



# AGENDA

## City Council Regular Session

5:30 PM - Thursday, February 9, 2023

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# 874 4216 4650. 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, February 9 via email at [cityclerk@cityofmarion.org](mailto:cityclerk@cityofmarion.org).

Page

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### MOMENT OF SILENCE

### PROCLAMATIONS/OATHS

- |    |   |         |
|----|---|---------|
| 1. | Proclamation - Black History Month (February 2023)<br><a href="#">Agenda Memo - AM-22-1550 - Pdf</a>    | 10 - 11 |
| 2. | Proclamation - Love Your Library Month (February 2023)<br><a href="#">Agenda Memo - AM-23-086 - Pdf</a> | 12 - 13 |

### 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 January 17, 19, 27 and 30, 2023 City Council meetings<br><a href="#">Agenda Memo - AM-23-087 - Pdf</a> | 14 - 28 |

A.2. Motion to approve liquor licenses as follows:

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- Renewal - Nara Thai Cuisine - 1725 Blairs Ferry RD Unit 102
- Renewal - Cedar Rapids Bowling Center - 265 Blaris Ferry Road NE
- Renewal - Marion Veterans Club - 625 31st Street

[Agenda Memo - AM-23-084 - Pdf](#)

A.3. Motion to approve alcohol violation calendar as follows:

30 - 31

- Resolution No. 31143 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 (Zoey's Pizzeria)
- Resolution No. 31144 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 (Carlos O'Kelley's #0840)
- Resolution No. 31145 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 (NASOS)
- Resolution No. 31146 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 (The Edison Restaurant & Pub)
- Resolution No. 31147 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 (Napolis)
- Resolution No. 31148 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 (Eva's Mexican Restaurant)
- Resolution No. 31149 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 (Towneplace Suites by Marriott)

[Agenda Memo - AM-23-080 - Pdf](#)

- A.4. Motion to approve alcohol violation calendar as follows: 32
- Resolution No. 31150 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement established in section 123.50(3) of the Code of Iowa (Your Pie)
  - Resolution No. 31151 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement established in section 123.50(3) of the Code of Iowa (Beans Teas and Other Things)
- [Agenda Memo - AM-23-082 - Pdf](#)
- A.5. Motion to approve tobacco violation calendar as follows: 33 - 34
- Resolution No. 31152 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 (Hy-Vee Gas)
  - Resolution No. 31153 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 (Greenleaf Tobacco)
  - Resolution No. 31154 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 (Casey's General Store #2770)
  - Resolution No. 31155 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 (Casey's General Store #2919)
  - Resolution No. 31156 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 (BP to Go)
  - Resolution No. 31157 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 (Hawks Smoke Shop)
  - Resolution No. 31158 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 Store 509)
- [Agenda Memo - AM-23-085 - Pdf](#)
- A.6. Certified List for Police Sergeant and Police Lieutenant 35 - 36
- [Agenda Memo - AM-23-060 - Pdf](#)
- A.7. Receive and file correspondence from Colette Atkins regarding her resignation from the Marion City Council effective March 31, 2023 37 - 38
- [Agenda Memo - AM-23-051 - Pdf](#)

A.8.	Motion directing staff to publish notice of intent to fill Ward 1 vacancy by appointment <a href="#">Agenda Memo - AM-23-054 - Pdf</a>	39 - 40
A.9.	Resolution No. 31159 setting date of public hearing for February 23, 2023 regarding adoption of the 2023 Code of Ordinances <a href="#">Agenda Memo - AM-23-055 - Pdf</a>	41 - 90
A.10.	Payments as presented in the amount of \$6,983,117.18 <a href="#">Agenda Memo - AM-23-088 - Pdf</a>	91 - 120
A.11.	Resolution No. 31160 approving partial payment no. 26 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$786.25 <a href="#">Agenda Memo - AM-23-095 - Pdf</a>	121 - 124
A.12.	Resolution No. 31161 approving 42-month agreement with KnowBe4 regarding security training and services and authorizing payment in the amount of \$14,958.72 <a href="#">Agenda Memo - AM-23-089 - Pdf</a>	125
B.	Public Services	
B.1.	Resolution No. 31162 approving contract amendment and Change Order No. 12 with Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility and authorizing payment in the amount of \$532,044 (FACS-17-069) <a href="#">Agenda Memo - AM-23-108 - Pdf</a>	126 - 127
C.	Public Safety	
C.1.	Resolution No. 31163 approving an update to the Police Department Public Records Request Policy and Fee Schedule <a href="#">Agenda Memo - AM-23-100 - Pdf</a>	128 - 132
C.2.	Resolution No. 31164 approving payment to Keltek Incorporated regarding installation of equipment and authorizing payment in the amount of \$39,525.50 <a href="#">Agenda Memo - AM-23-066 - Pdf</a>	133 - 146
C.3.	Resolution No. 31165 approving payment to Traffic Control Corporation for GPS preemption vehicle kits in the amount of \$23,250 <a href="#">Agenda Memo - AM-23-067 - Pdf</a>	147 - 150
C.4.	Resolution No. 31166 approving a contract with Atchison Consulting Service (ACS) regarding the development of the City of Marion Emergency Operations Plan (EOP) and Continuity of Operations Plan (COOP) in the amount not to exceed \$23,100 <a href="#">Agenda Memo - AM-23-076 - Pdf</a>	151 - 175
D.	Parks - None	

