



AGENDA

City Council Regular Session

5:30 PM - Thursday, November 19, 2020

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.

NOTE: Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting is able to be viewed online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 854 3720 4115. 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.

Anyone who wishes to comment on an agenda item, including public hearings, may submit the comment to the City Clerk by 4:00 p.m. on Thursday, November 19 via email at rbolender@cityofmarion.org.

Comments can also be heard during the meeting. During the meeting, select Q&A and enter your name, address and agenda item you'd like to comment on. During the appropriate public forum or hearing, use the raise hand feature in Zoom and the City Clerk will call on you to speak.

Once unmuted you will have five minutes to address Council. Please refrain from repeating what has been said before you. Do not involve personalities or make derogatory comments and be as factual as possible. Once allowed to speak, you will no longer have the opportunity to speak to the City Council unless a member of the City Council directs a question to you.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- | | | |
|----|--|---------|
| 1. | Proclamation - Pancreatic Cancer Awareness Day (November 19, 2020)
Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-197 - Proclamation - Pancreatic Cancer Awareness Day (November 19, 2020) - Pdf | 12 - 13 |
| 2. | Proclamation - Small Business Saturday (November 28, 2020)
Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-176 - Proclamation - Small Business Saturday (November 28, 2020) - Pdf | 14 - 15 |

PRESENTATIONS

This section is for presentations from external entities regarding current council action and area projects and events.

1. Introduction to Brady Quinn (MEDCO)

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 November 2 and 5, 2020 City Council meetings. 16 - 29
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-226 - Minutes of the November 2 and 5, 2020 City Council meetings. - Pdf](#)
- A.2. Liquor licenses including the following: 30
- Renewal - Casey's General Store #2562 - 680 Lindale Drive
 - Renewal - La Cantina Bar & Grill - 3217 7th Avenue
 - Renewal - Naso's Pizza - 453 7th Avenue
- [Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-190 - Liquor licenses including the following: Renewal - Casey's General Store #2562 - 6 - Pdf](#)
- A.3. Receive and file October 2020 Department Monthly Reports 31 - 68
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-227 - Receive and file October 2020 Department Monthly Reports - Pdf](#)
- A.4. Mayoral appointments to Community Equity Task Force: 69
- Marion Alliance for Racial Equity Representative - Myke Darrough
- [Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-237 - Mayoral appointments to Community Equity Task Force: Marion Alliance for Racial Eq - Pdf](#)
- A.5. Receive and file correspondence from Debra Callahan regarding resignation from Planning and Zoning Commission. 70 - 71
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-191 - Receive and file correspondence from Debra Callahan regarding resignation from Pla - Pdf](#)
- A.6. Payments as presented in the amount of \$3,849,316.28 72 - 96
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-228 - Payments as presented in the amount of \\$3,849,316.28 - Pdf](#)

- A.7. Receive and file memo regarding 2021 City Council Meeting Schedule. 97 - 98
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-200 - Receive and file memo regarding 2021 City Council Meeting Schedule. - Pdf](#)
- A.8. Resolution No. 28994 setting the date for public hearing on proposal to enter into a General Obligation Disaster Recovery Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$40,000,000 99 - 101
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-234 - Resolution setting the date for public hearing on proposal to enter into a General - Pdf](#)
- A.9. Resolution No. 28995 approving the Annual Urban Renewal Report for the fiscal year ending June 30, 2020. 102 - 183
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-213 - Resolution approving the Annual Urban Renewal Report for the fiscal year ending Ju - Pdf](#)
- A.10. Resolution No. 28996 approving the Certification of Tax Increment Financing (TIF) Indebtedness to the Linn County Auditor's Office for Fiscal Year 2021-2022 collection. 184 - 193
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-214 - Resolution approving the Certification of Tax Increment Financing \(TIF\) Indebtedne - Pdf](#)
- B. Public Services - None
- C. Public Safety - None
- D. Parks
- D.1. Resolution No. 28997 approving Partial Payment No. 2 to Waters Edge Aquatic Design for professional services regarding the Outdoor Aquatic Center Feasibility Study in the amounts of \$6,248.00. (REC-18-041) 194 - 196
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-216 - Resolution No. approving Partial Payment No. 2 to Waters Edge Aquatic Design f - Pdf](#)
- E. Engineering
- E.1. Resolution No. 28998 approving Partial Payment No. 5 to HDR, Inc. for Sanitary Sewer Capacity Study in the amount of \$11,533.71. (SWR-18-021) 197 - 198
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-208 - Resolution approving Partial Payment No. 5 to HDR, Inc. for Sanitary Sewer Capacit - Pdf](#)

