

1. Agenda

Documents:

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[PACKET.PDF](#)



COUNCIL AGENDA

CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET

February 27, 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, Lamer, Martin, Schubert, Wirin.

MAYOR, COUNCIL AND ADMINISTRATOR COMMENTS:

Years of Service

30 years: Kelly Smith

5 years: Jacob Moore

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 February 13, 2017.
2. Approve Bill List in the amount of \$1,326,720.56.
3. Receipt of Building Report, January 2017.
4. Receipt Board and Commission Appointments
 - a) Reappoint Keith Bloomquist to Planning & Zoning Commission, term expires: 4/1/2020
 - b) Reappoint Jerry Young to the Water Board, term expires 5/1/2023.
5. Resolution 2017-027 Approving property tax assessments for unpaid rental registration fees.
6. Resolution 2017-028 Approving 28E Agreement for Fire Protection Services and Confined Space Rescue Service with the State of Iowa Veterans Home.
7. Resolution 2017-029 Approving 28D Agreement with the Marshalltown Community School District to Support a Liaison Police Officer through June 30, 2019. (School Resource Officer)
8. Resolution 2017-030 Approving CO#1 for the Turner Street (East) Interceptor Sewer Project 59012009, decrease of \$5,297.34.
9. Resolution 2017-031 Approving CO#1 for the STP – S 18th Ave PCC Patching Project 76015009, increase of \$48,175.70.
10. Resolution 2017-032 Approving Certificate of Completion and Final Project Costs with Midwest Contractors, Inc., for Construction of the STP – 18th Ave PCC Patching Project 76015009, final cost \$800,073.70.

(end of consent agenda items)

MOTIONS:

11. Approve new liquor license for 6 months– Marshalltown Speedway / Toby Kruse.
12. Approve change in liquor license date for the Central Iowa Fair, previously approved 5/23/2016 for March 1-6, 2017, new date of March 24-March 29, 2017.
13. Approve new liquor license – FA786 Inc., dba Depot Liquor & Grocery, 114 N Center St.

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RESOLUTIONS:**PUBLIC HEARING**

14. Resolution 2017-033 Adopting Tentative Resolution 2017-021 Authorizing the Conveyance and Transfer of Title of City Property, 1210 E Nevada Street, to Trademark Properties, LLC., \$37,500.00.
15. Resolution 2017-034 Approving Purchase Contract with Ken Wise Chrysler-Dodge-Jeep, Inc., for a 2017 2500 Tradesman Pickup Truck in the amount of \$28,019.00.
16. Resolution 2017-035 Approving Engineering Services Agreement Amendment No 1 with Clapsaddle-Garber Associates, Inc., for Ingledue Storm Sewer Rehabilitation Project 29108009, in the amount of \$16,500.00.
17. Resolution 2017-036 Supporting the Lead Hazard Control Grant Application from the US Department of Housing and Urban Development.

ORDINANCES

18. Ordinance 14956 Setting Storm Water rates, option 2 ERU, third reading.
19. Ordinance 14957 amending Chapter 29 of the Zoning Ordinance, allowable special uses in the Office Park District, including full-service restaurants and limited service eating places, beer, wine and liquor stores, third reading.
20. Ordinance 14958 Approving Changes to the Zoning Ordinance of 2010 MAP by Rezoning Properties to Traditional Neighborhood (TN) District, first reading. 1015, 1101, 1201 and 1203 S 6th Street.

DISCUSSION:

1. Special Election to Reallocate Local Option Sales Tax
2. Proposed Contract with the Convention & Visitor's Bureau
3. Draft Nuisance Ordinance
4. Engineering Fees
5. Compost Fees
6. Reminder – Special Council Meeting, March 6, 2017, Public hearings and proposed adoption of FYE 6/30/2017 Budget Amendment, FYE 6/30/2018 Budget and Tax Levy, Five Year Capital Improvement Plan and Levy.

PUBLIC COMMENT:**ADJOURNMENT:**

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Contracts

Aramark.Unfrm/4	90.97
CINTAS.Safety/1	108.03
Cleanwy.Janitr/3	1,234.00
Farmers.Natl.Co/1	200.00
Hach.Co/1	702.00
Marsh.Co.Landfi/5	150.15
Premier.Equip/1	142.13
Schendel.Pest/1	58.00
Schumacher.Elev/3	595.17
Stone.Sanit/1	200.00
Trans.IA.Equip/2	204,338.12
Tyler.Technolog/5	14,474.35
WD.Door.Inc/1	304.00
Xerox.Corp/3	42.05

Medical

Bernie.Lowe/2	8,220.10
Central.IA.Hlth/1	54.00
McFarland.Cl/1	107.36
Philip.Ascheman/1	125.00
Wellmark.Inc./4	95,486.51

Payroll

Payroll	253,972.47
IA.Treasurer/1	0.26
Texas.Child.Sup/1	1.50

Refunds

AguileraPatinoM/2	40.00
Bolar,S/1	15.00
CarrilloLopez,J/2	40.00
Crookshank.Plmb/1	25.00
Lawrence.P/1	35.00
McHenry,K/3	70.00
MendozaNava,R/1	25.00
Pohle,J/1	132.30
Post,A/1	1,093.17
Riesberg,A/1	105.35
Sang,Bawi,Lian/1	15.00

Reimbursements

American.Educa./1	64.41
AXA/1	450.00
Collection.Svs./6	1,884.35
Colonial.Life/1	397.02
Fidelity.Securi/1	370.24
Fire.Union.Dues/2	1,200.00
I.R.S./7	79,758.23
IA.Treasurer/10	99,821.36
ICMA.457/7	9,587.78
M.F.P.R.S.I./1	117,687.40
Meskwaki Nation/1	387.46
Texas.Child.Sup/1	276.92
TotalAdmin.Serv/3	7,523.46
UAW.Local 893/1	148.48
United.Way/2	868.46
Whitmore,R/1	1,378.14

Rents/Leases

Bahr,L/1	524.00
Service/Repairs	
ActiveNetwork.L/1	2,400.00
ADP/1	25.00
Airgas.U.S.A./1	19.39
Area.Sanitation/1	90.00
BandG.Construct/10	7,280.00
Bernie.Lowe/3	4,073.94
Century.Link/3	514.37
CGA.Assoc/2	3,347.00
Cntrl.IA.Machin/1	28.33
Comm. Transp/1	450.00
Fex.Steve.Ltd/4	3,300.00
Fox.Engrg.Assc/5	35,262.95
Gale-Hazen,E/1	120.00
Gale-Hazen,K/1	187.50
Gentry,S/3	2,008.00
IA.Dept.Health/1	175.00
Kapaun.Brown/1	147.00
Language.Line.S/1	244.05
M.Co.Recorder/7	124.00
OMG.Midwest/2	193,612.18
Partner.Comm/2	1,686.08
Pettengill.Cnst/15	6,190.00
Philip.Ascherman/1	140.00
Prochaska.Assoc/1	70,376.41
Racom.Corp/1	112.50
Servicemaster/1	186.66
Speer.Financial/1	425.00
Tom.Blake.Const/15	14,950.00
TotalAdmin.Serv/2	3,311.12
Traffic.Transp./1	580.00
VF.Services/13	16,472.00
WW.Grainger/1	21.46
Ziegler/2	1,916.83
Supplies/Parts	
Adland.Engrvg/2	17.98
Airgas.U.S.A./1	88.80
All.Inclusive.R/2	1,182.90
Alliant/41	26,869.65
Arnold.Motor.Su/9	611.41
Atlantic.Bottli/1	288.84
BDH/5	140.34
Bound.Tree.Medi/3	108.66
Carpenter.Unfrm/12	998.90
City.Laundering/4	116.32
Cntrl.IA.Distr/3	1,051.00
Cntrl.IA.Machin/1	134.32
Cntrl.Office/3	147.82
Consumr.Energy/2	492.28
Crop.Production/2	775.00
Deluxe.Business/1	78.53
Electric.Pump/1	1,458.00
Environ.Hazards/7	388.50
Fastenal.Co/3	6.59

Fire.Services.T/1	387.00
Galls.LLC/3	130.94
Graphic.Edge/2	209.67
Hillers,C/1	46.14
Home.Rental/2	301.28
Ia.Assoc.Police/1	170.00
Ia.State.Univer/1	150.00
Ken.Wise.Buick/1	350.00
LTron.Corp/1	658.00
Mcema.mgmt/2	80.00
Midland.Scienti/3	315.04
Minuteman/2	58.90
Muni.Emerg.Svcs/5	8,538.10
Napa.Auto/3	47.86
New.CenturyFS/1	360.46
Newton.Police/1	75.00
Perkin.Elmer./2	1,467.00
Reliant.Fire.Ap/6	842.10
Sams.Internet/1	79.86
Spahn.Rose.Lmbr/1	63.44
Stop.Stick/1	472.00
Testamerica/2	201.60
Traffic.Transp./1	1,935.00
WW.Grainger/1	387.60
Travel/Training	
Accola,A/1	24.00
Hunter,A/1	16.00
Petermeier,J/2	91.26
Total/363	1,326,720.56

COUNCIL PROCEEDINGS

February 27, 2017

The Marshalltown City Council met in regular session on February 27, 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, Lamer, Martin, Wirin. Mayor Lowrance led a moment of silence in honor of Councilor Schubert, who passed away earlier this morning. Schubert has served as first ward council member since January, 1992. Public Works Director Nickel introduced Steve Brooks, the new construction inspector. Parks Director Selness and Mayor Lowrance congratulated Kelly Smith for 30 years of service. Lamer moved to approve the agenda, removing the CVB agreement from discussion, second by Greer. Motion approved 6-0.

CONSENT AGENDA:

Gowdy moved to approve the Consent Agenda: Approve Council meeting Minutes of February 13, 2017; Approve Bill List in the amount of \$1,326,720.56; Receipt of Building Report, January 2017; Receipt Board and Commission Appointments; Reappoint Keith Bloomquist to Planning & Zoning Commission, term expires: 4/1/2020; Reappoint Jerry Young to the Water Board, term expires 5/1/2023; Resolution 2017-027 Approving property tax assessments for unpaid rental registration fees; Resolution 2017-028 Approving 28E Agreement for Fire Protection Services and Confined Space Rescue Service with the State of Iowa Veterans Home; Resolution 2017-029 Approving 28D Agreement with the Marshalltown Community School District to Support a Liaison Police Officer through June 30, 2019, (School Resource Officer); Resolution 2017-030 Approving CO#1 for the Turner Street (East) Interceptor Sewer Project 59012009, decrease of \$5,297.34; Resolution 2017-031 Approving CO#1 for the STP – S 18th Ave PCC Patching Project 76015009, increase of \$48,175.70; Resolution 2017-032 Approving Certificate of Completion and Final Project Costs with Midwest Contractors, Inc., for Construction of the STP – 18th Ave PCC Patching Project 76015009, final cost \$800,073.70; second by Martin. Consent agenda adopted 6-0.

MOTIONS:

Lamer moved to Approve new liquor license for 6 months– Marshalltown Speedway / Toby Kruse, second by Wirin. Motion carried 6-0.

Greer moved to Approve change in liquor license date for the Central Iowa Fair, previously approved 5/23/2016 for March 1-6, 2017, new date of March 24-March 29, 2017, second by Gowdy. Motion carried 6-0.

Martin moved to Approve new liquor license – FA786 Inc., dba Depot Liquor & Grocery, 114 N Center St, second by Gowdy. Motion carried 6-0.

RESOLUTIONS:

PUBLIC HEARING

Mayor Lowrance declared the public hearing open for conveyance of property owned by the City of Marshalltown. The city acquired 1210 E Nevada Street for the Neighborhood Stabilization Program. Housing and Community Director Spohnheimer recommended the city convey the property to Trademark Properties, LLC, for \$37,500. There were no public or written comments. Mayor Lowrance declared the public hearing closed.

Wirin moved to adopt Resolution 2017-033 Adopting Tentative Resolution 2017-021 Authorizing the Conveyance and Transfer of Title of City Property, 1210 E Nevada Street, to Trademark Properties, LLC., \$37,500.00, second by Lamer. Resolution adopted 6-0.

Wirin moved to approve Resolution 2017-034 Approving Purchase Contract with Ken Wise Chrysler-Dodge-Jeep, Inc., for a 2017 2500 Tradesman Pickup Truck in the amount of \$28,019.00, second by Greer. Lamer moved to amend to allow for the purchase of two trucks, with the second at purchase price of \$29,219, second by Greer. Amendment passed 6-0. Resolution adopted 6-0.

COUNCIL PROCEEDINGS

February 27, 2017

Wirin moved to adopt Resolution 2017-035 Approving Engineering Services Agreement Amendment No 1 with Clapsaddle-Garber Associates, Inc., for Ingledue Storm Sewer Rehabilitation Project 29108009, in the amount of \$16,500.00, second by Greer. The city will ensure survey pins are replaced. Resolution adopted 6-0.

Wirin moved to adopt Resolution 2017-036 Supporting the Lead Hazard Control Grant Application from the US Department of Housing and Urban Development, second by Greer. Spohnheimer applied for the sixth lead grant, anticipating an award of \$2.5M, with \$400K for Healthy Homes. The grant requires a 10% local match, which is generally either discounted rates from private businesses and in-kind resources. Resolution adopted 6-0.

