



AGENDA

City Council Regular Session

5:30 PM - Thursday, June 17, 2021

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.

NOTE: Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting is able to be viewed online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 863 8907 8904. 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.

Anyone who wishes to comment on an agenda item, including public hearings, may submit the comment to the City Clerk by 4:00 p.m. on Thursday, June 17 via email at cityclerk@cityofmarion.org.

Comments can also be heard during the meeting. During the meeting, select Q&A and enter your name, address and agenda item you'd like to comment on. During the appropriate public forum or hearing, use the raise hand feature in Zoom and the City Clerk will call on you to speak.

Once unmuted you will have five minutes to address Council. Please refrain from repeating what has been said before you. Do not involve personalities or make derogatory comments and be as factual as possible. Once allowed to speak, you will no longer have the opportunity to speak to the City Council unless a member of the City Council directs a question to you.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - Juneteenth (June 19, 2021)

11 - 12

[Agenda Memo - AM-21-791 - 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 June 1 and 3, 2021 City Council meetings. 13 - 27
[Agenda Memo - AM-21-773 - Pdf](#)
- A.2. Receive and file May 2021 Department Monthly Reports. 28 - 72
[Agenda Memo - AM-21-776 - Pdf](#)
- A.3. Liquor licenses including the following: 73
- New - The Marion Chocolate Shop - 1244 7th Avenue
 - New - BP to Go - 1010 - 1010 East Post Road
 - New - Corridor Courts - 750 44th Street
 - Renewal - Marion Food Market (Previously Marion Market & Cafe) - 5005 10th Avenue
- [Agenda Memo - AM-21-787 - Pdf](#)
- A.4. Motion to approve the Fiscal Year 2021 Cigarette License for the following: 74
- BP to Go - 1010 - 1010 East Post Road
- [Agenda Memo - AM-21-757 - Pdf](#)
- A.5. Motion to approve the following FY2021-2022 Cigarette Permit Applications: 75
- Big Shots Bar & Grill
 - BP to Go - 1010
 - Corner Mart
 - Dollar General Store #7226
 - Dollar General Store #7398
 - Fareway Stores, Inc #949
 - Hy-Vee Gas
 - Hy-Vee Food Store
 - Hawks Smoke Shop
 - Marion Food Market
 - Murphy USA #7287
 - Neighborhood Tobacco Outlet
 - Smokin Joe's Tobacco & Liquor Outlet #10
 - Walgreens #3876
 - Walmart #3630
 - Wrigleyville Sports Pub
- [Agenda Memo - AM-21-606 - Pdf](#)

A.6.	Motion to approve a Hold Harmless agreement with the Artisan Sanctuary regarding Sidewalk Sing-A-Long on July 24, 2021 in the Uptown Artway. Agenda Memo - AM-21-760 - Pdf	76 - 84
A.7.	Motion to approve the following FY2021-2022 Cigarette Permit Applications: <ul style="list-style-type: none"> • Kwik Star #589 • Kwik Star #1008 Agenda Memo - AM-21-836 - Pdf	85
A.8.	Receive and file correspondence from Judy Saluri regarding resignation from the Historic Preservation Commission Agenda Memo - AM-21-765 - Pdf	86 - 87
A.9.	Receive and file correspondence regarding Myke Darrough's resignation from the Community Equity Task Force. Agenda Memo - AM-21-830 - Pdf	88 - 89
A.10.	Mayoral appointments to Community Equity Task Force: <ul style="list-style-type: none"> • Marion Alliance for Racial Equity Representative - Joshua Milam Agenda Memo - AM-21-829 - Pdf	90
A.11.	Mayoral appointments to the Planning and Zoning Commission: <ul style="list-style-type: none"> • Kathryn Walsh, 963 13th Street, term expires 12/31/21 Agenda Memo - AM-21-831 - Pdf	91 - 94
A.12.	Payments as presented in the amount of \$4,257,585.22 Agenda Memo - AM-21-775 - Pdf	95 - 123
A.13.	Resolution No. 29600 approving designees for City Manager, City Clerk and City Treasurer per 17.03(B) of the Code of Ordinances. Agenda Memo - AM-21-778 - Pdf	124
A.14.	Resolution No. 29601 authorizing additional signatures on checks over \$20,000. Agenda Memo - AM-21-777 - Pdf	125
A.15.	Resolution No. 29602 approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration. Agenda Memo - AM-21-772 - Pdf	126 - 132
A.16.	Resolution No. 29603 approving the renewal of General Insurance with Iowa Communities Assurance Pool (ICAP) for FY2021-2022 in the amount of \$321,129. Agenda Memo - AM-21-761 - Pdf	133 - 135
A.17.	Resolution No. 29604 amending the purpose of an operating budget transfer in resolution no. 28618 Agenda Memo - AM-21-835 - Pdf	136

A.18.	Resolution No. 29605 approving partial payment no. 6 to Tidal Basin for consulting services related to Derecho Disaster Recovery in the amount of \$28,166.25. Agenda Memo - AM-21-798 - Pdf	137 - 146
A.19.	Resolution No. 29606 approving the renewal of contracts with Wellmark for third party administration and stop loss coverage for Fire and Police union health and dental insurance coverage for FY21-22. Agenda Memo - AM-21-817 - Pdf	147 - 153
A.20.	Resolution No. 29607 setting a public hearing for July 6, 2021 regarding the Sanitary Sewer Connection Fee. Agenda Memo - AM-21-825 - Pdf	154
A.21.	Resolution No. 29608 approving a reallocation of awarded FY2021 Hotel/Motel funds for the Marion Heritage Center for alternate building expenses. Agenda Memo - AM-21-838 - Pdf	155 - 156
B.	Public Services	
B.1.	Resolution No. 29609 approving the purchase of a vehicle hoist from Advance Auto in the amount of \$16,015.50. (EQPT-18-080) Agenda Memo - AM-21-803 - Pdf	157
B.2.	Resolution No. 29610 approving payment no. 2 to Boomerang Corporation for Emergency Debris Removal Services in the amount of \$1,035,667.52. Agenda Memo - AM-21-807 - Pdf	158
B.3.	Motion directing staff to solicit bids for the replacement of a utility tractor. Agenda Memo - AM-21-806 - Pdf	159
B.4.	Resolution No. 29611 approving addendum no. 1 to the contract with Boomerang Corporation for emergency waterway debris removal services. Agenda Memo - AM-21-809 - Pdf	160
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 29612 approving Partial Payment No. 2 to T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$86,599.00. Agenda Memo - AM-21-771 - Pdf	161 - 164
E.	Engineering	
E.1.	Resolution No. 29613 approving a Stop Sign stopping east bound traffic on Glen Rock Circle at its intersection with Echo Hill Road. Agenda Memo - AM-21-749 - Pdf	165

E.2.	Resolution No. 29614 approving a Stop Sign stopping west bound traffic on Glen Rock Drive at its intersection with Echo Hill Road. Agenda Memo - AM-21-750 - Pdf	166
E.3.	Resolution No. 29615 approving a Stop Sign stopping east bound traffic on Glen Rock Drive at its intersection with Winslow Road. Agenda Memo - AM-21-751 - Pdf	167
E.4.	Resolution No. 29616 approving a Stop Sign stopping north bound traffic on Enterprise Drive at its intersection with Marion Airport Road. Agenda Memo - AM-21-752 - Pdf	168
E.5.	Resolution No. 29617 approving Partial Payment No. 9 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$10,518.72. (TRANS-18-095) Agenda Memo - AM-21-799 - Pdf	169 - 170
E.6.	Resolution No. 29618 approving Partial Payment No. 5 to Anderson Bogert Engineers regarding the Alburnett Road & Echo Hill Road Roundabout Project in the amount of \$9,500.00. (CS-TSF-4775(641)—85-57)(TRANS-19-118) Agenda Memo - AM-21-800 - Pdf	171
E.7.	Resolution No. 29619 approving Agreement with Craig Campbell and Priscilla Steele regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-781 - Pdf	172 - 178
E.8.	Resolution No. 29620 approving Agreement with Boston Place LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-766 - Pdf	179 - 184
E.9.	Resolution No. 29621 approving Agreement with AT Solutions, LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street 12th Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-767 - Pdf	185 - 192
F.	Community Development	
F.1.	Resolution No. 29622 approving payment no. 11 to HDR Engineering, Inc for engineering services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$1,721.95. (TRL-18-110) Agenda Memo - AM-21-788 - Pdf	193 - 201

