April 5, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, April 5, 2018, at 5:30 p.m. in the council chambers of City Hall with Mayor pro tem Gadelha presiding and the following council members present: Draper, Etzel, Jensen, Brandt, and Strnad. Absent: Mayor AbouAssaly

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

The swearing in of Firefighter/Paramedics Tyler Hackbarth, Zachary Brunscheen, and Jesse Goetz scheduled for this evening will be rescheduled due to a fire.

Resolution No. 26775 setting April 19, 2018 as a public hearing regarding a Preliminary Site Development Plan request for The Commons at English Glen 4th Addition located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.) was removed from tonight’s agenda. Resolution No. 26779 of support for the "Wyland Mayor's Challenge For Water Conservation” was removed from the Consent Calendar for separate consideration.

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

Motion to approve minutes of the March 20 and 22, 2018 City Council meetings.

Motion to approve the bills as presented in the amount of $644,229.50.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Special Class C Liquor License with additional privilege for Sunday Sales for Zoey’s Pizzeria (690 10th Street). Expiration 04/30/2018. No violations in previous five years.
	2. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for More Bars, LLC, dba Cocktails and Company (1625 Blairs Ferry Road). Expiration 04/30/2018. One violation in previous five years.
	3. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for Uptown Snug, LLC (760 11th Street). Expiration 05/01/2018. No violations in previous five years.

Motion to receive and file certified list for Communications Operator.

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Resolution No. 26761 approving the purchase of bunker gear from Sandry Fire Supply in the amount of $69,175.50.

Resolution No. 26762 approving a Professional Service Agreement with Spohn Ranch Inc., for the Design and Construction of a Skate Park located in Butterfield Park.

Motion to receive and file the 2018 Parks and Forestry Work Program.

Motion to approve Project Calendar regarding Engineering Department payments as follows:

* 1. Resolution No. 26763 approving Partial Payment No. 4 to SRF Consulting Group, Inc. regarding the 29th Avenue and Indian Creek Road Intersection Improvement Study in the amount of $8,784.25.
	2. Resolution No. 26764 approving Partial Payment No. 13 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 in the amount of $3,994.80.

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2018 Sidewalk Assessment Project as follows:

* 1. Resolution No. 26765 approving Temporary Construction Easement with Lianne M. Kula, 2900 12th Avenue, regarding the 2018 Sidewalk Assessment Project.
	2. Resolution No. 26766 approving Temporary Construction Easement with Jean J. Barnum, 2900 18th Avenue, regarding the 2018 Sidewalk Assessment Project.
	3. Resolution No. 26767 approving Temporary Construction Easement with Carol L. Mann, 2905 18th Avenue, regarding the 2018 Sidewalk Assessment Project.
	4. Resolution No. 26768 approving Temporary Construction Easement with Ryan N. Kasal & Karlee S. Starits, 2900 16th Avenue, regarding the 2018 Sidewalk Assessment Project.

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Motion to receive, file, and refer to TAC correspondence regarding the speed limit on Alburnett Road and adding a 4-way stop at the intersection of Alburnett Road and Echo Hill Road (Adrian Chavez).

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

* 1. Resolution No. 26769 approving Payment No. 4 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of $35,286.12.
	2. Resolution No. 26770 approving Payment No. 30 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street, in the amount of $225.86.
	3. **Resolution No. 26771 approving Payment No. 2 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of $8,680.89. Contract amount remaining $25,857.39.**
	4. **Resolution No. 26772 approving Payment No. 6 to Stanley Consultants, Inc. for Urban Design services related to the Central Corridor Project in the amount of $9,500.00. Contract amount remaining $6,700.00.**

Resolution No. 26773 setting April 19, 2018 as a public hearing regarding a Preliminary and Final Site Development Plan for Spee-Dee Delivery located east of Partners Avenue and south of Enterprise Drive.

Resolution No. 26774 setting April 19, 2018 as a public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached and a Rezoning from Medium Density Single Family Residential (R-2) to Planned Development Residential (PD-R) located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.).

Resolution No. 26776 setting April 19, 2018 as a public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached and a Rezoning from Medium Density Single Family Residential (R-2) to Two-Family Residential (R-3) located southwest of 35th Street, north of Tower Terrace Road and southeast of Indian Creek Road (M&W Ventures, LLC).

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Resolution No. 26777 setting April 19, 2018 as a public hearing regarding a rezoning of property from Rural Restricted (A-1) to Medium Density Single Family Residential (R-2) located west of Alburnett Road and south of Echo Hill Road, Marion, Iowa (Integrity Custom Homes Inc.).

Resolution No. 26778 amending the 01/01/2018 non bargaining pay schedule to include changes with the reorganization, phase 1, and positions approved for the 2018-2019 fiscal year.

Resolution No. 26780 supporting an application for Iowa Great Places designation (Marion Chamber of Commerce).

