



MINUTES

City Council Regular Session

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

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, June 6, 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, Nicolas AbouAssaly, Sara Mentzer, Randy Strnad and Gage Miskimen

ABSENT: Will Brandt

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 June 4 and 6, 2024 City Council meetings

Hold harmless agreement with the City of Marion regarding Music Under the Moon event on June 8, July 13, and August 10, 2024 at Lowe Park

Liquor license renewal for Kum & Go #503 located at 3215 7th Avenue

Mayoral appointment to Corridor Metropolitan Planning Organization (CMPO): City Arborist Mike Cimprich - Policy Alternate - no term expiration

Payments as presented in the amount of \$8,765,994.83

Resolution No. 31960 approving partial payment no. 42 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$277.50

Resolution No. 31961 approving renewal of Workers Compensation Coverage for Fiscal Year 2024-2025 with Iowa Municipal Workers Compensation Association (IMWCA) and authorizing payment in the amount of \$68,762

Public Services

Resolution No. 31962 approving a professional services agreement with Precision Facility Solutions regarding the on-site commissioning of the Public Service Facility and authorizing payment in an amount not to exceed \$66,990 (FACS-17-069)

Public Safety

Resolution No. 31963 approving professional services agreement with Dr. Tony Carter, DO, for services rendered as the Emergency Medical Services Medical Director of the fire department and authorizing payment in the amount of \$6,250 annually

Resolution No. 31964 approving amended Automated Traffic Enforcement (ATE) Camera Policy

Parks

Resolution No. 31965 approving payment of the additional tree inventory assistance fee to Jeffrey L. Bruce & Company (JBC) as part of the Reforestation Plan in the amount not to exceed \$6,460, for a new contract total of \$68,910 (ANN-18-103)

Engineering

Resolution No. 31966 accepting the 2024 Berm Restoration Project

Resolution No. 31967 approving a Federal-aid Agreement for Congressionally Directed Funding with the Iowa Department of Transportation regarding the Alburnett Road Extension Project and accepting funds in the amount of \$7,000,000 (HDP-4775(646)--71-57) (TRANS-18-092)

Resolution No. 31968 approving a permanent encroachment easement agreement with the Heritage Center regarding placement of a carriage stone in the right of way of 590 10th Street

Community Development

Resolution No. 31969 approving 28E Agreement with City of Cedar Rapids regarding the provision of Transit Service to the City of Marion and authorizing payment in the amount of \$448,080

Resolution No. 31970 approving letter of support to Hoth Properties LLC-Hoth Flats

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:35 p.m. Mayor Pro Tem Mentzer presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Safety

Resolution No. 31971 approving renewal of 28E agreement for School Resource Officer (SRO) Program with Linn-Mar School District for period of 7/1/24 to 6/30/27

Engineering

Resolution No. 31972 accepting the Tower Terrace Road improvements associated with the Ridge at Indian Creek 2nd Addition to the City of Marion

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:35 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Councilmember Brandt arrived at 5:36 p.m.

Public Services

Resolution No. 31973 approving contract with Toter for automated collection garbage, recycling and yard waste carts and authorizing payment in the amount not to exceed \$1,800,000

Moved by Harper, seconded by Jensen, to approve Resolution No. 31973.

Approved unanimously

Engineering

Public Hearing regarding the 2024 Storm Intake Project

Mayor AbouAssaly opened the public hearing regarding item referenced above. Public Services Director 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 Storm Intake Project as follows:

- Resolution No. 31974 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Storm Intake Project (ANN-18-031)
- Resolution No. 31975 awarding bid, authorizing approval of the contract, bonds and insurance with Eastern Iowa Excavating and Concrete LLC regarding the 2024 Storm Intake Project, and authorizing payment in the

amount of \$31,123.10 (ANN-18-031)

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

Approved unanimously

Motion to remove Resolution No. 31943 regarding a "No Parking" zone on both sides of 15th Avenue from the table (Tabled 5/23/24)

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

Approved unanimously

Resolution No. 31943 approving the establishment of a "No Parking" zone on both sides of 15th Avenue from 7th Street to 8th Street (Tabled 5/23/24)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 31943. Councilmember Harper stated he'd like some criteria to help Council understand the decision behind these changes.

Approved unanimously

Councilmember Mentzer left the meeting at 5:48 p.m.

Community Development

Public Hearing regarding the Bowman Meadows 9th Addition Preliminary Site Development Plan for property located east of Archer Drive, Marion, Iowa (Midwest Development Co)

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.

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Miskimen at 5:49 p.m. Deputy Mayor Pro Tem Miskimen presided over the meeting.

Resolution No. 31976 approving the Bowman Meadows 9th Addition Preliminary Site Development Plan for property located east of Archer Drive, Marion, Iowa (Midwest Development Co)

Moved by Jensen, seconded by Harper, to approve Resolution No. 31976.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 31977 approving the Bowman Meadows 9th Addition Final Site Development Plan for property located east of Archer Drive, Marion, Iowa (Midwest Development Co)

Moved by Harper, seconded by Jensen, to approve Resolution No. 31977.

Approved by the following votes:

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

Abstained: AbouAssaly

Resolution No. 31978 approving the Bowman Meadows 9th Addition Final Plat and Memorandum of Agreement for property located east of Archer Drive, Marion, Iowa (Midwest Development Co)

Moved by Brandt, seconded by Harper, to approve Resolution No. 31978.

Approved by the following votes:

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

Abstained: AbouAssaly

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

PUBLIC FORUM

Bruce Elkema (2880 Indian Creek Road) shared concerns regarding who is responsible for mowing the right-of-way next to his property.

COUNCIL COMMENTS

Councilmember Harper state he spoke with a student and assisted with taking some drone shots of Indian Creek Trail for a project about the parks and trails in Marion.

Councilmember Miskimen stated he joined a group of students on another tour of the Linn County Mental Health Access Center to see how they and Foundation 2 assist the area.

Mayor AbouAssaly stated he was recently a guest on the Z102.9 morning show, met with a few developers regarding their projects, met with MEDCO representatives, as well as attended many graduations. Everyone spoke highly of Marion and the direction the City is headed. Mayor AbouAssaly also congratulated and recognized City Manager Ryan Waller for his work as a member of the Leadership Iowa program.

CLOSED/EXEMPT SESSION

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

Moved by Strnad, seconded by Brandt, to adjourn to closed session as stated above. Assistant City Attorney Amy Reasoner 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 5:59 p.m. and relinquished the gavel to Deputy Mayor Pro Tem Miskimen. Deputy Mayor Pro Tem Miskimen presided over the meeting.

Moved by Jensen, seconded by Harper, to adjourn to exempt session.

Approved unanimously

ADJOURN

Deputy Mayor Pro Tem Miskimen adjourned the meeting at 6:12 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