January 12, 2017

(Amended at the 01/26/17

Council meeting)

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 12, 2017, 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, Nicholson, and Draper. 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.

Resolution No. 25762, approving Partial Payment No. 1 to Integrity Custom Homes Inc. for the over width and over depth of trail and other related improvements associated with Echo Ridge Estates 1st and 2nd Additions to the City of Marion in the amount of $36,116.88, was moved from the regular Consent Calendar to the Consent Calendar with Mayor AbouAssaly abstaining from voting and discussion.

Moved by Etzel, seconded by Spinks to approve the Consent Calendar, as follows:

Motion to approve minutes of the December 20 and 22, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $2,895,382.28.

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 Cibo, Inc., dba Cibo Fusion Restaurant and Lounge (685 Marion Boulevard). Expiration 01/31/2017. One violation in previous five years.
  2. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for 19th Hole Operations, dba Indian Creek Country Club (2401 Indian Creek Road). Expiration 01/31/2017. No violations in previous five years.
  3. Renewal application for a Class C Liquor License with additional privilege for Outdoor Service and Sunday Sales for MRT Holdings, LLC, dba Pitchers (620 Lindale Drive). Expiration 01/31/2017. One violation in previous five years.
  4. Renewal application for a Class E Liquor License with additional privilege for Carryout Wine, Carryout Beer, and Sunday Sales for The Outlet, Inc., dba Smokin’ Joes Tobacco and Liquor Outlet #10 (480 7th Avenue). Expiration 01/31/2017. No violations in previous five years.

Page 2, January 12, 2017

* 1. Renewal application for a Class C Liquor License with additional privilege for Outdoor Service and Sunday Sales for Wrigleyville, LLC, dba Wrigleyville (1899 7th Avenue). Expiration 02/14/2017. No violations in previous five years.

Resolution No. 25757 accepting waiver of hearing and consent to penalty (alcohol violation) and imposing the penalties established in Section 123.50(3) of the Code of Iowa (Dollar General Store #7226, 1135 East Post Road).

Resolution No. 25758 approving the transfer of funds within the fiscal year 2016-2017 budget. (Transfer from Road Use Fund to Capital Projects for the 35th Street/29th Avenue Roundabout).

Resolution No. 25759 approving purchase of traffic signal equipment from Traffic Control Corporation in the amount of $31,785.00.

Motion to concur with the recommendation to approve Police Chief Joseph McHale as the primary representative and Police Captain Doug Slagle as the secondary representative on the Linn County E-911 Board.

Resolution No. 25760 approving a 28E Agreement with the City of Cedar Rapids regarding the sharing of Cedar Rapids properties for training purposes.

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

* 1. Resolution No. 25761 approving Partial Payment No. 10 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 $52,927.07.
  2. Resolution No. 25762 was moved to the consent calendar with Mayor AbouAssaly abstaining from voting and discussion.
  3. Resolution No. 25763 approving Partial Payment No. 4 to Snyder & Associates, Inc. regarding the Alburnett Road Extension concept study in the amount of $12,344.81.
  4. Resolution No. 25764 approving Partial Payment No. 5 to Snyder & Associates, Inc. regarding the Alburnett Road Extension concept study in the amount of $12,947.69.

Resolution No. 25765 adopting the 2017 Edition of the Statewide Urban Design Specifications Program (SUDAS).

Page 3, January 12, 2017

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

* 1. Resolution No. 25766 approving Payment No. 15 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 $15,496.94.

Motion to receive and file request for the City of Marion to vacate an easement located on the west 10 feet of Lot 4 of Linn-Aire Industrial Park Second Addition to the City of Marion, Linn County, Iowa except the north 10 feet thereof and further except the south 10 feet thereof (Kwik Trip).

Motion to receive and file a letter requesting hotel/motel funding (The Artisan’s Sanctuary).

Resolution No. 25768 approving a contract with the National Research Center to conduct the National Citizen Survey in the amount of $13,860.00.

Resolution No. 25769 amending the non-bargaining pay schedule for FY16-17 to include Library Assistant II – Teen Services and Library Assistant II - Children’s Services.

Resolution No. 25770 approving Partial Payment No. 10 to Owen Lewis Consulting in the amount of $5,650.00.

