



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, May 20, 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# 868 0389 4906. 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.**

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 20 via email at [cityclerk@cityofmarion.org](mailto: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.

Page

### 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 - Heritage Area Agency on Aging and Encore (Tim Getty)  
[Agenda Memo - AM-21-589 - 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 May 6, 2021 City Council meeting. 12 - 22  
[Agenda Memo - AM-21-597 - Pdf](#)
  - A.2. Liquor licenses including the following: 23
    - Renewal - Qdogs BBQ Company - 895 Blairs Ferry Road
    - New - Marion Metro Kiwanis (BBQ Rendezvous) - 4500 10th Street  
[Agenda Memo - AM-21-565 - Pdf](#)
  - A.3. Receive and file April 2021 Department Monthly Reports. 24 - 69  
[Agenda Memo - AM-21-599 - Pdf](#)
  - A.4. Receive and file correspondence regarding resignation of Angie Pierce Jennings from the Arts Council. 70 - 71  
[Agenda Memo - AM-21-674 - Pdf](#)
  - A.5. Mayoral appointments: 72 - 79
    - Arts Council - Cindy Fountain, 1637 Hunters Creek Way, term expires 12/31/22
    - Arts Council - Thomas Sharpe, 500 3rd Avenue, term expires 12/31/22  
[Agenda Memo - AM-21-677 - Pdf](#)
  - A.6. Payments as presented in the amount of \$9,082,470.74. 80 - 108  
[Agenda Memo - AM-21-538 - Pdf](#)
  - A.7. Receive and file correspondence from Cassie Hammarmeister regarding intent to purchase the property at 524 10th Street. 109 - 111  
[Agenda Memo - AM-21-587 - Pdf](#)
  - A.8. Motion directing staff to negotiate the sale of property at 524 10th Street. 112 - 113  
[Agenda Memo - AM-21-588 - Pdf](#)
- B. Public Services - None
- C. Public Safety - None
- D. Parks
  - D.1. Resolution No. 29516 approving Partial Payment No. 1 to T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$69,700.00. 114 - 150  
[Agenda Memo - AM-21-649 - Pdf](#)

E.	Engineering	
E.1.	Resolution No. 29517 approving Change Order No. 10 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding Fire Damper Access, Communication System Updates and Electric Winch at Training Stair in an amount of \$16,516.67. (FACS-18-062) <a href="#">Agenda Memo - AM-21-609</a>	151 - 154
E.2.	Resolution No. 29518 approving Partial Payment No. 2 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$13,889.00. (FACS-17-034) <a href="#">Agenda Memo - AM-21-610 - Pdf</a>	155
E.3.	Resolution No. 29519 approving Partial Payment No. 6 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding Misc. Steel in the amount of \$17,812.50. (FACS-17-034) <a href="#">Agenda Memo - AM-21-616 - Pdf</a>	156
E.4.	Resolution No. 29520 approving Partial Payment No. 2 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding steel fabrication and erection in the amount of \$37,240.00. (FACS-17-034) <a href="#">Agenda Memo - AM-21-650 - Pdf</a>	157
E.5.	Resolution No. 29521 approving Partial Payment No. 3 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$64,379.12. (FACS-17-034) <a href="#">Agenda Memo - AM-21-652 - Pdf</a>	158
E.6.	Resolution No. 29522 approving Partial Payment No. 3 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Gypsum Board & Acoustics in the amount of \$6,298.50. (FACS-17-034) <a href="#">Agenda Memo - AM-21-654 - Pdf</a>	159
E.7.	Resolution No. 29523 approving Partial Payment No. 4 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$84,550.00. (FACS-17-034) <a href="#">Agenda Memo - AM-21-655 - Pdf</a>	160
E.8.	Resolution No. 29524 amending Resolutions 29140, 29141, 29295, 29382 and 29390 regarding partial payments 1 through 5 to Peak Construction Group for the Marion Public Library to the correct bid packages referenced. (FACS-17-034) <a href="#">Agenda Memo - AM-21-657 - Pdf</a>	161 - 162

