MARION CITY COUNCIL REGULAR MEETING

Thursday, June 8, 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.

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 16, 18, and 24, 2017 City Council meetings.
2. Motion to approve the bills as presented in the amount of $6,924,370.31.
3. Motion to approve the following liquor license applications:  
   1. Renewal application for a Class C Beer Permit with additional privilege for Carryout Native Wine and Sunday Sales for Petroleum Services Company, LLC, dba Hawkeye Convenience Stores (2500 7th Avenue). Expiration 06/30/2017. No violations in previous five years.
   2. Renewal application for a Class C Beer Permit with additional privilege for Carryout Native Wine and Sunday Sales for Petroleum Services Company, LLC, dba Hawkeye Convenience Stores (1010 East Post Road). Expiration 06/30/2017. No violations in previous five years.
   3. New application for a Special Event Class C Liquor License with additional privileges for Outdoor Service and Sunday Sales for More Bars, LLC, dba Cocktails and Company (1625 Blairs Ferry Road). Outdoor Summer Block Party on 6/17/2017.
   4. New application for a Special Event Class B Beer Permit with additional privileges for Outdoor Service and Sunday Sales for Freedom Festival, Inc., dba Freedom Festival (4500 N 10th Street). Freedom Ride on 6/25/2017.
4. Resolution No. 26061 approving the renewal of General Insurance with Iowa Communities Assurance Pool (ICAP) for FY 17-18 in the amount of $230,272.30.
5. Resolution No. 26062 approving 2017/2018 winter deicer bids with Compass Minerals America Inc.
6. Resolution No. 26063 setting a Public Hearing for June 22, 2017 regarding proposed pole attachment locations between the City of Marion and Verizon Wireless.
7. Resolution No. 26064 approving the purchase of Mobile Data Terminals (MDT) for Fire Apparatus from RACOM in an amount of $55,232.60.
8. Resolution No. 26065 approving private use of public property for outdoor dining in C-2 District by Ramsey’s Metro Market, 1120 7th Avenue, Marion, Iowa.
9. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
   1. Resolution No. 26066 approving Partial Payment No. 5 to Rathje Construction Company, Inc. regarding the 2016 Winslow Road Reconstruction Project in the amount of $167,089.02.
   2. Resolution No. 26067 approving Partial Payment No. 2 to Hunt Construction Company, Inc. regarding the 2017 Sidewalk Ramp Repair Project in the amount of $49,246.18.
   3. Resolution No. 26068 approving Partial Payment No. 9 for reimbursement to Mooney-Engle Land Company, LLC, regarding the Tower Terrace Road – Phase V (10th Street to Indian Creek Road) Project in the amount of $99,525.35.
   4. Resolution No. 26069 approving Partial Payment No. 4 to Mooney-Engle Land Company, LLC, regarding the Winslow Road Realignment Project associated with the Bridge Creek Addition in the amount of $3,136.05.
   5. Resolution No. 26070 approving Partial Payment No. 4 to Veenstra & Kimm, Inc. for engineering design services regarding the Indian Creek Trunk Sewer – Segment 7 in the amount of $33,717.48.
10. Resolution No. 26071 accepting the 2016 Lowe Park Lighting Project.
11. Resolution No. 26072 accepting Bowman Meadows 4th Addition to the City of Marion.
12. Resolution No. 26073 approving Temporary Construction Easement with Broadstone at Hunters Ridge Homeowner Association, Lot 2 of Hunters Ridge Eighth Addition, regarding the 2017 Lucore Road Reconstruction Project.
13. Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2017 Sidewalk Assessment Project as follows:   
    1. Resolution No. 26074 approving Temporary Construction Easement with Tony Quang-Tuyen and Rebecca L Ly, 1035 29th Street, regarding the 2017 Sidewalk Assessment Project.
    2. Resolution No. 26075 approving Temporary Construction Easement with Arthur W. and Joyce J. Felsing, 1155 29th Street, regarding the 2017 Sidewalk Assessment Project.
14. Resolution No. 26076 approving Creation and Grant of Covenants to the Rock Island District of the United States Army Corps of Engineers regarding the Grant Wood Trail Project.
15. Resolution No. 26077 approving Contract Amendment No. 2 with Anderson Bogert Engineers & Surveyors, Inc., associated with the Grant Wood Trail – 35th Street to Highway 13 in the amount of $6,500.00.
16. Resolution No. 26078 approving Memorandum of Understanding with Alice Wilkinson regarding the purchase of property associated with the Indian Creek and Dry Run Creek Sanitary Sewer Capacity Improvements - Segment 7 in the amount of $1,250.00.
17. Motion to receive and file staff report regarding Storm Water Utility Fees, Chapter 157.09 and 157.10 of the Marion Code of Ordinances.
18. Motion to receive and file correspondence regarding the Alburnett Road Extension Project (Charles Knudsen, 2835 24th Avenue).
19. Resolution No. 26079 setting a Public Hearing for June 22, 2017 regarding **a request to purchase City property** described as a portion of the east/west alley between 8th and 9th Street, 5th and 6th Avenue and north of 5th Avenue, Marion, Linn County, Iowa (Perry Development Partners, LLC, Douglas and Angela Williams and John C. Fillmore).
20. Resolution No. 26080 approving Plat of Survey No. 2172 for property located at 3055 7th Avenue (City of Marion).
21. Motion to receive and file a letter requesting a sidewalk deferral (Colleen Arnold, Camden Farms Association).
22. Resolution No. 26081 setting a Public Hearing for July 6, 2017 regarding the designation of the expanded Collins Road Extension Urban Renewal Area and on an Urban Renewal Plan Amendment.
23. Resolution No. 26082 approving a Professional Services Agreement for consulting services with Retail Strategies, LLC, in the amount of $90,000.
24. Resolution No. 26083 accepting art installations and approving final payments associated with the Uptown Artway.
25. Motion to receive and file correspondence from Iowa Department of Transportation regarding Grant Compliance.
26. Motion approving a letter of support for the Marion YMCA Community Attraction and Tourism (CAT) Grant Application.
27. Motion to receive and file revised Personnel Policy 2.10 regarding Health Insurance/Long-term Disability Insurance.
28. Motion to receive and file a letter regarding the wetland at 31st Street and Highway 100 (Donna and Jim McCabe, 1960 39th Street).
29. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):  
    1. 34th Army Band Sidewinders Concert, Lowe Park Amphitheater, June 25, 2017, 5:00 p.m. – 10:00 p.m. (Liz Neff, Freedom Festival, 609 1St Avenue SW, Suite 102, Cedar Rapids).
    2. Block Party, Green Space on 7th Street and 15th Avenue, July 22, 2017, 4:00 p.m. – 10:00 p.m. (Matthew Proctor, 1470 8th Street).
    3. Marion Cares Outdoor Worship, Marion Square Park, July 29, 2017, 9:00 a.m. – 10:00 p.m. (Marion Cares, 1050 McGowan Boulevard).
    4. Chamber of Commerce PM Exchange Block Party, 11th Street between 7th and 8th Avenues, July 20, 2017, 9:00 a.m. – 8:00 p.m. (Martin Gardner Architecture, P.C., 700 11th Street, Suite 200).
    5. Summer of love- Stage 3, Uptown Artway, June 11, 2017, 2:30 p.m. – 11:30 p.m. (Artisan’s Sanctuary, 1070 7th Avenue).
    6. Wedding, 3221 1st Street, June 18, 2017, 1:00 p.m. – 11:00 p.m. (Diana Barre, 3221 1St Street).

