



AGENDA

City Council Work Session

4:00 PM - Tuesday, May 4, 2021

City Hall, 1225 6th Avenue

The meeting is being recorded. Any item listed on the agenda may be open to discussion by the City Council. Times listed are estimated.

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# 836 1887 2907. 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, May 6 via email at cityclerk@cityofmarion.org. Comments can also be heard during the meeting on Thursday.

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CALL TO ORDER

PROCLAMATIONS/OATHS

- | | | |
|----|---|---------|
| 1. | Proclamation - Economic Development Week (May 10-14, 2021) (4:00-4:05)
Agenda Memo - AM-21-485 | 10 - 11 |
| 2. | Proclamation - Kids to Parks Day (May 15, 2021) (4:05-4:10)
Agenda Memo - AM-21-428 | 12 - 13 |
| 3. | Proclamation - National Home Remodeling Month (May 2021) (4:10-4:15)
Agenda Memo - AM-21-566 | 14 - 15 |
| 4. | Proclamation - American Legion Auxiliary Poppy Days (May 21-22, 2021)
Agenda Memo - AM-21-427 | 16 - 17 |
| 5. | Proclamation - Asian American & Pacific Islander Heritage Month (May 2021)
Agenda Memo - AM-21-534 | 18 - 19 |
| 6. | Proclamation - World Migratory Bird Day (May 8, 2021)
Agenda Memo - AM-21-488 | 20 - 21 |

PRESENTATIONS

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

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| 1. | Presentation regarding Marion's designation as a Bird Friendly Community (Thursday)
Agenda Memo - AM-21-561 | 22 |
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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.

- A. Administrative Services
- A.1. Minutes of the April 20 and 22, 2021 City Council meetings. 23 - 34
[Agenda Memo - AM-21-537](#)
- A.2. Receive and file correspondence regarding Danielle Brazant's resignation from the Civil Rights Commission. 35 - 36
[Agenda Memo - AM-21-510](#)
- A.3. Certified List for Police Officer 37
[Agenda Memo - AM-21-553](#)
- A.4. Motion to approve the following FY2021-2022 Cigarette Permit Applications: 38
- Casey's General Stores #2760, 2770, 2919, 2924, 3562
 - Kum & Go #503, 509
- [Agenda Memo - AM-21-512](#)
- A.5. Liquor licenses including the following: 39
- New - St. Joseph Catholic Church (Fun Days) - 1790 14th Street
- [Agenda Memo - AM-21-564](#)
- A.6. Hold Harmless Agreements with: 40 - 94
- Marion Chamber of Commerce regarding the Iowa Treasurer's Conference Tour on May 13, 2021 in the Uptown Artway.
 - Farmers State Bank regarding Marion By Moonlight on June 3, 10, 17, and 24 at Lowe Park.
 - St. Joseph's regarding St. Joseph Fun Days on June 4-6, 2021 at St. Joseph's grounds located at 1790 14th Street.
 - CR Latin Dance Club regarding a Salsa Dance on June 5, 2021 in the Uptown Artway.
 - Uptown Snug regarding a band event on June 12, 2021 in the Uptown Artway.
 - Uptown Snug regarding a Funk and Bourbon event on August 7, 2021 in the Uptown Artway.
- [Agenda Memo - AM-21-513](#)
- A.7. Payments as presented in the amount of \$2,458,287.13. 95 - 120
[Agenda Memo - AM-21-538](#)
- A.8. Resolution approving payment to Independent Public Advisors LLC for services relating to the Disaster Recovery Loan in the amount of \$15,000. 121 - 122
[Agenda Memo - AM-21-554](#)

A.9.	Resolution approving partial payment no. 5 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of \$34,687.50 Agenda Memo - AM-21-437	123 - 130
B. Public Services - None		
C. Public Safety - None		
D. Parks		
D.1.	Resolution approving partial payment no. 5 to Waters Edge Aquatic Design for professional services regarding the Outdoor Aquatic Center Feasibility Study in the amount of \$6,000.00 (REC-18-041) Agenda Memo - AM-21-520	131 - 133
D.2.	Resolution approving payment to Heartland Roofing, Siding, and Windows, LLC for Derecho related roof repairs to the McGowan House in the amount of \$11,600.00. Agenda Memo - AM-21-521	134 - 136
D.3.	Resolution approving payment to Heartland Roofing, Siding, and Windows, LLC for Derecho related roof repairs to the Starry Park Concession Building in the amount of \$8,650.00. Agenda Memo - AM-21-562	137 - 139
E. Engineering		
E.1.	Resolution approving Partial Payment No. 14 to Braun Intertec regarding the 2019 Marion Fire Station Project in the amount of \$1,408.00 (FACS-18-062) Agenda Memo - AM-21-571	140
E.2.	Resolution approving Partial Payment No. 10 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$840.00. (TRL-17-055) Agenda Memo - AM-21-572	141
E.3.	Resolution approving Partial Payment No. 10 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$14,884.08. (TRANS-18-091) Agenda Memo - AM-21-573	142
E.4.	Resolution approving Permanent Public Access Easement with My Own Home CR LLC, 1400 13th Avenue, regarding the 2019 14th Street Reconstruction Project (NSI) (TRANS-18-090) Agenda Memo - AM-21-574	143
E.5.	Resolution approving Partial Payment No. 3 to K & W Electric, Inc. regarding the 2020 Marion Fire Station Traffic Signals Project in the amount of \$87,956.93. (FACS-18-062) Agenda Memo - AM-21-550	144

E.6.	Resolution approving Partial Payment No. 6 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 \$5,144.39. (TAP-U-4775(636)—8I-57) (TRL-17-055) Agenda Memo - AM-21-551	145
E.7.	Resolution approving Partial Payment No. 8 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$69,241.58. (TRANS-18-090) Agenda Memo - AM-21-552	146
E.8.	Resolution approving the removal of stop signs on Irish Drive stopping northbound and southbound traffic at the intersection of Irish Drive and Tower Terrace Road. Agenda Memo - AM-21-578	147
E.9.	Resolution approving the installation of a stop sign stopping eastbound traffic on the frontage road north of 100 Irish Drive at its intersection of Irish Drive. Agenda Memo - AM-21-579	148
F.	Community Development	
F.1.	Resolution approving Tower Terrace Commercial Second Addition Final Plat and Memorandum of Agreement for property located south of Tower Terrace Road on either side of Irish Drive extended. (City of Marion) Agenda Memo - AM-21-533	149 - 154
F.2.	Resolution approving payment no. 34 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$7,312.40. (TRL-17-055) Agenda Memo - AM-21-539	155 - 159
F.3.	Resolution setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 165 relating to the Housing Code. Agenda Memo - AM-21-547	160
F.4.	Resolution setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 163 relating to the Mechanical Code. Agenda Memo - AM-21-546	161
F.5.	Resolution setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 161 relating to the Plumbing Code. Agenda Memo - AM-21-545	162

F.6.	Resolution setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 160 relating to the Building Code. Agenda Memo - AM-21-544	163
F.7.	Resolution setting date of a public hearing for May 20, 2021 regarding an ordinance amending Chapter 153 relating to the Property Maintenance Code. Agenda Memo - AM-21-548	164
F.8.	Receive and file correspondence requesting a partial deferral of a sidewalk installation located at 853 Eastview Avenue, Marion, Iowa. (Integrity Custom Homes, Inc. and Randy Bouska) Agenda Memo - AM-21-567	165 - 166
F.9.	Resolution approving a partial deferral of sidewalk installation located at 853 Eastview Avenue, Marion, Iowa. (Integrity Custom Homes, Inc and Randy Bouska) Agenda Memo - AM-21-569	167
G.	Library	
G.1.	Resolution approving partial payment to Summit Bodyworks regarding down payment for purchase of mobile library in the amount of \$148,734.00. Agenda Memo - AM-21-542	168 - 173

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 approving Partial Payment No. 11 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 \$159,823.73. [TAP-U-4775(637)-8I-57] (TRL-17-055) Agenda Memo - AM-21-556	174 - 175
E.2.	Resolution approving Change Order No. 2 with Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$4,922.50. (TRANS-18-091) Agenda Memo - AM-21-549	176 - 178
F.	Community Development - None	
G.	Library - None	

REGULAR AGENDA

A.	Administrative Services	
A.1.	Motion to receive and file job description for Purchasing Coordinator. Agenda Memo - AM-21-585	179 - 181
A.2.	Resolution amending the non-bargaining pay schedule to include the addition of Purchasing Coordinator. Agenda Memo - AM-21-584	182
B.	Public Services (4:15-4:25)	
B.1.	Resolution approving the selection of Conlon Construction Company as Construction Manager for the Public Service Maintenance Facilities. (FACS-17-069) Agenda Memo - AM-21-582	183 - 202
C.	Public Safety	
C.1.	Ordinance No. 21-05 Amending Chapter 77 of the Code of Ordinances Relating to Bicycle Licensing (final consideration) Agenda Memo - AM-21-535	203
D.	Parks (4:25-4:30)	
D.1.	Ordinance No. 21-08 amending Chapter 50.02(15) and Chapter 141.03 relating to removal of snow, ice and accumulations (second consideration) Agenda Memo - AM-21-536	204
D.2.	Resolution approving contract with Heartland Roofing, Siding and Windows, LLC regarding Skylight replacements for Willowood Bath and Pump house in the amount of \$9,800.00. Agenda Memo - AM-21-563	205 - 208
D.3.	Resolution awarding contract for hazardous tree removals. Agenda Memo - AM-21-586	209 - 219
E.	Engineering (4:30-4:50)	
E.1.	Resolution approving contract and bond with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project in the amount of \$6,898,626.31 (TRANS-18-101) Agenda Memo - AM-21-541	220 - 224

