May 3, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, May 3, 2018, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Etzel, Jensen, Gadelha, and Brandt. Absent: Draper and Strnad.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Fire Chief Deb Krebill made a presentation to the City Council regarding the Marion Fire Department new Aerial Apparatus. Chief Krebill thanked the Local Option Sales Tax (LOST) committee, the City Manager and his office, and the City Council for providing for the purchase of the new aerial apparatus. Chief Krebill thanked the citizens of Marion for passing the local option sales tax. Chief Krebill also thanked the committee that developed the specifications including Firefighter Dan Lough, Firefighter Ryan Steffen, Firefighter Mark Hinrichs, Firefighter Peter Lammer, Captain Bill Houser, and District Chief Doug Wyman. She also thanked Captain Jamie Alshouse and Assistant Chief Jason Hansen for leading the committee. Mayor AbouAssaly thanked the Fire Department for their service to the community.

Mayor AbouAssaly read a proclamation regarding Economic Development Week. He noted that the Marion Economic Development Corporation (MEDCO) is celebrating its 33rd anniversary. He presented the proclamation to Emily Russ, MEDCO Business Engagement Specialist.

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

Motion to approve minutes of the April 17 and 19, 2018 City Council meetings.

Motion to approve the bills as presented in the amount of $1,286,418.26.

Motion to approve the following liquor license application:

* 1. New application for a Special Class C Liquor License with additional privilege for Outdoor Service for Marion Metro Kiwanis (4500 10th Street).  Effective 06/01/2018-06/05/2018.

Motion to receive and file certified list for Building Inspector.

Resolution No. 26826 to fix a date of meeting at which it is proposed to take action for the issuance of Urban Renewal Annual Appropriation Tax Increment Revenue Bonds in a principal amount not to exceed $4,500,000.

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Resolution No. 26827 approving Partial Payment No. 35 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $1,169.97.

Resolution No. 26828 approving the purchase of traffic marking materials from Sherwin-Williams Company in the amount of $36,300.00.

Motion to receive and file the 2018 work schedule for the Public Services Department.

Motion to receive and file correspondence regarding Verizon poles in proximity to fire hydrants (Charley Knudsen, 2835 24th Avenue).

Resolution No. 26829 approving Partial Payment No. 4 to Reinaldo Correa for professional services regarding Lowe Park Sculpture Trail “Prairie Revival” in the amount of $2,750.00.

Motion to receive and file a request from Residences at the Park, Home Owners Association III regarding the vacation of a trail easement connecting Cemar Court to Legion Park.

Motion to receive and file correspondence regarding Proof of Loss for property located at 1575 26th Street (Hausch & Company, Inc.).

Resolution No. 26830 setting a public hearing on May 17, 2018 regarding the proposed adoption of an ordinance amending Chapter 160 of the Code of Ordinances and adopting by reference the International Building Code 2018 Edition with amendments and providing penalties.

Resolution No. 26831 setting a public hearing on May 17, 2018 regarding the proposed adoption of an ordinance amending Chapter 163 of the Code of Ordinances and adopting by reference the International Mechanical Code 2018 Edition with amendments and providing penalties.

Resolution No. 26832 setting a public hearing on May 17, 2018 regarding the proposed adoption of an ordinance amending Chapter 161 of the Code of Ordinances and adopting by reference the International Plumbing Code 2018 Edition with amendments and providing penalties.

Resolution No. 26833 setting a public hearing on May 17, 2018 regarding the proposed adoption of an ordinance amending Chapter 153 of the Code of Ordinances and adopting by reference the International Property Maintenance Code 2018 Edition with amendments and providing penalties.

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Resolution No. 26834 setting a public hearing on May 17, 2018 regarding the proposed adoption of an ordinance amending Chapter 50 of the Code of Ordinances relating to Nuisance Abatement Procedure.

