



AGENDA

City Council Regular Session

5:30 PM - Thursday, August 5, 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# 841 1047 8866. 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, August 5 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- | | | |
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| 1. | Proclamation - Derecho Remembrance (August 10, 2021)
Agenda Memo - AM-21-1095 - Pdf | 11 - 12 |
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PRESENTATIONS

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

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| 1. | Fire Department Appointments/Promotions:
<ul style="list-style-type: none"> • Firefighter/Paramedic Pacer Langguth • Promotion from Firefighter to Battalion Chief: Kale McBurney, Pete Lammer and James O'Brien • Promotion from Lieutenant to Battalion Chief: Cameron Ford Agenda Memo - AM-21-1014 - Pdf | 13 |
|----|--|----|

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 20 and 22, 2021 City Council meeting. Agenda Memo - AM-21-1033 - Pdf	14 - 27
A.2.	Mayoral appointments: <ul style="list-style-type: none"> • Civil Rights Commission - Ann DiGiacomo, term expires 12/31/2021 • Community Equity Task Force - Acting City Manager - Tom Treharne Agenda Memo - AM-21-1089 - Pdf	28 - 30
A.3.	Liquor licenses including the following: <ul style="list-style-type: none"> • Renewal - Casey's General Store #2770 - 2020 7th Avenue • Renewal - Blooms by BladeWorks - 1440 Blairs Ferry Road Agenda Memo - AM-21-1037 - Pdf	31
A.4.	Motion to approve Hold Harmless agreements with: <ul style="list-style-type: none"> • Marion Independent School District regarding high school football and track events on August 27, September 17, September 24, October 13, October 15, 2021 and April 7 and May 2, 2022 in Thomas Park. • Brandon Zousel regarding Country Club Estates block party event on August 28, 2021 at 520-580 West Williams Drive. • Travis Fuller regarding class reunion/band event on September 4, 2021 in the Uptown Artway. • Gayle Richardson regarding a neighborhood block party event on September 11, 2021 at 1840-1990 Winding Creek. • Kristy Knight regarding a wedding reception event on September 18, 2021 at 1115 6th Street. Agenda Memo - AM-21-1010 - Pdf	32 - 77
A.5.	Payments as presented in the amount of \$3,981,803.77 Agenda Memo - AM-21-1034 - Pdf	78 - 105
A.6.	Resolution No. 29756 correcting Resolution 29696 approving fiscal year 2020-2021 Operating Budget Transfers in the amount of \$194,791.80. Agenda Memo - AM-21-1041 - Pdf	106 - 111
A.7.	Resolution No. 29757 approving payment to Diligent Corporation regarding agenda management software in the amount of \$18,900.00 Agenda Memo - AM-21-1028 - Pdf	112 - 114
A.8.	Resolution No. 29758 setting the date for a public hearing on proposal to enter into a General Obligation Sewer Improvement Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$400,000. Agenda Memo - AM-21-1039 - Pdf	115 - 137

A.9.	Resolution No. 29759 approving partial payment no. 7 and 8 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of \$23,263.75 and \$20,396.25 respectively. Agenda Memo - AM-21-1070 - Pdf	138 - 146
A.10.	Resolution No. 29760 approving payment to Christner Contracting Inc. for derecho damages in the amount of \$33,905. Agenda Memo - AM-21-1073 - Pdf	147 - 157
A.11.	Resolution No. 29761 correcting payment reference in Resolution No. 29693 regarding amendment no. 1 to the agreement with City of Cedar Rapids regarding the provision of wastewater treatment. Agenda Memo - AM-21-1090 - Pdf	158 - 182
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 29762 approving final payment to T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$48,701.00. Agenda Memo - AM-21-1020 - Pdf	183 - 186
E.	Engineering	
E.1.	Resolution No. 29763 accepting Bowman Meadows 8th Addition to the City of Marion. Agenda Memo - AM-21-996 - Pdf	187
E.2.	Resolution No. 29764 approving agreement with MAWM, 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-21-1026 - Pdf	188 - 194
E.3.	Resolution No. 29765 approving agreement with Shaffer Real Estate 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-21-1032 - Pdf	195 - 202
E.4.	Resolution No. 29766 approving Change Order No. 1 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project in the amount of \$64,203.84 (TRANS-18-101) Agenda Memo - AM-21-1054 - Pdf	203 - 216

- E.5. Resolution No. 29767 approving Change Order No. 19 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project in the amount of \$13,220.00 (TRANS-18-101) 217 - 220
[Agenda Memo - AM-21-1055 - Pdf](#)
- E.6. Resolution No. 29768 approving Partial Payment No. 1 to Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project in the amount of \$257,227.15 (TRANS-18-101) 221
[Agenda Memo - AM-21-1049 - Pdf](#)
- E.7. Resolution No. 29769 approving Partial Payment No. 3 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 \$174,622.26. (TRANS-18-088) 222 - 223
[Agenda Memo - AM-21-1045 - Pdf](#)
- E.8. Resolution No. 29770 approving Partial Payment No. 1 to Rathje Construction Company regarding the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project in the amount of \$130,512.69 (TRANS-18-090) 224
[Agenda Memo - AM-21-1043 - Pdf](#)
- E.9. Resolution No. 29771 approving Partial Payment No. 1 to Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$32,023.34 (ANN-18-029) 225
[Agenda Memo - AM-21-1046 - Pdf](#)
- E.10. Resolution No. 29772 approving Partial Payment No. 2 to Hunt Construction Co, Inc. regarding the 2021 Sidewalk Ramp Project in amount of \$39,598.09. (ANN-18-106) 226
[Agenda Memo - AM-21-1044 - Pdf](#)
- E.11. Resolution No. 29773 approving Partial Payment No. 13 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$355.00. (TRL-17-055) 227
[Agenda Memo - AM-21-1058 - Pdf](#)
- E.12. Resolution No. 29774 approving Partial Payment No. 6 to Anderson Bogert Engineers regarding the Alburnett Road & Echo Hill Road Roundabout Project in the amount of \$9,459.50. (CS-TSF-4775(641)—85-57)(TRANS-19-118) 228
[Agenda Memo - AM-21-1059 - Pdf](#)
- E.13. Resolution No. 29775 Rescinding Resolution No. 10477 Regarding Handicapped parking space at 3090 McGowan Boulevard. 229 - 230
[Agenda Memo - AM-21-1061 - Pdf](#)

- E.14. Resolution No. 29776 approving Partial Payment No. 5 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$193,295.39. (FACS-17-034) 231 - 232
[Agenda Memo - AM-21-1062 - Pdf](#)
- E.15. Resolution No. 29777 approving Partial Payment No. 6 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board & Acoustics in the amount of \$69,165.23. (FACS-17-034) 233
[Agenda Memo - AM-21-1063 - Pdf](#)
- E.16. Resolution No. 29778 approving Partial Payment No. 7 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A Plumbing and HVAC in the amount of \$309,761.43. (FACS-17-034) 234
[Agenda Memo - AM-21-1064 - Pdf](#)
- E.17. Resolution No. 29779 approving Partial Payment No. 6 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Gypsum Board & Acoustics in the amount of \$245,917.00. (FACS-17-034) 235
[Agenda Memo - AM-21-1065 - Pdf](#)
- E.18. Resolution No. 29780 approving Partial Payment No. 4 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A Fire Suppression in the amount of \$9,498.81. (FACS-17-034) 236
[Agenda Memo - AM-21-1066 - Pdf](#)
- E.19. Resolution No. 29781 approving Partial Payment No. 3 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A Roofing in the amount of \$12,275.52. (FACS-17-034) 237
[Agenda Memo - AM-21-1067 - Pdf](#)
- E.20. Resolution No. 29782 approving Partial Payment No. 5 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$70,062.50. (FACS-17-034) 238
[Agenda Memo - AM-21-1068 - Pdf](#)
- E.21. Resolution No. 29783 approving Partial Payment No. 3 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$7,476.88. (FACS-17-034) 239
[Agenda Memo - AM-21-1069 - Pdf](#)
- E.22. Resolution No. 29784 approving Partial Payment No. 1 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A Glass and Glazing in the amount of \$164,804.10. (FACS-17-034) 240
[Agenda Memo - AM-21-1072 - Pdf](#)

- E.23. Resolution No. 29785 approving Partial Payment No. 2 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$29,102.30. (FACS-17-034) 241
[Agenda Memo - AM-21-1074 - Pdf](#)
- E.24. Resolution No. 29786 approving Change Order 003 with Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A in regards to the second floor study to modify the sprinkler piping in the amount of \$3,297.00 (FACS-17-034) 242 - 250
[Agenda Memo - AM-21-1075 - Pdf](#)
- E.25. Resolution No. 29787 approving Change Order No 008 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer \$3,841.00 from Contingency to CR 043 – PR 008 – Added Dampers. (FACS-17-034) 251 - 256
[Agenda Memo - AM-21-1076 - Pdf](#)
- F. Community Development
- F.1. Receive and file correspondence requesting a deferral of sidewalk installation located at 6240 N. Gateway Drive, Marion, Iowa. (Eric Phillips, Victory Sports Center) 257 - 258
[Agenda Memo - AM-21-1029 - Pdf](#)
- F.2. Resolution No. 29788 approving the vacation of a 5' drainage and sewer easement on Lot 17 of Hunters Field 10th Addition Final Plat to the City of Marion, Iowa. (Frazier Homes, LLC) 259 - 260
[Agenda Memo - AM-21-1060 - Pdf](#)
- G. Library
- G.1. Resolution No. 29789 approving partial payment No. 13 to Bush Construction for the Library Building Project in the amount of \$75,881.60 (FACS-17-034) 261 - 266
[Agenda Memo - AM-21-1052 - 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. 29790 approving Partial Payment No. 1 to Hughes Aerospace Corporation regarding the Marion Airport Instrument Flight Procedure Design Navigation Services and Maintenance in the amount of \$47,662.50. (ANN-18-082) 267
[Agenda Memo - AM-21-1077 - Pdf](#)
- E.2. Resolution No. 29791 approving Partial Payment No. 5 to Anderson-Bogert Engineers regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$2,089.09. (SWR-18-111) 268 - 270
[Agenda Memo - AM-21-1078 - Pdf](#)
- E.3. Resolution No. 29792 approving Partial Payment No. 1 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$7,158.60. (TAP-U-4775(635)—8I-57)(TRL-18-110) 271
[Agenda Memo - AM-21-1056 - Pdf](#)
- E.4. Resolution No. 29793 approving Partial Payment No. 14 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 \$13,726.00. [TAP-U-4775(637)-8I-57] (TRL-17-055) 272 - 273
[Agenda Memo - AM-21-1042 - Pdf](#)
- E.5. Resolution No. 29794 approving Partial Payment No. 2 to LL Pelling Co, Inc. regarding the 2021 HMA Resurfacing Project in amount of \$478,599.53. (ANN-18-086) 274
[Agenda Memo - AM-21-1048 - Pdf](#)
- E.6. Resolution No. 29795 approving Partial Payment No. 1 to B.G. Brecke, Inc. regarding the 2021 Sanitary Sewer Manhole Project in the amount of \$31,490.60 (ANN-18-029) 275
[Agenda Memo - AM-21-1047 - Pdf](#)
- E.7. Resolution No. 29796 amending contract with OPN Architects Inc and authorizing payment, regarding Fire Station professional services related to Derecho damages in the amount of \$44,117.50 276 - 287
[Agenda Memo - AM-21-1050 - Pdf](#)

F. Community Development - None

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. (Final Consideration) 288 - 293
[Agenda Memo - AM-21-1035 - Pdf](#)

