

MARION CITY COUNCIL REGULAR MEETING
Thursday, August 9, 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 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.

Oath of Office: Police Officer Jacob Pisarik

Proclamation: 13th Annual Five Seasons Stand Down Day

CONSENT CALENDAR - 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 17, 19 and 30, 2018 City Council meetings.
2. Motion to approve the bills as presented in the amount of \$2,441,252.10.
3. Motion to approve the following liquor license applications:
 - a. Renewal – Casey’s Marketing dba Casey’s General Store #2770
2020 7th Avenue, Marion
Class C Beer Permit with additional privileges of Class B Native Wine Permit and Sunday Sales. No violations in the last five years.
 - b. Renewal – Marion Columbus Club dba Marion Columbus Club
5650 Kacena Avenue, Marion
Class C Liquor License with additional privileges of Sunday Sales. No violation in last five years.
 - c. Renewal – Zio Johnno’s Inc. dba Zio Johnno’s Marion
755 7th Avenue, Marion
Class C Liquor License with additional privileges of Class B Wine Permit, Catering, Outdoor Service and Sunday Sales. No violation in the last five years.

- d. New – Nara Thai Cuisine LLC dba Nara Thai Cuisine
1725irs Ferry Rd Ste 102, Marion
Class C Liquor License with additional privileges of Sunday Sales.
Effective 07/15/2018.
4. Motion to receive and file the Civil Service Certified Eligible List for Police Sergeant and Police Lieutenant.
5. Resolution No. 27041 approving the consulting and engineering services agreement with A&J Associates for the construction of the Public Services Maintenance Facility.
6. Resolution No. 27042 approving Partial Payment No. 1 to A&J Associates for engineering services for the Public Services Maintenance Facility in the amount of \$26,750.00.
7. Motion to approve Project Calendar regarding Engineering Department payments as follows:
 - a. Resolution No. 27043 approving Partial Payment No. 5 to Rathje Construction Company regarding the Grant Wood Trail Extension: Highway 13 to 35th Street; HMA and PCC Trail [TAP – U – 4775(628) - - 8I – 57] in the amount of \$240,676.11.
 - b. Resolution No. 27044 approving Partial Payment No. 3 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project in the amount of \$5,276.47.
 - c. Resolution No. 27045 approving Partial Payment No. 7 to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of \$257,760.59.
 - d. Resolution No. 27046 approving Partial Payment No. 2 to BWC Excavating LC regarding the 2017 Northview Drive Reconstruction Project [NSI] in the amount of \$84,700.25.
 - e. Resolution No. 27047 approving Partial Payment No. 5 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$94,094.47.
 - f. Resolution No. 27048 approving Partial Payment No. 17 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer-Segment 7 in the amount of \$5,476.22.
 - g. Resolution No. 27049 approving Partial Payment No. 1 to Municipal Pipe Tool Co., LLC regarding the 2018 Sanitary Sewer Sliplining Project in the amount of \$139,317.26.

- h. Resolution No. 27050 approving Partial Payment No. 1 to Snyder & Associates regarding the Indian Creek Trail Aerial Survey Project in the amount of \$2,900.00.
 - i. Resolution No. 27051 approving Partial Payment No. 3 to Calhoun-Burns and Associates, Inc regarding the 2018 Bridge Rating and Inspection in the amount of \$1,715.00.
- 8. Motion to receive, file and discuss the Traffic Engineering Assistance Program [TEAP] Studies for the intersection of Central Avenue and 10th Street & the intersection of West 8th Avenue and Lindale Drive.
- 9. Resolution No. 27052 authorizing the submittal of an application for Traffic Safety Improvement Program [TSIP] funding for the intersection of Central Avenue and 10th Street to convert the traffic signal to a mini roundabout.
- 10. Resolution No. 27053 authorizing the submittal of an application for Traffic Safety Improvement Program [TSIP] funding for the intersection of Highway 100 and South 31st Street to convert the 2-way stop controlled intersection to a traffic signal, extend the left turn lanes, and add a westbound right turn lane.
- 11. Motion to approve Project Calendar regarding the 668 7th Avenue Parking Lot Project, as follows:
 - a. Motion to retain the City Engineer as Project Engineer regarding the 668 7th Avenue Parking Lot Project.
 - b. Resolution No. 27054 approving Resolution of Necessity regarding the 668 7th Avenue Parking Lot Project.
 - c. Resolution No. 27055 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 668 7th Avenue Parking Lot Project.
 - d. Resolution No. 27056 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 668 7th Avenue Parking Lot Project.
- 12. Motion to approve Project Calendar regarding Planning Department payments as follows:
 - a. Resolution No. 27057 approving Payment No. 20 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(628)81-57) in the amount of \$414.05.

- b. Resolution No. 27058 approving Payment No. 8 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$10,748.58.
 - c. Resolution No. 27059 approving Payment No. 1 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631)--70-57] in the amount of \$3,583.17.
13. Resolution No. 27060 approving Memorandum of Agreement with Camden Farms Condo regarding sidewalk installation and fees associated with 2017 Lucore Road Reconstruction Project.
 14. Motion to receive and file a request for deferral/partial deferral of installation of sidewalk adjacent to Downing Farm 1st Addition along Alburnett Road adjoining the proposed Terrace Glen Village (Hall & Hall Engineers).
 15. Resolution No. 27061 designating the Mayor and Mayor pro tem as authorized signers for the contract with IEDA regarding Freund-Vector Corporation.
 16. Motion directing staff to amend the development agreement with Freund-Vector Corporation.
 17. Resolution No. 27062 approving an amended service agreement with Involta to support the GIS software implementation.
 18. Resolution No. 27063 approving an agreement for membership with the Multi-State Information Sharing and Analysis Center.
 19. Resolution No. 27064 authorizing deferred compensation agreement (Seth Kjormoe).
 20. Motion to receive and file new job description (Parks & Recreation Deputy Director and Maintenance Utility I).
 21. Resolution No. 27065 amending the 04/01/2018 non-bargaining pay schedule to change the job title of the Parks Assistant Director to Parks Deputy Director (salary remains the same).
 22. Resolution No. 27066 approving Legal Services Agreements with City Attorney Anne E. H. Kruse and Assistant City Attorneys Kara L. Bullerman and Ryan P. Tang for the period of July 1, 2018 through June 30, 2019.
 23. Motion to receive, file and discuss correspondence regarding visual obstructions at intersections. (Gary Hughes, 1885 Geode Street).
 24. Motion to receive and file resignation memo for Shirley Pantini from the Civil Rights Commission.

25. Motion setting the Thursday, September 20, 2018 City Council Meeting start time to 4:00 p.m.

26. Motion to approve the following Special Permit Endorsements:

- a. Brick Alley Pub, Iowa/Iowa State Football, September 8, 2018, 11:00 a.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).
- b. Brick Alley Pub, Iowa Football Games, Saturdays between September 1 and November 23, 2018, 11:00 a.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).
- c. Brick Alley Pub, NFL Football Games, Sundays between September 9 and December 30, 2018, 11:00 a.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).

27. Motion to approve the following Hold Harmless/Noise Waiver Agreement:

- a. Music, Uptown Artway, October 12, 2018, 2:00 – 10:00 p.m. (Jim Jacobmeyer, 1070 7th Avenue).

28. Motion to approve the following Mayoral Appointment:

- a. Seth Moomey, 1025 S 15th Street, Planning and Zoning Commission, term expires 12/31/2018.

A. FINANCE

NONE

B. PUBLIC SERVICES

1. Motion to receive, file and refer to Public Services Board correspondence regarding storage of donated railroad items (Marion Historical Society, 590 10th Street).

C. POLICE/FIRE

NONE

D. PARKS

NONE

E. ENGINEERING

1. Resolution No. 27067 approving a contract with Martin Gardner in an amount not to exceed \$8,000.00 regarding the assessment of 525 11th Street.

F. COMMUNITY DEVELOPMENT

1. Public hearing regarding a request to vacate the alley between 345/355 and 375 6th Avenue, Marion, Linn County, Iowa (Schaul).
2. Resolution No. 27068 approving a request to vacate the alley between 345/355 and 375 6th Avenue, Marion, Linn County, Iowa (Schaul).
3. Public hearing on proposed disposition of a portion of public property described as the alley between 345/355 and 375 6th Avenue, Marion, Linn County, Iowa (Schaul).
4. Resolution No. 27069 approving disposition of a portion of public property described as the alley between 345/355 and 375 6th Avenue, Marion, Linn County, Iowa (Schaul).
5. Public hearing regarding a request to vacate the alley between 321/335 10th Street and 308/340 11th Street, Marion, Linn County, Iowa (Vorobstov).
6. Resolution No. 27070 approving a request to vacate the alley between 321/335 10th Street and 308/340 11th Street, Marion, Linn County, Iowa (Vorobstov).
7. Public hearing on proposed disposition of a portion of public property described as the alley between 321 10th Street and 308 11th Street, Marion, Linn County, Iowa (Vorobstov).
8. Resolution No. 27071 approving disposition of a portion of public property described as the alley between 321 10th Street and 308 11th Street, Marion, Linn County, Iowa (Vorobstov).
9. Public hearing on proposed disposition of a portion of public property described as the alley between 335 10th street and 340 11th Street, Marion, Iowa (Byse).
10. Resolution No. 27072 approving disposition of a portion of public property described as the alley between 335 10th street and 340 11th Street, Marion, Iowa (Byse).
11. Resolution No. 27073 approving the Landherr 3rd Addition Preliminary Plat for property located at 180 Boyson Road. (Christopher Landherr).
12. Public Hearing 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.

13. Public Hearing 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.
14. Public Hearing 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.
15. Motion to receive and file email correspondence from Darryl High with High Properties requesting no action be taken on Resolution 27007.
16. 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) (Reconsideration; Failed 07/05/2018).
17. Public Hearing regarding amendment to the Master Trails Plan Map.
18. Resolution No. 27074 approving an amendment to the Master Trails Plan Map.
19. Resolution No. 27075 approving a Final Plat and Memorandum of Agreement for The Commons at English Glen Fourth Addition located north of 29th Avenue and west of Winchester Drive (Robson Home, Inc.).
20. Resolution No. 27076 setting a public hearing for August 23, 2018 and directing publication of notice of hearing on vacation and proposed disposition of portion of public property described as the south 120 feet of the north-south alley between 631 6th Avenue and 610-630 10th Street, Marion, Iowa (Paul A. Draper & Carolyn Draper Rev. Trust).
21. Resolution No. 27077 approving a partial deferral of installation of the south 75' of sidewalk adjacent to Downing Farm 1st Addition along Alburnett Road.

G. ADMINISTRATION/OTHER

NONE

H. Citizen's presentations, comments and/or petitions.

I. Council Discussion Time

J. Adjourn