May 5, 2016

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

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor AbouAssaly administered the Oath of Office to Police Officer Adam Herrig.

Mayor AbouAssaly read a proclamation for Economic Development Week. He presented the proclamation to Nanci Young, Director of Strategic Engagement for the Marion Economic Development Corp. (MEDCO).

Mayor AbouAssaly read a proclamation for Peace Officers Memorial Day. He presented the proclamation to Police Chief Harry Daugherty.

Jackie Davis, Lead Teacher at the Linn-Mar Success Center, made a presentation to the City Council regarding the Linn Mar Success Center.

Citizen’s presentations, comments and/or petitions:

 Bob Crawford, 6495 Cakebread Court, stated that he is representing Frank Magid Associates. Mr. Crawford requested that the City Council defer installation of sidewalk on the Frank Magid property.

Council Member Spinks updated the Council on Council Member Draper’s surgery today. He noted that Council Member Draper appears to be doing well.

The following items were removed from the Consent Calendar for separate consideration:

Motion to approve the Project Calendar regarding the 2016 Sidewalk Assessment Project.

* 1. Resolution No. 25286 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Sidewalk Assessment Project.

 Resolution No. 25304 approving Wellness Screening Program Agreement with LifeLine Screening in an amount not to exceed $110/participant.

The following item was removed from the tonight’s agenda:

 Resolution No. 25289 accepting the 2016 Sidewalk Ramp Repair Project.

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Motion by Spinks, seconded by Etzel to approve the Consent Calendar, as follows:

Motion to approve minutes of the April 19 and 21, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $1,127,623.15.

Motion to approve the following liquor license application:

* 1. Renewal application for a Class B Native Wine Permit with additional privileges for Sunday Sales for Ends with E, LLC, dba The Chocolate Shop (1244 7th Avenue). Expiration 06/10/2016. No violations in previous five years.

Resolution No. 25280 approving Partial Payments No. 9 & No. 10 to Confluence for professional services regarding the City of Marion Park System Master Plan in the amount of $12,464.00.

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

* + 1. Resolution No. 25281 approving Partial Payment No. 1 to Rathje Construction Company, Inc. regarding the 2015 Alburnett Road Widening Project in the amount of $35,311.50.
		2. Resolution No. 25282 approving Partial Payment No. 2 to Eastern Iowa Excavating & Concrete LLC regarding the 35th Street and 29th Avenue Mini-Roundabout (CS-TSF-4775(629) - - 85 – 57) in the amount of $57,267.88.
		3. Resolution No. 25283 approving Partial Payment No. 1 to Midwest Concrete, Inc. regarding the 2016 Sidewalk Ramp Repair Project in the amount of $70,787.26.
		4. Resolution No. 25284 approving Partial Payment No. 1 to Trey Electric Corp. regarding the Lindale Trail Crossing at Lindale Drive in the amount of $7,339.70.
		5. Resolution No. 25285 approving Partial Payment No. 2 to Ricklefs Excavating, LTD regarding the Central Corridor Complete Streets and Capacity Improvements, Roundabout at 7th Avenue and 7th Street, STP-A-4775(627)--86-57 in the amount of $222,677.98.

Resolution No. 25287 accepting Hunters Field 9th Addition to the City of Marion.

Resolution No. 25288 accepting Hunters Field 10th Addition to the City of Marion.

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Resolution No. 25290 accepting the 2015 Storm Sewer Project.

Resolution No. 25291 approving Temporary Construction Easement Agreement with Carol A. Tuttle (1090 27th Street) regarding the 2016 Sidewalk Assessment Project.

Resolution No. 25292 approving Memorandum of Agreement with Mitchell J. Sutton (1060 27th Street) regarding the 2016 Sidewalk Assessment Project.

Resolution No. 25293 approving a contract with Windstream Communications regarding the undergrounding of fiber cable from 26th Street to 31st Street associated with the 2015 Central Corridor Improvements Project in an amount not to exceed $52,700.29.

Motion to receive and file staff report regarding request for brick border in sidewalk (Susan C. Hightshoe, 488 33rd Avenue).

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

* 1. Resolution No. 25294 approving Payment No. 7 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 $3,620.00.
	2. Resolution No. 25295 approving payment to Breeden Tree Service for tree work per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-4775(628)--8I-57) in the amount of $7,508.00.
	3. Resolution No. 25296 approving Payment No. 1 to Hall & Hall Engineers, Inc. for professional services regarding preliminary platting in the Central Corridor along 7th Avenue in the amount of $950.00.

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

* 1. Industrial Center East 11th Addition Preliminary Plat for property located north of 3rd Avenue and west of 44th Street (Anderson-Bogert).

Resolution No. 25297 approving the dedication of a 15’ Sanitary Sewer Easement for property located north of Blairs Ferry Road and west of Lindale Drive.

Resolution No. 25298 approving vacation of the 15’ drainage easement on Lots 4 & 5 of Henderson’s 10th Addition to the City of Marion.

Motion to receive and file a request to purchase the north 10’ x 60’ of the vacated north/south alley adjacent to Lot 1, Block 5 of Richmond’s 2nd Addition bounded by 27th Street and 28th Street and 10th and 11th Avenues (Marianna Lage, 1900 28th Street).

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Motion to receive and file a request to purchase City of Marion owned property located north of Marion Boulevard and east of the parking lot of Zimmerman Houdek Used Car Center (Zimmerman Houdek Used Car Center, 150 7th Avenue).

Resolution No. 25300 approving a contract with Morningside Research for the housing study in the amount of $38,260.00.

Resolution No. 25302 approving Partial Payment No. 4 to Owen Lewis Consulting in the amount of $9,457.00.

Resolution No. 25303 approving Partial Payment No. 5 to Owen Lewis Consulting in the amount of $1,822.02.

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

* 1. Sex Trafficking Awareness Concert, Lowe Park Amphitheater, July 31, 2016, 4:00 p.m. – 10:00 p.m. (Donovan Santamavia, Redeemer Church, P.O. Box 309, Cedar Rapids).
	2. Food Pantry Fundraiser/Family Festival, Marion Square Park, June 24, 2016, 4:00 p.m. – 10:00 p.m. (Derek Irwin, 1841 C Avenue, NE, Cedar Rapids).
	3. Marion Big Band Concert, City Square Park, July 28, 2016, 12:00 p.m. – 9:00 p.m. including request to use the 11th Street stub adjacent to the park to store trailer/stage from the Wednesday before the concert and removed after concert on Thursday night (Craig Mueggenberg, 1660 Valentine Drive).

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

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

1. Resolution No. 25286 approving and adopting final 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 Spinks to amend the motion to exclude the Frank Magid Associates property from the Sidewalk Assessment project. Staff reports were heard from City Engineer Dan Whitlow and Assistant Planning Director Dave Hockett. Council discussed the sidewalk proposed to be installed along the Frank Magid Associates property. Bob Crawford, representing Frank Magid Associates, requested that the sidewalk installation be deferred. Vote on amendment to remove the Frank Magid Associates property from the project: Yeas: Pazour. Nays: Etzel, Spinks, AbouAssaly, and Brandt. Motion failed. Vote on motion as originally stated: Yeas: Etzel, Spinks, AbouAssaly, and Brandt. Nays: Pazour. Motion carried.

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Resolution No. 25304 approving Wellness Screening Program Agreement with LifeLine Screening in an amount not to exceed $110/participant was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25304. Assistant to the City Manager Amanda Kaufman presented the staff report. Council Member Pazour spoke opposing the wellbeing program. Council discussed the wellbeing program. City Manager Lon Pluckhahn responded to Council questions regarding the wellbeing program. All in favor of motion to approve Res. No. 25304 except Pazour, motion carried.

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

Motion to approve the following liquor license application:

* 1. Renewal application for a Class C Liquor License with additional privilege for Catering, Outdoor Service, and Sunday Sales for QDogs BBQ, LLC, dba QDogs BBQ Company (895 Blairs Ferry Road). Expiration 05/26/2016. No violations in previous five years.

Resolution No. 25305 approving Partial Payment No. 31 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $2,130.00.

Resolution No. 25306 approving concurrence with developer agreement associated with the 2015 Central Corridor Improvements Project – Phase 2 in the amount of $1,949,127.74.

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

* 1. Resolution No. 25307 approving Partial Payment No. 2 to Dave Schmitt Construction Company, Inc. regarding the 2015 Storm Sewer Project in the amount of $67,330.44.

Vote: Yeas: Pazour, Etzel, Spinks, and Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 25308 approving the installation of experimental brick sidewalk at 488 33rd Avenue per the Section 7030, 3.06 B of the SUDAS Standard Specifications (Susan Hightshoe request) was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25308. City Manager Lon Pluckhahn and City Engineer Dan Whitlow presented the staff report. Council discussed the request from Ms. Hightshoe. Vote: Yeas: Spinks. Nays: Pazour, Etzel, AbouAssaly, and Brandt. Motion failed.

