



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, November 4, 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# 852 7388 2265. 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.

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, November 4 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

Page

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### MOMENT OF SILENCE

### PROCLAMATIONS/OATHS

- 1. Proclamation - Veteran's Remembrance (November 11, 2021) 9 - 10  
[Agenda Memo - AM-21-1469 - 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 October 19 and 21, 2021 City Council meeting. 11 - 21  
[Agenda Memo - AM-21-1441 - Pdf](#)

A.2.	Liquor licenses including the following:	22
	<ul style="list-style-type: none"> <li>• Renewal - Best Western Longbranch Hotel - 90 Twixt Town Rd NE</li> <li>• Renewal - Kum &amp; Go #509 - 1203 Blairs Ferry Rd</li> </ul>	
	<a href="#">Agenda Memo - AM-21-1437 - Pdf</a>	
A.3.	Payments as presented in the amount of \$3,249,406.23.	23 - 50
	<a href="#">Agenda Memo - AM-21-1442 - Pdf</a>	
A.4.	Receive and file correspondence from Patrick Schmidt regarding resignation from the Marion Arts Council.	51 - 52
	<a href="#">Agenda Memo - AM-21-1463 - Pdf</a>	
A.5.	Mayoral appointments:	53 - 54
	<ul style="list-style-type: none"> <li>• Zoning Board of Adjustment - Todd Pearson, 1075 5th Street - term expires 12/31/22</li> </ul>	
	<a href="#">Agenda Memo - AM-21-1311 - Pdf</a>	
A.6.	Resolution No. 30009 approving City Council Policies and Procedures	55 - 61
	<a href="#">Agenda Memo - AM-21-1444 - Pdf</a>	
A.7.	Resolution No. 30010 amending the non-bargaining pay schedule to add the salary range for the GIS Analyst position and to remove the range for Police Sergeant.	62 - 64
	<a href="#">Agenda Memo - AM-21-1443 - Pdf</a>	
A.8.	Resolution No. 30011 approving partial payment no. 10 Tidal Basin for consulting services related to Derecho Disaster Recovery in the amounts of \$18,916.25.	65 - 68
	<a href="#">Agenda Memo - AM-21-1438 - Pdf</a>	
A.9.	Resolution No. 30012 Consenting to Assignment of Development Agreement and Tax Increment Payments	69 - 83
	<a href="#">Agenda Memo - AM-21-1424 - Pdf</a>	
A.10.	Resolution No. 30013 approving Fiscal Year 2021-2022 Capital Budget Transfer from Road Use to Capital Projects for the 35th St / 7th Ave Traffic Signal and Turn Lane Improvements Project (TRANS-18-088) in the amount of \$550,000.	84 - 85
	<a href="#">Agenda Memo - AM-21-1436 - Pdf</a>	
A.11.	Resolution No. 30014 approving the Annual Street Finance Report for the year ended June 30, 2021	86 - 96
	<a href="#">Agenda Memo - AM-21-1425 - Pdf</a>	
A.12.	Resolution No. 30015 approving the Annual Financial Report for the fiscal year ending June 30, 2021.	97 - 107
	<a href="#">Agenda Memo - AM-21-1426 - Pdf</a>	
B.	Public Services - None	
C.	Public Safety	

- C.1. Resolution No. 30016 approving addendum to contract with Area Ambulance Services 108 - 111  
[Agenda Memo - AM-21-1440 - Pdf](#)
- D. Parks - None
- E. Engineering
- E.1. Resolution No. 30017 approving Partial Payment No. 1 to KTA-Tator, Inc. regarding the CEMAR Phase IV Project Quality Assurance Steel Fabrication Inspection, in the amount of \$21,496.54 [TAP-U-4775(638)—8I-57] (TRL-17-055) 112  
[Agenda Memo - AM-21-1412 - Pdf](#)
- E.2. Resolution No. 30018 approving Partial Payment No. 5 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 \$5,555.23. (TRANS-18-088) 113 - 114  
[Agenda Memo - AM-21-1414 - Pdf](#)
- E.3. Resolution No. 30019 accepting the 2021 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project (CS-TSF-4775(640)-85-57) (TRANS-18-088) 115 - 116  
[Agenda Memo - AM-21-1413 - Pdf](#)
- E.4. Resolution No. 30020 approving Partial Payment No. 4 to Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project in the amount of \$687,675.97 (TRANS-18-101) 117  
[Agenda Memo - AM-21-1429 - Pdf](#)
- E.5. Resolution No. 30021 approving Partial Payment No. 14 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091) 118  
[Agenda Memo - AM-21-1445 - Pdf](#)
- E.6. Resolution No. 30022 approving Partial Payment No. 9 to Stanley Consultants regarding the Central Corridor Project in the amount of \$9,736.29. (TRANS-18-091) 119  
[Agenda Memo - AM-21-1446 - Pdf](#)
- E.7. Resolution No. 30023 approving Change Order No. 005 with Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations and authorizing payment in the amount of \$8,558.00. (FACS-17-034) 120 - 123  
[Agenda Memo - AM-21-1447 - Pdf](#)

