

August 27, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, August 27, 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

Mayor AbouAssaly discussed the proclamation requesting authority from the Governor to enact localized responses to the COVID-19 Pandemic that was approved by Linn County Board of Supervisors and supported by several area communities including Marion.

PRESENTATIONS – None

PUBLIC FORUM

Linda Miller (4001 N 10th Street) shared her concerns regarding the 2020 Sidewalk Ramp Project.

CONSENT AGENDA

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

Motion to approve minutes of the August 6 and 19, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. New – Cherry Meadow – 591 62nd Street, Suite 104
Native Distillery License

Motion to receive and file July Department Monthly Reports.

Motion to approve payments as presented in the amount of \$2,414,702.19.

Resolution No. 28703 setting date for public hearing on Urban Renewal Plan Amendment for Central Corridor Urban Renewal Area.

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

- a. Resolution No. 28704 approving Partial Payment No. 2 to HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$6,891.51. (SWR-18-021)

- b. Resolution No. 28705 approving Partial Payment No. 7 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$3,968.00 (FACS-18-062)
- c. Resolution No. 28706 approving Partial Payment No. 2 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1,470.00.
- d. Resolution No. 28707 approving Partial Payment No. 1 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 \$2,425.00. (TAP-U-4775(636)—8I-57) (TRL-17-055)
- e. Resolution No. 28708 approving Partial Payment No. 6 to Universal Field Services Inc. regarding the 10th & 10th Mini Roundabout Project Property Acquisition Services in the amount of \$1,020.00. (TRANS –18-089)
- f. Resolution No. 28709 approving Partial Payment No. 10 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$634,573.23. (FACS-18-062)

Resolution No. 28710 approving a Stop Sign stopping south bound traffic on Learning Lane at its intersection with 35th Avenue.

Resolution No. 28711 approving a Stop Sign stopping south bound traffic on Ruffian Road at its intersection with Sherwood Drive.

Resolution No. 28712 approving Stop Signs stopping north and south bound traffic on Ruffian Road at its intersection with English Glen Avenue.

Resolution No. 28713 approving a Stop Sign stopping west bound traffic on Justified Drive at its intersection with Winchester Drive.

Resolution No. 28714 approving Change Order No. 1 with Midwest Concrete, Inc. regarding the 2020 Sidewalk Ramp Project regarding the project scope reduction for a credit in the amount of \$28,922.30. (Ann-18-106)

Resolution No. 28715 approving a contract amendment with Braun Intertec Corporation for Quality Assurance PCC Plant Monitoring and Soil Testing for the CEMAR Phase I and CEMAR Phase III projects [(STP-U-4775(632)—70-57) (TRL-17-055) and (TAP-U-4775(637)—8I-57) (TRL-17-055)] to include the CEMAR Phase II Project (TAP-U-4775(636)—8I-57) (TRL-17-055) in the amount of \$6,661.00.

Resolution No. 28716 accepting 2020 Sanitary Sewer Manhole Project. (ANN-18-029)

Resolution No. 28717 approving payment no. 57 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 \$190.00. (TRANS-17-099)

Resolution No. 28718 approving payment no. 10 to Universal Field Services, Inc. for services related to CeMar Trail Project in the amount of \$450.00. (Iowa DOT Project Number: TAP-U-4475(630)--8I-57) (TRL-17-055)

Resolution No. 28719 approving payment no. 3 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 \$55,278.54. (TRL-18-110)

Resolution No. 28720 approving payment no. 19 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$12,466.53. (TRL-18-056)

Resolution No. 28721 approving payment no. 29 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$12,220.10. (TRL-17-055)

Resolution No. 28722 approving payment no. 3 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$11,849.06. (TRANS-18-098)

Resolution No. 28723 approving payment no. 4 to RDG Planning & Design, Inc. for professional services regarding the Marion Uptown Master Plan in the amount of \$19,925.91. (GOV-19-122)

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

- a. Preliminary and Final Site Development Plan for Hy-Vee Grocery Store Aisle Online Pick-Up Building located at 3600 31st Street (Hy-Vee)

All in favor, motion carried.

REGULAR AGENDA

Moved by Jensen, seconded by Atkins to approve minutes of the August 4 and 12, 2020 City Council meetings. Council Member Gadelha stated she would be abstaining because she wasn't present at the meetings. Vote: Yeas: Harper, Atkins, Jensen, AbouAssaly, Brandt and Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:38 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Brandt, seconded by Harper to direct staff to negotiate a Development Agreement with Eagle View Partners regarding tax increment financing (TIF) incentives. Council Member Harper asked for clarifications regarding the public/private structure of the proposal. MEDCO President Nick Glew stated that this project leverages a variety of financing tools at all levels but also stated that coordination will take place with public and private stakeholders. Mark Kittrell with Eagle View Partners stated the key to partnership is the coordination between all invested parties. Vote: Yeas: Harper, Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 5:44 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28724 approving legal service agreements with City Attorney Kara L. Bullerman and Assistant City Attorney Ryan P. Tang for the period of July 1, 2020 through June 30, 2021. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28725 requesting reimbursement from the Iowa COVID-19 Government Relief Fund. All in favor, motion carried.

