



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, April 20, 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# 865 9962 6282. 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, April 20 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

Page

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### MOMENT OF SILENCE

### PROCLAMATIONS/OATHS

1. Proclamation - Arbor Day (April 28, 2023)

9 - 10

[Agenda Memo - AM-23-401 - 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 April 4 and 6, 2023 City Council meetings

11 - 21

[Agenda Memo - AM-23-420 - Pdf](#)

- A.2. Liquor licenses including the following:

22

- Renewal - Napolis - 500 Marion Boulevard, Suite 100
- Renewal - QDogs BBQ - 895 Blairs Ferry RD

[Agenda Memo - AM-23-368 - Pdf](#)

A.3.	Motion to approve calendar regarding Cocktails and Company's liquor license: <ul style="list-style-type: none"> <li>• Resolution No. 31324 approving a settlement agreement and consent order with Cocktails and Company</li> <li>• Motion to approve the liquor license renewal for Cocktails and Company at 1625 Blairs Ferry Road</li> </ul> <a href="#">Agenda Memo - AM-23-419 - Pdf</a>	23 - 29
A.4.	Motion to approve tobacco violation calendar as follows: <ul style="list-style-type: none"> <li>• Resolution No. 31325 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Hawks Smoke Shop)</li> </ul> <a href="#">Agenda Memo - AM-23-359 - Pdf</a>	30
A.5.	Receive and file March 2023 department monthly reports <a href="#">Agenda Memo - AM-23-422 - Pdf</a>	31 - 66
A.6.	Payments as presented in the amount of \$1,021,344.90 <a href="#">Agenda Memo - AM-23-421 - Pdf</a>	67 - 95
A.7.	Resolution No. 31326 adopting final assessment schedule for Fiscal Year 2023 Quarter 4 Delinquent Fees and Confirming and Levying the Assessments <a href="#">Agenda Memo - AM-23-412 - Pdf</a>	96 - 97
A.8.	Resolution No. 31327 approving annual payment to OPG-3, Inc. regarding Laserfiche software licenses in the amount of \$20,045.10 <a href="#">Agenda Memo - AM-23-400 - Pdf</a>	98
A.9.	Resolution No. 31328 setting a public hearing for May 4, 2023 regarding the proposed adoption of an ordinance amending Chapter 360 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees <a href="#">Agenda Memo - AM-23-382 - Pdf</a>	99 - 102
A.10.	Resolution No. 31329 setting a public hearing for May 4, 2023 regarding the proposed adoption of an ordinance amending Chapter 355 of the Code of Ordinances regarding Electric Franchise with Interstate Power and Light Company (Alliant Energy) including the addition of franchise fees <a href="#">Agenda Memo - AM-23-383 - Pdf</a>	103 - 106
A.11.	Resolution No. 31330 setting a public hearing for May 4, 2023 regarding the proposed adoption of an ordinance amending Chapter 355 of the Code of Ordinances regarding Electric Franchise with Linn County Rural Electric Cooperative Association (Linn County REC) including the addition of franchise fees <a href="#">Agenda Memo - AM-23-384 - Pdf</a>	107 - 110

A.12.	Resolution No. 31331 approving professional service agreement with C4 Operations, LLC for pre-employment checks and Department of Transportation checks and authorizing pre-payment in the amount of \$15,000 <a href="#">Agenda Memo - AM-23-433 - Pdf</a>	111 - 116
A.13.	Resolution No. 31332 approving amendment to the well-being program contract with Health Solutions, replacing Schedule A <a href="#">Agenda Memo - AM-23-417 - Pdf</a>	117 - 126
A.14.	Resolution No. 31333 approving contract with RDG Planning & Design regarding Community Wayfinding System Design and authorizing payment in the amount of \$77,188 plus up to \$5,000 in reimbursable expenses <a href="#">Agenda Memo - AM-23-424 - Pdf</a>	127 - 139
A.15.	Resolution No. 31334 amending Schedule of Fees, Bonds and Insurance effective April 21, 2023 to incorporate inflatable rental program fees. <a href="#">Agenda Memo - AM-23-398 - Pdf</a>	140 - 159
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 31335 approving 28E agreement with Linn-Mar Community School District for use, maintenance, repair, and upkeep of sports and recreation facilities in the City of Marion, Iowa <a href="#">Agenda Memo - AM-23-366 - Pdf</a>	160 - 166
D.2.	Resolution No. 31336 approving agreement with JBC for the City of Marion Reforestation Plan and authorizing payment in the amount not to exceed \$62,450 <a href="#">Agenda Memo - AM-23-397 - Pdf</a>	167 - 187
D.3.	Receive and file Parks and Urban Forestry 2023 Summer Work Plan <a href="#">Agenda Memo - AM-23-396 - Pdf</a>	188 - 199
E.	Engineering	
E.1.	Resolution No. 31337 approving partial payment no. 21 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1,735 (TRL-17-055) <a href="#">Agenda Memo - AM-23-352 - Pdf</a>	200
E.2.	Resolution No. 31338 approving change order no. 01 with Boomerang Corp. regarding the Indian Creek Trunk Sewer - Segment 7 Project for a credit in the amount of \$88,439 (SWR-17-026) <a href="#">Agenda Memo - AM-23-350 - Pdf</a>	201 - 203

