

Council proceedings
June 22, 2020

Mayor Greer called the meeting to order at 5:30 PM, June 22, 2020, in the Council Chambers at 10 W State Street and led the pledge of allegiance. Roll call- Present: Cahill, Gowdy, Hoop, Isom, Martin, Thompson, Wirin. Due to COVID-19 imposed distancing, a few members of the public were able to attend the meeting, some of the public attended via Go-To-Meeting, and all had options to present written comments prior to the meeting, as well as during the meeting via the interactive live-stream meeting. Kinser thanked Coughenour for serving as City Clerk, noting her retirement after 20 years of service on July 1.

CONSENT AGENDA:

Wirin moved to adopt the consent agenda, removing items 5, 7, 16 and 21 from the consent agenda for separate consideration: Approve Council Minutes, June 8, 2020, And Bill List \$2,180,132.31; Receipt Of Building Permit Report, May 2020; Receipt Of Civil Service Promotional Hire List Police Department promotional list; Approve May 2020 Financial Statements; Approve Renewal Applications For State Of Iowa Retail Cigarette, Tobacco, Nicotine And Vapor Licenses, Through 6/30/2021: Food & Gas Mart, 613 N 3rd Ave; Git-N-Go Convenience Stores #34, 3302 S Center St Git-N-Go Convenience Stores #35, 902 W Lincoln Way East Side Liquor and Groceries, 1116 E Nevada St; FA786 INC/ LIQUOR & GROCERY DEPOT, 114 N CENTER ST; Jiffy Convenience Stores, 111 S 3rd Ave Vaughn's Pub, 22 N 1st Ave; Approve Renewal Tree Trimmer License, Marshall County Tree Lawn Service M. Liskowiak, License To Expire 4/30/2021; RESOLUTION 2020-171 APPROVING CITY FEES, EFFECTIVE JULY 1, 2020; RESOLUTION 2020-172 APPROVING FACADE GRANT APPLICATION FOR 207 E. MAIN STREET; RESOLUTION 2020-190 TO APPROVE THE FACADE GRANT APPLICATION FOR 32 E. MAIN STREET AND 8 N. 1st AVE., MARSHALLTOWN, IOWA; RESOLUTION 2020-173 APPROVING A CONTRACT FOR ROADWAY MAINTENANCE SERVICES AT THE IOWA HIGHWAY 14 FROM IOWA AVENUE TO WOODLAND STREET WITH THE IOWA DEPARTMENT OF TRANSPORTATION CREATED PURSUANT TO CHAPTER 28E.12 OF THE IOWA CODE; RESOLUTION 2020-174 APPROVING A CONTRACT FOR ROADWAY MAINTENANCE SERVICES AT THE IOWA VETERANS HOME WITH THE IOWA DEPARTMENT OF TRANSPORTATION CREATED PURSUANT TO CHAPTER 28E.12 OF THE IOWA CODE; RESOLUTION 2020-175 APPROVING CONTRACT CHANGE ORDER #1 FOR THE 2019 PCC PATCH REPAIR PROJECT # STR19002 AN INCREASE OF \$24,104.10; RESOLUTION 2020-176 APPROVING ENGINEER'S STATEMENT OF COMPLETION AND ACCEPTING THE PCC PATCH REPAIR, PROJECT STR19002, WITH A FINAL PROJECT COST IN THE AMOUNT OF \$173,125.10; RESOLUTION 2020-178 APPROVING CONTRACT CHANGE ORDERS #19, 20, 22-25, 27-29 FOR THE VETERANS MEMORIAL COLISEUM RENOVATION PROJECT, AN INCREASE OF \$ 14,616.35; TENTATIVE RESOLUTION 2020-179 ACCEPTING SUBORDINATION AGREEMENT FOR PROPERTY INTEREST AT 1222 OXFORD AVENUE, LISCOMB, IA 50148 BEING LEAD HAZARD CONTROL PROJECT NO. 53511029; RESOLUTION 2020-186 SETTING A PUBLIC HEARING FOR THE VOLUNTARY ANNEXATION OF 2424 233RD STREET, MARSHALLTOWN, IA 50158; RESOLUTION 2020-187 SETTING A PUBLIC HEARING FOR THE VOLUNTARY ANNEXATION OF PARCEL 8317-05-200-005, MARSHALLTOWN, IA 50158; RESOLUTION 2020-191 TO APPROVE THE STATE RECREATIONAL TRAIL APPLICATION FOR THE IOWA RIVER'S EDGE TRAIL; RESOLUTION 2020-192 APPROVING 28E INTERAGENCY AGREEMENT BETWEEN IOWA DEPARTMENT OF INSPECTIONS AND APPEALS AND CITY OF MARSHALLTOWN, AGREEMENT EXPIRES AUGUST 22, 2021; second by Isom. Motion carried 7-0.

