

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

February 11, 2014, 12:00 noon

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, Poe, Shey, Shields, Vernon and Weinacht. Also present were City Manager Jeff Pomeranz and Assistant City Attorney Mo Sheronick. Absent, Council members Olson and Russell.

The invocation was given by Public Safety Chaplain Taha Tawil.

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 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. No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance vacating 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, 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, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

A public hearing was held 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. No comments or objections were heard or filed.

0141-02-14, amending the Future Land Use Map in the City’s Comprehensive Plan from Office and Low Density Residential to Commercial for property at 3135 J Street SW as requested by JKLR LLC and James M. Hoke.

Ordinance No. \_\_\_\_\_, being an Ordinance granting 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, was presented and read the first time.

Council member Gulick 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, Poe, 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 Ushers Ferry Lodge project. No comments or objections were heard or filed.

0142-02-14, adopting plans, specifications, form of contract and estimated cost for the Ushers Ferry Lodge project (FLOOD).

Council member Vernon moved to approve the Agenda; seconded by Council member Poe. Council member Vernon requested that Item Number 16 (resolution amending final assessment of Parcel No. 60 for the 1<sup>st</sup> Avenue and Collins Road NE and 40<sup>th</sup> Street NE Improvements project) be moved from the Consent Agenda to the Regular Agenda. Ayes, Council members Gulick, Poe, 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, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett. Motion carried.

Motion to approve minutes.

Motions setting public hearing dates for:

- a. February 25, 2014, to consider the continuation of the disposition of excess City-owned property described as a commercial building and land located at 3601 42<sup>nd</sup> Street NE.
- b. February 25, 2014, to consider the vacation and disposition of public ways and grounds described as a 20-foot wide strip of excess alley right-of-way located between 220 and 230 10<sup>th</sup> Street NW as requested by Olivet Presbyterian Church.
- c. February 25, 2014, to consider an Electric Line Easement Agreement with Interstate Power and Light Company in connection with an electric upgrade on City-owned land located adjacent to and easterly of 2178-2200 Chandler Street SW.
- d. February 25, 2014, to consider the disposition of excess City-owned property acquired through the Voluntary Property Acquisition program in the Neighborhood Revitalization Area for the fourth round of the Single Family New Construction Program (FLOOD).
- e. February 25, 2014, to consider the disposition of City-owned property at 200, 210 and 212 3<sup>rd</sup> Avenue SW and inviting redevelopment proposals (FLOOD).
- f. February 25, 2014, to consider the disposition of City-owned commercial property at 615 K Avenue NW; 1129, 1127 and 1125 Ellis Boulevard NW; and 1130 and 1138 6<sup>th</sup> Street NW and inviting redevelopment proposals (FLOOD).
- g. February 25, 2014, to consider the disposition of City-owned commercial property at 720 1<sup>st</sup> Avenue NW and inviting redevelopment proposals (FLOOD).
- h. March 11, 2014, to consider the Fiscal Year 2015 annual budget.
- i. April 8, 2014, to consider the Fiscal Year 2015 Consolidated Transit Funding Application to the Iowa Department of Transportation (IDOT).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for February 25, 2014 and advertising for bids by publishing notice to bidders for the 2014 Water Pollution Control Facility Roof Replacements – Administration & Solids Pump Buildings project and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on March 12, 2014 (estimated cost is \$282,900).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for February 25, 2014 and advertising for bids by publishing notice to bidders for the US Highway 30/151 South to Ely Road (Along Cedar Trail) – Sanitary Sewer Improvements project and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on February 26, 2014 (estimated cost is \$220,000).

Motion approving the beer/liquor/wine applications of:

- a. Chrome Horse Slop House & Saloon, 1202 3<sup>rd</sup> Street SE (outdoor service for an event on March 16-17, 2014);
- b. Club CO2, 616 2<sup>nd</sup> Avenue SE;
- c. JM O'Malley's, 1502 H Avenue NE (outdoor service for an event on March 7-22, 2014);
- d. NewBo Ale House & Sushi, 1201 3<sup>rd</sup> Street SE (new – formerly Capone's);
- e. Paddy O'Rourke's, 608 16<sup>th</sup> Street NE (outdoor service for an event on March 9-10, 2014);
- f. Paddy O'Rourke's, 608 16<sup>th</sup> Street NE (outdoor service for an event on March 15-17, 2014);
- g. St. Matthews Church, 2310 1<sup>st</sup> Avenue NE (5-day permit for an event on March 1, 2014 at Regis Middle School, 735 Prairie Drive NE);
- h. Sushi House, 2665 Edgewood Parkway SW;
- i. TJ's Steakhouse, 1810 6<sup>th</sup> Street SW.

