

October 8, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, October 8, 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, Gadelha and Strnad. Absent: AbouAssaly.

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**

Council Member Strnad read a proclamation regarding Fire Prevention Week 2020 (October 4-10, 2020) and presented it to Deputy Fire Chief Jason Hansen.

Council Member Atkins read a proclamation regarding American Legion Auxiliary Poppy Days (October 16-17, 2020) and presented it to Amy Pisarik with Marion Post 298.

### **PRESENTATIONS**

Police Chief Mike Kitsmiller stated that communications to launch the Community Liaison Program was started back in March 2020 but COVID and Derecho pushed it back. Emily Blomme and Drew Martel from Foundation 2 were present and stated this program was kicked off five years ago with Cedar Rapids. This program is a national model and the idea is to get a counselor on staff to provide a bridge between the police department and the mental health realm. Council Member Gadelha asked if the number of recommended liaisons is based on population. Drew stated the first year will be used to track data to determine when a liaison should be available and how many liaisons are needed based on the case load. Council Member Harper stated when he first started, has asked Chief Kitsmiller where officers spend most of their time. At the top of that list was mental health related concerns. He congratulated the Chief for his work getting this agreement together and thanked Foundation 2 for engaging with the City.

### **PUBLIC FORUM**

Vicki Bauman (3151 Silver Oak Trail) shared her concerns regarding the Lucore Bridge and encouraged the City to work with the County and get signage or something to warn drivers that pedestrians may be present. She thanked staff for trimming the trees.

Brent Oleson with Linn County Board of Supervisors stated they understand the bridge is outdated and the County would participate with putting up signage. He encouraged City staff to reach out to County staff.

Circe Stubo (339 Pheasant Avenue) spoke on behalf of the Marion Alliance for Racial Equity (M.A.R.E) and spoke in favor of the recommended appointments to the Community Equity Task Force.

Sophia Joseph (Requested address be kept private) spoke on behalf of the Marion Alliance for Racial Equity (M.A.R.E.) and spoke in favor of the agreement with Foundation 2.

Ana Clymer (2475 McGowan Blvd) spoke on behalf of the Marion Alliance for Racial Equity (M.A.R.E.) and spoke in favor of renaming Squaw Creek to Wanatee Creek.

## **CONSENT AGENDA**

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

Motion to approve minutes of the September 15 and 23, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Aldi #58 – 1001 50th Street

Resolution No. 28816 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Casey's General Store #2924)

Motion to approve the following Mayoral appointment:

- a. Community Equity Task Force:
  - Marion Resident – Steven Moshier
  - Marion Resident – Carlos Nelson
  - Marion Resident – Alan Rowe
  - Marion Business Owner – K. Maxwell Grant

Motion to receive and file certified list for Police Officer.

Motion to approve payments as presented in the amount of \$3,922,770.82.

Resolution No. 28817 approving payment to Moody's Investor Service, Inc. in the amount of \$24,000.00 for services related to the issuance of Series 2020A Bonds.

Resolution No. 28818 approving partial payment No. 3 to Mid-States Concrete regarding the Precast Concrete Package for the Public Service Maintenance Facility in the amount of \$131,400.00 (FACS-17-069).

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

- a. Resolution No. 28819 approving Partial Payment No. 4 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$38,948.77. (TRANS-18-091)

