March 17, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, March 17, 2016, at 5:30 p.m. in the council chambers of City Hall with Mayor pro tem Spinks presiding and the following council members present: Pazour, Etzel, Brandt, Strnad, and Draper. Absent: Mayor AbouAssaly.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

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

 Mike Tope, 170 26th Street Court, spoke opposing the payment to Amanda Pashby, 1496 5th Avenue, for relocation assistance. Mr. Tope also noted that Charlie Knudsen had submitted correspondence regarding changing election rules. Mr. Tope noted that he is collecting signatures on a petition to change the election for ward members.

 Marshall Johnson, 3151 Mulberry Drive, requested that the speed limit on East Robins Road between Alburnett Road and C Avenue be lowered from 45 mph to 35 mph. City Engineer Dan Whitlow stated that it will be on the next City Council agenda for consideration.

 Acting Library Director Jo Pearson updated the City Council on issues with the library heating and cooling system, the retaining wall, the exterior door, and the security system. Acting Library Director Pearson also informed the City Council of the many programs available for the elderly. She explained that they are working with Aging Services to promote the programs. Ms. Pearson noted that 500 people attended the Linn Area Reads program. Ms. Pearson also noted that they have announced the authors to speak at the 2016 Out Loud! series. Authors for the series will be Sara Gruen, Matt de la Pena, and Jenny Lawson. Council Member Draper asked Acting Library Director Pearson to get bids for the repairs to the building. Council Member Strnad asked about the AED. Ms. Pearson stated that the AED is at the front desk.

Pramode Dwivedi, DrPh (c), Health Director for Linn County Public Health, made a presentation to the City Council regarding the services provided by Linn County Public Health. Council asked questions about the services. Planning and Development Director Tom Treharne noted that the American Planning Association and Public Health have been working together to fight obesity.

The following items were removed from the consent calendar for separate consideration:

Resolution No. 25166 approving the purchase of three (3) portable radios for the Police Department from RACOM Critical Communications in the amount of $16,455.75.

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

* 1. Resolution No. 25179 approving Payment to Amanda Pashby, 1496 5th Avenue, for residential relocation assistance reimbursement associated with the Central Corridor Improvement Project: 13th Street to 31st Street in the amount of $16,756.57.
	2. Resolution No. 25180 approving Payment No. 7 to Anderson-Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-4775(628)--8I-57) in the amount of $4,300.66.

Resolution No. 25182 approving pay application No. 1 to Renaissance Restoration, Inc. related to the downtown façade revitalization program in the amount of $3,800.00.

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

Motion to approve minutes of the March 1, 3, and 10, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $1,583,203.12.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for La Camelia Mexican Restaurant, dba La Camelia Mexican Restaurant and Bar (475 Northland Avenue). Expiration 04/14/2016. One violation in previous five years.
	2. Renewal application for a Class C Liquor License with additional privileges for Catering and Sunday Sales for Prairie Hill Pavilion, Inc. (5680 Kacena Avenue). Expiration 04/06/2016. No violations in previous five years.

Resolution No. 25163 approving the transfer of warranty deed of Lot 1, Industrial Center East Seventh Addition to the City of Marion, Linn County, Iowa from Fiberight Iowa, LLC., in the amount of $24,859.00.

Resolution No. 25164 approving Partial Payment No. 15 to Martin Gardner Architecture for Public Service Facility design services in the amount of $5,170.00.

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Resolution No. 25165 approving additional refurbishment of Aerial-1 from Pierce Manufacturing, Inc., in the amount of $27,425.95.

Resolution No. 25167 approving contract and bond with Rathje Construction Co. regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25168 approving contract and bond with L.L. Pelling Company, Inc. regarding the 2016 HMA Resurfacing Project.

Motion to receive and file correspondence regarding a PCC Patching Project located on Highway 151 from the east junction with US 30 to Iowa 13. (Tom Storey, Iowa Department of Transportation).

Resolution No. 25169 deferring Marion Code of Ordinances regarding Section 95.04 Sewer Connection Required to allow for a septic system to be repaired (Jerry Siex, 2489 Highway 13).

Motion directing staff to solicit design proposals for the 2016 Alburnett Road Extension Project – Concept Study.

