



# AGENDA

## City Council Work Session

4:00 PM - Tuesday, June 1, 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# 870 4822 8607. 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, June 3 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org). Comments can also be heard during the meeting on Thursday.

Page

### CALL TO ORDER

### PROCLAMATIONS/OATHS

- 1. Proclamation - Pride Month (June 2021) 10 - 11  
[Agenda Memo - AM-21-583 - Pdf](#)

### PRESENTATIONS

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

- 1. Presentation regarding a tax incentive request from Talon, LLC (4:00-4:15) 12 - 30  
[Agenda Memo - AM-21-747 - Pdf](#)
- 2. Presentation regarding summer events and protocols. (4:15-4:20) 31  
[Agenda Memo - AM-21-742 - Pdf](#)

### 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 (4:20-4:25)
  - A.1. Minutes of the May 18 and 20, 2021 City Council meetings. 32 - 47  
[Agenda Memo - AM-21-681 - Pdf](#)
  - A.2. Receive and file correspondence from Ryan Sunderman regarding resignation from Zoning Board of Adjustments. 48 - 49  
[Agenda Memo - AM-21-680 - Pdf](#)

A.3.	Liquor licenses including the following:	50
	<ul style="list-style-type: none"> <li>• Renewal - Kum &amp; Go #503 - 3215 7th Avenue</li> <li>• Renewal - Walgreens #03876 - 1225 7th Avenue</li> </ul>	
	<a href="#">Agenda Memo - AM-21-683 - Pdf</a>	
A.4.	Motion to approve Hold Harmless Agreements with:	51 - 85
	<ul style="list-style-type: none"> <li>• Marion Chamber of Commerce regarding Eat. Drink. &amp; Be Marion on July 8, 2021 in the Uptown Artway.</li> <li>• Marion Chamber of Commerce regarding Z102.9 broadcast on June 11, 2021 at the former bus stop on 11th Street.</li> <li>• Martin Gardner Architecture regarding Chamber BizMix Summer Fiesta on July 15, 2021 in the Uptown Artway.</li> <li>• Tricia Cannavo regarding ALS Walk on October 2, 2021 in Lowe Park.</li> </ul>	
	<a href="#">Agenda Memo - AM-21-678 - Pdf</a>	
A.5.	Motion to change the start time of the Thursday, July 8 council meeting from 5:30 p.m. to 4:00 p.m. due to a community event.	86
	<a href="#">Agenda Memo - AM-21-705 - Pdf</a>	
A.6.	Payments as presented in the amount of \$2,557,295.83.	87 - 115
	<a href="#">Agenda Memo - AM-21-538 - Pdf</a>	
A.7.	Resolution approving amendment to the well-being program contract with Health Solutions, replacing Schedule A	116 - 127
	<a href="#">Agenda Memo - AM-21-717 - Pdf</a>	
A.8.	Resolution approving the renewal of a contract with Wellmark for third party administration and stop loss coverage related to health and dental insurance for FY21-22.	128 - 150
	<a href="#">Agenda Memo - AM-21-748 - Pdf</a>	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution approving Partial Payment No. 2 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$22,719.25. (FACS-17-034)	151
	<a href="#">Agenda Memo - AM-21-684 - Pdf</a>	
E.2.	Resolution approving Partial Payment No. 3 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$22,728.75. (FACS-17-034)	152
	<a href="#">Agenda Memo - AM-21-685 - Pdf</a>	

