

July 18, 2019

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

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS – None

PRESENTATIONS

Mike Pedersen (3460 27th Avenue) presented information regarding the application for TIF Assistance. (WhaddaYaWant, Inc. dba Tomaso's Pizza). Building would consist of restaurant on lower level and apartments or condominiums on top level. Council Member Gadelha asked for timeline. Mike stated they are ready to start whenever Council approves and estimates 6-8 months for construction. Council Member Strnad asked for ballpark of what the TIF ask will be. Mike stated around \$52,000.

PUBLIC FORUM

Janet Steffen (360 W 8th Avenue) spoke on behalf of Marion Janitorial Supply regarding the request for an access easement. Janet provided a history of communications with staff to date. She is asking City to provide and install gravel up to \$1000.00 and in exchange, she will maintain the mowing and snow removal on the lot. Council Member Strnad asked if the gravel is not granted, what are the intentions for the agreement. Janet stated granting the gravel would be a huge bonus but she will not turn down the easement.

CONSENT AGENDA

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

Motion to approve minutes of the July 2, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. New - Big Shots Bar and Grill – 1780 5th Avenue
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales.
- b. Renewal – Casey's General Store #2924 – 1100 Eagle View Drive
Class E Liquor License 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 previous five years.
- c. Renewal – Marion Columbus Club – 5650 Kacena Avenue
Special Class C Liquor License with additional privilege of Sunday Sales. No violations in previous five years.

Motion to approve the following Hold Harmless Agreements:

- a. Ali Fortin 30th Birthday; Uptown Artway; 9/7/19 from 6:00-9:00 p.m. (Ali Fortin, 341 8th Avenue, Marion; Permit #2019-00000066)
- b. Interactive Entertainment on the Patio; Uptown Artway; 7/19/19 from 2:00-10:00 p.m. (Artisan's Sanctuary, 1070 7th Avenue, Marion; Permit # 2019-00000067)

Motion to receive and file Certified List for Police Chief.

Motion to approve payments as presented in the amount of \$1,101,815.95.

Resolution No. 27812 adopting final assessment schedule for Fiscal Year 2020 Quarter 1 Delinquent Fees and Confirming and Levying the Assessments.

Motion to receive and file the June 2019 Monthly Reports.

Resolution No. 27813 approving partial payment No. 13 to A&J Associates for the Public Service Maintenance Facility in the amount of \$19,500.00 (FACS-17-069).

Resolution No. 27814 approving Partial Payment #45 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$1,029.92 (FACS-17-069).

Resolution No. 27815 approving Partial Payment #46 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$229.50 (FACS-17-069).

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27816 approving Partial Payment No. 8 for reimbursement to HDR Engineering regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$34,881.45. (SWR-18-033)
- b. Resolution No. 27817 approving Partial Payment No. 18 for reimbursement to Snyder & Associates regarding the 2018 Alburnett Rd. Extension Phase I in the amount of \$14,225.40. (TRANS-18-092)
- c. Resolution No. 27818 approving Partial Payment No. 5 for reimbursement to Snyder & Snyder regarding the 7th Avenue and 35th Street Study in the amount of \$3,190.79 (TRANS-18-088)

Motion to approve Planning and Development Division payments as follows:

- a. Resolution No. 27819 approving initial payment and payment no. 2 to Cara Briggs Farmer (Synergy Metal Works) for the artistic design of the

gateway feature associated with the CeMar Trail Bridge over Marion Boulevard in an amount of \$5,625.00 and \$2,012.63. (TRL-17-055)

- b. Resolution No. 27820 approving payment no. 20 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$12,471.39. (TRL-17-055)

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

- a. Rezoning from R-4, Four-Family Residential to PD, Planned Development Residential at 356 9th Street (Seven Hills East, LLC)
- b. Central Corridor Review for a multi-tenant/commercial property at 1204 7th Avenue. (WhaddaYaWant, Inc.)
- c. Central Corridor Review for a multi-tenant property at 2274 5th Avenue. (TWG)
- d. Conditional Use to permit an electric transmission substation in the A-1, Rural Restricted zoning district at 102 44th Street 176.08-3D. (ITC Midwest)
- e. Marion South Substation 1st Addition at 102 44th Street - Preliminary (ITC Midwest)
- f. Land and Sky 1st Addition at 2270 Hindman Road – Final Plat (Nathan J and Lisa M. Caraway – Brain Engineering)

All in favor, 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.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Moved by Gadelha, seconded by Jensen to approve Resolution No. 27821 approving Partial Payment No. 5 for reimbursement to Morris Wood Enterprises, LLC regarding the Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) Project in the amount of \$235,127.77. (TRANS-18-095) Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:05 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Moved by Atkins, seconded by Jensen to approve Resolution No. 27822 approving Fiscal Year 2018-2019 transfer from General Fund to Health Insurance Fund in the amount of \$231,326.41 for Health Insurance costs. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 27823 approving Fiscal Year 2018-2019 transfer from General Fund to Employee Benefits Fund in the amount of \$122,428.72 for Employee Benefit Payouts. All in favor, motion carried.

Moved by Strnad, seconded by Jensen to approve Resolution No. 27824 approving Fiscal Year 2019-2020 transfer from Local Option Sales Tax to the Capital Projects Fund in the amount of \$225,000 for the Prospect Meadows Capital Contribution (DEV-18-001). All in favor, motion carried.

Mayor AbouAssaly opened a public hearing on proposal to enter into a General Obligation Urban Renewal Loan Agreement. Finance Director Lianne Cairy provided a staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27825 taking additional action on proposal to enter into a General Obligation Urban Renewal Loan Agreement, setting the date for the sale of the General Obligation Urban Renewal Bonds, Series 2019D and authorizing the use of a preliminary official statement in connection therewith. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to receive and file an application for tax increment financing (TIF) assistance from WhaddaYaWant, Inc. dba Tomaso's Pizza. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to direct staff to draft a Memorandum of Understanding (MOU) with WhaddaYaWant, Inc., dba Tomaso's Pizza, regarding tax increment financing (TIF) incentives. All in favor, motion carried.

Moved by Jensen, seconded by Draper to approve the following Hold Harmless Agreement:

- a. Uptown Getdown, Marion Square Park, August 1, 8, 15 and 22, 2019 from 6:00-9:00 p.m. (Marion Chamber of Commerce, 1225 6th Avenue Suite 100, Marion; Permit #2019-00000074)

All in favor, motion carried.

Moved by Strnad, seconded by Brandt to direct staff to amend the purpose and mission of the Local Option Sales Tax Oversight Committee. City Manager Lon Pluckhahn explained that per discussion at the work session, the committee would just need to meet in conjunction with the development of the CIP. The resolution that established the committee will need to be amended. After that is approved, the committee could then update their by-laws. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27826 amending Urban Renewal Annual Appropriation Tax Increment Revenue Bond, Series 2018. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 6:20 p.m. p.m. Mayor Pro Tem Strnad presided over the meeting.

Moved by Gadelha, seconded by Atkins to approve Resolution No. 27827 approving a Second Amended Economic Development Grant Agreement with GLD Commercial-Hotel. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad opened a public hearing regarding the 2019 Irish Drive Extension Project (TRANS-18-112). City Engineer Mike Barkalow provided a staff report. Caleb Caboth (2735 24th Avenue) spoke on behalf of Abode Construction and addressed concerns about timing of this project with other current projects. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27828 accepting bids and awarding contract to Abode Construction LLC regarding the 2019 Irish Drive Extension Project in the amount of \$402,015.00. (TRANS-18-112) Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Jensen, seconded by Brandt to approve Resolution No. 27829 approving contract and bond with Abode Construction LLC regarding the 2019 Irish Drive Extension Project. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Brandt, seconded by Gadelha to approve Project Calendar regarding the 2019 Runway 17/35 Reconstruction at the Marion Municipal Airport Project (ANN-18-082), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Runway 17/35 Reconstruction at the Marion Municipal Airport Project. (ANN-18-082)
- b. Resolution No. 27830 approving Resolution of Necessity regarding the 2019 Runway 17/35 Reconstruction at the Marion Municipal Airport Project. (ANN-18-082)
- c. Resolution No. 27831 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Runway 17/35 Reconstruction at the Marion Municipal Airport Project. (ANN-18-082)

- d. Resolution No. 27832 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Runway 17/35 Reconstruction at the Marion Municipal Airport Project. (ANN-18-082)

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

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:29 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing regarding the 2019 Sanitary Sewer Sliplining Project (ANN-18-029). City Engineer Mike Barkalow provided a staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27833 accepting bids and awarding contract to SAK Construction LLC regarding the 2019 Sanitary Sewer Sliplining Project in the amount of \$157,657.25. (ANN-18-029) Council Member Brandt asked how long the liner extends the life of the sewer. City Engineer Mike Barkalow stated about 50 years. Vote: Yeas: Atkins, Jensen, AbouAssaly, Strnad, Brandt and Gadelha. Nays: Draper. Motion carried.

Moved by Atkins, seconded by Jensen to receive, file, and discuss the final traffic report 7th Avenue and 35th Street Intersection Improvements. (TRANS-18-088) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to direct staff to proceed with Alternative B for the 7th Avenue and 35th Street Intersection Improvements Project. (TRANS-18-088) Council Member Brandt asked if 10th Avenue should be closed from Linden to 35th Street. Council Member Jensen stated the majority of the cost of this project is for the new traffic signals that need replaced regardless. Mayor AbouAssaly stated that at the work, session there was discussion about going with Alternative B and if that does not work, we can close 10th Avenue. Council Member Jensen stated it was mentioned to keep entrance to Jimmy Johns parking lot open for the time being. City Engineer Mike Barkalow stated the biggest change would be the no left turn from 10th Avenue onto 35th Street. Moved by Strnad, seconded by Jensen to amend the design of Alternative B to extend the westbound turning lane on 7th Avenue to Linden Drive and keep the entrance to Jimmy Johns open. All in favor of motion to amend, motion carried. All in favor of amended motion, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 27834 authorizing the submittal of an application for Traffic Safety Improvement Program (TSIP) funding for the intersection of 7th Avenue and 35th Street Intersection Improvement to upgrade the current traffic signal and to add turn lanes and extend Linden Drive. (TRANS-18-088) All in favor, motion carried.

Moved by Brandt, seconded by Strnad to direct staff to solicit engineering services for the 7th Avenue and 35th Street Intersection Improvements. (TRANS-18-088) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to receive, file, discuss and refer to TAC a petition regarding additional streetlights along Bent Creek Drive. (Connie Suma, 625 Bent Creek Drive) Council Member Brandt asked if the lights were currently spaced at 600 feet. City Engineer Mike Barkalow stated he glanced at GIS and it appears they are. Council Member Brandt stated that they are already spaced according to current design standards. Vote: Yeas: Draper, Atkins, Jensen, AbouAssaly, Gadelha. Nays: Strnad and Brandt. Motion carried.

Moved by Atkins, seconded by Jensen to receive, file and discuss the 2019 Uptown Street Sign Removal and Pavement Marking Plan. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve the first reading of Ordinance No. 19-22 relating to the Removal of Signs and Sign Posts in Uptown Marion. All in favor, motion carried.

Mayor AbouAssaly opened a public hearing for the disposition of City owned property at 1080 Blairs Ferry Road, Marion, Iowa. (Timberline Manufacturing Co., Inc.) Community Development Director Tom Treharne provided a staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Strnad, seconded by Brandt to approve Resolution No. 27835 approving the disposition of City owned property at 1080 Blairs Ferry Road, Marion, Iowa. Vote: Yeas: Draper, Atkins, Jensen, AbouAssaly, Strnad, Brandt and Gadelha. Nays: None. Motion carried.

Moved by Brandt, seconded by Gadelha to approve the second reading of Ordinance No. 19-21 the rezoning of property from O-1, Office/Transitional to MR-2, High Density Multiple-Family Residential located at 1330 East Post Road, Marion, Iowa. (One Research Center) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27836 approving public access easement across City owned property located at 637 16th Street (Marion Janitorial Supply Company 1685 7th Avenue). Council Member Gadelha asked if we currently maintain that area. Parks Director Mike Carolan stated we do not maintain that but would as 6th Avenue develops. He estimated that it would take around an hour to mow which would equate to about \$450 a year. Council Member Gadelha asked for clarification on Janet's earlier statement of safety concerns when parking on 7th Avenue. Interim Police Chief Chad Nott agreed that it would be a safety concern if trucks parked on 7th Avenue. Council Member Brandt asked what would happen if they did not maintain the lot. Community Development Director Tom Treharne stated they would be in violation of the agreement. Moved by Jensen, seconded by Draper to

amend the easement to include up to \$1000.00 for gravel application and for Marion Janitorial Supply to maintain the lot including mowing and snow removal. All in favor of motion to amend, motion carried. All in favor of amended motion, motion carried.

Moved by Atkins, seconded by Jensen to receive and file signed purchase agreement related to the City acquisition of a portion of property from QA Properties, Inc., associated with Central Corridor Project Phase IV located at 600 19th Street. 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 stated that the Eat. Drink. & Be Marion. was a very successful event. She also stated she visited Lowe Park and was very impressed with the All Inclusive Playground.

Council Member Brandt also stated that the Eat. Drink. & Be Marion. was successful.

Council Member Strnad thanked Parks Department staff for helping resolve the overgrown foliage issue near Willow Park. He also wished everyone safe travels for anyone participating in RAGBRAI.

Council Member Atkins attended Dueling Pianos and Purple Experience out at Lowe Park and had a great time at both. She also stated that she would be running this fall for Ward 1.

Council Member Draper stated he recently was at the Mayo Clinic and had an opportunity to take a tour of the facility. He provided a short history of the facility.

Mayor AbouAssaly thanked Council for their thoughtful deliberation with issues that come forward. He also reminded them to keep in mind the City has very qualified staff that they should lean on for their advice. Mayor AbouAssaly stated he recently attended ribbon cuttings for Marriott Hotel and Delaney Concreate. He stated the Uptown Marion Market last weekend was successful as was the Fireworks event for the 4th of July. He stated it is very evident people are proud to be from Marion.

Mayor AbouAssaly adjourned the meeting at 7:39 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