



AGENDA

City Council Regular Session

5:30 PM - Thursday, May 18, 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# 873 7192 2861. 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, May 18 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- | | | |
|----|--|---------|
| 1. | Proclamation - American Legion Auxiliary Poppy Days (May 19-20, 2023)
Agenda Memo - AM-23-455 - Pdf | 10 - 11 |
| 2. | Proclamation - Kids to Parks Day (May 20, 2023)
Agenda Memo - AM-23-292 - Pdf | 12 - 13 |

PRESENTATIONS

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

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| 1. | Community Life-Saving Award Presentation
Agenda Memo - AM-23-502 - Pdf | 14 |
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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 May 2 and 4, 2023 City Council meetings Agenda Memo - AM-23-507 - Pdf	15 - 23
A.2.	Mayor AbouAssaly's recommended appointment: <ul style="list-style-type: none"> • Civil Service Commission - John Godar - term expires 3/31/2027 • Civil Rights Commission - Megan Middaugh - term expires 12/31/2024 • Area Ambulance Board - City Manager Ryan Waller Agenda Memo - AM-23-367 - Pdf	24 - 28
A.3.	Liquor license including the following: <ul style="list-style-type: none"> • Renewal - Uptown Snug - 760 11th Street • New - Marion Metro Kiwanis- 4500 10th Street Agenda Memo - AM-23-504 - Pdf	29
A.4.	Receive and file correspondence from Bob Stokes regarding resignation from the Marion Municipal Airport Committee and the Airport Visioning Team. Agenda Memo - AM-23-496 - Pdf	30 - 32
A.5.	Motion to approve Hold Harmless Agreement with: <ul style="list-style-type: none"> • Marion Chamber of Commerce regarding Uptown Marion Market June 10, July 8, August 12 and September 30 on 7th Ave and in the Artway Agenda Memo - AM-23-563 - Pdf	33 - 48
A.6.	Receive and file April 2023 department monthly reports Agenda Memo - AM-23-509 - Pdf	49 - 83
A.7.	Payments as presented in the amount of \$5,408,158.02 Agenda Memo - AM-23-510 - Pdf	84 - 111
A.8.	Resolution No. 31376 approving memorandum of understanding with City of Cedar Rapids, City of Hiawatha and the Cedar Rapids Metro Economic Alliance regarding a collaborative growth initiative and authorizing payment in an amount not to exceed \$20,000 Agenda Memo - AM-23-441 - Pdf	112 - 119
A.9.	Resolution No. 31377 approving agreement with Marion Cares regarding the award of funds from the Civil Rights Commission Low to Moderate Income Housing Grant program and authorizing payment in the amount of \$20,000 Agenda Memo - AM-23-554 - Pdf	120 - 123
A.10.	Resolution No. 31378 approving partial payment no. 30 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$786.25 Agenda Memo - AM-23-547 - Pdf	124 - 127

A.11.	Resolution No. 31379 authorizing and approving a Loan Agreement and providing for the issuance of \$6,585,000 General Obligation Corporate Purpose Bonds, Series 2023B and providing for the levy of taxes to pay the same Agenda Memo - AM-23-520 - Pdf	128 - 132
A.12.	Resolution No. 31380 authorizing and approving a Loan Agreement, authorizing the call of outstanding Bonds, providing for the issuance of \$3,060,000 Taxable General Obligation Refunding Bonds, Series 2023C, and providing for the levy of taxes to pay the same Agenda Memo - AM-23-522 - Pdf	133 - 136
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Receive and File Lowe Park Master Plan Agenda Memo - AM-23-561 - Pdf	137 - 246
E.	Engineering	
E.1.	Resolution No. 31381 accepting the 788 2nd Street Disposal Project (TRANS-18-092) Agenda Memo - AM-23-534 - Pdf	247
E.2.	Resolution No. 31382 approving partial payment no. 22 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$760 (TRL-17-055) Agenda Memo - AM-23-497 - Pdf	248
E.3.	Resolution No. 31383 approving partial payment no. 24 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,265.88 (TAP-U-4775(638)—81-57)(TRL-17-055) Agenda Memo - AM-23-535 - Pdf	249 - 250
E.4.	Resolution No. 31384 approving Task Order No. 3 with HDR regarding Alburnett Road Extension Real Estate Services (RES) and approving payment in the amount of \$128,000 (TRANS-18-092) Agenda Memo - AM-23-537 - Pdf	251 - 267
E.5.	Resolution No. 31385 approving a contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the 2024 HWY 100 & East Post Road Traffic Signals and Turn Lane Improvement Project and approving payments in the amount of \$75,000 (CS-TSF-4775(644)--85-57) (TRANS-20-002) Agenda Memo - AM-23-533 - Pdf	268 - 279

