

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, June 7, 2018, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Etzel, Jensen, Gadelha, Brandt, and Strnad. Absent: None.

The meeting was opened with the Pledge of Allegiance.

Council observed a moment of silence.

Presentation regarding public input for the Preferred Pedestrian Bridge Design over Marion Boulevard as part of the CeMar Trail Project by Associate Planner Kesha Billings. Four bridge options were shown. All would have pedestrian access to and from 7th Avenue. Received 1508 total votes. Option A received 555 (36%) votes. Option B received 255 (16%) votes. Option C received 291 (19%) votes. Option D received 407 (26%) votes. Council Member Gadelha asked if all options were ADA compliant. Billings stated ideally yes, designs are preliminary. Council Member Jensen asked if all voting was done without showing cost estimate. Billings confirmed and stated some came in higher and lower than the \$1,500,000 budgeted. Billings will request direction from Council on next agenda. Council Member Jensen asked to receive cost estimate. Council Member Gadelha asked about materials. Billings stated the designs were preliminary. Mayor AbouAssaly asked who designed. Billings stated Substance Architecture designed options A, B, C. Marion BIG designed Option D. Council Member Gadelha stated cost would be factor in decision. Billings stated they haven't looked into state funding yet.

Presentation regarding HeartSafe Linn County Iowa by Rose Hedges (303 3rd Street, Mt Vernon) with Unity Point Hospital. Linn County received HeartSafe designation last fall. Designation is good through 2020. Qualifications met included frequent and readily available CPR and AED training and education programs, encouragement of public access defibrillator AED placements, noted advanced care life support focus and designed first responder involvement, updated AED location and maintenance technology focus and involvement, and mobile technology focus and involvement. Hedges asked for Council to help spread the word about mobile app which details where AED's are located throughout Linn County. Mayor AbouAssaly asked who grants designation. Hedges stated program is through HeartSafe.

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

Motion to approve minutes of the May 15 and 17, 2018 City Council meetings.

Motion to approve the bills as presented in the amount of \$8,221,914.23.

Motion to approve the following liquor license applications:

- a. Renewal application for a Class E Liquor License with additional privilege for Class B Wine, Class C Beer (Carryout), and Sunday Sales for Kum & Go LC, dba Kum & Go #503 (3215 7th Avenue). Current Expiration 06/30/2018. There has been one violation in the last five years.
- b. Renewal application for a Class C Beer Permit with additional privilege for Class B Native Wine, Class C Beer, and Sunday Sales for Petroleum Services Company LLC, dba Hawkeye Convenience Stores (1010 East Post Road). Current Expiration 06/30/18. There have been no violations in the last five years.

Resolution No. 26888 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in Section 123.50(3) of the Code of Iowa (CIBO FUSION, 685 Marion Boulevard).

Resolution No. 26889 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in Section 123.50(3) of the Code of Iowa (Tomaso's Pizza, 1111 7th Avenue).

Motion to receive and file certified list for Police Officer.

Resolution No. 26890 approving the following payments to Dorsey & Whitney for services rendered:

\$13,500.00 – 2018A General Obligation Bonds
\$8,500.00 – 2018 GO Bonds Disclosure Council
\$3,585.00 – Capital Commercial Agreement Claim Review
\$1,812.50 – Game On Development Agreement
\$6,106.50 – Central Corridor UR Plan Amdmt. & SB Costal Dev Agmt.
\$6,910.50 – Collins Road UR Plan Amdmt. & MPS Dev. Agmt.
\$2,461.50 – Plan Amendments – UR Admin Support & Internal Loans
\$2,529.50 – Genesis Equities Development Agreement
\$2,821.50 – Je Pense Development Agreement
\$2,427.50 – Urban Revitalization Plan Amendment
\$5,017.00 – Municipal Airport Matters
\$4,780.50 – Eco-Industrial Park

Resolution No. 26891 approving Partial Payment No. 36 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$876.00

Motion setting June 14, 2018 at 4:00 p.m. as date to discuss the Eco-Industrial Park.

Motion directing staff to solicit Request for Qualifications (RFQ) for Fire Station No. 3.

