



AGENDA

City Council Regular Session

5:30 PM - Thursday, January 7, 2021

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# 828 8326 2330. 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, January 7, 2021 via email at cityclerk@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.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

None

PRESENTATIONS

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

1. Presentation regarding the Splinters Project.

[Agenda Memo - City Council Work Session - Jan 05 2020 - AM-20-393 - Presentation regarding Splinters Project - Pdf](#)

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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 December 15 and 17, 2020 City Council meetings. 13 - 31
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-391 - Minutes of the December 15 and 17, 2020 City Council meetings. - Pdf](#)
- A.2. Liquor licenses including the following: 32
- Renewal - Pitchers - 620 Lindale Drive
 - Renewal - The Edison Restaurant & Pub - 475 Northland Avenue NE
 - Transfer - Tomasos Pizza - 1204 7th Avenue, Suite 101
- [Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-397 - Liquor licenses - Pdf](#)
- A.3. Certified List for Police Sergeant and Lieutenant. 33 - 34
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-389 - Certified List for Police Sergeant and Lieutenant - Pdf](#)
- A.4. Certified List for Fire Lieutenant 35 - 36
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-390 - Certified List for Fire Lieutenant - Pdf](#)
- A.5. Resolution No. 29129 designating the Marion Times as the official newspaper of record for the City of Marion. 37
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-409 - Resolution designating Marion Times as the official newspaper of record - Pdf](#)
- A.6. Payments as presented in the amount of \$3,362,119.45. 38 - 63
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-392 - Payments as presented in the amount of \\$3,362,119.45. - Pdf](#)
- B. Public Services
- B.1. Resolution No. 29130 approving purchase of replacement traffic signal cabinet from Traffic Control Corporation in the amount of \$56,400.00. 64
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-434 - Resolution approving purchase of replacement traffic signal cabinet - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering

- E.1. Resolution No. 29131 approving the establishment of a “No Parking” zone on both sides of Beall Court from its intersection with 62nd Street west to the end of the street. 65
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-385 - Resolution approving the establishment of a “No Parking” on Beall Ct - Pdf](#)
- E.2. Resolution No. 29132 approving Partial Payment No. 36 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$30,500.00 (SWR-17-026) 66
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-415 - Resolution approving Partial Payment No. 36 to Veenstra & Kimm - Pdf](#)
- E.3. Resolution No. 29133 approving Partial Payment No. 7 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$42,312.32. (TRANS-18-091) 67
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-417 - Resolution approving Partial Payment No. 7 to Anderson Bogert Engineers - Pdf](#)
- E.4. Resolution No. 29134 approving Partial Payment No. 3 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$106,688.56. (FACS-17-034) 68
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-421 - Resolution approving Partial Payment No. 3 to Boomerang - Pdf](#)
- E.5. Resolution No. 29135 approving Partial Payment No. 11 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$761.00 (FACS-18-062) 69
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-418 - Resolution approving Partial Payment No. 11 to Braun Intertec - Pdf](#)
- E.6. Resolution No. 29136 approving Partial Payment No. 7 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1,330.00. (TRL-17-055) 70
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-419 - Resolution approving Partial Payment No. 7 to Braun Intertec - Pdf](#)
- E.7. Resolution No. 29137 approving Partial Payment No. 2 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$40,774.00. (FACS-17-034) 71
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-422 - Resolution approving Partial Payment No. 2 to Culvers Landscape - Pdf](#)

