

October 3, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, October 3, 2019, at 5:30 p.m. in the council chambers of City Hall with Mayor Pro Tem Strnad presiding and the following council members present: Draper, Atkins, Jensen, Brandt, and Gadelha. Absent: AbouAssaly.

The meeting opened with the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Mayor Pro Tem Strnad read the proclamation regarding Fire Prevention Week 2019 and presented it to Fire Chief Deb Krebill.

PRESENTATIONS – None.

PUBLIC FORUM

Nick Glew (MEDCO, 1225 6th Avenue Suite 100) spoke in regards to the airport rezoning ordinance. In relation to the additional review required for certain zones, he asked that Council take into consideration that some projects are lost due to slow response time.

Sondra Knapp (100 Alburnett Road) spoke in regards to the name change for a section of Alburnett Road. She was concerned about the cost of changing all the legal documents. Mayor Pro Tem Strnad stated that any more comments regarding the Alburnett Road name change should be done in the Public Hearing.

CONSENT AGENDA

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

Motion to approve minutes of the September 17 and 19, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Aldi #58 – 1001 50th Street
Class C Beer Permit with additional privileges of Class B Wine Permit and Sunday Sales. One violation in last five years.

Motion to approve the following Hold Harmless Agreements:

- a. Chocolate Walk; October 4, 2019; Uptown Marion (Marion Chamber of Commerce, 1225 6th Avenue) (Permit #2019-00000100)
- b. Interactive Entertainment on the Patio; October 5, 2019; Uptown Artway (Michael Zhorne, 1070 7th Avenue) (Permit #2019-0000099)

Motion to approve the following Mayoral appointments:

- a. Park Board

Bryan Fiscus, 3251 Mulberry Drive, Marion; term expires 12/31/21

b. Library Board

Okpara Rice, 1720 Winding Creek Drive, Marion; term expires 06/30/20

Motion to receive, file and discuss August 2019 Department Monthly Reports.

Motion to receive and file job description for Deputy City Clerk.

Motion to approve payments as presented in the amount of \$1,990,289.15.

Resolution No. 27995 setting public hearing regarding the proposed adoption of a fiscal year 2019-2020 budget amendment.

Resolution No. 27996 approving Partial Payment No. 3 to A-One Geothermal regarding the Public Service Maintenance Facility Geothermal Project in the amount of \$129,096.84 (FACS-17-069).

Resolution No. 27997 approving partial payment No. 54 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$9,466.57 (FACS-17-069).

Resolution No. 27998 approving partial payment No. 55 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$2,684.50 (FACS-17-069).

Resolution No. 27999 approving the 2019/2020 winter deicer bids with Cargill Incorporated.

Resolution No. 28000 approving a contract with Waldinger Corporation regarding heating and cooling maintenance for the Marion Police Station in the amount of \$31,161.00.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 28001 approving Partial Payment No. 3 to Curtis Contracting Corp. regarding the 2019 Sidewalk Project in the amount of \$13,410.15. (ANN-18-105 & ANN-18-106)
- b. Resolution No. 28002 approving Partial Payment No. 2 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$261,556.56. (TRANS-18-092)
- c. Resolution No. 28003 approving Partial Payment No. 1 to Rathje Construction Co. regarding the 2019 Sanitary Maintenance Project in the amount of \$120,693.13. (ANN-18-029)

- d. Resolution No. 28004 approving Partial Payment No. 1 to Eastern Iowa Excavating & Concrete, LLC. regarding the 2019 3rd Ave Rehabilitation Project [NSI] in the amount of \$149,795.53. (TRANS-18-090)
- e. Resolution No. 28005 approving Partial Payment No. 11 to Anderson Bogert Engineers regarding the 2018 Central Corridor 7th Ave. Preliminary Design project in the amount of \$3,000.00. (TRANS-18-098)
- f. Resolution No. 28006 approving Partial Payment No. 8 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$1,623.22. (REC-17-050)
- g. Resolution No. 28007 approving Partial Payment No. 3 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$255,863.12. (TRANS-18-074)
- h. Resolution No. 28008 approving Partial Payment No. 16 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 \$107,247.02. (TRANS-18-091)
- i. Resolution No. 28009 approving Partial Payment No. 2 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$121,468.94. (TRANS-18-112)
- j. Resolution No. 28010 approving Partial Payment No. 1 to L.L. Pelling Company, Inc. regarding the 2019 Runway 17/35 Reconstruction Project in the amount of \$42,412.50. (ANN-18-082)
- k. Resolution No. 28011 approving payment Hall & Hall Engineers, Inc. for professional services related to the fire station in the amount of \$2,800.00. (FAC-18-061)

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 28012 approving payment no. 22 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$41,711.79. (TRL-17-055)
- b. Resolution No. 28013 approving payment no. 26 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 \$440.00. (GOV-18-012)

- c. Resolution No. 28014 approving payment to Hall & Hall Engineers, Inc. for professional services related to fire station final plat in the amount of \$464.30 (FAC-18-061)

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

- a. Holiday Inn Express & Suites – Squaw Creek Crossing Final Site Development Plan for property located east of Highway 13 and south of Hennessey Parkway.
- b. Alley vacation for property located between 11th and 12th Avenues and 27th and 28th Streets.

All in favor, motion carried.

REGULAR AGENDA

Moved by Jensen, seconded by Atkins to approve Resolution No. 28015 opposing the Alliant Energy Rate Increase. City Manager Lon Pluckhahn stated that he was contacted by Alliant who stated they were reaching a settlement with the Iowa Utilities Board but that Council can still choose to approve this item. All in favor, motion carried.

Moved by Brandt, seconded by Atkins to correct legal description in Ordinance 19-23 and direct staff to publish corrected ordinance. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to receive, file, and discuss correspondence regarding storm water improvements at the Indian Creek Country Club. (Tom Newbanks, 1250 Country Club Drive). All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28016 approving payment to Cargill Incorporated for winter deicer in the amount of \$51,432.48. All in favor, motion carried.

Moved by Jensen, seconded by Gadelha to approve Resolution No. 28017 approving the purchase of two 2020 Ford Police Interceptor Utility vehicles from McGrath Ford in the amount of \$68,178.00. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 28018 approving an agreement with the Iowa Department of Transportation related to the design and construction of the 10th Avenue Sidepaths. [TAP-U-4775(635)—8I-57] (TRL-18-110) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28019 approving a contract with Anderson Bogert for engineering design services regarding the 2020 35th Street & 7th Avenue Traffic Signal and Turn Lane Improvements Project in the amount of \$45,500. (TRANS-18-073) All in favor, motion carried.

Moved by Atkins, seconded by Draper to receive and file correspondence from Bradley & Riley PC regarding the Zoning Code Update. (Bradley & Riley PC, 2007 1st Avenue SE, Cedar Rapids). All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve the final consideration of Ordinance No. 19-24 amending the Marion Code of Ordinances establishing Chapter 176.53 Marion Municipal Airport Land Use and Height Overlay Zoning as amended. Council Member Gadelha stated she was okay to leave ordinance as is but would like discussion at a future meeting regarding the additional review requirement. All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the renaming of Alburnett Road between Boyson Road and Central Avenue to Central Avenue and renaming Central Avenue west of 5th Street to 12th Avenue. Community Development Director Tom Treharne provided staff report. Verna Klostermann (120 Alburnett Road) in opposition of the renaming. She has concerns that this project isn't funded. Tom stated that current development of the street has been done by developers. Verna also asked what type of compensation would the residents get for having to make address changes. James McDonald (275 Alburnett Road) asked if there are any improvements planned to the existing Alburnett Road. City Engineer Mike Barkalow stated it would only be maintenance. James then asked who is responsible for updating the abstracts. City Attorney Kara Bullerman stated that abstracts and deeds are based on legal description and not the address so they will not need to be updated with an address change. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Brandt, seconded by Gadelha to approve the initial consideration of Ordinance No. 19-26 approving changing the name of Alburnett Road between Boyson Road and Central Avenue to Central Avenue and renaming Central Avenue west of 5th Street to 12th Avenue. Community Development Director stated our code states that address changes can be done by resolution. He requested this item be tabled and a resolution will be added to next Council agenda. Moved by Brandt, seconded by Draper to table Ordinance No. 19-26. All in favor of motion to table, motion carried.

Moved by Gadelha, seconded by Brandt to approve the second consideration of Ordinance No. 19-25 approving a rezoning request from R-5, Moderate Density Multiple Family Residential to PD-R, Planned Development Residential located at 356 and 376 9th Street and Lot 4, Block 42 Original Town, Marion, Iowa. (Seven Hills East, LLC) Council Member Gadelha asked about the timeframe for this project. Community Development Director Tom Treharne stated they were hoping to get footings in this year but it will most likely be in the spring. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28020 approving contract with Universal Field Services, Inc. for right-of-way acquisition services related to the CeMar Trail Project. (Iowa DOT Project Number: TAP-U-4475(630)-81-57) (TRL-17-055) All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve Resolution No. 28021 approving contract with Universal Field Services, Inc. for right-of-way acquisition services related to the Indian Creek Trail Project (TRL-18-056). All in favor, motion carried.

Moved by Brandt, seconded by Atkins to approve Resolution No. 28022 approving payment no. 1 to Universal Field Services, Inc for services related to the Indian Creek Trail Project in the amount of \$240.00. (Iowa DOT Project Number: STP-U-4775(631) -- 70-57) (TRL-18-056). All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 28023 approving The Ridge at Indian Creek 1st Addition Final Plat and Memorandum of Agreement for property located south of Indian Creek Road and north of Lucore Road, Marion, Iowa. (Abode Construction, Inc.) All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 28024 to approve contract with Envisionware for the replacement of library self-check stations and security gate replacement in the amount of \$33,519.00. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 28025 to approve a 28E Agreement between the City of Marion and Friends of the Marion Public Library. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – None.

PUBLIC FORUM – No one came forward to speak.

COUNCIL DISCUSSION

Council Member Draper provided history about Indian Creek Country Club Golf Course and how it used to be a fairgrounds.

Council Member Brandt stated the Swamp Fox Festival was a success. He thanked Parks, Fire, Police and other staff who were involved. He also gave kudos to Patty Wise who was the chair of the Swamp Fox Committee the past couple of years.

Council Member Gadelha thanked Council members and staff for all the discussion on Tuesday regarding the airport. She would like to add the Marion Ethics Policy on the next agenda for discussion. She would like to see something added in regards to closed sessions. Council Member Jensen agreed.

Mayor Pro Tem Strnad thanked the support of City staff and citizens. He stated he recently attended the Iowa League of Cities annual conference that was held in Dubuque and attended sessions regarding tax increment financing, urban renewal areas and libraries.

Mayor Pro Tem Strnad adjourned the meeting at 6:36 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