

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

February 25, 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 Poe, Russell, Shey, Shields, Vernon and Weinacht. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz. Absent, Council members Gulick and Olson.

The invocation was given by Public Safety Chaplain Taha Tawil.

Pledge of Allegiance.

“Good News” announcements were given by Mayor Corbett.

A presentation regarding Fiscal Year 2013 Annual Audit was given by Heidi Hobkirk, McGladrey & Pullen, and Finance Director Casey Drew.

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

A public hearing was held to consider the Resolution of Necessity (Proposed) for the construction of the Shared Use Path on Edgewood Road SW from Prairie Valley Court SW to 37th Avenue SW project. No comments or objections were heard or filed.

0200-02-14, adopting without amendment the Resolution of Necessity proposed for the construction of the Shared Use Path on Edgewood Road SW from Prairie Valley Court SW to 37th Avenue SW project.

A public hearing was held to consider the continuation of the disposition of excess City-owned property described as a commercial building and land located at 3601 42nd Street NE. No comments or objections were heard or filed.

0201-02-14, authorizing the disposition of excess City-owned property described as a commercial building and land located at 3601 42nd Street NE.

A public hearing was held 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 222 and 230 10th Street NW as requested by Olivet Presbyterian Church. No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance vacating public ways and grounds described as a 20-foot wide strip of excess alley right-of-way located between 222 and 230 10th Street NW as requested by Olivet Presbyterian Church, 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 Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

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

0202-02-14, execution of 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.

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

A public hearing was held to consider the disposition of City-owned property at 200, 210 and 212 3rd Avenue SW and inviting redevelopment proposals (FLOOD). No comments or objections were heard or filed.

A public hearing was held 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 6th Street NW and inviting redevelopment proposals (FLOOD). No comments or objections were heard or filed.

A public hearing was held to consider the disposition of City-owned commercial property at 720 1st Avenue NW and inviting redevelopment proposals (FLOOD). No comments or objections were heard or filed.

A public hearing was held to consider the plans, specifications, form of contract and estimated cost for the 2014 Water Pollution Control Facility Roof Replacements – Administration & Solids Pump Buildings project (estimated cost is \$282,900). No comments or objections were heard or filed.

0203-02-14, adopting plans, specifications, form of contract and estimated cost for the 2014 Water Pollution Control Facility Roof Replacements – Administration & Solids Pump Buildings project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the US Highway 30/151 South to Ely Road (Along Cedar Trail) – Sanitary Sewer Improvements project (estimated cost is \$220,000). No comments or objections were heard or filed.

0204-02-14, adopting plans, specifications, form of contract and estimated cost for the US Highway 30/151 South to Ely Road (Along Cedar Trail) – Sanitary Sewer Improvements project.

Public comments were heard.

Council member Poe moved to approve the Agenda; seconded by Council member Vernon. City Manager Pomeranz requested that Item Number 23g (Resolution authorizing Change Order No. 4

in the amount of \$15,216 plus an additional 12 calendar days, with Knutson Construction Services Midwest, Inc. for the 2<sup>nd</sup> Street SE Parking Ramp at 7<sup>th</sup> Avenue – General Construction project) be removed from the agenda. Council member Shields requested that Item Numbers 23p (Resolution authorizing execution of a Professional Services Agreement with HR Green, Inc. for an amount not to exceed \$91,667 for design services in connection with the 4th Avenue SE Improvements from 6th Street to 19th Street project), 23q (Resolution authorizing execution of a Professional Services Agreement with Snyder & Associates, Inc. for an amount not to exceed \$106,000 for design services in connection with the 19th Street SE, Bever Avenue SE and Garden Drive SE Improvements project), 23r (Resolution authorizing execution of a Professional Services Agreement with Foth Infrastructure and Environment, LLC for an amount not to exceed \$118,131 for design services in connection with Diagonal Drive SW Improvements from Interstate 380 to West 8th Avenue Bridge Approach project) and 23s (Resolution authorizing execution of a Professional Services Agreement with Foth Infrastructure and Environment, LLC for an amount not to exceed \$148,560 for program management services in connection with the Quick Start Street Repair Program Project Management program) be moved from the Consent Agenda to the Regular Agenda. Ayes, Council members 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 Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett. Motion carried.

