



AGENDA

City Council Regular Session

5:30 PM - Thursday, October 20, 2022

City Hall, 1225 6th Avenue

This meeting is being recorded. Any item listed on the agenda may be open to discussion by the City Council.

This meeting is viewable online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 821 9794 1379. A link is also provided at www.cityofmarion.org. Audio only can be heard by calling 1-646-558-8656 and entering the same Meeting ID listed above.

Those who wish to comment must either attend the meeting in person or submit the comment to the City Clerk by 4:00 p.m. on Thursday, October 20 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

None

PRESENTATIONS

This section is for presentations from external entities regarding current council action and area projects and events.

None

PUBLIC FORUM

This section is for comments from the public on topics listed on the agenda not associated with a public hearing.

CONSENT AGENDA

This section includes routine items and will be enacted by one motion without separate discussion unless Council requests an item to be removed to be considered separately.

Motion to approve the Consent Agenda as follows:

A. Administrative Services

A.1. Minutes of the October 4 and 6, 2022 City Council meetings. 9 - 18

[Agenda Memo - AM-22-1300 - Pdf](#)

A.2. Liquor license including the following: 19

- New - Hawks Smoke Shop - 1394 7th Ave

[Agenda Memo - AM-22-1293 - Pdf](#)

A.3.	Liquor licenses including the following:	20
	<ul style="list-style-type: none"> • Renewal - Morning Story Restaurant - 2931 7th Ave • Renewal - Barrel House Marion - 295 Tower Terrace Road • Renewal - Fareway Stores, Inc #949 - 3300 10th Ave • Renewal - Kwik Star #589 - 962 62nd Street 	
	Agenda Memo - AM-22-1291 - Pdf	
A.4.	Resolution No. 30904 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (WalMart #3630)	21
	Agenda Memo - AM-22-1290 - Pdf	
A.5.	Mayoral appointment to Corridor Metropolitan Planning Organization (CMPO):	22
	<ul style="list-style-type: none"> • City Manager Ryan Waller - Policy Board Alternate - no term expiration • Deputy City Manager Kim Downs - Policy Board - no term expiration 	
	Agenda Memo - AM-22-1338 - Pdf	
A.6.	Receive and file September 2022 Department Monthly Reports.	23 - 63
	Agenda Memo - AM-22-1302 - Pdf	
A.7.	Payments as presented in the amount of \$1,786,374.91.	64 - 90
	Agenda Memo - AM-22-1301 - Pdf	
A.8.	Resolution No. 30905 adopting final assessment schedule for Fiscal Year 2023 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments.	91 - 93
	Agenda Memo - AM-22-1309 - Pdf	
A.9.	Resolution No. 30906 approving and adopting an updated City Council Appointed Boards, Commissions or Committees Policies and Procedures Document.	94 - 100
	Agenda Memo - AM-22-1330 - Pdf	
A.10.	Resolution No. 30907 approving and adopting an updated Code Of Ethics Policy for Members of the Marion City Council, Boards, Commissions or Committees	101 - 106
	Agenda Memo - AM-22-1331 - Pdf	
A.11.	Resolution No. 30908 approving professional services agreement with Red Dog Creative Solutions, LLC to provide marketing and communications support and authorizing payment in amount not to exceed \$10,000.	107 - 119
	Agenda Memo - AM-22-1332 - Pdf	

A.12.	Resolution No. 30909 approving a two-year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger newsletter plus four special inserts and authorizing payment not to exceed \$111,000. Agenda Memo - AM-22-1336 - Pdf	120 - 126
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 30910 approving purchase of restroom building for the Hanna Park Pavilion replacement project from CXT and authorizing payment in the amount of \$115,255. Agenda Memo - AM-22-1308 - Pdf	127 - 130
E.	Engineering	
E.1.	Resolution No. 30911 approving Change Order No. 1 with Eastern Iowa Excavating & Concrete LLC regarding the 2022 Pavement Patching Project and authorizing payment in the amount of \$57,036.85 (TRANS-18-090) Agenda Memo - AM-22-1280 - Pdf	131 - 132
E.2.	Resolution No. 30912 approving Change Order No. 1 with Midwest Concrete, Inc. regarding the 2022 Storm Sewer Project and authorizing payment in the amount of \$5,947.50 (ANN-18-031). Agenda Memo - AM-22-1288 - Pdf	133 - 134
E.3.	Resolution No. 30913 approving Partial Payment No. 3 to Braun Intertec regarding the Indian Creek Trail Plant Monitor and Soil testing in the amount of \$805.00. (TRL-17-055). Agenda Memo - AM-22-1316 - Pdf	135 - 136
E.4.	Resolution No. 30914 approving Partial Payment No. 17 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,012.70 (TAP-U-4775(638)—81-57)(TRL-17-055) Agenda Memo - AM-22-1317 - Pdf	137
E.5.	Resolution No. 30915 approving Partial Payment No. 36 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$24,541.00 (TRANS-18-092) Agenda Memo - AM-22-1318 - Pdf	138 - 139
E.6.	Resolution No. 30916 approving Change Order 002 with Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B Flooring for removing allowances in the amount of \$50.00 (FACS-17-034) Agenda Memo - AM-22-1319 - Pdf	140 - 142

E.7.	Resolution No. 30917 approving Change Order No. 002 with Zephyr Aluminum regarding the Marion Library Building Project BP 08A Glass and Glazing regarding removing allowance in the amount of \$4,196.74. (FACS-17-034) Agenda Memo - AM-22-1321 - Pdf	143 - 145
E.8.	Resolution No. 30918 approving Change Order No. 13 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A removing the allowance in the amount of \$9,989.41. (FACS-17-034) Agenda Memo - AM-22-1322 - Pdf	146 - 151
E.9.	Resolution No. 30919 approving Change Order No. 23 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding floor box conversions in the amount of \$1,858.80. (FACS-17-034) Agenda Memo - AM-22-1323 - Pdf	152 - 155
E.10.	Resolution No. 30920 approving Change Order No. 011 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding removing remaining allowance in the amount of \$14,357.23 (FACS-17-034) Agenda Memo - AM-22-1324 - Pdf	156 - 159
E.11.	Resolution No. 30921 approving Change Order No. 012 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding slot grilles in the amount of \$3,505.00 (FACS-17-034) Agenda Memo - AM-22-1325 - Pdf	160 - 170
E.12.	Resolution No. 30922 accepting the public improvements associated with the Ridge at Indian Creek 2nd Addition to the City of Marion. Agenda Memo - AM-22-1340 - Pdf	171
F.	Community Development	
F.1.	Resolution No. 30923 rescinding Resolution No. 30691 and approving Parcel A and B, Plat of Survey No. 2626 for property located between 3rd Avenue SE, Cedar Rapids and Indian Creek, north of Mount Calvary Cemetery. (Mt. Calvary Cemetery Association) Agenda Memo - AM-22-1237 - Pdf	172 - 176
F.2.	Resolution No. 30924 approving Plat of Survey No 2674 for property located east of Lucore Road south of Royal Oak Ridge Drive extended (Blackford Farms Inc) Agenda Memo - AM-22-1307 - Pdf	177 - 178

F.3.	Resolution No. 30925 setting a public hearing for November 3, 2022 regarding a request to rezone property from AG-Agricultural Holding to SR-3, Suburban Medium Density Single-Family Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa.(Atwood Rentals, LLC) Agenda Memo - AM-22-1279 - Pdf	179 - 190
F.4.	Resolution No. 30926 approving the Marion Aircom Park First Addition Final Plat and Memorandum of Agreement for property located south of Marion Airport Road and east of the Marion Airport, Marion, Iowa (Genesis Equities, LLC) Agenda Memo - AM-22-1272 - Pdf	191 - 201
F.5.	Resolution No. 30927 approving a deferred improvement development agreement with Abode Construction Inc. for Tower Terrace Road improvements adjacent to the Ridge at Indian Creek Second Addition for property located east of 35th Avenue and Tower Terrace Road extended. Agenda Memo - AM-22-1298 - Pdf	202 - 208
F.6.	Resolution No. 30928 approving The Commons at English Glen 6th Addition Final Plat and Memorandum of Agreement for property located north of 29th Avenue and east of 35th Street, Marion, Iowa. (Robson Homes Inc) Agenda Memo - AM-22-1284 - Pdf	209 - 223
G.	Library	
G.1.	Resolution No. 30929 approving partial payment No. 25 to Bush Construction regarding the Library Building Project in the amount of \$26,483.32 (FACS-17-034) Agenda Memo - AM-22-1310 - Pdf	224 - 235
G.2.	Resolution No. 30930 approving partial payment No. 26 to Bush Construction regarding the Library Building Project in the amount of \$4,587.14 (FACS-17-034) Agenda Memo - AM-22-1314 - Pdf	236 - 244

REGULAR AGENDA

A.	Administrative Services	
A.1.	Resolution No. 30931 approving amendment to 28E Agreement with MEDCO and Marion Independent School District regarding the American Rescue Plan Act (ARPA) Funding allocation for the Marion Community Build Project and authorizing payment in the amount of \$100,000.00 Agenda Memo - AM-22-1303 - Pdf	245 - 260
A.2.	Public hearing regarding the proposed sale of the property located at 524 10th Street. Agenda Memo - AM-22-1304 - Pdf	261 - 291

A.3.	Resolution No. 30932 approving purchase agreement and conservation easement with Roots Massage, Yoga, and Wellness, LLC DBA Roots in Bloom regarding the property located at 524 10th Street. Agenda Memo - AM-22-1305 - Pdf	292 - 334
A.4.	Resolution No. 30933 approving agreement with BakerTilly US LLP to conduct a compensation study and authorizing payment in the amount not to exceed \$91,760 Agenda Memo - AM-22-1299 - Pdf	335 - 391
A.5.	Public Hearing on Proposed Amendment to the Collins Road Extension Urban Renewal Area Agenda Memo - AM-22-1295 - Pdf	392 - 420
A.6.	Resolution No. 30934 approving the Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area Agenda Memo - AM-22-1333 - Pdf	421 - 449
A.7.	Public Hearing on Proposed Development Agreement with Russell L. Peck Agenda Memo - AM-22-1294 - Pdf	450 - 464
A.8.	Resolution No. 30935 Approving Development Agreement with Russell L. Peck, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement Agenda Memo - AM-22-1334 - Pdf	465 - 479
A.9.	Public Hearing on Proposed Development Agreement with Cooper Properties, L.C. Agenda Memo - AM-22-1296 - Pdf	480 - 499
A.10.	Resolution No. 30936 Approving Development Agreement with Cooper Properties, L.C., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement Agenda Memo - AM-22-1337 - Pdf	500 - 519
A.11.	Public Hearing on Proposed Amendments to the Central Corridor Urban Renewal Area, the West Tower Terrace Road Urban Renewal Area, the 29th Avenue Urban Renewal Area and the Echo Hill Road Urban Renewal Area Agenda Memo - AM-22-1297 - Pdf	520 - 531
A.12.	Resolution No. 30937 approving Urban Renewal Plan Amendments for the Central Corridor Urban Renewal Area, the West Tower Terrace Road Urban Renewal Area, the 29th Avenue Urban Renewal Area and the Echo Hill Road Urban Renewal Area Agenda Memo - AM-22-1335 - Pdf	532 - 543

B. Public Services

- B.1. Motion to approve Project Calendar for the Trade Packages associated with the new Public Service Maintenance Facility as follows (FACS-17-069): 544

- Resolution No. 30938 approving Resolution of Necessity regarding the Trade Packages associated with the new Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30939 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Trade Packages for the new Public Service Maintenance Facility (FACS17-069).
- Resolution No. 30940 approving and adopting final plans, specifications, notice of hearing for December 22, 2022 and letting, notice to bidders, form of contract, and estimate of cost regarding the new Trade Packages for the Public Service Maintenance Facility (FACS-17- 069)

[Agenda Memo - AM-22-1329 - Pdf](#)

C. Public Safety - None

D. Parks - None

E. Engineering

- E.1. Motion directing staff to submit an application to the Water Infrastructure Fund (WIF) through the Iowa Finance Authority for Segment 7 of the Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements Project. (SWR-17-026) 545 - 554

[Agenda Memo - AM-22-1328 - Pdf](#)

- E.2. Ordinance No. 22-20 amending Chapter 63 of the Code of Ordinances relating to Speed Regulations on 44th Street. (Second consideration) 555

[Agenda Memo - AM-22-1326 - Pdf](#)

F. Community Development

- F.1. Ordinance No. 22-19 approving an amendment to the Marion zoning map for properties located within former City Council Wards 1 and 3 and revisions within former City Council Wards 2 and 4, Marion, Iowa. (Final consideration) 556 - 568

[Agenda Memo - AM-22-1273 - Pdf](#)

- F.2. Ordinance No. 22-21 approving an amendment to Chapter 176.29, Parking and Loading Regulations regarding permitted parking surfacing material. (Second consideration) 569 - 572

[Agenda Memo - AM-22-1275 - Pdf](#)

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|------|---|-----------|
| F.3. | Ordinance No. 22-22 amending Chapter 176.51 of the Marion Code of Ordinances regarding building setbacks within the M-1, Light Manufacturing and M-2, General Manufacturing zoning districts. (Second consideration)
Agenda Memo - AM-22-1276 - Pdf | 573 - 574 |
| F.4. | Ordinance No. 22-18 approving a request to rezone property from AG, Agricultural Holding and PD-R, Planned Development Residential to SR-3, Suburban Medium Density Single-Family Residential for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC) (final consideration)
Agenda Memo - AM-22-1274 - Pdf | 575 - 583 |
| F.5. | Resolution No. 30941 approving Sycamore Heights Preliminary Plat for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC)
Agenda Memo - AM-22-1277 - Pdf | 584 - 594 |
| F.6. | Resolution No. 30942 approving Marion South Substation Addition Preliminary Plat for property located west of 44th Street and north of Highway 100, Marion, Iowa (ITC Midwest, LLC)
Agenda Memo - AM-22-1289 - Pdf | 595 - 598 |

G. Library - None

OTHER DEPARTMENT DISCUSSION

This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

PUBLIC FORUM

This time is set aside for comments from the public. Please understand that the City Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting.

COUNCIL COMMENTS

During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters.

ADJOURN