E.2.	<p>Motion to approve Project Calendar regarding the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029), as follows:</p> <ul style="list-style-type: none"> • Motion to retain the City Engineer as Project regarding 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029) • Resolution approving Resolution of Necessity regarding the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029) • Resolution ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the Sanitary CIPP Rehabilitation Project (ANN-18-029) • Resolution approving and adopting final plans, specifications, notice of hearing letting, to bidders, form contract, estimate cost regarding the Sanitary CIPP Rehabilitation Project (ANN-18-029) <p>Agenda Memo - AM-21-543</p>	225 - 226
E.3.	<p>Public Hearing regarding the 2021 Storm Sewer Project (ANN-18-031)</p> <p>Agenda Memo - AM-21-557</p>	227 - 228
E.4.	<p>Resolution accepting bids and awarding contract to B.G. Brecke, Inc. regarding the 2021 Storm Sewer Project in the amount of \$108,505.00 (ANN-18-031)</p> <p>Agenda Memo - AM-21-558</p>	229 - 231
E.5.	<p>Public Hearing regarding the 2021 Sanitary Sewer Manhole Project (ANN-18-029)</p> <p>Agenda Memo - AM-21-559</p>	232 - 234
E.6.	<p>Resolution accepting bids and awarding contract to B.G. Brecke, Inc. regarding the 2021 Sanitary Sewer Manhole Project in the amount of \$111,095. (ANN-18-029)</p> <p>Agenda Memo - AM-21-560</p>	235 - 237
E.7.	<p>Public Hearing regarding an amendment to Chapter 176 of the Code of Ordinances regarding Flood Hazard Area Regulations and adoption of the 2021 FEMA Flood Insurance Study (FIS) and the 2021 FEMA Flood Insurance Rate Map (FIRM).</p> <p>Agenda Memo - AM-21-575</p>	238 - 259
E.8.	<p>Ordinance adopting amendments to Chapter 176 of the Code of Ordinances regarding Flood Hazard Area Regulations and adoption of the 2021 FEMA Flood Insurance Study (FIS) and the 2021 FEMA Flood Insurance Rate Map (FIRM). (Initial Consideration)</p> <p>Agenda Memo - AM-21-576</p>	260 - 281
E.9.	<p>Motion to Receive, File and refer to TAC a petition regarding the request to study the intersection of Linn-Air Avenue and Highway 151. (MEDCO)</p> <p>Agenda Memo - AM-21-577</p>	282 - 286

- E.10. Motion to approve Project Calendar regarding the 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026), as follows: 287 - 289
- Motion to retain the City Engineer as Project Engineer regarding 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026)
 - Resolution approving Resolution of Necessity regarding the 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026)
 - Resolution ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 (SWR-17-026)
- [Agenda Memo - AM-21-581](#)
- E.11. Resolution approving the 2020 Derecho Sidewalk Damage Policy. 290 - 291
- [Agenda Memo - AM-21-580](#)
- F. Community Development
- F.1. Ordinance No. 21-06 amending to Chapter 176 related to the operation and design requirements for mini-warehouses within the B-R, Business Regional, M-1, Light Manufacturing and M-2, General Manufacturing zoning districts. (Final Consideration) 292 - 298
- [Agenda Memo - AM-21-514](#)
- F.2. Ordinance No. 21-07 amending Chapter 176.50, Central Corridor Zoning Districts. (Final Consideration) 299 - 315
- [Agenda Memo - AM-21-532](#)
- F.3. Resolution approving the vacation of a twenty (20) foot watermain easement located on Parcel A, Plat of Survey 1106, Marion, Iowa. 316 - 323
- [Agenda Memo - AM-21-523](#)
- F.4. Resolution approving Plat of Survey No. 2519 for property located east of Hampshire Drive and Prescott Lane. (BBAK Investment LTD) 324 - 326
- [Agenda Memo - AM-21-515](#)
- F.5. Resolution approving contract amendment no. 2 with Shoemaker Haaland Professional Engineers, associated with the CeMar Trail project regarding the scope of services. [TAP-U-4775(630)—8I-57] (TRL-17-055) 327 - 334
- [Agenda Memo - AM-21-531](#)
- 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. Update regarding the Marion Fire Department Headquarters. (4:50-4:55)
[Agenda Memo - AM-21-568](#)

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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.

ADJOURN