

November 21, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 21, 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 and Gadelha. Absent: Draper and Brandt.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

A Proclamation for World Pancreatic Cancer Day was read by Council Member Atkins and presented to the Michael W. Oglesby Foundation.

A Proclamation for Small Business Saturday was read by Council Member Jensen and presented to Brooke Prouty with Uptown Marion.

PRESENTATIONS – None

PUBLIC FORUM

Judy Saluri (1785 Grand Avenue) spoke in regards to the Library and its programs.

CONSENT AGENDA

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

Motion to approve minutes of the November 5 and 7, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – La Cantina Bar & Grill – 3217 7th Avenue
Class C Liquor License with additional privileges of Catering, Outdoor Service, and Sunday Sales. No violations in last five years.
- b. Renewal – Casey's General Store #3562 – 680 Lindale Drive
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in the last five years.
- c. Renewal – Naso's Pizza – 453 7th Avenue
Class C Liquor License with additional privileges of Catering, Outdoor Service, and Sunday Sales. No violations in the last five years.

Motion to approve the following Hold Harmless Agreements:

- a. Christmas in the Park & Peppermint Walk; December 6, 2019; City Square Park, Uptown Marion (Marion Chamber of Commerce, 1225 6th Avenue) (Permit #2019-00000112)

- b. Dogs for Dystonia Dog Walk; August 29, 2020; Thomas Park, Begley 1 & 2 (Emma Pinto, One East Wacker Drive, Chicago, IL) (Permit #2019-00000105)

Motion to receive and file correspondence regarding resignation of Dustin Kern from Planning and Zoning Commission.

Motion to approve the following Mayoral appointment:

- a. Planning and Zoning Commission
Grant Harper, 2522 Vaughn Drive, term expires 12/31/20.
- b. Construction Code Review Board
Wesley Waters, 3007 Kinsale Drive, term expires 01/01/21.
- c. Nuisance Enforcement/Property Maintenance Advisory Board
Brandy Reggelsen, 753 Waveland Drive, term expires 01/01/22.

Motion to receive and file October Department Monthly Reports.

Motion to receive and file July, August and September Board and Commission Minutes.

Motion to approve payments as presented in the amount of \$2,423,055.35.

Resolution No. 28100 approving the Annual Financial Report for the fiscal year ending June 30, 2019.

Resolution No. 28101 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2019.

Resolution No. 28102 approving the Certification of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2020-2021 collection.

Resolution No. 28103 approving partial payment No. 17 to A&J Associates for the Public Service Maintenance Facility in the amount of \$19,500.00 (FACS-17-069).

Resolution No. 28104 approving partial payment No. 56 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$7,041.79 (FACS-17-069).

Resolution No. 28105 approving Partial Payment No. 3 to Stanley Consultants, Inc. for Soil Sampling - 19th to Marion Iron Roundabout in the amount of \$158.00 (TRANS-18-091)

Resolution No. 28106 approving contract amendment regarding project scope changes to the contract with HDR Engineering, Inc. regarding the 2018 Sanitary Sewer Capacity Study Project in the amount of an addition \$5,000.00 to bring the total not to exceed to \$96,500.00. (SWR-18-033)

Resolution No. 28107 accepting the 2019 Sanitary Sewer Sliplining Project. (ANN-18-029).

Resolution No. 28108 accepting Winslow Road paving associated with Hunters Field 11th Addition.

Resolution No. 28109 accepting Echo Ridge 3rd Addition to the City of Marion.

Resolution No. 28110 amending amount in Resolution No. 28059 from \$69,575.80 to \$69,757.80.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 28111 approving payment no. 24 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$13,374.70. (TRL-17-055)
- b. Resolution No. 28112 approving payment no. 49 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 \$120.00. (TRANS-18-099)
- c. Resolution No. 28113 approving payment no. 2 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$1,790.00. (Iowa DOT Project Number: TAP-U-4475(630) --8I-57) (TRL-17-055)

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

- a. Request to vacate the north / south alley bounded by 11th and 12th Avenue and 26th and 27th Street. (Thomas Turner)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:39 p.m. Mayor Pro Tem Strnad presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Moved by Jensen, seconded by Atkins 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 – Kwik Star #1008 – 5992 Carlson Way

Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. No violations in the last five years.

Resolution No. 28114 approving Partial Payment No.15 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$204.00. (FACS 18-019)

Resolution No. 28115 approving partial payment no. 14 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$5,055.00. (ANN-18-082)

Resolution No. 28116 approving payment no. 7 to Anderson-Bogert Engineers for professional services regarding general airport consulting per the contract for the Marion Airport in the amount of \$2,920.50. (ANN-18-082)

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

Mayor Pro Tem Strnad relinquished gavel to Mayor AbouAssaly at 5:40 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Moved by Gadelha, seconded by Atkins to approve Resolution No. 28117 approving Software as a Service Agreement with Tyler Technologies regarding New World ERP and ExecuTime Enterprise Workforce Management. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive and file correspondence regarding ward sizes. (Charlie Knudsen, 2835 24th Avenue) City Manager Lon Pluckhahn stated that this is a standard process that is done after every regular or special census and is based on population and not registered voters. All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28118 approving the 2019-2020 Snow and Ice Control Program. All in favor, motion carried.

Moved by Strnad, seconded by Jensen to approve Resolution No. 28119 approving a contract change order with Rathje Construction regarding the Public Service Maintenance Facility Grading Project in the amount of \$59,256.00 (FACS-17-069). All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28120 approving a contract change order with Mid States Concrete Industry regarding the precast concrete package for the Public Service Maintenance Facility in the amount of \$33,500.00 (FACS-17-069). All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Strnad at 5:52 p.m. Mayor Pro Tem Strnad presided over the meeting.

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28121 approving the purchase of a 2019 Ford Transit 250 cargo van from McGrath Ford in the amount of \$28,466.00. Vote: Yeas: Atkins, Jensen, Strnad and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished gavel to Mayor AbouAssaly at 5:53 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28122 approving the City of Marion/Linn-Mar School District joint Track and Field Complex Development Project. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28123 approving AIA Document G704 Certificate of Substantial Completion regarding the Lowe Park Maintenance Facility Addition. All in favor, motion carried.

Moved by Strnad, seconded by Jensen to receive, file, discuss and refer to TAC a request for no parking on Orchard Road east of Orchard Drive. (Staff – Public Service) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to receive, file, and concur with the TAC Report regarding a request for no parking on Orchard Road east of Orchard Drive. (Staff – Public Service) All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28124 approving the establishment of a “No Parking” zone on the south side of Orchard Road on the east side of Orchard Drive. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, discuss and refer to TAC a request for no parking on Charter Oak Lane SE. (Cindi Rudish, 5020 Northridge Point SE) All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28125 approving Change Order #1 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding the modification of the building pad material in an amount of \$21,000.00. (FACS-18-062) City Engineer Mike Barkalow explained the process of change orders and gave a status report on the project. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28126 approving Wildrye Farms First Addition Final Plat located south of Hwy 151 and west of Stone Road, Linn County, Iowa. (Wildrye Farms, LLC) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28127 approving payment to Duo-Gard Industries for transit shelter to be located at 105 Southview Drive funded by tax increment financing low and moderate income set aside assistance dollars in the amount of \$6,907.00. All in favor, motion carried.

Moved by Gadelha, seconded by Atkins to approve Resolution No. 28128 approving acquisition plat for property located at 597 21st Street. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to direct staff to draft an ordinance to amend Chapter 176.41 of the Marion Zoning Code regarding notification signs for the amendment of zoning districts. Community Development Director Tom Treharne stated under the current code, signs would need to be posted in all residents yards. Staff will be adding an exception to the code and then would post notice in newspaper, Marion Messenger and engage local media to spread the word. All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Strnad at 6:17 p.m. Mayor Pro Tem Strnad presided over the meeting.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28129 approving the purchase of a 2019 Ford Escape from Lynch Ford in the amount of \$22,720.00. Vote: Yeas: Atkins, Jensen, Strnad and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished gavel to Mayor AbouAssaly at 6:19 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Strnad, seconded by Jensen to direct staff to engage bond counsel and proceed with public notice of future library debt issuance. Library Director Hollie Trenary provided staff report. Council Member Gadelha asked if any of the spaces in the library would generate revenue. Hollie confirmed there would be a cost for any use of the library for a private event outside of the normal business hours. Council Member Gadelha asked if there is a planned increase in staffing. Hollie stated they would not anticipate increasing staff. There would be some staffing requests but those would be positions previously asked for but not approved. Mayor AbouAssaly asked if there was potential for commercial space or coffee shop. Hollie stated there would be the option to add commercial space but that would be above the current budget ask. They plan to partner with local coffee vendors instead of having an actual coffee shop. Council Member Jensen asked if any of the current equipment and furniture would be used in new library. Hollie stated not much will move over. Current shelving is too tall and not ADA compliant. Council Member Strnad asked where revenues would go. Hollie stated currently revenues go back into the general fund. City Manager Lon Pluckhahn provided staff report regarding funding plan. Mayor AbouAssaly asked what if private funding came in short. Hollie stated the Foundation will cover the cost. Council Member Gadelha stated this project is long overdue however she would like it to go out to vote. She thinks this is an awesome project and feel it would get support.

Hollie stated by pushing it out a few months we would have to halt current progress until public funding is in place. Mayor AbouAssaly stated he believes all of Council is in favor of this project but he feels the public should have a say. He asked Council if since two members are absent, this item should be tabled. Council Member Jensen stated he has been on the fence but is currently in favor of moving forward. He feels the public have shown support based on ImagiNEXT and the last Local Option Sales Tax vote. Council Member Atkins would also be in favor of tabling. Council Member Strnad would like to stop pausing this project and move forward with funding but would be in favor of tabling until the next meeting. Moved by Strnad, seconded by Jensen to table until the December 5, 2019 meeting. All in favor of motion to table, motion carried.

OTHER DEPARTMENT DISCUSSION – None.

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Council Member Gadelha stated there were a lot of people who stopped by Council hours at the Library a couple of weeks ago and shared some of the comments received. She also wished everyone a happy Thanksgiving.

Council Member Strnad wished everyone a great Thanksgiving.

Council Member Jensen stated the YMCA Groundbreaking was well organized and excellent event. He thanked Grace King of her media coverage of Marion.

Council Member Atkins thanked staff and Council for the great two-day strategic planning workshop last week. She also encouraged everyone to shop local and stated Marion has one of the best small business communities. She also wished everyone a great holiday and safe travels.

Mayor AbouAssaly wished everyone a happy Thanksgiving.

Mayor AbouAssaly adjourned the meeting at 7:05 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