



MINUTES

City Council Regular Session

5:30 PM - Thursday, May 18, 2023
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, May 18, 2023, 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, Will Brandt, and Gage Miskimen

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

Proclamation - American Legion Auxiliary Poppy Days (May 19-20, 2023)

Mayor AbouAssaly read and presented the proclamation referenced above to representatives from the American Legion Auxiliary.

Proclamation - Kids to Parks Day (May 20, 2023)

Mayor AbouAssaly read and presented the proclamation referenced above to Allie Waterman with Marion Parks and Recreation. Waterman stated Kids to Parks Day will be celebrated in Marion at the Great American Kites event at Lowe Park this Saturday.

PRESENTATIONS

Community Life-Saving Award Presentation

Deputy Fire Chief Jason Hansen presented the above referenced award to Nick Martin and Nicholas Oxley. On March 8, 2023 an individual had a cardiac event in which two bystanders acted without hesitation to provide life saving CPR and direction. Nick Martin witnessed the event and immediately summoned 911 while directing another bystander, Menards employee Nicholas Oxley, to perform CPR. This action helped lead to a positive patient recovery.

Deputy Fire Chief Jason Hansen presented the above referenced award to Blake Walker. On April 26, 2023 Lowe Park and Hy-Vee hosted the Encore Café when a customer began to choke on a piece of food and made their way to the bathroom. Blake Walker recognized the situation and followed the customer to the bathroom, waiting in the hall. When the customer exited they were showing classical signs of choking and Blake took action by delivering the Heimlich maneuver to dislodge the obstruction

PUBLIC FORUM

Molly Mulherin (4042 Kinderhook Lane) spoke in opposition of the Dollar Tree development and in support of the moratorium request relating to the development of dollar/deep discount stores.

Erin Murrin (482 Barrington Parkway) spoke in support of the moratorium request relating to the development of dollar/deep discount stores.

Sonia Reigles (757 Eastview Avenue) spoke in support of the moratorium request relating to the development of dollar/deep discount stores.

Shannon Schroeder (592 Barrington Parkway) spoke in support of the moratorium request relating to the development of dollar/deep discount stores.

Katie Lowe Lancaster (5004 North 10th Street) spoke in opposition of the 2023 Lowe Park Master Plan as currently designed.

The following comment submitted prior to the meeting was shown: Carol and Kevin Leuenhagen (392 Barrington Parkway) wrote in support of a moratorium request relating to development of dollar/deep discount stores.

CONSENT AGENDA

Administrative Services

Minutes of the May 2 and 4, 2023 City Council meetings

Mayor AbouAssaly's recommended appointment:

- Civil Service Commission - John Godar - term expires 3/31/2027
- Civil Rights Commission - Megan Middaugh - term expires 12/31/2024
- Area Ambulance Board - City Manager Ryan Waller

Liquor license including the following:

- Renewal - Uptown Snug - 760 11th Street
- New - Marion Metro Kiwanis- 4500 10th Street

Receive and file correspondence from Bob Stokes regarding resignation from the Marion Municipal Airport Committee and the Airport Visioning Team.

Motion to approve Hold Harmless Agreement with:

- Marion Chamber of Commerce regarding Uptown Marion Market June 10, July 8, August 12 and September 30 on 7th Ave and in the Artway

Receive and file April 2023 department monthly reports

Payments as presented in the amount of \$5,408,158.02

Resolution No. 31376 approving memorandum of understanding with City of Cedar Rapids, City of Hiawatha and the Cedar Rapids Metro Economic Alliance regarding a collaborative growth initiative and authorizing payment in an amount not to exceed \$20,000

Resolution No. 31377 approving agreement with Marion Cares regarding the award of funds from the Civil Rights Commission Low to Moderate Income Housing Grant program and authorizing payment in the amount of \$20,000

Resolution No. 31378 approving partial payment no. 30 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$786.25

Resolution No. 31379 authorizing and approving a Loan Agreement and providing for the issuance of \$6,585,000 General Obligation Corporate Purpose Bonds, Series 2023B and providing for the levy of taxes to pay the same

Resolution No. 31380 authorizing and approving a Loan Agreement, authorizing the call of outstanding Bonds, providing for the issuance of \$3,060,000 Taxable General Obligation Refunding Bonds, Series 2023C, and providing for the levy of taxes to pay the same

Parks

Receive and File Lowe Park Master Plan

Engineering

Resolution No. 31381 accepting the 788 2nd Street Disposal Project (TRANS-18-092)

Resolution No. 31382 approving partial payment no. 22 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$760 (TRL-17-055)

Resolution No. 31383 approving partial payment no. 24 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,265.88 (TAP-U-4775(638)—81-57)(TRL-17-055)

Resolution No. 31384 approving Task Order No. 3 with HDR regarding Alburnett Road Extension Real Estate Services (RES) and approving payment in the amount of \$128,000 (TRANS-18-092)

Resolution No. 31385 approving a contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the 2024 HWY 100 & East Post Road Traffic Signals and Turn Lane Improvement Project and approving payments in the amount of \$75,000 (CS-TSF-4775(644)--85-57) (TRANS-20-002)

Resolution No. 31386 approving a contract amendment with Snyder and Associates regarding scope limits to the contract for the 2018 Alburnett Road Extension Project Phase I and approving payment for an additional amount of \$112,150 for a new contract total not to exceed \$936,750 (TRANS-18-092)

Motion to approve project calendar regarding Temporary Construction Easements associated with the 2023 Sidewalk Ramp Project as follows:

- Resolution No. 31387 approving Temporary Construction Easement with Jon Wangler, 2365 Northview Drive, regarding the 2023 Sidewalk Ramp Project (ANN-18-106)

- Resolution No. 31388 approving Temporary Construction Easement with Michael Heidt, 2690 Northview Drive, regarding the 2023 Sidewalk Ramp Project (ANN-18-106)
- Resolution No. 31389 approving Temporary Construction Easement with James C Hebenstreit, 2415 24th Street, regarding the 2023 Sidewalk Ramp Project
- Resolution No. 31390 approving Temporary Construction Easement with Jampat L.L.C., 2395 24th Street, regarding the 2023 Sidewalk Ramp Project
- Resolution No. 31391 approving Temporary Construction Easement with Natalie R. Roston, 1245 English Boulevard, regarding the 2023 Sidewalk Ramp Project
- Resolution No. 31392 approving Temporary Construction Easement with David M. Sodawasser, 1100 English Boulevard, regarding the 2023 Sidewalk Ramp Project
- Resolution No. 31393 approving Temporary Construction Easement with Marion Independent School District , 1400 10th Avenue, regarding the 2023 Sidewalk Ramp Project

Motion to approve Project Calendar regarding Temporary Construction Easements associated with 3rd Avenue Reconstruction Project (NSI) as follows:

- Resolution No. 31394 approving Temporary Construction Easement with The Lynda Burrows Trust, 302 22nd Street, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
- Resolution No. 31395 approving Temporary Construction Easement with Larry J Foxen, 440 22nd Street, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
- Resolution No. 31396 approving Temporary Construction Easement with Ronald J Crippen, 2304 3rd Avenue, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
- Resolution No. 31397 approving Temporary Construction Easement with Dean K Darling and Judith K Walters, 2598 3rd Avenue, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)

Resolution No. 31398 authorizing the execution and submittal of a grant application to the Iowa Department of Transportation regarding funding for the Marion Airport to bury the overhead power lines on the Runway 17 approach and for the installation of a Precision Approach Path Indicator (PAPI)

Community Development

Resolution No. 31399 setting a public hearing for June 8, 2023 regarding an amendment to Chapter 284-6.F(5) related to lot widths and Chapter 340-8.2B(11)(p) related to parking requirements of the Marion Code of Ordinances

Resolution No. 31400 approving payment no. 41 to Shoemaker Haaland per the contract for the CeMar Trail in the amount of \$2,155.75 (TAP-U-4475(630)-8I-57) (TRL-17-055)

Resolution No. 31401 approving The Coves at English Glen Second Addition

Final Plat and Memorandum of Agreement for property located east of 35th Street and north of English Glen Avenue, Marion, Iowa (Adam Stradt)

Library

Resolution No. 31402 approving the extension of certain Library Board members to be consistent with the current ordinance relating to the Library Board

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Harper at 5:55 p.m. Mayor Pro Tem Harper presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Services

Resolution No. 31403 approving partial payment no. 3 to Conlon Construction Construction Manager Services related to storm repairs for Marion City Hall in the amount \$2,803.76

Resolution No. 31404 approving payment no. 1 to Conlon Construction regarding the existing Public Service Maintenance Facility in the amount of \$10,023.49

Resolution No. 31405 approving partial payment no. 2 for Elite Fire regarding the Public Service Maintenance Facility and authorizing payment in the amount of \$11,812.30 (FACS-17-069)

Resolution No. 31406 approving payment no. 3 to Conlon Construction regarding construction manager services for the new Public Service Maintenance Facility in the amount of \$195,993

Resolution No. 31407 approving payment no. 4 to Conlon Construction regarding construction manager services for new Public Services Maintenance Facility in the amount of \$64,355.03

Resolution No. 31408 approving an additional contract to Wendling Quarries regarding concrete reclamation and recycling services and authorizing payment for an additional amount not to exceed \$19,981.25

Engineering

Resolution No. 31409 approving payment to Rinderknecht Associates, Inc. for the Central Plaza Project in an amount not to exceed \$365,190 (REC-18-039)

Community Development

Resolution No. 31410 approving Green Park Apartment Living - Phase 2, Final Site Development Plan for property located at 1002 31st Street, Marion, Iowa (Green Park Apartment Living, LLC)

Moved by Brandt, seconded by Jensen, to approve consent agenda with Mayor

AbouAssaly's abstention as shown above.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 5:56 p.m.
Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

Ordinance No. 23-08 amending Chapter 355 of the Code of Ordinances regarding Electric Franchise with Interstate Power and Light Company (Alliant Energy) including the addition of franchise fees (second consideration).

Moved by Mentzer, seconded by Brandt, to approve the second consideration of Ordinance No. 23-08.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-08.

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

Approved unanimously

Ordinance No. 23-08 amending Chapter 355 of the Code of Ordinances regarding Electric Franchise with Interstate Power and Light Company (Alliant Energy) including the addition of franchise fees (final consideration)

Moved by Miskimen, seconded by Strnad, to approve the final consideration of Ordinance No. 23-08.

Approved unanimously

Ordinance No. 23-09 amending Chapter 355 of the Code of Ordinances regarding Electric Franchise with Linn County Rural Electric Cooperative Association (Linn County REC) including the addition of franchise fees (second consideration)

Moved by Jensen, seconded by Harper, to approve the second consideration of Ordinance No. 23-09.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-09

Moved by Harper, seconded by Jensen, to approve the item referenced above.

Approved unanimously

Ordinance No. 23-09 amending Chapter 355 of the Code of Ordinances regarding Electric Franchise with Linn County Rural Electric Cooperative Association (Linn County REC) including the addition of franchise fees (final consideration)

Moved by Brandt, seconded by Harper, to approve the final consideration of Ordinance No. 23-09.

Approved unanimously

Ordinance No. 23-10 amending Chapter 360 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees (second consideration)

Moved by Mentzer, seconded by Brandt, to approve the second consideration of Ordinance No. 23-10.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-10

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

Approved unanimously

Ordinance No. 23-10 amending Chapter 360 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees (final consideration)

Moved by Miskimen, seconded by Strnad, to approve the final consideration of Ordinance No. 23-10.

Approved unanimously

Ordinance No. 23-11 amending various sections of the Marion Code of Ordinances (second consideration)

Moved by Jensen, seconded by Harper, to approve the second consideration of Ordinance No. 23-11.

Approved unanimously

Motion to approve a liquor license including the following:

- New - St. Joseph Catholic Church (Fun Days) - 1790 14th Street

Moved by Harper, seconded by Jensen, to approve the item referenced above.

Approved by the following votes:

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

Abstained: Strnad

Public Safety

Resolution No. 31411 approving contract with Sensys Gatso to provide an Automated Traffic Camera program

Moved by Brandt, seconded by Harper, to approve Resolution No. 31411. Police Chief Mike Kitsmiller spoke about repairs to the equipment, the license plate reader and the retention of data. Councilmember Harper asked about image quality as the citation is reviewed. Kitsmiller stated when a citation is sent there is a link included for them to view the video. If the plate is unclear, no citation will be issued.

Approved unanimously

Community Development

Resolution No. 31412 approving the Central Corridor Review for property located at 660 & 684 10th Street Marion, Iowa (Masonic Temple Association)

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 31412.

Approved unanimously

Public hearing regarding a request for partial demolition of the Marion Depot Pavilion located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as Uptown Historic District

Mayor AbouAssaly opened the public hearing regarding item referenced above. Principal Planner Dave Hockett provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 31413 approving the partial demolition of the Marion Depot Pavilion located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as Uptown Historic District

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 31413.

Approved unanimously

Public hearing regarding a request for the removal of the Caboose located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as the Uptown Historic District

Mayor AbouAssaly opened the public hearing regarding item referenced above. Principal Planner Dave Hockett provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 31414 approving a request for the removal of the Caboose located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as the Uptown Historic District

Moved by Miskimen, seconded by Strnad, to approve Resolution No. 31414.

Approved unanimously

Resolution No. 31415 approving contract with Wabtec Inc. for the refurbishment of the Caboose and authorizing payment in the amount not to exceed \$49,552 (REC-24-001)

Moved by Jensen, seconded by Miskimen, to approve Resolution No. 31415.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Harper at 6:22 p.m. Mayor Pro Tem Harper presided over the meeting.

Motion to receive and file a request for a moratorium related to the development of dollar stores / deep discount stores in the City of Marion. (Shannon Peek Schroeder)

Moved by Mentzer, seconded by Jensen, to approve the item referenced above. City Attorney Kara Bullerman stated that this is just to receive and file of the request so approving this item would not enact a moratorium. Bullerman also

stated the City can't issue a moratorium as the applicant has already applied for the project and we need to let the process play out. Councilmember Mentzer asked if further discussion can be had at a later meeting about issuing a moratorium. Bullerman stated staff could add a discussion to the agenda once the project has gone through the Planning and Zoning Commission process. Councilmember Harper clarified that the project is on the Planning and Zoning Commission agenda on June 13 and it would only come back to City Council if the applicant appeals the Commission's decision.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 31416 approving support of a Workforce Housing Tax Credit application to be submitted to the Iowa Economic Development Authority (IEDA) for 1277 8th Avenue LLC

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 31416. Councilmember Jensen is in support of this project but stated he still has concerns with the amount of parking for the project. Deputy City Manager Kim Downs stated staff has been in communication with the property owner and will bring back the full project.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Harper relinquished the gavel to Mayor AbouAssaly at 6:31 p.m. Mayor AbouAssaly presided over the meeting.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Miskimen stated he was able to attend his first Council office hours on his own this past week and everyone was kind and welcoming.

Councilmember Jensen spoke about going to his daughters graduation at William Penn University and stated the Marion Arts Festival is this weekend and he hopes everyone gets out to enjoy it.

Councilmember Harper stated he attended two different metropolitan planning organization meetings this past week and he stated there was great discussion and the outcomes have shown regional cooperation.

Mayor AbouAssaly stated he recently had the privilege to honor the graduation seniors who were involved with the Safe and Drug Free Schools program. He stated last week two other Main Street Communities were in the area and it was great to hear what other

communities are doing. He stated it's been five years since the implementation of Encore Cafe and congratulated everyone who is involved with that program.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:37 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