Wirin moved to approve Renewal State Of Iowa Alcohol Permits Center Street Station, 19-21 N. Center St.; Git N-Go Convenience Stores #34, 3302 S. Center St.; Git N-Go Convenience Stores #35, 902 W Lincoln Way; GROCERY STORE Y TORTILLERIA LA VECINDAD, 505 N 3RD AVE; Hy-Vee Gas, 808 S Center St; JB Bar, 915 Turner St.; Legends American Grill, 2902 South Center Street, second by Isom. Motion carried 5-1, Hoop dissenting, Thompson dissenting due to his employment relationship with Hy-Vee.

Martin moved to approve Liquor License Premise Update, HyVee, 802 S Center Street, second by Isom. Motion carried 5-1, Hoop dissenting, Thompson dissenting due to his employment relationship with Hy-Vee.

Isom moved to adopt RESOLUTION 2020-177 APPROVING CONTRACT CHANGE ORDER #1 FOR THE S. 7TH AVENUE TO E SOUTHRIDGE ROAD EXTENSION PROJECT # ECO18001 AN INCREASE OF \$107,092.00, second by Wirin. Resolution adopted 7-0.

Isom moved to adopt RESOLUTION 2020-188 APPROVING CONTRACTS FOR PROPERTY ACQUISITION, PERMANENT AND TEMPORARY AND PERSCRPTIVE EASEMENT ACQUISITION, AND PAYMENT OF LANDSCAPE DAMAGES FOR THE S. FIRST STREET PARKING LOT STORMWATER IMPROVEMENTS PROJECT NO. PLT19001, second by Cahill. Resolution adopted 6-1, Hoop dissenting.

MOTIONS:

Gowdy moved to approve New Alcohol License, New Owner, Best Western Regency Inn/Bella Sera, second by Isom. Motion carried 6-1, Hoop dissenting.

RESOLUTIONS:

Gowdy moved to adopt RESOLUTION 2020-180 ACCEPTING BID AND AUTHORIZING THE AWARD OF CONTRACT FOR THE WASHINGTON STREET EXTENSION PROJECT ECO2001 IN THE AMOUNT OF \$576,560.00, second by Isom. Resolution adopted 7-0.

Isom moved to adopt RESOLUTION 2020-185 APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH FOX ENGINEERING FOR WPCP AND SANITARY SEWER INFRASTRUCTURE IMPROVEMENT PLANNING, IN THE CITY OF MARSHALLTOWN, IOWA, second by Wirin. Public Works Director Nickel explained the Master Planning Document describes how tasks may be assigned to Fox

Engineering relative to the sewer plant and sewer infrastructure improvements. Thompson moved to include Resolutions 2020-183 and 2020-184 as those agreements are descriptive to Resolution 2020-185, second by Cahill. Amendment carried 7-0. Roll call vote on RESOLUTION 2020-185 APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH FOX ENGINEERING FOR WPCP AND SANITARY SEWER INFRASTRUCTURE IMPROVEMENT PLANNING, IN THE CITY OF MARSHALLTOWN, IOWA; RESOLUTION 2020-183 APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH FOX ENGINEERING FOR THE 2020 SANITARY SEWER REHABILITATION PROJECT-CIPP, IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$25,000.00; RESOLUTION 2020-184 APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH FOX ENGINEERING FOR THE WPCP HEADWORKS AND DIGESTER IMPROVEMENTS, IN THE CITY OF MARSHALLTOWN, IOWA, IN THE AMOUNT OF \$22,700.00; all three Resolutions adopted, 7-0.

PUBLIC HEARING – conveyance by Warranty Deed, 109 S 1st Avenue and 8 E Linn Street

Mayor Greer declared the public hearing open RESOLUTION 2020-181 ADOPTING TENTATIVE RESOLUTION PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE BY THE CITY OF MARSHALLTOWN, IOWA TO DAVID E. THOMPSON AND KATHLEEN A. THOMPSON TO THE PROPERTY DESCRIBED HEREIN AND AUTHORIZING EXECUTION AND DELIVERY OF WARRANTY DEED at 5:55 PM. There were no written comments, nor any public comments from the public or the interactive web meeting. The auction was successful, with the highest bid of \$172,000 for the two parcels. Staff recommended proceeding as per the published notices and contract with the purchasers. Mayor Greer closed the public hearing at 5:58 PM.

Thompson moved to adopt RESOLUTION 2020-181 ADOPTING TENTATIVE RESOLUTION PROVIDING FOR THE CONVEYANCE AND TRANSFER OF TITLE BY THE CITY OF MARSHALLTOWN, IOWA TO DAVID E. THOMPSON AND KATHLEEN A. THOMPSON TO THE PROPERTY DESCRIBED HEREIN AND AUTHORIZING EXECUTION AND DELIVERY OF WARRANTY DEED, second by Cahill. Thompson asked that the sale proceeds be utilized to cover expenses of the Veterans Memorial Coliseum Rehabilitation Project. Resolution adopted 7-0.

