



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, December 5, 2024

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, December 5, 2024, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

**PRESENT:** Grant Harper, Steve Jensen, Gage Miskimen, Nicolas AbouAssaly, Sara Mentzer, Will Brandt, and Randy Strnad

**ABSENT:** None

Mayor AbouAssaly presided over the meeting.

The meeting opened with the pledge of allegiance led by members of Boy Scout Troop #58 and Council observed a moment of silence.

### **PUBLIC FORUM**

No one came forward to speak.

### **CONSENT AGENDA**

#### Administrative Services

Minutes of the November 19 and 21, 2024 City Council meetings

#### Liquor licenses:

- Renewal - Carlos O'Kelly's Mexican Cafe
- Renewal - Corridor Courts
- Renewal - Mandarin Spice Buffet and Grill
- Renewal - La Cantina Bar & Grill
- Renewal - Walmart Supercenter #3630
- New - ProTee at 49th Street

Payments as presented in the amount of \$2,915,304.85

#### Mayor AbouAssaly's recommended reappointments:

- Area Ambulance - Ryan Waller, term expires 12/31/27
- Arts Council - Bethany Healy, term expires 12/31/27
- CR/LC Solid Waste Agency Board - Craig Adamson, term expires 12/31/26
- Civil Rights Commission - Denise Bridges, term expires 12/31/27
- Civil Rights Commission - Kathy Hagler, term expires 12/31/27

- Construction Code Review Board - Wesley Waters, term expires 12/30/28
- Construction Code Review Board - Allison Owen, term expires 12/30/28
- Construction Code Review Board - Curtis Liscum, term expires 12/30/28
- Historic Preservation Commission - Scott Foens, term expires 12/31/27
- Nuisance Enforcement Property Maintenance Advisory Board - Elizabeth Allen, term expires 12/31/27
- Nuisance Enforcement Property Maintenance Advisory Board - Katie Keilhotz, term expires 12/31/27
- Public Works Board - Tom Padley, term expires 12/31/26
- Public Works Board - Mark Morgan, term expires 12/31/26
- Public Works Board - Colleen Prokup, term expires 12/31/26
- Tree Board - Sunshine McDonald, term expires 12/31/28
- Tree Board - Mollie Lorenz, term expires 12/31/28
- Tree Board - Dale Kretschmar, term expires 12/31/28
- Water Board - Amy Olson, term expires 12/31/30

Resolution No. 32180 approving partial payment no. 45 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$2,127.50

Resolution No. 32181 rescinding the Credit Card Policy and the Sales Tax Reimbursement Policy

Resolution No. 32182 providing for an exception to the Purchasing Policy Section 3.4 and approving professional services agreement with Hogan-Hansen for audit readiness and financial statement preparation services, and authorizing payments as outlined in the agreement

Resolution No. 32183 approving Engagement Agreement, Professional Services Terms and Conditions, and Amendment No 1 to Professional Services Terms and Conditions with Bergan KDV Audit regarding audit services and authorizing payment in the amount as outlined in the agreement

Resolution No. 32184 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with DCI Properties, LLC, Including Annual Appropriation Tax Increment Payments

Resolution No. 32185 setting the date for public hearing and additional action on proposal to enter into a General Obligation Annual Appropriation Urban Renewal Loan Agreement and to borrow money thereunder

Resolution No. 32186 approving 36-month contract with Per Mar Security Services for monitoring services and authorizing payment in the amount of \$5,873.54

## Public Safety

Resolution No. 32187 approving a three-year professional services agreement with Hawkeye Fire and Safety for annual inspection of fire extinguishers and kitchen hood systems and authorizing payment in the amount as shown in the agreement

Resolution No. 32188 approving a three-year professional services agreement with Elite Fire Sprinkler Company for annual inspection of sprinkler system testing and authorizing payment in the amount as shown in the agreement

Resolution No. 32189 approving change order no. 1 with Jahnke & Sons Construction Inc., dba WHP Training Towers for Interior 4" PCC Deck Pours of the Public Safety Training Tower and authorizing payment in the amount of \$64,900

#### Public Works

Resolution No. 32190 accepting the CeMar Trail bridge light towers project (TRANS-17-107)

Resolution No. 32191 approving a Geothermal Consultation and Services Agreement with Afton Energy, LLC regarding the Public Works Facility and authorizing payment in amount as outlined in the agreement (FACS-17-069)

Motion to approve project calendar regarding the Marion Public Library Generator Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the Marion Public Library Generator Project (EQPT-25-004)
- 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 Marion Public Library Generator Project (EQPT-25-004)
- Motion setting public hearing and directing publication thereof for Marion Public Library Generator Project (EQPT-25-004)

#### Community Development

Resolution No. 32192 approving 28E Agreement with the City of Robins, Iowa regarding building department services

#### Library

Resolution No. 32193 approving an updated 28E agreement with the Marion Public Library Foundation regarding the employment of a Foundation Director

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:36 p.m. Mayor Pro Tem Mentzer presided over the meeting.

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

#### Administrative Services

Liquor licenses:

- Renewal - Giving Tree

#### Public Safety

Resolution No. 32194 approving a three-year professional services agreement with Hawkeye Communication for annual inspection of alarm system testing and authorizing payment in the amount as shown in the agreement.

#### Public Works

Resolution No. 32195 approving a memorandum of agreement with Midwest Development Company regarding the replacement of storm sewer on 35th Avenue adjacent to the Commons at English Glen 8th Addition.

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:36 p.m. Mayor AbouAssaly presided over the meeting.

### **REGULAR AGENDA**

#### Administrative Services

Ordinance No. 24-17 amending various sections of the Marion Code of Ordinances including Chapter 223-11 regarding Nuisance Abatement and Chapter 313, Article XII regarding Automated Traffic Enforcement (final consideration)

Moved by Jensen, seconded by Strnad, to approve the final consideration of Ordinance 24-17.

Approved unanimously

Public hearing on a proposed Development Agreement with Squaw Creek Crossing, Inc.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Finance Director Lianne Cairry provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:38 p.m. Mayor Pro Tem Mentzer presided over the meeting.

Resolution No. 32196 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

Moved by Harper, seconded by Jensen, to approve Resolution 32196.

Approved by the following votes:

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

Abstained: AbouAssaly

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

#### Community Development

Ordinance No. 24-19 approving a request to rezone property from UTC-1, Urban Transitional Commercial (1) to PUD, Planned Unit Development for property located at 801 10th Street, Marion, Iowa (Hoth Properties LLC) (final consideration)

Moved by Miskimen, seconded by Harper, to approve the final consideration of Ordinance No. 24-19.

Approved unanimously

Resolution No. 32197 approving the Hoth Flats Preliminary Site Development Plan associated with a multi-family project located at 801 10th Street, Marion, Iowa (Hoth Properties LLC)

Moved by Mentzer, seconded by Miskimen, to approve Resolution 32197.

Approved unanimously

Resolution No. 32198 approving the Hoth Flats Final Site Development Plan associated with a multi-family project located at 801 10th Street, Marion, Iowa (Hoth Properties LLC)

Moved by Brandt, seconded by Mentzer, to approve Resolution 32198.

Approved unanimously

Ordinance No. 24-20 approving amendments to Chapter 340 of the Marion Code of Ordinances related to zoning definitions, parking and loading regulations, landscape and screening standards, and accessory structure setbacks (final consideration)

Moved by Strnad, seconded by Brandt, to approve the final consideration of Ordinance 24-20.

Approved unanimously

Public hearing regarding an amendment to Ordinance No. 10-25 regarding the Marion Enterprise Center Design Guidelines for property generally located south of Highway 151 and east of 62nd Street, Marion, Iowa (Marion Economic Development Company)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Planning Division Manager Dave Hockett provided a staff report. Brady Quinn with MEDCO spoke in support of the amendment. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 24-21 approving an amendment to Ordinance No. 10-25 regarding the Marion Enterprise Center Design Guidelines for property generally

located south of Highway 151 and east of 62nd Street, Marion, Iowa (initial consideration)

Moved by Jensen, seconded by Strnad, to approve the initial consideration of Ordinance No. 24-21. Mayor AbouAssaly asked why there is only tier 1 lot. Planning Division Manager Hockett stated the other lots are further away from the highway and not next to the main entrance into the enterprise center.

Approved unanimously

## **PUBLIC FORUM**

Everett Spielman representing Boy Scout Troop #58 stated they are currently working on a presentation regarding Marion and would like to provide that to the Council when they are finished.

## **COUNCIL COMMENTS**

Councilmember Jensen spoke about Small Business Saturday.

Councilmember Harper thanked the members of Boy Scout Troop #58 who attended the meeting tonight. He invited them to visit with Council members at their office hours at the Library on Saturday mornings.

Councilmember Miskimen stated he will be leading a tour of some students at the Linn County Mental Health Access Center.

Councilmember Mentzer stated there will be a ribbon cutting of the new Bookmobile tomorrow, Friday, December 6 at 3:00 p.m.

Mayor AbouAssaly stated there have been two retirements from the Police Department and Fire Departments and he wished them well. He spoke about the Mayor's Youth Council, Christmas in the Park happening on Friday, December 6 and two new store openings in Uptown. Mayor AbouAssaly spoke about attending various regional meetings and that Marion is always looked at as an example. He thanked everyone and encouraged everyone to continue working together and reaching higher.

## **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:07 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\_\_\_\_.

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Rachel Bolender, City Clerk