

December 5, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, December 5, 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 (via phone), and Gadelha. Absent: None.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS – None

PRESENTATIONS

Brooke Prouty with Uptown Marion presented the Annual Report. She shared accomplishments and business growth in the Uptown district this past year as well as goals for the next year. Council Member Gadelha asked what some initial ideas were to make Uptown more family friendly. Brooke stated the committee has met once and have a long list of ideas including kid's kits at restaurants or even explaining age group on event advertisements.

PUBLIC FORUM

Tim Getty (6301 Kirkwood Blvd SW) on behalf of Heritage Agency thanked Council for their support of Encore Café program. Since the program is so popular, one challenge is finding adequate space, especially at the library.

Jana Madsen (2390 Plymouth Street) spoke in favor of the library. She shared a story of how the library has helped her son.

Fayde Foens (2231 Tamarac Circle) spoke in favor of the library and programs they offer.

Aurora Costache (1464 Lindenbrook Ln) on behalf of Montessori School of Marion spoke in favor of the library.

Scott Foens (2231 Tamarac Circle) spoke in favor of the library.

CONSENT AGENDA

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

Motion to approve minutes of the November 13, 14, 15, 19 and 21, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Mandarin Spice Buffet & Grill – 1412 Twixt Town Road
Class C Liquor License with additional privileges of Class B Native Wine Permit and Sunday Sales. One violation in last five years.

- b. Renewal – Carlos O’ Kellys – 3320 Armar Drive
Class C Liquor License with additional privileges of Catering, Outdoor Service, and Sunday Sales. No violations in the last five years.
- c. New – West End Diner – 809 6th Avenue
Class C Liquor License with additional privileges of Outdoor Service.
Effective 12/01/19.

Motion to approve the following Mayoral reappointments:

- a. Arts Council
Angie Pierce-Jennings, 3323 Riverside Dr NE, term expires 1/1/23
Patrick Schmidt, 1420 25th Street, term expires 1/1/23
- b. Construction Code Review Board
Jim Burm, 1740 28th Avenue, term expires 1/1/24
Mark Morgan, 933 18th Street, term expires 1/1/24
- c. Civil Rights Commission
Jennifer Tibbetts, 1033 7th Street, term expires 12/31/22
Brett Nilles, 6090 Staggs Leap Lane, term expires 12/31/22
Dave Baumler, 1805 Country Club Drive, term expires 12/31/22
Renaë Forsyth-Christy, 2130 Geode Street, term expires 12/31/22
- d. Historic Preservation Committee
Pat Klopfenstein, 5540 Hunters Ridge Court, term expires 1/1/23
Kathy Wilson, 2910 Somerbrook Lane, term expires 1/1/23
- e. Local Option Sales Tax Oversight Committee
Dwight Hogan, 1565 7th Avenue, term expires 12/31/22
- f. Nuisance Enforcement/Property Maintenance Advisory Board
Bob Kalous, 3340 Edgebrook Drive, term expires 1/1/23
Joe Skvor, 2080 26th Street, term expires 1/1/23
Grant Hagen, 1088 Elim Drive, term expires 1/1/23
- g. Park Board
Patty Wise, 2570 Valleyview Court, term expires 12/31/23
Amy Hussel, 2085 Pebble Creek Drive, term expires 12/31/23
- h. Planning & Zoning Commission
Phil Seidl, 3011 Orrian Drive SE, term expires 12/31/24
- i. Public Services Board
Joe Spinks, 3165 29th Avenue, term expires 12/31/21
Craig Adamson, PO Box 885, term expires 12/31/21

Motion to receive and file certified list for Deputy Police Chief.

Motion to receive and file certified list for Fire Lieutenant.

Motion to approve payments as presented in the amount of \$1,612,522.09.

Resolution No. 28130 amending the non-bargaining pay schedule to include the addition of the Library Patron Services wage band.

Resolution No. 28131 approving support and financial commitment for the Main Street Program in Marion, Iowa.

Resolution No. 28132 approving Partial Payment No. 4 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$33,391.36. (TRANS-18-092).

Resolution No. 28133 approving Partial Payment No. 5 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$34,937.86. (TRANS-18-074).

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

- a. Request approval of Peterson's Properties Addition Final Plat to Linn County located at 5105 North 10th Street. (Dennis Peterson)

Resolution No. 28134 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 1) located in the 2018 workforce housing urban revitalization area plan.

Resolution No. 28135 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 2) located in the 2018 workforce housing urban revitalization area plan.

Resolution No. 28136 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 3) located in the 2018 workforce housing urban revitalization area plan.

Resolution No. 28137 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 4) located in the 2018 workforce housing urban revitalization area plan.

Resolution No. 28138 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 5) located in the 2018 workforce housing urban revitalization area plan.

All in favor, motion carried.

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Moved by Atkins, seconded by Jensen 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. Renewal – Giving Tree Theatre – 752 10th Street
Class C Liquor License with additional privilege of Sunday Sales. No violations in the last five years.

Motion to approve the following Mayor Pro Tem reappointments:

- a. Marion Municipal Airport Committee:
Craig Rairdin, 1000 Creekbend Court, term expires 12/31/23
Philip Legate, 2695 Pebble Creek Drive, term expires 12/31/23

Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 28139 approving Partial Payment No. 2 to Abode Construction, Inc. for overwidth and overdepth of trail associated with Briargate 4th Addition to the City of Marion in the amount of \$10,006.00. (ANN-18-109)
- b. Resolution No. 28140 approving Partial Payment No. 18 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$15,410.02. (TRANS-18-091)
- c. Resolution No. 28141 approving Partial Payment No. 4 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$7,538.25. (TRANS-18-112)
- d. Resolution No. 28142 approving Partial Payment No. 3 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$54,801.87. (ANN-18-082)
- e. Resolution No. 28143 approving Partial Payment No. 2 to Abode Construction, Inc. regarding the 2019 Marion Fire Station Site Subdrain Package in the amount of \$50,148.33. (FACS-18-062)
- f. Resolution No. 28144 approving Partial Payment No. 3 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Irish Drive Traffic Signal Project in the amount of \$1,400.00. (FAC-18-061)

- g. Resolution No. 28145 accepting the 2019 Marion Fire Station Site Subdrain Package. (FACS-18-062)
- h. Resolution No. 28146 approving Change Order No. 16 with Genesis Equities, LLC regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) regarding a retaining wall safety railing in the amount of \$8,775.00. (TRANS-18-091)
- i. Resolution No. 28147 accepting the Tower Terrace Road Project – Phase VI (Winslow Road to Lennon Lane). (TRANS-18-095)

Motion to approve Planning Department project payments as follows:

Resolution No. 28148 approving payment no. 28 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 \$265.00. (GOV-18-012)

Resolution No. 28149 approving payment no. 5 to GLD Properties LLC for construction of a portion of the Grant Wood Trail project located between 26th Street roundabout and 31st Street in the amount of \$37,525.73. (TRL-18-114)

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

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

REGULAR AGENDA

Moved by Gadelha, seconded by Atkins to remove from table motion directing staff to engage bond counsel and proceed with public notice of future library debt issuance. (Tabled 11/21/19) All in favor, motion carried.

Moved by Atkins, seconded by Jensen to amend motion directing staff to engage bond counsel and proceed with public notice of future library debt issuance by adding “with a maximum of \$7,000,000.” All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to direct staff to engage bond counsel and proceed with public notice of future library debt issuance with a maximum of \$7,000,000. City Manager Lon Pluckhahn provided staff report. Council Member Gadelha thanked Lon, Amber Bisinger and Jill Ackerman and other staff for all the data they’ve sent. She has looked at previous Local Option Sales Tax (LOST) vote and the materials that were distributed prior to that. Based on that information and the approval of LOST, she has changed her stance about the need to put this item out to a vote as the people have already spoken. Council Member Jensen stated the decision tonight was not about whether Council is in favor of the library project but whether or not this financing should move forward as reverse referendum or be put to a public vote.

Mayor AbouAssaly asked the City Manager to explain the reverse referendum process. Lon stated at the next meeting we would be scheduling a public hearing. This notice would announce that we are moving forward with reverse referendum. Residents then have certain number of days to file a petition which would need over 500 signatures. All in favor, motion carried.

Council Member Brandt and Council Member Draper both left at 6:18 p.m.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28150 approving Software as a Service (SaaS) Agreement with RecDesk, LLC regarding the Parks and Recreation Management Software Program. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to receive, file, and concur with the TAC Report regarding a request for no parking on Charter Oak Lane SE. (Cindi Rudish, 5020 Northridge Point SE) All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28151 approving the establishment of a "No Parking" zone on the east side of Charter Oak Lane SE north of Northridge Point SE. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28152 approving Change Order #2 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding poor soils and value engineering for a credit of \$571,155.25. (FACS-18-062) City Engineer Mike Barkalow explained the line items on the change order. Council Member Jensen asked if this pushes back the project at all and if there is any more value engineering. Mike stated this would move it back to December 2020. Assistant to the City Manager Amal Eltahir stated there is not any more value engineering to be completed. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28153 approving purchase of a portion of the property located at 2442 5th Avenue from Galina G. Caldemeyer in the amount of \$5,885.66. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28154 approving an Acquisition Plat of a portion of property located at 2442 5th Avenue. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28155 approving an Acquisition Plat of a portion of property located at 694 7th Avenue. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28156 approving an Acquisition Plat of a portion of property located at 708 7th Avenue. All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28157 approving an Acquisition Plat of a portion of property located at 707 7th Avenue. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28158 approving payment in the amount of \$12,868.10 to Robert and Rebecca S. Lacey and Linn County Treasurer related to the acquisition of a portion of 2294 5th Avenue in accordance with condemnation proceedings associated with the Central Corridor Project. Moved by Gadelha, seconded by Strnad to amend motion and add Linn Area Credit Union to payees and change amount to \$12,686.10. All in favor of motion to amend, motion carried. All in favor of amended motion, motion carried.

OTHER DEPARTMENT DISCUSSION

City Attorney Kara Bullerman provided an overview of the current Ethics Policy. This policy was passed by resolution. By taking Oath of Office, you are stating you will follow this policy. Kara reviewed and explained each section of the policy. She stated this policy is very similar to what other cities have. She would only recommend possibly adding provision about removing members via district court. She also recommends reviewing the policy each year.

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS – None

Mayor AbouAssaly adjourned the meeting at 6:56 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