

November 7, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 7, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Jensen, Strnad, Brandt, and Gadelha. Absent: Atkins.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

**PROCLAMATIONS/OATHS** – None

**PRESENTATIONS**

Fire Chief Deb Krebill recognized Marion Fire Department Volunteer Firefighter/Paramedic Phil High for his 38 years of service. Recognition of Marion Fire Department Volunteer. Mayor AbouAssaly also spoke regarding Phil's service in Nicaragua and presented him with a certificate of appreciation.

Council Member Atkins arrived at 5:34 p.m.

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

**CONSENT AGENDA**

Moved by Gadelha, seconded by Strnad to approve the Consent Agenda as follows:

Motion to approve minutes of the October 15 and 17, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Best Western Longbranch Hotel – 90 Twixt Town Rd NE  
Class B Liquor License with additional privileges of Catering, Outdoor Service, and Sunday Sales. One violation in last five years.

Motion to approve the following Hold Harmless Agreements:

- a. Eat. Drink. & Be Marion; July 9, 2020; Uptown Marion (Uptown Marion Main Street, 1225 6th Avenue) (Permit #2019-00000106)
- b. The Return of the Turkey Trott; November 16, 2019; Marion High School (Pat Quinn, P.O. Box 1031) (Permit #2019-00000109)

Motion to receive and file Certified List for Police Officer.

Motion to approve payments as presented in the amount of \$9,040,620.10.

Resolution No. 28049 approving Partial Payment No. 4 to A-One Geothermal regarding the Public Service Maintenance Facility Geothermal Project in the amount of \$140,316.84 (FACS-17-069).

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 28050 approving Partial Payment No. 3 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$154,122.76. (TRANS-18-092)
- b. Resolution No. 28051 approving Partial Payment No. 2 to Rathje Construction Co. regarding the 2019 Sanitary Maintenance Project in the amount of \$13,724.75. (ANN-18-029)
- c. Resolution No. 28052 approving Partial Payment No. 2 to Eastern Iowa Excavating & Concrete, LLC. regarding the 2019 3rd Ave Rehabilitation Project [NSI] in the amount of \$73,916.30. (TRANS-18-090).
- d. Resolution No. 28053 approving Partial Payment No. 1 to SAK Construction LLC regarding the 2019 Sanitary Sewer Sliplining Project in the amount of \$186,675.62. (ANN-18-029).
- e. Resolution No. 28054 approving Partial Payment No. 32 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$9,657.69. (SWR-17-026)
- f. Resolution No. 28055 approving Partial Payment No. 2 to Stanley Consultants, Inc. for Soil Testing Services Regarding 6th Avenue from 13th Street to 27th Street in the amount of \$3,338.25. (TRANS-18-091)
- g. Resolution No. 28056 approving Partial Payment No. 1 to Fritz Development, LLC for costs associated with Hunters Field 11th Addition to the City of Marion in the amount of \$113,833.06. (ANN-18-109)
- h. Resolution No. 28057 approving Partial Payment No. 1 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$99,904.51. (FACS-18-062)

Resolution No. 28058 approving an addendum 2 to the 2016 Agreement with the Iowa Department of Transportation regarding the CeMar Trail Project. (TRL-17-055)

Resolution No. 28059 approving the purchase of Trimble S5 Robotic Total Station Package, Trimble R8 GNSS Rover Kit, and 3 TSC7 data collectors for the Engineering Department from Precision Midwest in the amount of \$69,575.80. (EQPT-18-008)

Resolution No. 28060 accepting the 2017 Northview Drive Reconstruction Project. [NSI] (TRANS-18-090).

Resolution No. 28061 accepting the 2019 3rd Ave Rehabilitation Project [NSI]. (TRANS-18-090).

Resolution No. 28062 accepting the 2019 Sanitary Maintenance Project. (ANN-18-029).

Resolution No. 28063 accepting the Grant Wood Trail Extension: Hwy 13 to 35th Street Project. (TRL-17-058) (TAP-U-4775(628)-81—57)

Resolution No. 28064 approving contract with Braun Intertec regarding Fire Station Project in an amount of \$31,817.00. (FACS-18-062)

Resolution No. 28065 approving a Stop Sign stopping east bound traffic on Foxborough Drive at its intersection with Winslow Road.

Resolution No. 28066 approving a Stop Sign stopping south bound traffic on Belle Field Court at its intersection with Foxborough Drive.

Resolution No. 28067 approving a Stop Sign stopping north bound traffic on Hunters Green Way at its intersection with Foxborough Drive.

Resolution No. 28068 approving a Stop Sign stopping north bound traffic on Scott Street at its intersection with Prairie Ridge Avenue.

Resolution No. 28069 approving Stop Signs stopping east and west bound traffic on Prairie Ridge Avenue at its intersection with Rookwood Lane.

Resolution No. 28070 approving a Stop Sign stopping east bound traffic on Prairie Ridge Avenue at its intersection with Bluegrass Street.

Resolution No. 28071 approving a Stop Sign stopping east bound traffic on Robinwood Lane at its intersection with Scott Street.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 28072 approving payment no. 23 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-81-57) in the amount of \$79,492.48. (TRL-17-055)
- b. Resolution No. 28073 approving payment no. 47 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of \$265.15. (TRANS-18-099)

- c. Resolution No. 28074 approving payment no. 48 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of \$640.00. (TRANS-18-099)
- d. Resolution No. 28075 approving payment no. 2 to Universal Field Services, Inc. for services related to Indian Creek Trail Project in the amount of \$1,623.38. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056)
- e. Resolution No. 28076 approving payment no. 1 to Universal Field Services, Inc. for services related to CeMar Trail Project in the amount of \$40.00. (Iowa DOT Project Number: TAP-U-4475(630) --8I-57) (TRL-17-055)
- f. Resolution No. 28077 approving payment in the amount of \$254,000 to B&B Investment Company, Linn County Treasurer and NXT Bank related to the acquisition of 2245 6th Avenue and 597 21st Street in accordance with condemnation proceedings associated with the Central Corridor Project.

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:44 p.m. Mayor Pro Tem Strnad presided over the meeting.

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

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

Motion to approve the following liquor license application:

- a. Renewal – Kum & Go #509 – 1203 Blairs Ferry Road  
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in the last five years.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 28078 approving Partial Payment No. 5 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue Interchange Design in the amount of \$11,637.50. (TRANS-18-089)
- b. Resolution No. 28079 approving Partial Payment No. 4 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$72,784.92. (TRANS-18-074)

- c. Resolution No. 28080 approving Partial Payment No. 17 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$5,937.94. (TRANS-18-091)
- d. Resolution No. 28081 approving Partial Payment No. 3 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$22,763.29. (TRANS-18-112)
- e. Resolution No. 28082 approving Partial Payment No. 2 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$229,313.75. (ANN-18-082)
- f. Resolution No. 28083 approving Partial Payment No. 1 to Abode Construction, Inc. regarding the 2019 Marion Fire Station Site Subdrain Package in the amount of \$34,537.25. (FACS-18-062)
- g. Resolution No. 28084 approving Partial Payment No. 2 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Project in the amount of \$2,800.00. (FAC-18-061)
- h. Resolution No. 28085 approving Partial Payment No. 4 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue Interchange Design in the amount of \$11,975.00. (TRANS-18-089)

Resolution No. 28086 approving Change Order No. 1 with Abode Construction, Inc. regarding the 2019 Marion Fire Station Site Subdrain Package regarding the replacement of unsuitable backfill material in the amount of \$22,680.00. (FACS-18-062)

Motion to approve Planning and Development Division Payments as follows:

- a. Resolution No. 28087 approving payment to Hall and Hall Engineers, Inc. for professional services related to the fire station final plat in the amount of \$790.00. (FAC-18-061)
- b. Resolution No. 28088 approving payment no. 27 to Houseal Lavigne Associates for professional consulting services related to the Marion Zoning Ordinance per the contract for the Marion Airport in the amount of \$165.00. (GOV-18-012)

Motion to receive and file a request to purchase portions of 16th Street south of 6th Avenue and north of 5th Avenue. (Genesis Equities)

Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 5:45 p.m. Mayor AbouAssaly presided over the meeting.

### **REGULAR AGENDA**

Mayor AbouAssaly opened the public hearing regarding fiscal year 2019-2020 budget amendment. Budget Manager Zach Wolfe provided staff report. No comments were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28089 approving fiscal year 2019-2020 budget amendment. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28090 approving a Fiber Optic Lease Agreement with MEDCO Holding Company. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28091 approving service order # Q-00011642 with Involta, LLC for datacenter services (for City and Police Department) in the amount of \$288,023.04 for 36 months. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28092 approving Fiscal Year 2019-2020 Capital Budget Transfers. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to direct staff to solicit Request for Qualifications (RFQ) regarding Audio/Visual Equipment. Council Member Strnad asked what the budget allocations were for this and agenda management software as well as the purpose for these. City Manager Lon Pluckhahn explained that the software would allow for more transparency and efficiencies with creation of minutes, agendas and council packets. Lon also stated the A/V Equipment was included in the CIP at \$100,000.00. The Agenda Management was budgeted in this fiscal year for \$25,000.00. Council Member Gadelha asked if this system would be used city wide. Lon confirmed it would be used by all boards and commissions. Council Member Atkins asked if there is an opportunity to go back and catalog information. City Clerk Rachel Bolender stated they can ask the vendors. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to direct staff to solicit Request for Qualifications (RFQ) regarding Agenda Management Software. All in favor, motion carried.

