

August 9, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, August 9, 2018, at 5:33 p.m. in the council chambers of City Hall with Mayor Pro Tem Gadelha presiding and the following council members present: Draper, Jensen, Brandt, and Strnad. Absent: Etzel and AbouAssaly.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

Chief McHale introduced Jacob Pisarik and shared his accomplishments. Mayor Pro Tem Gadelha administered the Oath of Office to Police Officer Jacob Pisarik.

Mayor Pro Tem Gadelha read a proclamation for the 13th Annual Five Seasons Stand Down Day. She presented the proclamation to Jo Bridgewater with Linn County Veterans Affairs.

Moved by Brandt, seconded by Strnad to approve Consent Calendar, as follows:

Motion to approve minutes of the July 17, 19 and 30, 2018 City Council meetings.

Motion to approve the bills as presented in the amount of \$2,441,252.10.

Motion to approve the following liquor license applications:

- a. Renewal – Casey’s Marketing dba Casey’s General Store #2770  
2020 7th Avenue, Marion  
Class C Beer Permit with additional privileges of Class B Native Wine Permit and Sunday Sales. No violations in the last five years.
- b. Renewal – Marion Columbus Club dba Marion Columbus Club  
5650 Kacena Avenue, Marion  
Class C Liquor License with additional privileges of Sunday Sales. No violation in last five years.
- c. Renewal – Zio Johnno’s Inc. dba Zio Johnno’s Marion  
755 7th Avenue, Marion  
Class C Liquor License with additional privileges of Class B Wine Permit, Catering, Outdoor Service and Sunday Sales. No violation in the last five years.
- d. New – Nara Thai Cuisine LLC dba Nara Thai Cuisine  
1725 Blairs Ferry Rd Ste 102, Marion  
Class C Liquor License with additional privileges of Sunday Sales.  
Effective 07/15/2018.

Motion to receive and file the Civil Service Certified Eligible List for Police Sergeant and Police Lieutenant.

Resolution No. 27041 approving the consulting and engineering services agreement with A&J Associates for the construction of the Public Services Maintenance Facility.

Resolution No. 27042 approving Partial Payment No. 1 to A&J Associates for engineering services for the Public Services Maintenance Facility in the amount of \$26,750.00.

Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 27043 approving Partial Payment No. 5 to Rathje Construction Company regarding the Grant Wood Trail Extension: Highway 13 to 35th Street; HMA and PCC Trail [TAP – U – 4775(628) - - 8I – 57] in the amount of \$240,676.11.
- b. Resolution No. 27044 approving Partial Payment No. 3 to Pirc Tobin Construction, Inc. regarding the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project in the amount of \$5,276.47.
- c. Resolution No. 27045 approving Partial Payment No. 7 to Abode Construction, Inc. regarding the 2017 Lucore Road Reconstruction Project in the amount of \$257,760.59.
- d. Resolution No. 27046 approving Partial Payment No. 2 to BWC Excavating LC regarding the 2017 Northview Drive Reconstruction Project [NSI] in the amount of \$84,700.25.
- e. Resolution No. 27047 approving Partial Payment No. 5 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 \$94,094.47.
- f. Resolution No. 27048 approving Partial Payment No. 17 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer-Segment 7 in the amount of \$5,476.22.
- g. Resolution No. 27049 approving Partial Payment No. 1 to Municipal Pipe Tool Co., LLC regarding the 2018 Sanitary Sewer Sliplining Project in the amount of \$139,317.26.

- h. Resolution No. 27050 approving Partial Payment No. 1 to Snyder & Associates regarding the Indian Creek Trail Aerial Survey Project in the amount of \$2,900.00.
- i. Resolution No. 27051 approving Partial Payment No. 3 to Calhoun-Burns and Associates, Inc. regarding the 2018 Bridge Rating and Inspection in the amount of \$1,715.00.

Motion to receive, file and discuss the Traffic Engineering Assistance Program [TEAP] Studies for the intersection of Central Avenue and 10<sup>th</sup> Street & the intersection of West 8<sup>th</sup> Avenue and Lindale Drive.

Resolution No. 27052 authorizing the submittal of an application for Traffic Safety Improvement Program [TSIP] funding for the intersection of Central Avenue and 10<sup>th</sup> Street to convert the traffic signal to a mini roundabout.

