



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, October 6, 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, October 6, 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, Nicolas AbouAssaly, and Will Brandt

ABSENT: Colette Atkins

Mayor AbouAssaly presided over the meeting.

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

### PROCLAMATIONS/OATHS

#### **Proclamation - National Disability Employment Awareness Month (October 2022)**

Councilmember Mentzer read the proclamation referenced above.

#### **Proclamation - Fire Prevention Week (October 9-15, 2022)**

Fire Chief Tom Fagan spoke about Fire Prevention Week and the importance to have a home fire escape plan. Mayor AbouAssaly read and presented the proclamation referenced above to Fire Chief Tom Fagan.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

Andres Torres (365 Valleyview Drive) spoke regarding the Ward rezoning item as he recently purchased land in Marion and would like more time to review the zoning with staff.

### CONSENT AGENDA

Administrative Services

Minutes of the September 20 and 22, 2022 City Council meetings.

Motion to approve a liquor license including the following:

- Renewal - Aldi, Inc #58 - 1001 50th Street

Mayoral appointment to Corridor Metropolitan Planning Organization (CMPO):

Deputy City Manager Kim Downs - Policy Alternate - no term expiration

Motion to approve the Fiscal Year 2023 Cigarette License for the following:

- Hawks Smoke Shop - 1396 7th Ave

Certified List for Police Officer

Payments as presented in the amount of \$3,939,288.41

Receive and file correspondence from Glenbrook Cove residents regarding site nine of the Indian Creek Master Plan.

Resolution No. 30875 setting a public hearing for October 20, 2022 regarding the proposed sale of the property located at 524 10th Street.

Resolution No. 30876 approving Fiscal Year 2022-2023 Capital Budget Transfer from Sanitary Sewer Replacement to Capital Projects for the 14th St Reconstruction - NSI project in the amount of \$15,880.00 (TRANS-18-090)

Resolution No. 30877 approving partial payment no. 22 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$3,838.75.

Resolution No. 30878 approving purchase of networking equipment from CDW Government and authorizing payment in the amount of \$34,050.00.

#### Public Services

Resolution No. 30879 approving contract with Bill Miller Logging Inc. for the removal of 2020 Derecho storm damage debris from the New Public Services Facility Site and authorizing payment in the amount of \$76,462.50.

#### Engineering

Resolution No. 30880 approving a Stop Sign stopping west bound traffic on Royal Oak Ridge Road at its intersection with Winslow Road.

Resolution No. 30881 approving Partial Payment No. 6 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$45,261.14. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30882 approving Change Order No. 38 with 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 \$73,751.15 (TRANS-18-101)

Resolution No. 30883 approving Change Order No. 44 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$13,311.90 (TRANS-18-101)

Resolution No. 30884 approving Change Order No. 46 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the

amount of \$31,132.10 (TRANS-18-101)

Resolution No. 30885 approving Change Order No. 47 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$18,585.90 (TRANS-18-101)

Resolution No. 30886 approving Change Order No. 48 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$19,269.10 (TRANS-18-101)

Resolution No. 30887 approving Change Order No. 49 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$11,173.20 (TRANS-18-101)

Resolution No. 30888 approving Partial Payment No. 15 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 \$467,160.29 (TRANS-18-101)

Resolution No. 30889 approving contract amendment no. 2 with Anderson Bogert Engineers and Surveyors, Inc. regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$11,847.00 for a new contract total of \$410,708.00. (TRANS-18-091)

Resolution No. 30890 accepting the 2022 Sidewalk Ramp Project (ANN-18-031)

Resolution No. 30891 approving Change Order No. 011 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$870.98. (FACS-17-034)

#### Community Development

Resolution No. 30892 approving a permanent sidewalk easement agreement with the Cedar Rapids Bank and Trust Co. and the City regarding a permanent sidewalk easement for the public use of sidewalk at 700 25th Street, Marion, Iowa.

