



CITY COUNCIL AGENDA
Thursday, May 23, 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. Oath of Office: Firefighters/Paramedics Brent Klemm & Aaron Butikofer
2. Proclamation: National Public Works Week (American Public Works Association)
3. Proclamation: Marion Civil Rights Commission 5-Year Anniversary

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

1. Presentation regarding 520 12th Street. (Pauline Hatala)

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 May 7, 9 and 15, 2019 City Council meetings.

2. Motion to approve the following liquor license applications:
 - a. Renewal – Walgreens #03876 – 1225 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit (Carryout Beer), Class E Liquor License (LE), and Sunday Sales. No violations in the last 5 years.
 - b. Renewal – Hawkeye Convenience Stores – 1010 East Post Road
Class C Beer Permit with additional privileges of Class B Native Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales. No violations in the last 5 years.
 - c. Renewal – Kum & Go #503 – 3215 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit (Carryout Beer), Class E Liquor License (LE), and Sunday Sales. No violations in the last 5 years.
3. Motion to receive and file the April department monthly reports.
4. Motion to approve payments as presented in the amount of \$2,073,409.47.
5. Resolution No. 27645 naming depositories and deposit limits.
6. Resolution No. 27646 consenting to assignment of Trustee Agent Agreements; Escrow Agent Agreements; and/or Paying Agent and Registrar and Transfer Agent Agreements.
7. Resolution No. 27647 approving payment to Independent Public Advisors LLC in the amount of \$47,814.17 for services relating to the issuance of Series 2019ABC bonds.
8. Resolution No. 27648 approving transfer from Special Revenue Fund to General Fund in an amount not to exceed \$4,105,922.48 for Employee Benefits Costs (Actual amount to be whatever is received through property tax collections).
9. Resolution No. 27649 approving transfer from the Local Option Sales Tax Fund to the Capital Projects Fund in the amount of \$5,205,818.44 for the following projects:
 - 10th Street/10th Avenue Project; \$207,000.00 (TRANS-18-089)
 - 2018 Sanitary Sewer Capacity Study; \$45,640.36 (SWR-18-033)
 - Alburnett Road Extension; \$1,290,417.52 (TRANS-18-092)
 - Armar Drive Extension; \$208,412.12 (TRANS-17-093)
 - Fire Station HQ; \$10,469.35 (FACS-18-062)
 - Central Corridor–6th Ave–13th-19th St; \$695,304.62 (TRANS-18-100)
 - Library Project; \$18,676.76 (FACS-17-034)
 - Lowe Park SE Development; \$77,343.53 (REC-17-050)

Neighborhood Street Improvements; \$1,558,603.55 (TRANS-18-090)
Tower Terrace Road; \$913,950.63 (TRANS-18-095)
Aquatics Center Feasibility Study; \$30,000.00 (REC-18-041)
Linger Park Pavilion; \$50,000.00 (REC-18-038)
Park Development – 29th Ave/50th Street; \$100,000.00 (REC-18-046)

10. Resolution No. 27650 approving the renewal of a contract with Wellmark for third party administration and stop loss coverage related to health and dental insurance for FY 19-20.

B. Public Services

1. Motion to receive and file the 2019 Public Services Work Program.

C. Public Safety - None

D. Parks – None

E. Engineering

1. Resolution No. 27651 approving Partial Payment No. 16 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase 1 in the amount of \$9,015.38. (TRANS-18-092).
2. Resolution No. 27652 approving Temporary Construction Easement with TAH Holdings LLC, for property located at 2325 7th Avenue regarding the Central Corridor Improvements – Phase 4 (19th Street to 26th Street).

F. Community Development

1. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27653 approving payment no. 18 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$25,440.17. (TRL-17-055).
 - b. Resolution No. 27654 approving payment no. 43 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 \$612.43. (TRANS-17-099)
2. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Rezoning property from O-1, Office Transitional to MR-2 High Density Multiple-Family Residential Density for property located at 1330 East Post Road. (The Views Holdings LLC).

- b. Site plan review with terms and conditions of agreement related to Ordinance 16-09 for property located south of 6th Avenue between 8th and 9th Street. (Perry Development Partners).
3. Resolution No. 27655 setting a public hearing for June 6th, 2019 regarding an alley vacation and disposition of the east half of the east-west alley located between to 376 and 344 9th Street and 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

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

1. Resolution No. 27656 approving payment to Knapp-Warden in the amount of \$25,000.00 for construction management services. (FACS-17-069)

C. Public Safety - None

D. Parks

1. Resolution No. 27657 approving Partial Payments No.7 and No.8 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$680.00 and \$680.00, respectively. (FACS 18-072)

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27658 approving Partial Payment No. 1 for reimbursement to Interstate Power & Light Company (Alliant Energy) regarding the undergrounding of fiber cable associated with the Tower Terrace Road Project - Phase VI (Winslow Road to Lennon Lane) in the amount of \$93,977.00 (TRANS-18-095).
 - b. Resolution No. 27659 approving Partial Payment No.1 to Integrity Custom Homes Inc. for costs associated with Echo Hill 3rd Addition to the City of Marion in the amount of \$8,677.63 (ANN-18-109).

- c. Resolution No. 27660 approving Partial Payment No. 1 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue Intersection Project Design - in the amount of \$3,650.00. CS-TSF-4775(634)—85-57 (TRANS-18-089)
- 2. Resolution No. 27661 approving Temporary Construction Easement with Genesis Equities LLC, for property located at 2605 7th Avenue regarding the Central Corridor Improvements – Phase 4 (19th Street to 26th Street).

F. Community Development

- 1. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. The Commons at English Glen Phase 2 Preliminary Plat located north of 29th Avenue on either side of Winchester Drive extended. (Robson Homes, Inc.)
- 2. Resolution No. 27662 setting a public hearing for June 6th, 2019 regarding an amendment to the Marion Comprehensive Plan and Future Land Use Map to Single-Family Detached Residential and rezoning 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)
- 3. Motion to approve Planning Department project payments as follows:
 - a. Resolution No. 27663 approving payment no. 19 to Houseal Lavigne Associates for professional consulting services related to the Marion Zoning Ordinance per the contract for the Marion Airport in the amount of \$1,212.50. (GOV-18-012).
 - b. Resolution No. 27664 approving payment no. 20 to Houseal Lavigne Associates for professional consulting services related to the Marion Comprehensive Plan per the contract for the Marion Airport in the amount of \$202.09. (GOV-18-015).

G. Library - None

REGULAR AGENDA

A. Administrative Services

- 1. Public hearing regarding the fiscal year 2018-2019 budget amendment.

2. Resolution No. 27665 approving the fiscal year 2018-2019 budget amendment.
3. Public hearing on proposal to enter into a Sewer Revenue Loan Agreement and borrow funds thereunder.
4. Resolution No. 27666 taking additional action on proposal to enter into a Sewer Revenue Loan Agreement.
5. Public hearing on proposal to enter into a Solid Waste Revenue Loan Agreement and borrow funds thereunder.
6. Resolution No. 27667 taking additional action on proposal to enter into a Solid Waste Revenue Loan Agreement.
7. Public hearing on proposal to enter into a Road Use Tax Revenue Loan Agreement and borrow funds thereunder.
8. Resolution No. 27668 taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement.
9. 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. (Final consideration)
10. Ordinance No. 19-12 amending Chapter 20 of the Code of Ordinances Relating to City Manager. (Final consideration)
11. Ordinance No. 19-13 amending Chapter 165 Section 165.11 of the Code of Ordinances Relating to Housing Code Definitions. (Final consideration)
12. Ordinance No. 19-14 amending Chapter 176, Section 176.06 of the Code of Ordinances Relating to Zoning Regulations Rules and Definitions. (Final consideration)
13. Ordinance No. 19-15 amending Chapter 131 of the Code of Ordinances Relating to Public Amusements. (Second consideration)

B. Public Services

1. Public hearing regarding the Eco Industrial Park Phase One Site Package. (FACS-17-069)
2. Resolution No. 27669 accepting bids and awarding contract to Rathje Construction for the Eco Industrial Park Grading Project in the amount of \$594,735.20. (FACS-17-069)

3. Ordinance No. 19-18 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at \$15.50, extra bag tags at \$2.50 and special collection rates at \$40.00. (Initial consideration)
4. Ordinance No. 19-19 amending Chapter 99 of the Code of Ordinances increasing monthly domestic and industrial user charges from \$2.30 to \$3.80 and reducing the service charge from \$8.00 to \$2.00. (Initial consideration)

C. Public Safety - None

D. Parks - None

E. Engineering

1. Public Hearing regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project. (TRANS-18-092)
2. Resolution No. 27670 accepting bids and awarding contract to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$677,777.00. (TRANS-18-092)
3. Resolution No. 27671 approving contract and bond with Price Industrial Electric regarding the 2019 Hwy 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project. (TRANS-18-074)
4. Resolution No. 27672 approving removal of a Stop Sign stopping east bound traffic on Indian Creek Road at its intersection with Lucore Road.
5. Motion to approve Project Calendar regarding the 2019 3rd Ave Rehabilitation Project [NSI] (TRANS-18-088), as follows:
 - a. Motion to retain the City Engineer as Project Engineer regarding the 2019 3rd Ave Rehabilitation Project. [NSI] (TRANS-18-088)
 - b. Resolution No. 27673 approving Resolution of Necessity regarding the 2019 3rd Ave Rehabilitation Project. [NSI] (TRANS-18-088)
 - c. Resolution No. 27674 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 3rd Ave Rehabilitation Project. [NSI] (TRANS-18-088)

- d. Resolution No. 27675 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 3rd Ave Rehabilitation Project. [NSI] (TRANS-18-088)
- 6. Motion to approve Project Calendar regarding the 2019 Sidewalk Project (ANN-18-105 & ANN-18-106), as follows:
 - a. Motion to retain the City Engineer as Project Engineer regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
 - b. Resolution No. 27676 approving Resolution of Necessity regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
 - c. Resolution No. 27677 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
 - d. Resolution No. 27678 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- 7. Motion to receive, file, and discuss TAC report regarding the request for additional no parking on 1st Street from 29th Avenue to 33rd Avenue.
- 8. Public comment regarding No Parking on 1st Street from 29th Avenue to 33rd Avenue.
- 9. Resolution No. 27679 approving the establishment of a “No Parking” zone on the west side of 1st Street from 29th Avenue to 33rd Avenue.

F. Community Development

- 1. Motion to receive and file a request from Linn-Mar Community School District for the issuance of a building permit prior to approval of Linn-Mar 35th First Addition Final Plat.
- 2. Resolution No. 27680 approving the issuance of building permit prior to approval of Linn-Mar 35th First Addition Final Plat. (Linn-Mar Community School District)
- 3. Resolution No. 27681 approving Eagle Ridge Park 6th Addition Final Plat and Memorandum of Agreement located at 1715 Red Fox Way. (Eagle Ridge LC)

4. 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) (Continued from May 9, 2019)
5. 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) (Second Consideration)
6. 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) (Second Consideration)

G. Library

1. Resolution No. 27682 supporting and directing staff to proceed with planning and design of a mobile library as outlined in the contract with Specialty Vehicle Services, LLC (hereinafter referred to as SVS, Inc.) (FACS-18-043)

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. Police: Thank you to Council from Chief Joe McHale.

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

ADJOURN