



MINUTES

City Council Regular Session

4:00 PM - Tuesday, December 21, 2021

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Tuesday, December 21, 2021, at 4:00 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, and Randy Strnad

ABSENT: Rene Gadelha

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.

REGULAR AGENDA

Ordinance No. 21-23 regarding an amendment to Chapter 3 of the Marion Code of Ordinances relating to Precincts and Wards. (Second Consideration)

Moved by Jensen, seconded by Brandt, to approve the second consideration of Ordinance No. 21-23.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 21-23.

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

Approved unanimously

Ordinance No. 21-23 regarding an amendment to Chapter 3 of the Marion Code of Ordinances relating to Precincts and Wards. (Final Consideration)

Moved by Brandt, seconded by Jensen, to approve the final consideration of Ordinance No. 21-23. Council Member Harper asked about reasoning to have final reading. City

Clerk Rachel Bolender stated the deadline to file documents is January 3 which is before the next council meeting.

Approved unanimously

Council Member Atkins left the meeting at 4:06 p.m.

CONSENT AGENDA

Administrative Services

Minutes of the December 7 and 9, 2021 City Council meeting.

Liquor licenses including the following:

- Renewal - Hy-Vee Food Store - 3600 Business Hwy 151 E

Motion to approve a Hold Harmless agreement with Doreen Zumwalt regarding Marion Big Band Concerts on July 7, 14, 21 and 28, 2022 in City Square Park.

Receive and file correspondence from Bob Kalous regarding resignation from the Nuisance Enforcement Property Maintenance Advisory Board.

Receive and file November 2021 Department Monthly Reports.

Payments as presented in the amount of \$2,395,300.56

Public Services

Resolution No. 30137 approving the Snow and Ice Maintenance Program for Fiscal Year 2022.

Public Safety

Resolution No. 30138 approving payment to Municipal Emergency Systems regarding purchase of a RevolveAir compressor and SCBA fill station in the amount of \$48,633.15

Parks

Resolution No. 30139 approving partial payment no. 2 to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of \$81,125.

Resolution No. 30140 approving purchase of planters and hanging baskets from EarthPlanter 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 \$29,880.00 (TRANS-18-101)

Engineering

Resolution No. 30141 approving Partial Payment No. 17 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$552.50. (TRL-17-055)

Resolution No. 30142 approving Partial Payment No. 7 to Central States

Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$6624.50. (FACS-17-034)

Resolution No. 30143 approving Partial Payment No. 9 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$6,934.85. (FACS-17-034)

Resolution No. 30144 approving Partial Payment No. 10 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$7,637.05. (FACS-17-034)

Resolution No. 30145 approving Partial Payment No. 10 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board & Acoustics in the amount of \$152,983.25. (FACS-17-034)

Resolution No. 30146 approving Partial Payment No. 11 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A Plumbing and HVAC in the amount of \$137,255.05. (FACS-17-034)

Resolution No. 30147 approving Partial Payment No. 2 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$1,207.50 (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30148 approving Partial Payment No. 2 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$28,500.00. (FACS-17-034)

Resolution No. 30149 approving Partial Payment No. 27 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$13,869.00 (TRANS-18-092)

Resolution No. 30150 approving Partial Payment No. 3 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$37,430.00. (FACS-17-034)

Resolution No. 30151 approving Partial Payment No. 3 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$16,150.00. (FACS-17-034)

Resolution No. 30152 approving Partial Payment No. 6 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$51,348.70. (FACS-17-034)

Resolution No. 30153 approving Partial Payment No. 7 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A Fire Suppression in the amount of \$753.82. (FACS-17-034)

Resolution No. 30154 approving Partial Payment No. 7 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$32,279.94. (TAP-U-4775(638)—8I-57) (TRL-17-055)

Resolution No. 30155 approving Partial Payment No. 9 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$327,913.57. (FACS-17-034)

Resolution No. 30156 approving Partial Payment No. 9 to Peak Construction

Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$161,050.70. (FACS-17-034)

Resolution No. 30157 approving Partial Payment No. 9 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Unit Masonry in the amount of \$6,311.32. (FACS-17-034)

Resolution No. 30158 approving Partial Payment No. 3 to Kone regarding the Marion Library Project – Bid Pkg 14A regarding Conveying Systems in the amount of \$12,785.57. (FACS-17-034)

Resolution No. 30159 approving Partial Payment No. 4 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$57,526.64. (FACS-17-034)

Resolution No. 30160 approving Partial Payment No. 5 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$2,669.48. (FACS-17-034)

Resolution No. 30161 accepting the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II project. (TAP-U-4775(636)—8I-57) (TRL-17-055)

Community Development

Resolution No. 30162 setting the date of January 6, 2022 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan and for a rezoning request for property located at 610 and 648 Marion Boulevard.

Library

Resolution No. 30163 approving partial payment No. 17 to Bush Construction regarding the Library Building Project in the amount of \$91,695.01 (FACS-17-034)

Resolution No. 30164 approving partial payment No. 26 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$19,523.06 (FACS-17-034)

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

Approved by the following votes:

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

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Jensen at 4:06 p.m. Deputy Mayor Pro Tem Jensen presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Services

Resolution No. 30165 approving purchase of light towers from Altorfer

Incorporated and authorizing payment in the amount of \$16,675.00.

Resolution No. 30166 approving purchase of a skid loader from Altorfer Incorporated and authorizing payment in the amount of \$37,015.54.

Engineering

Resolution No. 30167 approving Change Order No. 3 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, and authorizing payment in the amount of \$137,657.70 [TAP-U-4775(638)-8I-57] (TRL-17-055)

Moved by Strnad, seconded by Harper, to approve consent agenda with Mayor AbouAssaly's abstention as shown above.

Approved by the following votes:

Ayes: Harper, Jensen, Brandt, and Strnad

Abstained: AbouAssaly

Deputy Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 4:07 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Resolution No. 30168 approving and authorizing entry into the Nationwide Opioid Settlement Agreements, agreeing to the terms of the Iowa Opioid Allocation Memorandum of Understanding and authorizing entry into that memorandum of understanding.

Moved by Harper, seconded by Jensen, to approve Resolution No. 30168. City Attorney Kara Bullerman stated this will give Marion a share of the money that is coming into Iowa that helps communities deal with the opioid crisis. Funds can be used for expenses such as training, mental health or rehabilitation funding.

Approved by the following votes:

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

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Jensen at 4:12 p.m. Deputy Mayor Pro Tem Jensen presided over the meeting.

Public Services

Resolution No. 30169 approving professional services agreement with Shive-Hattery for design services related to the New Public Services Maintenance Facility.

Moved by Strnad, seconded by Harper, to approve Resolution No. 30169.

Approved by the following votes:

Ayes: Harper, Jensen, Brandt, and Strnad

Abstained: AbouAssaly

Resolution No. 30170 approving professional services agreement with Shive-Hattery for design services related to the repairs of the existing Public Services Facility.

Moved by Harper, seconded by Brandt, to approve Resolution No. 30170.

Approved by the following votes:

Ayes: Harper, Jensen, Brandt, and Strnad

Abstained: AbouAssaly

Deputy Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 4:13 p.m. Mayor AbouAssaly presided over the meeting.

Public Safety

Resolution No. 30171 to dissolve the Public Safety Communications Governance Board

Moved by Jensen, seconded by Harper, to approve Resolution No. 30171.

Approved by the following votes:

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

Engineering

Motion to approve Project Calendar regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090), as follows:

- Motion to retain the City Engineer as Project Engineer regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090)
- Resolution No. 30172 approving Resolution of Necessity regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090)
- Resolution No. 30173 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090)
- Resolution No. 30174 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090)

Moved by Jensen, seconded by Brandt, to approve the project calendar referenced above.

Approved by the following votes:

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

Resolution No. 30175 approving contract and bond with Midwest Concrete, Inc.

regarding the 2022 Storm Sewer Project and authorizing payments in the amount of \$109,212.50 (ANN-18-031).

Moved by Brandt, seconded by Jensen, to approve Resolution No. 30175.

Approved by the following votes:

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

Resolution No. 30176 approving contract and bond with Boomerang Corp regarding the 2022 Sidewalk Ramp Project and authorizing payments in the amount of \$133,318.00. (ANN-18-031)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30176.

Approved by the following votes:

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

Resolution No. 30177 approving an agreement between the H.J. Bjornsen Family Trust and Atlas LP Company regarding the Indian Creek and Dry Run Creek Sanitary Sewer Project – Segment 7 (SWR-17-026)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30177.

Approved by the following votes:

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

Resolution No. 30178 approving Temporary Easement for Construction with Atlas LP Company regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$9,525.00. (SWR-17-026)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30178. Council Member Harper asked for timeline. City Engineer Mike Barkalow stated it will likely be bid a year from today.

Approved by the following votes:

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

Resolution No. 30179 approving a Permanent Sanitary Sewer Easement Agreement with Atlas LP Company LLC regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$15,085.00. (SWR-17-026)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30179. Council Member Jensen asked how dollar amounts are determined. City Engineer Mike Barkalow stated they were done by an appraisal company which is reviewed by another appraisal company and then submitted.

Approved by the following votes:

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

Resolution No. 30180 approving Temporary Easement for Construction with H.J. Bjornsen Family Trust regarding the Indian Creek and Dry Creek Sanitary Sewer

Project – Segment 7 and authorizing payment in the amount of \$6,616.00. (SWR-17-026)

Moved by Brandt, seconded by Jensen, to approve Resolution No. 30180.

Approved by the following votes:

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

Resolution No. 30181 approving a Permanent Sanitary Sewer Easement Agreement with H.J. Bjornsen Family Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$12,255.00. (SWR-17-026)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30181.

Approved by the following votes:

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

OTHER DEPARTMENT DISCUSSION

No other discussion took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Harper wished everyone a great holiday season.

Council Member Jensen stated this is end of his first term and it has gone by very fast. He's proud of all the changes that have been made the past four years. He wished everyone a happy holiday season.

Council Member Brandt wished everyone a Merry Christmas and Happy New Year.

Council Member Strnad wished everyone a Merry Christmas and Happy New Year.

Mayor AbouAssaly commended the staff for their hard work this last year despite continued challenges. He stated Marion continues to be a place people are proud to call home. Mayor AbouAssaly wished everyone a Merry Christmas and happy holidays.

CLOSED SESSION

Motion to adjourn to closed session regarding litigation and personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(c) and 21.5(1)(i) of the Code of Iowa. (Two separate measures)

Moved by Harper, seconded by Jensen, 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 Ryan Waller requested the closed session. A roll call vote was taken.

Approved by the following votes:

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

Mayor AbouAssaly left the meeting and relinquished the gavel to Deputy Mayor Pro Tem Jensen at 5:00 p.m. Deputy Mayor Pro Tem Jensen presided over the meeting.

Moved by Harper, seconded by Strnad, to reconvene to regular session.

Approved by the following votes:

Ayes: Harper, Jensen, Brandt, and Strnad

ADJOURN

Deputy Mayor Pro Tem Jensen adjourned the meeting at 5:54 p.m.

Steve Jensen, Deputy Mayor Pro Tem

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