



AGENDA

City Council Regular Session

5:30 PM - Thursday, September 8, 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](https://zoom.us), select Join a Meeting, and enter the Meeting ID# 861 7810 6332. 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, September 8 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

- | | | |
|----|--|---------|
| 1. | Proclamation - Library Card Sign-Up Month (September 2022) | 11 - 12 |
| | Agenda Memo - AM-22-1032 - Pdf | |
| 2. | Proclamation - Suicide Prevention Awareness Month (September 2022) | 13 - 14 |
| | Agenda Memo - AM-22-1160 - Pdf | |

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 August 16, 18 and 31, 2022 City Council meetings. | 15 - 28 |
| | Agenda Memo - AM-22-1113 - Pdf | |

A.2.	Motion to approved a liquor licenses including the following:	29
	<ul style="list-style-type: none"> • Renewal - Short's Marion - 780 11th Street Agenda Memo - AM-22-1082 - Pdf	
A.3.	Motion to approve the Fiscal Year 2023 Cigarette License for the following:	30
	<ul style="list-style-type: none"> • Greenleaf Tobacco & E-Cigs - 1055 Linden Drive Agenda Memo - AM-22-1072 - Pdf	
A.4.	Mayoral reappointments to Library Board:	31
	<ul style="list-style-type: none"> • Sandy Rosenberger - term expires 6/30/2026 • Susan Kling - term expires 6/30/2026 • Cara Briggs Farmer - term expires 6/30/2026 Agenda Memo - AM-22-1117 - Pdf	
A.5.	Motion to approve a hold harmless agreement with the following:	32 - 63
	<ul style="list-style-type: none"> • Marion Chamber of Commerce regarding an Oktoberfest event on September 17, 2022 on 7th Avenue. • Marion Independent School District (MISD) Marching Band Invitational event on September 24, 2022 at Thomas Park and surrounding City Streets. • Christ Community Church regarding the Save Our Seniors 5K on September 25, 2022 starting at 3000 Alburnett Road. Agenda Memo - AM-22-1121 - Pdf	
A.6.	Payments as presented in the amount of \$5,540,446.17.	64 - 97
	Agenda Memo - AM-22-1115 - Pdf	
A.7.	Resolution No. 30798 approving partial payment no. 21 to Tidal Basin Government Consulting LLC for services related to Derecho Disaster Recovery in the amount of \$4,301.25.	98 - 101
	Agenda Memo - AM-22-1073 - Pdf	
A.8.	Resolution No. 30799 amending the non-bargaining pay schedule to adjust the salary range for the Fire Chief position.	102 - 104
	Agenda Memo - AM-22-1144 - Pdf	
A.9.	Resolution No. 30800 approving employment agreement with Tom Fagan as Fire Chief	105 - 111
	Agenda Memo - AM-22-1075 - Pdf	
A.10.	Resolution No. 30801 approving professional services agreement with Marion Economic Development Corporation (MEDCO) and authorizing payment in the amount of \$140,000 annually.	112 - 117
	Agenda Memo - AM-22-1093 - Pdf	
B.	Public Services	
B.1.	Motion to receive and file correspondence from the City of Cedar Rapids regarding rate adjustments for wastewater treatment fees.	118 - 122
	Agenda Memo - AM-22-1111 - Pdf	

B.2.	Motion to solicit bids for the replacement of the Public Services fleet.	123
	Agenda Memo - AM-22-1114 - Pdf	
B.3.	Resolution No. 30802 approving payment to Satellite Shelters for the replacement of a storm damaged shelter in the amount of \$33,100.00.	124
	Agenda Memo - AM-22-1112 - Pdf	
C.	Public Safety	
C.1.	Resolution No. 30803 approving agreement with Waldinger Corporation regarding heating and cooling maintenance for the police department and authorizing payment in the amount of \$32,643.00.	125 - 139
	Agenda Memo - AM-22-1074 - Pdf	
C.2.	Resolution No. 30804 approving purchase of ammunition from Sunset Distributors and authorizing payment in the amount of \$41,363	140 - 141
	Agenda Memo - AM-22-1076 - Pdf	
C.3.	Resolution No. 30805 approving agreement with Iowa Homeland Security and Emergency Management Department (HSEMD) for the NG911 Shared Service Zetron Max Call-taking phone upgrade and authorizing payment to Zetron, Inc. in the amount of \$35,357.99.	142 - 158
	Agenda Memo - AM-22-1079 - Pdf	
D.	Parks	
D.1.	Resolution No. 30806 approving addendum to the contract with Frank's Tree Service for Right of Way Stump Removal and Turf Restoration for an additional \$25 flush cutting fee per stump and a total of 1084 stumps removed for an updated lump sum total of \$298,100.	159 - 161
	Agenda Memo - AM-22-1142 - Pdf	
D.2.	Resolution No. 30807 approving final payment to Frank's Tree Service for Right of Way Stump Removal and Turf Restoration in the amount of \$72,875.00.	162 - 165
	Agenda Memo - AM-22-1084 - Pdf	
D.3.	Resolution No. 30808 approving grant agreement with the Greater Cedar Rapids Community Foundation for Tree Canopy Restoration and accepting grant award of \$40,000.	166 - 168
	Agenda Memo - AM-22-1081 - Pdf	
D.4.	Resolution No. 30809 approving change order with A1A Sandblasting for the Willowood Pool Painting to include grinding for paint removal and authorizing payment in the amount of \$11,000.	169 - 177
	Agenda Memo - AM-22-1163 - Pdf	

E. Engineering

- E.1. Resolution No. 30810 approving Partial Payment No. 14 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,898.82 (TAP-U-4775(638)—81-57)(TRL-17-055) 178
[Agenda Memo - AM-22-1127 - Pdf](#)
- E.2. Resolution No. 30811 approving Partial Payment No. 15 to Shoemaker & Haaland regarding Marion/CeMar Trail Construction Management Services in the amount of \$1,519.06 (TAP-U-4775(638)—81-57)(TRL-17-055) 179
[Agenda Memo - AM-22-1128 - Pdf](#)
- E.3. Resolution No. 30812 approving Partial Payment No. 15 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$30,898.70. (FACS-17-034) 180
[Agenda Memo - AM-22-1129 - Pdf](#)
- E.4. Resolution No. 30813 Approving Partial Payment No. 4 to East Moline Sheet Metal regarding the Marion Library Project Bid Pkg 07B regarding formed metal wall panels in the amount of \$61,845.00. (FACS-17-034) 181
[Agenda Memo - AM-22-1130 - Pdf](#)
- E.5. Resolution No. 30814 approving Partial Payment No. 14 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 \$513,030.07 (TRANS-18-101) 182
[Agenda Memo - AM-22-1091 - Pdf](#)
- E.6. Resolution No. 30815 approving Partial Payment No. 5 with Boomerang Corp. regarding the S 31st St and Highway 100 Traffic Signals and Turn Lane Improvements Project in the amount of \$260,235.59. (TRANS-18-073) (CS-TSF-4775(642)--85-57) 183 - 184
[Agenda Memo - AM-22-1089 - Pdf](#)
- E.7. Resolution No. 30816 approving Partial Payment No. 16 to Pearson Wall Systems regarding the Marion Library Project – Bid Pkg 09A regarding Gypsum Board & Acoustics in the amount of \$9,651.02. (FACS-17-034) 185
[Agenda Memo - AM-22-1131 - Pdf](#)
- E.8. Resolution No. 30817 approving Partial Payment No. 7 to Commercial Flooring Co. regarding the Marion Library Project – Bid Pkg 09B regarding Flooring in the amount of \$9,015.50. (FACS-17-034) 186
[Agenda Memo - AM-22-1132 - Pdf](#)

E.9.	Resolution No. 30818 approving Partial Payment No. 6 to Corridor Paint and Drywall Inc. regarding the Marion Library Project – Bid Pkg 09C regarding painting in the amount of \$8,148.86. (FACS-17-034) Agenda Memo - AM-22-1133 - Pdf	187
E.10.	Motion to approve a letter of support to the Corridor Metropolitan Planning Organization (CMPO) for the Safe Streets For All (SS4A) Planning Grant Request. Agenda Memo - AM-22-1140 - Pdf	188 - 189
E.11.	Motion to approve a letter of support to the City of Cedar Rapids for the 8th Avenue Bridge Replacement Project. Agenda Memo - AM-22-1141 - Pdf	190 - 191
E.12.	Resolution No. 30819 approving agreement with Matthew T. Higgins regarding sewer service improvements associated with the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-22-1156 - Pdf	192 - 194
E.13.	Resolution No. 30820 approving agreement with Iowa Badgeholders, Inc. regarding sewer service improvements associated with the 2021 Central Corridor 7th Avenue from 8th Street to 12th Street Pavement Reconstruction and Streetscaping Project (TRANS-18-101) Agenda Memo - AM-22-1157 - Pdf	195 - 197
E.14.	Resolution No. 30821 approving Change Order No. 006 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$1,257.42. (FACS-17-034) Agenda Memo - AM-22-1134 - Pdf	198 - 204
E.15.	Resolution No. 30822 approving Change Order No. 007 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$204.75. (FACS-17-034) Agenda Memo - AM-22-1135 - Pdf	205 - 210
E.16.	Resolution No. 30823 approving Change Order No. 10 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$309.47. (FACS-17-034) Agenda Memo - AM-22-1136 - Pdf	211 - 214
E.17.	Resolution No. 30824 approving Partial Payment No. 12 to Ahern Fire Protection regarding the Marion Library Project – Bid Pkg 21A regarding Fire Suppression in the amount of \$1,852.50. (FACS-17-034) Agenda Memo - AM-22-1138 - Pdf	215

E.18.	Resolution No. 30825 approving Change Order No. 12 to Peak Construction Group regarding the Marion Library Project – Bid Pkg 05B & 06A regarding general trades and misc. steel in the amount of \$5,835.31. (FACS-17-034) Agenda Memo - AM-22-1137 - Pdf	216 - 222
F.	Community Development	
F.1.	Resolution No. 30826 approving payment no. 7 to RDG Planning & Design, Inc. for design services regarding the Central Plaza Project in the amount of \$35,189.79. (REC-18-039) Agenda Memo - AM-22-1098 - Pdf	223 - 226
F.2.	Resolution No. 30827 approving payment no. 36 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$122.89. (TRL-17-055) Agenda Memo - AM-22-1099 - Pdf	227 - 232
F.3.	Resolution No. 30828 approving payment no. 15 to RDG Planning & Design, Inc. for professional services regarding the 7th Avenue Streetscape Improvement Project in the amount of \$413.64. (TRANS-18-098) Agenda Memo - AM-22-1096 - Pdf	233 - 235
F.4.	Resolution No. 30829 setting a public hearing for September 22, 2022 regarding a request to amend the future land use map of the Marion Comprehensive Plan from Single Family Attached and Public/Semi Public to Single-Family Detached Residential and a request to rezone property from AG, Agricultural Holding and PD-R, Planned Development Residential to SR-3, Suburban Medium Density Single-Family Residential for property located north of 35th Avenue and east of 44th Street extended north, Marion, Iowa. (Sycamore Development, LLC) Agenda Memo - AM-22-1085 - Pdf	236 - 250
F.5.	Resolution No. 30830 approving the vacation of a 10' drainage / utility easement located along the north property line of Lot 10, Prairie Ridge Estates 3rd Addition (1650 Chestnut Lane) (Todd Rizzio) Agenda Memo - AM-22-1086 - Pdf	251 - 253
F.6.	Resolution No. 30831 setting a public hearing for September 22, 2022 regarding an amendment to the Marion zoning map for properties located within former City Council Wards 1 and 3 and revisions within former City Council Wards 2 and 4, Marion, Iowa. (City of Marion) Agenda Memo - AM-22-1062 - Pdf	254 - 263
G.	Library	

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| G.1. | Resolution No. 30832 approving partial payment No. 24 to Bush Construction regarding the Library Building Project in the amount of \$39,366.27 (FACS-17-034)
Agenda Memo - AM-22-1077 - Pdf | 264 - 286 |
| G.2. | Resolution No. 30833 approving Change Order No. 4 to Library Furniture International, Inc. regarding the Marion Library Project and authorizing payment in the amount of \$12,080.00. (FACS-17-034)
Agenda Memo - AM-22-1078 - Pdf | 287 - 294 |

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. 30834 approving contract with Robison Construction for the roof replacement of Fire Station #3 and associated derecho storm event repairs and authorizing payment in the amount of \$32,300.00.
Agenda Memo - AM-22-1151 - Pdf | 295 - 298 |
| C. | Public Safety - None | |
| D. | Parks - None | |
| E. | Engineering | |
| E.1. | Resolution No. 30835 approving Change Order 03 with Peterson Contractors, Inc. regarding the Indian Creek Trail Project and authorizing payment in the amount of \$13,417.52 (TRL-18-056) [STP-U-4775(631)—70-57]
Agenda Memo - AM-22-1071 - Pdf | 299 - 303 |
| E.2. | Resolution No. 30836 approving Partial Payment No. 13 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 \$4,306.69 [TAP-U-4775(638)—8I-57] (TRL-17-055)
Agenda Memo - AM-22-1090 - Pdf | 304 - 305 |
| E.3. | Resolution No. 30837 approving Partial Payment No. 12 to Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$75,656.20. (TAP-U-4775(635)—8I-57)(TRL-18-110)
Agenda Memo - AM-22-1145 - Pdf | 306 |

E.4.	Resolution No. 30838 approving Change Order No. 8 with Peterson Contractors Inc. regarding the 10th Avenue Sidepaths PCC Sidewalk/Trail in the amount of \$10,655.25. (TAP-U-4775(635)—8I-57)(TRL-18-110) Agenda Memo - AM-22-1146 - Pdf	307 - 309
E.5.	Resolution No. 30839 approving Partial Payment No. 16 to Acme Electric Company regarding the Marion Library Project – Bid Pkg 26A regarding Electrical in the amount of \$18,561.52. (FACS-17-034) Agenda Memo - AM-22-1139 - Pdf	310
F.	Community Development - None	
G.	Library - None	
REGULAR AGENDA		
A.	Administrative Services	
A.1.	Resolution No. 30840 approving the Small Business Grant Program funding allocation. Agenda Memo - AM-22-1100 - Pdf	311 - 313
A.2.	Motion Directing Staff to Prepare a Notice of Intent to Enter Into a Guaranteed Maximum Price For Purposes of Engaging in a Construction Manager At Risk For the Central Plaza Project. Agenda Memo - AM-22-1164 - Pdf	314
B.	Public Services	
B.1.	Ordinance No. 22-15 amending Chapter 105 of the Code of Ordinances relating to Solid Waste by Establishing Base Monthly Collection Fees at \$20.00 and increasing commercial rates. (Final Consideration) Agenda Memo - AM-22-1095 - Pdf	315 - 327
B.2.	Public Hearing regarding the Roof Repair Package associated with Marion City Hall. Agenda Memo - AM-22-1125 - Pdf	328 - 330
B.3.	Resolution No. 30841 accepting bids and awarding contract to T&K Roofing for the Roof Repair Package - Metal Roof Overlay associated with Marion City Hall in the amount of \$98,500. Agenda Memo - AM-22-1126 - Pdf	331 - 333
B.4.	Resolution No. 30842 approving a Master Services Agreement with Shive Hattery related to the site planning and development of the Eco Industrial Park and Public Services Facilities. Agenda Memo - AM-22-1123 - Pdf	334 - 342

B.5.	Resolution No. 30843 approving a professional services agreement with Shive Hattery for landscaping design associated with the new Public Services Facility and authorizing payment in the amount of \$21,500. (FACS-17-069). Agenda Memo - AM-22-1124 - Pdf	343 - 346
B.6.	Resolution No. 30844 approving contract with Western Specialty Contractors for the Foundation Repair Package associated with the new Public Service Maintenance Facility and authorizing payment in the amount of \$348,500.00 (FACS-17-069). Agenda Memo - AM-22-1122 - Pdf	347
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Motion to receive, file and refer to TAC regarding a request to install two stop signs, two do not enter signs, and two painted crosswalks at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD) Agenda Memo - AM-22-1147 - Pdf	348 - 352
E.2.	Motion to receive and file TAC report regarding a request to install two stop signs, two do not enter signs, and two painted crosswalks at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD) Agenda Memo - AM-22-1148 - Pdf	353 - 357
E.3.	Motion directing staff to install two "do not enter" signs and two painted crosswalks at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD) Agenda Memo - AM-22-1150 - Pdf	358 - 362
E.4.	Resolution No. 30845 approving the installation of two stop signs, stopping westbound at the intersection of 4th Avenue and 13th Street (Marion Independent School District, MISD) Agenda Memo - AM-22-1149 - Pdf	363 - 367
F.	Community Development	
F.1.	Public hearing regarding a request to vacate portions of 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner) Agenda Memo - AM-22-1063 - Pdf	368 - 372
F.2.	Resolution No. 30846 approving a request to vacate portions of 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner) Agenda Memo - AM-22-1064 - Pdf	373 - 375

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| F.3. | Ordinance No. 22-16 approving an amendment to Section 176.52 of the Marion Code of Ordinances regarding drive-thru facility stacking and design requirements. (Final Consideration)
Agenda Memo - AM-22-1017 - Pdf | 376 - 380 |
| F.4. | Resolution No. 30847 approving an agreement with the State of Iowa for acceptance of the Destination Iowa Grant.
Agenda Memo - AM-22-1143 - Pdf | 381 - 403 |
| F.5. | Resolution No. 30848 denying a request to amend the 2020 Development Agreement with Genesis Equities regarding the 6th Avenue Project to include a revised concept plan. (Genesis Equities Development)
Agenda Memo - AM-22-1120 - Pdf | 404 - 447 |

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