Resolution No. 25170 approving Temporary Construction Easement with Besler Renovations LLC (980 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25171 approving Temporary Construction Easement with Richard L. & Jolene K. Balvanz (920 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25172 approving Temporary Construction Easement with Aaron E. Schultz (885 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25173 approving Temporary Construction Easement with Willie C. Caldwell (860 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25174 approving Temporary Construction Easement with Kevin S. Farmer (1045 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

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Resolution No. 25175 approving Temporary Construction Easement with Ann D. Erger (845 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25176 approving Temporary Construction Easement with Marilyn J. Casey (945 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25177 approving Temporary Construction Easement with Dolores E. Davis (1060 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25178 approving Temporary Construction Easement with Andrew J. McNamer & Susan D. Van Gorden (805 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

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

* 1. Request to rezone property located north of Oakbrook Drive and west of East Post Road from O-1, Office Transitional to PD-R, Planned Development Residential (Skogman Commercial).
	2. The Views Assisted Living Preliminary Site Development Plan located north of Oakbrook Drive and west of East Post Road (The Views Properties B, LLC).
	3. The Views Assisted Living Final Site Development Plan located north of Oakbrook Drive and west of East Post Road (The Views Properties B, LLC).
	4. Magid First Addition Preliminary Plat located north of Oakbrook Drive and west of East Post Road (Skogman Commercial).

Motion to receive and file request for sidewalk deferral of 2525 7th Avenue (Hall & Hall Engineers Inc. on the behalf of Lebeda).

Resolution No. 25181 setting April 21, 2016 for a public hearing regarding approval of the Capital Improvement Program (CIP).

Motion to receive and file Partial Waiver of Mechanics Lien from Renaissance Restoration, Inc. related to the downtown façade revitalization program.

Motion to receive and file the Non-Bargaining Pay Schedule effective April 1, 2016.

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Motion to receive and file recommendations for Department Head Pay for Performance increases.

Resolution No. 25183 amending Vantagecare Retirement Health Savings Plan.

Motion to amend the March 3, 2016 City Council minutes by unanimous consent of the City Council to reflect Mayor AbouAssaly abstention on the following item:

* 1. Resolution No. 25160 accepting bids and awarding contract to L.L. Pelling Company, Inc. regarding the 2016 HMA Resurfacing Project in the amount of $912,293.60.

Resolution No. 25184 approving an amendment to the Involta Masters Service Agreement to include Microsoft server licensing.

Resolution No. 25185 approving lease rider associated with off-premise advertising sign located on city property along 7th Avenue, SW of railroad overpass.

Resolution No. 25186 approving professional services agreement between the City of Marion and Cara Briggs Farmer for Archway Project associated with ImaginArt in the Alleys in an amount of $15,000.00.

Resolution No. 25187 approving professional services agreement between the City of Marion and Cecilia Lueza for Midnight Wonder associated with ImaginArt in the Alleys in an amount of $11,700.00.

Resolution No. 25188 approving professional services agreement between the City of Marion and Chris Miller for Bike Rack associated with ImaginArt in the Alleys in an amount of $5,000.00.

Resolution No. 25189 approving professional services agreement between the City of Marion and Quincy Owens and Luke Crawley for Interactive Pillars associated with ImaginArt in the Alleys in an amount of $20,670.00.

Resolution No. 25190 approving professional services agreement between the City of Marion and John Schwartzkopf for Gateway Project associated with ImaginArt in the Alleys in an amount of $16,900.00.

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Resolution No. 25191 approving professional services agreement between the City of Marion and Jake Balcom for Alley Blome associated with ImaginArt in the Alleys in an amount of $15,000.00.

Resolution No. 25192 approving professional services agreement between the City of Marion and Dale Merrill for 10th Street Gateway Sculpture associated with ImaginArt in the Alleys in an amount of $34,900.00.

Motion to receive and file correspondence requesting an extension of Hotel-Motel Grant Funds (Tony Ireland, Marion Parks and Recreation).

Motion approving an extension of Hotel-Motel Grant funds (Tony Ireland, Marion Parks and Recreation).

Motion to receive and file February 2016 Departmental Reports.

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

* 1. Go the Distance for Crime Victims 5K, Thomas Park, April 16, 2016, 5:00 a.m. – 12:00 p.m. (Anastasia Wilson, Linn County).

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

Resolution No. 25166 approving the purchase of three (3) portable radios for the Police Department from RACOM Critical Communications in the amount of $16,455.75 was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 25166. Comments were heard from Council Member Brandt and Police Chief Harry Daugherty regarding the purchase of the radios. All in favor, motion carried.

Moved by Pazour, seconded by Etzel to approve the Project Calendar regarding Planning and Development Department payments as follows:

1. Resolution No. 25179 approving payment to Amanda Pashby, 1496 5th Avenue, for residential relocation assistance reimbursement associated with the Central Corridor Improvement Project: 13th Street to 31st Street in the amount of $16,756.57.
2. Resolution No. 25180 approving Payment No. 7 to Anderson-Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-4775(628)--8I-57) in the amount of $4,300.66.

