



MINUTES

City Council Regular Session

5:30 PM - Thursday, March 17, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, March 17, 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

Proclamation - 50th Anniversary of the Older Americans Act Nutrition Program (March 2022)

Councilmember Jensen read and presented the proclamation referenced above to Kay Fisk with Horizons. Fisk provided information regarding the local Meals on Wheels program and thanked the local communities for their support.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the March 1 and 3, 2022 City Council meetings.

Liquor licenses including the following:

- Renewal - Villa's Patio Mexican Restaurant - 433 7th Avenue
- Renewal - Hunters Ridge Golf Course - 2901 Hunters Ridge Road

Motion to approve alcohol violation calendar as follows:

- Resolution No. 30355 accepting waiver of hearing and consent to alcohol

violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Goldfinch Tap & Eatery)

- Resolution No. 30356 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Hy-Vee Food Store)
- Resolution No. 30357 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Walmart #3630)
- Resolution No. 30358 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (La Cantina)
- Resolution No. 30359 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Casey's General Store #2760)

Motion to approve tobacco violation calendar as follows:

- Resolution No. 30360 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Kum & Go #503)
- Resolution No. 30361 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Corner Mart)
- Resolution No. 30362 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Neighborhood Tobacco Outlet)
- Resolution No. 30363 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Marion Food Market)

Receive and file correspondence from Brandy Graham regarding resignation from the Nuisance Enforcement/Property Maintenance Advisory Board.

Receive and file February 2022 Department Monthly Reports.

Payments as presented in the amount of \$964,967.24

Resolution No. 30364 approving the Comparable Cities Policy.

Public Safety

Resolution No. 30365 approving change to Communications Center Manager Pay Schedule

Parks

Resolution No. 30366 approving a permanent encroachment easement agreement with Trees Forever, Inc.

Engineering

Resolution No. 30367 approving agreement with Masonic Temple Assn. regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30368 approving Memorandum of Agreement with Marion Independent School District regarding the 3rd Avenue Reconstruction Project (Neighborhood Street Improvement (NSI)) (TRANS-18-101)

Resolution No. 30369 approving Change Order No. 2 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$54,172.70 (TRANS-18-101)

Resolution No. 30370 approving Partial Payment No. 30 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$28,956.64 (TRANS-18-092)

Resolution No. 30371 approving Partial Payment No. 4 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$165.00 (TAP-U-4775(635)—81-57)(TRL-18-110)

Resolution No. 30372 approving Partial Payment No. 9 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$6,329.40. (TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 30373 approving Partial Payment No. 10 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$15,190.56 (TAP-U-4775(638)—81-57)(TRL-17-055)

Community Development

Resolution No. 30374 setting the date of a public hearing for April 7, 2022 regarding a preliminary site development plan for property located at 999 Enterprise Drive.

Library

Resolution No. 30375 approving partial payment No. 27 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$13,806.81 (FACS-17-034)

Resolution No. 30376 approving partial payment No. 28 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$15,358.09 (FACS-17-034)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 5:47 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 30377 approving Change Order No. 5 with Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in City of Marion, from East Side Indian Creek Bridge, Over Marion Boulevard 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, and authorizing payment in the amount of \$28,867.60 [TAP-U-4775(638)-8I-57] (TRL-17-055)

Community Development

Resolution No. 30378 approving payment no. 8 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$2,045.07. (ANN-18-082)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:48 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Public hearing on proposal to enter into an Essential Purpose Loan Agreement

Mayor AbouAssaly opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. Tionna Pooler with Independent Public Advisors provided information regarding the proposed series 2022A and a debt overview. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Public hearing on proposal to enter into a General Purpose Loan Agreement

Mayor AbouAssaly opened the public hearing regarding item referenced above. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Public hearing on proposal to enter into an Urban Renewal Loan Agreement

Mayor AbouAssaly opened the public hearing regarding item referenced above. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30379 taking additional action on proposal to enter into Loan

Agreements, Combining Loan Agreements and providing for the levy of taxes to pay General Obligation Corporate Purpose Bonds, Series 2022A

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30379.

Approved unanimously

Public Hearing regarding the proposed fiscal year 2022-2023 budget.

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

Resolution No. 30380 approving the fiscal year 2022-2023 budget

Moved by Harper, seconded by Atkins, to approve Resolution No. 30380.

Approved unanimously

Resolution No. 30381 amending the Hotel/Motel Grant Program

Moved by Jensen, seconded by Brandt, to approve Resolution No. 30381.

Approved unanimously

Resolution No. 30382 approving agreement with General Code, LLC for recodification services, online code hosting and supplemental services and authorizing payment in the amount of \$21,954.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30382. Councilmember Harper asked about security of the software. IT Director Terrell Hunter stated this is a very low risk service and all information stored is a public record.

Approved unanimously

Motion to approve Mayor AbouAssaly's recommended appointments:

- Nuisance Enforcement/Property Maintenance Advisory Board
 - Elizabeth Allen - term expires 12/31/2024
 - Katie Keilholtz - term expires 12/31/2024

Moved by Brandt, seconded by Mentzer, to approve item referenced above.

Approved unanimously

Motion to approve Hold harmless agreement with St. Joseph's Catholic Church regarding St. Joseph Fun Days June 3-5, 2022 at St Joseph's Catholic Church, 1790 14th Street.

Moved by Mentzer, seconded by Brandt, to approve item referenced above.

Approved by the following votes:

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

Abstained: Strnad

Motion to approve a new liquor license for the following:

- St. Joseph Catholic Church (Fun Days) - 1790 14th Street

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

Approved by the following votes:

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

Abstained: Strnad

Resolution No. 30383 approving agreement with D.A. Davidson for underwriting services in relation to the offering and issuance of General Obligation Bonds, Series 2022.

Moved by Jensen, seconded by Harper, to approve Resolution No. 30383.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:13 p.m. Mayor Pro Tem Brandt presided over the meeting.

Public Services

Public Hearing regarding the Demolition Package associated with the Public Service Maintenance Facility (FACS-17-069).

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Public Services Director Ryan Miller provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30384 approving bids and awarding contract to Schrader Excavating for the Demolition Package associated with the Public Services Facility in a credit amount of \$100.00 (FACS-17-069).

Moved by Atkins, seconded by Mentzer, to approve Resolution No. 30384.

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 6:14 p.m. Mayor AbouAssaly presided over the meeting.

Engineering

Public Hearing regarding the 2022 Pavement Patching Project (TRANS-18-090)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30385 accepting bids and awarding contract to Eastern Iowa Excavating & Concrete LLC regarding the 2022 Pavement Patching Project in the amount of \$727,723.30 (TRANS-18-090)

Moved by Brandt, seconded by Atkins, to approve Resolution No. 30385.

Approved unanimously

Public Hearing regarding the 2022 Lowe Park Roadway Overlay Project (REC-

18-052).

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow 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 Brandt at 6:17 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30386 accepting bids and awarding contract to LL Pelling Co, Inc. regarding the 2022 Lowe Park Roadway Overlay Project in the amount of \$147,277.50 (REC-18-052).

Moved by Mentzer, seconded by Harper, to approve Resolution No. 30386.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 30387 approving contract and bond with Peterson Contractors Inc. regarding the Indian Creek Trail Project and authorizing payment in the amount of \$1,719,592.32 (TRL-18-056) [STP-U-4775(631)—70-57]

Moved by Strnad, seconded by Jensen, to approve Resolution No. 30387.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 30388 approving contract and bond with LL Pelling Co, Inc. regarding the 2022 HMA Resurfacing Project and authorizing payment in the amount of \$1,025,438.25. (ANN-18-086)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30388.

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 6:21 p.m. Mayor AbouAssaly presided over the meeting.

Motion to approve Project Calendar regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029), as follows:

- Motion to retain the City Engineer as Project regarding 2022 Sanitary Sewer Manhole (ANN-18-029)
- Resolution No. 30389 approving of Necessity regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)
- Resolution No. 30390 ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)

- Resolution No. 30391 approving and adopting final plans, specifications, notice of hearing letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)

Moved by Jensen, seconded by Harper, to approve project calendar as shown above.

Approved unanimously

Motion to approve Project Calendar regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029), as follows:

- Motion to retain the City Engineer as Project regarding 2022 Sanitary Sewer Manhole Rehabilitation (ANN-18-029)
- Resolution No. 30392 approving of Necessity regarding the 2022 Sanitary Sewer Manhole Project Rehabilitation (ANN-18-029)
- Resolution No. 30393 ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029)
- Resolution No. 30394 approving and adopting final plans, specifications, notice of hearing letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029)

Moved by Atkins, seconded by Jensen, to approve project calendar as shown above.

Approved unanimously

Motion to receive and file the Traffic Advisory Committee (TAC) Memo regarding speed limit on 6th Avenue from 15th Street to 27th Street.

Moved by Brandt, seconded by Atkins, to approve item referenced above.

Approved unanimously

Ordinance No. 22-05 amending Chapter 63 of the Code of Ordinances establishing the speed limit on 6th Avenue as 35 mph from 15th Street to 27th Street. (Initial Consideration)

Moved by Mentzer, seconded by Brandt, to approve the initial consideration or Ordinance No. 22-05.

Approved unanimously

Resolution No. 30395 approving a Permanent Sanitary Sewer Easement Agreement with Donna G. Reilly Trust; Linda Grant Macomber and Christopher Branham and David D Grant Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$32,830.00. (SWR-17-026)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 30395.

Approved unanimously

Resolution No. 30396 approving a Temporary Easement for Construction Agreement with Donna G. Reilly Trust; Linda Grant Macomber and Christopher Branham and David D Grant Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$9,130.00. (SWR-17-026)

Moved by Harper, seconded by Mentzer, to approve Resolution No. 30396.
Approved unanimously

Community Development

Motion to remove from table Resolution No. 30351 approving Boulevard Apartments Final Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Tabled 3/3/22)

Moved by Jensen, seconded by Harper, to approve item referenced above.
Approved by the following votes:

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

Nays: Harper and AbouAssaly

Resolution No. 30351 approving Boulevard Apartments Final Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Tabled 3/3/22)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30351. Councilmember Harper spoke about having a higher expectation for property in locations seen as a gateway into the community. Mayor AbouAssaly thanked the developer for redeveloping the property but feels like more should be done with the exterior of this property.

Approved by the following votes:

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

Nays: AbouAssaly

Resolution No. 30397 approving a final site development plan for Scooters Coffee Drive-Thru for property located at 1010 62nd Street, Marion, Iowa (B&C Coffee LLC)

Moved by Brandt, seconded by Atkins, to approve Resolution No. 30397.
Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

Charley Knudsen (2835 24th Avenue) spoke regarding the green space in Marion Square Park.

COUNCIL COMMENTS

Councilmember Harper spoke about the Iowa Hawkeyes game during the Men's NCAA basketball tournament.

Councilmember Jensen stated he received several compliments about the work, preparation and message of the State of the City event.

Councilmember Brandt stated he also received several compliments about the State of the City event.

Councilmember Mentzer thanked everyone who had a part in putting the State of the City event together.

Mayor AbouAssaly stated the State of the City event is his opportunity to speak on behalf of all employees and reflect on the past year's accomplishments. He stated he is honored and proud to share Marion's story. He thanked everyone for their compliments.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:40 p.m.

Nicolas AbouAssaly, Mayor

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