Resolution No. 26835 setting a public hearing on May 17, 2018 regarding the proposed adoption of an ordinance amending Chapter 165 of the Code of Ordinances relating to the Housing Code.

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

* 1. Resolution No. 26836 approving Partial Payment No. 2 to Anderson-Bogert Engineers regarding the Tower Terrace Road Phase IX (east of 35th St) Project in the amount of $3,450.00.
  2. Resolution No. 26837 approving Partial Payment No. 5 to SRF Consulting Group, Inc. regarding the 29th Avenue and Indian Creek Road Intersection Improvement Study in the amount of $6,972.20.
  3. Resolution No. 26838 approving Partial Payment No. 14 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 in the amount of $6,536.82.
  4. Resolution No. 26839 approving Partial Payment No. 2 to Rathje Construction Company regarding the Grant Wood Trail Extension: Highway 13 to 35th Street; HMA and PCC Trail [TAP – U – 4775(628) - - 8I – 57] in the amount of $14,130.96.
  5. Resolution No. 26840 approving Partial Payment No. 1 to Eastern Iowa Excavating and Concrete, LLC regarding the 2018 Sanitary Sewer Manhole Project in the amount of $122,512.30.

Resolution No. 26841 approving contract and bond with Tricon General Construction, Inc. regarding the City of Marion Lowe Park South End Improvements in the amount of $962,000.00.

Motion to receive and file the 29th Avenue & Indian Creek Road Intersection Study (SRF and Shoemaker and Haaland).

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

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Resolution No. 26842 approving Temporary Construction Easement with Mindy J. Carstensen, 185 School Street, regarding the 2018 Sidewalk Ramp Repair Project.

Resolution No. 26843 approving Temporary Construction Easement with Joel K. & Sarah R. Fopma, 1495 29th Street, regarding the 2018 Sidewalk Assessment Project.

Motion to receive and file correspondence regarding speed limit in roundabouts and the Sidewalk Inspection Program (Charley Knudsen, 2835 24th Avenue).

Motion to receive, file, and refer to TAC correspondence regarding stop signs at the intersection of Kinderhook Lane and West Williams Drive (Andrew Elam, 465 West Williams Drive).

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

* 1. Resolution No. 26844 approving Payment No. 17 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 $3,477.00.
  2. **Resolution No. 26845 approving Payment No.3 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of $6,940.00. (Contract amount remaining $18,917.39).**
  3. Resolution No. 26846 approving Payment No. 5 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of $17,658.29.
  4. Resolution No. 26847 approving Payment No. 31 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 $159.76.

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

* 1. Request to vacate the alley adjacent to 742, 758 & 786 8th Avenue, Marion, Iowa (Seven Hills East LLC).

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* 1. Revised Preliminary Plat for property located at 1050 Lyons Lane and 1029 Blairs Ferry Road (Timberline Manufacturing Co. Inc.).

Resolution No. 26848 approving a contract with Snyder & Associates, Inc. regarding engineering services associated with the Indian Creek Trail from the Boyson Trail to Tower Terrace Road in Marion [STP-U-4775(631)--70-57] in the amount of $223,610.00.

Resolution No. 26849 concurring with Resolution No. 24673 (June 18, 2015) Stating Support for a Workforce Housing Application.

Resolution No. 26807 approving the Deputy City Manager Employment Agreement with Amanda Kaufman (tabled 4.19.2018).

Resolution No. 26808 approving the Community Development Director Employment Agreement with Tom Treharne (tabled 4.19.2018).

Resolution No. 26809 approving the Director of Administrative Services Employment Agreement with Elsworth Carman (tabled 4.19.2018).

Resolution No. 26850 approving the City Engineer Employment Agreement with Mike Barkalow.

Motion to receive and file revised Library job descriptions (Library Director and Deputy Library Director).

Motion to receive and file revised job description (Assistant to the City Manager) and previously approved job descriptions (Deputy City Manager, Department of Administrative Services and Community Development Director).

