September 22, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, September 22, 2016, at 5:31 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Etzel, Spinks, Brandt, Strnad, and Draper. Absent: Pazour.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Marion Police Department Lieutenant Lance Miller updated Council regarding the Emergency Management Operations regarding the expected crest of the Cedar River.

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

Staff requested that Resolution No. 25584 approving Acquisition Plat related to 2015 Central Corridor Improvements Project 26th-31st Street to 2823 7th Avenue (GLD Properties, LLC owner) and Resolution No. 25585 approving Acquisition Plat related to 2015 Central Corridor Improvements Project 26th-31st Street adjacent to 3055 7th Avenue (Hunter Properties, LLC owner), be removed from the agenda.

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

Motion to approve minutes of the September 6, 8 and 14, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $3,673,908.99.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class C Liquor License with additional privilege for Sunday Sales for Omega, Inc., dba VIP Lounge (648 8th Street). One violation in previous five years.

Resolution No. 25579 approving annual Street Finance Report for the year ended June 30, 2016.

Resolution No. 25580 approving Payment to Racom for the installation of a Bi-Directional Antenna System for the Marion Police Department in the amount of $15,058.18.

Page 2, September 22, 2016

Motion directing staff to review the City Code of Ordinances regarding outdoor fire pits for commercial businesses.

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

* 1. Resolution No. 25581 approving Partial Payment No. 1 to Snyder & Associates, Inc. regarding the Alburnett Road Extension concept study in the amount of $18,667.45.

Motion directing staff to solicit engineering services for the Indian Creek and Dry Creek Sanitary Sewer Capacity Improvements (Segments 7 and 11).

Motion to direct staff to proceed with zoning of recently annexed subdivision, Ivy Aire Acres.

Resolution No. 25582 setting public hearing for October 6, 2016 for the vacation of the west 120 feet of the east/west alleys bounded by 7th and 8th Avenues and 11th and 12th Streets, Block 14, Original Town, Marion, Linn County, Iowa (Ramsey).

Resolution No. 25583 setting public hearing for October 6, 2016 for the vacation and sale of the north 130 feet of the north/south alley bounded by 8th and 9th Street and south of 6th Avenue, Block 26, Original Town in Marion, Linn County, Iowa (Perry Development Partners).

Motion to receive and file correspondence regarding resignation from the Zoning Board of Adjustment (Debby Roth, 2525 Bullis Drive).

Motion to receive and file Linn County Ordinance regarding Minimum Wage Increase.

Motion to receive and file correspondence regarding loan guarantee request (Jack Roeder, Prospect Meadows).

Motion to receive and file Iowa Department of Transportation Airport Grant.

Resolution No. 25586 and letter of support from City Council for 2016 local Main Street Iowa Challenge Grant Nominee Kuba-Kurtz Building (1038 and 1048 7th Avenue).

Resolution No. 25587 authorizing deferred compensation agreement (Linda M. Holub).

Page 3, September 22, 2016

Resolution No. 25588 authorizing deferred compensation agreement (Luke A. Johnson).

Motion to receive and file August 2016 Departmental Reports.

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

* 1. Chocolate Walk, Uptown Marion Retailers, October 7, 2016, 7:00 p.m. – 11:00 p.m. (Tami Schlamp, Marion Chamber of Commerce).

All in favor of motion to approve the consent calendar with Council Member Draper noting his abstention on the liquor license renewal application for a Class C Liquor License with additional privilege for Sunday Sales for Omega, Inc., dba VIP Lounge (648 8th Street). One violation in previous five years. Motion carried.

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

Resolution No. 25589 approving Partial Payment No. 40 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $1,842.50.

All in favor of motion to approve the consent calendar with Mayor AbouAssaly abstention, motion carried.

Ordinance No. 16-11 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at $14.25 and eliminating reduced monthly fees was read by Spinks for second consideration. Moved by Spinks, seconded by Etzel to approve the second reading or Ord. No. 16-11. All in favor except Draper, motion carried.

Mayor AbouAssaly opened a public hearing regarding request to amend the Future Land Use Map of the Marion Comprehensive Plan for property located West of Alburnett Road and north of Heather Court from Single Family Attached Residential to Single Family Detached Residential & Single Family Attached Residential to Multi-Family Residential and to rezone property from Linn County A to R-2, Medium Density Single Family, PD-R, Planned Development Residential and A-1, Rural Restricted (Lewis Downing/Scenic Development). Planning Director Treharne presented a staff report. Jordan Anderson, 2114 West Sheridan Street, Olathe, KS, Scenic Development Project Manager, spoke in favor of the request. No other comments written or verbal were received. Mayor Abouassaly declared the public hearing closed.

