



CITY COUNCIL AGENDA
Thursday, November 8, 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.

CALL TO ORDER

POSTING OF COLORS – American Legion Post #298 Honor Guard
PLEDGE OF ALLEGIANCE

ROLL CALL
MOMENT OF SILENCE

PROCLAMATIONS/OATHS

1. Ceremonial Oath of Office: Colette Atkins to City Council Ward 1 (official oath administered October 26, 2018)
2. Proclamation: Honoring the 100th Anniversary of American Legion Post #298.
3. Proclamation: Designating November 15 as World Pancreatic Cancer Day (Mary Ellen Oglesby with the Michael W Oglesby Foundation.)

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.

1. Motion to approve the Consent Agenda as follows:

A. Administrative Services

1. Motion to approve minutes of the October 16 and 18, 2018 City Council meetings.
2. Motion to receive, file and discuss September 2018 Finance Department Monthly Report.
3. Motion to approve the following liquor license applications:
 - a. Renewal – Big Shots Bar and Grill
1803 6th Avenue
Class C Liquor License (LC) with additional privilege of outdoor service. One violation in previous five years.
 - b. Renewal – Best Western Longbranch Hotel
90 Twixt Town Road
Class B Liquor License (LB) with additional privileges of Catering, Outdoor Service and Sunday Sales. One violation in previous five years.
4. Motion to receive and file Certified List for Communications Operator.
5. Motion to receive and file resignation from Todd Pearson from Zoning Board of Adjustment effective September 30, 2018.
6. Motion to approve payments as presented in the amount of \$2,198,569.71.
7. Resolution No. 27247 approving the Annual Finance Report for the fiscal year ending June 30, 2018.

B. Public Services – None

C. Police/Fire

1. Motion to concur with the recommendation to approve Chief Joseph McHale as the primary representative and Marion Public Safety Communications Center Manager Rhonda Kaczinski as the secondary representative on the Linn County E-911 Executive Board.

D. Parks

1. Resolution No. 27248 approving Memorandum of Agreement between the City of Marion and Monarch Research Project, related to the 1,000 Acre Pollinator Initiative.

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27249 approving Partial Payment No. 2 to D.W. Zinser Company, Inc. regarding the 184 8th Avenue Property Disposal in the amount of \$2,000.00.
 - b. Resolution No. 27250 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 1480 5th Avenue Property Disposal in the amount of \$10,590.00.
 - c. Resolution No. 27251 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 573 14th Street Property Disposal in the amount of \$22,415.00.
 - d. Resolution No. 27252 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 526 13th Street Property Disposal in the amount of \$12,800.00.
 - e. Resolution No. 27253 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 880 2nd Street Property Disposal in the amount of \$11,150.00.
 - f. Resolution No. 27254 approving Partial Payment No. 3 to Curtis Contracting Corp. regarding the 2018 Sidewalk Assessment Project in the amount of \$35,384.38.
 - g. Resolution No. 27255 approving Partial Payment No. 8 to Rathje Construction Co. regarding the Grant Wood Trail Extension Project in the amount of \$10,094.69.
 - h. Resolution No. 27256 approving Partial Payment No. 5 to BWC Excavating, LC regarding the 2017 Northview Drive Reconstruction Project in the amount of \$168,369.17.
 - i. Resolution No. 27257 approving Partial Payment No. 2 to Borst Brothers Construction, Inc. regarding the 3600 Winslow Road Property Disposal in the amount of \$16,438.00.

