

December 20, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, December 20, 2018, 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, Gadelha, Brandt and Strnad. Absent: None.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Mayor AbouAssaly presented a plaque for appreciation of service to Kim Etzel who served on the Council from January 1, 2012 to September 30, 2018.

Deputy Chief Doug Slagle introduced Matthew Wempen and shared his accomplishments from high school and college. Mayor AbouAssaly then administered the Oath of Office to Police Officer Matthew Wempen.

CONSENT AGENDA PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the December 4 and 6, 2018 City Council meetings.

Motion to receive, file and discuss November 2018 Department Monthly Reports.

Motion to approve the following Mayoral Reappointments:

- a. Airport Committee
Bonnie Roth, 2701 3rd Avenue, term expires 12/31/2022
- b. Arts Council
Frances Renfer, 1065 25th Street, term expires 1/1/2022
Jane Strnad Nelson, 3297 Sherwood Place, term expires 1/1/2022
- c. Civil Rights Commission
Danielle Brazant, 9 Chapel Ridge Circle, term expires 12/31/2021
Kent Jackson, 2220 Timber Creek Drive, term expires 12/31/2021
- d. Construction Code Review Board
Larry Nasset, 1375 8th Avenue, term expires 1/1/2023
Terry Sauer, 3060 18th Avenue, term expires 1/1/2023
Roger Cousins, 3650 Brookside Drive, term expires 1/1/2023
- e. Historic Preservation Commission
Judy Saluri, 1785 Grand Avenue, term expires 1/1/2022

- f. LOST Oversight Committee
Phil Hershner, 2125 Timber Creek Drive, term expires 12/31/2021
- g. Nuisance Enforcement Advisory Board
Tom Begley, 2865 25th Avenue, term expires 1/1/2022
Matt Milburn, 2710 10th Street #102, term expires 1/1/2022
- h. Planning & Zoning Commission
Seth Moomey, 1025 S 15th Street, term expires 12/31/2023
Jody Budde, 3010 Autumn Drive, term expires 12/31/2023
- i. Public Services Board
Tom Padley, 2860 23rd Avenue, term expires 12/31/2020
Mark Morgan, 933 18th Street, term expires 12/31/2020
Colleen Prokup, 2890 18th Avenue, term expires 12/31/2020
- j. Tree Board
Scott Hansen, 1363 8th Street, term expires 1/1/2023
Rodney Bluml, 1445 Brockman Avenue, term expires 1/1/2023
- k. Water Board
Mary Ann McComas, 1340 A Avenue, term expires 12/31/2024
- l. Zoning Board of Adjustment
Charles Kent, 668 7th Avenue, term expires 12/31/2023

Motion to approve the following Special Permit Endorsement:

- a. Brick Alley Pub & Sports Bar, 1038 7th Avenue, Iowa Bowl Game on January 1, 2019, NFL Playoffs on January 5, 6, 12, 13, 20, 2019 and Super Bowl on February 3, 2019, 11:00-7:00 p.m., (Les Arnold, 1038 7th Avenue).

Resolution No. 27357 approving a request to name Marion Times as the official newspaper of record for the City of Marion.

Motion to approve payments as presented in the amount of \$1,262,840.35.

Resolution No. 27358 approving partial payment no. 5 to A&J Associates for the Public Services Maintenance Facility in the amount of \$3,800.00.

Resolution No. 27359 approving a one year renewal of lease agreement with Sejkora Farms, Inc., for certain Lowe Park property.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27360 approving Partial Payment No. 4 to Anderson-Bogert Engineers regarding the 2018 Central Corridor – 7th Avenue Preliminary Design in the amount of \$40,446.00.
- b. Resolution No. 27361 approving Partial Payment No. 11 to Snyder & Associates regarding the 2018 Alburnett Rd. Extension Phase 1 in the amount of \$16,485.70.
- c. Resolution No. 27362 approving Partial Payment No. 21 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer-Segment 7 project in the amount of \$14,203.78.

Motion to receive, file, discuss and refer to TAC a request regarding a no parking zone on Lyons Lane. (Ron Meader, Lyons Lane)

Motion to receive, file, discuss and refer to TAC a request regarding roundabout signage. (Dick Lensing, 3457 Granger Avenue)

Motion to receive, file, discuss and refer to TAC a request regarding a crossing light at 35th Street and McGowan Boulevard. (Donna McCabe, 1960 36th Street)

Motion to receive, file, discuss and refer to TAC a request regarding a painted curb on Lucore Road at the Intersection of Indian Creek Road. (Mary Tuecke, 3700 Artesian Road)

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

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

- a. A Final Plat for GLM Addition to Linn County located at 1777 Martin Creek Road, Linn County, Marion, Iowa (Gerald Munier)

Resolution No. 27363 setting a public hearing for January 10, 2019 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 a request to rezone from R-2, Medium Density Single Family Residential to PDR, Planned Development Residential. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC)

All in favor to approve consent calendar, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 5:41 p.m. Mayor Pro Tem Gadelha presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Motion to approve the following liquor license applications:

- a. New – Kwik Trip Inc – 5992 Carlson Way
Class B Beer Permit (BC) with additional privileges of Class B Wine and Sunday Sales. Effective 12/21/2018.

