



AGENDA

City Council Regular Session

5:30 PM - Thursday, August 17, 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# 835 8809 5145. 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, August 17 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - 17th Annual Five Seasons Stand Down Day (September 7, 2023) 9 - 10
[Agenda Memo - AM-23-805 - Pdf](#)

PRESENTATIONS

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

1. Community Life-Saving Award Recognition - Holden Mere 11
[Agenda Memo - AM-23-919 - Pdf](#)

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 August 1 and 3, 2023 City Council meeting 12 - 20
[Agenda Memo - AM-23-882 - Pdf](#)

A.2.	Motion to approve liquor licenses including the following: <ul style="list-style-type: none"> • New - El Viejo Mexican Restaurant - 90 Twixt Town Road • Renewal - Your Pie - 2791 7th Ave • Renewal - Shorts - 780 11th Street Agenda Memo - AM-23-893 - Pdf	21
A.3.	Motion to approve a hold harmless agreements with the following: <ul style="list-style-type: none"> • Marion Chamber of Commerce regarding an Oktoberfest event on September 16, 2023 on 7th Avenue • Linn-Mar Cross Country Meet on September 2, 2023 at Lowe Park. • Christ Community Church regarding the Serving Our Seniors 5K on September 24, 2023 starting at 3000 Alburnett Road • Diane Toy for a block party on September 9, 2023 at 1720 39th Street • Jason Swestka for a block party on September 23, 2023 on Whisper Oak Dr • Geoffrey Woodby for a block party on September 3, 2023 on Penny Lane • Mary Beth Gaines regarding the Marion High Rewind Class Reunion on September 16, 2023 in the Uptown Artway Agenda Memo - AM-23-887 - Pdf	22 - 78
A.4.	Receive and file July 2023 department monthly reports Agenda Memo - AM-23-884 - Pdf	79 - 122
A.5.	Payments as presented in the amount of \$1,790,271.14 Agenda Memo - AM-23-883 - Pdf	123 - 147
A.6.	Resolution No. 31536 approving a three-year professional service agreement with Office Pride for janitorial services and authorizing payment as outlined in the agreement Agenda Memo - AM-23-768 - Pdf	148 - 165
A.7.	Resolution No. 31537 approving memorandum of understanding with the Iowa Department of Revenue regarding State Setoff Program Agenda Memo - AM-23-896 - Pdf	166 - 177
A.8.	Resolution No. 31538 approving fiscal year 2024 cooperative agreement with the Iowa Civil Rights Commission Agenda Memo - AM-23-894 - Pdf	178 - 184
A.9.	Motion to approve a letter of support to the Iowa Economic Development Authority regarding the Main Street Iowa Challenge Grant request for 1060 7th Avenue (Coenen Building/Marion Chocolate Shop) Agenda Memo - AM-23-898 - Pdf	185 - 193

A.10.	Resolution No. 31539 approving an addendum to the master services agreement with ImOn for WiFi services. Agenda Memo - AM-23-895 - Pdf	194 - 197
A.11.	Resolution No. 31540 approving contract termination agreement for Economic Development Assistance Contract with the Iowa Economic Development Authority (IEDA) and Marion Process Solutions Agenda Memo - AM-23-843 - Pdf	198 - 230
A.12.	Resolution No. 31541 approving Fiscal Year 2023-2024 Capital Budget Transfers Agenda Memo - AM-23-906 - Pdf	231 - 232
A.13.	Resolution No. 31542 Rescinding the Citizen Request Policy and the Policy for Indirect Cost Rate Allocation Plans In Police and Researcher Partnerships Agenda Memo - AM-23-916 - Pdf	233 - 242
B.	Public Services	
B.1.	Resolution No. 31543 approving change order no. 2 with Western Specialty Contractors for the foundation repairs to the Public Service Facility and authorizing payment in the amount of \$4,844.43 (FACS-17-069) Agenda Memo - AM-23-922 - Pdf	243 - 248
B.2.	Resolution No. 31544 approving change order no. 3 with Western Specialty Contractors for the foundation repairs to the Public Service Facility for a credit in the amount of \$20,000 (FACS-17-069). Agenda Memo - AM-23-920 - Pdf	249 - 252
C.	Public Safety	
C.1.	Resolution No. 31545 approving an agreement with Foundation 2 for continuation of law enforcement liaison support at the Marion Police Department and authorizing payment in the amount of \$67,275 Agenda Memo - AM-23-856 - Pdf	253 - 259
C.2.	Motion to approve position calendar as follows: <ul style="list-style-type: none"> • Motion to receive and file the job description for Division Chief • Resolution No. 31546 amending the non-bargaining pay schedule to change District Chief to Division Chief Agenda Memo - AM-23-905 - Pdf	260 - 268
D.	Parks	

