

September 5, 2019

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, September 5, 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 and presented the proclamation regarding Library Card Sign-Up Month for September 2019 to Library Director Hollie Trenary.

**PRESENTATIONS** – None.

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

### **CONSENT AGENDA**

Moved by Brandt, seconded by Gadelha to approve the Consent Agenda as follows:  
Motion to approve minutes of the August 20, 22 and 27 City Council meetings.

Motion to approve the following liquor license applications:

- a. Renewal – The Famous Mockingbird – 1064 7th Avenue  
Special Class C Liquor License (BW) with additional privileges of Sunday Sales. No violations in the last five years.

Motion to approve the following Hold Harmless Agreements:

- a. Linn-Mar Homecoming Parade; October 10, 2019 from 5:00-6:45 p.m.  
(Linn-Mar High School, 3111 N 10th Street, Marion) (Permit #2019-00000087)

Motion to receive and file Certified List for Firefighter.

Motion to approve payments as presented in the amount of \$1,873,622.18.

Resolution No. 27926 approving the Street Finance Report for the Year Ended June 30, 2019.

Resolution No. 27927 approving payment to Moody's Investor Services, Inc. in the amount of \$16,000.00 for services relating to the issuance of Series 2019D Bonds.

Resolution No. 27928 approving partial payment no. 48 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$3,221.28. (FACS-17-069)

Resolution No. 27929 approving partial payment no. 49 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$3666.21. (FACS-17-069)

Resolution No. 27930 approving partial payment no. 50 to Anderson Bogert Engineers for the Public Services site plan development in the amount of \$3,026.50. (FACS-17-069)

Resolution No. 27931 approving partial payment no. 14 to A&J Associates for the Public Service Maintenance Facility in the amount of \$19,100.00. (FACS-17-069)

Resolution No. 27932 approving partial payment no. 2 to A-One Geothermal regarding the Public Service Maintenance Facility Geothermal Project in the amount of \$181,253.19. (FACS-17-069)

Resolution No. 27933 approving a contract change order with Mid States Concrete Industry regarding the precast concrete package for the Public Service Maintenance Facility in the amount of \$140,107.00. (FACS-17-069)

Resolution No. 27934 approving the purchase of water main materials from Schimberg Company for the Public Service Maintenance Facility in the amount of \$16,717.88 (FACS-17-069).

Resolution No. 27935 approving the purchase of storm sewer materials from Prinsco Incorporated for the Public Service Maintenance Facility in the amount of \$26,624.00 (FACS-17-069).

Resolution No. 27936 approving payment to Truck Builders, Inc. regarding repairs to Engine 92 in the amount of \$15,207.51.

Resolution No. 27937 approving Partial Payment No. 12 to Martin Gardner Architecture for professional services regarding the Lowe Park Maintenance Facility Addition Project in the amounts of \$612.00. (FACS 18-019)

Motion to approve Project Calendar regarding Engineering Department payments as follows:

- a. Resolution No. 27938 approving Partial Payment No. 6 to Schnoor-Bonifazi Engineering & Surveying, LC regarding the Tower Terrace Road Phase VI Project in the amount of \$3,803.80. (TRANS-18-095)
- b. Resolution No. 27939 approving Partial Payment No. 30 to Veenstra & Kimm, Inc. regarding the Indian Creek Trunk Sewer – Segment 7 Project in the amount of \$1,136.00. (SWR-17-026)

- c. Resolution No. 27940 approving Partial Payment No. 2 to Curtis Contracting Corp. regarding the 2019 Sidewalk Project in the amount of \$58,798.03. (ANN-18-105 & ANN-18-106).
- d. Resolution No. 27941 approving Partial Payment No. 1 to Boomerang Corp. regarding the 2019 RCB Culvert Under Central Avenue North of Indian Creek Project in the amount of \$131,305.30. (TRANS-18-092).
- e. Resolution No. 27942 approving Partial Payment No. 6 for reimbursement to Morris Wood Enterprises, LLC regarding the Tower Terrace Road – Phase VI (Winslow Road to Lennon Lane) Project in the amount of \$261,460.27. (TRANS-18-095)
- f. Resolution No. 27943 approving Partial Payment No. 2 to Price Industrial Electric regarding the 2019 Highway 13 and Hennessey Parkway Traffic Signal and Turn Lane Improvements Project in the amount of \$67,897.71. (TRANS-18-074).
- g. Resolution No. 27944 approving Partial Payment No. 15 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 \$180,253.02. (TRANS-18-091)
- h. Resolution No. 27945 approving Partial Payment No. 1 to Abode Construction, Inc. regarding the 2019 Irish Drive Extension Project in the amount of \$4,938.27. (TRANS-18-112)

Resolution No. 27946 accepting the 2019 Pedestrian Beacon Project. (ANN-18-079)

Resolution No. 27947 approving Stop Signs stopping east and west bound traffic on Platinum Way at its intersection with Gemstone Road.

Resolution No. 27948 approving a Stop Sign stopping west bound traffic on Gemstone Road at its intersection with Lucore Road.

Resolution No. 27949 approving a Stop Sign stopping north bound traffic on Irish Drive at its intersection with Tower Terrace Road.

Resolution No. 27950 approving the establishment of a “No Parking” zone on the both sides of Irish Drive from the east property line of 300 Irish Drive to Tower Terrace Road.

Motion to approve Planning and Development Division Payments as follows:

- a. Resolution No. 27951 approving payment no. 45 to Universal Field Services, Inc for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13<sup>th</sup> Street to 31<sup>st</sup> Street in the amount of \$2,857.70. (TRANS-17-099)
- b. Resolution No. 27952 approving payment no. 46 to Universal Field Services, Inc for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13<sup>th</sup> Street to 31<sup>st</sup> Street in the amount of \$93.65. (TRANS-17-099)
- c. Resolution No. 27953 approving payment no. 24 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 \$100.00. (GOV-18-015)
- d. Resolution No. 27954 approving payment no. 25 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 \$275.00. (GOV-18-012)
- e. Resolution No. 27955 approving payment to Hall and Hall Engineers, Inc. for professional services related to the fire station final plat in the amount of \$396.50. (FAC-18-061)
- f. Resolution No. 27956 approving payment to Hall and Hall Engineers, Inc. for professional services related to the fire station in the amount of \$1,400.00. (FAC-18-061)
- g. Resolution No. 27957 approving payment to Hall and Hall Engineers, Inc. for professional services related to a revision of Parcel 36 Acquisition Plat for the Central Corridor Improvement Project in the amount of \$125.00. (TRANS-118-091)

Resolution No. 27958 setting a public hearing for October 3, 2019 regarding the renaming of current Alburnett Road south of Boyson Road to Central Avenue and Central Avenue West of 5<sup>th</sup> Street to 12<sup>th</sup> Avenue. (City of Marion)

Motion approving a letter of support and directing staff to submit an application for AARP Age Friendly Designation.

All in favor, motion carried.

## **REGULAR AGENDA**

Mayor Pro Tem Strnad opened the public hearing on designation of an expanded Collins Road Extension Urban Renewal Area and on a proposed urban renewal plan amendment. Deputy City Manager Amanda Kaufman provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27959 Declaring Necessity and Establishing an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the Collins Road Extension Urban Renewal Area. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve the initial consideration Ordinance No. 19-23 Providing for the Division of Taxes Levied on Taxable Property in the September 2019 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve Resolution No. 27960 approving the Marion Lofts – Central Corridor Review for property located at 2274 5<sup>th</sup> Avenue, Marion, Iowa. (TWG Development, LLC) All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing on Development Agreement TWG Iowa Apartment Partners, L.P. Deputy City Manager Amanda Kaufman provided staff report. Sam Rogers with TWG Iowa Apartment Partners LP spoke in favor of the measure. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Brandt, seconded by Draper to approve Resolution No. 27961 Approving Development Agreement with TWG Iowa Apartment Partners, L.P., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing on Development Agreement with GLD Properties, LLC (2931 7th Avenue). Deputy City Manager Amanda Kaufman provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27962 Approving Development Agreement with GLD Properties, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement (2931 7th Avenue). All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing on Development Agreement with GLD Properties, LLC (2791 7th Avenue). Deputy City Manager Amanda Kaufman provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27963 Approving Development Agreement with GLD Properties, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement (2791 7th Avenue). Council member Gadelha asked if stores for this location are known. City Manager Lon Pluckhahn stated Starbucks.

Community Development Director Tom Treharne also stated pizza place called Your Pie. All in favor, motion carried.

Moved by Jensen, seconded by Atkins to approve the following Hold Harmless Agreement:

- a. Iowa/Iowa State Tailgate Block Party, September 14, 2019, 2400-2700 block of 28th Avenue. (Tim Troyna, 2430 28th Avenue) (Permit #2019-00000093)

All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the 2019 Marion Fire Station Project. (FACS-18-62) City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Brandt, seconded by Gadelha to approve Resolution No. 27964 accepting bids and awarding contract to Christner Contracting, Inc. regarding the 2019 Marion Fire Station Project in the amount of \$9,367,000.00. (FACS-18-62) Council Member Jensen stated project is long overdue. Council Member Gadelha asked for more information on how the City will fill funding gap. City Manager Lon Pluckhahn explained the City will look into grants, ask foundation for use of training dollars for training equipment. The City can also look into using balance in debt service fund. That balance has accumulated due to refinancing debt. All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the Removal of Railroad Bridge over Marion Blvd in advance of CEMAR Trail. (STP-U-4775(632)—70-57) (TRL-17-055) City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27965 accepting bids and awarding contract to Peterson Contractors Inc. regarding the Removal of Railroad Bridge over Marion Blvd in advance of CEMAR Trail in the amount of \$310,524.50. (STP-U-4775(632)—70-57) (TRL-17-055) Council Member Draper would like to make sure if tracks remain that they are saved. Council Member Gadelha asked if installation of new bridge start as soon as existing is removed. City Engineer Mike Barkalow stated there will be some delay as CEMAR trail is being built in phases. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file, discuss and refer to TAC a petition regarding a request for a stoplight and/or a Rectangle Rapid Flashing Beacon [RRFB] on Boyson Road and Newcastle Road. (Becky Bolsinger, 2385 Newcastle Road) All in favor, motion carried.

