



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, June 8, 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# 846 7867 6629. 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, June 8 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 May 16 and 18, 2023 City Council meetings 10 - 23

[Agenda Memo - AM-23-578 - Pdf](#)

- A.2. Motion to approve liquor licenses including the following: 24

- New - Daisy's Garage - 6147 Carlson Way
- Renewal - Big Shots Bar and Grill - 1803 6th Ave
- Renewal - Walgreens #03876 - 3215 7th Ave

[Agenda Memo - AM-23-583 - Pdf](#)

A.3.	<p>Motion to approve the following Hold Harmless Agreements:</p> <ul style="list-style-type: none"> <li>• Uptown Snug Chamber BizMix Summer Fiesta on 7/20 in the Uptown Artway</li> <li>• Uptown Snug Summer Rock Fest on 6/24, 7/22, 8/5, 8/26, 9/23 in the Uptown Artway</li> <li>• Music under the Moon on 6/10, 7/15, 8/12 at Lowe Park</li> <li>• Army Band Father's Day Concert on 6/18 at Lowe Park</li> <li>• Brule Event on 6/24 at Lowe Park</li> <li>• Neighborhood get together on 7/1 at 2825 Northview Drive</li> <li>• LMHS Homecoming Parade on 9/13 starting at Linn-Mar and continuing on 10th to 29th</li> <li>• Horizons 5k on 9/16 starting and ending at Vernon Middle School</li> <li>• Fireworks &amp; Fireflies on 7/3 at Lowe Park</li> </ul> <p><a href="#">Agenda Memo - AM-23-582 - Pdf</a></p>	25 - 100
A.4.	<p>Mayor AbouAssaly recommended appointments to the Marion Reforestation Master Plan Steering Committee:</p> <ul style="list-style-type: none"> <li>• Brent Neighbor (Parks Deputy Director)</li> <li>• Mike Cimprich (City Arborist)</li> <li>• Nicole Behrens (Planning)</li> <li>• Rachel Murtaugh (GIS Analyst)</li> <li>• Chuck Whited (ROW Technician)</li> <li>• Nick McGrath (Trees Forever)</li> <li>• Brad Neily (Resident, Advocate)</li> <li>• Chris Kula (Resident, Advocate)</li> <li>• Greg Wildebour (Resident, MidAmerican Energy)</li> <li>• Chad Pelley (Twenty40Concepts)</li> <li>• Brian Soenen (Resident, Advocate)</li> <li>• Tom Ryan (Tree Board)</li> <li>• Mollie Lorenz (Tree Board)</li> <li>• Marilyn Tormey (Tree Board)</li> </ul> <p><a href="#">Agenda Memo - AM-23-620 - Pdf</a></p>	101 - 102
A.5.	<p>Payments as presented in the amount of \$10,676,363.19</p> <p><a href="#">Agenda Memo - AM-23-579 - Pdf</a></p>	103 - 134
A.6.	<p>Resolution No. 31417 approving agreement with WoodRiver Energy, LLC regarding natural gas sales and authorizing payment in the amount outlined in the agreement</p> <p><a href="#">Agenda Memo - AM-23-317 - Pdf</a></p>	135 - 142
A.7.	<p>Resolution No. 31418 approving amendment no. 1 to professional service agreement with Tidal Basin Government Consulting LLC for services related FEMA Public Assistance Grant and Derecho disaster recovery</p> <p><a href="#">Agenda Memo - AM-23-574 - Pdf</a></p>	143 - 160

