

May 9, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, May 9, 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, and Gadelha. Absent: None.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Mayor AbouAssaly read a proclamation regarding Kids to Parks Day 2019. The proclamation was presented to Deputy Parks Director Seth Staashelm.

Council Member Strnad read a proclamation regarding Poppy Days 2019. The proclamation was presented to the American Legion Auxiliary.

Council Member Gadelha read a proclamation regarding Day of Reason 2019.

Council Member Atkins read a proclamation regarding Bike to Work Week 2019. The proclamation was presented to City Engineer Mike Barkalow and the Marion Bicycle & Pedestrian Advisory Committee.

PRESENTATIONS – No presentations took place.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the April 16, 17 and 18, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. New – Marion Metro Kiwanis – 4500 10th Street
(BBQ Rendezvous)
Special Class C Liquor License (Beer/Wine) 5 day permit with additional privileges of Outdoor Service. Effective 5/30/2019.
- b. New – TownPlace Suites by Marriott – 2823 7th Avenue
Special Class C Liquor License (Beer/Wine) with additional privileges of Class B Wine Permit, Living Quarters and Sunday Sales.
- c. Renewal – MJ's Restaurant – 1107 7th Avenue
Special Class C Liquor License (Beer/Wine) with additional privileges of Sunday Sales. No violations in previous five years.

- d. Renewal – Oasis Sandbar – 1710 Marion Airport Road
Special Class C Liquor License (Beer/Wine) with additional privileges of
Class B Wine Permit, Outdoor Service and Sunday Sales. No violations in
previous five years.
- e. Renewal – The Chocolate Shop – 1244 7th Avenue
Class B Native Wine Permit with additional privileges of Sunday Sales. No
violations in previous five years.

Resolution No. 27609 approving Chubbs BBQ, LLC, request to transfer its
transient merchant license from 1100 44th Street to 901 50th Street per Section
122.02(4) of the Code of Ordinances.

Resolution No. 27610 approving a waiver of time requirements pursuant to
Section 122.06(5) of the Code of Ordinances (Chubbs BBQ, LLC).

Resolution No. 27611 approving amended Public Records Request Policy.

Motion to approve payments as presented in the amount of \$1,458,363.50.

Resolution No. 27612 approving an agreement with SilverStone Group, Inc.
regarding actuarial services.

Resolution No. 27613 setting the date for a public hearing on proposal to enter
into a Road Use Tax Revenue Loan Agreement and to borrow money
thereunder.

Resolution No. 27614 to fix a date for a public hearing on a proposal to enter into
a Sewer Revenue Loan Agreement and to borrow money thereunder.

Resolution No. 27615 setting the date for a public hearing on proposal to enter
into a Solid Waste Revenue Loan Agreement and to borrow money thereunder.

Resolution No. 27616 setting a public hearing for May 23, 2019 regarding the
Eco-Industrial Park Phase I Site Package.

Resolution No. 27617 approving an agreement with Summit Companies for
annual extinguisher services.

Resolution No. 27618 approving an agreement with Hawkeye Communications
and Continental Sprinkler for annual alarm and sprinkler services to include
monitoring.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27619 approving Partial Payment No. 26 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$5,373.88. (SWR-17-026)
- b. Resolution No. 27620 approving Partial Payment No. 1 to Eastern Iowa Excavating and Concrete, LLC regarding the 668 7th Avenue Parking Lot Project in the amount of \$24,762.89.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27621 approving payment no. 3 to Anderson-Bogert Engineers for general airport consulting for engineering and/or land surveying services per the contract for the Marion Airport in the amount of \$559.00.
- b. Resolution No. 27622 approving payment no. 7 to Linn County for Marion's portion of the Linn County Hazard Mitigation Plan Update in the amount of \$2,052.07.
- c. Resolution No. 27623 approving payment no. 17 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$20,633.36. (TRL-17-055)
- d. Resolution No. 27624 approving payment no. 42 to Universal Field Services, Inc for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of \$735.43. (TRANS-17-099)

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

- a. Eagle Ridge Park 9th Addition Final Plat located at 1715 Red Fox Way. (Eagle Ridge LC)
- b. Alley vacation for the east half of the east-west alley located between to 376 and 344 9th Street (Seven Hills East LLC)
- c. Alley vacation for the north half of the north-south alley located between 849 4th Avenue and 356/376 9th Street (Seven Hills East LLC)

All in favor, motion carried.