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Moved by Spinks, seconded by Brandt to receive and file correspondence from Susan C. Hightshoe, 488 West 33rd Avenue, regarding installation of a brick border through the sidewalk. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding a request to amend the Marion Land Use Map from Business Park Office/Office to Multi-Family Residential and 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. John C. Baumhoefener III, 6753 18th Avenue, Keystone, IA, President of the Views Assisted Living, spoke in favor of the project. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25309 amending the Marion Land Use Map of the Marion Comprehensive Plan from Business Park Office/Office to Multi-Family Residential for property located north of Oakbrook Drive and west of East Post Road (The Views Properties B, LLC) was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25309. All in favor, motion carried.

Ordinance No. 16-05 amending the Marion Code of Ordinances regarding a 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 (The Views Properties B, LLC) was read by Etzel for initial consideration. Moved by Etzel, seconded by Pazour to approve the first reading of Ord. No. 16-05. All in favor, motion carried.

Resolution No. 25310 setting a public hearing for June 9, 2016 regarding an amendment to the Marion Commerce Corridor urban renewal plan was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25310. All in favor, motion carried.

Resolution No. 25299 of intent to amend the Development Agreement regarding the Blairs Ferry Senior Apartments (TWG Development LLC) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 25299. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Resolution No. 25311 setting a public hearing for June 9, 2016 at which it is proposed to approve a revised development agreement with TWG Development LLC, including annual appropriation tax increment payments was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 25311. All in favor, motion carried.

Resolution No. 25312 setting a public hearing for June 9, 2016 at which it is proposed to approve a development agreement with Emerson Mattress, Inc., including annual appropriation tax increment payments was read by Pazour. Moved by Pazour, seconded by Spinks to approve Res. No. 25312. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

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Resolution No. 25313 approving the Conveyance of Property Agreement with Linn-Mar School District regarding Tower Terrace Road and Winslow Road was read by Etzel. Moved by Etzel, seconded by Pazour to approve Res. No. 25313. City Manager Lon Pluckhahn presented the staff report. Council discussed the pedestrian overpass. Vote on Res. No. 25313: Yeas: Pazour, Etzel, Spinks, and Brandt. Nays: None. Abstention: Mayor AbouAssaly abstained from the discussion and the voting. Motion carried.

Moved by Spinks, seconded by Etzel to receive and file a letter requesting tax increment financing (TIF) assistance (Primus Construction). All in favor, motion carried.

Resolution No. 25314 of intent to negotiate a development agreement regarding the improvements to the Irwin Building (Primus Construction) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 25314. City Manager Lon Pluckhahn presented the staff report. Jason W. Cave, Architect for Primus Construction, 401 8th Avenue SE, Cedar Rapids, and Dr. Ian Shaw, 3261 Bever Avenue, spoke regarding plans to remodel the Irwin Building at 1180 7th Avenue. Council discussed the plans for the property. All in favor, motion carried.

Council Discussion Time:
 Council Member Pazour stated that she would like the Council to consider financial assistance for sidewalk assessment projects for elderly residents. Council Member Pazour also asked that Council consider the request from Charlie Knudsen, 2835 24th Avenue, to change the Marion Code of Ordinances regarding elections.

 Council Member Pazour requested an update on the property located north of Apple Creek Kennel. Assistant Planning and Development Director Dave Hockett stated that he and District Fire Chief Wade Markley and Code Compliance Coordinator Matt Newhouse are coordinating the efforts to get the property cleaned up.

 Council Member Spinks stated that he will be absent from the May 19th Council meeting.

 Council Member Spinks noted that this week is Employee Appreciation Week. He thanked the City staff for all their work. Mayor AbouAssaly stated that he attended the employee breakfast this morning and thanked the employees on behalf of the City Council.

 Mayor AbouAssaly stated that he received many nice comments about the City Showcase that was held on Saturday, April 23rd. He also noted that the Art in the Alley groundbreaking was held that day.

 Mayor AbouAssaly noted that he attended the SODA (Students Opposed to Drugs and Alcohol) recognition ceremony sponsored by the Marion-East Cedar Rapids Rotary Club.

 Mayor AbouAssaly thanked Council Member Spinks for his update on Council Member Draper. Council Member Brandt wished Council Member Draper a quick recovery.

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Mayor AbouAssaly adjourned the meeting at 7:20 p.m.

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 Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk