



AGENDA

City Council Regular Session

5:30 PM - Thursday, November 3, 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# 820 3072 9271. 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, November 3 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Oath of Office Ceremony for Fire Chief Tom Fagan

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[Agenda Memo - AM-22-1238 - Pdf](#)

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 18 and 20, 2022 City Council meetings.

9 - 19

[Agenda Memo - AM-22-1362 - Pdf](#)

A.2.	Motion to approve the Fiscal Year 2023 Cigarette License for the following:	20
	<ul style="list-style-type: none"> • Mega Liquor, Vape, & Tobacco - 5680 Kacena Ave Agenda Memo - AM-22-1349 - Pdf	
A.3.	Liquor licenses including the following:	21 - 22
	<ul style="list-style-type: none"> • New - Traveling Tapster LLC - 5680 Kacena Ave • New - Mega Retail - 5680 Kacena Ave • Renewal - Hy-Vee Gas - 3550 HWY 151 • Renewal - Hy-Vee Fast and Fresh - 2790 7th Ave • Renewal - Best Western Longbranch Hotel - 90 Twixt Town Road NE • Renewal - West End Diner - 809 6th Ave • Renewal - Kum & Go #509 - 1203 Blairs Ferry RD Agenda Memo - AM-22-1370 - Pdf	
A.4.	Mayoral appointments:	23
	<ul style="list-style-type: none"> • Tom Fagan, Linn County Emergency Management Commission, Marion Designated Representative Agenda Memo - AM-22-1375 - Pdf	
A.5.	Payments as presented in the amount of \$3,277,517.60.	24 - 51
	Agenda Memo - AM-22-1363 - Pdf	
A.6.	Motion to approve project calendar regarding the following internal loan advances:	52 - 57
	<ul style="list-style-type: none"> • Resolution No. 30943 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Collins Road Extension Urban Renewal Area • Resolution No. 30944 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Central Corridor Urban Renewal Area • Resolution No. 30945 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the Echo Hill Road Urban Renewal Area • Resolution No. 30946 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the 29th Avenue Urban Renewal Area • Resolution No. 30947 Authorizing Internal Advance for Funding of Urban Renewal Administration and Professional Support Program for the West Tower Terrace Road Urban Renewal Area • Resolution No. 30948 Authorizing Internal Advance for Funding of Urban Renewal Project for the Collins Road Extension Urban Renewal Area (Uptown Holdings LLC) Agenda Memo - AM-22-1339 - Pdf	

A.7.	Resolution No. 30949 approving Builder's Risk policy with Selective Insurance Company for the new Public Service Maintenance Facility located at 4127 3rd Avenue and authorizing payment in the amount of \$26,407.00 Agenda Memo - AM-22-1378 - Pdf	58 - 81
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 30950 approving job description for Part-Time Communications Operator and authorizing the hiring of temporary part-time communication operators due to an emergency need Agenda Memo - AM-22-1388 - Pdf	82 - 85
C.2.	Resolution No. 30951 approving the memorandum of understanding with Marion Policeman's Protective Association regarding the Rotating Overtime List for Involuntary Overtime for Officers and Dispatchers effective November 4, 2022 to June 30, 2023. Agenda Memo - AM-22-1390 - Pdf	86 - 87
C.3.	Resolution No. 30952 approving the 28E contract agreement with the Marion Township Agenda Memo - AM-22-1389 - Pdf	88 - 90
D.	Parks	
D.1.	Resolution No. 30953 approving contract with RDG Planning and Design for conceptual design for Caboose Park and authorizing payment in the amount not to exceed \$4,500. Agenda Memo - AM-22-1369 - Pdf	91 - 97
D.2.	Resolution No. 30954 approving the changes to Oak Shade Cemetery fee schedule. Agenda Memo - AM-22-1374 - Pdf	98 - 99
E.	Engineering	
E.1.	Resolution No. 30955 approving Change Order 01 with Midwest Concrete, Inc. regarding the 2022 Pavement Rehabilitation Project and authorizing payment in the amount of \$39,341.00 (TRANS-18-090). Agenda Memo - AM-22-1341 - Pdf	100 - 102
E.2.	Resolution No. 30956 approving Partial Payment No. 4 to Braun Intertec regarding the Indian Creek Trail Plant Monitor and Soil testing in the amount of \$1,422.50. (TRL-17-055). Agenda Memo - AM-22-1383 - Pdf	103 - 104

