



# MINUTES

## City Council Regular Session

5:30 PM - Thursday, October 17, 2024  
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, October 17, 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, Sara Mentzer, and Randy Strnad

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 October 1 and 3, 2024 City Council meetings

#### Liquor licenses:

- Renewal - Morning Story - 2931 7th Avenue Suite 400
- Renewal - Barrel House Marion - 295 Tower Terrace Road
- Renewal - Fareway Stores - 3300 10th Avenue
- Renewal - Kwik Star #589 - 962 62nd Street
- Renewal - Hy-Vee Gas - 3550 Highway 151
- New - Hy-Vee Cedar Rapids #7 (special event) - 4500 10th Street

Hold harmless agreement with Mango Mustache Media regarding a haunted forest/house event on October 25 and 26, 2024 at 2515 8th Avenue

Receive and file September 2024 department monthly report

Resolution No. 32107 adopting final assessment schedule for Fiscal Year 2025 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments

Payments as presented in the amount of \$3,260,937.13

Resolution No. 32108 approving Fiscal Year 2024-2025 Capital Budget Transfers

Resolution No. 32109 approving the Certificate of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2025-2026 collection

Resolution No. 32110 approving partial payment no. 44 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$740

Resolution No. 32111 setting a date of meeting at which it is proposed to approve a Development Agreement with 1277 8th Ave, LLC, including annual appropriation tax increment payments (Belltower Lofts)

Resolution No. 32112 approving the renewal of a contract with Wellmark related to health insurance for calendar year 2025

Resolution No. 32113 approving the renewal of contract with Delta Dental related to dental insurance for calendar year 2025

Resolution No. 32114 approving a 58-month agreement with Access Systems for Print and Copy Services and authorizing payment in the amount of \$179,207.82

Resolution No. 32115 approving an Infrastructure Access agreement with ImOn Communications and authorizing payment in the amount outlined in the agreement

Resolution No. 32116 approving an additional allocation of American Rescue Plan Act (ARPA) Funding in the amount of \$1,555 for the Community Development Software project

#### Public Safety

Resolution No. 32117 approving the purchase of a Genesis battery-operated Cutter, Spreader and Combi-tool from Heiman Fire Equipment and authorizing payment in an amount not to exceed \$60,000

#### Parks

Resolution No. 32118 approving a memorandum of understanding with Atlas LP Company, LLC and Atlas Building Company LC regarding land acquisition for the Marion Aquatic Center and authorizing payment in the amount of \$1,000,000 (REC-20-004)

Resolution No. 32119 approving amendment with RDG Planning & Design for schematic design for the Lowe Park Greenhouse and Arts & Environment Center and authorizing payment in the amount of \$150,000 (FACS-25-001)

Motion to approve project calendar regarding the Oak Shade Cemetery Crypt Wall Repair Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the Cemetery Crypt Wall Repair project (REC 25 001)
- Motion approving filing of plans, specification, 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 Cemetery Crypt Wall Repair (REC 25 001)

- Motion setting public hearing and directing publication thereof for Cemetery Crypt Wall Repair (REC 25 001)

## Public Works

Resolution No. 32120 approving purchase of building security equipment for the Public Works facility from Communications Engineering Company (CEC) and authorizing payment in the amount of \$71,230.28 (FACS-17-069)

Motion to approve project calendar regarding the 16th Avenue Sanitary Sewer Project as follows:

- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
- 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 16th Avenue Sanitary Sewer Project (ANN-18-029)
- Motion setting public hearing and directing publication thereof for 16th Avenue Sanitary Sewer Project (ANN-18-029)

Motion to approve project calendar regarding CeMar Trail Phase V Project as follows:

- Resolution No. 32121 approving a Memorandum of Understanding with Atlas LP Company, LLC and the H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project (TRL-17-055)
- Resolution No. 32122 approving a permanent public access easement agreement with Atlas, LP Company, LLC and H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project and authorizing payment in the amount of \$21,975 and \$15,150 respectively (TRL-17-055)
- Resolution No. 32123 approving a permanent storm sewer easement agreement with Atlas, LP Company, LLC and H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project and authorizing payment in the amount of \$960 (TRL-17-055)
- Resolution No. 32124 approving a temporary construction easement agreement with Atlas, LP Company, LLC and H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project and authorizing payment in the amount of \$7,325 and \$3,750 respectively (TRL-17-055)

## Community Development

Resolution No. 32125 setting a public hearing for November 7, 2024, regarding amendments to Chapter 340 of the Marion Code of Ordinances related to zoning definitions, parking and loading regulations, landscape and screening standards, and accessory structure setbacks (City of Marion)

Resolution No. 32126 setting the date of a public hearing for November 7, 2024 regarding a preliminary site development plan for property located 6001 Carlson

