



**CITY COUNCIL AGENDA**  
Thursday, February 7, 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**

**POSTING OF COLORS** – Marion Police Department Honor Guard  
**PLEDGE OF ALLEGIANCE**

**ROLL CALL**  
**MOMENT OF SILENCE**

**PROCLAMATIONS/OATHS**

1. Police Promotion: Sergeant Phil Fort to Lieutenant
2. Police Promotion: Corporal Cory Berning to Sergeant
3. Proclamation: Black History Month – February 2019 (Danielle Brazant with Civil Rights Commission)

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

1. Presentation: Uptown Marion Update by Brooke Prouty

**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 January 22, 24 and 25, 2019 City Council meetings.
2. Motion to change the start time of the February 19, 2019 work session to 6:00 p.m. (Due to Council Members and staff attending Legislative Day in Des Moines.)
3. Motion to schedule a special meeting on February 12, 2019 regarding Draft 2 of the Fiscal Year 2020 Budget.
4. Motion to approve the following liquor license applications:
  - a. Renewal – Brick Alley - 1038 7th Ave  
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No violations in previous 5 years.
  - b. Renewal – Fas Mart #5146 – 998 8th Avenue  
Class C Beer Permit with additional privileges of Class B Wine (Carryout Wine – Includes Native Wine) and Sunday Sales. No violations in previous 5 years.
5. Motion to approve payments as presented in the amount of \$1,433,020.03.
6. Motion to receive and file new job descriptions (IT Director, Finance Director, Accountant, Library Cataloger and Battalion Chief).
7. Resolution No. 27432 amending the 04/01/2018 non-bargaining pay schedule to include the IT Director, Finance Director, Accountant, Library Cataloger and Battalion Chief pay bands.
8. Resolution No. 27433 approving the Finance Director Employment Agreement with Lianne Cairy.
9. Resolution No. 27434 approving the IT Director Employment Agreement with Terrell Hunter.
10. Resolution No. 27435 approving an Agreement with Richard W. Boots concerning Health Insurance Coverage.
11. Motion to receive and file Engineering Tech Certified List.
12. Motion to receive and file Permit Tech Certified List.
13. Motion to receive and file the audit report for the year ending June 30, 2018.

14. Resolution No. 27436 setting a public hearing regarding the proposed FY19-20 Budget for March 7, 2019.

**B. Public Services – None**

**C. Police/Fire**

1. Resolution No. 27437 approving Resignation Agreement and Release.

**D. Parks – None**

**E. Engineering**

1. Motion to approve Engineering Department project payments as follows:
  - a. Resolution No. 27438 approving Partial Payment No. 3 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$82,656.47.
  - b. Resolution No. 27439 approving Partial Payment No. 5 to Schnoor-Bonifazi Engineering & Surveying, LC regarding the Tower Terrace Road Phase VI Project in the amount of \$1,250.00.
  - c. Resolution No. 27440 approving Partial Payment No. 6 to Anderson Bogert Engineering regarding the 2018 Central Corridor – 7th Ave. Preliminary Design in the amount of \$18,050.00.
  - d. Resolution No. 27441 approving Partial Payment No. 23 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$13,228.26.
2. Motion to receive, file, and discuss a request regarding street light on Williams Drive. (Annette Mohling, 4060 Shady Oak Drive)
3. Resolution No. 27442 setting a public hearing for February 21, 2019, regarding establishing access fees on Winslow Road related to Glen Rock Farms 7th Addition.

**F. Community Development**

1. Motion to receive, file and refer to the Planning and Zoning Commission:
  - a. An amendment to Section 176.25 of the Marion Code of Ordinances to allow the sale of consumer fireworks in the I-1 Restricted Industrial Zoning District. (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** – None

**B. Public Services**

1. Resolution No. 27443 approving partial payment no. 10 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$14,175.00.

**C. Police/Fire** – None

**D. Parks** – None

**E. Engineering** – None

**F. Community Development** – None

**G. City Manager's Office** – None

## REGULAR AGENDA

**A. Administrative Services**

1. Ordinance No. 19-01 amending Chapter 21 of the Code of Ordinances relating to Library Board of Trustees. (Final Consideration)

**B. Public Services** – None

**C. Police/Fire** – None

**D. Parks** – None

**E. Engineering**

1. Resolution No. 27444 approving a revised encroachment agreement regarding brick pavers for driveway approach in city right-of-way. (Nathan J. and Amanda L. Andrews, 2680 50th Street)

**F. Community Development**

1. Public Hearing regarding the property at 2274 5th Avenue rezoning from C-4 Warehouse Commercial to PDR Planned Development Residential. (City of Marion)

2. Ordinance No. 19-03 approving rezoning from C-4 Warehouse Commercial to PDR Planned Development Residential for property at 2274 5th Avenue. (City of Marion) (Initial Consideration)
3. 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 Rezoning from R-2 Medium Density Single Family Residential to PDR Planned Development Residential. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC)
4. Resolution No. 27445 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. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC)
5. Ordinance No. 19-02 approving 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)
6. Motion to suspend the rules and place Ordinance No. 19-02 on the agenda for the second and final reading and to adopt Ordinance No. 19-02.
7. Resolution No. 27446 approving a Preliminary Site Development Plan for Rookwood Estates for property south of Fernow Road and east of Crestwood Lane and Burns Drive. (Rookwood Estates, LLC)
8. Resolution No. 27447 approving a Preliminary Plat for Rookwood Estates for property south of Fernow Road and east of Crestwood Lane and Burns Drive. (Rookwood Estates, LLC)
9. Public hearing regarding a request to vacate a street right-of-way described as the north 125 feet of 16th Street between 5th Avenue and 6th Avenue, Marion, Iowa. (Genesis Equities LLC)
10. Resolution No. 27448 approving a street right-of-way vacation of the north 125 feet of 16th Street between 5th and 6th Avenue, Marion, Iowa. (Genesis Equities LLC)
11. Public hearing regarding a request to vacate and sell a street right-of-way described as the north 160 feet of 17th Street between 5th Avenue and 6th Avenue, Marion, Iowa. (Genesis Equities LLC)

12. Resolution No. 27449 approving the vacation and disposition of a street right-of-way of the north 160 feet of 17th Street between 5th and 6th Avenue, Marion, Iowa. (Genesis Equities LLC)

#### **G. City Manager's Office**

1. Resolution No. 27450 approving Memorandum of Agreement regarding operations with Young Men's Christian Association of the Cedar Rapids Metropolitan Area (The New Regional YMCA in Marion).
2. Resolution No. 27451 approving additional capital contribution of \$800,000.00 to the Young Men's Christian Association of the Cedar Rapids Metropolitan Area with total contribution payable as lump sum in Fiscal Year 2020. (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. Airport 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 litigation as permitted under Section 21.5(1)(c) of the Code of Iowa.

#### **ADJOURN**