



AGENDA

City Council Regular Session

5:30 PM - Thursday, October 7, 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.

Due to concerns with COVID-19, **this meeting will be held virtually**. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID# 876 9552 8815. 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. 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.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - National Disability Employment Awareness Month (October 2021) 10 - 11
[Agenda Memo - AM-21-1327 - Pdf](#)
2. Proclamation - Fire Prevention Week (October 3-9, 2021) 12 - 13
[Agenda Memo - AM-21-1354 - Pdf](#)

PRESENTATIONS

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

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
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|-------|--|---------|
| A.1. | Minutes of the September 21, 2021 City Council meeting.
Agenda Memo - AM-21-1301 - Pdf | 14 - 16 |
| A.2. | Liquor licenses including the following: <ul style="list-style-type: none">• Renewal - Aldi, Inc. #58 - 1001 50th Street Agenda Memo - AM-21-1324 - Pdf | 17 |
| A.3. | Payments as presented in the amount of \$3,123,942.55
Agenda Memo - AM-21-538 - Pdf | 18 - 45 |
| A.4. | Certified List for Police Officer
Agenda Memo - AM-21-1300 - Pdf | 46 - 47 |
| A.5. | Receive and file memo regarding 2022 City Council Meeting Schedule.
Agenda Memo - AM-21-1216 - Pdf | 48 - 49 |
| 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 | 50 |
| A.7. | Resolution No. 29929 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 | 51 |
| A.8. | Resolution No. 29930 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 | 52 |
| A.9. | Resolution No. 29931 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 | 53 |
| A.10. | Resolution No. 29932 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 | 54 |

A.11.	Resolution No. 29933 approving purchase of HRIS system from BambooHR and authorizing payment in an amount not to exceed \$31,500. Agenda Memo - AM-21-1328 - Pdf	55 - 56
A.12.	Motion to receive and file job description for GIS Data Analyst Agenda Memo - AM-21-1358 - Pdf	57 - 59
B.	Public Services	
B.1.	Resolution No. 29934 approving purchase of utility tractor from Titan Machinery in the amount of \$19,067.00. Agenda Memo - AM-21-1351 - Pdf	60
C.	Public Safety	
C.1.	Resolution No. 29935 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	61 - 64
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 29936 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	65
E.2.	Resolution No. 29937 accepting the 2021 Sidewalk Ramp Project (ANN-18-106) Agenda Memo - AM-21-1304 - Pdf	66 - 67
E.3.	Resolution No. 29938 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	68
E.4.	Resolution No. 29939 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	69 - 72
E.5.	Resolution No. 29940 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	73

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|-------|---|----------|
| E.6. | Resolution No. 29941 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 | 74 |
| E.7. | Resolution No. 29942 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 | 75 - 79 |
| E.8. | Resolution No. 29943 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 | 80 - 83 |
| E.9. | Resolution No. 29944 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 | 84 - 87 |
| E.10. | Resolution No. 29945 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 | 88 - 91 |
| E.11. | Resolution No. 29946 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 | 92 - 93 |
| E.12. | Resolution No. 29947 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 | 94 - 101 |

E.13.	Resolution No. 29948 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	102
E.14.	Resolution No. 29949 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	103 - 107
E.15.	Resolution No. 29950 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	108 - 112
E.16.	Resolution No. 29951 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	113 - 129
E.17.	Resolution No. 29952 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	130
F.	Community Development	
F.1.	Resolution No. 29953 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. Agenda Memo - AM-21-1119 - Pdf	131 - 132
F.2.	Resolution No. 29954 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) Agenda Memo - AM-21-1353 - Pdf	133 - 143

- F.3. Resolution No. 29955 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) 144 - 169

[Agenda Memo - AM-21-1350 - Pdf](#)

- F.4. Resolution No. 29956 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) 170 - 177

[Agenda Memo - AM-21-1349 - 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 - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering

- E.1. Resolution No. 29957 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) 178 - 179

[Agenda Memo - AM-21-1306 - Pdf](#)

- E.2. Resolution No. 29958 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) 180

[Agenda Memo - AM-21-1337 - Pdf](#)

- E.3. Resolution No. 29959 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) 181

[Agenda Memo - AM-21-1307 - Pdf](#)

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| E.4. | Resolution No. 29960 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) | 182 |
| | Agenda Memo - AM-21-1346 - Pdf | |
| E.5. | Resolution No. 29961 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) | 183 - 186 |
| | Agenda Memo - AM-21-1347 - Pdf | |
| E.6. | Resolution No. 29962 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 | 187 - 191 |
| | Agenda Memo - AM-21-1322 - Pdf | |
| E.7. | Resolution No. 29963 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) | 192 |
| | Agenda Memo - AM-21-1336 - Pdf | |
| F. | Community Development | |
| F.1. | Resolution No. 29964 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.) | 193 - 201 |
| | Agenda Memo - AM-21-533 - Pdf | |

G. Library - None

REGULAR AGENDA

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|------|--|-----------|
| A. | Administrative Services | |
| A.1. | Motion to approve the Minutes of the September 23, 2021 City Council meeting. | 202 - 207 |
| | Agenda Memo - AM-21-1361 - Pdf | |
| B. | Public Services - None | |
| C. | Public Safety | |
| C.1. | Public hearing regarding an ordinance amending Chapter 164 regarding the Fire Prevention Code. | 208 - 217 |
| | Agenda Memo - AM-21-1258 - Pdf | |
| C.2. | Ordinance No. 21-22 amending Chapter 164 regarding the Fire Prevention Code. (Initial Consideration) | 218 - 227 |
| | Agenda Memo - AM-21-1259 - Pdf | |
| D. | Parks - None | |
| E. | Engineering | |

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|--------------------------|---|-----------|
| E.1. | Resolution No. 29965 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 | 228 - 230 |
| 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 | 231 - 236 |
| E.3. | Resolution No. 29966 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 | 237 - 263 |
| F. Community Development | | |
| 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 | 264 - 323 |
| F.2. | Resolution No. 29967 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 | 324 - 383 |
| F.3. | Resolution No. 29968 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 | 384 - 443 |
| 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 | 444 - 446 |
| 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 personnel matters (City Manager appointment) as permitted under Section 21.5(1)(i) of the Code of Iowa.

ADJOURN