



MINUTES

City Council Regular Session

5:30 PM - Thursday, January 7, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, January 7, 2021, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Grant Harper, Colette Atkins, Nicolas AbouAssaly, Will Brandt, Rene Gadelha, and Randy Strnad

ABSENT: Steve Jensen

Mayor AbouAssaly presided over the meeting.

The meeting opened with the pledge of allegiance and Council observed a moment of silence.

PROCLAMATIONS/OATHS

None

PRESENTATIONS

Mayor AbouAssaly introduced a group of Iowa BIG students who are responsible for the Splinters Project. He thanked Parks and Public Services Department Staff, Jill Ackerman with Marion Chamber of Commerce and Nick Glew with MEDCO for their help with this project. Leah Ahlers with Iowa BIG spoke about the project and introduced the other students who helped: Connor French, Ella Schultz, Emma Gerlach, Lindsay Radack and Lexi King. Connor French stated that the project will continue and they hope to create another event for Earth Day. The group presented a check for \$14,450.08 to Trees Forever. Shannon Ramsey with Trees Forever thanked the group for their support and thanked the City for their continued support of Trees Forever.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the December 15 and 17, 2020 City Council meetings.

Liquor licenses including the following:

- Renewal - Pitchers - 620 Lindale Drive
- Renewal - The Edison Restaurant & Pub - 475 Northland Avenue NE
- Transfer - Tomasos Pizza - 1204 7th Avenue, Suite 101

Certified List for Police Sergeant and Lieutenant.

Resolution No. 29129 designating the Marion Times as the official newspaper of record for the City of Marion.

Payments as presented in the amount of \$3,362,119.45.

Public Services

Resolution No. 29130 approving purchase of replacement traffic signal cabinet from Traffic Control Corporation in the amount of \$56,400.00.

Engineering

Resolution No. 29131 approving the establishment of a “No Parking” zone on both sides of Beall Court from its intersection with 62nd Street west to the end of the street.

Resolution No. 29132 approving Partial Payment No. 36 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$30,500.00 (SWR-17-026)

Resolution No. 29133 approving Partial Payment No. 7 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$42,312.32. (TRANS-18-091)

Resolution No. 29134 approving Partial Payment No. 3 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$106,688.56. (FACS-17-034)

Resolution No. 29135 approving Partial Payment No. 11 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$761.00 (FACS-18-062)

Resolution No. 29136 approving Partial Payment No. 7 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1,330.00. (TRL-17-055)

Resolution No. 29137 approving Partial Payment No. 2 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$40,774.00. (FACS-17-034)

Resolution No. 29138 approving Partial Payment No. 2 to Helitech Civil Construction regarding the Marion Library Project – Bid Pkg 31A Ground Improvements in the amount of \$2,515.13. (FACS-17-034)

Resolution No. 29139 approving Partial Payment No. 2 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$228,354.00. (FACS-17-034)

Resolution No. 29140 approving Partial Payment No. 1 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A & 06A regarding General Trades and Misc. Steel in the amount of \$189,179.20. (FACS-17-034)

Resolution No. 29141 approving Partial Payment No. 2 to Peak Construction

Group regarding the Marion Library Project – Bid Pkg 05A & 06A regarding General Trades and Misc. Steel in the amount of \$105,243.85. (FACS-17-034)

Resolution No. 29142 approving Partial Payment No. 1 to Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry in the amount of \$86,569.25. (FACS-17-034)

Resolution No. 29143 approving Partial Payment No. 7 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$137,808.25. (TRANS-18-090)

Resolution No. 29144 approving Partial Payment No. 6 to Rathje Construction Company regarding the A Avenue Reconstruction Project (NSI) in the amount of \$17,539.38. (TRANS-18-090)

Resolution No. 29145 approving Partial Payment No. 4 to Midwest Concrete, Inc. regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II in the amount of \$251,471.34. (TAP-U-4775(636)—8I-57) (TRL-17-055)

Resolution No. 29146 accepting the A Avenue Reconstruction Project (NSI). (TRANS-18-090)

Community Development

Resolution No. 29147 approving payment no. 7 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$921.75. (TRANS-18-098)

Resolution No. 29148 approving payment no. 9 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$460.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).

Resolution No. 29149 approving payment no. 1 to Universal Field Services, Inc for services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$1,320.00. (TRL-18-110)

Library

Resolution No. 29150 approving partial payment no. 6 to Bush Construction in the amount of \$118,708.54 for the Library Building Project (FACS-17-034)

Resolution No. 29151 approving payment to Bradbury Miller for the search of the Library Director in the amount of \$6,000.