- E.9. Resolution No. 29525 approving Partial Payment No. 19 to Christner Contracting Inc. regarding the 2019 Fire Station Project in the amount of \$625,904.99. (FACS-18-062) 163 - 164  
[Agenda Memo - AM-21-661 - Pdf](#)
- E.10. Resolution No. 29526 approving Partial Payment No. 1 to Linn-Mar Community School District for costs associated with 35th Avenue and Boulder Peak Intermediate School in the amount of \$343,364.20 165 - 177  
[Agenda Memo - AM-21-618 - Pdf](#)
- E.11. Resolution No. 29527 accepting Gemstone Estates 6th Addition to the City of Marion. 178  
[Agenda Memo - AM-21-624 - Pdf](#)
- E.12. Resolution No. 29528 approving Change Order No. 7 with Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$9,619.40. (TRANS-18-090) 179 - 182  
[Agenda Memo - AM-21-644 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 29529 approving payment no. 12 to Universal Field Services, Inc for services related to CeMar Trail Project in the amount of \$60.00. (Iowa DOT Project Number: TAP-U-4475(630)--81-57) (TRL-17-055) 183 - 186  
[Agenda Memo - AM-21-667 - Pdf](#)
- F.2. Resolution No. 29530 approving payment no. 13 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$60.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056). 187 - 190  
[Agenda Memo - AM-21-663](#)
- F.3. Resolution No. 29531 approving payment to Cook Appraisal LLC for appraisal services regarding the Indian Creek Trail Project in the amount of \$3,000.00. 191 - 193  
[Agenda Memo - AM-21-670 - Pdf](#)
- F.4. Resolution No. 29532 approving payment to Foth Infrastructure & Environment LLC for professional services related to the 7th Street and 7th Avenue Project in the amount of \$6,500.00. 194 - 195  
[Agenda Memo - AM-21-671 - Pdf](#)
- F.5. Resolution No. 29533 setting date of a public hearing for June 3, 2021 regarding an ordinance amending Chapter 76 relating to Bicycle Regulations. 196 - 203  
[Agenda Memo - AM-21-621 - Pdf](#)

F.6. Receive and file correspondence requesting permanent easements for below grade, at grade, and above grade infrastructure pertaining to Broad and Main on 7th, 1107 7th Avenue, and Broad and Main on 6th, 1112 6th Avenue. (Shive Hattery, Inc.) 204 - 206

[Agenda Memo - AM-21-630 - Pdf](#)

F.7. Resolution No. 29534 waiving objection to the annexation of property north of East Robins Road and east of C Avenue into the City of Cedar Rapids. 207 - 212

[Agenda Memo - AM-21-619 - Pdf](#)

G. 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 Services - None

C. Public Safety - None

D. Parks

D.1. Resolution No. 29535 approving Partial Payment No. 2 to Point Builders for Derecho related repairs to the Depot in City Square Park in the amount of \$23,805.35. 213 - 216

[Agenda Memo - AM-21-634 - Pdf](#)

E. Engineering

E.1. Resolution No. 29536 approving Change Order No. 10 with Peterson Contractors, Inc. regarding the CEMAR Phase III Project in the City of Marion, from Marion Boulevard bridge over Indian Creek north to preservation of trail bridge over Indian Creek Bridge New, Steel Girder for a credit in the amount of \$17,611.54. [TAP-U-4775(637)—8I-57] (TRL-17-055) 217 - 238

[Agenda Memo - AM-21-593 - Pdf](#)

E.2. Resolution No. 29537 approving Partial Payment No. 10 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Project in the amount of \$760.46. (FAC-18-061) 239

[Agenda Memo - AM-21-662 - Pdf](#)

F. Community Development

F.1. Resolution No. 29538 approving payment to Hall and Hall Engineers, Inc. for professional services related to the Fire Station Final Plat in the amount of \$464.75. (FAC-18-061) 240 - 242

[Agenda Memo - AM-21-664 - Pdf](#)

