Council Proceedings
November 24, 2008

The Marshalltown City Council met in regular session on November 24, 2008, at 5:30 PM in the Council Chambers at City Hall. Mayor Beach called the meeting to order and led the Pledge of Allegiance. ROLL CALL: Present – Backoff, Grabenbauer, Hoop, Maxwell, Schubert, Wenner and Wirin.

Schubert moved to approve the agenda with item #20 corrected to refer to the 2007 Turner Street Pump Station Project, second by Wirin. Motion carried 7-0.

Wenner moved to approve the following consent agenda items: Approve Council Minutes of November 10, 2008; Approve Bill List of $1,149,569.35; Receipt of Building Report Month of October, total improvements $8,528,600; Receipt of Senior Citizen Treasurer's Report dated 11/12/2008; Purchase of three police vehicles from Stiver's Ford using the State's contract for $61,527 with trade in; Approve TIF Certification; Resolution 2008-153 Approving Acceptance of the Carnegie Building Reuse Study Prepared by FEH Associates, Inc; Resolution 2008-154 Declaring Surplus Equipment, Three Squad Cars and Lead Program Safe House Supplies and Authorizing Disposal; Tentative Resolution 2008-155 Accepting Subordination Agreement for 1403 Summit Street, Project 21003358, public hearing set for December 8; Resolution 2008-156 of Support and Financial Commitment for the Main Street Program, pursuant to Agreement with the IDED; Resolution 2008-157 Approving Economic Development Initiative Grant Contract B-08-SP-IA-0541 Authorizing the City of Marshalltown Housing Department to Sign and Submit all Required Paperwork; Resolution 2008-158 Approving Agreement with Clapsaddle-Garber Associates, Inc., for Engineering Services required by Ordinance 14844; Resolution 2008-159 Approving Contract Change Order #1 for the 2008A Resurfacing Project 76008001A, Cessford Construction Company, in the amount of $11,679.86; Resolution 2008-160 Approving Engineer's Certificate of Completion, 2008A Resurfacing Project, final cost $493,365.88, Cessford Construction Company; Resolution 2008-161 Establishing and Approving 2009 Health Insurance Renewal Rates Governing Certain Employees and Participating under the Municipal Health Insurance Program; Resolution 2008-162 Approving the Policy for the Sale of Surplus Property; second by Maxwell. Motion carried 7-0.

REPORT

Maxwell moved to appoint Nathan Stucky as Human Resource Director, second by Wenner. Motion carried 7-0.

Schubert moved to set public hearing on December 8 for funding purchase with TIF District #4 funds, second by Wirin. Motion carried 7-0.

RESOLUTIONS:

Backoff moved to adopt Resolution 2008-163 Approving Contract Change Order #2 for the 2007 Turner Street Pump Station Project being Project No. 59005002 for a deduct of $925.00, second by Grabenbauer. Resolution adopted 7-0.

Schubert moved to adopt Resolution 2008-164 Revising Engineers Statement of Completion and Final Project Costs for the 2007 Marshalltown, Iowa, project 59005002 for $872,452.00, second by Wenner. Resolution adopted 7-0.

PUBLIC HEARING

Mayor Beach declared the public hearing open for the $1,141,525 IDED Community Facilities & Services Fund application to acquire the IVCC Education & Training Center at 205 E Church street and expand the building to the north by 3,600 square feet. No businesses or residences will be displaced with

the expansion. The project will assist IVCC serve additional students and add more continuing education programs. The IVCC surveyed current students at the site and 98% have incomes under 80% of the median household income according to HUD. IVCC requests that the City of Marshalltown sponsor an IDED Community Facilities & Services application on the district's behalf. The IVCC will be a sub-recipient and be responsible for complying with all federal requirements under the CDBG program. The IDED $325,263 application will be submitted by 12/12/08. The IVCC will directly submit a $566,262 EDA application by 12/12/08. The City will hear whether the IDED application is funded by the first week of March 2009. The CDBG funds are essential to secure the EDA funds. EDA funds can only support 50% of the project budget. Another $250,000 of local funds will hopefully be secured for project, also. No City funds are requested. The project should be ready for construction in September 2009 and be fully completed in August 2010. Marty Wymore, Director of Region VI Planning, and IVCCD staff were present to answer questions. There were no public or written comments received by the clerk. Mayor Beach declared the public hearing closed.
Wenner moved to adopt Resolution 2008-165 to Approve the City of Marshalltown Iowa Department of Economic Development Community Facilities & Services Fund Application for the Iowa Valley Community College District Education & Training Center Project - Downtown Campus 206 E Church Street, second by Grabenbauer. Resolution adopted 7-0.

Schubert moved to adopt Tentative Resolution 2008-166 Accepting the Subordination Agreement for Property at 108 W Main Street, LeGrand, Iowa, project 53506219. Previous council action on same property 11/10, but due to change in mortgage lender the process must be repeated, second by Wenner. Resolution adopted 7-0.

PUBLIC HEARING
Mayor Beach declared the public hearing open for the subordination agreement at 108 W Main Street, LeGrand, Iowa. Spohnheimer explained the council had approved the subordination November 10, 2008, with another lender, but due to change a mortgage lender the process must be repeated. There is adequate equity to protect the city's interest. There were no public or written comments received by the clerk. Mayor Beach declared the public hearing closed.
Wenner moved to adopt Resolution 2008-167 Adopting Tentative Resolution Accepting the Subordination Agreement for Property Interest at 108 W Main Street, LeGrand, Iowa, lead abatement project 53506219, second by Wirin. Resolution adopted 7-0.

Maxwell moved to adopt Resolution 2008-168 Accepting Bid and Authorizing the Award of Contract for the South Center Street Bridge Joint Repair Project 76008006A, Accept Bid and Authorize Award of Contract, United Contractors, Johnston, Iowa, with Alternate A: $95,771.35, second by Wirin. Floyd Harthun, representing the Main Street board, said the board didn't take an official position, but had concerns regarding traffic backup and safety. Harthun asked that detour signage be used to efficiently direct traffic should the bridge be closed. Business owners Jonathon Hull and Erin McGregor opposed having both lanes closed, citing tough economic times and asked the city do more to help the downtown businesses. Hull asked that only the northbound lane remain open during construction to entice shoppers downtown. Alternate routes to get around the Center Street bridge were discussed. Resolution adopted 4-3, with Grabenbauer, Schubert and Wenner dissenting.

ORDINANCES:
Wenner moved to adopt the second reading of Ordinance 14849 Amending the Marshalltown Zoning Ordinance of 1998 by Amending Chapter 27 Special Use Regulations and Chapter 17 Mobile Home Parks, second by Grabenbauer. Ordinance adopted 7-0.

There was no motion regarding the first reading of Ordinance 14850 Temporary Acting Police Chief Ordinance Update so the issue died.

PUBLIC COMMENTS:
Barbara Collins, 209 N 2nd Avenue, objected to the trash on the sidewalk and terrace at the Crown Apartments.
Carole Winkleblack, Librarian, announced the new library at 105 W Boone will open December 22 at 10 a.m. The grand opening with a ribbon cutting is planned for January 18. The Carnegie building will cease functioning as the library at 5 p.m. November 26.
Harley Muir, 1004 Radcliff, asked the council to consider widening S 12th Avenue for pedestrian safety.

TOBACCO RETAILER HEARING, RE: HALEY GROCERY, INC.
Ted Hoglan, representing Haley's Grocery, regarding 1st Violation, retailer permitting sale of tobacco to a minor and Roger Nowadzky, representing the City of Marshalltown, presented their evidence, exhibits and witnesses. Wirin moved to approve the Order Assessing Penalty, 1st Violation, for a violation of Iowa Code Section 453A.2(1), selling, giving, or otherwise supplying any tobacco, tobacco products, or cigarettes to any person under eighteen years of age in re: Haley Grocery, Inc., second by Maxwell. Motion carried 4-3, with Grabenbauer, Hoop and Wenner dissenting.

ADJOURNMENT:
The council promptly adjourned at 8:15 P.M.

Respectfully submitted,

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

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Gene L. Beach, Mayor

ATTEST:

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Shari L. Coughenour, CMC, City Clerk