



AGENDA

City Council Regular Session

5:30 PM - Thursday, February 8, 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. 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, February 8 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- | | | |
|----|---|---------|
| 1. | Proclamation - Black History Month (February 2024)
Agenda Memo - AM-23-1185 - Pdf | 10 - 11 |
| 2. | Proclamation - Love Your Library Month (February 2024)
Agenda Memo - AM-24-088 - Pdf | 12 - 13 |

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 Jan. 12, 16, 18 and 26, 2024 City Council meetings
Agenda Memo - AM-24-063 - Pdf | 14 - 25 |
| A.2. | Liquor licenses including the following:
<ul style="list-style-type: none"> • Renewal - Cedar Rapids Bowling Center - 450 Northland Ave • Renewal - American Legion Post 298 - 625 31st Street Agenda Memo - AM-24-044 - Pdf | 26 |

A.3.	Motion to approve alcohol violation calendar as follows: <ul style="list-style-type: none"> • Resolution No. 31765 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Eva's Mexican Restaurant) • Resolution No. 31766 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Casey's General Store #2770) Agenda Memo - AM-24-061 - Pdf	27
A.4.	Mayor AbouAssaly's recommended appointment: <ul style="list-style-type: none"> • Historic Preservation Commission - Bethany Jordan - term expires 12/31/25 Agenda Memo - AM-24-062 - Pdf	28 - 33
A.5.	Hold Harmless Agreement with: <ul style="list-style-type: none"> • City of Marion regarding Marion ICE on February 17 at City Square Park Agenda Memo - AM-24-067 - Pdf	34 - 42
A.6.	Payments as presented in the amount of \$4,624,237.33 Agenda Memo - AM-24-064 - Pdf	43 - 72
A.7.	Resolution No. 31767 approving Fiscal Year 2023-2024 Capital Budget Transfers Agenda Memo - AM-24-079 - Pdf	73 - 74
A.8.	Resolution No. 31768 approving partial payment no. 38 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$2,636.25 Agenda Memo - AM-24-075 - Pdf	75 - 79
B.	Public Services	
B.1.	Resolution No. 31769 approving three-year service agreement with Aramark to supply uniform rental, laundry service, and janitorial supplies for Public Services and authorizing payment in the amount as outlined in the agreement Agenda Memo - AM-24-032 - Pdf	80 - 84
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	

- E.1. Motion to approve project calendar regarding temporary construction easements associated with the 5th Avenue Reconstruction Project as follows: 85 - 86
- Resolution No. 31770 approving temporary construction easement with Larry Taylor, 510 6th Street, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
 - Resolution No. 31771 approving temporary construction easement with Chad Chopard, 115 6th Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
 - Resolution No. 31772 approving temporary construction easement with Karen A. Thornton, 690 5th Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
 - Resolution No. 31773 approving temporary construction easement with Sally R. Meyer, 501 1st Street, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
 - Resolution No. 31774 approving temporary construction easement with David E. Burr, 725 5th Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
 - Resolution No. 31775 approving temporary construction easement with Debbie K. Ohrt, 505 3rd Avenue, regarding the 2024 5th Avenue Reconstruction Project (ANN-24-001 & ANN-18-029)
- [Agenda Memo - AM-24-066 - Pdf](#)
- E.2. Resolution No. 31776 approving a temporary construction easement agreement with Hoth Properties, 292 7th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$120 (TRANS-18-092) 87 - 92
- [Agenda Memo - AM-24-072 - Pdf](#)
- E.3. Resolution No. 31777 approving a temporary construction easement agreement with Puddle Jumpers, 260 7th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$450 (TRANS-18-092) 93 - 98
- [Agenda Memo - AM-24-073 - Pdf](#)
- E.4. Resolution No. 31778 approving a temporary construction easement agreement with William C. and Lorrie A. Copper, 225 9th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$170 (TRANS-18-092) 99 - 104
- [Agenda Memo - AM-24-068 - Pdf](#)

