

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

January 28, 2014, 4:00 p.m.

City Council met in Regular Session in the Cedar Rapids City Hall Council Chambers, 101 First Street SE, Cedar Rapids, Iowa. Present, Mayor Corbett, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon and Weinacht. Also present were City Manager Jeff Pomeranz and Assistant City Attorney Mo Sheronick.

The invocation was given by Public Safety Chaplain Ken Glandorf.

Pledge of Allegiance.

“Good News” announcements were given by Mayor Corbett.

Resolutions were adopted with all Council members and Mayor Corbett voting “Aye” unless noted.

A public hearing was held to consider a change of zone for property north of 74th Street NE and east of Crescent View Drive NE from R-3, Single Family Residence Zone District to RMF-1, Multiple Family Residence Zone District as requested by Abode Construction, Inc. and Phyllis M. Rausch. No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance granting a change of zone for property north of 74<sup>th</sup> Street NE and east of Crescent View Drive NE from R-3, Single Family Residence Zone District to RMF-1, Multiple Family Residence Zone District as requested by Abode Construction, Inc. and Phyllis M. Rausch, was presented and read the first time.

Council member Poe moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Olson. Approved, Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

A public hearing was held to consider a change of zone for property at 4001 and 4009 Blairs Ferry Road NE from A, Agriculture Zone District to C-2, Community Commercial Zone District as requested by Buffalo Evangelical United Brethren Church. No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance granting a change of zone for property at 4001 and 4009 Blairs Ferry Road NE from A, Agriculture Zone District to C-2, Community Commercial Zone District as requested by Buffalo Evangelical United Brethren Church, was presented and read the first time.

Council member Vernon moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Poe. Approved, Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

A public hearing was held to consider a change of zone for property at 418 9<sup>th</sup> Street NW, 420 9<sup>th</sup> Street NW, 424 9<sup>th</sup> Street NW and 428 9<sup>th</sup> Street NW from RMF-1, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Richard J. and Michelle L. Lindemann. No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance granting a change of zone for property at 418 9<sup>th</sup> Street NW, 420 9<sup>th</sup> Street NW, 424 9<sup>th</sup> Street NW and 428 9<sup>th</sup> Street NW from RMF-1, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Richard J. and Michelle L. Lindemann, was presented and read the first time.

Council member Poe moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Vernon. Approved, Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

A public hearing was held to consider the vacation of an interim drainage easement located at 551 West Side Place SW as requested by West Side Property 103, LLC. No comments or objections were heard or filed.

0096-01-14, vacating an interim drainage easement located at 551 West Side Place SW as requested by West Side Property 103, LLC.

A public hearing was held to consider the continuation of the disposition of excess City-owned property described as 12 non-conforming vacant lots. No comments or objections were heard or filed.

0097-01-14, authorizing the disposition of excess City-owned property described as 12 non-conforming vacant lots.

A public hearing was held to consider public comments regarding identification of community development needs, program funding for development of proposed activities and program performance for the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs, prior to developing an Annual Action Plan for the period of July 1, 2014 to June 30, 2015. No comments or objections were heard or filed.

A public hearing was held to consider the disposition of excess City-owned property at 1100 3<sup>rd</sup> Street SE and an approximately 48,000 square foot portion of 400 12<sup>th</sup> Avenue SE located in the Consolidated Central Urban Renewal Area. No comments or objections were heard or filed.

A public hearing was held to consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to allow on-premise digital display signs to display full motion video as a conditional use in certain zone districts. One comment was heard. No written comments or objections were filed.

Ordinance No. \_\_\_\_\_, being an Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to allow on-premise digital display signs to display full motion video as a conditional use in certain zone districts, was presented and read the first time.

Council member Vernon moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Poe. Approved, Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the FY 2014 Curb Repair Project – Contract 1 project (estimated cost is \$320,000). No comments or objections were heard or filed.

0098-01-14, adopting plans, specifications, form of contract and estimated cost for the FY 2014 Curb Repair Project – Contract 1 project.

Public comments were heard.

Council member Vernon moved to approve the Agenda; seconded by Council member Poe. Council member Gulick requested that Item Number 22 (Resolution authorizing the use of up to \$263,773,493 in sales tax revenue over 20 years for the funding of flood mitigation in Cedar Rapids) and Item Number 24aa (Resolution authorizing execution of an agreement with the Flood Mitigation Board for approved use of up to \$263,773,493 in Sales Tax Revenue over 20 years for the funding of flood mitigation in Cedar Rapids) be moved from the Consent Agenda to the Regular Agenda. Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett. Motion carried as amended.

Council member Vernon moved to approve the Consent Agenda; seconded by Council member Poe. Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett. Motion carried.

Motion to approve minutes.

Motions setting public hearing dates for:

- a. February 11, 2014 – to consider the vacation and disposition of public ways and grounds described as a 9,252 square foot parcel of excess 10<sup>th</sup> Avenue SW right-of-way located adjacent to and northeasterly of vacated 11<sup>th</sup> Street SW as requested by Cargill, Inc.;
- b. February 11, 2014 – to consider amending the Future Land Use Map in the City's Comprehensive Plan from Office and Low Density Residential to Commercial and to consider a change of zone for property at 3135 J Street SW from R-3, Single Family

Residence Zone District and O-S, Office/Service Zone District to C-3, Regional Commercial Zone District as requested by JKLR LLC and James M. Hoke;

- c. March 11, 2014 – to consider a request by Acme Electric Company, Inc. for an Urban Revitalization Area designation at 1 008 2<sup>nd</sup> Street SE, 1012 2<sup>nd</sup> Street SE, 1024 2<sup>nd</sup> Street SE, and 208 11<sup>th</sup> Avenue SE;
- d. March 11, 2014 – to consider a request by Armar Ventures, LC for an Urban Revitalization Area designation for new construction to be located adjacent and to the east of 4850 Armar Drive SE;
- e. March 11, 2014 – to consider a request by Auxiant for an Urban Revitalization Area designation for the expansion of an existing building at 424 1<sup>st</sup> Avenue NE;
- f. March 11, 2014 – to consider a request by Fleck Sales Company for an Urban Revitalization Area designation for the construction of an addition to the Fleck Sales Company facility at 11125 High Life Court SW;
- g. March 25, 2014 – to consider the Section 8 Housing Choice Voucher (HCV) Program Public Housing Agency (PHA) 5-Year Plan, Annual Plan and amendments to the PHA Administrative Plan which includes the Family Self-Sufficiency Action Plan and the Homeownership Option Plan.

Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for February 11, 2014, and advertising for bids by publishing notice to bidders for the Ushers Ferry Lodge project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on February 19, 2014 (estimated cost is \$1,180,000).

Motion authorizing publication of a public notice that on February 11, 2014 a Resolution will be considered to execute a Rental Agreement with Koch Brothers for the rental of one Lanier digital copier for the City Clerk's Office.

Motion authorizing publication of a public notice that on February 11, 2014 a Resolution will be considered to execute a Land Lease Agreement in the amount of \$1 with Interstate Power and Light Company (an Iowa Corporation) for the rental of the parking lot at 430 16th Avenue SW.

Motion approving the beer/liquor/wine applications of:

- a. Chrome Horse Slop House & Saloon, 1202 3<sup>rd</sup> Street SE;
- b. Clarion Hotel & Convention Center, 525 33<sup>rd</sup> Avenue SW;
- c. Club Basix, 3916 1<sup>st</sup> Avenue NE;
- d. Downtown Drug, 207 2<sup>nd</sup> Avenue SE;
- e. Flamingo, 1211 Ellis Boulevard NW;
- f. Hy-Vee Food Store #7, 5050 Edgewood Road NE;
- g. Irish Democrat, 3207 1<sup>st</sup> Avenue SE;
- h. Kazoku Asian Cuisine, 221 2<sup>nd</sup> Avenue SE (new – formerly Cafe' Bella);
- i. Kwik Shop #560, 3301 J Street SW;
- j. Kwik Shop #561, 2904 Center Point Road NE;
- k. Kwik Shop #563, 1001 1<sup>st</sup> Avenue SW;
- l. Kwik Shop #565, 4201 Center Point Road NE;
- m. Lion Bridge Brewing Company, 59 16<sup>th</sup> Avenue SW (new – formerly retail space) (abstain, Council member Gulick);
- n. May City Bowl, 1648 Trent Street SW;
- o. Osaka Japanese Steakhouse & Sushi Bar, 5001 1<sup>st</sup> Avenue SE;

- p. Sip N Stir, 1119 1<sup>ST</sup> Avenue SE (new – new ownership);
- q. St. Andrews Golf Club, 1866 Blairs Ferry Road NE;
- r. St. Pius & Elizabeth Ann Seton School, 4901 Council Street NE (5-day permit for an event on February 7, 2014 at St. Pius Church X, 4949 Council Street NE);
- s. Tomaso's Pizza World Headquarters, 3234 Center Point Road NE;
- t. Vault, 208 2<sup>nd</sup> Avenue SE;
- u. Viking Lounge, 1971 16<sup>th</sup> Avenue SW.

