November 9, 2017

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 9, 2017, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Etzel, Spinks, Brandt, Nicholson, and Pazour. Absent: None.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor AbouAssaly read a proclamation for Small Business Saturday. Mike Pedersen, owner of Tommasso’s Pizza, accepted the proclamation on behalf of the business community.

Mayor AbouAssaly read a proclamation for the International Human Rights Day. He presented the proclamation to Steve Moshier, chair of the Marion Civil Rights Commission.

Citizen’s presentations, comments and/or petitions:  
Joshua Lovejoy, 2100 10th Avenue expressed concern regarding the inactive crosswalk light on 7th Avenue between 18th Street and 19th Avenue.

Susan Foster, 2745 Highland Drive, expressed concern regarding a large garage that is being constructed at 3851 29th Avenue.

Council Member Nicholson requested that Resolution No. 26466 approving Partial Payment No. 2 to Eastern Iowa Excavating and Concrete, LLC regarding the 2017 31st Street Rehabilitation Project [NSI] in the amount of $72,764.48 and Resolution No. 26470 accepting the 2017 31st Street Rehabilitation Project [NSI] be removed from the agenda for separate consideration.

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

Motion to approve minutes of the October 17 and 19, 2017 City Council meetings.

Motion to approve the bills as presented in the amount of $7,134,406.26.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class B Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for The Longbranch, Inc., dba Best Western Longbranch Hotel (90 Twixt Town Road N.E.). Expiration 11/30/2017. No violations in previous five years.

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* 1. Renewal application for a Class E Liquor License with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for Kum & Go, LC, dba Kum & Go #509 (1203 Blairs Ferry Road). Expiration 12/08/2017. No violations in previous five years.

Resolution No. 26452 approving Payment to Independent Public Advisors, LLC for $15,009.58 for services rendered related to the issuance of Series 2017B GO Bonds.

Resolution No. 26453 approving the following payments to Dorsey & Whitney for services rendered:

* 1. $10,000 for the 2017A GO Corporate Purpose Issue as Disclosure Council.
  2. $15,000 for the 2017A GO Corporate Purpose Bonds as Bond Council.
  3. $7,500 for the 2017B GO Refunding Bonds as Disclosure Council.
  4. $11,500 for the 2017B GO Refunding Bonds as Bond Council.

Resolution No. 26454 approving Partial Payment No. 31 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $640.00.

Resolution No. 26455 authorizing the removal of street light at 2130 26th Street.

Resolution No. 26456 authorizing the removal of street light at 2583 29th Avenue.

Resolution No. 26457 authorizing the removal of street light at the intersection of Laurel Lane and 35th Street.

Resolution No. 26458 authorizing the removal of street light at 3910 Monarch Avenue.

Resolution No. 26459 authorizing the removal of street light at 4400 Dunn Avenue.

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Resolution No. 26460 authorizing the removal of street light at 2200 31st Street.

Resolution No. 26461 authorizing the removal of street light at 3649 29th Avenue.

Resolution No. 26462 approving Partial Payment No. 3 to Reinaldo Correa for professional services regarding Lowe Park Sculpture Trail “Prairie Revival” in the amount of $24,750.00.

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

* 1. Resolution No. 26463 approving payment to Mooney-Engle Land Company for overpayment of Winslow Road access fees associated with Bridge Creek 4th Addition to the City of Marion in the amount of $920.65.
  2. Resolution No. 26464 approving Partial Payment No. 3 to Rathje Construction Company, Inc. regarding the 2017 Armar Drive Extension Project in the amount of $126,716.80.
  3. Resolution No. 26465 approving Partial Payment No. 2 to Rathje Construction Company, Inc. regarding the 2017 Storm Sewer Project in the amount of $104,934.84.
  4. Resolution No. 26467 approving Partial Payment No. 1 to Midwest Concrete, Inc. regarding the 2017 Pedestrian Beacon Project in the amount of $73,996.93.
  5. Resolution No. 26468 approving Partial Payment No. 9 to Veenstra & Kimm, Inc., regarding the Indian Creek Trunk Sewer Replacement Project – Segment 7 in the amount of $7,090.32.
  6. Resolution No. 26469 approving Partial Payment No. 3 to City of Cedar Rapids regarding the Tower Terrace Road Project (C Avenue to Alburnett Road) associated with Resolution 23937 -Chapter 28E Agreement in the amount of $47,064.71.

Resolution No. 26471 approving the establishment of a “No Parking” zone on both sides of Armar Drive from Highway 100 north to City Limits (Staff).

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Resolution No. 26472 approving contract with Snyder and Associates regarding 35th Street and 7th Avenue Traffic Study in the amount of $41,500.00.

