

January 9, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 9, 2020, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Atkins, Jensen, Brandt and Strnad. Absent: Draper and Gadelha.

The meeting opened with Posting of the Colors by the Marion Cubmaster Pack 89 and the Pledge of Allegiance.

Council observed a moment of silence.

### **PROCLAMATIONS/OATHS**

Ceremonial Oath of Office was administered by Judge Fae Hoover-Grinde for Mayor Nick AbouAssaly.

Ceremonial Oaths of Office was administered by Judge Mark Roberts for Colette Atkins, Council Member Ward 1 and Will Brandt, Council Member Ward 3.

Fire Chief Deb Krebill recognized Firefighter/Paramedic Ryan Steffen for graduating from National Fire Academy Managing Officer program.

### **PRESENTATIONS – None**

### **PUBLIC FORUM**

Nick Martens (President of Marion Policemen's Protective Association) spoke in regards to random drug testing. The union does not believe safety sensitive positions should be singled out and is in favor of including all employees in the random drug screening.

Nathan Rompot (President of Marion Professional Firefighters Association Local 1937) spoke in regards to random drug testing. He stated the union would be in favor of including all employees in the random drug screening.

Tracy Petrak (CJ Cooper & Association, 2501 Bryant Blvd SW, Cedar Rapids 52404) agrees that random testing should apply to all City employees.

### **CONSENT AGENDA**

Moved by Jensen, seconded by Atkins to approve the Consent Agenda as follows:

Motion to approve minutes of the December 17 and 19, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal–Indian Creek Country Club–2401 Indian Creek Road  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.

- b. Renewal–Pitchers–620 Lindale Drive  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
- c. Renewal–Smokin’ Joes Tobacco & Liquor Outlet #10–480 7th Ave  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. One violation in last five years.
- d. Renewal–The Edison Restaurant & Pub–475 Northland Avenue  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.

Motion to approve payments as presented in the amount of \$1,491,476.43.

Resolution No. 28193 approving a request to name Marion Times as the official newspaper of record for the City of Marion.

Motion to schedule closed sessions for February 26, May 5, August 12, and November 17, 2020 regarding personnel matters (City Manager performance evaluations) as permitted under Section 21.5(1)(i) of the Code of Iowa.

Resolution No. 28194 approving partial payment no. 59 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$3,562.70. (FACS-17-069)

Resolution No. 28195 approving partial payment no. 18 to A&J Associates for the Public Service Maintenance Facility in the amount of \$4,057.13. (FACS-17-069)

Resolution No. 28196 approving partial payment no. 1 to Mid-States Concrete regarding the Precast Concrete Package for the Public Service Maintenance Facility in the amount of \$47,135.20. (FACS-17-069)

Resolution No. 28197 approving partial payment no. 1 to Switch Electric regarding the Electrical Grounding Package for the Public Services Maintenance Facility in the amount of \$21,775.24. (FACS-17-069)

Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 28198 approving Partial Payment No. 5 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$18,015.32. (TRANS-18-092)

- b. Resolution No. 28199 approving Partial Payment No. 6 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$55,239.46. (TRANS-18-074)

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 28200 approving payment no. 3 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$360.00. (Iowa DOT Project Number: TAP-U-4475(630)--8I-57) (TRL-17-055)
- b. Resolution No. 28201 approving payment no. 50 to Universal Field Services, Inc for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of \$3,784.02. (TRANS-17-099)

Resolution No. 28202 setting a public hearing for January 23, 2020 regarding the alley sale for the north-south alley between 27th and 28th Street and 11th and 12th Avenue. (Mark Christensen)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 6:03 p.m. Mayor Pro Tem Jensen presided over the meeting.

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

Moved by Brandt, seconded by Strnad to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:

Resolution No. 28203 approving partial payment no. 2 to Knapp Warden LLC for construction management services associated with the Public Service Maintenance Facility in the amount of \$80,284.70 (FACS-17-069).

Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 28204 approving Partial Payment No. 19 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$11,399.61. (TRANS-18-091)
- b. Resolution No. 28205 approving Partial Payment No. 5 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$2,211.79. (TRANS-18-112)

- c. Resolution No. 28206 approving Partial Payment No. 4 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$23,325.89. (ANN-18-082)

Resolution No. 28207 approving payment no. 8 to Anderson-Bogert Engineers for professional services regarding general airport consulting per the contract for the Marion Airport in the amount of \$1,831.50. (ANN-18-082)

Vote: Yeas: Atkins, Jensen, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished gavel to Mayor AbouAssaly at 6:04 p.m. Mayor AbouAssaly presided over the meeting.

### **REGULAR AGENDA**

Moved by Strnad, seconded by Brandt to approve the second consideration of Ordinance No. 19-27 amending Chapter 55 of the Marion Code of Ordinances relating to Animal Protection and Control. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28208 approving Fiscal Year 2019-2020 Operating Budget Transfers. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28209 approving a Fiscal Year 2020 Iowa Great Places Grant Agreement regarding the Uptown Marion Plaza Project in the amount of \$155,000.00. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to direct staff to draft Drug and Alcohol Policy to include random testing for all City employees. Council Member Strnad asked Tracy Petrak with CJ Cooper and Associates what it looks like when pulling employees to be tested. Tracy stated that CDL employees will be in a separate pool. All other employees would be in a separate pool which could be split into categories for example, safety sensitive, managerial, etc. Council could decide the quantity to test and from which categories. A system pulls the names and those are given directly to Human Resources to set up the drug screen. Council Member Strnad asked if the test for CDL employees would be the same for other employees. Tracy stated they would follow state code but mimic the Department of Transportation (DOT) requirements. Whatever is tested for DOT would be the same for all other employees. Council Member Jensen has changed his belief and stated random testing should be all employees or none. He believes at this time it should not apply to all employees. Council Member Atkins also feels it should not apply to all employees. Council Member Jensen asked what the practice is for new hires. Human Resources Manager Jen Ketelsen stated all full-time employees take a pre-employment drug screen. Motion by Jensen, seconded by Atkins to amend motion to direct staff to draft a Drug and Alcohol Policy to include reasonable suspicion and post-accident screenings for all employees and random testing for only CDL employees. Vote on motion to amend: Yeas: Atkins, Jensen, Brandt. Nays:

AbouAssaly and Strnad. Motion to amend carried. Vote on amended motion: Yeas: Atkins, Jensen, Brandt. Nays: AbouAssaly and Strnad. Amended motion carried. Moved by Strnad, seconded by Brandt to approve Resolution No. 28210 accepting Glen Rock Farms 7th Addition to the City of Marion. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the alley vacations for the alleys located between 5th and 6th Avenues and 11th and 12th Streets. (City of Marion) Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly closed the public hearing.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28211 approving the alley vacations for the alleys located between 5th and 6th Avenues and 11th and 12th Streets. (City of Marion) All in favor, motion carried.

**OTHER DEPARTMENT DISCUSSION** – None

**PUBLIC FORUM** – No one came forward to speak.

**COUNCIL COMMENTS**

Council Member Atkins thanked everyone for attending tonight. She looks forward to serving the City for another four years.

Council Member Brandt stated his mother was in the audience and her father would have been 101 today which means he was born January 9, 1919 (1/9/1919).

Council Member Strnad congratulated Firefighter Ryan Steffen again for his accomplishment. Also thanked all members of law enforcement as today is Law Enforcement Appreciation Day.

Mayor AbouAssaly reminded everyone of the State of the City Luncheon on January 23, 2020.

**CLOSED/EXEMPT SESSION**

Moved by Jensen, seconded by Atkins to adjourn to exempt session regarding collective bargaining as permitted under Section 20.17(3) of the Code of Iowa. City Attorney Tang stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for exempt session. Roll Call: Yeas: Atkins, Jensen, AbouAssaly, Brandt, and Strnad. Nays: None. Motion carried.

Moved by Jensen, seconded by Atkins to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 7:10 p.m.

\_\_\_\_\_  
Nicolas AbouAssaly, Mayor

Attest:

\_\_\_\_\_  
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