



MINUTES

City Council Regular Session

5:30 PM - Thursday, January 21, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, January 21, 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, Steve Jensen, Nicolas AbouAssaly, Will Brandt, Rene Gadelha, and Randy Strnad

ABSENT: None

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Mayor AbouAssaly presented a certificate of appreciation to Council Member Jensen for his time as Mayor Pro Tem in 2020.

PRESENTATIONS

None

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Consent Agenda as follows:

Administrative Services

Minutes of the January 5, 7 and 12, 2021 City Council meetings.

Motion to change the date of the Tuesday, March 2, 2021 council meeting to Monday, March 1, 2021 due to City Hall being designated as a polling location for a special election.

Resolution No. 29172 adopting final assessment schedule for Fiscal Year 2021 Quarter 3 Delinquent Fees and Confirming and Levying the Assessments.

Liquor licenses including the following:

- Renewal - Indian Creek Country Club - 2401 Indian Creek Road
- Renewal - Wrigleyville - 1899 7th Avenue

- Renewal - Smokin' Joes Tobacco and Liquor Outlet #10 - 480 7th Avenue
- Renewal - Neighborhood Tobacco Outlet - 2500 7th Avenue

Receive and file December 2020 Department Monthly Reports

Payments as presented in the amount of \$3,639,092.60.

Resolution No. 29173 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with WhaddaYaWant, Inc., Including Annual Appropriation Tax Increment Payments

Resolution No. 29174 setting a date for public hearing on proposal to enter into a General Obligation Corporate Purpose and Refunding Loan Agreement and to borrow money thereunder.

Resolution No. 29175 approving partial payment no. 1 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of \$18,130.

Resolution No. 29176 setting a public hearing for February 18, 2021 concerning proposed fiscal year 2022 City Maximum Property Tax Dollars.

Parks

Resolution No. 29177 approving a one year renewal of a Lease Agreement with Greg Carson and Picket Fence Family Farm, for WaterLinn Park 1st Addition, Lot 2 and Lot 3.

Resolution No. 29178 approving Partial Payment No. 3 to Waters Edge Aquatic Design for professional services regarding the Outdoor Aquatic Center Feasibility Study in the amounts of \$2,000.00 (REC-18-041)

Engineering

Resolution No. 29179 approving Partial Payment No. 15 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$537,417.91. (FACS-18-062)

Resolution No. 29180 approving Partial Payment No. 2 to Anderson Bogert Engineers regarding the Alburnett Road & Echo Hill Road Roundabout Project in the amount of \$7,339.00. (CS-TSF-4775(641)—85-57)(TRANS-19-118)

Resolution No. 29181 approving Partial Payment No. 4 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$7,596.79. (TRANS-18-095)

Resolution No. 29182 approving payment to Linn County for 28E Agreement – LOST-Winslow Rd PCC Paving in the amount of \$32,897.49.

Resolution No. 29183 approving Partial Payment No. 7 to HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$10,921.69. (SWR-18-021)

Community Development

Resolution No. 29185 approving payment no. 31 to Shoemaker Haaland per the

contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$391.28. (TRL-17-055)

Resolution No. 29186 approving payment no. 1 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$16,056.00. (GOV-19-122)

Resolution No. 29187 setting a public hearing for February 4, 2021 regarding the Uptown Master Plan Update.

Resolution No. 29188 setting a public hearing for February 4, 2021 regarding a comprehensive plan amendment from Corridor Commercial to Light Industrial and a rezoning request from C-3, General Commercial to M-1, Light Manufacturing for property located at 2369 Highway 13, Marion, Iowa (Green Acres Storage, LLC)

Resolution No. 29189 setting a public hearing for February 4, 2021 regarding rezoning request from A-1, Rural Restricted and R-2, Medium Density Single Family Residential to P-I, Public Institutional for properties located at 655, 675 and 777 S. 15th Street. (Marion Independent School District)

Motion directing staff to prepare scope of work and solicit proposals for the East Marion Subarea Plan.

Moved by Strnad, seconded by Harper, to approve Consent agenda as shown above. Resolution No. 29184 was removed for separate consideration and Resolution No. 29190 was moved to the Consent Agenda with Mayor AbouAssaly's abstention section.

Approved unanimously

Resolution No. 29184 accepting Rookwood Estates 1st Addition to the City of Marion.

