



MINUTES

City Council Regular Session

5:30 PM - Thursday, January 4, 2024
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, January 4, 2024, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Grant Harper, Steve Jensen, Gage Miskimen, Nicolas AbouAssaly, Sara Mentzer, Will Brandt, and Randy Strnad

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

Ceremonial Oath of Office:

- Nicolas AbouAssaly - Mayor
- Steve Jensen - At Large
- Gage Miskimen - Ward 1
- Grant Harper - Ward 2
- Will Brandt - Ward 3

Judge Mark Roberts administered the ceremonial oath of office for the above referenced City Council members. In compliance with State Code, the City Clerk administered the official oaths prior to January 2, 2024. Mayor AbouAssaly made statements about the progress Marion has made over the past eight years.

Proclamation - Martin Luther King Jr. Day (January 15, 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to a representative from the African American Museum.

Proclamation - Human Trafficking Prevention and Awareness Month (January 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to a representative from Chains Interrupted.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the December 19 and 21, 2023 City Council meeting

Liquor licenses including the following:

- Renewal - Hy-Vee Food Store - 3600 Business HWY 151 E

Payments as presented in the amount of \$2,044,979.61

Resolution No. 31746 approving updated builder's risk policy with Selective Insurance Company for the new Public Service Maintenance Facility located at 202 44th Street (formerly 4127 3rd Avenue) and authorizing payment in amount of \$6,140

Engineering

Motion to approve project calendar regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (ANN-24-001)
- Motion approving filing of plans, specifications, form of contract and estimate of cost, advertising for bids by posting notice to bidders, and authorizing City officials or designees to receive and open bids regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (ANN-24-001)
- Motion setting public hearing and directing publication thereof for 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (ANN-24-001)

Resolution No. 31747 approving a contract with Boomerang Corporation regarding the 2024 Berm Restoration Project and authorizing payment in the amount of \$67,500

Resolution No. 31748 approving a contract with Shoemaker and Haaland regarding railroad berm staking and authorizing payment in the amount of \$7,300

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

Approved unanimously

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

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Community Development

Resolution No. 31749 approving a request for waiver of subdivision regulations to permit division of property by right-of-way acquisition plat, dedication of right-of-way related to the Alburnett Road extension for property generally located south of Alburnett Road and north of Indian Creek, Marion, Iowa (Midwest

Development Company)

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

Approved by the following votes:

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

Abstained: AbouAssaly

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

REGULAR AGENDA

Engineering

Public Hearing regarding an Easement for Electric Utility with Linn County Rural Electric Cooperative Association regarding the Tower Terrace Road Project from C Avenue to Alburnett Road.

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.

Resolution No. 31750 approving an Easement for Electric Utility with Linn County Rural Electric Cooperative Association regarding the Tower Terrace Road Project from C Avenue to Alburnett Road

Moved by Miskimen, seconded by Harper, to approve Resolution No. 31750.
Approved unanimously

Public comment regarding a request for the addition of a four-way stop at the intersection of C Avenue and South 14th Street.

Mayor AbouAssaly opened the public comment period regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Motion to receive and file a Traffic Advisory Committee (TAC) report regarding a request for a four-way stop at the intersection of C Avenue and South 14th Street

Moved by Mentzer, seconded by Miskimen, to approve the above referenced item. Councilmember Jensen stated since Starry Elementary is closing he agrees with TAC's recommendation. Councilmember Harper and Mentzer also stated they agree with TAC's recommendation.

Approved unanimously

Motion concurring with the Traffic Advisory Committee (TAC) recommendations for the intersection of C Avenue and South 14th Street

Moved by Brandt, seconded by Mentzer, to approve the above referenced item.
Approved unanimously

Community Development

Ordinance No. 24-01 amending Section 263-12 of the Marion Code of Ordinances regarding location restrictions of Sexually Oriented Businesses (second consideration)

Moved by Strnad, seconded by Brandt, to approve the second consideration of Ordinance No. 24-01.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

Discussion and Direction Regarding the Department Monthly Report

City Clerk Rachel Bolender stated staff recently reviewed the information that is provided in the monthly department report and removed items that are reported in another manner such as tracking document, project in motions, IN FOCUS, or newsletters. Bolender asked for Council's feedback on the proposed layout. Councilmember Harper stated he was in support of the proposed monthly report. Councilmember Jensen was also in support of the proposed format and liked that it sent people to our website.

PUBLIC FORUM

Bailey Symonds (4350 Calder Drive, Marion) shared concerns she has with the Marion Police Department.

Dustin Mazgaj (Walford, IA) shared concerns regarding the Marion Police Department and the Linn County Courthouse.

Chris Sherman (2525 Winchester Drive, Marion) with the Marion Sun thanked the community for their support with the online newspaper and provided a 90-day update since they launched.

Billy B (no address provided) shared concerns regarding the City of Marion, Iowa.

COUNCIL COMMENTS

Councilmember Harper stated he looks forward to a productive year.

Councilmember Mentzer wished everyone a happy new year and thanked Team Marion for all the work that's been done.

Councilmember Strnad congratulated everyone on their reelection.

CLOSED SESSION

Motion to adjourn to closed session regarding real estate transactions and litigation as permitted under Section 21.5(1)(j) and Section 21.5(1)(c) of the Code of Iowa. (Two separate items)

Moved by Jensen, seconded by Strnad, to adjourn to closed session as stated above. City Attorney Kara Bullerman 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

Mayor AbouAssaly left the meeting at 7:03 p.m. and relinquished the gavel to Mayor Pro Tem Mentzer. Mayor Pro Tem Mentzer presided over the meeting.

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

Approved unanimously

ADJOURN

Mayor Pro Tem Mentzer adjourned the meeting at 7:42 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