



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, August 19, 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, August 19, 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

Fire Department Promotions:

- Promotion from Firefighter to Lieutenant: Ryan Steffen, Jeff Hoover, Nathan Rompot, Mark Hinrichs, Curtis Sutcliffe and Ian Cruse

Fire Chief Deb Krebill recognized the above individuals and shared their accomplishments.

Police Department Promotions:

- Promotion to Sergeant: Mitch Walser, Chris Ward and James Hancox

Police Chief Mike Kitsmiller recognized the above individuals and shared their accomplishments.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

The following comments submitted prior to the meeting were shown: Curt and Barbara Gill (3607 Alburnett Road) requested zoning at their property remain residential.

### CONSENT AGENDA

Administrative Services

Minutes of the August 3, 2021 City Council meeting.

Receive and file correspondence regarding Frederick Brown's resignation from the Civil Rights Commission and Community Equity Task Force, effective September 2, 2021.

Mayoral appointments:

- Civil Rights Commission - Steve Moshier, term expires 12/31/2023

Motion to approve Hold Harmless agreements with:

- Geoffrey Woodby regarding a block party event on August 21, 2021 on Penny Lane.
- Uptown Snug regarding a band event on August 21, 2021 in the Uptown Artway.
- City of Marion/Jessica Carney regarding the Fireworks & Fireflies event on September 3, 2021 at Lowe Park.
- Linn-Mar School District regarding a homecoming parade on September 15, 2021 along 10th Street.
- David Law regarding band and jazz performance events on June 14 & 28, 2022 at City Square Park.

Receive and file July 2021 Department Monthly Reports.

Payments as presented in the amount of \$1,339,039.29.

Resolution No. 29806 approving FY22 cooperative agreement with the Iowa Civil Rights Commission regarding distribution of funds, case intake and resolutions of complaints filed under the Civil Rights Act.

Resolution No. 29807 approving agreement with Avesis regarding a Vision/Optical Plan

Resolution No. 29808 amending service agreement with Tom Newkirk for professional services related to Marion's community equity initiative.

#### Public Safety

Resolution No. 29809 approving a Memorandum of Understanding with Marion Policeman's Protective Association regarding lateral transfer hires

Resolution No. 29810 approving contract with Pierce Manufacturing Inc., and Reliant Fire Apparatus Inc. regarding purchase of a new engine/pumper and authorizing payment in an amount not to exceed \$775,000.00.

#### Parks

Resolution No. 29811 approving change order with T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$2,160.97.

Resolution No. 29812 approving payment to T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$2,160.97.

## Engineering

Resolution No. 29813 approving agreement with Scott L. Bizek regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 29814 approving change order 010 with Bush Construction regarding the Marion Library Project - Construction Manager as Advisor to transfer funds to Knutson Construction Services regarding Temp Windows and Winter Conditions in an amount of \$38,999.00. (FACS-17-034)

Resolution No. 29815 approving change order 004 with Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations regarding Temp Windows and Winter Conditions in an amount of \$38,999.00. (FACS-17-034)

Resolution No. 29816 approving Change Order 003 with Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry regarding removal of funds from allowances in a credit amount of \$6,703.47. (FACS-17-034)

Resolution No. 29817 approving Change Order 004 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding an increase in allowance in the amount of \$6,703.47. (FACS-17-034)

Resolution No. 29818 approving Partial Payment No. 11 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$22,559.62. (TRANS-18-095)

Resolution No. 29819 approving Partial Payment No. 4 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,265.88. (TAP-U-4775(638)—81-57) (TRL-17-055)

## Community Development

Resolution No. 29820 setting a public hearing for September 9, 2021 regarding a demolition request for property located within the Terrace Park Historic District at 985 11th Street, Marion, Iowa per Chapter 29.05 of the Marion Code of Ordinances. (Luensman)

Resolution No. 29821 approving payment no. 16 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$250.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).

Resolution No. 29822 approving payment no. 6 to Universal Field Services, Inc for services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—81-57) in the amount of \$120.00. (TRL-18-110)

Resolution No. 29823 approving Marion Churches 5th Addition Final Plat and Memorandum of Agreement for property located east of Highway 13 and south of Bison Street, Marion, Iowa. (Marion Senior Living Community)

## Library

Resolution No. 29824 approving partial payment no. 22 to Engberg Anderson, Inc regarding the Marion Library Project in the amount of \$15,637.12

Resolution No. 29825 approving payment to CDW-G regarding network switches for the Marion Public Library in the the amount of \$58,625.00

Moved by Atkins, seconded by Jensen, to approve consent agenda as shown above. Police Chief Mike Kitsmiller explained a change to the memorandum of understanding with the Marion Policeman's Protective Association regarding lateral transfer.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:53 p.m. Mayor Pro Tem Atkins presided over the meeting.

