

*“Cedar Rapids is a vibrant urban hometown –
a beacon for people and businesses invested in building
a greater community now and for the next generation.”*

NOTICE OF CITY COUNCIL MEETING

The Cedar Rapids City Council will meet in Regular Session on Tuesday, May 13, 2014 at 12:00 noon in the Council Chambers, 3rd Floor, City Hall, 101 First Street SE, Cedar Rapids, Iowa, to discuss and possibly act upon the matters as set forth below in this tentative agenda. (*Please silence cell phones and pagers.*)

A G E N D A

- Invocation
- Pledge of Allegiance
- Proclamations/Presentations:
 - ❖ Proclamation – Trees Forever *Planting a Better Tomorrow* (Shannon Ramsay)

PUBLIC HEARINGS

1. A public hearing will be held to consider a request by 1612 Development for an Urban Revitalization Area designation for the renovation and expansion of an existing building at 1612 C Street SW (Jennifer Pratt).
 - a. Resolution authorizing an Urban Revitalization Area designation for renovation and expansion of an existing building at 1612 C Street SW; CIP/DID #OB1115298
 - b. First Reading: Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the 1612 Development Urban Revitalization Area designation at 1612 C Street SW. CIP/DID #OB1115298
2. A public hearing will be held to consider the vacation of public ways and grounds described as a portion of a frontage road easement located at 2630 Williams Boulevard SW as requested by Seafood Property No. 4, LLC (Rita Rasmussen).
 - a. Resolution vacating a portion of a frontage road easement located at 2630 Williams Boulevard SW as requested by Seafood Property No. 4, LLC. CIP/DID #41-14-018

3. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the 1st Avenue East from 34th Street to 40th Street Utilities Rehabilitation project (estimated cost is \$2,275,000) (Gary Petersen).
 - a. Resolution adopting plans, specifications, form of contract and estimated cost for the 1st Avenue East from 34th Street to 40th Street Utilities Rehabilitation project. CIP/DID #301240-04

PUBLIC COMMENT

If you wish to address the City Council on any subject pertaining to City Council action scheduled for today, please use the sign-up sheet (next to the agendas) located on the table outside the Council Chambers. Please approach the microphone when called upon.

MOTION TO APPROVE AGENDA

CONSENT AGENDA

***Note: These are routine items, some of which are old business and some of which are new business and will be approved by one motion without separate discussion unless Council requests an item be removed to be considered separately.**

4. Motion to approve minutes.
5. Motions setting public hearing dates for:
 - a. May 27, 2014 – to consider enacting a new Chapter 42A of the Municipal Code, Aggressive Solicitation, pertaining to begging or solicitation of money, by placing certain limitations on the means by which such activity occurs in order to protect public safety; CIP/DID #OB506022
 - b. May 27, 2014 – to consider a change of zone for property north of Highway 30 and east of Union Drive SW from A, Agriculture Zone District to R-2, Single Family Residence Zone District as requested by College Farms, LLC; CIP/DID #RZNE-008536-2014
 - c. May 27, 2014 – to consider a change of zone for property at 1408 4th Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc.; CIP/DID #RZNE-008539-2014
 - d. May 27, 2014 – to consider a change of zone for properties at 1008, 1012, 1018 and 1024 2nd Street SE, 208 11th Avenue SE and 1009, 1013, 1019 and 1021 3rd Street SE from RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Acme Electric Company, Inc., 3rd Ward Development, LLC and the City of Cedar Rapids; CIP/DID #RZNE-008553-2014

- e. May 27, 2014 – to consider a change of zone for 54 City-owned properties for the Single Family New Construction Program from R-3, Single Family Residence Zone District, RMF-1 and RMF-2, Multiple Family Residence Zone District and C-3, Regional Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by the City of Cedar Rapids (**FLOOD**); CIP/DID #RZNE-008880-2014
 - f. May 27, 2014 – to consider the vacation and disposition of public ways and grounds in and to the property described as Buffalo Road NE between Blairs Ferry Road and Edgewood Road as requested by Transamerica Life Insurance Company; CIP/DID #41-13-034
 - g. May 27, 2014 – to consider the Fiscal Year 2014 Budget Amendment. CIP/DID #OB1187650
6. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014, and advertising for bids by publishing notice to bidders for the 42nd Street NE and I-380 Intersection Improvements project, with bid opening scheduled for June 17, 2014 at the Iowa Department of Transportation (estimated cost is \$423,000). CIP/DID #301614-02
 7. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the Veterans Memorial Stadium 2014 Storm Sewer Improvements – Phase II project and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on June 11, 2014 (estimated cost is \$220,000). CIP/DID #314338-04
 8. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the Boyson Road NE Pavement Rehabilitation Improvements from C Avenue NE to East Corporate Limits project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on June 4, 2014 (estimated cost is \$470,000) (**Paving for Progress**). CIP/DID #3012085-02
 9. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the 1st Street SW Alley from 3rd to 5th Avenue SW Sanitary Sewer Repairs project and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on June 11, 2014 (estimated cost is \$132,000) (**FLOOD**). CIP/DID #SSD103-13
 10. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the Ushers Ferry Road Transmission Main Extension from Highway 100 to Blairs Ferry Road project and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on June 4, 2014 (estimated cost is \$374,000). CIP/DID #625542-2014058-02
 11. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the 16th Ave SW & Williams Blvd SW Water Main Loop Closure project and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on June 11, 2014 (estimated cost is \$60,000). CIP/DID #2014046-01

12. Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the 16th Avenue SW (400-Ft East of 23rd Street SW to Williams Blvd SW) Water Main Rehabilitation project and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on June 4, 2014 (estimated cost is \$460,000). CIP/DID #2011061-02
13. Motion approving the beer/liquor/wine applications of: CIP/DID #OB1145716
- a. 3rd Street Saloon, 1202½ 3rd Street SE (transfer to McGrath Powersports, 4645 Center Point Road NE, for an event on May 29-30, 2014);
 - b. 3rd Street Saloon, 1202½ 3rd Street SE (transfer to McGrath Powersports, 4645 Center Point Road NE, for an event on June 26-27, 2014);
 - c. Avacentre – Cedar Rapids, 2121 Bowling Street SW;
 - d. Beaver Creek Saloon, 1010 2nd Avenue SW;
 - e. Cancun Mexican Grill & Bar, 365 33rd Avenue SW;
 - f. Cedar Rapids Jaycees, 225 5th Avenue SW (5-day permit for an event at 475 1st Street SW (McGrath Amphitheater Cedar Rapids), for an event on May 30, 2014);
 - g. Cedar Rapids Jaycees, 225 5th Avenue SW (5-day permit for an event at 475 1st Street SW (McGrath Amphitheater Cedar Rapids), for an event on May 23, 2014);
 - h. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (outdoor service for an event on June 12-14, 2014);
 - i. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (outdoor service for an event on June 6-8, 2014);
 - j. Doubletree by Hilton Cedar Rapids Convention Complex, 350 1st Avenue NE;
 - k. Elmcrest Country Club, 1000 36th Street NE;
 - l. Ja'Don Cavil, 5000 J Street SW (5-day permit for a reception at 5000 J Street SW on May 17, 2014);
 - m. JW's Pub & Grub, 58 Miller Avenue SW (permanent outdoor service area);
 - n. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on May 24-28, 2014);
 - o. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on June 7-11, 2014);
 - p. Mount Mercy University, 1330 Elmhurst Drive NE;
 - q. Pei's Mandarin, 3287 6th Street SW;
 - r. Red Baron Bar & Dance Club, 62 16th Avenue SW (outdoor service for an event on May 16-18, 2014);
 - s. Red Lion Lounge, 3970 Center Point Road NE (new – new ownership);
 - t. Smokin' Joe's Tobacco & Liquor Outlet #6, 1404 1st Avenue NE;
 - u. Time Out Lounge, 3230 16th Avenue SW (outdoor service for an event on May 17-18, 2014).
14. Resolutions (3) approving payment of bills and payroll. CIP/DID #OB1143566
15. Resolutions approving the following special events:
- a. Color Vibe 5K event beginning in Greene Square Park on June 14, 2014 (includes road closures); CIP/DID #SPEC-06456-2014
 - b. Corridor Running New Bo Run event on August 31, 2014 (includes road closures); CIP/DID #SPEC-017749-2014
 - c. Area Ambulance landing of a helicopter at 2730 12th Street SW on May 27 and May 29, 2014. CIP/DID #SPEC-020681-2014**
16. Resolution temporarily appointing Joe Mailander to the Corridor Metropolitan Planning Organization. CIP/DID #OB542014

17. Resolution authorizing the Utilities Director to attend the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting in Portland, Oregon for an estimated amount of \$3,295. CIP/DID #OB1187056
18. Resolution setting a public hearing date for May 27, 2014 on the proposal to discontinue the Parks and Recreation Commission created by Municipal Code Section 6.05, discontinue the River Recreation Commission created by Municipal Code Section 6.14, create a new Municipal Code Section 6.05, Parks, Waterways and Recreation Commission, and amend Chapter 55 of the Municipal Code concerning boat and other river regulations, and directing that notice be published. CIP/DID #OB1187380
19. Resolutions approving assessment actions:
 - a. Intent to assess – Solid Waste & Recycling – clean-up costs – three properties; CIP/DID #OB1187169
 - b. Intent to assess – Utilities – Water Division – delinquent municipal utility bills – 51 properties; CIP/DID #OB1187049
 - c. Levy assessment – Utilities – Water Division – delinquent municipal utility bills – 33 properties; CIP/DID #OB1097820
 - d. Levy assessment – Utilities – Water Division – delinquent municipal utility bills – 27 properties. CIP/DID #OB1115315
20. Resolutions authorizing execution of Development Agreements and Special Warranty Deeds for City-owned property participating in the third round of the Single Family New Construction Program **(FLOOD)**. CIP/DID #OB540257
 - a. Premiere Developers, Inc. for property at 1111 3rd Street SW; CIP/DID #OB540257
 - b. Premiere Developers, Inc. for property at 1221 2nd Street SW. CIP/DID #OB540257
21. Resolution accepting the Water System improvements installed in Tech Place 3rd Addition, approving the 2-year Maintenance Bond and authorizing final payment of retainage to Connolly Construction, Inc. in the amount of \$27,162.35. CIP/DID #2012070-01
22. Resolutions accepting projects, approving Performance Bonds and/or authorizing issuance of final payments:
 - a. Veterans Memorial Phase III – Bid Package #3 – Masonry project, final payment in the amount of \$24,670.70 and 2-Year Performance Bond submitted by Seedorff Masonry, Inc. (original contract amount was \$490,650; final contract amount is \$493,414) **(FLOOD)**; CIP/DID #VME001-06
 - b. Vinton Ditch Repairs From Edgewood Road NW to E Avenue NW project and 4-year Performance Bond submitted by Ricklefs Excavating, Ltd. (original contract amount was \$17,185; final contract amount is \$17,185); CIP/DID #304382-01
 - c. Horizontal Collector Well No. 6 Pump House project, final retainage payment in the amount of \$105,932.34 and 2-Year Performance Bond submitted by Rice Lake Construction Group (original contract amount was \$2,124,400; final contract amount is \$2,118,646.75). CIP/DID #625863-03
23. Resolution adopting and levying final schedule of assessments and providing for the payment thereof for the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements project. CIP/DID #301597-00

24. Resolution accepting work and fixing amount to be assessed for the FY 2010 Sidewalk and Ramp Repair Program – Contract No. 2 project. CIP/DID #3017010-00
25. Resolution accepting work and fixing amount to be assessed for the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 1 project. CIP/DID #3017011-00
26. Resolution accepting work and fixing amount to be assessed for the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 2 project. CIP/DID #3017011-00
27. Resolution authorizing sponsorship of a Business Financial Assistance Application to the State by CRST International, Inc. for the construction of a World Headquarters at the former 1st Street Parkade (property bounded by 1st Street SE between 2nd and 3rd Avenues SE). CIP/DID #OB838345
28. Resolutions approving actions regarding Purchases/Contracts/Agreements:
 - a. Amendment No. 2 to add the City Services Center to the Agreement for Lawn Care & Landscape Maintenance for the Facilities Maintenance Division with Quality Care for a total additional annual amount not to exceed \$3,350 (original contract amount was \$7,895; revised contract amount is \$29,045); CIP/DID #0213-190
 - b. Amendment No. 4 to renew the contract for City-wide purchase of office supplies with OfficeMax, Inc. for an annual amount not to exceed \$200,000 (original contract amount was \$226,000; renewal contract amount is \$200,000); CIP/DID #0910-051
 - c. Amendment No. 20 to the Contract Agreement with the Iowa Economic Development Authority (IEDA) reducing the grant award by an amount of \$19,318,068 for the voluntary property acquisition and demolition project funded under the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program (original contract amount was \$95,474,137; total contract amount with this amendment is \$126,441,122) **(FLOOD)**; CIP/DID #3302500001-2
 - d. Amendment No. 2 to renew Contract for Roofing Services with Cedar Service Company for Facilities Maintenance Services for an estimated annual amount of \$70,000 (original contract amount was \$70,000; renewal contract amount is \$70,000); CIP/DID #0310-198
 - e. Amendment No. 1 to the Agreement for Real Estate Acquisition Legal Services in the amount of \$5,980 with Simmons, Perrine, Moyer & Bergman, PLC to close the Agreement for the FEMA Hazard Mitigation Grant Program **(FLOOD)**; CIP/DID #0109-220
 - f. Amendment No. 1 to the Agreement for Real Estate Acquisition Legal Services in the amount of \$5,997 with Ackley, Kopecky & Kingery, LLP to close the Agreement for the FEMA Hazard Mitigation Grant Program **(FLOOD)**; CIP/DID #0109-220
 - g. Amendment No. 2 to the Professional Services Agreement with Shoemaker & Haaland Professional Engineers specifying an increased amount not to exceed \$67,970 for design services in connection with the NE & NW Quadrants, Flood Area Sanitary Sewer Repairs, Phase II project (original contract amount was \$618,807; total contract amount with this amendment is \$705,573) **(FLOOD)**; CIP/DID #SSD102-03
 - h. Change Order No. 10 in the amount of \$733 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 \$1,688,055); CIP/DID #301696-01

- i. Change Order No. 3 (Final) in the amount of \$6,520 with TS Sports for the Cedar Rapids Convention Complex Video Technology bid package project (original contract amount was \$2,305,818.78; total contract amount with this amendment is \$2,323,600.49); CIP/DID #535100-06
- j. Change Order No. 9 in the amount of \$36,224.13, plus an additional 2 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 \$5,539,265.38); CIP/DID #655080-03
- k. Change Order No. 7 (Final Revised) deducting the amount of \$68,911.18 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 \$959,623.45); CIP/DID #2011025-03
- l. Change Order No. 6 (Revised) in the amount of \$10,746.14 with Rathje Construction Co. for the Willowbrook-Georgia Water & Sewer Improvements project (original contract amount was \$567,244.60; total contract amount with this amendment is \$604,598.10); CIP/DID #2012027-02
- m. Change Order No. 4 in the amount of \$18,989.01 with Eggleston Concrete Contractors, Inc. for the FY 2013 Sidewalk and Ramp Repair Program – Contract No. 1 project (original contract amount was \$136,450; total contract amount with this amendment is \$178,228.85); CIP/DID #3017013-01
- n. Change Order No. 5 in the amount of \$15,281 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 \$3,927,074) (**FLOOD**); CIP/DID #PDE001-20
- o. Change Order No. 8 in the amount of \$14,994 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 \$4,606,256) (**FLOOD**); CIP/DID #PWE006-23
- p. Change Order No. 7 in the amount of \$9,317 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 \$4,280,016) (**FLOOD**); CIP/DID #PWE006-24
- q. Change Order No. 4 in the amount of \$6,903.40, plus an additional 2 working days, 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 \$791,027.71) (**FLOOD**); CIP/DID #SSD103-10
- r. Change Order No. 5 in the amount of \$54,637 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 \$9,311,789) (**FLOOD**); CIP/DID #TRE001-20
- s. Change Order No. 1 in the amount of \$54,215 with Day Mechanical Systems for the WPC Administration Building HVAC Upgrades project (original contract amount was \$1,744,000; total contract amount with this amendment is \$1,798,215); CIP/DID #615030-05
- t. Change Order No. 1 in the amount of \$5,115.25 with Pirc-Tobin Construction, Inc. for the Hoover Trail Park project (original contract amount is \$62,998; total contract amount with this amendment is \$68,113.25); CIP/DID #307222-01

- u. Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. for an amount not to exceed \$420,445 for design services in connection with the 1st Avenue E from 27th Street to 40th Street Pavement Rehabilitation, Infrastructure, and Trail Improvements Final Design Services project (**Paving for Progress**); CIP/DID #301240-05
- v. Purchase Agreement in the amount of \$150 and accepting a Warranty Deed for right-of-way and a Temporary Construction Easement from Thaddeus L. King from land located at 1719 Oakland Road NE in connection with the 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements project; CIP/DID #306204-00
- w. Purchase Agreement in the amount of \$637 and accepting a Warranty Deed for right-of-way and a Temporary Grading Easement for Construction from Mary K. Ralston from land located at 1150 29th Street NE in connection with the 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements project; CIP/DID #306204-00
- x. Awarding and approving contract in the amount of \$615,366.25 plus incentive up to \$8,600, bond and insurance of Pirc-Tobin Construction, Inc. for the Park Avenue SE from 17th Street to 18th Street and 18th Street SE from Park Avenue to Half Block South – Sanitary Sewer, Storm Sewer, Water Main, Street, and Sidewalk Improvements project (estimated cost is \$740,000); CIP/DID #655996-07
- y. Purchase Order in the amount of \$37,491 to Hartzell Fan Inc. for the purchase of two Hartzell Axial Fans at the Water Pollution Control Facility (**sole source**); CIP/DID #OB1187371
- z. Warranty Deed from KG Store 514, L.L.C., an Iowa Limited Liability Company for the consideration of \$1 and other valuable consideration for right-of-way and accepting an Agreement for Private Storm Water Quality for land at 1420 Mt. Vernon Road SE in association with construction of the new Kum & Go Store; CIP/DID #ASDP-000536-2012
- aa. Interlocal Byrne Justice Assistance Grant (JAG) Program Award Agreement between the City of Cedar Rapids and Linn County; CIP/DID #OB747368
- bb. Purchase of National Flood Insurance Program coverage through Selective Insurance Company of America for an amount not to exceed \$96,399; CIP/DID #OB1187652
- cc. Agreement Regarding Assignment of Contract from EPCO Carbon Dioxide Products, Inc. to Air Products and Chemicals, Inc.; CIP/DID #1112-118
- dd. Fleet Services purchase and delivery of four cab and chassis with bodies from Junge Center Point in the amount of \$207,413; CIP/DID #0414-174
- ee. Contract for boilers and controls installation project at the Water Administration Building with B.G. Brecke, Inc. for Facilities Maintenance for an amount not to exceed \$62,346; CIP/DID #0314-167
- ff. Contract for Heavy Duty Rotary Lift and Jack with Seneca Companies for Fleet Services for an amount not to exceed \$93,241.46; CIP/DID #0314-158
- gg. Fund Agreement for the establishment of the Greene Square Revival Project Fund with the Greater Cedar Rapids Community Foundation; CIP/DID #OB1187639
- hh. 28E Agreement with Linn County involving maintenance of trees in the County right-of-way on Mt. Vernon Road along the Sac & Fox Trail; CIP/DID #OB1187643
- ii. Two year Hewlett-Packard Hardware/Software Maintenance Onsite Support Agreement to support enterprise server hardware warranty needs with Hewlett-Packard Company for an amount not to exceed \$60,000; CIP/DID #OB1187174
- jj. Housing Enterprise Zone Program Agreement with the Iowa Economic Development Authority for Green Development Sokol LLC for the construction of four units at 417 3rd Street SE; CIP/DID #OB1098267
- kk. Grant application for \$138,000 to the U.S. Department of Housing and Urban Development for two Housing and Family Self-Sufficiency (FSS) Program Coordinators; CIP/DID #OB375326

- ll. Special Warranty Deed for conveyance of City-owned property with Acme Electric Company for property at 1008 2nd Street SE acquired through the Voluntary Property Acquisition Program (**FLOOD**); CIP/DID #OB811372
- mm. Special Warranty Deed for conveyance of City-owned property with Acme Electric Company for property at 1012 2nd Street SE acquired through the Voluntary Property Acquisition Program (**FLOOD**); CIP/DID #OB811372
- nn. Assignment and Assumption of Development Agreement from Jim Sattler, Inc. to Premiere Developers, Inc. for property at 410 4th Avenue SW participating in the third round of the Single Family New Construction Program (**FLOOD**); CIP/DID #OB540257
- oo. Development Agreement with Noleshawk Investments, LLC for the disposition and redevelopment of City-owned property at 821 and 825 Shaver Road NE acquired through the Voluntary Property Acquisition program (**FLOOD**); CIP/DID #OB983050
- pp. Annual Action Plan for the Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program for the program year July 1, 2014 – June 30, 2015; CIP/DID #OB660905
- qq. Professional Services Agreement with Terracon Consultants, Inc. for Phase 1 – J Avenue Water Treatment Plant Improvements Construction Phase Special Inspection project for an amount not to exceed \$59,000; CIP/DID #6250026-03
- rr. Awarding and approving contract in the amount of \$229,000, bond and insurance of Tricon General Construction for the NW Water Treatment Plant Chlorine System Improvements project (estimated cost is \$150,000); CIP/DID #625900-01
- ss. Utilities Department – Water Division purchase of two Allen-Bradley variable frequency drives from Van Meter, Inc. for an amount not to exceed \$39,110.80 (**sole source**); CIP/DID #OB1187163
- tt. Accepting a Sidewalk Easement from Casey's Marketing Company for the consideration of \$1 and other good and valuable consideration for dedication of a sidewalk easement located on the south side of 8th Avenue SE from 2nd Street to 3rd Street SE; CIP/DID #ASDP-006465-2013
- uu. SA Roosevelt Limited Partnership to complete repairs and remediation on the east face of the Roosevelt Building for an amount not to exceed \$58,725. CIP/DID #535100-00

REGULAR AGENDA

- 29. Report on bids for the 2008 Flood Area Sanitary Sewer Restoration, SW Quadrant, Phase 2, Part 3 project (estimated cost is \$1,720,000) (**FLOOD**) (Dave Wallace). CIP/DID #SSD103-12
- 30. Report on bids for the Oakland Road NE from E Avenue NE to H Avenue NE Pavement Rehabilitation project (estimated cost is \$635,000). (Doug Wilson)
 - a. Resolution awarding and approving contract in the amount of \$632,100 plus incentive up to \$13,600, bond and insurance of Pirc-Tobin Construction, Inc. for the Oakland Road NE from E Avenue NE to H Avenue NE Pavement Rehabilitation project (**Paving for Progress**). CIP/DID #301374-02

31. Report on bids for the Water Division Bowling Street Booster Station Pump Upgrade project (estimated cost is \$150,000) (Steve Hershner).
 - a. Resolution awarding and approving contract in the amount of \$156,659, bond and insurance of B.G. Brecke, Inc. for the Water Division Bowling Street Booster Station Pump Upgrade project. CIP/DID #625876-01
32. Report on bids for General Obligation Bonds, Series 2014A; Taxable General Obligation Urban Renewal Bonds, Series 2014B; Sewer Revenue Bonds, Series 2014C; and Water Revenue Bonds, Series 2014D (Michele Tamerius and Jon Burmeister, PFM).
 - a. Resolution directing the sale of Not to Exceed \$4,280,000 General Obligation Bonds, Series 2014A; CIP/DID #OB838449
 - b. Resolution directing the sale of Not to Exceed \$10,640,000 Taxable General Obligation Urban Renewal Bonds, Series 2014B; CIP/DID #OB838449
 - c. Resolution directing the sale of Not to Exceed \$11,570,000 Sewer Revenue Bonds, Series 2014C; CIP/DID #OB838449
 - d. Resolution directing the sale of \$4,570,000 Water Revenue Bonds, Series 2014D. CIP/DID #OB838449
33. Discussion and Resolution authorizing negotiation of a Development Agreement with TAT Investments, LLC for the disposition and redevelopment of City-owned property at 200, 210 and 212 3rd Avenue SW acquired through the Voluntary Property Acquisition Program (**FLOOD**) (Caleb Mason). CIP/DID #OB1058251

ORDINANCES

(Second and possible Third Readings)

34. Ordinance vacating public ways and grounds in and to the property described as a 10-foot-wide strip of excess alley right-of-way located between 8th Street and 9th Street NW and adjacent to 210 8th Street NW as requested by Kevin and Gail Kennedy. CIP/DID #41-14-015
 - a. Resolution authorizing the disposition of the property described as a 10-foot wide strip of excess alley right-of-way located between 8th Street and 9th Street NW and adjacent to 210 8th Street NW as requested by Kevin and Gail Kennedy. CIP/DID #41-14-015
35. Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to modify standards for accessory structures, urban agriculture, on-site navigational signage, gymnasiums in industrial areas and to correct other errors and omissions in the Zoning Ordinance. CIP/DID #OB72241
36. Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to clarify the roles and responsibilities of the Development Services Department for the land development review and approval process. CIP/DID #OB72241
37. Ordinance granting a change of zone for property at 1410 Tower Lane NE from O-S, Office/Service Zone District to RMF-1, Multiple Family Residence Zone District as requested by Capital Commercial Division, LLC. CIP/DID #RZNE-005870-2013

38. Ordinance granting a change of zone for property at 5015 Center Point Road NE, 2025 Sylvia Avenue NE and 5020 Louisa Street NE from O-S, Office/Service Zone District and R-3, Single Family Residence Zone District to C-3, Regional Commercial Zone District as requested by D & S Building Co., Inc. CIP/DID #RZNE-008136-2014
39. Ordinance granting a change of zone for property at 1508 6th Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc. CIP/DID #RZNE-008228-2014
40. Ordinance granting a change of zone for property at 1542 Bever Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc. CIP/DID #RZNE-008229-2014
41. Ordinance granting a change of zone for property at 1707 Washington Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc. CIP/DID #RZNE-008230-2014
42. Ordinance granting a change of zone for property at 4420 Bowling Street SW from I-2, General Industrial Zone District to R-3/RMH-O, Single Family Residence Zone District/Residential Manufactured/Mobile Home Park Overlay District and I-1, Light Industrial Zone District as requested by Prairie Oaks Homes, LLC. CIP/DID #RZNE-008252-2014
43. Ordinance granting a change of zone for property north of Blairs Ferry Road and west of Michael Drive and Sanden Road NE from A, Agriculture Zone District to R-1, Single Family Residence Zone District as requested by Wexford, Inc., Galilee Baptist Church of Cedar Rapids, Salem United Methodist Church of Cedar Rapids and La Vonne E. Hudson. CIP/DID #RZNE-008263-2014

(First Reading)

44. Ordinance amending Chapter 72 of the Municipal Code, Storm Water Management Ordinance, increasing tier rates by 2.5%, creating an additional non-residential tier for lots sized greater than seven acres with a daily flat rate charge of \$5.1552 per day, and providing additional clarification on definitions. CIP/DID #43-10-007

PUBLIC INPUT

This is an opportunity for the public to address the City Council on any subject pertaining to City Council business.

CITY MANAGER COMMUNICATIONS AND DISCUSSION

COUNCIL COMMUNICATIONS AND DISCUSSION

***Note: During this portion of the meeting Council Members may bring forward communications, concerns and reports on various matters and may discuss the items specifically listed:**

1. Mayor Corbett:
2. Council member Gulick:
3. Council member Olson:
4. Council member Poe:
5. Council member Russell:
6. Council member Shey:
7. Council member Shields:
8. Council member Vernon:
9. Council member Weinacht:

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**Weekly agendas for the Regular City Council Meeting, as well as Council meeting minutes, can be viewed at the following web site: www.cedar-rapids.org*



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development and Planning

Presenter at meeting: Jennifer Pratt

Phone Number/Ext: 319 286-5047

Email: j.pratt@cedar-rapids.org

Alternate Contact Person: Kirsty Sanchez

Phone Number/Ext: 319 286-5428

Email: k.sanchez@cedar-rapids.org

Description of Agenda Item: Consent Public Hearing Regular Agenda

A public hearing will be held to consider a request by 1612 Development for an Urban Revitalization Area designation for the renovation and expansion of an existing building at 1612 C Street SW.

- a. Resolution authorizing an Urban Revitalization Area designation for renovation and expansion of an existing building at 1612 C Street SW; CID/DID #OB1115298
- b. First Reading: Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the 1612 Development Urban Revitalization Area designation at 1612 C Street SW. CID/DID #OB1115298

Background:

A request has been submitted by Bob Schaffer, on behalf of 1612 Development, for an Urban Revitalization Property Tax Exemption designation for the proposed renovation and expansion of the commercial space only located at 1612 C Street SW. The proposed project would commence by June 30, 2014.

Project Details:

- Building – 3,300 square feet of commercial space
- Project cost – Approximately \$350,000
- Estimated assessed value – \$245,000

Benefits to the Community:

- Infill redevelopment that utilizes existing infrastructure and services
- Reinvestment within an established historic neighborhood
- Project is part of a larger mixed-use building that includes new market-rate housing options in the core of the community with access to local and regional trails

The partial tax exemption would be a ten-year, declining scale exemption, averaging 44% per year, applied only to the increased property valuation generated by the new additions. Based on the scope of the proposed addition, the increased assessed value for the facility is estimated at \$245,000. This would generate an additional \$8,300 in property tax revenue annually. Over a ten-year period, this would be an additional \$46,648 collected in tax revenues and \$36,652 deferred as tax exempt.

Action / Recommendation:

City staff recommends holding the public hearing and approval of a Resolution and possible First Reading.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity:

N/A

Resolution Date: N/A

Estimated Presentation Time: 5 minutes

Budget Information (if applicable):

Based on a projected increased taxable value of \$245,000 generated by the renovation and expansion, the estimated total over the ten-year period is an additional \$46,648 collected in tax revenues and \$36,652 deferred as tax exempt.

Local Preference Policy Applies Exempt N/A

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION AUTHORIZING APPROVAL OF THE
1612 DEVELOPMENT LLC URBAN REVITALIZATION PLAN

WHEREAS, the proposed Urban Revitalization Plan for the renovation and expansion of 1612 C Street SW, provides infill redevelopment, reinvestment within an established historic neighborhood, and is part of a larger mixed-use building that includes market-rate housing as provided under State Law; and

WHEREAS, on May 13, 2014 the City Council held the required Public Hearing in connection with the said proposed Project; and

WHEREAS, the City Council hereby finds that said proposed Project and Plan satisfy eligibility qualifications in accordance with criteria of Chapter 404 of the Code of Iowa;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cedar Rapids, Iowa that said Plan for the 1612 Development LLC Urban Revitalization Area, as attached hereto as Exhibit A, and by reference herewith is made a part of this Resolution, is hereby approved and adopted.

Passed this 13th day of May, 2014.

1612 DEVELOPMENT LLC Urban Revitalization Plan

Public Hearing: May 13, 2014

The purpose of the formation of the Urban Revitalization Tax Exemption Area and Plan is to encourage the redevelopment of property at 1612 C Street SW. As allowed by the authority of the State of Code of Iowa, Chapter 404, the incentive for economic development through business expansion is provided by exempting a portion or all of property tax valuation added through qualified improvements for specified periods of time.

2.0 DESCRIPTION OF THE URBAN REVITALIZATION AREA

The area to be designated within the Urban Revitalization Tax Exemption Area (see Attachment 1 – Location Map) is approximately 0.22 acres in size and includes:

1612 C Street SW
NW-ly ½ of Lot 6, Block 17, L.S. May's Add. To West Cedar Rapids, Linn County, Iowa.

Said parcel is subject to easements and restrictions of record.

3.0 OWNERSHIP AND ASSESSED VALUATION

The Urban Revitalization Area, as specified in the legal description above, is comprised of a single parcel which is currently developed and owned by 1612 Development LLC. The 2014 assessed valuation for the commercial space is \$41,805.

4.0 PROGRAM ACTIVITY

4.1 Land Use and Zoning

The proposed renovation and expansion of the building is consistent with the current C-3 Regional Commercial zoning and the Future Land Use Map in the City's Comprehensive Plan that designates the project area as COMMERCIAL.

4.2 City Services

Adequate City services are available for connection at the project site for the proposed operation.

4.3 Applicable Property

This Plan, and the tax exemption allowed herein, is applicable to the renovation and expansion of the commercial space only, estimated at 3,300 square feet. Additional development within the property described in Section 2.0 of this Plan may be eligible for the tax exemption allowed herein, based upon the review and approval of the City of Cedar Rapids City Council. A written request by the developer must be reviewed to ensure consistency with the City Council goals of creating/retaining high quality jobs, significant increase in property valuation, and community benefits such as infill, connectivity, and mixed use development.

5.0 DURATION OF THE URBAN REVITALIZATION PLAN

The Urban Revitalization Project shall remain so designated for a period of no less than one year from the date of this first approval by the City Council of the City of Cedar Rapids, Iowa. When, in the opinion of the City Council, the desired level of revitalization has been attained or

economic conditions are such that the continuation of the exemption granted by the Urban Revitalization Act would cease to be of benefit to the City, the City Council may repeal the Ordinance establishing the Revitalization Area. In such an event, all existing tax exemptions shall continue until their expiration pursuant to the Urban Revitalization Act.

6.0 PROCEDURES FOR CHANGES IN THE APPROVED PLAN

Adjustments or modifications of this approved Plan, resulting from experience during project execution, are authorized in the administration of this project, provided that the intent of this approved Plan is not changed. Specifically, these changes may include:

- revisions to the Urban Revitalization Area boundary;
- eligible projects;
- tax exemption schedules;
- relocation payments, if other than that required under the Urban Revitalization Act, Chapter 404 of the Code of Iowa.

7.0 REVENUE BONDS

The City of Cedar Rapids, Iowa, may issue revenue bonds as provided under the Urban Revitalization Act for improvement projects within the Revitalization Area. Revenue bonds may be issued for all or any part, of any interest in land, buildings, or improvements which are suitable for the use of a commercial enterprise or non-profit organization which the City Council finds is consistent with the approved Urban Revitalization Plan.

8.0 TAX EXEMPTION PROGRAM

8.1 Procedures

A property owner may submit a proposal for a revitalization improvement project to the City Council in order to receive prior approval for eligibility for tax exemption under this project. The City Council may, by Resolution, give its prior approval for an improvement project if the project is in conformance with the Revitalization Plan. This prior approval does not entitle the property owner to exemption from taxation until the improvements have been completed and found to be qualified real estate. If the proposal is not approved, the property owner may submit an amended proposal for City Council consideration.

An application must be filed for each new exemption claimed. In order to qualify for a tax exemption under this Plan, an Application for Revitalization Tax Exemption (the "Application") must be filed with the City Clerk between January 1 and February 1 in the year after the improvements requested for exemption have been completed. The Application is then reviewed by appropriate City departments and a determination made that the improvements located in and are in conformance with this Plan, and that the improvements made increased the actual assessed valuation of the property by at least the minimum percentage required under the Urban Revitalization Act, and the improvements were made during the time the area was designated as a Revitalization Area. If approved, the City Assessor shall continue to grant the tax exemption for the time period specified in the tax exemption schedule elected by the property owner.

8.2 Tax Exemption Schedules

8.2.1 Schedule 1 - Residential Exemption:

All qualified real estate assessed as residential property is eligible to receive an exemption from taxation based on the actual value added by the improvements, determined as follows: One hundred fifteen percent of the value added by the improvements. However, the amount of the actual value added by the improvements which shall be used to compute the exemption shall not exceed twenty thousand dollars and the granting of the exemption shall not result in the actual value of the qualified real estate being reduced below the actual value on which the homestead credit is computed under § 425.1.

8.2.2 Schedule 2 - Ten Year Declining Exemption:

All qualified real estate is eligible to receive a portion exemption from taxation on the actual value added by the improvements for a 10-year period. The amount of the partial exemption is equal to a percentage of the property taxes generated by the actual value added by those improvements as follows:

<u>Year</u>	<u>Percentage of Exemption</u>
1	80%
2	70%
3	60%
4	50%
5	40%
6	40%
7	30%
8	30%
9	20%
10	20%

8.2.3 Schedule 3 - Three Year Exemptions:

All qualified real estate is eligible to receive a one hundred percent (100%) exemption from taxation on the actual value added by qualified improvements for three years.

8.2.4 Schedule 4 - 10-Year Qualified Residential Exemption:

All qualified real estate assessed as residential property or assessed as commercial property, if the commercial property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes, is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years.

8.2.5 Election of Schedule:

The property owner of qualified real estate eligible for an exemption shall elect to use one of the schedules identified above. Once the election of schedule has been made and the exemption granted, the property owner is not permitted to change the exemption schedule.

8.3 Definitions

- (a) "Qualified Business or Other Non-Residential Tenant" shall mean the legal occupant of a building or part thereof and conducting a

business or non-residential operation which is located within the designated Revitalization Area and who has occupied the same premises continuously since one year prior to the adoption of this Plan.

- (b) “Qualified Real Estate” shall mean real property, other than land, which is located in this Revitalization Area and to which improvements have been added during the time of the area was so designated, which have increased the actual value by at least fifteen percent (15%) or at least ten percent (10%), in the case of land upon which is located more than one building (and not assessed as residential property) increased the actual value of the buildings to which the improvements have been made.

“Qualified Real Estate” also means land upon which no structure existed at the start of new construction, which is located in this Revitalization Area and upon which new construction has been added during the time the area was designated as a Revitalization Area.

- (c) “Improvements” includes rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures.

9.0 RELOCATION

The proposed construction activity is to occur on developed property; relocation is not anticipated.



ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 17A OF THE MUNICIPAL CODE, REVITALIZATION AREAS OF THE CITY OF CEDAR RAPIDS, IOWA, BY ADDING CERTAIN SUBSECTIONS THEREOF TO APPROVE AND ADD A NEWLY DESIGNATED REVITALIZATION AREA

Section 1. That Subsection 17A.06 of the Municipal Code, City of Cedar Rapids, Iowa is hereby amended by the deletion of Division 82 and the addition of a new Division 83 as follows:

“Division 83. 1612 Development LLC.” May 13, 2014 Resolution No. ____-05-14

Section 2. That Subsection 17A.06 of the Municipal Code, City of Cedar Rapids, Iowa is hereby amended by the addition of a new Division 84 as follows:

“Division 84. (Reserved)”

Section 3. Separability of Provisions. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of the Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof than that affected by such decision.

Section 4. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 5. That the afore described Amended Subsection of Chapter 17A shall be included as part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 6. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 13th day of May, 2014.



Council Agenda Item Cover Sheet Public Hearing and Resolution

Submitting Department: Public Works Department

Presenter at meeting: Rita Rasmussen
E-mail Address: r.rasmussen@cedar-rapids.org

Phone Number/Extension: 5807

Alternate Contact Person: Carol Morgan
E-mail Address: c.morgan@cedar-rapids.org

Phone Number/Extension: 5092

Description of Agenda Item: Consent Agenda Regular Agenda Map

To consider the vacation of a portion of a frontage road easement located at 2630 Williams Boulevard SW as requested by Seafood Property No. 4, LLC.

Resolution vacating a portion of a frontage road easement located at 2630 Williams Boulevard SW as requested by Seafood Property No. 4, LLC. CIP/DID #41-14-018

Background:

Seafood Property No. 4, LLC has requested that a portion of the frontage road easement at this location be vacated, as it is no longer necessary for the adjacent property owners at 2701 12th Avenue SW and 2640 16th Avenue SW to access their properties through this easement. Written approval has been received from the adjacent owners, and this vacation will allow Seafood Property No. 4 to fully utilize their parcel without the encumbrance of the non-purposeful portion of the road easement.

Action / Recommendation:

The Public Works Department recommends approving the vacation of said frontage road easement.

Alternative to the Recommendation:

Continue to encumber the parcel with this easement and limit full utilization.

Time Sensitivity: Normal

Resolution Date: Proposed timeline as follows:

May 13, 2014 – Public Hearing

May 13, 2014 – If no objections, recommend passing the resolution on same date as public hearing.

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: This does not fit the criteria outlined in the policy and therefore, does not apply.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

ENG
AUD FILE
ASR
RCR
CLK
FIN
TRS
TED
BSD
STR
CD
SEAFOOD PROP
41-14-018

RESOLUTION NO.

WHEREAS, a notice was duly given and a public hearing held as required by law, and

WHEREAS, the City of Cedar Rapids does possess a frontage road easement on the following described property:

2630 Williams Boulevard SW
(A part of Lot 2, Cooper and Crissman's 2nd Addition to Cedar Rapids, Iowa)

, and

WHEREAS, Seafood Property No. 4, LLC, 6001 Montrose Road, Ste. 600, Rockville, MD, 20852, has requested the City of Cedar Rapids vacate the public's interest in and to a portion of said easement, and

WHEREAS, the Cedar Rapids Public Works Department recommends a portion of the frontage road easement be vacated as it is no longer required,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

The Council determines the frontage road easement located on a part of Lot 2, Cooper and Crissman's 2nd Addition to Cedar Rapids, Iowa as shown on "Exhibit A" attached hereto and made a part thereof no longer serves the public interest and said public interest and use held by the City of Cedar Rapids in and to the property herein described is hereby vacated.

1. The Council determines the fair consideration required for the aforescribed vacation to be recording and publication fees, plus a standard \$100 closing fee, payable to the City Treasurer.
2. The release of the aforementioned easement hereby being vacated by the City of Cedar Rapids is subject to the following terms and conditions which shall be agreed to and accepted in writing by the grantee and be binding upon the grantee, successors and assigns as follows:
 - a. Seafood Property No. 4, LLC shall save the City of Cedar Rapids harmless from damage or injury or loss of access or diminishing of the value of improved property, under Section 364.15 of the Iowa Code as the result of the vacation of said Frontage Road Easement hereinbefore described to said property owner.

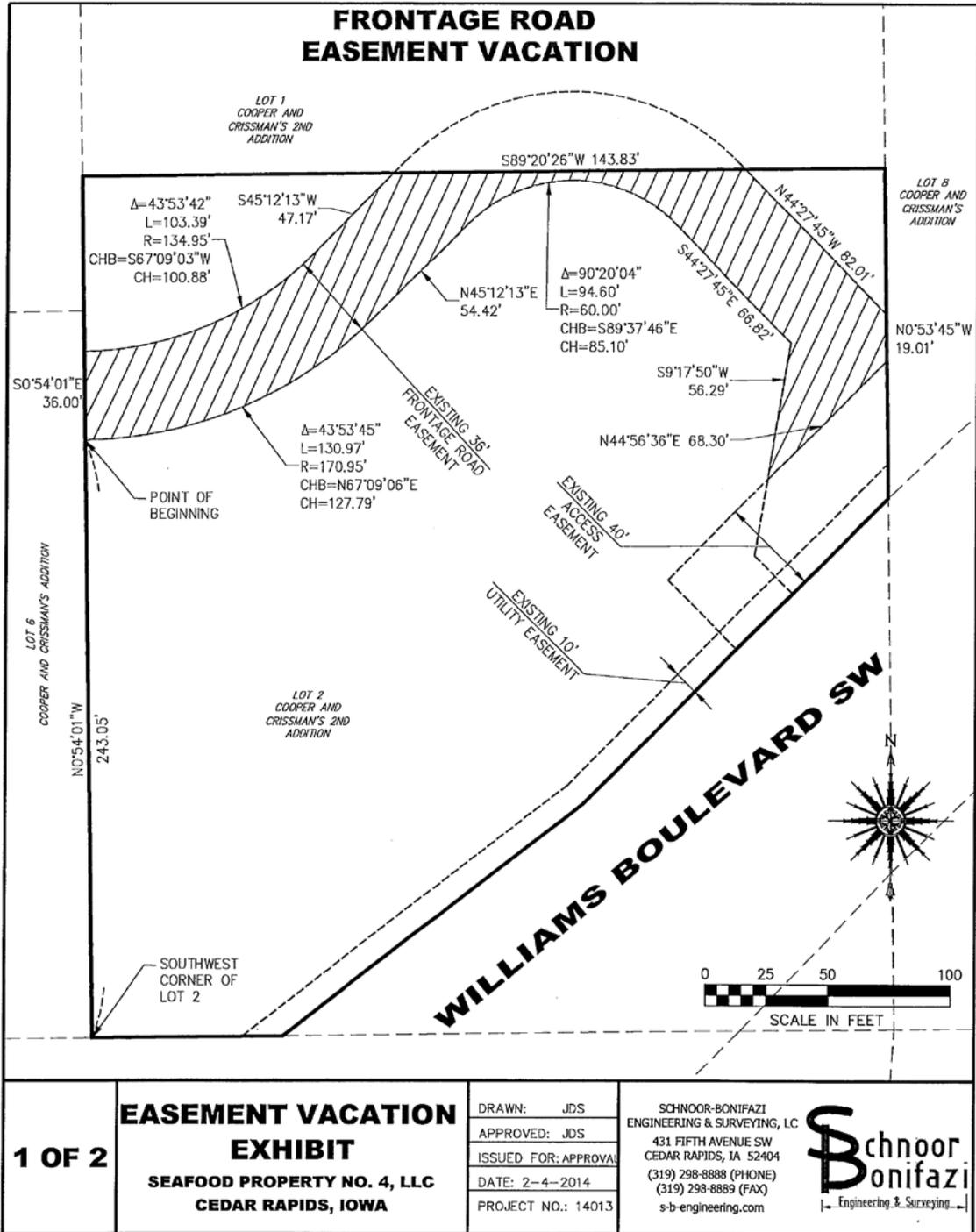
3. The grantee, Seafood Property No. 4, LLC, shall pay the City Clerk all publication and recording fees associated with this easement vacation.

, and

BE IT FURTHER RESOLVED, that this resolution shall be recorded in the Office of the Linn County Recorder and thereafter filed with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.

EXHIBIT A



**FRONTAGE ROAD
EASEMENT VACATION
LEGAL DESCRIPTION**

That part of Lot 2, Cooper and Crissman's 2nd Addition to Cedar Rapids, Iowa, described as follows:

Commencing at the Southwest corner of said Lot 2;

thence North 0° 54' 01" West 243.05 feet along the West line of said Lot 2 to the point of beginning and the beginning of a 170.95 foot radius curve concave Northwesterly;

thence Northeasterly through a central angle of 43° 53' 45" an arc distance of 130.97 feet (chord bearing North 67° 09' 06" East 127.79 feet);

thence North 45° 12' 13" East 54.42 feet to the beginning of a 60.00 foot radius curve concave Southwesterly;

thence Southeasterly through a central angle of 90° 20' 04" an arc distance of 94.60 feet (chord bearing South 89° 37' 46" East 85.10 feet);

thence South 44° 27' 45" East 66.82 feet;

thence South 9° 17' 50" West 56.29 feet;

thence North 44° 56' 36" East 68.30 feet to a point on the East line of said Lot 2;

thence North 0° 53' 45" West 19.01 feet along said East line;

thence North 44° 27' 45" West 82.01 feet to the North line of said Lot 2;

thence South 89° 20' 26" West 143.83 feet along said North line;

thence South 45° 12' 13" West 47.17 feet to the beginning of a 134.95 foot radius curve concave Northwesterly;

thence Southwesterly through a central angle of 43° 53' 42" an arc distance of 103.39 feet (chord bearing South 67° 09' 03" West 100.88 feet) to the West line of said Lot 2;

thence South 0° 54' 01" East 36.00 feet along said West line to the point of beginning, containing 11,647 square feet (0.27 acres).

For the purpose of this description, the West line of Lot 2, Cooper and Crissman's 2nd Addition to Cedar Rapids, Iowa is assumed to bear South 0° 54' 01" East.

2 OF 2	EASEMENT VACATION EXHIBIT SEAFOOD PROPERTY NO. 4, LLC CEDAR RAPIDS, IOWA	DRAWN: JDS	
		APPROVED: JDS	
		ISSUED FOR: APPROVAL	
		DATE: 2-4-2014	
		PROJECT NO.: 14013	
		SCHNOOR-BONIFAZI ENGINEERING & SURVEYING, LC 431 FIFTH AVENUE SW CEDAR RAPIDS, IA 52404 (319) 298-8888 (PHONE) (319) 298-8889 (FAX) s-b-engineering.com	



**FRONTAGE ROAD
EASEMENT VACATION**

**2630
Williams
Blvd SW**

WILLIAMS BLVD SW

16TH AVENUE SW

Cadd File Name: W:\PROJECTS\New-CIP\2014\14-114 Right-of-Way Mgmt\018 Williams Blvd SW (2630) Easmt VAC Sealcoed Prep No 4 LLC\041-14-018 Council Map.dwg



**2630 WILLIAMS BOULEVARD SW
FRONTAGE ROAD EASEMENT VACATION**





Council Agenda Cover Sheet

Public Hearing and Resolution

Submitting Department: Public Works Department

Presenter at meeting: Gary Petersen, PE
E-mail Address: g.petersen@cedar-rapids.org

Phone Number/Extension: 5153

Alternate Contact Person: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Description of Agenda Item: Consent Agenda Regular Agenda Map

A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the 1st Avenue East from 34th Street to 40th Street Utilities Rehabilitation project (estimated cost is \$2,275,000).

Resolution adopting plans, specifications, form of contract and estimated cost for the 1st Avenue East from 34th Street to 40th Street Utilities Rehabilitation project. CIP/DID # 301240-04

Background:

Resolution No. 1220-07-13, dated July 23, 2013, authorized final design services for two public utility construction contracts for the 1st Avenue E from 27th Street to 40th Street project. This project is the first of the public utilities construction contracts, and subject to receipt of acceptable bids, will start in the 2014 construction season and be completed in the 2015 construction season. The public utilities construction contracts are required to occur prior to the two roadway improvement construction contracts that will begin in the 2015 construction season.

The existing water and sanitary sewer infrastructure is 60 to 95 years old and has substantial maintenance, water main break history, and operational issues. In addition, the public sanitary sewer that is located under the Town and County Shopping Center is being relocated to 38th Street Drive SE to eliminate this maintenance issue and to improve the sanitary sewer lines on 1st Avenue E that flow to this sanitary sewer line.

Action / Recommendation:

The Public Works Department recommends approval of the resolution to adopt plans, specifications, form of contract and estimated cost for the project.

Alternative to the Recommendation: Repackage bid documents to provide different improvements as directed by Council.

Time Sensitivity: Must be acted upon May 13, 2014 to maintain the project schedule, and which must occur ahead of the project's May 21, 2014 bid opening.

Resolution Date: May 13, 2014

Estimated Presentation Time: 3 Minute(s)

Budget Information (if applicable):

CIP No. 301240 (streets) -	\$117,000
CIP No. 6250024 (water) -	\$1,123,000
CIP No. 655939 (sanitary sewer) -	\$1,299,000
Total Construction Budget	\$2,539,000

Local Preference Policy: Applies Exempt

Explanation: Chapter 26 of the Code of Iowa requires construction of public improvements to be awarded to the lowest responsive, responsible bidder

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, on April 22, 2014 there was filed in the Office of the City Clerk proposed plans, specifications, form of contract and estimated cost for the 1st Avenue East from 34th Street to 40th Street Utilities Rehabilitation project (Contract No. 301240-04) for the City of Cedar Rapids, Iowa, and

WHEREAS, a public hearing was held, and

WHEREAS, no comments or objections to the plans, specifications, form of contract and estimated cost have been heard, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the plans, specifications, form of contract and estimated cost for said improvement be and the same are hereby adopted.

Passed this 13th day of May, 2014.



**1ST AVENUE E FROM 34TH STREET TO 40TH STREET
UTILITIES REHABILITATION PROJECT**





Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Police Department

Presenter at meeting: Captain O'Konek **Phone Number/Ext:** 5525
E-mail Address: s.okonek@cedar-rapids.org

Alternate Contact Person: Deputy Chief Jonker **Phone Number/Ext:** 5338
E-mail Address: t.jonker@cedar-rapids.org

Description of Agenda Item:

Motion setting a public hearing date for May 27, 2014 May 27, 2014 – to consider Ordinance enacting a new Chapter 42A of the Municipal Code, Aggressive Solicitation, pertaining to begging or solicitation of money, by placing certain limitations on the means by which such activity occurs in order to protect public safety; CIP/DID #OB506022

Background:

In February 2013, the Police Department proposed to the Public Safety Committee an ordinance to address a concern of aggressive solicitation. The Public Safety Committee recommended the ordinance be presented to the full City Council. The ordinance has been reviewed by the City Attorney's office. The intent of this ordinance is to restrict the type of aggressive behavior often times present in certain situations or locations. The presence of individuals, who solicit money from persons at or near banks, automated teller machines, or in public transportation vehicles, is contrary to the public interest because of the heightened danger presented by threatening or aggressive conduct in such environments. Similarly, the solicitation of money by approaching motorists in traffic is contrary to the public interest, because it carries with it an implicit threat to the safe use of roadways.

This law is not intended to limit any persons in the exercise of their constitutional right to solicit funds, picket, protest, or engage in other constitutionally protected activity. Rather, its goal is to protect public safety by placing certain limitations on the location of such activity, and the manner in which it occurs, without regard to the content of any speech associated with that activity.

Action / Recommendation:

The Police Department recommends the City Council approve the motion setting a public hearing for May 27, 2014.

