



CITY COUNCIL AGENDA
Thursday, September 6, 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. Proclamation designating September as YMCA Appreciation Month.
2. Proclamation designating September 17-23, 2018 as Constitution Week.

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 agenda.

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 21 and 23, 2018 City Council meetings.

2. Resolution No. 27110 accepting I-Pact Certificate of Completion as Affirmative Defense and imposing the penalties established in Section 123.50(3) of the Code of Iowa (Smokin' Joes, 480 7th Avenue).
3. Motion to receive and file a request to be heard by council on Notice of Alcohol Violation by Cibo Fusion (Rachel Sutcliffe, 685 Marion Boulevard).
4. Resolution No. 27111 setting a hearing for September 20, 2018 regarding a request to be heard by council on Notice of Alcohol Violation by Cibo Fusion (Rachel Sutcliffe, 685 Marion Boulevard.)
5. Motion to approve the following Hold Harmless Agreements:
 - a. Middle School Football Games and Track Meets, Marion Football Complex, September 11, September 18, September 25, October 2, October 9, and October 15, 2018, April 11 and May 7, 2019, 3:00 – 8:00 p.m. (Mike Manderscheid, Vernon Middle School, 1350 4th Avenue).
 - b. Swamp Fox Festival, Lowe Park, City Square Park, Uptown Artway and Thomas Park, September 28-30, 2018. (Patty Wise, 2570 Valleyview Court)
 - c. Balloon Glow, 1710 Marion Airport, September 22, 2018 5:00 – 9:00 p.m. (P&N Flight School, 1710 Marion Airport)
6. Resolution No. 27112 rescinding Resolution 24835 and 24836 related to scheduled annual meetings regarding the strategic plan and budget.
7. Motion to approve the 2019 City Council Meeting Schedule.
8. Motion to approve payments as presented in the amount of \$1,863,314.37.
9. Resolution No. 27113 amending the 04/01/2018 non-bargaining pay schedule to add the job title Marketing & Development Manager. (Previously one of Library Coordinator II – salary remains the same)

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. 27114 approving Partial Payment No. 1 to Anderson-Bogert Engineers regarding the 2018 Central Corridor-7th Avenue Preliminary Design in the amount of \$8,948.00.
 - b. Resolution No. 27115 approving Partial Payment No. 2 to Anderson-Bogert Engineers regarding the 2018 Central Corridor-7th Avenue Preliminary Design in the amount of \$10,800.90.
 - c. Resolution No. 27116 approving Partial Payment No. 1 to HDR Engineering Inc. regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$9,343.51.
 - d. Resolution No. 27117 approving Partial Payment No. 4 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project in the amount of \$320.62.
 - e. Resolution No. 27118 approving Partial Payment No. 3 to BWC Excavating LC regarding the 2017 Northview Drive Reconstruction Project [NSI] in the amount of \$53,221.37.
 - f. Resolution No. 27119 approving Partial Payment No. 1 to Curtis Contracting Corp. regarding the 2018 Sidewalk Assessment Project in the amount of \$7,723.03.
 - g. Resolution No. 27120 approving Partial Payment No. 6 to Rathje Construction Co. regarding the Grant Wood Trail Extension: Hwy 13 to 35th Street Project in the amount of \$155,938.12.
 - h. Resolution No. 27121 approving Partial Payment No. 18 to Veenstra & Kimm, Inc regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$1,241.00.
 - i. Resolution No. 27122 approving Partial Payment No. 4 to Schnoor-Bonifazi Engineering & Surveying, LC regarding the Tower Terrace Road Phase VI Project in the amount of \$1,166.20.
 - j. Resolution No. 27123 approving Partial Payment No. 1 to Synergy Equity Partners, LLC [Tim Mooney] regarding the Tower Terrace Road Phase III Project in the amount of \$59,967.44.
2. Motion to receive, file and concur with the TAC Report regarding speed, traffic flow and crosswalks along 31st Street, 35th Street, Sunburse Avenue and Cardinal Drive. (Kris Benesh, 3315 Sunburst Avenue)

3. Resolution No. 27124 accepting Bedford Heights 2nd Addition to the City of Marion.

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27125 approving Payment No. 33 to Universal Field Services, Inc for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of \$30.00.
 - b. Resolution No. 27126 approving Payment No. 9 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 \$2,649.37.
 - c. Resolution No. 27127 approving Payment No. 10 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 \$820.00.
 - d. Resolution No. 27128 approving Payment No. 2 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57]in the amount of \$16,560.86.
2. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Final Plat for Emerson School 1st Addition located at 1400 10th Avenue, Marion, Iowa. (Marion Independent School District)
3. Resolution No. 27129 setting a public hearing for September 20, 2018 and directing publication of notice of hearing regarding a request to vacate the south 120 feet of the north-south alley between 631 6th Avenue and 610-630 10th Street, Marion, Iowa (Draper request).
4. Resolution No. 27130 setting a public hearing for September 20, 2018 and directing publication of notice of hearing on proposed disposition of a portion of public property described as the south 120 feet of the previously vacated north-south alley between 631 6th Avenue and 610-630 10th Street, Marion, Iowa (Draper Request).

