



**COUNCIL AGENDA
CITY HALL COUNCIL CHAMBERS
DECEMBER 28, 2009 at 12:00 PM (NOON)**

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

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 December 14, 2009, and Special Council Minutes of December 22, 2009.
2. Approve Bill List in the amount of \$996,621.36
3. Approval of Capital Improvement Plan
4. Reappoint to Parks & Recreation Advisory Board, terms expire 1/1/2011: Joel Greer, Todd Eipperle, Janet Weiss.
5. Receipt of:
 - a. Senior Citizen's Treasurer Report, December 2009
 - b. Building Report, November 2009
6. Resolution 2009-191 Approving Contract Change Order #1 for the Iowa Avenue HMA Resurfacing Project 76009003, of a deduct \$72,794.70.
7. Resolution 2009-192 Approving Engineer's Certificate of Completion and Accepting the Iowa Avenue HMA Resurfacing Project 76009003 with a final project cost of \$451,876.89.
8. Resolution 2009-193 Rescinding Resolution 2009-169 Approving Engineer's Certificate of Completion and Accepting the West Merle Hibbs Street Construction Project 76008003A, with a final project cost of \$280,537.83.
9. Resolution 2009-194 Approving Engineer's Statement of Completion and Accepting the West Merle Hibbs Boulevard Construction Project 76008003A, final cost of \$362,085.
10. Resolution 2009-195 Approving Contracts and Bonds for Construction of the Carnegie Building Project 21007001A for a total of \$902,327.00, with alternates.
11. Resolution 2009-196 Approving Sewer Equipment Purchase Contract with Trans Iowa Equipment, Inc., of Ankeny, Iowa, for a VACTOR 2110-16 PD Plus Combination Sewer Truck of \$307,515.

(end of consent agenda items)

REPORTS:

12. Installation of Elected Officials

13. Tobacco Enforcement:

<u>VIOLATION</u>	<u>RETAILER</u>	<u>RETAILER'S ADDRESS</u>	<u>CIVIL DISPOSITION</u>
2nd Violation	Bricks, LLC	207 E Main St	Permit surrendered – no hearing, no fine
2nd Violation	Caseys 1564	1009 W Lincoln Way	Settlement Agreement Signed- \$1500
2nd Violation	Git N Go #35	902 W Lincoln Way	Settlement Agreement Signed-\$1500
2nd Violation	Haley's Grocery	501 N 3rd Avenue	Hearing Date 12/28
1st Violation	Hy-Vee 1403	802 S Center St	Settlement Agreement in the mail -\$300
2nd Violation	The Depot	114 N Center Street	Settlement Agreement Signed, pending payment agreement (two months left @\$500 each).
2nd Violation	TP Plaza	1701 Iowa Avenue	Hearing Date 12/28 (inquiry re: affirmative defense, but no documents produced as of agenda time)
1st Violation	Vaughn's Pub	22 N 1st Avenue	Settlement Agreement Signed \$300

- a. Motion to accept Settlement Agreements and/or approve forfeiture order for:
 - i. Bricks, LLC, 2nd Violation, Forfeiture
 - ii. Caseys, 2nd Violation, Settlement
 - iii. Git N Go, 2nd Violation, Settlement
 - iv. HyVee, 1st Violation, Settlement (in the mail)
 - v. Vaughn’s Pub, 1st Violation, Settlement
- b. Motion to defer Settlement Agreement until March 8, 2009, and to approve payment plan for The Depot, 2nd Violation, penalty of \$1500 - \$500 each month, remaining balance due \$1,000 with payments due in January and February.
- c. Motions regarding administrative hearings for
 - i. Haley’s Grocery, 2nd Violation
 - ii. TP Plaza, 2nd Violation.

RESOLUTIONS:

14. Amended Resolution 2009-197 Approving 28E Agreement Regarding Parking Enforcement

ORDINANCES:

15. Ordinance 14866 Amending Chapters 3, 20, 23, 28 and 30 of the Marshalltown Zoning Ordinance of 1998, second reading. Regarding caretaker units in commercial zones.

16. Ordinance 14867 Amending Chapters 27 and 28 of the Marshalltown Zoning Ordinance Regarding Building Heights in M1 and M2 Industrial Districts, first reading.

BUDGET DISCUSSION:

17. Continued Budget Discussion

PUBLIC COMMENTS:

ADJOURNMENT: