

November 20, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 20, 2018, at 4:00 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper via phone, Atkins, Jensen, Gadelha and Strnad. Absent: Brandt.

The meeting opened with the Pledge of Allegiance.

### **PROCLAMATIONS/OATHS**

Mayor AbouAssaly read and presented a proclamation for Small Business Saturday 2018 (November 24, 2018) to Brooke Prouty with Uptown Marion and Jo Eckert with Small Business Administration.

### **PRESENTATIONS**

Nick Glew with MEDCO Holding Company gave a presentation regarding the Marion Enterprise Network Program. This is an incentive program for use of currently unused fiber that is installed in the Marion Enterprise Center. Council Member Gadelha asked if this type of program was the plan when fiber was installed. City Manager Lon Pluckhahn confirmed. Mayor AbouAssaly stated that was a forward looking decision and another reason that sets Marion apart.

Bob Carlson and Zach Bohannon with YMCA gave a presentation regarding YMCA Financial Guarantee. A fly-through of the new facility was shown. Mr. Carlson spoke that this project is a one-of-a-kind collaboration between the City and YMCA. They would like to still have a ground breaking this year and complete the new facility by end of 2020. He also stated they are looking to hire a professional fundraising firm.

Council Member Brandt arrived at 4:29 p.m.

Council observed a moment of silence.

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

### **CONSENT AGENDA**

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

Motion to approve minutes of the November 5, 6 and 8, 2018 City Council meetings.

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

Motion to schedule special closed session for November 26, 2018 regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.

Motion to approve the following liquor license applications:

- a. Kum & Go #509 - 1203 Blairs Ferry Road  
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in the previous five years.
- b. Naso's Pizza - 453 7th Avenue  
Class C Liquor License with additional privileges of Catering, Outdoor Service and Sunday Sales. No violations in previous five years.
- c. La Cantina Bar & Grill - 3217 7th Avenue  
Class C Liquor License with additional privileges of Catering, Outdoor Service and Sunday Sales. No violations in previous five years.
- d. Carlos O Kelly's – 3320 Armar Drive  
Class C Liquor License with additional privileges of Catering, Outdoor Service and Sunday Sales. No violations in previous five years.

Motion to approve the following Hold Harmless Agreements:

- a. Christmas in the Park & Peppermint Walk, December 7, 2018, 4:00-8:00 p.m., City Square Park and Uptown Marion (Marion Chamber of Commerce, 1225 6th Avenue Suite 100).
- b. Patriotic Picnic, June 22, 2019, 11:00-3:00 p.m., City Square Park (Cedar Rapids Freedom Festival, 609 1st Avenue SW Suite 102).
- c. Freedom Bike Ride, June 23, 2019, 10:00-5:30 p.m., Lowe Park (Cedar Rapids Freedom Festival, 609 1st Avenue SW Suite 102).

Motion to approve payments as presented in the amount of \$943,445.23.

Resolution No. 27294 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2018.

Resolution No. 27295 approving the certification of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2019-2020 Collections.

Resolution No. 27296 approving an amendment to the 2016 agreement with Koch Office Group to replace 3 copiers at the Library and modify the monthly aggregated print/copy contracted usage.

Resolution No. 27297 approving Partial Payment No. 4 to A&J Associates for the Public Services Maintenance Facility in the amount of \$12,800.00.

Resolution No. 27298 approving the 2018-2019 Snow and Ice Control Program.

Resolution No. 27299 approving the 2018-2019 winter deicer contracts with Cargill Incorporated.

Resolution No. 27300 approving the purchase of fire helmets from Sandry Fire Supply in the amount of \$28,214.72.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27301 approving Partial Payment No. 10 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase 1 in the amount of \$17,291.57.
- b. Resolution No. 27302 approving Partial Payment No. 4 to HDR Engineering regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$4,425.03.

Resolution No. 27303 setting a public hearing for December 6, 2018, regarding a Preliminary Site Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 4:34 p.m. Mayor Pro Tem Gadelha presided over the meeting.

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

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

Motion to approve the following liquor license applications:

- a. Casey's General Store #3562  
680 Lindale Drive  
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales. No violations in previous five years.

Resolution No. 27304 approving Partial Payment No 8 to Knapp Warden LLC for design services associated with the Eco Industrial Park Phase 1 in the amount of \$24,206.25.

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

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 4:34 p.m. Mayor AbouAssaly presided over the meeting.

**REGULAR AGENDA**

Ordinance No. 18-29 amending Chapter 17 of the Code of Ordinances relating to Council was read by Jensen for second consideration. Moved by Jensen, seconded by Gadelha to approve the second reading of Ord. No. 18-29. All in favor, motion carried.

Ordinance No. 18-30 amending Chapter 18 of the Code of Ordinances relating to City Clerk was read by Gadelha for second consideration. Moved by Gadelha, seconded by Jensen to approve the second reading of Ord. No. 18-30. All in favor, motion carried.

Ordinance No. 18-31 amending the Code of Ordinances by adding Chapter 18A relating to City Treasurer was read by Strnad for second consideration. Moved by Strnad, seconded by Brandt to approve the second reading of Ord. No. 18-31. All in favor, motion carried.

Ordinance No. 18-32 amending Chapter 7 of the Code of Ordinances relating to Fiscal Management was read by Atkins for second consideration. Moved by Atkins, seconded by Jensen to approve the second reading of Ord. No. 18-32. All in favor, motion carried.

Ordinance No. 18-33 amending Chapter 5 of the Code of Ordinances relating to Operating Procedures was read by Jensen for second consideration. Moved by Jensen, seconded by Draper to approve the second reading of Ord. No. 18-33. All in favor, motion carried.

Ordinance No. 18-34 amending Chapter 23 of the Code of Ordinances relating to Park Board was read by Gadelha for second consideration. Moved by Gadelha, seconded by Jensen to approve the second reading of Ord. No. 18-34. All in favor, motion carried.

Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits (tabled 11/08/18) was read by Strnad for initial consideration. Moved by Strnad, seconded by Gadelha to approve the first reading of Ord. No. 18-35. Council Member Brandt thanked staff for adding back in location requirements pertaining to distance from schools but asked about liquor stores. Community Development Director Tom Treharne proposed the ordinance be tabled and staff will come back with a more clear code. Moved by Jensen, seconded by Draper to table Ord. No. 18-35. All in favor to table, motion carried.

Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors (tabled 11/08/18) was read by Atkins for initial consideration. Moved by Atkins, seconded by Gadelha to approve the first reading of Ord. No. 18-36. Assistant City Clerk Rachel Bolender stated this ordinance will also need to be tabled until Ord. No. 18-35 is approved. Moved by Atkins, seconded by Jensen to table Ord. No. 18-36. All in favor to table, motion carried.

Resolution No. 27305 approving repair services agreement with Legacy Building Solutions in the amount of \$25,334.00 was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27305. Public Services Director Ryan Miller stated this is to repair the fabric tension structure. Council Member Gadelha asked how long repairs would last. Ryan stated it would get us through another winter. All in favor, motion carried.

Resolution No. 27306 approving the repair and installation of traffic signal safety systems with Trey Electric for \$25,000.00 was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27306. Public Services Director Ryan Miller stated this is for repairs from a recent accident. A permanent pole will take 20 weeks to get in and staff will be using a temporary pole from Cedar Rapids. The temporary one should be installed next week. Mayor AbouAssaly asked if there was insurance coverage. Ryan confirmed. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 5:05 p.m. Mayor Pro Tem Gadelha presided over the meeting.

City Manager Lon Pluckhahn led discussion regarding Uptown Parking Ramp. He refreshed Council on what has been brought forward to date and aspects of the half-block or full-block designs. Council Member Strnad asked about fee based parking. Lon stated the ramp would be modeled after those in Iowa City where first hour or two are free. Could also add a component for library card holders. One thing that would need to be decided is paid street parking. Council Member Gadelha stated she is in support of the full-block design. Council Member Jensen stated he is also in support of full-block design. He would also like to see salvage of homes currently on property. Lon stated one of the next item stated property disposals but we can write in for salvage or relocation bids. Council Member Draper stated he would like to include in proposals it is free to take house if can be relocated in Marion. Council Member Jensen asked about timeline for parking ramp. Lon stated most realistic would be starting in April 2019. Council Member Strnad asked what would happen if existing library and new library projects fall through. Lon stated the memorandum of understanding will be robust and include language to protect the City.

Moved by Strnad, seconded by Brandt to direct staff to proceed with parking ramp design. Moved by Jensen, seconded by Brandt to amend motion to direct staff to proceed with full-block parking ramp design. Vote on motion to amend: Yeas: Draper, Atkins, Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried. Vote on amended motion: Yeas: Draper, Atkins, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 5:10 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Atkins, seconded by Brandt to direct staff to solicit bids for property disposals for 525 11th Street and 520 12th Street. Council Member Strnad asked staff to make it very clear that proposals can include sale, movement or salvage. Mayor AbouAssaly stated there needs to be a serious effort to save these structures and would like this publicized. Council Member Brandt asked if deadline to submit proposals could be extended. Vote: Yeas: Atkins, Jensen, AbouAssaly, Gadelha, Brandt, Strnad. Nays: Draper. Motion carried.

Resolution No. 27307 accepting bids and awarding contract with Rathje Construction Co. regarding the 530/540 12th Street Property Disposal Project in the amount of \$24,500.00 was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27307. Vote: Yeas: Atkins, Jensen, AbouAssaly, Gadelha, Brandt, Strnad. Nays: Draper. Motion carried.

Resolution No. 27308 approving contract with Rathje Construction Co. regarding the 530/540 12th Street Property Disposal Project in the amount of \$24,500.00 was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27308. Vote: Yeas: Atkins, Jensen, AbouAssaly, Gadelha, Brandt, Strnad. Nays: Draper. Motion carried.

Resolution No. 27309 rejecting all bids regarding the 530/540 12th Street Property Disposal Project was removed from the agenda.

Moved by Jensen, seconded by Atkins to receive and file a request to waive the final reading to approve the rezoning of property south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard. (DeLong Development Co., LC) All in favor, motion carried.

Ordinance No. 18-37 approving the rezoning of property 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 (DeLong Development Co., LC) was read by Gadelha for second consideration. Moved by Gadelha, seconded by Jensen to approve the second reading or Ord. No. 18-37. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to suspend the rules and place Ordinance No. 18-37 on the agenda for adoption and to adopt Ordinance No. 18-37. Vote: Yeas: Draper, Atkins, Jensen, AbouAssaly, Brandt and Strnad. Nays: Gadelha. Motion Carried.

Ordinance No. 18-38 approving the rezoning of property south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard from R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential (DeLong Development Co., LC) was read by Atkins for second consideration. Moved by Atkins, seconded by Jensen to approve the second reading of Ord. No. 18-38. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to suspend the rules and place Ordinance No. 18-38 on the agenda for adoption and to adopt Ordinance No. 18-38. Vote: Yeas: Draper, Atkins, Jensen, AbouAssaly, Brandt and Strnad. Nays: Gadelha. Motion Carried.

Resolution No. 27310 approving the Final Plat and Memorandum of Agreement for DeLong 1st Addition located south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard (DeLong Development Co., LC) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27310. All in favor, 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 was read by Strnad for final consideration. Moved by Strnad, seconded by Jensen to approve the third reading of Ord. No. 18-25. Vote: Yeas: Draper, Atkins, Jensen, AbouAssaly, Gadelha and Strnad. Nays: Brandt. Motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 5:30 p.m. Mayor Pro Tem Gadelha presided over the meeting.

Mayor Pro Tem Gadelha opened the public hearing on proposed Development Agreement with Integrity Companies, LLC. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27311 approving development agreement Integrity Companies, LLC authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27311. Vote: Draper, Atkins, Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 5:35 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing on proposed Development Agreement with JLENZ LLC. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27312 approving development agreement with JLENZ LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27312. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposed development agreement with Culver Enterprises, LLC. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27313 approving development agreement with Culver Enterprises, LLC authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Gadelha. Moved by Gadelha, seconded by Atkins to approve Res. No. 27313. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposed development agreement with KTRO, LLC. City Manager Lon Pluckhahn provided staff report. He also stated that Res. No. 27314 should be tabled. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27314 approving development agreement with KTRO, LLC authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Strnad. Moved by Strnad, seconded by Jensen to table Res. No. 27314. All in favor to table, motion carried.

Council Member Draper left the meeting at 5:42 p.m.

Mayor AbouAssaly opened the public hearing on proposed development agreement with Timberline Manufacturing Company. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27315 approving development agreement with Timberline Manufacturing Company authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27315. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposed amendment to the urban renewal plan for the Collins Road Extension Urban Renewal Area. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27316 to approve Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area was read by Jensen. Moved by Jensen, seconded by Strnad to approve Res. No. 27316. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposed amendment to the urban renewal plan for Central Corridor Urban Renewal Area. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.



Resolution No. 27317 to approve Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area was read by Gadelha. Moved by Gadelha, seconded by Atkins to approve Res. No. 27317. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to direct staff to negotiate a program agreement and lease agreement to develop the Marion Enterprise Network. City Manager Lon Pluckhahn provided a review of what was discussed in earlier presentation. All in favor, motion carried.

Resolution No. 27318 approving Memorandum of Understanding (MOU) with Synergy Equity Partners, LLC regarding Tax Increment Financing (TIF) incentives was read by Atkins. Moved by Atkins, seconded by Gadelha to approve Res. No. 27318. Council Member Gadelha stated she has heard from a lot of constituents in Ward 4 and this kind of development is needed in the area. All in favor, motion carried.

City Manager Lon Pluckhahn led discussion regarding FY2019-2024 Capital Improvement Program. A third scenario was brought forward as well as less conservative financial impact figures. Mayor AbouAssaly asked about impact from removing the Alburnett Road project. Lon stated if successful in outperforming the plan, that would be first project put back in. Lon also stated we would still be able to proceed with smaller projects to get that area ready so we can move forward once financial resources are available. Council Member Gadelha asked for timeline of steps ahead. Lon stated next agenda item is to set the public hearing for approval of the CIP. After that would be adoption. Council Member Gadelha asked about CIP levy vote. Lon stated it is at Council's discretion how and when that is pushed out.

Resolution No. 27319 setting a public hearing for December 6, 2018 regarding the FY 2019-2024 Capital Improvement Program was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27319. All in favor, motion carried.

#### **OTHER DEPARTMENT DISCUSSION**

Police Chief Joe McHale gave a presentation providing a recap of Marion Police Department's Strategic Plan. Nick Martens with the Police Union also spoke in regards to the creation of the strategic plan.

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

#### **COUNCIL DISCUSSION**

Council Member Atkins wished everyone a Happy Thanksgiving.

Council Member Jensen commended everyone at Police Department for their work and effort with the strategic plan.

Council Member Gadelha wished everyone a Happy Thanksgiving and also thanked Chief McHale for allowing his staff to present and be in attendance throughout the strategic plan process.

Council Member Brandt wished everyone a Happy Thanksgiving.

Council Member Strnad thanked all staff involved with the CIP process. He also stated he attended the open house for Tower Terrace Corridor in Hiawatha. He gave kudos to City Engineer Mike Barkalow for his work on that project. Strnad also wished Council Member Draper good health and for everyone to have a safe and happy Thanksgiving.

Mayor AbouAssaly stated the State of City Luncheon has been set for January 30. He also stated next Thursday he will be participating in the Mayor's bell ringing challenge for Salvation Army at the Marion Hy-Vee from 10-12:00 p.m. Mayor AbouAssaly also stated he is thankful and grateful for all the hard work of staff and Council.

Mayor AbouAssaly adjourned the meeting at 6:41 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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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\_\_\_\_.

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Rachel Bolender, Assistant City Clerk