

June 4, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, June 4, 2020, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Harper, Atkins, Jensen, Brandt, Gadelha and Strnad. Absent: None.

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.

Mayor AbouAssaly made the following statement prior to moment of silence:

As we meet here this evening, our nation is hurting. We are experiencing a painful time in our history.

As an immigrant, when I speak to immigrant groups I always remind them how lucky they are to be in America; That in America the law and law enforcement are on the side of the people; that they exist to protect people and ensure their rights. I do believe that wholeheartedly and am grateful for the many who work in law enforcement and honorably protect our freedoms. But, we're reminded over and over again that no system is perfect, and certainly human beings are not perfect. So we must continue striving to do better.

The tragic killing of George Floyd has shocked our conscience and laid bare an uncomfortable reality that there's more we must do to fulfill our nation's destiny as a beacon of hope and an example for the world. I can't think of anything that should unite us more than our shared humanity. We are called upon to unite around the ideals of fairness, freedom from fear, equality and above all, justice for all people. These are ideals upon which our nation was founded, and these are the ideals that we must continue to strive for.

Tonight's moment of silence is being dedicated to the memory of George Floyd and all those who are suffering as result of injustice.

Council observed a moment of silence.

PROCLAMATIONS/OATHS – None

PRESENTATIONS – None

PUBLIC FORUM

Chad Todd (945 Valleyview Drive, Marion) stated he would like to see the Solid Waste collection fee, Sanitary Sewer collection fee and Urban Forest Utility fee increases be tabled until meetings are no long virtual so people of Marion can have a voice.

CONSENT AGENDA

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

Motion to approve minutes of the May 19 and 21, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal - Nette & Hanna's Apothecary Store & More – 892 8th Ave
Class B Native Wine Permit with additional privileges of Sunday Sales. No violations in previous five years.
- b. Renewal – Walgreens #0387 – 1225 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in previous five years.
- c. Renewal - Marion Market & Café – 5005 10th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in previous five years.

Motion to receive and file resignation letter from Grant Harper from the Planning and Zoning Commission.

Motion to approve the following Mayoral Appointments for the Marion Uptown Master Plan & Streetscape Steering Committee:

- a. Nick AbouAssaly, 1225 6th Avenue
- b. Colette Atkins, 1225 6th Avenue
- c. Will Brandt, 1225 6th Avenue
- d. Dale Monroe, 1140 Indian Creek Circle
- e. Charlie Potter, 1950 East Post Road
- f. Brooke Prouty, 1225 6th Avenue
- g. Kyle Martin, 299 6th Avenue
- h. Cody Buelt, 1020 Fairview Drive
- i. Jeanne Matthews, 760 11th Street
- j. Nikki Kettelkamp, 725 11th Street
- k. Josh Immerfall, 740 10th Street

Motion to approve payments as presented in the amount of \$3,320,549.70.

Motion approving a letter of support for the medical cannabidiol dispensary application to the State of Iowa submitted by Iowa Cannabis Company.

Resolution No. 28492 correcting scrivener's error contained in Chapter 55, Section 55.21 relating to Animal Protection and Control.

Resolution No. 28493 approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration.

Resolution No. 28494 approving Procurement Policy as federally required and mandated by the COVID-19 grant program.

Motion to receive and file 2020 Public Services Department Work Plan.

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

- a. Resolution No. 28495 approving Partial Payment No. 10 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$2,194.50. (TRANS-18-074).
- b. Resolution No. 28496 approving Partial Payment No. 2 to Anderson Bogert Engineers regarding the 2020 35th Street and 7th Avenue Traffic Signal and Turn Lane Improvements in the amount of \$7,700.00. (TRANS-18-073)
- c. Resolution No. 28497 approving Partial Payment No. 5 to City of Cedar Rapids regarding the Tower Terrace Road Project (C Avenue to Alburnett Road) associated with Resolution 23937 - Chapter 28E Agreement and wetland credits purchase in the amount of \$219,349.50. (TRANS-18-096)
- d. Resolution No. 28498 approving Partial Payment No. 4 to Stanley Consultants, Inc. for Soil Sampling - 19th to Marion Iron Roundabout in the amount of \$641.00. (TRANS-18-091)
- e. Resolution No. 28499 approving Partial Payment No. 7 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$10,932.03. (TRANS-18-092).
- f. Resolution No. 28500 approving Partial Payment No. 3 to Universal Field Services Inc. regarding the 10th & 10th Mini Roundabout Project Property Acquisition Services in the amount of \$3,260.00. (TRANS -18-089)

Resolution No. 28501 approving a Stop Sign stopping north bound traffic on Irish Drive at its intersection with Tower Terrace Road.

