



AGENDA

City Council Work Session

4:00 PM - Tuesday, March 15, 2022

City Hall, 1225 6th Avenue

The meeting is being recorded. Any item listed on the agenda may be open to discussion by the City Council. Times listed are estimated.

This meeting is viewable online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 837 6222 5065. 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, March 17 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PROCLAMATIONS/OATHS

None

PRESENTATIONS

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

None

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.

A. Administrative Services

- A.1. Minutes of the March 1 and 3, 2022 City Council meetings. 9 - 21

[Agenda Memo - AM-22-312 - Pdf](#)

- A.2. Liquor licenses including the following: 22

- New - St. Joseph Catholic Church (Fun Days) - 1790 14th Street
- Renewal - Villa's Patio Mexican Restaurant - 433 7th Avenue
- Renewal - Hunters Ridge Golf Course - 2901 Hunters Ridge Road

[Agenda Memo - AM-22-332 - Pdf](#)

- A.3. Motion to approve alcohol violation calendar as follows: 23 - 29
- Resolution accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Goldfinch Tap & Eatery)
 - Resolution accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Hy-Vee Food Store)
 - Resolution accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Walmart #3630)
 - Resolution accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (La Cantina)
 - Resolution accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in section 123.50(3) of the Code of Iowa (Casey's General Store #2760)
- [Agenda Memo - AM-22-303 - Pdf](#)
- A.4. Motion to approve tobacco violation calendar as follows: 30 - 34
- Resolution accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Kum & Go #503)
 - Resolution accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Corner Mart)
 - Resolution accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Neighborhood Tobacco Outlet)
 - Resolution accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in section 453A.22(2) of the Code of Iowa (Marion Food Market)
- [Agenda Memo - AM-22-304 - Pdf](#)
- A.5. Hold harmless agreement with St. Joseph's Catholic Church regarding St. Joseph Fun Days June 3-5, 2022 at St Joseph's Catholic Church, 1790 14th Street. 35 - 47
- [Agenda Memo - AM-22-331 - Pdf](#)
- A.6. Receive and file correspondence from Brandy Graham regarding resignation from the Nuisance Enforcement/Property Maintenance Advisory Board. 48 - 50
- [Agenda Memo - AM-22-309 - Pdf](#)

A.7.	Receive and file February 2022 Department Monthly Reports. Agenda Memo - AM-22-267 - Pdf	51 - 91
A.8.	Payments as presented in the amount of \$964,967.24 Agenda Memo - AM-22-313 - Pdf	92 - 117
A.9.	Resolution approving the Comparable Cities Policy. Agenda Memo - AM-22-360 - Pdf	118 - 119
B.	Public Services - None	
C.	Public Safety (4:00-4:05)	
C.1.	Resolution approving change to Communications Center Manager Pay Schedule Agenda Memo - AM-22-330 - Pdf	120 - 122
D.	Parks (4:05-4:10)	
D.1.	Resolution approving a permanent encroachment easement agreement with Trees Forever, Inc. Agenda Memo - AM-22-288 - Pdf	123 - 142
E.	Engineering	
E.1.	Resolution approving agreement with Masonic Temple Assn. regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-22-292 - Pdf	143 - 156
E.2.	Resolution approving Memorandum of Agreement with Marion Independent School District regarding the 3rd Avenue Reconstruction Project (Neighborhood Street Improvement (NSI)) (TRANS-18-101) Agenda Memo - AM-22-295 - Pdf	157 - 163
E.3.	Resolution approving Change Order No. 2 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$54,172.70 (TRANS-18-101) Agenda Memo - AM-22-294 - Pdf	164 - 168
E.4.	Resolution approving Partial Payment No. 30 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$28,956.64 (TRANS-18-092) Agenda Memo - AM-22-348 - Pdf	169
E.5.	Resolution approving Partial Payment No. 4 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$165.00 (TAP-U- 4775(635)—8I-57)(TRL-18-110) Agenda Memo - AM-22-349 - Pdf	170

- E.6. Resolution approving Partial Payment No. 9 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$6,329.40. (TAP-U-4775(638)—81-57)(TRL-17-055) 171
[Agenda Memo - AM-22-359 - Pdf](#)
- E.7. Resolution approving Partial Payment No. 10 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$15,190.56 (TAP-U-4775(638)—81-57)(TRL-17-055) 172
[Agenda Memo - AM-22-350 - Pdf](#)
- F. Community Development
 - F.1. Resolution setting the date of a public hearing for April 7, 2022 regarding a preliminary site development plan for property located at 999 Enterprise Drive. 173
[Agenda Memo - AM-22-323 - Pdf](#)
- G. Library
 - G.1. Resolution approving partial payment No. 27 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$13,806.81 (FACS-17-034) 174 - 177
[Agenda Memo - AM-22-315 - Pdf](#)
 - G.2. Resolution approving partial payment No. 28 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$15,358.09 (FACS-17-034) 178 - 180
[Agenda Memo - AM-22-316 - Pdf](#)

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
 - E.1. Resolution approving Change Order No. 5 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 \$28,867.60 [TAP-U-4775(638)-81-57] (TRL-17-055) 181 - 189
[Agenda Memo - AM-22-293 - Pdf](#)
- F. Community Development

- F.1. Resolution approving payment no. 8 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$2,045.07. (ANN-18-082) 190 - 192
[Agenda Memo - AM-22-358 - Pdf](#)

G. Library - None

REGULAR AGENDA

A. Administrative Services (4:10-4:30)

- A.1. Public hearing on proposal to enter into an Essential Purpose Loan Agreement 193 - 204
[Agenda Memo - AM-22-344 - Pdf](#)
- A.2. Public hearing on proposal to enter into a General Purpose Loan Agreement 205 - 216
[Agenda Memo - AM-22-345 - Pdf](#)
- A.3. Public hearing on proposal to enter into an Urban Renewal Loan Agreement 217 - 228
[Agenda Memo - AM-22-346 - Pdf](#)
- A.4. Resolution taking additional action on proposal to enter into Loan Agreements, Combining Loan Agreements and providing for the levy of taxes to pay General Obligation Corporate Purpose Bonds, Series 2022A 229 - 240
[Agenda Memo - AM-22-333 - Pdf](#)
- A.5. Public Hearing regarding the proposed fiscal year 2022-2023 budget. 241 - 627
[Agenda Memo - AM-22-353 - Pdf](#)
- A.6. Resolution approving the fiscal year 2022-2023 budget 628 - 630
[Agenda Memo - AM-22-334 - Pdf](#)
- A.7. Resolution amending the Hotel/Motel Grant Program 631 - 640
[Agenda Memo - AM-22-336 - Pdf](#)
- A.8. Resolution approving agreement with General Code, LLC for recodification services, online code hosting and supplemental services and authorizing payment in the amount of \$21,954. 641 - 701
[Agenda Memo - AM-22-321 - Pdf](#)

B. Public Services (4:30-4:40)

- B.1. Public Hearing regarding the Demolition Package associated with the Public Service Maintenance Facility (FACS-17-069). 702
[Agenda Memo - AM-22-343 - Pdf](#)
- B.2. Resolution approving bids and awarding contract for the Demolition Package associated with the Public Services Facility (FACS-17-069). 703
[Agenda Memo - AM-22-347 - Pdf](#)