Page 4, September 22, 2016

Resolution No. 25590 amending the Future Land Use Map of the Marion Comprehensive Plan for property located west of Alburnett Road and north of Heather Court from Single Family Attached Residential to Single Family Detached Residential & Single Family Attached Residential to Multi-Family Residential (Scenic Development, LLC) was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 25590. Yeas: Etzel, Spinks, Brandt, Strnad and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Ordinance No. 16-13 amending the Marion Code of Ordinances regarding a request to rezone property located west of Alburnett Road and north of Heather Court, from Linn County A to R-2, Medium Density Single Family, PD-R, Planned Development Residential and A-1, Rural Restricted was read by Strnad for initial consideration. Moved by Strnad, seconded by Spinks to approve the first reading of Ord. No. 16-13. Yeas: Etzel, Spinks, Brandt, Strnad and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Ordinance No. 16-12 amending the Marion Code of Ordinances regarding a request to rezone property located at 1100 Meadowview Drive, Marion, Iowa, from C-1 Neighborhood Commercial to C-3 General Commercial (Meier-Gast) was read by Draper for second consideration. Moved by Draper, seconded by Brandt to approve the second reading of Ord. No. 16-12. All in favor, motion carried.

Moved by Etzel, seconded by Spinks to receive and file request to waive the third reading of Ordinance No. 16-12 (Meier-Gast). All in favor, motion carried.

Moved by Draper, seconded by Brandt to suspend the rules and place Ord. No. 16-12 on the agenda for adoption and adopt. All in favor, motion carried.

Resolution No. 25591 approving Edgebrooke Estates North 1st Addition Final Plat and Memorandum of Agreement for property located south of 35th Avenue and east of Indian Creek Road (Midwest Development) was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25591. Yeas: Etzel, Spinks, Brandt, Strnad and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 25592 approving Gemstone 3rd Addition Final Plat and Memorandum of Agreement for property located west of Lucore Road and north of Tower Terrace Road (Morris-Wood) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 25592. Yeas: Etzel, Spinks, Brandt, Strnad and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Page 5, September 22, 2016

Resolution No. 25593 approving Marion Churches 4th Addition Final Plat and Memorandum of Agreement for property located 2523 Highway 13 (Marion Senior Living Community) was read by Strnad. Moved by Strnad, seconded by Etzel to approve Res. No. 25593. All in favor, motion carried.

Resolution No. 25594 approving Temporary Public Access Easement over property owned by Genesis Equity LLC at 2605 7th Avenue was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 25594. All in favor, motion carried.

Staff requested that Resolution No. 25595 setting public hearing for October 6, 2016 regarding the sale of City Owned Property located between 25th Street and 31st Street within the future extension of 6th Avenue along the former Railroad Right of Way be removed from the agenda.

Moved by Spinks, seconded by Brandt directing staff create an interim Development Ordinance along the City Central Corridor. All in favor, motion carried.

Moved by Brandt, seconded by Etzel to receive and file request by Alicia Bocker 1412 5th Avenue regarding City acquisition of her property. Planning Director Tom Treharne presented a staff report. Council discussed. All in favor, motion carried.

Council Discussion Time:

Council Member Spinks reminded everyone that the Swamp Fox Festival and Fall Market is this weekend. Mr. Spinks encouraged everyone to attend. Council Member Spinks also gave praise to the Giving Tree Theater for their performance of A Street Car Named Desire and The Red Cedar Chamber Music for their performance at City Hall.

Council Member Brandt noted that the Swamp Fox Festival will also include a 5K Race, a 1- Mile Kids Fun Run, a Pancake Breakfast, the Fall Farmers Market, a Parade, and Fireworks. Council Member Brandt noted that the Saturday Library City Council Office Hours will be cancelled this week due to the Swamp Fox Festival.

Council Member Draper stated that he will be a meeting with residents of Camden Farms to address their concerns regarding commercial vehicle traffic on Lucore Road. Mr. Draper also apologized to those whom he invited to the Library meeting that had been postponed.

Mayor AbouAssaly stated that Wednesdays in the Ward have been a success. Mayor AbouAssaly stated that the meetings are a great opportunity to meet people and share information and ideas. Wednesdays in the Ward will continue on a quarterly basis. Mayor AbouAssaly recognized the Marion Fire Department for their efforts in “Reaching Higher”. Mayor AbouAssaly congratulated the Marion Fire Department for receiving the Grinnell Mutual Reinsurance Company 2015 Life Safety Achievement Award for their fire prevention program and accomplishments.

Page 6, September 22, 2016

City Manager Lon Pluckhahn introduced City Arborist Mike Cimprich to the Council. Mr. Cimprich is filling in for Parks Director Mike Carolan while he is on vacation.

Mayor AbouAssaly adjourned the meeting at 6:38 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Traci A. Miller, Deputy City Clerk