



MINUTES

City Council Regular Session

5:30 PM - Thursday, June 17, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, June 17, 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

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 - Juneteenth (June 19, 2021)

Mayor AbouAssaly read and presented the proclamation referenced above to Fred Brown 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 June 1 and 3, 2021 City Council meetings.

Receive and file May 2021 Department Monthly Reports.

Liquor licenses including the following:

- New - The Marion Chocolate Shop - 1244 7th Avenue
- New - BP to Go - 1010 - 1010 East Post Road

- New - Corridor Courts - 750 44th Street
- Renewal - Marion Food Market (Previously Marion Market & Cafe) - 5005 10th Avenue

Motion to approve the Fiscal Year 2021 Cigarette License for the following:

- BP to Go - 1010 - 1010 East Post Road

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

- Big Shots Bar & Grill
- BP to Go - 1010
- Corner Mart
- Dollar General Store #7226
- Dollar General Store #7398
- Fareway Stores, Inc #949
- Hy-Vee Gas
- Hy-Vee Food Store
- Hawks Smoke Shop
- Marion Food Market
- Murphy USA #7287
- Neighborhood Tobacco Outlet
- Smokin Joe's Tobacco & Liquor Outlet #10
- Walgreens #3876
- Walmart #3630
- Wrigleyville Sports Pub

Motion to approve a Hold Harmless agreement with the Artisan Sanctuary regarding Sidewalk Sing-A-Long on July 24, 2021 in the Uptown Artway.

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

- Kwik Star #589
- Kwik Star #1008

Receive and file correspondence from Judy Saluri regarding resignation from the Historic Preservation Commission

Receive and file correspondence regarding Myke Darrough's resignation from the Community Equity Task Force.

Mayoral appointments to Community Equity Task Force:

- Marion Alliance for Racial Equity Representative - Joshua Milam

Mayoral appointments to the Planning and Zoning Commission:

- Kathryn Walsh, 963 13th Street, term expires 12/31/21

Payments as presented in the amount of \$4,257,585.22

Resolution No. 29600 approving designees for City Manager, City Clerk and City Treasurer per 17.03(B) of the Code of Ordinances.

Resolution No. 29601 authorizing additional signatures on checks over \$20,000.

Resolution No. 29602 approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police

and Fire claims administration.

Resolution No. 29603 approving the renewal of General Insurance with Iowa Communities Assurance Pool (ICAP) for FY2021-2022 in the amount of \$321,129.

Resolution No. 29604 amending the purpose of an operating budget transfer in resolution no. 28618

Resolution No. 29605 approving partial payment no. 6 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of \$28,166.25.

Resolution No. 29606 approving the renewal of contracts with Wellmark for third party administration and stop loss coverage for Fire and Police union health and dental insurance coverage for FY21-22.

Resolution No. 29607 setting a public hearing for July 6, 2021 regarding the Sanitary Sewer Connection Fee.

Resolution No. 29608 approving a reallocation of awarded FY2021 Hotel/Motel funds for the Marion Heritage Center for alternate building expenses.

Public Services

Resolution No. 29609 approving the purchase of a vehicle hoist from Advance Auto in the amount of \$16,015.50. (EQPT-18-080)

Resolution No. 29610 approving payment no. 2 to Boomerang Corporation for Emergency Debris Removal Services in the amount of \$1,035,667.52.

Motion directing staff to solicit bids for the replacement of a utility tractor.

Resolution No. 29611 approving addendum no. 1 to the contract with Boomerang Corporation for emergency waterway debris removal services.

Parks

Resolution No. 29612 approving Partial Payment No. 2 to T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$86,599.00.

Engineering

Resolution No. 29613 approving a Stop Sign stopping east bound traffic on Glen Rock Circle at its intersection with Echo Hill Road.

Resolution No. 29614 approving a Stop Sign stopping west bound traffic on Glen Rock Drive at its intersection with Echo Hill Road.

Resolution No. 29615 approving a Stop Sign stopping east bound traffic on Glen Rock Drive at its intersection with Winslow Road.

Resolution No. 29616 approving a Stop Sign stopping north bound traffic on Enterprise Drive at its intersection with Marion Airport Road.

