



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, August 4, 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, August 4, 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

No proclamations took place.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

John Hanson (2610 Northview Drive) spoke in opposition of UTV use in Marion.

The following comments submitted prior to the meeting were shown:

Phil Hines (address not provided) wrote in support of UTV use in Marion.

Curtis Goodman (1102 Marks Way SW, Cedar Rapids) wrote in support of UTV use in Marion.

Mitch Kack (2565 Burns Drive) wrote in support of UTV use in Marion.

Brent Gamerdinger (1308 7th Street) wrote in support of UTV use in Marion.

Sharon Satterly (407 Gemstone) wrote in support of UTV use in Marion.

Doug Clemen (500 Walford Rd SW, Cedar Rapids) wrote in support of UTV use in Marion.

Joe Kruser (1920 43rd Street Court) spoke in support of UTV use in Marion.

### CONSENT AGENDA

Administrative Services

Minutes of the July 19, 21 and 27, 2022 City Council meetings.

Motion to approve hold harmless agreements with:

- Marion Independent School District (MISD) regarding a homecoming parade event on October 6, 2022 on S 15th Street and 3rd Avenue.
- MISD regarding high school football and track events on September 2, 9 and 30 and October 7 and 21, 2022 at Thomas Park.
- Diane Toy regarding a block party event on September 10, 2021 on 39th Street.

Motion to approve liquor licenses including the following:

- Renewal - Your Pie - 2791 7th Avenue
- Renewal - Casey's General Store #2700 - 2020 7th Avenue
- Renewal - Blooms by BladeWorks - 1440 Blairs Ferry Road
- Renewal - Zio Johnno's - 755 7th Avenue

Mayoral appointments:

- Jason Hansen, Linn County Emergency Management Commission, Marion Representative
- Jacquie Montoya, Bicycle and Pedestrian Advisory Committee, Linn County Public Health representative

Payments as presented in the amount of \$3,557,017.62.

Resolution No. 30737 adopting final assessment schedule for Fiscal Year 2023 Quarter 1 Delinquent Fees and Confirming and Levying the Assessments.

Resolution No. 30738 approving an update to the Public Records Request Policy.

Resolution No. 30739 approving Fiscal Year 2021-2022 Capital Budget Transfers in the amount of \$2,099,907.49.

Resolution No. 30740 approving Fiscal Year 2021-2022 operating budget transfers in the amount of \$486,456.90.

Resolution No. 30741 approving partial payment no. 20 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$2,127.50

Receive and file correspondence regarding Rafeala (Rachel) Cadena's resignation from the Civil Rights Commission.

Certified List for Fire Chief

#### Public Services

Resolution No. 30742 approving the purchase of traffic marking paint from Sherwin Williams and authorizing payment in the amount of \$52,800.00.

#### Public Safety

Resolution No. 30743 approving renewal of 28E agreement with Linn Mar School District regarding the School Resource Officer (SRO) Program for period of

07/01/22-6/30/24.

Resolution No. 30744 approving renewal of 28E agreement with Marion Independent School District regarding the School Resource Officer (SRO) Program for period of 07/01/22-6/30/24.

Resolution No. 30745 approving an agreement with Foundation 2 for continuation of Law Enforcement Liaison Support position at the Marion Police Department and authorizing payment in the amount of \$67,275.

## Engineering

Resolution No. 30746 approving a Stop Sign stopping north bound traffic on Silver Rock Drive at its intersection with Echo Hill Road.

Resolution No. 30747 approving a Stop Sign stopping north bound traffic on Ruffian Road at its intersection with Quail Trail Drive.

Resolution No. 30748 approving Stop Signs stopping north bound traffic on Roycroft Drive at its intersection with Burns Drive and south bound traffic on Roycroft Drive at Prairie Ridge Avenue.

Resolution No. 30749 approving Stop Signs stopping west bound Stonework Drive at its intersection with Rookwood Lane and east bound traffic on Stonework Drive at Bluegrass Street.

Resolution No. 30750 approving a Stop Sign stopping north bound traffic on Rookwood Lane at its intersection with Fernow Road.

Resolution No. 30751 approving a Stop Sign stopping east bound traffic on Burn Drive at its intersection with Rookwood Lane.

Resolution No. 30752 accepting the public improvements associated with Edgebrooke Estates North 2nd Addition to the City of Marion.

Resolution No. 30753 approving Change Order No. 4 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$15,700.00 (TRANS-18-101)

Resolution No. 30754 approving Partial Payment No. 13 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 \$312,303.73 (TRANS-18-101)

Resolution No. 30755 approving Partial Payment No. 4 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$143,194.25. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30756 approving Partial Payment No. 10 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$22,325.00. (FACS-17-034)

Resolution No. 30757 approving Partial Payment No. 17 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$53,720.22. (FACS-17-034)

Resolution No. 30758 approving Partial Payment No. 15 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$6,965.43. (FACS-17-034)

Resolution No. 30759 approving payment to the City of Cedar Rapids per 28E Agreement – Indian Creek Concept Plan in the amount of \$20,000.00.

Resolution No. 30760 approving Change Order 01 with LL Pelling Co, Inc. regarding the 2022 Lowe Park Roadway Overlay Project and authorizing payment in the amount of \$22,355.00 (REC-18-052).

Resolution No. 30761 accepting the 2022 Lowe Park Roadway Overlay Project (REC-18-052)

Resolution No. 30762 approving Partial Payment No. 11 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$285,914.60. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30763 approving Change Order 01 with B.G. Brecke, Inc. regarding the 2022 Sanitary Sewer Manhole Project and authorizing payment in the amount of \$10,444.50 (ANN-18-029)

#### Community Development

Resolution No. 30764 approving payment to Corridor Metropolitan Planning Organization (CMPO) for FY23 Membership Dues in the amount of \$28,913.00.

#### Library

Resolution No. 30765 approving partial payment No. 23 to Bush Construction regarding the Library Building Project in the amount of \$45,515.44 (FACS-17-034)

Resolution No. 30766 approving partial payment No. 32 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$3,450. (FACS-17-034)

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

Approved unanimously

### **REGULAR AGENDA**

#### Public Services

Ordinance No. 22-15 amending Chapter 105 of the Code of Ordinances relating to Solid Waste by Establishing Base Monthly Collection Fees at \$20.00 and increasing commercial rates. (Initial Consideration)

Moved by Jensen, seconded by Harper, to approve the initial consideration of Ordinance No. 22-15.

Approved unanimously

## Public Safety

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

Moved by Atkins, seconded by Jensen, to approve the final consideration of Ordinance No. 22-14. Councilmember Atkins spoke about having statistics in the monthly report going forward as well as reviewing every six months. Councilmember Jensen stated the ordinance is well written and staff and council took their time developing. Councilmember Harper spoke about reviewing a lot of the safety information but compared it to other vehicles on the road including motorcycles, bicycles and small compact cars. Councilmember Mentzer thanked everyone who has spoke in support and against this measure and stated everyone has put a lot of thought to it.

Approved unanimously

Motion to receive and file Code Review Calendar

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

Approved unanimously

## Parks

Resolution No. 30767 approving bid from A1A Sandblasting for the Willowood Pool Painting and authorizing payment in the amount of \$149,500.

Moved by Harper, seconded by Jensen, to approve Resolution No. 30767.

Approved unanimously

Resolution No. 30768 approving professional service agreement with RDG Planning & Design, Inc. for the Update to the Lowe Park Master Plan and authorizing payment in the amount of \$41,000. (REC-18-044)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30768.

Approved unanimously

Resolution No. 30769 approving support and authorizing the submittal of a REAP Grant application for \$150,000.00 regarding the land acquisition of Lucore Road Property.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30769. Parks Director Seth Staashelm stated staff is currently working with The Water Department to acquire some land on Lucore Road for future parkland.

Approved unanimously

## Engineering

Motion to receive, file, and refer to TAC (Traffic Advisory Committee) a request from MISD (Marion Independent School District) to make 4th Avenue between 12th Street and 14th Street a one-way and 13th Street from 3rd Avenue to 4th Avenue a one-way.

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

Approved unanimously

Resolution No. 30770 approving contract and bond with Midwest Concrete, Inc.

regarding the 2022 Lowe Park Sidewalk Replacement Project and authorizing payment in the amount of \$175,305.00 (FACS-08-042)

Moved by Harper, seconded by Jensen, to approve Resolution No. 30770.

Approved unanimously

#### Community Development

Public Hearing regarding an amendment to Section 176.52 of the Marion Code of Ordinances regarding drive-thru facility stacking and design requirements.

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Ordinance No. 22-16 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding drive-thru facility stacking and design requirements. (Initial Consideration)

Moved by Jensen, seconded by Harper, to approve the initial consideration of Ordinance No. 22-16.

Approved unanimously

Public hearing 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)

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Community Development Director Tom Treharne provided a staff report. Todd Wood with Atwood Rentals, LLC is the developer of the property and spoke in favor of the item. No comments, written or verbal, were received. Councilmember Jensen asked this public hearing remain open and would like to have a discussion regarding Marion's comprehensive plan prior to moving forward with the following two related items. Mayor Pro Tem Brandt declared the public hearing will remain open.

Resolution No. 30771 approving an amendment to the Marion Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single Family Attached Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC)

Moved by Atkins, seconded by Jensen, to table Resolution No. 30771.

Tabled by the following votes:

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

Nays: Brandt

Ordinance No. 22-17 approving a request 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) (Initial Consideration)

Moved by Mentzer, seconded by Atkins, to table Ordinance No. 22-17.

Tabled by the following votes:

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

Nays: Brandt

## **OTHER DEPARTMENT DISCUSSION**

No other discussions took place.

## **PUBLIC FORUM**

Todd Wood with Atwood Rentals, LLC stated he would like to have had Resolution No. 30771 and Ordinance No. 22-17 voted on tonight.

## **COUNCIL COMMENTS**

Councilmember Mentzer stated it is great to see events back in Uptown Marion and invited everyone to attend yoga at Lowe Park the remaining four Saturdays this summer.

Councilmember Atkins thanked everyone who has attended the council meetings the past several meetings and encouraged people to keep attending.

Councilmember Harper asked if the UTV ordinance would be in effect right away. City Attorney Kara Bullerman stated it would be effective after published. City Clerk Rachel Bolender stated she will send the ordinance to The Gazette tomorrow and at the earliest it will be published on Wednesday.

Mayor Pro Tem Brandt invited everyone to attend Uptown Getdown tonight.

## **ADJOURN**

Mayor Pro Tem Brandt adjourned the meeting at 6:17 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