

October 17, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, October 17, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Atkins, Jensen, Strnad, Brandt, and Gadelha. Absent: Draper.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS – None

PRESENTATIONS – None

PUBLIC FORUM

Cydney Lovell (123 5th Street SE, Cedar Rapids) with ITC Midwest spoke in regards to the ITC Substation plat. She stated no construction is currently happening. Equipment is there as a staging area as they have other assets in the area. Mayor AbouAssaly asked when construction would begin. Cydney stated the exact date is not known but it is a few years out.

CONSENT AGENDA

Moved by Strnad, seconded by Gadelha to approve the Consent Agenda as follows:

Motion to approve minutes of the October 1 and 3, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Mi Tierra – 835 7th Avenue
Class C Liquor License with additional privilege of Sunday Sales. No violations in last five years.
- b. Renewal – Fareway Stores #949 – 3300 10th Avenue
Class E Liquor License with additional privileges of Class B Wind Permit and Class C Beer Permit. No violations in last five years.
- c. Renewal - Hy-Vee Gas – 3550 Hwy 151
Class C Beer Permit with additional privilege of Sunday Sales. No violations in last five years.

Motion to receive and file September Department Monthly Reports.

Motion to approve payments as presented in the amount of \$1,192,994.37.

Resolution No. 28026 authorizing deferred compensation agreement (Mike Kitsmiller).

Resolution No. 28027 adopting Final Assessment Schedule for Fiscal Year 2020 Quarter 2 Delinquent Fees and confirming and levying the assessments.

Resolution No. 28028 approving partial payment No. 16 to A&J Associates for the Public Service Maintenance Facility in the amount of \$16,800.00 (FACS-17-069).

Resolution No. 28029 approving Partial Payment No. 3 to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$52,386.85. (FACS 18-019)

Resolution No. 28030 approving Partial Payment No. 8 to MSA Professional Services Inc. regarding the Lowe Park South End Development Project in the amount of \$3,325.00. (REC-17-050)

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 28031 approving Partial Payment No. 31 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$26,256.20. (SWR-17-026)
- b. Resolution No. 28032 approving Partial Payment No. 21 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$13,578.50. (TRANS-18-092)
- c. Resolution No. 28033 approving Payment to Stanley Consultants, Inc. for Soil Testing Services Regarding 6th Avenue from 13th Street to 27th Street in the amount of \$13,437.51. (TRANS-18-091)
- d. Resolution No. 28034 approving Partial Payment No. 1 to Rapids Reproduction regarding bidding documents for the Fire Station #1 in the amount of \$4,059.92. (FACS-18-062)

Resolution No. 28035 accepting the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)

Resolution No. 28036 adopting final assessment schedule regarding the 2019 Sidewalk Project and amending, confirming and levying the assessments. (ANN-18-105 & ANN-18-106)

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

- a. Wildrye Farms First Addition Final Plat to Linn County for property located south of Highway 151 and west of Stone Road.

Resolution No. 28037 setting a public hearing for November 7, 2019 regarding the alley vacation for the north-south alley located between 27th and 28th Street and 11th & 12th Avenues. (Mark Christensen)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:42 p.m. Mayor Pro Tem Strnad presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 28038 approving partial payment No. 15 to Knapp Warden LLC for design services associated with the Eco Industrial Park Phase 1 in the amount of \$51,043.00 (FACS-17-069)

Resolution No. 28039 approving Partial Payment No.14 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$612.00. (FACS-18-019)

Resolution No. 28040 approving Partial Payment No. 1 to Abode Construction, Inc. regarding the 2274 5th Avenue Disposal Project in the amount of \$29,000.00. (TRANS-17-099)

Resolution No. 28041 accepting the 2274 5th Avenue Disposal Project. (TRANS-17-099)

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

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

REGULAR AGENDA

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28042 approving service order # Q-00011530 with Involta, LLC for datacenter services (for traffic signal network) in the amount of \$71,687.04 for 36 months. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28043 approving an amendment to Memorandum of Understanding (MOU) with Seven Hills East LLC. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28044 approving FY20 Cooperative Agreement with the Iowa Civil Rights Commission for intake and resolution of civil rights complaints falling under the Iowa Civil Rights Act. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to receive, file, discuss and concur with the TAC Report regarding a request for a speed limit decrease and a "Children at Play" sign(s) on Parkview Drive. (Beth Stafford, 1090 Parkview Drive) All in favor, motion carried.

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

Moved by Brandt, seconded by Jensen to approve Resolution No. 28045 approving the Final Site Development Plan for the Holiday Inn Express & Suites for property located at 5993 Carlson Way. (Water Rock LLC) Council Member Gadelha provided a recap of the incentives they are receiving for this project. She feels they should not use the EFIS material and need to stick to the original design standards. Council Member Strnad asked if this is similar to what is being removed from Hy-Vee. Community Development Director Tom Treharne confirmed. Moved by Gadelha, seconded by Jensen to amend to state they must be in adherence to the design standards of squaw creek crossing. Vote on motion to amend: Yeas: Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion to amend carried. Vote on amended motion: Yeas: Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

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

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28046 approving Marion South Substation 1st Addition Preliminary Plat for property located north of Highway 100 and west of 44th Street, Marion, Iowa. (ITC Midwest LLC) Council Member Brandt stated with the open space, they should plant some pollinators. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28047 approving the Timberline MFG. Commercial 1st Addition Final Plat and Memorandum of Agreement for property located at 1029 Blairs Ferry Road. (Timberline Manufacturing Company Inc.) All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28048 approving changing the name of Alburnett Road between Boyson Road and Central Avenue to Central Avenue and renaming Central Avenue west of 5th Street to 12th Avenue. (City of Marion) All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve the final consideration of Ordinance No. 19-25 approving a rezoning request from R-5, Moderate Density Multiple Family Residential to PD-R, Planned Development Residential located at 356 and 376 9th Street and Lot 4, Block 42 Original Town, Marion, Iowa. (Seven Hills East, LLC) All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28049 approving purchase of property described on the attached Exhibit A, locally known as 2350 5th Avenue from Barron Rentals, LLC in the amount of \$7,450.90. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28050 approving purchase of property described on the attached Exhibit A, locally known as 2201 7th Avenue, from QA Properties, LLC in the amount of \$66,746.00. Mayor AbouAssaly asked with these two purchases, how many parcels are left. Community Development Director Tom Treharne stated there are five parcels left. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM

John Nieland (1390 48th Street) has talked with the Solid Waste Agency Board this past week. Encouraged Council to speak with Marion's representative on that board and have them make a presentation to Council. He also recommended a Council member become the representative on that board.

COUNCIL DISCUSSION

Council Member Gadelha thanked Tom Treharne for the history in regards to the design standards and would like a presentation at a future meeting about what those are.

Council Member Strnad would like to start receiving a monthly report from the FBO at the airport.

Council Member Jensen agrees that an airport monthly report will be helpful. Also agrees with John Nieland's statement that the Solid Waste Agency Board member should make a presentation to Council.

Mayor AbouAssaly congratulated Police Chief Mike Kitsmiller on joining the team. He stated Timberline Manufacturing had a ribbon cutting recently and within the last month, seven new businesses have opened in Uptown.

CLOSED SESSION

Moved by Atkins seconded by Jensen to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa. City Attorney Kara Bullerman stated that she has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Atkins, Jensen, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

Mayor AbouAssaly left the meeting at 6:45 p.m. and relinquished the gavel to Mayor Pro Tem Strnad. Mayor Pro Tem Strnad presided over the meeting.

Moved by Gadelha, seconded by Brandt to reconvene to regular session. All in favor, motion carried.

Mayor Pro Tem Strnad adjourned the meeting at 6:56 p.m.

Randy Strnad, Mayor Pro Tem

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