



AGENDA

City Council Regular Session

5:30 PM - Thursday, October 5, 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](https://zoom.us), select Join a Meeting, and enter the Meeting ID# 822 0352 7058. 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 5 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - Fire Prevention Week (October 8-14, 2023) 8 - 9
[Agenda Memo - AM-23-980 - Pdf](#)
2. Proclamation - National Disability Employment Awareness Month 10 - 11
(October 2023)
[Agenda Memo - AM-23-979 - Pdf](#)

PRESENTATIONS

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

1. Presentation regarding Uptown Marion and Main Street Iowa Program 12
(Brooke Prouty)
[Agenda Memo - AM-23-1033 - Pdf](#)
2. Presentation of the Project of the Year Award for the Central Corridor 13
7th Avenue - 8th to 12th Pavement Reconstruction and Streetscaping Project
[Agenda Memo - AM-23-1087 - 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 September 19 and 21, 2023 City Council meeting
Agenda Memo - AM-23-1038 - Pdf | 14 - 23 |
| A.2. | Motion to approve hold harmless agreements with the following: <ul style="list-style-type: none">• CablePro Installations regarding a Halloween Party on October 28, 2023 at 2515 8th Ave
Agenda Memo - AM-23-1044 - Pdf | 24 - 35 |
| A.3. | Liquor licenses including the following: <ul style="list-style-type: none">• Renewal - Morning Story - 2931 7th Ave• Renewal - Fareway Stores Inc - 3300 10th Ave• New - Kwik Star #589 - 962 62nd Street
Agenda Memo - AM-23-1032 - Pdf | 36 |
| A.4. | Certified Lists for the following positions: <ul style="list-style-type: none">• Fire Lieutenant• Deputy Fire Chief
Agenda Memo - AM-23-1049 - Pdf | 37 - 39 |
| A.5. | Payments as presented in the amount of \$2,224,422.96

Agenda Memo - AM-23-1037 - Pdf | 40 - 63 |
| A.6. | Resolution No. 31616 approving agreement with Iowa Economic Development Authority (IEDA) and Uptown Marion regarding support of the Main Street Iowa Program in Marion

Agenda Memo - AM-23-1034 - Pdf | 64 - 70 |
| A.7. | Resolution No. 31617 approving addendum no. 1 to the Main Street Iowa Program agreement with Iowa Economic Development Authority (IEDA) and Uptown Marion and authorizing payment in the amount of \$30,000

Agenda Memo - AM-23-1085 - Pdf | 71 - 73 |
| A.8. | Resolution No. 31618 approving partial payment no. 34 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$2,451.25

Agenda Memo - AM-23-1045 - Pdf | 74 - 77 |
| A.9. | Receive and file Policy Review Schedule

Agenda Memo - AM-23-1078 - Pdf | 78 - 79 |

A.10.	Resolution No. 31619 approving agreement with Lively, Inc. regarding a Health Savings Account benefit and authorizing payment in amount as outlined in the agreement Agenda Memo - AM-23-1082 - Pdf	80 - 95
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 31620 approving contract amendment no. 4 with RDG Planning and Design regarding design services for the Central Plaza and authorizing payment in the amount of \$20,370 (REC-24-001) Agenda Memo - AM-23-1068 - Pdf	96 - 99
E.2.	Resolution No. 31621 approving contract with Anderson Bogert Engineers and Surveyors, Inc. regarding the Highway 100 and East Post Road Emergency Repair and authorizing payment in the amount of \$6,322.50 Agenda Memo - AM-23-1066 - Pdf	100 - 110
E.3.	Resolution No. 31622 approving purchase of a 2024 F150 SuperCAB truck from Lynch Ford and authorizing payment in the amount of \$42,997 Agenda Memo - AM-23-1069 - Pdf	111 - 113
E.4.	Resolution No. 31623 approving reallocation of \$600,000 from the 7th Avenue project to the Indian Creek Trunk Sewer - Segment 4, 5, 7 project for watermain work along Central Avenue, Boyson Road and Larick Drive Agenda Memo - AM-23-1077 - Pdf	114 - 115
F.	Community Development	
F.1.	Resolution No. 31624 accepting a warranty deed for Lots A and B, Squaw Creek Meadows Third Addition in the City of Marion, Linn County, Iowa (Platinum Development LLC) Agenda Memo - AM-23-1048 - Pdf	116 - 120
F.2.	Resolution No. 31625 approving contract amendment with Iowa Economic Development Authority regarding the Community Development Block Grant Disaster Recovery (CDBG-DR) Program for the Hoth Flats Project to request an additional \$85,000 in grant funding Agenda Memo - AM-23-1053 - Pdf	121 - 122
F.3.	Resolution No. 31626 approving a professional service agreement with RDG Planning and Design regarding the Comprehensive Plan Update and authorizing payment in an amount not to exceed \$131,000 Agenda Memo - AM-23-1055 - Pdf	123 - 137

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 - None

C. Public Safety - None

D. Parks - None

E. Engineering

E.1. Resolution No. 31627 accepting the 2023 10th Avenue Resurfacing Project (ANN-24-001) (TRANS-18-090) 138 - 139

[Agenda Memo - AM-23-1030 - Pdf](#)

E.2. Resolution No. 31628 approving contract with Price Electric regarding the Highway 100 and East Post Road Emergency Repair and authorizing payment in the amount of \$23,250 140 - 150

[Agenda Memo - AM-23-1065 - Pdf](#)

F. Community Development

F.1. Resolution No. 31629 approving payment to East Central Iowa Council of Governments (ECICOG) in an amount not to exceed \$150,000 for the administration of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds related to the Bell Tower Lofts Project. 151