C. Public Safety - None

- D. Parks - None
- E. Engineering (4:40-5:10)
- E.1. Public Hearing regarding the 2022 Pavement Patching Project (TRANS-18-090) 704 - 706
[Agenda Memo - AM-22-328 - Pdf](#)
- E.2. Resolution accepting bids and awarding contract to Eastern Iowa Excavating & Concrete LLC regarding the 2022 Pavement Patching Project in the amount of \$727,723.30 (TRANS-18-090) 707 - 709
[Agenda Memo - AM-22-327 - Pdf](#)
- E.3. Public Hearing regarding the 2022 Lowe Park Roadway Overlay Project (REC-18-052). 710 - 711
[Agenda Memo - AM-22-325 - Pdf](#)
- E.4. Resolution accepting bids and awarding contract to LL Pelling Co, Inc. regarding the 2022 Lowe Park Roadway Overlay Project in the amount of \$147,277.50 (REC-18-052). 712 - 713
[Agenda Memo - AM-22-324 - Pdf](#)
- E.5. Resolution approving contract and bond with Peterson Contractors Inc. regarding the Indian Creek Trail Project and authorizing payment in the amount of \$1,719,592.32 (TRL-18-056) [STP-U-4775(631)—70-57] 714 - 716
[Agenda Memo - AM-22-290 - Pdf](#)
- E.6. Resolution approving contract and bond with LL Pelling Co, Inc. regarding the 2022 HMA Resurfacing Project and authorizing payment in the amount of \$1,025,438.25. (ANN-18-086) 717 - 719
[Agenda Memo - AM-22-291 - Pdf](#)
- E.7. Motion to approve Project Calendar regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029), as follows: 720 - 721
- Motion to retain the City Engineer as Project regarding 2022 Sanitary Sewer Manhole (ANN-18-029)
 - Resolution approving of Necessity regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)
 - Resolution ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)
 - Resolution approving and adopting final plans, specifications, notice of hearing letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)
- [Agenda Memo - AM-22-338 - Pdf](#)

- E.8. Motion to approve Project Calendar regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029), as follows: 722 - 723
- Motion to retain the City Engineer as Project regarding 2022 Sanitary Sewer Manhole Rehabilitation (ANN-18-029)
 - Resolution approving of Necessity regarding the 2022 Sanitary Sewer Manhole Project Rehabilitation (ANN-18-029)
 - Resolution ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029)
 - Resolution approving and adopting final plans, specifications, notice of hearing letting, to bidders, form contract, estimate cost regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project (ANN-18-029)
- [Agenda Memo - AM-22-339 - Pdf](#)
- E.9. Motion to receive and file the Traffic Advisory Committee (TAC) Memo regarding speed limit on 6th Avenue from 15th Street to 27th Street. 724 - 726
- [Agenda Memo - AM-22-317 - Pdf](#)
- E.10. Ordinance amending Chapter 63 of the Code of Ordinances establishing the speed limit on 6th Avenue as 35 mph from 15th Street to 27th Street. (Initial Consideration) 727 - 729
- [Agenda Memo - AM-22-318 - Pdf](#)
- E.11. Resolution approving a Permanent Sanitary Sewer Easement Agreement with Donna G. Reilly Trust; Linda Grant Macomber and Christopher Branham and David D Grant Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$32,830.00. (SWR-17-026) 730 - 740
- [Agenda Memo - AM-22-356 - Pdf](#)
- E.12. Resolution approving a Temporary Easement for Construction Agreement with Donna G. Reilly Trust; Linda Grant Macomber and Christopher Branham and David D Grant Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$9,130.00. (SWR-17-026) 741 - 746
- [Agenda Memo - AM-22-357 - Pdf](#)
- F. Community Development (5:10-5:30)
- F.1. Motion to remove from table Resolution No. 30351 approving Boulevard Apartments Final Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Tabled 3/3/22)

F.2. Resolution No. 30351 approving Boulevard Apartments Final Site Development Plan located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Tabled 3/3/22) 747 - 758

[Agenda Memo - AM-22-351 - Pdf](#)

F.3. Resolution approving a final site development plan for Scooters Coffee Drive-Thru for property located at 1010 62nd Street, Marion, Iowa (B&C Coffee LLC) 759 - 773

[Agenda Memo - AM-22-300 - 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 Flood Plain Development Permit associated with the Trees Forever parking lot site improvements at 80 West 8th Ave. (5:30-5:35) 774 - 808

[Agenda Memo - AM-22-342 - Pdf](#)

2. Discussion and direction regarding Engagement Agreement with D.A. Davidson (5:35-5:45) 809 - 816

[Agenda Memo - AM-22-335 - Pdf](#)

3. Discussion regarding proposed outdoor sidewalk café zone. (5:45-6:00) 817 - 854

[Agenda Memo - AM-22-322 - Pdf](#)

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