Council, that conflict should be clearly stated at the beginning of council deliberations. Having a conflict of interest may or may not prevent the Councilor from expressing an opinion on the matter being discussed under the person's judgment; however, voting would be inappropriate and may have legal consequences.

The matter of what constitutes a "conflict of interest" is often misunderstood and misstated. Obviously, people elected to public office are frequently motivated to seek office by virtue of their personal contact with government and an interest in what develops thereafter. The mere fact that their lives may be affected by a decision to be made does not mean that they have a conflict of interest. To be a conflict of interest, something direct, definite and capable of demonstration must be involved; it cannot be simply a remote possibility.

A relevant Iowa Attorney General's opinion concerning what constitutes a conflict of interest, based upon a pecuniary or an employment interest with a city is available for review in the City Attorney's Office. Again, what constitutes a conflict of interest is the frequent subject of litigation and legal opinion. Whether a conflict of interest exists can only be determined by applying the individual facts to the law.

Another matter arises from time to time, which may create the impression of a conflict of interest. Every Councilor, the Mayor and many City employees are solicited to join such organizations as the Chamber of Commerce, MEDIC, etc. Participation in these organizations results in an exchange of valuable information and views. Nevertheless, when one of the organizations takes a position in favor of or in resistance to a proposal, at the very least the impression of a conflict of interest exists. It may appear to the layperson that membership in the organization involved would create a conflict. Organizations do not exist independent of their members but only exist because they do have members. While membership might be avoided, attendance at meetings and gatherings to exchange ideas and obtain information is certainly appropriate. A case can be made that a Councilor would have a conflict of interest while he or she is a member of an organization, which appears before the Council and takes an official position on an issue.

City officers or employees are restricted by Iowa Code Section 362.5 with regard to direct or indirect benefits they may receive from any contract performed for the City. That code section provides as follows: "A city officer or employee shall not have an interest, direct or indirect in any contract or job of work, or material, or the profits thereof, or services to be furnished or performed for the officers or employees of the City. A contract entered into in violation of this section is void."

### **Gifts.**

The State of Iowa covers restrictions of gifts in Iowa Code Chapter 68B. If you have any questions regarding the acceptance of gifts, please contact the City Attorney's Office.

The City Council feels it is important to recognize special achievements among its citizens and employees. For that reason the Council has authorized the purchase of plaques, certificates and memorabilia for the purpose of distinguishing special service. City staff is authorized to purchase such materials as necessary to carry out this policy.

### **Communications between Staff, Council and Advisory Groups.**

The City Hall administrative staff report to the City Administrator and it is the Administrator's responsibility to direct and allocate staff time. Similarly, Council, Board, Committee and Commission members schedule their meetings so that City staff may be available to carry out day-to-day business. The City Administrator will assign staff liaisons to assist boards, committees and commissions as necessary. Boards, Committees and Commissions meet regularly and, as a group, present their issues and concerns to the City Council as a group, through reports and recommendations.

Advisory groups will consider the recommendations and proposals of the City Administrator and City staff. If the board, committee or commission is not in agreement with the recommendations of the City staff, the City Administrator has the option of including his recommendation in his report to the City Council. Any differences of opinion may be discussed at the Council meeting.

**Removal of Members of Boards and Commissions.**

If the Mayor or the Council wishes to remove an appointee, they shall follow the procedures required by State law or city code.

**Abolishment of a Board or Commission.**

The abolishment or modification of a board or commission shall be done in accordance with applicable State law or city code.

**Fiscal Matters.**

The financial plan for the City's operating revenues and expenditures plus capital improvements is prepared according to specific guidelines as provided by the City Administrator.

Departments develop capital projects deemed necessary according to requests from boards, committees or commissions, the public, or the departments themselves. Any funds to be spent by boards, committees or commissions are budgeted in the financial plan of the department, which works with each respective body. Typically, a board, committee or commission that oversees operations of a department (such as the Library Board of Trustees or Water Works) will review and approve its financial plan before it is submitted to the City Administrator.

The City Council will hold work sessions to review and finalize the entire financial plan. In accordance with State regulations, the proposed one-year budget is published in the local approved newspaper, prior to a public hearing. The Council simultaneously holds a public hearing on the entire financial plan and one-year budget and adopts them at the same time. The one-year budget is required by the State and must be adopted by March 15 of each year.

**Purchasing Procedures.**

For Purchasing Procedures for the City of Marshalltown please see the Purchasing Policy, posted on the city's intranet.

## **PART 2. PUBLIC PARTICIPATION IN MEETINGS**

### **General.**

One of the goals of the City Council Rules is to create an atmosphere where the Council members and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is the responsibility of the Mayor, the Council members, City staff, and members of the public to maintain common courtesy and decorum throughout any meeting.

Members of the public have the right to attend City Council meetings, subject to certain conditions and limitations.

The Council meeting space will, to the extent possible, be arranged so that all interested persons can observe the meeting and hear all Council discussions and votes.

The Mayor, Council members, City staff and members of the public should speak one at a time in a civil and courteous manner so as to be heard by all persons in attendance.

All cell phones or other communication devices should be silenced during Council meetings. No one should take a voice phone call during a Council meeting without first leaving the chambers and closing the chamber doors behind him or her.

### **Public Participation.**

All those attending are asked to observe the following when speaking:

- a.) Only persons recognized by the Mayor will be allowed to speak. Members of the public will have an opportunity to address items on the agenda as the item is addressed when they are recognized by the Mayor unless a public hearing is being held or other exception is made.
- b.) A person recognized to speak should approach the podium, state his or her name and address, and make his or her statement or question, preferably as briefly as is possible but taking no more than three (3) minutes.
- c.) All speakers shall speak clearly and direct their comments to the Mayor and City Council and not to any member specifically.
- d.) A person recognized to speak should maintain a courteous and polite demeanor as well as refrain from using inappropriate, combative, profane or abusive language, or attacking the character of City officials and employees in a personal manner.
- e.) Persons may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has jurisdiction. When anyone appears before the Council stating he or she has a petition, the Mayor will accept the petition and the minutes will reflect that action.
- f.) A person should not address the Council about issues that are known to be within the responsibility of other City staff/officials and have not been previously presented to that responsible party.
- g.) Persons should not engage other members of the public while addressing the Council or engage individual Council members in a discussion, except as permitted by the Mayor.

Council members may, in their individual discretion, make themselves available to persons attending the meeting before or after the Council meeting.

**Handling Requests During Meetings.**

If the Council chooses to take action on a citizen's request, the Mayor or the Council can: Give administrative direction to the City Administrator to resolve the matter.

Defer official action to the next regularly scheduled Council meeting.

Waive the rules and add an item to the agenda for official Council action, but this method shall not be used unless Council deems the matter to be an emergency.

### **PART 3. PUBLIC RECORDS AND OPEN MEETING LAW**

#### **Public Records / Open Records.**

Availability of public records are governed by the Iowa Open Records Act, reference Iowa Code Chapters 21.

#### **Open Meeting Law.**

The Open Meeting Law is addressed in Iowa Code Chapter 22.



**COUNCIL AGENDA**  
**CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET**  
**July 10, 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:**

**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 June 26, 2017, and special meeting Minutes of July 5, 2017.
2. Approve Bill List in the amount of \$1,683,711.73.
3. Resolution 2017-142 Approving Contract Change Order #1 for the Ingledue Storm Sewer Project 29108009, decrease of \$11,382.02.
4. Resolution 2017-143 Approving Certificate of Completion and Final Project Costs with Vieth Construction Corporation in the amount of \$1,127,498.98 for construction of the Ingledue Storm Sewer Repair Project 29108009.

**(end of consent agenda items)**

**RESOLUTIONS:**

5. Resolution 2017-144 Authorizing the City of Marshalltown to Request Assignment of Certain Tax Certificates held by Marshall County following the Public Nuisance Tax Sale.
6. Resolution 2017-145 Supporting the Creation of Submarine Veterans Memorial Highway.
7. Resolution 2017-146 Setting Date for Public Hearing on 2017 Amendment to Urban Renewal Plan for Marshalltown Urban Renewal Area No. 4. (Downtown Area)
8. Tentative Resolution 2017-147 providing for the Conveyance and Transfer of Title to the property herein described (710 Wood Street) from the City Marshalltown, Iowa, to Guadalupe Juarez.
9. Resolution 2017-148 Approving Lease Agreement with Interstate Power and light Company, relating to a staging area lease on the abandoned railroad corridor near 401 Clinton Street in Liscomb, Iowa, for a period of fourteen months, ending on or about August 31, 2018, unless continued pursuant to terms in the agreement, in the amount of \$230 per month plus an initial amount of \$2,800.
10. Resolution 2017-149 Allowing Open Containers on Public Ways for the Oktoberfest Saturday Evening Events.
11. Resolution 2017-150 Approving Engineering Services Contract with HDR Engineering, Inc., for the 4<sup>th</sup> St and Meadow Lane Storm Sewer Enhancements Project SMW17001, in the amount of \$146,300.

Visit [www.ci.marshalltown.ia.us](http://www.ci.marshalltown.ia.us)

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.



12. Resolution 2017-151 Approving One-Time Funding for the early Hire of a Police Officer Position in Fiscal Year 2018.

**PUBLIC HEARING – convey property**

13. Resolution 2017-152 Adopting Tentative Resolution Providing for the Conveyance and transfer of Title by the City of Marshalltown, Iowa, to Miguel Angel Garcia Marceleno to the Property Herein Described [114 N 10<sup>th</sup> Avenue] and authorizing execution and delivery of Warranty Deed, consideration of \$45,000.

**PUBLIC HEARING – plans & specifications**

14. Resolution 2017-153 Approving Plans, Specifications, Form of Contract and Cost for the Police and Fire Station Site Demolition and Earthwork Project BLD 17001, Bids due at 10 am July 18.

**ORDINANCES:**

15. Ordinance #14965 to vacate a portion of South First Street Located in Anson's 1<sup>st</sup> Addition to Marshall, Marshall County, Iowa, and to Convey Same to Garrett Goodman, first reading. Public hearing required, set for July 24. Opportunity for the council to waive the third reading.

**DISCUSSION:**

1. 2<sup>nd</sup> quarter update on Goals
2. Council manual revisions

**PUBLIC COMMENT:**

**ADJOURNMENT:**

Visit [www.ci.marshalltown.ia.us](http://www.ci.marshalltown.ia.us)

Please refer to the previous Council packet for attachments not included with this agenda packet. Complete agenda packets are available for inspection for the public at the City Clerk's Office, the Marshalltown Public Library and the city's website.

Marshalltown





## COUNCIL PROCEEDINGS

June 26, 2017

The Marshalltown City Council met in regular session on June 26, 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. Present: Gowdy, Greer, Hoop, Kester, Lamer, Martin, Wirin. City Administrator Kinser announced the next Budgeting 101 presentation is scheduled at Riverview Park for Wednesday, June 28. The Coffee with Council event is 8 am Thursday, July 6 at the Marshalltown Public Library. Monica Rhode-Fulton was honored for serving the city fifteen years at the library. Greer moved to approve the agenda, second by Martin. Motion approved 7-0.

### **CONSENT AGENDA:**

Greer moved to approve the Consent Agenda: Approve Council meeting Minutes of June 12, 2017, and special meeting Minutes of June 22, 2017; Approve Bill List in the amount of \$936,290.74; Approve May Financials; Issue "Going Out of Business Sale" license for Kmart Store #7583, 1720 S Center St, through 8/27/17, with one thirty day renewal through 9/27/2017; Receipt of Civil Service New Hire Lists for Police Officer and Storm Water Coordinator; Receipt of List of Purchases and Vertical Public Improvements between \$10,000 and \$35,000 approved by City Administrator: Asbestos abatement at KC Hall, Environmental Property Solutions, \$19,850; Approve Liquor License Renewals: Zamora Fresh Market, Applebee's Neighborhood Grill & Bar, Casey's General Store #1303-N 3rd Ave, Legends American Grill, El Puente - 101 N Center St; second by Kester. Consent agenda adopted 7-0.

### **REPORTS:**

Val Ruff, Director of the Convention & Visitors Bureau, updated the council on the leadership changes, recapped the year's activity and presented the five year plan for the CVB. Her next council update is scheduled for October.

### **MOTIONS:**

Greer moved to approve a Special Event Outdoor Service area for The Spot, July 15, beer garden at N 13th Street, second by Wirin. Motion carried 7-0.

Martin moved to approve the Class E Liquor – Marshall Beer Wine Spirits – 11 N 3rd Avenue and Class C Beer - Marshall Tobacco & Vape – 19 W Main Street, second by Kester. Motion carried 7-0.

Wirin moved to approve a Class C Liquor License for JB Bar, 915 Turner Street, second by Gowdy. Motion carried 7-0.

### **RESOLUTIONS:**

Greer moved to adopt Tentative Resolution 2017-132 Providing for the Conveyance and transfer of Title to the Property Herein Described [Parcel "D" abandoned section of S 1st St south of W Madison St] from the City of Marshalltown, to Garrett Goodman by Quit Claim Deed, consideration of \$13,536, second by Wirin. Kester moved to amend the consideration to \$1.00 plus fees and to set the public hearing date to July 24, second by Lamer. Amendment passed 7-0. Resolution adopted 7-0. Attorney Schoell noted that the street is required to be vacated prior to conveyance.

Wirin moved to adopt Tentative Resolution 2017-133 Providing for the Conveyance and transfer of Title to the Property Herein Described [114 N 10th Avenue] from the City of Marshalltown, to Miguel Angel Garcia Marceleno by Warranty Deed, consideration of \$45,000, second by Lamer. The property was acquired by the city as part of a Housing Grant through the Iowa Department of Economic Development and the sale is limited to qualified income buyers. The city has had some difficulty working with lenders to sell properties acquired for the Neighborhood Stabilization Program (NSP) grant program. Spohnheimer recommended the council accept the sale price and proceed with the public hearing on July 10. Closing is scheduled for July 22. Resolution adopted 7-0.

Kester moved to adopt Resolution 2017-134 Providing Notice of Withdrawal from 28E Agreement Concerning Operation of the Marshall County Public Safety Communications Center, second by Greer. Resolution adopted 7-0.

## COUNCIL PROCEEDINGS

June 26, 2017

Lamer moved to adopt Resolution 2017-135 Approving Agreement for Engineering Services with Clapsaddle Garber Associates, Inc., for Iowa River Trail Phase III project TRL17001 not to exceed \$50,850, second by Kester. Resolution adopted 7-0

Lamer moved to adopt Resolution 2017-136 Approving Amendment No 1 to Agreement for Engineering Services with Fox Engineering Associates, Inc., for WPCP Biogas Engine Replacement Project 52015014 not to exceed \$113,100, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-137 Approving Transit Joint Participation Agreement to Implement a Federal Transit Administration (FTA) Bus and Bus Facilities Project CFDA 20.526, for purchase of a light duty bus with IDOT funding 85% up to \$93,500, second by Greer. Resolution adopted 6-1 with Hoop dissenting.

Wirin moved to adopt Resolution 2017-138 Ordering Construction of Police and Fire Station Site Demolition and Earthwork Project 17001, setting public hearing on proposed plans, specifications, form of contract and costs and estimated cost and directing publication of notice to bidders, second by Greer. Public Hearing is set for July 10, bids due at 10 am July 18. This first bid package is for earthwork and site development. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-139 Approving Agreement with Municipal Pipe Tool Co., for Five Year Sewer Collection System Maintenance Contract, second by Greer. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-140 Authorizing Mayor to Execute FAA Grant Agreement Documents for the Marshalltown Municipal Airport Rehabilitation Runway 18-36 Project 77016010 (AIP NO.#3-19-0058-015-2017), second by Lamer. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-141 Approving Contract Change Order #1 for the Iowa River Trail – 12th to Summit Project 40115012, increase of \$1,100.00, second by Lamer. There is no direct cost to the city, the change order is funded with grant funds and local match provided by Trails, Inc. Resolution adopted 7-0.

