

Council Proceedings
March 23, 2020

Mayor Greer called the meeting to order at 5:30 PM, March 23, 2020, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Cahill, Gowdy, Hoop, Martin, Thompson, Wirin. Gowdy was absent. Both Martin and Wirin were present by phone for the entire meeting.

Council member Thompson made a motion to postpone the meeting until 5:30pm on March 30th in order to allow for a meeting in which the public could make comments by phone during the meeting. The motion failed for a lack of a second.

CONSENT AGENDA:

Isom moved to adopt the Consent Agenda, less items 19 and 22: Approve 3/09/2020 Minutes And Bill List, \$1,898,161.32; Approve January 2020 Monthly Financial Statements; Approve February 2020 Monthly Financial Statements; MAYORAL APPOINTMENTS TO LIBRARY BOARD TO FILL VACANCIES; Receipt Of Building Permit Reports - December 2019, January And February 2020; Approve Marshalltown Speedway - Toby Kruse - Liquor License; Resolution 2020-060 Declaring A Civil Emergency; RESOLUTION 2020-061 APPROVING AGREEMENT BETWEEN THE CITY OF MARSHALLTOWN AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL UNION NO.16; RESOLUTION 2020-062 APPROVING AGREEMENT BETWEEN THE CITY OF MARSHALLTOWN AND THE MARSHALLTOWN POLICE DEPARTMENT CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL NO. 238 AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS; RESOLUTION 2020-063 APPROVING AGREEMENT BETWEEN THE CITY OF MARSHALLTOWN AND THE MARSHALLTOWN ENGINEERING DIVISION, SEWER DIVISION, STREET DIVISION, AND UTILITY DIVISION OF THE PUBLIC WORKS DEPARTMENT PUBLIC, PROFESSIONAL AND MAINTENANCE EMPLOYEES LOCAL NO. 2003, IUPAT; RESOLUTION 2020-064 APPROVING AGREEMENT BETWEEN THE CITY OF MARSHALLTOWN AND THE MARSHALLTOWN PARKS & RECREATION DEPARTMENT, UAW AMALGAMATED LOCAL NO. 893; RESOLUTION 2020-065 TO APPROVE THE CODE BUILDING UPGRADE GRANT APPLICATION FOR 207 E. MAIN STREET, MARSHALLTOWN, IOWA; TENTATIVE RESOLUTION 2020-066 PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO THE PROPERTY HEREIN DESCRIBED FROM THE CITY OF MARSHALLTOWN, IOWA TO MARK EATON, 712 E BOONE ST, \$750.00; TENTATIVE RESOLUTION 2020-067 PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO THE PROPERTY HEREIN DESCRIBED FROM THE CITY OF MARSHALLTOWN, IOWA TO RENE MARTINEZ AND JUANA RUIZ, 401.5 MAY ST, \$500.00; TENTATIVE RESOLUTION 2020-068 PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE TO THE PROPERTY HEREIN DESCRIBED FROM THE CITY OF MARSHALLTOWN, IOWA TO MARK EATON, 105 N 6TH ST \$750.00; RESOLUTION 2020-069 APPROVING CONTRACT CHANGE ORDERS #1-12 FOR THE VETERANS MEMORIAL COLISEUM RENOVATION PROJECT, AN INCREASE OF \$ 145,757.42; RESOLUTION 2020-071 APPROVING A PERPETUAL ELECTRICAL EASEMENT WITH INTERSTATE POWER AND LIGHT COMPANY FOR 702 SWAYZE STREET; RESOLUTION 2020-072 APPROVING AN AGREEMENT WITH BOLTON AND MENK FOR THE COMPLETION OF A FEDERAL BUILD GRANT APPLICATION FOR THE HIGHWAY 14/NORTH 3RD AVENUE CORRIDOR IMPROVMENTS; RESOLUTION 2020-074 ORDERING CONSTRUCTION OF THE WPCP CONCRETE REPAIR PHASE 3, PROJECT WPC19001, DIRECTING PUBLICATION OF NOTICE TO BIDDERS; RESOLUTION 2020-075 SETTING DATE FOR PUBLIC HEARING ON A LOAN AGREEMENT WITH THE IOWA ECONOMIC DEVELOPMENT AUTHORITY; RESOLUTION 2020-077 APPROVING MODIFICATIONS TO THE FINAL PLAT FOR MERLE HIBBS WEST; RESOLUTION 2020-084 APPROVING A DEVELOPMENT AGREEMENT WITH DANI AND GARRETT GOODMAN FOR A \$175,000 CATALYST BUILDING GRANT AND \$50,000 NEW CONSTRUCTION INCENTIVE GRANT; RESOLUTION 2020-085 APPROVING A DEVELOPMENT AGREEMENT WITH FLINT HILLS HOLDINGS FOR A \$75,000 CATALYST BUILDING GRANT AND \$50,000 NEW CONSTRUCTION INCENTIVE GRANT; RESOLUTION 2020-086 TRANSFERRING FUNDS FOR FISCAL YEAR 2020 THROUGH SEPTEMBER 30, 2019; Liquor License Renewals American Legion, Caseys #1441, Elmwood Country Club, Fareway Stores, Inc. #467, Food & Gas Mart, La Caretta Mexican Grill, Smokin G's, The Spot, Yesway # 1148; second by Cahill. Motion carried 5-1 with Martin dissenting.

