January 26, 2017

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 26, 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.

Stormwater Coordinator Steve Cooper introduced Nick Longbucco, from The Nature Conservancy. Mr. Longbucco made a presentation to the City Council regarding restoration of an oxbow in the Creekview Owners Association development. He explained that the restoration of the oxbow improves water quality, provides flood storage, and provides wildlife habitat. He noted that their organization raises private funds to complete the restoration. Assistant City Engineer Mike Barkalow noted that the City has to issue permits for work in the flood plain.

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

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

Motion to approve minutes of the January 10, 12, 20 and 21, 2017 City Council meetings.

Motion to approve the bills as presented in the amount of $859,616.60.

Resolution No. 25787 adopting Final Assessment Schedule For Fiscal Year 2017, Quarter 3 Delinquent Fees and Confirming and Levying the Assessments.

Motion to receive and file the Independent Auditor’s Report for the Year ended June 30, 2016.

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.

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.

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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.

Resolution No. 25791 authorizing the purchase of an Aerial Platform from Pierce Manufacturing, Inc., in the amount of $1,195,269.00.

Resolution No. 25792 approving purchase of a 2017 Morbark Beever M12R Brush Chipper from Midwest Underground Supply in the amount of $41,215.00.

Motion to approve Project Calendar regarding Engineering Department payment, 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.

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.

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.

Motion to receive and file correspondence regarding the proposed construction of a new house on Williams Drive and North 10th Street with a request to install a private septic system (Michael Sebeny, 16375 189th Street, Manchester, IA).

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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.

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 (5801 Hennessey Parkway) in Marion, Linn County, Iowa (Applicant: Water Rock LLC).

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).

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).

Resolution No. 25801 setting public hearing for February 9, 2017 regarding amendment to the Master Trails Plan Map.

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.

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).

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Resolution No. 25802 setting public hearing for February 23, 2017 regarding the annexation of properties located along Highway 100 and 44th Street.

Motion to receive and file Marion Airport Layout Plan.

Motion to receive and file purchase agreement regarding Uptown parking.

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).

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).

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.

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).

Motion to receive and file December 2016 Departmental Reports.

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

* 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).

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

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

Motion to approve Project Calendar regarding Engineering Department payment 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.

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.

Resolution No. 25806 setting a public hearing for February 9, 2017 regarding a request 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.

Motion to receive and file request from Scenic Development to provide incentive via Urban Revitalization in lieu of Urban Renewal.

Motion directing staff to proceed with formation of an Urban Revitalization District and Agreement with Scenic Development.

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

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 Nicholson for second consideration. Moved by Nicholson, seconded by Brandt to approve the second reading of Ord. No. 17-02. All in favor, motion carried.

Moved by Pazour, seconded by Draper to suspend the rules and place Ord. No. 17-02 on the agenda for adoption and adopt Ord. No. 17-02. Al in favor, motion carried.

Moved by Spinks, seconded by Etzel to concur with Mayor AbouAssaly’s appointment recommendations, as follows:

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.

All in favor, motion carried.

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Council Discussion:

Council Member Draper noted that President Dwight D. Eisenhower visited Marion on October 17, 1958. President Eisenhower attended the corn picking contest. That event is now called the National Farm Progress Show. When President Eisenhower visited Marion, 22 news agencies and 100,000 people attended the event at the Lumir Dostal farm. The local churches provided the lunches. Mr. Draper noted that Senator John F. Kennedy also attended the event with President Eisenhower. President Eisenhower was the only President to visit Marion.

Council Member Nicholson stated that he was very proud of the Mayor at today’s State of the City luncheon. Council Member Brandt stated that he is very proud to call Mayor AbouAssaly his Mayor. He noted that he did a great job. Council Member Spinks stated that the Mayor did a great job and the speech was very well received. Council Member Spinks thanked the staff that serve the City. Council Member Etzel stated that it was a great speech and the pictures were very nice. Mayor AbouAssaly thanked everyone that attended and noted that it was an honor to represent Marion. Mayor AbouAssaly noted that we have so much to be proud of. He thanked the staff that work hard to serve the City and make Council look good.

City Manager Lon Pluckhahn stated that he is going to start work on the financing plan for the Library. He noted that he and Library Director Elsworth Carman will meet with representatives of the Library Foundation next week. They will bring back a formal proposal for the Council to review.

Police Chief Joe McHale introduced Dr. Andrew Fox, a researcher with the Department of Criminology at California State University-Fresno. Chief McHale stated that he worked with Dr. Fox the past 6 years looking at social structures of the people involved in violent crimes. Chief McHale stated that the Marion Police Department is the first police department in the State of Iowa to develop social network analysis capacity and to begin to develop methods to operationalize it. He noted that this helps to focus police activities.

City Manager Lon Pluckhahn reminded the City Council of the Board and Commission Member reception next Thursday, February 2nd.

Mayor AbouAssaly adjourned the meeting at 6:01 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk