



AGENDA

City Council Regular Session

5:30 PM - Thursday, November 7, 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, November 7 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 Firefighter Paul Rehn

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[Agenda Memo - AM-24-907 - 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 October 15, 17 and 23, 2024 City Council meetings

10 - 22

[Agenda Memo - AM-24-913 - Pdf](#)

- A.2. Liquor licenses:

23

- Renewal - West End Diner - 809 6th Avenue
- Renewal - Hy-Vee Fast & Fresh - 2790 7th Avenue
- Renewal - Kum & Go #509 - 1203 Blairs Ferry Road

[Agenda Memo - AM-24-926 - Pdf](#)

A.3.	Hold harmless agreement with the Marion Chamber of Commerce regarding the Christmas in the Park and Peppermint Walk event on December 6, 2024 in Uptown Marion on 7th Avenue and the North Plaza Agenda Memo - AM-24-927 - Pdf	24 - 36
A.4.	Mayor AbouAssaly recommended appointments as follows: <ul style="list-style-type: none"> • Construction Code Review Board: <ul style="list-style-type: none"> ○ Ben Davis - term expires 12/31/26 • Marion Civil Rights Commission: <ul style="list-style-type: none"> ○ Etherton Muchiradhondo - term expires 12/31/26 • Library Board <ul style="list-style-type: none"> ○ Becky Garms - term expires 6/30/25 Agenda Memo - AM-24-835 - Pdf	37 - 45
A.5.	Receive and file correspondence regarding the resignations of Dylan Brooks-Forseth and Brian Chubb from the Marion Civil Rights Commission Agenda Memo - AM-24-919 - Pdf	46 - 47
A.6.	Receive and file correspondence regarding the resignation of Angela Jordan from the Zoning Board of Adjustment effective December 31, 2024 Agenda Memo - AM-24-946 - Pdf	48 - 49
A.7.	Payments as presented in the amount of \$5,930,672.10 Agenda Memo - AM-24-915 - Pdf	50 - 79
A.8.	Resolution No. 32132 approving amended professional services agreement with Marion Economic Development Corporation (MEDCO) and authorizing payments as outlined in the agreement Agenda Memo - AM-24-896 - Pdf	80 - 87
A.9.	Resolution No. 32133 approving the Annual Financial Report for the fiscal year ending June 30, 2024 Agenda Memo - AM-24-737 - Pdf	88 - 100
A.10.	Motion to receive and file the quarterly finance report for the quarter ending September 30, 2024 Agenda Memo - AM-24-882 - Pdf	101 - 128
A.11.	Resolution No. 32134 approving the Annual Street Finance Report for the year ended June 30, 2024 Agenda Memo - AM-24-736 - Pdf	129 - 141
A.12.	Resolution No. 32135 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2024 Agenda Memo - AM-24-735 - Pdf	142 - 228
A.13.	Receive and file Projects in Motion October 2024 update (Strategic Plan Quarterly Update) Agenda Memo - AM-24-936 - Pdf	229 - 240

A.14.	Motion to receive and a file job description for a Deputy Public Works Director Agenda Memo - AM-24-956 - Pdf	241 - 243
A.15.	Resolution No. 32136 approving the sick leave payout policy within City of Marion Employee Handbook Agenda Memo - AM-24-957 - Pdf	244 - 324
B.	Public Safety	
B.1.	Resolution No. 32137 approving the annual update to the City of Marion Emergency Operations Plan and Continuity of Operations Plan Agenda Memo - AM-24-948 - Pdf	325
B.2.	Resolution No. 32138 approving first amendment to the Chapter 28E agreement with Marion Township for fire and associated emergency services Agenda Memo - AM-24-943 - Pdf	326 - 330
C.	Parks	
C.1.	Motion to receive and file the 2024-2025 Parks Winter Work Program Agenda Memo - AM-24-910 - Pdf	331 - 340
C.2.	Resolution No. 32139 approving an agreement with Hawkeye Communications regarding security for the Central Plaza and 7th Avenue Streetscape and authorizing payment in the amount of \$70,934.29 Agenda Memo - AM-24-935 - Pdf	341
C.3.	Resolution No. 32140 approving change orders no. 2, 3, and 4 with Rathje Construction for Draper Park and authorizing payment in the amount not to exceed \$9,951 (REC-24-001) Agenda Memo - AM-24-947 - Pdf	342 - 347
C.4.	Resolution No. 32141 approving the First Amendment to Deed of Conservation Easement with Iowa Natural Heritage Foundation regarding the Faulkes Heritage Woodland Agenda Memo - AM-24-952 - Pdf	348 - 395
D.	Public Works	
D.1.	Resolution No. 32142 approving the removal of a streetlight at the northeast corner of Highway 100 and South 31st Street Agenda Memo - AM-24-906 - Pdf	396
D.2.	Resolution No. 32143 approving the removal of the "No Parking 8:00 AM to 4:00 PM on School Days" zone on the east side of South 14th Street from G Avenue to C Avenue Agenda Memo - AM-24-905 - Pdf	397

