



CITY COUNCIL AGENDA
Thursday, January 10, 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. Ceremony honoring Sergeant Jason Schamberger and K9 Lingo's service from 2008-2017.
2. Proclamation: Martin Luther King Jr. Day 2019. (Civil Rights Commission)

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

1. Presentation regarding Neighborhood Transportation Service (NTS) by Kay Fisk, Director of Transportation Resources

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 December 18 and 20, 2018 City Council meetings.

2. Motion to approve the following liquor license applications:
 - a. Renewal – Indian Creek Country Club – 2401 Indian Creek Road
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in last five years.
 - b. Renewal – Pitchers – 620 Lindale Drive, Suite 1
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. One violation in last five years.
 - c. Renewal – Smokin’ Joes Tobacco and Liquor Outlet #10 – 480 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. One violation in last five years.
 - d. Renewal – Wrigleyville – 1899 7th Avenue
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violation in last five years.
3. Motion to approve the following Hold Harmless Agreements:
 - a. 34th Army Band Concert, Lowe Park, June 30, 2019, 6:00-9:00 p.m. (Cedar Rapids Freedom Festival, 609 1st Avenue SW Suite 102, Cedar Rapids, IA 52405)
4. Motion to approve the following Mayoral appointment:
 - a. Corridor Metropolitan Planning Organization (CMPO) Policy Board:
Lon Pluckhahn, 1225 6th Avenue, no term.
Randy Strnad, 1820 Agate Circle, no term.
 - b. Corridor Metropolitan Planning Organization (CMPO) Policy Board Alternate:
Mike Barkalow, 1225 6th Avenue, no term.
 - c. Corridor Metropolitan Planning Organization (CMPO) Transportation Technical Advisory Committee:
Mike Barkalow, 1225 6th Avenue, no term.
5. Motion to approve resignation of Rodney Bluml from the Tree Board effective 1/1/2019.
6. Motion to approve the following Mayoral reappointment:
 - a. Tree Board: Tom Ryan, 989 8th Street, term expires 1/1/2023.
7. Motion to approve payments as presented in the amount of \$1,263,920.16.
8. Motion to receive and file certified list for IT System Administrator.

B. Public Services

1. Resolution No. 27380 approving partial payment no. 6 to A&J Associates for Public Service Maintenance Facility in the amount of \$4,800.00

C. Police/Fire

1. Resolution No. 27381 approving a tower space lease agreement between the City of Marion and Cedar Rapids Cellular Telephone L.P. at Fire Station No. 1 (U.S. Cellular).
2. Motion to concur with Fire Department's AHJ (Authority Having Jurisdiction) interpretation of following International Fire Code Section 104 versus Fire Code Section 507 in regards to the fire hydrants located at 2607 and 3649 29th Avenue. (Charles Knudsen, 2835 24th Avenue)

D. Parks – None

E. Engineering

1. Motion to approve Engineering Department project payments as follows:
 - a. Resolution No. 27382 approving Partial Payment No. 5 to HDR Engineering Inc. regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$13,563.96.
 - b. Resolution No. 27383 approving Partial Payment No. 12 to Snyder & Associates regarding the 2018 Alburnett Rd Extension Phase I in the amount of \$17,994.92.
 - c. Resolution No. 27384 approving Partial Payment No. 22 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer-Segment 7 project in the amount of \$16,442.05.
2. Motion directing staff to solicit engineering services for the 10th Street and Central Avenue/10th Avenue Project.
3. Resolution No. 27385 accepting the 2018 Sidewalk Assessment Project.
4. Resolution No. 27386 adopting final assessment schedule regarding the 2018 Sidewalk Assessment Project and amending, confirming and levying the assessments.

F. Community Development

1. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Rezoning of property at 2274 5th Avenue from C-4, Warehouse Commercial to PDR, Planned Development Residential (City of Marion).

G. City Manager's Office – 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. Motion to approve the following liquor license applications:
 - a. Renewal – Cibo Fusion - 685 Marion Boulevard
Class C Liquor License with additional privileges of Catering, Outdoor Service and Sunday Sales. Two previous violations in last five years.
 - b. Renewal – Louie's Scoreboard – 740 10th Street
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. One violation in last five years.

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. 27387 approving Partial Payment No. 10 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 \$5,066.51.
 - b. Resolution No. 27388 approving Partial Payment No. 9 to Genesis Equities, LLC per Resolution No. 26088 regarding the Central Corridor Improvements Project; Building Demolition in the amount of \$13,116.14.

- c. Resolution No. 27389 approving Partial Payment No. 7 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction project in the amount of \$7,190.06.
- d. Resolution No. 27390 approving Partial Payment No. 1 to Anderson-Bogert Engineers regarding the Marion AirCom Park Sanitary Sewer Extension Project in the amount of \$10,000.00.

F. Community Development

1. Motion to receive, file and refer to the Planning and Zoning Commission:
 - a. Street right-of-way vacation for a portion of 16th Street between 5th Avenue and 6th Avenue. (Genesis Equities LLC)
 - b. Final Plat for Witter First Addition to Linn County located at 2651 Jordan Groves Road, Linn County, Iowa. (Zachary T. & Sara L. Witter)

G. City Manager's Office – None

REGULAR AGENDA

A. Administrative Services

1. Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits. (Final Consideration)
2. Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors. (Final Consideration)
3. Ordinance No. 19-01 amending Chapter 21 of the Code of Ordinances relating to Library Board of Trustees. (Initial Consideration)
4. Resolution No. 27391 approving transfer of awarded Hotel/Motel funds from GO Cedar Rapids to Prospect Meadows in the amount of \$5,000.00.
5. Motion to set a special work session for January 14, 2019 at 5:00 p.m. at the Marion Public Library regarding final library space needs assessment. (Joint meeting with Library Board at their regularly scheduled meeting.)

B. Public Services – None

C. Police/Fire – None

D. Parks – None

E. Engineering

1. Motion to receive, file, discuss, and concur with the TAC Report regarding a stop light at the intersection of 29th Avenue and Alburnett Road. (Eric George, 2395 Acacia Court)
2. Motion to receive, file, discuss, and concur with the TAC Report regarding a request to increase the speed limit on 3rd Avenue. (Timothy Godsil, 1117 ½ 3rd Avenue)
3. Motion to receive, file, discuss, and concur with the TAC Report regarding speeding on Winslow Road. (Mike and Kathy Kearney, 1697 Bridge Creek Court)
4. Motion to receive, file, discuss, and concur with the TAC Report regarding modifications to the speed limit in school zones on Alburnett Road. (Tom Daubs, 6315 Highway 151)

F. Community Development

1. Motion to receive and file correspondence regarding amendment to Future Land Use Map and request to Rezone property south of Fernow Road and east of Crestwood Lane and Burns Drive. (Lacinda Taplin, 6320 E Kacena Avenue)
2. Public hearing regarding the property south of Fernow Road and east of Crestwood Lane and Burns Drive to amend the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Single Family Attached and Multi-Family Residential and a request to Rezone from R-2 Medium Density Single Family Residential to PDR Planned Development Residential. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC)
3. Resolution No. 27392 approving an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Single Family Detached Residential to Single Family Attached and Multi-Family Residential for property south of Fernow Road and east of Crestwood Lane and Burns Drive.
4. Ordinance No. 19-02 approving a rezoning from R-2, Medium Density Single-Family Residential, to PDR, Planned Development Residential, for property south of Fernow Road and east of Crestwood Lane and Burns Drive. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC) (Initial Consideration)
5. Resolution No. 27393 approving Emerson School 1st Addition Final Plat and Memorandum of Agreement located at 1400 10th Avenue, Marion, Iowa. (Marion Independent School District)

6. Resolution No. 27394 approving a Jacob 1st Addition to Linn County Final Plat and Memorandum of Agreement located at 2700 and 2706 E. Robins Road. (Bernita Jacobs)
7. Resolution No. 27395 approving a request to vacate sanitary sewer easement between Lots 16 & 17 of The Coves at English Glen First Addition.
8. Resolution No. 27396 approving form of contract related to the sale of city owned property located at 2254 and 2274 5th Avenue in the amount of \$152,454.00 (Cedar Venture, LLC)

G. City Manager's Office

1. Resolution No. 27397 approving a Memorandum of Understanding (MOU) with TWG Iowa Apartment Partners, LP.
2. Motion to receive, file and discuss draft Memorandum of Agreement regarding operations with Young Men's Christian Association of the Cedar Rapids Metropolitan Area (The New Regional YMCA in Marion).

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. City Manager's Office: FY2019-2024 Capital Improvement Plan (CIP) Project Highlights Discussion.
 - a. Central Corridor Project
 - b. Tower Terrace Project

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