June 23, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, June 23, 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, Brandt, Strnad, and Draper. Absent: None.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor AbouAssaly read a proclamation for Ride Your Motorcycle to Work Day. He declared July 11th as Ride Your Motorcycle to Work Day and urged residents to show their support for the “Sisters’ Centennial Motorcycle Ride by welcoming the riders to the City from 3:00 p.m. to 5:00 p.m. in City Square Park. Mayor AbouAssaly presented the proclamation to Lynette Brenzel, Director of the Marion Heritage Center.

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

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

Motion to approve minutes of the June 7 and June 9, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $1,244,620.90.

Motion to approve the following liquor license applications:

* 1. Transfer application for a Class B Beer Permit for Another Road, LLC, dba Another Road Brewing (From 1175 8th Avenue to 631 9th Street). Effective: 06/26/16. No violations in previous five years.

Resolution No. 25390 approving the renewal of the Iowa Communities Assurance Pool (ICAP) for FY 16-17 in the amount of $231,335.72.

Resolution No. 25391 approving purchase of a 2017 Freightliner 108 SD Chassis with Hook Lift System and Dump Box from Truck Country of Cedar Rapids in the amount of $129,179.00.

Resolution No. 25392 approving contract and bond with Borst Bros. Construction, Inc. regarding the 2016 Sidewalk Assessment Project.

Resolution No. 25393 approving contract and bond with Rathje Construction Company regarding the 2016 Winslow Road Reconstruction Project.

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Resolution No. 25394 approving Temporary Construction Easement with Bill J. Reed (985 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25395 approving Temporary Construction Easement with Aaron M. & Stacey L. Massey (2690 10th Avenue) regarding the 2016 Sidewalk Assessment Project.

Resolution No. 25396 accepting Hotchkiss Storage Units Sanitary Sewer to the City of Marion.

Resolution No. 25399 approving a Stop Sign stopping west bound traffic on Winslow Road at its intersection with Winslow Road (new alignment).

Resolution No. 25400 approving a Stop Sign stopping south bound traffic on Lark Spur Drive at its intersection with Winslow Road (new alignment).

Resolution No. 25401 approving a Stop Sign stopping south bound traffic on Aster Court at its intersection with Winslow Road (new alignment).

Resolution No. 25402 approving a Stop Sign stopping south bound traffic on Tall Pines Court at its intersection with Winslow Road (new alignment).

Motion to receive and file TAC report regarding a request to close 7th Avenue between 10th Street and 12th Street to vehicular traffic during all public events (Craig Campbell and various Marion business owners north of 7th Avenue).

Motion to receive and file staff report regarding the 29th Avenue and Indian Creek Mini-Roundabout Project.

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

* 1. Resolution No. 25403 approving Payment No. 9 to Universal Field Service, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street, in the amount of $7,307.80.

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

* 1. Request for approval of Sunny Ridge Villas preliminary and final site development for property located east of Bison Court and south of Robinwood Lane (Fusion Architects, Inc., Chad Pelley).

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* 1. Request for approval of Timberline Manufacturing Addition Final Plat for property located north of Blairs Ferry Road west of Lyons Lane (Cedar Realestate LLC).

Resolution No. 25404 setting a public hearing for July 7, 2016 regarding a request to amend the future land use map from Single Family Detached Residential to Uptown District and to rezone property from R-5, Moderate Density Multiple Family Residential to C-2, Central Business District Commercial for property located south of 6th Avenue between 8th and 9th Street (Perry Development Partners).

Resolution No. 25405 approving pay application No. 2 to Renaissance Restoration, Inc. related to the downtown façade revitalization program in the amount of $58,664.59.

Resolution No. 25406 approving Change Order No. 1 with Renaissance Restoration, Inc. regarding the downtown façade revitalization program in the amount of $25,944.78.

Resolution No. 25407 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 740 10th Street (Katie Luehrsmann).

Resolution No. 25408 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 748 10th Street (Katie Luehrsmann).

Resolution No. 25409 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 660 and 684 10th Street (Rick Bowersox).

Resolution No. 25410 approving payment to PAVERART, LLC in the amount of $4,345.00 for compass art, associated with ImaginArt in the Alleys.

Motion to receive and file correspondence regarding an alley patio (Conrad Ramsey, 2835 26th Avenue).

Motion to receive and file May 2016 Departmental Reports.

