



**CITY COUNCIL AGENDA**  
Thursday, December 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.

Note: Council Member Draper may participate via phone.

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

**PROCLAMATIONS/OATHS**

1. Ceremony: Lifesaving Award to Officer Hotz.
2. Proclamation: International Human Rights Day.

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

1. 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 November 20, 23 and 26, 2018 City Council meetings.

2. Motion to approve the following liquor license applications:
  - a. Renewal – Giving Tree – 840 7th Avenue  
Special Class C Liquor License (BW) (Beer/Wine) with additional privileges of Sunday Sales. No violations in previous five years.
  - b. Renewal – Mandarin Spice - 1410 Twixt Town Road  
Class C Liquor License (LC) Commercial with additional privileges of Class B Native Wine and Sunday Sales. One violation in the previous five years.
  - c. Renewal – Wal-Mart – 5491 Business Hwy 151  
Class E Liquor License (LE) with additional privileges of Class B Wine (Carryout Wine includes Native Wine), Class C Beer (Carryout Beer) and Sunday Sales. One violation in the previous five years.
  - d. Renewal – Hy-Vee Food Store – 3600 Business Hwy 151  
Class E Liquor License (LE) with additional privileges of Class B Wine, Class C B, Outdoor Service and Sunday Sales. No violations in previous five years.
3. Motion to approve payments as presented in the amount of \$4,444,890.72.

**B. Public Services**

1. Resolution No. 27320 approving partial payment No. 9 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$9,043.75.

**C. Police/Fire – None**

**D. Parks – None**

**E. Engineering**

1. Motion to approve Engineering Department project payments as follows:
  - a. Resolution No. 27321 approving Partial Payment No. 1 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$322,201.95.
  - b. Resolution No. 27322 approving Partial Payment No. 4 to Curtis Contracting Corp regarding the 2018 Sidewalk Assessment Project in the amount of \$185.63.

- c. Resolution No. 27323 approving Partial Payment No. 2 to Frazier Investments, LLC. for costs associated with Glen Rock Farm 7th and 8th Additions to the City of Marion in the amount of \$24,518.36.
  - d. Resolution No. 27324 approving Partial Payment No.6 to BWC Excavating regarding the 2017 Northview Drive Reconstruction Project in the amount of \$71,560.27.
  - e. Resolution No. 27325 approving Partial Payment No. 9 to Rathje Construction Co. regarding the Grant Wood Trail Extension, Hwy 13 to 35th Street Project in the amount of \$35,305.93.
  - f. Resolution No. 27326 approving Partial Payment No. 2 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$127,259.38.
  - g. Resolution No. 27327 approving Partial Payment No.1 to CCE, LLC for costs associated with Country Club Estates 13th Addition to the City of Marion in the amount of \$13,075.00.
  - h. Resolution No. 27328 approving Partial Payment No.1 to Morris Wood Enterprises, LLC for the over width and over depth of pavement and trail associated with Authors 5th Addition to the City of Marion in the amount of \$136,043.11.
  - i. Resolution No. 27329 approving Partial Payment No. 6 to Anderson-Bogert Engineers regarding the 218003 Marion Runway 17/35 Reconstruction Project in the amount of \$2,595.00.
  - j. Resolution No. 27330 approving Partial Payment No. 9 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 \$30,735.76.
2. Resolution No. 27331 accepting paving associated with Hunters Ridge North 1st Addition.
  3. Resolution No. 27332 accepting paving associated with Country Club Estates 13th Addition.
  4. Motion to receive, file, discuss and refer to TAC a request regarding a stop light at the intersection of 29th Avenue and Alburnett Road. (Eric George, 2395 Acacia Court)
  5. Motion to receive, file, discuss and refer to TAC a request regarding speeding on Winslow Road. (Mike and Kathy Kearney, 1697 Bridge Creek Court)

6. Motion to receive, file, discuss and refer to TAC a request regarding increasing the speed limit on 3rd Avenue. (Timothy Godsil, 1117 ½ 3rd Avenue)
7. Motion to receive, file and discuss letter regarding drainage issues at Indian Creek Country Club. (Tom Newbanks, 1250 Country Club Drive)
8. Motion to receive, file, discuss a legal opinion and refer to Public Service Board a request regarding drainage issues at Indian Creek Country Club. (Staff)
9. Motion to receive, file, discuss and concur with TAC Report regarding a request for a no parking zone on Pleasantview Drive east of South 22nd Street. (Samantha Buchheit, 4036 Vine Avenue SE, Cedar Rapids)
10. Motion to receive, file, discuss and concur with TAC Report regarding the intersection of Marion Boulevard, 6th Avenue and 1st Street. (Timothy Godsil, 1117 ½ 3rd Avenue)
11. Motion to receive, file and discuss the 525 11th Street Conditions Report. (Martin Gardner Architecture)
12. Resolution No. 27333 accepting the 2018 Storm Sewer Project.
13. Resolution No. 27334 approving Change Order No. 6 with Genesis Equities LLC regarding the Central Corridor Improvements Project; Tank Disposal in the amount of \$7,766.00.

## **F. Community Development**

1. Motion to approve Planning Department project payments as follows:
  - a. Resolution No. 27335 approving Payment No. 37 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 \$110.00.
  - b. Resolution No. 27336 approving Payment No. 23 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(628)8I-57) in the amount of \$428.00.
  - c. Resolution No. 27337 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2305 in the amount of \$550.00.
  - d. Resolution No. 27338 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2304 in the amount of \$331.50.

