

August 8, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, August 8, 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**

Council Member Colette Atkins read the proclamation designating American Wind Week on August 11-17, 2019 (Power Up Iowa).

### **PRESENTATIONS**

Stephanie Phillips (3123 Ryans Road NE, Solon) presented information regarding the Victory Sports Center, Inc. tax increment financing (TIF) request. This project would include a ninja warrior obstacle course, trampoline park, rock wall, golf simulator and more. It is 10,000 square foot bigger than current facility. This will be a facility for the entire family.

**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 July 15, 16 and 18, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. New – Goldfinch Tap + Eatery – 740 10th Street  
Class C Liquor License with additional privileges of Catering, Class B Wine Permit, Outdoor Service and Sunday Sales.
- b. Renewal – BLOOMS by Bladeworks – 1440 Blairs Ferry Road  
Class B Native Wine Permit with additional privilege of Sunday Sales. No violations in previous five years.
- c. Renewal – Casey's General Store #2770 – 2020 7th Avenue  
Class C Beer Permit (BC) with additional privileges of Class B Wine Permit and Sunday Sales. No violations in previous five years.

Motion to approve the following Hold Harmless Agreements:

- a. Marching Band Invite; 9/28/19 from 4:00-10:30 p.m. at Marion High School Football Field (Marion High School, 675 S 15th Street, Permit #2019-00000070)

- b. Marion High School Football/Track Events; Football: 8/30/19, 9/13/19, 9/27/19, 10/11/19 and 10/18/19; Track: 4/9/20, 4/30/20, 5/4/20; 4:00-10:30 p.m. at Marion High School Football Field (Marion High School, 675 S 15th Street, Permit #2019-00000071)
- c. Marion Homecoming Parade; 10/10/19 from 6:00-8:30 p.m. at Marion High School Football Field (Marion High School, 675 S 15th Street, Permit #2019-00000072)

Motion to approve the following Mayoral appointment:

- a. Civil Service Commission:  
Rachel Kadlec, 2470 Northview Drive, Term Expires 4/21/21.

Resolution No. 27837 approving support for the 2019 Trees Forever Woodland Legacy Symposium in the amount of \$7,500.00.

Resolution No. 27838 setting date for public hearing for September 5, 2019 on an Urban Renewal Plan Amendment for the Collins Road Urban Renewal Area.

Resolution No. 27839 setting date for public hearing for September 5, 2019 at which it is proposed to approve a Development Agreement with TWG Iowa Apartment Partners LP including Annual Appropriation Tax Increment Payments.

Motion to approve payments as presented in the amount of \$2,281,095.50.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27840 approving Partial Payment No. 4 to City of Cedar Rapids regarding the Tower Terrace Road Project (C Avenue to Alburnett Road) associated with Resolution 23937 - Chapter 28E Agreement in the amount of \$71,260.65. (TRANS-18-096)
- b. Resolution No. 27841 approving Partial Payment No. 1 to Trey Electric Corp. regarding the 2019 Pedestrian Beacon Project in the amount of \$47,431.60. (ANN-18-079).
- c. Resolution No. 27842 approving Partial Payment No. 1 to Curtis Contracting Corp. regarding the 2019 Sidewalk Project in the amount of \$55,068.29. (ANN-18-105 & ANN-18-106).
- d. Resolution No. 27843 approving Partial Payment No. 29 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$7,276.04. (SWR-17-026).

- e. Resolution No. 27844 approving Partial Payment No. 6 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$127,038.55. (REC-17-050)
- f. Resolution No. 27845 approving Partial Payment No. 7 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$141,324.55. (REC-17-050)
- g. Resolution No. 27846 approving Partial Payment No. 11 to Rathje Construction Co. regarding the Grant Wood Trail Extension: Hwy 13 to 35th Street Project in the amount of \$2,570.99. (TRL-17-058) (TAP-U-4775(628)-81—57)
- h. Resolution No. 27847 approving Partial Payment No. 7 to BWC Excavating regarding the 2017 Northview Drive Reconstruction Project in the amount of \$2,184.99. (TRANS-18-090)

