

COUNCIL PROCEEDINGS

November 13, 2017

The Marshalltown City Council met in regular session on November 13, 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, Kester, Lamer, Martin, Wirin. Absent: Hoop. Greer was present and actively participated via speakerphone and arrived at the meeting at 5:47 P.M. Kester left the meeting at 7:50 P.M. Administrator Kinser scheduled the council goal setting for November 29 from 10 am – 2 pm at the library. The work session is open to the public. Mayor Lowrance thanked Councilor Kester for his service. Susan Cahill will be joining the council as 1st Ward Councilor at the next meeting. Mayor Lowrance expressed sympathy to the family of Donald Johnson. Salvation Army Major Ben Stillwell thanked Mayor Lowrance for his service to the community and presented a bell to the Mayor. Lamer moved to approve the agenda, second by Martin. Motion approved 6-0.

CONSENT AGENDA:

Gowdy moved to approve the Consent Agenda: Approve Council meeting Minutes of October 23, 2017, and special Meeting Minutes of November 2, 2017; Approve Bill List in the amount of \$ 1,485,891.73; Receipt of Building Report, September, 2017; Approve August 2017 Financials; Resolution 2017-302 Resolution approving Engineers Certificate of Completion with Con-Struct, Inc. STR17002, in the amount of \$649,637.40; Resolution 2017-303 Approving Contract Change Order #1 with Con-Struct for \$111,277.40 STR17002; Resolution 2017-304 Approving Engineers Certificate of Completion with OEL Construction Services, Inc. STR17001, in the amount of \$273,454.21; Resolution 2017-305 Approving Contract Change Order #1 with OEL for \$13,519.71 STR17001; Resolution 2017-306 Approving Contract Change Order #1 for the purchase and installation of VOIP-capable phones, \$11,344.10; second by Wirin. Consent agenda adopted 6-0.

MOTIONS:

Wirin moved to approve the Transfer of Class C Liquor License from 402 Main Street, Colo, Iowa, Heartland Chapter Leatherneck Motorcycle Club, for wedding, 12/31/2017, at Tall Corn, 2 N 2nd Avenue, Marshalltown, second by Lamer. Motion carried 6-0.

Lamer moved to reconsider Resolution 2017-300 regarding the Iowa DOT Wetlands agreement at the next meeting, November 2, 2017, second by Gowdy. Motion carried 6-0.

REPORTS:

Val Ruff, Director of the Convention and Visitor Bureau presented the quarterly report. Greer arrived at 5:47 PM.

RESOLUTIONS:

Martin moved to adopt Resolution 2017-307 Approving the Adoption of the 2018-2028 Parks and Recreation Master Plan Prepared for the City of Marshalltown, Parks and Recreation Department, by Bolton and Menk, Inc., of Des Moines, Iowa, second by Greer. The council thanked Bolton & Menk representative Casey Byers for helping the city develop a flexible resource guide and tool. Members of the Splash for Life asked the council to move the splash pad to a higher priority. Resolution adopted 6-0.

Lamer moved to adopt Resolution 2017-308 Approving Economic Development Grant to Avita Properties for the removal of 212 E State St, noting the grant amount of \$16,770, second by Greer. Staff explained monies for the project were on hand for Urban Renewal Area #4. The grant amount approximates 20% of the remediation cost and does not include asbestos removal. It was determined the building is not salvageable due to mold and structural issues. Dr. Sundarum estimates ten full time positions will be employed at his cardiologist clinic. Resolution adopted 4-2, with Kester and Marin opposed.

Wirin moved to adopt Resolution 2017-309 Authorizing the City Housing & Community Development Department to Submit a Grant Application to the Martha-Ellen Tye Foundation for a Neighborhood Revitalization Program, second by Kester. Housing and Community Development Director Spohnheimer recommended the council approve the program, utilizing prior housing grant funds that were recaptured. The program will focus on education, safety and code enforcement. Resolution adopted 5-1, with Lamer dissenting.

Kester moved to adopt Resolution 2017-310A Accepting Bid and Authorizing the Purchase of a 2017 GLAVAL 25 foot bus for the transit department, Hogelund Bus Co, price of \$113,371.00, 85% state funded, second by Greer. The bus will be used for subscription para transit rides. Resolution adopted 6-0.

Lamer moved to adopt Resolution 2017-310B Approving Joint Participation Agreement to Implement a Federal Transit Administration (FTA) bus and bus facilities project, second by Wirin. Resolution adopted 6-0.

