



MINUTES

City Council Regular Session

5:30 PM - Thursday, February 18, 2021
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, February 18, 2021, at 5:30 PM, 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, and Randy Strnad

ABSENT: Rene Gadelha

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

None

PRESENTATIONS

Marion Pavement Management Program

Assistant City Engineer Jake Hahn provided information regarding the Marion Pavement Management Program. Hahn shared City Council member survey results, Pavement Condition Index (PCI) ratings and next steps. Hahn stated there will be discussion at a future council meeting regarding a recommended weighted average PCI for Marion. Council Member Strnad asked about the impact if there is an increase of more fuel efficient vehicles and how staff will account for the loss of funding. Hahn stated he did not account for that impact in funding scenarios. Assistant to the City Manager Amal Eltahir stated that staff are currently researching a transportation utility to help fund this program. Council Member Jensen stated he will find it difficult to come up with a targeted weighted average PCI but would look more to the graphs that were shown regarding the funding scenarios to help determine how to move forward. Council Member Harper asked if staff has looked at other cities that have a pavement management program. Hahn stated he has seen other programs but it is very specific to each municipality. Mayor AbouAssaly stated it is very subjective from person to person.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Consent Agenda as follows:

Administrative Services

Minutes of the February 4 and 6, 2021 City Council meetings.

Liquor licenses including the following:

- Renewal - Dollar General Store #7226 - 1135 East Post Road
- Renewal - Dollar General Store #7398 - 5000 Chandler Court
- Renewal - Fas Mart #5146 - 998 8th Avenue
- New - Corner Mart - 998 8th Avenue

Motion to approve Hold Harmless Agreements with:

- Marion Metro Kiwanis regarding BBQ Rendezvous June 4-6, 2021 at Lowe Park/Amphitheater.
- Phillip Seidl regarding a gathering for a Celebration of Life on September 11, 2021 at Lowe Park.

Receive and file January 2021 Department Monthly Reports

Payments as presented in the amount of \$1,060,312.10.

Resolution No. 29252 setting date of public hearing for March 18, 2021 regarding proposed fiscal year 2022 budget

Resolution No. 29253 approving payment to Hogan-Hansen for audit services for the fiscal year ending June, 30 2020 in the amount of \$60,125.00.

Motion to receive and file the quarterly finance report ending December 31, 2020

Motion directing staff to solicit Request for Qualifications (RFQ) regarding a benefits consulting firm.

Public Services

Resolution No. 29254 approving purchase of recycling bins from Rehrig Pacific in the amount not exceed \$23,500.00.

Public Safety

Resolution No. 29255 approving payment to Truck Builders regarding repairs to the E-91 Fire Truck due to damage caused by the Derecho in the amount of \$43,703.38

Parks

Receive, file and discuss letter from Ruth A and Larry J. Neppl concerning snow removal.

Engineering

Resolution No. 29256 approving Partial Payment No. 8 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of

\$440.00. (TRL-17-055)

Resolution No. 29257 approving Partial Payment No. 1 to Lynch Dallas, PC regarding the Indian Creek Trunk Sewer - Segment 7 in the amount of \$12,612.00. (SWR-17-026)

Resolution No. 29258 approving Partial Payment No. 8 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$25,617.43. (TRANS-18-091)

Resolution No. 29259 approving Partial Payment No. 8 to HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$22,543.30. (SWR-18-021)

Resolution No. 29260 approving Change Order No. 8 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding Added Steel for Overhead Doors, Light Fixture Trim and Fire Rating for stairs in an amount of \$9,067.79. (FACS-18-062)

Community Development

Resolution No. 29261 approving the vacation of a 12' ingress-egress easement located at 755 22nd Street (MMK Holdings LLC)

Resolution No. 29262 approving a permanent public access easement agreement with YES Marion Village, LLC and the City regarding a permanent trail easement for the installation and use of the 10th Avenue Sidepath project. (TAP-U-4775(635)--8I-57)

Resolution No. 29263 approving a contract for appraisal services regarding the Indian Creek Trail Project with Rally Appraisal LLC.

Resolution No. 29264 approving a contract for appraisal services regarding the Indian Creek Trail Project with Cook Appraisal LLC.

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Atkins at 5:58 p.m. Mayor Pro Tem Atkins presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Consent Agenda with Mayor AbouAssaly's abstention as follows:

Administrative Services

Motion to approve appointment of Phil Legate to the Airport Board of Adjustment as recommended by the Marion Municipal Airport Committee (term of five years).

Resolution No. 29265 Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2021 Multiresidential Housing Urban Revitalization Area

Engineering

Resolution No. 29266 approving amendment No. 1 with Anderson Bogert Engineering and Surveyors regarding on call General Airport Consulting for an increase in maximum fee of \$11,774.00.

Motion directing staff to proceed to solicit proposals for the approach to the City of Marion Airport. (MMAC)

Community Development

Resolution No. 29267 approving Broad & Main First Addition Final Plat and Memorandum of Agreement for property located 1107 7th Avenue, Marion, Iowa. (Uptown Holdings, LLC)

Resolution No. 29268 approving Bowman Meadows 8th Addition Final Plat and Memorandum of Agreement for property located south of Boyson Road and east of Alburnett Road (Midwest Development Company).

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Atkins relinquished the gavel to Mayor AbouAssaly at 5:59 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Public hearing on proposal to enter into a Essential Purpose Loan Agreement

Mayor AbouAssaly opened the public hearing regarding item listed 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. 29269 taking additional action on proposal to enter into an Essential Purpose Loan Agreement, combining Loan Agreements, setting the date for sale of General Obligation Corporate Purpose Bonds, Series 2021A and authorizing the use of a preliminary official statement in connection therewith

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29269.

Approved unanimously

Resolution No. 29270 setting the date for the sale of the General Obligation Urban Renewal Refunding Bonds, Series 2021B and authorizing the use of a preliminary official statement in connection therewith

Moved by Atkins, seconded by Brandt, to approve Resolution No. 29270.

Approved unanimously

Motion to approve project calendar regarding Rookwood 4th Addition as follows:

- Receive and file application for financial assistance regarding Rookwood 4th Addition.
- Resolution No. 29271 expressing intent to provide financial support to Rookwood Estates, LLC.

Moved by Strnad, seconded by Atkins, to approve items as shown above.

Approved unanimously

Resolution No. 29272 approving Fiscal Year 2020-2021 Capital Budget Transfers

Moved by Harper, seconded by Brandt, to approve Resolution No. 29272.

Approved unanimously

Public hearing regarding proposed Fiscal Year 2022 City Maximum Property Tax Dollars.

Mayor AbouAssaly opened the public hearing regarding item listed above. Budget Manager Zach Wolfe provided the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 29273 approving Fiscal Year 2022 Maximum Property Tax Dollars.

Moved by Atkins, seconded by Harper, to approve Resolution No. 29273.

Approved unanimously

Public Services

Resolution No. 29274 approving partial payment no. 8 to Southern Disaster Recovery LLC. for emergency debris removal services in the amount of \$172,696.52.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29274.

Approved unanimously

Resolution No. 29275 approving partial payment no. 1 to Southern Disaster Recovery LLC. for emergency waterway debris removal services in the amount of \$2,047,732.98.

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29275.

Approved unanimously

Public Safety

Resolution No. 29276 approving purchase of an apparatus exhaust removal system from Ward No Smoke systems in an amount not to exceed \$70,000.

Moved by Atkins, seconded by Brandt, to approve Resolution No. 29276.

Approved unanimously

Parks

Resolution No. 29277 approving contract with B&R Logging regarding the

Faulkes Heritage Woods salvage timber sale.

Moved by Strnad, seconded by Atkins, to approve Resolution No. 29277.

Approved unanimously

Engineering

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

Moved by Harper, seconded by Brandt, to approve the second consideration of Ordinance No. 21-01.

Approved unanimously

Motion to Receive, File and Discuss an Application for Future Major Streets Oversizing Cost Reimbursements in association with Glen Rock Farm 8th Addition.

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

Approved unanimously

Resolution No. 29278 adopting the 2021 Edition of the Statewide Urban Design Specifications Program (SUDAS).

Moved by Jensen, seconded by Atkins, to approve Resolution No. 29278. Council Member Harper asked if this manual was updated on an annual basis. City Engineer Mike Barkalow confirmed that it was.

Approved unanimously

Resolution No. 29279 approving the 2021 City of Marion Supplemental Specifications of the Statewide Urban Design Area Standards (SUDAS).

Moved by Brandt, seconded by Jensen, to approve Resolution No. 29279.

Approved unanimously

Resolution No. 29280 approving the 2021 City of Marion General Supplement to the Statewide Urban Design Area Standards (SUDAS) Design Manual.

Moved by Atkins, seconded by Brandt, to approve Resolution No. 29280.

Approved unanimously

Community Development

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)

Moved by Strnad, seconded by Atkins, to approve the second consideration of Ordinance No. 21-02.

Approved unanimously

Resolution No. 29281 approving Hy-Vee Fast and Fresh Marketplace – Central Corridor Review for property located at 2790 7th Avenue, Marion, Iowa (Hy-Vee, Inc)

Moved by Harper, seconded by Brandt, to approve Resolution No. 29281.

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) (Continued from February 4, 2021)

Mayor AbouAssaly continued the public hearing regarding item listed above. Community Development Director Tom Treharne stated that the applicant has requested Resolution No. 29248 and Ordinance No. 21-03 remain tabled. The following comments received prior to the meeting were shown: Malorie Hepner with OPN Architects, Kent Neighbor with Farmers State Bank and Dave Drown with GLD Commercial all spoke in favor of the project. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Motion to remove from table 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) (Tabled February 4, 2021)

This item was removed from the agenda.

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)

This item was removed from the agenda.

Motion to remove from table 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) (Tabled February 4, 2021)

This item was removed from the agenda.

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)

This item was removed from the agenda.

PUBLIC FORUM

No one came forward to speak.

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

COUNCIL COMMENTS

Council Member Atkins stated the Community Equity Task Force met last week and has determined a few priorities to tackle first. Atkins also shared her appreciation of Chief Kitsmiller as he works with students in the community.

Mayor AbouAssaly stated that the next work session will be Monday, March 1 due to the special election on March 2.

CLOSED SESSION

Motion to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa.

Moved by Strnad, seconded by Atkins, to adjourn to closed session as stated above. 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. A roll call vote was taken.

Approved unanimously

Moved by Strnad, seconded by Jensen, to reconvene to regular session.

Approved unanimously

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:47 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