

February 20, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 20, 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, Gadelha and Strnad. Absent: None. (Council Member At Large seat is currently vacant)

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

### **PROCLAMATIONS/OATHS**

Mayor AbouAssaly read the proclamation celebrating the League of Women Voters 100th Birthday and presented it to Jean McMenimen with the League of Women Voters of Linn County.

### **PRESENTATIONS**

Linn County Supervisor Brent Oleson gave a presentation regarding the 2019 Linn County Popular Annual Report, Fiscal Year 2021 budget as well as upcoming construction on County Home Road. Council Member Gadelha asked if both roundabouts will be constructed at one time. County Engineer Brad Ketels stated they would be constructed one at a time. Council Member Gadelha asked when construction will take place. Brad stated they plan to start in April and it will conclude end of the year.

**PUBLIC FORUM** – No one came forward to speak.

### **CONSENT AGENDA**

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

Motion to approve minutes of the February 4 and 6, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- 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. No violations in last five years.
- c. Renewal – Brick Alley Pub & Sports Bar – 1038 7<sup>th</sup> Avenue  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
- d. Renewal – Fas Mart #5146 – 998 8<sup>th</sup> Avenue  
Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. No violations in last five years.

- e. New – Hawkeye 1010 – 1010 East Post Road  
Class E Liquor License with additional privilege of Sunday Sales.

Motion to approve the following Hold Harmless Agreements:

- a. Barbeque Rendezvous; June 6, 2020; Lowe Park (Marion Metro Kiwanis – Mark Seidl, 229 Northland Court NE, Cedar Rapids) (Permit #2020-00000003)
- b. Uptown Marion Market; June 13, July 11, & August 8, 2020; City Square Park & Depot (Marion Chamber of Commerce – Tami Schlamp, 1225 6<sup>th</sup> Avenue) (Permit #2020-00000005)

Motion to approve the FY2019-2020 Cigarette Permit Application for Hawkeye 1010.

Motion to receive and file correspondence regarding resignation of Paul Draper.

Motion to approve payments as presented in the amount of \$839,573.76.

Resolution No. 28275 approving payment to Racom Corporation for repairs due to water leak in the amount of \$79,129.82.

All in favor, motion carried.

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

### **CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

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

Resolution No. 28276 approving Partial Payment No. 1 to Alliant Energy regarding the Royal Oak Ridge Drive Light Poles in the amount of \$801.69.

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

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

### **REGULAR AGENDA**

Moved by Jensen, seconded by Atkins to direct staff to publish notice of intent to fill Council Member At Large vacancy by appointment. Council Member Gadelha asked if

Council could go into closed session before making appointment. City Attorney Kara Bullerman stated that would not be allowed. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding proposed Fiscal Year 2021 City Maximum Property Tax Dollars. City Manager Lon Pluckhahn 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. 28277 approving the Maximum Property Tax Dollars from certain levies for the proposed Fiscal Year 2020-2021 Budget. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28278 setting date of public hearing for March 19, 2020 regarding the proposed Fiscal Year 2021 Budget. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve the second 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 Atkins, seconded by Jensen to approve the second 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.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28279 relating to the establishment of the Local Option Sales Tax Oversight Committee. Council Member Strnad asked if the total number of members was changed to five. City Manager Lon Pluckhahn confirmed it was. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28280 approving the award of \$10,000 to Willis Dady Emergency Shelter, \$5,000 to Marion Cares, and \$5,000 to Four Oaks Family and Children Services as part of the Civil Rights Commission Low & Moderate Income Housing Assistance Grant. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:59 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28281 approving Memorandum of Understanding to amend the Development Agreement with PDS Investments, LLC. Council Member Brandt asked if there is anything in the agreement that would protect the city if MEDCO didn't rent the space. City Manager Lon Pluckhahn stated we would still have to amend the Urban Renewal Areas as well as have the amended Development Agreement approved and those would most likely take place after the move. Vote: Yeas: Atkins, Jensen, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 6:01 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Strnad, seconded by Gadelha to receive, file, discuss and approve the Engineering Department Work Program. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Project Calendar regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090)
- b. Resolution No. 28282 approving Resolution of Necessity regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090)
- c. Resolution No. 28283 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090)
- d. Resolution No. 28284 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090)

All in favor, motion carried.

Moved by Jensen, seconded by Atkins to remove from table 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. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha 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. (Tabled 1/23/2020) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding an amendment to Section 176.41 of the Marion Code of Ordinances related to notification signs for zoning amendments. Principal Planner Dave Hockett provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Gadelha, seconded by Brandt to approve the initial consideration of Ordinance No. 20-03 amending Section 176.41 of the Marion Code of Ordinances related to notification signs for zoning amendments. All in favor, motion carried.

Library Director Hollie Trenary provided an update regarding the Library Building Project. She shared preliminary concepts of the interior and exterior of the building. Council Member Gadelha asked what security measures would be in place for the

spaces that have expensive equipment. Hollie stated there are cameras in the current building and there will be cameras in the new building.

There will also be staff stationed near those rooms. Staff areas will have key card access. Council Member Strnad asked if third floor could be added if expansion is needed. Hollie stated they would not add a third floor however the building could be expanded to the south if needed. Council Member Strnad asked if they plan on an increase in circulation. Hollie stated they anticipate an 100% increase of visits for the first three years before it tapers off. They also anticipate a 20% increase in circulation.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28285 approving amendment to Professional Services Agreement with Engberg Anderson Architects regarding the Marion Public Library Building Project. (FACS-17-034) All in favor, motion carried.

**OTHER DEPARTMENT DISCUSSION** – No other discussions took place.

**PUBLIC FORUM** – No one came forward to speak.

**COUNCIL COMMENTS**

Council Member Brandt gave his condolences to the Draper family.

Council Member Jensen provided some history regarding Paul Draper including his involvement with the Depot and the Sheets Forrest Draper Insurance Agency building.

Mayor AbouAssaly stated International Women’s Day is on March 6. An event will be held in the Hill’s Bank Community Room at noon with guest speaker Swati Dandekar. He stated The Gazette had an article regarding the Marion’s Youth Council on Monday. The Mayor stated he waited tables at Ramsey’s on Monday as part of a fundraiser for the Marion Athletic Booster Club. He also attended the Linn Mar High School talent show last Friday as well as a ribbon cutting for D-Bat. The Mayor then shared the statements he made at Paul Draper’s funeral.

Mayor AbouAssaly adjourned the meeting at 6:57 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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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\_\_\_\_.

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Rachel Bolender, City Clerk