



**CITY COUNCIL AGENDA**  
Thursday, August 23, 2018 – 5:30 p.m.  
City Hall, 1225 6th Avenue, Marion, IA 52302

The 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 take a yellow card found at the end of the staff table and complete the card. When the mayor asks you to come forward to address the City Council, hand the card to the City Clerk. Please state your name and address before making any comments.

The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. The Mayor may limit each speaker to five minutes.

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**MOMENT OF SILENCE**

**PROCLAMATIONS/OATHS**

1. Police Promotion: Corporal Jason Schamberger to Sergeant.

**PRESENTATIONS** – This section is for presentations from external entities regarding current council action and area projects and events.

None.

**CONSENT AGENDA PUBLIC FORUM** - This section is for comments from the public on topics listed on the consent calendar.

**CONSENT AGENDA** – This section includes routine items and will be enacted by one motion without separate discussion unless Council requests an item to be removed to be considered separately.

1. Motion to approve the Consent Agenda as follows:

**A. Administrative Services**

1. Motion to approve minutes of the August 7 and 9, 2018 City Council meetings.

2. Motion to approve the following liquor license applications:
  - a. New – 20/20 Development Co. dba BLOOMS by Bladeworks  
1440 Blairs Ferry Road - Class B Native Wine Permit (WBN) with additional privilege of Sunday Sales. Effective 09/01/2018.
  - b. Renewal – Whistling Hop, Inc. dba The Famous Mockingbird  
1064 7th Avenue - Class C Liquor License (BW) (Beer/Wine) with additional privileges of Class B Wine Permit and Sunday Sales. No violations in last five years. Effective 09/13/2018.
  - c. Renewal – Petroleum Services Company, LLC dba Hawkeye Convenience  
2500 7th Avenue - Class E Liquor License (LE) with additional privileges of Class B Native Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales. No violations in previous five year. Effective 09/21/2018.
3. Resolution No. 27078 accepting waiver of hearing and consent to alcohol violation penalty/settlement and imposing the penalties established in Section 123.50(3) of the Code of Iowa (Aldi Foods, 1001 50th Street).
4. Motion to approve the following Hold Harmless Agreements:
  - a. 10th Grade Football Games, Marion Football/Track Complex, August 27, September 10, September 20 and October 11, 2018 from 5:00 – 9:00 p.m. (Corby Laube, Marion High School, 675 S 15th Street).
  - b. Marching Band Invite, Marion Football/Track Complex, September 22, 2018 from 4:00 – 10:30 p.m. (Corby Laube, Marion High School, 675 S 15th Street).
  - c. Homecoming Parade, Marion High School Parking Lot to Football/Track Complex, September 27, 2018 from 6:00 – 8:30 p.m. (Cory Laube, Marion High School, 675 S 15th Street).
  - d. 9th/Varsity Football Games, Marion Football/Track Complex, August 31, September 14, September 28 and October 19, 2018 from 3:00 – 10:30 p.m. (Corby Laube, Marion High School, 675 S 15th Street).
  - e. Catwalks, Casino & Cocktails Charity Event, 1317 7th Avenue, September 29, 2018 from 6:00 – 11:00 p.m. (Jess High, Urban Vintage Hair Studio, 1317 7th Avenue Suite 200).
  - f. Vikings Football Tailgate, Uptown Artway, October 7, 2018 from 12:00 – 3:00 p.m. (Les Arnold, 4205 Flagstick Drive).

- g. Savoy Brown Concert Fundraiser, Lowe Park Amphitheater, October 7, 2018 from 4:00 – 10:00 p.m. (Jim Jacobmeyer, Artisan’s Sanctuary, 1070 7th Avenue).
5. Motion to approve the following Mayoral appointment:
  - a. Tim Mroch, 1225 6th Avenue, Sidewalk Advisory Committee.
6. Motion to set a special work session regarding the FY2020-2024 Capital Improvement Program for September 17, 2018.
7. Motion to receive and file memo regarding the resignation of Mike Dooley from the Local Option Sales Tax Oversight Committee.
8. Motion to approve the recommended terms for the Marion Municipal Airport Committee members as follows:
  - a. Bonnie Roth – term ends 12/31/2018
  - b. Philip Legate – term ends 12/31/2019
  - c. Craig Rairdin – term ends 12/31/2019
  - d. Ray Brown – term ends 12/31/2020
  - e. Mike Goldberg – term ends 12/31/2020
  - f. John Bender – term ends 12/31/2021
  - g. Tim Shaffer – term ends 12/31/2021
9. Motion to approve payments as presented in the amount of \$585,738.62.
10. Resolution No. 27079 authorizing deferred compensation agreement (Jacob Pisarik).
11. Resolution No. 27080 approving the engagement letter for Executive Coach Heather Woody.
12. Resolution No. 27081 approving the contract with Health Solutions for third party administration of the Well-Being Program for the 2019 plan year.
13. Resolution No. 27082 amending the 04/01/2018 non-bargaining pay schedule to update the IT Support Analyst position.
14. Motion to receive, file and discuss July 2018 Monthly Department Reports.

