



CITY COUNCIL AGENDA
Thursday, September 19, 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 September 3 and 5, 2019 City Council meetings.
2. Motion to approve the following liquor license applications:
 - a. Renewal – Urban Pie – 1138 & 1144 7th Avenue
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violation in last five year.

- b. Renewal – CVS Pharmacy #10032 – 3495 7th Avenue
Class E Liquor License with additional privileges of Class B Wine,
Class C Beer and Sunday Sales. No violations in last five years.
3. Motion to approve the following Hold Harmless Agreements:
 - a. Swamp Fox Festival and Fall Marion Market; September 27-29,
2019; Marion Square Park, Lowe Park, Uptown Marion and
Thomas Park (Swamp Fox Committee and Marion Chamber of
Commerce, 1225 6th Avenue) (Permit #2019-00000091)
4. Motion to approve the 2020 City Council Meeting Schedule.
5. Motion to receive and file correspondence regarding resignation of Ben
High from the Library Board effective September 10, 2019.
6. Motion to approve payments as presented in the amount of
\$1,404,066.36.
7. Resolution No. 27969 approving the Police Chief Employment
Agreement with Mike Kitsmiller.

B. Public Services

1. Resolution No. 27970 approving partial payment No. 15 to A&J
Associates for the Public Service Maintenance Facility in the amount of
\$13,536.96 (FACS-17-069).
2. Resolution No. 27971 approving Partial Payment No. 2 to Rathje
Construction regarding the Public Service Maintenance Facility
Grading Project in the amount of \$64,552.52 (FACS-17-069).
3. Resolution No. 27972 approving partial payment No. 51 to Anderson
Bogert Engineers for the Public Services site plan development in the
amount of \$4,745.75 (FACS-17-069).
4. Resolution No. 27973 approving partial payment No. 52 to Anderson
Bogert Engineers for the Public Services site plan development in the
amount of \$2,656.00 (FACS-17-069).
5. Resolution No. 27974 approving partial payment No. 53 to Anderson
Bogert Engineers for the Public Services site plan development in the
amount of \$3,026.50 (FACS-17-069).

C. Public Safety – None

D. Parks

1. Resolution No. 27975 approving Partial Payments No. 2 to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$86,713.86. (FACS-18-019)

E. Engineering

1. Resolution No. 27976 approving Partial Payment No. 20 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$15,207.04. (TRANS-18-092)

F. Community Development

1. Motion directing staff to proceed with the vacation of public alleys within Block 28 (Marion Public Library) and Block 29 (Parking Lot) of Original Town, Marion, Linn County, Iowa.
2. Resolution No. 27977 approving payment no. 4 to Cara Briggs Farmer (Synergy Metal Works) for the artistic design of the gateway feature associated with the CeMar Trail Bridge over Marion Boulevard in an amount of \$1838.16. (TRL-17-055)
3. Resolution No. 27978 approving payment no. 11 to Snyder & Associates per the Contract for the Indian Creek Trail [STP-U-4775(631)—70-57] in the amount of \$2,993.57. (TRL-18-056)

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 – None

B. Public Services – None

C. Public Safety

1. Motion to receive, file, and discuss a letter of request from Integrity Custom Homes, Inc. regarding a request to connect Smithland Drive, between Echo Hill Drive and Oak Park Circle. (Integrity Custom Homes, Inc.)

D. Parks

1. Resolution No. 27979 approving Partial Payment No. 13 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$612.00. (FACS-18-019)

E. Engineering

1. Resolution No. 27980 approving Partial Payment No. 2 to Anderson-Bogert Engineers regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$3,170.00. (SWR-18-111)
2. Resolution No. 27981 approving Partial Payment No. 13 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction Project in the amount of \$2,132.54. (ANN-18-082)

F. Community Development

1. Resolution No. 27982 approving payment no. 6 to Anderson-Bogert Engineers for professional services regarding general airport consulting per the contract for the Marion Airport in the amount of \$1,534.50. (ANN-18-082)

G. Library – None

REGULAR AGENDA

A. Administrative Services

1. Ordinance No. 19-23 Providing for the Division of Taxes Levied on Taxable Property in the September 2019 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa (Second Consideration)
2. Motion to suspend the rules and proceed to final consideration of Ordinance No. 19-23.
3. Ordinance No. 19-23 Providing for the Division of Taxes Levied on Taxable Property in the September 2019 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa (Final Consideration)
4. Resolution No. 27983 approving Fiscal Year 2019-2020 Capital Budget Transfers.

B. Public Services – None

C. Public Safety – None

D. Parks – None

E. Engineering

1. Resolution No. 27984 approving contract and bond with Christner Contracting, Inc. regarding the 2019 Fire Station Project in the amount of \$9,367,000.00. (FACS-18-062)
2. Resolution No. 27985 approving contract and bond with Peterson Contractors, Inc. regarding the Removal of Railroad Bridge over Marion BLVD in advance of CEMAR Trail in the amount of \$310,524.50. (STP-U-4775(632)—70-57) (TRL-17-055)
3. Motion to direct staff to create an Oversize and Overload Truck Permit Policy.
4. Motion to receive, file and discuss final Sanitary Sewer Study by HDR.
5. Resolution No. 27986 approving contract and bond with L.L. Pelling Company, Inc. regarding the 2019 HMA Resurfacing Project in the amount of \$1,025,331.00. (ANN-18-086)

F. Community Development

1. Resolution No. 27987 approving Echo Ridge Estates 3rd Addition Final Plat and Memorandum of Agreement for property located north of Echo Hill Road and west of Alburnett Road, Marion, Iowa. (Integrity Custom Homes, Inc.)
2. Resolution No. 27988 approving an Acquisition Plat for property located on the south side of 35th Avenue east of Hemingway Street. (Linn-Mar Community School District and Robson Homes)
3. Resolution No. 27989 approving a request to waive Ch.175, Subdivision Regulations of the Marion Code of Ordinances to allow the issuance of one (1) building permit for Lot 1, Gemstone Sixth Addition prior to Final Plat. (Morris Wood Enterprises, LLC)
4. Public Hearing regarding an amendment to the Marion Code of Ordinances establishing Chapter 176.53 Marion Municipal Airport Land Use and Height Overlay Zoning. (Continued from September 5, 2019)
5. Ordinance No. 19-24 amending the Marion Code of Ordinances establishing Chapter 176.53 Marion Municipal Airport Land Use and Height Overlay Zoning as amended. (Second Consideration)

6. Resolution No. 27990 approving Seventh Avenue Commercial 4th Addition Final Plat and Memorandum of Agreement for property located 2590 6th Avenue and 2525 7th Avenue, Marion, Iowa. (Genesis Equities, LLC)
7. Resolution No. 27991 approving deferral of sidewalk installation along 22nd Street for property located at 2274 5th Avenue. (TWG Development, LLC)
8. Resolution No. 27992 approving Marion Lofts 1st Addition Final Plat and Memorandum of Agreement for property located at 2274 5th Avenue, Marion, Iowa. (TWG Development LLC)
9. Resolution No. 27993 approving the Rookwood Estates 1st and 2nd Addition Final Site Development Plan for property located east of Scott Street and north of Cope Drive. (Rookwood Estates, LLC)
10. Public Hearing regarding a rezoning request from R-5, Moderate Density Multiple Family Residential to PD-R, Planned Development Residential located at 356 and 376 9th Street and Lot 4, Block 42 Original Town, Marion, Iowa.
11. Ordinance No. 19-25 approving a rezoning request from R-5, Moderate Density Multiple Family Residential to PD-R, Planned Development Residential located at 356 and 376 9th Street and Lot 4, Block 42 Original Town, Marion, Iowa. (Seven Hills East, LLC) (Initial Consideration)
12. Resolution No. 27994 approving The United States Department of Transportation Standard Title VI – Non-Discrimination Assurances and a Title VI Non-Discrimination Agreement between the Iowa Department of Transportation and the City of Marion.

G. Library – 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.

None

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 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 litigation as permitted under Section 21.5(1)(c) of the Code of Iowa.

ADJOURN