



AGENDA

City Council Regular Session

5:30 PM - Thursday, July 22, 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.

This meeting is viewable online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 870 8982 3061. 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.

Those who wish to comment must either attend the meeting in person or submit the comment to the City Clerk by 4:00 p.m. on Thursday, July 22 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- 1. Proclamation - National Disability Independence Day (July 26, 2021) 9 - 10
[Agenda Memo - AM-21-866 - Pdf](#)

PRESENTATIONS

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

None

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 July 6, 2021 City Council meeting. 11 - 24
[Agenda Memo - AM-21-945 - Pdf](#)

A.2.	Liquor licenses including the following:	25
	<ul style="list-style-type: none"> • Renewal - Goldfinch Tap & Eatery - 740 10th Street • Renewal - Casey's General Store #2924 - 1100 Eagleview Drive • New - The Hip-Stir - 1120 7th Avenue 	
	Agenda Memo - AM-21-958 - Pdf	
A.3.	Motion to approve the Fiscal Year 2022 Cigarette License for the following:	26
	<ul style="list-style-type: none"> • Neighborhood Tobacco Outlet - 2500 7th Avenue (LLC Ownership Change) 	
	Agenda Memo - AM-21-940 - Pdf	
A.4.	Payments as presented in the amount of \$1,059,849.65.	27 - 51
	Agenda Memo - AM-21-946 - Pdf	
A.5.	Receive and file June 2021 Department Monthly Reports.	52 - 99
	Agenda Memo - AM-21-947 - Pdf	
A.6.	Resolution No. 29712 adopting final assessment schedule for Fiscal Year 2022 Quarter 1 Delinquent Fees and Confirming and Levying the Assessments.	100 - 102
	Agenda Memo - AM-21-948 - Pdf	
A.7.	Motion to approve a Hold Harmless agreement with the Marion Chamber of Commerce regarding the Uptown Getdown event on August 5, 12, 9, and 26, 2021 at Lowe Park.	103 - 113
	Agenda Memo - AM-21-1013 - Pdf	
A.8.	Resolution No. 29713 authorizing payout of earned and unused accumulated leave to Lon Pluckhahn on the August 6, 2021 payroll.	114 - 115
	Agenda Memo - AM-21-1012 - Pdf	
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 29714 approving payment to Graybill Communications for outfitting two new Police Interceptor Utility vehicles in the amount of \$36,885.36.	116 - 124
	Agenda Memo - AM-21-963 - Pdf	
C.2.	Resolution No. 29715 approving deviation from the Marion purchasing policy and approving the purchase of a replacement squad car from Stiver's Ford in the amount of \$33,855.	125 - 126
	Agenda Memo - AM-21-1002 - Pdf	
C.3.	Resolution No. 29716 approving purchase from Karl Chevrolet of equipment to outfit the new Battalion Chief vehicle in an amount not to exceed \$45,000	127
	Agenda Memo - AM-21-957 - Pdf	

C.4.	Resolution No. 29717 approving purchase of a Zoll monitor from Coast Biomedical Equipment in the amount of \$27,000. Agenda Memo - AM-21-1005 - Pdf	128 - 129
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 29718 approving agreement with Richardson Properties LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-944 - Pdf	130 - 136
E.2.	Resolution No. 29719 approving agreement with Arnold Property Group LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-952 - Pdf	137 - 143
E.3.	Resolution No. 29720 approving agreement with MMP Investments, Inc. regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-954 - Pdf	144 - 150
E.4.	Resolution No. 29721 approving payment to East Central Iowa Council of Governments for the Indian Creek Watershed Authority in the amount of \$17,433.00. Agenda Memo - AM-21-967 - Pdf	151
E.5.	Resolution No. 29722 approving Partial Payment No. 7 to Stanley Consultants regarding the Central Corridor Project in the amount of \$3,538.67. (TRANS-18-091) Agenda Memo - AM-21-955 - Pdf	152
E.6.	Resolution No. 29723 approving Partial Payment No. 3 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,582.35. (TAP-U-4775(638)—81-57) (TRL-17-055) Agenda Memo - AM-21-956 - Pdf	153
E.7.	Resolution No. 29724 Rescinding a Portion of Resolution No. 29429 Regarding No Parking Zones and Establishing No Parking Zones on the West Side of 9th Street Agenda Memo - AM-21-990 - Pdf	154
E.8.	Resolution No. 29725 Setting Public Hearing for August 19, 2021 regarding Indian Creek and Dry Run Creek Truck Sanitary Sewer Capacity Improvements – Segment 7 (SWR-17-026) Agenda Memo - AM-21-991 - Pdf	155 - 157
F.	Community Development	

- | | | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| F.1. | Resolution No. 29726 setting the date of August 5, 2021 for a public hearing regarding an update to the Official Marion Zoning Map for property located within City Council Ward 4, which includes precincts 11, 12 13 and 14. (City of Marion)
Agenda Memo - AM-21-783 - Pdf | 158 - 171 |
| F.2. | Resolution No. 29727 approving payment no. 5 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$872.36. (GOV-19-122)
Agenda Memo - AM-21-999 - Pdf | 172 - 174 |
| F.3. | Resolution No. 29728 approving payment no. 15 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$2,695.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056).
Agenda Memo - AM-21-1003 - Pdf | 175 - 181 |
| F.4. | Resolution No. 29729 approving payment no. 12 to HDR Engineering, Inc for engineering services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$4,527.53. (TRL-18-110)
Agenda Memo - AM-21-1001 - Pdf | 182 - 190 |
| F.5. | Resolution No. 29730 approving payment no. 1 to RDG Planning & Design, Inc. for professional services regarding the East Area Land Planning in the amount of \$7,460.83. (GOV-19-122)
Agenda Memo - AM-21-998 - Pdf | 191 - 193 |
| F.6. | Resolution No. 29731 approving payment no. 2 to RDG Planning & Design, Inc. for professional services regarding the East Area Land Planning in the amount of \$7,400.00. (GOV-19-122)
Agenda Memo - AM-21-1004 - Pdf | 194 - 196 |

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

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| B.1. | Resolution No. 29732 approving change order no. 6 with Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility in the amount of \$131,400.00 (FACS-17-069).
Agenda Memo - AM-21-968 - Pdf | 197 |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

- B.2. Resolution No. 29733 approving partial payment No. 7 to Mid-States Concrete regarding the Precast Concrete Package for the Public Service Maintenance Facility in the amount of \$131,400.00 (FACS-17-069). 198
[Agenda Memo - AM-21-969 - Pdf](#)
- B.3. Resolution No. 29734 approving partial payment no. 10 to Wendling Quarries, Inc. for final disposition of storm debris in the amount of \$255,525.65. 199
[Agenda Memo - AM-21-964 - Pdf](#)
- B.4. Resolution No. 29735 approving contract with Shive-Hattery for design services related to derecho repairs for the existing Public Service facility in an amount not to exceed \$15,000. 200 - 208
[Agenda Memo - AM-21-962 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering - None
- F. Community Development
- F.1. Resolution No. 29736 approving payment no. 2 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$7,981.43. (ANN-18-082) 209 - 211
[Agenda Memo - AM-21-1000 - Pdf](#)
- F.2. Resolution No. 29737 setting the date of August 5, 2021 for a public hearing regarding a request for approval of a preliminary and final site development plan for Smoothie King at the northwest corner of 62nd Street and Carlson Way. 212 - 227
[Agenda Memo - AM-21-961 - Pdf](#)
- G. Library - None

REGULAR AGENDA

- A. Administrative Services
- A.1. Ordinance No. 21-19 Amending Chapter 99, Sections 99.02 and 99.04 of the Code of Ordinances relating to Sewer Service Charges - Connection Fees. (Second Consideration) 228 - 233
[Agenda Memo - AM-21-959 - Pdf](#)
- A.2. Motion to approve a Hold Harmless agreement with Rene Gadelha regarding a backyard gathering on July 31, 2021 at 3476 Barnsley Circle. 234 - 242
[Agenda Memo - AM-21-978 - Pdf](#)
- A.3. Resolution No. 29738 appointing Community Development Director Tom Treharne as Acting City Manager and Fire Chief Deb Krebill as Acting City Manager Pro Tem. 243
[Agenda Memo - AM-21-855 - Pdf](#)

- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
 - E.1. Resolution No. 29739 approving Change Order 001 with Ahern Fire Protection regarding the Marion Library Bid Pakg 21A Fire Suppression regarding sprinkler layout in the amount of \$2,407.00. (FACS-17-034) 244 - 246
[Agenda Memo - AM-21-981 - Pdf](#)
 - E.2. Resolution No. 29740 approving Change Order 002 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding changes to the second floor study rooms in the amount of \$1,942.00 (FACS-17-034) 247 - 249
[Agenda Memo - AM-21-982 - Pdf](#)
 - E.3. Resolution No. 29741 approving Change Order 002 with Ahern Fire Protection regarding the Marion Library Bid Pkg 21A Fire Suppression regarding moving the FDC in the amount of \$12,837.00. (FACS-17-034) 250 - 251
[Agenda Memo - AM-21-983 - Pdf](#)
 - E.4. Resolution No. 29742 approving Change Order 002 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical regarding the moving the FDC in the amount of \$789.00. (FACS-17-034) 252 - 253
[Agenda Memo - AM-21-984 - Pdf](#)
 - E.5. Motion to approve Change Orders regarding the Marion Library Project – Construction Manager as Advisor as follows: 254 - 258
 - Resolution No. 29743 approving Change Order No 004 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer \$2,407.00 from Contingency to Mechanical Changes. (FACS-17-034)
 - Resolution No. 29744 approving Change Order No 005 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer \$6,020.00 from Contingency to CR 031 – ASI 042. (FACS-17-034)
 - Resolution No. 29745 approving Change Order No 006 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer \$1,942.00 from Contingency to CR 040 – PR 005 – Framing for second floor study room. (FACS-17-034)[Agenda Memo - AM-21-987 - Pdf](#)

E.6.	Resolution No. 29746 approving Change Order 001 with Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B Flooring regarding the change to the rubber flooring layout in the amount of \$6,020.00 (FACS-17-034) Agenda Memo - AM-21-985 - Pdf	259 - 261
E.7.	Resolution No. 29747 approving contract and bond with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$2,705,569.91. (TAP-U-4775(635)—8I-57)(TRL-18-110) Agenda Memo - AM-21-992 - Pdf	262 - 263
E.8.	Resolution No. 29748 approving Memorandum of Agreement with Lux Air Aviation LLC regarding the AirCom Park Sanitary Sewer Extension Project (SWR-18-111) Agenda Memo - AM-21-995 - Pdf	264 - 266
E.9.	Resolution No. 29749 approving Memorandum of Agreement with P&N Flight and Charter regarding the AirCom Park Sanitary Sewer Extension Project (SWR-18-111) Agenda Memo - AM-21-994 - Pdf	267 - 269
E.10.	Resolution No. 29750 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) Agenda Memo - AM-21-993 - Pdf	270 - 271
F.	Community Development	
F.1.	Resolution No. 29751 approving a request for four (4) building permits prior to the approval of the Ridge at Indian Creek 2nd Addition Final Plat for property located north of Tower Terrace Road extended and east of Lucore Road (Abode Construction) Agenda Memo - AM-21-988 - Pdf	272 - 275
F.2.	Ordinance No. 21-20 amending Ch. 176.06, Rules and Definitions of the Marion Code of Ordinances. (Second Consideration) Agenda Memo - AM-21-960 - Pdf	276 - 309
F.3.	Resolution No. 29752 approving the Library 1st Addition Final Plat for property located south of 6th Avenue between 11th and 12th Street (City of Marion) Agenda Memo - AM-21-919 - Pdf	310 - 311
F.4.	Resolution No. 29753 approving the purchase of Outlot A English Glen Second Addition located south of Penny Lane in the amount of \$4,000.00. Agenda Memo - AM-21-965 - Pdf	312 - 320

- F.5. Resolution No. 29754 approving an encroachment agreement with The Hip-Stir regarding a portion of the alleyway bounded by 11th and 12th Streets and 7th and 8th Avenues for outdoor dining. 321 - 324

[Agenda Memo - AM-21-975 - Pdf](#)

- F.6. Resolution No. 29755 approving an encroachment agreement with Whaddaywant, Inc. regarding adjacent 7th Avenue sidewalk at 1204 7th Avenue for outdoor dining. 325 - 329

[Agenda Memo - AM-21-942 - 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.

1. Discussion regarding fireworks. 330 - 331

[Agenda Memo - AM-21-949 - Pdf](#)

2. Discussion regarding amendment to Marion Code of Ordinances Chapter 20.03 regarding extended vacancies of the City Manager. 332

[Agenda Memo - AM-21-1011 - Pdf](#)

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