MARION CITY COUNCIL REGULAR MEETING

Thursday, April 19, 2018 – 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. Any item listed on the agenda may be open to discussion by the City Council. 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

Special Note: Mayor AbouAssaly will participate in the Council meeting via phone conference.

Call to Order.

Pledge of Allegiance.

Roll Call.

Moment of Silence.

Proclamation: Fair Housing Month

Proclamation: Arbor Day

Swearing in of Firefighter/Paramedics: Tyler Hackbarth, Zachary Brunscheen and Jesse Goetz (Thursday)

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 3 and 5, 2018 City Council meetings.
2. Motion to approve the bills as presented in the amount of $1,138,198.69.
3. 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 Ramsey’s Metro Market (1120 7th Avenue).  Expiration 05/06/2018.  No violations in previous five years.
   2. Addition of a Carryout Wine privilege to an existing liquor license for Casey’s Marketing, dba Casey’s General Store #2919 (340 Marion Boulevard). Expiration 03/31/2019.
4. Resolution No. 26785 setting a public hearing for May 17, 2018 to amend the current budget for the fiscal year ended June 30, 2018.
5. Resolution No. 26786 approving the purchase of fifty (50) pairs of firefighting boots from Sandry Fire Supply in the amount of $17,700.00.
6. Resolution No. 26787 approving the purchase of new Deputy Fire Marshal vehicle from Stivers Ford in an amount of $26,125.00.
7. Resolution No. 26788 approving Partial Payment No. 5 to MSA for professional services regarding the Lowe Park South End Development Project in the amount of $19,950.00.
8. Motion to approve Project Calendar regarding Engineering Department payments as follows:  
   1. Resolution No. 26789 approving Partial Payment No. 3 to Snyder & Associates, Inc. regarding the 2018 Alburnett Road Extension Phase 1 project in the amount of $16,520.00.
   2. Resolution No. 26790 approving Partial Payment No. 1 for reimbursement to Morris Wood Enterprises, LLC for stored materials associated with Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) in the amount of $61,861.18.
9. Motion to receive and file Staff report regarding existing Sanitary Sewer Capacity.
10. Resolution No. 26791 accepting quotes and awarding contract to Borst Brothers Construction Inc. regarding the 3600 Winslow Road Property Disposal Project in the amount of $15,200.00.
11. Resolution No. 26792 accepting quotes and awarding contract to Borst Brothers Construction Inc. regarding the 3630 Winslow Road Property Disposal Project in the amount of $11,800.00.
12. Resolution No. 26793 accepting quote and awarding sale of manufactured home on 3630 Winslow Road as is with ProGood Enterprises, Inc. regarding the 3630 Winslow Road Property Relocation Project in the amount of $5,000.00
13. Motion to receive, file and concur with staff report [previously presented 11.9.17] regarding the 27th Street and 7th Avenue Roundabout (Charlie Knudsen, 2835 24th Avenue).
14. Resolution No. 26794 approving agreement with the Iowa Department of Transportation [2019-TS-003] regarding the intersection improvements at the intersection of Iowa 13 and Hennessey Parkway.
15. Motion to approve Project Calendar regarding Temporary Construction Easements associated with the Central Corridor Improvements – Phase III from 13th Street to 19th Street Project as follows:  
    1. Resolution No. 26795 approving Temporary Construction Easement with Dennis A Burgess, 1505 7th Avenue, regarding the Central Corridor Improvements – Phase III from 13th Street to 19th Street Project.
16. Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2018 Sidewalk Ramp Repair Project as follows:  
    1. Resolution No. 26796 approving Temporary Construction Easement with Kurt N & Linda R Livingston, 1360 D Avenue, regarding the 2018 Sidewalk Ramp Repair Project.
17. Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2018 Sidewalk Assessment Project as follows:  
    1. Resolution No. 26797 approving Temporary Construction Easement with Ask Inc., 2902 14th Avenue, regarding the 2018 Sidewalk Assessment Project.
18. Resolution No. 26798 approving Change Order No. 3 with Genesis Equities, LLC regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) regarding the modification to the light fixtures in the amount of $9,360.00.
19. Resolution No. 26799 setting a Public Hearing for May 3, 2018 regarding an Electric Line Easement with Interstate Power and Light [Alliant Energy] for certain City property located north of 6th Avenue and west of 15th Street regarding the Central Corridor Improvements – Phase 3; 13th Street to 19th Street.
20. Motion to approve Project Calendar regarding Planning Department payments as follows:  
    1. Resolution No. 26800 approving Payment No. 3 to Houseal Lavigne Associates for professional consulting services related to the Marion Zoning Ordinance per the contract for the Marion Airport in the amount of $4,988.40.
    2. Resolution No. 26801 approving Payment No. 4 to Houseal Lavigne Associates for professional consulting services related to the Marion Comprehensive Plan per the contract for the Marion Airport in the amount of $4,281.26.
21. Resolution No. 26802 setting May 3, 2018 as a public hearing regarding a Preliminary Site Development Plan for Squaw Creek Hospitality Country Inn & Suites Hotel at 5993 Carlson Way on the northeast corner of Highway 13 & 151.
22. Motion to receive and file a letter regarding the M&W Ventures Re-zoning request for property located southwest of 35th Street, north of Tower Terrace Road and southeast of Indian Creek Road from Larry Bricker of 3977 Brookside Drive.
23. Motion to receive and file an Annexation request from Genesis Equities Land Holding LLC for property east of Partners Avenue and south of Marion Airport Road and direct staff to proceed with voluntary application.
24. Resolution No. 26803 to correct legal description in prior legislation regarding vacation of section of 3rd Street and sale to Gospel Light Church.
25. Resolution No. 26804 awarding contract with Life Time Fence Company regarding fence demolition and construction services in association with the Grant Wood Trail project in the amount of $30,230.00.
26. Motion to receive and file and refer to Linn County an abatement application from Sunny Ridge.
27. Resolution No. 26805 approving Urban Revitalization Application from DMFA, LLC, associated with Sunny Ridge Villa’s Phase I located in the 2017 Workforce Housing Urban Revitalization Area Plan.
28. Resolution No. 26806 approving final payment to Marion Holdings LLC for the Uptown Parking Lot project in the amount of $5,000.00.
29. Resolution No. 26807 approving the Deputy City Manager Employment Agreement with Amanda Kaufman.
30. Resolution No. 26808 approving the Community Development Director Employment Agreement with Tom Treharne.
31. Resolution No. 26809 approving the Director of Administrative Services Employment Agreement with Elsworth Carman.
32. Motion to receive and file March 2018 Departmental Reports.
33. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):  
    1. Wedding, Lowe Park, September 22, 2018, 1:00 p.m. – 6:00 p.m. (Tamara Murphy, 205 Chatham Road NE, Cedar Rapids).
    2. City Showcase, City Square Park and surrounding area, May 5, 2018, 8:00 a.m. – 2:00 p.m. (Amber Bisinger, City of Marion, 1225 6th Avenue).
34. FINANCE

NONE

1. PUBLIC SERVICES

NONE

1. POLICE/FIRE  
   1. Resolution No. 26810 authorizing the donation of former Fire Engine No. 91 (1989 Pierce Pumper) to the “Pink Heals Eastern Iowa Chapter”.
2. PARKS   
   1. Ordinance No. 18-03 amending Chapter 115 of the Code of Ordinances related to Cemetery. Second consideration.
   2. Ordinance No. 18-06 amending Chapter 23.02 of the Code of Ordinances relating to Park Board member stipend. Initial Consideration.
   3. Resolution No. 26812 approving a $10,000 reallocation of leftover Local Option Sales Tax Funds from the Waldo’s Rock Park Development Project to the Lowe Park South End Improvement Project.
   4. Resolution No. 26813 approving a $100,000 allocation from the Park Development Fund to the Lowe Park South End Improvement Project.
3. BUILDING INSPECTION  
   1. Motion to receive and file correspondence regarding building permits and withholding pay (Brian Dorn).
4. ENGINEERING
5. Public Hearing regarding the City of Marion Lowe Park South End Improvements.
6. Resolution No. 26814 accepting bids and awarding contract to Tricon General Construction, Inc. regarding the City of Marion Lowe Park South End Improvements in the amount of $962,000.00.
7. Public Hearing regarding the 2018 Storm Sewer Project.
8. Resolution No. 26815 accepting bids and awarding contract to Abode Construction, Inc. regarding the 2018 Storm Sewer Project in the amount of $179,244.00.
9. Motion to receive and file correspondence regarding the East Roundabout and Sidewalk Inspection Program (Charley Knudsen).
10. Motion to receive, file and concur with staff report regarding the Sidewalk Inspection Program (Charlie Knudsen, 2835 24th Avenue).
11. Motion directing staff to reallocate funds from the 29th Avenue and Indian Creek Intersection Project to the Sanitary Sewer Capacity Study and directing Staff to solicit engineering services for the Sanitary Sewer Capacity Study, amount to be determined.
12. PLANNING AND DEVELOPMENT
13. Resolution No. 26816 approving a revised Preliminary Plat for 13 & 151 addition located on the northeast corner of Highway 13 & 151 (Water Rock, LLC).
14. Resolution No. 26817 approving the IDO Improvement Review for property at 2504 7th Avenue submitted by GLD Commercial (Dollar Tree).
15. Public Hearing regarding Preliminary and Final Site Development Plan for Spee-Dee Delivery located east of Partners Avenue and south of Enterprise Drive.
16. Resolution No. 26818 approving a Preliminary Site Development Plan for Spee-Dee Delivery located east of Partners Avenue and south of Enterprise Drive.
17. Resolution No. 26819 approving a Final Site Development Plan for Spee-Dee Delivery located east of Partners Avenue and south of Enterprise Drive.
18. Resolution No. 26820 approving the Final Plat and Memorandum of Agreement for Marion Enterprise Center 7th Addition located south of Enterprise Drive and east of Partners Avenue (MEDCO Holding Company, LLC.).
19. Public Hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached and to rezone property from Medium Density Single Family Residential (R-2) to Planned Development Residential (PD-R) located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.).
20. Resolution No. 26821 approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached for property located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.).
21. Ordinance No. 18-07 amending the Code of Ordinances to rezone from Medium Density Single Family Residential (R-2) to Planned Development Residential (PD-R) located north of Winchester Drive and west of Sherwood Drive (Robson Home, Inc.). Initial consideration.
22. Public Hearing regarding a request to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached and to rezone from Medium Density Single Family Residential (R-2) to Two-Family Residential (R-3) located southwest of 35th Street, north of Tower Terrace Road and southeast of Indian Creek Road (M&W Ventures, LLC).
23. Resolution No. 26822 approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached to Single Family Attached for property located southwest of 35th Street, north of Tower Terrace Road and southeast of Indian Creek Road (M&W Ventures, LLC).
24. Ordinance No.18-08 amending the Code of Ordinances to rezone property from Medium Density Single Family Residential (R-2) to Two-Family Residential (R-3) located southwest of 35th Street, north of Tower Terrace Road and southeast of Indian Creek Road (M&W Ventures, LLC). Initial Consideration.
25. Public Hearing regarding a request to rezone property from Rural Restricted (A-1) to Medium Density Single Family Residential (R-2) located west of Alburnett Road and south of Echo Hill Road, Marion, Iowa (Integrity Custom Homes Inc.).
26. Ordinance No. 18-09 amending the Code of Ordinances to rezoning of property from Rural Restricted (A-1) to Medium Density Single Family Residential (R-2) located west of Alburnett Road and south of Echo Hill Road, Marion, Iowa (Integrity Custom Homes Inc.). Initial consideration.
27. Resolution No. 26823 approving a Final Plat and Memorandum of Agreement for Sunny Ridge Villas 2nd Addition located west of Bison Street and south of Robinwood Lane, Marion, Iowa (DMFA, LLC).
28. Public Hearing regarding Amendment to the Central Corridor Interim Development Overlay, Section 176.50(10) of the Marion Code of Ordinances.
29. Resolution No. 26824 extending the Central Corridor Interim Development Overlay, another six months as provided by Section 176.50(10) of the Marion Code of Ordinances.
30. ADMINISTRATION/OTHER
31. Motion to receive and file request for tax increment financing (TIF) assistance (Genesis Equities – Marion Mixed Use Project).
32. Motion directing Staff to negotiate a Memorandum of Understanding with Genesis Equities.
33. Resolution No. 26825 approving Memorandum of Understanding (MOU) with Timberline Manufacturing.
34. Resolution No. 26826 approving joint agreement in support of Linn County’s creation of a Urban Renewal Area to Support Prospect Meadows Development Project.
35. Ordinance No. 18-04 amending Chapter 120.05(11) of the Code of Ordinances for prohibited sales and acts relating to the presence of persons under the legal age. Second consideration.
36. Motion to suspend the rules and place Ord. No 18-04 on the agenda for adoption and adopt.
37. Motion to approve the following Special Permit Endorsements:  
    1. Graduation Party, Brick Alley, May 26, 2018, 3:00 p.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).
    2. Going Away Party, Brick Alley, May 5, 2018, 2:00 p.m. – 6:00 p.m. (Les Arnold, 1038 7th Avenue).
    3. Surprise Birthday Party, Brick Alley, April 28, 2018, 7:00 p.m. – 12:00 a.m. (Les Arnold, 1038 7th Avenue).
38. Ordinance No. 18-05 amending Chapter 120.06 (2) of the Code of Ordinances relating to the locations where alcohol is sold for consumption on premises. Second consideration.
39. Motion to suspend the rules and place Ord. No. 18-05 on the agenda for adoption and adopt.
40. Motion to approve the following liquor license applications:  
    1. New application for a Special Event Class B Beer Permit with additional privileges for Outdoor Service and Sunday Sales for St. Joseph Catholic Church (1790 14th Street).  Effective 06/01/2018.
41. Mayoral Appointments:  
    1. Frederick Brown II, 1423 Forest Lane, Civil Rights Commission, term expires 12-31-20.
    2. Okpara Rice, 1720 Winding Creek Drive, Civil Rights Commission, term expires 12-31-20.
42. Citizen’s presentations, comments and/or petitions.
43. Council Discussion Time
44. Adjourn