



CITY COUNCIL AGENDA
Thursday, October 4, 2018 – 5:30 p.m.
City Hall, 1225 6th Avenue, Marion, IA 52302

Special Note: Council Member Draper may participate in the meeting via phone.

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

1. SRT/Tactical Team Pinning Ceremony.
2. Proclamation designating October 7-13, 2018 as Fire Prevention Week.

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

1. Presentation regarding Marsy's Law for Iowa by Levi Larson with Marsy's Law for Iowa.
2. Presentation regarding EDC, Inc. by Curtis R. Nelson, President and CEO of EDC, Inc.

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 September 18 and 20, 2018 City Council meetings.
2. Motion to approve the following liquor license applications:
 - a. Renewal – Aldi
1001 50th Street
Class C Beer Permit (BC) with additional privileges of Class B Wine Permit (Carryout Wine – includes Native Wine) and Sunday Sales.
One violation in the last five years.
3. Motion to approve the following Hold Harmless Agreements:
 - a. Fall Festival/House Gathering, 3130 Stanley Cup Drive, October 6, 2018, 7:00 – 10:00 p.m. (Mike Hicks, 3130 Stanley Cup Drive).
4. Resolution No. 27180 setting the dates for the Annual City Council Work Session meetings regarding the Operating Budget during the month of January.
5. Motion to receive and file certified list for Police Communications Center Manager.
6. Motion to receive and file certified list for IT Support Analyst.
7. Motion to approve payments as presented in the amount of \$2,782,533.77.
8. Resolution No. 27181 approving support for Trees Forever Woodlands Symposium in the amount of \$7,500.00 (budgeted under Urban Forest).
9. Resolution No. 27182 approving buy-up dental insurance plan with Wellmark for January 1, 2019.
10. Motion to receive and file new job description (IT System Administrator).
11. Resolution No. 27183 amending the 04/01/2018 non-bargaining pay schedule to add the job title IT System Administrator.

12. Resolution No. 27184 setting a standard date and time for an annual Trick-or-Treat Night in City of Marion.

B. Public Services

1. Resolution No. 27185 approving Partial Payment #39 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$1,277.50.

C. Police/Fire

1. Resolution No. 27186 to establish the Marion Public Safety Communications Center and Governance Board.

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27187 approving Partial Payment No. 2 to HDR Engineering, Inc. regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$3,000.82.
 - b. Resolution No. 27188 approving Partial Payment No. 4 to Calhoun-Burns and Associates, Inc. regarding 2018 Bridge Rating & Inspection Services in the amount of \$184.25.
 - c. Resolution No. 27189 approving Partial Payment No. 19 to Veenstra & Kimm, Inc. regarding Indian Creek Trunk Sewer-Segment 7 Project in the amount of \$2,080.50.
 - d. Resolution No. 27190 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 1195 6th Avenue Disposal in the amount of \$13,400.00.
 - e. Resolution No. 27191 approving Partial Payment No. 2 to Curtis Contracting Corp. regarding the 2018 Sidewalk Assessment Project in the amount of \$39,629.64.
 - f. Resolution No. 27192 approving Partial Payment No. 7 to Rathje Construction Co. regarding the Grant Wood Trail Extension Project in the amount of \$20,165.02.
 - g. Resolution No. 27193 approving Partial Payment No. 4 to BWC Excavating, LC regarding the 2017 Northview Drive Reconstruction Project in the amount of \$155,883.91.

2. Resolution No. 27194 accepting the 1195 6th Avenue Disposal Project.
3. Resolution No. 27195 approving Contract and bond with Eastern Iowa Excavating and Concrete, LLC regarding the 668 7th Avenue Parking Lot Project.
4. Motion to receive, file, discuss and refer to TAC a request regarding modifications to the speed limit in school zones on Alburnett Road. (Tom Daubs, 6315 Highway 151)

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27196 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 \$1,206.66.
 - b. Resolution No. 27197 approving Payment No. 7 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$1,793.38. Contract amount remaining \$10,072.94.
 - c. Resolution No. 27198 approving Payment No. 35 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 \$48.15.
 - d. Resolution No. 27199 approving Payment No. 4 to Linn County for Marion's portion of the Linn County Hazard Mitigation Plan Update in the amount of \$283.05.
2. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Final Plat for Indian Creek Way 1st Addition to Linn County located at 4601 Indian Creek Way, Marion, Linn County, Iowa (Reagan Robinson).

G. City Manager's Office

1. Resolution No. 27200 approving Civil Rights Commission Low & Moderate Income Grant Program.

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. Privilege Amendment – Casey's General Store #2770
2020 7th Avenue
Privilege change from Class B Native Wine Permit to Class B Wine Permit (carryout wine – includes Native Wine).
 - b. Privilege Amendment – Casey's General Store #2924
1100 Eagle View Drive
Privilege change from Class B Native Wine Permit to Class B Wine Permit (carryout wine – includes Native Wine).
 - c. Privilege Amendment – Casey's General Store #2760
975 S 11th Street
Privilege change from Class B Native Wine Permit to Class B Wine Permit (carryout wine – includes Native Wine).

B. Public Services – None

C. Police/Fire – None

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27201 approving Partial Payment No. 9 to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of \$82,371.64.
 - b. Resolution No. 27202 approving Partial Payment No. 7 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 \$227,249.88.
 - c. Resolution No. 27203 approving Partial Payment No. 1 to Abode Construction, Inc. regarding the 2018 Storm Sewer Project in the amount of \$77,795.14.

- d. Resolution No. 27204 approving Partial Payment No. 2 to Martin Gardner Architecture regarding 525 11th Street Assessment in the amount of \$5,200.00.
- e. Resolution No. 27205 approving Partial Payment No. 3 for reimbursement to Morris Wood Enterprises, LLC regarding the Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) Project in the amount of \$216,613.69.
- f. Resolution No. 27206 approving Partial Payment No. 4 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction in the amount of \$1,283.36.

F. Community Development

- 1. Resolution No. 27207 establishing two public utility easements with Interstate Power & Light Company (Alliant Energy) south of Tower Terrace Road, between Winslow Road and Indian Creek Road.

G. City Manager's Office – None

REGULAR AGENDA

A. Administrative Services

- 1. Motion to receive, file and discuss correspondence requesting deferral of liquor license suspension. (Cibo Fusion, 685 Marion Boulevard)
- 2. Resolution No. 27208 approving a deferral of liquor license suspension for Cibo Fusion until January 19, 2019. (Cibo Fusion, 685 Marion Boulevard)
- 3. Motion setting a special work session for October 8, 2018 at 5:00 p.m. at the Marion Public Library regarding current and future plans for library service. (Joint meeting with Library Board at their regularly scheduled meeting.)

B. Public Services – None

C. Police/Fire – None

D. Parks – None

E. Engineering

- 1. Ordinance No. 18-26 establishing access fees on 2184 Echo Hill Road related to Echo Ridge Estates. (Second Consideration)

2. Ordinance No. 18-27 regarding establishing access fees on 35th Avenue related to Briargate 6th Addition. (Second consideration)
3. Ordinance No. 18-23 amending Chapter 100A of the Code of Ordinances regarding amendment of access fees for Ordinance No. 13-03, 100A.05 Tower Terrace Road District. (Final Consideration.)
4. Motion to receive, file, discuss and refer to TAC a request regarding requesting additional speed limit signs on Lucore Road north of Hunter Ridge Road. (Karen Westhoff, 5680 Lucore Road)
5. Motion to receive, file, discuss and concur with TAC Report regarding the request of additional speed limit signs on Lucore Road north of Hunters Ridge Road. (Karen Westhoff, 5680 Lucore Road)
6. Motion to receive, file, discuss and concur with TAC Report regarding requesting stop signs at the intersection of Williams Drive and Shady Oak Drive. (Mike Etzel, 801 Williams Drive)
7. Resolution No. 27209 approving a Stop Sign stopping north bound traffic on Shady Oak Drive at its intersection with Williams Drive.
8. Resolution No. 27210 approving a Stop Sign stopping east bound traffic on Williams Drive at its intersection with Shady Oak Drive.
9. Resolution No. 27211 approving a Stop Sign stopping west bound traffic on Williams Drive at its intersection with Shady Oak Drive.
10. Motion to receive, file and discuss correspondence regarding drainage issues at Indian Creek Country Club. (Tom Newbanks, 1250 Country Club Drive)
11. Motion to receive and file runway lighting recommendations from the Airport Advisory Committee Meeting.
12. Motion to reconsider Resolution No. 27171 approving Addendum No. 1 to the Memorandum of Agreement regarding the installation of Tower Terrace Road – Phase VI (Morris Wood Enterprises, LLC). (Failed 09/20/2018).
13. Motion to direct staff to place Resolution No. 27171, approving Addendum No. 1 to the Memorandum of Agreement regarding the installation of Tower Terrace Road – Phase VI, on the agenda of the October 18, 2018 City Council Meeting. (Morris Wood Enterprises, LLC). (Failed 09/20/2018).

F. Community Development

1. Public hearing on proposed vacation of a portion of public property described as the south 120 feet of the 10-foot wide north/south alley between Lots 6, 7 and 8, Block 20, Original Town, now City, of Marion, Linn County, Iowa. (Paul A & Carolyn Draper Joint Rev Trust)
(Continued from September 20, 2018)
2. Resolution No. 27212 approving vacation of a portion of public property described as the south 120 feet of the 10-foot wide north/south alley between Lots 6, 7 and 8, Block 20, Original Town, now City, of Marion, Linn County, Iowa. (Paul A & Carolyn Draper Joint Rev Trust)
3. Public Hearing on proposed disposition of a portion of public property described as the south 120 feet of the 10-foot wide north/south alley between Lots 6, 7 and 8, Block 20, Original Town, now City, of Marion, Linn County, Iowa. (Paul A & Carolyn Draper Joint Rev Trust)
(Continued from September 20, 2018)
4. Resolution No. 27213 approving disposition of a portion of public property described as the south 120 feet of the 10-foot wide North/South Alley between Lots 6, 7 and 8, Block 20, Original Town, now City, of Marion, Linn County, Iowa. (Paul A & Carolyn Draper Joint Rev Trust)
5. Public hearing regarding an amendment to the Marion Code of Ordinances to establish regulations relating to use standards.
6. Ordinance No. 18-28 amending the Marion Code of Ordinances and establishing Section 176.52, Use Standards. (Initial Consideration)
7. Motion to remove from table, Ordinance 18-25, approving the revision of Chapter 176 Marion Zoning Ordinance for approval of an amendment to Chapter 176.32 of the Marion Code of Ordinances regarding Accessory Building and Uses.
8. 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. (Initial Consideration) (Tabled September 6, 2018)
9. Motion to receive and file correspondence regarding proposed storage facility moratorium. (Marty and Amy Steffensmeier, 3914 Forest View Court NE, Cedar Rapids, IA 52411).

10. Resolution No. 27214 approving a twelve (12) month moratorium on the expansion or creation of self-service storage facilities, including without limitation the City's acceptance, processing and approval of land use and building permit applications within the C-3, General Commercial, C-4, Warehouse Commercial and I-1, Restricted Industrial zoning districts and providing for an immediate effective date.

G. City Manager's Office – 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.

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 land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa.

ADJOURN