November 21, 2017

The City Council of the City of Marion, Linn County, Iowa met in regular session, Tuesday, November 21, 2017, at 4:00 p.m. in the council chambers of City Hall with Mayor pro tem Spinks presiding and the following council members present: Draper, Etzel, Brandt, Nicholson, and Pazour. Absent: Mayor AbouAssaly.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor pro tem Spinks presented a Certification of Iowa Law Enforcement to Police Chief Joe McHale.

Fire Chief Deb Krebill commended ice rescue Incident Commander Rob Schlitter. Chief Krebill noted that Firefighters Peter Lammer, Jeremy Smith, Zachary Bruce, and Jeff Hoover received the Sullivan Brothers’ Award of Valor yesterday in Des Moines from Governor Kim Reynolds.

Citizen’s presentations, comments, and/or petitions:

James Brooks, 2775 Highland Drive, Lori Henry, 2685 Highland Drive, and Robert Buckley, 2730 Heatherview Circle, expressed concern regarding a large pole building constructed behind their properties. Assistant Planning Director Dave Hockett explained that the property is zoned A-1, Agricultural. He noted that the building is allowed in the A-1 zoning district.

Moved by Pazour, seconded by Brandt to approve the Consent Calendar, as follows:

Motion to approve minutes of the November 7, 9, and 11, 2017 City Council meetings.

Motion to approve the bills as presented in the amount of $1,172,520.76.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for Nasos’ Pizza, Inc., dba Naso’s Pizza Marion (453 7th Avenue). Expiration 12/16/2017. No violations in previous five years.
  2. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for La Cantina Bar & Grill, LLC, dba La Cantina Bar & Grill (3217 7th Avenue). Expiration 12/13/2017. No violations in previous five years.

Resolution No. 26500 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2017.

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Motion to receive and file certified list for Accounting Associate.

Resolution No. 26501 approving a one year renewal of a Lease Agreement with Sejkora Farms Inc., for certain Lowe Park Property.

Resolution No. 26505 approving Temporary Construction Easement with Paul Ryan for property located at 617 13th Street regarding the Central Corridor – Phase III (13th Street to 19th Street).

Motion to receive and file correspondence regarding the intersection of Alburnett Road and East Robins Road (Ken McMurray, 3131 Alburnett Road).

Motion to approve Project Calendar regarding Planning and Development Department payments as follows:

* 1. **Resolution No. 26506 approving Payment No. 26 to Universal Field Services for** services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street, in the amount of $6,638.49.
  2. Resolution No. 26507 approving Payment No. 12 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(628)—8I-57) in the amount of $793.60.

Motion to receive and file the following items to the Planning and Zoning Commission:

* 1. Street Vacation request for Gospel Light Baptist Church for property located on 3rd Street between 2nd and 3rd Avenue, Marion, Iowa.
  2. Final Plat for Grabau 2nd Addition for property located north of Blairs Ferry Road and east of Lindale Drive (Oralee and Leonard Grabau – Potter Real Estate).

Resolution No. 26508 setting December 7, 2017 as a Public Hearing regarding a Preliminary Site Development Plan for Hunter’s Ridge North 1st Addition located east of Winslow Road and north of Stags Leap Lane (Midwest Development).

Resolution No. 26509 setting December 7, 2017 as a Public Hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan regarding Echo Hill Road realignment between Winslow Road and Lucore Road (Blackford Farms and Hunters Ridge Development Co).

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Motion to receive and file Supplemental Early Retirement Plan (2018).

Motion to receive and file new organizational chart.

Motion to receive and file new job descriptions:

* 1. Deputy City Manager
  2. Community Development Director
  3. Director of Administrative Services
  4. Budget Manager
  5. City Clerk/Records Retention Manager
  6. Plans Examiner

Motion to receive and file an amended Non-Bargaining Banded Pay Ranges to include:

* 1. Deputy City Manager ($104,130 minimum to $153,133 hard cap)
  2. Community Development Director ($101,773 minimum to $149,666 hard cap)
  3. Director of Administrative Services ($101,773 minimum to $149,666 hard cap)
  4. Budget Manager ($65,306 minimum to $96,038 hard cap)
  5. City Clerk/Records Retention Manager ($51,478 minimum to $75,703 hard cap)
  6. Plans Examiner ($55,648 minimum to $81,835 hard cap)

Resolution No. 26510 authorizing deferred compensation agreement (Sonja M. Anderson).

Motion to receive and file October 2017 Departmental Reports.

Motion to approve the following Hold Harmless/Noise Waiver Agreement:

* 1. Christmas in the Park and Peppermint Walk, City Square Park and Uptown Marion, December 1, 2017, 1:00 p.m. – 9:00 p.m. (Tami Schlamp, Marion Chamber of Commerce, 1225 6th Avenue).

All in favor of motion to approve the consent calendar, motion carried.

Resolution No. 26511 adopting the 2012 Iowa League of Cities Record Retention Manual for Iowa Cities and authorizing destruction of records in accordance with said manual was read by Draper. Moved by Draper, seconded by Pazour to approve Res. No. 26511. Accounting Associate Rachel Bolender presented the staff report. All in favor, motion carried.

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Discussion regarding Disposal of Surplus Property Policy:

Finance Manager Lianne Cairy presented the staff report on the Surplus Property Disposal Policy. She stated that the policy will be placed on the Council agenda for approval in December.

Mayor pro tem Spinks opened a public hearing regarding the Capital Improvement Program. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26512 approving the Capital Improvement Program was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 26512. All in favor, motion carried.

Ordinance No. 17-29 relating to the use of fireworks was read by Brandt for final consideration. Moved by Brandt, seconded by Etzel to approve the third reading of Ord. No. 17-29. Fire Chief Deb Krebill presented the staff report. All in favor except Pazour, motion carried.

Ordinance No. 17-30 amending Chapter 157 of the Marion Code of Ordinances regarding Storm Water Utility Fee was read by Nicholson for final consideration. Moved by Nicholson, seconded by Brandt to approve the third reading of Ord. No. 17-30. City Engineer Dan Whitlow presented the staff report. All in favor except Draper, motion carried.

Ordinance No. 17-31 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Alburnett Road as 45 mph from Tower Terrace Road to the northern City Limits, except that area from 400’ south of the Oakridge School drive to the northern City Limits which shall be 25 mph when children present *(Remove code section 6G).* was read by Pazour for second consideration. Moved by Pazour, seconded by Brandt to approve the second reading of Ord. No. 17-30. All in favor, motion carried.

Moved by Pazour, seconded by Brandt to suspend the rules and place Ord. No. 17-31 on the agenda for adoption and to adopt Ord. No. 17-31. All in favor, motion carried.

Discussion regarding a design contract with Snyder and Associates regarding the Alburnett Road Extension – Phase I (Indian Creek Bridge):

City Engineer Dan Whitlow presented the staff report on the proposed design contract with Snyder and Associates. Council discussed the project.

Moved by Draper, seconded by Nicholson to direct staff to prepare a design contract with Snyder and Associates regarding the Alburnett Road Extension – Phase I (Indian Creek Bridge). All in favor, motion carried.

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Moved by Etzel, seconded by Draper to approve the Project Calendar regarding the 2018 Sidewalk Ramp Repair Project, as follows:

* 1. Motion to retain the City Engineer as Project Engineer regarding the 2018 Sidewalk Ramp Repair Project.
  2. Resolution No. 26502 approving Resolution of Necessity regarding the 2018 Sidewalk Ramp Repair Project.
  3. Resolution No. 26503 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2018 Sidewalk Ramp Repair Project.
  4. Resolution No. 26504 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2018 Sidewalk Ramp Repair Project.

City Engineer Dan Whitlow and Assistant City Engineer Mike Barkalow presented the staff report. All in favor of motion to approve the project calendar, motion carried.

Ordinance No. 17-32 amending the Code of Ordinances to rezone property located northeast of Lucore Road and southeast of Indian Creek Road from A-1, Rural Restricted, and Undesignated to R-2, Single Family Residential, and PD-R, Planned Development-Residential (Edison & Vaughn Farm Co. Inc.) was read by Brandt for second consideration. Moved by Brandt, seconded by Etzel to approve the second reading of Ord. No. 17-32. All in favor, motion carried.

Moved by Pazour, seconded by Draper to suspend the rules and place Ord. No. 17-32 on the agenda for adoption and to adopt Ord. No. 17-32. All in favor, motion carried.

Resolution No. 26513 approving the Final Plat and Memorandum of Agreement for Bowman Meadows 5th Addition located southwest of Alburnett Road and east of Bowstring Drive was read by Nicholson. Moved by Nicholson, seconded by Brandt to approve Res. No. 26513. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Resolution No. 26514 approving The Commons at English Glen Phase II Final Site Development Plan for property located north of 29th Avenue and west of 44th Street (Robson Homes, Inc.) was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 26514. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Moved by Draper, seconded by Etzel to receive and file a request from Robson Homes, Inc., for the issuance of five (5) building permits prior to approval of a Final Plat for The Commons at English Glen 4th Addition. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

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Resolution No. 26515 approving the issuance of five (5) building permits prior to approval of a Final Plat for The Commons at English Glen 4th Addition by Robson Homes, Inc. was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 26515. Council discussed the request to issue the building permits. Planning and Development Director Tom Treharne responded to Council questions. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding an Encroachment Easement for the Court Building at 790 11th Street (MOJO Properties Inc./Olmstead Construction). Planning and Development Director Tom Treharne presented the staff report. Noreen Tonkin, 1920 8th Avenue, asked about ice melting and rain runoff from the balconies. Jason Olmstead, 6010 Woodbridge Crest, responded to Ms. Tonkin’s questions. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26516 approving an Encroachment Easement for the Court Building at 790 11th Street (MOJO Properties Inc./Olmstead Construction) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26516. Council discussed the proposed Encroachment Easement. Planning and Development Director Tom Treharne and Jason Olmstead, 6010 Woodbridge Crest, responded to Council’s questions. Noreen Tonkin, 1920 8th Avenue, asked about garbage collection for the condominiums. City Manager Lon Pluckhahn explained that there is centralized garbage collection for the area. All in favor, motion carried.

**Resolution No. 26517 approving a Linn County Final Plat for Kemp Farms 2nd Addition located in Linn County, north of Secrist Road and west of Hindman Road was read by Nicholson. Moved by Nicholson, seconded by Etzel to approve Res. No. 26517. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.**

**Resolution No. 26518 approving a Preliminary Plat for Timberline MFG Commercial Addition Preliminary Plat located at 1050 Lyons Lane and 1029 Blairs Ferry Road (Timberline Manufacturing) was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 26518. Planning and Development Director Tom Treharne presented the staff report and answered Council’s questions. All in favor, motion carried.**

Moved by Draper, seconded by Etzel to direct staff to work with Linn County and Prospect Meadows to clear final project financing and contingencies. City Manager Lon Pluckhahn presented the staff report.

Council Member Draper left the Council Chambers at 5:50 p.m. and returned at 5:51 p.m.

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Mr. Pluckhahn responded to Council’s questions regarding the Prospect Meadow project. All in favor, motion carried.

Resolution No. 26519 approving Supplemental Early Retirement Plan (2018) was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 26519. City Manager Lon Pluckhahn presented the staff report and responded to Council’s questions. All in favor, motion carried.

Discussion regarding reorganization:

City Manager Lon Pluckhahn made a presentation to the City Council regarding a proposed reorganization. Mr. Pluckhahn responded to questions from the City Council.

Mayor pro tem Spinks opened a public hearing regarding a proposed development agreement with SB Coastal, LLC. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26520 approving development agreement with SB Coastal, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26520. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding a proposed development agreement with Simpatico, LLC. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26521 approving development agreement with Simpatico, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Nicholson. Moved by Nicholson, seconded by Draper to approve Res. No. 26521. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding a proposed development agreement with Marion Process Solutions, Inc. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26522 approving development agreement with Marion Process Solutions, Inc., authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 26522. All in favor, motion carried.

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Mayor pro tem Spinks opened a public hearing regarding a proposed development agreement with KTRO, LLC. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26523 approving development agreement with KTRO, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Draper. Moved by Draper, seconded by Nicholson to approve Res. No. 26523. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding a proposed development agreement with Genesis Equities, LLC. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26524 approving development agreement with Genesis Equities, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 26524. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding a proposed development agreement with Je Pense LLC. City Manager Lon Pluckhahn presented that staff report. R. Mark Weems, President of Legacy Manufacturing, and member of Je Pense LLC, was present to answer questions from the City Council. Nick Glew, President of MEDCO, thanked Council for working with MEDCO and the businesses on the development agreements. Susan Foster, 2745 Highland Drive, expressed concern regarding a large pole building constructed behind her property. Mayor pro tem Spinks asked Ms. Foster to speak at the end of the meeting regarding her item. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26525 approving an amendment to the Development Agreement (Legacy Manufacturing) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26525. City Manager Lon Pluckhahn presented the staff report. Comments were heard from R. Mark Weems, President of Legacy Manufacturing, and member of Je Pense LLC, regarding the expansion of Legacy Manufacturing. All in favor, motion carried.

Resolution No. 26526 approving development agreement with Je Pense LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Nicholson. Moved by Nicholson, seconded by Brandt to approve Res. No. 26526. All in favor, motion carried.

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Resolution No. 26527 authorizing internal advances for funding of Urban Renewal Projects was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 26527. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding corrections to the resolutions and deed relating to the sale of the vacated north one-half of the north/south alley between 10th and 11th Avenues, adjacent to 1915 11th Avenue. No comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26528 approving the corrections to the resolutions and deed relating to the sale of the vacated north one-half of the north/south alley between 10th and 11th Avenues, adjacent to 1915 11th Avenue was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 26528. City Attorney Ryan Tang presented the staff report. All in favor, motion carried.

Susan Foster, 2745 Highland Drive, expressed concern regarding a large pole building constructed behind her property. Planning and Development Director Tom Treharne reviewed the process regarding issuance of a building permit. City Engineer Dan Whitlow explained stormwater runoff requirements.

Council Discussion Time:  
 Council Member Pazour noted that the Council will receive a 2% salary increase effective January 1, 2018. City Manager Lon Pluckhahn noted that the increase is based on the consumer price index (CPI). He noted that a correction to the ordinance has been proposed so that if the CPI is negative Council’s salary will not be decreased.

Council Member Draper gave a history lesson on the first bar in Marion in 1839. He stated that by 1850 there were 11 bars.

Mayor pro tem Spinks stated that the Library was hosting the Holiday Bazaar Saturday when he was there for Council office hours. Mayor pro tem Spinks visited with two Boy Scouts that are working on their Eagle Scout requirements.

Mayor pro tem Spinks adjourned the meeting at 6:56 p.m.

Attest:

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Raleigh J. Spinks, Jr., Mayor pro tem Beth J. Little, Assistant City Clerk