September 21, 2017

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, September 21, 2017, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Etzel, Spinks, Brandt and Pazour. Absent: Draper and Nicholson.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Citizen’s presentations, comments and/or petitions.

Charley Knudsen, 2835 24th Avenue, spoke regarding traffic signage on 7th Avenue, and 27th Street to 31st Street.

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

Motion to approve minutes of the September 5, 7, 13 and 14, 2017City Council meetings.

Motion to approve the bills as presented in the amount of $1,634,788.36.

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 Iowa CVS Pharmacy, LLC, dba CVS/Pharmacy #10032 (3495 7th Avenue). Expiration 10/13/2017. No violations in previous five years.

Resolution No. 26342 approving annual street finance report for the year ended June 30, 2017.

Motion to receive and file correspondence from the City of Cedar Rapids regarding a proposed sewer connection to the City of Marion’s sanitary sewer system.

Motion to direct staff to solicit Request for Qualifications for Contract Manager at Risk for the Eco Industrial Park Phase 1.

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Motion to receive and file correspondence regarding the traffic signal operation at 10th Street and Central Avenue (Joseph Camp).

Motion to receive and file recommendations regarding modifying the Police Department Table of Organization.

Resolution No. 26343 approving the purchase of body cameras and accessories from Pro-Vision Video Systems for the Marion police Department in an amount of $33,480.

Resolution No. 26344 approving Partial Payment No. 1 to MSA Professional Services for professional services regarding the Lowe Park South End Development Project in the amount of $6,650.00.

Resolution No. 26345 approving Payment to the Marion Independent School District regarding the 2017 Joint Tennis Court Project in the amount of $296,677.37.

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

* 1. Resolution No. 26346 approving Partial Payment No. 10 to Snyder & Associates, Inc. regarding the Alburnett Road Extension concept study in the amount of $6,750.27.

Resolution No. 26347 approving contract and bond with Midwest Concrete, Inc. regarding the 2017 Pedestrian Beacon Project.

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2017 Storm Sewer Project as follows:

* 1. Resolution No. 26348 approving Temporary Construction Easement with Lynette I Moser, 1405 5th Avenue regarding the 2017 Storm Sewer Project.
  2. Resolution No. 26349 approving Temporary Construction Easement with BD CR Properties, 436 14th Street regarding the 2017 Storm Sewer Project.

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Motion to approve Project Calendar regarding Temporary Construction Easements associated with the Central Corridor Improvements – Phase 3 (13th Street to 19th Street) as follows:

* 1. Resolution No. 26350 approving Temporary Construction Easement with QA Properties, LLC, for property located at 600 19th Street regarding the Central Corridor Improvements – Phase 3 (13th Street to 19th Street).
  2. Resolution No. 26351 approving Temporary Construction Easement with FSJB Investments, LLC for property located at 650 14th Street regarding the Central Corridor – Phase 3 (13th Street to 19th Street).

Motion to receive and file Alburnett Road Extension Alignment Study.

Resolution No. 26352 adopting the Alburnett Road Extension Alignment Study.

Resolution No. 26353 approving a Stop Sign stopping south bound traffic on Carriage Court at its intersection with Kettering Road.

Resolution No. 26354 approving a Stop Sign stopping west bound traffic on Kettering Road at its intersection with Newcastle Road.

Motion to receive and file Staff report regarding Storm Water Utility Fees, Chapter 157.09 and 157.10 of the Marion Code of Ordinances.

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

* 1. A Final Site Development Plan for The Commons at English Glen Phase II for property located north of 29th Avenue and west of 44th Street by Robson Homes, Inc.
  2. A Comprehensive Plan Amendment, Rezoning, Preliminary Plat and Preliminary Site Development Plan for property located northeast of Lucore Road and southeast of Indian Creek Road by Edison and Vaughn Farm Company, Inc.

**Resolution No. 26355 approving** the demolition of buildings located at 1405 7th Avenue per section 176.50 of the Marion Code of Ordinances, Central Corridor Overlay District requested by the City of Marion.

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**Motion to receive and file correspondence from Hall & Hall Engineers, Inc. regarding a request to obtain a building permit prior to the approval of the Final Plat.**

Resolution No. 26356 approving a Safe Routes to School Plan for the Marion Independent School District**.**

Resolution No. 26357 setting October 5, 2017 as a Public Hearing regarding a request to rezone property from Undesignated to A-1, Rural Restricted for properties located north of Highway 100 on either side of 44th Street (City of Marion).

Resolution No. 26358 approving Payment in the amount of $18,005 for Construction Easement located at 2823 7th Avenue.

Motion to receive and file a request from Tracey Achenbach, Director of the Housing Fund for Linn County, for assistance with local match requirements in the amount of $45,000.

Motion to receive and file request regarding property tax phase in (Marion Iron).

Motion to receive and file two new job descriptions (Administrative Specialist and Utility Maintenance Specialist).

Resolution No. 26359 amending the 04/01/2017 non-bargaining pay schedule to add Administrative Specialist pay range ($45,967 minimum to $67,599 hard cap) and add Utility Maintenance Specialist pay range ($53,712 minimum to $90,376 hard cap).

Motion to receive and file August 2017 Departmental Report.

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

* 1. Chocolate Walk, Uptown Marion, October 6, 2017, 7:00 p.m. – 11:00 p.m. (Tami Schlamp, Marion Chamber of Commerce).
  2. Wedding, Lowe Park Amphitheater, September 1, 2018, 8:00 a.m. – 11:00 p.m. (Olivia Wengerd, 1245 20th Avenue SW, Cedar Rapids).

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

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Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks. Mayor pro tem Spinks presided over the meeting.

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

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the Central Corridor Improvements – Phase 3 (13th Street to 19th Street) as follows:

* 1. Resolution No. 26360 approving Temporary Construction Easement with Genesis Equities, LLC, for property located at 555 17th Street, 1621 6th Avenue and 1675 6th Avenue regarding the Central Corridor Improvements – Phase 3 (13th Street to 19th Street).

**Motion to receive and file correspondence from Elie Khairallah, Zio Johno’s regarding a request for acquisition of property described as the corner lot on the west side of Zio Johno’s remaining since the roundabout is complete.**

**Motion to receive and file correspondence from Elie Khairallah, Zio Johno’s regarding a request to grant acquisition of property acquired within resolution 22887 which was passed and approved on December 6, 2012.**

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

Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

Tianna Pooler, Independent Public Advisors, presented to council regarding the sale and issuance of the General Obligation Refunding Bonds, Series 2017B and affirmed Marion’s AA1 rating.

Resolution No. 26361 authorizing and approving a Loan Agreement, authorizing call of Bonds, providing for the sale and issuance of General Obligation Refunding Bonds, Series 2017B, and providing for the levy of taxes to pay the same was read by Etzel. Moved by Etzel, seconded by Pazour to approve Res. No. 26361. All in favor, motion carried.

Resolution No. 26373 approving an amendment to the Police Department Table of Organization was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 26373. All in favor, motion carried.

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Mayor AbouAssaly opened a public hearing regarding establishing access fees related to the 2015 Winslow Road Realignment Project. No other comments written or verbal were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 17-24 amending Chapter 100A of the Code of Ordinances relating to the establishment of access fees for the 2015 Winslow Road Realignment Project was read by Brandt for initial consideration. Moved by Brandt, seconded by Pazour to approve the first reading of Ord. No. 17-24. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding establishing access fees related to Tower Terrace Road – Phase V (10th Street to Indian Creek Road). No other comments written or verbal were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 17-25 amending Chapter 100A of the Code of Ordinances relating to the establishment of access fees for the Tower Terrace Road – Phase V (10th Street to Indian Creek Road) was read by Pazour for initial consideration. Moved by Pazour, seconded by Etzel to approve the first reading of Ord. No. 17-25. All in favor, motion carried.

Ordinance No. 17-26 amending Chapter 63 of the Code of Ordinances establishing speed limit on 35th Avenue as 35 mph from 35th Street to Highway 13 (add code section 5AB) was read by Etzel for initial consideration. Moved by Etzel, seconded by Spinks to approve the first reading of Ord. No. 17-26. All in favor, motion carried.

