

**COUNCIL PROCEEDINGS
SEPTEMBER 25, 2023**

Mayor Joel Greer called the meeting to order at 5:30 p.m., September 25, 2023, at the City Hall Council Chambers, 10 W State Street, and led the pledge of allegiance. Roll call—Present: Hoop, Isom (via G2M), Kell, Ladehoff, Nichols, Schneider, Thompson.

PUBLIC COMMENT

- Jim Shaw, 522 N 22nd St., continued to voice concern about controlling dogs and referenced an email Chief Tupper sent regarding 3 recent dog bite cases.
- Chief Mike Tupper, Marshalltown Police Department noted staff have responded to over 500 calls for service this year for animals but doesn't believe we have a problem with pit bulls.
- John Hall, Marshalltown Area Chamber of Commerce, 34 W Main St., shared some good community news of a new Iowa Valley Community College President and a new Walmart Manager moving to our community. Oktoberfest was a great success with unique floats. Neid's Pharmacy and Karl's oil change station and car wash opened today. Ribbon cutting on JBS apartments tomorrow. Outlet co-work space on Main St is a great asset.
- Duane Dixon, Oktoberfest Board, thanked the community for a successful weekend. He encouraged the City to change Church and Linn Street to 2-way before next year's events to help with traffic concerns since Main Street may be under construction.

MAYOR, COUNCIL, ADMINISTRATOR COMMENTS

- Mr. Gaa noted he attended the Iowa League of Cities Conference and learned that Des Moines, Cedar Rapids, Iowa City, Muscatine, and Marshalltown formed the league 125 years ago.
- Councilor Ladehoff noted he attended an MHS football game and they played the new MCSD and Arts and Culture Alliance's Embrace the Lead video and it had a great response.

CONSENT AGENDA

Motion by Schneider, second by Kell to adopt the consent agenda less item 6: APPROVE MINUTES 09/11/23 MEETING AND BILL LIST \$2,612,000.40; APPROVE LIQUOR LICENSE RENEWALS FOR TOTEM BOWL (WAYWARD SOCIAL), 1101 S 6TH ST, WITH OUTDOOR SERVICE AND OLD TIMERS TAVERN, 401 S CENTER ST, WITH OUTDOOR SERVICE; RESOLUTION 2023-180 SETTING A PUBLIC HEARING FOR THE PROPOSED VACATION OF THE EAST-WEST ALLEY BEHIND 1108 AND 1110 WEST CHURCH STREET; RESOLUTION 2023-181 SUPPORTING THE IOWA DEPARTMENT OF NATURAL RESOURCES APPLICATION FOR AN IOWA DOT RECREATIONAL GRANT FOR A STORAGE FACILITY AT NICHOLSON FORD OHV PARK; RESOLUTION 2023-182 TO APPROVE A 17-MONTH EXTENSION OF TIME TO COMPLETE THE CITY CODE UPGRADE AND FAÇADE GRANT WORK FOR 26 E. MAIN STREET; RESOLUTION 2023-184 SETTING A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT AMENDMENT WITH WILLARD-HOPKINS, LLC, INCLUDING ANNUAL APPROPRIATE TAX INCREMENT PAYMENTS; RESOLUTION 2023-185 APPROVING THE 2023 UPDATE OF THE TITLE VI PROGRAM FOR MARSHALLTOWN MUNICIPAL TRANSIT (MMT); RESOLUTION 2023-186 APPROVING CONTRACT CHANGE ORDER #6 FOR THE EDGEWOOD EXTENSION PROJECT #STR19003, A DECREASE OF \$8,039; RESOLUTION 2023-187 APPROVING CONTRACT CHANGE ORDER #4 FOR THE SOUTH 7TH AVENUE EXTENSION PROJECT

#ECO22001, AN INCREASE OF \$981.50; RESOLUTION 2023-188 APPROVING CONTRACT CHANGE ORDER #5 FOR THE SOUTH 7TH AVENUE EXTENSION PROJECT #ECO22001, AN INCREASE OF \$67,666.15; RESOLUTION 2023-189 APPROVING CONTRACT CHANGE ORDER #6 FOR THE STATE STREET RECONSTRUCTION PROJECT #STR21004, A DECREASE OF \$33,885; RESOLUTION 2023-190 AUTHORIZING OFFER TO PURCHASE RIGHT OF WAY FROM 901 N 3RD AVE AND THE USE OF COUNCIL-DESIGNATED LOCAL OPTION SALES TAX. Motion carried 7-0.

Motion by Schneider, second by Ladehoff to adopt RESOLUTION 2023-183 ACCEPTING BID AND AUTHORIZING THE PURCHASE OF FOUR 2023 DODGE DURANGO POLICE PACKAGE VEHICLES FOR USE IN THE POLICE DEPARTMENT AS EMERGENCY RESPONSE VEHICLES AND DECLARING CERTAIN PROPERTY SURPLUS PROPERTY. Amended motion by Thompson, second by Nichols to approve the purchase of the vehicles and use council-designated local option sales tax to purchase 2 of the trade-in vehicles to utilize as decoy vehicles. Motion failed 1-6, Hoop, Isom, Kell, Ladehoff, Nichols, Schneider dissenting. Amended motion by Thompson, second by Nichols to adopt the resolution and require the lettering be done locally. Chief Tupper advised the lettering is done locally at Sign Creations. Motion carried 7-0. The original motion to approve the resolution carried 7-0.

MOTIONS

Motion by Schneider, second by Ladehoff to APPROVE NEW SPECIAL CLASS B RETAIL NATIVE WINE LICENSE FOR LILLIE MAE CHOCOLATES. Motion carried 6-1, Hoop dissenting.

