



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, March 23, 2023

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# 825 7273 6707. A link is also provided at [www.cityofmarion.org](http://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, March 23 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

Page

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### MOMENT OF SILENCE

### 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 March 7 and 9, 2023 City Council meetings   | 8 - 18  |
|      | <a href="#">Agenda Memo - AM-23-263 - Pdf</a>  |         |
| A.2. | Receive and file February 2023 department monthly reports  | 19 - 50 |
|      | <a href="#">Agenda Memo - AM-23-264 - Pdf</a>  |         |
| A.3. | Payments as presented in the amount of \$1,416,968.52  | 51 - 75 |
|      | <a href="#">Agenda Memo - AM-23-265 - Pdf</a>  |         |
| A.4. | Resolution No. 31252 authorizing the donation of "Art in the Depot 2008" to Farmers State Bank                                   | 76 - 77 |
|      | <a href="#">Agenda Memo - AM-23-230 - Pdf</a>  |         |
| A.5. | Resolution No. 31253 setting date of public hearing for April 20, 2023 regarding the FY24-FY28 Capital Improvement Program (CIP) | 78 - 84 |
|      | <a href="#">Agenda Memo - AM-23-277 - Pdf</a>  |         |

A.6.	Resolution No. 31254 setting date of public hearing for April 20, 2023 regarding the proposed fiscal year 2024 budget <a href="#">Agenda Memo - AM-23-236 - Pdf</a>	85 - 86
A.7.	Resolution No. 31255 taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith <a href="#">Agenda Memo - AM-23-257 - Pdf</a>	87 - 135
A.8.	Motion to approve project calendar as follows: <ul style="list-style-type: none"> <li>Resolution No. 31256 Setting a Date of Meeting at which it is Proposed to Approve an Amended Development Agreement with Squaw Creek Crossing, Inc., Including Annual Appropriation Tax Increment Payments</li> <li>Resolution No. 31257 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with Squaw Creek Crossing, Inc., Including Annual Appropriation Tax Increment Payments</li> </ul> <a href="#">Agenda Memo - AM-23-275 - Pdf</a>	136 - 199
A.9.	Resolution No. 31258 approving amended economic development loan agreement with Prospect Meadows, Inc. and authorizing contribution of \$500,000 using American Rescue Plan Act (ARPA) Funding <a href="#">Agenda Memo - AM-23-235 - Pdf</a>	200 - 208
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 31259 approving purchase of a 2023 Ford F550 from McGrath Ford Hyundai in the amount of \$93,920 <a href="#">Agenda Memo - AM-23-246 - Pdf</a>	209 - 210
E.	Engineering	
E.1.	Resolution No. 31260 approving partial payment no. 10 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$1,158.81 (FACS-17-034) <a href="#">Agenda Memo - AM-23-248 - Pdf</a>	211
E.2.	Resolution No. 31261 approving partial payment no. 11 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$5,826.73 (FACS-17-034) <a href="#">Agenda Memo - AM-23-249 - Pdf</a>	212

- |       |  |           |
|-------|--|-----------|
| E.3.  | Resolution No. 31262 approving partial payment no. 22 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$632.94 (TAP-U-4775(638)—81-57)(TRL-17-055)<br><a href="#">Agenda Memo - AM-23-242 - Pdf</a>                      | 213       |
| E.4.  | Resolution No. 31263 approving partial payment no. 9 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$11,365.56 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-245 - Pdf</a>                    | 214       |
| E.5.  | Resolution No. 31264 approving partial payment no. 11 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$12,879.15 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-250 - Pdf</a>                            | 215       |
| E.6.  | Resolution No. 31265 approving partial payment no. 12 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$1,700.50 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-247 - Pdf</a>                             | 216       |
| E.7.  | Resolution No. 31266 approving partial payment no. 16 To Peak Construction Group regarding the Marion Library Project - Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$33,134.58 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-244 - Pdf</a> | 217       |
| E.8.  | Resolution No. 31267 approving partial payment no. 17 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$619.40 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-251 - Pdf</a>                   | 218       |
| E.9.  | Resolution No. 31268 approving partial payment no. 18 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$9,500 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-252 - Pdf</a>                    | 219       |
| E.10. | Resolution No. 31269 approving Partial Payment No. 20 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$370 (TRL-17-055)<br><a href="#">Agenda Memo - AM-23-288 - Pdf</a>  | 220       |
| E.11. | Motion directing staff to solicit proposals for engineering services regarding Sanitary Trunk Sewer Projects 4 & 5 (SWR-20-001-4)<br><a href="#">Agenda Memo - AM-23-255 - Pdf</a>   | 221 - 222 |

- |       |   |           |
|-------|---|-----------|
| E.12. | Motion directing staff to solicit proposals for engineering services regarding the Lucore Road Pedestrian Bridge & Sidepath Project (TRL-24-001)<br><a href="#">Agenda Memo - AM-23-254 - Pdf</a>   | 223 - 224 |
| E.13. | Resolution No. 31270 approving contract and bond with Hunt Construction Company, Inc. regarding the 2023 Hanna Park Improvements Project and authorizing payment in the amount of \$118,240 (REC-18-048)<br><a href="#">Agenda Memo - AM-23-267 - Pdf</a>   | 225 - 227 |
| E.14. | Motion to approve project calendar regarding the 2023 Pavement Patching Project as follows: <ul style="list-style-type: none"> <li>• Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2023 Pavement Patching Project (TRANS-18-090)</li> <li>• 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 2023 Pavement Patching Project (TRANS-18-090)</li> <li>• Motion setting public hearing and directing publication thereof for 2023 Pavement Patching Project (TRANS-18-090)</li> </ul> <a href="#">Agenda Memo - AM-23-274 - Pdf</a> | 228 - 229 |
| E.15. | Motion to approve project calendar regarding the 2023 10th Avenue Resurfacing Project as follows: <ul style="list-style-type: none"> <li>• Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2023 10th Avenue Resurfacing (ANN-24-001)</li> <li>• 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 2023 10th Avenue Resurfacing (ANN-24-001)</li> <li>• Motion setting public hearing and directing publication thereof for 2023 10th Avenue Resurfacing (ANN-24-001)</li> </ul> <a href="#">Agenda Memo - AM-23-276 - Pdf</a>       | 230 - 231 |
| E.16. | Resolution No. 31271 approving partial payment no. 13 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$6,275.70 (FACS-17-034)<br><a href="#">Agenda Memo - AM-23-253 - Pdf</a>   | 232       |
| E.17. | Resolution No. 31272 accepting the public improvements associated with Hunters Ridge North 2nd Addition to the City of Marion<br><a href="#">Agenda Memo - AM-23-241 - Pdf</a>  | 233       |

F. Community Development

- |      |  |           |
|------|--|-----------|
| F.1. | Resolution No. 31273 approving payment no. 40 to Shoemaker Haaland per the contract for the CeMar Trail in the amount of \$1,656.13 (TAP-U-4475(630)-8I-57) (TRL-17-055)<br><a href="#">Agenda Memo - AM-23-262 - Pdf</a>  | 234 - 239 |
| F.2. | Resolution No. 31274 authorizing execution of a contract with East Central Iowa Council of Governments (ECICOG) for Community Development Block Grant Disaster Recovery (CDBG-DR) grant administration and project delivery services for Hoth Flats project<br><a href="#">Agenda Memo - AM-23-282 - Pdf</a>                             | 240 - 254 |
| F.3. | Resolution No. 31275 authorizing execution of a contract with East Central Iowa Council of Governments (ECICOG) for Community Development Block Grant Disaster Recovery (CDBG-DR) grant administration and project delivery services for Belltower Lofts project<br><a href="#">Agenda Memo - AM-23-279 - Pdf</a>                        | 255 - 269 |
| F.4. | Resolution No. 31276 authorizing execution of a contract with East Central Iowa Council of Governments (ECICOG) for Community Development Block Grant Disaster Recovery (CDBG-DR) grant administration and project delivery services for The Ridge at Indian Creek 2nd Addition project<br><a href="#">Agenda Memo - AM-23-259 - Pdf</a> | 270 - 284 |
| F.5. | Resolution No. 31277 prohibiting the use of excessive force for the Community Development Block Grant Program.<br><a href="#">Agenda Memo - AM-23-284 - Pdf</a>  | 285 - 286 |
| F.6. | Resolution No. 31278 adopting required policies for Community Development Block Grant funding<br><a href="#">Agenda Memo - AM-23-287 - Pdf</a>   | 287 - 300 |

- F.7. Motion to approve project calendar regarding Community Development Block Grant Disaster Recovery (CDBG-DR) Program: 301 - 346

- Resolution No. 31279 approving contract with Iowa Economic Development Authority regarding the Community Development Block Grant Disaster Recovery (CDBG-DR) Program funding for the Bell Tower Lofts Project.
- Resolution No. 31280 approving contract with Iowa Economic Development Authority regarding the Community Development Block Grant Disaster Recovery (CDBG-DR) Program funding for the Hoth Flats Project.
- Resolution No. 31281 approving contract with Iowa Economic Development Authority regarding the Community Development Block Grant Disaster Recovery (CDBG-DR) Program funding for the Ridge at Indian Creek Project.

[Agenda Memo - AM-23-294 - Pdf](#)

- F.8. Receive and file request for severance from the City by Paul Gormley of 1882 Big Springs Road 347 - 349

[Agenda Memo - AM-23-261 - Pdf](#)

G. Library - None

## **REGULAR AGENDA**

### **A. Administrative Services**

- A.1. Ordinance No. 23-02 adopting the 2023 Code of Ordinances (final consideration) 350 - 402

[Agenda Memo - AM-23-278 - Pdf](#)

- A.2. Resolution No. 31282 approving fiscal year 2023 Schedule of Fees, Bonds and Insurance 403 - 418

[Agenda Memo - AM-23-231 - Pdf](#)

### **B. Public Services**

- B.1. Resolution No. 31283 approving an agreement with the City of Cedar Rapids regarding water pollution control facility capacity improvements and authorizing payment in amount as outlined in the agreement 419 - 430

[Agenda Memo - AM-23-258 - Pdf](#)

### **C. Public Safety**

- C.1. Ordinance No. 23-04 amending the Marion Code of Ordinances by adding language regarding Automated Traffic Enforcement (ATE) 431 - 437

[Agenda Memo - AM-23-286 - Pdf](#)

- |      |  |           |
|------|--|-----------|
| C.2. | Ordinance No. 23-05 amending Chapter 313-10.12 of the Marion Code of Ordinances relating to Parking on Private Property and Towing (initial consideration)<br><a href="#">Agenda Memo - AM-23-283 - Pdf</a>  | 438 - 439 |
| D.   | Parks - None   |           |
| E.   | Engineering  |           |
| E.1. | Ordinance No. 23-03 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Echo Hill Road from the City limits easterly to Alburnett Road (second consideration)<br><a href="#">Agenda Memo - AM-23-266 - Pdf</a>                     | 440 - 460 |
| E.2. | Ordinance No. 23-06 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Highway 100 from the City limits easterly to Highway 13 (initial consideration)<br><a href="#">Agenda Memo - AM-23-240 - Pdf</a>                           | 461 - 463 |
| E.3. | Public hearing regarding the 2023 Sanitary Sewer Televising Project (ANN-18-029)<br><a href="#">Agenda Memo - AM-23-268 - Pdf</a>  | 464 - 466 |
| E.4. | Resolution No. 31284 accepting bids and awarding contract to Visu Sewer Inc. regarding the 2023 Sanitary Sewer Televising Project in the amount of \$90,813.98 (ANN-18-029)<br><a href="#">Agenda Memo - AM-23-269 - Pdf</a>                                       | 467 - 469 |
| E.5. | Public hearing regarding the 2023 Twixt Town Rd & Marion Blvd Intersection Improvements Project (TRANS-18-090)<br><a href="#">Agenda Memo - AM-23-270 - Pdf</a>  | 470 - 471 |
| E.6. | Resolution No. 31285 accepting bids and awarding contract to Corum Construction LLC regarding the 2023 Twixt Town Rd & Marion Blvd Intersection Improvements Project in the amount of \$163,002.98 (TRANS-18-090)<br><a href="#">Agenda Memo - AM-23-271 - Pdf</a> | 472 - 473 |
| E.7. | Public hearing regarding the 2023 10th St & 29th Ave Landscaping Restoration Project (ANN-18-103)<br><a href="#">Agenda Memo - AM-23-272 - Pdf</a>   | 474 - 475 |
| E.8. | Resolution No. 31286 accepting bids and awarding contract to Central States Concrete, LLC regarding the 2023 10th St & 29th Ave Landscaping Restoration Project in the amount of \$191,657.55 (ANN-18-103)<br><a href="#">Agenda Memo - AM-23-273 - Pdf</a>        | 476 - 477 |
| F.   | Community Development - None   |           |
| 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 (Two separate matters)

**ADJOURN**