



MINUTES

City Council Regular Session

5:30 PM - Thursday, July 6, 2023

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, July 6, 2023, 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, Nicolas AbouAssaly, Will Brandt, and Gage Miskimen

ABSENT: Randy Strnad

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Parks and Recreation Month (July 2023)

Councilmember Mentzer read and presented the proclamation referenced above to Parks Director Seth Staashelm, Recreation Superintendent Karlene Hummel and Recreation Coordinator Allie Waterman.

PRESENTATIONS

Update Regarding Transit Service in Marion

Brad DeBrower with Cedar Rapids Transit provided an update regarding transit service in Marion including a review of the 28E agreement for fiscal year 2024. Councilmember Jensen stated Iowa City is looking at electric buses and asked if Cedar Rapids is looking at similar buses. DeBrower stated their staff is still in the analysis stage.

Presentation on Compensation Study Regarding Title and Grade Assignments

Lexi Scholten and Jada Kent with Baker Tilly provided information about the project including job evaluations, market assessment and proposed pay plans. Councilmember Jensen asked how often they recommend a comprehensive review of positions and compensation. Kent stated they recommend doing every 5-7 years if it is maintained every year.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the June 20 and 22, 2023 City Council meetings

Motion to approve liquor licenses including the following:

- Renewal - Neighborhood Tobacco Outlet - 2500 7th Ave
- New - Dollar General Store #7226 - 1135 E Post Road

Motion to approve Hold harmless agreements with:

- The Marion Chamber regarding an Uptown Getdown event on Thursdays in August 2023 in Marion Square Park

Payments as presented in the amount of \$3,820,299.99

Resolution No. 31482 approving Fiscal Year 2023-2024 operating budget transfers in the amount of \$15,006,818.

Resolution No. 31483 approving Fiscal Year 2022-2023 Capital Budget Transfers in the amount of \$187,222.92

Motion to receive and file title and grade assignments from Baker Tilly

Resolution No. 31484 amending the non-bargaining pay schedule to reflect updates to Communications Center Manager, Police Lieutenant, and Police Sergeant

Engineering

Resolution No. 31485 approving change order no. 03 with Boomerang Corp. regarding the Indian Creek Trunk Sewer - Segment 7 Project regarding stockpiled materials and authorizing payment in the amount of \$315,190.80 (SWR-17-026)

Resolution No. 31486 approving partial payment no. 22 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 \$689.32 (TRANS-18-101)

Motion to receive file and refer to Traffic Advisory Committee (TAC) a petition regarding adding speed limit signs on Edinburgh Avenue (Andrew Molder, 550 Edinburgh Avenue)

Community Development

Resolution No. 31487 approving 28E Agreement with City of Cedar Rapids regarding the provision of Transit Service to the City of Marion and authorizing payment in the amount of \$448,080

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Harper at 5:58 p.m. Mayor Pro Tem Harper presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 31488 amending Resolution No. 31371 regarding change order no. 10 with Peterson Contractors Inc. to update the change order amount to \$37,491.01 (TAP-U-4775(635)--8I-57)(TRL-18-110)

Resolution No. 31489 approving partial payment no. 3 to Hughes Aerospace Corporation regarding Marion Airport Instrument Flight Procedure Design Navigation Services and Maintenance in the amount of \$47,662.50 (ANN-18-082)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 6:00 p.m.
Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Ordinance No. 23-18 amending Section 1-1 regarding General Provisions and Subsection 313-10.7A regarding Parking Regulations of the Marion Code of Ordinances (initial consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 23-18.

Approved unanimously

Engineering

Resolution No. 31490 approving change order no. 04 with Boomerang Corp. regarding the Indian Creek Trunk Sewer - Segment 7 Project regarding rock blasting (SWR-17-026)

Moved by Brandt, seconded by Harper, to approve Resolution No. 31490. City Engineer Mike Barkalow reviewed the progress so far in the project and the contractor's proposal to use rock blasting. Councilmember Harper asked how soon the contractor would be prepared to do the blasting. Tim Tuner with Boomerang stated it would be as soon as permits can be obtained. Councilmember Harper asked if it would be one blasting event or several. Tuner stated it would be up to six events. Councilmember Jensen asked if there was any concern with vibrations. Tuner stated they are not concerned with vibrations. Councilmember Miskimen stated how long it would take for blasting. Brad Andes with Boomerang stated it would take approximately two weeks for blasting versus

100-120 days if they kept using the current method.
Approved unanimously

Community Development

Ordinance No. 23-12 amending Chapter 284-6.F(5) of the Marion Code of Ordinances related to lot width requirements (final consideration)

Moved by Mentzer, seconded by Brandt, to approve the final consideration of Ordinance No. 23-12.

Approved unanimously

Ordinance No. 23-14 amending Chapter 126, Article III of the Marion Code of Ordinances regarding Electrical Code (second consideration)

Moved by Miskimen, seconded by Mentzer, to approve the second consideration of Ordinance No. 23-14.

Approved unanimously

Ordinance No. 23-15 amending Section 126-92 of the Marion Code of Ordinances regarding Housing Code (second consideration)

Moved by Jensen, seconded by Miskimen, to approve the second consideration of Ordinance No. 23-15.

Approved unanimously

Ordinance No. 23-16 amending Section 223-2 of the Marion Code of Ordinances regarding Nuisance Abatement (second consideration)

Moved by Harper, seconded by Jensen, to approve the second consideration of Ordinance No. 23-16.

Approved unanimously

Ordinance No. 23-17 amending Section 247-2 and adding a new section to the Marion Code of Ordinances regarding Property Maintenance (second consideration)

Moved by Brandt, seconded by Harper, to approve the second consideration of Ordinance No. 23-17.

Approved unanimously

Public hearing regarding an amendment to table 340-5.7-1 of the Marion Code of Ordinances 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. Principal Planner Dave Hockett provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 23-19 approving an amendment to table 340-5.7-1 of the Marion Code of Ordinances regarding building setbacks within the M-1, Light Manufacturing, and M-2, General Manufacturing zoning districts (initial consideration)

Moved by Mentzer, seconded by Brandt, to approve the initial consideration of Ordinance No. 23-19.

Approved unanimously

Public hearing regarding a request to rezone property from Linn County AG, Agriculture, and USR, Urban Services Residential to SR-2, Suburban Medium Density Single-Family Residential for property located north of East Robins Road and west of Alburnett Road, Marion, Iowa

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

Ordinance No. 23-20 rezoning property from Linn County AG, Agriculture, and USR, Urban Services Residential to SR-2, Suburban Medium Density Single-Family Residential for property located north of East Robins Road and west of Alburnett Road, Marion, Iowa (Frazier Land Investments, LLC) (Initial Consideration)

Moved by Miskimen, seconded by Mentzer, to approve the initial consideration of Ordinance No. 23-20. Councilmember Mentzer asked about the developer's plan for a buffer between the residential area and Tower Terrace Road. Principal Planner Dave Hockett stated there is residential then multi-family before commercial zones begin after Newcastle Drive.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

Discussion and Direction Regarding Fiscal Year 2024-2025 Budget Calendar

Finance Director Lianne Cairy reviewed the fiscal year 2025 budget calendar include the changes at the state level and how that impacts the schedule. Councilmember Harper stated he would like to have a special meeting the week of March 25. Mayor AbouAssaly agreed with holding a meeting the week of March 25.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Miskimen spoke about the Fireworks and Fireflies event on Monday and stated it was great to see so many people. He stated he has received many comments and complaints about our ordinance in regards to fireworks use and would like it to be a discussion at a future meeting.

Councilmember Jensen spoke about the Fireworks and Fireflies event and the amount of people who attended.

Councilmember Harper talked about the Farmer's Market at Taube Park on Saturday and spoke about fireworks use in Marion and how he'd also like it to be a discussion at a future meeting.

Councilmember Brandt stated the Uptown Market is this Saturday in Uptown Marion.

Councilmember Mentzer thanked Peg and Phil and their work with the community garden. She also spoke about everyone who has been attending Sunrise Yoga this year. She thanked the Marion Chamber of Commerce for all the events they put on and City Manager Ryan Waller mentioned that Eat. Drink. & Be Marion is next Thursday.

Mayor AbouAssaly stated he had a chance to ride his bike on a couple of Marion trails this past weekend. He talked about the Fireworks and Fireflies event and thanked all of the staff who helped with that event. Mayor AbouAssaly stated he would be reading a proclamation at CR Pride Fest this Saturday. He also thanked MEDCO President Nick Glew for all his work in Marion throughout the years and wished him the best.

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 items)

Moved by Jensen, 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

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

Approved unanimously

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:47 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