



MINUTES

City Council Regular Session

5:30 PM - Thursday, November 21, 2024

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, November 21, 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, and Randy Strnad

ABSENT: Will Brandt

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Small Business Saturday (November 30, 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to Jill Ackerman with the Marion Chamber of Commerce.

PRESENTATIONS

Presentation recognizing Mary Weber as the 2024 recipient of the Paul Draper "Spirit of Marion" Award

Deputy City Manager Kim Downs provided an overview of the above referenced award and recognized Mary Weber on this achievement.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the November 5 and 7, 2024 City Council meetings

Mayor AbouAssaly recommended appointments as follows:

- Arts Council:
 - Bethany Healy - term expires 12/31/24
 - Bex Hurn - term expires 12/31/25

Liquor licenses:

- Renewal - Casey's General Store #3562
- Renewal - Naso's Pizza Marion
- Renewal - Mega Retail
- Renewal - Kwik Star #1008

Receive and file October 2024 department monthly report

Payments as presented in the amount of \$5,770,182.24

Resolution No. 32163 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with Squaw Creek Crossing, Inc., Including Annual Appropriation Tax Increment Payments

Resolution No. 32164 approving payment to Tyler Technologies for Enterprise Resource Planning (ERP) and Timekeeping Software maintenance and support in the amount of \$179,506.04

Resolution No. 32165 approving amendment no. 2 to the professional services agreement and amendment no. 7 to task order no. 1 with Tidal Basin Government Consulting, LLC to extend term until November 1, 2025

Resolution No. 32166 approving mutual release between Broad & Main 7 LC, Broad & Main 6 LC, Uptown Development LC, Eagle View Partners LC, and Mark Kittrell, and the City of Marion

Public Safety

Resolution No. 32167 approving purchase of a call logger recorder from Zetron, Inc. and authorizing payment in the amount not to exceed \$57,888

Parks

Resolution No. 32168 approving purchase of a T770 T4 Bobcat Compact Track Loader 44 from Doosan Bobcat North America (dba Bobcat of Cedar Rapids) and authorizing payment in an amount not to exceed \$92,428.73

Public Works

Motion to approve project calendar regarding the Public Safety Training Facility - Burn Building Package as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the Public Safety Training Facility - Burn Building Package (FACS-20-007)
- 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 Public Safety Training Facility - Burn Building Package (FACS-20-007)
- Motion setting public hearing and directing publication thereof for Public Safety Training Facility - Burn Building Package (FACS-20-007)

Resolution No. 32169 accepting the 2024 Pavement Patching Project

Resolution No. 32170 approving change order no. 1 with D & N Fence Co for the

addition of a 24' x 6' black vinyl double gate related to the 2024 Public Works Facility Fencing Project and authorizing payment in the amount of \$2,123 (FACS-17-069)

Community Development

Resolution No. 32171 approving a development agreement and related documents for the Hoth Flats Community Development Block Grant - Disaster Recovery Project

Motion to receive and file a request for a waiver to Ordinance 23-26 to permit a gas station in the BC, Community Business zoning district for property located at 5680 Kacena Avenue, Marion, Iowa (Aban Baral, Mustang Retail & More LLC)

Resolution No. 32172 setting a public hearing for December 5, 2024, 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)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:43 p.m. Mayor Pro Tem Mentzer presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Works

Resolution No. 32173 approving contract amendment no. 1 with Anderson-Bogert Engineering and Surveyors, Inc. regarding the 2023 on call general airport consulting services and approving payments in the amount not to exceed \$25,000

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:44 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 (second

consideration)

Moved by Mentzer, seconded by Miskimen, to approve the second consideration of Ordinance No. 24-17.

Approved unanimously

Public Safety

Ordinance No. 24-16 amending Chapter 24, Article III of the Marion Code of Ordinances regarding the Fire Department (final consideration)

Moved by Strnad, seconded by Mentzer, to approve the final consideration of Ordinance No. 24-16.

Approved unanimously

Public Works

Ordinance No. 24-18 amending Chapter 313-10.10 and 313-10.11 of the Marion Code of Ordinances regarding Snow Routes and Winter Storm Parking (second consideration)

Moved by Jensen, seconded by Strnad, to approve the second consideration of Ordinance No. 24-18.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-18 regarding Snow Routes and Winter Storm Parking

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

Approved unanimously

Ordinance No. 24-18 amending Chapter 313-10.10 and 313-10.11 of the Marion Code of Ordinances regarding Snow Routes and Winter Storm Parking (final consideration)

Moved by Miskimen, seconded by Harper, to approve the final consideration of Ordinance No. 24-18.

Approved unanimously

Public hearing regarding the Sanitary Trunk Sewer Project 4 and 5 (SWR-20-001-4)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Public Works Director 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 Sanitary Trunk Sewer Project 4 and 5 as follows:

- Resolution No. 32174 adopting final plans, specifications, form of contract, and estimate of cost regarding the Sanitary Trunk Sewer Project 4 and 5 (SWR-20-001-4)
- Resolution No. 32175 awarding bid, authorizing approval of the contract, bonds and insurance with Boomerang Corp regarding the Sanitary Trunk

Sewer Project 4 and 5, and authorizing payment in the amount of \$2,947,643.46 (SWR-20-001-4)

Moved by Mentzer, seconded by Miskimen, to approve the project calendar as shown above.

Approved unanimously

Public hearing regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Public Works Director 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 16th Avenue Sanitary Sewer Project as follows:

- Resolution No. 32176 adopting final plans, specifications, form of contract, and estimate of cost regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
- Resolution No. 32177 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Co. regarding the 16th Avenue Sanitary Sewer Project, and authorizing payment in the amount of \$71,394 (ANN-18-029)

Moved by Strnad, seconded by Mentzer, to approve the project calendar as shown above.

Approved unanimously

Public hearing regarding the Oak Shade Cemetery Crypt Wall Repair Project (REC-25-001)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Public Works Director 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 Oak Shade Cemetery Crypt Wall Repair Project as follows:

- Resolution No. 32178 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Oak Shade Cemetery Crypt Wall Repair Project (REC-25-001)
- Resolution No. 32179 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Co. regarding the 2024 Oak Shade Cemetery Crypt Wall Repair Project, and authorizing payment in the amount of \$438,750 (REC-25-001)

Moved by Jensen, seconded by Harper, to approve the project calendar as shown above. Councilmember Jensen asked if there are other alternatives that have been researched. Deputy Parks Director Brent Neighbor outlined three other alternatives but would need to meet with the contractors to determine the best route.

Failed by the following votes:

Ayes:

Nays: Harper, Jensen, Miskimen, AbouAssaly, Mentzer, and Strnad

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) (second consideration)

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

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 (second consideration)

Moved by Miskimen, seconded by Harper, to approve the second consideration of Ordinance No. 24-20.

Approved unanimously

PUBLIC FORUM

A person who wishes to remain anonymous shared concerns regarding Chad Pelley.

COUNCIL COMMENTS

Councilmember Strnad wished everyone a Happy Thanksgiving.

Councilmember Mentzer thanked all team members who have been working outside. She encouraged everyone to shop small next Saturday.

Councilmember Harper wished everyone a Happy Thanksgiving.

CLOSED SESSION

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

Moved by Mentzer, seconded by Jensen, 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 7:25 p.m. and relinquished the gavel to Mayor Pro Tem Mentzer. Mayor Pro Tem Mentzer presided over the meeting.

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

Approved unanimously

ADJOURN

Mayor Pro Tem Mentzer adjourned the meeting at 7:46 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