July 21, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, July 21, 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 regarding the Granger House 40th Anniversary Day. Mayor AbouAssaly presented the proclamation to Ann Rogers, President of Granger House and Joe Stutler, Vice president of the Granger House. Ms. Rogers noted that the Granger House will hold their 40th Anniversary Celebration and Ice Cream Social on Sunday, July 24th from 1:00 p.m. to 4:00 p.m. She stated that there will be ice cream, a cake walk, games for the children, and a silent auction.

Citizen’s presentations, comments and/or petitions:

Charles Knutsen, 2835 24th Avenue, spoke regarding city elections. Mr. Knutsen asked that Council make a decision soon regarding his request to change city elections for ward council members. Council Member Draper suggested that Council make a decision on the issue. Mayor AbouAssaly stated that changing the charter of the City should be studied before Council votes on the matter. He noted that there should be input from residents before making a change to the City election process that has been in place for forty years. City Manager Lon Pluckhahn stated that his intention was to bring it back to Council for a decision at the first meeting in August.

Judy Saluri, 1785 Grand Avenue, stated that Mr. Knutsen’s opinion regarding City elections is just the opinion of one resident. She agreed with the Mayor that the current system has worked well for forty years. She suggested that the City get opinions from people on both sides of the issue.

Mike Tope, 170 26th Street Court, stated that he has listened to both sides of the election issue. He noted that the elections are handled differently at the City, County, State, and Federal level. Mr. Tope stated that there needs to be proper representation from the wards.

Noreen Tonkin, 1920 8th Avenue, stated that she supports Charles Knutsen. She noted that the City has grown substantially in the past five years. She stated that what has worked for the past forty years doesn’t work since the City has grown. Ms. Tonkin also volunteered to help organize the City’s website.

Wanda Vandee, 1025 Fairview Drive, expressed concern regarding the 2016 Fairview Drive Reconstruction Project. City Engineer Dan Whitlow provided an update on the project.

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

Motion to approve minutes of the July 5 and 7, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $2,901,764.69.

Resolution No. 25458 adopting final assessment schedule for fiscal year 2017 quarter 1 delinquent fees and confirming and levying the assessments.

Resolution No. 25459 approving Partial Payment No.10 to Shoemaker & Haaland Engineers for professional services for the Donnelly Park Pedestrian Bridge Design and Development Plan in the amount of $202.50.

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

* 1. Resolution No. 25460 approving Partial Payment No. 1 to Mitchell Sutton (1060 27th Street) regarding the 2016 Sidewalk Assessment Project in the amount of $440.00.
  2. Resolution No. 25435 approving Partial Payment No. 2 to Mooney-Engle Land Company, LLC, regarding the Winslow Road Realignment Project associated with the Bridge Creek Addition in the amount of $750,258.30 (tabled 7-7-16).

Resolution No. 25461 accepting the 2016 Lindale Trail Crossing at Lindale Drive Project.

Motion directing staff to prepare an Education and Enforcement Plan regarding non-regulatory signs in the street right-of-way.

Motion to receive and file request regarding property damage associated with the Central Corridor Complete Streets and Capacity Improvements, Roundabout at 7th Avenue and 7th Street Project (Barb Prall, 788 6th Street).

Motion to receive, file and concur with staff report regarding a request regarding property damage associated with the Central Corridor Complete Streets and Capacity Improvements, Roundabout at 7th Avenue and 7th Street Project (Barb Prall, 788 6th Street).

Resolution No. 25462 to set date for August 4, 2016 for a public hearing regarding Sunny Ridge Villas Preliminary Site Development Plan and Final Site Development Plan located east of Bison Court and south of Robinwood Lane (Fusion Architects).

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

* 1. Request for approval of Marion Churches 4th Addition Final Plat for property located at 2523 Highway 13 (Marion Senior Living Community).

Motion to receive and file recommendation from Bicycle & Pedestrian Advisory Committee (BPAC) regarding the paving of the Lindale Trail.

Motion to receive and file correspondence regarding city elections (Charles Knutsen, 2835 24th Avenue).

