



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, June 22, 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# 883 9353 6584. 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, June 22 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 - Juneteenth (June 19, 2023)<br><a href="#">Agenda Memo - AM-23-705 - Pdf</a> | 8 - 9   |
| 2. | Proclamation - Pride Month (June 2023)<br><a href="#">Agenda Memo - AM-23-706 - Pdf</a>    | 10 - 11 |

### 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 June 6 and 8, 2023 City Council meetings<br><a href="#">Agenda Memo - AM-23-657 - Pdf</a> | 12 - 24 |

A.2.	Liquor licenses including the following:	25 - 26
	<ul style="list-style-type: none"> <li>• Renewal - Kum &amp; Go #503 - 3215 7th Ave</li> <li>• Renewal - TownPlace Suites by Marriott - 2823 7th Ave</li> <li>• Renewal - Tomasos Pizza - 1204 7th Ave Ste 101</li> <li>• Renewal - Marion Food Market - 5005 10th Ave</li> <li>• Renewal - The Hip-Stir - 1120 7th Ave</li> <li>• Renewal - Goldfinch Tap &amp; Eatery - 740 10th Street</li> </ul>	
	<a href="#"><u>Agenda Memo - AM-23-681 - Pdf</u></a>	
A.3.	Fiscal Year 2023-2024 Cigarette Permit Applications:	27
	<ul style="list-style-type: none"> <li>• Greenleaf Tobacco &amp; E-Cigs</li> <li>• Corner Mart</li> <li>• Hawks Smoke Shop</li> <li>• Marion Food Market</li> </ul>	
	<a href="#"><u>Agenda Memo - AM-23-707 - Pdf</u></a>	
A.4.	Certified List for Police Officer	28 - 29
	<a href="#"><u>Agenda Memo - AM-23-500 - Pdf</u></a>	
A.5.	Receive and file May 2023 department monthly reports	30 - 67
	<a href="#"><u>Agenda Memo - AM-23-658 - Pdf</u></a>	
A.6.	Payments as presented in the amount of \$4,648,042.97	68 - 96
	<a href="#"><u>Agenda Memo - AM-23-660 - Pdf</u></a>	
A.7.	Resolution No. 31454 approving Non-Exempt Employee-Owned Mobile Device Usage Policy and Waiver	97 - 99
	<a href="#"><u>Agenda Memo - AM-23-624 - Pdf</u></a>	
A.8.	Resolution No. 31455 approving Fiscal Year 2022-2023 operating budget transfers in the amount of \$40,000	100 - 101
	<a href="#"><u>Agenda Memo - AM-23-664 - Pdf</u></a>	
A.9.	Resolution No. 31456 approving partial payment no. 31 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$555	102 - 105
	<a href="#"><u>Agenda Memo - AM-23-683 - Pdf</u></a>	
A.10.	Resolution No. 31457 amending the Schedule of Fees, Bonds and Insurance effective July 1, 2023	106 - 107
	<a href="#"><u>Agenda Memo - AM-23-674 - Pdf</u></a>	
A.11.	Resolution No. 31458 to set a date for a public hearing on a proposal to enter into a Sewer Revenue Improvement Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$8,900,000	108 - 110
	<a href="#"><u>Agenda Memo - AM-23-675 - Pdf</u></a>	

- A.12. Resolution No. 31459 approving renewal of Workers Compensation Coverage for Fiscal Year 2023-2024 with Iowa Municipal Workers Compensation Association (IMWCA) and authorizing payment in the amount of \$81,687  
[Agenda Memo - AM-23-719 - Pdf](#) 111 - 117
- A.13. Resolution No. 31460 approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration and authorizing payment in the amount of \$20,000  
[Agenda Memo - AM-23-680 - Pdf](#) 118 - 123
- A.14. Resolution No. 31461 approving professional service agreement with Seda Consulting, LLC and authorizing payment in the amount of \$46,650  
[Agenda Memo - AM-23-714 - Pdf](#) 124 - 130
- B. Public Services - None
- C. Public Safety
  - C.1. Resolution No. 31462 approving a 28E agreement with Kirkwood Community College relating to the management of the accelerated education program with the Paramedic Technologies Program  
[Agenda Memo - AM-23-710 - Pdf](#) 131 - 135
  - C.2. Resolution No. 31463 approving payment to Keltek Inc. regarding upfitting a 2023 Chevrolet Tahoe for a K-9 police patrol vehicle in the amount of \$22,539.20  
[Agenda Memo - AM-23-702 - Pdf](#) 136 - 149
- D. Parks - None
- E. Engineering
  - E.1. Resolution No. 31464 approving partial payment no. 17 To Peak Construction Group regarding the Marion Library Project - Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$3,657.91 (FACS-17-034)  
[Agenda Memo - AM-23-691 - Pdf](#) 150
  - E.2. Motion to receive file and refer to Traffic Advisory Committee (TAC) a petition regarding a request to make the intersection of 29th Avenue and 31st Street into an all-way stop controlled intersection. (Derek J. Facculyn-Gous, 3115 31st Street)  
[Agenda Memo - AM-23-717 - Pdf](#) 151 - 155
  - E.3. Motion to receive file and refer to Traffic Advisory Committee (TAC) a petition regarding a request to make the intersection of 29th Avenue and 31st Street into an all-way stop controlled intersection (Ronald Zim, 3421 Granger Avenue)  
[Agenda Memo - AM-23-693 - Pdf](#) 156 - 157

- E.4. Motion to receive file and refer to Traffic Advisory Committee (TAC) a petition regarding a request to add a flashing beacon and crosswalk at McGowan and 35th Street. (Elizabeth Coder, 2650 Heather View Circle) 158 - 166  
[Agenda Memo - AM-23-694 - Pdf](#)
- E.5. Motion to receive file and refer to Traffic Advisory Committee (TAC) a petition regarding a request to add a flashing beacon and crosswalk at the intersection of Winchester and 29th Avenue. (Elizabeth Coder, 2650 Heather View Circle) 167 - 169  
[Agenda Memo - AM-23-695 - Pdf](#)
- E.6. Resolution No. 31465 approving a contract with Shoemaker Haaland regarding the Lucore Road Pedestrian Bridge and Sidepath and authorizing payment in an amount not to exceed \$134,600 (TRL-24-001) 170 - 183  
[Agenda Memo - AM-23-696 - Pdf](#)
- E.7. Resolution No. 31466 approving amendment no. 2 to Task Order One with HDR Engineering, Inc regarding as needed airport consultant services, including an additional \$50,000 and authorizing payment in the new not to exceed total of \$150,000 184 - 187  
[Agenda Memo - AM-23-692 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 31467 setting a public hearing for July 6, 2023, regarding an amendment to table 340-5.7-1 of the Marion Code of Ordinances regarding building setbacks within the M-1, Light Manufacturing, and M-2, General Manufacturing zoning districts 188 - 189  
[Agenda Memo - AM-23-646 - Pdf](#)
- F.2. Resolution No. 31468 approving the renaming of a portion of Winslow Road between Indian Creek Road and Winslow Road realignment to Wallace Street 190 - 196  
[Agenda Memo - AM-23-651 - Pdf](#)
- F.3. Resolution No. 31469 approving donation of American Rescue Plan Act (ARPA) funds to the Housing Fund for Linn County (HFfLC) for a housing rehabilitation program within the City of Marion in the amount of \$530,000 197 - 204  
[Agenda Memo - AM-23-711 - Pdf](#)
- F.4. Resolution No. 31470 setting the date for a public hearing on July 6, 2023, regarding a request to rezone property from Linn County AG, Agriculture, and USR, Urban Services Residential to SR-2, Suburban Medium Density Single-Family Residential for property located north of East Robins Road and west of Alburnett Road, Marion, Iowa 205 - 210  
[Agenda Memo - AM-23-723 - Pdf](#)
- G. Library

- G.1. Resolution No. 31471 approving change order no. 41 to Bush Construction regarding the Marion Library Project and authorizing payment in the amount of \$12,044.99 (FACS-17-034) 211 - 216  
[Agenda Memo - AM-23-686 - Pdf](#)
- G.2. Resolution No. 31472 approving change order no. 42 to Bush Construction regarding the Marion Library Project and authorizing payment in the amount of \$9,400.44 (FACS-17-034) 217 - 223  
[Agenda Memo - AM-23-685 - Pdf](#)

