



MINUTES

City Council Regular Session

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

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, August 8, 2024, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Steve Jensen, Gage Miskimen, Nicolas AbouAssaly, Sara Mentzer, Will Brandt, and Randy Strnad

ABSENT: Grant Harper

Mayor AbouAssaly presided over the meeting.

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

PRESENTATIONS

Recognition of Mayor for a Day Participants

Mayor AbouAssaly introduced Michael D'Arcy Jr., Winnie D'Arcy, Allan Powell and Emmett Puhmann who were all Mayor's for a Day and presented them with a certificate.

PROCLAMATIONS/OATHS

Oath of Office:

- Firefighter Tanner Frank
- Firefighter Alec Stringer
- Firefighter Thadius Williams

Fire Chief Tom Fagan introduced the above referenced individuals, spoke about the fire service and Mayor AbouAssaly administered their Oath of Office.

PUBLIC FORUM

Ron Major (290 S 11 Street) spoke regarding his request for a waiver of the code of ordinances to waive the requirement for a front yard tree.

CONSENT AGENDA

Administrative Services

Minutes of the July 16 and 18, 2024 City Council meetings

Liquor license (renewal) for Casey's General Store #2770 - 2020 7th Avenue

Hold harmless agreement with Foundation 2 Crisis Services regarding the Putts for Prevention event on September 13, 2024 in the Uptown Artway

Receive and file correspondence regarding Larry Nessel's resignation from the Construction Code Review Board

Mayoral appointment:

- Arts Council - Andrew Wixel (1681 8th Street) - term expires 12/31/24
- Planning and Zoning Commission - Nicole "Nikki" Wilcox (3490 Barnsley Circle) - term expires 12/31/27

Payments as presented in the amount of \$6,277,364.62

Receive and file Projects in Motion July 2024 update (Strategic Plan Quarterly Update)

Resolution No. 32025 approving partial payment no. 43 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$370

Resolution No. 32026 approving Fiscal Year 2024-2025 operating budget transfers in the amount of \$15,535,316

Resolution No. 32027 approving revised purchasing and financial policies

Public Services

Resolution No. 32028 approving change order no. 1 with Quality Cleaning Equipment for the wash bay equipment related to the public services maintenance facility and authorizing payment in the amount of \$4,600 (FACS-17-069)

Resolution No. 32029 approving three-year agreement with Midwest Renewable Bio-fuels regarding contracted food grease collection and disposal services for Uptown Marion

Resolution No. 32030 approving three-year agreement with ABC Disposal regarding contracted municipal solid waste and recycling services for Uptown Marion and authorizing payment in amount not to exceed \$43,574.27

Public Safety

Resolution No. 32031 approving a three-year service agreement with FireCatt regarding annual fire hose testing and authorizing payment in the amount not to exceed \$32,190

Parks

Motion directing staff to submit an application for an Iowa Department of Natural Resources (IDNR) Resource Enhancement and Protection (REAP) grant in the amount of \$150,000 related to the buildout of a parking lot and access ramp for the Indian Creek Site 1 Project

Engineering

Resolution No. 32032 approving payment to Rathje Construction Company regarding an emergency sewer repair at 1070 7th Avenue in the amount not to exceed \$55,125 (TRANS-18-101)

Resolution No. 32033 approving a temporary construction easement with Scott M. and Hillary J. Smith, 100 Isham Drive, regarding the Sanitary Trunk Sewer - Project 4 & 5 (SWR-20-001)

Resolution No. 32034 accepting the 2024 Sidewalk Ramp Project (ANN-18-106)

Motion to receive, file and refer to the Traffic Advisory Committee (TAC) a petition regarding the commencement of a study and possible corrective changes made to McGowan Blvd between 35th Street and 44th Street to address current safety and livability issues (Cynthia Wetzel 3675 McGowan Blvd.)

Community Development

Resolution No. 32035 approving a Public Water Main Easement Agreement with Hy-Vee, Inc. regarding a permanent watermain easement associated with Willowood Commercial Second Addition Final Plat, Marion, Iowa (Hy-Vee, Inc)

Resolution No. 32036 approving Willowood Commercial Second Addition Final Plat and Memorandum of Agreement for property located north of Business Highway 151 and east of 35th Street, Marion, Iowa (Hy-Vee, Inc)

Resolution No. 32037 approving a vacation of a 10' utility easement along the east property line of Lot 27, Prairie Hill 1st Addition Marion, Iowa (Paul and Thera Nelson)

Resolution No. 32038 setting a public hearing for September 5, 2024 regarding a request for voluntary annexation of property located west of N 10th Street and south of Cimarron Drive, Marion, Iowa (Alyce L Lowe Trust, John E and Katie L Lancaster)

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

Approved unanimously

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:46 p.m. Mayor AbouAssaly presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Administrative Services

Liquor license (renewal) for Zio Johno's - 755 7th Avenue

Engineering

Resolution No. 32039 accepting the 2024 HMA Resurfacing Project (ANN-18-086)

Resolution No. 32040 approving change order no. 1 with Abode Construction, Inc. for the removal of excess on-site material related to the Public Safety Training Facility Site Plan and authorizing payment in the amount of \$184,637.79 (FACS-20-007)

Resolution No. 32041 approving change order no. 1 to the contract with Rinderknecht Associates, Inc. regarding the Central Plaza Project and authorizing payment in the amount of \$113,867.92 (REC-18-039)

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

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:47 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Administrative Services

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

Moved by Strnad, seconded by Brandt, to approve the second consideration of Ordinance No. 24-08.

