

June 20, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, June 20, 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 for Lesbian, Gay, Bisexual and Transgender Pride Month and presented it to the Marion Civil Rights Commission.

PRESENTATIONS – No presentations took place.

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 June 4 and 6, 2019 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – Nette & Hanna's Apothecary Store – 892 8th Avenue
Class B Native Wine Permit with additional privileges of Sunday Sales. No violations in last five years.
- b. Renewal – Tomaso's – 1111 7th Avenue
Special Class C Liquor License (Beer/Wine) with additional privileges of Sunday Sales. One violation in last five years.

Motion to approve the following FY2019-2020 Cigarette Permit Applications:
Dollar General #7226, Dollar General #7398, Big Shots Bar & Grill

Motion to approve the following Hold Harmless Agreements:

- a. Neighborhood Summer Party; 4275 Par Circle; June 22, 2019 6:00-11:00 p.m. (Steve Allsop and Troy Albrecht, 4275 Par Circle, Marion)

Motion to receive and file the following resignations:

- a. Amanda Proper from Planning and Zoning Commission effective 6/20/19.
- b. Ben Skoegerboe from LOST Oversight Committee effective 6/20/19.

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

Motion to approve payments as presented in the amount of \$11,162,936.73.

Resolution No. 27711 approving the renewal of General Insurance with Iowa Communities Assurance Pool (ICAP) for FY2019-2020 in the amount of \$229,910.30.

Motion to receive and file new job description and pay schedule for the Police Evidence Technician.

Resolution No. 27712 approving partial payment No. 12 to A&J Associates for the Public Service Maintenance Facility in the amount of \$21,200.00 (FACS-17-069).

Resolution No. 27713 approving partial payment No. 42 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$5,193.25 (FACS-17-069).

Resolution No. 27714 approving Partial Payment #43 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$4,955.62 (FACS-17-069).

Resolution No. 27715 approving Partial Payment #44 to Anderson-Bogert Engineers for the Public Services site plan development in the amount of \$24,813.00 (FACS-17-069).

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27716 approving Partial Payment No. 4 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$10,060.13. (REC-17-050)
- b. Resolution No. 27717 approving Partial Payment No. 5 to Tricon General Construction regarding the Lowe Park South End Improvements in the amount of \$43,497.59. (REC-17-050)
- c. Resolution No. 27718 approving Partial Payment No. 7 to HDR Engineering Inc. regarding the 2018 Sanitary Sewer Capacity Study in the amount of \$3,995.35. (SWR-18-033)
- d. Resolution No. 27719 approving Partial Payment No. 10 to Anderson Bogert Engineers regarding the 2018 Central Corridor 7th Ave. Preliminary Design project in the amount of \$54,393.90. (TRANS-18-098)
- e. Resolution No. 27720 approving Partial Payment No. 17 to Snyder & Associates regarding the 2018 Alburnett Road Extension Phase I project in the amount of \$9,135.22. (TRANS-18-092)
- f. Resolution No. 27721 approving Partial Payment No. 2 to HR Green regarding the 2019 10th Street and Central Avenue/10th Avenue

Intersection Project Design in the amount of \$15,290.25. CS-TSF-4775(634)—85-57 (TRANS-18-089)

Motion to approve Project Calendar regarding Temporary Construction Easements associated with the 2019 Sidewalk Project (ANN-18-105 & ANN-18-106) as follows:

- a. Resolution No. 27722 approving Temporary Construction Easement with Donald & Barbara Matheny, 715 South 12th Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- b. Resolution No. 27723 approving Temporary Construction Easement with Gary E & Dorothy E Grimm, 708 4th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- c. Resolution No. 27724 approving Temporary Construction Easement with John M & Susan R Niles, 395 7th Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- d. Resolution No. 27725 approving Temporary Construction Easement with Denise Von Behren, 390 5th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- e. Resolution No. 27726 approving Temporary Construction Easement with Devin A Wagner & Kristen N Spurrier, 2510 Indian Creek Road, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- f. Resolution No. 27727 approving Temporary Construction Easement with Barbra R Campbell, 412 7th Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- g. Resolution No. 27728 approving Temporary Construction Easement with Wayne C & Barbara J Struchen, 295 5th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- h. Resolution No. 27729 approving Temporary Construction Easement with Rodney L & Carolyn K Hilleshiem, 412 5th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- i. Resolution No. 27730 approving Temporary Construction Easement with Catherine M Turner, 840 22nd Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- j. Resolution No. 27731 approving Temporary Construction Easement with Debbie K Ohrt, 505 3rd Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)

- k. Resolution No. 27732 approving Temporary Construction Easement with Seven Hills East LLC, 356 9th Street, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)
- l. Resolution No. 27733 approving Temporary Construction Easement with Yvette M Clapp, 301 5th Avenue, regarding the 2019 Sidewalk Project. (ANN-18-105 & ANN-18-106)

Motion to approve Planning Department Division payments as follows:

- a. Resolution No. 27734 approving payment No. 26 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 \$141.96. (TRL-17-058)
- b. Resolution No. 27735 approving payment no. 11 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$95.56.
- c. Resolution No. 27736 approving payment no. 19 to Shoemaker Haaland per the contract for the CeMar Trail (Iowa DOT Project Number: TAP-U-4475(630)-8I-57) in the amount of \$21,158.27. (TRL-17-055)
- d. Resolution No. 27737 approving payment no. 21 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)
- e. Resolution No. 27738 approving payment no. 22 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 \$102.50. (GOV-18-015)
- f. Resolution No. 27739 approving payment no. 3 to GLD Properties LLC for construction of a portion of the Grant Wood Trail project located between 26th Street roundabout and 31st Street in the amount of \$46,347.00. (TRL-18-114)

Resolution No. 27740 setting a public hearing for July 2, 2019 regarding an amendment to the Future Land Use Map of the Marion Comprehensive Plan from Business Parks/Office to Multi-Family Residential and a rezoning request from O-1, Office/Transitional to MR-2, High Density Multiple-Family Residential located at 1330 East Post Road, Marion, Iowa. (One Research Center)

Resolution No. 27741 approving the issuance of a building permit for Lot 1 prior to approval of Seventh Avenue Commercial 3rd Addition Final Plat. (GLD Properties LLC)

All in favor, motion carried.

REGULAR AGENDA

Moved by Jensen, seconded by Atkins to approve Resolution No. 27742 approving the proposed allocation of Hotel/Motel Funding for FY19-20. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27743 approving agreement with Dorsey & Whitney regarding legal services for General Obligation Urban Renewal Bonds, Series 2019D in an amount not to exceed \$25,000.00. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27744 setting the date for public hearing on proposal to enter into a General Obligation Urban Renewal Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$6,500,000.00. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27745 approving amendment to loan guaranty with Prospect Meadows. All in favor, motion carried.

Moved by Jensen, seconded by Brandt to approve Resolution No. 27746 approving Fiscal Year 2018-2019 Budget Transfers. Finance Director Lianne Cairy reviewed the transfers. All in favor, motion carried.

Moved by Brandt, seconded by Draper to approve the final reading of Ordinance No. 19-19 amending Chapter 99 of the Sanitary Sewer Ordinance increasing monthly domestic and industrial user charges from \$2.30 to \$3.80 and reducing the service charge from \$8.00 to \$2.00. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve the final reading of Ordinance No. 19-18 amending Chapter 105 of the Solid Waste Ordinance and establishing base monthly collection fees at \$15.50, extra bag tags at \$2.50 and special collection rates at \$40.00. All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the 2019 3rd Ave Rehabilitation Project [NSI] (TRANS-18-090). City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27747 accepting bids and awarding contract to Eastern Iowa Excavating & Concrete, LLC regarding the 2019 3rd Ave Rehabilitation Project [NSI] in the amount of \$233,276.65. (TRANS-18-090) All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the 2019 Sidewalk Project (ANN-18-105 & ANN-18-106). City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Jensen, seconded by Atkins to approve Resolution No. 27748 accepting bids and awarding contract to Curtis Contracting Corporation regarding the 2019 Sidewalk Project (ANN-18-105 & ANN-18-106) in the amount of \$144,480.00. (TRANS-18-088) All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the 2274 5th Avenue Property Disposal Project. (TRANS-17-099) City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared the public hearing closed.

