



MINUTES

City Council Regular Session

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

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, May 5, 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, Sara Mentzer, Nicholas AbouAssaly

ABSENT: Colette Atkins, Will Brandt

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Asian American & Pacific Islander Heritage Month (May 2022)

Councilmember Jensen read and presented the proclamation referenced above to Angelica Vannatta with the Marion Civil Rights Commission. Vannatta stated that Native Hawaiian was recently added to this celebration. Vannatta shared her history and more information about Asian American, Native Hawaiian and Pacific Islander Month.

Proclamation - Public Works Week (May 15-21, 2022)

Councilmember Strnad read and presented the proclamation referenced above to City Engineer Mike Barkalow.

Proclamation - Bike to Work Week (May 16-20, 2022)

Councilmember Mentzer read and presented the proclamation referenced above to City Engineer Mike Barkalow. Barkalow outlined some of the events planned for Bike to Work Week.

PRESENTATIONS

Presentation of Masonry Institute of Iowa Award for the Marion Public Library Building Project

Library Director Bill Carroll presented the above referenced award to the City.

PUBLIC FORUM

Les Arnold (1038 7th Avenue) spoke regarding the permanent easement agreement for property located at 1038/1048 7th Avenue. Councilmember Mentzer asked if he looked into adding the steps at the other end of the patio. Arnold stated the double doors restrict the location of the stairs.

Councilmember Brandt arrived at 5:52 p.m.

CONSENT AGENDA

Administrative Services

Minutes of the April 19, 21 and 27, 2022 City Council meetings.

Liquor licenses including the following:

- Renewal - Qdogs BBQ Company - 895 Blairs Ferry Road

Motion to approve Hold harmless agreements with:

- Mike Zhorne regarding a Sidewalk Sing-A-Long event on May 7, 2022 in the Uptown Artway.
- The Corridor Metropolitan Planning Organization (MPO) regarding a Corridor MPO Bike Ride event on May14, 2022 that starts and ends at Lowe Park.
- Marion Arts Festival regarding a Marion Arts Festival event on May 21, 2022 in City Square Park.
- Marion Arts Festival regarding a Marion Arts Festival half marathon and 5k event on May 21, 2022 that starts and ends on 5th Avenue.
- Uptown Marion regarding an Eat. Drink. & Be Marion event on July 14, 2022 in the Uptown Artway.

Mayor AbouAssaly recommended appointments to the Hotel/Motel Grant Program Committee:

- Julie Albert
- Emmaleigh Buck
- Robyn Lynott
- Adam Lau

Payments as presented in the amount of \$3,583,257.60

Resolution No. 30500 resetting the public hearing for May 19, 2022 regarding the proposed adoption of a fiscal year 2021-2022 budget amendment

Public Safety

Resolution No. 30501 approving the purchase from Kraus Plumbing and Heating (aka Fosters Heating and Air Conditioning) of two new heaters for the apparatus bay at Station No. 2, and authorizing payment in an amount of \$9,469.50.

Resolution No. 30502 approving purchase from Kelttek Incorporated regarding installation of equipment for the 2021 Ford Explorer and authorizing payment in the amount of \$15,551.15.

Parks

Resolution No. 30503 approving the extension of the contract with B&R Logging regarding the Faulkes Heritage Woods Salvage Timber Sale through March 31, 2023.

Engineering

Resolution No. 30504 approving Change Order 014 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding adding additional allowance funds to Pearson's allowance in the amount of \$20,000.00 (FACS-17-034)

Resolution No. 30505 approving Change Order No. 006 with Central States Concrete regarding the Marion Library Building Project to reduce Central States allowance funds left in the credit amount of \$18,340.36 (FACS-17-034)

Resolution No. 30506 approving Change Order No. 004 with Peak Construction Group regarding the Marion Library Building Project BP 05B & 06A regarding General Trades and misc. steel regarding full height door toilet partitions in the amount of \$8,917.66 (FACS-17-034)

Resolution No. 30507 approving Change Order No. 005 with Peak Construction Group regarding the Marion Library Building Project BP 05B & 06A regarding General Trades and misc. steel regarding fading roller shades to room 202 in the amount of \$5,452.52 (FACS-17-034)

Resolution No. 30508 accepting the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project (TRANS-18-090)

Resolution No. 30509 approving Partial Payment No. 10 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 \$399,400.14 (TRANS-18-101)

Resolution No. 30510 approving Partial Payment No. 19 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1,312.50. (TRL-17-055).

Resolution No. 30511 approving Partial Payment No. 12 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding steel fabrication and erection in the amount of \$2,960.35. (FACS-17-034)

Resolution No. 30512 amending Resolution 30144 regarding partial payment 10 to Peak Construction Group for the Marion Public Library to the correct bid package referenced. (FACS-17-034)

Resolution No. 30513 approving Partial Payment No. 13 rev 1 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 6A regarding general trades and misc. steel in the amount of \$61,817.45. (FACS-17-034)

Resolution No. 30514 approving Partial Payment No. 10 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$40,032.05. (FACS-17-034)

Resolution No. 30515 approving Partial Payment No. 2 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$61,275.00. (FACS-17-034)

Resolution No. 30516 approving Partial Payment No. 8 to Black Hawk Roofing Co., Inc. regarding the Marion Library Project - Bid Pkg 07A regarding Roofing in the amount of \$24,475.75 (FACS-17-034)

Resolution No. 30517 approving Partial Payment No. 10 to Ahern Fire Protection regarding the Marion Library Project - Bid Pkg 21A Fire Suppression in the amount of \$753.82 (FACS-17-034)

Resolution No. 30518 approving Partial Payment No. 14 to Pearson Wall Systems regarding the Marion Library Project - Bid Pkg 09A Gypsum Board and Acoustics in the amount of \$8,645.00 (FACS-17-034)

Resolution No. 30519 approving contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the Uptown Marion Central Plaza - Survey and authorizing payment in an amount of \$12,000.00. (REC-18-039)

Resolution No. 30520 approving Change Order No. 2 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$57,761.51. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30521 approving Partial Payment No. 2 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$54,873.43. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Motion to direct staff to provide a letter of support to the Iowa Department of Transportation for the I-380 and Wright Brothers Blvd Interchange.

Resolution No. 30537 approving Partial Payment No. 15 to Pipe Pro Inc. regarding the Marion Library Project - Bid Pkg 22A & 23A regarding plumbing and HVAC in the amount of \$22,538.75 (FACS-17-034) (moved from Consent Agenda with Mayor AbouAssaly's Abstention)

Community Development

Resolution No. 30522 approving payment no. 3 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$36,123.59. (REC-18-039)

Resolution No. 30523 approving the Green Park Apartment Living 1st Addition Final Plat and Memorandum of Agreement for property located at the northwest corner of 10th Avenue and 31st Street (Green Park Apartment Living, LLC)

Library

Resolution No. 30524 approving partial payment No. 21 to Bush Construction regarding the Library Building Project in the amount of \$93,708.67 (FACS-17-034)

Resolution No. 30525 approving partial payment No. 29 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$13,213.99 (FACS-17-034)

Resolution No. 30526 approving Change Order No. 3 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$2,000.00. (FACS-17-034)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 5:56 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 30527 approving Change Order 006 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to correct voltages and re-energize the building after shut down in the amount of \$1,129.00. (FACS-17-034)

Resolution No. 30528 approving Change Order 007 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A for Overtime work to condense the schedule in the amount of \$10,555.76. (FACS-17-034)

Resolution No. 30529 approving Change Order No. 014 with Acme Electric regarding the Marion Library Building Project BP 26A regarding additional power to 2 additional shades and 1 raceway shade control switch in the amount of \$2,616.00 (FACS-17-034)

Resolution No. 30530 approving Partial Payment No. 13 to Acme Electric Company regarding the Marion Library Project - Bid Pkg 26A Electrical in the amount of \$136,828.52 (FACS-17-034)

Resolution No. 30531 approving Partial Payment No. 4 to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$475.00. (SWR-18-111)

Resolution No. 30532 accepting the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)

Resolution No. 30533 approving Partial Payment No. 8 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$258,161.45. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30534 approving Partial Payment No. 10 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 \$113,712.61 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30535 approving amendment no. 2 with Anderson Bogert Engineering and Surveyors regarding on call General Airport Consulting services and authorizing payment in an amount not to exceed \$15,980.00

Resolution No. 30536 amending Resolution 30446 regarding Peterson Contractors, Inc and the CEMAR Phase IV Project to change from Change Order

No. 9 to Partial Payment No. 9 and authorizing payment in the amount of \$137,940.06. [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30538 approving Change Order No. 008 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding temp heat, sinks and water for partition move in the amount of \$4,611.75 (FACS-17-034)

Moved by Mentzer, seconded by Harper, to approve consent agenda with Mayor AbouAssaly's abstention as shown above.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:57 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Resolution No. 30539 approving agreement with Marion Cares regarding the award of funds from the Civil Rights Commission Low to Moderate Income Housing Grant program and authorizing payment in the amount of \$20,000.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30539.

Approved unanimously

Presentation of check to Marion Cares for the Civil Rights Low to Moderate Income Housing Grant Program.

Angelica Vannatta with the Marion Civil Rights Commission presented the check to Chris Thomas, president of Marion Cares.

Public Hearing regarding an Ordinance establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC

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

Ordinance No. 22-06 establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC (Initial Consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 22-06.

Approved unanimously

Ordinance No. 22-07 approving an amendment to Chapter 50 of the Marion Code of Ordinances regarding Nuisance Abatement Procedure. (Initial Consideration)

Moved by Jensen, seconded by Harper, to approve the initial consideration of

Ordinance No. 22-07.
Approved unanimously

Motion directing staff to proceed with Sanitary Sewer variable rate increase from \$4.60 to \$6.00.

Moved by Brandt, seconded by Jensen, to approve item referenced above.
Approved unanimously

Engineering

Public Hearing regarding the 2022 Sanitary CIPP Rehabilitation Project (ANN-18-029)

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. 30540 accepting bids and awarding contract to SAK Construction LLC regarding the 2022 Sanitary CIPP Rehabilitation Project in the amount of \$244,849.00 (ANN-18-029)

Moved by Mentzer, seconded by Strnad, to approve Resolution No. 30540.
Approved unanimously

Resolution No. 30541 approving contract and bond with Hydro-Klean, LLC regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project and authorizing payment in the amount of \$39,482.68. (ANN-18-029)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30541.
Approved unanimously

Resolution No. 30542 rescinding Resolution 17745 and establishing Truck Routes.

Moved by Harper, seconded by Mentzer, to approve Resolution No. 30542. Councilmember Harper asked what the change is with this new truck route. City Engineer stated Resolution 17745 included a lot of collector streets. He stated the new resolution includes all U.S. and State highways, Business 151 except the section from 7th Street to 27th Street and 6th Avenue from 7th Street to 27th Street.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:11 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30543 approving request for escalation of cost for Ahern regarding the Marion Library Project in the amount of \$8,237.00. (FACS-17-034)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30543. City Attorney Kara Bullerman stated Resolutions 30543, 30544 and 30545 have been reviewed and staff is recommended these resolutions be denied as the contract was not followed.

Failed by the following votes:

Ayes:

Nays: Jensen, Harper, Strnad, Mentzer, and Brandt

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:13 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 30544 approving request for escalation of cost for Pipe Pro regarding the Marion Library Project in the amount of \$115,033.22. (FACS-17-034)

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 30544.

Failed by the following votes:

Ayes:

Nays: Jensen, Strnad, Harper, Mentzer, AbouAssaly, and Brandt

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:14 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30545 approving request for escalation of cost for Acme regarding the Marion Library Project in the amount of \$50,584.48. (FACS-17-034)

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30545.

Failed by the following votes:

Ayes:

Nays: Jensen, Strnad, Harper, Mentzer, and Brandt

Abstained: AbouAssaly

Resolution No. 30546 approving contract and bond with B.G. Brecke, Inc. regarding the 2022 Sanitary Sewer Manhole Project and authorizing payment in the amount of \$76,978.00 (ANN-18-029)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30546.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 30547 approving Change Order 017 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to add Jboxes to the book drop electrical room in the amount of \$2,723.07. (FACS-17-034)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30547.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:13 p.m. Mayor AbouAssaly presided over the meeting.

Community Development

Public hearing regarding a request to rezone property located west of Alburnett Road and south of Prairie Trail from Undesignated to SR-2, Suburban Medium Density Single-Family Residential.

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

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

Ordinance No. 22-08 approving a request to rezone property located west of Alburnett Road and south of Prairie Trail, Marion, Iowa from Undesignated to SR-2, Suburban Medium Density Single-Family Residential. (Integrity Custom Homes, Inc.) (Initial Consideration)

Moved by Mentzer, seconded by Harper, to approve the initial consideration of Ordinance No. 22-08.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:20 p.m. Mayor AbouAssaly presided over the meeting.

Public hearing regarding an amendment to Section 176.50-12 regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts and an amendment to Section 176.52 regarding the use standards associated with sidewalk cafes (City of Marion)

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

Ordinance No. 22-09 approving an amendment to Section 176.50-12 of the Marion Code of Ordinances regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts (Initial Consideration)

Moved by Strnad, seconded by Brandt, to approve the initial consideration of Ordinance No. 22-09.

Approved unanimously

Ordinance No. 22-10 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding the use standards associated with sidewalk cafes

(Initial Consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 22-10.

Approved unanimously

Motion to remove from table Resolution No. 30498 regarding a permanent easement agreement with Les Arnold for property located 1038/48 7th Avenue.

Moved by Jensen, seconded by Harper, to approve item referenced above.

Approved unanimously

Resolution No. 30498 approving an permanent easement agreement with Les Arnold for property located 1038/48 7th Avenue to permit stairs to encroach into the east/west alley between 10th and 11th Streets and 7th and 8th Avenues (Tabled 04/21/22)

Moved by Brandt, seconded by Harper, to approve Resolution No. 30498. Councilmember Jensen stated he has concerns that if the bench and planter were not there the stairs would create a hazard. Councilmember Brandt asked about the handrail and if that would go past the steps. City Engineer Mike Barkalow stated it would match other handrails in the uptown. Councilmember Brandt stated that since there are already items in the alley he no longer has the concerns that the stairs would be a trip hazard. Councilmember Strnad asked if railings would be required. Community Development Director stated they would be required. Councilmember Mentzer had concerns with this being a permanent easement agreement. City Attorney Kara Bullerman stated the agreement includes maintenance provisions as well as a sunset clause.

Approved by the following votes:

Ayes: Harper, Brandt, Strnad, Mentzer, and AbouAssaly

Nays: Jensen

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

Nathan Caraway (958-960 7th Avenue) spoke regarding a concern with the sewer service to his property.

Greg Moore (710 10th Street) submitted a comment prior to the meeting regarding the sewer service to his property.

COUNCIL COMMENTS

Councilmember Strnad stated he enjoyed attending the employee appreciation luncheon. Strnad also thanked City Clerk Rachel Bolender as it is Professional Municipal Clerk's Week. He stated he attended the City Showcase this past weekend and there was a great turnout.

Councilmember Mentzer stated it was the 30th Anniversary of Healthy Kids Day on Saturday and the YMCA event was a great collaboration with the City and the City Showcase. Mentzer thanked Amber Bisinger and Jessica Carney for their support in putting this event together.

Councilmember Brandt stated MEDCO's annual luncheon was held Wednesday at Prospect Meadows. Brandt also thanked City Clerk Rachel Bolender for Professional Municipal Clerk's Week.

Councilmember Harper thanked City Clerk Rachel Bolender for Professional Municipal Clerk's Week. Harper stated he really enjoyed the City Showcase and thanked staff for their work at the event. Harper thanked all the employees for what they bring to the community. Harper also stated the Farmer's Market begins this Saturday at Taube Park.

Mayor AbouAssaly stated he's looking forward to restarting council office hours at the Farmer's Market on Saturday. Mayor AbouAssaly wished Human Resources Director Kirsten Fisher a happy birthday. He stated the employee appreciation luncheon today was a great event and thanked all employees for their service. He outlined a few events he has attended since the last council meeting including a ribbon cutting at Culver's Garden Center, Fire Chief Krebill's retirement event, the Women Lead Change Conference, a groundbreaking for Boulevard Apartments, the celebration of Arbor's Day and tours of Marion senior living centers. Mayor AbouAssaly spoke about the Marion Methodist Church being saved from demolition and thanked all those involved and stated he is excited to see where this project goes.

Councilmember Strnad talked about the Paul Draper Spirit of Marion Award and stated it was awarded to Officer Tom Daubs today.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:02 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