

September 3, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, September 3, 2020, at 5:30 p.m. in the council chambers of City Hall with Mayor Pro Tem Jensen presiding and the following council members present: Harper, Atkins, Brandt and Gadelha. Absent: AbouAssaly and Strnad.

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** – None

**PUBLIC FORUM** – No one came forward to speak.

**CONSENT AGENDA**

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

Motion to approve minutes of the August 25 and 27, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Short's – 780 11th Street  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
- b. New – Zio Johnno's – 755 7th Avenue  
Special Class C Liquor License (BW)(Beer/Wine) with additional privileges of Class B Wine Permit, Outdoor Service and Sunday Sales. No violations in last five years.

Motion to approve payments as presented in the amount of \$2,466,632.18.

Resolution No. 28729 setting a date of meeting at which it is proposed to approve Development Agreement with Eagle View Partners LC including Annual Appropriation Tax Increment Payments.

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

- a. Resolution No. 28730 approving Partial Payment No. 2 to Linn County for services provided by Snyder and Associates regarding the Build Grant Application for Tower Terrace in the amount of \$6,161.56. (TRANS-18-095)

- b. Resolution No. 28731 approving Partial Payment No. 2 to Midwest Concrete, Inc. regarding the 2020 Storm Sewer Project in the amount of \$36,591.63. (ANN-18-031)
- c. Resolution No. 28732 approving Partial Payment No. 1 to Midwest Concrete, Inc. regarding the 2020 Fire Station 2 Parking Lot Reconstruction Project in the amount of \$181,740.83. (FACS-19-120)
- d. Resolution No. 28733 approving Partial Payment No. 3 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$75,269.12. (TRANS-18-090)
- e. Resolution No. 28734 approving Partial Payment No. 2 to Rathje Construction Company regarding the 2020 Safe Routes to School Project in the amount of \$17,069.70. (TRL-18-059)
- f. Resolution No. 28735 approving Partial Payment No. 2 to Rathje Construction Company regarding the A Avenue Reconstruction Project (NSI) in the amount of \$69,327.67. (TRANS-18-090)
- g. Resolution No. 28736 approving Partial Payment No. 3 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 \$33,642.02. [TAP-U-4775(637)—8I-57] (TRL-17-055)
- h. Resolution No. 28737 approving Partial Payment No. 16 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$974.20. (ANN-18-082)
- i. Resolution No. 28738 approving Partial Payment No. 21 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$17,314.24. (TRANS-18-091)
- j. Resolution No. 28739 approving Partial Payment No. 5 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$677,623.23. (TRANS-18-091)
- k. Resolution No. 28740 approving Partial Payment No. 12 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$2,579.25. (ANN-18-082)
- l. Resolution No. 28741 approving Partial Payment No. 2 to L.L. Pelling Company, Inc. regarding the 2020 HMA Resurfacing Project in the amount of \$641,589.68. (ANN-18-086)

Resolution No. 28742 accepting 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street). (TRANS-18-091)

Resolution No. 28743 approving payment to Hall & Hall Engineers, Inc. for professional services related to the fire station final plat in the amount of \$215.70. (FACS-18-061)

All in favor, motion carried.

### **REGULAR AGENDA**

Moved by Brandt, seconded by Harper to approve Resolution No. 28744 approving Human Resources Director employment agreement with Kirsten Fisher. Council Member Gadelha asked when Kirsten would be starting. City Manager Lon Pluckhahn stated September 14. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve the final 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**

City Manager Lon Pluckhahn provided an update regarding the 2020 Storm Response. He stated the City has switched monitoring firms this week which has gone well.

Library Director Hollie Trenary provided an update regarding the Library. Staff is currently having challenges getting internet services at the temporary Uptown location. A technology center, including the IDOT Kiosk, will be located at 5650 Kacena Avenue. The technology center located at Thomas Park will be closing September 4. Staff is still triaging the book collection as there are books still wet. Council Member Harper asked how the books were originally dried out. Hollie stated dry warm air was pumped into the library and then the moisture was removed. The books are still wet because they weren't fully dry when they were moved. Mayor Pro Tem Jensen asked if they should be moved to a temperature controlled facility. Hollie stated the current location should be great once books can be dried. Staff is constantly monitoring the temperature and humidity in the space. Council Member Gadelha asked about the mobile library. Hollie stated the project was kicked off but because it is a custom build, it will take 9-10 months. Council Member Brandt asked if collection is completely destroyed, would insurance cover the cost. Hollie stated the collection is insured for \$2 million but we have 85,000 items. Anything that insurance doesn't cover, FEMA should cover. Lon stated we have received questions about budgetary impacts. He stated all Derecho related expenses are being tracked by Finance.

Mayor Pro Tem Jensen asked about status of damage to City buildings. Assistant to the City Manager Amal Eltahir stated the City has received an advance of \$200,000 from insurance. A preliminary estimate for damage to facilities is \$4 million. This cost does

not include damage to any infrastructure including roads or traffic lights. Mayor Pro Tem Jensen asked about damage to fire station headquarters and if it will impact project timeline. Amal stated most damage was to the wood decking and it will effect timeline but unsure about by how much. Mayor Pro Tem Jensen asked about damage to Fire Station No. 4. Amal stated two buildings were destroyed. Lon Pluckhahn stated we have not closed on the property and staff will meet with the owner to determine next steps.

Council Member Brandt asked if the compost site will be reopening soon. Public Services Director Ryan Miller stated they are working on a plan to reopen and should hopefully be ready by next week. Council Member Brandt asked about when the second pass of tree debris will take place. Ryan stated they will give people time to bring more tree debris out to the curb so it will be a couple of weeks before next pass. Council Member Brandt asked if trucks are only picking up residential debris. Ryan stated it is the goal to pick up all storm debris in the city but this is a FEMA process and so we need approval before moving on to commercial pick up. Council Member Gadelha asked about other storm debris pickup. Ryan stated it will be picked up but it should be kept in a separate pile for now. Council Member Harper asked about the capacity of location at 44th Street. Ryan stated they have no concerns and they have trucks on standby to haul out the mulch.

Council Member Brandt asked about the progress of removing the hanging branches. Interim Parks Director Seth Staashelm stated there are currently six aerial units going through Marion. The new monitoring service will be uploading updates to our website regarding where they have been and where they will be going.

Council Member Brandt asked about the construction of A Avenue. City Engineer Mike Barkalow stated both A Avenue and 14th Street were under construction. Staff have worked out an agreement with Rathje Construction to push debris out of the way to be collected so that construction can continue.

**PUBLIC FORUM** – No one came forward to speak.

### **COUNCIL COMMENTS**

Council Member Gadelha stated that she was asked to be a member of a sexual abuse response team. She attended yesterday along with Police Chief Mike Kitsmiller. The team deals with human trafficking and sexual assault. They will be working on a best practices document that will be shared with local police and fire departments. She stated she invited them to present to Council at a later date.

Council Member Brandt asked about the Cedar Rapids mask mandate and stated he was under the impression only the Governor could issue a mandate. City Attorney Ryan Tang stated that is his understanding as well and that the Iowa Attorney General has supported the Governor in that statement. Ryan stated a large group of municipal attorneys do not agree as that goes against home rule charter. Ryan stated both he and City Attorney Kara Bullerman have determined it is up to the City to decide how to move forward and they would support whatever is decided. Mayor Pro Tem Jensen stated a

proposal is going around to get Council Members from Hiawatha, Robins and Marion as well as Linn County Supervisors together to determine a plan for moving forward. He wanted to know if Council would support a joint meeting. Council Members Brandt, Gadelha, Atkins and Harper all agreed. Council Member Gadelha stated she is appreciative that Marion City Council is working together and discussing with other municipalities before moving forward with any mandate. City Attorney Ryan Tang stated if the City participates in a joint meeting, one area of concern is enforceability of a mandate. He has concerns with the wording that was used by Des Moines and Cedar Rapids so if the City moves forward, there will need to be some amendments.

Council Member Brandt thanked all City staff for their dedication and hard work since the storm. He also wished Mayor AbouAssaly a happy birthday.

Council Member Atkins also wished Mayor AbouAssaly a happy birthday.

Council Member Harper thanked all City Staff for their hard work. He has received many positive comments.

Mayor Pro Tem Jensen stated the Marion School District goes back on Tuesday and that Linn-Mar School District goes back the following week.

Mayor Pro Tem Jensen adjourned the meeting at 6:23 p.m.

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Steve Jensen, Mayor Pro Tem

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\_\_\_\_.

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Rachel Bolender, City Clerk