



AGENDA

City Council Regular Session

5:30 PM - Thursday, January 18, 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# 880 8552 8717. 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, January 18 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

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 January 4, 2024 City Council meeting 6 - 11

[Agenda Memo - AM-24-011 - Pdf](#)

A.2. Liquor licenses including the following: 12 - 13

- Renewal - Indian Creek Country Club - 2401 Indian Creek Rd
- Renewal - Pitchers - 620 Lindale Dr STE 1
- Renewal - Smokin' Joes Tobacco and Liquor Outlet #10 - 480 7th Ave
- Renewal - Wrigleyville Sports Pub - 1899 7th Ave
- Renewal - The Edison Restaurant & Pub - 475 Northland Ave NE

[Agenda Memo - AM-23-1358 - Pdf](#)

A.3.	Hold Harmless Agreements with: <ul style="list-style-type: none"> • Farmers State Bank regarding Marion By Moonlight on June 6, 13, 20, and 27 at Lowe Park. • Marion Metro Kiwanis regarding BBQ Rendezvous on June 1, at Lowe Park Agenda Memo - AM-24-028 - Pdf	14 - 32
A.4.	Mayor AbouAssaly's recommended appointment: <ul style="list-style-type: none"> • Civil Rights Commission - Brian Chubb - term expires 12/31/26 • Civil Rights Commission - Mary Beth O'Neill - term expires 12/31/26 Agenda Memo - AM-24-003 - Pdf	33 - 35
A.5.	Receive and file correspondence regarding Marilyn Tormey's resignation from the Tree Board Agenda Memo - AM-24-027 - Pdf	36 - 37
A.6.	Receive and file December 2023 department monthly reports Agenda Memo - AM-24-014 - Pdf	38 - 73
A.7.	Payments as presented in the amount of \$1,491,204.62 Agenda Memo - AM-24-012 - Pdf	74 - 94
A.8.	Resolution No. 31751 approving a settlement agreement with Iowa Communities Assurances Pool, Delaney Concrete Construction Company, Inc., and Knapp-Warden, LLC relating to the new public services facility Agenda Memo - AM-24-042 - Pdf	95 - 105
A.9.	Resolution No. 31752 adopting final assessment schedule for Fiscal Year 2024 Quarter 3 Delinquent Fees and Confirming and Levying the Assessments Agenda Memo - AM-24-031 - Pdf	106 - 109
A.10.	Resolution No. 31753 approving Urban Revitalization application from Boulevard Apartments, LLC located in the 2022 Multifamily Housing Urban Revitalization Area Agenda Memo - AM-24-022 - Pdf	110 - 121
B.	Public Services	
B.1.	Resolution No. 31754 approving purchase of two parallelogram drive-on lifts from Mohawk Lifts related to the Public Services Facility and authorizing payment in the amount of \$403,604.39 Agenda Memo - AM-23-1351 - Pdf	122 - 123
B.2.	Resolution No. 31755 approving purchase and installation from IWI/Parts Authority for two (2) challenger 2-post lifts related to the Public Services Facility and authorizing payment in the amount of \$15,646 Agenda Memo - AM-23-1352 - Pdf	124 - 125

B.3.	Motion to receive and file the Snow and Ice Control Program for 2023-2024	126 - 202
	Agenda Memo - AM-24-034 - Pdf	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 31756 approving a one year renewal of a Lease Agreement with Greg Carson and Picket Fence Family Farm, for WaterLinn Park 1st Addition, Lot 2 and Lot 3	203 - 208
	Agenda Memo - AM-23-1329 - Pdf	
D.2.	Resolution No. 31757 approving contract for Community Development Block Grant (CDBG) Services with East Central Iowa Council of Governments (ECICOG) related to a tree grant and authorizing payment in the amount not to exceed \$90,000	209 - 226
	Agenda Memo - AM-23-1354 - Pdf	
E.	Engineering	
E.1.	Motion to approve project calendar regarding the 2024 5th Avenue Reconstruction Project as follows:	227 - 228
	<ul style="list-style-type: none">• Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)• 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 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)• Motion setting public hearing and directing publication thereof for 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)	
	Agenda Memo - AM-23-1343 - Pdf	
F.	Community Development	
F.1.	Resolution No. 31758 approving Plat of Survey No. 2809 Parcels A and B for property located north of E Robins Road and west of Morel Court, Marion, Iowa (Nancy Kay Jacobs-DeSotel)	229 - 233
	Agenda Memo - AM-24-023 - Pdf	
F.2.	Resolution No. 31759 setting a public hearing for February 8, 2024, regarding a request for the partial demolition per Chapter 173 of the Marion Code of Ordinances for property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)	234 - 268
	Agenda Memo - AM-24-024 - Pdf	

- F.3. Resolution No. 31760 setting a public hearing for February 8, 2024 to rezone property from U-1, Uptown-1 to PUD, Planned Unit Development for property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC) 269 - 284
[Agenda Memo - AM-24-025 - Pdf](#)
- F.4. Resolution No. 31761 setting a public hearing for February 8, 2024 regarding an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances 285 - 286
[Agenda Memo - AM-23-1298 - Pdf](#)
- G. Library
- G.1. Resolution No. 31762 approving contract for Community Development Block Grant (CDBG) Services with East Central Iowa Council of Governments (ECICOG) for grant administration for the library generator project and authorizing payment in the amount not to exceed \$3,000 287 - 304
[Agenda Memo - AM-24-033 - Pdf](#)

REGULAR AGENDA

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Public Hearing regarding the 2024 Storm Sewer Project (ANN-18-031 & ANN-25-001) 305 - 307
[Agenda Memo - AM-24-029 - Pdf](#)
- E.2. Motion to approve project calendar regarding the 2024 Storm Sewer Project as follows: 308 - 310
- Resolution No. 31763 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Storm Sewer Project (ANN-18-031 & ANN-25-001)
 - Resolution No. 31764 awarding bid, authorizing approval of the contract, bonds and insurance with Rathje Construction Company regarding the 2024 Storm Sewer Project, and authorizing payment in the amount of \$173,312 (ANN-18-031 & ANN-25-001)
- [Agenda Memo - AM-24-030 - Pdf](#)
- 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 (final consideration) 311
[Agenda Memo - AM-24-035 - 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/EXEMPT SESSION

1. Motion to adjourn to closed session regarding litigation and exempt session regarding collective bargaining as permitted under Section 21.5(1)(c) and Section 20.17(3) of the Code of Iowa. (Two separate measures)

ADJOURN