Resolution No. 29617 approving Partial Payment No. 9 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$10,518.72. (TRANS-18-095)

Resolution No. 29618 approving Partial Payment No. 5 to Anderson Bogert Engineers regarding the Alburnett Road & Echo Hill Road Roundabout Project in the amount of \$9,500.00. (CS-TSF-4775(641)—85-57)(TRANS-19-118)

Resolution No. 29619 approving Agreement with Craig Campbell and Priscilla Steele regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 29620 approving Agreement with Boston Place LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 29621 approving Agreement with AT Solutions, LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Community Development

Resolution No. 29622 approving payment no. 11 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 \$1,721.95. (TRL-18-110)

Resolution No. 29623 setting a public hearing for July 6, 2021 regarding an ordinance amending Ch. 176.06, Rules and Definitions of the Marion Code of Ordinances.

Moved by Harper, seconded by Atkins, to approve 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. 29624 approving an equipment rental agreement with Altorfer Incorporated in the amount of \$39,159.62.

Parks

Resolution No. 29625 approving final payment to Point Builders for Derecho related repairs to the Depot in City Square Park in the amount of \$3,623.75.

Engineering

Resolution No. 29626 approving Partial Payment No. 4 to Anderson-Bogert

Engineers regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$5,778.91. (SWR-18-111)

Community Development

Resolution No. 29627 setting date of public hearing for July 6, 2021 regarding the sale of a portion of the former 16th Street right of way between 5th and 6th Avenues. (Genesis Equities, LLC)

Resolution No. 29628 approving Echo Ridge Estates Fourth Addition Final Plat and Memorandum of Agreement for property located north of Echo Hill Road and west of Alburnett Road. (Integrity Custom Homes, Inc.)

Resolution No. 29629 approving payment no. 1 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$3,017.93. (ANN-18-082)

Moved by Brandt, seconded by Harper, to approve 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 5:36 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Motion to approve Minutes of the June 2, 2021 City Council meeting.

Moved by Gadelha, seconded by Brandt, to approve item referenced above.

Approved unanimously

Motion to approve a Hold Harmless agreement with Cocktails & Company regarding an outdoor concert for the Andy Frasco show on June 18, 2021 at Cocktails & Company.

Moved by Strnad, seconded by Gadelha, to approve item referenced above. Mayor AbouAssaly stated in the past there have been issues with security at this location and asked if Police approved this event. Police Chief Mike Kitsmiller stated he has met with the owner and there will be private security at the event. Kitsmiller stated he has approved the event.

Approved unanimously

Resolution No. 29630 approving Fiscal Year 2020-2021 Capital Budget Transfers in the amount of \$2,225,000.

Moved by Harper, seconded by Gadelha, to approve Resolution No. 29630.

Approved unanimously

Resolution No. 29631 approving Fiscal Year 2020-2021 Special Revenue

Transfers in the amount of \$2,799.26.

Moved by Atkins, seconded by Harper, to approve Resolution No. 29631.

Approved unanimously

Resolution No. 29632 approving the proposed allocation of the Hotel/Motel funding for FY21-22

Moved by Brandt, seconded by Atkins, to approve Resolution No. 29632.

Approved unanimously

Motion directing staff to use existing voter-approved LOST language for financial planning and development of ballot language for November 2021 election.

Moved by Gadelha, seconded by Brandt, to approve item referenced above.

Approved unanimously

Motion to receive, file and approve tentative agreement with the Local 1937 International Association of Firefighters for the period of July 1, 2021 through June 30, 2022.

Moved by Strnad, seconded by Brandt, to approve item referenced above.

Approved unanimously

Motion to receive, file and approve tentative agreement with Marion Police Protective Association (MPPA) for the period of July 1, 2021 through June 30, 2024.

Moved by Harper, seconded by Brandt, to approve item referenced above. Council Member Strnad asked about the difference in the length of the agreements. City Manager Lon Pluckhahn stated the length is decided by the union and it is common to fluctuate.

Approved unanimously

Motion to receive, file and approve tentative agreement with Local 231 of the American Federation of State, County and Municipal Employees (AFSCME) for the period of July 1, 2021 through June 30, 2024.

Moved by Atkins, seconded by Harper, to approve item referenced above. Council Member Harper asked if there is anything that would cause the agreement be reopened. City Manager Lon Pluckhahn stated the agreement could be reopened if it was written in the contract or a legislative change that would be in conflict with an item in the contract.

Approved unanimously

Public Services

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. (Final Consideration)

Moved by Brandt, seconded by Atkins, to approve the final 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. (Final

consideration)

Moved by Gadelha, seconded by Brandt, to approve the final consideration of Ordinance No. 21-11.

Approved unanimously

Parks

Resolution No. 29633 awarding contract with Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in an amount not to exceed \$239,625.

