



AGENDA

City Council Regular Session

5:30 PM - Thursday, February 17, 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# 854 5346 1219. 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 17 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 January 28, February 1 and 3, 2022 City Council meeting.

10 - 23

[Agenda Memo - AM-22-174 - Pdf](#)

A.2.	Liquor licenses including the following:	24
	<ul style="list-style-type: none"> • Renewal - Dollar General Store #7398 - 500 Chandler Court • Renewal - Dollar General Store #7226 - 1135 E Post Road • Renewal - Corner Mart - 998 8th Avenue • Renewal - Brick Alley Pub & Sports Bar - 1038 7th Avenue 	
	Agenda Memo - AM-22-227 - Pdf	
A.3.	Mayoral appointment/reappointment:	25 - 28
	<ul style="list-style-type: none"> • Civil Rights Commission appointment: Denise Bridges - term expires 12/31/24 • Civil Service Commission reappointment: Paul Rehn - term expires 3/31/26 • Marion Arts Council appointment: Chad Hay - term expires 12/31/22 	
	Agenda Memo - AM-22-178 - Pdf	
A.4.	Receive and file January 2022 Department Monthly Reports.	29 - 69
	Agenda Memo - AM-22-176 - Pdf	
A.5.	Payments as presented in the amount of \$1,407,264.91	70 - 94
	Agenda Memo - AM-22-175 - Pdf	
A.6.	Motion to receive and file job description for Assistant Director of Finance.	95 - 97
	Agenda Memo - AM-22-233 - Pdf	
A.7.	Resolution No. 30274 amending the non-bargaining pay schedule to add the salary range for the Assistant Director of Finance position.	98 - 100
	Agenda Memo - AM-22-235 - Pdf	
A.8.	Motion to receive and file the audit report for the fiscal year ended June 30, 2021.	101 - 189
	Agenda Memo - AM-22-184 - Pdf	
A.9.	Resolution No. 30275 setting date of public hearing for March 17, 2022 regarding the proposed fiscal year 2023 budget.	190
	Agenda Memo - AM-22-182 - Pdf	
A.10.	Resolution No. 30276 approving Fiscal Year 2021-2022 Capital Budget Transfers	191 - 192
	Agenda Memo - AM-22-206 - Pdf	
A.11.	Resolution No. 30277 approving second and third addenda to the equipment rental and services agreement with Koch Office Group, Inc.	193 - 210
	Agenda Memo - AM-22-207 - Pdf	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	

E. Engineering

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| E.1. | Resolution No. 30278 approving Partial Payment No. 17 to Anderson Bogert Engineers regarding the Central Corridor Improvements 7th Avenue Project from 8th Street to 12th Street in the amount of \$754.40. (TRANS-18-091)
Agenda Memo - AM-22-214 - Pdf | 211 - 212 |
| E.2. | Resolution No. 30279 approving Partial Payment No. 29 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$28,207.00. (TRANS-18-092)
Agenda Memo - AM-22-215 - Pdf | 213 |
| E.3. | Resolution No. 30280 approving Change Order 006 with Knutson Construction Services regarding the Marion Library Building Project - BID PKG 03A Concrete Foundations in the amount of \$13,737.00 (FACS-17-034)
Agenda Memo - AM-22-216 - Pdf | 214 - 218 |
| E.4. | Resolution No. 30281 approving Change Order No. 009 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding fire treated plywood in IT room 212 in the amount of \$1,367.63 (FACS-17-034)
Agenda Memo - AM-22-217 - Pdf | 219 - 221 |
| E.5. | Resolution No. 30282 approving Change Order 011 with Pearson Wall Systems regarding the Marion Library Bid Pkg 09A Gypsum Board and Acoustics regarding lowering ceiling near the elevator in room 109 in the amount of \$899.00. (FACS-17-034)
Agenda Memo - AM-22-030 - Pdf | 222 - 227 |
| E.6. | Resolution No. 30283 approving Change Order 012 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding adding acoustics board on top of heartfelt baffles in the amount of \$16,732.00 (FACS-17-034)
Agenda Memo - AM-22-219 - Pdf | 228 - 230 |
| E.7. | Resolution No. 30284 approving Change Order 006 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding underground piping below the library floor in the amount of \$17,090.50 (FACS-17-034)
Agenda Memo - AM-22-218 - Pdf | 231 - 234 |
| E.8. | Resolution No. 30285 approving Change Order No 018 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$16,732.00 from General Conditions Funds to finance the costs associated with Pearson Wall installing 1” black acoustic board on top of the heartfelt baffles Per OCO 017 (FACS-17-034)
Agenda Memo - AM-22-220 - Pdf | 235 - 239 |

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| E.9. | Resolution No. 30286 approving agreement with Marlyce A Murdoch Rev Trust regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
Agenda Memo - AM-22-164 - Pdf | 240 - 247 |
| E.10. | Resolution No. 30287 approving agreement with Daniel & Cris Cosman regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
Agenda Memo - AM-22-171 - Pdf | 248 - 267 |
| E.11. | Resolution No. 30288 approving temporary construction easement agreement with Jay & Marlene Lench regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
Agenda Memo - AM-22-165 - Pdf | 268 - 270 |
| E.12. | Resolution No. 30289 approving a Permanent Storm Sewer Easement Agreement with Stephen J. Setzer regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvements Project and authorizing payment in the amount of \$1,800.00. (TRANS-19-118)
Agenda Memo - AM-22-167 - Pdf | 271 - 276 |
| E.13. | Resolution No. 30290 approving a Temporary Construction Easement Agreement with Stephen J. Setzer regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvements Project and authorizing payment in the amount of \$765.00. (TRANS-19-118)
Agenda Memo - AM-22-169 - Pdf | 277 - 280 |
| E.14. | Resolution No. 30291 approving agreement with Matthew T. Higgins regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101)
Agenda Memo - AM-22-179 - Pdf | 281 - 288 |
| E.15. | Resolution No. 30292 approving Change Order No. 3 with Rathje Construction Company regarding the 3rd Avenue Reconstruction Project (NSI) and authorizing payment in the amount of \$43,715.95 (TRANS-18-101)
Agenda Memo - AM-22-196 - Pdf | 289 - 290 |
| E.16. | Resolution No. 30293 accepting public improvements in Tower Terrace Commercial 1st Addition to the City of Marion.
Agenda Memo - AM-22-192 - Pdf | 291 |
| E.17. | Resolution No. 30294 accepting public improvements in Tower Terrace Commercial 2nd Addition to the City of Marion.
Agenda Memo - AM-22-194 - Pdf | 292 |

F.	Community Development	
F.1.	Resolution No. 30295 setting the date of a public hearing for March 3, 2022 regarding a preliminary site development plan for property located at 610 and 648 Marion Boulevard. Agenda Memo - AM-22-197 - Pdf	293
F.2.	Resolution No. 30296 setting the date for a public hearing for March 3, 2022 regarding the Green Park Apartment Living Preliminary Site Development Plan for property located at 3100 10th Avenue, Marion, Iowa. (Green Park Apartment Living, LLC) Agenda Memo - AM-22-185 - Pdf	294 - 308
G.	Library	
G.1.	Resolution No. 30297 approving Change Order No. 6 to Engberg Anderson, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$6,500.00. (FACS-17-034) Agenda Memo - AM-22-190 - Pdf	309 - 311
G.2.	Resolution No. 30298 approving Change Order No. 2 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$1,400.00. (FACS-17-034) Agenda Memo - AM-22-187 - Pdf	312 - 313
G.3.	Resolution No. 30299 approving partial payment No. 19 to Bush Construction regarding the Library Building Project in the amount of \$57,524.46 (FACS-17-034) Agenda Memo - AM-22-226 - Pdf	314 - 319

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. 30300 approving Partial Payment No. 2 to BBAK Investments, LTD for costs associated with Nottingham Hills 9th Addition in the amount of \$1,427.40 Agenda Memo - AM-22-158 - Pdf	320 - 323
E.2.	Resolution No. 30301 approving agreement with 740 10th St LLC regarding the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-22-173 - Pdf	324 - 330

- F. Community Development
- F.1. Resolution No. 30302 approving payment no. 7 to HDR Engineering, Inc for consultant services associated with the Task Order One: Marion Airport project in the amount of \$1,694.33. (ANN-18-082) 331 - 333

[Agenda Memo - AM-22-231 - Pdf](#)

- G. Library - None

REGULAR AGENDA

- A. Administrative Services

- A.1. Resolution No. 30303 approving a professional services agreement with HR Green regarding general wastewater engineering services and authorizing payments in an amount not to exceed \$20,000. 334 - 347

[Agenda Memo - AM-22-213 - Pdf](#)

- A.2. Public hearing regarding fiscal year 2023 maximum property tax dollars 348 - 350

[Agenda Memo - AM-22-237 - Pdf](#)

- A.3. Resolution No. 30304 approving fiscal year 2023 maximum property tax dollars 351 - 353

[Agenda Memo - AM-22-183 - Pdf](#)

- B. Public Services

- B.1. Motion to approve Project Calendar for the Demolition Package associated with the Public Service Maintenance Facility as follows (FACS-17-069): 354

- Resolution No. 30305 approving Resolution of Necessity regarding the Demolition Package associated with the Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30306 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Demolition Package for the Public Service Maintenance Facility (FACS-17-069).
- Resolution No. 30307 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Demolition Package for the Public Service Maintenance Facility (FACS-17-069).

[Agenda Memo - AM-22-203 - Pdf](#)

- C. Public Safety - None

- D. Parks - None

- E. Engineering

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| E.1. | Ordinance No. 22-03 amending Chapter 95, Section 95.04 of the Code of Ordinances Relating to Sanitary Sewer Connection Requirement. (Final Consideration)
Agenda Memo - AM-22-212 - Pdf | 355 |
| E.2. | Resolution No. 30308 approving contract and bond with Midwest Concrete, Inc. regarding the 2022 Pavement Rehabilitation Project in the amount of \$624,074.48 (TRANS-18-090).
Agenda Memo - AM-22-170 - Pdf | 356 - 358 |
| E.3. | Motion to approve Project Calendar regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118) (CS-TSF-4775(641)--85-57), as follows: <ul style="list-style-type: none">• Motion to retain the City Engineer as Project Engineer regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118) (CS-TSF-4775(641)--85-57)• Resolution No. 30309 approving Resolution of Necessity regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118) (CS-TSF-4775(641)--85-57)• Resolution No. 30310 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118) (CS-TSF-4775(641)--85-57)• Resolution No. 30311 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118)(CS-TSF-4775(641)--85-57) Agenda Memo - AM-22-166 - Pdf | 359 - 360 |

- E.4. Motion to approve Project Calendar regarding the 2022 Lowe Park Roadway Overlay Project (REC-18-052), as follows: 361 - 362
- Motion to retain the City Engineer as Project regarding 2022 Lowe Park Roadway Overlay Project (REC-18-052)
 - Resolution No. 30312 approving Resolution of Necessity regarding the 2022 Lowe Park Roadway Overlay Project (REC-18-052)
 - Resolution No. 30313 ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Lowe Park Roadway Overlay Project (REC-18-052)
 - Resolution No. 30314 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Lowe Park Roadway Overlay Project (REC-18-052)
- [Agenda Memo - AM-22-180 - Pdf](#)
- E.5. Motion to approve Project Calendar regarding the 2022 Taube Park Project (REC-20-007), as follows: 363 - 364
- Motion to retain the City Engineer as Project regarding 2022 Taube Park Project (REC-20-007)
 - Resolution No. 30315 approving Resolution of Necessity regarding the 2022 Taube Park Project (REC-20-007)
 - Resolution No. 30316 ordering preparation of detailed plans, specifications, notice hearing and letting, to bidders, form contract, estimate cost regarding the 2022 Taube Park Project (REC-20-007)
 - Resolution No. 30317 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2022 Taube Park Project (REC-20-007)
- [Agenda Memo - AM-22-181 - Pdf](#)
- E.6. Resolution No. 30318 approving Change Order 5 with Boomerang regarding the Marion Library Project – Bid Pkg 32 A Site Grading and Utilities regarding scoping underground sanitary and sewer lines in the amount of \$1,219.80 (FACS-17-034) 365 - 367
- [Agenda Memo - AM-22-222 - Pdf](#)
- E.7. Resolution No. 30319 approving Change Order No. 1 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$47,727.00. (TRANS-18-073) (CS-TSF-4775(642)--85-57) 368 - 387
- [Agenda Memo - AM-22-195 - Pdf](#)

F. Community Development

- F.1. 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) (Second Consideration) 388 - 395

[Agenda Memo - AM-22-120 - Pdf](#)

- F.2. Resolution No. 30320 approving the central corridor review for the installation of roof mounted solar panels for property located at 585 8th Avenue, Marion, Iowa (Kopel Realty) 396 - 399

[Agenda Memo - AM-22-186 - 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.

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