Alternative Recommendation: N/A

Time Sensitivity

Resolution Date: May 13, 2014

Estimated Presentation Time:

Recommended by Council Committee

Yes No

N/A

Explanation:

ORDINANCE NO.

AN ORDINANCE ADOPTING CHAPTER 42A OF THE MUNICIPAL CODE, CEDAR RAPIDS, IOWA, AS ENACTED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, PERTAINING TO AGGRESSIVE SOLICITATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, AS FOLLOWS:

Section 1. New Chapter. That the following Chapter 42A entitled Aggressive Solicitation is hereby adopted as part of the Cedar Rapids Municipal Code:

“CHAPTER 42A AGGRESSIVE SOLICITATION”

42A.01	Legislative Findings and Statement of Public Purpose
42A.02	Definitions
42A.03	Prohibited Locations
42A.04	Penalties
42A.05	Construction and Severability

Section 42A.01. Legislative Findings and Statement of Public Purpose.

- (a) The Council finds that aggressive solicitation is disturbing and disruptive to the residents of and businesses in the City of Cedar Rapids, and contributes not only to diminished access to and enjoyment of public places, but also to a sense of fear, intimidation and disorder.
- (b) The Council further finds that the presence of individuals who solicit money from persons at or near banks, automated teller machines, or in public transportation vehicles is contrary to the public interest because of the heightened danger presented by threatening or aggressive conduct in such environments. Similarly, the solicitation of money by approaching motorists in traffic is contrary to the public interest because it carries with it an implicit threat to the safe use of roadways.
- (c) The Council is enacting this Ordinance pursuant to its police power, as stated in the City Charter, and the law of the State of Iowa.
- (d) This law is not intended to limit any persons in the exercise of their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect public safety by placing certain limitations on the location of such activity and the manner in which it occurs without regard to the content of any speech associated with that activity.

Section 42A.02. Definitions.

Terms used in this Chapter have the following meaning:

- (a) **Solicit.** To demand or request an immediate donation or transfer of money or other thing of value from another person, regardless of whether it is requested in exchange for goods and services; and regardless of the solicitor's purpose or intended use of the money or other thing of value. Solicitation may be by any means of communication including, but not limited to spoken, written, or printed word, gesture or other means.
- (b) **Aggressive Manner.** To solicit in an aggressive manner means and includes conduct consisting of any of the following:
- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
 - (2) Following the person being solicited, if that conduct is intended or likely to:
 - (i) cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession;
or
 - (ii) intimidate the person being solicited into responding affirmatively to the solicitation;
 - (3) Continuing to solicit within five (5) feet of the person being solicited after the person being solicited has overtly refused or declined the solicitation, provided that continuing the solicitation is intended or likely to:
 - (i) cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession;
or
 - (ii) intimidate the person being solicited into responding affirmatively to the solicitation;
 - (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited; or acting in a manner which requires the person being solicited, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation.
 - (5) Using obscene or abusive language or gestures if the language is or gestures are intended or likely to:
 - (i) cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession;
or
 - (ii) intimidate the person being solicited into responding affirmatively to the solicitation;
 - (6) Approaching the person being solicited in a manner that is intended or likely to:
 - (i) cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession;
or

- (ii) intimidate the person being solicited into responding affirmatively to the solicitation;
- (c) **Automated Teller Machine (ATM).** A device, linked to a financial institution's account records, which is able to carry out transactions including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
- (d) **Automated Teller Machine Facility (ATM Facility).** The areas comprised of one or more ATMs, and any adjacent space which is made available to banking customers after regular banking hours.
- (e) **Bank.** Any banking institution as defined by the Iowa Code.
- (f) **Check Cashing Business.** Any person or business duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.
- (g) **Public Area.** Any area to which the public has access including, but not limited to alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.
- (h) **Public Transportation Vehicle.** Any vehicle accessible to the general public as part of the City of Cedar Rapids public transit system.
- (i) **Median Strip.** The paved or planted area of public right-of-way dividing a street or highway into lanes according to the direction of travel.
- (j) **Shoulder.** The portion of a public road contiguous to the traveled way for the accommodation of disabled vehicles and emergency use.
- (k) **Controlled Intersection.** Intersections within the City of Cedar Rapids controlled by traffic control signals. For purposes of this Chapter, stop signs shall not constitute traffic control signals.
- (l) **Controlled Access Highway.** All primary highways, including on and off ramps are controlled access facilities.
- (m) **Intersection.** That area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the two roadways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

Section 42A.03. Prohibited Locations.

It shall be unlawful for any person to solicit money or other things of value:

- (a) In an aggressive manner in any public area,
- (b) In any public transportation vehicle, bus terminal or bus stop,
- (c) Within fifty (50) feet of any entrance or exit of any bank or check cashing business or within fifty (50) feet of any automated teller machine during the hours of operation of such bank, ATM, ATM facility or check cashing business without the consent of the

owner or other person legally in possession of such facilities; provided, however, that when an ATM is located within an ATM facility, such distance shall be measured from the entrance or exit of said facility,

- (d) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property,
- (e) At or within a controlled Intersection. No person shall solicit within an intersection controlled by a traffic control signal; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle,
- (f) Any area within one-hundred (100) feet of the outermost line of a controlled intersection
- (g) On a median strip,
- (h) From the shoulder area of the roadway,
- (i) At a controlled access highway.

Section 42A.04. Penalties.

Any person, firm or corporation violating the aforesaid provisions shall be guilty of a misdemeanor, punishable as otherwise provided by the ordinances of the City of Cedar Rapids. Additionally, violation of the aforesaid provisions shall constitute a municipal infraction subject to all the penalties and other relief provisions set forth in Iowa Code Section 364.22 and the ordinances of the City of Cedar Rapids.

Section 42A.05. Construction and Severability.

- (a) This Ordinance is not intended to regulate any demand for payment for services rendered or goods delivered, except insofar as the time, place, and manner of such demand is contrary to the provisions hereof.
- (b) This Ordinance is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Ordinance should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Iowa or the Constitution of the United States of America.

Section 2. That it is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance be, and is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof other than that affected by such decision.

Section 3. That the aforesaid Chapter 42A shall be included as part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa and made a part of said Code as provided by law.

Introduced this ____ day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky
Email: v.zakostelecky@cedar-rapids.org

Phone Number/Ext: 319 286-5043

Alternate Contact Person: Joe Mailander
Email: j.mailander@cedar-rapids.org

Phone Number/Ext: 319 286-5822

Description of Agenda Item: **Consent** **Ordinance** **Regular Agenda**

Motion setting the public hearing for May 27, 2014 to consider a change of zone for property north of Highway 30 and east of Union Drive SW from A, Agriculture Zone District to R-2, Single Family Residence Zone District as requested by College Farms, LLC. CIP/DID #RZNE-008536-2014

Background:

The request for rezoning of this property was reviewed by the City Planning Commission on April 17, 2014 and the Commission recommended approval on a 6 to 1 vote.

The property is in the process of being annexed to the City of Cedar Rapids and is currently undeveloped and approximately 17 acres. The requested rezoning, if approved would allow for development of single-family detached homes, which would be an extension of the housing development being constructed by the applicant to the west. Since this is a request for rezoning for single-family homes, no site plan is required at this time. Detailed site plans will be submitted on a lot by lot basis at the time of application for building permits. The applicant will also be submitting for preliminary plat approval in the near future.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> • City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> • The City Planning Commission reviewed the application on April 17, 2014 and recommended approval a 6 to 1 vote. A portion of the minutes are included as Attachment A. • There were objectors and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> • A Public Hearing and First Reading of the Ordinance were held on May 27, 2014 to allow for public input. • City Council voted unanimously to approve the request on the First Reading. • Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final. • Approval of the rezoning will be subject to the conditions stated in the

attached Ordinance.

Action / Recommendation:

City staff recommends motion setting the public hearing.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

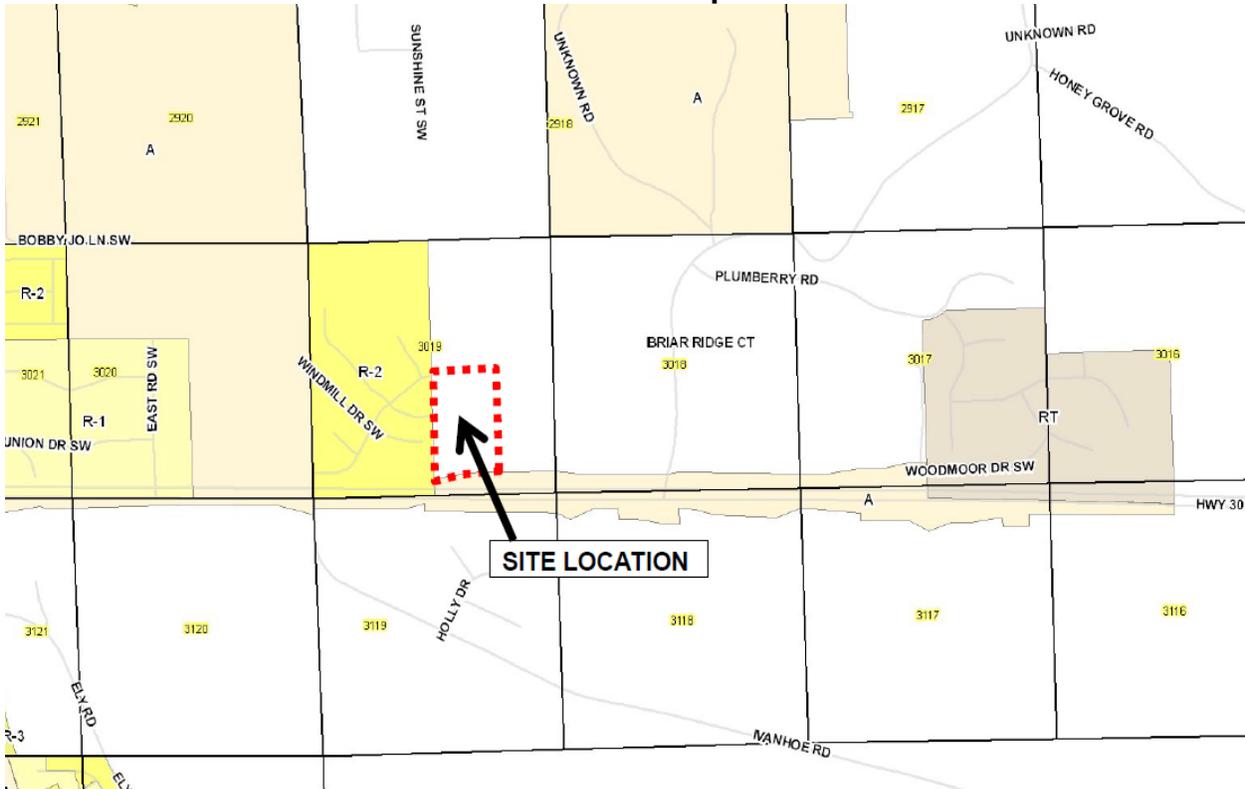
Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Map





**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, April 17, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Member Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostelecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 27, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

1. Case Name: North of Highway 30 and east of Union Drive SW (Rezoning)

Consideration of a Rezoning from A. Agriculture Zone District to R-2, Single Family Residence Zone District as requested by College Farms, LLC (Applicant/Titleholder)
Case No: RZNE-008536-2014; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this is a request to rezone property after its annexation is recorded. This rezoning is on the east side of town. Applicant is proposing to rezone half of the property

(approximately 17 acres). Mr. Zakostecky showed an aerial photo. Mr. Zakostecky also stated that he had received a call from the residents to the west. This area does not have gravity flow sanitary sewer and the developer built a lift station.

Commissioner Overland called for questions of Mr. Zakostecky. No questions were presented.

Commissioner Halverson asked what the points of access were to the property. Is there more than one point of access? Mr. Zakostecky stated that at this point there is only one access which is onto a high-speed divided highway.

Commissioner Overland called for a representative of the applicant.

Allen Witt, 2207 Ridgeway Drive SE stated that he had created a preliminary plat and the area is pretty rugged. Only half the property is being rezoned and the applicant has no desire to rezone the other area. There is only one access road for 36 units on 17 acres, which is an extension of the existing project. There are deceleration lanes, however DOT will not allow for acceleration lanes. There is a pump station that could accommodate 108 units without doing anything special. Maintenance is more operational issues.

Commissioner Overland called for questions of the applicant.

Commissioner Pankey asked how many units were currently using the pump station. Mr. Witt stated 72 approved units with 36 added to this. The City does have a long range plan to add sewer. There's the possibility of adding a holding tank in the future, which would allow more homes to be built and utilize the existing pump station.

Commissioner Dahlby asked if 108 is the limit. Mr. Witt stated that there is a maximum peak and they looked at the flow rates that were happening a peak times and that's the current limit.

Commissioner Overland called for members of the public who wished to speak.

Jeremy Brigham, 5102 Cotton Court SW is a President of the Homeowner Association, John Erceg, 5212 Windmill Court SW; Vice President of the homeowners association, Don Strong, 5221 Windmill Court SW and 4914 Harvest Court SW, Jared Hempstead, 5115 Hatfield Drive SW voiced their concerns:

1. There are 83 homes that are built and occupied currently. Adding 36 will put the number of 108 much larger.
2. They have had to repair the lift station two times since they lived there for 5 years. The peak flow possibility that has never been reached. Hopes the City will hire a Lift Station Engineer to look at all lift stations.
3. Concern of the access to the project and safety regarding the access and a need for a second access before the homes are built.
4. Repair of the lift station has cost the homeowners a lot of money
5. Wait time to access road 2.5 to 5 minutes average between 6:30 and 9am
6. Low water pressure issues

Commissioner Overland asked for the applicant to answer the citizens' concerns.

Mr. Witt stated that the pump stations will handle 108 homes and that is a correct number and that there is an agreement with the City that the pump station will handle 108 homes.

Mr. Witt stated the water pressure is an issue and will work with City staff to improve that. 20 PSI is the minimum water pressure per the fire department and he will have a test done.

Mr. Witt stated that Honey Grove is the second access to Hwy 30. It is $\frac{3}{4}$ mile from the access today. Highway 30 was built with left and right turn lanes at the onset of the project. Unfortunately the Iowa DOT will not allow an acceleration lane.

Compatibility and suitability of the lots was another issue and the developer is willing to stay with the 108.

Commissioner Dahlby asked to see the plat of the access road.

Commissioner Halverson asked that if there was a plat they would see that.

Mr. Zakostecky stated that was correct. He also pointed out that there is a project to bring gravity sewer to this area, but it is unfunded at this point. Engineering states it is in excess of million dollars to do this.

Commissioner Dahlby asked if it was customary to wait until there is a problem or to be proactive.

Mr. Zakostecky stated that developer would have to provide the extension to the sewer to serve the area. City Council decided to annex out Highway 30, which created a dead end water main. As a developer builds houses he may need to build pumps into the house and add that to the cost of the house. Another access will not solve the safety problem.

Mr. Witt stated that the second access will mainly be for fire and emergency vehicle access.

Commissioner Dahlby asked if the development was developed before it was annexed. Mr. Zakostecky stated it was developed after annexation.

Commissioner Pankey asked if the tank would solve the problem above 108 homes. Mr. Witt said that if you add 10 homes the 108 will not be a problem unless you put in 25-30 homes. The tank is a solution but the cost is significant.

Commissioner Dahlby stated 20-30 homes added would be too many to handle the pump station. Mr. Witt stated that the 108 is the maximum.

Commissioner Pankey asked if they could project the development of the second access. Will that be part of the 108 development or beyond?

Mr. Witt stated the second access would be beyond the 108.

Commissioner Halverson, with the pump station does the City have a standard or expectation as to what they will satisfy.

Mr. Mailander stated that this is regulated by the DNR that sets the minimum requirements. If the City comes back to take over the pump stations there would likely be some higher standards but at this point the DNR sets those standards.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Halverson made a motion to approve the rezoning from A, Agriculture Zone District to R-2, Single Family Residence Zone District. Commissioner King seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Dahlby stated she would vote against it, not because the developer hasn't put any thought to this as they have, but because it looks like a case of urban sprawl at this point in time. The lift station issue and access are also a concern.

Commissioner Halverson stated that he voted in support of this because of the use of that area and feels much of the testimony that we have heard today is regarding the plat and we will be reviewing the plat once it is finally submitted.

Commissioner Pankey stated that he supported this also and understood the developer is doing what he can and has addressed the lift station issue and also that the Commission would be reviewing the plat. This is a nice area and has nice homes.

Commissioner Overland called for a vote on the motion. The motion passed with a vote of six (6) to one (1).

The meeting was adjourned at 4:30 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky
Email: v.zakostelecky@cedar-rapids.org

Phone Number/Ext: 319 286-5043

Alternate Contact Person: Joe Mailander
Email: j.mailander@cedar-rapids.org

Phone Number/Ext: 319 286-5822

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Motion setting a public hearing for May 27, 2014 to consider a change of zone for property at 1408 4th Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network. Inc. CIP/DID #RZNE-008539-2014

Background:

The request for rezoning of these properties was reviewed by the City Planning Commission on April 17, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

The property is currently undeveloped and in the Wellington Heights Neighborhood. The applicant wishes to develop the lot with a single-family home, which would provide for in-fill in an area that has seen increased interest in rehabbing of existing residential properties and new construction on lots that are vacant. The R-TN Zoning District was created for neighborhoods like this to allow vacant lots to be redeveloped since the lot does not meet the minimum requirements for the current R-3 Zoning District. Since this is a rezoning for single-family residential there is no site plan requirement at this time. A detailed site plan will be required at the time of application for a building permit.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> The City Planning Commission reviewed the application on April 17, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. There were was one objector and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> A Public Hearing and First Reading of the Ordinance are scheduled for May 27, 2014 to allow for public input. City Council voted unanimously to approve the request on the First Reading. Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final.

- Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends setting the public hearing.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Maps





Attachment A
City Planning Commission
City of Cedar Rapids
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, April 17, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Member Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 27, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Case Name: 1408 4th Avenue SE (Rezoning)

Consideration of a Rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc. (Applicant/Titleholder)

Case No: RZNE-008539-2014; Case Manager: Vern Zakostecky

Mr. Zakostecky stated this was a request to rezone property in the Wellington Heights Neighborhood area similar to the ones presented to City Planning Commission earlier. Mr. Zakostecky showed a location map and aerial photo.

Commissioner Overland called for questions of Mr. Zakostecky. No questions of Mr. Zakostecky

Commissioner Overland called for a representative of the applicant.

Corey Houchins-Witt, Affordable Housing Network, Inc., 5400 Kirkwood Boulevard SW stated this is one more of several that will be built in the Wellington Heights Neighborhood. AHNI will be building 5 new houses in this area. Skogman Homes will build the home and the homes will fit with the architectural design of the area. Mr. Houchins-Witt looks forward to the Commissioners support of the development.

Commissioner Overland called for questions of the applicant. No questions of the applicant.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the Rezoning. Commissioner Wilts made a motion to approve the Rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 4:30 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky **Phone Number/Ext:** 319 286-5043
Email: v.zakostelecky@cedar-rapids.org

Alternate Contact Person: Joe Mailander **Phone Number/Ext:** 319 286-5822
Email: j.mailander@cedar-rapids.org

Description of Agenda Item: **Consent** **Ordinance** **Regular Agenda**

Motion setting a public hearing for May 27, 2014 to consider a change of zone for properties at 1008, 1012, 1018 and 1024 2nd Street SE, 208 11th Avenue SE; 1009, 1013, 1019 and 1021 3rd Street SE from RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Acme Electric Company, Inc., 3rd Ward Development, LLC and City of Cedar Rapids. CIP/DID #RZNE-008553-2014

Background:

The request for rezoning of this property was reviewed by the City Planning Commission on April 17, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

This infill redevelopment plan includes five 2-story single-family row houses along 2nd Street SE. The Kurik House is to be relocated to the corner of 2nd Street and 11th Avenue SE. 3rd Street SE will feature four 2-story multi-use commercial and residential infill buildings.

The Preliminary Site Development Plan consists of the following:

2nd Street SE (Town Homes):

- Total site area is 18,832 s.f.
- Total building area footprints are 2 @ 993 s.f. and 3 @ 986 s.f.
- Total of 5 dwelling units
- Total parking required and provided is 10 spaces.

2nd Street SE (Kurik House):

- Total site area is 6,640 s.f.
- Total building area footprints is 1,023 s.f.
- Total parking required and provided is 3 spaces

3rd Street SE (Mixed Use):

- Total site area is 16,800 s.f.
- Total building area footprint is 13,520 s.f.
- Total parking required for each building is 11 spaces (44 total).
- Total parking provided is 12 with 32 additional in Lot 44

Modifications Requested by Applicant:

- Reduction in required parking.
- Zero interior side yard setbacks
- Increased density.
- Front yard setbacks

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> • City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> • The City Planning Commission reviewed the application on April 17, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. • There were several objectors and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> • A Public Hearing and First Reading of the Ordinance were held on May 27, 2014 to allow for public input. • City Council voted unanimously to approve the request on the First Reading. • Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final. • Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends setting the public hearing.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):



Attachment A
City Planning Commission
City of Cedar Rapids
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, April 17, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Member Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostelecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 27, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Case Name: 1008, 1012, 1018 and 1024 2nd Street SE, 208 11th Avenue SE; 1009, 1013, 1019 and 1021 3rd Street SE (Rezoning)

Consideration of a Rezoning from RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by 3rd Ward Development, LLC (Applicant/Titleholder)

Case No: RZNE-008553-2014; Case Manager: Dave Houg

Mr. Zakostecky stated this is a mix-used development under the PUD about a half block between 2nd and 3rd Avenue SE. A historic home will be moved to the corner of 2nd Street and 11th Avenue SE. There will be commercial on the ground floor with residential on the second floor for the buildings on the 3rd Street side and a 5-unit condo on the 2nd Street side. Mr. Zakostecky showed a Location Zoning Map, Aerial Photo, Preliminary site plan, and building renderings

Commissioner Overland called for questions of Mr. Zakostecky.

Commissioner Knox-Seymour stated that it is nice to see this happening in that area.

Commissioner Overland called for a representative of the applicant.

Don Barringer, 509 Vernon Drive SE stated that Mr. Zakostecky hit the highlights of the development. The row houses and the mixed use are all part of the development.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked where the area was that the owner was not selling. Mr. Zakostecky showed on the site plan where the gazebo was located.

Commissioner Overland stated that it was a wonderful project and a great use of the new PUD zoning.

Commissioner Wilts asked if the applicant was going to do something different to the roofs such as the Library and the Water Tower place such as green roof. Mr. Barringer stated it had a parapet and screening for the HVAC units and did not have plans for a green roof.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the Rezoning. Commissioner Pankey made a motion to approve the Rezoning from RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 4:30 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostecky **Phone Number/Ext:** 319 286-5043
Email: v.zakostecky@cedar-rapids.org

Alternate Contact Person: Joe Mailander **Phone Number/Ext:** 319 286-5822
Email: j.mailander@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Motion setting a public hearing for May 27, 2014 to consider a change of zone for properties at 602 A Avenue NW, 726 L Avenue NW, 729 10th Avenue SW, 806 10th Street SW, 316 6th Street SW, 320 6th Street SW, 324 6th Street SW, 424 5th Street NW, 504 C Avenue NW, 505 E Avenue NW, 508 C Avenue NW, 509 E Avenue NW, 512 C Avenue NW, 928 N Street SW, 500 2nd Avenue SW, 508 2nd Avenue SW, 1108 K Street SW, 420 6th Avenue SW, 424 6th Avenue SW, 719 H Avenue NW, 1410 N Street SW, 417 5th Avenue SW, 518 B Avenue NW, 615 9th Avenue SE, 617 9th Avenue SE, 621 9th Avenue SE, 407 6th Street SW, 411 6th Street SW, 415 6th Street SW, 425 6th Street SW, 438 5th Avenue SW, 442 5th Avenue SW, 523 B Avenue NW, 1424 L Street SW, 922 8th Street SE, 1505 J Street SW, 211 10th Avenue SW, 800 G Avenue NW, 1502 N Street SW, 1136 I Avenue NW, 1223 1st Street SW, 1140 C Street SW, 1206 10th Street NW, 920 6th Street SW, 341 12th Avenue SW, 1202 L Street SW, 417 10th Street NW, 425 10th Street NW, 0 Vacant Land SW, 274 12th Avenue SW, 700 6th Street SW, 1420 N Street SW and 926 N Street SW from R-3, Single Family Residence Zone District, RMF-1 and RMF-2, Multiple Family Residence Zone District and C-3, Regional Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by The City of Cedar Rapids. CIP/DID #RZNE-008880-2014

Background:

The request for rezoning of these properties was reviewed by the City Planning Commission on April 17, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

This is the seventh round of City owned properties brought before the City Planning Commission for rezoning. These properties are being requested for rezoning to R-TN, Residential Traditional Neighborhood Zone District, in order to remove technical barriers to redevelopment.

It is anticipated that these properties will be developed as part of the City's ROOTs Program. The Administrative Plan directed by City Council limited the program to infill within the Neighborhood Revitalization Area., the area outside the Construction/Study Area and Greenway as well as the 100-year floodplain. In addition, the City would utilize lots that are being acquired through the Voluntary Acquisition Program and provide those to developers at no cost and in exchange for consideration of the reinvestment of new housing.

Rezoning:

The 54 properties being brought forward by a City-initiated rezoning are in areas of residential redevelopment identified through the Neighborhood Planning Process. These properties are zoned R-3, RMF-1 and RMF-2 and C-3. As is the case with nearly all of the lots, the current zoning classification is not an appropriate match for the size and square footage of the lots making them legal non-conforming lots. The rezoning to the R-TN Zoning District will allow new housing to blend into the neighborhood context in terms of meeting setbacks of the neighborhood. In addition, it is important that there are no issues, such as the need for variances in current zoning or being legal non-conforming lots, which might create financing issues with lenders, future buyers or with homeowners insurance. The rezoning of the lots were established prior to the City’s adoption of the R-TN Zoning District, which was used in the Oakhill/Jackson Neighborhood as part of the City’s Housing and Neighborhood Development (HAND) Program. In mimicking the results that were achieved through the HAND Project, staff is initiating rezoning on all City-owned lots to the R-TN Zoning District prior to deeding of the properties to the identified developers for in-fill construction of new flood replacement housing. The attached map provided an overview of where the properties are located that are proposed for rezoning.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> The City Planning Commission reviewed the application on April 17, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. There were was one objector and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> A Public Hearing and First Reading of the Ordinance are scheduled for May 27, 2014 to allow for public input. Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final. Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends setting the public hearing.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

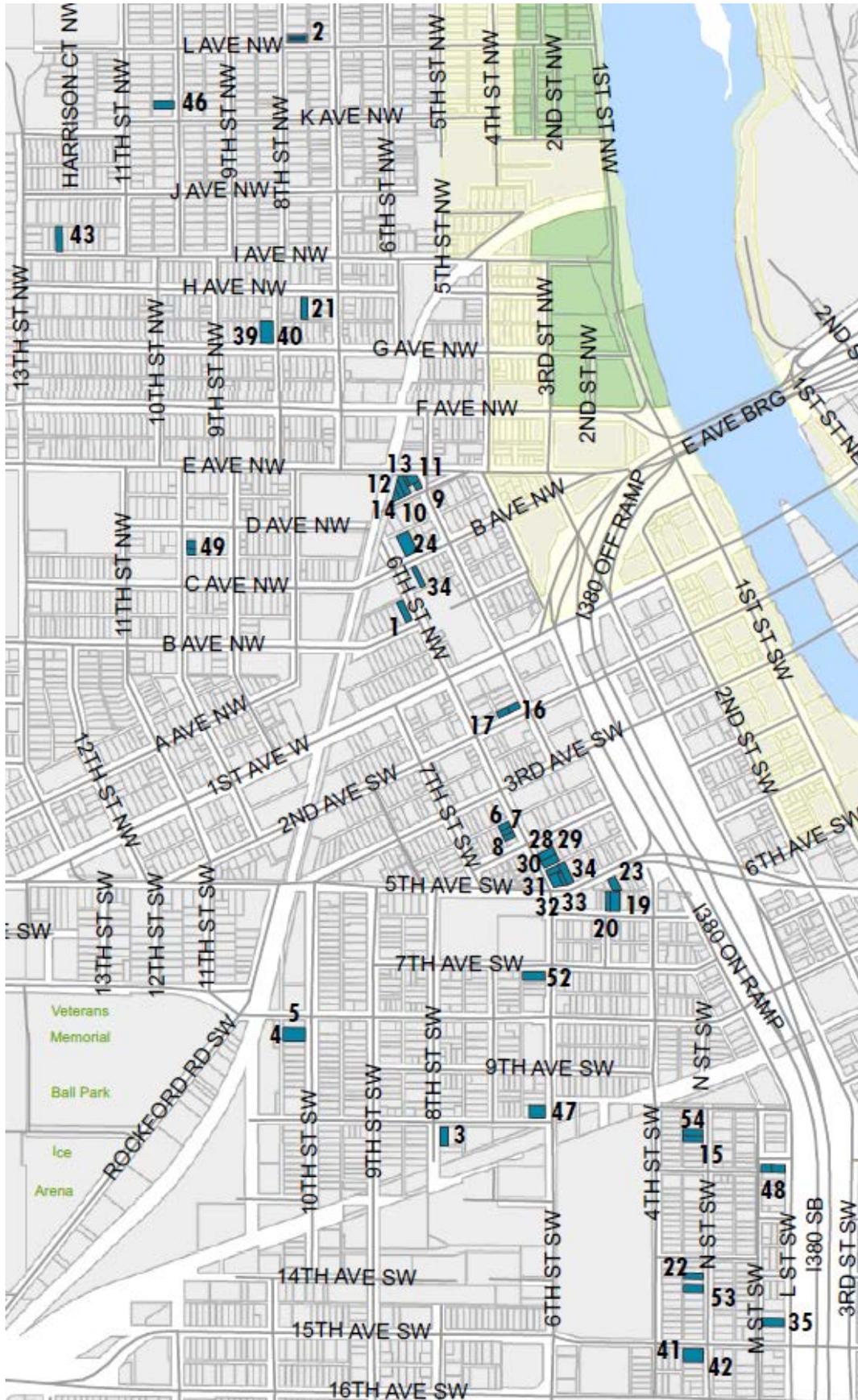
Local Preference Policy Applies Exempt

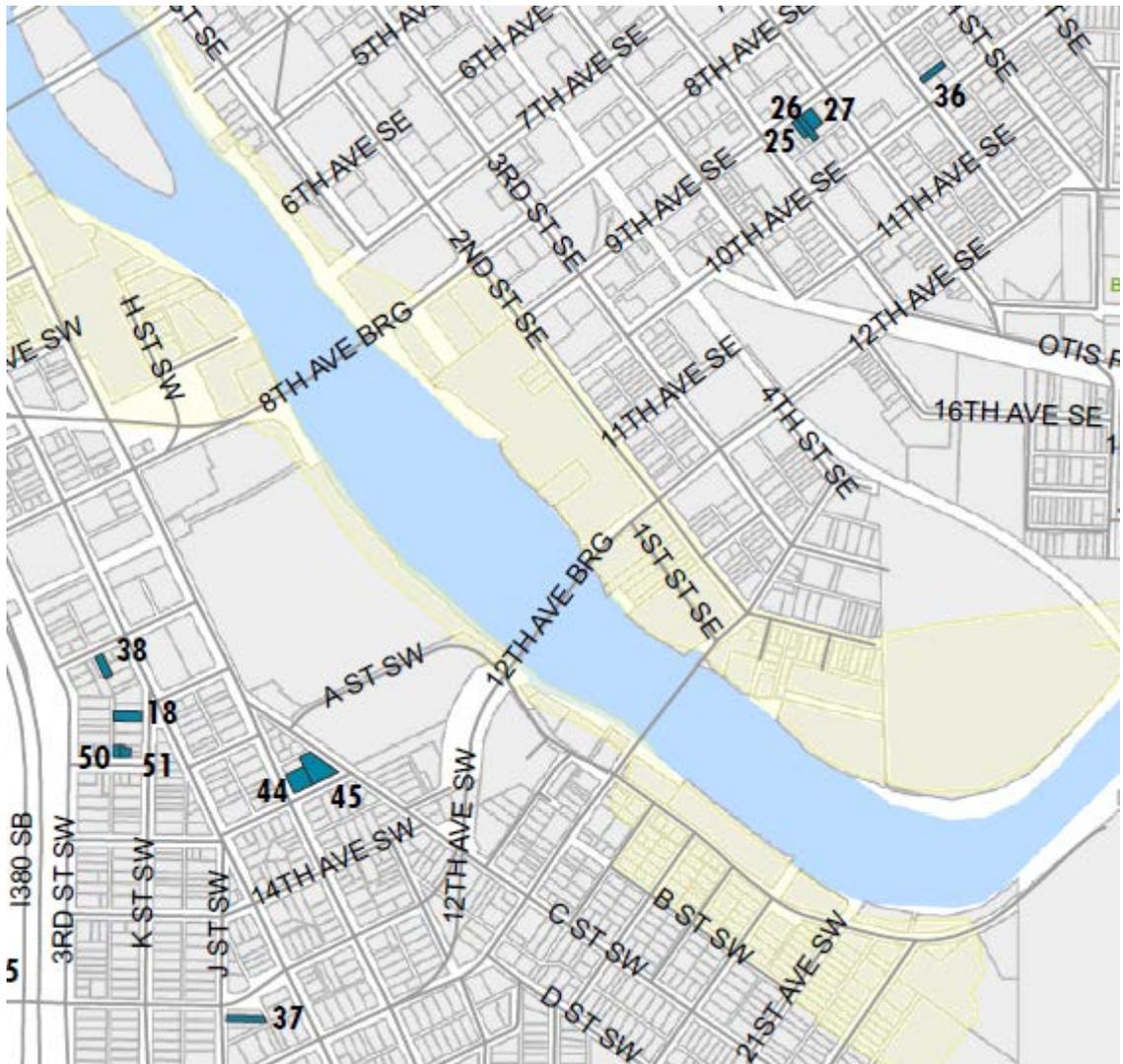
Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Maps







MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, April 17, 2014 @ 3:00 p.m.

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Member Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 27, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Case Name: ROOTs (54) Lots (Rezoning)

Consideration of a Rezoning from R-3, Single Family Residence Zone District, RMF-1 and RMF-2, Multiple Family Residence Zone District and C-3, Regional Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District requested by City of Cedar Rapids. (Applicant/Titleholder)

Case No: RZNE-008880-2014 Case Manager: Vern Zakostecky

Mr. Zakostecky stated these are all City owned lots that were obtained under the Voluntary Acquisition Program. They are now being disposed of to have homes built on in the flood

impacted area. There are multiple parcels that are being rezoned to R-TN. Commissioner Overland called for questions of Mr. Zakostelecky. No questions of Mr. Zakostelecky.

Commissioner Overland called for a representative of the applicant. No representative of the applicant was present.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the Rezoning. Commissioner Halverson made a motion to approve the Rezoning from R-3, Single Family Residence Zone District, RMF-1 and RMF-2, Multiple Family Residence Zone District and C-3, Regional Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 4:30 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development



Council Agenda Item Cover Sheet

MOTION TO SET PUBLIC HEARING

Submitting Department: Public Works Department

Presenter at meeting: Rita Rasmussen
E-mail Address: r.rasmussen@cedar-rapids.org

Phone Number/Extension: 5807

Alternate Contact Person: Carol Morgan
E-mail Address: c.morgan@cedar-rapids.org

Phone Number/Extension: 5092

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Motion to set a public hearing for May 27, 2014 to consider the vacation and disposition of public ways and grounds in and to the property described as Buffalo Road NE between Blairs Ferry Road and Edgewood Road as requested by Transamerica Life Insurance Company. CIP/DID #41-13-034

Background:

Transamerica Life Insurance Company owns all parcels adjacent to and adjoining Buffalo Road NE. Due to illegal dumping occurring on these parcels, Transamerica would like to acquire this road and permanently close it. Additionally, a permanent easement for existing sanitary sewer facilities will be granted to the City.

Action / Recommendation:

If there are no objections during the public hearing, the Public Works Department recommends holding the first reading of the ordinance on May 27, 2014.

Alternative to the Recommendation:

If the Council does not vote to vacate this excess City-owned right-of-way, the alternative is to close the road to through traffic and maintain City ownership of this nonpurposeful road right-of-way.

Time Sensitivity: Normal

Resolution Date: Proposed timeline as follows:

Public Hearing Date and possible 1st, 2nd and 3rd readings of Ordinance, and possible resolution passing: May 27, 2014

Estimated Presentation Time: 0 Minute(s)

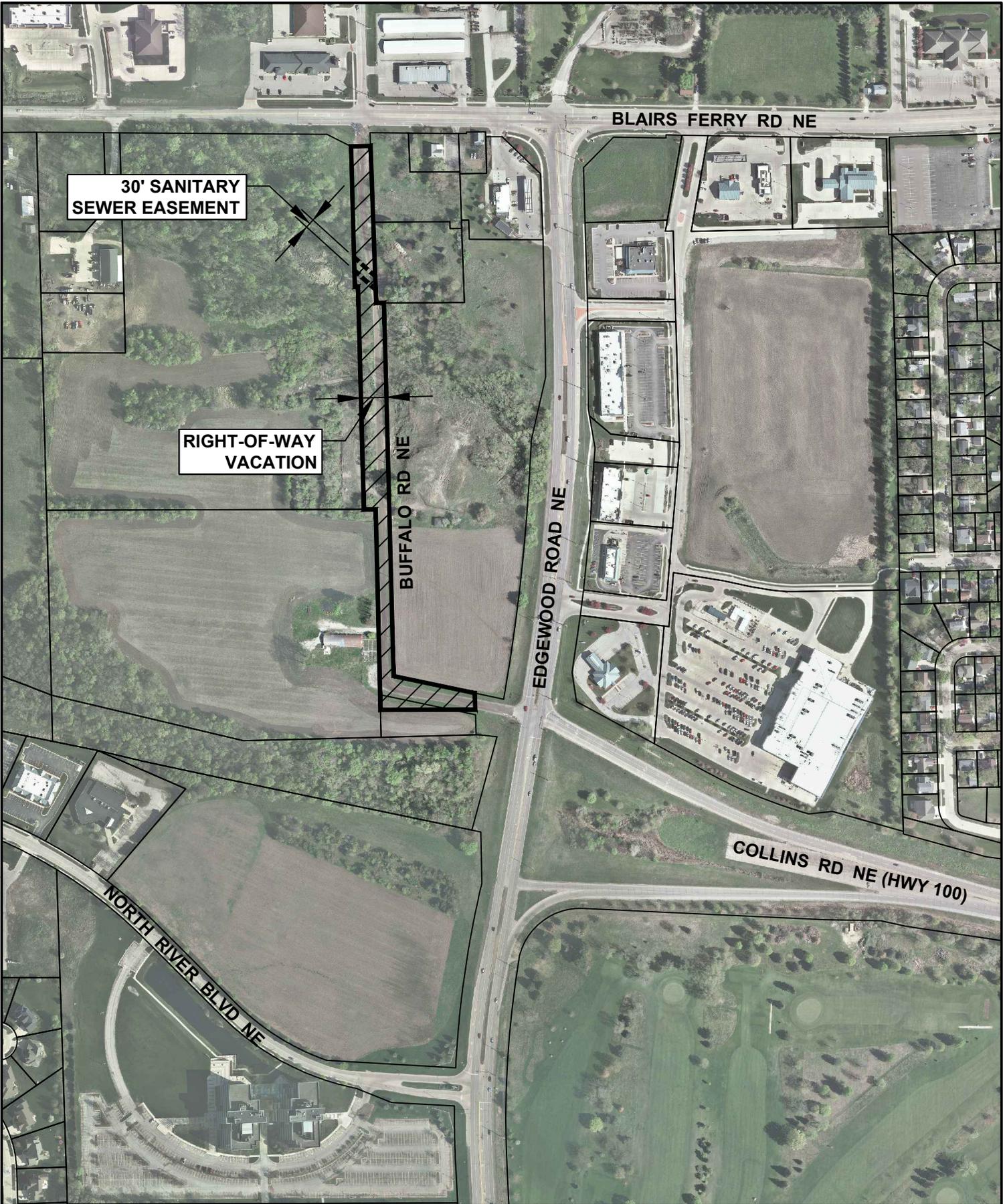
Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: This does not fit the criteria outlined in the policy and therefore, does not apply.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):



**30' SANITARY
SEWER EASEMENT**

**RIGHT-OF-WAY
VACATION**

BUFFALO RD NE

BLAIRS FERRY RD NE

EDGEWOOD ROAD NE

COLLINS RD NE (HWY 100)

NORTH RIVER BLVD NE

Cadd File Name: W:\PROJECTS\Non-CIP\2013\4113\034 Buffalo Rd NE - Transamerica Life Ins. Co\41-13-034 Council Map.dwg



**BUFFALO ROAD NE RIGHT-OF-WAY VACATION AND
SANITARY SEWER EASEMENT DEDICATION**



Motion Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance Department

Presenter at meeting: Casey Drew

Phone Number/Ext: 286-5097

Email: c.drew@cedar-rapids.org

Alternate Contact person:

Phone Number/Ext:

Email:

Description of Agenda Item:

Motion setting a Public Hearing for May 27, 2014 to consider the Fiscal Year 2014 Budget Amendment.

Background:

On May 14, 2014 the Budget Amendment will be published. The City is required to hold a Public Hearing for the Fiscal Year 2014 Budget Amendment that will occur May 27, 2014. The Budget Amendment is required to be certified to the Linn County Auditor by May 31, 2014.

Action / Recommendation:

Alternative Recommendation:

Time Sensitivity:

Motion Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy: Applies Exempt

Explanation:



Council Agenda Cover Sheet Motion Setting Public Hearing, filing plans and advertising for bids

Submitting Department: Public Works Department

Presenter at meeting: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Alternate Contact Person: Gary Petersen, PE
E-mail Address: g.petersen@cedar-rapids.org

Phone Number/Extension: 5153

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014, and publishing a notice of public hearing for the 42nd Street NE and I-380 Intersection Improvements project, with bid opening scheduled for June 17, 2014 at the Iowa Department of Transportation (estimated cost is \$423,000). CIP/DID #301614-02

Background:

This project includes improvements to the northbound exit ramp from Interstate 380 at 42nd Street NE, realignment and reconstruction of the trail crossing at 42nd Street, and extension of the railroad crossing to accommodate the trail improvements, which improves pedestrian and bicycle safety. The project also includes replacement of the traffic signals and the railroad crossing signals. The project will require coordination between the City's contractor and the railroad to replace the railroad crossing signals. This project is partially funded through the Metropolitan Planning Agency Federal Surface Transportation Program. The Council approved a resolution at the April 22 meeting to execute a License for Multi-Use Pathway/ Sidewalk agreement with the Chicago, Central & Pacific Railroad Company in connection with the project.

Action / Recommendation:

The Public Works Department recommends approval of the Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014, and publishing a notice of public hearing for the project.

Alternative to the Recommendation:

The Council could abandon the project or cancel the agreement with the IDOT and use only City funds.

Time Sensitivity: Normal

Resolution Date Adopting Plans and Specs: May 27, 2014

Estimated Presentation Time: 0 Minute(s)

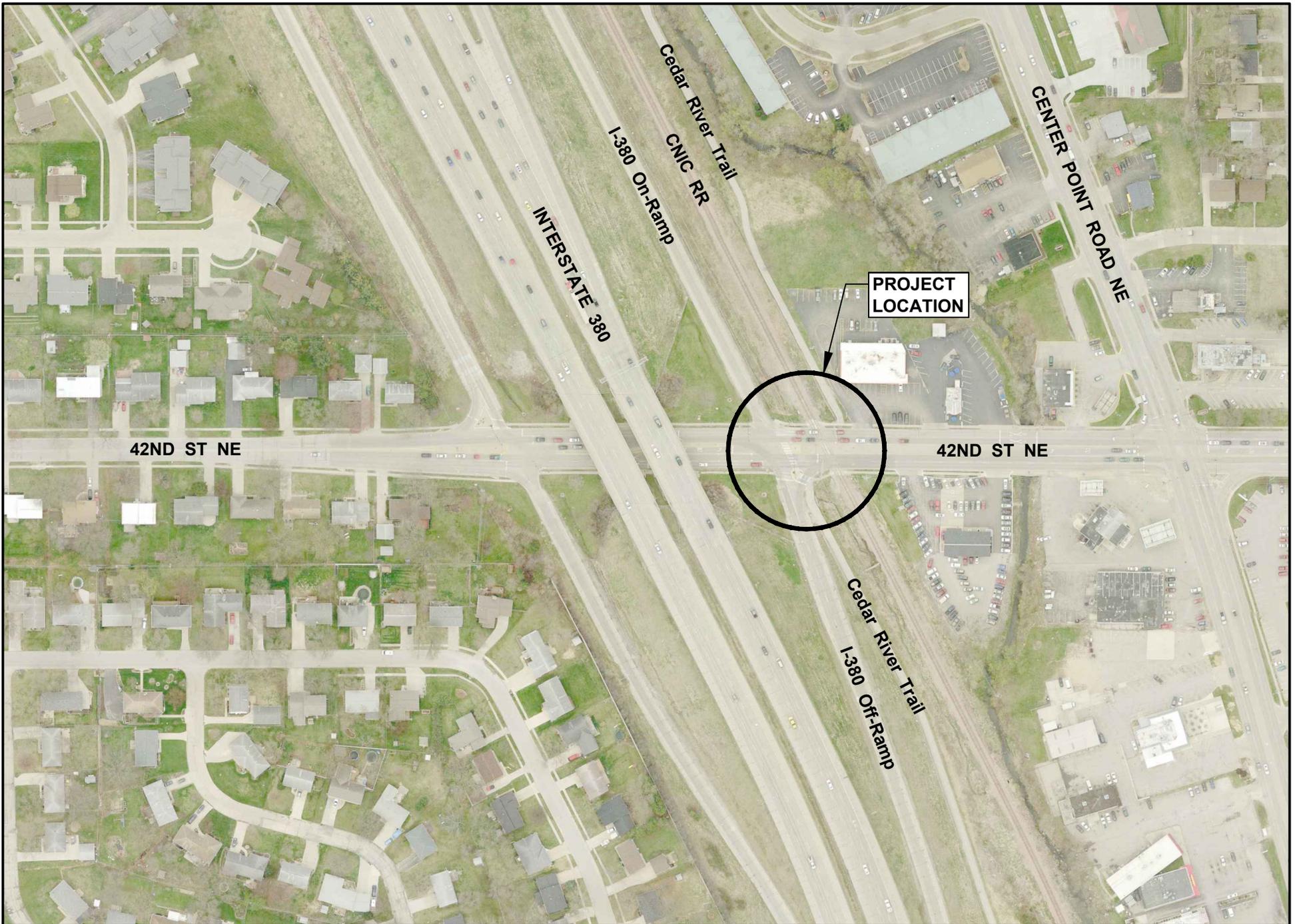
Budget Information (if applicable): CIP 301614, 80% MPO STP funds for construction

Local Preference Policy: Applies Exempt

Explanation:

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):



**42ND STREET NE / I-380 / TRAIL
INTERSECTION IMPROVEMENTS**





Council Agenda Cover Sheet

Motion Setting Public Hearing, filing plans and advertising for bids

Submitting Department: Public Works Department

Presenter at meeting: Doug Carper, PE
E-mail Address: d.carper@cedar-rapids.org

Phone Number/Extension: 5258

Alternate Contact Person: Rob Davis
E-mail Address: r.davis@cedar-rapids.org

Phone Number/Extension: 5808

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the Veterans Memorial Stadium 2014 Storm Sewer Improvements – Phase II project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on June 11, 2014 (estimated cost is \$220,000). CIP/DID #314338-04

Background:

The City of Cedar Rapids, the Veterans Commission and the Cedar Rapids Ball Club, Inc. have committed resources to provide for maintenance and repair projects at the Veterans Memorial Stadium. This project will correct drainage issues within the stadium's seating area and along the perimeter of the field. Construction is expected to start at the end of the 2014 season and be complete by October 30, 2014.

Action / Recommendation:

The Public Works Department recommends approval of the Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the project.

Alternative to the Recommendation: Defer the project and request more information.

Time Sensitivity: Normal

Resolution Date Adopting Plans and Specs: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

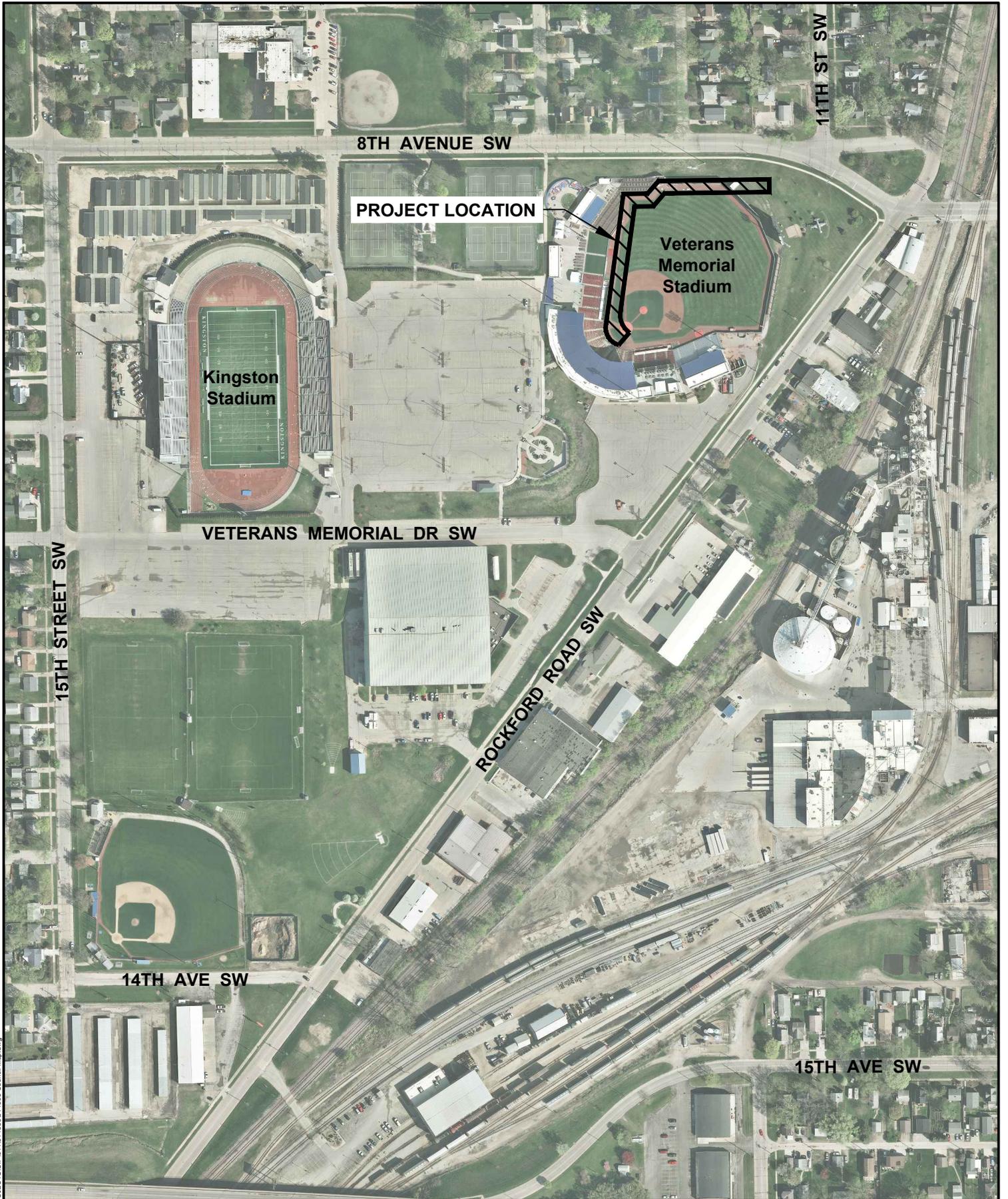
Budget Information (if applicable): 314338-04 (\$266,000)

Local Preference Policy: Applies Exempt

Explanation: Does not fit criteria

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):



8TH AVENUE SW

11TH ST SW

PROJECT LOCATION

Veterans Memorial Stadium

Kingston Stadium

VETERANS MEMORIAL DR SW

15TH STREET SW

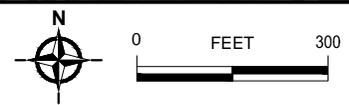
ROCKFORD ROAD SW

14TH AVE SW

15TH AVE SW



VETERANS MEMORIAL STADIUM
2014 STORM SEWER IMPROVEMENTS - PHASE 2



Cadd File Name: W:\PROJECTS\CI\141314338\14338 Council Map.dwg



Council Agenda Cover Sheet Motion Setting Public Hearing, filing plans and advertising for bids

Submitting Department: Public Works Department

Presenter at meeting: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Alternate Contact Person: Gary Petersen, PE
E-mail Address: g.petersen@cedar-rapids.org

Phone Number/Extension: 5153

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the Boyson Road NE Pavement Rehabilitation Improvements from C Avenue NE to East Corporate Limits project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on June 4, 2014 (estimated cost is \$470,000) **(Paving for Progress)**. CIP/DID #3012085-02

Background:

Boyson Road NE from C Avenue to the East Corporate Limits is an approximately 50-year old street and in need of rehabilitation in order to extend the service life of the pavement. This project will include concrete patching, curb and gutter replacement, asphalt surface rehabilitation, storm sewer intake replacement, as well as improvements to handicap ramps in the project limits to meet current accessibility requirements.

Action / Recommendation:

The Public Works Department recommends approval of the Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the project.

Alternative to the Recommendation:

Defer action on the motion setting the public hearing for the resolution to adopt plans and specifications, form of contract and estimated cost or abandon the project, direct staff to repackage the project into multiple smaller projects or abandon the project.

Time Sensitivity: Normal

Resolution Date Adopting Plans and Specs: May 27, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): CIP's 3012085 (Streets), 304996 (Storm Sewer)

Local Preference Policy: Applies Exempt

Explanation: Chapter 26 of the Code of Iowa requires construction contracts for highway, bridge, or culvert improvements be awarded to the lowest responsive, responsible bidder.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary): Part of the "Paving for Progress" list of streets identified for repair.



**BOYSON ROAD NE FROM C AVENUE TO CORPORATE LIMITS
IMPROVEMENTS PROJECT**





Council Agenda Cover Sheet
Motion Setting Public Hearing, filing plans
and advertising for bids
FLOOD

Submitting Department: Public Works Department

Presenter at meeting: Scott Sovers, PE
E-mail Address: s.rovers@cedar-rapids.org

Phone Number/Extension: 5547

Alternate Contact Person: Dave Wallace, PE
E-mail Address: d.wallace@cedar-rapids.org

Phone Number/Extension: 5814

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the 1st Street SW Alley from 3rd to 5th Avenue SW Sanitary Sewer Repair project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on June 11, 2014 (estimated cost is \$132,000) (**FLOOD**). CIP/DID #SSD103-13

Background:

This project will reconstruct approximately 550 lineal feet of sanitary sewer and replace 3 sanitary sewer manholes within the 2008 flood impacted areas of the southwest quadrant. The purpose of the project is to restore the existing sanitary sewer to pre-2008 flood function and capacity. The available funding for this activity is \$175,029 (Flood) and subject to receipt of acceptable bids, construction is scheduled to begin in July 2014 and be completed by September 2014.

Action / Recommendation:

The Public Works Department recommends approval of the Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the project.

Alternative to the Recommendation: Defer the project to the future.

Time Sensitivity: Normal

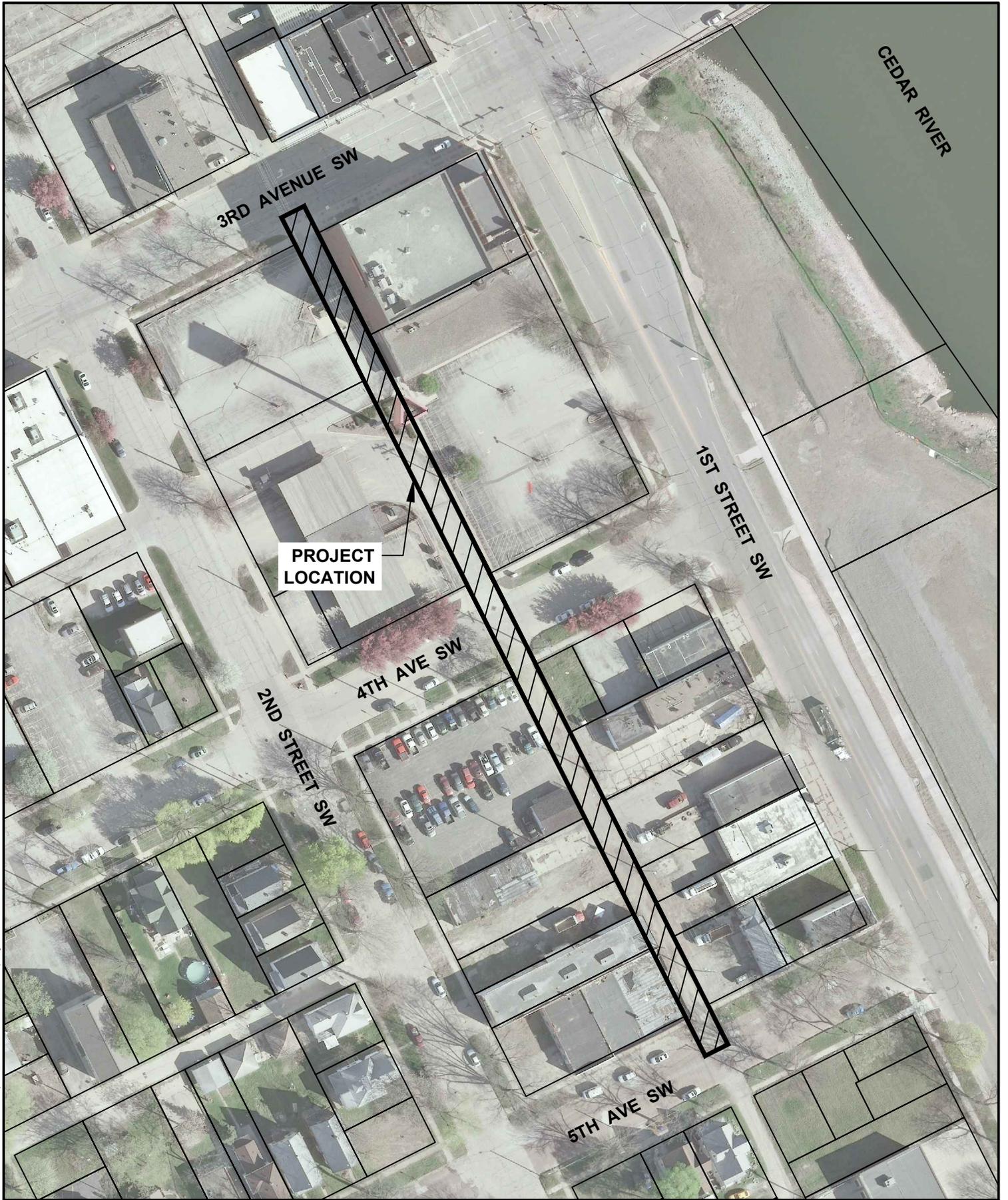
Resolution Date Adopting Plans and Specs: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): FEMA PW #SSD103

Local Preference Policy: Applies Exempt

Recommended by Council Committee: Yes No N/A



3RD AVENUE SW

CEDAR RIVER

1ST STREET SW

PROJECT LOCATION

4TH AVE SW

2ND STREET SW

5TH AVE SW

Cedar File Name: W:\PROJECTS\FLOOD\SSD103 - Sanitary Sewer SW Quad\SSD103 Council Meeting



**1ST STREET SW ALLEY FROM 3RD TO 5TH AVENUE SW
SANITARY SEWER REPAIRS PROJECT**





MOTION Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** SteveHe@cedar-rapids.org

Alternate Contact: Ken Russell **Phone No.:** 5926 **E-mail:** k.russell@cedar-rapids.org

Description of Agenda Item:

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the Ushers Ferry Road Transmission Main Extension from Highway 100 to Blairs Ferry Road project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on June 4, 2014 (estimated cost is \$374,000). CIP/DID #625542-2014058-02

Background:

The Utilities department intends to install approximately 1,150 LF of 24-inch transmission main extending the 720 LF of dead-end 24-inch transmission main that is being installed as part of the Ushers Ferry crossing improvements associated with the DOT Hwy 100 project. The closure of the loop at Blairs Ferry Rd also allows a portion of the Edgewood Road water main to be taken out of service for the construction of the highway interchange at Edgewood and Hwy 100.

The Ushers Ferry transmission main is part of the Utilities Department long range plan for distribution system improvements.

Action / Recommendation:

The Water Division staff recommends that the plans and specifications be filed with the City Clerk on May 13, 2014 and a Notice of Hearing and Letting be published on May 16, 2014. A Public Hearing is scheduled for May 27, 2014 and that bids be opened on June 4, 2014.

Time Sensitivity:

Request action during the May 13, 2014 City Council meeting in an effort to maintain the proposed project construction schedule.

Motion Date: 05/13/14

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

1. **Included in Current Budget Year.** The Utilities portion of the project will be funded from the FY14 Utilities Department–Water Division CIP budget and coded to 553000-625-625000-625542-6252014058.
2. **Analysis if the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** The FY14 Water CIP budget includes \$1,500,000 for engineering and construction of water main extension projects under CIP number 625542. The budget for construction will be established pursuant to the completion of the initial evaluation by the Engineer.
3. **Purchasing Department used or Purchasing Guidelines followed:** Yes, purchasing guidelines are being followed for Public Improvement Projects.

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary): N/A



MOTION Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** SteveHe@cedar-rapids.org

Alternate Contact: Ken Russell **Phone No.:** 5926 **E-mail:** k.russell@cedar-rapids.org

Description of Agenda Item:

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the 16th Ave SW & Williams Blvd SW Water Main Loop Closure project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on June 11, 2014 (estimated cost is \$60,000). CIP/DID #2014046-01

Background:

The Utilities Department intends to install approximately 391 lineal feet of 12-inch water main to replace water main that was removed in 2012 as part of Public Works Project #PWC012-02 to accommodate the grading of the adjacent detention area and installation of storm sewers near the intersection of 16th Ave SW and Williams Blvd SW. This project will restore a 'loop' within the water distribution system by removing dead ends and improve distribution system reliability, water circulation, and water quality.

Action / Recommendation:

The Utilities Department - Water Division staff recommends that the plans and specifications be filed with the City Clerk on May 13, 2014 and a Notice of Hearing and Letting be published on May 16, 2014. A Public Hearing is scheduled for May 27, 2014 and that bids are opened on June 11, 2014.

Time Sensitivity: Request action during the May 13, 2014 City Council meeting in an effort to maintain the proposed project construction schedule and install water main before the developer of the nearby storage facility installs sidewalks that are required as part of his development agreement.

Motion Date: 5/13/14

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

1. **Included in Current Budget Year.** This project will be funded from the Fiscal Year 2014 Utilities Department – Water Division CIP budget and coded to 625-625000-625883-6252014046
2. **Analysis if the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** The Fiscal Year 2014 Water CIP budget includes \$150,000 for engineering and construction of water main looping projects under CIP number 625883. The budget for construction will be established pursuant to the completion of the initial evaluation by the Engineer.
3. **Purchasing Department used or Purchasing Guidelines followed:** Yes, purchasing guidelines are being followed for Public Improvement Projects.

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary): N/A



MOTION Item Cover Sheet

Council Meeting Date: May 13, 2012

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** SteveHe@cedar-rapids.org

Alternate Contact: Justin Koller **Phone No.:** 5994 **E-mail:** J.koller@cedar-rapids.org

Description of Agenda Item:

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2014 and advertising for bids by publishing notice to bidders for the 16th Avenue SW (400-Ft East of 23rd Street SW to Williams Blvd SW) Water Main Rehabilitation project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on June 4, 2014 (estimated cost is \$460,000). CIP/DID #2011061-02

Background:

The Utilities Department intends to replace approximately 2300 feet of water main on 16th Avenue SW between (Williams Blvd. SW and 400-ft East of 23rd Street SW). The existing 10-inch water main was installed in the 1940's and has a history of multiple breaks, service disruptions and street closures for maintenance and repair.

Action / Recommendation:

The Utilities Department – Water Division staff recommends that the plans and specifications be filed with the City Clerk on May 13, 2014 and a Notice of Hearing and Letting be published on May 16, 2014. A Public Hearing is scheduled for May 27, 2014 and bids will be opened on June 4, 2012.

Time Sensitivity:

Request action during the May 13, 2014 City Council meeting in an effort to maintain the proposed project construction schedule.

Motion Date: 05/13/14

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

1. **Included in Current Budget Year.** The project will be funded from the FY15 Utilities Department – Water Division CIP budget and coded to 553000-625-625000-625884-6252011061
2. **Analysis if the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** The FY15 CIP budget includes \$1,500,000 for engineering and construction of replacement type projects under CIP number 625884. The budget for construction will be established pursuant to the completion of the initial evaluation by the Engineer.
3. **Purchasing Department used or Purchasing Guidelines followed:** Yes, purchasing guidelines are being followed for Public Improvement Projects.

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary): N/A



COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: 5/13/2014

Submitting Department: City Clerk

Presenter at Meeting: Chief Jerman

Phone Number/Ext: 5374

Email:

Alternate Contact Person: Wanda Miller

Phone Number/Ext: 5274

Email: wandam@cedar-rapids.org

Description of Agenda Item:

Motion approving the beer/liquor/wine applications of:

- a. 3rd Street Saloon, 1202½ 3rd Street SE (transfer to McGrath Powersports, 4645 Center Point Road NE, for an event on May 29-30, 2014);
- b. 3rd Street Saloon, 1202½ 3rd Street SE (transfer to McGrath Powersports, 4645 Center Point Road NE, for an event on June 26-27, 2014);
- c. Avacentre - Cedar Rapids, 2121 Bowling Street SW;
- d. Beaver Creek Saloon, 1010 2nd Avenue SW;
- e. Cancun Mexican Grill & Bar, 365 33rd Avenue SW;
- f. Cedar Rapids Jaycees, 225 5th Avenue SW (5-day permit for an event at 475 1st Street SW (McGrath Amphitheater Cedar Rapids), for an event on May 30, 2014);
- g. Cedar Rapids Jaycees, 225 5th Avenue SW (5-day permit for an event at 475 1st Street SW (McGrath Amphitheater Cedar Rapids), for an event on May 23, 2014);
- h. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (outdoor service for an event on June 12-14, 2014);
- i. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (outdoor service for an event on June 6-8, 2014);
- j. Doubletree by Hilton Cedar Rapids Convention Complex, 350 1st Avenue NE;
- k. Elmcrest Country Club, 1000 36th Street NE;
- l. Ja'Don Cavi, 5000 J Street SW (5-day permit for a reception at 5000 J Street SW on May 17, 2014);
- m. JW's Pub & Grub, 58 Miller Avenue SW (permanent outdoor service area);
- n. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on May 24-28, 2014);
- o. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on June 7-11, 2014);
- p. Mount Mercy University, 1330 Elmhurst Drive NE;
- q. Pei's Mandarin, 3287 6th Street SW;
- r. Red Baron Bar & Dance Club, 62 16th Avenue SW (outdoor service for an event on May 16-18, 2014);
- s. Red Lion Lounge, 3970 Center Point Road NE (new - new ownership);
- t. Smokin' Joe's Tobacco & Liquor Outlet #6, 1404 1st Avenue NE;
- u. Time Out Lounge, 3230 16th Avenue SW (outdoor service for an event on May 17-18, 2014).

Background:

Action/Recommendation: Approve motion to grant new and/or renewal licenses.

Alternative Recommendation:

Time Sensitivity:

Resolution Date: N/A
Estimated Presentation Time: N/A
Budget Information (if applicable): N/A
Local Preference Policy: Applies Exempt

Explanation:

Recommended by Council Committee: Yes No N/A

Explanation: (if necessary):



Cedar Rapids Police Department Memorandum

To: Chief Jerman
From: Lt. Walter Deeds
Subject: Beer/Liquor License Applications Calls For Service Summary
Date: 5/13/2014

Business Name/Address	Total	Public Calls	Intox IntoxDriver	Disturbances
3rd Street Saloon 1202 1/2 3RD ST SE	12	0	0	0
3rd Street Saloon 1202 1/2 3RD ST SE	12	0	0	0
Avacentre - Cedar Rapids 2121 BOWLING ST SW	1	0	0	0
Beaver Creek Saloon 1010 2ND AVE SW	40	0	0	7
Cancun Mexican Grill & Bar 365 33RD AVE SW	1	0	0	0
Cedar Rapids Jaycees 225 5TH AVE SW	0	0	0	0
Cedar Rapids Jaycees 225 5TH AVE SW	0	0	0	0
Chrome Horse Slop House & Saloon 1202 3RD ST SE	37	1	2	3
Chrome Horse Slop House & Saloon	37	1	2	3

1202 3RD ST SE				
Doubletree by Hilton Cedar Rapids Convention Complex	84	2	0	5
350 1ST AVE NE				
Elmcrest Country Club	15	0	0	0
1000 36TH ST NE				
Ja'Don Cavil	0	0	0	0
5000 J ST SW				
JW's Pub & Grub	21	0	0	4
58 MILLER AVE SW				
McGrath Amphitheatre Cedar Rapids	0	0	0	0
475 1st ST SW				
McGrath Amphitheatre Cedar Rapids	0	0	0	0
475 1st ST SW				
Mount Mercy University	36	0	0	1
1330 ELMHURST DR NE				
Pei's Mandarin	4	1	0	0
3287 6TH ST SW				
Red Baron Bar & Dance Club	72	0	1	20
62 16TH AVE SW				
Red Lion Lounge	0	0	0	0
3970 CENTER POINT RD NE				
Smokin' Joe's Tobacco & Liquor Outlet #6	21	1	0	8
1404 1ST AVE NE				
Time Out Lounge	51	1	1	11
3230 16TH AVE SW				

RESOLUTION NO.

WHEREAS, the attached listing of bills dated May 13, 2014 has been examined and approved by the proper departments, therefore:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City of Cedar Rapids Finance Director be and is hereby authorized and directed to draw checks on the City Treasurer in favor of the holders thereof and for the various amounts and that the money necessary for payment of the same is hereby appropriated from the different funds.

Passed this 13th day of April, 2014.

REC	FIN
TED	CLK
FIR	VET
PD	WTR
TRS	WPC
EIA	STR

OB1143566

RESOLUTION NO.

TRANSFER OF FUNDS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that and City of Cedar Rapids Finance Director is hereby authorized and directed to transfer funds as per the attached listing.

Passed this 13^h day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: City Manager's Office

Presenter at meeting: Angie Charipar

Phone Number/Ext: 319-286-5090

Email: a.charipar@cedar-rapids.org

Alternate Contact Person: Kim Greene

Phone Number/Ext: 319-286-5083

Email: kimg@cedar-rapids.org

Description of Agenda Item: (insert same wording as used on agenda summary)

Resolutions approving the following special events:

- a. Color Vibe 5K event beginning in Greene Square Park on June 14, 2014 (includes road closures); CIP/DID #SPEC-06456-2014
- b. Corridor Running "New Bo Run" event on August 31, 2014 (includes road closures); CIP/DID #SPEC-017749-2014
- c. Area Ambulance landing of a helicopter at 2730 12th Street SW on May 27 and May 29, 2014. CIP/DID #SPEC-020681-2014

Background:

Referencing the Special Event applications received for the above special events which are requesting permission to hold activities with street closures, approval is recommended subject to the conditions stated on the attached resolutions.

Action / Recommendation:

Approve motion for this event.

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: N/A

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt X

Explanation:

Recommended by Council Committee Yes No N/A X

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, Joey McKnight on behalf of Color Vibe has requested approval to hold a 5K color fun run on city streets in Greene Square Park and various streets in the downtown and Czech Village area on Saturday, June 14, 2014, and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, the Special Events Committee has reviewed the request and recommends approval subject to the following conditions:

1. Applicant has requested street closures along the route:
2nd Ave SE between 1st Street and 5th Street
1st Street SE between 2nd Ave and 7th Ave
7th Ave SE at 1st Street SE
12th Ave SE between 3rd Street and C Street
C Street SW between 12th Ave and 19th Ave
19th Ave SW between C Street and A Street
A Street SW between 19th Ave and 16th Ave
16th Ave/Bridge of Lions/14th Ave SE between A Street and 3rd Street
3rd Street SE between 10th Ave and 14th Ave
10th Ave SE between 3rd Street and 5th Street
5th Street SE between 2nd Ave and 10th Ave

The Police Department will provide street closures as needed along the route. No streets are officially barricade closed for the race except as provided by the Police Department for traffic control to safely manage the interface of pedestrian and motor traffic.

2. Color Vibe event staging area is in Greene Square Park. The 5K Race starts at 8:00 am and ends at 11:00 am

The Color Vibe event route:

Exit Greene Square Park and proceed north through the start chute on 5th Street SE to 2nd Ave SE

Turn west and proceed on 2nd Ave SE to 1st Street SE

Turn south and proceed on 1st Street SE to 7th Ave SE

Turn west and proceed on the Cedar River Trail

Turn south and proceed on the Cedar River Trail to Lot# 44

Turn east and proceed through Lot# 44 to 2nd Street SE

Turn south and proceed on 2nd Street SE to 12th Ave SE

Turn west and proceed on 12th Ave SE

Continue west across the 12th Ave Bridge in the eastbound lanes (south side of the bridge)

Turn south and proceed on C Street SW

Turn east and proceed on 19th Ave SW

Turn north and proceed on A Street SW

Turn east and proceed across the Bridge of Lions

Continue east on 14th Ave SE to 3rd Street SE
Turn north and proceed on 3rd Street SE to 10th Ave SE
Turn east and proceed on 10th Ave SE to 5th Street SE
Turn north and proceed on 5th Street SE to the finish line in Greene Square Park

3. Color Station Locations:

2nd Ave SE – 100 block
1st St SE – 500 block
19th Ave SW – between B St and A St
5th St SE – 900 block
Finale in Greene Square Park

No color station can be placed on any bridge.

4. Applicant shall provide adequate adult volunteers at all intersections and other locations as required by the Police Department to assist with walk event instructions, event monitoring, and event participant safety. Volunteers are NOT authorized to direct vehicular traffic at any time.
5. Applicant shall be responsible for any fines imposed by other agencies, such as Health Department, EPA, DNR, etc., as a result of the event.
6. Applicant agrees that any signage required for this event will be done with prior approval of the Cedar Rapids Building Services Division (319-286-5831) and any required permits will be obtained.
7. Applicant will be responsible for contacting both the Union Pacific Railroad and the Cedar Rapids & Iowa City Railway to assure no conflicts will occur during the event at any railroad grade crossings that intersect with the race routes.
8. For traffic and pedestrian safety purposes, the City Traffic Engineering Division will approve temporary “No Parking” signs, meeting City specifications, to be placed along the following streets for this event:
 - a. The appropriate signs, as specified by the Traffic Engineering Division, will be installed, maintained and removed by an insured traffic control contractor that will be hired and paid by Applicant. Signs shall be stake mounted and a minimum size of 24” X 18”, spaced at a maximum distance of 75’ apart on all listed streets.
 - b. The temporary “No Parking” signs shall be installed by the traffic control contractor no earlier than Friday, 6/13/2014, and removed no later than Monday 6/16/2014.
 - c. The Applicant shall provide advance written notification to adjacent property owners on the above named streets of the event dates and times and the temporary “No Parking” posting. A copy of the notice shall be provided to the Traffic Engineering Division prior to the event.
9. Applicant shall provide adequate rest room facilities.
10. Applicant agrees that any pavement markings or signage required for this event will be done with prior approval of the City Traffic Engineering Division, and no permanent markings of any type will be permitted. Any signage and/or markings used must be removed immediately following the event.
 - a. Sidewalk chalk is acceptable for chalk art on public sidewalks OTHER THAN sidewalks in and adjacent to City parks.
 - b. Chalk paint shall not be applied to any city street or sidewalk.

11. Participants shall observe all traffic control devices and traffic regulations unless otherwise directed by a uniformed police officer.
12. Applicant shall contact the Sgt. Mark Andries of the Cedar Rapids Police Department (319-286-5438) at least 30 days before the event to hire off-duty police officers to provide traffic control deemed necessary by the City to assist with traffic control at designated intersections, and for event security
 - a. Applicant will be required to hire 23 off-duty officers and two commanders as follows (estimated):
 - i. Twenty-three (23) officers (\$49/hr) three hour minimum = \$3,381
 - ii. Two (2) commanders (\$54/hr) four hour minimum = \$432Estimated cost of off-duty officers is \$3,813 (however is dependent upon final determination at event time).
13. The City reserves the right to revoke or alter approval for any event date and/or route based upon a continuing evaluation of items including but not limited to safety, parking, traffic concerns, noise levels, etc., related to the event site and operation; or flood issues, conflicting street construction or other elements deemed hazardous to event attendees.
14. Applicant shall contact and hire a traffic control contractor at least 30 days prior to the event, to provide barricades/traffic controls required by the City for temporary street closures. Applicant's insured traffic control contractor shall provide all barricades/traffic controls required by the City for the temporary street closure. All barricades/traffic controls must conform to the requirements of the Manual on Uniform Traffic Control Devices. Applicant shall provide the name and phone number of the company providing the barricades/traffic controls to the Police Department and Traffic Engineering one week prior to the event.
15. Applicant shall provide complete cleanup of all event areas as required by the Public Works Department. Applicant shall provide a cleanup plan for all event areas, including provisions in the event of rain, to the Public Works Maintenance Manager and Sewer Utility Engineering Manager in the Public Works Department for approval at least 30 days prior to the event. Applicant is responsible for damage to any public or private property. Applicant shall pay for any costs incurred by the City for cleanup of the event areas.
16. Applicant shall be responsible for receiving from each participant in the run/walk an individual signed Waiver of Liabilities of the City of Cedar Rapids.
17. Fencing or staking requests for large tents that penetrate the soil must be approved and coordinated with Park staff at least one week prior to the event through an on-site meeting. Please call the Parks office to schedule at 286-5760.
18. Staking for tents/staging or other structures is prohibited. Tents or canopies must be stabilized by weighted means such as sandbags.
19. Vending on turf is restricted to 2 wheeled cart types, no vehicles or heavy equipment is allowed on turf, all products including grease and gray water must be disposed of offsite by the Vendor
20. Daily Park Fee of \$380.00 to be paid one week prior to event. Please include the following on the check: "Greene Square Park 461000-101-164155)
Direct Payment to: Ambroz Recreation Center - 2000 Mt Vernon Rd SE - Cedar Rapids 52403

21. Applicant agrees upon completion of the events to clean up all areas associated with the events and to reimburse the City for damage to any portion of public property. All dye must be removed from park and Cedar River trail hard surface and lawn areas. Dye on grass areas may be dissolved into the turf with water. All dye application areas within the park must have tarps or other means to catch and remove the majority of the dye when thrown at the participants. Parks will inspect the event areas the Monday following the event.
22. Applicant and participants shall not impede normal vehicular or pedestrian movement through the event areas.
23. Applicant agrees to defend, indemnify, and save the City of Cedar Rapids harmless from all liability and place on file at the City Clerk's Office, a certificate of liability insurance with policy limits satisfactory to the City Council naming the City of Cedar Rapids, Iowa, and its employees as additional insured, insuring against any liability that may arise in connection with the activities held.

Passed this 13th day of May, 2014.

RESOLUTION NO.