ORDINANCES

Hoop moved to adopt the third reading of and Ordinance 14956 to Amend the Code of Ordinances, Section 28-125 "Rate Structure and Storm Water Rate," Setting Storm Water rates, second by Greer. The rate is based on Equivalent Residential Units, setting the average residential unit as 2,800 square feet of impervious service as the base unit for assessing the utility rate. Non residential parcels will be assessed based on actual square foot of impervious surface, as a percentage of the ERU average of 2800 sq. ft. Individuals questioned the exception policy. City Administrator Kinser reminded the council the reason for the rate restructuring and increase is to comply with the DNR MS4 Permit. The council has discussed the need for storm water improvements several times over the past few years. Third reading and Ordinance adopted 6-0.

Martin moved to table the third reading of Ordinance 14957, second by Lamer. Motion failed 2-4, with Wirin, Gowdy, Greer and Hoop dissenting.

Hoop moved to approve the third reading of and Ordinance 14957 amending Chapter 29 of the Zoning Ordinance, allowable special uses in the Office Park District, including full-service restaurants and limited service eating places, to include beer, wine and liquor, second by Greer. Third reading and Ordinance adopted 4-2, with Lamer and Martin opposed.

Hoop moved to adopt the first reading of Ordinance 14958 Approving Changes to the Zoning Ordinance of 2010 MAP by Rezoning Properties to Traditional Neighborhood (TN) District, second by Greer. 1015, 1101, 1201 and 1203 S 6th Street will be rezoned to TN District, allowing flexibility developers require and additional aesthetic design. First reading adopted 6-0.

DISCUSSION:

Due to the general fund deficit in fiscal year ending 2018, staff recommends reallocation of the local option sales and service tax to fund general fund operations. Doing so will allow general government service levels to remain constant. Most of the general fund expense is wages. The current distribution of the local option sales and service taxes (LOSST) is 75% for property tax relief, 20% to either street improvement or storm sewer utility, and 5% to any lawful purpose. Proposed distribution is 78% to property tax relief, and 22% to any lawful purpose. Should the special election pass on August 1, 2017, the effective date of tax change is November 1, 2017.

Changes to the Nuisance abatement ordinance are recommended to increase the efficiency of handling issues. Staff recommends approval of the ordinance, and requests all three readings be considered on March 13.

Public Works Director Nickel recommended approval of changes in the Engineering and Compost Fees to cover costs directly associated with specific activities.

Reminder – Special Council Meeting, March 6, 2017, Public hearings and proposed adoption of FYE 6/30/2017 Budget Amendment, FYE 6/30/2018 Budget and Tax Levy, Five Year Capital Improvement Plan and Levy.

COUNCIL PROCEEDINGS

February 27, 2017

PUBLIC COMMENT:

Louisa Ortega, 2023 Catalina Place, requested the council donate to help cover July 4th Fireworks expense. Individuals may also send donations to “Fireworks”, attn: Marshall County Treasurer, 1 E Main Street, Marshalltown, IA, 50158.

ADJOURNMENT

The meeting adjourned at 6:43 PM.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

James L. Lowrance, Mayor

Shari L. Coughenour, CMC, City Clerk



COUNCIL AGENDA

CITY HALL COUNCIL CHAMBERS, 10 W STATE STREET

February 27, 2017, at 5:30 PM

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CALL TO ORDER: Mayor James L. Lowrance

PLEDGE OF ALLEGIANCE:

ROLL CALL: Gowdy, Greer, Hoop, Lamer, Martin, Schubert, Wirin.

MAYOR, COUNCIL AND ADMINISTRATOR COMMENTS:

Years of Service

30 years: Kelly Smith

5 years: Jacob Moore

APPROVAL OF AGENDA:

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(end of consent agenda items)

MOTIONS:

11. Approve new liquor license for 6 months– Marshalltown Speedway / Toby Kruse.
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Marshalltown



RESOLUTIONS:**PUBLIC HEARING**

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ORDINANCES

18. Ordinance 14956 Setting Storm Water rates, option 2 ERU, third reading.
19. Ordinance 14957 amending Chapter 29 of the Zoning Ordinance, allowable special uses in the Office Park District, including full-service restaurants and limited service eating places, beer, wine and liquor stores, third reading.
20. Ordinance 14958 Approving Changes to the Zoning Ordinance of 2010 MAP by Rezoning Properties to Traditional Neighborhood (TN) District, first reading. 1015, 1101, 1201 and 1203 S 6th Street.

DISCUSSION:

1. Special Election to Reallocate Local Option Sales Tax
2. Proposed Contract with the Convention & Visitor's Bureau
3. Draft Nuisance Ordinance
4. Engineering Fees
5. Compost Fees
6. Reminder – Special Council Meeting, March 6, 2017, Public hearings and proposed adoption of FYE 6/30/2017 Budget Amendment, FYE 6/30/2018 Budget and Tax Levy, Five Year Capital Improvement Plan and Levy.

PUBLIC COMMENT:**ADJOURNMENT:**

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COUNCIL PROCEEDINGS

February 13, 2017

The Marshalltown City Council met in regular session on February 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, Hoop, Lamer, Martin, Schubert, Wirin. Chief Tupper thanked Officer Accola for leading the Pizza with the Cop event, as it was well attended and scheduled to repeat due to the success. Greer thanked the community for utilizing the city Library and Skatepark. Schubert moved to approve the agenda, second by Greer. Motion approved 7-0.

CONSENT AGENDA:

Lamer moved to approve the Consent Agenda Approve Council meeting Minutes of January 23, 2017, special council meeting minutes of January 30 and February 6, 2017; Approve Bill List in the amount of \$1,517,128.14; Receipt of Building Report for December, 2016; Receipt of Civil Service New Hire List, Street Maintenance Worker II; Board and Commission Appointments: Appoint Aimee Deimerly-Snyder to Planning & Zoning Commission, term expires: 4/1/2022; Appoint Tammie Frederick to Board of Adjustment, term expires 4/1/2022; Resolution 2017-012 Approving Applications for Tax Abatement within Approved Urban Revitalization Areas of the City of Marshalltown, Iowa; Resolution 2017-013 Certifying Unpaid Bills as Property Tax for unpaid nuisance abatement and illegal fire charges; Resolution 2017-014 Approving the Renewal of Agreement with the Iowa Veterans Home relating to Police Protection through June 30, 2019; Resolution 2017-015 Authorizing The Grant Application to the State of Iowa, Governor's Traffic Safety Bureau, State and Community Highway Safety Grant Application, Contract Period 10-1-2017 through 9/30/2018; Resolution 2017-016 Approving Contract with GTG Companies for the Veterans Memorial Coliseum facility use study, in the amount of \$25,000; Resolution 2017-017 Approving Contract Change Order #1 for the 2015 Oil Mix Streets Overlay Project 76015005, increase of \$32,468.00; Resolution 2017-018 Approving Certificate of Completion and final Project Costs with OMG Midwest, Inc., dba Cessford Construction, in the amount of \$457,928.00 for Construction of the 2015 Oil Mix Streets Overlay Project 76015005; Resolution 2017-019 Approving Contract Change Order #1 for the 2016 Mill & Overlay Project 76016004, increase of \$153,334.30; Resolution 2017-020 Approving Certificate of Completion and final Project Costs with OMG Midwest, Inc., dba Cessford Construction, in the amount of \$828,790.80 for the Construction of the 2016 Mill & Overlay Project 76016004; Renewal Liquor Licenses (pending fire inspection passage): Kwik Star #706, Jiffy Convenience Stores, Kwik Star #394, Grocery Store Y Tortilleria La Vecindad, Golden Land, Ocean City Chinese Restaurant, Elmwood Country Club, Vaughn's Pub, American Legion, Rumours Sports Bar & Grill, Smokin G's BBQ Restaurant and Catering, Iowa River Brewing Company, Inc., Hy Vee Food & Drug Store, Fareway Stores #467, Food & Gas Mart; second by Wirin. Consent agenda adopted 7-0.

MOTIONS:

Schubert moved to Approve new State of Iowa Tobacco Permit for Family Dollar Stores of Iowa, LLC, formerly known as Family Dollar Stores of Iowa, Inc., 327 S 3rd Avenue, effective January 27, 2017, expires June 30, 2017, second by Greer. Motion carried 6-1 with Lamer opposed.

Lamer moved to set the public hearing date of March 6, at noon, for Budget Amendment for the current fiscal year ending 6/30/2017, second by Wirin. Motion carried 7-0.

Martin moved to accept the proposed Budget for FY18 and setting the public hearing for March 6, at noon, for the proposed Budget and Tax Levy for fiscal year ending 6/30/2018, second by Gowdy. Motion carried 7-0.

Lamer moved to finalizing the Five Year Capital Improvement Plan and setting public hearing for March 6, 2017, at noon, second by Wirin. Motion carried 7-0.

REPORTS:

Kenn Vinson updated the council on the Alliant project. The project is mechanically complete and the facility is testing, April 1 is the expected substantially complete date.

COUNCIL PROCEEDINGS

February 13, 2017

RESOLUTIONS:

Schubert moved to adopt Tentative Resolution 2017-021 Setting public hearing for February 27, 2017, for the sale of City Property, 1210 E Nevada Street, second by Wirin. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-022 Amending 2016 Marshall County Hazard Mitigation Plan, second by Greer. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-023 Approving Grant Application to the Martha-Ellen Tye Foundation for the Development of a Futsal/Tennis Court upgrade, second by Schubert. Resolution adopted 7-0. Greer disclosed he serves on the board of the Martha-Ellen Tye Foundation and has no financial gain.

Martin moved to adopt Resolution 2017-024 Approving Grant Application to the Martha-Ellen Tye Foundation for the Development of a Parks and Recreation Master Plan, second by Wirin. Resolution adopted 7-0. Greer disclosed he serves on the board of the Martha-Ellen Tye Foundation and has no financial gain.

Greer moved to adopt Resolution 2017-025 Authorizing the assignment of tax certificates held by Marshall County, second by Schubert. Resolution adopted 7-0.

Wirin moved to adopt Resolution 2017-026 Approving Agreement Amendment No 2 by and between the City of Marshalltown, Iowa, and Clapsaddle-Garber Associates, Inc., for Engineering Services for Marshalltown Municipal Airport – Runway End 18/36, project 77016010, \$12,485.00, second by Lamer. Resolution adopted 7-0. The mill and overlay project is 90% federally funded with a 10% match.

ORDINANCES

Lamer moved to adopt the second reading of an Ordinance to Amend the Code of Ordinances, Section 28-125 "Rate Structure and Storm Water Rate," Setting Storm Water rates, second by Greer. The rate is based on Equivalent Residential Units, setting the average residential unit as 2,800 square feet of impervious service as the base unit for assessing the utility rate. Non residential parcels will be assessed based on actual square foot of impervious surface, as a percentage of the ERU average of 2800 sq. ft. Individuals questioned the exception policy. City Administrator Kinser reminded the council the reason for the rate restructuring and increase is to comply with the DNR MS4 Permit. The council has discussed the need for storm water improvements several times over the past few years. Second reading adopted 7-0.

Greer moved to approve the first reading of the Ordinance amending Chapter 29 of the Zoning Ordinance, allowable special uses in the Office Park District, including full-service restaurants and limited service eating places, to include beer, wine and liquor as amended, second by Gowdy. Second reading adopted 4-3, with Lamer, Martin and Schubert opposed.

DISCUSSION:

Public Works Director Nickel reviewed the 2017 street improvement program map. Improvement includes mill and overlay segments and full depth rebuild with base stabilization. Combined improvement estimate is about \$1.8 million. City Administrator Kinser recommended the nuisance ordinance be revised as staff considers procedure changes to be more efficient.

PUBLIC COMMENT:

Nona Eaton, 1717 Country Club Lane, addressed the council regarding storm sewer charges and questioned city services received by individuals on Odessa Drive and College View Lane.

ADJOURNMENT

The meeting adjourned at 7:03 PM.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

the City of
Marshalltown

[illegible]

Building Division Improvement Value & Fee Summary - Jan. 2017

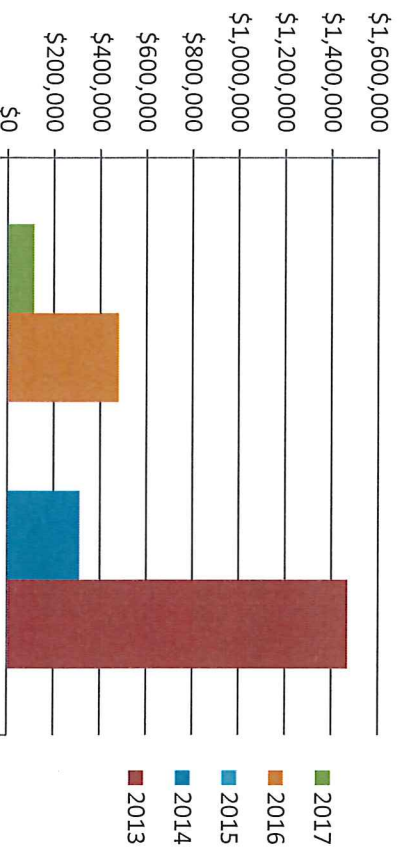
Total Improvement Value Comparison

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2017	\$114,000												\$114,000
2016	\$479,000												\$479,000
2015	\$0												\$0
2014	\$311,000												\$311,000
2013	\$1,470,000												\$1,470,000

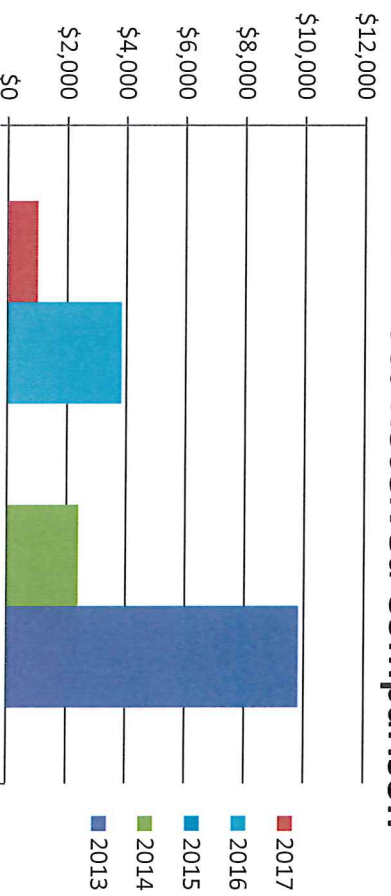
Total Fees Received Comparison

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2017	\$1,006												\$1,006
2016	\$3,860												\$3,860
2015	\$0												\$0
2014	\$2,414												\$2,414
2013	\$9,824												\$9,824

Total Improvement Value Comparison



Total Fees Received Comparison





Board and Commission Roster

Planning and Zoning Commission

Department: Housing

Dept. Phone: (641) 754-5756

Seven members appointed by the Mayor subject to approval of the City Council; 5 year terms. The Commission shall recommend the boundaries of the various original district and appropriate regulations and restrictions to be enforced therein. In addition, the Commission shall make recommendations for amendments, supplements, changes and modifications of said regulations, restrictions, and boundaries of districts. Meetings will be held the Thursday following the first Council meeting of the month at 5:00 PM.

<u>Term End</u> <u>Date</u>	<u>Member Contact Information</u>		
4/1/2020	Keith E. Bloomquist 2313 Knollway Drive Marshalltown, IA 50158	(641) 751-5075 (641) 753-4020	knollway@mchsi.com Appointed: 2/27/2017
4/1/2018	Jon Boston 1710 Rainbow Drive Marshalltown, IA 50158	(641) 752-2594	jcbost50@yahoo.com Appointed: 3/25/2013
4/1/2022	Aimee Deimerly-Snyder Marshalltown, IA 50158		 Appointed: 2/13/2017
4/1/2019	Sharon Greer 112 W Church Street Marshalltown, IA 50158	(641) 752-5467	sharon@cdrlaw.com Appointed: 10/27/2014
4/1/2018	Angela Lins-Eich 410 W Main Street Marshalltown, IA 50158	(641) 351-9469 (351) 652-7000	a.lins-eich@lifeconnections4u.net Appointed:
4/1/2018	Fauna Nord 1705 W Lincoln Way Marshalltown, IA 50158	(641) 751-2748 (641) 751-2748	fauna.nord@coldwellbanker.com Appointed:
4/1/2020	Stephen Valbracht 307 Thunderbird Drive Marshalltown, IA 50158		stevevalbracht@gmail.com Appointed: 3/28/2016

Monday, February 13, 2017

State of Iowa gender equality statistics

Males - Count / %	3	42.86%
Females - Count / %	4	57.14%
Total Members	7	



Board and Commission Roster

Water Board

Department: Mayor

Dept. Phone: (641) 754-5712

The Marshalltown Water Works Board of Trustees is in charge of setting the Policy and Regulations by which the Utility operates considering all Federal and State regulations. The Treatment Plant can treat 12 million gallons per day to 147 miles of water mains to 10127 customers who are billed bi-monthly except larger users who are billed monthly. The utility contracts with CIRWA to provide treated water to parts of 13 counties and 30 other small communities in central Iowa. Three members are appointed by the Mayor for six-year terms without City Council approval. Each member of the water board receives \$300 quarterly, per City Code Section 2-169.

<u>Term End</u> <u>Date</u>	<u>Member Contact Information</u>	
5/1/2018	Laura Eilers Marshalltown, IA 50158	Need email Appointed:
5/1/2022	Kenn Vinson Marshalltown, IA 50158	Need email Appointed: 3/28/2016
5/1/2023	Jerry Young 2375 H - 186th Street Marshalltown, IA 50158	Need email Appointed: 2/27/2017

State of Iowa gender equality statistics

Males - Count / %	2	66.67%
Females - Count / %	1	33.33%
Total Members	3	

#2017-

RESOLUTION TO CERTIFY UNPAID BILLS
FOR COLLECTION WITH TAXES

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

Section 1. That the costs and expenses incurred by the City of Marshalltown, Iowa as set forth in the attached schedule, being unpaid rental registration fees are hereby approved for certification to the County Treasurer for collection with taxes and the City Clerk is hereby directed to transmit same.

Passed this 27th day of February, 2017, and signed this ____ day of February, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

List Distributed Separately

2/27/2017 council date

PINProp	SumOfInvAm	SumOfPayAm	BalDue	PropFull	LastNameV	FirstNameV	CorpNameV	Description	RENTAL	LATE FEE	INV#	Address
0735227006	\$58.00	(\$33.00)	\$25.00	509 E Main St	Alcantar	Jaim Oliveros		LATE FEE ONLY?	-	25.00		
0735104010	\$117.50		\$117.50	504 W Church St	Bagnall	Bonnie		2016 rental and late	92.50	25.00	103543	120623
0735102011	\$87.75		\$87.75	409 W Church St	Bagnall	Bonnie		2016 rental and late	62.75	25.00	103543	120623
0735106004	\$87.75		\$87.75	108 S 4th St	Bagnall	Bonnie		2016 rental and late	62.75	25.00	103543	120623
0735227016	\$87.75		\$87.75	510 E Church St	Bagnall	Bonnie		2016 rental and late	62.75	25.00	103543	120623
0736102018	\$58.00		\$58.00	107 S 7th Ave	Bagnall	Bonnie		2016 rental and late	33.00	25.00	103543	120623
0725354001				513 Bromley St	Castellanos	Jose		no show inspection	45.00	25.00	105587	118977
0725354003				517 Bromley St	Castellanos	Jose		no show inspection	45.00	25.00	105588	118977
0726276012				710 N 4th Ave	Castellanos	Jose		no show inspection	90.00	25.00	105589	120623
1111451015	\$266.25		\$266.25	108 Iowa Ave E	DeJong	Kent	Swan Estates LLC	2016 rental and late	241.25	25.00	103579	113099
0736256021	\$58.00		\$58.00	1221 E Madison St	Downs	James		2016 rental and late	33.00	25.00	103549	107576
0725451017	\$58.00		\$58.00	206 N 13th Ave	Dutoit	Franzene		2016 rental and late	33.00	25.00		
0727455010	\$58.00		\$58.00	1004 Fremont St	Erickson	Trina		2016 rental and late	33.00	25.00	103551	119440
0736277004	\$58.00		\$58.00	1506 Norris Pl	Fogarty	Jeremy		2016 rental and late	33.00	25.00		
0736353009	\$58.00	(\$33.00)	\$25.00	908 S 7th Ave	Fricke	Michael		LATE FEE ONLY?	-	25.00		
0735177001	\$58.00		\$58.00	112 W Boone St	Grimaldo	Jose		2016 rental and late	33.00	25.00	103559	120322
0736402003	\$58.00		\$58.00	808 S 12th Ave	Haugan	Scott	Howgan Real Estate LLC	2016 rental and late	33.00	25.00		
1102130004	\$58.00		\$58.00	11 1/2 W Ingledue St	Lopez-Gonzalez	Benito		2016 rental and late	33.00	25.00	103565	111686
0726327013	\$58.00		\$58.00	103 W North St	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
0735105001	\$87.75		\$87.75	412 W Church St	Michel	Daleen		2016 rental and late	62.75	25.00	103566	100255
0736101006	\$58.00		\$58.00	609 1/2 E Main St	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
0734129007	\$58.00		\$58.00	1310 W Church St	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
0725351011	\$58.00		\$58.00	206 N 7th Ave	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
1103177003	\$58.00		\$58.00	1304 S 12th St	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
1102429022	\$58.00		\$58.00	506 Friendly Dr	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
0727435005	\$87.75		\$87.75	307 N 7th St	Michel	Daleen		2016 rental and late	62.75	25.00	103566	100255
0725358009	\$117.50		\$117.50	702 E Main St	Michel	Daleen		2016 rental and late	92.50	25.00	103566	100255
0735230010	\$58.00		\$58.00	107 S 6th Ave	Michel	Daleen		2016 rental and late	33.00	25.00	103566	100255
0727359004				1516 W State St	Mitchell	Mark		2nd inspection	45.00	25.00	102293	116511
0736255005				1209 E Nevada St	Niedermann Choice Rentals			cancel inspection	45.00	25.00	103917	120192
0736255005				1209 E Nevada St	Niedermann Choice Rentals			2nd inspection	45.00	-	104297	120192
0727459006				12 N 10	Rieks	Dean		no show inspection	45.00	25.00	105584	116263
0735179008				412 S 3	Rieks	Dean		no show inspection	45.00	25.00	105583	116263
0726351003	\$87.75		\$87.75	210 N 6th St	Sanchez	Carmen		2016 rental and late	62.75	25.00	103573	106914
0725451022	\$58.00		\$58.00	110 N 13th Ave	Sanchez	Carmen		2016 rental and late	33.00	25.00	103573	106914
0725386005	\$87.75		\$87.75	14 N 11th Ave	Sanchez	Carmen		2016 rental and late	62.75	25.00	103573	106914
0725359001	\$87.75		\$87.75	11 N 8th Ave	Sanchez	Carmen		2016 rental and late	62.75	25.00	103573	106914
0735429013	\$58.00		\$58.00	510 E Anson St	Sewell	Curtis		2016 rental and late	33.00	25.00	103575	120215
0733104001				107 S 29th St	TCC Rentals LLC			no show inspection	45.00	25.00	100185	119674
0725451002	\$58.00		\$58.00	209 N 12th Ave	Warren	Connie		2016 rental and late	33.00	25.00	103580	113485
									1,972.25	975.00		

#2017-

RESOLUTION APPROVING THE RENEWAL OF 28E AGREEMENT BY AND
BETWEEN THE CITY OF MARSHALLTOWN, IOWA AND THE STATE OF IOWA,
IOWA VETERANS HOME, RELATING TO FIRE PROTECTION AT THE IOWA
VETERANS HOME, MARSHALLTOWN, IOWA,
FOR FISCAL YEAR ENDING JUNE 30, 2018.

WHEREAS there is herewith submitted to the City Council of Marshalltown, Iowa, a proposed renewal Agreement by and between the City of Marshalltown and the State of Iowa, Iowa Veterans Home, Marshalltown, Iowa, relating to fire protection at the Iowa Veterans Home for fiscal year ending June 30, 2018; and

Whereas the previous memorandum of agreement was filed with the Secretary of State, numbered M508245; and

WHEREAS the Council has fully examined the agreed renewal Agreement and has found it to be in the best interests of the City of Marshalltown, Iowa, and that the same should now be approved and accepted.

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

Section 1. That the agreed renewal Agreement by and between the City of Marshalltown, Iowa and the State of Iowa, Iowa Veterans Home, Marshalltown, Iowa, for fire protection at the Iowa Veterans Home for fiscal year ending June 30, 2018, is hereby approved in all respects and particulars.

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

Passed this 27th day of February, 2017, and signed this ___ day of February, 2017.
CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



Marshalltown Fire Department
David Rierson, Fire Chief
107 South First Avenue
Marshalltown, IA 50158
Tel - (641) 754-5751
Fax - (641) 754-5722

February 14, 2017

Commandant Jodi Tymeson
Iowa Veterans Home
1301 Summit Street
Marshalltown, IA. 50158

RE: Fire Protection Contract Renewal FY 2017-2018

Commandant Tymeson,

Per our correspondence, the following figures were used to determine the fire protection renewal fee for FY 2017-2018 between the Iowa Veterans Home and the City of Marshalltown:

Population: 27,552 (2010 Census)
FY 2017-2018 Department Budget: \$2,950,275

FORMULA: FIRE PROTECTION AND SERVICES

Per Capita Cost: $\frac{2,950,275 \text{ (Budget)}}{27,552 \text{ (Population)}} = \$107.08 \text{ per capita}$

Contract Fee: $\$107.08 \text{ (per capita)} \times 542 \text{ (average daily census)} = \underline{\$58,037.36}$

Confined Space Retainer: \$2,500

Annual retainer providing usage of Marshalltown Fire Department as designated Confined Space Rescue Service under IVH Confined Space Program.

Total Amount Due: \$ 60,537.36

Acceptance: Jodi S. Tymeson
Commandant - IVH
David Rierson
David Rierson - Fire Chief

Date 02/15/2017

Date 02/15/2017

CITY COUNCIL: Mike Gowdy, Joel Greer, Al Hoop, Leon Lamer,
Bill Martin, Bob Schubert, Bethany Wirlin



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: 22 February 2017

RE: School Resource Officer Agreement

Policy Issue: City policy requires governing body approval of agreements.

Recommendation: Staff recommends Council approve and authorize the Mayor to sign the attached two year agreement with the Marshalltown School District for School Resource Officer services at the Marshalltown High School.

Background: The police department has a longstanding agreement with the Marshalltown School District for School Resource Officer services. The current agreement expires on June 30, 2017. A new, two year agreement has been proposed. If approved the new agreement will commence on July 1, 2017 and expire on June 30, 2019.

Budget Impact: The Marshalltown Community School District will pay the City of Marshalltown \$52,000.00 in FY 18 and \$55,000.00 in FY 19 for School Resource Officer services.

Attachment: School Resource Officer Agreement

Marshalltown



CITY COUNCIL

Mike Gowdy, Joel Greer, Al Hoop, Leon Lamer,
Bill Martin, Robert Schubert, Bethany Wirin

RESOLUTION APPROVING 28D AGREEMENT BETWEEN THE CITY OF
MARSHALLTOWN AND THE MARSHALLTOWN COMMUNITY SCHOOL DISTRICT TO
SUPPORT A LIAISON POLICE OFFICER AT MARSHALLTOWN HIGH SCHOOL FOR
SCHOOL YEARS 2017-2018 AND 2018-2019

WHEREAS there is herewith submitted to the City Council of Marshalltown, Iowa, (City) a proposed agreement by and between the City of Marshalltown, Iowa, and the Marshalltown Community School District (District) to Support a Liaison Police Officer at Marshalltown High School; and

WHEREAS it is the desire and intent of the District and the City that the program be continued as it has been in the past, with the District and City each assuming one-half of the salary cost and incidental expenses (uniform maintenance, overtime, maintenance and fuel, and training) of the police officer assigned to MHS, such expenses to be reimbursed by the District to the City on a monthly basis; and

WHEREAS it is declared that the District's share of expenses will be \$52,000 for the 2017-2018 school year and \$55,000 for the 2018-2019 school year; and

WHEREAS, the Council has fully examined the agreement and has found it to be in the best interests of the City of Marshalltown, Iowa and that it should now be approved and accepted.

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

Section 1. That the agreement by and between the City of Marshalltown, Iowa and the Marshalltown Community School District to Support a Liaison Police Officer at the Marshalltown High School, is hereby fully approved in all respects and particulars and the Mayor and City Clerk are hereby authorized and directed to execute same for and on behalf of said City.

Passed this 27th day of February, 2017, and signed this ____ day of February, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor
ATTEST:

Shari L. Coughenour, CMC, City Clerk



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

16 February 2017

Dr. Theron Schutte, Superintendent
Marshalltown Community School District
1002 South 3rd Avenue
Marshalltown, Iowa 50158

RE: Memorandum of Agreement, School Resource Officer

Dear Dr. Schutte,

The City is proposing a renewal of the 28D Agreement regarding support of a City police officer in a liaison position at the Marshalltown High School (MHS). The City is proposing a two year agreement.

It is the desire and intent of the City that the School Resource Office program be continued as it has in the past. The District and the City share salary costs, benefit costs and incidental expenses (uniform maintenance, overtime, training, vehicle maintenance and fuel) of the police officer assigned to MHS as a School Resource Officer. It is agreed the police officer shall at all times, and for all purposes, remain an employee of the City. Subject to District approval and input, the City will select the police officer to be assigned to the MHS School Resource Officer position. The District will be invited to participate in the selection process.

The District agrees to pay the City \$52,000 during FY 2017-2018 for the services of a School Resource Officer. The District agrees to pay the City \$55,000 during FY 2018-2019 for the services of a School Resource Officer. These costs are based on the expenses associated with the assignment of Officer Rod Whitmore to the School Resource Officer position. The City and the District agree to re-examine these costs should a different police department employee be placed into this position. The City will bill the school district monthly for these expenses.

This agreement will be in effect for the 2017-2018 and 2018-2019 school years. Either party may withdraw from this agreement by providing written notice 30 days in advance of the intent to terminate this agreement. This agreement will automatically continue in effect thereafter for successive two-year periods, subject to the parties agreeing at the end of each two-year period to any changes in the agreement desired by either party or required because of any changes in state law (Chapter 28D of the Code of Iowa) governing the interchange of government.

If the foregoing is in accord with your understanding, please so indicate by signing below in the space provided for that purpose and returning the enclosed copy of this letter to us.

Sincerely,

Michael Tupper
Chief of Police

Marshalltown



CITY COUNCIL

Mike Gowdy, Joel Greer, Al Hoop, Leon Lamer,
Bill Martin, Robert Schubert, Bethany Wirin

RE: Memorandum of Agreement, School Resource Officer

AGREED TO AND ACCEPTED this _____ day of _____, 2017.

By: James L. Lowrance, Mayor
City of Marshalltown

By: Dr. Theron Schutte, Superintendent
Marshalltown Community School District

Attest: Shari L. Coughenour, CMC
City Clerk

RESOLUTION APPROVING CONTRACT CHANGE ORDER #1 FOR THE TURNER
STREET (EAST) INTERCEPTOR SEWER PROJECT NUMBER 59012009
A DECREASE OF \$5,297.34

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with Geislinger & Sons, Inc., of Watkins, MN, for the labor and material for the Turner Street (East) Interceptor Sewer Project 59012009; and

WHEREAS a decrease is requested for additional items to complete the project.

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

Section1. That the contract Change Order #1 for Turner Street (East) Interceptor Sewer Project 59012009, in the decreased amount of \$5,297.34 is hereby accepted and approved.

Passed this 27th day of February 2017, and signed this ____ day of _____, 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

February 22, 2017

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

From: Justin Nickel
Director of Public Works

Re: Change Order #1 – Geislinger & Sons, Inc. for Turner Street Force Main Project
(59012009)

Policy Issue: City policy requires Governing Body approval of all change orders.

Recommendation: Staff recommends approving the Change Order with Geislinger for additional items resulting in a decrease of \$5,297.34.

Background: The construction was modified do to unforeseen underground obstructions. Please see the attached documentation for a breakdown of items.

Budget Impact: None

Attachment: Change Order #1 and Work Change Directive #1

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Bill Martin, Robert Schubert, Bethany Wirin



Change Order

No. 1

Project: Turner Street Force Main	Date of Contract: June 27, 2016
Owner: City of Marshalltown	Owner's Contract No.: 59012009
Engineer: FOX Engineering	Engineer's Project No.: 2407-12E
Contractor: Geislinger & Sons, Inc.	Date of Issuance: 2/21/2017

The Contract Documents are modified as follows upon execution of this Change Order:

DESCRIPTIONS:

- Item 1 Open trench the E. Nevada Street Bore to avoid existing utilities. Contractor to provide the necessary jointing and traffic control, including detour signage, to complete the work. The work is estimated to include the following:
- a. Traffic control, add \$5,225.00
 - b. PCC curb and gutter, add \$465.00
 - c. Modified subbase stone, add \$1,665.00
 - d. Pavement removal and disposal, add \$180.00
 - e. Curb and gutter removal, add \$37.50
 - f. Engineering fabric, add \$75.00
 - g. PCC full depth patch, add \$4,800.00
 - h. Sanitary sewer force main, trenched, restrained joint class 200 DIP, 30-inch, add \$17,595.00
 - i. Lump sum cost for open trench construction including additional utilities excavation and materials, add \$32,918.75
 - j. Sanitary sewer force main, trenchless, 48-inch casing pipe, C905 or class 200 DIP 30-inch carrier pipe, deduct \$67,405.00
 - k. Bore pits, deduct \$23,500.00
 - l. Equipment and manpower for delay caused by utility company verifying the existence of an abandoned gas main. Add \$7,688.04
- Deduct \$20,255.71 for this change.
- Item 2 Excavation to determine limits and rerouting of force main to avoid buried underground railroad abutments. Add \$5,322.49.
- Item 3 Removal and replacement of existing sanitary sewer service at 1201 E. State Street to remove backfall in service line. Add \$3,501.58
- Item 4 Removal and replacement of buried pond outlet structure at the Oaks Apartment Complex. Add \$2,404.25.
- Item 5 Additional subgrade grading to allow drainage to subdrain at the intersection of 13th Avenue and E. State Street. Add \$3,130.24.
- Item 6 Wire for flow meter installation at WPCP Building. Add \$599.81.

Attachments: WCD no. 4 and Change Order Proposals 1 through 6.

Work Change Directive No. 4

Project: Turner Street Force Main	Date of Contract: June 27, 2016
Owner: City of Marshalltown	Owner's Contract No.: 59012009
Engineer: FOX Engineering	Engineer's Project No.: 2407-12E
Contractor: Geislinger & Sons, Inc.	Date of Issuance: 10/07/2016

You are directed to proceed promptly with the following change(s):

- Item 1 Open trench the E. Nevada Street Bore to avoid existing utilities. Contractor to provide the necessary jointing and traffic control, including detour signage, to complete the work. Geislinger & Sons, Inc. is anticipating that the work will be completed in approximately 5 days. The work is estimated to include the following:
- a. Traffic control, add \$5,225.00
 - b. PCC curb and gutter, add \$465.00
 - c. Modified subbase stone, add \$1,665.00
 - d. Pavement removal and disposal, add \$180.00
 - e. Curb and gutter removal, add \$37.50
 - f. Engineering fabric, add \$75.00
 - g. PCC full depth patch, add \$4,800.00
 - h. Sanitary sewer force main, trenched, restrained joint class 200 DIP, 30-inch, add \$17,595.00
 - i. Lump sum cost for open trench construction including additional utilities excavation and materials, add \$32,918.75
 - j. Sanitary sewer force main, trenchless, 48-inch casing pipe, C905 or class 200 DIP 30-inch carrier pipe, deduct \$67,405.00
 - k. Bore pits, deduct \$23,500.00

Attachments: WCD NO. 4 Revised Plan Sheets D.05 and D.06

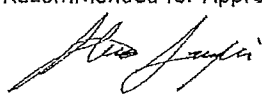
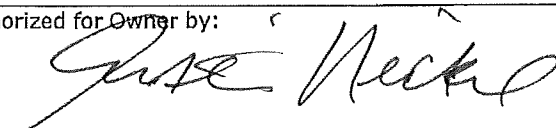
Purpose for Work Change Directive:

Authorization for Work described herein to proceed on the basis of Cost of the Work due to:

- ☐ Non-agreement on pricing of proposed change.
- ☒ Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time.

Estimated change in Contract Price and Contract Times:

- ☐ Increase ☒ Decrease of Contract Price: **\$27,943.75**
- ☐ Increase ☐ Decrease of Contract Times: ____ days

Recommended for Approval by Engineer: 	Date: 10/07/2016
Authorized for Owner by: 	Date: 10/11/16

RESOLUTION APPROVING CONTRACT CHANGE ORDER #1
FOR THE STP – S 18TH AVE PCC PATCHING PROJECT NUMBER 76015009
AN INCREASE OF \$48,175.70

WHEREAS the City of Marshalltown, Iowa, has heretofore entered into a contract with Midwest Contractors Inc., of Cedar Falls, IA, for the labor and material for the STP – S 18th Ave PCC Patching Project 76015009; and

WHEREAS An increase is requested for adjust for final quantities to successfully complete the project for the STP – S 18th Ave PCC Patching Project in the amount of \$48,175.70.

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

Section1. That the contract Change Order #1 for the STP – S 18th Ave PCC Patching Project 76015009, in the increased amount of \$48,175.70, is hereby accepted and approved.

Passed this 27th day of February 2017, and signed this _____ day of _____ 2017

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

Project: S. 18th Avenue PCC Patching	Change Order # 1
Owner: City of Marshalltown	PN: CGA PN: 1653.06
Contractor: Midwest Contractors, Inc.	Contract Date: March 7, 2016
Iowa DOT Project No.: STP-U-4797(619)--70-64	Contract Amount: \$751,898.00

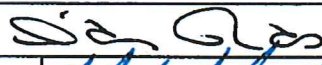
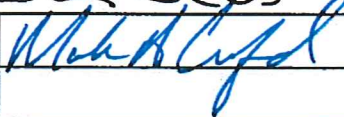
List below or on a separate sheet each change proposed in this order describing briefly and giving reasons for the changes. Attach copy of supplemental agreement covering any contract amendment.

PROPOSED CHANGES						Amount Increase or Decrease
Item	Description	Quantity	Units	Rate		
2	Patches, Full-Depth, By Area	1121.59	SY	\$ 62.40		\$ 69,987.22
3	Patches, Full-Depth Finish, By Area (50 ft. or greater)	(1929.15)	SY	\$ 64.00		\$ (123,465.60)
4	Patches, Full-Depth Finish, by Count	207	EA	\$ 74.00		\$ 15,318.00
5	Subbase (Patches)	35	SY	\$ 9.00		\$ 311.85
8	Sealer Material (PCC Pavement)	24450	LB	\$ 1.00		\$ 24,450.00
EWO 1.1	Curb & Gutter Removal & Replacement	699.5	LF	\$ 42.00		\$ 29,379.00
EWO 1.2	Patches w/ reinforcing, Full-Depth, By Area	106.67	SY	\$ 120.35		\$ 12,837.73
EWO 1.3	Flaggers	44.5	EA	\$ 435.00		\$ 19,357.50

Net Change This Order (+ or -):	\$ 48,175.70
Net Changes Previous Orders:	\$ -
Total Net Changes to Date:	\$ 48,175.70

Completion Date	Days Increased	Days Decreased	Revised Completion Date
	0.0	0.0	

If and when approved, I hereby accept this order as work to be performed, prices on which payment shall be based, and adjustment to contract completion date.

Contractor:	Midwest Contractors, Inc.			
By:		Title:	PRESIDENT	Date: 2/8/2017
Recommended By:		Title:	Project Engineer	Date: 2/8/2017
Approved By:		Title:		Date:

ADDITIONAL INFORMATION:



RESOLUTION APPROVING CERTIFICATE OF COMPLETION
AND FINAL PROJECT COSTS WITH MIDWEST CONTRACTORS, INC.
IN THE AMOUNT OF \$800,073.70 FOR CONSTRUCTION OF THE
STP -S 18TH AVE PCC PATCHING PROJECT IN THE CITY OF
MARSHALLTOWN, IOWA,
BEING PROJECT NO.76015009

WHEREAS, the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the STP – S 18th Ave PCC Patching Project.

WHEREAS, said project has been completed by Midwest Contractors, Inc., 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 STP S 18th Ave PCC Patching, being project number 76015009, is hereby accepted pursuant to the Engineer's Statement of Completion for the final project cost of \$800,073.70.

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 Midwest Contractors, Inc., including the payment of the items called for in said contract and approved for final payment.

Passed this 27th day of February, 2017 and signed this ____ day of _____ 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

Engineer's Statement of Completion

Project: S. 18th Ave. PCC Patching
City PN 76015009
Iowa DOT PN: STP-U-4797(619--70-64
Marshalltown, Iowa

Contractor: Midwest Contractors, Inc.
706 W. 1st Street
Cedar Falls, IA 50613

To City of Marshalltown:

I hereby state that the construction of the South 18th Avenue PCC Patching project by a contract dated March 25, 2016 has been substantially completed in general compliance with the terms, conditions, and stipulations of said Contract.

I further state that the total amount due to the Contractor for the fulfillment of said Contract is Eight Hundred Thousand, Seventy-Three dollars and 70/100 (\$800,073.70). The derivation of this amount is tabulated on the attached sheet.

Ninety-five percent (97%) of the total amount due the Contractor has been paid by Pay Estimate No. 3. The remaining three percent (3%) shall then be paid no sooner than thirty (30) days following acceptance of the project by the City Council. The Contractor will receive interest on any unpaid balance at the maximum legal rate from and after forty (40) days following the initial thirty (30) day waiting period following acceptance of the project by the City Council.

CLAPSADDLE-GARBER ASSOCIATES, INC.



Mark A Crawford, P.E., L.S.I.
Iowa License No. 16505

Date: 2/21/2017

Accepted by:

Resolution: _____ Date: _____

Signed: _____

Attest: _____

Distribution: Engineer
Contractor
City of Marshalltown

RESOLUTION NO. 2017-_____

**RESOLUTION FOR THE CONVEYANCE AND TRANSFER OF TITLE TO
CITY PROPERTY TO TRADEMARK PROPERTIES, LLC**

Lot Ninety-two in Norris Addition to Marshall, Marshall County, Iowa,

WHEREAS, the Marshalltown City Council on February 13, 2017 adopted Resolution 2017- 021, a Resolution proposing the conveyance and transfer of real estate to Trademark Properties, LLC, upon the payment of the sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00); and

WHEREAS, a Notice of Time and Date of Hearing was published in the Times Republican, a paper of general circulation in the City of Marshalltown on February 20, 2017, as specified by law; and

WHEREAS, no objections or comments were received at the public hearing _____, _____, 2017, to the transfer and conveyance of the proposed real estate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshalltown, Iowa:

That Trademark Properties, LLC has agreed to pay the sum of Thirty-seven Thousand Five Hundred Dollars (\$37,500.00) upon the transfer of good and merchantable title to the real estate legally described as:

Lot Ninety-two in Norris Addition to Marshall, Marshall County, Iowa,

and that said offer should be accepted.

BE IT FURTHER RESOLVED that the City Council of the City of Marshalltown does hereby authorize the transfer and conveyance of such property to Trademark Properties, LLC and directs the Mayor and City Clerk to sign any and all documents necessary and take any necessary action to complete said sale and to convey said property by Warranty Deed.

PASS AND APPROVED THIS _____ DAY OF _____, 2017.

James L. Lowrance, Mayor

Attest:

Shari L. Coughenour, City Clerk

Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

City of Marshalltown

A Tentative Resolution wherein it is proposed to convey and transfer by Quit Claim Deed properties in Marshall county

I, Ronny Matney being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Clerk of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for:

One

consecutive weeks on the days and dates as follows, to-wit:
February 20, 2017

Statutory fees for publishing said notice are:
19.55

Ronny Matney

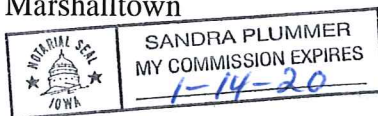
Sworn to before me and subscribed in my
presence by the said Ronny Matney, this
Twenty-first Day of February, 2017

Sandra Plummer

Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
L02000

City of Marshalltown



PUBLIC NOTICE

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 Quit Claim Deed the following described properties in Marshalltown, Marshall County, Iowa, legally described as:

Lot Ninety-two in Norris Addition to Marshall, Marshall County, Iowa;

From the City Of Marshalltown to Trademark Properties, LLC. The consideration for such conveyance shall be the sum of \$37,500.00.

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 the 27th day of February, 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.
-----22690

RESOLUTION APPROVING ENGINEERING DIVISION EQUIPMENT PURCHASE CONTRACT
BY AND BETWEEN THE CITY OF MARSHALLTOWN, IOWA, AND
KEN WISE CHRYSLER-DODGE-JEEP, INC., OF MARSHALLTOWN, IOWA FOR
A 2017 2500 TRADESMAN PICKUP TRUCK IN THE AMOUNT OF \$28,019.00

WHEREAS there is herewith submitted to the City Council of Marshalltown, Iowa, a proposed Engineering Division equipment purchase contract by and between the City of Marshalltown, Iowa, and Ken Wise Chrysler-Dodge-Jeep, Inc., of Marshalltown, Iowa, for a 2017 2500 Tradesman Pickup Truck.

<u>Company</u>	<u>Bid Price</u>	<u>Trade Value</u>	<u>Total Price</u>
Ken Wise Chrysler-Dodge-Jeep, Inc.	\$29,219.00	\$1,200.00	\$28,019.00
Union Auto Inc.	\$30,245.00	\$1,000.00	\$29,245.00
Clemons Chevrolet	\$30,852.16	\$ 300.00	\$30,552.16

WHEREAS the Ken Wise Chrysler-Dodge-Jeep, Inc., bid consists of a 2017 2500 Tradesman Crew Cab 4x4 Pickup Truck and \$1200.00 trade in allowance for a 1991 Ford F250.

WHEREAS the Council has fully examined same and has found same to be in the best interests of the City of Marshalltown, Iowa, and that same should now be approved and accepted.

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

Section 1. That the purchase agreement by and between the City of Marshalltown, and Ken Wise Chrysler-Dodge-Jeep, Inc., of Marshalltown, Iowa, for a 2017 2500 Tradesman Pickup Truck in the amount of \$28,019.00, is hereby fully approved in all respects and particulars.

Passed this 27th day of February 2017, and signed this _____ day of _____, 2017.

CITY OF MARSHALLTOWN

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

Dealership	Truck/Model	Dollar Amount	Trade Value	Total after Trade
X Ken Wise	2500 Tradesman	\$ 29,219.00	\$ 1,200.00	\$ 28,019.00
Union Ford	F250 XL	\$ 30,245.00	\$ 1,000.00	\$ 29,245.00
Clemons	2500 Silverado WT	\$ 30,852.16	\$ 300.00	\$ 30,552.16

RESOLUTION APPROVING AGREEMENT AMENDMENT NO. 1 BY
AND BETWEEN THE CITY OF MARSHALLTOWN, IOWA, AND
CLAPSADDLE-GARBER ASSOCIATES, INC. FOR ENGINEERING SERVICES
FOR INGLEDUE STORM SEWER REHABILITATION PROJECT
BEING PROJECT NO. 29108009 IN THE AMOUNT OF \$16,500.00

WHEREAS, there is herewith submitted to the City Council of Marshalltown, Iowa, a proposed agreement amendment number 1, in the amount of \$16,500.00 dollars, by and between the City of Marshalltown, Iowa, and Clapsaddle-Garber Associates, Inc. relative to providing additional engineering services for the Ingledue Storm Sewer Rehabilitation Project, Being Project No. 29108009.

WHEREAS, the Council has fully examined same and has found same to be in the best interests of the CITY OF MARSHALLTOWN, IOWA and that same should now be approved and accepted.

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

Section 1. That the agreement amendment number 1 by and between the City Of Marshalltown, Iowa and Clapsaddle-Garber Associates, Inc. relative to Ingledue Storm Sewer Rehabilitation Project, in the amount of \$16,500.00 dollars, being Project No. 29108009, is hereby fully approved in all respects and particulars and the Mayor and City Clerk are hereby authorized and directed to execute same for and on behalf of said City.

Passed this 27th day of February 2017, and signed this _____ day of _____, 2017.

CITY OF MARSHALLTOWN

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

February 22, 2017

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

From: Justin Nickel
Director of Public Works

Re: Amendment to Agreement – Clappsaddle - Garber Associates, Inc. for engineering services for Ingledue Storm Sewer Rehab Project (29108009)

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

Recommendation: Staff recommends approving the Agreement with CGA for additional inspection and administration for a fee not to exceed \$16,500.

Background: The construction work has extended significantly beyond the contract completion date. The City will seek to recover these funds from the Contractor as damages.

Budget Impact: The City will seek to recover these funds from the Contractor as damages. The construction contract contains a clause allowing the City to recover funds from the Contractor, when the Contractor has exceeded the completion date.

Attachment: Amendment to Agreement.

cc: Jessica Kinser, City Administrator

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop
Bill Martin, Robert Schubert, Bethany Wirin



**Letter Amendment
To the Standard Agreement for
Engineering Services
Between
The City of Marshalltown, IA (Owner)
and
Clapsaddle-Garber Associates, Inc., Marshalltown, IA (Engineer)**

**Project: Ingledue Storm Sewer Rehabilitation
 Project No. 29108009**

WHEREAS, the parties have previously entered into a Consulting Engineering Contract dated February 22, 2016;

And,

WHEREAS, the above referenced project was scheduled to be completed by September 30, 2016 and the construction period exceeded the 28 weeks in the fee budget as outlined in the contract;

The Parties, Therefore, Agree as follows:

1. The Engineer shall provide additional services including construction observation beyond the original construction period, setting lot pins and completing retracement plats.
 - a) Construction observation includes work performed to date beyond the original construction period and approximately one additional week of construction observation by a construction technician.
 - b) Setting lot pins includes approximately two days of field surveying, two days of technician drafting, and P.L.S. review of the retracement plats.
 - c) Recording fees are not included and will be a reimbursable expense.
2. The "Not-To-Exceed" amount for the project as identified in the original agreement shall be increased by \$16,500.
3. Except for Items 1 and 2 above, the Original Contract remains in full effect.

IN WITNESS THEREOF, the parties have made and authorize their representatives to execute this Letter Amendment to the *STANDARD AGREEMENT FOR ENGINEERING SERVICES* on this _____ day of _____, 2017.

Authorization to Proceed:

ENGINEER:
Clapsaddle-Garber Associates, Inc.

OWNER:
The City of Marshalltown

By: 
Matt D. Garber, P.E., P.L.S.
President

By: _____
Title: _____

**RESOLUTION SUPPORTING THE CITY OF MARSHALLTOWN'S HOUSING &
COMMUNITY DEVELOPMENT DEPARTMENT TO APPLY FOR THE LEAD HAZARD
CONTROL GRANT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT.**

WHEREAS the City of Marshalltown (hereinafter referred to as the "City"), State of Iowa, is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS the City of Marshalltown recognizes the need to eliminate lead poisoning and continues to support the goals established by the US Department of Housing and Urban Development (HUD), on the elimination of these poisonings; and

WHEREAS the City is prepared with the support of partnering agencies to meet the 10% minimum match requirement of grant funding; and

WHEREAS the City is prepared to apply for assistance on behalf of the unincorporated jurisdictions and incorporated communities within surrounding Counties if they choose to participate in addition to the City of Marshalltown in order to work towards elimination of lead poisoning on a regional basis; and

WHEREAS the City Council finds this application to be within the best interest of the City and if awarded the City will administer the program and will enter into detailed agreements regarding the administration of the program with participating entities.

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

Section 1. That the staff of the City Housing and Community Development Department is directed to apply for HUD funding to provide for education, outreach, identification, removal of lead base paint hazards and for other items related to the lead hazard control in an amount not to exceed the maximum allowable grant award set by HUD estimated to be \$2,900,000 dollars.

Passed this ____ day of February 2017 and signed this ____ day of February 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk



Housing & Community Development

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

February 22, 2017

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

From: Michelle Spohnheimer, Housing & Community Development Director

Re: Application for HUD Lead Hazard Control Grant – estimated grant of \$2,900,000

Policy Issue: The US Department of Housing & Urban Development (HUD) has released the 2017 Notice of Funding Availability (NOFA) for the next round of Lead Hazard Control Grant funds. Our current grant award expires in November 2017. If awarded, this grant would likely begin in late summer 2017. Funding has not been appropriated yet so the maximum award amount is not finalized. It is estimated to be around \$2,900,000. A 10% match will be required. The Council will be committing to this meet this match amount with the passage of the resolution.

Recommendation: The City staff is working on completing the application which is due March 23, 2017. We are reviewing the scoring criteria and potential resources available for matching funds and in-kind contributions to determine our need, resources and capacity. Currently we serve portions of Marshall, Tama, Hardin and Story Counties. We will be in contact with the surrounding counties to determine interest in the program moving forward.

Background: The City has received five grant awards since February 2003 totaling \$12,746,042 and by the completion of the current award we will have made approximately 700 homes lead safe. The lead poisoning rates of children in our area has dropped from just over 4% in 2003 to just under 1% in 2015. HUD and the CDC have since lowered the poisoning level of lead in the blood from 10 µg/dL to 5 µg/dL. In looking at the 2015 data for Marshall County this means our poisoning rate would go from .92% to back up to 4.2%. Marshall County has historically been twice the National average. Homes built before 1978 are likely to contain lead based paint. In Marshalltown alone that includes approximately 8,800 homes or 80% of our housing stock.

Budget Impact: It is estimated that the lead hazard control funds which need to be matched will be \$2,500,000. A 10% match is \$250,000. Historically we have counted in-kind contributions from the City in the form of rent for office space, staff resources from HR, Legal and Finance departments and rent value for use of the safe houses. Other matching sources include rental property owner contributions, private business discounts, rebates from Alliant energy and in-kind services from other agencies such as Mid-Iowa Community Action. We make every effort to minimize the direct general fund impact.

Attachment: n/a

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop,
Robert Schubert, Bill Martin, Bethany Wirin

Marshalltown



2012

ORDINANCE TO AMEND THE CODE OF ORDINANCES,
CITY OF MARSHALLTOWN, IOWA BY AMENDING CITY CODE
SECTION 28-125 "RATE STRUCTURE AND STORM WATER RATE"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Code of Ordinances, City of Marshalltown, Iowa is hereby amended by repealing Section 28-125 and enacting the following as a substitute:

Sec. 28-125. Rate Structure and Storm Water Rate.

Any property, lot, parcel of land, building or premises that is tributary directly or indirectly to the storm water system of the city, shall be subject to a monthly Storm Water Utility charge. The storm water rate structure utilizes a property's impervious surface area for assessing the storm water charge. This charge is not related to the water and /or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area of at least 150 square feet within the corporate limits of the City of Marshalltown shall be assigned the rate.

A unit of impervious surface area on an average single-family, residential property, or "equivalent residential unit (ERU)," is the quantity used for assessing storm water charges. One ERU equals two thousand, eight hundred (2,800) square feet of impervious area for the City of Marshalltown.

Establishment of Storm Water Utility Rate

- a) The Storm Water Utility charge is calculated based on the following method:
- i) Single-family residential customers and duplexes with gross property area less than or equal to two (2) acres will be assigned one ERU and assessed a storm water charge that is equivalent to one ERU unit rate per month.
 - ii) All other developed properties shall be assigned a number of ERUs based upon the property's individually measured impervious area (in square feet) divided by one ERU, or 2,800 square feet, and rounding up to the nearest integer. The monthly storm water charge assessed to each of these properties is the number of ERUs times the ERU unit rate.
 - iii) Storm water charges for new residential customers with gross property area greater than two (2) acres or non-residential developments shall be based on field measurements of impervious areas.

Actual impervious area measurements shall be maintained by the city's engineering department for all residential customers with parcels greater than two acres and nonresidential customers to determine their share of the storm water management costs. In no event shall any owner specified herein pay less than the rate required for one ERU per month. As part of the building permit process, property owners shall coordinate with the city's building inspection and engineering staff to ensure that, as impervious areas change on the owner's property due to construction or demolition, the engineering department maintains up to date records of impervious areas for use in determining property storm water utility billing.

- b) Commencing on July 1, 2017, and continuing thereafter, the monthly unit rate shall be \$4.00 per "equivalent residential unit (ERU)."
- c) The rates shall become effective on the first day of July in each year, with rates being effective upon publication of the ordinance as required by law.

Section 2. That this ordinance shall be in full force and effect after its passage and publication as by law.

Passed this ___ day of _____, 2017, and signed this ___ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROVING CHANGES TO THE
MARSHALLTOWN ZONING ORDINANCE OF 2010, REGARDING CHAPTER 29 TABLE
OF PERMITTED AND SPECIAL USES FOR COMMERCIAL & INDUSTRIAL DISTRICTS

WHEREAS the Plan Zoning Commission reviews zoning regulations as necessary or upon request; and

WHEREAS the City received a request to amend Chapter 29 Table of Permitted and Special Uses for Commercial & Industrial Districts specifically related to uses in the OP, Office Park District; and

WHEREAS the Plan Zoning Commission reviewed the request, held a public hearing on January 5, 2017 and recommended the following additions to the Marshalltown Zoning Ordinance of 2010 Chapter 29 Table of Permitted and Special Uses for Commercial & Industrial Districts specifically related to allowable special uses in the OP, Office Park District:

Full-Service Restaurants (including micro-breweries)
Limited-Service Eating Places

WHEREAS the City Council amended the ordinance to include Beer, Wine, and Liquor Stores to the allowable Special Uses in the Office park District; and

WHEREAS the City has reviewed the application and found the amendment to be in the best interest of the City.

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

Section 1. Chapter 29 of the Zoning Ordinance of 2010 is hereby amended by adding the following special uses to the table for the Office Park District.

Full-Service Restaurants (including micro-breweries)
Limited-Service Eating Places
Beer, Wine, and Liquor Stores

Section 2. The public hearing required on this City Code amendment was held in the Council Chambers of City Hall, 10 West State Street, Marshalltown, Iowa at 5:30 p.m. local time, on the 23rd day of January 2017, and the City Clerk has caused a publication of the notice of public hearing in one issue of the Marshalltown Times-Republican, a newspaper published in Marshalltown, Marshall County, Iowa, not less than 7 days nor more than 20 days prior to the date of public hearing fixed herein.

Section 3. This Code shall be in full force and effect from and after public notice of hearing on this Amendment to the Marshalltown City Code has been duly given as required by the said

Code and the statutes of the State of Iowa and said public hearing has been duly held and after passage by the Council and publication as is provided by law.

Passed this _____ day of _____, 2017, and signed this _____ day of _____, 2017.

CITY OF MARSHALLTOWN

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, City Clerk

ORDINANCE NO. _____

AN ORDINANCE APPROVING CHANGES TO THE
MARSHALLTOWN ZONING ORDINANCE OF 2010 MAP BY REZONING PROPERTIES TO
TRADITIONAL NEIGHBORHOOD (TN) DISTRICT

WHEREAS the Plan Zoning Commission reviews zoning regulations as necessary or upon request; and

WHEREAS the City received a request to rezone the properties at 1015, 1101, 1201 and 1203 S. 6th Street in Marshalltown Iowa to the Traditional Neighborhood zoning classification; and

WHEREAS the Plan Zoning Commission reviewed the request, held a public hearing on February 16, 2017 and recommended the properties be rezoned; and

WHEREAS the City Council has reviewed the request and found the rezoning to be in the best interest of the City.

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

Section 1. The Zoning Ordinance of 2010 Map is hereby amended rezoning the following properties to Traditional Neighborhood, 1015, 1101, 1201 and 1203 S. 6th Street.

Section 2. The public hearing required on this City Code amendment shall be held in the Council Chambers of City Hall, 10 West State Street, Marshalltown, Iowa at 5:30 p.m. local time, on the 27th day of March 2017, and the City Clerk is directed to cause a publication of the notice of public hearing in one issue of the Marshalltown Times-Republican, a newspaper published in Marshalltown, Marshall County, Iowa, not less than 7 days nor more than 20 days prior to the date of public hearing fixed herein.

Section 3. This Code shall be in full force and effect from and after public notice of hearing on this Amendment to the Marshalltown City Code has been duly given as required by the said Code and the statutes of the State of Iowa and said public hearing has been duly held and after passage by the Council and publication as is provided by law.

Passed this _____ day of _____, 2017, and signed this _____ day of _____, 2017.

CITY OF MARSHALLTOWN

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, City Clerk



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

February 22, 2017

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

From: Michelle Spohnheimer
Housing & Community Development Director

Re: Application for Zoning Ordinance Map Change – Rezoning to Traditional Neighborhood

Policy Issue: The Marshalltown Zoning Ordinance of 2010 includes a map identifying areas by zoning classification. The request has been made to rezone the properties at 1015, 1101, 1201 and 1203 S. 6th Street to Traditional Neighborhood (TN). Currently three of the properties are zoned R-2 Low Density residential and one is zoned R-1 Low Density Residential. The applicant is requesting the change to allow for mixed use higher density housing. This area includes the bowling alley which will continue to operate.

Recommendation: The Plan Zoning Commission held discussion followed by a public hearing on Thursday, February 16, 2017. The Commission discussed the proposed change and impact to the area. Changing to Traditional Neighborhood will allow for a mixed used development with higher density housing. The developer would incorporate the entertainment attractions into the neighborhood concept.

Background: Over the recent years this area has been considered for various development options. The attached map identifies the four properties included in the rezoning and the original application. Full plans and site layouts are not included in this request since a rezoning request should be considered based on all possibilities. Additional detail on the TN district is available on the City website under the zoning ordinance in chapter 19 and 29.

http://ci.marshalltown.ia.us/static/departments/housing/zoning_ord_table.php

Budget Impact: n/a

Attachment: Map, Zoning Ordinance Change application

City Council
Leon Lamer, Mike Gowdy, Joel Greer, Al Hoop,
Robert Schubert, Bill Martin, Bethany Wirin



Affidavit of Publication

STATE OF IOWA,
Marshall County, ss.

City of Marshalltown
Request to rezone properties along S 6th St

I, Ronny Matney being first duly sworn, on oath depose and say that Marshalltown Newspaper, LLC is a corporation for pecuniary profit organization under the law of the State of Iowa, with its principal place of business in Marshalltown, Iowa; that the "Times-Republican" is a daily newspaper of general circulation printed wholly in the English language and published by said corporation at the city of Marshalltown, in Marshall County, Iowa; that I am the Accounting Clerk of said corporation and a full time employee of the said newspaper, and have personal knowledge of the facts stated herein; that the Notice hereto attached in the above entitled action was published in the regular daily edition of the said "Times-Republican" once each week for:

One

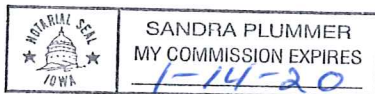
consecutive weeks on the days and dates as follows, to-wit:
February 6, 2017

Statutory fees for publishing said notice are:
19.14

Ronny Matney
Sworn to before me and subscribed in my
presence by the said Ronny Matney, this
Ninth Day of February, 2017

Sandra Plummer
Sandra Plummer, Notary Public
Marshall County, Iowa
Commission No. 766297
Commission Expires January 14, 2020

Account No. and Account Name
L02000 City of Marshalltown



Legals PUBLIC NOTICE

NOTICE OF PUBLIC HEARING
You are hereby notified that the Plan Zoning Commission has received a request to rezone the following properties along S. 6th Street from either R-1 or R-2 Low Density Residential to a TN, Traditional Neighborhood zone. The properties included are locally known as: 1015 S. 6th St. (8418-34-477-001), 1101 S. 6th St. (8318-03-226-002), 1201 S. 6th St. (8318-03-226-003) and 1203 S. 6th St. (8318-03-226-005).

You are hereby notified that the Plan Zoning Commission has fixed February 16, 2017 at 5:00 p.m. in the City Council Chambers, 10 W. State Street, Marshalltown, Iowa, as the time when and the place where said request will be heard by the Commission, a public hearing will be held, and recommendation made to the City Council. Any and all objections may be made in writing and filed with the City Clerk prior to the time fixed for hearing on said request or may be made orally or in writing before the Commission at the time fixed herein.

To all of which take due notice and be governed accordingly. Dated at Marshalltown, Iowa, this 6th day of February 2017.

Shari Coughenour
City Clerk
Marshalltown, Iowa 50158
--- 22596

Date Submitted & Fee Paid: 1/19/17

Rezoning Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742
www.ci.marshalltown.ia.us

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

✓ **Legal description of the property.** The property owner should have a copy of the legal description. If not, owners may obtain a copy of the recorded deed, which contains the legal description, from the Marshall County Recorder's Office for a fee.

✓ **Application fee.** A \$500 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Zoning Office.

Please type or print legibly in ink.

Property Address:	
<u>1203 S. 6th ST. (SEE ATTACHED MAP)</u>	
Owner:	
<u>MHS PROPERTIES (CGA ENGINEERS - APPLICANT)</u>	
Mailing Address:	
<u>16 E. MAIN ST. MARSHALLTOWN, IA 50158</u>	
Phone:	Fax:
<u>641-752-6701</u>	
Current Zoning Classification:	
<u>R1 Low Density Residential</u> <u>R2 LOW DENSITY RESIDENTIAL</u>	
Current Use:	
<u>VACANT</u>	
Proposed Zoning Classification:	
<u>TN - TRADITIONAL NEIGHBORHOOD</u>	
Proposed Use:	
<u>RESIDENTIAL</u>	
Please list the uses of surrounding properties:	
<u>GOLF COURSE, SINGLE FAMILY HOME, BOWLING ALLEY</u>	
Signature and Date:	
<u>Stephen Huskey</u> <u>1-19-17</u>	

January 19, 2017

Michelle Spohnheimer
Housing Department
City of Marshalltown
36 North Center Street
Marshalltown, IA 50158



RE: South 6th Street rezoning

Dear Michelle:

Attached is a map of four parcels for which we are requesting a rezoning to the TN Traditional Neighborhood district. The owner/purchaser desires to build, in phases, a mixed-density area of apartments and townhomes. In the middle of this development will be the existing bowling alley. The total area to be rezoned is approximately 20 acres. The owner has reached out to the owner of the adjacent single-family home with plans and I will keep you informed of their communication.

Rezoning these parcels will allow for a higher density to utilize the golf course views and the major thoroughfare that is South 6th Street. The bowling alley would become a legal use (it is currently non-conforming) and will allow opportunities for expansion of ancillary uses such as a restaurant, arcade, and other uses that compliment a bowling alley. Rezoning to the TN District will also allow for expanded community amenities such as an extension of the bike trail to transverse the property.

The owner has no building plans or specific site layouts at this time and seeks to rezone in order to better understand site potential.