E.2.	Resolution No. 28999 accepting the 2020 Storm Sewer Project. (ANN-18-031) Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-194 - Resolution accepting the 2020 Storm Sewer Project. (ANN-18-031) - Pdf	199
E.3.	Resolution No. 29000 approving a Stop Sign stopping north bound traffic on Elshire Street at its intersection with East Robins Road. Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-179 - Resolution approving a Stop Sign stopping north bound traffic on Elshire Street at - Pdf	200
E.4.	Resolution No. 29001 approving Change Order No. 1 with Midwest Concrete, Inc. regarding Cold Weather Protection for the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II in the amount of \$16,489.30 (TAP-U-4775(636)—8I-57) (TRL-17-055) Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-196 - Resolution approving Change Order No. 1 with Midwest Concrete, Inc. regarding Cold - Pdf	201 - 205
E.5.	Resolution No. 29002 approving Change Order #6 with Rathje Construction Company regarding the 2020 A Avenue Reconstruction Project (NSI) for replacement of unsuitable backfill material in the amount of \$32,400.00. (TRANS-18-090) Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-204 - Resolution approving Change Order #6 with Rathje Construction Company regarding th - Pdf	206 - 208
F.	Community Development	
F.1.	Resolution No. 29003 approving payment no. 58 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street and 31st Street in the amount of \$2,683.90 (TRANS-17-099) Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-211 - Resolution approving payment no. 58 to Universal Field Services, Inc. for services - Pdf	209 - 214
F.2.	Resolution No. 29004 setting a public hearing for December 3, 2020 for the update of the Official Zoning Map for property located within Ward 2 that includes Precincts 05, 06 and 07. Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-172 - Resolution approving the setting of a public hearing for December 3, 2020 for the - Pdf	215 - 220

- F.3. Resolution No. 29005 setting a public hearing for December 3, 2020 regarding a proposed amendment to Section 176.51-Table 6 and 176.51-Table 7 regarding permitted uses within the BR, Business Regional and OS, Office Services zoning districts (Greg Bjornsen) 221 - 257
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-187 - Resolution approving the setting of a public hearing for December 3, 2020 regardin - Pdf](#)
- G. Library
- G.1. Resolution No. 29006 approving partial payment no. 3 to Bush Construction in the amount of \$11,830.00 for the Library Building Project (FACS-17-034) 258
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-209 - Resolution approving payment to Bush Construction in the amount of \\$11,830.00 for - Pdf](#)
- G.2. Resolution No. 29007 approving partial payment no. 4 to Bush Construction in the amount of \$9,270.00 for the Library Building Project (FACS-17-034) 259
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-210 - Resolution approving payment to Bush Construction in the amount of \\$9,270.00 for t - Pdf](#)

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention as follows:

- A. Administrative Services
- A.1. Motion to approve the Fiscal Year 2021 Cigarette License for the following: 260
- Kwik Star #589
- [Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-201 - Motion to approve the Fiscal Year 2021 Cigarette License for the following: Kwik S - Pdf](#)
- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Resolution No. 29008 accepting Bridge Creek 5th Addition to the City of Marion. 261
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-178 - Resolution accepting Bridge Creek 5th Addition to the City of Marion. - Pdf](#)

- E.2. Resolution No. 29009 approving Change Order No. 5 with Peterson Contractors, Inc. regarding Pavement Repairs for the Removal of Railroad Bridge over Marion BLVD in advance of CEMAR Trail Project in the amount of \$4,350.00. (STP-U-4775(632)—70-57) (TRL-17-055) 262 - 266
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-205 - Resolution approving Change Order No. 5 with Peterson Contractors, Inc. regarding - Pdf](#)
- F. Community Development
- F.1. Resolution No. 29010 setting a public hearing for December 17, 2020 regarding an amendment to the Marion Future Land Use Plan of the Marion Comprehensive Plan for property located east of Alburnett Road extended (Midwest Development Company) 267 - 277
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-186 - Resolution approving the setting of a public hearing for December 17, 2020 regardi - Pdf](#)
- F.2. Resolution No. 29011 setting a public hearing for December 3, 2020 regarding an amendment to the Marion Future Land Use Plan of the Marion Comprehensive Plan, rezoning request and a preliminary site development plan for property located at 3100 10th Avenue. (Green Park Living LLC) 278 - 297
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-185 - Resolution approving the setting of a public hearing for December 8, 2020 regardin - Pdf](#)
- G. Library - None

REGULAR AGENDA

- A. Administrative Services
- A.1. Resolution No. 29012 approving letter of understanding with Safety First Flagging regarding traffic control services at the 44th Street Debris Site in an amount not to exceed \$70,000.00. 298 - 299
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-229 - Resolution approving letter of understanding with Safety First Flagging regarding - Pdf](#)
- A.2. Public Hearing regarding fiscal year 2020-2021 budget amendment 300 - 308
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-231 - Public Hearing regarding fiscal year 2020-2021 budget amendment - Pdf](#)
- A.3. Resolution No. 29013 approving fiscal year 2020-2021 budget amendment 309
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-235 - Resolution No. XX approving fiscal year 2020-2021 budget amendment - Pdf](#)

- A.4. Motion directing staff to purchase two Electronic Assisted Trikes matching AARP grant funds in an amount not to exceed \$5,500.
- B. Public Services
 - B.1. Resolution No. 29014 approving partial payment no. 3 to Southern Disaster Recovery LLC. for emergency debris removal services in the amount of \$3,624,078.04. 310 - 311
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-215 - Resolution approving partial payment no. 3 to Southern Disaster Recovery LLC. for - Pdf](#)
 - B.2. Resolution No. 29015 designating LA Disaster Relief LLC as a non-responsible bidder for the Emergency Waterway Debris Removal Project. 312
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-224 - Resolution designating LA Disaster Relief LLC as a non-responsible bidder for the - Pdf](#)
 - B.3. Resolution No. 29016 awarding the Emergency Waterway Debris Removal Proposal to Southern Disaster Recovery LLC. 313
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-225 - Resolution awarding the Emergency Waterway Debris Removal Proposal to Southern Dis - Pdf](#)
- C. Public Safety - None
- D. Parks - None
 - D.1. Resolution No. 29017 approving bid for park fence repairs with Life Time Fence Company, Inc. for the amount of \$35,240.00. 314 - 319
[Agenda Memo - 0 - - AM-20-220 - Resolution No. _____ approving bid for park fence repairs with Life Time Fence Company, Inc. for the amount of \\$35,240.00. - Pdf](#)
- E. Engineering

E.1. Public Hearing regarding the Marion Public Library New Building Project for the following items (FACS-17-034) (continued from the November 05, 2020 meeting):

320 - 321

- Marion Public Library New Building Project BP 05B
Decorative Metal
- Marion Public Library New Building Project BP 03A
General Trades
- Marion Public Library New Building Project BP 08A Glass
& Glazing
- Marion Public Library New Building Project BP 09B
Flooring
- Marion Public Library New Building Project BP 11A Food
Service Equipment
- Marion Public Library New Building Project BP 14A
Conveying Systems
- Marion Public Library New Building Project BP 21A Fire
Suppression
- Marion Public Library New Building Project BP 26A
Electrical
- Marion Public Library New Building Project BP 23A HVAC
- Marion Public Library New Building Project BP 09C
Painting
- Marion Public Library New Building Project BP 22A
Plumbing
- Marion Public Library New Building Project BP 07A
Roofing & Architectural Sheet Metal
- Marion Public Library New Building Project BP 04B Unit
Masonry
- Marion Public Library New Building Project BP 09A
Gypsum Board & Acoustic Ceilings

Public Hearing shall remain open until December 17, 2020 when the bids are read.

[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-203 - Public Hearing regarding the Marion Public Library New Building Project for the fo - Pdf](#)

E.2. Public Hearing regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) (TRANS-18-088)

322

[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-199 - Public Hearing regarding the 2021 35th Street & 7th Avenue Traffic Signal and - Pdf](#)

