August 4, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, August 4, 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, Strnad, and Draper. Absent: Brandt.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

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

 Wanda Vandee, 1025 Fairview Drive, spoke regarding the 2016 Fairview Drive Reconstruction Project. She thanked Project Engineer Seth Kjormoe for visiting with her regarding the project. She also thanked Cody Farmer, from Rathje Construction, for coming to her door to explain the progress on the project.

 Noreen Tonkin, 1920 8th Avenue, thanked the Council for addressing the ballot issue regarding the proposed charter amendment for Ward elections.

 Fire Chief Deb Krebill noted that she received the report from the Iowa Department of Agriculture late today regarding the substance that was sprayed by the crop dusting plane over a portion of the City on July 26th. The substance was Stratego fungicide. Fire Chief Krebill stated that she will be releasing the report tomorrow. She also reminded residents in that area that they should not eat any vegetables contaminated by the fungicide.

Moved by Spinks, seconded by Etzel to approve the consent calendar, as follows:

Motion to approve minutes of the July 13, 19, and 21, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $1,800,598.29.

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 Marion Columbus Club (5650 Kacena Avenue). Expiration 08/24/2016. No violations in previous five years.

Resolution No. 25476 approving the purchase of a 2016 Chevy Suburban for the Fire Department from Karl Chevrolet in the amount of $38,214.20.

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

 Page 2, August 4, 2016

* 1. Resolution No. 25477 approving Partial Payment No. 2 to Central States Concrete LLC, regarding the 2016 ImaginArt in the Alley Project in the amount of $19,413.14.
	2. Resolution No. 25478 approving Partial Payment No. 5 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 $277,326.89.
	3. Resolution No. 25479 approving Partial Payment No. 4 to Rathje Construction Company, Inc., regarding the 2015 Alburnett Road Widening Project in the amount of $16,128.15.
	4. Resolution No. 25480 approving Partial Payment No. 2 to Rathje Construction Company, Inc., regarding the 2016 Sanitary Sewer Manhole Project in the amount of $12,663.98.
	5. Resolution No. 25481 approving Partial Payment No. 2 to Rathje Construction Company, Inc., regarding the 2016 Fairview Drive Reconstruction Project in the amount of $20,076.83.

Resolution No. 25482 accepting the 2015 Alburnett Road Widening Project.

Resolution No. 25483 accepting the 2016 Sanitary Sewer Manhole Repair Project.

Motion to receive and file correspondence regarding Country Kitchen and other businesses on 7th Avenue (Linda Hower, 3021 Duckhorn Cove).

Resolution No. 25484 approving Temporary Construction Easement with William and Penny Meier (840 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

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

* 1. Resolution No. 25485 approving Payment No. 10 to Universal Field Services, Inc., for services related to right-of-way acquisitions for the Central Corridor Improvement Project in the amount of $19,392.44.

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

* 1. Request to amend the Future Land Use Map of the Marion Comprehensive Plan for property located at 1100 Meadowview Drive, Marion, Iowa from Neighborhood Commercial to Corridor Commercial and rezone property from C-1 Neighborhood Commercial to C-3 General Commercial (Meier-Gast).

 Page 3, August 4, 2016

Motion to receive and file and refer the following item to the Historical Preservation Commission:

* 1. Request for a partial demolition of the rear portion of the structure located at 1038/1048 7th Avenue within the Uptown Commercial Historic District per Ordinance No. 08-16 and 10-02.

Resolution No. 25487 regarding the necessity for installation of side path as part of Prairie Trail First Addition.

Motion to receive and file resignation of Melissa Monroe, 501 13th St NW, Cedar Rapids, IA 52405, from the Bicycle and Pedestrian Advisory Committee.

Motion to receive and file letter requesting TIF assistance and copy of preliminary TIF application (Les Arnold, former Bill’s Tap).

Resolution No. 25488 approving hold harmless agreement to allow access to property located at 1204 7th Avenue, related to the downtown façade revitalization program improvements.

Resolution No. 25489 approving Change Order No. 2 with Renaissance Restoration, Inc. regarding the downtown façade revitalization program in the amount of $62,425.16.

Resolution No. 25490 approving Pay Application No. 3 to Renaissance Restoration, Inc. related to the downtown façade revitalization program in the amount of $143,702.54.

Resolution No. 25491 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 1104 7th Avenue (Kent Backen).

Resolution No. 25492 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 660 and 684 10th Street (Richard Bowersox).

Resolution No. 25493 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 1222 7th Avenue (Henry Royer).

Motion to receive and file updated Personnel Policy No.1.5 regarding Residency Requirements.

