



AGENDA

City Council Regular Session

5:30 PM - Thursday, December 8, 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# 867 9827 1901. 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, December 8 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- | | | |
|----|---|---------|
| 1. | Recognition of Firefighter John McIntosh | 10 |
| | Agenda Memo - AM-22-1490 - Pdf | |
| 2. | Proclamation - International Human Rights Day (December 10, 2022) | 11 - 12 |
| | Agenda Memo - AM-22-1264 - 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 November 15 and 17, 2022 City Council meetings | 13 - 24 |
| | Agenda Memo - AM-22-1485 - Pdf | |

- A.2. Motion to approve liquor licenses including the following: 25 - 26
- Renewal - Nasos' Pizza - 453 7th Ave
 - Renewal - Carlos O Kellys Mexican Cafe - 3320 Armar Drive
 - Renewal - Mandarin Spice Buffet & Grill - 1412 Twixt Town Road
 - Renewal - Corridor Courts - 750 44th Street
 - Renewal - Walmart Supercenter #3630 - 5491 Business HWY 151

[Agenda Memo - AM-22-1499 - Pdf](#)

- A.3. Mayor AbouAssaly's recommended reappointments: 27 - 28
- Arts Council
 - Chad Hay - term expires 12/31/25
 - Cindy Fountain - term expires 12/31/25
 - Thomas Sharpe - term expires 12/31/25
 - Cedar Rapids/Linn County Solid Waste Agency
 - Craig Adamson - term expires 12/31/24
 - Construction Code Review Board
 - Larry Nessel - term expires 12/31/26
 - Terry Sauer - term expires 12/31/26
 - Andy Becker - term expires 12/31/26
 - Historic Preservation Commission
 - Cody Buelt - term expires 12/31/25
 - Kathy Wilson - term expires 12/31/25
 - Nuisance Enforcement/Property Maintenance Advisory Board
 - Jeff Tipton - term expires 12/31/25
 - Grant Hagen - term expires 12/31/25
 - Planning and Zoning Commission
 - Jillissa Moorman - term expires 12/31/27
 - Landis Wiley - term expires 12/31/27
 - Public Services Board
 - Tom Padley - term expires 12/31/24
 - Mark Morgan - term expires 12/31/24
 - Colleen Prokup - term expires 12/31/24
 - Tree Board
 - Tom Ryan - term expires 12/31/26
 - Kate Pine - term expires 12/31/26
 - Joe Spinks - term expires 12/31/26
 - Water Board
 - Terry Chew - term expires 12/31/28
 - Zoning Board of Adjustment
 - Todd Pearson - term expires 12/31/27

[Agenda Memo - AM-22-1462 - Pdf](#)

- A.4. Payments as presented in the amount of \$4,819,521.78 29 - 60
- [Agenda Memo - AM-22-1486 - Pdf](#)

A.5.	Resolution No. 31013 approving payment to Cedar Rapids Metro Economic Alliance regarding investment dues and membership for calendar year 2023 and authorizing payment in the amount of \$17,500 Agenda Memo - AM-22-1481 - Pdf	61
A.6.	Resolution No. 31014 approving payment to Tyler Technologies for Enterprise Resource Planning (ERP) and Timekeeping software maintenance and support in the amount of \$162,467.51 Agenda Memo - AM-22-1465 - Pdf	62 - 63
A.7.	Resolution No. 31015 approving professional services agreement with the Marion Chamber of Commerce and authorizing payment in the amount of \$1,419 annually Agenda Memo - AM-22-1508 - Pdf	64 - 68
A.8.	Resolution No. 31016 approving an amended employment agreement with the City Manager Agenda Memo - AM-22-1483 - Pdf	69 - 70
A.9.	Resolution No. 31017 approving matching funds for the Marion Chamber of Commerce Marion Leadership in Action Winter Lights Project in an amount not to exceed \$20,000 Agenda Memo - AM-22-1373 - Pdf	71
A.10.	Resolution No. 31018 approving termination of the underwriter/placement agent agreement with Piper Sandler and authorizing payment in the amount of \$105,000 Agenda Memo - AM-22-1501 - Pdf	72 - 89
A.11.	Resolution No. 31019 approving partial payments no. 23 and 24 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$5,041.25 Agenda Memo - AM-22-1517 - Pdf	90 - 96
B.	Public Services	
B.1.	Resolution No. 31020 approving the purchase of winter deicer for fiscal year 2023 from Compass Minerals and authorizing payment in the amount of \$329,112 Agenda Memo - AM-22-1511 - Pdf	97
B.2.	Resolution No. 31021 approving the Snow and Ice Maintenance Program for Fiscal Year 2023 Agenda Memo - AM-22-1510 - Pdf	98 - 107
C.	Public Safety	
C.1.	Resolution No. 31022 approving a memorandum of understanding with Marion Policeman's Protective Association regarding twelve hour shifts for Patrol Division effective January 14, 2023 to July 8, 2023 Agenda Memo - AM-22-1506 - Pdf	108 - 114

C.2.	Resolution No. 31023 approving a memorandum of understanding with Marion Policeman's Protective Association regarding a temporary lift of the 100-hour holiday leave bank limit for the communications center effective December 6, 2022 to January 14, 2023 Agenda Memo - AM-22-1507 - Pdf	115 - 117
C.3.	Resolution No. 31024 approving an agreement with Lund Fire Protection regarding fire protection plan review and authorizing payment in an amount not to exceed \$60,000 Agenda Memo - AM-22-1492 - Pdf	118 - 129
D.	Parks	
D.1.	Receive and file the Indian Creek Master Plan for Creekside Pride Agenda Memo - AM-22-1474 - Pdf	130
E.	Engineering	
E.1.	Resolution No. 31025 accepting the 2022 Lowe Park Sidewalk Replacement Project (FACS-08-042) Agenda Memo - AM-22-1480 - Pdf	131
E.2.	Resolution No. 31026 accepting the 2022 Storm Sewer Project (ANN-18-031) Agenda Memo - AM-22-1470 - Pdf	132
E.3.	Resolution No. 31027 approving Change Order 02 with Rathje Construction Company regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project for a credit in the amount of \$12,000 (TRANS-19-118) (CS-TSF-4775(641)--85-57) Agenda Memo - AM-22-1468 - Pdf	133 - 135
E.4.	Resolution No. 31028 approving Change Order 03 with Rathje Construction Company regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project and authorizing payment in the amount of \$12,786.25 (TRANS-19-118) (CS-TSF-4775(641)--85-57) Agenda Memo - AM-22-1467 - Pdf	136 - 139
E.5.	Resolution No. 31029 approving Partial Payment No. 18 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$949.41 (TAP-U-4775(638)—81-57)(TRL-17-055) Agenda Memo - AM-22-1495 - Pdf	140
E.6.	Resolution No. 31030 approving Partial Payment No. 5 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$3,070 (TAP-U-4775(635)—81-57)(TRL-18-110) Agenda Memo - AM-22-1496 - Pdf	141

- E.7. Resolution No. 31031 approving Partial Payment No. 17 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 \$182,888.50 (TRANS-18-101) 142
[Agenda Memo - AM-22-1476 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 31032 approving Eagle Trace Second Addition Final Plat to Linn County located at 2513 White Eagle Trail SE, Linn County, Iowa (Dream Builders of Iowa, LLC) 143 - 152
[Agenda Memo - AM-22-1463 - Pdf](#)
- F.2. Resolution No. 31033 approving payment no. 37 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$8,099.93 (TRL-17-055) 153 - 159
[Agenda Memo - AM-22-1505 - Pdf](#)
- F.3. Resolution No. 31034 setting a public hearing for January 5, 2023, regarding a request to purchase vacated 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner) 160 - 164
[Agenda Memo - AM-22-1346 - Pdf](#)
- F.4. Resolution No. 31035 approving the purchase of two (2) 2023 Ford Escapes from Lynch Ford and authorizing payment in the amount of \$62,500 165 - 166
[Agenda Memo - AM-22-1498 - Pdf](#)
- F.5. Resolution No. 31036 setting public hearing for December 22, 2022 to discuss applications for Community Development Block Grant Disaster Recovery (CDBG-DR) housing funds and to collect input for a Community Development and Housing Needs Assessment 167 - 168
[Agenda Memo - AM-22-1516 - Pdf](#)
- F.6. Resolution No. 31037 approving service agreement with East Central Iowa Council of Governments for completion of the Community Development Block Grant-Disaster Recovery (CDBG-DR) Application to the State of Iowa 169 - 170
[Agenda Memo - AM-22-1515 - 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

- A.1. Mayor Pro Tem Brandt's recommended reappointment: 171
 - Marion Municipal Airport Committee - Bonnie Roth - term expires 12/31/26

[Agenda Memo - AM-22-1473 - Pdf](#)
- A.2. Motion to approve a liquor license as follows: 172
 - Renewal - Giving Tree Theater - 752 10th Street

[Agenda Memo - AM-22-1500 - Pdf](#)
- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
 - E.1. Resolution No. 31038 accepting paving associated with the Silver Rock Estates 1st Addition to the City of Marion 173

[Agenda Memo - AM-22-1482 - Pdf](#)
 - E.2. Resolution No. 31039 approving partial payment no. 15 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 \$622.20 [TAP-U-4775(638)—8I-57] (TRL-17-055) 174 - 175

[Agenda Memo - AM-22-1479 - Pdf](#)
- F. Community Development - None
- G. Library - None

REGULAR AGENDA

- A. Administrative Services
 - A.1. Ordinance No. 22-24 amending Chapter 31 of the Marion Code of Ordinances relating to the Civil Rights Commission (initial consideration) 176 - 208

[Agenda Memo - AM-22-1509 - Pdf](#)
 - A.2. Resolution No. 31040 approving an amendment to the 28E agreement with Cedar Rapids regarding Civil Rights Commission staffing services 209 - 214

[Agenda Memo - AM-22-1494 - Pdf](#)
 - A.3. Public hearing on proposal to enter into a Road Use Tax Revenue Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$18,400,000 215 - 231

[Agenda Memo - AM-22-1502 - Pdf](#)
 - A.4. Resolution No. 31041 taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement 232 - 248

[Agenda Memo - AM-22-1518 - Pdf](#)

A.5.	Public hearing on a proposal to enter into a Solid Waste Revenue Improvement and Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$10,100,000 Agenda Memo - AM-22-1504 - Pdf	249 - 265
A.6.	Resolution No. 31042 taking additional action on proposal to enter into a Solid Waste Revenue Improvement and Refunding Loan Agreement Agenda Memo - AM-22-1519 - Pdf	266 - 282
A.7.	Public hearing on a proposal to enter into a Sewer Revenue Improvement and Refunding Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$6,800,000 Agenda Memo - AM-22-1503 - Pdf	283 - 299
A.8.	Resolution No. 31043 taking additional action on proposal to enter into a Sewer Revenue Improvement and Refunding Loan Agreement Agenda Memo - AM-22-1520 - Pdf	300 - 316
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Public Hearing regarding the 788 2nd Street Disposal Project (TRANS-18-092) Agenda Memo - AM-22-1487 - Pdf	317 - 318
E.2.	Motion to approve project calendar regarding the 788 2nd Street Disposal Project: <ul style="list-style-type: none">• Resolution No. 31044 accepting bids and awarding contract to D.W. Zinser Co. regarding the 788 2nd Street Disposal Project in the amount of \$30,950 (TRANS-18-092)• Resolution No. 31045 approving contract with D.W. Zinser Co. regarding the 788 2nd Street Disposal Project and authorizing payment in the amount of \$30,950 (TRANS-18-092) Agenda Memo - AM-22-1488 - Pdf	319 - 320

- E.3. Motion to approve Project Calendar regarding the 2023 Storm Sewer Project (ANN-18-031), as follows: 321 - 322
- Motion to retain the City Engineer as Project Engineer regarding the 2023 Storm Sewer Project (ANN-18-031)
 - Resolution No. 31046 approving Resolution of Necessity regarding 2023 Storm Sewer Project (ANN-18-031)
 - Resolution No. 31047 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2023 Storm Sewer Project (ANN-18-031)
 - Resolution No. 31048 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2023 Storm Sewer Project (ANN-18-031)

[Agenda Memo - AM-22-1477 - Pdf](#)

F. Community Development

- F.1. Ordinance No. 22-23 approving a request to rezone the property from AG, Agricultural Holding to SR-3, Suburban Medium Density Single-Family Residential for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa (Atwood Rentals, LLC) (final consideration) 323 - 334

[Agenda Memo - AM-22-1391 - Pdf](#)

- F.2. Resolution No. 31049 approving the Osage Estates Preliminary Plat for property located west of Winslow Road and south of Tower Terrace Road extended, Marion, Iowa (Atwood Rentals, LLC) 335 - 340

[Agenda Memo - AM-22-1392 - Pdf](#)

- F.3. Public hearing regarding an amendment to Chapter 176, Zoning Regulations to establish Ch. 176.56, Architectural Design Standards and Site Development Plan Review 341 - 361

[Agenda Memo - AM-22-1413 - Pdf](#)

- F.4. Ordinance No. 22-25 amending Chapter 176, Zoning Regulations to establish Ch. 176.56, Architectural Design Standards and Site Development Plan Review (initial consideration) 362

[Agenda Memo - AM-22-1414 - 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