November 3, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 3, 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 asked the winners of the Swamp Fox Festival essay contest to read their essays on “My Marion”. The winner in the Adult Category was Abby Whitehouse. Ms. Whitehouse read her “My Marion” essay.

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

Mike Pedersen, 3460 27th Avenue, owner of Tomaso’s Pizza located at 1111 7th Avenue, expressed concern that the building where his business is located may be sold.

Bob Walters, 3708 Lillie Road, requested to purchase a building on property that the City purchased at 3490 Indian Creek Road. Planning and Development Director Tom Treharne stated that the City will close on the property today or tomorrow. He explained the process to sell City property.

Wendy Happel, 4393 Churchill Drive, stated that she is speaking on behalf of Nikole Russell. Ms. Russell owns The Dance Company located at 1115 7th Avenue. Ms. Happel expressed concern that the building where The Dance Company is located may be sold forcing Ms. Russell to relocate her business.

Mike Pedersen, 3460 27th Avenue, noted that the owners of the China King restaurant, located at 1113 7th Avenue, are also in the audience. He noted that they are also concerned about the possible sale of the building.

The motion to receive and file a letter from the Landlords of Linn County regarding Lawful Source of Income (Linda Miller and Bob Mitchell) was removed from the consent calendar for separate consideration.

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

Motion to approve minutes of the October 18 and 20, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $1,381,354.04.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class B Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for

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The Longbranch Inc., dba Best Western Longbranch Hotel (90 Twixt Town Road NE). Expiration 12/01/2016. No violations in previous five years.

* 1. New application for a Class C Liquor License with additional privilege for Sunday Sales for Mi Tierra Mexican, dba Mi Tierra Mexican Restaurant, Inc. (835 7th Avenue (formerly El Perico)).

Resolution No. 25636 approving Partial Payment No. 14 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $408.00.

Resolution No. 25637 approving Partial Payment No. 15 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $3,968.00.

Resolution No. 25638 approving purchase of traffic marking paint from Sherwin Williams in the amount of $15,466.00.

Resolution No. 25639 approving utilities extension agreement with MidAmerican Energy Company.

Resolution No. 25640 approving purchase of underground utility infrastructure from ImOn Communications in the amount of $24,033.97.

Motion directing staff to proceed with negotiating a Contract Purchasing Agreement regarding fire apparatus.

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

* 1. Resolution No. 25641 approving Partial Payment No. 5 to Central States Concrete, LLC regarding the 2016 ImaginArt in the Alley Project in the amount of $128,765.99.
  2. Resolution No. 25642 approving Partial Payment No. 8 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 $699,843.93.
  3. Resolution No. 25643 approving Partial Payment No. 5 to Rathje Construction Company, Inc. regarding the 2016 Fairview Drive Reconstruction Project in the amount of $10,640.48.
  4. Resolution No. 25644 approving Partial Payment No. 3 to Rathje Construction Company, Inc. regarding the 2016 Winslow Road Reconstruction Project in the amount of $136,186.21.

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Resolution No. 25645 adopting final assessment schedule regarding the 2016 Sidewalk Assessment Project and amending, confirming and levying the assessments.

Resolution No. 25646 approving a stop sign stopping south bound traffic on Winslow Road at its intersection with Tower Terrace Road (staff).

Resolution No. 25647 approving a stop sign stopping south bound traffic on Crestwood Lane at its intersection with East Kacena Avenue (staff).

Resolution No. 25648 approving a stop sign stopping north bound traffic on Crestwood Lane at its intersection with Robinwood Lane (staff).

Resolution No. 25649 approving a stop sign stopping south bound traffic on Crestwood Lane at its intersection with Robinwood Lane (staff).

Resolution No. 25650 approving a stop sign stopping north bound traffic on Crestwood Lane at its intersection with Prairie Ridge Avenue (staff).

Resolution No. 25651 approving a stop sign stopping west bound traffic on Glenwood Drive at its intersection with Crestwood Lane (staff).

Resolution No. 25652 approving a stop sign stopping west bound traffic on Cope Drive at its intersection with Crestwood Lane (staff).

Resolution No. 25653 approving a stop sign stopping east bound traffic on Cedar Springs Drive at its intersection with Alburnett Road (staff).

