



AGENDA

City Council Work Session

4:00 PM - Tuesday, October 5, 2021

City Hall, 1225 6th Avenue

The meeting is being recorded. Any item listed on the agenda may be open to discussion by the City Council. Times listed are estimated.

Due to concerns with COVID-19, **the meeting will be held virtually**. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 896 7301 8286. 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, October 7 via email at cityclerk@cityofmarion.org. Comments can also be heard during the meeting on Thursday.

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CALL TO ORDER

ROLL CALL

PROCLAMATIONS/OATHS

1. Proclamation - National Disability Employment Awareness Month (October 2021) (Thursday) 9 - 10
[Agenda Memo - AM-21-1327 - Pdf](#)
2. Proclamation - Fire Prevention Week (October 3-9, 2021) (Thursday) 11 - 12
[Agenda Memo - AM-21-1354 - Pdf](#)

PRESENTATIONS

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

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.

- A. Administrative Services (4:00-4:10)
 - A.1. Minutes of the September 21 and 23, 2021 City Council meeting. 13 - 20
[Agenda Memo - AM-21-1301 - Pdf](#)
 - A.2. Liquor licenses including the following: 21
 - Renewal - Aldi, Inc. #58 - 1001 50th Street[Agenda Memo - AM-21-1324 - Pdf](#)
 - A.3. Payments as presented in the amount of \$3,123,942.55 22 - 49
[Agenda Memo - AM-21-538 - Pdf](#)
 - A.4. Certified List for Police Officer 50
[Agenda Memo - AM-21-1300 - Pdf](#)

A.5.	Receive and file memo regarding 2022 City Council Meeting Schedule. Agenda Memo - AM-21-1216 - Pdf	51 - 52
A.6.	Motion to change the date of the Thursday, December 23 council meeting and combine it with the Tuesday, December 21, work session due to City Hall being closed for a holiday. Agenda Memo - AM-21-446 - Pdf	53
A.7.	Resolution 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 (Aldi) Agenda Memo - AM-21-1313 - Pdf	54
A.8.	Resolution 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 (Marion Market & Cafe) Agenda Memo - AM-21-1314 - Pdf	55
A.9.	Resolution 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 (Corner Mart) Agenda Memo - AM-21-1296 - Pdf	56
A.10.	Resolution 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 (Casey's General Store #2924) Agenda Memo - AM-21-1359 - Pdf	57
A.11.	Resolution approving purchase of HRIS system from BambooHR and authorizing payment in an amount not to exceed \$31,500. Agenda Memo - AM-21-1328 - Pdf	58 - 59
A.12.	Motion to receive and file job description for GIS Data Analyst Agenda Memo - AM-21-1358 - Pdf	60 - 62
B.	Public Services	
B.1.	Resolution approving purchase of utility tractor from Titan Machinery in the amount of \$19,067.00. Agenda Memo - AM-21-1351 - Pdf	63
C.	Public Safety	
C.1.	Resolution approving an agreement with Foundation 2 for continuation of Law Enforcement Liaison Support position at the Marion Police Department. Agenda Memo - AM-21-1334 - Pdf	64 - 67
D.	Parks - None	

E. Engineering

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| E.1. | Resolution approving Partial Payment No. 4 to Hunt Construction Co, Inc. regarding the 2021 Sidewalk Ramp Project in amount of \$8,716.63. (ANN-18-106)
Agenda Memo - AM-21-1303 - Pdf | 68 |
| E.2. | Resolution accepting the 2021 Sidewalk Ramp Project (ANN-18-106)
Agenda Memo - AM-21-1304 - Pdf | 69 - 70 |
| E.3. | Resolution approving Partial Payment No. 3 to Hydro-Klean, LLC. regarding the 2021 Sanitary CIPP Rehabilitation Project in the amount of \$20,138.76 (ANN-18-029)
Agenda Memo - AM-21-1308 - Pdf | 71 |
| E.4. | Resolution approving Change Order No. 2 with Rathje Construction Company regarding the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project for a credit in the amount of \$9,750.00 (TRANS-18-090)
Agenda Memo - AM-21-1310 - Pdf | 72 - 75 |
| E.5. | Resolution approving Partial Payment No. 3 to Rathje Construction Company regarding the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project in the amount of \$85,187.73 (TRANS-18-090)
Agenda Memo - AM-21-1309 - Pdf | 76 |
| E.6. | Resolution approving Partial Payment No. 3 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 \$483,465.96 (TRANS-18-101)
Agenda Memo - AM-21-1335 - Pdf | 77 |
| E.7. | Resolution approving Change Order No. 9 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$53,470.40 (TRANS-18-101)
Agenda Memo - AM-21-1338 - Pdf | 78 - 82 |
| E.8. | Resolution approving Change Order No. 12 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$7,166.70 (TRANS-18-101)
Agenda Memo - AM-21-1345 - Pdf | 83 - 86 |