- F.2. Resolution No. 29623 setting a public hearing for July 6, 2021 regarding an ordinance amending Ch. 176.06, Rules and Definitions of the Marion Code of Ordinances. 202 - 203
[Agenda Memo - AM-21-782 - 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 - None
- B. Public Services
- B.1. Resolution No. 29624 approving an equipment rental agreement with Altorfer Incorporated in the amount of \$39,159.62. 204 - 206
[Agenda Memo - AM-21-805 - Pdf](#)
- C. Public Safety - None
- D. Parks
- D.1. Resolution No. 29625 approving final payment to Point Builders for Derecho related repairs to the Depot in City Square Park in the amount of \$3,623.75. 207 - 210
[Agenda Memo - AM-21-812 - Pdf](#)
- E. Engineering
- E.1. Resolution No. 29626 approving Partial Payment No. 4 to Anderson-Bogert Engineers regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$5,778.91. (SWR-18-111) 211 - 213
[Agenda Memo - AM-21-801 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 29627 setting date of public hearing for July 6, 2021 regarding the sale of a portion of the former 16th Street right of way between 5th and 6th Avenues. (Genesis Equities, LLC) 214 - 219
[Agenda Memo - AM-21-763 - Pdf](#)
- F.2. Resolution No. 29628 approving Echo Ridge Estates Fourth Addition Final Plat and Memorandum of Agreement for property located north of Echo Hill Road and west of Alburnett Road. (Integrity Custom Homes, Inc.) 220 - 226
[Agenda Memo - AM-21-780 - Pdf](#)
- F.3. Resolution No. 29629 approving payment no. 1 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$3,017.93. (ANN-18-082) 227 - 229
[Agenda Memo - AM-21-813 - Pdf](#)

G. Library - None

REGULAR AGENDA

A. Administrative Services

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| A.1. | Motion to approve Minutes of the June 2, 2021 City Council meeting.
Agenda Memo - AM-21-774 - Pdf | 230 - 232 |
| A.2. | Motion to approve a Hold Harmless agreement with Cocktails & Company regarding an outdoor concert for the Andy Frasco show on June 18, 2021 at Cocktails & Company.
Agenda Memo - AM-21-789 - Pdf | 233 - 242 |
| A.3. | Resolution No. 29630 approving Fiscal Year 2020-2021 Capital Budget Transfers in the amount of \$2,225,000.
Agenda Memo - AM-21-826 - Pdf | 243 - 244 |
| A.4. | Resolution No. 29631 approving Fiscal Year 2020-2021 Special Revenue Transfers in the amount of \$2,799.26.
Agenda Memo - AM-21-832 - Pdf | 245 - 246 |
| A.5. | Resolution No. 29632 approving the proposed allocation of the Hotel/Motel funding for FY21-22
Agenda Memo - AM-21-822 - Pdf | 247 - 249 |
| A.6. | Motion directing staff to use existing voter-approved LOST language for financial planning and development of ballot language for November 2021 election. | |
| A.7. | Motion to receive, file and approve tentative agreement with the Local 1937 International Association of Firefighters for the period of July 1, 2021 through June 30, 2022. | |
| A.8. | Motion to receive, file and approve tentative agreement with Marion Police Protective Association (MPPA) for the period of July 1, 2021 through June 30, 2024. | |
| A.9. | Motion to receive, file and approve tentative agreement with Local 231 of the American Federation of State, County and Municipal Employees (AFSCME) for the period of July 1, 2021 through June 30, 2024. | |

