



MINUTES

City Council Regular Session

5:30 PM - Thursday, June 9, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, June 9, 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, and Will Brandt

ABSENT: Nicolas AbouAssaly

Mayor Pro Tem Brandt presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Juneteenth (June 19, 2022)

Councilmember Atkins read and presented the proclamation referenced above to Denise Bridges with the Marion Civil Rights Commission.

Proclamation - Pride Month (June 2022)

Councilmember Mentzer read and presented the proclamation referenced above to Denise Bridges with the Marion Civil Rights Commission.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

Rene Gadelha (3476 Barnsley Circle) spoke in favor of her hold harmless application.

CONSENT AGENDA

Administrative Services

Minutes of the May 17 and 19, 2022 City Council meetings.

Motion to approved a liquor licenses including the following:

- Renewal - The Marion Chocolate Shop - 1244 7th Avenue
- Renewal - Kum & Go #503 - 3215 7th Avenue

Motion to approve the following FY2022-2023 Cigarette Permit Applications:

- Big Shots Bar & Grill
- BP to Go #6
- Casey's General Store #2760
- Casey's General Store #2770
- Casey's General Store #2919
- Casey's General Store #2924
- Casey's General Store #3562
- Dollar General Store #7226
- Dollar General Store #7398
- Fareway Stores, Inc #949
- Hy-Vee Fast & Fresh
- Hy-Vee Food Store
- Hy-Vee Gas
- Hawkeye Vapor
- Hawks Smoke Shop
- Kum & Go #503
- Kum & Go #509
- Kwik Star #589
- Kwik Star #1008
- Marion Food Market
- Murphy USA #7287
- Neighborhood Tobacco Outlet
- Smokin Joe's Tobacco & Liquor Outlet #10
- Walgreens #3876
- Walmart #3630
- Wrigleyville Sports Pub

Motion to approve hold harmless agreements with:

- Cedar Rapids Freedom Festival regarding a Freedom Bike Ride event on June 26, 2022 on various City streets and trails.
- Rene Gadelha regarding a private party event on August 6, 2022.
- Brandon Zousel regarding Country Club Estates block party event on August 6, 2022 on West Williams Drive.

Payments as presented in the amount of \$8,576,612.43

Resolution No. 30602 approving a Business Counseling Agreement with Lambro Business Services, LLC (Julie Lammers) to provide business counseling services as part of Marion's Small Business Grant Program.

Resolution No. 30603 approving a Business Counseling Agreement with LISAR, LLC (Scott Swenson) to provide business counseling services as part of Marion's Small Business Grant Program.

Resolution No. 30604 approving partial payment no. 18 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$878.75

Resolution No. 30605 approving a revision to Personnel Policy, Section 1.08 – Nepotism

Resolution No. 30606 approving Drug & Alcohol Testing Procedures & Policy for DOT Employees

Resolution No. 30607 approving the purchase of network equipment from CDW Government and authorizing payment in the amount of for \$49,998.00.

Parks

Resolution No. 30609 approving partial payment no. 3 to Eastern Iowa Excavating & Concrete, Inc. regarding the Prairie Hill Park Basketball Court in the amount of \$15,763.70. (REC-18-046)

Resolution No. 30610 approving purchase of cafe tables and chairs from Anova Furnishings regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project and authorizing payment in the amount of \$20,880.41(TRANS-18-101)

Resolution No. 30611 approving purchase of bike racks and fix it station from Dero regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project and authorizing payment in the amount of \$7,176.75.(TRANS-18-101)

Engineering

Resolution No. 30612 approving Partial Payment No. 12 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$5,063.52 TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 30613 approving Partial Payment No. 1 to Frazier Investments, LLC for costs associated with Glen Rock Farm 8th Addition in the amount of \$59,104.75

Resolution No. 30614 approving Change Order No. 4A with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$68,748.28 (TRANS-18-101)

Resolution No. 30615 approving Change Order No. 26 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 \$40,641.11 (TRANS-18-101)

Resolution No. 30616 approving Change Order No. 33 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$7,093.00 (TRANS-18-101)

Resolution No. 30617 approving Change Order No. 35 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 \$3,716.00 (TRANS-18-101)

Resolution No. 30618 approving Change Order No. 36 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 \$11,954.26 (TRANS-18-101)

Resolution No. 30619 approving Partial Payment No. 11 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 \$402,102.82 (TRANS-18-101)

Resolution No. 30620 approving Partial Payment No. 23 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$13,309.40. (FACS-18-062)

Resolution No. 30621 approving Partial Payment No. 33 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$31,541.22 (TRANS-18-092)

Resolution No. 30622 approving Partial Payment No. 11 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 \$32,401.69 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30623 approving Partial Payment No. 9 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$561,997.75. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30624 approving Change Order No. 5 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$8,791.00. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30625 approving Change Order 01 with Peterson Contractors, Inc. regarding the Indian Creek Trail Project in the amount of \$10,422.00 (TRL-18-056) [STP-U-4775(631)—70-57]

Community Development

Receive, file, and direct staff to proceed with a request for annexation of property located north of East Robins Road and west of Alburnett Road. (Robert J. O'Shea, Attorney)

Resolution No. 30626 approving Plat of Survey No. 2623 for property located west of Keyes Court and north of Marion Boulevard. (Hames Properties, LLC)

Resolution No. 30627 approving payment no. 14 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$639.93. (TRANS-18-098)

Resolution No. 30628 approving payment no. 4 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$25,622.86. (REC-18-039)

Resolution No. 30629 approving payment no. 9 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$514.56. (GOV-19-122)

Resolution No. 30630 setting date for public hearing for June 23, 2022 regarding a request to amend the Future Land Use Map of the Marion Comprehensive plan from Single Family Attached and Public/Semi Public to Single Family Detached, a request to rezone property from AG, Agricultural Holding to PUD, Planned Unit Development and a preliminary site development plan for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC)

Resolution No. 30631 Providing for Notice of Hearing on Proposed Amendment to the Revitalization Plan for the 2021 Multiresidential Housing Urban Revitalization Area

Resolution No. 30632 Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2022 Multifamily Urban Revitalization Area

Library

Resolution No. 30633 approving partial payment No. 3 to Library Furniture International (LFI) regarding the Marion Library Project and authorizing payment in the amount of \$56,448.96. (FACS-17-034) (Vendor project No.193085.01)

Resolution No. 30634 approving partial payment No. 3 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$173,278.05. (FACS-17-034) (Vendor project No. 193066)

Resolution No. 30635 approving partial payment No. 30 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$6,613.99 (FACS-17-034)

Resolution No. 30636 approving Change Order No. 7 to Engberg Anderson, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$10,000.00. (FACS-17-034)

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

Approved unanimously

REGULAR AGENDA

Administrative Services

Resolution No. 30637 approving the renewal of a contract with Wellmark related to health insurance for fiscal year 2023.

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30637. Human Resources Manager Lucas Sperfslage provided information regarding the recommended changes for health and dental insurance.

Approved unanimously

Resolution No. 30638 approving a new contract with Delta Dental related to dental insurance for fiscal year 2023.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30638.

Approved unanimously

Ordinance No. 22-06 establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC (Final Consideration)

Moved by Harper, seconded by Jensen, to approve the final consideration of Ordinance No. 22-06.

Approved unanimously

Ordinance No. 22-07 approving an amendment to Chapter 50 of the Marion Code of Ordinances regarding Nuisance Abatement Procedure. (Final Consideration)

Moved by Jensen, seconded by Harper, to approve the final consideration of Ordinance No. 22-07.

Approved unanimously

Motion Directing Staff to Accept Proposal and Award Contract to Farmers State Bank for Banking Services.

Moved by Atkins, seconded by Jensen, to approve item referenced above. Finance Director Lianne Cairy provided an overview of the Request for Qualification and Request for Proposal processes.

Approved unanimously

Resolution No. 30639 approving Amendment No. 4 to Task Order No. 1 with Tidal Basin Government Consulting, LLC to extend order timeline to June 30, 2023 and increase the not to exceed amount to \$350,000.

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30639.

Approved unanimously

Resolution No. 30640 approving 28E Agreement with City of Cedar Rapids regarding the provision of Transit Service to the City of Marion.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30640. City Manager Ryan Waller provided an overview of the 28E Agreement. Mayor Pro Tem Brandt asked about the requirement for Marion to maintain bus stops and shelters. City Engineer Mike Barkalow stated since staff was looking at on-demand service, spending funds on bus stops and shelters was put on hold. Councilmember Mentzer asked if there was any discussion on expanding the transit routes. Waller stated the 28E Agreement is maintaining the transit services and routes as they currently are but expanding the routes will be a topic that is discussed with transit partners on June 29.

Approved unanimously

Public Services

Ordinance No. 22-11 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.60 to \$6.00 (Second Consideration)

Moved by Harper, seconded by Jensen, to approve the second consideration of Ordinance No. 22-11.

Approved unanimously

Resolution No. 30641 approving contract with Poly Vinyl Roofing for the roof replacement of the existing Public Service Maintenance Facility and authorizing payment in the amount of \$436,172.00.

Moved by Jensen, seconded by Harper, to approve Resolution No. 30641. Councilmember Harper asked when this work will start. Public Services Director Ryan Miller stated there are 150 working days planned for the project but when they start is dependent on supply chain and when they can get the materials.

Approved unanimously

Parks

Resolution No. 30642 amending the Urban Forestry Utility Fee to a per dwelling unit charge for residential properties and a per metered account charge for non-residential properties effective July 1, 2022.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30642.

Approved unanimously

Resolution No. 30643 approving purchase of a container from A-1 Mobile Storage Service for the storage of the peace tree and holiday lights and authorizing payment in the amount of \$6,375.00

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30643.

Approved unanimously

Resolution No. 30647 approving purchase from Life Time Fence Company regarding netting barrier replacement at Starry Park and authorizing payment in the amount of \$17,975.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30647.

Approved unanimously

Engineering

Ordinance No. 22-12 amending Chapter 63 of the Code of Ordinances establishing the speed limit on 7th Avenue as 20 mph from 250 feet west of 6th St to 15th St and 10th Street as 20 mph from 7th Ave to 8th Ave (Second Consideration)

Moved by Harper, seconded by Strnad, to approve the second consideration of Ordinance No. 22-12.

Approved unanimously

Resolution No. 30644 approving contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the Central Corridor Improvements 7th Avenue from 12th Street to 22nd Street Project and authorizing payment in an amount not to exceed \$505,555.00. (TRANS-20-001)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30644. Councilmember Jensen asked what type of work will be done on 7th Avenue from 12th Street to 22nd Street. City Engineer Mike Barkalow stated it will be a total reconstruction with new pavement and infrastructure.

Approved unanimously

Community Development

Resolution No. 30645 approving letter of support for a Destination Iowa Grant was removed from the agenda.

Resolution No. 30646 approving the issuance of a building permit prior to approval of the Hunter's Field 13th Addition Final Plat for property located north of Connection Avenue and west of Winslow Road (Ghassan Halloush, PE)

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30646. Councilmember Strnad asked what the impact would be if this measure was not approved. Community Development Director Tom Treharne stated the final plat for the subdivision has already been submitted and will most likely be coming to council at the next council meeting. He stated that delaying the approval would cause a delay in purchasing materials.

Approved by the following votes:

Ayes: Mentzer, Atkins, Harper, and Brandt

Nays: Jensen and Strnad

Ordinance No. 22-08 approving a request to rezone property located west of Alburnett Road and south of Prairie Trail, Marion, Iowa from Undesignated to SR-2, Suburban Medium Density Single-Family Residential. (Integrity Custom Homes, Inc.) (Final Consideration)

Moved by Strnad, seconded by Mentzer, to approve the final consideration of Ordinance No. 22-08.

Approved unanimously

Ordinance No. 22-09 approving an amendment to Section 176.50-12 of the Marion Code of Ordinances regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts (City of Marion) (Final Consideration)

Moved by Harper, seconded by Jensen, to approve the final consideration of Ordinance No. 22-09.

Approved unanimously

Ordinance No. 22-10 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding the use standards associated with sidewalk cafes (City of Marion) (Final Consideration)

Moved by Jensen, seconded by Atkins, to approve the final consideration of Ordinance No. 22-10.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

Discussion regarding the Draft Fiscal Year 2023-2024 Budget Calendar

Finance Director Lianne Cairy provided an overview of items that came out of the Fiscal Year 2023 budget process and the items completed so far. Cairy also stated that the budget calendar will come forward at the next meeting.

Discussion and Direction Regarding Public Services Fleet

Public Services Director Ryan Miller provided an overview of the current fleet and the previous plan to convert the fleet to compressed natural gas. Due to price increases, staff is now recommending converting the fleet to renewable diesel. Councilmember Jensen asked what the lead time would be once equipment is approved to when equipment is ready to use. Miller stated it would be different for each type of equipment but stated for a snow plow it would probably be approximately 14 months. Councilmember Harper asked if it would be beneficial to rent equipment in the interim. Miller stated certain equipment is currently leased but will look into lease options once direction is given.

Discussion and Direction regarding the Utility Terrain Vehicles (UTV) Ordinance

Police Chief Mike Kitsmiller provided information regarding the state legislation regarding UTVs and stated the Marion ordinance would closely match the state legislation. Kitsmiller provided information regarding Marion's noise ordinance and results from testing sound levels from cars, trucks, motorcycles and UTVs. Councilmember Strnad asked about rules regarding safety within the UTVs including use of seatbelts, number of passengers, if factory installed equipment is removed, etc. Kitsmiller stated the number of passengers is addressed in the proposed ordinance but will look at the other items. Councilmember Jensen stated compared to other vehicles and equipment currently on the street he is comfortable with UTVs being allowed in Marion. Councilmember Jensen asked if we would restrict use to certain routes within Marion. Kitsmiller stated the proposed ordinance states UTVs would be allowed on streets 35 mph or less. Scott Minzenmeyer, who helped draft language for the state legislation, was invited to speak and provided information regarding UTVs. Councilmember Jensen shared his concerns about the difference in the requirement for turn signals between the state legislation and proposed ordinance. Councilmember Harper spoke in favor of accommodating UTVs in Marion. Mayor Pro Tem Brandt spoke in favor of allowing UTVs in Marion. City Attorney Kara Bullerman asked if council would like to have a public hearing scheduled in advance of the first consideration of an ordinance. Council was in favor of holding a public hearing.

Discussion Regarding Future Artistic Piers for the Pedestrian Bridge over Marion Boulevard and Contract with Cara Briggs Farmer

City Engineer Mike Barkalow asked for Council's opinion on storage options for the artistic piers. Staff have been working with Briggs Farmer and an idea came forward to have the piers built and install them along the Lowe Park art trail or other parks until the pedestrian bridge is accepted by Iowa Department of Transportation (DOT) and Federal Highway Administration (FHWA). Councilmember Harper stated he would be in support of building now and showcasing the piers temporarily in a park until the bridge is ready. Councilmember Jensen is in favor of having the piers built now but is concerned about damage or vandalism. Mayor Pro Tem Brandt recommended the piers be placed within a roundabout. City Manager Ryan Waller said if council is in favor of building the piers now, staff will have time to determine possible temporary placement options.

PUBLIC FORUM

Alex Kruser (1230 7th Street) spoke in favor of the proposed UTV ordinance.

COUNCIL COMMENTS

Councilmember Mentzer stated she is excited that the Uptown Marion Market returns on Saturday as well as Sunrise Yoga at Lowe Park.

Mayor Pro Tem Brandt stated the Uptown Marion Market will be on 7th Avenue this Saturday as well as a pancake breakfast in the depot and a creek cleanup at Thomas Park. He also mentioned the concert at Lowe Park which starts at 7:00 p.m.

CLOSED SESSION

Motion to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa and exempt session as permitted under Section 21.9, 20.9 and 21.17 of the Code of Iowa. (Two separate measures)

Moved by Atkins, seconded by Harper, to adjourn to closed session/exempt session as stated above. City Attorney Kara Bullerman stated that she has reviewed the subject matter discussed and found it to be an appropriate topic for closed session/exempt session. A roll call vote was taken.

Approved unanimously

Moved by Strnad, seconded by Atkins, to reconvene to regular session.

Approved unanimously

ADJOURN

Mayor Pro Tem Brandt adjourned the meeting at 9:21 p.m.

Will Brandt, Mayor Pro Tem

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