



AGENDA

City Council Regular Session

5:30 PM - Thursday, May 5, 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# 869 9192 9256. 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, May 5 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

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|----|---|---------|
| 1. | Proclamation - Asian American & Pacific Islander Heritage Month (May 2022)
Agenda Memo - AM-22-549 - Pdf | 11 - 12 |
| 2. | Proclamation - Public Works Week (May 15-21, 2022)
Agenda Memo - AM-22-548 - Pdf | 13 - 14 |
| 3. | Proclamation - Bike to Work Week (May 16-20, 2022)
Agenda Memo - AM-22-489 - Pdf | 15 - 16 |

PRESENTATIONS

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

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| 1. | Presentation of Masonry Institute of Iowa Award for the Marion Public Library Building Project
Agenda Memo - AM-22-576 - Pdf | 17 |
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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 April 19, 21 and 27, 2022 City Council meetings. Agenda Memo - AM-22-581 - Pdf	18 - 30
A.2.	Liquor licenses including the following: <ul style="list-style-type: none"> • Renewal - Qdogs BBQ Company - 895 Blairs Ferry Road Agenda Memo - AM-22-551 - Pdf 	31
A.3.	Motion to approve Hold harmless agreements with: <ul style="list-style-type: none"> • Mike Zhorne regarding a Sidewalk Sing-A-Long event on May 7, 2022 in the Uptown Artway. • The Corridor Metropolitan Planning Organization (MPO) regarding a Corridor MPO Bike Ride event on May14, 2022 that starts and ends at Lowe Park. • Marion Arts Festival regarding a Marion Arts Festival event on May 21, 2022 in City Square Park. • Marion Arts Festival regarding a Marion Arts Festival half marathon and 5k event on May 21, 2022 that starts and ends on 5th Avenue. • Uptown Marion regarding an Eat. Drink. & Be Marion event on July 14, 2022 in the Uptown Artway. Agenda Memo - AM-22-577 - Pdf 	32 - 74
A.4.	Mayor AbouAssaly recommended appointments to the Hotel/Motel Grant Program Committee: <ul style="list-style-type: none"> • Julie Albert • Emmaleigh Buck • Robyn Lynott • Adam Lau Agenda Memo - AM-22-605 - Pdf 	75
A.5.	Payments as presented in the amount of \$3,583,257.60 Agenda Memo - AM-22-582 - Pdf	76 - 101
A.6.	Resolution No. 30500 resetting the public hearing for May 19, 2022 regarding the proposed adoption of a fiscal year 2021-2022 budget amendment Agenda Memo - AM-22-583 - Pdf	102 - 109
B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 30501 approving the purchase from Kraus Plumbing and Heating (aka Fosters Heating and Air Conditioning) of two new heaters for the apparatus bay at Station No. 2, and authorizing payment in an amount of \$9,469.50. Agenda Memo - AM-22-596 - Pdf	110 - 116

C.2.	Resolution No. 30502 approving purchase from Keltek Incorporated regarding installation of equipment for the 2021 Ford Explorer and authorizing payment in the amount of \$15,551.15. Agenda Memo - AM-22-597 - Pdf	117 - 132
D.	Parks	
D.1.	Resolution No. 30503 approving the extension of the contract with B&R Logging regarding the Faulkes Heritage Woods Salvage Timber Sale through March 31, 2023. Agenda Memo - AM-22-547 - Pdf	133 - 142
E.	Engineering	
E.1.	Resolution No. 30504 approving Change Order 014 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding adding additional allowance funds to Pearson's allowance in the amount of \$20,000.00 (FACS-17-034) Agenda Memo - AM-22-553 - Pdf	143 - 145
E.2.	Resolution No. 30505 approving Change Order No. 006 with Central States Concrete regarding the Marion Library Building Project to reduce Central States allowance funds left in the credit amount of \$18,340.36 (FACS-17-034) Agenda Memo - AM-22-558 - Pdf	146 - 148
E.3.	Resolution No. 30506 approving Change Order No. 004 with Peak Construction Group regarding the Marion Library Building Project BP 05B & 06A regarding General Trades and misc. steel regarding full height door toilet partitions in the amount of \$8,917.66 (FACS-17-034) Agenda Memo - AM-22-559 - Pdf	149 - 151
E.4.	Resolution No. 30507 approving Change Order No. 005 with Peak Construction Group regarding the Marion Library Building Project BP 05B & 06A regarding General Trades and misc. steel regarding fading roller shades to room 202 in the amount of \$5,452.52 (FACS-17-034) Agenda Memo - AM-22-560 - Pdf	152 - 154
E.5.	Resolution No. 30508 accepting the 10th Street and Central Avenue/10th Avenue Intersection Improvements Project (TRANS-18-090) Agenda Memo - AM-22-585 - Pdf	155 - 156
E.6.	Resolution No. 30509 approving Partial Payment No. 10 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 \$399,400.14 (TRANS-18-101) Agenda Memo - AM-22-546 - Pdf	157

