

October 18, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, October 18, 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. (Ward 1 seat currently vacant.)

The meeting opened with Posting of the Colors by the Marion Police Department Honor Guard and the Pledge of Allegiance.

Council observed a moment of silence.

### **SPECIAL AGENDA**

Resolution No. 27215 approving rules and procedures regarding the filling of a City Council Ward One vacancy by appointment was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27215. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to receive and file the following applications for City Council Ward One vacancy:

- a. Colette Atkins – 1070 Creekbend Court
- b. Seth Moomey – 1025 S 15th Street
- c. John Sklarsky – 1035 Dry Creek Lane
- d. Daniel Washburn – 1010 Dry Creek Lane

All in favor, motion carried.

Presentations were heard by Colette Atkins (via video conference), Seth Moomey, John Sklarsky, and Daniel Washburn for City Council Ward One vacancy.

Balloting for the appointment for City Council Ward One.

Results of Ballot No. 1: Mayor AbouAssaly, Gadelha and Brandt voted for Mr. Moomey. Council Members Draper, Jensen and Strnad voted for Ms. Atkins. Tied Vote.

Results of Ballot No. 2: Mayor AbouAssaly, Gadelha and Brandt voted for Mr. Moomey. Council Members Draper, Jensen and Strnad voted for Ms. Atkins. Tied Vote.

Remarks were heard again from Colette Atkins and Seth Moomey.

Results of Ballot No. 3: Mayor AbouAssaly and Gadelha voted for Mr. Moomey. Council Members Draper, Jensen, Brandt and Strnad voted for Ms. Atkins.

Council Member Draper left the meeting at 6:36 p.m.

Resolution No. 27216 making an appointment to fill a vacancy on the Marion City Council until the next pending election as defined in Section 69.12 of the Iowa Code was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27216. All in favor, motion carried.

Mayor AbouAssaly stated that because Ms. Atkins was participating via video conference, the Oath of Office will be administered within 10 days.

### **PROCLAMATIONS/OATHS**

Police Chief McHale introduced Lead Dispatcher Rhonda Kaczinski. He stated she has been promoted to Communications Center Manager and shared her history with the department and her accomplishments.

Police Chief McHale recounted the events of an active shooting on September 20, 2018. He then presented a Commendation of Valor to Corporal Ron Slagle and a Chief's Commendation to State Trooper Taylor Grim for their response on that night.

Mayor AbouAssaly read a proclamation for National Disability Employment Awareness Month and presented it to Danielle Brazant with the Marion Civil Rights Commission.

### **PRESENTATIONS**

Presentation was given by Emily Zimmon with Willis Dady and Sophia Lange with Iowa BIG. They provided information on a gallery by Iowa BIG and Willis Dady Homeless Services "Homelessness in a New Light: Stories of Resilience." The gallery is open at 6:00 p.m. on November 1 and the Cedar Rapids Public Library. They invited everyone to attend.

Presentation was given by Tim Mooney regarding the Synergy Equity Partners, LLC Tax Increment Financing (TIF) request. Council Member Jensen asked about discussions had regarding market conditions for this project. Mooney stated they are looking for restaurant business in that area. He stated if they can get one restaurant in the area that has success, they'd get more similar development in that area.

**CONSENT AGENDA PUBLIC FORUM** – No one came forward to speak.

### **CONSENT AGENDA**

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

Motion to approve minutes of the October 2, 4, and 8, 2018 City Council meetings.

Motion setting a special work session for Monday, October 29, 2018 at 4:00 p.m. regarding Capital Improvement Program (CIP).

Motion to receive, file and discuss September 2018 Monthly Reports.

Motion to approve the following liquor license applications:

- a. Renewal – Fareway #949  
3300 10th Avenue  
Class C Beer Permit with additional privilege of Sunday Sales. No violations in the last five years.

- b. Renewal – Mi Tierra Mexican Restaurant  
835 7th Avenue  
Class C Liquor License with additional privilege of Sunday Sales. No violations in the last five years.
- c. Renewal – Hy-Vee Gas  
3550 Highway 151  
Class C Beer Permit with additional privilege of Sunday Sales. No violations in the last five years.

Resolution No. 27217 approving the Schedule of Alcohol Violations.

Motion to approve the following Hold Harmless Agreements:

- a. Wedding, Lowe Park Amphitheater, September 21, 2019 (Brooke Bige, 3420 Townehouse Dr NE, Cedar Rapids).
- b. Wedding, Lowe Park Amphitheater, July 20, 2019 (Emily Borgerding, 820 Hillview Drive).
- c. Dogs for Dystonia Dog Walk, Thomas Park, August 24, 2019, 8:30 – 11:30 a.m. (Dystonia Medical Research Foundation, One East Wacker Drive, Suite 1730, Chicago, IL 60601).
- d. The Return of the Turkey Trot, 8k & 5k Run/Walk, November 10, 2018, 8:00-10:30 a.m. (Pat Quinn, 400 35th Street)

Motion to approve the following Mayoral Appointments to the Public Safety Communications and Governance Board:

- a. Mayor Nick AbouAssaly, 1225 6th Avenue, no term.
- b. Police Chief Joe McHale, 6315 Hwy 151, no term.
- c. Fire Chief Deb Krebill, 3933 Katz Drive, no term.
- d. City Manager Lon Pluckhahn, 1225 6th Avenue, no term.
- e. Council Member Rene Gadelha, 1225 6th Avenue, term expires 12/31/2020.

Resolution No. 27218 adopting final assessment schedule for Fiscal Year 2019 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments.

Motion to approve payments as presented in the amount of \$1,132,844.08.

Motion to receive and file new job description (Library Collection Strategies Manager).

Resolution No. 27219 amending the 04/01/2018 non-bargaining pay schedule to change the job title of the Library Program Coordinator II to Library Manager (salary remains the same) and eliminate the Library Coordinator I salary band.

Resolution No. 27220 approving Partial Payment No. 3 to A&J Associates for the Public Service Maintenance Facility in the amount of \$23,000.00.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27221 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 1412 5th Avenue Disposal in the amount of \$13,335.00.
- b. Resolution No. 27222 approving Partial Payment No. 5 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project in the amount of \$5,306.70.
- c. Resolution No. 27223 approving Partial Payment No. 9 to Snyder & Associates for costs associated with 2018 Alburnett Rd Extensions Phase I to the City of Marion in the amount of \$42,028.17.

Resolution No. 27224 accepting the 1412 5th Avenue Disposal Project.

Resolution No. 27225 accepting sanitary sewer main associated with First United Methodist Church 1st Addition.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27226 approving payment No. 3 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$19,903.25.
- b. Resolution No. 27227 approving payment to Rally Appraisal LLC for appraisal services related to 2245 6<sup>th</sup> Avenue in the amount of \$400.
- c. Resolution No. 27228 approving payment to Gaudete Banks for a deposit reimbursement for rental property owned by the City of Marion at 540 12<sup>th</sup> Street in the amount of \$650.
- d. Resolution No. 27229 approving payment No. 11 to Shoemaker Haaland per the contract for the CeMar Trail [TAP-U-4475(630)--81-57] in the amount of \$2,343.28.

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

- a. A Preliminary and Final Site Development Plan for Squaw Creek Crossing Apartments located west of 62<sup>nd</sup> Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC)

Resolution No. 27230 setting a public hearing for November 8, 2018, regarding the rezoning of property located south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard from R-2 Medium Density Single Family Residential to C-3 General Commercial and R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential. (Delong Development Co., LC)

Resolution No. 27231 approving Addendum to Economic Development Policy (Adding Appendix B and C).

Resolution No. 27232 Setting Date for Public Hearing for November 20, 2018 on Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area.

Resolution No. 27233 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with KTRO, LLC Including Annual Appropriation Tax Increment Payments.