0143-02-14, approving payment of bills.

0144-02-14, approving payment of payroll.

0145-02-14, approving transfer of funds.

0146-02-14, intent to assess for delinquent municipal utility bills which have not been paid to date by the property owner at various locations.

0147-02-14, accepting sanitary sewer in Riviera Second Addition (Phase II) and approving 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$16,364.

0148-02-14, accepting storm sewer in Riviera Second Addition (Phase II) and approving 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$34,417.

0149-02-14, accepting Portland Cement Concrete pavement in Riviera Second Addition (Phase II) and approving 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$50,000.

0150-02-14, accepting sanitary sewer in Hidden Springs First Addition and approving 2-year Maintenance Bond submitted by Connolly Construction, Inc. in the amount of \$76,317.

0151-02-14, accepting storm sewer in Hidden Springs First Addition and approving 2-year

Maintenance Bond submitted by Connolly Construction, Inc. in the amount of \$49,976.15.

0152-02-14, accepting Portland Cement Concrete pavement in Hidden Springs First Addition and approving 4-year Maintenance Bond submitted by City Wide Construction Corporation in the amount of \$16,696.75.

0153-02-14, accepting Portland Cement Concrete pavement in Hidden Springs First Addition and approving 4-year Maintenance Bond submitted by City Wide Construction Corporation in the amount of \$26,280.

0154-02-14, accepting E and F Avenue at 1st Street NW and 1st Street NE Traffic Signal Improvements project, authorizing issuance of final payment in the amount of \$17,272.97 and approving 4-year Performance Bond submitted by Price Industrial Electric, Inc. (original contract amount was \$318,463; final contract amount is \$345,459.37).

0155-02-14, accepting Paramount Theatre Flood Recovery & Renovation – Bid Package 2 – General Contractor project, authorizing issuance of final payment in the amount of \$13,750 and accepting 2-year Performance Bond submitted by Miron Construction Co., Inc. (original contract amount was \$6,436,900; final contract amount is \$7,173,965) (FLOOD).

0156-02-14, accepting Sanitary Sewers Quadrant Flood Repair Lining Package #3 – 2012 project, authorizing issuance of final payment in the amount of \$29,610.05 and approving 4-year Performance Bond by Municipal Pipe Tool Company, LLC (original contract amount was \$654,518; final contract amount is \$592,201) (FLOOD).

0157-02-14, accepting Cedar Rapids Convention Complex Staging and Setup Logistics Services project and authorizing issuance of final payment in the amount of \$11,873.12 to Dynamic Furniture Services dba FF&E Solutions (original contract amount was \$202,000; final contract amount is \$237,462.50).

0158-02-14, approving final plat of The Commons on Ellis Boulevard First Addition located at 1320, 1324 and 1328 Ellis Boulevard NW.

0159-02-14, adopting and levying final schedule of assessments and providing for the payment thereof for the 1st Avenue East from the Cottage Grove Place Entrance to Thompson Drive SE Sidewalk Extension project.

0160-02-14, adopting and levying final schedule of assessments and providing for the payment thereof for the 3rd Street SE Reconstruction and Streetscape Improvements from 8th Avenue SE to 14th Avenue SE project.

0161-02-14, authorizing execution of the Offer(s) to Buy Real Estate and Acceptance and the Addendum(s) to Offer to Buy Real Estate and Acceptance for one property in connection with the HUD Community Development Block Grant (CDBG) (FLOOD).

0162-02-14, Amendment No. 1 to the Professional Services Agreement with CH2M-Hill specifying an increased amount not to exceed \$23,712 for additional design services in connection with the Highway 100 Sanitary Sewer and Water Main Crossing Improvements project (original contract amount was \$119,055; total contract amount with this amendment is \$142,767).

0163-02-14, Amendment No. 1 to the Agreement with Guaranteed On Site for an increased amount of \$5,409.60 for the Veterans Memorial Stage Curtains project (original contract amount was \$34,118; total contract amount with this amendment is \$39,527.60) (FLOOD).

0164-02-14, Amendment No. 1 to the Development Agreement with The Fountains, LLC for property at 600 and 616 1st Street SE (former Great Furniture Mart).

0165-02-14, Amendment No. 1 to Agreement for Comprehensive Plan Update for the Community Development Department with RDG Planning & Design for an amount not to exceed \$49,508 (original contract amount was \$150,000, total contract amount with this amendment is \$199,508).

0166-02-14, Amendment No. 3 to renew Agreement for Integration Services for the Utilities Department with Control System Integrators, Inc. for an amount not to exceed \$100,000 (original contract amount was \$100,000; renewal contract amount is \$100,000).

0167-02-14, amending Resolution No. 0547-04-12, which authorized the submittal of the FY13 Consolidated Transit Funding Application, to increase the estimated amounts received from the Iowa Department of Transportation (IDOT) for Section 5316 and Section 5317 funding.

0168-02-14, amending Resolution No. 0071-01-14, which authorized the purchase of golf merchandise, for an increase in golf merchandise for resale from Titleist and Foot Joy, both companies of Acushnet from the original estimated amount of \$59,244.90, with future purchases not to exceed \$80,000 (sole source).

0169-02-14, Change Order No. 2 deducting the amount of \$3,791 with Seedorff Masonry, Inc. for the Veterans Memorial Phase III – Bid Package #3 – Masonry project (original contract amount was \$490,650; total contract amount with this amendment is \$493,414) (FLOOD).

0170-02-14, Change Order No. 8 (Final) in the amount of \$119,106.27 with Horsfield Construction, Inc. for the 33rd Avenue SW, from West of 18th Street to West of 10th Street, Paving project (original contract amount was \$1,841,892.77; total contract amount with this amendment is \$1,924,489.22).

0171-02-14, Change Order No. 3 in the amount of \$24,987 plus an additional four calendar days, with Garling Construction, Inc. for the Cedar Rapids Fire Station No. 3 project (original contract amount was \$1,899,000; total contract amount with this amendment is \$1,952,753).

0172-02-14, Change Order No. 7 in the amount of \$39,178 with Modern Piping, Inc. for the

Cedar Rapids City Services Center – Bid Package 2 – Phase 2 Demolition, Sitework and New Building Construction Project – Mechanical & Plumbing project (original contract amount was \$4,574,000; total contract amount with this amendment is \$4,591,262) (FLOOD).

0173-02-14, Change Order No. 5 in the amount of \$40,045 with Acme Electric Company, Inc. for the Cedar Rapids City Services Center – Bid Package 2 – Phase 2 Demolition, Sitework and New Building Construction Project – Electrical project (original contract amount was \$4,239,912; total contract amount with this amendment is \$4,258,367) (FLOOD).

0174-02-14, Change Order No. 10 in the amount of \$21,117.84 with Maxwell Construction, Inc. for the 2nd Street SE From 9th Avenue to the Sinclair Site Sanitary Sewer Reconstruction project (original contract amount was \$2,791,496.24; total contract amount with this amendment is \$3,014,131.30) (FLOOD).

0175-02-14, Change Order No. 3 in the amount of \$18,629 with Woodruff Construction, LLC for the Ground Transportation Center Renovation project (original contract amount was \$9,097,000; total contract amount with this amendment is \$9,233,074) (FLOOD).

0176-02-14, accepting a bid in the amount of \$346 from Dee Nielson and approving a Quit Claim Deed for the disposition of 830 3rd Avenue SW.

0177-02-14, agreement in the amount of \$25,000 with Chris Eden and Jesse McElmeel, owners of the temporary Animal Care and Control facility located at 2109 North Towne Lane NE (FLOOD).

0178-02-14, awarding and approving contract in the amount of \$1,765,564.20 plus incentive up to \$50,000, bond and insurance of Ricklefs Excavating, Ltd. for the SW Quadrant, 2008 Flood Area Sanitary Sewer Restoration, Phase 2, Part 2 project (estimated cost is \$2,400,000) (FLOOD).

0179-02-14, awarding and approving contract in the amount of \$139,741, bond and insurance of Vieth Construction Corporation for the Prairie Drive NE from 29th Street to Franklin Avenue Portland Cement Concrete (PCC) Sidewalk project (estimated cost is \$155,000).

0180-02-14, awarding and approving contract in the amount of \$240,586, bond and insurance of Trey Electric Corp. for the 76th Avenue SW and Kirkwood Boulevard SW Traffic Signalization project (estimated cost is \$247,000).

0181-02-14, purchase order in the amount of \$30,117.08 with Water Research Foundation for the Water Division's annual membership subscription fee.

0182-02-14, Professional Services Agreement with Strand Associates, Inc. for an amount not to exceed \$95,000 for the Water Pollution Control Anaerobic Digester Heat Exchanger Study.

0183-02-14, Special Warranty Deed for conveyance of City-owned property with Little House LLC for property at 1301 3rd Street SE (FLOOD).

