



**COMMITTEE OF THE WHOLE AGENDA
CITY HALL, COUNCIL CHAMBERS
OCTOBER 19, 2009, 5:30 p.m.**

NOTICE TO PUBLIC: As a reminder, the items presented on this COMMITTEE OF THE WHOLE AGENDA are for review and discussion purposes only. No formal action will be taken, although Staff may be given direction. Items requiring Council action will be presented at a future Council meeting.

The Mayor and City Council welcome comment from the public during discussion. The public is reminded to turn off cell phones. You are required to step to the microphone, state your name and address for the record and to limit the time used to present your remarks in order that others may be given the opportunity to speak.

CALL TO ORDER: Mayor Gene Beach

PLEDGE OF ALLEGIANCE

ROLL CALL: William Backoff, Marla Grabenbauer, Al Hoop, Andrea Maxwell, Robert Schubert, Bob Wenner, and Bethany Wirin.

CONSENT ITEMS: Items on the consent agenda will not be discussed unless a request is made.

- 1 October 12 Council Minutes
- 2 Receipt of Senior Citizen Treasurer Report, dated October 8, 2009
- 3 Building Report, September 2009.
- 4 Public Hearings 10/26
 - a) CDBG Owner-occupied Housing Rehabilitation
 - b) Nicholas Drive Plans & Specifications

DISCUSSION ITEMS:

- 5 Meeting time changed, Monday, December 28th at noon, including installation of council members.
- 6 Memorandum of Agreement with the Friends of the Library regarding the Lead Hazard Control Program and property at 110 W Linn Street.
- 7 Resolution Adopting A Residential Anti-Displacement And Relocation Assistance Plan (RARA) in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG1, UDAG and/or HOME-assisted projects. Specifically related to Neighborhood Stabilization Program Grant #08-NSP-026
- 8 IJOBS Program Grant Award, Carnegie Building Rehabilitation Project (agreement distributed separately)
- 9 Records Policy
- 10 Residency Requirements for Police
- 11 Subordination agreement – 521 N 1st Street
- 12 Engineer's Certificate of Completion – Fisher Controls Median Project 76009002A, final \$77,668.88

PUBLIC COMMENT

ADJOURNMENT

(SPECIAL COUNCIL MEETING FOLLOWS)

The Marshalltown City Council met in regular session on October 12, 2009, 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. Mayor Beach declared the week of October 12, 2009, Small Business Week. The *New Library for New Century* was honored for their LEED certification, being the first in the state, and the League's 2009 All-Star Community Award.

Schubert moved to approve the agenda, second by Wirin. Motion approved 7-0.

Wenner moved to approve the consent agenda items: Approve Council Minutes of September 28, 2009; Approve Bill List in the amount of \$1,384,623.77; Appoint Jay Carollo to the Site Plan Review Board, term expires October 15, 2013; Resolution 2009-146 to Certify Unpaid Bills for Collection with Taxes; Resolution 2009-147 Approving Governor's Traffic Safety Bureau, Iowa Department of Public Safety, Agreement for 10/1/09-9/30/10; Resolution 2009-148 Ordering Construction of the Nicholas Drive Improvements Project 76008008, setting public hearing on proposed plans, specifications, form of contract and estimated cost and directing publication of notice to bidders; Renewal - alcohol licenses (pending fire inspection): Kum & Go #770, E. Nevada Street; TC's; Mexico Antiguo; Caseys, S 12th Avenue; Kum & Go # 703, N 3rd Avenue; Elk's Lodge; second by Wirin. Motion carried 7-0.

REPORT

John Karrman, architect for FEH, presented an update on the Carnegie Building rehabilitation project. Bids for the project are due on November 19. The estimated construction completion time is 4-5 months. Grabenbauer moved to set a special meeting for a public hearing on the plans and specifications for the project on October 19, 2009, second by Backoff. Motion carried 7-0.

Maxwell moved to direct staff to proceed with negotiations with Redflex for automated traffic enforcement device installation at Iowa Avenue/S Center Street, the railroad intersection at 6th Street and a mobile speed unit, second by Backoff. Motion carried 5-2, with Hoop and Schubert dissenting.

Maxwell moved to authorize preparation for the Center Street Project, second by Backoff. Motion carried 6-1, with Maxwell dissenting. Maxwell stated concern with obligating TIF for two years, questioning this project is necessary in this economy. Hierstein reminded the council retains the ability to adjust the TIF request as required and the city also has the ability to issue debt for improvements. The city is not utilizing the entire TIF availability, and has tried to keep the TIF schedule at a zero growth to avoid property tax increases. Mayor Beach said it was important to reevaluate the TIF need as each project is let. Hierstein asked the council to avoid reducing the TIF certification as continued erosion will handicap future obligation to minimize taxpayer liability. Ken Anderson, Chamber of Commerce, and Curt Loney, encouraged the city to continue the development of infrastructure in the community as that is important to economic development.

Hoop moved to place street lights in a staggered pattern of Center Street from Linn to State Street, second by Wirin. Wirin amended the motion to install the lights on the east side of the road, second by Wenner. Motion on the amendment passed 6-1, with Hoop dissenting. Amended motion passed 6-1, with Hoop dissenting.

Wirin moved to proceed assessing replacement sidewalks, other than those in current good condition, to adjacent property owners, second by Maxwell. Backoff moved to amend the motion to place a 50% assessment cap on the bad sidewalk, second by Wenner. Motion on the amendment passed 5-2, with Schubert and Wirin dissenting. Amended motion passed 7-0.

There was no motion to assess replacement curbs to adjacent property owners.

Schubert moved to replace both curbs and sidewalks in front of the Police Department, City Hall and Carnegie Building, second by Wenner. Wenner moved to amend to replace only those areas designated in the plans, second by Backoff. Motion on amendment passed 6-1, with Wirin dissenting. Amended motion passed 6-1, with Wirin dissenting.

Schubert moved to permit three wide driveway curb for Presbyterian church, second by Wenner. Motion failed, 3-3-1, with Backoff, Hoop and Maxwell dissenting and Wirin abstaining due to her relationship with the church.

Schubert moved to table the motion regarding the auto repair shop entrance onto Center Street as the owner was not present, second by Wirin. Motion approved 7-0.

Mayor Beach declared the public hearing open for the CDBG Program Status. There were no public comments or written comments received by the clerk. Wenner moved to continue the public hearing to October 26, 2009 for CDBG Program status of funding awarded, second by Wirin. Motion carried 7-0.

RESOLUTIONS:

PUBLIC HEARING

Mayor Beach declared the public hearing open regarding the Byrne Block Grant. Police Chief McAllister informed the public the grant is in the amount of \$12,346, for the period of October 29, 2008 – September 29, 2009, and will be used to reimburse expenses for computer upgrades for police vehicles. There were no comments from the public or written comments received by the clerk. Mayor Beach declared the public hearing closed.

Backoff moved to approve Resolution 2009-149 Approving Byrne Block Grant in the amount of \$12,346, October 29, 2008 – September 29, 2009, for computer upgrades for police vehicles, second by Maxwell. Resolution adopted 7-0.

Mayor Beach declared the public hearing open regarding 2009-2010 Budget Amendment. City Finance Director Cindy Kendall informed additional revenue from the “stimulus package” and project reallocations required the amendment. The city received \$5 million in new revenues with \$3 million unspent from projects in 2008-2009, totaling \$8 million for the amendment. There were no comments from the public or written comments received by the clerk. Mayor Beach declared the public hearing closed.

Schubert moved to approve Resolution 2009-150 Approving 2009-2010 Budget Amendment, second by Wirin. Resolution approved 7-0.

