

MARION CITY COUNCIL REGULAR MEETING  
Thursday, June 7, 2018 – 5:30 p.m.  
Council Chambers – 1225 6<sup>th</sup> 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.

Call to Order.

Pledge of Allegiance.

Roll Call.

Moment of Silence.

Presentation regarding public input for the Preferred Pedestrian Bridge Design over Marion Boulevard as part of the CeMar Trail Project by Kesha Billings.

Presentation regarding HeartSafe Linn County Iowa by Rose Hedges with Unity Point Hospital.

#### 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 15 and 17, 2018 City Council meetings.
2. Motion to approve the bills as presented in the amount of \$8,221,914.23.
3. Motion to approve the following liquor license applications:
  - a. Renewal application for a Class E Liquor License with additional privilege for Class B Wine, Class C Beer (Carryout), and Sunday Sales for Kum & Go LC, dba Kum & Go #503 (3215 7th Avenue). Current Expiration 06/30/2018. There has been one violation in the last five years.
  - b. Renewal application for a Class C Beer Permit with additional privilege for Class B Native Wine, Class C Beer, and Sunday Sales for Petroleum Services Company LLC, dba Hawkeye Convenience Stores (1010 East Post Road). Current Expiration 06/30/18. There have been no violations in the last five years.

4. Resolution No. 26888 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in Section 123.50(3) of the Code of Iowa (CIBO FUSION, 685 Marion Boulevard).
5. Resolution No. 26889 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in Section 123.50(3) of the Code of Iowa (Tomaso's Pizza, 1111 7th Avenue).
6. Motion to receive and file certified list for Police Officer.
7. Resolution No. 26890 approving the following payments to Dorsey & Whitney for services rendered:
  - \$13,500.00 – 2018A General Obligation Bonds
  - \$8,500.00 – 2018 GO Bonds Disclosure Council
  - \$3,585.00 – Capital Commercial Agreement Claim Review
  - \$1,812.50 – Game On Development Agreement
  - \$6,106.50 – Central Corridor UR Plan Amdmt. & SB Costal Dev Agmt.
  - \$6,910.50 – Collins Road UR Plan Amdmt. & MPS Dev. Agmt.
  - \$2,461.50 – Plan Amendments – UR Admin Support & Internal Loans
  - \$2,529.50 – Genesis Equities Development Agreement
  - \$2,821.50 – Je Pense Development Agreement
  - \$2,427.50 – Urban Revitalization Plan Amendment
  - \$5,017.00 – Municipal Airport Matters
  - \$4,780.50 – Eco-Industrial Park
8. Resolution No. 26891 approving Partial Payment No. 36 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$876.00
9. Motion setting June 14, 2018 at 4:00 p.m. as date to discuss the Eco-Industrial Park.
10. Motion directing staff to solicit Request for Qualifications (RFQ) for Fire Station No. 3.
11. Resolution No. 26892 approving repairs to the Willowood Swimming Pool Water Heater and awarding repair contract to Brecke Mechanical Contractors in the amount of \$17,880.00.
12. Motion to approve Project Calendar regarding Engineering Department payments as follows:
  - a. Resolution No. 26893 approving Partial Payment No. 4 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$56,785.25.

- b. Resolution No. 26894 approving Partial Payment No. 3 to Snyder & Associates regarding the 7<sup>th</sup> Avenue and 35<sup>th</sup> Street Intersection Study in the amount of \$15,244.00.
- c. Resolution No. 26895 approving Partial Payment No. 3 to Anderson-Bogert Engineers regarding the Tower Terrace Road Phase IX Project in the amount of \$9,800.00.
- d. Resolution No. 26896 approving Partial Payment No. 6 to SRF Consulting Group, Inc. regarding the 29<sup>th</sup> Avenue and Indian Creek Road Intersection Improvement Study in the amount of \$925.81.
- e. Resolution No. 26897 approving Partial Payment No. 1 to Borst Brothers Construction, Inc. regarding the 3600 Winslow Road Property Disposal in the amount of \$10,650.00.
- f. Resolution No. 26898 approving Partial Payment No. 1 to Borst Brothers Construction, Inc. regarding the 3630 Winslow Road Property Disposal in the amount of \$10,000.00.
- g. Resolution No. 26899 approving Partial Payment No. 3 to Rathje Construction Company regarding the Grant Wood Trail Extension: Highway 13 to 35<sup>th</sup> Street; HMA and PCC Trail [TAP – U – 4775(628) - - 81 – 57] in the amount of \$169,123.62.
- h. Resolution No. 26900 approving Partial Payment No. 2 to Eastern Iowa Excavating and Concrete, LLC regarding the 2018 Sanitary Sewer Manhole Project in the amount of \$3,857.00.
- i. Resolution No. 26901 approving Partial Payment No. 1 to Hunt Construction, Inc. regarding the 2018 Sidewalk Ramp Repair Project in the amount of \$40,005.25.
- j. Resolution No. 26902 approving Partial Payment No. 1 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31<sup>st</sup> to 35<sup>th</sup> Project in the amount of \$235,662.25.
- k. Resolution No. 26903 approving Partial Payment No. 5 to Rathje Construction Company, Inc. regarding the 2017 Armar Drive Extension Project in the amount of \$6,484.96.
- l. Resolution No. 26904 approving Partial Payment No. 1 to D.W. Zinser Company regarding the 184 8<sup>th</sup> Avenue Demolition Services in the amount of \$15,250.00.

- m. Resolution No. 26905 approving Partial Payment No. 15 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$4,254.25.
  - n. Resolution No. 26906 approving Partial Payment No. 2 to Calhoun-Burns and Associates, Inc. regarding the 2018 Bridge Inspection Services in the amount of \$2,176.50.
13. Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2017 Northview Drive Reconstruction Project [NSI] as follows:
- a. Resolution No. 26907 approving Temporary Construction Easement with Phylliss J Yuva, 1440 Northview Drive, regarding the 2017 Northview Drive Reconstruction Project (NSI).
  - b. Resolution No. 26908 approving Temporary Construction Easement with Jeffrey A Andrews & Brenda L Ferrie, 1400 Northview Drive, regarding the 2017 Northview Drive Reconstruction Project (NSI).
  - c. Resolution No. 26909 approving Temporary Construction Easement with Ricardo & Amy L Eldred Hernandez, 2230 11th Avenue, regarding the 2017 Northview Drive Reconstruction Project (NSI).
  - d. Resolution No. 26910 approving Temporary Construction Easement with Kari A Powers, 1240 Northview Drive, regarding the 2017 Northview Drive Reconstruction Project (NSI).
14. Motion to approve Project Calendar regarding Planning Department payments as follows:
- a. Resolution No. 26911 approving Payment No. 18 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 \$2111.20.
  - b. Resolution No. 26912 approving Payment No. 6 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$14,029.07.
  - c. Resolution No. 26913 approving Payment No. 32 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13<sup>th</sup> Street to 31<sup>st</sup> Street in the amount of \$165.22.

- d. Resolution No. 26914 approving Payment No.4 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$2,776.00. Contract amount remaining \$16,141.39.
15. Resolution No. 26915 setting public hearing for June 21, 2018 regarding the renaming of Pioneer Court to Pioneer Drive located west of Larkspur Drive within the Bridge Creek 4th Addition.
16. Resolution No. 26916 approving life and long term disability insurance with Madison National Life Insurance Company, Inc., for July 1, 2018 through June 30, 2020.
17. Motion to receive and file new job description for Police Facilities Maintenance Coordinator and Engineering Project Assistant.
18. Resolution No. 26917 amending the 04/01/2018 non-bargaining pay schedule to change the Engineering Administrative Assistant to an Engineering Project Assistant pay range (\$51,478 minimum to \$75,703 hard cap).
19. Resolution No. 26918 approving a five-year master services agreement with Vision Technology Solutions, LLC dba VISION for Annual Website Services and Redesign Services in the amount of \$69,652.
20. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):
  - a. Neighborhood Outdoor Party, Par Circle, June 16, 2018, 6:00 p.m. – 11:00 p.m. (Steve Allsop, 4275 Par Circle).
  - b. Band, Uptown Artway, June 15, 2018, 7:00 p.m. – 10:30 p.m. (Paul Matthews, 770 11<sup>th</sup> Street).

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

21. Resolution No. 26919 approving Partial Payment No. 5 to Knapp Warden LLC for design services associated with the Eco Industrial Park phase one in the amount of \$11,262.50.
22. Resolution No. 26920 accepting Bowman Meadows 5th Addition to the City of Marion (Skogman).

23. Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 26921 approving Partial Payment No. 2 for reimbursement to Morris Wood Enterprises, LLC regarding the Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) Project in the amount of \$220,096.76.
- b. Resolution No. 26922 approving Partial Payment No. 22 to Genesis Equities, LLC for the Central Corridor Project (13th Street to 31st Street) in the amount of \$15,012.67.
- c. Resolution No. 26923 approving Partial Payment No. 1 to L.L. Pelling Company, Inc. regarding the 2018 HMA Resurfacing Project in the amount of \$299,598.19.
- d. Resolution No. 26924 approving Partial Payment No. 5 to Abode Construction, Inc. regarding the 2017 Lucre Road Reconstruction Project in the amount of \$126,525.46.
- e. Resolution No. 26925 approving Partial Payment No. 3 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13<sup>th</sup> Street to 19<sup>th</sup> Street) in the amount of \$92,309.38.

A. FINANCE

1. Public hearing on a proposal to enter into a General Obligation Urban Renewal Loan Agreement (Prospect Meadows).
2. Resolution No. 26926 approving a General Obligation Urban Renewal Loan Agreement providing for the provisional levy of taxes to pay the same and approving a side agreement with Prospect Meadows, Inc.
3. Public hearing regarding the issuance of an Urban Renewal Annual Appropriation Tax Increment Revenue Bond, Series 2018 in a principal amount not to exceed \$4,500,000 (GLD Hotel Development Project).
4. Resolution No. 26927 authorizing the issuance of a \$4,500,000 Urban Renewal Annual Appropriation Tax Increment Revenue Bond, Series 2018 pledging to the payment thereof funds and portions of taxes (subject to non-appropriation) created pursuant to the authority of Subsection 2 of Section 403.19 of the Code of Iowa (GLD Hotel Development Project).

B. PUBLIC SERVICES

NONE

C. POLICE/FIRE

1. Resolution No. 26928 approving 28E Agreements with Linn-Mar School District and Marion Independent School District for School Resource Officers.
2. Public hearing regarding the adoption by reference the International Fire Code 2018 Edition with amendments and providing penalties.
3. Ordinance No. 18-18 adopting by reference the International Fire Code 2018 Edition with amendments and providing penalties. Initial consideration.

D. PARKS

NONE

E. BUILDING INSPECTION

1. Ordinance No. 18-11 amending Chapter 160 of the Code of Ordinances and adopting by reference the International Building Code 2018 Edition with amendments and providing penalties. Second consideration.
2. Ordinance No. 18-12 amending Chapter 163 of the Code of Ordinances and adopting by reference the International Mechanical Code 2018 Edition with amendments and providing penalties. Second consideration.
3. Ordinance No. 18-13 amending Chapter 161 of the Code of Ordinances and adopting by reference the International Plumbing Code 2018 Edition with amendments and providing penalties. Second consideration.
4. Ordinance No. 18-14 amending Chapter 153 of the Code of Ordinances and adopting by reference the International Property Maintenance Code 2018 Edition with amendments and providing penalties. Second consideration.
5. Ordinance No. 18-15 amending Chapter 50 of the Code of Ordinances relating to Nuisance Abatement Procedure. Second consideration.
6. Ordinance No. 18-16 amending Chapter 165 of the Code of Ordinances relating to the Housing Code. Second consideration.

F. ENGINEERING

1. Resolution No. 26929 approving a Stop Sign stopping north and south bound traffic on Winslow Road at its intersection with Tower Terrace Road.
2. Resolution No. 26930 approving removal of a Stop Sign stopping west bound traffic on 35th Avenue intersection with Indian Creek Road.
3. Resolution No. 26931 approving removal of a Stop Sign stopping east bound traffic on Brookside Drive at its intersection with Indian Creek.

4. Ordinance No. 18-10 amending Chapter 63 of the Code of Ordinances establishing the speed limit on Alburnett Road as 35 mph from the northern City Limits, except that area from 400' south of the Oakridge School Drive to 400' north of Echo Hill Road which shall be 25 mph when children present to the southern terminus of Alburnett Road. (Remove code section 5D, 6G & 6H, and add 5AC). Final consideration.

#### G. PLANNING AND DEVELOPMENT

1. Public hearing regarding annexation request from Genesis Equities Land Holding LLC for property east of Partners Avenue and south of Marion Airport Road, Marion, Iowa.
2. Resolution No. 26932 approving annexation request from Genesis Equities Land Holding LLC for property east of Partners Avenue and south of Marion Airport Road, Marion, Iowa.
3. Resolution No. 26933 setting June 21, 2018 as a public hearing regarding the property east of the Marion Airport Runway and south of Marion Airport Road to amend the Future Land Use Map of the Marion Comprehensive Plan from Business Park/Office to Light Industrial and to Corridor Commercial and from Light Industrial to Corridor Commercial and a request to Rezone from Restricted Industrial, I-1 to General Commercial, C-3 and from Linn County Agricultural to Restricted Industrial, I-1 and to General Commercial, C-3 (Genesis Equities Land Holding, LLC).
4. Resolution No. 26934 approving the Final Plat and Memorandum of Agreement for Echo Hill 3rd Addition located east of Alburnett Road and north of Echo Hill Road (Integrity Custom Homes Inc.).
5. Resolution No. 26935 approving the Final Plat and Memorandum of Agreement for Authors 5th Addition located east of 35th Street and south of 35th Avenue (Morris Wood Enterprises LLC).
6. Resolution No. 26936 approving a Final Plat and Memorandum of Agreement for Downing Farm 3rd Addition south of Kettering Road and north of East Robins Road (Mooney-Engle Land Co. LLC).
7. Resolution No. 26937 approving a Final Plat and Memorandum of Agreement for MidAmerican 1st Addition to Linn County at 2970 East Post Road in Linn County, Iowa.
8. Public hearing regarding a request to vacate the southern 120 feet of the north-south alley lying between to Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa (Seven Hills East LLC).



9. Resolution No. 26938 approving a request to vacate the southern 120 feet of the north-south alley lying between to Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa (Seven Hills East LLC).
10. Public hearing regarding the sale of the vacated property described as the southern 120 feet of the north-south alley lying between to Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa (Seven Hills East LLC).
11. Resolution No. 26939 approving the sale of the vacated southern 120 feet of the north-south alley lying between Lots 6 and 7, Block 7, Original Town, Now City of Marion, Linn County, Iowa and directing manner of execution of deed (Seven Hills East LLC).
12. Motion to receive, file and discuss a Letter from Bradley & Riley regarding the 29th Avenue Access Fees for Prairie Hill 16th Addition Final Plat located south of 29th Avenue and west of Highway 13 (Platinum Development).

#### H. ADMINISTRATION/OTHER

1. Ordinance No. 18-17 designating an area of Marion, Iowa, as the 2018 Workforce Housing Urban Revitalization Area. Second consideration.
  2. Resolution No. 26940 approving Memorandum of Understanding (MOU) with Culver Enterprises, LLC, regarding Tax Increment Financing (TIF) incentives.
  3. Mayoral Appointment(s):
    - a. Judy Saluri, 1785 Grand Avenue, Historic Preservation Committee, term expires 01/01/2019.
- I. Citizen's presentations, comments and/or petitions.
- J. Council Discussion Time
- K. Motion to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa.
- L. Adjourn