



MINUTES

City Council Regular Session

5:30 PM - Thursday, July 7, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, July 7, 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, Nicolas AbouAssaly, and Will Brandt

ABSENT: Colette Atkins

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Parks and Recreation Month (July)

Councilmember Mentzer read and presented the proclamation listed above to Parks Director Seth Staashelm and Parks Department Intern Macey Lovell.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

Nathan Caraway (958 7th Avenue) spoke regarding item E.2 under the Regular Agenda and provided clarifying information on his request.

CONSENT AGENDA

Administrative Services

Minutes of the June 18, 21 and 23, 2022 City Council meeting.

Motion to approve Hold harmless agreements with:

- Scott and Mary Taylor regarding a block party event on July 9, 2022 on Shadow Creek Lane.
- Kristy Knight regarding a whiskey tasting event on July 23, 2022 at 1115 6th Street.
- The Marion Chamber regarding an Uptown Getdown event on Thursdays in August 2022 in City Square Park.

Motion to approved a liquor licenses including the following:

- Renewal - Goldfinch Tap & Eatery - 740 10th Street
- Renewal - The Hip-Stir - 1120 7th Avenue
- Renewal - Pancheros Mexican Grill - 6095 Carlson Way
- Renewal - Neighborhood Tobacco Outlet - 2500 7th Avenue

Payments as presented in the amount of \$3,534,140.47.

Certified List for Police Officer

Resolution No. 30677 approving payment to Cedar Rapids Metro Economic Alliance regarding investment dues and membership for calendar year 2022 and authorizing payment in the amount of \$17,500.

Resolution No. 30678 approving Closed Session Policy and Procedures

Resolution No. 30679 approving partial payment no. 19 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$647.50

Public Services

Resolution No. 30680 Approving Payment to ServiceMaster Restoration (SRM) for repairs and clean up work completed at the Public Services Administration building following the August 10, 2020 derecho in the amount of \$86,981.69.

Public Safety

Resolution No. 30681 approving purchase from Vohne Liche Kennels of police canine trained in patrol and explosive detection skills and authorizing payment in the amount of \$19,059.00.

Parks

Resolution No. 30682 approving final payment to Eastern Iowa Excavating & Concrete, Inc. regarding the Prairie Hill Park Basketball Court in the amount of \$2,305.59. (REC-18-046)

Resolution No. 30683 approving proposal from Boland Recreation regarding the installation of playground equipment at Prairie Hill Park and authorizing payment in the amount of \$24,000. (REC.18.046)

Resolution No. 30684 approving contract with Tennis Services of Iowa for the painting of Hanna Park basketball and pickle ball courts and authorizing payment in the amount of \$8,980. (REC-18-048)

Engineering

Resolution No. 30685 accepting the public improvements associated with Glen Rock Farm 8th Addition to the City of Marion.

Resolution No. 30686 approving Partial Payment No. 12 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 \$197,960.59 (TRANS-18-101)

Resolution No. 30687 approving Partial Payment No. 3 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$119,266.86. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30688 approving Partial Payment No. 19 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091)

Resolution No. 30689 approving Partial Payment No. 3 to Braun Intertec regarding the Indian Creek Trail Plant Monitor and Soil testing in the amount of \$1,655.50. (TRL-17-055).

Resolution No. 30690 accepting the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029)

Community Development

Resolution No. 30691 approving Plat of Survey No. 2626 for property located between 3rd Avenue SE, Cedar Rapids and Indian Creek, north of Mount Calvary Cemetery. (Mt. Calvary Cemetery Association)

Resolution No. 30692 approving payment no. 10 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$340.00. (GOV-19-122)

Resolution No. 30693 approving an encroachment agreement with MTG Fastners Inc. for property located at 635 51st Street to permit construction of retaining wall and fence into 20' utility easement.

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 5:42 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 30694 approving Change Order No. 6 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$37,192.10. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30695 approving Partial Payment No. 10 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$254,684.90. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30696 approving Partial Payment No. 12 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 \$58,298.15 [TAP-U-4775(638)—8I-57] (TRL-17-055)

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, and Brandt

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:43 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Public Services

Resolution No. 30697 approving Amendment No. 2 to the agreement with City of Cedar Rapids regarding the provision of wastewater treatment.

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 30697.

Approved unanimously

Resolution No. 30698 awarding solid waste collections system study proposal to SCS Engineers.

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 30698.

Approved unanimously

Motion to approve Project Calendar for the Pre-Engineered Metal Building Package associated with the new Public Service Maintenance Facility as follows (FACS-17-069):

- Resolution No. 30699 approving Resolution of Necessity regarding the Pre-Engineered Metal Building Package associated with the new Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30700 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Pre-Engineered Metal Building Package for the new Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30701 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Pre-Engineered Metal Building Package for the Public Service Maintenance Facility (FACS-17-069)

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

Approved unanimously

Motion to approve Project Calendar for the Foundation Repair Package associated with the new Public Service Maintenance Facility as follows (FACS-17-069):

- Resolution No. 30702 approving Resolution of Necessity regarding the Foundation Repair Package associated with the new Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30703 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Foundation Repair Package for the new Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30704 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Foundation Repair Package for the Public Service Maintenance Facility (FACS-17-069).

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

Approved unanimously

Public Safety

Public hearing regarding an amendment to Chapter 75 of the Code of Ordinances related to Utility Terrain Vehicles (UTVs)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Attorney Kara Bullerman provided a staff report. Joe Kruser (1920 43rd Street Ct) spoke in support of the UTV ordinance and stated he thought the fees were too low. Jason Ross (2401 Larick Drive) spoke in support of the UTV ordinance and agreed that fines should be higher. Craig Zachman (2740 14th Avenue) spoke in support of the UTV ordinance. The following comments submitted prior to the meeting were shown: Zach Fisher (1430 50th St, Marion) wrote in favor of UTV ordinance as proposed. John Godar (4315 Widgeon Dr) wrote in favor of the UTV ordinance as proposed. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 22-14 amending Chapter 75 of the Code of Ordinances related to Utility Terrain Vehicles (UTVs) (Initial Consideration)

Moved by Jensen, seconded by Harper, to approve the initial consideration of Ordinance No. 22-14. Councilmember Harper stated he would be in support of adjusting the fee structure as well as reviewing the ordinance in a year. Councilmember Mentzer thanked the community for helping with educating and being open in communication with council. Councilmember Jensen also agrees that this ordinance should be reviewed in a year and was in support of changing the fee structure. Mayor AbouAssaly stated he would like to take a more measured approach.

Approved by the following votes:

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

Nays: AbouAssaly

Parks

Resolution No. 30705 approving contract with Bill Miller Logging Inc. for the removal of timber from Legion Park related to the 2020 Derecho and authorizing payment in the amount of \$172,457.50.

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 30705. Councilmember Harper asked when this would start. Parks Director Seth Staashelm stated they would be able to start in July.

Approved unanimously

Engineering

Motion to receive and file correspondence regarding 958/960 and 976 7th Avenue / 710 10th Street Sanitary Sewer. (Nathan Caraway property/School of Rock building.)

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

Approved unanimously

Motion directing staff to draft an agreement with the property owners of 976 7th Avenue/710 10th Street regarding the sanitary sewer service and offering a credit of \$6,682. (School of Rock building)

Moved by Strnad, seconded by Mentzer, to approve item as referenced above. Councilmember Jensen asked for clarification on the sewer connection from Nathan Caraway's property. City Engineer Mike Barkalow explained there is a sewer that runs in the alley west of his property. Councilmember Strnad asked if there is any ordinance that states how a sewer is installed from a property to a public sewer line. Barkalow stated requirements would be included in the Statewide Urban Design and Specifications (SUDAS) manual.

Approved by the following votes:

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

Nays: Harper

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

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

Approved unanimously

Community Development

Ordinance No. 22-13 designating an area of Marion, Iowa, as the 2022 Multifamily Urban Revitalization Area (Second Consideration)

Moved by Jensen, seconded by Harper, to approve second consideration of Ordinance No. 22-13.

Approved unanimously

Motion directing staff to negotiate a Professional Service agreement and scope of work to complete a retail analysis of the property located at 2700 7th Avenue.

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

Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

Karen Lumsden (1890 Oak Creek Drive) asked questions about SCS Engineers. Public Services Director Ryan Miller stated SCS Engineers is a consultant and will only perform the study.

COUNCIL COMMENTS

Councilmember Mentzer stated that Fireworks & Fireflies event had a great turnout.

Councilmember Brandt agreed that the Fireworks & Fireflies event was great and thanked everyone who helped with that event. He also stated the Uptown Marion Market is happening on Saturday morning and looks forward to seeing everyone.

Councilmember Jensen stated he will be at the Taube Park Farmers Market this Saturday and agreed there was a great turnout at the Fireworks & Fireflies event.

Councilmember Harper stated his son, who is visiting from Georgia, stated that Marion has made great changes.

Mayor AbouAssaly spoke about the ribbon cutting last Friday for the new pedestrian bridge along CeMar Trail and thanked everyone who worked on that project. Mayor AbouAssaly stated that Eat. Drink. & Be Marion will be held on July 14 and encouraged everyone to get a ticket. Mayor AbouAssaly stated he is working with the Marion Chamber of Commerce to create a community orientation program for summer interns or newer employees who want to engage with the community.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:51 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