Motion to receive and file 2022 Housing Needs Analysis prepared by Maxfield Research and Consulting

Resolution No. 30893 approving payment no. 11 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$22,644.23. (ANN-18-082)

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

Approved unanimously

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

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

## Engineering

Resolution No. 30894 accepting the 2022 HMA Resurfacing Project. (ANN-18-086)

Resolution No. 30895 approving Change Order 02 with B.G. Brecke, Inc. regarding the 2022 Sanitary Sewer Manhole Project and authorizing payment in the amount of \$16,844.00 (ANN-18-029)

Resolution No. 30896 accepting the 2022 Sanitary Sewer Manhole Project (ANN-18-029)

Resolution No. 30897 approving Change Order 019 with Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A to add outlets in the amount of \$5,371.76. (FACS-17-034)

Resolution No. 30898 approving Change Order 021 with Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A to add security panel and other related items in the amount of \$10,614.31. (FACS-17-034)

Resolution No. 30899 approving Partial Payment No. 14 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 \$2,905.00 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30900 approving Partial Payment No. 13 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$30,381.75. (TAP-U-4775(635)—8I-57)(TRL-18-110)

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, Strnad, Harper, Mentzer, and Brandt

Nays: AbouAssaly

Abstained: AbouAssaly

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

## REGULAR AGENDA

### Administrative Services

Mayoral appointments to the Marion Airport Visioning Team:

- Marion resident - Destiny Hastings
- Marion resident - Jill Hartke
- Marion resident - Frank Sherman
- Marion Municipal Airport Committee representative - Mike Goldberg
- Marion Municipal Airport Committee representative - Bob Stokes

- Collins Aerospace representative - Daniel Moore
- MEDCO representative - Nick Glew
- City Council representative - Grant Harper
- City Council representative - Randy Strnad

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

#### Public Services

Resolution No. 30901 approving a professional services agreement with Shive-Hattery for Construction Testing Services associated with the new Public Services Facility and authorizing payment in the amount of \$64,925.00. (FACS-17-069).

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 30901.  
Approved unanimously

Resolution No. 30902 approving contract with T&K Roofing for the Roof Repair Package for Marion City Hall and authorizing payment in the amount of \$98,500.00.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30902. Councilmember Harper asked when this would be completed. Public Services Director Ryan Miller stated it should be completed by December. Councilmember Brandt asked if it will impact the use of Council Chambers. Miller stated it may impact the use.  
Approved unanimously

#### Engineering

Ordinance No. 22-20 amending Chapter 63 of the Code of Ordinances relating to Speed Regulations on 44th Street. (Initial consideration)

Moved by Harper, seconded by Strnad, to approve the initial consideration of Ordinance No. 22-20.  
Approved unanimously

#### Community Development

Resolution No. 30903 approving scope of services with RDG Planning and Design regarding additional services for the Central Plaza Project, focusing on the relocation of the caboose in an amount not to exceed \$4,500.

Moved by Jensen, seconded by Harper, to approve Resolution No. 30903.  
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) (second consideration)

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

Ordinance No. 22-18.  
Approved unanimously

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. (second consideration)

Moved by Brandt, seconded by Mentzer, to approve the second consideration of Ordinance No. 22-19.  
Approved unanimously

Public hearing for 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)

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. 22-21 approving an amendment to Chapter 176.29, Parking and Loading Regulations regarding permitted parking surfacing material (City of Marion) (Initial Consideration)

Moved by Mentzer, seconded by Brandt, to approve the initial consideration of Ordinance No. 22-21.  
Approved unanimously

Ordinance No. 22-22 approving an amendment to Chapter 176.51 regarding building setbacks within the M-1, Light Manufacturing and M-2, General Manufacturing zoning districts (City of Marion) (Initial Consideration)

Moved by Strnad, seconded by Mentzer, to approve the initial consideration of Ordinance No. 22-22.  
Approved unanimously

## **OTHER DEPARTMENT DISCUSSION**

### **Budget Discussion: Capital Improvement Program (CIP) Funding**

Michael Maloney with D.A. Davidson provided information regarding Marion's current capital improvement program, long-term capital planning, funding sources, debt capacity, debt service levy impact and local option sales tax revenues. Councilmember Jensen spoke about the progress the city has made in how the CIP has been developed. Councilmember Strnad spoke about how this new process will provide the ability for Council to follow trends.

## **PUBLIC FORUM**

No one came forward to speak.

## **COUNCIL COMMENTS**

Councilmember Mentzer thanked everyone who showed up and participated in the

Healthiest State Walk.

Councilmember Jensen stated the construction season is soon ending and roads are opening back up.

Councilmember Harper welcomed Fire Chief Tom Fagan to Marion.

Mayor AbouAssaly spoke about the Dog Fashion Show a couple of weeks ago. He also spoke about the Small Business Grant Program and other area events he's participated in the past couple weeks.

### **CLOSED SESSION**

Motion to adjourn to closed session regarding real estate transactions as permitted under Section 21.5(1)(j) 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

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

Approved unanimously

### **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:46 p.m.

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Nicolas AbouAssaly, Mayor

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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