0184-02-14, authorizing the Development Plan for an initial allocation of funding from the Fourth

Round of the Single Family New Construction (SFNC) Program to be submitted to the Iowa Economic Development Authority (IEDA).

0185-02-14, sponsorship of a Business Financial Assistance application to the State by Diamond V Mills, Inc. for creation of new high quality jobs through the expansion of the existing facility at 2525 60th Avenue SW.

0186-02-14, Parks & Recreation agreement for Design Plan for Timecheck Greenway Park with Confluence for an amount not to exceed \$57,000.

0187-02-14, Parks & Recreation agreement for Design Plan for Riverfront Greenway Park with Confluence for an amount not to exceed \$36,575.

0188-02-14, Parks & Recreation agreement for Design Plan for Czech Village Greenway Park with Confluence for an amount not to exceed \$47,025.

0189-02-14, agreement for the purchase of Turf Care Products for the Golf and Parks Divisions with D & K Products for an amount not to exceed \$50,000.

0190-02-14, Rental Agreement with Koch Brothers for the rental of one Lanier digital copier for the City Clerk's Office.

0191-02-14, Land Lease Agreement in the amount of \$1 with Interstate Power and Light Company for rental of the parking lot at 430 16th Avenue SW.

0192-02-14, Fleet Services Division purchase of one 2014 Ford F-550 pick-up truck from Ed Stivers Ford for use by Public Works Department – Sewer Maintenance Division, in the amount of \$43,390.

0193-02-14, Fleet Services Division purchase of one 2014 Ford F-250 pick-up truck from Ed Stivers Ford for use by Parks Department – Recreation Maintenance, in the amount of \$26,338.

0194-02-14, Utilities Department – Water Operations purchase of two Wemco centrifuge sludge pumps from Leigh Environmental Equipment, Inc. in the amount of \$35,308.

0195-02-14, agreement for Comprehensive Historic Preservation Plan for the Community Development Department with Winter & Company for an amount not to exceed \$58,790) (FLOOD).

0196-02-14, amending final assessment of Parcel No. 60 for the 1<sup>st</sup> Avenue and Collins Road NE and 40<sup>th</sup> Street NE Improvements project.

Report on bids for the FY 2014 Curb Repair Project – Contract 1 project (estimated cost is \$320,000).

Dave Schmitt Construction Co., Inc., Cedar Rapids, IA	\$307,074.25
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$308,360.00
Curtis Contracting Corp., Ely, IA	\$327,630.00
Vieth Construction Corp., Cedar Falls, IA	*\$336,755.00
All American Concrete, Inc., West Liberty, IA	*\$354,590.00
Eggleston Contracting, Inc., Cedar Rapids, IA	\$450,985.00

\*Multiplication/Addition errors found in bid.

0197-02-14, awarding and approving contract in the amount of \$307,074.25 plus incentive up to \$3,000, bond and insurance of Dave Schmitt Construction Co., Inc. for the FY 2014 Curb Repair Project – Contract 1 project.

Discussion regarding Item Number 20: Caleb Mason.

0198-02-14, authorizing negotiation of a Development Agreement with Kingston Corner, LLC for the disposition and redevelopment of City-owned property at 301 and 305 2<sup>nd</sup> Avenue SW located in the Kingston Village Area (FLOOD).

Discussion regarding Item Number 21: Caleb Mason.

0199-02-14, authorizing negotiation of a Development Agreement with Alpha International for the redevelopment of City-owned property at 438 4<sup>th</sup> Avenue SW (FLOOD).

Ordinance No. 003-14, 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 second time.

Council member Vernon moved the approval of the Ordinance on its second reading; seconded by Council member Gulick. Approved, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Council member Gulick moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member Vernon. Adopted, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Ordinance No. 004-14, 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 second time.

Council member Vernon moved the approval of the Ordinance on its second reading; seconded by Council member Gulick. Approved, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Council member Gulick moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member Vernon. Adopted, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Ordinance No. 005-14, 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 second time.

Council member Vernon moved the approval of the Ordinance on its second reading; seconded by Council member Gulick. Approved, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Council member Gulick moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member Vernon. Adopted, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Ordinance No. 006-14, 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 second time.

Council member Vernon moved the approval of the Ordinance on its second reading; seconded by Council member Gulick. Approved, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Council member Gulick moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member Vernon. Adopted, Ayes, Council members Gulick, Poe, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

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

City Council adjourned at 12:51 p.m. to meet Tuesday, February 25, 2014 at 4:00 p.m.

Amy Stevenson, City Clerk

Absent, Council member Olson  
Absent, Council member Russell