Moved by Brandt, seconded by Draper to approve Resolution No. 27749 accepting bids and awarding contract to Abode Construction, Inc. regarding the 2274 5th Avenue Property Disposal Project in the amount of \$29,200.00. (TRANS-17-099) Moved by Jensen, seconded by Brandt to table Res. No. 27749. All in favor of motion to table, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27750 approving Change Order No. 1 with Price Industrial Electric regarding the Highway 13 And Hennessey Parkway Traffic Signal and Turn Lane Improvements Project regarding the traffic signal pole vendor modifications in the amount of \$4,000.00. (TRANS-18-074) All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27751 approving the Residential On-Street Parking for Disabled Policy. All in favor, motion carried.

Moved by Jensen, seconded by Draper to direct staff to present proposed modifications to the speed limits along IA 13. Council Member Jensen asked how far north we would recommend speed limit of 45 mph. City Engineer Mike Barkalow stated based on feedback from Council on Tuesday, would be 45 mph from Linn Aire Avenue to 29th Avenue. All in favor, motion carried.

Moved by Brandt, seconded by Gadelha to direct staff to contact all property owners that the proposed floodplain map touches when the 90 day review period starts. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve the second reading of Ordinance No. 19-20 approving a rezoning to PD-R, Planned Development Residential, SR-3, Suburban Medium Density Single Family Residential and SR-4, Suburban Two-Family Residential for property located north of 29th Avenue on either side of Winchester Drive extended. (Robson Homes) Council Member Gadelha asked if the developer agreed to

a natural landscape. Community Development Director Tom Treharne stated in conversation with Robson Homes there was support for a more natural support along 29th Avenue. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive and file correspondence from the Marion Municipal Airport Committee regarding the Land Use Plan Amendment. All in favor, motion carried.

Moved by Jensen, seconded by Draper to receive and file correspondence from Bradley & Riley PC and Atlas LP Company, LLC regarding the Marion Airport Comprehensive Plan Amendment. All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding an amendment to the Marion Comprehensive Plan establishing Airport and Airport Overlay designations. (City of Marion). Community Development Director Tom Treharne provided staff report.

The following spoke in favor of the measure:

Phil Legate (2695 Pebble Creek, Marion) spoke in regards to airport noise levels and noise mitigation options. Mike Much (4375 Pioneer Trail SE, Cedar Rapids) spoke in regards to condition of existing runway, need for a crosswind runway, and flight club at the airport. Mayor Pro Tem Strnad asked how many members are in flight club. Mike stated eight paid members and 30 on the wait list. Justin Redig (1375 Parkview Drive, Marion) spoke in regards to the flight school and future growth and expansion. Kurtis Grimm (3106 Carlisle Circle, Marion) spoke in regards to how aviation is growing and future growth. Cole Norton (P&N Flight School, 1710 Marion Airport Road, Marion) presented information about the need for improvements and current activities at the airport. Jan Walton (1660 Marion Airport Road, Marion) was the previous owner of the airport and spoke about the progress through the years. Kyle Setrum (1742 Para Drive, Marion) spoke in regards to smaller airports. Wendy Kunkle (1840 Geode Street, Marion) spoke in favor and stated her son attended P&N Flight School. Tim Schaffer (1775 Maplecrest Drive, Marion) spoke as chair of Marion Municipal Airport Committee and stated they support the ALP as approved. Nick Glew (MEDCO, 1225 6th Avenue Suite 100, Marion) spoke in regards to commercial development surrounding the airport.

The following spoke in opposition of the measure:

Bill McCartan (Bradley & Riley, 2007 1st Avenue) spoke for his client Atlas LP Company which owns land surrounding the airport. Stated that money should be spent on other community assets which benefit majority of City. Amber Jordan (1493 Martin Creek Road, Marion) owns farm near airport. She stated she is okay with current airport but can't get answers of how their farm will be impacted. Laurie Copper (2145 Mark Lane, Marion) spoke in regards to the bog near the airport and mitigation. Stephen Coffin (1210 Marion Airport Road, Marion) has family which owns land. He stated by expanding the class of the airport will change and allow bigger planes to land. Jeff Coberly (1586 Secrist Road, Marion) owns wetland near the airport and needs a lot of questions answered before this project moves forward. Lisa Coffin (1210 Marion Airport Road, Marion) has family that owns 132 acres near the airport and is against this project

for reasons already stated. Cindy Kettelkamp (1310 Secrist Road, Marion) owns land next to the airport and stated a lot of small business already occur next to the airport and a lot of investment has already taken place in other projects in the area. Greg Churchill (1700 Cottage Grove Parkway, Marion) owns 1100 acres near the airport and stated if you look at other comparable airport like Monticello, there is no development near them. Brad Bennett (2280 Timber Creek Drive, Marion) spoke against the airport.

No other comments, written or verbal, were received. Mayor Pro Tem Strnad declared public hearing closed.

Moved by Brandt, seconded by Jensen to approve Resolution No 27752 approving an amendment to the Marion Comprehensive Plan establishing Airport and Airport Overlay designations. Council Member Jensen stated he is strong believer in long term planning but the current plan comes with a number of restrictions for the land surrounding. Council Member Gadelha thanked all those who came to speak. She stated she is in favor of updated existing runway but not in favor of additional runway. Council Member Draper has a conflict with the East/West runway. Council Member Atkins thanked all those who spoke tonight or emailed. Council Member Brandt stated he was on Council when ALP was approved. He stated he doesn't think anyone currently on Council would be in favor of spending money on East/West runway in the next several years but this plan still needs to be in place to protect the land in case we need the East/West runway in the future. Mayor Pro Tem Strnad stated he was on the Council when ALP was being developed. He asked if vote tonight is for expanding the Comprehensive Plan to incorporate airport. Community Development Director Tom Treharne confirmed. Mayor Pro Tem Strnad stated he'd like to see the ALP amended and show phases. Tom stated we could incorporate just the North/South runway in the Comprehensive Plan Amendment. City Manager Lon Pluckhahn stated if Council wants to amend the Comprehensive Plan to just include North/South runway, he recommends this item be tabled so staff have some time to prepare as it could be a substantial change. City Attorney Kara Bullerman agrees with Lon's statement. Moved by Jensen, seconded by Atkins to table Res. No. 27752. Vote: Yeas: Atkins, Jensen, Strnad, Brandt, Gadelha. Nays: None. Abstention: Draper. Motion to table carried.

Moved by Gadelha, seconded by Jensen to table motion directing staff to proceed with zoning the Marion Municipal Airport consistent with the 2017 Airport Layout Plan. All in favor of motion to table, motion carried.

Moved by Atkins, seconded by Gadelha to direct staff to proceed with a city-wide rezoning based on the September 2018 adopted zoning districts. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – No discussions took place.

PUBLIC FORUM

Kim McDaniel (TNR Community Cats, 3098 3rd Street) spoke regarding a trap-neuter-return (TNR) program that would resolve some cat overpopulation issues near trailer parks or apartment buildings.

Charisma Tandy (Community Cat League, 215 D Street, Walford) spoke in regards to cat overpopulation and advocates for the TNR program.

Robert Buckley (2730 Heather View, Marion) spoke in opposition of the Pride Event at the Library.

Jennifer Tibbetts (1033 7th Street, Marion) spoke on behalf of the Civil Rights Commission and spoke in favor of the Pride Event at the Library.

John Braumann (257 13th Street NW, Cedar Rapids) spoke in regards to cat overpopulation and advocates for the TNR program.

COUNCIL DISCUSSION

Council Member Jensen presented an award the City received for its work with Encore Café. Also stated he ate at Urban Pie and on Monday nights they currently have specials if you are a Marion resident.

Council Member Draper provided some historical information from 1957 and also stated he'll be celebrating his 62nd wedding anniversary this weekend.

Council Member Gadelha provided some information regarding the Citizen's Fire Academy. Encouraged citizens to attend as she learned a lot of information when she participated.

Council Member Brandt congratulated Council Member Draper and his wife on their anniversary. He gave a reminder regarding the Patriotic Picnic in the park this weekend as well as stated he'll be in the Library for Council hours Saturday morning.

Mayor Pro Tem Strnad thanked everyone for their patience tonight. Stated the Prince tribute band is this weekend out at Lowe Park as well as the Marion Airport Fly-In breakfast. The Fire Department will be out at the breakfast doing a fireworks safety presentation. He also thanked all those who spoke tonight.

Mayor Pro Tem Strnad adjourned the meeting at 8:52 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