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 27625 approving partial payment no. 12 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$34,562.50.

Resolution No. 27626 approving partial payment no. 6 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$1,460.30 (FACS-18-072)

Resolution No. 27627 approving Partial Payment No. 11 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$192,128.36. (TRANS-18-091)

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

- a. Request to amend the Marion Comprehensive Plan and Future Land Use Map to Single-Family Detached Residential and rezone property to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-Family Residential for property located north of 29th Avenue on either side of Winchester Drive extended. (Robson Homes, Inc.)

Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. 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

Moved by Gadelha, seconded by Brandt to approve the following liquor license applications:

- a. New - St. Joseph Catholic Church – 1790 14th Street
(St. Joseph Fun Days)
Class B Beer (includes wine coolers) 5 day permit with additional privileges of outdoor service and Sunday sales. Effective 5/30/19.

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

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

Resolution No. 27628 approving designees for City Manager, City Clerk and City Treasurer per Section 17.03(b) of the Code of Ordinances was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27628. All in favor, motion carried.

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 second consideration. Moved by Strnad, seconded by Atkins to approve the second reading of Ord. No. 19-07. Vote: Yeas: Atkins, Jensen, AbouAssaly, Strnad, Brandt and Gadelha. Nays: Draper. 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 final consideration. Moved by Brandt, seconded by Jensen to approve the third 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 Gadelha for final consideration. Moved by Gadelha, seconded by Brandt to approve the third 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 Atkins for second consideration. Moved by Atkins, seconded by Jensen to approve the second 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 Jensen for second consideration. Moved by Jensen, seconded by Draper to approve the second 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 Strnad for second consideration. Moved by Strnad, seconded by Gadelha to approve the second reading of Ord. No. 19-14. All in favor, motion carried.

Resolution No. 27629 awarding General Obligation Corporate Purpose Bonds, Series 2019A, and authorizing and approving a Loan Agreement, providing for the sale and issuance of Bonds and providing for the levy of taxes to pay the same was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27629. Tionna Pooler with Independent Public Advisors presented the bid tabulation for Series 2019A, 2019B and 2019C bonds. All in favor, motion carried.

Resolution No. 27630 awarding General Obligation Urban Renewal Refunding Bonds, Series 2019C and authorizing and approving a Loan Agreement, providing for the sale and issuance of bonds and providing for the levy of taxes to pay the same was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27630. All in favor, motion carried.

Resolution No. 27631 awarding General Obligation Annual Appropriation Urban Renewal Bonds, Series 2019B and authorizing and approving a Loan Agreement, providing for the sale and issuance of Bonds and providing for the levy of taxes to pay the same was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27631. All in favor, motion carried.

Ordinance No. 19-15 amending Chapter 131 of the Code of Ordinances Relating to Public Amusements was read by Jensen for initial consideration. Moved by Jensen, seconded by Atkins to approve the first reading of Ord. No. 19-15. Council Member Gadelha asked why this chapter is being removed. City Attorney Kara Bullerman stated the licenses are becoming obsolete. All in favor, motion carried.

Moved by Strnad, seconded by Draper to direct staff to draft an Ordinance regarding Mobile Food Vendors. Council Member Strnad stated the goal is to not impede on any permanent business. Council Member Jensen stated the Cedar Rapids ordinances was referenced. He stated to make sure Marion's protects brick and mortar restaurants. Mayor AbouAssaly agreed and stated to be cautious we done have any unintended consequences that harm permanent locations. All in favor, motion carried.