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

### Administrative Services

Liquor licenses including the following:

- Renewal - Zio Johnno's - 755 7th Avenue

### Public Services

Resolution No. 29826 approving professional services agreement with Shive-Hattery for the repairs to the Public Service Maintenance Facility.

### Engineering

Resolution No. 29827 approving Change Order No. 1 with Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in City of Marion, from East Side Indian Creek Bridge, Over Marion Boulevard 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, for a credit in the amount of \$4,259.65 [TAP-U-4775(638)-8I-57] (TRL-17-055)

Resolution No. 29828 approving Partial Payment No. 3 to LL Pelling Co, Inc. regarding the 2021 HMA Resurfacing Project in amount of \$182,822.63. (ANN-18-086)

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, Brandt, Atkins, Jensen, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:54 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

## Administrative Services

Resolution No. 29829 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with MEDCO Holding Company, LLC, Including Annual Appropriation Tax Increment Payments

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29829.

Approved unanimously

Motion to approve minutes of the August 5, 2021 City Council meeting.

Moved by Strnad, seconded by Brandt, to approve item referenced above. Council Member Gadelha stated she would be abstaining as she was absent at the August 5 council meeting.

Approved by the following votes:

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

Abstained: Gadelha

Public hearing on proposal to enter into a General Obligation Sewer Improvement Loan Agreement.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:57 p.m. Mayor Pro Tem Atkins presided over the meeting.

Resolution No. 29830 authorizing and approving a Loan Agreement with Linn County Rural Electric Cooperative, providing for the issuance of a General Obligation Sewer Improvement Note and providing for the levy of taxes to pay the same.

Moved by Harper, seconded by Jensen, to approve Resolution No. 29830.

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 5:59 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 29831 approving service orders with Involta LLC. for datacenter services for 36 months in the amount of \$638,199.00.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29831.

Approved unanimously

Resolution No. 29832 approving service order with Involta LLC. for datacenter services for 12 months in the amount of \$36,306.00.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29832.

Approved unanimously

Resolution No. 29833 approving an agreement with Zach Bruce  
Moved by Brandt, seconded by Atkins, to approve Resolution No. 29833.  
Approved unanimously

#### Public Safety

Resolution No. 29834 approving contract with Tyler Technologies regarding a Public Safety Records Management System in the amount of \$924,572.  
Moved by Atkins, seconded by Brandt, to approve Resolution No. 29834.  
Approved unanimously

#### Engineering

Public hearing regarding a public improvement project to construct the Indian Creek and Dry Run Creek Sanitary Trunk Sewer Capacity Improvements, Funding of Final Site Specific Design, Final Route/Site Selection, to acquire land for the project by purchase, and, if necessary, to authorize the use and acquisition of property by eminent domain.

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. 29835 approving and authorizing a public improvement project to construct the Indian Creek and Dry Run Creek Sanitary Trunk Sewer Capacity Improvements, Funding of Final Site Specific Design, Final Route/Site Selection, to acquire land for the project by purchase, and, if necessary, to authorize the use and acquisition of property by eminent domain.

Moved by Strnad, seconded by Atkins, to approve Resolution No. 29835.  
Approved unanimously

Resolution No. 29836 establishing fair market value of and authorizing the offer to purchase certain real property owned by the Atlas Limited Partnership/Atlas LP Company, LLC

Moved by Harper, seconded by Jensen, to approve Resolution No. 29836.  
Approved unanimously

Resolution No. 29837 establishing fair market value of and authorizing the offer to purchase certain real property owned by the H.J. Bjornsen Family Trust.

Moved by Jensen, seconded by Harper, to approve Resolution No. 29837.  
Approved unanimously

Resolution No. 29838 establishing fair market value of and authorizing the offer to purchase certain real property owned by the Donna G. Reilly Trust.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 29838.  
Approved unanimously

Motion to approve Project Calendar regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073), as

follows:

- Motion to retain the City Engineer as Project Engineer regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
- Resolution No. 29839 approving Resolution of Necessity regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
- Resolution No. 29840 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
- Resolution No. 29841 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)

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

Approved unanimously

Resolution No. 29842 approving contract with Braun Intertec Corporation for Quality Assurance PCC Plant Monitoring and Soil Testing regarding the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$6,438.00. (TRL-18-110)

Moved by Atkins, seconded by Brandt, to approve Resolution No. 29842.

Approved unanimously

Motion to receive file and refer to TAC a petition regarding Larick Court and the request for additional signage. (Sarah Cooksley, 330 Larick Court)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:10 p.m. Mayor Pro Tem Atkins presided over the meeting.

Public Hearing regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)

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. 29843 accepting bids and awarding contract to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)

Moved by Harper, seconded by Jensen, to approve Resolution No. 29843. Council Member Jensen asked when project should be completed. City Engineer Mike Barkalow stated it would be this fall.

Approved by the following votes:

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

Abstained: AbouAssaly

#### Community Development

Resolution No. 29844 approving Marion Aircom Park Preliminary Plat for property located south of Marion Airport Road and east of the Marion Airport in Marion, Iowa. (Luxair Aviation LLC and Genesis Equities Land Holdings, LLC)

Moved by Jensen, seconded by Harper, to approve Resolution No. 29844. Council Member Gadelha stated she would be abstaining. Council Member Strnad asked if this fits within the comprehensive plan. Acting City Manager Tom Treharne stated this project won't go through the Airport Committee but does match the Airport Layout Plan (ALP). Agreements with the lots next to the runway will go through the Airport Committee as well as City Council. Council Member Strnad stated he would like to see language regarding sidewalk deferrals be removed from agreements. Council Member Harper asked if the taxiway would be between the west border of lots and the existing runway. Treharne confirmed they would be.

Approved by the following votes:

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

Abstained: AbouAssaly and Gadelha

Resolution No. 29845 approving Silver Rock Estates Preliminary Plat located west of Alburnett Road and south of Echo Hill Road, Marion, Iowa. (Integrity Custom Homes, Inc.)

Moved by Jensen, seconded by Harper, to approve Resolution No. 29845.

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 6:21 p.m. Mayor AbouAssaly presided over the meeting.

Ordinance No. 21-21 approving an update to the Official Marion Zoning Map for property located within Marion City Council Ward 4, which includes precincts 11, 12, 13 and 14. (Second Consideration)

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

Approved unanimously

#### **OTHER DEPARTMENT DISCUSSION**

##### **Update Regarding Redistricting and Precinct Boundaries**

City Attorney Kara Bullerman provided information regarding redistricting. Bullerman stated the State of Iowa deadline to redistrict is September 15 and stated new districts don't take effect until January 15, 2022. Both the City and the County do not have the



information necessary to redistrict. Because of this there are no changes to filing nomination paperwork for the upcoming election. People will run for the ward they live in now. After redistricting, if there are council members not in their applicable ward, those seats would need to be placed on the next regular City election. Council Member Harper stated dates should be better aligned. Bullerman stated that schedule is above Marion's authority.

### **Update Regarding City Manager Recruitment**

Brent Hinson with Hinson Consulting provided an update regarding the City Manager recruitment. Hinson stated there were 41 applications. Eight candidates will be brought forward and discussed at the August 26 closed session to determine finalists.

### **PUBLIC FORUM**

Sam Nemer (5010 Winslow Road, Marion) shared information regarding a letter received by the City regarding a request to mow grass at the edge of their property. He also shared information regarding zoning of his property.

### **COUNCIL COMMENTS**

Mayor AbouAssaly stated Marion is now the 13th largest city in Iowa. He also stated that Marion has received the All-Star Community Award in the large city category from the Iowa League of Cities. Marion has received this award four out of the last five years. Mayor AbouAssaly stated 6th Avenue is now open and traffic has increased overnight. He thanked everyone who helped with that project. Mayor AbouAssaly stated all businesses in Uptown Marion are open and access is available through the front sidewalk on 7th Avenue and through the alley. Mayor AbouAssaly stated the Marion Arts Council Picnic on the Prairie event is this weekend at Lowe Park.

Council Member Jensen stated school is starting next week. He stated he uses the 35th and 7th Avenue intersection and 6th Avenue all the time. He thanked everyone who worked on those projects.

Council Member Harper spoke about 6th Avenue and the improvements made.

Council Member Strnad thanked Dunkin Donuts for all their help with rerouting traffic through their property. Council Member Strnad congratulated the Marion Fire Department and the Marion Police Department for tonight's promotions. Council Member Strnad wished all the students this year good luck.

Council Member Gadelha stated there are a lot of great projects in Marion and she is glad to be a part of it.

### **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:48 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