

January 10, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 10, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Draper, Atkins, Jensen, Gadelha, Brandt, and Strnad. Absent: None.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

Mayor AbouAssaly stated that January 9, 2019 was Law Enforcement Appreciation Day. He thanked Police Chief McHale and all women and men in our law enforcement.

PROCLAMATIONS/OATHS

Police Chief McHale introduced Sergeant Jason Schamberger. Sgt. Schamberger served on the Special Response Team for 14 years prior to his promotion to Sergeant. Chief McHale recognized him for his efforts and contribution to the team. Sergeant Phil Fort came forward and spoke about the Marion K9 program which started in 1996. Schamberger and K9 Lingo were the second narcotics team on the force. Lingo was recently put down. Chief McHale and Sgt. Fort presented a plaque honoring Sergeant Jason Schamberger and K9 Lingo's service from 2008-2017.

Mayor AbouAssaly read a proclamation for Martin Luther King Jr. Day 2019. Mayor presented the proclamation to Fred Brown with the Civil Rights Commission.

PRESENTATIONS

Kay Fisk, Director of Transportation Resources for Neighborhood Transportation Service (NTS) presented information regarding their operations. In Fiscal Year 2018, service in Marion has increased by almost 2,000 riders. Total ridership was 9,743. Would like to request a 5% increase in funding from Marion for FY2020 which would amount to a total contribution of \$30,180.00.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

Moved by Brandt, seconded by Gadelha to approve the Consent Agenda as follows:

Motion to approve minutes of the December 18 and 20, 2018 City Council meetings.

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.

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)

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.

Motion to approve resignation of Rodney Bluml from the Tree Board effective 1/1/2019.

Motion to approve the following Mayoral reappointment:

- a. Tree Board: Tom Ryan, 989 8th Street, term expires 1/1/2023.

Motion to approve payments as presented in the amount of \$1,263,920.16.

Motion to receive and file certified list for IT System Administrator.

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

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).

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)

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.

Motion directing staff to solicit engineering services for the 10th Street and Central Avenue/10th Avenue Project.

Resolution No. 27385 accepting the 2018 Sidewalk Assessment Project.

Resolution No. 27386 adopting final assessment schedule regarding the 2018 Sidewalk Assessment Project and amending, confirming and levying the assessments.

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).

All in favor of consent agenda (Council Member Draper abstained from liquor license renewal for Pitchers), motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Strnad at 5:55 p.m. Mayor Pro Tem Strnad presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Moved by Gadelha, seconded by Brandt to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:

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.

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.

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)

Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt and Gadelha; Nays: None; Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 5:55 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits was read by Atkins for final consideration. Moved by Atkins, seconded by Jensen to approve the third reading of Ord. No. 18-35. All in favor, motion carried.

Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors was read by Jensen for final consideration. Moved by Jensen, seconded by Atkins to approve Ord. No. 18-36. All in favor, motion carried.

Ordinance No. 19-01 amending Chapter 21 of the Code of Ordinances relating to Library Board of Trustees was read by Strnad for initial consideration. Moved by Strnad, seconded by Gadelha to approve the Ord. No. 19-01. All in favor, motion carried.

Resolution No. 27391 approving transfer of awarded Hotel/Motel funds from GO Cedar Rapids to Prospect Meadows in the amount of \$5,000.00 was read by Brandt. Moved by Brandt, seconded by Gadelha to approve Res. No. 27391. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt 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.) Motion to Brandt, seconded by Jensen to amend the motion to state location is at Marion City Hall. All in favor of motion to amend, motion carried. All in favor of amended motion, motion carried.

Moved by Atkins, seconded by Jensen 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). All in favor, motion carried.

Moved by Jensen, seconded by Atkins 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). All in favor, motion carried.

Moved by Strnad, seconded by Brandt to receive, file, discuss, and concur with the TAC Report regarding speeding on Winslow Road (Mike and Kathy Kearney, 1697 Bridge Creek Court). All in favor, motion carried.

Moved by Brandt, seconded by Gadelha 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). All in favor, motion carried.

Moved by Gadelha, seconded by Brandt 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). All in favor, motion carried.

Mayor AbouAssaly opened a 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). Principal Planner

Dave Hockett provided staff report. Chad Pelley (Rookwood Estates, 346 Woodland Dr SE) spoke in favor of the development and provided more information regarding the proposed housing. Mayor AbouAssaly stated citizen concerns with transportation and asked when access to Fernow Road would be open. Chad stated access would not be open in phase 1 and did not have a timeline. Council Member Jensen asked how condos would be managed. Chad stated only condos in NE corner will be managed by condo association. The rest of the development will be owner occupied and will be managed by professional homeowners association. Lynn Emrich, 1826 Fernow Road, spoke in favor of the development. Lynn had questions regarding the wording of the rezoning. Principal Planner Dave Hockett provided clarification. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

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 was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27392. Mayor AbouAssaly asked the City Manager how this development advances the goals of housing needs assessment. City Manager Lon Pluckhahn stated assessment showed needs for top of the market rental units as well as affordable housing. This project addresses both needs. Mayor AbouAssaly stated this project is attractive as it offers very diverse housing. Council Member Brandt asked the Iowa DOT be contacted sooner versus later in regards to speed on Highway 13. Council Member Gadelha stated this development is needed and hope this same design is brought elsewhere throughout the City. All in favor, motion carried.