Moved by Strnad, seconded by Atkins, to approve Resolution No. 29184. Council Member Brandt stated he will be abstaining as he has a conflict of interest.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, AbouAssaly, Gadelha, and Strnad

Abstained: Brandt

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:36 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Consent Agenda with Mayor AbouAssaly's abstention as follows:

Public Services

Resolution No. 29191 approving contract change order no. 4 with Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility in the amount of \$131,400.00 (FACS-17-069).

Resolution No. 29192 approving partial payment No. 5 to Mid-States Concrete

regarding the Precast Concrete Package for the Public Service Maintenance Facility in the amount of \$131,400.00 (FACS-17-069).

Community Development

Resolution No. 29193 approving payment no. 15 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 \$1,395.00. (ANN-18-082)

Motion directing staff to establish the Airport Zoning Board of Adjustment and solicit Membership.

Resolution No. 29190 approving Chandler Court 1st Addition Final Plat and Memorandum of Agreement for property located on the north side of Chandler Court west of 50th Street.

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

Approved by the following votes:

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

Abstained: AbouAssaly

REGULAR AGENDA

Administrative Services

Resolution No. 29194 approving Amended Development Agreement with Squaw Creek Crossing, Inc.

Moved by Jensen, seconded by Brandt, to approve Resolution No. 29194

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:38 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 29195 approving Amended Development Agreement with Synergy Partners, Inc.

Moved by Brandt, seconded by Atkins, to approve Resolution No. 29195.

Approved unanimously

Motion to approve a Hold Harmless Agreement with Tim Kindl regarding placement of dumpster at 1120 7th Avenue.

Moved by Gadelha, seconded by Harper, to approve item as shown above. Council Member Brandt asked if staff has asked the applicant to place the dumpster behind the building instead of on 7th Avenue. City Clerk Rachel Bolender stated nothing has been discussed with the applicant. Bolender stated the Engineering Department recommended Council approve this item as it

concerns parking on 7th Avenue. Council Member Brandt asked if we have received feedback about if this is an issue. Bolender stated no comments have been received. City Manager Lon Pluckhahn stated another concern was that the applicant was asking for the dumpster to be placed on 7th Avenue for a significant period of time. Mayor AbouAssaly stated this is in connection with remodeling in the building. Pluckhahn confirmed and said it is the former Ramsey's location. Council Member Gadelha asked if there is another location the dumpster can be placed. City Engineer Mike Barkalow stated there is probably other locations a dumpster can be placed. He stated placement on 7th Avenue was what was in initial proposal so because of other recent discussions regarding Uptown Parking, Engineering thought it was best to have it be brought to Council. Council Member Gadelha would like to see the dumpster placed somewhere else. Mayor AbouAssaly asked if the dumpster could be placed in the alley or parking lot behind the building. Pluckhahn stated the parking lot is owned by the adjacent property owner. He stated the dumpster could be placed in the alley but it would block traffic. Barkalow recommended Council give direction on if placement on 7th Avenue would be acceptable. Council Member Jensen understands it would be convenient to place the dumpster on 7th Avenue but he has concern about the length of time. Council Member Gadelha agrees and would prefer it was a shorter amount of time or in a different location. Council Member Strnad agrees and would like the dumpster to only be on the street in one week increments. Council Member Brandt agrees it should be a shorter window of time. Mayor AbouAssaly asked if this type of hold harmless normally goes to Council. Pluckhahn stated this was a special circumstance as it was taking up parking on 7th Avenue. Mayor AbouAssaly stated that Council could amend the motion and then rely on staff to give final approval with Council's direction. Pluckhahn confirmed and said the biggest concern was it's placement on 7th Avenue but staff can move forward and work with applicant to shorten the time it will be on the street. Council Member Gadelha stated the applicant should be more specific with when dumpster will be placed as it appears they selected a large window. Council Member Harper asked if this would be in conflict of any construction across the street. Pluckhahn stated it would not be an issue. Moved by Jensen, seconded by Brandt to amend the item to state that the approval of the hold harmless is subject to staff working with applicant to shorten the amount of time the dumpster is placed on 7th Avenue. Approved unanimously to amend the motion.

Amended motion approved unanimously

Resolution No. 29196 approving matching funds for the Marion Chamber of Commerce Winter Lights in an amount not to exceed \$6,000.00

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29196. Council Member Gadelha stated a similar item came forward in December for a different amount and asked how this is different. Mayor AbouAssaly stated the item a few months ago was for the one time winter lights to be placed in the roundabouts. He stated this item is for the normal Marion Leadership in Action winter lights program.