Motion directing staff to prepare an access policy associated with the Central Corridor - 6th Avenue between 13th Street to 31st Street.

Motion to receive and file Staff report regarding sanitary sewer alternatives and funding for area north of Blairs Ferry Road and west of Indian Creek.

Motion to receive, file, and refer to TAC a request regarding the removal of regulatory signage in the Uptown District.

Motion to receive, file and concur with Staff report regarding the speed limit associated with the 26th Street and 7th Avenue roundabout.

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

* 1. Resolution No. 26473 approving Temporary Construction Easement with Karen A. Hutchins for property located at 1309 6th Avenue regarding the Central Corridor – Phase III (13th Street to 19th Street).
  2. Resolution No. 26474 approving Temporary Construction Easement with Ronald Brown for property located at 1863 6th Avenue regarding the Central Corridor – Phase III (13th Street to 19th Street) and Central Corridor – Phase IV (19th Street to 26th Street).

Motion to receive and file correspondence regarding sidewalk inspection procedure. (Charlie Knudsen, 2835 24th Avenue).

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

* 1. **Resolution No. 26475 approving Payment No. 5 to Stanley Consultants, Inc. for Urban Design services related to the Central Corridor Project in the amounts of $1,350.00 (Contract amount remaining $16,200).**

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* 1. **Resolution No. 26476 approving Payment No. 25 to Universal Field Services for** services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of $3,482.40.

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

* 1. A Final Plat for Kemp Farms 2nd Addition for property located in Linn County, north of Secrist Road and west of Hindman Road (Kemp Farms LLC).
  2. Preliminary Plat for Timberline MFG Commercial Addition for property located at 1050 Lyons Lane and 1029 Blairs Ferry Road (Timberline Manufacturing).
  3. A Comprehensive Plan Amendment for the realignment of Echo Hill Road between Winslow Road and Lucore Road (Blackford Farms and Hunters Ridge Development Co.).

Resolution No. 26477 approving a contract with RDG Planning and Design for services related to an Update to the Neighborhood at Indian Creek Master Plan in an amount of $38,100.

Motion to receive and file a recommendation from the Bicycle and Pedestrian Advisory Committee to apply to the Corridor Metropolitan Planning Organization for additional funding for the 10th Avenue Sidepaths.

Resolution No. 26478 of support regarding a recommendation from the Bicycle and Pedestrian Advisory Committee to apply to the Corridor Metropolitan Planning Organization for additional funding for the 10th Avenue Sidepaths.

Motion directing Staff to prepare a response regarding a request to purchase Public Right-of-Way by Eli Khairallah.

Motion to receive and file a Staff report regarding 1000 7th Avenue.

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Resolution No. 26479 setting a public hearing for November 21, 2017 at which it is proposed to approve a development agreement with Marion Process Solutions, Inc., including annual appropriation tax increment payments.

Resolution No. 26480 setting a public hearing for November 21, 2017 at which it is proposed to approve a development agreement with Je Pense LLC, including annual appropriation tax increment payments.

Resolution No. 26481 setting a public hearing for November 21, 2017 at which it is proposed to approve a development agreement with SB Coastal, LLC, including annual appropriation tax increment payments.

Resolution No. 26482 setting a public hearing for November 21, 2017 at which it is proposed to approve a development agreement with Simpatico, LLC, including annual appropriation tax increment payments.

Motion to receive and file recommendation from Local Option Sales Tax (LOST) Oversight Committee.

Resolution No. 26483 concurring with and approving the recommendation from the Local Option Sales Tax (LOST) Oversight Committee.

Motion to receive and file application requesting Tax Increment Financing (TIF) assistance (JLenz, LLC).

Motion directing staff to draft a Memorandum of Understanding (MOU) regarding tax increment financing (TIF) assistance for JLenz, LLC.

Resolution No. 26485 approving an agreement with LiftOff, LLC to provide Email system migration services in the amount of $15,000.

Resolution No. 26486 authorizing deferred compensation agreement (Terrell Hunter).

Resolution No. 26487 approving a Memorandum of Understanding with the Marion Policeman’s Protective Association (MFFA) regarding Lead Communication Operator assignment and compensation.

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

* 1. Wedding, Lower Park Amphitheater, October 6, 2018, 9:00 a.m. – 10:00 p.m. (Elizabeth Peters, 1623 Park Towne Court NE, Cedar Rapids).
  2. Return of the Turkey Trot, Marion High School and surrounding area, November 11, 2017, 8:00 a.m. – 10:30 a.m. (Wes Nelson, 1225 6th Avenue).

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

Resolution No. 26466 approving Partial Payment No. 2 to Eastern Iowa Excavating and Concrete, LLC regarding the 2017 31st Street Rehabilitation Project [NSI] in the amount of $72,764.48 was read by Nicholson. Moved by Nicholson, seconded by Spinks to approve Res. No. 26466. Council Member Pazour expressed concern regarding the project. Yeas: Draper, Etzel, Spinks, AbouAssaly, Brandt and Nicholson. Nays: Pazour. Motion carried.

Resolution No. 26470 accepting the 2017 31st Street Rehabilitation Project [NSI] was read by Nicholson. Moved by Nicholson, seconded by Brandt to approve Res. No. 26470. Council Member Pazour expressed concern regarding the project. Yeas: Draper, Etzel, Spinks, AbouAssaly, Brandt and Nicholson. Nays: Pazour. Motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks at 6:10 p.m. Mayor pro tem Spinks presided over the meeting.

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

Motion to approve liquor license renewal 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). Expiration 12/12/2017. No violations in previous five years.

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

* 1. Resolution No. 26488 approving Partial Payment No. 2 to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of $318,594.03.

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* 1. Resolution No. 26489 approving Partial Payment No. 4 to Genesis Equities, LLC regarding the Central Corridor Improvements Project; Building Demolition in the amount of $14,456.20.

Resolution No. 26490 approving a contract and Partial Payment No. 1 with Interstate Power & Light Company (Alliant Energy) regarding the undergrounding of utilities at 14th Street associated with the Central Corridor Improvements – Phase 3 (13th Street to 19th Street) in an amount not to exceed $80,536.00.

**Motion to receive, file and refer to the Planning and Zoning Commission** a Preliminary Plat and Preliminary Site Development Plat for Hunter’s Ridge North 1st Addition for property located east of Winslow Road and north of Stags Leap Lane (Midwest Development).

Resolution No. 26491 setting November 21, 2017 as a Public Hearing regardingan Encroachment Easement for the Court Building at 790 11th Street (MOJO Properties Inc./Olmstead Construction).

Resolution No. 26492 setting a public hearing for November 21, 2017 at which it is proposed to approve a development agreement with Genesis Equities, LLC, including annual appropriation tax increment payments.

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

Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly at 6:11 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Draper, seconded by Nicholson to receive and file a certified list for Police Officer. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks at 6:12 p.m. Mayor pro tem Spinks presided over the meeting.

Moved by Pazour seconded by Nicholson to approve Resolution No. 26493 setting a public hearing for November 21, 2017 at which it is proposed to approve a development agreement with KTRO, LLC, including annual appropriation tax increment payments with Mayor AbouAssaly abstention from voting and discussion: Vote: Draper, Etzel, Spinks, Brandt, Nicholson, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

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Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly at 6:13 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Etzel, seconded by Nicholson to receive and file a certified list for Data Analyst. All in favor, motion carried.

Moved by Spinks, seconded by Etzel to approve a liquor license renewal application for a Class C Liquor License with additional privilege for Outdoor Service for 5 H Inc., dba Big Shots Bar and Grill (1803 6th Avenue). Expiration 11/30/2017. One violation in previous five years. Yeas: Etzel, Spinks, AbouAssaly, Brandt, Nicholson and Pazour. Nays: None. Abstention: Draper. Motion carried.

Ordinance No. 17-29 relating to the use of fireworks was read by Brandt for second consideration. Moved by Brandt, seconded by Draper to approve the second reading of Ord. No. 17-29. Yeas: Draper, Etzel, Spinks, Brandt and Nicholson. Nays: AbouAssaly and Pazour. Motion carried.

Ordinance No. 17-30 amending Chapter 157 of the Marion Code of Ordinances regarding Storm Water Utility Fees was read by Nicholson for second consideration. Moved by Nicholson, seconded by Brandt to approve the second reading of Ord. No. 17-30. Yeas: Etzel, Spinks, Brandt, AbouAssaly, Nicholson and Pazour. Nays: Draper. Motion carried.

Ordinance No. 17-31 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Alburnett Road as 45 mph from Tower Terrace Road to the northern City Limits, except that area from 400’ south of the Oakridge School Drive to 400’ north of Echo Hill Road which shall be 25 mph when children present (remove code section 6G) was read by Pazour for initial consideration. Moved by Pazour, seconded by Etzel to approve the first reading of Ord. No. 17-31. All in favor, motion carried.

Resolution No. 26450 approving the Final Plat and Memorandum of Agreement for Glen Rock Farm Seventh Addition located north of Para Drive west of Winslow Road (Frazier Investments LLC) (removed at the 10.19.17 meeting) was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 26450. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks at 6:26 p.m. Mayor AbouAssaly left the council chambers. Mayor pro tem Spinks presided over the meeting.

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Resolution No. 26494 approving the Final Plat and Memorandum of Agreement for Gemstone Estates 4th Addition located west of Lucore Road and north of Tower Terrace Road (Morris/Wood Enterprises) was read by Etzel. Moved by Etzel, seconded by Pazour to approve Res. No. 26494. Vote: Yeas: Draper, Etzel, Spinks, Brandt, Nicholson and Pazour. Nays: None. Motion carried.

Resolution No. 26495 approving the Final Plat and Memorandum of Agreement for Briargate 6th Addition located south of 35th Avenue and north of Hastings Drive (Abode Construction Inc.) was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 26495. Vote: Yeas: Draper, Etzel, Spinks, Brandt, Nicholson and Pazour. Nays: None. Motion carried.

Mayor AbouAssaly returned to the council chambers at 6:29 p.m. Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

Ordinance No. 17-27 approving request to rezone property located north of Highway 100 on either side of 44th Street from Undesignated to A-1, Rural Restricted (City of Marion) was read by Nicholson for final consideration. Moved by Nicholson, seconded by Pazour to approve the final reading of Ord. No. 17-27. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Spinks at 6:35 p.m. Mayor AbouAssaly left the council chambers. Mayor pro tem Spinks presided over the meeting.

Mayor pro tem Spinks opened a public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Single Family Attached Residential and to rezone property located northeast of Lucore Road and southeast of Indian Creek Road from A-1 and Undesignated to R-2 and PDR (Edison & Vaughn Farm Co. Inc.). Chad Brendel, 4317 Quail Trail, spoke in favor of the amendment. No other comments written or verbal were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 26496 approving a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Single Family Attached Residential (Edison & Vaughn Farm Co. Inc.) was read by Pazour. Moved by Pazour, seconded by Brandt to approve Res. No. 26496. All in favor, motion carried.

Ordinance No. 17-32 amending the Code of Ordinances to rezone property located northeast of Lucore Road and southeast of Indian Creek Road from A-1 and undesignated to R-2 and PDR (Edison & Vaughn Farm Co. Inc.) was read by Draper for initial consideration. Moved by Draper, seconded by Etzel to approve the first reading of Ord. No. 17-32. All in favor, motion carried.

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Mayor AbouAssaly returned to the council chambers at 6:42 p.m. Mayor pro tem Spinks relinquished the gavel back to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened a public hearing regarding a Proposed Amendment to the 29th Avenue Urban Renewal Area, High #13 North Urban Renewal Area, West Tower Terrace Road Urban Renewal Area, and Winslow Road Urban Renewal Area. No other comments written or verbal were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26497 approving Urban Renewal Plan Amendments for the 29th Avenue Urban Renewal Area, High #13 North Urban Renewal Area, West Tower Terrace Road Urban Renewal Area, and Winslow Road Urban Renewal Area was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 26497. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding a Proposed Amendment to the Collins Road Extension Urban Renewal Area. No other comments written or verbal were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26498 approving Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 26498. Vote: Pazour, Etzel, Spinks, Brandt, Nicholson, and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor AbouAssaly opened a public hearing regarding a Proposed Amendment to the Central Corridor Urban Renewal Area. No other comments written or verbal were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26499 to Approve Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26499. Vote: Draper, Etzel, Spinks, Brandt, Nicholson, and Pazour. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 26484 directing publication of notice of a public hearing for November 21, 2017 on corrections to the resolutions and deed relating to the sale of the vacated north one-half of the north/south alley between 10th and 11th Avenues, adjacent to 1915 11th Avenue was read by Nicholson. Moved by Nicholson, seconded by Brandt to approve Res. No. 26484. Roll Call: Yeas: Draper, Pazour, Etzel, Spinks, AbouAssaly, Brandt, Nicholson, and Draper. Nays: None. Motion carried.

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Council Discussion Time

Council Member Spinks reminded everyone that this Friday is Coffee House Night at Lowe Park. Council Member Spinks thanked City Staff for working with him for the past 10 years.

Council Member Draper encouraged everyone to enjoy and respect Veterans Day. Mr. Draper congratulated the winners of the city council election. Council Member Draper stated that only 7% of the people voted. Council Member Draper showed a Sandborn Company map book that was used by insurance companies to write fire and homeowner policies.

Mayor AbouAssaly hosted “Coffee with the Mayor” at the Marion Hy-Vee. Mayor AbouAssaly stated that he had a great time talking with citizens, listening to their concerns and ideas. “Coffee with the Mayor” will be held on the last Saturday of each month. Mayor AbouAssaly noted that he also met with a local Boy Scout troop and participated in a local round table discussion with other local Mayor’s. Mayor AbouAssaly encouraged the citizens of Marion to honor our veterans and thank them for their service.

Mayor AbouAssaly adjourned the meeting at 7:05 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Traci A. Miller, Deputy City Clerk