ORDINANCES:

PUBLIC HEARING

Mayor Beach declared the public hearing open regarding Ordinance 14862. City Planner Stephen Troskey informed the council the zoning change requires a special use permit for property to be used for a halfway house in either a heavy or light industrial district. There were no comments

from the public or written comments received by the clerk. Mayor Beach declared the public hearing closed.

Schubert moved to adopt the third reading of Ordinance 14862 Approving Changes to the Marshalltown Zoning Ordinance of 1998, Regarding Chapter 3, Definitions and Chapter 30, Special Use Regulations, regarding Special Use Permit requirement for ex-offender rehabilitation centers or halfway houses as amended, second by Maxwell. Ordinance adopted 7-0.

Mayor Beach declared the public hearing open regarding Ordinance 14863. City Planner Stephen Troskey recommended the zoning change for 1603 Iowa Avenue from commercial to R-2. There were no comments from the public or written comments received by the clerk. Mayor Beach declared the public hearing closed.

Grabenbauer moved to adopt the third reading of Ordinance 14863 Amending the Marshalltown Zoning Ordinance Rezoning Property Located at 1603 Iowa Avenue West from GC General Commercial to R2 Low Density Residential (PIN 11-10-353-001), second by Backoff. Ordinance adopted 7-0.

PUBLIC COMMENTS:

The Iowa Avenue Resurfacing Project is underway, with estimated completion of within the next few days, should weather be at least 45 degrees.

Housing and Community Development Director Michelle Spohnheimer informed the community the Iowa Finance Authority approved the Region Six Housing Trust Fund for the four county region. Jaycee Week is celebrated this week and the public is invited to attend the Haunted Forest at the Isaac Walton League.

Bill Egleston, 509 Brentwood Road, asked if the council had considered a narrower sidewalk on the west side of the county courthouse.

ADJOURNMENT:

The council adjourned at 7:32 PM.

CITY OF MARSHALLTOWN

ATTEST:

Gene L. Beach, Mayor

Shari L. Coughenour, CMC, City Clerk

SENIOR CITIZENS CENTER, INC.
20 EAST STATE STREET
MARSHALLTOWN, IOWA 50158

TREASURER'S REPORT AS OF OCTOBER 8, 2009

CHECKING ACCOUNT #2985377437 LAST REPORT 09-10-2009 \$2,183.23

DEPOSITS:

09-02-09 DONATION	\$164.43	
09-02-09 BRIDGE CLUB	\$80.00	
09-10-09 DONATION	\$230.00	
09-10-09 TRANSFER IN	\$1,300.00	
09-17-09 DONATION	\$95.00	
09-24-09 FUNERAL LUNCH	\$306.00	
09-30-09 BINGO	<u>\$800.00</u>	
		\$2,975.43

CHECKS WRITTEN:

09-14-09 CK. #2289	KATHY WALTERMIRE	\$1,202.00	
09-16-09 CK. #2290	BOWMAN AND MILLER	\$1,985.00	
09-16-09 CK. #2291	PREFERRED PEST MGMT	\$27.82	
09-11-09 CK. #2292	CITY OF MARSHALLTOWN	\$501.89	
09-15-09 CK. #2293	DYNAMIC BROADBAND	<u>\$49.99</u>	
			<u>\$3,766.70</u>

BALANCE CHECKING ACCOUNT: \$1,391.96



JOHN FINK, TREASURER

SENIOR CITIZENS CENTER, INC.
20 EAST STATE STREET
MARSHALLTOWN, IOWA 50158
OCTOBER 8, 2009

SAVINGS ACCOUNT #2988330482:

BALANCE 09-10-09	\$9,882.10
TRANSFER TO CHECKING	(\$1,300.00)
INTEREST	<u>\$0.23</u>
BALANCE 10-08-09	\$8,582.33

SAVINGS ACCT: HOME FEDERAL

BALANCE 09-10-09	\$19,504.17
TRANSFER TO CHECKING ACCOUNT	\$0.00
FRIENDS OF SENIOR CITIZENS	\$0.00
INTEREST	\$222.14
PRINTING OF 2009 CALENDARS	\$0.00
CALENDAR SALES	<u>\$0.00</u>
BALANCE 10-08-09	\$19,726.31

	<u>% RATE</u>	<u>MATURITY</u>	<u>AMOUNT</u>
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CERTIFICATES OF DEPOSIT:

HOME FEDERAL SAVINGS BANK #09-61048567	0.40	01-05-10	\$11,202.67
HOME FEDERAL SAVINGS BANK #09-01050400	3.00	01-16-10	\$30,000.00
HOME FEDERAL SAVINGS BANK #09-00022336	0.60	12-07-09	<u>\$10,634.36</u>

TOTAL CD'S	<u>\$51,837.03</u>
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TOTAL CASH ON HAND 10-08-09	\$81,928.60
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SENIOR CITIZENS CENTER, INC.
20 EAST STATE STREET
MARSHALLTOWN, IOWA 50158

TREASURER'S REPORT AS OF OCTOBER 8, 2009

CHECKING ACCOUNT (Activity Fund) Acct 0 029 8412 7643 August 21, 2009:		\$705.05
Monthly Deposits - Activities	\$1,141.37	
Monthly Checks - Supplies	<u>(\$1,636.88)</u>	
Net Change in Account		<u>(\$495.51)</u>
Account Balance September 22, 2009		\$209.54
CHECKING ACCOUNT (Tax/Bingo Fund) Acct 0 029 8537 7411 August 31, 2009:		\$346.18
Monthly Deposits - Bingo Cards	\$901.71	
Monthly Checks- Bingo prizes/taxes	(\$266.46)	
Transfer to General Checking Acct	<u>(\$800.00)</u>	
Net Change in Account		<u>(\$164.75)</u>
Account Balance September 31, 2009		\$181.43

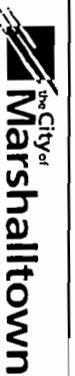
SENIOR CITIZENS CENTER, INC.
 20 EAST STATE STREET
 MARSHALLTOWN, IOWA 50158

TREASURER'S REPORT AS OF OCTOBER 8, 2009

COMPARATIVE INCOME STATEMENT

	<u>2008 - 2009</u>	<u>2007 - 2008</u>
CASH ON HAND 07-09-09	\$82,642.18	\$82,853.00
INCOME:		
BINGO	\$3,042.04	\$1,950.00
SPECIAL EVENTS	\$543.20	\$1,406.25
DONATIONS	\$1,665.43	\$1,129.00
CALENDAR SALES	\$0.00	\$0.00
CALENDAR ADVERTISING	\$0.00	\$0.00
ACTIVITIES	\$4,024.24	\$0.00
MODERN WOODSMAN	\$0.00	\$0.00
POOL FUND TRANSFER	\$0.00	\$0.00
WALMART	\$0.00	\$0.00
UNITED WAY	\$1,455.00	\$750.00
UNITED WAY STORY CO.	\$0.00	\$0.00
WELLS FARGO	\$0.00	\$0.00
FRIENDS OF SENIOR CITIZENS	\$0.00	\$0.00
INTEREST	<u>\$289.26</u>	<u>\$54.23</u>
TOTAL INCOME	\$11,019.17	\$5,289.48
EXPENSES:		
CITY - TELEPHONE	\$83.59	\$134.69
- SANITATION	\$148.00	\$296.00
- RENT	\$1,200.00	\$1,200.00
- OTHER	\$0.00	\$0.00
SALARY - DIRECTOR	\$3,540.00	\$3,390.00
CABLE / INTERNET	\$149.97	\$0.00
REPAIRS & SUPPLIES	\$3,898.16	\$128.38
BINGO PRIZES/TAXES	\$860.61	\$0.00
AUDIT EXPENSE	\$1,985.00	\$0.00
JANITORIAL	\$0.00	\$0.00
CALENDAR EXPENSE	\$0.00	\$0.00
INSURANCE	(\$198.00)	\$2,372.00
MISCELLANEOUS	<u>\$65.42</u>	<u>\$66.00</u>
TOTAL EXPENSES	\$11,732.75	\$7,587.07
NET INCOME (LOSS)	(\$713.58)	(\$2,297.59)
CASH ON HAND 10-08-09	\$81,928.60	\$80,555.41