- E.6. Resolution No. 31386 approving a contract amendment with Snyder and Associates regarding scope limits to the contract for the 2018 Alburnett Road Extension Project Phase I and approving payment for an additional amount of \$112,150 for a new contract total not to exceed \$936,750 (TRANS-18-092) 280 - 285
[Agenda Memo - AM-23-526 - Pdf](#)
- E.7. Motion to approve project calendar regarding Temporary Construction Easements associated with the 2023 Sidewalk Ramp Project as follows: 286 - 287
- Resolution No. 31387 approving Temporary Construction Easement with Jon Wangler, 2365 Northview Drive, regarding the 2023 Sidewalk Ramp Project (ANN-18-106)
 - Resolution No. 31388 approving Temporary Construction Easement with Michael Heidt, 2690 Northview Drive, regarding the 2023 Sidewalk Ramp Project (ANN-18-106)
 - Resolution No. 31389 approving Temporary Construction Easement with James C Hebenstreit, 2415 24th Street, regarding the 2023 Sidewalk Ramp Project
 - Resolution No. 31390 approving Temporary Construction Easement with Jampat L.L.C., 2395 24th Street, regarding the 2023 Sidewalk Ramp Project
 - Resolution No. 31391 approving Temporary Construction Easement with Natalie R. Roston, 1245 English Boulevard, regarding the 2023 Sidewalk Ramp Project
 - Resolution No. 31392 approving Temporary Construction Easement with David M. Sodawasser, 1100 English Boulevard, regarding the 2023 Sidewalk Ramp Project
 - Resolution No. 31393 approving Temporary Construction Easement with Marion Independent School District , 1400 10th Avenue, regarding the 2023 Sidewalk Ramp Project
- [Agenda Memo - AM-23-545 - Pdf](#)

- E.8. Motion to approve Project Calendar regarding Temporary Construction Easements associated with 3rd Avenue Reconstruction Project (NSI) as follows: 288 - 289
- Resolution No. 31394 approving Temporary Construction Easement with The Lynda Burrows Trust, 302 22nd Street, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
 - Resolution No. 31395 approving Temporary Construction Easement with Larry J Foxen, 440 22nd Street, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
 - Resolution No. 31396 approving Temporary Construction Easement with Ronald J Crippen, 2304 3rd Avenue, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
 - Resolution No. 31397 approving Temporary Construction Easement with Dean K Darling and Judith K Walters, 2598 3rd Avenue, regarding the 2023 3rd Avenue Reconstruction Project (NSI) (TRANS-18-090)
- [Agenda Memo - AM-23-552 - Pdf](#)
- E.9. Resolution No. 31398 authorizing the execution and submittal of a grant application to the Iowa Department of Transportation regarding funding for the Marion Airport to bury the overhead power lines on the Runway 17 approach and for the installation of a Precision Approach Path Indicator (PAPI) 290 - 300
- [Agenda Memo - AM-23-532 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 31399 setting a public hearing for June 8, 2023 regarding an amendment to Chapter 284-6.F(5) related to lot widths and Chapter 340-8.2B(11)(p) related to parking requirements of the Marion Code of Ordinances 301 - 302
- [Agenda Memo - AM-23-512 - Pdf](#)
- F.2. Resolution No. 31400 approving payment no. 41 to Shoemaker Haaland per the contract for the CeMar Trail in the amount of \$2,155.75 (TAP-U-4475(630)-8I-57) (TRL-17-055) 303 - 308
- [Agenda Memo - AM-23-536 - Pdf](#)
- F.3. Resolution No. 31401 approving The Coves at English Glen Second Addition Final Plat and Memorandum of Agreement for property located east of 35th Street and north of English Glen Avenue, Marion, Iowa (Adam Stradt) 309 - 323
- [Agenda Memo - AM-23-479 - Pdf](#)
- G. Library

- G.1. Resolution No. 31402 approving the extension of certain Library Board members to be consistent with the current ordinance relating to the Library Board 324 - 325
[Agenda Memo - AM-23-548 - Pdf](#)