I hope your department, Planning Commission, and Council look favorably upon this request.

Please contact me at 641-752-6701, or stroskey@cgaconsultants.com if you have any questions.

Sincerely,
CLAPSADDLE-GARBER ASSOCIATES, INC.

A handwritten signature in black ink, reading "Stephen Troskey", is positioned above the typed name.

Stephen T. Troskey
Project Manager

01640 - 1991-2

IOWA STATE BAR ASSOCIATION
Official Form No. 103FOR THE LEGAL EFFECT OF THE USE
OF THIS FORM, CONSULT YOUR LAWYER520
STATE OF IOWA, MARSHALL CO.
Entered upon transfer books and for
taxation thisday of September, A.D., 1991
Amelia Adams
Gene Flagg, Deputy AUDITOR

WARRANTY DEED — JOINT TENANCY

SPACE ABOVE THIS LINE
FOR RECORDERFor the consideration of OneDollar(s) and other valuable consideration, Joseph Perry Sexton, a single person; Anne Elizabeth Sexton,
a single person; Carol Christine Sexton, a single person; David Richard Sexton and Dora
Sexton, husband and wife; and Sarah Louise Sexton Adams and Jerry Adams, wife and husband
do hereby Convey to Richard Naughton and Michelle Naughton, husband and wifeas Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, the following described real estate in
Marshall County, Iowa:Lot Seven and the West 206.3 feet of the South 410 feet of
Lot Six of the Southeast Quarter of the Southeast Quarter
of Section Thirty-four, Township Eighty-four North, Range
Eighteen West of the 5th P.M., Marshall County, Iowa.

1015 South 6th Street

REAL ESTATE TRANSFER	
TAX PAID <u>49</u>	
LITARY #	
\$	<u>126.40</u>
RECORDED	
DATE <u>9/17/91</u>	COUNTY <u>64</u>

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

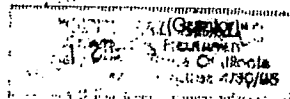
STATE OF IOWADated: August 26, 1991ss: Johnson COUNTY,On this 27th day of Aug.1991, before me the undersigned, a Notary Public in and for said State, personally appeared
Joseph Perry Sexton, a single person

to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Joseph Perry Sexton Notary Public
William M. Guntz

(This form of acknowledgment for individual grantor(s) only)

Joseph Perry Sexton GRANTOR
Anne Elizabeth Sexton (Grantor)
Carol Christine Sexton
David Richard Sexton (Grantor)
Dora Sexton
Sarah Louise Sexton Adams (Grantor)

Jerry AdamsWILLIAM M. GUNTZ
MY COMMISSION EXIRES
9-22-91

IOWA WARRANTY DEED

Addendum

1101 South 6th Street

That part of the Northeast Fractional Quarter of Section 3, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, described as: Commencing at the Northeast corner of Section 3, thence Southerly along the East line of said Section 300 feet; thence Westerly parallel to the North Section line 213 feet; thence Southerly parallel to the East line of said Section 100 feet, thence Westerly parallel to the North section line 549.3 feet, thence Northerly parallel with the East line of said Section 400 feet, thence Easterly to point of beginning.

DOC ID #: 0008601513611004

BEGINNING 300 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 3, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA, THENCE WEST 213 FEET PARALLEL WITH THE NORTH LINE OF SAID SECTION, THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 100 FEET, THENCE EAST 213 FEET TO THE EAST LINE OF SAID SECTION, THENCE NORTH 100 FEET TO PLACE OF BEGINNING.

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges. Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

2. Application of Payments or Proceeds. Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other amounts due under this Security Instrument, and then to reduce the principal balance of the Note.

Unique Doc ID: 1295247
Recorded: 11/18/2016 at 9:10:04.227 AM
Fee Amount: \$17.00
Revenue Tax: \$143.20
Marshall County, Iowa
Deanne Raymond - Recorder
Doc. Number: 201600006297

1203 South 6th Street

WARRANTY DEED
(CORPORATE GRANTOR)

Prepared by & Return to: Norma J. Meade, 26 S 1st Ave. Suite 302, Marshalltown, IA 50158,
641-752-4271

Taxpayer Information: MHS Properties, L.L.C., 610 Elmwood Drive, Marshalltown, IA 50158

For the consideration of One Dollar(s) and other valuable consideration **Frank Lewis Glick Post No. 46, The American Legion**, a corporation organized and existing under the laws of **IOWA** does hereby convey to **MHS Properties, L.L.C.** the following described real estate in **MARSHALL** County, Iowa:

Commencing at the Northeast corner of the fractional Section Three in Township Eighty-three North, Range Eighteen West of the Fifth P.M., Marshall County, Iowa, and extending South Four Hundred feet along the East line of said Section Three and the center line of South Sixth Street, Marshalltown, Iowa, as the point of beginning; thence South along the east line of said Section Three and the center line of South Sixth Street 523.23 feet, the center line of West Ingledue Street projected; thence Westerly along the center line of the road entrance to the American Legion Golf Course and the American Legion Post Home a distance along said road of approximately Five Hundred Fifty-three feet to a point 542.66 feet straight West of the center line of South Sixth Street and on the North-South line nine inches East of light pole at the East edge of Legion Post Home parking lot; thence North from center line of said road parallel with and 542.66 feet West of the center line of South Sixth Street a distance of 587.23 feet to a point Four Hundred feet from the North line of said Section Three; thence East parallel to the North line of said Section Three a distance of 542.66 feet to the point of beginning,

NOW KNOWN AS:

Parcel "A" in the Northeast Fractional Quarter (NE fr. 1/4) of the Northeast Fractional Quarter (NE fr. 1/4) of Section 3, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, shown in Document No. 2006-00000210

The corporate entity is currently in existence and the officers are authorized to execute ~~the~~ deed of conveyance.
this

the real estate hereby conveyed with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be

January 19, 2017

Maria & Rodrigo Gomez
1201 South 6th Street
Marshalltown, IA 50158



RE: Rezoning Application

Dear Mr. & Mrs. Gomez:

I represent CGA Engineers and we have a client, Joe & Janelle Carter, who have recently purchased property next door to your house. They, along with the Totem Bowl, are going to apply to the City of Marshalltown for a rezoning on their property.

Each piece of property in the City of Marshalltown has a list of acceptable uses (called zoning) and by rezoning the Carters will be able to have more options to build on their property. I am sending you this letter because your property is in the middle of the Carter's property and the Totem Bowl and will be included in the rezoning request.

If the property is rezoned your use and enjoyment of your property will not change. If their rezoning application is successful it will have no legal effect on your property.

I would expect the Carter's to reach out to you in the near future to personally describe their project to you.

Please contact me at 641-752-6701, or stroskey@cgaconsultants.com if you have any questions.

Sincerely,
CLAPSADDLE-GARBER ASSOCIATES, INC.

A handwritten signature in black ink that reads "Stephen Troskey". The signature is written in a cursive, flowing style.

Stephen T. Troskey
Project Manager



City Administrator's Office

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

To: Mayor Lowrance and the City Council
From: Jessica Kinser, City Administrator
Date: February 24, 2017
RE: LOST Special Election

As mentioned at the budget workshop on February 6th, there is a deficit in the General Fund, which we must work to correct. The proposal at that time was to look into a special election to reallocate how we use local option sales tax (LOST). The attached sheet goes through some questions and answers that I have been asked or that are helpful to understanding the special election and the request.

Since early February, we have been about to look further about how to reallocate the 20 percent of LOST currently used for streets and storm sewers. As has been mentioned, we have been borrowing for projects in these areas because the annual LOST amount was not great enough to fund either or both programs at the level of work we have been completing in recent years. After reviewing the numbers, we are proposing that the ballot language ask to reallocate 22 percent to any lawful purpose and 78 percent to property tax relief. In fiscal year 2018 dollars, this would equate to \$2.65 million to property tax relief and \$748,000 for any lawful purpose. In fiscal year 2018 valuations, this would result in a \$.48 reduction in the property tax levy.

August 1st is the next date for which we could schedule a special election, as Iowa Code requires 84 days notice to the County Auditor. The City Council will need to approve a resolution with ballot language in order to set the election. I am proposing to draft this language and bring it back to the Council for review and discussion on March 13th, with an intended adoption date of March 27th. This still provides almost a 30 day cushion from the last day we can submit the ballot language to the Auditor.

City Council
Leon Lamer, Bill Martin, Joel Greer, Al Hoop,
Robert Schubert, Michael Gowdy, Bethany Wirin



The City of Marshalltown will hold a special election on August 1, 2017, to ask the voters of Marshalltown to change how the City uses local option sales tax (LOST) by going from the following uses to the proposed uses:

CURRENT USE	PROPOSED USE
75% property tax relief	78% property tax relief
5% any lawful purpose	22% any lawful purpose
20% streets/storm sewers	

The City's proposal would put \$2.65 million to property tax relief and \$748,000 for any lawful purpose, which can still include streets and storm sewers.

The following list is questions which have either been asked or are likely to be asked about the special election.

How does the special election impact me?

If the request to change how the City uses local option sales tax is approved, you should not see any changes or notice any impact.

Will this increase my property taxes?

No, the special election will not change your property taxes.

Why is the City asking to change the use of local option sales tax?

More LOST in the General Fund will keep our current services to the community without having to raise fees or charges for service. The additional dollars of LOST for any lawful purpose would help support services paid for from the General Fund, which is mostly funded by property taxes. This would help to pay for departments like Police and Fire and Parks and Recreation.

How will the City continue to improve streets?

The City has been spending between \$2-3 million a year on street projects by borrowing the money to pay for that much work each year. We have a plan each year which we will continue to borrow for.

Why did you change storm sewer rates if LOST money was available?

The City is paying for storm sewer projects by borrowing money. Each year the City is anticipating projects costing more than \$1 million, so the current LOST money for streets and storm sewers would not pay for the project.

Why does the City have to have a special election? How much will a special election cost? Why not wait until the regular election in November?

Iowa law requires that any change in the use of LOST be approved by the voters. The County Auditor's office estimates a special election will cost \$11,000. Waiting until the November election would mean the effective date of the change would be February 1st or more than halfway through our fiscal year.

What percent of votes is needed to approve the LOST reallocation?

Only a simple majority (50 percent plus 1) is required.

What if the special election fails?

The City will be ready to have a discussion about what functions the City can continue to operate, and if there should be fees to help pay for the costs of providing some services.

Why is the City continuing construction on the Police and Fire Building if a special election is needed?

The Police and Fire Building project is being paid for by borrowing money. The loan will be repaid with future property tax revenues which is separate from the property taxes that go into the General Fund.

What have you been using the 20% for if you have been borrowing for streets and storm sewer repairs?

The 20% has been used for some small projects, like a study of the levee and to support cost overruns on the Street Improvement Program. However, most of the money has sat in a fund which can only be used for streets and storm sewers. The City will not borrow for the Street Improvement Program in 2017 for 2018 projects and will use the cash on hand to pay for all improvements in 2018.

What is local options sales tax (LOST)?

A local option sales tax or LOST is a 1 percent tax which the voters of Marshalltown created in 2000. It will expire on June 30, 2025, unless it is repealed or the end date is voted on before that time.

How much local option sales tax does the City take in?

More than \$3 million each year. The projection for next year is \$3.4 million.

AN ORDINANCE AMENDING CHAPTER 21 “OFFENSES AND MISCELLANEOUS PROVISIONS”, ARTICLE II “PUBLIC NUISANCES” AND AMENDING OR REMOVING OTHER PROVISIONS IN CHAPTER 21 AND CHAPTER 26 OF THE MARSHALLTOWN CITY CODE, 2013 RECODIFICATION

SECTION 1: The City of Marshalltown hereby amends the definitions and processes related to nuisances and nuisance abatement by removing Chapter 21-61 to 21-78 and replacing those sections with the following:

21-61. Nuisance Defined

A nuisance is defined as whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property.

21-62. Nuisance Enumerated

The following conditions describe, but do not limit, what may be deemed a nuisance:

- (A) Offensive Smells- the erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
- (B) Filth or Noisome Substance- the causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
- (C) Impeding Passage of Navigable River- the obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
- (D) Water Pollution- the corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
- (E) Blocking Public or Private Ways- the obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
- (F) Houses of Ill Fame- a house kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by chapter 723A, or places resorted to by persons using controlled substances, as defined in section 124.101, subsection 5, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.
- (G) Billboards- billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or

part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.

- (H) Airport Air Space- any object or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
- (I) Storing of Flammable Junk- the depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of a city, unless in a building of fireproof construction.
- (J) Air Pollution- the emission of dense smoke, noxious fumes, or fly ash.
- (K) Weeds, Brush- dense growth of all weeds, vines, brush, or other vegetation so as to constitute a health, safety, or fire hazard.
- (L) Cotton Bearing or Diseased Trees- cotton-bearing cottonwood trees and all other cotton-bearing poplar trees on private property; trees infected with Dutch elm disease or knowingly impacted or damaged by the emerald ash borer on private property.
- (M) Grass and Weeds- allowing the growth of grass and weeds in excess of ten inches in height on a parcel or the adjacent public terrace, street shoulder, or street-side ditches. The following exceptions apply:
 - 1. Land in an A-1 agricultural reserve district may have grass exceeding 10 inches in height except within 100 feet of any parcel of real property possessed by another or on any portion of the property within 100 feet of a street owned or controlled by the City.
 - 2. Parcels which have no occupied structure may have grass exceeding 10 inches in height except within 100 feet of any parcel of real property possessed by another or on any portion of the property within 100 feet of a street owned or controlled by the City.
 - 3. Recognized growing of agricultural products or the City flood control system.
- (N) Snow and Ice Accumulations- snow and ice accumulations on sidewalks not removed within 24 hours after the precipitation has stopped.
- (O) Containers- refrigerators and freezers which are not stored under a roofed enclosure and which have doors that latched, lock, or otherwise secure the door in a closed position.
- (P) Water Service Deficiency- any break or leak in the water service link between the city water main and any house or other building, when the break or leak results in the escape of such volume of water as to constitute a hazard to street, sidewalk, or terrace construction or as to interfere with the normal use thereof.

