



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, August 22, 2024

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# 880 8552 8717. 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, August 22 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 August 6 and 8, 2024 City Council meetings 6 - 15

[Agenda Memo - AM-24-663 - Pdf](#)

- A.2. Hold harmless agreements with the following: 16 - 50

- Linn-Mar Community School District regarding the cross country meet on September 7, 2024 around Lowe Park
- YENKO - Doris Agyemang regarding the Spark in the Park event on September 8, 2024 at Lowe Park
- Diane Toy regarding the 39th Street block party on September 7, 2024
- Marion Chamber of Commerce regarding the Oktoberfest event on September 21, 2024 in Uptown Marion

[Agenda Memo - AM-24-657 - Pdf](#)

A.3.	Liquor licenses including the following:	51
	<ul style="list-style-type: none"> <li>• Renewal - El Viejo Mexican Restaurant - 90 Twixt Town Road NE</li> <li>• Renewal - Eva's Mexican Restaurant - 835 7th Avenue</li> <li>• Renewal - Kwik Star #1172 - 3055 7th Avenue</li> </ul>	
	<a href="#">Agenda Memo - AM-24-669 - Pdf</a>	
A.4.	Receive and file July 2024 department monthly report	52 - 68
	<a href="#">Agenda Memo - AM-24-666 - Pdf</a>	
A.5.	Resolution No. 32045 adopting digital corporate seal	69
	<a href="#">Agenda Memo - AM-24-656 - Pdf</a>	
A.6.	Motion to approve a letter of support to the Iowa Economic Development Authority regarding the Main Street Iowa Challenge Grant request for 1000 7th Avenue (Owen Building/Kelsie and Jamie Hoth)	70 - 72
	<a href="#">Agenda Memo - AM-24-604 - Pdf</a>	
A.7.	Payments as presented in the amount of \$2,349,095.54	73 - 98
	<a href="#">Agenda Memo - AM-24-664 - Pdf</a>	
A.8.	Motion to receive and file the quarterly finance report for the quarter ending June 30, 2024	99 - 124
	<a href="#">Agenda Memo - AM-24-681 - Pdf</a>	
A.9.	Resolution No. 32046 approving amendments to Records Request Policy, Correspondence Policy, and City Council Policies and Procedures	125 - 138
	<a href="#">Agenda Memo - AM-24-686 - Pdf</a>	
A.10.	Resolution No. 32047 approving service orders with Ark Data Centers for datacenter services for 36 months and authorizing payment in the amount of \$590,381.68	139 - 140
	<a href="#">Agenda Memo - AM-24-676 - Pdf</a>	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 32048 accepting proposal and approving contract with RDG Planning & Design, Inc. regarding Park planning and design services for three neighborhood parks and authorizing payment in an amount not to exceed \$111,000	141 - 155
	<a href="#">Agenda Memo - AM-24-660 - Pdf</a>	
D.2.	Resolution No. 32049 approving Memorandum of Understanding with the American Legion Post 298 for use of five parking spaces in the Legion's parking lot for public access to Draper Park	156 - 159
	<a href="#">Agenda Memo - AM-24-680 - Pdf</a>	
E.	Engineering	

- |                              |  |           |
|------------------------------|--|-----------|
| E.1.                         | Resolution No. 32050 approving an agreement for a Surface Transportation Block Grant (STBG) Program Project with the Iowa Department of Transportation regarding the CeMar Trail: Phase 5 Improvements Project in the amount of \$2,350,000 (TPMS no. 39557) (TRL-17-055)<br><a href="#">Agenda Memo - AM-24-688 - Pdf</a> | 160 - 162 |
| <br>F. Community Development |  |           |
| F.1.                         | Motion to receive and file a request for relief of the commercial development moratorium for property located at 5800 Linn Aire Avenue, Marion, Iowa to permit the use of motor vehicle service and repair, minor (John Georgen)<br><a href="#">Agenda Memo - AM-24-677 - Pdf</a>  | 163 - 167 |
| F.2.                         | Resolution No. 32051 setting a public hearing for September 5, 2024, regarding a request to rezone property from BC, Community Business to PUD, Planned Unit Development for property located at 1195 East Post Road, Marion, Iowa. (Platinum Development)<br><a href="#">Agenda Memo - AM-24-670 - Pdf</a>                | 168 - 186 |
| <br>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.                          | Resolution No. 32052 approving a two-year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger newsletter plus eight special inserts and authorizing payment not to exceed \$137,000<br><a href="#">Agenda Memo - AM-24-684 - Pdf</a>             | 187 - 194 |
| <br>B. Public Services - None |  |           |
| C. Public Safety - None       |  |           |
| D. Parks - None               |  |           |
| E. Engineering - None         |  |           |
| F. Community Development      |  |           |
| F.1.                          | Resolution No. 32053 approving partial releases and covenants for the Ridge at Indian Creek 2nd Addition to the City of Marion as part of the Community Development Block Grant - Disaster Recovery project (Contract No. 20-DRH-018)<br><a href="#">Agenda Memo - AM-24-687 - Pdf</a> | 195 - 199 |

- F.2. Resolution No. 32054 approving The Commons at English Glen Seventh Addition Final Site Development Plan for property located north of 29th Avenue and west of 44th Street, Marion, Iowa (Robson Homes Inc.) 200 - 209

[Agenda Memo - AM-24-683 - Pdf](#)

- G. Library - None

## **REGULAR AGENDA**

- A. Administrative Services

- A.1. Ordinance No. 24-08 designating an area of Marion, Iowa, as the 2024 8th Avenue Multifamily Housing Urban Revitalization Area (final consideration) 210 - 216

[Agenda Memo - AM-24-697 - Pdf](#)

- A.2. Ordinance No. 24-09 amending sections of the Marion Code of Ordinances including Section 229-14 regarding Public Health and Safety and Section 313-3.12 regarding Operation of Golf Carts (second consideration) 217 - 218

[Agenda Memo - AM-24-674 - Pdf](#)

- B. Public Services - None

- C. Public Safety - None

- D. Parks - None

- E. Engineering

- E.1. Ordinance No. 24-10 amending various sections of the Marion Code of Ordinances relating to merging Public Services Department and Engineering Department into the Public Works Department (second consideration) 219 - 222

[Agenda Memo - AM-24-672 - Pdf](#)

- E.2. Motion to suspend the rules and proceed to the final consideration of Ordinance No.24-10

- E.3. Ordinance No. 24-10 amending various sections of the Marion Code of Ordinances relating to merging Public Services Department and Engineering Department into the Public Works Department (final consideration) 223 - 226

[Agenda Memo - AM-24-673 - Pdf](#)

- F. Community Development - None

- 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**