



AGENDA

City Council Regular Session

5:30 PM - Thursday, March 17, 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# 898 9220 3643. 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.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- 1. Proclamation - 50th Anniversary of the Older Americans Act Nutrition Program (March 2022) 10 - 11
[Agenda Memo - AM-22-310 - 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 March 1 and 3, 2022 City Council meetings. 12 - 24
[Agenda Memo - AM-22-312 - Pdf](#)

- A.2. Liquor licenses including the following: 25
- 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: 26 - 32
- Resolution No. 30355 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 No. 30356 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 No. 30357 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 No. 30358 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 No. 30359 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: 33 - 37
- Resolution No. 30360 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 No. 30361 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 No. 30362 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 No. 30363 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.	Receive and file correspondence from Brandy Graham regarding resignation from the Nuisance Enforcement/Property Maintenance Advisory Board. Agenda Memo - AM-22-309 - Pdf	38 - 40
A.6.	Receive and file February 2022 Department Monthly Reports. Agenda Memo - AM-22-267 - Pdf	41 - 81
A.7.	Payments as presented in the amount of \$964,967.24 Agenda Memo - AM-22-313 - Pdf	82 - 107
A.8.	Resolution No. 30364 approving the Comparable Cities Policy. Agenda Memo - AM-22-360 - Pdf	108 - 109
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 30365 approving change to Communications Center Manager Pay Schedule Agenda Memo - AM-22-330 - Pdf	110 - 112
D.	Parks	
D.1.	Resolution No. 30366 approving a permanent encroachment easement agreement with Trees Forever, Inc. Agenda Memo - AM-22-288 - Pdf	113 - 132
E.	Engineering	
E.1.	Resolution No. 30367 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	133 - 146
E.2.	Resolution No. 30368 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	147 - 153
E.3.	Resolution No. 30369 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	154 - 158
E.4.	Resolution No. 30370 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	159

- E.5. Resolution No. 30371 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) 160
[Agenda Memo - AM-22-349 - Pdf](#)
- E.6. Resolution No. 30372 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) 161
[Agenda Memo - AM-22-359 - Pdf](#)
- E.7. Resolution No. 30373 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) 162
[Agenda Memo - AM-22-350 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 30374 setting the date of a public hearing for April 7, 2022 regarding a preliminary site development plan for property located at 999 Enterprise Drive. 163
[Agenda Memo - AM-22-323 - Pdf](#)
- G. Library
- G.1. Resolution No. 30375 approving partial payment No. 27 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$13,806.81 (FACS-17-034) 164 - 167
[Agenda Memo - AM-22-315 - Pdf](#)
- G.2. Resolution No. 30376 approving partial payment No. 28 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$15,358.09 (FACS-17-034) 168 - 170
[Agenda Memo - AM-22-316 - 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. 30377 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)-8I-57] (TRL-17-055)
Agenda Memo - AM-22-293 - Pdf | 171 - 179 |
| F. Community Development | | |
| F.1. | Resolution No. 30378 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)
Agenda Memo - AM-22-358 - Pdf | 180 - 182 |
| G. Library - None | | |

REGULAR AGENDA

- | | | |
|----------------------------|---|-----------|
| A. Administrative Services | | |
| A.1. | Public hearing on proposal to enter into an Essential Purpose Loan Agreement
Agenda Memo - AM-22-344 - Pdf | 183 - 194 |
| A.2. | Public hearing on proposal to enter into a General Purpose Loan Agreement
Agenda Memo - AM-22-345 - Pdf | 195 - 206 |
| A.3. | Public hearing on proposal to enter into an Urban Renewal Loan Agreement
Agenda Memo - AM-22-346 - Pdf | 207 - 218 |
| A.4. | Resolution No. 30379 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
Agenda Memo - AM-22-333 - Pdf | 219 - 230 |
| A.5. | Public Hearing regarding the proposed fiscal year 2022-2023 budget.
Agenda Memo - AM-22-353 - Pdf | 231 - 617 |
| A.6. | Resolution No. 30380 approving the fiscal year 2022-2023 budget
Agenda Memo - AM-22-334 - Pdf | 618 - 620 |
| A.7. | Resolution No. 30381 amending the Hotel/Motel Grant Program
Agenda Memo - AM-22-336 - Pdf | 621 - 630 |