Isom made a motion to approve item 19- RESOLUTION 2020-073 ORDERING CONSTRUCTION OF THE 7th AVENUE EXTENSION PROJECT IN THE CITY OF MARSHALLTOWN, IOWA, SETTING PUBLIC HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATED COST AND DIRECTING PUBLICATION OF NOTICE TO BIDDERS, PROJECT ECO1800; second by Wirin. Thompson stated that he did not like the City taking on a developer's obligation. Motion carried 5-1 with Thompson dissenting.

Isom made a motion to approve item 22- RESOLUTION 2020-076 ALLOCATING \$50,000 IN COUNCIL DESIGNATED LOCAL OPTION SALES TAX FOR THE SIDEWALK IMPROVEMENT REIMBURSEMENT; second by Thompson. Cahill expressed concern over the previously discussed deadlines for the City-ordered sidewalk repairs. Motion by Cahill to amend the resolution to add an extended deadline for completion

of sidewalk repairs to August 31, 2021. The motion failed for a lack of a second. On a roll call vote on the original motion, it carried 5-1 with Cahill dissenting.

RESOLUTIONS:

Isom moved to adopt RESOLUTION 2020-078 APPROVING AN ECONOMIC DEVELOPMENT GRANT TO ABERROTES LA SALUD FOR THE DEMOLITION OF 14 NORTH 1ST STREET; second by Wirin. Motion carried 4-2 with Thompson and Hoop dissenting.

Isom moved to adopt RESOLUTION 2020-079 APPROVING DEVELOPMENT AGREEMENT WITH FLINT HILLS HOLDINGS, AUTHORIZING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS AND PLEDGING CERTAIN TAX INCREMENT REVENUES TO THE PAYMENT OF THE AGREEMENT; second by Martin. A written comment was received from Tony Krsnich with Flint Hills Holdings in support of the agreement. Motion carried 5-1 with Thompson dissenting.

Mayor Greer opened a public hearing at 6:08pm on the PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE WEST END PARK IMPROVEMENTS 2020, PROJECT NO. PRK19004. No public comments were received. Geoff Hubbard, Parks and Recreation Director, gave an overview of the project. Mayor Greer closed the public hearing at 6:09pm. Isom moved to adopt RESOLUTION 2020-080 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE WEST END PARK IMPROVEMENTS 2020, PROJECT NO. PRK19004

Mayor Greer opened a public hearing at 6:10pm on the FY2020-FY2024 CAPITAL IMPROVEMENT PLAN, noting this was not the order of the agenda. No public comments were received. Finance Director Diana Steiner provided the staff overview. Martin expressed concern at the inclusion of the Quiet Zone project in the CIP. Mayor Greer closed the public hearing at 6:13pm. Motion by Cahill to adopt RESOLUTION 2020-082 APPROVING THE FY2020-FY2024 CAPITAL IMPROVEMENT PLAN; second by Isom. Martin moved to amend the motion to remove the Quiet Zone project from the FY2020-FY2024 Capital Improvement Plan. The motion failed for a lack of a second. On a roll call vote on the original motion, motion carried 6-0.

Mayor Greer opened a public hearing at 6:20pm on BUDGET AMENDMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2020, AND APPROVING RELATED TRANSFERS, noting the item was not in the order of the agenda. No public comments were received. Steiner provided the staff review. Mayor Greer closed the public hearing at 6:21pm. Thompson moved to adopt RESOLUTION 2020-081 ADOPTING THE BUDGET AMENDMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2020, AND APPROVING RELATED TRANSFERS; second by Isom. Motion carried 6-0.

Mayor Greer opened a public hearing at 6:22pm on BUDGET AND CERTIFYING TAXES FOR THE FISCAL YEAR ENDING JUNE 30, 2021, AND APPROVING RELATED TRANSFERS. No public comments were received. Steiner provided the staff review. Mayor Greer closed the public hearing at 6:23pm. Isom made a motion to adopt RESOLUTION 2020-083 ADOPTING THE BUDGET AND CERTIFYING TAXES FOR THE FISCAL YEAR ENDING JUNE 30, 2021, AND APPROVING RELATED TRANSFERS; second by Thompson. Motion carried 6-0.

Wirin moved to adopt RESOLUTION 2020-070 APPROVING A 28E AGREEMENT WITH THE MARSHALLTOWN COMMUNITY SCHOOL DISTRICT FOR THE CONSTRUCTION OF TENNIS COURTS; second by Isom. Written public comments were received from James Christensen, 1401 W. Olive St., Superintendent Dr. Theron Schutte, James Gruening, 102 College View Lane, Kent Loney, no address, and Butch Baer, 1901 S. 3rd Ave Place, all in favor of the agreement. Multiple council members expressed concern about the open ended obligation of the change orders. Motion by Thompson to amend the agreement to state the City would contribute \$684,000 to the construction with the removal of language regarding sharing in change order costs; second by Martin. The amendment was adopted 6-0. A roll call vote on the resolution as amended carried 6-0.

ORDINANCES:

Motion by Hoop to approve the first reading of ORDINANCE 14995 RELATING TO THE ANNUAL COMPENSATION OF THE MAYOR AND CITY COUNCIL; second by Martin. Thompson made a motion to amend the ordinance to eliminate the residential tax abatement program in conjunction with approving Ordinance 14995. This was deemed to be improper for the amendment of other ordinances and was not considered. On a roll call vote, the motion carried 4-2, with Cahill and Thompson dissenting.

DISCUSSION:

Public Works Director/City Engineer Justin Nickel provided an update on discussions with the Central Iowa Fair Board regarding the easements needed for the 12th Avenue sidewalk project. There is

approximately \$4,000 estimated for the easements and an additional estimate of \$10,000 in site improvements which have been discussed with the Fair Board. Motion by Thompson to proceed with a five foot sidewalk and a formal offer to the Fair Board of the cost of the easements and improvements; second by Isom. Motion carried 5-1, with Hoop dissenting.

City Administrator Jessica Kinser gave an overview of the draft of the Multi-Hazard Emergency Operations Plan and set forth a timeline for the Plan and related Emergency Support Functions to come before the Council for adoption.

PUBLIC COMMENT

Gail McCoy Keeler, 1008 S. 6th St., submitted a written comment with concerns about Riverside Cemetery and a roadway near Iowa River Hospice.

ADJOURNMENT:

Meeting Adjourned at 7:19 PM

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

Joel T.S. Greer, Mayor

Shari L. Coughenour, CMC, City Clerk