



MINUTES

City Council Regular Session

5:30 PM - Thursday, April 6, 2023

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, April 6, 2023, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Nicolas AbouAssaly, Steve Jensen, Grant Harper, Will Brandt and Randy Strnad (*Councilmember Ward 1 seat is currently vacant*)

ABSENT: Sara Mentzer

Mayor AbouAssaly presided over the meeting.

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

SPECIAL AGENDA

Resolution No. 31287 approving rules and procedures regarding the filling of the Councilmember Ward 1 vacancy by appointment

Moved by Jensen, seconded by Harper, to approve Resolution No. 31287.

Approved unanimously

Motion to receive and file the following applications for the Councilmember Ward 1 vacancy:

- Kim Etzel - 933 8th Avenue
- Gage Miskimen - 2251 Pleasantview Drive
- Lou Rogers - 1565 Pleasantview Drive

Moved by Harper, seconded by Jensen, to approve the item as referenced above.

Approved unanimously

City Council heard presentations and asked questions to Kim Etzel, Gage Miskimen and Lou Rogers.

Balloting for the appointment of Councilmember Ward 1

First Vote:

- The following councilmembers voted for Kim Etzel: AbouAssaly
- The following councilmembers voted for Gage Miskimen: Jensen, Harper, Brandt and Strnad
- The following councilmembers voted for Lou Rogers: None

Gage Miskimen received the majority of votes and will proceed with appointment.

Resolution No. 31288 making an appointment to fill the vacancy on the Marion City

Council until the next pending election as defined in Iowa Code Chapter 69.12

Moved by Brandt, seconded by Harper, to approve Resolution No. 31288.

Approved unanimously

Mayor AbouAssaly administered the Oath of Office for Gage Miskimen.

PROCLAMATIONS/OATHS

Proclamation - Fair Housing Month (April 2023)

Councilmember Brandt read and presented the proclamation referenced above to Renae Forsyth-Christy.

PUBLIC FORUM

Andrew Sneed (3325 29th Avenue) spoke in support of automated traffic enforcement cameras. He also stated cameras should be added to 29th Avenue.

CONSENT AGENDA

Administrative Services

Minutes of the March 21 and 23, 2023 City Council meetings

Mayor AbouAssaly's recommended appointment:

- Cedar Rapids Linn County Solid Waste Agency's Transfer Station Subcommittee - Grant Harper

Motion to approve liquor licenses including the following:

- Renewal - Zoeys Pizzeria - 690 10th Street
- Renewal - Mix Sushi & Kitchen - 1144-1138 7th Ave
- Renewal - BP to Go - 1010 East Post Road

Payments as presented in the amount of \$2,814,707.59

Resolution No. 31289 approving partial payment no. 28 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$1,341.25

Resolution No. 31290 setting a public hearing for May 4, 2023 regarding the proposed adoption of a fiscal year 2022-2023 budget amendment

Resolution No. 31291 setting the date for public hearings on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder

Resolution No. 31292 approving an amended contract with Lynch Dallas for employment and labor law and Assistant City Attorney services

Resolution No. 31293 approving and authorizing entry into the Nationwide Opioid Settlement Agreement with five additional defendants

Resolution No. 31294 approving a Real Property Sales, Leases, and Vacations Policy

Resolution No. 31295 authorizing and directing East Central Iowa Council Of Governments (ECICOG) to submit application and associated documents for

funding for the Community Development Block Grant Disaster Recovery Derecho Generator Program (CDBG-DR) to the Iowa Economic Development Authority

Resolution No. 31296 approving Service Agreement with with East Central Iowa Council of Governments (ECICOG) for completion of the Community Development Block Grant Disaster Recovery (CDBG-DR) Generator Program grant application and general grant administration

Public Services

Resolution No. 31297 approving rental agreement with Mid-Iowa Solid Waste Equipment Company for the rental of a street sweeper in the amount of \$16,000

Resolution No. 31298 approving contract amendment and change order with A-One Geothermal for the Geothermal Field Site Package and authorizing payment in the amount of \$35,363 (FACS-17-069)

Resolution No. 31299 approving contract amendment and change order with Elite Fire Sprinkler Systems for the Public Service Maintenance Facility and authorizing payment in the amount of \$32,650 (FACS-17-069)