Moved by Strnad, seconded by Gadelha, to approve Resolution No. 29633. Mayor AbouAssaly asked since this is not reimbursable by FEMA where the funding is coming from. Parks Director Staashelm stated insurance will fund this project.

Approved unanimously

Engineering

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:50 p.m. Mayor Pro Tem Atkins presided over the meeting.

Resolution No. 29634 approving an agreement with Hughes Aerospace Corporation for Instrument Flight Procedure Design Navigation Services and Maintenance in the amount of \$183,075.00. (ANN-18-082)

Moved by Harper, seconded by Brandt, to approve Resolution No. 29634. Council Member Harper stated this was reviewed by the Airport Committee and received their endorsement.

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 5:51 p.m. Mayor AbouAssaly presided over the meeting.

Motion to direct staff to establish a Target Average Pavement Condition Index of 60 in regard to the Pavement Management Program.

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

Approved unanimously

Resolution No. 29635 approving a contract with KTA-Tator, Inc. for Quality Assurance Steel Fabrication Inspection for 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 \$93,782.00 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Moved by Brandt, seconded by Atkins, to approve Resolution No. 29635.

Approved unanimously

Motion to receive, file and refer to TAC a request for no parking on 1300 block of 6th Street and 600 block of 13th Avenue. (Staff)

Moved by Gadelha, seconded by Brandt, to approve item referenced above.
Approved unanimously

Resolution No. 29636 approving contract and bond with Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$87,063.87 (ANN-18-029)

Moved by Strnad, seconded by Gadelha, to approve Resolution No. 29636.
Approved unanimously

Motion to receive, file and refer to TAC a request to look at the pedestrian access to Taube Park. (June Reeves, 2019 31st Street)

Moved by Harper, seconded by Brandt, to approve item referenced above.
Approved unanimously

Resolution No. 29637 approving a contract amendment with Snyder and Associates regarding scope limits to the contract for the 2018 Alburnett Road Extension Project Phase I in an additional amount of \$360,600.00 for a new contract total not to exceed \$824,600.00. (TRANS-18-092)

Moved by Atkins, seconded by Gadelha, to approve Resolution No. 29637.
Approved unanimously

Resolution No. 29638 approving Change Order No. 002 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B and 06A regarding General Trades and misc. steel regarding changing station in the amount of \$1,890.00. (FACS-17-034)

Moved by Brandt, seconded by Atkins, to approve Resolution No. 29638.
Approved unanimously

Resolution No. 29639 approving Change Order No. 001R to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board and Acoustics regarding wall for changing station in the amount of \$1,959.40. (FACS-17-034)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29639.
Approved unanimously

Community Development

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

Moved by Strnad, seconded by Brandt, to approve the final 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. (Final consideration)

Moved by Harper, seconded by Brandt, to approve the final 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. (Final consideration)

Moved by Atkins, seconded by Strnad, to approve the final 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. (Final Consideration)

Moved by Brandt, seconded by Atkins, to approve the final 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. (Final Consideration)

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

Approved unanimously

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

Moved by Strnad, seconded by Brandt, to approve the second consideration of Ordinance No. 21-18.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

Discussion Regarding Fireworks Use

Fire Chief Deb Krebill outlined the rules regarding fireworks use in Marion. Council Member Harper asked if there are any concerns regarding the dry conditions. Krebill stated staff will wait until after the weekend and discuss on Monday.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Brandt asked what fireworks vendors are in Marion. Fire Chief Krebill listed the five vendors currently selling in Marion. Council Member Brandt stated council office hours will restart this Saturday at the farmers market at Taube Park.

Council Member Gadelha spoke about communication she had with a resident regarding installation of the roundabout. Council Member Gadelha also requested a dashboard be added on the website for current projects so council can point residents there.

Council Member Harper spoke about giving a tour of Marion to a friend who was impressed with the development. Council Member Harper wished everyone a happy and safe 4th of July.

Mayor AbouAssaly stated that beginning in July the public will be able to attend meetings in person. The Zoom option will still be available for those who wish to watch from home

but those who want to provide comments, should attend in person. Mayor AbouAssaly stated he looks forward to restarting the Council office hours. Council office hours will be held at the Saturday farmers markets until September. Mayor AbouAssaly stated this is the time of year Council starts to receive several comments about fireworks. He reminded everyone that this is a State law and encouraged everyone to be considerate of others. Mayor AbouAssaly stated everyone is on the same team and wants the best for Marion. He encouraged everyone to continue to work together to move the City forward.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:19 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