E.3.	Resolution No. 31339 approving partial payment no. 23 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$632.94 (TAP-U-4775(638)—81-57)(TRL-17-055) <a href="#">Agenda Memo - AM-23-372 - Pdf</a>	204
E.4.	Resolution No. 31340 approving partial payment no. 11 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$13,050.15 (FACS-17-034) <a href="#">Agenda Memo - AM-23-415 - Pdf</a>	205
E.5.	Motion to receive, file and refer to TAC a request regarding stop signs at the 3rd Avenue and 1st Street Intersection (Janelle Brouwer, Superintendent, Marion Independent School District) <a href="#">Agenda Memo - AM-23-407 - Pdf</a>	206 - 269
E.6.	Resolution No. 31341 approving conduit use agreement with Unite Private Networks, LLC <a href="#">Agenda Memo - AM-23-402 - Pdf</a>	270 - 274
E.7.	Motion directing staff to solicit engineering services from the Iowa DOT by means of the Traffic Engineering Assistance Program (TEAP) regarding a Highway 13 from 35th Avenue to Highway 100 traffic study <a href="#">Agenda Memo - AM-23-408 - Pdf</a>	275
F.	Community Development	
F.1.	Resolution No. 31342 setting a public hearing for May 18, 2023, regarding a request for partial demolition of the Marion Depot Pavilion located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as the Uptown Historic District (City of Marion) <a href="#">Agenda Memo - AM-23-414 - Pdf</a>	276 - 283
F.2.	Resolution No. 31343 setting a public hearing for May 18, 2023 request for the removal of the Caboose located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as the Uptown Historic District (City of Marion) <a href="#">Agenda Memo - AM-23-374 - Pdf</a>	284 - 322
F.3.	Receive and file the C Avenue and Alburnett Road Growth Area Study <a href="#">Agenda Memo - AM-23-438 - Pdf</a>	323 - 409
G.	Library	
G.1.	Resolution No. 31344 approving 28E agreement with the Marion Public Library Foundation regarding the employment of a Foundation Director <a href="#">Agenda Memo - AM-23-362 - Pdf</a>	410 - 418

## 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. 31345 approving partial payment no. 18 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$33,561.25 (FACS-17-034) 419  
[Agenda Memo - AM-23-416 - Pdf](#)
- F. Community Development - None
- G. Library - None

## REGULAR AGENDA

- A. Administrative Services
  - A.1. Public hearing on proposal to enter into a General Purpose Loan Agreement 420 - 440  
[Agenda Memo - AM-23-379 - Pdf](#)
  - A.2. Public hearing on proposal to enter into a Refunding Loan Agreement 441 - 461  
[Agenda Memo - AM-23-380 - Pdf](#)
  - A.3. Public hearing on proposal to enter into an Essential Purpose Loan Agreement 462 - 482  
[Agenda Memo - AM-23-370 - Pdf](#)
  - A.4. Resolution No. 31346 taking additional action on proposals to enter into General Obligation Loan Agreements, combining Loan Agreements, and authorizing the use of a Preliminary Official Statement in connection therewith 483 - 503  
[Agenda Memo - AM-23-381 - Pdf](#)
  - A.5. Resolution No. 31347 adopting a revenue purpose statement regarding use of revenues from proposed gas and electric franchise fees pursuant to Iowa Code Section 364.2(4)(F) 504 - 508  
[Agenda Memo - AM-23-371 - Pdf](#)
  - A.6. Public Hearing regarding the Fiscal Year 2024-2028 Capital Improvement Program 509 - 598  
[Agenda Memo - AM-23-393 - Pdf](#)

