

June 18, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, June 18, 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.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

### **PROCLAMATIONS/OATHS**

Council Member Atkins read a proclamation regarding Juneteenth and presented it to Amal Eltahir on behalf of the Marion Civil Rights Commission.

Mayor AbouAssaly read a proclamation which authorizes City Manager to approve Encroachment Agreements associated with Outdoor Service Areas through December 31, 2020.

**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 June 2 and 4, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Bistro 3 Nineteen – 796 11<sup>th</sup> Street  
Class C Liquor License with additional privileges of Catering. No violations in previous five years.
- b. Renewal – Goldfinch Tap & Eatery – 740 10<sup>th</sup> Street  
Class C Liquor License with additional privileges of Catering, Class B Wine Permit, Outdoor Service, and Sunday Sales. No violations in previous five years.
- c. Renewal – Tomaso's Pizza – 1111 7<sup>th</sup> Avenue  
Class C Liquor License with additional privileges of Sunday Sales. One violation in previous five years.

Motion to approve the following Fiscal Year 2020-2021 Cigarette Permits:  
Casey's General Stores #2760, #2770, #2919, #2924, #3562, Dollar General Stores #7226, #7398, Fareway Stores, Inc #949, Hy-Vee Drugstore, Hy-Vee Food Store, Hy-Vee Gas, Murphy USA #7287, FasMart #5146, Smokin' Joe's Tobacco & Liquor Outlet #10, Walgreens #03876, Walmart #3630, Wrigleyville

Sports Pub, Marion Market & Café, Big Shots Bar & Grill, Neighborhood Tobacco Outlet, East Post Road BP, Kum & Go #503, #509

Motion to approve the following Mayoral appointment:

a. Library Board:

Ross McIntyre, 1360 41st Street Place, Marion; term expires 6/30/23

Chelsea Nunn, 2061 Agate Street, Marion; term expires 6/30/23

Motion to receive and file May 2020 Department Monthly Reports.

Motion to approve payments as presented in the amount of \$13,401,701.09.

Resolution No. 28541 approving renewal of General Insurance with Iowa Communities Assurance Pool (ICAP) for FY2020-2021 in the amount of \$264,420.85.

Resolution No. 28542 approving payment to Independent Public Advisors LLC in the amount of \$36,604.25 for services relating to issuance of Series 2020A and 2020B bonds.

Resolution No. 28543 approving a revision to Personnel Policy, Section 4 – Group Insurance and Benefits.

Motion to approve the following Mayoral reappointments

a. Library Board:

Okpara Rice, 1720 Winding Creek Drive, Marion; term expires 6/30/24

Jack Zumwalt, 1500 8th Street, Marion; term expires 6/30/24

Resolution No. 28544 approving the purchase of snow plow blades from the Iowa Department of Transportation in the amount of \$28,115.28.

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

- a. Resolution No. 28545 approving Partial Payment No. 1 to Linn County for services provided by Snyder and Associates regarding the Build Grant Application for Tower Terrace in the amount of \$10,443.44. (TRANS-18-095)
- b. Resolution No. 28546 approving Partial Payment No. 5 to Stanley Consultants, Inc. for Soil Sampling - 19th to Marion Iron Roundabout in the amount of \$1926.00. (TRANS-18-091)
- c. Resolution No. 28547 approving Partial Payment No. 1 to Anderson Bogert regarding the 2020 35th Street & 7th Avenue Traffic Signal and Turn Lane in the amount of \$34,800.00.