Approved unanimously

Ordinance No. 24-09 amending sections of the Marion Code of Ordinances including Section 229-14 regarding Public Health and Safety and Section 313-3.12 regarding Operation of Golf Carts (initial consideration)

Moved by Jensen, seconded by Strnad, to approve the initial consideration of Ordinance No. 24-09.

Approved unanimously

Engineering

Ordinance No. 24-10 amending various sections of the Marion Code of Ordinances relating to merging Public Services Department and Engineering Department into the Public Works Department (initial consideration)

Moved by Miskimen, seconded by Jensen, to approve the initial consideration of Ordinance No. 24-10.

Approved unanimously

Motion to receive and file Traffic Advisory Committee (TAC) report regarding installing a streetlight near 3231 Silver Oak Trail (John Cassidy, 3112 Silver Oak Trail)

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

Approved unanimously

Public comment regarding installing a streetlight near 3231 Silver Oak Trail

Mayor AbouAssaly opened the public comment period regarding item referenced above. Public Services Director Mike Barkalow provided a staff report. The following comments were submitted in advance of the meeting: Calvin Birkey (3197 Silver Oak Trail) wrote in support of the installation; Doug Dean (3152 Silver Oak Trail) wrote in support of the installation only if the light matches existing lights; John Cassidy wrote in support of the installation. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public comment period closed.

Resolution No. 32042 approving installation of a streetlight near 3231 Silver Oak Trail

Moved by Brandt, seconded by Mentzer, to approve Resolution No. 32042.

Approved unanimously

Motion to receive and file Traffic Advisory Committee (TAC) report regarding a request for streetlights on 29th Avenue from 25th Street to IA 13

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

Approved unanimously

Public comment regarding installing a streetlight on 29th Avenue from 25th Street to IA 13

Mayor AbouAssaly opened the public comment period 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 comment period closed.

Resolution No. 32043 approving installation of a streetlight on 29th Avenue along Prairie Hill Park

Moved by Jensen, seconded by Strnad, to approve Resolution No. 32043.

Approved unanimously

Community Development

Resolution No. 32044 approving a waiver of Chapter 284-4B(14) of the Marion Code of Ordinances related to the required installation of a front yard tree for property located at 290 S. 11th Street, Marion, Iowa (Ronald Major)

Moved by Miskimen, seconded by Jensen, to approve Resolution No. 32044. Councilmember Jensen referenced comments made by Ron Major about the 10 feet of space available and asked if the City Arborist looked at this property. Planning Division Manager Dave Hockett stated the City Arborist did look at the area and stated there would be some ornamental trees that would work in that space.

Failed by the following votes:

Ayes: Miskimen and AbouAssaly

Nays: Jensen, Mentzer, Brandt, and Strnad

PUBLIC FORUM

Ron Major (290 S 11th Street) stated since his waiver was denied, if a tree is planted would the city pay for repair costs once the tree damages utility lines. Mayor AbouAssaly asked Major to stick around after the meeting and staff will speak with him.

Iris Strong (1145 13th Street) spoke in support of the City of Marion and Civil Rights Commission event in June for the CR Pride Fashion and Drag Show.

Dale Nuss (Durango Drive) spoke in support of the City of Marion and Civil Rights Commission in their efforts to make Marion inclusive and welcoming.

Brandy Zumbach Meisheid (5592 Nickel Plate Road, Coggon) introduced herself and stated she is running for Linn County Supervisor.

Noreen Tonken (1920 8th Avenue) spoke about a house she owns in the Pucker Street District and would like a list of any requirements for homeowners of that district. City Manager Ryan Waller stated staff will reach out to her.

The following comments were submitted in advance of the meeting: Gretchen Lawyer (5770 1st Avenue NW, Cedar Rapids) wrote in support of the CR Pride Fashion and Drag Show on June 29; Jennifer Filter (3600 Willowood Avenue) wrote in opposition of increased property taxes.

COUNCIL COMMENTS

Councilmember Mentzer stated she recently attended the Tournament of Drums and stated it is a great showcase of Marion. Mentzer also stated there are three weeks left of Sunrise Yoga at Lowe Park and encouraged people interested to attend. She stated in September they will be hosting Downward Dog in Uptown.

Councilmember Miskimen stated he joined the Mayor and met with a group of students from Iraq and the United Kingdom and enjoyed speaking with them about government and Marion.

Councilmember Jensen stated the countdown is on for students and teachers to return to school.

Mayor AbouAssaly provided an overview of events he's participated in including the grand opening for Unity Point Health Emergency Room and he looks forward to attending the one for Mercy opening later this year. He thanked those who spoke at the meeting tonight and encouraged everyone to continue working together.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:19 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