



MINUTES

City Council Regular Session

5:30 PM - Thursday, February 4, 2021
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, February 4, 2021, at 5:32 p.m., in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Grant Harper, Colette Atkins, Steve Jensen, Nicolas AbouAssaly, Will Brandt, Rene Gadelha, and Randy Strnad

ABSENT: None

Mayor AbouAssaly presided over the meeting.

The meeting opened with the pledge of allegiance and Council observed a moment of silence.

PROCLAMATIONS/OATHS

Mayor AbouAssaly read the Proclamation for Black History Month which is February 2021. The proclamation will be presented to the Marion Civil Rights Commission.

PRESENTATIONS

Renee Greenlee with the Marion Public Library presented information regarding the school library card project that was undertaken by the Marion Public Library and the school districts in Marion. Greenlee stated 7,825 Linn-Mar and 2,696 Marion Independent School District (MISD) student library accounts were created in December. Students now have access to print materials at Marion, Cedar Rapids and Hiawatha public libraries as well as e-books, e-audiobooks, magazines, movies, music, documentaries, and other online resources. Council Member Harper asked what the total print collection would be between Marion library, Linn-Mar and MISD. Greenlee was unsure of the total collection. Interim Library Director Kelly Dybvig stated school libraries are usually smaller and anticipates the resources available to students have tripled with this collaboration.

Doug Neumann with the Cedar Rapids Metro Economic Alliance provided information regarding Cedar Rapids Metro/Regional Economic Development and Business Support. (Neumann had technical difficulty and left the meeting.)

Nick Glew with Marion Economic Development Company provided a Quarter 1 Update. Information was presented regarding unemployment claims, unemployment rate, new construction starts, new home growth and current project activity in Marion.

Doug Neumann with the Cedar Rapids Metro Economic Alliance provided additional information regarding business support.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the January 19, 22 and 22, 2021 City Council meetings.

Liquor licenses including the following:

- Renewal - Nara Thai Cuisine - 1725 Blairs Ferry Road, Suite 102
- Renewal - Cedar Rapids Bowling Center - 450 Northland Avenue
- Renewal - Marion Veterans Club - 625 31st Street

Motion to approve the Fiscal Year 2021 Cigarette License for the following:

- Corner Mart - 998 8th Avenue

Mayoral appointment to Marion YMCA Advisory Committee :

- Marion Resident: Christian Alva

Payments as presented in the amount of \$2,006,590.69

Resolution No. 29214 approving partial payment no. 2 to Tidal Basin Government Consultants for services related to Derecho Disaster Recovery in the amount of \$25,853.75

Motion to approve a Hold Harmless Agreement with Marion Chamber of Commerce regarding Uptown Marion Market, June 12, July 10 and August 14 from 6 a.m. to Noon; City Parking Lot at corner of 8th Avenue and 12th Street.

Public Safety

Resolution No. 29215 approving annual payment to Axon for body camera service in the amount of \$49,158.

Engineering

Resolution No. 29216 approving Partial Payment No. 1 to K & W Electric, Inc. regarding the 2020 Marion Fire Station Traffic Signals Project in the amount of \$104,540.09. (FACS-18-062)

Resolution No. 29217 approving Partial Payment No. 5 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 \$4,197.39. (TAP-U-4775(636)—8I-57) (TRL-17-055)

Resolution No. 29218 approving Partial Payment No. 12 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$272.00 (FACS-18-062)

Resolution No. 29219 accepting Commons at English Glen 5th Addition to the City of Marion.

Resolution No. 29220 approving Change Order No. 1 with Helitech Civil

Construction regarding the Marion Library Project – Bid Pkg 31A Ground Improvements in a credit amount of \$1,625.00. (FACS-17-034)

Resolution No. 29221 approving Change Order No. 1 with Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations regarding Dumpster Enclosure and Structural Steel in the amount of \$2,041.00. (FACS-17-034)

Resolution No. 29222 approving Change Order No. 1 with Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry regarding Dumpster Enclosure and Structural Steel in the amount of \$6,538.80. (FACS-17-034)

Resolution No. 29223 approving Change Order No. 2 with Central States Concrete regarding insurance modifications for the Library Site in the amount of \$0.00. (FACS-17-034)

Resolution No. 29224 approving Change Order No. 1 with Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding Steel Fabrication and Erection regarding insurance in the amount of \$0.00. (FACS-17-034)

Resolution No. 29225 approving Change Order No. 2 with Boomerang regarding insurance modifications for the Library Site in the amount of \$0.00. (FACS-17-034)

Resolution No. 29226 approving Change Order No. 2 with Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations regarding insurance modifications in the amount of \$0.00. (FACS-17-034)

Resolution No. 29227 approving Change Order No. 2 with Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry regarding insurance modifications in the amount of \$0.00. (FACS-17-034)

Resolution No. 29228 approving Change Order No. 2 with Helitech Civil Construction regarding the Marion Library Project – Bid Pkg 31A Ground Improvements regarding insurance in an amount of \$0.00. (FACS-17-034)

Resolution No. 29229 approving Partial Payment No. 3 to EB Solutions, Inc. regarding the Wetland Mitigation and Annual Monitoring for the Grant Wood Trail in the amount of \$1,680.00.

Community Development

Resolution No. 29230 approving payment no. 10 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$150. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).

Resolution No. 29231 approving payment no. 2 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$26,114.00. (GOV-19-122)

Resolution No. 29232 approving payment no. 8 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$3,679.35. (TRANS-18-098)

Resolution No. 29233 approving payment no. 2 to Universal Field Services, Inc for services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$1,080.00. (TRL-18-110)

Resolution No. 29234 approving payment no. 8 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 \$47,943.21. (TRL-18-110)

Moved by Harper, seconded by Jensen, to approve Consent Agenda as shown above.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:15 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 29235 approving Partial Payment No. 8 to Peterson Contractors, Inc. regarding the CEMAR Phase III Project in City of Marion, from Marion Boulevard bridge over Indian Creek north preservation trail Bridge New, Steel Girder amount \$47,200.20. [TAP-U-4775(637)-8I-57] (TRL-17-055)

Moved by Jensen, seconded by Harper, to approve Consent Agenda with Mayor AbouAssaly's abstention as shown above.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:15 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Public Hearing on Proposed Development Agreement with WhaddaYWant, Inc.

Mayor AbouAssaly opened the public hearing as shown above. Assistant to the City Manager Amal Eltahir provided the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29236 Approving Development Agreement with WhaddaYWant, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29236.

Approved unanimously

Motion directing staff to negotiate contract regarding General Obligation Corporate Purpose and Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$25,000,000.

Moved by Gadelha, seconded by Brandt, to approve item as shown above.

Approved unanimously

Motion to remove from table Certified List for Fire Lieutenant (tabled January 7, 2021)

Moved by Strnad, seconded by Gadelha, to approve item as shown above.

Approved unanimously

Motion to approve Certified List for Fire Lieutenant (tabled January 7, 2021)

Moved by Harper, seconded by Strnad, to approve item as shown above.

Approved unanimously

Public Safety

Resolution No. 29237 approving purchase of an apparatus exhaust removal system from Ward No Smoke systems in an amount not to exceed \$50,000.

Moved by Atkins, seconded by Harper, to approve Resolution No. 29237.

Approved unanimously

Engineering

Motion to approve Project Calendar regarding the 2021 HMA Resurfacing Project (ANN-18-086), as follows:

- Motion to retain the City Engineer as Project Engineer regarding the 2021 HMA Resurfacing Project. (ANN-18-086)
- Resolution No. 29238 approving Resolution of Necessity regarding the 2021 HMA Resurfacing Project. (ANN-18-086)
- Resolution No. 29239 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 HMA Resurfacing Project. (ANN-18-086)
- Resolution No. 29240 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 HMA Resurfacing Project. (ANN-18-086)

Moved by Jensen, seconded by Atkins, to approve project calendar as shown above.

Approved unanimously

Motion to approve Project Calendar regarding the 2021 Sidewalk Ramp Project (ANN-18-106), as follows:

- Motion to retain the City Engineer as Project Engineer regarding the 2021 Sidewalk Ramp Project (ANN-18-106)
- Resolution No. 29241 approving Resolution of Necessity regarding the 2021 Sidewalk Ramp Project (ANN-18-106)

- Resolution No. 29242 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 Sidewalk Ramp Project (ANN-18-106)
- Resolution No. 29243 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2021 Sidewalk Ramp Project (ANN-18-106)

Moved by Brandt, seconded by Jensen, to approve project calendar as shown above.

Approved unanimously

Motion to approve Project Calendar regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail [TAP-U-4775(638)—8I-57] (TRL-17-055), as follows:

- Motion to retain the City Engineer as Project Engineer regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail [TAP-U-4775(638)—8I-57] (TRL-17-055)
- Resolution No. 29244 approving Resolution of Necessity regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail [TAP-U-4775(638)—8I-57] (TRL-17-055)
- Resolution No. 29245 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail [TAP-U-4775(638)—8I-57] (TRL-17-055)
- Resolution No. 29246 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail [TAP-U-4775(638)—8I-57] (TRL-17-055)

Moved by Gadelha, seconded by Brandt, to approve project calendar as shown above. Mayor AbouAssaly reminded everyone that the decorative pillars will not be installed until the DOT has accepted the project.

Approved unanimously

Ordinance No. 21-01 amending Chapter 66, Section 66.02 of the Code of Ordinances related to Load and Weight Restrictions. (Initial Consideration)

Moved by Strnad, seconded by Gadelha, to approve the initial consideration of Ordinance No. 21-01.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 6:28 p.m.

Mayor Pro Tem Atkins presided over the meeting.

Motion directing staff to proceed with the requirement to install a 4" fire service line into all properties affected by the 7th Avenue Streetscape Project and engage with building and business owners to design a cost share program of up to 50% of installation costs.

Moved by Harper, seconded by Strnad, to approve item as shown above. Council Member Jensen stated that Council was informed that the estimated cost per building was changing from \$15,000 to \$10,000 and that was because the pressure indicator valve would not be installed. Jensen asked why that valve will not be installed. City Engineer Mike Barkalow stated the placement of the indicator valve is determined by where they install the sprinkler system. Barkalow stated the main goal is to get the water service into the building and then cap it. Once a sprinkler system is needed the business can determine where the valve needs to be placed.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Motion directing staff to proceed with developing an Uptown ADA Assistance Program to provide 50% of improvement costs, up to \$5,000.

Moved by Jensen, seconded by Harper, to approve item as shown above.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 6:31 p.m. Mayor Pro Tem Atkins presided over the meeting.

Motion directing staff to proceed with installing salvaged historic bricks on 10th Street from 6th to 7th Avenues and supplementing with similar bricks.

Moved by Jensen, seconded by Atkins, to approve item as shown above. City Engineer Mike Barkalow reviewed six options regarding placement of salvaged brick on 10th Street and one option for placement of salvaged brick on 7th Avenue. Council Member Atkins asked how bricks handle temperature changes. Public Services Director Ryan Miller stated there are no special precautions taken to remove snow from the historic bricks. The bricks have been plowed as normal since they were installed. The new brick on 6th Avenue can only plowed by one truck that has a special blade. Council Member Harper provided information he received from Barkalow regarding the life cycle of different surfaces used in streets. He is concerned about potential trip hazards due to the short life cycle of bricks. Council Member Gadelha stated she would not be in favor of using the salvaged bricks on a traveled street. Council Member Brandt would like to keep a brick street as it is one of our last ones in Marion. Council Member Strnad has concerns about the longevity of the bricks and has concerns about how many bricks are able to be salvaged. Council Member Atkins stated the Uptown has a good mix of old and new and would like to find another way to

repurpose the bricks instead of in the street. Mayor AbouAssaly stated he would like to keep the bricks as they are a part of Marion's story. Council Member Jensen stated he would be in favor of reusing the salvaged bricks on 10th Street. Moved by Jensen, seconded by Brandt to amend the motion to salvage bricks and install them only in the drive lane of 10th Street. Council Member Jensen asked if historic brick has less longevity than asphalt. Public Services Ryan Miller stated he can't address the longevity but does know historic brick is easier to maintain than the newer brick. Vote on motion to amend: Yeas: Jensen, AbouAssaly and Brandt. Nays: Harper, Atkins, Gadelha and Strnad. Motion to amend fails. Moved by Gadelha, seconded by Atkins to amend the motion to direct staff to salvage brick and use them for a future project in the City. Approved unanimously to amend motion. Council Member Brandt asked if it needs to be included on where bricks should be used. Barkalow stated if it is desired to be included in the 7th Avenue Streetscape, he'd like formal direction be made tonight. Council Member Brandt stated he would like them used on 7th Avenue along the walkway as shown in option 7. Council Member Gadelha stated she does not want bricks to be used in the street which was the intent of her amendment. Moved by Brandt, seconded by Jensen to amend the motion to salvage bricks and place them in the walkway across 7th Avenue. Vote on motion to amend: Yeas: Jensen, AbouAssaly, Brandt. Nays: Gadelha, Strnad, Harper and Atkins. Motion to amend fails.

Amended motion to salvage brick and use for a future project approved unanimously

Community Development

Public hearing regarding the adoption of the Uptown Master Plan Update.

Mayor AbouAssaly opened the public hearing regarding the above item. Community Development Tom Treharne provided the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29247 adopting the Uptown Master Plan Update.

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29247.

Approved unanimously

Public Hearing regarding a request to rezone property from A-1, Rural Restricted and R-2, Medium Density Single Family Residential to P-I, Public Institutional for properties located at 655, 675 and 777 S. 15th Street. (Marion Independent School District)

Mayor AbouAssaly opened the public hearing regarding the item above. Community Development Director Tom Treharne provided the staff report. The following comments submitted prior to the meeting were shown: Janelle Brouwer with the Marion Independent School District wrote in favor of the measure and Diana Zrudsky with the Marion Independent School District spoke in favor of the measure. Chris Greve (1355 D Avenue) had questions on if he would have a say regarding future changes to the site. Treharne stated what is brought forward for

plans would be done administratively without public comment and he encouraged him to speak with the Marion Independent School District School Board. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 21-02 approving a request to rezone property from A-1, Rural Restricted and R-2, Medium Density Single Family Residential to P-I, Public Institutional for properties located at 655, 675 and 777 S. 15th Street. (Marion Independent School District) (Initial Consideration)

Moved by Gadelha, seconded by Brandt, to approve the initial consideration of Ordinance No. 21-02. Council Member Brandt asked if plans would come to Council under the Public Institutional zone. Community Development Director Tom Treharne stated they would not but they weren't required to under the current zoning either. Council Member Harper asked if plans for the new middle schools that were constructed for Linn-Mar School District came to Council. Treharne stated they did but that was prior to the Public Institutional zone. Council Member Brandt recommended anyone with concerns about the development to speak with the Marion Independent School District School Board. Approved unanimously

Public Hearing regarding a comprehensive plan amendment from Corridor Commercial to Light Industrial and a rezoning request from C-3, General Commercial to M-1, Light Manufacturing for property located at 2369 Highway 13, Marion, Iowa (Green Acres Storage, LLC)

Mayor AbouAssaly opened the public hearing. Community Development Director Tom Treharne provided the staff report and stated the applicant has requested this item be tabled. Seth Green (Green Acres Storage, 550 Lindale Drive) stated he would like to keep the public hearing open so he has a chance to present at the next meeting. No other comments, written or verbal were received. Mayor AbouAssaly stated that the public hearing will remain open.

Resolution No. 29248 approving a comprehensive plan amendment from Corridor Commercial to Light Industrial for property located at 2369 Highway 13, Marion, Iowa (Green Acres Storage, LLC)

Moved by Strnad, seconded by Gadelha, to table Resolution No. 29248. Tabled unanimously

Ordinance No. 21-03 approving the request to rezone property from C-3, General Commercial to M-1, Light Manufacturing for property located at 2369 Highway 13, Marion, Iowa (Green Acres Storage, LLC) (Initial Consideration)

Moved by Harper, seconded by Brandt, to table Ordinance No. 21-03. Tabled unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 7:45 p.m. Mayor Pro Tem Atkins presided over the meeting.

Resolution No. 29249 approving the Broad + Main – Central Corridor Review for property located at 1107 7th Avenue, Marion, Iowa. (Eagle View Partners, LC and DCI Group)

Moved by Jensen, seconded by Harper, to approve Resolution No. 29249.
Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Ordinance No. 20-14 approving the rezoning request from R-2, Medium Density Single Family Residential to PD-R, Planned Development Residential for property located at 3100 10th Avenue (Green Park Apartment Living LLC) (Final Consideration)

Moved by Brandt, seconded by Jensen, to approve the final consideration of Ordinance No. 20-14.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Resolution No. 29250 approving the final site development plan for Green Park Apartment Living located at 3100 10th Avenue. (Green Park Apartment Living LLC)

Moved by Gadelha, seconded by Brandt, to approve Resolution No. 29250. Council Member Jensen asked if the previous YMCA building would remain during this phase of construction. Community Development Director Tom Treharne stated the building would be demolished during the first phase.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Resolution No. 29251 approving the Green Park Living Apartment Preliminary Plat for property located at 3100 10th Avenue (Green Park Apartment Living LLC)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 29251.

Approved by the following votes:

Ayes: Harper, Atkins, Jensen, Brandt, Gadelha, and Strnad

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 7:50 p.m. Mayor AbouAssaly presided over the meeting.

OTHER DEPARTMENT DISCUSSION

None.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Council Member Atkins shared her excitement regarding the library card program between the Library and school districts. She also asked that residents be patient with snow crews as they work to clear the streets.

Council Member Brandt hopes everyone stays warm this next week and wished Community Development Director Tom Treharne a happy birthday.

Council Member Gadelha appreciated the proclamation that was made tonight and encourages everyone to use this month to learn more and get involved.

Council Member Harper stated the Marion Investment Oversight Committee met today and is off to a good start. He wished Community Development Director Tom Treharne a happy birthday and wished the Kansas City Chiefs good luck in the Super Bowl.

Mayor AbouAssaly wished Community Development Director Tom Treharne a happy birthday. He thanked council for their deliberation on the 7th Avenue Streetscape project that was on the agenda. He also encouraged everyone to learn more and be proactive in being more inclusive and welcoming.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:56 p.m.

Nicolas AbouAssay, Mayor

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