Approved unanimously

Resolution No. 29197 approving three year agreement with Environmental Systems Research Institute, Inc. (ESRI) for GIS software in the amount of

\$115,500.

Moved by Harper, seconded by Atkins, to approve Resolution No. 29197.

Approved unanimously

Public Services

Resolution No. 29198 approving partial payment no. 7 to Southern Disaster Recovery LLC. for emergency debris removal services in the amount of \$341,574.98.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29198.

Approved unanimously

Public hearing regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Public Services Director Ryan Miller provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29199 awarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project to Boomerang.

Moved by Jensen, seconded by Brandt, to approve Resolution No. 29199. Council Member Harper asked if this was removal of debris from the waterway. Public Services Director Ryan Miller stated Southern Disaster Recovery (SDR) has the contract to remove the debris from the waterway. SDR will place removed debris to a designated location. Boomerang would take the debris from that location to be disposed.

Approved unanimously

Public Safety

Resolution No. 29200 approving purchase of a Chevy Tahoe to replace Medic 3 vehicle from Karl Chevrolet in the amount of \$35,321.50.

Moved by Brandt, seconded by Harper, to approve Resolution No. 29200.

Approved unanimously

Resolution No. 29201 approving purchase of a Chevy Tahoe for the Battalion Chief vehicle from Karl Chevrolet in the amount of \$35,321.50

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29201.

Approved unanimously

Parks

Motion to approve the project calendar regarding roof repair work due to the Derecho:

- Resolution No. 29202 approving contract with Heartland Roofing, Siding and Windows, LLC regarding Starry Park Concession Building roof repair in the amount of \$8,650.00.

- Resolution No. 29203 approving contract with Heartland Roofing, Siding and Windows, LLC regarding Thomas Park Restroom Roof repair in the amount of \$5,250.00.
- Resolution No. 29204 approving contract with Heartland Roofing, Siding and Windows, LLC regarding Willowood Bath House Roof repair in the amount of \$17,700.00.
- Resolution No. 29205 approving contract with Heartland Roofing, Siding and Windows, LLC regarding Willowood Pump House and Concession roof repair in the amount of \$7,600.00.

Moved by Strnad, seconded by Gadelha, to approve project calendar as shown above.

Approved unanimously

Engineering

Public Comment Period regarding Library Loading Zone on 7th Avenue.
(continued from 1/7/21)

Mayor AbouAssaly continued the public comment period. Brooke Prouty with Uptown Marion stated all neighboring businesses were in favor of at least one parking space. She stated it was recommended to make other adjustments to the parking in Uptown. The following comments submitted prior to the meeting were read: Brick Alley (1038 7th Avenue), Iowa Magic Shop (1090 7th Avenue), Mane Attraction (1090 7th Avenue), Salon on 7th (1090 7th Avenue), Lundahl, Hatt & Austad Tax Service (1090 7th Avenue Suite 102), Campbell Steele Gallery (1062 7th Avenue) and Bob Hoyt (2335 S 22nd Street) all spoke in favor of the measure. No other comments, written or verbal, were received. Mayor AbouAssaly closed the public comment period.

Motion to remove from table, 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) (tabled January 7, 2021)

Moved by Harper, seconded by Atkins, to approve the item referenced above.

Approved unanimously

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 Atkins, seconded by Harper, to approve the item referenced above.

Approved unanimously

Motion to remove from table Resolution No. 29166 approving two short term (10 minute) parking spaces for the temporary Marion Public Library location at 1064 7th Avenue.

Moved by Jensen, seconded by Brandt, to approve the item referenced above.

Approved 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 Brandt, seconded by Harper, to approve Resolution No. 29166. Council Member Strnad asked how this would be marked. City Engineer Mike Barkalow stated the signs would need to be ordered. It would be more of a permanent sign rather than a sandwich board. Council Member Harper asked about the additional recommendations for parking along 7th Avenue and asked if those would be addressed separately. Barkalow stated those would be addressed with the 7th Avenue streetscape project that will start in April.

Approved unanimously

Resolution No. 29206 approving contract and bond with East Moline Sheet Metal regarding the Marion Library Building Project BP 07B Formed Metal Wall Panels in the amount of \$257,700.00. (FACS-17-034)

Moved by Gadelha, seconded by Atkins, to approve Resolution No. 29206.