Resolution No. 26892 approving repairs to the Willowood Swimming Pool Water Heater and awarding repair contract to Brecke Mechanical Contractors in the amount of \$17,880.00.

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

- a. Resolution No. 26893 approving Partial Payment No. 4 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$56,785.25.
- b. Resolution No. 26894 approving Partial Payment No. 3 to Snyder & Associates regarding the 7th Avenue and 35th Street Intersection Study in the amount of \$15,244.00.
- c. Resolution No. 26895 approving Partial Payment No. 3 to Anderson-Bogert Engineers regarding the Tower Terrace Road Phase IX Project in the amount of \$9,800.00.
- d. Resolution No. 26896 approving Partial Payment No. 6 to SRF Consulting Group, Inc. regarding the 29th Avenue and Indian Creek Road Intersection Improvement Study in the amount of \$925.81.
- e. Resolution No. 26897 approving Partial Payment No. 1 to Borst Brothers Construction, Inc. regarding the 3600 Winslow Road Property Disposal in the amount of \$10,650.00.
- f. Resolution No. 26898 approving Partial Payment No. 1 to Borst Brothers Construction, Inc. regarding the 3630 Winslow Road Property Disposal in the amount of \$10,000.00.
- g. Resolution No. 26899 approving Partial Payment No. 3 to Rathje Construction Company regarding the Grant Wood Trail Extension: Highway 13 to 35th Street; HMA and PCC Trail [TAP – U – 4775(628) - - 8I – 57] in the amount of \$169,123.62.
- h. Resolution No. 26900 approving Partial Payment No. 2 to Eastern Iowa Excavating and Concrete, LLC regarding the 2018 Sanitary Sewer Manhole Project in the amount of \$3,857.00.
- i. Resolution No. 26901 approving Partial Payment No. 1 to Hunt Construction, Inc. regarding the 2018 Sidewalk Ramp Repair Project in the amount of \$40,005.25.

- j. Resolution No. 26902 approving Partial Payment No. 1 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project in the amount of \$235,662.25.
- k. Resolution No. 26903 approving Partial Payment No. 5 to Rathje Construction Company, Inc. regarding the 2017 Armar Drive Extension Project in the amount of \$6,484.96.
- l. Resolution No. 26904 approving Partial Payment No. 1 to D.W. Zinser Company regarding the 184 8th Avenue Demolition Services in the amount of \$15,250.00.
- m. Resolution No. 26905 approving Partial Payment No. 15 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$4,254.25.
- n. Resolution No. 26906 approving Partial Payment No. 2 to Calhoun-Burns and Associates, Inc. regarding the 2018 Bridge Inspection Services in the amount of \$2,176.50.

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2017 Northview Drive Reconstruction Project [NSI] as follows:

- a. Resolution No. 26907 approving Temporary Construction Easement with Phylliss J. Yuva, 1440 Northview Drive, regarding the 2017 Northview Drive Reconstruction Project (NSI).
- b. Resolution No. 26908 approving Temporary Construction Easement with Jeffrey A. Andrews & Brenda L. Ferrie, 1400 Northview Drive, regarding the 2017 Northview Drive Reconstruction Project (NSI).
- c. Resolution No. 26909 approving Temporary Construction Easement with Ricardo & Amy L. Eldred Hernandez, 2230 11th Avenue, regarding the 2017 Northview Drive Reconstruction Project (NSI).
- d. Resolution No. 26910 approving Temporary Construction Easement with Kari A. Powers, 1240 Northview Drive, regarding the 2017 Northview Drive Reconstruction Project (NSI).

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

- a. Resolution No. 26911 approving Payment No. 18 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 \$2,111.20.

- b. Resolution No. 26912 approving Payment No. 6 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$14,029.07.
- c. Resolution No. 26913 approving Payment No. 32 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 \$165.22.
- d. Resolution No. 26914 approving Payment No. 4 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$2,776.00. Contract amount remaining \$16,141.39.

Resolution No. 26915 setting public hearing for June 21, 2018 regarding the renaming of Pioneer Court to Pioneer Drive located west of Larkspur Drive within the Bridge Creek 4th Addition.