Moved by Harper, seconded by Jensen to approve Resolution No. 28726 approving agreement with Knights of Columbus Hall for Library Technology Center. City Manager Lon Pluckhahn stated this agreement is for a secondary technology center for the Library but can also double as a cooling center. Mayor AbouAssaly asked if expenses are reimbursable. Lon stated they should be through our insurance or through FEMA. Council Member Brandt asked what the hours will be. Lon stated they will see what the demand is and then determine hours. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to receive, file, discuss, and refer to TAC a request for a school zone speed limit at 3920 35th Avenue. (Linn Mar School District) All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Jensen at 5:49 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28727 approving concurrence with developer agreement associated with the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) for paving and landscaping in an amount of \$2,294,098.80. (Genesis Equities) (TRANS-18-091) Council Member Brandt asked if this would connect to the roundabout at 27th Street. City Engineer Mike

Barkalow confirmed that it would. Vote: Yeas: Harper, Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28728 approving The Commons at English Glen 5th Addition Final Plat and Memorandum of Agreement for property located north of 29th Avenue and west of 44th Street. (Robson Homes, Inc.) Vote: Yeas: Harper, Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Jensen relinquished the gavel to Mayor AbouAssaly at 5:52 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Strnad, seconded by Jensen to approve 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) (Second Consideration) All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION

City Manager Lon Pluckhahn provided an update to Council regarding the 2020 Storm Response. He stated all roads are now passable. There are 19 trucks out in the community picking up tree debris. The City received assistance from the Iowa DOT and National Guard but they focused on areas without power. Aerial trucks have now been deployed to start working on hanging limb and tree removal. Lon stated the City received a lot of support from Marion Chamber of Commerce, Uptown Marion, MEDCO and Marion Cares as well as numerous volunteers. Council Member Strnad asked how much debris removal has been completed. Lon stated the first phase should take around three to four weeks. Crews are hauling around 30,000 or more cubic yards per day. Council Member Jensen asked how many days the crews are working. Lon stated 7:00 a.m. to 7:00 p.m. seven days a week. Mayor AbouAssaly also stated that crews will make three passes through Marion. Council Member Brandt asked if aerial trucks are also taking down trees in right-of-way. Interim Parks and Recreation Director Seth Staashelm stated they will be taking down hazardous limbs as well as trees. Seth stated that staff have assessed all right-of-way trees and marked them with a dot system. No dot on the tree means it is salvageable. One dot means there is a hazard hanger that needs removed. Two dots mean the tree is hazardous and needs removed.

Approximately 35% of tree canopy is a complete loss and 14% have a hazardous hanging limb. Council Member Strnad asked if there has been discussion regarding the trees that have been uprooted. Seth stated FEMA does reimburse for contract work for removal of stumps and backfill. The City is currently only removing trees and limbs but will soon have conversations about the uprooted trees. Council Member Jensen asked if homeowners were notified if they have marked trees in their yard and if trees will be replanted. Seth stated staff did not leave any door hangars but did put out a press release. If residents have any questions or concerns, they can reach out to Thomas Park and the City Arborist can re-evaluate the tree. He stated conversations will be had concerning re-establishing the canopy. Mayor AbouAssaly asked what is being done to communicate with residents regarding FEMA assistance. Lon stated staff will continue

to do press releases. The State of Iowa has also created a website for use as a gateway to apply for assistance. People can also visit the technology center and staff there can assist them. Mayor AbouAssaly asked if there could be an insert in the upcoming Marion Messenger. Council Member Harper stated he thought maybe an abbreviated storm edition could go out ahead of normal schedule. Council Member Jensen asked how storm debris pickup is going. Public Services Director Ryan Miller stated staff is working with crews from around the country and feedback has been positive. He stated they have commented about how hard-working everyone is here, cleaning up their own yards, taking debris on their own to debris pile. He stated in another two weeks things will start looking a lot better.

PUBLIC FORUM – No one came forward to speak.

COUNCIL COMMENTS

Council Member Harper stated the citizen response, volunteer response, city crews and staff have all impressed him over the past two weeks. He stated contractor crews have all been respectful. He also thanked Alliant for their work. He then reminded residents about the burn ban and how there is a lot of dry material still on the street.

Council Member Brandt thanked all city employees for their hard work.

Council Member Atkins thanked all city employees for their work and has heard from several residents how proud they are to be in Marion.

Council Member Strnad thanked all city employees for their work since a lot are also dealing with damage to their personal property. He stated he is very proud of Marion.

Council Member Jensen thanked all the people outside of Marion who have also stepped up and supported us.

Mayor AbouAssaly stated he has lived in Marion for 45 years and has never experienced anything like this. The storm was devastating for everyone but so many great things were revealed. He stated it is heartbreaking to see all the damage but comforting to see everyone come together. It was miraculous to witness the amount of donations the City received that flew out the door but then were filled up again the next day. He stated Marion will come out a stronger community.

Mayor AbouAssaly adjourned the meeting at 6:33 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