- E.3. Resolution No. 29018 accepting bids and awarding contract to Rathje Construction Company regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)—85-57) in amount of \$749,582.47. (TRANS-18-088) 323 - 325
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-198 - Resolution accepting bids and awarding contract to Rathje Construction Company reg - Pdf](#)
- E.4. Resolution No. 29019 approving contract and bond with Rathje Construction Company regarding the 2020 10th St and Central Ave / 10th Ave Intersection Improvements Project (CS-TSF-4775(634)—85-57) in the amount of \$543,934.94. (TRANS-18-089) 326 - 327
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-195 - Resolution approving contract and bond with Rathje Construction Company regarding - Pdf](#)
- E.5. Resolution No. 29020 authorizing a funding application to the Corridor Metropolitan Planning Organization for Surface Transportation Block Grant Funds in the Amount of \$2,551,000 and committing to provide local matching funds for the Marion BLVD / 7th Avenue / 10th Avenue Project in Marion [7th Avenue; 12th Street to 22nd Street] (TRANS-20-001) 328 - 347
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-219 - Resolution authorizing a funding application to the Corridor Metropolitan Planning - Pdf](#)
- E.6. Motion to Receive, file, discuss a request to defer a portion of the sanitary sewer hookup fees. (Don and Kathy Kensinger, 4355 29th Avenue) 348 - 359
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-206 - Motion to Receive, file, discuss a request to defer a portion of the sanitary sewe - Pdf](#)
- E.7. Motion to direct staff to develop a Memorandum of Agreement (MOA) regarding the 4355 29th Avenue project to charge the sanitary sewer connection fee equivalent of one acre now and the rest to be charged at time of development of the rest of the property. 360 - 361
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-207 - Motion to direct staff to develop a MOA regarding the 4355 29th Avenue project to - Pdf](#)
- E.8. Motion to Receive, File and Discuss Legal Memo regarding the request to install speed signs and warning devices and build a pedestrian bridge next to the Lucore Bridge over Indian Creek. 362 - 364
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-233 - Motion to Receive, File and Discuss Legal Memo regarding the request to install sp - Pdf](#)

F. Community Development

- F.1. Resolution No. 29021 approving contract amendment no. 2 with Snyder and Associates Inc., associated with the Indian Creek Trail project regarding the timeline of services (STP-U-4775(631)-70-57). (TRL-18-056) 365 - 371
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-202 - Resolution approving contract amendment no. 2 with Snyder and Associates Inc., ass - Pdf](#)
- F.2. Resolution No. 29022 approving Bowman Meadows 6th Addition Final Plat and Memorandum of Agreement for property located west of Alburnett Road and north of Archer Drive (Midwest Development Company) 372 - 378
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-144 - Resolution approving Bowman Meadows 6th Addition Final Plat and Memorandum of Agre - Pdf](#)
- F.3. Motion to receive and file a request for a building permit prior to approval of a Final Site Development Plan for Electric Specialty Manufacturing located at 6451 Partners Avenue. (MEDCO) 379 - 384
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-230 - Motion to receive and file a request for a building permit prior to approval of a - Pdf](#)
- F.4. Resolution No. 29023 approving waiver of the City Code to allow the issuance of a foundation permit prior to approval of the Final Site Development Plan for property located at 6451 Partners Avenue, Electric Specialties Manufacturing subject to execution of a hold harmless agreement. (Todd Heying, EMS Properties, LLC)
- F.5. Resolution No. 29024 approving Rookwood Estates 2nd Addition Final Plat and Memorandum of Agreement for property located south of Prairie Ridge Avenue east of Scott Street (Rookwood Estates LLC) 385 - 397
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-153 - Resolution approving Rookwood Estates 2nd Addition Final Plat and Memorandum of Ag - Pdf](#)
- F.6. Resolution No. 29025 approving the Nottingham Hills 9th Addition Final Plat and memorandum of agreement for property located south of Boyson Road west of Nottingham Hills Drive (BBAK Investment LTD) 398 - 399
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-236 - Resolution approving the Nottingham Hills 9th Addition Final Plat and memorandum o - Pdf](#)

- F.7. Resolution No. 29026 approving the Prairie Ridge Estates 8th Addition Final Plat and Memorandum of Agreement for property located east of Crestwood lane and south of Robinwood Lane (Rookwood Estates LLC) 400 - 407
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-152 - Resolution approving the Prairie Ridge Estates 8th Addition Final Plat and Memoran - Pdf](#)
- F.8. Ordinance No. 20-12 amending Chapter 162 of the Marion Code of Ordinances relating to the Electrical Code (Second Consideration) 408 - 419
[Agenda Memo - City Council Work Session - Nov 17 2020 - AM-20-238 - Ordinance No. 20-12 amending Chapter 162 of the Marion Code of Ordinances relating - Pdf](#)
- F.9. Motion directing staff to review mini-warehouse regulations and develop standards for Climate Controlled Self Storage Facilities within the BR, Regional Business zoning district.

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. 2020 Storm Response Update

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 litigation as permitted under Section 21.5(1)(c) of the Code of Iowa (two separate matters) and regarding personnel matters (evaluation of City Manager performance) as permitted under Section 21.5(1)(i) of the Code of Iowa. (one matter)

ADJOURN