- D.3. Resolution No. 32144 approving change order no. 2 with Quality Cleaning Equipment for the wash bay equipment related to the public services maintenance facility and authorizing payment in the amount of \$5,287.80 (FACS-17- 069) 398 - 400
[Agenda Memo - AM-24-917 - Pdf](#)
- D.4. Resolution No. 32145 accepting the public improvements associated with Hunters Field 11th Addition to the City of Marion 401
[Agenda Memo - AM-24-909 - Pdf](#)
- D.5. Resolution No. 32146 accepting the 2024 Advance Detection Highway 151 and 62nd Street Pole Replacement Project 402 - 403
[Agenda Memo - AM-24-934 - Pdf](#)
- D.6. Resolution No. 32147 accepting the Public Safety Training Facility Project Site Plan (FACS-20-007) 404 - 405
[Agenda Memo - AM-24-921 - Pdf](#)
- D.7. Resolution No. 32148 approving the amended Policy for Encasing Open Drainage Ditches 406 - 407
[Agenda Memo - AM-24-922 - Pdf](#)
- D.8. Resolution No. 32149 approving LED Light Policy 408 - 409
[Agenda Memo - AM-24-949 - Pdf](#)
- D.9. Motion to approve project calendar regarding the 2025 Sanitary Trunk Sewer Projects 4 & 5 as follows: 410 - 420
- Resolution No. 32150 approving a permanent sanitary sewer and storm sewer easement agreement with Bjornsen Steven J Rev Trust regarding the 2025 Sanitary Trunk Sewer Projects 4 & 5 and authorizing payment in the amount of \$679.70 (SWR-20-001)
 - Resolution No. 32151 approving a temporary construction easement agreement with Bjornsen Steven J Rev Trust regarding the 2025 Sanitary Trunk Sewer Projects 4 & 5 and authorizing payment in the amount of \$97.32 (SWR-20-001)
- [Agenda Memo - AM-24-918 - Pdf](#)
- D.10. Resolution No. 32152 approving amendment no. 4 with Snyder & Associates, Inc. regarding scope limits, Community Project Funding (CPF) Federal-Aid guidelines, and project timeline extension to the contract for the 2018 Alburnett Road Extension Project Phase 1 and authorizing an additional payment in the amount of \$222,800 for a new contract total not to exceed \$1,159,550 (TRANS-18-092) 421 - 427
[Agenda Memo - AM-24-925 - Pdf](#)

D.11. Motion to approve project calendar regarding temporary construction easements associated with the 2024 16th Avenue Sanitary Sewer Project as follows: 428 - 435

- Resolution No. 32153 approving a temporary construction easement with Stephanie Gilmour, 1640 10th Street, regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
- Resolution No. 32154 approving a temporary construction easement with Susan Keune, 1670 10th Street, regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)
- Resolution No. 32155 approving a temporary construction easement with Amanda Kloser, 1612 10th Street, regarding the 16th Avenue Sanitary Sewer Project (ANN-18-029)

[Agenda Memo - AM-24-923 - Pdf](#)

