

COUNCIL PROCEEDINGS

June 12, 2017

The Marshalltown City Council met in regular session on June 12, 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. Greer actively participated via speakerphone. Lamer congratulated Marshalltown's Emergency Food Box for being inducted as a first class organization. Kester encouraged individuals to attend the ISU Solar Car event downtown on June 24. Gowdy recognized Bob Ranson for receiving an environmental award. Tupper congratulated Chris Jones on graduating from the national FBI class. Wirin moved to approve the agenda, second by Kester. Motion approved 7-0.

CONSENT AGENDA:

Gowdy moved to approve the Consent Agenda: Approve Council meeting Minutes of May 22, 2017, and special meeting Minutes of May 24, 2017; Approve Bill List in the amount of \$6,890,203.96; Resolution 2017-124 Approving Renewal Contract with the Iowa Department of Transportation for Roadway Maintenance Services at the Iowa Veterans Home pursuant to Chapter 28E.12 of the Iowa Code, through 6/30/2018; Resolution 2017-125 Approving Renewal Contract with the Iowa Department of Transportation for Roadway Maintenance Services at Iowa Highway 14 from Iowa Avenue to Woodland Street pursuant to Chapter 28E.12 of the Iowa Code, through 6/30/2018; Resolution 2017-126 Amending the Fiscal Year 2017-2021 Capital Improvement Plan to move the \$65,000 Expenditure Budgeted for FY2017 to FY2018 for the West End Tennis Courts Project; Resolution 2017-127 Approving CenturyLink as the phone provider for a Voice Over Internet Protocol Phone System; Approve Liquor License Renewals: Calvin Rockett Bar & Grill, Center Street Station, Central Iowa Fair, El Portal, Git N Go Store #34, Git N Go Store #35, Impala Ballroom, Jake's Game Room, Midnight Ballroom; second by Martin. Consent agenda adopted 7-0.

REPORTS:

Jenny Etter, Director of the Marshalltown Central Business District made her quarterly report to the council, updated the progress on the Downtown SSMID.

MOTIONS:

Kester moved to approve the following cigarette permits through June 30, 2018: 7 Rayos Liquor Store; Big Kmart (#7583); Casey's - E Main #3228; Casey's - Iowa Ave #3508; Casey's - N 3rd Ave #1303; Casey's - S 12th Ave #1441; Casey's - W Lincoln Way #1564; Dollar General Store #2019; Dollar General Store #4206; East Side Liquor and Groceries; Express Mart; FA786 INC; Family Dollar Stores; Fareway Stores, Inc. #467; Food & Gas Mart; Git-N-Go Stores #34 ; Git-N-Go Stores #35 ; Goldenland, Inc.; Hy-Vee Drugstore; Hy-Vee Food & Drugstore; Hy-Vee Gas; IN & OUT BP TRAVEL PLAZA; Iowa Veterans Home Canteen; Jiffy Convenience Stores; Kwik Star #394 - S Center St; Kwik Star #607 - S 6th St; Kwik Star #706 - S 3rd Ave; LIBERTY GIFTS; Vaughn's Pub; Walgreens #03196; Wal-Mart Supercenter #581; ZAR INC, second by Gowdy. Motion carried 5-2, with Greer and Lamer opposed.

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

Kester moved to approve a Class B Beer (includes Wine Coolers) Liquor License for El Guanaco Restaurant, 114 W Main Street, second by Wirin. Motion carried 7-0.

RESOLUTIONS:

Wirin moved to adopt Resolution 2017-128 Approving an Agreement for Professional Services with Bolton & Menk, Inc., for High Street Drainage Improvements, not to exceed \$67,300, second by Lamer. Resolution adopted 7-0.

Lamer moved to adopt Resolution 2017-129 Appointing City Representative (Sharon Greer) to City Development Board. Resolution Appointing a Qualified Elector as a Local representative for the City of Marshalltown, Iowa, to serve on the Special City Development Committee on a Proposed Severance Issue Known as "Case No.: A17-02, Involuntary Severance from the City of Marshalltown," second by Wirin. Legal advice was obtained that determined no conflict of interest was identified. Resolution adopted 5-1-1, Hoop opposed and Greer abstained being married to the appointee.

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PUBLIC HEARING

The public hearing regarding the conveyance of property to Wrights Jasper Development was declared open by Mayor Lowrance, as the hearing had been continued at the last council meeting. There were no written or public comments and the developer had not presented any communication regarding continuing with the proposed conveyance. Kinser recommended starting over with the conveyance at a later date. Mayor Lowrance closed the public hearing at 6:04 PM. Resolution 2017-123 Adopting Tentative Resolution 2017-092 providing for the conveyance of property to Wrights Jasper Developments III LLC, failed due to lack of a motion.

ORDINANCES:

Lamer moved to adopt the second reading of 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 Martin. A section of the land being rezoned is currently NC, Neighborhood Commercial; CC, Community Commercial is less restrictive. Second reading adopted 7-0.

DISCUSSION

Public Works Director Nickel updated the council on the Police and Fire Building progress. A bid package will be prepared with plans and specifications; work on removal of the KC Hall Building and the slab is scheduled to begin this fall.

PUBLIC COMMENT:

There were no public comments.

CLOSED SESSION:

Lamer moved to enter into Closed session pursuant to Section 21.5, Subsection (1) Paragraph (i) OF THE CODE OF IOWA to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session; and Closed session pursuant to Section 21.5 subsection (1) paragraph (j) OF THE CODE OF IOWA to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Iowa Code § 21.5(1)(j) (2011), as amended by, Senate File 289, 84th G.A., 1st Sess., § 5 (Iowa 2011). The City of Marshalltown has an attorney-client relationship with Attorney Roger Schoell, appointed as City Attorney on May 5, 2014, by Council Resolution #2014-047; and with Lynch Dallas P.C., by Council Resolution #2017-093, approved May 8, 2017, second by Wirin. Motion carried 7-0.

OPEN SESSION:

At 7:02 PM, Lamer moved to enter into open session, second by Martin. Motion carried 7-0. Roll call: all present. Wirin moved to negotiate for the sale of property with the highest bidder, second by Kester. Motion carried 7-0.

ADJOURNMENT

Upon motion by Kester and second by Greer, with unanimous approval, the meeting adjourned at 7:02.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

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Shari L. Coughenour, CMC, City Clerk