Motion to Ladehoff, second by Schneider to APPROVE 5-DAY ALCOHOL LICENSE FOR MIDNIGHT BALLROOM AT THE CENTRAL IOWA FAIRGROUNDS ARENA FOR A RODEO ON 10/01/23 WITH OUTDOOR SERVICE. Motion carried 6-1, Hoop dissenting.

ORDINANCES

Mayor Greer opened a public hearing at 5:55 pm. No written or public comments were received. The public hearing was closed at 5:56 pm. Motion by Schneider, second by Nichols to adopt the third reading of ORDINANCE 15071 TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA, BY REPEALING CHAPTER 151, SECTIONS 151.001 THROUGH 151.003: BUILDING CODE AND ADOPTING A NEW CHAPTER 151, SECTIONS 151.001 THROUGH 151.003: BUILDING CODE WHICH ADOPTS BY REFERENCE THE 2021 INTERNATIONAL BUILDING CODE, 2021 INTERNATIONAL RESIDENTIAL CODE, 2021 INTERNATIONAL EXISTING BUILDING CODE, 2021 INTERNATIONAL MECHANICAL CODE, 2012 INTERNATIONAL ENERGY CONSERVATION CODE, 2021 UNIFORM PLUMBING CODE AS ADOPTED BY THE STATE OF IOWA, AND THE 2020 NATIONAL ELECTRICAL CODE AS CURRENTLY USED BY THE STATE OF IOWA, AND NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CHAPTERS 54 AND NFPA 58 WITH CERTAIN AMENDMENTS. Motion carried 7-0.

DISCUSSION

Heather Thomas, Public Works Director, presented discussion on an amendment of Chapter 50: Garbage and Refuse. Staff met with the licensed garbage haulers prior to the meeting to discuss the proposed amendments to include allowing curbside pick up as long as a hauler-provided receptacle

approved by the city is utilized and providing enforcement options by the city for violations of the ordinance. Public comment was received from Area Sanitation, LeGrand Sanitation, Moler Sanitation, and Stone Sanitation throughout the discussion. Councilor Schneider and Isom wanted to pursue a hauler schedule to improve the enforcement of receptacles left by the curb and reduce the truck traffic on the streets. Councilor Kell and Thompson noted it all comes back to an enforcement issue. Motion by Schneider, second by Isom for staff to work with the haulers to establish a pick-up schedule by ward and accept the draft language as proposed which includes the requirement for trash to be in a receptacle. Motion failed 3-4, Hoop, Ladehoff, Nichols, and Thompson dissenting. Motion by Nichols to bring forward the ordinance revision as proposed. Motion failed due to lack of a second. City Administrator Gaa advised he will be reviewing our code enforcement processes for efficiencies and this amendment is to accommodate Moler's use of an automated truck for pick up curbside which needs to be addressed. Motion by Schneider, second by Kell to bring forward the ordinance revision as proposed. Motion carried 7-0.

Deb Wollam and Ron Frantzen from McFarland Clinic requested the council grant a temporary parking agreement for on-street parking on the north side of East Merle Hibbs for 10 parking stalls. They are in the design process of adding to their parking lot to accommodate 80 additional spots. The Street Department would be required to restripe the street to designate the travel lane for parking and add signage estimated at \$1,400 which McFarland would agree to pay. Motion by Schneider, second by Nichols for staff to bring forward a temporary parking agreement through September 2024. Motion carried 7-0.

Diana Steiner, Finance Director, advised the Operations Agreement with the Marshalltown Central Business District is normally paid from TIF however last year council-designated local option sales tax was used. TIF certifications are due in November so the funding source for the FY25 agreement was discussed. Public comment: Mark Eaton, 1007 S 10th Ave, stated MCBBD is a duplicated effort of the Chamber and inquired about how TIF is split with the county. Cindee Parks, 127 E Main St., President of MCBBD, noted they are a separate entity strictly for downtown development, economic development, and design as a Main Street Iowa community. John Hall, Marshalltown Area Chamber of Commerce, advised they would not be able to take advantage of the same resources and tools as MCBBD does through Main Street Iowa. Motion by Schneider, second by Isom to move the funding back to TIF. Motion carried 6-1, Hoop dissenting.

Diana Steiner, Finance Director, advised the Agreement for Economic Development Services with the Marshalltown Area Chamber of Commerce expires on 6/30/24. TIF certifications are due in November so the funding source for a new agreement was discussed for a new 5-year agreement. Public comment: Mark Eaton, 1007 S 10th Ave noted if taxpayer money is being used to fund the Chamber then they should adhere to open meetings laws and public records requests. John Hall, Marshalltown Area Chamber of Commerce advised their 990 form is public online and they are transparent with where their resources go. Motion by Kell, second by Schneider to use TIF as the funding source for a new agreement. Motion carried 5-2, Hoop and Thompson dissenting.

Diana Steiner, Finance Director, presented discussion on FY24 General Obligation Borrowing. Per the City's policy, the debt capacity limit is 70% of the 5% legal limit which is \$9.8 million for FY24. The council has the option to change the policy to increase the limit. If the borrowing takes place before 12/31/23 the bond would be non-bank qualified, which means a higher interest rate, since the

overall borrowing for this calendar year exceeds \$10 million. The projects in CIP total \$11,356,000 so the projects must be lowered to \$9.8 million if the policy is not revised. Motion by Thompson, second by Kell to move forward with \$9.8 million in borrowing by postponing the sidewalk gap project and reducing street improvement funding. Motion carried 7-0. Motion by Thompson, second by Schneider to complete the bond this calendar year. Motion carried 5-2, Hoop and Nichols dissenting.

ADJOURNMENT

The meeting adjourned at 7:23 p.m.

Respectfully Submitted,

CITY OF MARSHALLTOWN, IOWA

Alicia Hunter

Alicia Hunter, City Clerk

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk