November 17, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 17, 2016, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Spinks, Brandt, Strnad, and Pazour. Absent: Etzel.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Brad Neilly, 216 Battle Creek Drive, made a presentation to the City Council on behalf of the Marion Leadership in Action group. The Marion Leadership in Action group does a service project each year. They would like to continue assisting with the holiday lights in Marion for their service project this year. Mr. Neilly explained that the Marion Leadership in Action group is requesting funds from the City Council to help with the purchase of holiday lights. The Council and City Manager Lon Pluckhahn discussed the funding request. Ashley Zierath, Program Director for the Uptown Marion Main Street District, discussed installation of the lights. Public Services Director Ryan Miller stated that they will review where the lights can be installed. Parks Director Mike Carolan noted that the Parks Department started decorating today.

Mayor AbouAssaly read a proclamation regarding Small Business Saturday. Small Business Saturday is November 26th. Mayor AbouAssaly presented the proclamation to Ashley Zierath, Program Director for the Uptown Marion Main Street District. He encouraged everyone to support the Marion businesses.

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

Brad Neilly, 216 Battle Creek Drive, explained that he listens to the recordings of the City Council meetings. He complimented the department heads on the work they do to run this community. He also commended the Mayor and City Council for their leadership. He noted that he is excited about where the City is going.

The following items were removed from the Consent Calendar:

Resolution No. 25689 accepting the 2016 ImaginArt in the Alley Project, Resolution No. 25696 approving Plat of Survey No. 2107 for property located north of Quail Trail Drive and east / west of 44th Street (Hanzak, LLP % Jeffrey Witter), and Resolution No. 25697 approving the dedication of a 15' Sanitary Sewer Easement for property located north of Blairs Ferry Road and west of Lindale Drive.

Moved by Strnad, seconded by Pazour to approve the Consent Calendar, as follows:

Motion to approve minutes of the November 1, 3, 4, and 5, 2016 City Council meetings.

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Motion to approve the bills as presented in the amount of $2,564,648.78.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for La Cantina Bar and Grill, LLC, dba La Cantina Bar and Grill (3217 7th Avenue). Expiration 12/13/2016. No violations in previous five years.
  2. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for Naso’s Pizza, Inc., dba Naso’s Pizza Marion (453 7th Avenue). Expiration 12/16/2016. No violations in previous five years.

Resolution No. 25681 approving the Annual Financial Report for the fiscal year ending June 30, 2016.

Resolution No. 25682 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2016.

Resolution No. 25683 approving a transfer of funds within the fiscal year 2016-2017 Budget. (Transfer out of Economic Development Infrastructure Fund to the Capital Projects Fund to cover Engineering Partial Payment No. 1 to Midwest Development Company for over width and over depth of trail associated with Prairie Trail 1st Addition to the City of Marion in the amount of $13,022.70 on same agenda).

Resolution No. 25684 approving Partial Payment No. 16 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $3,136.00.

Resolution No. 25685 approving Partial Payment No. 17 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $620.00.

Resolution No. 25686 approving a one year renewal of a Lease Agreement with Sejkora Farms Inc., for certain Lowe Park property.

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

* 1. Resolution No. 25687 approving Partial Payment No. 6 to Central States Concrete, LLC regarding the 2016 ImaginArt in the Alley Project in the amount of $4,363.87.

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* 1. Resolution No. 25688 approving Partial Payment No. 3 to Snyder & Associates, Inc. regarding the Alburnett Road Extension concept study in the amount of $65,412.66.

Resolution No. 25690 approving Stop Signs stopping east and west bound traffic on White Oak Drive at its intersection with Lennon Lane.

Resolution No. 25691 approving Stop Signs stopping east and west bound traffic on White Oak Drive at its intersection with Penny Lane.

Motion to receive and file correspondence regarding a request for a street light on Grand Avenue (Carol Reif, 395 Grand Avenue).

Motion to receive and file and concur with TAC report regarding a request for additional ‘No Parking’ signs on the east and west sides of 12th Street from the north end to 50’ south (Larry Juergens, 1530 12th Street).

Motion to receive and file and refer to TAC correspondence regarding a request for ‘No Parking’ signs on the south side of Bent Creek Drive from Pinehurst Drive to 400 Bent Creek Drive (Sharon Robertson, 515 Bent Creek Drive).

Resolution No. 25692 approving amended Chapter 28E Agreement between City of Cedar Rapids and City of Marion regarding Tower Terrace Road from west of C Avenue to Alburnett Road.

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

* 1. Resolution No. 25693 approving Payment No. 6 to Confluence for professional services related to the development of the Marion Base Design Guidelines in the amount of $2,518.10.
  2. Resolution No. 25694 approving Payment No. 14 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street, in the amount of $11,346.53.
  3. Resolution No. 25695 approving payment to OPN Architects for professional services related to Marion East Gateway Development in the amount of $5,537.50.

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

* 1. GLD Addition to Marion Preliminary Plat for property located south of 7th Avenue and west of 35th Street (GLD Properties and City of Marion).
  2. Vacate and purchase portions of 7th Avenue located between 26th Street and 35th Street and to vacate and purchase 26th Street between 7th Avenue and 8th Avenue (Genesis Equities LLC).

Motion to receive request for voluntary annexation for the purpose of connecting onto City sanitary sewer (Carl and Patricia Uhlenhopp, 4708 Indian Creek Road).

Motion directing staff to proceed with sale of surplus property located at 3490 Indian Creek Road.

Motion to receive and file request for information and or a discussion regarding the possible future sale of the former Marion Police Station located at 3911 Katz Drive (Mike Olinger, Murdoch Funeral Home).

Motion to receive and file October 2016 Departmental Reports.

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

* 1. Christmas in the Park and Peppermint Walk, December 2, 2016, City Square Park and Uptown Marion, 1:00 p.m. – 10:00 p.m. (Tami Schlamp, Marion Chamber of Commerce, 1225 6th Avenue).
  2. Wedding, Lowe Park Amphitheater, September 23, 2017, 9:00 a.m. – 11:00 p.m. (Alindsey Gengler, 3006 White Oak Drive).

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

Moved by Pazour, seconded by Brandt to approve the Consent Calendar with Mayor AbouAssaly abstention from voting and discussion regarding the following items:

Resolution No. 25696 approving Plat of Survey No. 2107 for property located north of Quail Trail Drive and east / west of 44th Street (Hanzak, LLP % Jeffrey Witter)

Motion to approve the following liquor license application:

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* 1. New application for a Class E Liquor License with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for Casey’s Marketing, dba Casey’s General Store #3562 (680 Lindale Drive – Guppy’s on the Go). Effective: 12/01/2016.

Motion to approve the following Cigarette Permit application for Fiscal Year 2016-2017: Casey’s General Store #3562.

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

* 1. Resolution No. 25699 approving Partial Payment No.1 to Midwest Development Company for the over width and over depth of trail associated with Prairie Trail 1st Addition to the City of Marion in the amount of $13,022.70.
  2. Resolution No. 25700 approving Partial Payment No. 16 to Genesis Equities, LLC for the Central Corridor Project (26th Street to 31st Street) in the amount of $17,951.01

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

Ordinance No. 16-16 amending the Code of Ordinance relating to Parades, Marches, Walks and Demonstrations was read by Draper for initial consideration. Moved by Draper, seconded by Spinks to approve the first reading of Ord. No. 16-16. Council Member Pazour noted that the application must be filed with the City not less than 72 hours before the proposed activity. Mayor AbouAssaly explained that the hold harmless agreement would be issued by the City Manager’s office. All in favor, motion carried.

Moved by Pazour, seconded by Draper to suspend the rules and place Ord. No. 16-16 on the agenda for adoption and to adopt Ord. No. 16-16. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Resolution No. 25689 accepting the 2016 ImaginArt in the Alley Project was read by Strnad. Moved by Strnad, seconded by Pazour to approve Res. No. 25689. All in favor, motion carried.

Resolution No. 25701 approving the sale of a Marion Police Department K-9 vehicle (2013 Ford Police Interceptor SUV, VIN 1FM5K8AR2DGC20809, and installed equipment) to the City of Nashua, Iowa for an amount of $18,000.00 was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25701. Acting Police Chief Scott Elam presented the staff report. All in favor, motion carried.

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Ordinance No. 16-17 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Tower Terrace Road from the west City Limits to the east City Limits as 35 mph except for that area from 10th Street to 1000 feet east which shall be 25 mph when children are present (remove Code Section 5V*)* was read by Brandt for initial consideration. Moved by Brandt, seconded by Pazour to approve the first reading of Ord. No. 16-17. City Engineer Dan Whitlow presented the staff report. All in favor, motion carried.

Moved by Strnad, seconded by Pazour to receive and file and concur with TAC report regarding a request for an additional street light on Grand Avenue. Council Member Spinks suggested that a street light be moved. City Engineer Dan Whitlow presented the staff report. All in favor except Spinks, motion carried.

Resolution No. 25702 approving the establishment of a “No Parking” zone on the east and west sides of 12th Street from the north end to 50’ south (Larry Juergens, 1530 12th Street) was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 25702. City Engineer Dan Whitlow presented the staff report. All in favor, motion carried.

Resolution No. 25703 directing staff to prepare and submit an application to the Zoning Board of Adjustment for a variance in fence height associated with the Property Agreement with Linn Mar Community School District regarding Tower Terrace Road Project per Resolution No. 25313 was read by Draper. Moved by Draper, seconded by Spinks to approve Res. No. 25703. City Engineer Dan Whitlow presented the staff report. All in favor except Strnad, motion carried.

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

Resolution No. 25704 approving the sale of City owned property located south of 2525 7th Avenue also known as Plat of Survey No. 2042 to Mooney Investments, LLC was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25704. Planning and Development Director Tom Treharne and City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Ordinance No. 16-14 approving Ivy Aire Acres zoning to R-1, Low Density Single Family Residential for property located west of Alburnett Road and north of East Robins Road (City initiated) was read by Brandt for second consideration. Moved by Brandt, seconded by Spinks to approve the second reading of Ord. No. 16-14. All in favor, motion carried.

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Moved by Pazour, seconded by Spinks to suspend the rules and place Ord. No. 16-14 on the agenda for adoption and to adopt Ord. No. 16-14. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Ordinance No. 16-15 amending the Marion Code of Ordinances and establishing Chapter 176.50 Central Corridor Interim Development Overlay was read by Strnad for second consideration. Moved by Strnad, seconded by Brandt to approve the second reading of Ord. No. 16-15. All in favor, motion carried.

Moved by Pazour, seconded by Strnad to receive and file a request from JPM Enterprises for a building permit prior to a Final Plat for property located at 6271 Partners Avenue. All in favor, motion carried.

Moved by Draper, seconded by Pazour to suspend the rules and place Ord. No. 16-15 on the agenda for adoption and to adopt Ord. No. 16-15. All in favor, motion carried.

Resolution No. 25698 approving a request from JPM Enterprises for a building permit prior to a Final Plat for property located at 6271 Partners Avenue was read by Draper. Moved by Draper, seconded by Pazour to approve Res. No. 25698. Planning and Development Director Tom Treharne presented the staff report. Vote on Res. No. 25698: Yeas: Draper, Spinks, Brandt, Strnad, and Pazour. Nays: None. Abstention: Mayor AbouAssaly. Motion carried.

Moved by Spinks, seconded by Pazour to receive and file a request to encroach into the City right-of-way 5' x 20’ for a cement handicap ramp located at 1135 8th Avenue (Teresa Coons-Lammers Properties, Inc.). All in favor, motion carried.

Council Discussion Time:

Council Member Draper showed the atlas from Kane County, Illinois from 1871. He noted that it appears they had a roundabout at that time.

Mayor AbouAssaly left the meeting at 6:24 p.m. Mayor pro tem Spinks presided over the meeting.

Council Discussion Time (continued):

Council Member Draper noted that Eli Draper opened a dry goods store in Marion in 1871. There were 82 businesses in Marion at that time. The largest construction project of the year was a church at 6th Avenue and 13th Street. In 1871, the City of Marion installed 20 kerosene powered street lights. There was also an epidemic of scarlet fever. In 1872, there was a vote on whether Marion should retain the County seat. Cedar Rapids petitioned 4,468 names. Marion and the rest of Linn County

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petitioned 4,390 names. There were 1,184 names removed from the Cedar Rapids petition because there were duplicate names and other irregularities. 500 names were determined to be illegal. Therefore, Marion retained the County seat.

Council Member Strnad noted that this is his last City Council meeting. He thanked the Mayor, City Council, staff, and citizens. He stated that it was a pleasure serving the community. Council Member Strnad congratulated David Nicholson on being elected the new Ward 4 Council Member.

Council Member Pazour noted that Marjory Martin, widow of long time Council Member Larry Martin, passed away. Mrs. Martin taught in the Marion Independent School District for many years.

Council Member Pazour stated that the Heritage Center should be commended for their Veteran’s Day display.

Mayor AbouAssaly returned to the meeting at 6:30 p.m. and presided over the meeting.

Council Discussion Time (continued):

Council Member Draper thanked Council Member Strnad for serving the community.

Council Member Draper recognized Charlie Knudsen for leading the campaign regarding electing Council Members by ward. Council Member Draper stated that some of the City’s Ordinances will need to be revised. He noted that he hopes that the County can be prevented from re-districting and forcing a Council Member out of their ward. He stated that Council Members should be allowed to finish their term.

Council Member Spinks also thanked Council Member Strnad for serving the City.

Council Member Spinks noted that there was an article in the paper about Abode Construction and the Jeff Witter family. The article recognized Hannah Kustes for being the second generation in the family business.

Council Member Spinks wished everyone a Happy Thanksgiving.

Mayor AbouAssaly thanked Council Member Strnad for this contributions to the City Council.

Mayor AbouAssaly noted that he has some Reaching Higher recognitions: 1) There was a ribbon cutting at the Marion HACAP office. United Way is expanding the RED Ahead program into Marion to serve Marion children. RED Ahead is an early childhood reading program, 2) There was a ribbon cutting for the roundabout at 7th Avenue and 7th Street, 3) Hills Bank hosted a sneak peak of their new location at 3204 7th Avenue at the November BizMix tonight. He noted that it is a beautiful facility, and 4) The Art in the Alley project is completed and the art work is now being installed. He thanked everyone that worked on that project. He recognized Assistant City Engineer Mike Barkalow for his work on the Art in the Alley project and the 7th Avenue/7th Street roundabout.

Mayor AbouAssaly wished everyone a Happy Thanksgiving.

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Mayor AbouAssaly adjourned the meeting at 6:36 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk