



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, August 18, 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# 859 0119 1345. 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, August 18 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

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### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### MOMENT OF SILENCE

### PROCLAMATIONS/OATHS

- 1. Proclamation - 16th Annual Five Seasons Stand Down Day (September 1, 2022) 8 - 9

[Agenda Memo - AM-22-943 - Pdf](#)

### PRESENTATIONS

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

- 1. Community Life-Saving Award Presentation 10

[Agenda Memo - AM-22-1039 - 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 August 2 and 4, 2022 City Council meetings. 11 - 21

[Agenda Memo - AM-22-1034 - Pdf](#)

A.2.	Motion to approve liquor licenses including the following:	22
	<ul style="list-style-type: none"> <li>• New - Kwik Star #1172 - 3055 7th Ave</li> <li>• Renewal - Eva's Mexican Restaurant - 835 7th Ave</li> </ul>	
	<a href="#">Agenda Memo - AM-22-1033 - Pdf</a>	
A.3.	Motion to approve the Fiscal Year 2023 Cigarette License for the following:	23
	<ul style="list-style-type: none"> <li>• Kwik Star #1172 - 3055 7th Avenue</li> </ul>	
	<a href="#">Agenda Memo - AM-22-1006 - Pdf</a>	
A.4.	Motion to approve hold harmless agreement with Tim Troyna regarding a block party event on September 10, 2022 in the 2400 block of 28th Avenue.	24 - 32
	<a href="#">Agenda Memo - AM-22-1046 - Pdf</a>	
A.5.	Receive and file July 2022 Department Monthly Reports.	33 - 83
	<a href="#">Agenda Memo - AM-22-1035 - Pdf</a>	
A.6.	Payments as presented in the amount of \$1,445,036.50	84 - 108
	<a href="#">Agenda Memo - AM-22-1036 - Pdf</a>	
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 30772 approving purchase of mobile data computer system from CDW Government and authorizing payment in the amount of \$141,011.90.	109 - 118
	<a href="#">Agenda Memo - AM-22-1058 - Pdf</a>	
D.	Parks	
D.1.	Resolution No. 30773 approving partial payment no. 4 to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of \$30,525.	119 - 121
	<a href="#">Agenda Memo - AM-22-1056 - Pdf</a>	
D.2.	Resolution No. 30774 approving payment to MasterWorks Studios LLC for repair of the Civil War Statue in the amount of \$15,050.	122 - 123
	<a href="#">Agenda Memo - AM-22-1061 - Pdf</a>	
E.	Engineering	
E.1.	Resolution No. 30775 approving Change Order No. 5 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$11,900.00 (TRANS-18-101)	124 - 126
	<a href="#">Agenda Memo - AM-22-1008 - Pdf</a>	
E.2.	Resolution No. 30776 approving Partial Payment No. 35 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$6,939.00 (TRANS-18-092)	127 - 128
	<a href="#">Agenda Memo - AM-22-1047 - Pdf</a>	

- E.3. Resolution No. 30777 approving Change Order 016 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding repairing damaged drywall in the amount of \$652.00 (FACS-17-034) 129 - 134  
[Agenda Memo - AM-22-1048 - Pdf](#)
- E.4. Motion to approve Change Orders regarding the Marion Library Project – Construction Manager as Advisor as follows: 135 - 144
- Resolution No. 30778 approving Change Order No 026 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$1,146.00 from General Conditions Funds for Ahern Fire’s materials for the Play Structure Protection. (FACS-17-034)
  - Resolution No. 30779 approving Change Order No 029 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$652.00 from General Conditions Funds for Pearson Wall’s contract to perform drywall patching. (FACS-17-034)
- [Agenda Memo - AM-22-1049 - Pdf](#)
- E.5. Resolution No. 30780 approving Change Order No. 008 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A to add sprinklers to the play area in the amount of \$5,460.00. (FACS-17-034) 145 - 148  
[Agenda Memo - AM-22-1050 - Pdf](#)
- E.6. Resolution No. 30781 approving Change Order No. 007 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A for materials needed for the play structure sprinklers in the amount of \$1,146.00. (FACS-17-034) 149 - 153  
[Agenda Memo - AM-22-1051 - Pdf](#)
- E.7. Resolution No. 30782 approving payment to the East Central Iowa Council of Governments regarding the Indian Creek Watershed Management Authority in the amount of \$17,432.90 154  
[Agenda Memo - AM-22-979 - Pdf](#)
- E.8. Resolution No. 30783 approving agreement with Substantial Rock LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) 155 - 166  
[Agenda Memo - AM-22-1060 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 30784 setting a public hearing for September 8, 2022 regarding a request to vacate portions of 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner) 167 - 172  
[Agenda Memo - AM-22-1021 - Pdf](#)
- G. Library

- G.1. Resolution No. 30785 approving partial payment No. 33 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$6,300.00 (FACS-17-034) 173 - 176  
[Agenda Memo - AM-22-1055 - 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. 30786 approving Partial Payment No. 1 to Abode Construction, Inc. regarding the demolition of Airport Quonset Hut located at 1690 Marion Airport Road and authorizing payment in an amount of \$4,900.00 177  
[Agenda Memo - AM-22-1053 - Pdf](#)
  - E.2. Resolution No. 30787 accepting the Airport Quonset Hut Demolition located at 1690 Marion Airport Road. 178  
[Agenda Memo - AM-22-1054 - Pdf](#)
  - E.3. Resolution No. 30788 approving Change Order No. 020 with Acme Electric regarding the Marion Library Building Project BP 26A regarding adding room schedulers and data cabling in the amount of \$19,672.67 (FACS-17-034) 179 - 193  
[Agenda Memo - AM-22-1052 - Pdf](#)
  - E.4. Motion to receive and file Marion Airport Assessment of Existing Conditions from HDR. 194 - 227  
[Agenda Memo - AM-22-1040 - Pdf](#)
- F. Community Development - None
- G. Library - None

**REGULAR AGENDA**

- A. Administrative Services
  - A.1. Resolution No. 30789 amending the non-bargaining pay schedule to adjust the salary range for the Deputy City Manager position. 228 - 230  
[Agenda Memo - AM-22-1070 - Pdf](#)
  - A.2. Resolution No. 30790 approving employment agreement with Kim Downs as Deputy City Manager 231 - 237  
[Agenda Memo - AM-22-1024 - Pdf](#)
- B. Public Services

- B.1. Ordinance No. 22-15 amending Chapter 105 of the Code of Ordinances relating to Solid Waste by Establishing Base Monthly Collection Fees at \$20.00 and increasing commercial rates. (Second Consideration) 238 - 250  
[Agenda Memo - AM-22-1030 - Pdf](#)
- B.2. Resolution No. 30791 approving contract with King-Knutson Construction for the Pre-Engineered Steel Building Package associated with the new Public Service Maintenance Facility and authorizing payment in the amount of \$4,585,000. (FACS-17-069). 251 - 252  
[Agenda Memo - AM-22-1057 - Pdf](#)
- B.3. Motion to approve Project Calendar for the Roof Repair Package associated with Marion City Hall: 253 - 263
- Resolution No. 30792 approving Resolution of Necessity regarding the Roof Repair Package associated with Marion City Hall.
  - Resolution No. 30793 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Roof Repair Package associated with Marion City Hall.
  - Resolution No. 30794 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Roof Repair Package associated with Marion City Hall.
- [Agenda Memo - AM-22-1038 - Pdf](#)
- B.4. Public Hearing regarding the Foundation Repair Package associated with the new Public Service Maintenance Facility (FACS-17-069). 264  
[Agenda Memo - AM-22-1059 - Pdf](#)
- B.5. Resolution No. 30795 approving bids and awarding contract to Western Specialty Contractors for the Foundation Repair Package associated with the new Public Service Maintenance Facility in the amount of \$348,500.00 (FACS-17-069). 265  
[Agenda Memo - AM-22-1037 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Public comment period regarding a request to designate 4th Avenue between 12th Street and 14th Street a one-way (westbound) and 13th Street a one-way from 3rd Avenue to 4th Avenue a one-way. (Southbound) 266 - 276  
[Agenda Memo - AM-22-1041 - Pdf](#)

- E.2. Motion to receive, file and discuss TAC report regarding a request to designate 4th Avenue between 12th Street and 14th Street a one-way (westbound) and 13th Street a one-way from 3rd Avenue to 4th Avenue a one-way. (Southbound) (Marion Independent School District, MISD) 277 - 287  
[Agenda Memo - AM-22-1042 - Pdf](#)
- E.3. Resolution No. 30796 establishing 4th Avenue between 12th Street and 14th Street a one-way (Westbound) and approving installation of the appropriate traffic control signs. 288 - 298  
[Agenda Memo - AM-22-1043 - Pdf](#)
- E.4. Resolution No. 30797 establishing 13th Street between 3rd Avenue and 4th Avenue as a one-way (Southbound) and approving installation of the appropriate traffic control signs. 299 - 309  
[Agenda Memo - AM-22-1044 - Pdf](#)
- F. Community Development
- F.1. Ordinance No. 22-16 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding drive-thru facility stacking and design requirements. (Second Consideration) 310 - 314  
[Agenda Memo - AM-22-1012 - Pdf](#)
- F.2. Public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single Family Attached Residential and to rezone property from AG, Agricultural Holding to SR-4, Suburban Two-Family Residential District for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC) (continued from 8/5/2022) 315 - 333  
[Agenda Memo - AM-22-1023 - Pdf](#)
- F.3. Motion to remove from table Resolution No. 30771 regarding an amendment to the Marion Future Land Use Map of the Marion Comprehensive Plan (Atwood Rentals, LLC) (Tabled 8/4/22)
- F.4. Resolution No. 30771 approving an amendment to the Marion Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single Family Attached Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC) (Tabled 8/4/22) 334 - 339  
[Agenda Memo - AM-22-1027 - Pdf](#)
- F.5. Motion to remove from table Ordinance No. 22-17 regarding a request to rezone property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC) (Tabled 8/4/22)

- F.6. Ordinance No. 22-17 approving a request to rezone property from AG, Agricultural Holding to SR-4, Suburban Two-Family Residential District for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa. (Atwood Rentals, LLC) (Initial Consideration) (Tabled 8/4/22) 340 - 346  
[Agenda Memo - AM-22-1028 - 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 the consideration of a request to amend the 2020 Development Agreement with Genesis Equities regarding the 6th Avenue Project to include a revised concept plan. 347 - 390  
[Agenda Memo - AM-22-1026 - Pdf](#)

### **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 land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa.

### **ADJOURN**