Moved by Spinks, seconded by Etzel to receive and file TAC Report regarding a request for a Pedestrian Crosswalk on Boyson Road at Timber Creek Drive (Robert Raftis, 2025 Timber Creek Drive). All in favor, motion carried.

Moved by Brandt, seconded by Pazour to receive and file TAC Report regarding a request for “No Parking” on Mulberry Drive from East Robins Road to Mulberry Court (Lisa Hawk et al. Mulberry Ridge Subdivisions). Comments were heard from Matt Friday, 3101 Mulberry Drive and Michael Lundby, 3220 English Glen Court, Unit 2. All in favor, motion carried.

Moved by Pazour, seconded by Etzel to receive and file TAC Report regarding a request for additional traffic control on 9th Street between 13th and 14th Avenues (Josh M. Long, 1373 9th Street). All in favor, motion carried.

Moved by Etzel, seconded by Brandt to receive and file TAC Report regarding a request for additional traffic control on Hunters Green Way, Hunters Field Lane and Foxborough Drive (Chris Ketelsen, 1142 Foxborough Drive). All in favor, motion carried.

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Moved by Spinks, seconded by Pazour to receive and file TAC Report regarding the speed limit on Antler Court (Edward Ohl, Association President, Antler Court Association). All in favor, motion carried.

Moved by Brandt, seconded by Etzel to receive and file TAC Report regarding the addition of stop signs and crosswalks at the intersection of Alburnett Road and Echo Hill Road (Brenda Boots, 673 Waveland Drive). All in favor, motion carried.

Moved by Pazour, seconded by Etzel to receive and file TAC Report regarding wayfinding signs to be placed in the right-of-way for the Marion Church of Christ (Chad Cranfield, Minister, Marion Church of Christ). All in favor, motion carried.

Moved by Etzel, seconded by Spinks to receive, file and refer to TAC correspondence regarding a request for additional traffic control at 11th Avenue and 25th Street (Clay Wielage, 1121 25th Street). All in favor, motion carried

Moved by Spinks, seconded by Brandt to receive and file TAC Report regarding a request for additional traffic control at 11th Avenue and 25th Street (Clay Wielage, 1121 25th Street). All in favor, motion carried.

Moved by Brandt, seconded by Etzel to receive, file and refer to TAC correspondence regarding the east bound merge lane on Highway 100 at East Post Road (Tammie Cheney 1889 Berry Road, Cedar Rapids). All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks. Mayor pro tem Spinks presided over the meeting.

Resolution No. 26362 approving the Final Plat and Memorandum of Agreement for Seventh Avenue Commercial First Addition located at 2823 7th Avenue (GLD) was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 26362. Vote: Yeas: Etzel, Spinks, Brandt and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

Resolution No. 26363 approving the Interim Development Ordinance (IDO) Improvement Review Plan related to 890 7th Avenue, 758 9th Street and the east half of the east-west alley between them (JLenz, LLC) was read Etzel. Comments were heard from Chad Pelley, Fusion Architects, 1641 Boyson Square Drive, Hiawatha. Moved by Etzel, seconded by Pazour to approve Res. No. 26363. All in favor, motion carried.

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**Resolution No. 26364 approving the issuance of a building permit prior to approval of a Final Plat for Uptown Dental 1st Addition was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 26364. All in favor, motion carried.**

Mayor AbouAssaly opened a public hearing regarding the donation of City owned property located at 2941 5th Avenue. Chris Dyer, Superintendent of the Marion Independent School District, spoke in favor of the proposed donation. No other comments written or verbal were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26365 approving the donation of City owned property located at 2941 5th Avenue was read by Spinks. Moved by Spinks, seconded by Pazour to approve Res. No. 26365. Roll Call: Yeas: Etzel, Spinks, AbouAssaly and Pazour. Nays: None. Abstention: Brandt. Motion carried.

**Ordinance No. 17-18 amending Ordinance 13-14 of the Marion Code of Ordinances removing the limitation on hours of operation for property generally described as being located south of Tower Terrace Road, west of 3rd Street, east of Irish Drive and north and west of ESCO Company was read by Brandt for final consideration. Moved by Brandt, seconded by Etzel to approve the final reading of Ord. No. 17-18.** Yeas: Etzel, Spinks and AbouAssaly. Nays: Brandt and Pazour. Motion failed**.**

Resolution No. 26366 approving a letter of support regarding a request from Tracey Achenbach, Director of the Housing Fund for Linn County, for assistance with local match requirements and authorizing a match of $45,000.00 was read by Etzel. Moved by Etzel, seconded by Spinks to approve Res. No. 26366. All in favor, motion carried.

Moved by Spinks, seconded by Brandt directing Staff to update the format of the City Council agenda. All in favor, motion carried.

Resolution No. 26367 approving the Economic Development Policy was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26367. All in favor, motion carried.

Resolution No. 26368 changing the dates for the Strategic Planning Session to November 11 and 12, 2017 due to conflicts with a holiday was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 26368. All in favor, motion carried.

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Resolution No. 26369 approving a Memorandum of Understanding (MOU), regarding tax increment financing incentives for Marion Process Solutions was read by Etzel. Moved by Etzel, seconded by Spinks to approve Res. No. 26369. All in favor, motion carried.

Resolution No. 26370 of support for Marion Process Solution’s application to the Iowa Economic Development Authority High Quality Jobs Program was read by Spinks. Moved by Spinks, seconded by Pazour to approve Res. No. 26370. All in favor, motion carried.

Resolution No. 26371 approving a Memorandum of Understanding (MOU), regarding tax increment financing incentives for SB Coastal, LLC was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26371. All in favor, motion carried.

Ordinance No. 17-23 relating to Public Consumption or Intoxication was read by Pazour for second Consideration. Moved by Pazour, seconded by Brandt to approve the second reading of Ord. No. 17-23. All in favor, motion carried.

Ordinance No. 17-21 relating to Parades, Marches, and First Amendment Assemblies was read by Etzel for final consideration. Comments were heard from Michael Lundby, 3020 English Glen Court, Unit 2 and Bruce Cummins, 2665, Greenway Court. Moved by Pazour to table the final reading of Ord. No. 17-21. No motion to second was made, motion to table failed. Moved by Etzel, seconded by Spinks to approve the final reading of Ord. No. 17-21. Yeas: Etzel, Spinks, AbouAssaly and Brandt. Nays: Pazour. Motion carried.

Staff requested that Resolution No. 26372 approving an amendment to public access easement agreement at 777 10th Street be removed from the agenda.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks at 7:00 p.m. Mayor AbouAssaly left the meeting. Mayor pro tem Spinks presided over the meeting.

Mayor pro tem Spinks recommended the following appointment:

* 1. Philip Legate, 2695 Pebble Creek Drive, Marion Municipal Airport Committee, term expires 12-31-XX.

Moved by Brandt, seconded by Etzel to concur with the Mayor pro tems’ recommendation. Vote: Yeas: Etzel, Spinks, Brandt and Pazour. Nays: None. Motion carried.

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Mayor AbouAssaly returned to the meeting at 7:01 p.m. Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

City Manager Lon Pluckhahn asked council for additional direction and input regarding Tuesday’s discussion of the rankings of the Capital Improvement Program (CIP) items to enable Staff to prepare a draft CIP for public review and input.

Council Discussion Time

Council Member Pazour inquired about Ryan Companies and the mall project.

Council Member Spinks stated that the Swamp Fox Festival is next weekend.

Mayor AbouAssaly congratulated the financial strength and management of the city. Mayor AbouAssaly visited Summit Pointe Senior Living Center and presented a proclamation for Assisted Living Week. Residents thanked the Mayor for the roundabout on 29th Avenue and 35th Street.

Moved by Spinks seconded by Etzel to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa. City Attorney Kara Bullerman stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Pazour, Etzel, Spinks, AbouAssaly and Brandt. Nays: None. Motion carried.

Moved by Pazour, seconded by Brandt to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 8:25 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Traci A. Miller, Deputy City Clerk