G. Library - None

## REGULAR AGENDA

- A. Administrative Services
- A.1. Minutes of the May 4, 2021 City Council meeting. 243 - 245  
[Agenda Memo - AM-21-596 - Pdf](#)
- A.2. Resolution No. 29539 approving contract with Seda Consulting, LLC regarding a Managing Performance in Organizations (MPO) Assessment in the amount of \$23,400. 246 - 250  
[Agenda Memo - AM-21-651 - Pdf](#)
- A.3. Resolution No. 29540 approving consultant services agreement with Eubank Capital, LLC regarding the Request for Qualification and Request for Proposals process with respect to Banking and Investment Services in an amount not to exceed \$35,500 251 - 259  
[Agenda Memo - AM-21-636 - Pdf](#)
- A.4. Public hearing regarding the proposed adoption of a Fiscal Year 2020-2021 Budget Amendment. 260 - 261  
[Agenda Memo - AM-21-672 - Pdf](#)
- A.5. Resolution No. 29541 approving Fiscal Year 2020-2021 Budget Amendment 262 - 263  
[Agenda Memo - AM-21-673 - Pdf](#)
- A.6. Resolution No. 29542 approving lease agreement with Marion Economic Development Corporation (MEDCO) regarding property located at 1225 6th Avenue Suite 100. 264 - 275  
[Agenda Memo - AM-21-676 - Pdf](#)
- B. Public Services
- B.1. Resolution No. 29543 approving contract with Conlon Construction for Construction Manager Services for the new Public Service Maintenance Facility.(FACS-17-069) 276 - 309  
[Agenda Memo - AM-21-648 - Pdf](#)
- B.2. Resolution No. 29544 approving contract with Conlon Construction for Construction Manager Services related to storm repairs for the existing Public Service Maintenance Facility. 310 - 343  
[Agenda Memo - AM-21-646 - Pdf](#)
- B.3. Ordinance No. 21-10 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.10 to \$4.39. (Initial Consideration) 344  
[Agenda Memo - AM-21-660 - Pdf](#)
- B.4. Ordinance No. 21-11 amending Chapter 105 of the Code of Ordinances relating to Solid Waste by establishing base monthly collection fees at \$18.75. (Initial consideration) 345  
[Agenda Memo - AM-21-653 - Pdf](#)

- B.5. Resolution No. 29545 approving a reconciliation payment to Southern Disaster Recovery relating to the Emergency Waterway Debris Removal Project.
- B.6. Resolution No. 29560 approving payment no. 1 to Boomerang Corporation for Emergency Debris Removal Services in the amount of \$1,006,947.14.
- C. Public Safety
  - C.1. Ordinance No. 21-12 Amending Chapter 5.13 of the Code of Ordinances relating to Operating Procedures and Place of Residence. (Initial Consideration) 346 - 357  
[Agenda Memo - AM-21-626 - Pdf](#)
  - C.2. Resolution No. 29546 approving purchase of furniture for Fire Station No.1 Headquarters from Storey Kenworthy in an amount of \$44,712.44. 358  
[Agenda Memo - AM-21-675 - Pdf](#)
  - C.3. Motion directing staff to draft a City Ordinance regulating the use of Automated Traffic Enforcement (ATE) cameras within the City limits. 359 - 369  
[Agenda Memo - AM-21-635 - Pdf](#)
- D. Parks
  - D.1. Ordinance No. 21-08 amending Chapter 50.02(15) and Chapter 141.03 relating to removal of snow, ice and accumulations (final consideration) 370  
[Agenda Memo - AM-21-668 - Pdf](#)
- E. Engineering
  - E.1. Ordinance No. 21-09 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). (Second Consideration) 371 - 391  
[Agenda Memo - AM-21-645 - Pdf](#)

E.2.	Motion to approve Project Calendar regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111), as follows: <ul style="list-style-type: none"> <li>• Motion to retain the City Engineer as Project Engineer regarding Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)</li> <li>• Resolution No. 29547 approving Resolution of Necessity regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)</li> <li>• Resolution No. 29548 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)</li> <li>• Resolution No. 29549 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111)</li> </ul> <p><a href="#">Agenda Memo - AM-21-666 - Pdf</a></p>	392 - 393
E.3.	Resolution No. 29550 approving contract amendment with Anderson-Bogert Engineering and Surveyors, Inc. regarding the Marion AirCom Park Sanitary Sewer Extension Project for an amended contract amount of \$26,420.00. (SWR-18-111) <p><a href="#">Agenda Memo - AM-21-669 - Pdf</a></p>	394 - 397
E.4.	Resolution No. 29551 approving contract and bond with B.G. Brecke, Inc. regarding the 2021 Storm Sewer Project in the amount of \$108,505.00 (ANN-18-031) <p><a href="#">Agenda Memo - AM-21-592 - Pdf</a></p>	398 - 399
E.5.	Resolution No. 29552 approving contract and bond with B.G. Brecke, Inc. regarding the 2021 Sanitary Sewer Manhole Project in the amount of \$111,095.00 (ANN-18-029) <p><a href="#">Agenda Memo - AM-21-591 - Pdf</a></p>	400 - 401
F.	Community Development	
F.1.	Resolution No. 29553 approving the Kwik Star - Central Corridor Review for property located at 3025 7th Avenue Marion, Iowa (Kwik Trip Inc.) <p><a href="#">Agenda Memo - AM-21-608 - Pdf</a></p>	402 - 411
F.2.	Resolution No. 29554 approving a permanent access easement agreement for improvements related to the construction of Broad and Main on 7th and Broad and Main on 6th located on Lots 1 and 2, Broad and Main First Addition, Marion, Iowa. (Uptown Holdings, LLC) <p><a href="#">Agenda Memo - AM-21-625 - Pdf</a></p>	412 - 422