Motion to receive and file revised Library job descriptions (Part-Time Specialist Assistant—Adult and Information Services and Part-Time Specialist Assistant - Youth Services).

Motion to receive and file new Library job descriptions (Part-Time Specialist Assistant—Circulation Services and Part-Time Specialist Assistant Strategic Content Developer & Distribution Specialist).

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

* 1. Marion Arts Festival & 5K, City Square Park and surrounding area, May 18 and 19, 2018, 6:00 a.m. – 11:00 p.m. (Deb Bailey, Director Marion Arts Festival, 1225 6th Avenue).
	2. Freedom Bike Ride, Lowe Park and surrounding area, June 24, 2018 12:00 p.m. – 7:30 p.m. (Carissa Johnson, Cedar Rapids Freedom Festival, 609 1st Avenue SW Suite 102, Cedar Rapids).
	3. Uptown Marion Market, City Square Park and surrounding area, June 9, July 14, and August 11, 2018, 5:00 a.m. – 2:00 p.m. (Tami Schlamp, Marion Chamber of Commerce, 1225 6th Avenue).

Mayor pro tem Gadelha thanked Parks Director Mike Carolan for the 2018 Parks and Forestry Work Program. All in favor of motion to approve the consent calendar, motion carried.

Resolution No. 26779 of support for the "Wyland Mayor's Challenge For Water Conservation” was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 26779. Mayor pro tem Gadelha encouraged everyone to go to the City of Marion website and take the Mayor’s Challenge for Water Conservation. All in favor of Res. No. 26779, motion carried.

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Resolution No. 26781 authorizing and approving a Loan Agreement, providing for the sale and issuance of General Obligation Corporate Purpose Bonds, Series 2018A, and providing for the levy of taxes to pay the same was read by Strnad. Moved by Strnad, seconded by Draper to approve Res. No. 26781. Tionna Pooler, President of Independent Public Advisors, LLC, 8805 Chambery Boulevard, Johnston, IA., presented the report on the bids received for the General Obligation Corporate Purpose Bonds, Series 2018A. All in favor, motion carried.

Mayor pro tem Gadelha opened the hearing on notice of alcohol violation by Best Western Plus Longbranch (Douglas DeLong, 90 Twixt Town Road NE). Douglas DeLong, 2000 Hickory Nut Lane SE, Cedar Rapids, was present representing the Best Western Plus Longbranch. Mr. DeLong made a presentation to the City Council regarding the alcohol violation. City Attorney Ryan Tang asked Police Chief McHale to review the facts regarding the alcohol violation. Police Chief McHale explained that a compliance check was conducted at twenty establishments and seven of the establishments failed. Chief McHale reviewed the facts regarding the compliance check at the Longbranch on December 19, 2017. City Attorney Ryan Tang noted that an employee of the Longbranch, Alysha Ann Cornelius, was charged in Linn County District Court. Ms. Cornelius entered a guilty plea, was found guilty, and convicted. After an employee is found guilty then action is taken against the holder of the liquor license which in this case is the Longbranch. Ms. Cornelius was sentenced on February 28, 2018 and the Longbranch was issued a Notice of Alcohol Violation that was hand delivered to the Longbranch on March 2, 2018. The liquor license holder can pay a $500 penalty or have a 14 day suspension of their liquor license. Council discussed the alcohol violation and asked questions regarding the alcohol violation. Mayor pro tem Gadelha gave Mr. DeLong an opportunity for rebuttal. Mr. DeLong presented his rebuttal. City Attorney Ryan Tang presented closing comments. Mayor pro tem Gadelha closed the hearing.

Resolution No. 26782 regarding suspension of liquor license for Best Western Plus Longbranch (Douglas DeLong, 90 Twixt Town Road NE) was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 26782. Council discussed the alcohol violation. City Attorney Ryan Tang answered questions from the City Council regarding the penalty and suspension. Roll Call on Res. No. 26782: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

City Attorney Ryan Tang explained that Resolution No. 26782 should have been amended to allow the Best Western Longbranch to pay the fine of $500 instead of having their liquor license suspended for 14 days.

Moved by Jensen, seconded by Draper to amend Resolution No. 26782 regarding suspension of liquor license or a $500 fine for Best Western Plus Longbranch (Douglas DeLong, 90 Twixt Town Road NE). All in favor of the amendment, motion carried.

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Moved by Draper, seconded by Brandt to approve Resolution No. 26782 regarding suspension of liquor license or a $500 fine for Best Western Plus Longbranch (Douglas DeLong, 90 Twixt Town Road NE), as amended. All in favor of motion to approve Res. No. 26782 as amended, motion carried.

Ordinance No. 18-03 amending Chapter 115 of the Code of Ordinances related to Cemetery was read by Etzel for initial consideration. Moved by Etzel, seconded by Brandt to approve the first reading of Ord. No. 18-03. Parks Director Mike Carolan presented the staff report. All in favor, motion carried.

Mayor pro tem Gadelha opened a public hearing regarding an Electric Line Easement with ITC Midwest LLC for certain City property located north of Highway 100 and east of 44th Street. Acting City Engineer Mike Barkalow presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Gadelha declared the public hearing closed.

Resolution No. 26783 approving Electric Line Easement with ITC Midwest LLC for certain City property located north of Highway 100 and east of 44th Street was read by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 26783. Mayor pro tem Gadelha asked about the timing of this project. Acting City Engineer Mike Barkalow stated that ITC Midwest LLC still has to receive approval from the Iowa Utilities Board. All in favor, motion carried.

Resolution No. 26784 approving the Final Plat and Memorandum of Agreement for Uptown Dental 1st Addition at 890 7th Avenue, 758 9th Street and the east half of the east-west alley between them (JLenz, LLC) was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 26784. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Update regarding the tenants at the Marion Square Plaza:

 Jeff Witter and Hannah Kustes, representing Genesis Equities LLC, were present to provide an update regarding the tenants at the Marion Square Plaza. Mr. Witter reviewed the previous developments regarding the proposed project. He noted that they purchased the property and are now the landlords. Mr. Witter explained that they expected this project to take a long time. He stated that he doesn’t blame the tenants for being upset. He said that both the landlord and the tenants are harmed when there is uncertainty regarding the project. Mr. Witter noted that there is not any new information to share. Mr. Witter stated that they plan to present at the Council meeting on April 17th again. City Manager Lon Pluckhahn explained that Genesis Equities LLC and the Ryan Companies have been working on making their formal project request to the City. He noted that those requests get forwarded to the economic development team and then are received and filed by the City Council. The City Council passes a motion directing staff to develop a memorandum of understanding for any financial

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contribution to the project. Mr. Witter stated that they need to make sure they have a viable project before they allow the tenants out of their lease. Ms. Kustes stated that they hope to develop a timeline for the project so they can start meeting with the tenants.

Resolution No. 26760 approving a labor agreement with the International Association of Firefighters for the period of July 1, 2018 through June 30, 2021 (tabled 04.03.2018) was read by Strnad. Moved by Strnad, seconded by Etzel to approve Res. No. 26760. Holly Corkery, attorney with Lynch Dallas, P.C., reviewed the changes to the contract. All in favor, motion carried.

Ordinance No. 18-04 amending Chapter 120.05(11) of the Code of Ordinances for prohibited sales and acts relating to the presence of persons under the legal age was read by Draper for initial consideration. Moved by Draper, seconded by Brandt to approve the first reading of Ord. No. 18-04. City Attorney Ryan Tang reviewed the proposed amendment and the process for drinking establishments to apply for a special event permit. All in favor, motion carried.

Moved by Etzel, seconded by Draper to suspend the rules and place Ord. No 18-04 on the agenda for adoption and to adopt Ord. No. 18-04. Roll Call: Yeas: Jensen, Strnad, and Draper. Nays: Etzel, Gadelha, and Brandt. Motion failed.

Ordinance No. 18-05 amending Chapter 120.06 (2) of the Code of Ordinances relating to the locations where alcohol is sold for consumption on premises was read by Jensen for initial consideration. Moved by Jensen, seconded by Draper to approve the first reading of Ord. No. 18-05. City Attorney Ryan Tang reviewed the proposed amendment. Roll Call: Yeas: Jensen, Brandt, Draper, and Etzel. Nays: Gadelha. Abstention: Strnad. Motion carried.

Mayor pro tem Gadelha recommended the following Mayoral Appointment:

* 1. Rachel Schramm, 5640 Prairie Hill Court, Planning and Zoning Commission, term expires 12-31-22.

Moved by Strnad, seconded by Brandt to concur with Mayor pro tem Gadelha’s recommendation. All in favor, motion carried.

Citizen’s presentations, comments, and/or petitions: None.

Council Discussion Time:
 Council Member Strnad congratulated the Parks Department for receiving the 2017 Tree City USA Growth Award at the 28th Annual Community Forestry Awards Luncheon in Des Moines.

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 Council Member Draper congratulated Coldwell Banker Hedges Realty on their ribbon cutting. He noted that the building looks very nice.

 Council Member Draper focused on the years 1837 to 1839 in his history lesson.

 Mayor pro tem Gadelha requested that staff make a presentation regarding a strategic plan for development. She suggested that it be a joint meeting with the Planning and Zoning Commission. She also requested information on housing stock.

 Mayor pro tem Gadelha also requested that a discussion be added to an upcoming agenda regarding the pay for performance policy.

 City Manager Lon Pluckhahn thanked the ImagiNEXT selection committee for their work in selecting the Future Four ideas.

Mayor pro tem Gadelha adjourned the meeting at 6:52 p.m.

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 Rene Gadelha, Mayor pro tem

Attest:

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Beth J. Little, Assistant City Clerk