- b. Resolution No. 28820 approving Partial Payment No. 3 to Stanley Consultants regarding the Central Corridor Project in the amount of \$23,600.96. (TRANS-18-091)
- c. Resolution No. 28821 approving Partial Payment No. 11 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$488,712.37. (FACS-18-062)
- d. Resolution No. 28822 approving Partial Payment No. 7 to Universal Field Services Inc. regarding the 10th & 10th Mini Roundabout Project Property Acquisition Services in the amount of \$566.80. (TRANS –18-089)
- e. Resolution No. 28823 approving Partial Payment No. 3 to Anderson Bogert Engineers regarding the 2020 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project in the amount of \$3,000.00 (TRANS-18-073)
- f. Resolution No. 28824 approving Partial Payment No. 4 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$41,838.00. (TRANS-18-090)
- g. Resolution No. 28825 approving Partial Payment No. 3 to Rathje Construction Company regarding the 2020 Safe Routes to School Project in the amount of \$39,532.92. (TRL-18-059)
- h. Resolution No. 28826 approving Partial Payment No. 3 to Rathje Construction Company regarding the A Avenue Reconstruction Project (NSI) in the amount of \$51,529.66. (TRANS-18-090)
- i. Resolution No. 28827 approving Partial Payment No. 2 to Midwest Concrete, Inc. regarding the 2020 Fire Station 2 Parking Lot Reconstruction Project in the amount of \$73,501.69. (FACS-19-120)
- j. Resolution No. 28828 approving Partial Payment No. 3 to Midwest Concrete, Inc regarding the 2020 Storm Sewer Project in the amount of \$13,994.92. (ANN-18-031)
- k. Resolution No. 28829 approving Partial Payment No. 1 to Midwest Concrete, Inc regarding the 2020 Sidewalk Ramp Project in the amount of \$12,357.60. (ANN-18-106)
- l. Resolution No. 28830 approving Partial Payment No. 4 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 \$165,438.35. [TAP-U-4775(637)—8I-57] (TRL-17-055)

- m. Resolution No. 28831 approving Partial Payment No. 4 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$330.00.
- n. Resolution No. 28832 approving Partial Payment No. 6 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$540,410.10. (TRANS-18-091)
- o. Resolution No. 28833 approving Partial Payment No. 3 to L.L. Pelling Company, Inc. regarding the 2020 HMA Resurfacing Project in the amount of \$111,726.33. (ANN-18-086)

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2020 Sidewalk Ramp Project (ANN-18-106) as follows:

- a. Resolution No. 28834 approving Temporary Construction Easement with Spearhomes LLC Series 20, 1586 5th Avenue, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- b. Resolution No. 28835 approving Temporary Construction Easement with Markham R & Karasel F Harris, 2175 10th Avenue, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- c. Resolution No. 28836 approving Temporary Construction Easement with Duckett Enterprises LLC, 305 9th Street, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- d. Resolution No. 28837 approving Temporary Construction Easement with Brooke H & Cheryl J Rollins, 208 9th Street, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- e. Resolution No. 28838 approving Temporary Construction Easement with Susan Faley, 900 8th Street, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- f. Resolution No. 28839 approving Temporary Construction Easement with Loni G & William J Seitz, 302 9th Street, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- g. Resolution No. 28840 approving Temporary Construction Easement with Loni G Seitz, 254 9th Street, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)

- h. Resolution No. 28841 approving Temporary Construction Easement with American Property Holdings LLC, 125 Southview Drive, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- i. Resolution No. 28842 approving Temporary Construction Easement with Brian A & Laura L Walker, 315 20th Street, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)
- j. Resolution No. 28843 approving Temporary Construction Easement with Connie S Moyer, 785 8th Avenue, regarding the 2020 Sidewalk Ramp Project. (ANN-18-106)

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2020 Safe Routes to School Project (TRL-18-059) as follows:

- a. Resolution No. 28844 approving Temporary Construction Easement with Sabrina Schippers, 1516 3rd Avenue, regarding the 2020 Safe Routes to School Project. (TRL-18-059)
- b. Resolution No. 28845 approving Temporary Construction Easement with 405 14th Street deed owner, 405 14th Street, regarding the 2020 Safe Routes to School Project. (TRL-18-059)

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2020 10th Street and 10th Avenue Mini Roundabout Project (CS-TSF-4775(634)—85-57) (TRANS-18-089), as follows:

- a. Resolution No. 28846 approving Temporary Construction Easement with Karen E. Crane and Douglas A. Crane, 1013 10th Street, regarding the 2020 10th Street and 10th Avenue Mini Roundabout Project (CS-TSF-4775(634)—85-57) (TRANS-18-089)
- b. Resolution No. 28847 approving Temporary Construction Easement with Judith A. Wink, 997 10th Street, regarding the 2020 10th Street and 10th Avenue Mini Roundabout Project (CS-TSF-4775(634)—85-57) (TRANS-18-089)
- c. Resolution No. 28848 approving Temporary Construction Easement with Marion Historical Museum, Inc., 970 10th Street, regarding the 2020 10th Street and 10th Avenue Mini Roundabout Project (CS-TSF-4775(634)—85-57) (TRANS-18-089)
- d. Resolution No. 28849 approving Temporary Construction Easement with Guy E. & Barbara J. Geinzer, 1044 10th Street, regarding the 2020 10th Street and 10th Avenue Mini Roundabout Project (CS-TSF-4775(634)—85-57) (TRANS-18-089)