Moved by Brandt, seconded by Atkins, to approve the Consent Agenda as shown above. The item regarding Fire Lieutenant Certified List was removed from the Consent Agenda for separate consideration.

Approved unanimously

Certified List for Fire Lieutenant.

Moved by Brandt, seconded by Atkins, to approve the Certified List for Fire Lieutenant. Council Member Strnad asked about the status of the two members

already promoted to Lieutenant. Fire Chief Krebill asked that this item be tabled as she received a call this afternoon that this item needs some more research. City Attorney Kara Bullerman stated that since it is in regards to employment, this is handled by Lynch Dallas. Moved by Strnad, seconded by Harper to table the item referenced above. Council Member Strnad asked if there was urgency where this needed to be approved tonight. Deb stated there was not any urgency.

Tabled unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:47 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 29152 approving Partial Payment No. 5 to Peterson Contractors, Inc. regarding the Removal of Railroad Bridge over Marion BLVD in advance of CEMAR Trail in the amount of \$894.82. (STP-U-4775(632)—70-57) (TRL-17-055)

Resolution No. 29153 approving Partial Payment No. 7 to Peterson Contractors, Inc. regarding the CEMAR Phase III Project in City of Marion, from Marion Boulevard bridge over Indian Creek north preservation trail Bridge New, Steel Girder amount \$154,207.54. [TAP-U-4775(637)-81-57] (TRL-17-055)

Community Development

Resolution No. 29154 approving payment no. 14 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 \$855.00. (ANN-18-082)

Moved by Gadelha, seconded by Brandt, to approve the Consent Agenda with Mayor AbouAssaly's abstention as shown above.

Approved by the following votes:

Ayes: Harper, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:47 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Public hearing on Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area in connection with the Legacy Manufacturing Project.

Mayor AbouAssaly opened the public hearing shown above. Assistant to the City

Manager Amal Eltahir provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29155 to approve Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area in connection with the Legacy Manufacturing Project.

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29155.

Approved unanimously

Resolution No. 29156 authorizing internal advance for funding of Urban Renewal Project economic development incentive for MEDCO Holding Company from the General Fund to the Capital Projects Fund in the amount of \$127,074.30

Moved by Harper, seconded by Brandt, to approve Resolution No. 29156.

Approved unanimously

Resolution No. 29157 approving Fiscal Year 2020-2021 Operating Budget Transfers

Moved by Atkins, seconded by Brandt, to approve Resolution No. 29157.

Approved unanimously

Resolution No. 29158 approving Economic Development Grant Payment to MEDCO Holding Company in the amount of \$127,074.30.

Moved by Brandt, seconded by Harper, to approve Resolution No. 29158.

Approved unanimously

Public Services

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:53 p.m. Mayor Pro Tem Atkins presided over the meeting.

Resolution No. 29159 approving partial payment no. 6 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$328,268.36.

Moved by Gadelha, seconded by Harper, to approve Resolution No. 29159.

Approved by the following votes:

Ayes: Harper, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:54 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 29160 approving partial payment no. 6 to Southern Disaster Recovery LLC. for emergency debris removal services in the amount of \$396,194.11.

Moved by Strnad, seconded by Gadelha, to approve Resolution No. 29160.

Approved unanimously

Motion to approve Project Calendar regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project:

- Resolution No. 29161 approving Resolution of Necessity regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.
- Resolution No. 29162 ordering preparation of specifications, notice of hearing and letting, notice to bidders, for the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.
- Resolution No. 29163 approving and adopting final specifications, notice of hearing and letting, notice to bidders regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.

Moved by Harper, seconded by Atkins, to approve the project calendar as shown above.

Approved unanimously

Resolution No. 29164 approving contract between the City of Marion and Southern Disaster Recovery LLC. for the Emergency Waterway Debris Removal Project.

Moved by Atkins, seconded by Harper, to approve Resolution No. 29164.

Approved unanimously

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

Parks

Resolution No. 29165 approving contract with Point Builders, LLC regarding the City Square Park Depot Repairs in the amount of \$72,475.00.

Moved by Brandt, seconded by Gadelha, to approve Resolution No. 29165.

Approved by the following votes:

Ayes: Harper, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:58 p.m. Mayor AbouAssaly presided over the meeting.

Engineering

Motion to receive, file, discuss and refer to Transportation Advisory Committee (TAC) a request for a temporary Library loading zone on 7th Avenue. (Marion Public Library Board)

Moved by Gadelha, seconded by Brandt, to approve the item as shown above.

Approved unanimously

Public Comment Period regarding Library Loading Zone on 7th Avenue.