- E.5. Resolution No. 31779 approving a temporary construction easement agreement with Robert and Angela Rhodes, 224 9th Avenue, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$170 (TRANS-18-092) 105 - 110
[Agenda Memo - AM-24-074 - Pdf](#)
- E.6. Resolution No. 31780 approving a Temporary Construction Easement Agreement with Gary V. Barnette regarding the 2024 Indian Creek and Dry Run Creek Sanitary Sewer Improvements Project – Segment 11 and authorizing payment in the amount of \$560 (SWR-17-026) 111 - 115
[Agenda Memo - AM-23-1342 - Pdf](#)
- E.7. Resolution No. 31781 approving a Permanent Sanitary Sewer Easement Agreement with Gary V. Barnette regarding the 2024 Indian Creek and Dry Run Creek Sanitary Sewer Improvements Project – Segment 11 and authorizing payment in the amount of \$46.83 (SWR-17-026) 116 - 122
[Agenda Memo - AM-23-1341 - Pdf](#)
- E.8. Resolution No. 31782 setting a public hearing for February 22, 2024 regarding an Easement for Electric Utility with Interstate Power and Light Company in association with the Alburnett Road Extension Project (TRANS-18-092) 123 - 131
[Agenda Memo - AM-24-076 - Pdf](#)
- E.9. Motion to approve project calendar regarding the 2024 HMA Resurfacing Project as follows: 132 - 133
- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 HMA Resurfacing Project (ANN-18-086)
 - 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 HMA Resurfacing Project (ANN-18-086)
 - Motion setting public hearing and directing publication thereof for the 2024 HMA Resurfacing Project (ANN-18-086)
- [Agenda Memo - AM-24-069 - Pdf](#)

- E.10. Motion to approve project calendar regarding the 2024 Caboose Linear Park Project as follows: 134 - 135
- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 2024 Caboose Linear Park Project (REC-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 Caboose Linear Park Project (REC-24-001)
 - Motion setting public hearing and directing publication thereof for the 2024 Caboose Linear Park Project (REC-24-001)
- [Agenda Memo - AM-24-052 - Pdf](#)
- E.11. Motion to approve project calendar regarding the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project as follows: 136 - 137
- Resolution No. 31783 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project
 - Resolution No. 31784 awarding quote, authorizing approval of the contract and insurance with K & W Electric, Inc. regarding the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project and authorizing payment in the amount of \$21,750
- [Agenda Memo - AM-24-085 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 31785 authorizing application to Corridor Metropolitan Planning Organization for regional transportation funds and committing to provide local matching funds contingent upon award and acceptance of transportation grant funds for the additional funding of the CeMar Trail 138 - 142
- [Agenda Memo - AM-24-077 - Pdf](#)
- G. Library
- G.1. Resolution No. 31786 approving change order no. 2 with TechOps Specialty Vehicles regarding the Bookmobile Project for the Marion Public Library and authorizing payment in the amount of \$57,152.53 143 - 148
- [Agenda Memo - AM-24-087 - Pdf](#)

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

- D. Parks - None
- E. Engineering
 - E.1. Resolution No. 31787 approving Amendment No. 1 to the contract with Rinderknecht Associates, Inc. regarding the Central Plaza Project as a Construction Manager at Risk with a Guaranteed Maximum Price (CMaR with GMP) and authorizing payment in the amount of \$8,352,178 with a substantial completion date of December 24, 2024 (REC-18-039) 149 - 174
[Agenda Memo - AM-24-078 - Pdf](#)
 - E.2. Resolution No. 31788 approving a temporary construction easement agreement with John and Randa Khairallah, 115 Marion Boulevard, regarding the Alburnett Road Extension Project and authorizing payment in the amount of \$1,030 (TRANS-18-092) 175 - 180
[Agenda Memo - AM-24-071 - Pdf](#)

F. Community Development - None

G. Library - None

REGULAR AGENDA

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety - None
- D. Parks
 - D.1. Public hearing regarding the naming of the Caboose Linear Park as Draper Park 181 - 182
[Agenda Memo - AM-24-089 - Pdf](#)
 - D.2. Resolution No. 31789 approving the naming of the Caboose Linear Park property to Draper Park 183
[Agenda Memo - AM-24-090 - Pdf](#)
- E. Engineering
 - E.1. Public hearing regarding the 2024 10th Avenue Resurfacing Project 184 - 186
[Agenda Memo - AM-24-059 - Pdf](#)

- E.2. Motion to approve project calendar regarding the 2024 10th Avenue Resurfacing Project as follows: 187 - 189
- Resolution No. 31790 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 10th Avenue Resurfacing Project (ANN-24-001)
 - Resolution No. 31791 awarding bid, authorizing approval of the contract, bonds and insurance with LL Pelling Co, Inc. regarding the 2024 10th Avenue Resurfacing, and authorizing payment in the amount of \$1,682,156.80 Project (ANN-24-001)
- [Agenda Memo - AM-24-058 - Pdf](#)
- E.3. Public hearing regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project 190 - 192
- [Agenda Memo - AM-24-081 - Pdf](#)
- E.4. Motion to approve project calendar regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project as follows: 193 - 195
- Resolution No. 31792 adopting final plans, specifications, form of contract, and estimate of cost regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project (TRANS-20-002)
 - Resolution No. 31793 awarding bid, authorizing approval of the contract, bonds, and insurance with Boomerang Corp regarding the 2024 Highway 100 and East Post Road Traffic Signals and Turn Lanes Project, and authorizing payment in the amount of \$1,617,333 (TRANS-20-002)
- [Agenda Memo - AM-24-082 - Pdf](#)
- E.5. Public hearing regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project 196 - 198
- [Agenda Memo - AM-24-083 - Pdf](#)
- E.6. Motion to approve project calendar regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project as follows: 199 - 201
- Resolution No. 31794 adopting final plans, specifications, form of contract, and estimate of cost regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project (SWR-17-026)
 - Resolution No. 31795 awarding bid, authorizing approval of the contract, bonds, and insurance with Boomerang Corp regarding the Indian Creek Trunk Sewer Segment 11 Improvements Project, and authorizing payment in the amount of \$5,669,415.83 (SWR-17-026)
- [Agenda Memo - AM-24-084 - Pdf](#)
- F. Community Development

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| F.1. | Public hearing regarding an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances
Agenda Memo - AM-24-038 - Pdf | 202 |
| F.2. | Ordinance No. 24-02 approving an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances (initial consideration)
Agenda Memo - AM-24-039 - Pdf | 203 - 204 |
| F.3. | Motion to suspend the rules and proceed to the second consideration of Ordinance No. 24-02 | |
| F.4. | Ordinance No. 24-02 approving an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances (second consideration)
Agenda Memo - AM-24-046 - Pdf | 205 - 206 |
| F.5. | Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-02 | |
| F.6. | Ordinance No. 24-02 approving an amendment to remove Article XII: Flood Hazard Areas of Chapter 340 of the Marion Code of Ordinances (final consideration)
Agenda Memo - AM-24-047 - Pdf | 207 - 208 |
| F.7. | Public hearing regarding a request 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)
Agenda Memo - AM-24-037 - Pdf | 209 - 242 |
| F.8. | Ordinance 24-03 approving a request 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) (initial consideration)
Agenda Memo - AM-24-048 - Pdf | 243 |
| F.9. | Public hearing regarding a request for the partial demolition of property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)
Agenda Memo - AM-24-040 - Pdf | 244 - 296 |
| F.10. | Resolution No. 31796 approving a request for the partial demolition of property located at 1277 8th Avenue, Marion, Iowa (1277 8th Avenue LLC)
Agenda Memo - AM-24-041 - Pdf | 297 |

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