



AGENDA

City Council Regular Session

5:30 PM - Thursday, April 6, 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# 889 3717 3318. 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, April 6 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

SPECIAL AGENDA

The following items are related to the Councilmember Ward 1 vacancy.

1. Resolution No. 31287 approving rules and procedures regarding the filling of the Councilmember Ward 1 vacancy by appointment 8 - 10
[Agenda Memo - AM-23-296 - Pdf](#)
2. Motion to receive and file the following applications for the Councilmember Ward 1 vacancy: 11 - 19
 - Kim Etzel - 933 8th Avenue
 - Gage Miskimen - 2251 Pleasantview Drive
 - Lou Rogers - 1565 Pleasantview Drive[Agenda Memo - AM-23-295 - Pdf](#)
3. Presentation and interview of candidates for Councilmember Ward 1
4. Balloting for the appointment of Councilmember Ward 1
5. Resolution No. 31288 making an appointment to fill the vacancy on the Marion City Council until the next pending election as defined in Iowa Code Chapter 69.12 20
[Agenda Memo - AM-23-297 - Pdf](#)
6. Oath of Office for candidate chosen

PROCLAMATIONS/OATHS

1. Proclamation - Fair Housing Month (April 2023) 21 - 22
[Agenda Memo - AM-23-318 - 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 March 21 and 23, 2023 City Council meetings 23 - 33
[Agenda Memo - AM-23-326 - Pdf](#)
 - A.2. Mayor AbouAssaly's recommended appointment: 34
 - Cedar Rapids Linn County Solid Waste Agency's Transfer Station Subcommittee - Grant Harper[Agenda Memo - AM-23-347 - Pdf](#)
 - A.3. Motion to approve liquor licenses including the following: 35
 - Renewal - Zoey's Pizzeria - 690 10th Street
 - Renewal - Mix Sushi & Kitchen - 1144-1138 7th Ave
 - Renewal - BP to Go - 1010 East Post Road[Agenda Memo - AM-23-306 - Pdf](#)
 - A.4. Payments as presented in the amount of \$2,814,707.59 36 - 57
[Agenda Memo - AM-23-327 - Pdf](#)
 - A.5. Resolution No. 31289 approving partial payment no. 28 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$1,341.25 58 - 61
[Agenda Memo - AM-23-293 - Pdf](#)
 - A.6. Resolution No. 31290 setting a public hearing for May 4, 2023 regarding the proposed adoption of a fiscal year 2022-2023 budget amendment 62
[Agenda Memo - AM-23-311 - Pdf](#)
 - A.7. Resolution No. 31291 setting the date for public hearings on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder 63 - 83
[Agenda Memo - AM-23-312 - Pdf](#)
 - A.8. Resolution No. 31292 approving an amended contract with Lynch Dallas for employment and labor law and Assistant City Attorney services 84 - 86
[Agenda Memo - AM-23-345 - Pdf](#)

A.9.	Resolution No. 31293 approving and authorizing entry into the Nationwide Opioid Settlement Agreement with five additional defendants Agenda Memo - AM-23-309 - Pdf	87 - 105
A.10.	Resolution No. 31294 approving a Real Property Sales, Leases, and Vacations Policy Agenda Memo - AM-23-346 - Pdf	106 - 113
A.11.	Resolution No. 31295 authorizing and directing East Central Iowa Council Of Governments (ECICOG) to submit application and associated documents for funding for the Community Development Block Grant Disaster Recovery Derecho Generator Program (CDBG-DR) to the Iowa Economic Development Authority Agenda Memo - AM-23-357 - Pdf	114 - 115
A.12.	Resolution No. 31296 approving Service Agreement with with East Central Iowa Council of Governments (ECICOG) for completion of the Community Development Block Grant Disaster Recovery (CDBG-DR) Generator Program grant application and general grant administration Agenda Memo - AM-23-358 - Pdf	116 - 117
B.	Public Services	
B.1.	Resolution No. 31297 approving rental agreement with Mid-Iowa Solid Waste Equipment Company for the rental of a street sweeper in the amount of \$16,000 Agenda Memo - AM-23-303 - Pdf	118 - 121
B.2.	Resolution No. 31298 approving contract amendment and change order with A-One Geothermal for the Geothermal Field Site Package and authorizing payment in the amount of \$35,363 (FACS-17-069) Agenda Memo - AM-23-307 - Pdf	122 - 125
B.3.	Resolution No. 31299 approving contract amendment and change order with Elite Fire Sprinkler Systems for the Public Service Maintenance Facility and authorizing payment in the amount of \$32,650 (FACS-17-069) Agenda Memo - AM-23-305 - Pdf	126 - 129
B.4.	Resolution No. 31300 approving contract amendment and change order with Poly Vinyl Roofing Inc. for the existing Public Service Maintenance Facility and authorizing payment in the amount of \$3,810 Agenda Memo - AM-23-304 - Pdf	130 - 131

B.5.	Resolution No. 31301 approving equipment purchase agreement with Truck Country for the replacement of the Public Services Fleet Chassis and authorizing payment in the amount of \$1,342,121 (EQPT-18-075/076/077) Agenda Memo - AM-23-324 - Pdf	132 - 146
C. Public Safety - None		
D. Parks		
D.1.	Resolution No. 31302 accepting a deed and setting terms relating to a real estate conveyance from the Marion Water Department for a future elevated water tower and city park, Parcel A, Plat of Survey No. 2674 Agenda Memo - AM-23-300 - Pdf	147
E. Engineering		
E.1.	Resolution No. 31303 approving Partial Payment No. 5 to Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry in the amount of \$291 (FACS-17-034) Agenda Memo - AM-23-340 - Pdf	148
E.2.	Resolution No. 31304 approving partial payment no. 12 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$2,375 (FACS-17-034) Agenda Memo - AM-23-341 - Pdf	149
E.3.	Resolution No. 31305 approving contract and bond with Visu Sewer Inc. regarding the 2023 Sanitary Sewer Televising Project and authorizing payment in the amount of \$90,813.98 (ANN-18-029) Agenda Memo - AM-23-322 - Pdf	150 - 152
E.4.	Resolution No. 31306 approving contract and bond to Corum Construction LLC regarding the 2023 Twixt Town Rd & Marion Blvd Intersection Improvements Project and authorizing payment in the amount of \$163,002.98 (TRANS-18-090) Agenda Memo - AM-23-323 - Pdf	153 - 155
E.5.	Motion to receive file and refer to TAC a petition regarding a no parking request on 28th Avenue and 24th Street Intersection (Elfrida Tillander, 2550 28th Avenue) Agenda Memo - AM-23-329 - Pdf	156 - 157
F. Community Development		
F.1.	Resolution No. 31307 setting a public hearing for April 20, 2023 regarding a request to rezone property from BC, Community Business to BR, Regional Business for property located at 3201 and 3301 Armar Drive, Marion, Iowa (Armar Plaza Associates & Armstrong-Race Realty Co) Agenda Memo - AM-23-301 - Pdf	158 - 171

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

B.1. Resolution No. 31308 approving payment to Conlon Construction for the City Hall Roof Repair project in an amount not to exceed \$31,491 172

[Agenda Memo - AM-23-332 - Pdf](#)

B.2. Motion to approve the project calendar regarding the value engineering change orders for the Public Service Facility Trade Packages as follows: 173 - 182

- Resolution No. 31309 approving change order no. 1 to LL Pelling for a credit in the amount of \$3,935 (FACS-17-069)
- Resolution No. 31310 approving change order no. 1 to Dan's Overhead Door for a credit in the amount of \$200,446 (FACS-17-069)
- Resolution No. 31311 approving change order no. 1 to Hawkeye Electric for a credit in the amount of \$68,985 (FACS-17-069)
- Resolution No. 31312 approving change order no. 1 to T&K Roofing for a credit in the amount of \$44,600 (FACS-17-069)
- Resolution No. 31313 approving change order no. 1 to BG Brecke, Inc. for a credit in the amount of \$79,813 (FACS-17-069)

[Agenda Memo - AM-23-333 - Pdf](#)

C. Public Safety - None

D. Parks - None

E. Engineering

E.1. Resolution No. 31314 approving Partial Payment No. 8 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$1822.22 (FACS-17-034) 183

[Agenda Memo - AM-23-338 - Pdf](#)

E.2. Resolution No. 31315 approving Partial Payment No. 9 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$2.67 (FACS-17-034) 184

[Agenda Memo - AM-23-339 - Pdf](#)

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| E.3. | Resolution No. 31316 approving Partial Payment No. 19 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$5,767.45 (FACS-17-034)
Agenda Memo - AM-23-335 - Pdf | 185 |
| E.4. | Resolution No. 31317 approving Partial Payment No. 20 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$7,696.50 (FACS-17-034)
Agenda Memo - AM-23-336 - Pdf | 186 |
| E.5. | Resolution No. 31318 approving Partial Payment No. 21 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$405.08 (FACS-17-034)
Agenda Memo - AM-23-337 - Pdf | 187 |
| F. | Community Development - None | |
| G. | Library - None | |

REGULAR AGENDA

- | | | |
|------|---|-----------|
| A. | Administrative Services | |
| A.1. | Public Hearing on Proposed Amended Development Agreement with Squaw Creek Crossing, Inc.
Agenda Memo - AM-23-342 - Pdf | 188 - 251 |
| A.2. | Public Hearing on Proposed Development Agreement with Squaw Creek Crossing, Inc.
Agenda Memo - AM-23-343 - Pdf | 252 - 315 |
| A.3. | Motion to approve project calendar as follows: <ul style="list-style-type: none"> • Resolution No. 31319 approving Amended Development Agreement with Squaw Creek Crossing, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement • Resolution No. 31320 approving Development Agreement with Squaw Creek Crossing, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement • Resolution No. 31321 approving a Memorandum of Understanding with Squaw Creek Crossing, Inc. Agenda Memo - AM-23-299 - Pdf | 316 - 379 |
| A.4. | Resolution No. 31322 approving Bond Purchase Agreement and providing for the issuance of Road Use Tax Revenue Bonds, Series 2023A
Agenda Memo - AM-23-298 - Pdf | 380 - 382 |

- B. Public Services
 - B.1. Resolution No. 31323 accepting bids and approving purchase agreement with Henderson Products for the replacement dump bodies and snow plows for the Public Services Fleet and authorizing payment in the amount of \$1,538,108 (EQPT-18-075/076/077) 383 - 405
[Agenda Memo - AM-23-325 - Pdf](#)
- C. Public Safety
 - C.1. Ordinance No. 23-04 amending the Marion Code of Ordinances by adding language regarding Automated Traffic Enforcement (ATE) (second consideration) 406 - 410
[Agenda Memo - AM-23-330 - Pdf](#)
 - C.2. Ordinance No. 23-05 amending Chapter 313-10.12 of the Marion Code of Ordinances relating to Parking on Private Property and Towing (second consideration) 411 - 412
[Agenda Memo - AM-23-331 - Pdf](#)
- D. Parks - None
- E. Engineering
 - E.1. Ordinance No. 23-03 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Echo Hill Road from the City limits easterly to Alburnett Road (final consideration) 413 - 433
[Agenda Memo - AM-23-319 - Pdf](#)
 - E.2. Ordinance No. 23-06 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Highway 100 from the City limits easterly to Highway 13 (second consideration) 434 - 436
[Agenda Memo - AM-23-320 - Pdf](#)
 - E.3. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-06.
 - E.4. Ordinance No. 23-06 amending Chapter 313-4.4B of the Code of Ordinances establishing the speed limit on Highway 100 from the City limits easterly to Highway 13 (final consideration) 437 - 439
[Agenda Memo - AM-23-321 - Pdf](#)
- F. Community Development - None
- G. Library - None

OTHER DEPARTMENT DISCUSSION

This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

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.

ADJOURN