



MINUTES

City Council Regular Session

5:30 PM - Thursday, November 7, 2024
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, November 7, 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, Will Brandt, and Randy Strnad

ABSENT: None

Mayor AbouAssaly presided over the meeting.

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

PRESENTATIONS

Recognition of Firefighter Paul Rehn

Fire Chief Tom Fagan recognized Rehn's 48 years of service with the Marion Fire Department. Mayor AbouAssaly presented Rehn with a plaque recognizing his service to Marion. Rehn thanked his family for their support throughout the years.

PUBLIC FORUM

Jill Ackerman, President of Marion Chamber of Commerce, spoke regarding expanding the Uptown Artway.

Tim Kindl (3250 Spruce Ave SE) spoke regarding the expanding the Uptown Artway.

CONSENT AGENDA

Administrative Services

Minutes of the October 15, 17 and 23, 2024 City Council meetings

Liquor licenses:

- Renewal - West End Diner - 809 6th Avenue
- Renewal - Hy-Vee Fast & Fresh - 2790 7th Avenue
- Renewal - Kum & Go #509 - 1203 Blairs Ferry Road

Hold harmless agreement with the Marion Chamber of Commerce regarding the Christmas in the Park and Peppermint Walk event on December 6, 2024 in Uptown Marion on 7th Avenue and the North Plaza

Mayor AbouAssaly recommended appointments as follows:

- Construction Code Review Board:
 - Ben Davis - term expires 12/31/26
- Marion Civil Rights Commission:
 - Etherton Muchiradhondo - term expires 12/31/26
- Library Board
 - Becky Garms - term expires 6/30/25

Receive and file correspondence regarding the resignations of Dylan Brooks-Forseth and Brian Chubb from the Marion Civil Rights Commission

Receive and file correspondence regarding the resignation of Angela Jordan from the Zoning Board of Adjustment effective December 31, 2024

Payments as presented in the amount of \$5,930,672.10

Resolution No. 32132 approving amended professional services agreement with Marion Economic Development Corporation (MEDCO) and authorizing payments as outlined in the agreement

Resolution No. 32133 approving the Annual Financial Report for the fiscal year ending June 30, 2024

Motion to receive and file the quarterly finance report for the quarter ending September 30, 2024

Resolution No. 32134 approving the Annual Street Finance Report for the year ended June 30, 2024

Resolution No. 32135 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2024

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

Motion to receive and a file job description for a Deputy Public Works Director

Resolution No. 32136 approving the sick leave payout policy within City of Marion Employee Handbook

Public Safety

Resolution No. 32137 approving the annual update to the City of Marion Emergency Operations Plan and Continuity of Operations Plan

Resolution No. 32138 approving first amendment to the Chapter 28E agreement with Marion Township for fire and associated emergency services

Parks

Motion to receive and file the 2024-2025 Parks Winter Work Program

Resolution No. 32139 approving an agreement with Hawkeye Communications regarding security for the Central Plaza and 7th Avenue Streetscape and authorizing payment in the amount of \$70,934.29

Resolution No. 32140 approving change orders no. 2, 3, and 4 with Rathje Construction for Draper Park and authorizing payment in the amount not to exceed \$9,951 (REC-24-001)

Resolution No. 32141 approving the First Amendment to Deed of Conservation Easement with Iowa Natural Heritage Foundation regarding the Faulkes Heritage Woodland

Public Works

Resolution No. 32142 approving the removal of a streetlight at the northeast corner of Highway 100 and South 31st Street

Resolution No. 32143 approving the removal of the "No Parking 8:00 AM to 4:00 PM on School Days" zone on the east side of South 14th Street from G Avenue to C Avenue

Resolution No. 32144 approving change order no. 2 with Quality Cleaning Equipment for the wash bay equipment related to the public services maintenance facility and authorizing payment in the amount of \$5,287.80 (FACS-17-069)

Resolution No. 32145 accepting the public improvements associated with Hunters Field 11th Addition to the City of Marion

Resolution No. 32146 accepting the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project

Resolution No. 32147 accepting the Public Safety Training Facility Project Site Plan (FACS-20-007)

Resolution No. 32148 approving the amended Policy for Encasing Open Drainage Ditches

Resolution No. 32149 approving LED Light Policy

Motion to approve project calendar regarding the 2025 Sanitary Trunk Sewer Projects 4 & 5 as follows:

- Resolution No. 32150 approving a permanent sanitary sewer and storm sewer easement agreement with Bjornsen Steven J Rev Trust regarding the 2025 Sanitary Trunk Sewer Projects 4 & 5 and authorizing payment in the amount of \$679.70 (SWR-20-001)
- Resolution No. 32151 approving a temporary construction easement agreement with Bjornsen Steven J Rev Trust regarding the 2025 Sanitary Trunk Sewer Projects 4 & 5 and authorizing payment in the amount of \$97.32 (SWR-20-001)

Resolution No. 32152 approving amendment no. 4 with Snyder & Associates, Inc. regarding scope limits, Community Project Funding (CPF) Federal-Aid guidelines, and project timeline extension to the contract for the 2018 Alburnett Road Extension Project Phase 1 and authorizing an additional payment in the amount of \$222,800 for a new contract total not to exceed \$1,159,550 (TRANS-18-092)

Motion to approve project calendar regarding temporary construction easements associated with the 2024 16th Avenue Sanitary Sewer Project as follows:

