



MINUTES

City Council Regular Session

5:30 PM - Thursday, October 20, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, October 20, 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, and Will Brandt

ABSENT: Colette Atkins and 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

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the October 4 and 6, 2022 City Council meetings.

Liquor license including the following:

- New - Hawks Smoke Shop - 1394 7th Ave

Liquor licenses including the following:

- Renewal - Morning Story Restaurant - 2931 7th Ave
- Renewal - Barrel House Marion - 295 Tower Terrace Road
- Renewal - Fareway Stores, Inc #949 - 3300 10th Ave
- Renewal - Kwik Star #589 - 962 62nd Street

Resolution No. 30904 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)

Mayoral appointment to Corridor Metropolitan Planning Organization (CMPO):

- City Manager Ryan Waller - Policy Board Alternate - no term expiration
- Deputy City Manager Kim Downs - Policy Board - no term expiration

Receive and file September 2022 Department Monthly Reports.

Payments as presented in the amount of \$1,786,374.91.

Resolution No. 30905 adopting final assessment schedule for Fiscal Year 2023 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments.

Resolution No. 30906 approving and adopting an updated City Council Appointed Boards, Commissions or Committees Policies and Procedures Document.

Resolution No. 30907 approving and adopting an updated Code Of Ethics Policy for Members of the Marion City Council, Boards, Commissions or Committees

Resolution No. 30908 approving professional services agreement with Red Dog Creative Solutions, LLC to provide marketing and communications support and authorizing payment in amount not to exceed \$10,000.

Resolution No. 30909 approving a two-year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger newsletter plus four special inserts and authorizing payment not to exceed \$111,000.

Parks

Resolution No. 30910 approving purchase of restroom building for the Hanna Park Pavilion replacement project from CXT and authorizing payment in the amount of \$115,255.

Engineering

Resolution No. 30911 approving Change Order No. 1 with Eastern Iowa Excavating & Concrete LLC regarding the 2022 Pavement Patching Project and authorizing payment in the amount of \$57,036.85 (TRANS-18-090)

Resolution No. 30912 approving Change Order No. 1 with Midwest Concrete, Inc. regarding the 2022 Storm Sewer Project and authorizing payment in the amount of \$5,947.50 (ANN-18-031).

Resolution No. 30913 approving Partial Payment No. 3 to Braun Intertec regarding the Indian Creek Trail Plant Monitor and Soil testing in the amount of \$805.00. (TRL-17-055).

Resolution No. 30914 approving Partial Payment No. 17 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,012.70 (TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 30915 approving Partial Payment No. 36 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$24,541.00 (TRANS-18-092)

Resolution No. 30916 approving Change Order 002 with Commercial Flooring

regarding the Marion Library Project – Bid Pkg 09B Flooring for removing allowances in the amount of \$50.00 (FACS-17-034)

Resolution No. 30917 approving Change Order No. 002 with Zephyr Aluminum regarding the Marion Library Building Project BP 08A Glass and Glazing regarding removing allowance in the amount of \$4,196.74. (FACS-17-034)

Resolution No. 30918 approving Change Order No. 13 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A removing the allowance in the amount of \$9,989.41. (FACS-17-034)

Resolution No. 30919 approving Change Order No. 23 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding floor box conversions in the amount of \$1,858.80. (FACS-17-034)

Resolution No. 30920 approving Change Order No. 011 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding removing remaining allowance in the amount of \$14,357.23 (FACS-17-034)

Resolution No. 30921 approving Change Order No. 012 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding slot grilles in the amount of \$3,505.00 (FACS-17-034)

Community Development

Resolution No. 30923 rescinding Resolution No. 30691 and approving Parcel A and B, 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. 30924 approving Plat of Survey No 2674 for property located east of Lucore Road south of Royal Oak Ridge Drive extended (Blackford Farms Inc)

Resolution No. 30925 setting a public hearing for November 3, 2022 regarding a request to rezone property from AG- Agricultural Holding to SR-3, Suburban Medium Density Single-Family Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa.(Atwood Rentals, LLC)

Resolution No. 30926 approving the Marion Aircom Park First Addition Final Plat and Memorandum of Agreement for property located south of Marion Airport Road and east of the Marion Airport, Marion, Iowa (Genesis Equities, LLC)

Resolution No. 30928 approving The Commons at English Glen 6th Addition Final Plat and Memorandum of Agreement for property located north of 29th Avenue and east of 35th Street, Marion, Iowa. (Robson Homes Inc)

Library

Resolution No. 30929 approving partial payment No. 25 to Bush Construction regarding the Library Building Project in the amount of \$26,483.32 (FACS-17-034)

Resolution No. 30930 approving partial payment No. 26 to Bush Construction

regarding the Library Building Project in the amount of \$4,587.14 (FACS-17-034)
Moved by Mentzer, seconded by Strnad, to approve consent agenda as shown above.

Approved unanimously

Resolution No. 30922 accepting the public improvements associated with the Ridge at Indian Creek 2nd Addition to the City of Marion was removed from the agenda.

Resolution No. 30927 approving a deferred improvement development agreement with Abode Construction Inc. for Tower Terrace Road improvements adjacent to the Ridge at Indian Creek Second Addition for property located east of 35th Avenue and Tower Terrace Road extended was removed from the agenda.

Mayor Pro Tem Brandt relinquished the gavel to Deputy Mayor Pro Tem Harper at 5:33 p.m. Deputy Mayor Pro Tem Harper presided over the meeting.

REGULAR AGENDA

Administrative Services

Resolution No. 30931 approving amendment to 28E Agreement with MEDCO and Marion Independent School District regarding the American Rescue Plan Act (ARPA) Funding allocation for the Marion Community Build Project and authorizing payment in the amount of \$100,000.00

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30931.

Approved by the following votes:

Ayes: Jensen, Strnad, Harper, and Mentzer

Nays: Brandt

Abstained: Brandt

Deputy Mayor Pro Tem Harper relinquished the gavel to Mayor Pro Tem Brandt at 5:34 p.m. Mayor Pro Tem Brandt presided over the meeting.

Public hearing regarding the proposed sale of the property located at 524 10th Street.

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. No comments, written or verbal, were received. Mayor Pro Tem Brandt stated the hearing would remain open.

Resolution No. 30932 approving purchase agreement and conservation easement with Roots Massage, Yoga, and Wellness, LLC DBA Roots in Bloom regarding the property located at 524 10th Street was removed from the agenda.

Resolution No. 30933 approving agreement with BakerTilly US LLP to conduct a compensation study and authorizing payment in the amount not to exceed \$91,760

Moved by Jensen, seconded by Harper, to approve Resolution No. 30933.
Approved unanimously

Public Hearing on Proposed Amendment to the Collins Road Extension Urban Renewal Area

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Assistant Finance Director Brian McKenzie provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30934 approving the Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area

Moved by Mentzer, seconded by Strnad, to approve Resolution No. 30934.
Approved unanimously

Public Hearing on Proposed Development Agreement with Russell L. Peck

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Assistant Finance Director Brian McKenzie provided a staff report.. No comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30935 Approving Development Agreement with Russell L. Peck, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30935.
Approved unanimously

Public Hearing on Proposed Development Agreement with Cooper Properties, L.C.

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Assistant Finance Director Brian McKenzie provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30936 Approving Development Agreement with Cooper Properties, L.C., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

Moved by Harper, seconded by Jensen, to approve Resolution No. 30936.
Approved unanimously

Public Hearing on Proposed Amendments to the Central Corridor Urban Renewal Area, the West Tower Terrace Road Urban Renewal Area, the 29th Avenue Urban Renewal Area and the Echo Hill Road Urban Renewal Area

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Assistant Finance Director Brian McKenzie provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30937 approving Urban Renewal Plan Amendments for the Central Corridor Urban Renewal Area, the West Tower Terrace Road Urban Renewal Area, the 29th Avenue Urban Renewal Area and the Echo Hill Road Urban Renewal Area

Moved by Jensen, seconded by Harper, to approve Resolution No. 30937.
Approved unanimously

Public Services

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

- Resolution No. 30938 approving Resolution of Necessity regarding the Trade Packages associated with the new Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30939 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Trade Packages for the new Public Service Maintenance Facility (FACS17-069).
- Resolution No. 30940 approving and adopting final plans, specifications, notice of hearing for December 22, 2022 and letting, notice to bidders, form of contract, and estimate of cost regarding the new Trade Packages for the Public Service Maintenance Facility (FACS-17- 069)

Moved by Mentzer, seconded by Strnad, to approve project calendar as shown above. Public Services Ryan Miller provided history of the project and outlined the milestones for the trade packages. Councilmember Jensen stated he would like to discuss financing of this project at a future meeting. Miller stated that information will be coming soon and staff have been discussion this project with Michael Maloney with D.A. Davidson.

Approved unanimously

Engineering

Motion directing staff to submit an application to the Water Infrastructure Fund (WIF) through the Iowa Finance Authority for Segment 7 of the Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements Project. (SWR-17-026)

Moved by Strnad, seconded by Mentzer, to approve item referenced above.
Approved unanimously

Ordinance No. 22-20 amending Chapter 63 of the Code of Ordinances relating to Speed Regulations on 44th Street. (Second consideration)

Moved by Harper, seconded by Jensen, to approve the second consideration of Ordinance No. 22-20.

Approved unanimously

Community Development

Ordinance No. 22-19 approving an amendment to the Marion zoning map for

properties located within former City Council Wards 1 and 3 and revisions within former City Council Wards 2 and 4, Marion, Iowa. (Final consideration)

Moved by Jensen, seconded by Harper, to approve the final consideration of Ordinance No. 22-19.

Approved unanimously

Ordinance No. 22-21 approving an amendment to Chapter 176.29, Parking and Loading Regulations regarding permitted parking surfacing material. (Second consideration)

Moved by Mentzer, seconded by Strnad, to approve the second consideration of Ordinance No. 22-21.

Approved unanimously

Ordinance No. 22-22 amending Chapter 176.51 of the Marion Code of Ordinances regarding building setbacks within the M-1, Light Manufacturing and M-2, General Manufacturing zoning districts. (Second consideration)

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

Approved unanimously

Ordinance No. 22-18 approving a request to rezone property from AG, Agricultural Holding and PD-R, Planned Development Residential to SR-3, Suburban Medium Density Single-Family Residential for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC) (final consideration)

Moved by Harper, seconded by Jensen, to approve the final consideration of Ordinance No. 22-18.

Approved unanimously

Resolution No. 30941 approving Sycamore Heights Preliminary Plat for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30941.

Approved unanimously

Resolution No. 30942 approving Marion South Substation Addition Preliminary Plat for property located west of 44th Street and north of Highway 100, Marion, Iowa (ITC Midwest, LLC) was removed from the agenda.

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Harper stated he is excited for the continuation of the Public Services Facility construction. He also stated the Marion Airport Visioning Team met for the first

time last night and he's excited for that group to continuing discussions.

Councilmember Jensen stated the ribbon cutting for 7th Avenue will be next Thursday.

Councilmember Mentzer stated the Marion Chamber of Commerce luncheon was held on Monday and stated she enjoyed the event and the positive growth in Marion.

Mayor Pro Tem Brandt stated a group of people are out tonight at the Corridor Business Journal's Forty Under 40 event. City Engineer Mike Barkalow, Parks Director Seth Staashelm and Mayor AbouAssaly are all being honored and recognized for their accomplishments.

ADJOURN

Mayor Pro Tem Brandt adjourned the meeting at 6:12 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