Motion to receive and file correspondence regarding business parking on 6th Avenue between 9th and 10th Streets (Judy Saluri, 1785 Grand Avenue).

Motion to receive and file June 2016 Departmental Reports.

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

* 1. Granger House Ice Cream Social, 970 10th Street, July 24, 2016, 10:00 a.m. – 7:00 p.m. (Granger House, 970 10th Street).
  2. Cocktails and Company, Outdoor Bands, 1625 Blairs Ferry Road, August 20, 2016, 8:00 a.m. – 2:00 p.m.) (Evans and Son Cocktail, 1625 Blairs Ferry Road).

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

Moved by Spinks, 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 applications:

* 1. Renewal application for a Class E Liquor License with additional privileges for Carryout Native Wine, Carryout Beer, and Sunday Sales for Casey’s Marketing Company, dba Casey’s General Store #2924 (1100 Eagle View Drive). Expiration 08/18/2016. No violations in previous five years.
  2. New application for addition of a Special Event Outdoor Privilege to existing liquor license for QDogs BBQ, LLC, dba QDogs BBQ Company. (Special Event 08/20/2016 – Blues Fest). No violations in previous five years.

Motion to receive and file a request from Midwest Development Company to vacate sanitary sewer and water service easement over and across Lot 18 of the Hunters Ridge Golf Club Sixth Addition.

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Resolution No. 25463 approving the vacation of a sanitary sewer and water service easement over and across Lot 18 of the Hunters Ridge Golf Club Sixth Addition Final Plat (Midwest Development Company).

Council Member Draper stated that he needs to abstain from voting on QDogs liquor license. Moved by Spinks, seconded by Brandt to remove QDogs liquor license from the motion for separate consideration. All in favor of motion to remove QDogs liquor license from the motion for separate consideration, motion carried. Vote on Consent Calendar with the exception of QDogs liquor license: Yeas: Pazour, Etzel, Spinks, Brandt, Strnad, and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Spinks, seconded by Pazour to approve the new application for addition of a Special Event Outdoor Privilege to existing liquor license for QDogs BBQ, LLC, dba QDogs BBQ Company (Special Event 08/20/2016 – Blues Fest) (No violations in previous five years) with Mayor AbouAssaly and Council Member Draper abstaining from voting and discussion regarding this liquor license. Vote: Yeas: Pazour, Etzel, Spinks, Brandt, and Strnad. Nays: None. Abstention: AbouAssaly and Draper. Motion carried.

Resolution No. 25464 approving merchant credit card service agreement with Payment Service Network was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 25464. Finance Manager Lianne Cairy answered questions from the City Council regarding the agreement. All in favor, motion carried.

Ordinance No. 16-10 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at $14.25 and reduced monthly fees at $11.00 was read by Strnad for initial consideration. Moved by Strnad, seconded by Brandt to approve the first reading of Ord. No. 16-10. Public Services Director Ryan Miller presented the staff report. All in favor except Draper, motion carried.

Moved by Draper, seconded by Pazour to refer to TAC for the review of posted restrictions and regulatory signs in the Central Business District. Public Services Director Ryan Miller presented the staff report. Council Member Draper suggested that positive signage be considered. All in favor, motion carried.

Ordinance No. 16-08 amending Section 69.06, subsection 13, of the Code of Ordinances establishing parking regulations regarding length of reservation spaces within the Incorporated Limits of the City (Staff) was read by Pazour for second consideration. Moved by Pazour, seconded by Spinks to approve the second reading of Ord. No. 16-08. All in favor except Draper, motion carried.

Moved by Etzel, seconded by Pazour to direct staff to prepare a hold harmless associated with a request for use and improvements at 3501 29th Avenue (Ken and Karen Swalley, 3500 28th Avenue). City Engineer Dan Whitlow requested that Council

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amend the motion to direct staff to prepare an encroachment agreement instead of a hold harmless agreement. Karen Swalley, 3500 28th Avenue, spoke regarding their request to use City property located at 3501 29th Avenue. Mrs. Swalley requested that either the City sell them a portion of the lot or allow them to use a portion of the lot and provide financial assistance to install a privacy fence to buffer their property. Parks Director Mike Carolan noted that Parks Department staff are mowing the property until it is needed for other road improvement projects. He noted that the intent was to leave the lots as open as possible to lessen the impact of maintenance of the property. Moved by Pazour, seconded by Strnad to amend the motion to direct staff to prepare an encroachment agreement for use and improvements at 3501 29th Avenue and not provide any City financial assistance for plantings or fencing. All in favor of the amendment, motion carried. All in favor of the motion as amended, motion carried.

Resolution No. 25465 approving Bedford Heights First Addition Final Plat and Memorandum of Agreement for property located west of Alburnett Road and south of Echo Hill Road (Dustin Kern) was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 25465. All in favor, motion carried.

Resolution No. 25466 approving Magid 1st Addition Final Plat and Memorandum of Agreement for property located north of Oakbrook Drive and west of East Post Road (The Views Properties LLC) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 25466. All in favor, motion carried.

Resolution No. 25467 approving Prairie Ridge Estates 7th Addition Final Plat and Memorandum of Agreement for property located east of Bison Court and north of Kacena Avenue (Mooney-Engle Land Company, owner) was read by Strnad. Moved by Strnad, seconded by Etzel to approve Res. No. 25467. All in favor, motion carried.

Resolution No. 25468 approving Squaw Creek Meadows 7th Addition Final Plat and Memorandum of Agreement for property located south of Grand Avenue, east of South 26th Street (Platinum Development, LLC) was read by Draper. Moved by Draper, seconded by Pazour to approve Res. No. 25468. Planning and Development Director Tom Treharne presented the staff report regarding the Final Plats approved tonight. He noted that the four final plats tonight are for 63 single family homes, 110 senior apartments, and 48 apartments. All in favor, motion carried.

Resolution No. 25469 approving Timberline Manufacturing Addition Final Plat and Memorandum of Agreement for property located north of Blairs Ferry Road and west of Lyons Lane (Cedar Realestate, owner) was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25469. All in favor, motion carried.

Ordinance No. 16-09 amending the Marion Code of Ordinances regarding a request 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

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9th Street (Perry Development Partners) was read by Etzel for second consideration. Moved by Etzel, seconded by Draper to approve the second reading of Ord. No. 16-09. Annette Perry, 200 Rosedale Road, Cedar Rapids, representing Perry Development Partners, stated that they would like to start on the project as soon as possible. All in favor, motion carried.

Moved by Pazour, seconded by Strnad to suspend the rules and place Ord. No. 16-09 on the agenda for adoption and to adopt Ord. No. 16-09. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the sale of City owned property located adjacent and south of 2525 and 2605 7th Avenue also known as Plat of Survey No. 2042 to Mooney-Engle Land Company LLC. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25470 approving the sale of City owned property located adjacent and south of 2525 and 2605 7th Avenue also known as Plat of Survey No. 2042 to Mooney-Engle Land Company LLC was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25470. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the sale of City owned property located south of 2823 7th Avenue, former Prince Agra Site, to GLD Properties LLC. Planning and Development Director Tom Treharne requested that the public hearing be continued. No other comments, written or verbal, were received. Moved by Strnad, seconded by Draper to continue the public hearing. All in favor, motion carried.

Resolution No. 25471 approving purchase of wetland credits associated with Eastend Central Corridor Redevelopment in the amount of $31,200.00 was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 25471. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Resolution No. 25472 approving Tax Increment Financing (TIF) Policy was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 25472. Council Member Pazour asked about TIF incentives for Memorial Hall. City Manager Lon Pluckhahn reviewed the agreement for restoration of Memorial Hall. Council Member Spinks asked about the 29th Avenue renewal plan. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Resolution No. 25473 approving payment to Involta for Cisco hardware, software upgrades and professional services in the amount $77,867.60 was read by Draper. Moved by Draper, seconded by Spinks to approve Res. No. 25473. Assistant to the City Manager Amanda Kaufman answered Council questions regarding the purchase. All in favor, motion carried.

