

December 6, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, December 6, 2018, at 5:35 p.m. in the council chambers of City Hall with Mayor Pro Tem Gadelha presiding and the following council members present: Atkins, Jensen, Brandt and Strnad. Absent: Draper and AbouAssaly.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

### **PROCLAMATIONS/OATHS**

Sergeant Fort of the Marion Police Department presented a Lifesaving Award to Officer Hotz for her lifesaving efforts on November 1, 2018.

Mayor Pro Tem Gadelha read a proclamation declaring December 10, 2018 as International Human Rights Day. This was presented to Kim Gordon with the Marion Civil Rights Commission.

**CONSENT AGENDA PUBLIC FORUM** – No one came forward to speak.

### **CONSENT AGENDA**

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

Motion to approve minutes of the November 20, 23 and 26, 2018 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Giving Tree – 840 7th Avenue  
Special Class C Liquor License (BW) (Beer/Wine) with additional privileges of Sunday Sales. No violations in previous five years.
- b. Renewal – Mandarin Spice - 1410 Twixt Town Road  
Class C Liquor License (LC) Commercial with additional privileges of Class B Native Wine and Sunday Sales. One violation in the previous five years.
- c. Renewal – Wal-Mart – 5491 Business Hwy 151  
Class E Liquor License (LE) with additional privileges of Class B Wine (Carryout Wine includes Native Wine), Class C Beer (Carryout Beer) and Sunday Sales. One violation in the previous five years.
- d. Renewal – Hy-Vee Food Store – 3600 Business Hwy 151  
Class E Liquor License (LE) with additional privileges of Class B Wine, Class C B, Outdoor Service and Sunday Sales. No violations in previous five years.

Motion to approve payments as presented in the amount of \$4,444,890.72.

Resolution No. 27320 approving partial payment No. 9 to Knapp Warden LLC for design service associated with the Eco Industrial Park Phase 1 in the amount of \$9,043.75.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27321 approving Partial Payment No. 1 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$322,201.95.
- b. Resolution No. 27322 approving Partial Payment No. 4 to Curtis Contracting Corp regarding the 2018 Sidewalk Assessment Project in the amount of \$185.63.
- c. Resolution No. 27323 approving Partial Payment No. 2 to Frazier Investments, LLC. for costs associated with Glen Rock Farm 7th and 8th Additions to the City of Marion in the amount of \$24,518.36.
- d. Resolution No. 27324 approving Partial Payment No.6 to BWC Excavating regarding the 2017 Northview Drive Reconstruction Project in the amount of \$71,560.27.
- e. Resolution No. 27325 approving Partial Payment No. 9 to Rathje Construction Co. regarding the Grant Wood Trail Extension, Hwy 13 to 35th Street Project in the amount of \$35,305.93.
- f. Resolution No. 27326 approving Partial Payment No. 2 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$127,259.38.
- g. Resolution No. 27327 approving Partial Payment No.1 to CCE, LLC for costs associated with Country Club Estates 13th Addition to the City of Marion in the amount of \$13,075.00.
- h. Resolution No. 27328 approving Partial Payment No.1 to Morris Wood Enterprises, LLC for the over width and over depth of pavement and trail associated with Authors 5th Addition to the City of Marion in the amount of \$136,043.11.
- i. Resolution No. 27329 approving Partial Payment No. 6 to Anderson-Bogert Engineers regarding the 218003 Marion Runway 17/35 Reconstruction Project in the amount of \$2,595.00.

- j. Resolution No. 27330 approving Partial Payment No. 9 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 \$30,735.76.

Resolution No. 27331 accepting paving associated with Hunters Ridge North 1st Addition.

Resolution No. 27332 accepting paving associated with Country Club Estates 13th Addition.

