



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, October 19, 2023  
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, October 19, 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.

### PRESENTATIONS

#### Police Department Promotions

Police Chief Mike Kitsmiller shared accomplishments of Officer Nikki Hotz and Sergeant Mike Rozek and recognized their respective promotions to Sergeant and Lieutenant.

### PUBLIC FORUM

No one came forward to speak.

### CONSENT AGENDA

#### Administrative Services

Minutes of the October 3 and 5, 2023 City Council meeting

Liquor licenses including the following:

- Renewal - Aldi - 1001 50th Street
- Renewal - Barrel House - 295 Tower Terrance Road
- Renewal - Best Western Longbranch - 90 Twixt Town Road
- Renewal - West End Diner - 809 6th Ave
- New - Hy-Vee Gas - 3550 HWY 151

Receive and file September 2023 department monthly reports

Payments as presented in the amount of \$1,256,026.13

Mayor AbouAssaly's recommended appointment of Jake Hahn to the Corridor Metropolitan Planning Organization's Long Range Transportation Plan (LRTP)

## Steering Committee

Receive, file and approve the 2024 City Council Meeting Schedule

Resolution No. 31634 adopting final assessment schedule for Fiscal Year 2024 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments

Resolution No. 31635 approving change order no. 2 with King Knutson Construction for the Pre-Engineered Metal Building Package and authorizing payment in the amount of \$7,800 (FACS-17-069)

Resolution No. 31636 approving acceptance of a conservation easement for 524 10th Street (McGowan House)

Motion to receive and file correspondence regarding a request from Andrew Shifflet to suspend utility billing during temporary vacancies and referring the matter to the Water Board

Resolution No. 31637 approving the Annual Street Finance Report for the year ended June 30, 2023

Resolution No. 31638 approving the Certificate of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2024-2025 collection

Motion to approve project calendar regarding the following internal loan advances:

- Resolution No. 31639 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Collins Road Extension Urban Renewal Area
- Resolution No. 31640 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Central Corridor Urban Renewal Area
- Resolution No. 31641 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Echo Hill Road Urban Renewal Area
- Resolution No. 31642 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the 29th Avenue Urban Renewal Area
- Resolution No. 31643 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the West Tower Terrace Road Urban Renewal Area

## Public Services

Resolution No. 31644 approving an agreement with GovTempsUSA, LLC regarding temporary employment in the Public Service Department and authorizing payment in the amount as shown in the agreement

Resolution No. 31645 approving change order no. 1 with SCS Engineers for the Solid Waste Collections Study and authorizing payment in the amount of \$54,000

Resolution No. 31646 approving purchase of sideload automated solid waste trucks from Kilburg Equipment and authorizing payment in the amount of

\$2,295,834

#### Public Safety

Resolution No. 31647 approving an amended agreement with Foundation 2 for continuation of law enforcement liaison support at the Marion Police Department and authorizing payment in the updated amount of \$72,327

#### Parks

Resolution No. 31648 approving purchase of glass replacement for the McGowan House windows from AM Glass Repair and authorizing payment in the amount of \$20,060

#### Engineering

Resolution No. 31649 accepting the 2023 1112 6th Avenue Site Stabilization Project

#### Community Development

Resolution No. 31650 accepting a warranty deed for Lots A and B, Squaw Creek Meadows Fourth Addition in the City of Marion, Linn County, Iowa (Platinum Development LLC)

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

Approved unanimously

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

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

#### Administrative Services

Resolution No. 31651 Authorizing Internal Advance for Funding of Urban Renewal Airport Operating and Support Program for the Collins Road Extension Urban Renewal Area

Moved by Mentzer, seconded by Brandt, to approve Resolution No. 31651.

Approved by the following votes:

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

Abstained: AbouAssaly

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

### **REGULAR AGENDA**

## Administrative Services

Ordinance No. 23-25 amending Section 55-8 regarding Scheduled Violations, Subsection 218-3 regarding Noise Enforcement-Fines, and Chapter 309-5(C) regarding Vehicles, All-Terrain, Off-Road Utility and Snowmobiles of the Marion Code of Ordinances (final consideration)

Moved by Strnad, seconded by Mentzer, to approve the final consideration of Ordinance No. 23-25.

Approved unanimously

## Engineering

Public comment regarding a request for no parking on School Street between 1st Avenue and 2nd Avenue

Mayor AbouAssaly opened the public comment period regarding item referenced above. City Engineer Mike Barkalow provided a staff report. The following comment was submitted prior to the meeting: Dwaine Hartman (120 School Street) wrote that he would prefer a limited no parking zone during drop-off/pick up hours Monday through Friday. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Motion to receive and file Traffic Advisory Committee (TAC) report regarding a request for no parking on School Street between 1st Avenue and 2nd Avenue

Moved by Miskimen, seconded by Strnad, to approve item referenced above.

Approved unanimously

Resolution No. 31652 approving the establishment of a "No Parking" zone on the west side of School Street between 1st Avenue and 2nd Avenue

Moved by Jensen, seconded by Miskimen, to approve Resolution No. 31652.

Approved unanimously

## Community Development

Ordinance No. 23-27 approving a request to rezone property from AG, Agricultural Holding, to PUD, Planned Unit Development for property located south of Fernow Road and east of Bluegrass Street, Marion, Iowa (Rookwood Estates, LLC) (second consideration)

Moved by Miskimen, seconded by Jensen, to approve the second consideration of Ordinance No. 23-27.

Approved unanimously

Public hearing regarding a moratorium related to commercial uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor Zoning Districts (continued from Oct. 5, 2023)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Erin Murrin (482 Barrington Parkway) spoke in support of the moratorium. Gae Sharp-Richardson (1244 7th Avenue) shared concerns about including the artist live/work use restriction. Neil Murrin (482 Barrington Parkway) spoke in support

of the moratorium specifically along Tower Terrace Road. The following comments were submitted prior to the meeting: Atlas LP Company requested removal of property zoned Business Regional South of Highway 151 from scope of moratorium; Gae Sharp-Richardson (1244 7th Avenue) shared concerns about including the artist live/work use in the moratorium; Mike Marak (5185 8th Avenue) requested removal of his property from the scope of moratorium; Tara Wagner (542 Barrington Parkway) wrote in support of the moratorium; Sonia Reigles (757 Eastview Avenue) wrote in support of moratorium along Tower Terrace Road. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 23-26 approving a moratorium related to commercial uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor Zoning Districts (second consideration)

Moved by Brandt, seconded by Harper, to approve the second consideration of Ordinance No. 23-26. Principal Planner Dave Hockett reviewed how the ordinance was amended at the October 5, 2023 meeting which included language about legal non-conforming uses and that the moratorium will not restrict the ability to expand or rebuild for an existing use.

Approved unanimously

Councilmember Mentzer left the meeting at 6:08 p.m.

## **PUBLIC FORUM**

No one came forward to speak.

## **COUNCIL COMMENTS**

Councilmember Miskimen encouraged residents to attend the city council candidate forum next week at the Linn-Mar High School on Wednesday, October 25 starting at 5:00 p.m.

Mayor AbouAssaly reviewed a few of the events he has attended during the past couple weeks including the WMT 70th Anniversary event, Sunrise Rotary and the Marion Chamber of Commerce annual meeting. He looks forward to the first session of the Mayor's Youth Council which starts on Saturday. He also thanked Team Marion for nominating him for Mayor of the Year.

## **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:11 p.m.

Respectfully submitted,  
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