

COUNCIL PROCEEDINGS
MARCH 27, 2023

In Mayor Greer's absence, Mayor Pro-Tem Ladehoff called the meeting to order at 5:30 pm, March 27, 2023, 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.

PUBLIC COMMENT

Mark Eaton, 1007 S 10th Ave commented he attended the joint City-County meeting last week and felt that Emergency Management should have had a seat at the table to discuss the lease agreement. Jim Shaw, 522 N 2nd St told the stories of pit bull attacks that occurred across the United States.

MAYOR, COUNCIL, ADMINISTRATOR COMMENTS

A proclamation was shared for the Marshalltown Library's 125th Anniversary on March 3/28.

CONSENT AGENDA

Motion by Schneider, second by Isom to adopt the consent agenda: APPROVE MINUTES 03/13/23 MEETING AND BILL LIST \$938,553.63; APPROVE LIQUOR LICENSE RENEWALS FOR HALL OF FAME CONCESSIONS, 807 S 6TH ST, WITH OUTDOOR SERVICE, MARSHALLTOWN SPEEDWAY, 1308 E OLIVE ST, WITH OUTDOOR SERVICE, CASEY'S GENERAL STORE #1441, 1402 S 12TH AVE, WITH OWNERSHIP UPDATES, THE SPOT, 217 1/2 N 13TH ST, YESWAY #1148, 1701 IOWA AVE E, DOLLAR GENERAL #21858, 104 W STATE ST, FOOD & GAS MART, 613 N 3RD AVE; APPROVE FEBRUARY 2023 FINANCIAL STATEMENTS; APPROVE CIVIL SERVICE NEW HIRE LIST - TRANSIT OPERATOR; REAPPOINT NANCY HARRIS TO THE CIVIL SERVICE COMMISSION, 4 YR TERM 4/1/23-3/31/27; REAPPOINT MATTHEW BRODIN TO THE PLAN & ZONING COMMISSION, 5 YR TERM 4/1/23-4/1/28; REAPPOINT DAVID SCHULZE TO THE BOARD OF ADJUSTMENT, 5 YR TERM 4/1/23-3/31/28; RESOLUTION 2023-053 SETTING PUBLIC HEARING PRIOR TO APPROVING THE FIVE YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS ENDING JUNE 30, 2023-2027; RESOLUTION 2023-054 SETTING PUBLIC HEARING PRIOR TO APPROVING THE BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2024 AND CERTIFYING THE PROPERTY TAX LEVY; RESOLUTION 2023-055 SETTING A PUBLIC HEARING FOR THE CONVEYANCE AND TRANSFER OF TITLE OF CITY OWNED VACANT LOTS; RESOLUTION 2023-056 DECLARING CERTAIN PROPERTY SURPLUS PROPERTY AND AUTHORIZING DISPOSAL THEREOF FROM THE POLICE DEPARTMENT; RESOLUTION 2023-057 APPROVING A LEASE EXTENSION WITH THE MARSHALLTOWN COMMUNITY THEATER; RESOLUTION 2023-058 SETTING A PUBLIC HEARING FOR THE CONVEYANCE AND TRANSFER OF TITLE OF 906 SOUTH 11TH AVENUE TO DJ NOREM; RESOLUTION 2023-059 SETTING A PUBLIC HEARING FOR THE CONVEYANCE AND TRANSFER OF CITY OWNED LAND TO CYNTHIA LEWIS, 1021 S 5TH AVENUE; RESOLUTION 2023-060 SETTING A PUBLIC HEARING FOR THE CONVEYANCE AND TRANSFER OF TITLE OF CITY OWNED LAND TO ELENO L. AND MARCIA A. HERNANDEZ. Motion carried 7-0.

RESOLUTIONS

Motion by Isom, second by Kell to table RESOLUTION 2023-061 APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR \$218,938 WITH BOLTON AND MENK FOR DESIGN SERVICES FOR THE FIRST PHASE OF RIVERVIEW PARK to the May 8th meeting. Motion carried 7-0.

Motion by Schneider, second by Kell to approve RESOLUTION 2023-062 OF SUPPORT FOR THE CITY OF MARSHALLTOWN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY TREE CANOPY AND TREE REPLANTING PROGRAM. Jessica Kinser, City Administrator advised the application is for the planting of 140 trees on the terrace right-of-way in census tracts that have a low-to-moderate income which is proposed for the Northeast side of town. Park and Rec staff and volunteers would be responsible for the planting and watering for 2 years. Motion carried 7-0.

