Amended November 3, 2016

October 20, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, October 20, 2016, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Absent: None.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

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

Moved by Spinks, second by Brandt to approve the Consent Calendar, as follows:

Motion to approve minutes of the October 4, 6 and 12, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $1,516,613.39.

Motion to approve the following liquor license application:

* 1. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for 5 H, Inc., dba Big Shots Bar and Grill (1803 6th Avenue). Expiration 11/29/2016. One violation in previous five years.

Resolution No. 25623 adopting Final Assessment Schedule for Fiscal Year 2017 Quarter 2 Delinquent fees and confirming and levying the assessments.

Resolution No. 25624 approving Change Order No. 1 increasing the amount by $22,400.00 with Tyler Technologies relating to ERP Software Project.

Motion to receive and file the Marion Municipal Swimming Pool end of season report.

Motion to receive and file correspondence requesting an amendment to the Marion Code of Ordinances requiring a building permit for fences (Dennis and Mary Possehl, 2035 26th Street).

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

* 1. Resolution No. 25625 approving Partial Payment No. 2 to Snyder & Associates, Inc. regarding the Alburnett Road Extension concept study in the amount of $44,413.19.

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Motion directing TAC to study pedestrian crossing on 7th Avenue at 19th Street.

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

* 1. Resolution No. 25626 approving Payment No. 13 to Universal Field Services, Inc., for services related to right-of-way acquisitions for the Central Corridor Improvement Project in the amount of $17,397.45.

Resolution No. 25627 setting a public hearing for November 3, 2016 regarding Arctic Insulation Specialists Final Site Development Plan for property located south of Partners Avenue and west of Medco Drive (Arctic Insulation).

Resolution No. 25628 setting a public hearing for November 3, 2016 regarding Ivy Aire Acres zoning for property located west of Alburnett Road and north of East Robins Road (City Initiated).

Motion to receive and file staff report regarding a request to de-annex property located at 6301 Lucore Road (Wayne Blackford, 2657 County Home Road).

Resolution No. 25629 resetting a public hearing for November 3, 2016, regarding the sale of property legally described as Lot 3, Industrial Center East 11th Addition, City of Marion, Linn County, Iowa (James D. Anderson).

Motion to receive and file September 2016 Departmental Reports.

All in favor of motion to approve the consent calendar (with Council Member Draper abstaining from the motion to approve the renewal of a liquor license for 5 H, Inc.), motion carried.

Resolution No. 25612 approving the FY 16-17 budget amendment (tabled at the 10/06/16 Council meeting) was read by Brandt. Moved by Brandt, seconded by Spinks to approve Res. No. 25612. Council Member Pazour expressed concern regarding the construction projects. Finance Director Wes Nelson and Assistant City Engineer Mike Barkalow presented the staff report regarding the construction projects. All in favor except Pazour, motion carried.

Moved by Strnad, seconded by Pazour to receive and file correspondence regarding the school crosswalk located on 15th Street and A Avenue (Chris Dyer, Superintendent, Marion Independent School District). All in favor, motion carried.

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Moved by Pazour, seconded by Brandt directing staff to facilitate the installation of a pedestrian school crossing for the Marion Independent School District. Assistant City Engineer Mike Barkalow and Public Services Director Ryan Miller explained that the Public Services Department will install a painted crosswalk. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing 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. 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.

Mayor AbouAssaly opened a public hearing regarding the Central Corridor Interim Development Overlay District Ordinance for a period of six months. Planning and Development Director Tom Treharne presented the staff report. No other comments, written or verbal, were received. Moved by Spinks, seconded by Draper to continue the public hearing to the November 3, 2016 Council meeting. All in favor of motion to continue the public hearing, motion carried.

Resolution No. 25630 approving Aspen Ridge Estates 2nd Addition Final Plat and Memorandum of Agreement for property located north of Tower Terrace Road and east of Irish Drive (Integrity Custom Homes) was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 25630. Planning and Development Director Tom Treharne presented the staff report. Vote: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: Mayor AbouAssaly. Motion carried.

Ordinance No. 16-13 amending the Marion Code of Ordinances 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 (James S. Lewis Revocable Trust, Diane H. Lewis Revocable Trust and Douglas Downing) was read by Etzel for final consideration. Moved by Etzel, seconded by Draper to approve the third reading of Ord. No. 16-13. Vote: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: Mayor AbouAssaly. Motion carried.

