



MINUTES

City Council Regular Session

5:30 PM - Thursday, October 7, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, October 7, 2021, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Grant Harper, Steve Jensen, Colette Atkins, 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

Proclamation - National Disability Employment Awareness Month (October 2021)

Mayor AbouAssaly read the proclamation above which was submitted by the Marion Civil Rights Commission.

Proclamation - Fire Prevention Week (October 3-9, 2021)

Council Member Strnad read and presented the proclamation above to Fire Chief Deb Krebill with the Marion Fire Department.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the September 21, 2021 City Council meeting.

Liquor licenses including the following:

- Renewal - Aldi, Inc. #58 - 1001 50th Street

Payments as presented in the amount of \$3,123,942.55

Certified List for Police Officer

Receive and file memo regarding 2022 City Council Meeting Schedule.

Motion to change the date of the Thursday, December 23 council meeting and combine it with the Tuesday, December 21, work session due to City Hall being closed for a holiday.

Resolution No. 29929 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 (Aldi)

Resolution No. 29930 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 (Marion Market & Cafe)

Resolution No. 29931 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 (Corner Mart)

Resolution No. 29932 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 (Casey's General Store #2924)

Resolution No. 29933 approving purchase of HRIS system from BambooHR and authorizing payment in an amount not to exceed \$31,500.

Motion to receive and file job description for GIS Data Analyst

Public Services

Resolution No. 29934 approving purchase of utility tractor from Titan Machinery in the amount of \$19,067.00.

Public Safety

Resolution No. 29935 approving an agreement with Foundation 2 for continuation of Law Enforcement Liaison Support position at the Marion Police Department.

Engineering

Resolution No. 29936 approving Partial Payment No. 4 to Hunt Construction Co, Inc. regarding the 2021 Sidewalk Ramp Project in amount of \$8,716.63. (ANN-18-106)

Resolution No. 29937 accepting the 2021 Sidewalk Ramp Project (ANN-18-106)

Resolution No. 29938 approving Partial Payment No. 3 to Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$20,138.76 (ANN-18-029)

Resolution No. 29939 approving Change Order No. 2 with Rathje Construction Company regarding the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project for a credit in the amount of \$9,750.00 (TRANS-18-090)

Resolution No. 29940 approving Partial Payment No. 3 to Rathje Construction Company regarding the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project in the amount of \$85,187.73 (TRANS-18-090)

Resolution No. 29941 approving Partial Payment No. 3 to 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 \$483,465.96 (TRANS-18-101)

Resolution No. 29942 approving Change Order No. 9 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$53,470.40 (TRANS-18-101)

Resolution No. 29943 approving Change Order No. 12 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$7,166.70 (TRANS-18-101)

Resolution No. 29944 approving Change Order No. 13 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$4,766.00 (TRANS-18-101)

Resolution No. 29945 approving Change Order No. 14 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$3,818.00 (TRANS-18-101)

Resolution No. 29946 approving Partial Payment No. 13 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$6,520.41. (TRANS-18-095)

Resolution No. 29947 approving Change Order No. 15 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 \$3,763.00 (TRANS-18-101)

Resolution No. 29948 approving Partial Payment No. 13 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091)

Resolution No. 29949 approving Change Order No. 17 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 \$4,365.00 (TRANS-18-101)

Resolution No. 29950 approving Change Order No. 10 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$20,190.20 (TRANS-18-101)

Resolution No. 29951 approving Change Order No. 21 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 \$33,111.20 (TRANS-18-101)

Resolution No. 29952 approving Partial Payment No. 6R2 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$15,912.50. (FACS-17-034)

Community Development

Resolution No. 29953 setting the date of October 21, 2021 for a public hearing regarding an amendment to the Marion Comprehensive Plan by adding Appendix I - East Marion Subarea Plan.

Resolution No. 29954 approving a permanent public access easement agreement and temporary construction easement agreement with Atlas Limited Partnership and the City regarding a trail easements for the installation and use of the Indian Creek Trail project. (STP-U-4775(631)--70-57) (TRL-18-056)

Resolution No. 29955 approving a permanent public access easement agreement and temporary construction easement agreement with Linn-Mar Community School District and the City regarding a trail easements for the installation and use of the Indian Creek Trail project. (STP-U-4775(631)--70-57) (TRL-18-056)

Resolution No. 29956 approving a permanent public access easement agreement with the Donna Mae Morrissey Revocable Trust and the City regarding a permanent trail easement for the installation and use of the Indian Creek Trail project in the amount of \$6,500.00. (STP-U-4775(631)--70-57) (TRL-18-056)