- E.3. Resolution approving Partial Payment No. 5 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$136,139.75. (FACS-17-034) 153  
[Agenda Memo - AM-21-686 - Pdf](#)
- E.4. Resolution approving Partial Payment No. 4 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$96,425.00. (FACS-17-034) 154  
[Agenda Memo - AM-21-687 - Pdf](#)
- E.5. Resolution approving Partial Payment No. 7 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding Steel Fabrication and erection in the amount of \$6,445.75. (FACS-17-034) 155  
[Agenda Memo - AM-21-688 - Pdf](#)
- E.6. Resolution approving Partial Payment No. 3 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades & misc. steel in the amount of \$33,487.50. (FACS-17-034) 156  
[Agenda Memo - AM-21-689 - Pdf](#)
- E.7. Resolution approving Partial Payment No. 5 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$118,814.60. (FACS-17-034) 157  
[Agenda Memo - AM-21-690 - Pdf](#)
- E.8. Resolution approving Partial Payment No. 3 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$53,492.79. (FACS-17-034) 158  
[Agenda Memo - AM-21-692 - Pdf](#)
- E.9. Resolution approving Partial Payment No. 4 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Gypsum Board & Acoustics in the amount of \$13,727.50. (FACS-17-034) 159  
[Agenda Memo - AM-21-691 - Pdf](#)
- E.10. Resolution approving Partial Payment No. 1 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$145,771.80. (FACS-17-034) 160  
[Agenda Memo - AM-21-693 - Pdf](#)
- E.11. Resolution approving Partial Payment No. 1 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$11,970.00. (FACS-17-034) 161  
[Agenda Memo - AM-21-695 - Pdf](#)

- E.12. Resolution approving Partial Payment No. 9 to Rathje Construction Company regarding the 2019 14th Street Reconstruction Project (NSI) in the amount of \$1,276.80. (TRANS-18-090) 162  
[Agenda Memo - AM-21-711 - Pdf](#)
- E.13. Resolution approving Change Order No. 1 with Rathje Construction Company regarding the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)-85-57) in the amount of \$79,029.00. (TRANS-18-088) 163 - 165  
[Agenda Memo - AM-21-716 - Pdf](#)
- E.14. Resolution approving Partial Payment No. 1 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 the amount of \$271,624.14. (TRANS-18-088) 166 - 167  
[Agenda Memo - AM-21-715 - Pdf](#)
- E.15. Resolution approving Partial Payment No. 7 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 \$7,805.30. (TAP-U-4775(636)—81-57) (TRL-17-055) 168  
[Agenda Memo - AM-21-712 - Pdf](#)
- E.16. Resolution approving Partial Payment No. 4 to K & W Electric, Inc. regarding the 2020 Marion Fire Station Traffic Signals Project in the amount of \$16,979.52. (FACS-18-062) 169  
[Agenda Memo - AM-21-713 - Pdf](#)
- E.17. Resolution approving Partial Payment No. 11 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1025.00. (TRL-17-055) 170  
[Agenda Memo - AM-21-725 - Pdf](#)
- E.18. Resolution approving Partial Payment No. 1 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$632.94. (TAP-U-4775(638)—81-57) (TRL-17-055) 171  
[Agenda Memo - AM-21-727 - Pdf](#)
- E.19. Resolution accepting Nottingham Hills 9th Addition to the City of Marion. 172  
[Agenda Memo - AM-21-659 - Pdf](#)
- E.20. Resolution accepting the 2020 Marion Fire Station Traffic Signals Project (FACS-18-062) 173  
[Agenda Memo - AM-21-714 - Pdf](#)

- E.21. Motion to receive and file a request for 3rd Street to become a Snow Route and referring the request to the Public Service Board. (Christy Weidemann, 3019 3rd Street) 174 - 177  
[Agenda Memo - AM-21-696 - Pdf](#)
- F. Community Development (4:25-4:30)
  - F.1. Resolution approving Marion Enterprise Center Tenth Addition Final Plat and Memorandum of Agreement for property located south of Highway 151 and east of Partners Avenue. (MEDCO Holding Company, LLC) 178 - 180  
[Agenda Memo - AM-21-741 - Pdf](#)
  - F.2. Resolution establishing a sanitary sewer easement located on the western side of the intersection of Marion Airport Road and Enterprise Drive extended. (MEDCO Holding Company, LLC and City of Marion) 181 - 183  
[Agenda Memo - AM-21-745 - Pdf](#)
- G. Library
  - G.1. Resolution approving partial payment no. 10 and 11 to Bush Construction regarding the Library Building Project in the amount of \$138,792.70. (FACS-17-034) 184 - 192  
[Agenda Memo - AM-21-704 - Pdf](#)

**CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

- A. Administrative Services - None
- B. Public Services
  - B.1. Resolution approving partial payment no. 9 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$187,623.17. 193  
[Agenda Memo - AM-21-721 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
  - E.1. Resolution approving Partial Payment No. 12 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 \$245,753.98. [TAP-U-4775(637)-8I-57] (TRL-17-055) 194 - 195  
[Agenda Memo - AM-21-709 - Pdf](#)
- F. Community Development - None
- G. Library - None

**REGULAR AGENDA**

- A. Administrative Services

A.1.	Resolution approving legal services agreements with City Attorney Kara L. Bullerman and Assistant City Attorney Ryan P. Tang for the period of July 1, 2021 through June 30, 2022. <a href="#">Agenda Memo - AM-21-710 - Pdf</a>	196 - 198
A.2.	Motion to approve project calendar regarding a tax incentive request from Talon, LLC: <ul style="list-style-type: none"> <li>• Motion to receive and file request for financial assistance from Talon, LLC</li> <li>• Motion directing staff to draft a letter of support for Workforce Housing Tax Credit.</li> </ul> <a href="#">Agenda Memo - AM-21-746 - Pdf</a>	199 - 217
B.	Public Services (4:30-4:35)	
B.1.	Motion to remove from table Resolution No. 29543 approving contract with Conlon Construction for Construction Manager Services for the new Public Service Maintenance Facility.(FACS-17-069) (Tabled 5/20/21)	
B.2.	Resolution No. 29543 approving contract with Conlon Construction for Construction Manager Services for the new Public Service Maintenance Facility. (FACS-17-069) (Tabled 5/20/21) <a href="#">Agenda Memo - AM-21-737 - Pdf</a>	218 - 250
B.3.	Motion to remove from table Resolution No. 29544 approving contract with Conlon Construction for Construction Manager Services related to storm repairs for the existing Public Service Maintenance Facility. (Tabled 5/20/21)	
B.4.	Resolution No. 29544 approving contract with Conlon Construction for Construction Manager Services related to storm repairs for the existing Public Service Maintenance Facility. (Tabled 5/20/21) <a href="#">Agenda Memo - AM-21-738 - Pdf</a>	251 - 283
B.5.	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. (Second Consideration) <a href="#">Agenda Memo - AM-21-718 - Pdf</a>	284
B.6.	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. (Second consideration) <a href="#">Agenda Memo - AM-21-719 - Pdf</a>	285
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. (Second Consideration) <a href="#">Agenda Memo - AM-21-720 - Pdf</a>	286 - 297

- C.2. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 21-12.
- C.3. Ordinance No. 21-12 amending Chapter 5.13 of the Code of Ordinances relating to Operating Procedures and Place of Residence. (Final Consideration)
- D. Parks (4:35-4:45)
  - D.1. Resolution awarding contract for Right of Way Stump Removal and Turf Restoration. 298  
[Agenda Memo - AM-21-739 - Pdf](#)
- E. Engineering (4:45-5:05)
  - E.1. Public Hearing regarding the 2021 Sanitary CIPP Rehabilitation Project (ANN-18-029) 299 - 300  
[Agenda Memo - AM-21-707 - Pdf](#)
  - E.2. Resolution accepting bids and awarding contract to Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$87,063.87 (ANN-18-029) 301 - 302  
[Agenda Memo - AM-21-708 - Pdf](#)
  - E.3. 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). (Final Consideration) 303 - 323  
[Agenda Memo - AM-21-697 - Pdf](#)
  - E.4. Resolution approving contract amendment no. 1 with Anderson Bogert Engineers and Surveyors, Inc. regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$60,742.00 for a new contract total of \$398,861.00. (TRANS-18-091) 324 - 328  
[Agenda Memo - AM-21-698 - Pdf](#)



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| E.5. | Motion to approve Project Calendar regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110), as follows: <ul style="list-style-type: none"> <li>• Motion to retain the City Engineer as Project Engineer regarding 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)</li> <li>• Resolution approving a Resolution of Necessity regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)</li> <li>• Resolution ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)</li> <li>• Resolution approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail (TAP-U-4775(635)—8I-57)(TRL-18-110)</li> </ul> <p><a href="#">Agenda Memo - AM-21-701 - Pdf</a></p> | 329 - 331 |
| E.6. | Motion directing staff to include existing brick streets for possible overlay and/or reconstruction projects.<br><br><a href="#">Agenda Memo - AM-21-700 - Pdf</a>   | 332 - 333 |
| F.   | Community Development (5:05-5:20)  |           |
| F.1. | Resolution approving engagement of Linn County Auditor for assistance in drawing redistricting maps.<br><br><a href="#">Agenda Memo - AM-21-726 - Pdf</a>  | 334 - 335 |
| F.2. | Resolution approving a Final Site Development Plan for Linn County Business Park Phase IV for property located west of Highway 13 and north of REC Drive. (Eights Enough LLLP)<br><br><a href="#">Agenda Memo - AM-21-617 - Pdf</a>  | 336 - 341 |
| F.3. | Ordinance No. 21-13 amending Chapter 160 of the Code of Ordinances relating to the Building Code (Second Consideration)<br><br><a href="#">Agenda Memo - AM-21-732 - Pdf</a>   | 342 - 356 |
| F.4. | Ordinance No. 21-14 amending Chapter 161 of the Code of Ordinances relating to the Plumbing Code. (Second consideration)<br><br><a href="#">Agenda Memo - AM-21-733 - Pdf</a>  | 357 - 361 |
| F.5. | Ordinance No. 21-15 amending Chapter 163 of the Code of Ordinances relating to the Mechanical Code. (Second Consideration)<br><br><a href="#">Agenda Memo - AM-21-734 - Pdf</a>  | 362 - 365 |



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| F.6.  | Ordinance No. 21-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code. (Second Consideration)<br><a href="#">Agenda Memo - AM-21-735 - Pdf</a>  | 366 - 373 |
| F.7.  | Ordinance No. 21-17 amending Chapter 153 relating to the Property Maintenance Code. (Second Consideration)<br><a href="#">Agenda Memo - AM-21-736 - Pdf</a>   | 374 - 377 |
| F.8.  | Public Hearing regarding an ordinance amending Chapter 76 relating to Bicycle Regulations.<br><a href="#">Agenda Memo - AM-21-722 - Pdf</a>   | 378 - 385 |
| F.9.  | Ordinance amending Chapter 76 of the Marion Code of Ordinances relating to Bicycle Regulations. (Initial Consideration)<br><a href="#">Agenda Memo - AM-21-728 - Pdf</a>  | 386 - 393 |
| F.10. | Resolution approving a purchase agreement with Diane H. Lewis, James S. Lewis and Douglas Stewart Downing for a portion of Tower Terrace Road in the amount of \$173,300.<br><a href="#">Agenda Memo - AM-21-753 - Pdf</a>  | 394 - 400 |
| F.11. | Resolution approving a payment to the City of Cedar Rapids for reimbursement of the acquisition of a portion of Tower Terrace Road right of way through the Bernita A. Jacobs property in the amount of \$90,800<br><a href="#">Agenda Memo - AM-21-754 - Pdf</a> | 401 - 403 |
| G.    | Library (5:20-5:30)   |           |
| G.1.  | Resolution approving the contract with Storey Kenworthy for office furnishings in the amount of \$290,835.06.<br><a href="#">Agenda Memo - AM-21-743 - Pdf</a>  | 404 - 412 |
| G.2.  | Resolution approving the contract with Workspace for office tables and chairs in the amount of \$93,801.81.<br><a href="#">Agenda Memo - AM-21-744 - Pdf</a>  | 413 - 423 |

#### **OTHER DEPARTMENT DISCUSSION**

This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

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| 1. | Marion Historic Preservation Certified Local Government Annual Report for 2020. (5:30-5:35)<br><a href="#">Agenda Memo - AM-21-679 - Pdf</a> | 424 - 427 |
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#### **COUNCIL COMMENTS**

During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters.

#### **ADJOURN**