Resolution No. 27234 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with Culver Enterprises, LLC Including Annual Appropriation Tax Increment Payments.

Resolution No. 27235 Setting Date for Public Hearing for November 20, 2018 on Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area.

Resolution No. 27236 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with JLENZ LLC Including Annual Appropriation Tax Increment Payments.

Resolution No. 27237 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with Timberline Manufacturing Company Including Annual Appropriation Tax Increment Payments.

All in favor to approve consent agenda, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 7:02 p.m.  
Mayor Pro Tem Gadelha presided over the meeting.

**CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

Moved by Jensen, seconded by Brandt to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27238 approving Partial Payment No. 3 to Martin Gardner Architecture regarding 525 11th Street Assessment in the amount of \$1,200.00.

Resolution No. 27239 accepting Gemstone Estates 4th Addition to the City of Marion.

Resolution No. 27240 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with Integrity Companies, LLC Including Annual Appropriation Tax Increment Payments.

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

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 7:03 p.m. Mayor AbouAssaly presided over the meeting.

**REGULAR AGENDA**

Ordinance No. 18-26 establishing access fees on 2184 Echo Hill Road related to Echo Ridge Estates was read by Gadelha for final consideration. Moved by Gadelha, seconded by Brandt to approve the final reading of Ord. No. 18-26. All in favor, motion carried.

Ordinance No. 18-27 regarding establishing access fees on 35th Avenue related to Briargate 6th Addition was read by Brandt for final consideration. Moved by Brandt, seconded by Strnad to approve the final reading of Ord. No. 18-27. All in favor, motion carried.

Resolution No. 27241 rescinding Resolution No. 25672 and approving lifting the embargo on Lucore Road between Indian Creek Road to North City Limits (Staff) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27241. All in favor, motion carried.

Resolution No. 27242 approving temporary Truck Embargo on Williams Drive from 10th Street to West Williams Drive (Staff) was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27242. Council Member Strnad asked what the weight restriction would be. City Engineer Mike Barkalow stated 8 ton. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to direct staff to prepare a TSIP (Traffic Safety Improvement Program) grant application and to solicit for Engineering Firms for the Echo Hill Road and Alburnett Road Intersection Improvement Project. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to receive, file, discuss and refer to TAC a request regarding additional street lights at the intersection of Echo Hill Road and Alburnett Road. (Staff) All in favor, motion carried.

Moved by Strnad, seconded by Brandt to receive, file, discuss and concur with TAC Report regarding additional street lights at the intersection of Echo Hill Road and Alburnett Road. (Staff). Council Member Brandt asked how long before lights were installed. City Engineer Mike Barkalow stated this would be through Linn County REC so he doesn't anticipate it taking long. Barkalow stated they would be placed on the existing poles. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 7:10 p.m. Mayor Pro Tem Gadelha presided over the meeting.

Resolution No. 27171 approving Addendum No. 1 to the Memorandum of Agreement Regarding the Installation of Tower Terrace Road – Phase VI (Morris Wood Enterprises, LLC) (Reconsideration; Failed 9.20.18) was read by Jensen. Moved by Jensen, seconded by Strnad to approve Res. No. 27171. Vote: Yeas: Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27243 approving a Memorandum of Agreement related to construction of a portion of the Grant Wood Trail project located between the 26th Street roundabout and 31st Street (GLD Properties, LLC) was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 27243. Vote: Yeas: Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 7:11 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 27244 approving Plat of Survey 2299 located between Tower Terrace Road and Gill Park (Curt R Gill and Barbara K Gill Rev Trust) was read by Strnad. Moved by Strnad, seconded by Gadelha to approve Res. No. 27244. All in favor, motion carried.

Ordinance No. 18-28 amending the Marion Code of Ordinances and establishing Section 176.52, Use Standards was read by Jensen for second consideration. Moved by Jensen, seconded by Brandt to approve the second reading of Ord. No. 18-28. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to remove from table, Ordinance 18-25, approving the revision of Chapter 176 Marion Zoning Ordinance for approval of an

amendment to Chapter 176.32 of the Marion Code of Ordinances regarding Accessory Building and Uses. Council Member Gadelha thanked Community Development Department for their work on this ordinance. Vote: Yeas: Jensen, AbouAssaly, Gadelha and Strnad. Nays: Brandt. Motion carried.

Ordinance No. 18-25 approving the revision of Chapter 176 Marion Zoning Ordinance for approval of an amendment to Chapter 176.32, Accessory Building and Uses of the Marion Code of Ordinances regarding Accessory Building and Uses (Tabled September 6, 2018) was read by Strnad for initial consideration. Moved by Strnad, seconded by Jensen to approve the first reading of Ord. No. 18-25. George Horak (880 16th Avenue) spoke with concerns about the ordinance and asked there be an option for a variance. Community Development Director Tom Treharne provided clarification and stated there is an option drafted in this ordinance by requesting a Conditional Use Permit. Council Member Brandt shared his concerns with restricting the size at all however he appreciates that there is the process for Conditional Use however there would still be a chance that it could be denied. Council Member Strnad asked questions on if the garage was attached. Treharne provided clarification. Vote: Yeas: Jensen, AbouAssaly, Gadelha and Strnad. Nays: Brandt. Motion carried.

Mayor AbouAssaly opened the public hearing regarding Amendment to the Central Corridor Interim Development Overlay, Section 176.50(10) of the Marion Code of Ordinances. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27245 extending the Central Corridor Interim Development Overlay, another six months as provided by Section 176.50(10) of the Marion Code of Ordinances was read by Strnad. Moved by Strnad, seconded by Jensen to approve Res. No. 27245. All in favor, motion carried.

Resolution No. 27246 authorizing the purchase of property at 2274 5th Avenue in the amount of \$257,868.00 to Rebecca S. and Robert L. Lacey was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27246. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to receive and file request for tax increment financing (TIF) assistance (Synergy Equity Partners, LLC). All in favor, motion carried.

Moved by Brandt, seconded by Strnad to direct staff to negotiate a Memorandum of Understanding with Synergy Equity Partners, LLC.

**OTHER DEPARTMENT DISCUSSION** – No discussion.

**PUBLIC FORUM** – No one came forward to speak.



## **COUNCIL DISCUSSION**

Council Member Jensen asked if it was possible to have a work in progress report to share if projects are on schedule and if project is on budget. Particularly asked in regards to the Central Corridor project. Community Development Director Tom Treharne stated that staff can work on providing a report.

Council Member Gadelha stated that it was great to see Council Member Draper in attendance. Gadelha thanked the other candidates for applying and thanked them for their current service with the City and hoped they stay involved.

Council Member Brandt thanked the candidates. Brandt also stated that Council Member Draper asked him to share about the passing of Bob Thurness. Mr. Thurness was a longtime resident and football coach and teacher in Marion. Brandt also stated there was some rust on the artwork in the alley. Deputy City Manager Amanda Kaufman stated the artists would be contacted to see how it should be remedied.

Council Member Strnad also thanked all the candidates for their interest and going through the appointment process. He encouraged those not selected to continue with working with the City. Strnad also asked if there was a business plan for the Tower Terrace Road corridor. Community Development Director Tom Treharne they are prepared and know that is where development will be growing. City Manager Lon Pluckhahn also stated they have partnered with Retail Strategies that has done very focused analysis for the area.

Mayor AbouAssaly thanked all the candidates and congratulated Ms. Atkins. AbouAssaly wanted to thank Kim Etzel for her service.

## **CLOSED SESSION**

Moved by Strnad, seconded by Gadelha 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: Jensen, AbouAssaly, Gadelha, Brandt and Strnad. Nays: None. Motion carried.

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

Mayor AbouAssaly adjourned the meeting at 8:25 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

\_\_\_\_\_  
Rachel Bolender, Assistant City Clerk

The undersigned Assistant City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Marion Times on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Rachel Bolender, Assistant City Clerk