



MINUTES

City Council Regular Session

5:30 PM - Thursday, June 3, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, June 3, 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

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 - Pride Month (June 2021)

Mayor AbouAssaly read and presented the proclamation to Jennifer Tibbetts with the Marion Civil Rights Commission.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the May 18 and 20, 2021 City Council meetings.

Receive and file correspondence from Ryan Sunderman regarding resignation from Zoning Board of Adjustments.

Liquor licenses including the following:

- Renewal - Kum & Go #503 - 3215 7th Avenue
- Renewal - Walgreens #03876 - 1225 7th Avenue

Motion to approve Hold Harmless Agreements with:

- Marion Chamber of Commerce regarding Eat. Drink. & Be Marion on July 8, 2021 in the Uptown Artway.
- Marion Chamber of Commerce regarding Z102.9 broadcast on June 11, 2021 at the former bus stop on 11th Street.
- Martin Gardner Architecture regarding Chamber BizMix Summer Fiesta on July 15, 2021 in the Uptown Artway.
- Tricia Cannavo regarding ALS Walk on October 2, 2021 in Lowe Park.

Motion to cancel the Thursday, July 8 council meeting and combine the regular session with the work session on Tuesday, July 6.

Payments as presented in the amount of \$2,557,295.83.

Resolution No. 29561 approving amendment to the well-being program contract with Health Solutions, replacing Schedule A

Resolution No. 29562 approving the renewal of a contract with Wellmark for third party administration and stop loss coverage related to health and dental insurance for FY21-22.

Engineering

Resolution No. 29563 approving Partial Payment No. 2 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$22,719.25. (FACS-17-034)

Resolution No. 29564 approving Partial Payment No. 3 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$22,728.75. (FACS-17-034)

Resolution No. 29565 approving Partial Payment No. 5 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$136,139.75. (FACS-17-034)

Resolution No. 29566 approving Partial Payment No. 4 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$96,425.00. (FACS-17-034)

Resolution No. 29567 approving Partial Payment No. 7 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding Steel Fabrication and erection in the amount of \$6,445.75. (FACS-17-034)

Resolution No. 29568 approving Partial Payment No. 3 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades & misc. steel in the amount of \$33,487.50. (FACS-17-034)

Resolution No. 29569 approving Partial Payment No. 5 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$118,814.60. (FACS-17-034)

Resolution No. 29570 approving Partial Payment No. 3 to Ahern Fire Protection

regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$53,492.79. (FACS-17-034)

Resolution No. 29571 approving Partial Payment No. 4 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Gypsum Board & Acoustics in the amount of \$13,727.50. (FACS-17-034)

Resolution No. 29572 approving Partial Payment No. 1 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$145,771.80. (FACS-17-034)

Resolution No. 29573 approving Partial Payment No. 1 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$11,970.00. (FACS-17-034)

Resolution No. 29574 approving Partial Payment No. 9 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$1,276.80. (TRANS-18-090)

Resolution No. 29575 approving Change Order No. 1 with Rathje Construction Company regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)-85-57) in the amount of \$79,029.00. (TRANS-18-088)

Resolution No. 29576 approving Partial Payment No. 1 to Rathje Construction Company regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)-85-57) in the amount of \$271,624.14. (TRANS-18-088)

Resolution No. 29577 approving Partial Payment No. 7 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 \$7,805.30. (TAP-U-4775(636)—8I-57) (TRL-17-055)

Resolution No. 29578 approving Partial Payment No. 4 to K & W Electric, Inc. regarding the 2020 Marion Fire Station Traffic Signals Project in the amount of \$16,979.52. (FACS-18-062)

Resolution No. 29579 approving Partial Payment No. 11 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1025.00. (TRL-17-055)

Resolution No. 29580 approving Partial Payment No. 1 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$632.94. (TAP-U-4775(638)—81-57) (TRL-17-055)

Resolution No. 29581 accepting Nottingham Hills 9th Addition to the City of Marion.

Resolution No. 29582 accepting the 2020 Marion Fire Station Traffic Signals Project (FACS-18-062)

Motion to receive and file a request for 3rd Street to become a Snow Route and referring the request to the Public Service Board. (Christy Weidemann, 3019 3rd Street)

Library

Resolution No. 29583 approving partial payment no. 10 and 11 to Bush Construction regarding the Library Building Project in the amount of \$138,792.70. (FACS-17-034)

Moved by Strnad, seconded by Jensen, to approve the consent agenda as shown above.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:35 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Services

Resolution No. 29584 approving partial payment no. 9 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$187,623.17.

Engineering

Resolution No. 29585 approving Partial Payment No. 12 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 \$245,753.98. [TAP-U-4775(637)-8I-57] (TRL-17-055)

Community Development

Resolution No. 29586 approving Marion Enterprise Center Tenth Addition Final Plat and Memorandum of Agreement for property located south of Highway 151 and east of Partners Avenue. (MEDCO Holding Company, LLC)

Resolution No. 29587 establishing a sanitary sewer easement located on the western side of the intersection of Marion Airport Road and Enterprise Drive extended. (MEDCO Holding Company, LLC and City of Marion)

Moved by Harper, seconded by Brandt, 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

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

REGULAR AGENDA

Administrative Services

Resolution No. 29588 approving legal services agreements with City Attorney Kara L. Bullerman and Assistant City Attorney Ryan P. Tang for the period of July 1, 2021 through June 30, 2022.

Moved by Atkins, seconded by Harper, to approve Resolution No. 29588.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:37 p.m. Mayor Pro Tem Atkins presided over the meeting.

Motion to approve project calendar regarding a tax incentive request from Talon, LLC:

- Motion to receive and file request for financial assistance from Talon, LLC
- Motion directing staff to draft a letter of support for Workforce Housing Tax Credit.

Moved by Jensen, seconded by Brandt, to approve item as shown above. Council Member Gadelha stated she excited for this project to be proposed for this location.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:39 p.m. Mayor AbouAssaly presided over the meeting.

Public Services

Motion to remove from table Resolution No. 29543 approving contract with Conlon Construction for Construction Manager Services for the new Public Service Maintenance Facility.(FACS-17-069) (Tabled 5/20/21)

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

Approved unanimously

Resolution No. 29543 approving contract with Conlon Construction for Construction Manager Services for the new Public Service Maintenance Facility. (FACS-17-069) (Tabled 5/20/21)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29543.

Approved unanimously

Motion to remove from table Resolution No. 29544 approving contract with Conlon Construction for Construction Manager Services related to storm repairs for the existing Public Service Maintenance Facility. (Tabled 5/20/21)

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

Approved unanimously

Resolution No. 29544 approving contract with Conlon Construction for Construction Manager Services related to storm repairs for the existing Public Service Maintenance Facility. (Tabled 5/20/21)

Moved by Harper, seconded by Brandt, to approve Resolution No. 29544.

Approved unanimously

Ordinance No. 21-10 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.10 to \$4.39. (Second Consideration)

Moved by Atkins, seconded by Harper, to approve the second consideration of Ordinance No. 21-10.

Approved unanimously

Ordinance No. 21-11 amending Chapter 105 of the code of Ordinances relating to Solid Waste by establishing base monthly collection fees at \$18.75. (Second consideration)

Moved by Jensen, seconded by Atkins, to approve the second consideration of Ordinance No. 21-11.

Approved unanimously

Public Safety

Ordinance No. 21-12 amending Chapter 5.13 of the Code of Ordinances relating to Operating Procedures and Place of Residence. (Second Consideration)

Moved by Brandt, seconded by Jensen, to approve the second consideration of Ordinance No. 21-12.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 21-12.

Moved by Gadelha, seconded by Brandt, to approve item as shown above. Council Member Gadelha stated she will be voting against this measure because she is generally against suspending the rules but she is in favor of the content of the ordinance.

Approved by the following votes:

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

Nays: Gadelha

Ordinance No. 21-12 amending Chapter 5.13 of the Code of Ordinances relating to Operating Procedures and Place of Residence. (Final Consideration)

Moved by Strnad, seconded by Brandt, to approve final consideration of Ordinance No. 21-12.

Approved unanimously

Engineering

Public Hearing regarding the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029)

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. 29589 accepting bids and awarding contract to Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$87,063.87 (ANN-18-029)

Moved by Harper, seconded by Atkins, to approve Resolution No. 29589.

Approved unanimously

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). (Final Consideration)

Moved by Atkins, seconded by Harper, to approve the final consideration of Ordinance No. 21-09.

Approved unanimously

Resolution No. 29590 approving contract amendment no. 1 with Anderson Bogert Engineers and Surveyors, Inc. regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$60,742.00 for a new contract total of \$398,861.00. (TRANS-18-091)

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29590.

Approved unanimously

Motion to approve Project Calendar regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110), as follows:

- Motion to retain the City Engineer as Project Engineer regarding 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)
- Resolution No. 29591 approving a Resolution of Necessity regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)
- Resolution No. 29592 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)
- Resolution No. 29593 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)

Moved by Brandt, seconded by Jensen, to approve project calendar as shown above. Mayor AbouAssaly asked when construction would begin. City Engineer Mike Barkalow stated the start date is in August 2021.

Approved unanimously

Community Development

Resolution No. 29594 approving engagement of Linn County Auditor for assistance in drawing redistricting maps.

