



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, March 21, 2024  
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, March 21, 2024, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

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

ABSENT: Steve Jensen

Mayor AbouAssaly 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 March 5 and 7, 2024 City Council meetings

Receive and file correspondence regarding Eileen Robinson's resignation from the Library Board

Receive and file February 2024 department monthly reports

Payments as presented in the amount of \$2,877,150.71

Liquor licenses including the following:

- Renewal - Beans, Teas & Other Things - 593 62nd Street Suite 108
- Renewal - Hunters Ridge Golf Course - 2901 Hunters Ridge Rd
- Renewal - BP to Go #6 - 1010 East Post Road
- Renewal - Villa's Patio Mexican Restaurant - 433 7th Ave

Hold Harmless Agreements with:

- City of Marion regarding the City Showcase on April 20, 2024 at the Marion YMCA - 3740 Irish Drive
- Marion Chamber Foundation regarding the Marion Arts Festival on May 18, 2024 on 7th Ave between 10th Street & 12th Street, along with the Uptown Artway

- Corridor Running Club regarding the Marion Arts Festival Half Marathon & 5K on May 18, 2024 starting and ending on 6th Avenue

Resolution No. 31851 approving agreement with D.A. Davidson for underwriting services in relation to the offering and issuance of General Obligation Bonds, Series 2024

Resolution No. 31852 setting the date for public hearings on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder

Resolution No. 31853 amending the Schedule of Fees, Bonds and Insurance effective April 1, 2024

Resolution No. 31854 approving the new pay policies within City of Marion Employee Handbook

#### Public Services

Resolution No. 31855 approving the purchase of winter deicer for fiscal year 2024 from Compass Minerals and authorizing payment in the amount of \$285,360

#### Parks

Receive and file the 2024 Park Operations and Urban Forestry Summer Work Plan

Resolution No. 31856 approving purchase from Anova Furnishings regarding park furnishings for the Central Plaza & Depot Uptown Development and authorizing payment in the amount of \$96,077.07 (REC-18-039)

#### Engineering

Motion to approve project calendar regarding the 2024 Pavement Patching Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 Pavement Patching 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 Pavement Patching Project (ANN-24-001)
- Motion setting public hearing and directing publication thereof for 2024 Pavement Patching Project (ANN-24-001)

Motion to receive and file the Traffic Engineering Assistance Program (TEAP) Report for the IA 13 Corridor Traffic Study

Motion to receive file and refer to the Traffic Advisory Committee (TAC) a petition regarding adding marked and lighted crosswalk accommodations at the intersection of East Robins Road and Mulberry Drive

## Community Development

Resolution No. 31857 approving the Squaw Creek Meadows 8th Addition Final Plat and Memorandum of Agreement for property located on the south end of Emerald Court, Marion, Iowa (OPM Properties L.C.)

Resolution No. 31858 approving Jacobs Landing First Addition Final Plat and Memorandum of Agreement for property located north of East Robins Road and east of Meadowknolls Road, Marion, Iowa (Frazier Investments, LLC)

Resolution No. 31859 setting a public hearing for April 4, 2024, regarding amendments to the Marion Zoning Map per a city-initiated zoning request for thirteen properties in Marion, Iowa

## Library

Resolution No. 31860 approving final payment to Bush Construction regarding the Library Building Project in the amount of \$39,114.10 (FACS-17-034)

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:33 p.m. Mayor Pro Tem Mentzer presided over the meeting.

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

### Administrative Services

Resolution No. 31861 amending Resolution 31751 and approving a settlement agreement with Iowa Communities Assurances Pool, Delaney Concrete Construction Company, Inc., Knapp-Warden, LLC, Unzeitig Construction Company, and Merchants Bonding Company relating to the new public services facility

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:34 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

### Administrative Services

Ordinance No. 24-04 designating an area of Marion, Iowa, as the 2024 Multifamily Housing Urban Revitalization Area (initial consideration)

Moved by Brandt, seconded by Miskimen, to approve the initial consideration of Ordinance No. 24-04.

Approved unanimously

## Engineering

Public hearing regarding the 2024 Draper Park Project (REC-24-001)

Mayor AbouAssaly opened the public hearing regarding item referenced above. City Engineer Mike Barkalow provided a staff report. Parks Director Seth Staashelm also 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 Draper Park Project as follows:

- Resolution No. 31862 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Draper Park Project (REC-24-001)
- Resolution No. 31863 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Company regarding the 2024 Draper Park Project, and authorizing payment in the amount of \$289,500 (REC-24-001)

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

Approved unanimously

Public hearing regarding the 2024 HMA Resurfacing Project (ANN-18-086)

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 5:43 p.m. Mayor Pro Tem Mentzer presided over the meeting.

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

- Resolution No. 31864 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 HMA Resurfacing Project (ANN-18-086)
- Resolution No. 31865 awarding bid, authorizing approval of the contract, bonds and insurance with LL Pelling Co., Inc. regarding the 2024 HMA Resurfacing Project, and authorizing payment in the amount of \$998,959.20 (ANN-18-086)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:44 p.m. Mayor AbouAssaly presided over the meeting.

Public Hearing regarding an amendment to Chapter 163 of the Code of Ordinances regarding Flood Damage Prevention and adoption of the 2024 FEMA Flood Insurance Study (FIS) and the 2024 FEMA Flood Insurance Rate Map (FIRM).

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.

Ordinance No. 24-05 adopting amendments to Chapter 163 of the Code of Ordinances relating to Flood Damage Prevention, the 2024 FEMA Flood Insurance Study (FIS) and the 2024 FEMA Flood Insurance Rate Map (FIRM). (Initial Consideration)

Moved by Miskimen, seconded by Harper, to approve the initial consideration of Ordinance No. 24-05. City Engineer Mike Barkalow provided a review of the ordinance changes.

Approved unanimously

## **PUBLIC FORUM**

A person who wishes to remain anonymous shared concerns about the Marion Police Department and referenced a Gazette article from 2021.

A person who gave the name Bailey shared frustrations regarding the last time she spoke at City Council and a letter she received from Police Chief Mike Kitsmiller.

A person who wishes to remain anonymous shared concerns about corruption in City government and the fence that was installed at the Marion Police Department.

A person who wishes to remain anonymous spoke about corruption spreading across Iowa.

## **COUNCIL COMMENTS**

Councilmember Miskimen responded to an earlier comment and stated he was a student in 2019 and not employed with The Gazette.

Councilmember Harper thanked the City staff who fixed an open ditch area next to Tower Terrace.

## **ADJOURN**

Mayor AbouAssaly adjourned the meeting at 6:08 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