Motion to approve minutes.

Motions setting public hearing dates for:

- a. March 11, 2014 – to consider amending Chapter 12 of the Municipal Code, Water Service, by repealing existing rates and establishing new rates;
- b. March 11, 2014 – to consider amending Chapter 13 of the Municipal Code, Wastewater Facilities, by repealing existing rates and establishing new rates;
- c. March 11, 2014 – to consider amending Chapter 24 of the Municipal Code, Solid Waste, by repealing existing rates and establishing new rates.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for March 11, 2014, and advertising for bids by publishing notice to bidders for the Park Cedar Rapids Five Seasons Parkade Electrical Upgrades project and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on March 19, 2014 (estimated cost is \$140,000).

Motion approving the beer/liquor/wine applications of:

- a. Break Room, 3108 1<sup>st</sup> Avenue NE;
- b. Bushwood Sports Bar and Grill, 350 Edgewood Road NW;
- c. Butcher Block – Boyson Road, 568 Boyson Road NE (new – new construction);

- d. Cappy's Pizzeria, 7037 C Avenue NE;
- e. Cedar Rapids Jaycees, 225 5<sup>th</sup> Avenue SW (transfer to 5000 J Street SW for an event on March 1, 2014);
- f. Fiesta Del Sol Mexican Restaurant, 4801 1<sup>st</sup> Avenue SE;
- g. Hill Brothers Jiffy Mart, 1904 Mt. Vernon Road SE;
- h. Hy-Vee Drugstore #5, 2001 Blairs Ferry Road NE;
- i. Just Jules Pub & Restaurant, 835 Center Point Road NE;
- j. Lone Star Steakhouse & Saloon, 4545 1<sup>st</sup> Avenue SE;
- k. Mahoney's, 1602 E Avenue NE (outdoor service for an event on March 16-18, 2014);
- l. Pancheros Mexican Grill, 4701 1<sup>st</sup> Avenue SE;
- m. Parlor City Pub & Eatery, 1125 3<sup>rd</sup> Street SE;
- n. Road Ranger #147, 1430 1<sup>st</sup> Avenue NE;
- o. Road Ranger #148, 550 Wilson Avenue SW;
- p. Road Ranger #149, 2349 Blairs Ferry Road NE;
- q. Road Ranger #150, 3330 16<sup>th</sup> Avenue SW;
- r. Road Ranger #151, 380 Blairs Ferry Road NE;
- s. Sammy's Lounge, 5519 Center Point Road NE;
- t. Stella's, 416 3<sup>rd</sup> Street SE;
- u. Target T-1768, 1030 Blairs Ferry Road NE;
- v. Third Base Sports Bar & Brewery, 500 Blairs Ferry Road NE;
- w. Ting's Red Lantern, 540 Boyson Road NE;
- x. Tycoon, 427 2<sup>nd</sup> Avenue SE (5-day permit with outdoor service for an event on March 17, 2014);
- y. Village Meat Market & Cafe, 92 16<sup>th</sup> Avenue SW;

0205-02-14, approving payment of bills.

0206-02-14, approving payment of payroll.

0207-02-14, approving the special event application for the 39th Annual St. Patrick's Day Parade (includes road closures) on March 17, 2014.

0208-02-14, approving the special event application for Rockwell Collins' landing of a helicopter on Rockwell property on February 26, 2014 with a rain date of March 1, 2014.

0209-02-14, levy assessment for Solid Waste & Recycling for clean-up costs at three properties.

0210-02-14, intent to assess for Utilities – Water Division for delinquent municipal utility bills at 40 properties.

0211-02-14, levy assessment for Utilities – Water Division for delinquent municipal utility bills at 21 properties.

0212-02-14, levy assessment for nuisance abatement charge at one property.

0213-02-14, levy assessment for nuisance property abatement charge at one property.

0214-02-14, levy special assessment for delinquent weed mowing charges at 16 properties.

0215-02-14, levy special assessment for delinquent snow removal charges at 21 properties.

0216-02-14, accepting Water system improvements installed in Ushers Ridge Eighth Addition and 2-year Maintenance Bond submitted by Kelly Demolition LLC in the amount of \$46,337.85.

0217-02-14, accepting sanitary sewer in Ushers Ridge Eighth Addition and approving 2-year Maintenance Bond submitted by Kelly Demolition, LLC in the amount of \$27,063.60.

0218-02-14, accepting storm sewer in Ushers Ridge Eighth Addition and approving 2-year Maintenance Bond submitted by Kelly Demolition, LLC in the amount of \$32,098.50.

0219-02-14, accepting Portland Cement Concrete pavement in Ushers Ridge Eighth Addition and approving 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$55,000.

0220-02-14, accepting sanitary sewer in Cedar Ridge Place Third Addition and approving 2-year Maintenance Bond submitted by CJ's Construction Company, Inc. in the amount of \$30,000.

0221-02-14, accepting storm sewer in Cedar Ridge Place Third Addition and approving 2-year Maintenance Bond submitted by Maxwell Construction Company, Inc. in the amount of \$28,381.

0222-02-14, accepting Portland Cement Concrete pavement in Cedar Ridge Place Third Addition and approving 4-year Maintenance Bond submitted by Streb Construction Co., Inc. in the amount of \$73,622.

0223-02-14, accepting sanitary sewer in Cedar River Bluffs First Addition and approving 2-year Maintenance Bond submitted by Schrader Excavating and Grading Co. in the amount of \$147,967.79.

0224-02-14, accepting storm sewer in Cedar River Bluffs First Addition and approving 2-year Maintenance Bond submitted by Schrader Excavating and Grading Co. in the amount of \$83,671.17.

0225-02-14, accepting Portland Cement Concrete pavement in Cedar River Bluffs First Addition and approving 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$68,000.

0226-02-14, accepting storm sewer in Cedar River Bluffs Second Addition – Phase 1 and approving 2-year Maintenance Bond submitted by Schrader Excavating and Grading Co. in the amount of \$11,174.70.

0227-02-14, accepting storm sewer in Tech Place Third Addition and approving 2-year Maintenance Bond submitted by Connolly Construction, Inc. in the amount of \$1,141.

0228-02-14, accepting Portland Cement Concrete pavement in Tech Place Third Addition and approving 4-year Maintenance Bond submitted by City Wide Construction Corporation in the amount of \$37,722.08.

0229-02-14, accepting project, approving 4-year Performance Bond and authorizing issuance of final payment in the amount of \$9,600.54 to United Contractors, Inc. (original contract amount was \$313,707.55; final contract amount is \$320,018.03) (FLOOD).

0230-02-14, authorizing the Finance Director to commit the current and future fund balances of a new Special Revenue Fund – Fire – Missouri Valley Fire Chief Convention.

0231-02-14, authorizing removal of adult crossing guards at the intersections of 1st Avenue E and 35th Street for Kenwood Elementary School, 1st Avenue E and 15th Street for Polk Elementary School, Blairs Ferry Road NE in the 3300 block for Hiawatha Elementary School, and F Avenue and 13th Street NW for Harrison Elementary School, and establishing adult crossing guards on J Street SW in the 2700 block for Grant Elementary School, Wilson Avenue SW in the 2800 block for Van Buren Elementary School, Wiley Boulevard and M Avenue NW for Jackson Elementary School, and F Avenue and 10th Street NW for Harrison Elementary School.

0232-02-14, authorizing incorporation of forestry-related details into the Cedar Rapids Metropolitan Area Standard Specifications and Details.

0233-02-14, Amendment No. 1 to renew Contract for fiber locating and marking services with USIC Locating Services, Inc. for the Information Technology Department for an estimated annual amount of \$180,000 (original contract amount was \$75,000; renewal contract amount is \$180,000).

0234-02-14, Amendment No. 8 to the Contract for City Services Center Furniture, Fixtures and Equipment (FF&E) Packages with Triplett Interior Solutions for additional furnishings for an amount not to exceed \$1,373.12 (original contract amount was \$299,520.80; total contract amount with this amendment is \$373,370.13) (FLOOD).

0235-02-14, Amendment No. 1 to Agreement for Self-Checkout & Automatic Payment System for the Cedar Rapids Library with EnvisionWare, Inc. for an additional amount of \$25,405 (original contract amount was \$48,663; total contract amount with this amendment is \$74,068) (FLOOD).

0236-02-14, amending Resolution No. 0501-03-13 to correct dollar amounts from estimated cost to actual cost for a new larger natural gas service line installed at the Water Pollution Control Facility with Mid-American Energy (original contract amount was \$306,568.51; total contract amount with this amendment is \$338,402.89) (FLOOD).

0237-02-14, Change Order No. 8 Revised (Final) deducting the amount of \$117,650.96 with Vieth Construction Corporation for the 2nd Street SE from 8th Avenue to 9th Avenue Roadway Reconstruction and Utility Improvements project (original contract amount was \$821,330.61; total contract amount with this amendment is \$713,455.45).

0238-02-14, Change Order No. 8 in the amount of \$27,526.90 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 \$1,643,348.34).

0239-02-14, Change Order No. 6 in the amount of \$3,019.36 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 \$1,028,534.63).

0240-02-14, Change Order No. 3 in the amount of \$30,098 with Portzen Construction, Inc. for the Cedar Rapids Animal Care & Control Building project (original contract amount was \$3,815,500; total contract amount with this amendment is \$3,885,782) (FLOOD).

0241-02-14, Change Order No. 3 in the amount of \$161,234 with DW Zinser Company for the Cedar Rapids City Services Center – Bid Package 2 – Phase 2 Demolition, Sitework and New Building Construction Project – Demolition & Abatement project (original contract amount was \$489,000; total contract amount with this amendment is \$682,318) (FLOOD).

0242-02-14, Change Order No. 3 in the amount of \$6,183.81 with Rathje Construction Company for the SW Quadrant, 2008 Flood Area Sanitary Sewer Restoration, Phase 2, Part 1 project (original contract amount was \$763,788.36; total contract amount with this amendment is \$784,124.31) (FLOOD).

0243-02-14, Change Order No. 1 in the amount of \$24,555 with Halvorson Trane for the Veterans Memorial Controls Package project (original contract amount was \$219,250; total contract amount with this amendment is \$243,805) (FLOOD).

0244-02-14, Fleet Services Division purchase of two 2014 Dodge Grand Caravans from Stew Hansen Dodge for use by the Neighborhood Transportation Services (NTS) program through the Transit Division in the amount of \$41,568.

0245-02-14, Fleet Services Division purchase of 12 tandem axle chassis with Labrie side loaders from Truck Country of Cedar Rapids in the amount of \$3,888,897.

0246-02-14, substantial completion of a contract completion milestone under a Professional Services Agreement and payment of milestone retainage in the amount of \$11,090.59 to Terracon Consultants, Inc. for the Cedar Rapids Convention Complex project (original contract amount was \$264,330; total contract amount is \$313,380).

0247-02-14, easement for sanitary sewer and easement for recreational trail on City-owned vacant land south of 4715 6th Street SW in connection with the Prairie Creek Trunk Sewer Replacement – Phase II project.

0248-02-14, Concrete Pavement and Concrete Sidewalk Petition and Assessment Agreement, Easement for Utilities and Public Right-of-Way Reservation and Construction Easement Agreement from JWB B38, LLC for property located south of K Avenue NE and east of 17th Street NE.

0249-02-14, release of partial final payment in the amount of \$344,250 to Knutson Construction Services Midwest, Inc. for the Cedar Rapids Public Library Project – General Contractor project (original contract amount was \$14,235,000; final contract amount is \$15,283,575) (FLOOD).

0250-02-14, release of partial final payment in the amount of \$544,327.60 to Miron Construction Company, Inc. for Phase 1 (Office Building) of the Cedar Rapids City Services Center – Bid Package 2

– Phase 2 Demolition, Sitework and New Building Construction – General Contractor project (original contract amount was \$19,185,000; final contract amount is \$19,252,036) (FLOOD).

0251-02-14, Purchase Agreement in the amount of \$143 and accepting an Easement for Sanitary Sewer from Clinton W. Walker from land located at 414 6th Avenue SW in connection with the Sanitary Sewer SW Quadrant Flood Repairs project (FLOOD).