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

1. Resolution No. 27131 approving the purchase of one 2018 Ford Edge unmarked vehicle for the Marion Police Department from Lynch Ford in the amount of \$24,500.00.

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27132 approving Partial Payment No. 3 to L.L. Pelling Company, Inc. regarding the 2018 HMA Resurfacing Project in the amount of \$15,613.25.
 - b. Resolution No. 27133 approving Partial Payment No. 8 to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of \$102,977.87.
 - c. Resolution No. 27134 approving Partial Payment No. 6 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 \$77,654.30.
 - d. Resolution No. 27135 approving Partial Payment No. 2 to Abode Construction, Inc. for the over width and over depth of pavement and trail associated with Briargate 6th Addition to the City of Marion in the amount of \$1,589.42.
2. Resolution No. 27136 accepting the 2018 HMA Resurfacing Project.

F. Community Development

1. Motion to receive and file a request from Morris Wood Enterprises LLC for the issuance of a building permit prior to approval of a Final Plat for the Gemstone Estates 5th Addition.

2. Resolution No. 27137 approving the issuance of a building permit prior to approval of a Final Plat for Gemstone Estates 5th Addition by Morris Wood Enterprises LLC.

G. City Manager's Office – None

REGULAR AGENDA

A. Administrative Services

1. Motion to receive and file resignation letter from Kim Etzel from City Council effective September 30, 2018.

B. Public Services – None

C. Police/Fire

1. Resolution No. 27138 approving the Purchase Agreement of 5.68 acres of property from the Curt Robinson Gill Revocable Trust and the Barbara Kay Gill Revocable Trust in the amount of \$989,683.20.

D. Parks – None

E. Engineering

1. Resolution No. 27139 setting a public hearing for September 20, 2018 regarding establishing access fees on 2184 Echo Hill Road related to Echo Ridge Estates.
2. Resolution No. 27140 setting a public hearing for September 20, 2018 regarding establishing access fees on 35th Avenue related to Briargate 6th Addition.
3. Ordinance No. 18-23 amending Chapter 100A of the Code of Ordinances regarding amendment of access fees for Ordinance No. 13-03, 100A.05 Tower Terrace Road District. (Initial Consideration)

F. Community Development

1. Public Hearing regarding the property between Alburnett Rd and Irish Drive north and south of Tower Terrace Road 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)

2. Resolution No. 27141 approving an amendment to 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 for property between Alburnett Rd and Irish Drive north of Tower Terrace Road. (Gill/Green)
3. Ordinance No. 18-24 approving a Rezoning 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 for property between Alburnett Rd and Irish Drive north of Tower Terrace Road. (Gill/Green) (Initial Consideration)
4. Public hearing regarding revisions to Chapter 176 Marion Zoning Ordinance for approval of an amendment to Chapter 176.32 of the Marion Code of Ordinances regarding accessory structure size.
5. Ordinance No. 18-25 approving the revision of Chapter 176 Marion Zoning Ordinance for approval of an amendment to Chapter 176.32 of the Marion Code of Ordinances regarding accessory structure size. (Initial Consideration)
6. Ordinance No. 18-20 approving the revision of Chapter 176.06 Rules and Definitions of the Marion Code of Ordinances. (Second Consideration)
7. Ordinance No. 18-21 approving the revision of Chapter 176.33 Nonconforming Uses, Buildings and Structures of the Marion Code of Ordinances. (Second Consideration)
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. (Second Consideration).
9. Resolution No. 27142 approving an application to the Iowa Department of Transportation for Federal Recreational Trails Program for the Marion Independent School District Safe Routes to School Trail.

G. City Manager's Office

1. Motion to receive, file and discuss letter of request for Regional YMCA Functions and Fitness Center's Local Option Sales Tax (LOST) Allocation (YMCA, 207 7th Avenue SE, Cedar Rapids).

2. Resolution No. 27143 approving payment to YMCA regarding the Regional YMCA Functions and Fitness Center in the amount of \$1,000,000.
3. Motion directing staff to negotiate a loan guarantee with YMCA.

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

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 personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.

ADJOURN