B. Public Services

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| B.1. | Ordinance No. 21-10 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.10 to \$4.39. (Final Consideration)
Agenda Memo - AM-21-796 - Pdf | 250 |
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B.2.	Ordinance No. 21-11 amending Chapter 105 of the code of Ordinances relating to Solid Waste by establishing base monthly collection fees at \$18.75. (Final consideration)	251
	Agenda Memo - AM-21-797 - Pdf	
C.	Public Safety - None	
D.	Parks	
D.1.	Resolution No. 29633 awarding contract with Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in an amount not to exceed \$239,625.	252 - 253
	Agenda Memo - AM-21-739 - Pdf	
E.	Engineering	
E.1.	Resolution No. 29634 approving an agreement with Hughes Aerospace Corporation for Instrument Flight Procedure Design Navigation Services and Maintenance in the amount of \$183,075.00. (ANN-18-082)	254 - 267
	Agenda Memo - AM-21-814 - Pdf	
E.2.	Motion to direct staff to establish a Target Average Pavement Condition Index of 60 in regard to the Pavement Management Program.	268 - 288
	Agenda Memo - AM-21-818 - Pdf	
E.3.	Resolution No. 29635 approving a contract with KTA-Tator, Inc. for Quality Assurance Steel Fabrication Inspection for 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 \$93,782.00 [TAP-U-4775(638)—8I-57] (TRL-17-055)	289 - 299
	Agenda Memo - AM-21-769 - Pdf	
E.4.	Motion to receive, file and refer to TAC a request for no parking on 1300 block of 6th Street and 600 block of 13th Avenue. (Staff)	300 - 301
	Agenda Memo - AM-21-833 - Pdf	
E.5.	Resolution No. 29636 approving contract and bond with Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$87,063.87 (ANN-18-029)	302 - 303
	Agenda Memo - AM-21-770 - Pdf	
E.6.	Motion to receive, file and refer to TAC a request to look at the pedestrian access to Taube Park. (June Reeves, 2019 31st Street)	304 - 306
	Agenda Memo - AM-21-804 - Pdf	

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| E.7. | Resolution No. 29637 approving a contract amendment with Snyder and Associates regarding scope limits to the contract for the 2018 Alburnett Road Extension Project Phase I in an additional amount of \$360,600.00 for a new contract total not to exceed \$824,600.00. (TRANS-18-092)
Agenda Memo - AM-21-808 - Pdf | 307 - 312 |
| E.8. | Resolution No. 29638 approving Change Order No. 002 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B and 06A regarding General Trades and misc. steel regarding changing station in the amount of \$1,890.00. (FACS-17-034)
Agenda Memo - AM-21-815 - Pdf | 313 - 317 |
| E.9. | Resolution No. 29639 approving Change Order No. 001R to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board and Acoustics regarding wall for changing station in the amount of \$1,959.40. (FACS-17-034)
Agenda Memo - AM-21-816 - Pdf | 318 - 320 |
| F. | Community Development | |
| F.1. | Ordinance No. 21-13 amending Chapter 160 of the Code of Ordinances relating to the Building Code (Final Consideration)
Agenda Memo - AM-21-790 - Pdf | 321 - 335 |
| F.2. | Ordinance No. 21-14 amending Chapter 161 of the Code of Ordinances relating to the Plumbing Code. (Final consideration)
Agenda Memo - AM-21-792 - Pdf | 336 - 340 |
| F.3. | Ordinance No. 21-15 amending Chapter 163 of the Code of Ordinances relating to the Mechanical Code. (Final consideration)
Agenda Memo - AM-21-793 - Pdf | 341 - 344 |
| F.4. | Ordinance No. 21-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code. (Final Consideration)
Agenda Memo - AM-21-794 - Pdf | 345 - 352 |
| F.5. | Ordinance No. 21-17 amending Chapter 153 of the Code of Ordinances relating to the Property Maintenance Code. (Final Consideration)
Agenda Memo - AM-21-795 - Pdf | 353 - 356 |
| F.6. | Ordinance No. 21-18 amending Chapter 76 of the Marion Code of Ordinances relating to Bicycle Regulations. (Second Consideration)
Agenda Memo - AM-21-827 - Pdf | 357 - 365 |
| 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 fireworks use.

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