WHEREAS, Bret Nilles, on behalf of Corridor Running, has requested approval for the "New Bo Run" event on public streets, sidewalks and trails (in Cedar Rapids and in Linn County and some private property areas) starting at 8 AM until 11 AM (not including setup and teardown) on Sunday, August 31, 2014, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the request is approved subject to the following conditions:

1. Event staging areas for participants will be in the Chrome Horse parking lot at 1202 3rd Street SE (not in any portion of public streets).
Half Marathon and 10K will start on 3rd Street SE at the Chrome Horse parking lot and proceed as follows:
Start on 3rd Street SE heading south,
turn east on 14th Avenue SE,
turn north on 4th Street SE,
turn east on 12th Avenue SE,
turn east on Otis Road SE to Cargill,
continue south on Otis Road to entrance of Prairie Park Fishery,
enter Prairie Park Fishery and continue through entrance to connection to Cole St. SE,
10K run will make a loop around the Prairie Park Fishery on the trail and return on same route back to Chrome Horse parking lot,
Half Marathon will turn north on Cole St. SE towards Otis Road SE,
turn east on Otis Road SE and continue approx. 2.6 miles to Indian Creek Nature Center,
turn north on Bertram Rd SE and continue approx. 0.4 mile,
turn left at stop sign, continue on Bertram Rd SE across the bridge,
stay to the right after crossing the bridge and enter the Sac and Fox Trail parking lot,
enter the Sac and Fox Trail and turn right, continue on the Sac and Fox Trail under the railroad bridge near the river continue on the trail approx. 3.6 miles,
exit the Sac and Fox Trail and continue east just across the railroad tracks to Cole St SE,
turn north onto connection to Prairie Park Fishery trail,
continue on Prairie Park Fishery trail to park entrance,
continue north on Otis Rd SE,
turn west on 12th Ave SE,
turn south on 4th St SE,
turn west on 14th Ave SE,
turn north at the alley and continue to finish area in the Chrome Horse parking lot"
2. Applicant shall contact the Cedar Rapids Police Department at least 15 to 30 days prior to the event to hire off-duty police officers, as required by the Police Department to attend barricades at street closures, to assist with traffic control at designated intersections, and for event security. Contact Sgt. Mark Andries (286-5438) to arrange officers.

a. Applicant will be required to hire one (1) Commander and fourteen (14) Officers and four (4) Linn County Deputies.

One (1) Commander (\$54/hr) for four (4) hours

Fourteen (14) Officers (\$49/hr) for 3.5 hours

Total estimate for Cedar Rapids Police Officers \$2,617.00

3. Applicant shall contact contact Sgt. Deric Oshel from Linn County Sheriff's Office at 319-892-6192 to hire off-duty sheriff's deputies for the portion that is in Linn County.
4. Applicant shall clearly post Prairie Park Fishery closure notices one week prior to the event to notify patrons of timeline for park closure during the race. Such notice should be posted at the entrance and at the parking lot to include the prior weekend. Such postings shall be removed the day of the event during cleanup. Applicant on day of the race is responsible to staff the entrance of the park to make sure early users do not get into the park and get trapped in during the entrance road closure for the race. Per Mar security opens the Park gate between 5:30-6 a.m. with official park hours opening at 6 a.m. Applicant should make sure staff are present for this gate opening because anglers arrive early and sometimes are at the gate waiting to get in.
5. Applicant shall seek all appropriate approvals from the Linn County Sheriff since portions of the route is on county roadways. Written notification shall include information on the route, the event date and time, and the name and telephone number of the applicant's contact person.
6. Applicant shall be responsible for receiving from each participant in the run/walk an individual signed Waiver of Liabilities of the City of Cedar Rapids.
7. Applicant shall comply with all existing parking regulations on all adjacent areas of public property.
8. No public streets are officially closed for the event. Police officers may temporarily close the section of 3rd Street SE, 14th Avenue SE and 4th Street SE at the beginning of the race until the bulk of the runners spread out along the route.
9. Applicant agrees that any pavement markings or signage required for this event will be done with prior approval of the City Traffic Engineering Division, and no permanent markings of any type will be permitted. Any signage and/or markings used must be removed immediately following the event.
 - a. Sidewalk chalk is acceptable for chalk art on public sidewalks OTHER THAN sidewalks in and adjacent to City parks.
 - b. Chalk paint shall not be applied to any city street or sidewalk.
10. Applicant agrees to defend, indemnify, and save the City of Cedar Rapids harmless from all liability and place on file at the City Clerk's Office, a certificate of liability insurance with policy limits satisfactory to the City Council naming the City of Cedar Rapids, Iowa, and its employees as additional insured, insuring against any liability that may arise in connection with the activities held.
11. Participants shall observe all traffic control devices and traffic regulations unless otherwise directed by a uniformed police officer.
12. Participants shall run/walk on sidewalks or trails where available, or on the left edge of roads facing traffic where no sidewalk is available or as directed by a uniformed police officer.

13. Upon completion of event, all areas associated with the operations will be cleaned up and costs to repair any damage to any public property resulting from this operation will be reimbursed to the City of Cedar Rapids.
14. Applicant shall comply with all traffic controls as may be required and/or provided by the Cedar Rapids Police Department and Linn County Sheriff's Office.
15. Applicant's insured traffic control contractor shall provide all barricades/traffic controls required by the City for the temporary street closure. All barricades/traffic controls must conform to the requirements of the Manual on Uniform Traffic Control Devices. Applicant shall provide the name and phone number of the company providing the barricades/traffic controls to the Police Department and Traffic Engineering one week prior to the event.
16. Applicant shall provide adequate adult volunteers at all intersections and other locations as required by the Police Department to assist with walk event instructions, event monitoring, and event participant safety. Volunteers are NOT authorized to direct vehicular traffic at any time.
17. The City reserves the right to revoke or alter approval for any event date and/or route based upon a continuing evaluation of items including but not limited to safety, parking, traffic concerns, noise levels, etc., related to the event site and operation; or flood issues, conflicting street construction or other elements deemed hazardous to event attendees.
18. Applicant shall provide adequate rest room facilities.
19. Approval from all adjacent property and business owners is required for the use of an private property for the event.

Passed this 13th day of May, 2014.

RESOLUTION NO.

WHEREAS, Bob Ugarph on behalf of Area Ambulance Service, has requested approval for the "Lifeguard Helicopter Safety Training" events for the purpose of training EMS personnel on how to safely land, approach and load patients into an air ambulance helicopter on private property at Area Ambulance Service located at 2730 12th Street SW on Tuesday, May 27, 2014 and on Thursday May 29, 2014, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the request is approved subject to the following conditions:

1. Applicant shall comply with all applicable FAA regulations.
2. Applicant shall provide a safe landing zone at the location, which shall be secured before landing with adequate ground personnel on hand during arrival and departure.
3. Applicant and participants shall comply with all existing parking regulations on all adjacent areas of public property.
4. Applicant shall upon completion of the event, clean up all areas associated with the event.
5. The City reserves the right to revoke or alter approval for any event date and/or route based upon a continuing evaluation of items including but not limited to safety, parking, traffic concerns, noise levels, etc., related to the event site and operation or flood issues, conflicting street construction or other elements deemed hazardous to event attendees.

Passed this 13th day of May, 2014.

RESOLUTION NO.

WHEREAS, Sandi Fowler, Assistant City Manager – Development Services, is current member of the policy board on the Corridor Metropolitan Planning Organization;

WHEREAS, Sandi Fowler has been chosen to temporarily fulfill the role of Interim Executive Director of the Corridor Metropolitan Planning Organization;

AND WHEREAS, Joe Mailander shall be temporarily appointed to the policy board of the Corridor Metropolitan Planning Organization in Sandi Fowler's place;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, I, Ron Corbett, Mayor of the City of Cedar Rapids, in accordance with Section 2.06 of the Home Rule Charter, and subject to the advice and consent of the Cedar Rapids City Council hereby appoint Joe Mailander to temporarily serve on the Corridor Metropolitan Planning Organization.

BE IT FURTHER RESOLVED that the advice and consent of the City Council to the Mayor's temporary appointment of Joe Mailander to the Corridor Metropolitan Planning Organization is hereby given.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Consent Agenda Regular Agenda

Council Meeting Date: May 13, 2014

Submitting Department: Utilities

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: N/A **Phone No.:** N/A **E-mail:** N/A

Description of Agenda Item: (insert same wording as used on agenda summary)

Resolution approving the Business Travel Report for Stephen Hershner, Utilities Director, to attend the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting in Portland Oregon in July 2014 for an estimated amount of \$3,295. CIP/DID #OB

Background:

The City of Cedar Rapids travel policy requires any travel expenses with an estimated travel cost of \$3,000 or more to be approved by the City Council.

The estimated travel cost for Stephen Hershner, Utilities Director, to attend the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting in Portland Oregon from July 12 – 17, 2014 is \$3,295.

The justification for attendance at the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting is that the Utilities Department must stay current on executive and management issues and challenges facing municipal utilities.

Action / Recommendation:

The Utilities Department recommends that City Council approve the Business Travel Report for Stephen Hershner, Utilities Director, to attend the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting in Portland Oregon in July 2014.

Alternative Recommendation: N/A

Time Sensitivity: N/A

Resolution Date: 5-13-14

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

To be funded from the Utilities Department – Water Division fiscal year 2014 operations and maintenance budget and coded to 542102-621-621011.

Local Preference Policy Applies Exempt

Explanation: Travel

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Utilities Department recommends that Stephen Hershner, Utilities Director, be authorized to attend the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting in Portland Oregon in July 2014, and

WHEREAS, the estimated costs are \$3,295, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Business Travel Report submitted by Stephen Hershner, Utilities Director, be hereby approved for him to attend the National Association of Clean Water Agencies (NACWA) 2014 Summer Conference and 44th Annual Meeting in Portland Oregon in July 2014, for an estimated amount of \$3,295. The trip cost will be funded from the Utilities Department – WPC Division fiscal year 2014 operations and maintenance budget and coded to 542102-611-611004-611054.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Parks and Recreation

Presenter at meeting: Sven Leff

Phone Number/Ext: 5739

Email: s.leff@cedar-rapids.org

Alternate Contact Person:

Phone Number/Ext:

Email:

Description of Agenda Item:

Resolution setting a public hearing date for May 27, 2014 on the proposal to discontinue the Parks and Recreation Commission created by Municipal Code Section 6.05, discontinue the River Recreation Commission created by Municipal Code Section 6.14, create a new Municipal Code Section 6.05, Parks, Waterways and Recreation Commission, and amend Chapter 55 of the Municipal Code concerning boat and other river regulations, and directing that notice be published.

Background:

The City of Cedar Rapids created the Parks & Recreation Commission (Municipal Code section 6.05) and the River Recreation Commission (Municipal Code section 6.14) to serve as advisory agencies to support the operations of the Parks and Recreation Department and river-related recreation. Combining the two commissions into a single body that represents the diverse leisure interests of the community is beneficial for guiding Department resources in a single coordinated direction. The River Recreation Commission recommended combining the two commissions into a single body at its April 3, 2014 regular meeting, and the Parks & Recreation Commission recommended combining the two commissions into a single body at its April 15, 2014 regular meeting.

Action / Recommendation:

Approve motion to set a public hearing for May 27, 2014

Alternative Recommendation:

N/A

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt
Explanation: N/A

Recommended by Council Committee Yes No N/A
Explanation (if necessary):

RESOLUTION NO.

RESOLUTION PROPOSING DISCONTINUANCE OF THE PARKS AND RECREATION COMMISSION PURSUANT TO MUNICIPAL CODE SECTION 6.05, DISCONTINUANCE OF THE RIVER RECREATION COMMISSION PURSUANT TO MUNICIPAL CODE SECTION 6.14, CREATION OF A NEW MUNICIPAL CODE SECTION 6.05, PARKS, WATERWAYS AND RECREATION COMMISSION, AND TO CONSIDER AMENDING CHAPTER 55 OF THE MUNICIPAL CODE CONCERNING BOAT AND OTHER RIVER REGULATIONS, SETTING A PUBLIC HEARING DATE FOR MAY 27, 2014 ON THE PROPOSAL AND DIRECTING THAT NOTICE BE PUBLISHED

WHEREAS, by enacting Municipal Code section 6.05, the City of Cedar Rapids created the Parks & Recreation Commission to serve as an advisory agency to support the operations of the Parks and Recreation Department, and

WHEREAS, by enacting Municipal Code section 6.14, the City of Cedar Rapids created the River Recreation Commission to serve as an advisory agency to support the operations of the Parks and Recreation Department more specifically with respect to river-related recreation, and

WHEREAS, combining the two commissions into a single body that represents the diverse leisure interests of the community is beneficial for guiding Department resources in a single coordinated direction, and

WHEREAS, the River Recreation Commission recommended combining the two commissions into a single body at its April 3, 2014 regular meeting, and

WHEREAS, the Parks & Recreation Commission recommended combining the two commissions into a single body at its April 15, 2014 regular meeting,

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Cedar Rapids that on May 27, 2013 at 4:00 p.m. in the Cedar Rapids City Council Chambers, the City Council shall conduct a public hearing on the proposal to discontinue the Parks and Recreation Commission and the River Recreation Commission and create a new Parks, Waterways and Recreation Commission and to consider amending Chapter 55 of the Municipal Code concerning Boat and Other River Regulations. The Cedar Rapids City Clerk is directed to publish notice of this public hearing as provided for by applicable law.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: 5-13-14

Submitting Department: Solid Waste & Recycling

Presenter at meeting: Mark Jones

Phone Number/Ext: 4791

Email: m.jones@cedar-rapids.org

Alternate Contact Person: Sarah

Phone Number/Ext: X4786

Email: s.augustine@cedar-rapids.org

Description of Agenda Item: (insert same wording as used on agenda summary)

1. Resolutions approving assessment actions:

Intent to assess – Solid Waste & Recycling – clean-up costs – three properties.

Background:

The Solid Waste and Recycling Division is responsible for abating garbage nuisances on public and private property. Under normal circumstances property owners receive a "Notice of Abatement" letter which allows them seven (7) days to correct the problem identified in the letter and its attachments. If a property owner fails to abate the nuisance, the Solid Waste and Recycling Division abates the nuisance and issues an invoices for services rendered.

Property owners have 30 days to pay their invoice. Failure to pay the invoice results in a "Intent to Assess" action against the property being prepared by the Solid Waste and Recycling Division and presented to City Council in the form of a Resolution.

Following the approval of the Intent to Assess Resolution, the property owner receives another mailing, which includes all the original documentation and a copy of the Intent to Assess Resolution. The property owner then has an additional 30 day period to pay their invoice. Failure to pay the outstanding invoice following the second 30 day period results in a "Levy Assessment" action against the property being prepared by the Solid Waste and Recycling Division and presented to City Council in the form of a Resolution.

Following approval of the "Special Assessment" Resolution, the nuisance abatement information is turned over to the Linn County Treasurer and the outstanding payment is levied against the property owner's taxes for collection.

Action / Recommendation:

The Solid Waste and Recycling Division recommends that the Resolution for the Intent to Assess be approved.

Alternative Recommendation:

The City Council could decide not to assess.

Time Sensitivity:

Resolution Date: 5-13-14

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable):

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

INTENT TO ASSESS

WHEREAS, NUISANCE ABATEMENTS have been made among various properties within the City of Cedar Rapids, Iowa, and,

WHEREAS, the property owner has failed to pay the required invoice(s) sent out for costs associated with the nuisance abatement within the prescribed time period noted on the City's invoice, and,

WHEREAS, the City of Cedar Rapids may assess the cost of nuisance abatements against the property for failure to pay invoices, and

BE IT RESOLVED, by the City Council of the City of Cedar Rapids, Iowa, that the intent to assess against the property and for the amounts shown on the attached listing, will be made by the City Council after 30 days of the date passed, and notice was given by mailing to the owners of the described and enumerated tracts, a notice of this proposed assessment, stating the amount of the assessment and the description of the property, and on what account, and that objections to said proposed assessment may be filed prior to 3:30 p.m., June 11, 2014.

Passed this 13th day of May, 2014.

City of Cedar Rapids
Solid Waste & Recycling Department
Intent To Assess List
4/8/14 - 4/15/14

Date	Customer #	GPN#/ Parcel	First Name	Last Name	House	Street	Quad	Lot	Block	Amount	Flood Zone
4/8/2014	A01690	1.41041E+14	Sylvia	Hinchliffe	400	32nd St	NE	16	10	\$2,828.28	
4/15/2014	A00466	143210700500000	Adu	Saarah-Mensah	637	16th Ave	SW	9	18	\$ 336.75	
4/15/2014	A00466	141538601000000	Abu	Saarah-Mensah	1642	B Ave	NE	19	9	\$ 516.75	
										<u>\$3,681.78</u>	



Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: Kevin Kirchner **Phone No.:** 5902 **E-mail:** k.kirchner@cedar-rapids.org

Description of Agenda Item:

Resolutions approving assessment actions:

- a. Intent to assess – Utilities – Water Division – delinquent municipal utility bills – 51 properties; CIP/DID #OB

This is a Resolution to Assess (Intent) – Various Properties for Delinquent Municipal Utility Bills, Penalties and Iowa Sales Tax. (The property address listing is included with the resolution.)

Background:

The Utilities Department – Water Division is responsible for the billing and collection of municipal utility bills for water, sewer, storm sewer, solid waste and recycling services provided to our customers. The Water Division initiates the Notice of Intent to Assess process whenever delinquent utility balances are unpaid; collection efforts have been ignored; and active services have been terminated. Below are the steps taken in typical situations:

- Friendly Reminder is mailed
- Final Notice is mailed
- Door Tag is placed at premise
- Services are terminated

A Notice of Intent to Assess letter is mailed (after Council approves the Resolution of Intent to Assess) giving the property owners 30 days to pay their delinquent municipal utility bill before a resolution for special assessment is approved by City Council to lien properties.

Action / Recommendation: The Utilities Department – Water Division recommends that the Resolution for Intent to Assess various properties for delinquent municipal utility bills be approved.

Alternative Recommendation (if applicable): The City Council could decide not to assess delinquent utility bills or they could approve lien intents to assess properties as a motion item eliminating the need for a resolution.

Time Sensitivity: None, routine item

Resolution Date: 5/13/14

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

INTENT TO ASSESS

WHEREAS, utility service charges (water, sewer, storm sewer, solid waste and recycling), penalties and Iowa sales tax have been provided to various properties in the City of Cedar Rapids, Iowa, and

WHEREAS, the occupants of the properties have failed to pay the municipal utility billings mailed for the utility service charges, and

WHEREAS, the utility service charges are now delinquent at these properties, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that special assessments be made against the properties and for the amounts shown on the attached listing, will be made by the City Council on the 24th day of June, 2014 and notice was given by mailing to the owners of the properties, a notice of this proposed assessment, stating the amount of the assessment and the description of the property, and on what account, and that objections to said proposed assessment may be filed prior to 3:00 p.m., June 24, 2014.

Passed this 13th day of May, 2014.

LIEN INTENTS (SPECIAL ASSESSMENTS) 5/13/14

				LIEN INTENTS 5/13/14
#		Balance Due		Premise Address
1		\$ 658.20		71 DEVONWOOD AVE SW
2		\$ 228.25		283 RAY DR NW
3		\$ 102.76		325 5TH ST NW
4		\$ 135.25		358 ESSEX DR NE
5		\$ 174.30		359 15TH AVE SW
6		\$ 162.99		416 NORWICK RD SW
7		\$ 54.09		442 9TH AVE SW - LOWER
8		\$ 211.59		542 12TH ST SE
9		\$ 646.93		629 A AVE NW
10		\$ 62.75		711 9TH ST NW
11		\$ 250.45		800 12TH ST NE
12		\$ 64.21		827 9TH ST SW
13		\$ 289.24		828 PALMYRA DR NE
14		\$ 614.01		849 14TH ST NE
15		\$ 95.08		923 N ST SW
16		\$ 224.44		1026 DANIELS ST NE
17		\$ 81.20		1039 16TH ST NE
18		\$ 75.53		1044 19TH ST SE
19		\$ 112.34		1115 A AVE NW
20		\$ 177.51		1210 20TH AVE SW
21		\$ 226.12		1257 5TH AVE SE - UPPER
22		\$ 179.00		1312 H AVE NE
23		\$ 354.49		1332 C ST SW
24		\$ 128.05		1400 STAUB CT NE
25		\$ 276.12		1407 WASHINGTON AVE SE
26		\$ 108.09		1516 C AVE NE - LOWER
27		\$ 470.15		1530 MAPLEWOOD DR NE
28		\$ 76.69		1555 6TH AVE SE
29		\$ 212.83		1601 K AVE NE
30		\$ 190.25		1637 HILLSIDE DR NW
31		\$ 163.60		1702 C ST SW
32		\$ 234.60		1734 5TH AVE SE
33		\$ 210.26		1807 WILLIAMS BLVD SW
34		\$ 60.10		1923 MT VERNON RD SE
35		\$ 155.63		1968 B AVE NE
36		\$ 46.30		2002 29TH ST NW
37		\$ 243.77		2018 SUGAR CREEK DR NW #B
38		\$ 175.11		2116 HAMILTON ST SW

LIEN INTENTS 5/13/14			
#	Balance Due	Premise Address	
39	\$ 83.16	2135 29TH ST NW #10	
40	\$ 106.57	3000 SPRUCE AVE SE	
41	\$ 389.43	3126 BAYBERRY DR SW	
42	\$ 490.67	3515 BANAR DR SW #C	
43	\$ 57.94	3516 AMANDA CT NW	
44	\$ 193.72	3712 H AVE NE	
45	\$ 84.10	4016 14TH AVE SE	
46	\$ 191.55	5028 LOUISA ST NE	
47	\$ 219.18	5029 LOUISA ST NE	
48	\$ 139.42	5829 MUIRFIELD DR SW #2	
49	\$ 246.79	6514 TENNESSEE CT SW	
50	\$ 93.67	6605 BRENTWOOD DR NE	
51	\$ 99.51	7615 QUAIL TRL NE	
	\$ 10,327.99	Grand Total	
	51	Number of Properties	
	\$ 46.30	Balance Due - Low	
	\$ 658.20	Balance Due - High	

Council Agenda Item Cover Sheet

Consent Agenda Regular Agenda

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hersnher@cedar-rapids.org

Alternate Contact: Kevin Kirchner **Phone No.:** 5902 **E-mail:** k.kirchner@cedar-rapids.org

Description of Agenda Item:

Resolutions approving assessment actions:

- a. Levy assessment – Utilities – Water Division – delinquent municipal utility bills – 33 properties. CIP/DID #OB1097820

The property address listing is included with the resolution. [**Note:** The Intent to Assess Resolution was approved at the March 25th Council Meeting.]

Background:

The Utilities Department – Water Division is responsible for the billing and collection of municipal utility bills for water, sewer, storm sewer, solid waste and recycling services provided to our customers. The Utilities Department – Water Division initiates the Special Assessment process whenever delinquent utility balances are unpaid; collection efforts have been ignored; and active services have been terminated. After Council approves the Intent to Assess resolution, a Notice of Intent to Assess letter is mailed to the customer at least 30 days prior to this Special Assessment.

Below are the steps taken in typical situations:

- Friendly Reminder is mailed
- Final Notice is mailed
- Door Tag is placed at premise
- Services are terminated
- A Notice of Intent to Assess letter is mailed to the customer
- Special Assessment is approved by the City Council at least thirty days after the Intent to Assess letter is mailed

The Notice of Intent to Assess these properties was approved by City Council Resolution No. 0338-03-14 on March 25, 2014.

Following approval of the "Special Assessment" Resolution, the delinquent municipal utility information will be certified with the Linn County Treasurer. This becomes a "Special Assessment" against the properties and has equal precedence to property taxes.

Action / Recommendation: The Utilities Department – Water Division recommends that the Resolution to levy Special Assessments be approved.

Alternative Recommendation (if applicable): The City Council could decide not to assess delinquent utility bills or they could approve routine "special assessments" as a motion item and eliminate the need for a resolution.

Time Sensitivity: N/A

Resolution Date: 5/13/14

Estimated Presentation Time: 0 Minutes

Budget and Purchase Process Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary): N/A

RESOLUTION NO.

SPECIAL ASSESSMENTS

WHEREAS, the City Council of the City of Cedar Rapids, Iowa has heretofore passed a Resolution of Intent to Assess various properties in the City of Cedar Rapids, Iowa for delinquent municipal utility service charges (water, sewer and storm sewer), penalties and Iowa sales tax, and

WHEREAS, a listing of the various properties for said delinquent utility service charges has been filed with the City Clerk and notice of assessment has been given to the property owners, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that there be and is hereby levied an assessment against various properties for the amounts shown on the attached listing and made a part of this resolution, and

BE IT FURTHER RESOLVED, that a copy of this resolution be certified to the County Treasurer in order that the said assessments may be collected in the same manner as property taxes.

Passed this 13th day of May, 2014.

SPECIAL ASSESSMENTS (TO BE LIENED) 5-13-14

SPECIAL ASSESSMENTS 5-13-14			
LIEN INTENTS 3-25-14			
#	Balance Due	Premise Address	
1	\$ 207.00	116 33RD ST NE - UPPER	
2	\$ 90.29	135 34TH ST DR SE	
3	\$ 142.03	211 CHATHAM RD NE	
4	\$ 233.58	220 7TH AVE SW	
5	\$ 315.98	227 32ND ST NE	
6	\$ 312.19	345 6TH AVE SW	
7	\$ 179.43	351 17TH ST SE	
8	\$ 169.94	393 15TH AVE SW	
9	\$ 253.73	397 16TH AVE SW	
10	\$ 109.75	400 32ND ST NE	
11	\$ 257.26	407 7TH AVE SW	
12	\$ 187.56	650 21ST AVE SW	
13	\$ 213.38	719 9TH AVE SW	
14	\$ 456.92	720 31ST ST SE	
15	\$ 147.31	1006 9TH ST NW	
16	\$ 289.84	1011 10TH ST SW	
17	\$ 188.44	1048 H AVE NW	
18	\$ 200.54	1128 K ST SW	
19	\$ 265.58	1300 ACACIA DR NE	
20	\$ 169.34	1425 7TH AVE SE	
21	\$ 224.09	1491 TOWER LN NE #8	
22	\$ 248.64	1555 6TH AVE SE	
23	\$ 234.82	1818 7TH AVE SE	
24	\$ 351.68	1826 J AVE NE - UPPER	
25	\$ 161.09	1923 MT VERNON RD SE	
26	\$ 191.50	2101 WASHINGTON AVE SE	
27	\$ 236.42	2207 ROCKFORD RD SW	
28	\$ 217.21	3028 CIRCLE DR NE	
29	\$ 1,170.09	3325 CENTER POINT RD NE	
30	\$ 155.48	4524 RUSHMORE DR NE	
31	\$ 239.80	5418 KLINGER ST SW	
32	\$ 81.70	5723 MUIRFIELD DR SW #11	
33	\$ 198.22	6617 KIOWA TRACE NE	
	\$ 5,449.32	Grand Total	
	33	Number of Properties	
	\$ 81.70	Balance Due - Low	
	\$ 1,170.09	Balance Due - High	

Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: Kevin Kirchner **Phone No.:** 5902 **E-mail:** k.kirchner@cedar-rapids.org

Description of Agenda Item:

Resolutions approving assessment actions:

- a. Levy assessment – Utilities – Water Division – delinquent municipal utility bills – 27 properties. CIP/DID #OB1115315

The property address listing is included with the resolution. [**Note:** The Intent to Assess Resolution was approved at the April 8th Council Meeting.]

Background:

The Utilities Department – Water Division is responsible for the billing and collection of municipal utility bills for water, sewer, storm sewer, solid waste and recycling services provided to our customers. The Utilities Department – Water Division initiates the Special Assessment process whenever delinquent utility balances are unpaid; collection efforts have been ignored; and active services have been terminated. After Council approves the Intent to Assess resolution, a Notice of Intent to Assess letter is mailed to the customer at least 30 days prior to this Special Assessment.

Below are the steps taken in typical situations:

- Friendly Reminder is mailed
- Final Notice is mailed
- Door Tag is placed at premise
- Services are terminated
- A Notice of Intent to Assess letter is mailed to the customer
- Special Assessment is approved by the City Council at least thirty days after the Intent to Assess letter is mailed

The Notice of Intent to Assess these properties was approved by City Council Resolution No. 0424-04-14 on April 8, 2014.

Following approval of the "Special Assessment" Resolution, the delinquent municipal utility information will be certified with the Linn County Treasurer. This becomes a "Special Assessment" against the properties and has equal precedence to property taxes.

Action / Recommendation: The Utilities Department – Water Division recommends that the Resolution to levy Special Assessments be approved.

Alternative Recommendation (if applicable): The City Council could decide not to assess delinquent utility bills or they could approve routine "special assessments" as a motion item and eliminate the need for a resolution.

Time Sensitivity: N/A

Resolution Date: 5/13/14

Estimated Presentation Time: 0 Minutes

Budget and Purchase Process Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary): N/A

RESOLUTION NO.

SPECIAL ASSESSMENTS

WHEREAS, the City Council of the City of Cedar Rapids, Iowa has heretofore passed a Resolution of Intent to Assess various properties in the City of Cedar Rapids, Iowa for delinquent municipal utility service charges (water, sewer and storm sewer), penalties and Iowa sales tax, and

WHEREAS, a listing of the various properties for said delinquent utility service charges has been filed with the City Clerk and notice of assessment has been given to the property owners, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that there be and is hereby levied an assessment against various properties for the amounts shown on the attached listing and made a part of this resolution, and

BE IT FURTHER RESOLVED, that a copy of this resolution be certified to the County Treasurer in order that the said assessments may be collected in the same manner as property taxes.

Passed this 13th day of May, 2014.

SPECIAL ASSESSMENTS (TO BE LIENED) 5-13-14

SPECIAL ASSESSMENTS 5-13-14			
LIEN INTENTS 4/08/14			
#	Balance Due	Premise Address	
1	\$ 309.69	77 FLORIDA AVE SW	
2	\$ 55.68	327 30TH ST DR SE	
3	\$ 233.38	368 HAMPDEN DR NE	
4	\$ 270.64	563 FOREST DR SE	
5	\$ 231.91	604 PENN AVE NW	
6	\$ 216.68	700 34TH ST NE	
7	\$ 159.28	738 31ST ST SE	
8	\$ 150.70	800 18TH ST NW	
9	\$ 129.19	806 KNOLL ST SE	
10	\$ 250.82	815 CAMBURN CT SE	
11	\$ 158.00	818 11TH AVE SE	
12	\$ 83.68	836 9TH ST SW	
13	\$ 44.16	916 MAPLEWOOD DR NE	
14	\$ 81.22	1110 31ST ST NE	
15	\$ 315.33	1119 21ST AVE SW	
16	\$ 217.12	1432 7TH AVE SE	
17	\$ 200.48	1711 14TH AVE SW	
18	\$ 332.33	1728 B AVE NE	
19	\$ 238.72	1745 BEVER AVE SE	
20	\$ 76.21	1805 PARK AVE SE	
21	\$ 53.00	2120 HIGH DR SE	
22	\$ 371.90	3102 BOWLING ST SW	
23	\$ 221.69	3515 BANAR DR SW #C	
27	\$ 92.07	3824 CLARK RD SE	
25	\$ 148.84	4524 RUSHMORE DR NE	
26	\$ 129.53	4627 1ST AVE SW #3	
27	\$ 169.58	6521 BROOKVIEW LN NE	
	\$ 4,941.83	Grand Total	
	27	Number of Properties	
	\$ 44.16	Balance Due - Low	
	\$ 371.90	Balance Due - High	



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development and Planning

Presenter at meeting: Tony Lerud

Phone Number/Ext: 319 286-5817

Email: a.lerud@cedar-rapids.org

Alternate Contact Person: Paula Mitchell

Phone Number/Ext: 319 286-5852

Email: p.mitchell@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolutions authorizing execution of Development Agreements and Special Warranty Deeds for City-owned property participating in the third round of the Single Family New Construction Program (**FLOOD**). CIP/DID #OB540257

- a. Premiere Developers, Inc. for property at 1111 3rd Street SW
- b. Premiere Developers, Inc. for property at 1221 2nd Street SW

Background:

The resolutions for City Council consideration provide for the execution of Development Agreements and deeds with the above listed developers and associated City-owned properties through the third round of the Single Family New Construction Program, known locally as the ROOTs program. The properties have been awarded through a competitive proposal process and the City and developers are ready to execute the Development Agreements and deeds to allow construction on the homes to begin. To date, 151 such agreements and deeds for City property have been executed for the ROOTs program.

Highlights of the terms and conditions contained in the Development Agreements are as follows:

- a. Property is being conveyed to the qualified developer based on the investment provided by the developer in the construction of a single-family home;
- b. Developer agrees to commence construction within one year of the execution of the agreement and complete all projects prior to the end of the program in December 2014;
- c. Developer is responsible to resolve conflicts with adjacent property owners and purchasers that might result from the construction project;
- d. Developer is responsible for maintaining the property in accordance with all City and state codes;
- e. Developer shall comply with all program requirements pertaining to the sale of the property to a qualified buyer.

On November 9, 2010, by Resolution No. 1306-11-10, the City Council approved the Administrative Plan for the Single Family New Construction (SFNC) Program. The administrative plan limits development of homes to lots within the "Neighborhood Revitalization

Area” of the flood inundation area. The administrative plan further directs the use of lots acquired by the City through the Voluntary Property Acquisition Program to be conveyed to the developer in consideration for the construction of the SFNC unit.

Through a competitive proposal process, developers submitted applications for the program which listed “preference sites” either owned by the City or being acquired through the Voluntary Property Acquisition Program. A team of City staff, members of the Home Builders Association, and the Neighborhood Planning Process Steering Committee evaluated the proposals based on:

- financial and performance capacity;
- experience with projects of similar scope;
- architectural design;
- compatibility with the existing neighborhood;
- green building practices; and
- marketing plan.

A total of 200 properties were identified by 23 developers through three phases of property allocation for this round of the program.

Action / Recommendation:

City staff recommends approval of the resolutions.

Alternative Recommendation:

City Council may table the items and request additional information.

Time Sensitivity: N/A

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt N/A

Explanation: Federal grant funds

Recommended by Council Committee Yes No N/A

RESOLUTION NO.

RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT
AND SPECIAL WARRANTY DEED WITH PREMIERE DEVELOPERS, INC. FOR
CITY-OWNED PROPERTY AT 1111 3RD STREET SW PARTICIPATING IN THE
THIRD ROUND OF THE SINGLE FAMILY NEW CONSTRUCTION PROGRAM

WHEREAS, on November 9, 2010, the City Council passed Resolution 1306-11-10 approving the administrative plan and local program guidelines for the third phase of the Single Family New Construction Program (SFNC); and

WHEREAS, the guidelines adopted in the administrative plan for the SFNC program limited redevelopment sites to private and City owned lots within the Neighborhood Revitalization Area of the flood inundation area; and

WHEREAS, the City purchased property at 1111 3rd Street SW through the Voluntary Property Acquisition Program using federal Community Development Block Grant (CDBG) dollars; and

WHEREAS, the City published a Notice of Public Hearing in the Cedar Rapids Gazette on March 16, 2013 regarding the disposition of the City-owned property in accordance with Iowa Code; and

WHEREAS, a public hearing was held on August 27, 2013 on the possible disposition of this property in accordance with Iowa Code; and

WHEREAS, the City Council has determined that the private investment made by the Developer to construct a single-family dwelling on City-owned property constitutes good, adequate, fair and valuable consideration for the property; and

WHEREAS, the City and Developer have come to mutual agreement as to the terms and conditions of the Development Agreement which is now ready for execution on behalf of the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that on behalf of the City of Cedar Rapids, the City Manager and City Clerk are hereby authorized to execute the Development Agreement with Premiere Developers, Inc.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute a Special Warranty Deed effectuating the conveyance of property in accordance with the Development Agreement and that the resolution and Special Warranty Deed be recorded in the Office of the Linn County Recorder.

Passed this 13th Day of May, 2014

RESOLUTION NO.

RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT
AND SPECIAL WARRANTY DEED WITH PREMIERE DEVELOPERS, INC. FOR
CITY-OWNED PROPERTY AT 1221 2ND STREET SW PARTICIPATING IN THE
THIRD ROUND OF THE SINGLE FAMILY NEW CONSTRUCTION PROGRAM

WHEREAS, on November 9, 2010, the City Council passed Resolution 1306-11-10 approving the administrative plan and local program guidelines for the third phase of the Single Family New Construction Program (SFNC); and

WHEREAS, the guidelines adopted in the administrative plan for the SFNC program limited redevelopment sites to private and City owned lots within the Neighborhood Revitalization Area of the flood inundation area; and

WHEREAS, the City purchased property at 1221 2nd Street SW through the Voluntary Property Acquisition Program using federal Community Development Block Grant (CDBG) dollars; and

WHEREAS, the City published a Notice of Public Hearing in the Cedar Rapids Gazette on March 16, 2013 regarding the disposition of the City-owned property in accordance with Iowa Code; and

WHEREAS, a public hearing was held on March 13, 2012 on the possible disposition of this property in accordance with Iowa Code; and

WHEREAS, the City Council has determined that the private investment made by the Developer to construct a single-family dwelling on City-owned property constitutes good, adequate, fair and valuable consideration for the property; and

WHEREAS, the City and Developer have come to mutual agreement as to the terms and conditions of the Development Agreement which is now ready for execution on behalf of the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that on behalf of the City of Cedar Rapids, the City Manager and City Clerk are hereby authorized to execute the Development Agreement with Premiere Developers, Inc.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute a Special Warranty Deed effectuating the conveyance of property in accordance with the Development Agreement and that the resolution and Special Warranty Deed be recorded in the Office of the Linn County Recorder.

Passed this 13th Day of May, 2014

Council Agenda Item Cover Sheet

Consent Agenda Regular Agenda

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water

Presenter at meeting: Steve Hershner **Phone:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: Ken Russell **Phone:** 5926 **E-mail:** k.russell@cedar-rapids.org

Description of Agenda Item:

Resolutions accepting various subdivision improvements, approving Maintenance Bonds and/or authorizing reimbursements:

- a. Water System improvements installed in Tech Place 3rd Addition and 2-year maintenance bond submitted by Connolly Construction, Inc. in the amount of \$27,162.35. CIP/DID #2012070-01

Background:

Developers/Contractors are required to furnish and install water distribution systems to serve new developments. Upon completion of these public system improvements, a maintenance bond is required, covering the first two years in service.

The Developer, Jerry's Homes, was granted permission by the Water Division to install 8-inch water main, services and appurtenances in Tech Place 3rd Addition (Project No. 2012070). The Contractor, Connolly Construction, Inc., has installed 617 feet of 8-inch water main on Prairie Rose Drive SW.

The Water Division has inspected the referenced improvements and found them to be installed in accordance with the approved Plans and Specifications, and in good working condition.

Action / Recommendation:

The Utilities Department – Water Division is recommending acceptance of the water system improvements installed in Tech Place 3rd Addition (Project No. 2012070) and the Contractor's 2-year Maintenance Bond submitted by Connolly Construction, Inc. in the amount of \$27,162.35.

Alternative Recommendation:

There is no alternative recommendation but an alternative action is to not accept this phase of the project. If this phase is not accepted, it cannot be closed out and the 2-year maintenance bond period cannot begin and the City could be subject to claims since the Contractor has completed this phase of the project.

Time Sensitivity: None, routine item

Resolution Date: 05/13/14

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

WTR
AUD FILE
ENG
FIN
JERRY'S
CONNOLLY
2012070-01

RESOLUTION NO.

WHEREAS, the Developer, Jerry's Homes, was granted permission to install 617 lineal feet of 8-inch DIP water main, services and appurtenances on Prairie Rose Drive SW, all in TECH PLACE 3RD ADDITION, Project No. 2012070, to the City of Cedar Rapids, Iowa, by the Utilities Department – Water Division, and

WHEREAS, said work has now been completed and Connolly Construction, Inc. of Peosta, Iowa, as Principal, has filed a 2-year Maintenance Bond (#IAC-583436) executed by Merchants Bonding Company (Mutual) of Des Moines, Iowa, as Surety, in the sum of \$27,162.35 (Twenty Seven Thousand One Hundred Sixty Two Dollars and 35/100) covering said work, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the water main, services and appurtenances installed in TECH PLACE 3RD ADDITION, Project No. 2012070, be hereby accepted, and

BE IT FURTHER RESOLVED that the 2-Year Maintenance Bond filed by Connolly Construction, Inc., Iowa, as Principal, and executed by Merchants Bonding Company (Mutual) as Surety, be hereby approved and filed with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Veterans Memorial

Presenter at meeting: Consent Agenda
Email:

Phone Number/Ext:

Alternate Contact Person: Mike Jager
Email: M.Jager@cedar-rapids.org

Phone Number/Ext: 5039

Description of Agenda Item:

Resolution accepting project, approving performance bond and authorizing issuance of final payment for the Veterans Memorial Phase III – Bid Package #3 – Masonry project, final payment in the amount of \$24,670.70 and the 2-Year Performance Bond submitted by Seedorff Masonry, Inc. (original contract amount was \$490,650; final contract amount is \$493,414) (**FLOOD**); CIP/DID #VME001-06

Background:

Construction has been substantially completed by Seedorff Masonry, Inc. for the Veterans Memorial Phase III – Bid Package #3 – Masonry project. This is a FEMA funded project (VME-001-06) with a final construction contract amount of \$493,414.

Action / Recommendation:

The Veterans Memorial Director recommends adoption of the Resolution to accept the project, the performance bond and issue final payment to the contractor in the amount of \$24,670.70.

Alternative Recommendation:

None

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time:

Budget Information (if applicable): VME-001-06 (522000-330-330020-18512-VME001)

Local Preference Policy Applies Exempt

Explanation:

VET
FIN
CLK
TRS
AUD FILE
SEEDORFF
NEUMANN
VME001-06
OB377545

RESOLUTION NO.

WHEREAS, the Veterans Memorial Director certifies construction contract work on the Veterans Memorial Phase III – Bid Package #3 - Masonry project, Contract No. VME001-06, has been substantially completed in accordance with the approved plans and specifications, and

WHEREAS, a Performance Bond, dated January 22, 2013 in the amount of \$490,650 covering said work filed by Seedorff Masonry, Inc. and executed by United Fire & Casualty Company provides a two-year correction period for defects in materials and workmanship, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the two-year correction period as provided by the Performance Bond commences on this date, and

BE IT FURTHER RESOLVED that based on the Veterans Memorial Director's recommendation, the Veterans Memorial Phase III – Bid Package #3 - Masonry project, Contract No. VME001-06, be and the same is hereby accepted as being substantially completed, and the City of Cedar Rapids Finance Director is authorized and directed to issue a warrant in the sum of \$24,670.70 to Seedorff Masonry, Inc. as final payment.

The final contract price is \$493,414 distributed as follows: 522000-330-330020-18512-VME001 and,

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Presenter at meeting: Doug Carper
E-mail Address: d.carper@cedar-rapids.org

Phone Number/Extension: 5258

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution accepting project and approving the 4-year Performance Bond submitted by Ricklefs Excavating, Ltd. for the Vinton Ditch Repairs From Edgewood Road NW to E Avenue NW project (original contract amount was \$17,185; final contract amount is \$17,185). CIP/DID #304382-01

Background:

Construction has been substantially completed by Ricklefs Excavating, Ltd. for the Vinton Ditch Repairs From Edgewood Road NW to E Avenue NW. This is an approved Capital Improvements Project (CIP No. 304382) with a final construction contract amount of \$17,185. Funding resources for this project were approved in FY14 and prior years and the project is completed within the approved budget.

Action / Recommendation:

The Public Works Department recommends adoption of the Resolution to accept the project and performance bond.

Alternative to the Recommendation:

There is no alternative recommendation but an alternative action is to not accept the project. If the project is not accepted, the project cannot be closed out (4-year maintenance bond period cannot begin) and City could be subject to claims since Contractor has fulfilled the terms of the construction contract.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): 304382

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Public Works Director / City Engineer certifies construction contract work on the Vinton Ditch Repairs From Edgewood Road NW to E Avenue NW project (Contract No. 304382-01), has been substantially completed in accordance with the approved plans and specifications, and

WHEREAS, a Performance Bond, dated December 27, 2013 in the amount of \$16,185 covering said work filed by Ricklefs Excavating, Ltd. and executed by United Fire & Casualty provides a four-year correction period for defects in materials and workmanship, and

WHEREAS, the final cost summary for this project is as follows:

Original Contract Amount	\$16,185
Possible Incentive	<u>1,000</u>
Contract Amount	\$17,185

, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the four-year correction period as provided by the Performance Bond commences on this date, and

BE IT FURTHER RESOLVED that based on the Public Works Director / City Engineer's recommendation, the Vinton Ditch Repairs From Edgewood Road NW to E Avenue NW project, (304382-01) be and the same is hereby accepted as being substantially completed, and

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

Passed this 13th day of May, 2014.

Cadd File Name: W:\PROJECTS\CIP\304304304382 Council Map.dwg



**VINTON DITCH REPAIRS
FROM EDGEWOOD ROAD NW TO E AVENUE NW**





Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hersnher@cedar-rapids.org

Alternate Contact: Bruce Jacobs **Phone No.:** 5913 **E-mail:** b.jacobs@cedar-rapids.org

Description of Agenda Item:

Resolutions accepting projects, approving Performance Bonds and authorizing issuance of final payments:

- a. Horizontal Collector Well No. 6 Pump House project, authorize issuance of final retainage payment in the amount of \$105,932.34 and approving the 2-Year Performance Bond submitted by Rice Lake Construction Group (original contract amount was \$2,124,400; final contract amount is \$2,118,646.75). CIP/DID #625863-03

Background:

This project involved construction of the Pump House for Horizontal Collector Well No. 6, including three vertical diffusion vane pumping units equipped with adjustable frequency drives, associated piping, valves, motor control center, electrical transformer, instrumentation, HVAC equipment; and all appurtenant work. The pump house was constructed on top of a caisson structure that was constructed under Contract No. 625863-02. The facility is located in Seminole Valley Park.

The City of Cedar Rapids obtains its raw water from the alluvium along the Cedar River. With the completion of Horizontal Collector Well No. 6, 45 vertical wells and five horizontal collector wells (HCWs) draw water from the aquifer to meet average demands of 38 million gallons per day. Additional collector wells are being constructed to increase the reliability and capacity of raw water supply as existing vertical wells continue to age and lose capacity. The new collector wells will also be built to a higher elevation for increased flood protection.

Change Order No. 1 was approved by the City Manager in December 2013 for a net decrease in the amount of \$(5,753.25) for the deletion of some contract requirements and also additional work performed during the project not in the original scope. There was also a negotiated settlement for a claim submitted by the Contractor for additional expenses incurred by the Contractor due to a critical project schedule and abnormal weather conditions. The Contract amount with Change Order No. 1 is \$2,118,646.75.

Construction has been substantially completed by Rice Lake Construction Group for the Horizontal Collector Well No.6 Pump House project.

Action / Recommendation:

The Utilities – Water Division staff recommends that the City Council approve the resolution to accept the project and performance bond, and authorize issuance of the final payment in the amount of \$105,932.34 to Rice Lake Construction Group thirty days after acceptance in accord with the State of Iowa Code.

Alternative Recommendation: None

Time Sensitivity: Action needed 05/13/2014

Resolution Date: 05/13/2014

Estimated Presentation Time: 0 Minutes

Budget Information Process Information:

- 1) **Included in Current Budget Year:** Yes. The Horizontal Collector Wells #6 project will be funded from the FY2012, FY2013, and FY2014 Utilities Department – Water Division CIP budget and coded to 553000-625-625000-X-X-625863.
- 2) **Analysis of the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** The Water FY2012, FY2013, and FY2014 CIP budgets include \$3,450,000 for the Horizontal Collector Wells #6 project. Construction costs for the HCW #6 Pump House project are \$2,118,646.75 with Engineering costs estimated at \$380,000 totaling \$2,498,646.75.
- 3) **Purchasing Department used or Purchasing Guidelines followed:** This project was publicly bid as a Capital Improvements Project.

Local Preference Policy Applies Exempt

Explanation: The Local Preference Policy does not apply to capital improvement projects.

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Utilities Department – Water Division certifies construction contract work on the Horizontal Collector Well No. 6 Pump House project (Contract No. 625863-03) has been substantially completed in accordance with the approved plans and specifications, and

WHEREAS, a Performance Bond, dated August 9, 2012 in the amount of \$2,124,400 covering said work filed by Rice Lake Construction Group and executed by Federal Insurance Company provides a two-year correction period for defects in materials and workmanship, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the two-year correction period as provided by the Performance Bond commences on this date, and

BE IT FURTHER RESOLVED that the Utilities Department – Water Division recommends the Horizontal Collector Well No. 6 Pump House project (Contract No. 625863-03) be hereby accepted and that the City of Cedar Rapids Finance Director is hereby authorized and directed to issue a warrant in the sum of \$105,932.34 for final (retainage) payment to Rice Lake Construction Group, thirty days after acceptance in accord with Iowa State Code.

A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$2,124,000.00
Change Order No. 1 (deletion of some contract requirements)	<u>- 5,753.25</u>
Final Contract Amount	\$2,118,646.75

Funded from fiscal years 2012, 2013 and 2014 Utilities Department – Water Division CIP budget and coded to 553000-625-625000-X-X-625863.

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Gary Petersen, PE
E-mail Address: g.petersen@cedar-rapids.org

Phone Number/Extension: 5153

Alternate Contact Person: Rob Davis, PE
E-mail Address: r.davis@cedar-rapids.org

Phone Number/Extension: 5808

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution adopting and levying final schedule of assessments and providing for the payment thereof for the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements project. CIP/DID #301597-00

Background:

Construction has been substantially completed by Horsfield Construction, Inc. for the subject project. This is a previously approved Capital Improvements Project (CIP No. 301597) with a total cost of completed work to date of \$5,131,879.14. Amount proposed to be assessed to 11 benefitting properties is \$167,760. The preliminary assessment amount of \$167,760 was approved by City Council on May 27, 2009. The Public Works Department has inspected the completed work and determined the work to be in substantial conformance with the contract requirements. In conformance with the provisions of the Iowa Code for special assessment (Chapter 384) the City of Cedar Rapids proposes a resolution to levy the final assessment.

Action / Recommendation:

The Public Works Department recommends adoption of the resolution.

Alternative to the Recommendation:

If the resolution to adopt and levy is not adopted, the assessments will not be enforceable.

Time Sensitivity: Must be acted on by May 13, 2014 due to assessment schedule per State code timeline.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Explanation: Final assessment proceedings as defined by Code of Iowa

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION ADOPTING AND LEVYING FINAL SCHEDULE OF ASSESSMENTS,
 AND PROVIDING FOR THE PAYMENT THEREOF

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA:

That after full consideration of the final schedule of assessments and accompanying plat showing the assessments proposed to be made for the construction of the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements, within the City, under contract with Horsfield Construction, Inc. of Epworth, Iowa, which final plat and schedule was filed in the office of the Clerk on the 27th day of March, 2014, said assessments are hereby corrected by making the following changes and reductions:

<u>NAME OF PROPERTY OWNER AND DESCRIPTION OF PROPERTY</u>	<u>PROPOSED FINAL ASSESSMENT</u>	<u>PROPOSED CONDITIONAL DEFICIENCY, IF ANY</u>	<u>CORRECTED FINAL ASSESSMENT</u>	<u>CORRECTED CONDITIONAL DEFICIENCY, IF ANY</u>
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None

BE IT FURTHER RESOLVED, that the said schedule of assessments and accompanying plat, be and the same are hereby approved and adopted; and that there be, and is hereby assessed and levied, as a special tax against and upon each of the lots, parts of lots and parcels of land, and the owner or owners thereof liable to assessment for the cost of said improvements, the respective sums expressed in figures set opposite to each of the same on account of the cost of the construction of the said improvements. Provided, further, that the amounts shown in said final schedule of assessments as deficiencies are found to be proper and are levied conditionally against the respective properties benefited by the improvements as shown in the schedule, subject to the provisions of Section 384.63, Code of Iowa. Said assessments against said lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements, and not in excess thereof, and not in excess of 25% of the value of the same.

BE IT FURTHER RESOLVED, that said assessments of an amount subject to the provisions of Section 384.60, Code of Iowa, shall be payable in ten (10) equal annual installments and shall bear interest at the rate of 9 percent per annum, the maximum rate permitted by law, from the date of the acceptance of the improvements; the first installment of each assessment, or total amount thereof, if it be less than the amount subject to the provisions of Section 384.60 Code of Iowa, with interest on the whole assessment from date of acceptance of the work by the Council, shall become due and payable on July 1, 2014; succeeding annual installments, with interest on the whole unpaid amount, shall respectively become due on July 1st annually thereafter, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary

taxes. Said assessments shall be payable at the office of the City Treasurer, in full or in part and without interest within thirty days after the date of the first publication of the notice of the filing of the final plat and schedule of assessments to the County Treasurer of Linn County, Iowa.

