



MINUTES

City Council Regular Session

5:30 PM - Thursday, January 20, 2022
City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, January 20, 2022, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Steve Jensen, Randy Strnad, Grant Harper, Sara Mentzer, Colette Atkins, and Will Brandt

ABSENT: Nicolas AbouAssaly

Mayor Pro Tem Brandt presided over the meeting.

The meeting opened with the pledge of allegiance and Council observed a moment of silence.

PROCLAMATIONS/OATHS

Proclamation - Human Trafficking Prevention and Awareness Month (January 2022)

Council Member Atkins read and presented the proclamation to representative from Chains Interrupted, Mercy Medical Center and St. Lukes Hospital. Teresa Davidson with Chains Interrupted thanked the City of Marion for their support.

PRESENTATIONS

No presentations took place.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the January 4 and 6, 2022 City Council meeting.

Liquor licenses including the following:

- Renewal - Pitchers - 620 Lindale Drive
- Renewal - Indian Creek Country Club - 2401 Indian Creek Road
- Renewal - Wrigleyville - 1899 7th Avenue
- Renewal - Smokin' Joes Tobacco and Liquor Outlet #10 - 480 7th Avenue
- Renewal - The Edison Restaurant & Pub - 475 Northland Avenue NE

Receive and file correspondence from Jody Budde regarding resignation from the Planning and Zoning Commission.

Mayor AbouAssaly recommended appointments:

- Planning and Zoning Commission - Bradley Neilly - term expires 12/31/2023

Receive and file December 2021 Department Monthly Reports.

Payments as presented in the amount of \$2,121,301.43

Resolution No. 30203 adopting final assessment schedule for Fiscal Year 2022 Quarter 3 Delinquent Fees and Confirming and Levying the Assessments.

Resolution No. 30204 setting a public hearing for February 17, 2022 concerning proposed fiscal year 2023 City Maximum Property Tax Dollars.

Resolution No. 30205 approving purchase from CDW-G regarding cyber security software and authorizing payment in the amount of \$41,650.00.

Public Safety

Resolution No. 30206 approving annual payment to Axon regarding body camera service and authorizing payment in the amount of \$49,158.

Resolution No. 30207 approving disposal/trade-in of 2016 Ford Taurus Interceptor (VIN 9999) to be used towards purchase of new squad cars.

Parks

Resolution No. 30208 approving partial payment no. 3 to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of \$69,025.

Engineering

Resolution No. 30209 approving Change Order 006 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding decrease second floor bathroom openings 210 & 211 to 4 foot in the amount of \$876.00. (FACS-17-034)

Resolution No. 30210 approving Change Order 007 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding modifying temporary doors and windows in the amount of \$1,117.67. (FACS-17-034)

Resolution No. 30211 approving Change Order 008 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding adding acoustical panels to rooms 214 and 216 in the amount of \$1,405.16. (FACS-17-034)

Resolution No. 30212 approving Change Order 011 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding reframe kneewall in media 109 in the amount of \$394.80. (FACS-17-034)

Resolution No. 30213 approving Change Order 004 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding providing temporary heating in an amount of \$1,776.57. (FACS-17-034)

Resolution No. 30214 approving Change Order 005 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC installation of Fire Dampers in an amount of \$21,705.55 (FACS-17-034)

Resolution No. 30215 approving Change Order 005 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to add additional lights in the amount of \$345.00. (FACS-17-034)

Resolution No. 30216 approving Change Order No 015 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer general conditions funds to fund Knutson for Time and Material Work for temporary windows with a credit of \$13,737.00. (FACS-17-034)

Resolution No. 30217 approving Change Order No 016 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer a credit of \$1,776.57 from General Conditions Funds to finance the temp heating for the building. (FACS-17-034)

Resolution No. 30218 approving Change Order No 017 with Bush Construction regarding the Marion Library Project – Construction Manager as Adviser to transfer a credit of \$1,117.67 from General Conditions Funds to finance the removal of temporary protections within the building. (FACS-17-034)

Resolution No. 30219 approving Change Order No. 003 with Boomerang regarding the Marion Library Project – Bid Package 32A Site Grading and Utilities, moving excess grading from their contract to Central States contract for a credit amount of \$2,583.16. (FACS-17-034)

Resolution No. 30220 approving Change Order No. 005 with Central States Concrete regarding the Marion Library Project – to provide extra grading for parking lot in the amount of \$2,583.16. (FACS-17-034)

Resolution No. 30221 approving Change Order No. 004 with Boomerang regarding the Marion Library Project – Bid Package 32A Site Grading and Utilities; removing allowance balance back to the project in the credit amount of \$2,761.59. (FACS-17-034)

Resolution No. 30222 approving Partial Payment No. 4 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$31,231.25. (FACS-17-034)

Resolution No. 30223 approving Partial Payment No. 8 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$4,299.22. (FACS-17-034)

Resolution No. 30224 approving Partial Payment No. 10 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$114,257.33. (FACS-17-034)

Resolution No. 30225 approving Partial Payment No. 12 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing

and HVAC in the amount of \$120,298.44. (FACS-17-034)

Resolution No. 30226 approving Partial Payment No. 6 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$26,268.72. (FACS-17-034)

Resolution No. 30227 approving Partial Payment No. 11 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$93,693.05. (FACS-17-034)

Resolution No. 30228 approving Partial Payment No. 7 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$38,900.60. (FACS-17-034)

Resolution No. 30229 approving Partial Payment No. 10 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Unit Masonry in the amount of \$3,421.37. (FACS-17-034)

Resolution No. 30230 approving Partial Payment No. 10R1 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$184,153.70. (FACS-17-034)

Resolution No. 30231 approving Partial Payment No. 10 to Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations in the amount of \$8,130.10. (FACS-17-034)

Resolution No. 30232 approving Partial Payment No. 5 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$11,764.04. (FACS-17-034)

Resolution No. 30233 approving Partial Payment No. 3 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$410.00 (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30234 approving Partial Payment No. 18 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$280.00. (TRL-17-055).

