



MINUTES

City Council Regular Session

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

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, July 18, 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, Will Brandt, and Randy Strnad

ABSENT: Gage Miskimen

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - National Disability Independence Day (July 26, 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to Sherry Ross with Deafinitely Dogs. Ross thanked the Council and spoke about Deafinitely Dogs and the services they provide to the community.

PUBLIC FORUM

The following comment submitted prior to the meeting was shown:

Amy Bishop (2429 Cimarron Drive) provided comments regarding the voluntary annexation. Bishop wrote about drainage concerns and asked the property be reviewed by both Marion and Linn County staff.

CONSENT AGENDA

Administrative Services

Minutes of the July 2, 2024 City Council meetings

Liquor licenses including the following:

- Renewal - Your Pie - 2791 7th Avenue
- Renewal - Tomasos Pizza - 1204 7th Avenue
- Renewal - Bistro at Blooms - 1440 Blairs Ferry Road
- Renewal - Casey's General Store #2924 - 1100 Eagle View Drive

Hold harmless agreements with the following:

- Marion Chamber of Commerce regarding the Uptown Getdown event on

August 1, 8, 15, 22 and 29, 2024 on 7th Avenue

- Marion Independent School District regarding football games and track meets on September 6 and 27, October 11 and 25, 2024 and April 12 and May 5, 2025 at 675 S 15th Street
- Christ Community Church regarding the Serving our Seniors 5k Fun Run event on September 22, 2024 starting at 3000 Alburnett Road

Receive and file June 2024 department monthly report

Resolution No. 32014 adopting final assessment schedule for Fiscal Year 2025 Quarter 1 Delinquent Fees and Confirming and Levying the Assessments

Receive and file correspondence regarding Jim Angerer's resignation from the Construction Code Review Board

Receive and file correspondence regarding Jillissa Moorman's resignation from the Planning and Zoning Commission

Mayoral appointment to Corridor Metropolitan Planning Organization (CMPO): City Arborist Mike Cimprich - Transportation Technical Advisory Committee (TTAC) - no term expiration

Motion to receive and file correspondence to appeal denial of golf cart license (Dustin Rowray)

Payments as presented in the amount of \$2,242,326.33

Resolution No. 32015 approving Fiscal Year 2023-2024 operating budget transfers in the amount of \$554,695.14

Resolution No. 32016 approving Fiscal Year 2023-2024 operating budget transfers in the amount of \$596,271.21

Public Safety

Resolution No. 32017 approving a construction agreement with Janke & Sons Construction, Inc., dba WHP Trainingtowers regarding the Fire Training Tower and authorizing payment in the amount of \$873,937.85 (FACS-20-007)

Engineering

Resolution No. 32018 approving temporary construction easement with Wayne A. Teakell, 3057 White Oak Drive, regarding the 2024 Sidewalk Ramp Project (ANN-18-106)

Resolution No. 32019 approving partial payment no. 6 to the City of Cedar Rapids regarding the Tower Terrace Road Project (C Avenue to Alburnett Road) in the amount of \$1,195,990.34 (TRANS-18-096)

Resolution No. 32020 approving purchase from Seiler Geospatial regarding new survey equipment for the Engineering Department and authorizing payment in an amount not to exceed \$71,638.97

Motion to receive, file and refer to the Traffic Advisory Committee (TAC) a petition regarding the addition of a crosswalk and traffic lights across Highway 13

at Prairie Ridge Avenue (April Harris Helfter, 5805 Robinwood Lane)

Resolution No. 32021 authorizing the submittal of an application for Traffic Safety Improvement Program (TSIP) funding for the intersection of Highway 100 and Highway 13 to add an eastbound right turn lane, convert a shared left turn and through lane to a dedicated left turn lane, and associated improvements (ANN-25-002)

Motion directing staff to submit recommendations of proposed speed limits on Highway 13 and Highway 151 to the Iowa Department of Transportation

Community Development

Motion to receive and file correspondence and direct staff to proceed with voluntary annexation of 50.3 acres of land located west of 10th Street and northeast of Lowe Park Marion, Iowa (Alyce L. Lowe Trust, Alyce L. Lowe, and John E. Lancaster and Katie Lowe Lancaster)

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

Approved unanimously

REGULAR AGENDA

Administrative Services

Appeal hearing regarding denial of golf cart license (Dustin Rowray)

Mayor AbouAssaly opened the appeal hearing. Police Chief Mike Kitsmiller shared facts regarding the item. City Attorney stated her recommendation is to affirm staff's denial. The applicant, Dustin Rowray, was not present to provide additional comments. Mayor AbouAssaly closed the appeal hearing.

Motion affirming staff's denial of golf cart license (Dustin Rowray)

Moved by Jensen, seconded by Strnad, to approve the item as referenced above.

Approved unanimously

Public hearing on the establishment of the 2024 8th Avenue Multifamily Housing Urban Revitalization Area and Urban Revitalization Plan

Mayor AbouAssaly opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 32022 adopting the proposed plan for the 2024 8th Avenue Multifamily Housing Urban Revitalization Area

Moved by Harper, seconded by Jensen, to approve Resolution No. 32022. Councilmember Harper asked what projects are tied to this revitalization area. Planning Division Manager Dave Hockett stated this item is for BellTower Lofts and Hoth Flats.

Approved unanimously

Ordinance No. 24-08 designating an area of Marion, Iowa, as the 2024 8th Avenue Multifamily Housing Urban Revitalization Area (initial consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 24-08.

Approved unanimously

Public Hearing on Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area

Mayor AbouAssaly opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. No comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 32023 approving Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area

Moved by Mentzer, seconded by Harper, to approve Resolution No. 32023. Councilmember Harper asked when the development agreement will come forward. Finance Director Lianne Cairy stated the agreement for Belltower Lofts is currently being reviewed by staff and the developer. The development agreement for Hoth Flats will be ready in a couple months.

Approved unanimously

Public Safety

Resolution No. 32024 approving a one-year suspension of Civil Service hiring requirements for Police Officers

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 32024. Councilmember Harper asked if this is related to recent legislation changes. Police Chief Mike Kitsmiller confirmed it was related to State code changes and stated this only expedites the hiring process but does not lower any hiring standards. Councilmember Jensen spoke in support of the suspension.

Approved unanimously

Community Development

Motion directing staff to draft an ordinance related to Artist Live/Work regulations within the U-1, Uptown zoning district currently within a commercial development moratorium subject area (Deane Richardson and Gae Sharp-Richardson)

Moved by Strnad, seconded by Brandt, to approve the item as referenced above. Councilmember Harper asked how this connects with the moratorium and comprehensive plan. Planning Division Manager Dave Hockett stated the moratorium will expire this fall and the Comprehensive Plan will not be complete until 2025. Hockett outlined how the moratorium and comprehensive plan are connected. Mayor AbouAssaly asked for more information about the Artist Live/Work use. Hockett provided the definition from the Marion Code of Ordinances.

Failed by the following votes:

Ayes:

Nays: Harper, Jensen, AbouAssaly, Mentzer, Brandt, and Strnad

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 6:00 p.m. Mayor Pro Tem Mentzer presided over the meeting.

OTHER DEPARTMENT DISCUSSION

Discussion and direction regarding a request from the Linn County Gaming Association for a letter of support

City Manager Ryan Waller stated the City received a request from the Linn County Gaming Association for Marion to submit a letter of support for a casino in Linn County. Waller introduced Todd Bergen with the Linn County Gaming Association to provide more information. Bergen spoke about the application process and spoke about the benefits for the community if a casino was approved. Councilmember Jensen stated he looked into how Marion residents voted when this was on the ballot in 2021 and stated residents were in support. Jensen also asked about representation on the board. Bergen spoke about the representation and the benefits that non-profits receive. Council all spoke in support of staff drafting a letter of support. The Mayor abstained from discussion.

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 6:13 p.m. Mayor AbouAssaly presided over the meeting.

PUBLIC FORUM

Coni Hoskins (1050 S 26th Street) provided comments against the use of fireworks in Marion.

John Dixon (1050 S 26th Street) provided comments against fireworks use in Marion. He also spoke about increased insurance rates. Mayor AbouAssaly stated that Marion can't restrict the sale of fireworks. Councilmember Harper asked we review that section of the Code of Ordinances in January.

COUNCIL COMMENTS

Councilmember Mentzer encouraged everyone to check out the garden next to City Hall parking lot and thanked the volunteers who help maintain that garden.

Mayor AbouAssaly thanked everyone who helped put on the Fireworks & Fireflies event. Mayor congratulated the Uptown District for the success of the Eat. Drink. & Be Marion event. He also spoke about recent events he attended and congratulated the Marion Chocolate Shop regarding their move to a new location. Mayor AbouAssaly also thanked Brooke Prouty for her work with Uptown Marion and wished her good luck with her new position at Main Street Iowa.

ADJOURN

Mayor adjourned the meeting at 6:30 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