



AGENDA

City Council Regular Session

5:30 PM - Thursday, February 3, 2022

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# 860 0331 5883. 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, February 3 via email at cityclerk@cityofmarion.org.

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - Black History Month (February 2022) 8 - 9
[Agenda Memo - AM-22-163 - Pdf](#)

PRESENTATIONS

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

1. Community Life-Saving Award Presentation 10
[Agenda Memo - AM-22-140 - Pdf](#)

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 January 18 and 20, 2022 City Council meeting. 11 - 22
[Agenda Memo - AM-22-132 - Pdf](#)

A.2.	Liquor licenses including the following:	23
	<ul style="list-style-type: none"> • Renewal - Nara Thai Cuisine - 1725 Blairs Ferry Road, Suite 102 • Renewal - Cedar Rapids Bowling Center - 450 Northland Avenue • Renewal - Marion Veterans Club - 625 31st Street 	
	Agenda Memo - AM-22-139 - Pdf	
A.3.	Mayoral appointments:	24 - 31
	<ul style="list-style-type: none"> • Corridor Metropolitan Planning Organization (CMPO): City Manager Ryan Waller - Policy Board - no term expiration • Civil Rights Commission: Jo-Smith Brizard - term expiration 12/31/24 	
	Agenda Memo - AM-22-112 - Pdf	
A.4.	Certified List for Fire Battalion Chief	32 - 33
	Agenda Memo - AM-22-155 - Pdf	
A.5.	Payments as presented in the amount of \$1,367,690.16	34 - 56
	Agenda Memo - AM-22-133 - Pdf	
A.6.	Resolution No. 30249 accepting the addition of a security addendum on service orders with Involta LLC.	57
	Agenda Memo - AM-22-142 - Pdf	
A.7.	Resolution No. 30250 approving renewal of Master Services Agreement with ImOn Communications for Internet Service for 36 months in the amount of \$9720.00	58
	Agenda Memo - AM-22-141 - Pdf	
A.8.	Resolution No. 30251 approving partial payment no. 14 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amounts of \$1,480	59 - 61
	Agenda Memo - AM-22-134 - Pdf	
A.9.	Resolution No. 30252 approving purchase of phone system licenses from Involta LLC and authorizing payment in the amount of \$20,509.00.	62 - 67
	Agenda Memo - AM-22-153 - Pdf	
A.10.	Resolution No. 30253 amending the non-bargaining pay schedule to add the salary range for the IT Assistant Director and to add the salary range for Recreation Coordinator.	68 - 70
	Agenda Memo - AM-22-162 - Pdf	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	

- | | | |
|------|---|---------|
| E.1. | Resolution No. 30254 approving Partial Payment No. 4 to Rathje Construction Company regarding the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project in the amount of \$1,603.12 (TRANS-18-090)
Agenda Memo - AM-22-019 - Pdf | 71 |
| E.2. | Resolution No. 30255 approving Change Order No. 24 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 \$28,510.14 (TRANS-18-101)
Agenda Memo - AM-22-113 - Pdf | 72 - 77 |
| E.3. | Resolution No. 30256 approving Partial Payment No. 7 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 \$266,130.75 (TRANS-18-101)
Agenda Memo - AM-22-114 - Pdf | 78 |
| E.4. | Motion to receive and file a letter from Iowa Natural Heritage Foundation regarding approval of the sanitary trunk sewer through Faulkes Heritage Woods. (SWR-17-026)
Agenda Memo - AM-22-146 - Pdf | 79 - 80 |
| F. | Community Development | |
| F.1. | Resolution No. 30257 approving Contract Termination Agreement between Iowa Economic Development Authority (IEDA) and Freund-Vector Corporation regarding contract 18-TC-032.
Agenda Memo - AM-22-157 - Pdf | 81 - 82 |
| G. | Library - None | |

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention as follows:

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| A. | Administrative Services - None | |
| B. | Public Services | |
| B.1. | Resolution No. 30258 approving Change Order No. 8 with Mid-States Concrete Industry regarding the Precast Concrete Package for the Public Services Maintenance Facility and authorizing payment in the amount of \$131,400.00 (FACS-17-069).
Agenda Memo - AM-22-151 - Pdf | 83 |

