



MINUTES

City Council Regular Session

5:30 PM - Thursday, November 3, 2022

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, November 3, 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, Colette Atkins, Nicolas AbouAssaly, and Will Brandt

ABSENT: None

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Oath of Office Ceremony for Fire Chief Tom Fagan

Mayor AbouAssaly administered the Oath of Office for Fire Chief Tom Fagan.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

Cydney Lovell (123 5th Street SE, Cedar Rapids) spoke regarding the Marion Substation Addition Preliminary Plat.

CONSENT AGENDA

Administrative Services

Minutes of the October 18 and 20, 2022 City Council meetings.

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

- Mega Liquor, Vape, & Tobacco - 5680 Kacena Ave

Liquor licenses including the following:

- New - Traveling Tapster LLC - 5680 Kacena Ave
- New - Mega Retail - 5680 Kacena Ave
- Renewal - Hy-Vee Gas - 3550 HWY 151
- Renewal - Hy-Vee Fast and Fresh - 2790 7th Ave
- Renewal - Best Western Longbranch Hotel - 90 Twixt Town Road NE

- Renewal - West End Diner - 809 6th Ave
- Renewal - Kum & Go #509 - 1203 Blairs Ferry RD

Mayoral appointments:

- Tom Fagan, Linn County Emergency Management Commission, Marion Designated Representative

Payments as presented in the amount of \$3,277,517.60.

Motion to approve project calendar regarding the following internal loan advances:

- Resolution No. 30943 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Collins Road Extension Urban Renewal Area
- Resolution No. 30944 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Central Corridor Urban Renewal Area
- Resolution No. 30945 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Echo Hill Road Urban Renewal Area
- Resolution No. 30946 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the 29th Avenue Urban Renewal Area
- Resolution No. 30947 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the West Tower Terrace Road Urban Renewal Area
- Resolution No. 30948 Authorizing Internal Advance for Funding of Urban Renewal Project for the Central Corridor Urban Renewal Area (Uptown Holdings LLC)

Resolution No. 30949 approving Builder's Risk policy with Selective Insurance Company for the new Public Service Maintenance Facility located at 4127 3rd Avenue and authorizing payment in the amount of \$26,407.00

Public Safety

Resolution No. 30950 approving job description for Part-Time Communications Operator and authorizing the hiring of temporary part-time communication operators due to an emergency need

Resolution No. 30951 approving the memorandum of understanding with Marion Policeman's Protective Association regarding the Rotating Overtime List for Involuntary Overtime for Officers and Dispatchers effective November 4, 2022 to June 30, 2023.

Resolution No. 30952 approving the 28E contract agreement with the Marion Township

Parks

Resolution No. 30953 approving contract with RDG Planning and Design for conceptual design for Caboose Park and authorizing payment in the amount not

to exceed \$4,500.

Resolution No. 30954 approving the changes to Oak Shade Cemetery fee schedule.

Engineering

Resolution No. 30955 approving Change Order 01 with Midwest Concrete, Inc. regarding the 2022 Pavement Rehabilitation Project and authorizing payment in the amount of \$39,341.00 (TRANS-18-090).

Resolution No. 30956 approving Partial Payment No. 4 to Braun Intertec regarding the Indian Creek Trail Plant Monitor and Soil testing in the amount of \$1,422.50. (TRL-17-055).

Resolution No. 30957 approving Partial Payment No. 18 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$14,775.78. (FACS-17-034)

Resolution No. 30958 approving Partial Payment No. 8 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$5,217.06. (FACS-17-034)

Resolution No. 30959 approving Partial Payment No. 20 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$11,847.00. (TRANS-18-091)

Resolution No. 30960 approving Change Order No. 52 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 \$248,706.38 (TRANS-18-101)

Resolution No. 30961 approving Partial Payment No. 7 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$8,635.50. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30962 accepting the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30963 approving Partial Payment No. 16 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 \$374,469.53 (TRANS-18-101)

Resolution No. 30964 accepting the public improvements associated with the Ridge at Indian Creek 2nd Addition to the City of Marion.

Community Development

Resolution No. 30965 approving Hunters Ridge North 2nd Addition Final Plat and memorandum of agreement for property located east of Winslow Road and west of Royal Oak Ridge Road extended (Midwest Development Co)

Motion to receive and file a request from Genesis Equities to engage a planning firm to create a development concept for property located between 7th and 8th Avenues and east of 27th Street, Marion, Iowa. (Genesis Equities)

Resolution No. 30966 approving American Rescue Plan Act (ARPA) Funding allocation to Marion Cares for Immediate Housing Assistance and authorizing payment in the amount of \$60,000.00

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 5:38 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Administrative Services

Resolution No. 30967 Authorizing Internal Advance for Funding of Urban Renewal Airport Operating and Support Program for the Collins Road Extension Urban Renewal Area

Engineering

Resolution No. 30968 approving Partial Payment No. 17 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$10,183.00. (FACS-17-034)

Resolution No. 30969 accepting the public improvements associated with the Commons at English Glen 6th Addition to the City of Marion.

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, Atkins, and Brandt

Nays: AbouAssaly

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:39 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Public hearing regarding the proposed sale of the property located at 524 10th Street (continued from October 20, 2022)

Mayor AbouAssaly opened the public hearing regarding item referenced above.

City Manager Ryan Waller provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30970 approving agreement with ClearGov for financial software related to budget development and capital budgeting and authorizing payment in the amount of \$58,960.

Moved by Atkins, seconded by Harper, to approve Resolution No. 30970.

Approved unanimously

Engineering

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

Moved by Brandt, seconded by Mentzer, to approve the final consideration of Ordinance No. 22-20.

Approved unanimously

Community Development

Ordinance No. 22-21 approving an amendment to Chapter 176.29, Parking and Loading Regulations regarding permitted parking surfacing material. (final consideration)

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

Approved unanimously

Ordinance No. 22-22 amending Chapter 176.51 of the Marion Code of Ordinances regarding building setbacks within the M-1, Light Manufacturing and M-2, General Manufacturing zoning districts. (final consideration)

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

Approved unanimously

Resolution No. 30971 approving Marion South Substation Addition Preliminary Plat for property located west of 44th Street and north of Highway 100, Marion, Iowa (ITC Midwest, LLC)

Moved by Harper, seconded by Atkins, to approve Resolution No. 30971.

Approved unanimously

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

Public hearing regarding a request to rezone property from AG- Agricultural Holding to SR-3, Suburban Medium Density Single-Family Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC)

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

hearing closed.

Ordinance No. 22-23 approving a request to rezone the property from AG-Agricultural Holding to SR-3, Suburban Medium Density Single-Family Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC) (initial consideration)

Moved by Jensen, seconded by Harper, to approve the initial consideration of Ordinance No. 22-23.

Approved by the following votes:

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

Nays: AbouAssaly

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:49 p.m. Mayor AbouAssaly presided over the meeting.

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Brandt congratulated Fire Chief Tom Fagan and welcomed him to Marion.

Councilmember Jensen stated he toured the new Library and was impressed at the technology and equipment that will be available and is excited for it to open next week.

Mayor AbouAssaly welcomed Fire Chief Tom Fagan and his family to Marion. He stated he attended the Forty Under 40 event two weeks ago and stated he enjoyed seeing all the trick-or-treaters who came to City Hall on Monday afternoon. He discussed the donor tour of the new Library this past week as well as American Reads event that he attended. Mayor AbouAssaly also talked about the ribbon cutting for 7th Avenue and read the toast that was given at that event.

CLOSED SESSION

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

Moved by Atkins, seconded by Brandt, 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 Jensen, seconded by Atkins, to reconvene to regular session.

Approved unanimously

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:47 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