- E.8. Resolution No. 29138 approving Partial Payment No. 2 to Helitech Civil Construction regarding the Marion Library Project – Bid Pkg 31A Ground Improvements in the amount of \$2,515.13. (FACS-17-034) 72
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-423 - Resolution approving Partial Payment No. 2 to Helitech Civil Construction - Pdf](#)
- E.9. Resolution No. 29139 approving Partial Payment No. 2 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$228,354.00. (FACS-17-034) 73
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-424 - Resolution approving Partial Payment No. 2 to Knutson Construction - Pdf](#)
- E.10. Resolution No. 29140 approving Partial Payment No. 1 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A & 06A regarding General Trades and Misc. Steel in the amount of \$189,179.20. (FACS-17-034) 74
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-426 - Resolution approving Partial Payment No. 1 to Peak Construction - Pdf](#)
- E.11. Resolution No. 29141 approving Partial Payment No. 2 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A & 06A regarding General Trades and Misc. Steel in the amount of \$105,243.85. (FACS-17-034) 75
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-427 - Resolution approving Partial Payment No. 2 to Peak Construction Group - Pdf](#)
- E.12. Resolution No. 29142 approving Partial Payment No. 1 to Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry in the amount of \$86,569.25. (FACS-17-034) 76
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-428 - Resolution approving Partial Payment No. 1 to Seehase Masonry - Pdf](#)
- E.13. Resolution No. 29143 approving Partial Payment No. 7 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$137,808.25. (TRANS-18-090) 77
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-399 - Resolution approving Partial Payment No. 7 to Rathje Construction Company - Pdf](#)

- E.14. Resolution No. 29144 approving Partial Payment No. 6 to Rathje Construction Company regarding the A Avenue Reconstruction Project (NSI) in the amount of \$17,539.38. (TRANS-18-090) 78
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-402 - Resolution approving Partial Payment No. 6 to Rathje Construction - Pdf](#)
- E.15. Resolution No. 29145 approving Partial Payment No. 4 to Midwest Concrete, Inc. regarding 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 \$251,471.34. (TAP-U-4775(636)—8I-57) (TRL-17-055) 79
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-400 - Resolution approving Partial Payment No. 4 to Midwest Concrete, Inc. - Pdf](#)
- E.16. Resolution No. 29146 accepting the A Avenue Reconstruction Project (NSI). (TRANS-18-090) 80 - 81
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-403 - Resolution accepting the A Avenue Reconstruction Project - Pdf](#)
- F. Community Development
- F.1. Resolution No. 29147 approving payment no. 7 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$921.75. (TRANS-18-098) 82 - 84
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-411 - Resolution approving payment no. 7 to RDG Planning & Design - Pdf](#)
- F.2. Resolution No. 29148 approving payment no. 9 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$460.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056). 85 - 90
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-413 - Resolution approving payment no. 9 to Universal Field Services, Inc - Pdf](#)
- F.3. Resolution No. 29149 approving payment no. 1 to Universal Field Services, Inc for services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$1,320.00. (TRL-18-110) 91 - 97
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-414 - Resolution approving payment no. 1 to Universal Field Services - Pdf](#)
- G. Library

- G.1. Resolution No. 29150 approving partial payment no. 6 to Bush Construction in the amount of \$118,708.54 for the Library Building Project (FACS-17-034) 98
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-404 - Resolution approving partial payment no. 6 to Bush Construction - Pdf](#)
- G.2. Resolution No. 29151 approving payment to Bradbury Miller for the search of the Library Director in the amount of \$6,000. 99
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-405 - Resolution approving payment to Bradbury Miller - Pdf](#)

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 Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Resolution No. 29152 approving Partial Payment No. 5 to Peterson Contractors, Inc. regarding the Removal of Railroad Bridge over Marion BLVD in advance of CEMAR Trail in the amount of \$894.82. (STP-U-4775(632)—70-57) (TRL-17-055) 100
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-441 - Resolution approving Partial Payment No. 5 to Peterson Contractors - Pdf](#)
- E.2. Resolution No. 29153 approving Partial Payment No. 7 to Peterson Contractors, Inc. regarding the CEMAR Phase III Project in City of Marion, from Marion Boulevard bridge over Indian Creek north preservation trail Bridge New, Steel Girder amount \$154,207.54. [TAP-U-4775(637)-81-57] (TRL-17-055) 101 - 102
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-401 - Resolution approving Partial Payment No. 7 to Peterson Contractors, Inc. - Pdf](#)
- F. Community Development
- F.1. Resolution No. 29154 approving payment no. 14 to Anderson-Bogert Engineers for general airport consulting for engineering and/or land surveying services per the contract for the Marion Airport in the amount of \$855.00. (ANN-18-082) 103 - 105
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-410 - Resolution approving payment no. 14 to Anderson-Bogert Engineers - Pdf](#)
- G. Library - None

