

**COUNCIL PROCEEDINGS
OCTOBER 24, 2022**

Mayor Greer called the meeting to order at 5:30 pm, October 24, 2022, at the City Hall Council Chambers, 10 W State Street, and led the pledge of allegiance. Roll call—Present: Hoop, Isom, Kell, Ladehoff, Schneider, Thompson, Walker. Councilor Schneider recognized the Live on Stage production of Atlantic City Boys. Mayor Greer recognized the grand opening of the Marshalltown Arts and Civic Center and Center Associates.

CONSENT AGENDA

Motion by Thompson, second by Schneider to adopt the consent, agenda less items 7, 9, 12, 14: APPROVE MINUTES 10/10/22 MEETING AND BILL LIST \$2,066,945.40; APPROVE LIQUOR LICENSE RENEWALS FOR TC'S 921 N 3RD AVE, SUPERMARKET VILLACHUATO 107 N CENTER ST, OPA GRILL 4 W BOONE ST, OLIVER BEENE DESIGNS 1714 S CENTER ST B2; APPROVE CIVIL SERVICE HIRE LISTS FOR PARK MAINTENANCE WORKER AND POLICE OFFICER; APPROVE JUNE 2022 FINANCIAL STATEMENTS; APPROVE JULY 2022 FINANCIAL STATEMENTS; RECEIPT OF BUILDING PERMIT REPORT SEPTEMBER 2022; RESOLUTION 2022-279 APPROVING AN AGREEMENT FOR TOBACCO ENFORCEMENT SERVICES BETWEEN THE CITY OF MARSHALLTOWN, IOWA, AND THE IOWA ALCOHOLIC BEVERAGES DIVISION, STATE OF IOWA, CREATED PURSUANT TO CHAPTER 28E.12 OF THE IOWA CODE; RESOLUTION 2022-281 APPROVING CONTRACT CHANGE ORDER #2 FOR THE CREEKSIDE ESTATES ADDITION PROJECT #ECO21006, A DECREASE OF \$36,076.45; RESOLUTION 2022-282 APPROVING ENGINEER'S STATEMENT OF COMPLETION AND ACCEPTING CIRO DILORIO, INC., 18TH AVENUE BRIDGE, BEING PROJECT NO. STR20004; RESOLUTION 2022-284 TRANSFERRING FUNDS FOR FISCAL YEAR 2022 THROUGH JUNE 30, 2022; RESOLUTION 2022-286 APPROVING ENGINEER'S STATEMENT OF COMPLETION AND ACCEPTING CON-STRUCT, CREEKSIDE ESTATES, BEING PROJECT NO. ECO21004; RESOLUTION 2022-287 ACCEPTING BID AND AUTHORIZING THE PURCHASE OF A 2022 CAT 926M WHEEL LOADER FROM ZIEGLER CAT FOR USE IN THE STREET DEPARTMENT AND DECLARING CERTAIN PROPERTY SURPLUS PROPERTY AND AUTHORIZING SALE AND DISPOSAL THEREOF OF A 2000 CATERPILLER 938G WHEEL LOADER. Motion carried 7-0.

Motion by Schneider, second by Ladehoff to adopt RESOLUTION 2022-278 WAIVING CONFLICT OF INTERESTS RELATED TO AHLERS & COONEY, P.C.'S REPRESENTATION OF THE MARSHALLTOWN COMMUNITY SCHOOL DISTRICT RELATED TO A LEASE FOR ARNOLD PARK. Public comment: Mark Eaton, 1007 S 10th Ave, stated we should not need a waiver because we shouldn't be leasing the park. Motion carried 7-0.

Motion by Schneider, second by Kell to adopt RESOLUTION 2022-280 APPROVING THE ASSIGNMENT OF REAL ESTATE PURCHASE AGREEMENT AND LEASE AGREEMENT FOR 23 WEST MAIN STREET TO THE REGALADOS REALTY CORP. Public comment: Mark Eaton, 1007 S 10th Ave, stated it is the council's fiduciary duty to protect the taxpayer from undue liability or harm and the use of a quit claim deed subjects the taxpayer to potential liabilities. Motion carried 6-1, Thompson dissenting.

Motion by Schneider, second by Isom to adopt RESOLUTION 2022-283 APPROVING CITY FEE SCHEDULE. Jessica Kinser, City Administrator advised this would add a city fee for the use of the

electric car charging station in the parking lot at Church Street and 1st Street. Public comment: Mark Eaton, 1007 S 10th Ave, doesn't feel there should be a grace period to park at the station after charging is complete. Motion carried 7-0.

Motion by Isom, second by Walker to adopt RESOLUTION 2022-285 DECLARING CERTAIN PROPERTY SURPLUS PROPERTY AND AUTHORIZING DISPOSAL THEREOF, FROM THE PUBLIC WORKS DIVISION. Motion carried 7-0.