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) was read by Jensen for initial consideration. Moved by Jensen, seconded by Draper to approve the first reading of Ord. No. 19-02. All in favor, motion carried.

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) was read by Strnad. Moved by Strnad, seconded by Gadelha to approve Res. No. 27393. All in favor, motion carried.

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) was read by Brandt. Moved by Brandt, seconded by Draper to approve Res. No. 27394. All in favor, motion carried.

Resolution No. 27395 approving a request to vacate sanitary sewer easement between Lots 16 & 17 of The Coves at English Glen First Addition was read by Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27395. All in favor, motion carried.

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) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27396. All in favor, motion carried.

Resolution No. 27397 approving a Memorandum of Understanding (MOU) with TWG Iowa Apartment Partners, LP was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27397. All in favor, motion carried.

Mayor AbouAssaly relinquished gavel to Mayor Pro Tem Strnad at 6:40 p.m. Mayor Pro Tem Strnad presided over the meeting.

Moved by Brandt, seconded by Gadelha 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). City Manager Lon Pluckhahn stated this agreement contains a lot of the community benefit items that were brought forward during previous meeting. Council Member Gadelha asked if there would be a more formal presentation when this came back. Lon confirmed. Council Member Jensen stated that he abstained from the vote on funding at the December 20, 2018 meeting. Afterwards, he contacted the City Attorney to provide descriptions on the committees he serves on for the YMCA. It was determined and is Legal's opinion that he does not have a conflict of interest. Vote: Yeas: Draper, Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Strnad relinquished the gavel to Mayor AbouAssaly at 6:46 p.m. Mayor AbouAssaly presided over the meeting.

OTHER DEPARTMENT DISCUSSION

City Manager's Office: FY2019-2024 Capital Improvement Plan (CIP) Project Highlights Discussion.

- a. City Engineer Mike Barkalow presented background information regarding work completed to date on the Central Corridor Project. This project started back in 2002. Mike shared phases in process now and what is to come. Information about this project is available on the Engineering Department web page, construction update emails, distribution list that is specific to Central Corridor project, and occasional open houses. Council Member Jensen would like map printed so it can be displayed during Library office hours.
- b. City Engineer Mike Barkalow presented background information regarding work completed to date on the Tower Terrace Project. Phases currently in process were shared as well as projects to come. Information regarding this project is shared on Engineering Department web page, construction update emails, and occasional open houses. Council Member Gadelha appreciated the high level project sheets and would like those to have during Library office hours.

PUBLIC FORUM

Sandra Walton, 4040 Shady Oak Drive, spoke in regards to light on Williams Drive and Shady Oak Drive. She lives two houses down from light and it shines into their yard. Would like work to be done to help reduce light pollution.

Annette Mohling, 4060 Shady Oak Drive, spoke in regards to light on Williams Drive and Shady Oak Drive. Her residence is directly affected by light. She asked who is responsible for placing light in its exact location. City Engineer Mike Barkalow stated the Engineering Department is responsible.

Brent Gamerdinger, 1308 7th Street, spoke in regards to property located at 1301 6th Street. This property is a nuisance and would like something to be done. Police Chief McHale offered to touch base after the meeting.

Alex Kruser, 1230 7th Street, spoke in regards to neighboring nuisance property at 1301 6th Street. Police Chief McHale offered to touch base after the meeting.

Dick Berntsen, 580 Central Avenue, spoke in regards to neighboring property at 1301 6th Street. Asking that the City look into this property to get something resolved. Police Chief McHale offered to touch base after the meeting.

COUNCIL DISCUSSION

Council Member Gadelha stated she will be out of the county from January 19 to 27. She will be meeting with City Manager ahead of time to get up to speed on budget.

Council Member Brandt shared a card he received from Cub Scouts Troop 58. Met with them in November and talked to them about the City.

Council Member Draper shared history on the businesses that were located where the library is. Included buildings such as the Marion ski shop and former jailhouse.

Mayor AbouAssaly stated Marion was in the top 10 percent of small cities in the United States by Wallethub. Also stated State of City on January 31, 2019 at the Cedar Rapids Marriott. Tickets can be purchased by League of Women Voters of Linn County.

CLOSED SESSION

Moved by Brandt, seconded by Strnad to adjourn to closed session regarding land acquisition as permitted under Section 21.5(1)(j) of the Code of Iowa. City Attorney Ryan Tang stated that he has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Draper, Atkins, Jensen, AbouAssaly, Gadelha, Brandt, and Strnad. Nays: None. Motion carried.

Moved by Strnad, seconded by Draper to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 8:36 p.m.

Nicolas AbouAssaly, Mayor

Attest:

Rachel Bolender, City Clerk

The undersigned City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Marion Times on the _____ day of _____, 20____.

Rachel Bolender, City Clerk