



MINUTES

City Council Regular Session

5:30 PM - Thursday, March 3, 2022

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, March 3, 2022, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Steve Jensen, Grant Harper, Sara Mentzer, Colette Atkins, Nicolas AbouAssaly, and Will Brandt

ABSENT: Randy Strnad

Mayor AbouAssaly presided over the meeting.

The meeting opened with the pledge of allegiance led by members of American Heritage Girls.

PROCLAMATIONS/OATHS

Proclamation - Women's History Month (March 2022)

Mayor AbouAssaly read and presented the proclamation referenced above to Angelica Vannatta and Jennifer Tibbetts with the Marion Civil Rights Commission. Members of American Heritage Girls were also present.

Fire Department Appointments and Oath of Office:

- Firefighters Ryan Pfiffner and Evan Barry

Fire Chief Deb Krebill introduced the firefighters listed above and Mayor AbouAssaly administered the oath of office.

PRESENTATIONS

Presentation of plaque indicating Marion was chosen as the Finalist for the 2021 Voice of the People for Excellence in Equity/Inclusion Engagement by Polco/National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA)

Communications Manager Amber Bisinger provided information regarding the 2021 Voice of the People for Excellence in Equity/Inclusion Engagement and presented the plaque to the Council.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the February 15 and 17, 2022 City Council meeting.

Liquor licenses including the following:

- Renewal - Napolis - 500 Marion Boulevard, Suite 100
- Renewal - Casey's General Store #2760 - 975 S 11th Street
- Renewal - Casey's General Store #2919 - 340 Marion Boulevard

Mayor AbouAssaly recommended appointments:

- Nuisance Enforcement/Property Maintenance Advisory Board
 - Jeff Tipton - term expires 12/31/2022
- Central Plaza Steering Committee (no term expiration)
 - Nick AbouAssaly, 1225 6th Avenue
 - Steve Jensen, 1225 6th Avenue
 - Sara Mentzer, 1225 6th Avenue
 - Dale Monroe, 1140 Indian Creek Circle
 - Cody Buelt, 1020 Fairview Drive
 - Seth Moomey, 1025 S. 15th Street
 - Jamie Henley, 752 10th Street
 - Jeanne Matthews, 760 11th Street
 - Nikki Kettlekamp, 725 11th Street
 - Kelsie Hoth, 743 10th Street
 - Lynn Ciha, 2295 A Avenue
 - Audrey Kittrell, 200 State Street, Suite 202-Z, Cedar Falls, IA

Motion to approve Hold Harmless Agreements with:

- Marion Metro Kiwanis regarding BBQ Rendezvous June 3-5, 2022 at Lowe Park/Amphitheater.
- Brad Rizzio regarding a backyard BBQ September 10, 2022 at 1155 6th Street.
- Marion Chamber of Commerce regarding Uptown Marion Market June 11, July 9, August 13 and September 24 at City Square Park.

Payments as presented in the amount of \$2,127,824.42.

Motion to approve the Fiscal Year 2022 Cigarette License for the following:

- BP to Go #6 - 1010 E Post Road

Resolution No. 30321 setting the date for public hearings and additional action on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder.

Resolution No. 30322 approving partial payment no. 15 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$925

Resolution No. 30323 Consenting to Assignment of Development Agreement and Tax Increment Payments (Synergy Partners, Inc.)

Public Services

Resolution No. 30324 approving payment to ImOn Communications for fiber

optic network extension to Fire Station No. 1 in the amount of \$64,864.09.

Resolution No. 30325 approving payment to Rehrig Pacific for recycling bins in the amount of \$25,620.00.

Engineering

Resolution No. 30326 approving Partial Payment No. 6 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$33,345.00. (FACS-17-034)

Resolution No. 30327 approving Partial Payment No. 11 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 6A regarding general trades and misc. steel in the amount of \$70,963.72. (FACS-17-034)

Resolution No. 30328 approving Partial Payment No. 11 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding steel fabrication and erection in the amount of \$13,761.70. (FACS-17-034)

Resolution No. 30329 approving Partial Payment No. 11 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$85,376.40. (FACS-17-034)

Resolution No. 30330 approving Partial Payment No. 7 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$470.25. (FACS-17-034)

Resolution No. 30331 approving Partial Payment No. 5 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$57,042.75. (FACS-17-034)

Resolution No. 30332 approving Partial Payment No. 4 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$7,125.00. (FACS-17-034)

Resolution No. 30333 approving Partial Payment No. 12 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$22,073.25. (FACS-17-034)

Resolution No. 30334 approving Partial Payment No. 8 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 \$48,697.00 (TRANS-18-101)

Resolution No. 30335 approving Partial Payment No. 8 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$23,840.25. (FACS-17-034)

Resolution No. 30336 approving agreement with Zebedee's Vision LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Community Development

Resolution No. 30337 approving payment no. 35 to Shoemaker Haaland per the

contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$4,245.53. (TRL-17-055)

Resolution No. 30338 approving payment no. 23 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631)--70-57] in the amount of \$27,937.74. (TRL-18-056)

Resolution No. 30339 approving payment no. 14 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$15,210.46. (TRANS-18-098)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 5:50 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 30340 approving Partial Payment No. 13 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$46,920.50. (FACS-17-034)

Resolution No. 30341 approving Partial Payment No. 8 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 \$1,617.50 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30342 approving temporary construction easement agreement with DAOUD Real Estate LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:51 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Public Safety

Resolution No. 30343 approving 28E Agreement with Cedar Valley Humane Society for animal control services and authorizing payments in the amount of

\$4,333 per month.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30343.

Approved unanimously

Parks

Resolution No. 30344 approving the extension of the contract with B&R Logging regarding the Faulkes Heritage Woods Salvage Timber Sale through March 31, 2022.

Moved by Brandt, seconded by Atkins, to approve Resolution No. 30344.

Approved unanimously

Engineering

Resolution No. 30345 approving Partial Payment No. 1 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$45,340.65. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 30345.

Approved unanimously

Public Hearing regarding the 2022 Hot Mix Asphalt (HMA) Resurfacing Project (ANN-18-086)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Assistant City Engineer Jake Hahn 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 5:55 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30346 accepting bids and awarding contract to LL Pelling Co, Inc. regarding the 2022 HMA Resurfacing Project in the amount of \$1,025,438.25. (ANN-18-086)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30346.

Approved by the following votes:

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

Abstained: AbouAssaly

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

Public hearing regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57]

Mayor AbouAssaly opened the public hearing regarding item referenced above. Assistant City Engineer Jake Hahn 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 5:57 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30347 accepting bids and awarding contract to Peterson Contractors Inc. regarding the Indian Creek Trail Project in the amount of \$1,719,592.32 (TRL-18-056) [STP-U-4775(631)—70-57]

Moved by Jensen, seconded by Harper, to approve Resolution No. 30347.

Approved by the following votes:

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

Abstained: AbouAssaly

Community Development

Public hearing regarding a Preliminary Site Development Plan for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC)

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Chad Pelley (300 Country Club Drive SE, Mount Vernon) spoke in favor of the measure. No other comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30348 approving the Green Park Apartment Living Preliminary Site Development Plans for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30348. Council Member Harper stated their were originally concerns about water pressure in the area. Community Development Director Tom Treharne stated there are remedies that could be made in the building if needed.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 30349 approving the Green Park Apartment Living Final Site Development Plan for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC)

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30349.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:10 p.m. Mayor AbouAssaly presided over the meeting.

Public hearing regarding Boulevard Apartments Preliminary Site Development

Plan for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Josh Kruger with Talon, LLC (1305 E. Benson Road, Sioux Falls, SD) spoke in favor of the measure. Councilmember Jensen asked about the exterior materials that will be used. Kruger stated the siding materials include four different types of fiber cement board which are very durable. Councilmember Mentzer asked about landscaping materials. Kruger listed the different landscaping materials that will be used. Della and Ross Kendall (590 Marion Blvd) spoke in opposition of the measure. Councilmember Jensen asked what will be done for buffering between the properties. Kruger outlined what will be done along the property line for buffering. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30350 approving Boulevard Apartments Preliminary Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30350. Councilmember Jensen asked if a stipulation could be added to approve this resolution pending approval of exterior finishes. City Attorney Kara Bullerman stated the resolution could be tabled. Community Development Director Tom Treharne recommended the preliminary site development plan be approved and then the final site development plan be tabled until additional finishes are presented to council.

Approved unanimously

Resolution No. 30351 approving Boulevard Apartments Final Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC)

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30351. Moved by Jensen, seconded by Atkins to table the measure listed above.

Tabled by the following votes:

Ayes: Jensen, Harper, Mentzer, Atkins, and AbouAssaly

Nays: Brandt

Resolution No. 30352 approving Lot 1 Boulevard Apartment Addition Final Plat and Memorandum of Agreement for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30352.

Approved unanimously

Ordinance No. 22-04 approving a request to rezone property from R-3, Two-Family Residential to TR-3, Traditional Two-Family Residential for property located at 2095 3rd Avenue, Marion, Iowa. (Marion Community Build, LLC) (Final Consideration)

Moved by Harper, seconded by Atkins, to approve the final consideration of Ordinance No. 22-04.

Approved by the following votes:

Ayes: Jensen, Harper, Mentzer, Atkins, and AbouAssaly

Abstained: Brandt

Resolution No. 30353 approving a request to defer sidewalk located at 2095 3rd Avenue, Marion, Iowa. (Marion Community Build, LLC)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30353.

Approved by the following votes:

Ayes: Jensen, Harper, Mentzer, Atkins, and AbouAssaly

Abstained: Brandt

Resolution No. 30354 approving Marion Community Build 1st Addition Final Plat and Memorandum of Agreement for property located south of 3rd Avenue and west of 21st Street, Marion, Iowa. (Marion Community Build, LLC)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30354.

Approved by the following votes:

Ayes: Jensen, Harper, Mentzer, Atkins, and AbouAssaly

Abstained: Brandt

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Mayor AbouAssaly reminded everyone about the State of the City event which will take place on Thursday, March 10. He thanked all Team Marion members who attended the improv event to support his performance at Giving Tree Theater last Friday. Mayor AbouAssaly thanked staff from the Building Department for their service assisting a Marion resident with finding businesses to donate services to help repair the homeowners property.

CLOSED SESSION

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

Moved by Brandt, seconded by Harper, 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

Mayor AbouAssaly left the meeting and relinquished the gavel at 7:20 p.m. Mayor Pro Tem Brandt presided over the meeting.

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

Approved unanimously

ADJOURN

Mayor Pro Tem Brandt adjourned the meeting at 7:51 p.m.

Will Brandt, Mayor Pro Tem

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