B.2.	Resolution No. 30259 approving partial payment No. 9 to Mid-States Concrete regarding the Precast Concrete Package for the Public Service Maintenance Facility in the amount of \$131,400.00 (FACS-17-069).	84
	Agenda Memo - AM-22-152 - Pdf	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 30260 approving Partial Payment No. 7 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$3,542.20. (TAP-U-4775(635)—8I-57)(TRL-18-110)	85
	Agenda Memo - AM-22-123 - Pdf	
E.2.	Resolution No. 30261 approving Partial Payment No. 7 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 \$353.00 [TAP-U-4775(638)—8I-57] (TRL-17-055)	86 - 87
	Agenda Memo - AM-22-148 - Pdf	
F.	Community Development - None	
G.	Library - None	
REGULAR AGENDA		
A.	Administrative Services	
A.1.	Motion to approve Mayor AbouAssaly's recommended appointments: <ul style="list-style-type: none"> • Historic Preservation Committee - Scott Foens - term expires 12/31/2024 • Civil Rights Commission - Rafaela Cadena - term expires 12/31/2024 	88 - 91
	Agenda Memo - AM-21-1631 - Pdf	
B.	Public Services	
B.1.	Ordinance No. 22-01 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.39 to \$4.60. (Final Consideration)	92
	Agenda Memo - AM-22-130 - Pdf	
C.	Public Safety - None	
D.	Parks	
D.1.	Motion directing staff to obtain a quote for repair of the Civil War Statue from John Ward of Masterworks Studio, LLC.	

E. Engineering

- E.1. Public Hearing regarding the 2022 Pavement Rehabilitation Project (TRANS-18-090). 93 - 95

[Agenda Memo - AM-22-147 - Pdf](#)

- E.2. Resolution No. 30262 accepting bids and awarding contract to Midwest Concrete, Inc. regarding the 2022 Pavement Rehabilitation Project in the amount of \$624,074.48 (TRANS-18-090). 96 - 98

[Agenda Memo - AM-22-145 - Pdf](#)

- E.3. Motion to approve Project Calendar regarding the 2022 HMA Resurfacing Project (ANN-18-086), as follows: 99 - 100

- Motion to retain the City Engineer as Project Engineer regarding the 2022 HMA Resurfacing Project. (ANN-18-086)
- Resolution No. 30263 approving Resolution of Necessity regarding the 2022 HMA Resurfacing Project. (ANN-18-086)
- Resolution No. 30264 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 HMA Resurfacing Project. (ANN-18-086)
- Resolution No. 30265 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 HMA Resurfacing Project. (ANN-18-086)

[Agenda Memo - AM-22-136 - Pdf](#)

- E.4. Motion to approve Project Calendar regarding the 2022 Pavement Patching Project (TRANS-18-090), as follows: 101 - 102

- Motion to retain the City Engineer as Project Engineer regarding the 2022 Pavement Patching Project (TRANS-18-090)
- Resolution No. 30266 approving Resolution of Necessity regarding the 2022 Pavement Patching Project (TRANS-18-090)
- Resolution No. 30267 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 Patching Project (TRANS-18-090)
- Resolution No. 30268 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 Patching Project (TRANS-18-090)

[Agenda Memo - AM-22-137 - Pdf](#)

E.5.	Motion to approve Project Calendar regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57], as follows: <ul style="list-style-type: none"> • Motion to retain the City Engineer as Project Engineer regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57] • Resolution No. 30269 approving Resolution of Necessity regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57] • Resolution No. 30270 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57] • Resolution No. 30271 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Indian Creek Trail Project (TRL-18-056) [STP-U-4775(631)—70-57] Agenda Memo - AM-22-144 - Pdf	103 - 104
E.6.	Ordinance No. 22-03 amending Chapter 95, Section 95.04 of the Code of Ordinances Relating to Sanitary Sewer Connection Requirement. (Second Consideration) Agenda Memo - AM-22-131 - Pdf	105
F.	Community Development	
F.1.	Ordinance No. 22-02 approving a request to rezone property from C-3, General Commercial and R-6, High-Density Multi-Family Residential to PUD, Planned Unit Development for property located at 610 and 648 Marion Boulevard, Marion, Iowa. (Talon, LLC) (Final Consideration) Agenda Memo - AM-22-067 - Pdf	106 - 120
F.2.	Public hearing regarding a preliminary and final site development plan for an office / shop building located south of Partners Avenue and west of Medco Drive, Marion, Iowa. (Twenty40 Building Concepts) Agenda Memo - AM-22-084 - Pdf	121 - 128
F.3.	Resolution No. 30272 approving a preliminary site development plan for an office / shop building located south of Partners Avenue and west of Medco Drive, Marion, Iowa. (Twenty40 Building Concepts) Agenda Memo - AM-22-085 - Pdf	129
F.4.	Resolution No. 30273 approving a final site development plan for an office / shop building located south of Partners Avenue and west of Medco Drive, Marion, Iowa. (Twenty40 Building Concepts) Agenda Memo - AM-22-086 - Pdf	130

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| F.5. | Public hearing regarding a request to rezone property located at 2095 3rd Avenue. (Marion Community Build, LLC)
Agenda Memo - AM-22-064 - Pdf | 131 - 138 |
| F.6. | Ordinance No. 22-04 approving a request to rezone property from R-3, Two-Family Residential to TR-3, Traditional Two-Family Residential for property located at 2095 3rd Avenue, Marion, Iowa. (Marion Community Build, LLC) (Initial Consideration)
Agenda Memo - AM-22-068 - Pdf | 139 - 145 |

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 as permitted under Section 21.5(1)(c) of the Code of Iowa.

ADJOURN