



MINUTES

City Council Regular Session

5:30 PM - Thursday, December 21, 2023

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, December 21, 2023, 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, Will Brandt, and Gage Miskimen

ABSENT: None

Mayor AbouAssaly presided over the meeting.

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

PRESENTATIONS

Recognition of Fire Department Promotions/Reclassifications as follows:

- Lieutenant Zach Bruce
- Lieutenant Jeff Madland
- Division Chief Shawn Fluharty
- Division Chief Kale McBurney
- Deputy Chief Ryan Steffen

Fire Chief Tom Fagan shared information about the above referenced positions and recognized their promotion/reclassification.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the December 5 and 7, 2023 City Council meeting

Mayoral Appointments:

- Sara Mentzer - Mayor Pro Tem - 1/1/24 to 12/31/24
- Gage Miskimen - Deputy Mayor Pro Tem - 1/1/24 to 12/31/24
- Gage Miskimen - Mayor Pro Tem - 1/1/25 to 12/31/25
- Sara Mentzer - Deputy Mayor Pro Tem - 1/1/25 to 12/31/25

Liquor licenses including the following:

- Renewal - Corridor Courts - 750 44th Street
- Renewal - Walmart Supercenter #3630 - 5491 Business Highway 151
- Renewal - Carlos O Kellys Mexican Cafe - 3320 Armar Drive
- New - Nara Thai LLC - 1725 Blairs Ferry Rd STE 102
- New - Crab Attack Seafood Kitchen & Bar - 796 11th Street

Mayor AbouAssaly's recommended appointment:

- Art Council - Mark Weiser - term expires 12/31/26

Receive and file November 2023 department monthly reports

Payments as presented in the amount of \$3,977,443.92

Resolution No. 31721 approving amendment no. 6 to task order no. 1 with Tidal Basin Government Consulting, LLC to extend order timeline to November 30, 2024

Resolution No. 31722 amending the Schedule of Fees, Bonds and Insurance effective January 1, 2024

Resolution No. 31723 approving partial payment no. 37 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$508.75

Resolution No. 31724 approving the United States Department of Transportation's Standard Title VI/Non-Discrimination Assurances

Motion to receive and file HR Generalist and Planning Division Manager job description and grade assignment

Resolution No. 31725 approving the City of Marion 2024 Employee Handbook

Resolution No. 31726 approving Exempt Employee-Owned Mobile Device Usage Policy and Waiver

Resolution No. 31727 setting the phone allowance at \$30 per month for exempt employees that sign the Employee Owned Mobile Device Usage Policy and Waiver

Public Safety

Resolution No. 31728 approving contract with Equipment Management Company for the purchase of fire department rescue and safety equipment and authorizing payment in the amount not to exceed \$20,000

Resolution No. 31729 approving payment to MHC Kenworth regarding an emergency repair to fire engine 93 in the amount not to exceed \$46,000

Resolution No. 31730 approving payment to Reliant Fire Equipment regarding an emergency repair to fire engine 94 in the amount not to exceed \$13,000

Parks

Resolution No. 31731 setting a public hearing regarding the naming of Draper Park for February 8, 2024

Engineering

Resolution No. 31732 setting a public hearing for January 4, 2024 regarding an Easement for Electric Utility with Linn County Rural Electric Cooperative Association regarding the Tower Terrace Road Project from C Avenue to Alburnett Road

Motion to approve project calendar regarding the 2024 10th Avenue Resurfacing Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 10th Avenue Resurfacing (ANN-24-001)
- Motion approving filing of plans, specifications, form of contract and estimate of cost, advertising for bids by posting notice to bidders, and authorizing City officials or designees to receive and open bids regarding the 2024 10th Avenue Resurfacing (ANN-24-001)
- Motion setting public hearing and directing publication thereof for 2024 10th Avenue Resurfacing (ANN-24-001)

Motion to approve project calendar regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)
- Motion approving filing of plans, specifications, form of contract and estimate of cost, advertising for bids by posting notice to bidders, and authorizing City officials or designees to receive and open bids regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)
- Motion setting public hearing and directing publication thereof for Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)

Community Development

Resolution No. 31733 approving Plat of Survey No. 2797 for property located northwest of Marion Boulevard and southeast of Keyes Court in Marion, Iowa (Boulevard Apartments, LLC)

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

Approved unanimously

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Administrative Services

Mayor Pro Tem Harper recommended reappointment:

- Marion Municipal Airport Committee - Philip Legate - term expires 12/31/2027

Parks

Resolution No. 31734 approving a one year renewal of a Lease Agreement with Sejkora Farms Inc., for certain Lowe Park property

Engineering

Resolution No. 31735 accepting the public improvements associated with Osage Estates 1st Addition to the City of Marion

Resolution No. 31736 approving partial payment no. 1 to TW Homes, Inc. for costs associated with Osage Estates Additions in the amount of \$59,751.75

Resolution No. 31737 approving a memorandum of understanding with Midwest Development Company associated with Bowman Meadows 7th and 9th Additions and the Alburnett Road Improvements

Resolution No. 31738 approving a temporary construction easement with BBAK Investments LTD for property located at 3190 Newcastle Road

Resolution No. 31739 accepting the Marion Library Project - Bid Pkg 22A & 23A Plumbing & HVAC with Pipe Pro (FACS-17-034)

Community Development

Resolution No. 31740 approving Plat of Survey No. 2800 for property located north of Echo Hill Road and west of Alburnett Road in Marion, Iowa (Integrity Custom Homes, Inc)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 5:41 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Parks

Resolution No. 31741 approving change order no. 1 with Wabtec for the Caboose refurbishment and authorizing payment in an amount not to exceed \$12,480

Moved by Jensen, seconded by Miskimen, to approve Resolution No. 31741.

Approved unanimously

Engineering

Public comment regarding a request for the addition of a 4-way stop at the intersection of 29th Avenue and 31st Street

Mayor AbouAssaly opened the public comment period regarding item referenced above. City Engineer Mike Barkalow provided a staff report. Derek Facculyn-Gous (3115 31st Street) spoke in favor of installing a four-way stop at the intersection. The following comments submitted prior to the meeting were shown: Gerri and Gordon Rector (2935 31st Street) wrote in favor of a four way stop; Derek Facculyn-Gous (3115 31st Street) wrote in favor of a four way stop. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Motion to receive and file a Traffic Advisory Committee (TAC) report regarding a request for a 4-way stop at the intersection of 29th Avenue and 31st Street

Moved by Harper, seconded by Jensen, to approve item referenced above. Councilmember Harper asked about the timeline for installation of a mini-roundabout at this intersection. City Engineer Mike Barkalow stated it is in the unfunded section of the Capital Improvement Plan that is being proposed.

Approved unanimously

Motion concurring with the Traffic Advisory Committee (TAC) recommendations for the intersection of 29th Avenue and 31st Street

Moved by Brandt, seconded by Harper, to approve item referenced above. Councilmember Jensen asked if it is common to have roundabouts four blocks apart. City Engineer Mike Barkalow stated it varies by community but this would be the closest in Marion. Councilmember Harper spoke in support of installing a mini-roundabout as soon as we are financially able to. Mayor AbouAssaly and Councilmember Mentzer also spoke about installing a roundabout as soon as possible.

Approved unanimously

Public Hearing regarding the 2024 Sidewalk Ramp Project (ANN-18-106)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Motion to approve project calendar regarding the 2024 Sidewalk Ramp Project as follows:

- Resolution No. 31742 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Sidewalk Ramp Project (ANN-18-106)
- Resolution No. 31743 awarding bid, authorizing approval of the contract, bonds, and insurance with Boomerang Corp regarding the 2024 Sidewalk Ramp Project and authorizing payment in the amount of \$157,290 (ANN-18-106)

Moved by Mentzer, seconded by Brandt, to approve the project calendar as

shown above.
Approved unanimously

Community Development

Ordinance 24-01 amending Section 263-12 of the Marion Code of Ordinances regarding location restrictions of Sexually Oriented Businesses (initial consideration)

Moved by Strnad, seconded by Mentzer, to approve the initial consideration of Ordinance No. 24-01.

Approved unanimously

Resolution No. 31744 approving Sheets Forrest Draper Insurance - Central Corridor Review related to exterior alterations for property located at 631 9th Street, Marion, Iowa (Madsen Custom Homes)

Moved by Miskimen, seconded by Strnad, to approve Resolution No. 31744.

Approved unanimously

Ordinance 23-29 amending the Marion Code of Ordinances by adding language regarding Vacant Buildings (final consideration)

Moved by Jensen, seconded by Miskimen, to approve the final consideration of Ordinance No. 23-29.

Approved unanimously

Resolution No. 31745 approving the Vacant Building Policy

Moved by Harper, seconded by Jensen, to approve Resolution No. 31745.

Approved unanimously

PUBLIC FORUM

Dustin Mazgaj (Walford, Iowa) spoke about two current lawsuits in Linn County and issues with the Marion Police Department.

COUNCIL COMMENTS

Councilmember Mentzer wished everyone happy holidays.

Councilmember Brandt also wished everyone a happy holiday.

Councilmember Harper wished everyone a safe and happy holiday.

Councilmember Jensen commented on the lights in Uptown Marion and the Uptown Artway. He also wished everyone a happy holiday.

Councilmember Miskimen stated he recently spoke with students at Hazel Point and shared some of the questions asked.

Mayor AbouAssaly stated the Marion Fire Department recently received a grant for the emergency management planning that has occurred this past year. He also recognized

Mayor Pro Tem Harper for his service this past year. Mayor AbouAssaly spoke about the many great things Team Marion has accomplished the past few years. He wished everyone happy holidays.

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 Brandt, 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

Mayor AbouAssaly left the meeting at 6:28 p.m. and relinquished the gavel to Mayor Pro Tem Harper. Mayor Pro Tem Harper presided over the meeting.

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

Approved unanimously

ADJOURN

Mayor Pro Tem Harper adjourned the meeting at 6:57 p.m.

Respectfully submitted,
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