MOTIONS

Motion by Ladehoff, second by Schneider to APPROVE A NEW CLASS C LIQUOR LICENSE WITH OUTDOOR SERVICE FOR PLAZA DEL SOL MEXICAN RESTAURANT AT 903 W LINCOLN WAY. Motion carried 6-1, Hoop dissenting.

RESOLUTIONS

Motion by Thompson, second by Ladehoff to adopt RESOLUTION 2022-288 ACCEPTING BID AND AUTHORIZING THE AWARD OF CONTRACT FOR THE VETERANS MEMORIAL COLISEUM GENERATOR PROJECT #COL22001 IN THE CITY OF MARSHALLTOWN, IOWA IN THE AMOUNT OF \$209,920.00. Motion carried 7-0.

Motion by Ladehoff, second by Kell to adopt RESOLUTION 2022-289 APPROVING PROFESSIONAL SERVICES AGREEMENT FOR AUTOMATED TRAFFIC ENFORCEMENT SERVICES WITH SENSYS GATSO GROUP. Councilor Schneider questioned the privacy policy, how long data is stored, and where it is stored. Captain Jones, Marshalltown Police Department advised Sensys Gatso would be able to give a presentation to the council if requested. Jessica Kinser, City Administrator advised the negotiated contract will be brought back to the council for approval before execution and the revenue generated would go to the police department general fund. Motion carried 6-1, Schneider dissenting.

Motion by Ladehoff, second by Schneider to adopt RESOLUTION 2022-290 APPROVING PUBLIC SERVICE AGREEMENT WITH MARSHALL CEMETERY ASSOCIATION Dba RIVERSIDE CEMETERY. Jessica Kinser, City Administrator advised this is the Public Service Agreement to provide up to \$45,000 for a well to supply water to Lake Woodmere. Motion carried 6-1, Hoop dissenting.

Mayor Greer opened a public hearing at 5:49 pm on the PROPOSAL TO ENTER INTO A ESSENTIAL PURPOSE LOAN AGREEMENT. Written comment: Leigh Bauder, 401 Orchard Dr, submitted written comments encouraging the council to vote no on moving forward with the general obligation bonds until the public has had an opportunity to see and approve all plans for the projects being developed. She outlined her concerns with the Interactive Water Plaza specifically. Public comment: Leigh Bauder, 401 Orchard Dr, elaborated on her disapproval of the Interactive Water Plaza, noting safety concerns, ADA compliance, and inclusivity for people of all abilities, stating Splash 4 Life could not support the current design. Mark Eaton, 1007 S 10th Ave, referenced the TR article regarding water capacity and doesn't think we should borrow for a water feature since the city can't fund the water to the Riverside Cemetery fountain. Serina Stabenow, 1403 W Main St, stated we should concentrate on the budget deficit and improving streets. John Hall, Marshalltown Area Chamber of Commerce, supports the projects and sees them as a huge benefit to the community. Deb Millizer, Marshalltown Central Business District, feels these projects are amenities that support our culture and encourage placemaking. Diana Steiner, Finance Director, reviewed the list of projects included in the \$10,165,000 bond. Councilor Ladehoff is on the Water Plaza committee and advised the design is safe and ADA-compliant for everyone to utilize it. The

initial design will be posted at the upcoming Holiday Stroll. Councilor Thompson would like the full amount to be borrowed for street improvement. Mayor Greer closed the public hearing at 6:05 pm.

Mayor Greer opened a public hearing at 6:06 pm on the PROPOSAL TO ENTER INTO A GENERAL PURPOSE LOAN AGREEMENT #1. No written comments were received. Public comment: Mark Eaton, 1007 S 10th Ave, does not support this trail connection. Serina Stabenow, 1403 W Main St, stated she is going to petition to remove the ECHO sculpture. Cindy Parks, 127 E Main St, stated trail systems do bring visitors to our community and help drive the economy. Diana Steiner, Finance Director, advised this hearing is for the trail connection from the Skate Park to Freedom Rock for \$255,000. Mayor Greer closed the public hearing at 6:11 pm.

Mayor Greer opened a public hearing at 6:11 pm on the PROPOSAL TO ENTER INTO A GENERAL PURPOSE LOAN AGREEMENT #2. No written comments were received. Public comments: Leigh Bauder, 401 Orchard Dr, stated her clients express concern with the lack of parking downtown so she wanted clarification on this parking lot. Diana Steiner, Finance Director, advised this hearing is for the City Hall Parking Lot for \$400,000 which would be completed during the State Street Reconstruction. Mayor Greer closed the public hearing at 6:12 pm.

Motion by Schneider, second by Isom to adopt RESOLUTION 2022-291 TAKING ADDITIONAL ACTION ON PROPOSALS TO ENTER INTO GENERAL OBLIGATION LOAN AGREEMENTS, SETTING THE DATE OF SALE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2022A AND TAXABLE GENERAL OBLIGATION PROPERTY RESTORATION BONDS, SERIES 2022B, AND AUTHORIZING THE USE OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH. Public comment: Mark Eaton, 1007 S 10th Ave, stated part of this action is selling a taxable bond for tearing down dilapidated structures which will cost a premium, and feels we are overspending. Motion carried 5-2, Hoop and Thompson dissenting.

