



AGENDA

City Council Regular Session

4:00 PM - Tuesday, December 21, 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# 812 0319 6937. 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 3:00 p.m. on Tuesday, December 21 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

None

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 December 7 and 9, 2021 City Council meeting. 9 - 19

[Agenda Memo - AM-21-1670 - Pdf](#)

- A.2. Liquor licenses including the following: 20

- Renewal - Hy-Vee Food Store - 3600 Business Hwy 151 E

[Agenda Memo - AM-21-1621 - Pdf](#)

A.3.	Motion to approve a Hold Harmless agreement with Doreen Zumwalt regarding Marion Big Band Concerts on July 7, 14, 21 and 28, 2022 in City Square Park. Agenda Memo - AM-21-1619 - Pdf	21 - 29
A.4.	Receive and file correspondence from Bob Kalous regarding resignation from the Nuisance Enforcement Property Maintenance Advisory Board. Agenda Memo - AM-21-1680 - Pdf	30 - 31
A.5.	Receive and file November 2021 Department Monthly Reports. Agenda Memo - AM-21-1672 - Pdf	32 - 74
A.6.	Payments as presented in the amount of \$2,395,300.56 Agenda Memo - AM-21-1671 - Pdf	75 - 101
B.	Public Services	
B.1.	Resolution No. 30137 approving the Snow and Ice Maintenance Program for Fiscal Year 2022. Agenda Memo - AM-21-1666 - Pdf	102 - 110
C.	Public Safety	
C.1.	Resolution No. 30138 approving payment to Municipal Emergency Systems regarding purchase of a RevolveAir compressor and SCBA fill station in the amount of \$48,633.15 Agenda Memo - AM-21-1678 - Pdf	111
D.	Parks	
D.1.	Resolution No. 30139 approving partial payment no. 2 to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of \$81,125. Agenda Memo - AM-21-1665 - Pdf	112 - 114
D.2.	Resolution No. 30140 approving purchase of planters and hanging baskets from EarthPlanter regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project and authorizing payment in the amount of \$29,880.00 (TRANS-18-101) Agenda Memo - AM-21-1630 - Pdf	115 - 120
E.	Engineering	
E.1.	Resolution No. 30141 approving Partial Payment No. 17 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$552.50. (TRL-17-055) Agenda Memo - AM-21-1654 - Pdf	121
E.2.	Resolution No. 30142 approving Partial Payment No. 7 to Central States Concrete regarding the Marion Library Project – Bid Pkg 03B Site Concrete in the amount of \$6624.50. (FACS-17-034) Agenda Memo - AM-21-1633 - Pdf	122

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| E.3. | Resolution No. 30143 approving Partial Payment No. 9 to Boomerang regarding the Marion Library Project – Bid Pkg 32A Site Grading and Utilities in the amount of \$6,934.85. (FACS-17-034)
Agenda Memo - AM-21-1644 - Pdf | 123 |
| E.4. | Resolution No. 30144 approving Partial Payment No. 10 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$7,637.05. (FACS-17-034)
Agenda Memo - AM-21-1652 - Pdf | 124 |
| E.5. | Resolution No. 30145 approving Partial Payment No. 10 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A Gypsum Board & Acoustics in the amount of \$152,983.25. (FACS-17-034)
Agenda Memo - AM-21-1643 - Pdf | 125 |
| E.6. | Resolution No. 30146 approving Partial Payment No. 11 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A Plumbing and HVAC in the amount of \$137,255.05. (FACS-17-034)
Agenda Memo - AM-21-1649 - Pdf | 126 |
| E.7. | Resolution No. 30147 approving Partial Payment No. 2 to Braun Intertec regarding plant monitoring and compaction testing for the 10th Avenue Sidepaths Project in the amount of \$1,207.50 (TAP-U-4775(635)—8I-57)(TRL-18-110)
Agenda Memo - AM-21-1653 - Pdf | 127 |
| E.8. | Resolution No. 30148 approving Partial Payment No. 2 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$28,500.00. (FACS-17-034)
Agenda Memo - AM-21-1641 - Pdf | 128 |
| E.9. | Resolution No. 30149 approving Partial Payment No. 27 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$13,869.00 (TRANS-18-092)
Agenda Memo - AM-21-1656 - Pdf | 129 |
| E.10. | Resolution No. 30150 approving Partial Payment No. 3 to Commercial Flooring regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$37,430.00. (FACS-17-034)
Agenda Memo - AM-21-1635 - Pdf | 130 |
| E.11. | Resolution No. 30151 approving Partial Payment No. 3 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$16,150.00. (FACS-17-034)
Agenda Memo - AM-21-1640 - Pdf | 131 |