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

* 1. Linn-Mar High School Homecoming Parade, Linn Mar High School and surrounding area, September 29, 2016, 4:45 p.m. – 6:45 p.m. (Mark Hutcheson, 3111 North 10th Street).

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* 1. Marion Heritage Center & Museum Van Buren Sisters Ride, City Square Park, July 11, 2016, 2:00 p.m. – 5:30 p.m. (Lynette Brenzel, PO Box, 763).

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

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

Resolution No. 25397 approving a contract with CenturyLink 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 $11,836.84.

Resolution No. 25398 approving a contract with Interstate Power & Light Company (Alliant Energy) 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 $72,223.00.

Resolution No. 25411 approving Partial Payment No. 34 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $5,880.00.

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

Resolution No. 25412 approving the carryover of certain items from FY 15-16 to FY 16-17 was read by Etzel. Moved by Etzel, seconded by Spinks to approve Res. No. 25412. All in favor, motion carried.

Resolution No. 25413 approving the transfer of unexpended funds from the Unemployment Accounts to the Employee Benefits Fund for FY 15-16 was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25413. All in favor, motion carried.

Moved by Brandt, seconded by Strnad to approve the following liquor license application:

A new application for a Class B Beer Permit with additional privileges for Outdoor Service and Sunday Sales for Cedar Rapids Freedom Festival, dba Freedom Festival (4500 North 10th Street). Special Event: Freedom Ride & Airwaves Concert 06/26/2016.

All in favor, motion carried.

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Resolution No. 25414 approving affidavit with Cedar Rapids/Linn County Solid Waste Agency for the curbside recycling program incentive was read by Strnad. Moved by Strnad, seconded by Etzel to approve Res. No. 25414. Public Services Director Ryan Miller presented the staff report. Council discussed the curbside recycling program incentive. Yeas: Pazour, Etzel, Spinks, AbouAssaly, Brandt, and Strnad. Nays: Draper. Motion carried.

Ordinance No. 16-06 amending Section 5.13 of the Code of Ordinances regarding place of residence for certain city employees was read by Draper for second consideration. Moved by Draper, seconded by Brandt to approve the second reading of Ord. No. 16-06. All in favor, motion carried.

Moved by Pazour, seconded by Spinks to suspend the rules and place Ord. No. 16-06 on the agenda for adoption and to adopt Ord. No. 16-06. All in favor, motion carried.

Resolution No. 25415 approving a contract with Snyder and Associates regarding the 2016 Alburnett Road Extension Project – Concept Study in the amount of $248,950.00 was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 25415. City Engineer Dan Whitlow presented that staff report regarding the scope of work to be performed by Snyder and Associates. Council discussed the project. All in favor, motion carried.

Moved by Etzel, seconded by Draper to receive and file staff report regarding parking in Uptown Marion (Charles Knudsen, 2835 24th Avenue). All in favor, motion carried.

Moved by Spinks, seconded by Etzel to concur with staff report regarding parking in Uptown Marion. Council Member Strnad explained that Marion Code Section 69.06(6) stipulates that no one shall stop, stand, or park a vehicle within five feet of a fire hydrant. Moved by Strnad, seconded by Pazour to amend the motion to remove the current designated loading zone on the north side of 8th Avenue adjacent to the First Presbyterian Church. Moved by Draper, seconded by Pazour to amend the motion to remove parking from five feet from the fire hydrant to the corner and designate as a loading zone for the First Presbyterian Church. Council discussed the designated loading zone. The second amendment was withdrawn to allow discussion of the first amendment. City Engineer Dan Whitlow presented the staff report. Vote on amendment to remove the current designated loading zone on the north side of 8th Avenue adjacent to the First Presbyterian Church: Yeas: Pazour, Etzel, AbouAssaly, Brandt, and Strnad. Nays: Spinks and Draper. Motion carried. Moved by Draper, seconded by Brandt to amend the motion to remove parking from five feet from the fire hydrant to the corner and designate as a loading zone for the First Presbyterian Church. City Engineer Dan Whitlow stated that the ramp would also need removed. Council Member Draper suggested that the loading zone just be designated on Sundays. Public Services Director Ryan Miller stated that the area could be designated 15 minute

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parking. Council discussed the second amendment. Council Member Draper suggested that the second amendment be withdrawn and have City staff meet representatives of the Church. The second amendment was withdrawn. Vote on original motion to concur with staff report as amended to remove the current designated loading zone on the north side of 8th Avenue adjacent to the First Presbyterian Church. Yeas: Pazour, Etzel, AbouAssaly, Brandt, and Strnad. Nays: Spinks and Draper. Motion carried.

