



MINUTES

City Council Regular Session

5:30 PM - Thursday, September 19, 2024
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, September 19, 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, Gage Miskimen, Nicolas AbouAssaly, Will Brandt, and Randy Strnad

ABSENT: Sara Mentzer

Mayor AbouAssaly presided over the meeting.

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

PROCLAMATIONS/OATHS

Proclamation - Suicide Prevention Awareness Month (September 2024)

Councilmember Miskimen read and presented the proclamation referenced above to Jena Schoenhofer with Foundation 2.

Proclamation - National Hispanic Heritage Month (September 15 - October 15, 2024)

Mayor AbouAssaly read and presented the proclamation referenced above to Monica Vallejo.

PRESENTATIONS

Presentation regarding the Marion Urban Reforestation Master Plan

City Arborist Mike Cimprich provided a brief introduction of the above referenced Master Plan. David Stokes with JBC Landscape Architects shared information including timeline, goals, objectives, recommendations and strategies. Councilmember Miskimen asked how the team strategized to provide trees in underserved areas. Stokes stated there was not much strategizing as the data spoke for itself and those were the hardest hit areas in the derecho. Councilmember Jensen asked if Stokes has had this large of a plan in the past. Stokes stated he has been working with Iowa State University to serve smaller communities for 15 years. He recommended not letting the plan get stale and to update it in about seven years.

PUBLIC FORUM

John Georgian spoke about his request to waive the moratorium for the property located at 5800 Linn Aire Avenue.

CONSENT AGENDA

Administrative Services

Minutes of the September 3 and 5, 2024 City Council meetings

Liquor license:

- Renewal - CVS Pharmacy #10032 - 3495 7th Avenue

Hold harmless agreement with Marion Chamber of Commerce regarding the Chocolate Walk & Shop event on October 4, 2024 in the Uptown Artway

Receive and file correspondence regarding Seth Moomey's resignation from the Library Board

Receive and file August 2024 department monthly report

Resolution No. 32063 designating the City Clerk to certify unpaid fees to the County Treasurer and authorizing administrative fees be added

Resolution No. 32064 amending the meeting dates for the annual budget work session to the last Friday in January

Payments as presented in the amount of \$2,370,944.84

Resolution No. 32065 approving Fiscal Year 2024-2025 Special Revenue Fund transfer in the amount of \$12,600

Resolution No. 32066 approving amendments to the Restroom Policy and Board and Commissions Policies and Procedures

Resolution No. 32067 approving payment to ImOn Communications for fiber optics installation related to the Central Plaza Project in the amount not to exceed \$8,000 (REC-18-039)

Resolution No. 32068 approving a 4th addendum to the Master Services Agreement with ImOn Communications, LLC regarding conduit sharing for fiber optics installations

Resolution No. 32069 approving 36-month contract with Per Mar Security Services for monitoring services and authorizing payment in the amount of \$6,282.96

Public Safety

Resolution No. 32070 approving Memorandum of Understanding (MOU) with Marion Policeman's Protective Association regarding payments to Field Training Officers

Parks

Resolution No. 32071 approving the Professional Services Agreement with Formed For, LLC (Gavin and Kelley Brodin) regarding the Central Plaza Sculpture and authorizing payment in the amount of \$60,000 (REC-18-039.008)

Resolution No. 32072 approving change order with Rathje Construction for the

parking area and trail for Draper Park and authorizing payment in the amount not to exceed \$38,635.95 (REC-24-001)

Resolution No. 32073 approving change order no. 2 with Jeffrey L. Bruce & Company, LLC regarding additional research and analysis concerning the Marion Urban Reforestation Master Plan and authorizing payment in the amount of \$17,740 (ANN-18-103)

Public Works

Resolution No. 32074 accepting the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project Supplemental Contract (TRANS-18-101)

Resolution No. 32075 approving change order no. 1 with Eastern Iowa Excavating & Concrete LLC regarding the 2024 Pavement Patching Project and authorizing payment in the amount of \$61,419.85 (ANN-24-001)

Motion to approve project calendar regarding the 2024 Public Works Facility Residential Brush Removal Project as follows:

- Resolution No. 32076 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Public Works Facility Residential Brush Removal Project.
- Resolution No. 32077 awarding bid, authorizing approval of the contract and insurance with Kammiller Tree Service regarding the 2024 Public Works Facility Residential Brush Removal Project and authorizing payment in the amount of \$70,000.

Motion to approve project calendar regarding the 2024 Public Works Facility Fencing Project as follows:

- Resolution No. 32078 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Public Works Facility Fencing Project (FACS-17-069)
- Resolution No. 32079 awarding bid, authorizing approval of the contract and insurance with D&N Fencing Co., Inc. regarding the 2024 Public Works Facility Fencing Project and authorizing payment in the amount of \$131,070.80 (FACS-17-069)

Resolution No. 32080 approving a contract with HDR regarding the Stormwater Master Plan and authorizing payment in an amount not to exceed \$391,362 (STORM-24-001)

Resolution No. 32081 approving change order no. 3 with King Knutson Construction for the Pre-Engineered Metal Building Package related to the Public Works facility and authorizing payment in the amount of \$42,622.32 (FACS-17-069)

Resolution No. 32082 approving change order no. 8 with Portzen Construction for the General Construction Package related to the Public Works facility and authorizing payment in the amount of \$13,637.72 (FACS-17-069)

Resolution No. 32083 approving 1st Amendment to the Professional Service Agreement with Office Pride regarding janitorial services for the new Public

Works Facility and authorizing payment in the amount of \$41,496 annually
Moved by Brandt, seconded by Harper, to approve consent agenda as shown
above.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Deputy Mayor Pro Tem Miskimen at
6:15 p.m. Deputy Mayor Pro Tem Miskimen presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Works

Resolution No. 32084 approving change order no. 2 with Abode Construction,
Inc. for concrete mix modification related to the Public Safety Training Facility
Site Plan and authorizing payment in the amount of \$1,515.80 (FACS-20-007)

Resolution No. 32085 approving change order no. 7 with Hawkeye Electric for
the Electrical Package related to the Public Works facility and authorizing
payment in the amount of \$6,649.57 (FACS-17- 069)

Resolution No. 32086 approving change order no. 3 with LL Pelling for the
Paving Package related to the Public Works facility and authorizing credit in the
amount of \$45,830.46 (FACS-17-069)

Resolution No. 32087 approving change order no. 7 with B.G. Brecke, Inc. for the
Mechanical Package related to the Public Works facility and authorizing payment
in the amount of \$43,055.91 (FACS-17- 069)

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

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
6:16 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Parks

Resolution No. 32088 adopting the Marion Urban Reforestation Master Plan

Moved by Jensen, seconded by Strnad, to approve Resolution No. 32088.

Approved unanimously

Public Works

Ordinance No. 24-11 amending Chapter 268 of the Marion Code of Ordinances
regarding Solid Waste (second consideration)

Moved by Harper, seconded by Jensen, to approve the second consideration of

Ordinance No. 24-11.
Approved unanimously

Ordinance No. 24-13 amending Section 313-4.4 of the Marion Code of Ordinances regarding Special Speed Restrictions (Initial Consideration)

Moved by Miskimen, seconded by Harper, to approve the initial consideration of Ordinance No. 24-13.

Approved unanimously

Motion to suspend the rules and proceed to the second consideration of Ordinance No. 24-13 regarding Special Speed Restrictions.

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

Approved unanimously

Ordinance No. 24-13 amending Section 313-4.4 of the Marion Code of Ordinances regarding Special Speed Restrictions (Second Consideration)

Moved by Strnad, seconded by Brandt, to approve the second consideration of Ordinance No. 24-13.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-13 regarding Special Speed Restrictions.

