



AGENDA

City Council Regular Session

5:30 PM - Thursday, January 5, 2023

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# 826 5906 9557. 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, January 5 via email at cityclerk@cityofmarion.org.

Page

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Proclamation - Martin Luther King Jr. Day (January 16, 2023)

6 - 7

[Agenda Memo - AM-22-1549 - 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 December 20 and 22, 2022 City Council meetings

8 - 26

[Agenda Memo - AM-22-1601 - Pdf](#)

- A.2. Motion to approve liquor licenses including the following:

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- Renewal - Indian Creek Country Club - 2401 Indian Creek Rd
- Renewal - Hy-Vee Food Store - 5491 Business HWY 151

[Agenda Memo - AM-22-1586 - Pdf](#)

- A.3. Payments as presented in the amount of \$1,398,870.53

28 - 45

[Agenda Memo - AM-22-1602 - Pdf](#)

B.	Public Services - None	
C.	Public Safety	
C.1.	Resolution No. 31091 approving disposal/sale of a self contained breathing apparatus (SCBA) flow tester Agenda Memo - AM-22-1603 - Pdf	46
C.2.	Resolution No. 31092 approving the repair of Marion Fire Engine 91 by Cummins Sales and Service and authorizing payment in the amount of \$35,917.47 Agenda Memo - AM-22-1615 - Pdf	47 - 55
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 31093 accepting the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project (TRANS-19-118) (CS-TSF-4775(641)--85-57) Agenda Memo - AM-22-1587 - Pdf	56 - 57
E.2.	Resolution No. 31094 approving supplemental contract with Rathje Construction Company for the 2022 Alburnett Road and Echo Hill Road Intersection Improvement Project and authorizing payment in the amount of \$20,652 (TRANS-19-118) (CS-TSF-4775(641)--85-57) Agenda Memo - AM-22-1588 - Pdf	58
E.3.	Resolution No. 31095 approving partial payment no. 18 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 \$6,939.37 (TRANS-18-101) Agenda Memo - AM-22-1589 - Pdf	59
E.4.	Resolution No. 31096 approving change order 008 with Knutson Construction Services regarding the Marion Library Building Project bid package 03A Concrete Foundations regarding removing remaining allowance funds in the amount of \$14,702.80 (FACS-17-034) Agenda Memo - AM-22-1604 - Pdf	60 - 63
E.5.	Resolution No. 31097 approving change order no. 004 with Culver's Lawn and Landscape regarding the Marion Library Project bid package 32B Landscaping and Site Restoration regarding removing remaining allowance funds in the amount of \$3,076.07 (FACS-17-034) Agenda Memo - AM-22-1607 - Pdf	64 - 67

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| E.6. | Resolution No. 31098 approving change order no. 004 with Corridor Paint regarding the Marion Library Building Project bid package 09C regarding removing remaining allowance funds in the amount of \$20,017.50 (FACS-17-034)
Agenda Memo - AM-22-1608 - Pdf | 68 - 70 |
| E.7. | Resolution No. 31099 approving change order no. 037 with Bush Construction regarding the Marion Library Project Construction Manager as Advisor to add funds to General Conditions from allowance deducts (Corridor, Culver's, Knutson) in the amount of \$37,787.37 (FACS-17-034)
Agenda Memo - AM-22-1609 - Pdf | 71 - 76 |
| E.8. | Receive and file correspondence from Federal Emergency Management Agency (FEMA) regarding the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) reports for Linn County, Iowa
Agenda Memo - AM-22-1610 - Pdf | 77 - 85 |
| E.9. | Motion directing staff to notify impacted property owners and to prepare an appeal regarding the proposed Federal Emergency Management Agency (FEMA) updates
Agenda Memo - AM-22-1611 - Pdf | 86 - 122 |
| E.10. | Resolution No. 31100 approving American Rescue Plan Act Subaward Agreement with Linn County for City of Marion Trunk Sewer – Project 7 for an award amount of \$150,000
Agenda Memo - AM-22-1613 - Pdf | 123 - 141 |
| E.11. | Motion to direct staff to solicit bids for the demolition of the former Marion Public Library located at 1095 6th Avenue
Agenda Memo - AM-22-1614 - Pdf | 142 |
| F. | Community Development | |
| F.1. | Resolution No. 31101 accepting the dedication of Lot A of Boyson Place 1st Addition from J Murphy Homes, LLC. for public use as a permanent drainage easement.
Agenda Memo - AM-22-1581 - Pdf | 143 - 147 |
| F.2. | Motion directing staff to proceed with the Central Corridor Review process for the demolition of the former Marion Public Library Building located at 1095 6th Avenue
Agenda Memo - AM-22-1598 - Pdf | 148 - 149 |
| G. | Library - None | |

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

- A. Administrative Services - None
- B. Public Services - None
- C. Public Safety - None
- D. Parks

D.1.	Resolution No. 31102 approving proposal from Modern Companies for heat pump replacement in the Lowe Park Arts and Environment Center and authorizing payment in the amount of \$15,672.14 Agenda Memo - AM-22-1597 - Pdf	150 - 154
E.	Engineering - None	
F.	Community Development - None	
REGULAR AGENDA		
A.	Administrative Services - None	
B.	Public Services - None	
C.	Public Safety - None	
D.	Parks - None	
E.	Engineering	
E.1.	Resolution No. 31103 approving a contract with Rinderknecht Associates, Inc. for the Central Plaza Project as a Construction Manager at Risk with a Guaranteed Maximum Price (CMaR with GMP) (REC-18-039) Agenda Memo - AM-22-1542 - Pdf	155 - 162
F.	Community Development	
F.1.	Public hearing regarding an amendment to Chapter 176, Zoning Regulations to establish Ch. 176.56, Architectural Design Standards and Site Development Plan Review. (continued from Dec. 22, 2022) Agenda Memo - AM-22-1533 - Pdf	163 - 176
F.2.	Ordinance No. 22-25 amending Chapter 176, Zoning Regulations to establish Ch. 176.56, Architectural Design Standards and Site Development Plan Review. (final consideration) Agenda Memo - AM-22-1535 - Pdf	177
F.3.	Public hearing regarding the sale of city-owned property located on the vacated 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner) Agenda Memo - AM-22-1600 - Pdf	178 - 185
F.4.	Resolution No. 31104 approving the sale of city-owned property located on the vacated 17th Street between 5th and 6th Avenues, Marion, Iowa (Donald Carsner) Agenda Memo - AM-22-1596 - Pdf	186 - 190
F.5.	Public hearing regarding an annexation request from Frazier Land Investments, LLC, et. al for property west of Mulberry Drive, north of East Robins Road, Marion, Iowa Agenda Memo - AM-22-1590 - Pdf	191 - 231

- F.6. Resolution No. 31105 approving annexation request from Frazier Land Investments, LLC, et. al for property west of Mulberry Drive, north of East Robins Road, Marion, Iowa

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[Agenda Memo - AM-22-1591 - Pdf](#)

- G. Library - None

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