MARION CITY COUNCIL REGULAR MEETING

Thursday, May 18, 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: Kids to Park Day

Proclamation: Economic Week

Proclamation: American Legion Auxiliary Poppy Days

Proclamation: National Peace Officers Memorial Day

Presentation: Linn County Master Gardner’s (Tina Patterson).

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 May 1, 2, 4 and 8, 2017 City Council meetings.
2. Motion to approve the bills as presented in the amount of $831,651.15.
3. Motion to approve the following liquor license applications:  
   1. Renewal application for a Class B Native Wine Permit with additional privilege for Sunday Sales for Ends with E, LLC, dba the Chocolate Shop (1244 7th Avenue). Expiration 06/11/2017. No violations in previous five years.
   2. Renewal application for a Class E Liquor License with additional privileges for Carryout Wine, Carryout Beer, and Sunday Sales for Walgreen Co., dba Walgreens #03876 (1225 7th Avenue). Expiration 06/21/2017. No violations in previous five years.
   3. New application for a Special Event Special Class C Liquor License with additional privilege for Outdoor Service for Kiwanis Club of Marion Metro, dba Marion Metro Kiwanis (City Square Park). Effective 06/02/2017 for the BBQ Rendezvous on 06/03/2017.
4. Resolution No. 26016 to adopt the Public Services Equipment Rate Schedule for 2017-2018.
5. Resolution No. 26017 approving contract amendment for uniform rental between the City of Marion Public Services and Aramark Uniform & Career Apparel, LL
6. Resolution No. 26018 approving Partial Payment No. 27 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $2,432.00.
7. Resolution No. 26019 approving Partial Payment No. 28 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $2,752.00.
8. Resolution No. 26020 approving the reallocation of Capitol Project Funds-Training to Capitol Project Funds - Equipment for the purchase of bunker gear extractor.
9. Resolution No. 26021 approving the purchase of a new roof for Fire Station No. 2, with D&D Roofing in an amount of $52,975.00.
10. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
    1. Resolution No. 26022 approving Partial Payment No. 11 to Anderson Bogert Engineers for engineering design services regarding the Armar Drive Extension Project in the amount of $8,626.00.
11. Resolution No. 26023 approving Temporary Construction Easement with Fairways at Hunters Ridge Homeowner Association (4610 – 4740 Fairways Court) regarding the 2017 Lucore Road Reconstruction Project.
12. Resolution No. 26024 approving contract and bond with Municipal Pipe Tool Co., LLC. regarding the 2017 Sanitary Sewer Sliplining Project.
13. Resolution No. 26025 approving contract and bond with Rathje Construction Company regarding the 2017 Sanitary Sewer Manhole Project
14. Resolution No. 26026 accepting Prairie Ridge Estates 7th Addition to the City of Marion.
15. Motion to receive and file staff report regarding the Non-Official Signs in Public Right-of-Way Policy.
16. Motion to approve Project Calendar regarding Planning and Development payments as follows:  
    1. Resolution No. 26027 approving Payment No. 8 to Confluence for professional services related to the development of the Marion Base Design Guidelines in the amounts of $1,258.40.
    2. Resolution No. 26028 approving Payment No. 10 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(628)—8I-57) in the amount of $119.52.
    3. Resolution No. 26029 approving Payment No. 20 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 $3,838.33.
17. Resolution No. 26031 approving Platinum Development Acquisition Plat east of 35th Street and north of Industrial Avenue (Platinum Development to the City of Marion).
18. Motion directing staff to proceed with a City initiated zoning of A-1, Rural Restricted, for the Hennessey and City owned properties north of Highway 100, on both sides of 44th Street.
19. Resolution No. 26032 approving Plat of Survey No. 2167 for property located north of Echo Hill Road and east of Alburnett Road, Marion, Linn County, Iowa (Robert and Kristine Magill).
20. Motion to receive and file a request for deferral of responsibility for the proportionate share of public improvements for property adjacent to the property being split along 35th Avenue (Obando).
21. Resolution No. 26033 setting June 22, 2017 for a Public Hearing regarding the Central Corridor Urban Renewal Plan Amendment.
22. Resolution No. 26034 approving a Permanent Public Access Easement with Engle Properties I, L.C., for the placement of dumpsters.
23. Resolution No. 26035 approving a Vehicle Access Easement Agreement with Engle Properties I, L.C.
24. Resolution No. 26036 approving the renewal of a contract with Wellmark for third party administration and stop loss coverage related to health and dental insurance for FY 17-18.
25. Motion to receive and file correspondence regarding Notice of Intent to terminate agreement for legal services regarding Devin Kelly (Anne Kruse, Allen, Vernon & Hoskins, P.L.C., 1175 8th Avenue).
26. Resolution No. 26037 approving a retainer agreement with Assistant City Attorney Kara Bullerman for the period of May 18, 2017 through June 30, 2017.
27. Resolution No. 26038 amending the Non-Bargaining Pay Schedule for FY 17-18 (Administrative Manager).
28. Motion to receive and file April 2017 Departmental Reports.
29. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):  
    1. Christ Community Church 5K Fun Run/Walk, October 8, 2017, 3:00 p.m. – 5:00 p.m. (Any Keating, 3950 Dostal Court).
    2. Winslow House Care Center, Outdoor Concert, May 20, 2017, 12:00 p.m. – 7:00 p.m. (Winslow House Care Center, 3456 Indian Creek Road).
    3. Cedar Rapids/Marion CROP Hunger Walk, Thomas Park, October 8, 2017, 10:30 a.m. – 3:00 p.m. (Ellen Fisher, 712 Knoll Street SE, Cedar Rapids).

