May 17, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, May 17, 2018, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Jensen, Gadelha, Brandt, and Strnad. Absent: Etzel.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor AbouAssaly read a proclamation for Kids to Park Day. He presented the proclamation to Parks Director Mike Carolan.

Mayor AbouAssaly read a proclamation for the American Legion Auxiliary Poppy Days. He presented the proclamation to Dawn Barnes, representing the American Legion Auxiliary.

Resolution No. 26871, approving Change Order #1 with Borst Brothers Construction Inc. regarding the 3600 Winslow Road Property Disposal Project in the amount of $15,153.60, was removed from the Consent Calendar for separate consideration.

Moved by Jensen, seconded by Draper to approve the Consent Calendar, as follows:

Motion to approve minutes of the May 1 and 3, 2018, City Council meetings.

Motion to approve the bills as presented in the amount of $552,421.85.

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 MJ’s Restaurant, LLC dba MJ’s Restaurant (1107 7th Avenue). Current Expiration 05/19/18. No violations in the last five years.
  2. Renewal application for a Class B Native Wine Permit with additional privilege for Sunday Sales for Ends with E, LLC dba The Chocolate Shop (1244 7th Avenue). Current Expiration 06/10/18. No violations in the last five years.
  3. Renewal application for a Class E Liquor License with additional privileges for Wine Permit, Beer Permit (Carryout), and Sunday Sales for Walgreen Co, dba Walgreens #03876 (1225 7th Avenue). Current Expiration 06/21/18. No violations in the last five years.

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Resolution No. 26863 setting the date for a public hearing regarding a proposal to enter into a General Obligation Urban Renewal Loan Agreement and to borrow money thereunder in a principal amount not to exceed $1,200,000.

Resolution No. 26864 approving the disposal of surplus city property.

Resolution No. 26865 setting a public hearing for June 7, 2018 regarding adopting by reference the International Fire Code 2018 Edition with amendments and providing penalties.

Resolution No. 26866 approving a Tower Space Lease Agreement between the City of Marion and Cedar Rapids Cellular Telephone, L.P. at Fire Station No. 1 (US Cellular).

Motion to receive and file Marion Arts Council resignation letter (Dennis Frevert, 1415 24th Street).

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

* 1. Resolution No. 26867 approving Partial Payment No. 1 to Calhoun-Burns and Associates, Inc. regarding the 2018 Bridge Inspection Services in the amount of $2,204.25.

Resolution No. 26868 approving Temporary Construction Easement with Justin C. & Alianora M. Silva, 2305 11th Avenue, regarding the 2017 Northview Drive Reconstruction Project (NSI).

Resolution No. 26869 approving contract and bond with Curtis Contracting Corporation regarding the 2018 Sidewalk Assessment Project in the amount of $81,043.83.

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

Motion to receive, file, and refer to TAC correspondence regarding speed on Barrington Parkway and placement of speed bumps (Nathan Boyd, 457 Barrington Parkway).

Motion to receive, file, and concur with the TAC report regarding speed on Barrington Parkway and placement of speed bumps (Nathan Boyd, 457 Barrington Parkway).

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Resolution No. 26870 approving purchase of property described as 788 2nd Street, Marion, Iowa from the City of Marion Municipal Water Department associated with the Alburnett Road Extension Project in the amount of $106,600.00.

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

* 1. Resolution No. 26872 approving Payment No. 5 to Houseal Lavigne Associates for professional consulting services related to the Marion Zoning Ordinance per the contract for the Marion Airport in the amount of $1,937.25.
  2. Resolution No. 26873 approving Payment No. 6 to Houseal Lavigne Associates for professional consulting services related to the Marion Comprehensive Plan per the contract for the Marion Airport in the amount of $1,331.00.
  3. Resolution No. 26874 approving Payment No. 3 for Marion’s portion of the Linn County Hazard Mitigation Plan Update in the amount of $55.08.

Resolution No. 26875 setting a public hearing for June 7, 2018 and directing publication of notice regarding a request to vacate the alley between 742 and 758 8th Avenue, more specifically known as the southern 120 feet of the north-south alley lying between Lots 6 & 7, Block 7, Original Town, now City of Marion, Linn County, Iowa (Seven Hills East LLC).

Resolution No. 26876 setting a public hearing for June 7, 2018 and directing publication of notice of public hearing on proposed disposition of a portion of public property described as the alley between 742 and 758 8th Avenue, more specifically known as the southern 120 feet of the north-south alley lying between Lots 6 and 7, Block 7, Original Town, now City of Marion, Linn County, Iowa (Seven Hills East LLC).

Motion to receive and file correspondence resigning from the Planning and Zoning Commission (Adam Kofoed, 1390 10th Street, Marion, Iowa).

Motion to receive and file correspondence from Hall & Hall Engineering, Inc. on behalf of Mooney-Engle Land Company, LLC, requesting the City change the street name as shown on the final plat for Bridge Creek Fourth Addition from Pioneer Court to Pioneer Drive.

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Resolution No. 26877 approving the revised Timberline MFG Commercial Addition Preliminary Plat for property located at 1050 Lyons Lane and 1029 Blairs Ferry Road (Timberline Manufacturing Co. Inc.).

Resolution No. 26878 requesting approval to extend managed IT support services for 36 months with Marco Inc. for $343,800.

Motion to receive and file an application for tax increment financing (TIF) assistance from Culver Enterprises, LLC.

Resolution No. 26879 of support and financial commitment for the Main Street Program in Marion, Iowa.

Resolution No. 26880 approving a one year contract renewal for the period July 1, 2018 through June 30, 2019 for Employee Assistance Program (EAP) with Mercy Medical Center.

Resolution No. 26881 approving the renewal of a contract with Wellmark for third party administration and stop loss coverage related to health and dental insurance for FY 18-19.

Motion to receive and file revised Personnel Policies 4.01 regarding Health/Dental Insurance.

Motion to receive and file April 2018 Departmental Reports.

Motion to approve the following Special Permit Endorsements:

* 1. Graduation Party, Uptown Snug, May 26, 2018, 10:00 a.m. – 2:00 p.m.
  2. Graduation Party, Uptown Snug, May 20, 2018, 11:00 a.m. – 4:00 p.m.

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

* 1. Chamber of Commerce PM Exchange, 11th Street between 7th and 8th Avenues, July 19, 2018, 5:00 p.m. 8:00 p.m. (Martin Gardner Architecture).
  2. Block Party, 19th Street Court, July 4, 2018, 2:00 p.m. – 10:00 p.m. (Ron Johnson, 175 S. 19th Street Court).
  3. Artisan’s Sanctuary Concert, Uptown Artway Stage, May 19, 2018, 3:00 p.m. – 5:00 p.m. (Jim Jacobmeyer, 1070 7th Avenue).

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* 1. SOS 5K Fun Run/Walk, Christ Community Church and surrounding area, October 21, 2018, 2:30 p.m. – 5:30 p.m. (Amy Keating, 3950 Dostal Court).
  2. Graduation Party, Uptown Artway Stage, May 26, 2018, 3:00 p.m. – 7:00 p.m. (Les Arnold, 4205 Flagstick Drive).
  3. Shine Where You Are, Thomas Park, July 15, 2018, 10:00 a.m. – 2:00 p.m. (Julia Cancel, 6815 Surrey Drive, NE, Cedar Rapids).

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

Resolution No. 26871 approving Change Order #1 with Borst Brothers Construction Inc. regarding the 3600 Winslow Road Property Disposal Project in the amount of $15,153.60 was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 26871. City Engineer Mike Barkalow noted that he received a lower quote from the contractor today. The amount of the quote is $11,888.00. Moved by Jensen, seconded by Gadelha to amend Res. No. 26871, approving Change Order #1 with Borst Brothers Construction Inc. regarding the 3600 Winslow Road Property Disposal Project from the amount of $15,153.60 to the amount of $11,888.00. All in favor of the amendment, motion carried. All in favor of the motion as amended, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:41 p.m. Mayor pro tem Gadelha presided over the meeting.

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

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

* 1. A revised preliminary plat for property located north of Tower Terrace Road and west of Lucore Road (Gemstone Estates Addition - M&W Ventures, LLC).
  2. A preliminary and final site development plan for Blue Bird Square located on the northeast corner of Highway 13 and Highway 151 (High Property Management & Development).
  3. A revised preliminary plat for property located north of 29th Avenue and east of 35th Street (The Commons at English Glen – Phase II Addition – Robson Homes, Inc.).

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

Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly at 5:42 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened a public hearing regarding a proposed adoption of a FY 2017 – 2018 budget amendment. Finance Director Wes Nelson presented the staff report regarding the budget amendment. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26882 approving the FY 2017 – 2018 budget amendment was read by Strnad. Moved by Strnad, seconded Brandt to approve Res. No. 26882. Council Member Gadelha and Council Member Jensen asked questions regarding the budget amendment. Police Chief Joe McHale and Finance Director Wes Nelson responded to Council’s questions. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:50 p.m. Mayor pro tem Gadelha presided over the meeting.

