



MINUTES

City Council Regular Session

5:30 PM - Thursday, April 7, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, April 7, 2022, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

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

ABSENT: Sara Mentzer

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Fire Department Appointments and Oath of Office

- Firefighters Logan Ludwig, Dustin Berning, Drew Haag and Joe Westendorf

Fire Chief Deb Krebill provided information regarding the firefighters listed above. Mayor AbouAssaly administered the oath of office.

Proclamation - Fair Housing Month (April 2022)

Councilmember Brandt read and presented the proclamation referenced above to Renae Forsyth-Christy with the Marion Civil Rights Commission. Forsyth-Christy spoke about Fair Housing Projects and benefits they have in the community.

Proclamation - National Child Abuse Prevention Month (April 2022)

Councilmember Harper read and presented the proclamation referenced above to the Linn County Community Partnership for Protecting Children

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

Craig Rairdin (1000 Creekbend Court) spoke about Resolution No. 30450 regarding the Airport Layout Plan (ALP).

CONSENT AGENDA

Administrative Services

Minutes of the March 15 and 17, 2022 City Council meetings.

Mayor AbouAssaly recommended appointments:

- Central Plaza Steering Committee
 - Jill Ackerman, 1070 7th Avenue, no term expiration
 - Patty Wise, 2570 Valleyview Court, no term expiration
- Bicycle and Pedestrian Advisory Committee (BPAC)
 - Roman Kiefer, 101 1st Street SE, no term expiration

Liquor licenses including the following:

- Renewal - Zoey's Pizzeria - 690 10th Street
- Renewal - Cocktails & Company - 1625 Blairs Ferry Road
- Renewal - Uptown Snug - 760 11th Street
- New - BP to Go #6 - 1010 East Post Road
- New - Beans, Teas & Other Things - 593 62nd Street
- New - MIX Sushi & Kitchen - 1790 14th Street

Motion to approve hold harmless agreements with Green Iowa AmeriCorps regarding an Indian Creek Clean Up event on June 11, 2022 at Thomas Park, 343 Marion Boulevard.

Payments as presented in the amount of \$3,608,157.06.

Resolution No. 30398 approving designees for City Manager, City Clerk and City Treasurer per 17.03(B) of the Code of Ordinances.

Resolution No. 30399 authorizing additional signatures on checks over \$20,000.

Resolution No. 30400 approving partial payment no.16 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$786.25

Receive and file job description for the Information Technology Application Support Specialist

Resolution No. 30401 amending the non-bargaining pay schedule to add the salary range for the IT Applications Support Specialist position

Resolution No. 30402 approving a revision to Personnel Policy, Section 1.08 – Nepotism

Resolution No. 30403 approving amendment to the well-being program contract with Health Solutions, replacing Schedule A

Resolution No. 30404 setting a public hearing for May 5, 2022 regarding the proposed adoption of a fiscal year 2021-2022 budget amendment

Public Services

Resolution No. 30405 approving the purchase of traffic marking paint from Sherwin Williams and authorizing payment in the amount of \$44,000.00.

Public Safety

Resolution No. 30406 approving the purchase of 2021 Ford Police Interceptor Hybrid SUV from Stivers Ford and authorizing payment in the amount of \$37,882.00.

Resolution No. 30407 Approving Transfer of Ownership of K9 Police Dog "Havik" to Officer Jordan Gallagher.

Engineering

Resolution No. 30408 approving Change Order 002 with Corridor Paint and Drywall regarding the Marion Library Building Project Bid Pkg 09C regarding painting handrail extension in the amount of \$183.75. (FACS-17-034)

Resolution No. 30409 approving Change Order 008 with Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A to provide power to two owner provided UPS units in the amount of \$982.00. (FACS-17-034)

Resolution No. 30410 approving Change Order 009 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to install wireless access point devices in the amount of \$2,313.86. (FACS-17-034)

Resolution No. 30411 approving Change Order 010 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to rework the power to the entry canopy lights in the amount of \$876.45. (FACS-17-034)

Resolution No. 30412 approving Change Order 011 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to add additional allowance funds to Acme's allowance in the amount of \$20,000.00. (FACS-17-034)

Resolution No. 30413 approving Change Order 004 with Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry regarding removal of funds from allowances in a credit amount of \$811.44. (FACS-17-034)

Resolution No. 30414 approving Change Order No 019 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$1,129.00 from General Conditions Funds to finance the costs associated with Acme Electric verifying correct voltages and re-energizing building per OCO 0118. (FACS-17-034)

Resolution No. 30415 approving Change Order No 020 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$10,555.76 from General Conditions Funds to finance the costs associated with Acme Electric verifying correct voltages and re-energizing building per OCO 018 (FACS-17-034)