Moved by Brandt, seconded by Etzel to receive and file correspondence regarding TAC findings regarding Uptown parking by First Presbyterian Church (Charles Knudsen, 2835 24th Avenue). All in favor, motion carried.

Moved by Strnad, seconded by Pazour to concur with TAC report regarding a request to close 7th Avenue between 10th Street and 12th Street to vehicular traffic during all public events. City Engineer Dan Whitlow reviewed the TAC report. All in favor, motion carried.

Moved by Draper, seconded by Spinks to direct staff to prepare an application for Iowa DOT Traffic Safety Improvement Funding associated with the 29th Avenue and Indian Creek Mini-Roundabout Project. Council discussed whether to direct staff to submit an application for DOT Traffic Safety Improvement Funding associated with the 29th Avenue and Indian Creek Mini-Roundabout Project. City Engineer Dan Whitlow presented the staff report. Comments were heard from Acting Police Chief Doug Slagle regarding the safety of the intersection.

Council Member Etzel left the Council Chambers at 6:50 p.m. and returned at 6:51 p.m.

Council continued to discuss the funding application. Roll Call: Yeas: Etzel, AbouAssaly, and Brandt. Nays: Pazour, Spinks, Strnad, and Draper. Motion failed.

Moved by Draper, seconded by Strnad to table Resolution No. 25416, approving a contract with Foth Infrastructure and Environment regarding engineering services associated with the 29th Avenue and Indian Creek Mini-Roundabout Project in the amount of $6,928.00. Vote on motion to table Res. No. 25416: Yeas: Pazour, Etzel, Spinks, AbouAssaly, Strnad, and Draper. Nays: Brandt. Motion carried.

Resolution No. 25417 setting a public hearing for July 7, 2016 regarding First United Methodist Church of Marion First Addition Preliminary Site Development Plan and Final Site Development Plan located north of REC Drive, west of Highway 13 and south of 35th Avenue (First United Methodist Church) was read by Etzel. Moved by Etzel, seconded by Pazour to approve Res. No. 25417. All in favor, motion carried.

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Resolution No. 25418 approving the Linn County Business Park Final Site Development Plan for property located north of REC Drive and west of Highway 13 part of the Linn County Business Park Addition (Burger Homes) was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 25418. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Ordinance No. 16-07 approving the rezoning from C-3, General Commercial to R-6, High Density Multiple Family for property located west of Highway 13 and south of 29th Avenue was read by Brandt for second consideration. Moved by Brandt, seconded by Etzel to approve the second reading of Ord. No. 16-07. Roll Call: Yeas: Etzel, Spinks, AbouAssaly, and Brandt. Nays: Strnad and Pazour. Abstention: Draper. Motion carried.

Resolution No. 25419 approving request for deferral of installation of sidewalk for Lot 2, Marion Enterprise Center 4th Addition for property associated with Electric Specialty Manufacturing (Hall & Hall Engineering) was read by Strnad. Moved by Strnad, seconded by Draper to approve Res. No. 25419. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the proposed sale of a portion of public property located near 3rd Avenue and 44th Street (Anderson Automotive). Acting City Manager Dan Whitlow presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25420 approving the sale of a portion of public property located near 3rd Avenue and 44th Street (Anderson Automotive) was read by Draper. Moved by Draper, seconded by Pazour to approve Res. No. 25420. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the proposed sale of a portion of public property located near 3rd Avenue and 44th Street (KTRO, LLC). Acting City Manager Dan Whitlow and Planning and Development Director Tom Treharne presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25421 approving the sale of a portion of public property located near 3rd Avenue and 44th Street (KTRO, LLC) was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 25421. Council discussed the possible uses of the property. All in favor, motion carried.

Resolution No. 25422 approving a purchase agreement regarding land purchase from GLD Properties site (former Prince Agri location) was read by Etzel. Moved by Etzel, seconded by Spinks to approve Res. No. 25422. Acting City Manager Dan Whitlow presented the staff report. All in favor, motion carried.

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Resolution No. 25423 approving a conditional sales agreement regarding land adjacent to GLD Properties site (former Prince Agri location) was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25423. All in favor, motion carried.