Resolution No. 28502 approving payment no. 55 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 \$2,959.40. (TRANS-17-099)

Resolution No. 28503 approving payment no. 7 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$2,902.15. (Iowa DOT Project Number: TAP-U-4475(630)--8I-57) (TRL-17-055)

Resolution No. 28504 approving payment no. 1 to RDG Planning & Design, Inc for professional services regarding the Marion Uptown Master Plan in the amount of \$5,255.00. (GOV-19-122)

Motion to receive, file, and refer to the Planning and Zoning Commission:

- a. A request regarding a comprehensive plan amendment, rezoning, and preliminary plat for Winslow Addition. (Donna M. Morrissey Rev. Trust)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:35 p.m. Mayor Pro Tem Jensen presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Motion to approve the following liquor license applications:

- a. Renewal – Kum & Go #503 – 3215 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in previous five years.

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

- a. Resolution No. 28505 approving Partial Payment No. 2 to L.L. Pelling Company, Inc. regarding the 2019 HMA Resurfacing Project in the amount of \$713,010.51. (ANN-18-086)
- b. Resolution No. 28506 approving Partial Payment No. 15 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$461.97. (ANN-18-082)
- c. Resolution No. 28507 approving Partial Payment No. 8 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$182,742.40. (TRANS-18-112)
- d. Resolution No. 28508 approving Partial Payment No. 9 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$459,189.02. (ANN-18-082)

- e. Resolution No. 28509 approving Partial Payment No. 2 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$28,625.88. (TRANS-18-091)
- f. Resolution No. 28510 approving Partial Payment No. 10 to Genesis Equities, LLC per Resolution No. 26088 regarding the Central Corridor Improvements Project; Building Demolition in the amount of \$33,212.00. (TRANS-18-091)

Resolution No. 28511 accepting Bowman Woods Unit 37 to the City of Marion.

Resolution No. 28512 approving Professional Services Agreement Amendment Number 1 with HR Green in the amount of \$17,845.00 regarding the 10th and 10th Mini Roundabout. (TRANS-18-089)

Resolution No. 28513 approving payment no. 10 to Anderson-Bogert Engineers for professional services regarding general airport consulting per the contract for the Marion Airport in the amount of \$643.50. (ANN-18-082)

Motion to receive, file, and refer to the Planning and Zoning Commission:

- a. A request regarding a comprehensive plan amendment, preliminary site development plan, and preliminary plat for Bowman Meadows 8th Addition. (Midwest Development Co.)
- b. A request regarding a final site development plan for The Commons at English Glen 5th Addition. (Robson Homes, Inc.)

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 5:36 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Moved by Atkins, seconded by Brandt to approve Resolution No. 28514 approving agreement with Diligent Corporation regarding Meeting Manager, Video Manager, Board Manager, Public Request Tracker and Contract Tracker in the amount of \$18,900.00. Council Member Gadelha stated based on schedule shared with Council and comments received by resident of Marion she is in full support of this project. Council Member Jensen stated that he asked the City Clerk prior to the meeting if residents would be able to search previous meeting information and they will be able to. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28515 approving change order no. 1 with Conference Technologies, Inc. regarding Council Chambers Audio/Visual Equipment in the amount of \$9,301.25. (GOV-18-013) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28516 approving 28E Agreement between City of Cedar Rapids, City of Hiawatha, Linn County, City of Marion and City of Robins regarding Phase I, II, and III, including Segments A through G of the Tower Terrace Road Transportation Corridor Improvements. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28517 approving purchase agreement for property located at 2957 Highway 13 from Rick Ellison in the amount of \$1,095,000.00. Fire Chief Deb Krebill stated this property would be for Fire Station No. 4 as well as a training facility. The City would be paying for \$400,000 and the remaining will be paid for by the Marion Firefighter's Association thanks to a large donation. Mayor AbouAssaly asked for the size of the property. Deb stated it is a little over 6 acres. Council Member Gadelha asked about timeline. Deb stated there is very little needed to build out however she doesn't see need for Fire Station No. 4 for another 2-4 years. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to direct staff to develop a City Facility Face Mask Policy. All in favor, motion carried.

