

January 24, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, January 24, 2019, at 5:31 p.m. in the council chambers of City Hall with Mayor Pro Tem Strnad presiding and the following council members present: Atkins, Jensen and Brandt. Absent: AbouAssaly, Draper and Gadelha.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

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

Motion to approve minutes of the January 8, 10 and 14, 2019 City Council meetings.

Motion to schedule special closed sessions for February 27, May 15, August 28 and November 13, 2019 regarding personnel matters (City Manager performance evaluations) as permitted under Section 21.5(1)(i) of the Code of Iowa.

Motion to receive, file and discuss December 2018 Department Monthly Reports.

Motion to approve the following liquor license applications:

- a. New – The Edison Restaurant & Pub – 475 Northland Avenue NE
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales.
- b. Renewal – Nara Thai Cuisine – 1725 Blairs Ferry Road Suite 102
Class C Liquor License with additional privilege of Sunday Sales. No previous violations in last five years.
- c. Renewal – Hy-Vee Drugstore – 2790 7th Avenue
Class E Liquor License with additional privileges of Class B Wine Permit, Class C Beer Permit and Sunday Sales. No previous violations in last five years.
- d. Renewal – Dollar General Store #7226 – 1135 East Post Road
Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. One previous violations in last five years.
- e. Renewal – Dollar General Store #7398 – 5000 Chandler Court
Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. No previous violations in last five years.

- f. Renewal – Marion Veteran’s Club – 625 31st Street
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No previous violations in last five years.
- g. Renewal – Cedar Rapids Bowling Center – 450 Northland Avenue
Class C Liquor License with additional privileges of Outdoor Service and Sunday Sales. No previous violations in last five years.

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

Motion to receive and file resignation from Deb Washburn from the Local Option Sales Tax (LOST) Oversight Committee.

Motion to approve the following Mayoral Appointments:

- a. Sidewalk Advisory Committee:
Jacob Hahn, 1225 6th Avenue, no term.
- b. Civil Rights Commission:
Jennifer Tibbetts, 1033 7th Street, term 12/31/19.
Chris Stoner, 981 1st Avenue, term 12/31/21.
Selita Jansen, 330 Irish Drive, term 12/31/21.
- c. Tree Board:
Kate Pine, 2530 26th Avenue, term 01/01/23.

Motion to approve payments as presented in the amount of \$994,856.36.

Resolution No. 27398 approving final assessment schedule for Fiscal Year 2019 Quarter 3 Delinquent Fees and confirming and levying the assessments.

Resolution No. 27399 approving partial payment No. 7 to A&J Associates for the Public Service Maintenance Facility in the amount of \$19,700.00.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27400 approving Partial Payment No. 1 to Rathje Construction regarding the 530/540 12th Street Property Disposal Project in the amount of \$24,500.00.
- b. Resolution No. 27401 approving Partial Payment No. 5 to Anderson Bogert Engineers regarding the 2018 Central Corridor 7th Ave. Preliminary Design in the amount of \$20,585.00.
- c. Resolution No. 27402 approving Partial Payment No. 1 for reimbursement to Timberline Manufacturing Company regarding the Memorandum of Understanding in the amount of \$15,233.68.

- d. Resolution No. 27403 approving Partial Payment No. 1 for reimbursement to Timberline Manufacturing Company regarding the emergency repair of deficient sanitary main in the amount of \$17,299.15.

Resolution No. 27404 accepting the 530/540 12th Street Property Disposal Project.

Resolution No. 27405 accepting the sanitary sewer main improvements along 1029 Blairs Ferry Road to the City of Marion.

Resolution No. 27406 adopting the 2019 Edition of the Statewide Urban Design Specifications Program (SUDAS).

Resolution No. 27407 approving the 2019 City of Marion Supplemental Specifications of the Statewide Urban Design Area Standards (SUDAS).

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27408 approving payment no. 25 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-4775(628)81-57) in the amount of \$1085.99.
- b. Resolution No. 27409 approving payment no. 15 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 \$51.25.
- c. Resolution No. 27410 approving payment no. 16 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 \$51.25.
- d. Resolution No. 27411 approving payment to Life Time Fence Company per the contract for fence demolition and construction services related to the Grant Wood Trail project in the amount of \$27,146.00.
- e. Resolution No. 27412 approving payment no. 6 to Linn County for Marion's portion of the Linn County Hazard Mitigation Plan Update in the amount of \$2022.30.
- f. Resolution No. 27413 approving payment no. 10 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$324.16.

- g. Resolution No. 27414 approving payment no. 13 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$1,814.82.
- h. Resolution No. 27415 approving payment no. 14 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)8I-57) in the amount of \$12,224.91.
- i. Resolution No. 27416 approving payment no. 6 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$12,202.45.
- j. Resolution No. 27417 approving payment no. 7 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$8,354.13.
- k. Resolution No. 27418 approving payment no. 38 and payment no. 39 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 \$1,557.58.

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

- a. A Final Plat for Linn-Aire Industrial Park 3rd Addition located at 6000 Linn-Aire Avenue, Marion, Iowa (WFI Enterprises, Inc. and B-J's Investments LLC)

Resolution No. 27419 setting a public hearing on February 7, 2019 regarding a request to rezone the property at 2274 5th Avenue from C-4, Warehouse Commercial to PDR, Planned Development Residential. (City of Marion)

Resolution No. 27420 setting date for public hearing on Urban Renewal Plan Amendment for West Tower Terrace Road Urban Renewal Area.

All in favor of consent agenda, motion carried.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

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

Resolution No. 27421 approving Partial Payment No. 1 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amount of \$6,120.00.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27422 approving Partial Payment No. 8 to Anderson Bogert Engineers regarding the Marion Runway 17/35 Reconstruction project in the amount of \$4,933.21.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27423 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2304 in the amount of \$1125.00.
- b. Resolution No. 27424 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2305 in the amount of \$1187.60.

Resolution No. 27425 setting a public hearing on February 7, 2019 regarding a request to vacate a portion of 16th Street between 5th Avenue and 6th Avenue. (Genesis Equities LLC)

Resolution No. 27426 setting a public hearing on February 7, 2019 regarding a request to vacate and disposition of a portion of 17th Street between 5th Avenue and 6th Avenue. (Genesis Equities LLC)

Vote: Yeas: Atkins, Jensen, Strnad, Brandt. Nays: None. Motion carried.

REGULAR AGENDA

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

Resolution No. 27427 approving an Agreement for General Consulting Services for Marion Public Library with Engberg Anderson Architects was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27427. All in favor, motion carried.

Resolution No. 27428 to approve five-year contract with Axon regarding body worn cameras in the amount of \$247,285.00 was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27428. All in favor, motion carried.

Resolution No. 27429 approving purchase of property described as 2350 Indian Creek Rd., Lot 8, Indian Creek Second Addition to the City of Marion, Linn County, Iowa from BSC LLC. in the amount of \$55,000.00 was removed from the agenda.

Moved by Brandt, seconded by Atkins to receive, file, discuss and refer to TAC a request regarding additional no parking along Commercial Avenue. (Mark Merta, 6315 Highway 151). Council Member Brandt asked once approved, how long it will be until installed. City Engineer Mike Barkalow stated a few weeks, dependent on weather and staff availability. All in favor, motion carried.

Moved by Brandt, seconded by Jensen to receive, file, discuss and concur with TAC Report regarding additional no parking along Commercial Avenue. (Mark Merta, 6315 Highway 151). Council Member Jensen asked how much of a conflict will this create. City Engineer Mike Barkalow stated there will still be two available spots on that side of the road. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, and discuss a Petition regarding the request to remove a recently installed LED street light on Williams Drive adjacent to recently annexed neighborhood. (Annette Mohling, 4060 Shady Oak Drive). All in favor, motion carried.

Council Member Draper arrived at 5:40 p.m.

Moved by Jensen, seconded by Brandt to receive, file and discuss letter regarding a light on Williams Drive west of Shady Oak. (CCE, LLC, c/o Todd Frazier, 3415 Mulberry Drive). All in favor, motion carried.

Moved by Brandt, seconded by Atkins to receive, file, discuss, and concur with the TAC Report regarding street light on Williams Drive. (Annette Mohling, 4060 Shady Oak Drive). All in favor, motion carried.

Resolution No. 27430 approving the modification of the light on Williams Drive west of Shady Oak Drive to be temporarily changed out from an LED to HPS bulb was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27430. Council Member Atkins asked about timeline for this. City Engineer Mike Barkalow stated staff would just need to email Alliant Energy. Mayor Pro Tem Strnad asked if this would be light that had pinkish glow. Mike stated it would be more orange instead of the LED which has a bright white light. Council Member Jensen asked about cost. Mike stated Alliant didn't state there would be a cost associated. Vote: Yeas: Draper, Atkins, Strnad, Brandt. Nays: Jensen. 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 Atkins for second consideration. Moved by Atkins, seconded by Draper to approve the second reading of Ord. No. 19-02. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to receive and file a request to waive the final reading to approve the rezoning of property south of Fernow Road and east of Crestwood Lane and Burns Drive. (Rookwood Estates, LLC). Council Member Jensen stated most of staff were not in favor of waiving the third reading based on hearing comments from several citizens with questions and complaints. He would like all three readings to take place. City Attorney Ryan Tang provided clarification that this is just to

receive and file the request, not to actually waive the third reading. All in favor, motion carried.

Resolution No. 27431 approving the Final Plat for Witter 1st Addition to Linn County located at 2651 Jordans Grove Road, Linn County, Iowa was read by Brandt. Moved by Brandt, seconded by Jensen to approve Res. No. 27431. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None.

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Brandt was really looking forward to breaking the record for fastest Council meeting.

Council Member Draper stated he was tardy due to doctor appointment. Draper provided information regarding weather in 1881. From November through Christmas that year, there was never a day over zero degrees. The state record that year was -46. Draper complimented the Public Services department again on clearing the snow.

City Manager Lon Pluckhahn stated the Mayor was unable to make the meeting due to receiving an award with the Linn County Bar Association.

Mayor Pro Tem Strnad gave kudos to the Public Works Department. He stated Council has received a string of emails thanking city employees for taking care of street.

Mayor Pro Tem Strnad adjourned the meeting at 5:54 p.m.

Randy Strnad, Mayor Pro Tem

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