- E.12. Resolution No. 30152 approving Partial Payment No. 6 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$51,348.70. (FACS-17-034) 132
[Agenda Memo - AM-21-1646 - Pdf](#)
- E.13. Resolution No. 30153 approving Partial Payment No. 7 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A Fire Suppression in the amount of \$753.82. (FACS-17-034) 133
[Agenda Memo - AM-21-1636 - Pdf](#)
- E.14. Resolution No. 30154 approving Partial Payment No. 7 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$32,279.94. (TAP-U-4775(638)—81-57) (TRL-17-055) 134
[Agenda Memo - AM-21-1655 - Pdf](#)
- E.15. Resolution No. 30155 approving Partial Payment No. 9 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$327,913.57. (FACS-17-034) 135
[Agenda Memo - AM-21-1650 - Pdf](#)
- E.16. Resolution No. 30156 approving Partial Payment No. 9 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A General Trades & Misc. Steel in the amount of \$161,050.70. (FACS-17-034) 136
[Agenda Memo - AM-21-1651 - Pdf](#)
- E.17. Resolution No. 30157 approving Partial Payment No. 9 to Seedorf Masonry regarding the Marion Library Project – Bid Pkg 04B regarding Unit Masonry in the amount of \$6,311.32. (FACS-17-034) 137
[Agenda Memo - AM-21-1645 - Pdf](#)
- E.18. Resolution No. 30158 approving Partial Payment No. 3 to Kone regarding the Marion Library Project – Bid Pkg 14A regarding Conveying Systems in the amount of \$12,785.57. (FACS-17-034) 138
[Agenda Memo - AM-21-1634 - Pdf](#)
- E.19. Resolution No. 30159 approving Partial Payment No. 4 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$57,526.64. (FACS-17-034) 139
[Agenda Memo - AM-21-1647 - Pdf](#)
- E.20. Resolution No. 30160 approving Partial Payment No. 5 to Culvers Landscape, Inc. regarding the Marion Library Project – Bid Pkg 32B Landscaping Site Restoration in the amount of \$2,669.48. (FACS-17-034) 140
[Agenda Memo - AM-21-1648 - Pdf](#)

E.21.	Resolution No. 30161 accepting the Grand Avenue Spur North On Existing Trail To North Side Of Marion BLVD Bridge Over Indian Creek; PCC Trail; CeMar Phase II project. (TAP-U-4775(636)—8I-57) (TRL-17-055)	141 - 142
	Agenda Memo - AM-21-551 - Pdf	
F.	Community Development	
F.1.	Resolution No. 30162 setting the date of January 6, 2022 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan and for a rezoning request for property located at 610 and 648 Marion Boulevard.	143
	Agenda Memo - AM-21-1669 - Pdf	
G.	Library	
G.1.	Resolution No. 30163 approving partial payment No. 17 to Bush Construction regarding the Library Building Project in the amount of \$91,695.01 (FACS-17-034)	144 - 199
	Agenda Memo - AM-21-1620 - Pdf	
G.2.	Resolution No. 30164 approving partial payment No. 26 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$19,523.06 (FACS-17-034)	200 - 202
	Agenda Memo - AM-21-1629 - Pdf	

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. 30165 approving purchase of light towers from Altorfer Incorporated and authorizing payment in the amount of \$16,675.00.	203
	Agenda Memo - AM-21-1667 - Pdf	
B.2.	Resolution No. 30166 approving purchase of a skid loader from Altorfer Incorporated and authorizing payment in the amount of \$37,015.34.	204
	Agenda Memo - AM-21-1668 - Pdf	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	

E.1.	Resolution No. 30167 approving Change Order No. 3 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, and authorizing payment in the amount of \$137,657.70 [TAP-U-4775(638)-8I-57] (TRL-17-055)	205 - 217
	Agenda Memo - AM-21-1673 - Pdf	
F.	Community Development - None	
G.	Library - None	
REGULAR AGENDA		
A.	Administrative Services	
A.1.	Resolution No. 30168 approving and authorizing entry into the Nationwide Opioid Settlement Agreements, agreeing to the terms of the Iowa Opioid Allocation Memorandum of Understanding and authorizing entry into that memorandum of understanding.	218 - 270
	Agenda Memo - AM-21-1681 - Pdf	
A.2.	Ordinance No. 21-23 regarding an amendment to Chapter 3 of the Marion Code of Ordinances relating to Precincts and Wards. (Second Consideration)	271 - 284
	Agenda Memo - AM-21-1604 - Pdf	
A.3.	Motion to suspend the rules and proceed to the final consideration of Ordinance No. 21-23.	
A.4.	Ordinance No. 21-23 regarding an amendment to Chapter 3 of the Marion Code of Ordinances relating to Precincts and Wards. (Final Consideration)	285 - 298
	Agenda Memo - AM-21-1682 - Pdf	
B.	Public Services	
B.1.	Resolution No. 30169 approving professional services agreement with Shive-Hattery for design services related to the New Public Services Maintenance Facility.	299 - 324
	Agenda Memo - AM-21-1674 - Pdf	
B.2.	Resolution No. 30170 approving professional services agreement with Shive-Hattery for design services related to the repairs of the existing Public Services Facility.	325 - 377
	Agenda Memo - AM-21-1675 - Pdf	
C.	Public Safety	
C.1.	Resolution No. 30171 to dissolve the Public Safety Communications Governance Board	378
	Agenda Memo - AM-21-1642 - Pdf	
D.	Parks - None	
E.	Engineering	

E.1.	Motion to approve Project Calendar regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090), as follows: <ul style="list-style-type: none"> • Motion to retain the City Engineer as Project Engineer regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090) • Resolution No. 30172 approving Resolution of Necessity regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090) • Resolution No. 30173 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090) • Resolution No. 30174 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090) Agenda Memo - AM-21-1637 - Pdf	379 - 380
E.2.	Resolution No. 30175 approving contract and bond with Midwest Concrete, Inc. regarding the 2022 Storm Sewer Project and authorizing payments in the amount of \$109,212.50 (ANN-18-031). Agenda Memo - AM-21-1657 - Pdf	381 - 382
E.3.	Resolution No. 30176 approving contract and bond with Boomerang Corp regarding the 2022 Sidewalk Ramp Project and authorizing payments in the amount of \$133,318.00. (ANN-18-031) Agenda Memo - AM-21-1658 - Pdf	383 - 384
E.4.	Resolution No. 30177 approving an agreement between the H.J. Bjornsen Family Trust and Atlas LP Company regarding the Indian Creek and Dry Run Creek Sanitary Sewer Project – Segment 7 (SWR-17-026) Agenda Memo - AM-21-1659 - Pdf	385 - 388
E.5.	Resolution No. 30178 approving Temporary Easement for Construction with Atlas LP Company regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$9,525.00. (SWR-17-026) Agenda Memo - AM-21-1660 - Pdf	389 - 397
E.6.	Resolution No. 30179 approving a Permanent Sanitary Sewer Easement Agreement with Atlas LP Company LLC regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$15,085.00. (SWR-17-026) Agenda Memo - AM-21-1661 - Pdf	398 - 408

- E.7. Resolution No. 30180 approving Temporary Easement for Construction with H.J. Bjornsen Family Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$6,616.00. (SWR-17-026) 409 - 413

[Agenda Memo - AM-21-1662 - Pdf](#)

- E.8. Resolution No. 30181 approving a Permanent Sanitary Sewer Easement Agreement with H.J. Bjornsen Family Trust regarding the Indian Creek and Dry Creek Sanitary Sewer Project – Segment 7 and authorizing payment in the amount of \$12,255.00. (SWR-17-026) 414 - 420

[Agenda Memo - AM-21-1663 - Pdf](#)

F. Community Development - None

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

ADJOURN