- Resolution No. 32153 approving a temporary construction easement with Stephanie Gilmour, 1640 10th Street, regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
- Resolution No. 32154 approving a temporary construction easement with Susan Keune, 1670 10th Street, regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
- Resolution No. 32155 approving a temporary construction easement with Amanda Kloser, 1612 10th Street, regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)

Community Development

Resolution No. 32156 approving payment to East Central Iowa Council of Governments (ECICOG) regarding the administration of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds related to the Hoth Flats Project in an amount not to exceed \$100,000

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

Approved unanimously

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Mentzer at 5:48 p.m. Mayor Pro Tem Mentzer presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Public Works

Resolution No. 32157 approving change order no. 3 with Abode Construction, Inc. for quantity overruns related to the Public Safety Training Facility Site Plan and authorizing payment in the amount of \$15,000 (FACS-20-007)

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

Approved by the following votes:

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

Abstained: AbouAssaly

REGULAR AGENDA

Administrative Services

Public hearing on a development agreement with 1277 8th Ave, LLC (Belltower Lofts)

Mayor Pro Tem Mentzer opened the public hearing regarding item referenced above. Finance Director Lianne Cairy provided a staff report. Daryl High with

High Properties spoke in support of this item. No other comments, written or verbal, were received. Mayor Pro Tem Mentzer declared the public hearing closed.

Resolution No. 32158 approving Development Agreement with 1277 8th Ave, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement (Belltower Lofts)

Moved by Harper, seconded by Jensen, to approve Resolution No. 32158. Councilmember Harper asked follow-up questions regarding parking.

Approved by the following votes:

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

Abstained: AbouAssaly

Mayor Pro Tem Mentzer relinquished the gavel to Mayor AbouAssaly at 5:55 p.m. Mayor AbouAssaly presided over the meeting.

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 (final consideration)

Moved by Miskimen, seconded by Harper, to approve the final consideration of Ordinance No. 24-14.

Approved unanimously

Ordinance No. 24-17 amending various sections of the Marion Code of Ordinances including Chapter 223-11 regarding Nuisance Abatement and Chapter 313, Article XII regarding Automated Traffic Enforcement (initial consideration)

Moved by Mentzer, seconded by Miskimen, to approve the initial consideration of Ordinance No. 24-17.

Approved unanimously

Public Safety

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

Moved by Brandt, seconded by Mentzer, to approve the second consideration of Ordinance No. 24-16.

Approved unanimously

Public Works

Public hearing regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project (TRANS-25-002)

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 Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project as follows:

- Resolution No. 32159 adopting final plans, specifications, form of contract, and estimate of cost regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project (TRANS-25-002)
- Resolution No. 32160 awarding bid, authorizing approval of the contract, bonds and insurance with Eastern Iowa Excavating & Concrete, LLC regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project, and authorizing payment in the amount of \$81,016.15 (TRANS-25-002)

Moved by Strnad, seconded by Brandt, to approve the project calendar as shown above.

Approved unanimously

Ordinance No. 24-18 amending Chapter 313-10.10 and 313-10.11 of the Marion Code of Ordinances regarding Snow Routes and Winter Storm Parking (initial consideration)

Moved by Jensen, seconded by Strnad, to approve the initial consideration of Ordinance No. 24-18.

Approved unanimously

Community Development

Public hearing 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)

Mayor AbouAssaly opened the public hearing regarding item referenced above. Planning Division Manager Dave Hockett provided a staff report. A representative for Hoth Flats spoke in support of the measure. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 24-19 approving 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) (initial consideration)

Moved by Harper, seconded by Jensen, to approve the initial consideration of Ordinance No. 24-19. Councilmember Jensen stated he is in support of these project but is worried the parking will fill up fast.

Approved unanimously

Public hearing regarding a preliminary site development plan for Freddy's Frozen Custard and Steakhburgers Restaurant for property located at 6001 Carlson Way, Marion, Iowa

Mayor AbouAssaly opened the public hearing regarding item referenced above. Planning Division Manager Dave Hockett provided a staff report. Jason with Freddy's and MLY Real Estate LLC spoke in support of the item. No other

comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Resolution No. 32161 approving Freddy's Frozen Custard and Steakburgers restaurant preliminary site development plan for property located at 6001 Carlson Way, Marion, Iowa (MLY Real Estate LLC)

Moved by Miskimen, seconded by Harper, to approve Resolution No. 32161.

Approved unanimously

Resolution No. 32162 approving Freddy's Frozen Custard and Steakburgers Restaurant final site development plan for property located at 6001 Carlson Way, Marion, Iowa (MLY Real Estate LLC)

Moved by Mentzer, seconded by Miskimen, to approve Resolution No. 32162.

Approved unanimously

Public hearing 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)

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.

Ordinance No. 24-20 approving 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 (initial consideration)

Moved by Brandt, seconded by Mentzer, to approve the initial consideration of Ordinance No. 24-20.

Approved unanimously

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Mentzer stated she attended a roundtable event yesterday and it was great to hear the Mayor speak about all of the things happening in Marion. She also thanked all our veterans.

Councilmember Strnad spoke about working with Paul Rehn over the years. He also welcomed Freddy's Frozen Custard to the area and stated it's always exciting to see new businesses come to Marion.

Mayor AbouAssaly spoke about recent meetings and events he's attended the past couple of weeks and also thanked all new businesses that are interested in establishing in Marion. He thanked Team Marion and encouraged everyone to keep reaching higher.

He also wished everyone a happy Veteran's Day.

ADJOURN

Mayor AbouAssaly adjourned the meeting at 6:28 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