



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, February 20, 2025

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, February 20, 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.

### **PUBLIC FORUM**

No one came forward to speak.

### **CONSENT AGENDA**

#### Administrative Services

Minutes of the January 31, February 4 and 6, 2025 City Council meetings

Liquor licenses:

- Renewal - Brick Alley Pub and Sports Bar
- Renewal - Corner Mart

Motion to receive and file correspondence regarding Karen Kopp's resignation from the Aquatic Center Steering Committee

Receive and file January 2025 department monthly report

Payments as presented in the amount of \$4,179,097.18

Resolution No. 32254 approving Fiscal Year 2024-2025 Capital Budget Transfer

Resolution No. 32255 approving Fiscal Year 2024-2025 Operating Budget Transfers

Resolution No. 32256 approving partial payment no. 47 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$370

Resolution No. 32257 setting a date of meeting for March 6, 2025 at which it is

proposed to approve a Development Agreement with Hoth Flats, LLC, including annual appropriation tax increment payments

Resolution No. 32258 setting a public hearing for March 27, 2025 concerning proposed fiscal year 2026 property tax rate

Motion to receive and file the quarterly finance report for the quarter ending December 31, 2024

Resolution No. 32259 approving addendum 1.0 to the Infrastructure Services Agreement with ImOn Communications regarding the addition of phone and internet services for the Marion Pool on a seasonal basis and authorizing payment as outlined in the agreement

Resolution No. 32260 setting a public hearing for March 6, 2025 regarding the disposal of real property consisting of the city block bounded by 10th and 11th Streets and 5th and 6th Avenues in Marion, Linn County, Iowa (former Library site)

#### Public Safety

Resolution No. 32261 approving 1st amendment to the agreement with Elite Fire Sprinkler Company regarding annual fire sprinkler inspection and maintenance for an additional year and authorizing payment as outlined in the agreements

#### Parks

Motion to approve project calendar regarding the Marion Disaster Recovery Tree Project as follows:

- Motion approving Resolution of Necessity and to retain the City Arborist as Project Engineer regarding the Marion Disaster Tree Project
- 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 Disaster Recovery Tree Project
- Motion setting public hearing and directing publication thereof for the Marion Disaster Recovery Tree Project

#### Public Works

Resolution No. 32262 adopting the 2025 Edition of the Statewide Urban Design and Specifications (SUDAS) Program

Resolution No. 32263 approving the 2025 City of Marion General Supplement to the Statewide Urban Design and Specifications (SUDAS) Design Manual

Resolution No. 32264 approving the 2025 City of Marion Supplemental Specifications of the Statewide Urban Design and Specifications (SUDAS)

Resolution No. 32265 approving Mailbox Damage Policy and Claim Form

Resolution No. 32266 approving purchase of Sewer Televising Van and Equipment from Armor Equipment in the amount of \$253,684.76, authorizing a

trade-in of a 1996 Ford F-350 and associated equipment for a credit in the amount of \$9,000, and authorizing payment in the amount of \$244,684.76

Resolution No. 32267 approving change order no. 2 with Boomerang Corp regarding the Sanitary Trunk Sewer Projects 4 and 5 and authorizing payment in an amount not to exceed \$2,626 (SWR-20-001-4)

Motion to approve project calendar regarding the 2025 Sidewalk Ramp Project (ANN-18-106) as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2025 Sidewalk Ramp Project
- 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 Sidewalk Ramp Project
- Motion setting public hearing and directing publication thereof for 2025 Sidewalk Ramp Project

#### Community Development

Resolution No. 32268 approving of a multi-tenant retail building final site development plan for property located at 6155 Carlson Way, Marion, Iowa (Todd Culver)

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

Approved unanimously

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

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

#### Public Safety

Resolution No. 32269 approving a five-year professional services agreement with Hawkeye Communications to provide fire alarm monitoring services and authorizing payment in the amount as outlined in the agreement

Resolution No. 32270 approving 1st amendment to the agreement with Hawkeye Communication regarding annual fire alarm inspection and maintenance for an additional year and authorizing payment in the amount as shown in the original agreement

#### Parks

Resolution No. 32271 approving purchase of a Ford F-250 Service Truck from Lynch Ford Chevrolet in the amount of \$67,602.15, authorizing trade-in of a 2012 F-250 for a credit in the amount of \$11,000 and authorizing payment in an amount not to exceed \$56,602.15

Moved by Mentzer, seconded by Harper, to approve the 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 Miskimen relinquished the gavel to Mayor AbouAssaly at 5:37 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

### **Public Works**

Ordinance No. 25-02 approving amendment to Section 122-9A of the Marion Code of Ordinances related to riding on sidewalks (initial consideration)

Moved by Brandt, seconded by Mentzer, to approve the initial consideration of Ordinance No. 25-02.

Approved unanimously

Public hearing regarding the Public Safety Training Facility Paving and Foundation Package (FACS-20-007)

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 Public Safety Training Facility Paving and Foundation Package as follows:

- Resolution No. 32272 adopting final plans, specifications, form of contract, and estimate of cost regarding the Public Safety Training Facility Paving and Foundation Package (FACS-20-007)
- Resolution No. 32273 awarding bid, authorizing approval of the contract, bonds and insurance with Central States Concrete LLC regarding the Public Safety Training Facility Paving and Foundation Package and authorizing payment in the amount of \$454,975 (FACS-20-007)

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

Approved unanimously

Public hearing regarding the 2025 Storm Sewer Project (ANN-18-031 & ANN-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 2025 Storm Sewer Project as follows:

- Resolution No. 32274 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2025 Storm Sewer Project (ANN-18-031 & ANN-25-001)
- Resolution No. 32275 awarding bid, authorizing approval of the contract, bonds and insurance with Valentine Construction Company, LLC regarding the 2025 Storm Sewer Project and authorizing payment in the amount of \$187,346.25 (ANN-18-031 & ANN-25-001)

Moved by Jensen, seconded by Strnad, to approve the project calendar as shown above. Councilmember Jensen asked how many other areas still need to be updated. Public Works Mike Barkalow stated the Stormwater Master Plan will assist with determining remaining locations.

Approved unanimously

Public comment period regarding No Parking Zones within Area 3 including all cul-de-sacs and their connecting streets, within the entire City

Mayor AbouAssaly opened the public comment period regarding item referenced above. Public Works Director Mike Barkalow and Fire Chief Tom Fagan provided a staff report.

The following comments submitted prior to the meeting were shown:

- Michael Fager (1405 17th Avenue) wrote in support of the measure
- Doug and Cindy Page (110 26th Street Court) wrote in opposition of the measure
- Mike Tope (170 26th Street Court) wrote in opposition of the measure
- Keith Bahl (185 27th Street) wrote in opposition of the measure
- Jamie Butts (125 28th Street Court) wrote in support of the measure
- Sarah Moore (160 28th Street Court) wrote in opposition of the measure
- Rick and Kiley Harris (165 29th Street Court) wrote in support of the measure
- Tyler Green (1401 35th Street) wrote in opposition of the measure
- Tim Newman (3501 35th Street Court) wrote in opposition of the measure
- Alan and Marlene Meeker (3544 35th Street Court) wrote in opposition of the measure
- Derek Rawson (305 44th Street) wrote in opposition of the measure
- Dan Galvin (4325 McGowan Blvd) wrote in opposition of the measure
- Gail and Brion Wenhardt (1940 48th Street Court) wrote in opposition of the measure
- Robert Ehlers (1970 48th Street Court) wrote in opposition of the measure
- Edward Nagel (382 Antler Court) wrote in opposition of the measure
- Julie Fuller (1157 Antrim Court) wrote in support and opposition of the measure
- Douglas and Charla Boe (2350 Ashwood Court) wrote in opposition of the measure
- Sean Mooney (242 Barrington Court) wrote in support of the measure
- Girish Kulkarni (1135 Bedford Court) wrote in opposition of the measure
- Marc Daubitz (4855 Chandler Court) wrote in support of the measure

- Nicole Norman (2225 Charleston Court) wrote in support of the measure
- James Brust (2255 Charleston Court) wrote in support of the measure
- Jason Rogers (2275 Charleston Court) wrote in opposition of the measure
- Sally Reck (2305 Coventry Court) wrote in opposition of the measure
- David and Cheryl Niemeyer (2310 Coventry Court) wrote in opposition of the measure
- Heather and Jeremy Hocutt (900 Creekbend Circle) wrote in support of the measure
- Mark and Jane Buck (1025 Creekbend Court) wrote in opposition of the measure
- Kevin Wanasek (940 Creekbend Drive) wrote in opposition of the measure
- Jeff Madland (1060 Dry Creek Lane) wrote in opposition of the measure
- Tony and Christina Fortmann (2190 Edwin Court) wrote in opposition of the measure
- Jonathan Demildt (4030 Fox Hollow Court) wrote in opposition of the measure
- Aaron Spaete (4060 Fox Hollow Court) write in opposition of the measure
- Michael and Annette Goater (85 Grand Avenue) wrote in support of the measure
- Norm Kelley (700 Heather Court) wrote in opposition of the measure
- Zach Holmes (5540 Hunters Ridge Court) wrote in support and opposition of the measure
- Erik Naaktgeboren (470 Irish Court) wrote in opposition of the measure
- Josh and Mary Ehlinger (4150 Ivy Court), Ann and Pat Loftus (4175 Ivy Court), Cindy Nielsen (4235 Ivy Court), Darin Smith (4240 Ivy Court), Dan and Sally Treiber (4200 Ivy Court) wrote in opposition of the measure
- Paige Haller (2350 Kings Court) wrote in opposition of the measure
- Eric Magayne (3355 London Way) wrote in opposition of the measure
- Josh and Katie Budke (3550 Morel Court) wrote in support and opposition of the measure
- Michael Kurek (2654 Mulberry Court) wrote in support of the measure
- Pete Flugstad (2656 Mulberry Court) wrote in support of the measure
- Ravindra Patel (2658 Mulberry Court) wrote in opposition of the measure
- Harper Bean (2660 Mulberry Court) wrote in opposition of the measure
- Erica Rhodes (3405 Parkcrest Court) wrote in opposition of the measure
- Michael Rhodes (3405 Parkcrest Court) wrote in opposition of the measure
- Wynelle and Scott Lindsley (3410 Parkcrest Court) wrote in opposition of the measure
- Kirk McNeil (3435 Parkcrest Court) wrote in support and opposition of the measure
- Heather Talbot (3440 Parkcrest Court) wrote in opposition of the measure
- Mel and Jeri Ramos (2105 Pike Court) wrote in opposition of the measure
- Melissa and Justin Malone (5625 Prairie Hill Court) wrote in opposition of the measure
- Brian Grunewaldt (5665 Prairie Hill Court) wrote in opposition of the measure

- Kaleb Gehman (255 Ridge Court) wrote in opposition of the measure
- Andy and Kim Smith (2125 Robert Court) wrote in opposition of the measure
- Eric Dalton (2310 Rosewood Ridge Court) wrote in opposition of the measure
- Nick Berglund (3445 Royal Avenue) wrote in opposition of the measure
- Travis Vivian (3485 Royal Avenue) wrote in opposition of the measure
- Jeff Norland (5040 Silver Oak Court) wrote in opposition of the measure
- Kelly Gilhooly (5070 Silver Oak Court) wrote in opposition of the measure
- Rick and Debbie Laue (1475 S 15th Street Court) wrote in opposition of the measure
- Shawna Hartzler (1885 Pleasantview Drive) wrote in support of the measure
- Tom and Julie Hardecopf (155 S 19th Street Court) wrote in support of the measure
- Carol Kendle (250 S 19th Street Court) wrote in support and opposition of the measure
- Amal Elbakush (2000 Timber Oak Court) wrote in opposition of the measure
- Allison Dose (2010 Timber Oak Court) wrote in opposition of the measure
- Sheri and Anthony Carter (2050 Timber Oak Court) wrote in opposition of the measure
- Jim and Donna Gard (2055 Timber Oak Court) wrote in opposition of the measure
- Amanda Behymer (2070 Timber Oak Court) wrote in opposition of the measure
- Greg Jobe (1355 W 14th Avenue) wrote in opposition of the measure
- Charles Hane (2540 Westminster Place) wrote in opposition of the measure
- Susie Makinster (2580 Westminster Place) wrote in support of the measure
- Randy and Susan Schultejans (2210 Windsor Court) wrote in opposition of the measure
- Kevin Schuver (2230 Windsor Court) wrote in opposition of the measure
- Dale Kretschmar (455 Woodbine Drive) wrote in opposition of the measure
- Rod and Dana Miller (470 Woodbine Drive) wrote in opposition of the measure
- Barb Hagen (address not provided) wrote in support of the measure
- Joe Myers (address not provided) wrote in opposition of the measure

The following comments were shared during the meeting:

- Walter Abbott (1480 17th Avenue) spoke in opposition of the measure
- Tammy Evans (3480 Parkcrest Court) spoke in opposition of the measure
- Larry Edwards (3500 35th Street Court) spoke in opposition of the measure
- Eric Magayne (3355 London Way) spoke in opposition of the measure

- Jason Rogers (2275 Charleston Court) spoke in support and opposition of the measure
- Gordon Kennedy (280 S 21 Street Court) spoke in opposition of the measure
- Curtis Ette (4850 Chandler Court) spoke in opposition of the measure
- Luke Underwood (2390 Kings Court) spoke in opposition of the measure
- Joe Kruser (1920 43rd Street Court) spoke in opposition of the measure
- Rod and Dana Miller (470 Woodbine Drive) spoke in opposition of the measure
- Dave Niemeyer (2310 Coventry Court) spoke in opposition of the measure
- Cindy Nielson (4235 Ivy Court) spoke in opposition of the measure

No other comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Resolution No. 32276 approving Schedule of "No Parking" Zones including cul-de-sacs throughout Marion (Area 3)

Moved by Harper, seconded by Jensen, to approve Resolution No. 32276. Councilmember Harper stated he'd recommend no parking on garbage days and on snow emergency days as a compromise. He'd also like to still have no parking on one side of the street into the cul-de-sacs. This would be an interim step to allow staff to do more research. Councilmember Jensen stated staff is reviewing parking throughout the entire City and this is the third area. He stated he agrees that the entrances into cul-de-sacs should have no parking on one side. He agrees with Councilmember Harper's recommendation but stated he would propose if someone in the cul-de-sac is parked there on garbage day, he would have staff not pick up the garbage. Councilmember Miskimen stated the intent of this process is to offer better service. He agrees with no parking on garbage days and on snow emergency days as a compromise. He would rather table this measure to have more discussion on how to handle. Councilmember Brandt stated he would also agree with tabling the measure as well as take a closer look at Chandler Court since that appears to be commercial street. Councilmember Mentzer stated she agrees with what has been said before her and wanted to remind residents that the Council is trying to work with everyone. She stated the intent of all of this is for better service and safety. Councilmember Jensen asked for the process that the Traffic Advisory Committee (TAC) went through to determine recommendations. Public Works Director Mike Barkalow stated TAC discussed the frequent issues they were seeing, utilized SUDAS manuals and made recommendations from there. City Manager Ryan Waller stated comments were reviewed as they come in and a few changes were made. Waller asked if the consensus was to restrict one side of the entrance but not restrict on the bulb of the cul-de-sac. Mayor AbouAssaly stated he doesn't feel like that was the consensus and would like staff to do more research. Councilmember Harper stated he feels Ivy Court should be looked at closer and said his recommendation as referenced above was a starting idea. Waller stated staff is happy to explore alternative options. Mayor AbouAssaly stated he appreciates all the feedback and the manner in which residents brought their concerns forward. Fire Chief Tom Fagan provided some information regarding the width of their fire apparatus. Moved by Miskimen, seconded by Harper to table the measure.



Tabled unanimously

### Community Development

Public hearing regarding a permanent encroachment easement agreement for two exhaust fans to extend into city property located at the south half of the north/south alley bounded by 7th Avenue and 8th Avenue and vacated 11th Street and 12th Street, Marion, Iowa (Cobban Hervey, LLC)

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

Resolution No. 32277 approving a permanent encroachment easement agreement for two exhaust fans to extend into city property located at the south half of the north/south alley bounded by 7th Avenue and 8th Avenue and vacated 11th Street and 12th Street, Marion, Iowa (Cobban Hervey, LLC)

Moved by Miskimen, seconded by Harper, to approve Resolution No. 32277. Councilmember Miskimen thanked staff and Kyle with MIX Global Kitchen for the time spent to research this option. Councilmember Brandt asked if the fans will always be on or only if the restaurant is serving Korean BBQ. Fire Chief Tom Fagan stated he is not sure and can follow up. Councilmember Brandt asked if this alley is eventually updated and a mural is added to the brick, could the fans be painted. Associated Planner Nicole Behrens stated they can be painted with a high heat paint. She also stated Building Official Gary Hansen confirmed the fans will only run while Korean BBQ is being served.

Approved unanimously

### **PUBLIC FORUM**

A resident asked if impacted residents will be notified when a new proposal comes forward on the "no parking" zones in cul-de-sacs. Mayor AbouAssaly confirmed residents will be notified.

Kyle Franklin with MIX Global Kitchen thanked the City staff and Council for their support during the process for the encroachment agreement.

### **COUNCIL COMMENTS**

Councilmember Brandt stated he's excited to try the Korean BBQ once it's open and ready.

Councilmember Miskimen spoke about the resignation of Linn County Supervisor Ben Rogers and thanked him for his service.

Councilmember Harper stated he and Councilmember Mentzer will be at the Library at 9:00 a.m. on Saturday for Council office hours and encouraged everyone to attend if interested.

Councilmember Jensen stated he's ready for the summer Farmers Market and reminded

everyone that the market is moving this year to Willowood Park.

Mayor AbouAssaly thanked all those who spoke tonight and thanked everyone for all the thought put into recommendations. He stated the State of the City is scheduled for March 11 and encouraged everyone to attend. He's planning to recap everything that has happened in the last ten years and what everyone can look forward to in the years to come.

### **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 7:28 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