Resolution No. 27364 approving Partial Payment No. 23 to Genesis Equities, LLC. for the Central Corridor Project (13th St to 31st St) in the amount of \$5,483.25.

Resolution No. 27365 approving contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$19,520.00.

Resolution No. 27366 approving contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the Engineering and/or Land Surveying Services for On Call General Airport Consulting in the amount not to exceed \$29,280.00.

Resolution No. 27367 approving contract amendment regarding runway lighting to the contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the City of Marion Runway 17/35 Reconstruction Project in the amount of \$25,270.00.

Resolution No. 27368 accepting paving associated with Gemstone 5th Addition.

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

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

REGULAR AGENDA

Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits was read by Strnad for second consideration. Moved by Strnad, seconded by Atkins to approve the second reading of Ord. No. 18-35. All in favor, motion carried.

Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors was read by Atkins for second consideration. Moved by Atkins, seconded by Brandt to approve the second consideration of Ord. No. 18-36. All in favor, motion carried.

Resolution No. 27369 approving participation in Naturally Slim Program through Wellmark was read by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 27369. Council Member Gadelha asked how this would save the City money. City Manager Lon Pluckhahn stated as part of Wellmark renewal every year the share details on how Marion compares against other covered members. In current fiscal year, Marion is about \$600 per member below the average. All in favor, motion carried.

Resolution No. 27370 approving payment to Spohn Ranch, Inc. regarding the 2018 Butterfield Park Skate Park Project in the amount of \$140,000.00 was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27370. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 5:57 p.m. Mayor Pro Tem Gadelha presided over the meeting.

Resolution No. 27371 approving a Professional Service Agreement between the City of Marion and Martin Gardner Architecture regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$27,200.00 was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27371. Vote: Yeas: Draper, Atkins, Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 5:48 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Strnad, seconded by Brandt to receive and file additional correspondence regarding light on Williams Drive. (Annette Mohling, 4060 Shady Oak Drive). All in favor, motion carried.

Resolution No. 27372 approving Plat of Survey No. 2304 for property at 2274 5th Avenue, Marion, Iowa (City of Marion-Lacey) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27372. All in favor, motion carried.

Resolution No. 27373 approving Acquisition Plat for Part of Lot 7, Irregular Survey of the N.E. ¼ of Section 6, T83N, R6W, Marion, Linn County, Iowa, Parcel 38 (City of Marion-Lacey) was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27373. All in favor, motion carried.

Resolution No. 27374 approval a Final Plat for Whispering Winds Estates Addition to Linn County at 1880 Bloomington Road in Linn County, Iowa (Del Bucknell & Donna J. Bucknell) was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27374. All in favor, motion carried.

Resolution No. 27375 approving a Final Plat and Memorandum of Agreement for Indian Creek Way 1st Addition to Linn County located at 4601 Indian Creek Way, Linn County, Marion, Iowa (Reagan Robinson) was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27375. All in favor, motion carried.

Resolution No. 27376 approving payment of \$14,280.00 for rental reimbursement associated with the acquisition of 1493 6th Avenue (Randy Bries) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27376. All in favor, motion carried.

Resolution No. 27377 accepting quit claim deed for a portion of Collins Road right of way located adjacent to Collins Road Square 1392 Twix Town Road from the City of Cedar Rapids was read by Atkins, Moved by Atkins, seconded by Jensen to approve Res. No. 27377. Council Member Strnad asked if this will come back before Council once Cedar Rapids approves. Community Development Director Tom Treharne confirmed. All in favor, motion carried.

Resolution No. 27378 accepting easement plat associated with the Collins Road Square located at 1392 Twix Town Road from the City of Cedar Rapids was read by Jensen. Moved by Jensen, seconded by Atkins to approve Res. No. 27378. Community Development Director Tom Treharne stated after reviewing condemnation proceedings, he'd like to review more with the City Attorney and asked this item be tabled. Motion by Strnad, seconded by Gadelha to table Res. No. 27378. All in favor, motion carried.

Resolution No. 27379 approving the Final Plat and Memorandum of Agreement for Tower Terrace Commercial 1st Addition at 3740 Irish Drive, Marion, Iowa (YMCA) was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27379. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 5:57 p.m. Mayor Pro Tem Gadelha presided over the meeting.

Resolution No. 27354 approving draft Economic Development Loan Agreement (The New Regional YMCA in Marion) (Removed 12/06/18) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27354. City Manager Lon Pluckhahn provided information on the financing options to date for the YMCA project. Lon stated this option is no longer desired by YMCA. Vote: Yeas: None. Nays: Draper, Atkins, Gadelha, Brandt and Strnad. Abstention: AbouAssaly and Jensen. Motion failed.

Resolution No. 27355 approving additional capital contribution of \$1,500,000.00 to the New Regional YMCA in Marion (Removed 12/06/18) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27355. Mayor Pro Tem Gadelha asked Mr. Carlson to come up and share again what was discussed on Tuesday. Bob Carlson (1195 Secrist Road) shared the possible benefits to citizens of Marion, the advisory board and seats on YMCA Board of Directors. Parks Director Mike Carolan spoke in regards to the benefits gained by the Parks and Recreation Department. Council Member Paul Draper asked if it would helpful to have indoor-outdoor pool. Mike Carolan stated meshing them together is not doable. The Parks Department would be looking into an aquatic center or water park. Mayor Pro Tem Gadelha asked if discounts for life of City loans would be feasible.

Bob Carlson stated that would need more investigation. City Manager Lon Pluckhahn provide more information on what this facility would add to our Parks and Recreation Department. Council Member Strnad asked what projects would be defunded because of this additional capital contribution. Lon stated the scenarios were put together without defunding other projects. Council Member Strnad asked if there is a delay in hotel/motel revenue. Lon stated those funds are received quarterly. Council Member Brandt asked about the need to have this voted on tonight versus being tabled. Bob Carlson stated it would just push back timeline and that seeing construction progress will also boost fundraising efforts. Council Member Brandt asked what happens if contribution is approved tonight and they do not offer the benefits to citizens. Lon stated a contribution agreement would come to Council. Council Member Gadelha asked for timeframe of such agreement. Lon stated in January. Moved by Brandt, seconded by Gadelha to amend motion to approve additional capital contribution of \$800,000.00 to the New Regional YMCA in Marion. Vote to amend: Yeas: Atkins, Gadelha and Brandt. Nays: Draper and Strnad. Abstention: Jensen and AbouAssaly. Motion to amend failed. Vote on original motion: Yeas: None. Nays: Draper, Atkins, Gadelha, Brandt, Strnad. Abstention: Jensen and AbouAssaly. Motion failed.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 7:19 p.m. Mayor AbouAssaly presided over the meeting.

OTHER DEPARTMENT DISCUSSION

City Manager Lon Pluckhahn stated over the next several Council meetings, staff will be provide highlights from high dollar or high impact projects that were approved in the FY2019-2024 Capital Improvement Plan (CIP). First project being discussed is Fire Station No. 3. Fire Chief Deb Krebill stated on December 18, OPN staff and the Fire Department Building Committee went through a vision workshop. In January 2019, a land survey and soil borings plus design meetings will take place. The building is estimated to be complete summer of 2020. Council Member Gadelha asked if this will have a training facility. Deb stated the facility will have a hose tower that can be used for some training opportunities. Lon stated they have been strategic with hiring so staff will be trained and ready to go once building is complete.

PUBLIC FORUM

Jerry Brown (1700 Banner Drive) and Rick McAllister (3130 22nd Avenue) came forward to speak in regards to St. Joseph's Fun Days. They provided information regarding the 2018 event in advance of completing the application for the 2019 event. Council Member Brandt asked if they knew attendance from previous years. Jerry and Rick stated they did not.

COUNCIL DISCUSSION

Council Member Draper would like to thank City employees, Council and everyone who has sent cards, well wishes and prayers. Also thanked Chamber of Commerce for Citizen of Year Award and thanked the Mayor for proclamation. Draper also thanked everyone for their donations of Marion shirts as his daughter-in-law made a t-shirt quilt with them.

Council Member Atkins is glad to finally meet Paul and happy he is back.

Council Member Jensen is also glad Paul has returned and shared his happiness the City is saving money by not having to plow.

Council Member Gadelha shared details from their recent tour of Prospect Meadows and stated the facility looks amazing. The facility is already booked for Memorial Day weekend. Gadelha stated it was an honor to serve and act as Mayor Pro Tem and looks forward to another productive year. She wished everyone a Merry Christmas and happy new year.

Council Member Brandt welcomed Paul back and wished everyone happy holidays.

Council Member Strnad also welcomed Paul back. He stated he was out at Lowe Park serving meals and really enjoyed that time. Strnad wished everyone happy and safe travels for the holiday season.

Mayor AbouAssaly thanked Randy for filling in for him at Lowe Park. He reminded everyone that the State of the City is January 31st and to sign up at the League of Women Voters of Linn County's website. He shared information about the first meeting of the Mayor's Youth Council and will be putting together a program for that group the remainder of school year. He wished everyone a Merry Christmas and happy holidays. AbouAssaly then thanked Council Member Gadelha for her time as Mayor Pro Tem and presented her with a certificate in appreciation.

Mayor AbouAssaly adjourned the meeting at 7:46 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