Resolution No. 28850 approving Change Order #5 with Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) for tree removal in the amount of \$4,067.50. (TRANS-18-090)

Resolution No. 28851 approving Change Order #6 with Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project regarding liquidated damages for a credit in the amount of \$28,000.00. (TRANS-18-092)

Resolution No. 28852 accepting the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project. (TRANS-18-092)

Motion to approve Project Calendar for the Unit Masonry (Veneer & Cast Stone) associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28853 approving Resolution of Necessity regarding the Unit Masonry (Veneer & Cast Stone) associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28854 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Unit Masonry (Veneer & Cast Stone) associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28855 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Unit Masonry (Veneer & Cast Stone) associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Decorative Metal (Handrails/Guardrails) associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28856 approving Resolution of Necessity regarding the Decorative Metal (Handrails/Guardrails) associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28857 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Decorative Metal (Handrails/Guardrails) associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28858 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Decorative Metal (Handrails/Guardrails) associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the General Trades (Doors, Millwork, Toilet Specialties, Window Treatments) associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28859 approving Resolution of Necessity regarding the General Trades (Doors, Millwork, Toilet Specialties, Window Treatments) associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28860 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the General Trades (Doors, Millwork, Toilet Specialties, Window Treatments) associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28861 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the General Trades (Doors, Millwork, Toilet Specialties, Window Treatments) associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Roofing & Architectural Sheet Metal associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28862 approving Resolution of Necessity regarding the Roofing & Architectural Sheet Metal associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28863 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Roofing & Architectural Sheet Metal associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28864 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Roofing & Architectural Sheet Metal associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Glass & Glazing associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28865 approving Resolution of Necessity regarding the Glass & Glazing associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28866 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Glass & Glazing associated with the Marion Library Building Project. (FACS-17-034)

- c. Resolution No. 28867 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Glass & Glazing associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Gypsum Board & Acoustic Ceilings associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28868 approving Resolution of Necessity regarding the Gypsum Board & Acoustic Ceilings associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28869 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Gypsum Board & Acoustic Ceilings associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28870 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Gypsum Board & Acoustic Ceilings associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Flooring associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28871 approving Resolution of Necessity regarding the Flooring associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28872 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Flooring associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28873 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Flooring associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Painting associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28874 approving Resolution of Necessity regarding the Painting associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28875 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Painting associated with the Marion Library Building Project. (FACS-17-034)



- c. Resolution No. 28876 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Painting associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Food Service Equipment associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28877 approving Resolution of Necessity regarding the Food Service Equipment associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28878 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Food Service Equipment associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28879 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Food Service Equipment associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Conveying Systems (Elevators) associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28880 approving Resolution of Necessity regarding the Conveying Systems (Elevators) associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28881 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Conveying Systems (Elevators) associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28882 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Conveying Systems (Elevators) associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Fire Suppression associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28883 approving Resolution of Necessity regarding the Fire Suppression associated with the Marion Library Building Project. (FACS-17-034)

- b. Resolution No. 28884 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Fire Suppression associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28885 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Fire Suppression associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Plumbing associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28886 approving Resolution of Necessity regarding the Plumbing associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28887 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Plumbing associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28888 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Plumbing associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the HVAC associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28889 approving Resolution of Necessity regarding the HVAC associated with the Marion Library Building Project. (FACS-17-034)
- b. Resolution No. 28890 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the HVAC associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28891 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the HVAC associated with the Marion Library Building Project. (FACS-17-034)

Motion to approve Project Calendar for the Electrical associated with the Marion Library Building Project (FACS-17-034), as follows:

- a. Resolution No. 28892 approving Resolution of Necessity regarding the Electrical associated with the Marion Library Building Project. (FACS-17-034)

- b. Resolution No. 28893 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Electric associated with the Marion Library Building Project. (FACS-17-034)
- c. Resolution No. 28894 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Electric associated with the Marion Library Building Project. (FACS-17-034)

Resolution No. 28895 approving Change Order #2 with L.L. Pelling Company, Inc. regarding the 2020 HMA Resurfacing Project regarding the project scope reduction for a credit in the amount of \$17,263.89. (ANN-18-086)

Resolution No. 28896 approving payment no. 4 to RDG Planning & Design, Inc for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$14,005.35. (TRANS-18-098)

Resolution No. 28897 approving payment no. 20 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$5,546.85. (TRL-18-056)

Resolution No. 28898 approving payment no. 4 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 \$141,353.39. (TRL-18-110)

Resolution No. 28899 approving payment no. 11 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$330.00. (Iowa DOT Project Number: TAP-U-4475(630)--8I-57) (TRL-17-055)

Resolution No. 28900 approving payment no. 6 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$170.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).

Resolution No. 28901 approving Marion Enterprise Center 9th Addition Final Plat and Memorandum of Agreement for property located south of N. Gateway Drive and west of Partners Avenue. (MEDCO)

Resolution No. 28902 approving a temporary easement agreement with Marion Brush Manufacturing Company for city owned property located south of 637 6th Avenue.

All in favor, motion carried.

## **REGULAR AGENDA**

Moved by Atkins, seconded by Brandt to approve minutes of the September 17, 2020 City Council meetings. Council Member Gadelha stated she will be abstaining since she wasn't in attendance at meeting. Vote: Yeas: Harper, Atkins, Jensen, Brandt and Strnad. Nays: None. Abstention: Gadelha. Motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28903 authorizing internal advance for funding of an Urban Renewal Project economic development incentive for MOJO Properties, LLC from the Stormwater Management Fund to the Capital Projects Fund in the amount of \$62,500. All in favor, motion carried.

Moved by Gadelha, seconded by Harper to approve Resolution No. 28904 approving Fiscal Year 2020-2021 Operating Budget Transfer from Stormwater Management to Capital Projects for an economic development grant payment to MOJO Properties, LLC in the amount of \$62,500. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28905 approving economic development grant payment to MOJO Properties, LLC in the amount of \$62,500 for the elevator project located at 796 11th Street. All in favor, motion carried.

Moved by Harper, seconded by Brandt to approve Resolution No. 28906 approving payment no. 1 to DebrisTech LLC for debris monitoring services in the amount of \$500,000.00. Council Member Harper asked if this is reimbursable by FEMA. City Manager Lon Pluckhahn confirmed that it would be. Council Member Strnad asked if there will be more payments. Lon stated they are still working so he anticipates more invoices will be submitted. All in favor, motion carried.

Moved by Atkins, seconded by Harper to approve Resolution No. 28907 approving an agreement with Foundation 2 for creation of a Law Enforcement Liaison contract position at the Marion Police Department. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28908 approving purchase from Heiman Fire Equipment regarding fire hose replacement in the amount of \$26,010.00. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28909 approving support for renaming of Squaw Creek to Wanatee Creek to the US Geologic Surveys Board of Geographic Names. Council Member Strnad stated the Google has already updated the name of the park. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to Receive, File, Discuss and refer to legal, a petition regarding the request to trim trees and bushes, install speed signs and warning devices and build a pedestrian bridge next to the Lucore Bridge over Indian Creek. City Engineer Mike Barkalow stated since Tuesday he has talked to Kesha Billings and this project is on the CMPO Fiscally Constrained plan. City Attorney Kara Bullerman stated that the City has a duty to ensure bridges, road and trails are up to standards and that