Moved by Brandt, seconded by Draper to receive and file funding recommendations from the FY16-17 Hotel/Motel Grant Program Review Committee. Vote: Yeas: Pazour, Etzel, Spinks, AbouAssaly, Brandt, and Strnad. Nays: None. Abstention: Draper. Motion carried.

Resolution No. 25424 approving Hotel/Motel Grant Program Funding allocations for FY 16-17 was read by Strnad. Moved by Strnad, seconded by Pazour to approve Res. No. 25424. Jay Kacena, 2745 1st Avenue, explained that he is Vice-president of the Marion Historical Society, Inc. (Marion Heritage Center and Museum). Mr. Kacena thanked Council for their allocation of funding. He noted that the pride of our heritage is on display at the Heritage Center. Vote: Yeas: Pazour, Etzel, Spinks, Brandt, and Strnad. Nays: None. Abstention: AbouAssaly and Draper. Motion carried.

Resolution No. 25425 approving retainer agreements with City Attorney and Assistant City Attorneys for the period of July 1, 2016 through June 30, 2017 was read by Draper. Moved by Draper, seconded by Pazour to approve Res. No. 25425. All in favor, motion carried.

Moved by Pazour, seconded by Brandt to receive and file 2016 partial Special Census results from the U.S. Census Bureau. Assistant to the City Manager Amanda Kaufman presented the staff report. She noted that Marion’s new certified population will be 38,023 and the certified housing count will be 16,296. Ms. Kaufman estimated that the City will receive an additional $2.6 million over the next four years in road use tax and local option sales tax funding due to the special census. All in favor, motion carried.

Resolution No. 25426 certifying the results of the 2016 partial Special Census was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 25426. All in favor, motion carried.

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

* 1. Leah Rodenberg, 2390 Acacia Court, Airport Advisory Committee.
  2. Rodney Bluml, 1445 Brockman Avenue, Tree Board, term expires 01-01-2019.

All in favor, motion carried.

Council Discussion Time:  
 Council Member Pazour stated that she and Council Member Strnad will be at the Library on Saturday for Council office hours.

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Council Member Pazour stated that the solution to the Tom Underwood puzzle in the paper this week was “Think wrongly if you must, but in all cases think for yourself”.

Council Member Pazour suggested that the Police Officers attending the Council meetings sit to the front of the room rather than in back.

Council Member Spinks noted that there have been many great events in Marion this summer. He thanked the City departments and the Chamber for their assistance with the events. Parks Director Mike Carolan stated that Dueling Pianos will be at Lowe Park on July 16th.

Council Member Strnad noted that he has served on Council for six months. He stated that he looks forward to continuing to serve on the Council.

Council Member Strnad thanked Jay Kacena for his presentation tonight. He noted that the hotel/motel funding committee struggled with the large number of applications that were received for the funding.

Council Member Draper congratulated City Engineer Dan Whitlow on serving as the Acting City Manager.

Council Member Draper reminded everyone of the Fly-in Breakfast at the Marion Airport on Sunday morning.

Council Member Draper commented that he and his wife just celebrated their 59th wedding anniversary.

Council Member Draper noted that the Police Department hosted a wonderful party for Police Chief Harry Daugherty for his retirement. Chief Daugherty received plaques from three counties, the State of Iowa, the FBI, four cities, the former Police Chief from Cedar Rapids flew in from Florida, the Civil Service Commission, and the Mayor presented the key to the City. Mr. Draper noted that these awards spoke well of the Police Chief of our community.

Mayor AbouAssaly noted that Chief Daugherty’s retirement was a very nice tribute to him. He has respect from all the people that came to honor him.

Mayor AbouAssaly stated that the City is growing quickly and the staff is trying to deal with the growth and manage and plan for the growth. He commented that we are fortunate to be a growing community.

Mayor AbouAssaly stated that the June edition of the Business Connection from MEDCO, the Marion Chamber, and Uptown Marion highlighted many positive changes in Marion. Ali’s Weed has relocated and expanded, Another Road Brewing is relocating and expanding, Cranky’s Uptown Bicycles is new in the Uptown, Desert Frog has relocated, Eclipse Trading Post is new, Fashion Par Kitchens has relocated, Google Nail Spa is new, Kazoo Photography has relocated and expanded, and Uptown Snug is new.

Mayor AbouAssaly adjourned the meeting at 7:52 p.m.

Attest:

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