January 21, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 21, 2016, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Spinks, Brandt, Strnad, and Draper. Absent: Pazour and Etzel.

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. She updated the City Council on the search for a new Library Director and the library building project.

Clark Weaver was present representing the Linn Mar School Board.

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

Motion to approve minutes of the January 5,7,15, and 16, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $595,142.86.

Resolution No. 25058 adopting Final Assessment Schedule for Fiscal Year 2015 Quarter 3 Delinquent Fees and Confirming and Levying the Assessments.

Motion to receive and file annual audit for the period ended June 30, 2015.

Resolution No. 25059 approving the removal of Alliant Energy’s street light at the southwest corner of 8th Avenue and 12th Street.

Resolution No. 25060 approving the removal of Alliant Energy’s street light at the southwest corner of 11th Avenue and 17th Street.

Resolution No. 25061 approving the removal of Alliant Energy’s street light at the 500 block of 13th Street.

Resolution No. 25062 approving the removal of Alliant Energy’s street light at the northeast corner of 14th Avenue and Northview Drive.

Resolution No. 25063 approving the removal of Alliant Energy’s street light at the northeast corner of 10th Avenue and 22nd Street.

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Motion to receive and file correspondence addressing a public comment made during the January 7, 2016 City Council meeting regarding a building remodel and removal of the fire escape of the Memorial Hall building located at 760 11th Street (Deb Krebill, Fire Chief).

Motion to receive and file new job descriptions for Arborist Technician I and Arborist Technician II.

Motion to receive and file the Parks & Recreation Department 2015 Swimming Pool Report.

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

* 1. Resolution No. 25064 approving Partial Payment No. 7 to Anderson-Bogert Engineers for engineering services regarding the CEMAR Trail Project in the amount $1,212.75.

Resolution No. 25065 approving contract and bond with Midwest Concrete Inc., regarding the 2016 Sidewalk Ramp Repair Project.

Resolution No. 25066 approving contract and bond with Central States LLC regarding the 2016 ImaginArt in the Alley Project.

Resolution No. 25067 adopting the 2016 Edition of the Statewide Urban Design Specifications Program (SUDAS).

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

* 1. Resolution No. 25068 approving Payment No. 5 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 $21,000.83. (Amount remaining $46,994.29).
  2. Resolution No. 25069 approving Payment to Shoemaker-Haaland for professional services related to 10th Avenue side path cost estimates in the amount of $8,500.00.

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

* 1. Rosenberger Addition to Linn County for property located at 1354 Martin Creek Road (Joseph and Margaret Rosenberger).

Resolution No. 25070 setting public hearing for February 4, 2016 regarding request to rezone property located south of Echo Hill Road and west of Alburnett Road from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential (DX4 Investments, Inc.).

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Resolution No. 25071 approving acquisition plat for a portion of Winslow Road right-of-way located south of Settlers Drive and north of Tower Terrace Road extension, pertaining to the Winslow Road Realignment (Mooney-Engle Land Company, LLC).

Resolution No. 25072 approving request for waiver of Subdivision Regulations to allow division of property by Plat of Survey No. 2037 for transfer purposes only for property located south of Settlers Drive and north of Tower Terrace Road extension, pertaining to the Winslow Road Realignment (Mooney-Engle Land Company, LLC).

Resolution No. 25073 approving request for waiver of Subdivision Regulations to allow division of property by Plat of Survey No. 2038 for transfer purposes only for property located south of Settlers Drive and north of Tower Terrace Road extension, pertaining to the Winslow Road Realignment (Mooney-Engle Land Company, LLC).

Motion to receive and file December 2015 Departmental Reports.

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

* 1. Uptown Marion Market, City Square Park and surrounding area, Saturdays, June 11, July 9 and August 13, 2016 5:00 a.m. – 2:00 p.m. (Tami Schlamp, Marion Chamber of Commerce, 1225 6th Avenue).
  2. Marion PD 5K4K9 Fun Run/Walk, Linn-Mar Stadium and surrounding area, Saturday, June 4, 2016, 6:00 a.m. – 12:00 p.m. (Lieutenant Mark Merta, Marion Police Department, 6315 Highway 151).

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

Moved by Spinks, seconded by Brandt to approve Consent Calendar with Mayor AbouAssaly abstention as follows:

Motion to approve the following liquor license applications:

* 1. Resolution No. 25074 accepting waiver of hearing and consent to penalty (Tobacco Violation) and imposing the penalties established in Section 453A.22(2)(a) of the Code of Iowa. (Casey’s General Store #2919, 340 Marion Boulevard).
  2. Resolution No. 25075 accepting waiver of hearing and consent to penalty (Tobacco Violation) and imposing the penalties established in Section 453A.22(2)(a) of the Code of Iowa. (Casey’s General Store #2924, 1100 Eagleview Drive).

Resolution No. 25076 setting public hearing for February 18, 2016 regarding Hy-Vee Preliminary Site Development Plan for property located at 3600 Highway 151 (Hy-Vee Food Stores, Inc.).

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Resolution No. 25077 approving Partial Payment No. 28 to Martin Gardner Architecture for professional services related to the downtown façade revitalization program in the amount of $562.50.

Vote: Yeas: Spinks, Brandt, Strnad, and Draper. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 25078 approving payment in the amount of $47,000 to Hogan – Hansen for professional services related to the June 30, 2015 audit was read by Brandt. Moved by Brandt, seconded by Spinks to approve Res. No. 25078. All in favor, motion carried.

Moved by Strnad, seconded by Draper to direct staff to negotiate a lease agreement for the McGowan House with Allie’s Weeds. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Moved by Draper, seconded by Spinks 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). All in favor, motion carried.

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 read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 24979. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Moved by Spinks, seconded by Draper to remove from table Resolution No. 25053 granting an extension agreement for property located at 1000 7th Avenue (Capitol Commercial Division, LLC.)(Tabled 1-7-16). All in favor, motion carried.

Resolution No. 25053 granting an extension agreement for property located at 1000 7th Avenue (Capitol Commercial Division, LLC.) (Tabled 1-7-16) was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 25053. City Manager Lon Pluckhahn presented the staff report. Vote on Res. No. 25053: Yeas: Spinks, AbouAssaly, Brandt, and Strnad. Nays: None. Abstention: Draper. Motion carried.

Resolution No. 25079 approving a request for funds regarding the Marion Leadership in Action Winter Light Project 2016 in the amount not to exceed $10,000.00 (Marion Leadership in Action Class of 2016) was read by Strnad. Moved by Strnad, seconded by Spinks to approve Res. No. 25079. City Manager Lon Pluckhahn explained the funding request. Council discussed the request for matching funds. All in favor, motion carried.

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Mayor AbouAssaly explained that he reviewed the Board and Committee applications and visited with the departments heads regarding the reappointments. Mayor AbouAssaly recommended the following reappointments be approved.

Moved by Spinks, seconded by Draper to concur with the Mayor’s recommendation to reappoint Phil Hershner, 2125 Timber Creek Drive, to the Local Option Sales Tax Oversight Committee, term expires 12-31-2019. All in favor, motion carried.

Moved by Spinks, seconded by Brandt to concur with the Mayor’s recommendation to reappoint Kevin Morgan, 2563 29th Avenue, to the Public Services Board, term expires 12-31-2017. All in favor, motion carried.

Moved by Spinks, seconded by Brandt to concur with the Mayor’s recommendation to reappoint Craig Adamson, PO Box 885, to the Public Services Board, term expires 12-31-2017. All in favor, motion carried.

Moved by Spinks, seconded by Brandt to concur with the Mayor’s recommendation to reappoint Joe Spinks as Mayor pro tem. Vote: Yeas: AbouAssaly, Brandt, Strnad, and Draper. Nays: None. Abstention: Spinks. Motion carried.

Council Discussion Time:

Council Member Spinks thanked Mayor AbouAssaly for recommending that he be reappointed Mayor pro tem.  
 Council Member Draper complimented the staff on the quality of the monthly reports that are prepared and distributed to the City Council.

Mayor AbouAssaly noted that Fire Chief Deb Krebill recognized Emerson Elementary student Chloe Taylor with the Fire Department’s HERO award on Wednesday. He noted that Chloe remembered what she had learned from the Marion Fire Department when they spoke at her school and helped to get her family safely out of the building. He noted that it was a very nice news story.

Mayor AbouAssaly congratulated John Bender on being elected chair of the Corridor Metropolitan Planning Organization Board.

Mayor AbouAssaly stated that Council has decided to keep office hours on Saturdays from 8:00 a.m. to 10:00 a.m. Council Member Draper will be available to meet with citizens on Saturdays in February.

Mayor AbouAssaly stated that he plans to hold a special work session in each ward this year.

Mayor AbouAssaly reminded everyone of the State of the City luncheon on Tuesday, January 26th at the Longbranch.

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

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Nicolas AbouAssaly, Mayor Beth J. Little. Assistant City Clerk