Approved unanimously

Resolution No. 29207 approving contract and bond with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board & Acoustic Ceilings in the amount of \$1,117,106.00. (FACS-17-034)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29207.

Approved unanimously

Resolution No. 29208 approving contract and bond with Commercial Flooring regarding the Marion Library Building Project BP 09B Flooring in the amount of \$381,220.00. (FACS-17-034)

Moved by Harper, seconded by Brandt, to approve Resolution No. 29208.

Approved unanimously

Resolution No. 29209 approving contract and bond with Corridor Paint & Drywall regarding the Marion Library Building Project BP 09C Painting in the amount of \$94,191.00. (FACS-17-034)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29209.

Approved unanimously

Resolution No. 29114 approving contract and bond with KONE Inc. for the Conveying Systems associated with the Marion Library Building Project BP 14A in the amount of \$236,600.00. (FACS-17-034) (Removed from agenda December 17, 2020)

Moved by Jensen, seconded by Harper, to approve Resolution No. 29114.

Approved unanimously

Community Development

Public hearing regarding a request to vacate an alley located east of 22nd Street between 4th and 5th Avenues (Kramer) (continued from 1/7/2021)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29210 approving a request to vacate an alley located east of 22nd Street between 4th and 5th Avenues. (Kramer)

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29210.

Approved unanimously

Public Hearing regarding annexation request from Fernow Farms, LLC for property east of Highway 13 and south of Fernow Road, Marion, Iowa.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Chad Pelley (1950 Boyson Road, Hiawatha) spoke in favor of the measure as it is land adjacent to his project that was discussed previously with Council. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29211 approving annexation request from Fernow Farms, LLC for property east of Highway 13 and south of Fernow Road, Marion, Iowa.

Moved by Gadelha, seconded by Harper, to approve Resolution No. 29211.

Approved unanimously

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

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) (Second Consideration)

Moved by Strnad, seconded by Brandt, to approve the second consideration of Ordinance No. 20-14. Council Member Jensen stated he has received three phone calls the past couple of weeks concerning this project. They were regarding water run-off, water pressure and concern with the height of buildings. City Engineer Mike Barkalow stated the Water Department would have better knowledge about the water pressure in that area but he stated that if there were any new water pressure issues it would be the top floor of the new proposed buildings. Community Development Director Tom Treharne stated that he has talked with Todd Steigerwaldt with the Water Department who has stated if there were issues with water pressure at the new buildings, the Developer would need to install boosters. Treharne stated the surrounding properties should not receive any additional water pressure issues. Council Member Harper stated another issue brought forward previously by the neighborhood was concerning traffic. Harper stated that was discussed at a previous meeting and it was determined that there won't be a large increase in traffic. Treharne stated Building Official Gary Hansen is listening to the meeting and stated typically this size of a three-story building is around 45 feet tall. City Clerk Rachel Bolender stated Chad Pelley commented that typically the height of buildings is about 10 feet per floor so the building would be 30 feet plus the height of the roof.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:29 p.m. Mayor AbouAssaly presided over the meeting.

Library

Resolution No. 29212 approving an Addendum to the rental agreement with Marion Columbus Club to include snow removal and utility payment for the Marion Public Library.

Moved by Harper, seconded by Atkins, to approve Resolution No. 29212.

Approved unanimously

Resolution No. 29213 approving an Addendum to the rental contract with Craig Campbell and Priscilla Steele for the Marion Public Library at 1064 7th Avenue to add snow removal.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29213.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

None

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Jensen stated it was nice to receive some unsolicited comments about Marion over the past couple of weeks. Jensen stated a highlight from the last week was the opening of the new YMCA. He stated he has been trying to get racquetball to Marion for a while and is happy it is now available at the YMCA.

Council Member Atkins stated there are a couple of council members who play racquetball and stated there should be a competition.

Mayor AbouAssaly stated he also constantly receives positive comments regarding the City and he stated that Marion is always drawing positive attention. He congratulated the YMCA on their opening this week. Mayor AbouAssaly congratulated Steve Jensen who was the chair of the building committee for the project. He is looking forward to the future of the facility and the programming to be coordinated with the Parks Department.

CLOSED SESSION

Motion to adjourn to closed session regarding letters patent as permitted under Section 21.5(1)(b) of the Code of Iowa.

Moved by Jensen, seconded by Harper, to adjourn to closed session as stated above. 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. A roll call vote was taken.

Approved unanimously

Moved by Jensen, seconded by Harper, to reconvene to regular 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