



MINUTES

City Council Regular Session

5:30 PM - Thursday, July 21, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, July 21, 2022, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Randy Strnad, Grant Harper, Sara Mentzer, Colette Atkins, Nicolas AbouAssaly, and Will Brandt

ABSENT: Steve Jensen

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - National Disability Independence Day (July 26, 2022)

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

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

Frank Sherman (4170 Canton Court) spoke regarding the Utility Terrain Vehicles (UTVs) ordinance and urged council to use caution.

Dennis Gallagher (3130 Sunburst Avenue) spoke in opposition of the ordinance regarding Utility Terrain Vehicles (UTVs).

CONSENT AGENDA

Administrative Services

Minutes of the June 30, July 5 and 7, 2022 City Council meetings.

Motion to approve hold harmless agreement with Linn-Mar School District regarding a Homecoming Parade event on September 21, 2022 on 10th Street.

Motion to approved a liquor licenses including the following:

- Renewal - Tomaso's - 1111 7th Avenue

- Renewal - Casey's General Store #2924 - 1100 Eagleview Drive

Receive and file June 2022 Department Monthly Reports.

Payments as presented in the amount of \$1,047,995.03.

Resolution No. 30706 approving Fiscal Year 2021-2022 Capital Budget Transfers in the amount of \$800,000.

Resolution No. 30707 approving Fiscal Year 2022-2023 operating budget transfers in the amount of \$11,953,653.

Resolution No. 30708 approving amendment to Economic Development Assistance Contract with the Iowa Economic Development Authority (IEDA) and Marion Process Solutions.

Resolution No. 30709 approving renewal of contract with Mercy for employee assistance program (EAP)

Resolution No. 30710 approving annual payment to Insight Public Sector for Microsoft licensing in the amount of \$55,253.02

Resolution No. 30711 accepting deeds from Cope Agricultural Investments, LLC and the Curtis J. Cope Family Trust

Resolution No. 30712 approving City of Marion Restroom and Locker Room Policy

Public Services

Resolution No. 30713 approving purchase of traffic signal equipment from Traffic Control Corporation and authorizing payment in the amount of \$285,295.00.

Engineering

Resolution No. 30714 approving Partial Payment No. 34 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$23,145.12 (TRANS-18-092)

Resolution No. 30715 approving agreement with Jed Pasterski regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30716 approving agreement with Wiener Dog Properties LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30717 approving Change Order 01 with Rathje Construction Company regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project and authorizing payment in the amount of \$10,939.00 (TRANS-19-118) (CS-TSF-4775(641)--85-57)

Community Development

Resolution No. 30718 setting date for public hearing for August 4, 2022 regarding

an amendment to Section 176.52 regarding drive thru facility stacking and design requirements.

Resolution No. 30719 setting date for public hearing for August 4, 2022 regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single Family Attached Residential and to rezone property from AG, Agricultural Holding to SR-4, Suburban Two-Family Residential District for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC)

Resolution No. 30720 approving payment no. 5 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$39,855.41. (REC-18-039)

Resolution No. 30721 approving payment no. 6 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$15,954.68. (REC-18-039)

Resolution No. 30722 approving professional service agreement with Leland Consulting Group to complete a real-estate analysis of the property located at 2700 7th Avenue and authorizing payment in the amount of \$12,500

Library

Resolution No. 30723 approving partial payment No. 4 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$82,742.70 (FACS-17-034) (Vendor project No. 193066)

Moved by Mentzer, seconded by Brandt, to approve consent agenda as shown above.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 5:52 p.m. Mayor Pro Tem Brandt presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Engineering

Resolution No. 30724 approving Change Order 02 with Peterson Contractors, Inc. regarding the Indian Creek Trail Project and authorizing payment in the amount of \$12,891.08 (TRL-18-056) [STP-U-4775(631)—70-57]

Resolution No. 30725 approving Change Order No. 7 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail and authorizing payment in the amount of \$7,150.00. (TAP-U-4775(635)—81-57)(TRL-18-110)

Resolution No. 30726 accepting the CEMAR Phase III Project in City of Marion, from Marion Boulevard bridge over Indian Creek north preservation trail Bridge New, Steel Girder [TAP-U-4775(637)-81-57] (TRL-17-055)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:53 p.m.
Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Resolution No. 30727 approving an agreement with GovTempsUSA, LLC regarding temporary employment in Fire Department.

Moved by Harper, seconded by Atkins, to approve Resolution No. 30727.

Approved unanimously

Resolution No. 30728 approving and endorsing nomination of Randy Strnad to the Iowa Communities Assurance Pool (ICAP) Board of Directors city seat.

Moved by Atkins, seconded by Harper, to approve Resolution No. 30728.

Approved unanimously

Public Services

Public Hearing regarding the Pre-Engineered Metal Building Package associated with the new Public Service Maintenance Facility (FACS-17-069).

Mayor AbouAssaly 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 AbouAssaly declared the public hearing closed.

Resolution No. 30729 approving bids and awarding contract to King-Knutson Construction for the Pre-Engineered Steel Building Package associated with the new Public Service Maintenance Facility in the amount of \$4,585,000.

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 30729.

Approved unanimously

Resolution No. 30730 approving a contract with SCS Engineers for the Solid Waste Collections Study and authorizing payment in the amount of \$135,500.00.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30730.

Approved unanimously

Public Safety

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

Moved by Harper, seconded by Strnad, to approve the second consideration of Ordinance No. 22-14. Councilmember Harper thanked those who have spoke in support and against UTV use in Marion and stated there is still one more reading

for people to provide comments. Mayor AbouAssaly stated he is not in support of UTV use in Marion and would rather take a more measured approach. Councilmember Mentzer asked if there is a date set on when to review the ordinance. Councilmember Harper asked about the increase of scheduled fines as was discussed at the work session. Police Chief Mike Kitsmiller stated the ordinance will include the increased fine structure for the final consideration. City Attorney Kara Bullerman stated staff have also discussed reviewing the fine for noise ordinance violations during the codification process. City Manager Ryan Waller stated based on previous discussions a review of the ordinance will take place after six months. Councilmember Strnad asked about registrations for UTVs and who would handle that. Kitsmiller stated registration would be handled by the Iowa DNR. Councilmember Strnad also reminded everyone that continued violations of this code will impact personal driver licenses as they are treated like motor vehicles.

Approved by the following votes:

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

Nays: AbouAssaly

Resolution No. 30731 approving a Certificate of Substantial Completion for the 2019 Fire Station Project and authorizing early release of retained funds to Christner Contracting, Inc. in the amount of \$448,410.39 (FACS-18-062)

Moved by Atkins, seconded by Harper, to approve Resolution No. 30731. Councilmember Strnad asked about the status of the Fire Station project. Interim Fire Chief Jason Hansen provided information regarding the remaining items needed for the project.

Approved unanimously

Engineering

Public Hearing regarding the 2022 Lowe Park Sidewalk Replacement Project (FACS-08-042).

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. 30732 accepting bids and awarding contract to Midwest Concrete, Inc. regarding the 2022 Lowe Park Sidewalk Replacement Project in the amount of \$175,305.00 (FACS-08-042)

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 30732.

Approved unanimously

Resolution No. 30733 authorizing the submittal of an application for Traffic Safety Improvement Program (TSIP) funding for the intersection of Highway 100 and East Post Road to reconfigure the existing intersection with additional left and right turn lanes and to upgrade the existing signal for the new turn lanes, as well as a queue detection warning system for the westbound traffic at East Post Road.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30733.
Approved unanimously

Resolution No. 30734 approving City of Marion American Rescue Plan Act (ARPA) Funding allocation for infrastructure projects.

Moved by Harper, seconded by Strnad, to approve Resolution No. 30734.
Approved unanimously

Community Development

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

Moved by Atkins, seconded by Harper, to approve the final consideration of Ordinance No. 22-13.
Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 6:24 p.m. Mayor Pro Tem Brandt presided over the meeting.

Resolution No. 30735 approving Silver Ridge Estates Preliminary Plat located west of Alburnett Road and north of Dawn Drive, Marion, Iowa. (Integrity Custom Homes, Inc.)

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30735.
Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:24 p.m. Mayor AbouAssaly presided over the meeting.

Resolution No. 30736 approving the revised Broad & Main Monumental Staircase – Central Corridor Review for property located at 1107 7th Avenue, Marion, Iowa. (Eagle View Development)

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 30736.
Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

John Godar (4315 Widgeon Drive) spoke in support of Utility Terrain Vehicle (UTV) use in Marion.

Scott Foens (2231 Tamerac Circle) provided history lesson regarding a train that used to travel between Cedar Rapids and Marion.

Dan Cudworth (2590 Hillview Drive) spoke in opposition of allowing fireworks to be used

in Marion.

Mary Clapp (2350 Edwin Drive) spoke about parking issues near the intersection of 6th Avenue and 8th Street. She also spoke about dedicating a section of the Grant Wood Trail to EMS workers who had a big impact on the COVID response.

COUNCIL COMMENTS

Councilmember Harper thanked parks personnel for putting together a tour of area aquatic centers. He also thanked Mr. Foens and Mr. Cudworth for their comments and stated he would like to have a review of the fireworks ordinance.

Councilmember Atkins agreed that a review of the fireworks ordinance is needed. She stated Eat. Drink. & Be Marion was last week and thanked the Marion Chamber of Commerce and Uptown Marion for their work on that event. Councilmember Atkins also thanked everyone for speaking at the meeting tonight.

Councilmember Brandt also thanked everyone for speaking tonight.

Councilmember Strnad also thanked everyone for speaking tonight and encouraged people to keep attending and speaking up. He wished everyone good luck during RAGBRAI next week.

Mayor AbouAssaly thanked everyone who attended tonight. He also reminded everyone that they can visit with council at the farmers markets every Saturday or can reach out by phone or email. Mayor AbouAssaly agreed that a review of the fireworks ordinance is a good idea. He stated there was a ribbon cutting for the new UnityPoint facility on Tower Terrace Road. Mayor AbouAssaly thanked all of the City staff for their hard work and dedication to Marion.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:08 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