 Page 4, August 4, 2016

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

* 1. YMCA Movie Night, September 9, 2016, Marion YMCA, 5:00 p.m. – 11:00 p.m. (Sarah Hoeger, 3100 10th Avenue).
	2. Movie Night/Block Party, Whisper Oak Drive, August 6, 2016, 6:00 p.m. – 11:00 p.m. (Mike Andersen, 4090 Monarch Avenue).
	3. Wedding, Lowe Park, July 15, 2017, 11:00 a.m. – 4:00 p.m. (Kevin and Amanda Anderson, 2827 Rutland Circle, Naperville, IL 60540).

Vote: Yeas: Pazour, Etzel, Spinks, AbouAssaly, and Strnad. Nays: None. Council Member Draper stated that he is voting “present” on Resolutions No. 25488, 25489, 25490, 25491, 25492, and 25493 and is voting “Yes” on the other consent calendar items. Motion carried.

Moved by Spinks, seconded by Strnad 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 C Beer Permit with additional privileges for Carryout Native Wine and Sunday Sales for Casey’s Marketing Company, dba Casey’s General Store #2760 (975 South 11th Street). Expiration 09/05/2016. One violation in previous five years.
	2. Renewal application for a Class C Beer Permit with additional privileges for Carryout Native Wine and Sunday Sales for Casey’s Marketing Company, dba Casey’s General Store #2770 (2020 7th Avenue). Expiration 09/05/2016. One violation in previous five years.
	3. Renewal application for a Class C Liquor License with additional privileges for Catering, Carryout Wine, Outdoor Service, and Sunday Sales for Zio Johno’s, Inc., dba Zio Johno’s Marion (755 7th Avenue). Expiration 08/31/2016. No violations in previous five years.

Resolution No. 25494 approving Partial Payment No. 20 to Martin Gardner Architecture for Public Service Facility design services in the amount of $3,093.80.

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

* 1. Resolution No. 25495 approving Partial Payment No. 1 to L.L. Pelling Company, Inc., regarding the 2016 Lowe Park Parking Lot Project in the amount of $79,294.13.

 Page 5, August 4, 2016

* 1. Resolution No. 25496 approving Partial Payment No. 4 to Genesis Equities, LLC per Resolution No. 24763 regarding the construction of the Central Corridor Project (26th Street to 31st Street – Stage 1, Phase II) in the amount of $13,789.53.
	2. Resolution No. 25497 approving Partial Payment No. 2 to Genesis Equities, LLC per Resolution No. 25306 regarding the 2015 Central Corridor Improvements Project (13th Street to 31st Street – Stage 2; Phase II) in the amount of $256,333.37.
	3. Resolution No. 25498 approving Partial Payment No. 1 to Genesis Equities, LLC., per Resolution No. 25447 regarding the 2015 Central Corridor Improvements Project (26th Street to 31st Street; Building Demolition) in the amount of $14,000.00.

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

* 1. Resolution No. 28486 approving Payment to Hall & Hall Engineers, Inc. for professional services for Survey work in the Central Corridor along 7th Avenue in the amount of $1,022.73.

Resolution No. 25499 approving Partial Payment No. 36 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $927.50.

Resolution No. 25500 approving Partial Payment No. 37 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $4,855.00.

Resolution No. 25501 approving the amended Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 740 10th Street (Katie Luehrsmann).

Vote: Yeas: Pazour, Etzel, Spinks, andStrnad**.**  Nays: None. Abstention: AbouAssaly. Council Member Draper stated that he is voting “present” on Resolutions No. 25499, 25500, and 25501 and is voting “Yes” on the other consent calendar items. 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 second consideration. Moved by Strnad, seconded by Spinks to approve the second reading of Ord. No. 16-10. Public Services Director Ryan Miller presented the staff report regarding fee reductions based on age. Moved by Draper, seconded by Pazour to table Ord. No. 16-10. All in favor of motion to table, motion carried.

 Page 6, August 4, 2016

Moved by Draper, seconded by Pazour to direct staff to facilitate the establishment of a natural gas franchise agreement and related infrastructure improvements with Black Hills Energy. All in favor, motion carried.

Moved by Pazour, seconded by Spinks to receive and file correspondence from the City of Cedar Rapids regarding wastewater treatment services. 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 Etzel for final consideration. Moved by Etzel, seconded by Spinks to approve the third reading of Ord. No. 16-08. All in favor, motion carried.

Moved by Spinks, seconded by Etzel to receive and file correspondence regarding 7th Avenue Roundabout construction project obstacles (Elie Khairallah, owner of Zio Johno’s). Danielle Teigen**,** representing Zio Johno’s at 755 7th Avenue, explained their request for subsidies to build a rear entrance and to install a new sign. All in favor of motion to receive and file the correspondence, motion carried.

