



CITY COUNCIL AGENDA – WORK SESSION

Tuesday, September 18, 2018 – 4:00 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. Times listed are estimated.

Special Note: Council Member Etzel will participate in the meeting via phone call during the special agenda section.

CALL TO ORDER

ROLL CALL

PROCLAMATIONS/OATHS

None.

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

None.

SPECIAL AGENDA (Tuesday – 4:00 – 4:10)

1. 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) (Second Consideration)
2. Motion to receive and file letter of request for Regional YMCA Functions and Fitness Center's Local Option Sales Tax (LOST) Allocation (YMCA, 207 7th Avenue SE, Cedar Rapids) (Removed from September 6, 2018 agenda.)
3. Resolution No. 27143 approving payment to YMCA regarding the Regional YMCA Functions and Fitness Center in the amount of \$1,000,000. (Removed from September 6, 2018 agenda.)
4. Motion directing staff to negotiate a loan guarantee with YMCA. (Removed from September 6, 2018 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 (4:10 – 4:15)

1. Motion to approve minutes of the September 4 and 6, 2018 City Council meetings.
2. Motion to change the October 2, 2018 Council work session start time to 3:00 p.m. (due to cancellation of the September 17, 2018 special work session regarding the Capital Improvement Program.)
3. Discussion regarding Ward 1 Vacancy.
4. Motion directing staff to publish notice of intent to fill Ward 1 Council seat vacancy by appointment.
5. Motion to approve the following liquor license applications:
 - a. Renewal – Urban Pie
1138 & 1144 7th Avenue
Class C Liquor License (LC) with additional privileges of Outdoor Service and Sunday Sales. Effective 10/10/2018. No violations in the last five years.
 - b. Renewal – CVS Pharmacy
3495 7th Avenue
Class E Liquor License (LE) with additional privileges of Class B Wine Permit (Carryout Wine), Class C Beer Permit (Carryout Beer) and Sunday Sales.
6. Motion to approve the following Hold Harmless Agreements:
 - a. Chocolate Walk, Uptown Marion and Uptown Artway, October 5, 2018, 8:00-10:30 p.m. (Marion Chamber of Commerce, 1225 6th Avenue Suite 100).
7. Motion to approve the following Mayoral Appointments:
 - a. Leslie Fox, 1380 Maple Street, Robins IA 52328, Marion Arts Council, term expires 01/01/2021.
8. Motion to receive and file the August Monthly Reports.
9. Motion to receive and file the Civil Service Rules.
10. Motion to approve payments as presented in the amount of \$1,002,576.62.

11. Resolution No. _____ approving the annual Street Finance Report for the year ended June 30, 2018.
12. Motion to receive and file the new job description of Police Communications Center Manager.
13. Resolution No. _____ amending the 04/01/2018 non-bargaining pay schedule to include the Police Communications Center Manager.
14. Motion to receive and file the new job description of Part-Time Event Coordinator.

B. Public Services

1. Resolution No. _____ approving Partial Payment No. 2 to A&J Associates for the Public Services Maintenance Facility in the amount of \$6,400.00.
2. Resolution No. _____ approving Partial Payment No. 7 to Knapp Warden LLC for design services associated with the Eco Industrial Park Phase One in the amount of \$25,174.36.

C. Police/Fire (4:15 – 4:20)

1. Resolution No. _____ approving the Memorandum of Understanding with the United States Marshals Service regarding a Violent Offender Task Force (VOTF).
2. Resolution No. _____ approving purchase of three marked police vehicles from McGrath Automotive in the amount of \$88,584.00.

D. Parks

1. Resolution No. _____ approving Partial Payment No. 7 to MSA for professional services regarding the Lowe Park South End Development Project in the amount of \$3,325.00

E. Engineering (4:20 – 4:35)

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. _____ approving Partial Payment No. 1 to Mooney-Engle Land Co, LLC for costs associated with Downing Farms 3rd Addition in the amount of \$9,108.25.
 - b. Resolution No. _____ approving Partial Payment No. 8 to Snyder & Associates for costs associated with 2018 Alburnett Road Extensions Phase I in the amount of \$27,387.94.

2. Resolution No. _____ accepting Downing Farms 3rd Addition to the City of Marion.
3. Motion to receive, and file correspondence regarding the condition of Indian Creek Road and the lack of a signaled pedestrian crossing on 10th Street. (Eric Brown, 1560 25th Avenue)
4. Resolution No. _____ accepting bids and awarding contract to Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00.
5. Resolution No. _____ approving contract with Rathje Construction Company regarding the 520 12th Street Disposal Project.
6. Resolution No. _____ accepting bids and awarding contract to Taube Excavation regarding the 526 13th Street Property Disposal Project in the amount of \$12,800.00.
7. Resolution No. _____ approving contract with Taube Excavation regarding the 526 13th Street Disposal Project.
8. Motion to receive, file, discuss and refer to TAC a request regarding requesting stop signs at the intersection of Williams Drive and Shady Oak Drive. (Mike Etzel, 801 Williams Drive)

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. _____ approving Payment No. 11 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 \$1,960.74.
 - b. Resolution No. _____ approving Payment No. 12 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 \$2,000.74.
 - c. Resolution No. _____ approving Payment No. 10 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$3,492.15.
 - d. Resolution No. _____ approving Payment No. 34 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 \$132.75.

2. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Rezoning for DeLong Development Co. LC located south of Blairs Ferry Road and north of Twixt Town Road, west of Marion Boulevard, Marion, Linn County, Iowa (DeLong Development Co. LC)
3. Resolution No. _____ setting a public hearing for October 4, 2018 amending the Marion Code of Ordinances and establishing Chapter 176.52, Use Standards.
4. Motion to receive and file Historic Preservation Commission recommendation regarding 525 11th Street (Urban Vintage).

G. City Manager's Office (4:35 – 4:45)

1. Resolution No. _____ approving a Rural Business Enterprise Grant application for Marion Aircom Park Sanitary Sewer Extension.

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

1. Resolution No. _____ to correct legal description in prior legislation. (GLD Properties)

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. _____ approving Partial Payment No. 1 to Martin Gardner Architecture for costs associated with 525 11th Street in the amount of \$400.00.

F. Community Development – None

G. City Manager's Office

1. Resolution No. _____ of support for the 2018 Main Street Challenge Grant nominee, Owen Building.

REGULAR AGENDA

A. Administrative Services (4:45 – 4:50)

1. Hearing regarding notice of alcohol violation by Cibo Fusion (Rachel Sutcliffe, 365 Marion Boulevard.)
2. Resolution No. _____ assessing a civil penalty in the amount of \$1,500 and a 30 day suspension of the liquor license for Cibo Fusion (Rachel Sutcliffe, 365 Marion Boulevard).
3. Resolution approving the City Manager Pay for Performance for FY17-18.

B. Public Services – None

C. Police/Fire – None

D. Parks – None

E. Engineering (4:50 – 5:35)

1. Public hearing regarding establishing access fees on 2184 Echo Hill Road related to Echo Ridge Estates.
2. Ordinance No. _____ establishing access fees on 2184 Echo Hill Road related to Echo Ridge Estates. (Initial Consideration)
3. Public hearing regarding establishing access fees on 35th Avenue related to Briargate 6th Addition.
4. Ordinance No. _____ regarding establishing access fees on 35th Avenue related to Briargate 6th Addition. (Initial consideration)
5. 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. (Second Consideration.)
6. Public Hearing regarding the 668 7th Avenue Parking Lot Project.
7. Resolution No. _____ accepting bids and awarding contract to Eastern Iowa Excavating and Concrete, LLC regarding the 668 7th Avenue Parking Lot Project in the amount of \$29,073.90.

8. Motion to receive, file and discuss Draft 525 11th Street Conditions Report. (Martin Gardner Architecture)
9. Presentation and discussion regarding 525 11th Street.
10. Resolution No. _____ approving Addendum No.1 to the Memorandum of Agreement Regarding the Installation of Tower Terrace Road – Phase VI (Morris Wood Enterprises, LLC)

F. Community Development (5:35 – 6:20)

1. Resolution No. _____ approving a Final Plat and Memorandum of Agreement for Gemstone Estates 5th Addition for property located west of Lucore Road and north of Tower Terrace Road. (Morris Wood Enterprises, LLC)
2. Resolution No. _____ approving a Final Plat and Memorandum of Agreement for Marion Enterprise Center 8th Addition for property located 6300 block of Partners Avenue. (J & JM Investments, LLC)
3. Resolution No. _____ approving a Final Plat and Memorandum of Agreement for Country Club Estates 13th Addition for property located east of Irish Drive and north of Tower Terrace Road. (CCE, LLC)
4. Public Hearing on proposed vacation 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. (Paul A & Carolyn Draper Joint Rev Trust)
5. Resolution No. _____ approving vacation 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. (Paul A & Carolyn Draper Joint Rev Trust)
6. 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. (Paul A & Carolyn Draper Joint Rev Trust)
7. Resolution No. _____ approving 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. (Paul A & Carolyn Draper Joint Rev Trust)

8. Ordinance No. 18-20 approving the revision of Chapter 176.06 Rules and Definitions of the Marion Code of Ordinances. (Final Consideration)
9. Ordinance No. 18-21 approving the revision of Chapter 176.33 Nonconforming Uses, Buildings and Structures of the Marion Code of Ordinances. (Final Consideration)
10. 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. (Final Consideration)
11. Ordinance No. 18-24 approving a 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 for property between Alburnett Road and Irish Drive north and south of Tower Terrace Road. (Gill/Green) (Final Consideration).
12. Resolution No. _____ approving the Tower Terrace Commercial Addition Preliminary Plat for property between Alburnett Road and Irish Drive north of Tower Terrace Road. (Gill/Green)
13. Resolution No. _____ approving Plat of Survey No. 2284 for property between Alburnett Road and Irish Drive north of Tower Terrace Road. (Gill/Green)
14. Motion to remove from Table, Ordinance 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 Building and Uses. (Initial Consideration)
15. 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 Building and Uses. (Initial Consideration) (Tabled September 6, 2018)
16. Resolution No. _____ approving the Central Corridor Interim Development Overlay review for a multi-tenant commercial property located at 2931 7th Avenue. (Culver Enterprises, LLC)
17. Resolution No. _____ approving an easement vacation and re-establishment of a new public access easement through property located at 1392 Twixt Town Road associated with the Collins Road Reconstruction Project. (Collins Square LLC)

18. Resolution No. _____ approving an encroachment agreement for the construction of parking spaces within the Lindale Drive right-of-way associated with the Collins Road Reconstruction Project for 130 Collins Road located east of Lindale Drive and north of Collins Road. (Chipokas Army Building LLC).

19. Discussion regarding placement of permanent and temporary self-storage facilities within commercial zoning districts.

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. Police: Marion Police Department's Strategic Plan, Goal 3 by Lieutenant Chad Nott. (Tuesday – 6:20 – 6:35)

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 litigation as permitted under Section 21.5(1)(c) of the Code of Iowa. (Tuesday)

ADJOURN