

March 7, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, March 7, 2019, at 5:31 p.m. in the council chambers of City Hall with Mayor Pro Tem Strnad presiding and the following council members present: Draper, Atkins, Jensen, Brandt, and Gadelha. Absent: AbouAssaly.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PRESENTATIONS – No presentations were given.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the February 19, 21 and 27, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – SugarMe – 895 8th Avenue
Class B Native Wine Permit. No violations in last five years.
- b. Renewal – Prairie Hill Pavilion – 5680 Kacena Avenue
Class C Liquor License (LC) with additional privileges of Catering and Sunday Sales. No violations in last five years.
- c. Renewal – Villa's Patio Mexican Restaurant – 433 7th Avenue
Class C Liquor License (LC) with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
- d. Renewal – Casey's General Store #2760 – 975 S 11th Street
Class E Liquor License (LE) with additional privileges of Class B Wine Permit (Carryout Wine-includes Native Wine), Class C Beer Permit (Carryout Beer) and Sunday Sales. No violations in last five years.
- e. Renewal – Casey's General Store #2919 – 340 Marion Boulevard
Class E Liquor License (LE) with additional privileges of Class B Wine Permit (Carryout Wine-includes Native Wine), Class C Beer Permit (Carryout Beer) and Sunday Sales. One violations in last five years.

Motion to approve payments as presented in the amount of \$1,835,516.14.

Motion to receive, file and discuss the Library Foundation Director job description.

Motion directing staff to solicit request for proposals (RFP) regarding the FY19-20 Compensation and Classification Study.

Resolution No. 27478 authorizing the destruction certain municipal records.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27479 approving Partial Payment No. 7 to Anderson-Bogert Engineers regarding the 2018 Central Corridor – 7th Ave. Preliminary Design project in the amount of \$27,398.61.
- b. Resolution No. 27480 approving Partial Payment No. 1 to EB Solutions, Inc. regarding the Wetland Mitigation and Annual Monitoring for the Grant Wood Trail in the amount of \$1,680.00.
- c. Resolution No. 27481 approving Partial Payment No. 24 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Professional Services in the amount of \$10,439.62.
- d. Resolution No. 27482 approving Partial Payment No. 6 to HDR Engineering Inc. regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$1,697.20.

Motion to receive, file and discuss a letter from the Iowa Department of Transportation (IDOT) regarding patching projects along US 151 from US 30 to Iowa 13 and US 151 from Iowa 13 to US 61. (MP-151-6(730)30- -76-57 & MP-151-6(731)38- -76-57)

Resolution No. 27483 approving contract amendment regarding project scope limits to the contract with Snyder & Associates regarding the 2018 Alburnett Road Extension Project Phase I in the amount of an addition \$46,550.00 to bring the total not to exceed to \$464,000.00.

Resolution No. 27484 approving a contract for appraisal services regarding the Indian Creek Trunk Sewer Segment 7 with Rally Appraisal.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27485 approving payment no. 15 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$11,338.15.
- b. Resolution No. 27486 approving payment no. 8 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$4,847.12.

- c. Resolution No. 27487 approving payment to Stanley Consultants, Inc. for environmental site assessment services related to land development Phase 2 ESA at 2271 5th Avenue in the amounts of \$4,321.32.

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

- a. A zoning request for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended from Undesignated to PD-S, Planned Development Special and an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single-Family Attached Residential, Parks/Open Space, Business Park/Office, Multi-Family Residential, Neighborhood Commercial and Public/Semi-Public; from Single-Family Attached Residential to Single-Family Detached Residential, Transitional Residential, Corridor Commercial, and Public/Semi-Public; from Multi-Family Residential to Single-Family Detached Residential, Single-Family Attached Residential, Transitional Residential, Business Park/Office, Corridor Commercial and from Neighborhood Commercial to Single-Family Attached and Business Park/Office. (City of Marion)

All in favor, motion carried.

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:

Resolution No. 27488 approving partial payment no. 2 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$2,040.00.

Resolution No. 27489 approving Partial Payment No. 9 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction project in the amount of \$18,982.46.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27490 approving payment no. 2 to GLD Properties LLC for construction of a portion of the Grant Wood Trail project located between 26th Street roundabout and 31st Street in the amount of \$14,123.27.
- b. Resolution No. 27491 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2304 in the amount of \$188.46.

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

- a. A Central Corridor Interim Development Overlay review request for First Federal & Retail located south of 7th Avenue east of 25th Street. (Genesis Equities LLC)
- b. A Final Plat for Seventh Avenue Commercial 3rd Addition located at 2191 7th Avenue. (GLD Commercial LLC)

All in favor, motion carried.

REGULAR AGENDA

Mayor Pro Tem Strnad opened the public hearing regarding the fiscal year 2019-2020 budget. City Manager Lon Pluckhahn presented staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Mayor AbouAssaly arrived at 5:36 p.m and Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly. Mayor AbouAssaly presided over the meeting.

Resolution No. 27492 approving the fiscal year 2019-2020 budget was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27492. Moved by Jensen, seconded by Atkins to amend the motion to approve Option B of the budget which maintains the property tax rate. All in favor of motion to amend, motion carried. Council Member Jensen stated that even though the tax rate is not increasing, there will be an increase in the property tax paid due to the rollback. City Manager Lon confirmed and stated the rollback is controlled by the State. Council Member Gadelha and Mayor AbouAssaly thanked staff for all the work and discussions regarding the budget this year. All in favor of amended motion, motion carried.

Moved by Strnad, seconded by Jensen to receive, file and discuss a request to add no parking to one side of 1st Street from 29th Avenue to 33rd Avenue. Tina Stewart (3198 1st Street) submitted a petition from residents in the neighborhood. She stated the street is narrow and congested. Because of snow, the area is worse than usual. Snow plows and buses are unable to drive through. Council Member Brandt asked how many residents signed the petition. City Manager Lon Pluckhahn stated approximately 14. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to receive, file, and discuss the TAC Report regarding a request to add a no parking extension or enforcement along Saddleback Road. (Darrin Fullerton, 365 Saddleback Road). Council Member Jensen stated he would not be in favor of acting on this until a policy is in place that would require more than one person to make a request. Council Member Gadelha would also like a policy and asked when a policy would come forward. City Attorney Kara Bullerman stated it started as a policy strictly pertaining to TAC but has grown to encompass more requests made to the City. She anticipates submitting a draft of the policy to staff next week. All in favor, motion carried.

Moved by Gadelha, seconded by Draper to direct staff to notify the property owners along West Williams, Battle Creek Drive, Saddleback Road, Bent Creek Drive, Kinderhook Lane and Pinehurst Drive and to prepare the resolutions to extend no parking on one side of the street for the March 21, 2019 City Council Meeting. Moved by Strnad, seconded by Gadelha to table motion directing staff. All in favor of motion to table, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 6:02 p.m. Mayor Pro Tem Strnad presided over the meeting.

Resolution No. 27493 approving Partial Payment No. 4 for reimbursement to Morris Wood Enterprises, LLC regarding the Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) Project in the amount of \$474,235.38 was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27493. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding a request to vacate the easterly Indian Creek Road right-of-way easement adjacent to the Gemstone Estates 5th Addition. (Morris Wood Enterprises, LLC). Principal Planner Dave Hockett provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared public hearing closed.

Resolution No. 27494 approving vacation of the easterly Indian Creek Road right-of-way easement adjacent to the Gemstone Estates 5th Addition (Morris Wood Enterprises, LLC) was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27494. Council Member Jensen asked why only portion is in this request. Principal Planner Dave Hockett stated the remaining will come forward at a future meeting. Vote: Yeas: Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: Draper. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:08 p.m. Mayor AbouAssaly presided over the meeting.

Ordinance No. 19-03 approving rezoning from C-4, Warehouse Commercial to PD-R, Planned Development Residential for property at 2274 5th Avenue (City of Marion) was read by Strnad for final consideration. Moved by Strnad, seconded by Jensen to approve the final reading of Ord. No. 19-03. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding an amendment to Section 176.25 of the Marion Code of Ordinance to allow the sale of consumer fireworks in the I-1, Restricted Industrial Zoning District. (City of Marion). Principal Planner Dave Hockett provided staff report. Jed Pasterski (JP Plumbing, 895 7th Avenue) spoke in opposition of the amendment. He currently has privately owned brick and mortar store and has made sizable investment in fireworks. Would like to be able to sell this summer. Council Member Gadelha asked what shelf life of fireworks are. Mr. Pasterski stated if kept dry

and in climate controlled space they could last 5-10 years. Vince Bellino (Bellino Fireworks, 501 Olson Drive, Papillion, NE 68046) spoke in opposition of the amendment. He stated that money was put back towards the local economy in relation to the lease, trucking company, rental of tents and more. He stated these products are consumer grade and not industrial. Industrial areas are not set up for consumer traffic. Council Member Strnad asked if Bellino Fireworks had any citations in the last two years in Marion. Mr. Bellino stated he was not aware of any. Council Member Strnad asked how revenue was put back into Marion. Mr. Bellino stated local family were hired to operate the locations and listed that other payments were made to Iowa companies. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 19-05 approving an amendment to Section 176.25 of the Marion Code of Ordinance to allow the sale of consumer fireworks in the I-1, Restricted Industrial District was read by Brandt for initial consideration. Moved by Brandt, seconded by Gadelha to approve the first reading of Ord. No. 19-05. Council Member Jensen stated this isn't the first time this amendment has been discussed. This restriction matches Cedar Rapids and he believes lack of sales last year is a result that there was more competition in Marion. Fire Chief Deb Krebill stated that the State opened the application process on March 1. Council Member Gadelha asked for the fire chief's recommendation. Fire Chief Deb Krebill recommends approval of this amendment. All in favor, motion carried.

Resolution No. 27495 approving Contract Amendment No. 1 with Snyder and Associates Inc., associated with the Indian Creek Trail project in the amount of \$55,739.00 (STP-U-4775(631)--70-57) was read by Gadelha. Moved by Gadelha, seconded by Strnad to approve Res. No. 27495. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding a proposal to sell public property located at 2254 and 2274 5th Avenue, Marion, Iowa. (Cedar Venture, LLC). Principal Planner Dave Hockett provided staff report. Tom Spratt (2261 5th Avenue) spoke in favor and in opposition of the proposal. Is happy that development is proposed for the area. He shared concerns regarding the developer and lack of parks in the neighborhood. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27496 approving sale of public property located at 2254 and 2274 5th Avenue, Marion, Iowa and directing manner of execution of deeds (Cedar Venture, LLC) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27496. Mayor AbouAssaly would like more assurance that project as designed would be completed. City Manager Lon Pluckhahn stated the purchase is contingent on the developer and project being award tax credits. Council Member Jensen is in favor of this project as it meets the housing need and design standards for Marion. Principal Planner Dave Hockett stated this is zoned Planned Development Residential and any changes to the site plan would require approval from Planning and Zoning Commission and Council. Council Member Gadelha asked what percentage of units are low income.

City Manager Lon Pluckhahn stated there is 50 units and seven are listed as market rate. The remaining will be at varying rental rates. Council Member Gadelha asked if playground will be open to the public. Dave Hockett stated it would be fenced and only available to the residents. All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to receive and file a conditional offer letter with Joe Hill regarding the Carriage Square Project. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to direct staff to draft a Memorandum of Understanding (MOU) with Joe Hill regarding incentives associated with the Carriage Square Project. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing on proposed amendment to the West Tower Terrace Road Urban Renewal Area (continued from February 21, 2019). City Manager Lon Pluckhahn provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27476 approving the Urban Renewal Plan Amendment for West Tower Terrace Road Urban Renewal Area was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27476. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – No other discussions took place.

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Gadelha congratulated Nick Glew and staff for the MEDCO Luncheon. The speakers and interaction was great. Was happy to see all of the student attendance.

Council Member Brandt congratulated the Marion Girls and Boys Basketball teams who made it to the State tournament.

Council Member Jensen stated his excited for the next 12 to 18 months. He looks forward to the additional capital investment and personnel and initiatives that will be completed in the next fiscal year.

Council Member Draper provide information regarding the history of Ash Wednesday and the property at 610 10th Street which was formerly a Presbyterian church.

Mayor AbouAssaly is excited to see the progress in the relocation of the two brick houses and thanked everyone for their support of this project. He stated he is still receiving positive feedback regarding the State of the City. The event was live streamed and the recording is available on the City's website. He recognized staff and City Council for all their hard work with the budget. He also wanted to recognize Hy-Vee for reaching higher as they are involved with a lot of City events and give to the community.

Mayor also recognized Council Member Brandt for reaching higher. He thanked Council Member Brandt for his involvement in community events, serving on many committees and for being one of the biggest cheerleaders for Marion.

Mayor AbouAssaly adjourned the meeting at 7:11 p.m.

Nicolas AbouAssaly, Mayor

Attest:

Rachel Bolender, City Clerk

The undersigned 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, City Clerk