### **ORDINANCES:**

#### **PUBLIC HEARING-rezoning**

Mayor Lowrance declared the public hearing open for the rezoning of property in the area of the New Police and Fire Department Facility, an area generally located north of High Street and west of S 2<sup>nd</sup> Street. There were no public or written comments. The use of the property will be less restrictive with the zoning change as the land being rezoned is currently NC, Neighborhood Commercial. CC, Community Commercial is less restrictive. Mayor Lowrance declared the public hearing closed

Lamer moved to adopt the third reading of Ordinance #14963 and adopt Ordinance #14963 Approving Changes to the Marshalltown Zoning Ordinance of 2010 Map by rezoning properties to CC, Community Commercial District in the Area of the New Police and Fire Department Facility, second by Greer. Third reading and Ordinance reading adopted 7-0.

Lamer moved to waive the second and third reading and adopt Ordinance #14964 rescinding Ordinance 14937 Amending the Marshalltown Code of Ordinances Vehicle and Traffic Chapter 20, for the purpose of removing the traffic signal at the intersection of Nevada Street and 18th Avenue, suspending council rules, second by Kester. First reading adopted, second and third reading waived and Ordinance adopted 7-0.

### **DISCUSSION**

Public Works Director Nickel received direction to contact HR Green regarding a concept plan for the Highway 14 medians, with a “hardscape” for the narrow medians and plantings for wider areas of the median. The “hardscape” could be stamped concrete, pavers or bricks. The plantings will be appropriate.

## COUNCIL PROCEEDINGS

June 26, 2017

The council was asked to consider alcohol service options for family friendly community events like Oktoberfest. There is an ordinance prohibiting individuals under age 21 from being in an area under control of a state issued alcohol permit without a parent or legal guardian, which can be exempted by the council for a specific event. Stipulations, if any, to consider include how to clearly define the alcohol service area, security detail, how to prevent minors from being served, and alcohol during the car show.

Administrator Kinser recommended bonding for the police and fire building before an anticipated interest rate increase in September 2017.

### **PUBLIC COMMENT:**

There were no public comments.

### **ADJOURNMENT**

The meeting adjourned at 7:03.

Respectfully submitted,

\_\_\_\_\_  
Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

\_\_\_\_\_  
James L. Lowrance, Mayor

\_\_\_\_\_  
Shari L. Coughenour, CMC, City Clerk

Council Proceedings  
Special Council Meeting  
July 5, 2017

A Special meeting of the Marshalltown City Council was convened on July 5, 2017, at 12:00 pm, in the Council Chambers at City Hall, according to posted notices. Mayor Lowrance called the meeting to order and led the Pledge of Allegiance. ROLL CALL: Present – Gowdy, Greer, Hoop, Kester, Martin, Wirin. Absent: Lamer.

Architects from Prochaska and Associates and the project manager from Story Construction were present via web conference to review plans in progress and answer question from the council and the public.

Phase 1 of the project, consisting of earthwork and site development will begin this fall, with bids due July 18. Bids for bid package #2 will be due on September 19.

The meeting adjourned at 1:00 pm.

Respectfully submitted,

---

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

---

James L. Lowrance, Mayor

ATTEST:

---

Shari L. Coughenour, City Clerk

RESOLUTION APPROVING CONTRACT CHANGE ORDER #1  
FOR THE INGLEDUE STORM SEWER REPAIR PROJECT  
NUMBER 29108009  
A DECREASE OF \$11,382.02

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with Vieth Construction Corporation of Cedar Falls, Iowa, for the labor and material for the Ingledue Storm Sewer Repair Project 29108009; and

WHEREAS a decrease is requested to adjust for final quantities to successfully complete the project for the Ingledue Storm Sewer Repair Project in the amount of \$11,382.02.

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

Section 1. That the contract Change Order #1 for the Ingledue Storm Sewer Repair Project 29108009, in the increased amount of \$11,382.02 is hereby accepted and approved.

Passed this 10th day of July, 2017 and signed this \_\_\_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

---

James L. Lowrance, Mayor

ATTEST:

---

Shari L. Coughenour, CMC, City Clerk

## **CHANGE ORDER #1**

OWNER: CITY OF MARSHALLTOWN, IOWA  
DEPARTMENT OF PUBLIC WORKS

CONTRACTOR: VIETH CONST CORP.  
6419 NORDIC DR.  
CEDAR FALLS, IOWA 50613

PROJECT: INGLEDUE STORM SEWER REPAIR  
PROJECT

SUBJECT: CHANGE ORDER #1

PROJECT NUMBER: 29108009

DATE: JUNE 28TH, 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 **Tree Clearing** by **3.0** each
- 7002) Increase the amount of **Subgrade Preparation** by **1074.58** square yards
- 7003) Increase the amount of **6" Subbase** by **1565.68** square yards
- 7004) Decrease the amount of **Removal of Known Pipe and Conduit, Water Main 6"** by **16.4** linear feet
- 7005) Decrease the amount of **Removal of Known Pipe and Conduit, Water Main 12"** by **3.0** linear feet
- 7006) Increase the amount of **Sanitary Sewer Gravity Main, 8" PVC** by **10.5** linear feet
- 7007) Decrease the amount of **Sanitary Sewer Gravity Main, 12" PVC** by **135.0** linear feet
- 7008) Decrease the amount of **Sanitary Sewer Service Relocation** by **3.0** each
- 7009) Decrease the amount of **Removal of Sanitary Sewer Less Than or Equal to 10" Diameter** by **466.9** linear feet
- 7010) Decrease the amount of **Storm Sewer, Trenched, RCP Class III, 15"** by **0.3** linear feet
- 7011) Increase the amount of **Storm Sewer, Trenched, RCP Class III, 18"** by **6.5** linear feet
- 7012) Decrease the amount of **Storm Sewer, Trenched, RCP Class III, 24"** by **133.0** linear feet
- 7013) Increase the amount of **Storm Sewer, Trenched, RCP Class III, 30"** by **8.5** linear feet
- 7014) Decrease the amount of **Storm Sewer, Trenched, RCP Class III, 48"** by **18.5** linear feet
- 7015) Increase the amount of **Storm Sewer, Trenched, RCAP Class A-III, 48" Eq. Dia.** by **2.0** linear feet
- 7016) Increase the amount of **Removal Storm Sewer Less Than or Equal to 36" Diameter** by **231.0** linear feet
- 7017) Decrease the amount of **Removal Storm Sewer Greater Than 36" Diameter** by **36.0** linear feet
- 7018) Increase the amount of **Subdrain, HDPE, 4" Perforated** by **4.0** linear feet
- 7019) Increase the amount of **Subdrain, HDPE, 6" Perforated** by **9.0** linear feet
- 7020) Decrease the amount of **Subdrain, HDPE, 6" Non-Perforated** by **10.0** linear feet
- 7021) Increase the amount of **Subdrain Cleanout, Type A-1** by **1.0** each
- 7022) Decrease the amount of **Subdrain Cleanout, Type A-2** by **2.0** each
- 7023) Increase the amount of **Water Main, Trenched, DIP 6"** by **2.4** linear feet
- 7024) Increase the amount of **Water Main, Trenched, DIP 12"** by **7.0** linear feet
- 7025) Decrease the amount of **Fittings, Water Main, MJ x MJ, Ductile Iron** by **194.0** pounds
- 7026) Decrease the amount of **Water Service Relocation** by **5.0** each
- 7027) Decrease the amount of **Manhole, Sanitary, SW-303, 48"** by **1.0** each
- 7028) Decrease the amount of **Manhole, Sanitary, SW-307** by **1.0** each
- 7029) Decrease the amount of **Connection to Existing Sanitary Manhole** by **1.0** each
- 7030) Decrease the amount of **Remove Manhole** by **1.0** each
- 7031) Increase the amount of **Remove Intake** by **1.0** each
- 7032) Increase the amount of **8" PCC Pavement Class C** by **316.6** square yards
- 7033) Decrease the amount of **6" PCC Pavement, Detention Basin Cunette Channels and Pad** by **6.4** square yards
- 7034) Decrease the amount of **6" Fabric Formed Concrete, Detention Basin Overflow Channel** by **191** square yards
- 7035) Increase the amount of **PCC Curb and Gutter 2.5 Feet** by **287.2** linear feet
- 7036) Increase the amount of **Pavement, HMA, Full Depth, 9"** by **46.3** square yards
- 7037) Decrease the amount of **Pavement Overlay, HMA 2"** by **1769.0** square yards
- 7038) Decrease the amount of **HMA Pavement Samples and Testing** by **1.0** each
- 7039) Increase the amount of **Removal of Sidewalk** by **2.1** square yards
- 7040) Decrease the amount of **Removal of Driveway** by **58.33** square yards
- 7041) Decrease the amount of **Sidewalk, PCC, 4"** by **11.8** square feet

- 7042) Decrease the amount of **Detectable Warnings** by **2.0** square feet
- 7043) Increase the amount of **Driveway, Paved, PCC 6"** by **4.3** square yards
- 7044) Decrease the amount of **Driveway, Paved HMA 6"** by **3.3** square yards
- 7045) Decrease the amount of **Driveway, Gravel 6" Class A crushed Stone** by **250.2** square yards
- 7046) Increase the amount of **Driveway, Gravel 6" Class A crushed Stone Basin Access Drive** by **249.0** square yards
- 7047) Decrease the amount of **Milling, HMA 2" Depth** by **83.0** square yards
- 7048) Increase the amount of **Pavement Removal, HMA Full Depth** by **49.9** square yards
- 7049) Increase the amount of **Pavement Removal, PCC** by **316.6** square yards
- 7050) Increase the amount of **Curb and Gutter Removal** by **283.6** linear feet
- 7051) Increase the amount of **Conventional Seeding, Type 1 Lawn Mixture** by **0.85** acres
- 7052) Decrease the amount of **Stormwater Pollution Prevention plan, Preparation** by **1.0** lump sum
- 7053) Decrease the amount of **Stormwater Pollution Prevention plan, Management** by **1.0** lump sum
- 7054) Decrease the amount of **Silt Fence, Installation** by **175.0** linear feet
- 7055) Decrease the amount of **Silt Fence, Removal of Sediment** by **310.0** linear feet
- 7056) Decrease the amount of **Silt Fence, Removal of Device** by **250.0** linear feet
- 7057) Decrease the amount of **Inlet Protection Device, Installation** by **1.0** each
- 7058) Decrease the amount of **Inlet Protection Device, Maintenance** by **9.0** each

#### **NON-CONTRACT ITEMS (EXTRA WORK ORDER)**

- 8001) Over Excavation for Sanitary Sewer Pipe **60.76 Cubic yards**
- 8002) Triax Geogrid **1625.1 square yards**
- 8003) Long Water Service Relocation **2 each**
- 8004) 24" Storm Sewer unused restock **1 lump sum**
- 8005) 24" RCP Bend unused **1 lump sum**
- 8006) Sanitary Manhole unused **1 lump sum**
- 8007) Drop connections, Tees, Elbow, gaskets (non-refundable) **1 lump sum**
- 8008) 10" PVC returned 30% restocking fee **1 lump sum**
- 8009) Rip Rap **187.5 square yards**

#### **B) REASON FOR ORDERING CHANGES OR EXTRA WORK:**

##### **CONTRACT ITEMS:**

- 7001) The increase in the amount of Tree Clearing is due to the balancing out of final quantities
- 7002) The increase in the amount of Subgrade Preparation is due to additional concrete paving on Ingledue
- 7003) The increase in the amount of 6" Subbase is due to additional concrete paving on Ingledue
- 7004) The decrease in the amount of Removal of Known Pipe and Conduit, Water Main 6" was due to the balancing out of final quantities
- 7005) The decrease in the amount of Removal of Known Pipe and Conduit, Water Main 12" is due to the balancing out of final quantities
- 7006) The increase in the amount of Sanitary Sewer Gravity Main, 8" PVC is due to the balancing out of final quantities
- 7007) The decrease in the amount of Sanitary Sewer Gravity Main, 12" PVC is due to the balancing out of final quantities
- 7008) The decrease in the amount of Sanitary Sewer Service Relocation is due to the balancing out of final quantities
- 7009) The decrease in the amount of Removal of Sanitary Sewer Less Than or Equal to 10" Diameter is due to the balancing out of final quantities
- 7010) The decrease in the amount of Storm Sewer, Trenched, RCP Class III, 15" is due to the balancing out of final quantities
- 7011) The increase in the amount of Storm Sewer, Trenched, RCP Class III, 18" is due to the balancing out of final quantities
- 7012) The decrease in the amount of Storm Sewer, Trenched, RCP Class III, 24" is due to a plan change
- 7013) The increase in the amount of Storm Sewer, Trenched, RCP Class III, 30" is due to the balancing out of final quantities
- 7014) The decrease in the amount of Storm Sewer, Trenched, RCP Class III, 48" is due to a plan change
- 7015) The increase in the amount of Storm Sewer, Trenched, RCAP Class A-III, 48" Eq. Dia. is due to the balancing out of final quantities

- 7016) The increase in the amount of Removal Storm Sewer Less Than or Equal to 36" Diameter is due to a plan change
- 7017) The decrease in the amount of Removal Storm Sewer Greater Than 36" Diameter is due to a plan change
- 7018) The increase in the amount of Subdrain, HDPE, 4" Perforated is due to the balancing out of final quantities
- 7019) The increase in the amount of Subdrain, HDPE, 6" Perforated is due to the balancing out of final quantities
- 7020) The decrease in the amount of Subdrain, HDPE, 6" Non-Perforated is due to the balancing out of final quantities
- 7021) The increase in the amount of Subdrain Cleanout, Type A-1 is due to the balancing out of final quantities
- 7022) The decrease in the amount of Subdrain Cleanout, Type A-2 is due to the balancing out of final quantities
- 7023) The increase in the amount of Water Main, Trenched, DIP 6" is due to the balancing out of final quantities
- 7024) The increase in the amount of Water Main, Trenched, DIP 12" is due to the balancing out of final quantities
- 7025) The decrease in the amount of Fittings, Water Main, MJ x MJ, Ductile Iron is due to the balancing out of final quantities
- 7026) The decrease in the amount of Water Service Relocation is due to the balancing out of final quantities
- 7027) The decrease in the amount of Manhole, Sanitary, SW-303, 48" is due to a plan change
- 7028) The decrease in the amount of Manhole, Sanitary, SW-307 is due to a plan change
- 7029) The decrease in the amount of Connection to Existing Sanitary Manhole is due to a plan change
- 7030) The decrease in the amount of Remove Manhole is due to a plan change
- 7031) The increase in the amount of Remove Intake is due to a plan change
- 7032) The increase in the amount of 8" PCC Pavement Class C is due to additional concrete paving on Ingledue
- 7033) The decrease in the amount of 6" PCC Pavement, Detention Basin Cunette Channels and Pad is due to the balancing out of final quantities
- 7034) The decrease in the amount of 6" Fabric Formed Concrete, Detention Basin Overflow Channel is due to a plan change
- 7035) The increase in the amount of PCC Curb and Gutter 2.5 Feet is due to additional concrete paving on Ingledue
- 7036) The increase in the amount of Pavement, HMA, Full Depth, 9" is due to the balancing out of final quantities
- 7037) The decrease in the amount of Pavement Overlay, HMA 2" is due to a plan error
- 7038) The decrease in the amount of HMA Pavement Samples and Testing is due to a plan change
- 7039) The decrease in the amount of Removal of Sidewalk is due to the balancing out of final quantities
- 7040) The decrease in the amount of Removal of Driveway is due to the balancing out of final quantities
- 7041) The decrease in the amount of Sidewalk, PCC, 4" is due to the balancing out of final quantities
- 7042) The decrease in the amount of Detectable Warnings is due to the balancing out of final quantities
- 7043) The increase in the amount of Driveway, Paved, PCC 6" is due to the balancing out of final quantities
- 7044) The decrease in the amount of Driveway, Paved HMA 6" is due to the balancing out of final quantities
- 7045) The decrease in the amount of Driveway, Gravel 6" Class A crushed Stone is due to a plan error
- 7046) The increase in the amount of Driveway, Gravel 6" Class A crushed Stone Basin Access Drive is due to a plan error
- 7047) The decrease in the amount of Milling, HMA 2" Depth is due to the balancing out of final quantities
- 7048) The increase in the amount of Pavement Removal, HMA Full Depth is due to the balancing out of final quantities
- 7049) The increase in the amount of Pavement Removal, PCC is due to additional concrete paving on Ingledue
- 7050) The increase in the amount of Curb and Gutter Removal is due to additional concrete paving on Ingledue
- 7051) The increase in the amount of Conventional Seeding, Type 1 Lawn Mixture is due to the balancing out of final quantities
- 7052) The decrease in the amount of Stormwater Pollution Prevention plan, Preparation is due to the balancing out of final quantities
- 7053) The decrease in the amount of Stormwater Pollution Prevention plan, Management is due to the balancing out of final quantities
- 7054) The decrease in the amount of Silt Fence, Installation is due to the balancing out of final quantities
- 7055) The decrease in the amount of Silt Fence, Removal of Sediment is due to the balancing out of final quantities
- 7056) The decrease in the amount of Silt Fence, Removal of Device is due to the balancing out of final quantities
- 7057) The decrease in the amount of Inlet Protection Device, Installation is due to the balancing out of final quantities
- 7058) The decrease in the amount of Inlet Protection Device, Maintenance is due to the balancing out of final quantities

#### **NON-CONTRACT ITEMS (EXTRA WORK ORDER)**

- 8001) The addition of Over Excavation for Sanitary Sewer Pipe was due to unsuitable soil encountered in areas adjacent to the sewer pipe installation
- 8002) The addition of Triax Geogrid was to ensure a stable paving platform for the concrete pavement



8003) The addition of Long Water Service Relocation was agreed to replace the water service relocation line item when existing underground conditions warranted extra payment  
8004-8008) These items were added for restocking or non-refundable fees for materials unused as a result of plan changes  
8009) The addition of Rip Rap was as replacement for item 7034 due to plan changes

|                                  |                       |
|----------------------------------|-----------------------|
| Original Contract Price:         | \$1,138,881.00        |
| Change Order #1:                 | \$ (6,219.52)         |
| Damages (Addt. Inspection Costs) | <u>\$( 5,162.50)</u>  |
| Final Contract Price:            | <b>\$1,127,498.98</b> |

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

CONTRACTOR: VIETH CONST.

CITY ENGR: *Gust Nickel*

BY: *Tony David / pms.*

DATE: *7/3/17*

DATE: *6/30/17*

PROJECT ENGR: *N/A*

DATE: \_\_\_\_\_

RESOLUTION APPROVING CERTIFICATE OF COMPLETION  
AND FINAL PROJECT COSTS WITH VIETH CONSTRUCTION CORPORATION IN  
THE AMOUNT OF \$1,127,498.98 FOR CONSTRUCTION OF THE INGLEDUE  
STORM SEWER REPAIR PROJECT  
IN THE CITY OF MARSHALLTOWN, IOWA,  
BEING PROJECT NO. 29108009

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the Project.

WHEREAS, said project has been completed by Vieth Construction Corporation of Cedar Falls, 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 Ingledue Storm Sewer Repair Project, being project number 29108009, is hereby accepted pursuant to the Engineer's Statement of Completion for the final project cost of \$1,127,498.98.

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 Vieth Construction Corporation including the payment of the items called for in said contract and approved for final payment.

Passed this 10th day of July, 2017 and signed this \_\_\_\_ day of July, 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: Vieth Construction Corporation PROJECT NO.: 29108009

ADDRESS: 6419 Nordic Drive Cedar Falls, IA 50613

SURETY: North American Specialty Insurance Company/Holmes Murphy and Assoc.

ADDRESS: PO Box 9207, Des Moines, Iowa 50306-9207

KIND OF WORK: Storm Sewer Rehabilitation and Enhancement Project

CONTRACT COMPLETION DATE: September 30, 2016

This is to certify that the work covered by the contract with Vieth Construction Corporation

On the above project, let December 15, 2015 and dated January 12, 2016

with an original contract amount

of \$1,138,881.00 consisting of Ingledeue Storm Sewer Rehab Project and located in the City of

Marshalltown was completed on the 30th day of September, 2016 and that the materials listed on the attached final estimate were delivered and placed by the Contractor.

Final Contract Amount: \$1,127,498.98 Liquidated Damages: \$ 0.00

Retainage less the liquidated damages: \$ 56,633.07

Tax Form ST-172 Rec'd X Lien Waivers Received: None I hereby further

certify that this report was prepared by me or under my direct personal supervision and that I am a duly

registered Professional Engineer under the laws of the State of Iowa and I hereby recommend acceptance

of this work.

Signed: Justin E. Nickel Iowa Reg. No. 18950 Date: 7/5/17

Justin E. Nickel, PE, City Engineer

APPROVED AND WORK ACCEPTED BY THE CITY OF MARSHALLTOWN, IOWA

By: \_\_\_\_\_

James L. 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

July 3, 2017

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

From: Justin Nickel  
Director of Public Works

**Re: Staging Area Lease – Alliant Energy**

**Policy Issue:** City policy requires Governing Body approval of property agreements.

**Recommendation:** Staff recommends approving the lease agreement with Alliant Energy

**Background:** Alliant Energy is seeking to lease an area of the Iowa River Trail in Liscomb. The City is the titleholder to the trail property.

**Budget Impact:** None

**Attachment:** Lease Agreement.

cc: Jessica Kinser, City Administrator

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





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: July 7, 2017  
RE: Request for Tax Certificates

**Policy Issue:** Council must authorize request to the County

**Recommendation:** To approve the resolution as proposed

**Background:** The City identified a number of properties with property taxes unpaid as of a date in April for the Public Nuisance Tax Sale. These were properties that appeared abandoned and/or the City had been maintaining them as nuisance properties. All were either on our Dangerous Building List or were identified to be there. Four properties (identified in the resolution) did not sell on the tax sale and immediately became County-held tax certificates. This means the City can request assignment, and following proper notices, the City can request a deed to the property, which means we will own the lot once we demolish the structure.

**Budget Impact:** The City was planning to demolish these properties if not rehabbed so that is not a new cost. There could be costs to maintain the vacant lots if we are unable to sell them in a timely manner.

**Attachment:** None

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



**RESOLUTION AUTHORIZING THE CITY OF MARSHALLTOWN TO REQUEST  
ASSIGNMENT OF CERTAIN TAX CERTIFICATES HELD BY MARSHALL COUNTY  
FOLLOWING THE PUBLIC NUISANCE TAX SALE**

**WHEREAS**, there are numerous parcels of real property within the City of Marshalltown (the “City”) with respect to which Marshall County holds tax certificates, and

**WHEREAS**, many of these parcels consist of raw land, have been abandoned, constitute nuisances, and are presently being maintained at a significant cost by the City; and

**WHEREAS**, the City identified these parcels as ones which are abandoned but which there was a desire to rehabilitate or demolish the structures on the property as part of the public nuisance tax sale on June 19, 2017; and

**WHEREAS**, the City has an interest in acquiring said parcels in order to facilitate the return of parcels back to the tax rolls and for the purposes of neighborhood stabilization and beautification;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA**, City staff is hereby authorized to work with the County Treasurer of Marshall County to request assignment of tax certificates held by Marshall County for the following parcels:

| <b>Parcel Number</b> | <b>Address</b>  |
|----------------------|-----------------|
| 8418-26-253-001      | 519 N CENTER ST |
| 8418-26-430-003      | 405 UNION ST    |
| 8418-34-279-009      | 616 W NEVADA ST |
| 8418-36-331-018      | 902 E ANSON ST  |

**BE IT FURTHER RESOLVED**, the City acknowledges that if assignment of a tax certificate is requested any and all special assessments placed on the property by the City will be abated and not collectible by the City.

Passed this 10<sup>th</sup> day of July, 2017, and signed this \_\_\_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

\_\_\_\_\_  
James L. Lowrance, Mayor

ATTEST:

\_\_\_\_\_  
Shari L. Coughenour, CMC, City Clerk

**RESOLUTION SUPPORTING THE CREATION OF A SUBMARINE VETERANS MEMORIAL  
HIGHWAY**

**WHEREAS**, the City of Marshalltown has received a request to support the creation of a Submarine Veterans Memorial Highway, and

**WHEREAS**, said route would begin at the John J. Marino Memorial Library located at the Iowa Veteran's Home and continue through the City of Marshalltown to Highway 330 and eventually terminate at the United States Submarine Veteran's S-36 Memorial on the grounds of the Iowa Capitol; and

**WHEREAS**, the Iowa DOT has preliminarily accepted the proposal, pending local approval;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA**, the creation of a Submarine Veterans Memorial Highway is hereby supported, with the City of Marshalltown pledging to be a partner in identifying the route through the City of Marshalltown.

Passed this 10<sup>th</sup> day of July, 2017, and signed this \_\_\_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

\_\_\_\_\_  
James L. Lowrance, Mayor

ATTEST:

\_\_\_\_\_  
Shari L. Coughenour, CMC, City Clerk



David L Farran  
508 Bremer Road  
P O Box 825  
Waverly, Iowa

June 21, 2017

Jessica Kinser  
City Administrator  
City Hall  
24 N. Center St.  
Marshalltown, IA 50158

Attn: Jessica Kinser:

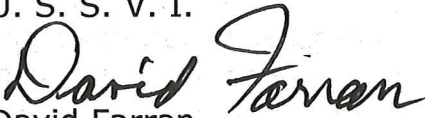
The two United States Submarine Veterans inc. ([www.ussvi.org](http://www.ussvi.org)) Bases (Posts) are investigating the creation of a Submarine Veterans Memorial Highway. The proposed route is to run from the Iowa Veterans Home, the location of the John J. Marino Memorial Library, west of Marshalltown to Hwy 330 then South West and into Des Moines on Hwy 65. Continuing to South of the Iowa Capitol were the USSVI S-36 Memorial is located.

We have received preliminary acceptance by the Iowa DOT and are now requesting approval from the Cities and Counties through which the route passes. The route in Marshalltown would begin at the Summit St entrance to the Iowa Veterans Home, the proceed West on Summit , South on Valley View Road then West on Main Street to Hwy330.

Please advise us in writing of your approval of or opposition to this proposal.

I will be available to discuss this in more detail if you wish.

Thank You  
U. S. S. V. I.

  
David Farran  
[Bream243@q.com](mailto:Bream243@q.com)  
Home PH 319 352 1015  
Cell PH 319 269 7389





David L. Farran  
508 Bremer Road  
P O Box 825  
Waverly, Iowa 50677

City or County Administration:

Enclosed is information concerning a proposed Submarine Veterans Memorial Highway within the State of Iowa.

- 1.A brief description of the proposed highway.
- 2.Brief histories of the World War II Submarine Veterans and the United States Submarine Veterans, Inc.
- 3.Some Preliminary Design proposals for the signs.
- 4.A specific request for notification by your entity that the proposed route through your municipality or county is acceptable.



USSVI  
Central Region Director  
David L. Farran  
P O Box 825  
Waverly, IA 50677  
[bream243@q.com](mailto:bream243@q.com)

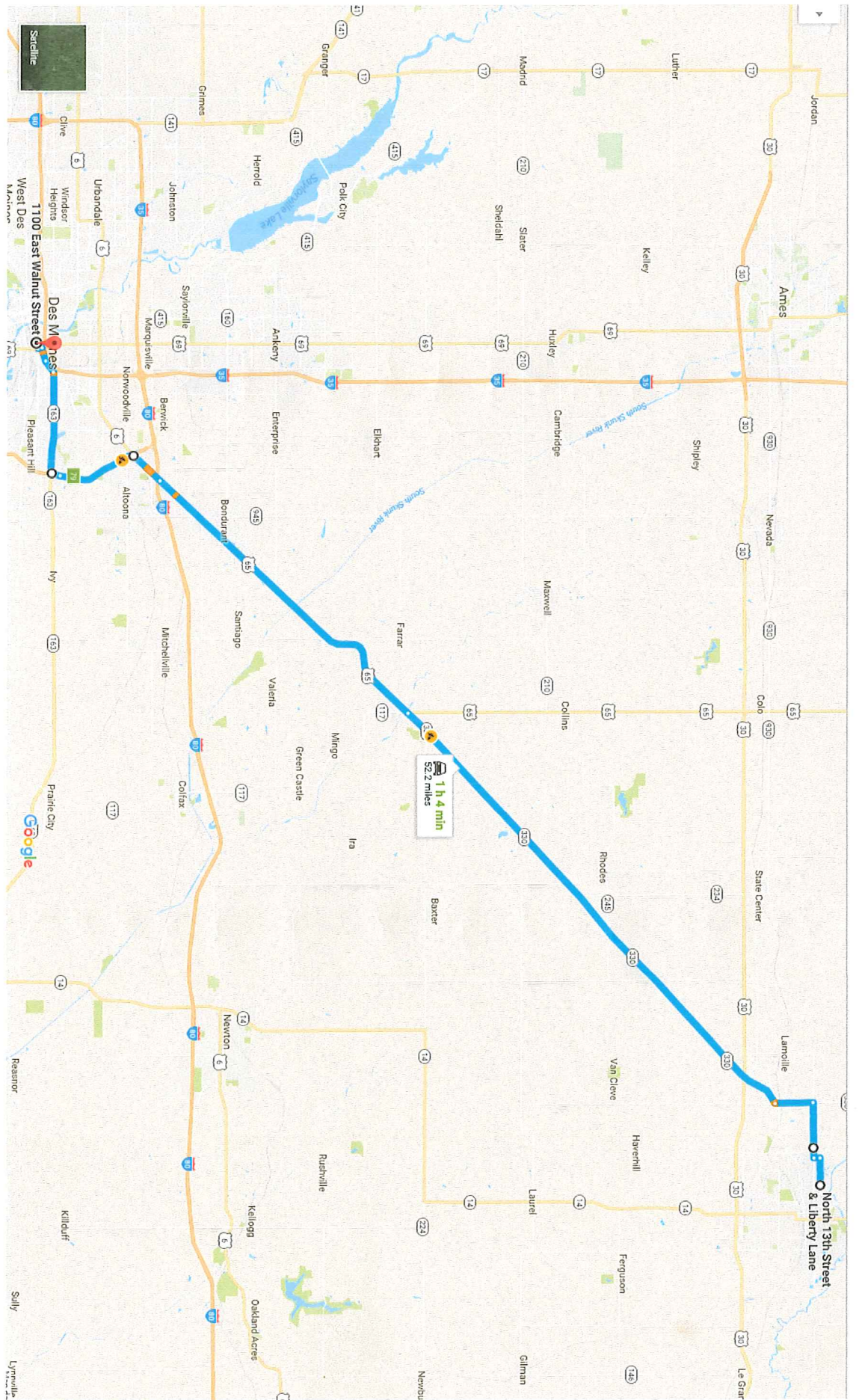
### Proposing a Submarine Veterans Memorial Highway

1. History of WWII Sub Vets and USSVI
2. Sub Vets Memorial Highway Concept, Highways exist in several states, including:
  - a. Missouri
  - b. New York
  - c. Oklahoma
  - d. Connecticut
  - e. California
3. Iowa Route Selection being proposed is from Iowa Veterans Home in Marshalltown to the S-36 Memorial' South of the State Capitol in Des Moines.
  - a. IVH – The John J. Marino Submarine Memorial Library is a section of the Main Library at the IA Vets Home.
  - b. Who was John Marino?
    - i. John Marino was the first known Iowan to lose his life on a US Navy Submarine. John Marino died on the USS Squalus, (SS-192) on May 23, 1939, when a valve failure caused it to sink.(The Squalus was salvaged and recommissioned as the USS Sailfish (SS – 192) and made 12 War Patrols during WWII, surviving the war intact.

