December 17, 2015

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, December 17, 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:

Bob Buckley, 2730 Heatherview Circle, noted that he is a member of the Library Board. Mr. Buckley updated the City Council on the Library project and the search for a new Library Director. Council Member Pazour asked about the Library Board making decisions without input of the Council. Mr. Buckley stated that Council has been kept updated about the project. Council Member Draper noted that they are developing plans but there are not any final drawings. Council Member AbouAssaly asked about the Library Board. City Manager Lon Pluckhahn explained that both the Iowa Code and the City Code stipulate the powers of the Library Board.

Larry Sankey, 1580 3rd Avenue, asked if the new Library Director has been promised a new Library.

Moved by Brandt, seconded by Spinks to approve the Consent Calendar (removing the motion to receive and file correspondence from Council Member AbouAssaly for separate consideration), as follows:

Motion to approve minutes of the December 1 and 3, 2015 City Council meetings.

Motion to approve the bills as presented in the amount of $3,687,392.98.

Resolution No. 25011 approving payment in the amount of $11,991.25 to Dorsey & Whitney LLP for legal services rendered through November 30, 2015. (Work done for the 2015 Urban Renewal Amendment & Consolidation, Victory Gymnastics Agreement, Fiberight/Detroit Edison Consultation, Capital Commercial Agreement, preparation for Capital Commercial workout, and consultation and preparation of correspondence for Urban Renewal Project bid letting issue).

Motion to approve application to the Iowa Renewable Fuels Infrastructure Program for the development of retail fueling infrastructure.

Motion to receive and file Fire Station Location Study.

Motion to receive and file the Parks Operations Division Winter Work Schedule.

Page 2, December 17, 2015

Motion to receive and file correspondence regarding the industrial area between 49th Street and 51st Street (Mary Pfoff, Apple Creek Kennel, 650 51st Street).

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

* + 1. Resolution No. 25012 approving Partial Payment No. 7 to CCE, LLC per Resolution No. 23762, 23765, and 23768 approving Memorandum of Agreement regarding the Irish Drive Improvements north of Tower Terrace Road to the south entrance of Lowe Park in the amount of $2,741.25.
    2. Resolution No. 25013 approving Partial Payment No. 6 to City of Cedar Rapids regarding the Indian Creek Truck Sewer Replacement Project in the amount of $414,307.15.
    3. Resolution No. 25014 approving Partial Payment No. 6 to Anderson-Bogert Engineers for engineering services regarding the CEMAR Trail Project in the amount $1,514.00.

Resolution No. 25015 adopting the City of Marion Supplemental Specifications to SUDAS.

Resolution No. 25017 accepting Gemstone Estates 1st Addition to the City of Marion.

Resolution No. 25018 accepting Gemstone Estates 2nd Addition to the City of Marion.

Motion to receive and file and refer to TAC correspondence regarding a request for review of unregulated intersections between 10th Street and Emerson School (Hilary Copeland Marvin, 1291 12th Street).

Resolution No. 25019 approving a Stop Sign stopping north bound traffic on Prairie Trail at its intersection with Oak Park Trail.

Resolution No. 25020 approving a Stop Sign stopping east bound traffic on Oak Park Trail at its intersection with Alburnett Road.

Motion to receive and file and refer to the Planning and Zoning Commission:

* 1. Request to rezone property from A-1, Rural Restricted to R-2, Medium Density Single Family Residential for property located south of Echo Hill Road and west of Alburnett Road (DX4 Investments, LLC).
  2. Bedford Heights Addition Preliminary Plat for property located south of Echo Hill Road and west of Alburnett Road (DX4 Investments, LLC).

Page 3, December 17, 2015

Resolution No. 25021 approving Plat of Survey No. 2036 related to Waldo’s Rock Park (City of Marion).

Motion to receive, file and refer to staff a voluntary annexation petition from Scenic Development, LLC, applicant, for property located north of East Robins Road and west of Alburnett Road.

Resolution No. 25022 approving contract with Shoemaker & Haaland in the amount of $8,500.00 for design work associated with10th Avenue side path cost estimate related to a submittal of a Surface Transportation Program Grant application to the Corridor Metropolitan Planning Organization.

Motion authorizing the Mayor to sign an letter acknowledging the transaction of Marco Holdings, LLC., as a wholly owned subsidiary of Norwest Equity Partners (Jennifer Mrozek, CFO, Marco Technologies, LLC.).

Resolution No. 25023 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 1104 7th Avenue (Kent Backen).

Resolution No. 25024 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 1060 7th Avenue (Scott Bezek).

Resolution No. 25025 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 660 & 684 10th Street (Rick Bowersox).

Resolution No. 25026 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 740 10th Street (Katie Luehrsmann).

Resolution No. 25027 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 748 10th Street (Katie Luehrsmann).

Resolution No. 25028 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 731 9th Street (Jed Pasterski).

Resolution No. 25029 approving the Property Owner Acknowledgement of Terms for Construction, related to the downtown façade revitalization program for 1222 7th Avenue (Henry Royer).

Motion to receive and file request to name Marion Times as the official newspaper of record for the City of Marion (Deidre Ryan, Editor).

Page 4, December 17, 2015

Resolution No. 25030 approving renewal of one-year contract with Marion Times for Marion Messenger Newsletter publication and distribution.

Motion to receive and file November 2015 Departmental Reports.

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

Moved by Spinks, seconded by Brandt to receive and file correspondence from Ward 4 Council Member Nicolas AbouAssaly announcing his resignation effective December 31, 2015, to become Mayor. Council Member Spinks thanked Council Member AbouAssaly for serving as the Ward 4 Council Member. Council Member AbouAssaly noted that his revised letter of resignation is effective December 30th, not December 31st. All in favor, motion carried.

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

Resolution No. 25031 approving Partial Payment No. 10 to Martin Gardner Architecture for Public Service Facility design services in the amount of $2,601.25

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

* 1. Hy-Vee Preliminary and Final Site Development Plans for property located at 3600 Highway 151 (Hy-Vee, Inc.).

Resolution No. 25032 approving Partial Payment No. 27 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $975.00.

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

Resolution No. 25033 approving rules and procedures regarding the filling of a City Council 4th Ward vacancy by appointment was by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25033. All in favor, motion carried.

Moved by Etzel, seconded by Spinks to receive and file applications for City Council Ward 4 vacancy (Gerald “Skip” Johnstone, 800 Oak Park Circle, Brian Miller, 365 Durango Drive, Bob Schlegel, 3600 N. 10th Street, and Randy Strnad, 1820 Agate Circle). All in favor, motion carried.

Page 5, December 17, 2015

Presentations were made by Candidates for Council Member Fourth Ward vacancy (Gerald “Skip” Johnstone, 800 Oak Park Circle, Brian Miller, 365 Durango Drive, Bob Schlegel, 3600 N. 10th Street, and Randy Strnad, 1820 Agate Circle). Council Members asked questions of each candidate.

The City Council then proceeded to vote on filling the vacancy pursuant to the previously adopted rules.

Balloting for the appointment of Council Member Fourth Ward:

Results of Ballot No. 1: Council Members Etzel, Spinks, Brandt, and AbouAssaly voted for Strnad. Council Member Pazour and Draper voted for Schlegel. Mayor Bouska voted for Johnstone.

Resolution No. 25034 making an appointment of Randy Strnad to fill the existing vacancy on the Marion City Council Ward 4, term expires 12-31-17 was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 25034. City Attorney Don Hoskins stated that this appointment is until the next election as defined in the Iowa Code. All in favor, motion carried.

Resolution No. 25035 approving the refurbishment of Aerial-1 from Pierce Manufacturing, Inc., in the amount of $14,769.65 was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 25035. All in favor, motion carried.

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

Ordinance No. 15-24 adopting the Statewide Urban Design and Specifications Program (SUDAS) was read by Draper for final consideration. Moved by Draper, seconded by Pazour to approve the third reading of Ord. No. 15-24. All in favor, motion carried.

Mayor Bouska opened a public hearing regarding establishing access fees related to the Irish Drive Improvements. 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. 15-25 establishing access fees related to the Irish Drive Improvements was read by Pazour for initial consideration. Moved by Pazour, seconded by Draper to approve the first reading of Ord. No. 15-25. All in favor, motion carried.

Resolution No. 25036 authorizing application to Corridor Metropolitan Planning Organization for regional transportation funds in the amount of $760,000.00 and committing to provide local matching funds contingent upon award and acceptance of

Page 6, December 17, 2015

transportation grant funds regarding the Tower Terrace Road Project (C Avenue to Alburnett Road) was read by Etzel. Moved by Etzel, seconded by Spinks to approve Res. No. 25036. All in favor, motion carried.

Mayor Bouska opened a public hearing regarding the request for a partial demolition of a structure located at 1190 9th Avenue within the Terrace Park National Register Historic District. Planning and Development Director Tom Treharne presented the staff report. Council Member Draper asked if the owners need to notify the State Historical Society or the National Registry of the proposed demolition. Mr. Treharne stated that he would check. Mr. Treharne noted that the Historic Preservation Commission reviewed and recommended that the permit be provided. Council Member Pazour noted the difference between the historic district and being on the historic register. No other comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Resolution No. 25037 approving the partial demolition request for a structure located at 1190 9th Avenue within the Terrace Park National Register Historic District (McGuire Construction, Inc.) was read by Spinks. Moved by Spinks, seconded by Brandt to approve Res. No. 25037. Moved by Pazour, seconded by Draper to table Res. No. 25037. All in favor of motion to table, motion carried.

Moved by Brandt, seconded by Spinks to direct staff to proceed with an 80/20 annexation of the area located north of East Robins Road and west of Alburnett Road. Vote: Yeas: Pazour, Etzel, Spinks, Bouska, Brandt and Draper. Nays: None: Abstention: AbouAssaly. Motion carried.

Moved by AbouAssaly, seconded by Draper to receive and file request for funds regarding the Marion Leadership in Action Winter Light Project 2016 (Marion Leadership in Action Class of 2016). All in favor, motion carried.

Moved by Draper, seconded by Spinks to consider a ROW purchase agreement for Winslow Road. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Moved by Pazour, seconded by Brandt to remove from table Resolution No. 24979 approving the development agreement with Frantz Community Investors for renovations of the Cobban Hervey Building, including annual appropriation tax increment payments (tabled 11-19-15). City Manager Lon Pluckhahn presented the staff report. All opposed, motion failed.

Resolution No. 24979 approving the development agreement with Frantz Community Investors for renovations of the Cobban Hervey Building, including annual appropriation tax increment payments (tabled 11-19-15) was not removed from the table for consideration.

Page 7, December 17, 2015

Mayor Bouska opened a public hearing to accept the construction documents and award the bid for the downtown façade revitalization program (continued from 11-19-15). Assistant to the City Manager Amanda Kaufman presented the staff report. No other comments, written or verbal, were received. Mayor Bouska declared the public hearing closed.

Moved by Spinks, seconded by Brandt to remove from table Resolution No. 24977 accepting the construction documents and awarding the bid to Renaissance Restoration, Inc., for the downtown façade revitalization program (tabled 11-19-15). All in favor, motion carried.

Resolution No. 24977 accepting the construction documents and awarding the bid to Renaissance Restoration, Inc., for the downtown façade revitalization program (tabled 11-19-15) was read by Brandt. Moved by Brandt, seconded by Spinks to approve Res. No. 24977. All in favor, motion carried.

Resolution No. 25016 naming Marion Times as the official newspaper of record for the City of Marion was read by AbouAssaly. Moved by AbouAssaly, seconded by Spinks to approve Res. No. 25016. All in favor, motion carried.

Moved by Draper, seconded by Spinks to remove from table the following Mayoral reappointments (tabled 12-03-15):

* 1. Patty Wise, 2570 Valleyview Court, Park Board, term expires 12- 31-19.
  2. Terry Speral, 3140 26th Avenue, Park Board, term expires 12-31-19.

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

Moved by Spinks, seconded by Brandt to approve the following Mayoral reappointments:

1. Patty Wise, 2570 Valleyview Court, Park Board, term expires 12- 31-19.
2. Terry Speral, 3140 26th Avenue, Park Board, term expires 12-31-19.

Council Member Draper noted that Charlie Kress wishes to be reappointed to the Park Board also. Council Member Etzel asked if the Park Board could be expanded. Council Member Draper asked for a review of the boards and commissions to be placed on the January agenda. Council Member Pazour stated that the Park Board should be voted on since they are paid. All in favor except Pazour, motion carried.

Moved by Pazour, seconded by Spinks to remove from table the following Mayoral appointments (tabled 12-03-15):

* 1. Dave Ransford, 1040 28th Street, Park Board, term expires 12-31-19.
  2. Terry Chew, 2980 6th Street, Cedar Rapids Solid Waste Agency Board of Directors, term expires 12-31-17.
  3. Mark Morgan, 933 18th Street, Construction Code Review Board, term expires, 01-01-20.

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

Page 8, December 17, 2015

Moved by Spinks, seconded by Pazour to approve the following Mayoral appointments (tabled 12-3-15):

1. Dave Ransford, 1040 28th Street, Park Board, term expires 12-31-19.
2. Terry Chew, 2980 6th Street, Cedar Rapids Solid Waste Agency Board of Directors, term expires 12-31-17.
3. Mark Morgan, 933 18th Street, Construction Code Review Board, term expires, 01-01-20.

All in favor except Draper, motion carried

Moved by Spinks, seconded by Pazour to approve the following Mayoral appointments except for Steve Moshier’s appointment to the Planning and Zoning Commission:

* 1. Steve Moshier, 1835 39th Street, Planning and Zoning Commission, term expires 12-31-2020 (Removed from the motion).
  2. Clark Weaver, 2951 27th Avenue, Local Option Sales Tax Oversight Committee, term expires 12-31-2019.
  3. Mike Dooley, 3851 29th Avenue, Public Service Board, term expires 12-31-17.

Comments were heard from Council Member Etzel regarding the appointments and the reappointment of Tim Mooney to the Planning and Zoning Commission. Council Member AbouAssaly asked if the current Public Service Board members requested to be reappointed. Public Services Director Ryan Miller stated that Kevin Morgan and Craig Adamson did request to be reappointed. Moved by Spinks, seconded by Etzel to table the appointments of Clark Weaver and Mike Dooley. All in favor of motion to table, motion carried.

Council Discussion Time:  
 Council Member Pazour noted that Charlie Boquist and John Schlotterback passed away this week.

Council Member Pazour noted that the hole has been filled where the house was removed at 29th Avenue and 35th Street.

Council Member Pazour asked the Mayor if the City has a functioning library and YMCA. The Mayor stated “yes”. Council Member Pazour stated that Coralville had their bond rating lowered. She suggested that the City should construct Fire Station No. 3 before the Library or YMCA.

Council Member Pazour congratulated Marcus Paige for breaking the record for 3-point shots at the University of North Carolina. Mr. Paige is a Linn Mar graduate.

Council Member Spinks stated that he is also grieving the loss of Charlie Boquist. He noted that Mr. Boquist helped with the cemetery walks by providing Marion history.

Council Member Spinks noted that this is Mayor Bouska’s last council meeting. He thanked the Mayor for serving Marion and for appointing him as Mayor pro tem. Council Member AbouAssaly also thanked the Mayor for serving. Council Member Draper stated that he will also miss Mayor Bouska.

Page 9, December 17, 2015

Council Member Draper stated that he is disturbed by Cedar Rapids violation of the fair play policy. He noted that if they are not going to abide by the agreement, Marion should not either. Mayor Bouska stated that he does not understand the reasoning for Cedar Rapids giving incentives.

Mayor Bouska thanked the individuals that applied for the Ward 4 Council position.

Mayor Bouska stated that individuals tried some things a few years ago that made the City look foolish. He stated that if there is a 1% out there that tries to make the new Mayor look foolish and the City look foolish he will stand up and be heard. He noted that it had cost the City $12,000 in legal fees.

Mayor Bouska stated that Marion was predestined to be Blue Zones because the City is at the corner of happy and healthy.

Mayor Bouska stated that he is excited about the airport project.

Mayor Bouska adjourned the meeting at 7:01 p.m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Snooks Bouska, Mayor

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beth J. Little, Assistant City Clerk