February 18, 2016

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 18, 2016, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Pazour, Etzel, Spinks, Brandt, and Strnad. Absent: Draper.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Citizen’s presentations, comments and/or petitions:

Jack Zumwalt, 1500 8th Street, updated the City Council on the search for a new Library Director. Mr. Zumwalt noted that Library Director Doug Raber will retire March 4th. Mr. Zumwalt explained that Assistant Library Director Jo Pearson will serve as the Acting Library Director until the new Library Director begins employment.

Council Member Pazour requested that the following items be removed from the Consent Calendar for separate consideration:

#14 Project Calendar regarding the 2016 Lowe Park Parking Lot Project  
 #28 Motion to receive and file correspondence requesting a review of the City Code regarding elections (Charles Knudsen, 2835 24th Avenue).

#32 Motion to receive and file replaced, revised, or new full time job descriptions for the Library.  
 #34 Resolution No. 25133 support of the Wyland Mayor's Challenge for Water Conservation.

Council Member Brandt requested that the following item be removed from the Consent Calendar for separate consideration:

#23 Resolution No. 25128 approving Bedford Heights Addition Preliminary Plat for property located south of Echo Hill Road and west of Alburnett Road (DX4 Investments, Inc.).

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

Motion to approve minutes of the February 2 and 4, 2016 City Council meetings.

Motion to approve the bills as presented in the amount of $693,402.63.

**Resolution No. 25110 approving payment to Linn County for the November 3, 2015 election in the amount of $22,065.77.**

Resolution No. 25111 approving transfers out of the General, Trust and Agency (Special Revenue), and Tax Increment Financing Funds and into the new funds established with Resolution No. 24788 on September 3, 2015.

Resolution No. 25112 approving Partial Payment No. 11 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $432.00.

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Motion to receive and file correspondence regarding noise pollution (Bob Schlegel, 3600 10th Street).

Resolution No. 25113 approving the purchase of additional HP server storage for body cam and police car video from IT Savvy in the amount of $19,517.29.

Motion to receive and file 2015 Marion Fire Department Annual Report.

Resolution No. 25114 approving Partial Payment No. 8 to Shoemaker & Haaland Engineers for professional services for the Donnelly Park Pedestrian Bridge Design and Development Plan in the amount of $318.00.

Resolution No. 25115 approving Quit Claim Deed from Interstate Power and Light Company for the consideration of $1.00 (0ne) Dollar, for a 100 foot wide strip of land along the former Iowa Railway and Light Company right-of-way and part of the NE ¼ NW ¼ of Section 12-83-07, Linn County, Iowa, and part of the SE ¼ SW ¼ Section 1-83-07, Linn County, Iowa bound by the northerly right-of-way line of Highway 100 on the south and by the southerly right-of-way of Grand Avenue on the north.

Resolution No. 25116 setting a public hearing for March 3, 2016 regarding a Perpetual Electrical Easement with Interstate Power and Light Company located on a 100 foot wide strip of land along the former Iowa Railway and Light Company right-of-way and part of the NE ¼ NW ¼ of Section 12-83-07, Linn County, Iowa, and part of the SE ¼ SW ¼ Section 1-83-07, Linn County, Iowa bound by the northerly right-of-way line of Highway 100 on the south and by the southerly right-of-way of Grand Avenue on the north, for the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove electrical and telecommunications lines, consisting of poles, towers, crossarms, insulators, wires, guy wires and other necessary fixtures and equipment.

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

* 1. Resolution No. 25117 approving Partial Payment No. 5 for reimbursement to Mooney-Engle Land Company for administrative fees to date associated with Tower Terrace Road – Phase V (10th Street to Indian Creek Road) in the amount of $4,536.11.

Motion to receive and file 2016 Engineering Department Work Program.

Motion to approve the Project Calendar for the 2016 Sidewalk Assessment Project as follows:

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* 1. Motion to retain the City Engineer as Project Engineer for the 2016 Sidewalk Assessment Project.
  2. Resolution No. 25121 approving the preliminary resolution pursuant to Chapter 384.42 of the Code of Iowa for the 2016 Sidewalk Assessment Project.
  3. Resolution No. 25122 approving the proposed resolution of necessity and setting public hearing for the 2016 Sidewalk Assessment Project.

Motion to approve Project Calendar regarding the 2016 Sanitary Sewer Manhole Project, as follows:

1. Motion to retain the City Engineer as Project Engineer regarding the 2016 Sanitary Sewer Manhole Project.
2. Resolution No. 25123 approving Resolution of Necessity regarding the 2016 Sanitary Sewer Manhole Project.
3. Resolution No. 25124 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Sanitary Sewer Manhole Project.
4. Resolution No. 25125 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Sanitary Sewer Manhole Project.

Motion to receive and file TAC report regarding a request for a stop sign at the intersection of 5th Street and 10th Avenue (Ron Cook).

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

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

* 1. Resolution No. 25126 approving Payment No. 6 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 $2,879.62.

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

* 1. Echo Ridge Estates Addition Preliminary Plat for property located north of Echo Hill Road and west of Alburnett Road (Integrity Custom Homes, Inc.).

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Motion to receive and file correspondence requesting an Assignment of development and a collateral assignment (TWG Development, LLC).

Resolution No. 25127 approving the assignment of Development Agreement from Blairs Ferry Senior Apartments, LP to The Whitsett Group, Inc. and a Collateral Assignment to Banker’s Trust.

Resolution No. 25129 approving request for waiver of subdivision regulations to allow division of property by Plat of Survey No. 2026, Parcel A & B, for transfer purposes only for property located south of Echo Hill Road and west of Alburnett Road (DX4 Investments, LLC).

Resolution No. 25130 approving request for waiver of subdivision regulations to allow division of property by Plat of Survey No. 2027, Parcel A & B, for transfer purposes only for property located south of Echo Hill Road and west of Alburnett Road (DX4 Investments, LLC).

Resolution No. 25131 approving a Master Service Agreement addendum with Involta, Inc., regarding additional servers for the Water Department in the amount of $26,709.84.

Motion to amend the February 4, 2016 City Council minutes by unanimous consent of the City Council to reflect Mayor AbouAssaly abstention on the following items:

* 1. Motion to receive and file to the Planning and Zoning Commission Edgebrooke Estates North Addition Preliminary Plat for property located east of Indian Creek Road and south of Tower Terrace Road extension (Midwest Development Co.).
  2. Motion to receive and file correspondence requesting TIF assistance for property located off of Alburnett Road (Scenic Development).

Motion to receive and file correspondence regarding basement water issues (Andrea Jilovec, 1100 Maplecrest Drive).

Motion to receive and file Early Retirement Option program for FY 2016-2017.

Resolution No. 25132 approving Early Retirement Option program for FY 2016-2017.

Motion to receive and file the following replaced, revised, or new part time job descriptions for the Library:

1. Part Time Library Assistant (Replaced)
2. Part Time Library Clerk (Replaced)
3. Part Time Library Page – Maintenance (Replaced)
4. Part Time Library Page (Replaced)

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1. Part Time Library Assistant – Communications Specialist (Revised)
2. Part Time Specialist Assistant – Information Services (Revised)
3. Part Time Specialist Assistant – Youth Services (New)

Resolution No. 25134 approving a Revised Contract with Anderson-Bogert Engineering regarding the Airport Layout Plan.

Motion setting the 2016 City Council photograph date as March 3, 2016.

Motion to receive and file January 2016 Departmental Reports.

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

* 1. Linn-Mar Growl Prowl Run/Road Race, Linn-Mar Stadium and surrounding area, Saturday, April 23, 2016, 7:00 a.m. – 11:00 a.m. (Mike Shipley, 3555 North 10th Street).

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

Moved by Brandt, seconded by Spinks to approve the Project Calendar regarding the 2016 Lowe Park Parking Lot Project, as follows:

1. Motion to retain the City Engineer as Project Engineer regarding the 2016 Lowe Park Parking Lot Project.
2. Resolution No. 25118 approving Resolution of Necessity regarding the 2016 Lowe Park Parking Lot Project.
3. Resolution No. 25119 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Lowe Park Parking Lot Project.
4. Resolution No. 25120 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Lowe Park Parking Lot Project.

Parks Director Mike Carolan presented the staff report on the project. He also reviewed the improvements that have been made to Thomas Park in recent years. Council Member Pazour spoke opposing the reallocation of funding from the Thomas Park Pavilion to the Lowe Park Parking Lot Project. Mayor AbouAssaly noted that the Thomas Park pavilion is still on the list of projects to do in the future. All in favor except Pazour, motion carried.

Resolution No. 25128 approving Bedford Heights Addition Preliminary Plat for property located south of Echo Hill Road and west of Alburnett Road (DX4 Investments, Inc.) was read by Brandt. Moved by Brandt, seconded by Spinks to approve Res. No. 25128. Planning and Development Director Tom Treharne presented the staff report. Rod Robert, 2188 Dawn Drive, David Carver, 2192 Dawn Drive, Joe Molitor, 2197 Dawn Drive, and Bob Parrish, 2185 Douglas Drive, expressed concern with stormwater issues in their development. Dustin Kern, 4246 Churchill Drive, developer representing DX4 Investments, urged the City Council to work on development of a regional

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detention basin. Mr. Kern introduced Jed Schnoor from Schnoor Bonifazi Engineering. Mr. Schnoor is the engineer for the developer. Mr. Schnoor reviewed the proposed detention basin plans for the Bedford Heights Addition. City Engineer Dan Whitlow reviewed the stormwater issues in the area. He reviewed the challenges with funding for a regional basin. Council discussed that stormwater issues. Planning and Development Director Tom Treharne reviewed the proposed developments in this area. Vote: Yeas: Pazour, Etzel, Spinks, AbouAssaly, and Brandt. Nays: None. Abstention: Strnad. Motion carried.

Moved by Brandt, seconded by Spinks to receive and file correspondence requesting a review of the City Code regarding elections (Charles Knudsen, 2835 24th Avenue). Council Member Pazour asked that this request be followed up on. City Attorney Don Hoskins noted that a change to the City charter would require a ballot vote. All in favor, motion carried.

Moved by Brandt, seconded by Etzel to receive and file the following replaced, revised or new full time job descriptions for the Library:

1. Library Administrative Assistant (Replaced)
2. Library Assistant (Replaced)
3. Assistant Library Director (Librarian)(Replaced)
4. Library Assistant II – Children Services (New)
5. Library Assistant II – Young Adult Services (New)
6. Library Assistant – Children Services (Replaced)
7. Library Director (Revised)
8. Library Program Coordinator (Librarian)- Circulation and Access Service (Replaced)
9. Library Program Coordinator (Librarian) – Children Services (Replaced)
10. Library Division Coordinator – Community Liaison Services (Revised)
11. Library Program Coordinator (Librarian) Digital information Services/IT Support (Revised)
12. Library Program Coordinator (Librarian) – Information Services (Replaced)
13. Library Program Coordinator (Librarian) – Young Adult Services (Replaced)

Council Member Pazour noted that there is not enough room at the current library to add staff. All in favor of motion to receive and file the job descriptions, motion carried.

Resolution No. 25133 support of the Wyland Mayor's Challenge for Water Conservation was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 25133. Council Member Pazour suggested that the Council implement a moratorium on watering yards, washing cars, and splash pads this summer because of the condition of the water at the Echo Hill well. Council Member Pazour commented on the condition of the well on 31st Street/5th Avenue and the water quality in Marion. All in favor, motion carried.

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Moved by Strnad, seconded by Etzel to approve Consent Calendar with Mayor AbouAssaly abstention from voting and discussion regarding the following item, as presented:

Resolution No. 25135 approving Partial Payment No. 14 to Martin Gardner Architecture for Public Service Facility design services in the amount of $3,240.00.

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

Ordinance No. 16-02 amending Chapter 105 of the code of ordinances to allow for municipal collections of designated non-residential generators was read by Strnad for initial consideration. Moved by Strnad, seconded by Pazour to approve the first reading of Ord. No. 16-02. All in favor, motion carried.

Resolution No. 25136 approving recommendation from the Local Option Sales Tax Advisory Committee regarding a $280,000.00 FY-16 corporate purpose allocation was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25136. Parks Director Mike Carolan presented the staff report. All in favor except Pazour, motion carried.

Resolution No. 25137 approving stop signs stopping east and west bound traffic on 11th Avenue at its intersection with 12th Street was read by Etzel. Moved by Etzel, seconded by Pazour to approve Res. No. 25137. City Engineer Dan Whitlow stated that TAC evaluated sixteen intersections in the area and is recommending approval of stop signs at 11th Avenue and 12th Street. All in favor, motion carried.

Resolution No. 25138 approving Rosenberger Addition Final Plat and Memorandum of Agreement to Linn County for property located at 1345 Martin Creek Road (Joe and Margaret Rosenberger, owner) was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25138. Council Member Spinks asked for a report. Planning and Development Director Tom Treharne presented the staff report. All in favor, motion carried.

Ordinance No. 16-01 amending the Marion Code of Ordinances regarding a 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.), was read by Brandt for second consideration. Moved by Brandt, seconded by Spinks to approve the second reading of Ord. No. 16-01. Vote: Yeas: Pazour, Etzel, Spinks, AbouAssaly, and Brandt. Nays: None. Abstention: Strnad. Motion carried.

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Moved by Strnad, seconded by Brandt to receive and file request to waive the final reading of Ordinance No. 16-01. Vote: Yeas: Pazour, Etzel, Spinks, AbouAssaly, and Brandt. Nays: None. Abstention: Strnad. Motion carried.

Motion to suspend the rules and place Ordinance No. 16-01 on the agenda for adoption and adopt Ordinance No. 16-01 was not brought to the table.

Mayor AbouAssaly opened a public hearing regarding Hy-Vee’s Preliminary Site Development Plan for property located at 3600 Highway 151. Planning and Development Director Tom Treharne presented the staff report. Kacie Bonjour, 5820 Westown Parkway, West Des Moines, IA, Director of Real Estate for Hy-Vee, reviewed the project and answered questions from the City Council. Council Member Strnad asked about the fencing. Ms. Bonjour stated that it will be an eight foot fence. Council Member Pazour asked if there have been concerns from the neighbors. Ms. Bonjour stated that they had a meeting with the neighbors. She noted that the neighbors expressed concern about people cutting through their property to go to Hy-Vee. Ms. Bonjour stated that Hy-Vee agreed to extend the fencing to help this situation. Council Member Pazour asked if the walkway from the parking lot to the store would be covered. Ms. Bonjour responded that they do not plan to cover the walkway. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 25139 approving Hy-Vee Preliminary Site Development Plan for property located at 3600 Highway 151 (Hy-Vee Food Stores, Inc.) was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25139. Council Member Spinks expressed concern with the noise from the compactors. Joe Connor, 1340 40th Street Place, noted that the compactor noise is a concern. Kacie Bonjour, 5820 Westown Parkway, West Des Moines, IA, Director of Real Estate for Hy-Vee, stated that she will check to see if they are adding any more compactors and let Council know. Council discussed the noise from the compactors and the fencing. Vote: Yeas: Pazour, Etzel, Spinks, Brandt, and Strnad. Nays: None. Mayor AbouAssaly abstained from the discussion and the vote. Motion carried.

Resolution No. 25140 approving Hy-Vee Final Site Development Plan for property located at 3600 Highway 151 (Hy-Vee Food Stores, Inc.) was read by Etzel. Moved by Etzel, seconded by Pazour to approve Res. No. 25140. Vote: Yeas: Pazour, Etzel, Spinks, Brandt, and Strnad. Nays: None. Mayor AbouAssaly abstained from the discussion and the vote. Motion carried.

Resolution No. 25141 of Intent directing staff to negotiate TIF agreement with Scenic Development was read by Spinks. Moved by Spinks, seconded by Etzel to approve Res. No. 25141. Acting City Manager Harry Daugherty presented the staff report. Vote: Yeas: Pazour, Etzel, Spinks, Brandt, and Strnad. Nays: None. Mayor AbouAssaly abstained from the discussion and the vote. Motion carried.

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Moved by Brandt, seconded by Pazour to receive and file correspondence from Dave Ransford declining Mayor Bouska’s appointment to the Park Board (Dave Ransford, 1040 26th Avenue). All in favor, motion carried.

Moved by Spinks, seconded by Brandt to concur with the following Mayoral reappointment:

* 1. Charlie Kress, 2745 Heather View Circle, Park Board, term expires 12-31-19.

All in favor except Spinks, motion carried.

Council Discussion Time:

Council Member Pazour asked if the Marion Water Department pays dues to the Marion Chamber of Commerce.

Council Member Pazour stated that she would like more detail from the Finance Department for the bills that are presented for payment.

Council Member Pazour stated that before the City starts any new projects we should look at a water treatment facility given the condition of the water in the City of Marion.

Council Member Pazour noted that Ruth Kinkead passed away.  
 Council Member Strnad thanked all the residents that attended tonight’s Council meeting.

Mayor AbouAssaly stated that Council is holding office hours from 9:30 a.m. to 11:30 a.m. every Saturday at the Marion Public Library. He noted that they are well attended. Council Member Spinks stated that many people stopped by to visit.

Mayor AbouAssaly adjourned the meeting at 7:18 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk