



MINUTES

City Council Regular Session

5:30 PM - Thursday, May 19, 2022

City Hall, 1225 6th Avenue

The City Council of the City of Marion, Linn County, Iowa met in regular session, on Thursday, May 19, 2022, at 5:30 PM, in the Council Chambers of City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Steve Jensen, Grant Harper, Sara Mentzer, and Colette Atkins

ABSENT: Nicolas AbouAssaly, Randy Strnad and Will Brandt

Deputy Mayor Pro Tem Harper presided over the meeting.

The meeting opened with the pledge of allegiance and Council observed a moment of silence.

PROCLAMATIONS/OATHS

Proclamation - American Legion Auxiliary Poppy Days (May 20-21, 2022)

Councilmember Mentzer read and presented the proclamation referenced above to the American Legion Post 298.

Councilmember Strnad arrived at 5:33 p.m.

Proclamation - Kids to Parks Day (May 21, 2022)

Councilmember Jensen read and presented the proclamation referenced above to Parks Director Seth Staashelm.

PRESENTATIONS

Discussion regarding Wellmark Insurance Renewal

Dennis Curtis and Liz DeJoode with PDCM Insurance provided an overview regarding health insurance options for the upcoming renewal. Councilmember Atkins asked what the impact would be to employees. Curtis stated employees are not impacted by these changes. Deputy Mayor Pro Tem Harper asked about different stop-loss levels. Curtis stated they can look into additional amounts if needed. Councilmember Strnad asked if a four-tier plan was looked at. DeJoode stated additional tiers were looked at but it wouldn't have made a big impact. Deputy Mayor Pro Tem Harper asked what next steps would be. Human Resources Manager Lucas Sperfslage stated official renewal documents would be submitted for approval at the next council meeting. Sperfslage provided an overview regarding dental plan options for the renewal.

PUBLIC FORUM

No one came forward to speak.

CONSENT AGENDA

Administrative Services

Minutes of the May 3 and 5, 2022 City Council meetings.

Motion to approved a liquor licenses including the following:

- Renewal - Walgreens #03876 - 1225 7th Avenue
- New - Kiwanis Club of Marion Metro (BBQ Rendezvous) - 4500 N 10th Street
- New - Marion Chamber of Commerce (Oktoberfest) - 7th Avenue between 10th & 12th Streets

Motion to approve Hold harmless agreements with:

- Martin Gardner Architecture regarding a BizMix Summer Fiesta Block Party event on July 21, 2022 or July 28, 2022 (rain date) in the Uptown Artway.
- Anonymous regarding a surprise retirement party event on September 3, 2022.

Receive and file correspondence from Craig Rairdin regarding resignation from the Marion Municipal Airport Committee.

Receive and file April 2022 Department Monthly Reports.

Payments as presented in the amount of \$1,867,604.85

Resolution No. 30548 approving Fiscal Year 2021-2022 operating and capital budget transfers in the amount of \$82,235.

Resolution No. 30549 approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration.

Resolution No. 30550 in support of a Workforce Housing Tax Incentive Program Application to be submitted to the Iowa Economic Development Authority (IEDA) (Uptown Development LC)

Parks

Resolution No. 30551 approving partial payment no. 2 to Eastern Iowa Excavating & Concrete, Inc. regarding the Prairie Hill Park Basketball Court in the amount of \$15,763.71. (REC-18-046)

Engineering

Resolution No. 30552 approving Temporary Construction Easement with Travis C & Tiffany K Dooley, 2905 6th St., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106)

Resolution No. 30553 approving Temporary Construction Easement with Erica L Jacobs, 1380 Brockman Ave., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106)

Resolution No. 30554 approving Temporary Construction Easement with Tracy Davidson & Brett King, 2900 6th St., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106)

Resolution No. 30555 approving Temporary Construction Easement with Crandco Investments LLC, 2900 3rd St., regarding the 2022 Sidewalk Ramp Project. (ANN-18-106)

Resolution No. 30556 approving Temporary Construction Easement with Rita J Packingham, 2195 5th Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30557 approving Temporary Construction Easement with Darren Decklever, 2985 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30558 approving Temporary Construction Easement with Marian E Clearwaters Revocable Trust, 386 22nd St., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30559 approving Temporary Construction Easement with Marvin R Akers Testamentary Trust, 2811 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30560 approving Temporary Construction Easement with Darlene M Krsek, 2865 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30561 approving Temporary Construction Easement with Daniel D & Angela M Nelson, 420 22nd St., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30562 approving Temporary Construction Easement with Cheryl J Booth, 2815 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30563 approving Temporary Construction Easement with Nancy D Domer Trust, 2805 3rd Ave., regarding the 2022 3rd Avenue Reconstruction Project (NSI). (TRANS-18-090)

Resolution No. 30564 approving Partial Payment No. 32 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$25,798.00 (TRANS-18-092)

Resolution No. 30565 approving Partial Payment No. 14 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$30,473.44. (FACS-17-034)

Resolution No. 30566 approving Partial Payment No. 15 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$3,641.35. (FACS-17-034)

Resolution No. 30567 approving Partial Payment No. 9 to Black Hawk Roof Co., Inc. regarding the Marion Library Project – Bid Pkg 07A regarding Roofing in the amount of \$3,418.10. (FACS-17-034)

Resolution No. 30568 approving Partial Payment No. 11 to Zephyr Aluminum regarding the Marion Library Project – Bid Pkg 08A regarding Glass and Glazing in the amount of \$1,784.10. (FACS-17-034)

Resolution No. 30569 Approving Partial Payment No. 3 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$60,325.00. (FACS-17-034)

Resolution No. 30570 approving Change Order 013 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding patching and repairing walls in the amount of \$4,933.88 (FACS-17-034)

Resolution No. 30571 approving Change Order 015 with Pearson Wall Systems regarding the Marion Library Building Project BP 09A Gypsum Board and Acoustics regarding adding additional felt ceiling above stairs on 2nd floor per Fire Marshall in the amount of \$5,225.08 (FACS-17-034)

Resolution No. 30572 accepting public improvements in Marion Enterprise Center 10th Addition to the City of Marion.

Resolution No. 30573 approving Partial Payment No. 2 to Hughes Aerospace Corporation regarding the Marion Airport Instrument Flight Procedure Design Navigation Services and Maintenance in the amount of \$63,550.00. (ANN-18-082)

Resolution No. 30574 approving Partial Payment No. 16 to Pipe Pro, Inc. regarding the Marion Library Project – Bid Pkg 22A & 23A regarding Plumbing and HVAC in the amount of \$20,092.69. (FACS-17-034)

Resolution No. 30575 approving Partial Payment No. 14 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$37,162.74. (FACS-17-034)

Resolution No. 30576 approving Partial Payment No. 11 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$753.82. (FACS-17-034)

Resolution No. 30577 approving Change Order No 022 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$13,276.05 from General Conditions Funds for the temp AC hook up. (FACS-17-034)

Resolution No. 30578 approving Change Order No 023 with Bush Construction regarding the Marion Library Project – Construction Manager as Advisor to transfer a credit of \$2,277.40 from General Conditions Funds to finance the costs associated with Pipe Pro work to move duct and fittings where an issue occurred with the steel. (FACS-17-034)

Resolution No. 30579 approving Change Order No. 009 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding the set up of temporary AC in the amount of \$13,276.05 (FACS-17-034)

Resolution No. 30580 approving Change Order No. 010 with Pipe Pro regarding the Marion Library Building Project BP22A Plumbing and 23A HVAC regarding

costs associated moving duct and fittings where an issue occurred with the steel in the amount of \$2,277.40 (FACS-17-034)

Resolution No. 30581 approving Change Order No. 013 with Acme Electric regarding the Marion Library Building Project BP 26A providing and installing 2 exit lights above the patio in the amount of \$580.41 (FACS-17-034)

Resolution No. 30582 approving Change Order No. 015 with Acme Electric regarding the Marion Library Building Project BP 26A regarding changing (11) F21 figures in the amount of \$2,422.03 (FACS-17-034)

Resolution No. 30583 approving Change Order No. 016 with Acme Electric regarding the Marion Library Building Project BP 26A regarding adding data jacks and outlets at main floor entrances in the amount of \$7,290.52 (FACS-17-034)

Resolution No. 30584 approving Change Order No. 018 with Acme Electric regarding the Marion Library Building Project BP 26A regarding adding 8 additional exit fixtures per direction of Fire Marshall in the amount of \$7,066.67 (FACS-17-034)

Resolution No. 30585 approving Change Order No. 4 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$11,979.50. (TAP-U-4775(635)—8I-57)(TRL-18-110)

Resolution No. 30586 authorizing the execution and submittal of a grant application to the IDOT regarding funding for the Marion Airport to bury the overhead power lines on the Runway 17 approach and for the installation of PAPI (Precision Approach Path Indicator).

Community Development

Resolution No. 30587 approving Switch Electric - Central Corridor Review regarding roof mounted solar panels for the property located at 1962 5th Avenue, Marion, Iowa. (Switch Electric)

Resolution No. 30588 Providing for Notice of Hearing on Proposed Amendment to the Revitalization Plan for the 2021 Multiresidential Housing Urban Revitalization Area

Library

Resolution No. 30589 approving partial payment No. 22 to Bush Construction regarding the Library Building Project in the amount of \$48,113.00 (FACS-17-034)

Moved by Jensen, seconded by Atkins, to approve consent agenda as shown above.

Approved unanimously

REGULAR AGENDA

Administrative Services

Resolution No. 30590 approving compensation agreement with Pedersen, Dowie, Clabby and McCausland, Inc. (PDCM) for General Insurance Agent/Broker Services and authorizing payment in the amount of \$32,000.

This item was removed from the agenda.

Public Hearing regarding the Fiscal Year 2021-2022 Budget Amendment

Deputy Mayor Pro Tem Harper opened the public hearing regarding item referenced above. Finance Director Lianne Cairry provided a staff report. No comments, written or verbal, were received. Deputy Mayor Pro Tem Harper declared the public hearing closed.

Resolution No. 30591 approving Fiscal Year 2021-2022 Budget Amendment

Moved by Mentzer, seconded by Strnad, to approve Resolution No. 30591.

Approved unanimously

Resolution No. 30592 approving a Professional Service Agreement with Iowa Center for Economic Success to manage Marion's Small Business Grant Program and authorizing payment in the amount of \$50,000.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30592.

Approved unanimously

Ordinance No. 22-06 establishing Chapter 111A of the Code of Ordinances Relating to Electric Franchise with ITC Midwest, LLC (Second Consideration)

Moved by Atkins, seconded by Jensen, to approve the second consideration of Ordinance No. 22-06.

Approved unanimously

Ordinance No. 22-07 approving an amendment to Chapter 50 of the Marion Code of Ordinances regarding Nuisance Abatement Procedure. (Second Consideration)

Moved by Mentzer, seconded by Strnad, to approve the second consideration of Ordinance No. 22-07.

Approved unanimously

Resolution No. 30593 Appointing Lynch Dallas as Assistant City Attorney and approving contract for legal services.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30593.

Approved unanimously

Public Services

Ordinance No. 22-11 amending Chapter 99 of the Code of Ordinances relating to Sanitary Sewer by increasing monthly domestic and industrial user charges from \$4.60 to \$6.00 (Initial Consideration)

Moved by Atkins, seconded by Mentzer, to approve the initial consideration of Ordinance No. 22-11.

Approved unanimously

Resolution No. 30594 approving professional services agreement with Shive-Hattery for design services related to the roof repairs to Marion City Hall and authorizing payment in the amount of \$24,000.

Moved by Mentzer, seconded by Strnad, to approve Resolution No. 30594. Councilmember Jensen asked how long the repairs will take. Public Services Ryan Miller stated he will look into that.

Approved unanimously

Resolution No. 30595 approving contract with Conlon Construction for Construction Manager Services related to storm repairs for Marion City Hall.

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30595.

Approved unanimously

Public Hearing regarding the Roof Replacement Package associated with the existing Public Service Maintenance Facility.

Deputy Mayor Pro Tem Harper opened the public hearing regarding item referenced above. Public Services Director Ryan Miller provided a staff report. No comments, written or verbal, were received. Deputy Mayor Pro Tem Harper declared the public hearing closed.

Resolution No. 30596 approving bids and awarding contract to Poly Vinyl Roofing for the Roof Replacement Package associated with the existing Public Service Maintenance Facility in the amount of \$436,172.00.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30596.

Approved unanimously

Engineering

Resolution No. 30597 approving contract and bond with SAK Construction, LLC regarding the 2022 Sanitary CIPP Rehabilitation Project and authorizing payment in the amount of \$244,849.00. (ANN-18-029)

Moved by Mentzer, seconded by Strnad, to approve Resolution No. 30597.

Approved unanimously

Motion to receive and file the Traffic Advisory Committee (TAC) Memo regarding speed limit on 7th Avenue from 250 feet west of 6th St to 15th St and 10th Street from 7th Ave to 8th Ave.

Moved by Jensen, seconded by Atkins, to approve the item referenced above.

Approved unanimously

Ordinance No. 22-12 amending Chapter 63 of the Code of Ordinances establishing the speed limit on 7th Avenue as 20 mph from 250 feet west of 6th St to 15th St and 10th Street as 20 mph from 7th Ave to 8th Ave (Initial Consideration)

Moved by Atkins, seconded by Jensen, to approve the initial consideration of Ordinance No. 22-12.

Approved unanimously

Community Development

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 (Second Consideration)

Moved by Mentzer, seconded by Strnad, to approve the second consideration of Ordinance No. 22-09.

Approved unanimously

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 (Second Consideration)

Moved by Jensen, seconded by Atkins, to approve the second consideration of Ordinance No. 22-10.

Approved unanimously

Resolution No. 30598 approving Sidewalk Café Design Guidelines Manual

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30598.

Approved unanimously

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.) (Second Consideration)

Moved by Mentzer, seconded by Strnad, to approve the second consideration of Ordinance No. 22-08.

Approved unanimously

Resolution No. 30599 Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2022 Multifamily Urban Revitalization Area

Moved by Jensen, seconded by Atkins, to approve Resolution No. 30599.

Approved unanimously

Resolution No. 30600 approving contract with WSP USA, Inc. for assistance in the preparation of an application to the State of Iowa for completion of a Destination Iowa Outdoor Recreation Grant.

Moved by Atkins, seconded by Jensen, to approve Resolution No. 30600. Councilmember Jensen asked to what extent the plaza project will be referenced in the application. City Manager Ryan Waller stated staff will work with both consultants to determine the best way to present that project.

Approved unanimously

Resolution No. 30601 approving contract with RDG Planning and Design, for assistance in the preparation of an application to the State of Iowa for completion of a Destination Iowa Outdoor Recreation Grant.

Moved by Strnad, seconded by Atkins, to approve Resolution No. 30601.

Approved unanimously

OTHER DEPARTMENT DISCUSSION

No other discussions took place.

PUBLIC FORUM

No one came forward to speak.

COUNCIL COMMENTS

Councilmember Jensen stated he is looking forward to graduations and Memorial Day weekend coming up.

Councilmember Mentzer stated she hopes everyone comes out to the Marion Arts Festival, Great American Kites at Lowe Park or the Farmers Market at Taube Park. She thanked those involved with installing the veteran's banners in Marion.

Councilmember Strnad thanked Officer Tom Daubs and the police department as the Ride of Silence took place yesterday. He stated he also participated in a memorial tree planting this afternoon put on by Trees Forever.

Deputy Mayor Pro Tem Harper thanked Parks Director Seth Staashelm and Recreation Superintendent Karlene Hummel for the tour of the Willowood Pool. He stated tomorrow he and Councilmember Atkins will have a tour of the new Library. He thanked all of team Marion for all of their work.

ADJOURN

Deputy Mayor Pro Tem Harper adjourned the meeting at 6:57 p.m.

Grant Harper, Deputy Mayor Pro Tem

Rachel Bolender, City Clerk

The undersigned City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Gazette on the _____ day of _____, 20____.

Rachel Bolender, City Clerk