

August 22, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, August 22, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Jensen, Strnad, Brandt, and Gadelha. Absent: Atkins.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Fire Chief Deb Krebill introduced the four Paid-On-Call Firefighters, Charlie Potter, Brandon Fairbanks, Andrew Clark and Alexander Fullerton. Mayor AbouAssaly administered the Oath of Office.

Interim Police Chief Chad Nott introduced the three Police Officers, Gabe Humphrey, Adam Bond and Dylan Shortt. Mayor AbouAssaly administered the Oath of Office.

Council Member Jensen read and presented the proclamation for the 14th Annual Five Seasons Stand Down Day to Joe Stutler and Dan Tyne with Linn County Veterans Affairs.

Mayor AbouAssaly read the proclamation for Intercultural Day on August 24, 2019.

Council Member Strnad read and presented the proclamation for Day of Remembrance for Victims of Hate Crimes on August 22, 2019 to Danielle Brazant with the Marion Civil Rights Commission.

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 August 6 and 8, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Neighborhood Tobacco Outlet – 2500 7th Avenue
Class E Liquor License (LE) with additional privileges of Class B Native Wine Permit, Class C Beer Permit and Sunday Sales. No violations in the last five years.

Motion to approve the following Hold Harmless Agreements:

- a. Community Band Performances; Marion Square Park on June 9 and June 30, 2020 from 7:00-8:15 p.m. (David Law, 1560 Pleasantview Drive, Marion)

- b. Lennon Lane Block Party; 3225 Lennon Lane on August 31, 2019 from 5:00-11:00 p.m. (Eric Unga, 3225 Lennon Lane)

Motion to receive and file correspondence regarding resignation of Matt Milburn from the Nuisance Enforcement/Property Maintenance Advisory Board effective 8/22/2019.

Motion to set November 14-15, 2019 as the Strategic Planning Work Session.

Motion to approve payments as presented in the amount of \$1,240,821.40.

Resolution No. 27892 approving payment to Independent Public Advisors LLC in the amount of \$17,397.17 for services relating to the issuance of Series 2019D Bonds.

Motion to receive, file and discuss July 2019 Department monthly reports.

Resolution No. 27893 approving Partial Payment No. 1 to A-One Geothermal regarding the Public Service Maintenance Facility Geothermal Project in the amount of \$89,393.69 (FACS-17-069).

Resolution No. 27894 approving Partial Payment No. 1 to Rathje Construction regarding the Public Service Maintenance Facility Grading Project in the amount of \$292,398.41 (FACS-17-069).

Resolution No. 27895 approving a contract change order with Rathje Construction regarding the Public Service Maintenance Facility Grading Project in the amount of \$27,991.20 (FACS-17-069).

Resolution No. 27896 approving partial payment no. 1 to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$125,305.00. (FACS 18-019)

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27897 approving Partial Payment No. 9 to HDR Engineering Inc. regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$4,214.93 (SWR-18-033)
- b. Resolution No. 27898 approving Partial Payment No. 19 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$16,715.10 (TRANS-18-092)
- c. Resolution No. 27899 approving payment to the Indian Creek Watershed Management Authority in the amount of \$17,433.00.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27900 approving payment no. 3 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 \$1246.27. (TRL-17-055)
- b. Resolution No. 27901 approving payment no. 12 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$7,049.68. (TRL-18-056)
- c. Resolution No. 27902 approving payment no. 21 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-81-57) in the amount of \$6,444.16. (TRL-17-055)

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

- a. Marion Lofts 1st Addition Final Plat at 2274 5th Avenue. (TWG Development)
- b. Rookwood Estates 1st & 2nd Addition Final Site Development Plan east of Scott Street and north of Cope Drive. (Rookwood Estates LLC)

Resolution No. 27903 setting a public hearing for September 19, 2019 regarding a rezoning request from R-5, Moderate Density Multiple Family Residential, to PDR, Planned Development Residential at 356 9th Street, Marion, Iowa. (Seven Hills East LLC)

All in favor, motion carried.

Council Member Jensen asked that Resolution No. 27891 approving the City Council Appointed Boards, Commissions or Committees Policies and Procedures be removed from the Consent Agenda for separate consideration. Moved by Jensen, seconded by Gadelha to approve Resolution No. 27891 approving the City Council Appointed Boards, Commissions or Committees Policies and Procedures. Council Member Gadelha wanted to state she'd like staff to direct a similar resolution and policy specifically for Council Members. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:56 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. 27904 approving partial payment no. 11 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$816.00. (FACS 18-019)

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27905 approving payment to Hall and Hall Engineers, Inc. for professional services related to the fire station in the amount of \$1,773.00. (FAC-18-061)
- b. Resolution No. 27906 approving payment no. 5 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 \$1,710.00. (ANN-18-082)

Resolution No. 27907 setting a public hearing for September 5, 2019 regarding an amendment to the Marion Code of Ordinances establishing Chapter 176.53 Marion Municipal Airport Land Use and Height Overlay Zoning.

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

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 5:57 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Moved by Gadelha, seconded by Jensen to approve Resolution No. 27908 approving Fiscal Year 2019-2020 Operating Budget Transfers. All in favor, motion carried.

Moved by Jensen, seconded by Draper to approve Resolution No. 27909 approving Fiscal Year 2019-2020 Capital Budget Transfers. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 27910 approving a Memorandum of Understanding (MOU) regarding tax increment financing (TIF) incentives for Victory Sports Center, Inc. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve a letter of support for the Redevelopment Tax Credits Program for Brownfield and Grayfield Sites through the Iowa Economic Development Authority (IEDA) for the redevelopment of the existing YMCA Site. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27911 approving purchase of Axon Fleet 2 In-Car Camera System in the amount of \$117,860.00. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to receive, file and discuss IDOT letter regarding speed reduction request. All in favor, motion carried.

Moved by Strnad, seconded by Draper to approve Resolution No. 27912 approving Change Order #1 with SAK Construction LLC regarding the 2019 Sanitary Sewer Sliplining Project in the amount of \$47,331.25. (ANN-18-029) All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27913 amending the contract with Mediacom Communications Corporation regarding the undergrounding of fiber cable associated with the Tower Terrace Road Project - Phase VI (Winslow Road to Lennon Lane) in an amount not to exceed \$33,638.73. (TRANS-18-095) All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 6:04 p.m. Mayor Pro Tem Strnad presided over the meeting.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27914 approving payment to the William J. Rausch Family Trust per Linn County Cases LACV087659 and CVCV087911. City Engineer Mike Barkalow provided staff report. Vote: Yeas: Draper, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion Carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 27915 approving Change Order #14 with Genesis Equities, LLC regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th to 19th Street) regarding the modification of the stairs and landing in the amount of \$4,795.00. Vote: Yeas: Draper, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion Carried.

Mayor Pro Tem Strnad opened the public hearing regarding the 2019 Runway 17/35 Reconstruction. (ANN-18-082) City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27916 accepting bids and awarding contract to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction in the amount of \$1,818,256.41. (Base Bid A + B + D) (ANN-18-082) Council Member Jensen asked about longevity of HMA versus concrete and why HMA was preferred. City Engineer Mike Barkalow stated the designed each option so they are structurally the same and the lowest bid has to be chosen. Vote: Yeas: Draper, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion Carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27917 approving contract and bond with L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project. (ANN-18-082) Vote: Yeas: Draper, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion Carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 27918 approving contract and bond with Abode Construction, Inc. regarding the 2019 Marion Fire Station Site Subdrain Package. (FACS-18-062) Vote: Yeas: Draper, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion Carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 27919 approving the issuance of building permits for Lots 1-3 for three (3) duplex buildings prior to approval of The Ridge at Indian Creek 1st Addition Final Plats. (Abode Construction) Vote: Yeas: Draper, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion Carried.

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

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27920 approving Central Corridor Review for a multi-tenant/commercial property at 1204 7th Avenue, Marion, Iowa. (Whaddayawant, Inc.) All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 27921 approving a Temporary Right-of-Way Easement and Temporary Grading Easement for property located at the southeast corner of Indian Creek Road and Tower Terrace Road. (City of Marion) All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 27922 approving Acquisition Plat associated with property located at 2350 5th Avenue (City of Marion) (TRL-17-099) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 27923 approving Acquisition Plat associated with property located at 2201 7th Avenue. (City of Marion) (TRL-17-099) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27924 approving the Tower Terrace Road Corridor Management Plan Update. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve Resolution No. 27925 approving contract with Engberg Anderson as architect for library building project. (FACS-17-034) All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to receive and file a request for qualifications for a construction manager for the library building project approved by the Library Board of Trustees on 8/15/19. (FACS-17-034) All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Draper provided history regarding the Marion bucket brigade and the fire department.

Council Member Jensen stated everyone is sad that summer is ending but happy that kids are going back to school and high school and college football is starting.

Council Member Brandt stated if 11th Street is ever reconstructed, the City should try to save the Marion bricks.

Council Member Gadelha stated she talked with staff and would like to see if there can be a candidate meet and greet sometime during the Swamp Fox Festival. She also hopes everyone has a great school year.

Mayor AbouAssaly stated he attending the Vision Iowa CAT Grant presentation that the YMCA gave in Bettendorf. He has also recently met with several residents to discuss their issues. He wanted to thank staff for their support and customer service attitude.

Mayor AbouAssaly adjourned the meeting at 6:42 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