



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, January 6, 2022  
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, January 6, 2022, 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, Colette Atkins, Nicolas AbouAssaly, and Will Brandt

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

Ceremonial Oath of Office:

- Steve Jensen - Ward 2
- Sara Mentzer - Ward 4
- Randy Strnad - At Large
- Grant Harper - At Large

Mayor AbouAssaly administered the oath of office for Council Member Strnad, Council Member Jensen, Council Member Harper and Council Member Mentzer.

Proclamation - Martin Luther King Jr. Day (January 17, 2022)

Mayor AbouAssaly read and presented the above referenced proclamation to Bret Nilles with the Marion Civil Rights Commission.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

No one came forward to speak.

### CONSENT AGENDA

Administrative Services

Minutes of the December 21, 2021 City Council meeting.

Motion to approve a Hold Harmless agreement with Farmers State Bank regarding Marion By Moonlight on June 2, 9, 16, 23, and 30 at Lowe Park.

Mayor AbouAssaly recommended appointments:

- Construction Code Review Board - Andy Becker - term expires 12/31/2022

Payments as presented in the amount of \$2,470,903.34

Resolution No. 30182 designating The Gazette as the official newspaper of record for the City of Marion.

Resolution No. 30183 approving Health Insurance Agreement regarding Chapter 411

Resolution No. 30184 approving partial payment no. 13 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amounts of \$1,896.25.

#### Public Safety

Resolution No. 30185 approving the purchase of three 2022 Ford Police Interceptor Utility (AWD) vehicles from Stivers Ford Lincoln and authorizing payment in the amount of \$97,239.

Resolution No. 30186 authorizing the submittal of a grant application to the Department of Homeland Security SAFER (Staffing for Adequate Fire and Emergency Response) Grant for the payroll and benefit costs of three new firefighters for the Marion Fire Department

#### Engineering

Resolution No. 30187 approving Partial Payment No. 5 to Cedar Rapids regarding the Tower Terrace Road Project (C Avenue to Alburnett Road) in the amount of \$259,631.33. (TRANS-18-096)

Resolution No. 30188 approving Partial Payment No. 3 to KTA-Tator, Inc. regarding the CEMAR Phase IV Project Quality Assurance Steel Fabrication Inspection, in the amount of \$15,862.05 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30189 approving Partial Payment No. 6 to Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$365,848.39 (TRANS-18-101)

Resolution No. 30190 approving Change Order No. 25 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$23,310.00 (TRANS-18-101)

Resolution No. 30191 approving Partial Payment No. 15 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd

Design Study Report and NEPA in the amount of \$6,177.06. (TRANS-18-095)

Resolution No. 30192 approving Partial Payment No. 16 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue Project from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091)

Resolution No. 30193 approving Partial Payment No. 4 to EB Solutions, Inc. regarding the Wetland Mitigation and Annual Monitoring for the Grant Wood Trail in the amount of \$1,680.00.

#### Community Development

Resolution No. 30194 approving payment no. 4 to RDG Planning & Design, Inc. for professional services regarding the Highway 13 & Highway 100 Subarea Plan in the amount of \$975.00. (GOV-19-122)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 5:44 p.m. Mayor Pro Tem Brandt presided over the meeting.

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

#### Engineering

Resolution No. 30195 approving Partial Payment No. 6 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$440,826.28. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30196 approving Partial Payment No. 6 to Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, in the amount of \$420,925.41 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30197 approving Partial Payment No. 3 to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$31,991.25. (SWR-18-111)

#### Community Development

Motion to receive and file request from P&N Flight and Charter for payment associated days closed due to Sanitary Sewer Extension project.

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:45 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

### Administrative Services

Resolution No. 30198 adopting a COVID-19 Vaccination Policy

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30198.

Approved unanimously

Resolution No. 30199 approving Investment Management Agreement and Custody Agreement with U.S. Bank National Association.

Moved by Brandt, seconded by Strnad, to approve Resolution No. 30199.

Approved unanimously

### Public Services

Ordinance No. 22-01 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.39 to \$4.60. (Initial Consideration)

Moved by Mentzer, seconded by Brandt, to approve the initial consideration of Ordinance No. 22-01.

Approved unanimously

### Public Safety

Resolution No. 30200 authorizing the submittal of a grant application to the Assistance to Firefighters Grant (AFG) to assist in the purchase of new radio equipment in the amount not to exceed \$530,000.

Moved by Strnad, seconded by Harper, to approve Resolution No. 30200. Council Member Harper asked about the timeline for this grant. Fire Chief Deb Krebill stated the application is due next week.

Approved unanimously

### Engineering

Motion directing staff to apply for Linn County/City of Cedar Rapids ARPA funding for Sanitary Sewer Projects.

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

Approved unanimously

### Community Development

Public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan and regarding a request to rezone property located north of Twixt Town Road and west of Marion Boulevard.

Mayor AbouAssaly opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Josh Kruger (1305 E Benson Road, Sioux Falls, SD 57104) spoke on behalf of Talon, LLC regarding the development. Nick Glew, President of MEDCO, spoke in favor of the development project. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30201 amending the Future Land Use Map of the Marion Comprehensive Plan from Corridor Commercial to Multi-Family Residential for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30201.

Approved unanimously

Ordinance No. 22-02 approving a request to rezone property from C-3, General Commercial and R-6, High-Density Multi-Family Residential to PUD, Planned Unit Development for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Initial Consideration)

Moved by Atkins, seconded by Jensen, to approve the initial consideration of Ordinance No. 22-02.

Approved unanimously

Resolution No. 30202 approving payment to P&N Flight and Charter associated with days closed due to Sanitary Sewer Extension project in the amount of \$7,200.

Moved by Mentzer, seconded by Harper, to approve Resolution No. 30202.

Approved unanimously

## **OTHER DEPARTMENT DISCUSSION**

### **Discussion regarding Council Office Hours**

Mayor AbouAssaly stated he asked this be added to the agenda. He stated six years ago he asked that council office hours be implemented for additional time for Council to meet with residents. Mayor AbouAssaly requested council's input on if this should be continued. Council Member Harper really enjoyed attending the farmers markets in the summer. He did not feel Hy-Vee was the best venue for council office hours as people were there on a mission and didn't stop to talk as much. He stated once the new library is complete, that would be a great venue. Council Member Jensen agreed the farmers markets were a great venue. Council Member Mentzer agrees Hy-Vee was a difficult venue but does want to keep council office hours. She stated City Council meetings can be intimidating so she wants to be out where the people are. Council Member Atkins agrees to continue council office hours and would like to look at various venues or other platforms. Council Member Brandt agrees they should continue. Council Member Strnad agrees with everything that has been said and has always enjoyed engaging with community members. Mayor AbouAssaly stated he is encouraged by the feedback and he would like to see two council members sign up each time.

## **PUBLIC FORUM**

No one came forward to speak.

## **COUNCIL COMMENTS**

Council Member Harper thanked the residents for their support. He stated council has the right long-term plan for Marion and looks forward to serving the next two years.

Council Member Jensen thanked the residents for their support. He has been a long time resident of Marion and has seen a lot of change but he has really enjoyed seeing all the change in the last four years during his first term.

Council Member Atkins welcomed Council Member Mentzer to City Council and congratulated Council Members Harper, Jensen and Strnad for their re-election.

Council Member Brandt congratulated everyone on their re-election and looks forward to working with Council Member Mentzer.

Council Member Mentzer thanked everyone for their support. She stated she has worked with the City in other areas for a long time and looks forward to serving on council.

Council Member Strnad thanked everyone for their support. He stated he has worked with Linn County Elections during the last eight weeks more than he ever has. He reminded everyone that every vote matters as he won by only three votes. He encourages everyone to engage with the community.

Mayor AbouAssaly stated he is beginning his seventh year as Mayor and is as excited today as he was during that first year. He stated Marion has excellent staff and council members and is excited for the potential and opportunities in Marion. He looks forward to celebrating success in the next year.

## **CLOSED SESSION**

Motion to adjourn to closed session regarding litigation and confidential records pursuant to 22.7(50) as permitted under 21.5(1)(c) and Section 21.5(1)(k) of the Code of Iowa. (Two separate measures)

Moved by Strnad, 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 and relinquished the gavel to Mayor Pro Tem Brandt at 7:11 p.m. Mayor Pro Tem Brandt presided over the meeting.

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

Approved unanimously

## **ADJOURN**

Mayor Pro Tem Brandt adjourned the meeting at 7:49 p.m.

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Will Brandt, Mayor Pro Tem

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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