Resolution No. 27632 approving purchase of Emergency Bail Out Rescue Bags from Municipal Emergency Services in the amount of \$22,185.00 was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27632. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the Lowe Park Maintenance Facility Addition Project. (FACS-18-072) Parks Director Mike Carolan provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27633 accepting bids and awarding contract to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$290,900.00 (FACS-18-072) was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27633. Mayor AbouAssaly asked if there were plans to landscape around the new addition. Mike confirmed. All in favor, motion carried.

Resolution No. 27634 approving purchase of property described as 2350 Indian Creek Road, Lot 8, Indian Creek Second Addition to the City of Marion, Linn County, Iowa from BSC, LLC, in the amount of \$55,000.00 (STORM-18-020) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27634. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the 2019 Hwy 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project (TRANS-18-074). City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27635 accepting bids and awarding contract to Price Industrial Electric regarding the 2019 Hwy 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$574,843.95. CS-TSF-4775(633)—85-57 (TRANS-18-074) was read by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 27635. Council Member Brandt asked for a recap of how this project will be paid. City Engineer Mike Barkalow stated \$500,000.00 will be through TSIP grant funding. The remaining will be paid by the developer. All in favor, motion carried.

Resolution No. 27636 approving contract and bond with Trey Electric Corp regarding the 2019 Pedestrian Beacon Project (ANN-18-079) was read by Strnad. Moved by Strnad, seconded by Atkins to approve Res. No. 27636. All in favor, motion carried.

Resolution No. 27637 approving agreement with the Iowa Department of Transportation (IDOT) for the 10th Street and Central Avenue/10th Avenue intersection Improvement Project, CS-TSF-4775(634)—85-57 (TRANS-18-089) was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27637. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: AbouAssaly. Motion carried.

Moved by Gadelha, seconded by Brandt to receive, file, discuss and refer to TAC a petition regarding no parking on 1st Street from 29th Avenue to 33rd Avenue. (Tabled 4/18/19) All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, discuss TAC report regarding the request for additional speed limits signs on 50th Street. All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to direct staff to install a set of "Speed Limit 25 MPH" between 29th Avenue and Saturn Avenue for northbound and southbound traffic. All in favor, motion carried.

Resolution No. 27638 approving a contract with Stanley Consultants, Inc. regarding soil testing regarding 6th Avenue from 13th Street to 27th Street in the amount not to exceed \$18,000.00 (TRANS-18-091) was read by Strnad. Moved by Strnad, seconded by Draper to approve Res. No. 27638. All in favor, motion carried.

Resolution No. 27639 accepting the 668 7th Avenue Parking Lot Project was read by Brandt. Moved by Brandt, seconded by Draper to approve Res. No. 27639. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 6:33 p.m. Mayor Pro Tem Strnad presided over the meeting.

Mayor Pro Tem Strnad opened the public hearing regarding the disposition of City owned property located adjacent to 2791 7th Avenue/Plat of Survey 2335 to GLD Commercial LLC. Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Resolution No. 27640 approving the disposition of City owned property located adjacent to 2791 7th Avenue/Plat of Survey 2335 to GLD Commercial LLC (City of Marion) was read by Gadelha. Moved by Gadelha, seconded by Jensen to approve Res. No. 27640. Council Member Brandt noted the purchase agreement did not state that the buyer is paying for abstract and survey costs. Moved by Jensen, seconded by Gadelha to amend the motion to approve the disposition with amended purchase agreement to include buyer paying for abstract and survey costs. Vote to Amend: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried. Roll Call Vote on Amended Motion: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27641 amending Memorandum of Understanding with GLD Commercial LLC (Amending Resolution 25969) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27641. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:43 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 27642 approving Memorandum of Agreement related to reimbursement for 27th Street improvements adjacent to 2791 7th Avenue was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27642. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the Marion Central Corridor Districts Plan for property between 2nd Street and 31st Street and 5th Avenue and 9th Avenue. Community Development Director Tom Treharne provided staff report. Sheila Matheson (2498 8th Avenue) had concerns about where this information is located on the website. Darrel Oldenburger (3435 Monarch Avenue) spoke in regards to being approached to purchase land. Marita Stewart (1545 5th Avenue) had concerns about the potential development around her house. Mayor AbouAssaly stated if someone buys the property and decides to change the use, they have to meet the zoning requirements. Jeff Besker (2180 7th Avenue) stated he owns an auto sales business on 7th Avenue and has concerns about being targeted to leave the area. Community Development Director Tom Treharne stated existing businesses will be grandfathered in. If someone buys existing property, it can remain as is. If it sits vacant for 6 months, next owner would need to meet the new zoning requirements. If buyer wants to redevelop, it would need to meet the new zoning requirements. Tom Spratt (2261 5th Avenue) shared concerns with the bike trails going through the area and their safety. Dave Key (1820 8th Avenue) thanked staff for protecting residential area. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27643 adopting the Marion Central Corridor Districts Plan for property between 2nd Street and 31st Street and 5th Avenue and 9th Avenue (City of Marion) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27643.

Council Member Strnad stated this plan will share the City's vision with developers. Council Member Gadelha thanked all who spoke in regards to this plan. She stated the intention has been to plan and share with the City our vision and standards. Council Member Brandt asked about email received from Mike Bates with Marion Guns and Gold and his concerns with if natural disaster occurred and if he'd be able to rebuild. He would like to see current businesses protected in case of damage caused by natural disasters. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding amendments to Chapter 176, Zoning Regulations of the Marion Code of Ordinances and adopting the Central Corridor Zoning Districts. (City of Marion) Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly stated the public hearing will remain open.

Ordinance No. 19-16 amending Section 176.04, Establishment of Districts & Map of the Marion Code of Ordinances to include Central Corridor Zoning Districts (City of Marion) was read by Brandt for initial consideration. Moved by Brandt, seconded by Gadelha to approve the first reading of Ord. No. 19-16. All in favor, motion carried.

Ordinance No. 19-17 repealing Section 176.50, Central Corridor Interim Development Overlay of the Marion Code of Ordinances and re-establishing Section 176.50 as Central Corridor Zoning Districts (City of Marion) was read by Gadelha for initial consideration. Moved by Gadelha, seconded by Brandt to approve the first reading of Ord. No. 19-17. All in favor, motion carried.

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 Atkins for final consideration. Moved by Atkins, seconded by Jensen to approve the third 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 and east of 35th Street (Linn-Mar Community School District) was read by Jensen for final consideration. Moved by Jensen, seconded by Atkins to approve the third reading of Ord. No. 19-11. All in favor, motion carried.

Resolution No. 27644 approving Linn-Mar 35th 1st Addition Preliminary Plat for property located north of 35th Avenue and east of 35th Street (Linn-Mar Community School District) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27644. 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 made a request for when there were public hearings, to show a map or visual so those in attendance know what the public hearing is regarding. Gadelha also stated the Gazette will be covering Marion more as we have a dedicated reporter.

Council Member Strnad stated he attended the State of the County on Thursday. The message was clear on the progress and work the past year. Strnad stated several items at the Parks Department were postponed. Encouraged residents to watch social media and our website for those events.

Council Member Jensen stated he's had several residents ask about sand in the streets. Public Services Director Ryan Miller stated staff are finishing main and secondary streets this next week. Will then move into residential areas. Looking to finish by June.

Council Member Atkins stated she also attended the State of the County and was great to hear their strategic plan and how it related to ours.

Council Member Draper gave a history lesson regarding bicycles.

Mayor AbouAssaly stated since the last meeting he's attended a ribbon cutting for Trees Forever, and the 8th Anniversary for The Kettle House Bakery. Last Saturday, presented check to the American Legion with proceeds from the Veteran Banner program. Events coming up include ribbon cutting for The Views, the skate park, Prospect Meadows, and a new restaurant was recently announced. Mayor AbouAssaly stated Marion has great momentum and we need to remind ourselves we came a long way. He asked residents to join him on Tuesday for the bike ride from Thomas Park to Marion Square.

Mayor AbouAssaly adjourned the meeting at 7:53 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