Resolution No. 26916 approving life and long term disability insurance with Madison National Life Insurance Company, Inc., for July 1, 2018 through June 30, 2020.

Motion to receive and file new job description for Police Facilities Maintenance Coordinator and Engineering Project Assistant.

Resolution No. 26917 amending the 04/01/2018 non-bargaining pay schedule to change the Engineering Administrative Assistant to an Engineering Project Assistant pay range (\$51,478 minimum to \$75,703 hard cap).

Resolution No. 26918 approving a five-year master services agreement with Vision Technology Solutions, LLC dba VISION for Annual Website Services and Redesign Services in the amount of \$69,652.

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

- a. Neighborhood Outdoor Party, Par Circle, June 16, 2018, 6:00 p.m. – 11:00 p.m. (Steve Allsop, 4275 Par Circle).
- b. Band, Uptown Artway, June 15, 2018, 7:00 p.m. – 10:30 p.m. (Paul Matthews, 770 11th Street).

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

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:58 p.m. Mayor pro tem Gadelha presided over the meeting.

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

Resolution No. 26919 approving Partial Payment No. 5 to Knapp Warden LLC for design services associated with the Eco Industrial Park - Phase 1 in the amount of \$11,262.50.

Resolution No. 26920 accepting Bowman Meadows 5th Addition to the City of Marion (Skogman).

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

- a. Resolution No. 26921 approving Partial Payment No. 2 for reimbursement to Morris Wood Enterprises, LLC regarding the Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) Project in the amount of \$220,096.76.
- b. Resolution No. 26922 approving Partial Payment No. 22 to Genesis Equities, LLC for the Central Corridor Project (13th Street to 31st Street) in the amount of \$15,012.67.
- c. Resolution No. 26923 approving Partial Payment No. 1 to L.L. Pelling Company, Inc. regarding the 2018 HMA Resurfacing Project in the amount of \$299,598.19.
- d. Resolution No. 26924 approving Partial Payment No. 5 to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of \$126,525.46.
- e. Resolution No. 26925 approving Partial Payment No. 3 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$92,309.38.

Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly at 5:59 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing regarding a proposal to enter into a General Obligation Urban Renewal Loan Agreement (Prospect Meadows). City Manager Lon Pluckhahn presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 26926 approving a General Obligation Urban Renewal Loan Agreement providing for the provisional levy of taxes to pay the same and approving a side agreement with Prospect Meadows, Inc. was read by Draper. Moved by Draper, seconded by Gadelha to approve Res. No. 26926. City Manager Lon Pluckhahn presented staff report. Council Member Draper asked if the Resolution could be approved without the side agreement. Motion by Draper, seconded by Jensen to amend Res. No. 26926 by removing and tabling the approval of side agreement. Council discussed the amendment to resolution. Council Member Draper withdrew his motion to amend Res. No. 26926, Council Member Jensen withdrew his second. Motion by Brandt, seconded by Gadelha to amend Res. No. 26926 to approve General Obligation Urban Renewal Loan Agreement contingent upon the approval of the side agreement. All in favor of the amendment, motion carried. All in favor of the motion as amended, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 6:12 p.m. Mayor pro tem Gadelha presided over the meeting.

Mayor pro tem Gadelha opened the public hearing regarding the issuance of an Urban Renewal Annual Appropriation Tax Increment Revenue Bond, Series 2018 in a principal amount not to exceed \$4,500,000 (GLD Hotel Development Project). City Manager Lon Pluckhahn presented staff report. No other comments, written or verbal, were received. Mayor pro tem Gadelha declared the public hearing closed.

Resolution No. 26927 authorizing the issuance of a \$4,500,000 Urban Renewal Annual Appropriation Tax Increment Revenue Bond, Series 2018 pledging to the payment thereof funds and portions of taxes (subject to non-appropriation) created pursuant to the authority of Subsection 2 of Section 403.19 of the Code of Iowa (GLD Hotel Development Project) was read by Etzel. Moved by Etzel, seconded by Draper to approve Res. No. 26927. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, and Strnad. Nays: None. Abstention from voting and discussion: AbouAssaly. Motion carried.

