

October 22, 2020

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, October 22, 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**

Emily Parker with Riverview Center presented information regarding the services that Riverview Center offers. The facility is a 24/7 crisis advocacy center to support sexual assault survivors and their families. The center seeks funding through fundraising efforts and community partnerships to provide services at no cost. Emily is a member of the Sexual Assault Response Team (SART) along with Council Member Gadelha and Police Chief Mike Kitsmiller. Council Member Gadelha thanked Emily for coming to speak to Council and asked about the status of a packet of information that would be distributed to first responders. Emily stated they hope to have that completed in the next couple of weeks.

Dan Buhr (400 Collins Road) presented information about what the Marion Airport could look like in the future. He discussed what could be unique among other competitors, the need for taxiways and future plans. Dan reviewed the airport located in Ames, IA and the businesses that have built next to the airport. Council Member Harper stated he would like to have some researched input to formulate a vision and sees the Airport Committee as a critical group in helping drive that information collection process. Dan agreed that the next step would be to have a more in-depth study completed.

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

### **CONSENT AGENDA**

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

Motion to approve minutes of the October 6 and 8, 2020 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Fareway Stores #949 – 3300 10th Avenue
- b. Renewal – Hy-Vee Gas – 3550 Highway 151

Motion to receive and file September 2020 Department Monthly Reports.

Motion to approve payments as presented in the amount of \$2,248,822.55.

Resolution No. 28927 adopting final assessment schedule for Fiscal Year 2021 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments.

Motion to receive and file the quarterly finance report for the quarter ending September 30, 2020.

Resolution No. 28928 setting public hearing regarding the proposed adoption of a fiscal year 2020-2021 budget amendment.

Resolution No. 28929 approving Partial Payment No. 1 to Waters Edge Aquatic Design for professional services regarding the Outdoor Aquatic Center Feasibility Study in the amounts of \$16,192.00. (REC-18-041)

Resolution No. 28930 approving Payment to Highview Investments LLC in the amount of \$50,970.00 per MOA (Memorandum of Agreement) approved on July 23,2020. (TRANS-18-096)

Resolution No. 28931 approving Partial Payment No. 4 to HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$14,384.24. (SWR-18-021)

Resolution No. 28932 approving Change Order No. 3 with Peterson Contractors, Inc. regarding Traffic Control for the Removal of Railroad Bridge over Marion BLVD in advance of CEMAR Trail Project in the amount of \$6,450.00. (STP-U-4775(632)—70-57) (TRL-17-055)

Resolution No. 28933 approving Change Order No. 4 with 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 \$25,667.03. [TAP-U-4775(637)—8I-57] (TRL-17-055)

Resolution No. 28934 approving Change Order #6 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding Door Hardware Changes, Station Alerting System, Heat Pump in Elevator and Hardware Limitations in an amount of \$30,738.26. (FACS-18-062)

Resolution No. 28935 approving a Stop Sign stopping east bound traffic on Glenwood Drive at its intersection with Scott Street.

Resolution No. 28936 approving Stop Signs stopping north and south bound traffic on Scott Street at its intersection with Cope Drive.

Resolution No. 28937 approving a Stop Sign stopping east bound traffic on Rookwood Lane at its intersection with Bluegrass Street.

Resolution No. 28938 approving Stop Signs stopping north and south bound traffic on Bowstring Drive at its intersection with Alburnett Road.

Resolution No. 28939 approving a Stop Sign stopping south bound traffic on Bowstring Drive at its intersection with Archer Drive.

Resolution No. 28940 approving a Stop Sign stopping east bound traffic on Beall Court at its intersection with 62nd Street.

Resolution No. 28941 approving payment no. 5 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 \$67,203.28. (TRL-18-110)

Resolution No. 28942 setting a public hearing for November 5, 2020 regarding an amendment to Section 162 Electrical Code of the Marion Code of Ordinances.

Resolution No. 28943 setting a public hearing for November 5, 2020 regarding the naming of an unnamed street located south of Highway 151 and west of 62nd Street.

All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Jensen at 6:17 p.m. Mayor Pro Tem Jensen presided over the meeting.

### **CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

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

Resolution No. 28944 accepting the 2020 HMA Resurfacing Project. (ANN-18-086)

Resolution No. 28945 approving Change Order No. 13 with L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project regarding liquidated damages for a credit in the amount of \$15,000.00. (ANN-18-082)

Resolution No. 28946 accepting the 2019 Runway 17/35 Reconstruction Project (ANN-18-082)

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 6:18 p.m. Mayor AbouAssaly presided over the meeting.

**REGULAR AGENDA**

Moved by Gadelha, seconded by Harper to approve Resolution No. 28947 approving a Merchant Processing Agreement with Automated Merchant Systems Incorporated. All in favor, motion carried.

Moved by Strnad, seconded by Jensen to approve Resolution No. 28948 approving Fiscal Year 2020-2021 Capital Budget Transfer from Local Option Sales Tax to Capital Projects for the Library Project (FACS-18-034) in the amount of \$2,865,000. All in favor, motion carried.

Moved by Harper, seconded by Brandt to approve Resolution No. 28949 authorizing Funding Agreement No. 1357 with Iowa Homeland Security Emergency Management Department/Federal Emergency Management Agency for Public Assistance Grant No. 4557 (CFDA 97.036). All in favor, motion carried.

Moved by Atkins, seconded by Brandt to approve Resolution No. 28950 approving contract amendment no. 1 with DebrisTech LLC for debris monitoring services. All in favor, motion carried.

Moved by Jensen, seconded by Harper to approve Resolution No. 28951 approving partial payment no.1 to Southern Disaster Recovery for emergency debris removal services in the amount of \$3,888,317.54. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to direct staff to solicit bids for Emergency Waterway Debris Removal. All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Jensen at 6:23 p.m. Mayor Pro Tem Jensen presided over the meeting.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28952 approving partial payment no. 1 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$190,337.53. Vote: Yeas: Harper, Atkins, Jensen, Brandt, Gadelha and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Strnad, seconded by Harper to approve Resolution No. 28953 approving partial payment no. 1 to Wendling Quarries, Inc. for the purchase of aggregates associated with the temporary debris reduction site in the amount of \$94,059.74. 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 6:25 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Harper, seconded by Brandt to approve Resolution No. 28954 approving Highview 5th Addition Final Plat and Memorandum of Agreement for property located

south of Tower Terrace Road extended and either side of Newcastle Road. (Dustin Kern) All in favor, motion carried.

### **OTHER DEPARTMENT DISCUSSION**

City Manager Lon Pluckhahn provided a storm response update. He stated a representative from Natural Resources Conservation Service (NRCS) had a tour of the waterways. Tonight, council authorized staff to release a request for proposal for companies to come and clean up the waterways. Once bids are back, staff will have a better idea of costs. Mayor AbouAssaly asked if there are still 20 trucks in the area. Lon stated there are now 12 trucks in Marion. Mayor AbouAssaly asked if the same trucks will be used to clean up waterways. Lon stated it will be different trucks. Mayor AbouAssaly asked if Southern Disaster Recovery will stay until finished. Public Services Director Ryan Miller stated they will stay until the City says they can leave. Council Member Jensen stated it would be an interesting article if a news reporter did a story on the people who work for Southern Disaster Recovery to see what they do. Council Member Strnad stated he has talked to an adjuster who is back in the area to do reinspections and he stated a lot of people will be looking at Marion and Linn County on our disaster recovery. City Manager Lon Pluckhahn wanted to give kudos to the building department permit techs and the library staff who are assisting them. Due to the hail storm and then the derecho they have been swamped with permits. Council Member Brandt asked about the status of removing hanging branches. Ryan Miller stated there is a ways to go. Council Member Brandt asked how many vehicles are still in the area. Ryan stated there are four vehicles. Council Member Harper agrees with Council Member Jensen's comment about a news story on the contractors but also would be interested to know how many out of state electrical crews came in to help Alliant Energy. He asked how many waterways need cleaned up. Ryan Miller stated there are ten. Council Member Harper asked about status of cleanup by Indian Creek Country Club. Ryan stated staff is waiting for a hold harmless agreement to be submitted.

### **PUBLIC FORUM**

Seth Green (Green Acres Storage, 550 Lindale Drive) spoke regarding a proposed storage facility project located near the intersection of Highway 151 and Highway 13. He is having frustration with zoning. Seth stated he was told they had three options: 1) try to get project approved before city rezoning is completed, 2) have council change the zoning of that location prior to the rezoning or 3) amend the new zoning code to allow for storage facilities in the new district. Seth would like council's input on how he should move forward. Mayor AbouAssaly asked that this item be put on upcoming work session agenda so the Council can discuss this with staff. Community Development Director Tom Treharne stated he will reach out to Seth Green to discuss further.

### **COUNCIL COMMENTS**

Council Member Harper stated that he saw in the employee newsletter that City Engineer Mike Barkalow was elected as the President of the Iowa Board of the American Society of Civil Engineers. He congratulated Mike on this accomplishment.

Council Member Gadelha thanked Emily Parker for sharing the resource of Riverview Center. She also wanted to point out that the next work session has been changed to Monday, November 2 because of the election on Tuesday. She also encouraged everyone to go out and vote.

Mayor AbouAssaly stated yesterday he had the chance to see the progress of the new YMCA. He would like to schedule a time for all of council to view the facility. He also stated that leading up to an election, things can get heated and it can cause a lot of division. He wanted to remind everyone of the time after the Derecho and what a unifying time that was. It was encouraging to see everyone working together and it showed there is nothing we can't overcome as a community. He also stated there is a fundraising event being organized by group of Iowa BIG students. The event will bring in chainsaw artists who will carve tree stumps and then the final products will be auctioned. Carvings will be done in Marion Square Park and take place throughout a week November. Proceeds will be used to help replant the tree canopy.

Mayor AbouAssaly adjourned the meeting at 6:57 p.m.

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Nicolas AbouAssaly, Mayor

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