



MINUTES

City Council Regular Session

5:30 PM - Thursday, January 9, 2025

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, January 9, 2025, 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 and Council observed a moment of silence.

PROCLAMATIONS/OATHS

Proclamation - Human Trafficking Prevention and Awareness Month (January 2025)

Councilmember Strnad read and presented the proclamation referenced above to Chains Interrupted.

Proclamation - Martin Luther King Jr. Day (January 20, 2025)

Mayor AbouAssaly read the above referenced proclamation.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the December 17 and 19, 2024 City Council meetings

Liquor licenses:

- Renewal - Smokin' Joes Tobacco and Liquor Outlet #10
- Renewal - Nara Thai
- Renewal - Indian Creek Country Club
- Renewal - Pitchers
- New - The Eat Shop

Mayor AbouAssaly's recommended appointment:

- Zoning Board of Adjustment - Nichole Ryan - term expires 12/31/2028

Mayor AbouAssaly recommended appointments as follows:

- Marion Aquatic Center Steering Committee:
 - Patty Wise (Park Board Member)
 - Gage Miskimen (City Council Ward 1)
 - Sara Mentzer (City Council Ward 4)
 - Will Brandt (City Council Ward 3)
 - Katie Sleeper (Community Member)
 - Julie Fay (Community Member)
 - Jena Schoenhofer (Community Member)
 - Charlie Potter (Community Member)
 - Shannon Banks (Community Member)
 - Debbie Arenson (Community Member)
 - Denise Stapley (Community Member)
 - Andrew Cahalan (Community Member)
 - Ruhan Raghvani (Mayor's Youth Council)

Payments as presented in the amount of \$3,640,349.89

Resolution No. 32213 approving partial payment no. 46 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$185

Resolution No. 32214 approving amendment to the agreement with Access Systems and authorizing payment in the amount of \$9,762.48

Resolution No. 32215 approving a 64-month agreement with CDW-G for network equipment support and maintenance and authorizing payment in the amount of \$74,299.52

Parks

Resolution No. 32216 approving contract with Waters Edge Aquatic Design for the design and construction planning for the New Aquatic Center and Willowood Development and authorizing payment not to exceed \$1,590,900 (REC-25-005)

Public Works

Motion directing staff to prepare a notice of intent to enter into a Guarantee Maximum Price (GMP) contract for purposes of engaging in a construction manager at risk for the Aquatic Center

Resolution No. 32217 approving 28E agreement with Marion Independent School District regarding bulk salt

Resolution No. 32218 approving 28E agreement with the City of Springville regarding bulk salt

Resolution No. 32219 approving 28E agreement with the City of Bertram regarding bulk salt

Resolution No. 32220 approving professional services agreement with Snyder and Associates, Inc. regarding On-Call Traffic Engineering Services and authorizing payment in the amount of \$50,000 (ANN-25-002)

Motion to approve project calendar regarding the 2025 Storm Sewer Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2025 Storm Sewer Project (ANN-18-031 & ANN-25-001)
- 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 2025 Storm Sewer Project (ANN-18-031 & ANN-25-001)
- Motion setting public hearing and directing publication thereof for 2025 Storm Sewer Project (ANN-18-031 & ANN-25-001)

Motion to approve project calendar regarding the Public Safety Training Facility Paving and Foundation Package as follows:

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

Motion to receive, file and refer to Traffic Advisory Committee (TAC) a petition regarding a request to add a stop sign for drivers traveling east on Katz Drive, near the MercyCare Marion Clinic entrance. (Gina Pennington, Director MercyCare Marion)

Community Development

Motion to receive and file correspondence regarding Todd Pearson's resignation from the Zoning Board of Adjustment

Resolution No. 32221 approving an amendment to the Hoth Flats Project performance timeline to extend the contract end date from March 31, 2025 to June 30, 2026

Resolution No. 32222 approving a contract with RDG Planning & Design related to the Zoning Code / Design Standard updates and authorizing payment in an amount not to exceed \$40,000

Resolution No. 32223 approving a professional services agreement with MSA Professional Services, Inc. for on-call consulting planning assistance and authorizing payment in an amount not to exceed \$100,000

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

Approved unanimously

REGULAR AGENDA

Public Works

Public Comment Period regarding the proposed CeMar Trail and the Acquisition of Certain Real Property From Mount Calvary Cemetery Association

Mayor AbouAssaly opened the public comment period regarding item referenced above. City Attorney Kara Bullerman provided a staff report. Bullerman stated the following action only authorizes the use of condemnation but staff can continue negotiation with the property owner. Tom Takes a representative of the Mt. Calvary Cemetery Board shared concerns about the permanent easement and this measure. The following comments submitted prior to the meeting were shown: Mount Calvary Cemetery Board of Directors wrote in opposition of condemnation and a permanent easement. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Miskimen at 5:53 p.m. Mayor Pro Tem Miskimen presided over the meeting.

Resolution No. 32224 establishing fair market value in the amount of \$6,570 and authorizing the offer to purchase certain real property owned by the Mount Calvary Cemetery Association

Moved by Mentzer, seconded by Harper, to approve Resolution No. 32224. Councilmember Harper asked more information about the equipment required for maintenance. Parks Director Seth Staashelm stated it would be a truck with a plow or a heavy tractor with an arm to trim vegetation in the ditch. Councilmember Harper asked if the trail would allow use for maintenance purposes. Public Works Director Mike Barkalow stated it could be used for maintenance purposes. Councilmember Jensen stated he understands the concerns shared by the Cemetery and he hopes everyone can come to an agreement. Councilmember Mentzer asked what is needed to continue negotiation. City Attorney Kara Bullerman stated she is in communication with the Cemetery's attorney and they are preparing an addendum to the appraisal. She also stated it would be beneficial for the City team and members of the Cemetery Association to meet and discuss maintenance practices.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 32225 authorizing condemnation of certain real property

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 32225. Councilmember Harper wanted to confirm that this only will authorize the City to go through the condemnation process if an agreement can not be made. City Attorney Kara Bullerman stated that was correct. City Manager Ryan Waller stated there have been discussions going on for quite some time and it has always been the desire of the City to come to an agreement with the Cemetery Association.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Miskimen relinquished the gavel to Mayor AbouAssaly at 6:07 p.m. Mayor AbouAssaly presided over the meeting.

Community Development

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 (Marion Economic Development Corporation) (final consideration)

Moved by Strnad, seconded by Brandt, to approve the final consideration of Ordinance No. 24-21.

Approved unanimously

Resolution No. 32226 approving the Marion Enterprise Center Eleventh Addition Revised Preliminary Plat for property generally located south of Highway 151 and east of 62nd Street, Marion, Iowa (Marion Economic Development Corporation)

Moved by Jensen, seconded by Strnad, to approve Resolution No. 32226.

Approved unanimously

Public Hearing regarding a request to rezone property from Linn County A, Agricultural and Linn County USR, Urban Services Residential District to SR-2, Suburban Medium-Density Single-Family Residential for property located northeast of Lowe Park, south of Cimarron Drive, and west of N. 10th Street, Marion, Iowa (Mooney, Engle, Ricklefs LLC)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Planning Division Manager Dave Hockett provided a staff report. Amy Bishop (2429 Cimarron Drive) spoke about drainage concerns regarding the above referenced property. Don Dostal (2423 Cimarron Drive) shared drainage concerns regarding the above reference property and agrees with what Bishop stated. Brian Vogel with Hall and Hall Engineers stated the plan is to construct a berm as the initial part of the project. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 25-01 approving a request to rezone property from Linn County A, Agricultural and Linn County USR, Urban Services Residential District to SR-2, Suburban Medium-Density Single-Family Residential for property located northeast of Lowe Park, south of Cimarron Drive, and west of N. 10th Street, Marion, Iowa (Mooney, Engle, Ricklefs LLC) (initial consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 25-01. Councilmember Harper asked if there is any opportunity to accelerate the process. Public Works Director Mike Barkalow explained the process and stated it is up to the developer how fast the project moves.

Approved unanimously

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Strnad wished everyone health and success in 2025.

Mayor AbouAssaly stated he is starting his tenth year as Mayor and is currently working on his State of the City speech. He stated the City has progressed so much in the last decade and listed several items that were built in that time. He commended all who were a part of those changes. He stated he looks forward to the accomplishments to come and encouraged everyone to continue working together and reaching higher.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:36 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