Resolution No. 25654 approving a stop sign stopping south bound traffic on Rock Ridge Drive at its intersection with Cedar Springs Drive (staff).

Resolution No. 25655 approving a stop sign stopping south bound traffic on Montgomery Circle at both of its intersections with Faulkner Avenue (staff).

Resolution No. 25656 approving a stop sign stopping east bound traffic on Faulkner Avenue at its intersection with Hemingway Street (staff).

Resolution No. 25657 approving a stop sign stopping south bound traffic on Hemingway Street at its intersection with Whitman Avenue (staff).

Resolution No. 25658 approving a stop sign stopping south bound traffic on Bowstring Drive at its intersection with Alburnett Road (staff).

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Resolution No. 25659 approving a stop sign stopping east bound traffic on Flight Drive at its intersection with Alburnett Road (staff).

Resolution No. 25660 approving a stop sign stopping west bound traffic on Flight Drive at its intersection with Archer Drive (staff).

Motion to receive and file and refer to TAC correspondence regarding a request for additional ‘No Parking’ signs on 12th Street from 14th Avenue to the north end of 12th Street (Larry Juergens, 1530 12th Street).

Resolution No. 25661 approving Plat of Survey No. 2104 for property located west of Alburnett Road and north of Elshire Street (James S. Lewis Revocable Trust, Diane H. Lewis Revocable Trust and Douglas Downing).

Motion to receive and file request from Integrity Custom Homes for the issuances of six (6) building permits prior to approval of the Echo Ridge Estates First Addition Final Plat (Kent Bracken).

Resolution No. 25662 approving a contract for managed print services with Koch Brothers.

Resolution No. 25663 approving Pay Application No. 5 to Renaissance Restoration, Inc. related to the downtown façade revitalization program in the amount of $7,573.10.

Resolution No. 25664 approving a Public Easement Agreement with M.M.P., Inc., 1090 7th Avenue, Marion.

Motion to receive and file recommendations from the Local Option Sales Tax Oversight Committee.

Resolution No. 25665 approving Partial Payment No. 8 to Owen Lewis Consulting in the amount of $9,000.00.

Motion to receive and file Final Housing Market Analysis Report.

Resolution No. 25666 approving Final Payment to Morningside Research and Consulting regarding the Housing Markey Analysis Study in the amount of $6,260.00.

Motion to receive and file letter of resignation from Kevin Carlson (Local Option Sales Tax Oversight Committee).

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Motion to receive and file correspondence requesting city staff to undertake a study to expand the residential cost-sharing program regarding Stormwater Management (John Sklarsky, 1035 Dry Creek Lane).

Motion to receive and file Letter of Request for City Support-Sunny Ridge Apartment Complex (Chad Pelley).

Resolution No. 25667 of Support for Workforce Housing Tax Credit Application-Sunny Ridge Apartments (Chad Pelley).

Motion to amend the October 20, 2016 City Council minutes to reflect Mayor AbouAssaly abstention on the following item:

* 1. 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).

Motion to receive and file the following updated job descriptions:

* 1. Administrative Assistant, Engineering Department.
  2. Administrative Assistant, Planning and Development Department.
  3. Administrative Assistant.
  4. Library Program Coordinator- Adult Services/Information Services.
  5. Library Program Coordinator (Librarian) – Children Services.
  6. Library Program Coordinator (Librarian) – Circulation and Access Services.
  7. Library Program Coordinator – Community Liaison Services.
  8. Library Program Coordinator (Librarian) – Customer experience and Access Services.
  9. Library Program Coordinator (Librarian) – Digital Information Services/IT Support.
  10. Library Program Coordinator (Librarian) – Young Adult Services.

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

* 1. Cedar Valley Christian School 5K Run, Thomas Park, October 14, 2017, 5:00 a.m. – 2:00 p.m. (Darrin Crow, 3636 Cottage Grove Avenue, Cedar Rapids).

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

Moved by Brandt, seconded by Pazour to receive and file a letter from the Landlords of Linn County regarding Lawful Source of Income (Linda Miller and Bob Mitchell).