D.1.	Resolution No. 31547 approving purchase from Landscape Structures for playground equipment and installation at Butterfield Park and authorizing payment in the amount not to exceed \$136,280.64 (ANN-24-002) Agenda Memo - AM-23-913 - Pdf	269 - 276
E.	Engineering	
E.1.	Resolution No. 31548 accepting the 2023 Hanna Park Improvements Project (REC-18-048) Agenda Memo - AM-23-851 - Pdf	277 - 278
E.2.	Resolution No. 31549 setting a public hearing for September 7, 2023, for consideration of an overhead electric line easement (ITC Midwest LLC) Agenda Memo - AM-23-914 - Pdf	279 - 285
F.	Community Development	
F.1.	Resolution No. 31550 setting a public hearing for September 7, 2023, regarding a city-initiated zoning request for properties of 2674 - 2706 E. Robins Road, Marion, Iowa, including two outlots Agenda Memo - AM-23-881 - Pdf	286 - 287
F.2.	Resolution No. 31551 setting a public hearing for September 7, 2023, regarding a Habitat for Humanity Preliminary Site Development Plan for property located at 815 4th Avenue, Marion, Iowa (Cedar Valley Habitat for Humanity, Inc) Agenda Memo - AM-23-862 - Pdf	288 - 309
F.3.	Resolution No. 31552 approving severance of the Gormley, RSML Partners, and Brainiac Inc. properties from the City of Marion and authorizing the Mayor to execute severance agreement Agenda Memo - AM-23-888 - Pdf	310 - 321
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	
A.1.	Motion to approve liquor licenses including the following: <ul style="list-style-type: none"> Renewal - Zio Johnno's - 755 7th Ave Agenda Memo - AM-23-917 - Pdf 	322
B.	Public Services	

B.1.	Resolution No. 31553 approving change order no. 2 to BG Brecke, Inc. for the mechanical package associated with the public services maintenance facility for a credit in the amount of \$728.43 (FACS-17- 069) Agenda Memo - AM-23-909 - Pdf	323 - 327
B.2.	Resolution No. 31554 approving change order no. 2 to Hawkeye Electric for the electrical package associated with the public services maintenance facility for a credit in the amount of \$13,392.36 (FACS-17- 069) Agenda Memo - AM-23-908 - Pdf	328 - 332
B.3.	Resolution No. 31555 approving change order no. 2 to T&K Roofing for the roofing package associated with the public services maintenance facility for a credit in the amount of \$10,399.85 (FACS-17- 069) Agenda Memo - AM-23-907 - Pdf	333 - 336
B.4.	Resolution No. 31556 approving contract amendment and change order no. 1 with King-Knutson Construction for the Pre-Engineered Metal Building Package and authorizing payment in the amount of \$20,000 (FACS-17-069) Agenda Memo - AM-23-918 - Pdf	337 - 340
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 31557 accepting the public improvements associated with Silver Rock Estates 1st Addition to the City of Marion Agenda Memo - AM-23-852 - Pdf	341
E.2.	Resolution No. 31558 accepting the public improvements associated with Rookwood Estates 3rd and 4th Additions to the City of Marion Agenda Memo - AM-23-854 - Pdf	342
E.3.	Resolution No. 31559 accepting the 10th Avenue Sidepaths PCC Sidewalk/Trail Project (TAP-U-4775(635)—8I-57) (TRL-18-110) Agenda Memo - AM-23-897 - Pdf	343 - 344
E.4.	Resolution No. 31560 approving partial payment no. 23 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$1,718.15 (FACS-17-034) Agenda Memo - AM-23-910 - Pdf	345