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Lamer moved to adopt Resolution 2017-311 Approving Agreement Amendment No. 1 by and between the City of Marshalltown, Iowa, and Story Construction for Temporary Facilities for the Police and Fire Project BLD17001, in the amount of \$348,000, second by Kester. Resolution adopted 6-0.

Wirin moved to adopt Resolution 2017-312 Approving engineering services contract with HR Green, Inc., and the Iowa River Levee Project in the City of Marshalltown, Iowa, in the amount of \$119,900.00, for additional Iowa River modeling (29113019A), second by Martin. The elevation of the levee needs improved to meet standards of the Army Corp of Engineers and FEMA. Accreditation is important to maintaining insurance rates and to protect the city's most valuable resource, the Water Pollution Control Plant. Resolution adopted 6-0.

Greer moved to adopt Resolution 2017-313 Approving Purchasing Policy and Procedure Manual for the City of Marshalltown, second by Gowdy. Resolution adopted 5-1 with Kester dissenting.

Greer moved to adopt Resolution 2017-314 Approving Financial Report, year ending 6/30/2017, second by Martin. Resolution adopted 6-0.

Wirin moved to adopt Resolution 2017-315 Approving Preliminary Plat and Final Plat for Mall Subdivision, second by Greer. Four additional outlots are created. The outlots may not be sold unless they connect to city infrastructure and are up to city standards. The plat includes a plan for future city right of way to connect Melissa Lane and Glenda Drive. Resolution adopted 6-0.

Wirin moved to adopt Resolution 2017-316 Approving a 28E Agreement between the City of Marshalltown, Marshall County, The Marshall County Emergency Management Commission and the 911 Joint Services Board for Joint Emergency Communications Services for Marshall County, second by Greer. Changes to the management of the 911 Dispatch group include governance by a board composed of professional representatives from the fire districts and sheriff and police departments and funding mechanism is through a separate taxing levy of the Local Emergency Management Commission. The City of Marshalltown will still provide employee payroll and benefit support. The E911 surcharge will continue to supply non personnel related expenses. Mayor Lowrance recommended approval of the agreement. Details of the agreement have been under review for about a year and thanked Supervisor Bill Patten and Emergency Management Director Kim Elder for their perseverance. The 911 service will be housed in the new City of Marshalltown Police and Fire Facility. Reed Riskedahl, 1412 S 5th St stated concern of the health of the city's general fund and if the city would see a tax rate decrease due to the funding change of the 911 expense. Resolution adopted 6-0.

PUBLIC HEARING –Mayor Lowrance declared the public hearing open to authorize use of incremental property tax revenues for support of MCBF and for the FAÇADE Improvement Program. There were no public or written comments. Mayor Lowrance declared the public hearing closed.

Wirin moved to adopt Resolution 2017-317 Approving Agreement with Marshalltown Central Business District, authorizing support of the Main Street Program and Façade Improvement Program, second by Martin. Kinser requested the council support the resolution, with the support of the Main Street going up 2k (\$26K) and the support of the Façade project going down 10k (\$50K) Resolution adopted 6-0.

PUBLIC HEARING – Mayor Lowrance declared the public hearing open to subordinate city's position on lead hazard project lien. There were no public or written comments. Mayor Lowrance declared the public hearing closed.

Wirin moved to adopt Resolution 2017-318 Approving Subordination Agreement for Property Interest at 917 S Center Street, Marshalltown, Iowa, 50158, lead abatement project 53507569, second by Gowdy. Housing and Community Development Director Spohnheimer recommended approval. Resolution adopted 6-0.

ORDINANCES:

Greer moved to adopt the first reading of Ordinance 14970 to Amend the Code of Ordinances, City of Marshalltown, Iowa, by removing references to Incarceration as a Penalty and Establishing Uniform Penalties, second by Kester. First reading adopted 6-0.

DISCUSSION:

The council directed staff to draft an ordinance relating to illicit massage establishments for consideration at the next meeting. Members of the public spoke in favor of the ordinance.

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PUBLIC COMMENT:

Ken Huge introduced himself to the council as News Director for KFJB.

Dan Kester left the meeting at 7:50 PM.

CLOSED SESSION:

At 7:50 PM, 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, second by Wirin. Motion carried 5-0. 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.

At 8:40 PM, Wirin moved to enter open session, second by Martin. Motion carried 5-0. Lamer moved to instruct the Human Resources Director to implement a 3% wage increase for the City Administrator, second by Martin. Motion carried 5-0.

ADJOURNMENT

The meeting adjourned at 8:41 pm.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk