



**COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS
NOVEMBER 23, 2009 at 5:30 PM**

NOTICE TO PUBLIC: The Mayor and City Council welcome comment from the public during discussion. 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 Beach

PLEDGE OF ALLEGIANCE:

ROLL CALL: Schubert, Wenner, Wirin, Backoff, Grabenbauer, Hoop, Maxwell.

MAYOR, COUNCIL AND ADMINISTRATOR COMMENTS:

APPROVAL OF AGENDA:

CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time Council votes on the motion.

1. Approve Council Minutes of November 9, 2009.
2. Approve Bill List in the amount of \$1,373,025.14.
3. Resolution 2009-175 Approving Agreement with Clapsaddle Garber Associates, Inc., for Engineering Services for the Airport Hanger Apron Rehabilitation Project No. 77009014A.
4. Resolution 2009-176 Approving Use of Tax Increment Financing Funds to Purchase 35 N 1st Street Pursuant to the RDG Study up to a maximum of \$91,000 and Authorizing Internal Tax increment Revenue Fund Loan.
5. Resolution 2009-177 Authorizing Internal Tax Increment Revenue Fund Loan to Accomplish 2009-2011 Projects and Ordering Certification of Same to County Auditor.
6. Resolution 2009-178 Approving the Use of Tax Increment Financing Funds to Assist MEDIC and The Marshalltown Central Business District / Main Street Program with Economic Development Activities
 - a. MEDIC: \$50,000 for each of next five fiscal years, through June 30, 2015
 - b. Main Street: \$24,000 for each of next three fiscal years, through June 30, 2013.
7. Resolution 2009-179 Approving 28E Agreement with Marshall County, Iowa, Regarding Parking Enforcement.
8. Resolution 2009-180 Approving Fee Schedule of Services for Dog Park.
9. Resolution 2009-181 Accepting Bid and Authorizing Award of Contract for the Center Street Improvements from State Street to Linn Street, Project 76009006A, with Brycon, LLC, in the amount of \$479,971.00.
10. Resolution 2009-182 Approving Contract and Bond for Construction of the Center Street Improvements from State Street to Linn Street, Project 76009006A, with Brycon, LLC, in the amount of \$479,971.00
11. Resolution 2009-183 Approving Amendment Number Nine to the Employment Agreement with Richard Hierstein, City Administrator.

(end of consent agenda items)

REPORT

- 12. Motion approving September 2009 Financials
- 13. Carnegie Building Rehabilitation bid update and award of bids
 - a. Resolution Accepting Bid and Authorizing Award of Contracts for the Carnegie Building Rehabilitation Project 22007001A

ORDINANCES:

PUBLIC HEARING

- 14. Ordinance 14864 Amending the Marshalltown Zoning Ordinance Rezoning Property Located at What is Commonly Known as French Park from R3 Medium Density Residential to M2 Heavy Industry. (PIN 07-25-377-004), third reading.

PUBLIC HEARING

- 15. Ordinance 14865 An Ordinance To Vacate The North-South And East-West Alleys And That Portion Of Woodbury Street Abutting The Parcel As Described To Terminate The Right Of Public Use Therein Vacating Alleys, Streets Relating To French Park, third reading. (near and in PIN 07-25-377-004)

RESOLUTIONS:

- 16. Resolution 2009-173 Approving Contract with JBS, USA, LLC. (Regarding Contract for Sale of Property, known as French Park-PIN 07-25-377-004)

PUBLIC HEARING

- 17. Resolution 2009-184 Adopting Tentative Resolution Providing for the Vacation of Public Use and Conveyance and Transfer of Title to French Park and the Transfer and Conveyance of Alleys, Herein Described from the City of Marshalltown, Iowa, to the Abutting Property Owner and Upon the Terms and Conditions Therein Described and Authorizing Execution and Delivery of Quit Claim Deed (PIN 07-25-377-004).

PUBLIC COMMENTS:

ADJOURNMENT:

RESOLUTION ACCEPTING BIDS AND AUTHORIZING THE AWARD OF CONTRACTS FOR THE
 CARNEGIE BUILDING REHABILITATION PROJECT IN THE CITY OF MARSHALLTOWN, IOWA,
 BEING PROJECT NO. 22007001

WHEREAS notice to bidders has been duly given as required by law publication in the Marshalltown Times-Republican for the Carnegie Building Rehabilitation Project No. 22007001, in the City of Marshalltown, as described in the plans and specifications therefore; and

WHEREAS there has been filed with the City Clerk in response to the published notice to the bidders, certain proposals for the construction of the above designated improvement with the required certified checks or bid bond accompanying each proposal from the following bidders, to-wit:

#	Bid Package Description	Bidders / Name & Address	Amount of Bid(Inc.Alt.)	Alternate #1	Alternate #2
CP1	Multiscope	Garling Construction, Inc. 1120 11 th St., Belle Plaine, Iowa 52208	\$196,452.00	\$47,000.	\$13,000.
		Lansink Construction Co., Inc. 5833 NW 54 th CT Johnston, Iowa 50131	\$225,500.00	\$53,500.	\$18,000.
		Bergstrom Construction, Inc. 1719 Hull Ave., Des Moines, Iowa 50313-4736	\$228,000.00	\$59,000.	\$22,000.
CP2	Casework	Hay Construction Services, Inc. 16 S. 18 th Ave., Marshalltown, Iowa 50158	\$241,115.00	\$146,392	\$13,951.
		Garling Construction, Inc. 1120 11 th St., Belle Plaine, Iowa 52208	\$59,000.00	n/a	n/a
		Bergstrom Construction, Inc. 1719 Hull Ave., Des Moines, Iowa 50313-4736	\$94,000.00	n/a	n/a
		Lansink Construction Co., Inc. 5833 NW 54 th CT Johnston, Iowa 50131	\$122,000.00	n/a	n/a
CP3	Gyp Wall Syst., EIFS	Hilsabeck Schacht, Inc. 617 S. 19 th St., W. Des Moines, Iowa 50265	\$89,880.00	\$500.	\$500.
		Roberts Acoustical LLC 997 Dennler Dr., Alleman, IA 50007	\$97,620.00	n/a	n/a
		Minuti – Ogle Co., Inc. 7030 6 th St. North, Oakdale, MN 55125	\$106,700.00	n/a	n/a
CP4	Acoustical Ceilings	Artisan Ceiling Systems & Acoustical Specialties LLC 4058 Sergeant Rd. Waterloo, Iowa 50701	\$25,790.00	n/a	n/a
		Hilsabeck Schacht, Inc. 617 S. 19 th St., W. Des Moines, Iowa 50265	\$30,450.00	n/a	n/a
		Roberts Acoustical LLC 997 Dennler Dr., Alleman, IA 50007	\$32,250.00	n/a	n/a
CP5	Flooring	Triplet Office Essentials Corp. 3553 109 th St., Des Moines, Iowa 50322	\$76,160.00	n/a	n/a
CP6	Paint & Wall Covering	Wes Jamagin, Inc. 6395 NW Beaver Dr., P.O. Box 408, Johnston Iowa 50131	\$40,870.00	\$1,815.	\$1,030.
		Corridor Paint & Drywall, Inc. 331 E. Ave. NW, Cedar Rapids, Iowa 52405	\$55,554.00	\$3,300.	\$625.
		Feaker Painting, Inc. 931 Rockford Rd. SW Cedar Rapids, Iowa 52404	\$79,800.00	\$2,400.	\$1,700.
CP7	Mechanical	Bjelland Plumbing, Inc. 2634 Dillon Rd. Marshalltown, Iowa 50158	\$199,950.00	n/a	n/a
		Warnick Inc. DBA: Yeager Mechanical 2570 W. 12 th St. North, Newton, Iowa 50208	\$201,726.00	n/a	n/a

CP7	Mechanical (Cont.)	Kapaun & Brown, Inc. 1002 W. Lincolnway, P.O.Box 399 Marshalltown, Iowa 50158	\$224,523.00	n/a	n/a
		Proctor Mechanical Corp. 1100 Oak Dr. W. Des Moines, Iowa 50265	\$251,900.00	n/a	n/a
		Brooker Corp. 200 N 8 th Ave. E., Newton, Iowa 50208	\$273,627.00	n/a	n/a
		C & K Inc. 2312 Edison St., Ames, Iowa 50010	\$279,300.00	n/a	n/a
		Converse Conditioned Air, Inc. 525 E 2nd St., Ste. 104, Ames, Iowa 50010	\$303,006.00	n/a	n/a
		The Waldinger Corp. 2601 Bell Ave., Des Moines, Iowa 50321	\$336,962.00	n/a	n/a
CP8	Electrical	Nikkel & Associates. Inc. 728 E. Lincoln Way, Ames, Iowa 50010-6523	\$150,380.00	n/a	n/a
		Proctor Mechanical Corp. 1100 Oak Dr. W. Des Moines, Iowa 50265	\$152,159.00	n/a	n/a
		S & S Electric, LTD 175 HWY 6, Grinnell, Iowa 50112	\$179,490.00	n/a	n/a
CPI,2	Combination Bids	Bergstrom Construction, Inc. 1719 Hull Ave., Des Moines, Iowa 50313-4736	\$318,000.00	\$58,000.	\$21,000.
CP 1,2, 3,4	Combination Bids	Lansink Construction Co., Inc. 5833 NW 54 th CT Johnston, Iowa 50131	\$457,000.00	\$53,500.	\$18,000.
CP 1,2, 3,4, 5,6	Combination Bids	Welker Construction Co., Inc. 306 S. 17 th Ave. Marshalltown, Iowa 50158	\$587,000.00	\$49,700.	\$16,900.
CP 1,2, 4,5, 6,7, 8,	Combination Bids	Pro Commercial, LLC 104 Campus Dr., Ste 202 Huxley, Iowa 50124	\$813,980.00	\$57,333.	\$23,737.
CP 4,6	Combination Bids	Hay Construction Services, Inc. 16 S. 18 th Ave., Marshalltown, Iowa 50158	\$85,065.00	\$5,000.	\$2,500.
CP 7,8	Combination Bids	Hay Construction Services, Inc. 16 S. 18 th Ave., Marshalltown, Iowa 50158	\$554,148.00	n/a	n/a

After consideration of all bids filed, there was determined by the Council that the noted bids for each bid package is the best and lowest responsible bid for the public improvement as is herein outlined.

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

Section 1. That the following bids and the same are hereby accepted for the construction of the improvement as described in the plans and specifications thereof, as previously ordered by the Council, and that the contract for the construction of same is now awarded to said contractors as noted in the following schedule:

#	<u>Bid Package Description</u>	<u>Awarded to: Bidder:</u>	<u>Contract Amount: (Includes Alternate #1, #2)</u>	
1	Multiscope	Garling Construction, Inc.	\$256,452.00	Two hundred fifty six thousand, four hundred fifty two and 00/100 dollars
2	Casework	Garling Construction, Inc.	\$59,000.00	Fifty nine thousand and 00/ 100 dollars
3	Gyp Wall Syst., EIFS	Hilsabeck Schacht, Inc.	\$90,880.00	Ninety thousand, eight hundred eighty and 00/100 dollars
4	Acoustical Ceiling	Artisan Ceiling Systems & Acoustical Specialties LLC	\$25,790.00	Twenty five thousand, seven hundred ninety and 00/100 dollars
5	Flooring	Triplett Office Essentials Corp.	\$76,160.00	Seventy six thousand, one hundred sixty and 00/100 dollars
6	Paint, Wall Covering	Wes Jamagin, Inc.	\$43,715.00	Forty thousand, eight hundred seventy and 00/100 dollars
7	Mechanical	Bjelland Plumbing, Inc.	\$199,950.00	One hundred ninety nine thousand, nine hundred fifty and 00/100 dollars
8	Electrical	Nikkel & Associates, Inc.	\$150,380.00	One hundred fifty thousand, three hundred eighty and 00/100 dollars

Section 2. The Mayor and Clerk of the City of Marshalltown, Iowa are hereby authorized and directed to execute the contracts with the contractors for the public improvement as is herein referred to, and that upon the contractors filing the required bonds that the said bonds and contracts be then submitted to this Council for final approval as provided by law.

Section 3. The final settlement upon the contracts, as referred to herein with said contractors, shall be upon the basis of the unit prices as are set forth in the bid of said contractors and for the actual quantities for each item of materials furnished or work performed in the construction of this public improvement. The said contracts are subject to all of the conditions as are contained in the resolution ordering construction of this improvement, the notice to bidders as published, the terms of the bidders written proposal, the plans and specifications as are provided therefore, all of which are made a part of this resolution and the said bidders contract by reference as though the same were set out herein verbatim and in specific detail.

Section 4. This resolution as now adopted shall be in full force and binding effect upon the City of Marshalltown, Iowa, upon the final approval of the completed contracts with the successful bidders and the approval of the contractors' surety bond by resolution of this Council.

Passed this 23rd 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