- E.8. Resolution No. 30024 approving Change Order No. 004 with Acme Electric Company regarding the Marion Library Project Bid Pkg 26A and authorizing payment in the amount of \$4,501.00. (FACS-17-034) 124 - 128  
[Agenda Memo - AM-21-1448 - Pdf](#)
- E.9. Resolution No. 30025 approving Change Order No. 4 to Ahern Fire Protection regarding the Marion Library Project Bid Pkg 21A and authorizing payment in the amount of \$2,145.00. (FACS-17-034) 129 - 132  
[Agenda Memo - AM-21-1449 - Pdf](#)
- E.10. Resolution No. 30026 approving Change Order No. 004 with Central States Concrete regarding the Marion Library Project and authorizing payment in the amount of \$3,257.83. (FACS-17-034) 133 - 137  
[Agenda Memo - AM-21-1450 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 30027 approving payment no. 7 to Universal Field Services, Inc for services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$40.00. (TRL-18-110) 138 - 141  
[Agenda Memo - AM-21-1433 - Pdf](#)
- F.2. Resolution No. 30028 approving payment no. 12 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$521.95. (TRANS-18-098) 142 - 144  
[Agenda Memo - AM-21-1434 - Pdf](#)
- F.3. Resolution No. 30029 approving payment no. 7 to RDG Planning & Design, Inc. for professional services regarding the 11th Street Plaza Project in the amount of \$850.00. (GOV-19-122) 145 - 147  
[Agenda Memo - AM-21-1435 - Pdf](#)
- F.4. Resolution No. 30030 approving payment no. 2 to RDG Planning & Design, Inc. for professional services regarding the Highway 13 & Highway 100 Subarea Plan in the amount of \$15,113.67. (GOV-19-122) 148 - 150  
[Agenda Memo - AM-21-1430 - Pdf](#)
- G. Library
- G.1. Resolution No. 30031 approving partial payment no. 24 to Engberg Anderson regarding the Library Building Project in the amount of \$15,215.73 151 - 152  
[Agenda Memo - AM-21-1417 - Pdf](#)
- G.2. Resolution No. 30032 approving Change Order No. 1 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$11,301. (FACS-17-034) 153 - 154  
[Agenda Memo - AM-21-1464 - 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
  - B.1. Resolution No. 30033 approving Partial Payment No. 4 to Rathje Construction regarding the Public Service Maintenance Facility Grading Project in the amount of \$111,663.97 (FACS-17-069) 155  
[Agenda Memo - AM-21-1454 - Pdf](#)
  - B.2. Resolution No. 30034 approving Change Order No. 7 with Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility and authorizing payment in the amount of \$131,400.00 (FACS-17-069). 156  
[Agenda Memo - AM-21-1456 - Pdf](#)
  - B.3. Resolution No. 30035 approving partial payment No. 8 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). 157  
[Agenda Memo - AM-21-1457 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
  - E.1. Resolution No. 30036 approving Change Order No. 2 with Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in City of Marion, from East Side Indian Creek Bridge, Over Marion Boulevard 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, and authorizing payment in the amount of \$92,492.57 [TAP-U-4775(638)-8I-57] (TRL-17-055) 158 - 162  
[Agenda Memo - AM-21-1418 - Pdf](#)
  - E.2. Resolution No. 30037 approving Partial Payment No. 4 to Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in the City of Marion, from the East Side of Indian Creek Bridge, Over Marion Boulevard to 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, in the amount of \$264,385.46 [TAP-U-4775(638)—8I-57] (TRL-17-055) 163  
[Agenda Memo - AM-21-1431 - Pdf](#)
  - E.3. Resolution No. 30038 approving Partial Payment No. 9 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$24,449.75. (TRANS-18-091) 164  
[Agenda Memo - AM-21-1428 - Pdf](#)

