



AGENDA

City Council Regular Session

5:30 PM - Thursday, November 21, 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, select Join a Meeting, and enter the Meeting ID# 880 8552 8717. 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, November 21 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - Small Business Saturday (November 30, 2024) 7 - 8
[Agenda Memo - AM-24-960 - Pdf](#)

PRESENTATIONS

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

1. Presentation recognizing Mary Weber as the 2024 recipient of the Paul Draper "Spirit of Marion" Award 9 - 10
[Agenda Memo - AM-24-955 - 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 November 5 and 7, 2024 City Council meetings 11 - 22
[Agenda Memo - AM-24-976 - Pdf](#)

A.2.	Mayor AbouAssaly recommended appointments as follows:	23 - 27
	<ul style="list-style-type: none"> Arts Council: <ul style="list-style-type: none"> Bethany Healy - term expires 12/31/24 Bex Hurn - term expires 12/31/25 	
	Agenda Memo - AM-24-940 - Pdf	
A.3.	Liquor licenses:	28
	<ul style="list-style-type: none"> Renewal - Casey's General Store #3562 Renewal - Naso's Pizza Marion Renewal - Mega Retail Renewal - Kwik Star #1008 	
	Agenda Memo - AM-24-983 - Pdf	
A.4.	Receive and file October 2024 department monthly report	29 - 45
	Agenda Memo - AM-24-978 - Pdf	
A.5.	Payments as presented in the amount of \$5,770,182.24	46 - 78
	Agenda Memo - AM-24-975 - Pdf	
A.6.	Resolution No. 32163 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with Squaw Creek Crossing, Inc., Including Annual Appropriation Tax Increment Payments	79 - 98
	Agenda Memo - AM-24-738 - Pdf	
A.7.	Resolution No. 32164 approving payment to Tyler Technologies for Enterprise Resource Planning (ERP) and Timekeeping Software maintenance and support in the amount of \$179,506.04	99 - 100
	Agenda Memo - AM-24-972 - Pdf	
A.8.	Resolution No. 32165 approving amendment no. 2 to the professional services agreement and amendment no. 7 to task order no. 1 with Tidal Basin Government Consulting, LLC to extend term until November 1, 2025	101 - 104
	Agenda Memo - AM-24-986 - Pdf	
A.9.	Resolution No. 32166 approving mutual release between Broad & Main 7 LC, Broad & Main 6 LC, Uptown Development LC, Eagle View Partners LC, and Mark Kittrell, and the City of Marion	105 - 140
	Agenda Memo - AM-24-1007 - Pdf	
B.	Public Safety	
B.1.	Resolution No. 32167 approving purchase of a call logger recorder from Zetron, Inc. and authorizing payment in the amount not to exceed \$57,888	141 - 144
	Agenda Memo - AM-24-969 - Pdf	
C.	Parks	

C.1.	Resolution No. 32168 approving purchase of a T770 T4 Bobcat Compact Track Loader 44 from Doosan Bobcat North America (dba Bobcat of Cedar Rapids) and authorizing payment in an amount not to exceed \$92,428.73 Agenda Memo - AM-24-996 - Pdf	145 - 147
D.	Public Works	
D.1.	Motion to approve project calendar regarding the Public Safety Training Facility - Burn Building Package as follows: <ul style="list-style-type: none"> • Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the Public Safety Training Facility - Burn Building Package (FACS-20-007) • 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 Public Safety Training Facility - Burn Building Package (FACS-20-007) • Motion setting public hearing and directing publication thereof for Public Safety Training Facility - Burn Building Package (FACS-20-007) Agenda Memo - AM-24-966 - Pdf	148 - 151
D.2.	Resolution No. 32169 accepting the 2024 Pavement Patching Project Agenda Memo - AM-24-990 - Pdf	152 - 153
D.3.	Resolution No. 32170 approving change order no. 1 with D & N Fence Co for the addition of a 24' x 6' black vinyl double gate related to the 2024 Public Works Facility Fencing Project and authorizing payment in the amount of \$2,123 (FACS-17-069) Agenda Memo - AM-24-991 - Pdf	154 - 157
E.	Community Development	
E.1.	Resolution No. 32171 approving a development agreement and related documents for the Hoth Flats Community Development Block Grant - Disaster Recovery Project Agenda Memo - AM-24-950 - Pdf	158 - 219
E.2.	Motion to receive and file a request for a waiver to Ordinance 23-26 to permit a gas station in the BC, Community Business zoning district for property located at 5680 Kacena Avenue, Marion, Iowa (Aban Baral, Mustang Retail & More LLC) Agenda Memo - AM-24-999 - Pdf	220 - 262

- E.3. Resolution No. 32172 setting a public hearing for December 5, 2024, regarding an amendment to Ordinance No. 10-25 regarding the Marion Enterprise Center Design Guidelines for property generally located south of Highway 151 and east of 62nd Street, Marion, Iowa (Marion Economic Development Company) 263 - 299

[Agenda Memo - AM-24-979 - Pdf](#)

F. 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 Safety - None

C. Parks - None

D. Public Works

- D.1. Resolution No. 32173 approving contract amendment no. 1 with Anderson-Bogert Engineering and Surveyors, Inc. regarding the 2023 on call general airport consulting services and approving payments in the amount not to exceed \$25,000 300 - 303

[Agenda Memo - AM-24-959 - Pdf](#)

E. Community Development - None

F. Library - None

REGULAR AGENDA

A. Administrative Services

- A.1. Ordinance No. 24-17 amending various sections of the Marion Code of Ordinances including Chapter 223-11 regarding Nuisance Abatement and Chapter 313, Article XII regarding Automated Traffic Enforcement (second consideration) 304 - 306

[Agenda Memo - AM-24-974 - Pdf](#)

B. Public Safety

- B.1. Ordinance No. 24-16 amending Chapter 24, Article III of the Marion Code of Ordinances regarding the Fire Department (final consideration) 307 - 310

[Agenda Memo - AM-24-973 - Pdf](#)

C. Parks - None

D. Public Works

- D.1. Ordinance No. 24-18 amending Chapter 313-10.10 and 313-10.11 of the Marion Code of Ordinances regarding Snow Routes and Winter Storm Parking (second consideration) 311 - 313

[Agenda Memo - AM-24-984 - Pdf](#)

- D.2. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-18 regarding Snow Routes and Winter Storm Parking
- D.3. Ordinance No. 24-18 amending Chapter 313-10.10 and 313-10.11 of the Marion Code of Ordinances regarding Snow Routes and Winter Storm Parking (final consideration) 314 - 316
[Agenda Memo - AM-24-985 - Pdf](#)
- D.4. Public hearing regarding the Sanitary Trunk Sewer Project 4 and 5 (SWR-20-001-4) 317 - 327
[Agenda Memo - AM-24-993 - Pdf](#)
- D.5. Motion to approve project calendar regarding the Sanitary Trunk Sewer Project 4 and 5 as follows: 328 - 338
- Resolution No. 32174 adopting final plans, specifications, form of contract, and estimate of cost regarding the Sanitary Trunk Sewer Project 4 and 5 (SWR-20-001-4)
 - Resolution No. 32175 awarding bid, authorizing approval of the contract, bonds and insurance with Boomerang Corp regarding the Sanitary Trunk Sewer Project 4 and 5, and authorizing payment in the amount of \$2,947,643.46 (SWR-20-001-4)
- [Agenda Memo - AM-24-992 - Pdf](#)
- D.6. Public hearing regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029) 339 - 342
[Agenda Memo - AM-24-998 - Pdf](#)
- D.7. Motion to approve project calendar regarding the 16th Avenue Sanitary Sewer Project as follows: 343 - 346
- Resolution No. 32176 adopting final plans, specifications, form of contract, and estimate of cost regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
 - Resolution No. 32177 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Co. regarding the 16th Avenue Sanitary Sewer Project, and authorizing payment in the amount of \$71,394 (ANN-18-029)
- [Agenda Memo - AM-24-997 - Pdf](#)
- D.8. Public hearing regarding the Oak Shade Cemetery Crypt Wall Repair Project (REC-25-001) 347 - 361
[Agenda Memo - AM-24-995 - Pdf](#)

- D.9. Motion to approve project calendar regarding the 2024 Oak Shade Cemetery Crypt Wall Repair Project as follows: 362 - 376
- Resolution No. 32178 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Oak Shade Cemetery Crypt Wall Repair Project (REC-25-001)
 - Resolution No. 32179 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Co. regarding the 2024 Oak Shade Cemetery Crypt Wall Repair Project, and authorizing payment in the amount of \$438,750 (REC-25-001)

[Agenda Memo - AM-24-1014 - Pdf](#)

E. Community Development

- E.1. Ordinance No. 24-19 approving a request to rezone property from UTC-1, Urban Transitional Commercial (1) to PUD, Planned Unit Development for property located at 801 10th Street, Marion, Iowa (Hoth Properties LLC) (second consideration) 377 - 391

[Agenda Memo - AM-24-900 - Pdf](#)

- E.2. Ordinance No. 24-20 approving amendments to Chapter 340 of the Marion Code of Ordinances related to zoning definitions, parking and loading regulations, landscape and screening standards, and accessory structure setbacks (second consideration) 392 - 395

[Agenda Memo - AM-24-890 - Pdf](#)

F. 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 real estate transactions and litigation as permitted under Section 21.5(1)(j) and Section 21.5(1)(c) of the Code of Iowa. (Three separate items)

ADJOURN