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. 31403 approving partial payment no. 3 to Conlon Construction Construction Manager Services related to storm repairs for Marion City Hall in the amount \$2,803.76 326
[Agenda Memo - AM-23-556 - Pdf](#)
- B.2. Resolution No. 31404 approving payment no. 1 to Conlon Construction regarding the existing Public Service Maintenance Facility in the amount of \$10,023.49 327
[Agenda Memo - AM-23-557 - Pdf](#)
- B.3. Resolution No. 31405 approving partial payment no. 2 for Elite Fire regarding the Public Service Maintenance Facility and authorizing payment in the amount of \$11,812.30 (FACS-17-069) 328 - 329
[Agenda Memo - AM-23-555 - Pdf](#)
- B.4. Resolution No. 31406 approving payment no. 3 to Conlon Construction regarding construction manager services for the new Public Service Maintenance Facility in the amount of \$195,993 330
[Agenda Memo - AM-23-559 - Pdf](#)
- B.5. Resolution No. 31407 approving payment no. 4 to Conlon Construction regarding construction manager services for new Public Services Maintenance Facility in the amount of \$64,355.03 331
[Agenda Memo - AM-23-558 - Pdf](#)
- B.6. Resolution No. 31408 approving an additional contract to Wendling Quarries regarding concrete reclamation and recycling services and authorizing payment for an additional amount not to exceed \$19,981.25 332 - 335
[Agenda Memo - AM-23-560 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering

- E.1. Resolution No. 31409 approving payment to Rinderknecht Associates, Inc. for the Central Plaza Project in an amount not to exceed \$365,190 (REC-18-039) 336 - 337
[Agenda Memo - AM-23-528 - Pdf](#)
- F. Community Development
 - F.1. Resolution No. 31410 approving Green Park Apartment Living - Phase 2, Final Site Development Plan for property located at 1002 31st Street, Marion, Iowa (Green Park Apartment Living, LLC) 338 - 353
[Agenda Memo - AM-23-540 - Pdf](#)
- G. Library - None

REGULAR AGENDA

- A. Administrative Services
 - A.1. Ordinance No. 23-08 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 (second consideration). 354 - 357
[Agenda Memo - AM-23-517 - Pdf](#)
 - A.2. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-08.
 - A.3. Ordinance No. 23-08 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 (final consideration) 358 - 361
[Agenda Memo - AM-23-549 - Pdf](#)
 - A.4. Ordinance No. 23-09 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 (second consideration) 362 - 365
[Agenda Memo - AM-23-515 - Pdf](#)
 - A.5. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-09
 - A.6. Ordinance No. 23-09 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 (final consideration) 366 - 369
[Agenda Memo - AM-23-550 - Pdf](#)
 - A.7. Ordinance No. 23-10 amending Chapter 360 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees (second consideration) 370 - 373
[Agenda Memo - AM-23-516 - Pdf](#)

A.8.	Motion to suspend the rules and proceed to the final consideration of Ordinance No. 23-10	
A.9.	Ordinance No. 23-10 amending Chapter 360 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees (final consideration) Agenda Memo - AM-23-551 - Pdf	374 - 377
A.10.	Ordinance No. 23-11 amending various sections of the Marion Code of Ordinances (second consideration) Agenda Memo - AM-23-542 - Pdf	378 - 379
A.11.	Motion to approve a liquor licenses including the following: <ul style="list-style-type: none"> • New - St. Joseph Catholic Church (Fun Days) - 1790 14th Street Agenda Memo - AM-23-572 - Pdf	380
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 31411 approving contract with Sensys Gatso to provide an Automated Traffic Camera program Agenda Memo - AM-23-565 - Pdf	381 - 493
D.	Parks - None	
E.	Engineering - None	
F.	Community Development	
F.1.	Resolution No. 31412 approving the Central Corridor Review for property located at 660 & 684 10th Street Marion, Iowa (Masonic Temple Association) Agenda Memo - AM-23-511 - Pdf	494 - 505
F.2.	Public hearing 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 Uptown Historic District Agenda Memo - AM-23-543 - Pdf	506 - 520
F.3.	Resolution No. 31413 approving the partial demolition of the Marion Depot Pavilion located at 1001 7th Avenue within the Downtown Commercial Historic District, commonly referred to as Uptown Historic District Agenda Memo - AM-23-544 - Pdf	521
F.4.	Public hearing regarding a 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 Agenda Memo - AM-23-530 - Pdf	522 - 560

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| F.5. | Resolution No. 31414 approving a 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
Agenda Memo - AM-23-531 - Pdf | 561 |
| F.6. | Resolution No. 31415 approving contract with Wabtec Inc. for the refurbishment of the Caboose and authorizing payment in the amount not to exceed \$49,552 (REC-24-001)
Agenda Memo - AM-23-418 - Pdf | 562 |
| F.7. | Motion to receive and file a request for a moratorium related to the development of dollar stores / deep discount stores in the City of Marion. (Shannon Peek Schroeder)
Agenda Memo - AM-23-564 - Pdf | 563 - 600 |
| F.8. | Resolution No. 31416 approving support of a Workforce Housing Tax Credit application to be submitted to the Iowa Economic Development Authority (IEDA) for 1277 8th Avenue LLC
Agenda Memo - AM-23-571 - Pdf | 601 - 625 |

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.

ADJOURN