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| E.7. | Resolution No. 30510 approving Partial Payment No. 19 to Braun Intertec regarding the CeMar Phase 1-3 Plant Monitor and Soil testing in the amount of \$1,312.50. (TRL-17-055).
Agenda Memo - AM-22-561 - Pdf | 158 |
| E.8. | Resolution No. 30511 approving Partial Payment No. 12 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05A regarding steel fabrication and erection in the amount of \$2,960.35. (FACS-17-034)
Agenda Memo - AM-22-567 - Pdf | 159 |
| E.9. | Resolution No. 30512 amending Resolution 30144 regarding partial payment 10 to Peak Construction Group for the Marion Public Library to the correct bid package referenced. (FACS-17-034)
Agenda Memo - AM-22-568 - Pdf | 160 |
| E.10. | Resolution No. 30513 approving Partial Payment No. 13 rev 1 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 6A regarding general trades and misc. steel in the amount of \$61,817.45. (FACS-17-034)
Agenda Memo - AM-22-569 - Pdf | 161 |
| E.11. | Resolution No. 30514 approving Partial Payment No. 10 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$40,032.05. (FACS-17-034)
Agenda Memo - AM-22-563 - Pdf | 162 |
| E.12. | Resolution No. 30515 approving Partial Payment No. 2 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$61,275.00. (FACS-17-034)
Agenda Memo - AM-22-564 - Pdf | 163 |
| E.13. | Resolution No. 30516 approving Partial Payment No. 8 to Black Hawk Roofing Co., Inc. regarding the Marion Library Project - Bid Pkg 07A regarding Roofing in the amount of \$24,475.75 (FACS-17-034)
Agenda Memo - AM-22-571 - Pdf | 164 |
| E.14. | Resolution No. 30517 approving Partial Payment No. 10 to Ahern Fire Protection regarding the Marion Library Project - Bid Pkg 21A Fire Suppression in the amount of \$753.82 (FACS-17-034)
Agenda Memo - AM-22-572 - Pdf | 165 |
| E.15. | Resolution No. 30518 approving Partial Payment No. 14 to Pearson Wall Systems regarding the Marion Library Project - Bid Pkg 09A Gypsum Board and Acoustics in the amount of \$8,645.00 (FACS-17-034)
Agenda Memo - AM-22-575 - Pdf | 166 |

E.16.	Resolution No. 30519 approving contract with Anderson-Bogert Engineering and Surveyors, Inc. regarding the Uptown Marion Central Plaza - Survey and authorizing payment in an amount of \$12,000.00. (REC-18-039) Agenda Memo - AM-22-579 - Pdf	167 - 173
E.17.	Resolution No. 30520 approving Change Order No. 2 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$57,761.51. (TRANS-18-073) (CS-TSF-4775(642)--85-57) Agenda Memo - AM-22-538 - Pdf	174 - 177
E.18.	Resolution No. 30521 approving Partial Payment No. 2 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$54,873.43. (TRANS-18-073) (CS-TSF-4775(642)--85-57) Agenda Memo - AM-22-539 - Pdf	178 - 179
E.19.	Motion to direct staff to provide a letter of support to the Iowa Department of Transportation for the I-380 and Wright Brothers Blvd Interchange. Agenda Memo - AM-22-618 - Pdf	180 - 182
F.	Community Development	
F.1.	Resolution No. 30522 approving payment no. 3 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$36,123.59. (REC-18-039) Agenda Memo - AM-22-606 - Pdf	183 - 185
F.2.	Resolution No. 30523 approving the Green Park Apartment Living 1st Addition Final Plat and Memorandum of Agreement for property located at the northwest corner of 10th Avenue and 31st Street (Green Park Apartment Living, LLC) Agenda Memo - AM-22-394 - Pdf	186 - 204
G.	Library	
G.1.	Resolution No. 30524 approving partial payment No. 21 to Bush Construction regarding the Library Building Project in the amount of \$93,708.67 (FACS-17-034) Agenda Memo - AM-22-540 - Pdf	205 - 211
G.2.	Resolution No. 30525 approving partial payment No. 29 to Engberg Anderson, Inc. regarding the Library Building Project in the amount of \$13,213.99 (FACS-17-034) Agenda Memo - AM-22-541 - Pdf	212 - 214

- G.3. Resolution No. 30526 approving Change Order No. 3 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$2,000.00. (FACS-17-034) 215 - 217

[Agenda Memo - AM-22-594 - 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 - None
- C. Public Safety - None
- D. Parks - None
- E. Engineering
 - E.1. Resolution No. 30527 approving Change Order 006 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to correct voltages and re-energize the building after shut down in the amount of \$1,129.00. (FACS-17-034) 218 - 221
[Agenda Memo - AM-22-554 - Pdf](#)
 - E.2. Resolution No. 30528 approving Change Order 007 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A for Overtime work to condense the schedule in the amount of \$10,555.76. (FACS-17-034) 222 - 226
[Agenda Memo - AM-22-555 - Pdf](#)
 - E.3. Resolution No. 30529 approving Change Order No. 014 with Acme Electric regarding the Marion Library Building Project BP 26A regarding additional power to 2 additional shades and 1 raceway shade control switch in the amount of \$2,616.00 (FACS-17-034) 227 - 231
[Agenda Memo - AM-22-556 - Pdf](#)
 - E.4. Resolution No. 30530 approving Partial Payment No. 13 to Acme Electric Company regarding the Marion Library Project - Bid Pkg 26A Electrical in the amount of \$136,828.52 (FACS-17-034) 232
[Agenda Memo - AM-22-574 - Pdf](#)
 - E.5. Resolution No. 30531 approving Partial Payment No. 4 to Rathje Construction Company regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$475.00. (SWR-18-111) 233 - 234
[Agenda Memo - AM-22-550 - Pdf](#)
 - E.6. Resolution No. 30532 accepting the Marion AirCom Park Sanitary Sewer Extension Project (SWR-18-111) 235 - 236
[Agenda Memo - AM-22-552 - Pdf](#)

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| E.7. | Resolution No. 30533 approving Partial Payment No. 8 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$258,161.45. (TAP-U-4775(635)—8I-57)(TRL-18-110)
Agenda Memo - AM-22-565 - Pdf | 237 |
| E.8. | Resolution No. 30534 approving Partial Payment No. 10 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 \$113,712.61 [TAP-U-4775(638)—8I-57] (TRL-17-055)
Agenda Memo - AM-22-578 - Pdf | 238 - 239 |
| E.9. | Resolution No. 30535 approving amendment no. 2 with Anderson Bogert Engineering and Surveyors regarding on call General Airport Consulting services and authorizing payment in an amount not to exceed \$15,980.00
Agenda Memo - AM-22-580 - Pdf | 240 - 243 |
| E.10. | Resolution No. 30536 amending Resolution 30446 regarding Peterson Contractors, Inc and the CEMAR Phase IV Project to change from Change Order No. 9 to Partial Payment No. 9 and authorizing payment in the amount of \$137,940.06. [TAP-U-4775(638)—8I-57] (TRL-17-055)
Agenda Memo - AM-22-613 - Pdf | 244 |
| E.11. | Resolution No. 30537 approving Partial Payment No. 15 to Pipe Pro Inc. regarding the Marion Library Project - Bid Pkg 22A & 23A regarding plumbing and HVAC in the amount of \$22,538.75 (FACS-17-034)
Agenda Memo - AM-22-573 - Pdf | 245 |
| E.12. | Resolution No. 30538 approving Change Order No. 008 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding temp heat, sinks and water for partition move in the amount of \$4,611.75 (FACS-17-034)
Agenda Memo - AM-22-557 - Pdf | 246 - 249 |
| F. | Community Development - None | |
| G. | Library - None | |

REGULAR AGENDA

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| A. | Administrative Services | |
| A.1. | Resolution No. 30539 approving agreement with Marion Cares regarding the award of funds from the Civil Rights Commission Low to Moderate Income Housing Grant program and authorizing payment in the amount of \$20,000.
Agenda Memo - AM-22-485 - Pdf | 250 - 254 |

