



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, October 17, 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](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, October 17 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

Page

### 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 October 1 and 3, 2024 City Council meetings 7 - 16

[Agenda Memo - AM-24-853 - Pdf](#)

- A.2. Liquor licenses: 17 - 18

- Renewal - Morning Story - 2931 7th Avenue Suite 400
- Renewal - Barrel House Marion - 295 Tower Terrace Road
- Renewal - Fareway Stores - 3300 10th Avenue
- Renewal - Kwik Star #589 - 962 62nd Street
- Renewal - Hy-Vee Gas - 3550 Highway 151
- New - Hy-Vee Cedar Rapids #7 (special event) - 4500 10th Street

[Agenda Memo - AM-24-870 - Pdf](#)

|       |  |           |
|-------|--|-----------|
| A.3.  | Hold harmless agreement with Mango Mustache Media regarding a haunted forest/house event on October 25 and 26, 2024 at 2515 8th Avenue<br><a href="#">Agenda Memo - AM-24-883 - Pdf</a>  | 19 - 30   |
| A.4.  | Receive and file September 2024 department monthly report<br><a href="#">Agenda Memo - AM-24-854 - Pdf</a>   | 31 - 47   |
| A.5.  | Resolution No. 32107 adopting final assessment schedule for Fiscal Year 2025 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments<br><a href="#">Agenda Memo - AM-24-875 - Pdf</a>   | 48 - 52   |
| A.6.  | Payments as presented in the amount of \$3,260,937.13<br><a href="#">Agenda Memo - AM-24-852 - Pdf</a>   | 53 - 82   |
| A.7.  | Resolution No. 32108 approving Fiscal Year 2024-2025 Capital Budget Transfers<br><a href="#">Agenda Memo - AM-24-879 - Pdf</a>   | 83 - 84   |
| A.8.  | Resolution No. 32109 approving the Certificate of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2025-2026 collection<br><a href="#">Agenda Memo - AM-24-734 - Pdf</a>                                     | 85 - 126  |
| A.9.  | Resolution No. 32110 approving partial payment no. 44 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$740<br><a href="#">Agenda Memo - AM-24-873 - Pdf</a>                                   | 127 - 132 |
| A.10. | Resolution No. 32111 setting a date of meeting at which it is proposed to approve a Development Agreement with 1277 8th Ave, LLC, including annual appropriation tax increment payments (Belltower Lofts)<br><a href="#">Agenda Memo - AM-24-593 - Pdf</a> | 133 - 164 |
| A.11. | Resolution No. 32112 approving the renewal of a contract with Wellmark related to health insurance for calendar year 2025<br><a href="#">Agenda Memo - AM-24-845 - Pdf</a>   | 165 - 167 |
| A.12. | Resolution No. 32113 approving the renewal of contract with Delta Dental related to dental insurance for calendar year 2025<br><a href="#">Agenda Memo - AM-24-846 - Pdf</a>   | 168 - 170 |
| A.13. | Resolution No. 32114 approving a 58-month agreement with Access Systems for Print and Copy Services and authorizing payment in the amount of \$179,207.82<br><a href="#">Agenda Memo - AM-24-855 - Pdf</a>   | 171 - 185 |
| A.14. | Resolution No. 32115 approving an Infrastructure Access agreement with ImOn Communications and authorizing payment in the amount outlined in the agreement<br><a href="#">Agenda Memo - AM-24-836 - Pdf</a>  | 186 - 187 |

|       |   |           |
|-------|---|-----------|
| A.15. | Resolution No. 32116 approving an additional allocation of American Rescue Plan Act (ARPA) Funding in the amount of \$1,555 for the Community Development Software project<br><a href="#">Agenda Memo - AM-24-858 - Pdf</a>   | 188 - 189 |
| <br>  |   |           |
| B.    | Public Safety   |           |
| B.1.  | Resolution No. 32117 approving the purchase of a Genesis battery-operated Cutter, Spreader and Combi-tool from Heiman Fire Equipment and authorizing payment in an amount not to exceed \$60,000<br><a href="#">Agenda Memo - AM-24-857 - Pdf</a>   | 190 - 192 |
| <br>  |   |           |
| C.    | Parks   |           |
| C.1.  | Resolution No. 32118 approving a memorandum of understanding with Atlas LP Company, LLC and Atlas Building Company LC regarding land acquisition for the Marion Aquatic Center and authorizing payment in the amount of \$1,000,000 (REC-20-004)<br><a href="#">Agenda Memo - AM-24-871 - Pdf</a>   | 193 - 198 |
| C.2.  | Resolution No. 32119 approving amendment with RDG Planning & Design for schematic design for the Lowe Park Greenhouse and Arts & Environment Center and authorizing payment in the amount of \$150,000 (FACS-25-001)<br><a href="#">Agenda Memo - AM-24-895 - Pdf</a>   | 199 - 215 |
| C.3.  | Motion to approve project calendar regarding the Oak Shade Cemetery Crypt Wall Repair 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 Cemetery Crypt Wall Repair project (REC 25 001)</li> <li>• Motion approving filing of plans, specification, 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 Cemetery Crypt Wall Repair (REC 25 001)</li> <li>• Motion setting public hearing and directing publication thereof for Cemetery Crypt Wall Repair (REC 25 001)</li> </ul> <a href="#">Agenda Memo - AM-24-874 - Pdf</a> | 216 - 229 |
| <br>  |   |           |
| D.    | Public Works  |           |
| D.1.  | Resolution No. 32120 approving purchase of building security equipment for the Public Works facility from Communications Engineering Company (CEC) and authorizing payment in the amount of \$71,230.28 (FACS-17-069)<br><a href="#">Agenda Memo - AM-24-812 - Pdf</a>  | 230 - 231 |

- D.2. Motion to approve project calendar regarding the 16th Avenue Sanitary Sewer Project as follows: 232 - 234
- Motion approving Resolution of Necessity and to retain the City Engineer as Project Engineer regarding the 16th Avenue Sanitary Sewer Project (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 16th Avenue Sanitary Sewer Project (ANN-18-029)
  - Motion setting public hearing and directing publication thereof for 16th Avenue Sanitary Sewer Project (ANN-18-029)
- [Agenda Memo - AM-24-878 - Pdf](#)
- D.3. Motion to approve project calendar regarding CeMar Trail Phase V Project as follows: 235 - 269
- Resolution No. 32121 approving a Memorandum of Understanding with Atlas LP Company, LLC and the H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project (TRL-17-055)
  - Resolution No. 32122 approving a permanent public access easement agreement with Atlas, LP Company, LLC and H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project and authorizing payment in the amount of \$21,975 and \$15,150 respectively (TRL-17-055)
  - Resolution No. 32123 approving a permanent storm sewer easement agreement with Atlas, LP Company, LLC and H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project and authorizing payment in the amount of \$960 (TRL-17-055)
  - Resolution No. 32124 approving a temporary construction easement agreement with Atlas, LP Company, LLC and H.J. Bjornsen Family Trust regarding the CeMar Trail Phase V Project and authorizing payment in the amount of \$7,325 and \$3,750 respectively (TRL-17-055)
- [Agenda Memo - AM-24-847 - Pdf](#)
- E. Community Development
- E.1. Resolution No. 32125 setting a public hearing for November 7, 2024, regarding amendments to Chapter 340 of the Marion Code of Ordinances related to zoning definitions, parking and loading regulations, landscape and screening standards, and accessory structure setbacks (City of Marion) 270 - 273
- [Agenda Memo - AM-24-866 - Pdf](#)
- E.2. Resolution No. 32126 setting the date of a public hearing for November 7, 2024 regarding a preliminary site development plan for property located 6001 Carlson Way, Marion, Iowa 274
- [Agenda Memo - AM-24-777 - Pdf](#)

- E.3. Resolution No. 32127 setting a public hearing for November 7, 2024, regarding a request to rezone property from UTC-1, Urban Transitional Commercial (1) to PUD, Planned Unit Development for property located at 801 10th Street, Marion, Iowa (Hoth Properties LLC) 275 - 289

[Agenda Memo - AM-24-880 - Pdf](#)

- E.4. Resolution No. 32128 supporting the grant application to the Iowa Department of Transportation for Transportation Alternatives Set-Aside Program Funds and committing to provide local matching funds contingent upon the award and acceptance of Transportation Grant Funds regarding the Marion Independent School District Safe Routes to Schools sidewalk connectivity (City of Marion) 290 - 298

[Agenda Memo - AM-24-908 - Pdf](#)

- F. 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 Safety - None

- C. Parks - None

- D. Public Works

- D.1. Resolution No. 32129 accepting the 2024 10th Avenue Resurfacing Project (ANN-24-001) 299 - 300

[Agenda Memo - AM-24-843 - Pdf](#)

- E. Community Development - None

- F. Library - None

### **REGULAR AGENDA**

- A. Administrative Services

- A.1. Ordinance No. 24-14 amending various sections of the Marion Code of Ordinances including Section 126-98 relating to Housing Code and Chapter 181 relating to Human Rights and Fair Housing (second consideration) 301 - 303

[Agenda Memo - AM-24-851 - Pdf](#)

- B. Public Safety

- B.1. Ordinance No. 24-16 amending Chapter 24, Article III of the Marion Code of Ordinances regarding the Fire Department (initial consideration) 304 - 307

[Agenda Memo - AM-24-856 - Pdf](#)

- C. Parks - None

- D. Public Works
- D.1. Public hearing regarding the Sanitary Trunk Sewer Project 7 (SWR-20-001-7) 308 - 312  
[Agenda Memo - AM-24-877 - Pdf](#)
- D.2. Motion to approve project calendar regarding the Sanitary Trunk Sewer Project 7 as follows: 313 - 317
- Resolution No. 32130 adopting final plans, specifications, form of contract and estimate of cost regarding the Sanitary Trunk Sewer Project 7 (SWR-20-001-7)
  - Resolution No. 32131 awarding bid, authorizing approval of the contract, bonds and insurance with Pirc-Tobin Construction Inc. regarding the Sanitary Trunk Sewer Project 7 and authorizing payment in the amount of \$300,944.15 (SWR-20-001-7)
- [Agenda Memo - AM-24-876 - Pdf](#)
- E. Community Development
- E.1. Ordinance No. 24-15 approving an extension of Ordinance No. 23-26 related to commercial development moratorium for uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor zoning districts (second consideration) 318 - 323  
[Agenda Memo - AM-24-822 - Pdf](#)
- E.2. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 24-15 regarding an extension of Ordinance No. 23-26 related to the commercial development moratorium.
- E.3. Ordinance No. 24-15 approving an extension of Ordinance No. 23-26 related to commercial development moratorium for uses along portions of Tower Terrace Road, Highway 13, and the Central Corridor zoning districts. (final consideration) 324 - 329  
[Agenda Memo - AM-24-823 - Pdf](#)
- F. 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 real estate transactions as permitted under Section 21.5(1)(j) of the Code of Iowa.

### **ADJOURN**