they can be used safely. If signage is put up for pedestrians, the City is saying that it is safe for pedestrians. Mayor Pro Tem Jensen asked if the City put up pedestrian signage, and someone walking across bridge got hit, could the City be sued. Kara confirmed the City could be sued because the bridge is not built to the appropriate standards. Council Member Harper stated because the City is aware there is pedestrian traffic but it is not to pedestrian traffic standards, is the City liable since we have that knowledge. Kara confirmed the City would be liable and stated it is up to Council on what to display. Council Member Harper stated he thinks there should be some signage warning drivers. Council Member Gadelha thanked Vicki Bauman for her petition and for Brent Oleson for speaking. She would like staff to look for available signage and would like City and County legal staff to determine what can be posted. Council Member Atkins asked if signage can be added for bicycle traffic. Mike Barkalow stated signage can be added or paint added to road. Council Member Atkins asked what the current speed limit was. Mike was unsure and stated to change the speed, a speed study would need to be completed. Mayor Pro Tem Jensen stated he is in favor of putting up a sign stating it is not designed for pedestrian traffic. Council Member Strnad stated everyone has concerns for the pedestrians and the City needs to find the best way to resolve this. Council Member Brandt stated nothing will stop people from walking across the bridge and agrees that signage is needed to warn drivers of narrow bridge. Moved by Jensen, seconded by Strnad to amend motion to read "Receive, File, Discuss and refer to staff and come back with recommendations regarding signage and lines on road for Lucore Bridge over Indian Creek". All in favor of motion to amend. All in favor of amended motion.

Moved by Harper, seconded by Gadelha to receive, file, and discuss the TAC Report regarding a request for a stoplight and/or Rectangle Rapid Flashing Beacon [RRFB] on Boyson Road and Newcastle Road. (Becky Bolsinger, 2385 Newcastle Road) Becky Bolsinger spoke regarding this request and stated there is a lot of support in the neighborhood to add signage at this crossing. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to direct staff to add the pedestrian crossing signage and crosswalk paint for the north/south crossing on the east side of Newcastle Road at Boyson Road and put together CIP (Capital Improvement Project) Sheets for consideration of additional improvements as outlined in the TAC Report. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28910 approving contract and bond with Knutson Construction for the Concrete Foundations associated with the Marion Library Building Project in the amount of \$835,126.00. (FACS-17-034) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28911 approving contract and bond with Central States Concrete for the site concrete associated with the Marion Library Building Project in the amount of \$398,910.00. (FACS-17-034) All in favor, motion carried.

Moved by Strnad, seconded by Atkins to approve Resolution No. 28912 approving contract and bond with Seehase Masonry for the Unit Masonry associated with the Marion Library Building Project in the amount of \$210,000.00. (FACS-17-034) All in favor, motion carried.

Moved by Harper, seconded by Gadelha to approve Resolution No. 28913 approving contract and bond with Peak Construction for the Steel Fabrication & Erection associated with the Marion Library Building Project in the amount of \$724,300.00. (FACS-17-034) All in favor, motion carried.

Moved by Atkins, seconded by Harper to approve Resolution No. 28914 approving contract and bond with Helitech for the Ground Improvements associated with the Marion Library Building Project in the amount of \$85,500.00. (FACS-17-034) All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28915 approving contract and bond with Boomerang Corp. for the Site Grading for Utilities associated with the Marion Library Building Project in the amount of \$444,702.00. (FACS-17-034) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28916 approving contract and bond with Culvers Lawn & Landscaping for the Landscaping and Site Restoration associated with the Marion Library Building Project in the amount of \$168,208.00. (FACS-17-034) All in favor, motion carried.

Moved by Strnad, seconded by Atkins to direct staff to request Debris Removal Assistance from NRCS (Natural Resources Conservation Service) for cleaning up debris in waterways from the Derecho Storm and stabilization of Indian and Squaw Creek and all other waterways with the City boundaries. All in favor, motion carried.

Moved by Harper, seconded by Gadelha to approve Project Calendar regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) (TRANS-18-088), as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) (TRANS-18-088)
- b. Resolution No. 28917 approving Resolution of Necessity regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) (TRANS-18-088)
- c. Resolution No. 28918 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) (TRANS-18-088)

- d. Resolution No. 28919 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) (TRANS-18-088)

All in favor, motion carried.

