

March 21, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, March 21, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Jensen, Strnad, Brandt, and Gadelha. Absent: Draper and Atkins.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS – None

PRESENTATIONS – None

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the March 5 and 7, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Hunters Ridge Golf Course – 2901 Hunters Ridge Rd
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violation in previous five years.

Motion to approve the following hold harmless agreements:

- a. Go the Distance for Crime Victims 5K; Thomas Park; April 13, 2019 from 9:00-11:00 a.m. (Anastasia Basquin, PO Box 323, Cedar Rapids, IA 52406) (Permit #2019-00000009)

Motion to approve the following Mayoral Reappointment:

- a. Civil Service Commission:
Grant Hagen, 1088 Elim Drive, term expires 04/01/2023

Motion to approve the following Mayoral Appointment:

- a. Public Services Board:
Joe Spinks, 3165 29th Avenue, term expires 12/31/2019
- b. Zoning Board of Adjustment
Carol Golden, 1285 McGowan Boulevard, term expires 12/31/2021
- c. Tree Board
Joe Spinks, 3165 29th Avenue, term expires 01/01/2023

Motion to approve payments as presented in the amount of \$587,935.24.

Motion to receive and file 10-year Financial Analysis.

Resolution No. 27497 approving the correspondence policy.

Motion to receive and file February 2019 department monthly reports.

Resolution No. 27498 approving partial payment no. 9 to A&J Associates for the Public Services Maintenance Facility in the amount of \$4,400.00

Resolution No. 27499 authorizing the donation of twelve (12) 2006 fire helmets to the Degollado, Jalisco Fire Department in Mexico.

Resolution No. 27500 approving partial payment no. 14 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase I project in the amount of \$7,502.00.

Resolution No. 27501 approving a contract for appraisal services regarding the Indian Creek Trunk Sewer Segment 7 with Cook Appraisal LLC.

Resolution No. 27502 approving Temporary Construction Easement with Kwik Trip Inc. regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project.

Resolution No. 27503 approving Temporary Construction Easement with Squaw Creek Partners LLC regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project.

Resolution No. 27504 approving payment no. 16 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$8040.22.

Resolution No. 27505 setting a public hearing for April 4, 2019 regarding The Neighborhood at Indian Creek Master Plan for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended. (City of Marion)

Resolution No. 27506 setting a public hearing for April 4, 2019 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan located between 35th Avenue & Indian Creek Road/Indian Creek Way and 35th Street/Lucore Road & Highway 13. (City of Marion)

Resolution No. 27507 setting a public hearing for April 4, 2019 regarding a zoning request from Undesignated and C-1, Neighborhood Commercial to PD-S, Planned Development Special for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended. (City of Marion)

Resolution No. 27508 setting a public hearing for April 4, 2019 regarding a zoning request from Undesignated to PI, Public Institutional District located north of 35th Avenue, east of 35th Street. (Linn-Mar Community School District)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:34 p.m. Mayor Pro Tem Strnad presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 27509 approving partial payment no. 11 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$15,912.50.

Motion to retain Martin Gardner Architecture as the Project Architect regarding the Lowe Park Maintenance Facility Addition Project.

Resolution No. 27510 approving Partial Payment No. 3 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$2,720.00.

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

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

REGULAR AGENDA

Resolution No. 27511 approving a contract amendment for the City Manager effective April 1, 2019 was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27511. All in favor, motion carried.

Resolution No. 27512 approving matching funds for Marion Leadership in Action (MLIA) Banner Project in an amount not to exceed \$4,000.00 was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27512. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposal to enter into an Essential Purpose Loan Agreement in a principal amount not to exceed \$13,755,000. Finance Director Lianne Cairy provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Mayor AbouAssaly opened the public hearing on proposal to enter into a General Purpose Urban Renewal Loan Agreement in a principal amount not to exceed \$2,320,000. Finance Director Lianne Cairy provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27513 taking additional action on proposals to enter into General Obligation Loan Agreements – Series 2019A and 2019C and providing for the levy of taxes to pay the same was read by Strnad. Moved by Strnad, seconded by Jensen to approve Res. No. 27513. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:44 p.m. Mayor Pro Tem Strnad presided over the meeting.

