

Hockett started the meeting at 6:00pm and explained to the Commission that there was no Chairperson present and that an election of officer would need to take place.

1. ROLL CALL.

Members Present: Harper, Arenholz, Moomey, Schramm, Seidl, and Monroe  
Members Absent: Budde, Moorman, and Callahan  
Staff Present: Hockett and Behrens

2. ELECTION OF OFFICER.

Dave explained the options for selecting a Chairperson to run the meeting. The Commission decided to elect a temporary chairperson for the evening.

Monroe made a motion to nominate Arenholz as the temporary chairperson, seconded by Moomey.

Motion approved, 5-1.

3. CALL TO ORDER.

Arenholz called the regular monthly meeting to order at 6:00 p.m.

4. MINUTES.

a. Planning and Zoning – November 12, 2019

Motion by Seidl, second by Monroe to approve the minutes.

All ayes, motion carried (6-0).

5. CITIZEN PRESENTATIONS.

None.

6. DIRECTOR'S REPORT.

Dave briefed the Commission on the newest member, Grant Harper.

7. PETERSON'S PROPERITES ADDITION

a. CPC Resolution No. 19-52 recommending approval of Peterson's Properties Addition Final Plat located at 5105 N. 10<sup>th</sup> Street, Marion, Linn County, Iowa. (Peterson's Properties & Rentals, LLC)

Hockett provided a report to the Commission on the applicant's request for a two-lot split.

Seidl asked about the access to the two lots. Hockett responded that they would both be from 10<sup>th</sup> Street.

Harper asked about public improvements that could be assessed to the property owners. Hockett stated that if the properties were assessed it would be to convert the cross-section from rural to urban with a trail on one side.

Motion by Monroe, seconded by Seidl to approve CPC Resolution No. 19-52 recommending approval of Peterson's Properties Addition Final Plat located at 5105 N. 10<sup>th</sup> Street, Marion, Linn County, Iowa.

All ayes, motion carried to approve (6-0).

## 8. ALLEY VACATIONS

- a. Public hearing regarding an alley vacation for the north/south alley bounded by 11th and 12th Avenue and 26th and 27th Street.

Hockett briefed the Commission on the alley vacation request and the current state of the alley. He mentioned that staff had received one letter of objection to the request (1133 26<sup>th</sup> Street) which was provided with the staff report. Hockett mentioned that a utility easement would be required to be maintained across the alley for the utility companies.

Harper asked about the location of the utility pole in the alley. Hockett stated that it does sit to one side of the alley. Harper asked if the utility company would be required to center the pole. Hockett stated that they would not be required to centralize the utility pole.

Moomey asked about how the alley would be divided, per the plat (8' and 2') or split in half. Hockett stated that per policy half of the alley is offered to the adjacent property owner (5'). He went on to explain how vacated alleys are divided/offered for purchase.

Harper asked for clarification between vacating and purchasing an alley. Hockett stated a vacated alley closes the alley to the public and that the sale of the alley is a Council action.

Moomey asked about the price of the alley. Hockett commented that it is approximately \$300 for half of the alley. He mentioned how the price is calculated.

Schramm asked about the driveway on the south side of the alley. Hockett stated that the property owner that installed the driveway was priced the entire 10' so access would be maintained; however, it would be Council's final decision.

Harper asked if there were any other alley vacated in the area. Hockett stated that there was one a month prior one block over.

Arenholz stated that throughout the past year there have been a few alley vacations.

Seidl stated that if there was a problem would we only vacate the northern half. Hockett responded that we would vacate the entire alley or not wouldn't proceed with the request. He explained when we would only vacate half of an alley. Seidl mentioned that previous alleys were part is paved and used versus all grass. Hockett stated that except for the paved portion on the south end, it does not appear to be used extensively as it is grass.

Arenholz opened the public hearing at 6:22pm.

Rick Thompson, 1160 27<sup>th</sup> Street, spoke on behalf of his parents. He stated that they use the alley to access their garden in the backyard and that it would be a burden to have to access the backyard through the front as there is a fence.

Seidl asked for clarification regarding the garage and if it is built in the alley. Hockett stated he would not trust the angle of the aerial. Thompson stated that when his parents built the garage, they had the property surveyed.

Arenholz closed the public hearing at 6:25pm.

- b. CPC Resolution No. 19-53 recommending approval of the alley vacation for the north/south alley bounded by 11th and 12th Avenue and 26th and 27th Street. (Tom Turner)

Harper asked about the restriction of fences and other things located within a vacated alley. Hockett stated when the alley is purchased, a fence is allowed along with garden or a pad. Other structures would not be allowed. Harper stated that construction by a property owner can only occur if the alley is purchased. Hockett responded that he was correct.

Seidl asked about the property owner at 1160 27<sup>th</sup> Street that uses the alley to access their backyard and what happens if a fence is installed. Would they not have access? Hockett responded that he is correct, they would not have access via the alley.

Motion by Arenholz, seconded by Harper, to approve CPC Resolution No. recommending approval of the alley vacation for the north/south alley bounded by 11th and 12th Avenue and 26th and 27th Street.

Seidl voiced concerns about the property owner that uses the alley occasionally.

Roll Call:

Moomey            nay  
Schramm           nay  
Seidl                nay

Monroe            nay  
Harper            nay  
Arenholz         nay

All nays, motion failed (0-6).

- c. Public Hearing regarding alley vacations for the alleys located between 5th and 6th Avenues and 11th and 12th Streets.

Hockett briefed the Commission regarding the alley vacations located where the proposed library location is anticipating being built.

Seidl asked if the utilities would be buried. Hockett stated that he assumes they will be.

Arenholz opened the public hearing at 6:35pm.

Arenholz closed the public hearing at 6:35pm.

- d. CPC Resolution No. 19-54 recommending approval of vacations for the alleys located between 5th and 6th Avenues and 11th and 12th Streets. (City of Marion)

Motion by Seidl, seconded by Monroe to approve CPC Resolution No. 19-54 recommending approval of vacations for the alleys located between 5th and 6th Avenues and 11th and 12th Streets.

Roll Call:

Harper            aye  
Moomey          aye  
Schramm         aye  
Seidl              aye  
Monroe           aye  
Arenholz         aye

All ayes, motion carried to approve (6-0).

## 9. MATION WATER DEPARTMENT

- a. Public hearing regarding the Marion Water Department's Conditional Use request pursuant to Section 176.08-3.D of the Marion Code of Ordinances for the locating of a Water Treatment Plant on the property in an A-1 District located at 2351 31st Street.

Behrens briefed the Commission on the request and went through the items that the Commission takes into consideration when reviewing a conditional use.

Monroe asked about the well. Todd Steigerwaldt, General Manager of the Marion Water Department, stated that in 2014 this well was drilled; however, the water is high in iron and they need to remove the iron.

Harper asked about the operating characteristics of the facility regarding noise. Steigerwaldt explained the aeration process of the iron removal facility.

Moomey asked about the smell from the sulfur. Steigerwaldt responded that there is barley an odor.

Arenholz asked about the solution that goes into the underground tank and then into the sanitary sewer system and if there are any environmental impacts. Steigerwaldt stated that the water looks tan.

Seidl asked about the production of the well since 2014. Steigerwaldt explained their testing process. Seidl asked about the aeration system. Steigerwaldt stated that the existing tank on the site has an aeration system which is used for the Jordan Aquifer well that is used. Seidl asked if there are any other wells with high iron. Steigerwaldt stated that not exactly.

Arenholz opened the public hearing at 6:57pm.

Nick Tharalson, 3180 24<sup>th</sup> Avenue, commented that he understands the need for the request, but he is not for or against it. His concern is the lack of transparency regarding the request as he only knew of it when the signs went up on the property.

Luke Underwood, 2390 Kings Court, asked for clarification on the height of the building compared to the neighboring houses. He also asked about the construction entrance and if it could be moved and what the hours of construction would be. Underwood wanted to know if the new building could be made larger so the current building could be eliminated. He also asked about improvements to 24<sup>th</sup> Avenue and if sewer is in place. He did request that 50' tall trees be placed behind the houses on Kings Court.

David Reinecke, 3240 24<sup>th</sup> Avenue, asked if there would be any sediment that homeowners would need to filter out.

Arenholz closed the public hearing at 7:08pm.

- b. CPC Resolution No. 19-55 recommending approval of the Marion Water Department's Conditional Use request pursuant to Section 176.08-3.D of the Marion Code of Ordinances for the locating of a Water Treatment Plant on the property in an A-1 District located at 2351 31st Street.

Steigerwaldt addressed the questions presented by the citizens.

Arenholz asked about the height of the building. Steigerwaldt stated about 10' with the aerator on top. He is hoping the well in on-line this time next year. Construction could take about four months.

Schramm asked if there is any chance to play with the design of the building regarding color or anything that could cover the aerator. Steigerwaldt stated they like to use materials that do not break as easy.

Arenholz asked about landscaping around the building. Steigerwaldt stated that if the desire is to have trees surrounding the building, they would use a cheaper material. They have also seen evidence of people hiding behind trees.

Jason Hagmeier, 2662 11<sup>th</sup> Avenue, he brought up the concerns of the construction entrance; however, 31<sup>st</sup> Street is busier than 24<sup>th</sup> Avenue.

Moomey asked about landscaping and conditioning the request.

Motion by Seidl, seconded by Moomey to approve CPC Resolution No. 19-55 recommending approval of the Marion Water Department's Conditional Use request pursuant to Section 176.08-3.D of the Marion Code of Ordinances for the locating of a Water Treatment Plant on the property in an A-1 District located at 2351 31st Street subject to the following condition:

- Collaborate with neighbors within 300' on landscaping and screening of the aerator, as well as aesthetics.

Roll Call:

Monroe	aye
Harper	aye
Arenholz	aye
Moomey	aye
Schramm	aye
Seidl	aye

All ayes, motion carried to approve (6-0).

## 7. ADJOURN.

There being no further business the meeting was adjourned at 7:27 p.m.

Respectfully Submitted,

Seth Moomey, Secretary