



**CITY COUNCIL AGENDA**  
Thursday, June 6, 2019 – 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**

None

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

None

**PUBLIC FORUM** - This section is for comments from the public on topics listed on the agenda not associated with a public hearing.

**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 May 21 and 23, 2019 City Council meetings.
2. Motion to approve the following liquor license applications:
  - a. Renewal – Marion Market & Café – 5005 10th Avenue  
Class E Liquor License (LE) with additional privilege for Class B Wine Permit, Class C Beer Permit and Sunday Sales. No violations in last five years.

- b. Renewal – Bistro 3 Nineteen – 796 11th Street  
Class C Liquor License (LC) with additional privilege for Catering.  
No violations in last five years.
3. Motion to approve the following Mayoral appointment:
  - a. Bicycle and Pedestrian Advisory Committee (BPAC):  
Seth Staashelm, 1225 6th Avenue; no term.
4. Motion to approving the following FY2019-2020 Cigarette Permit applications:  
Casey's General Store #2760, Casey's General Store #2770, Casey's General Store #2919, Casey's General Store #2924, Casey's General Store #3562, Fareway Stores #949, Neighborhood Tobacco Outlet, Hawkeye Convenience Stores, Hy-Vee Drugstore, Hy-Vee Food Store, Hy-Vee Gas, Kum & Go #503, Kum & Go #509, Murphy Oil #7287, FasMart #5146, Smokin' Joe's Tobacco Outlet #10, Walgreens #03876, Walmart #3630, Wrigleyville Sports Pub, Marion Market & Café
5. Motion to approve payments as presented in the amount of \$6,083,598.41.
6. Resolution No. 27683 approving agreement with Iowa Municipal Workers Compensation Association (IMWCA) for management services related to Police and Fire claims administration.
7. Motion to receive and file new job description (Public Services Deputy Director).
8. Motion to receive and file Certified List for Battalion Chief.
9. Motion to receive and file resignation letter from Sharon Mettler from the Civil Service Commission.

**B. Public Services**

1. Resolution No. 27684 approving partial payment no. 11 to A&J Associates for the Public Services Maintenance Facility in the amount of \$16,600.00 (FACS-17-069)

**C. Public Safety – None**

**D. Parks – None**

**E. Engineering**

1. Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27685 approving Partial Payment No. 10 to Rathje Construction Co. regarding the Grant Wood Trail Extension: Hwy 13 to 35th Street Project in the amount of \$8,723.99. (TRL-17-058)
  - b. Resolution No. 27686 approving Partial Payment No. 27 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$3,977.70. (SWR-17-026)
2. Resolution No. 27687 accepting Stonefield Commercial 1st Addition to the City of Marion.

#### **F. Community Development**

1. Resolution No. 27688 approving payments to Rally Appraisal LLC for appraisal services related to 2097 6th Avenue in the amount of \$2,000; 2201 7th Avenue in the amount of \$1,000; and 597 21st Street in the amount of \$950. (TRANS-17-099)
2. Motion to receive, file and refer to the Planning and Zoning Commission:
  - a. Amendment to the Future Land Use Map of the Marion Comprehensive Plan from Business Parks/Office to Multi-Family Residential located at 1330 East Post Road, Marion, Iowa.
3. Motion to receive and file request for voluntary annexation for the purpose of connecting onto City sanitary sewer (Sara Kessens, 4900 Indian Creek Road).

#### **G. Library – 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. Motion to approve the following FY2019-2020 Cigarette Permit application for Kwik Star #1008.

#### **B. Public Services – None**

#### **C. Public Safety – None**

#### **D. Parks – None**

## **E. Engineering**

1. Resolution No. 27689 approving Partial Payment No. 12 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 \$ 184,450.74. (TRANS-18-091)
2. Resolution No. 27690 approving Change Order No. 12 with Genesis Equities, LLC regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) regarding the sanitary sewer and storm sewer modifications in the amount of \$5,509.68. (TRANS-18-091)

## **F. Community Development**

1. Resolution No. 27691 approving payment to Hall and Hall Engineers, Inc. for professional services related to B & B Investment Company located south of 6th Avenue and east of 21st Street in the amount of \$1,323.30. (TRANS-17-099)

## **G. Library – None**

## **REGULAR AGENDA**

### **A. Administrative Services**

1. Motion to receive, file, discuss and refer to staff, correspondence regarding vicious or dangerous animals. (Mark Messner and Paul Rehn)
2. Motion directing staff to review Chapter 55 of the Code of Ordinances regarding Animal Protection and Control.
3. Resolution No. 27692 approving contract with PayPoint HR for the Compensation and Classification Study in an amount not to exceed \$36,500.00. (GOV-18-018)
4. Ordinance No. 19-15 amending Chapter 131 of the Code of Ordinances Relating to Public Amusements (Final consideration)
5. Motion to approve the following Hold Harmless Agreement:
  - a. Fireworks & Fireflies; Lowe Park; July 3, 2019 from 6:00-10:45 p.m. (City of Marion)

### **B. Public Services**

1. Resolution No. 27693 approving an agreement between City of Cedar Rapids and the City of Marion for Provisions of Wastewater Treatment.

2. Ordinance No. 19-18 amending Chapter 105 of the Solid Waste Ordinance and establishing monthly collection fees at \$15.50, extra bag tags at \$2.50 and special collection rates at \$40.00. (Second consideration)
3. Ordinance No. 19-19 amending Chapter 99 of the Sanitary Sewer Ordinance increasing monthly domestic and industrial user charges from \$2.30 to \$3.80 and reducing the service charge from \$8.00 to \$2.00. (Second consideration)
4. Motion to approve Project Calendar for the Geothermal Loop Field Package associated with the Public Service Maintenance Facility as follows (FACS-17-069):
  - a. Resolution No. 27694 approving Resolution of Necessity regarding the Geothermal Loop Field Package associated with the Public Service Maintenance Facility (FACS-17-069).
  - b. Resolution No. 27695 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Geothermal Loop Field Package for the Public Service Maintenance Facility (FACS-17-069).
  - c. Resolution No. 27696 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the Geothermal Loop Field Package for the Public Service Maintenance Facility (FACS-17-069).

**C. Public Safety – None**

**D. Parks – None**

**E. Engineering**

1. Motion to receive, file, and discuss letter from Pheasant Trail 4th Home Owner Association regarding water drainage issues.
2. Motion directing staff to investigate and provide Pheasant Trail 4th Home Owner Association with possible option(s), as time allows, and instruct the association to apply to the Neighborhood Drainage Assistance Program.
3. Resolution No. 27697 approving contract and bond with Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project (TRANS-18-092)

4. Motion to approve Project Calendar regarding the 2019 Irish Drive Extension Project (TRANS-18-112), as follows:
  - a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Irish Drive Extension Project. (TRANS-18-112)
  - b. Resolution No. 27698 approving Resolution of Necessity regarding the 2019 Irish Drive Extension Project. (TRANS-18-112)
  - c. Resolution No. 27699 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Irish Drive Extension Project. (TRANS-18-112)
  - d. Resolution No. 27700 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Irish Drive Extension Project. (TRANS-18-112)
5. Motion to approve Project Calendar regarding the 2019 Sanitary Sewer Sliplining Project (ANN-18-029), as follows:
  - a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Sanitary Sewer Sliplining Project (ANN-18-029)
  - b. Resolution No. 27701 approving Resolution of Necessity regarding the 2019 Sanitary Sewer Sliplining Project (ANN-18-029)
  - c. Resolution No. 27702 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sanitary Sewer Sliplining Project (ANN-18-029)
  - d. Resolution No. 27703 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sanitary Sewer Sliplining Project (ANN-18-029)

## **F. Community Development**

1. Public hearing regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan to Single-Family Detached Residential and rezoning property to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single-Family Residential and SR-4, Suburban Two-Family Residential for property located north of 29th Avenue on either side of Winchester Drive extended.

2. Resolution No. 27704 amending the Future Land Use Map of the Marion Comprehensive Plan to Single-Family Detached Residential for property located north of 29th Avenue on either side of Winchester Drive extended. (Robson Homes)
3. Ordinance No. 19-20 approving a rezoning to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-Family Residential for property located north of 29th Avenue on either side of Winchester Drive extended. (Robson Homes) (Initial Consideration)
4. Resolution No. 27705 setting June 20, 2019 as the date of the public hearing regarding an amendment to the Marion Comprehensive Plan establishing Airport and Airport Overlay designations.
5. Resolution No. 27706 authorizing condemnation on certain real property. (TRANS-17-099)
6. Public hearing regarding an alley vacation and disposition of the east half of the east-west alley located between to 376 and 344 9th Street and the north half of the north-south alley located between 849 4th Avenue and 356/376 9th Street (Seven Hills East LLC)
7. Resolution No. 27707 approving an alley vacation and disposition of the east half of the east-west alley located between to 376 and 344 9th Street legally described as the east 120 feet of the 10-foot-wide east/west alley between lots 1, 2, 7 and 8 of block 42 original town, now city of Marion, Linn County, Iowa. (Seven Hills East LLC)
8. Resolution No. 27708 approving an alley vacation and disposition of the north half of the north-south alley located between 849 4th Avenue and 356/376 9th Street legally described as the north 120 feet of the 10-foot-wide north/south alley between lots 2 and 3 block 42 original town, now city of Marion, Linn County, Iowa. (Seven Hills East LLC)
9. Motion to remove from the table and approve Ordinance No. 19-16 amending Section 176.04, Establishment of Districts & Map of the Marion Code of Ordinances to include Central Corridor Zoning Districts. (City of Marion) (Tabled 5.23.19)
10. Motion to suspend the rules and proceed to final consideration of Ordinance No. 19-16.
11. Ordinance No. 19-16 amending Section 176.04, Establishment of Districts & Map of the Marion Code of Ordinances to include Central Corridor Zoning Districts. (City of Marion) (Final Consideration)

12. Motion to remove from the table Ordinance No. 19-17 repealing Section 176.50, Central Corridor Interim Development Overlay of the Marion Code of Ordinances and re-establishing Section 176.50 as Central Corridor Zoning Districts. (City of Marion) (Tabled 5.23.19)
13. Motion to amend Ordinance No. 19-17 to include pawn shops as a permitted use in the UTC-1 Zoning District.
14. Ordinance No. 19-17 repealing Section 176.50, Central Corridor Interim Development Overlay of the Marion Code of Ordinances and re-establishing Section 176.50 as Central Corridor Zoning Districts. (City of Marion) (Second consideration)
15. Motion to suspend the rules and proceed to final consideration of Ordinance No. 19-17.
16. Ordinance No. 19-17 repealing Section 176.50, Central Corridor Interim Development Overlay of the Marion Code of Ordinances and re-establishing Section 176.50 as Central Corridor Zoning Districts. (City of Marion) (Final Consideration)
17. Resolution No. 27709 approving contract with Synergy Metal Works (Cara Briggs Farmer) for the artistic design of the gateway feature associated with the CeMar Trail Bridge over Marion Boulevard in an amount not to exceed \$37,500.00. (TRL-17-055)

#### **G. Library**

1. Resolution No. 27710 supporting and directing staff to proceed with planning and design of a new library building project with a proposed budget not to exceed \$18,000,000.00 plus land acquisition costs. (FACS-17-034)

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

None

**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**