0099-01-14, approving payment of bills.

0100-01-14, approving payment of payroll.

0101-01-14, intent to assess for Utilities – Water Division delinquent municipal utility bills at 38 properties.

0102-01-14, levy assessment for Utilities – Water Division delinquent municipal utility bills at 19 properties.

0103-01-14, accepting Williams Boulevard SW (U.S. Bus. 151/IA 922) At Wiley Boulevard SW And Edgewood Road SW Intersection Improvements project, authorizing issuance of final payment in the amount of \$26,480.35 and approving the 4-year Performance Bond submitted by Pirc-Tobin Construction, Inc. (original contract amount was \$540,065.90; final contract amount is \$529,606.99).

0104-01-14, accepting Cedar Rapids Convention Complex – General project, authorizing issuance of final payment in the amount of \$6,020.50 and approving 2-year Performance Bond submitted by Miron Construction Company, Inc. (original contract amount was \$28,273,698; final contract amount is \$29,850,779).

0105-01-14, establishing an easement for sanitary sewer, easement for storm sewer and easement for water main on City-owned property located on part of vacated B Street SW, east of 62 16th Avenue SW, in connection with the SW Quadrant, 2008 Flood Area Sanitary Sewer Restoration project (FLOOD).

0106-01-14, approving final plat of CWP Industrial Park First Addition for property located at 4700 Bowling Street SW.

0107-01-14, amending Resolution No. 1777-11-13 which vacated a 60-foot wide road reservation and utility easement as requested by Cottage Ridge, L.L.C. to correct a scrivener's error in the legal description.

0108-01-14, authorizing a Systems Analyst Supervisor and a Systems Analyst to attend the Intergraph Computer Aided Dispatch Administration Training in Huntsville, Alabama for a total amount of \$12,500.

0109-01-14, Amendment No. 1 to renew Contract for Low and Medium Voltage Electrical Services with ESCO Electric for the Water Pollution Control Facility for an estimated amount of \$140,000 (original contract amount was \$140,000; renewal contract amount is \$140,000).

0110-01-14, Amendment No. 5 to renew Agreement for Traffic Signal Equipment with Brown Traffic Products, Inc. for the Traffic Engineering Division for an amount not to exceed \$250,000 (original contract amount was \$45,000, renewal contract amount is \$250,000).

0111-01-14, Change Order No. 5 in the amount of \$14,086.86, plus an additional 1.25 days, with Rathje Construction Company for the Bever-Linden-Blake SE Area Water Main Improvements – Phase II project (original contract amount was \$941,580.60; total contract amount with this amendment is \$1,025,515.27).

0112-01-14, Change Order No. 3 in the amount of \$749.14 with Horsfield Construction, Inc. for the Bever Avenue SE from Indiandale Road SE to 200 feet East of Lost Valley Road SE Reconstruction project (original contract amount was \$519,440.45; total contract amount with this amendment is \$584,728.19).

0113-01-14, Change Order No. 7 in the amount of \$19,191.55 with Rathje Construction Company for the Bever Avenue SE Rehabilitation From Memorial Drive SE to 34th Street SE project (original contract amount was \$1,529,777.11; total contract amount with this amendment is \$1,615,821.44).

0114-01-14, Change Order No. 13 (Final) in the amount of \$29,388.36 with BWC Excavating, LC for the FY 2012 Sidewalk Repair and Ramp Program – Contract No. 1 project (original contract amount was \$189,177.50; total contract amount with this amendment is \$243,974.39). Abstain, Council member Gulick.

0115-01-14, Change Order No. 8 in the amount of \$12,724.70 with Zinser Grading & Excavating, LLC for the E Avenue NW – Phase II 13th Street to Ellis Boulevard Storm Sewer, Water Main, Sidewalk and Street Improvements project (original contract amount was \$3,037,467.35; total contract amount with this amendment is \$3,101,814.15).

0116-01-14, Change Order No. 3 (Final) deducting the amount of \$3,698.26 with Price Industrial Electric, Inc. for the E and F Avenue at 1st Street NW and 1st Street NE Traffic Signal Improvements project (original contract amount was \$318,463; total contract amount with this amendment is \$345,459.37).

