



MINUTES

City Council Regular Session

5:30 PM - Thursday, July 20, 2023
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, July 20, 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, Sara Mentzer, Will Brandt, and Gage Miskimen

ABSENT: Grant Harper and Nicolas AbouAssaly

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - National Disability Independence Day (July 26, 2023)

Councilmember Miskimen read and presented the proclamation referenced above to Megan Middaugh with the Marion Civil Rights Commission.

PRESENTATIONS

Recognition of Lieutenant Nathan Rompot

Fire Chief Tom Fagan recognized Lieutenant Nathan Rompot on his recent graduation from the National Fire Academy's Managing Officer Program.

PUBLIC FORUM

Chevy Bushaw (780 11th Street) state he is here on behalf of Short's Burgers to answer any questions regarding their request to add an awning to their building.

CONSENT AGENDA

Administrative Services

Minutes of the July 6, 2023 City Council meeting

Motion to approve liquor licenses including the following:

- Renewal - Casey's General Store #2924 - 1100 Eagleview Drive
- Renewal - Blooms by BladeWorks - 1440 Blairs Ferry Rd
- New - Bistro @ Blooms - 1440 Blairs Ferry Rd

Receive and file June 2023 department monthly reports

Payments as presented in the amount of \$2,047,069.40

Certified List for Firefighter

Resolution No. 31491 approving agreement with Insight Public Sector Inc. for Microsoft software licensing and authorizing payment in the amount of \$194,548.23

Resolution No. 31492 adopting final assessment schedule for Fiscal Year 2024 Quarter 1 Delinquent Fees and Confirming and Levying the Assessments

Resolution No. 31493 authorizing and directing East Central Iowa Council of Governments (ECICOG) to submit application and associated documents for funding for the Community Development Block Grant Disaster Recovery (CDBG-DR) Derecho Tree Replacement Program to the Iowa Economic Development Authority

Resolution No. 31494 approving partial payment no. 32 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$231.25

Public Services

Resolution No. 31495 approving partial payment no. 6 to Conlon Construction regarding construction manager services for the new Public Service Maintenance Facilities in the amount of \$82,980.47 (FACS-17-069)

Public Safety

Resolution No. 31496 approving the Governing Body Review with Linn County and City of Cedar Rapids regarding the 2023 Byrne Justice Assistance Grant (JAG) Program Award

Parks

Resolution No. 31497 approving purchase of a front-end utility mower and attachments from Cove Equipment Kubota in amount not to exceed \$58,000, a trade-in of a John Deere 1585 utility tractor for a credit amount of \$25,000 and authorizing payment in the amount of \$33,000

Engineering

Resolution No. 31498 approving a memorandum of agreement with Frazier Land Investments, LLC allowing the proposed Jacob's Landing site to be included in the Dry Creek Storm Water Detention District

Resolution No. 31499 accepting the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project Supplemental Contract (TRANS-19-118) (CS-TSF-4775(641)--85-57)

Motion to approve project calendar regarding the 2023 1112 6th Avenue Site

Stabilization Project as follows:

- Resolution No. 31500 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2023 1112 6th Avenue Site Stabilization Project
- Resolution No. 31501 awarding bid, authorizing approval of the contract and insurance with Soil Concepts, Inc. regarding the 2023 1112 6th Avenue Site Stabilization Project and authorizing payment in the amount of \$11,662.50

Resolution No. 31502 accepting 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 [TAP-U-4775(638)—8I-57] (TRL-17-055)

Resolution No. 31503 approving change order no. 2 with LL Pelling Co, Inc. regarding the 2023 10th Avenue Resurfacing Project for quantity overruns and authorizing payment in the amount of \$201,106 (ANN-24-001; TRANS-18-090)

Community Development

Resolution No. 31504 approving the Central Corridor Review for Shorts Burger facade update for property located at 780 11th Street, Marion, Iowa (Chevy Bushaw)

Moved by Mentzer, seconded by Strnad, to approve consent agenda as shown above. Councilmember Mentzer asked if the awning proposed at Short's Burger will be metal. Chevy Bushaw, property owner of Short's Burger, stated it would be.

Approved unanimously

REGULAR AGENDA

Administrative Services

Ordinance No. 23-18 amending Section 1-1 regarding General Provisions and Subsection 313-10.7A regarding Parking Regulations of the Marion Code of Ordinances (second consideration)

Moved by Strnad, seconded by Mentzer, to approve the second consideration of Ordinance No. 23-18.

Approved unanimously

Ordinance No. 23-21 amending various sections of the Marion Code of Ordinances to update to gender neutral pronouns (initial consideration)

Moved by Miskimen, seconded by Strnad, to approve the initial consideration of Ordinance No. 23-21.

Approved unanimously

Public hearing on a proposal to enter into a Sewer Revenue Improvement Loan Agreement

Deputy Mayor Pro Tem Brandt opened the public hearing regarding item

referenced above. Finance Director Lianne Cairy provided a staff report. No comments, written or verbal, were received. Deputy Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 31505 taking additional action on proposal to enter into a Sewer Revenue Improvement Loan Agreement, combining Loan Agreements, and authorizing the use of a preliminary official statement for the sale of Sewer Revenue Bonds, Series 2023D

Moved by Jensen, seconded by Miskimen, to approve Resolution No. 31505.
Approved unanimously

Resolution No. 31506 authorizing the use of a preliminary official statement for the sale of Solid Waste Revenue Bonds, Series 2023E

Moved by Mentzer, seconded by Jensen, to approve Resolution No. 31506.
Approved unanimously

Engineering

Ordinance No. 23-22 amending Chapter 247 of the Marion Code of Ordinances regarding Stormwater Management (initial consideration)

Moved by Strnad, seconded by Mentzer, to approve the initial consideration of Ordinance No. 23-22.
Approved unanimously

Community Development

Ordinance No. 23-14 amending Chapter 126, Article III of the Marion Code of Ordinances regarding Electrical Code (final consideration)

Moved by Miskimen, seconded by Strnad, to approve the final consideration of Ordinance No. 23-14.
Approved unanimously

Ordinance No. 23-15 amending Section 126-92 of the Marion Code of Ordinances regarding Housing Code (final consideration)

Moved by Jensen, seconded by Miskimen, to approve the final consideration of Ordinance No. 23-15.
Approved unanimously

Ordinance No. 23-16 amending Section 223-2 of the Marion Code of Ordinances regarding Nuisance Abatement (final consideration)

Moved by Mentzer, seconded by Jensen, to approve the final consideration of Ordinance No. 23-16.
Approved unanimously

Ordinance No. 23-17 amending Section 247-2 and adding a new section to the Marion Code of Ordinances regarding Property Maintenance (final consideration)

Moved by Strnad, seconded by Mentzer, to approve the final consideration of Ordinance No. 23-17.
Approved unanimously

Ordinance No. 23-19 approving an amendment to table 340-5.7-1 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 Miskimen, seconded by Strnad, to approve the second consideration of Ordinance No. 23-19.

Approved unanimously

Resolution No. 31507 approving a variance to waive Chapter 284, Subdivision of Land regulations to permit the length of Timber Ridge Court within the proposed Jacobs Landing Addition to exceed a length of 600 feet. (Schnoor Bonifazi on behalf of Frazier Land Investments, LLC)

Moved by Jensen, seconded by Miskimen, to approve Resolution No. 31507. Councilmember Strnad stated he brought up concerns on Tuesday but with further review and discussions with staff he no longer has any issues.

Approved unanimously

Resolution No. 31508 approving Jacobs Landing Addition Preliminary Plat located north of East Robins Road and west of Alburnett Road, Marion, Iowa. (Frazier Land Investments, LLC)

Moved by Mentzer, seconded by Jensen, to approve Resolution No. 31508.

Approved unanimously

Resolution No. 31509 approving revised elevations associated with the Boulevard Apartments Final Site Development Plan for property located at 648 Marion Boulevard, Marion, Iowa. (Talon Development)

Moved by Strnad, seconded by Mentzer, to approve Resolution No. 31509. Moved by Strnad, seconded by Mentzer to table Resolution No. 31509 until August 3, 2023.

Tabled unanimously

Resolution No. 31510 approving a final site development plan for the Holiday Inn Express and Suites for property located at 5993 Carlson Way, Marion, Iowa (Hart Family Hotels)

Moved by Miskimen, seconded by Jensen, to approve Resolution No. 31510.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

Update Regarding the Automated Traffic Enforcement (ATE) Camera Program

Police Chief Mike Kitsmiller provided an update on the ATE camera program. He stated approval has been received from the Iowa Department of Transportation and equipment will start being installed on Monday, July 24. Signs will also be placed at entrances to the City. Once cameras are live there will be a 30 day warning period. Councilmember Mentzer asked about the mobile unit camera and how that will be placed. Kitsmiller stated it will be done via request or in problem areas and locations will be announced on social media.

PUBLIC FORUM

Scott Foens (2231 Tamarac Circle) provided historical information on the fairgrounds that used to be located in Marion.

COUNCIL COMMENTS

Councilmember Jensen referenced the fairgrounds that Scott Foens talked about and stated as a child he went to the Indian Creek Country Club for the fireworks. He also asked Fire Chief Fagan about his firefighter recruitment process. Fire Chief Fagan stated earlier on the agenda the certified list was approved for firefighter and interviews begin next week.

Councilmember Mentzer spoke about Sunrise Yoga at Lowe Park. She stated last Saturday they had the largest number in attendance in the last ten years as the event was part of Corridor Corporate Games.

Councilmember Strnad stated that RAGBRAI starts next week and he will be attending with his wife and wishes everyone who is participating a safe ride.

ADJOURN

Deputy Mayor Pro Tem Brandt adjourned the meeting at 6:09 p.m.

Will Brandt, Deputy 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