MARION CITY COUNCIL REGULAR MEETING

Thursday, August 3 – 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 July 18 and 20, 2017 City Council meetings.
2. Motion to approve the bills as presented in the amount of $1,372,231.44.
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 Marion Columbus Club (5650 Kacena Avenue). Expiration 08/24/2017. No violations in previous five years.
4. Resolution No. 26222 approving Partial Payment No. 29 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of $2,080.00.
5. Resolution No. 26223 approving a Project Agreement with the City of Marion and Linn County regarding roadway improvements on Fernow Road.
6. Resolution No. 26224 approving Partial Payment No. 2 to Woodruff Construction regarding the 2017 Marion Independent School Districts Tennis Court Project in the amount of $71,648.05.
7. Resolution No. 26225 approving Change Order No.1 to Woodruff Construction regarding the 2017 Marion Independent School Districts Tennis Court Project in the amount of $7,053.00.
8. Resolution No. 26226 supporting and authorizing the submittal of a Resource Enhancement and Protection Grant Application in the amount of $150,000 for Lowe Park Development.
9. Motion to receive and file correspondence resigning from the Marion Arts Council (Elizabeth Wilson, 2185 Rosewood Ridge Drive.
10. Motion to approve Project Calendar regarding Engineering Department payments as follows:

	1. Resolution No. 26227 approving Partial Payment No. 7 to Rathje Construction Company, Inc. regarding the 2016 Winslow Road Reconstruction Project in the amount of $56,059.45.
	2. Resolution No. 26228 approving Partial Payment No. 4 to Hunt Construction Company, Inc. regarding the 2017 Sidewalk Ramp Repair Project in the amount of $16,281.80.
	3. Resolution No. 26229 approving Partial Payment No. 1 to Eastern Iowa Excavating and Concrete, LLC regarding the 2017 Sidewalk Assessment Project in the amount of $25,160.92.
11. Resolution No. 26230 approving Temporary Construction Easement with Vintage Condo Homeowner Association (HOA), easterly 17 feet of Lot 53 of Hunters Ridge First Addition, regarding the 2017 Lucore Road Reconstruction Project.
12. Resolution No. 26231 accepting the 2017 Sidewalk Ramp Repair Project.
13. Resolution No. 26232 accepting the 2017 HMA Resurfacing Project.
14. Resolution No. 26233 approving contract and bond with Eastern Iowa Excavating and Concrete, LLC regarding the 2017 31st Street Rehabilitation Project [NSI].
15. Resolution No. 26234 approving a contract with Shoemaker & Haaland Professional Engineers, Inc. regarding engineering services associated with the CeMar Trail from Cedar Rapids City Limits near 33rd Street SE to 7th Street in Marion [TAP-U-4775(630)—81-57] in the amount of $639,466.50.
16. Resolution No. 26235 approving Stop Signs stopping east and west bound traffic on Calder Drive at its intersection with 44th Street.
17. Resolution No. 26236 approving Stop Signs stopping east and west bound traffic on 35th Avenue at its intersection with 44th Street.
18. Resolution No. 26237 approving a Stop Sign stopping north bound traffic on 44th Street at its intersection with 35th Avenue.
19. Resolution No. 26238 approving a Stop Sign stopping east bound traffic on Pluto Avenue at its intersection with Prairie Hill Drive.
20. Resolution No. 26239 approving a Stop Sign stopping west bound traffic on Pluto Avenue at its intersection with 50th Street.
21. Resolution No. 26240 approving a Stop Sign stopping north bound traffic on 50th Street at its intersection with 29th Avenue.
22. Resolution No. 26241 approving a Stop Sign stopping north bound traffic on Prairie Hill Drive at its intersection with 29th Avenue.
23. Resolution No. 26242 approving a contract with Mediacom Communications Corporation regarding the undergrounding of fiber cable associated with the Tower Terrace Road Project - Phase VI (Winslow Road to Lennon Lane) in an amount not to exceed $15,958.65.
24. Resolution No. 26243 accepting quotes and awarding contract to Taube Excavation, LTD regarding the Tower Terrace Road (Phase IV) – 2017 Demolition [3493 Winslow and 3490 Indian Creek Properties] in the amount of $29,600.00.
25. Motion to approve Project Calendar regarding Planning and Development Department Payments as follows:

