



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, November 17, 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, November 17, 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, Nicolas AbouAssaly, and Will Brandt

ABSENT: Colette Atkins

Mayor AbouAssaly presided over the meeting.

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

### PROCLAMATIONS/OATHS

#### Proclamation - Pancreatic Cancer Awareness Day (November 17, 2022)

Councilmember Mentzer read and presented the proclamation referenced above to Mary Ellen Oglesby with the Michael W. Oglesby Foundation.

### PRESENTATIONS

No presentations took place.

### PUBLIC FORUM

No one came forward to speak.

### CONSENT AGENDA

#### Administrative Services

Minutes of the November 1 and 3, 2022 City Council meetings.

Liquor licenses including the following:

- Renewal - Kwik Star #1008 - 5992 Carlson Way
- Renewal - La Cantina Bar & Grill - 3217 7th Ave
- Renewal - Casey's General Store #3562 - 680 Lindale Dr

Motion to approve a hold harmless agreement with the following:

- Marion Chamber of Commerce regarding Christmas in The Park & Peppermint Walk event on December 2, 2022 at City Square Park.

Receive and file October 2022 Department Monthly Reports.

Payments as presented in the amount of \$1,968,887.75

Receive, file and approve the 2023 City Council Meeting Schedule.

Resolution No. 30972 approving the final round of Small Business Grant Program funding allocations

Resolution No. 30973 approving the Annual Financial Report for the fiscal year ending June 30, 2022.

Resolution No. 30974 approving the Annual Street Finance Report for the year ended June 30, 2022

Resolution No. 30975 approving the Certificate of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2023-2024 collection.

Resolution No. 30976 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2022.

Resolution No. 30977 approving agreement with D.A. Davidson for underwriting services in relation to the offering and issuance of General Obligation Bonds, Revenue Bonds, and/or Lease-Purchase Certificates of Participation.

Motion to approve project calendar as follows:

- Resolution No. 30978 setting the date for a 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
- Resolution No. 30979 setting the date for a 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
- Resolution No. 30980 setting the date for a 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

#### Public Safety

Resolution No. 30981 approving the purchase of two 2022 Ford Police Interceptor SUVs from Stivers Ford and authorizing payment in the amount of \$64,826.

#### Parks

Resolution No. 30982 approving purchase of the poured rubber surfacing at Prairie Hill Park from Boland Recreation regarding and authorizing payment in the amount of \$85,000. (REC-18-046)

Resolution No. 30983 approving Resource Enhancement and Protection Fund (REAP) Grant Agreement for the Lucore Road Park Acquisition.

## Engineering

Resolution No. 30984 approving Partial Payment No. 37 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$25,876.00 (TRANS-18-092)

Resolution No. 30985 accepting the 2022 Pavement Rehabilitation Project (TRANS-18-090).

Resolution No. 30986 approving Change Order No 034 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to add funds to General Conditions in the amount of \$28,593.38 (FACS-17-034)

Resolution No. 30987 approving Change Order No 035 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to add funds to General Conditions in the amount of \$55,521.67 (FACS-17-034)

Resolution No. 30988 approving Change Order No 001 with Rapids Foodservice regarding the Marion Library Project – to remove remaining allowance funds in the credit amount of \$3,250.00 (FACS-17-034)

Resolution No. 30989 approving Change Order No. 007 with Central States Concrete regarding the Marion Library Building Project to reduce Central States allowance funds in the amount of \$3,081.70 (FACS-17-034)

Resolution No. 30990 approving Change Order No 001R with Seedorff Masonry, Inc. regarding the Marion Library Project – to remove remaining allowance funds in the amount of \$12,256.06 (FACS-17-034)

Resolution No. 30991 approving Change Order No 018 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics to remove remaining allowance funds in the amount of \$20,028.47 (FACS-17-034)

Receive and file a request for a traffic signal at the intersection of HWY 13 and Kacena Avenue and refer to the Traffic Advisory Committee (TAC) (Jeanette Nordstrom, 2501 HWY 13 #310)

Receive and file a request for an additional street light on 35th Avenue and additional speed limit signs and refer to Traffic Advisory Committee (TAC) (Ann Lentz, 2916 35th Avenue)

Resolution No. 30992 approving the Marion Stormwater Advisory Committee's recommendation to reimburse Residences at the Park III HOA for drain tile material only, per the Neighborhood Drainage Assistance Program Policy and authorizing payment in the amount of \$2,710.10 after signature of general release agreement from the Residences at the Park III HOA.

## Community Development

Resolution No. 30993 setting a public hearing for December 8, 2022, December 22, 2022, and January 5, 2023, regarding an amendment to Chapter 176, Zoning Regulations to establish Section 176.56, Architectural Design Standards and Site Development Plan Review.

Resolution No. 30994 setting the date of January 5, 2023 for a public hearing regarding an annexation request for property west of Mulberry Drive, north of East Robins Road, Marion, Iowa.

#### Library

Resolution No. 30995 approving partial payment No. 5 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$39,400.90 (FACS-17-034) (Vendor project No. 193066)

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

Approved by the following votes:

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

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Brandt at 5:36 p.m. Mayor Pro Tem Brandt presided over the meeting.

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

#### Parks

Resolution No. 30996 approving a one year renewal of a Lease Agreement with Sejkora Farms Inc., for Certain Lowe Park Property.

#### Engineering

Resolution No. 30997 approving Change Order No. 22 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A to remove the remaining allowance funds in the amount of \$16,905.44. (FACS-17-034)

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

Approved by the following votes:

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

Nays: AbouAssaly

Abstained: AbouAssaly

Mayor Pro Tem Brandt relinquished the gavel to Mayor AbouAssaly at 5:37 p.m. Mayor AbouAssaly presided over the meeting.

### **REGULAR AGENDA**

#### Public Services

Resolution No. 30998 accepting bids and awarding contract to Truck Country for the replacement of the Public Services Fleet Chassis in the amount of \$2,755,170.

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 30998.  
Approved by the following votes:

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

Resolution No. 30999 approving Change Order No. 11 with Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility and authorizing payment in the amount of \$53,844.00 for the mobilization and partial erection of the precast wall panels (FACS-17-069).

Moved by Harper, seconded by Strnad, to approve Resolution No. 30999.  
Approved by the following votes:

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

## Engineering

Public comment period regarding No Parking Zones within Area 1.

Mayor AbouAssaly opened the public comment period regarding item referenced above. City Engineer Mike Barkalow provided a staff report. Floyd Wesselink (960 W 14th Avenue) spoke regarding parking on West 14th Avenue.

Councilmember Atkins arrived at 5:44 p.m.

The following comments submitted prior to the meeting were shown: Martin McDole (935 W 9th Avenue) wrote in support of no on-street parking on West 9th Avenue and Lindale Drive; Pam and Steve Menzner (880 W 10th Avenue) wrote in opposition of parking on north side of West 10th Avenue; John and Diane Aarni (1030 Dry Creek Lane) wrote in opposition of "No Parking" on west side of Dry Creek Lane; David and Judy Rohrsen (1260 Parkview Drive) wrote in opposition of "No Parking" on north side of Alpine Road; Floyd Wesselink (960 W 14th Avenue) recommended "No Parking" be placed on the south side of West 14th Avenue; Larry Kramer (1060 Linnview Drive) wrote in opposition of "No Parking" on west side of Linnview Drive; Esther Olson (1080 Linnview Drive) recommended alternating odd/even day parking schedule. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Motion to approve the project calendar regarding No Parking Zones within Area 1 as follows:

- Motion to receive and file the Traffic Advisory Committee (TAC) Report regarding No Parking zones within Area 1. (City of Marion)
- Resolution No. 31000 approving the establishment of a "No Parking" zone on the south side of West 8th Avenue westerly of Lindale Drive.
- Resolution No. 31001 approving the establishment of a "No Parking" zone on the north side of West 9th Avenue.
- Resolution No. 31002 approving the establishment of a "No Parking" zone on the south side of West 10th Avenue.

- Resolution No. 31003 approving the establishment of a “No Parking” zone on the south and west side of Dry Creek Lane.
- Resolution No. 31004 approving the establishment of a “No Parking” zone on the north and east side of Alpine Road and rescinding Resolution No. 14122 and 14606.
- Resolution No. 31005 approving the establishment of a “No Parking” zone on the north side of West 14th Avenue.
- Resolution No. 31006 approving the establishment of a “No Parking” zone on the east side of Linnview Drive.
- Resolution No. 31007 approving the establishment of a “No Parking” zone on the east side of Terrace Street.
- Resolution No. 31008 approving the establishment of a “No Parking” zone on the west side of Elm Street and the east side of Elm Street from West 14th Avenue to Parkview Drive and rescinding Resolution No 14658.
- Resolution No. 31009 approving the establishment of a “No Parking” zone on the west side of Hutton Hill Drive.
- Resolution No. 31010 approving the establishment of a “No Parking” zone on the south side of Donnelly Drive.
- Resolution No. 31011 approving the establishment of a “No Parking” zone on the west side of Lindale Drive from West 8th Avenue to Parkview Drive and on the east side of Lindale Drive from the intersection of West 8th Avenue to 90 feet north of West 8th Avenue and on the east side of Lindale Drive from 50 feet south of Alpine Road westerly to the intersection of Alpine Road easterly and rescinding Resolution No. 10667
- Resolution No. 31012 approving the establishment of a “No Parking” zone on the west side of Parkview Drive and the east side of Parkview Drive between West 9th Avenue and West 8th Avenue.

Moved by Jensen, seconded by Atkins, to approve project calendar as shown above. Councilmember Jensen asked what aspects were looked at when determining what side of street to allow parking. City Engineer Mike Barkalow stated that staff looks at driveways, mailboxes and hydrants and then choose the side with most available lineal feet. Councilmember Jensen stated he drove this area today and sees no major reason to alter any of the proposed "No Parking" zones. Councilmember Strnad also stated that he sees no major reason to alter any of the proposed zones. Councilmember Harper stated he is also in support of moving forward and then re-evaluate in the spring. Councilmember Jensen asked when signs would be installed. Public Services Director Ryan Miller stated it would be end of December.

Approved unanimously

#### Community Development

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) (second consideration)

Moved by Atkins, seconded by Jensen, to approve the second consideration of

Ordinance No. 22-23.

Approved by the following votes:

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

Nays: AbouAssaly

Abstained: AbouAssaly

## **OTHER DEPARTMENT DISCUSSION**

No other discussions took place.

## **PUBLIC FORUM**

Scott Foens (2223 Tamerac Circle) provided some history about the Marion Fire Department dating back to the late 1800's.

## **COUNCIL COMMENTS**

Councilmember Jensen stated today was National Take A Hike Day and there was a "Hike with Mike" event earlier this afternoon that was led by Mike Cimprich. He stated it was through Legion Park and that there is a great view at the top of the hill in that park.

Councilmember Harper stated Mike Cimprich was recognized as the inaugural recipient of the Merrell Changing Nature of Work Award. He also wished everyone a great Thanksgiving.

Mayor AbouAssaly congratulated Mike Cimprich for his award. He and his team planted over 1500 trees and has had a crucial impact on replanting efforts in Marion. Mayor AbouAssaly also thanked Tom Treharne for his service to Marion and wished him the best. He thanked everyone for their hard work as we approach the holidays and is grateful to be a part of this team and serve the residents of Marion.

## **CLOSED SESSION**

Motion to adjourn to closed session regarding real estate transactions as permitted under Section 21.5(1)(j) of the Code of Iowa.

Moved by Brandt, seconded by Harper, to adjourn to closed session as stated above. Assistant City Attorney Amy Reasner stated that she has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. A roll call vote was taken.

Approved unanimously

Moved by Jensen, seconded by Atkins, to reconvene to regular session.

Approved unanimously

## **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 7:21 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