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| E.9. | Resolution approving Change Order No. 13 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$4,766.00 (TRANS-18-101)
Agenda Memo - AM-21-1340 - Pdf | 87 - 90 |
| E.10. | Resolution approving Change Order No. 14 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$3,818.00 (TRANS-18-101)
Agenda Memo - AM-21-1341 - Pdf | 91 - 94 |
| E.11. | Resolution approving Partial Payment No. 13 to Linn County for services provided by Snyder and Associates regarding the Tower Terrace Rd Design Study Report and NEPA in the amount of \$6,520.41. (TRANS-18-095)
Agenda Memo - AM-21-1329 - Pdf | 95 - 96 |
| E.12. | Resolution approving Change Order No. 15 with 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 \$3,763.00 (TRANS-18-101)
Agenda Memo - AM-21-1342 - Pdf | 97 - 104 |
| E.13. | Resolution approving Partial Payment No. 13 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091)
Agenda Memo - AM-21-1331 - Pdf | 105 |
| E.14. | Resolution approving Change Order No. 17 with 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 \$4,365.00 (TRANS-18-101)
Agenda Memo - AM-21-1343 - Pdf | 106 - 110 |
| E.15. | Resolution approving Change Order No. 21 with 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 \$33,111.20 (TRANS-18-101)
Agenda Memo - AM-21-1344 - Pdf | 111 - 127 |
| E.16. | Resolution approving Partial Payment No. 6R2 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$15,912.50. (FACS-17-034)
Agenda Memo - AM-21-1330 - Pdf | 128 |

F. Community Development

- F.1. Resolution setting the date of October 21, 2021 for a public hearing regarding an amendment to the Marion Comprehensive Plan by adding Appendix I - East Marion Subarea Plan. 129 - 130
[Agenda Memo - AM-21-1119 - Pdf](#)
- F.2. Resolution approving a permanent public access easement agreement and temporary construction easement agreement with Atlas Limited Partnership and the City regarding a trail easements for the installation and use of the Indian Creek Trail project. (STP-U-4775(631)--70-57) (TRL-18-056) 131 - 141
[Agenda Memo - AM-21-1353 - Pdf](#)
- F.3. Resolution approving a permanent public access easement agreement and temporary construction easement agreement with Linn-Mar Community School District and the City regarding a trail easements for the installation and use of the Indian Creek Trail project. (STP-U-4775(631)--70-57) (TRL-18-056) 142 - 167
[Agenda Memo - AM-21-1350 - Pdf](#)
- F.4. Resolution approving a permanent public access easement agreement with the Donna Mae Morrissey Revocable Trust and the City regarding a permanent trail easement for the installation and use of the Indian Creek Trail project in the amount of \$6,500.00. (STP-U-4775(631)--70-57) (TRL-18-056) 168 - 175
[Agenda Memo - AM-21-1349 - Pdf](#)

G. Library - None

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering

- E.1. Resolution approving Partial Payment No. 15 to Peterson Contractors, Inc. regarding the CEMAR Phase III Project in City of Marion, from Marion Boulevard bridge over Indian Creek north preservation trail Bridge New, Steel Girder in the amount of \$7,669.60. [TAP-U-4775(637)-8I-57] (TRL-17-055) 176 - 177
[Agenda Memo - AM-21-1306 - Pdf](#)
- E.2. Resolution approving Partial Payment No. 3 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 \$181,978.52 [TAP-U-4775(638)—8I-57] (TRL-17-055) 178
[Agenda Memo - AM-21-1337 - Pdf](#)