- d. Resolution No. 28548 approving Partial Payment No. 8 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$360,209.92. (FACS-18-062)

Resolution No. 28549 approving Change Order #4 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding additional steel fabrication, wood decking grade change, HVLS Fans, Added Brake Metal and March Winter conditions in a credit amount of \$5,282.87. (FACS-18-062)

Motion to approve Project Calendar regarding Easements associated with the 2020 Marion Fire Station Traffic Signals (FACS-18-062), as follows:

- a. Resolution No. 28550 approving Permanent Traffic Signal Easement Agreement with St Lukes Methodist Hospital, 3731 Irish Drive, regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062).
- b. Resolution No. 28551 approving Permanent Traffic Signal Easement Agreement with the Young Men's Christian Association of Cedar Rapids Metropolitan Area, 3740 Irish Drive, regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062).
- c. Resolution No. 28552 approving Permanent Traffic Signal Easement Agreement with Synergy Equity Partners, LLC, Parcel A of Plat of Survey Number 1476, regarding the 2020 Marion Fire Station Traffic Signals (FACS-18-062).

Resolution No. 28553 approving agreement and Partial Payment No. 1 to Linn County Rural Electric Cooperative Association regarding providing power to the City of Marion Airport runway lighting system in the amount of \$658.45. (ANN-18-082)

Resolution No. 28554 approving Partial Payment No. 7 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Project in the amount of \$1040.50. (FAC-18-061)

Resolution No. 28555 approving payment no. 28 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-81-57) in the amount of \$26,602.12. (TRL-17-055)

Resolution No. 28556 approving payment no. 17 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$5,078.56. (TRL-18-056)

Resolution No. 28557 approving relocation assistance payment in the amount of \$210.00 to Charles Ensley at 2097 6th Avenue, Marion, Iowa associated with Central Corridor Project.

Resolution No. 28558 approving payment no. 1 to HDR Engineering, Inc. for engineering services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$2,447.26. (TRL-18-110)

Resolution No. 28559 setting a public hearing for July 9, 2020 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single-Family Attached for Bowman Meadows 8th Addition, Marion, Iowa. (Midwest Development Company)

Resolution No. 28560 setting a public hearing for July 9, 2020 regarding a preliminary site development plan for Bowman Meadows 8th Addition, Marion, Iowa. (Midwest Development Company)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:42 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:

Motion to approve the following Fiscal Year 2020-2021 Cigarette Permits:  
Kwik Star #1008

Resolution No. 28561 approving Partial Payment No. 3 to L.L. Pelling Company, Inc. regarding the 2019 HMA Resurfacing Project in the amount of \$96,253.87. (ANN-18-086)

Resolution No. 28562 accepting Seventh Avenue Commercial 3rd Addition to the City of Marion. (GLD Commercial, LLC)

Resolution No. 28563 accepting 2019 HMA Resurfacing Project. (L.L. Pelling Company, Inc.) (ANN-18-086)

Resolution No. 28564 approving Change Order No. 8 with Genesis Equities, LLC regarding the Central Corridor Improvements Project; Additional Property Demolitions; 2097 6th Avenue; in the amount of \$18,755.00. (TRANS-18-091)

Resolution No. 28565 approving Gemstone Estates 6th Addition Final Plat and Memorandum of Agreement for property located north of Tower Terrace Road and west of Lucore Road. (Morris Wood Enterprises, LLC.)

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 5:43 p.m. Mayor AbouAssaly presided over the meeting.

### **REGULAR AGENDA**

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28566 approving amendment to the well-being program contract with Health Solutions, replacing Schedule A. All in favor, motion carried.

Moved by Strnad, seconded by Jensen to approve Resolution No. 28567 approving fiscal year 2019-2020 Operating Budget Transfers. All in favor, motion carried.

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

Moved by Harper, seconded by Jensen to approve Resolution No. 28568 to declare necessity and establish an Urban Renewal Area, pursuant to Section 403.4 of the Code of Iowa and to approve Urban Renewal Plan and Project for the Echo Hill Road Urban Renewal Area. Council Member Gadelha asked what the administration and professional support covers. Assistant to the City Manager Amal Eltahir stated that it covers legal and staff costs. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve the initial consideration of Ordinance No. 20-08 providing for the division of taxes levied on taxable property in the Echo Hill Road Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28569 approving Public Facility Protective Equipment Policy. All in favor, motion carried.