E.3.	Resolution No. 30957 approving Partial Payment No. 18 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$14,775.78. (FACS-17-034) Agenda Memo - AM-22-1384 - Pdf	105
E.4.	Resolution No. 30958 approving Partial Payment No. 8 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$5,217.06. (FACS-17-034) Agenda Memo - AM-22-1385 - Pdf	106
E.5.	Resolution No. 30959 approving Partial Payment No. 20 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$11,847.00. (TRANS-18-091) Agenda Memo - AM-22-1386 - Pdf	107
E.6.	Resolution No. 30960 approving Change Order No. 52 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$248,706.38 (TRANS-18-101) Agenda Memo - AM-22-1381 - Pdf	108 - 110
E.7.	Resolution No. 30961 approving Partial Payment No. 7 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$8,635.50. (TRANS-18-073) (CS-TSF-4775(642)--85-57) Agenda Memo - AM-22-1354 - Pdf	111 - 112
E.8.	Resolution No. 30962 accepting the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073) (CS-TSF-4775(642)--85-57) Agenda Memo - AM-22-1368 - Pdf	113 - 114
E.9.	Resolution No. 30963 approving Partial Payment No. 16 to Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$374,469.53 (TRANS-18-101) Agenda Memo - AM-22-1355 - Pdf	115
E.10.	Resolution No. 30964 accepting the public improvements associated with the Ridge at Indian Creek 2nd Addition to the City of Marion. Agenda Memo - AM-22-1364 - Pdf	116
F.	Community Development	

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| F.1. | Resolution No. 30965 approving Hunters Ridge North 2nd Addition Final Plat and memorandum of agreement for property located east of Winslow Road and west of Royal Oak Ridge Road extended (Midwest Development Co)
Agenda Memo - AM-22-1358 - Pdf | 117 - 125 |
| F.2. | Motion to receive and file a request from Genesis Equities to engage a planning firm to create a development concept for property located between 7th and 8th Avenues and east of 27th Street, Marion, Iowa. (Genesis Equities)
Agenda Memo - AM-22-1382 - Pdf | 126 - 128 |
| F.3. | Resolution No. 30966 approving American Rescue Plan Act (ARPA) Funding allocation to Marion Cares for Immediate Housing Assistance and authorizing payment in the amount of \$60,000.00
Agenda Memo - AM-22-1380 - Pdf | 129 - 132 |

G. Library - None

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention as follows:

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| A. | Administrative Services | |
| A.1. | Resolution No. 30967 Authorizing Internal Advance for Funding of Urban Renewal Airport Operating and Support Program for the Collins Road Extension Urban Renewal Area
Agenda Memo - AM-22-1366 - Pdf | 133 - 135 |
| B. | Public Services - None | |
| C. | Public Safety - None | |
| D. | Parks - None | |
| E. | Engineering | |
| E.1. | Resolution No. 30968 approving Partial Payment No. 17 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$10,183.00. (FACS-17-034)
Agenda Memo - AM-22-1387 - Pdf | 136 |
| E.2. | Resolution No. 30969 accepting the public improvements associated with the Commons at English Glen 6th Addition to the City of Marion.
Agenda Memo - AM-22-1376 - Pdf | 137 |

F. Community Development - None

G. Library - None

REGULAR AGENDA

A.	Administrative Services	
A.1.	Public hearing regarding the proposed sale of the property located at 524 10th Street (continued from October 20, 2022) Agenda Memo - AM-22-1359 - Pdf	138 - 168
A.2.	Resolution No. 30970 approving agreement with ClearGov for financial software related to budget development and capital budgeting and authorizing payment in the amount of \$58,960. Agenda Memo - AM-22-1379 - Pdf	169 - 175
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Ordinance No. 22-20 amending Chapter 63 of the Code of Ordinances relating to Speed Regulations on 44th Street. (Final consideration) Agenda Memo - AM-22-1356 - Pdf	176
F.	Community Development	
F.1.	Ordinance No. 22-21 approving an amendment to Chapter 176.29, Parking and Loading Regulations regarding permitted parking surfacing material. (final consideration) Agenda Memo - AM-22-1345 - Pdf	177 - 180
F.2.	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. (final consideration) Agenda Memo - AM-22-1344 - Pdf	181 - 183
F.3.	Resolution No. 30971 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-22-1352 - Pdf	184 - 187
F.4.	Public hearing 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-22-1342 - Pdf	188 - 198
F.5.	Ordinance No. 22-23 approving a request to rezone the 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) (initial consideration) Agenda Memo - AM-22-1343 - Pdf	199 - 205

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.

CLOSED SESSION

1. Motion to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. (Three separate items)

ADJOURN