BUILDING REPORT FOR THE MONTH OF SEPTEMBER 2009



PERMIT NUMBER	OWNER OF IMPROVEMENT	LOCATION OF IMPROVEMENT	TYPE OF IMPROVEMENT	NEW DWELLING	ALTER DWELLING	MINOR BUILDING	MISC. IMPROVEMENT	FEE	
23214	IMMSC	106 North 4th Avenue	Demolish Dwelling					\$25	
23215	Robert & Theresa Anson	2702 South 8th Street	New Dwelling/Garage	\$196,000				\$1,570	
23216	Red Hutcheson	208 North 8th Avenue	Alter Dwelling		\$7,000			\$139	
23217	Mindy Bryngelson	617 Thunderbird Drive	New Shed			\$3,000		\$83	
23218	Adolfo Garcia	914 May Street	New Car Port			\$3,000		\$83	
23219	Marc Gelthmann	806 South 9th Avenue	Alter Dwelling		\$3,000			\$83	
23220	Iowa Management Systems	902 South Center St.	Alter Building				\$98,000	\$980	
23221	Wandering Creek Golf Course	2436 233rd Street	New Building				\$44,000	\$582	
23222	Betsy Christensen	3202 S. 12th St. #68	New Garage			\$4,000		\$97	
23223	Troy Hermanson	50 LaFrenz Ln. Suite E	Alter Building				\$6,000	\$153	
23224	Veronica Nunez Luna	103 West Madison St.	Alter Dwelling		\$4,000			\$97	
23225	Don Anderson	1007 South 12th Street	Foundation Permit	\$27,000				\$412	
TOTALS:				\$223,000	\$14,000	\$10,000	\$150,000	\$4,304	
TOTAL IMPROVEMENT AMOUNT:				\$397,000					
# OF PERMITS:				Units 1	Permits 2	Permits 3	Permits 3	Permits 3	Demo Permits 1

Scott A. Riemenschneider
 Scott A. Riemenschneider, Chief Building Official

Marshalltown
NOTICE OF PUBLIC HEARING

Residents are hereby notified that the City of Marshalltown will hold a public hearing on the Marshalltown of Community Development Block Grant (CDBG) funded activities for Owner-Occupied Housing Rehabilitation on Monday, October 26, 2009 at 5:30 p.m., at the Marshalltown City Hall.

Pursuant to the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1987, as amended, this local government as a recipient of CDBG funds must hold a public hearing on the Marshalltown of funded activities. During the course of the public hearing, a review of the following will be conducted.

- A general description of the overall project and the Marshalltown of accomplishments to date
- A summary of all expenditures to date
- A general description of the work to be completed
- A general description of changes made to the CDBG project budget, performance targets, activity schedule, project scope, location, and objectives or beneficiary.
- A description of how the public has reasonable access to all local meetings, project records, and information relating to the proposed and actual use of CDBG funds

Marshalltown must conduct all CDBG related public meetings or hearings in a public building that is accessible to the disabled. The City will also provide all citizens names and addresses of persons authorized to receive and respond to citizens' proposals, questions, and complaints concerning this funded activity as well as the person(s) that will be available and able to provide technical assistance to low and moderate income persons. Non-English speaking residents requiring translators during or written translations after public hearings should contact the City Clerk.

Citizens are encouraged to attend this Marshalltown of Funded Activities Public Hearing or submit written questions or comments prior to the public hearing to LISA-MARIE GARLICH, LEAD HOUSING MANAGER, MARSHALLTOWN, 24 N CENTER STREET, MARSHALLTOWN, IOWA 50158

Marshalltown
Marshalltown of Funded Activities Public Hearing
Monday, October 26, 2009

General Description of overall project and Marshalltown of accomplishments to date:

Marshalltown Community Development Block Grant (CDBG), originally in the amount of \$500,000 was awarded for the purpose of owner-occupied rehabilitation to homes within the Targeted Area of the City of Marshalltown. A local match of \$50,000 was also given towards this project.

The project is scheduled to be complete by the spring of 2010.

To date, rehabilitation has been completed on four homes. Five homes are having specs created. All thirteen homes have involved various levels of Lead Based Paint Work Safe Practices.

Summary of expenditures to date (09/09):

For rehabilitation construction, \$77, 658.00 has been expended to date. For Lead Hazard Reduction, \$1190.00 has been expended to date. \$13,552.00 has been funded by the City of Marshalltown as local match and another \$1,272.00 has been funded by the CDBG funds for administration and related services for a total project cost to date of \$93,672.00.

General description of changes made to project:

No changes have been requested to date.

A description of how the public has reasonable access to all local meetings, project records, and information relating to the proposed and actual use of CDBG funds:

Project records and information relating to the use of CDBG and local funds are subject to the requirement of Iowa's Open Records law and are available to the public. Persons having proposals, questions, and complaints concerning this project may contact Lisa-Marie Garlich, Lead Housing Manager, 24 N Center Street, Marshalltown, Iowa 50158. A translation of these proceedings will be made available at the request of any non-English speaking resident. Such requests should be submitted to the Clerk at City Hall.

Gene Beach, Mayor,
Marshalltown City Council

Date

RESOLUTION APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST FOR THE NICHOLAS DRIVE IMPROVEMENTS PROJECT,
IN THE CITY OF MARSHALLTOWN, IOWA, BEING PROJECT NO. 76008008

WHEREAS there was placed on file in the office of the Clerk of the City of Marshalltown, Iowa, proposed plans and specifications, proposed form of contract and estimated cost for a public improvement in the City of Marshalltown, Iowa for the Nicholas Drive Improvements Project, being Project No. 76008008, as fully set forth in the resolution ordering same, and that public notice of hearing on such plans, specifications and form of contract were duly published in the Marshalltown Times-Republican in time for hearing now before the Council, and

WHEREAS written objections to the plans, specifications and form of contract have been called for and no such written objections have been filed with the City Clerk, and oral objections being called for and no oral objections being made in open Council, it is the decision of this Council that such plans, specifications, form of contract and estimate of cost should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, that the plans, specifications, form of contract and estimated cost heretofore placed on file and upon which public notice has been duly given and no objections thereto have been made either in writing or in open council, the Council does now adopt and approve the plans, specifications, form of contract and estimate of cost for Project No. 76008008, being the Nicholas Drive Improvements Project in the city of Marshalltown, Iowa.

Passed this 26th day of October, 2009, and signed this _____ day of October, 2009.

CITY OF MARSHALLTOWN

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

**CITY OF MARSHALLTOWN, IOWA
OFFICIAL NOTICE OF HEARING AND LETTING**

**CITY OF MARSHALLTOWN, IOWA
NICHOLAS DRIVE IMPROVEMENTS PROJECT**

*2 mailed
10/12/09*

PROJECT NO. 76008008

NOTICE OF PUBLIC HEARING ON PROPOSED PLANS, SPECIFICATIONS, PROPOSED FORM OF CONTRACT AND ESTIMATED COST FOR THE CITY OF MARSHALLTOWN, IOWA, NICHOLAS DRIVE IMPROVEMENTS PROJECT IN THE CITY OF MARSHALLTOWN, IOWA, AND THE TAKING OF BIDS FOR SUCH IMPROVEMENTS.