Mayor pro tem Gadelha relinquished the gavel back to Mayor AbouAssaly at 6:15 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 26928 approving 28E Agreements with Linn-Mar School District and Marion Independent School District for School Resource Officers was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 26928. Police Chief Joe McHale presented the staff report. Council Member Gadelha stated her desire to see Linn-Mar Community School District add more school resource officers. Council Member Brandt commended Officer Daubs. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the adoption by reference the International Fire Code 2018 Edition with amendments and providing penalties. Fire Chief Deb Krebill presented staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-18 adopting by reference the International Fire Code 2018 Edition with amendments and providing penalties was read by Gadelha for first consideration. Moved by Gadelha, seconded by Jensen to approve the initial reading of Ord. No. 18-18. Council Member Jensen asked for confirmation the ordinance was amended as discussed on Tuesday, June 5. Fire Chief Krebill confirmed section was removed from ordinance. Council Member Gadelha asked to increase penalty in the future. All in favor, motion carried.

Council Member Jensen asked Fire Chief Deb Krebill about Fire Department training to be held on Saturday, June 9, 2018. Fire Chief Deb Krebill stated the Fire Department will be burning down a farmhouse and vehicles to show ultra-high pressure firefighting system which uses less water than conventional firefighting.

Ordinance No. 18-11 amending Chapter 160 of the Code of Ordinances and adopting by reference the International Building Code 2018 Edition with amendments and providing penalties was read by Brandt for second consideration. Moved by Brandt, seconded by Etzel to approve the second reading of Ord. No. 18-11. All in favor, motion carried.

Moved by Draper, seconded by Brandt to suspend the rules and place Ord. No. 18-11 on the agenda for adoption and to adopt Ord. No. 18-11. All in favor, motion carried.

Ordinance No. 18-12 amending Chapter 163 of the Code of Ordinances and adopting by reference the International Mechanical Code 2018 Edition with amendments and providing penalties was read by Strnad for second consideration. Moved by Strnad, seconded by Brandt to approve the second reading of Ord. No. 18-12. All in favor, motion carried.

Moved by Draper, seconded by Brandt to suspend the rules and place Ord. No. 18-12 on the agenda for adoption and to adopt Ord. No. 18-12. All in favor, motion carried.

Ordinance No. 18-13 amending Chapter 161 of the Code of Ordinances and adopting by reference the International Plumbing Code 2018 Edition with amendments and providing penalties was read by Draper for second consideration. Moved by Draper, seconded by Etzel to approve the second reading of Ord. No. 18-13. All in favor, motion carried.

Moved by Brandt, seconded by Draper to suspend the rules and place Ord. No. 18-13 on the agenda for adoption and to adopt Ord. No. 18-13. All in favor, motion carried.

Ordinance No. 18-14 amending Chapter 153 of the Code of Ordinances and adopting by reference the International Property Maintenance Code 2018 Edition with amendments and providing penalties was read by Etzel for second consideration. Moved by Etzel, seconded by Jensen to approve the second reading of Ord. No. 18-14. All in favor, motion carried.

Moved by Draper, seconded by Etzel to suspend the rules and place Ord. No. 18-14 on the agenda for adoption and to adopt Ord. No. 18-14. All in favor, motion carried.

Ordinance No. 18-15 amending Chapter 50 of the Code of Ordinances relating to Nuisance Abatement Procedure was read by Jensen for second consideration. Moved by Jensen, seconded by Brandt to approve the second reading of Ord. No. 18-15. All in favor, motion carried.

Moved by Brandt, seconded by Etzel to suspend the rules and place Ord. No. 18-15 on the agenda for adoption and to adopt Ord. No. 18-15. All in favor, motion carried.

Ordinance No. 18-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code was read by Gadelha for second consideration. Moved by Gadelha, seconded by Etzel to approve the second reading of Ord. No. 18-16. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to suspend the rules and place Ord. No. 18-16 on the agenda for adoption and to adopt Ord. No. 18-16. All in favor, motion carried.

Resolution No. 26929 approving a Stop Sign stopping north and south bound traffic on Winslow Road at its intersection with Tower Terrace Road was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 26929. City Engineer Michael Barkalow presented the staff report.

Mayor AbouAssaly left the meeting at 6:37 p.m.
Mayor pro tem Gadelha presided over the meeting.

City Engineer continued presenting staff report. Vote: Yeas: Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: Draper. Absent: AbouAssaly. Motion carried.

Resolution No. 26930 approving removal of a Stop Sign stopping west bound traffic on 35th Avenue intersection with Indian Creek Road was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 26930. City Engineer Mike Barkalow presented staff report. Vote: Yeas: Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: Draper. Motion carried.

Resolution No. 26931 approving removal of a Stop Sign stopping east bound traffic on Brookside Drive at its intersection with Indian Creek was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 26931. City Engineer Mike Barkalow presented staff report. Motion by Draper, second by Jensen to amend Res. No. 26931 to add condition that stop sign will remain while Indian Creek Road is active street. Vote on amendment: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried. Vote on motion as amended: Yeas: Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: Draper. Absent: AbouAssaly. Motion carried.

Ordinance No. 18-10 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Alburnett Road as 35 mph from the northern City Limits, except that area from 400' south of the Oakridge School Drive to 400' north of Echo Hill Road which shall be 25 mph when children present to the southern terminus of Alburnett Road. (Remove code section 5D, 6G & 6H, and add 5AC) was read by Etzel for final consideration. Moved by Etzel, seconded by Jensen to approve the third reading of Ord. No. 18-10.

Council Member Gadelha stated this would be positive for the school district. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Mayor pro tem Gadelha opened the public hearing regarding annexation request from Genesis Equities Land Holding LLC for property east of Partners Avenue and south of Marion Airport Road, Marion, Iowa. Community Development Director Tom Treharne presented staff report. Comments for the annexation were heard from Chad Brandel (4317 Quail Trail Drive, Marion) on behalf of Genesis Equities. No other comments, written or verbal, were received. Mayor pro tem Gadelha declared the public hearing closed.

Resolution No. 26932 approving annexation request from Genesis Equities Land Holding LLC for property east of Partners Avenue and south of Marion Airport Road, Marion, Iowa was read by Jensen. Moved by Jensen, seconded by Strnad to approve Res. No. 26932. Comments were heard from Council Member Draper and Community Development Director Tom Treharne. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26933 setting June 21, 2018 as a public hearing regarding the property east of the Marion Airport Runway and south of Marion Airport Road to amend the Future Land Use Map of the Marion Comprehensive Plan from Business Park/Office to Light Industrial and to Corridor Commercial and from Light Industrial to Corridor Commercial and a request to Rezone from Restricted Industrial, I-1 to General Commercial, C-3 and from Linn County Agricultural to Restricted Industrial, I-1 and to General Commercial, C-3 (Genesis Equities Land Holding, LLC) was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 26933. Community Development Director Tom Treharne presented staff report. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26934 approving the Final Plat and Memorandum of Agreement for Echo Hill 3rd Addition located east of Alburnett Road and north of Echo Hill Road (Integrity Custom Homes Inc.) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 26934. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26935 approving the Final Plat and Memorandum of Agreement for Authors 5th Addition located east of 35th Street and south of 35th Avenue (Morris Wood Enterprises LLC) was read by Draper. Moved by Draper, seconded by Etzel to approve Res. No. 26935. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26936 approving a Final Plat and Memorandum of Agreement for Downing Farm 3rd Addition south of Kettering Road and north of East Robins Road (Mooney-Engle Land Co. LLC) was read by Etzel. Moved by Etzel, seconded by Jensen to approve Res. No. 26936. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26937 approving a Final Plat and Memorandum of Agreement for MidAmerican 1st Addition to Linn County at 2970 East Post Road in Linn County, Iowa was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 26937. Vote: Yeas: Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention from voting: Draper. Absent: AbouAssaly. Motion carried.