*MARINO, JOHN JOSEPH S 2  
SERVICE # 321 06 38  
DATE and PLACE of BIRTH: June 13, 1918 Marshalltown,  
Iowa  
GRAVE LOCATION: Riverside Cemetery, Marshalltown, IA  
HOMETOWN: Marshalltown, Iowa  
Home in 1930: Marshalltown, Marshall, Iowa 1930 Census  
ENLISTED: Des Moines, Iowa on June 22, 1936  
FATHER: Tony Marino Born in Italy  
Address of Parents 711 E. Linn St., Marshalltown, Iowa  
MOTHER Mollie Preissinger, Born in Illinois*

- c. The S – 36 Submarine Memorial is on the Capitol Grounds in Des Moines, just south of the Capitol Building.
  - d. During WWII there were 52 US Submarines and over 3500 men lost. The World War II Submarine Veterans assigned a lost submarine to each State, requesting that each state create a memorial to the assigned submarine. The S-36 was assigned to Iowa.
  - e. Although not by design, this route covers just over 52 miles.
4. Started this project in 2016, in January 2017 by contacting Tim Crouch, State Traffic Engineer, Office of Traffic and Safety, Highway Division of the Iowa DOT.
- a. We have received preliminary acceptance from the DOT for this project contingent on approval of the municipalities and counties affected by the selected route.
  - b. These Permission Request Letters are being mailed to satisfy the contingency listed in item “a” above.
  - c. State Representative Sandy Salmon and Former State Senator Bob Brunkhorst have been in the loop from the beginning.
5. Signage information:
- a. The Iowa Regulations set a minimum distance between signs of 5 miles or at any turns involved.
  - b. State requirements limit size to 30” by 24”, and recommend that they be no less than 24” by 24”. Only color to avoid would be RED and no 8 sided signs.
  - c. Some initial suggestions for the signs, most would also contain an arrow. Final design will be determined at least in part by the costs and number to be installed.
6. Questions or Comments?







N 13th St & Liberty Ln to 1100 East Walnut Street, Des Moines, IA

Drive 54.2 miles, 1 h 6 min

## N 13th St & Liberty Ln

Marshalltown, IA 50158

### Take Summit St to IA-330 S in Washington

- 9 min (7.2 mi)
1. Head west on Summit St toward N 14th St  
4.1 mi
  2. Turn left onto IA-330 S  
3.1 mi

### Continue on IA-330 S. Take US-65 S to E Walnut St in Des Moines

- 55 min (46.8 mi)
3. Turn right to stay on IA-330 S  
21.9 mi
  4. Continue onto US-65 S  
14.3 mi
  5. Continue onto NE Hubbell Ave  
1.6 mi
  6. Turn left (signs for US-65 S)  
0.2 mi
  7. Use the right lane to take the ramp onto US-65 S  
3.1 mi
  8. Take exit 79 for IA-163/E University Ave toward Pleasant Hill  
0.4 mi
  9. Turn right onto IA-163 W/E University Ave  
4.1 mi
  10. Turn left onto Hubbell Ave  
0.6 mi
  11. Continue onto E Grand Ave  
0.6 mi
  12. Turn left onto E 14th St  
0.2 mi
  13. Turn right onto E Walnut St  
57 s (0.2 mi)

## 1100 E Walnut St

Des Moines, IA 50319

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.





USSVI  
Central Region Director  
David L. Farran  
P O Box 825  
Waverly, IA 50677  
[bream243@q.com](mailto:bream243@q.com)

Brief History of WW II Submarine Veterans  
And  
United States Submarine Veterans, Inc.

US Submarine Veterans of World War II (WWII Sub Vets) was started by Bud Trimble on July 4, 1955. The first National Convention was held in 1955 and the organization was incorporated in 1956.

The WWII purpose or motto as of 1970:

***"To perpetuate the memory of those shipmates who gave their lives in submarine warfare; to further promote and keep alive the spirit and unity that existed among submarine crewmen during WW II; to promote sociability, general welfare and good fellowship among its members; and pledge loyalty and patriotism to the United States government."***

Annual conventions were held around the country and in 1960 At the San Diego National convention application was first made for a Federal Charter. Twenty-one years later on November 20, 1981 a Federal Charter was granted under Title 36 of the USC, Chapter 2207.

The Australian "Digger Hat" was adopted as the official headwear of the organization and was worn by all members at official functions. The hat was always worn for indoor meetings, it was never removed for prayers, memorial services of burials and was worn during the National Anthem.

The National Organization was disbanded in Norfolk, VA at a joint Convention with USSVI on September 7, 2012.

USSVI was started by members of WWII Sub Vets led by Dominic "Joe" Negri. Members who shared a belief in the need for an organization open to all Submariners from the beginning of the Submarine Service through the present and on into the future.

A founders meeting was held o October 12, 1963 in Orange, NJ and USSVI was born. It was officially chartered on May 24, 1964 in New London, CT.

USSVI currently has over 12,500 members in 70+ Bases or Posts

The USSVi Creed or Purpose is:

***To Perpetuate the memory of our shipmates who gave their lives in the pursuit of their duties while serving their country. That their dedication, deeds and supreme sacrifice be a constant source of motivation toward greater accomplishments. Pledge loyalty and patriotism to the United States of America and its Constitution.***

***In addition to perpetuating the memory of departed shipmates, we shall provide a way for all Submariners to gather for the mutual benefit and enjoyment. Our common heritage as Submariners shall be strengthened by camaraderie. We support a strong U.S. Submarine Force.***

***The organization will engage in various projects and deeds that will bring about the perpetual remembrance of those shipmates who have given the supreme sacrifice. The organization will also endeavor to educate all third parties it comes in contact with about the services our submarine brothers performed and how their sacrifices made possible the freedom and lifestyle we enjoy today."***

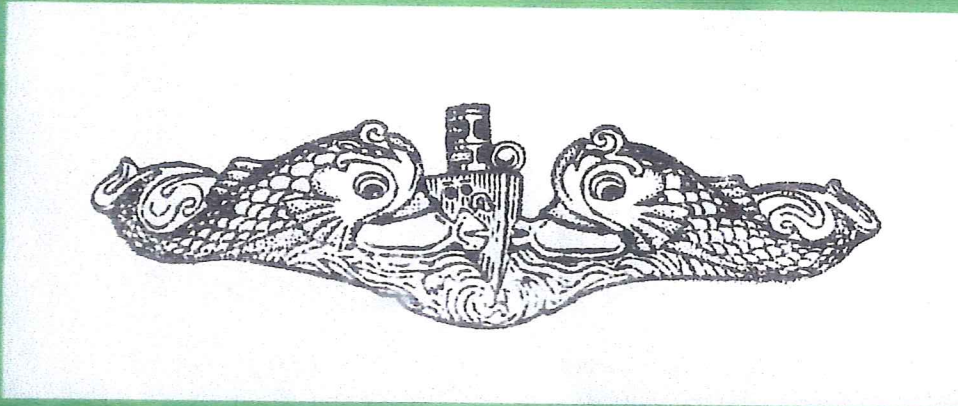
The first paragraph is very similar to the purpose of WWII Sub Vets. USSVI has picked up the Sub Veterans of World War II's purpose and made it a part of our purpose so that the tremendous efforts of the WWII Submarine Force during WW II will always be remembered.

If this Memorial Highway becomes a reality, it can become a part of the perpetuation of those memories.

Thank You,

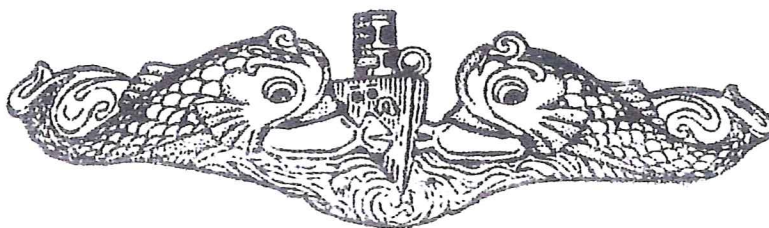
Iowa Submarine Veterans

**Submarine Veterans**



**Memorial Highway**

**Submarine Veterans**



**Memorial Highway**



RESOLUTION NO. \_\_\_\_\_

Setting date for public hearing on 2017 amendment to urban renewal plan for Marshalltown Urban Renewal Area No. 4

WHEREAS, the City Council of the City of Marshalltown, Iowa (the "City") has created the Marshalltown Urban Renewal Area No. 4 in the City's downtown area (the "Urban Renewal Area") and has approved an urban renewal plan for the Urban Renewal Area; and

WHEREAS, Chapter 403 of the Code of Iowa requires that, before a city approves any new urban renewal project, a city must amend the existing urban renewal plan to include that new project; and

WHEREAS, an amendment to the urban renewal plan for the Urban Renewal Area has been prepared which describes a list of urban renewal projects that could be undertaken in the City's Downtown area, including improvements to public buildings, and for which incremental property tax revenues could be expended, and it is now necessary that a date be set for a public hearing on that plan amendment;

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

Section 1. This City Council will meet at the Council Chambers, Marshalltown, Iowa, on the 14th day of August, 2017, at 5:30 o'clock p.m., at which time and place it will hold a public hearing on the proposed urban renewal plan amendment for the Urban Renewal Area.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached hereto, which publication shall be made in a legal newspaper of general circulation in Marshalltown, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the City shall hold the consultation process which is required under that section of the urban renewal law.

Passed and approved the 10<sup>th</sup> day of July, 2017.

---

Mayor

Attest:

---

City Clerk

NOTICE OF HEARING ON 2017 AMENDMENT TO URBAN RENEWAL  
PLAN FOR MARSHALLTOWN URBAN RENEWAL AREA NO. 4

Notice Is Hereby Given: That at 5:30 o'clock p.m., at the Council Chambers, Marshalltown, Iowa, on the 14th day of August, 2017, the City Council of the City of Marshalltown, Iowa, will hold a public hearing on the question of amending the urban renewal plan for the Marshalltown Urban Renewal Area No. 4 to include a list of urban renewal projects that could be undertaken in the City's Downtown area for which incremental property tax revenues could be expended, including the following:

-Public Facility Improvements to City Hall/Carnegie Building, Library, Veterans Memorial Coliseum and Senior Center

-Public Improvements, including demolition of blighted structures, security camera network, parking lot improvements, sidewalk improvements, Farmer's Market improvement, storm water drainage improvements, alley renovations, Highway 14 improvements, State Street Visioning and Streetscape project and street lighting replacement

-Community Development Programs, including Marshalltown Central Business District and Main Street program, façade restoration grant program, development incentive program to improve buildings, public art program and Marshalltown Central Business District Development Program.

A copy of the amendment is on file for public inspection in the office of the City Clerk.

At the hearing any interested person may file written objections or comments and may be heard with respect to the subject matter of the hearing.

Shari Coughenour  
City Clerk

# **AMENDMENT NO. 2**

**to the**

## **CITY OF MARSHALLTOWN URBAN RENEWAL AREA NO. 4 DOWNTOWN 2000 PLAN**

**for the**

## **URBAN RENEWAL AREA NO. 4 DOWNTOWN 2000 URBAN RENEWAL AREA**

**CITY OF MARSHALLTOWN, IOWA**

**Original Plan – July 1998**

**Amendment No. 1 – February 2013**

**Amendment No. 2 – August 2017**

**Local Government Professional Services**

**DBA Simmering-Cory**

**AMENDMENT NO. 2**  
**to the**  
**URBAN RENEWAL AREA NO. 4**  
**DOWNTOWN 2000 URBAN RENEWAL PLAN**  
**for the**  
**URBAN RENEWAL AREA NO. 4**  
**DOWNTOWN 2000 URBAN RENEWAL AREA**  
**CITY OF MARSHALLTOWN, IOWA**

The Urban Renewal Area No. 4 Downtown 2000 Urban Renewal Plan (the “Plan” or “Urban Renewal Plan”) for the Urban Renewal Area No. 4 Downtown 2000 Urban Renewal Area (the “Area” or “Urban Renewal Area”), adopted in 1998 and amended in 2013 is being further amended for the purpose of identifying new urban renewal projects to be undertaken within the Urban Renewal Area by this Amendment No. 2 (“Amendment No. 2” or “Amendment”) in accordance with the provisions of Chapter 403 of the *Code of Iowa*.

Except as modified by this Amendment, the provisions of the Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

**AREA DESIGNATION**

The Urban Renewal Area was originally designated as both an economic development area appropriate for the promotion of commercial and industrial development and an area in which blighted conditions exist that is appropriate for blight remediation activities.

This Amendment makes no change in the Area designation.