Resolution No. 27848 approving Temporary Construction Easement with Lawrance T & Joan C Joan Nessel, 1001 18th Street, regarding the 2019 Sanitary Sewer Maintenance Project. (ANN-18-029)

Resolution No. 27849 approving Temporary Construction Easement with Frank D & Sheila Evitch, 1910 10th Avenue, regarding the 2019 Sanitary Sewer Maintenance Project. (ANN-18-029)

Resolution No. 27850 approving Temporary Construction Easement with Perfect Game Inc. (850 Twixt Town Road NE), regarding the 2019 Sanitary Sewer Sliplining Project. (ANN-18-029)

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2019 Sidewalk Project (ANN-18-105 & ANN-18-106) as follows:

- a. Resolution No. 27851 approving Temporary Construction Easement with Mary L Beets, 1215 E Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- b. Resolution No. 27852 approving Temporary Construction Easement with Marilyn R Newton, 775 South 12th Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- c. Resolution No. 27853 approving Temporary Construction Easement with Jaime L & Erik W Bussey, 1215 F Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)

- d. Resolution No. 27854 approving Temporary Construction Easement with Dean A & Elaine K Heitkamp, 1565 25th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- e. Resolution No. 27855 approving Temporary Construction Easement with 670 9th Avenue Marion LLC, 2485 Indian Creek Road, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- f. Resolution No. 27856 approving Temporary Construction Easement with Todd E Van Meighem, 387 5th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- g. Resolution No. 27857 approving Temporary Construction Easement with Shawn L Schauf, 286 6th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27858 approving payment no. 44 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 \$626.26. (TRANS-17-099)
- b. Resolution No. 27859 approving payment no. 10 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$5,761.18. (TRL-18-056)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:47 p.m. Mayor Pro Tem Strnad presided over the meeting.

### **CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

Moved by Atkins, seconded by Draper 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 – Zio Johno's – 755 7th Avenue  
Class C Liquor License (LC) with additional privileges of Class B Wine Permit, Catering, Outdoor Service and Sunday Sales. No violations in previous five years.

Resolution No. 27860 setting date for public hearing for September 5, 2019, at which it is proposed to approve a Development Agreement with GLD Properties, LLC including Annual Appropriation Tax Increment Payments (TIF) - 2931 7th Avenue.

Resolution No. 27861 setting date for public hearing for September 5, 2019, at which it is proposed to approve a Development Agreement with GLD Properties, LLC including Annual Appropriation Tax Increment Payments (TIF) – 2791 7th Avenue.

Resolution No. 27862 approving partial payment No.14 to Knapp Warden LLC for design services associated with the Eco Industrial Park Phase 1 in the amount of \$62,675.00 (FACS-17-069).

Resolution No. 27863 approving partial payment no. 10 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$612.00. (FACS-18-072)

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27864 approving Partial Payment No. 3 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue Interchange Design in the amount of \$1,477.50. (TRANS-18-089)
- b. Resolution No. 27865 approving Partial Payment No. 12 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$1,389.47. (ANN-18-082)
- c. Resolution No. 27866 approving Partial Payment No. 14 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 \$196,113.73. (TRANS-18-091)
- d. Resolution No. 27867 approving Partial Payment No. 1 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$3,598.41. (TRANS-18-074).

Resolution No. 27868 approving payment no. 23 to Houseal Lavigne Associates for professional consulting services related to the Marion Zoning Ordinance per the contract for the Marion Airport in the amount of \$82.50. (GOV-18-012)

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

Mayor Pro Tem Strnad relinquished gavel to Mayor AbouAssaly at 5:48 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

Moved by Jensen, seconded by Atkins to approve the following Hold Harmless Agreements:

- a. Private Party, 8/10/19 from 7:00-11:00 p.m. (Rene Gadelha, 3476 Barnsley Circle, Permit #2019-00000078)

