



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, March 4, 2021

City Hall, 1225 6th Avenue

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The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, March 4, 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

None

### PRESENTATIONS

None

### PUBLIC FORUM

Nathan Caraway representing Substantial Rock, LLC spoke regarding the agenda item regarding assistance for the demolition of the building located at 958 7th Avenue. Caraway spoke about repurposing bricks, moving power lines and other ways the City can help facilitate the demolition. Council Member Harper asked if the utilities can be moved fast enough to meet the planned date of demolition or why March 15 was selected. Caraway stated he has not been able to secure a demolition firm so he will be using his own crew. He hopes to get this done quickly before construction season begins and has requested assistance from his crew to help take the structure down. Mayor AbouAssaly asked what will go in place of this structure. Caraway stated nothing is planned yet for that location. Council Member Jensen asked if there is another window of time past March 15 that this could be done. Caraway stated March 15 is the quickest opportunity. Council Member Strnad asked if there is still liability insurance coverage. Caraway stated insurance is still in effect. City Attorney Kara Bullerman stated the only item on agenda is to receive and file the request. Bullerman stated she would need time to look into the franchise agreement with Alliant Energy regarding the relocation of utility lines.

### CONSENT AGENDA

## Administrative Services

Liquor licenses including the following:

- Renewal - Brick Alley Pub & Sports Bar - 1038 7th Avenue
- Renewal - Mi Tierra Mexican Restaurant - 835 7th Avenue
- Renewal - Napolis - 500 Marion Boulevard, Suite 100
- Renewal - Casey's General Store #2919 - 340 Marion Boulevard
- Renewal - Villa's Patio Mexican Restaurant - 433 7th Avenue

Resolution No. 29282 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (The Edison Restaurant & Pub)

Resolution No. 29283 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Cedar Rapids Bowling Center)

Resolution No. 29284 approving partial payment no. 3 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of \$28,675.

Resolution No. 29285 amending Tidal Basin Government Consultants Task Order No. 1 to extend order timeline to April 30, 2021

Motion to receive and file job description for Lead Communications Operator

Motion to receive and file job description for City Attorney

Motion to receive and file the audit report for the fiscal year ended June 30, 2020.

Mayoral appointment to Planning and Zoning Commission:

- Jennifer Morris, 1001 Emerald Court, Marion, IA; term expires 12/31/2021

Payments as presented in the amount of \$5,204,416.04.

## Public Safety

Resolution No. 29286 approving a Memorandum of Understanding with the Marion Policeman's Protective Association regarding Lead Communications Officer (LCO) assignment and compensation.

## Parks

Resolution No. 29287 approving Partial Payment No. 4 to Waters Edge Aquatic Design for professional services regarding the Outdoor Aquatic Center Feasibility Study in the amounts of \$5,112.00 (REC-18-041)

## Engineering

Resolution No. 29288 approving Partial Payment No. 3 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$147,235.75. (FACS-17-034)

Resolution No. 29289 approving Partial Payment No. 9 to Anderson Bogert

Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$13,704.50. (TRANS-18-091)

Resolution No. 29290 approving Partial Payment No. 13 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$120.00 (FACS-18-062)

Resolution No. 29291 approving Partial Payment No. 16 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$596,501.68. (FACS-18-062)

Resolution No. 29292 approving Partial Payment No. 17 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$281,519.62. (FACS-18-062)

Resolution No. 29293 approving Partial Payment No. 1 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$26,738.70. (FACS-17-034)

Resolution No. 29294 approving Partial Payment No. 2 to Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry in the amount of \$103,130.89. (FACS-17-034)

Resolution No. 29295 approving Partial Payment No. 3 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A & 06A regarding General Trades and Misc. Steel in the amount of \$182,045.65. (FACS-17-034)

Resolution No. 29296 approving Change Order No. 1 with Culver's Lawn and Landscape regarding the Marion Library Project – Bid Pkg 32B Landscaping and Site Restoration regarding insurance modifications in the amount of \$0.00. (FACS-17-034)

Resolution No. 29297 approving a contract with Shoemaker and Haaland Engineering for Construction Administration and Inspection Services for the CeMar Phase IV Project in the amount of \$126,588.00. (TAP-U-4775(638)—8I-57) (TRL-17-055)

Resolution No. 29298 approving the disposition of property from the 7th Avenue Archeology study and donating materials to the Marion Historic/Heritage Center.

#### Community Development

Resolution No. 29299 approving payment no. 3 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 \$1,480.00. (TRL-18-110)

Resolution No. 29300 approving payment no. 11 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$510.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).