Resolution No. 27053 authorizing the submittal of an application for Traffic Safety Improvement Program [TSIP] funding for the intersection of Highway 100 and South 31<sup>st</sup> Street to convert the 2-way stop controlled intersection to a traffic signal, extend the left turn lanes, and add a westbound right turn lane.

Motion to approve Project Calendar regarding the 668 7<sup>th</sup> Avenue Parking Lot Project, as follows:

- a. Motion to retain the City Engineer as Project Engineer regarding the 668 7th Avenue Parking Lot Project.
- b. Resolution No. 27054 approving Resolution of Necessity regarding the 668 7th Avenue Parking Lot Project.
- c. Resolution No. 27055 ordering preparation of detailed plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 668 7th Avenue Parking Lot Project.
- d. Resolution No. 27056 approving and adopting final plans, specifications, notice of hearing and letting, notice to bidders, form of contract, and estimate of cost regarding the 668 7th Avenue Parking Lot Project.

Motion to approve Project Calendar regarding Planning Department payments as follows:

- a. Resolution No. 27057 approving Payment No. 20 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(628)8I-57) in the amount of \$414.05.

- b. Resolution No. 27058 approving Payment No. 8 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$10,748.58.
- c. Resolution No. 27059 approving Payment No. 1 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631)--70-57]in the amount of \$3,583.17.

Resolution No. 27060 approving Memorandum of Agreement with Camden Farms Condo regarding sidewalk installation and fees associated with 2017 Lucore Road Reconstruction Project.

Motion to receive and file a request for deferral/partial deferral of installation of sidewalk adjacent to Downing Farm 1st Addition along Alburnett Road adjoining the proposed Terrace Glen Village (Hall & Hall Engineers).

Resolution No. 27061 designating the Mayor and Mayor pro tem as authorized signers for the contract with IEDA regarding Freund-Vector Corporation.

Motion directing staff to amend the development agreement with Freund-Vector Corporation.

Resolution No. 27062 approving an amended service agreement with Involta to support the GIS software implementation.

Resolution No. 27063 approving an agreement for membership with the Multi-State Information Sharing and Analysis Center.

Resolution No. 27064 authorizing deferred compensation agreement (Seth Kjormoe).

Motion to receive and file new job description (Parks & Recreation Deputy Director and Maintenance Utility I).

Resolution No. 27065 amending the 04/01/2018 non-bargaining pay schedule to change the job title of the Parks Assistant Director to Parks Deputy Director (salary remains the same).

Resolution No. 27066 approving Legal Services Agreements with City Attorney Anne E. H. Kruse and Assistant City Attorneys Kara L. Bullerman and Ryan P. Tang for the period of July 1, 2018 through June 30, 2019.

Motion to receive, file and discuss correspondence regarding visual obstructions at intersections. (Gary Hughes, 1885 Geode Street).

Motion to receive and file resignation memo for Shirley Pantini from the Civil Rights Commission.

Motion setting the Thursday, September 20, 2018 City Council Meeting start time to 4:00 p.m.

Motion to approve the following Special Permit Endorsements:

- a. Brick Alley Pub, Iowa/Iowa State Football, September 8, 2018, 11:00 a.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).
- b. Brick Alley Pub, Iowa Football Games, Saturdays between September 1 and November 23, 2018, 11:00 a.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).
- c. Brick Alley Pub, NFL Football Games, Sundays between September 9 and December 30, 2018, 11:00 a.m. – 7:00 p.m. (Les Arnold, 1038 7th Avenue).

Motion to approve the following Hold Harmless/Noise Waiver Agreement:

- a. Music, Uptown Artway, October 12, 2018, 2:00 – 10:00 p.m. (Jim Jacobmeyer, 1070 7th Avenue).

Motion to approve the following Mayoral Appointment:

- a. Seth Moomey, 1025 S 15th Street, Planning and Zoning Commission, term expires 12/31/2018.

Mayor Pro Tem Gadelha wanted to congratulate all those who made the certified list for Police Sergeant and Police Lieutenant. Mayor Pro Tem Gadelha also asked staff if funding wasn't received for Resolution No. 27052 if the item would come back to Council for a decision. City Engineer Mike Barkalow confirmed. All in favor to approve the consent calendar, motion carried.

Moved by Strnad, seconded by Jensen to receive, file and refer to Public Services Board correspondence regarding storage of donated railroad items (Marion Historical Society, 590 10th Street). All in favor, motion carried.

Resolution No. 27067 approving a contract with Martin Gardner in an amount not to exceed \$8,000.00 regarding the assessment of 525 11th Street was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 27067. All in favor, motion carried.

Mayor Pro Tem Gadelha opened the public hearing regarding a request to vacate the alley between 345/355 and 375 6<sup>th</sup> Avenue, Marion, Linn County, Iowa (Schaul). Pete Schaul (345 6<sup>th</sup> Avenue) spoke in favor of the request to vacate. Mr. Schaul owns the property and has maintaining. Mr. Schaul was made aware of this process by the Building Department. No other comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27068 approving a request to vacate the alley between 345/355 and 375 6<sup>th</sup> Avenue, Marion, Linn County, Iowa (Schaul) was read by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 27068. All in favor, motion carried.

Mayor Pro Tem Gadelha opened the public hearing on proposed disposition of a portion of public property described as the alley between 345/355 and 375 6<sup>th</sup> Avenue, Marion, Linn County, Iowa (Schaul). Mayor Pro Tem Gadelha asked Community Development Director Tom Treharne to share the process of alley vacations. Mr. Treharne stated this is standard procedure with city owned property. No other comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27069 approving disposition of a portion of public property described as the alley between 345/355 and 375 6<sup>th</sup> Avenue, Marion, Linn County, Iowa (Schaul) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27069. All in favor, motion carried.

Mayor Pro Tem Gadelha opened the public hearing regarding a request to vacate the alley between 321/335 10<sup>th</sup> Street and 308/340 11<sup>th</sup> Street, Marion, Linn County, Iowa (Vorobstov). Vadim Vorobstov (321 10<sup>th</sup> Street) spoke in favor of the request to vacate. Mr. Vorobstov has been maintaining the property and thanked the Council for this opportunity. No other comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27070 approving a request to vacate the alley between 321/335 10<sup>th</sup> Street and 308/340 11<sup>th</sup> Street, Marion, Linn County, Iowa (Vorobstov) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res No. 27070. All in favor, motion carried.

Mayor Pro Tem Gadelha opened the public hearing on proposed disposition of a portion of public property described as the alley between 321 10<sup>th</sup> Street and 308 11<sup>th</sup> Street, Marion, Linn County, Iowa (Vorobstov). No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27071 approving disposition of a portion of public property described as the alley between 321 10<sup>th</sup> Street and 308 11<sup>th</sup> Street, Marion, Linn County, Iowa (Vorobstov) was read by Draper. Moved by Draper, seconded by Jensen to approve Res. No. 27071. All in favor, motion carried.

Mayor Pro Tem Gadelha opened the public hearing on proposed disposition of a portion of public property described as the alley between 335 10<sup>th</sup> street and 340 11<sup>th</sup> Street, Marion, Iowa (Byse). No comments, written or verbal, were received. Mayor Pro Tem declared the public hearing closed.

Resolution No. 27072 approving disposition of a portion of public property described as the alley between 335 10<sup>th</sup> street and 340 11<sup>th</sup> Street, Marion, Iowa (Byse) was ready by Jensen. Moved by Jensen, seconded by Draper to approve Res. No. 27072. All in favor, motion carried.

Resolution No. 27073 approving the Landherr 3<sup>rd</sup> Addition Preliminary Plat for property located at 180 Boyson Road. (Christopher Landherr) was read by Brandt. Moved by Brandt, seconded by Strnad to approve Res. No. 27073. All in favor, motion carried.

Council Member Strnad wanted to thank those who are purchasing the alleys for maintaining the property. Strnad thanked them for being a citizen of Marion.

Mayor Pro Tem Gadelha opened the public hearing regarding revisions to Chapter 176 Marion Zoning Ordinance by removing and replacing current Chapter 176.06 Rules and Definitions to include new and updated definitions. No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing will be continued to the August 23, 2018 Council meeting.

Mayor Pro Tem Gadelha opened the public hearing regarding revisions to Chapter 176 Marion Zoning Ordinance by removing and replacing chapter 176.33 Nonconforming Uses, Buildings and Structures with updated provisions and language. No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing will be continued to the August 23, 2018 Council meeting.

Mayor Pro Tem Gadelha opened the public hearing regarding amendment to Chapter 176 Marion Zoning Ordinance, updating Chapter 176.04, Establishment of Districts and Map, to include new zoning district classifications and establishing Chapter 176.51, New Zoning District Classifications. No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing will be continued to the August 23, 2018 Council meeting.

Moved by Strnad, seconded by Brandt to receive and file email correspondence from Darryl High with High Properties requesting no action be taken on Resolution 27007. All in favor, motion carried.

Resolution No. 27007 approving a Preliminary Site Development Plan for Bluebird Square located on the northeast corner of Highway 13 and 151. (High Property Management & Development) (Reconsideration; Failed 07/05/2018) was removed from the agenda.

Mayor Pro Tem Gadelha opened the public hearing regarding amendment to the Master Trails Plan Map. No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27074 approving an amendment to the Master Trails Plan Map was read by Draper. Moved by Draper, seconded by Brandt to approve Res. No. 27074. Council Member Jensen reminded the public the reason for these amendments is to show where trails may be for more connectivity in the City of Marion. Mayor Pro Tem Gadelha stated that discussions for all items take place at Tuesday Work Sessions. Gadelha stated that audio is available online. All in favor, motion carried.

Resolution No. 27075 approving a Final Plat and Memorandum of Agreement for The Commons at English Glen Fourth Addition located north of 29th Avenue and west of Winchester Drive (Robson Home, Inc.) was read by Jensen. Moved by Jensen, seconded by Brandt to approve Res. No. 27075. All in favor, motion carried.

Resolution No. 27076 setting a public hearing for August 23, 2018 and directing publication of notice of hearing on vacation and proposed disposition of portion of public property described as the south 120 feet of the north-south alley between 631 6th Avenue and 610-630 10th Street, Marion, Iowa (Paul A. Draper & Carolyn Draper Rev. Trust) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27076. Vote: Yeas: Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstain: Draper. Motion carried.

Resolution No. 27077 approving a partial deferral of installation of the south 75' of sidewalk adjacent to Downing Farm 1st Addition along Alburnett Road was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27077. Community Development Director Tom Treharne stated Scenic Development has requested this resolution be tabled until August 23, 2018 so they have the opportunity to speak with Council. Moved by Strnad, seconded by Jensen to table Resolution No. 27077. All in favor, motion carried.

Citizen's presentations, comments and/or petitions:

Joseph Jess (975 18th Street) spoke in regards to allowing golf cart use on public streets. Mr. Jess stated a lot of smaller towns are allowing them as slow moving vehicles or on certain streets. Council Member Brandt asked staff if this was discussed before. City Manager Lon Pluckhahn stated it was but was in relation to use on trails. Mr. Pluckhahn stated if Council decides, this item can be placed on the August 23, 2018 agenda for referral to the TAC Committee. Mayor Pro Tem Gadelha asked Council Members their opinions and all decided to place this item on the next agenda. City Engineer Mike Barkalow stated petitioners receive results from the TAC Committee prior to the Council Meeting so Mr. Jess will be made aware of determination.



Council Discussion Time:

Council Member Strnad wished to bring attention to the retirement of Finance Director/City Clerk Wes Nelson. Mr. Nelson is having a retirement party at City Hall on Thursday, August 16 from 3:30 to 5:00 p.m. Mr. Strnad also wanted to congratulate City of Marion on receiving the All Star Community Award for Uptown Artway. He thanked all those involved in that project. Mr. Strnad stated he will be attending the League of Cities Conference in Council Bluffs, Iowa September 12-14.

Council Member Jensen asked everyone for patience during this time of year. Reminded everyone that children would be going back to school in two weeks.

Mayor Pro Tem Gadelha stated this Saturday will be the last summer Uptown Marion Market. Council will be at this event instead of the Library for Council hours. Ms. Gadelha stated she read in Mt. Vernon newspaper about community garage sale and thought that was a great idea. Ms. Gadelha also stated there are a lot of great community events that happen to take place the same night at council meetings. She requested if council dates can be avoided when planning, Council would love to attend.

Council Member Draper remarked on the house move that took place last week. Mr. Draper provided a history of the house that was previously located at 1325 8th Avenue. Mr. Draper then provided a history of happenings in 1975 including the birth of Council Member Brandt on August 10th. He wished Mr. Brandt a Happy Birthday.

Mayor Pro Tem Gadelha adjourned the meeting at 6:17 p.m.

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Rene Gadelha, Mayor Pro Tem

Attest:

\_\_\_\_\_  
Rachel Bolender, Assistant City Clerk

The undersigned Assistant 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, Assistant City Clerk