



MINUTES

City Council Regular Session

5:30 PM - Thursday, September 8, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, September 8, 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 Nicolas AbouAssaly

ABSENT: Will Brandt

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Library Card Sign-Up Month (September 2022)

Councilmember Harper read and presented the proclamation referenced above to Library Board members and Marion Public Library staff. Library Director Bill Carroll invited everyone to visit the uptown branch and sign-up for a library card today.

Proclamation - Suicide Prevention Awareness Month (September 2022)

Councilmember Strnad read and presented the proclamation referenced above to Jena Schoenhofer with Foundation 2. Schoenhofer stated that the suicide and crisis lifeline changed in July 2022 to 988 and encourages that new number be communicated with everyone.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the August 16, 18 and 31, 2022 City Council meetings.

Motion to approved a liquor licenses including the following:

- Renewal - Short's Marion - 780 11th Street

Motion to approve the Fiscal Year 2023 Cigarette License for the following:

- Greenleaf Tobacco & E-Cigs - 1055 Linden Drive

Mayoral reappointments to Library Board:

- Sandy Rosenberger - term expires 6/30/2026
- Susan Kling - term expires 6/30/2026
- Cara Briggs Farmer - term expires 6/30/2026

Motion to approve a hold harmless agreement with the following:

- Marion Chamber of Commerce regarding an Oktoberfest event on September 17, 2022 on 7th Avenue.
- Marion Independent School District (MISD) Marching Band Invitational event on September 24, 2022 at Thomas Park and surrounding City Streets.
- Christ Community Church regarding the Save Our Seniors 5K on September 25, 2022 starting at 3000 Alburnett Road.

Payments as presented in the amount of \$5,540,446.17.

Resolution No. 30798 approving partial payment no. 21 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$4,301.25.

Resolution No. 30799 amending the non-bargaining pay schedule to adjust the salary range for the Fire Chief position.

Resolution No. 30800 approving employment agreement with Tom Fagan as Fire Chief

Resolution No. 30801 approving professional services agreement with Marion Economic Development Corporation (MEDCO) and authorizing payment in the amount of \$140,000 annually.

Public Services

Motion to receive and file correspondence from the City of Cedar Rapids regarding rate adjustments for wastewater treatment fees.

Motion to solicit bids for the replacement of the Public Services fleet.

Resolution No. 30802 approving payment to Satellite Shelters for the replacement of a storm damaged shelter in the amount of \$33,100.00.

Public Safety

Resolution No. 30803 approving agreement with Waldinger Corporation regarding heating and cooling maintenance for the police department and authorizing payment in the amount of \$32,643.00.

Resolution No. 30804 approving purchase of ammunition from Sunset Distributors and authorizing payment in the amount of \$41,363

Resolution No. 30805 approving agreement with Iowa Homeland Security and Emergency Management Department (HSEMD) for the NG911 Shared Service

Zetron Max Call-taking phone upgrade and authorizing payment to Zetron, Inc. in the amount of \$35,357.99.

Parks

Resolution No. 30806 approving addendum to the contract with Frank's Tree Service for Right of Way Stump Removal and Turf Restoration for an additional \$25 flush cutting fee per stump and a total of 1084 stumps removed for an updated lump sum total of \$298,100.

Resolution No. 30807 approving final payment to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of \$72,875.00.

Resolution No. 30808 approving grant agreement with the Greater Cedar Rapids Community Foundation for Tree Canopy Restoration and accepting grant award of \$40,000.

Resolution No. 30809 approving change order with A1A Sandblasting for the Willowood Pool Painting to include grinding for paint removal and authorizing payment in the amount of \$11,000.

Engineering

Resolution No. 30810 approving Partial Payment No. 14 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,898.82 (TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 30811 approving Partial Payment No. 15 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,519.06 (TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 30812 approving Partial Payment No. 15 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$30,898.70. (FACS-17-034)

Resolution No. 30813 Approving Partial Payment No. 4 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$61,845.00. (FACS-17-034)

Resolution No. 30814 approving Partial Payment No. 14 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 \$513,030.07 (TRANS-18-101)

Resolution No. 30815 approving Partial Payment No. 5 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$260,235.59. (TRANS-18-073) (CS-TSF-4775(642)--85-57)

Resolution No. 30816 approving Partial Payment No. 16 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$9,651.02. (FACS-17-034)

Resolution No. 30817 approving Partial Payment No. 7 to Commercial Flooring

Co. regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$9,015.50. (FACS-17-034)

Resolution No. 30818 approving Partial Payment No. 6 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$8,148.86. (FACS-17-034)

Motion to approve a letter of support to the Corridor Metropolitan Planning Organization (CMPO) for the Safe Streets For All (SS4A) Planning Grant Request.

Motion to approve a letter of support to the City of Cedar Rapids for the 8th Avenue Bridge Replacement Project.

Resolution No. 30819 approving agreement with Matthew T. Higgins regarding sewer service improvements associated with the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30820 approving agreement with Iowa Badgeholders, Inc. regarding sewer service improvements associated with the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)

Resolution No. 30821 approving Change Order No. 006 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$1,257.42. (FACS-17-034)

Resolution No. 30822 approving Change Order No. 007 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$204.75. (FACS-17-034)

Resolution No. 30823 approving Change Order No. 10 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$309.47. (FACS-17-034)

Resolution No. 30824 approving Partial Payment No. 12 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$1,852.50. (FACS-17-034)

Resolution No. 30825 approving Change Order No. 12 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$5,835.31. (FACS-17-034)

Community Development

Resolution No. 30826 approving payment no. 7 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$35,189.79. (REC-18-039)

Resolution No. 30827 approving payment no. 36 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$122.89. (TRL-17-055)

Resolution No. 30828 approving payment no. 15 to RDG Planning & Design, Inc.

for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$413.64. (TRANS-18-098)

Resolution No. 30829 setting a public hearing for September 22, 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 Residential and 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)

Resolution No. 30830 approving the vacation of a 10' drainage / utility easement located along the north property line of Lot 10, Prairie Ridge Estates 3rd Addition (1650 Chestnut Lane) (Todd Rizzio)

Resolution No. 30831 setting a public hearing for September 22, 2022 regarding 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. (City of Marion)

Library

Resolution No. 30832 approving partial payment No. 24 to Bush Construction regarding the Library Building Project in the amount of \$39,366.27 (FACS-17-034)

Resolution No. 30833 approving Change Order No. 4 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$12,080.00. (FACS-17-034)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Harper at 5:39 p.m. Deputy Mayor Pro Tem Harper presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Services

Resolution No. 30834 approving contract with Robison Construction for the roof replacement of Fire Station #3 and associated derecho storm event repairs and authorizing payment in the amount of \$32,300.00.

Engineering

Resolution No. 30835 approving Change Order 03 with Peterson Contractors, Inc. regarding the Indian Creek Trail Project and authorizing payment in the amount of \$13,417.52 (TRL-18-056) [STP-U-4775(631)—70-57]

Resolution No. 30836 approving Partial Payment No. 13 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 \$4,306.69 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 30837 approving Partial Payment No. 12 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$75,656.20. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30838 approving Change Order No. 8 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$10,655.25. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30839 approving Partial Payment No. 16 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$18,561.52. (FACS-17-034)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Deputy Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 5:40 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Resolution No. 30840 approving the Small Business Grant Program funding allocation except for Giving Tree Theater.

Moved by Harper, seconded by Strnad, to approve Resolution No. 30840. Mayor AbouAssaly stated he needs to abstain from voting for funding for Giving Tree Theater so that will be a separate motion.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem at 5:41 p.m. Deputy Mayor Pro Tem presided over the meeting.

Resolution No. 30849 approving the Small Business Grant Program funding allocation for Giving Tree Theater.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30849.

Approved by the following votes:

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

Abstained: AbouAssaly

Deputy Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 5:42 p.m. Mayor AbouAssaly presided over the meeting.

Motion Directing Staff to Prepare a Notice of Intent to Enter Into a Guaranteed

Maximum Price For Purposes of Engaging in a Construction Manager At Risk For the Central Plaza Project.

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

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. (Final Consideration)

Moved by Atkins, seconded by Jensen, to approve final consideration of Ordinance No. 22-15.

Approved unanimously

Public Hearing regarding the Roof Repair Package associated with Marion City Hall.

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. 30841 accepting bids and awarding contract to T&K Roofing for the Roof Repair Package - Metal Roof Overlay associated with Marion City Hall in the amount of \$98,500.

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30841.

Approved unanimously

Resolution No. 30842 approving a Master Services Agreement with Shive Hattery related to the site planning and development of the Eco Industrial Park and Public Services Facilities.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30842.

Approved unanimously

Resolution No. 30843 approving a professional services agreement with Shive Hattery for landscaping design associated with the new Public Services Facility and authorizing payment in the amount of \$21,500. (FACS-17-069).

Moved by Harper, seconded by Atkins, to approve Resolution No. 30843.

Approved unanimously

Resolution No. 30844 approving contract with Western Specialty Contractors for the Foundation Repair Package associated with the new Public Service Maintenance Facility and authorizing payment in the amount of \$348,500.00 (FACS-17-069).

Moved by Jensen, seconded by Harper, to approve Resolution No. 30844.

Approved unanimously

Engineering

Motion to receive, file and refer to TAC regarding a request to install two stop signs, two do not enter signs, and two painted crosswalks at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD)

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

Approved unanimously

Motion to receive and file TAC report regarding a request to install two stop signs, two do not enter signs, and two painted crosswalks at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD)

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

Approved unanimously

Motion directing staff to install two "do not enter" signs and two painted crosswalks at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD)

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

Approved unanimously

Resolution No. 30845 approving the installation of two stop signs, stopping westbound at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD)

Moved by Harper, seconded by Strnad, to approve Resolution No. 30845.

Approved unanimously

Community Development

Public hearing regarding a request to vacate portions of 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Principal Planner Dave Hockett provided a staff report. Don Carsner (515 17th Street) spoke in favor of the item as he hopes to purchase and use for his business. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 30846 approving a request to vacate portions of 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner)

Moved by Jensen, seconded by Harper, to approve Resolution No. 30846.

Approved unanimously

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. (Final Consideration)

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

Approved unanimously

Resolution No. 30847 approving an agreement with the State of Iowa for acceptance of the Destination Iowa Grant.

Moved by Mentzer, seconded by Atkins, to approve Resolution No. 30847.
Approved unanimously

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem at 5:58 p.m.
Deputy Mayor Pro Tem Harper presided over the meeting.

Resolution No. 30848 denying a request to amend the 2020 Development Agreement with Genesis Equities regarding the 6th Avenue Project to include a revised concept plan. (Genesis Equities Development)

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30848.
Approved by the following votes:

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

Abstained: AbouAssaly

Deputy Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 5:59 p.m. Mayor AbouAssaly presided over the meeting.

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

Dave Triplett (2251 Pleasantview Drive Unit E4) spoke about parking concerns on Pleasantview Drive and the code regarding the restriction of parking on street longer than 48 hours. He also spoke about concerns with noise coming from Highway 100.

Circe Stumbo (339 Pheasant Avenue) requested a follow-up on the recommendations that came out of the Community Equity Task Force.

COUNCIL COMMENTS

Councilmember Mentzer stated Marion will be participating in a Healthiest State Walk on October 5 that will start at City Hall. She also stated the uptown garden located at City Hall had over 300 pounds of produce that was donated to the Marion Food Pantry. Councilmember Mentzer also stated the Saturday yoga at Lowe Park had over 800 participants this season.

Councilmember Atkins thanked those who spoke at the meeting tonight.

Councilmember Jensen recognized the Marion girls volleyball team for being ranked first in the state.

Councilmember Harper welcomed Kim Downs to Marion. He also stated the last farmers market will take place this Saturday at Taube Park.

Mayor AbouAssaly stated he enjoys all the requests he's received to come and speak. He attended the Intercultural Festival this past weekend and always enjoys attending that event. He encouraged everyone to keep reaching higher to make Marion a great

community. He also congratulated Seth Staashelm and Mike Barkalow for being in this years class of the Corridor Business Journal's Forty under 40.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:14 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