REGULAR AGENDA

A. Administrative Services

- A.1. Public hearing on Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area in connection with the Legacy Manufacturing Project. 106 - 110
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-398 - Public hearing on Urban Renewal Plan Amendment for the Collins Road Extension - Pdf](#)
- A.2. Resolution No. 29155 to approve Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area in connection with the Legacy Manufacturing Project. 111 - 112
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-420 - Resolution to approve Urban Renewal Plan Amendment for the Collins Road Extension - Pdf](#)
- A.3. Resolution No. 29156 authorizing internal advance for funding of Urban Renewal Project economic development incentive for MEDCO Holding Company from the General Fund to the Capital Projects Fund in the amount of \$127,074.30 113 - 127
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-396 - Resolution authorizing internal advance for MEDCO - Pdf](#)
- A.4. Resolution No. 29157 approving Fiscal Year 2020-2021 Operating Budget Transfers 128 - 129
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-394 - Resolution approving Fiscal Year 2020-2021 Operating Budget Transfers - Pdf](#)
- A.5. Resolution No. 29158 approving Economic Development Grant Payment to MEDCO Holding Company in the amount of \$127,074.30. 130 - 131
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-395 - Resolution approving Economic Development Grant Payment to MEDCO - Pdf](#)

B. Public Services

- B.1. Resolution No. 29159 approving partial payment no. 6 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$328,268.36. 132
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-438 - Resolution approving partial payment no. 6 to Wendling Quarries, Inc. - Pdf](#)

- B.2. Resolution No. 29160 approving partial payment no. 6 to Southern Disaster Recovery LLC. for emergency debris removal services in the amount of \$396,194.11. 133
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-442 - : Resolution approving partial payment no. 6 to Southern Disaster Recovery LLC - Pdf](#)
- B.3. Motion to approve Project Calendar regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project: 134
- Resolution No. 29161 approving Resolution of Necessity regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.
 - Resolution No. 29162 ordering preparation of specifications, notice of hearing and letting, notice to bidders, for the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.
 - Resolution No. 29163 approving and adopting final specifications, notice of hearing and letting, notice to bidders regarding the debris collection and vegetative reduction operations associated with the Emergency Waterway Debris Removal Project.
- [Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-449 - Project Calendar for Emergency Waterway Debris Removal - Pdf](#)
- B.4. Resolution No. 29164 approving contract between the City of Marion and Southern Disaster Recovery LLC. for the Emergency Waterway Debris Removal Project. 135
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-447 - Resolution approving contract between Marion and Southern Disaster Recovery - Pdf](#)
- C. Public Safety - None
- D. Parks
- D.1. Resolution No. 29165 approving contract with Point Builders, LLC regarding the City Square Park Depot Repairs in the amount of \$72,475.00. 136 - 152
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-440 - Resolution accepting bid and awarding contract to Point Builders, LLC regarding the City Square Park Depot Repairs - Pdf](#)
- E. Engineering
- E.1. Motion to receive, file, discuss and refer to Transportation Advisory Committee (TAC) a request for a temporary Library loading zone on 7th Avenue. (Marion Public Library Board) 153 - 154
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-443 - Motion to receive, file, discuss and refer to TAC - Pdf](#)