A.7.	Resolution No. 31348 approving the Fiscal Year 2024-2028 Capital Improvement Program <a href="#">Agenda Memo - AM-23-394 - Pdf</a>	599
A.8.	Public Hearing regarding the proposed fiscal year 2023-2024 budget <a href="#">Agenda Memo - AM-23-425 - Pdf</a>	600 - 602
A.9.	Resolution No. 31349 approving the fiscal year 2023-2024 budget <a href="#">Agenda Memo - AM-23-426 - Pdf</a>	603 - 619
A.10.	Resolution No. 31350 approving the Marion Strategic Plan for Fiscal Year 2023-2025 <a href="#">Agenda Memo - AM-23-432 - Pdf</a>	620 - 621
A.11.	Resolution No. 31351 authorizing the sale of city property and directing staff to prepare necessary documents <a href="#">Agenda Memo - AM-23-442 - Pdf</a>	622 - 623
B.	Public Services - None	
C.	Public Safety	
C.1.	Ordinance No. 23-04 amending the Marion Code of Ordinances by adding language regarding Automated Traffic Enforcement (ATE) (final consideration) <a href="#">Agenda Memo - AM-23-427 - Pdf</a>	624 - 628
C.2.	Resolution No. 31352 approving the Automated Traffic Enforcement (ATE) Camera Policy <a href="#">Agenda Memo - AM-23-434 - Pdf</a>	629 - 632
C.3.	Ordinance No. 23-05 amending Chapter 313-10.12 of the Marion Code of Ordinances relating to Parking on Private Property and Towing (final consideration) <a href="#">Agenda Memo - AM-23-428 - Pdf</a>	633 - 634
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 31353 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) <a href="#">Agenda Memo - AM-23-369 - Pdf</a>	635 - 637
E.2.	Public hearing regarding the 2023 10th Avenue Resurfacing Project (ANN-24-001) <a href="#">Agenda Memo - AM-23-389 - Pdf</a>	638 - 639

- E.3. Motion to approve project calendar regarding the 2023 10th Avenue Resurfacing Project as follows: 640 - 642
- Resolution No. 31354 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2023 10th Avenue Resurfacing Project (ANN-24-001)
  - Resolution No. 31355 awarding bid, authorizing the contract, bonds, and insurance with LL Pelling Company, Inc. regarding the 2023 10th Avenue Resurfacing Project and authorizing payment in the amount of \$1,404,080.40. (ANN-24-001)
- [Agenda Memo - AM-23-390 - Pdf](#)
- E.4. Public hearing regarding the 2023 Pavement Patching Project (TRANS-18-090) 643 - 644
- [Agenda Memo - AM-23-387 - Pdf](#)
- E.5. Motion to approve project calendar regarding the 2023 Pavement Patching Project as follows: 645 - 647
- Resolution No. 31356 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2023 Pavement Patching Project (TRANS-18-090)
  - Resolution No. 31357 awarding bid, authorizing the contract, bonds, and insurance with Central States Concrete LLC regarding the 2023 Pavement Patching Project and authorizing payment in the amount of \$1,247,370.00. (TRANS-18-090)
- [Agenda Memo - AM-23-388 - Pdf](#)
- F. Community Development
- F.1. Public Hearing 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) 648 - 665
- [Agenda Memo - AM-23-376 - Pdf](#)
- F.2. Ordinance No. 23-07 approving 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) (Initial Consideration) 666 - 684
- [Agenda Memo - AM-23-375 - Pdf](#)
- F.3. Resolution No. 31358 approving Boji's Addition Final Plat for property located south of Boyson Road and east of Agate Circle, Marion, Iowa. (Atlas LP Company) 685 - 691
- [Agenda Memo - AM-23-378 - Pdf](#)
- 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**