- A.8. Resolution No. 31419 approving amendment no. 5 to task order no. 1 with Tidal Basin Government Consulting, LLC to extend order timeline to December 31, 2023 161 - 163  
[Agenda Memo - AM-23-575 - Pdf](#)
- A.9. Resolution No. 31420 approving the revised purchasing policy with an effective date of July 1, 2023 164 - 199  
[Agenda Memo - AM-23-577 - Pdf](#)
- A.10. Resolution No. 31421 amending Resolution 28434 to allocate remaining funds to the Civil Rights Low to Moderate Income Housing Assistance Grant 200 - 202  
[Agenda Memo - AM-23-576 - Pdf](#)
- A.11. Motion to approve the following FY2023-2024 Cigarette Permit Applications: 203 - 204
- Big Shots Bar & Grill
  - BP to Go #6
  - Casey's General Store #2760
  - Casey's General Store #2770
  - Casey's General Store #2919
  - Casey's General Store #2924
  - Casey's General Store #3562
  - Dollar General Store #7226
  - Dollar General Store #7398
  - Fareway Stores, Inc #949
  - Hawkeye Vapor
  - Hy-Vee Fast & Fresh
  - Hy-Vee Food Store
  - Hy-Vee Gas
  - Kum & Go #503
  - Kum & Go #509
  - Kwik Star #589
  - Kwik Star #1008
  - Kwik Star #1172
  - Murphy USA #7287
  - Neighborhood Tobacco Outlet
  - Smokin Joe's Tobacco & Liquor Outlet #10
  - Walgreens #03876
  - Walmart #3630
- [Agenda Memo - AM-23-632 - Pdf](#)
- A.12. Resolution No. 31422 approving an amended contract with Day, Rettig, Martin PC for legal services related to criminal prosecutions 205 - 207  
[Agenda Memo - AM-23-617 - Pdf](#)

A.13.	Resolution No. 31423 rescinding the Information Technologies Division Purchasing Policy and the Surplus Property Disposal Policy <a href="#">Agenda Memo - AM-23-622 - Pdf</a>	208
A.14.	Resolution No. 31424 approving payment to Southern Disaster Recovery LLC in the amount of \$380,414.93 <a href="#">Agenda Memo - AM-23-636 - Pdf</a>	209
A.15.	Receive and file job description for the Parks & Recreation Intern <a href="#">Agenda Memo - AM-23-627 - Pdf</a>	210 - 213
A.16.	Resolution No. 31425 approving Health Insurance Agreement regarding Chapter 411 <a href="#">Agenda Memo - AM-23-626 - Pdf</a>	214 - 216
B.	Public Services	
B.1.	Resolution No. 31426 rescinding No Fault Sanitary Sewer Backup Policy <a href="#">Agenda Memo - AM-23-621 - Pdf</a>	217 - 221
B.2.	Resolution No. 31427 approving purchase of traffic marking paint from Sherwin Williams and authorizing payment in the amount of \$53,295 <a href="#">Agenda Memo - AM-23-600 - Pdf</a>	222
B.3.	Resolution No. 31428 authorizing payment to Imon Communications for the installation of fiber optics at the 31st Street and Hwy 100 intersection in the amount of \$43,523 <a href="#">Agenda Memo - AM-23-604 - Pdf</a>	223
C.	Public Safety	
C.1.	Resolution No. 31429 approving agreement with Basepoint Building Automations for building security system replacement at the Police station and authorizing payment in the amount of \$125,043 <a href="#">Agenda Memo - AM-23-616 - Pdf</a>	224
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 31430 approving change order no. 7 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$6,400 (TRANS-18-101) <a href="#">Agenda Memo - AM-23-573 - Pdf</a>	225 - 227
E.2.	Resolution No. 31431 approving change order no. 02 with Boomerang Corp. regarding the Indian Creek Trunk Sewer - Segment 7 Project regarding stockpiled materials and authorizing payment in the amount of \$32,668.80 (SWR-17-026) <a href="#">Agenda Memo - AM-23-581 - Pdf</a>	228 - 232

