



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, March 3, 2022

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# 828 1237 0403. 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, March 3 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. Fire Department Appointments and Oath of Office: 9
  - Firefighters Ryan Pfiffner, Evan Barry and Carter Bronneman  
[Agenda Memo - AM-21-1312 - Pdf](#)
- 2. Proclamation - Women's History Month (March 2022) 10 - 11  
[Agenda Memo - AM-22-272 - Pdf](#)

### PRESENTATIONS

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

- 1. Presentation of plaque indicating Marion was chosen as the Finalist for the 2021 Voice of the People for Excellence in Equity/Inclusion Engagement by Polco/National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA) 12  
[Agenda Memo - AM-22-285 - Pdf](#)

### 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 February 15 and 17, 2022 City Council meeting. <a href="#">Agenda Memo - AM-22-266 - Pdf</a>	13 - 25
A.2.	Liquor licenses including the following: <ul style="list-style-type: none"> <li>• Renewal - Napolis - 500 Marion Boulevard, Suite 100</li> <li>• Renewal - Casey's General Store #2760 - 975 S 11th Street</li> <li>• Renewal - Casey's General Store #2919 - 340 Marion Boulevard</li> </ul> <a href="#">Agenda Memo - AM-22-242 - Pdf</a>	26
A.3.	Mayor AbouAssaly recommended appointments: <ul style="list-style-type: none"> <li>• Nuisance Enforcement/Property Maintenance Advisory Board <ul style="list-style-type: none"> <li>○ Jeff Tipton - term expires 12/31/2022</li> </ul> </li> <li>• Central Plaza Steering Committee (no term expiration) <ul style="list-style-type: none"> <li>○ Nick AbouAssaly, 1225 6th Avenue</li> <li>○ Steve Jensen, 1225 6th Avenue</li> <li>○ Sara Mentzer, 1225 6th Avenue</li> <li>○ Dale Monroe, 1140 Indian Creek Circle</li> <li>○ Cody Buelt, 1020 Fairview Drive</li> <li>○ Seth Moomey, 1025 S. 15th Street</li> <li>○ Jamie Henley, 752 10th Street</li> <li>○ Jeanne Matthews, 760 11th Street</li> <li>○ Nikki Kettlekamp, 725 11th Street</li> <li>○ Kelsie Hoth, 743 10th Street</li> <li>○ Lynn Ciha, 2295 A Avenue</li> <li>○ Audrey Kittrell, 200 State Street, Suite 202-Z, Cedar Falls, IA</li> </ul> </li> </ul> <a href="#">Agenda Memo - AM-22-269 - Pdf</a>	27 - 28
A.4.	Motion to approve Hold Harmless Agreements with: <ul style="list-style-type: none"> <li>• Marion Metro Kiwanis regarding BBQ Rendezvous June 3-5, 2022 at Lowe Park/Amphitheater.</li> <li>• Brad Rizzio regarding a backyard BBQ September 10, 2022 at 1155 6th Street.</li> <li>• Marion Chamber of Commerce regarding Uptown Marion Market June 11, July 9, August 13 and September 24 at City Square Park.</li> </ul> <a href="#">Agenda Memo - AM-22-223 - Pdf</a>	29 - 58
A.5.	Payments as presented in the amount of \$2,127,824.42. <a href="#">Agenda Memo - AM-22-268 - Pdf</a>	59 - 83
A.6.	Motion to approve the Fiscal Year 2022 Cigarette License for the following: <ul style="list-style-type: none"> <li>• BP to Go #6 - 1010 E Post Road</li> </ul> <a href="#">Agenda Memo - AM-22-241 - Pdf</a>	84