Resolution No. 30235 approving Partial Payment No. 28 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$15,776.90 (TRANS-18-092)

Resolution No. 30236 approving Partial Payment No. 8 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$15,190.56 (TAP-U-4775(638)—8I-57)(TRL-17-055)

Resolution No. 30237 approving Change Order No. 1 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$59,095.71 (TRANS-18-101)

Motion to Receive and File Job Description for Right of Way Technician and Environmental Specialist.

Resolution No. 30238 approving Memorandum of Understanding with Local 231 of the American Federation of State, County and Municipal Employees (AFSCME) regarding the base wages for the Right of Way Technician and the

Environmental Specialist.

Resolution No. 30239 adopting the 2022 Edition of the Statewide Urban Design Specifications Program (SUDAS).

Resolution No. 30240 approving the 2022 City of Marion Supplemental Specifications of the Statewide Urban Design Area Standards (SUDAS).

Resolution No. 30241 approving the 2022 City of Marion General Supplement to the Statewide Urban Design Area Standards (SUDAS) Design Manual.

Motion to receive, file and approve the 2022 Engineering Work Program.

Resolution No. 30242 approving Change Order No. 1 to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project and authorizing payment in the amount of \$12,000.00. (SWR-18-111)

Community Development

Resolution No. 30243 approving payment no. 22 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631)--70-57] in the amount of \$18,457.32. (TRL-18-056)

Resolution No. 30244 setting the date of public hearing for February 3, 2022 regarding a preliminary and final site development plan for an office / shop building located south of Partners Avenue and west of Medco Drive, Marion, Iowa. (Twenty40 Building Concepts)

Library

Resolution No. 30245 approving partial payment No. 18 to Bush Construction regarding the Library Building Project in the amount of \$75,457.12 (FACS-17-034)

Moved by Jensen, seconded by Harper, to approve consent agenda as shown above.

Approved unanimously

REGULAR AGENDA

Administrative Services

Resolution No. 30246 approving payment to Marion Arts Festival using FY22 Hotel/Motel funds in the amount of \$4,000.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30246.

Approved unanimously

Public Services

Ordinance No. 22-01 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.39 to \$4.60. (Second Consideration)

Moved by Mentzer, seconded by Atkins, to approve the second consideration of Ordinance No. 22-01.

Approved unanimously

Engineering

Ordinance No. 22-03 amending Chapter 95, Section 95.04 of the Code of Ordinances Relating to Sanitary Sewer Connection Requirement. (Initial Consideration)

Moved by Strnad, seconded by Jensen, to approve the initial consideration of Ordinance No. 22-03.

Approved unanimously

Community Development

Mayor Pro Tem Brandt relinquished the gavel to Deputy Mayor Pro Tem Harper at 5:39 p.m. Deputy Mayor Pro Tem Harper presided over the meeting.

Resolution No. 30247 setting the date of a public hearing for February 3, 2022 regarding a rezoning request for property located at 2095 3rd Avenue. (Marion Community Build, LLC)

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30247.

Approved by the following votes:

Ayes: Jensen, Strnad, Harper, Mentzer, and Atkins

Abstained: Brandt

Deputy Mayor Pro Tem Harper relinquished the gavel to Mayor Pro Tem Brandt at 5:41 p.m. Mayor Pro Tem Brandt presided over the meeting.

Ordinance No. 22-02 approving a request to rezone property from C-3, General Commercial and R-6, High-Density Multi-Family Residential to PUD, Planned Unit Development for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Second Consideration)

Moved by Jensen, seconded by Atkins, to approve the second consideration of Ordinance No. 22-02.

Approved unanimously

Public hearing regarding an annexation request from Integrity Custom Homes, Inc. for property west of Alburnett Road, south of Oak Park Trail, Marion, Iowa.

Mayor Pro Tem Brandt opened the public hearing regarding item referenced above. Acting City Manager Tom Treharne provided a staff report. Floyd Fischer (2180 Dawn Drive) asked if his property was included. Treharne stated he was not included. No other comments, written or verbal, were received. Mayor Pro Tem Brandt declared the public hearing closed.

Resolution No. 30248 approving annexation request from Integrity Custom Homes, Inc. for property west of Alburnett Road, south of Oak Park Trail, Marion, Iowa.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30248.
Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

Chad Ulferts (1210 C Avenue) would like to see the law regarding side by side vehicles being changed.

COUNCIL COMMENTS

Council Member Atkins thanked the residents in attendance for speaking tonight.

Mayor Pro Tem Brandt stated a survey was released for the ImagiNEXT Creekside Pride initiative and encouraged residents to respond.

ADJOURN

Mayor Pro Tem Brandt adjourned the meeting at 5:53 p.m.

Will Brandt, Mayor Pro Tem

Rachel Bolender, City Clerk

The undersigned City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Gazette on the _____ day of _____, 20____.

Rachel Bolender, City Clerk