

February 7, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 7, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Absent: None.

The meeting opened with Posting of the Colors by the Marion Police Department Honor Guard and the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Police Chief Joe McHale made a presentation for the promotion of Corporal Cory Berning to Sergeant.

Police Chief Joe McHale made a presentation for the promotion of Sergeant Phil Fort to Lieutenant.

Mayor AbouAssaly read a proclamation declaring February 2019 as Black History Month and presented it to Kent Jackson, Vice Chair of the Civil Rights Commission. Mr. Jackson shared about upcoming events such as Adam Foss speaking on February 15 at 10:00 a.m. at Coe College, Uncommon Allies documentary screening on February 23 at 1:00 p.m. at Coe College and the Community Cultural Celebration and Expo on March 8 from 10:00-2:00 p.m. at Cedar Rapids Downtown Library.

PRESENTATIONS

Brooke Prouty with Uptown Marion made a presentation regarding the recent accomplishments and grants received in 2018. She thanked the City for all their contributions. Council Members Strnad and Draper thanked Brooke and Uptown Marion for all they've done.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

Council Member Gadelha asked the following items be removed from consent agenda for separate consideration: Motion to approve minutes of the January 22, 24 and 25 City Council meetings, Resolution No. 27432 amending the 04/01/2018 non-bargaining pay schedule to include the IT Director, Finance Director, Accountant, Library Cataloger and Battalion Chief pay bands, Resolution No. 27433 approving the Finance Director Employment Agreement with Lianne Cairy and Resolution No. 27434 approving the IT Director Employment Agreement with Terrell Hunter.

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

Motion to change the start time of the February 19, 2019 work session to 6:00 p.m. (Due to Council Members and staff attending Legislative Day in Des Moines.)

Motion to schedule a special meeting on February 12, 2019 regarding Draft 2 of the Fiscal Year 2020 Budget.

Motion to approve the following liquor license applications:

- a. Renewal – Brick Alley - 1038 7th Ave
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in previous 5 years.
- b. Renewal – Fas Mart #5146 – 998 8th Avenue
Class C Beer Permit with additional privileges of Class B Wine (Carryout Wine – Includes Native Wine) and Sunday Sales. No violations in previous 5 years.

Motion to approve payments as presented in the amount of \$1,433,020.03.

Motion to receive and file new job descriptions (IT Director, Finance Director, Accountant, Library Cataloger and Battalion Chief).

Resolution No. 27435 approving an Agreement with Richard W. Boots concerning Health Insurance Coverage.

Motion to receive and file Engineering Tech Certified List.

Motion to receive and file Permit Tech Certified List.

Motion to receive and file the audit report for the year ending June 30, 2018.

Resolution No. 27436 setting a public hearing regarding the proposed FY19-20 Budget for March 7, 2019.

Resolution No. 27437 approving Resignation Agreement and Release.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27438 approving Partial Payment No. 3 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$82,656.47.
- b. Resolution No. 27439 approving Partial Payment No. 5 to Schnoor-Bonifazi Engineering & Surveying, LC regarding the Tower Terrace Road Phase VI Project in the amount of \$1,250.00.

- c. Resolution No. 27440 approving Partial Payment No. 6 to Anderson Bogert Engineering regarding the 2018 Central Corridor – 7th Ave. Preliminary Design in the amount of \$18,050.00.
- d. Resolution No. 27441 approving Partial Payment No. 23 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$13,228.26.

Motion to receive, file, and discuss a request regarding street light on Williams Drive. (Annette Mohling, 4060 Shady Oak Drive)

Resolution No. 27442 setting a public hearing for February 21, 2019, regarding establishing access fees on Winslow Road related to Glen Rock Farms 7th Addition.

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

- a. An amendment to Section 176.25 of the Marion Code of Ordinances to allow the sale of consumer fireworks in the I-1 Restricted Industrial Zoning District. (City of Marion)

All in favor of consent calendar, motion carried.

Moved by Jensen, seconded by Atkins to approve minutes of the January 22, 24 and 25 City Council meetings. Council Member Gadelha stated she would be abstaining as she was absent from the January 25, 2019 meeting and had not listened to the audio so did not feel like she should approve them. Council Draper stated he would also be abstaining for the same reasons. Vote: Yeas: Atkins, Jensen, AbouAssaly, Strnad, Brandt. Nays: None. Abstain: Draper and Gadelha. Motion carried.

Resolution No. 27432 amending the 04/01/2018 non-bargaining pay schedule to include the IT Director, Finance Director, Accountant, Library Cataloger and Battalion Chief pay bands was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27432. Moved by Gadelha, seconded by Draper to table Res. No. 27432. Vote for motion to table: Yeas: Draper, Atkins, Jensen, AbouAssaly, Strnad, Gadelha. Nays: Brandt. Motion carried.

Resolution No. 27433 approving the Finance Director Employment Agreement with Lianne Cairy was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27433. Moved by Gadelha, seconded by Draper to table Res. No. 27433. Vote for motion to table: Yeas: Draper, Atkins, Jensen, AbouAssaly, Strnad, Gadelha. Nays: Brandt. Motion carried.

Resolution No. 27434 approving the IT Director Employment Agreement with Terrell Hunter was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27434. Moved by Gadelha, seconded by Draper to table Res. No. 27434. Vote for motion to table: Yeas: Draper, Atkins, Jensen, AbouAssaly, Strnad, Gadelha. Nays: Brandt. Motion carried.

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 27443 approving partial payment no. 10 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$14,175.00.

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

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

REGULAR AGENDA

Ordinance No. 19-01 amending Chapter 21 of the Code of Ordinances relating to Library Board of Trustees was read by Gadelha for final consideration. Moved by Gadelha, seconded by Brandt to approve the final reading of Ord. No. 19-01. All in favor, motion carried.

Resolution No. 27444 approving a revised encroachment agreement regarding brick pavers for driveway approach in city right-of-way (Nathan J. and Amanda L. Andrews, 2680 50th Street) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27444. Council Member Draper asked if these were concrete form pavers. City Engineer Mike Barkalow stated they are brick pavers that were approved based on earlier agreement that expires when property is sold. The property is currently for sale and so this measure extends that agreement. Council Member Gadelha asked if you had to get approval to make driveway brick. Mike confirmed stating it was because brick is not an approved material according to SUDAS. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the property at 2274 5th Avenue rezoning from C-4 Warehouse Commercial to PDR Planned Development Residential. (City of Marion) Community Development Director Tom Treharne provided a staff report. Tom Spratt, 2261 5th Avenue, spoke in opposition of the measure. He stated this is an underserved area for parks and would like to see this stay as a green space. Mike Balfe, 597 21st Street, would also like to see a park in the area.

Also shared concerns with spot-zoning and planned development residential. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 19-03 approving rezoning from C-4 Warehouse Commercial to PDR Planned Development Residential for property at 2274 5th Avenue (City of Marion) was read by Jensen for initial consideration. Moved by Jensen, seconded by Gadelha to approve the first reading of Ord. No. 19-03. Mayor AbouAssaly asked if other comments were received. Community Development Director Tom Treharne stated there were a few people who shared concerns at the Planning and Zoning commission but have not received any comments since. Mayor AbouAssaly asked Tom to clarify the issues brought up during public hearing. Tom stated zoning is City specific and there are no State regulations. He stated PDR Planned Development Residential zoning offers more oversight by staff, Planning and Zoning Commission and City Council. Mayor AbouAssaly asked about lack of parks in the area. Parks Director Mike Carolan stated there is a small pocket park in the area but it doesn't offer much for green space. Peg Pierce Softball complex is open to the public when not being used for recreational programs. Ascension Park would also be in the area and have playground and green play. Mike stated the Park Board has been in discussion with property owner in the area regarding possible future park which would provide around 10 acres. Council Member Brandt stated Francis Marion Intermediate school is also in the area. Tom stated because this project will be obtaining state funding, a small playground is a requirement of the design. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the property south of Fernow Road and east of Crestwood Lane and Burns Drive to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Single Family Attached and Multi-Family Residential and Rezoning from R-2 Medium Density Single Family Residential to PDR Planned Development Residential. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC) Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 27445 approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Single Family Attached and Multi-Family Residential for property south of Fernow Road and east of Crestwood Lane and Burns Drive (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27445. All in favor, motion carried.

Ordinance No. 19-02 approving rezoning from R-2 Medium Density Single-Family Residential to PDR Planned Development Residential for property south of Fernow Road and east of Crestwood Lane and Burns Drive. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC) was read by Brandt for initial consideration. Moved by Brandt, seconded by Gadelha to approve the first reading of Ord. No. 19-02. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to suspend the rules and place Ordinance No. 19-02 on the agenda for the second and final reading and to adopt Ordinance No. 19-02. Council Member Gadelha asked about notices to the public and to remind Council why staff is recommending waiving two readings. Community Development Director Tom Treharne stated this ordinance has in fact been read three times. The Marion Times failed to publish the original notice prior to first public hearing. Therefore, staff sent to be published again to hold the public hearing again. The amount of notices made to public at large and neighboring properties has been the same compared to other rezonings. All in favor, motion carried.

Resolution No. 27446 approving a Preliminary Site Development Plan for Rookwood Estates for property south of Fernow Road and east of Crestwood Lane and Burns Drive (Rookwood Estates, LLC) was read by Atkins. Moved by Atkins, seconded by Gadelha to approve Res. No. 27446. All in favor, motion carried.

Resolution No. 27447 approving a Preliminary Plat for Rookwood Estates for property south of Fernow Road and east of Crestwood Lane and Burns Drive (Rookwood Estates, LLC) was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27447. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 6:43 p.m. Mayor Pro Tem Strnad presided over the meeting.

Mayor Pro Tem Strnad opened the public hearing regarding a request to vacate a street right-of-way described as the north 125 feet of 16th Street between 5th Avenue and 6th Avenue, Marion, Iowa. (Genesis Equities LLC) Community Development Director Tom Treharne provided staff report. Hannah Kustes, 3405 7th Avenue Suite 102, with Genesis Equities stated the reason for request is to proceed with development of the area. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Council Member Gadelha left the meeting at 6:52 p.m.

Resolution No. 27448 approving a street right-of-way vacation of the north 125 feet of 16th Street between 5th and 6th Avenue, Marion, Iowa (Genesis Equities LLC) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27448. Council Member Draper asked about sale of south half. Community Development Director Tom Treharne stated that staff has not been approached to do that. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Council Member Gadelha returned at 6:53 p.m.

Mayor Pro Tem Strnad opened the public hearing regarding a request to vacate and sell a street right-of-way described as the north 160 feet of 17th Street between 5th Avenue and 6th Avenue, Marion, Iowa. (Genesis Equities LLC) Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Resolution No. 27449 approving the vacation and disposition of a street right-of-way of the north 160 feet of 17th Street between 5th and 6th Avenue, Marion, Iowa (Genesis Equities LLC) was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27449. Council Member Jensen asked why this was 160 feet when previous one was 125 feet. Hannah Kustes, 3405 7th Avenue Suite 102, with Genesis Equities stated they own property to the south and reason was to square off total property. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27450 approving Memorandum of Agreement regarding operations with Young Men's Christian Association of the Cedar Rapids Metropolitan Area (The New Regional YMCA in Marion) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27450. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Resolution No. 27451 approving additional capital contribution of \$800,000.00 to the Young Men's Christian Association of the Cedar Rapids Metropolitan Area with total contribution payable as lump sum in Fiscal Year 2020. (The New Regional YMCA in Marion) was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27451. City Manager Lon Pluckhahn stated that a statement was added to agreement that the YMCA will not ask for any more capital contributions for this project. Council Member Draper stated he is in favor of this project. Council Member Jensen stated the YMCA and City have been working together for several years. If City were to build their own recreational facility it would cost a lot more than what is being contributed for this project. Mayor Pro Tem Strnad stated previous councils did approve funds and agrees that this facility will be a great asset to the City. He finds it difficult to approve the additional \$800,000.00. Vote: Yeas: Draper, Atkins, Jensen, Brandt and Gadelha. Nays: Strnad. Abstention: AbouAssaly. Motion carried.

OTHER DEPARTMENT DISCUSSION

City Manager's Office: FY2019-2024 Capital Improvement Plan (CIP) Project Highlights Discussion.

- a. City Manager Lon Pluckhahn presented background information regarding work completed to date on the Airport Zoning and Land Use and Runway projects. Council Member Jensen asked if completion date listed is accurate. City Engineer Mike Barkalow state this will be let similar to other projects and will have working days. Council Member Atkins asked for further explanation of the current use. Lon stated there is currently a large school for pilots, base for Life Flight helicopters and small business and pleasure craft. Goal is to allow slightly large craft to use airport.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 7:34 p.m. Mayor AbouAssaly presided over the meeting.

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Draper provided history of the former Maid-rite building and is excited for the building to be restored.

Council Member Atkins had no comments other than she is ready for Spring.

Council Member Jensen stated he is enjoying the Council being at full strength.

Council Member Strnad asked if the YMCA pays property taxes. City Manager Lon Pluckhahn stated they are tax-exempt. Council Member Strnad asked how they could use tax increment financing. Lon stated the project will draw a lot of people to the area and will function as a driver for commercial projects. Council Member Strnad asked if they could discuss the non-bargaining pay schedule at future session. Lon stated he would bring up at budget discussion. Council Member Strnad thanked the Mayor for a great State of the City event. He walked away excited and he expressed gratitude to Marion and City staff.

Council Member Brandt thanked the Mayor for his speech and wanted to thank Communications Manager Amber Bisinger for her help. The videos that were shared at the event were fantastic.

Council Member Gadelha wanted to make people aware there is a monthly blood drive held at Lowe Park, the next one being Tuesday, February 12 from 1:00-4:00 p.m. Because of recent weather, donations are low.

Mayor AbouAssaly thanked all those who attended the State of the City. He stated it was a honor to represent the citizens, staff and council. He thanked Communications Manager Amber Bisinger who does magic behind the scenes and helps with the audio and visual components of the event.

CLOSED SESSION

Moved by Strnad, 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: Draper, Atkins, Jensen, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

Moved by Draper, seconded by Strnad to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 8:06 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