Mayor Pro Tem Jensen opened the public hearing regarding a Preliminary Site Development Plan for S & S Storage located south of N. Gateway Drive and west of Partners Avenue. (MEDCO & DMFA, LLC) Community Development Director Tom Treharne provided staff report. Chad Pelley (1950 Boyson Road, Hiawatha) spoke in favor of the measure. Nick Glew (1225 6th Avenue Ste 100, Marion) spoke in favor of the project. No other comments, written or verbal, were received. Mayor Pro Tem Jensen declared public hearing closed.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28920 approving a Preliminary Site Development Plan for S & S Storage located south of N. Gateway Drive and west of Partners Avenue. All in favor, motion carried.

Moved by Brandt, seconded by Harper to approve Resolution No. 28921 approving a Final Site Development Plan for S & S Storage located south of N. Gateway Drive and west of Partners Avenue. All in favor, motion carried.

Mayor Pro Tem Jensen opened the public hearing regarding a Preliminary Site Development Plan for Aisles Online Pick Up facility on property located at 3600 Highway 151. (Hy-Vee, Inc.) Community Development Director Tom Treharne provided staff report. John Brehm with Hy-Vee spoke in favor of the measure. Council Member Strnad asked if the greenhouse will still be put up going forward. John stated it would be put up in a different area. No other comments, written or verbal, were received. Mayor Pro Tem Jensen declared public hearing closed.

Moved by Gadelha, seconded by Harper to approve Resolution No. 28922 approving a Preliminary Site Development Plan for Aisles Online Pick Up facility on property located at 3600 Highway 151. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28923 approving a Final Site Development Plan for Aisles Online Pick Up facility on property located at 3600 Highway 151. All in favor, motion carried.

Moved by Harper, seconded by Brandt to approve Resolution No. 28924 approving a contract amendment with FUEL for library virtual branch (website) development. All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28925 approving a Community Attraction and Tourism (“CAT”) Grant Agreement between the Enhance Iowa Board and the City of Marion, accepting a grant of \$450,000 for the new building project. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28926 approving a contract addendum to fixed base operator lease with Craig Campbell and Priscilla Steele for branch library. All in favor, motion carried.

#### **OTHER DEPARTMENT DISCUSSION**

City Manager Lon Pluckhahn provided an update regarding the 2020 Storm Response. He reported that Southern Disaster Recovery has started second phase of storm debris pick up. These items will be taken to the landfill. The estimate of tree debris collected to date is approximately 800,000 cubic yards. Staff will be notifying the public to let them know of a deadline for any debris to be placed at the curb. Staff is looking at October 19. Staff have also been working to determine how to restore tree canopy. Mayor Pro Tem Jensen asked if there will be another pass for non-tree debris. Lon stated that will continue to be picked up as well. Lon stated Faulkes Woods maintained the most damage and may need to be clear cut and become a reforestation project. Council Member Brandt asked about the status of picking up debris from commercial properties. Lon stated FEMA sent back our request and asked for more specific data about the properties included.

#### **PUBLIC FORUM**

Frank Sherman (4170 Canton Court) submitted comments prior to the meeting thanking the Mayor, city staff, Chamber of Commerce and all the others who took care of the citizens in response to the Derecho storm. He also thanked City Manager Lon Pluckhahn for his work coordinating the response while taking care of day to day business.

#### **COUNCIL COMMENTS**

Council Member Harper thanked Council for their support and guidance since he's been on Council. He also thanked staff and leadership.

Council Member Strnad congratulated the Library on their achievement in receiving the CAT Grant. He congratulated the Police Department on their agreement with Foundation 2.

Council Member Atkins stated she is excited about the Foundation 2 agreement. She also stated she was happy to see residents and citizens participate during the meeting tonight.

Council Member Gadelha also stated she is excited about the Library project and the Foundation 2 agreement. She thanked staff for all their work in the response to the Derecho storm and proud of what everyone has done. She also is proud that the City issued a proclamation recommending wearing a face mask.



Mayor Pro Tem Jensen stated the landscape in Marion is changing with work starting on the Library project and the bridge being removed over 7th Avenue by McDonald's. He also stated that the Gazette article about the Mayor was great. He thanked the Mayor for all that he has done for Marion.

**CLOSED SESSION**

Moved by Gadelha, seconded by Atkins to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. City Attorney Kara Bullerman stated that she 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, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

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

Mayor Pro Tem Jensen adjourned the meeting at 7:25 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