



AGENDA

City Council Work Session

4:00 PM - Tuesday, May 17, 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# 819 9116 3694. 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, May 19 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PROCLAMATIONS/OATHS

- | | | |
|----|---|---------|
| 1. | Proclamation - American Legion Auxiliary Poppy Days (May 20-21, 2022) (Thursday)
Agenda Memo - AM-22-602 - Pdf | 11 - 12 |
| 2. | Proclamation - Kids to Parks Day (May 21, 2022) (Thursday)
Agenda Memo - AM-22-177 - Pdf | 13 - 14 |

PRESENTATIONS

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

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| 1. | Presentation regarding 2022 Summer Events (4:00-4:20)
Agenda Memo - AM-22-371 - Pdf | 15 |
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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.

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|------|--|---------|
| A. | Administrative Services | |
| A.1. | Minutes of the May 3 and 5, 2022 City Council meetings.
Agenda Memo - AM-22-632 - Pdf | 16 - 30 |
| A.2. | Motion to approved a liquor licenses including the following:
<ul style="list-style-type: none"> • Renewal - Walgreens #03876 - 1225 7th Avenue • New - Kiwanis Club of Marion Metro (BBQ Rendezvous) - 4500 N 10th Street • New - Marion Chamber of Commerce (Oktoberfest) - 7th Avenue between 10th & 12th Streets Agenda Memo - AM-22-671 - Pdf | 31 |

A.3.	Motion to approve Hold harmless agreements with:	32 - 33
	<ul style="list-style-type: none"> • Martin Gardner Architecture regarding a BizMix Summer Fiesta Block Party event on July 21, 2022 or July 28, 2022 (rain date) in the Uptown Artway. • Anonymous regarding a surprise retirement party event on September 3, 2022. 	
	Agenda Memo - AM-22-672 - Pdf	
A.4.	Resolution approving a waiver of time requirements for transient merchants pursuant to Section 122.06(6) of the Code of Ordinances (Mi Tierra's)	34
	Agenda Memo - AM-22-635 - Pdf	
A.5.	Receive and file correspondence from Craig Rairdin regarding resignation from the Marion Municipal Airport Committee.	35 - 37
	Agenda Memo - AM-22-688 - Pdf	
A.6.	Receive and file April 2022 Department Monthly Reports.	38 - 83
	Agenda Memo - AM-22-633 - Pdf	
A.7.	Payments as presented in the amount of \$1,867,604.85	84 - 114
	Agenda Memo - AM-22-634 - Pdf	
A.8.	Resolution approving Fiscal Year 2021-2022 operating and capital budget transfers in the amount of \$82,235.	115
	Agenda Memo - AM-22-691 - Pdf	
A.9.	Resolution approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration.	116 - 121
	Agenda Memo - AM-22-639 - Pdf	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution approving partial payment no. 2 to Eastern Iowa Excavating & Concrete, Inc. regarding the Prairie Hill Park Basketball Court in the amount of \$15,763.71. (REC-18-046)	122 - 124
	Agenda Memo - AM-22-646 - Pdf	
E.	Engineering (4:20-4:25)	
E.1.	Resolution approving Temporary Construction Easement with Travis C & Tiffany K Dooley, 2905 6th St., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106)	125
	Agenda Memo - AM-22-640 - Pdf	
E.2.	Resolution approving Temporary Construction Easement with Erica L Jacobs, 1380 Brockman Ave., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106)	126
	Agenda Memo - AM-22-641 - Pdf	

E.3.	Resolution approving Temporary Construction Easement with Tracy Davidson & Brett King, 2900 6th St., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106) Agenda Memo - AM-22-642 - Pdf	127
E.4.	Resolution approving Temporary Construction Easement with Crandco Investments LLC, 2900 3rd St., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106) Agenda Memo - AM-22-643 - Pdf	128
E.5.	Resolution approving Temporary Construction Easement with Rita J Packingham, 2195 5th Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-647 - Pdf	129
E.6.	Resolution approving Temporary Construction Easement with Darren Decklever, 2985 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-648 - Pdf	130
E.7.	Resolution approving Temporary Construction Easement with Marian E Clearwaters Revocable Trust, 386 22nd St., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-649 - Pdf	131
E.8.	Resolution approving Temporary Construction Easement with Marvin R Akers Testamentary Trust, 2811 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-650 - Pdf	132
E.9.	Resolution approving Temporary Construction Easement with Darlene M Krsek, 2865 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-651 - Pdf	133
E.10.	Resolution approving Temporary Construction Easement with Daniel D & Angela M Nelson, 420 22nd St., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-652 - Pdf	134
E.11.	Resolution approving Temporary Construction Easement with Cheryl J Booth, 2815 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-653 - Pdf	135
E.12.	Resolution approving Temporary Construction Easement with Nancy D Domer Trust, 2805 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090) Agenda Memo - AM-22-654 - Pdf	136

- E.13. Resolution approving Partial Payment No. 32 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$25,798.00 (TRANS-18-092) 137
[Agenda Memo - AM-22-658 - Pdf](#)
- E.14. Resolution approving Partial Payment No. 14 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$30,473.44. (FACS-17-034) 138
[Agenda Memo - AM-22-667 - Pdf](#)
- E.15. Resolution approving Partial Payment No. 15 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$3,641.35. (FACS-17-034) 139
[Agenda Memo - AM-22-669 - Pdf](#)
- E.16. Resolution approving Partial Payment No. 9 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$3,418.10. (FACS-17-034) 140
[Agenda Memo - AM-22-670 - Pdf](#)
- E.17. Resolution approving Partial Payment No. 11 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$1,784.10. (FACS-17-034) 141
[Agenda Memo - AM-22-673 - Pdf](#)
- E.18. Resolution Approving Partial Payment No. 3 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$60,325.00. (FACS-17-034) 142
[Agenda Memo - AM-22-674 - Pdf](#)
- E.19. Resolution approving Change Order 013 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding patching and repairing walls in the amount of \$4,933.88 (FACS-17-034) 143 - 157
[Agenda Memo - AM-22-675 - Pdf](#)
- E.20. Resolution approving Change Order 015 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding adding additional felt ceiling above stairs on 2nd floor per Fire Marshall in the amount of \$5,225.08 (FACS-17-034) 158 - 160
[Agenda Memo - AM-22-676 - Pdf](#)
- E.21. Resolution accepting public improvements in Marion Enterprise Center 10th Addition to the City of Marion. 161
[Agenda Memo - AM-22-627 - Pdf](#)

- E.22. Resolution approving Partial Payment No. 2 to Hughes Aerospace Corporation regarding the Marion Airport Instrument Flight Procedure Design Navigation Services and Maintenance in the amount of \$63,550.00. (ANN-18-082) 162 - 164
[Agenda Memo - AM-22-677 - Pdf](#)
- E.23. Resolution approving Partial Payment No. 16 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$20,092.69. (FACS-17-034) 165
[Agenda Memo - AM-22-678 - Pdf](#)
- E.24. Resolution approving Partial Payment No. 14 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$37,162.74. (FACS-17-034) 166
[Agenda Memo - AM-22-679 - Pdf](#)
- E.25. Resolution approving Partial Payment No. 11 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$753.82. (FACS-17-034) 167
[Agenda Memo - AM-22-680 - Pdf](#)
- E.26. Resolution approving Change Order No 022 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$13,276.05 from General Conditions Funds for the temp AC hook up. (FACS-17-034) 168 - 183
[Agenda Memo - AM-22-659 - Pdf](#)
- E.27. Resolution approving Change Order No 023 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$2,277.40 from General Conditions Funds to finance the costs associated with Pipe Pro work to move duct and fittings where an issue occurred with the steel. (FACS-17-034) 184 - 191
[Agenda Memo - AM-22-689 - Pdf](#)
- E.28. Resolution approving Change Order No. 009 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding the set up of temporary AC in the amount of \$13,276.05 (FACS-17-034) 192 - 205
[Agenda Memo - AM-22-660 - Pdf](#)
- E.29. Resolution approving Change Order No. 010 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding costs associated moving duct and fittings where an issue occurred with the steel in the amount of \$2,277.40 (FACS-17-034) 206 - 211
[Agenda Memo - AM-22-681 - Pdf](#)

- E.30. Resolution approving Change Order No. 013 with Acme Electric regarding the Marion Library Building Project BP 26A providing and installing 2 exit lights above the patio in the amount of \$580.41 (FACS-17-034) 212 - 219
[Agenda Memo - AM-22-682 - Pdf](#)
- E.31. Resolution approving Change Order No. 015 with Acme Electric regarding the Marion Library Building Project BP 26A regarding changing (11) F21 figures in the amount of \$2,422.03 (FACS-17-034) 220 - 223
[Agenda Memo - AM-22-683 - Pdf](#)
- E.32. Resolution approving Change Order No. 016 with Acme Electric regarding the Marion Library Building Project BP 26A regarding adding data jacks and outlets at main floor entrances in the amount of \$7,290.52 (FACS-17-034) 224 - 234
[Agenda Memo - AM-22-684 - Pdf](#)
- E.33. Resolution approving Change Order No. 018 with Acme Electric regarding the Marion Library Building Project BP 26A regarding adding 8 additional exit fixtures per direction of Fire Marshall in the amount of \$7,066.67 (FACS-17-034) 235 - 240
[Agenda Memo - AM-22-685 - Pdf](#)
- E.34. Resolution approving Change Order No. 4 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$11,979.50. (TAP-U-4775(635)—8I-57)(TRL-18-110) 241 - 245
[Agenda Memo - AM-22-636 - Pdf](#)
- E.35. Resolution authorizing the execution and submittal of a grant application to the IDOT regarding funding for the Marion Airport to bury the overhead power lines on the Runway 17 approach and for the installation of PAPI (Precision Approach Path Indicator). 246 - 259
[Agenda Memo - AM-22-686 - Pdf](#)
- F. Community Development
- F.1. Resolution approving Switch Electric - Central Corridor Review regarding roof mounted solar panels for the property located at 1962 5th Avenue, Marion, Iowa. (Switch Electric) 260 - 271
[Agenda Memo - AM-22-623 - Pdf](#)
- F.2. Resolution Providing for Notice of Hearing on Proposed Amendment to the Revitalization Plan for the 2021 Multiresidential Housing Urban Revitalization Area 272 - 280
[Agenda Memo - AM-22-462 - Pdf](#)
- G. Library
- G.1. Resolution approving partial payment No. 22 to Bush Construction regarding the Library Building Project in the amount of \$48,113.00 (FACS-17-034) 281 - 287
[Agenda Memo - AM-22-665 - Pdf](#)

REGULAR AGENDA

- A. Administrative Services (4:25-4:30)
- A.1. Resolution in support of a Workforce Housing Tax Incentive Program Application to be submitted to the Iowa Economic Development Authority (IEDA) (Uptown Development LC) 288 - 290
[Agenda Memo - AM-22-638 - Pdf](#)
- A.2. Public Hearing regarding the Fiscal Year 2021-2022 Budget Amendment 291 - 298
[Agenda Memo - AM-22-687 - Pdf](#)
- A.3. Resolution approving Fiscal Year 2021-2022 Budget Amendment 299 - 300
[Agenda Memo - AM-22-690 - Pdf](#)
- A.4. Resolution approving a Professional Service Agreement with Iowa Center for Economic Success to manage Marion's Small Business Grant Program and authorizing payment in the amount of \$50,000. 301 - 311
[Agenda Memo - AM-22-532 - Pdf](#)
- A.5. Ordinance No. 22-06 establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC (Second Consideration) 312 - 317
[Agenda Memo - AM-22-696 - Pdf](#)
- A.6. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 22-06.
- A.7. Ordinance No. 22-06 establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC (Final Consideration) 318
[Agenda Memo - AM-22-697 - Pdf](#)
- A.8. Ordinance No. 22-07 approving an amendment to Chapter 50 of the Marion Code of Ordinances regarding Nuisance Abatement Procedure. (Second Consideration) 319
[Agenda Memo - AM-22-698 - Pdf](#)
- B. Public Services (4:30-4:40)
- B.1. Ordinance amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.60 to \$6.00 (Initial Consideration) 320
[Agenda Memo - AM-22-661 - Pdf](#)
- B.2. Resolution approving professional services agreement with Shive-Hattery for design services related to the roof repairs to Marion City Hall and authorizing payment in the amount of \$24,000. 321 - 345
[Agenda Memo - AM-22-666 - Pdf](#)

- B.3. Resolution approving contract with Conlon Construction for Construction Manager Services related to storm repairs for Marion City Hall. 346 - 392
[Agenda Memo - AM-22-664 - Pdf](#)
- B.4. Public Hearing regarding the Roof Replacement Package associated with the existing Public Service Maintenance Facility. 393 - 395
[Agenda Memo - AM-22-662 - Pdf](#)
- B.5. Resolution approving bids and awarding contract to Poly Vinyl Roofing for the Roof Replacement Package associated with the existing Public Service Maintenance Facility in the amount of \$436,172.00. 396 - 399
[Agenda Memo - AM-22-663 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering (4:40-4:45)
- E.1. Resolution approving contract and bond with SAK Construction, LLC regarding the 2022 Sanitary CIPP Rehabilitation Project and authorizing payment in the amount of \$244,849.00. (ANN-18-029) 400 - 401
[Agenda Memo - AM-22-620 - Pdf](#)
- E.2. Motion to receive and file the Traffic Advisory Committee (TAC) Memo regarding speed limit on 7th Avenue from 250 feet west of 6th St to 15th St and 10th Street from 7th Ave to 8th Ave. 402 - 404
[Agenda Memo - AM-22-644 - Pdf](#)
- E.3. Ordinance amending Chapter 63 of the Code of Ordinances establishing the speed limit on 7th Avenue as 20 mph from 250 feet west of 6th St to 15th St and 10th Street as 20 mph from 7th Ave to 8th Ave (Initial Consideration) 405 - 407
[Agenda Memo - AM-22-645 - Pdf](#)
- F. Community Development (4:45-5:30)
- F.1. Ordinance No. 22-09 approving an amendment to Section 176.50-12 of the Marion Code of Ordinances regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts (Second Consideration) 408 - 412
[Agenda Memo - AM-22-588 - Pdf](#)
- F.2. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 22-09.
- F.3. Ordinance No. 22-09 approving an amendment to Section 176.50-12 of the Marion Code of Ordinances regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts (Final Consideration) 413 - 417
[Agenda Memo - AM-22-699 - Pdf](#)

- F.4. Ordinance No. 22-10 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding the use standards associated with sidewalk cafes (Second Consideration) 418 - 424
[Agenda Memo - AM-22-589 - Pdf](#)
- F.5. Motion to suspend the rules and proceed to the final consideration of Ordinance No. 22-10.
- F.6. Ordinance No. 22-10 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding the use standards associated with sidewalk cafes (Final Consideration) 425 - 431
[Agenda Memo - AM-22-700 - Pdf](#)
- F.7. Resolution approving Sidewalk Café Design Guidelines Manual 432 - 454
[Agenda Memo - AM-22-570 - Pdf](#)
- F.8. Ordinance No. 22-08 approving a request to rezone property located west of Alburnett Road and south of Prairie Trail, Marion, Iowa from Undesignated to SR-2, Suburban Medium Density Single-Family Residential. (Integrity Custom Homes, Inc.) (Second Consideration) 455 - 461
[Agenda Memo - AM-22-703 - Pdf](#)
- F.9. Resolution Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2022 Multifamily Urban Revitalization Area 462 - 470
[Agenda Memo - AM-22-454 - Pdf](#)
- F.10. Resolution approving contract with WSP USA, Inc. for assistance in the preparation of an application to the State of Iowa for completion of a Destination Iowa Outdoor Recreation Grant and authorizing payment in the amount of \$TBD. 471 - 489
[Agenda Memo - AM-22-693 - Pdf](#)
- F.11. Resolution approving contract with RDG Planning and Design, for assistance in the preparation of an application to the State of Iowa for completion of a Destination Iowa Outdoor Recreation Grant and authorizing payment in the amount of \$TBD. 490 - 491
[Agenda Memo - AM-22-694 - 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 and direction regarding 958/960 and 976 7th Avenue / 710 10th Street Sanitary Sewer. (Nathan Caraway property/School of Rock building) (5:30-5:40) 492 - 498
[Agenda Memo - AM-22-668 - Pdf](#)
- 2. Discussion regarding Wellmark insurance renewal (PDCM) (Thursday) 499 - 515
[Agenda Memo - AM-22-692 - Pdf](#)

3. Discussion regarding Fireworks (Thursday)

516

[Agenda Memo - AM-22-598 - 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 personnel matters and litigation as permitted under Section 21.5(1)(i) and Section 21.5(1)(c) of the Code of Iowa. (Two separate measures)

ADJOURN