

May 7, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, May 7, 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, Strnad, Brandt and Gadelha. Absent: None. (Council Member At Large seat is currently vacant.)

Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting was held electronically. The agenda and City's website provided instructions on how others could participate in the meeting.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Council Member Atkins read the proclamation regarding National Public Works Week which is May 17-23, 2020.

Mayor AbouAssaly read the proclamation regarding Parks to Kids Day which is May 16, 2020.

PRESENTATIONS – No presentations took place.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the March 21 and 23, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Oasis Sandbar Marion – 1710 Marion Airport Road
Special Class C Liquor License (Beer/Wine) with additional privileges of Class B Wine Permit, Outdoor Service, and Sunday Sales. No violations in the last five years.
- b. Renewal – QDogs BBQ – 895 Blairs Ferry Road
Class C Liquor License with additional privileges of Catering, Outdoor Service, and Sunday Sales. No violations in the last five years.

Motion to approve payments as presented in the amount of \$891,114.90.

Resolution No. 28419 approving the Drug and Alcohol Testing Policy.

Resolution No. 28420 supporting the Community Recovery Task Force.

Resolution No. 28421 amending the non-bargaining pay schedule to include the addition of the Police Administrative Assistant.

Resolution No. 28422 setting a date of meeting at which it is proposed to approve a development agreement with Victory Sports Center, Inc. including annual appropriation tax increment payments.

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

- a. Resolution No. 28423 approving Partial Payment No. 9 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$67,141.72. (TRANS-18-074).
- b. Resolution No. 28424 approving Partial Payment No. 6 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$35,737.96. (TRANS-18-092).
- c. Resolution No. 28425 approving Partial Payment No. 2 to Universal Field Services Inc. regarding the 10th & 10th Mini Roundabout Project Property Acquisition Services in the amount of \$1380.00. (TRANS –18-089)

Resolution No. 28426 approving permanent encroachment easement agreement with Synergy Equity Partners, LLC regarding the Irish Drive extension project. (TRANS-18-112)

Motion to approve Planning and Development Division Payments as follows:

- a. Resolution No. 28427 approving payment no. 54 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 \$5,254.27. (TRANS-17-099)
- b. Resolution No. 28428 approving payment no. 6 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$3,720.00. (Iowa DOT Project Number: TAP-U-4475(630)--8I-57) (TRL-17-055)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:37 p.m. Mayor Pro Tem Jensen presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

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

- a. Resolution No. 28429 approving Partial Payment No. 8 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$9,715.77. (ANN-18-082)
- b. Resolution No. 28430 approving Partial Payment No. 7 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$24,403.05. (TRANS-18-112)
- c. Resolution No. 28431 approving Partial Payment No. 1 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$13,271.50. (TRANS-18-091)
- d. Resolution No. 28432 approving Partial Payment No. 1 to L.L. Pelling Company, Inc. regarding the 2019 HMA Resurfacing Project in the amount of \$63,148.59. (ANN-18-086)
- e. Resolution No. 28433 approving Partial Payment No. 4 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Project in the amount of \$1,759.50. (FAC-18-061)

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

Mayor Pro Tem Jensen relinquished gavel to Mayor AbouAssaly at 5:38 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28434 approving the allocation of Low to Moderate Income Set-Aside Funds for the following projects:

- \$100,000.00 to the MEDCO/Marion Independent School District Housing Project
- \$50,000.00 for the Mobile Library project, and
- \$63,000 for a competitive housing grant program.

All in favor, motion carried.

Moved by Atkins, seconded by Brandt to direct staff to include video management services in the agenda management software scope of services and obtain proposals to add the necessary equipment to the Council Chambers. City Clerk Rachel Bolender reviewed results out of the Citizen Survey in regards to participation in Council meetings. Other communities that video record their meetings was shared. Costs of adding the service and equipment was provided. Vote: Yeas: Atkins, Jensen, AbouAssaly, Brandt and Gadelha. Nays: Strnad. Motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28435 approving development agreement with Seven Hills East, LLC. All in favor, motion carried.

