

MARION CITY COUNCIL REGULAR MEETING
Thursday, July 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.

Call to Order.

Pledge of Allegiance.

Roll Call.

Moment of Silence.

Economic Development Presentation: Presentation from Hobart Historic Restoration regarding the application for TIF Assistance.

Presentation regarding the YMCA/Functions & Fitness project by Zach Bohannon, Project Manager for YMCA.

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 follows:

1. Motion to approve minutes of the July 3, 5 and 6, 2018 City Council meetings.
2. Motion to approve the bills as presented in the amount of \$849,328.64.
3. Motion to approve the following liquor license applications:
 - a. New application for a Class C Liquor License with additional privilege for Catering for Bistro on the River, Inc., dba Bistro 3 Nineteen (796 11th Street). Effective 07/16/2018.
 - b. New application for Class B Native Wine Permit with additional privilege for Sunday Sales for Jeanette Ramirez and Hanna Weston dba Nette & Hanna's Apothecary Store & More (892 8th Avenue). Effective 07/05/2018.

- c. Renewal application for Special Class C Liquor License with additional privilege for Sunday Sales for Whaddaywant Marion LLC dba Tomaso's Pizza (1111 7th Avenue). Effective 08/04/2018. One violation in last five years.
 - d. Renewal application for Class E Liquor License with additional privileges for Class B Native Wine Permit, Class C Beer Permit and Sunday Sales for Casey's Marketing dba Casey's General Store #2924 (1100 Eagle View Drive). Effective 08/19/2018. No violations in the last five years.
4. Resolution No. 27010 approving Partial Payment No. 38 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$4,652.18.
5. Motion to receive and file correspondence regarding Fireworks from Bert and Jean Graham, 3056 White Oak Drive.
6. Motion to receive and file email correspondence regarding Fireworks.
7. Resolution No. 27011 approving payment to Racom Corporation for Fire Alerting Service in the amount of \$8,903.93.
8. Motion to approve Project Calendar regarding Engineering Department payments as follows:
 - a. Resolution No. 27012 approving Partial Payment No. 4 to Snyder & Associates, Inc. regarding the 7th Avenue and 35th Street Intersection Study in the amount of \$16,568.00.
 - b. Resolution No. 27013 approving Partial Payment No. 5 to Anderson-Bogert Engineers regarding the Tower Terrace Road Phase IX Improvements in the amount of \$14,700.00.
 - c. Resolution No. 27014 approving Partial Payment No. 6 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I in the amount of \$14,100.26.
 - d. Resolution No. 27015 approving Partial Payment No. 2 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$25,236.12.
9. Motion to receive, file, discuss and refer to TAC request regarding requesting stop signs at the intersection of West 34th and Hawthorne Street. (Bobby Udell, 335 W 34th Avenue).
10. Resolution No. 27016 approving a contract with EB Solutions, Inc. regarding the Wetland Mitigation and Annual Monitoring for the Grant Wood Trail in the amount of \$8,400.00.

11. Resolution No. 27017 approving Change Order No. 1 with BWC Excavating, LC regarding the 2018 Northview Drive Reconstruction Project (NSI) in the amount of \$21,615.00.
12. Resolution No. 27018 authorizing the submittal of an application for Traffic Safety Improvement Program (TSIP) funding for the intersection of Highway 151 and 62nd Street to convert the 2-way stop controlled intersection to traffic signals with turn-lanes.
13. Resolution No. 27019 accepting the 2018 Sidewalk Ramp Repair Project.
14. Motion to approve Project Calendar regarding Planning Department payments as follows:
 - a. Resolution No. 27020 approving payment No. 19 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(629)8I-57) in the amount of \$2117.23.
 - b. Resolution No. 27021 approving payment No. 5 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$1,041.00. Contract amount remaining \$15,100.00.
15. Motion to receive, file and refer the following items to the Planning and Zoning Commission:
 - a. Final Plat for property located at 1880 Bloomington Road in Linn County (Whispering Estate Addition – Del and Donna Bucknell).
 - b. A future land use map amendment, a rezoning of property from A-1 (Rural Restricted) to R-2 (Medium Density Single Family Residential) & C-3 (General Commercial) and the Tower Terrace Commercial Preliminary Plat for property located between Alburnett Road and Irish Drive and north and south of Tower Terrace Road.
16. Resolution No. 27022 setting public hearing for August 9, 2018 regarding an amendment to the Master Trails Plan Map.
17. Resolution No. 27023 setting a public hearing for August 9, 2018 and directing publication of notice regarding a request to vacate the alley between 345/355 and 375 6th Avenue, Marion, Iowa. (Schaul request).
18. Resolution No. 27024 setting a public hearing for August 9, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property described as the alley between 345/355 and 375 6th Avenue, Marion, Iowa. (Schaul request).

19. Resolution No. 27025 setting a public hearing for August 9, 2018 and directing publication of notice regarding a request to vacate the alley between 321/335 10th Street and 308/340 11th Street, Marion, Iowa. (Vorobstov request).
20. Resolution No. 27026 setting a public hearing for August 9, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property between 321 10th Street and 308 11th Street, Marion, Iowa. (Vorobstov request).
21. Resolution No. 27027 setting a public hearing for August 9, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property between 335 10th Street and 340 11th Street, Marion, Iowa. (Byse request).
22. Resolution No. 27028 setting a public hearing for August 9, 2018 regarding revisions to Chapter 176 Marion Zoning Ordinance by removing and replacing current Chapter 176.06 Rules and Definitions to include new and updated definitions.
23. Resolution No. 27029 setting a public hearing for August 9, 2018 regarding revisions to Chapter 176 Marion Zoning Ordinance by removing and replacing chapter 176.33 Nonconforming Uses, Buildings and Structures with updated provisions and language.
24. Resolution No. 27030 setting a public hearing for August 9, 2018 regarding amendment to Chapter 176 Marion Zoning Ordinance, updating Chapter 176.04, Establishment of Districts and Map, to include new Zoning District Classifications and establishing chapter 176.51, New Zoning District Classifications.
25. Resolution No. 27031 approving contract modification for the lease at 524 10th Street, Marion.
26. Resolution No. 27032 repealing Resolution No. 23655, amending Resolution 23016 regarding the number of Local Option Sales Tax Oversight Committee members to include nine (9) members and establishing terms.
27. Resolution No. 27033 amending Resolution No. 23016, establishing a citizen oversight committee regarding the Local Option Sales Tax.
28. Resolution No. 27034 approving a two year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger newsletter in the amount of \$62,000.
29. Motion to receive and file June 2018 Departmental Reports.

30. Motion to approve the following Hold Harmless/Noise Waiver Agreement(s):

- a. Concert in the Park, Marion City Park, June 11, 2019, 7:00 – 8:15 p.m. and July 2, 2019 7:00 – 8:15 p.m. (David Law, Marion Community Band, 1560 Pleasantview Drive).
- b. Band, Uptown Artway Stage, July 27, 2018, 7:00 – 11:00 p.m. (Paul Matthews, Uptown Snug, 760 11th Street).
- c. Classics on the Lawn, 970 10th Street, July 21, 2018, 8:30 – 11:00 p.m. (Sarah Hyatt, The Granger House Victorian Museum, 970 10th Street).
- d. Linn-Mar Homecoming Parade, North 10th Street, September 27, 2018, 5:15 – 6:30 p.m. (Steve Goodall, Linn-Mar High School, 311 North 10th Street).

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

31. Resolution No. 27034 approving a two year contract with Cedar Graphics to print and distribute eight issues of the Marion Messenger newsletter in the amount of \$62,000.
32. Motion to receive and file an application for tax increment financing (TIF) assistance from Hobart Historic Restoration.
33. Motion directing staff to draft a Memorandum of Understanding (MOU) with Hobart Historic Restoration, regarding tax increment financing (TIF) incentives.

A. FINANCE

1. Public Hearing regarding amendments to the Fiscal Year 2018-2023 Capital Improvement Program (Eco Industrial Park, 29th and Indian Creek Intersection Improvement Project and the 2018 Sanitary Sewer Capacity Study).
2. Resolution No. 27035 approving the amendment to the Fiscal Year 2018-2023 Capital Improvement Program to reflect estimates for Eco Industrial Park (Public Services Facility Project).
3. Resolution No. 27036 approving the amendment to the Fiscal Year 2018-2023 Capital Improvement Program to reflect expenditure changes regarding the 29th and Indian Creek Intersection Improvement Project and the 2018 Sanitary Sewer Capacity Study.

B. PUBLIC SERVICES

NONE

C. POLICE/FIRE

1. Motion directing staff to review regulations regarding fireworks.

D. PARKS

NONE

E. ENGINEERING

NONE

F. COMMUNITY DEVELOPMENT

1. Motion to receive and file correspondence from Involta LLC regarding REC Drive.
2. Motion to receive and file correspondence from Linn County Rural Electric Cooperative regarding REC Drive.
3. Resolution No. 27037 regarding a resolution of necessity for the installation of REC Drive per the approved Memorandum of Agreement for Lot 1, REC Second Addition to the City of Marion, Linn County, Iowa.
4. Resolution No. 26975 approving a Final Plat and Memorandum of Agreement for Stonefield Commercial First Addition located south of Tower Terrace Road, west and north of 3rd Street (Synergy Equity Partners, LLC). (Removed 06/21/2018).
5. Motion to reconsider Resolution No. 27007, approving a Preliminary Site Development Plan for Bluebird Square located on the northeast corner of Highway 13 and 151. (High Property Management & Development). (Failed 07/05/2018).
6. Motion directing staff to place Resolution No. 27007, approving a Preliminary Site Development Plan for Bluebird Square located on the northeast corner of Highway 13 and 151, on the agenda of the August 9, 2018 City Council Meeting. (High Property Management & Development). (Failed 07/05/2018).
7. Ordinance No. 18-19 approving a rezoning 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 located east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holding, LLC). Final Consideration.
8. Resolution No. 27038 approving Marion Aircom Park Preliminary Plat located east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holding, LLC).

9. Resolution No. 27039 approving Plat of Survey #2274 for property located south of Marion Airport Road and east of the Airport (Luxair Aviation).
10. Resolution No. 27040 approving a Final Plat and Memorandum of Agreement for Hunters Ridge North 1st Addition located east of Winslow Road and north of Stags Leap Lane. (Midwest Development Co.).

G. ADMINISTRATION/OTHER

1. Motion directing staff to explore options regarding the brick house located at 525 11th Street, Marion, Iowa.
 2. Motion to approve the following Hold Harmless/Noise Waiver Agreements:
 - a. House Move, 1375 8th Avenue to 1060 29th Street, July 31, 2018, 8:00-12:00 p.m. (Larry Nessel, 1375 8th Avenue).
 - b. Live Music featuring Andersen Coates and Clayton Dryden, Uptown Artway, July 21, 2018 from 8:30-9:30 p.m. and August 4, 2018 from 7:00-8:15 p.m. (Anderson Coates, 1820 Valentine Drive).
 3. Mayoral Reappointment(s):
 - a. Eileen Robinson, 3560 28th Avenue, Library Board of Trustees, term expires 06/30/2024.
 - b. Kimberly Rose, 616 Raleigh Lane, Library Board of Trustees, term expires 06/30/2024.
 - c. Sally Reck, 2305 Coventry Court, Library Board of Trustees, term expires 06/30/2024.
- H. Citizen's presentations, comments and/or petitions.
- I. Council Discussion Time
- J. Motion to adjourn to closed session regarding litigation and land acquisition as permitted under Section 21.5(1)(c) and Section 21.5(1)(j) of the Code of Iowa.
- K. Adjourn