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

Approved unanimously

Ordinance No. 24-13 amending Section 313-4.4 of the Marion Code of Ordinances regarding Special Speed Restrictions (Final Consideration)

Moved by Harper, seconded by Jensen, to approve the final consideration of Ordinance No. 24-13.

Approved unanimously

Community Development

Ordinance No. 24-12 approving a request to rezone property from BC, Community Business to PUD, Planned Unit Development for property located at 1195 East Post Road, Marion, Iowa (Platinum Development) (Second consideration)

Moved by Miskimen, seconded by Harper, to approve the second consideration of Ordinance No. 24-12. Councilmember Miskimen asked if there are plans for the current building. Planning Division Manager Dave Hockett stated the current building will stay and two new buildings will be added.

Approved unanimously

Resolution No. 32089 approving a street name change for portions of 10th Avenue between 35th Street and Highway 13 to Business Highway 151 (City of Marion)

Moved by Brandt, seconded by Miskimen, to approve Resolution No. 32089.

Approved unanimously

Resolution No. 32090 approving a waiver to Ordinance 23-26 to permit motor vehicle service, minor in BR, Regional Business for property located at 5800 Linn Aire Avenue, Marion, Iowa (John Georgian)

Moved by Strnad, seconded by Brandt, to approve Resolution No. 32090. Councilmember Harper asked what improvements would be planned for the property. John Georgian outlined proposed updates. He spoke about current customers in other smaller communities that travel to Manchester and stated this property is a great location for them to expand to. Councilmember Harper asked what the impact would be to business plans if this item was not approved. Georgian stated he understands the purpose behind the moratorium but he would love to have his business open today. Councilmember Brandt asked if there were renderings of the proposed property. Georgian stated he does not have renderings because of the moratorium he didn't want to put money into the project if he is unable to move forward. Councilmember Jensen stated he would be in support of letting the comprehensive plan update finish. Councilmember Brandt asked if there were any development standards about fencing or landscaping. Planning Division Manager Dave Hockett stated the only requirement in our code is that cars are not allowed to be parked outside for more than five days. Mayor AbouAssaly stated he would also be in support of letting the comprehensive plan update finish. Councilmember Miskimen stated he is inclined to support this item because it is a local, established business and would be in favor of tabling the item to get more information. Councilmember Harper asked if as part of the moratorium a specific property could be looked at separately so a decision can be made. Hockett stated they could work with the consultant to focus on a certain area but the entire comprehensive plan would still only be a draft. Hockett outlined the remaining schedule of the comprehensive plan to include a draft coming forward in December, staff review in January/February, Planning & Zoning review in March and it will come to Council in March/April. Moved by Miskimen, seconded by Harper to table Resolution No. 32090. Councilmember Harper asked if a rendering would make any impact to other's opinions. Councilmember Jensen stated it would not change his decision. Vote on the motion to table: Ayes: Miskimen, Harper; Nays: Jensen, AbouAssaly, Brandt, Strnad. Motion to table failed.

Original motion failed by the following votes:

Ayes: Harper and Miskimen

Nays: Jensen, AbouAssaly, Brandt, and Strnad

Councilmember Strnad left the meeting at 6:57 p.m.

PUBLIC FORUM

Jeanne Matthews (1325 8th Avenue) shared concerns about the Farmers State Bank parking lot adjacent to her property and the lease agreement between Conlon Construction and Farmers State Bank in relation to tenants of BellTower Lofts.

Wendy Luedeman (1375 8th Avenue) also shared concerns about the Farmers State

Bank parking lot adjacent to her property and the potential increase of cars in the neighborhood and going through her yard.

COUNCIL COMMENTS

Councilmember Miskimen thanked everyone who attended the Fall Into Marion parade last Saturday.

Councilmember Harper thanked Parks Director Seth Staashelm for all the work on the Marion Urban Reforestation Master Plan.

Councilmember Jensen stated Oktoberfest is Uptown this Saturday and encouraged everyone to buy tickets and attend.

Mayor AbouAssaly stated he looks forward to the ribbon cutting event at the Marion Public Works Facility next week.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 7:06 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