A public hearing will be held at 5:30 p.m. local time on the 26th day of October, in the Council Chambers, Second Floor of City Hall, 24 North Center Street, Marshalltown, Iowa, on the proposed plans, specifications, proposed form of contract, and the estimated cost of improvements proposed to be constructed under Project No. 76008008, the Nicholas Drive Improvements Project now on file in the office of the City Clerk and at said hearing any interested person may appear and file objection thereto or to the bidding process.

Sealed proposals based upon the proposed plans, specifications, proposed form of contract, estimated costs of improvement, will be received until 2:00 p.m. local time, on the 28th day of October, for the construction of the Nicholas Drive Improvements Project as described in the plans and specifications for Project No. 76008008 and which will be opened, read, and tabulated by the City Engineer or his designate at that time, will be acted upon by the City Council of said City at a meeting to be held in the Council Chambers on the 9th day of November or at such later time and place as may then be fixed.

The proposed work will involve furnishing the labor, equipment, and materials necessary for constructing the Nicholas Drive Improvements Project in Marshalltown, Iowa as shown in the plans and specifications for Project No. 76008008, the Nicholas Drive Improvements Project.

The estimated quantities of materials and labor to be furnished in the construction of said improvements and on which bids will be received are as follows:

ITEM NO.	DESCRIPTION	UNIT	QUANTITY
1	PAVEMENT REMOVAL (CONCRETE)	S.Y.	3,483.00
2	REMOVAL OF DRIVES	S.Y.	285.00
3	INTAKE, RA 41	EACH	2.00
4	INTAKE, RA-40	EACH	3.00
5	STORM SEWER, 15" RCP, 2000 D	L.F.	171.00
6	PAVEMENT, 8" PCC, CLASS C	S.Y.	587.00
7	PAVEMENT, 6" PCC, CLASS C	S.Y.	285.00
8	LONGITUDINAL SUBDRAIN, 4" HDPE W/FILTER	L.F.	1,423.00
9	GRANULAR SUB-BASE	TONS	1,178.00
10	FLY ASH, CLASS C	TONS	211.00

11	TRAFFIC CONTROL	L.S.	1.00
12	MOBILIZATION	L.S.	1.00
13	SEED, FERTILIZE, AND MULCH	L.S.	1.00
14	EXCAVATION, CLASS 10	C.Y.	1,195.00
15	CHIOKE STONE COURSE, SUB-BASE	TONS	589.00
16	STABILIZATION, 12" SUBGRADE	S.Y.	3,154.00
17	REMOVAL OF INTAKE	EACH	3.00
18	CONSTRUCTION SURVEY	L.S.	1.00
ALT. 1, 8" HMA Paving with 30" PCC Curb & Gutter			
19	HOT MIX ASPHALT MIXTURE, (1,000,000 ESAL) SURFACE COURSE, TYPE B MIX, NO SPECIAL FRICTION FACTOR, 2"	TON	315.00
20	HOT MIX ASPHALT, BASE, 3/4" MIX, 6" THICK	TON	945.00
21	ASPHALT BINDER, PG 64-22	TON	86.00
22	CURB AND GUTTER, 30" PCC, CLASS C	L.F.	1,159.00
ALT. 2, 8" PCC Paving with Intergral Curb & Gutter			
23	8" PCC PAVING WITH INTEGRAL CURB	S.Y.	2,896.00

All work is to be done in strict compliance with the Plans and Specifications for said Project No. 76008008 as proposed by the City Engineer.

The work shall be substantially complete within 45 calendar days from the date when the Contractor commences work on the project and the work shall be completed and ready for Final Completion in accordance with the contract within 10 calendar days from the date when substantial completion is certified by the Engineer. Work shall not commence before April 1, 2010 and shall be Substantially Completed on or before June 30, 2010.

The City and Contractor recognize that time is of the essence of this Agreement and that City will suffer financial loss if the Work is not completed within the times specified in paragraph above, plus any extensions thereof allowed. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by City if the Work is not completed on time. Accordingly, instead of requiring any such proof, City and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay City according to the following schedule:

Contract Amount	Substantial Completion Liquidated Damages	Final Completion Liquidated Damages
\$0 to \$25,000	\$75.00	\$75.00
\$25,001 to \$50,000	\$125.00	\$75.00
\$50,001 to \$100,000	\$200.00	\$100.00
\$100,001 to \$500,000	\$400.00	\$200.00
\$500,001 to \$1,000,000	\$600.00	\$300.00
\$1,000,001 to \$2,000,000	\$925.00	\$400.00
\$2,000,001 to \$5,000,000	\$1,375.00	\$500.00
\$5,000,001 to \$10,000,000	\$2,000.00	\$1,000.00
\$10,000,001 and up	\$3,000.00	\$1,500.00

For each day that expires after the time specified for Substantial Completion until the work is certified by the engineer as substantially complete and after certification of substantial completion if Contractor neglects, refuses or fails to complete the remaining Work within the contract time for Final Completion. The City shall deduct the accrued liquidated damages from the final payment due to the Contractor.

All proposals shall be made upon the official bidding blanks furnished by the City and any alteration in the Official Form of Proposal will entitle the Council, at its option, to reject the proposal involved from consideration. Each said proposal shall be sealed and plainly identified.

Each proposal shall be accompanied by a certified check in an amount equal to ten percent (10%) of the total amount of the bid, in a separate sealed envelope, drawn on and certified payable by a solvent bank to the City Treasurer of the City as security that, if awarded the contract by resolution of the City Council, the bidder will enter into contract at the prices bid and will furnish the required corporate surety bond. Any bidder may, in lieu of the certified check provided for herein, file with such bid a bid bond executed by a corporation authorized to contract as surety in Iowa and satisfactory to the City on the form included in the specifications. The certified check may be cashed and the proceeds retained by the City, or the bid bond forfeited to the City, as agreed liquidated damages if the bidder fails to execute a contract or file an acceptable bond for faithful performance thereof within ten (10) days after acceptance of his proposal by resolution of the City Council. Said security shall be returned to the bidder upon execution of the formal contract to complete said work and approval of performance bond by the Council.

The successful bidder shall furnish the City a surety bond, acceptable to said City, for one hundred percent of the bid guaranteeing his faithful performance of the contract. All bonds called for in this notice shall contain no other conditions except as provided in Chapter 384.97(5) of the Iowa Code.

The Contractor will be paid in cash from the General Fund of said City or from the proceeds of the issuance of such bonds as may be legally issued for such purposes or from any combination of the above methods as may be used for such payments. Said payment to the Contractor will be made by the City in monthly estimates and one final payment. Monthly estimates will be equivalent to ninety-five percent (95%) of the contract value of the work completed during the preceding calendar month, and will be based upon an estimate prepared by the Contractor and submitted at least 15 days before a regularly scheduled City Council meeting, subject to the approval of the City Engineer, who will certify to the City for payment of each approved estimate. Final payment will be made on or before thirty (30) days after completion and acceptance by resolution of the City Council of the completed contract. No such partial or final payment will be due until the Contractor has certified to the City Clerk that materials, labor and services involved in each estimate have been paid for in accordance with the requirements stated in the specifications. Such partial payment shall in no way be construed as an act of acceptance for any part of the work partially or totally completed.

Preference will be given to products and provisions grown and coal produced within the State of Iowa, by virtue of statutory authority, and to Iowa domestic labor in constructing said improvements.

The Contractor shall file with the contract a corporate surety bond acceptable to the City and providing for maintenance of the improvements for not less than four years from and after acceptance of the project.

Plans, specifications and proposed contract documents may be examined at the office of the City Engineer, Marshalltown, Iowa, and at the office of the City Clerk, Marshalltown, Iowa. Copies of said plans, specifications, and Form of Proposal blanks may be secured at the office of the Engineer by bona fide bidders upon a non-refundable deposit of \$25.00 per set.

The City Council reserves the right to reject any and all bids and to waive technicalities and irregularities and all bids must remain effective for a period of 30 days of opening same.

This Notice to Bidders is hereby published by authority of resolution duly adopted by the Council of the City of Marshalltown on the _____ day of _____, _____.

CITY OF MARSHALLTOWN, IOWA

By _____
Shari L. Coughenour, CMC, City Clerk

**RESOLUTION AUTHORIZING APPROVAL OF MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF MARSHALLTOWN ON BEHALF OF THE LEAD HAZARD
CONTROL PROGRAM AND THE FRIENDS OF THE LIBRARY REGARDING PROPERTY
AT 110 WEST LINN STREET, MARSHALLTOWN, IOWA**

WHEREAS the City of Marshalltown (hereinafter referred to as the (“City”), State of Iowa, is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the “State”); and

WHEREAS the Marshalltown Housing & Community Development Department is administering a HUD Lead Hazard Control Program which requires occupant relocation during construction; and

WHEREAS Marshalltown Friends of the Library has agreed to allow use of the property at 110 West Linn Street, Marshalltown, Iowa, under the conditions set forth in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:

Section 1. The City of Marshalltown, Iowa authorizes approval of the attached memorandum of agreement by and between the City and The Friends of the Library.

Section 2. Attached hereto is said agreement, which is hereby approved and ratified by the Council of the City of Marshalltown, Iowa.

Section 3. This Resolution shall be in full force and effect from and after its passage and adoption as by law required.

Passed this ____ day of _____ 2009, and signed this __ day of _____ 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

Memorandum of Agreement

This memorandum details an agreement between the City of Marshalltown (the "City") and Friends of the Marshalltown, Iowa Public Library, Inc. ("FOL"), to implement the City's renewed lead paint abatement project utilizing the property at 110 W. Linn Street on or before October 01, 2009, for a period of thirty-one (31) months, ending April 30, 2012, subject to appropriate and necessary resolutions, ordinances, and legal contracts.

FOL is a not-for-profit 501 (c)(3) corporation established in 1997. The mission of FOL is to support and promote the programs, resources, and services of the Marshalltown Public Library. FOL solicits gifts, endowments, and bequests for the benefit of the library. FOL is supportive of the City in implementing the new lead abatement project.

The City and FOL propose that FOL will allow the City to use the property at 110 W. Linn for the term of the agreement for the purpose of housing homeowners and tenants as part of the lead abatement program operated by the City. Occupants of the property will be participants in good standing in the lead abatement program and will only occupy the property during the relocation period of their assistance. For this use, the City will provide the following consideration to offset FOL income from sale and debt service or rental for the term of the agreement:

The City will attest that the residence at 110 W. Linn Street meets all the requirements of the City's rental housing code, and that all mechanical systems are in working and satisfactory order as acknowledged by the City.

The City will utilize Federal funding under the HUD Lead Hazard Control Program to remediate any lead hazards identified through a lead inspection. The property will be made "lead safe" as of a specific date of clearance. FOL will receive a copy of all reports and documents associated with the lead hazard control program and will be responsible for disclosure of lead based paint activity following the term of the agreement.

The City will provide appropriate property and liability insurance and hold FOL harmless from and against any and all claims which may be asserted against it with respect to events occurring at the premises during for the term of this agreement.

The City is responsible for renter's coverage, routine safety checks, and routine property maintenance including cleaning, electrical, plumbing, heating and cooling system repairs, lawn care, and snow removal. The City is responsible for all utilities during the duration of this agreement. The City will be responsible for any property taxes during the term of the agreement.

The City considers their use of the residence at 110 W. Linn Street as an in-kind match amount from FOL with a value of \$700 per month based on the Housing Authority established Payment Standard for rent in Marshall County.

Termination of agreement may be made at any time by either party for any reason with a thirty day written notice.

The City and its program participants shall at all times occupy the property in a peaceable and legal manner.

The City shall use the property for the lead abatement program as provided herein and for no other purpose.

Agreed to by the City and FOL on _____, 2009.

City of Marshalltown

Mayor Gene Beach

Friends of the Marshalltown Iowa Public Library, Inc.

President Susan Malloy

RESOLUTION ADOPTING A RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN (RARA) in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹, UDAG and/or HOME-assisted projects. Specifically related to Neighborhood Stabilization Program Grant #08-NSP-026

WHEREAS this Residential Antidisplacement and Relocation Assistance Plan (RARAP) is prepared by the City of Marshalltown in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹, UDAG and/or HOME-assisted projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, the City of Marshalltown will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

¹ CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

Relocation Assistance to Displaced Persons

The City of Marshalltown will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

The City of Marshalltown will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the [CDBG and/or HOME] Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing the City of Marshalltown to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Marshalltown will make public by publication in a newspaper of general circulation and submit to HUD [the State, under the State CDBG and/or HOME Program(s)] the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *NOTE: See also 24 CFR 42.375(d).*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the City of Marshalltown will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the City of Marshalltown may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Contacts

The City of Marshalltown, Housing & Community Development Department, 641-754-5756, is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The City of Marshalltown, Housing & Community Development Department, 641-754-5756 is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

Section 1. this Residential Antidisplacement and Relocation Assistance Plan (RARAP) prepared by the City of Marshalltown in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG, UDAG and/or HOME-assisted projects is adopted for purposes of compliance with the Neighborhood Stabilization Program Grant #08-NSP-026.

Passed this ___ day of October, 2009, and signed this ____ day of October, 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

**RESOLUTION AUTHORIZING ACCEPTANCE OF
IOWA JOBS PROGRAM GRANT AWARD**

WHEREAS the City of Marshalltown (hereinafter referred to as the “City”), State of Iowa, is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the “State”); and

WHEREAS the City applied for a grant in the amount of \$618,618 from the Iowa Jobs Program for purposes of Remodeling the Carnegie Library Building for use as city offices; and

WHEREAS the Iowa JOBS Board has awarded the City \$618,618.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, AS FOLLOWS:

Section 1. The City of Marshalltown, Iowa accepts the \$618,618 grant from the Iowa JOBS Board and the Iowa Finance Authority to be used for the renovation of the Carnegie Library building into city offices.

Section 2. Attached hereto is the agreement with the Iowa JOBS Board, which is hereby approved and ratified by the Council of the City of Marshalltown, Iowa.

Section 3. Richard Hierstein, City Administrator of Marshalltown, is hereby authorized to execute any and all documents required concerning this matter.

Section 4. This Resolution shall be in full force and effect from and after its passage and adoption as by law required.

Passed this 26th day of October, 2009, and signed this __ day of October, 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING POLICY
ON EXAMINATION AND COPYING OF PUBLIC RECORDS, AND APPOINTING THE LAWFUL
RECORDS CUSTODIAN FOR THE CITY OF MARSHALLTOWN

WHEREAS the City of Marshalltown, State of Iowa, is a duly organized Municipal Organization; and

WHEREAS pursuant to Iowa Code Section 22.3, the City may adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization; and

WHEREAS the City may also charge a reasonable fee for services in supervising the examination and copying of the records;

WHEREAS the City Council of Marshalltown finds that this policy is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

Section 1. The attached Policy on Examination and Copying of Public Records is hereby approved.

Passed this ___ day of October, 2009 and signed this ___ day of October, 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

EXAMINATION AND COPYING OF PUBLIC RECORDS

GENERAL POLICY:

It is the policy of the City of Marshalltown to meet all requests for information and documents within the constraints of Iowa Code Chapter 22. The purpose of this policy is to fix fees for public examination and photocopying.

PROVISIONS:

- (1) This policy is not intended to preclude verbal responses to routine requests for information.
- (2) Every department director, or his/her designee, is the lawful custodian of public records kept by that department. The City Clerk is the lawful custodian of all council and administration public records.
- (3) The following fee schedule shall apply:
 - (a) photocopies
 - (i) \$0.25 per page (black and white)
 - (ii) \$0.50 per page (color)
 - (b) digital media
 - (i) \$1.00 per DVD/CD
 - (ii) or the actual cost of providing other digital media
 - (c) hourly rate for clerical time needed for the reproduction of copies or other media:
Actual cost(s) of employee time if time involved exceeds fifteen (15) minutes
 - (d) hourly rate for professional staff time needed to produce or review the documents:
Actual cost(s) of employee time if time involved exceeds fifteen (15) minutes.
 - (e) routinely prepared or bound reports:
Actual cost(s) to produce bound reports
- (4) If the department is located in City Hall, the individual will be provided a bill, which shall be paid at the Clerk's office. The individual shall receive the desired photocopies when the paid receipt is returned to the department. Departments outside City Hall shall collect the fee, provide a receipt and remit the money and copy of the receipt to the Clerk's office at least weekly.
- (5) The custodian will make every attempt to fill all open record requests in a timely manner, not to exceed fourteen (14) working days, unless an issue arises concerning potential confidential records.
- (6) The custodian shall consult the City Attorney or his designee concerning requests for records that may be considered confidential records pursuant to Iowa Code, Section 22.7. These requests include, but are not limited to: medical records, personnel or employee-related files, documents concerning litigation or claims, reports provided to government that may provide advantages to competitors, property appraisals concerning public projects, library patron records, and names and addresses of complainants. The City Attorney or his designee will inform the requesting party in writing of any denial of records due to confidentiality.
- (7) This policy does not cover departmental records which are subject to a specific departmental policy and fee schedule, such as oversize or unique documents.
- (8) The custodian may notify the requesting party of the anticipated costs (and require a deposit in advance) if an open records request may require an extensive search or specially programmed computer time. The requesting party shall be charged the actual cost of producing the requested records if such computer time is needed.
- (9) All open records requests that are responded to by electronic media shall be done so that the document may not be altered.

Fellow Council Members,

As you know, our MPD has a difficult time attracting qualified candidates. The last testing left them with one possible candidate. A group of officers has been meeting to discuss the issue, and one concern is that the required distance that officers must live from town has prevented some good candidates from applying. At present, officers are required to live 15 minutes from MTown, this being in case all are needed in case of an emergency. (This has happened once in the last 20 years.) There have been inquiries from people, new applicants and current officers, living in areas such as Grundy Center who did not want to move or who knew their house would not sell quickly or at a loss, and therefore they did not apply.

My thought about the need for officers in an emergency is this: 20 years ago, when officers were off duty, we may not have been able to reach them anyway if they were not home. Where they lived would not have mattered. Now, with cell phones, no matter where they are, we can reach them. I feel the distance is not such an issue, and don't feel the possibility of an emergency, something that has happened extremely rarely, is enough to cause us to continue to struggle finding candidates and to lose good ones.

I have attached the groups' response to possible concerns about extending the distance/time. I am aware that we have this requirement for others, as well, but the MPD is unique in that they definitely do not have a large pool of candidates from which to draw. This is one way to expand that pool. Other depts, MFD, for example, get ample applicants. (Chief Squiers is not recommending it be extended for the MFD). The group would like to start the conversation on this issue with council considering a 30 or 45 minute distance.

Thank you for your time,

A handwritten signature in cursive script that reads "Andrea".

Andrea

City of Marshalltown Employee Policy

2 – Employment

2.15 Residency Requirements

Revised: July 1, 2007

Considerable hiring preference may be given to candidates who live within Marshalltown City Limits or who will become City Residents upon hire.

All Police and Fire Department sworn personnel shall live within a fifteen-minute driving time of the City limits of Marshalltown, Iowa. Driving time shall mean driving under normal conditions and within speed limits.

Addressing Previous Comments

1. Taxpayers will be unhappy if police officers don't live in town.

The taxpayers will be happy if their employees are safe and happy and providing quality service during their work hours. We believe the taxpayers would be unhappy if they knew the personal time of the employees was being managed. We believe taxpayers would not want to work under the same restriction and wouldn't want to be responsible for doing that to other employees. We believe taxpayers expect dedicated employees for the work they are hired for but don't believe the taxpayer is concerned with how the employee spends their personal time with their families.

2. If a disaster occurs in Marshalltown, like a tornado, officers who live in town can respond to work faster.

As observed in other cities that have suffered disasters, city employees who are personally affected by the disaster are placed in the position of responding to work or dealing with their own family tragedies. It would be better to have people living outside the affected area who could respond without having to deal with personal issues. The number of times a large number of police officers were needed to respond to work under emergency circumstances over the past 22 years has been extremely minimal. Since we have 24 hour shifts each person's "night" is different. Living in town does not mean the officer is at home when needed. Communication is better now as 22 years ago we had no cell phones or pagers.

3. If the employee lives in Marshalltown they are more likely to spend their time and money in Marshalltown.

Police officers are not opposed to supporting local businesses. This is not easy to address as we do not mean disrespect toward local businesses. We understand that for some jobs the hiring pool is unfortunately what it is. Many of the people we need to conduct law enforcement activities with work for local businesses. This places employees in a precarious position when having to hand personal checks and ID's to someone they've arrested. Having to check the persons who will be delivering or installing goods and services to their homes. Visiting restaurants where the persons delivering and preparing food have been arrested by officers. Given the choice to be seen in town with their families or go to another community often times the latter is chosen to avoid any potential conflict.

4. Employees that live in town will be more likely to be involved in the community.

For many of the same reasons it is difficult to visit local establishments it is equally difficult to get involved in community activities. We are involved but not to the extent we could be if not having the additional details to worry about. Employees may or may not become involved in the community based on their personal choice. Where they live may or may not be a factor. Many of our officers are involved in organizations related to law enforcement.

5. Hiring people from Marshalltown will ensure employees stay in town.

Of the 20 people from Marshalltown (or County) that were hired over the last 22 years, 14 did not finish their careers with the Marshalltown Police Department. Of the 14 employees of rank, 13 are not from Marshalltown.

6. If employees live in Marshalltown they enhance the tax base.

An analogy to this would be the old "plantation" and "company store" days of old. The employer pays the salaries and also owns the housing and businesses and requires the employees to use those services. It is a way for an employer to ensure it gets back the money it pays in salaries. Is this really the best practice to entice employees to live in the community?

Considerations

- Police officers do not have the personalized "Police Officer" license plates on their vehicles? (they don't even exist) Police officers do not want to identify themselves to the general public. Too many incidents of threats and retaliations.
- Residency requirements can prevent qualified applicants from applying for jobs. Because tax dollars are a scarce resource, it behooves localities to get the most 'bang for their buck' by hiring the most qualified applicants, regardless of their addresses. Your community is best served when its appointing authority is able to choose from the broadest pool of potential candidates for any position. A residency requirement limits those choices.
 - It is very hard to know how many people don't apply for the job because of the residency restriction. During the last application process a certified officer who lives in a town 30 minutes away called to inquire about the residency policy as he was interested in applying. When told he would have to move he declined to submit the application.
 - We ended up hiring a non-certified employee who did not complete the FTO process at great expense to the city, and drain on the MPD training budget.
 - Turnover is a constant issue at MPD. Limiting turnover requires finding several incentives for employees to choose to accept the job and stay. Broadening residency restrictions is one.
 - We should regularly be evaluating how business is carried out to determine if there is a need for improvement. We have been looking at this from a recruiting standpoint and feel there is a need for a change.
 - Easing residency restrictions is a benefit that can be offered to prospective employees that doesn't cost the city.
- Police officers are professional employees who work within specific guidelines and the boundaries of accepted practices. Those guidelines remain the same regardless of where the officer may live.


- Police Officers recognize that threats and off-duty confrontations from the people we police is an accepted part of the job. We are willing to deal with that. The difficulty comes when our families are exposed to this. Having the option of living outside the area we police is an option that should be available.
- If employees are given an option where to live, they often will choose to live in the jurisdiction where they are employed. They will choose to live there for all the same reasons as the community's other residents—they are happy with the schools, school choices, emergency services, healthcare, shorter and less expensive commuting, affordable housing, shopping facilities, and the like. Giving employees a choice about where they live does not mean that everyone will move. Yes, some old employees may move out and some new employees may never move in for any number of personal reasons. We're asking that the choice of where to live be left to how it personally affects the employee and their family.
- An employee marries a person who has a home or job in another area. Both employees are content with their current employer and neither wishes to leave. However, they cannot afford to keep two homes. They must choose between the home or their job. Then what does a couple do? New hire has spouse needing employment they may not find in Marshalltown. This type of situation is more common today, as more and more households have two wage earners.
 - Another situation occurs when an employee accepts the job and has difficulty selling their home. Do we want to require them to sell their home, even at a loss, to accept the job?
 - We have had situations in recent years regarding housing and residency that has created difficulties for employees.
 - Officer was able to obtain a high quality home at a reduced cost in a secluded area in a town outside the restriction (dream home/situation) but had to sell to move.
 - Officer moved to Marshalltown from outside of town and tried to sell home. Realizing a reasonable sale value could not be obtained, moved back.
 - New hire with wife and kids in a town outside the restriction getting to the point of concern being able to sell home.
 - Single officer with kids finding affordable housing.



Gene L. Beach, Mayor
Dick Hierstein, City Administrator
24 North Center Street
Marshalltown, IA 50158-4911
Tel - (641) 754-5756
Fax - (641) 754-5742

Housing & Community Development

TO: Mayor and City Council

FROM: Michelle Spohnheimer, Housing & Community Development Director 

DATE: October 15, 2009

RE: Subordination agreement for forgivable loan provided for property located at
521 N. 1st Street, Marshalltown, IA 50158

The owners of a property located at **521 N. 1st Street, Marshalltown, IA 50158** participated in the City of Marshalltown Lead Hazard Control Program wherein they received assistance to eliminate lead hazards in the 4 unit rental property. The lead hazard control assistance was paid for with grant funds made available through the City of Marshalltown Lead Hazard Control Grant Program. The grant funds used to assist households are provided to the owner(s) in the form of a forgivable loan. The loan is forgiven 20% each year after the completion of lead hazard control assistance until the end of the fifth year at which time the loan is entirely forgiven. In the case of renter-occupied units assisted with grant funds, the property owner must maintain ownership and keep the property affordable for the term of the forgivable loan. If the property is sold, transferred, or used for a purpose, the portion of the loan that has not been forgiven must be re-paid to the city. The terms of the forgivable loan are enforced via a lien document that is filed with the County Recorder.

The owners of the property listed above have approached their lending institution with a request to refinance their mortgage. The owner currently has an adjustable mortgage rate of at 7.75% and they wish to refinance for a 6.5% fixed rate mortgage. **This property owner has three properties under this loan.** The Amount that will be refinanced is \$90,000. The appraised value of all three properties is \$124,500. Originally \$42,400.00 in grant funds was used in the remediation of lead hazards at this property. Currently the remaining prorated balance is \$16,960.00 or 40% effective 11/6/09. The lending institution has requested that the City of Marshalltown's lien take a subordinate position to the financial institution as a condition of refinancing. The council has the authority to agree to subordination. To achieve subordination, a public hearing must be held in consideration of a tentative resolution to authorize subordination. The public hearing has been scheduled for November 9, 2009.

If you have questions, please contact Michelle Spohnheimer at 754-5756 or e-mail mospohnheimer@ci.marshalltown.ia.us

City Council
William Backoff, Marla Grabenbauer, Al Hoop, Andrea Maxwell
Robert Schubert, Robert Wenner, Bethany Wirin

Property Address:	521 N. 1st Street, Marshalltown
Date of Completion:	November 2006
Current Mortgage Amount:	\$85,494.29
Original Lien Amount:	\$42,400
% of Lien Forgiven:	60%
Remaining Balance on Lien:	\$16,960
New Mortgage Amount:	\$90,000
Appraised Value:	\$124,500
Lien plus New Mortgage:	\$106,960
Difference:	\$17,540
The amount of new mortgage and remaining balance on the lien is LESS THAN the appraised value.	

City Council
William Backoff, Marla Grabenbauer, Al Hoop, Andrea Maxwell
Robert Schubert, Robert Wenner, Bethany Wirin

Date Submitted & Fee Paid: _____

Subordination Agreement Application Form

24 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742
www.ci.marshalltown.ia.us

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete. Please read reverse of document for further requirements.

Please type or print legibly in ink.

Property Address: 521 N 1 st St. Marshalltown IA 50158	
Owner: Craig and Shari Smith	
Mailing Address: 11302 E 100 th St N Gilman IA 50106	
Phone: 641 485 4484	Today's Date: 10-7-09
Financial Institution Contact Person and Phone Number: Kim Hulin 641 844 - 1441	
Appraisal Amount: 124,500. ⁰⁰	Rate(s) of Existing Mortgage Loan(s): 7.75 %
Amount of Existing Mortgage Loan(s): 85,494.29	Refinanced Lending Rate: 6.5 %
Lead Hzd Ctrl Prog. Forgivable Loan Amount:	Amount to be refinanced: 90,000. ⁰⁰
Purpose of refinancing: Change from A.R.M to Fixed Rate For 5 years	
Name and address of financial institution that will be listed on the new mortgage as it should appear on subordination documents (if the mortgage will be sold to another institution, list the name of the final institution that will hold the lien after sale): Citizens Savings Bank 110 W. Southridge Road Marshalltown IA 50158	

A expiation of the subordination application I have submitted.

I am refinancing the properties to obtain a fixed rate mortgage with a better rate over the currant mortgage with a adjustable rate that I have now. These properties are all under one mortgage.

There are 3 properties listed in this mortgage,

Parcel 07-26-180-006 521 N. 1st ST. Marshalltown
Parcel 07-26-180-007 521 ½ N. 1st ST. Marshalltown
Parcel 07-26-253-011 512 ½ N. 1st AVE Marshalltown

Parcel 07-26-180-006 521 N. 1st ST. Is the property in the Marshalltown Lead Hazard Control Program. Nov of 2006 was the year the work was completed leaving two years or 20% remaining of the forgivable loan.

The appraised values of the properties at purchase are as follows:

521 N. 1 st ST.	55,500.00
521 ½ 1 st ST.	10,000.00
512 ½ 1 st AVE	59,000.00
Total sum of	124,500.00

The refinanced amount will be 90,000.00

Thank you for your time,
Craig & Shari Smith

**TENTATIVE RESOLUTION ACCEPTING SUBORDINATION AGREEMENT FOR
PROPERTY INTEREST AT 521 NORTH 1ST STREET, MARSHALLTOWN, IOWA, BEING
LEAD ABATEMENT PROJECT NO. 53506057**

WHEREAS the owners of a property located at 521 N. 1st Street, Marshalltown, Iowa has participated in the Marshalltown Lead Hazard Control Program; and

WHEREAS the nature of the Marshalltown Lead Hazard Control Program is to provide qualifying applicants with forgivable loans for the purpose of eliminating residential lead-based paint hazards; and

WHEREAS a lien has been filed to enforce the provisions of the forgivable loan which is recorded as Instrument No. 2007-0000421 in the records of Marshall County, Iowa; and

WHEREAS the owner of said property wishes to refinance their property mortgage, a provision of which calls for the city's lien to become a subordinate interest to the new mortgage agreement; and

WHEREAS such a provision may be construed as a disposal of an interest in real property pursuant to Section 364.7 of the Code of Iowa, thus necessitating a proposed resolution and public hearing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALLTOWN, IOWA:

Section 1. The City of Marshalltown, Iowa by this Tentative Resolution proposes to consent to the filing of the attached Subordination Agreement, which is incorporated and made part of this resolution.

Section 2. The attached Subordination Agreement, shall be for real property located at 521 North 1st Street, Marshalltown Iowa described as follows:

The North One-half of Lot Four of Lot Three of the Southeast Quarter of the Northwest Quarter of Section Twenty-six, Township Eighty-four North, Range Eighteen West of the 5th P.M., Marshall County, Iowa.

Section 3. The City Clerk shall cause to be published the notice required by law, by publication once in the Marshalltown Times-Republican, a newspaper having general circulation in the City of Marshalltown, Iowa, and published at least once weekly, the publication to be not less than ten (10) nor more than twenty (20) days prior to the date hereinafter fixed for public hearing concerning this matter. Said public hearing is hereby fixed the 9th day of November 2009, at the Council meeting to commence at 5:30 PM in the Council Chambers, City Hall, Marshalltown, Iowa. Said public hearing shall convene to consider any and all comments filed with the City Clerk or made in open council meeting in response to the proposed action as recited herein, and the Council shall have authority to take final action at that time.

Passed this 26th day of October 2009, and signed this ____ day of October 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

SUBORDINATION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS Craig and Shari Smith are the owners of the following described premises:

The North One-half of Lot Four of Lot Three of the Southeast Quarter of the Northwest Quarter of Section Twenty-six, Township Eighty-four North, Range Eighteen West of the 5th P.M., Marshall County, Iowa.

WHEREAS said property owner has executed a Forgivable Loan in favor of the City of Marshalltown, Iowa (hereinafter referred to as CITY OF MARSHALLTOWN), which is recorded as Instrument No. 2007-00000421 in the records of Marshall County, Iowa, and the City of Marshalltown is the present lien holder thereof; and

WHEREAS the CITY OF MARSHALLTOWN recognizes said property owner wishes to refinance current mortgage obligations; and,

WHEREAS Citizens Savings Bank has requested a condition prior to approving a mortgage loan to said property owner which requires the city's lien to take a subordinate position to the property owner's refinancing efforts.

NOW THEREFORE the City of Marshalltown acknowledges the priority of said mortgage to Citizens Savings Bank and specifically subordinates the Marshalltown forgivable loan to said mortgage of Citizens Savings Bank; and

The City of Marshalltown further acknowledges the mortgage of Citizens Savings Bank as a first and prior lien upon said premises, not to exceed \$90,000.00 nor be increased without prior written consent of the City of Marshalltown; and

The City of Marshalltown, by the execution of this Subordination Agreement, does not release the lien of its Forgivable Loan, but only subordinates and makes junior such lien to the mortgage of Citizens Savings Bank and all correction hereinafter.

Witness the hand and seal of the undersigned this ____ day of November 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

STATE OF IOWA
COUNTY OF MARSHALL

On this ____ day of November 2008 before me, a Notary Public, appeared Gene Beach, Mayor, who being duly sworn, did say that he is the chief elected official of the CITY OF MARSHALLTOWN, and that the foregoing instrument was signed by him/her on behalf of the CITY OF MARSHALLTOWN as the free act and deed of said city. IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the date and year last above written.

_____, Notary Public
My commission expires:

RESOLUTION ADOPTING TENTATIVE RESOLUTION
ACCEPTING THE SUBORDINATION AGREEMENT FOR PROPERTY INTEREST AT 521
NORTH 1st STREET, LEAD ABATEMENT PROJECT 53506057.

WHEREAS the Council of the City of Marshalltown, Iowa did, on the 26th day of October 2009, place on file a Tentative Resolution whereby it proposed to accept subordination of a forgivable lien at 521 North 1st Street, property herein after described; and

WHEREAS published notice as required by law of the intended acceptance of the subordination agreement by the CITY OF MARSHALLTOWN, IOWA, of the real estate lien has all been duly published and no objections to the proposed subordination have been filed in writing with the City Clerk and no objections thereto are made in open Council meeting to the proposed subordination as heretofore set forth and that this is the time and place provided for in said Tentative Resolution and in the published notice for this Council to take final action upon said Tentative Resolution; and

WHEREAS the purpose of this Resolution is to authorize the subordination of the forgivable loan as recorded as Instrument No. 2007-00000421 in the records of Marshall County, Iowa so the homeowners may refinance their home mortgage.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Tentative Resolution placed on file in the office of the Clerk of the CITY OF MARSHALLTOWN, IOWA, on the 26th day of October 2009, whereby it is proposed subordinate title of the CITY MARSHALLTOWN, IOWA, to the real estate located in the City of Marshalltown described as:

521 N. 1st Street, Marshalltown, IA 50158

The North One-half of Lot Four of Lot Three of the Southeast Quarter of the Northwest Quarter of Section Twenty-six, Township Eighty-four North, Range Eighteen West of the 5th P.M., Marshall County, Iowa.

is hereby approved and adopted..

Section 2. The Mayor and Clerk are hereby authorized to execute the attached Subordination Agreement and to do all things necessary to carry out subordination.

Passed this 9th day of November 2009, and signed this ____ day of November 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

RESOLUTION APPROVING ENGINEER'S CERTIFICATE OF COMPLETION AND
ACCEPTING THE 2009 FISHER CONTROLS SOUTH CENTER STREET MEDIAN
PROJECT, BEING PROJECT NO. 76009002
WITH A FINAL PROJECT COST IN THE AMOUNT OF \$77,668.88

WHEREAS the City of Marshalltown, Iowa has heretofore entered into a contract for labor and material for the 2009 Fisher Controls South Center Street Median Project, And

WHEREAS said project has been completed by Con-Struct, Inc. of Marshalltown, Iowa, pursuant to the plans and specifications all as is set forth in the Engineer's Certificate of Completion covering said project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA;

Section 1. That the labor and material for the 2009 Fisher Controls South Center Street Median Project, being Project No. 76009002, is hereby accepted pursuant to the Engineer's Certificate of Completion and the City Clerk is hereby authorized and directed to do all things necessary to complete the contract with Con-Struct, Inc., including the payment of the items called for in said contract and certificate of completion.

Passed this 26th day of October, 2009 and signed this ____ day of October, 2009.

CITY OF MARSHALLTOWN, IOWA

Gene L. Beach, Mayor

ATTEST:

Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN, IOWA

CERTIFICATE OF COMPLETION AND
FINAL ACCEPTANCE WORK

CONTRACTOR: Con-Struct, Inc. PROJECT NO.: 96009002

ADDRESS: 1710 E. Main Street

SURETY: Murchants Bonding Company ADDRESS: Des Moines, IA

KIND OF WORK: Street Median Construction

CONTRACT COMPLETION DATE: September 30, 2009

This is to certify that the work covered by the contract with Con-Struct, Inc. on the above project, let April 8, 2009 and dated April 27, 2009, with original contract amount of \$32,839.67 consisting of street median construction and located near Fishers – 200 block of S. Center Street was completed on the 19th day of August, 2009, and that the materials listed on the attached final estimate were delivered and placed by the Contractor.

Final Contract Amount: \$77,668.88 Retainage: \$3,883.44

Tax Exempt Form Rec'd: Yes Lien Waivers Received: No

hereby further certify that this report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa and I hereby recommend acceptance of this work.

Signed:  Iowa Reg. No. 14722
Lynn E. Couch, City Engineer

Date: _____

APPROVED AND WORK ACCEPTED BY THE CITY OF MARSHALLTOWN, IOWA

By: _____
Gene L. Beach, Mayor

Attest: _____
Shari L. Coughenour, CMC, City Clerk