



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, January 18, 2024  
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, January 18, 2024, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

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

ABSENT: Nicolas AbouAssaly

Mayor Pro Tem Mentzer presided over the meeting.

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

### **PUBLIC FORUM**

No one came forward to speak.

### **CONSENT AGENDA**

#### Administrative Services

Minutes of the January 4, 2024 City Council meeting

Liquor licenses including the following:

- Renewal - Indian Creek Country Club - 2401 Indian Creek Rd
- Renewal - Pitchers - 620 Lindale Dr STE 1
- Renewal - Smokin' Joes Tobacco and Liquor Outlet #10 - 480 7th Ave
- Renewal - Wrigleyville Sports Pub - 1899 7th Ave
- Renewal - The Edison Restaurant & Pub - 475 Northland Ave NE

Hold Harmless Agreements with:

- Farmers State Bank regarding Marion By Moonlight on June 6, 13, 20, and 27 at Lowe Park.
- Marion Metro Kiwanis regarding BBQ Rendezvous on June 1, at Lowe Park

Mayor AbouAssaly's recommended appointment:

- Civil Rights Commission - Brian Chubb - term expires 12/31/26
- Civil Rights Commission - Mary Beth O'Neill - term expires 12/31/26

Receive and file correspondence regarding Marilyn Tormey's resignation from

the Tree Board

Receive and file December 2023 department monthly reports

Payments as presented in the amount of \$1,491,204.62

Resolution No. 31751 approving a settlement agreement with Iowa Communities Assurances Pool, Delaney Concrete Construction Company, Inc., and Knapp-Warden, LLC relating to the new public services facility

Resolution No. 31752 adopting final assessment schedule for Fiscal Year 2024 Quarter 3 Delinquent Fees and Confirming and Levying the Assessments

Resolution No. 31753 approving Urban Revitalization application from Boulevard Apartments, LLC located in the 2022 Multifamily Housing Urban Revitalization Area

#### Public Services

Resolution No. 31754 approving purchase of two parallelogram drive-on lifts from Mohawk Lifts related to the Public Services Facility and authorizing payment in the amount of \$403,604.39

Resolution No. 31755 approving purchase and installation from IWI/Parts Authority for two (2) challenger 2-post lifts related to the Public Services Facility and authorizing payment in the amount of \$15,646

Motion to receive and file the Snow and Ice Control Program for 2023-2024

#### Parks

Resolution No. 31756 approving a one year renewal of a Lease Agreement with Greg Carson and Picket Fence Family Farm, for WaterLinn Park 1st Addition, Lot 2 and Lot 3

Resolution No. 31757 approving contract for Community Development Block Grant (CDBG) Services with East Central Iowa Council of Governments (ECICOG) related to a tree grant and authorizing payment in the amount not to exceed \$90,000

#### Engineering

Motion to approve project calendar regarding the 2024 5th Avenue Reconstruction Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- 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 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- Motion setting public hearing and directing publication thereof for 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)

## Community Development

Resolution No. 31758 approving Plat of Survey No. 2809 Parcels A and B for property located north of E Robins Road and west of Morel Court, Marion, Iowa (Nancy Kay Jacobs-DeSotel)

Resolution No. 31759 setting a public hearing for February 8, 2024, regarding a request for the partial demolition per Chapter 173 of the Marion Code of Ordinances for property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)

Resolution No. 31760 setting a public hearing for February 8, 2024 to rezone property from U-1, Uptown-1 to PUD, Planned Unit Development for property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)

Resolution No. 31761 setting a public hearing for February 8, 2024 regarding an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances

## Library

Resolution No. 31762 approving contract for Community Development Block Grant (CDBG) Services with East Central Iowa Council of Governments (ECICOG) for grant administration for the library generator project and authorizing payment in the amount not to exceed \$3,000

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

Approved by the following votes:

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

Abstained: Miskimen

## **REGULAR AGENDA**

### Engineering

Public Hearing regarding the 2024 Storm Sewer Project (ANN-18-031 & ANN-25-001)

Mayor Pro Tem Mentzer opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. No comments, written or verbal, were received. Mayor Pro Tem Mentzer declared the public hearing closed.

Motion to approve project calendar regarding the 2024 Storm Sewer Project as follows:

- Resolution No. 31763 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Storm Sewer Project (ANN-18-031 & ANN-25-001)

- Resolution No. 31764 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Company regarding the 2024 Storm Sewer Project, and authorizing payment in the amount of \$173,312 (ANN-18-031 & ANN-25-001)

Moved by Strnad, seconded by Brandt, to approve the project calendar as shown above.

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 (final consideration)

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

Approved unanimously

### **PUBLIC FORUM**

Bailey Symonds (Marion) stated she spoke at the meeting on January 4, 2024 and incorrect information was shared by Iowa News Now.

Nash Brown spoke on behalf of Legal Assistance with Public Learning Commitment and spoke about their non-profit organization.

Aubrey S. (Marion) spoke about the tinted windows at the Marion Police Department.

Dustin Mazgaj (Walford) spoke about the Iowa News Now news story about the January 4, 2024 Council meeting and spoke about the two different spellings of Police Chief Mike Kitsmiller's name.

### **COUNCIL COMMENTS**

Councilmember Harper spoke about representing Marion on the Corridor Metropolitan Planning Organization (CMPO) board and plans to provide updates on key issues at future meetings. He also spoke about the funding the City received for the Alburnett Road project.

Councilmember Jensen spoke about the winter weather these past two weeks and thanked the Public Services and Parks Departments for their work to clear snow.

Mayor Pro Tem Mentzer also thanked the Public Services and Parks Departments and the rest of Team Marion for their work these last two weeks.

### **CLOSED/EXEMPT SESSION**

Motion to adjourn to closed session regarding litigation and exempt session regarding collective bargaining as permitted under Section 21.5(1)(c) and Section 20.17(3) of the Code of Iowa. (Two separate measures)

Moved by Harper, seconded by Jensen, to adjourn to closed session and then exempt 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

**ADJOURN**

Mayor Pro Tem Mentzer adjourned the meeting at 6:21 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\_\_.

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Rachel Bolender, City Clerk