MARION CITY COUNCIL REGULAR MEETING

Thursday, May 4, 2017 – 5:30 p.m.

Council Chambers – 1225 6th Avenue

Please remove hats and refrain from using tobacco products in the Council Chamber.

This meeting is being tape recorded. If you wish to address the City Council, please go to the lectern, wait to be recognized by the Mayor and state your name and address before making any comments.

Call to Order.

Pledge of Allegiance.

Roll Call.

Moment of Silence.

Proclamation: National Day of Reason  
Proclamation: Bike to Work Week

Recognition of Jeff Steadman and Dennis Klinsky for their donation to the K9 Unit.

Presentation: Concept design developed by area students for City and Consultant consideration for 7th Avenue and Indian Creek gateway bridge enhancements (Iowa BIG student).

Citizen’s presentations, comments and/or petitions.

CONSENT CALENDAR

NOTE: The Consent Calendar includes routine items and will be enacted by one motion without separate discussion unless Council requests an item be removed to be and considered separately.

Motion to approve Consent Calendar, as presented:

1. Motion to approve minutes of the April 18 and 20, 2017 City Council meetings.
2. Motion to approve the bills as presented in the amount of $3,270,284.47.
3. Motion to approve the following liquor license applications:  
   1. Renewal application for a Special Class C Liquor License with additional privilege for Sunday Sales for MJ’S Restaurant, LLC, dba MJ’S Restaurant (1107 7th Avenue). Expiration 05/19/2017. No violations in previous five years.
4. Resolution No. 25972 approving the transfer of funds within the fiscal year 2016-2017 budget. (Transfer of $41,215.00 from the Capital Projects fund to the Urban Forest Fund for the purchase of a wood chipper).
5. Resolution No. 25973 setting a public hearing for May 18, 2017 to amend the current budget for the fiscal year ended June 30, 2017.
6. Resolution No. 25974 approving Partial Payment No. 26 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $1,408.00.
7. Motion to receive and file the 2017 Public Services Work Schedule.
8. Motion to receive and file correspondence from the City of Cedar Rapids regarding wastewater treatment fees.
9. Resolution No. 25975 approving purchase of traffic control cabinet in the amount of $34,525.00 from Traffic Control Corporation.
10. Resolution No. 25976 approving the purchases of traffic marking paint from Sherwin Williams in the amount of $29,837.50.
11. Resolution No. 25977 approving Payment to Safeware, Inc., regarding clandestine lab gear in an amount of $9,452.97.
12. Resolution No. 25978 approving Payment to VirTra Products regarding firearms simulator training system in an amount of $67,684.43.
13. Resolution No. 25979 approving the purchase of replacement windows for Fire Station No.2, from Blok Construction in the amount of $37,141.30.
14. Resolution No. 25980 setting a Public Hearing for May 18, 2017 regarding the proposed adoption of an ordinance amending Chapter 162 of the Code of Ordinances and adopting the ICC Electrical Code, 2006 edition with amendments, and the National Electrical Code, 2017 edition with amendments, and providing penalties.
15. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
    1. Resolution No. 25981 approving Partial Payment No. 10 to Anderson Bogert Engineers for engineering design services regarding the Armar Drive Extension Project in the amount of $1,703.00.
    2. Resolution No. 25982 approving Partial Payment No. 3 to Veenstra & Kimm, Inc. for engineering design services regarding the Indian Creek Trunk Sewer - Segment 7 in the amount of $12,851.58.
    3. Resolution No. 25983 approving Partial Payment No. 1 to Windstream Communications, LLC for work regarding the 2015 Central Corridor Improvements Project (13th to 31st Street – Stage 2; Phase II) associated with relocating fiber underground in the amount of $52,700.29.
    4. Resolution No. 25984 approving Partial Payment No. 1 to Hunt Construction Company, Inc. regarding the 2017 Sidewalk Ramp Repair Project in the amount of $10,515.10.
    5. Resolution No. 25985 approving Partial Payment No. 13 to Ricklefs Excavating, LTD regarding the Central Corridor Complete Streets and Capacity Improvements, Roundabout at 7th Avenue and 7th Street, STP-A-4775(627)--86-57 in the amount of $22,050.38.
16. Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2017 Sidewalk Assessment Project as follows:  
    1. Resolution No. 25986 approving Temporary Construction Easement with Charles & Eileen Reilly (1105 29th Street) regarding the 2017 Sidewalk Assessment Project.
    2. Resolution No. 25987 approving Temporary Construction Easement with Elaine Condron (1175 29th Street) regarding the 2017 Sidewalk Assessment Project.
    3. Resolution No. 25988 approving Temporary Construction Easement with Andrew E. Clark & Hope C. Gericke (1125 29th Street) regarding the 2017 Sidewalk Assessment Project.
17. Motion to receive and file 2016 Bridge Inspection Report.
18. Motion to receive and file and concurring with staff report regarding repairs to the Winslow Road Bridge over Indian Creek (County ID 57-221471; FHWA #221471) and establishing load and weight limits per the Deficient Bridge Notification Received (staff).
19. **Motion to approve Project Calendar regarding Planning and Development Department payments as follows**:  
    1. **Resolution No. 25989 approving Payment No. 19 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of $9,929.38.**
20. Resolution No. 25990 setting a Public Hearing for May 18, 2017 regarding a request to rezone property from Linn County A and A-1, Rural Restricted to I-2, General Industrial, for property located west and east of 44th Street and south of 3rd Avenue in Marion, Linn County, Iowa (Applicant: City of Marion, Eco-Industrial Park Phase 2).
21. Resolution No. 25991 setting a Public Hearing for May 18, 2017 regarding **a request to purchase City property** described as 120’ of the 10’ wide east/west alley adjacent to the south property line of 1060 29th Street, Marion, Iowa also known as Lots 3 & 4 of Block 6, Richmond’s 2nd Addition, Marion, Linn County, Iowa. (Larry & Joan Nesset).
22. Motion to receive and file a Utility and Drainage Easement Vacation request for 3290 25th Avenue (Wilene and Pat Drummy).
23. Resolution No. 25992 approving agreement between the City of Marion and Arnold Property Group, LLC regarding a temporary art installation.
24. Resolution No. 25993 approving agreement between the City of Marion and Pam Hyberger regarding a temporary art installation in the amount of $500.00.
25. Resolution No. 25994 Declaring Necessity and Providing for Notice of Hearing on Proposed Urban Revitalization Plan for the 2017 Workforce Housing Urban Revitalization Area.
26. Resolution No. 25995 approving the disposal of surplus electronic equipment.
27. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):  
    1. Marion Arts Festival including ½ Marathon and 5K Run/Walk, City Square Park and surrounding area, May 19 and 20, 2017, 6:00 a.m. – 9:00 p.m. (Deb Bailey, Marion Arts Festival Director, 1225 6th Avenue).
    2. Marion Heritage Center & Museum Picnic in the Park, Marion Square Park, July 9, 2017, 11:00 a.m. – 4:00 p.m. (Marion Heritage Center & Museum, PO Box 753).
    3. Marion Big Band, City Square Park, July 6, 13, 20 and 27, 2017, 4:00 p.m. – 9:00 p.m. (Doreen Zumwalt, 1500 8th Street).
    4. Marion by Moonlight, City Square Park, June 1, 2017, 2:00 p.m. – 10:00 p.m. (Tim Lane, 1240 8th Avenue).
28. FINANCE

NONE

1. PUBLIC SERVICES   
   1. Ordinance No. 17-11 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at $14.50 and extra bag tags at $2.00. Initial consideration.
   2. Resolution No. 25996 approving affidavit with Cedar Rapids/Linn County Solid Waste Agency for the curbside recycling program incentive.
2. POLICE/FIRE  
   1. Public hearing regarding a five year lease extension with Berry Road Tower regarding the Linn County Wide Radio System.
   2. Resolution No. 25997 approving a five year lease extension with Berry Road Tower regarding the Linn County Wide Radio System.
3. PARKS

NONE

1. BUILDING INSPECTION

NONE

1. ENGINEERING   
   * + 1. Public Hearing regarding the 2017 Sanitary Sewer Manhole Project.
       2. Resolution No. 25998 accepting bids and awarding contract to Rathje Construction Company regarding the 2017 Sanitary Sewer Manhole Project in the amount of $55,825.00.
       3. Public Hearing regarding the 2017 Sanitary Sewer Sliplining Project.
       4. Resolution No. 25999 accepting bids and awarding contract to Municipal Pipe Tool Co., LLC regarding the 2017 Sanitary Sewer Sliplining Project in the amount of $174,720.15.
       5. Ordinance No. 17-12 amending Chapter 66.04 of the Code of Ordinances establishing load and weight limits on the Winslow Road Bridge over Indian Creek (County ID 57-221471; FHWA #221471) per the Deficient Bridge Notification Received. Initial consideration.
2. PLANNING AND DEVELOPMENT
3. **Resolution No. 26000 approving Bridge Creek 4th Addition Final Plat and Memorandum of Agreement for property located south of Settlers Drive and north and west of Winslow Road, Marion, Iowa (Mooney-Engle Land Company LLC).**
4. Public Hearing regarding an Encroachment Easement for former Railroad Right-of-Way south of 271 7th Avenue (My Chiro, LLC).
5. Resolution No. 26001 approving an Encroachment Easement for former Railroad Right-of-Way south of 271 7th Avenue (My Chiro, LLC).
6. **Motion directing Staff to proceed with an amendment to Tower Terrace Road C-3 Zoning District regulations.**
7. **Motion directing Staff to proceed with the demolition of property associated with the 2016 Central Corridor Improvements - Phase III from 13th Street to 19th Street Project specifically the round-a-bout at 6th Avenue and 15th Street.**
8. **Motion directing Staff to proceed with the Seventh Avenue Commercial Addition Preliminary Plat.**
9. Public Hearing regarding an Amendment to the Central Corridor Interim Development Overlay, Section 176.50(10) of the Marion Code of Ordinances**.**
10. **Ordinance No. 17-13 a**mending the Central Corridor Interim Development Overlay, Section 176.50(10) of the Marion Code of Ordinances, and extending the Ordinance an additional six months. Initial Consideration.
11. Resolution No. 26002 approving an amendment to Resolution No. 25931 and approving the revised Interim Development Overlay (IDO) Improvement Review Plan related to the Cobban Hervey Building Façade (Barker Financial).
12. ADMINISTRATION/OTHER
13. Public Hearing regarding a Proposed Development Agreement with Ramsey’s Properties, LLC.
14. Resolution No. 26003 approving Development Agreement with Ramsey’s Properties, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.
15. Public Hearing regarding a Proposed Development Agreement with Barker Financial, LLC.
16. Resolution No. 26004 approving Development Agreement with Barker Financial, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.
17. Ordinance No. 17-09 Providing for the Division of Taxes Levied on Taxable Property in the April, 2017 Addition to the Central Corridor Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa. Second consideration.
18. Ordinance No. 17-10 relating to Mayor and City Council compensation. Second consideration.
19. Resolution No. 26005 directing Staff to proceed with naming of Art in the Alley as Uptown Artway.
20. Resolution No. 26006 directing Staff to proceed with a City Hall reorganization.
21. Motion setting May 8, 2017 as a Special Council Meeting for a closed session regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.
22. Mayoral Appointment:  
    * + 1. Grant Guyer, 2248 Pleasantview Drive, Nuisance Enforcement/ Property Maintenance Board, term expires 01-01-2018.
        2. Council Member Paul Draper, Deputy Mayor pro tem.
23. Council Discussion Time

***An Iowa Ethics Opinion ruling dated April 28, 2017, published guidelines for the conduct of lawyers and their firms when a partner holds a public office. Due to this ruling, Mayor AbouAssaly is not allowed to be present during any discussion or vote on items of potential conflict of interest. Due to this guideline, Mayor AbouAssaly will leave the council meeting and Mayor pro tem Spinks will preside over the meeting.***

MARION CITY COUNCIL REGULAR MEETING

With Mayor AbouAssaly Absent

Thursday, May 4, 2017 – 5:30 p.m.

Council Chambers – 1225 6th Avenue

***An Iowa Ethics Opinion ruling dated April 28, 2017, published guidelines for the conduct of lawyers and their firms when a partner holds a public office. Due to this ruling, Mayor AbouAssaly is not allowed to be present during any discussion or vote on items of potential conflict of interest. Due to this guideline, Mayor AbouAssaly will leave the council meeting and Mayor pro tem Spinks will preside over the meeting***.

CONSENT CALENDAR with Mayor AbouAssaly absent.

NOTE: The Consent Calendar includes routine items and will be enacted by one motion without separate discussion unless Council requests an item be removed to be and considered separately.

Motion to approve Consent Calendar, with Mayor AbouAssaly absent, on the following items, as presented:

1. Motion to approve the following liquor license applications:  
   1. Renewal application for a Class C Liquor License with additional privileges for Catering, Outdoor Service and Sunday Sales for Q-Dogs BBQ, LLC, dba Q-Dogs BBQ Company (895 Blairs Ferry Road). Expiration 05/26/2017. No violations in previous five years.
2. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
   1. Resolution No. 26007 approving Partial Payment No. 9 to Genesis Equities, LLC per Resolution No. 25306 regarding the 2015 Central Corridor Improvements Project (13th to 31st Street – Stage 2; Phase II) in the amount of $38,907.17.
3. Motion to approve Project Calendar regarding the 2017 Armar Drive Extension, as follows:  
   1. Motion to retain the City Engineer as Project Engineer regarding the 2017 Armar Drive Extension.
   2. Resolution No. 26008 approving Resolution of Necessity regarding the 2017 Armar Drive Extension.
   3. Resolution No. 26009 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Armar Drive Extension.
   4. Resolution No. 26010 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Armar Drive Extension.
4. Resolution No. 26011 setting a Public Hearing for May 18, 2017 regarding a request by Morris Wood Enterprises LLC to vacate a portion of Indian Creek Road between Tower Terrance Road and 35th Street (Morris-Wood Enterprises).
5. FINANCE

NONE

1. PUBLIC SERVICES

NONE

1. POLICE/FIRE

NONE

1. PARKS

NONE

1. BUILDING INSPECTION

NONE

1. ENGINEERING
2. Public Hearing regarding the 2017 HMA Resurfacing Project.
3. Resolution No. 26012 accepting bids and awarding contract to L.L. Pelling Company, Inc. regarding the 2017 HMA Resurfacing Project in the amount of $702,137.00.
4. PLANNING AND DEVELOPMENT
5. **Resolution No. 26013 approving Marion Enterprise Center 5th Addition Final Plat and Memorandum of Agreement for property located east of Highway 13 and south of Highway 151, Marion, Iowa (J & JM Investments, LLC).**
6. Resolution No. 26014 approving a waiver of Stormwater Management Fee in the amount of $1,732.00 for Outlot A, Marion Enterprise Center 5th Addition (J & JM Investments, LLC).
7. Resolution No. 26015 approving Marion Mixed Use Development Interim Development Overlay (IDO) Improvement Review for property located between 6th Avenue and 7th Avenue and between 11th Street and 12th Street in Marion, Iowa (Ryan Companies US, Inc.).
8. ADMINISTRATION/OTHER
9. Ordinance No. 17-08 relating to the establishment of the Marion Municipal Airport Committee. Final consideration.
10. Motion to adjourn to closed session regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.
11. Adjourn