Resolution No. 30416 approving Change Order No 021 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$0.00 from General Conditions Funds to fund additional labor hours needed for the Bush project team. (FACS-17-034)

Resolution No. 30417 approving Change Order 003 with Corridor Paint regarding the Marion Library Building Project Bid Pkg 09C regarding adding additional allowance funds to Corridor Paint in the amount of \$20,000.00. (FACS-17-034)

Resolution No. 30418 approving Change Order 007 with Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations regarding reducing Knutson Construction allowance funds in a credit amount of \$55,848.20. (FACS-17-034)

Resolution No. 30419 approving Change Order No. 003 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B and 06A regarding General Trades and misc. steel regarding adding additional allowance funds in the amount of \$15,000.00. (FACS-17-034)

Resolution No. 30420 approving Partial Payment No. 9 with Zephyr Aluminum regarding the Marion Library Building Project – BID PKG 08A Glass and Glazing in the amount of \$4,768.05 (FACS-17-034)

Resolution No. 30421 approving Partial Payment No. 7 to Black Hawk Roofing Co., Inc. regarding the Marion Library Project - BID PKG 07A regarding Roofing in the amount of \$1,022.96 (FACS-17-034)

Resolution No. 30422 approving Partial Payment No. 5 to Corridor Paint and Drywall Inc. regarding the Marion Library Project - BID PKG 09C regarding painting in the amount of \$14,250.00 (FACS-17-034)

Resolution No. 30423 approving Partial Payment No. 6 to Commercial Flooring regarding the Marion Library Project - BID PKG 09B Flooring in the amount of \$25,982.50 (FACS-17-034)

Resolution No. 30424 approving Partial Payment No. 3 to Rapids Foodservice regarding the Marion Library Project - BID PKG 11A Regarding Food Service Equipment in the amount of \$9,614.95 (FACS-17-034)

Resolution No. 30425 approving Partial Payment No. 12 to Acme Electric Company regarding the Marion Library Project - BID PKG 26A Electrical in the amount of \$121,419.27 (FACS-17-034)

Resolution No. 30426 approving Partial Payment No. 13 to Pearson Wall Systems regarding the Marion Library Project - BID PKG 09A Gypsum Board and Acoustics in the amount of \$35,180.40 (FACS-17-034)

Resolution No. 30427 approving Partial Payment No. 13 To Peak Construction Group regarding the Marion Library Project - BID PKG 05B & 06A regarding general trades and misc. steel in the amount of \$157,102.03 (FACS-17-034)

Resolution No. 30428 approving Partial Payment No. 9 to Ahern Fire Protection regarding the Marion Library Project - BID PKG 21A Fire Suppression in the amount of \$1,507.65 (FACS-17-034)

Resolution No. 30429 Approving Partial Payment No. 1 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$61,370.00. (FACS-17-034)

Resolution No. 30430 approving Partial Payment No. 7 to Anderson Bogert Engineers regarding the Alburnett Road and Echo Hill Road Roundabout Project in the amount of \$1,000.00 (CS-TSF-4775(641)--85-57)(TRANS-19-118)

Resolution No. 30431 approving Partial Payment No. 18 to Anderson Bogert

Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$754.40 (TRANS-18-091)

Resolution No. 30432 approving a contract with Braun Intertec Corporation for Quality Assurance PCC Plant Monitoring and Soil Testing for the Indian Creek Trail Project in the amount of \$7,788.00. (TRL-18-056) [STP-U-4775(631)—70-57]

Resolution No. 30433 approving Partial Payment No. 9 to Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$485,505.10 (TRANS-18-101)

Resolution No. 30434 approving agreement with M & N Enterprises LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30435 approving a contract with Calhoun-Burns and Associates, Inc. regarding the 2022 Bridge Inspection Services and authorizing payment in the amount of \$4,650.00. (ANN-18-084)

Resolution No. 30436 approving agreement with Marion City Square LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Motion authorizing the City Engineer to apply for up to \$7,000,000.00 to Representative Ashley Hinson as a Community Project Funding Request for the Alburnett Road Project.

Motion approving letter of support regarding the Tower Terrace Road Improvements application for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant.

Community Development

Resolution No. 30437 approving Marion Commerce Park 4th Addition Final Plat and Memorandum of Agreement for property located south of Highway 151 and east of 62nd Street, Marion, Iowa. (Viceroy Properties, LLC)

Resolution No. 30438 setting the date of a public hearing for April 21, 2022 regarding updates to the Marion Housing Code Plans of Inspection and Housing Code Table of Fees.

