

July 23, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, July 23, 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.

Council observed a moment of silence.

Mayor AbouAssaly presented Parks Director Mike Carolan with a plaque and recognized his accomplishments during his 32 years of service with the City of Marion.

PROCLAMATIONS/OATHS – None

PRESENTATIONS – None

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the July 7 and 9, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Casey's General Store #2924 – 1100 Eagleview Drive
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 the following Hold Harmless Agreements:

- a. Uptown GetDown the Road; 8/6/20, 8/13/20, 8/20/20, 8/27/20 from 4:00-8:00
at Lowe Park, Thomas Park and Willowood Park. (Chamber of Commerce,
1225 6th Avenue, Suite 100)

Motion to approve the following Mayoral appointment:

- a. Corridor Metropolitan Planning Organization
Executive and Policy Board
Grant Harper, 1225 6th Avenue; no term expiration

Motion to receive and file June 2020 Department Monthly Reports.

Motion to approve payments as presented in the amount of \$918,302.65.

Resolution No. 28636 adopting final assessment schedule for Fiscal Year 2021 Quarter 1 Delinquent Fees and confirming and levying the assessments.

Resolution No. 28637 setting date of public hearing on proposed development agreement with Victory Sports Center, Inc. including annual appropriation tax increment payments.

Resolution No. 28638 approving FY21 Cooperative Agreement with the State of Iowa regarding distribution of funds, case intake and resolutions of complaints filed under the Civil Rights Act.

Resolution No. 28639 approving payment to Linn County REC regarding extension of 3-phase power from Irish Drive to transformer in the amount of \$2,660.40.

Motion to receive, file and discuss the following job descriptions for Library:

- a. Readers Advisory & Collections Manager
- b. Marketing & Development Specialist
- c. Programming Manager
- d. Patron Accounts Manager

Motion to receive, file and discuss job description for Assistant to the City Manager.

Resolution No. 28640 approving payment to Cove Equipment Company regarding utility tractor repairs in the amount of \$18,116.70.

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

- a. Resolution No. 28641 approving Partial Payment No. 1 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$997.50.
- b. Resolution No. 28642 approving Partial Payment No. 6 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$3,287.75 (FACS-18-062)
- c. Resolution No. 28643 approving Partial Payment No. 2 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$17,796.34. (TRANS-18-091)
- d. Resolution No. 28644 approving Partial Payment No. 2 to SAK Construction LLC regarding the 2020 Sanitary CIPP Rehabilitation Project in the amount of \$84,599.40. (Ann-18-029)

- e. Resolution No. 28645 approving Partial Payment No. 5 to Universal Field Services Inc. regarding the 10th & 10th Mini Roundabout Project Property Acquisition Services in the amount of \$466.95. (TRANS –18-089)
- f. Resolution No. 28646 approving Partial Payment No. 1 to HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$51,734.80. (SWR-18-021)

Resolution No. 28647 approving Temporary Construction Easement with Joseph D & Janet M Bolsinger, 1403 14th Street, regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090)

Resolution No. 28648 accepting 2020 Sanitary CIPP Rehabilitation Project. (ANN-18-029)

Resolution No. 28649 approving payment no. 9 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$1,228.10. (Iowa DOT Project Number: TAP-U-4475(630)--8I-57) (TRL-17-055)

Resolution No. 28650 approving payment no. 2 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 \$29,248.05. (TRL-18-110)

Resolution No. 28651 approving payment to Corridor Metropolitan Planning Organization (MPO) for FY21 Membership Dues in the amount of \$26,731.69.

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

- a. A request regarding the Marion Public Library - Central Corridor Review for property located at 1101 6th Avenue, Marion, Iowa. (Marion Public Library)

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:41 p.m. Mayor Pro Tem Jensen presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

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

- a. A request regarding preliminary and final site development plans for S & S Storage. (MEDCO & DMFA, LLC)

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

REGULAR AGENDA

Mayor Pro Tem Jensen opened the public hearing on Proposed Development Agreement with Genesis Equities, LLC. Assistant to the City Manager Amal Eltahir provided staff report. No comments, written or verbal, were received. Mayor Pro Tem Jensen declared public hearing closed.

Moved by Atkins, seconded by Harper to approve Resolution No. 28652 approving development agreement with Genesis Equities, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement. All in favor, motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 5:45 p.m. Mayor AbouAssaly presided over the meeting.