**B. Public Services** – None

**C. Police/Fire** – None

**D. Parks** – None

## E. Engineering

1. Motion to approve Engineering Department project payments as follows:
  - a. Resolution No. 27083 approving Partial Payment No. 6 to Anderson-Bogert Engineers regarding the Tower Terrace Road Phase IX Improvements in the amount of \$2,450.00.
  - b. Resolution No. 27084 approving Partial Payment No. 3 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction in the amount of \$15,920.13.
  - c. Resolution No. 27085 approving Partial Payment No. 7 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase 1 in the amount of \$22,993.40.
2. Resolution No. 27086 accepting Prairie Hill 16th Addition to the City of Marion.
3. Resolution No. 27087 accepting the 2018 Sanitary Sewer Sliplining Project.
4. Resolution No. 27088 accepting bids and awarding contract to Taube Excavation regarding the 1195 6th Avenue Disposal Project in the amount of \$13,400.00.
5. Resolution No. 27089 approving contract with Taube Excavation regarding the 1195 6th Avenue Disposal Project.
6. Resolution No. 27090 accepting bids and awarding contract to Taube Excavation regarding the 1412 5th Avenue Disposal Project in the amount of \$13,185.00.
7. Resolution No. 27091 approving contract with Taube Excavation regarding the 1412 5th Avenue Disposal Project.
8. Resolution No. 27092 accepting bids and awarding contract to Taube Excavation regarding the 1480 5th Avenue Disposal Project in the amount of \$10,140.00.
9. Resolution No. 27093 approving contract with Taube Excavation regarding the 1480 5th Avenue Disposal Project.
10. Resolution No. 27094 accepting bids and awarding contract to Taube Excavation regarding the 573 14th Street Disposal Project in the amount of \$22,415.00.

11. Resolution No. 27095 approving contract with Taube Excavation regarding the 573 14th Street Disposal Project.
12. Resolution No. 27096 accepting bids and awarding contract to Taube Excavation regarding the 880 2nd Street Disposal Project in the amount of \$10,200.00.
13. Resolution No. 27097 approving contract with Taube Excavation regarding the 880 2nd Street Disposal Project.
14. Motion to receive, file, discuss and refer to TAC a request regarding speed, traffic flow and crosswalks along 31st Street, 35th Street, Sunburst Avenue and Cardinal Drive. (Kris Benesh, 3315 Sunburst Avenue)
15. Motion to receive, file, discuss and concur with the TAC Report regarding the request for a stop signs at the intersection of West 34th Avenue and Hawthorne Street. (Buddy Udell, 335 West 34th Avenue)
16. Resolution No. 27098 approving a stop sign stopping east bound traffic on West 34th Avenue at its intersection with Hawthorne Street.
17. Resolution No. 27099 approving a stop sign stopping west bound traffic on West 34th Avenue at its intersection with Hawthorne Street.

## **F. Community Development**

1. Motion to approve Planning Department project payments as follows:
  - a. Resolution No. 27100 approving Partial Payment No. 9 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project No. TAP-U-4475(630)8I-57) in the amount of \$14,036.04.
  - b. Resolution No. 27101 approving Partial Payment No. 6 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$3,234.07. (Contract amount remaining \$11,865.93.)
  - c. Resolution No. 27102 approving Partial Payment No. 21 to Anderson-Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-4775(628)8I-57) in the amount of \$473.20.

2. Motion to receive, file and refer to the Planning and Zoning Commission:
  - a. Final Plat for DeLong 1st Addition located south of Blairs Ferry Road and north of Twixt Town Road, west of Marion Blvd, Marion, Linn County, Iowa. (DeLong Development Co. LC)
3. Resolution No. 27103 setting a public hearing for September 6, 2018 regarding approval of an amendment to Chapter 176.32 of the Marion Code of Ordinances regarding accessory structure size.
4. Resolution No. 27104 setting September 6, 2018 as a public hearing regarding the property between Alburnett Road and Irish Drive north of Tower Terrace to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Attached Residential to Single Family Detached Residential & Commercial and Single Family Detached Residential to Commercial and a request to Rezone from Rural Restricted, A-1 to Medium Density Single Family Residential R-2 & General Commercial C-3 and Rural Restricted A-1 to Office/Transitional O-1 (Gill/Green).

**G. City Manager's Office – None**

**CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

2. Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:
  - A. Administrative Services – None**
  - B. Public Services – None**
  - C. Police/Fire – None**
  - D. Parks – None**
  - E. Engineering**
    1. Motion to receive, file and discuss the Engineer's Design Report regarding the Runway 17/35 Reconstruction Project for the Marion Municipal Airport. (Anderson-Bogert Engineers)
    2. Motion to receive, file, and discuss the Marion Municipal Airport Committee recommendations regarding the Runway 17/25 Reconstruction Project for the Marion Municipal Airport.

## **F. Community Development**

1. Motion to receive, file and refer to the Planning and Zoning Commission:
  - a. Final Plat for Marion Enterprise Center 8th Addition located in the 6300 block of Partners Avenue. (J & JM Investments LLC)

## **G. City Manager's Office**

1. Motion approving a letter of support for a Brownfield Tax Credit Application for 1204 7th Avenue. (Hobart Historic Restoration)

## **REGULAR AGENDA**

### **A. Administrative Services**

1. Resolution No. 27105 approving the Library Director Employment Agreement with Hollie Trenary.

### **B. Public Services – None**

### **C. Police/Fire – None**

### **D. Parks – None**

### **E. Engineering**

1. Motion to receive, file and discuss a letter from the Indian Creek Watershed Management Authority. (Sandy Pumphrey, Indian Creek Watershed Management Authority) (Presentation on Thursday by Jennifer Fencl.)
2. Resolution No. 27106 approving payment in the amount of \$17,433 to the Indian Creek Watershed Management Authority.
3. Motion to receive, file, discuss and refer to TAC a request regarding the use of golf carts within the City Limits. (Joseph Jess, 975 18th Street)

### **F. Community Development**

1. Resolution No. 27107 approving a grant agreement with the Wellmark Foundation and authorizing funding related to a Safe Routes to School Trail in the amount of \$18,843.25.

2. Public Hearing on proposed disposition of a portion of public property described as the south 120 feet of the 10 foot wide North/South Alley between Lots 6, 7 and 8, Block 20, Original Town, now City of Marion, Linn County, Iowa. (Draper)
3. 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. (Continued from August 9, 2018)
4. Ordinance No. 18-20 approving the revision of Chapter 176.06 Rules and Definitions of the Marion Code of Ordinances. (Initial Consideration)
5. 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. (Continued from August 9, 2018)
6. Ordinance No. 18-21 approving the revision of Chapter 176.33 Nonconforming Uses, Buildings and Structures of the Marion Code of Ordinances. (Initial Consideration)
7. 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. (Continued from August 9, 2018)
8. Ordinance No. 18-22 approving the revision of Chapter 176.04, Establishment of Districts and Map, and the creation of Chapter 176.51, New Zoning District Classifications. (Initial Consideration)
9. Resolution No. 27108 approving the Final Plat and Memorandum of Agreement for Prairie Hill 16<sup>th</sup> Addition located North of Prairie Ridge Ave and west of Hwy 13, Marion, Iowa. (Platinum Development)
10. Resolution No. 27109 approving the Final Plat and Memorandum of Agreement for 13 & 151 2<sup>nd</sup> Addition located on the northeast corner of Highway 13 & 151 (Mike Esker & Brian Ridge)
11. Resolution No. 27077 approving a partial deferral of installation of the south 75' of sidewalk adjacent to Downing Farm 1st Addition along Alburnett Road. (Tabled on 08/09/2018)

**G. City Manager's Office – None**



**OTHER DEPARTMENT DISCUSSION** – This portion of the meeting is set aside for other department discussions, presentations, and updates not related to current council action.

1. Parks: Update regarding Emerald Ash Borer Response by City Arborist Mike Cimprich.

**PUBLIC FORUM** – This time is set aside for comments from the public on topics other than those listed on this agenda. Please understand that the City Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting.

**COUNCIL DISCUSSION** – During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters.

**CLOSED SESSION**

1. Motion to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa.

**ADJOURN**