Moved by Harper, seconded by Jensen to receive and file job description for Marketing & Community Relations Specialist. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28518 amending the non-bargaining pay schedule to include the addition of the Marketing & Community Relations Specialist. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve second consideration of Ordinance No. 20-06 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at \$17.50. Council Member Gadelha asked what would happen if this was tabled as requested by Mr. Todd's earlier request. Public Services Director Ryan Miller stated this would affect fiscal year 2021 revenues. City Manager Lon Pluckhahn stated it is unknown at this time how long meetings will need to stay virtual. Council Member Gadelha stated there is still one more reading and encouraged any issues be submitted to the City Clerk. Council Member Brandt asked for the reason for this increase. Ryan Miller stated this is to cover the increase of operating costs due to increase of tipping fees. There has also been an increase in solid waste over the past two months. Council Member Jensen stated these increases have been discussed since January when Council was working on budget. Mayor AbouAssaly stated that people are free to ask questions outside of the meeting and bring any concerns to any of the council members. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve the second 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. Public Services Director Ryan Miller provided staff report. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28519 approving an increase of the Urban Forest Utility fee from \$2.25 to \$3.00 effective July 1, 2020. Assistant Parks Director Seth Staashelm provided staff report. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28520 approving contract and bond with 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 Harper, seconded by Jensen to approve Project Calendar regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II (TAP-U-4775(636)—8I-57) (TRL-17-055) as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II (TAP-U-4775(636)—8I-57) (TRL-17-055)
- b. Resolution No. 28521 approving Resolution of Necessity regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II (TAP-U-4775(636)—8I-57) (TRL-17-055)
- c. Resolution No. 28522 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II (TAP-U-4775(636)—8I-57) (TRL-17-055)
- d. Resolution No. 28523 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II (TAP-U-4775(636)—8I-57) (TRL-17-055)

All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28524 approving 28E Agreement with Linn County regarding the 2020 HMA Resurfacing Project to improve Secrist Road. (ANN-18-086) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28525 approving 28E Agreement with Linn County regarding bridge inspections for FHWA Bridge 221390. (Lucore Road over Indian Creek) (ANN-18-084) All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28526 approving agreement with the Iowa Department of Transportation [IDOT] for the Intersection improvements at South 31st Street and HWY 100. (CS-TSF-4775(642)--85-57) (TRANS-18-073) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28527 approving agreement with the Iowa Department of Transportation [IDOT] for the Intersection improvements at Alburnett Road and Echo Hill Road. (CS-TSF-4775(641)--85-57) (TRANS-19-118) All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to direct staff to solicit engineering services for the intersection improvements at Alburnett Road and Echo Hill Road. (CS-TSF-4775(641)--85-57) (TRANS-19-118) All in favor, motion carried.

Moved by Harper, seconded by Brandt to approve Resolution No. 28528 approving agreement with the Iowa Department of Transportation [IDOT] for the intersection improvements at 7th Avenue and 35th Street. (CS-TSF-4775(640)--85-57)(TRANS-18-088) All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve project calendar regarding Building Division Fee schedules as follows:

- a. Resolution No. 28529 approving a new table of building code fees.
- b. Resolution No. 28530 approving a new electrical permit schedule of fees.
- c. Resolution No. 28531 approving a new plumbing permit schedule of fees.
- d. Resolution No. 28532 approving a new mechanical permit schedule of fees.

All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the sale of portions of the east west alley located between 1st and 2nd Avenues and 9th and 10th Streets. Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28533 approving the sale of a portion of the former east west alley located between 1st and 2nd Avenues and 9th and 10th Streets adjacent to 176 10th Street, Marion, Iowa. (Brandon Scherbaum) Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly Brandt, Gadelha, Strnad. Nays: None. Motion carried.

Mayor AbouAssaly opened the public hearing regarding the sale of portions of the north south alley located between 10th and 11th Avenues and 26th and 27th Streets. Community Development Director Tom Treharne provided staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared public hearing closed.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28534 approving the sale of a portion of the former north south alley located between 10th and 11th Avenues and 26th and 27th Streets adjacent to 1060 27th Street, Marion, Iowa. (Mitchell Sutton) Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly Brandt, Gadelha, Strnad. Nays: None. Motion carried.

Moved by Gadelha, seconded by Atkins to approve Resolution No. 28535 approving the sale of a portion of the former north south alley located between 10th and 11th Avenues and 26th and 27th Streets adjacent to 1070 27th Street, Marion, Iowa. (Michael Schafer) Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly Brandt, Gadelha, Strnad. Nays: None. Motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28536 approving the sale of a portion of the former north south alley located between 10th and 11th Avenues and 26th and 27th Streets adjacent to 1080 27th Street, Marion, Iowa. (Nathan & Heather Sytsma) Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly Brandt, Gadelha, Strnad. Nays: None. Motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 6:28 p.m. Mayor Pro Tem Jensen presided over the meeting.

Mayor Pro Tem Jensen opened the public hearing 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. Community Development Director Tom Treharne provided staff report. Several spoke against the measure including: Dennis and Kathy Becker (810 Flight Drive), Kerri Grimes (789 Bowhunter Drive), Terri Shifflett (823 Bowhunter Drive), Ashley Messerli (809 Bowhunter Drive), Tracy and Brandi Allen (811 Bowhunter Drive), Jon White (797 Bowhunter Drive), Sarah Zelinskas (770 Archer Drive) and Joseph Fiedler (952 Archer Drive). Issues regarding developing in the flood plain, decreased value of existing homes, increase of traffic, lack of parking, and density of the development were brought forward. Hunter Skogman with Midwest Development and Jason Stone with Hall and Hall Engineers spoke in favor of the measure. No other comments, written or verbal, were received. Mayor Pro Tem Jensen declared public hearing closed.

Mayor AbouAssaly left the meeting at 6:50 p.m.

Moved by Harper, seconded by Atkins to approve Resolution No. 28537 recommending approval of the amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Multi-Family for Bowman Meadows

7th Addition, Marion, Iowa. (Midwest Development Co.) Council Member Strnad asked if these would be rental units. Community Development Director Tom Treharne stated it is his understanding they are rentals. Council Member Harper asked if there is any buffering. Tom stated there are bushes and shrubs but those are yet to be determined. A final plan would come forward to Council. Vote: Yeas: Harper and Brandt. Nays: Atkins, Jensen, Gadelha, Strnad. Motion failed.

Resolution No. 28538 recommending approval of a preliminary site development plan for Bowman Meadows 7th Addition, Marion, Iowa (Midwest Development Co.) was removed from the agenda.

Resolution No. 28539 recommending approval of a preliminary plat for Bowman Meadows 7th Addition, Marion, Iowa. (Midwest Development Co.) was removed from the agenda.

Mayor Pro Tem Jensen opened the public hearing regarding an amendment to the Marion Enterprise Center Design Guidelines (MEDCO Holding Company LLC) Community Development Director Tom Treharne provided staff report. MEDCO President Nick Glew spoke in favor of the measure. No other comments, written or verbal, were received. Mayor Pro Tem Jensen declared public hearing closed.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28540 approving an amendment to the Marion Enterprise Center Design Guidelines (MEDCO Holding Company LLC) All in favor, motion carried.

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

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM

Charley Knudsen (2835 24th Avenue) asked about plans to extend 22nd Street from 6th Avenue to 7th Avenue. If that happens, how will that affect Quality Auto. City Clerk Rachel Bolender stated this question was already forwarded to City Engineer Mike Barkalow who has responded to Mr. Knudsen.

COUNCIL COMMENTS

Council Member Gadelha stated she feels that comments should not be read if they are anonymous or do not provide their address. She also thanked the Mayor for his statement at the beginning of the meeting.

Council Member Harper asked that staff think about ways to optimize resident interaction and provide more instructions for how commenting works with virtual meetings.

Council Member Atkins stated there will be baseball at Prospect Meadows this weekend. She thanked the Mayor for his statement at the beginning of the meeting as well as the Police Chief's comments earlier in the week. She stated she will use her voice going forward to support all people of Marion.

Mayor AbouAssaly stated that Sunrise Yoga is returning to Lowe Park and the farmers markets will be back in modified format. He also stated it is great to see progress on the new Tomaso's building. He stated that Uptown Coffee Company is a new business in Marion. He spoke about building community and trust with each other during these difficult times in City and nation. Mayor AbouAssaly then talked about the task force and stated that results from the community survey will be released tomorrow. The group is now looking into mental health resources, food insecurity and housing insecurity issues and how to address those. The group is always open to suggestions and asked that any ideas or needs be sent to him.

Mayor AbouAssaly adjourned the meeting at 7:35 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