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Bob Mitchell, 4809 Olde Mill Court NE, Cedar Rapids, Linda Miller, 4001 North 10th Street, and Sheryl Jahnel, 4809 Olde Mill Court NE, Cedar Rapids, spoke to the City Council regarding lawful source of income. City Manager Lon Pluckhahn stated that he will have Assistant City Attorney Devin Kelly prepare a memorandum for the City Council regarding lawful source of income. Council Member Draper called the question. All in favor of motion to receive and file the letter, motion carried.

Moved by Strnad, seconded by Spinks to approve the 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 Wine, Carryout Beer, and Sunday Sales for Kum & Go LC, dba Kum and Go #509 (1203 Blairs Ferry Road). Expiration 12/08/2016. No violations in previous five years.

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

* 1. Resolution No. 25668 approving Partial Payment No. 4 to L.L. Pelling Company, Inc. regarding the 2016 Lowe Park Parking Lot Project in the amount of $295,791.54.
  2. Resolution No. 25669 approving Partial Payment No. 6 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 $11,698.36.
  3. Resolution No. 25670 approving Partial Payment No. 5 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 $295,235.12.

Vote on Consent Calendar with Mayor AbouAssaly abstention: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 25671 approving the purchase of six (6) vehicles for the Marion Police Department, three (3) Ford Inceptor SUV for patrol, one (1) Ford Inceptor SUV for the K9, one (1) Ford F-150 truck for investigations, and one (1) Ford Edge SUV for Command Staff from Center Point Junge Ford in an amount of $158,451.00 was read by Pazour. Moved by Pazour, seconded by Draper to approve Res. No. 25671. Council Member Pazour asked about the bids for the vehicles. Acting Police Chief Scott Elam presented the staff report. All in favor, motion carried.

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Resolution No. 25672 establishing a temporary truck embargo on Lucore Road from Indian Creek Road to north city limits (staff) was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 25672. Assistant City Engineer Mike Barkalow presented the staff report. Moved by Spinks, seconded by Draper to amend Res. No. 25672 to direct staff to install an advisory sign indicating rough road and 25 mph speed. All in favor of the amendment, motion carried. All in favor of Res. No. 25672 as amended, motion carried.

Mayor AbouAssaly opened a public hearing regarding a request to zone property to R-1, Low Density Single Family Residential for the Ivy Aire Acres Subdivision for property located west of Alburnett Road and north of East Robins Road (City Initiated). No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 16-14 amending the Marion Code of Ordinances regarding a request to zone property located west of Alburnett Road and north of East Robins Road to R-1, Low Density Single Family Residential (City Initiated) was read by Etzel for initial consideration. Moved by Etzel, seconded by Strnad to approve the first reading of Ord. No. 16-14. Council Member Spinks stated that he received correspondence from an Ivy Aire Acre resident concerned with construction equipment using Elshire Street. Planning and Development Director Tom Treharne stated that staff will monitor that situation. All in favor, motion carried.

Resolution No. 25673 approving Downing Farms 2nd Addition Final Plat and Memorandum of Agreement for property located west of Alburnett Road and north of Elshire Street (James S. Lewis Revocable Trust, Diane H. Lewis Revocable Trust and Douglas Downing) was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25673. City Manager Lon Pluckhahn noted that the City Engineer has prepared cost estimates for repairs to Elshire Street after the construction is complete. Vote on Res. No. 25673: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor AbouAssaly opened a public hearing regarding Arctic Insulation Final Site Development Plan for property located south of Partners Avenue and west of MEDCO Drive (Arctic Insulation). Nick Glew, President of Marion Economic Development Corporation and MEDCO Holding Company LLC, stated that they are the owners of the property. Mr. Glew spoke in favor of the development plan. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25674 approving Arctic Insulation Final Site Development plan for property located south of Partners Avenue and west of MEDCO Drive (Arctic Insulation) was read by Brandt. Moved by Brandt, seconded by Draper to approve Res. No. 25674. All in favor, motion carried.

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Resolution No. 25675 rescinding Resolution No. 25568 and approving revised purchase agreement for property located at 520 12th Street in the amount of $95,000 (Cheri Wheeler) was read by Strnad. Moved by Strnad, seconded by Spinks to approve Res. No 25675. Council Member Pazour expressed concern with the purchase price. Planning and Development Director Tom Treharne and City Manager Lon Pluckhahn presented the staff report. Council discussed the purchase price. All in favor, motion carried.

Resolution No. 25676 approving Bowman Meadows 4th Addition Final Plat and Memorandum of Agreement for property located south of Alburnett Road and west of Bowhunter Drive (Midwest Development) was read by Pazour. Moved by Pazour, seconded by Strnad to approve Res. No. 25676. Vote on Res. No. 25676: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 25677 approving a request from Integrity Custom Homes for the issuances of six (6) building permits prior to approval of the Echo Ridge Estates First Addition Final Plat was read by Draper. Moved by Draper, seconded by Spinks to approve Res. No. 25677. Vote on Res. No. 25677: Yeas: Draper, Etzel, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor AbouAssaly opened a public hearing regarding the Central Corridor Interim Development Overlay District Ordinance for a period of six months (continued from the 10/20/2016 Council meeting). No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 16-15 amending the Marion Code of Ordinances and establishing Chapter 176.50 Central Corridor Interim Development Overlay was read by Etzel for initial consideration. Moved by Etzel, seconded by Strnad to approve the first reading of Ord. No. 16-15. Planning and Development Director Tom Treharne explained that the ordinance is effective through May 1, 2017. He stated that he would like to change the Ordinance to be effective for six months after the final reading is approved. All in favor, motion carried.

Moved by Spinks, seconded by Etzel to direct staff to proceed with the renaming of the current Alburnett Road located between Boyson Road and Central Avenue to Central Avenue and rename Central Avenue located west of 5th Street to 12th Avenue. Planning and Development Director Tom Treharne and Assistant Planning Director Dave Hockett presented the staff report. All in favor, motion carried.

Resolution No. 25678 setting a public hearing for November 17, 2016 regarding the sale of city owned property located adjacent and south of 2525 7th Avenue also knows as Plat of Survey No. 2042 to Mooney Investments, LLC was read by Brandt. Moved by

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Brandt, seconded by Etzel to approve Res. No. 25678. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the sale property Lot 3, Industrial Center East 11th Addition, City of Marion, Linn County, Iowa (James D. Anderson). No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25679 approving the sale of property Lot 3, Industrial Center East 11th Addition, City of Marion, Linn County, Iowa (James D. Anderson) was read by Strnad. Moved by Strnad, seconded by Draper to approve Res. No 25679. All in favor, motion carried.

Resolution No. 25680 concurring with and approving the recommendations from the Local Option Sales Tax Oversight Committee was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 25680. Assistant to the City Manager Amanda Kaufman and City Manager Lon Pluckhahn presented the staff report. All in favor except Pazour, motion carried.

Council Discussion Time:

Council Member Draper noted that it has been over 100 years since the Chicago Cubs have won the World Series.

Council Member Draper suggested that City Council stipends increase in the same percentage as the union contracts.

Council Member Strnad reminded everyone to vote on Tuesday. He noted that a “yes” vote changes the current City charter and that a “no” vote leaves the current charter unchanged.

Council Member Pazour noted that Kenneth Campbell passed away. Mr. Campbell had expressed concern regarding the sidewalk assessment project and having to maintain the sidewalk.   
 Council Member Pazour stated that she received a phone call from the son of a former Mayor. He has a number of City papers that he would like to donate to the Marion Heritage Center.

Mayor AbouAssaly noted that there was a groundbreaking today for the Terrace Glen Senior Living facility. He also noted that Barnes Manufacturing and the Giving Tree Theater were honored today at the Good Morning Cedar Rapids event.

Mayor AbouAssaly stated that his Reaching Higher recognition goes to City Engineer Dan Whitlow. Mr. Whitlow was awarded Leader of the Year by the Iowa Chapter of the American Public Works Association.

Mayor AbouAssaly also recognized everyone involved with the Blues Zones project in Marion. The City was awarded the Healthy Hometown Founder Award at the Iowa Healthiest State Initiative Bringing it Home conference on November 1st.

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Mayor AbouAssaly adjourned the meeting at 7:21 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk