

July 19, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, July 19, 2018, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Jensen, Gadelha, Brandt, and Strnad. Absent: Etzel.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:34 p.m. Mayor pro tem Gadelha presided over the meeting.

A presentation was given by Jim Hobart and Jill Carlson with Hobart Historic Restoration (450 1st Street SW, Suite 102, Cedar Rapids) regarding the application for TIF Assistance. Mr. Hobart spoke in regards to other projects completed including the Cooper Wagon Works and Bonson Block in Dubuque, Iowa and Mott Lofts and The Metropolitan in Cedar Rapids, Iowa. Mr. Hobart stated that Hobart Historic Restoration began in 2013 and is a small family business with over 15 employees. They have completed 14 buildings since 2010 and have several more underway. They are excited to now work on 1204 7th Avenue, Marion, Iowa. Council Member Jensen asked if Mr. Hobart could explain the new building including the number of apartments in the building. Mr. Hobart stated it will have one bedroom units and there will be 16 total apartments and a restaurant on first floor. Council Member Draper thanked Mr. Hobart for changing the look of the building. Council Member Gadelha stated the buildings Hobart Historic Restoration have completed are impressive. Mr. Hobart invited all council members to visit The Metropolitan in Cedar Rapids.

Mayor pro tem Gadelha relinquished the gavel to Mayor AbouAssaly at 5:41 p.m. Mayor AbouAssaly presided over the meeting.

A presentation was given by Zach Bohannon, Project Manager for YMCA (207 7th Avenue SE, Cedar Rapids) regarding the YMCA/Functions & Fitness project. Mr. Bohannon recapped The Gazette article regarding the project. He reassured Council they received unanimous consent of the new location and have received positive feedback from the neighboring properties. Mr. Bohannon thanked Parks Director Mike Carolan and all parks staff who have assisted YMCA. Council Member Gadelha asked about the \$4 Million gap in funding and the timeline to raise money. Mr. Bohannon stated they hope to achieve that in four to five months. The funding gap was caused by Linn-Mar backing out. Council Member Draper stated he has received calls from residents on the south side of Marion. He would like to get a trail out to this new site. Mr. Bohannon stated they are actively working on getting trails from Lowe Park to Linn-Mar and in the works to establish a bus route to Tower Terrace. Council Member Gadelha stated she is a huge fan of new location and glad it is generating buzz.

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

Motion to approve minutes of the July 3, 5 and 6, 2018 City Council meetings.

Motion to approve the bills as presented in the amount of \$849,328.64.

Motion to approve the following liquor license applications:

- a. New application for a Class C Liquor License with additional privilege for Catering for Bistro on the River, Inc., dba Bistro 3 Nineteen (796 11th Street). Effective 07/16/2018.
- b. New application for Class B Native Wine Permit with additional privilege for Sunday Sales for Jeanette Ramirez and Hanna Weston dba Nette & Hanna's Apothecary Store & More (892 8th Avenue). Effective 07/05/2018.
- c. Renewal application for Special Class C Liquor License with additional privilege for Sunday Sales for Whaddaywant Marion LLC dba Tomaso's Pizza (1111 7th Avenue). Effective 08/04/2018. One violation in last five years.
- d. Renewal application for Class E Liquor License with additional privileges for Class B Native Wine Permit, Class C Beer Permit and Sunday Sales for Casey's Marketing dba Casey's General Store #2924 (1100 Eagle View Drive). Effective 08/19/2018. No violations in the last five years.

Resolution No. 27010 approving Partial Payment No. 38 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$4,652.18.

Motion to receive and file correspondence regarding Fireworks from Bert and Jean Graham, 3056 White Oak Drive.

Motion to receive and file email correspondence regarding Fireworks.

Resolution No. 27011 approving payment to Racom Corporation for Fire Alerting Service in the amount of \$8,903.93.

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

- a. Resolution No. 27012 approving Partial Payment No. 4 to Snyder & Associates, Inc. regarding the 7th Avenue and 35th Street Intersection Study in the amount of \$16,568.00.

- b. Resolution No. 27013 approving Partial Payment No. 5 to Anderson-Bogert Engineers regarding the Tower Terrace Road Phase IX Improvements in the amount of \$14,700.00.
- c. Resolution No. 27014 approving Partial Payment No. 6 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$14,100.26.
- d. Resolution No. 27015 approving Partial Payment No. 2 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$25,236.12.

Motion to receive, file, discuss and refer to TAC request regarding requesting stop signs at the intersection of West 34th and Hawthorne Street. (Bobby Udell, 335 W 34th Avenue).

Resolution No. 27016 approving a contract with EB Solutions, Inc. regarding the Wetland Mitigation and Annual Monitoring for the Grant Wood Trail in the amount of \$8,400.00.

Resolution No. 27017 approving Change Order No. 1 with BWC Excavating, LC regarding the 2018 Northview Drive Reconstruction Project (NSI) in the amount of \$21,615.00.

Resolution No. 27018 authorizing the submittal of an application for Traffic Safety Improvement Program (TSIP) funding for the intersection of Highway 151 and 62<sup>nd</sup> Street to convert the 2-way stop controlled intersection to traffic signals with turn-lanes.

Resolution No. 27019 accepting the 2018 Sidewalk Ramp Repair Project.

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

- a. Resolution No. 27020 approving payment No. 19 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(629)8I-57) in the amount of \$2117.23.
- b. Resolution No. 27021 approving payment No. 5 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$1,041.00. Contract amount remaining \$15,100.00.

Motion to receive, file and refer the following items to the Planning and Zoning Commission:

- a. Final Plat for property located at 1880 Bloomington Road in Linn County (Whispering Estate Addition – Del and Donna Bucknell).
- b. A future land use map amendment, a rezoning of property from A-1 (Rural Restricted) to R-2 (Medium Density Single Family Residential) & C-3 (General Commercial) and the Tower Terrace Commercial Preliminary Plat for property located between Alburnett Road and Irish Drive and north and south of Tower Terrace Road.

Resolution No. 27022 setting public hearing for August 9, 2018 regarding an amendment to the Master Trails Plan Map.

Resolution No. 27023 setting a public hearing for August 9, 2018 and directing publication of notice regarding a request to vacate the alley between 345/355 and 375 6<sup>th</sup> Avenue, Marion, Iowa. (Schaul request).

Resolution No. 27024 setting a public hearing for August 9, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property described as the alley between 345/355 and 375 6<sup>th</sup> Avenue, Marion, Iowa. (Schaul request).

Resolution No. 27025 setting a public hearing for August 9, 2018 and directing publication of notice regarding a request to vacate the alley between 321/335 10<sup>th</sup> Street and 308/340 11<sup>th</sup> Street, Marion, Iowa. (Vorobstov request).

Resolution No. 27026 setting a public hearing for August 9, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property between 321 10<sup>th</sup> Street and 308 11<sup>th</sup> Street, Marion, Iowa. (Vorobstov request).

Resolution No. 27027 setting a public hearing for August 9, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property between 335 10<sup>th</sup> Street and 340 11<sup>th</sup> Street, Marion, Iowa. (Byse request).

Resolution No. 27028 setting a public hearing for August 9, 2018 regarding revisions to Chapter 176 Marion Zoning Ordinance by removing and replacing current Chapter 176.06 Rules and Definitions to include new and updated definitions.

Resolution No. 27029 setting a public hearing for August 9, 2018 regarding revisions to Chapter 176 Marion Zoning Ordinance by removing and replacing chapter 176.33 Nonconforming Uses, Buildings and Structures with updated provisions and language.

Resolution No. 27030 setting a public hearing for August 9, 2018 regarding amendment to Chapter 176 Marion Zoning Ordinance, updating Chapter 176.04, Establishment of Districts and Map, to include new Zoning District Classifications and establishing chapter 176.51, New Zoning District Classifications.

Resolution No. 27031 approving contract modification for the lease at 524 10th Street, Marion.

Resolution No. 27032 repealing Resolution No. 23655, amending Resolution 23016 regarding the number of Local Option Sales Tax Oversight Committee members to include nine (9) members and establishing terms.

Resolution No. 27033 amending Resolution No. 23016, establishing a citizen oversight committee regarding the Local Option Sales Tax.

Motion to receive and file June 2018 Departmental Reports.

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

- a. Concert in the Park, Marion City Park, June 11, 2019, 7:00 – 8:15 p.m. and July 2, 2019 7:00 – 8:15 p.m. (David Law, Marion Community Band, 1560 Pleasantview Drive).
- b. Band, Uptown Artway Stage, July 27, 2018, 7:00 – 11:00 p.m. (Paul Matthews, Uptown Snug, 760 11th Street).
- c. Classics on the Lawn, 970 10th Street, July 21, 2018, 8:30 – 11:00 p.m. (Sarah Hyatt, The Granger House Victorian Museum, 970 10th Street).
- d. Linn-Mar Homecoming Parade, North 10th Street, September 27, 2018, 5:15 – 6:30 p.m. (Steve Goodall, Linn-Mar High School, 311 North 10th Street).

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

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 5:51 p.m. Mayor pro tem Gadelha presided over the meeting.

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

Resolution No. 27034 approving a two year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger newsletter in the amount of \$62,000.

Motion to receive and file an application for tax increment financing (TIF) assistance from Hobart Historic Restoration.

Motion directing staff to draft a Memorandum of Understanding (MOU) with Hobart Historic Restoration, regarding tax increment financing (TIF) incentives.

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

Mayor pro tem Gadelha relinquished the gavel to Mayor AbouAssaly at 5:52 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing regarding amendments to the Fiscal Year 2018-2023 Capital Improvement Program (Eco Industrial Park, 29th and Indian Creek Intersection Improvement Project and the 2018 Sanitary Sewer Capacity Study). Public Services Director Ryan Miller and City Engineer Mike Barkalow presented staff reports. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27035 approving the amendment to the Fiscal Year 2018-2023 Capital Improvement Program to reflect estimates for Eco Industrial Park (Public Services Facility Project) was read by Strnad. Moved by Strnad, seconded by Gadelha to approve Res. No. 27035. All in favor, motion carried.

Resolution No. 27036 approving the amendment to the Fiscal Year 2018-2023 Capital Improvement Program to reflect expenditure changes regarding the 29th and Indian Creek Intersection Improvement Project and the 2018 Sanitary Sewer Capacity Study was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 27036. Council Member Gadelha asked where the unused funds would go? City Engineer Mike Barkalow stated \$91,500 is going to the 2018 Sanitary Sewer Capacity Study and the remaining amount will go back into the CIP for other projects. All in favor, motion carried.

Moved by Jensen, seconded by Draper to direct staff to review regulations regarding fireworks. Council Member Gadelha wanted to confirm recommendations will come back to Council regarding zoning and scheduled fines. Police Chief Joe McHale confirmed. Council Member Jensen asked for a report from the City Attorney. City Attorney Ryan Tang stated on Tuesday there was a question if certain types of fireworks could be banned. Mr. Tang stated he consulted with City Attorney Kara Bullerman and they both concluded that Marion could pass a resolution banning certain types of fireworks. Council Member Gadelha asked again to confirm even though several fireworks are in one category, the City could individually pick ones that are not allowed to use. Mr. Tang confirmed. He also wanted to state this would only be on use and not the sale. Council Member Brandt asked if any other cities are banning specific types. Mr. Tang stated no and that most cities go with a blanket ban. All in favor, motion carried.

Moved by Gadelha, seconded by Draper to receive and file correspondence from Involta LLC regarding REC Drive. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to receive and file correspondence from Linn County Rural Electric Cooperative regarding REC Drive. All in favor, motion carried.

Resolution No. 27037 regarding a resolution of necessity for the installation of REC Drive per the approved Memorandum of Agreement for Lot 1, REC Second Addition to the City of Marion, Linn County, Iowa was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27037. Randall Rings with Involta (5055 REC Drive) presented a recap of the letter mailed to Council and shared his concerns with the extension of REC Drive. Terry Sullivan with Linn County Rural Electric Cooperative (5695 REC Drive) shared similar concerns with the extension of REC Drive. Moved by Draper, seconded by Strnad to table Res. No. 27037. Community Development Director Tom Treharne presented staff report regarding options to move forward. Mayor AbouAssaly stated he would like to see an agreement between all parties involved. Council Member Jensen agreed with the Mayor. All in favor of motion to table, motion carried.

Resolution No. 26975 approving a Final Plat and Memorandum of Agreement for Stonefield Commercial First Addition located south of Tower Terrace Road, west and north of 3rd Street (Synergy Equity Partners, LLC). (Removed 06/21/2018) was read by Draper. Moved by Draper, seconded by Jensen to approve Res. No. 26975. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor pro tem Gadelha at 6:28 p.m. Mayor pro tem Gadelha presided over the meeting.

Moved by Jensen, seconded by Draper to reconsider Resolution No. 27007, approving a Preliminary Site Development Plan for Bluebird Square located on the northeast corner of Highway 13 and 151. (High Property Management & Development). (Failed 07/05/2018). City Manager Lon Pluckhahn and Community Development Director Tom Treharne presented staff reports. Council Member Jensen spoke regarding the discussion at the July 5, 2018 council meeting concerning this matter. Council Member Gadelha stated she would love to see this project address Marion's housing needs. Vote: Yeas: Draper, Jensen, Gadelha, Brandt. Nays: Strnad. Abstention: AbouAssaly. Motion carried.

Moved by Brandt, seconded by Jensen to direct staff to place Resolution No. 27007, approving a Preliminary Site Development Plan for Bluebird Square located on the northeast corner of Highway 13 and 151, on the agenda of the August 9, 2018 City Council Meeting. (High Property Management & Development). (Failed 07/05/2018). Vote: Yeas: Draper, Jensen, Gadelha, Brandt. Nays: Strnad. Abstention: AbouAssaly. Motion carried.

Ordinance No. 18-19 approving a rezoning 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 located east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holding, LLC) was read by Strnad for final consideration. Moved by Strnad, seconded by Brandt to approve the final reading of Ord. No. 18-19. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27038 approving Marion Aircom Park Preliminary Plat located east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holding, LLC) was read by Draper. Moved by Draper, seconded by Jensen to approve Res. No. 27038. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27039 approving Plat of Survey #2274 for property located south of Marion Airport Road and east of the Airport (Luxair Aviation) was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27039. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27040 approving a Final Plat and Memorandum of Agreement for Hunters Ridge North 1<sup>st</sup> Addition located east of Winslow Road and north of Stags Leap Lane. (Midwest Development Co.) was read by Brandt. Moved by Brandt, seconded by Draper to approve Res. No. 27040. Vote: Yeas: Draper, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor pro tem Gadelha relinquished the gavel to Mayor AbouAssaly at 6:42 p.m. Mayor AbouAssaly presided over the meeting.



Moved by Strnad, seconded by Gadelha to direct staff to explore options regarding the brick house located at 525 11th Street, Marion, Iowa. Mayor AbouAssaly asked when options would return to Council. City Manager Lon Pluckhahn stated staff will make every effort to bring this back in August. All in favor, motion carried.

Moved by Draper, seconded by Brandt to approve the following Hold Harmless/Noise Waiver Agreements:

- a. House Move, 1375 8th Avenue to 1060 29th Street, July 31, 2018, 8:00-12:00 p.m. (Larry Nasset, 1375 8th Avenue).
- b. Live Music featuring Andersen Coates and Clayton Dryden, Uptown Artway, July 21, 2018 from 8:30-9:30 p.m. and August 4, 2018 from 7:00-8:15 p.m. (Anderson Coates, 1820 Valentine Drive).

Mayor AbouAssaly recommended the following reappointments:

- a. Eileen Robinson, 3560 28th Avenue, Library Board of Trustees, term expires 06/30/2024.
- b. Kimberly Rose, 616 Raleigh Lane, Library Board of Trustees, term expires 06/30/2024.
- c. Sally Reck, 2305 Coventry Court, Library Board of Trustees, term expires 06/30/2024.

Moved by Gadelha, seconded by Brandt to concur with the Mayor's recommendations. All in favor, motion carried.

Citizen's presentations, comments and/or petitions:

Jed Pasterski with JP Fireworks (895 7th Avenue) stated he made a sizable investment in fireworks. He has a lot of inventory left over and he needs to remain open next year. He stated he does not want to see firework sales zoned to industrial only. Council Member Gadelha asked if he would consider putting up a tent if zoned to industrial. Mr. Pasterski stated that would be his only option but that would result in extra expenses.

Judy Saluri (1785 Grand Avenue) shared her concerns with the discussion that took place on July 17, 2018 regarding the house at 525 11th Street. Ms. Saluri provided a brief history of the house and encouraged council to preserve this house.

Council Discussion Time:

Council Member Brandt would like to request staff add a motion to apply for TSIP Funding for the intersection of Highway 100 and 31st Street. Council Member Strnad agrees.

Council Member Gadelha talked about public comments during council meetings. She doesn't want to discourage people from speaking at meetings. She asked if there was a statement that could be placed on the cover page of the agenda to allow for impacted parties to speak. She does not want to see public comments at the beginning of the agenda.

Council Member Draper provided a history lesson regarding how Marion received water and the Marion Water Department. He stated there are three current members who have served on the Water Board for more than 30 years.

Mayor AbouAssaly wanted to thank the Marion – East Cedar Rapids Rotary Club who led the project to donate the street clock. He stated it was a nice event. Mayor AbouAssaly also thanked the Marion Chamber of Commerce and congratulated them as he received notification on Marion's Iowa Great Places re-designation.

Moved by Jensen, seconded by Gadelha to adjourn to closed session regarding litigation and land acquisition as permitted under Section 21.5(1)(c) and 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, Jensen, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

Moved by Strnad, seconded by Draper to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 7:55 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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Rachel Bolender, Assistant City Clerk