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

1. Motion to approve the following liquor license applications:  
   1. Renewal application for a Class E Liquor License with additional privilege for Carryout Wine, Carryout Beer, and Sunday Sales for Kum & Go, LC, dba Kum & Go #503 (3215 7th Avenue). Expiration 06/30/2017. No violations in previous five years.
2. Motion to approve the following FY2017-2018 Cigarette Permit applications: Casey’s General Store #2760, Casey’s General Store #2770, Casey’s General Store #2919, Casey’s General Store #2924, Casey’s General Store #3562, Fareway Stores, Inc. #949, Fas Mart #5146, Hawkeye Convenience Store (7th Avenue), Hawkeye Convenience Store (East Post Road), Hy-Vee Drugstore, Hy-Vee Food Store, Hy-Vee Gas, Kum & Go #503, Kum & Go #509, Murphy USA #7287, Walgreens #03876, Walmart #3630, Wrigleyville.
3. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
   1. Resolution No. 26084 approving Partial Payment No. 10 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 $77,018.13.
   2. Resolution No. 26085 approving Partial Payment No. 8 to Genesis Equities, LLC per Resolution No. 24763 regarding the construction of the Central Corridor Project (26th Street to 31st Street – Stage 1; Phase II) in the amount of $12,074.50.
   3. Resolution No. 26086 approving Partial Payment No. 2 to Midwest Development Company for the over width and over depth of pavement and trail associated with Bowman Meadows 4th Addition to the City of Marion in the amount of $26,906.18.
4. Resolution No. 26087 approving Change Order No. 1 with L.L. Pelling Company, Inc. regarding the 2017 HMA Resurfacing Project in the amount of $39,883.00.
5. Resolution No. 26088 approving contract with Genesis Equities LLC regarding the Central Corridor Improvements Project; Building Demolition in the amount of $134,483.48.
6. 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. Final consideration.
2. POLICE/FIRE

NONE

1. PARKS

NONE

1. BUILDING INSPECTION  
   1. 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. Second 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. Final consideration.
4. Public Hearing regarding the 2017 Sidewalk Assessment Project.
5. Resolution No. 26089 accepting bids and awarding contract to Eastern Iowa Excavating and Concrete, LLC regarding the 2017 Sidewalk Assessment Project in the amount of $58,324.09.
6. Public Hearing regarding the 2017 Armar Extension Project.
7. Resolution No. 26090 accepting bids and awarding contract to Rathje Construction Company, Inc. regarding the 2017 Armar Extension Project in the amount of $329,618.65.
8. Resolution No. 26091 directing staff to proceed with the preparation of an ordinance regarding Storm Water Utility Fees, Chapter 157.09 and 157.10 of the Marion Code of Ordinances.
9. Motion to receive, file and concur with staff report regarding a request regarding driveway waiver (Matt Burger, Iowa Walls Concrete, 5875 Linn-Aire Avenue).
10. Motion to approve Project Calendar regarding the 2017 Lucore Road Reconstruction Project, as follows:  
    1. Motion to retain the City Engineer as Project Engineer regarding the 2017 Lucore Road Reconstruction Project.
    2. Resolution No. 26092 approving Resolution of Necessity regarding the 2017 Lucore Road Reconstruction Project.
    3. Resolution No. 26093 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Lucore Road Reconstruction Project.
    4. Resolution No. 26094 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 Lucore Road Reconstruction Project.
11. Motion to approve Project Calendar regarding the 2017 31st Street Rehabilitation Project [NSI], as follows:  
    1. Motion to retain the City Engineer as Project Engineer regarding the 2017 31st Street Rehabilitation Project. [NSI].
    2. Resolution No. 26095 approving Resolution of Necessity regarding the 2017 31st Street Rehabilitation Project. [NSI].
    3. Resolution No. 26096 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 31st Street Rehabilitation Project. [NSI].
    4. Resolution No. 26097 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2017 31st Street Rehabilitation Project. [NSI].
12. PLANNING AND DEVELOPMENT
13. 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). Second consideration.
14. Resolution No. 26098 authorizing the Mayor to execute the Purchase Agreement with Genesis Equities, LLC, regarding the sale of city owned property located between 25th Street and 29th Street, and south of 8th Avenue, north of 5th Avenue described shown below in exchange for receipt of fee title to acquisition plat parcel a from Genesis Equities, LLC.
15. Resolution No. 26099 directing publication of notice of hearing for June 22, 2017regarding a proposed disposition of a portion of city owned property located between 25th Street and 29th Street, and south of 8th Avenue, north of 5th Avenue.
16. **Resolution No. 26100 approving a Final Plat and Memorandum of Agreement for Echo Ridge Estates 2nd Addition located north of Echo Hill Road & west of Alburnett Road (Integrity Custom Homes).**
17. Resolution No. 26101 approving Acquisition Plat related to purchase of property located at 1514, 1540 and 1578 6th Avenue (Genesis Equity Properties).
18. Resolution No. 26102 approving the purchase of property described as fee simple acquisition plat of parcel 5, a portion of property locally known as 1514, 1540 and 1578 6th Avenue, Marion from Genesis Equities, LLC, in the amount of $1.00.
19. ADMINISTRATION/OTHER
20. Resolution No. 26103 approving an addendum to Fixed Based Operator (FBO) Lease Agreement with Luxair Aviation.
21. Resolution No. 26104 approving a Memorandum of Understanding regarding tax increment financing (TIF) incentives with MOJO Properties, LLC.
22. Public hearing for the proposed sale of Public Property located near 3rd Avenue and 44th Street, Marion, Iowa and legally described as Lot 2, Industrial Center East 11th Addition to the City of Marion, Linn County, Iowa.
23. Resolution No. 26105 approving the sale of Public Property located near 3rd Avenue and 44th Street, Marion, Iowa and legally described as Lot 2, Industrial Center East 11th Addition to the City of Marion, Linn County, Iowa.
24. Resolution No. 26106 authorizing the execution of short-term debt to fund economic development activities.
25. Ordinance No. 17-16 designating an area of Marion, Iowa, as the 2017 Workforce Housing Urban Revitalization Area. Second consideration.
26. Resolution No. 26107 approving City Manager Pay For Performance.
27. Council Discussion Time
28. Adjourn