Moved by Atkins, seconded by Jensen, to approved the consent agenda as shown above. Police Chief Kitsmiller provided statistics regarding how Foundation 2 has assisted the department.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:41 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 29957 approving Partial Payment No. 15 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 \$7,669.60. [TAP-U-4775(637)-8I-57] (TRL-17-055)

Resolution No. 29958 approving Partial Payment No. 3 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 \$181,978.52 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 29959 approving Partial Payment No. 2 to B.G. Brecke, Inc. regarding the 2021 Storm Sewer Project in the amount of \$67,074.75 (ANN-18-031)

Resolution No. 29960 approving Partial Payment No. 8 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$259,143.76. (TRANS-18-091)

Resolution No. 29961 approving Change Order No. 3 with Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$776,022.26. (TRANS-18-091)

Resolution No. 29962 approving Partial Payment No. 1 to Integrity Custom Homes for costs associated with Echo Ridge Estates 4th Addition in the amount of \$16,440.00

Resolution No. 29963 approving Partial Payment No. 3 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$236,122.91. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Community Development

Resolution No. 29964 approving Edgebrooke Estates North 2nd Addition Final Plat and Memorandum of Agreement for property located south of Tower Terrace Road and east of Indian Creek Road, Marion, Iowa. (Midwest Development Co.)

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, Jensen, Atkins, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:42 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Motion to approve the Minutes of the September 23, 2021 City Council meeting.

Moved by Strnad, seconded by Brandt, to approve item referenced above. Council Member Gadelha stated she will be abstaining as she was absent from the meeting.

Approved by the following votes:

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

Abstained: Gadelha

Public Safety

Public hearing regarding an ordinance amending Chapter 164 regarding the Fire Prevention Code.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Captain Shawn Fluharty provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 21-22 amending Chapter 164 regarding the Fire Prevention Code. (Initial Consideration)

Moved by Harper, seconded by Gadelha, to approve the initial consideration of Ordinance No. 21-22. Council Member Strnad asked for clarification that if a business has a double door we are requiring both doors be operational during open hours. Fluharty confirmed that was accurate and stated it would only be for new businesses built under the 2021 Code. Council Member Strnad stated he would like to see this be required for all buildings and not just newer construction. Fire Chief Krebill stated staff can look into that and come back with more information at the next meeting.

Approved unanimously

Engineering

Resolution No. 29965 approving contract and bond with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$727,903.95. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Moved by Jensen, seconded by Harper, to approve Resolution No. 29965.

Approved unanimously

Motion to receive file and refer to TAC a request for no Parking on 15th Street (Marion Home School Assistance Program)

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

Approved unanimously

Resolution No. 29966 approving 28E agreement with the City of Marion and the City of Cedar Rapids on behalf of the Corridor Metropolitan Planning Organization for the Indian Creek Recreation Access Concept Plan. (REC-18-054)

Moved by Brandt, seconded by Gadelha, to approve Resolution No. 29966.

Approved unanimously

Community Development

Public hearing regarding a request for approval of a preliminary and final site development plan for a multi-tenant building located west of 62nd Street and south of Carlson Way.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Planner I Nicole Behrens provided a staff report. Brian Ridge with Ridge Development, spoke regarding the development and the changes in the drive

thru area. He stated there is a proposed tenant for the eastern portion of the building. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29967 approving a preliminary site development plan for a multi-tenant building located west of 62nd Street and south of Carlson Way (Lot 4, 13 & 151 Second Addition). (Ridge Development)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29967. Council Member Jensen stated queuing into a parking lot is very different then backing up into a street. He appreciates the developers change to the design. Approved unanimously

Resolution No. 29968 approving a final site development plan for a multi-tenant building located west of 62nd Street and south of Carlson Way, Lot 4, 13 & 151 Second Addition. (Ridge Development)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29968. Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:20 p.m. Mayor Pro Tem Atkins presided over the meeting.

Receive and file an annexation request for property west of Alburnett Road and south of Oak Park Trail.

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

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Atkins stated she is proud of the participation last weekend regarding the City Manager appointment.

Mayor AbouAssaly agreed with Council Member Atkins. He thanked everyone for the cooperation with that process.

CLOSED SESSION

Motion to adjourn to closed session regarding personnel matters (City Manager

appointment) as permitted under Section 21.5(1)(i) of the Code of Iowa.

Moved by Jensen, seconded by Atkins, to adjourn to closed session as stated above. City Attorney Kara Bullerman stated that she has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. City Manager applicants submitted paperwork prior to the meeting requesting the closed session. A roll call vote was taken.

Approved unanimously

Moved by Jensen, seconded by Atkins, to reconvene to regular session.

Approved unanimously

ADJOURN

Mayor AbouAssaly adjourned the meeting at 8:09 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 Gazette on the _____ day of _____, 20____.

Rachel Bolender, City Clerk