



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, January 4, 2024

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# 845 7225 4372. 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, January 4 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### MOMENT OF SILENCE

### PROCLAMATIONS/OATHS

- |    |  |       |
|----|--|-------|
| 1. | Ceremonial Oath of Office:   | 5     |
|    | <ul style="list-style-type: none"> <li>• Nicolas AbouAssaly - Mayor</li> <li>• Steve Jensen - At Large</li> <li>• Gage Miskimen - Ward 1</li> <li>• Grant Harper - Ward 2</li> <li>• Will Brandt - Ward 3</li> </ul> |       |
|    | <a href="#">Agenda Memo - AM-23-1246 - Pdf</a>   |       |
| 2. | Proclamation - Martin Luther King Jr. Day (January 15, 2024)   | 6 - 7 |
|    | <a href="#">Agenda Memo - AM-23-1183 - Pdf</a>   |       |
| 3. | Proclamation - Human Trafficking Prevention and Awareness Month (January 2024)   | 8 - 9 |
|    | <a href="#">Agenda Memo - AM-23-1338 - Pdf</a>   |       |

### 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 19 and 21, 2023 City Council meeting <a href="#">Agenda Memo - AM-23-1339 - Pdf</a>	10 - 19
A.2.	Liquor licenses including the following: <ul style="list-style-type: none"> <li>• Renewal - Hy-Vee Food Store - 3600 Business HWY 151 E <a href="#">Agenda Memo - AM-23-1353 - Pdf</a></li> </ul>	20
A.3.	Payments as presented in the amount of \$2,044,979.61 <a href="#">Agenda Memo - AM-23-1340 - Pdf</a>	21 - 40
A.4.	Resolution No. 31746 approving updated builder's risk policy with Selective Insurance Company for the new Public Service Maintenance Facility located at 202 44th Street (formerly 4127 3rd Avenue) and authorizing payment in amount of \$6,140 <a href="#">Agenda Memo - AM-23-1357 - Pdf</a>	41 - 48
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Motion to approve project calendar regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project as follows: <ul style="list-style-type: none"> <li>• Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (ANN-24-001)</li> <li>• 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 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (ANN-24-001)</li> <li>• Motion setting public hearing and directing publication thereof for 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (ANN-24-001) <a href="#">Agenda Memo - AM-23-1344 - Pdf</a></li> </ul>	49 - 50
E.2.	Resolution No. 31747 approving a contract with Boomerang Corporation regarding the 2024 Berm Restoration Project and authorizing payment in the amount of \$67,500 <a href="#">Agenda Memo - AM-23-1362 - Pdf</a>	51 - 56
E.3.	Resolution No. 31748 approving a contract with Shoemaker and Haaland regarding railroad berm staking and authorizing payment in the amount of \$7,300 <a href="#">Agenda Memo - AM-23-1361 - Pdf</a>	57 - 63
F.	Community Development - None	

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 - None

C. Public Safety - None

D. Parks - None

E. Engineering - None

F. Community Development

F.1. Resolution No. 31749 approving a request for waiver of subdivision regulations to permit division of property by right-of-way acquisition plat, dedication of right-of-way related to the Alburnett Road extension for property generally located south of Alburnett Road and north of Indian Creek, Marion, Iowa (Midwest Development Company) 64 - 73

[Agenda Memo - AM-23-1299 - Pdf](#)

G. Library - None

### **REGULAR AGENDA**

A. Administrative Services - None

B. Public Services - None

C. Public Safety - None

D. Parks - None

E. Engineering

E.1. Public Hearing 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 74 - 77

[Agenda Memo - AM-23-1359 - Pdf](#)

E.2. Resolution No. 31750 approving an Easement for Electric Utility with Linn County Rural Electric Cooperative Association regarding the Tower Terrace Road Project from C Avenue to Alburnett Road 78 - 81

[Agenda Memo - AM-23-1360 - Pdf](#)

E.3. Public comment regarding a request for the addition of a four-way stop at the intersection of C Avenue and South 14th Street 82 - 95

[Agenda Memo - AM-23-1363 - Pdf](#)

- |      |   |           |
|------|---|-----------|
| E.4. | Motion to receive and file a Traffic Advisory Committee (TAC) report regarding a request for a four-way stop at the intersection of C Avenue and South 14th Street<br><a href="#">Agenda Memo - AM-23-1364 - Pdf</a>  | 96 - 109  |
| E.5. | Motion concurring with the Traffic Advisory Committee (TAC) recommendations for the intersection of C Avenue and South 14th Street<br><a href="#">Agenda Memo - AM-23-1366 - Pdf</a>                                  | 110 - 123 |
| F.   | Community Development   |           |
| F.1. | Ordinance No. 24-01 amending Section 263-12 of the Marion Code of Ordinances regarding location restrictions of Sexually Oriented Businesses (second consideration)<br><a href="#">Agenda Memo - AM-23-1356 - Pdf</a> | 124       |
| 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.

- |    |  |           |
|----|--|-----------|
| 1. | Discussion and direction regarding the department monthly report<br><a href="#">Agenda Memo - AM-23-1367 - Pdf</a> | 125 - 179 |
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#### **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**

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|----|--|
| 1. | Motion to adjourn to closed session regarding real estate transactions and litigation as permitted under Section 21.5(1)(j) and Section 21.5(1)(c) of the Code of Iowa. (Two separate items) |
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#### **ADJOURN**