A.7.	Resolution No. 30321 setting the date for public hearings and additional action on proposals to enter into General Obligation Loan Agreements and to borrow money thereunder. <a href="#">Agenda Memo - AM-22-262 - Pdf</a>	85 - 90
A.8.	Resolution No. 30322 approving partial payment no. 15 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$925 <a href="#">Agenda Memo - AM-22-249 - Pdf</a>	91 - 94
A.9.	Resolution No. 30323 Consenting to Assignment of Development Agreement and Tax Increment Payments (Synergy Partners, Inc.) <a href="#">Agenda Memo - AM-22-286 - Pdf</a>	95 - 113
B.	Public Services	
B.1.	Resolution No. 30324 approving payment to ImOn Communications for fiber optic network extension to Fire Station No. 1 in the amount of \$64,864.09. <a href="#">Agenda Memo - AM-22-275 - Pdf</a>	114
B.2.	Resolution No. 30325 approving payment to Rehrig Pacific for recycling bins in the amount of \$25,620.00. <a href="#">Agenda Memo - AM-22-276 - Pdf</a>	115
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 30326 approving Partial Payment No. 6 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$33,345.00. (FACS-17-034) <a href="#">Agenda Memo - AM-22-251 - Pdf</a>	116
E.2.	Resolution No. 30327 approving Partial Payment No. 11 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 6A regarding general trades and misc. steel in the amount of \$70,963.72. (FACS-17-034) <a href="#">Agenda Memo - AM-22-253 - Pdf</a>	117
E.3.	Resolution No. 30328 approving Partial Payment No. 11 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding steel fabrication and erection in the amount of \$13,761.70. (FACS-17-034) <a href="#">Agenda Memo - AM-22-254 - Pdf</a>	118
E.4.	Resolution No. 30329 approving Partial Payment No. 11 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$85,376.40. (FACS-17-034) <a href="#">Agenda Memo - AM-22-256 - Pdf</a>	119

- E.5. Resolution No. 30330 approving Partial Payment No. 7 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$470.25. (FACS-17-034) 120  
[Agenda Memo - AM-22-257 - Pdf](#)
- E.6. Resolution No. 30331 approving Partial Payment No. 5 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$57,042.75. (FACS-17-034) 121  
[Agenda Memo - AM-22-258 - Pdf](#)
- E.7. Resolution No. 30332 approving Partial Payment No. 4 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$7,125.00. (FACS-17-034) 122  
[Agenda Memo - AM-22-259 - Pdf](#)
- E.8. Resolution No. 30333 approving Partial Payment No. 12 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$22,073.25. (FACS-17-034) 123  
[Agenda Memo - AM-22-260 - Pdf](#)
- E.9. Resolution No. 30334 approving Partial Payment No. 8 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 \$48,697.00 (TRANS-18-101) 124  
[Agenda Memo - AM-22-247 - Pdf](#)
- E.10. Resolution No. 30335 approving Partial Payment No. 8 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$23,840.25. (FACS-17-034) 125  
[Agenda Memo - AM-22-261 - Pdf](#)
- E.11. Resolution No. 30336 approving agreement with Zebedee's Vision LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) 126 - 132  
[Agenda Memo - AM-22-243 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 30337 approving payment no. 35 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$4,245.53. (TRL-17-055) 133 - 137  
[Agenda Memo - AM-22-270 - Pdf](#)

- F.2. Resolution No. 30338 approving payment no. 23 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631)--70-57] in the amount of \$27,937.74. (TRL-18-056) 138 - 141  
[Agenda Memo - AM-22-274 - Pdf](#)
- F.3. Resolution No. 30339 approving payment no. 14 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$15,210.46. (TRANS-18-098) 142 - 144  
[Agenda Memo - AM-22-280 - Pdf](#)

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 - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
  - E.1. Resolution No. 30340 approving Partial Payment No. 13 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$46,920.50. (FACS-17-034) 145  
[Agenda Memo - AM-22-255 - Pdf](#)
  - E.2. Resolution No. 30341 approving Partial Payment No. 8 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 \$1,617.50 [TAP-U-4775(638)—81-57] (TRL-17-055) 146 - 147  
[Agenda Memo - AM-22-248 - Pdf](#)
  - E.3. Resolution No. 30342 approving temporary construction easement agreement with DAOUD Real Estate LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) 148 - 150  
[Agenda Memo - AM-22-244 - Pdf](#)

F. Community Development - None

G. Library - None

**REGULAR AGENDA**

A. Administrative Services - None

- B. Public Services - None
- C. Public Safety
  - C.1. Resolution No. 30343 approving 28E Agreement with Cedar Valley Humane Society for animal control services and authorizing payments in the amount of \$4,333 per month. 151 - 158  
[Agenda Memo - AM-22-281 - Pdf](#)
- D. Parks
  - D.1. Resolution No. 30344 approving the extension of the contract with B&R Logging regarding the Faulkes Heritage Woods Salvage Timber Sale through March 31, 2022. 159 - 167  
[Agenda Memo - AM-22-265 - Pdf](#)
- E. Engineering
  - E.1. Resolution No. 30345 approving Partial Payment No. 1 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$45,340.65. (TRANS-18-073) (CS-TSF-4775(642)--85-57) 168 - 169  
[Agenda Memo - AM-22-245 - Pdf](#)
  - E.2. Public Hearing regarding the 2022 Hot Mix Asphalt (HMA) Resurfacing Project (ANN-18-086) 170 - 172  
[Agenda Memo - AM-22-263 - Pdf](#)
  - E.3. Resolution No. 30346 accepting bids and awarding contract to LL Pelling Co, Inc. regarding the 2022 HMA Resurfacing Project in the amount of \$1,025,438.25. (ANN-18-086) 173 - 175  
[Agenda Memo - AM-22-250 - Pdf](#)
  - E.4. Public hearing regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57] 176 - 178  
[Agenda Memo - AM-22-264 - Pdf](#)
  - E.5. Resolution No. 30347 accepting bids and awarding contract to Peterson Contractors Inc. regarding the Indian Creek Trail Project in the amount of \$1,719,592.32 (TRL-18-056) [STP-U-4775(631)—70-57] 179 - 181  
[Agenda Memo - AM-22-252 - Pdf](#)
- F. Community Development
  - F.1. Public hearing regarding a Preliminary Site Development Plan for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC) 182 - 209  
[Agenda Memo - AM-22-204 - Pdf](#)

F.2.	Resolution No. 30348 approving the Green Park Apartment Living Preliminary Site Development Plans for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC) <a href="#">Agenda Memo - AM-22-208 - Pdf</a>	210
F.3.	Resolution No. 30349 approving the Green Park Apartment Living Final Site Development Plan for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC) <a href="#">Agenda Memo - AM-22-209 - Pdf</a>	211
F.4.	Public hearing regarding Boulevard Apartments Preliminary Site Development Plan for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) <a href="#">Agenda Memo - AM-22-199 - Pdf</a>	212 - 356
F.5.	Resolution No. 30350 approving Boulevard Apartments Preliminary Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) <a href="#">Agenda Memo - AM-22-200 - Pdf</a>	357
F.6.	Resolution No. 30351 approving Boulevard Apartments Final Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) <a href="#">Agenda Memo - AM-22-201 - Pdf</a>	358 - 362
F.7.	Resolution No. 30352 approving Lot 1 Boulevard Apartment Addition Final Plat and Memorandum of Agreement for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) <a href="#">Agenda Memo - AM-22-198 - Pdf</a>	363 - 389
F.8.	Ordinance No. 22-04 approving a request to rezone property from R-3, Two-Family Residential to TR-3, Traditional Two-Family Residential for property located at 2095 3rd Avenue, Marion, Iowa. (Marion Community Build, LLC) (Final Consideration) <a href="#">Agenda Memo - AM-22-121 - Pdf</a>	390 - 397
F.9.	Resolution No. 30353 approving a request to defer sidewalk located at 2095 3rd Avenue, Marion, Iowa. (Marion Community Build, LLC) <a href="#">Agenda Memo - AM-22-063 - Pdf</a>	398 - 401
F.10.	Resolution No. 30354 approving Marion Community Build 1st Addition Final Plat and Memorandum of Agreement for property located south of 3rd Avenue and west of 21st Street, Marion, Iowa. (Marion Community Build, LLC) <a href="#">Agenda Memo - AM-22-069 - Pdf</a>	402 - 411

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.

## **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 (two separate measures)

## **ADJOURN**