Resolution No. 26851 amending the 1/1/2018 non-bargaining pay schedule to revise Assistant to the City Manager pay range ($65,306 minimum to $96,038 hard cap).

Motion to receive and file correspondence regarding 1520 8th Avenue (Noreen Tonkin, 1920 8th Avenue).

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

* 1. Eat. Drink. Be Marion, Uptown Marion, July 12, 2018, 4:00 p.m. – 10:00 p.m. (Brooke Prouty, Uptown Marion, 1225 6th Avenue).

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* 1. Backyard Solo Guitarist, 15th Avenue, June 8, 2018, 6:30 p.m. – 10:30 p.m. (Michelle Wilson, 2810 15th Avenue).
  2. Block Party, 4th Street from 29th Avenue to Borschel Place, June 2, 2018, 5:00 p.m. – 10:00 p.m. (Molly Johnson, 3125 4th Street).
  3. Photo Shoot, Uptown Alley and stage, July 29, 2018, 3:00 p.m. – 9:00 p.m. (Hailey Lubbock, Blaze Color Salon, 500 1St Avenue, Suite 106b).

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

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:44 p.m. Mayor pro tem Gadelha presided over the meeting.

Moved by Jensen, seconded by Etzel to approve the Consent Calendar with Mayor AbouAssaly abstention from voting and discussion regarding the following items:

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 QDogs BBQ, LLC, dba QDogs BBQ Company (895 Blairs Ferry Road). Expiration 05/26/2018. No violations in previous five years.

Resolution No. 26852 approving contract and bond with Abode Construction Inc. regarding the 2018 Storm Sewer Project.

Resolution No. 26853 approving contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the City of Marion Runway 17/35 Reconstruction Project in the amount of $79,878.84.

Resolution No. 26854 approving the application for the Airport State Funding Application for the Fiscal Year 2019.

**Motion to receive and file and refer to the Planning and Zoning Commission**:

* 1. Request to amend the Future Land Use Map of the Marion Comprehensive Plan from Business Park/Office to Light Industrial and from Business Park/Office to Corridor Commercial for property east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holdings, LLC).

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* 1. Request to Rezone from Restricted Industrial (I-1) to General Commercial (C-3) and from Linn County Agricultural to Restricted Industrial (I-1) and Linn County Agricultural to General Commercial (C-3) for property east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holdings, LLC).
  2. Preliminary Plat for property east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holdings, LLC).

Resolution No. 26855 setting June 7, 2018 as a public hearing regarding annexation request from Genesis Equities Land Holding LLC for property east of Partners Avenue and south of Marion Airport Road, Marion, Iowa.

Motion to receive and file letters regarding the M&W Ventures rezoning request for property located southwest of 35th Street, north of Tower Terrace Road and southeast of Indian Creek Road from David and Sara Sheets, 4065 Brookside Drive; Gene and Carolyn Fairchild, 4000 Brookside Drive; and Steve Hance, 4062 Brookside Drive, Marion, Iowa.

Motion to receive and file an application for tax increment financing (TIF) assistance from Integrity Companies LLC.

Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly at 5:45 p.m. Mayor AbouAssaly presided over the meeting.

Ordinance No. 18-03 amending Chapter 115 of the Code of Ordinances related to Cemetery was read by Gadelha for final consideration. Moved by Gadelha, seconded by Brandt to approve the third reading of Ord. No. 18-03. All in favor, motion carried.

Ordinance No. 18-06 amending Chapter 23.02 of the Code of Ordinances relating to Park Board member stipend was read by Brandt for second consideration. Moved by Brandt, seconded by Gadelha to approve the second reading of Ord. No. 18-06. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the 2018 Sidewalk Assessment Project. City Engineer Mike Barkalow presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

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Resolution No. 26856 accepting bids and awarding contract to Curtis Contracting Corporation regarding the 2018 Sidewalk Assessment Project in the amount of $81,043.83 was read by Etzel. Moved by Etzel, seconded by Gadelha to approve Res. No. 26856. Council Member Gadelha noted that the project was under budget. City Engineer Mike Barkalow and Deputy City Manager Amanda Kaufman explained the budgeting and capital improvements program process. All in favor, motion carried.

Ordinance No. 18-10 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Alburnett Road as 35 mph from the northern City Limits, except that area from 400’ south of the Oakridge School Drive to 400’ north of Echo Hill Road which shall be 25 mph when children present to the southern terminus of Alburnett Road (remove Code section 5D, 6G, & 6H, and add Code section AC) was read by Jensen for initial consideration. Moved by Jensen, seconded by Brandt to approve the first reading of Ord. No. 18-10. Council Member Gadelha asked about future improvements to the Echo Hill Road/Alburnett Road intersection. City Engineer Mike Barkalow stated that the speed limit will be reviewed again when the intersection improvement project takes place. He noted that project is proposed for fiscal year 2019. JoAnn Lipkey, 2922 Stone Creek Court, expressed concern re: speeding near the schools. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:55 p.m.. Mayor pro tem Gadelha presided over the meeting.

Mayor pro tem Gadelha opened a public hearing regarding an Electric Line Easement with Interstate Power and Light (Alliant Energy) for certain City property located north of 6th Avenue and west of 15th Street regarding the Central Corridor Improvements – Phase 3; 13th Street to 19th Street. 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. 26857 approving Electric Line Easement with Interstate Power and Light (Alliant Energy) for certain City property located north of 6th Avenue and west of 15th Street regarding the Central Corridor Improvements – Phase 3; 13th Street to 19th Street was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26857. Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Mayor pro tem Gadelha opened a public hearing regarding a Preliminary and Final Site Development Plan for Squaw Creek Hospitality Country Inn & Suites Hotel at 5993 Carlson Way on the northeast corner of Highway 13 & 151. Community Development Director Tom Treharne presented the staff report and answered questions from the City Council regarding the project. Mike Esker, 1104 7th Avenue, developer, spoke in favor of the project. No other comments, written or verbal, were received. Mayor pro tem Gadelha declared the public hearing closed.

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Resolution No. 26858 approving a Preliminary Site Development Plan for Squaw Creek Hospitality Country Inn & Suites Hotel at 5993 Carlson Way on the northeast corner of Highway 13 & 151 was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 26858. Council Member Brandt asked about the sizing of the hotel. Community Development Director Tom Treharne provided the staff report. Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Resolution No. 26859 approving a Final Site Development Plan for Squaw Creek Hospitality Country Inn & Suites Hotel at 5993 Carlson Way on the northeast corner of Highway 13 & 151 was read by Jensen. Moved by Jensen, seconded by Etzel to approve Res. No. 26859. Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Ordinance No. 18-09 amending the Code of Ordinances to rezone 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.) was read by Brandt for second consideration. Moved by Brandt, seconded by Jensen to approve the second reading of Ord. No. 18-09. Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Moved by Etzel to reconsider Resolution No. 26821, approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached for property located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.) (Failed 04/19/2018). Motion died for lack of a second.

Motion directing staff to place Resolution No. 26821, approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached for property located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.) (Failed 04/19/2018), on the agenda of the June 7th, 2018 City Council meeting was removed from the agenda.

Mayor AbouAssaly left the Council meeting at 6:09 p.m. Mayor pro tem Gadelha presided over the meeting.

Presentation from Integrity Companies LLC regarding the application for TIF assistance:

Kent Backen, 3436 Barnsley Circle, was present representing Integrity Companies. Mr. Backen explained his proposed project to the City Council. He noted that he is requesting tax increment financing (TIF) assistance. City Council asked Mr. Backen about the details of the project.

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Moved by Brandt, seconded by Etzel directing staff to draft a Memorandum of Understanding (MOU) with Integrity Companies LLC, regarding tax increment financing (TIF) incentives. Council Member Etzel asked if the project meets the criteria for TIF incentives. Deputy City Manager Amanda Kaufman stated that the Economic Development Committee will review the application. Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26860 approving an Economic Development Grant Agreement with GLD Commercial-Hotel was read by Etzel. Moved by Etzel, seconded by Jensen to approve Res. No. 26860. Vote: Yeas: Etzel, Jensen, Gadelha, and Brandt. Nays: None. Absent: AbouAssaly. Motion carried.

Mayor AbouAssaly returned to the Council meeting at 6:20 p.m. Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

Resolution No. 26861 Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2018 Workforce Housing Urban Revitalization Area was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 26861. All in favor, motion carried.

Resolution No. 26862 setting dates for special work sessions regarding the FY 20-24 Capital Improvement Program was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26862. Council discussed the dates for the special work session. Council suggested that the special work sessions be held Friday, July 6th and Monday, July 30th. All in favor, motion carried.

Mayor AbouAssaly recommended the following appointment:

* 1. Janna Granger, 2023 Addison Court, Planning and Zoning Commission, term expires 12-31-20.

Moved by Gadelha, seconded by Jensen to concur with the Mayor’s recommendation. All in favor, motion carried.

Citizen’s presentations, comments, and/or petitions:  
 JoAnn Lipkey, 2922 Stone Creek Court, expressed concern with speeding on Windemere Way and with safety for the children near Wilkins Elementary and Linn Grove Elementary Schools. City Engineer Mike Barkalow asked Ms. Lipkey to send a letter to the Mayor and City Council expressing her concerns. He explained that the City Council will refer the letter to the traffic advisory committee (TAC) for review. Council Member Gadelha also suggested that Ms. Lipkey contact the Linn Mar School Board. Police Chief Joe McHale noted that Windemere Way will be added to the list of locations for the speed trailer.

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Council Discussion Time:

Council Member Gadelha reminded everyone of the Public Safety Answering Points (PSAPs) Consolidation Phase 2 Planning Session meetings on May 14th and May 15th. Police Chief Joe McHale noted that he provided the City Council with a copy of the original study. City Attorney Kara Bullerman responded to Council’s question regarding having a quorum present at the meeting.

Council Member Jensen reminded everyone of the City Showcase on Saturday, May 5th at City Square Park.  
 Mayor AbouAssaly noted that he attended a ribbon cutting last week and will attend another one tomorrow as well as a groundbreaking ceremony. He noted that he will be giving the opening remarks at the IaPELRA meeting tomorrow morning. Mayor AbouAssaly explained that he also met with Students Opposed to Drugs and Alcohol at both Linn Mar and Marion Independent Schools.

Mayor AbouAssaly thanked the Marion Parks Department for Reaching Higher by helping the Marion School District with the landscaping around Emerson School which is being repurposed. The email received by Mayor AbouAssaly from the School District thanked Parks Director Mike Carolan, City Arborist Mike Cimprich, and the workers that helped with the landscaping. Mayor AbouAssaly noted that a ribbon cutting will be held in August.

Mayor AbouAssaly also noted that the Library staff should be recognized for Reaching Higher. Mayor AbouAssaly noted that he received an email from Tim Getty, Regional Nutrition Coordinator for the Heritage Agency on Aging. They are putting together a new meals program, Encore Café, which will be combining congregate meals with programing at the Library and at Lowe Park. Mr. Getty noted that the City of Marion staff has been amazing to work with on this project. Mayor AbouAssaly thanked the Library and Parks staff.

Moved by Jensen, seconded by Etzel to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. City Attorney Kara Bullerman stated that she has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Etzel, Jensen, AbouAssaly, Gadelha, and Brandt. Nays: None. Motion carried.

Moved by Jensen, seconded by Gadelha to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 7:13 p.m.

Attest:

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Nicolas AbouAssaly, Mayor Beth J. Little Assistant City Clerk