**ELIGIBLE URBAN RENEWAL PROJECTS (AMENDMENT NO. 2)**

In addition to previously authorized projects, the eligible urban renewal projects under this Amendment No. 2 include:

**1. Public Improvements:**

| <b>Project</b>                          | <b>Estimated Date</b> | <b>Estimated Cost to be Funded by TIF Funds</b> | <b>Rationale</b>                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------|-----------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Demolition of Blighted Structures       | 2017-2022             | \$1,000,000                                     | Funding to acquire, demolish, and clean up dangerous and dilapidated buildings that contribute to blighted conditions within the Urban Renewal Area. These would include, but are not limited to, properties currently owned by the City at 4 W. Grant St. and 6 W. Grant St.                                                                                                    |
| Security Camera Network                 | 2017-2020             | \$250,000                                       | A contributing factor to the Area's blighting designation was increased crime and police calls for service. Installation of a security camera network within the Central Business District will aid in crime prevention and remediation of blighting influences.                                                                                                                 |
| Parking Lot Improvements                | 2017-2025             | \$500,000                                       | Improvements to City owned parking lots including replacement of concrete and needed structural repairs. Parking lots that may be included within this project include Lots A, D, F, H, J, K, N, O, P, T, W, and Z.                                                                                                                                                              |
| Sidewalk Improvements                   | 2018-2025             | \$200,000                                       | <p>A safe pedestrian transportation system is an important component to a successful economic environment in a downtown business district.</p> <p>The City anticipates providing funding to improve pedestrian access within the Central Business District and meet ADA accessibility standards. Combined these improvements will enhance the economic vitality of the Area.</p> |
| Farmer's Market Improvement             | 2018-2025             | \$250,000                                       | Replacement of the existing pavilion to a more modern facility, including restrooms, to increase the role of the farmer's market in the overall economy of the downtown area.                                                                                                                                                                                                    |
| Storm Water Infrastructure Improvements | 2018-2025             | \$1,000,000                                     | This project would improve storm water management and treatment utilizing green infrastructure within the downtown area to remediate potential flash flooding events and damage to local infrastructure and minimize loss of access to the business district.                                                                                                                    |

|                                                |           |             |                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------|-----------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alley Renovations                              | 2018-2025 | \$100,000   | Project includes improvements to alleyways within the Central Business District to improve pedestrian access while creating and enhancing an atmosphere that is conducive to economic development and growth in housing within the area.                                                                                                                             |
| Highway 14 Improvements                        | 2018-2021 | \$500,000   | Improvements to Highway 14 within the Area, including a section of 3 <sup>rd</sup> Avenue to 5 <sup>th</sup> Avenue from Bromley Street to Madison Street, in coordination with the Iowa DOT, to enhance safety and accessibility within the downtown business district.                                                                                             |
| State Street Visioning and Streetscape Project | 2017-2020 | \$1,000,000 | Enhancements to a major downtown corridor to include enhancements to remediate blight and stimulate the economic development. Potential projects include improving safety and access for pedestrians and creating a more aesthetic environment.                                                                                                                      |
| Street Lighting Replacement                    | 2017-2025 | \$700,000   | This project would result in improved street lighting within the Central Business District. Improved lighting will help to revitalize the downtown area, create a safe atmosphere to conduct business, enhance livability of the area, and support existing and new businesses. In addition, these improvements may stimulate other investment in the downtown area. |

## 2. Public Facility Improvements:

**A. City Hall/Carnegie Building.** This project involves the restoration and renovation of City Hall. The City is currently constructing a new Police Station and will move the department out of their current building in 2018-2019 which is attached to City Hall. The two buildings share critical mechanical systems and ADA access facilities. In addition, City Hall has several façade issues including deteriorating brick and stone and water damage inside the building. Improvements to City Hall are needed to ensure ADA accessibility, efficient and reliable building systems, and the long-term preservation of the building.

The City plans to utilize a consultant to identify potential solutions and cost options on both the police facility and City Hall. Upon completion of the study the City plans a project that will ensure long term use of the City Hall building including ADA improvements, updates to the building's critical systems (heating, cooling, electrical, etc.) and restoring the façade and exterior condition of the building to improve safety and

remediate current deteriorating conditions. Improvements could potentially involve the use of the existing Police Station.

It is anticipated that renovations and restoration to the two buildings will occur in 2019-2023. Total project costs are estimated to not exceed \$1,500,000. It is estimated that approximately \$500,000 of the project costs will be paid from a combination of property taxes, General Obligation Bonds, and grants, and no more than \$1,000,000 of the project costs will be paid with funds from tax increment financing ("TIF").

**B. Library Addition.** The City expects to undergo a project to expand the current Marshalltown Library facilities to include additional space for increased programming that will also be available to local and regional groups for meetings and events. The library is well utilized by both residents of the community and the surrounding area. The library's strategic location, near the central business district, contributes to a healthy and vibrant downtown area.

The City anticipates construction of the project in 2018-2020. Total project costs are estimated not to exceed \$1,000,000. It is estimated that approximately \$300,000 of the project costs will be paid from a combination of community donations, grants, and local sources, and no more than \$700,000 of the project costs will be paid with funds from TIF.

**C. Veterans Memorial Coliseum.** The City has conducted a feasibility and use study to determine needed improvements and renovations to make the facility ADA compliant and to provide more usable space for local and regional activities organized by the City's Parks and Recreation Department. The facility is used for weddings, birthdays, meetings, and various community events and for several recreational programs run by the City's Parks and Recreation Department. These Parks and Recreation programs are attended by youth from the surrounding rural areas, students from the Marshalltown School District as well as three other regional school districts. Following the study the City anticipates renovation of the facility during 2019-2025. Total project costs are estimated to not exceed \$6,000,000. It is estimated that \$1,500,000 of the project costs will be paid from a combination of property taxes, General Obligation Bonds, and grants, and no more than \$4,500,000 of the project costs will be paid with funds from TIF.

**D. Senior Center.** This project involves conducting a feasibility and use study to determine the possibility of potential updates and renovations to the existing facility used as a Senior Center and built in the 1920's. Since its original construction, the building has had minimal updates or upgrades. Improvements to the facility may include ADA accessibility and enhancements to the building's core systems such as lighting, electrical, plumbing, and heating and cooling systems. Based on the results of the facility and use study the City may also consider demolition of the building. A facility and use study and project development plans are expected to be completed during 2018-2020 with construction during 2020-2022. The total project cost is estimated not to exceed \$4,000,000. It is estimated that approximately \$2,000,000 of the project costs will be



paid from a combination of property taxes, General Obligation Bonds, and grants, and no more than \$2,000,000 of the project costs will be paid with funds from TIF.

### 3. **Community Development Programs**

The City Council acknowledges the importance of the role that local community organizations play in the overall growth and sustainability of the Area. These groups working in partnership with the City provide support for the ongoing promotion of economic development and blight remediation activities in the Urban Renewal Area.

A. **Marshalltown Central Business District.** The Marshalltown Central Business District provides daily operations of the Marshalltown Main Street program and support to the City and businesses in the Central Business District through promotion, beautification, and operation of grant and low interest loan programs within the district to support a growing economic and draw people to the area.

The City anticipates continuation of the existing partnership with the Marshalltown Central Business District with an annual contribution not to exceed \$50,000 to be used for business recruitment and retention within the Area.

B. **Façade Restoration Grant Program.** The City anticipates providing increment funds to the Marshalltown Central Business District in the amount of \$50,000 annually to fund a Façade Restoration and Protection Grant Program. The grant program is administered by the Marshalltown Central Business District and will provide funding to match private investment for the long-term preservation of buildings within the central business district and to encourage future economic development within the Area.

Funding through this program will also help to remediate blighting influences and blighted buildings within the Area.

C. **Development Incentive Program.** The City also anticipates the funding of a new Development Incentive Program, in conjunction with the Marshalltown Central Business District, to assist property owners within the Area to make improvements to their buildings including energy efficiency improvements, creation and restoration of second story housing, and funds for planning and construction of improvements for historical preservation. These improvements will be designed to preserve and improve the overall economic conditions of the Area and remediate blighting influences.

Funding for this program, with the Marshalltown Central Business District, is anticipated to be on an annual basis in an amount not-to-exceed \$100,000 annually from available increment funds.

D. **Public Art Program.** The City anticipates potential funding of a new Public Art Program in partnership with the Marshall County Arts and Culture Alliance to provide grants to fund public art projects within the Urban Renewal Area. Projects will be designed to improve the overall economic conditions of the area and remediate blighting influences.

Funding for this program, with the Marshall County Arts and Culture Alliance, is anticipated to be on an annual basis in an amount not-to-exceed \$100,000 annually from available increment funds.

**E. Marshalltown Central Business District Development Program.** The City acknowledges the importance of various partners as well as individual business owners and developers in the ongoing promotion of economic development within the Urban Renewal Area. As such, the City expects to consider requests for Development Agreements for projects that are consistent with this Plan, in the City's sole discretion.

The City anticipates that priority funding will be given to projects that involve construction of public infrastructure improvements and facilitate the development of upper floor residential uses. It is the goal of the project is to assist the Marshall County Arts and Culture Alliance and Marshalltown Central Business District, as well as, potentially private developers and property owners, in achieving projects that enhance the overall economic development and blight remediation efforts of the central business district.

Projects may include wayfinding signage, development and implementation of a comprehensive private signage plan, energy efficiency projects, and providing assistance to property owners for rehabilitation and historic preservation of buildings within the Area. The costs of such agreements will not exceed \$1,000,000 individually or \$10,000,000 in total.

**4. Planning, Engineering Fees (for Urban Renewal Plans), Attorney Fees, Administrative, and Other Related Costs to Support Urban Renewal Projects and Planning:**

| <b>Project</b>          | <b>Estimated Date</b> | <b>Estimated Cost to be Funded by TIF Funds</b> |
|-------------------------|-----------------------|-------------------------------------------------|
| <b>Fees &amp; Costs</b> | <b>Undetermined</b>   | <b>Not to Exceed \$100,000</b>                  |

**FINANCIAL INFORMATION**

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                        |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| 1. | July 1, 2016 Constitutional Debt Limit:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$68,225,606                                                                                           |
| 2. | Outstanding General Obligation Debt:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$33,430,000                                                                                           |
| 3. | Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Eligible Urban Renewal Projects (Amendment No. 2) has not yet been determined. This document is for planning purposes only. The estimated project costs in this Plan are estimates only and will be incurred and spent over a number of years. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be | \$23,800,000 plus \$300,000 in annual funding to economic development and blight remediation programs. |

|                                                                                                                                                                                                                                                                                           |                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| financed in whole or in part with tax increment revenues from the Urban Renewal Area, as amended. Subject to the foregoing, it is estimated that the cost of the Eligible Urban Renewal Projects (Amendment No. 2) as described above will be approximately as stated in the next column: | This does not include financing costs related to debt issuance, which may be incurred over the life of the Area. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|

### **PUBLIC BUILDING ANALYSIS**

Amendment No. 2 includes four projects that would involve public buildings. If these projects are approved by the City, the City intends to finance some of the costs through tax increment financing. Specifically, under these circumstances, Iowa law requires an analysis of alternative development options and funding for the projects and reasons why such options would be less feasible than the use of incremental tax revenues for the projects.

#### **City Hall/Carnegie Building:**

This project involves a public building. The project involves the renovation of two existing buildings, City Hall and the current Police Station, to improve service delivery and ensure long term use of the facilities for City business, including economic development activities. If the project is ultimately approved by the City, the City intends to finance a portion of the cost of the project through tax increment financing. For the costs of this project to be paid with tax increment funds, the City proposes to issue general obligation bonds and abate a part of the principal and interest payments utilizing available incremental tax revenues within the Area, if available. The City anticipates that tax increment revenue, if available, will fund up to \$1,000,000 of the total project costs. Total project costs for renovations and updates to the facility are estimated to not exceed \$1,000,000.

Marshalltown's City Hall building is a historic building and is connected to the historic Carnegie Building. Both facilities have façade deterioration causing safety issues around the exterior and water damage inside the buildings. In addition, ADA improvements and upgrades to critical building systems, including heating, cooling, and emergency electrical backup components are needed. Completion of these projects will ensure the long-term preservation of the historic building and the safety of the citizens who utilize the building.

The facility houses the City Council Chambers and administration offices, including Finance, Housing, Community Development, Engineering, and Parks and Recreation Departments. The building is also available for and used by various groups for meetings including the Iowa League of Cities, State Fire Marshall's office and others. The rehabilitation efforts outlined in the proposed project are critical for the long-term use of the building by all the various groups as well as the continued use by City staff working to enhance economic development opportunities within the City. Additional economic development activity and an increased tax base benefits the community as a whole, including the school district and the County. The rehabilitation of this building will improve a resource that provides regional benefits. The City has estimated that

20% of the building usage is related to and provides benefits to the overall economic vitality of the region including benefits that extend to the school district and the County.

#### Alternative Funding Options:

One alternative funding option for this project would have the City go through a process that would result in the issuance of general obligation bonds paid only by the City's debt service levy. The issuance of General Obligation Bonds, payable from a debt service levy would require the City to follow State of Iowa statutory rules that require providing notice to voters of their right to petition the City for a referendum on the issuance of bonds. If a referendum was petitioned, and if the necessary 60% approval was not obtained, the City would not be able to finance the project utilizing General Obligation Bonds.

A second alternative for funding the project is through use of the City's General Fund levy. The City is currently at the \$8.10 per thousand dollars of taxable valuation rate which is the maximum rate allowable under state law. Additionally, the City is allowed to establish a capital improvement reserve fund and certify taxes to fund the projects within a specific capital improvement plan. The City has established this fund and is levying taxes at the maximum allowed by law for this levy. The taxes received under this levy are allocated for other projects and would not be available for the proposed project.

The use of Local Option Sales Tax (LOST) funding received by the City is another alternative for funding of this project. LOST revenues are not available for this project, as the City has already obligated available LOST revenues to fund other projects and tax relief.

Other alternatives for funding this project could include grant programs available for historic restoration. The City will be pursuing grant opportunities as they become available. However, funding from grant programs is extremely competitive and, even if successful, generally only provides a small percentage of the total capital needed for a renovation project.

Based on the analysis of potentially available resources for funding this project the most feasible method of financing the proposed eligible project is through the use of a combination of tax increment financing funds along with other available revenues as they are available. In addition, the proposed project demonstrates regional benefits to both County and school district residents and the use of tax increment to pay for a portion of the project is appropriate. For the aforementioned reasons, the use of tax increment revenue (debt abated by incremental tax revenues) for this project is the most feasible and equitable mechanism for helping to fund the proposed project.

#### Library Addition:

This project involves a public building. The project involves the expansion of the existing Marshalltown Public Library to provide additional meeting space for library and community events. If this project is ultimately approved by the City, the City intends to finance a portion of

the cost of the project through tax increment financing. For the costs of this project to be paid with tax increment funds, the City proposes to issue general obligation bonds and abate a part of the principal and interest payments utilizing available incremental tax revenues within the Area, if available. The City anticipates that tax increment revenues, if available, will fund up to \$700,000 of the total project costs. Total project costs for the Library expansion project are estimated not to exceed \$1,000,000. Specifically, under these circumstances, Iowa law requires an analysis of alternative development options and funding for the project and reasons why such options would be less feasible than the use of incremental tax revenues for the project.

The Marshalltown Public Library is a facility utilized by both local residents, County citizens, area groups, and school district residents. Library records show that 25% of the registered users live outside the City of Marshalltown. In addition, groups and organization from outside the corporate limits of Marshalltown account for 15% of the use of the existing meeting room space.

Public libraries are an important part of communities, providing access to free programing and materials for all classes of residents. Libraries can be an important quality of life factor for employers and companies choosing to locate or expand their business. Additionally, facilities such as the Marshalltown Public Library are a factor for employees when choosing a place to live. The City recognizes the importance of providing a high quality-of-life and public library amenities in order to retain and draw new businesses to the City and the region.

#### Alternative Funding Options:

One alternative funding option for this project would have the City go through a process that would result in the issuance of general obligation bonds paid only by the City's debt service levy. The issuance of General Obligation Bonds, payable from a debt service levy would require the City to follow State of Iowa statutory rules that require providing notice to voters of their right to petition the City for a referendum on the issuance of bonds. If a referendum was petitioned, and if the necessary 60% approval was not obtained, the City would not be able to finance the project utilizing General Obligation Bonds.

A second alternative for funding the project is through use of the City's General Fund levy. The City is currently at the \$8.10 per thousand dollars of taxable valuation rate which is the maximum rate allowable under state law. Additionally, the City is allowed to establish a capital improvement reserve fund and certify taxes to fund the projects within a specific capital improvement plan. The City has established this fund and is levying taxes at the maximum allowed by law for this levy. The taxes received under this levy are allocated for other projects and would not be available for the proposed project.

The use of Local Option Sales Tax (LOST) funding received by the City is another alternative for funding of this project. LOST revenues are not available for this project, as the City has already obligated available LOST revenues to fund other projects and tax relief.

Other alternatives for funding this project could include grant programs and private donations for library renovations and expansion, and establishing library user fees. The Library Board will be pursuing grant opportunities as they become available. However, funding from most grant programs is extremely competitive and, even if successful, generally only provides a small percentage of the total capital needed for an expansion project.

Another potential funding source could be user fees. The Iowa Library Association urges libraries not to charge user fees for the use of a library. Libraries have historically been a free service for patrons.

Based on the analysis of potentially available resources for funding this project the most feasible method of financing the proposed eligible project is through the use of a combination of tax increment financing funds along with other available revenues as they are available. In addition, the proposed project demonstrates regional benefits to both County and school district residents and the use of tax increment to pay for a portion of the project is appropriate. For the aforementioned reasons, the use of tax increment revenue (debt abated by incremental tax revenues) for this project is the most feasible and equitable mechanism for helping to fund the proposed project.

#### **Veterans Memorial Coliseum:**

This project involves a public building. The project involves the renovation of the existing 1929 building to include improved and more efficient building systems, heating, cooling, lighting, electrical, plumbing, ADA accessibilities upgrades, as well as, repairs to the general exterior of the building to potentially include, façade improvements and window and roof replacement. If this project is ultimately approved by the City, the City intends to finance a portion of the cost of the project through tax increment financing. For the costs of this project to be paid with tax increment funds, the City proposes to issue general obligation bonds and abate a part of the principal and interest payments utilizing available incremental tax revenues within the Area, if available. The City anticipates that tax increment revenue, if available, will fund up to \$4,500,000 of the total project costs. Total project costs for renovations and updates to the facility are estimated to not exceed \$6,000,000.

Originally constructed in 1929, the Coliseum has served as a community gathering facility, hosting various community and regional activities including sporting events, recreational leagues, community exhibits and shows. According to the City's Parks and Recreation Department, utilization of the building, including participation in their programs, draws residents of Marshalltown as well as rural families and students from three surrounding school districts. In addition to community programming facilitated by the Parks and Recreation Department they also provide specific programs on behalf of the Marshalltown School District.

The Coliseum has historically drawn people to the downtown area for recreational and community-based activities. The City hopes that renovation of the building will continue to draw individuals to the downtown area as well as, increase the amount of traffic in the Central

Business District. Recreational activities, such as those occurring in the Coliseum, are an important quality-of-life factor for existing residents and companies choosing to locate or expand their business. Facilities such as the Coliseum are also factors for employees when choosing a place to live. The City recognizes the importance of providing a high quality-of-life and recreational amenities in order for existing and potential employers to locate and expand within the City and the region.

#### Alternative Funding Options:

One alternative funding option for this project would have the City go through a process that would result in the issuance of general obligation bonds paid only by the City's debt service levy. The issuance of General Obligation Bonds, payable from a debt service levy would require the City to follow State of Iowa statutory rules that require providing notice to voters of their right to petition the City for a referendum on the issuance of bonds. If a referendum was petitioned, and if the necessary 60% approval was not obtained, the City would not be able to finance the project utilizing General Obligation Bonds

A second alternative for funding the project is through use of the City's General Fund levy. The City is currently at the \$8.10 per thousand dollars of taxable valuation rate which is the maximum rate allowable under state law. Additionally, the City is allowed to establish a capital improvement reserve fund and certify taxes to fund the projects within a specific capital improvement plan. The City has established this fund and is levying taxes at the maximum allowed by law for this levy. The taxes received under this levy are allocated for other projects and would not be available for the proposed project.

The use of Local Option Sales Tax (LOST) funding received by the City is another alternative for funding of this project. LOST revenues are not available for this project, as the City has already obligated available LOST revenues to fund other projects and tax relief.

Other alternatives for funding this project could potentially include grant programs available for buildings of this type and use including the Martha Ellen Tye Foundation and the CDBG program. However, funding from most grant programs is extremely competitive and, even if successful, generally only provides a small percentage of the total capital needed for an expansion project.

The City may also investigate the potential for involving a private developer in the restoration and rehabilitation of the building.

Based on the analysis of potentially available resources for funding this project the most feasible method of financing the proposed eligible project is through the use of a combination of tax increment financing funds along with other available revenues as they are available. In addition, the proposed project demonstrates regional benefits to both County and school district residents and the use of tax increment to pay for a portion of the project is appropriate. For the

aforementioned reasons, the use of tax increment revenue (debt abated by incremental tax revenues) for this project is the most feasible and equitable mechanism for helping to fund the proposed project.

### **Senior Center:**

This project involves a public building. The project involves conducting a feasibility and use study to determine options and potential costs of renovations of the Marshalltown Senior Center which is owned by the City of Marshalltown. If this project is ultimately approved by the City, the City intends to finance a portion of the cost of the project through tax increment financing. For the costs of this project to be paid with tax increment funds, the City proposes to issue general obligation bonds and abate a part of the principal and interest payments utilizing available incremental tax revenues within the Area, if available. The City anticipates that tax increment revenue, if available, will fund up to \$2,000,000 of the total project costs. Total project costs for renovations and updates to the facility are estimated not to exceed \$4,000,000.

The current facility was constructed in 1920 and has had limited updates to the building since that time. The City currently leases the building to two agencies who provide programing and services for senior citizens in Marshalltown and the surrounding region. Based on the results of a feasibility study the City may choose to expend funds to renovate and update the existing facility to include ADA accessibility updates, building system upgrades, and other general facility improvements as determined by the results of the study. The City may also choose to relocate the existing services provided in the building to another facility and demolish the existing structure to open up the area for future economic development uses.

An efficient, functional, and accessible senior center facility can be a quality-of-life asset for a community. Marshalltown's Senior Center provides benefits not only for Marshalltown residents but also residents of the surrounding area. The City recognizes the importance of providing a high quality-of-life in order for existing and potential employers to locate and expand within the City and region.

### **Alternative Funding Options:**

One alternative funding option for this project would have the City go through a process that would result in the issuance of general obligation bonds paid only by the City's debt service levy. The issuance of General Obligation Bonds, payable from a debt service levy would require the City to follow State of Iowa statutory rules that require providing notice to voters of their right to petition the City for a referendum on the issuance of bonds. If a referendum was petitioned, and if the necessary 60% approval was not obtained, the City would not be able to finance the project utilizing General Obligation Bonds

A second alternative for funding the project is through use of the City's General Fund levy. The City is currently at the \$8.10 per thousand dollars of taxable valuation rate which is the maximum rate allowable under state law. Additionally, the City is allowed to establish a capital



improvement reserve fund and certify taxes to fund the projects within a specific capital improvement plan. The City has established this fund and is levying taxes at the maximum allowed by law for this levy. The taxes received under this levy are allocated for other projects and would not be available for the proposed project.

The use of Local Option Sales Tax (LOST) funding received by the City is another alternative for funding of this project. LOST revenues are not available for this project, as the City has already obligated available LOST revenues to fund other projects and tax relief.

Other alternatives for funding this project could include grant programs and private donations for renovations to the senior center. The City will be pursuing grant opportunities as they become available. However, funding from most grant programs is extremely competitive and, even if successful, generally only provides a small percentage of the total capital needed for a renovation project.

The City may also investigate the potential for involving a private developer in the restoration and rehabilitation of the building.

Based on the analysis of potentially available resources for funding this project the most feasible method of financing the proposed eligible project is through the use of a combination of tax increment financing funds along with other available revenues as they are available. In addition, the proposed project demonstrates regional benefits to both County and school district residents and the use of tax increment to pay for a portion of the project is appropriate. For the aforementioned reasons, the use of tax increment revenue (debt abated by incremental tax revenues) for this project is the most feasible and equitable mechanism for helping to fund the proposed project.

### **EFFECTIVE PERIOD**

This Amendment No. 2 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document, the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the “division of revenue,” as those words are used in Chapter 403 of the *Code of Iowa*, will be consistent with Chapter 403 of the *Code of Iowa*. The division of revenues shall continue on the Area for the maximum period allowed by law.

At the time the original Urban Renewal Area was adopted in 1998, the plan was designated as a mixed economic development and blighted area and therefore the Area is not subject to the statutorily required expiration on the ability to collect incremental taxes set out in the *Code of Iowa* section 403.17(10). Amendment No. 1, adopted in 2013, removed a self-imposed

expiration date and clarified that the division of revenue in the Area is not subject to any sunset. This Amendment No. 2 makes no change to the effective period of the Area.

At all times, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the *Code of Iowa*) by the City for activities carried out under the Urban Renewal Area shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

### **REPEALER**

Any parts of the Plan, as previously amended, in conflict with this Amendment are hereby repealed.

### **SEVERABILITY CLAUSE**

If any part of this Amendment No. 2 is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.



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

July 3, 2017

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

From: Michelle Spohnheimer  
Housing & Community Development Director

Re: Property sale: 710 Wood Street

**Policy Issue:** The City was the recipient of a Neighborhood Stabilization Grant from the Iowa Economic Development Authority back in 2009. We purchased foreclosed properties and rehabbed them. Rehab work varied on each property but included items such as new siding, windows, HVAC systems, water heaters, electrical systems, floor coverings, roofs, cabinets and even a driveway. The grant funds covered the majority of the expenses and the City had conditions on the sale of the property related to the buyer.

**Recommendation:** The City recently listed 710 Wood Street for \$27,900 and received three offers. We conditionally accepted an offer from M. Guadalupe Juarez Alvis for \$30,000.

**Background:** The City has had these properties for a long time due to challenges with lending restrictions and income eligibility restrictions. After some changes at a State level and with a new financial partner, Farmers Savings Bank, we were able to list the property.

**Budget Impact:** The revenue will reimburse the City for expenses above and beyond the grant dollars that have been used for ongoing maintenance.

**Attachment:** Resolutions.

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

Marshalltown



TENTATIVE RESOLUTION PROVIDING FOR THE  
CONVEYANCE AND TRANSFER OF TITLE  
TO THE PROPERTY HEREIN DESCRIBED  
FROM THE CITY OF MARSHALLTOWN, IOWA  
TO GUADALUPE JUAREZ

WHEREAS the Council of the City of Marshalltown, Iowa finds it is in the best interest of the City and proposes to transfer property set out and described in Section 1 hereof to the adjacent property owners, Guadalupe Juarez; and

WHEREAS the consideration for the transfer of the real estate to Guadalupe Juarez, as set forth in Section 1, is the full sum of \$ 30,000.00 (thirty thousand and 00/100) Dollars including costs of transfer and publication, said sum payable to the City of Marshalltown; and

WHEREAS the property being transferred by the City of Marshalltown, Iowa to Guadalupe Juarez is real estate which is not being used to the full advantage of the City, and is not required for any other public purpose, and no rights of private persons will be adversely affected; and

WHEREAS the City of Marshalltown hereby proposes the transfer of said property, subject to easements being retained and rights of way of utilities, and access to and maintenance of said utilities. Said easements, rights of way and access will be retained until such time as the utility no longer utilizes or needs facilities in this location.

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 transfer and convey title by Warranty Deed to the following described property Guadalupe Juarez and said property is described as follows, to-wit:

710 Wood Street, legally described as follows:  
LOT THIRTEEN IN BLOCK TWO IN WOOD'S ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA, FROM ROOT OF TITLE.

Section 2. That the consideration for the above-referred to real estate being transferred in Section 1 to Guadalupe Juarez, shall be the sum of \$ 30,000.00 (thirty thousand and 00/100) Dollars, including costs of transfer and publication, payable to the City of Marshalltown, Iowa.

Section 3. The City of Marshalltown hereby proposes the transfer of said property, subject to easements being retained and rights of way of utilities, and access to and maintenance of said utilities. Said easements, rights of way and access will be retained until such time as the utility no longer utilizes or needs facilities in this location.

Section 4. 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, the publication to be not less than four (4) days nor more than twenty (20) days prior to the date hereinafter fixed in the City Hall, 10 W State Street, Marshalltown, Iowa, on July 24, 2017, to consider any and all comments filed with the City Clerk or made in open council to the proposal for conveyance as herein contained and to take final action thereon.

Passed this 10th day of July, 2017, and signed this \_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

---

James L. Lowrance

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

July 3, 2017

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

From: Justin Nickel  
Director of Public Works

**Re: Staging Area Lease – Alliant Energy**

**Policy Issue:** City policy requires Governing Body approval of property agreements.

**Recommendation:** Staff recommends approving the lease agreement with Alliant Energy

**Background:** Alliant Energy is seeking to lease an area of the Iowa River Trail in Liscomb. The City is the titleholder to the trail property.

**Budget Impact:** None

**Attachment:** Lease Agreement.

cc: Jessica Kinser, City Administrator

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



2017-\_\_

RESOLUTION APPROVING LEASE AGREEMENT WITH INTERSTATE POWER AND LIGHT COMPANY, RELATING TO A STAGING AREA LEASE ON THE ABANDONED RAILROAD CORRIDOR NEAR 401 CLINTON STREET IN LISCOMB, IOWA, FOR A PERIOD OF FOURTEEN MONTHS, ENDING ON OR ABOUT AUGUST 31, 2018, UNLESS CONTINUED PURSUANT TO TERMS IN THE AGREEMENT, IN THE AMOUNT OF \$230 PER MONTH PLUS AN INITIAL AMOUNT OF \$2,800.

WHEREAS the Council has received a request from INTERSTATE POWER AND LIGHT COMPANY, for a staging area lease of real estate along the abandoned railroad corridor near 401 Clinton Street, Liscomb, Iowa; and

WHEREAS the Council has fully examined and found the lease agreement is in the best interest of the city of Marshalltown, Iowa, and that the lease agreement should be approved and accepted.

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

Section 1. The staging area lease agreement with INTERSTATE POWER AND LIGHT COMPANY providing for lease of a staging area lease of real estate along the abandoned railroad corridor near 401 Clinton Street, Liscomb, Iowa, is hereby fully approved in all respects and particulars and the Mayor and City Clerk are hereby authorized and directed to execute same.

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute said Agreement on behalf of the City of Marshalltown.

Passed on this \_\_ day of \_\_\_\_ 2017, and signed on this \_\_ day of \_\_\_\_ 2017.

CITY OF MARSHALLTOWN, IOWA

---

James L. Lowrance, Mayor  
ATTEST:

---

Shari L. Coughenour, CMC, City Clerk

## STAGING AREA LEASE

THIS LEASE AGREEMENT ("Lease"), made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between the City of Marshalltown hereinafter called "Lessor", and Interstate Power and Light Company (an Iowa corporation) hereinafter called the "Lessee" with its principal place of business in Cedar Rapids, Iowa.

### WITNESSETH:

In consideration of the following obligations and agreements to be performed by the parties herein, the Lessor hereby leases unto the Lessee the following land situated in the City of Liscomb, in the County of Marshall, State of Iowa (the "Premises"), described as follows:

A tract of land, approximately 100' x 50' along the abandoned railroad corridor in Section 12, Township 85 North, Range 19 West in the 5<sup>th</sup> P.M., Marshall County, Iowa next to the property more commonly known as 401 Clinton Street, Liscomb, in accordance with the attached map, Exhibit "A", which is incorporated by this reference.

### 1. PURPOSE

The Premises shall be used by Lessee, Lessee's agents, employees, contractors or invitees as a material show up site only.

### 2. TERM

The Lessee is to have and to hold the same for the term of approximately fourteen (14) months beginning July 1, 2017, and ending on or about August 31, 2018 and shall continue thereafter on a month to month basis until either party shall give the other party thirty (30) days written notice of its desire to terminate the Lease; and until so terminated, all conditions of this Lease shall remain in full force and effect. Notwithstanding the foregoing, the Lessee may terminate this Lease for convenience at any time during the term hereof, by providing seven (7) calendar days written notice to the Lessor. No conduct of Lessee shall be deemed a waiver of the right to terminate this Lease.

