



**CITY COUNCIL AGENDA**  
**Thursday, May 9, 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 – Kids to Parks Day 2019 (National Park Trust)
2. Proclamation – Poppy Days 2019 (American Legion Auxiliary)
3. Proclamation – Day of Reason 2019 (Humanists of Linn County)
4. Proclamation – Bike to Work Week 2019 (Marion Bicycle & Pedestrian Advisory Committee)

**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 April 16, 17 and 18, 2019 City Council meetings.
2. Motion to approve the following liquor license applications:
  - a. New – Marion Metro Kiwanis – 4500 10th Street (BBQ Rendezvous)  
Special Class C Liquor License (Beer/Wine) 5 day permit with additional privileges of Outdoor Service. Effective 5/30/2019.
  - b. New – TownPlace Suites by Marriott – 2823 7th Avenue  
Special Class C Liquor License (Beer/Wine) with additional privileges of Class B Wine Permit, Living Quarters and Sunday Sales.
  - c. Renewal – MJ's Restaurant – 1107 7th Avenue  
Special Class C Liquor License (Beer/Wine) with additional privileges of Sunday Sales. No violations in previous five years.
  - d. Renewal – Oasis Sandbar – 1710 Marion Airport Road  
Special Class C Liquor License (Beer/Wine) with additional privileges of Class B Wine Permit, Outdoor Service and Sunday Sales. No violations in previous five years.
  - e. Renewal – The Chocolate Shop – 1244 7th Avenue  
Class B Native Wine Permit with additional privileges of Sunday Sales. No violations in previous five years.
3. Resolution No. 27609 approving Chubbs BBQ, LLC, request to transfer its transient merchant license from 1100 44th Street to 901 50th Street per Section 122.02(4) of the Code of Ordinances.
4. Resolution No. 27610 approving a waiver of time requirements pursuant to Section 122.06(5) of the Code of Ordinances (Chubbs BBQ, LLC).
5. Resolution No. 27611 approving amended Public Records Request Policy.
6. Motion to approve payments as presented in the amount of \$1,458,363.50.

7. Resolution No. 27612 approving an agreement with SilverStone Group, Inc. regarding actuarial services.
8. Resolution No. 27613 setting the date for a public hearing on proposal to enter into a Road Use Tax Revenue Loan Agreement and to borrow money thereunder.
9. Resolution No. 27614 to fix a date for a public hearing on a proposal to enter into a Sewer Revenue Loan Agreement and to borrow money thereunder.
10. Resolution No. 27615 setting the date for a public hearing on proposal to enter into a Solid Waste Revenue Loan Agreement and to borrow money thereunder.

**B. Public Services**

1. Resolution No. 27616 setting a public hearing for May 23, 2019 regarding the Eco-Industrial Park Phase I Site Package.

**C. Public Safety**

1. Resolution No. 27617 approving an agreement with Summit Companies for annual extinguisher services.
2. Resolution No. 27618 approving an agreement with Hawkeye Communications and Continental Sprinkler for annual alarm and sprinkler services to include monitoring.

**D. Parks – None**

**E. Engineering**

1. Motion to approve Engineering Department project payments as follows:
  - a. Resolution No. 27619 approving Partial Payment No. 26 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$5,373.88. (SWR-17-026)
  - b. Resolution No. 27620 approving Partial Payment No. 1 to Eastern Iowa Excavating and Concrete, LLC regarding the 668 7th Avenue Parking Lot Project in the amount of \$24,762.89.

## **F. Community Development**

1. Motion to approve Planning Department project payments as follows:
  - a. Resolution No. 27621 approving payment no. 3 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. 27622 approving payment no. 7 to Linn County for Marion's portion of the Linn County Hazard Mitigation Plan Update in the amount of \$2,052.07.
  - c. Resolution No. 27623 approving payment no. 17 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$20,633.36. (TRL-17-055)
  - d. Resolution No. 27624 approving payment no. 42 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 \$735.43. (TRANS-17-099)
2. Motion to receive, file and refer to the Planning and Zoning Commission:
  - a. Eagle Ridge Park 9th Addition Final Plat located at 1715 Red Fox Way. (Eagle Ridge LC)
  - b. Alley vacation for the east half of the east-west alley located between to 376 and 344 9th Street (Seven Hills East LLC)
  - c. Alley vacation for the north half of the north-south alley located between 849 4th Avenue and 356/376 9th Street (Seven Hills East LLC)

## **G. Library – None**

## **CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION**

1. Motion to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:

### **A. Administrative Services – None**

### **B. Public Services**

1. Resolution No. 27625 approving partial payment no. 12 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$34,562.50.

**C. Public Safety – None**

**D. Parks**

1. Resolution No. 27626 approving partial payment no. 6 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$1,460.30 (FACS-18-072)

**E. Engineering**

1. Resolution No. 27627 approving Partial Payment No. 11 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 \$192,128.36. (TRANS-18-091)

**F. Community Development**

1. Motion to receive, file and refer to the Planning and Zoning Commission:
  - a. Request to amend the Marion Comprehensive Plan and Future Land Use Map to Single-Family Detached Residential and rezone property to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-Family Residential for property located north of 29th Avenue on either side of Winchester Drive extended. (Robson Homes, Inc.)

**G. Library – None**

**REGULAR AGENDA**

**A. Administrative Services**

1. Motion to approve the following liquor license applications:
  - a. New - St. Joseph Catholic Church – 1790 14th Street (St. Joseph Fun Days)  
Class B Beer (includes wine coolers) 5 day permit with additional privileges of outdoor service and Sunday sales. Effective 5/30/19.
2. Ordinance No. 19-06 amending Chapter 17 of the Code of Ordinances Relating to Council (Final consideration)
3. Resolution No. 27628 approving designees for City Manager, City Clerk and City Treasurer per Section 17.03(b) of the Code of Ordinances.

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. (Second consideration)
5. 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. (Final consideration)
6. 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. (Final consideration)
7. Ordinance No. 19-12 amending Chapter 20 of the Code of Ordinances Relating to City Manager. (Second consideration)
8. Ordinance No. 19-13 amending Chapter 165 Section 165.11 of the Code of Ordinances Relating to Housing Code Definitions. (Second consideration)
9. Ordinance No. 19-14 amending Chapter 176, Section 176.06 of the Code of Ordinances Relating to Zoning Regulations Rules and Definitions. (Second consideration)
10. Resolution No. 27629 awarding General Obligation Corporate Purpose Bonds, Series 2019A, and authorizing and approving a Loan Agreement, providing for the sale and issuance of Bonds and providing for the levy of taxes to pay the same.
11. Resolution No. 27630 awarding General Obligation Urban Renewal Refunding Bonds, Series 2019C and authorizing and approving a Loan Agreement, providing for the sale and issuance of bonds and providing for the levy of taxes to pay the same.
12. Resolution No. 27631 awarding General Obligation Annual Appropriation Urban Renewal Bonds, Series 2019B and authorizing and approving a Loan Agreement, providing for the sale and issuance of Bonds and providing for the levy of taxes to pay the same.
13. Ordinance No. 19-15 amending Chapter 131 of the Code of Ordinances Relating to Public Amusements. (Initial consideration).
14. Motion directing staff to draft an Ordinance regarding Mobile Food Vendors.

**B. Public Services – None**

### **C. Public Safety**

1. Resolution No. 27632 approving purchase of Emergency Bail Out Rescue Bags from Municipal Emergency Services in the amount of \$22,185.00.

### **D. Parks**

1. Public hearing regarding the Lowe Park Maintenance Facility Addition Project. (FACS-18-072)
2. Resolution No. 27633 accepting bids and awarding contract to Septagon Construction Co. regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$290,900.00. (FACS-18-072)
3. Resolution No. 27634 approving purchase of property described as 2350 Indian Creek Road, Lot 8, Indian Creek Second Addition to the City of Marion, Linn County, Iowa from BSC, LLC, in the amount of \$55,000.00 (STORM-18-020)

### **E. Engineering**

1. Public Hearing regarding the 2019 Hwy 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project. (TRANS-18-074)
2. Resolution No. 27635 accepting bids and awarding contract to Price Industrial Electric regarding the 2019 Hwy 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$574,843.95. CS-TSF-4775(633)—85-57 (TRANS-18-074)
3. Resolution No. 27636 approving contract and bond with Trey Electric Corp regarding the 2019 Pedestrian Beacon Project. (ANN-18-079)
4. Resolution No. 27637 approving agreement with the Iowa Department of Transportation (IDOT) for the 10th Street and Central Avenue/10th Avenue intersection Improvement Project, CS-TSF-4775(634)—85-57. (TRANS-18-089)
5. Motion to receive, file, discuss and refer to TAC a petition regarding no parking on 1st Street from 29th Avenue to 33rd Avenue. (Tabled 4/18/19)
6. Motion to receive, file, discuss TAC report regarding the request for additional speed limits signs on 50th Street.
7. Motion to direct staff to install a set of "Speed Limit 25 MPH" between 29th Avenue and Saturn Avenue for northbound and southbound traffic.

8. Resolution No. 27638 approving a contract with Stanley Consultants, Inc. regarding soil testing regarding 6th Avenue from 13th Street to 27th Street in the amount not to exceed \$18,000.00. (TRANS-18-091)
9. Resolution No. 27639 accepting the 668 7th Avenue Parking Lot Project.

## **F. Community Development**

1. Public hearing regarding the disposition of City owned property located adjacent to 2791 7th Avenue/Plat of Survey 2335 to GLD Commercial LLC.
2. Resolution No. 27640 approving the disposition of City owned property located adjacent to 2791 7th Avenue/Plat of Survey 2335 to GLD Commercial LLC. (City of Marion)
3. Resolution No. 27641 amending Memorandum of Understanding with GLD Commercial LLC (Amending Resolution 25969).
4. Resolution No. 27642 approving Memorandum of Agreement related to reimbursement for 27th Street improvements adjacent to 2791 7th Avenue.
5. Public hearing regarding the Marion Central Corridor Districts Plan for property between 2nd Street and 31st Street and 5th Avenue and 9th Avenue.
6. Resolution No. 27643 adopting the Marion Central Corridor Districts Plan for property between 2nd Street and 31st Street and 5th Avenue and 9th Avenue. (City of Marion)
7. Public hearing regarding amendments to Chapter 176, Zoning Regulations of the Marion Code of Ordinances and adopting the Central Corridor Zoning Districts. (City of Marion)
8. Ordinance No. 19-16 amending Section 176.04, Establishment of Districts & Map of the Marion Code of Ordinances to include Central Corridor Zoning Districts. (City of Marion) (Initial Consideration)
9. Ordinance No. 19-17 repealing Section 176.50, Central Corridor Interim Development Overlay of the Marion Code of Ordinances and re-establishing Section 176.50 as Central Corridor Zoning Districts. (City of Marion) (Initial Consideration)



10. 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. (Final Consideration) (City of Marion)
11. Ordinance No. 19-11 approving zoning from Undesignated to PI, Public Institutional located north of 35th Avenue and east of 35th Street. (Final Consideration) (Linn-Mar Community School District)
12. Resolution No. 27644 approving Linn-Mar 35th 1st Addition Preliminary Plat for property located north of 35th Avenue and east of 35th Street. (Linn-Mar Community School District)

**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.

**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**