

May 21, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, May 21, 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, Gadelha and Strnad. 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.

SPECIAL AGENDA

Moved by Brandt, seconded by Atkins to approve Resolution No. 28445 approving rules and procedures regarding the filling of a City Council At Large vacancy by appointment. All in favor, motion carried.

Moved by Gadelha, seconded by Atkins to receive and file the following applications for Council Member At Large vacancy:

- a. Grant Harper, 2522 Vaughn Drive
- b. Destiny Hastings, 1370 44th Street, Unit C
- c. Michael Kibler, 7 Ash Drive
- d. Dale Monroe, 1140 Indian Creek Circle
- e. Steven Moshier, 1835 39th Street
- f. Phillip Seidl, 3011 Orrian Dr SE

All in favor, motion carried.

Presentations for Council Member At Large were heard from Dale Monroe, Phil Seidl, Steve Moshier, Destiny Hastings, Grant Harper and Mike Kibler.

Balloting for the appointment for Council Member At Large.

Results of Ballot No. 1: Mayor AbouAssaly and Jensen voted for Dale Monroe. Council Members Brandt, Strnad and Gadelha voted for Grant Harper. Council Member Atkins voted for Destiny Hastings. Proceeded to second vote between Dale Monroe and Grant Harper.

Results of Ballot No. 2: Mayor AbouAssaly and Jensen voted for Dale Monroe. Council Members Brandt, Strnad, Gadelha and Atkins voted for Grant Harper.

Moved by Strnad, seconded by Jensen to approve Resolution No. 28446 making an appointment to fill the existing vacancy on the Marion City Council until the next pending election as defined in Section 69.12 of the Iowa Code. All in favor, motion carried.

Mayor AbouAssaly administered the Oath of Office for Grant Harper. Grant Harper was immediately seated on the council.

Mayor AbouAssaly declared a recess at 7:18 p.m.

The meeting reconvened at 7:20 p.m.

PROCLAMATIONS/OATHS – None

PRESENTATIONS – None

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the May 5 and 7, 2020 City Council meetings.

Motion to receive and file April 2020 Department Monthly Reports.

Motion to receive and file January, February and March 2020 Board and Commission Minutes.

Motion to approve payments as presented in the amount of \$6,796,395.55.

Resolution No. 28447 approving authorization of deferred compensation agreement for Aaron Akers.

Motion to receive and file job description for a Part Time Receptionist.

Resolution No. 28448 Setting Date for a Public Hearing on Designation of the Echo Hill Road Urban Renewal Area and on Urban Renewal Plan and Project.

Resolution No. 28449 approving the renewal of a contract with Wellmark for Third Party Administration and Stop Loss Coverage related to health and dental insurance for FY20-21.

Resolution No. 28450 approving the purchase of recycling bins from Rehrig Pacific Company in the amount of \$17,400.00

Resolution No. 28451 approving the purchase of replacement mast arm street markers from Iowa Prison Industries in the amount of \$24,019.80.

Resolution No. 28452 approving the purchase of traffic marking paint from Sherwin Williams in the amount of \$33,426.25.

Motion to receive and file the 2020 Parks and Forestry Work Plan.

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

- a. Resolution No. 28453 approving Partial Payment No. 1 to Peterson Contractors, Inc. regarding the CEMAR Phase III Project in the City of Marion, from Marion Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder in the amount of \$9,166.50. [TAP-U-4775(637)—8I-57] (TRL-17-055)
- b. Resolution No. 28454 approving Partial Payment No. 7 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$709,196.63. (FACS-18-062)
- c. Resolution No. 28455 approving Partial Payment No. 16 to Anderson Bogert Engineers regarding the 2018 Central Corridor 7th Ave. Preliminary Design project in the amount of \$3,216.17. (TRANS-18-098)

Motion to approve Project Calendar regarding Easements associated with the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090) as follows:

- a. Resolution No. 28456 approving Temporary Construction Easement with Daniel J & Sandra J Rosenberger, 1201 14th Street, regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)
- b. Resolution No. 28457 approving Permanent Public Access Easement with Daniel J & Sandra J Rosenberger, 1201 14th Street, regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)

Resolution No. 28458 approving payment no. 27 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$52,124.07. (TRL-17-055).

Resolution No. 28459 approving relocation assistance payment in the amount of \$1,650.00 to Daryl Martin regarding the relocation of tenants located at 2097 6th Avenue, Marion, Iowa associated with Central Corridor Project.

Resolution No. 28460 approving relocation assistance payment in the amount of \$15,605.00 to Roger and Sheri Weaver located at 2097 6th Avenue, Marion, Iowa associated with Central Corridor Project.