Moved by Jensen, seconded by Atkins to receive, file, discuss and refer to TAC a petition regarding a request for a speed limit decrease and a "Children at Play" sign(s) on Parkview Drive. (Beth Stafford, 1090 Parkview Drive) All in favor, motion carried.

Moved by Brandt, seconded by Draper to receive, file, discuss and concur with TAC Report regarding additional street lights along Bent Creek Drive. (Connie Suma, 625 Bent Creek Drive) All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to receive, file, discuss and concur with TAC Report regarding a crossing light at 35th Street and McGowan Boulevard. (Donna McCabe, 1960 36th Street) All in favor, motion carried.

Moved by Atkins, seconded by Jensen to approve Resolution No. 27966 approving Change Order #1 with Rathje Construction Company regarding the 2019 Sanitary Sewer Maintenance Project in the amount of \$8,500.00. (ANN-18-029) All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding the 2019 HMA Resurfacing Project. (ANN-18-086) City Engineer Mike Barkalow provided staff report. No other comments, written or verbal, were received. Mayor Pro Tem Strnad closed the hearing.

Moved by Jensen, seconded by Atkins to approve Resolution No. 27967 accepting bids and awarding contract to L.L. Pelling Company, Inc. regarding the 2019 HMA Resurfacing Project in the amount of \$1,025,331.00. (ANN-18-086) All in favor, motion carried.

Mayor Pro Tem Strnad opened the public hearing regarding an amendment to the Marion Code of Ordinances establishing Chapter 176.53 Marion Municipal Airport Land Use and Height Overlay Zoning. Community Development Director Tom Treharne provided staff report. Joe Spinks (3165 29th Avenue) spoke in favor of the measure but would like council to reconsider east/west runway. Frank Sherman (4170 Canton Court) spoke in favor of measure but would like Council to remove the exception regarding the Runway Protection Zone (RPZ). Safety should be first concern. Nick Glew (MEDCO, 1225 6th Avenue, Suite 100) spoke in favor of measure as proposed. No other comments, written or verbal, were received. Council Member Jensen stated safety should be first concern. He would like to receive a statement from the Marion Municipal Airport Committee regarding the zoning. Council Member Brandt asked where the 34 to 1 came from. Tom stated it is the guideline for Zone B. Council Member Brandt asked who does the additional review as mentioned in the ordinance. Tom stated it would be a joint ZBA board with County and City members. Council Member Atkins stated she would like to see exception regarding RPZ to be removed. Council Member Gadelha agreed. City Attorney Ryan Tang stated Council can leave public hearing open, approve ordinance as is for initial consideration and bring back with exception removed for next meeting. Mayor Pro Tem Strnad declared the public hearing will remain open.

Moved by Brandt, seconded by Jensen to approve the initial 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. Council Member Atkins asked if ordinance would be amended for next meeting. Community Development Director Tom Treharne confirmed. All in favor, motion carried.

Moved by Gadelha, seconded by Brandt to approve Resolution No. 27968 approving an Acquisition Plat associated with Part of Parcel A, Plat of Survey 1476. (City of Marion)  
All in favor, motion carried.

**OTHER DEPARTMENT DISCUSSION**

Library Director Hollie Trenary provided a Fiscal Year-End Update. She stated that September is library card sign-up month which is a national event. To celebrate this month, the library is also allowing self-service hours from 8-9:30 a.m. If this goes well, staff will look into continuing. Holly shared some new products the Library will soon offer. Launchpad is a self-contained tablet that does not need Wi-Fi to play the pre-loaded games and activities. These can be checked out similar to books for three weeks at a time. Playaway is an audiobook that also does not need Wi-Fi to play. Just connect headphones or connect to your vehicle and play an audiobook directly from the device. Marion will also soon start Dolly Parton's Imagination Library which is a program which provides children ages 0-5 with a free book each month.

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

**COUNCIL DISCUSSION**

Council Member Draper stated at the next meeting he'll discuss history on 10th Street.

Mayor Pro Tem Strnad thanked those who cleaned the uptown area the last couple of days.

Mayor Pro Tem Strnad adjourned the meeting at 7:24 p.m.

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Randy Strnad, 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\_\_\_\_.

\_\_\_\_\_  
Rachel Bolender, City Clerk