E.5.	Resolution No. 31561 approving partial payment no. 23 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$771.02 (FACS-17-034)	346
	Agenda Memo - AM-23-911 - Pdf	
F.	Community Development	
F.1.	Resolution No. 31562 approving the Sycamore Heights 2nd Addition Phase I Final Site Development Plan for property located west of 44th Street and north of 35th Avenue, Marion, Iowa (Sycamore Development LLC)	347 - 380
	Agenda Memo - AM-23-899 - Pdf	
F.2.	Resolution No. 31563 approving the vacation of a private access and utility easement located along the northern and eastern property line of Lot 1, Midwest Properties First Addition (999 35th Street, Marion, Iowa) (Mercy Medical Center and Mercy Physician Services, Inc.)	381 - 383
	Agenda Memo - AM-23-880 - Pdf	
F.3.	Resolution No. 31564 approving the Mercy Marion ED First Addition Final Plat and Memorandum of Agreement for property located at 999 35th Street, Marion, Iowa (Mercy Medical Center and Mercy Physician Services Inc)	384 - 392
	Agenda Memo - AM-23-879 - Pdf	
G.	Library - None	
REGULAR AGENDA		
A.	Administrative Services	
A.1.	Ordinance No. 23-21 amending various sections of the Marion Code of Ordinances to update to gender neutral pronouns (final consideration)	393 - 395
	Agenda Memo - AM-23-832 - Pdf	
A.2.	Resolution No. 31565 approving a sewer revenue loan agreement and authorizing the issuance of Sewer Revenue Bonds, Series 2023D	396 - 398
	Agenda Memo - AM-23-889 - Pdf	
A.3.	Resolution No. 31566 approving a solid waste revenue loan agreement and authorizing the issuance of Solid Waste Revenue Bonds, Series 2023E	399 - 401
	Agenda Memo - AM-23-890 - Pdf	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	

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| E.1. | Ordinance No. 23-22 amending Chapter 274, Article II of the Marion Code of Ordinances regarding Stormwater Management Regulations (final consideration)
Agenda Memo - AM-23-885 - Pdf | 402 - 413 |
| E.2. | Resolution No. 31567 approving the Stormwater Basin Design and Maintenance Policy
Agenda Memo - AM-23-900 - Pdf | 414 - 419 |
| F. | Community Development | |
| F.1. | Public hearing regarding an encroachment agreement for a fence into city right-of-way for property located at 1185 Maplecrest Drive, Marion, Iowa (Brittany Paasch & Hunter Collachia)
Agenda Memo - AM-23-821 - Pdf | 420 - 430 |
| F.2. | Resolution No. 31568 approving an encroachment agreement with Brittany Paasch and Hunter Collachia regarding a fence into city right-of-way for property located at 1185 Maplecrest Drive, Marion, Iowa
Agenda Memo - AM-23-822 - Pdf | 431 - 441 |
| F.3. | Resolution No. 31569 approving the Sycamore Heights Revised Preliminary Plat (Revised) for property located north of 35th Avenue and east of 44th Street extended, Marion, Iowa (Sycamore Heights, LLC)
Agenda Memo - AM-23-873 - Pdf | 442 - 453 |
| F.4. | Resolution No. 31570 approving the Central Corridor Review for an update to the facade for the property located at 1135 8th Avenue, Marion, Iowa (Lammers Properties, LLC)
Agenda Memo - AM-23-868 - Pdf | 454 - 463 |
| F.5. | Resolution No. 31571 approving the Central Corridor Review for an update to the facade for the property located at 777 11th Street, Marion, Iowa (Lammers Properties, LLC)
Agenda Memo - AM-23-867 - Pdf | 464 - 473 |
| F.6. | Public hearing regarding a permanent easement with Interstate Power and Light Company to be located at 3205 3rd Avenue, Marion, Iowa
Agenda Memo - AM-23-901 - Pdf | 474 - 480 |
| F.7. | Resolution No. 31572 approving a permanent easement with Interstate Power and Light Company to be located at 3205 3rd Avenue, Marion, Iowa
Agenda Memo - AM-23-902 - Pdf | 481 - 485 |
| G. | Library - None | |

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