Resolution No. 28461 setting a public hearing for June 4, 2020 regarding the sale for portions of the east west alley located between 1st and 2nd Avenues and 9th and 10th Streets. (Brandon Scherbaum)

Resolution No. 28462 setting a public hearing for June 4, 2020 regarding the sale for portions of the north south alley located between 10th and 11th Avenues and 26th and 27th Streets. (Mitchell Sutton)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 7:22 p.m. Mayor Pro Tem Jensen presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 28463 approving Partial Payment No. 7 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue Interchange Design in the amount of \$12,672.50. (TRANS-18-089)

Resolution No. 28464 setting a public hearing for June 4, 2020 regarding an amendment to the Marion Enterprise Center Design Guidelines. (MEDCO Holding Company LLC)

Resolution No. 28465 setting a public hearing for June 4, 2020 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Multi-Family Residential for Bowman Meadows 7th Addition, Marion, Iowa. (Midwest Development)

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

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 7:23 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Mayor AbouAssaly opened the public hearing on proposed amendment to the Collins Road Extension Urban Renewal Area. Assistant to the City Manager Amal Eltahir provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28466 approving Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area. Vote: Yeas: Harper, Atkins, Jensen, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor AbouAssaly opened the public hearing on proposed Development Agreement with Victory Sports Center, Inc. Assistant to the City Manager Amal Eltahir provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28467 approving Development Agreement with Victory Sports Center, Inc. authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28468 authorizing and approving a Loan Agreement, providing for the issuance of General Obligation Corporate Purpose Bonds, Series, 2020A, and providing for the levy of taxes to pay the same. All in favor, motion carried.

Moved by Jensen, seconded by Strnad to approve Resolution No. 28469 authorizing and approving a Loan Agreement, authorizing call of bonds, providing for the issuance of General Obligation Refunding Bonds, Series 2020B, and providing for the levy of taxes to pay the same. All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the proposed adoption of a Fiscal Year 2019-2020 Budget Amendment. Budget Manager Zach Wolfe provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28470 approving Fiscal Year 2019-2020 Budget Amendment. Council Member Gadelha asked if last year's amendment could be shared so Council can see if there is any consistent over budget issues. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to receive, file and discuss correspondence regarding request for letter of support of medical cannabidiol dispensary. (Iowa Cannabis Co.) All in favor, motion carried.

Moved by Strnad, seconded by Atkins to approve Resolution No. 28471 approving the purchase of a replacement sewer camera system from Insight Vision in the amount of \$45,140.00. All in favor, motion carried.

Moved by Atkins, seconded by Gadelha to approve the initial consideration of Ordinance No. 20-06 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at \$17.50. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve the initial consideration of Ordinance No. 20-07 amending Chapter 99 of the Sanitary Sewer Ordinance increasing monthly domestic and industrial user charges from \$3.80 to \$4.10 and establishing new construction sanitary sewer connection fees at \$2,000.00. Council Member Strnad

asked if the connection fee would be per address or locations? Public Services Director Ryan Miller stated right now it is per dwelling unit and multi-family will be prorated. He stated he will bring calculations to next meeting. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28472 approving purchase of a 2020 Chevrolet Suburban from Karl Chevrolet in the amount of \$41,170.90 (EQPT-18-066-New Medic Vehicle) All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28473 approving a Professional Service Agreement between the City of Marion and Waters Edge Aquatics Design regarding the Outdoor Aquatic Center Feasibility Study in the amount of \$58,500.00. (REC-18-041) Council Member Gadelha stated she does support this project but she will be voting no because of the timing of this study. Council Member Harper asked what the duration of the feasibility study is. Assistant Parks Director Seth Staashelm stated it is an 11 month process to complete the feasibility study but it will be 6 to 7 years before any construction would take place. Council Member Harper asked how study would inform actions in the next 4 to 7 years. Seth stated public outreach would be part of the study to determine what is wanted and it would also help determine location. Council Member Strnad asked if the Parks master plan called out an aquatic center or just referenced pools. Seth stated Waters Edge Aquatics was the consulting firm for the master plan and referenced current infrastructure. The reason this project is being called aquatics center stems from the ImagiNEXT initiative. Council Member Jensen stated he is voting in favor because it lines up with the ImagiNEXT initiative. Mayor AbouAssaly asked about original budget. Seth stated it was originally budgeted for \$30,000 in the CIP. As staff got closer to developing project, staff quickly realized that amount was too low and the CIP budget was amended to \$60,000. Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: Gadelha. Motion carried.

Mayor AbouAssaly opened the public Hearing regarding the 2020 Fire Station 2 Parking Lot Reconstruction Project. (FACS-19-120) City Engineer Mike Barkalow provided staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28474 accepting bids and awarding contract to Midwest Concrete, Inc. regarding the 2020 Fire Station 2 Parking Lot Reconstruction Project in the amount of \$267,212.34. (FACS-19-120) All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28475 approving 28E Agreement between the City of Cedar Rapids, Iowa and the City of Marion, Iowa for Collection and Payment of Benefited District Sewer Connection Charges and Sanitary Sewer Extension Fees. All in favor, motion carried.

Moved by Jensen, seconded by Strnad to approve Project Calendar regarding the 2020 HMA Resurfacing Project (ANN-18-086), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2020 HMA Resurfacing Project. (ANN-18-086)
- b. Resolution No. 28476 approving Resolution of Necessity regarding the 2020 HMA Resurfacing Project. (ANN-18-086)
- c. Resolution No. 28477 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 HMA Resurfacing Project. (ANN-18-086)
- d. Resolution No. 28478 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 HMA Resurfacing Project. (ANN-18-086)

All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to direct staff to develop a 28E with Linn County regarding the Secrist Road Improvements cost share as part of the 2020 HMA Resurfacing Project. All in favor, motion carried.

Moved by Gadelha, seconded by Jensen to approve Project Calendar regarding the 2020 Sidewalk Ramp Repair Project (ANN-18-106), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2020 Sidewalk Ramp Repair Project. (ANN-18-106)
- b. Resolution No. 28479 approving Resolution of Necessity regarding the 2020 Sidewalk Ramp Repair Project. (ANN-18-106)
- c. Resolution No. 28480 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 Sidewalk Ramp Repair Project. (ANN-18-106)
- d. Resolution No. 28481 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 Sidewalk Ramp Repair Project. (ANN-18-106)

All in favor, motion carried.

Moved by Strnad, seconded by Atkins to approve Project Calendar regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062)
- b. Resolution No. 28482 approving Resolution of Necessity regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062)

- c. Resolution No. 28483 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062)
- d. Resolution No. 28484 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062)

All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28485 approving a contract with Great Plains Survey, Inc. to set property pins for property acquired regarding Tower Terrace Phase VIII through the Morrissey Property in an amount of \$1,250.00. (TRANS-18-095) All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28486 approving a contract with Stanley Consultants, Inc. for soil testing for the Central Corridor Project in an amount of \$104,295.00 (TRANS-18-091) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28487 approving purchase agreement for acquisition of a portion of 1044 10th Street in the amount of \$440.00. (Geinzer) (TRANS-18-089) City Engineer Mike Barkalow stated this item and the next two are related to the 10th Avenue and 10th Street Roundabout Project. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28488 approving purchase agreement for acquisition of a portion of 970 10th Street in the amount of \$3,443.00. (Marion Historical Museum, Inc.) (TRANS-18-089) All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28489 approving purchase agreement for acquisition of a portion of 1013 10th Street in the amount of \$2,600.00. (Crane) (TRANS-18-089) All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 8:10 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28490 approving concurrence with developer agreement associated with the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) for grading, soil mitigation, storm sewer and traffic signals in an amount of \$3,520,601.20. (Genesis Equities) (TRANS-18-091) Vote: Yeas: Harper, Atkins, Jensen, Brandt, Gadelha, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 8:13 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Jensen, seconded by Brandt to approve Resolution No. 28491 approving the Peterson's Properties Addition Final Plat (Linn County) and Memorandum of Agreement located west of 10th Street and North of Shamrock Woods Street (Peterson's Properties & Rentals, LLC) All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – No discussions took place.

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Council Member Gadelha thanked all the candidates and congratulated Council Member Harper. She also congratulated all the graduates.

Council Member Brandt thanked all the candidates and congratulated Council Member Harper. Wished everyone a safe and happy holiday weekend.

Council Member Atkins thanked all the candidates and congratulated Council Member Harper. She is happy to be back in the council chambers and also excited that baseball is able to start back up.

Council Member Strnad thanked all the candidates and congratulated Council Member Harper. He appreciated everyone's patience while waiting to fill the vacancy. He stated he is excited to see businesses start to open. Asked people to continue to support local businesses and opportunities.

Council Member Jensen stated he is happy to now have seven members again and congratulated Council Member Harper.

Council Member Harper thanked council for this opportunity and is excited to join this group.

Mayor AbouAssaly congratulated Council Member Harper and looks forward to working with him. He encouraged everyone to be a part of the solution and to support local businesses when they can. He sees this as a pause and is hoping to reignite the momentum. The Recovery Task Force has put out an Reopening and Recovery Toolkit for business and released a citizen survey. He asked if people see a need in the community to direct those concerns to him or anyone on the task force.

Mayor AbouAssaly adjourned the meeting at 8:28 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