Motion to receive, file, discuss and refer to TAC a request regarding a stop light at the intersection of 29th Avenue and Alburnett Road. (Eric George, 2395 Acacia Court)

Motion to receive, file, discuss and refer to TAC a request regarding speeding on Winslow Road. (Mike and Kathy Kearney, 1697 Bridge Creek Court)

Motion to receive, file, discuss and refer to TAC a request regarding increasing the speed limit on 3rd Avenue. (Timothy Godsil, 1117 ½ 3rd Avenue)

Motion to receive, file and discuss letter regarding drainage issues at Indian Creek Country Club. (Tom Newbanks, 1250 Country Club Drive)

Motion to receive, file, discuss a legal opinion and refer to Public Service Board a request regarding drainage issues at Indian Creek Country Club. (Staff)

Motion to receive, file, discuss and concur with TAC Report regarding a request for a no parking zone on Pleasantview Drive east of South 22nd Street. (Samantha Buchheit, 4036 Vine Avenue SE, Cedar Rapids)

Motion to receive, file, discuss and concur with TAC Report regarding the intersection of Marion Boulevard, 6th Avenue and 1st Street. (Timothy Godsil, 1117 ½ 3rd Avenue)

Motion to receive, file and discuss the 525 11th Street Conditions Report. (Martin Gardner Architecture)

Resolution No. 27333 accepting the 2018 Storm Sewer Project.

Resolution No. 27334 approving Change Order No. 6 with Genesis Equities LLC regarding the Central Corridor Improvements Project; Tank Disposal in the amount of \$7,766.00.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27335 approving Payment No. 37 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 \$110.00.
- b. Resolution No. 27336 approving Payment No. 23 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 \$428.00.
- c. Resolution No. 27337 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2305 in the amount of \$550.00.
- d. Resolution No. 27338 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2304 in the amount of \$331.50.
- e. Resolution No. 27339 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2299 for Fire Station in the amount of \$654.27.
- f. Resolution No. 27340 approving Payment No. 13 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 \$357.50.
- g. Resolution No. 27341 approving Payment No. 14 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 \$307.50.
- h. Resolution No. 27342 approving Payment No. 9 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$1,740.01. (Contract amount remaining \$4,123.53.)
- i. Resolution No. 27343 approving Payment No. 12 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$4,866.28.
- j. Resolution No. 27344 approving Payment No. 5 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$33,581.39.

Motion to receive, file and refer to the Planning and Zoning Commission:

- a. Comprehensive Plan, Rezone, PSDP and Preliminary Plat for property located south of Fernow Road and east of Crestwood Lane and Burns Drive, Marion, Iowa. (Curtis J. Cope Family Trust & Cope Agricultural Investments, LLC - Chad Pelley)
- b. Site Plan Review with terms and conditions of agreement related to Ordinance 16-09 rezoning property located south of 6th Avenue between 8th and 9th Street. (Perry Development Partners – Annette Perry)
- c. Street vacation for a portion of 17th Street between 5th Avenue and 6th Avenue. (Genesis Equities LLC)

Motion to receive, file and accept with conditions applied, an Annexation request for property located at 4501 Indian Creek Way for Anne M. Robinson Revocable Trust.

Motion to receive, file and accept with conditions applied an Annexation request for property located at 2700 & 2706 East Robins Road for Bernita Jacobs.

Resolution No. 27345 approving Plat of Survey No. 2305 for property north of 5th Avenue and east of 22nd Street. (City of Marion)

Resolution No. 27346 approving Acquisition Plat for Part of Parcel A, Plat of Survey No. 1934 located between 5th Avenue and 6th Avenue on 22nd Street. (City of Marion)

Resolution No. 27347 approving Urban Revitalization application from DMFA, LLC, associated with Sunny Ridge Villa's Phase I (Lot 2) located in the 2017 Workforce Housing Urban Revitalization Area Plan.

Resolution No. 27348 approving Urban Revitalization application from DMFA, LLC, associated with Sunny Ridge Villa's Phase I (Lot 3) located in the 2017 Workforce Housing Urban Revitalization Area Plan.

Resolution No. 27349 approving Urban Revitalization application from DMFA, LLC, associated with Sunny Ridge Villa's Phase I (Lot 4) located in the 2017 Workforce Housing Urban Revitalization Area Plan.

Resolution No. 27350 approving Urban Revitalization application from Scenic Development, LLC, associated with Terrace Glen Village located in the 2017 Workforce Housing Urban Revitalization Area Plan.

Motion approving letter of support for Community Catalyst Building Remediation Grant full application (Uptown Marion Main Street and Genesis Equities).

All in favor, motion carried.

**REGULAR AGENDA**

Ordinance No. 18-29 amending Chapter 17 of the Code of Ordinances relating to Council was read by Brandt for final consideration. Moved by Brandt, seconded by Atkins to approve the third reading of Ord. No. 18-29. All in favor, motion carried.

Ordinance No. 18-30 amending Chapter 18 of the Code of Ordinances relating to City Clerk was read by Strnad for final consideration. Moved by Strnad, seconded by Brandt to approve the third reading of Ord. No. 18-30. All in favor, motion carried.

Ordinance No. 18-31 amending the Code of Ordinances by adding Chapter 18A relating to City Treasurer was read by Atkins for final consideration. Moved by Atkins, seconded by Jensen to approve the third reading of Ord. No. 18-31. All in favor, motion carried.

Ordinance No. 18-32 amending Chapter 7 of the Code of Ordinances relating to Fiscal Management was read by Jensen for final consideration. Moved by Jensen, seconded by Atkins to approve the third reading of Ord. No. 18-32. All in favor, motion carried.

Ordinance No. 18-33 amending Chapter 5 of the Code of Ordinances relating to Operating Procedures was read by Brandt for final consideration. Moved by Brandt, seconded by Jensen to approve the third reading of Ord. No. 18-33. All in favor, motion carried.

Ordinance No. 18-34 amending Chapter 23 of the Code of Ordinances relating to Park Board was read by Strnad for final consideration. Moved by Strnad, seconded by Brandt to approve the third reading of Ord. No. 18-34. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve appointment of Rachel Bolender as City Clerk. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve appointment of Lianne Cairy as City Treasurer. All in favor, motion carried.

Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits (tabled 11/08/18) was read by Brandt for initial consideration. Moved by Brandt, seconded by Jensen to approve the first reading of Ord. No. 18-35. City Attorney Kara Bullerman provided a recap of the Ordinance. All in favor, motion carried.

Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors (tabled 11/08/18) was read by Strnad for initial consideration. Moved by Strnad, seconded by Brandt to approve the first reading of Ord. No. 18-36. City Attorney Kara Bullerman provided a recap of the Ordinance. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive and file the proposed wastewater treatment agreement between the City of Marion and the City of Cedar Rapids. Mayor Pro Tem asked about the timeframe when changes would occur. Public Services Director Ryan Miller stated this is just receiving and filing the proposed agreement. Staff will present some revisions to the City of Cedar Rapids. A final agreement will come back in front of Council hopefully in January. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to direct staff to proceed with Request for Proposals for 525 11th Street and 520 12th Street. City Engineer Mike Barkalow provided a recap of the request for proposals. Council Member Jensen asked about status of 530/540 12th Street property. Mike stated that Council approved the demolition contract with Rathje at the last Council meeting. All in favor, motion carried.

Mayor Pro Tem Gadelha opened the public hearing regarding a Preliminary Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way. (Ridge Development Company, LLC). Community Development Director Tom Treharne presented staff report. Council Member Jensen asked if this meets the needs of housing study. Tom confirmed it did meeting the high end need. No other comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27351 approving a Preliminary Site Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way (Ridge Development Company, LLC) was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27351. All in favor, motion carried.

Resolution No. 27352 approving the Final Site Development Plan for Squaw Creek Crossing Apartments located west of 62nd Street, south of Hennessey Parkway and north of Carlson Way (Ridge Development Company, LLC) was read by Strnad. Moved by Strnad, seconded by Brandt to approve Res. No. 27352. All in favor, motion carried.

Resolution No. 27353 authorizing an additional funding application to the Corridor Metropolitan Planning Organization for Surface Transportation Block Grant funds in the amount of \$182,000.00 and committing to provide local matching funds of \$45,500 for transit stop improvements in Marion was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27353. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to direct staff to proceed with the use of tax increment financing low and moderate income set aside assistance dollars for construction of transit shelters at 690 10th Street and Twixt Town Road Transfer Site. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to receive and file correspondence regarding newly installed light on Williams Drive and a request to have the light removed (Annette and Brian Mohling). Community Development Director Tom Treharne presented staff report. Council Member Brandt would like to see this referred to the Traffic Advisory

Committee (TAC). Mayor Pro Tem Gadelha agrees. Motion by Strnad, seconded by Brandt to amend motion to receive, file and refer to TAC correspondence regarding newly installed light on Williams Drive and a request to have the light removed. All in favor to amend motion, motion carried. All in favor of amended motion, motion carried.

Resolution No. 27354 approving draft Economic Development Loan Agreement (The New Regional YMCA in Marion) was removed from the agenda.

Resolution No. 27355 approving additional capital contribution of \$1,500,000.00 to the YMCA New Regional in Marion was removed from the agenda.

Mayor Pro Tem Gadelha opened the public hearing regarding the FY 2019-2024 Capital Improvement Program. City Manager Lon Pluckhahn presented staff report. No comments, written or verbal, were received. Mayor Pro Tem Gadelha declared the public hearing closed.

Resolution No. 27356 approving the FY 2019-2024 Capital Improvement Program was read by Brandt. Moved by Brandt, seconded by Atkins to approve Res. No. 27356. Council Member Jensen stated the new CIP process took a lot of staff time and was very good and the plan represents a lot of needs of the community. Mayor Pro Tem Gadelha agreed and thanked staff for all of their work. All in favor, motion carried.

**OTHER DEPARTMENT DISCUSSION** – No other department discussions took place.

### **PUBLIC FORUM**

Annette Mohling (4060 Shady Oak Drive) shared her thoughts with the street light located on Williams Drive and requests it be moved 200 feet so it is closer to the intersection.

Timothy Godsil (1117 ½ 3rd Avenue) shared his thoughts with too low of speed limits, issues with intersection of Marion Boulevard, 6th Avenue and 1st Street as well as lack of street lights on 7th Avenue east of Hy-Vee.

Charlie Knudsen (2835 24th Avenue) would like an update regarding the two fire hydrants that are too close to light poles on 29th Avenue. Fire Chief Deb Krebill stated the heads on the hydrants have been moved so that the Fire Department is able to connect to them. Public Services Director Ryan Miller stated they are working with Verizon to resolve however Verizon is slow to respond. Their attorney is working with the City Attorney. Mr. Knudsen asked for timeline for resolution. City Attorney Kara Bullerman stated she is waiting to hear back from Verizon's attorney. If this goes to the court system it could be years before resolution so they are hoping for an agreement in order to resolve.

### **COUNCIL DISCUSSION**



Council Member Jensen stated he attended a workshop that discussed risk management and asset management as it relates to city government. He would like this to be a future discussion either at a Council meeting or in individual meetings.

Mayor Pro Tem Gadelha asked if there could be a time at beginning of agenda for public input for any item on the agenda. Council Member Jensen stated he'd prefer to wait until Mayor AbouAssaly returns for his input. Gadelha reminded Council to sign up for Saturday Council hours. Gadelha also stated she attended the Professional Developers of Iowa (PDI) Conference. Stated there were a lot of neat ideas shared and encouraged Council to work with legislators.

Mayor Pro Tem Gadelha adjourned the meeting at 6:57 p.m.

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Rene Gadelha, Mayor Pro Tem

Attest:

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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\_\_\_\_.

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Rachel Bolender, City Clerk