A.2.	Presentation of check to Marion Cares for the Civil Rights Low to Moderate Income Housing Grant Program.	
A.3.	Public Hearing regarding an Ordinance establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC Agenda Memo - AM-22-616 - Pdf	255 - 259
A.4.	Ordinance No. 22-06 establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC (Initial Consideration) Agenda Memo - AM-22-617 - Pdf	260 - 264
A.5.	Ordinance No. 22-07 approving an amendment to Chapter 50 of the Marion Code of Ordinances regarding Nuisance Abatement Procedure. (Initial Consideration) Agenda Memo - AM-22-595 - Pdf	265
A.6.	Motion directing staff to proceed with Sanitary Sewer variable rate increase from \$4.60 to \$6.00. Agenda Memo - AM-22-621 - Pdf	266 - 277
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Public Hearing regarding the 2022 Sanitary CIPP Rehabilitation Project (ANN-18-029) Agenda Memo - AM-22-593 - Pdf	278 - 279
E.2.	Resolution No. 30540 accepting bids and awarding contract to SAK Construction LLC regarding the 2022 Sanitary CIPP Rehabilitation Project in the amount of \$244,849.00 (ANN-18-029) Agenda Memo - AM-22-592 - Pdf	280 - 281
E.3.	Resolution No. 30541 approving contract and bond with Hydro-Klean, LLC regarding the 2022 Sanitary Sewer Manhole Rehabilitation Project and authorizing payment in the amount of \$39,482.68. (ANN-18-029) Agenda Memo - AM-22-545 - Pdf	282 - 284
E.4.	Resolution No. 30542 rescinding Resolution 17745 and establishing Truck Routes. Agenda Memo - AM-22-584 - Pdf	285 - 288
E.5.	Resolution No. 30543 approving request for escalation of cost for Ahern regarding the Marion Library Project in the amount of \$8,237.00. (FACS-17-034) Agenda Memo - AM-22-610 - Pdf	289 - 292

E.6.	Resolution No. 30544 approving request for escalation of cost for Pipe Pro regarding the Marion Library Project in the amount of \$115,033.22. (FACS-17-034) Agenda Memo - AM-22-609 - Pdf	293 - 301
E.7.	Resolution No. 30545 approving request for escalation of cost for Acme regarding the Marion Library Project in the amount of \$50,584.48. (FACS-17-034) Agenda Memo - AM-22-611 - Pdf	302 - 308
E.8.	Resolution No. 30546 approving contract and bond with B.G. Brecke, Inc. regarding the 2022 Sanitary Sewer Manhole Project and authorizing payment in the amount of \$76,978.00 (ANN-18-029) Agenda Memo - AM-22-544 - Pdf	309 - 311
E.9.	Resolution No. 30547 approving Change Order 017 with Acme Electric company regarding the Marion Library Project – Bid Pkg 26A to add Jboxes to the book drop electrical room in the amount of \$2,723.07. (FACS-17-034) Agenda Memo - AM-22-619 - Pdf	312 - 318
F.	Community Development	
F.1.	Public hearing regarding a request to rezone property located west of Alburnett Road and south of Prairie Trail from Undesignated to SR-2, Suburban Medium Density Single-Family Residential. Agenda Memo - AM-22-508 - Pdf	319 - 324
F.2.	Ordinance No. 22-08 approving a request to rezone property located west of Alburnett Road and south of Prairie Trail, Marion, Iowa from Undesignated to SR-2, Suburban Medium Density Single-Family Residential. (Integrity Custom Homes, Inc.) (Initial Consideration) Agenda Memo - AM-22-509 - Pdf	325
F.3.	Public hearing regarding an amendment to Section 176.50-12 regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts and an amendment to Section 176.52 regarding the use standards associated with sidewalk cafes (City of Marion) Agenda Memo - AM-22-519 - Pdf	326 - 367
F.4.	Ordinance No. 22-09 approving an amendment to Section 176.50-12 of the Marion Code of Ordinances regarding sidewalk cafes within the U-1, U-2 and UTC-1 zoning districts (Initial Consideration) Agenda Memo - AM-22-586 - Pdf	368 - 372
F.5.	Ordinance No. 22-10 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding the use standards associated with sidewalk cafes (Initial Consideration) Agenda Memo - AM-22-587 - Pdf	373 - 389

F.6. Motion to remove from table Resolution No. 30498 regarding a permanent easement agreement with Les Arnold for property located 1038/48 7th Avenue.

F.7. Resolution No. 30498 approving an permanent easement agreement with Les Arnold for property located 1038/48 7th Avenue to permit stairs to encroach into the east/west alley between 10th and 11th Streets and 7th and 8th Avenues (Tabled 04/21/22)

390 - 400

[Agenda Memo - AM-22-603 - 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.

ADJOURN