### 3. NOTICE

Any written notice given by the Lessor to the Lessee shall be deemed to be properly served if the same be delivered to the Lessee, or one of Lessee's agents, or if the Lessee or Lessee's agents cannot be located, when mailed, postpaid, addressed to the Lessee at Lessee's last known place of business. Any written notice given by the Lessee to the Lessor shall be deemed properly served if the same be delivered to the Lessor, or to one of the Lessor's officers, or if mailed, postpaid, addressed to the Lessor at Lessor's last known business address.



#### 4. RENT

The Lessee agrees to pay to Lessor as rental for said Premises for the term from July, 2017 and ending August 31, 2018, the sum of Two thousand eight hundred and no/100 (\$2,800.00) and the sum of \$230 for each month thereafter until termination. Said rent payment shall be delivered upon signing of this lease. Rent beginning September 1, 2018 and beyond shall be paid monthly until lease is terminated.

#### 5. REFUND

Any rent payments made in advance for a period extending beyond the original term of this Lease shall be refunded to the Lessee on termination, unless such termination shall be on account of violation or non-fulfillment of any of the terms of this Lease by the Lessee, or on account of abandonment of said Premises by the Lessee, in which case the amount(s) paid in advance shall be retained by the Lessor

#### 6. TAXES

The Lessor shall pay all taxes, licenses and other charges which may be assessed or levied on the Premises.

#### 7. SUCCESSORS AND ASSIGNS

This Lease shall be binding upon, successors and assigns of the parties hereto. However, the Lease shall not be assigned or in any manner transferred nor said Premises or any part thereof sublet, used or occupied by any party other than the Lessee and those contemplated in Section 1 of this Lease.

#### 8. IMPROVEMENTS

The Lessor hereby gives to the Lessee the privilege of erecting, maintaining and using on said Premises, suitable structures for the purposes set forth in Section 1 hereof, provided that such structures first shall be approved by the Lessor, and be in compliance with all laws and other local, county, state and federal laws and regulations, and thereafter maintained by the Lessee to the satisfaction of the Lessor and in compliance with all laws. Lessee agrees that failure to comply with laws relating to improvements may, at the Lessor's option, result in termination of the Lease. Lessee will be responsible for obtaining and abiding by all permits necessary for its business.

#### 9. REMOVAL OF IMPROVEMENTS AND TERMINATION

Upon the termination of this Lease in any manner, the Lessee shall remove all improvements placed on the Premises and restore the Premises to its former state. This includes, but is not limited to, removing all stone/rock brought to the location; scarifying the site; replacing all topsoil and replanting vegetation.

#### 10. CONDITION OF PREMISES

The Lessee shall, at all times, keep the Premises in a safe, clean and sanitary condition, and shall not mutilate, damage, misuse, or permit waste thereon.

#### 11. RIGHT OF INSPECTION AND ENTRY

The Premises shall be open at all reasonable times for inspection and entry by the Lessor, its agents, employees and authorized applicants for purchase or lease thereof, or for any other lawful purpose. Specifically, Lessor may, upon notice to Lessee, perform any environmental assessment, studies or testing it decides necessary to investigate, assess and remediate any environmental conditions on the Premises.

#### 12. ADVERTISING

No advertising shall be placed upon the Premises without the written approval of the Lessor.

#### 13. LAWS AND REGULATIONS

The Lessee shall, without cost to the Lessor, comply with all applicable laws, rules, regulations and ordinances of competent authorities affecting said Premises including, but not limited to those relating to the environment. The parties agree that this Lease shall be governed by the laws of the State of Iowa, with venue lying in Marshall County District Court.

#### 14. MISCELLANEOUS CHARGES

Lessee shall pay all utility charges including, but not limited to water, lighting, heating, telephone and other miscellaneous charges that may be levied or assessed by reason of the occupation or use of the Premises by Lessee.

#### 15. LIABILITY

The Lessee agrees to defend, indemnify and save the Lessor harmless from injuries and damages arising out of this Lease, to the extent such injuries and damages are the direct result of the negligent acts of Lessee in the performance of their activities under this Lease.

#### 16. RESTRICTIONS ON LESSEE: HAZARDOUS SUBSTANCES

Lessee shall not use, generate, handle, store or dispose of any Hazardous Substance in, on, under, upon or affecting the Premises in violation of any environmental law. The Lessee will not be held responsible for any existing environmental conditions including soil or groundwater contamination.

As used herein, "Hazardous Substance" means any substance that is listed as "hazardous" or "toxic" or listed in the regulations implementing CERCLA. "Hazardous Substance" includes any and all material or substances that are defined as "hazardous waste," "hazardous material," "extremely hazardous substance," or a "hazardous substance," pursuant to state, federal, or local governmental law. "Hazardous Substance" includes but is not restricted to asbestos, polychlorinated biphenyls ("PCBs"), petroleum and petroleum products.

#### 17. INSURANCE REQUIREMENTS

Lessee shall maintain Commercial General Liability Insurance which covers its operations on the leased premises with limits not less than \$1,000,000.00 per occurrence. Lessee shall have the right to self-insure this coverage. Certificates of insurance or self-insurance shall be provided to Lessor upon request. Said insurance shall provide that Lessor is an additional insured.

#### 18. FORFEITURE

Any breach by the Lessee of any covenant to be kept or condition to be performed herein set forth, shall be sufficient cause for the immediate termination by the Lessor of this Lease.

#### 19. INSOLVENCY OR BANKRUPTCY

If the Lessee at any time during the continuance of this Lease should become insolvent or bankrupt, or if Lessee's affairs should be placed in the hands of a Receiver, then this Lease, at the option of the Lessor, shall terminate and the Lessor shall have the right to resume and retake possession of said Premises without any accountability whatsoever to the Lessee or to Lessee's estate.

#### 20. RIGHTS CUMULATIVE

The various rights, powers, options, elections and remedies of either party, provided in this Lease, shall be construed as cumulative and no one of them as exclusive of the others, or exclusive of any rights, remedies or priorities allowed either party by law, and shall in no way affect or impair the right of either party to pursue any other equitable or legal remedy to which either party may be entitled as long as any default remains in any way unremedied, unsatisfied or undischarged.

#### 21. PRIOR LEASES

The parties hereto, by the execution of this Lease, hereby terminate any prior leases of the Premises herein demised.

#### 22. SEVERABILITY

Any provision of this Lease which conflicts with any law, rule, regulation or ordinance of competent authorities affecting said Premises, shall be suspended and shall be inoperative so long as such law or ordinance remains in effect. In the event there is no prohibition against any provision of this Lease, any such provisions shall remain in full force and effect during the term of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed in duplicate this Lease on the day and year first above written.

**CITY OF MARSHALLTOWN**

Lessor

By: \_\_\_\_\_

Address: 24 N. Center Street  
City: Marshalltown  
State: IA Zip: 50158  
Phone: \_\_\_\_\_

**INTERSTATE POWER AND LIGHT COMPANY**

Lessee

By: \_\_\_\_\_

Address: P.O. Box 351  
City: Cedar Rapids  
State: IA Zip: 52406-0351  
Contact Phone: 319.786.7681

## Marshall County



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User community

## Legend

|                    |                    |               |
|--------------------|--------------------|---------------|
| Parcels            | ROADS_GEOCODED     | geog_twp_poly |
| CountyRoadMarkers  | <all other values> | section_poly  |
| RoadMarker_St_Fed  | County Paved       | town_poly     |
| <all other values> | Primary Paved      | Red: Band_1   |
| Federal            | Primary Paved Ramp | Green: Band_2 |
| State              | State Paved        | Blue: Band_3  |



0.0007515 0.03 0.045  
Miles

These tax maps were compiled for assessment and tax information from official county records. All information shown is for the foregoing purpose and does not represent a survey of the land. Mapping by aerial methods.



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: June 23, 2017  
RE: **Oktemberfest Special Exception**

**Policy Issue:** Ordinance requires Council approval of a special exception for open containers on public ways

**Recommendation:** To approve the resolution as proposed

**Background:** Oktemberfest has requested that the City take steps to allow them to have an outdoor concert with a beer garden at the Courthouse. They would specifically like to have individuals consuming alcohol to have the ability to utilize the food vendors. Chapter 21-11 identifies open containers of alcohol on a public way as an offense. There is a special event exception which the Council can grant by resolution for specific events.

Through meetings with the Oktemberfest organizers, we have agreed to provide additional police officers for enforcement efforts at the cost of Oktemberfest. A formal agreement still needs to be drafted.

Chapter 5 of the Code of Ordinances deals more broadly with alcohol licensing requirements. Section 5-105 of the Code states that requirements for food sales to be greater than 50% of total sales for a minor to be on the premises is not required at the Marshalltown Softball Complex or other outdoor events where the premises are not enclosed. Therefore, the ability to have a larger, not restricted area as requested does not require any further Council approval other than the actual granting of the liquor license for the event.

**Budget Impact:** This would be budget neutral, as Oktemberfest will ultimately be paying for the additional officers for the event.

**Attachment:** None

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



RESOLUTION ALLOWING OPEN CONTAINERS ON PUBLIC WAYS FOR THE  
OKTEMBERFEST SATURDAY EVENING EVENTS

WHEREAS, the City of Marshalltown through Ordinance 21-11 prohibits open containers on public ways; and

WHEREAS, Oktoberfest has requested the City look at allowing more flexibility with the beer garden by allowing those who are consuming alcohol to be outside of a restricted area; and

WHEREAS, the City of Marshalltown has required outdoor service areas at special events to be double-fenced and exclusive to only those consuming alcohol; and

WHEREAS, the Code of Ordinances of the City of Marshalltown provides for the City Council to grant an exception to Ordinance 21-11 for special events;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, that Oktoberfest is granted an exemption to allow for open containers in a public way as allowed by Chapter 21-11(1) of the Code of Ordinances of the City of Marshalltown; and

BE IT FURTHER RESOLVED, staff is hereby authorized to execute an agreement with Oktoberfest for the provision of additional officers.

Passed this 10<sup>th</sup> day of July, 2017, and signed this \_\_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

\_\_\_\_\_  
James Lowrance, Mayor

ATTEST:

\_\_\_\_\_  
Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING ENGINEERING SERVICES CONTRACT  
WITH HDR ENGINEERING, INC., FOR THE  
4<sup>TH</sup> ST AND MEADOW LANE STORM SEWER ENHANCEMENTS PROJECT  
IN THE CITY OF MARSHALLTOWN, IOWA,  
BEING PROJECT NUMBER SMW17001  
IN THE AMOUNT OF \$146,300

WHEREAS the contract with HDR Engineering, Inc., for Engineering Services for plans and specifications for the construction of the 4<sup>th</sup> Street and Meadow Lane Storm Sewer Rehabilitation Project and that the said contract is now before this Council for final approval.

WHEREAS HDR Engineering, Inc., of ,Omaha, Nebraska has executed a contract for Engineering Services and has filed its insurance certificate covering the full amount of said engineering services and that the said contract is now before this Council for final approval.

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

Section 1. That the contract for Engineering Services Agreement for the 4<sup>th</sup> Street and Meadow Land Storm Sewer Rehabilitation Project in the amount of \$146,300.00, be accepted and approved.

Passed this 10th day of July 2017, and signed this \_\_\_\_ day of July 2017.

CITY OF MARSHALLTOWN, IOWA

---

James L. 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

July 3, 2017

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

From: Justin Nickel  
Director of Public Works

**Re:** Engineering Services Agreement – HDR Engineering, Inc. for engineering design services for 4<sup>th</sup> and Meadow Lane Stormwater Enhancement Project (SMW17001)

**Policy Issue:** City policy requires Governing Body approval of engineering services agreements.

**Recommendation:** Staff recommends approving the Agreement with HDR for engineering design services for a fee not to exceed \$146,300.

**Background:** The engineering agreement provides engineering design services for the 4<sup>th</sup> and Meadow Lane Storm sewer enhancements. 4<sup>th</sup> and Meadow Lane is a flat intersection with a continual standing water issue. HDR will investigate where storm sewers could be added to enhance flow.

**Budget Impact:** The engineering design costs will be covered with General Obligation storm water bonds.

**Attachment:** Agreement.

cc: Jessica Kinser, City Administrator

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



**SHORT FORM AGREEMENT BETWEEN OWNER AND HDR ENGINEERING,  
INC. FOR PROFESSIONAL SERVICES  
AGREEMENT NUMBER 05242017**

**THIS AGREEMENT** is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between the City of Marshalltown ("OWNER"), and HDR ENGINEERING, INC., ("ENGINEER") a Nebraska corporation, with principal offices at 8404 Indian Hills Drive, Omaha, Nebraska, 68114 for services in connection with the project known as the 4<sup>th</sup> Street and Meadow Lane Storm Sewer Enhancements ("Project");

**WHEREAS**, OWNER desires to engage ENGINEER to provide professional engineering, consulting and related services ("Services") in connection with the Project; and

**WHEREAS**, ENGINEER desires to render these Services as described in SECTION I, Scope of Services.

**NOW, THEREFORE**, OWNER and ENGINEER in consideration of the mutual covenants contained herein, agree as follows:

**SECTION I. SCOPE OF SERVICES**

ENGINEER will provide Services for the Project, which consist of the Scope of Services as outlined on the attached Exhibit A.

**SECTION II. TERMS AND CONDITIONS OF ENGINEERING SERVICES**

The "HDR Engineering, Inc. Terms and Conditions for Professional Services," which are attached hereto in Exhibit B, are incorporated into this Agreement by this reference as if fully set forth herein.

**SECTION III. RESPONSIBILITIES OF OWNER**

The OWNER shall provide the information set forth in paragraph 6 of the attached "HDR Engineering, Inc. Terms and Conditions for Professional Services."

**SECTION IV. COMPENSATION**

Compensation for ENGINEER'S services under this Agreement shall be on the basis of hourly not to exceed fee of \$146,300 for services of ENGINEER'S personnel engaged on the Project, including Reimbursable Expenses and technology charges. Compensation for ENGINEER'S services under this Agreement shall be on the basis of Payroll Costs times a factor of 2.31 for the services of ENGINEER'S personnel engaged on the Project. The amount of any sales tax, excise tax, value added tax (VAT) or gross receipts tax that may

be imposed on this Agreement shall be added to the ENGINEER'S compensation as Reimbursable Expense.

Payroll costs shall mean salaries and wages, (basic and overtime) paid to all personnel engaged directly on the Project, plus the cost of customary and statutory benefits including, but not limited to, social security contributions, unemployment, excise and payroll taxes, worker's compensation, health and retirement benefits, sick leave, and vacation and holiday pay applicable thereto. For this Contract, the amount of customary and statutory benefits of all personnel will be considered equal to thirty-five percent (35%) of salaries and wages.

#### **SECTION V. PERIOD OF SERVICE**

Upon receipt of written authorization to proceed, ENGINEER shall perform the services within the time period(s) described in Exhibit A.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

City of Marshalltown

“OWNER”

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

HDR ENGINEERING, INC.

“ENGINEER”

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_



## 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: 07/07/2017

RE: One-Time Funding Request for the Early Hire of a Police Officer  
FY 18 Budget Expenditure

**Policy Issue:** City policy requires governing body approval for new personnel expenditures not already approved during the budget process.

**Recommendation:** Approve resolution and authorize one-time funding for the early hiring of a police officer during fiscal year 2018.