Moved by Brandt, seconded by Harper to receive and file job description for IT Support Consultant. Council Member Strnad asked if this job description change was tied to the compensation study. City Manager Lon Pluckhahn stated this was a budgeted increase that takes an existing position and puts it at same pay grade as other IT positions. The compensation study is still under review but we need HR Director position filled before we can proceed with that. Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Moved by Gadelha, seconded by Jensen to approve Resolution No. 28570 amending the non-bargaining pay schedule to include the addition of IT Support Consultant. Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Moved by Atkins, seconded by Jensen to approve the following Hold Harmless Agreement

- a. Cocktails & Company Bands in Parking Lot; 6/19-6/20, 7/3-7/4, 7/17-7/18, 7/31-8/1, 8/14-8/15, 8/28-8/29 11:00 a.m. to 10:00 p.m.; 1625 Blairs Ferry Road, Marion (Cocktails & Company, 1625 Blairs Ferry Road) (Permit #2020-00000026)

Council Member Brandt asked if this was for music in the parking lot every weekend. City Clerk Rachel Bolender stated it was every other weekend. Council Member Brandt asked if security was requested. Police Chief Mike Kitsmiller stated they requested two officers but I made it a condition to have no less than six. Council Member Jensen asked if this was approved, and they had issues, could the hold harmless be cancelled. City Manager Lon Pluckhahn confirmed it could be cancelled. Lon also stated that they can make amendments to agreement by reducing the amount of dates. Mayor AbouAssaly asked if we have capacity to provide six officers. Police Chief Mike Kitsmiller confirmed there are always officers wanting to sign up for extra work. Council Member Harper stated he would be for only approving one event at first. City Clerk Rachel Bolender stated the second set of dates July 3 and July 4 are prior to the next Council meeting. Council Member Brandt asked why this was submitted at last minute. Rachel stated we were waiting on staff approval. Council Member Brandt asked if the time officers work at special events count towards their normal hours. Police Chief Kitsmiller stated it is separate and considered extra work, not overtime. Moved by Jensen, seconded by Brandt to amend the motion and only approve the events on June 19-20 and July 3-4 contingent on having six officers on site. Council Member Brandt asked if events go well, would they need to reapply. City Manager Lon Pluckhahn stated since this hold harmless covers all the dates, we could just bring it back at next meeting. Vote on motion to amend: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None. Abstention: Gadelha. Motion to amend carried. Vote on amended motion: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None. Abstention: Gadelha. Amended motion carried.

Moved by Harper, seconded by Brandt to approve the following Mayoral Appointment:

- a. Library Board

Seth Moomey, 1025 S 15th Street, Marion; Term expires 6/30/2024

Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None.

Abstention: Gadelha. Motion carried.

Moved by Atkins, seconded by Brandt to approve the following liquor license:

- a. Renewal – Big Shots Bar & Grill – 1803 6th Ave

Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in previous five years.

Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None.

Abstention: Gadelha. Motion carried.

Moved by Jensen, seconded by Harper to authorize the City Manager to engage with an executive search firm for Deputy City Manager position. Council Member Strnad stated he felt HR Director position should be filled first. City Manager Lon Pluckhahn stated

that the HR Director position is posted now and is anticipated to be filled by August or September. The benefit of hiring an outside search firm is that they would have more connections in the industry to search out people who may be interested in the position. Council Member Strnad asked how this was budgeted. Lon stated the position is budgeted for entire Fiscal Year so the months a salary isn't being paid would cover the cost. Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Moved by Brandt, seconded by Jensen to receive and file job description for Deputy City Manager. Moved by Strnad, seconded by Brandt to table the motion. All in favor, motion tabled.

Moved by Gadelha, seconded by Harper to request Park Board to designate the 11th Street Right of Way as a Special Use Area. City Manager Lon Pluckhahn explained that people are more comfortable dining in outdoor areas. Staff have been in discussion on how to enhance the uptown area. This would designate an area on 11th Street the same as Uptown Artway. Mayor AbouAssaly stated this creates a single outdoor dining area for Uptown businesses to utilize. Council Member Jensen asked if parking area would be used. Lon stated they would use former bus stop area first before expanding. Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt, Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Moved by Strnad, seconded by Atkins to approve the final 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 Harper, seconded by Gadelha to approve the final 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. Mayor AbouAssaly asked if this is new construction or new connections. Public Service Director Ryan Miller stated the ordinance addresses both but new connections are determined with annexation agreements. Council Member Harper asked if someone can remain on septic. City Engineer Mike Barkalow stated they can as long as it's functioning. If it fails, it is up to Linn County Public Health on if they need to connect or not. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28571 approving partial payment No. 2 to Mid-States Concrete regarding the Precast Concrete Package for the Public Service Maintenance Facility in the amount of \$1,641,021.62. (FACS-17-069) All in favor, motion carried.

Moved by Jensen, seconded by Harper to approve Resolution No. 28572 approving partial payment No. 1 to Delta 3 Engineering for engineering services related to the Public Service Maintenance Facility in the amount of \$20,182.50. (FACS-17-069) All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28573 approving partial payment No. 2 to Delta 3 Engineering for engineering services related to the Public Service Maintenance Facility in the amount of \$16,962.50. (FACS-17-069) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the 2020 HMA Resurfacing Project. (ANN-18-086) City Engineer Mike Barkalow provided the staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 6:54 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28574 accepting bids and awarding contract to L.L. Pelling Company, Inc. regarding the 2020 HMA Resurfacing Project in the amount of \$1,082,991.50. (ANN-18-086) 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 6:54 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28575 approving Agreement with the Young Men's Christian Association of Cedar Rapids Metropolitan Area (YMCA) for Maximum Sanitary Discharge Rate and Time. All in favor, motion carried.

Moved by Harper, seconded by Gadelha to approve Resolution No. 28576 approving a 28E Agreement with Linn County regarding the intersection of South 31st and Highway 100 traffic signal project. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28577 approving a 28E Agreement with Linn County regarding the Winslow Road Improvements Project. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 6:57 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28578 approving the requirement for traffic signals to be installed at the intersection of Highway 151 and 62nd Street and for said signals to be installed prior to the temporary or full occupancy of the Kwik Star (Kwik Trip #589; 900 block of 62nd Street) All in favor, motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 6:58 p.m. Mayor AbouAssaly presided over the meeting.



Moved by Brandt, seconded by Jensen to approve the initial consideration of Ordinance No. 20-09 amending Chapter 175, Section 175.07 of the Code of Ordinances relating to subdivision regulations: Maintenance Bonds. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28579 approving contract extension Synergy Metal Works (Cara Briggs Farmer) for the artistic design of the gateway feature associated with the CeMar Trail Bridge over Marion Boulevard from November 1, 2019 to June 30, 2022 and approving the final artistic design of said gateway feature. All in favor, motion carried.

Moved by Strnad, seconded by Atkins to approve Resolution No. 28580 approving contract Amendment No. 1 with Shoemaker and Haaland Professional Engineers, Inc. regarding engineering services associated with the CeMar Trail from Cedar Rapids city limits near 33rd Street SE to 7th Street in Marion [TAP-U-4775(630)—8I-57] in the amount of \$67,066.02. (TRL-17-055) All in favor, motion carried.

**OTHER DEPARTMENT DISCUSSION** – None

**PUBLIC FORUM**

Lonnie Henderson (4128 Citrine Court) asked for more information about a police review board. City Manager Lon Pluckhahn stated that the City has not received any formal requests.

**COUNCIL COMMENTS**

Council Member Harper thanked Public Services, Parks, Police and Fire for the tours and discussions during his orientation tour.

Council Member Brandt thanked all City staff for all they've done these past few months.

Council Member Strnad also thanked all City employees for all they've been doing these past few months with extra time worked and schedule changes.

Council Member Jensen wished everyone a happy Father's Day this Sunday.

Mayor AbouAssaly adjourned the meeting at 7:08 p.m.

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Nicolas AbouAssaly, Mayor

Attest:

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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