



AGENDA

City Council Regular Session

5:30 PM - Thursday, December 21, 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# 858 8273 1215. 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, December 21 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PRESENTATIONS

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

1. Recognition of Fire Department Promotions/Reclassifications as follows: 8
 - Lieutenant Zach Bruce
 - Lieutenant Jeff Madland
 - Division Chief Shawn Fluharty
 - Division Chief Kale McBurney
 - Deputy Chief Ryan Steffen

[Agenda Memo - AM-23-1314 - 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 December 5 and 7, 2023 City Council meeting 9 - 18
[Agenda Memo - AM-23-1302 - Pdf](#)

A.2.	Mayoral Appointments:	19
	<ul style="list-style-type: none"> • Sara Mentzer - Mayor Pro Tem - 1/1/24 to 12/31/24 • Gage Miskimen - Deputy Mayor Pro Tem - 1/1/24 to 12/31/24 • Gage Miskimen - Mayor Pro Tem - 1/1/25 to 12/31/25 • Sara Mentzer - Deputy Mayor Pro Tem - 1/1/25 to 12/31/25 	
	Agenda Memo - AM-23-1294 - Pdf	
A.3.	Liquor licenses including the following:	20 - 21
	<ul style="list-style-type: none"> • Renewal - Corridor Courts - 750 44th Street • Renewal - Walmart Supercenter #3630 - 5491 Business Highway 151 • Renewal - Carlos O Kellys Mexican Cafe - 3320 Armar Drive • New - Nara Thai LLC - 1725 Blairs Ferry Rd STE 102 • New - Crab Attack Seafood Kitchen & Bar - 796 11th Street 	
	Agenda Memo - AM-23-1265 - Pdf	
A.4.	Mayor AbouAssaly's recommended appointment:	22 - 24
	<ul style="list-style-type: none"> • Art Council - Mark Weiser - term expires 12/31/26 	
	Agenda Memo - AM-23-1334 - Pdf	
A.5.	Receive and file November 2023 department monthly reports	25 - 60
	Agenda Memo - AM-23-1304 - Pdf	
A.6.	Payments as presented in the amount of \$3,977,443.92	61 - 86
	Agenda Memo - AM-23-1303 - Pdf	
A.7.	Resolution No. 31721 approving amendment no. 6 to task order no. 1 with Tidal Basin Government Consulting, LLC to extend order timeline to November 30, 2024	87 - 91
	Agenda Memo - AM-23-1301 - Pdf	
A.8.	Resolution No. 31722 amending the Schedule of Fees, Bonds and Insurance effective January 1, 2024	92 - 121
	Agenda Memo - AM-23-1322 - Pdf	
A.9.	Resolution No. 31723 approving partial payment no. 37 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$508.75	122 - 126
	Agenda Memo - AM-23-1328 - Pdf	
A.10.	Resolution No. 31724 approving the United States Department of Transportation's Standard Title VI/Non-Discrimination Assurances	127 - 135
	Agenda Memo - AM-23-1324 - Pdf	
A.11.	Motion to receive and file HR Generalist and Planning Division Manager job description and grade assignment	136 - 141
	Agenda Memo - AM-23-1332 - Pdf	

A.12.	Resolution No. 31725 approving the City of Marion 2024 Employee Handbook Agenda Memo - AM-23-1330 - Pdf	142 - 222
A.13.	Resolution No. 31726 approving Exempt Employee-Owned Mobile Device Usage Policy and Waiver Agenda Memo - AM-23-1325 - Pdf	223 - 225
A.14.	Resolution No. 31727 setting the phone allowance at \$30 per month for exempt employees that sign the Employee Owned Mobile Device Usage Policy and Waiver Agenda Memo - AM-23-1350 - Pdf	226
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 31728 approving contract with Equipment Management Company for the purchase of fire department rescue and safety equipment and authorizing payment in the amount not to exceed \$20,000 Agenda Memo - AM-23-1319 - Pdf	227 - 229
C.2.	Resolution No. 31729 approving payment to MHC Kenworth regarding an emergency repair to fire engine 93 in the amount not to exceed \$46,000 Agenda Memo - AM-23-1336 - Pdf	230 - 232
C.3.	Resolution No. 31730 approving payment to Reliant Fire Equipment regarding an emergency repair to fire engine 94 in the amount not to exceed \$13,000 Agenda Memo - AM-23-1335 - Pdf	233 - 235
D.	Parks	
D.1.	Resolution No. 31731 setting a public hearing regarding the naming of Draper Park for February 8, 2024 Agenda Memo - AM-23-1275 - Pdf	236 - 237
E.	Engineering	
E.1.	Resolution No. 31732 setting a public hearing for January 4, 2024 regarding an Easement for Electric Utility with Linn County Rural Electric Cooperative Association regarding the Tower Terrace Road Project from C Avenue to Alburnett Road Agenda Memo - AM-23-1323 - Pdf	238 - 241

- E.2. Motion to approve project calendar regarding the 2024 10th Avenue Resurfacing Project as follows: 242 - 243
- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 10th Avenue Resurfacing (ANN-24-001)
 - 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 2024 10th Avenue Resurfacing (ANN-24-001)
 - Motion setting public hearing and directing publication thereof for 2024 10th Avenue Resurfacing (ANN-24-001)

[Agenda Memo - AM-23-1300 - Pdf](#)

- E.3. Motion to approve project calendar regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project as follows: 244 - 245
- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)
 - 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 Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)
 - Motion setting public hearing and directing publication thereof for Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)

[Agenda Memo - AM-23-1310 - Pdf](#)

F. Community Development

- F.1. Resolution No. 31733 approving Plat of Survey No. 2797 for property located northwest of Marion Boulevard and southeast of Keyes Court in Marion, Iowa (Boulevard Apartments, LLC) 246 - 249

[Agenda Memo - AM-23-1283 - Pdf](#)

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

- A.1. Mayor Pro Tem Harper recommended reappointment: 250
- Marion Municipal Airport Committee - Philip Legate - term expires 12/31/2027

[Agenda Memo - AM-23-1309 - Pdf](#)

B. Public Services - None

- C. Public Safety - None
- D. Parks
 - D.1. Resolution No. 31734 approving a one year renewal of a Lease Agreement with Sejkora Farms Inc., for certain Lowe Park property 251 - 253
[Agenda Memo - AM-23-1320 - Pdf](#)
- E. Engineering
 - E.1. Resolution No. 31735 accepting the public improvements associated with Osage Estates 1st Addition to the City of Marion 254
[Agenda Memo - AM-23-1281 - Pdf](#)
 - E.2. Resolution No. 31736 approving partial payment no. 1 to TW Homes, Inc. for costs associated with Osage Estates Additions in the amount of \$59,751.75 255 - 257
[Agenda Memo - AM-23-1293 - Pdf](#)
 - E.3. Resolution No. 31737 approving a memorandum of understanding with Midwest Development Company associated with Bowman Meadows 7th and 9th Additions and the Alburnett Road Improvements 258 - 263
[Agenda Memo - AM-23-1295 - Pdf](#)
 - E.4. Resolution No. 31738 approving a temporary construction easement with BBAK Investments LTD for property located at 3190 Newcastle Road 264 - 267
[Agenda Memo - AM-23-1306 - Pdf](#)
 - E.5. Resolution No. 31739 accepting the Marion Library Project - Bid Pkg 22A & 23A Plumbing & HVAC with Pipe Pro (FACS-17-034) 268 - 269
[Agenda Memo - AM-23-1274 - Pdf](#)
- F. Community Development
 - F.1. Resolution No. 31740 approving Plat of Survey No. 2800 for property located north of Echo Hill Road and west of Alburnett Road in Marion, Iowa (Integrity Custom Homes, Inc) 270 - 275
[Agenda Memo - AM-23-1282 - Pdf](#)
- G. Library - None

REGULAR AGENDA

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety - None
- D. Parks

D.1.	Resolution No. 31741 approving change order no. 1 with Wabtec for the Caboose refurbishment and authorizing payment in an amount not to exceed \$12,480 Agenda Memo - AM-23-1333 - Pdf	276 - 278
E.	Engineering	
E.1.	Public comment regarding a request for the addition of a 4-way stop at the intersection of 29th Avenue and 31st Street Agenda Memo - AM-23-1316 - Pdf	279 - 291
E.2.	Motion to receive and file a Traffic Advisory Committee (TAC) report regarding a request for a 4-way stop at the intersection of 29th Avenue and 31st Street Agenda Memo - AM-23-1317 - Pdf	292 - 304
E.3.	Motion concurring with the Traffic Advisory Committee (TAC) recommendations for the intersection of 29th Avenue and 31st Street Agenda Memo - AM-23-1318 - Pdf	305 - 317
E.4.	Public Hearing regarding the 2024 Sidewalk Ramp Project (ANN-18-106) Agenda Memo - AM-23-1311 - Pdf	318 - 321
E.5.	Motion to approve project calendar regarding the 2024 Sidewalk Ramp Project as follows: <ul style="list-style-type: none"> • Resolution No. 31742 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Sidewalk Ramp Project (ANN-18-106) • Resolution No. 31743 awarding bid, authorizing approval of the contract, bonds, and insurance with Boomerang Corp regarding the 2024 Sidewalk Ramp Project and authorizing payment in the amount of \$157,290 (ANN-18-106) Agenda Memo - AM-23-1312 - Pdf	322 - 325
F.	Community Development	
F.1.	Ordinance 24-01 amending Section 263-12 of the Marion Code of Ordinances regarding location restrictions of Sexually Oriented Businesses (initial consideration) Agenda Memo - AM-23-1290 - Pdf	326
F.2.	Resolution No. 31744 approving Sheets Forrest Draper Insurance - Central Corridor Review related to exterior alterations for property located at 631 9th Street, Marion, Iowa (Madsen Custom Homes) Agenda Memo - AM-23-1321 - Pdf	327 - 332
F.3.	Ordinance 23-29 amending the Marion Code of Ordinances by adding language regarding Vacant Buildings (final consideration) Agenda Memo - AM-23-1315 - Pdf	333 - 334

[Agenda Memo - AM-23-1218 - Pdf](#)

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.

CLOSED SESSION

1. Motion to adjourn to closed session regarding litigation as permitted under Section 21.5(1)(c) of the Code of Iowa.

ADJOURN