**Background:** The police department has an authorized strength of forty-three sworn police officer positions. For the past two plus years the police department has received budget authorization to fund forty-two police officer positions. Currently the police department has filled forty-one of these positions and is in the midst of a hiring process to fill the one vacant position for which the department has budget authorization. The department hopes to make this hire sometime in August 2017.

During calendar year 2018, the police department expects to see four police officers retire. One of these retirements is anticipated to occur in April of 2018. Additionally, the police department has received notice that two officers will likely be deployed with their military units overseas sometime during 2018. These military deployments could last for twelve months. These anticipated actions will result in a significant staffing shortage for the police department.

It takes at minimum seven months to fully train a police officer. In reality, when you factor in the time it takes for an applicant to navigate the police hiring process, it is a nine to twelve month endeavor dependent upon many factors. The police department seeks authorization to hire a second officer in August 2017 who would replace the retiring officer in April 2018. By hiring this person early, ahead of the April retirement, the department would be able to send this new hire to the law enforcement academy in August and complete this new officer's entire training process just in time for the April 2018 retirement. This will help mitigate significant staffing shortages which will occur during calendar year 2018.

**Budget Impact:** \$32,000.00

**Attachment:** Marshalltown city council resolution approving one-time funding for the early hire of a police officer position in fiscal year 2018.

Marshalltown



### CITY COUNCIL

Mike Gowdy, Joel Greer, Al Hoop, Dan Kester,  
Leon Lamer, Bill Martin, 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 approved staffing of 42 in the fiscal year 2018 budget; and

WHEREAS, four current employees will be eligible for retirement in calendar year 2018, creating short-staffing issues and a void of personnel should all employees retire when first eligible, with anticipated wage savings of \$1,811 in fiscal year 2018; and

WHEREAS, the City of Marshalltown has two spots reserved in the August new officer academy at the Iowa Law Enforcement Academy with a budget approved for only one of the officers; and

WHEREAS, the training of a new police officer takes approximately seven months before an officer is approved to work independently on a shift; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, one-time funding from the Council-designated fund balance of Local Option Sales Tax is hereby approved in the amount of \$32,000 for the early hire of a Police Officer in fiscal year 2018 in order to adequately train and prepare the officer to be street ready by the time of the first retirement.

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 10<sup>th</sup> day of July, 2017, and signed this \_\_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

---

James 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 MIGUEL ANGEL GARCIA MARCELENO  
TO THE PROPERTY DESCRIBED HEREIN AND  
AUTHORIZING EXECUTION AND DELIVERY OF WARRANTY DEED

WHEREAS the Council of the City of Marshalltown, Iowa did, on the 26th day of June, 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 MIGUEL ANGEL GARCIA MARCELENO, 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 MIGUEL ANGEL GARCIA MARCELENO, 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 26th day of June, 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:

114 N 10th Avenue, legally described as follows:

LOT 187 MELROSE PARK, AN ADDITION TO THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, AND RIGHT OF WAY EASEMENT OVER AND ACROSS THE SOUTH 4 FEET OF LOT 186 AND SUBJECT TO RIGHT OF WAY EASEMENT OVER AND ACROSS THE NORTH 4 FEET OF LOT 187, ALL IN MELROSE PARK, AN ADDITION TO THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, FROM ROOT OF TITLE, subject to reservation by the City for existing right-of-way as a public street,

to Miguel Angel Garcia Marceleno, 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 Warranty 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 council ratifies the purchase offer signed by Housing and Community Development Director Michelle Spohnheimer, having been instructed to negotiate the purchase price for the property following closed session on June 12, 2017.

Section 4. The Mayor and Clerk are hereby authorized to execute the Warranty 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 10th day of July, 2017, and signed this \_\_\_\_ day of July, 2017.

CITY OF MARSHALLTOWN, IOWA

---

James L. Lowrance, Mayor  
ATTEST:

---

Shari L. Coughenour, CMC, City Clerk



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

June 23, 2017

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

From: Michelle Spohnheimer  
Housing & Community Development Director

Re: Property sale: 114 N 10<sup>th</sup> Avenue

**Policy Issue:** The City was the recipient of a Neighborhood Stabilization Grant from the Iowa Economic Development Authority back in 2009. We purchased foreclosed properties and rehabbed them. Rehab work varied on each property but included items such as new siding, windows, HVAC systems, water heaters, electrical systems, floor coverings, roofs, cabinets and even a driveway. The grant funds covered the majority of the expenses and the City had conditions on the sale of the property related to the buyer.

**Recommendation:** The City recently listed 114 N. 10<sup>th</sup> Avenue for \$44,900 and received three offers. We conditionally accepted an offer from Miguel A. Garcia-Marceleno for \$45,000.

**Background:** The City has had these properties for a long time due to challenges with lending restrictions and income eligibility restrictions. After some changes at a State level and with a new financial partner, Farmers Savings Bank, we were able to list the property.

**Budget Impact:** The revenue will reimburse the City for expenses above and beyond the grant dollars that have been used for ongoing maintenance.

**Attachment:** Resolutions.

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





## **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 Warranty Deed the following described properties in Marshalltown, Marshall County, Iowa, legally described as:

LOT 187 MELROSE PARK, AN ADDITION TO THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, AND RIGHT OF WAY EASEMENT OVER AND ACROSS THE SOUTH 4 FEET OF LOT 186 AND SUBJECT TO RIGHT OF WAY EASEMENT OVER AND ACROSS THE NORTH 4 FEET OF LOT 187, ALL IN MELROSE PARK, AN ADDITION TO THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, FROM ROOT OF TITLE;

from the City of Marshalltown to Miguel Angel Garcia Marceleno. The consideration for such conveyance shall be the sum of \$ 45,000.00 (forty-five thousand and 00/100) Dollar, plus other good and valuable consideration, and costs of transfer and publication.

The final action on the Tentative Resolution 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 July 10, 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, City Clerk of Marshalltown Iowa.

RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST FOR THE POLICE AND FIRE STATION SITE DEMOLITION AND  
EARTHWORK PROJECT,  
IN THE CITY OF MARSHALLTOWN, IOWA,  
BEING PROJECT NO.BLD17001

WHEREAS there was placed on file in the office of the Clerk of the City of Marshalltown, Iowa, proposed plans and specifications, proposed form of contract and estimated cost for a public improvement in the City of Marshalltown, Iowa, for the Police and Fire Station Site Demolition and Earthwork Project No. BLD 17001 as fully set forth in the resolution ordering same, and that public notice of hearing on such plans, specifications and form of contract were duly published in the Marshalltown Times-Republican in time for hearing now before the Council, and

WHEREAS written objections to the plans, specifications and form of contract have been called for and no such written objections have been filed with the City Clerk, and oral objections being called for and no oral objections being made in open Council, it is the decision of this Council that such plans, specifications, form of contract and estimate of cost should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, that the plans, specifications, form of contract and estimated cost heretofore placed on file and upon which public notice has been duly given and no objections thereto have been made either in writing or in open council, the Council does now adopt and approve the plans, specifications, form of contract and estimate of cost for Project No. BLD17001 being the Police and Fire Station Site Demolition and Earthwork Project, in the city of Marshalltown, Iowa.

Passed this 10<sup>th</sup> day of July 2017, and signed this \_\_\_\_\_ day of July 2017

CITY OF MARSHALLTOWN

\_\_\_\_\_  
James L. Lowrance, Mayor

ATTEST:

\_\_\_\_\_  
Shari L. Coughenour, CMC, City Clerk

**ORDINANCE NO. 14965**

ORDINANCE TO VACATE A PORTION OF SOUTH FIRST STREET AND THE EAST WEST ALLEY ABUTTING SOUTH FIRST STREET IN BLOCK 13, ALL LOCATED IN ANSON'S 1<sup>ST</sup> ADDITION TO MARSHALL, MARSHALL COUNTY, IOWA, AND TO CONVEY SAME TO GARRETT P. GOODMAN

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 "D" LOCATED IN A CERTAIN PARCEL OF LAND DESCRIBED AS ANSON'S 1<sup>ST</sup> ADDITION TO MARSHALL IN THE NORTHEAST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  SECTION 35, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5<sup>TH</sup> P.M., MARSHALL COUNTY, IOWA.

AS DESCRIBED I PLAT OF SURVEY RECORDED JUNE 13, 2017 AT FILE 2017-00003166 OF THE RECORDS OF THE MARSHALL COUNTY RECORDER. PARCEL "D" CONTAINS 0.31 ACRES. 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 Garrett P. Goodman, 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 Garrett P. Goodman, 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 Garrett P. Goodman as follows:

PARCEL "D" LOCATED IN A CERTAIN PARCEL OF LAND DESCRIBED AS ANSON'S 1<sup>ST</sup> ADDITION TO MARSHALL IN THE NORTHEAST ¼ OF THE SOUTHWEST ¼ SECTION 35, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5<sup>TH</sup> P.M., MARSHALL COUNTY, IOWA. AS DESCRIBED I PLAT OF SURVEY RECORDED JUNE 13, 2017 AT FILE 2017-00003166 OF THE RECORDS OF THE MARSHALL COUNTY RECORDER. PARCEL "D" CONTAINS 0.31 ACRES. ALL 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

# PLAT OF SURVEY

\$12

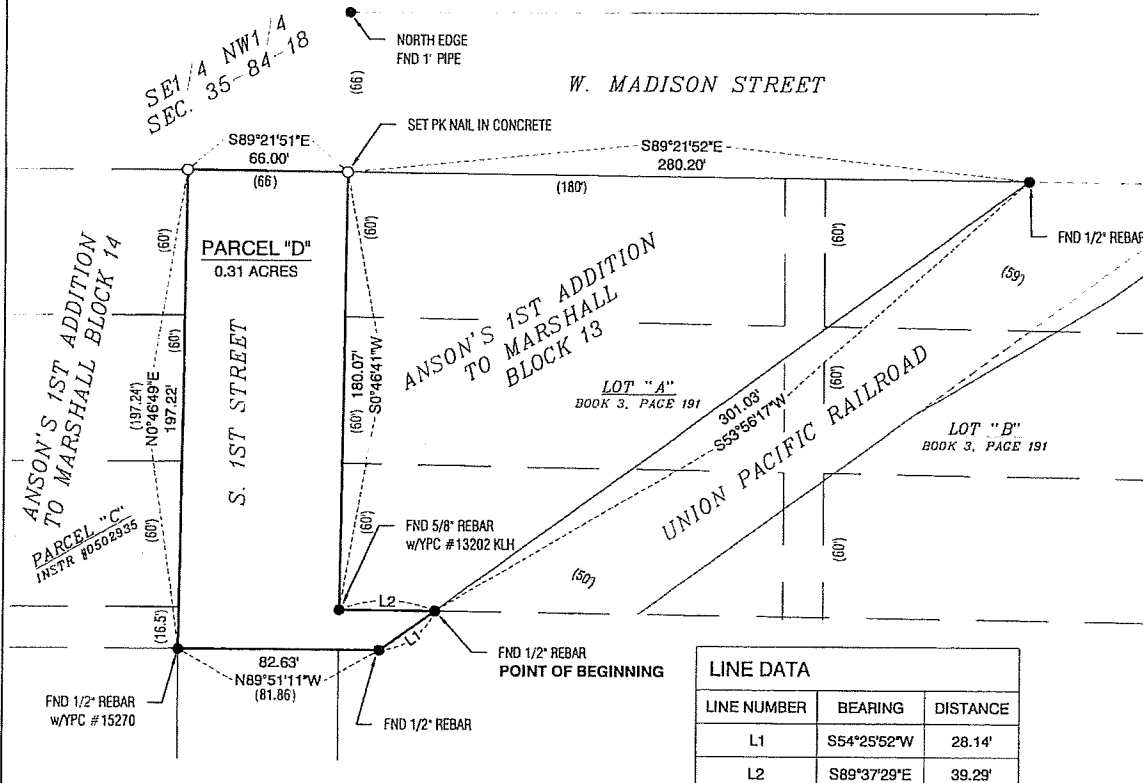
| INDEX LEGEND          |                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| LOCATION:             | S 1ST ST SOUTH OF MADISON ST IN ANSON'S 1ST ADD TO MARSHALL BETWEEN BLOCK 13 AND 14                                                          |
| PROPRIETOR:           | CITY OF MARSHALLTOWN                                                                                                                         |
| SURVEY REQUESTED BY:  | GARRETT GOODMAN                                                                                                                              |
| FIELD WORK COMPLETED: | 5/2/2017                                                                                                                                     |
| SURVEY PREPARED BY:   | CLAPSADLE-GARBER ASSOCIATES, INC., 16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 PHONE 641-752-6701 JHARRIS@CGACONSULTANTS.COM |
| RESPOND TO:           | JEREMY HARRIS                                                                                                                                |

W/H



Recorded: 06/13/2017 at 04:14:03 PM  
 Amt: \$12.00 Charge Page 1 of 2  
 Revenue Tax:  
 Marshall County Iowa  
 Deanne Raymond County Recorder

File 2017-00003166



| LINE DATA   |             |          |
|-------------|-------------|----------|
| LINE NUMBER | BEARING     | DISTANCE |
| L1          | S54°25'52"W | 28.14'   |
| L2          | S89°37'29"E | 39.29'   |

DESCRIPTION  
SEE SHEET 2 OF 2

## 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

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

SCALE 1"=60'

GOODMAN SURVEY  
MARSHALL COUNTY, IOWA

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* 6-13-17  
 JEREMY A. HARRIS, PLS date  
 Iowa License Number 22259  
 My License Renewal Date is December 31, 2017  
 Pages or sheets covered by this seal: \_\_\_\_\_  
 SHEETS 1 OF 2 AND 2 OF 2

Clapsaddle-Garber Associates, Inc.  
 16 East Main Street  
 Marshalltown, Iowa 50158  
 Ph 641-752-6701  
 www.cgaconsultants.com

|                  |                         |
|------------------|-------------------------|
| DRAWN<br>JDR     | SHEET NO.<br>1 OF 2     |
| DATE<br>5-3-2017 | PROJECT NO.<br>77347.05 |



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 Clerk's Office

To: Mayor Lowrance and the City Council  
From: Shari L. Coughenour, CMC, City Clerk  
Date: July 7, 2017  
RE: **Revisions to Council Manual**

*manual  
printed  
separately*

**Policy Issue:** Council is authorized by Iowa Code Section 372.13(5) to establish rules of procedure.

**Recommendation:** To adopt the revised Council Manual / Rules and Procedures.

**Background:** The Council adopted their first council manual of rules and procedures in 1996. The document has been updated several times in the past few years.

The revised manual has been reorganized and reviewed for consistency with current law and practice.

**Budget Impact:** None.

**Attachment:** Revised "draft" Council Manual / Rules and Procedures.

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

Marshalltown



2017-

RESOLUTION APPROVING REVISED  
CITY OF MARSHALLTOWN CITY COUNCIL MANUAL  
ORIGINALLY ADOPTED JANUARY, 1996

WHEREAS, the City Council for the City of Marshalltown, Iowa has previously approved a City Council Manual setting out Government Structure, Board, Committee & Commission Appointments, Council and Commission Effectiveness, Rules & Order of Business and Operating Procedures of the City Council; and

WHEREAS, the Council desires to update this manual.

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

Section 1. That the City Council Manual, originally adopted January, 1996 be approved as revised and updated.

Passed this 24<sup>th</sup> day of July, 2017, and signed this \_\_\_\_ day of September, 2017.

CITY OF MARSHALLTOWN, IOWA

---

James L. Lowrance, Mayor  
ATTEST:

---

Shari L. Coughenour, CMC, City Clerk