



MINUTES

City Council Regular Session

5:30 PM - Thursday, October 21, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, October 21, 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

No proclamations took place.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the October 1, 2, 5 and 7, 2021 City Council meeting.

Motion to approve the Fiscal Year 2022 Cigarette License for the following:

- Hy-Vee Fast and Fresh - 2790 7th Avenue

Liquor licenses including the following:

- Renewal - Fareway Stores, Inc #949 - 3300 10th Avenue
- Renewal - Kwik Star #589 - 962 62nd Street
- Renewal - Hy-Vee Gas - 3550 Highway 151 E

Receive and file September 2021 Department Monthly Reports.

Payments as presented in the amount of \$2,088,388.94

Resolution No. 29969 adopting final assessment schedule for Fiscal Year 2022 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments.

Resolution No. 29970 Setting Date for a Public Hearing on Urban Renewal Plan Amendment for the West Tower Terrace Urban Renewal Area

Resolution No. 29971 Setting Date for a Public Hearing on Urban Renewal Plan Amendment for the 29th Avenue Urban Renewal Area

Resolution No. 29972 approving Fiscal Year 2021-2022 Capital Budget Transfer from Road Use to Capital Projects for the 2021 HMA Program (ANN-18-806) in the amount of \$995,124.89.

Public Services

Resolution No. 29973 approving purchase of replacement engine package from Thompson Truck and Trailer and authorizing payment in the amount of \$25,009.16.

Public Safety

Resolution No. 29974 approving Police Sergeant Pay Schedule

Parks

Resolution No. 29975 approving a one year renewal of a Lease Agreement with Greg Carson and Picket Fence Family Farm, for WaterLinn Park 1st Addition, Lot 2 and Lot 3.

Engineering

Resolution No. 29976 approving Change Order No. 4 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 \$9,906.00 (TRANS-18-101)

Resolution No. 29977 approving Change Order No. 20 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project and authorizing payment in the amount of \$37,321.03 (TRANS-18-101)

Resolution No. 29978 accepting the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029)

Resolution No. 29979 approving Partial Payment No. 8 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A Plumbing and HVAC in the amount of \$214,975.30. (FACS-17-034)

Resolution No. 29980 approving Partial Payment No. 9 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A Plumbing and HVAC in the amount of \$129,058.45. (FACS-17-034)

Resolution No. 29981 approving Partial Payment No. 8 to Seedorf Masonry

regarding the Marion Library Project – Bid Pkg 04B regarding Unit Masonry in the amount of \$6,906.50. (FACS-17-034)

Resolution No. 29982 approving Partial Payment No. 6 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A Fire Suppression in the amount of \$4,064.10. (FACS-17-034)

Resolution No. 29983 approving Partial Payment No. 1 to Rapids Foodservice Advanced regarding the Marion Library Project – Bid Pkg 11A regarding Food Service Equipment in the amount of \$24,928.00. (FACS-17-034)

Resolution No. 29984 approving Partial Payment No. 8 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board & Acoustics in the amount of \$105,070.00. (FACS-17-034)

Resolution No. 29985 approving Partial Payment No. 7R1 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$13,062.50. (FACS-17-034)

Resolution No. 29986 approving Partial Payment No. 9 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$38,677.35. (FACS-17-034)

Resolution No. 29987 approving Partial Payment No. 5 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$192,992.05. (FACS-17-034)

Resolution No. 29988 approving Partial Payment No. 8 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$8,811.25. (FACS-17-034)

Resolution No. 29989 approving Partial Payment No. 7 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$135,778.71. (FACS-17-034)

Resolution No. 29990 approving Partial Payment No. 4 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$100,318.10. (FACS-17-034)

Resolution No. 29991 approving Partial Payment No. 4 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A Roofing in the amount of \$3,068.88. (FACS-17-034)

Resolution No. 29992 approving Partial Payment No. 25 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$8,643.30 (TRANS-18-092)

Resolution No. 29993 approving Partial Payment No. 6 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$14,557.62. (TAP-U-4775(638)—81-57) (TRL-17-055)

Community Development

Resolution No. 29994 approving Kettelkamp First Addition Final Plat to Linn County located at 1557 Martin Creek Road, Linn County, Iowa. (Kettelkamp

Brothers Farms, LLC)

Resolution No. 29995 approving Clubhouse Drive Addition Final Plat and Memorandum of Agreement for property located west of Lucore Road along Clubhouse Drive, Marion, Iowa. (Johannes Brothers Construction, Inc.)

Resolution No. 29996 approving Glen Rock Farm Eighth Addition Final Plat and Memorandum of Agreement for property located west of Winslow Road and north of Cottage Ridge Drive and Glen Rock Circle, Marion, Iowa. (Frazier Investments, LLC)

Resolution No. 29997 approving payment no. 18 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$2,515.68. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).

Resolution No. 29998 approving payment no. 1 to RDG Planning & Design, Inc. for professional services regarding the Highway 13 & Highway 100 Subarea Plan in the amount of \$1,950.00. (GOV-19-122)

Moved by Gadelha, seconded by Atkins, to approve consent agenda as shown above.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:33 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Services

Resolution No. 29999 approving partial payment no. 11 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$67,368.68.

Parks

Resolution No. 30000 approving a one year renewal of a Lease Agreement with Sejkora Farms INC., for Certain Lowe Park Property.

Engineering

Resolution No. 30001 approving Partial Payment No. 1 to BBAK Investments, LTD for costs associated with Nottingham Hills 9th Addition in the amount of \$6,333.60

Resolution No. 30002 approving Partial Payment No. 6 to Anderson-Bogert Engineers regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$4,330.00. (SWR-18-111)

Community Development

Resolution No. 30003 approving payment no. 5 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$8,934.30. (ANN-18-082)

Moved by Strnad, seconded by Jensen, 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

REGULAR AGENDA

Administrative Services

Motion to receive and file correspondence regarding extension of Tax Increment Financing (TIF) Development Agreement with PDS Investments, LLC.

Moved by Harper, seconded by Brandt, to approve item referenced above. Acting City Manager Tom Treharne stated PDS Investments is seeking an extension of the agreement for an additional three years. The next step would be to add a resolution to proceed to the next agenda. Council Member Brandt asked if it is common to extend a development agreement. Assistant to the City Manager Amal Eltahir stated normally agreements are not extended unless there are unique circumstances. Treharne stated the building is not fully leased so PDS Investments needs additional assistance to continue operating under current circumstances.

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.

Resolution No. 30004 approving employment agreement with Ryan Waller as City Manager

Moved by Jensen, seconded by Harper, to approve Resolution No. 30004.

Approved unanimously

Ryan Waller stated he is excited to join team Marion and looks forward to meeting everyone soon.

Public Safety

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

Moved by Atkins, seconded by Jensen, to approve the second consideration of Ordinance No. 21-22.

Approved unanimously

Engineering

Public Hearing regarding the 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)

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. 30005 accepting bids and awarding contract to Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) in the amount of \$1,544,679.60 (TRANS-18-090)

Moved by Brandt, seconded by Atkins, to approve Resolution No. 30005.
Approved unanimously

Motion to receive, file and refer to TAC a petition requesting a stop sign at the intersection of Arica Road and Bruce Road and the intersection of Bruce Road and Eastview Avenue. (Raymond Lundberg, 4000 Bruce Road)

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

Community Development

Public hearing regarding an amendment to the Marion Comprehensive Plan by adding Appendix I, East Marion Subarea Plan.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Acting City Manager Tom Treharne provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30006 amending the Marion Comprehensive Plan by adding Appendix I, East Marion Subarea Plan.

Moved by Strnad, seconded by Gadelha, to approve Resolution No. 30006.
Approved unanimously

Resolution No. 30007 approving the KFC – Central Corridor Review for property located at 1925 7th Avenue, Marion, Iowa. (Summit Properties and Development Co. Inc.)

Moved by Harper, seconded by Brandt, to approve Resolution No. 30007.
Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:07 p.m. Mayor Pro Tem Atkins presided over the meeting.

Resolution No. 30008 approving the Junction Lofts - Central Corridor Review for property located between 5th and 6th Avenues and east of 16th Street, Marion, Iowa. (Genesis Equities LLC)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30008. Council Member Harper stated this appears to be an irregular development and questioned if this will become an issue with the adjacent homeowner. Acting City Manager Tom Treharne stated staff like to see developments that blend into the neighborhood but the developer has some entitlement with the zoning of the

property. Council Member Gadelha asked for feedback based on comments from the work session. Principal Planner Dave Hockett stated the detention basin will be sized to meet the current standards. Hockett stated that the development meets the parking requirements and stated the developer provided another concept drawing that shows an updated look to the end caps of the buildings. Hockett also spoke with developer about additional landscaping along 6th Avenue. Council Member Brandt asked about 17th Street. Hockett stated that is a public street. Council Member Gadelha asked if the detention basin will help any water issues on the neighboring property. Hockett confirmed it would. Council Member Gadelha stated the City should look at parking regulations when there is limited parking around the development. Council Member Strnad shared concerns with the neighboring property. Hockett provided information regarding impact to the property. Council Member Strnad asked the developer if they've reached out to the neighboring properties. Chad Brandel (4317 Quail Trail Drive) stated they reached out over a year ago and it was not for sale.

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 6:33 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 welcomed Ryan Waller and his family to Marion. She also stated she joined her father on the Honor Flight on Tuesday.

Council Member Jensen stated he was at the candidate forum that was put on by the Marion Chamber of Commerce and MEDCO on Wednesday. He encouraged everyone to go vote. He also stated that because the election is on Tuesday, November 2, the next work session has been moved to Monday, November 1.

Council Member Gadelha encouraged everyone to go vote on November 2. She also welcomed Ryan Waller to Marion.

Council Member Harper stated he attended the Honor Flight a few years ago and encourages those to either join the Honor Flight or attend when the Veterans depart or return. He also stated that he picked up free trees today through the program with Monarch Research Project.

Council Member Brandt welcomed Ryan Waller to Marion.

Council Member Strnad welcomed Ryan Waller to Marion. He also thanked Marion Chamber of Commerce and MEDCO for hosting the candidate forum for the upcoming city and school election.

Mayor AbouAssaly thanked the Marion team and the Monarch Research Project for their work to provide free trees. He also welcomed Ryan Waller to Marion and stated Ryan has started reaching out to staff and community members. Mayor AbouAssaly stated the ribbon cutting for the Hy-Vee renovation is tomorrow and next week there will be a ribbon cutting for the Hanna Park soccer mini-pitch field. He encouraged everyone to go out and vote on November 2.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:45 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