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29594. Council Member Gadelha asked if there is a cost to this service or if it is a

resource they offer. Community Development Director Tom Treharne stated it is a resource that is offered. Mayor AbouAssaly asked what the alternative would be. Treharne stated it would be done in house by staff. Council Member Gadelha asked if final wards are approved by council. Treharne confirmed. Council Member Harper asked if this would affect the voting this fall. Treharne stated it will not affect the November election.

Approved unanimously

Resolution No. 29595 approving a Final Site Development Plan for Linn County Business Park Phase IV for property located west of Highway 13 and north of REC Drive. (Eighty Enough LLLP)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29595.

Approved unanimously

Ordinance No. 21-13 amending Chapter 160 of the Code of Ordinances relating to the Building Code (Second Consideration)

Moved by Harper, seconded by Atkins, to approve the second consideration of Ordinance No. 21-13.

Approved unanimously

Ordinance No. 21-14 amending Chapter 161 of the Code of Ordinances relating to the Plumbing Code. (Second consideration)

Moved by Atkins, seconded by Harper, to approve the second consideration of Ordinance No. 21-14.

Approved unanimously

Ordinance No. 21-15 amending Chapter 163 of the Code of Ordinances relating to the Mechanical Code. (Second Consideration)

Moved by Jensen, seconded by Atkins, to approve the second consideration of Ordinance No. 21-15.

Approved unanimously

Ordinance No. 21-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code. (Second Consideration)

Moved by Brandt, seconded by Jensen, to approve the second consideration of Ordinance No. 21-16.

Approved unanimously

Ordinance No. 21-17 amending Chapter 153 of the Code of Ordinances relating to the Property Maintenance Code. (Second Consideration)

Moved by Gadelha, seconded by Brandt, to approve the second consideration of Ordinance No. 21-17.

Approved unanimously

Public Hearing regarding an ordinance amending Chapter 76 relating to Bicycle Regulations.

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.

Ordinance No. 21-18 amending Chapter 76 of the Marion Code of Ordinances relating to Bicycle Regulations. (Initial Consideration)

Moved by Strnad, seconded by Gadelha, to approve the initial consideration of Ordinance No. 21-18. Council Member Gadelha stated she wants to make sure it is clear that this chapter does not include golf carts. Council Member Strnad would like communication to the public regarding what is and is not allowed. Council Member Brandt asked why riding a bicycle on the sidewalk in Uptown is limited except for persons under the age of 13 when accompanied by an adult. He stated he would rather kids ride on the sidewalk without an adult instead of in the street. Community Development Director Tom Treharne stated the committee felt persons under the age of 13 would be less reckless when accompanied by an adult. City Attorney Kara Bullerman stated per Marion Code, golf carts are only allowed by requesting a special permit which is approved by the City Manager. Council Member Jensen stated this ordinance should closely match what the City of Cedar Rapids has. Council Member Harper stated he is hearing more about electric skateboards and wants staff to start thinking about regulations for those.

Approved unanimously

Resolution No. 29596 approving a payment to the City of Cedar Rapids for reimbursement of the acquisition of a portion of Tower Terrace Road right of way through the Bernita A. Jacobs property in the amount of \$90,800

Moved by Harper, seconded by Gadelha, to approve Resolution No. 29596.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:24 p.m. Mayor Pro Tem Atkins presided over the meeting.

Resolution No. 29597 approving a purchase agreement with Diane H. Lewis, James S. Lewis and Douglas Stewart Downing for a portion of Tower Terrace Road in the amount of \$173,300.

Moved by Harper, seconded by Jensen, to approve Resolution No. 29597.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:25 p.m. Mayor AbouAssaly presided over the meeting.

Library

Resolution No. 29598 approving the contract with Storey Kenworthy for office furnishings in the amount of \$290,835.06.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29598.

Approved unanimously

Resolution No. 29599 approving the contract with Workspace for office tables

and chairs in the amount of \$93,801.81.

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29599.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Harper thanked the other Council Members for the discussion on Wednesday regarding the recruitment plan for City Manager. He requested that a sub-committee be formed of Council Members to help Human Resources Director Kirsten Fisher with the recruitment.

Council Member Gadelha stated she missed the meeting on Wednesday and agrees with Council Member Harper that there should be a sub-committee of Council to help with recruitment.

Council Member Strnad stated he is happy to see everyone's faces and smiles again.

Council Member Atkins thanked City Manager Lon Pluckhahn for his work over the years.

Mayor AbouAssaly stated the two new schools in the Linn-Mar Community School District had ribbon cuttings yesterday. He also stated Farmers State Bank Investment Services had a ribbon cutting today. He stated he was happy to hear that Community Development Director Tom Treharne took the initiative to reach out to the owner of property located west of Highway 13 and north of REC Drive to suggest improvements to the new buildings.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:35 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