



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, February 8, 2024  
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, February 8, 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, 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 - Black History Month (February 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to Aaron Doolin with the NAACP. Doolin spoke on his thoughts on the current state of Black History.

#### Proclamation - Love Your Library Month (February 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to staff from the Marion Public Library. Library Director Bill Carroll thanked the Council on behalf of staff and Library board.

### PUBLIC FORUM

Bradley Steenhoek with Save Our Sewers Inc. spoke regarding the Indian Creek Sewer Segment 11 Improvements Project. Mayor AbouAssaly stated that item has a dedicated public hearing where he can provide his comments.

### CONSENT AGENDA

Administrative Services

Minutes of the Jan. 12, 16, 18 and 26, 2024 City Council meetings

Liquor licenses including the following:

- Renewal - Cedar Rapids Bowling Center - 450 Northland Ave
- Renewal - American Legion Post 298 - 625 31st Street

Motion to approve alcohol violation calendar as follows:

- Resolution No. 31765 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Eva's Mexican Restaurant)
- Resolution No. 31766 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Casey's General Store #2770)

Mayor AbouAssaly's recommended appointment:

- Historic Preservation Commission - Bethany Jordan - term expires 12/31/25

Hold Harmless Agreement with:

- City of Marion regarding Marion ICE on February 17 at City Square Park

Payments as presented in the amount of \$4,624,237.33

Resolution No. 31767 approving Fiscal Year 2023-2024 Capital Budget Transfers

Resolution No. 31768 approving partial payment no. 38 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$2,636.25

#### Public Services

Resolution No. 31769 approving three-year service agreement with Aramark to supply uniform rental, laundry service, and janitorial supplies for Public Services and authorizing payment in the amount as outlined in the agreement

#### Engineering

Motion to approve project calendar regarding temporary construction easements associated with the 5th Avenue Reconstruction Project as follows:

- Resolution No. 31770 approving temporary construction easement with Larry Taylor, 510 6th Street, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- Resolution No. 31771 approving temporary construction easement with Chad Chopard, 115 6th Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- Resolution No. 31772 approving temporary construction easement with Karen A. Thornton, 690 5th Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- Resolution No. 31773 approving temporary construction easement with Sally R. Meyer, 501 1st Street, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- Resolution No. 31774 approving temporary construction easement with David E. Burr, 725 5th Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- Resolution No. 31775 approving temporary construction easement with Debbie K. Ohrt, 505 3rd Avenue, regarding the 2024 5th Avenue

## Reconstruction Project (ANN-24-001 & ANN-18-029)

Resolution No. 31776 approving a temporary construction easement agreement with Hoth Properties, 292 7th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$120 (TRANS-18-092)

Resolution No. 31777 approving a temporary construction easement agreement with Puddle Jumpers, 260 7th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$450 (TRANS-18-092)

Resolution No. 31778 approving a temporary construction easement agreement with William C. and Lorrie A. Copper, 225 9th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$170 (TRANS-18-092)

Resolution No. 31779 approving a temporary construction easement agreement with Robert and Angela Rhodes, 224 9th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$170 (TRANS-18-092)

Resolution No. 31780 approving a Temporary Construction Easement Agreement with Gary V. Barnette regarding the 2024 Indian Creek and Dry Run Creek Sanitary Sewer Improvements Project – Segment 11 and authorizing payment in the amount of \$560 (SWR-17-026)

Resolution No. 31781 approving a Permanent Sanitary Sewer Easement Agreement with Gary V. Barnette regarding the 2024 Indian Creek and Dry Run Creek Sanitary Sewer Improvements Project – Segment 11 and authorizing payment in the amount of \$46.83 (SWR-17-026)

Resolution No. 31782 setting a public hearing for February 22, 2024 regarding an Easement for Electric Utility with Interstate Power and Light Company in association with the Alburnett Road Extension Project (TRANS-18-092)

Motion to approve project calendar regarding the 2024 HMA Resurfacing Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 HMA Resurfacing Project (ANN-18-086)
- 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 HMA Resurfacing Project (ANN-18-086)
- Motion setting public hearing and directing publication thereof for the 2024 HMA Resurfacing Project (ANN-18-086)

Motion to approve project calendar regarding the 2024 Caboose Linear Park Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 Caboose Linear Park Project (REC-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 Caboose Linear Park Project (REC-24-001)

- Motion setting public hearing and directing publication thereof for the 2024 Caboose Linear Park Project (REC-24-001)

Motion to approve project calendar regarding the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project as follows:

- Resolution No. 31783 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project
- Resolution No. 31784 awarding quote, authorizing approval of the contract and insurance with K & W Electric, Inc. regarding the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project and authorizing payment in the amount of \$21,750

#### Community Development

Resolution No. 31785 authorizing application to Corridor Metropolitan Planning Organization for regional transportation funds and committing to provide local matching funds contingent upon award and acceptance of transportation grant funds for the additional funding of the CeMar Trail

#### Library

Resolution No. 31786 approving change order no. 2 with TechOps Specialty Vehicles regarding the Bookmobile Project for the Marion Public Library and authorizing payment in the amount of \$57,152.53

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 5:44 p.m. Mayor Pro Tem Mentzer presided over the meeting.

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

Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention as follows:

#### Engineering

Resolution No. 31787 approving Amendment No. 1 to the contract with Rinderknecht Associates, Inc. regarding the Central Plaza Project as a Construction Manager at Risk with a Guaranteed Maximum Price (CMaR with GMP) and authorizing payment in the amount of \$8,352,178 with a substantial completion date of December 24, 2024 (REC-18-039)

Resolution No. 31788 approving a temporary construction easement agreement with John and Randa Khairallah, 115 Marion Boulevard, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$1,030 (TRANS-18-092)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:45 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

### **Parks**

Public hearing regarding the naming of the Caboose Linear Park as Draper Park

Mayor AbouAssaly opened the public hearing regarding item referenced above. Deputy Parks Director Brent Neighbor provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 31789 approving the naming of the Caboose Linear Park property to Draper Park

Moved by Miskimen, seconded by Harper, to approve Resolution No. 31789.

Approved unanimously

### **Engineering**

Public hearing regarding the 2024 10th Avenue Resurfacing Project

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.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:50 p.m. Mayor Pro Tem Mentzer presided over the meeting.

Motion to approve project calendar regarding the 2024 10th Avenue Resurfacing Project as follows:

- Resolution No. 31790 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 10th Avenue Resurfacing Project (ANN-24-001)
- Resolution No. 31791 awarding bid, authorizing approval of the contract, bonds and insurance with LL Pelling Co, Inc. regarding the 2024 10th Avenue Resurfacing, and authorizing payment in the amount of \$1,682,156.80 Project (ANN-24-001)

Moved by Miskimen, seconded by Brandt, to approve project calendar as referenced above. Councilmember Harper asked if there would be any drainage issues. City Engineer Mike Barkalow stated any issues have been addressed

and will be included in the project.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:52 p.m. Mayor AbouAssaly presided over the meeting.

Public hearing regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project

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.

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

- Resolution No. 31792 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (TRANS-20-002)
- Resolution No. 31793 awarding bid, authorizing approval of the contract, bonds, and insurance with Boomerang Corp regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project, and authorizing payment in the amount of \$1,617,333 (TRANS-20-002)

Moved by Brandt, seconded by Mentzer, to approve project calendar as referenced above.

Approved unanimously

Public hearing regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. Bradley Steenhoek with Save Our Sewers Inc. wanted to make sure the Council was aware of the materials that are being used and the life cycle of the pipe. Steenhoek requested for the item to be tabled. Bijan Khamaman with Hobas Pipe USA came forward to confirm that the pipe would work for the project. John Saathoff shared concerns about the alternate bid being recommended and requested the item to be tabled. The following comments were submitted in advance of the meeting: Charlie Moses with American Concrete Products who wrote in opposition of the alternate bid of fiberglass reinforced pipe being recommended. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Motion to approve project calendar regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project as follows:

- Resolution No. 31794 adopting final plans, specifications, form of contract, and estimate of cost regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)

- Resolution No. 31795 awarding bid, authorizing approval of the contract, bonds, and insurance with Boomerang Corp regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project, and authorizing payment in the amount of \$5,669,415.83 (SWR-17-026)

Moved by Strnad, seconded by Brandt, to approve project calendar as referenced above. Councilmember Harper asked some clarification questions about the proposed pipes. City Engineer Mike Barkalow provided more information about each pipe type. Councilmember Jensen asked about the buoyancy differences between the pipes. Barkalow provided information regarding the differences between the two pipes.

Approved unanimously

### Community Development

Public hearing regarding an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances

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

Ordinance No. 24-02 approving an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances (initial consideration)

Moved by Jensen, seconded by Strnad, to approve the initial consideration of Ordinance No. 24-02.

Approved unanimously

Motion to suspend the rules and proceed to the second consideration of Ordinance No. 24-02

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

Approved unanimously

Ordinance No. 24-02 approving an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances (second consideration)

Moved by Miskimen, seconded by Harper, to approve the second consideration of Ordinance No. 24-02.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-02

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

Approved unanimously

Ordinance No. 24-02 approving an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances (final consideration)

Moved by Brandt, seconded by Mentzer, to approve the final consideration of Ordinance No. 24-02.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 6:25 p.m. Mayor Pro Tem Mentzer presided over the meeting.

Public hearing regarding a request 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)

Mayor Pro Tem Mentzer opened the public hearing regarding item referenced above. Planning Division Manager Dave Hockett provided a staff report. Darryl High with High Properties came forward stating he was available to answer questions. No other comments, written or verbal, were received. Mayor Pro Tem Mentzer declared the public hearing closed.

Ordinance 24-03 approving a request 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) (initial consideration)

Moved by Strnad, seconded by Brandt, to approve the initial consideration of Ordinance No. 24-03. Councilmember Jensen stated that he has concerns about a long term parking solution for the area.

Approved by the following votes:

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

Abstained: AbouAssaly

Public hearing regarding a request for the partial demolition of property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)

Mayor Pro Tem Mentzer opened the public hearing regarding item referenced above. Planning Division Manager Dave Hockett provided a staff report. Kyle Martin with Martin Gardner Architecture came forward to speak about the inside of the building. No other comments, written or verbal, were received. Mayor Pro Tem Mentzer declared the public hearing closed.

Resolution No. 31796 approving a request for the partial demolition of property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)

Moved by Jensen, seconded by Strnad, to approve Resolution No. 31796. Councilmember Harper asked if all the stain glass windows will be repurposed and Kyle Martin with Martin Gardner Architecture stated most will be put back in where they currently are and others may be relocated within the building.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 6:39 p.m. Mayor AbouAssaly presided over the meeting.



## **PUBLIC FORUM**

A person who wishes to remain anonymous came forward to talk about the letter he received from Police Chief Mike Kitsmiller and shared his concerns about the Marion Police Department.

Nash Brown with Legal Assistance with Public Learning Commitment thanked the Parks Department and their work at Starry Park. Brown shared his concerns with Judge Kristin L. Denniger.

A person who wishes to remain anonymous came forward and stated he is a gun rights activist and shared concerns about an incident with the Marion Police Department at an open carry demonstration.

Mayor AbouAssaly asked staff to provide information about the other law enforcement agencies mentioned. City Attorney Kara Bullerman stated that the Linn County Sheriff's Office provides security at the Linn County Courthouse and Marion would not have any authority over Linn County. Bullerman also stated the Judge mentioned is a magistrate in Jones County and Marion would also not have any authority in Jones County.

A person who wishes to remain anonymous submitted comments regarding concerns about the public forum rules. The email was shared with City Council in advance of the meeting.

## **COUNCIL COMMENTS**

Councilmember Brandt expressed his excitement about the Super Bowl.

Councilmember Mentzer spoke about a Marion resident who is currently a cheerleader in the NFL and thanked Team Marion for all they do.

Councilmember Miskimen commented about his work with City Manager Ryan Waller and Deputy City Manager Kim Downs at the Future City Competition last month.

Councilmember Harper thanked City Engineer Barkalow for being one step ahead on questions.

Councilmember Jensen spoke about upcoming sports and the excitement for all of local athletes.

Mayor AbouAssaly read an email of appreciation from a resident who received help from the Marion Police Department with a household issue while out of town. He also thanked Team Marion for all the work they do to make Marion a great place to live. Mayor congratulated the team on being selected as the the Community Playmaker Magazine Community of the Year award.

## **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 7:03 p.m.

Respectfully submitted,  
Jenna Silver, Assistant 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