Resolution No. 29301 approving payment no. 9 to HDR Engineering, Inc for engineering services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$3,136.37. (TRL-18-110)

Resolution No. 29302 approving payment no. 9 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$2,306.55. (TRANS-18-098)

Resolution No. 29303 approving payment no. 6 to RDG Planning & Design, Inc. for professional services regarding the Marion Uptown Master Plan in the amount of \$3,210.75. (GOV-19-122)

Resolution No. 29304 approving payment no. 3 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$6,025.00. (GOV-19-122)

Resolution No. 29305 approving payment no. 32 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$40,523.56. (TRL-17-055)

Resolution No. 29306 approving wetland credit purchase associated with the Indian Creek Trail project between the City of Marion and Black Hawk Mitigation Bank in the amount of \$39,800.00. (STP-U-4775(631)--70-57) (TRL-18-056)

#### Library

Resolution No. 29307 approving payment no. 7 to Bush Construction regarding the Library Building Project in the amount of \$52,204.60 (FACS-17-034)

Moved by Jensen, seconded by Atkins, to approve Consent Agenda as shown above. Council Member Gadelha stated she will need to abstain from approval of the February 16 and 18, 2021 minutes. Moved by Jensen, seconded by Gadelha to amend the motion to approve Consent Agenda as shown but remove the item approving the minutes for separate consideration. Approved unanimously to amend motion.

Amended motion approved unanimously

Minutes of the February 16 and 18, 2021 City Council meetings.

Moved by Jensen, seconded by Atkins, to approve item as shown above.

Approved by the following votes:

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

Abstained: Gadelha

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

### **CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

#### Administrative Services

Motion to receive and file certificate and waiver regarding the proposed 2021 Multiresidential Housing Urban Revitalization Area

Motion to receive, file, discuss and refer to the Marion Municipal Airport Committee (MMAC) a land donation proposal from LuxAir

## Engineering

Resolution No. 29308 approving Partial Payment No. 9 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 \$61,156.99. [TAP-U-4775(637)-8I-57] (TRL-17-055)

Moved by Brandt, seconded by Jensen, to approve 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

Public Hearing on Proposed Designation of the 2021 Multiresidential Housing Urban Revitalization Area

Mayor Pro Tem Atkins opened the public hearing regarding item referenced above. Assistant to the City Manager Amal Eltahir provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Atkins declared the public hearing closed.

Resolution No. 29309 Adopting the Proposed Plan for the 2021 Multiresidential Housing Urban Revitalization Area

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29309.

Approved by the following votes:

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

Abstained: AbouAssaly

Ordinance No. 21-04 Designating an Area of Marion, Iowa, as the 2021 Multiresidential Housing Urban Revitalization Area

Moved by Strnad, seconded by Brandt, to approve the initial consideration of Ordinance No. 21-04.

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 6:02 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 29310 Awarding General Obligation Corporate Purpose Bonds, Series 2021A

Moved by Harper, seconded by Brandt, to approve Resolution No. 29310. Tionna Pooler with Independent Public Advisors provided an overview of bid tabulations for Series 2021A and 2021B bonds.

Approved unanimously

Resolution No. 29311 Awarding General Obligation Urban Renewal Refunding Bonds, Series 2021B

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29311.

Approved unanimously

Resolution No. 29312 approving contract with Lynch Dallas, P.C. regarding union negotiations

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29312.

Approved unanimously

### Public Services

Resolution No. 29313 approving partial payment no. 2 to Southern Disaster Recovery LLC. for emergency waterway debris removal services in the amount of \$484,152.44.

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29313.

Approved unanimously

Resolution No. 29314 approving contract with Boomerang Corporation for emergency waterway debris removal services.

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29314.

Approved unanimously

### Engineering

Public Comment Period regarding Oversize Overweight Truck Permit Policy

Mayor AbouAssaly opened the public period regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Ordinance No. 21-01 amending Chapter 66, Section 66.02 of the Code of Ordinances related to Load and Weight Restrictions. (Final Consideration)

Moved by Strnad, seconded by Jensen, to approve the final consideration of Ordinance No. 21-01.

Approved unanimously

Resolution No. 29315 approving Oversize Overweight Truck Permit Policy and associated fees.

Moved by Harper, seconded by Strnad, to approve Resolution No. 29315.

Approved unanimously

Public Hearing regarding the 2021 Sidewalk Ramp Project (ANN-18-106)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29316 accepting bids and awarding contract to Hunt Construction Co, Inc. regarding the 2021 Sidewalk Ramp Project in amount of \$121,230.00. (ANN-18-106)

Moved by Atkins, seconded by Gadelha, to approve Resolution No. 29316.

Approved unanimously

Motion to approve Project Calendar regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101), as follows:

- Motion to retain the City Engineer as Project Engineer regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
- Resolution No. 29317 approving Resolution of Necessity regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
- Resolution No. 29318 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
- Resolution No. 29319 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Moved by Jensen, seconded by Brandt, to approve Project Calendar as shown above. Council Member Harper asked when this project would start. City Engineer Mike Barkalow stated it is anticipated to start in the spring. Council Member Gadelha asked why the liquidated damages has a max of \$2,000. Barkalow stated it's liquidated damages for all parties impacted. Mayor AbouAssaly asked if there was a legal maximum that could be charged for liquidated damages. Barkalow stated if it goes to court, the loss would need to be proved.

Approved unanimously

Motion to receive, file, discuss and approve the Engineering Department Work Program.

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

Approved unanimously

Motion to receive, file, discuss and approve the 2020 Sanitary Sewer Study.

Moved by Gadelha, seconded by Brandt, to approve item as shown above. Council Member Jensen asked if the study could be uploaded to the website. City Engineer Mike Barkalow stated he will work with staff to post online.

Approved unanimously

Motion directing staff to develop sanitary sewer policy for infill and increase in density.

Moved by Strnad, seconded by Jensen, to approve item as shown above.

Approved unanimously

Motion to receive, file, discuss and refer to TAC a no parking request on 27th Street near Wilkins Elementary. (Linn Mar Community School District)

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

Approved unanimously

Motion to receive, file, discuss and refer to TAC a no parking request. (Fire Department)

Moved by Atkins, seconded by Harper, to approve item as shown above. City Engineer Mike Barkalow stated this will be for area north of 29th Avenue.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:27 p.m. Mayor Pro Tem Atkins presided over the meeting.

Motion to Receive, File and Discuss an Application for Future Major Streets Oversizing Cost Reimbursements in association with Echo Ridge Estates 4th Addition.

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

Approved by the following votes:

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

Abstained: AbouAssaly

Public Hearing regarding the 2021 HMA Resurfacing Project (ANN-18-086)

Mayor Pro Tem Atkins opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Atkins declared the public hearing closed.

Resolution No. 29320 accepting bids and awarding contract to LL Pelling Co, Inc. regarding the 2021 HMA Resurfacing Project in amount of \$1,062,824.30. (ANN-18-086)

Moved by Brandt, seconded by Gadelha, to approve Resolution No. 29320.

Approved by the following votes:

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

Abstained: AbouAssaly

Public Hearing regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail [TAP-U-4775(638)—8I-57] (TRL-17-055)



Mayor Pro Tem Atkins opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Atkins declared the public hearing closed.

Resolution No. 29321 accepting bids and awarding contract to Peterson Contractors Inc. regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail in the amount of \$1,619,306.20.[TAP-U-4775(638)—8I-57] (TRL-17-055)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29321.

Approved by the following votes:

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

Abstained: AbouAssaly

#### Community Development

Resolution No. 29322 approving the Cedar Rapids Bank & Trust – Central Corridor Review for property located at 700 25th Street, Marion, Iowa. (Cedar Rapids Bank & Trust)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29322.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished gavel to Mayor AbouAssly at 6:33 p.m. Mayor AbouAssaly presided over the meeting.

Ordinance No 21-02 approving a request to rezone property 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) (final consideration)

Moved by Harper, seconded by Brandt, to approve final consideration of Ordinance No. 21-02.

Approved unanimously

Resolution No. 29323 approving Green Acres First Addition Final Plat and Memorandum of Agreement for property located at 2369 Highway 13, Marion, Iowa (Green Acres Storage, LLC)

Moved by Atkins, seconded by Harper, to approve Resolution No. 29323.

Approved unanimously

Motion to receive and file letter requesting assistance for the demolition of the building located at 958 7th Avenue (Substantial Rock, LLC)

Moved by Jensen, seconded by Atkins, to approve item as shown above.

Approved unanimously

## **OTHER DEPARTMENT DISCUSSION**

No other discussions took place.

## **PUBLIC FORUM**

No one came forward to speak.

## **COUNCIL COMMENTS**

Council Member Harper stated he has completed his second round of the COVID vaccine and has been pleased with the overall process.

Council Member Atkins stated next Thursday at 5:00 p.m. is the next Community Equity Task Force meeting and encourages those interested to join in and listen.

Council Member Strnad congratulated City Manager Lon Pluckhahn for his work during the Corridor Business Journal (CBJ) Commercial Real Estate Symposium that was held earlier today. Strnad also stated he is able to watch the waterway near his house and stated it is amazing to see the progress of the debris removal. Strnad stated he has talked to several people who are excited for the return of Parks and Recreation events.

Council Member Jensen stated he also watched the CBJ Commercial Real Estate Symposium and thanked City Manager Lon Pluckhahn for his work with that. Jensen also congratulated the Marion Independent School District for the success of the special election this week.

Council Member Brandt congratulated the Marion Independent School District as well as the students.

Mayor AbouAssaly congratulated the Marion Independent School District for the success of special election. Mayor AbouAssaly also stated he has asked Fire Chief Krebill to set up a tour of the new fire station for council. Mayor AbouAssaly thanked City Manager Lon Pluckhahn for his work during the CBJ Commercial Real Estate Symposium.

## **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:46 p.m.

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Nicolas AbouAssay, Mayor

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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\_\_\_\_.

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Rachel Bolender, City Clerk