PUBLIC HEARING - project plans and specifications

Mayor Greer declared the public hearing open RESOLUTION 2020-182 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE 1ST STREET PARKING LOT RENOVATION PROJECT, PROJECT NO. PLT19001 at 5:58 PM. There were no written comments, nor any public comments from the interactive web meeting. Public Works Director Nickel answered questions, and announced pervious pavers will be installed. Mayor Greer closed the public hearing at 6:02 PM.

Wirin moved to adopt RESOLUTION 2020-182 APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND COST FOR THE 1ST STREET PARKING LOT RENOVATION PROJECT, PROJECT NO. PLT19001 second by Martin. Resolution adopted 6-1, Hoop dissenting.

ORDINANCES:

Gowdy moved to adopt the third reading and final approval of ORDINANCE 14997 TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY AMENDING CHAPTER 118, PEDDLERS AND SOLICITORS RELATING TO MOBILE FACILITIES OR VEHICLES, second by Wirin. Third reading and Ordinance adopted 7-0.

Wirin moved to adopt the third reading and final approval of ORDINANCE 14998 TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA, BY AMENDING CHAPTER 72, PARKING RULES, RELATING TO PARKING PENALTY, second by Isom. Third reading and Ordinance adopted 6-1, Cahill dissenting, due to the lack of adequate off-street parking in First Ward.

Isom moved to adopt the first reading of ORDINANCE 14999 TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY ADDING CHAPTER 134, NOISE CONTROL AND AMENDING OR REPEALING CONFLICTING SECTIONS, second by Wirin. Chief Tupper answered questions, adding that noise will be measured in decibels to determine if the noise ordinance is violated. First reading adopted 7-0.

Hoop moved to waive the second and third readings of Ordinance 14999, second by Isom. Motion failed 3-4, Cahill, Martin, Thompson and Wirin dissenting.

Wirin moved to adopt the first reading of ORDINANCE 15000, TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY AMENDING CHAPTER 76 TRAFFIC SCHEDULES, SCHEDULE IV STOP INTERSECTIONS, SCHEDULE V YIELD INTERSECTIONS AND SCHEDULE VI TRAFFIC SIGNALS, second by Martin. First reading adopted 7-0.

DISCUSSION:

The council discussed the following items:

Airport Terminal and Hangar Alternates. Thompson moved to accept all but the last three options and consider the wood paneling option at a later date depending on final cost, contingencies and funding by the FAA, second by Wirin. Motion carried 6-1, Hoop dissenting. The council was determined to keep the project under \$2 million.

Cash Balances FY20 and projected FY21 for June 22, 2020.

MCBD Request For Incentive Grant Funding. Isom moved to allocate an additional \$80,000 for downtown incentive programs, second by Wirin. Motion carried 7-0. Kinser funding source is cash on hand for the Downtown (#4) TIF district.

Request to Vacate/Purchase Alley near 107 N. Center St, Jose Regalado, adjacent land owner. Gowdy moved to

proceed with vacation of the alley and conveyance to the adjacent property owner, purchase price of \$1.00, second by Thompson. Council discussed adherence to the policy governing the sale of real estate and the variance given for certain projects. Councilors felt the policy should be reviewed. Motion carried 7-0.

Bankrupt And Other Public Sales, Repeal Of Antiquated Code Sections. Wirin moved to proceed with an Ordinance to modify the City Code to remove antiquated code sections relating to Bankrupt Sales and other Public Sales, second by Isom. Motion carried 7-0.

E Linn Street Parking, Between S Center Street and S 3rd Avenue. Wirin moved to proceed with an Ordinance to removing conflicting code content, clarifying the council's intent to allow parking on the south side of E Linn Street between S Center Street and S 3rd Avenue, second by Isom. The council decided parking should not be allowed on the north side at this time, as the council may discuss changing Linn Street to two-way traffic at a later date. Motion carried 7-0.

Review of 2019 GO Bond and Final Review of FY21 Borrowing. Thompson moved to revise the FY bonding schedule to add another \$1M to have funding on hand for Phase 2 and Phase 3 of the 4th Street / Meadowlane Storm Sewer project, total bond of \$8.4M, second by Isom. Motion carried 6-1. The council discussed the probability of getting the Storm Sewer project completed in one construction season, due to the location of two schools in the area. Martin moved to move forward with refunding bonds, second by Cahill. Refunding of the bonds will have net savings of \$102,125. Motion carried 7-0.

Discussion of Easement Acquisition -12th Ave & E Olive Street sidewalk project. Thompson moved to get the five-foot wide sidewalk project started for the properties that have signed agreements on file, second by Isom. The council received notification from the Central Iowa Fair Association Board declining the council's recent counter offer. The council noted the project is required for pedestrian safety. Motion carried 6-1, Hoop dissenting.

PUBLIC COMMENT

There were no written comments, nor any public comments from the interactive web meeting.

ADJOURNMENT:

Meeting Adjourned at 7:54 PM

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST :

Joel T.S. Greer, Mayor

Shari L. Coughenour, CMC, City Clerk