0252-02-14, accepting the established fair market value for the partial acquisitions of temporary easements for construction from property located at 1528 11th Street SW owned by Chris A. Carnahan and property located at 930 16th Avenue SW owned by Tony C. Upah in connection with the SW Quad, Phase 1 – Water Main Replacement project.

0253-02-14, awarding and approving contract in the amount of \$19,439 plus incentive up to \$1,500, bond and insurance of Pirc-Tobin Construction, Inc. for the E Avenue NW at West Post Road Storm Sewer Crossing project (estimated cost is \$18,050).

0254-02-14, Agreement with SenCommunications, Inc. for ShoreTel Hardware and Software Maintenance in the amount of \$63,275.45.

0255-02-14, Agreement with Communications Engineering Company for Security Management Platform Software, Hardware and Services for an amount not to exceed \$102,000.

0256-02-14, Professional Services Agreement with HR Green, Inc. for an amount not to exceed \$91,667 for design services in connection with the 4th Avenue SE Improvements from 6th Street to 19th Street project (Paving for Progress).

0257-02-14, Professional Services Agreement with Snyder & Associates, Inc. for an amount not to exceed \$106,000 for design services in connection with the 19th Street SE, Bever Avenue SE and Garden Drive SE Improvements project (Paving for Progress).

0258-02-14, Professional Services Agreement with Foth Infrastructure and Environment, LLC for an amount not to exceed \$118,131 for design services in connection with Diagonal Drive SW Improvements from Interstate 380 to West 8th Avenue Bridge Approach project (Paving for Progress).

0259-02-14, Professional Services Agreement with Foth Infrastructure and Environment, LLC for an amount not to exceed \$148,560 for program management services in connection with the Quick Start Street Repair Program Project Management program (Paving for Progress).

Report on bids for the Ushers Ferry Lodge project (estimated cost is \$1,180,000):

Garling Construction, Inc., Belle Plaine, IA	\$1,209,000
Alternate 1 – Precast stone veneer @ hearth	REJECTED
Incentive up to	<u>20,000</u>
Total	\$1,229,000
 Kleiman Construction, Inc. Cedar Rapids, IA	
Base Bid	\$1,416,317

	Alternate 1 – Precast stone veneer @ hearth	<u>10,265</u>
	Total Bid	\$1,426,582
Tricon General Construction, Cedar Rapids, IA		
	Base Bid	\$1,516,000
	Alternate 1 – Precast stone veneer @ hearth	<u>9,000</u>
	Total Bid	\$1,525,000
Unzeitig Construction Company, Cedar Rapids, IA		
	Base Bid	\$1,581,500
	Alternate 1 – Precast stone veneer @ hearth	<u>9,700</u>
	Total Bid	\$1,591,200

0260-02-14, awarding and approving contract in the amount of \$1,209,000 plus incentive up to \$20,000, bond and insurance of Garling Construction, Inc. for the Ushers Ferry Lodge project (FLOOD).  
Nay, Council member Shields.

Discussion regarding Item Number 25: Joe Mailander.

0261-02-14, annexing property located north of Highway 30 SW and easterly of Union Drive SW as requested by College Farms, LLC.

Discussion regarding Item Number 26: Seth Gunnerson.

0262-02-14, amending the Administrative Guide for Sidewalk Cafes to establish a fee structure and standards for the downtown Parklet Program.

Ordinance No. 007-14, being an Ordinance vacating public ways and grounds in and to the property 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., was presented and read the second time.

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

Council member Poe 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 Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

0263-02-14, authorizing the disposition of the property 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, and accepting an easement for public sanitary sewer, storm sewer and water main as requested by Cargill, Inc.

Ordinance No. 008-14, 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 second time.

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

Council member Poe 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 Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

Ordinance No. \_\_\_\_\_, being an Ordinance amending Chapter 9 of the Municipal Code, Streets, Alleys and Sidewalks, updating definitions for Sidewalk Cafes, 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 Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

One public comment was heard.

Council communications were heard.

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

City Council adjourned at 5:21 p.m. to meet Tuesday, March 11, 2014 at 12:00 noon.

Amy Stevenson, City Clerk

Absent, Council member Gulick  
Absent, Council member Olson  
Nay, Council member Shields