Mayor AbouAssaly opened the public comment period regarding item above. The following comments submitted prior to the meeting were read: Debra Barron

(3550 Kimberly Court) wrote in favor of the temporary parking spots; Bob Hoyt (2335 S 22nd Street) wrote in favor of the temporary parking spots. Brooke Prouty spoke about the desire to delay this vote to allow for more time to get comments from Uptown businesses. No other comments, written or verbal, were received. This public comment period will remain open.

Motion to receive, file, and concur with the TAC Report regarding a request for two short term (10 minute) parking spaces for the Temporary Marion Public Library Location at 1064 7th Avenue. (Marion Public Library Board)

Moved by Strnad, seconded by Atkins, to approve the item as shown above. Council Member Atkins stated she is not opposed to this item but would like to table this item until more information is received. Moved by Atkins, seconded by Strnad to table the item referenced above.

Tabled unanimously

Resolution No. 29166 approving two short term (10 minute) parking spaces for the Temporary Marion Public Library Location at 1064 7th Avenue.

Moved by Harper, seconded by Atkins, to approve Resolution No. 29166. Moved by Harper, seconded by Gadelha to table item referenced above. Council Member Strnad asked Police Chief Mike Kitsmiller about citations that are given to cars that may be parked over two hours in Uptown. Mike stated the wheels are marked and usually when the officer returns, the car is gone. Council Member Strnad stated that taking two more spots away may be a concern for Uptown Businesses. Council Member Harper asked if the short term spots were implemented, would the enforcement be the same. Mike confirmed that it would be.

Tabled unanimously

Resolution No. 29167 approving contract and bond with Rapids Food Service regarding the Marion Library Building Project BP 11A Food Service Equipment in the amount of \$54,135.00. (FACS-17-034)

Moved by Atkins, seconded by Harper, to approve Resolution No. 29167.

Approved unanimously

Motion to remove from table Resolution No. 29106 accepting bids and awarding contract to KONE Inc. regarding the Marion Library Building Project BP 14A Conveying Systems (FACS-17-034) (tabled December 17, 2020)

Moved by Brandt, seconded by Atkins, to approve the item as shown above. Council Member Gadelha asked why the item is being removed from the table. City Attorney Kara Bullerman stated it was tabled at the last meeting because a rider was submitted by the Contractor right before the December 17 meeting. Council Member Gadelha asked if we still have concerns with the contract. City Attorney Kara Bullerman stated she is confident they will come to an agreement and it will be added to the next agenda.

Approved unanimously

Resolution No. 29106 accepting bids and awarding contract to KONE Inc. regarding the Marion Library Building Project BP 14A Conveying Systems in the amount of \$236,600.00. (FACS-17-034) (Tabled December 17, 2020)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29106.

Approved unanimously

Resolution No. 29168 approving Change Order No. 1 with Boomerang regarding removal of existing housing foundation for the Library Site in the amount of \$76,734.25. (FACS-17-034)

Moved by Strnad, seconded by Gadelha, to approve Resolution No. 29168.

Approved unanimously

Resolution No. 29169 approving Change Order No. 1 with Central States Concrete regarding removal of existing housing foundation for the Library Site in the amount of \$1,918.37. (FACS-17-034)

Moved by Harper, seconded by Atkins, to approve Resolution No. 29169. Council Member Harper asked if this was the same foundation from the prior resolution or an additional foundation. City Engineer Mike Barkalow stated the item for Boomerang was for removing foundation and utility lines. This item is to pour the patches back for the water service. Both contracts are for the same project but different components.

Approved unanimously

Community Development

Ordinance No. 20-13 approving an amendment to Section 176.51-Table 6 and 176.51-Table 7 regarding permitted uses within the BR, Business Regional and OS, Office Services zoning districts. (Final Consideration)

Moved by Atkins, seconded by Harper, to approve the final consideration of Ordinance No. 20-13.

Approved unanimously

Ordinance No. 20-15 approving an update to the Marion Zoning Map for property located within City Council Ward 2 which includes precincts 05, 06 and 07 (Final Consideration)

Moved by Brandt, seconded by Atkins, to approve the final consideration of Ordinance No. 20-15.

Approved unanimously

Public hearing regarding a request to vacate an alley located east of 22nd Street between 4th and 5th Avenues. (Kramer)

Mayor AbouAssaly opened the public hearing regarding item above. Community Development Director Tom Treharne provided a staff report. City Attorney Kara Bullerman stated she has been researching the property and has not been able to find any vacation or property records. Since the property owner is unknown, staff requests that this public hearing remain open. No comments, written or verbal, were received. This public hearing will remain open.

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

Mayor AbouAssaly left the meeting at 6:23 p.m.

Public hearing regarding an amendment to the Marion Future Land Use Map of the Marion Comprehensive Plan from Public/Semi Public to Multi-Family Residential, a rezoning request from R-2, Medium Density Single-Family Residential to PD-R, Planned Development Residential, and a Preliminary Site Development Plan for property located at the northeast corner of 31st Street and 10th Avenue. (Green Park Apartment Living LLC)

Mayor Pro Tem Atkins opened the public hearing regarding the item above. Community Development Director Tom Treharne provided a staff report. The following comments submitted prior to the meeting were read: Hickory Haven Estates Association (3335 Sunburst Avenue) wrote about concerns regarding water pressure on Cardinal Street and water run-off from the project. Sarah Fopma (1495 29th Street) wrote in opposition of a large apartment development from property that has been similar to a park. Jennifer Egel (no address provided) wrote about concerns of an increase in traffic and lack of notification regarding the development. Leon Powelson (1975 31st Street) shared concerns with traffic congestion and the size of the development. Mayor Pro Tem Atkins asked if the traffic count change would be net zero effect. Community Development Director Tom Treharne stated according to the Institute of Transportation Engineers Trip Generation Manual, week day trips in the area would go from 865 for a recreational community center to 800 for a multi-family housing mid-rise. Because there was not a large gap, a full traffic study was not justified. No other comments, written or verbal, were received. Mayor Pro Tem Atkins declared the public hearing closed.

Resolution No. 29170 approving an amendment to the future land use map of the Marion Comprehensive Plan from public/semi-public to multi-family residential for property located at 3100 10th Avenue (Green Park Apartment Living LLC)

Moved by Gadelha, seconded by Harper, to approve Resolution No. 29170. Council Member Gadelha asked about the housing study that was performed a few years ago and if this project would address any of the findings of that study. Community Development Director Tom Treharne confirmed that it would help some of the housing issues in Marion. Council Member Gadelha also asked if the modeling took into consideration the street improvements that are planned in the area. Tom stated the traffic modeling only took into consideration the use of the property. Council Member Harper asked what the rental rate would be for these apartments. Tom was unsure of the rate.

Approved by the following votes:

Ayes: Harper, Gadelha, Atkins, Brandt, and Strnad

Ordinance No. 20-14 approving the rezoning request from R-2, Medium Density Single Family Residential to PD-R, Planned Development Residential for property located at 3100 10th Avenue (Green Park Apartment Living LLC) (Initial Consideration)

Moved by Strnad, seconded by Brandt, to approve the initial consideration of Ordinance No. 20-14.

Mayor AbouAssaly returned at 6:38 p.m.

Council Member Harper clarified that what was just approved was changing the land use map and this item is to change the zoning of this parcel. Community Development Director Tom Treharne confirmed and stated that when property is rezoned, it has to correspond with the City's comprehensive plan. Tom stated the rezoning ordinance will require two more readings at which point the final site development plan will also be added for approval.

Approved by the following votes:

Ayes: Harper, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Resolution No. 29171 approving the Green Park Apartment Living Preliminary Site Development Plan for property located at 3100 10th Avenue (Green Park Apartment Living LLC)

Moved by Harper, seconded by Brandt, to approve Resolution No. 29171. Council Member Harper stated there were concerns brought forward regarding traffic congestion, water pressure and water run-off that seem to have been addressed. He also stated previous concerns included the size of the development.

Approved by the following votes:

Ayes: Harper, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

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

OTHER DEPARTMENT DISCUSSION

No department discussions took place.

PUBLIC FORUM

Randy Lucore (All Stor Storage, 4099 Derek Drive) shared his concerns regarding non-conforming uses.

COUNCIL COMMENTS

Council Member Atkins thanked the students from Iowa BIG and congratulated them on the success of their project. She also thanked the rest of Council for modeling great discussion even if there are disagreements.

Council Member Harper also stated he appreciates the debate and discussions that take place on City Council. He stated he was troubled by the situation that took place at the U.S. Capital but is glad that there have been proactive actions that the City has taken to engage the residents to understand how they feel about the City.

Mayor AbouAssaly stated the City has come a long way with communication to the City and stated they are always looking at ways to do better. He stated we have started a new year and a new decade and there is always great hope with starting something new. He's looking forward to working with a great council and great staff.

CLOSED SESSION

Motion to adjourn to closed session regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.

Moved by Atkins, seconded by Brandt, to adjourn to closed session as referenced above. City Attorney Kara Bullerman stated she has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. A roll call vote was taken.

Approved unanimously

Moved by Strnad, seconded by Brandt, to reconvene to open session.

Approved unanimously

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:31 p.m.

Nicolas AbouAssay, Mayor

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