

April 23, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, April 23, 2020, at 5:30 p.m. at 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.)

Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting was held electronically. The agenda and City's website provided instructions on how others could participate in the meeting.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Mayor AbouAssaly read the proclamation for Arbor Day on April 24, 2020. Parks Director Mike Carolan stated residents can celebrate Arbor Day by participating in the ID Your Tree Challenge. Information about the challenge can be found on the City of Marion Facebook page and City website. Five winners will be chosen to include Plat a Tree swag, \$20 in Uptown Marion Dollars or the grand prize, a 1.5" caliper tree of their choice.

PRESENTATIONS – None

PUBLIC FORUM

Linda Miller (4001 North 10th Street) spoke against the roundabout at 10th Street and 10th Avenue.

CONSENT AGENDA

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

Motion to approve minutes of the April 9, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. New – TownePlace Suites – 2823 7th Avenue
Special Class C Liquor License (Beer/Wine) with additional privileges of Class B Wine Permit, Living Quarters, and Sunday Sales.

Motion to receive and file March 2020 Department Monthly Reports.

Motion to approve payments as presented in the amount of \$1,428,059.56.

Motion to receive and file the quarterly finance report for the quarter ending March 31, 2020.

Resolution No. 28393 setting a public hearing for May 21, 2020 regarding the proposed adoption of a fiscal year 2019-2020 budget amendment.

Resolution No. 28394 setting a public hearing for May 21, 2020 on designation of the Echo Hill Road Urban Renewal Area and on Urban Renewal Plan and Project.

Resolution No. 28395 setting a public hearing for May 21, 2020 on Urban Renewal Plan Amendment for Collins Road Extension Urban Renewal Area.

Motion to receive and file job description for Horticulturist.

Motion to solicit bids for the scheduled replacement for skid loaders and attachments (EQPT-18-009)

Motion to solicit bids for the scheduled replacement of pavement maintenance and asphalt milling equipment (EQPT-18-007)

Motion to solicit bids for the scheduled replacement of trailers and towing equipment.

Resolution No. 28396 approving Partial Payment No. 6 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$280,444.13. (FACS-18-062)

Motion to approve Project Calendar regarding Easements associated with the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090) as follows:

- a. Resolution No. 28397 approving Temporary Construction Easement with Jamie & Linda Lundahl, 315 S 14th Street, regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090)
- b. Resolution No. 28398 approving Temporary Construction Easement with Brice & Sharon Smith, 1396 Starry Dr, regarding the 2020 A Avenue Reconstruction Project (NSI) (TRANS-18-090)

Resolution No. 28399 approving payment no. 26 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$1,235.00. (TRL-17-055)

All in favor, motion carried.

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 28400 setting date of public hearing for May 7, 2020 at which it is proposed to approve a development agreement with PDS Investments LLC including annual appropriation tax increment payments.

Resolution No. 28401 approving Partial Payment No. 1 to GLD Properties LLC for construction of 27th Street south of the roundabout in the amount of \$81,857.16.

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

- a. A request regarding a comprehensive plan amendment, preliminary site development plan, and a preliminary plat for Bowman Meadows 7th Addition (Midwest Development).

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

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

REGULAR AGENDA

Mayor AbouAssaly opened the public hearing regarding the proposed Fiscal Year 2020-2021 Budget (continued from 3/19/20). City Manager Lon Pluckhahn provided staff report. Frank Sherman (4170 Canton Court) asked several questions regarding Airport improvements included in the budget, tax increment financing and possible economic fallout from COVID-10. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28347 approving the Fiscal Year 2020-2021 Budget. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on 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.

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

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28402 approving Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area. Vote: Yeas: Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: none. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 6:11 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28403 approving fiscal year 2019-2020 Capital Budget Transfers. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28404 approving fiscal year 2019-2020 Operating Budget Transfers. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28405 approving contract with TichlerBise, Inc. for consulting services, related to growth management and the development of a fiscal impact model. (GOV-19-122) Council Member Gadelha asked about the timeline of this project. Assistant to the City Manager Amal Eltahir stated it would be a six month process. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28406 approving Memorandum of Understanding between Linn County, Cedar Rapids, Hiawatha, Marion and Robins regarding the BUILD and RISE Grant Applications for Tower Terrace Road Regional Project. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28407 approving purchase from Graybill Communications regarding surveillance cameras at City Hall in the amount of \$24,393.70. (GOV-17-069) All in favor, motion carried.

Moved by Atkins, seconded by Strnad to approve Resolution No. 28408 amending the non-bargaining pay schedule to include the addition of the Library Technology Manager position. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 6:18 p.m. Mayor Pro Tem Jensen presided over the meeting.

Mayor Pro Tem Jensen opened the public hearing on proposed development agreement with MOJO Properties, LLC. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor Pro Tem Jensen declared public hearing closed.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28409 approving development agreement with MOJO Properties, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement. Vote: Yeas: Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: none. Abstention: AbouAssaly. Motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28410 approving Change Order No. 8 with L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project regarding the removal of Schedule D, related to saw cut grooves, in a credit amount of \$75,426.72. (ANN-18-082) Vote: Yeas: Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: none. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 6:22 p.m. Mayor AbouAssaly presided over the meeting.

Mayor AbouAssaly opened the public hearing regarding the 2020 Sanitary Sewer Manhole Project. (ANN-18-029) City Engineer Mike Barkalow provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28411 accepting bids and awarding contract to Borst Brothers Construction, Inc. regarding the 2020 Sanitary Sewer Manhole Project in the amount of \$114,420.00. (ANN-18-029) All in favor, motion carried.

Moved by Atkins, seconded by Strnad to approve Resolution No. 28412 approving contract and bond with Rathje Construction Company regarding the 2020 A Avenue Reconstruction Project [NSI] in the amount of \$579,842.75. (TRANS-18-090) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28413 approving contract and bond with Rathje Construction Company regarding the 2020 Safe Routes to School Project in the amount of \$99,806.50. (TRL-18-059) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28414 approving contract and bond with SAK Construction LLC regarding the 2020 Sanitary CIPP Rehabilitation Project in the amount of \$126,459.00. (ANN-18-029) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28415 approving contract with HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$140,850.00. (SWR-18-021) All in favor, motion carried.

Moved by Strnad, seconded by Brandt to receive, file and discuss correspondence regarding naming of creek located east of 35th Street, south of Willowbrook Drive, north of Willowood Avenue and west of Squaw Creek as Willowood Creek. (Brian and Toby Soenen; 3545 McGowan Blvd) All in favor, motion carried.

Moved by Atkins, seconded by Strnad to approve Resolution No. 28416 approving support for naming creek located east of 35th Street, South of Willowbrook Drive, North of Willowood Avenue and west of the Squaw Creek as Willowood Creek to the United States Geological Services. (USGS) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to receive, file and discuss correspondence regarding full acquisition of 1013 10th Street relating to the 10th Avenue, 10th Street and Central Avenue Mini Roundabout Project (Karen and Doug Crane, 1013 10th Street) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve the second reading of Ordinance No. 20-05 approving the amendment to Section 176.50-12 to allow "Veterinary Office / Animal Hospital" as a permitted use in the UTC-1 Zoning District. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the alley vacation for the east west alley located between 1st and 2nd Avenues and 9th and 10th Streets. Community Development Director Tom Treharne provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28417 approving the alley vacation for the east west alley located between 1st and 2nd Avenues and 9th and 10th Streets. (Brandon Scherbaum) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the alley vacation for the north south alley located between 10th and 11th Avenues and 26th and 27th Streets. Community Development Director Tom Treharne provided staff report. Michael Schafer (1070 27th Street) spoke in favor of the measure. No other comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28418 approving the alley vacation for the north south alley located between 10th and 11th Avenues and 26th and 27th Streets. (Mitchell Sutton) All in favor, motion carried.

Moved by Atkins, seconded by Strnad to approve the final reading of Ordinance No. 20-04 amending Chapter 21 of the Code of Ordinances relating to Library Board of Trustees. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Council Member Gadelha stated she went into her office in Davenport this past week and it was so nice to see other people. She stated she misses staff and other council members and is looking forward to seeing everyone again.

Mayor AbouAssaly thanked staff for all their hard work in this less than ideal time. He commended them for having daily electronic meetings and keeping everyone informed. He also stated that a COVID-19 Community Recovery Task Force is being created that will explore, recommend and implement strategies to support individual, family and business recovery efforts.

CLOSED SESSION

Moved by Jensen seconded by Atkins 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.

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

Mayor AbouAssaly adjourned the meeting at 7:09 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