- e. Resolution No. 27339 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2299 for Fire Station in the amount of \$654.27.
  - f. Resolution No. 27340 approving Payment No. 13 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 \$357.50.
  - g. Resolution No. 27341 approving Payment No. 14 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 \$307.50.
  - h. Resolution No. 27342 approving Payment No. 9 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$1,740.01. (Contract amount remaining \$4,123.53.)
  - i. Resolution No. 27343 approving Payment No. 12 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)81-57) in the amount of \$4,866.28.
  - j. Resolution No. 27344 approving Payment No. 5 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$33,581.39.
2. Motion to receive, file and refer to the Planning and Zoning Commission:
- a. Comprehensive Plan, Rezone, PSDP and Preliminary Plat for property located south of Fernow Road and east of Crestwood Lane and Burns Drive, Marion, Iowa. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC - Chad Pelley)
  - b. Site Plan Review with terms and conditions of agreement related to Ordinance 16-09 rezoning property located south of 6th Avenue between 8th and 9th Street. (Perry Development Partners – Annette Perry)
  - c. Street vacation for a portion of 17th Street between 5th Avenue and 6th Avenue. (Genesis Equities LLC)
3. Motion to receive, file and accept with conditions applied, an Annexation request for property located at 4501 Indian Creek Way for Anne M. Robinson Revocable Trust.
4. Motion to receive, file and accept with conditions applied an Annexation request for property located at 2700 & 2706 East Robins Road for Bernita Jacobs.

5. Resolution No. 27345 approving Plat of Survey No. 2305 for property north of 5th Avenue and east of 22nd Street. (City of Marion)
6. Resolution No. 27346 approving Acquisition Plat for Part of Parcel A, Plat of Survey No. 1934 located between 5th Avenue and 6th Avenue on 22nd Street. (City of Marion)
7. Resolution No. 27347 approving Urban Revitalization application from DMFA, LLC, associated with Sunny Ridge Villa's Phase I (Lot 2) located in the 2017 Workforce Housing Urban Revitalization Area Plan.
8. Resolution No. 27348 approving Urban Revitalization application from DMFA, LLC, associated with Sunny Ridge Villa's Phase I (Lot 3) located in the 2017 Workforce Housing Urban Revitalization Area Plan.
9. Resolution No. 27349 approving Urban Revitalization application from DMFA, LLC, associated with Sunny Ridge Villa's Phase I (Lot 4) located in the 2017 Workforce Housing Urban Revitalization Area Plan.
10. Resolution No. 27350 approving Urban Revitalization application from Scenic Development, LLC, associated with Terrace Glen Village located in the 2017 Workforce Housing Urban Revitalization Area Plan.

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

1. Motion approving letter of support for Community Catalyst Building Remediation Grant full application (Uptown Marion Main Street and Genesis Equities).

### **REGULAR AGENDA**

#### **A. Administrative Services**

1. Ordinance No. 18-29 amending Chapter 17 of the Code of Ordinances relating to Council. (Final Consideration)
2. Ordinance No. 18-30 amending Chapter 18 of the Code of Ordinances relating to City Clerk. (Final Consideration)
3. Ordinance No. 18-31 amending the Code of Ordinances by adding Chapter 18A relating to City Treasurer. (Final Consideration)
4. Ordinance No. 18-32 amending Chapter 7 of the Code of Ordinances relating to Fiscal Management. (Final Consideration)
5. Ordinance No. 18-33 amending Chapter 5 of the Code of Ordinances relating to Operating Procedures. (Final Consideration)

6. Ordinance No. 18-34 amending Chapter 23 of the Code of Ordinances relating to Park Board. (Final Consideration)
7. Motion to approve appointment of Rachel Bolender as City Clerk.
8. Motion to approve appointment of Lianne Cairy as City Treasurer.
9. Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits. (Initial Consideration) (Tabled 11/08/18)
10. Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors. (Initial Consideration) (Tabled 11/08/18)

**B. Public Services**

1. Motion to receive and file the proposed wastewater treatment agreement between the City of Marion and the City of Cedar Rapids.

**C. Police/Fire – None**

**D. Parks – None**

**E. Engineering**

1. Motion directing staff to proceed with Request for Proposals for 525 11th Street and 520 12th Street.

**F. Community Development**

1. Public hearing regarding a Preliminary Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC)
2. Resolution No. 27351 approving a Preliminary Site Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC)
3. Resolution No. 27352 approving the Final Site Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC)

4. Resolution No. 27353 authorizing an additional funding application to the Corridor Metropolitan Planning Organization for Surface Transportation Block Grant funds in the amount of \$182,000.00 and committing to provide local matching funds of \$45,500 for transit stop improvements in Marion.
5. Motion directing staff to proceed with the use of tax increment financing low and moderate income set aside assistance dollars for construction of transit shelters at 690 10th Street and Twixt Town Road Transfer Site.
6. Motion to receive and file correspondence regarding newly installed light on Williams Drive and a request to have the light removed (Annette and Brian Mohling).

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

1. Resolution No. 27354 approving draft Economic Development Loan Agreement (The New Regional YMCA in Marion).
2. Resolution No. 27355 approving additional capital contribution of \$1,500,000.00 to the YMCA New Regional in Marion.
3. Public hearing regarding the FY 2019-2024 Capital Improvement Program.
4. Resolution No. 27356 approving the FY 2019-2024 Capital Improvement Program.

**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**