



AGENDA

City Council Regular Session

5:30 PM - Thursday, August 19, 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.

This meeting is viewable online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 853 9533 1293. 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, August 19 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Fire Department Promotions: 9
 - Promotion from Firefighter to Lieutenant: Ryan Steffen, Jeff Hoover, Nathan Rompot, Mark Hinrichs, Curtis Sutcliffe and Ian Cruse

[Agenda Memo - AM-21-849 - Pdf](#)
2. Police Department Promotions: 10
 - Promotion to Sergeant: Mitch Walser, Chris Ward and James Hancox

[Agenda Memo - AM-21-1115 - 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 August 3, 2021 City Council meeting. 11 - 13
[Agenda Memo - AM-21-1101 - Pdf](#)
- A.2. Receive and file correspondence regarding Frederick Brown's resignation from the Civil Rights Commission and Community Equity Task Force, effective September 2, 2021. 14 - 15
[Agenda Memo - AM-21-1100](#)
- A.3. Mayoral appointments: 16 - 17
- Civil Rights Commission - Steve Moshier, term expires 12/31/2023
- [Agenda Memo - AM-21-1117 - Pdf](#)
- A.4. Motion to approve Hold Harmless agreements with: 18 - 60
- Geoffrey Woodby regarding a block party event on August 21, 2021 on Penny Lane.
 - Uptown Snug regarding a band event on August 21, 2021 in the Uptown Artway.
 - City of Marion/Jessica Carney regarding the Fireworks & Fireflies event on September 3, 2021 at Lowe Park.
 - Linn-Mar School District regarding a homecoming parade on September 15, 2021 along 10th Street.
 - David Law regarding band and jazz performance events on June 14 & 28, 2022 at City Square Park.
- [Agenda Memo - AM-21-1105 - Pdf](#)
- A.5. Receive and file July 2021 Department Monthly Reports. 61 - 106
[Agenda Memo - AM-21-1103 - Pdf](#)
- A.6. Payments as presented in the amount of \$1,339,039.29. 107 - 133
[Agenda Memo - AM-21-538 - Pdf](#)
- A.7. Resolution No. 29806 approving FY22 cooperative agreement with the Iowa Civil Rights Commission regarding distribution of funds, case intake and resolutions of complaints filed under the Civil Rights Act. 134 - 141
[Agenda Memo - AM-21-1112 - Pdf](#)
- A.8. Resolution No. 29807 approving agreement with Avesis regarding a Vision/Optical Plan 142 - 149
[Agenda Memo - AM-21-1147 - Pdf](#)
- A.9. Resolution No. 29808 amending service agreement with Tom Newkirk for professional services related to Marion's community equity initiative. 150 - 164
[Agenda Memo - AM-21-1150 - Pdf](#)

B. Public Services - None

C. Public Safety

C.1.	Resolution No. 29809 approving a Memorandum of Understanding with Marion Policeman's Protective Association regarding lateral transfer hires Agenda Memo - AM-21-1145 - Pdf	165 - 180
C.2.	Resolution No. 29810 approving contract with Pierce Manufacturing Inc., and Reliant Fire Apparatus Inc. regarding purchase of a new engine/pumper and authorizing payment in an amount not to exceed \$775,000.00. Agenda Memo - AM-21-1151 - Pdf	181 - 182
D.	Parks	
D.1.	Resolution No. 29811 approving change order with T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$2,160.97. Agenda Memo - AM-21-1107 - Pdf	183 - 187
D.2.	Resolution No. 29812 approving payment to T&K Roofing & Sheet Metal, Co. regarding Thomas Park Administration Building and Shop roof repair in the amount \$2,160.97. Agenda Memo - AM-21-1114 - Pdf	188 - 190
E.	Engineering	
E.1.	Resolution No. 29813 approving agreement with Scott L. Bizek regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-21-1097 - Pdf	191 - 215
E.2.	Resolution No. 29814 approving change order 010 with Bush Construction regarding the Marion Library Project - Construction Manager as Advisor to transfer funds to Knutson Construction Services regarding Temp Windows and Winter Conditions in an amount of \$38,999.00. (FACS-17-034) Agenda Memo - AM-21-1120 - Pdf	216 - 221
E.3.	Resolution No. 29815 approving change order 004 with Knutson Construction Services regarding the Marion Library Project – Bid Pkg 03A Concrete Foundations regarding Temp Windows and Winter Conditions in an amount of \$38,999.00. (FACS-17-034) Agenda Memo - AM-21-1121 - Pdf	222 - 224
E.4.	Resolution No. 29816 approving Change Order 003 with Seehase Masonry Inc. regarding the Marion Library Project – Bid Pkg 04A Masonry regarding removal of funds from allowances in a credit amount of \$6,703.47. (FACS-17-034) Agenda Memo - AM-21-1122 - Pdf	225 - 227