0117-01-14, Change Order No. 6 (Final) in the amount of \$23,906 with Knutson Construction Services Midwest for the 1st Street SW Outdoor Amphitheater & Festival Grounds project (original contract amount was \$4,576,671; total contract amount with this amendment is \$5,018,651.16).

0118-01-14, Change Order No. 18 in the amount of \$345.60 with Price Industrial Electric, Inc. for the Joint Communications Network Splicing and Testing – Groups 1 and 3, Traffic Signal Interconnect Groups 1 and 2 project (original contract amount was \$1,148,668; total contract amount with this amendment is \$1,986,909.68).

0119-01-14, Change Order No. 8 in the amount of \$47,700 plus an additional 8 working days with S.M. Hentges & Sons, Inc. for the Cedar River Sanitary Sewer Crossing Improvements project (original contract amount was \$5,394,964; total contract amount with this amendment is \$5,503,041.25).

0120-01-14, Change Order No. 11 (Final) deducting the amount of \$42,463.34 with Borst Brothers Construction, Inc. for the SW Quadrant, 2008 Flood Area, Sanitary Sewer Restoration, Phase 1 project (original contract amount was \$501,121.24; total contract amount with this amendment is \$529,031.85) (FLOOD).

0121-01-14, payment to Linn County in the amount of \$189,059.31 for the actual cost of construction of a concrete overlay per a 28E Agreement in connection with the Cottage Grove Avenue from East of Indian Creek to East Post Road project.

0122-01-14, Supplemental Agreement with the Iowa Department of Transportation (IDOT) for an estimated amount of \$74,000 in connection with the 1st Avenue East From 17th Street SE to 27th Street SE and 40th Street NE to Collins Road NE Crack and Joint Cleaning and Sealing project.

0123-01-14, Iowa Clean Air Attainment Program (ICAAP) Agreement in the amount of \$1,500,000 with the Iowa Department of Transportation (IDOT) for a complete streets project in connection with the Collins Road (IA 100) from East of Northland Avenue NE to Twixt Town Road NE project.

0124-01-14, Tenant Purchase Agreements in the amount of \$1 each from D J Machine, D A Bunch Co., Gearhart Auto Repair, and Crane Rental and Rigging, and a Purchase Agreement in the amount of \$25,500 and accepting an Easement for Sanitary Sewer and a Temporary Grading Easement for Construction from Judith A. Pedersen and Allen Pedersen, Sr. from land located at 4003 J Street SW in connection with the Prairie Creek from J Street SW to Cedar River Sanitary Sewer Reconstruction Phase 3 project (FLOOD).

0125-01-14, awarding and approving contract in the amount of \$1,800,940.67 plus incentive up to \$35,000, bond and insurance of S.M. Hentges & Sons, Inc. for the Indian Creek Trunk Sanitary Sewer Segment 2 – Phase 2 Reconstruction project (estimated cost is \$2,840,000).

0126-01-14, Professional Services Agreement with Lee Crawford Quarry Company for an amount not to exceed \$200,000 for the Lagoon Ash Sand Deposits for the Water Pollution Control Facility.

0127-01-14, purchase order in the amount of \$27,402 to Lightnin-SPX Flow Tech C/O Trident Process, Inc., for a rebuild of Model 780Q60CMX Gearbox at the Water Pollution Control Facility (sole source).

0128-01-14, payments to various non-profit special events held in Cedar Rapids during the first half of Fiscal Year 2014 from the Special Event Public Safety Fund.

0129-01-14, Contract for Sensys Equipment with Sensys Networks, Inc. for the Traffic Engineering Division for an amount not to exceed \$50,000.

0130-01-14, Fleet Services purchase of three single axle cabs and chassis with Swaploader bodies from Truck Country in the amount of \$497,478.

0131-01-14, Fleet Services purchase of two single axle wood chip dump bodies from Truck Country in the amount of \$229,882.

0132-01-14, Contract for Excavation & Hauling of Lagoon Ash Sand with BWC Excavating LC for the Water Pollution Control Facility for an amount not to exceed \$164,000. Abstain, Council member Gulick.

0133-01-14, Development Agreement and Special Warranty Deed with Skogman Construction Company of Iowa for City-owned property at 1347 F Avenue NW participating in the third round of the Single Family New Construction Program (FLOOD). Abstain, Council member Olson.

0134-01-14, Development Agreement and Special Warranty Deed with Skogman Construction Company of Iowa for City-owned property at 614 G Avenue NW participating in the third round of the Single Family New Construction Program (FLOOD). Abstain, Council member Olson.