- A.8. Resolution No. 30382 approving agreement with General Code, LLC for recodification services, online code hosting and supplemental services and authorizing payment in the amount of \$21,954. 631 - 691
[Agenda Memo - AM-22-321 - Pdf](#)
- A.9. Motion to approve Mayor AbouAssaly's recommended appointments: 692 - 694
- Nuisance Enforcement/Property Maintenance Advisory Board
 - Elizabeth Allen - term expires 12/31/2024
 - Katie Keilholtz - term expires 12/31/2024
- [Agenda Memo - AM-22-368 - Pdf](#)
- A.10. Motion to approve 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. 695 - 707
[Agenda Memo - AM-22-331 - Pdf](#)
- A.11. Motion to approve a new liquor license for the following: 708
- St. Joseph Catholic Church (Fun Days) - 1790 14th Street
- [Agenda Memo - AM-22-366 - Pdf](#)
- A.12. Resolution No. 30383 approving agreement with D.A. Davidson for underwriting services in relation to the offering and issuance of General Obligation Bonds, Series 2022. 709 - 716
[Agenda Memo - AM-22-367 - Pdf](#)
- B. Public Services
- B.1. Public Hearing regarding the Demolition Package associated with the Public Service Maintenance Facility (FACS-17-069). 717
[Agenda Memo - AM-22-343 - Pdf](#)
- B.2. Resolution No. 30384 approving bids and awarding contract to Schrader Excavating for the Demolition Package associated with the Public Services Facility in a credit amount of \$100.00 (FACS-17-069). 718 - 719
[Agenda Memo - AM-22-347 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Public Hearing regarding the 2022 Pavement Patching Project (TRANS-18-090) 720 - 722
[Agenda Memo - AM-22-328 - Pdf](#)

- E.2. Resolution No. 30385 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) 723 - 725
[Agenda Memo - AM-22-327 - Pdf](#)
- E.3. Public Hearing regarding the 2022 Lowe Park Roadway Overlay Project (REC-18-052). 726 - 727
[Agenda Memo - AM-22-325 - Pdf](#)
- E.4. Resolution No. 30386 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). 728 - 729
[Agenda Memo - AM-22-324 - Pdf](#)
- E.5. Resolution No. 30387 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] 730 - 732
[Agenda Memo - AM-22-290 - Pdf](#)
- E.6. Resolution No. 30388 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) 733 - 735
[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: 736 - 737
- Motion to retain the City Engineer as Project regarding 2022 Sanitary Sewer Manhole (ANN-18-029)
 - Resolution No. 30389 approving of Necessity regarding the 2022 Sanitary Sewer Manhole Project (ANN-18-029)
 - Resolution No. 30390 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 No. 30391 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: 738 - 739
- Motion to retain the City Engineer as Project regarding 2022 Sanitary Sewer Manhole Rehabilitation (ANN-18-029)
 - Resolution No. 30392 approving of Necessity regarding the 2022 Sanitary Sewer Manhole Project Rehabilitation (ANN-18-029)
 - Resolution No. 30393 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 No. 30394 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. 740 - 742
- [Agenda Memo - AM-22-317 - Pdf](#)
- E.10. Ordinance No. 22-05 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) 743 - 745
- [Agenda Memo - AM-22-318 - Pdf](#)
- E.11. Resolution No. 30395 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) 746 - 756
- [Agenda Memo - AM-22-356 - Pdf](#)
- E.12. Resolution No. 30396 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) 757 - 762
- [Agenda Memo - AM-22-357 - Pdf](#)
- F. Community Development
- 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) 763 - 774

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

F.3. Resolution No. 30397 approving a final site development plan for Scooters Coffee Drive-Thru for property located at 1010 62nd Street, Marion, Iowa (B&C Coffee LLC) 775 - 789

[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.

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.

ADJOURN