- E.5. Resolution No. 29817 approving Change Order 004 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding an increase in allowance in the amount of \$6,703.47. (FACS-17-034) 228 - 230
[Agenda Memo - AM-21-1125 - Pdf](#)
- E.6. Resolution No. 29818 approving Partial Payment No. 11 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$22,559.62. (TRANS-18-095) 231 - 232
[Agenda Memo - AM-21-1133 - Pdf](#)
- E.7. Resolution No. 29819 approving Partial Payment No. 4 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,265.88. (TAP-U-4775(638)—81-57) (TRL-17-055) 233
[Agenda Memo - AM-21-1137 - Pdf](#)
- F. Community Development
- F.1. Resolution No. 29820 setting a public hearing for September 9, 2021 regarding a demolition request for property located within the Terrace Park Historic District at 985 11th Street, Marion, Iowa per Chapter 29.05 of the Marion Code of Ordinances. (Luensman) 234 - 239
[Agenda Memo - AM-21-1144 - Pdf](#)
- F.2. Resolution No. 29821 approving payment no. 16 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$250.00. (Iowa DOT Project Number: STP-U-4775(631) --70-57) (TRL-18-056). 240 - 244
[Agenda Memo - AM-21-1138 - Pdf](#)
- F.3. Resolution No. 29822 approving payment no. 6 to Universal Field Services, Inc for services associated with the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—81-57) in the amount of \$120.00. (TRL-18-110) 245 - 248
[Agenda Memo - AM-21-1148 - Pdf](#)
- F.4. Resolution No. 29823 approving Marion Churches 5th Addition Final Plat and Memorandum of Agreement for property located east of Highway 13 and south of Bison Street, Marion, Iowa. (Marion Senior Living Community) 249 - 254
[Agenda Memo - AM-21-1127 - Pdf](#)
- G. Library
- G.1. Resolution No. 29824 approving partial payment no. 22 to Engberg Anderson, Inc regarding the Marion Library Project in the amount of \$15,637.12 255 - 256
[Agenda Memo - AM-21-1136 - Pdf](#)

- G.2. Resolution No. 29825 approving payment to CDW-G regarding network switches for the Marion Public Library in the amount of \$58,625.00 257 - 261

[Agenda Memo - AM-21-1134 - Pdf](#)

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. Liquor licenses including the following: 262
- Renewal - Zio Johnno's - 755 7th Avenue
- [Agenda Memo - AM-21-1149 - Pdf](#)
- B. Public Services
- B.1. Resolution No. 29826 approving professional services agreement with Shive-Hattery for the repairs to the Public Service Maintenance Facility. 263 - 271
- [Agenda Memo - AM-21-1142 - Pdf](#)
- C. Public Safety - None
- D. Parks - None
- E. Engineering
- E.1. Resolution No. 29827 approving Change Order No. 1 with Peterson Contractors, Inc. regarding the CEMAR Phase IV Project in City of Marion, from East Side Indian Creek Bridge, Over Marion Boulevard 7th Street, Twin Continuous Welded Girder Bridge and PCC Trail, for a credit in the amount of \$4,259.65 [TAP-U-4775(638)-8I-57] (TRL-17-055) 272
- [Agenda Memo - AM-21-1109 - Pdf](#)
- E.2. Resolution No. 29828 approving Partial Payment No. 3 to LL Pelling Co, Inc. regarding the 2021 HMA Resurfacing Project in amount of \$182,822.63. (ANN-18-086) 273
- [Agenda Memo - AM-21-1108 - Pdf](#)
- F. Community Development - None
- G. Library - None

REGULAR AGENDA

- A. Administrative Services
- A.1. Resolution No. 29829 Setting a Date of Meeting at which it is Proposed to Approve a Development Agreement with MEDCO Holding Company, LLC, Including Annual Appropriation Tax Increment Payments 274 - 301
- [Agenda Memo - AM-21-1156 - Pdf](#)

A.2.	Motion to approve minutes of the August 5, 2021 City Council meeting. Agenda Memo - AM-21-1157 - Pdf	302 - 313
A.3.	Public hearing on proposal to enter into a General Obligation Sewer Improvement Loan Agreement. Agenda Memo - AM-21-1140 - Pdf	314 - 326
A.4.	Resolution No. 29830 authorizing and approving a Loan Agreement with Linn County Rural Electric Cooperative, providing for the issuance of a General Obligation Sewer Improvement Note and providing for the levy of taxes to pay the same. Agenda Memo - AM-21-1141 - Pdf	327
A.5.	Resolution No. 29831 approving service orders with Involta LLC. for datacenter services for 36 months in the amount of \$638,199.00. Agenda Memo - AM-21-1135 - Pdf	328 - 339
A.6.	Resolution No. 29832 approving service order with Involta LLC. for datacenter services for 12 months in the amount of \$36,306.00. Agenda Memo - AM-21-1146 - Pdf	340 - 348
A.7.	Resolution No. 29833 approving an agreement with Zach Bruce Agenda Memo - AM-21-1159 - Pdf	349
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 29834 approving contract with Tyler Technologies regarding a Public Safety Records Management System in the amount of \$924,572. Agenda Memo - AM-21-1116 - Pdf	350 - 468
D.	Parks - None	
E.	Engineering	
E.1.	Public hearing regarding a public improvement project to construct the Indian Creek and Dry Run Creek Sanitary Trunk Sewer Capacity Improvements, Funding of Final Site Specific Design, Final Route/Site Selection, to acquire land for the project by purchase, and, if necessary, to authorize the use and acquisition of property by eminent domain. Agenda Memo - AM-21-1099 - Pdf	469 - 471

- E.2. Resolution No. 29835 approving and authorizing a public improvement project to construct the Indian Creek and Dry Run Creek Sanitary Trunk Sewer Capacity Improvements, Funding of Final Site Specific Design, Final Route/Site Selection, to acquire land for the project by purchase, and, if necessary, to authorize the use and acquisition of property by eminent domain. 472 - 474
[Agenda Memo - AM-21-1016 - Pdf](#)
- E.3. Resolution No. 29836 establishing fair market value of and authorizing the offer to purchase certain real property owned by the Atlas Limited Partnership/Atlas LP Company, LLC 475 - 477
[Agenda Memo - AM-21-1017 - Pdf](#)
- E.4. Resolution No. 29837 establishing fair market value of and authorizing the offer to purchase certain real property owned by the H.J. Bjornsen Family Trust. 478 - 480
[Agenda Memo - AM-21-1018 - Pdf](#)
- E.5. Resolution No. 29838 establishing fair market value of and authorizing the offer to purchase certain real property owned by the Donna G. Reilly Trust. 481 - 483
[Agenda Memo - AM-21-1019 - Pdf](#)
- E.6. Motion to approve Project Calendar regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073), as follows: 484 - 485
- Motion to retain the City Engineer as Project Engineer regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
 - Resolution No. 29839 approving Resolution of Necessity regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
 - Resolution No. 29840 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
 - Resolution No. 29841 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project (TRANS-18-073)
- [Agenda Memo - AM-21-1104 - Pdf](#)
- E.7. Resolution No. 29842 approving contract with Braun Intertec Corporation for Quality Assurance PCC Plant Monitoring and Soil Testing regarding the 10th Avenue Sidepaths project (Iowa DOT Project Number: TAP-U-4775(635)—8I-57) in the amount of \$6,438.00. (TRL-18-110) 486 - 494
[Agenda Memo - AM-21-1113 - Pdf](#)

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| E.8. | Motion to receive file and refer to TAC a petition regarding Larick Court and the request for additional signage. (Sarah Cooksley, 330 Larick Court) | 495 - 498 |
| | Agenda Memo - AM-21-1132 - Pdf | |
| E.9. | Public Hearing regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111) | 499 - 501 |
| | Agenda Memo - AM-21-1130 - Pdf | |
| E.10. | Resolution No. 29843 accepting bids and awarding contract to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111) | 502 - 504 |
| | Agenda Memo - AM-21-1131 - Pdf | |
| F. | Community Development | |
| F.1. | Resolution No. 29844 approving Marion Aircom Park Preliminary Plat for property located south of Marion Airport Road and east of the Marion Airport in Marion, Iowa. (Luxair Aviation LLC and Genesis Equities Land Holdings, LLC) | 505 - 511 |
| | Agenda Memo - AM-21-1128 - Pdf | |
| F.2. | Resolution No. 29845 approving Silver Rock Estates Preliminary Plat located west of Alburnett Road and south of Echo Hill Road, Marion, Iowa. (Integrity Custom Homes, Inc.) | 512 - 515 |
| | Agenda Memo - AM-21-1126 - Pdf | |
| F.3. | Ordinance No. 21-21 approving an update to the Official Marion Zoning Map for property located within Marion City Council Ward 4, which includes precincts 11, 12, 13 and 14. (Second Consideration) | 516 - 529 |
| | Agenda Memo - AM-21-1083 - 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. Update regarding redistricting and precinct boundaries.
2. Update regarding City Manager recruitment

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