February 4, 2016 (Revised)

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 4, 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 Draper. Absent: Strnad.

The meeting was opened with the Pledge of Allegiance.

City Manager Lon Pluckhahn read a tribute in honor of Neal Caraway. Mr. Caraway was the Code Compliance Coordinator for the City. He worked for the City for almost 15 years. Mr. Caraway passed away on January 31st. Council observed a moment of silence in memory of Neal Caraway. Mayor AbouAssaly offered condolences to Mr. Caraway’s family and City staff.

Citizen’s presentations, comments and/or petitions:

Howie Ighedo, Kylie Wassmer, Rachel Dunnwald, and Ella Frale, students from Indian Creek Elementary, read their essay’s entitled what they like about Marion.

Susan Kling, 2790 Brandon Court, was present representing the Library Board. She noted that the Library Board has selected three finalists for the Library Director position. Each candidate will give a short presentation on Monday, February 8th at a public forum to be held from 6:30 p.m. to 8:30 p.m. at the Library. The Library Board will interview the candidates on Tuesday, February 9th. Mrs. Kling also noted that they hope to have cost estimates for the library project available in a few weeks.

Council removed the following from the consent calendar for separate consideration: Motion to approve a three (3) year rebate in the amount of $2,865.00 for Captivating Crafts, 1890 7th Avenue (Larry Smith).

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

Motion to approve minutes of the January 19 and 21, 2016, City Council meetings.

Motion to approve the bills as presented in the amount of $479,693.53.

Motion to approve the following liquor license applications:

* 1. Renewal application for a Class C Beer Permit with additional privileges for Carryout Wine and Sunday Sales for Dolgencorp, LLC, dba Dollar General Store #7226 (1135 East Post Road). Expiration 02/29/2016. No violations in previous five years.
  2. Renewal application for a Class C Beer Permit with additional privileges for Carryout Wine and Sunday Sales for Dolgencorp, LLC, dba Dollar General Store #7398 (5000 Chandler Court). Expiration 02/29/2016. No violations in previous five years.
  3. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for TEP, Inc., dba Cedar Rapids Bowling Center (450 Northland Avenue). Expiration 02/29/2016. One violation in previous five years.

Page 2, February 4, 2016 (Revised)

* 1. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for Marion Post 298 the American Legion, dba Marion Veteran’s Club (625 31st Street). Expiration 02/29/2016. No violations in previous five years.

Resolution No. 25080 approving a new purchasing policy effective February 15, 2016.

Motion to receive and file certified list for entry-level police officer.

Resolution No. 25081 setting public hearing for March 3, 2016 for the FY 16-17 budget.

Resolution No. 25082 approving Partial Payment No. 10 to Anderson-Bogert Engineers for Public Services site plan development in the amount of $1,116.55.

Resolution No. 25083 approving the purchase of two (2) 2016 Police Interceptor sedans and two (2) 2016 Police Interceptor utility vehicles from Junge Ford, Center Point in the amount $106,054.00.

Resolution No. 25084 approving Partial Payment No. 6 to Confluence for professional services regarding the City of Marion Park System Master Plan in the amount of $5,500.00.

Motion to receive and file Sidewalk Advisory Committees recommendations for the 2016 Sidewalk Assessment Project locations.

Motion to approve Project Calendar regarding the 2016 Fairview Drive Reconstruction Project, as follows:

* 1. Motion to retain the City Engineer as Project Engineer regarding the 2016 Fairview Drive Reconstruction Project.
  2. Resolution No. 25085 approving Resolution of Necessity regarding the 2016 Fairview Drive Reconstruction Project.
  3. Resolution No. 25086 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Fairview Drive Reconstruction Project.
  4. Resolution No. 25087 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25088 approving Temporary Construction Easement with Ashley E. Kramer (925 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Page 3, February 4, 2016 (Revised)

Resolution No. 25089 approving Temporary Construction Easement with Andrew M. Jenson (820 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25090 approving Temporary Construction Easement with Wanda L. Vandee (1025 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25091 approving Temporary Construction Easement with Harold S. & Lavonne K. Marling (800 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25092 approving Temporary Construction Easement with Raymond O. and Frances J. Langham (825 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Resolution No. 25093 approving Temporary Construction Easement with Robert A. Hanson (865 Fairview Drive) regarding the 2016 Fairview Drive Reconstruction Project.

Motion to approve Project Calendar regarding the 2016 HMA Resurfacing Project, as follows:

1. Motion to retain the City Engineer as Project Engineer regarding the 2016 HMA Resurfacing Project.
2. Resolution No. 25094 approving Resolution of Necessity regarding the 2016 HMA Resurfacing Project.
3. Resolution No. 25095 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 HMA Resurfacing Project.
4. Resolution No. 25096 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2016 HMA Resurfacing Project.

Resolution No. 25097 approving contract and Partial Payment No. 1 with IMON Communications for the 2016 ImaginArt in the Alley Project in the amount of $8,739.68.

Motion to receive and file correspondence regarding the prairie restoration south of the 29th Avenue Bridge Project (John Hanson, 2610 Northview Drive).

Motion to receive and file a staff report regarding the prairie restoration south of the 29th Avenue Bridge Project (John Hanson, 2610 Northview Drive).

Page 4, February 4, 2016 (Revised)

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

* 1. Resolution No. 25098 approving Payment No. 4 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 $2,682.15.
  2. Resolution No. 25099 approving Payment No. 1 to RDG Planning & Design for services related to Active Living Design Guidelines per the approved contract in the amount of $13,420.86.

Motion to receive and file letter of resignation from the Bicycle and Pedestrian Advisory Committee (Tim Mooney, 862 Archer Drive).

Resolution No. 25100 approving the dedication of land for two detention basins servicing Nottingham Hills Fourth and Sixth Additions (Brain Engineering, Inc. on the behalf of East Robins Properties, LLC).

Motion to receive and file a letter requesting an extension to a development agreement (Stephanie Phillips, Victory Gymnastics Training Center).

Resolution No. 25101 approving an extension agreement for property located at 6200 North Gateway Drive (Victory Gymnastics Training Center).

Resolution No. 25102 approving the first progress payment for the APC Emmert relocation project in an amount of $250,000.00.

Resolution No. 25103 approving Partial Payment No. 1 to Owen Lewis Consulting for employee and payroll services regarding payroll conversion data to the New World System in the amount of $22,275.00.

Motion to adopt the core value statement and the set of values that support it.

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

* 1. Marion Metro Kiwanis Barbeque Rendezvous, Marion Square Park, June 3, 4 and 5, 2016, 12:00 p.m. – 12:00 p.m. (Mark Seidel, 229 Northland Court NE).
  2. 5K Walk/Run, Marion High School and surrounding streets, May 8, 2016, 4:00 a.m. – 11:30 a.m. (Colin Pekovitch, 25661 Hillview Court, Mundelein, IL).
  3. Volunteer/Donor Appreciation Dinner and Concert, Lowe Park and Klopfenstein Amphitheater, June 23, 2016, 4:00 p.m. – 10:00 p.m. (Jamie Henley, Community Health Free Clinic, 947 14th Avenue, SE, Cedar Rapids).

Page 5, February 4, 2016 (Revised)

* 1. Marion by Moonlight Concert Series, Marion Square Park, Thursday June 2, 9, 16, 23, and 30, 2016, 2:00 p.m. – 10:00 p.m. (Cassandra Chalhoub, Farmers State Bank, 1240 8th Avenue).

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

Moved by Spinks, seconded by Pazour to approve a three (3) year rebate in the amount of $2,865.00 for Captivating Crafts, 1890 7th Avenue (Larry Smith). Larry Smith, 1890 7th Avenue, explained that he had requested a TIF incentive in 2013. He noted that he was under the impression that the request was approved. City Manager Lon Pluckhahn explained that the request was received and filed by the City Council but was not placed on the agenda for approval. Mayor AbouAssaly asked if a written contract was needed for TIF assistance. City Manager Lon Pluckhahn stated that the applicant would have to sign a contract to receive the assistance and that there was not a signed contract with Mr. Smith. Council discussed the situation with Mr. Smith’s request. Moved by Draper, seconded by Pazour to amend the motion to provide a five (5) year rebate instead of the three (3) year rebate on the incremental increase in value due to the construction. Council continued discussion of the request. Council Member Draper called the question. Roll Call on calling the question: Yeas: Pazour, AbouAssaly, and Draper. Nays: Etzel, Spinks, and Brandt. Motion failed. Planning and Development Director Tom Treharne explained that he had met with Mr. Smith. He noted that this request would not have been eligible for a five year rebate. Council continued to discuss the request. Vote on amendment to a five year rebate: Yeas: Pazour and Draper. Nays: Etzel, Spinks, AbouAssaly, and Brandt. Motion failed. Vote on motion as printed on the agenda for a three year rebate in the amount of $2,865: Yeas: Spinks, AbouAssaly, Brandt, and Draper. Nays: Pazour and Etzel. Motion carried.

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

Motion to approve the following liquor license application:

* 1. Renewal application for a Class E Liquor License with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for Hy-Vee, Inc., dba Hy-Vee Drugstore (2790 7th Avenue). Expiration 02/29/2016. No violations in previous five years.

Resolution No. 25104 approving Partial Payment No. 12 to Martin Gardner Architecture for Public Service Facility design services in the amount of $4,210.00.

Resolution No. 25105 approving Partial Payment No. 13 to Martin Gardner Architecture for Public Service Facility design services in the amount of $2,575.00.

Page 6, February 4, 2016 (Revised)

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

* + 1. Resolution No. 25106 approving Partial Payment No. 5 to Shive Hattery, Inc. for the 2016 Art in the Alley Project in the amount of $18,998.90.
    2. Resolution No. 25107 approving Partial Payment No. 1 to Shive Hattery, Inc. for the 2016 Lindale Trail at Lindale Drive Project in the amount of $7,500.00.

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

* 1. Edgebrooke Estates North Addition Preliminary Plat for property located east of Indian Creek Road and south of Tower Terrace Road extension (Midwest Development Co.).

Motion to receive and file correspondence requesting TIF assistance for property located off of Alburnett Road (Scenic Development).

Vote on Consent Calendar with Mayor AbouAssaly abstaining: Yeas: Pazour, Etzel, Spinks, Brandt, and Draper. Nays: None. Abstention: Mayor AbouAssaly abstained from the both the discussion and the vote. Motion carried.

Resolution No. 25108 approving a purchase agreement with John Hennessey, Mary Moran, & Kathleen McCarty for parcel 15054-02001-00000 not to exceed $576,000.00 was read by Spinks. Moved by Spinks, seconded by Draper to approve Res. No. 25108. Public Services Director Ryan Miller presented the staff report. All in favor, motion carried.

Resolution No. 25109 approving a purchase agreement with John Hennessey, Mary Moran, & Kathleen McCarty for parcel 15054-01002-00000 not to exceed $472,320.00 was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25109. Public Services Director Ryan Miller presented the staff report. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing 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. Planning and Development Director Tom Treharne presented the staff report. Dustin Kern, 4246 Churchill Drive, stated that he is the developer of the project and is available to answer any questions. Council Member Pazour asked about stormwater detention. Mr. Kern explained the planned stormwater detention. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Page 7, February 4, 2016 (Revised)

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 Etzel for initial consideration. Moved by Etzel, seconded by Pazour to approve the first reading of Ord. No. 16-01. Council Member Spinks asked about the lots. Dustin Kern, 4246 Churchill Drive, developer of the property, explained that they are planning for 52 single family lots. All in favor, motion carried.

Moved by Spinks, seconded by Draper to concur with the Mayor’s recommendation for appointment to the Tree Board as follows:

Tom Ryan, 905 5th Avenue, Apt. C, Tree Board, term expires 01-01-2019.

All in favor of motion to approve the Mayoral appointment, motion carried.

Moved by Spinks, seconded by Pazour to concur with the Mayor’s recommendation for appointment to the Bicycle and Pedestrian Advisory Committee as follows:

Will Brandt, 2745 4th Avenue, Bicycle and Pedestrian Advisory Committee.

Vote on motion to approve the Mayoral appointment: Yeas: Pazour, Etzel, Spinks, AbouAssaly, and Draper. Nays: None. Abstention: Brandt abstained from the both the discussion and the vote. Motion carried.

City Engineer Dan Whitlow noted that there was a motion on the consent calendar tonight to receive and file a correspondence and a staff report regarding the prairie restoration south of the 29th Avenue Bridge Project (John Hanson, 2610 Northview Drive). He asked if anyone was present to speak about the prairie restoration. Aaron Eckley, 2995 26th Avenue, explained that he and Dr. John Hanson had made a request to the City Council in 2015 to restore prairie in the area of the 29th Avenue bridge. Mr. Eckley urged Council to have the prairies restored.

Council Discussion Time:

Council Member Pazour noted that the Indian Creek Elementary students did an excellent job writing and reading their essays.

Council Member Pazour expressed condolences to the family of Neal Caraway.

Council Member Pazour stated that she has requested an updated water report from the Marion Water Department General Manager Todd Steigerwaldt.

Council Member Pazour noted that there is an article in the 2015 Marion Annual report about the new YMCA/Community Rec Center. The article explains that the property and facility will be owned and operated by the Cedar Rapids Metro Area YMCA. Council Member Pazour suggested that all Marion residents should have permanent memberships at no cost.

Page 8, February 4, 2016 (Revised)

Council Member Spinks wished a happy birthday to Planning and Development Director Tom Treharne.

Council Member Spinks expressed condolences to the family of Neal Caraway. He noted that Jim Caraway built his home and Neal and Nathan helped. He noted that their mother was a real estate agent.

Council Member Brandt expressed condolences to the family of Neal Caraway.

Council Member Brandt also wished a happy birthday to Planning and Development Director Tom Treharne.

Council Member Draper expressed condolences to the family of Neal Caraway. He noted that Neal was a car guy and loved Volkswagens.

Council Member Draper noted that his wife is in the audience tonight.

Mayor AbouAssaly also wished a happy birthday to Planning and Development Director Tom Treharne.

Mayor AbouAssaly welcomed Council Member Pazour back. She has been ill for a couple of weeks.

Mayor AbouAssaly expressed condolences to the family of Neal Caraway.

Mayor AbouAssaly explained that Shive Hattery had an article about roundabouts in their Profiles publication. The article noted that “Studies by the Insurance Institute for Highway Safety show that nationwide, intersections converted form traffic signals to roundabouts have had reductions in injury crashes of 72 to 80 percent and reductions in all crashes of 35 to 47 percent.”

Mayor AbouAssaly reminded everyone that the City Council will have office hours every Saturday from 9:30 a.m. to 11:30 a.m. at the Marion Library.

Mayor AbouAssaly adjourned the meeting at 6:44 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk

These minutes were amended at the 02/18/16 Council meeting to reflect Mayor AbouAssaly’s abstention on the following items:

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

* 1. Edgebrooke Estates North Addition Preliminary Plat for property located east of Indian Creek Road and south of Tower Terrace Road extension (Midwest Development Co.).

Motion to receive and file correspondence requesting TIF assistance for property located off of Alburnett Road (Scenic Development).