



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, November 9, 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# 850 3131 7979. 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, November 9 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

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### 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 October 17 and 19, 2023 City Council meeting 7 - 15

[Agenda Memo - AM-23-1144 - Pdf](#)

- A.2. Liquor licenses including the following: 16

- Renewal - Hy-Vee Fast and Fresh - 2790 7th Ave
- Renewal - Kum & Go #509 - 1203 Blairsferry Rd
- Renewal - Hawks Smoke Shop - 1396 7th Ave

[Agenda Memo - AM-23-1091 - Pdf](#)

- A.3. Hold harmless agreement with the following: 17 - 28

- Marion Chamber of Commerce regarding Christmas in the Park & Peppermint Walk on December 1, 2023 at City Square Park - 1001 7th Avenue

[Agenda Memo - AM-23-1181 - Pdf](#)

A.4.	Receive and file correspondence from Rachel Kadlec regarding resignation from the Civil Service Commission <a href="#">Agenda Memo - AM-23-1189 - Pdf</a>	29 - 30
A.5.	Certified List for Police Officer <a href="#">Agenda Memo - AM-23-1153 - Pdf</a>	31 - 32
A.6.	Payments as presented in the amount of \$4,648,948.63 <a href="#">Agenda Memo - AM-23-1145 - Pdf</a>	33 - 60
A.7.	Resolution No. 31653 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2023 <a href="#">Agenda Memo - AM-23-1061 - Pdf</a>	61 - 151
A.8.	Resolution No. 31654 approving the Annual Financial Report for the fiscal year ending June 30, 2023 <a href="#">Agenda Memo - AM-23-1165 - Pdf</a>	152 - 164
A.9.	Resolution No. 31655 approving partial payment no. 35 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$277.50. <a href="#">Agenda Memo - AM-23-1141 - Pdf</a>	165 - 169
A.10.	Resolution No. 31656 approving letter of engagement with Greyhawk North America, LLC for dispute resolution services and authorizing payment in the amount not to exceed \$40,000 <a href="#">Agenda Memo - AM-23-1171 - Pdf</a>	170
A.11.	Resolution No. 31657 approving an amended Advertising and Sponsorship Policy <a href="#">Agenda Memo - AM-23-1188 - Pdf</a>	171 - 174
A.12.	Resolution No. 31658 adopting an updated COVID policy <a href="#">Agenda Memo - AM-23-1184 - Pdf</a>	175 - 178
A.13.	Resolution No. 31659 approving agreement with C4 Operations to expand scope to include DOT Clearinghouse queries and authorizing payment in the amounts as shown in the agreement <a href="#">Agenda Memo - AM-23-1182 - Pdf</a>	179 - 194
A.14.	Resolution No. 31660 approving a settlement agreement with Southern Disaster Recovery and the Bjornsen HJ Family Trust <a href="#">Agenda Memo - AM-23-1210 - Pdf</a>	195 - 205
B.	Public Services	
B.1.	Resolution No. 31661 approving change order no. 3 with Portzen Construction for the General Construction Package related to the public services maintenance facility and authorizing credit in the amount of \$22,998 (FACS-17-069) <a href="#">Agenda Memo - AM-23-1166 - Pdf</a>	206 - 212
C.	Public Safety	

C.1.	Resolution No. 31662 adopting the City of Marion Emergency Operations Plan (EOP) and Continuity of Operations Plan (COOP)	213
	<a href="#">Agenda Memo - AM-23-1163 - Pdf</a>	
C.2.	Resolution No. 31663 approving agreement with ImageTrend, LLC for Continuum Performance Insights software regarding fire department performance analytics and authorizing payment in the amount of \$7,175	214 - 216
	<a href="#">Agenda Memo - AM-23-1162 - Pdf</a>	
D.	Parks	
D.1.	Resolution No. 31664 approving purchase of a Bobcat T770 T4 Compact Track Loader from Bobcat of Cedar Rapids in the amount not to exceed \$88,894.89, a trade-in of a 2013 compact track loader for a credit amount of \$29,000 and authorizing payment in the amount of \$59,894.89	217 - 220
	<a href="#">Agenda Memo - AM-23-1164 - Pdf</a>	
D.2.	Resolution No. 31665 approving purchase of glass replacement and window refurbishment to the McGowan House from Wadsworth Construction and authorizing payment in the amount of \$41,075	221 - 223
	<a href="#">Agenda Memo - AM-23-1156 - Pdf</a>	
E.	Engineering	
E.1.	Resolution No. 31666 accepting the 2023 Sanitary Sewer Televising Project (ANN-18-029)	224
	<a href="#">Agenda Memo - AM-23-1142 - Pdf</a>	
E.2.	Resolution No. 31667 accepting the 2023 Sidewalk Ramp Project (ANN-18-106)	225 - 226
	<a href="#">Agenda Memo - AM-23-1147 - Pdf</a>	
E.3.	Resolution No. 31668 approving change order no. 01 and no. 02 with Hunt Construction, LLC regarding the 2023 Sidewalk Ramp Project and authorizing payment in the amount of \$8,909.20 (ANN-18-106)	227 - 231
	<a href="#">Agenda Memo - AM-23-1149 - Pdf</a>	