F.3.	Public hearing regarding the following ordinance amendments:	423 - 489
	<ul style="list-style-type: none"> <li>• Chapter 160 relating to the Building Code</li> <li>• Chapter 161 relating to the Plumbing Code</li> <li>• Chapter 163 relating to the Mechanical Code</li> <li>• Chapter 165 relating to the Housing Code</li> <li>• Chapter 153 relating to the Property Maintenance Code</li> </ul>	
	<a href="#">Agenda Memo - AM-21-627 - Chapter 160 - Pdf</a>	
	<a href="#">Agenda Memo - AM-21-628 - Chapter 161 - Pdf</a>	
	<a href="#">Agenda Memo - AM-21-629 - Chapter 163 - Pdf</a>	
	<a href="#">Agenda Memo - AM-21-637 - Chapter 165 - Pdf</a>	
	<a href="#">Agenda Memo - AM-21-638 - Chapter 153 - Pdf</a>	
F.4.	Ordinance No. 21-13 amending Chapter 160 of the Code of Ordinances relating to the Building Code (initial consideration)	490
	<a href="#">Agenda Memo - AM-21-643 - Pdf</a>	
F.5.	Ordinance No. 21-14 amending Chapter 161 of the Code of Ordinances relating to the Plumbing Code (initial consideration)	491
	<a href="#">Agenda Memo - AM-21-642 - Pdf</a>	
F.6.	Ordinance No. 21-15 amending Chapter 163 of the Code of Ordinances relating to the Mechanical Code (initial consideration)	492
	<a href="#">Agenda Memo - AM-21-641 - Pdf</a>	
F.7.	Ordinance No. 21-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code (initial consideration)	493
	<a href="#">Agenda Memo - AM-21-640 - Pdf</a>	
F.8.	Ordinance No. 21-17 amending Chapter 153 of the Code of Ordinances relating to the Property Maintenance Code (initial consideration)	494
	<a href="#">Agenda Memo - AM-21-639 - Pdf</a>	
F.9.	Resolution No. 29555 approving a 28E Agreement with City of Cedar Rapids related to a joint planning study between C Avenue NE and Alburnett Road corridors.	495 - 499
	<a href="#">Agenda Memo - AM-21-622 - Pdf</a>	
F.10.	Resolution No. 29556 approving Temporary Construction Easements associated with the construction of Tower Terrace Road west of Alburnett Road from Doug Downing, James S. Lewis and Diane H. Lewis.	500 - 502
	<a href="#">Agenda Memo - AM-21-632 - Pdf</a>	
F.11.	Resolution No. 29557 approving acquisition plats associated with the purchase of Tower Terrace Road west of Alburnett Road from Doug Downing, James S. Lewis and Diane H. Lewis.	503 - 505
	<a href="#">Agenda Memo - AM-21-631 - Pdf</a>	

F.12. Resolution No. 29558 approving memorandum of understanding related to the use of 2075 7th Avenue as the temporary location of Cedar Rapids Bank & Trust during the reconstruction of existing building located at 700 25th Street. 506 - 510

[Agenda Memo - AM-21-658 - Pdf](#)

F.13. Resolution No. 29559 approving Amendment No. 1 to with RDG Planning and Design to complete East Marion Subarea Plan in the amount of \$18,750. 511 - 516

[Agenda Memo - AM-21-665 - 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.

### **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**