Mayor Pro Tem Strnad opened the public hearing on proposal to enter into an Essential Purpose Loan Agreement in a principal amount not to exceed \$3,405,000. Finance Director Lianne Cairy provided staff report. No comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 5:45 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing on proposal to enter into a General Purpose Loan Agreement in a principal amount not to exceed \$210,000. Finance Director Lianne Cairy provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27514 taking additional action on proposals to enter into General Obligation Loan Agreements – Series 2019B was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27514. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to direct staff to solicit request for proposals (RFP) regarding the 1204 7th Avenue project. All in favor, motion carried.

Resolution No. 27515 approving contract with OPN Architects regarding the development of the new fire station was removed from the agenda.

Moved by Strnad, seconded by Brandt to approve Project Calendar for the Lowe Park Maintenance Facility Addition Project as follows:

- a. Resolution No. 27516 approving Resolution of Necessity regarding the Lowe Park Maintenance Facility Addition Project.
- b. Resolution No. 27517 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Lowe Park Maintenance Facility Addition Project.

- c. Resolution No. 27518 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Lowe Park Maintenance Facility Addition Project.

All in favor, motion carried.

Resolution No. 27519 approving a Memorandum of Agreement with Rookwood Estates, LLC regarding the Robinwood Lane improvements in Rookwood Estates 1st and 2nd Addition was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27519. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve the Project Calendar regarding the 2019 Sidewalk Assessment Project as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Sidewalk Assessment Project.
- b. Resolution No. 27520 approving the preliminary resolution pursuant to Chapter 384.42 of the Code of Iowa regarding the 2019 Sidewalk Assessment Project.
- c. Resolution No. 27521 approving the proposed resolution of necessity and setting public hearing regarding the 2019 Sidewalk Assessment Project.

All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the 2019 Sanitary Sewer Maintenance Project. City Engineer Mike Barkalow presented the staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Resolution No. 27522 accepting bids and awarding contract to Rathje Construction Co. regarding the 2019 Sanitary Sewer Maintenance Project in the amount of \$137,745.00 was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27522. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Project Calendar regarding the 2019 Pedestrian Beacon Project, as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Pedestrian Beacon Project.
- b. Resolution No. 27523 approving Resolution of Necessity regarding the 2019 Pedestrian Beacon Project.

- c. Resolution No. 27524 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Pedestrian Beacon Project.
- d. Resolution No. 27525 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Pedestrian Beacon Project.

All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Project Calendar regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project, as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project.
- b. Resolution No. 27526 approving Resolution of Necessity regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project.
- c. Resolution No. 27527 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project.
- d. Resolution No. 27528 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project.

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:54 p.m. Mayor Pro Tem Strnad presided over the meeting.

Resolution No. 27529 approving a Memorandum of Agreement with Squaw Creek Crossing, Inc. regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27529. Vote: Yeas: Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor AbouAssaly left the meeting at 5:55 p.m.

Resolution No. 27530 approving the Central Corridor Interim Development Overlay (IDO) review regarding the First Federal & Retail Site Development Plan for property located south of 7th Avenue east of 25th Street (Genesis Equities LLC) was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27530. Planner I Nicole Behrens provided staff report and presented revised plan based on previous Council discussions. Council Member Gadelha asked for clarification to the bank design. Nicole stated this will not be a traditional bank. Will not have tellers or ATM, but will have staff and offices to facilitate mortgages or loans. Council Member Gadelha asked if the police chief and fire chief were okay with amendments to the plan. Both confirmed. Council Member Jensen asked if they'd consider extending the divider by the coffee drive-thru further north. Council Member Gadelha asked if there would be arrow in parking lot to help with flow of traffic. Nicole stated there are proposed pavement markings but will also look at the signage package. Vote: Yeas: Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Brandt, seconded by Jensen to direct staff to negotiate the sale of City owned property located adjacent to 2791 7th Avenue and direct staff to prepare a plat of survey specifically identifying said parcel. Council Member Gadelha stated they would like to see this transaction be fair for all parties and not just a swap. Vote: Yeas: Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Gadelha, seconded by Brandt to direct staff to negotiate a Memorandum of Agreement related to 27th Street Improvements adjacent to 2791 7th Avenue. Vote: Yeas: Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27531 approving GLM Addition Final Plat and Memorandum of Agreement to Linn County for property located at 1777 Martin Creek Road in Linn County, Iowa (Gerald L Munier and Laura A. Munier) was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27531. Vote: Yeas: Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor AbouAssaly returned to the meeting at 6:13 p.m.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:13 p.m. Mayor AbouAssaly presided over the meeting.

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 Strnad for second consideration. Moved by Strnad, seconded by Gadelha to approve the second reading of Ord. No. 19-05. Council Member Brandt asked if there have been any changes with the state. Fire Chief Deb Krebill stated there has not been any movement at the state level. All in favor, motion carried.

Resolution No. 27532 approving Carriage Square 1st Addition Final Plat and Memorandum of Agreement for property located at 1170 Twixt Town Road (Carriage Square Partnership) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27532. All in favor, motion carried.

Resolution No. 27533 adopting a Revenue Purpose Statement regarding use of revenues from proposed gas and electric franchise fees pursuant to Iowa Code Section 364.2(4)(f) was read by Gadelha. Moved by Gadelha, seconded by Jensen to approve Res. No. 27533. Moved by Gadelha, seconded by Jensen to table Res. No. 27533. All in favor of motion to table, motion carried.

Resolution No. 27534 setting a public hearing for April 4, 2019 regarding the proposed adoption of an ordinance amending Chapter 110 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27534. All in favor, motion carried.

Resolution No. 27535 setting a public hearing for April 4, 2019 regarding the proposed adoption of an ordinance amending Chapter 111 of the Code of Ordinances regarding Electric Franchise with Interstate Power and Light Company (Alliant) including the addition of franchise fees was read by Strnad. Moved by Strnad, seconded by Jensen to approve Res. No. 27535. Council Member Strnad asked if revenue purpose statement would need approved prior to public hearing. City Attorney Ryan Tang stated it would be wise but could be amended after the public hearings as well. Mayor AbouAssaly asked if revenue purpose statement would need to be in the published notice. City Attorney Ryan Tang stated that was not necessary. All in favor, motion carried.

Resolution No. 27536 setting a public hearing for April 4, 2019 regarding the proposed adoption of an ordinance regarding a Franchise Agreement with Linn County Rural Electric Cooperative Association (Linn County REC) to include franchise fees was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27536. All in favor, motion carried.

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Jensen asked Public Services Director Ryan Miller how much sand was used this winter. Ryan Miller stated they use a 3:1 Sand to Salt ratio. They used 2800 tons of salt this year.

Council Member Strnad stated he sat on his first CMPO Board meeting. He thanked staff for helping him and wanted to give staff kudos with their participation and knowledge.

Council Member Gadelha wanted to wish everyone a happy Spring.

Mayor AbouAssaly wanted to give Reaching Higher recognition to Uptown Marion. They recently received three awards at the Annual Main Street Iowa Awards including 20 Million Dollar Benchmark Community Award and Best Beautification Project for the Uptown Veteran Banner program. Mayor AbouAssaly also stated he was invited to speak at a naturalization ceremony last Friday at the federal courthouse. Mayor also asked Public Services Director Ryan Miller the plan for filling potholes. Ryan Miller stated they will start with main collector streets at least once or twice before moving on to all residential areas. They expect to cover all roads at least twice and hope to get through the City by mid-April.

CLOSED SESSION

Moved by Gadelha, seconded by Jensen to adjourn to closed session as permitted under Section 21.5(k) of the Code of Iowa. City Attorney Tang stated there is an error and it should reference Section 21.5(1)(b). Moved by Strnad, seconded by Jensen to amend the motion to adjourn closed session as permitted under Section 21.5(1)(b) of the Code of Iowa. All in favor of motion to amend. City Attorney 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. Amended motion carried.

Council Member Draper arrived during the closed session at 7:10 p.m.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 7:16 p.m. Mayor Pro Tem Strnad presided over the meeting.

Mayor AbouAssaly left the closed session at 7:16 p.m.

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

Mayor Pro Tem Strnad adjourned the meeting at 7:30 p.m.

Randy Strnad, Mayor Pro Tem

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