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| E.3. | Resolution approving Partial Payment No. 2 to B.G. Brecke, Inc. regarding the 2021 Storm Sewer Project in the amount of \$67,074.75 (ANN-18-031)
Agenda Memo - AM-21-1307 - Pdf | 179 |
| E.4. | Resolution approving Change Order No. 10 with Rathje Construction Company regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project for a credit in the amount of \$20,190.20 (TRANS-18-101)
Agenda Memo - AM-21-1339 - Pdf | 180 - 184 |
| E.5. | Resolution approving Partial Payment No. 8 to Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$259,143.76. (TRANS-18-091)
Agenda Memo - AM-21-1346 - Pdf | 185 |
| E.6. | Resolution approving Change Order No. 3 with Genesis Equities, LLC regarding the 2020 Central Corridor Improvement Project Phase 4 (19th Street to 26th Street) in the amount of \$776,022.26. (TRANS-18-091)
Agenda Memo - AM-21-1347 - Pdf | 186 - 189 |
| E.7. | Resolution approving Partial Payment No. 1 to Integrity Custom Homes for costs associated with Echo Ridge Estates 4th Addition in the amount of \$16,440.00
Agenda Memo - AM-21-1322 - Pdf | 190 - 194 |
| E.8. | Resolution approving Partial Payment No. 3 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$236,122.91. (TAP-U-4775(635)—8I-57)(TRL-18-110)
Agenda Memo - AM-21-1336 - Pdf | 195 |
| F. | Community Development | |
| F.1. | Resolution approving Edgebrooke Estates North 2nd Addition Final Plat and Memorandum of Agreement for property located south of Tower Terrace Road and east of Indian Creek Road, Marion, Iowa. (Midwest Development Co.)
Agenda Memo - AM-21-533 - Pdf | 196 - 204 |

G. Library - None

REGULAR AGENDA

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety (4:10-4:20)

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| C.1. | Public hearing regarding an ordinance amending Chapter 164 regarding the Fire Prevention Code.
Agenda Memo - AM-21-1258 - Pdf | 205 - 214 |
| C.2. | Ordinance amending Chapter 164 regarding the Fire Prevention Code. (Initial Consideration)
Agenda Memo - AM-21-1259 - Pdf | 215 - 224 |
| D. | Parks - None | |
| E. | Engineering (4:20-4:30) | |
| E.1. | Resolution approving contract and bond with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$727,903.95. (TRANS-18-073) (CS-TSF-4775(642)--85-57)
Agenda Memo - AM-21-061 - Pdf | 225 - 227 |
| E.2. | Motion to receive file and refer to TAC a request for no Parking on 15th Street (Marion Home School Assistance Program)
Agenda Memo - AM-21-1332 - Pdf | 228 - 233 |
| E.3. | Resolution approving 28E agreement with the City of Marion and the City of Cedar Rapids on behalf of the Corridor Metropolitan Planning Organization for the Indian Creek Recreation Access Concept Plan. (REC-18-054)
Agenda Memo - AM-21-1333 - Pdf | 234 - 260 |
| F. | Community Development (4:30-4:40) | |
| F.1. | Public hearing regarding a request for approval of a preliminary and final site development plan for a multi-tenant building located west of 62nd Street and south of Carlson Way.
Agenda Memo - AM-21-1318 - Pdf | 261 - 320 |
| F.2. | Resolution approving a preliminary site development plan for a multi-tenant building located west of 62nd Street and south of Carlson Way (Lot 4, 13 & 151 Second Addition). (Ridge Development)
Agenda Memo - AM-21-1319 - Pdf | 321 - 380 |
| F.3. | Resolution approving a final site development plan for a multi-tenant building located west of 62nd Street and south of Carlson Way, Lot 4, 13 & 151 Second Addition. (Ridge Development)
Agenda Memo - AM-21-1320 - Pdf | 381 - 440 |
| F.4. | Receive and file an annexation request for property west of Alburnett Road and south of Oak Park Trail.
Agenda Memo - AM-21-1355 - Pdf | 441 - 443 |
| G. | Library - None | |

OTHER DEPARTMENT DISCUSSION (4:40-4:50)

This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

1. Local Option Sales Tax Update
[Agenda Memo - AM-21-1352 - Pdf](#)

444 - 447

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 and personnel matters (City Manager appointment) as permitted under 21.5(1)(i) of the Code of Iowa (Two separate measures).

ADJOURN