

Council Proceedings  
July 12, 2010

The Marshalltown City Council met in regular session on July 12, 2010, at 5:30 PM in the Council Chambers at City Hall. Mayor Pro Tempore Wirin called the meeting to order and led the Pledge of Allegiance. ROLL CALL: Present – Backoff, Grabenbauer, Hoop, Maxwell, Schubert, Wenner and Wirin.

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

Grabenbauer moved to approve the consent agenda items: Approve Council Minutes of June 28, 2010; Approve Bill List in the amount of \$1,834,766.84; Receipt of May 2010 Building Report; Motion approving FYE Budgeted Transfers as outlined in memo dated 7/2/2010; Motion approving the following Tobacco Permits, valid through 6/30/2011; for TP Plaza, Ampride; Motion accepting Settlement Agreement for HyVee and The Depot, relating to a tobacco sale to a minor; Resolution 2010-103 Accepting Bid and Authorizing the Award of Contract for the MEGA 10 Project 94008A to Con-Struct, Inc., of \$62,300.00 for Base Bid plus Alternate; Resolution 2010-104 Approving Contract Change Orders for the Carnegie Building Rehabilitation Project 22007001A of \$5,061.00 and CPMI Fees for City Hall Renovation of \$7,990.00; Resolution 2010-105 Approving Regulations for Administration of the Deer Hunting Program; Tentative Resolution 2010-106 Providing for the Conveyance and Transfer of Title to the Property Herein Described from the City of Marshalltown, Iowa, to James E. Shaw, setting public hearing for July 26. (Relating to sale of a portion of Judge Park); Resolution 2010-107 Accepting Quit Claim Deed, regarding Theisen Development Company, extension of South 6<sup>th</sup> Street; Alcohol Licenses New Alcohol license – MCBF for Car Show July 24; Renewal Alcohol licenses: Zenos Pizza, Special Beer & Wine; Applebees, Class C Liquor; Legends American Grill, Class C Liquor; Mike's Diner, Class C Beer; Center Street Station, Class C Liquor; Stone's Restaurant, Class C Liquor; Casey's, N 3<sup>rd</sup> Ave, Class C Beer; Wal-Mart, Class E Liquor; second by Maxwell. Motion approved 7-0.

**REPORTS**

Schubert moved to approve using the appointment process to replace Bill Backoff, Councilor At Large, second by Wenner. Backoff's resignation is effective August 1, 2010. Motion carried 7-0.

**RESOLUTIONS:**

**PUBLIC HEARING:**

Mayor Pro Tempore Wirin declared the public hearing open for the Plans & Specifications, Form of Contract and Cost for the 2009 Sidewalk Construction Project 76009008A. Public Works Director Lynn Couch displayed a map of the areas for sidewalk construction. This project is due to the results of the Sidewalk Task Force, and funded with \$50,000 from each of the 2008 and 2009 budgets. There were no council comments. A citizen questioned why property owners weren't paying for their sidewalk. The Sidewalk Task Force and council had previously discussed and felt that these sidewalks were required to supplement the Safe Routes to School sidewalk program. There were no written comments. Mayor Pro Tempore Wirin declared the public hearing closed.

Wenner moved to adopt Resolution 2010-108 Approving Plans & Specifications, Form of Contract and Cost for the 2009 Sidewalk Construction Project 76009008A, second by Backoff. Bids are due by 10 a.m. on July 14, 2010, at the City Clerk's office. Resolution adopted 7-0.

Maxwell moved to adopt Resolution 2010-109 Authorizing the City Housing & Community Development Department to Submit on Behalf of the City of Marshalltown a Grant Application to the US Department of Housing & Urban Development (HUD) and Department of Transportation (DOT) for Community Challenge Planning Grant, second by Grabenbauer. The grant requires pre-application approval and improvements are planned for the northern entrance to the city, the commercial corridor, housing redevelopment and rehabilitation in conjunction with the Riverview Park Master Plan. Resolution adopted 7-0.

Schubert moved to adopt Resolution 2010-110 Denying the Liquor License Renewal for Coppertop Lounge / DS Management Company, L.L.C, Class C Liquor License LC0037022, second by Grabenbauer. Resolution adopted 5-2, with Backoff and Wenner dissenting.

**ORDINANCES:**

Wenner moved to adopt the first reading of Ordinance 14875 Approving Changes to the Municipal Code, Regarding Chapter 20, Traffic, second by Grabenbauer. First reading adopted 7-0. Wenner moved to waive the second and third readings of the Ordinance, second by Maxwell. Ordinance adopted 6-1, with Schubert dissenting the waiving of the readings.

Wenner moved to adopt the first reading of Ordinance 14876 Approving Changes to the Municipal Code, Regarding Chapter 13, second by Backoff. A magistrate requested the fine for First reading adopted 7-0. Wenner moved to waive the second and third readings of the Ordinance, second by Maxwell. Ordinance adopted 6-1, with Schubert dissenting the waiving of the readings.

Wenner moved to adopt the first reading of Ordinance 14877 to Vacate Portions of E. Quarry Road from Nevada Street to the East City Limits all in Marshalltown, Iowa, as Herein Described and to Terminate the Right of Public Use, setting public hearing date on August 9, 2010, prior to the third reading, second by Backoff. The area abutting the portions of E Quarry Road to be vacated are owned by Alliant Energy and the public has an alternate route of passage. First reading adopted 7-0.

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**PUBLIC COMMENTS**

Housing and Community Development Director Michelle Spohnheimer announced a \$1M HUD Hope VI Main Street grant was awarded for the renovation of the Iowa Wholesale building. Bill Egleston, 509 Brentwood Road, asked for more information on the website. Tim Bradbury, 12 N 10<sup>th</sup> Avenue, asked about the decrepit house at 16 N 10<sup>th</sup> Avenue. Spohnheimer informed the council staff has been working toward getting that house declared as being dangerous and determining the best way to finance the demolition. The street and storm water project along Center Street, from Linn to State Street, should be finished by August 14 due to inclement weather. Repairs of Highland Acres road at the north end are estimated at \$38,000. Other street repairs include Woodland Street, to be constructed in the fall and the overlay project will begin in the spring. Maxwell asked if micropaving was an option to help extend the life of some streets. Don Ecklor, 604 N 3<sup>rd</sup> Avenue, and Phil Barker, 1313 E Nevada Street, expressed concern that the garbage pickup should remain a private enterprise. Jim Deninger questioned curbs, cameras at the pools, and potholes. Assistant Police Chief Brian Batterson informed the public that graffiti and vandalism are illegal activities.

Meeting adjourned at 7:10 p.m.

Respectfully submitted,

/s/ Shari L. Coughenour, CMC, City Clerk

CITY OF MARSHALLTOWN

ATTEST:

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Gene L. Beach, Mayor

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Shari L. Coughenour, CMC, City Clerk