E.3.	Resolution No. 31432 approving partial payment no. 21 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 \$219.45 (TRANS-18-101) <a href="#">Agenda Memo - AM-23-588 - Pdf</a>	233 - 234
E.4.	Motion to receive and file Traffic Advisory Committee (TAC) report regarding a request to convert the intersection of 3rd Avenue and 1st Street to a 3-way stop control (Janelle Brouwer, Superintendent, MISD) <a href="#">Agenda Memo - AM-23-605 - Pdf</a>	235 - 299
E.5.	Resolution No. 31433 approving a stop sign stopping south bound traffic on 1st Street at its intersection with 3rd Avenue <a href="#">Agenda Memo - AM-23-606 - Pdf</a>	300
E.6.	Resolution No. 31434 approving a stop sign stopping west bound traffic on 3rd Avenue at its intersection with 1st Street <a href="#">Agenda Memo - AM-23-607 - Pdf</a>	301
E.7.	Resolution No. 31435 approving a stop sign stopping north bound traffic on 1st Street at its intersection with 3rd Avenue <a href="#">Agenda Memo - AM-23-608 - Pdf</a>	302
E.8.	Resolution No. 31436 approving ADA transition plan <a href="#">Agenda Memo - AM-23-619 - Pdf</a>	303 - 397
E.9.	Resolution No. 31437 approving scope of services and contract amendment no. 3 to AIA document B101 with RDG Planning and Design regarding design services for the Central Plaza and authorizing payment in the amount of \$205,200 (REC-18-039) <a href="#">Agenda Memo - AM-23-628 - Pdf</a>	398 - 402
F.	Community Development	
F.1.	Resolution No. 31438 setting the date for a public hearing on June 22, 2023, regarding a request to rezone property from Linn County AG, Agriculture, and USR, Urban Services Residential to SR-2, Suburban Medium Density Single-Family Residential for property located north of East Robins Road and west of Alburnett Road, Marion, Iowa <a href="#">Agenda Memo - AM-23-599 - Pdf</a>	403 - 408
F.2.	Resolution No. 31439 setting a public hearing for June 22, 2023 regarding amendments to Chapter 126 Article III Electrical Code, Chapter 126 Article VI Housing Code, Chapter 223 Nuisance Abatement and Chapter 247 Property Maintenance of the Marion Code of Ordinances <a href="#">Agenda Memo - AM-23-591 - Pdf</a>	409 - 429

- |      |  |           |
|------|--|-----------|
| F.3. | Resolution No. 31440 setting a public hearing for June 22, 2023 regarding a lease agreement with ImOn Communications for the placement of a communications equipment enclosure within Prairie Hill Park located at 5133 29th Avenue Marion, Iowa<br><a href="#">Agenda Memo - AM-23-589 - Pdf</a>                                      | 430 - 448 |
| F.4. | Resolution No. 31441 approving contract amendment no. 3 with Shoemaker Haaland Professional Engineers, associated with the CeMar Trail project for an extension of the schedule of services and authorizing payment in the amount of \$10,681.97 [TAP-U-4775(630)—8I-57] (TRL-17-055)<br><a href="#">Agenda Memo - AM-23-623 - Pdf</a> | 449 - 455 |
| F.5. | Resolution No. 31442 approving proposal from Pipe Pro Inc. for City Hall heat pump replacements of 42 units over a four year period and authorizing a total payment in the amount of \$338,272.65<br><a href="#">Agenda Memo - AM-23-625 - Pdf</a>   | 456 - 460 |

G. Library - None

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

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

- |      |  |           |
|------|--|-----------|
| A.   | Administrative Services - None   |           |
| B.   | Public Services  |           |
| B.1. | Resolution No. 31443 approving partial payment no. 13 to Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility in the amount of \$164,560.63 (FACS-17-069)<br><a href="#">Agenda Memo - AM-23-613 - Pdf</a> | 461 - 462 |
| C.   | Public Safety - None   |           |
| D.   | Parks - None   |           |
| E.   | Engineering  |           |
| E.1. | Resolution No. 31444 approving change order no. 11 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$4,997.95 (TAP-U-4775(635)—8I-57) (TRL-18-110)<br><a href="#">Agenda Memo - AM-23-614 - Pdf</a>             | 463 - 465 |
| E.2. | Resolution No. 31445 approving partial payment no. 14 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$7,100.89 (TAP-U-4775(635)—8I-57) (TRL-18-110)<br><a href="#">Agenda Memo - AM-23-615 - Pdf</a>          | 466       |

- E.3. Resolution No. 31446 amending Resolution No. 31242 regarding change order no. 009 with Peak Construction Group to update the change order amount to \$3,850.43 (FACS-17-034) 467 - 473

[Agenda Memo - AM-23-609 - Pdf](#)