Way, Marion, Iowa

Resolution No. 32127 setting a public hearing for November 7, 2024, regarding a request to rezone property from UTC-1, Urban Transitional Commercial (1) to PUD, Planned Unit Development for property located at 801 10th Street, Marion, Iowa (Hoth Properties LLC)

Resolution No. 32128 supporting the grant application to the Iowa Department of Transportation for Transportation Alternatives Set-Aside Program Funds and committing to provide local matching funds contingent upon the award and acceptance of Transportation Grant Funds regarding the Marion Independent School District Safe Routes to Schools sidewalk connectivity (City of Marion)

Moved by Mentzer, seconded by Harper, to approve consent agenda as shown above. Mayor AbouAssaly spoke about the Memorandum of Understanding with Atlas LP Company, LLC and Atlas Building Company LC regarding land acquisition for the Marion Aquatic Center. He stated the team has worked on this project for many years and he thanked everyone for their work.

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:39 p.m. Mayor Pro Tem Mentzer presided over the meeting.

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

### Public Works

Resolution No. 32129 accepting the 2024 10th Avenue Resurfacing Project (ANN-24-001)

Moved by Strnad, seconded by Harper, 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 5:40 p.m. Mayor AbouAssaly presided over the meeting.

## **REGULAR AGENDA**

### Administrative Services

Ordinance No. 24-14 amending various sections of the Marion Code of Ordinances including Section 126-98 relating to Housing Code and Chapter 181 relating to Human Rights and Fair Housing (second consideration)

Moved by Jensen, seconded by Strnad, to approve the second consideration of Ordinance No. 24-14.

Approved unanimously

## Public Safety

Ordinance No. 24-16 amending Chapter 24, Article III of the Marion Code of Ordinances regarding the Fire Department (initial consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 24-16.

Approved unanimously

## Public Works

Public hearing regarding the Sanitary Trunk Sewer Project 7 (SWR-20-001-7)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Public Works 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 Sanitary Trunk Sewer Project 7 as follows:

- Resolution No. 32130 adopting final plans, specifications, form of contract and estimate of cost regarding the Sanitary Trunk Sewer Project 7 (SWR-20-001-7)
- Resolution No. 32131 awarding bid, authorizing approval of the contract, bonds and insurance with Pirc-Tobin Construction Inc. regarding the Sanitary Trunk Sewer Project 7 and authorizing payment in the amount of \$300,944.15 (SWR-20-001-7)

Moved by Mentzer, seconded by Harper, to approve the project calendar as referenced above.

Approved unanimously

## Community Development

Ordinance No. 24-15 approving an extension of Ordinance No. 23-26 related to commercial development moratorium for uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor zoning districts (second consideration)

Moved by Strnad, seconded by Mentzer, to approve the second consideration of Ordinance No. 24-15.

Approved unanimously

Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-15 regarding an extension of Ordinance No. 23-26 related to the commercial development moratorium.

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

Approved unanimously

Ordinance No. 24-15 approving an extension of Ordinance No. 23-26 related to commercial development moratorium for uses along portions of Tower Terrace

Road, Highway 13, and the Central Corridor zoning districts. (final consideration)  
Moved by Harper, seconded by Jensen, to approve the final consideration of Ordinance No. 24-15.  
Approved unanimously

## **PUBLIC FORUM**

No one came forward to speak.

## **COUNCIL COMMENTS**

Councilmember Mentzer congratulated the Iowa State Cyclones.

Councilmember Jensen asked everyone to watch out for the kids while they're trick-or-treating on Halloween. He hopes to see everyone at the Falliday Market tomorrow at Lowe Park.

Mayor AbouAssaly thanked everyone again for all those involved in the Aquatic Center project. Mayor AbouAssaly also spoke about all the activities he has attended the past two weeks including a spaghetti eating contest, a meeting with Mayor O'Donnell, a visit with the Spectrum group at Linn-Mar, and the 150th Anniversary of the Marion Fire Department. He also spoke about the lighted piers going up on the CeMar Trail bridge.

## **CLOSED SESSION**

Motion to adjourn to closed session regarding real estate transactions as permitted under Section 21.5(1)(j) of the Code of Iowa.

Moved by Miskimen, seconded by Harper, to adjourn to closed session as stated above. City Attorney Kara Bullerman 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 and relinquished the gavel to Mayor Pro Tem Mentzer at 5:58 p.m. Mayor Pro Tem Mentzer presided over the meeting.

Moved by Miskimen, seconded by Harper, to reconvene to regular session.

Approved unanimously

## **ADJOURN**

Mayor Pro Tem Mentzer adjourned the meeting at 6:11 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