- E. Engineering
- E.1. Resolution No. 31167 approving partial payment no. 19 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 \$9,897.30 (TRANS-18-101) 176  
[Agenda Memo - AM-23-063 - Pdf](#)
- E.2. Resolution No. 31168 approving partial payment no. 5 to EB Solutions, Inc. regarding the Wetland Mitigation and Annual Monitoring for the Grant Wood Trail in the amount of \$1,680 177 - 179  
[Agenda Memo - AM-23-072 - Pdf](#)
- E.3. Resolution No. 31169 rescinding Resolution No. 31099 and approving change order no. 037R with Bush Construction regarding the Marion Library Project Construction Manager as Advisor to add funds to General Conditions from allowance deducts (Corridor, Culver's, Knutson) in the amount of \$37,796.37 (FACS-17-034) 180 - 185  
[Agenda Memo - AM-23-074 - Pdf](#)
- E.4. Resolution No. 31170 authorizing a funding application to the Corridor Metropolitan Planning Organization for regional transportation funds in the additional amount of \$1,635,000 and committing to provide local matching funds for the Marion BLVD / 7th Avenue / 10th Avenue Project in Marion (7th Avenue; 12th Street to 22nd Street) (TRANS-20-001) 186 - 206  
[Agenda Memo - AM-23-079 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 31171 approving payment no. 39 to Shoemaker Haaland per the contract for the CeMar Trail in the amount of \$4,546.96 (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) (TRL-17-055) 207 - 212  
[Agenda Memo - AM-23-090 - 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. Resolution No. 31172 approving Affirmative Defense Agreement with La Cantina Bar and Grill 213 - 215  
[Agenda Memo - AM-23-081 - Pdf](#)
- B. Public Services

- B.1. Resolution No. 31173 approving a letter of engagement with Greyhawk North America, LLC for consulting services and authorizing payment in an amount not to exceed \$25,000 216  
[Agenda Memo - AM-23-099 - Pdf](#)
- B.2. Resolution No. 31113 approving contract with Dan's Overhead Doors for the Overhead Door Package associated with the Public Service Maintenance Facility and authorizing payment in the amount of \$597,956 (FACS-17-069) (Removed from agenda 1/19/23) 217 - 257  
[Agenda Memo - AM-23-111 - Pdf](#)
- B.3. Resolution No. 31114 approving contract with LL Pelling for the Paving Package for the Public Service Facility and authorizing payment in the amount of \$1,242,835 (FACS-17-069) (Removed from agenda 1/19/23) 258 - 298  
[Agenda Memo - AM-23-044 - Pdf](#)
- B.4. Resolution No. 31115 approving contract with T&K Roofing for the Roofing Package associated with the Public Service Maintenance Facility and authorizing payment in the amount of \$2,200,000 (FACS-17-069) (Removed from agenda 1/19/23) 299 - 339  
[Agenda Memo - AM-23-045 - Pdf](#)
- B.5. Resolution No. 31116 approving contract with Hawkeye Electric for the Electrical Package for the Public Services Facility and authorizing payment in the amount of \$2,228,960 (FACS-17-069) (Removed from agenda 1/19/23) 340 - 380  
[Agenda Memo - AM-23-043 - Pdf](#)
- B.6. Resolution No. 31117 approving contract with B.G. Brecke for the Mechanical Package associated with the Public Service Maintenance Facility and authorizing payment in the amount of \$5,892,630 (FACS-17-069) (Removed from agenda 1/19/23) 381 - 421  
[Agenda Memo - AM-23-104 - Pdf](#)
- B.7. Resolution No. 31174 approving a change order with Western Specialty Contractors for the foundation repairs to the Public Service Facility and authorizing payment in the amount of \$46,164.99 (FACS-17-069) 422  
[Agenda Memo - AM-23-107 - Pdf](#)
- B.8. Resolution No. 31175 approving contract amendment and change order with A-One Geothermal for the Geothermal Field Site Package and authorizing payment in the amount of \$31,863 423  
[Agenda Memo - AM-23-109 - Pdf](#)
- B.9. Resolution No. 31176 approving contract to Wendling Quarries regarding concrete reclamation and recycling services and authorizing payment in the amount not to exceed \$55,600 424 - 427  
[Agenda Memo - AM-23-110 - Pdf](#)

- B.10. Resolution No. 31177 authorizing payment to Stearns, Conrad and Schmidt Consulting (SCS) Engineers in the amount of \$46,588.26 428 - 430  
[Agenda Memo - AM-23-116 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Resolution No. 31178 accepting paving associated with Marion Aircom Park 1st Addition to the City of Marion 431  
[Agenda Memo - AM-23-103 - Pdf](#)
- F. Community Development - None
- G. Library - None

## **REGULAR AGENDA**

- A. Administrative Services - None
- B. Public Services
- B.1. Motion to approve Project Calendar for the General Construction and Building Concrete Trade Packages associated with the new Public Service Maintenance Facility as follows: 432 - 433
- Resolution No. 31179 approving Resolution of Necessity regarding the General Construction and Building Concrete Trade Packages associated with the new Public Service Maintenance Facility (FACS-17-069)
  - Resolution No. 31180 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the General Construction and Building Concrete Trade Packages for the new Public Service Maintenance Facility (FACS-17-069)
  - Resolution No. 31181 approving and adopting final plans, specifications, notice of public hearing for March 9, 2023 and letting, notice to bidders, form of contract, and estimate of cost regarding the General Construction and Building Concrete Trade Packages for the new Public Service Maintenance Facility (FACS-17- 069)
- [Agenda Memo - AM-23-117 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Resolution No. 31182 approving contract and bond with Ralston Construction, Inc. regarding the 2023 Storm Sewer Project in the amount of \$128,180.55 (ANN-18-031) 434 - 436  
[Agenda Memo - AM-23-062 - Pdf](#)

- |      |  |           |
|------|--|-----------|
| E.2. | Ordinance No. 23-01 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Fernow Road from Fields Drive to Highway 13 as 35 mph (Second consideration)<br><a href="#">Agenda Memo - AM-23-073 - Pdf</a>  | 437 - 439 |
| E.3. | Motion to approve project calendar regarding the 2023 Hanna Park Improvements Project as follows: <ul style="list-style-type: none"> <li>• Motion to retain the City Engineer as Project Engineer regarding the 2023 Hanna Park Improvements Project (REC-18-048)</li> <li>• Resolution No. 31183 approving Resolution of Necessity regarding the 2023 Hanna Park Improvements Project (REC-18-048)</li> <li>• Resolution No. 31184 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2023 Hanna Park Improvements Project (REC-18-048)</li> <li>• Resolution No. 31185 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2023 Hanna Park Improvements Project (REC-18-048)</li> </ul> <a href="#">Agenda Memo - AM-23-102 - Pdf</a> | 440 - 441 |
| F.   | Community Development  |           |
| F.1. | Resolution No. 31186 approving professional services agreement with Cara Briggs Farmer for the CeMar Trail bridge light towers and authorizing payment in the amount of \$169,750<br><a href="#">Agenda Memo - AM-23-061 - Pdf</a>   | 442 - 448 |
| F.2. | Resolution No. 31187 approving public improvement deferrals associated with the Marion South Substation Addition Final Plat for property located north of Highway 100 and west of 44th Street (ITC Midwest, LLC)<br><a href="#">Agenda Memo - AM-23-056 - Pdf</a>  | 449 - 453 |
| F.3. | Resolution No. 31188 approving an encroachment agreement for a freestanding monument sign into the City owned right-of-way of 10th Avenue for property located at 999 44th Street (Platinum Development LLC)<br><a href="#">Agenda Memo - AM-23-071 - Pdf</a>  | 454 - 460 |
| 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.

## **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 items)

## **ADJOURN**