MARION CITY COUNCIL REGULAR MEETING

Thursday, January 26, 2017 – 5:30 p.m.

Council Chambers – 1225 6th Avenue

Please remove hats and refrain from using tobacco products in the Council Chamber.

This meeting is being tape recorded. If you wish to address the City Council, please go to the lectern, wait to be recognized by the Mayor and state your name and address before making any comments.

Call to Order.

Pledge of Allegiance.

Roll Call.

Moment of Silence.

Presentation: The Nature Conservancy (Nick Longbucco)

Citizen’s presentations, comments and/or petitions.

CONSENT CALENDAR

NOTE: The Consent Calendar includes routine items and will be enacted by one motion without separate discussion unless Council requests an item be removed to be and considered separately.

Motion to approve Consent Calendar, as presented:

1. Motion to approve minutes of the January 10, 12, 20 and 21, 2017 City Council meetings.
2. Motion to approve the bills as presented in the amount of $859,616.60.
3. Resolution No. 25787 adopting Final Assessment Schedule For Fiscal Year 2017, Quarter 3 Delinquent Fees and Confirming and Levying the Assessments.
4. Motion to receive and file the Independent Auditor’s Report for the Year ended June 30, 2016.
5. Resolution No. 25788 approving Payment to Hogan – Hansen for professional services rendered in connection with audit of financial statements for the year ended June 30, 2016 in the amount of $52,000.
6. Resolution No. 25789 approving Partial Payment No. 20 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $2,032.50.
7. Resolution No. 25790 approving Partial Payment No. 21 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $7,207.25.
8. Resolution No. 25791 authorizing the purchase of an Aerial Platform from Pierce Manufacturing, Inc., in an amount of $1,195,269.00.
9. Resolution No. 25792 approving purchase of a 2017 Morbark Beever M12R Brush Chipper from Midwest Underground Supply in the amount of $41,215.00.
10. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
    1. Resolution No. 25793 approving Partial Payment No. 7 to Anderson Bogert Engineers for engineering design services regarding the Armar Drive Extension Project in the amount of $2,176.00.
11. Resolution No. 25794 approving contract with Schnoor-Bonifazi Engineering and Surveying for engineering design services regarding the Tower Terrace Road Phase VI: Winslow Road to Lennon Lane and the realignment and reconstruction of Winslow Road between Tower Terrace Road and Indian Creek Road in an amount not to exceed $60,500.00.
12. Motion to approve Project Calendar regarding the 2017 Sidewalk Ramp Repair Project, as follows:  
    1. Motion to retain the City Engineer as Project Engineer regarding the 2017 Sidewalk Ramp Repair Project.
    2. Resolution No. 25795 approving Resolution of Necessity regarding the 2017 Sidewalk Ramp Repair Project.
    3. Resolution No. 25796 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Sidewalk Ramp Repair Project.
    4. Resolution No. 25797 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Sidewalk Ramp Repair Project.
13. Motion to receive and file correspondence regarding the proposed construction of a new house on Williams Drive and N. 10th Street with a request to install a private septic system (Michael Sebeny, 16375 189th Street, Manchester, IA).
14. Motion to receive and file the following items to the Planning and Zoning Commission:  
    1. **A request to vacate the east/west alley adjacent to the south of lots 3 & 4 block 6 of Richmonds Second addition (Larry & Joan Nesset-1375 8th Avenue, Marion, Iowa).**
    2. A request to rezone property from A-1, Rural Restricted, to I-2, General Industrial for property located west and east of 44th Street south of 3rd Avenue and to approve a Preliminary Plat for Eco-Industrial Park 2nd Addition (City of Marion).
    3. A request to approve a preliminary plat for property located east of Highway 13 and north of Highway 151 (5801Hennessey Parkway) in Marion, Linn County, Iowa.
15. Resolution No. 25798 setting a public hearing for February 9, 2017 regarding a request to rezone property from C-3, General Commercial to PD-S, Planned Development Special for property located  east of Highway 13 and north of Highway 151 and for 13 & 151 (5801 Hennessey Parkway) in Marion, Linn County, Iowa (Applicant:  Water Rock LLC).
16. Resolution No. 25799 setting a public hearing for February 9, 2017 regarding a Preliminary Site Development Plan for property located  east of Highway 13 and north of Highway 151 (5801 Hennessey Parkway) in Marion, Linn County, Iowa (Applicant:  Water Rock LLC).
17. Resolution No. 25800 approving request for waiver of the subdivision regulations to allow division of property by Plat of Survey No. 2127, Parcel A & Parcel B, for transfer purposes only for property located north of Echo Hill Road and west of Alburnett Road (Mooney Engle Land Co, LLC).
18. Resolution No. 25801 setting public hearing for February 9, 2017 regarding amendment to the Master Trails Plan Map.
19. Motion to receive and file annexation applications from John and Deborah Hennessey, John Hennessey, Kathleen McCarty, Mary Moran and the Iowa Department of Transportation for property located at Highway 100 and 44th Street.
20. Motion directing staff to proceed with a 100% voluntary annexation of properties located along Highway 100 and 44th Street (John and Deborah Hennessey, John Hennessey, Kathleen McCarty, Mary Moran, the Iowa Department of Transportation and City of Marion).
21. Resolution No. 25802 setting public hearing for February 23, 2017 regarding the annexation of properties located along Highway 100 and 44th Street.
22. Motion to receive and file Marion Airport Layout Plan.
23. Motion to receive and file purchase agreement regarding uptown parking.
24. Motion to receive and file correspondence regarding Marion Code of Ordinance section 42.08 Demonstration/Speech Permitting Ordinance (ACLU, 505 Fifth Avenue, Suite 901, Des Moines).
25. Motion to receive and file correspondence requesting the City of Marion’s position regarding Linn County Supervisors vote to raise the minimum wage (Charles Knudsen, 2835 24th Avenue).
26. Resolution No. 25803 setting a public hearing for February 9, 2017 at which it is Proposed to Approve an Amended Development Agreement with TWG Development, LLC, Including Annual Appropriation Tax Increment Payments.
27. Motion to amend the January 12, 2017 City Council minutes by unanimous consent of the City Council to reflect Mayor AbouAssaly abstention on the following item:  
    1. 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).
28. Motion to receive and file December 2016 Departmental Reports.
29. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):  
    1. Wedding, Lowe Park Amphitheater, July 1, 2017, 4:00 – p.m. – 11:00 p.m. (Ben Schamberger, 120 West 33rd Avenue).
    2. Go the Distance for Crime Victims 5K Walk/Run, Thomas Park, April 1, 2017, 5:00 a.m. – 12:00 p.m. (Anastasia Wilson, PO Box 323, Cedar Rapids).
    3. Linn Mar Growl Prowl 8K/5K Road Race, Linn Mar Stadium and surrounding area, April 22, 2017, 7:00 a.m. – 11:30 a.m. (Mike Shipley, 3555 North 10th Street).
    4. Mothers’ Day 5K Walk/Run, Marion High School and surrounding area, May 14, 2017, 5:00 a.m. – 11:30 a.m. (Colin Pekovitch, 1152 Ensell Road, Lake Zurich, IL).

Motion to approve Consent Calendar with Mayor AbouAssaly abstention from voting and discussion regarding the following items, as presented:

1. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
   1. Resolution No. 25804 approving Partial Payment No. 17 to Genesis Equities, LLC for the Central Corridor Project (26th Street to 31st Street) in the amount of $8,952.08.
2. Resolution No. 25805 approving contract with Veenstra & Kimm, Inc. regarding the Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 in the amount of $315,000.00.
3. Resolution No. 25806 setting a Public Hearing for February 9, 2017 regarding a request to by Genesis Equities LLC to vacate and purchase portions of 7th Avenue located between 26th and 35th Streets and to vacate and purchase 26th Street between 7th Avenue and 8th Avenue.
4. Motion to receive and File request from Scenic Development to provide incentive via Urban Revitalization in lieu of Urban Renewal.
5. Motion directing staff to proceed with formation of an Urban Revitalization District and Agreement with Scenic Development.
6. FINANCE

NONE

1. PUBLIC SERVICES

NONE

1. POLICE/FIRE

NONE

1. PARKS

NONE

1. BUILDING INSPECTION

NONE

1. ENGINEERING

NONE

1. PLANNING AND DEVELOPMENT
2. 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. Second Consideration.
3. ADMINISTRATION/OTHER

Mayoral Appointments:

Charlie Potter, 1950 East Post Road, Zoning Board of Adjustment, term expires 12-31-21.

Todd Pearson, 2935 Abbey Road, Zoning Board of Adjustment, term expires 12-31-21.

1. Council Discussion Time
2. Adjourn