- E.4. Resolution No. 30039 approving Partial Payment No. 1 to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$112,457.20. (SWR-18-111) 165 - 166  
[Agenda Memo - AM-21-1422 - Pdf](#)
- E.5. Resolution No. 30040 approving Partial Payment No. 4 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$301,445.56. (TAP-U-4775(635)—8I-57)(TRL-18-110) 167  
[Agenda Memo - AM-21-1427 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 30041 approving The Ridge at Indian Creek 2nd Addition and Memorandum of Agreement for property located north of Tower Terrace Road extended and east of Lucore Road, Marion, Iowa. (Abode Construction Inc) 168 - 175  
[Agenda Memo - AM-21-970 - Pdf](#)
- G. Library - None
- REGULAR AGENDA**
- A. Administrative Services
- A.1. Resolution No. 30042 approving Amendment No. 3 to Task Order No. 1 with Tidal Basin Government Consulting, LLC to extend order timeline to June 30, 2022 and increase the not to exceed amount to \$300,000. 176 - 182  
[Agenda Memo - AM-21-1439 - Pdf](#)
- A.2. Motion to approve Hold Harmless agreement with Mike & Billie Platner regarding a live music in garage event on November 6, 2021 at 1550 Hunters Green Way. 183 - 191  
[Agenda Memo - AM-21-1472 - Pdf](#)
- B. Public Services
- B.1. Motion directing staff to solicit bids for demolition services associated with the Public Services Maintenance Facility (FACS-17-069) 192  
[Agenda Memo - AM-21-1474 - Pdf](#)
- C. Public Safety
- C.1. Ordinance No. 21-22 amending Chapter 164 regarding the Fire Prevention Code. (Final Consideration) 193 - 202  
[Agenda Memo - AM-21-1465 - Pdf](#)
- D. Parks - None
- E. Engineering

- E.1. Public Comment Period regarding a no parking request on 15th Street near the Emerson Learning Center. (Marion Home School Assistance Program) 203 - 212  
[Agenda Memo - AM-21-1451 - Pdf](#)
- E.2. Motion to receive and file TAC Report regarding a no parking request on 15th Street near the Emerson Learning Center. (Marion Home School Assistance Program) 213 - 222  
[Agenda Memo - AM-21-1452 - Pdf](#)
- E.3. Resolution No. 30046 establishing a “No Parking” zone on the West side of 15th Street from 9th Avenue to 10th Avenue. 223 - 232  
[Agenda Memo - AM-21-1453 - Pdf](#)
- E.4. Motion to approve Project Calendar regarding the 2022 Storm Sewer Project (ANN-18-031), as follows: 233 - 234
- Motion to retain the City Engineer as Project Engineer regarding the 2022 Storm Sewer Project (ANN-18-031)
  - Resolution No. 30047 approving Resolution of Necessity regarding 2022 Storm Sewer Project (ANN-18-031)
  - Resolution No. 30048 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Storm Sewer Project (ANN-18-031)
  - Resolution No. 30049 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Storm Sewer Project (ANN-18-031)
- [Agenda Memo - AM-21-1420 - Pdf](#)
- E.5. Motion to approve Project Calendar regarding the 2022 Sidewalk Ramp Project (ANN-18-106), as follows: 235 - 236
- Motion to retain the City Engineer as Project Engineer regarding the 2022 Sidewalk Ramp Project (ANN-18-106)
  - Resolution No. 30050 approving Resolution of Necessity regarding the 2022 Sidewalk Ramp Project (ANN-18-106)
  - Resolution No. 30051 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Sidewalk Ramp Project (ANN-18-106)
  - Resolution No. 30052 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Sidewalk Ramp Project (ANN-18-106)
- [Agenda Memo - AM-21-1421 - Pdf](#)
- E.6. Resolution No. 30053 approving contract and bond with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$1,544,679.60 (TRANS-18-090) 237 - 239  
[Agenda Memo - AM-21-1432 - Pdf](#)

- E.7. Resolution No. 30054 amending the Chapter 28E Agreement between the City of Cedar Rapids, City of Marion and Linn County regarding Tower Terrace Road. (TRANS-18-096) 240 - 250  
[Agenda Memo - AM-21-1455 - Pdf](#)
- E.8. Motion to receive and file a request for a driveway on Winslow Road. (Ghassan Halloush, ALLTRANS, Inc.) 251 - 254  
[Agenda Memo - AM-21-1460 - Pdf](#)
- E.9. Resolution No. 30055 approving a driveway access onto Winslow Road for Ibrahims First Addition. (Ghassan Halloush, ALLTRANS, Inc.) 255 - 258  
[Agenda Memo - AM-21-1461 - Pdf](#)

F. Community Development - None

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. Tower Terrace Project Update (TRANS-18-096) 259 - 272  
[Agenda Memo - AM-21-1458 - 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.

### **CLOSED SESSION**

- 1. Motion to adjourn to closed session regarding land acquisition and litigation as permitted under Section 21.5(1)(j) and Section 21.5(1)(c) of the Code of Iowa. (Two separate items)

### **ADJOURN**