[Agenda Memo - AM-23-962 - Pdf](#)

G. Library - None

REGULAR AGENDA

A. Administrative Services

A.1. Ordinance No. 23-25 amending Section 55-8 regarding Scheduled Violations, Subsection 218-3 regarding Noise Enforcement-Fines, and Chapter 309-5(C) regarding Vehicles, All-Terrain, Off-Road Utility and Snowmobiles of the Marion Code of Ordinances (second consideration) 152 - 156

[Agenda Memo - AM-23-1046 - Pdf](#)

B. Public Services

B.1. Motion directing staff to proceed with curbside collection strategy scenario A1 and authorizing implementation thereof 157 - 210

[Agenda Memo - AM-23-1089 - Pdf](#)

C. Public Safety - None

D. Parks - None

E. Engineering

- | | | |
|-------|---|-----------|
| E.1. | Public comment regarding the addition of a Rectangle Rapid Flashing Beacon [RRFB] at the intersection of McGowan and 35th Street
Agenda Memo - AM-23-1070 - Pdf | 211 - 227 |
| E.2. | Motion to receive and file Traffic Advisory Committee (TAC) report regarding the addition of a Rectangle Rapid Flashing Beacon [RRFB] at the intersection of McGowan and 35th Street
Agenda Memo - AM-23-1071 - Pdf | 228 - 244 |
| E.3. | Motion to direct staff to move the 30 MPH sign on 35th street for southbound traffic from Parkcrest Court to McGowan Blvd., deploy the Automatic Traffic Enforcement (ATE) vehicle on 35th Street, and continue the recommended maintenance of the intersection
Agenda Memo - AM-23-1072 - Pdf | 245 - 261 |
| E.4. | Public comment regarding a request for no parking and speed bumps on 3rd Avenue east of 22nd Street
Agenda Memo - AM-23-1073 - Pdf | 262 - 269 |
| E.5. | Motion to receive and file Traffic Advisory Committee (TAC) report regarding a request for no parking and speed bumps on 3rd Avenue east of 22nd Street
Agenda Memo - AM-23-1074 - Pdf | 270 - 279 |
| E.6. | Resolution No. 31630 approving the establishment of a “No Parking” zone on the south side of 3rd Avenue from 22nd Street to the bus pull off area, establishment of a “No Parking” zone on the north side of 3rd Avenue from 22nd Street to 27th Street and rescinding Resolution No. 14038 and 24766
Agenda Memo - AM-23-1076 - Pdf | 280 - 289 |
| E.7. | Motion to direct staff to deploy the Automatic Traffic Enforcement (ATE) vehicle to the area of 22nd Street and 3rd Avenue as determined by the Police Department
Agenda Memo - AM-23-1075 - Pdf | 290 - 297 |
| E.8. | Ordinance No. 23-23 amending Chapter 274 Article III of the Marion Code of Ordinances regarding Stormwater Utility (final consideration)
Agenda Memo - AM-23-1050 - Pdf | 298 - 300 |
| E.9. | Resolution No. 31631 approving the Stormwater Utility Standard Operating Procedure and Policy
Agenda Memo - AM-23-1051 - Pdf | 301 - 312 |
| E.10. | Resolution No. 31632 approving the Residential Stormwater Best Management Practices (BMP) Rebate Program Procedures and Policy
Agenda Memo - AM-23-1054 - Pdf | 313 - 316 |

- E.11. Motion to direct staff to develop a through-the-fence agreement for Lot 8, Aircom Park First Addition 317 - 334
[Agenda Memo - AM-23-1092 - Pdf](#)
- F. Community Development
- F.1. Public hearing regarding the disposition of public property described as the west 20' of Lot 8, Block 9 Original Town, Marion, Iowa (City of Marion) 335 - 341
[Agenda Memo - AM-23-1040 - Pdf](#)
- F.2. Resolution No. 31633 approving the disposition of public property described as the west 20' of Lot 8, Block 9 Original Town, Marion, Iowa (City of Marion) 342
[Agenda Memo - AM-23-1039 - Pdf](#)
- F.3. Public hearing regarding a moratorium related to commercial uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor Zoning Districts 343 - 351
[Agenda Memo - AM-23-1043 - Pdf](#)
- F.4. Ordinance No. 23-26 approving a moratorium related to select commercial uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor Zoning Districts (Initial consideration) 352
[Agenda Memo - AM-23-1079 - Pdf](#)
- F.5. Public hearing regarding a request to rezone property from AG, Agricultural Holding, to PUD, Planned Unit Development for property located south of Fernow Road and east of Bluegrass Street, Marion, Iowa (Rookwood Estates, LLC) 353 - 365
[Agenda Memo - AM-23-1041 - Pdf](#)
- F.6. Ordinance No. 23-27 approving a request to rezone property from AG, Agricultural Holding, to PUD, Planned Unit Development for property located south of Fernow Road and east of Bluegrass Street, Marion, Iowa (Rookwood Estates, LLC) (initial consideration) 366
[Agenda Memo - AM-23-1042 - Pdf](#)
- F.7. Ordinance No. 23-24 approving a request to zone property from Linn County AG, Agriculture, and USR, Urban Service Area to SR-E, Suburban Residential Estate for properties located along East Robins Road between Meadowknolls Road and Mulberry Drive, Marion, Iowa (final consideration) 367 - 371
[Agenda Memo - AM-23-1052 - Pdf](#)
- 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 personnel matters as permitted under Section 21.5(1)(i) of the Code of Iowa.

ADJOURN