January 18, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 18, 2018, at 5:35 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Etzel, Jensen, Brandt, and Strnad. Absent: Draper and Gadelha.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Police Chief Joe McHale introduced Sunshine McDonald, new Police Department Data Analyst.

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

Motion to approve minutes of the January 4, 2018 City Council meeting.

Motion to approve the bills as presented in the amount of $695,681.79.

Motion to approve the following liquor license application:

* 1. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for Wrigleyville, LLC, dba Wrigleyville (1899 7th Avenue). Expiration 02/14/2018. No violations in previous five years.

Resolution No. 26593 approving Partial Payment No. 32 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $292.00.

Resolution No. 26594 approving payment to Rathje Construction for the Eco Industrial Park grading project in the amount of $140,474.52.

Motion to receive and file correspondence from the City of Cedar Rapids regarding wastewater treatment fees for the 2018-2019 fiscal year.

Resolution No. 26595 approving Partial Payment No. 3 to MSA for professional services regarding the Lowe Park South End Development Project in the amount of $16,625.00.

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

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* 1. Resolution No. 26596 approving Partial Payment No. 1 to Snyder & Associates, Inc. regarding the 35th Street and 7th Avenue Traffic Study in the amount of $1,220.71.
  2. Resolution No. 26597 approving Partial Payment No. 1 to SRF Consulting Group, Inc. regarding the 29th Avenue and Indian Creek Intersection Study in the amount of $5,521.39.

Resolution No. 26598 approving contract and bond with Rathje Construction Company regarding the Grant Wood Trail Extension: Highway 13 to 35th Street; HMA and PCC Trail [TAP – U – 4775(628) - - 8I – 57].

Resolution No. 26599 approving Agreement 2017-TJ-004 FINAL [Transfer of Jurisdictional of frontage road off U.S. 151] with the Iowa Department of Transportation [IDOT].

Resolution No. 26600 setting a public hearing for February 8, 2018, regarding amendment of access fees related to Ordinance No. 17-24, 100A.14 2015 Winslow Road District.

Motion to approve Project Calendar regarding the 2017 Northview Drive Reconstruction Project [NSI], as follows:

* 1. Motion to retain the City Engineer as Project Engineer regarding the 2017 Northview Drive Reconstruction Project [NSI].
  2. Resolution No. 26601 approving Resolution of Necessity regarding the 2017 Northview Drive Reconstruction Project [NSI].
  3. Resolution No. 26602 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Northview Drive Reconstruction Project [NSI].
  4. Resolution No. 26603 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Northview Drive Reconstruction Project [NSI].

Resolution No. 26604 approving Temporary Construction Easement with Thomas O’Neill, 1990 10th Avenue, regarding the 2018 Sanitary Sewer Manhole Project.

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Motion to approve Project Calendar regarding the 2018 Sanitary Sewer Manhole Project, as follows:

* 1. Motion to retain the City Engineer as Project Engineer regarding the 2018 Sanitary Sewer Manhole Project.
  2. Resolution No. 26605 approving Resolution of Necessity regarding the 2018 Sanitary Sewer Manhole Project.
  3. Resolution No. 26606 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2018 Sanitary Sewer Manhole Project.
  4. Resolution No. 26607 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2018 Sanitary Sewer Manhole Project.

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

* 1. Resolution No. 26608 approving Payment No. 14 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No.TAP-U-47775(628)8I-57) in the amount of $2,579.20.

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

* 1. Preliminary Site Development Plan and Final Site Development Plan for Kwik Star Addition for property located east of Highway 13 and south of Hennessey Parkway (Kwik Star).

Resolution No. 26609 approving the Revised Preliminary Plat Prestwick Place Second Addition for property located north of 29th Avenue and west of 44th Street (Prestwick, LLC).

Motion to receive and file a letter of request to waiver the requirements of the subdivision ordinance and allow a Plat of Survey to transfer Parcel A to the YMCA.

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Motion to receive and file correspondence regarding the Plat of Survey No. 2226 for Mooney-Engle Land Company, LLC for property located south and east of Winslow Road and the Marion YMCA (Tim Mooney).

Motion setting new City Council Photograph for 5:00 p.m. on March 8, 2018.

Motion to receive and file December 2017 Departmental Reports.

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

* 1. Wedding, Lowe Park Amphitheater, July 7. 2018. 8:00 a.m. – 11:00 p.m. (Janet Kadlec, 1808 Hamer Drive NW, Cedar Rapids).
  2. CASANA (Childhood Apraxia of Speech Association of North America) Walk, Thomas Park, July 26, 2018, 9:00 a.m. – 1:00 p.m. (Liz Breen, 396 Memorial Drive SE, Cedar Rapids).

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

Mayor AbouAssaly relinquished the gavel to Deputy Mayor pro tem Strnad at 5:40 p.m. Deputy Mayor pro tem Strnad presided over the meeting.

Moved by Brandt, seconded by Etzel to approve the Consent Calendar with Mayor AbouAssaly abstention from voting and discussion regarding the following items:

Motion to approve the following liquor license application:

* 1. Renewal application for a Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for Louie’s Scoreboard (740 10th Street). Expiration 01/31/2018. No violations in previous five years.

Resolution No. 26610 accepting paving associated with Glen Rock Farm 7th Addition.

Vote on Consent Calendar with Mayor AbouAssaly abstention from voting and discussion: Yeas: Etzel, Jensen, Brandt, and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Deputy Mayor pro tem Strnad relinquished the gavel back to Mayor AbouAssaly at 5:42 p.m. Mayor AbouAssaly presided over the meeting.

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Mayor AbouAssaly opened a public hearing regarding the 2018 Sidewalk Ramp Repair Project. Assistant City Engineer Mike Barkalow presented the staff report on the project. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26611 accepting bids and awarding contract to Hunt Construction Company, Inc. regarding the 2018 Sidewalk Ramp Repair Project in the amount of $92,888.76 was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26611. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the purchase of public property by Gospel Light Baptist Church for property located on 3rd Street north of 2nd Avenue and south of 3rd Avenue. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26612 approving the purchase of public property by Gospel Light Baptist Church for property located on 3rd Street north of 2nd Avenue and south of 3rd Avenue was read by Etzel. Moved by Etzel, seconded by Strnad to approve Res. No. 26612. Planning and Development Director Tom Treharne presented the staff report. Council discussed the City policy regarding sale of street and alley right-of-ways. All in favor, motion carried.

**Resolution No. 26586 approving the Final Plat and Memorandum of Agreement for Grabau’s 2nd Addition located north of Blairs Ferry Road and east of Lindale Drive (Oralee & Leonard Grabau) (removed 01.04.2018) was removed from the agenda.**

Resolution No. 26613 approving the Final Plat and Memorandum of Agreement for Prestwick Place Second Addition for property located north of 29th Avenue and west of 44th Street (Prestwick, LLC) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 26613. All in favor, motion carried.

Resolution No. 26614 approving Plat of Survey No. 2226 for Mooney-Engle Land Company, LLC for property located south and east of Winslow Road was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26614. Council Member Jensen noted that he will be abstaining from discussion and voting on Res. No. 26614. Council Member Jensen explained that he is the Building Committee Chairman for the YMCA project. Bob Carlson, 1195 Secrist Road, CEO of the YMCA; Zachary Bohannon, 200 3rd Avenue SW, Cedar Rapids, Project Manager of the Marion YMCA; and Lydia Brown, 3513 Diamondhead Circle, Hiawatha, developer from Ryan Companies for the YMCA project in Marion, updated the City Council on the YMCA project. Comments were heard from Council Member Strnad regarding the final plat. He also asked for more frequent updates on the project. Vote on Res. No. 26614: Yeas: Etzel, AbouAssaly, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: Jensen. Motion carried.

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Mayor AbouAssaly relinquished the gavel to Deputy Mayor pro tem Strnad at 6:01 p.m. Deputy Mayor pro tem Strnad presided over the meeting.

Resolution No. 26615 of support for Freund Vector’s Business Financial Assistance application to the Iowa Economic Development Authority was read by Brandt. Moved by Brandt, seconded by Etzel to approve Res. No. 26615. Council Member Jensen explained that he previously was President and CFO of Freund Vector. His employment with them ended 4.5 years ago. Council Member Jensen stated that he receives a small deferred comp, but he has no personal, investment, or financial interest in Freund Vector. He also explained that the City is not investing financially in Freund Vector, but is just providing a letter of support to the State. Council Member Jensen explained that he feels he can vote on this item without any concerns. Vote on Res. No. 26615: Yeas: Etzel, Jensen, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Resolution No. 26616 amending Memorandum of Understanding (MOU) for GLD Commercial – Hotel Project was read by Etzel. Moved by Etzel, seconded by Brandt to approve Res. No. 26616. Vote on Res. No. 26616: Yeas: Etzel, Jensen, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Moved by Jensen, seconded by Etzel to receive and file an application for tax increment financing assistance (TIF) (Squaw Creek Millwork Building). Vote: Yeas: Etzel, Jensen, Brandt, and Strnad. Nays: None. Abstention form voting and discussion: AbouAssaly. Motion carried.

Moved by Brandt, seconded by Etzel to direct staff to negotiate a Memorandum of Understanding (MOU) for the Squaw Creek Millwork building. Vote: Yeas: Etzel, Jensen, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Deputy Mayor pro tem Strnad relinquished the gavel back to Mayor AbouAssaly at 6:05 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 26588 approving an amendment to a Development Agreement (AIS Properties, Inc. d/b/a Restoration Dental) (tabled 01.04.2018) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 26588. Council Member Brandt requested a staff report. City Manager Lon Pluckhahn presented the staff report. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing regarding the Proposed Amendment to the Plan for the 2017 Workforce Housing Urban Revitalization Area. City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

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Mayor AbouAssaly recommended the following appointment:

* 1. Bethany Jordan, 930 12th Street, Construction Code Review Board, term expires 01-01-2022.

Moved by Strnad, seconded by Brandt to concur with the Mayor’s recommendation. All in favor, motion carried.

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

Council Discussion Time:

Council Member Jensen noted that he was at the Library for Council office hours the past two Saturdays. Council Member Brandt noted that there will not be Council office hours at the Library on Saturday, January 20th due to the special Council budget work session. Council Member Jensen thanked the Library staff for setting up for the Council office hours.  
 Mayor AbouAssaly reminded everyone of the State of the City luncheon on Thursday, January 25th. He also noted that the monthly coffee with the Mayor at Hy-Vee is January 27th.

Mayor AbouAssaly adjourned the meeting at 6:11 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Beth J. Little, Assistant City Clerk