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Resolution No. 25474 approving payment to Insight Public Sector for Microsoft Volume Licensing in the amount of $33,531.92 was read by Pazour. Moved by Pazour, seconded by Spinks to approve Res. No. 25474. Assistant to the City Manager Amanda Kaufman and City Manager Lon Pluckhahn answered Council questions regarding the licensing. All in favor, motion carried.

Resolution No. 25475 approving additional on-site Network Engineer Labor contract with Marco in the amount of $3,520.00 per month was read by Etzel. Moved by Etzel, seconded by Spinks to approve Res. No. 25475. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Council Discussion Time:

Council Member Pazour stated that Council decided not to apply for funding of a roundabout at Indian Creek Road and 29th Avenue. She noted that a Kiwanis club member told her that a City staff member speaking at the meeting had said the project was moving forward. City Engineer Dan Whitlow stated that the City will not be moving forward with that application.

Council Member Pazour stated that a Flying Tiger picture was donated to the City to be hung in City Hall. The person that donated the picture would like it back since it is not being displayed. He plans to donate the picture to the Iowa Gold Star Military Museum at Camp Dodge.

Council Member Pazour suggested that the outer rim of the mini-roundabout at 29th Avenue and 35th Street be painted for better visibility. She also requested that the turn lanes from 6th Avenue onto Marion Boulevard by McDonald’s be painted.

Council Member Strnad asked about upgrading the City Council I-Pads to working tablets. City Manager Lon Pluckhahn stated that he will visit with IT Manager Terrell Hunter regarding the replacement.

Council Member Strnad asked to receive the bid tabulations for City projects. City Engineer Dan Whitlow stated that all engineering construction bids are included in the Council packets. City Manager Lon Pluckhahn noted that sometimes the City uses the State bids for purchases.

Council Member Draper thanked Linn Mar School Board Member Weaver for attending tonight’s Council meeting.

Council Member Draper asked about cleanup of the area around Apple Creek Kennels. City Manager Lon Pluckhahn stated that staff will provide a report at the next meeting.

Mayor AbouAssaly reminded everyone to attend the Granger House Museum 40th Anniversary celebration and Ice Cream Social on Sunday, July 24th from 1:00 p.m. to 4:00 p.m.

Mayor AbouAssaly noted that there were two ribbon cutting events today. Hupp Electric Motors hosted their ribbon cutting today. He explained that they have over 130 employees. Mayor AbouAssaly stated that they are a great business and welcomed

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them to Marion. Mayor AbouAssaly also noted that there was a ribbon cutting for the Fiesta Block Party. The Fiesta Block Party is celebrating 20 years. The event is sponsored by Carlos O Kelly’s, Farmers State Bank, and Martin Gardner Architecture.

Mayor AbouAssaly recognized the Marion Parks Department for Reaching Higher. The Parks Department sponsored the Dueling Pianos event at the Klopfenstein Amphitheater at Lowe Park. He noted that he has received many positive comments about that event. Parks Director Mike Carolan stated that the Parks Department will be hosting Live Band Karaoke at Lowe Park on August 26th.

Mayor AbouAssaly also recognized the Uptown Marion Pub Crawl for Reaching Higher. He noted that the event on July 14th sold out. He said that there were people walking around the Uptown area and visiting the businesses.

Mayor AbouAssaly noted that he visited Cranky’s Uptown Bicycle Shop. The shop is located at 1170 7th Avenue. Mayor AbouAssaly stated that the owner indicated that he is happy to be in Marion. The owner indicated in the few months he has been in Marion his sales have surpassed his 18 month projections. He also wanted to encourage other businesses to locate in the Uptown.

Moved by Spinks, seconded by Pazour to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa. City Attorney Don Hoskins stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Pazour, Etzel, Spinks, AbouAssaly, Brandt, Strnad, and Draper. Nays: None. Motion carried.

Moved by Pazour, seconded by Spinks to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 8:14 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk