



CITY COUNCIL AGENDA
Thursday, December 5, 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.

Please note: Council Member Brandt may participate in the meeting via phone.

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.

1. Presentation: Uptown Marion Annual Report (Brooke Prouty, Uptown Marion)

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 November 13, 14, 15, 19 and 21, 2019 City Council meetings.

2. Motion to approve the following liquor license applications:
 - a. Renewal – Mandarin Spice Buffet & Grill – 1412 Twixt Town Road
Class C Liquor License with additional privileges of Class B Native Wine Permit and Sunday Sales. One violation in last five years.
 - b. Renewal – Carlos O' Kellys – 3320 Armar Drive
Class C Liquor License with additional privileges of Catering, Outdoor Service, and Sunday Sales. No violations in the last five years.
 - c. New – West End Diner – 809 6th Avenue
Class C Liquor License with additional privileges of Outdoor Service. Effective 12/01/19.
3. Motion to approve the following Mayoral reappointments:
 - a. Arts Council
Angie Pierce-Jennings, 3323 Riverside Dr NE, term expires 1/1/23
Patrick Schmidt, 1420 25th Street, term expires 1/1/23
 - b. Construction Code Review Board
Jim Burm, 1740 28th Avenue, term expires 1/1/24
Mark Morgan, 933 18th Street, term expires 1/1/24
 - c. Civil Rights Commission
Jennifer Tibbetts, 1033 7th Street, term expires 12/31/22
Brett Nilles, 6090 Staggs Leap Lane, term expires 12/31/22
Dave Baumler, 1805 Country Club Drive, term expires 12/31/22
Renaë Forsyth-Christy, 2130 Geode Street, term expires 12/31/22
 - d. Historic Preservation Committee
Pat Klopfenstein, 5540 Hunters Ridge Court, term expires 1/1/23
Kathy Wilson, 2910 Somerbrook Lane, term expires 1/1/23
 - e. Local Option Sales Tax Oversight Committee
Dwight Hogan, 1565 7th Avenue, term expires 12/31/22
 - f. Nuisance Enforcement/Property Maintenance Advisory Board
Bob Kalous, 3340 Edgebrook Drive, term expires 1/1/23
Joe Skvor, 2080 26th Street, term expires 1/1/23
Grant Hagen, 1088 Elim Drive, term expires 1/1/23
 - g. Park Board
Patty Wise, 2570 Valleyview Court, term expires 12/31/23
Amy Hüssel, 2085 Pebble Creek Drive, term expires 12/31/23
 - h. Planning & Zoning Commission
Phil Seidl, 3011 Orrian Drive SE, term expires 12/31/24

- i. Public Services Board
Joe Spinks, 3165 29th Avenue, term expires 12/31/21
Craig Adamson, PO Box 885, term expires 12/31/21

- 4. Motion to receive and file certified list for Deputy Police Chief.
- 5. Motion to receive and file certified list for Fire Lieutenant.
- 6. Motion to approve payments as presented in the amount of \$1,612,522.09.
- 7. Resolution No. 28130 amending the non-bargaining pay schedule to include the addition of the Library Patron Services wage band.
- 8. Resolution No. 28131 approving support and financial commitment for the Main Street Program in Marion, Iowa.

B. Public Services – None

C. Public Safety – None

D. Parks – None

E. Engineering

- 1. Resolution No. 28132 approving Partial Payment No. 4 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$33,391.36. (TRANS-18-092).
- 2. Resolution No. 28133 approving Partial Payment No. 5 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$34,937.86. (TRANS-18-074).

F. Community Development

- 1. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Request approval of Peterson's Properties Addition Final Plat to Linn County located at 5105 North 10th Street. (Dennis Peterson)
- 2. Resolution No. 28134 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 1) located in the 2018 workforce housing urban revitalization area plan.
- 3. Resolution No. 28135 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 2) located in the 2018 workforce housing urban revitalization area plan.

4. Resolution No. 28136 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 3) located in the 2018 workforce housing urban revitalization area plan.
5. Resolution No. 28137 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 4) located in the 2018 workforce housing urban revitalization area plan.
6. Resolution No. 28138 approving urban revitalization application from DFMA, LLC, associated with Sunny Ridge Villa's Phase II (Lot 5) located in the 2018 workforce housing urban revitalization area plan.

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 liquor license applications:
 - a. Renewal – Giving Tree Theatre – 752 10th Street
Class C Liquor License with additional privilege of Sunday Sales.
No violations in the last five years.
2. Motion to approve the following Mayor Pro Tem reappointments:
 - a. Marion Municipal Airport Committee:
Craig Rairdin, 1000 Creekbend Court, term expires 12/31/23
Philip Legate, 2695 Pebble Creek Drive, term expires 12/31/23

B. Public Services – None

C. Public Safety – None

D. Parks – None

E. Engineering

1. Motion to approve Project Calendar regarding Engineering Department payments as follows:
 - a. Resolution No. 28139 approving Partial Payment No. 2 to Abode Construction, Inc. for overwidth and overdepth of trail associated with Briargate 4th Addition to the City of Marion in the amount of \$10,006.00. (ANN-18-109)

- b. Resolution No. 28140 approving Partial Payment No. 18 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 \$15,410.02. (TRANS-18-091)
 - c. Resolution No. 28141 approving Partial Payment No. 4 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$7,538.25. (TRANS-18-112)
 - d. Resolution No. 28142 approving Partial Payment No. 3 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$54,801.87. (ANN-18-082)
 - e. Resolution No. 28143 approving Partial Payment No. 2 to Abode Construction, Inc. regarding the 2019 Marion Fire Station Site Subdrain Package in the amount of \$50,148.33. (FACS-18-062)
 - f. Resolution No. 28144 approving Partial Payment No. 3 to Hall & Hall Engineers, Inc. for professional services related to the 2019 Fire Station Irish Drive Traffic Signal Project in the amount of \$1,400.00. (FAC-18-061)
2. Resolution No. 28145 accepting the 2019 Marion Fire Station Site Subdrain Package. (FACS-18-062)
 3. Resolution No. 28146 approving Change Order No. 16 with Genesis Equities, LLC regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) regarding a retaining wall safety railing in the amount of \$8,775.00. (TRANS-18-091)
 4. Resolution No. 28147 accepting the Tower Terrace Road Project – Phase VI (Winslow Road to Lennon Lane). (TRANS-18-095)

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 28148 approving payment no. 28 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 \$265.00. (GOV-18-012)
 - b. Resolution No. 28149 approving payment no. 5 to GLD Properties LLC for construction of a portion of the Grant Wood Trail project located between 26th Street roundabout and 31st Street in the amount of \$37,525.73. (TRL-18-114)

G. Library – None

REGULAR AGENDA

A. Administrative Services – None

B. Public Services – None

C. Public Safety – None

D. Parks

1. Resolution No. 28150 approving Software as a Service (SaaS) Agreement with RecDesk, LLC regarding the Parks and Recreation Management Software Program.

E. Engineering

1. Motion to receive, file, and concur with the TAC Report regarding a request for no parking on Charter Oak Lane SE. (Cindi Rudish, 5020 Northridge Point SE)
2. Resolution No. 28151 approving the establishment of a “No Parking” zone on the east side of Charter Oak Lane SE north of Northridge Point SE.
3. Resolution No. 28152 approving Change Order #2 with Christner Contracting Inc. regarding the 2019 Fire Station Project regarding poor soils and value engineering for a credit of \$571,155.25. (FACS-18-062)

F. Community Development

1. Resolution No. 28153 approving purchase of a portion of the property located at 2442 5th Avenue from Galina G. Caldemeyer in the amount of \$5,885.66.
2. Resolution No. 28154 approving an Acquisition Plat of a portion of property located at 2442 5th Avenue.
3. Resolution No. 28155 approving an Acquisition Plat of a portion of property located at 694 7th Avenue.
4. Resolution No. 28156 approving an Acquisition Plat of a portion of property located at 708 7th Avenue.
5. Resolution No. 28157 approving an Acquisition Plat of a portion of property located at 707 7th Avenue.

6. Resolution No. 28158 approving payment in the amount of \$12,868.10 to Robert and Rebecca S. Lacey and Linn County Treasurer related to the acquisition of a portion of 2294 5th Avenue in accordance with condemnation proceedings associated with the Central Corridor Project.

G. Library

1. Motion to remove from table motion directing staff to engage bond counsel and proceed with public notice of future library debt issuance. (Tabled 11/21/19)
2. Motion to amend motion directing staff to engage bond counsel and proceed with public notice of future library debt issuance by adding “with a maximum of \$7,000,000.”
3. Motion to direct staff to engage bond counsel and proceed with public notice of future library debt issuance with a maximum of \$7,000,000.

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. Administration/Legal: Ethics Policy Discussion.

PUBLIC FORUM – This time is set aside for comments from the public. 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 COMMENTS – During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters.

ADJOURN