Mayor pro tem Gadelha opened the public hearing regarding a request to vacate the southern 120 feet of the north-south alley lying between Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa (Seven Hills East LLC). Community Development Director Tom Treharne presented staff report. Mr. Treharne noted correspondence was received in favor of the request from Brandy Reggelsen with Select Construction (755 9th Avenue). Comments in favor of the request were heard from Joe Hill (1325 Pacific Highway 2707, San Diego, CA 92101). Comments opposing the request were heard from Mark and Lynn Schliemann (1008 FF Avenue, Marengo). No other comments, written or verbal, were received. Mayor pro tem Gadelha declared the public hearing closed.

Resolution No. 26938 approving a request to vacate the southern 120 feet of the north-south alley lying between Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa (Seven Hills East LLC) was read by Jensen. Moved by Jensen, seconded by Etzel to approve Res. No. 26938. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Mayor pro tem Gadelha opened the public hearing regarding the sale of the vacated property described as the southern 120 feet of the north-south alley lying between Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa (Seven Hills East LLC). Community Development Director Tom Treharne presented the staff report. No other comments, written or verbal, were received. Mayor pro tem Gadelha declared the public hearing closed.

Resolution No. 26939 approving the sale of the vacated southern 120 feet of the north-south alley lying between Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa and directing manner of execution of deed (Seven Hills East LLC) was read by Brandt. Moved by Brandt, seconded by Draper to approve Res. No. 26939. Comments were heard from Council Member Strnad and Public Services Director Ryan Miller. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Moved by Strnad, seconded by Jensen to receive, file, and discuss a Letter from Bradley & Riley regarding the 29th Avenue Access Fees for Prairie Hill 16th Addition Final Plat located south of 29th Avenue and west of Highway 13 (Platinum Development). Comments were heard from Attorney Dean Spina (2007 First Avenue SE, Cedar Rapids) on behalf of Platinum Development. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Ordinance No. 18-17 designating an area of Marion, Iowa, as the 2018 Workforce Housing Urban Revitalization Area was read by Draper for second consideration. Moved by Draper, seconded by Etzel to approve second reading of Ord. No. 18-17.

Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Resolution No. 26940 approving Memorandum of Understanding (MOU) with Culver Enterprises, LLC, regarding Tax Increment Financing (TIF) incentives was read by Etzel. Moved by Etzel, seconded by Jensen to approve Res. No. 26940. City Manager Lon Pluckhahn presented the staff report. Council discussed the Memorandum of Understanding. Todd Culver (2316 Timber Creek Drive, Marion) provided information about the project. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Mayoral appointment:

- a. Judy Saluri, 1785 Grand Avenue, Historic Preservation Committee, term expires 01/01/2019.

Moved by Gadelha, seconded by Strnad to concur with the Mayor's recommendation. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Citizen's presentations, comments and/or petitions:

Kent Backen, 3436 Barnsley Circle, expressed concern about tax increment financing and the amount of financing for previous project. Mayor pro tem Gadelha stated Council relies on the economic development committee recommendations. City Manager Lon Pluckhahn explained the history of project referenced and recent tax increment financing changes.

Council Discussion Time:

Council Member Strnad commented about attending the press conference regarding partnership between Marion Police and Fire Departments. He noted that he will enjoy seeing story on the local news.

Mayor pro tem Gadelha gave congratulations to Marion and Linn-Mar graduates. She hopes they remain in Marion and wishes them the best.

Council Member Draper requested staff to install sidewalk from Lowe Park to Linn-Mar school district. He would also like staff to have sidewalk installed along Indian Creek Road. Council Member Draper presented history lesson regarding Indy 500 racetrack and the Cook brick company in Marion.

Moved by Gadelha, seconded by Jensen to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa. City Attorney Ryan Tang stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Moved by Strnad, seconded by Draper to reconvene to regular session. Vote: Yeas: Draper, Etzel, Jensen, Gadelha, Brandt, Strnad. Nays: None. Absent: AbouAssaly. Motion carried.

Mayor pro tem Gadelha adjourned the meeting at 9:23 p.m.

Rene Gadelha, Mayor pro tem

Attest:

Rachel Bolender, Assistant City Clerk