Moved by Strnad, seconded by Brandt to approve Resolution No. 28093 approving the shared road maintenance and snow and ice control agreement between the City of Marion and Linn County Secondary Roads. All in favor, motion carried.

Moved by Brandt, seconded by Draper to approve Resolution No. 28094 approving contract with Switch Electric for the electrical grounding package associated with the Public Service Maintenance Facility in the amount of \$23,975.25 (FACS-17-069). All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to receive, file, discuss and refer to TAC a petition regarding a petition to add a stop light to the intersection of Indian Creek Road and 29th Avenue. (Rebecca Kleveland, 2770 Northview Drive) All in favor, motion carried.

Moved by Brandt, seconded by Atkins to receive, file, and concur with the TAC Report regarding a petition to add a stop light to the intersection of Indian Creek Road and 29th Avenue. (Rebecca Kleveland, 2770 Northview Drive) Mayor AbouAssaly stated this intersection was studied last year so a report was already created. City Engineer Mike Barkalow stated the report states the intersection is okay as is. It is only an issue twice a day which does not warrant a traffic signal. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to receive, file, discuss and refer to TAC a request from Marion Independent School District (MISD) and to form a working group with representative(s) from City Council and MISD. Council Member Brandt, Jensen and Atkins all volunteered to be a Council representative on the working group. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to approve Resolution No. 28095 Authorizing a Funding Application to the Corridor Metropolitan Planning Organization for Surface Transportation Block Grant Funds in the Amount of \$2,801,000 and committing to provide local matching funding for the Marion Blvd / 7th Avenue / 10th Avenue Project in Marion [7th Avenue; 12th Street to 22nd Street]. (TRANS-20-001) All in favor, motion carried.

Moved by Barndt, seconded by Draper to approve Resolution No. 28096 approving Rookwood Estates 1st Addition Final Plat and Memorandum of Agreement for property located east of Scott Street and north of Cope Drive, Marion, Iowa. (Rookwood Estates, LLC) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28097 approving Plat of Survey No. 2352 for property located east of Alburnett Road and south of Bent Creek, Marion, Iowa. (Frazier Investments, LLC) All in favor, motion carried.

Mayor AbouAssaly opened the public hearing regarding the alley vacation for the north-south alley located between 27th and 28th Street and 11th & 12th Avenues. Community Development Director Tom Treharne provided staff report. No comments were received. Mayor AbouAssaly declared the public hearing closed.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28098 approving the alley vacation for the north-south alley located between 27th and 28th Street and 11th & 12th Avenues. (Mark Christensen) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28099 approving Hunters Field 11th Addition Final Plat and Memorandum of Agreement for property located west of Winslow Road and north of Connection Avenue, Marion, Iowa. (Fritz Development, LLC) All in favor, motion carried.

**OTHER DEPARTMENT DISCUSSION – None**

**PUBLIC FORUM**

Brian Rosteck (4140 Deer Valley Drive) spoke regarding a need for sidewalks along Munier Road. He asked what plans are, if any, to install sidewalks in this area. Mayor AbouAssaly asked that staff meet with Brian to discuss.

Joe Hill (1325 Pacific Highway 2707, San Diego, CA 92108) spoke regarding a development project he is planning. He is purchasing the former Marion Maidrite Building and plans to remodel the seven apartments on the second floor. Will also be updating the electrical and façade, as well as installing a sprinkler system. He plans to make the first floor a family oriented 50's diner. Will continue to update Council on his progress.

Cindi Rudish (5020 Northridge Point SE, Cedar Rapids) and Carol Eilers (5070 Northridge Pt SE, Cedar Rapids) spoke in regards to parking concerns on property in the area. They are asking for no parking signs be installed permanently in this area. Mayor AbouAssaly asked that staff meet with Cindi and Carol to discuss further.

**COUNCIL DISCUSSION**

Council Member Brandt thanked everyone for their support and votes in the election. He also congratulated the re-elected council members.

Council Member Strnad congratulated re-elected council members.

Council Member Atkins thanked everyone for their support and thanked all those who got out and voted. Stated she is excited for the development Mr. Hill is planning.

Council Member Draper thanked everyone who voted. He is also very excited for the development of former Maidrite Building.

Mayor AbouAssaly thanked everyone who voted and is very pleased of the citizen's endorsement of current Council. He also stated that the YMCA Groundbreaking is scheduled for November 20.



**CLOSED SESSION**

Moved by Strnad, seconded by Jensen to adjourn to closed session regarding discussion of confidential records pursuant to 22.7(50) as permitted under Section 21.5(1)(k) of the Code of Iowa. City Attorney Ryan Tang stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Draper, Atkins, Jensen, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

Moved by Draper, seconded by Strnad to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 8:21 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\_\_\_\_.

\_\_\_\_\_  
Rachel Bolender, City Clerk