Resolution No. 25617 approving Downing Farms Addition Preliminary Plat located west of Alburnett Road and north of Heather Court (James S. Lewis Revocable Trust, Diane H. Lewis Revocable Trust and Douglas Downing) (Tabled 10/06/16) was read by Spinks. Moved by Spinks, seconded by Pazour to approve Res. No. 25617. Vote: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: Mayor AbouAssaly. Motion carried.

Resolution No. 25618 approving Terrace Glen Village Final Site Development Plan located west of Alburnett Road and north of Heather Court (James S. Lewis Revocable Trust, Diane H. Lewis Revocable Trust and Douglas Downing) (Tabled 10/06/16) was read by Brandt. Moved by Brandt, seconded by Spinks to approve Res. No. 25618.

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

Resolution No. 25619 approving Downing Farms 1st Addition Final Plat and Memorandum of Agreement located west of Alburnett Road and north of Heather Court (James S. Lewis Revocable Trust and Diane H. Lewis Revocable Trust) (Tabled 10/06/16) was read by Strnad. Moved by Strnad, seconded by Pazour to approve Res. No. 25619. Planning and Development Director Tom Treharne presented the staff report. Vote: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: Mayor AbouAssaly. Motion carried.

Resolution No. 25631 approving a request to de-annex property located at 6301 Lucore Road (Wayne Blackford, 2657 County Home Road) was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 25631. Planning and Development Director Tom Treharne presented the staff report. Council Member Draper asked about the stormwater fees for this property. Assistant City Engineer Mike Barkalow presented the staff report regarding the stormwater fees. Vote: Yeas: Pazour. Nays: Draper, Etzel, Spinks, AbouAssaly, Brandt, and Strnad. Motion failed.

Resolution No. 25632 approving request for encroachment of a monument sign into the public right-of-way located at 675 Blairs Ferry Road (McGrath Auto Group) was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 25632. All in favor, motion carried.

Resolution No. 25633 amending the Master Services Agreement with Viverae for the Employee Well-Being Program (originally approved March 5, 2015) was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 25633. Assistant to the City Manager Amanda Kaufman presented the staff report. All in favor, motion carried.

Resolution No. 25634 approving the 2017 Program Design with Viverae for the Employee Well-Being Program was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25634. Council Member Pazour expressed concern with the program requirements. Assistant to the City Manager Amanda Kaufman presented the staff report. All in favor, motion carried.

Moved by Brandt, seconded by Etzel authorizing the Mayor to appoint a subcommittee regarding identifying options for honoring retired Chief of Police Harry R. Daugherty. Comments were heard from Council Member Pazour. All in favor, motion carried.

Resolution No. 25635 approving an Employment Agreement with Joseph McHale (Chief of Police) was read Strnad. Moved by Strnad, seconded by Draper to approve Res. No. 25635. Comments were heard from Council Member Pazour regarding the agreement. City Manager Lon Pluckhahn presented the staff report. All in favor of motion to approve Res. No. 25635 except Pazour, motion carried.

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Council Discussion Time:

Council Member Draper noted that there are many great things going on in our community. He stated that it is an exciting time.

Council Member Spinks stated that he saw in the newspaper that City Engineer Dan Whitlow received awards from the American Public Works Association. He congratulated Mr. Whitlow on his accomplishments.

Council Member Pazour asked about the sale of the property located at 3490 Indian Creek Road.Planning and Development Director Tom Treharne stated that he has been contacted by someone that wishes to purchase a building on the property. He explained that the City cannot sell the property because it does not own the property yet.   
 Mayor AbouAssaly stated that he has a number of Reaching Higher recognitions:

1. Mayor AbouAssaly recognized the Public Services Department for their assistance to the City of Cedar Rapids during the September 2016 flood event.
2. Mayor AbouAssaly recognized the Marion Police Department for hosting the Linn County Sheriff’s office communication operations during the September 2016 flood event.
3. Mayor AbouAssaly recognized the Marion Fire Department for offering help to the Cedar Rapids Fire Department during the September 2016 flood event.
4. Mayor AbouAssaly recognized the Chamber of Commerce for a fantastic Annual Meeting event.
5. Mayor AbouAssaly stated that the Swamp Fox Festival was a wonderful event and that the fireworks were great.
6. Mayor AbouAssaly noted that Indian Creek School was recognized as one of the best elementary schools in the country.
7. Mayor AbouAssaly stated that the Chocolate Walk attracted lots of people to the Uptown.

Mayor AbouAssaly noted that there are so many things to be proud of in our community.

Mayor AbouAssaly adjourned the meeting at 6:16 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk