

February 21, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, February 21, 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 and Brandt. Absent: Gadelha.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the February 5, 6, 7 and 12, 2019 City Council meetings.

Motion to receive, file and discuss January 2019 Department Monthly Reports.

Motion to approve the following liquor license applications:

- a. Renewal – Napolis – 500 Marion Blvd Suite 100
Special Class C Liquor License with additional privileges of Class B Native Wine, Outdoor Service and Sunday Sales. One violation in previous five years.

Motion to approve the following hold harmless agreements:

- a. Uplift Uptown; City Square Park; June 29, 2019 from 4:00-7:00 p.m. (Marion Cares, Laura Campbell, 1050 McGowan Boulevard) (Permit #2019-00000007)
- b. BBQ Rendezvous; Lowe Park; May 31-June 2, 2019 (Marion Metro Kiwanis, 229 Northland Court NE, Cedar Rapids) (Permit #2019-00000008)
- c. Top Tier Home Team Client BBQ; Lowe Park; September 20, 2019 from 6:00-10:00 p.m. (Top Tier Home Team, 211 East Main Street, Anamosa) (Permit #2019-00000011)

Motion to approve payments as presented in the amount of \$747,766.70.

Resolution No. 27452 setting the date for public hearings and additional action on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder. (2019B)

Resolution No. 27453 setting the date for public hearings and additional action on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder. (2019A/2019C)

Resolution No. 27454 approving partial payment no. 8 to A&J Associates for the Public Services Maintenance Facility in the amount of \$3,100.00.

Resolution No. 27455 approving partial payment no. 13 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase I in the amount of \$7,735.00.

Resolution No. 27456 approving Temporary Construction Easement with Gail McLaughlin Owner of Lynn Marie, LLC, 1803 6th Avenue, regarding the Central Corridor Improvements – Phase III from 13th Street to 19th Street Project.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27457 approving payment to Duo-Gard for a transit shelter at 640 Bentley Drive funded by tax increment financing low and moderate income set aside assistance dollars in the amount of \$6,777.00.
- b. Resolution No. 27458 approving payment no. 17 to Houseal Lavigne Associates for professional consulting services related to the Marion Zoning Ordinance per the contract for the Marion Airport in the amount of \$1200.00.
- c. Resolution No. 27459 approving payment no. 18 to Houseal Lavigne Associates for professional consulting services related to the Marion Comprehensive Plan per the contract for the Marion Airport in the amount of \$512.50.
- d. Resolution No. 27460 approving payments to Stanley Consultants, Inc. for environmental site assessment services related to land development Phase I ESA at 2254-74 5th Avenue in the amounts of \$2,280.00 and \$920.00.
- e. Resolution No. 27461 approving payment no. 40 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 \$839.56.

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

- a. A rezoning request for property north of 35th Avenue, east of 35th Street from Undesignated to PI, Public Institutional and a Preliminary Plat for Linn Mar 35th 1st Addition. (Linn Mar Community School District)
- b. A final plat for Carriage Square 1st Addition located north of Twixt Town Road and west of Southview Drive. (Carriage Square)

Resolution No. 27462 setting a public hearing on March 7, 2019 regarding an amendment to section 176.25 of the Marion Code of Ordinance to allow the sale of consumer fireworks in the I-1, Restricted Industrial Zoning District. (City of Marion)

Resolution No. 27463 ratifying contract with the Marion Policeman's Protective Association.

Resolution No. 27464 approving contract with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration.

Resolution No. 27465 approving the award of \$5,000.00 to Waypoint as part of the Civil Rights Commission Low & Moderate Income Grant.

Resolution No. 27466 approving the award of \$5,000.00 to Willis Dady Homeless Services as part of the Civil Rights Commission Low & Moderate Income Grant.

All in favor of consent calendar, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:34 p.m. Mayor Pro Tem Strnad presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

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

- a. A rezoning request for property between 29th Avenue and 35th Avenue, east and west of Winchester Drive Extended from PDR, Planned Development Residential & R-2, Medium Density Single-Family Residential to SR-3, Suburban Medium Density Single-Family Residential District; and PDR, Planned Development Residential to SR-4, Suburban Two-Family Residential District and an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached to Single-Family Attached and Single-Family Attached to Single-Family Detached. (Robson Homes Inc.)

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27467 approving payment no. 1 to Anderson-Bogert Engineers for General Airport Consulting for Engineering and/or land surveying services per the contract for the Marion Airport in the amount of \$2,385.00.

Resolution No. 27468 setting a public hearing for March 7, 2019 regarding a request to vacate the easterly Indian Creek Road right-of-way easement adjacent to the Gemstone Estates 5th Addition. (Morris Wood Enterprises, LLC)

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

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 5:35 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

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 (Tabled 02/07/19) was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27432. All in favor, motion carried.

Resolution No. 27433 approving the Finance Director Employment Agreement with Lianne Cairy (Tabled 02/07/19) was read by Atkins. Moved by Atkins, seconded by Draper to approve Res. No. 27433. All in favor, motion carried.

Resolution No. 27434 approving the IT Director Employment Agreement with Terrell Hunter (Tabled 02/07/19) was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27434. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to receive, file and discuss program documents for the Commercial New Construction Program for the Public Services Maintenance Facility. All in favor, motion carried.

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

Resolution No. 27469 approving a Construction Manager Agreement between the City of Marion and Knapp Warden, LLC was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27469. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt. Nays: None. Abstention: AbouAssaly. Motion carried.

Council Member Gadelha arrived at 5:40 p.m.

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

Mayor AbouAssaly opened the public hearing regarding establishing access fees on Winslow Road related to Glen Rock Farms 7th Addition. City Engineer Mike Barkalow provided the staff report. He stated due to recent legislation, an ordinance may not be an appropriate method for establishing access fees and recommends Council table the following ordinance. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Atkins to table Ordinance No. 19-04 regarding establishing access fees on Winslow Road related to Glen Rock Farms 7th Addition (initial consideration). All in favor of motion to table, motion carried.

Moved by Atkins, seconded by Jensen to receive, file and discuss a letter regarding the saving of Historic Houses. (Cindy Hadish, Save CR Heritage Board Member.) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding 520 12th Street Request for Proposals. City Engineer Mike Barkalow provided the staff report. Joe Hill (1325 Pacific Coast Highway Unit 2707, San Diego, CA) and Kyle Martin (Martin Gardner Architecture, 700 11th Street) provided more information regarding the proposal. Council Member Jensen asked how the project would be managed since he does not live here. Joe stated he returns to Marion every couple of weeks to visit family. He stated Marion is second home and he cares about the area. Council Member Draper stated he is very excited for this project. Nick Glew (MEDCO, 1225 6th Avenue Suite 100) spoke in favor of the project. He stated this is a creative way to reinvest in older neighborhoods in Marion and offers multiple wins for the community. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Atkins to receive, file and refer to the Economic Development Committee with Seven Hills East LLC in an amount not to exceed \$100,000.00 regarding the relocation of 520 12th Street. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding 525 11th Street Request for Proposals. City Engineer Mike Barkalow provided the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Strnad, seconded by Brandt to receive, file and refer to the Economic Development Committee with Seven Hills East LLC in an amount not to exceed \$100,000.00 regarding the relocation of 525 11th Street. All in favor, motion carried.

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

Moved by Gadelha, seconded by Brandt to approve Project Calendar regarding the 2019 Sanitary Sewer Maintenance Project, as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Sanitary Sewer Maintenance Project.
- b. Resolution No. 27470 approving Resolution of Necessity regarding the 2019 Sanitary Sewer Maintenance Project.

- c. Resolution No. 27471 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sanitary Sewer Maintenance Project.
- d. Resolution No. 27472 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sanitary Sewer Maintenance Project.

All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file and discuss letter regarding request for the City to pay for improvements along Robinwood Lane. (Chad Pelley, Rookwood Estates, LLC) All in favor, motion carried.

Moved by Jensen, seconded by Atkins directing staff to negotiate a Memorandum of Agreement with Rookwood Estates regarding the installation of improvements along Robinwood Lane. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to receive, file and discuss Petition regarding additional no parking on Lyons Lane. All in favor, motion carried.

Moved by Brandt, seconded by Draper to receive, file and discuss the TAC Report regarding additional no parking on Lyons Lane. All in favor, motion carried.

Resolution No. 27473 approving a no parking zone on the cul-de-sac of Lyons Lane was read by Gadelha. Moved by Gadelha, seconded by Atkins to approve Res. No. 27473. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, discuss and refer to TAC a request regarding no parking extension or enforcement along Saddleback Road. (Darrin Fullerton, 365 Saddleback Road) All in favor, motion carried.

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 second consideration. Moved by Jensen, seconded by Brandt to approve the second reading of Ord. No. 19-03. All in favor, motion carried.

Resolution No. 27474 approving the Site Plan Review with terms and conditions of agreement related to Ordinance 16-09 rezoning property located south of 6th Avenue between 8th and 9th Street (Perry Development Partners) was read by Strnad. Moved by Strnad, seconded by Jensen to approve Res. No. 27474. Annette Perry (Perry Development Partners, 200 Rosedale Road, Cedar Rapids) presented information regarding the project. Council Member Gadelha asked what happens to the living wall proposed during the winter. Annette stated the vines would be removed and she would work with artisans to create designs with lights. Council Member Jensen asked if the redesign affected the amount of spaces available. Annette stated she will look to have

three permanent anchor stores with established customer base. During summer months she will look for temporary artisans. She also stated she wants the building itself to be somewhat of an attraction. All in favor, motion carried.

Resolution No. 27475 approving a Final Plat and Memorandum of Agreement for Linn-Aire Industrial Park 3rd Addition at 6000 Linn-Aire Avenue, Marion, Iowa (WFI Enterprises, Inc. and B-J's Investments LLC) was read by Brandt. Moved by Brandt, seconded by Atkins to approve Res. No. 27475. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing on proposed amendment to the West Tower Terrace Road Urban Renewal Area. No other comments, written or verbal, were received. Mayor AbouAssaly stated the public hearing will remain open as some consultation meetings still need to occur.

Moved by Gadelha, seconded by Jensen to table Resolution No. 27476 approving Urban Renewal Plan Amendment for West Tower Terrace Road Urban Renewal Area. All in favor of motion to table, motion carried.

PUBLIC FORUM

Beth Combs (4246 Churchill Drive) spoke in regards to a medical emergency she had on December 5. The response time of EMTs was quick however, her time spent with the 911 operator was lacking. She would like to encourage the expansion of 911 operations, training and software.

COUNCIL DISCUSSION

Council Member Brandt congratulated Marion Girls Basketball for making it to State. The Boys team plays tonight at 7:00 and hopefully they will also win and move on to State.

Council Member Strnad thanked Mrs. Combs for sharing her story. He is also a big advocate for public safety.

Council Member Jensen stated over the next several years, a concrete plan on how to build out the 911 center and improve their performance is needed.

Council Member Atkins wanted to thank those who showed up to support Mrs. Combs and thanked her for sharing her story.

Council Member Draper agreed with everything Mrs. Combs shared regarding the 911 center. He also shared some history regarding Daytona Beach and the race track.

Mayor AbouAssaly relinquished his gavel to Mayor Pro Tem Strnad and left the meeting at 6:52 p.m. Mayor Pro Tem Strnad presided over the meeting.

Mayor Pro Tem Strnad adjourned the meeting at 6:55 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