

January 23, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 23, 2020, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Atkins, Jensen, Brandt. Absent: Draper, Gadelha and Strnad.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Council Member Brandt read the proclamation for Religious Freedom Day and presented it to the Humanists of Linn County.

Council Member Atkins read the proclamation for Slavery and Human Trafficking Prevention and Awareness Month and presented it to the Eastern Iowa Regional Task Force Against Human Trafficking.

PRESENTATIONS – No presentations took place.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the January 7 and 9, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Wrigleyville – 1899 7th Avenue
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
- b. Renewal – Nara Thai Cuisine – 1725 Blairs Ferry Road Ste 102
Class C Liquor License with additional privilege of Sunday Sales. No violations in last five years.

Motion to approve the following Hold Harmless Agreements:

- a. St. Joseph Fun Days; June 5-7, 2020; St. Joseph Catholic Church and School Grounds (Fr. David O'Connor, 1790 14th Street) (Permit #2019-00000114)
- b. Marion By Moonlight 2020; June 4, 11, 18, 25, 2020; Marion Square Park (Brittany Barnhart, Farmers State Bank, 1240 8th Avenue) (Permit #2019-00000094)

Motion to receive and file December 2019 Department Monthly Reports.

Motion to approve payments as presented in the amount of \$1,390,003.68.

Motion to receive, file and discuss Ten-Year Financial Analysis for Fiscal Year 2018-2019.

Resolution No. 28212 adopting final assessment schedule for Fiscal Year 2020 Quarter 3 Delinquent Fees and Confirming and Levying the Assessments.

Resolution No. 28213 setting public hearing for February 20, 2020 concerning proposed Fiscal Year 2021 city maximum property tax dollars.

Resolution No. 28214 approving partial payment no. 1 to Unzeitig Construction regarding the Metal Building Systems Package for the Public Service Maintenance Facility in the amount of \$983,243.82 (FACS-17-069).

Resolution No. 28215 approving partial payment no. 2 to Delaney Concrete regarding the Public Service Maintenance Facility Foundation Package in the amount of \$96,180.64 (FACS-17-069).

Resolution No. 28216 approving partial payment no. 3 to Rathje Construction regarding the Public Service Maintenance Facility Grading Project in the amount of \$184,012.93 (FACS-17-069).

Resolution No. 28217 approving partial payment no. 5 to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$8,823.85. (FACS-18-019)

Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 28218 approving partial payment no. 34 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$15,374.78 (SWR-17-026)
- b. Resolution No. 28219 approving partial payment no. 3 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$60,551.08. (FACS-18-062)
- c. Resolution No. 28220 approving partial payment no. 23 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$2,742.00 (TRANS-18-092)
- d. Resolution No. 28221 approving partial payment no. 1 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$2,234.48 (FACS-18-062)

Motion to approve Planning and Development Division Payments as follows:

- a. Resolution No. 28222 approving payment no. 14 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$24,933.06. (TRL-18-056)
- b. Resolution No. 28223 approving payment no. 4 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$381.20. (Iowa DOT Project Number: TAP-U-4475(630)--81-57) (TRL-17-055)
- c. Resolution No. 28224 approving payment no. 51 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 \$1,981.99. (TRANS-17-099)

All in favor, motion carried.

REGULAR AGENDA

Moved by Atkins, seconded by Jensen to approve the final consideration Ordinance No. 19-27 amending Chapter 55 of the Marion Code of Ordinances relating to Animal Protection and Control. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding Proposed Amendment to the Central Corridor Urban Renewal Area. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Brandt to approve Resolution No. 28225 approving the Urban Renewal Amendment for the Central Corridor Urban Renewal Area. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28226 setting date for public hearing on proposal to enter into a General Obligation Urban Renewal Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$7,000,000. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to direct staff to draft a resolution relating to the establishment of the Local Option Sales Tax (LOST) Oversight Committee setting the meeting frequency at once per year. All in favor, motion carried.

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

Moved by Brandt, seconded by Atkins to approve Resolution No. 28227 approving a Memorandum of Understanding (MOU) with MOJO Properties, LLC. Moved by Brandt,

seconded by Atkins to table Resolution 28227. Vote on motion to table: Yeas: Atkins, Jensen, Brandt. Nays: None. Abstention: AbouAssaly. Motion to table carries.

Moved by Atkins, seconded by Brandt to direct staff to extend the existing development agreement with PDS Investments, LLC for an additional one year. Vote: Yeas: Atkins, Jensen, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 5:44 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Jensen, seconded by Brandt to direct staff to develop best public parking solution and cost estimates on city owned property along 14th Street in Uptown Marion. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28228 approving a contract change order with Rathje Construction regarding the Public Service Maintenance Facility Grading Project for a credit in the amount of \$7,015.80 (FACS-17-069). All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28229 approving a contract change order with Delaney Concrete regarding the Concrete Foundation Package associated with the Public Service Maintenance Facility in the amount of \$30,619.54 (FACS-17-069). All in favor, motion carried.

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

Moved by Jensen, seconded by Brandt to approve Resolution No. 28230 approving bids and awarding contract to Pipe Pro Inc. for the Mechanical Systems Package associated with Public Service Maintenance Facility in the amount of \$3,694,245.00 (FACS-17-069). Vote: Yeas: None. Nays: Atkins, Jensen, AbouAssaly, Brandt. Motion fails.

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

Moved by Brandt, seconded by Jensen to approve Resolution No. 28231 approving bids and awarding contract to Elite Fire Sprinkler Systems for the Fire Suppression Systems Package associated with Public Service Maintenance Facility in the amount of \$296,500.00 (FACS-17-069). All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28232 approving Amendment No.1 to the Contract with Anderson Bogert regarding the Tower Terrace

Road – Phase IX Improvements in the amount of \$14,000.00. (TRANS-18-094) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28233 approving Letter of Agreement between the City of Marion, Iowa and the Linn County Conservation Board regarding the Trail Vegetation Maintenance Agreement on the Grant Wood Trail near the Marion Airport Runway. (ANN-18-082) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28234 rescinding Resolution No. 28189 regarding the acceptance of a deed from the City of Cedar Rapids. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28235 accepting deed from City of Cedar Rapids for a portion of Twixt Town Road Right of Way Adjacent to Collins Road Square located at 1392 Twixt Town Road. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the sale of portions of the former north-south alley located between 27th and 28th Streets and 11th & 12th Avenues. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Atkins to approve the sale of the former north / south alley located between 27th and 28th Streets and 11th and 12th Avenues as follows:

- a. Resolution No. 28236 approving the sale of a portion of the former north south alley located between 27th & 28th Streets and 11th and 12th Avenues adjacent to Lot 4, Block 2, Richmond's 2nd Addition. (Mark and Joan Christensen)
- b. Resolution No. 28237 approving the sale of a portion of the former north south alley located between 27th & 28th Streets and 11th and 12th Avenues adjacent to Lot 7, Block 2, Richmond's 2nd Addition. (Doris Armstrong)
- c. Resolution No. 28238 approving the sale of a portion of the former north south alley located between 27th & 28th Streets and 11th and 12th Avenues adjacent to Lot 5, Block 2, Richmond's 2nd Addition. (Nicholas Springer)
- d. Resolution No. 28239 approving the sale of a portion of the former north south alley located between 27th & 28th Streets and 11th and 12th Avenues adjacent to Lot 1, Block 2, Richmond's 2nd Addition. (William and Penny Dunek)

Vote: Yeas: Atkins, Jensen, AbouAssaly, Brandt, Nays: None. Motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28240 approving an encroachment agreement for a sign located in city right-of-way associated with Collins Road Square located at 1392 Twixt Town Road. Community Development Director Tom

Treharne requested this item be tabled. Moved by Brandt, seconded by Jensen to table Resolution 28240. All in favor, motion to table carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28241 approving an Acquisition Plat of a portion of property located at 2294 5th Avenue. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve Resolution No. 28242 approving an Acquisition Plat of a portion of property located at 2245 6th Avenue. All in favor, motion carried.

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

Moved by Brandt, seconded by Atkins to approve Resolution No. 28243 approving Plat of Survey No. 2336 for property located north of 35th Avenue and east of 35th Street - Parcel A, POS 1845, Marion, Iowa. (Morris Wood, LLC) Moved by Brandt, seconded by Atkins to table Resolution No. 28243. Vote: Yeas: Atkins, Jensen, Brandt. Nays: None. Abstention: AbouAssaly. Motion to table carried.

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

Moved by Atkins, seconded by Jensen to approve Resolution No. 28244 approving purchase agreement for acquisition of a portion of 2097 6th Avenue in the amount of \$99,105.00. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM

City Attorney Kara Bullerman explained that resolutions and motions have different voting thresholds. Per Iowa State Code 380.4.1 resolutions require majority of all council and motions require a majority of quorum.

COUNCIL COMMENTS

Council Member Brandt congratulated Mayor AbouAssaly on his speech at the State of the City Luncheon.

Council Member Jensen shared some highlights from the State of the City Luncheon.

Council Member Atkins also congratulated Mayor AbouAssaly on the State of the City Luncheon.

Mayor AbouAssaly thanked everyone for their help with the State of the City Luncheon and is grateful for everyone's hard work.

CLOSED SESSION

Moved by Jensen, seconded by Atkins to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) 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, Brandt. Nays: None. Motion carried.

Moved by Jensen, seconded by Atkins to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 6:40 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