

August 6, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, August 6, 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.

PROCLAMATIONS/OATHS – None

PRESENTATIONS

Police Chief Mike Kitsmiller presented Officer Spencer Hartman and Officer T.J. Allen with a Life Saving Award for their response to a fireworks accident in July 2020.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

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

Motion to approve the following liquor license applications:

- a. New – Your Pie – 2791 7th Avenue
Class B Beer License with additional privileges of Outdoor Service and Sunday Sales.
- b. New – Casey's General Store #2770 – 2020 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales.
- c. Renewal – Blooms – 1440 Blairs Ferry Road
Class B Native Wine Permit with additional privileges of Sunday Sales. No violations in previous five year.

Motion to approve payments as presented in the amount of \$3,038,630.92.

Resolution No. 28669 approving a revised policy regarding the Family Medical Leave Act (FMLA).

Resolution No. 28670 approving payment to MEDCO for the MEDCO/Marion Independent School District Housing Project in the amount of \$100,000.00.

Motion to receive and file job description for Part-Time Patron Accounts Shelver.

Resolution No. 28671 approving payment to Marion Water Department regarding replacement of water lines and hydrant at Fire Station #2 in the amount of \$15,923.11.

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

- a. Resolution No. 28672 approving Partial Payment No. 1 to Stanley Consultants regarding the Central Corridor Project in the amount of \$16,637.62. (TRANS-18-091)
- b. Resolution No. 28673 approving Partial Payment No. 9 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$472,110.38. (FACS-18-062)
- c. Resolution No. 28674 approving Partial Payment No. 2 to Borst Brothers Construction, Inc. regarding the 2020 Sanitary Sewer Manhole Project in the amount of \$40,093.38. (ANN-18-029)
- d. Resolution No. 28675 approving Partial Payment No. 2 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$109,397.39. (TRANS-18-090)
- e. Resolution No. 28676 approving Partial Payment No. 1 to Rathje Construction Company regarding the 2020 Safe Routes to School Project in the amount of \$51,781.84. (TRL-18-059)
- f. Resolution No. 28677 approving Partial Payment No. 1 to Rathje Construction Company regarding the A Avenue Reconstruction Project (NSI) in the amount of \$49,938.18. (TRANS-18-090)
- g. Resolution No. 28678 approving Partial Payment No. 2 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 \$92,981.78. [TAP-U-4775(637)—8I-57] (TRL-17-055)
- h. Resolution No. 28679 approving Partial Payment No. 1 to Midwest Concrete, Inc regarding the 2020 Storm Sewer Project in the amount of \$27,458.80. (ANN-18-031)

Resolution No. 28680 approving a Stop Sign stopping north bound traffic on Garnet Drive at its intersection with Peridot Drive.

Resolution No. 28681 approving change order no. 5 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding stabilization of subdrain, Curtain Wall 11, Electrical Changes, Translucent Panel, Overhead Door Finish, Manufactured Sand Backfill, Sunshade Louver and Cedar Siding in an amount of \$21,390.15. (FACS-18-062)

Resolution No. 28682 approving change order no. 2 with Rathje Construction Company regarding the 2020 Safe Routes to School Project for increasing the project scope in the amount of \$41,889.11 (TRL-18-059)

Resolution No. 28683 approving payment no. 2 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$17,665.87. (TRANS-18-098)

Resolution No. 28684 approving payment no. 3 to RDG Planning & Design, Inc for professional services regarding the Marion Uptown Master Plan in the amount of \$19,273.51. (GOV-19-122)

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

- a. Freilinger Addition Final Plat to Linn County for property located north of East Robins Road between Meadowknolls Road and Mulberry Drive.

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

Resolution No. 28685 approving a two year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger Newsletter plus four special inserts in the amount of \$78,860.00.

Resolution No. 28686 approving partial payment no. 3 to Delta 3 Engineering for engineering services related to the Public Service Maintenance Facility in the amount of \$12,615.00 (FACS-17-069).

Resolution No. 28687 approving partial payment no. 4 to Delta 3 Engineering for engineering services related to the Public Service Maintenance Facility in the amount of \$29,031.25 (FACS-17-069).

Resolution No. 28688 approving partial payment no. 1 to Tometich Engineering for engineering services related to the Public Service Maintenance Facility in the amount of \$7,145.00 (FACS-17-069).

Resolution No. 28689 approving partial payment no. 1 to Elite Fire Sprinkler Systems for the Public Service Maintenance Facility in the amount of \$4,295.90 (FACS-17-069).

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

- a. Resolution No. 28690 approving Partial Payment No. 9 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Project in the amount of \$1,765.00. (FAC-18-061)
- b. Resolution No. 28691 approving Partial Payment No. 1 to L.L. Pelling Company, Inc. regarding the 2020 HMA Resurfacing Project in the amount of \$259,281.97. (ANN-18-086)
- c. Resolution No. 28692 approving Partial Payment No. 4 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$599,676.27. (TRANS-18-091)
- d. Resolution No. 28693 approving Partial Payment No. 11 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$101,644.84. (ANN-18-082)

Resolution No. 28694 approving Change Order No. 12 with L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project regarding overrun of quantities in the amount of \$197,124.10. (ANN-18-082)

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 5:38 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Mayor AbouAssaly opened the public hearing regarding 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 Jensen, seconded by Gadelha to approve Resolution No. 28695 approving development agreement with Victory Sports Center, Inc., authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of this agreement. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to receive, file and discuss presentation from Cedar Rapids/Linn County Solid Waste Agency. City Manager Lon Pluckhahn stated a letter will be sent to the agency asking for information regarding their efforts that are listed in the provisions of the 2005 settlement agreement. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to direct staff to establish a community equity working group consisting of 13 members including the City Manager, Police Chief, two City Council members, Civil Rights Commission Staff Liaison, two Civil Rights Commission members, two Marion Alliance for Racial Equity members, one Marion business owner and three members of the City at large. Council Member Gadelha stated the group needs to be careful when allowing public in the meetings and to get ahead of any safety concerns. She doesn't want the group to not be productive at meetings if they're worried about safety. Council Member Jensen asked if the people that attend meetings could speak or would they just be spectators. City Manager Lon Pluckhahn stated the agenda could be structured to allow for public forums. Mayor AbouAssaly stated people can also have a voice by talking to a member of the group. Council Member Harper recommended having a way for people to submit comments through the website or other means. Council Member Brandt asked if the City Attorney would need to be present. City Attorney Ryan Tang stated that would be discretionary and decided by Council or City Manager. Council Member Gadelha asked what authority this group would have. Mayor AbouAssaly stated any policy changes would come to Council as recommendations of the group. He stated the group is to review data and facts, explore what issues are in the community and come up with recommendations to address those issues. Council Member Gadelha asked about frequency of meetings. City Manager Lon Pluckhahn stated the first meeting would be used to discuss that. Council Member Gadelha asked to receive frequent updates on the progress of this group at Council meetings. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28696 supporting and authorizing the submittal of a REAP Grant Application for \$150,000 for the development of the future Prairie Hill Park. (REC-19-046) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing 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, Local Business for property located south of Tower Terrace Road and west of Winslow Road. (Donna M. Morrissey Rev. Trust) Community Development Director Tom Treharne provided 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. 28697 approving amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Neighborhood Commercial for property located south of Tower Terrace Road and west of Winslow Road. (Donna M. Morrissey Rev. Trust) Council Member Gadelha asked if design standards similar to the property along

Tower Terrace would cover this area. Community Development Director Tom Treharne confirmed that it would. All in favor, motion carried.

Moved by Atkins, seconded by Harper to approve the initial consideration of Ordinance No. 20-10 approving rezoning from A-1, Rural Restricted to BL, Local Business 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

Deputy Fire Chief Jason Hansen spoke about some defective fire hose that was discovered. The hose is double jacket meaning there is an inner and outer liner. Those two liners are separating which can cause a decrease in water flow. To resolve the issue staff is looking at switching back to older style hoses, placing a new life expectancy on fire hose, modifying purchasing time frames and utilizing single source purchasing. Jason stated it would be about \$5,200 to replace the defective hose. Council Member Gadelha asked if there are any drawbacks to using the older style hoses. Jason stated they are heavier which is only drawback. Council Member Jensen asked for clarification on how hoses were previously purchased. Jason stated they were purchased in smaller batches more frequently and from the vendor with lowest bid. Council Member Jensen stated there are times the City gets poor quality by using the low bid process and is in favor of using single source purchasing. Mayor AbouAssaly asked if action will be coming to Council. Jason stated staff will meet with the City Manager, Finance Director and Budget Manager to formulate a plan. Council Member Harper asked if defective hose is now out of service. Jason confirmed it was.

Fire Chief Deb Krebill provided an update regarding the Fire Station Project. She stated the project was three weeks behind but has since caught back up. Deb shared items that have been completed.

PUBLIC FORUM

Linda Miller (4001 North 10th Street) sent comments prior to the meeting and shared concerns regarding the Sidewalk Ramp Project.

COUNCIL COMMENTS

Council Member Strnad thanked Officers Hartman and Allen again for their work and life saving efforts. He stated it was very encouraging to see how the Special Response Team (SRT) program pays off.

CLOSED SESSION

Moved by Jensen, seconded by Harper to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. City Attorney Ryan Tang stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Harper, Atkins, Jensen, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

Mayor AbouAssaly left the meeting and relinquished the gavel to Mayor Pro Tem Jensen at 6:33 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Strnad, seconded by Brandt to reconvene to regular session. All in favor, motion carried.

Mayor Pro Tem Jensen adjourned the meeting at 7:12 p.m.

Steve Jensen, Mayor Pro Tem

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