	1. Resolution No. 26244 approving Payment No. 22 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 $3,598.44.
26. Motion to receive and file the following items to the Planning and Zoning Commission:

	1. Final Plat for Uptown Dental First Addition for property located at 890 7th Avenue (Joe Lenz).
27. Resolution No. 26245 approving a change order in the amount of $429.00 to Graybill Communications for the Uptown Artway Security Project.
28. Resolution No. 26246 setting a Special City Council meeting for September 14,, 2017 at 5:30 p.m. regarding the Capital Improvement Program.
29. Motion to receive and file two (2) new job descriptions (Planner 1 and Police Confidential Data Analyst).
30. Resolution No. 26247 amending the 04/01/2017 Non-Bargaining Pay Schedule to add Planner 1 pay range ($56,445 minimum to $79,687 hard cap) and Police Confidential Data Analyst pay range ($41,264 minimum to $60,684).
31. Resolution No. 26248 approving four (4) new personnel policies (4.05 IPERS Retirement, 7.08 On the Job Injury, 7.09 Return to Work, 7.11 Fit for Duty).
32. Resolution No. 26249 approving updated Personnel Policy Manual (re-numbering each policy grouped by topics; Employment, General, Compensation, Insurance and Benefits, Leave of Absence, Employee Relations, and Safety and Wellness).
33. Resolution No. 26250 authorizing deferred compensation agreement (Shawn M. Little).
34. Resolution No. 26251 approving an agreement with Andrea Wilson regarding health insurance.
35. Motion to receive and file correspondence requesting the donation of an electronic security system from City owned property located at 1195 6th Avenue (Lynette Brenzel, Director Marion Heritage Center and Museum).
36. Resolution No. 26252 approving the donation of specified surplus property to the Marion Heritage Center.
37. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):

	1. Linn Mar High School/Middle School cross Country meet, Lowe Park, September 2, 2017, 7:00 a.m. – 1:00 p.m. (CJ McDonald, 4091 Alburnett Road).
	2. Block Party, Raleigh Lane, September 9, 2017, 11:00 a.m. – 11:00 p.m. (Brian Heinricy, 644 Raleigh Lane).

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 C Liquor License with additional privileges for Catering, Carryout Wine, Outdoor Service, and Sunday Sales for Zio Johno’s, Inc., dba Zio Johno’s Marion (755 7th Avenue). Expiration 08/31/2017. No violations in previous five years.
	2. Renewal application for a Class C Beer Permit with additional privileges for Carryout Native Wine and Sunday Sales for Casey’s Marketing, dba Casey’s General Store #2760 (975 S 11th Street). Expiration 09/05/2017. One violation in previous five years.
	3. Renewal application for a Class C Beer Permit with additional privileges for Carryout Native Wine and Sunday Sales for Casey’s Marketing, dba Casey’s General Store #2770 (2020 7th Avenue). Expiration 09/05/2017. No violations in previous five years.
2. Motion to approve Project Calendar regarding Engineering Department payments as follows:

	1. Resolution No. 26253 approving Partial Payment No. 2 to L.L. Pelling Company, Inc. regarding the 2017 HMA Resurfacing Project in the amount of $219,565.62.
3. Resolution No. 26254 approving a contract with Interstate Power & Light Company (Alliant Energy) regarding the undergrounding of fiber cable associated with the Tower Terrace Road Project - Phase VI (Winslow Road to Lennon Lane) in an amount not to exceed $100,000.
4. FINANCE

Resolution No. 26255 setting August 17,, 2017 as the new date for the sale of General Obligation Corporate Purpose Bonds, Series 2017A.

1. PUBLIC SERVICES

	1. Public Hearing regarding the Eco Industrial Park Grading Project.
	2. Resolution No. 26256 accepting bids and awarding contract to Rathje Construction for the Eco Industrial Park Grading Project in the amount of $140,943.50.
2. POLICE/FIRE

	1. Ordinance No. 17-19 relating to noise prohibitions and limited sound sources. Initial consideration.
3. PARKS

	1. Resolution No. 26257 approving Partial Payment No. 3 to J. Aaron Alderman for professional services regarding Lowe Park Sculpture Trail “ Disappearing Culture” in the amount of $15,520.00.
4. BUILDING INSPECTION

NONE

1. ENGINEERING
2. Public Hearing regarding the 2017 Storm Sewer Project.
3. Resolution No. 26258 accepting bids and awarding contract to Rathje Construction Company regarding the 2017 Storm Sewer Project in the amount of $166,104.00.
4. Motion to remove from table Resolution No. 26210 accepting bids and awarding contract to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of $1,493,857.25 (Tabled at the July 20, 2017 meeting).
5. Resolution No. 26210 accepting bids and awarding contract to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of $1,493,857.25**.**
6. Resolution No. 26259 approving contract and bond with Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of $1,493,857.25.
7. PLANNING AND DEVELOPMENT
8. Motion to receive and file correspondence from Residents of Briargate 1st and 5th addition requesting the developer establish covenants on property being rezoned by Robson Home, LLC located north of 29th Avenue, west of 44th Street.
9. Public hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single-Family Attached Residential for property located north of 29th Avenue, west of 44th Street (Robson Homes, Inc.).
10. Resolution No. 26260 approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single-Family Detached Residential to Single-Family Attached Residential for property located north of 29th Avenue, west of 44th Street (Robson Homes, Inc.). Case No. 17-01LU.
11. Public hearing regarding a request to rezone property located north of 29th Avenue, west of 44th Street A-1, Rural Restricted to PD-R and A-1, Rural Restricted to R-2, Medium Density Single Family Residential for property located north of 29th Avenue, west of 44th Street (Robson Homes, Inc.).
12. Ordinance No. 17-20 approving a request to rezone property located north of 29th Avenue, west of 44th Street A-1, Rural Restricted to PD-R and A-1, Rural Restricted to R-2, Medium Density Single Family Residential (Robson Home, LLC). Case No. 17-02R. Initial consideration.
13. Public Hearing regarding Bowman Meadows 5th Addition Preliminary Site Development Plan located south of Boyson Road, west of Alburnett Road (Midwest Development)
14. Resolution No. 26261 setting a Public Hearing for August 17, 2017 and directing publication of notice of hearing on proposed disposition of a portion of public property located south of 8th Avenue and north of 5th Avenue and between 27th and 31st Streets, Marion, Iowa.
15. Public Hearing regarding a Preliminary and Final Site Development Plan for Sunny Ridge Villas Phase 2 located west of Bison Court north of Kacena Avenue (DFMA, Inc., Chad Pelley).
16. Resolution No. 26262 approving a Preliminary Site Development Plan for Sunny Ridge Villas Phase 2 located west of Bison Court north of Kacena Avenue (DFMA, Inc., Chad Pelley).
17. Resolution No. 26263 approving a Final Site Development Plan for Sunny Ridge Villas Phase 2 located west of Bison Court north of Kacena Avenue (DFMA, Inc., Chad Pelley).
18. Resolution No. 26264 approving the purchase of property described as 1405 7th Avenue, Marion from Dennis A. Burgess and Michaelle Burgess in the amount of $601,250.00.
19. Resolution No. 26265 approving purchase of property described as 526 13th Street, Marion from Suzanne Faux-Burhans in the amount of $133,225.00.
20. **Update regarding zoning for property generally described as being located south of Tower Terrace Road, west of 3rd Street, east of Irish Drive and north and west of ESCO Company (3450-3rd Street), to amend Ordinance 13-14 of the Marion Code of Ordinances removing the limitation on hours of operation.**
21. ADMINISTRATION/OTHER
22. Ordinance No. 17-17 Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa. Second consideration.
23. Public Hearing regarding a Proposed Development Agreement with Squaw Creek Crossing, Inc.
24. Resolution No. 26266 approving a Development Agreement with Squaw Creek Crossing, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.
25. Resolution No. 26267 approving a Memorandum of Understanding (MOU), regarding tax increment financing incentives for Genesis Equities, LLC.
26. Mayoral Appointment(s):

	1. Mollie Lorenz, 2910 Silver Oak Trail, Tree Board, term expires 01-01-2018.
	2. Jane Strnad Nelson, 3297 Sherwood Place, Marion Arts Council, term expires 01-01-2019.
	3. Matt Arenholz, 1637 Hunter’s Field Lane, Planning and Zoning Commission, term expires 12-31-2021.
	4. Adam Kofoed, 1390 10th Street, Planning and Zoning Commission,, term expires 12-31-2018.
27. Council Discussion Time
28. Adjourn