- E.2. Public Comment Period regarding Library Loading Zone on 7th Avenue. 155 - 156
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-444 - Public Comment Period regarding Library Loading Zone on 7th Avenue - Pdf](#)
- E.3. Motion to receive, file, and concur with the TAC Report regarding a request for two short term (10 minute) parking spaces for the Temporary Marion Public Library Location at 1064 7th Avenue. (Marion Public Library Board) 157 - 159
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-445 - Motion to receive, file, and concur with the TAC Report re parking spaces - Pdf](#)
- E.4. Resolution No. 29166 approving two short term (10 minute) parking spaces for the Temporary Marion Public Library Location at 1064 7th Avenue. 160 - 162
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-446 - Resolution approving two short term \(10 minute\) parking spaces - Pdf](#)
- E.5. Resolution No. 29167 approving contract and bond with Rapids Food Service regarding the Marion Library Building Project BP 11A Food Service Equipment in the amount of \$54,135.00. (FACS-17-034) 163 - 164
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-433 - Resolution approving contract and bond with Rapids Food Service - Pdf](#)
- E.6. Motion to remove from table Resolution No. 29106 accepting bids and awarding contract to KONE Inc. regarding the Marion Library Building Project BP 14A Conveying Systems (FACS-17-034) (tabled December 17, 2020)
- E.7. Resolution No. 29106 accepting bids and awarding contract to KONE Inc. regarding the Marion Library Building Project BP 14A Conveying Systems in the amount of \$236,600.00. (FACS-17-034) (Tabled December 17, 2020) 165 - 166
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-435 - Resolution No. 29106 accepting bids and awarding contract to KONE - Pdf](#)
- E.8. Resolution No. 29168 approving Change Order No. 1 with Boomerang regarding removal of existing housing foundation for the Library Site in the amount of \$76,734.25. (FACS-17-034) 167 - 191
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-437 - Resolution approving Change Order No. 1 with Boomerang - Pdf](#)

- E.9. Resolution No. 29169 approving Change Order No. 1 with Central States Concrete regarding removal of existing housing foundation for the Library Site in the amount of \$1,918.37. (FACS-17-034) 192 - 196
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-439 - Resolution approving Change Order No. 1 with Central States Concrete - Pdf](#)
- F. Community Development
- F.1. Ordinance No. 20-13 approving an 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. (Final Consideration) 197 - 231
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-365 - Ordinance approving an amendment to Section 176.51-Table 6 and 176.51-Table 7 - Pdf](#)
- F.2. Ordinance No. 20-15 approving an update to the Marion Zoning Map for property located within City Council Ward 2 which includes precincts 05, 06 and 07 (Final Consideration) 232 - 235
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-307 - Ordinance approving an update to the Marion Zoning Map for property within Ward 2 - Pdf](#)
- F.3. Public hearing regarding a request to vacate an alley located east of 22nd Street between 4th and 5th Avenues. (Kramer) 236 - 240
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-450 - Public hearing regarding a request to vacate an alley located east of 22nd Street - Pdf](#)
- F.4. Public hearing regarding an amendment to the Marion Future Land Use Map of the Marion Comprehensive Plan from Public/Semi Public to Multi-Family Residential, a rezoning request from R-2, Medium Density Single-Family Residential to PD-R, Planned Development Residential, and a Preliminary Site Development Plan for property located at the northeast corner of 31st Street and 10th Avenue. (Green Park Apartment Living LLC) 241 - 275
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-367 - Public hearing regarding Green Park Apartment Living - Pdf](#)
- F.5. Resolution No. 29170 approving an amendment to the future land use map of the Marion Comprehensive Plan from public/semi-public to multi-family residential for property located at 3100 10th Avenue (Green Park Apartment Living LLC) 276
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-453 - Resolution approving an amendment to the future land use map - Pdf](#)

- F.6. Ordinance No. 20-14 approving the rezoning request from R-2, Medium Density Single Family Residential to PD-R, Planned Development Residential for property located at 3100 10th Avenue (Green Park Apartment Living LLC) (Initial Consideration) 277
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-452 - Ordinance approving the rezoning request from Green Park Apartment Living - Pdf](#)
- F.7. Resolution No. 29171 approving the Green Park Apartment Living Preliminary Site Development Plan for property located at 3100 10th Avenue (Green Park Apartment Living LLC) 278
[Agenda Memo - City Council Work Session - Jan 05 2021 - AM-20-454 - Resolution approving the Green Park Apartment Living Preliminary Site Dev Plan - Pdf](#)

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.

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 personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.

ADJOURN