Motion to approve Consent Calendar with Mayor AbouAssaly abstention from voting and discussion regarding the following items, as presented:

1. Resolution No. 26030 approving Armar Drive Acquisition Plat north of Collins Road SE (Highway 100) and south of Armar Drive (City of Marion).
2. Resolution No. 26039 approving contract and bond with L.L. Pelling Company, Inc. regarding the 2017 HMA Resurfacing Project.
3. Resolution No. 26040 accepting Echo Ridge Estates 1st Addition to the City of Marion.
4. Resolution No. 26041 approving one-year contract renewal for the period of July 1, 2017 through June 30, 2018 for Employee Assistance Program (EAP) with Mercy Medical Center.
5. FINANCE
6. Public hearing on the FY 16-17 budget amendment.
7. Resolution No. 26042 approving the FY 16-17 budget amendment.
8. 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. Second consideration.
   2. Resolution No. 26043 supporting and directing staff to proceed with Phase 1 of the Eco Industrial Park Development.
   3. Resolution No. 26044 approving an Engagement Letter and Addendum with Piper Jaffray for the Eco Industrial Park.
   4. Motion directing staff to solicit bids for grading and utility installations for the Eco Industrial Park Development.
9. POLICE/FIRE  
   1. Resolution No. 26045 banning the use of fireworks within the City of Marion.
   2. Resolution No. 26046 authorizing the use of fireworks within the City of Marion.
   3. Resolution No. 26047 limiting the use of consumer fireworks within the City of Marion.
   4. Motion to receive and file a letter of support regarding the sale of fireworks (Evan Young).
10. PARKS

NONE

1. BUILDING INSPECTION  
   1. Public hearing 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. Initial consideration.
   2. Ordinance No. 17-14 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. Initial consideration.
2. ENGINEERING
3. 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. Second consideration.
4. Resolution No. 26048 directing staff to proceed with the demolition of the former 7th Avenue Railroad Bridge regarding the CEMAR Trail / Alburnett Road Extension Projects.
5. Resolution No. 26049 approving the establishment of a “No Parking” zone on both sides of Tower Terrace Road from North 10th Street to Winslow Road.
6. Motion to receive and file a letter opposing the establishment of a “No Parking” zone on both sides of Winslow Road from Tower Terrace Road to Berry’s Run Bridge (Webb and Jolene Wassmer, 5320 Winslow Road).
7. Resolution No. 26050 approving the establishment of a “No Parking” zone on both sides of Winslow Road from Tower Terrace Road to Berry’s Run Bridge.
8. Motion to receive and file a petition strongly objecting to removing the parking on both sides of Winslow Road (Deb Schultz, 5065 Winslow Road, et al).
9. Resolution No. 26051 approving the establishment of a “No Parking” zone on both sides of Winslow Road from Berry’s Run Bridge to the northern City Limits.
10. Motion to receive and file a request regarding a driveway waiver (Matt Burger, Iowa Walls Concrete, 5875 Linn-Aire Avenue).
11. Resolution No. 26059 approving a Memorandum of Agreement regarding the installation of Tower Terrace Road - Phase VI (Morris Wood Enterprises, LLC).
12. PLANNING AND DEVELOPMENT
13. Resolution No. 26052 **approving a preliminary plat for Seventh Avenue Commercial Addition located on 7th Avenue from 25th Street to 31st Street (City of Marion).**
14. **Resolution No. 26053 approving a Final Plat and Memorandum of Agreement for Sebeny’s 1st Addition located North of Williams Drive and west of North 10th Street (Richard & Barbara Sebeny).**
15. Public Hearing regarding a request to vacate a portion of Indian Creek Road right-of-way north of Tower Terrace Road and south of Lucore Road, Marion, Linn County, Iowa (Morris Wood Enterprises, LLC).
16. Resolution No. 26054 approving a request to vacate Indian Creek Road right-of-way north of Tower Terrace Road and south of Lucore Road, Marion, Linn County, Iowa (Morris Wood Enterprises, LLC).
17. Public Hearing regarding the sale of the vacated alley 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, Richmonds 2nd Addition, Marion, Linn County, Iowa (Larry & Joan Nesset).
18. Resolution No. 26055 approving sale of vacated alley 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, Richmonds 2nd Addition, Marion, Linn County, Iowa (Larry & Joan Nesset).
19. Public hearing 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. (City of Marion, Eco-Industrial Park Phase 2).
20. Ordinance No. 17-15 amending the Marion Code of Ordinances 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 (City of Marion, Eco-Industrial Park Phase 2). Initial consideration.
21. **Resolution No. 26056 approving First United Methodist Church of Marion First Addition Final Plat and Memorandum of Agreement for property located North of REC Drive, west of Highway 13 and south of 35th Avenue Marion, Iowa (First United Methodist Church).**
22. Resolution No. 26057 approving scope of work and contract with Houseal Lavigne for the Marion Airport Land Use Plan and Rezoning.
23. ADMINISTRATION/OTHER
24. Public hearing on the designation of the 2017 Workforce Housing Urban Revitalization Area and the adoption of a plan for such revitalization area.
25. Resolution No. 26058 adopting the Proposed Plan for the 2017 Workforce Housing Urban Revitalization Area.
26. Ordinance No. 17-16 designating an area of Marion, Iowa, as the 2017 Workforce Housing Urban Revitalization Area. Initial consideration.
27. Motion to receive, file, and refer to TIF Team, a request for tax increment financing assistance from MOJO Properties, LLC.
28. Motion to receive, file and concur with the recommendations of the Local Option Sales Tax Committee (LOST).
29. Ordinance No. 17-10 relating to Mayor and City Council compensation. Final consideration.
30. Council Discussion Time
31. Adjourn