



CITY COUNCIL AGENDA
Thursday, October 18, 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 – Marion Police Department Honor Guard
PLEDGE OF ALLEGIANCE

PROMOTION/COMMENDATION

1. Promotion Ceremony: Lead Dispatcher Rhonda Kaczinski to Communications Center Manager.
2. Commendation: Police Chief McHale will present a Commendation of Valor to Corporal Ron Slagle and a Chief's Commendation to State Trooper Taylor Grim for their response to an active shooting on September 20, 2018.

ROLL CALL
MOMENT OF SILENCE

SPECIAL AGENDA – the following items are regarding the Ward 1 vacancy.

1. Resolution No. 27215 approving rules and procedures regarding the filling of a City Council Ward One vacancy by appointment.
2. Motion to receive and file the following applications for City Council Ward One vacancy:
 - a. Colette Atkins – 1070 Creekbend Court (via video conference)
 - b. Seth Moomey – 1025 S 15th Street
 - c. John Sklarsky – 1035 Dry Creek Lane
 - d. Daniel Washburn – 1010 Dry Creek Lane
3. Presentations by candidates for City Council Ward One vacancy.

4. Balloting for the appointment for City Council Ward One.
5. Resolution No. 27216 making an appointment to fill a vacancy on the Marion City Council until the next pending election as defined in Section 69.12 of the Iowa Code.
6. Oath of Office for candidate chosen.

PROCLAMATIONS/OATHS

1. Proclamation: National Disability Employment Awareness Month (Marion Civil Rights Commission).

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

1. Presentation providing information on a gallery by Iowa BIG and Willis Dady Homeless Services “Homelessness in a New Light: Stories of Resilience.” by Emily Zimmon with Willis Dady.
2. Presentation regarding Synergy Equity Partners, LLC Tax Increment Financing (TIF) request.

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 October 2, 4, and 8, 2018 City Council meetings.
2. Motion setting a special work session for Monday, October 29, 2018 at 4:00 p.m. regarding Capital Improvement Program (CIP).
3. Motion to receive, file and discuss September 2018 Monthly Reports.
4. Motion to approve the following liquor license applications:
 - a. Renewal – Fareway #949
3300 10th Avenue
Class C Beer Permit with additional privilege of Sunday Sales. No violations in the last five years.

- b. Renewal – Mi Tierra Mexican Restaurant
835 7th Avenue
Class C Liquor License with additional privilege of Sunday Sales.
No violations in the last five years.
 - c. Renewal – Hy-Vee Gas
3550 Highway 151
Class C Beer Permit with additional privilege of Sunday Sales. No
violations in the last five years.
5. Resolution No. 27217 approving the Schedule of Alcohol Violations.
6. Motion to approve the following Hold Harmless Agreements:
- a. Wedding, Lowe Park Amphitheater, September 21, 2019 (Brooke Bige, 3420 Townehouse Dr NE, Cedar Rapids).
 - b. Wedding, Lowe Park Amphitheater, July 20, 2019 (Emily Borgerding, 820 Hillview Drive).
 - c. Dogs for Dystonia Dog Walk, Thomas Park, August 24, 2019, 8:30 – 11:30 a.m. (Dystonia Medical Research Foundation, One East Wacker Drive, Suite 1730, Chicago, IL 60601).
 - d. The Return of the Turkey Trot, 8k & 5k Run/Walk, November 10, 2018, 8:00-10:30 a.m. (Pat Quinn, 400 35th Street)
7. Motion to approve the following Mayoral Appointments to the Public Safety Communications and Governance Board:
- a. Mayor Nick AbouAssaly, 1225 6th Avenue, no term.
 - b. Police Chief Joe McHale, 6315 Hwy 151, no term.
 - c. Fire Chief Deb Krebill, 3933 Katz Drive, no term.
 - d. City Manager Lon Pluckhahn, 1225 6th Avenue, no term.
 - e. Council Member Rene Gadelha, 1225 6th Avenue, term expires 12/31/2020.
8. Resolution No. 27218 adopting final assessment schedule for Fiscal Year 2019 Quarter 2 Delinquent Fees and Confirming and Levying the Assessments.
9. Motion to approve payments as presented in the amount of \$1,132,844.08.
10. Motion to receive and file new job description (Library Collection Strategies Manager).

11. Resolution No. 27219 amending the 04/01/2018 non-bargaining pay schedule to change the job title of the Library Program Coordinator II to Library Manager (salary remains the same) and eliminate the Library Coordinator I salary band.

B. Public Services

1. Resolution No. 27220 approving Partial Payment No. 3 to A&J Associates for the Public Service Maintenance Facility in the amount of \$23,000.00.

C. Police/Fire – None

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27221 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 1412 5th Avenue Disposal in the amount of \$13,335.00.
 - b. Resolution No. 27222 approving Partial Payment No. 5 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project in the amount of \$5,306.70.
 - c. Resolution No. 27223 approving Partial Payment No. 9 to Snyder & Associates for costs associated with 2018 Alburnett Rd Extensions Phase I to the City of Marion in the amount of \$42,028.17.
2. Resolution No. 27224 accepting the 1412 5th Avenue Disposal Project.
3. Resolution No. 27225 accepting sanitary sewer main associated with First United Methodist Church 1st Addition.

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27226 approving payment No. 3 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$19,903.25.
 - b. Resolution No. 27227 approving payment to Rally Appraisal LLC for appraisal services related to 2245 6th Avenue in the amount of \$400.

- c. Resolution No. 27228 approving payment to Gaudete Banks for a deposit reimbursement for rental property owned by the City of Marion at 540 12th Street in the amount of \$650.
 - d. Resolution No. 27229 approving payment No. 11 to Shoemaker Haaland per the contract for the CeMar Trail [TAP-U-4475(630)--8I-57] in the amount of \$2,343.28.
2. Motion to receive, file and refer to the Planning and Zoning Commission:
- a. A Preliminary and Final Site Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC)
3. Resolution No. 27230 setting a public hearing for November 8, 2018, regarding the rezoning of property located 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 and R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential. (Delong Development Co., LC)

G. City Manager's Office

- 1. Resolution No. 27231 approving Addendum to Economic Development Policy (Adding Appendix B and C).
- 2. Resolution No. 27232 Setting Date for Public Hearing for November 20, 2018 on Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area.
- 3. Resolution No. 27233 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with KTRO, LLC Including Annual Appropriation Tax Increment Payments.
- 4. Resolution No. 27234 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with Culver Enterprises, LLC Including Annual Appropriation Tax Increment Payments.
- 5. Resolution No. 27235 Setting Date for Public Hearing for November 20, 2018 on Urban Renewal Plan Amendment for the Central Corridor Urban Renewal Area.

6. Resolution No. 27236 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with JLENZ LLC Including Annual Appropriation Tax Increment Payments.
7. Resolution No. 27237 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with Timberline Manufacturing Company Including Annual Appropriation Tax Increment Payments.

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. Police/Fire – None

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27238 approving Partial Payment No. 3 to Martin Gardner Architecture regarding 525 11th Street Assessment in the amount of \$1,200.00.
2. Resolution No. 27239 accepting Gemstone Estates 4th Addition to the City of Marion.

F. Community Development – None

G. City Manager's Office

1. Resolution No. 27240 Setting a Date of Meeting for November 20, 2018 at which it is Proposed to Approve a Development Agreement with Integrity Companies, LLC Including Annual Appropriation Tax Increment Payments.

REGULAR AGENDA

A. Administrative Services – None

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. (Final Consideration)
2. Ordinance No. 18-27 regarding establishing access fees on 35th Avenue related to Briargate 6th Addition. (Final consideration)
3. Resolution No. 27241 rescinding Resolution No. 25672 and approving lifting the embargo on Lucore Road between Indian Creek Road to North City Limits. (Staff)
4. Resolution No. 27242 approving temporary Truck Embargo on Williams Drive from 10th Street to West Williams Drive. (Staff)
5. Motion directing staff to prepare a TSIP (Traffic Safety Improvement Program) grant application and to solicit for Engineering Firms for the Echo Hill Road and Alburnett Road Intersection Improvement Project.
6. Motion to receive, file, discuss and refer to TAC a request regarding additional street lights at the intersection of Echo Hill Road and Alburnett Road. (Staff)
7. Motion to receive, file, discuss and concur with TAC Report regarding additional street lights at the intersection of Echo Hill Road and Alburnett Road. (Staff)
8. 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) (Reconsideration; Failed 9.20.18)

F. Community Development

1. Resolution No. 27243 approving a Memorandum of Agreement related to construction of a portion of the Grant Wood Trail project located between the 26th Street roundabout and 31st Street. (GLD Properties, LLC)
2. Resolution No. 27244 approving Plat of Survey 2299 located between Tower Terrace Road and Gill Park. (Curt R Gill and Barbara K Gill Rev Trust).

3. Ordinance No. 18-28 amending the Marion Code of Ordinances and establishing Section 176.52, Use Standards. (Second Consideration)
4. 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.
5. 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)
6. Public Hearing regarding Amendment to the Central Corridor Interim Development Overlay, Section 176.50(10) of the Marion Code of Ordinances.
7. Resolution No. 27245 extending the Central Corridor Interim Development Overlay, another six months as provided by Section 176.50(10) of the Marion Code of Ordinances.
8. Resolution No. 27246 authorizing the purchase of property at 2274 5th Avenue in the amount of \$257,868.00 to Rebecca S. and Robert L. Lacey.

G. City Manager's Office

1. Motion to receive and file request for tax increment financing (TIF) assistance (Synergy Equity Partners, LLC)
2. Motion to direct staff to negotiate a Memorandum of Understanding with Synergy Equity Partners, LLC.

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