E. Community Development

E.1. Resolution No. 32156 approving payment to East Central Iowa Council of Governments (ECICOG) regarding the administration of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds related to the Hoth Flats Project in an amount not to exceed \$100,000 436

[Agenda Memo - AM-24-928 - 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. 32157 approving change order no. 3 with Abode Construction, Inc. for quantity overruns related to the Public Safety Training Facility Site Plan and authorizing payment in the amount of \$15,000 (FACS-20-007) 437 - 439

[Agenda Memo - AM-24-920 - Pdf](#)

E. Community Development - None

F. Library - None

REGULAR AGENDA

A. Administrative Services

- | | | |
|------|---|-----------|
| A.1. | Public hearing on a development agreement with 1277 8th Ave, LLC (Belltower Lofts)
Agenda Memo - AM-24-932 - Pdf | 440 - 471 |
| A.2. | Resolution No. 32158 approving Development Agreement with 1277 8th Ave, LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement (Belltower Lofts)
Agenda Memo - AM-24-930 - Pdf | 472 - 503 |
| A.3. | 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 (final consideration)
Agenda Memo - AM-24-914 - Pdf | 504 - 506 |
| A.4. | Ordinance No. 24-17 amending various sections of the Marion Code of Ordinances including Chapter 223-11 regarding Nuisance Abatement and Chapter 313, Article XII regarding Automated Traffic Enforcement (initial consideration)
Agenda Memo - AM-24-944 - Pdf | 507 - 509 |
| B. | Public Safety | |
| B.1. | Ordinance No. 24-16 amending Chapter 24, Article III of the Marion Code of Ordinances regarding the Fire Department (second consideration)
Agenda Memo - AM-24-916 - Pdf | 510 - 513 |
| C. | Parks - None | |
| D. | Public Works | |
| D.1. | Public hearing regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project (TRANS-25-002)
Agenda Memo - AM-24-938 - Pdf | 514 - 518 |
| D.2. | Motion to approve project calendar regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project as follows: <ul style="list-style-type: none"> • Resolution No. 32159 adopting final plans, specifications, form of contract, and estimate of cost regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project (TRANS-25-002) • Resolution No. 32160 awarding bid, authorizing approval of the contract, bonds and insurance with Eastern Iowa Excavating & Concrete, LLC regarding the Tower Terrace Road and Irish Drive Traffic Signal Upgrade Project, and authorizing payment in the amount of \$81,016.15 (TRANS-25-002) Agenda Memo - AM-24-939 - Pdf | 519 - 523 |

- D.3. Ordinance No. 24-18 amending Chapter 313-10.10 and 313-10.11 of the Marion Code of Ordinances regarding Snow Routes and Winter Storm Parking (initial consideration) 524 - 526
[Agenda Memo - AM-24-945 - Pdf](#)
- E. Community Development
- E.1. Public hearing 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) 527 - 541
[Agenda Memo - AM-24-899 - Pdf](#)
- E.2. Ordinance No. 24-19 approving 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) (initial consideration) 542
[Agenda Memo - AM-24-898 - Pdf](#)
- E.3. Public hearing regarding a preliminary site development plan for Freddy's Frozen Custard and Steakburgers Restaurant for property located at 6001 Carlson Way, Marion, Iowa 543 - 554
[Agenda Memo - AM-24-861 - Pdf](#)
- E.4. Resolution No. 32161 approving Freddy's Frozen Custard and Steakburgers restaurant preliminary site development plan for property located at 6001 Carlson Way, Marion, Iowa (MLY Real Estate LLC) 555
[Agenda Memo - AM-24-884 - Pdf](#)
- E.5. Resolution No. 32162 approving Freddy's Frozen Custard and Steakburgers Restaurant final site development plan for property located at 6001 Carlson Way, Marion, Iowa (MLY Real Estate LLC) 556 - 564
[Agenda Memo - AM-24-885 - Pdf](#)
- E.6. Public hearing 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) 565 - 567
[Agenda Memo - AM-24-888 - Pdf](#)
- E.7. Ordinance No. 24-20 approving 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 (initial consideration) 568 - 570
[Agenda Memo - AM-24-889 - 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.

ADJOURN