

April 18, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, April 18, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Atkins, Jensen, Strnad, Brandt. Absent: Gadelha.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Proclamation for Arbor Day 2019 was read by the Mayor and presented to Marilyn Tormey with the Marion Tree Board and City Arborist Mike Cimprich. Mike Cimprich stated the City of Marion received Tree City USA designation for 26th year. Part of receiving that award is to celebrate Arbor Day. This year the City Parks Department will be planting seedling trees near Prairie Ridge Avenue and Chestnut Lane from 12:30-2:00 p.m. on Friday, April 26.

PRESENTATIONS

Peter Mitchell with Marion Christian Church spoke in regards to the previous lack of bus stops shelters near Azure Apartments. The Church is proud to be a part of solutions in the area and happy to donate \$3,000 to help with the installation of a bus shelter near the apartment complex.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the April 2, 4 and 11, 2019 City Council meetings.

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

- a. Marion by Moonlight, 6/6/19, 6/13/19, 6/20/19, 6/27/19, 6:30-9:30 p.m., Marion Square Park (Farmers State Bank, 1240 8th Avenue) (Permit #2019-00000019)
- b. Marion Arts Festival, 5/18/19, 9:00-5:00 p.m., Marion Square Park (Marion Arts Festival, 1225 6th Avenue Suite 100) (Permit #2019-00000022)
- c. Marion Big Band Concerts, 7/11/19, 7/18/19, 7/25/19, 7:00-9:00 p.m., Marion Square Park (Doreen Zumwalt, 1500 8th Street) (Permit #2019-00000027)
- d. Uptown Marion Market, 6/8/19, 7/13/19, 8/10/19, 8:00-12:00 p.m., Marion Square Park (Marion Chamber of Commerce, 1225 6th Avenue Suite 100) (Permit #2019-00000025)

Motion to receive and file the March department monthly reports.

Motion to receive and file resignation letter from Terry Sperl from the Parks Board.

Resolution No. 27569 adopting final assessment schedule for Fiscal Year 2019 Quarter 4 Delinquent Fee Special Assessment.

Motion to approve payments as presented in the amount of \$769,506.15.

Resolution No. 27570 approving the disposal of surplus city property.

Motion directing staff to solicit Request for Qualifications (RFQ) regarding comprehensive strategic planning services.

Resolution No. 27571 approving the purchase of traffic marking paint from Sherwin-Williams in the amount of \$30,387.50.

Resolution No. 27572 approving partial payment No. 10 to A&J Associates for the Public Service Maintenance Facility in the amount of \$28,100.00.

Resolution No. 27573 approving Partial Payment No. 41 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$6,292.00.

Resolution No. 27574 approving the purchase of recycle bins from Rehrig Pacific in the amount of \$19,012.00.

Resolution No. 27575 approving the purchase of three portable radios from Racom Corporation in the amount of \$15,860.25.

Motion to receive, file and discuss letter regarding resolution of support for Morgan Creek Park (Linn County Conservation Board, 10260 Morris Hills Road, Toddville).

Resolution No. 27576 approving letter of support regarding Morgan Creek Park Phase I CAT application.

Motion to receive, file and discuss the 2019 Parks and Forestry Work Plan.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27577 approving Partial Payment No. 25 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$16,080.82.

- b. Resolution No. 27578 approving Partial Payment No. 15 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$6,961.50.
- c. Resolution No. 27579 approving Partial Payment No. 9 to Anderson Bogert Engineers regarding the 2018 Central Corridor 7th Ave. Preliminary Design project in the amount of \$23,110.00.

Resolution No. 27580 approving Temporary Construction Easement with D & T Murray Enterprises LLC, for property located at 2534 5th Avenue regarding the Central Corridor Improvements – Phase 4 (19th Street to 26th Street).

Resolution No. 27581 setting a public hearing for May 9, 2019 regarding adoption of the Marion Central Corridor Districts Plan for property between 2nd Street and 31st Street and 5th Avenue and 9th Avenue. (City of Marion)

Resolution No. 27582 setting a public hearing for May 9, 2019 regarding amendments to Chapter 176, Zoning Regulations of the Marion Code of Ordinances and adopting the Central Corridor Zoning Districts. (City of Marion)

Resolution No. 27583 setting a public hearing for May 9, 2019 regarding the disposition of City owned property located adjacent to 2791 7th Avenue.

All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Strnad at 5:43 p.m. Mayor Pro Tem Strnad presided over the meeting.

Council Member Draper left the meeting at 5:44 p.m.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Moved by Jensen, seconded by Atkins 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. Renewal – Qdogs BBQ – 895 Blairs Ferry Road
Class C Liquor License (LC) with additional privileges of Catering, Outdoor Service and Sunday Sales. No violations in previous five years.

Resolution No. 27584 approving Partial Payment No. 5 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$3,020.00

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

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

REGULAR AGENDA

Resolution No. 27585 resetting the date for the sale of General Obligation Corporate Purpose Bonds, Series 2019A was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27585. All in favor, motion carried.