Janessa Carr, Sophia Joseph, Circe Stumbo and Ana Clymer with the Marion Alliance for Racial Equity presented information regarding three of their demands/recommendations. They included 1) Stop racial profiling in traffic stops and establish a Marion Citizens Police Review Board with the authority to require and analyze data, 2) All City departments must continuously work to be more welcoming, inclusive, respectful and diverse, and 3) Mental health liaison available for Marion Police crisis calls. Council Member Gadelha asked if the group plans to reach out to the school districts. Janessa Carr stated that they will be working with the school districts for training as well. The Marion Alliance for Racial Equity stated they would like to be included in discussions going forward.

Moved by Jensen, seconded by Brandt to receive, file and discuss Marion Alliance for Racial Equity recommendations. Council Member Atkins stated she was in support of moving forward and putting together a working group or review board. Council Member Harper stated the group must have clear and stated objectives and action items mapped out so progress can be seen. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to approve Resolution No. 28653 approving the proposed allocation of Hotel/Motel funding for Fiscal Year 2020-2021. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28654 approving the Marion Strategic Plan for Fiscal Year 2021-2023. Moved by Gadelha, seconded by Harper to table Resolution No. 28654. Council Member Gadelha asked to see the Key Performance Indicators (KPI's) when this item comes back to Council. City Manager Lon Pluckhahn stated staff will provide a list of what has been submitted. All in favor of motion to table, motion to table carried.

Moved by Strnad, seconded by Atkins to approve Resolution No. 28655 approving Fiscal Year 2019-2020 Operating Budget Transfers. Council Member Gadelha asked if this was the same as what was presented on Tuesday. City Manager Lon Pluckhahn confirmed that it was. Council Member Brandt asked for the presentation again. Budget

Manager Zach Wolfe provided staff report. Council Member Brandt asked that we set aside funds into a separate fund for better tracking of the surplus. Council Member Jensen stated he was okay with the numbers and where they plan to be transferred. City Manager Lon Pluckhahn stated if there is concern, this item can be tabled. Moved by Brandt, seconded by Gadelha to table Resolution No. 28655. Council Member Jensen and Atkins stated they would not be in favor of tabling. Council Member Harper asked if Council has ability to monitor funds and reallocate as needed. City Manager Lon Pluckhahn confirmed that they can be monitored and reallocated. Vote on Motion to Table: Yeas: Strnad, Gadelha, Brandt. Nays: Jensen, Atkins, Harper, AbouAssaly. Motion to table fails. Vote on Original Motion: Yeas: AbouAssaly, Harper, Atkins, Jensen, Strnad. Nays: Brandt, Gadelha. Motion carried.

Moved by Harper, seconded by Gadelha to approve final 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 Atkins, seconded by Jensen to approve Resolution No. 28656 approving contract and bond to Midwest Concrete, Inc. regarding the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II in the amount of \$721,887.62. (TAP-U-4775(636)—8I-57) (TRL-17-055) All in favor, motion carried.

Moved by Jensen, seconded by Harper to approve Resolution No. 28657 approving contract and bond to Midwest Concrete, Inc. regarding the 2020 Sidewalk Ramp Project in the amount of \$203,448.00. (ANN-18-106) All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28658 approving contract and bond to K & W Electric, Inc. regarding the 2020 Marion Fire Station Traffic Signals in the amount of \$237,920.00. (FACS-18-062) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve final 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.

Mayor AbouAssaly opened the public comment period regarding a request for South 14th Street parking modifications between G to C Avenue. City Engineer Mike Barkalow provided staff report. Comments received prior to the meeting were displayed from the following individuals: Don and Judy Jackson (855 S 14th Street) spoke in opposition, Sheldon Sellers (875 S 14th Street) spoke in opposition, Bart Bock (1405 G Avenue) shared concerns of no stop signs, Connie Lochner (1305 G Avenue) spoke in favor, Janelle Brouwer (Marion Independent School District) spoke in favor, Shari Funck (1605 Grand Avenue) spoke in favor, and Chad Zrudsky (Marion Independent School District) spoke in favor. Council Member Jensen asked if the plan would still work if the parking modification was only until F Avenue. City Engineer Mike Barkalow stated G Avenue was chosen to maintain consistency on South 14th Street. Janelle Brouwer with the

Marion Independent School District stated G Avenue was chosen in discussion with City staff but would be fine if no parking was only extended until F Avenue. No other comments, written or verbal, were received. Mayor AbouAssaly declared the comment period closed.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28659 approving the establishment of a "No Parking 8:00AM to 4:00PM on School Days" zone to become a school pickup and drop-off zone on the east side of South 14th Street from G to C Avenue. Moved by Jensen, seconded by Atkins to amend Resolution No. 28659 to establish a "No Parking 8:00 am to 4:00 pm on School Days" zone to become a school pickup and drop-off zone on the east side of South 14th Street from F to C Avenue. All in favor of motion to amend, motion amended. All in favor of amended motion, motion carried.

Moved by Harper, seconded by Brandt to receive file, discuss and concur with TEAP Study for the intersection of Highway 100 and Menard Lane, Oak Lane, East Post and South 22nd Street. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28660 authorizing the submittal of an application for Traffic Safety Improvement Program (TSIP) funding for the intersection of Highway 100 and East Post Road to reconfigure the existing intersection with additional left and right turn lanes and to upgrade the existing signal for the new turn lanes, as well as a Queue Detection Warning System for the westbound traffic at East Post Road. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to direct staff to perform a traffic warrant analysis for the intersection of Highway 100 and Oak Lane and evaluate the Right-in Right-out option if signals are not warranted. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to direct staff to optimize the current traffic signal timing plan to improve traffic flow through the intersections at East Post Road, South 22nd Street, and at Menard Lane along Highway 100. All in favor, motion carried.

Moved by Gadelha, seconded by Harper to approve Resolution No. 28661 approving payment to East Central Iowa Council of Governments regarding the Indian Creek Watershed Management Authority in the amount of \$17,432.00. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28662 approving Change Order No. 1 with Borst Brothers Construction, Inc. regarding the 2020 Sanitary Sewer Manhole Project regarding the relocation of a water main in the amount of amount of \$9,487.26. (ANN-18-029) All in favor, motion carried.

Moved by Harper, seconded by Jensen to approve Resolution No. 28663 approving MOA with Highview Investments LLC regarding the Tower Terrace Phase VII Project. (TRANS-18-096) All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28664 approving an encroachment agreement into the 10th Street right-of-way north of 7th Avenue for the purpose of installation of a handicap ramp to property located at 1000 7th Avenue. (Kyle Martin, Martin Gardner Architecture) Community Development Director Tom Treharne stated because there were a lot of questions on Tuesday, staff is asking this item be tabled. Council Member Brandt asked about who will pay for removal of trees and sidewalk there currently. Council Member Jensen asked that a presentation be prepared that shows what will be built plus what will happen in regards to the streetscape project. Moved by Jensen, seconded by Harper to table Resolution No. 28664. All in favor of motion to table, motion to table carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28665 approving Plat of Survey No. 2395 for part of Lot 8, Block 9, Original Town, Now City of Marion (694 7th Avenue). All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28666 approving Plat of Survey No. 2396 for part of Lot 5, Block 10, Original Town, Now City of Marion (708 7th Avenue). All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28667 approving Plat of Survey No. 2398 for part of Lots 3 & 4, W ½ N-S Alley, Block 22, Original Town (707 7th Avenue). All in favor, motion carried.

Moved by Strnad, seconded by Jensen to approve Resolution No. 28668 setting a public hearing for August 6, 2020 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Neighborhood Commercial and a rezoning request from A-1, Rural Restricted to BL, Business Local for property located south of Tower Terrace Road and west of Winslow Road (Donna M. Morrissey Rev Trust). All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Council Member Harper thanked Library Director Hollie Trenary for providing a detailed walk through of the Library Project.

Council Member Gadelha congratulated Parks Director Mike Carolan on his retirement. She stated when she moved to Iowa, the parks in Marion was one of the things that drew her to Marion and that in part is thanks to Mike and his staff. She also thanked Public Services for how they proactively reacted to the recent storm damage.

Council Member Brandt congratulated Parks Director Mike Carolan on his retirement.

Council Member Atkins thanked Parks Director Mike Carolan for his service to the City. She also stated that the Marion Boys Baseball have made it to State tournament again.

Council Member Strnad thanked Parks Director Mike Carolan for his service and wished him a happy retirement. He thanked Public Services for their work and quick action with the recent storm. He also commented some statistics he recently heard regarding increase of bike usage.

Council Member Jensen stated the parks in Marion have changed a lot since he's been here. He stated as the City continues to grow, staff need to continue to expand parks and recreation opportunities.

Mayor AbouAssaly provided an update on the Community Recovery Task Force. The Feeding Lunches to Youth Program has fed over 11,000 meals. They will be having a juice box drive on July 27. The task force will be setting up drop boxes at Hy-Vee and Fareway for people to donate. The Marion Food Pantry has been seeing a huge demand and the task force is looking for ways to support them. The Mayor has secured 4800 face masks and will be working with the schools to distribute those as backup masks for the students. He stated a public service announcement video was made that shows the various reasons why people wear masks. The video is on the City Facebook page and will be aired by television stations in smaller clips. Businesses are starting to reopen, including two recent grand openings at Pizza Ranch and Apple Creek Kennels. Reminded everyone that there is a lot of division right now and encouraged everyone to put kindness first.

Mayor AbouAssaly adjourned the meeting at 7:49 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