- E.4. Motion to approve project calendar regarding the 2024 Sidewalk Ramp Project (ANN-18-106) as follows: 232 - 233
- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 Sidewalk Ramp Project
  - 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 2024 Sidewalk Ramp Project
  - Motion setting public hearing and directing publication thereof for 2024 Sidewalk Ramp Project
- [Agenda Memo - AM-23-1157 - Pdf](#)
- E.5. Motion to receive, file and refer to Traffic Advisory Committee (TAC) a petition regarding moving the school crosswalk from Durango Drive to Partridge Avenue along Geode Street (Rebecca Kleveland, 295 Partridge Avenue) 234 - 238
- [Agenda Memo - AM-23-1176 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 31669 setting a public hearing date for November 21, 2023 regarding a permanent easement with Interstate Power and Light Company to be located at the northwest corner of Tower Terrace Road and Winslow Road, Marion, Iowa 239 - 244
- [Agenda Memo - AM-23-1124 - Pdf](#)
- F.2. Resolution No. 31670 setting a public hearing for November 21, 2023 regarding the Vacant Building Ordinance 245 - 256
- [Agenda Memo - AM-23-1097 - Pdf](#)
- F.3. Resolution No. 31671 approving agreement with BS&A Cloud regarding Community Development Software and authorizing payment in the amount of \$199,405 257 - 276
- [Agenda Memo - AM-23-1158 - Pdf](#)
- 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. 31672 accepting the public improvements associated with Silver Ridge Estates 1st Addition to the City of Marion 277  
[Agenda Memo - AM-23-1148 - Pdf](#)
- E.2. Resolution No. 31673 accepting paving associated with the Silver Rock Estates 2nd Addition to the City of Marion. 278  
[Agenda Memo - AM-23-1159 - Pdf](#)
- F. Community Development - None
- G. Library - None

## **REGULAR AGENDA**

- A. Administrative Services
  - A.1. Resolution No. 31674 approving a Form Through the Fence Agreement relating to access to the Marion Airport 279 - 285  
[Agenda Memo - AM-23-1209 - Pdf](#)
  - A.2. Ordinance No. 23-28 amending various sections of the Marion Code of Ordinances including Section 24-3 regarding the Building Inspection Division, Section 223-11 regarding Nuisance Abatement, and Section 313-12.7 regarding Automated Traffic Enforcement (initial consideration) 286 - 287  
[Agenda Memo - AM-23-1140 - Pdf](#)
- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
  - E.1. Public comment regarding a request for a Rectangular Rapid Flashing Beacon (RRFB) at the intersection of Winchester Drive and 29th Avenue 288 - 297  
[Agenda Memo - AM-23-1173 - Pdf](#)
  - E.2. Motion to receive and file Traffic Advisory Committee (TAC) report regarding a request for a Rectangular Rapid Flashing Beacon (RRFB) at the intersection of Winchester Drive and 29th Avenue 298 - 307  
[Agenda Memo - AM-23-1174 - Pdf](#)
  - E.3. Motion directing staff to proceed with recommendations from the Traffic Advisory Committee (TAC) report regarding a request for a Rectangular Rapid Flashing Beacon (RRFB) at the intersection of Winchester Drive and 29th Avenue 308 - 318  
[Agenda Memo - AM-23-1175 - Pdf](#)
- F. Community Development

- |      |   |           |
|------|---|-----------|
| F.1. | Ordinance No. 23-26 approving a moratorium related to commercial uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor Zoning Districts (final consideration)<br><a href="#">Agenda Memo - AM-23-1178 - Pdf</a>   | 319 - 328 |
| F.2. | 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) (final consideration)<br><a href="#">Agenda Memo - AM-23-1131 - Pdf</a>                   | 329 - 341 |
| F.3. | Resolution No. 31675 approving Rookwood Estates East Preliminary Site Development Plan to permit the development of a mixed residential and commercial development for property located south of Fernow Road and east of Bluegrass Street, Marion, Iowa (Rookwood Estates, LLC)<br><a href="#">Agenda Memo - AM-23-1133 - Pdf</a> | 342 - 356 |
| F.4. | Resolution No. 31676 approving Rookwood Estates East Preliminary Plat for property located south of Fernow Road and east of Bluegrass Street, Marion, Iowa (Rookwood Estates, LLC)<br><a href="#">Agenda Memo - AM-23-1132 - Pdf</a>  | 357 - 372 |

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.

#### **ADJOURN**