All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 27869 approving legal service agreements with City Attorney Kara Bullerman and Assistant City Attorney Ryan P. Tang for the period of July 1, 2019 through June 30, 2020. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27870 awarding General Obligation Urban Renewal Bonds, Series 2019D and authorizing and approving an Loan Agreement, providing for the sale and issuance of Bonds and providing for the levy of taxes to pay the same. Tionna Pooler with Independent Public Advisors provided an overview of the bids received. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27871 approving final capital contribution payment to YMCA of the Cedar Rapids Metropolitan Area in the amount of \$6,300,000.00. (REC-17-035) Council Member Gadelha asked about splitting the payment in half. Moved by Strnad, seconded by Draper to amend the motion and make reimbursement/progress payments to the YMCA instead of lump sum. City Attorney Kara Bullerman stated Resolution 27451 approve February 7, 2019 stated payment would be lump sum so that would need to be rescinded. Vote on motion to amend: Yeas: Strnad; Nays: Draper, Atkins, Jensen, AbouAssaly, Brandt and Gadelha. Motion to amend fails. Vote on original motion: Yeas: Draper, Atkins, Jensen, AbouAssaly, Brandt and Gadelha. Nays: Strnad. Motion carried.

Moved by Atkins, seconded by Gadelha to approve Resolution No. 27872 relating to financing of proposed project to be undertaken by City of Marion, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code. (Irish Drive Extension and Traffic Signals) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 27873 approving a Memorandum of Understanding (MOU), regarding tax increment financing (TIF) incentives for WhaddaYaWant, Inc. dba Tomaso's Pizza. All in favor, motion carried.

Moved by Strnad, seconded by Draper to receive and file an application for tax increment financing (TIF) assistance from Victory Sports Center, Inc. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to direct staff to draft a Memorandum of Understanding (MOU) with Victory Sports Center, Inc., regarding tax increment financing (TIF) incentives. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the Precast Concrete Package associated with the Public Service Maintenance Facility. (FACS-17-069) Public Services Director Ryan Miller 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. 27874 approving bids and awarding contract to Mid-States Concrete Industry for the precast concrete package associated with Public Service Maintenance Facility in the amount of \$1,989,550.00. (FACS-17-069) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the Metal Building Systems Package associated with Public Service Maintenance Facility. (FACS-17-069) Public Services Director Ryan Miller provided a staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27875 approving bids and awarding contract to Unzeitig Construction for the Metal Building Systems Package associated with Public Service Maintenance Facility in the amount of \$1,457,500.00 (FACS-17-069) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the Concrete Foundation Package associated with the Public Service Maintenance Facility. (FACS-17-069) Public Services Director Ryan Miller provided a staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Atkins to approve Resolution No. 27876 approving bids and awarding contract to Delaney Concrete for the Concrete Foundation Package associated with the Public Service Maintenance Facility in the amount of \$404,488.52. (FACS-17-069) All in favor, motion carried.

Fire Chief Deb Krebil provided an update regarding the Fire Station One & Headquarters Project. Council Member Jensen asked the chances that bids would come in lower than estimate. Deb stated the estimate has a 3% contingency built in. Landon Burg with OPN Architects stated he doesn't have a history of bids but they have been very successful with bids and estimates. Deb stated they did meet with OPN Architects to see what could be done to lower costs but the only way to make a substantial impact would be to decrease the square feet.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 27877 accepting bids and awarding contract to System Works LLC regarding the commissioning services associated with 2019 Marion Fire Station Project in the amount of \$28,860.00. (FACS-18-062) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 27878 accepting bids and awarding contract to QC Geothermal Inc. regarding geothermal conductivity testing

associated with the 2019 Fire Station Project in the amount of \$11,900.00 (FACS-18-062) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27879 accepting the designation of natural area – Lot B, Bridge Creek 1st Addition. All in favor, motion carried.

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

Moved by Jensen, seconded by Atkins to suspend the rules and proceed to final consideration of Ordinance No. 19-22. Vote: Yeas: Draper, Atkins, Jensen, AbouAssaly, Strnad, Brandt. Nays: Gadelha. Motion carried.

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

Moved by Brandt, seconded by Draper to approve Resolution No. 27880 approving contract and bond with SAK Construction LLC regarding the 2019 Sanitary Sewer Sliplining Project in the amount of \$157,657.25. (ANN-18-029) All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to approve Project Calendar regarding the 2019 HMA Resurfacing Project (ANN-18-086), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 HMA Resurfacing Project. (ANN-18-086)
- b. Resolution No. 27881 approving Resolution of Necessity regarding the 2019 HMA Resurfacing Project. (ANN-18-086)
- c. Resolution No. 27882 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 HMA Resurfacing Project. (ANN-18-086)
- d. Resolution No. 27883 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 HMA Resurfacing Project. (ANN-18-086)

All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, and concur with the TAC Report regarding additional signage, speed transition area and police enforcement at the intersection of Alburnett Road and Echo Hill and to the north (Sue and Rick Schulte, 5901 Rock Ridge Drive) All in favor, motion carried.



Moved by Jensen, seconded by Atkins to approve Resolution No. 27884 approving Change Order No. 3 with Price Industrial Electric regarding the Highway 13 And Hennessey Parkway Traffic Signal and Turn Lane Improvements Project regarding the addition of a Portable Dynamic Message Sign (PDMS) in the amount of \$4,400.00. (TRANS-18-074) All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 7:08 p.m. Mayor Pro Tem Strnad presided over the meeting.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27885 approving a Development Agreement with Robson Homes, Inc., (Joe Robson, President) regarding the 35th Avenue and Learning Lane PCC Paving Project. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad opens the public hearing regarding the 2019 Marion Fire Station Site Subdrain Package. (FACS-18-062) City Engineer Mike Barkalow provided a staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27886 accepting bids and awarding contract to Abode Construction, Inc. regarding the 2019 Marion Fire Station Site Subdrain Package in the amount of \$66,100.00. (FACS-18-062) 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 7:11 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Atkins, seconded by Jensen to approve Project Calendar regarding the 2019 Marion Fire Station Project (FACS-18-62), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Marion Fire Station Project (FACS-18-62).
- b. Resolution No. 27887 approving Resolution of Necessity regarding the 2019 Marion Fire Station Project (FACS-18-62).
- c. Resolution No. 27888 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Marion Fire Station Project (FACS-18-62).
- d. Resolution No. 27889 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Marion Fire Station Project (FACS-18-62).

All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 27890 approving an Amended Memorandum of Agreement with Synergy Equity Partners LLC regarding the 2019 Irish Drive Extension Project. (TRANS-18-112) All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve the final consideration of Ordinance No. 19-21 approving 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.

**OTHER DEPARTMENT DISCUSSION** – No other discussions.

**PUBLIC FORUM** – No one came forward to speak.

**COUNCIL DISCUSSION**

Council Member Gadelha stated the Patriots are already predicted to make the Super Bowl.

Council Member Brandt stated Uptown Getdown has started and the Uptown Market is this Saturday.

Council Member Jensen stated he will be at the Pancake Breakfast at the Springville Presbyterian Church on Saturday as part of the Springville Fun Days. He also stated they have a 6K Run/Walk that goes through the quarry.

Council Member Atkins stated the Marion Boys Baseball did a great job and had a fun season.

Council Member Draper provided history regarding the tree groves and open land in the area prior to initial development in Marion.

Mayor AbouAssaly gave Kudos to Finance Director Lianne Cairy for Reaching Higher. He stated he like hearing the collaboration between departments regarding the Fire Station Project. He has recently attended ribbon cuttings for Schultz Strings and Giving Tree Theater as well as groundbreaking out at Lowe Park for a new Rotary project. He stated it has been a great summer with free, quality entertainment. He thanked Parks staff, Amber Bisinger and Jessica Carney for all their work. He stated he's recently seen citizens go to Facebook to complain instead of talking to Council or staff to learn more about what can be done. He wants people to work together and if there is an issue, they should come to the people who can help. Mayor wants to continue on a positive path.

Mayor AbouAssaly adjourned the meeting at 7:27 p.m.

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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