Resolution No. 25771 approving pay application No. 6 to Renaissance Restoration, Inc. related to the downtown façade revitalization program in the amount of $7,370.51.

Council Member Pazour requested a staff report on Res. No. 25758. Finance Manager Lianne Cairy presented the staff report. All in favor of motion to approve the consent calendar, motion carried.

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

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 Louie’s Scoreboard, LLC, dba Louie’s Scoreboard (740 10th Street). Expiration 01/31/2017. No violations in previous five years.

Page 4, January 12, 2017

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

* 1. Resolution No. 25772 approving Partial Payment No. 7 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 $326,371.08.
  2. Resolution No. 25773 approving Partial Payment No. 7 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 $2,866.62.
  3. Resolution No. 25774 approving Partial Payment No. 1 to Midwest Development Company for the over width and over depth of pavement and trail and other related improvements associated with Bowman Meadows 4th Addition to the City of Marion in the amount of $95,370.
  4. Resolution No. 25762 approving Partial Payment No. 1 to Integrity Custom Homes Inc. for the over width and over depth of trail and other related improvements associated with Echo Ridge Estates 1st and 2nd Additions to the City of Marion in the amount of $36,116.88.

Resolution No. 25767 approving request to vacate an easement located on the west 10 feet of Lot 4 of Linn-Aire Industrial Park Second Addition to the City of Marion, Linn County, Iowa except the north 10 feet thereof and further except the south 10 feet thereof (Kwik Trip).

Vote on motion to approve the consent calendar with Mayor AbouAssaly abstention from voting and discussion: Yeas: Draper, Etzel, Spinks, Brandt, Nicholson, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 25775 approving an adjustment to PO#2017-00000037 by $5,792.00 regarding the purchase of four (4) Police Interceptor SUVs and two (2) unmarked vehicles from Junge Ford for final total amount of $117,676.00 was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 25775. Police Chief Joe McHale presented the staff report. All in favor, motion carried.

Resolution No. 25776 establishing a weight embargo on the Winslow Road Bridge over Indian Creek (County ID 57-221471; FHWA #221471) per the Deficient Bridge Notification Received (staff) was read by Nicholson. Moved by Nicholson, seconded by Pazour to approve Res. No. 25776. Assistant City Engineer Mike Barkalow presented the staff report. Fire Chief Deb Krebill explained that the fire trucks will still be able to use the bridge. Council discussed the Winslow Road alignment. All in favor, motion carried.

Page 5, January 12, 2017

Resolution No. 25777 approving Industrial Center East 12th Addition Final Plat and Memorandum of Agreement for property located south of 3rd Avenue, west of 44th Street (Tom and Nancy Riley Family LLC) was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25777. All in favor, motion carried.

Resolution No. 25778 approving Author’s 4th Addition Final Plat and Memorandum of Agreement for property located south of 35th Avenue and east of 35th Street (Morris Wood Enterprises) was read by Draper. Moved by Draper, seconded by Spinks to approve Res. No. 25778. Vote on motion to approve Res. No. 25778: Yeas: Draper, Etzel, Spinks, Brandt, Nicholson, and Pazour. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Mayor AbouAssaly opened a public hearing regarding a request to amend the Marion Comprehensive Plan Land Use Map from Corridor Commercial to Multi-Family Residential and to rezone property from C-3, General Commercial to R-6, High Density Multi-Family Residential for property located south of Kacena Avenue and west of Highway 13 (Eagle Ridge LC). Jon Morris, 890 Bolton Manor Road, Springville, stated that he is the developer of the property. Mr. Morris spoke in favor of the amendment to the Comprehensive Plan and the rezoning. Jean Mellor, 2175 Stratford Drive, stated that she owns Abrasive Innovations. Her property and business is located to the south of the property that Mr. Morris is requesting to be rezoned. Ms. Mellor spoke opposing the rezoning request. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Mayor AbouAssaly requested a staff report on the comprehensive plan amendment and rezoning for the property located south of Kacena Avenue and west of Highway 13 (Eagle Ridge LC). Planning and Development Director Tom Treharne presented the staff report. He noted that both the Planning and Zoning Commission and the staff are recommending denial of the request.

Resolution No. 25779 amending the Marion Comprehensive Plan Land Use Map from Corridor Commercial to Multi-Family Residential for property located south of Kacena Avenue and west of Highway 13 was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 25779. Council discussed the proposed rezoning and development. Jon Morris, 890 Bolton Manor Road, Springville, developer of the property, responded to Council questions. Jean Mellor, 2175 Stratford Drive, owner of Abrasive Innovations located at 1805 Red Fox Way, responded to Council questions regarding parking in the area. Roll Call on Res. No. 25779: Yeas: Draper and Pazour. Nays: Etzel, Spinks, Brandt, and Nicholson. Abstention from discussion and voting: AbouAssaly. Motion failed.

Moved by Spinks, seconded by Brandt to table Ordinance No. 17-01, amending the Marion Code of Ordinances regarding a request to rezone property from C-3, General

Page 6, January 12, 2017

Commercial to R-6, High Density Multi-Family Residential for property located south of Kacena Avenue and west of Highway 13. All in favor of motion to table, motion carried.

Mayor AbouAssaly opened a public hearing regarding an amendment to Chapter 176.29 of the Marion Code of Ordinances regarding front yard paving in a Residential Zoning District. Planning and Development Director Tom Treharne presented the staff report. Comments were heard from Kim Smith, 1690 Country Club Drive, and Tim Heim, 5460 21st Avenue, in favor of the proposed ordinance. Priscilla Cummins, 1625 24th Street, spoke opposing the recreational vehicle parking restrictions. Kevin Kach, 2405 11th Avenue, asked questions about the proposed ordinance. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 17-02 approving an amendment to Chapter 176.29 of the Marion Code of Ordinances regarding front yard paving in a Residential Zoning District was read by Brandt for initial consideration. Moved by Brandt, seconded by Spinks to approve the first reading of Ord. No. 17-02. Council Member Pazour asked about water runoff from front yard parking. Planning and Development Director Tom Treharne responded to Council Member Pazour’s questions. Roll Call on Ord. No. 17-02: Yeas: Etzel, Spinks, AbouAssaly, Brandt, Nicholson, Pazour, and Draper. Nays: None. Motion carried.

Mayor AbouAssaly opened a public hearing regarding an amendment to Chapter 176.29 of the Marion Code of Ordinances regarding Recreational Vehicle Parking in a Residential Zoning District. Associate Planner Kesha Billings and Planning and Development Director Tom Treharne presented the staff report. Comments opposing the Ordinance were heard from Amanda Heim, 2650 Pennington Drive; Kevin Kach, 2405 11th Avenue; John Butler, 310 9th Avenue; Mike Tope, 170 26th Street Court; Mike Wojcik, 405 9th Avenue; Jeff Ward, 2770 Pennington Drive; Linda Miller, 4001 10th Street; Tim Heim, 5460 21st Avenue; Don Knapp, 2580 Grand Avenue; and Jeremy Heim, 2650 Pennington Drive. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 17-03 amending Chapter 176.29 of the Marion Code of Ordinances regarding Recreational Vehicle Parking in a Residential Zoning District was read by Nicholson for initial consideration. Moved by Nicholson, seconded by Etzel to approve the first reading of Ord. No. 17-03. Council discussed the proposed ordinance. Council Member Pazour called the question. Roll Call on vote to cease discussion: Yeas: Pazour and Etzel. Nays: Spinks, AbouAssaly, Brandt, Nicholson, and Draper. Motion to cease discussion failed. Council continued discussion of Ord. No. 17-03. Moved by Draper, seconded by Pazour to table Ord. No. 17-03. All in favor of motion to table, motion carried.

Page 7, January 12, 2017

Resolution No. 25780 directing staff to proceed with the annexation of City owned property located north of Highway 100 on both sides of 44th Street was read by Pazour. Moved by Pazour, seconded by Spinks to approve Res. No. 25780. All in favor, motion carried.

Resolution No. 25781 requesting Iowa Department of Transportation to request annexation of Highway 100 and Munier Road right-of-way was read by Draper. Moved by Draper, seconded by Spinks to approve Res. No. 25781. All in favor, motion carried.

Moved by Etzel, seconded by Draper to receive and file correspondence regarding resignation from the Planning and Zoning Commission (Carol Golden, 1285 McGowan Blvd). All in favor, motion carried.

Moved by Spinks, seconded by Etzel to direct staff to prepare a request for proposal regarding the existing Marion Library. All in favor, motion carried.

Resolution No. 25782 approving an agreement with the Artisan's Sanctuary and approving payment to the same from Hotel/Motel Funding in the amount of $5,000.00 was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 25782. Assistant to the City Manager Amanda Kaufman presented the staff report. Jim Jacobmeyer, Executive Director of the Artisan’s Sanctuary, explained that their organization is a non-profit artist’s cooperative currently located in Czech Village. All in favor except Etzel, motion carried.

Resolution No. 25783 re-setting a public hearing for February 9, 2017 regarding an amendment to the Central Corridor Urban Renewal Area was read by Nicholson. Moved by Nicholson, seconded by Pazour to approve Res. No. 25783. All in favor, motion carried.

Resolution No. 25784 re-setting a public hearing for February 9, 2017 regarding the consideration of a TIF Award for Emmerson Mattress, Inc. dba Lebeda was read by Pazour. Moved by Pazour, seconded by Draper to approve Res. No. 25784. All in favor, motion carried.

Resolution No. 25785 re-setting a public hearing for February 9, 2017 regarding the consideration of a TIF Award for AIS Properties, Inc., dba Restoration Dental was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 25785. All in favor, motion carried.

Resolution No. 25786 setting a public hearing for February 9, 2017 regarding the consideration of a TIF Award for Arnold Property Group, LLC dba GameOn was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 25786. All in favor, motion carried.

Page 8, January 12, 2017

Moved by Spinks, seconded by Pazour to concur with Mayor AbouAssaly’s recommendations regarding the following appointments:

* 1. Randy Strnad, 1820 Agate Circle, Local Option Sales Tax Oversight Committee, term expiring 12-31-19.
  2. Ben High, 5531 Cimarron Court, Library Board, term expires 6-30-20.

All in favor, motion carried.

Council Discussion Time:

Council Member Pazour noted that Charlie Kress passed away. She explained that he was on the Marion Park Board for many years and was a founding member of Waste Not Iowa.  
 Council Member Pazour noted that there is a City vehicle without plates in the City Hall parking lot. She noted that she has received complaints about the unlicensed vehicle.

Council Member Pazour asked when the Council would receive their FY 17-18 budget books. City Manager Lon Pluckhahn stated that they should go out on Monday.

Council Member Pazour asked that a motion be prepared authorizing an annual cost of living increase for City Council Members.

Council Member Spinks expressed condolences to the family of Charlie Kress. He noted that Mr. Kress was passionate about the Marion parks. He also noted that both he and Mr. Kress worked on GPS products at Rockwell Collins.

Council Member Draper noted that Charlie Kress served on the Parks Board for nearly 40 years. Mr. Draper also noted that architect Leo Peiffer passed away. Mr. Peiffer designed Fire Station #2.

Council Member Draper reviewed the history of law enforcement in Marion. In 1884 the County Sheriff’s office was built on the current library site. He noted that the police station was the oldest continually operating government building west of the Mississippi before it was tore down to build the library. He explained that the Police Chief and their family lived above the jail. Former Police Chief Leighton Ford and his son, Jim Ford, who later was the Fire Chief, were the last family to live above the jail. The old police station had a flagpole that was moved by Virgil Coonrod’s employees to City Square Park. When that flagpole was first installed in front of the police station the flag only had 38 stars. He explained that the Katz family donated the property for the Police Station on Katz Drive.

Mayor AbouAssaly expressed condolences to the entire community on the loss of Charlie Kress. Mayor AbouAssaly noted that Mr. Kress loved Marion and will be missed. He noted that the funeral is tomorrow.

Mayor AbouAssaly recognized Ashley Zierath, Program Director for Uptown Marion, for her great work with the Uptown Marion organization. He noted that Ashley has accepted another position and is leaving Uptown Marion. He thanked her for her work moving that organization forward and wished her well.

Page 9, January 12, 2017

Mayor AbouAssaly noted that his Reaching Higher recognition this week goes to the citizens, staff, and Council for the respectful manner in which they conducted themselves during the public hearings tonight. He noted that it is important to have meaningful dialogue about issues that we don’t agree on. Mayor AbouAssaly stated that he appreciated the way everyone handled themselves.

Mayor AbouAssaly adjourned the meeting at 8:35 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk