

February 6, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 6, 2020, at 5:32 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Atkins, Brandt, Gadelha and Strnad. Absent: Draper and Jensen.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Council Member Gadelha read a proclamation for Iowa Honeybee Day and presented it to members of the Iowa Honey Producers Association.

PRESENTATIONS – No presentations took place.

PUBLIC FORUM – No one came forward to speak.

The following items were removed from the agenda:

- a. Renewal – Dollar General Store #7226 – 1135 East Post Road
Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. One violation in last five years.
- b. Renewal – Dollar General Store #7398 – 5000 Chandler Court
Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. One violation in last five years.

CONSENT AGENDA.

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

Motion to approve minutes of the January 27, 2020 City Council meeting.

Motion to approve the following liquor license applications:

- a. Renewal – Hy-Vee Drugstore – 2790 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit, and Sunday Sales. No violations in last five years.
- b. Renewal – Marion Veterans Club – 625 31st Street
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
- c. Renewal – Cedar Rapids Bowling Center – 450 Northland Avenue
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.

- d. New – Neighborhood Tobacco Outlet – 2500 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit,
Class C Beer Permit, and Sunday Sales.

Motion to approve Fiscal Year 2019-2020 Cigarette Permit Application for Neighborhood Tobacco Outlet.

Motion to receive and file correspondence regarding resignation of Kaitlin Emrich from the Bicycle and Pedestrian Advisory Committee.

Motion to approve the following Mayoral appointments:

- a. Stormwater Advisory Committee
Terry Chew, 2980 6th Street, Marion; no term expiration
- b. Bicycle and Pedestrian Advisory Committee
Lynne Abbott, 1020 6th Street SE, Cedar Rapids; no term expiration

Motion to receive and file October, November, December 2019 Board and Commission Minutes.

Motion to approve payments as presented in the amount of \$2,787,655.16.

Motion to receive and file the audit report for the year ending June 30, 2019.

Motion to change the start time of the July 9, 2020 Council meeting to 4:00 p.m.
(Due to desired attendance at community event)

Resolution No. 28245 approving the renewal of the contract with Madison National Life Insurance Company Inc. for Life and Long-Term Disability Insurance.

Resolution No. 28246 rescinding Resolution No. 20156 regarding the Retirement Health Savings (RHS) Plan.

Resolution No. 28247 approving the Memorandum of Understanding with Marion Policeman's Protective Association regarding Lateral Transfer Officer and Dispatcher Hires and Reimbursement Agreement for Newly Hired Officers.

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

- a. Resolution No. 28248 approving Partial Payment No. 2 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$1,923.75 (FACS-18-062)

- b. Resolution No. 28249 approving Partial Payment No. 7 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$1,064.00. (TRANS-18-074).
- c. Resolution No. 28250 approving Partial Payment No. 35 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$1,993.99 (SWR-17-026)
- d. Resolution No. 28251 approving Partial Payment No. 13 to Anderson Bogert Engineers regarding the 2018 Central Corridor 7th Ave. Preliminary Design project in the amount of \$6,136.60. (TRANS-18-098)

Resolution No. 28252 setting a public hearing for February 20, 2020 regarding an amendment to Section 176.41 of the Marion Code of Ordinances related to notification signs for zoning amendments.

Motion directing staff to draft policy regarding Safe Routes to Parks.

All in favor, motion carried.

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

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

- a. Resolution No. 28253 approving Partial Payment No. 6 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue Interchange Design in the amount of \$1,508.50. (TRANS-18-089)
- b. Resolution No. 28254 approving Partial Payment No. 20 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 \$31,723.41. (TRANS-18-091)
- c. Resolution No. 28255 approving Partial Payment No. 5 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$28,405.00. (ANN-18-082)

Resolution No. 28256 approving payment to Hall and Hall Engineers, Inc. for professional services related to the fire station final plat in the amount of \$277.50. (FACS-18-061)

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

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

REGULAR AGENDA

Moved by Atkins, seconded by Brandt to approve minutes of the January 21, 23 and 24, 2020 City Council meetings. Vote: Yeas: Atkins, AbouAssaly, Brandt and Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Moved by Brandt, seconded by Gadelha to approve the initial consideration of Ordinance No. 20-01 amending Chapter 122 of the Code of Ordinances relating to Solicitors, Peddlers and Transient Merchants. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve the initial consideration of Ordinance No. 20-02 amending Chapter 7.05 of the Code of Ordinances relating to Operating Budget Preparation. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposal to enter into a General Obligation Urban Renewal Loan Agreement. (Library Development Project) City Manager Lon Pluckhahn provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28257 taking additional action on proposal to enter into General Obligation Urban Renewal Loan Agreement. (Library Development Project) All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Atkins at 5:45 p.m.
Deputy Mayor Pro Tem Atkins presided over the meeting.

Moved by Strnad, seconded by Brandt to remove from table Resolution No. 28227 approving a memorandum of understanding (MOU) with MOJO Properties, LLC. (Tabled 1/23/20) Vote: Yeas: Atkins, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28227 approving a memorandum of understanding (MOU) with MOJO Properties, LLC. Vote: Yeas: Atkins, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Deputy Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:46 p.m.
Mayor AbouAssaly presided over the meeting.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28258 approving Fiscal Year 2019-2020 Capital Budget Transfers. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28259 setting the date for public hearings on proposals to enter into General Obligation Loan Agreements. (Series 2020A) All in favor, motion carried.

Moved by Atkins, seconded by Gadelha to approve the following Mayoral appointment:

a. Historic Preservation Committee

Timothy Godsil, 9 Chapelridge Circle Apt F, Marion; term expires 1/1/23

All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the naming of certain park property "Prairie Hill Park." Parks Director Mike Carolan provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28260 approving the naming of certain park property located south of 29th Avenue, east of Greenway Court and west of 50th Street "Prairie Hill Park." Council Member Gadelha thanked the developers who donated the park land. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28261 approving Chapter 28E Agreement with Marion Independent School District regarding shared use of the districts tennis courts located at 675 South 15th Street. Council Member Gadelha appreciates school and city staff working together for this agreement. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to concur with recommendation to direct Marion Public Service Department to develop a maintenance plan for the north-to-south drainageway and easement along the eastern property line of the Pheasant Trail 4th development to manage vegetation and ensure proper flow of surface water. Vote: Yeas: Atkins, AbouAssaly, Gadelha, Strnad. Nays: None. Abstention: Brandt. Motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:54 p.m. Deputy Mayor Pro Tem Atkins presided over the meeting.

Moved by Gadelha, seconded by Strnad to concur with recommendation to direct staff to reimburse up to \$5,000 for drain tile material only, per the Neighborhood Drainage Assistance Program Policy, with signature of general release agreement from the Pheasant Trail 4th development. Vote: Yeas: Atkins, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly and Brandt. Motion carried.

Deputy Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:55 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28262 adopting the 2020 Edition of the Statewide Urban Design Specifications Program (SUDAS). All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28263 approving the 2020 City of Marion Supplemental Specifications of the Statewide Urban Design Area Standards (SUDAS). All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28264 approving the 2020 City of Marion General Supplement to the Statewide Urban Design Area Standards (SUDAS) Design Manual. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Project Calendar regarding the 2020 Storm Sewer Project (ANN-18-031), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2020 Storm Sewer Project (ANN-18-031)
- b. Resolution No. 28265 approving Resolution of Necessity regarding the 2020 Storm Sewer Project (ANN-18-031)
- c. Resolution No. 28266 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 Storm Sewer Project (ANN-18-031)
- d. Resolution No. 28267 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 Storm Sewer Project (ANN-18-031)

All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Project Calendar regarding the CEMAR Phase III Project in the City of Marion, from Marion Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder [TAP-U-4775(637)—8I-57] (TRL-17-055), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the CEMAR Phase III Project in the City of Marion, from Marion Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder [TAP-U-4775(637)—8I-57] (TRL-17-055)
- b. Resolution No. 28268 approving Resolution of Necessity regarding the CEMAR Phase III Project in the City of Marion, from Marion Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder [TAP-U-4775(637)—8I-57] (TRL-17-055)
- c. Resolution No. 28269 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the CEMAR Phase III Project in the City of Marion, from Marion

Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder [TAP-U-4775(637)—8I-57] (TRL-17-055)

- d. Resolution No. 28270 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the CEMAR Phase III Project in the City of Marion, from Marion Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder [TAP-U-4775(637)—8I-57] (TRL-17-055)

All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Project Calendar regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)
- b. Resolution No. 28271 approving Resolution of Necessity regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)
- c. Resolution No. 28272 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)
- d. Resolution No. 28273 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)

All in favor, motion carried.

Moved by Strnad, seconded by Brandt to remove from table 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. All in favor, motion carried.

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

Moved by Brandt, seconded by Gadelha 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) (Tabled 1/23/2020) Vote: Yeas: Atkins, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28274 waiving objection to the annexation of property north of East Robins Road and east of C Avenue into the City of Cedar Rapids. Vote: Yeas: Atkins, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Deputy Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:09 p.m. Mayor AbouAssaly presided over the meeting.

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Mayor AbouAssaly thanked everyone who sent a card to Council Member Draper. He delivered them last week. He stated he received a letter of resignation from Council Member Draper today. Asked that everyone keep Paul and his family in their thoughts and prayers.

CLOSED SESSION

Moved by Strnad, seconded by Brandt to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. City Attorney 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, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

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

Mayor AbouAssaly adjourned the meeting at 6:32 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