



MINUTES

City Council Regular Session

5:30 PM - Thursday, May 6, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, May 6, 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, and Rene Gadelha

ABSENT: Will Brandt and Randy Strnad

Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting was held electronically. The agenda and City's website provided instructions on how others could participate in the meeting.

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - American Legion Auxiliary Poppy Days (May 21-22, 2021)

Mayor AbouAssaly read and presented the proclamation referenced above to Amy Pisarik with American Legion Post 298.

Proclamation - Asian American & Pacific Islander Heritage Month (May 2021)

Mayor AbouAssaly read and presented the proclamation referenced above to Angelica Vannatta with the Marion Civil Rights Commission. Vannatta spoke regarding the contributions of Americans of Asian and Pacific Islander descent and the efforts of the Marion Civil Rights Commission to make Marion a welcoming and inclusive community.

Proclamation - World Migratory Bird Day (May 8, 2021)

Mayor AbouAssaly read and presented the proclamation referenced above to Parks Director Seth Staashelm and Horticulturist Mary Weber. Staashelm stated this is the first time Marion is celebrating this designation. A celebration will take place at Thomas Park on May 8th, 2021.

PRESENTATIONS

Presentation Regarding Marion's Designation as a Bird Friendly Community

Parks Director Seth Staashelm introduced Horticulturist Mary Weber who helped facilitate the application for Marion to receive the Bird Friendly Community designation. Weber provided information about the Bird Friendly Community program and the steps taken to receive the designation. Weber stated preparations began in September 2020 and it was a joint effort between the Marion Parks Department, Iowa BIG and Friends of Marion Parks. Weber invited everyone to attend the celebration event at Thomas Park on May 8th from Noon to 3:00 p.m. Members from Iowa BIG, Trees Forever and Iowa Natural Heritage Foundation spoke about their participation

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the April 20 and 22, 2021 City Council meetings.

Receive and file correspondence regarding Danielle Brazant's resignation from the Civil Rights Commission.

Certified List for Police Officer

Motion to approve the following FY2021-2022 Cigarette Permit Applications:

- Casey's General Stores #2760, 2770, 2919, 2924, 3562
- Kum & Go #503, 509

Liquor licenses including the following:

- New - St. Joseph Catholic Church (Fun Days) - 1790 14th Street

Hold Harmless Agreements with:

- Marion Chamber of Commerce regarding the Iowa Treasurer's Conference Tour on May 13, 2021 in the Uptown Artway.
- Farmers State Bank regarding Marion By Moonlight on June 3, 10, 17, and 24 at Lowe Park.
- St. Joseph's regarding St. Joseph Fun Days on June 4-6, 2021 at St. Joseph's grounds located at 1790 14th Street.
- CR Latin Dance Club regarding a Salsa Dance on June 5, 2021 in the Uptown Artway.
- Uptown Snug regarding a band event on June 12, 2021 in the Uptown Artway.
- Uptown Snug regarding a Funk and Bourbon event on August 7, 2021 in the Uptown Artway.

Payments as presented in the amount of \$2,458,287.13.

Resolution No. 29475 approving payment to Independent Public Advisors LLC for services relating to the Disaster Recovery Loan in the amount of \$15,000.

Resolution No. 29476 approving partial payment no. 5 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of

\$34,687.50

Parks

Resolution No. 29477 approving partial payment no. 5 to Waters Edge Aquatic Design for professional services regarding the Outdoor Aquatic Center Feasibility Study in the amount of \$6,000.00 (REC-18-041)

Resolution No. 29478 approving payment to Heartland Roofing, Siding, and Windows, LLC for Derecho related roof repairs to the McGowan House in the amount of \$11,600.00.

Resolution No. 29479 approving payment to Heartland Roofing, Siding, and Windows, LLC for Derecho related roof repairs to the Starry Park Concession Building in the amount of \$8,650.00.

Engineering

Resolution No. 29480 approving Partial Payment No. 14 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$1,408.00 (FACS-18-062)

Resolution No. 29481 approving Partial Payment No. 10 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$840.00. (TRL-17-055)

Resolution No. 29482 approving Partial Payment No. 10 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$14,884.08. (TRANS-18-091)

Resolution No. 29483 approving Permanent Public Access Easement with My Own Home CR LLC, 1400 13th Avenue, regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)

Resolution No. 29484 approving Partial Payment No. 3 to K & W Electric, Inc. regarding the 2020 Marion Fire Station Traffic Signals Project in the amount of \$87,956.93. (FACS-18-062)

Resolution No. 29485 approving Partial Payment No. 6 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 \$5,144.39. (TAP-U-4775(636)—8I-57) (TRL-17-055)

Resolution No. 29486 approving Partial Payment No. 8 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$69,241.58. (TRANS-18-090)

Resolution No. 29487 approving the removal of stop signs on Irish Drive stopping northbound and southbound traffic at the intersection of Irish Drive and Tower Terrace Road.