Mayor AbouAssaly opened a public hearing regarding a request from Sunny Ridge Villas for a preliminary and final site development plan for property located east of Bison Court and south of Robinwood Lane (Fusion Architects). Planning and Development Director Tom Treharne presented the staff report. Norene Tonkin, 1920 8th Avenue, asked if there would be a second entrance. Planning and Development Director Tom Treharne reviewed the site plan. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25502 recommending approval of Sunny Ridge Villas Preliminary Site Development Plan located east of Bison Court and south of Robinwood Lane (Fusion Architects) was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25502. Fire Chief Deb Krebill and Planning and Development Director Tom Treharne reviewed access to the property. Council Member Spinks asked about signals at Kacena Avenue and Highway 13. Assistant City Engineer Mike Barkalow explained that the intersection would have to meet warrants and be approved by the Iowa Department of Transportation. Mr. Treharne noted that the speed limit was lowered recently. All in favor, motion carried.

Resolution No. 25503 recommending approval of Sunny Ridge Villas Final Site Development Plan located east of Bison Court and south of Robinwood Lane (Fusion Architects) was read by Strnad. Moved by Strnad, seconded by Draper to approve Res. No. 25503. Council Member Spinks and Mayor AbouAssaly commended the developer on the design of the apartment complex. All in favor, motion carried.

 Page 7, August 4, 2016

Mayor AbouAssaly reopened a public hearing regarding the sale of City owned property located south of 2823 7th Avenue, former Prince Agra Site, to GLD Properties LLC. (Continued from the July 21, 2016 meeting). City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Draper, seconded by Strnad to direct staff to negotiate a Memorandum of Understanding regarding an exchange of property between the City of Marion and GLD Properties, LLC., generally located at 2823 7th Avenue (former Prince Agra Property). City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Resolution No. 25504 amending Resolution No. 23481 regarding the annexation of properties located between the intersection of Winslow Road with Indian Creek Road and Tower Terrace Road in Linn County, Iowa was read by Pazour. Moved by Pazour, seconded by Draper to approve Res. No. 25504. All in favor, motion carried.

Moved by Etzel, seconded by Spinks to direct staff to develop language for the ballot regarding proposed Charter amendment - Ward elections. Council Member Spinks stated that he is opposed to a change to the Charter but wants the City to control the ballot language if the question is placed on the ballot. Council Member Draper requested that staff review what question should be on the ballot. All in favor, motion carried.

Resolution No. 25505 of intent directing staff to negotiate a development agreement with Les Arnold (former Bill’s Tap) was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25505. Council Member Pazour stated that she would like the second floor apartments to be handicap accessible. Council Member Draper stated that they are existing non-conforming housing units. He noted it would be too expensive to install an elevator. All in favor except Pazour, motion carried.

Mayor AbouAssaly opened a public hearing regarding the status of funded activities for the downtown revitalization (façade) improvement project of Marion, Iowa, as assisted by the Community Development Block Grant (CDBG) Program. As part of the CDBG Program required Status of Funded Activities Hearing conducted by the City Council, Assistant to the City Manager Amanda Kaufman read aloud a summary of project findings that addressed: (1) a general description of accomplishments to-date; (2) a summary of expenditures to-date; (3) a general description of remaining work; and (4) a general description of changes made to the project budget, performance targets, activity schedules, project scope, location, objectives or beneficiaries. City Manager Lon Pluckhahn explained the CDBG requirements for the public hearing. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

 Page 8, August 4, 2016

Resolution No. 25506 approving payment to the State of Iowa in the amount of $3,498.00 related to the downtown façade revitalization program was read by Spinks. Moved by Spinks, seconded by Pazour to approve Res. No. 25506. Mayor AbouAssaly asked about participants in the project. Assistant to the City Manager Amanda Kaufman reviewed the stipulations of the project. She noted this is the third payment. Vote: Yeas: Pazour, Etzel, Spinks, AbouAssaly, and Strnad. Nays: None. Council Member Draper voted “present”. Motion carried.

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

1. Cara Briggs Farmer, 933 9th Street, Library Board, term expires 06-30-2022.
2. Rachel Schramm, 501 13th Street NW, Cedar Rapids, IA, 52405, Bicycle and Pedestrian Advisory Committee.

Planning and Development Director Tom Treharne noted that Ms. Schramm works for the Linn County Public Health Department. All in favor, motion carried.

Council Discussion Time:
 Council Member Pazour reminded everyone that Council office hours are from 9:30 a.m. to 11:30 a.m. on Saturdays at the Marion Public Library.

 Council Member Spinks noted that today is his and Mrs. Spinks 43rd wedding anniversary.

 Council Member Draper noted that Waldo’s Rock Park will be very nice. He noted that he was contacted by someone that wishes to be married at the park next summer. Council Member Draper stated that this is another great improvement in our community.

 Mayor AbouAssaly stated that his “Reaching Higher” recognition goes to Fire Chief Deb Krebill for her efforts responding to the incident on July 26th where a crop dusting plane spread a fungicide on property in a portion of Marion.

 Mayor AbouAssaly noted that his 50th birthday is next month and he has received his application from the AARP.

Mayor AbouAssaly adjourned the meeting at 6:37 p.m.

 Attest:

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