Council Member Pazour expressed concern with the payment to Amanda Pashby for residential relocation assistance. Planning and Development Director Tom Treharne explained the requirements that are laid out in Chapter 6B of the Code of Iowa stipulating how the relocation must be handled. Council Member Pazour requested to vote on the resolutions separately. Vote on Res. No. 25179: All in favor except Pazour, motion carried. Vote on Res. No. 25180: All in favor, motion carried.

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Resolution No. 25182 approving pay application No. 1 to Renaissance Restoration, Inc. related to the downtown façade revitalization program in the amount of $3,800.00 was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 25182. Council Member Draper stated that he has applied for funding through the façade revitalization program so he would need to abstain. Vote: Yeas: Pazour, Etzel, Spinks, Brandt, and Strnad. Nays: None. Abstention: Draper. Motion carried.

Mayor pro tem Spinks opened a public hearing regarding the 2016 Sanitary Sewer Manhole Project. City Engineer Dan Whitlow presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25193 accepting bids and awarding contract to Rathje Construction Company regarding the 2016 Sanitary Sewer Manhole Project in the amount of $44,470.00 was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25193. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding the 2016 Lowe Park Parking Lot Project. City Engineer Dan Whitlow presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25194 accepting bids and awarding contract to L.L. Pelling Company, Inc. regarding the 2016 Lowe Park Parking Lot Project in the amount of $671,415.65 was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 25194. Council Member Pazour expressed concern about funding this project instead of the pavilions at Thomas Park. Parks Director Mike Carolan presented that staff report on the project. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding the 2016 Sidewalk Assessment Project. City Engineer Dan Whitlow presented the staff report. Mr. Whitlow noted that written correspondence was received from Kenneth and Suzanne Campbell, 2676 11th Avenue, objecting to the assessment. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Moved by Brandt, seconded by Etzel to approve the Project Calendar regarding the 2016 Sidewalk Assessment Project, as follows:

* 1. Resolution No. 25195 amending the Resolution of Necessity regarding the 2016 Sidewalk Assessment Project.
	2. Resolution No. 25196 overruling (or amending) objections regarding the 2016 Sidewalk Assessment Project.
	3. Resolution No. 25197 approving the Final Resolution of Necessity regarding the 2016 Sidewalk Assessment Project.

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* 1. Resolution No. 25198 approving and adopting preliminary plans and specifications regarding the 2016 Sidewalk Assessment Project.
	2. Resolution No. 25199 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Sidewalk Assessment Project.

Moved by Pazour, seconded by Etzel to amend the project calendar to add a motion to receive and file the correspondence from Kenneth and Suzanne Campbell, 2676 11th Avenue, objecting to the assessment. All in favor, motion carried. Moved by Pazour, seconded by Brandt to amend the Project Calendar to delete the sidewalk project on 27th Street from 10th to 12th Avenue. City Engineer Dan Whitlow reminded Council that they had directed staff to have sidewalks installed where there are gaps. Lianne Cairy, 2900 12th Avenue, spoke in favor of installing the sidewalks. Planning and Development Director Tom Treharne spoke in favor of sidewalk installation to make more walkable neighborhoods. Vote on amendment to the Project Calendar to delete the sidewalk project on 27th Street: Yeas: Pazour. Nays: Etzel, Spinks, Brandt, Strnad, and Draper. Motion failed. All in favor of motion to approve the Project Calendar as amended to include the receive and file of correspondence from the Campbell’s, motion carried.

Resolution No. 25200 approving Industrial Center East Tenth Addition Final Plat and Memorandum of Agreement for property located north of 3rd Avenue and west of 44th Street (Tom and Nancy Riley Family, LLC) was read by Strnad. Moved by Strnad, seconded by Etzel to approve Res. No. 25200. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding an amendment to Chapter 55A of the Marion Code of Ordinances to allow the keeping of urban chickens/ducks on multi-family parcels operating as assisted, nursing, rest or convalescent homes. Planning and Development Director Tom Treharne presented the staff report. Frank Smalley, representing Crestview Acres at 1485 Grand Avenue, spoke in favor of the amendment to the Ordinance. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Ordinance No. 16-03 amending Chapter 55A of the Marion Code of Ordinances to allow the keeping of urban chickens/ducks on multi-family parcels operating as assisted, nursing, rest or convalescent homes was read by Draper for initial consideration. Moved by Draper, seconded by Pazour to approve the first reading of Ord. No. 16-03. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding the sale of real property described as the east/west alley bounded by 26th and 27th Streets and 10th and 11th Avenues. Planning and Development Director Tom Treharne presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

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Resolution No. 25201 approving the sale of real property described as: the west 60 feet of the east/west alley adjacent to Lot 6 of Block 6, Goodhue, Mitchell and Marshall’s Addition to Marion, Linn County, Iowa in exchange for receipt of $534.00 (Heather DeLuna, 1007 26th Street) was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25201. All in favor, motion carried.

Resolution No. 25202 approving the sale of real property described as: the east 62 feet of the east/west alley adjacent to Lot 5, of Block 6, Goodhue, Mitchell and Marshall's Addition to Marion, Linn County, Iowa and the west 3 feet of the east/west alley adjacent to Lot 5, Block 4 of Richmond’s 2nd Addition, Marion, Linn County, Iowa in exchange for receipt of $578.50 (Bradley Van Dee, 2620 10th Avenue) was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 25202. All in favor, motion carried.

Resolution No. 25203 approving the sale of real property described as: the south 5 feet of the east 65 feet of west 68 feet of the east/west alley adjacent to Lot 5 of Block 4, Richmond’s 2nd Addition, Marion, Linn County, Iowa in exchange for receipt of $289.25 (Greg Beachel, 2670 10th Avenue) was read by Brandt. Moved by Brandt, seconded by Draper to approve Res. No. 25203. All in favor, motion carried.

Resolution No. 25204 approving the sale of real property described as: the south 5 feet of the east 60 feet of the east half of the east/west alley adjacent to Lot 6, Block 4, Richmond’s 2nd Addition, Marion, Linn County, Iowa in exchange for receipt of $267.00 (Aaron and Stacey Massey, 2690 10th Avenue) was read by Strnad. Moved by Strnad, seconded by Pazour to approve Res. No. 25204. All in favor, motion carried.

Resolution No. 25205 approving Listing Agreement with Skogman Realty regarding the Fiberight Property was read by Draper. Moved by Draper, seconded by Pazour to approve Res. No. 25205. Jim Anderson, representing Anderson Automotive, asked if this includes the property he is purchasing. Brian Rosteck from Skogman Realty stated that the agreement excludes the Anderson Automotive property. All in favor, motion carried.

Resolution No. 25206 of Intent regarding Fiberight property sale for property located at the corner of 3rd Avenue and 44th Street with Anderson Automotive was read by Pazour. Moved by Pazour, seconded by Draper to approve Res. No. 25206. Jim Anderson, representing Anderson Automotive, 4850 Chandler Court, spoke in favor of the sale of the property. Stan Pfoff, representing Apple Creek Kennel, 650 51st Street, stated that they are also looking at a piece of the property to move their business. All in favor, motion carried.

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Resolution No. 25207 approving the Non-Bargaining Pay Schedule effective April 1, 2016 was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 25207. All in favor, motion carried.

Resolution No. 25208 approving the Department Head Pay for Performance increase recommendations was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 25208. Council Member Pazour expressed concern with the proposed raises. Council discussed the recommendations. All in favor except Pazour, motion carried.

Moved by Pazour, seconded by Draper to concur with the Mayor’s appointment recommendations as follows:

* 1. Ivan Gonzalez, 1155 Parkview Drive, Historic Preservation Committee, term expires 01/01/2017.
	2. Elizabeth Wilson, 2185 Rosewood Ridge Drive, Marion Arts Council, term expires 01/01/2019.

All in favor, motion carried.

Council Discussion Time:

 Council Member Pazour congratulated the Iowa State Men’s Basketball team on their win in the NCAA tournament. She also wished the University of Iowa and the University of Northern Iowa Men’s Basketball teams good luck in the tournament.
 Council Member Draper thanked the representatives from the Linn Mar School Board for attending the Council meeting.

 Mayor pro tem Spinks noted that the Council met with the Marion Independent School Board to discuss ways to share resources and reduce costs. Mayor pro tem Spinks stated that he would like to meet with the Linn Mar School Board also.

 Mayor pro tem Spinks stated that the speaker at the MEDCO luncheon, Sandy Henshaw, Executive Director of Northland Caps based in Kansas City, Missouri, made some good points about schools, businesses, and government working together to train high school students.

 Mayor pro tem Spinks asked if the City could find boy scouts that would help shovel sidewalks for the elderly. Parks Director Mike Carolan stated that he visited with Council Member Draper before the meeting about assisting some of our elderly residents. Mr. Carolan stated that he will ask staff to help him put together a list of organizations that will help elderly residents with snow removal and yard work.

Mayor pro tem Spinks adjourned the meeting at 7:36 p.m.

 Attest:

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