**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. 31473 approving renewal of contract with Mercy for an Employee Assistance Program (EAP) 224 - 225  
[Agenda Memo - AM-23-679 - Pdf](#)
- B. Public Services
  - B.1. Resolution No. 31474 approving partial payment no. 5 to Conlon Construction regarding construction manager services for the new Public Service Maintenance Facilities in the amount of \$221,900.90 (FACS-17-069) 226 - 227  
[Agenda Memo - AM-23-689 - Pdf](#)
  - B.2. Resolution No. 31475 approving partial payment no. 14 to Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility in the amount of \$98,610.21 (FACS-17-069) 228 - 229  
[Agenda Memo - AM-23-688 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
  - E.1. Resolution No. 31476 approving partial payment No. 15 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$4,997.95 (TAP-U-4775(635)—8I-57) (TRL-18-110) 230  
[Agenda Memo - AM-23-698 - Pdf](#)
- F. Community Development - None
- G. Library - None

**REGULAR AGENDA**

- A. Administrative Services

A.1.	Resolution No. 31477 approving the proposed allocation of the Hotel/Motel funding for Fiscal Year 2023-2024 <a href="#">Agenda Memo - AM-23-684 - Pdf</a>	231 - 232
A.2.	Resolution No. 31478 approving the Fiscal Year 2023-2024 General Property and Liability Insurance Policies and authorizing payment in an amount not to exceed \$390,515 <a href="#">Agenda Memo - AM-23-676 - Pdf</a>	233 - 234
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 31479 approving Memorandum of Agreement (MOU) with Marion Policeman's Protective Association regarding wages <a href="#">Agenda Memo - AM-23-720 - Pdf</a>	235 - 239
D.	Parks - None	
E.	Engineering - None	
F.	Community Development	
F.1.	Ordinance No. 23-12 amending Chapter 284-6.F(5) of the Marion Code of Ordinances related to lot widths requirements (second consideration) <a href="#">Agenda Memo - AM-23-647 - Pdf</a>	240 - 241
F.2.	Public hearing regarding a lease agreement with ImOn Communications for the placement of a communications equipment enclosure within Prairie Hill Park located at 5133 29th Avenue, Marion, Iowa <a href="#">Agenda Memo - AM-23-652 - Pdf</a>	242 - 260
F.3.	Resolution No. 31480 approving a lease agreement with ImOn Communications for the placement of a communications equipment enclosure within Prairie Hill Park located at 5133 29th Avenue, Marion, Iowa <a href="#">Agenda Memo - AM-23-653 - Pdf</a>	261 - 273
F.4.	Public hearing regarding a request to rezone property from Linn County AG, Agriculture, and USR, Urban Services Residential to SR-2, Suburban Medium Density Single-Family Residential for property located north of East Robins Road and west of Alburnett Road, Marion, Iowa. <a href="#">Agenda Memo - AM-23-503 - Pdf</a>	274 - 283
F.5.	Public hearing regarding amendments to Chapter 126 Article III Electrical Code, Chapter 126 Article VI Housing Code, Chapter 223 Nuisance Abatement and Chapter 247 Property Maintenance of the Marion Code of Ordinances <a href="#">Agenda Memo - AM-23-700 - Pdf</a>	284 - 304

- |       |  |           |
|-------|--|-----------|
| F.6.  | Ordinance No. 23-14 amending Chapter 126, Article III of the Marion Code of Ordinances regarding Electrical Code (initial consideration)<br><a href="#">Agenda Memo - AM-23-704 - Pdf</a>                    | 305 - 312 |
| F.7.  | Ordinance No. 23-15 amending Section 126-92 of the Marion Code of Ordinances regarding Housing Code (initial consideration)<br><a href="#">Agenda Memo - AM-23-713 - Pdf</a>                                 | 313 - 325 |
| F.8.  | Ordinance No. 23-16 amending Section 223-2 of the Marion Code of Ordinances regarding Nuisance Abatement (initial consideration)<br><a href="#">Agenda Memo - AM-23-715 - Pdf</a>                            | 326 - 336 |
| F.9.  | Ordinance No. 23-17 amending Section 247-2 and adding a new section to the Marion Code of Ordinances regarding Property Maintenance (initial consideration)<br><a href="#">Agenda Memo - AM-23-716 - Pdf</a> | 337 - 345 |
| F.10. | Resolution No. 31481 approving the 2023 Marion Housing Code Plans of Inspection as required by 126-93 of the Marion Housing Code<br><a href="#">Agenda Memo - AM-23-718 - Pdf</a>                            | 346 - 358 |

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**