November 19, 2015

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 19, 2015 at 5:30 p.m. in the council chambers of City Hall with Mayor Bouska presiding and the following council members present: Pazour, Etzel, Spinks, Brandt, AbouAssaly, 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:

Susan Kling, 2790 Brandon Court, was present representing the Library Board. Ms. Kling updated Council on the Library building project and the search for a new Library Director.

Charles Knudsen, 2835 24th Avenue, suggested that the City Code regarding elections be amended to only allow residents of a ward to vote on their ward representative. He also suggested that there should be a runoff election if the Mayor does not receive fifty percent plus one vote.

David Sheets, 4065 Brookside Drive, thanked Council Member Spinks and Council Member AbouAssaly for responding to his email. Mr. Sheets requested that the Ward 4 council seat by filled by election at the same time as an election on the Library project.

Taylor Nelson, 7707 Hampshire Court NE, Cedar Rapids, Iowa, stated that he is on the Board of Directors of the Granger House. Mr. Nelson presented written correspondence requesting that the City audit the Granger House’s use of hotel/motel funds. Council discussed the request. Council Member Draper suggested that staff audit both the Granger House and the Heritage Center’s use of hotel/motel funds. He noted that the two organizations are splitting apart. Moved by Spinks, seconded by Pazour to receive and file the correspondence presented by Taylor Nelson requesting that the Granger House’s use of hotel/motel funds be audited. All in favor of motion to receive and file, motion carried. Council Member AbouAssaly asked about the City’s power to audit these organizations. City Manager Lon Pluckhahn explained that the hotel/motel application stipulates that the City can require independent verification that the funds are being used correctly.

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

Motion to approve minutes of the November 3, 5, 6, and 7, 2015 City Council meetings.

Motion to approve the bills as presented in the amount of $1,202,493.85.

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 Kum & Go LC, dba Kum & Go #509 (1203 Blairs Ferry Road). No violations in previous five years.

Page 2, November 19, 2015

* 1. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for La Cantina Bar & Grill LLC, dba La Cantina Bar & Grill (3217 7th Avenue). Expiration 12/13/15. No violations in previous five years.
  2. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service, and Sunday Sales for Naso’s Pizza, Inc., dba Naso’s Pizza Marion (453 7th Avenue). Expiration 12/16/15. No violations in previous five years.

Resolution No. 24957 approving payment in the amount of $53,289.10 to Dorsey & Whitney LLP for legal services and document preparation for the 2014 GO Bonds, Series 2014C and the 2015 GO Bonds, Series 2015A, B & C.

Motion to receive and file a memo regarding Public Service Board appointments.

Motion to receive and file correspondence regarding proposed recycling fee increases from the Cedar Rapids/Linn County Solid Waste Agency.

Resolution No. 24958 approving the contract for the replacement of boiler systems from Fosters Heating and Air Conditioning in an amount not to exceed $40,000.00.

Resolution No. 24959 approving the purchase of 50 body cameras for the Marion Police Department from Provision Video Systems in the amount of $15,000.00.

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

* 1. Resolution No. 24960 approving Partial Payment No. 2 to Trey Electric Corporation regarding the Hwy 151/13 Signal Advanced Warning Device Project in the amount of $4,322.50.

Resolution No. 24961 accepting the Hwy 151/13 Signal Advance Warning Device Project.

Resolution No. 24962 accepting the 2015 HMA Resurfacing Project.

Resolution No. 24963 accepting Nottingham Hills 8th Addition to the City of Marion.

Resolution No. 24964 accepting Country Club Estates 10th Addition to the City of Marion.

Page 3, November 19, 2015

Resolution No. 24965 accepting Country Club Estates 11th Addition to the City of Marion.

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

* 1. Resolution No. 24966 approving Payment No. 4 to Anderson-Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-4775(628)--8I-57) in the amount of $4,618.88.
  2. Resolution No. 24967 approving Payment No. 2 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 $990.00.

Motion to receive and file the recommendation of the Bicycle and Pedestrian Advisory Committee regarding a Surface Transportation Program Grant.

Resolution No. 24968 committing to funding the CeMar Trail as it relates to grants received from the Corridor Metropolitan Planning Organization.

Resolution No. 24969 approving and accepting a permanent trail easement agreement with Tom and Nancy Riley Family, LLC regarding the Grant Wood Trail extension.

Motion to receive and file correspondence regarding the decision to resign from the Bicycle and Pedestrian Advisory Committee (Amy Lepowsky, 501 13th Street NW, Cedar Rapids).

Motion to receive and file motion of support pertaining to Planning and Zoning Commission reappointments of Maria Murphy and Tim Mooney (November 10, 2015 Planning and Zoning Commission Minutes).

Motion to receive and file certified population and housing counts through the U.S. Census Bureau’s Geographically Updated Population Certification Program.

Resolution No. 24970 approving the purchase of a Cyber Security appliance, threat intelligent services, and warranty/support for 1 year from Torus Technologies Inc. in an amount not to exceed $27,924.00.

Motion to receive and file a letter thanking the City for supporting the 2015 Main Street Iowa Challenge Grant Application (Ashley Zierath, Director, Uptown Marion, 1225 6th Avenue).

Motion to receive and file October 2015 Departmental Reports.

Page 4, November 19, 2015

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

* 1. Wedding, Lowe Park Amphitheater, July 2, 2016, 1:00 p.m. – 5:00 p.m. (Toni Schaefer, 145 Grand Avenue).

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

Moved by Spinks, seconded by Pazour to approve Consent Calendar with Council Member AbouAssaly abstention as follows:

Resolution No. 24971 approving Partial Payment No. 9 to Martin Gardner Architecture for Public Service Facility design services in the amount of $495.00.

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

* 1. Resolution No. 24972 approving Partial Payment No. 4 to L.L. Pelling Co., Inc. regarding the 2015 HMA Resurfacing Project in the amount of $37,957.46.

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

Mayor Bouska opened a public hearing regarding a perpetual utility overhang easement with Interstate Power and Light Company located on a portion of Lot B, Legion Park Addition to Marion, Iowa for the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove electrical and telecommunications lines. Parks Director Mike Carolan presented the staff report. Charlie Kress, 2745 Heatherview Circle, noted that he is a member of the Park Board. Mr. Kress noted that the Park Board is in favor of granting the easement. No other comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Resolution No. 24973 approving a perpetual utility overhang easement with Interstate Power and Light Company located on a portion of Lot B, Legion Park Addition to Marion, Iowa for the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove electrical and telecommunications lines was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 24973. Comments were heard from Council Member Spinks and Parks Director Mike Carolan regarding access to the power lines. All in favor, motion carried.

Mayor Bouska opened a public hearing regarding establishing access fees related to the 2015 29th Avenue Widening Project. City Engineer Dan Whitlow presented the staff report. No other comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Page 5, November 19, 2015

Ordinance No. 15-23 establishing access fees related to the 2015 29th Avenue Widening Project was read by AbouAssaly for initial consideration. Moved by AbouAssaly, seconded by Draper to approve the first reading of Ord. No. 15-23. All in favor, motion carried.

Mayor Bouska opened a public hearing regarding the adoption of the Statewide Urban Design and Specifications Program (SUDAS). City Engineer Dan Whitlow presented the staff report. No other comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Ordinance No. 15-24 adopting the Statewide Urban Design and Specifications Program (SUDAS) was read by Draper for initial consideration. Moved by Draper, seconded by Pazour to approve the first reading of Ord. No. 15-24. Council Member Draper requested a staff report. City Engineer Dan Whitlow presented the staff report. All in favor, motion carried.

Resolution No. 24974 approving contract with Team Services regarding plant monitoring services for the Central Corridor Complete Streets and Capacity Improvements, Roundabout at 7th Avenue 7th Street [STP–A–4775 (627)– –86–57] in the amount of $9,516.16 was read by Pazour. Moved by Draper, seconded by Spinks to approve Res. No. 24974. Council Member Pazour spoke opposing the roundabout. Council Member Brandt requested a staff report. City Engineer Dan Whitlow presented the staff report. Mayor Bouska stated that this organization would certify that the concrete meets the specifications. All in favor except Pazour, motion carried.

Moved by Etzel, seconded by Spinks to receive and file correspondence regarding the establishment of a “No Parking” zone on the west side of 1st Street from 29th Avenue to 33rd Avenue. (Tina Stewart, 3198 1st Street). Mayor Bouska requested that those opposed to removal of parking raise their hands. All in favor of motion to receive and file the correspondence, motion carried.

Resolution No. 24975 approving the establishment of a “No Parking” zone on the west side of 1st Street from 29th Avenue to 33rd Avenue (Will Holland, 3021 1st Street) was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 24975. Council Member Pazour expressed concern regarding emergency vehicles getting between the parked cars. City Engineer Dan Whitlow presented the staff report. Tammy March, 3020 1st Street, Emmalelgh Buck, 2955 1st Street, and Leah Klein**,** 3000 1st Street, spoke against removal of the parking. Council Member Draper asked for a report from the Fire Chief and Public Services Director. Fire Chief Deb Krebill noted that police and fire prefer parking on one side of the street. She noted, however, that there have not been any incidents in this area. Public Services Director Ryan Miller noted that they also prefer parking on one side of the street but they have not had any issues either trying to get through with their equipment. All opposed, motion failed.

Page 6, November 19, 2015

Resolution No. 24976 approving Nottingham Hills Eighth Addition Final Plat and Memorandum of Agreement for property located south of East Robins Road and west of Alburnett Road (BBAK Investments, LTD) was read by Brandt. Moved by Brandt, seconded by Spinks to approve Res. No. 24976. All in favor, motion carried.

Ordinance No. 15-22 amending the Marion Code of Ordinances regarding a request to rezone property located at 631 9th Street from C-1, Neighborhood Commercial to C-2, Central Business District Commercial (Jeffrey Robison, applicant) was read by AbouAssaly for final consideration. Moved by AbouAssaly, seconded by Pazour to approve the third reading of Ord. No. 15-22. Vote: Yeas: Pazour, Etzel, Spinks, Bouska, Brandt, and AbouAssaly. Nays: None. Abstention: Draper. Motion carried.

Moved by Draper, seconded by Pazour to direct staff to solicit engineering services to obtain an estimated cost for completion of the 10th Avenue side-paths between 35th Street to Eagleview Drive. Planning and Development Director Tom Treharne and City Engineer Dan Whitlow presented the staff report. Council Member Pazour and Council Member Brandt asked about the project design. Planning and Development Director Tom Treharne stated that the engineer will provide a design for the project. City Engineer Dan Whitlow noted that this project is for the CMPO funding cycle for 2020. All in favor, motion carried.

Moved by Pazour, seconded by Spinks to direct staff to publish a Notice of Intent to fill Ward Four City Council seat vacancy by appointment. Council discussed how to fill the vacancy. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Moved by Etzel, seconded by Spinks to receive and file a petition opposed to the establishment of reserved parking zones on the south side of 8th Avenue on the easterly ½ block between 10th and 11th Streets, the west side of 11th Street on the northerly ½ block between 7th and 8th Avenues, and the east side of 10th Street on the northerly ½ block between 7th and 8th Avenues weekdays between the hours of 8 AM – 5 PM. All in favor, motion carried.

Moved by Spinks, seconded by Draper to remove from Table Resolution No. 24917 approving the establishment of reserved parking zones on the south side of 8th Avenue on the easterly ½ block between 10th and 11th Streets, the west side of 11th Street on the northerly ½ block between 7th and 8th Avenues, and the east side of 10th Street on the northerly ½ block between 7th and 8th Avenues weekdays between the hours of 8 AM – 5 PM (tabled 10-22-15). All in favor, motion carried.

Resolution No. 24917 approving the establishment of reserved parking zones on the south side of 8th Avenue on the easterly ½ block between 10th and 11th Streets, the west side of 11th Street on the northerly ½ block between 7th and 8th Avenues, and the

Page 7, November 19, 1015

east side of 10th Street on the northerly ½ block between 7th and 8th Avenues weekdays between the hours of 8 AM – 5 PM (tabled 10-22-15) was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No.24917. Council Member Pazour expressed concern for the parking near the beauty salon. City Manager Lon Pluckhahn presented the staff report. He also presented a revised resolution that directs staff to monitor the reserved parking zones every six months. Jeanne Matthews, 770 11th Street, explained that one business owner is against the reserved parking and 24 others are in support. Teresa Coons, owner of the salon at 1105 8th Avenue, expressed concern about the reserved parking. Council discussed the reserved parking spaces. Lola McAreavy, 1875 Douglas Court, spoke in support of Ms. Coons. Kay Lammers, 2820 2nd Avenue, spoke opposing the reserved parking spots. Jill Ackerman, 2420 Indian Creek Road, stated that Karen Hoyt requested that she provide Council with an update on the private funding for the Art in the Alley project. Ms. Ackerman noted that an ArtPlace America grant of $350,000 was received. Ms. Ackerman also noted that over $148,600 in donations has been raised bringing the total to almost $500,000 of non-taxpayer money received for the project. Dave Martin, 890 18th Street, spoke in favor of the project. Council discussed the parking situation. Moved by Spinks, seconded by Etzel to amend Res. No. 24917 by replacing it with the revised Res. No. 24917 provided by the City Manager that establishes the reserved parking zones and directs staff to monitor the reserved parking zones every six months. All in favor, motion carried. Roll Call on Res. No. 24917 as amended: Yeas: Etzel, Spinks, Brandt, and AbouAssaly. Nays: Pazour and Bouska. Present: Draper. Motion carried.

Council Member Draper left the Council meeting at 7:06 p.m.

Moved by AbouAssaly, seconded by Spinks to remove from table a motion directing staff to reconfigure the east side of 10th Street from 7th Avenue to 8th Avenue, both sides of 11th Street from 6th Avenue to 8th Avenue, and the north side of 8th Avenue from 11th Street to 12th Street per Exhibit A (tabled 11-5-15). All in favor, motion carried.

Moved by Spinks, seconded by Brandt to direct staff to reconfigure the east side of 10th Street from 7th Avenue to 8th Avenue, both sides of 11th Street from 6th Avenue to 8th Avenue, and the north side of 8th Avenue from 11th Street to 12th Street per Exhibit A. All in favor, motion carried.

Moved by Pazour, seconded by Spinks to remove from table a motion to approve Project Calendar regarding the 2016 Art in the Alley Project, as follows (tabled 11-5-15):

* 1. Motion to retain the City Engineer as Project Engineer regarding the 2016 Art in the Alley Project (tabled 11-5-15).
  2. Resolution No. 24952 approving Resolution of Necessity regarding the 2016 Art in the Alley Project (tabled 11-5-15).

Page 8, November 19, 2015

* 1. Resolution No. 24953 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Art in the Alley Project (tabled 11-5-15).
  2. Resolution No. 24954 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Art in the Alley Project (tabled 11-5-15).

All in favor of motion to remove from table, motion carried.

Moved by Etzel, seconded by Pazour to approve Project Calendar regarding the 2016 Art in the Alley Project, as follows (tabled 11-5-15):

* 1. Motion to retain the City Engineer as Project Engineer regarding the 2016 Art in the Alley Project (tabled 11-5-15).
  2. Resolution No. 24952 approving Resolution of Necessity regarding the 2016 Art in the Alley Project (tabled 11-5-15).
  3. Resolution No. 24953 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Art in the Alley Project (tabled 11-5-15).
  4. Resolution No. 24954 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Art in the Alley Project (tabled 11-5-15).

All in favor of motion to approve the Project Calendar, motion carried.

Moved by Spinks, seconded by Pazour to remove from table Resolution No. 24944 approving Partial Payment No. 24 to Martin Gardner Architecture for professional services regarding the Downtown Revitalization Project in the amount of $3,927.50 (tabled 11-5-15). All in favor, motion carried.

Moved by Brandt, seconded by Spinks to amend Resolution No. 24944 as follows: Partial Payment No. 25 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $3,384.99. Vote: Yeas: Pazour, Etzel, Spinks, Bouska, and Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 24944 approving Partial Payment No. 25 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the

Page 9, November 19, 2015

amount of $3,384.99 was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 24944. Vote: Yeas: Pazour, Etzel, Spinks, Bouska, and Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Bouska opened a public hearing regarding accepting the construction documents and awarding the bid for the downtown façade revitalization program. City Manager Lon Pluckhahn asked that Council continue the public hearing to the December 17th Council meeting. No other comments, written or verbal, were received. Moved by Spinks, seconded by Brandt to continue the public hearing to the December 17th Council meeting. Mayor Bouska declared the public hearing continued to December 17th.

Moved by AbouAssaly, seconded by Pazour to table Resolution No. 24977, accepting the construction documents and awarding the bid to Renaissance Restoration, Inc., for the downtown façade revitalization program. All in favor of motion to table, motion carried.

Mayor Bouska opened a public hearing regarding an amendment to the Marion Commerce Corridor Urban Renewal Plan. City Manager Lon Pluckhahn presented the staff report. Council discussed the request for incentives for the Cobban Hervey Building renovations. Larry Sankey, 1580 3rd Avenue, spoke opposing the incentives. Dave Martin, 890 18th Street, spoke in favor of providing incentives for the renovation. No other comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Resolution No. 24978 approving an amendment to the Marion Commerce Corridor Urban Renewal Plan was read by Pazour. Moved by Pazour, seconded by Spinks to approve Res. No. 24978. All in favor, motion carried.

Mayor Bouska opened a public hearing regarding approval of a proposed development agreement with Frantz Community Investors for renovations of the Cobban Hervey Building, including annual appropriation tax increment payments. No comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Resolution No. 24979 approving the development agreement with Frantz Community Investors for renovations of the Cobban Hervey Building, including annual appropriation tax increment payments was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 24979. City Manager Lon Pluckhahn requested that Council table Res. No. 24979 until December 3rd. Moved by AbouAssaly, seconded by Pazour to table Res. No. 24979 until December 3rd. All in favor of motion to table, motion carried.

Moved by Spinks, seconded by Pazour to concur with the Mayor’s recommendations as follows:

Page 10, November 19, 2015

Reappointments:

* 1. Francis Renfer, 1065 25th Street, Arts Council, term expires 01-01-19.
  2. Dave Martin – removed from motion for separate consideration.
  3. Deb Callahan, 2680 Newcastle Road, Local Option Sales Tax Oversight Committee, term expires 12-31-18.
  4. Tom Begley, 2865 25th Avenue, Nuisance Advisory Board, term expires 01-01-19.
  5. Maria Murphy, Planning and Zoning Commission, 2570 Pheasant Ridge Court, term expires 12-31-20.
  6. Scott Hansen, 1363 8th Avenue, Tree Board, term expires 01-01-19.
  7. John Hager, 901 South 11th Street #21, Tree Board, term expires 01-01-19.
  8. Mark Sanderson, 1885 27th Avenue, Tree Board, term expires 01-01-19.
  9. John Bender, 5630 Woodbridge Crest, Water Board, term expires, 12-31-21.

Appointments:

* 1. Melissa Monroe, 501 13th Street NW, Cedar Rapids, Bicycle and Pedestrian Advisory Committee.
  2. Danielle Brazant, 9 Chapel Ridge Circle, Civil Rights Commission, term expires 12-31-18.

Council Member AbouAssaly requested that the reappointment of Dave Martin be removed from the motion for separate consideration. All in favor of motion to approve the reappointments and appointments except for the reappointment of Dave Martin, motion carried.

Moved by Spinks, seconded by Pazour to approve the reappointment of Dave Martin, 890 18th Street, to the Historic Preservation Committee, with term to expire 01-01-19. Vote: Yeas: Pazour, Etzel, Spinks, Bouska, and Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Council Discussion Time  
 Council Member Spinks noted that MEDCO chartered a large bus for the 2015 Fall Development Tour. He noted that the bus was able to travel the roundabout at Alburnett Road and Tower Terrace Road without going onto the apron.

Council Member AbouAssaly noted that there is a lot of good information in the Marion Messenger about the positive things happening in Marion.

Council Member AbouAssaly noted that he was visiting with some senior citizens at the coffee shop that are excited about the new roundabout at 29th Avenue and 35th Street.

Council Member AbouAssaly stated that Council Member Draper asked him to mention to Council that John Bouslog passed away. Mr. Bouslog served on the

Page 11, November 19, 2015

Planning and Zoning Commission, Marion Water Department Board, president of the Marion Chamber of Commerce, founding member of MEDCO, president of Indian Creek Country Club, president of the Grant Wood AEA board, and a board member and trustee of the First United Methodist Church.

Mayor Bouska stated that he taught a 7th grade class at Linn Mar Middle School. He noted that the 7th graders were doing work that he did not do until high school. He noted that they asked good questions. He explained that he rents homes and potential renters always want to be in the Linn Mar School District.

Mayor Bouska adjourned the meeting at 7:34 p.m.

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Snooks Bouska, Mayor

Attest:

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Beth J. Little, Assistant City Clerk