Resolution No. 26883 resetting a date of meeting for June 7, 2018 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 was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 26883. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly at 5:51 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 26884 approving a Memorandum of Understanding with Prospect Meadows was read by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 26884. All in favor, motion carried.

Police Chief Joe McHale made a presentation to the City Council regarding the Marion Police 100 day challenge. Chief McHale noted that every beat officer will visit every business within their beat area within 100 days. He noted that they will have a folder of information to present to the business. Council discussed the 100 day challenge. Chief McHale responded to questions from the City Council regarding the challenge.

Police Chief Joe McHale provided an update regarding the Public Safety Answering Points (PSAPs) Consolidation. Chief McHale noted that a planning committee has been formed to discuss the possible consolidation.

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Ordinance No. 18-06 amending Chapter 23.02 of the Code of Ordinances relating to Park Board member stipend was read by Gadelha for final consideration. Moved by Gadelha, seconded by Brandt to approve the third reading of Ordinance No. 18-06. Mayor AbouAssaly noted that this would terminate the stipends to the Park Board. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing 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. Building Official Gary Hansen presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-11 amending Chapter 160 of the Code of Ordinances and adopting by reference the International Building Code 2018 Edition with amendments and providing penalties was read by Brandt for initial consideration. Moved by Brandt, seconded by Jensen to approve the first reading of Ordinance No. 18-11. Council Member Draper asked if meetings were scheduled with the contractors. Building Official Gary Hansen explained that they only have meetings if there are significant changes. Mr. Hansen noted that all of the Code changes were reviewed by the Construction Code Review Board. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing 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. Building Official Gary Hansen presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-12 amending Chapter 163 of the Code of Ordinances and adopting by reference the International Mechanical Code 2018 Edition with amendments and providing penalties was ready by Strnad for initial consideration. Moved by Strnad, seconded by Brandt to approve the first reading of Ordinance No. 18-12. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing 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. Building Official Gary Hansen presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-13 amending Chapter 161 of the Code of Ordinances and adopting by reference the International Plumbing Code 2018 Edition with amendments and

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providing penalties was read by Draper for initial consideration. Moved by Draper, seconded by Gadelha to approve the first reading of Ord. No. 18-13. Council Member Gadelha asked if the changes to the Codes are consistent throughout the metropolitan area. Building Official Gary Hansen stated that they do meet with representatives from the City of Cedar Rapids, the City of Hiawatha, and Linn County. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing 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. Building Official Gary Hansen presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-14 amending Chapter 153 of the Code of Ordinances and adopting by reference the International Property Maintenance Code 2018 Edition with amendments and providing penalties was read by Jensen for initial consideration. Moved by Jensen, seconded by Draper to approve the first reading of Ord. No. 18-14. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the proposed adoption of an ordinance amending Chapter 50 of the Code of Ordinances relating to Nuisance Abatement Procedure. Building Official Gary Hansen presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-15 amending Chapter 50 of the Code of Ordinances relating to Nuisance Abatement Procedure was read by Gadelha for initial consideration. Moved by Gadelha, seconded by Brandt to approve the first reading of Ord. No. 18-15. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the proposed adoption of an ordinance amending Chapter 165 of the Code of Ordinances relating to the Housing Code. Building Official Gary Hansen presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code was read by Brandt for initial consideration. Moved by Brandt, seconded by Gadelha to approve the first reading of Ord. No. 18-16. 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

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be 25 mph when children present to the southern terminus of Alburnett Road (Remove Code section 5D, 6G & 6H, and add 5AC) was read by Strnad for second consideration. Moved by Strnad, seconded by Gadelha to approve the second reading of Ord. No. 18-10. Council Member Gadelha asked about the Code sections that are being removed. City Engineer Mike Barkalow noted that they referenced a higher speed limit. All in favor, motion carried.

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

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 Draper for final consideration. Moved by Draper, seconded by Brandt to approve the third reading of Ord. No. 18-09. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Resolution No. 26885 approving the Final Plat and Memorandum of Agreement for Bedford Heights 2nd Addition located south of Echo Hill Road and west of Alburnett Road (WEX, Inc.) was read by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 26885. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly at 6:21 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 26886 approving purchase of property described as 530-540 12th Street, Marion from Eva Jane Shaffer Revocable Trust in the amount of $136,500.00 was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 26886. Community Development Director Tom Treharne presented the staff report. Council Member Gadelha asked if the renters of the property have been notified of the sale. Mr. Treharne responded that they will be contacted after there is an authorization to move forward. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to direct staff to draft a Memorandum of Understanding (MOU) with Culver Enterprises LLC, regarding tax increment financing (TIF) incentives. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding a proposed designation of the 2018 Workforce Housing Urban Revitalization Area. City Manager Lon Pluckhahn 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. 26887 adopting the proposed plan for the 2018 Workforce Housing Urban Revitalization Area was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 26887. City Manager Lon Pluckhahn noted that he has suggested to the developer that he allow Council to tour the units before they are occupied. All in favor of Res. No. 26887, motion carried.

Ordinance No. 18-17 designating an area of Marion, Iowa, as the 2018 Workforce Housing Urban Revitalization Area was read by Draper for initial consideration. Moved by Draper, seconded by Gadelha to approve the first reading of Ord. No. 18-17. Council Member Gadelha stated that she is glad to see more diversity in the housing stock. City Manager Lon Pluckhahn presented the staff report on the housing needs assessment. All in favor of the first reading of Ord. No. 18-17, motion carried.

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

Council Discussion Time:

Council Member Brandt noted that his second grader is performing in her first play tonight so he is leaving the meeting to attend.

Council Member Brandt left the meeting at 6:32 p.m.

Council Discussion Time (continued):

Council Member Gadelha thanked everyone involved in making the City Showcase a huge success. She noted that there was a great turnout.

Council Member Gadelha stated that yesterday she was in Des Moines serving on the advisory council to the Governor’s STEM board. She noted that an Executive Order will establish a clearing house for all businesses across the State of Iowa by 2019.

Council Member Strnad left the Council Chambers at 6:33 p.m.  
  
Council Member Gadelha noted that there are grant opportunities and that this will be good for students.

Council Member Gadelha thanked Associate Planner Kesha Billings for her dedication to the Corridor Metropolitan Planning Organization (CMPO). She noted that funding was received for sidepaths from Hy-Vee to Walmart for 2021.

Council Member Strnad returned to the meeting at 6:34 p.m.

Council Member Gadelha wished Maddie Poppe good luck with the finals of the American Idol.

Council Member Gadelha thanked Marion Times reporter Nancy Grindle for her job in reporting City news and events. Ms. Grindle noted that she is working at the Shrine Center helping schedule patients and drivers for the patients. She noted that Corey Munson will be returning to the Marion Times to cover City events.

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Council Member Jensen also stated that the City Showcase was a great event. He noted that the Fire Department displayed the new aerial fire truck.

Council Member Jensen reminded everyone of the Marion Arts Festival this weekend.

Council Member Draper presented a history lesson on the Maid-Rite building.

Mayor AbouAssaly congratulated Oasis Sandbar and Volleyball on their ground breaking and he congratulated Scout of Marion on their ribbon cutting. Mayor AbouAssaly also noted that he attended the Encore Café grand openings at Lowe Park and the Library. He noted that it feels so good to be serving the needs of the residents. Mayor AbouAssaly stated that it was great to see the collaboration of the various entities that came together to make the Encore Café happen including the Parks Department and Library. He noted that the program is being used as a pilot program for the State. Mayor AbouAssaly stated that a Habitat for Humanity home was dedicated. In addition, he attended the employee appreciation breakfast and Bike to Work week events. Mayor AbouAssaly encouraged everyone to attend the Marion Arts Festival this weekend. He noted that it is one of the top 25 festivals in the country.

For his Reaching Higher recognition, Mayor AbouAssaly recognized the Library and the Parks Department for their work on the Encore Café. He also recognized Public Services Director Ryan Miller for working with a homeowner’s association on a drainage issue in the neighborhood. Mayor AbouAssaly noted that he received a very complimentary email from the resident thanking Mr. Miller for working with them. Mayor AbouAssaly also complimented Associate Planner Kesha Billings for her work on the Corridor Metropolitan Planning Organization (CMPO). He noted that she represents Marion very well at those meetings.

Moved by Jensen, seconded by Gadelha to adjourn to closed session regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) 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. City Manager Lon Pluckhahn requested the closed session. Roll Call: Yeas: Draper, Jensen, AbouAssaly, Gadelha, and Strnad. Nays: None. Motion carried.

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

Mayor AbouAssaly adjourned the meeting at 8:13 p.m.

Attest:

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Nicolas AbouAssaly, Mayor Beth J. Little, Assistant City Clerk