Mayor Pro-Tem Ladehoff opened a public hearing at 5:52 pm for PROVIDING FOR THE VACATION OF THE EAST-WEST ALLEY NORTH OF 328 SOUTH 3RD AVENUE. No written or oral comments were received. Jessica Kinser, City Administrator advised this alley would be combined with the parcel for 328 S 3rd Ave which will go out to bid for sale in the near future. The public hearing was closed at 5:53. Motion by Schneider, second by Kell to approve RESOLUTION 2023-063 PROVIDING FOR THE VACATION OF THE EAST-WEST ALLEY NORTH OF 328 SOUTH 3RD AVENUE. Motion carried 7-0.

Mayor Pro-Tem Ladehoff opened a public hearing at 5:53 pm for PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO A PORTION OF VACATED BUT UNCONVEYED ALLEY IN THE 900 BLOCK SOUTH 11TH AVENUE TO ABUTTING PROPERTY OWNERS. No written or oral comments were received. Jessica Kinser, City Administrator advised this will complete the conveyance of the vacated alley from 1961 for the properties that were not recorded at 903, 911, 913, and 917 South 11th Avenue. Affidavits of Non-Severability will be completed to tie the alley to these parcels. The public hearing was closed at 5:54 pm. Motion by Schneider, second by Isom to approve RESOLUTION 2023-064 PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO A PORTION OF VACATED BUT UNCONVEYED ALLEY IN THE 900 BLOCK SOUTH 11TH AVENUE TO ABUTTING PROPERTY OWNERS. Motion carried 7-0.

Mayor Pro-Tem Ladehoff opened a public hearing at 5:55 pm to APPROVE THE URBAN RENEWAL PLAN AMENDMENT FOR THE MARSHALLTOWN URBAN RENEWAL AREA NO. 4. Jessica Kinser, City Administrator advised the amendment is to add the Doug Niederman pharmacy project downtown for which he has requested \$160,000 in TIF over 10 years. Public comment: Johnathan Hall, Marshalltown Area Chamber of Commerce, stated downtown appraisals are a challenge to overcome in order to be bankable. TIF is a big selling point to market and it speaks highly of the City to see these projects come through. Mark Eaton, 1007 S 10th Ave, stated the Senior Living Center on 2nd Avenue and Main Street has its own personal 10-year sliding scale tax abatement. If that is legal then that can be used on these developments to not impact the county and school district. You don't have to use TIF, grants, and loans because you have a tax abatement tool that comes out of your pocket. He also noted he feels the city needs to work on being equitable when approving TIF because you have to get 4 votes to approve an agreement but

a tax abatement anyone can complete. The public hearing was closed at 6:05. Motion by Schneider, second by Kell to approve RESOLUTION 2023-065 TO APPROVE URBAN RENEWAL PLAN AMENDMENT FOR THE MARSHALLTOWN URBAN RENEWAL AREA NO. 4. Motion carried 7-0.

Mayor Pro-Tem Ladehoff opened a public hearing at 6:07 pm for APPROVING DEVELOPMENT AGREEMENT WITH BETTY'S PROPERTIES, LLC, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT. No written or oral comments were received. Jessica Kinser, City Administrator advised the agreement is for \$16,000 a year in TIF over 10 years. The public hearing was closed at 6:08. Motion by Schneider, second by Kell to approve RESOLUTION 2023-066 APPROVING DEVELOPMENT AGREEMENT WITH BETTY'S PROPERTIES, LLC, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT. Motion carried 7-0.

ORDINANCES


Motion by Schneider, second by Isom to adopt the third reading of ORDINANCE 15060 TO AMEND THE CODE OF ORDINANCE, CITY OF MARSHALLTOWN, IOWA BY AMENDING CHAPTER 76 TRAFFIC SCHEDULES, SCHEDULE VIII SPEED LIMITS. Heather Thomas, Public Works Director addressed a public comment she received that this is an unfair reduction to 30 mph. The curve at Brentwood Road is designed for a vehicle to not drive more than 35 mph, today's engineering standards mean it would be posted 5 mph less so 30 mph. Additionally, this is a minor arterial street that has the highest crash rating in town when you take out the state highway. Staff would have these changes operational by April 7th. With this change, the police department would allow a 30-day warning period. Public comment: Leigh Bauder, 401 Orchard Drive, is excited about the change and asks the work to be done during a non-congested time of day. Amended motion by Thompson to amend the speed limit to 35 mph from Highland Acres Road to South 12th Street. Motion failed due to lack of second. Original motion carried 7-0.

ADJOURNMENT

The meeting adjourned at 6:14 pm.

Respectfully Submitted,

CITY OF MARSHALLTOWN, IOWA



Alicia Hunter, City Clerk

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk