



1225 6th Avenue, Suite 170
Marion, Iowa 52302
www.cityofmarion.org

council memo

February 14, 2017

TO: The Honorable Mayor and City Council

FROM: Wes Nelson, City Clerk

RE: February 23, 2017 Agenda Items

A.1 Minutes

- a. Motion to approve minutes of the February 6 and February 9, 2017 City Council meetings.

A.2. Schedule of Bills

- a. Motion to approve the bills as presented.

A.3. Motion to approve the following liquor license applications:

- a. Renewal application for a Class C Beer Permit with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for GPM Midwest, LLC, dba Fas Mart #5146 (998 8th Avenue). Expiration 03/17/2017. No violations in previous five years.
- b. Renewal application for a Special Class C Liquor License with additional privileges for Native Wine, Outdoor Service, and Sunday Sales for Napolis LLC, dba Napolis (500 Marion Boulevard). Expiration 03/20/2017. No violations in previous five years.
- c. New application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for Les Arnold, dba Brick Alley Pub & Sports Bar, LLC (1038 7th Avenue). Effective 03/03/2017

February 7, 2017

The City Council of the City of Marion, Linn County, Iowa met in informal work session, Tuesday, February 7, 2017, at 3:04 p.m. in the Council Chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Etzel, Spinks, Brandt, and Pazour. Absent: Nicholson.

Jodi Siamis, Capital Commercial Division, LLC, briefed the City Council on the status of the project at 1204 7th Avenue.

Council Member Nicholson arrived at 3:13 p.m.

Jodi Siamis, Capital Commercial Division, LLC, continued her presentation to the City Council on the status of the project at 1204 7th Avenue.

Council discussed the agenda items for Thursday night's meeting with no action taken.

Council Member Nicholson left the meeting at 6:15 p.m.

Council continued discussion of the agenda items for Thursday night's meeting with no action taken.

Mayor AbouAssaly adjourned the meeting at 6:37 p.m.

Nicolas AbouAssaly, Mayor

Attest:

Beth J. Little, Assistant City Clerk

February 9, 2017

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 9, 2017, at 5:30 p.m. in the council chambers of City Hall with Mayor pro tem Spinks presiding and the following council members present: Pazour, Etzel, Brandt, and Draper. Absent: Mayor AbouAssaly and Nicholson.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Citizen's presentations, comments, and/or petitions: None.

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

Motion to approve minutes of the January 24 and 26, 2017 City Council meetings.

Motion to approve the bills as presented in the amount of \$2,194,614.99.

Motion to approve the following liquor license applications:

- a. 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 02/28/2017. One violation in previous five years.
- b. Renewal application for a Class C Beer Permit with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for Dolgencorp, LLC, dba Dollar General Store #7226 (1135 East Post Road). Expiration 02/28/2017. One violation in previous five years.
- c. Renewal application for a Class C Beer Permit with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for Dolgencorp, LLC, dba Dollar General Store #7398 (5000 Chandler Court). Expiration 02/28/2017. No violations in previous five years.
- d. Renewal application for a Class C Liquor License with additional privilege for Outdoor Service and Sunday Sales for Marion Post Number 298, dba Marion Veterans Club (625 31st Street). Expiration 02/28/2017. No violations in previous five years (Council Member Draper abstained on this item).

Resolution No. 25807 setting a public hearing for March 9, 2017, regarding the proposed FY17-18 budget.

Resolution No. 25808 setting a public hearing for March 9, 2017, regarding the proposed FY17-20 capital improvement program.

Motion to receive and file correspondence requesting the City to adopt a policy that limits the amount of indirect costs in police and researcher partnerships to 10 percent (Chief Joe McHale, Marion Police Department).

Resolution No. 25809 approving Memorandum of Agreement between the City of Marion and Monarch Research Project, related to the 1,000 Acre Pollinator Initiative.

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

- a. Resolution No. 25810 approving Partial Payment No. 11 to Ricklefs Excavating, LTD regarding the Central Corridor Complete Streets and Capacity Improvements, Roundabout at 7th Avenue and 7th Street, STP-A-4775(627)--86-57 in the amount of \$1,450.00.

Motion to receive and file the Sidewalk Advisory Committee's recommendations for the 2017 Sidewalk Assessment Project locations.

Motion to receive and file a report regarding the Flood Plain Development Permit associated with fill for the proposed building expansion of the Marion Aldi's at 1001 50th Street (Mike Rosch, Owner/Agent Aldi, Inc. - Dwight Division).

Motion to receive and file correspondence from the Iowa Department of Transportation District 6 (Speed Study on US 151 and IA 13 in Marion, IA).

Resolution No. 25811 concurring with Iowa Department of Transportation proposed Staff Action Map. (US 151 and IA 13 in Marion, IA).

Motion to receive and file a report regarding traffic signals at Oak Lane and Highway 100.

Motion to receive and file correspondence regarding parking on Barrington Parkway (Paul James, 710 Barrington Parkway).

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

- a. Resolution No. 25812 approving Payment No. 16 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 \$15,573.36.

- b. Resolution No. 25813 approving a payment to Stanley Consultants, Inc., for environmental site assessment services related to the Central Corridor Project in the amount of \$6,787.70.
- c. Resolution No. 25814 approving Payment No. 7 to Confluence for professional services related to the development of the Marion Base Design Guidelines in the amount of \$518.18.
- d. Resolution No. 25815 approving Payment No. 6 to RDG Planning and Design for services related to Active Living Design Guidelines per the approved contract in the amount of \$137.39.
- e. Resolution No. 25816 approving Payment No. 9 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 \$3,000.00.

Resolution No. 25817 setting a Public Hearing for February 23, 2017, at which it is proposed to approve a Development Agreement with Emerson Mattress, Inc., including Annual Appropriation Tax Increment Payments in an amount not to exceed \$315,000.

Resolution No. 25818 setting a Public Hearing for February 23, 2017, at which it is proposed to approve a Development Agreement with AIS Properties, Inc. d/b/a Restoration Dental, including Annual Appropriation Tax Increment Payments in an amount not to exceed \$420,000.

Resolution No. 25819 setting a Public Hearing for February 23, 2017, at which it is proposed to approve a Development Agreement with Arnold Property Group, LLC d/b/a GameOn, including Annual Appropriation Tax Increment Payments in an amount not to exceed \$45,000.

Resolution No. 25820 accepting the City of Marion Uptown Facade Revitalization Project, subject to execution of the Addendum to the Standard Form of Agreement and completion of the punch list items detailed within the Addendum.

Resolution No. 25821 approving an addendum to standard form of agreement between owner and contractor between City of Marion, Iowa and Renaissance Restoration, Inc.

Resolution No. 25822 approving life and long term disability insurance with Madison National Life Insurance Company, Inc., for July 1, 2017 through June 30, 2018.

Motion to receive and file correspondence regarding roundabouts (Charles Knudsen, 2835 24th Avenue).

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

- a. Uptown Marion Market, City Square park and surrounding area, June 10, July 8, and August 12, 2017, City Square park and surrounding area, 5:00 a.m. – 2:00 p.m. (Tami Schlamp, Marion Chamber of Commerce).
- b. Marion Metro Kiwanis BBQ Rendezvous, City Square Park, June 3 - 4, 2017, 12:00 a.m. – 12:00 p.m. (Phil Seidel, 229, Northland Court NE, Cedar Rapids).
- c. Dystonia Awareness & Fundraising event, Thomas Park, October 7, 2017, 8:00 a.m. – 3:30 p.m. (Debbie Durrer, 1 E Wacker #1730, Chicago, IL).

Motion to approve the following liquor license applications:

- a. Renewal application for a Class E Liquor License with additional privilege for Carryout Wine, Carryout Beer, and Sunday Sales for Hy-Vee, Inc., dba Hy-Vee Drugstore (2790 7th Avenue). Expiration 02/28/2017. No violations in previous five years.

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

- a. Resolution No. 25823 approving Partial Payment No. 18 to Genesis Equities, LLC for the Central Corridor Project (26th Street to 31st Street) in the amount of \$3,954.00.
- b. Resolution No. 25824 approving Partial Payment No. 19 to Genesis Equities, LLC for the Central Corridor Project (26th Street to 31st Street) in the amount of \$13.50.

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

- a. Request to vacate Indian Creek Road per the preliminary plat for Gemstone Estates Addition to Marion, Iowa (Morris Wood Enterprises, LLC.).

Mayor pro tem Spinks requested an update on the FY 17-18 budget. City Manager Lon Pluckhahn provided an update. All in favor of motion to approve the Consent Calendar, except Council Member Draper abstained on the renewal application for the Class C Liquor License with additional privilege for Outdoor Service and Sunday Sales for Marion Post Number 298, dba Marion Veterans Club (625 31st Street), motion carried.

Discussion regarding Eco Industrial Park financing (Tim Oswald, Piper Jaffray):

Tim Oswald, Managing Director of the Des Moines office of Piper Jaffray, 3900 Ingersoll Avenue, Suite 110, Des Moines, made a presentation to the City Council regarding leases. City Manager Lon Pluckhahn reviewed budgeting for the Eco Industrial Park. Public Services Director Ryan Miller explained the proposed project. Mayor pro tem Spinks asked about the timing of the project. City Manager Lon Pluckhahn stated that construction would take approximately one year.

Mayor pro tem Spinks opened a public hearing regarding a request by Genesis Equities, LLC., to vacate a portion of 7th Avenue located between 26th Street and 35th Street and vacate 26th Street between 7th Avenue and 8th Avenue (Genesis Equities LLC). Planning and Development Director Tom Treharne presented the staff report. Questions regarding the vacation were heard from Charles Knudsen, 2835 24th Avenue, Darin Garman, 2505 Silver Oak Trail, and Georgia Schmickle, 880 27th Street. Planning and Development Director Tom Treharne and City Manager Lon Pluckhahn responded to the questions. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25825 approving the vacation of a portion of 7th Avenue located between 26th Street and 35th Street and 26th Street between 7th Avenue and 8th Avenue (Genesis Equities LLC) was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 25825. Council Member Pazour spoke opposing the vacation. City Manager Lon Pluckhahn reviewed the timeline for the Central Corridor project. All in favor except Pazour, motion carried.

Mayor pro tem Spinks opened a public hearing regarding the rezoning of property located east of Highway 13 and north of Highway 151 (5801 Hennessey Parkway) from C-3, General Commercial to PD-S, Planned Development-Special (Water Rock LLC).

Council Member Draper left the meeting at 6:25 p.m. and returned at 6:26 p.m.

Planning and Development Director Tom Treharne presented the staff report regarding the proposed development. Brian Ridge, 3062 Kinsale Drive, stated that he is one of the developers of the property. Mr. Ridge introduced Keith Billick, Landscape Architect for Shive Hattery, 316 2nd Street SE, Cedar Rapids. Mr. Billick reviewed the proposed development. Mike Pedersen, 3460 27th Avenue, expressed the need for traffic signals at the intersection of Cherokee Drive and Highway 151. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Ordinance No. 17-04 amending the Marion Code of Ordinances to rezone property located east of Highway 13 and north of Highway 151 (5801 Hennessey Parkway) in Marion, Linn County, Iowa, from C-3, General Commercial to PD-S, Planned Development Special (Water Rock LLC.) was read by Etzel for initial consideration. Moved by Etzel, seconded by Brandt to approve the first reading of Ord. No. 17-04. Council Member Etzel asked the developer if he has done other developments similar to this one. Brian Ridge, 3062 Kinsale Drive, stated that he has done commercial developments in Ottumwa and Des Moines. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding the approval of 13 and 151 First Addition Preliminary Site Development Plan located east of Highway 13 and north of Highway 151 (5801 Hennessey Parkway) in Marion, Linn County, Iowa (Applicant: Water Rock, LLC.). Planning and Development Director Tom Treharne presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25826 approving 13 and 151 First Addition Preliminary Site Development Plan located east of Highway 13 and north of Highway 151 (5801 Hennessey Parkway) in Marion, Linn County, Iowa (Applicant: Water Rock, LLC.) was read by Pazour. Moved by Pazour, seconded by Draper to approve Res. No. 25826. Council asked questions regarding the proposed development. Keith Billick, Lead Landscape Architect for Shive Hattery, Brian Ridge, 3062 Kinsale Drive, developer of the property, and City Engineer Dan Whitlow responded to Council's questions. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding an Amendment to the Master Trails Plan Map. Keshia Billings, Associate Planner, presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25827 approving an Amendment to the Master Trails Plan Map was read by Brandt. Moved by Brandt, seconded by Pazour to approve Res. No. 25827. Council Member Etzel asked about bike boulevards. Keshia Billings, Associate Planner, reviewed the bike trail classifications. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding a Proposed Amendment to the Central Corridor Urban Renewal Area. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25828 approving an Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area was read by Pazour. Moved by Pazour, seconded by Etzel to approve Res. No. 25828. All in favor, motion carried.

Mayor pro tem Spinks opened a public hearing regarding a Proposed Amendment to the Development Agreement with TWG (The Whitsett Group, Inc.). City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Spinks declared the public hearing closed.

Resolution No. 25829 approving an Amended Development Agreement with TWG (The Whitsett Group, Inc.) Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 25829. All in favor, motion carried.

Resolution No. 25830 Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2017 Multi-Residential Urban Revitalization Area was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 25830. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Moved by Pazour, seconded by Etzel to receive and file a Purchase Offer regarding the 44th Street Property (Former Fiberight Site-KTRO, Inc.). City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Council Discussion Time:

Council Member Pazour noted that Carl Adkins passed away. She stated that his father owned the Erwin's building. Mr. Adkins was a college professor and poet.

Council Member Pazour noted that the State is considering changes to the collective bargaining laws.

Council Member Draper reviewed some of the history of Marion from 1917.

Mayor pro tem Spinks reminded everyone to purchase their Steak Fry tickets from any firefighter. The Steak Fry is on Saturday, March 4th from 5:00 p.m. to 8:00 p.m. at the American Legion Post 298 at 625 31st Street. Tickets are \$15.00.

Mayor pro tem Spinks adjourned the meeting at 7:22 p.m.

Raleigh J. Spinks, Jr., Mayor pro tem

Attest:

Beth J. Little, Assistant City Clerk