



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, September 22, 2022

City Hall, 1225 6th Avenue

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The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, September 22, 2022, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

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

ABSENT: Randy Strnad, 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 Fest (September 24, 2022)

Councilmember Atkins read and presented the proclamation referenced above.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

Jill Ackerman, president of the Marion Chamber of Commerce, spoke in support of the Central Plaza project and specifically the ice loop.

Jeanne Matthews (1325 8th Avenue) spoke in support of the Central Plaza project.

### CONSENT AGENDA

#### Administrative Services

Minutes of the September 6, 8 and 12, 2022 City Council meetings.

Motion to approve a liquor licenses including the following:

- Renewal - CVS / Pharmacy #10032 - 3495 7th Ave

Motion to approve a hold harmless agreement with the following:

- Marion Chamber of Commerce regarding Chocolate Walk event on October 7, 2022 in Uptown Marion.

Receive and file correspondence regarding Pat Klopfenstein's resignation from the Historic Preservation Commission.

Receive and file August 2022 Department Monthly Reports.

Payments as presented in the amount of \$1,344,890.04

Resolution No. 30850 approving designees for City Manager, City Clerk and City Treasurer per 17.03(B) of the Code of Ordinances.

Resolution No. 30851 authorizing additional signatures on checks over \$20,000.

Resolution No. 30852 approving payment to Diligent Corporation regarding agenda management software in the amount of \$19,845.00

Resolution No. 30853 approving payment to BambooHR regarding HR Information System (HRIS) software in the amount not to exceed \$31,500

Resolution No. 30854 Setting Date for Public Hearing on Urban Renewal Plan Amendment for Collins Road Extension Urban Renewal Area

Resolution No. 30855 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with Cooper Properties LC, Including Annual Appropriation Tax Increment Payments

Resolution No. 30856 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with Russell L. Peck, Including Annual Appropriation Tax Increment Payments

Resolution No. 30857 Setting Date for Public Hearing on Urban Renewal Plan Amendments for the Central Corridor Urban Renewal Area, West Tower Terrace Road Urban Renewal Area, the 29th Avenue Urban Renewal Area and the Echo Hill Road Urban Renewal Area

#### Public Services

Resolution No. 30858 approving payments to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$25,061.11 (FACS-17-069).

#### Public Safety

Resolution No. 30859 accepting the Governor's Traffic Safety Bureau grant in the amount of \$29,750.00.

Resolution No. 30860 approving annual payments for portion of a ten-year maintenance agreement (from July 1, 2022 to June 30, 2032) with RACOM Corporation for the Linn County joint radio system in the amount of \$1,657,295.69.

#### Engineering

Resolution No. 30861 approving Change Order 2 with Boomerang Corp regarding the 2022 Sidewalk Ramp Project and authorizing payments in the amount of \$4,787.00. (ANN-18-031)

Resolution No. 30862 approving a contract with Veenstra and Kimm Inc. for Engineering Services related to the 8th Avenue Dam Evaluation and authorizing payment in amount not to exceed \$25,000.

#### Community Development

Resolution No. 30863 setting a public hearing for October 6, 2022 regarding an amendment to Chapter 176.29, Parking and Loading Regulations regarding permitted parking surfacing material and Chapter 176.51 regarding building setbacks within the M-1, Light Manufacturing and M-2, General Manufacturing zoning districts. (City of Marion)

Resolution No. 30864 approving Hunters Field Thirteenth Addition Final Plat and Memorandum of Agreement for property located north of Connection Avenue and west of Winslow Road, Marion, Iowa. (Fritz Development LLC)

Resolution No. 30865 approving Rookwood Estates 3rd Addition Final Plat and Memorandum of Agreement for property located south of Fernow Road and east of Highway 13, Marion, Iowa. (Rookwood Estates LLC)

Resolution No. 30866 approving Rookwood Estates 4th Addition Final Plat and Memorandum of Agreement for property located south of Fernow Road and east of Highway 13, Marion, Iowa. (Rookwood Estates LLC)

Resolution No. 30867 authorizing payment to Horizons, A Family Service Alliance regarding Neighborhood Transportation Services in the amount of \$39,927.00.

Resolution No. 30868 approving contract amendment no. 3 with Shoemaker Haaland Professional Engineers, associated with the CeMar Trail project for an extension of the schedule of services and authorizing payment in the amount of \$10,681.97 [TAP-U-4775(630)—8I-57] (TRL-17-055) was removed from the agenda.

#### Library

Resolution No. 30869 approving Change Order No. 1 with Techops Specialty Vehicles regarding the Mobile Bookmobile Project for the Marion Public Library and authorizing payment in the amount of \$4,488.42

Resolution No. 30870 approving Change Order No. 8 to Engberg Anderson, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$8,000.00. (FACS-17-034)

Moved by Harper, seconded by Jensen, to approve consent agenda as shown above. The item regarding contract amendment no. 3 with Shoemaker Haaland Professional Engineers (Resolution 30868) was removed from the agenda.

Approved unanimously

### **REGULAR AGENDA**

#### Administrative Services

Resolution No. 30871 approving an agreement with GovTempsUSA, LLC regarding temporary employment in the Human Resources Department.

Moved by Jensen, seconded by Harper, to approve Resolution No. 30871.

Approved unanimously

#### Public Services

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Harper at 5:40 p.m. Deputy Mayor Pro Tem presided over the meeting.

Resolution No. 30872 approving a professional services agreement with HR Green for a watershed analysis of Willowood Creek and authorizing payment in the amount of \$15,900.00.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30872.

Approved by the following votes:

Ayes: Jensen, Atkins, Harper, and Mentzer

Nays: AbouAssaly

Abstained: AbouAssaly

#### Public Safety

Resolution No. 30873 authorizing final payment to OPN Architects regarding Fire Station #1 & Headquarters in the amount of \$41,163.58. (FACS-18-062)

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30873.

Approved by the following votes:

Ayes: Jensen, Harper, Mentzer, and Atkins

Nays: AbouAssaly

Abstained: AbouAssaly

Deputy Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 5:42 p.m. Mayor AbouAssaly presided over the meeting.

#### Community Development

Public hearing regarding a request to amend the future land use map of the Marion Comprehensive Plan from Single Family Attached and Public/Semi Public to Single-Family Detached Residential and a request to rezone property from AG, Agricultural Holding and PD-R, Planned Development Residential to SR-3, Suburban Medium Density Single-Family Residential for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Josh Entler with Sycamore Development spoke in support of the measure. No

comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30874 approving an amendment to the future land use map of the Marion Comprehensive Plan from Single Family Attached and Public/Semi Public to Single-Family Detached Residential for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30874.

Approved unanimously

Ordinance No. 22-18 approving a request to rezone property from AG, Agricultural Holding and PD-R, Planned Development Residential to SR-3, Suburban Medium Density Single-Family Residential for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC) (Initial Consideration)

Moved by Jensen, seconded by Harper, to approve the initial consideration of Ordinance No. 22-18.

Approved unanimously

Public Hearing regarding an amendment to the Marion zoning map for properties located within former City Council Wards 1 and 3 and revisions within former City Council Wards 2 and 4, Marion, Iowa. (City of Marion)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Principal Planner Dave Hockett provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 22-19 approving an amendment to the Marion zoning map for properties located within former City Council Wards 1 and 3 and revisions within former City Council Wards 2 and 4, Marion, Iowa. (Initial Consideration)

Moved by Atkins, seconded by Mentzer, to approve the initial consideration of Ordinance No. 22-19.

Approved unanimously

Motion concurring with the Central Plaza Steering Committee's recommendation of Central Plaza amenities and directing staff to proceed with construction documents.

Moved by Mentzer, seconded by Atkins, to approve the item referenced above. Community Development Director Tom Treharne provided information regarding the history of the project, key features and funding. Councilmember Harper asked if there would be any other decision points that would come in front of council during the construction document creation process. City Manager Ryan Waller stated contracts will come forward during the bidding process. Councilmember Jensen asked how the grant funding would be split between the plaza project and trail. Treharne stated that for each invoice submitted to the state, 33% will be reimbursed regardless if they are for the plaza project or the trail. Councilmember Atkins shared comments in support of the project. Councilmember Mentzer spoke in support of the project and thanked everyone who has been involved. Mayor AbouAssaly spoke in support of the project and

the Imagin8 and ImagiNEXT processes that started the design.  
Approved unanimously

### **OTHER DEPARTMENT DISCUSSION**

Library Director Bill Carroll provided an update regarding the Marion Public Library building project. Carroll stated that the Library Board decided today that the building will have a soft opening on November 15 with a grand opening at a later date.

Councilmember Brandt arrived at 6:47 p.m.

### **PUBLIC FORUM**

No one came forward to speak.

### **COUNCIL COMMENTS**

Councilmember Mentzer spoke about the success of the Oktoberfest event in Marion this past weekend.

Councilmember Atkins stated she looks forward to being at the Library on November 15.

Councilmember Jensen stated he read in the monthly report that the Parks Department has their own inflatables now.

Councilmember Mentzer reminded everyone of the Healthiest State Walk on October 5 which starts at City Hall.

Mayor AbouAssaly congratulated the Chamber of Commerce on their success of the Oktoberfest event. Mayor AbouAssaly also thanked everyone for their work putting together the presentations for council meetings. He stated they are put together very well and it is appreciated.

### **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 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

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:58 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 7:30 p.m.

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Will Brandt, Mayor Pro Tem

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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 Gazette on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Rachel Bolender, City Clerk