Resolution No. 30439 approving payment no. 2 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$20,244.94. (REC-18-039)

Resolution No. 30440 approving payment to Rally Appraisal, LLC for the appraisal report associated with Derecho damage assessment of the building at 1095 6th Avenue in the amount of \$1,500.

Library

Resolution No. 30441 approving partial payment No. 20 to Bush Construction

regarding the Library Building Project in the amount of \$64,099.39 (FACS-17-034)

Resolution No. 30442 approving payment No. 1 to Storey Kenworthy regarding the Library Building Project in the amount of \$226,347.44 (FACS-17-034)

Resolution No. 30443 approving payment No. 1 to Workspace regarding the Library Building Project in the amount of \$75,041.45 (FACS-17-034)

Moved by Strnad, seconded by Brandt, to approve consent agenda as shown above.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:02 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Administrative Services

Receive and file correspondence regarding the Airport Layout Plan (ALP) as follows:

- LuxAir Aviation in support of the ALP as it is currently approved
- Marion Municipal Airport Committee (MMAC) in support of the ALP as it is currently approved
- Craig Rairdin (1000 Creekbend Court, Marion) in support of the ALP as it is currently approved
- MEDCO clarifying statements previously made regarding the ALP

Public Services

Resolution No. 30444 accepting the Eco Industrial Park Grading Project and approving final payment to Rathje Construction in the amount of \$34,347.25 (FACS-17-069).

Engineering

Resolution No. 30445 approving Change Order No. 3 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$11,442.50. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30446 approving Partial Payment No. 9 to Peterson Contractors, Inc. 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, in the amount of \$137,940.06 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30447 approving a Maintenance Service Agreement with Price Electric regarding the Marion Municipal Airport.

Resolution No. 30448 approving Partial Payment No. 14 To Pipe Pro Inc. regarding the Marion Library Project - BID PKG 22A & 23A regarding plumbing and HVAC in the amount of \$176,225.00 (FACS-17-034)

Community Development

Resolution No. 30449 amending Task Order One with HDR Engineering, Inc providing an additional \$50,000 for As Needed Airport Consultant Services.

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

Approved by the following votes:

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

Abstained: AbouAssaly

REGULAR AGENDA

Administrative Services

Resolution No. 30450 suspending provisions of the Airport Layout Plan (ALP) relating to any additional east west runway

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30450. Councilmember Harper stated he would like to table this measure based on the amended and restated Fixed Base Operator (FBO) Lease with LuxAir as well as the correspondence received. Moved by Harper, seconded by Strnad to table Resolution No. 30450.

Tabled by the following votes:

Ayes: Strnad, Harper, Atkins, and Brandt

Nays: Jensen

Abstained: AbouAssaly

Resolution No. 30451 approving Amended and Restated Fixed Base Operator (FBO) Lease with LuxAir Aviation, LLC.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30451.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:09 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 30452 authorizing the use of a preliminary official statement in connection with the sale of General Obligation Corporate Purpose Bonds, Series 2022A

Moved by Brandt, seconded by Jensen, to approve Resolution No. 30452.

Approved unanimously

Resolution No. 30453 approving contract with Insight Performance Management Group, LLC regarding strategic planning services and authorizing payment in an

amount not to exceed \$9,730.

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30453.

Approved unanimously

Resolution No. 30454 approving Professional Services Agreement with GovHR USA regarding recruitment services for Fire Chief and Deputy City Manager and authorizing payment in the amount of \$45,500.00.

Moved by Harper, seconded by Jensen, to approve Resolution No. 30454. Councilmember Brandt asked about timing of the hiring process. City Manager Ryan Waller stated the process will take approximately 14 to 16 weeks.

Approved unanimously

Public Services

Resolution No. 30455 approving contract with Schrader Excavating for the demolition of the Public Services Facility (FACS-17-069).

Moved by Jensen, seconded by Harper, to approve Resolution No. 30455.

Approved unanimously

Parks

Resolution No. 30456 approving purchase of benches and trash receptacles from Anova Furnishings regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project and authorizing payment in the amount of \$86,060.00 (TRANS-18-101)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30456. Councilmember Brandt asked when the benches and trash receptacles would be installed. Parks Director Seth Staashelm stated there is a 10 to 11 week lead time and items should be installed this year.

Approved unanimously

Engineering

Ordinance No. 22-05 amending Chapter 63 of the Code of Ordinances establishing the speed limit on 6th Avenue as 35 mph from 15th Street to 27th Street. (Second Consideration)

Moved by Brandt, seconded by Atkins, to approve the second consideration of Ordinance No. 22-05.

Approved unanimously

Public Hearing regarding the 2022 Taube Park Project (REC-20-007)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30457 accepting bids and awarding contract to Rathje Construction Company regarding the 2022 Taube Park Project in the amount of \$163,342.70 (REC-20-007)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30457. Councilmember Brandt asked how this will impact the Taube Park farmers market. Parks Director Seth Staashelm stated this does cut off one event and the department is working with Chamber of Commerce to see if there is another event the vendors can sell at.

Approved unanimously

Public Hearing regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118) (CS-TSF-4775(641)--85-57)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30458 accepting bids and awarding contract to Rathje Construction Company regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project in the amount of \$1,484,666.05 (TRANS-19-118) (CS-TSF-4775(641)--85-57)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30458.

Approved unanimously

Motion to approve Project Calendar regarding the 2022 Sanitary CIPP Rehabilitation Project (ANN-18-029), as follows:

- Motion to retain the City Engineer as Project regarding 2022 Sanitary CIPP Rehabilitation (ANN-18-029)
- Resolution No. 30459 approving of Necessity regarding the 2022 Sanitary CIPP Project Rehabilitation (ANN-18-029)
- Resolution No. 30460 ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary CIPP Rehabilitation Project (ANN-18-029)
- Resolution No. 30461 approving and adopting final plans, specifications, notice of hearing letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary CIPP Rehabilitation Project (ANN-18-029)

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

Approved unanimously

Resolution No. 30462 approving contract and bond with Eastern Iowa Excavating & Concrete LLC regarding the 2022 Pavement Patching Project and authorizing payment in the amount of \$727,723.30 (TRANS-18-090)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30462.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:26 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30463 approving contract and bond with LL Pelling Co, Inc. regarding the 2022 Lowe Park Roadway Overlay Project and authorizing payment in the amount of \$147,277.50 (REC-18-052).

Moved by Strnad, seconded by Atkins, to approve Resolution No. 30463.
Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:28 p.m.
Mayor AbouAssaly presided over the meeting.

Community Development

Resolution No. 30464 approving a request to defer sidewalk located at 999 Enterprise Drive, Marion, Iowa. (Schnoor-Bonifazi Engineering & Surveying)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30464.
Approved unanimously

Public hearing regarding Marion Enterprise Center Flex Space Preliminary Site Development Plan located at 999 Enterprise Drive, Marion, Iowa.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Jedd Schnoor with DMFA, LLC spoke in support of the measure. The following comments submitted prior to the meeting were shown: MEDCO (1225 6th Avenue) wrote in support of the development. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30465 approving Marion Enterprise Center Flex Space Preliminary Site Development Plan located at 999 Enterprise Drive, Marion, Iowa. (DMFA, LLC)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30465.
Approved unanimously

Resolution No. 30466 approving Marion Enterprise Center Flex Space Final Site Development Plan located at 999 Enterprise Drive, Marion, Iowa. (DMFA, LLC)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30466.
Approved unanimously

Motion directing staff to submit an application to the Corridor Metropolitan Planning Organization (CMPO) for the completion of the North Marion Subarea Plan in Partnership with Linn County and the Solid Waste Agency.

Moved by Brandt, seconded by Atkins, to approve item as referenced above. Community Development Tom Treharne spoke about the project and application process.
Approved unanimously

Library

Resolution No. 30467 approving a contract with Techops Specialty Vehicles regarding the Mobile Bookmobile Project for the Marion Public Library and

authorizing payment in the amount of \$355,248.25

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30467. Councilmember Jensen asked how large the bookmobile is. Library Foundation Director Amy Geiger stated it is built on a 34ft chassis and can hold up to 3,000 items. Geiger outlined some of the other uses of the bookmobile. Councilmember Harper asked what the life of the vehicle would be. Library Director Bill Carroll stated he estimates 10-15 years. Councilmember Atkins asked if there is any special license needed to operator the vehicle. Carroll stated a CDL is not needed.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Jensen spoke about the rainy weather and asked for nicer spring weather to get here faster.

Mayor AbouAssaly spoke about the proposed ARPA funding allocations that were presented on Tuesday and stated the list was only ideas and Council will have the ability to make changes. Mayor AbouAssaly stated he was part of a larger group that attended Marion's Legislative Day at the capital to speak regarding various legislation items. Mayor AbouAssaly stated he attended the Creekside Pride meeting where they discussed how they can make Indian Creek an amenity.

CLOSED SESSION

Motion to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa. (Two separate measures)

Moved by Harper, seconded by Jensen, 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 Atkins, to reconvene to regular session.

Approved unanimously

ADJOURN

Mayor AbouAssaly adjourned the meeting at 8:03 p.m.

Nicolas AbouAssaly, Mayor

Rachel Bolender, City Clerk

The undersigned City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Gazette on the _____ day of _____, 20____.

Rachel Bolender, City Clerk