A.2.	Public hearing on Urban Renewal Plan Amendment for Collins Road Extension Urban Renewal Area. Agenda Memo - AM-21-950 - Pdf	294 - 298
A.3.	Resolution No. 29797 approving Collins Road Urban Renewal Plan Amendment. Agenda Memo - AM-21-1071 - Pdf	299 - 303
A.4.	Mayoral appointments to the Local Option Sales Tax (LOST) Oversight Committee: <ul style="list-style-type: none"> • Ann Brendes, 1145 Indian Creek Circle, Marion; term expires 12/31/21 • Forrest Ward, 2200 24th Street, Marion; term expires 12/31/21 • Elizabeth Wilson, 1407 7th Street, Marion; term expires 12/31/22 Agenda Memo - AM-21-1094 - Pdf	304 - 310
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 29798 amending contract with Frank's Tree Service regarding hazardous tree removals in the amount of \$73,950. Agenda Memo - AM-21-1031 - Pdf	311 - 327
D.2.	Resolution No. 29799 approving payment to Frank's Tree Service regarding hazardous tree removals in the amount of \$73,950. Agenda Memo - AM-21-1036 - Pdf	328 - 332
E.	Engineering	
E.1.	Motion to receive, file and refer to TAC a petition regarding installation of Stop Signs at the intersection of 12th Street and F Avenue. (Jaime Bussey, 1215 F Avenue) Agenda Memo - AM-21-1079 - Pdf	333 - 335
E.2.	Resolution No. 29800 approving agreement 2022-6-005 with the Iowa Department of Transportation regarding Interstate 380 and Tower Terrace Road Interchange. (TRANS-21-001) Agenda Memo - AM-21-1080 - Pdf	336 - 346
F.	Community Development	
F.1.	Ordinance No. 21-20 amending Ch. 176.06, Rules and Definitions of the Marion Code of Ordinances. (Final Consideration) Agenda Memo - AM-21-1022 - Pdf	347 - 380

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| F.2. | 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, Marion, Iowa.
Agenda Memo - AM-21-972 - Pdf | 381 - 396 |
| F.3. | Resolution No. 29801 approving the Preliminary Site Development Plan for Smoothie King located at the northwest corner of Carlson Way and 62nd Street, Marion, Iowa. (Ridge Development LLC)
Agenda Memo - AM-21-973 - Pdf | 397 |
| F.4. | Resolution No. 29802 approving the Final Site Development Plan for Smoothie King located at the northwest corner of Carlson Way and 62nd Street, Marion, Iowa. (Ridge Development LLC)
Agenda Memo - AM-21-974 - Pdf | 398 |
| F.5. | Resolution No. 29803 approving a deferral of sidewalk installation located at 6240 N. Gateway Drive, Marion, Iowa. (Eric Phillips, Victory Sports Center)
Agenda Memo - AM-21-1030 - Pdf | 399 - 403 |
| F.6. | Resolution No. 29804 approving Plat of Survey No. 2250 for property located east of Winslow Road and south of Royal Oak Ridge Road, Marion, Iowa. (Hunters Ridge Development Company, LC)
Agenda Memo - AM-21-1015 - Pdf | 404 - 409 |
| F.7. | Resolution No. 29805 approving scope of services and contract Amendment No. 2 to AIA document B105 with RDG Planning and Design regarding land use planning for the northwest corner of Highway 13 and Highway 100 (Holloway property) in the amount of \$19,750.
Agenda Memo - AM-21-1027 - Pdf | 410 - 415 |
| F.8. | 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-21-939 - Pdf | 416 - 429 |
| F.9. | Ordinance No. 21-21 approving an update to the Official Marion Zoning Map for property located within Marion City Council Ward 4, which includes precincts 11, 12, 13 and 14. (Initial Consideration)
Agenda Memo - AM-21-951 - Pdf | 430 |

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 COVID response.

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 litigation as permitted under Section 21.5(1)(c) of the Code of Iowa.

ADJOURN