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

Mayor Pro Tem Jensen opened the public hearing regarding amended development agreement with PDS Investments LLC. City Manager Lon Pluckhahn provided staff report. No comments, written or verbal, were received. Mayor Pro Tem Jensen declared the public hearing closed.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28436 approving Change Order No. 7 with Genesis Equities, LLC regarding the Central Corridor Improvements Project; Additional Property Demolitions; 2245 6th Avenue and 597 21st Street; in the amount of \$36,800.00. (TRANS-18-091) Vote: Yeas: Atkins, Jensen, Brandt, Strnad and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished gavel to Mayor AbouAssaly at 5:58 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Gadelha, seconded by Brandt to receive, file and discuss the 2018 Central Corridor 7th Avenue Preliminary Design Project. (TRANS-18-098) All in favor, motion carried.

Moved by Atkins, seconded by Gadelha to approve Resolution No. 28437 approving contract with Anderson Bogert regarding the Central Corridor Improvements 7th Avenue from 8th to 12th Street Design Services in the amount of \$338,119.00. (TRANS-18-098) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28438 approving contract and bond with Borst Brothers Construction, Inc. regarding the 2020 Sanitary Sewer Manhole Project in the amount of \$114,420.00. (ANN-18-029) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding a request for a partial demolition of a structure at 925 10th Street located within the Terrace Park Historic District. Community Development Director Tom Treharne provided staff report. City Clerk Rachel Bolender clarified that the address should be 925 11th Street. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28439 approving the request for a partial demolition of a structure at 925 11th Street located within the Terrace Park Historic District. (Hillary Copeland-Marvin) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve the final consideration of Ordinance No. 20-05 approving the amendment to Section 176.50-12 to allow "Veterinary Office / Animal Hospital" as a permitted use in the UTC-1 zoning district. All in favor, motion carried.

Moved by Atkins, seconded by Gadelha to approve Resolution No. 28440 approving a contract with RDG Planning and Design for services related to the Marion Uptown Master Plan in an amount of \$65,715.00. All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28441 approving a contract with RDG Planning and Design for services related to the Uptown Marion: 7th Avenue Streetscape Improvement Project in an amount of \$87,675.00. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28442 recommending approval of a preliminary site development plan at 356 9th Street, Marion, Iowa. (Seven Hills East LLC) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28443 recommending approval of a final site development plan at 356 9th Street, Marion, Iowa. (Seven Hills East LLC) All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 6:13 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Atkins, seconded by Gadelha to approve Resolution No. 28444 approving 28E Agreement between the City of Marion and Linn County regarding the administration of the Marion Municipal Airport Land Use and Height Overlay Zoning Ordinance. Vote: Yeas: Atkins, Jensen, Brandt, Strnad and Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished gavel to Mayor AbouAssaly at 6:15 p.m. Mayor AbouAssaly presided over the meeting.

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Council member Jensen asked that the plan to fill the council vacancy be clarified. City Clerk Rachel Bolender stated it was her understanding the Governor's proclamation expires on May 15 and the plan is to hold appointments at the May 21 council meeting. City Attorney Kara Bullerman stated that she has been reviewing Governor Reynolds proclamations and the most recent proclamation doesn't clarify how to handle the suspension of appointment requirements or electronic meetings. The most recent proclamation expires on May 27. She will review and update Council on how to proceed.

Council Member Brandt stated he hopes this is our last virtual meeting. He also stated that the Library is having a community input session next Monday and Tuesday. If interested in participating, you can sign up from their Facebook page or website.

Mayor AbouAssaly stated this week is Public Service Appreciation Week and thanked all staff for all they do. He stated everyone is working together and collaborating during this time. Mayor also stated it is nurse appreciation week and encouraged everyone to thank the nurses in their lives. He stated even though things are unsure right now, City projects are still moving forward. Progress has been made on the residential project at Highway 151 and 13 as well as the Library, YMCA and Fire Station projects. Mayor stated the Community Recovery Task Force met this week for the first time and they welcome all input and ideas.

Mayor AbouAssaly adjourned the meeting at 6:30 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