- (Q) Stables- The keeping or stabling of horses, mules, or asses so as to cause obnoxious odors, noise, hazard, annoyances or danger because of failure of confinement.
- (R) Stagnant Water- the permitting of water to accumulate and stand until stagnant or upon any privately owned lot.
- (S) Junk, Refuse, Garbage- the permitting of junk, refuse, garbage or filth to accumulate on any lot or parcel.
- (T) Graffiti- All real property defaced by graffiti vandalism which is visible to public view
- (U) Junk or Abandoned Vehicles- the keeping or storing of a junk vehicle or salvage vehicle on public property or private property not in an enclosed area. A junk or salvage vehicle is defined as having one or more of the following characteristics:
1. Unlicensed: any vehicle not licensed for the current year as provided by law
 2. Broken Glass: Any vehicle or part of a vehicle with a broken windshield, or any other broken glass.
 3. Broken Or Loose Parts: Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, trunk top or tailpipe.
 4. Missing Engine Or Wheels: Any vehicle which is lacking an engine or one or more wheels or other structural parts which renders such vehicle totally inoperable.
 5. Habitat For Animals Or Insects: Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects.
 6. Defective Or Obsolete Condition: Any vehicle or part of a vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety.
 7. Inoperable Condition: Any vehicle that is not capable of moving in both forward and reverse gears.
- (V) Certain Stopped or Parked Vehicles- vehicles parked in a street, alley or highway for more than 24 consecutive hours, or found standing, parked or stopped in front of a theater, auditorium or hotel, on a sidewalk, in front of a public or private driveway, or on the roadway side of any vehicle stopped or parked at the edge or curb of a street. This shall not apply to the following situations:
1. A vehicle owned by a person serving in the United States armed services;
 2. Motor vehicle junkyards that are duly licensed under provisions of this Code or other city ordinances.
- (W) Dangerous or Unsafe Building or Structure- a dangerous or unsafe building or structure shall mean any structure or building meeting any or all of the following conditions or defects provided that such conditions or defect exist to the extent that the life, health, property, or safety of the public or its occupants are endangered whenever:

1. Any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged or to collapse and thereby injure persons or damage property.
2. Any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
3. The building or structure or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundations; or any other cause is likely to partially or completely collapse.
4. For any reason the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used.
5. The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
6. The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor for vagrants, criminals, or immoral persons or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
7. A building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
8. Any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus or other cause is determined by the fire marshal to be a fire hazard.
9. Any portion of a building or structure remains on a site after the demolition or destruction of the building or structure, or any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

21-63. Other Conditions Regulated

The following actions are required and may also be abated in the manner provided in this chapter:

- (A) The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street (see Chapter 27-25)
- (B) The numbering of buildings (see Article IV of Chapter 26)
- (C) The repair or replacement of broken and defective sidewalks (see Chapter 26-51)

- (D) The connection to public drainage systems from abutting property when necessary for public health or safety as set out in Iowa Code 364.12
- (E) The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property as set out in Iowa Code 364.12

21-64. Nuisances prohibited; authority to abate

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter. In addition, the creation or maintenance of a nuisance is a municipal infraction as defined by Section 1-9 of the Code of Ordinances and is punishable by a civil penalty of not more than \$750 for the first offense and not to exceed \$1,000 for each repeat offense.

21-65. Right of Entry and Administrative Search Warrants

Whenever necessary to make an inspection to enforce any ordinance or whenever there is reasonable cause to believe there exists an ordinance violation in any building or upon any premises or real estate within the jurisdiction of the city, a City official, upon presentation of proper credentials, may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by this code of ordinances. Except in emergency situations or when consent of the owner and/or occupant to the inspection has otherwise been obtained, the city official shall give the owner and/or occupant, if they can be located after reasonable effort, 24-hours' written notice of the official's intention to inspect.

If consent to enter upon or inspect any building, structure or property is withheld by any person having the lawful right to exclude, the city official having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the county, pursuant to Iowa Code § 808.14, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling, unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer, designee or employee.

21-66. Notice to Abate- Required

Whenever a City official finds that a nuisance exists, such official shall cause to be served upon the property owner as shown by the records of the County Auditor and any other party in possession of the property a written notice to abate the nuisance within a reasonable time after notice. If a junk or abandoned vehicle is part of the nuisance to be abated, the registered owner of the vehicle must also be notified.

21-67. Contents of Notice to Abate

The Notice to Abate served under this article shall contain the following:

- (A) A description of what constitutes the nuisance.
- (B) The location of the nuisance

- (C) A statement of the necessary act to abate the nuisance
- (D) A stated reasonable time within which to complete the abatement
- (E) A statement that if the nuisance is not abated as directed and no request for hearing is made within the period prescribed for the abatement, the City will abate the nuisance and assess the costs against the owner of the property

21-68. Service of Notice to Abate

The notice to abate shall be served either by: a) personal delivery or b) sending a copy of the notice by certified United States mail or c) posting the notice in a conspicuous place upon the premises where the nuisance exists. Service of the notice by personal delivery may be completed by any City official.

21-69. Request for Hearing

Any person served with a notice to abate a nuisance shall be entitled to a hearing before the City Administrator as to whether a nuisance exists. A request for such hearing must be made in writing and delivered to the City Administrator within the time stated in the notice for the abatement of the nuisance. If such request is not made within the time provided in this section it will be conclusively presumed that a nuisance exists and the nuisance shall be abated as ordered.

If the City Administrator finds that a nuisance exists, the abatement of the nuisance shall still occur with the discretion of the City Administrator as to whether additional time for abatement shall be allowed.

21-70. Abatement in Emergency

If it is determined that an emergency exists because of the continuing maintenance of a nuisance, the City may perform any action which would be required under this article without prior notice. A determination may be made as to whether a nuisance exists based on the following criteria:

- (A) Inability to contact the property owner by normal efforts;
- (B) The seriousness of the violation due to health hazards or physical hazards to a private individual or to the public as determined by a City official;
- (C) Frequency of violations of a property owner or a tenant when the property owner or a tenant has received more than two nuisance violation notifications within one calendar year. This determination is in effect for one calendar year beginning on the date of the most recent nuisance violation notification.

21-71. Abatement by the City

If the person notified to abate a nuisance neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the City.

21-72. Collection of Costs of Abatement

The City Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate a nuisance under this chapter. If the amount shown on the statement has not been paid within 30 days, the costs of the abatement shall be certified to the

County Treasurer, and shall then be collected with and in the same manner as general property taxes pursuant to Chapter 384 of the Code of Iowa.

21-73. Prosecution

In lieu of the foregoing abatement procedures, the City may elect to treat an unabated nuisance as a violation of this chapter, punishable as provided in Chapter 1-9 of this Code.

21-74. Removal, storage, redemption or disposal of nuisance vehicles.

When a vehicle on public or private property is found to be a nuisance, the vehicle may be removed and stored upon the premises secured by the City for such storage purposes. The vehicle shall remain so stored upon said property for a period of 14 (fourteen) days. At the end of such time, the vehicle shall be disposed of by the City unless previously claimed by the owner. The City shall charge a reasonable fee for the handling and storage of the vehicle to an owner claiming a vehicle.

21-75 to 21-78. Reserved

SECTION 2: Chapter 21 “Offenses and Miscellaneous Provisions”, Section 53 – “Junk Vehicles” is hereby deleted.

SECTION 3: Chapter 21 “Offenses and Miscellaneous Provisions”, Section 59- “Excessive Growth of Weeds and Grass” is hereby deleted.

SECTION 4: Chapter 26 “Streets and Sidewalks”, Section 1 is amended to the following:

26-1. Removal of Snow and Ice.

The abutting property owner is required to remove all accumulations of snow and ice from public sidewalks located upon street and alley terraces and from the public sidewalks located upon their privately owned property.

SECTION 5: Chapter 26 “Streets and Sidewalks”, Section 2- “Same-Removal by the city; statement of costs; assessment as tax” is hereby deleted.

SECTION 6: REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7: SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8: WHEN EFFECTIVE

This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council on this ____ day of _____, 2017, and signed the ____ day of _____, 2017.

CITY OF MARSHALLTOWN, IOWA

James L. Lowrance, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CLERK'S CERTIFICATE

I hereby certify that the foregoing ordinance No. ____ was published as required by law on the ____ day of _____, 2017.

Shari L. Coughenour, CMC, City Clerk

Engineering Fees	Current	Proposed	Calculated	
Driveway Approach Permit	-	\$30.00	\$25	
Driveway Approach Inspection	\$20.00	\$20.00	\$25	
Driveway Approach Re-Inspection Fee	\$15.00	\$20.00	\$34	
Driveway Extension w/Authorization	\$25.00	\$35.00	\$35	*These fees don't have a time value associated with them* The fees were selected based on experience
Driveway Extension w/o Authorization	\$50.00	\$75.00	\$75	
Driveway Application Non-Standard	\$15.00	\$25.00	\$25	
Entrance/Curb Cut	\$10.00	\$20.00	\$20	
Sidewalk Inspection Fee (Full Sidewalk Construction)	\$30.00	\$40.00	\$34	
Sidewalk Inspection Fee (Partial Construction)	\$7.50	\$15.00	\$25	
Sidewalk Re-Inspection Fee	\$15.00	\$20.00	\$34	
Street Patch Inspection	\$7.50	\$15.00	\$25	
Excavation Permit (Work within the ROW)	\$5.00	\$30.00	\$17	
	\$200.00	\$345.00	\$374	

Sewer Permit Fees				
Storm Sewer Revision	\$15.00			
New Sewer Connection	\$15.00			
Sewer Repair	\$15.00	\$20.00	\$22	
Sewer Cutoff	\$15.00			
Septic Tank Abandon	\$15.00			
Sewer Connection Fee(WPCP)	\$3,200.00	\$3,200.00	-	*These fees shall remain the same*
Sewer Connection Fee(New Div)	\$300.00	\$300.00	-	
Street Patch Inspection	\$7.50	\$15.00	\$25	
Excavation Permit (Work with the ROW)	\$5.00	\$30.00	\$17	

Storm Sewer Permit Fees		
COSESCO Permit	\$120.00/acre	NO CHANGE
	\$20.00	for additional acre or portion thereof

Employee Hourly Rate

Traci	28.17 hr
Jerri	31.27 hr
Steve	32.22 hr
Phil	38.21 hr
Brad	38.77 hr
All Avg.	33.73 hr
Traci/Jerri	29.72 hr

Item description	current fee	proposed fee
yard waste		
bag / container	\$ 1.00	\$ 1.00
small pick up (4'x6')	\$ 4.00	\$ 5.00
car/van/SUV	\$ 4.00	\$ 5.00
1/2 - 3/4 ton pick up	\$ 6.00	\$ 8.00
1 ton pick up	\$ 10.00	\$ 12.00
larger trucks	\$ 20.00	\$ 25.00
small dump truck	\$ 20.00	\$ 25.00
large dump truck	\$ 30.00	\$ 35.00
grain or stock truck	\$ 40.00	\$ 45.00
packer trucks	\$ 45.00	\$ 50.00
small 4x6 trailer	\$ 4.00	\$ 5.00
4x8 - 4x10 trailer	\$ 6.00	\$ 8.00
8x10 trailer	\$ 10.00	\$ 12.00
larger trailer	\$ 20.00	\$ 25.00
tree debris		
bag/container	\$ 1.00	\$ 1.00
small pick up	\$ 4.00	\$ 5.00
1/2- 3/4 ton pick up	\$ 6.00	\$ 8.00
1 ton pick up	\$ 10.00	\$ 12.00
larger trucks	\$ 20.00	\$ 25.00
cars/ van/ SUV	\$ 4.00	\$ 5.00
small dump truck	\$ 30.00	\$ 35.00
large dump truck	\$ 45.00	\$ 50.00
grain or stock truck	\$ 60.00	\$ 70.00
small trailer	\$ 4.00	\$ 5.00
4x8 - 4x10 trailer	\$ 6.00	\$ 8.00
8x10 trailer	\$ 10.00	\$ 12.00
larger trailer	\$ 20.00	\$ 25.00
for sale items		
loading fee	\$ 10.00	\$ 15.00
compost small amount	\$ 1.00	\$ 2.00
compost pick up	\$ 30.00	\$ 35.00
compost small dump truck	\$ 65.00	\$ 70.00
compost large dump truck	\$ 90.00	\$ 100.00
wood chip mulch per CY	\$ 4.00	\$ 5.00
mulch pick up	\$ 20.00	\$ 25.00
mulch small dump truck	\$ 20.00	\$ 30.00
mulch large dump truck	\$ 70.00	\$ 75.00
firewood cord	\$ 10.00	\$ 12.00
firewood pick up	\$ 7.00	\$ 10.00
firewood small dump truck	\$ 16.00	\$ 20.00
firewood large dump truck	\$ 28.00	\$ 30.00
firewood grain /stock truck	\$ 34.00	\$ 40.00