



CITY COUNCIL AGENDA
Thursday, April 4, 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

1. Proclamation: Child Abuse Prevention Month (Linn County, Jeanette Shoop)
2. Proclamation: Sexual Assault Awareness Month (Riverview Center, Jonathan Chambers)
3. Proclamation: Fair Housing 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 regarding 520 12th Street and 525 11th Street Project (Joe Hill, Seven Hills East LLC)
2. Presentation regarding New Fire Station (Fire Chief Deb Krebill and OPN Architects)

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 March 19 and 21, 2019 City Council meetings.
2. Motion to approve the following liquor license applications:
 - a. Renewal – Zoey’s Pizzeria – 690 10th Street
Special Class C Liquor License (BW) (Beer/Wine) with additional privilege Sunday Sales. No violations in the last five years.
 - b. Renewal – Cocktails & Company – 1625 Blairs Ferry Road
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in the last five years.
 - c. Renewal – Uptown Snug – 760 11th Street
Class C Liquor License (LC) with additional privileges Class B Wine Permit, Outdoor Sales and Sunday Sales. No violations in the last five years.
 - d. Renewal – Ramsey’s Metro Market – 1120 7th Avenue
Class C Liquor License with additional privileges of Class B Wine Permit, Outdoor Sales and Sunday Sales. One violation in the last five years.
3. Resolution No. 27537 accepting waiver of hearing and consent to alcohol violation penalty/settlement agreement and imposing the penalties established in Section 123.50(3) of the Code of Iowa. (Ramsey’s Metro Market)
4. Resolution No. 27538 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in Section 453A.22(2) of the Code of Iowa. (Hy-Vee Drug Store)
5. Resolution No. 27539 accepting waiver of hearing and consent to tobacco violation penalty/settlement agreement and imposing the penalties established in Section 453A.22(2) of the Code of Iowa. (Dollar General #7226)

6. Motion to approve the following Hold Harmless Agreement(s):
 - a. St. Joseph's Fun Days; May 31 – June 2, 2019; 1790 14th Street, Marion (St. Joseph's Church, 1790 14th Street) (Permit #2019-00000010)
 - b. Wedding; June 29, 2019 8:00 a.m. to 11:00 p.m.; Klopfenstein Amphitheater (Kelly Kimble, 3109 29th Avenue SW) (Permit #2019-00000017)
7. Motion to approve payments as presented in the amount of \$1,831,745.47.
8. Resolution No. 27540 setting the date for sale of General Obligation Bonds, Series 2019A and General Obligation Urban Renewal Refunding Bonds, Series 2019C and authorizing the use of a preliminary official statement in connection therewith.
9. Resolution No. 27541 setting the date for the sale of General Obligation Annual Appropriation Bonds, Series 2019B and authorizing the use of a preliminary official statement in connection therewith.
10. Resolution No. 27542 setting a public hearing for May 23, 2019 regarding the proposed adoption of a fiscal year 2018-2019 budget amendment.
11. Resolution No. 27543 setting a date of meeting at which it is proposed to approve a Development Agreement with Synergy Partners, Inc., including annual appropriation tax increment payments.

B. Public Services

1. Resolution No. 27544 approving rental agreement with Mid-Iowa Solid Waste Equipment Company in the amount of \$17,600.00.

C. Public Safety – None

D. Parks – None

E. Engineering

1. Resolution No. 27545 approving partial payment no. 8 to Anderson-Bogert Engineers regarding the 2018 Central Corridor-7th Ave. Preliminary Design project in the amount of \$22,332.50.
2. Resolution No. 27546 approving Temporary Construction Easement with R & L Hochstedler, LLC, for property located at 2504 5th Avenue regarding the Central Corridor Improvements – Phase 4 (19th Street to 26th Street).

3. Resolution No. 27547 approving Temporary Construction Easement with Emerson Mattress Inc., for property located at 2525 7th Avenue regarding the Central Corridor Improvements – Phase 4 (19th Street to 26th Street).
4. Resolution No. 27548 approving contract and bond with Rathje Construction Company regarding the 2019 Sanitary Sewer Maintenance Project.
5. Motion directing staff to prepare a letter of request to the Iowa Department of Transportation (IDOT) regarding Speed Limit Zones along Iowa 13 within the City of Marion and to the north.
6. Resolution No. 27549 approving the policy for the application for future Major Streets Oversizing Cost Reimbursements in association with Future Private Development Projects.
7. Resolution No. 27550 approving the policy for the Reimbursement Request for Major Streets Oversizing Cost in Association with Private Development Projects.

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27551 approving payment no. 2 to Anderson-Bogert Engineers for general airport consulting for engineering and/or land surveying services per the contract for the Marion Airport in the amount of \$559.00.
 - b. Resolution No. 27552 approving payment no. 9 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$8,672.26.
 - c. Resolution No. 27553 approving payment no. 41 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 \$91.48.
2. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. The Marion Central Corridor Districts Plan for property between 2nd Street and 31st Street and 5th Avenue and 9th Avenue. (City of Marion)
 - b. An amendment to Section 176.04, Establishment of Districts & Maps of the Marion Code of Ordinance to include Central Corridor Zoning Districts. (City of Marion)

- c. An amendment to Section 176.50, Central Corridor Interim Development Overlay to establish the Marion Central Corridor Zoning Districts. (City of Marion)
3. Resolution No. 27554 setting a public hearing for April 18, 2019 regarding a new Housing Program and a new Housing Code Table of Fees.

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. Resolution No. 27555 approving one year contract renewal for the period July 1, 2019 through June 30, 2020 for Employee Assistance Program with Mercy Medical Center.

B. Public Services – None

C. Public Safety

1. Resolution No. 27515 approving contract with OPN Architects regarding the development of the new fire station. (Removed 3/21/19)

D. Parks

1. Resolution No. 27556 approving partial payment no. 4 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$8,160.00.

E. Engineering

1. Resolution No. 27557 approving partial payment no. 10 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction project in the amount of \$2,969.27.

F. Community Development

1. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. A Central Corridor Interim Development Overlay (IDO) review regarding the GLD Multi-Tenant Commercial Building Development Plan located at 2791 7th Avenue. (GLD Properties LLC)

G. Library – None

REGULAR AGENDA

A. Administrative Services

1. Ordinance No. 19-06 amending Chapter 17 of the Code of Ordinances Relating to Council (Initial consideration)
2. Resolution No. 27533 adopting a Revenue Purpose Statement regarding use of revenues from proposed gas and electric franchise fees pursuant to Iowa Code Section 364.2 (4)(f). (Tabled 03/21/2019)
3. Public hearing regarding the proposed adoption of an ordinance amending Chapter 110 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees.
4. Ordinance No. 19-07 amending Chapter 110 of the Code of Ordinances regarding Natural Gas Franchise with MidAmerican Energy Company including the addition of franchise fees. (Initial consideration)
5. Public hearing regarding the proposed adoption of an ordinance amending Chapter 111 of the Code of Ordinances regarding Electric Franchise with Interstate Power and Light Company (Alliant) including the addition of franchise fees.
6. Ordinance No. 19-08 amending Chapter 111 of the Code of Ordinances regarding Electric Franchise with Interstate Power and Light Company (Alliant) including the addition of franchise fees. (Initial consideration)
7. Public hearing regarding the proposed adoption of an ordinance regarding a Franchise Agreement with Linn County Rural Electric Cooperative Association (Linn County REC) to include franchise fees.
8. Ordinance No. 19-09 adding Chapter 114 to the Code of Ordinances regarding a Franchise Agreement with Linn County Rural Electric Cooperative Association (Linn County REC) to include franchise fees. (Initial consideration)
9. Resolution No. 27558 approving a Memorandum of Understanding (MOU) with Seven Hills East LLC.
10. Motion to receive and file Police Officer Certified List.

11. Motion to approve the following Mayoral appointment:

a. Zoning Board of Adjustment

Angela Jordan, 965 Quarry Oak 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 the RCB Culvert Under Central Avenue North of Indian Creek, as follows:

a. Motion to retain the City Engineer as Project Engineer regarding the RCB Culvert Under Central Avenue North of Indian Creek.

b. Resolution No. 27559 approving Resolution of Necessity regarding the RCB Culvert Under Central Avenue North of Indian Creek.

c. Resolution No. 27560 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the RCB Culvert Under Central Avenue North of Indian Creek.

d. Resolution No. 27561 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the RCB Culvert Under Central Avenue North of Indian Creek.

2. Resolution No. 27562 approving contract with HR Green for engineering design services regarding the 10th Street and Central Avenue/10th Avenue Intersection Project in an amount not to exceed \$58,724.00.

F. Community Development

1. Resolution No. 27563 authorizing the submittal of a 2020 Airport State Funding Application which includes the development of an Instrument Approach Procedure and the purchase of an Automated Weather Observation System. (Marion Airport Advisory Committee)

2. Motion directing staff to enter into a sales agreement for City owned property located adjacent to 2791 7th Avenue in the amount of \$1,140.00. (GLD Properties LLC)

3. Resolution No. 27564 setting a public hearing for April 18, 2019 regarding the disposition of City owned property located adjacent to 2791 7th Avenue. (GLD Properties LLC)
4. Public hearing regarding The Neighborhood at Indian Creek Master Plan for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended. (City of Marion)
5. Resolution No. 27565 adopting The Neighborhood at Indian Creek Master Plan for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended. (City of Marion)
6. Public hearing regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan located between 35th Avenue & Indian Creek Road/Indian Creek Way and 35th Street/Lucore Road & Highway 13. (City of Marion)
7. Resolution No. 27566 amending the Future Land Use Map of the Marion Comprehensive Plan located between 35th Avenue & Indian Creek Road/Indian Creek Way and 35th Street/Lucore Road & Highway 13. (City of Marion)
8. Public Hearing regarding zoning from Undesignated and C-1, Neighborhood Commercial to PD-S, Planned Development Special for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended. (City of Marion)
9. Ordinance No. 19-10 approving zoning from Undesignated and C-1, Neighborhood Commercial to PD-S, Planned Development Special for property between 35th Avenue & Tower Terrace Road extended and 35th Street & 44th Street extended. (Initial Consideration) (City of Marion)
10. Public hearing regarding zoning from Undesignated to PI, Public Institutional located north of 35th Avenue, east of 35th Street. (Linn-Mar Community School District)
11. Ordinance No. 19-11 approving zoning from Undesignated to PI, Public Institutional located north of 35th Avenue, east of 35th Street. (Initial Consideration) (Linn-Mar Community School District)
12. Ordinance No. 19-05 approving an amendment to Section 176.25 of the Marion Code of Ordinance to allow the sale of consumer fireworks in the I-1, Restricted Industrial District. (Final Consideration)
13. Resolution No. 27567 approving an Acquisition Plat for part of Parcel A, Plat of Survey No. 1534 that is part of Lucore Road perpendicular to Indian Creek Road. (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.

1. Public Services: Discussion regarding Phase One of the Eco Industrial Park (Public Services Maintenance Facility)

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.

ADJOURN