0135-01-14, Certified Local Government Grant Agreement in the amount of \$10,000 with the State Historical Society of Iowa to host the 2014 Preserve Iowa Summit in Cedar Rapids.

0136-01-14, authorizing the use of up to \$263,773,493 in sales tax revenue over 20 years for the funding of flood mitigation in Cedar Rapids (FLOOD).

0137-01-14, Agreement with the Flood Mitigation Board for approved use of up to \$263,773,493 in Sales Tax Revenue over 20 years for the funding of flood mitigation in Cedar Rapids (FLOOD).

Report on bids for the Prairie Drive NE from 29th Street to Franklin Avenue Portland Cement Concrete (PCC) Sidewalk project (estimated cost is \$155,000). (Doug Wilson)

Vieth Construction Corporation, Cedar Falls, IA	\$139,741.00
Ricklefs Excavating, Ltd., Anamosa, IA	\$153,349.00
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$175,733.15
Pirc-Tobin Construction Inc., Alburnett, IA	\$185,357.50
Boulder Contracting, LLC., Grundy Center, IA	\$230,932.50
Tschiggfrie Excavating Co., Dubuque, IA	\$239,457.40
Absolute Concrete Construction, Slater, IA	\$245,233.50
OEL Construction Services, Inc., Eldora, IA	\$312,019.40

Report on bids for the 76th Avenue SW and Kirkwood Boulevard SW Traffic Signalization project (estimated cost is \$247,000). (Doug Wilson)

Trey Electric Corp, Swisher, IA	\$240,586.00
Price Industrial Electric Inc., Hiawatha, IA	\$240,975.00
VOLTMER, INC., Decorah, IA	\$264,353.00
KWS Inc., Cedar Falls, IA	\$265,675.00

Report on bids for the SW Quadrant, 2008 Flood Area Sanitary Sewer Restoration, Phase 2, Part 2 project (estimated cost is \$2,400,000) (FLOOD). (Dave Wallace)

Ricklefs Excavating, Ltd., Anamosa, IA	\$1,765,564.20
Rathje Construction Co., Marion, IA	\$1,769,934.85
Dave Schmitt Construction Co., Cedar Rapids, IA	\$1,878,528.53
BWC Excavating LC, Solon, IA	\$1,967,857.02
Langman Construction, Inc. Rock Island, IL	\$1,971,792.19
Pirc-Tobin Construction, Inc., Alburnett, IA	\$2,107,418.65
Maxwell Construction, Inc., Iowa City, IA	\$2,515,864.50

Report on bids for the J Avenue Water Plant Process Improvements – Phase 1 project (estimated cost is \$7,060,000). (Steve Hershner)

Tricon General Construction, Cedar Rapids, IA	\$7,276,000
Rice Lake Construction Group, Deerwood, WI	\$7,316,800
Kleiman Construction Inc., Cedar Rapids, IA	\$7,396,201
Leander Construction, Inc., Canton, IL	\$7,439,000
WRH, Inc., Amana, IA	\$7,539,000

0138-01-14, awarding and approving contract in the amount of \$7,276,000, bond and insurance to Tricon General Construction for the J Avenue Water Treatment Plant Process Improvements – Phase 1 project.

Report on bids for the Replacement of Fire Hydrants and Blow Off Completes FY 14 project (estimated cost is \$48,000). (Steve Hershner)

B.G. Brecke, Inc., Cedar Rapids, IA	\$53,340.00
Ricklefs Excavating, Ltd., Anamosa, IA	\$60,595.00
Connolly Construction Inc., Peosta, IA	\$70,448.80
Ken-Way Excavating Services, Inc., Walford, IA	\$77,829.75
Rathje Construction Co., Marion, IA	\$83,593.00
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$91,410.50

0139-01-14, awarding and approving contract in the amount of \$53,340, bond and insurance to B.G. Brecke, Inc. for the Replacement of Fire Hydrants and Blow Off Completes FY 14 project. Abstain, Council member Olson.

Discussion regarding Item Number 30: Gary Kranse and Jennifer Pratt.

0140-01-14, execution of a Development Agreement with New Bohemia Station, L.L.C. for disposition and redevelopment of City-owned property at 1020 and 1028 3rd Street SE (former Brosh site) (FLOOD).

Public comments were heard.

Council communications were heard.

Council member Shields moved to adjourn; seconded by Council member Poe. Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

City Council adjourned at 5:54 p.m. to meet Tuesday, February 11, 2014 at 12:00 noon.

Amy Stevenson, City Clerk

Abstain, Council member Gulick  
Abstain, Council member Olson