ORDINANCES

Motion by Ladehoff, second by Kell to adopt the first reading of ORDINANCE 15053 TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA CHAPTER 117 JUNK DEALERS AND PAWNBROKERS. Councilor Thompson declared a conflict of interest by abstaining from the vote. Motion carried 6-0.

DISCUSSION

Cindy Parks, President of the Marshalltown Central Business District, requested an increase in the City's annual contribution to MCBBD operational funding from \$40,000 to \$55,000 to provide additional support for staff, new programs and events, and for work to be done in support of the Downtown Master Plan. Deb Millizer, Director of the MCBBD, highlighted all of the grants they have assisted with for downtown businesses, the services they provide, and the events hosted in 2022. Public comment: Mark Eaton, 1007 S 10th Ave, stated MCBBD is a 501(C)6 which is a lobbying group that should be rolled into the Chamber of Commerce. Cindy Parks advised they are a 501(C)3 non-profit. John Hall, Marshalltown Area Chamber of Commerce, advised there are no plans to combine organizations. Councilors support an increase in funding and requested an outlined plan of how additional funds would be utilized. Motion by Thompson, second by Ladehoff for MCBBD to bring back an itemized plan on their funding needs to discuss at the next meeting. Motion carried 7-0.

Jessica Kinser, City Administrator, requested the city provide \$50,000 for the Marshalltown Central Business District incentive grants program for façade and code compliance projects. The city handles all

payments on a reimbursement basis to the building owners. This would be funded through tax increment financing. Motion by Thompson, second by Ladehoff to move forward with a resolution at the next meeting to set a public hearing for a development agreement. Motion carried 7-0.

Jessica Kinser, City Administrator, presented a CDBG grant opportunity for a Derecho Housing Project. Marshall, Tama, and Benton counties are eligible to apply for the \$4,000,000 available to fund the construction of new homes at a \$100,000 grant per unit, as well as \$25,000 for specific hazard mitigation. This program will offer up to \$15,000 in down payment and closing cost assistance to the buyer. The city would utilize city-owned lots for a modular home in order to meet the needs of an income qualifying home. Homes would meet the State of Iowa Green Street requirements. The project would consist of 7 homes. Public comment: Mark Eaton, 1007 S 10th Ave, questioned using a professional builder for this project or funding private individuals with available lots. Jessica Kinser advised private individuals can apply for a project also through Region 6. Motion by Isom, second by Kell to proceed with the grant application process. Motion carried 7-0.

Geoff Hubbard, Park and Recreation Director, requested the use of council-designated local option sales tax of up to \$75,000 to complete the removal of the remaining stumps in the park system from the derecho. Councilors would like all remaining stumps removed from the parks and right-of-way along with any remaining ash trees that need to be taken care of. Motion by Ladehoff, second by Isom to bring forward a resolution to authorize the use of council-designated local option sales tax for this project. Motion carried 7-0.

PUBLIC COMMENT

John Patterson, 921 S 10th Ave, owner of J&M Fabrication presented some safety concerns with the recent installation of handrails at the box culverts on East Nevada and East Boone Street and requested to be considered on city projects.

Monica Guzman, from Los Angeles, CA, referenced Sacramento, CA redoing a street that is like a Main Street district and it resulted in high crime, drug, and homelessness problems.

CLOSED SESSION

Motion by Schneider, second by Walker to go into a Closed session pursuant to Section 21.5, Subsection (1) Paragraph (i) OF THE CODE OF IOWA to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Motion carried 7-0 and the Council entered closed session at 7:26 pm. Motion by Thompson, second by Isom to return to open session. Motion carried 7-0 and the Council returned to open session at 7:37 pm. Roll call—Present: Hoop, Isom, Kell, Ladehoff, Schneider, Thompson, Walker. Motion by Thompson, second by Ladehoff for the City Administrator to proceed as discussed in the closed session. Motion carried 7-0.

Motion by Thompson, second by Walker to go into a Closed session pursuant to Section 21.5, Subsection (1) Paragraph (i) OF THE CODE OF IOWA to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. Motion carried 7-0 and the Council entered closed session at 7:41 pm. Motion by Walker, second by Ladehoff to return to open session. Motion carried 7-0 and the Council returned to open session at 7:55 pm. Roll call—Present: Hoop, Isom, Kell, Ladehoff, Schneider, Thompson, Walker.

Motion by Isom, second by Kell for the City Administrator to proceed as discussed in the closed session.
Motion carried 4-3, Schneider, Thompson, and Walker dissenting.

ADJOURNMENT

The meeting adjourned at 7:56 pm.

Respectfully Submitted,

CITY OF MARSHALLTOWN, IOWA

Alicia Hunter

Alicia Hunter, City Clerk

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk