

Council Proceedings  
December 28, 2009

The Marshalltown City Council met in regular session on December 28, 2009, at noon 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, Maxwell, Schubert, Wenner and Wirin. Absent: Hoop.

Schubert moved to approve the agenda, removing the Carnegie Building Rehabilitation Contracts and Bond from the consent agenda, second by Wenner. Motion approved 6-0.

Grabenbauer moved to approve the modified consent agenda items: Approve Council Minutes of December 14, 2009, and Special Council Minutes of December 22, 2009; Approve Bill List in the amount of \$996,621.36; Approval of Capital Improvement Plan; Reappoint to Parks & Recreation Advisory Board, terms expire 1/1/2011: Joel Greer, Todd Eipperle, Janet Weiss; Receipt of: Senior Citizen's Treasurer Report, December 2009 and Building Report, November 2009; Resolution 2009-191 Approving Contract Change Order #1 for the Iowa Avenue HMA Resurfacing Project 76009003, of a deduct \$72,794.70; 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; 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; Resolution 2009-194 Approving Engineer's Statement of Completion and Accepting the West Merle Hibbs Boulevard Construction Project 76008003A, final cost of \$362,085; 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; second by Maxwell. Motion approved 6-0.

Backoff moved to adopt Resolution 2009-195 Approving Contracts and Bonds for Construction of the Carnegie Building Project 21007001A for a total of \$902,327.00, with alternates, second by Wirin. Resolution adopted 5-1, with Schubert dissenting for lack of supporting the project.

**REPORTS:**

Oaths of Office were administered to the following elected officials: Gene Beach, Mayor; Robert Schubert, 1<sup>st</sup> Ward; Marla Grabenbauer, 3<sup>rd</sup> Ward; Robert Wenner, At Large; Bethany Wirin, At Large.

Backoff moved to approve the Settlement Agreements and approve forfeiture order for October 15, 2009, tobacco violations: Bricks, LLC, 2nd Violation, Forfeiture; Caseys 1564, 2nd Violation, Settlement; Git N Go #35, 2nd Violation, Settlement; HyVee, 1st Violation, Settlement; Vaughn's Pub, 1st Violation, Settlement, second by Wenner. Motion approved 6-0.

Schubert moved to defer Settlement Agreement until March 8, 2010, and to approve payment plan for The Depot, 2<sup>nd</sup> Violation, October 15, 2009, penalty of \$1500 - \$500 each month, remaining balance due \$1,000 with payments due in January and February. Motion approved 6-0.

Wirin moved to open both of the administrative hearings for October 15, 2009, tobacco violations for Haley's Grocery, 2<sup>nd</sup> Violation and TP Plaza, 2<sup>nd</sup> Violation, second by Grabenbauer. Motion approved 6-0.

Wenner moved to continue the administrative hearing for the October 15, 2009, tobacco violation for TP Plaza, 2<sup>nd</sup> Violation until January 11, 2010, second by Schubert. Motion approved 6-0.

Wirin moved to continue the administrative hearing for the October 15, 2009, tobacco violation for Haley's Grocery, 2<sup>nd</sup> Violation, until January 25, 2010, second by Grabenbauer. Motion approved 6-0.

**RESOLUTIONS:**

Wenner moved to adopt Amended Resolution 2009-197 Approving 28E Agreement Regarding Parking Enforcement, second by Wirin. Motion approved 6-0.

**ORDINANCES:**

Schubert moved to adopt the second reading of Ordinance 14866 Amending Chapters 3, 20, 23, 28 and 30 of the Marshalltown Zoning Ordinance of 1998, second by Grabenbauer. The change is regarding allowing caretaker units in commercial zones. Second reading failed 1-5, with Backoff, Grabenbauer, Maxwell, Wenner and Wirin dissenting due to rental housing enforcement issues and the desire to segregate commercial and housing areas.

Wirin moved to adopt the first reading of Ordinance 14867 Amending Chapters 27 and 28 of the Marshalltown Zoning Ordinance Regarding Building Heights in M1 and M2 Industrial Districts, second by Wenner. First reading adopted 5-1, with Backoff dissenting due to disagreement with the location of the JBS plant improvement.

**BUDGET DISCUSSION:**

Continued Budget Discussion

Staff recommended designating the Hotel Motel tax be designated for general recreational or tourism purposes to allow flexibility during the 2010-2011 as the recreational operating expenses need budget

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cover. Staff noted that it is preferred to use those funds for capital improvements, but the 2010-2011 budget is stretched and using those funds for recreational purposes is tied to tourism.

Staff also recommended a portion of the Local Option Sales Tax funds be used for streets and a portion of the CIP reserve be used to purchase radios for the police department as an internal loan agreement instead of borrowing externally. Those CIP reserves will be repaid over five years.

The council will, at the next council meeting, formally approve the staff recommendations.

**PUBLIC COMMENTS:**

City Administrator Dick Hierstein invited all to honor Cindy Kendall's service to the city with an open house reception on Thursday, Dec 30, 2-4 PM in the EOC. Andrea Maxwell informed the public she is unable to attend the next few council meetings due to work obligations, however, she intends to attend the meeting electronically.

**ADJOURNMENT:**

The council promptly adjourned at 12:53 PM.

CITY OF MARSHALLTOWN

ATTEST:

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Gene L. Beach, Mayor

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Shari L. Coughenour, CMC, City Clerk