F. Community Development - None

G. Library - None

## **REGULAR AGENDA**

A. Administrative Services

- A.1. Ordinance No. 23-11 amending various sections of the Marion Code of Ordinances (final consideration) 474 - 475

[Agenda Memo - AM-23-580 - Pdf](#)

B. Public Services - None

C. Public Safety - None

D. Parks - None

E. Engineering

- E.1. Motion to receive and file Traffic Advisory Committee (TAC) report regarding a no parking request on 28th Avenue and 24th Street Intersection (Elfrida Tillander, 2550 28th Avenue) 476 - 482

[Agenda Memo - AM-23-595 - Pdf](#)

- E.2. Public Comment Period regarding the no parking request on 28th Avenue from 24th Street to 28th Street 483 - 489

[Agenda Memo - AM-23-596 - Pdf](#)

- E.3. Resolution No. 31447 approving the establishment of a “No Parking” zone on the south side of 28th Avenue from 24th Street to 31st Street 490 - 496

[Agenda Memo - AM-23-597 - Pdf](#)

- E.4. Motion to receive and file Traffic Advisory Committee (TAC) report regarding a no parking request on 34th Avenue and Stonefield Drive Intersection (Michael Mulholland – 765 34th Avenue) 497 - 504

[Agenda Memo - AM-23-610 - Pdf](#)

- E.5. Public comment period regarding the no parking request on West 34th Avenue Court, West 34th Avenue, 34th Avenue and Stonefield Drive 505 - 512

[Agenda Memo - AM-23-611 - Pdf](#)

- E.6. Motion to approve the project calendar regarding No Parking Zones as follows: 513 - 520
- Resolution No. 31448 approving the establishment of a “No Parking” zone on the south side of West 34th Avenue Court
  - Resolution No. 31449 approving the establishment of a “No Parking” zone on the south side of West 34th Avenue
  - Resolution No. 31450 approving the establishment of a “No Parking” zone on the south side of 34th Avenue
  - Resolution No. 31451 approving the establishment of a “No Parking” zone on the east side of Stonefield Drive

[Agenda Memo - AM-23-612 - Pdf](#)

F. Community Development

- F.1. Public hearing regarding an amendment to Chapter 284-6.F(5) related to lot widths and Chapter 340-8.2B(11)(p) related to parking requirements of the Marion Code of Ordinances 521 - 522

[Agenda Memo - AM-23-585 - Pdf](#)

- F.2. Ordinance No. 23-12 amending Chapter 284-6.F(5) of the Marion Code of Ordinances related to lot widths requirements (initial consideration) 523

[Agenda Memo - AM-23-586 - Pdf](#)

- F.3. Ordinance No. 23-13 amending Chapter 340-8.2B(11)(p) of the Marion Code of Ordinances related to parking requirements (initial consideration) 524

[Agenda Memo - AM-23-587 - Pdf](#)

- F.4. Motion to suspend the rules and proceed to the second consideration of Ordinance No. 23-13.

- F.5. Ordinance No. 23-13 amending Chapter 340-8.2B(11)(p) of the Marion Code of Ordinances related to parking requirements (second consideration) 525

[Agenda Memo - AM-23-630 - Pdf](#)

- F.6. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-13.

- F.7. Ordinance No. 23-13 amending Chapter 340-8.2B(11)(p) of the Marion Code of Ordinances related to parking requirements (final consideration) 526

[Agenda Memo - AM-23-631 - Pdf](#)

- F.8. Resolution No. 31452 approving the Sycamore Heights Second Addition Preliminary Plat for property north of 35th Avenue and west of 44th Street, Marion, Iowa (Sycamore Development LLC) (tabled April 11, 2023) 527 - 540

[Agenda Memo - AM-23-518 - Pdf](#)



- F.9. Resolution No. 31453 approving the Sycamore Heights Second Addition Preliminary Site Development Plan for property located north of 35th Avenue and west of 44th Street in Marion, Iowa (Sycamore Development, LLC)

541 - 579

[Agenda Memo - AM-23-514 - Pdf](#)

- 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 real estate transactions and litigation as permitted under Section 21.5(1)(j) and Section 21.5(1)(c) of the Code of Iowa. (Two separate measures)

### **ADJOURN**