



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, December 8, 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, December 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, Nicolas AbouAssaly, and Will Brandt

ABSENT: None

Mayor AbouAssaly presided over the meeting.

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

### PROCLAMATIONS/OATHS

#### Recognition of Firefighter John McIntosh

Mayor AbouAssaly and Fire Chief Tom Fagan recognized John McIntosh for his service to the Marion Fire Department and thanked him for his 50 years of service. Plaques from the fire department and City of Marion were presented.

#### Proclamation - International Human Rights Day (December 10, 2022)

Councilmember Atkins read and presented the proclamation referenced above to Denise Bridges with the Marion Civil Rights Commission.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

No one came forward to speak.

### CONSENT AGENDA

Administrative Services

Minutes of the November 15 and 17, 2022 City Council meetings

Motion to approve liquor licenses including the following:

- Renewal - Nasos' Pizza - 453 7th Ave
- Renewal - Carlos O Kellys Mexican Cafe - 3320 Armar Drive
- Renewal - Mandarin Spice Buffet & Grill - 1412 Twixt Town Road

- Renewal - Corridor Courts - 750 44th Street
- Renewal - Walmart Supercenter #3630 - 5491 Business HWY 151

Mayor AbouAssaly's recommended reappointments:

- Arts Council
  - Chad Hay - term expires 12/31/25
  - Cindy Fountain - term expires 12/31/25
  - Thomas Sharpe - term expires 12/31/25
- Cedar Rapids/Linn County Solid Waste Agency
  - Craig Adamson - term expires 12/31/24
- Construction Code Review Board
  - Larry Nessel - term expires 12/31/26
  - Terry Sauer - term expires 12/31/26
  - Andy Becker - term expires 12/31/26
- Historic Preservation Commission
  - Cody Buelt - term expires 12/31/25
  - Kathy Wilson - term expires 12/31/25
- Nuisance Enforcement/Property Maintenance Advisory Board
  - Jeff Tipton - term expires 12/31/25
  - Grant Hagen - term expires 12/31/25
- Planning and Zoning Commission
  - Jillissa Moorman - term expires 12/31/27
  - Landis Wiley - term expires 12/31/27
- Public Services Board
  - Tom Padley - term expires 12/31/24
  - Mark Morgan - term expires 12/31/24
  - Colleen Prokup - term expires 12/31/24
- Tree Board
  - Tom Ryan - term expires 12/31/26
  - Kate Pine - term expires 12/31/26
  - Joe Spinks - term expires 12/31/26
- Water Board
  - Terry Chew - term expires 12/31/28
- Zoning Board of Adjustment
  - Todd Pearson - term expires 12/31/27

Payments as presented in the amount of \$4,819,521.78

Resolution No. 31013 approving payment to Cedar Rapids Metro Economic Alliance regarding investment dues and membership for calendar year 2023 and authorizing payment in the amount of \$17,500

Resolution No. 31014 approving payment to Tyler Technologies for Enterprise Resource Planning (ERP) and Timekeeping software maintenance and support in the amount of \$162,467.51

Resolution No. 31015 approving professional services agreement with the Marion Chamber of Commerce and authorizing payment in the amount of \$1,419 annually

Resolution No. 31016 approving an amended employment agreement with the

## City Manager

Resolution No. 31017 approving matching funds for the Marion Chamber of Commerce Marion Leadership in Action Winter Lights Project in an amount not to exceed \$20,000

Resolution No. 31018 approving termination of the underwriter/placement agent agreement with Piper Sandler and authorizing payment in the amount of \$105,000

Resolution No. 31019 approving partial payments no. 23 and 24 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$5,041.25

## Public Services

Resolution No. 31020 approving the purchase of winter deicer for fiscal year 2023 from Compass Minerals and authorizing payment in the amount of \$329,112

Resolution No. 31021 approving the Snow and Ice Maintenance Program for Fiscal Year 2023

## Public Safety

Resolution No. 31022 approving a memorandum of understanding with Marion Policeman's Protective Association regarding twelve hour shifts for Patrol Division effective January 14, 2023 to July 8, 2023

Resolution No. 31023 approving a memorandum of understanding with Marion Policeman's Protective Association regarding a temporary lift of the 100-hour holiday leave bank limit for the communications center effective December 6, 2022 to January 14, 2023

Resolution No. 31024 approving an agreement with Lund Fire Protection regarding fire protection plan review and authorizing payment in an amount not to exceed \$60,000

## Parks

Receive and file the Indian Creek Master Plan for Creekside Pride

## Engineering

Resolution No. 31025 accepting the 2022 Lowe Park Sidewalk Replacement Project (FACS-08-042)

Resolution No. 31026 accepting the 2022 Storm Sewer Project (ANN-18-031)

Resolution No. 31027 approving Change Order 02 with Rathje Construction Company regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project for a credit in the amount of \$12,000 (TRANS-19-118) (CS-TSF-4775(641)--85-57)

Resolution No. 31028 approving Change Order 03 with Rathje Construction Company regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project and authorizing payment in the amount of \$12,786.25 (TRANS-19-118) (CS-TSF-4775(641)--85-57)

Resolution No. 31029 approving Partial Payment No. 18 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$949.41 (TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 31030 approving Partial Payment No. 5 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$3,070 (TAP-U-4775(635)—81-57)(TRL-18-110)

Resolution No. 31031 approving Partial Payment No. 17 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 \$182,888.50 (TRANS-18-101)

#### Community Development

Resolution No. 31032 approving Eagle Trace Second Addition Final Plat to Linn County located at 2513 White Eagle Trail SE, Linn County, Iowa (Dream Builders of Iowa, LLC)

Resolution No. 31033 approving payment no. 37 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-81-57) in the amount of \$8,099.93 (TRL-17-055)

Resolution No. 31034 setting a public hearing for January 5, 2023, regarding a request to purchase vacated 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner)

Resolution No. 31035 approving the purchase of two (2) 2023 Ford Escapes from Lynch Ford and authorizing payment in the amount of \$62,500

Resolution No. 31036 setting public hearing for December 22, 2022 to discuss applications for Community Development Block Grant Disaster Recovery (CDBG-DR) housing funds and to collect input for a Community Development and Housing Needs Assessment

Resolution No. 31037 approving service agreement with East Central Iowa Council of Governments for completion of the Community Development Block Grant-Disaster Recovery (CDBG-DR) Application to the State of Iowa

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 5:40 p.m. Mayor Pro Tem Brandt presided over the meeting.

### **CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

#### Administrative Services

Mayor Pro Tem Brandt's recommended reappointment:

- Marion Municipal Airport Committee - Bonnie Roth - term expires 12/31/26

Motion to approve a liquor license as follows:

- Renewal - Giving Tree Theater - 752 10th Street

## Engineering

Resolution No. 31038 accepting paving associated with the Silver Rock Estates 1st Addition to the City of Marion

Resolution No. 31039 approving partial payment no. 15 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 \$622.20 [TAP-U-4775(638)—8I-57] (TRL-17-055)

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

Approved by the following votes:

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

Nays: AbouAssaly

Abstained: AbouAssaly

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

## REGULAR AGENDA

### Administrative Services

Ordinance No. 22-24 amending Chapter 31 of the Marion Code of Ordinances relating to the Civil Rights Commission (initial consideration)

Moved by Harper, seconded by Strnad, to approve the initial consideration of Ordinance No. 22-24.

Approved unanimously

Resolution No. 31040 approving an amendment to the 28E agreement with Cedar Rapids regarding Civil Rights Commission staffing services

Moved by Jensen, seconded by Harper, to approve Resolution No. 31040.

Approved unanimously

Public hearing on proposal to enter into a Road Use Tax Revenue Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$18,400,000

Mayor AbouAssaly 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 AbouAssaly declared the public hearing

closed.

Resolution No. 31041 taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement

Moved by Atkins, seconded by Jensen, to approve Resolution No. 31041. Councilmember Jensen asked what the purpose of the loan agreements are for. Assistant Finance Director Brian McKenzie stated they are for the public service facility.

Approved unanimously

Public hearing on a proposal to enter into a Solid Waste Revenue Improvement and Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$10,100,000

Mayor AbouAssaly opened the public hearing regarding item referenced above. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 31042 taking additional action on proposal to enter into a Solid Waste Revenue Improvement and Refunding Loan Agreement

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 31042.

Approved unanimously

Public hearing on a proposal to enter into a Sewer Revenue Improvement and Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$6,800,000

Mayor AbouAssaly opened the public hearing regarding item referenced above. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 31043 taking additional action on proposal to enter into a Sewer Revenue Improvement and Refunding Loan Agreement

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 31043.

Approved unanimously

## Engineering

Public Hearing regarding the 788 2nd Street Disposal Project (TRANS-18-092)

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.

Motion to approve project calendar regarding the 788 2nd Street Disposal Project:

- Resolution No. 31044 accepting bids and awarding contract to D.W. Zinser Co. regarding the 788 2nd Street Disposal Project in the amount of \$30,950 (TRANS-18-092)
- Resolution No. 31045 approving contract with D.W. Zinser Co. regarding

the 788 2nd Street Disposal Project and authorizing payment in the amount of \$30,950 (TRANS-18-092)

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

Approved unanimously

Motion to approve Project Calendar regarding the 2023 Storm Sewer Project (ANN-18-031), as follows:

- Motion to retain the City Engineer as Project Engineer regarding the 2023 Storm Sewer Project (ANN-18-031)
- Resolution No. 31046 approving Resolution of Necessity regarding 2023 Storm Sewer Project (ANN-18-031)
- Resolution No. 31047 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2023 Storm Sewer Project (ANN-18-031)
- Resolution No. 31048 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2023 Storm Sewer Project (ANN-18-031)

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

Approved unanimously

#### Community Development

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

Ordinance No. 22-23 approving a request to rezone the 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) (final consideration)

Moved by Jensen, seconded by Harper, to approve the final consideration of Ordinance No. 22-23.

Approved by the following votes:

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

Nays: AbouAssaly

Abstained: AbouAssaly

Resolution No. 31049 approving the Osage Estates Preliminary Plat 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 approve Resolution No. 31049.

Approved by the following votes:

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

Nays: AbouAssaly

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 6:00 p.m. Mayor AbouAssaly presided over the meeting.

Public hearing regarding an amendment to Chapter 176, Zoning Regulations to establish Ch. 176.56, Architectural Design Standards and Site Development Plan Review

Mayor AbouAssaly opened the public hearing regarding item referenced above. Planner I Nicole Behrens provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly stated the public hearing would remain open for all readings of the ordinance.

Ordinance No. 22-25 amending Chapter 176, Zoning Regulations to establish Ch. 176.56, Architectural Design Standards and Site Development Plan Review (initial consideration)

Moved by Brandt, seconded by Atkins, to approve the initial consideration of Ordinance No. 22-25.

Approved unanimously

#### **OTHER DEPARTMENT DISCUSSION**

No other discussions took place.

#### **PUBLIC FORUM**

Reverend Gary Sneller (829 74th Street NE, Cedar Rapids) representing Stand in Unity Faith Coalition and Marion Alliance for Racial Equity stated it has been one year since the recommendations were submitted from the Community Equity Task Force and he would like to hear an update. Kim Downs stated there has been a lot of progress and a report is being compiled and will be presented at the next council meeting.

#### **COUNCIL COMMENTS**

Councilmember Brandt wished Councilmember Harper happy birthday.

Councilmember Atkins looks forward to hearing a review of all the progress being made on the recommendations submitted by the Community Equity Task Force at the next council meeting.

Councilmember Jensen stated the Christmas in the Park and Peppermint Walk had a great turnout and it was a fantastic event. He also thanked the parks department staff for putting up all the holiday decorations.

Councilmember Harper stated serving on council has been one the most gratifying jobs he's had and looks forward to continue serving.

Mayor AbouAssaly stated since the last council meeting he was able to help celebrate



Molly Andersen's 100th birthday and there was also a tour of the new stadium at Marion High School. He stated that the Christmas in the Park and Peppermint Walk was a great event. He thanked staff from the parks and public service departments for putting up all of the holiday decorations. Mayor AbouAssaly thanked all staff and community partners that helped getting Marion to where it is today. He encourages everyone to keep reaching higher and keep making Marion the best place to be.

**ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:21 p.m.

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Nicolas AbouAssaly, Mayor

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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