Resolution No. 31300 approving contract amendment and change order with Poly Vinyl Roofing Inc. for the existing Public Service Maintenance Facility and authorizing payment in the amount of \$3,810

Resolution No. 31301 approving equipment purchase agreement with Truck Country for the replacement of the Public Services Fleet Chassis and authorizing payment in the amount of \$1,342,121 (EQPT-18-075/076/077)

Parks

Resolution No. 31302 accepting a deed and setting terms relating to a real estate conveyance from the Marion Water Department for a future elevated water tower and city park, Parcel A, Plat of Survey No. 2674

Engineering

Resolution No. 31303 approving Partial Payment No. 5 to Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry in the amount of \$291 (FACS-17-034)

Resolution No. 31304 approving partial payment no. 12 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$2,375 (FACS-17-034)

Resolution No. 31305 approving contract and bond with Visu Sewer Inc. regarding the 2023 Sanitary Sewer Televising Project and authorizing payment in the amount of \$90,813.98 (ANN-18-029)

Motion to receive file and refer to TAC a petition regarding a no parking request on 28th Avenue and 24th Street Intersection (Elfrida Tillander, 2550 28th Avenue)

Community Development

Resolution No. 31307 setting a public hearing for April 20, 2023 regarding a request to rezone property from BC, Community Business to BR, Regional Business for property located at 3201 and 3301 Armar Drive, Marion, Iowa (Armar Plaza Associates & Armstrong-Race Realty Co)

Moved by Strnad, seconded by Brandt, to approve the consent agenda as shown above.

Approved unanimously

Resolution No. 31306 approving contract and bond to Corum Construction LLC regarding the 2023 Twixt Town Rd & Marion Blvd Intersection Improvements Project and authorizing payment in the amount of \$163,002.98 (TRANS-18-090) was removed from the agenda.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Harper at 6:14 p.m. Mayor Pro Tem Harper presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Services

Resolution No. 31308 approving payment to Conlon Construction for the City Hall Roof Repair project in an amount not to exceed \$31,491

Motion to approve the project calendar regarding the value engineering change orders for the Public Service Facility Trade Packages as follows:

- Resolution No. 31309 approving change order no. 1 to LL Pelling for a credit in the amount of \$3,935 (FACS-17- 069)
- Resolution No. 31310 approving change order no. 1 to Dan's Overhead Door for a credit in the amount of \$200,446 (FACS-17- 069)
- Resolution No. 31311 approving change order no. 1 to Hawkeye Electric for a credit in the amount of \$68,985 (FACS-17- 069)
- Resolution No. 31312 approving change order no. 1 to T&K Roofing for a credit in the amount of \$44,600 (FACS-17- 069)
- Resolution No. 31313 approving change order no. 1 to BG Brecke, Inc. for a credit in the amount of \$79,813 (FACS-17- 069)

Engineering

Resolution No. 31314 approving Partial Payment No. 8 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$1822.22 (FACS-17-034)

Resolution No. 31315 approving Partial Payment No. 9 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$2.67 (FACS-17-034)

Resolution No. 31316 approving Partial Payment No. 19 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$5,767.45 (FACS-17-034)

Resolution No. 31317 approving Partial Payment No. 20 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$7,696.50 (FACS-17-034)

Resolution No. 31318 approving Partial Payment No. 21 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$405.08 (FACS-17-034)

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

Approved by the following votes:

Ayes: Jensen, Strnad, Harper, Brandt, and Miskimen

Nays: AbouAssaly

Abstained: AbouAssaly

REGULAR AGENDA

Administrative Services

Public Hearing on Proposed Amended Development Agreement with Squaw Creek Crossing, Inc.

Mayor Pro Tem Harper opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. Troy Hart (1656 Crestfield Drive, Omaha, NE 68136) spoke in support of the measure. No comments, written or verbal, were received. Mayor Pro Tem Harper declared the public hearing closed.

Public Hearing on Proposed Development Agreement with Squaw Creek Crossing, Inc.

Mayor Pro Tem Harper opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. Nick Glew with MEDCO thanked Troy Hart for his commitment to Marion. No comments, written or verbal, were received. Mayor Pro Tem Harper declared the public hearing closed.

Motion to approve project calendar as follows:

- Resolution No. 31319 approving Amended Development Agreement with Squaw Creek Crossing, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement
- Resolution No. 31320 approving Development Agreement with Squaw Creek Crossing, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement
- Resolution No. 31321 approving a Memorandum of Understanding with Squaw Creek Crossing, Inc.

Moved by Brandt, seconded by Jensen, to approve the items referenced above.
Approved by the following votes:

Ayes: Jensen, Strnad, Harper, Brandt, and Miskimen

Nays: AbouAssaly

Abstained: AbouAssaly

Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 6:22 p.m.
Mayor AbouAssaly presided over the meeting.

Resolution No. 31322 approving Bond Purchase Agreement and providing for the issuance of Road Use Tax Revenue Bonds, Series 2023A

Moved by Strnad, seconded by Jensen, to approve Resolution No. 31322.
Michael Maloney with D.A. Davidson reviewed current bond market environment, pricing results, bond distribution and remaining timeline.

Approved unanimously

Public Services

Resolution No. 31323 accepting bids and approving purchase agreement with Henderson Products for the replacement dump bodies and snow plows for the Public Services Fleet and authorizing payment in the amount of \$1,538,108 (EQPT-18-075/076/077)

Moved by Jensen, seconded by Strnad, to approve Resolution No. 31323.

Approved unanimously

Public Safety

Ordinance No. 23-04 amending the Marion Code of Ordinances by adding language regarding Automated Traffic Enforcement (ATE) (second consideration)

Moved by Harper, seconded by Jensen, to approve the second consideration of Ordinance No. 23-04. Councilmember Harper asked if this includes the mobile unit. Police Chief Mike Kitsmiller stated it does. Councilmember Miskimen stated he will be voting in support tonight but would like to hear from residents their thoughts on this item. Councilmember Brandt asked about the ticketing process and how that works. Kitsmiller stated tickets can be appealed or they can be changed to a municipal infraction. Fines can also be collected through income offset program or collection agency if unpaid. City Manager Ryan Waller stated we can have a six month review of this ordinance if approved where staff can come back with data to determine what is working or what isn't working.

Approved unanimously

Ordinance No. 23-05 amending Chapter 313-10.12 of the Marion Code of Ordinances relating to Parking on Private Property and Towing (second consideration)

Moved by Brandt, seconded by Harper, to approve the second consideration of Ordinance No. 23-05.

Approved unanimously

Engineering

Ordinance No. 23-03 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Echo Hill Road from the City limits easterly to Alburnett Road (final consideration)

Moved by Strnad, seconded by Brandt, to approve the final consideration of Ordinance No. 23-03.

Approved unanimously

Ordinance No. 23-06 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Highway 100 from the City limits easterly to Highway 13 (second consideration)

Moved by Jensen, seconded by Strnad, to approve the second consideration of Ordinance No. 23-06.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-06.

Moved by Harper, seconded by Jensen, to approve item referenced above.

Approved unanimously

Ordinance No. 23-06 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Highway 100 from the City limits easterly to Highway 13 (final consideration)

Moved by Brandt, seconded by Harper, to approve the final consideration of Ordinance No. 23-06.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussion took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Miskimen is honored and excited to be a part of this council and looks forward to meeting everyone.

Councilmember Jensen stated he's happy to see everyone getting out and enjoying the nicer weather.

Councilmember Harper welcomed Gage Miskimen to the City Council.

Councilmember Brandt congratulated Gage Miskimen and welcomed him to City Council.

Councilmember Strnad thanked Kim Etzel and Lou Rogers for their interest in serving on City Council and congratulated Gage Miskimen.

Mayor AbouAssaly wished Fire Chief Tom Fagan a happy birthday. He also welcomed Gage Miskimen to City Council. He congratulated the Linn-Mar Varsity show choir for winning at nationals. He also congratulated Coach Lisa Bluder for her accomplishments this basketball season with the University of Iowa Women's Basketball team. He also spoke about a recent trip to Des Moines where staff worked with the City's lobbyist and talked with legislators.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:52 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