Resolution No. 27586 resetting the date for the sale of General Obligation Urban Renewal Refunding Bonds, Series 2019C was read by Brandt. Moved by Brandt, seconded by Atkins to approve Res. No. 27586. All in favor, motion carried.

Resolution No. 27587 resetting the date for sale of General Obligation Annual Appropriation Urban Renewal Bonds, Series 2019B was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27587. All in favor, motion carried.

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

Resolution No. 27588 approving Development Agreement with Synergy Partners, Inc., 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. 27588. All in favor, motion carried.

Ordinance No. 19-06 amending Chapter 17 of the Code of Ordinances Relating to Council was read by Jensen for second consideration. Moved by Jensen, seconded by Atkins to approve the second reading of Ord. No. 19-06. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing 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. (Continued from April 4, 2019) No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 19-07 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 Strnad for initial consideration. Moved by Strnad, seconded by Brandt to approve the initial reading of Ord. No. 19-07. All in favor, motion carried.

Ordinance No. 19-08 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 Brandt for second consideration. Moved by Brandt, seconded by Jensen to approve the second reading of Ord. No. 19-08. All in favor, motion carried.

Ordinance No. 19-09 adding Chapter 114 to the Code of Ordinances regarding a Franchise Agreement with Linn County Rural Electric Cooperative Association (Linn County REC) to include franchise fees was read by Atkins for second consideration. Moved by Atkins, seconded by Jensen to approve the second reading of Ord. No. 19-09. All in favor, motion carried.

Ordinance No. 19-12 amending Chapter 20 of the Code of Ordinances Relating to City Manager was read by Jensen for initial consideration. Moved by Jensen, seconded by Atkins to approve the first reading of Ord. No. 19-12. All in favor, motion carried.

Ordinance No. 19-13 amending Chapter 165 Section 165.11 of the Code of Ordinances Relating to Housing Code Definitions was read by Strnad for initial consideration. Moved by Strnad, seconded by Atkins to approve the first reading of Ord. No. 19-13. All in favor, motion carried.

Ordinance No. 19-14 amending Chapter 176, Section 176.06 of the Code of Ordinances Relating to Zoning Regulations Rules and Definitions was read by Brandt for initial consideration. Moved by Brandt, seconded by Jensen to approve the first reading of Ord. No. 19-14. All in favor, motion carried.

Resolution No. 27589 approving amendment to the professional services agreement with Anderson-Bogert Engineers in the amount of \$99,218.00 for the Eco Industrial Park Development was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27589. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve Project Calendar for the Civil Improvements associated with the Public Service Maintenance Facility as follows:

- a. Resolution No. 27590 approving Resolution of Necessity regarding the Civil Improvements associated with the Public Service Maintenance Facility.
- b. Resolution No. 27591 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Eco Industrial Phase One Civil Site Package (Public Service Maintenance Facility).
- c. Resolution No. 27592 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Eco Industrial Phase One Civil Site Package (Public Service Maintenance Facility).

All in favor, motion carried.

Resolution No. 27593 approving proposal with Terracon regarding Geotechnical Engineering Services for the New Marion Fire Station in an amount not to exceed \$12,150.00 was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27593. All in favor, motion carried.

Resolution No. 27594 approving proposal with Terracon regarding Phase I Environmental Site Assessment for the New Marion Fire Station in the amount of \$2,100.00 was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27594. All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Strnad at 6:03 p.m. Mayor Pro Tem Strnad presided over the meeting.

Resolution No. 27595 approving contract with Hall and Hall Engineers, Inc. for engineering design services regarding the Irish Drive Project (New Marion Fire Station) in an amount not to exceed \$19,900.00 was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27595. Vote: Yeas: Atkins, Jensen, Strnad, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:03 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing regarding the 2019 Sidewalk Assessment Project. City Engineer Mike Barkalow provided staff report. Jay Borschel (1665 25th Avenue) spoke in favor of the project. He stated this would add safety to the area proposed. Steve Back (150 Grand Avenue) spoke in favor of the project. He questioned if the drive next to his house would remain. City Engineer Mike Barkalow stated he would need to look into it. Marilyn Newton (775 S 12th Street) spoke in opposition of the measure. She had concerns with the placement of the proposed sidewalk between E and F Avenues. Donald Matheny (715 S 12th Street) spoke in opposition of the project. He had concerns with the placement of the proposed sidewalk between E and F Avenues. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Brandt to approve the Project Calendar regarding the 2019 Sidewalk Assessment Project:

- a. Resolution No. 27596 amending the Resolution of Necessity regarding the 2019 Sidewalk Assessment Project.
- b. Resolution No. 27597 overruling (or amending) objections regarding the 2019 Sidewalk Assessment Project.
- c. Resolution No. 27598 approving the Final Resolution of Necessity regarding the 2019 Sidewalk Assessment Project.

- d. Resolution No. 27599 approving and adopting preliminary plans and specifications regarding the 2019 Sidewalk Assessment Project.
- e. Resolution No. 27600 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sidewalk Assessment Project.

Council Member Jensen asked for further clarification regarding the S 12th Street sidewalk. He asked why the placement was on east side and not the west side. City Engineer Mike Barkalow stated staff looked at grade, retaining wall and estimate cost and is proposing the east side. Jackie Horton (1215 E Avenue) stated the financial aspect was not listed in the guidelines for choosing location and asked for clarification. City Engineer Mike Barkalow stated the Sidewalk Committee establishes what streets sidewalks should be installed. The Engineering Department then decides what side of the street it will be installed and estimate cost is taken into consideration. Council Member Brandt stated connectivity to Starry Elementary was why this stretch of road was chosen. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the 2019 Pedestrian Beacon Project. City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27601 accepting bids and awarding contract to Trey Electric Corp. regarding the 2019 Pedestrian Beacon Project in the amount of \$49,878.00 was read by Strnad. Moved by Strnad, seconded by Jensen to approve Res. No. 27601. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to receive, file, discuss and refer to TAC a petition regarding no parking on 1st Street from 29th Avenue to 33rd Avenue. Moved by Atkins, seconded by Jensen to table. All in favor of motion to table, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, discuss and refer to TAC a petition regarding additional speed limit signage on 50th Street south of 29th Avenue. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to receive, file, discuss and refer to TAC letters regarding changing the classification of Connection Avenue. Moved by Strnad, seconded by Atkins to amend motion to receive and file letters regarding changing the classification. All in favor of motion to amend, motion carried. All in favor of amended motion, motion carried.

Resolution No. 27602 authorizing a funding application to the Corridor Metropolitan Planning Organization for Surface Transportation Block Grant funds in the amount of \$776,000 and committing to provide local matching funds for the Marion Blvd / 7th Avenue / 10th Avenue Project in Marion (7th Avenue; 12th Street to 22nd Street) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27602. All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Strnad at 6:44 p.m. Mayor Pro Tem Strnad presided over the meeting.

Resolution No. 27603 approving Change Order No. 10 with Genesis Equities, LLC regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) regarding the storm sewer modifications in the amount of \$10,399.05 was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27603. Vote: Yeas: Atkins, Jensen, Strnad, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27604 approving the Central Corridor Interim Development Overlay (IDO) review regarding the GLD Multi-Tenant Commercial Development Plan located at 2791 7th Avenue (GLD Commercial) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27604. Vote: Yeas: Atkins, Jensen, Strnad, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27605 approving Plat of Survey 2335 located adjacent to 2791 7th Avenue (City of Marion) was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27605. Vote: Yeas: Atkins, Jensen, Strnad, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:46 p.m. Mayor AbouAssaly presided over the meeting.

Ordinance No. 19-10 approving zoning 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) was read by Strnad for second consideration. Moved by Strnad, seconded by Brandt to approve the second reading of Ord. No. 19-10. All in favor, motion carried.

Ordinance No. 19-11 approving zoning from Undesignated to PI, Public Institutional located north of 35th Avenue, east of 35th Street (Linn-Mar Community School District) was read by Brandt for second consideration. Moved by Brandt, seconded by Jensen to approve the second reading of Ord. No. 19-11. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding a new Housing Program and a new Housing Code Table of Fees. Building Official Gary Hansen provided staff report. Linda Miller (4001 N 10th Street) spoke in opposition of the program and table of fees. She stated differences between proposed changes and structure in other communities in the area. No other comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Resolution No. 27606 approving the 2019 Housing Program Plans of Inspection as required by 165.06 of the Marion Housing Code was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27606. All in favor, motion carried.

Resolution No. 27607 approving the 2019 Housing Code Table of Fees as required by 165.05 of the Marion Housing Code and including a landlord permit fee and housing unit registration fee was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27607. All in favor, motion carried.

Resolution No. 27608 adopting the 2019 Linn County Multi-Jurisdictional Hazard Mitigation Plan was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27608. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to receive and file a request from Rookwood Estates, LLC for the issuance of building permit(s) prior to approval of a final plat for the Rookwood Estates First Addition. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – No discussions were held.

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Brandt wished everyone a Happy Easter.

Council Member Strnad wanted to congratulate the Parks Department on receiving the Tree City USA award. Also congratulated Chief Deb Krebill for her recognition in HER Magazine. He also stated he kicked off the Iowa Federation of Square and Round Dancing Convention and stated the attendees were great. The organization was recipients of some Hotel/Motel Grant Funding this year.

Council Member Jensen spoke about a recent garage sale he had and he spoke with a few new residents who spoke favorably of Marion.

Mayor AbouAssaly stated he also spoke at the Iowa Federation of Square and Round Dancing Convention. There were 399 participants. He stated it was a great group to have in Marion. He stated he also spoke at a recent Rotary event, high-school, and three senior complexes as well as introduced a great author to all 2nd graders. He welcomed Abby Finkenauer to Marion as she toured the industrial area. He also spoke in regards to the meeting on April 17 regarding the Library Project and is excited to

reboot the project. He wanted to recognize Council members for reaching higher and introducing agenda items more formally at the meeting.

Mayor AbouAssaly adjourned the meeting at 7:30 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