



CITY COUNCIL AGENDA
Thursday, September 20, 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.

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

None.

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 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. Motion directing staff to publish notice of intent to fill Ward 1 Council seat vacancy by appointment.
4. 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.
5. 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).
6. Motion to approve the following Mayoral Appointments:
 - a. Leslie Fox, 1380 Maple Street, Robins IA 52328, Marion Arts Council, term expires 01/01/2021.
7. Motion to receive and file the August Monthly Reports.
8. Motion to receive and file the Civil Service Rules.
9. Motion to approve payments as presented in the amount of \$1,002,576.62.
10. Resolution No. 27144 approving the annual Street Finance Report for the year ended June 30, 2018.
11. Motion to receive and file the new job description of Police Communications Center Manager.
12. Resolution No. 27145 amending the 04/01/2018 non-bargaining pay schedule to include the Police Communications Center Manager.
13. Motion to receive and file the new job description of Part-Time Event Coordinator.

B. Public Services

1. Resolution No. 27146 approving Partial Payment No. 2 to A&J Associates for the Public Services Maintenance Facility in the amount of \$6,400.00.

C. Police/Fire

1. Resolution No. 27147 approving the Memorandum of Understanding with the United States Marshals Service regarding a Violent Offender Task Force (VOTF).

D. Parks

1. Resolution No. 27148 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

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27149 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. 27150 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. 27151 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. 27152 accepting bids and awarding contract to Taube Excavation regarding the 526 13th Street Property Disposal Project in the amount of \$12,800.00.
5. Resolution No. 27153 approving contract with Taube Excavation regarding the 526 13th Street Disposal Project.
6. 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. 27154 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. 27155 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. 27156 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. 27157 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. 27158 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 – 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

1. Resolution No. 27159 to correct legal description in prior legislation. (GLD Properties)

B. Public Services

1. Resolution No. 27160 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

1. Resolution No. 27161 approving purchase of three marked police vehicles from McGrath Automotive in the amount of \$88,584.00.

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27162 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. 27163 of support for the 2018 Main Street Challenge Grant nominee, Owen Building.
2. Resolution No. 27164 approving a Rural Business Enterprise Grant application for Marion Aircom Park Sanitary Sewer Extension.

REGULAR AGENDA

A. Administrative Services

1. Hearing regarding notice of alcohol violation by Cibo Fusion (Rachel Sutcliffe, 365 Marion Boulevard.)
2. Resolution No. 27165 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 No. 27166 approving the City Manager Pay for Performance for FY17-18.
4. Resolution No. 27167 authorizing deferred compensation agreement (Jo Pearson).

B. Public Services – None

C. Police/Fire – None

D. Parks – None

E. Engineering

1. Public hearing regarding establishing access fees on 2184 Echo Hill Road related to Echo Ridge Estates.
2. Ordinance No. 18-26 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. 18-27 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. 27168 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. Resolution No. 27169 accepting bids and awarding contract to Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00.
10. Resolution No. 27170 approving contract with Rathje Construction Company regarding the 520 12th Street Disposal Project.
11. Resolution No. 27171 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

1. Resolution No. 27172 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. 27173 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. 27174 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. 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)
6. Ordinance No. 18-20 approving the revision of Chapter 176.06 Rules and Definitions of the Marion Code of Ordinances. (Final Consideration)
7. Ordinance No. 18-21 approving the revision of Chapter 176.33 Nonconforming Uses, Buildings and Structures of the Marion Code of Ordinances. (Final 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. (Final Consideration)
9. 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).
10. Resolution No. 27175 approving the Tower Terrace Commercial Addition Preliminary Plat for property between Alburnett Road and Irish Drive north of Tower Terrace Road. (Gill/Green)

11. Resolution No. 27176 approving Plat of Survey No. 2284 for property between Alburnett Road and Irish Drive north of Tower Terrace Road. (Gill/Green)
12. Resolution No. 27177 approving the Central Corridor Interim Development Overlay review for a multi-tenant commercial property located at 2931 7th Avenue. (Culver Enterprises, LLC)
13. Resolution No. 27178 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)
14. Resolution No. 27179 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).

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.

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.

ADJOURN