- j. Resolution No. 27258 approving Partial Payment No. 2 to Borst Brothers Construction, Inc. regarding the 3630 Winslow Road Property Disposal in the amount of \$4,300.00.
 - k. Resolution No. 27259 approving Partial Payment No. 3 to Anderson-Bogert Engineers regarding the 2018 Central Corridor-7th Ave. Preliminary Design in the amount of \$15,809.95.
 - l. Resolution No. 27260 approving Partial Payment No. 3 to HDR Engineering regarding the 2018 Sewer Capacity Study in the amount of \$13,829.09.
 - m. Resolution No. 27261 approving Partial Payment No. 20 to Veenstra & Kimm, Inc. regarding Indian Creek Truck Sewer-Segment 7 Project in the amount of \$4,369.50.
 - n. Resolution No. 27262 approving Partial Payment No. 5 to Calhoun-Burns and Associates, Inc. regarding 2018 Bridge Rating & Inspection Services in the amount of \$1,025.00.
2. Resolution No. 27263 accepting the 184 8th Avenue Property Disposal Project.
 3. Resolution No. 27264 accepting the 1480 5th Avenue Property Disposal Project.
 4. Resolution No. 27265 accepting the 573 14th Street Property Disposal Project.
 5. Resolution No. 27266 accepting the 526 13th Street Property Disposal Project.
 6. Resolution No. 27267 accepting the 880 2nd Street Property Disposal Project.
 7. Resolution No. 27268 accepting the 3600 Winslow Road Property Disposal Project.
 8. Resolution No. 27269 accepting the 3630 Winslow Road Property Disposal Project.
 9. Resolution No. 27270 accepting the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project.
 10. Motion directing staff to request the City of Marion to be on the IDOT Local Road Safety Plan (LRSP) list.

11. Motion to receive, file, discuss and refer to TAC a request regarding a no parking zone on Pleasantview Drive east of South 22nd Street. (Samantha Buchheit, 4036 Vine Avenue SE, Cedar Rapids)
12. Motion to receive, file, discuss and refer to TAC a request regarding the intersection of Marion Boulevard, 6th Avenue and 1st Street. (Timothy Godsil, 1117 ½ 3rd Avenue)
13. Motion to receive, file, discuss and refer to TAC a request regarding signs in the Uptown. (Brook Prouty, Uptown Director)
14. Resolution No. 27271 approving a contract for legal services regarding the Indian Creek Trunk Sewer Segment 7 with Lynch Dallas, P.C.
15. Resolution No. 27272 approving expenditures not to exceed \$5,000 regarding the South 11th Street Project out of the Construction Maintenance Fund.

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27273 approving Payment No. 36 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 \$2,528.89.
 - b. Resolution No. 27274 approving Payment No. 22 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 \$118.30.
 - c. Resolution No. 27275 approving Payment No. 8 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$5,209.40. Contract amount remaining \$5,863.54.
 - d. Resolution No. 27276 approving Payment No. 7 to Stanley Consultants, Inc. for Urban Design services related to the Central Corridor Project in the amounts of \$6,700.00. (Contract amount remaining \$0).
 - e. Resolution No. 27277 approving Payment No. 4 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$14,244.75.

- f. Resolution No. 27278 approving Payment No. 5 to Linn County for Marion's portion of the Linn County Hazard Mitigation Plan Update in the amount of \$259.74.
2. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Final Plat for Jacob 1st Addition to Linn County located 2706 E. Robins Road, Marion, Linn County, Iowa.

G. City Manager's Office

1. Resolution No. 27279 relating to the financing of a proposed project to be undertaken by the City of Marion, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

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 receive and file correspondence from Cibo regarding liquor license suspension and response letter from City Attorney.
2. Motion to approve the FY2018-2019 Cigarette permit application for Kwik Star #1008.

B. Public Services – None

C. Police/Fire

1. Resolution No. 27280 approving the selection of OPN Architects as the architectural firm for the planning and construction of Marion Fire Station No. 3.

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27281 approving Partial Payment No. 8 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 \$116,200.14.

- b. Resolution No. 27282 approving Partial Payment No. 2 to Abode Construction, Inc. regarding the 2018 Storm Sewer Project in the amount of \$87,877.96.
 - c. Resolution No. 27283 approving Partial Payment No. 4 to Martin Gardner Architecture regarding the 525 11th Street Assessment in the amount of \$1,200.00.
 - d. Resolution No. 27284 approving Partial Payment No. 8 to Genesis Equities, LLC per Resolution No. 26088 regarding the Central Corridor Improvements Project; Building Demolition in the amount of \$45,909.86.
 - e. Resolution No. 27285 approving Partial Payment No. 5 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction in the amount of \$4,560.37.
 - f. Resolution No. 27286 approving Partial Payment No. 3 to Abode Construction, Inc. for the over width and over depth of trail associated with Briargate 6th Addition to the City of Marion in the amount of \$32,621.33.
- 2. Resolution No. 27287 accepting Echo Hill 3rd Addition to the City of Marion.
 - 3. Resolution No. 27288 accepting the 2017 Lucore Road Reconstruction Project.

F. Community Development

- 1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27289 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2299 for the Marion Fire Department in the amount of \$2,246.25.
 - b. Resolution No. 27290 approving Payment No. 1 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 \$47,440.00.

G. City Manager's Office – None

REGULAR AGENDA

A. Administrative Services

1. Ordinance No. 18-29 amending Chapter 17 of the Code of Ordinances relating to Council. (Initial Consideration)
2. Ordinance No. 18-30 amending Chapter 18 of the Code of Ordinances relating to City Clerk. (Initial Consideration)
3. Ordinance No. 18-31 amending the Code of Ordinances by adding Chapter 18A relating to City Treasurer. (Initial Consideration)
4. Ordinance No. 18-32 amending Chapter 7 of the Code of Ordinances relating to Fiscal Management. (Initial Consideration)
5. Ordinance No. 18-33 amending Chapter 5 of the Code of Ordinances relating to Operating Procedures. (Initial Consideration)
6. Ordinance No. 18-34 amending Chapter 23 of the Code of Ordinances relating to Park Board. (Initial Consideration)
7. Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits. (Initial Consideration)
8. Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors. (Initial Consideration)
9. Resolution No. 27291 approving contract with Total Maintenance, Inc. regarding the installation of HVAC control system at the library in the amount of \$42,846.00.

B. Public Services – None

C. Police/Fire – None

D. Parks – None

E. Engineering

1. Motion to receive, file, and discuss a request regarding a Regional Detention Basin for Silver Rock Estates (Kent Backen, Integrity Custom Homes, Inc.)
2. Motion to direct staff to negotiate a MOU with Integrity Custom Homes, Inc. regarding a Regional Detention Basin for Silver Rock Estates.

3. Motion to remove from table Resolution No. 27169 accepting bids and awarding contract with Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00. (Tabled 9.20.18)
4. Resolution No. 27169 accepting bids and awarding contract with Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00. (Tabled 9.20.18)
5. Resolution No. 27170 approving contract with Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00. (Removed 9.20.18)

F. Community Development

1. Public hearing regarding the rezoning of property located south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard to rezone property from R-2 Medium Density Single Family Residential to C-3 General Commercial and R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential. (DeLong Development Co., LC)
2. Ordinance No. 18-37 approving the rezoning of property south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard from R-2 Medium Density Single Family Residential to C-3 General Commercial. (DeLong Development Co., LC) (Initial Reading)
3. Ordinance No. 18-38 approving the rezoning of property south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard from R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential (DeLong Development Co., LC) (Initial Reading)
4. Resolution No. 27292 approving Plat of Survey No. 2303 located south of Echo Hill Road and west of Alburnett Road. (Carl and Dolores Zieser Revocable Trust)
5. Resolution No. 27293 approving Acquisition Plat for a portion of Tower Terrace Road Right-of-Way between Winslow Road to Lennon Lane. (City of Marion).
6. Ordinance No. 18-25 approving the revision of Chapter 176 Marion Zoning Ordinance for approval of an amendment to Chapter 176.32, Accessory Building and Uses of the Marion Code of Ordinances regarding Accessory Building and Uses. (Second Consideration)
7. Ordinance No. 18-28 amending the Marion Code of Ordinances and establishing Section 176.52, Use Standards. (Final Consideration)

8. Motion directing staff to proceed with Alburnett Road and Central Avenue name change associated with the Alburnett Road extension project.

G. City Manager's Office

1. Motion to receive, file and discuss the Capital Improvement Program financial impacts.

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.

CLOSED SESSION

1. Motion to adjourn to closed session regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa.

ADJOURN