Resolution No. 29488 approving the installation of a stop sign stopping eastbound traffic on the frontage road north of 100 Irish Drive at its intersection of Irish Drive.

Community Development

Resolution No. 29489 approving Tower Terrace Commercial Second Addition Final Plat and Memorandum of Agreement for property located south of Tower Terrace Road on either side of Irish Drive extended. (City of Marion)

Resolution No. 29490 approving payment no. 34 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$7,312.40. (TRL-17-055)

Resolution No. 29491 setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 165 relating to the Housing Code.

Resolution No. 29492 setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 163 relating to the Mechanical Code.

Resolution No. 29493 setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 161 relating to the Plumbing Code.

Resolution No. 29494 setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 160 relating to the Building Code.

Resolution No. 29495 setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 153 relating to the Property Maintenance Code.

Library

Resolution No. 29496 approving partial payment to Summit Bodyworks regarding down payment for purchase of mobile library in the amount of \$148,734.00.

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:00 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 29497 approving Partial Payment No. 11 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 in the amount of \$159,823.73. [TAP-U-4775(637)-8I-57] (TRL-17-055)

Resolution No. 29498 approving Change Order No. 2 with Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$4,922.50. (TRANS-18-091)

Community Development

Receive and file correspondence requesting a partial deferral of a sidewalk

installation located at 853 Eastview Avenue, Marion, Iowa. (Integrity Custom Homes, Inc. and Randy Bouska)

Resolution No. 29499 approving a partial deferral of sidewalk installation located at 853 Eastview Avenue, Marion, Iowa. (Integrity Custom Homes, Inc and Randy Bouska)

Moved by Gadelha, seconded by Jensen, to approve consent agenda with Mayor AbouAssaly's abstention as shown above.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, and Gadelha

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:01 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Motion to receive and file job description for Purchasing Coordinator.

Moved by Harper, seconded by Gadelha, to approve item as shown above. Council Member Harper stated this position should add efficiency in purchasing with the City.

Approved unanimously

Resolution No. 29500 amending the non-bargaining pay schedule to include the addition of Purchasing Coordinator.

Moved by Atkins, seconded by Harper, to approve Resolution No. 29500.

Approved unanimously

Motion to approve Mayoral appointments:

- Water Board - Amy Olson, 4135 Willowbrook Drive, term expires 12/31/2024

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

Approved unanimously

Public Services

Resolution No. 29501 approving the selection of Conlon Construction Company as Construction Manager for the Public Service Maintenance Facilities. (FACS-17-069)

Moved by Gadelha, seconded by Jensen, to approve Resolution No. 29501.

Approved unanimously

Public Safety

Ordinance No. 21-05 Amending Chapter 77 of the Code of Ordinances Relating to Bicycle Licensing (final consideration)

Moved by Harper, seconded by Gadelha, to approve the final consideration of Ordinance No. 21-05.

Approved unanimously

Parks

Ordinance No. 21-08 amending Chapter 50.02(15) and Chapter 141.03 relating to removal of snow, ice and accumulations (second consideration)

Moved by Atkins, seconded by Harper, to approve the second consideration of Ordinance No. 21-08.

Approved unanimously

Resolution No. 29502 approving contract with Heartland Roofing, Siding and Windows, LLC regarding Skylight replacements for Willowood Bath and Pump house in the amount of \$9,800.00.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29502.

Approved unanimously

Resolution No. 29503 approving contract with Frank's Tree Service regarding hazardous tree removals in the amount of \$54,550.

Moved by Gadelha, seconded by Jensen, to approve Resolution No. 29503. Council Member Harper asked if this was the item discussed earlier regarding removal of stumps in the right-of-way. Parks Director Seth Staashelm stated it would not include stump removal and those would be taken care of by staff.

Approved unanimously

Engineering

Resolution No. 29504 approving contract and bond with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$6,898,626.31 (TRANS-18-101)

Moved by Harper, seconded by Gadelha, to approve Resolution No. 29504.

Approved unanimously

Motion to approve Project Calendar regarding the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029), as follows:

- Motion to retain the City Engineer as Project Engineer regarding 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029)
- Resolution No. 29505 approving Resolution of Necessity regarding the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029)
- Resolution No. 29506 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract and estimate of cost regarding the Sanitary CIPP Rehabilitation Project (ANN-18-029)
- Resolution No. 29507 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract and estimate of cost regarding the Sanitary CIPP Rehabilitation Project (ANN-18-029)

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

Approved unanimously

Public Hearing regarding an amendment to Chapter 176 of the Code of Ordinances regarding Flood Hazard Area Regulations and adoption of the 2021 FEMA Flood Insurance Study (FIS) and the 2021 FEMA Flood Insurance Rate Map (FIRM).

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.

Ordinance No. 21-09 adopting amendments to Chapter 176 of the Code of Ordinances regarding Flood Hazard Area Regulations and adoption of the 2021 FEMA Flood Insurance Study (FIS) and the 2021 FEMA Flood Insurance Rate Map (FIRM). (Initial Consideration)

Moved by Jensen, seconded by Atkins, to approve the initial consideration of Ordinance No. 21-09. Council Member Jensen asked if the statement about properties that have frequent flooding was added to this ordinance. City Engineer Mike Barkalow stated it was not included.

Approved unanimously

Motion to Receive, File and refer to TAC a petition regarding the request to study the intersection of Linn-Air Avenue and Highway 151. (MEDCO)

Moved by Gadelha, seconded by Jensen, to approve item as shown above. Council Member Harper asked if this triggers the Traffic Advisory Committee to perform a study on this intersection. City Engineer Mike Barkalow confirmed. Council Member Harper asked when it will come back to Council. Barkalow stated it may take some time as it involves another jurisdiction.

Approved unanimously

Motion to approve Project Calendar regarding the 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026), as follows:

- Motion to retain the City Engineer as Project Engineer regarding 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026)
- Resolution No. 29508 approving Resolution of Necessity regarding the 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026)
- Resolution No. 29509 ordering preparation of detailed plans, specifications, notice hearing and letting, notice to bidders, form of contract and estimate of cost regarding the 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026)

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

Approved unanimously

Resolution No. 29510 approving the 2020 Derecho Sidewalk Damage Policy.

Moved by Atkins, seconded by Gadelha, to approve Resolution No. 29510. Council Member Harper asked how the policy will be used. City Engineer Mike Barkalow stated the property owners that have known issues will be emailed with a copy of the policy.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:19 p.m. Mayor Pro Tem Atkins presided over the meeting.

Public Hearing regarding the 2021 Storm Sewer Project (ANN-18-031)

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. 29511 accepting bids and awarding contract to B.G. Brecke, Inc. regarding the 2021 Storm Sewer Project in the amount of \$108,505.00 (ANN-18-031)

Moved by Jensen, seconded by Harper, to approve Resolution No. 29511.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, and Gadelha

Abstained: AbouAssaly

Public Hearing regarding the 2021 Sanitary Sewer Manhole Project (ANN-18-029)

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. 29512 accepting bids and awarding contract to B.G. Brecke, Inc. regarding the 2021 Sanitary Sewer Manhole Project in the amount of \$111,095. (ANN-18-029)

Moved by Gadelha, seconded by Jensen, to approve Resolution No. 29512.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, and Gadelha

Abstained: AbouAssaly

Community Development

Resolution No. 29513 approving Plat of Survey No. 2519 for property located east of Hampshire Drive and Prescott Lane. (BBAK Investment LTD)

Moved by Harper, seconded by Jensen, to approve Resolution No. 29513.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, and Gadelha

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:23 p.m. Mayor AbouAssaly presided over the meeting.

Ordinance No. 21-06 amending to Chapter 176 related to the operation and design requirements for mini-warehouses within the B-R, Business Regional, M-1, Light Manufacturing and M-2, General Manufacturing zoning districts. (Final Consideration)

Moved by Atkins, seconded by Harper, to approve the final consideration of Ordinance No. 21-06.

Approved unanimously

Ordinance No. 21-07 amending Chapter 176.50, Central Corridor Zoning Districts. (Final Consideration)

Moved by Jensen, seconded by Gadelha, to approve the final consideration of Ordinance No. 21-07.

Approved unanimously

Resolution No. 29514 approving the vacation of a twenty (20) foot watermain easement located on Parcel A, Plat of Survey 1106, Marion, Iowa.

Moved by Gadelha, seconded by Jensen, to approve Resolution No. 29514.

Approved unanimously

Resolution No. 29515 approving contract amendment no. 2 with Shoemaker Haaland Professional Engineers, associated with the CeMar Trail project regarding the scope of services. [TAP-U-4775(630)—8I-57] (TRL-17-055)

Moved by Harper, seconded by Gadelha, to approve Resolution No. 29515.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Gadelha stated this past week she celebrated her 25th wedding anniversary. Gadelha thanked staff for all their work and support.

Council Member Harper also thanked staff for all their support. Harper stated he will be meeting with Police Chief Mike Kitsmiller soon regarding Marion's animal control services.

Council Member Jensen stated it's nice to start talking about Marion events and

upcoming travel. Jensen encouraged everyone to get the COVID vaccine.

Mayor AbouAssaly talked about the installation commemorating the Echo Hill Satellite Station located along the sculpture trail at Lowe Park. AbouAssaly stated there was a picnic yesterday for employee appreciation week. AbouAssaly thanked all staff on behalf of the City Council and appreciates the value that all city employees bring to the team. AbouAssaly congratulated Communications Manager Amber Bisinger for receiving the inaugural Paul Draper Spirit of Marion Award. AbouAssaly recognized International Firefighters Day on May 4. AbouAssaly also spoke about his fundraising efforts for the Marion Public Library.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:37 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