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to certify said final plat and schedule to the County Treasurer of Linn County, Iowa, and to publish notice of said certification once each week for two consecutive weeks in the Cedar Rapids Gazette, a newspaper printed wholly in the English language, published in Cedar Rapids, Iowa, the first publication of said notice to be made within fifteen days from the date of the filing of said schedule with the County Treasurer, the Clerk shall also send by ordinary mail to all property owners whose property is subject assessment a copy of said notice, said mailing to be on or before the date of the second publication of the notice, all as provided and directed by Code Section 384.60, Code of Iowa.

BE IT FURTHER RESOLVED, that the Clerk is directed to certify the deficiencies for lots specially benefited by the improvements, as shown in the final schedule of assessments, to the County Treasurer for recording in the Special Assessment Deficiencies Book and to the city official charged with responsibility for the issuance of building permits. Said deficiencies are conditionally assessed to the respective properties under Code Section 384.63 for the amortization period specified by law.

The Clerk is authorized and directed to ascertain the amount of assessments remaining unpaid after the thirty day period against which improvement bonds may be issued and to proceed on behalf of the City with the sale of said bonds, to select a date for the sale thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the City and this Council and otherwise to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the Council.

PASSED AND APPROVED this 13th day of May, 2014.

**NOTICE OF FILING OF THE FINAL PLAT AND SCHEDULE
OF ASSESSMENTS AGAINST BENEFITED PROPERTIES FOR
THE CONSTRUCTION OF THE 6TH STREET SW
FROM WACONIA AVENUE TO NORTH OF PRAIRIE CREEK BRIDGE IMPROVEMENTS
WITHIN THE CITY OF CEDAR RAPIDS, IOWA**

TO THE PERSONS OWNING LAND LOCATED WITHIN THE DISTRICT DESCRIBED AS THE 6TH STREET SW FROM WACONIA AVENUE TO NORTH OF PRAIRIE CREEK BRIDGE IMPROVEMENTS WITHIN THE CITY OF CEDAR RAPIDS, IOWA:

Consisting of the properties which are described as follows:

190932600100000 IRR SUR SW 9-82-7 THAT PT LOT 1 DESC B 1720 P197 BNG S 305.2' N 478.7' MEAS ON ITS E	190925200400000 BOOTH'S 1ST PT LOTS 2,3,4,5 & 6 & PT LOT 29 IRR SUR S1/2 NW 9-82-7 DESC V 1727 P 263	190925200200000 LANE'S 1ST STR/LB 1
190925200100000 LANE'S 1ST STR/LB 2	190925100600000 IRR SUR NW 9-82-7 (LESS STATE) & (LESS STS) LYG S OF C/L 50TH AVE CT LOTS 19 THRU STR/LB 25	190925100500000 IRR SUR NW 9-82-7 THAT PT LOTS 18 THRU 24 LYG N OF C/L 50TH AVE CT EXTENDED STR/LB
190925100400000 IRR SUR NW 9-82-7 S 100' N 375.89' STR/LB 25	190925100300000 IRR SUR NW 9-82-7 S 200' N 275' STR/LB 24	190925100200000 BOOTH'S 1ST (LESS W 100') & (LESS N 75') & (LESS S 74.4' MEAS ON E LN BNG S 73.9' ON ITS W LN) & (LESS NW DIAG 1/2 W 52.02' E 151.95' S 36.46' N 111.48') STR/LB 7
190922600400000 LANDS (LESS ST) & (LESS CITY) & (LESS N 150' W 196.7') S 632' N 1226.65' NW NW	190810100100000 P.O.S. #495 PARCEL A STR/LB	

The extent of the work completed on the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements is as follows:

Paving, sidewalks, drainage, and traffic signal work located at 6th Street SW from
Waconia Avenue to North of Prairie Creek Bridge

You are hereby notified that the final plat and schedule of assessments against benefited properties within the District described as the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements, for the construction of turn lane, grading, drainage, and sidewalk improvements, has been adopted and levied by the Council of Cedar Rapids, Iowa, and that said plat and schedule of assessments has been certified to the County Treasurer of Linn County, Iowa. Assessments of \$500 or more are payable in ten (10) equal annual installments, with interest on the unpaid balance, all as provided in Section 384.65, City Code of Iowa.

Conditional deficiency assessment, if any, may be levied against the applicable property for the same period of years as the assessments are made payable.

You are further notified that assessments may be paid in full or in part without interest at the office of the City Treasurer at any time within thirty days after the date of the first publication of this notice of the filing of the final plat and schedule of assessments with the County Treasurer. Unless said assessments are paid in full within said thirty day period, all unpaid assessments will draw annual interest computed at 9 percent (commencing on the date of acceptance of the work) computed to the next December 1st following the due dates of the respective installments. Each installment will be delinquent on September 30th following its due date on July 1st in each year. Property owners may elect to pay any annual installment semiannually in advance.

All properties located within the boundaries of the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements, above described have been assessed for the cost of the making of said improvements, the amount of each assessment, and the amount of any conditional deficiency assessment having been set out in the schedule of assessments and plat accompanying the same, which are now on file in the office of the County Treasurer of Linn County, Iowa. For further information you are referred to said plat and schedule of assessments.

This Notice given by direction of the Council of the City of Cedar Rapids, Iowa, as prescribed by Code Section 384.60 of the City Code of Iowa.

Clerk of the City of Cedar Rapids, Iowa

CERTIFICATE OF LEVY OF SPECIAL ASSESSMENTS
 TO BE MADE BY THE CLERK OF CEDAR RAPIDS, IOWA,
 AND FILED WITH THE COUNTY TREASURER OF LINN COUNTY,
 IOWA AND THE CITY OFFICER CHARGED WITH ISSUANCE OF
 BUILDING PERMITS

STATE OF IOWA

COUNTY OF LINN

I, _____, Clerk of the City of Cedar Rapids, County of Linn, State of Iowa, do hereby certify that at a meeting of the Council of Cedar Rapids, Iowa, held on the 13th day of May, 2014, the said Council did levy special assessments for and on account of the cost of construction of the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements, under contract with Horsfield Construction, Inc. of Epworth, Iowa, on the following or portions thereof, in said Municipality, to-wit:

190932600100000 IRR SUR SW 9-82-7 THAT PT LOT 1 DESC B 1720 P197 BNG S 305.2' N 478.7' MEAS ON ITS E	190925200400000 BOOTH'S 1ST PT LOTS 2 3,4,5 & 6 & PT LOT 29 IRR SUR S1/2 NW 9-82-7 DESC V 1727 P 263	190925200200000 LANE'S 1ST STR/LB 1
190925200100000 LANE'S 1ST STR/LB 2	190925100600000 IRR SUR NW 9-82-7 (LESS STATE) & (LESS STS) LYG S OF C/L 50TH AVE CT LOTS 19 THRU STR/LB 25	190925100500000 IRR SUR NW 9-82-7 THAT PT LOTS 18 THRU 24 LYG N OF C/L 50TH AVE CT EXTENDED STR/LB
190925100400000 IRR SUR NW 9-82-7 S 100' N 375.89' STR/LB 25	190925100300000 IRR SUR NW 9-82-7 S 200' N 275' STR/LB 24	190925100200000 BOOTH'S 1ST (LESS W 100') & (LESS N 75') & (LESS S 74.4' MEAS ON E LN BNG S 73.9' ON ITS W LN) & (LESS NW DIAG 1/2 W 52.02' E 151.95' S 36.46' N 111.48') STR/LB 7
190922600400000 LANDS (LESS ST) & (LESS CITY) & (LESS N 150' W 196.7') S 632' N 1226.65' NW NW	190810100100000 P.O.S. #495 PARCEL A STR/LB	

That the district benefited and assessed for this cost of the improvement is described as follows:

6th Street SW from Waconia Avenue to North of Prairie Creek Bridge

I further certify that the said assessments of \$500 or more are payable in ten (10) equal annual installments, together with interest thereon at the rate of 9 percent per annum computed to December 1st following the due date of each installment. Interest commences on April 8, 2014, the date of acceptance of the work. The first annual installment, or the full amount of assessments less than \$500.00, are due and payable on July 1st following the date of levy of these assessments

as set forth above (unless this certification is made within less than thirty days prior to July 1st) and is subject to the provisions of Section 384.65, City Code of Iowa, with respect to lien, delinquent dates, interest, penalties and years of payment.

Special assessment deficiencies as set forth in the Schedule of Assessments are conditionally levied and are certified pursuant to Code Section 384.63. The period for amortization of special assessment deficiencies established by law and by action of the City Council is ten (10) years.

Assessments may be paid in full or in part at the office of the City Treasurer, within thirty days of the first publication of the notice of this filing of the final assessment schedule.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the 13th day of May, 2014.

City Clerk

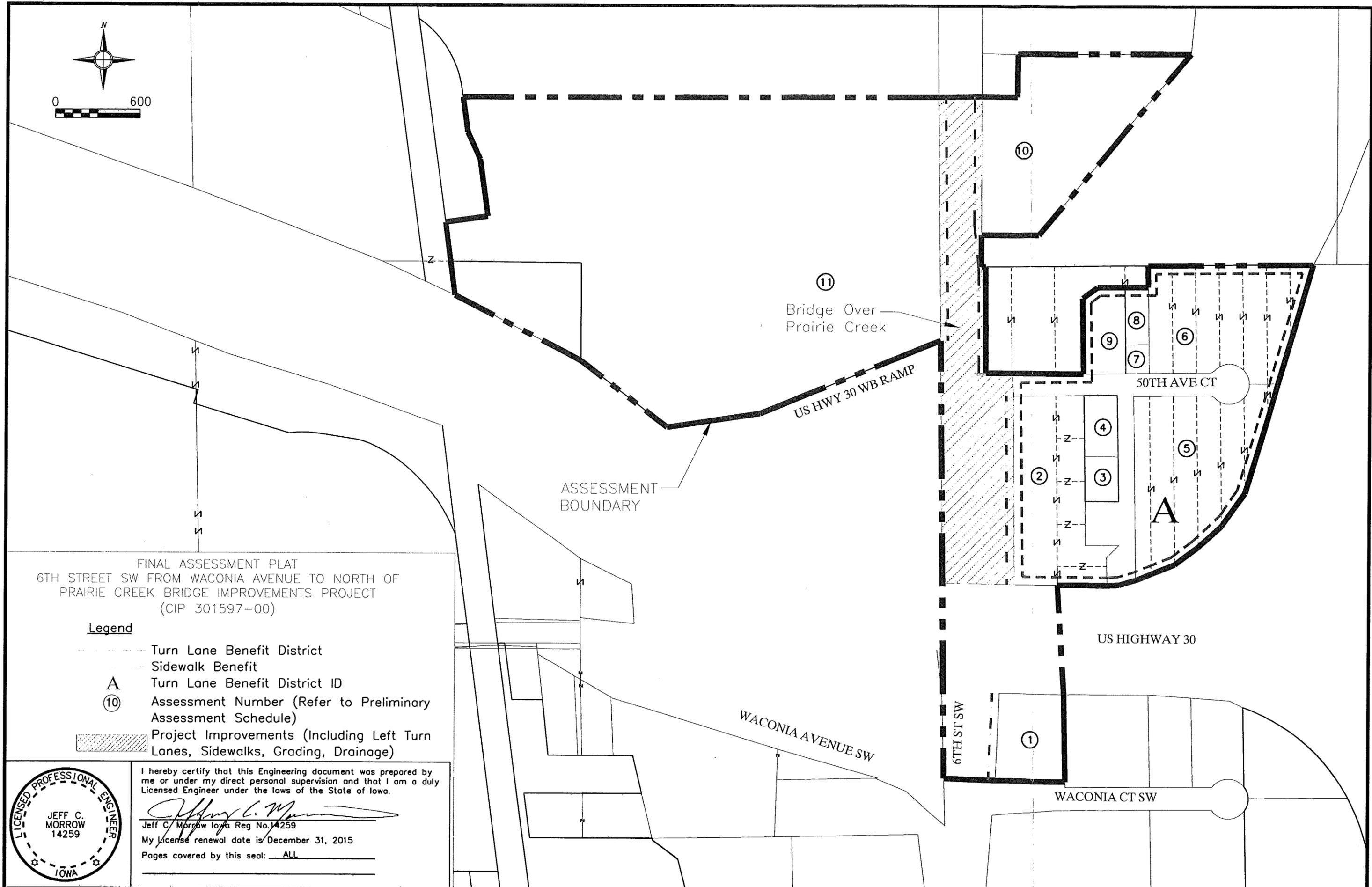
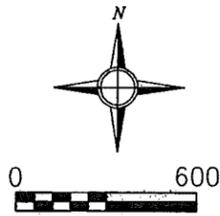
I hereby certify that on the ____ day of _____, 20____, there was filed with me as County Treasurer of Linn County, State of Iowa, an executed copy of the certificate of the City Clerk of Cedar Rapids, Iowa, hereinabove set out, relating to the levy of special assessments, covering the recently completed street improvements in said Municipality, and a copy of the final plat and schedule of assessments and conditional deficiency assessments, referred to in the resolution levying said assessments, heretofore adopted by the City Council on _____, 20_____.

County Treasurer

I hereby certify that on the ____ day of _____, 20____, there was filed with me as Building Permit Official of the City of Cedar Rapids, Iowa, an executed copy of the certificate of the City Clerk of Cedar Rapids, Iowa, hereinabove set out, relating to the levy of special assessments, covering the recently completed street improvements in said Municipality, and a copy of the final plat and schedule of assessments and conditional deficiency assessments, referred to in the resolution levying said assessments, heretofore adopted by the City Council on _____, 20_____.

Building Permit Official of the City of Cedar
Rapids, Iowa

T:\ACAD\2024\dwg\FINAL 6th Assess Plat Ph 1.dwg 3-21-14 0. 4:14 PM jcm239



FINAL ASSESSMENT PLAT
6TH STREET SW FROM WACONIA AVENUE TO NORTH OF
PRAIRIE CREEK BRIDGE IMPROVEMENTS PROJECT
(CIP 301597-00)

Legend

- Turn Lane Benefit District
- Sidewalk Benefit
- A** Turn Lane Benefit District ID
- (10)** Assessment Number (Refer to Preliminary Assessment Schedule)
- Project Improvements (Including Left Turn Lanes, Sidewalks, Grading, Drainage)



I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Engineer under the laws of the State of Iowa.

Jeff C. Morrow
Jeff C. Morrow Iowa Reg No. 14259

My license renewal date is December 31, 2015

Pages covered by this seal: ALL

**FINAL ASSESSMENT SCHEDULE
CITY OF CEDAR RAPIDS
6TH STREET SW FROM WACONIA AVENUE TO NORTH OF PRAIRIE CREEK BRIDGE IMPROVEMENTS
(CIP 301597-00)**

Cust #	Assessment No.	Parcel No. & Legal Description	Property Owner and Mailing Address	Property Valuation	FINAL ASSESSMENT INFORMATION		
					Rounded Final Assessment Amount	Deficiency	% of Total Project Cost
	1	190932600100000 IRR SUR SW 9-82-7 THAT PT LOT 1 DESC B 1720 P197 BNG S 305.2' N 478.7' MEAS ON ITS E	EVOLUTION LC % STEPHEN EMERSON 1291 12TH ST MARION IA 52302	\$ 636,661	\$ 4,230.00	-	0.071%
	2	190925200400000 BOOTH'S 1ST PT LOTS 2,3,4,5 & 6 & PT LOT 29 IRR SUR S1/2 NW 9-82-7 DESC V 1727 P 263	MICHEL ENTERPRISES ET AL % GARY MICHEL 443 50TH AVENUE CT SW CEDAR RAPIDS IA 52404	\$ 549,535	\$ 19,550.00	-	0.330%
	3	190925200200000 LANE'S 1ST STR/LB 1	LANE WILLIAM R & LOIS C 6410 7TH ST CT SW CEDAR RAPIDS IA 52404	\$ 307,258	\$ 6,440.00	-	0.109%
	4	190925200100000 LANE'S 1ST STR/LB 2	CROELL REDI-MIX INC 300 50TH AVE CT SW CEDAR RAPIDS IA 52403	\$ 545,948	\$ 6,440.00	-	0.109%
	5	190925100600000 IRR SUR NW 9-82-7 (LESS STATE) & (LESS STS) LYG S OF CL 50TH AVE CT LOTS 19 THRU STR/LB 25	LAMMERS C DWIGHT & BONNIE 420 50TH AVE CT SW CEDAR RAPIDS IA 52404-0000	\$ 291,965	\$ 6,440.00	-	0.109%
	6	190925100500000 IRR SUR NW 9-82-7 THAT PT LOTS 18 THRU 24 LYG N OF C/L 50TH AVE CT EXTENDED STR/LB	CROELL REDI-MIX INC PO BOX 430 NEW HAMPTON IA 50659-0000	\$ 618,609	\$ 6,440.00	-	0.109%
	7	190925100400000 IRR SUR NW 9-82-7 S 100' N 375.89' STR/LB 25	CROELL REDI-MIX INC PO BOX 430 NEW HAMPTON IA 50659-0001	\$ 30,888	\$ 6,440.00	-	0.109%
	8	190925100300000 IRR SUR NW 9-82-7 S 200' N 275' STR/LB 24	CROELL REDI-MIX INC 300 50TH AVE CT SW CEDAR RAPIDS IA 52403	\$ 32,746	\$ 6,440.00	-	0.109%
	9	190925100200000 BOOTH'S 1ST (LESS W 100') & (LESS N 75') & (LESS S 74.4' MEAS ON E LN BNG S 73.9' ON ITS W LN) & (LESS NW DIAG 1/2 W 52.02' E 151.95' S 36.46' N 111.48') STR/LB 7	CROELL REDI-MIX INC 300 50TH AVE CT SW CEDAR RAPIDS IA 52402	\$ 401,237	\$ 6,440.00	-	0.109%
	10	190922600400000 LANDS (LESS ST) & (LESS CITY) & (LESS N 150' W 196.7') S 632' N 1226.65' NW NW	GEE INVESTMENTS LLC 4715 6TH ST SW CEDAR RAPIDS IA 52404	\$ 995,840	\$ 49,160.00	-	0.830%
	11	190810100100000 P.O.S. #495 PARCEL A STR/LB	ALL IOWA AGRICULTURE ASSOCIATION 4400 6TH ST SW CEDAR RAPIDS IA 52404	\$ 3,573,495	\$ 49,740.00	-	0.840%
				\$ 7,984,182	\$ 167,760.00	\$ 0.00	\$ 0.00
				Total Assessable Cost: \$ 167,760.00 3.27%			

Total Project Cost	\$ 5,924,719
Proposed Assessment:	
Construction Expenses	\$ 5,131,879
Consulting Expenses	\$ 534,249
Right of Way/Acquisition/Easement Expenses	\$ 258,590
Subtotal	\$ 5,924,719
Less City Share	\$ 5,778,840
Assessed Cost	\$ 145,879
Legal/Admin (10%)	\$ 14,588
Default & Deficiency Fund (5%)	\$ 7,294
Total Assessable Cost	\$ 167,760

First Payment Due July 1, XXXX
Last Payment Due July 1, XXXX
(Last pmt date = 1st pmt + 10 yrs)

Drawn By JCM Checked By LAB

Assessment By JCM Checked By LAB

Approved by : _____
Robert A. Davis, P.E. City Engineering Manager



Filed _____

City Clerk _____

By _____
Deputy City Clerk

April 8, 2014
xc: City Clerk (2 signed copies)
Controller/Auditor
City Treasurer
File
Anderson-Bogert Engineers
Foth Engineering Alliance



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Kevin Vrchoticky, EI
E-mail Address: k.vrchoticky@cedar-rapids.org

Phone Number/Extension: 5896

Alternate Contact Person: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **No MAP**
 Resolution accepting work and fixing amount to be assessed for the FY 2010 Sidewalk and Ramp Repair Program – Contract No. 2 project. CIP/DID #3017010-00

Background:

Construction has been completed by Anne Duffield Construction, Inc. for the subject project. This is a previously approved Capital Improvements Project (CIP No. 3017010-02) with a final construction amount of \$112,852.80. Final amount proposed to be assessed to the benefited properties is \$6,935. The Public Works Department has inspected the completed work and determined the work to be in conformance with the contract requirements.

Action / Recommendation:

The Public Works Department recommends adoption of the resolution to accept the work and fix the amount to be assessed,

Alternative to the Recommendation:

Revise and use the 2013 Sidewalk Repair and Reimbursement Policy. The 2013 policy would increase the total amount assessed to individual property owners.

Time Sensitivity: Must be acted on by May 13, 2014 due to assessment schedule per State code timeline.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Explanation: Policy does not apply

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION ACCEPTING WORK AND FIXING AMOUNT TO BE ASSESSED

WHEREAS, on March 23, 2010, the City of Cedar Rapids, Iowa, entered into contract with Anne Duffield Construction, Inc. of Cedar Rapids, IA, for the construction of the FY 2010 Sidewalk and Ramp Repair Program – Contract No. 2 project (Contract No. 3017010-02) within the City, as therein described; and

WHEREAS, said contractor has completed the construction of said improvements, known as the FY 2010 Sidewalk and Ramp Repair Program – Contract No. 2 project (Contract No. 3017010-02) in accordance with the terms and conditions of said contract and plans and specifications, as shown by the certificate of the Engineer filed with the Clerk on October 11, 2011:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA:

Section 1. That said report of the Engineer be and the same is hereby approved and adopted and said improvements are hereby accepted as having been completed in accordance with the said plans, specifications and contract. The total construction contract cost of the improvements payable under said contract is hereby determined to be \$112,852.80.

Section 2. The total cost of improvements including construction, engineering, legal and administrative costs are determined to be \$114,817.80.

BE IT FURTHER RESOLVED, that the Engineer is hereby instructed to prepare a final plat and schedule showing the separate lots or parcels of ground subject to assessment for the cost of the sidewalk improvements together with the names of the owners thereof, so far as practicable, and the amount assessable by law against each lot or parcel of ground so assessable, and against any railway or street railway legally assessable therefor, and \$6,935 of the whole amount of the cost of said improvements shall be assessed against the benefited properties, but not in excess of the amounts so assessed in the preliminary plat and schedule for the improvement, and filed in the office of the Clerk.

PASSED AND APPROVED this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Kevin Vrchoticky, EI
E-mail Address: k.vrchoticky@cedar-rapids.org

Phone Number/Extension: 5896

Alternate Contact Person: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **No MAP**
 Resolution accepting work and fixing amount to be assessed for the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 1 project. CIP/DID #3017011-00

Background:

Construction has been completed by Iowa State Contractors, Inc., for the subject project. This is a previously approved Capital Improvements Project (CIP No. 3017011-01) with a final construction amount of \$145,610.58. Final amount proposed to be assessed to the benefited properties is \$19,456. The Public Works Department has inspected the completed work and determined the work to be in conformance with the contract requirements.

Action / Recommendation:

The Public Works Department recommends adoption of the resolution to accept the work and fix the amount to be assessed.

Alternative to the Recommendation:

Revise and use the 2013 Sidewalk Repair and Reimbursement Policy. The 2013 policy would increase the total amount assessed to individual property owners.

Time Sensitivity: Must be acted on by May 13, 2014 due to assessment schedule per State code timeline.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Explanation: Policy does not apply

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION ACCEPTING WORK AND FIXING AMOUNT TO BE ASSESSED

WHEREAS, on June 8, 2010, the City of Cedar Rapids, Iowa, entered into contract with Iowa State Contractors, Inc., of Ottumwa, IA, for the construction of the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 1 project (Contract No. 3017011-01) within the City, as therein described; and

WHEREAS, said contractor has completed the construction of said improvements, known as the FY 2011 Sidewalk Repair and Ramp Program - Contract No. 1 project (Contract No. 3017011-01) in accordance with the terms and conditions of said contract and plans and specifications, as shown by the certificate of the Engineer filed with the Clerk on December 20, 2011:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA:

Section 1. That said report of the Engineer be and the same is hereby approved and adopted and said improvements are hereby accepted as having been completed in accordance with the said plans, specifications and contract. The total construction contract cost of the improvements payable under said contract is hereby determined to be \$145,610.58.

Section 2. The total cost of improvements including construction, engineering, legal and administrative costs are determined to be \$148,148.58.

BE IT FURTHER RESOLVED, that the Engineer is hereby instructed to prepare a final plat and schedule showing the separate lots or parcels of ground subject to assessment for the cost of the sidewalk improvements together with the names of the owners thereof, so far as practicable, and the amount assessable by law against each lot or parcel of ground so assessable, and against any railway or street railway legally assessable therefor, and \$19,456 of the whole amount of the cost of said improvements shall be assessed against the benefited properties, but not in excess of the amounts so assessed in the preliminary plat and schedule for the improvement, and filed in the office of the Clerk.

PASSED AND APPROVED this 13th day of May 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Kevin Vrchoticky, EI
E-mail Address: k.vrchoticky@cedar-rapids.org

Phone Number/Extension: 5896

Alternate Contact Person: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **No MAP**
 Resolution accepting work and fixing amount to be assessed for the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 2 project. CIP/DID #3017011-00

Background:

Construction has been completed by Eastern Iowa Excavating & Concrete, LLC for the subject project. This is a previously approved Capital Improvements Project (CIP No. 3017011-02) with a final construction amount of \$140,300.56. Final amount proposed to be assessed to the benefited properties is \$12,327. The Public Works Department has inspected the completed work and determined the work to be in conformance with the contract requirements.

Action / Recommendation:

The Public Works Department recommends adoption of the resolution to accept the work and fix the amount to be assessed.

Alternative to the Recommendation:

Revise and use the 2013 Sidewalk Repair and Reimbursement Policy. The 2013 policy would increase the total amount assessed to individual property owners.

Time Sensitivity: Must be acted on by May 13, 2014 due to assessment schedule per State code timeline.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Explanation: Policy does not apply

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION ACCEPTING WORK AND FIXING AMOUNT TO BE ASSESSED

WHEREAS, on April 26, 2011, the City of Cedar Rapids, Iowa, entered into contract with Eastern Iowa Excavating & Concrete, LLC of Cedar Rapids, IA, for the construction of the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 2 project (Contract No. 3017011-02) within the City, as therein described; and

WHEREAS, said contractor has completed the construction of said improvements, known as the FY 2011 Sidewalk Repair and Ramp Program – Contract No. 2 project (Contract No. 2 3017011-02) in accordance with the terms and conditions of said contract and plans and specifications, as shown by the certificate of the Engineer filed with the Clerk on November 13, 2012:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA:

Section 1. That said report of the Engineer be and the same is hereby approved and adopted and said improvements are hereby accepted as having been completed in accordance with the said plans, specifications and contract. The total construction contract cost of the improvements payable under said contract is hereby determined to be \$140,300.56.

Section 2. The total cost of improvements including construction, engineering, legal and administrative costs are determined to be \$142,100.56.

BE IT FURTHER RESOLVED, that the Engineer is hereby instructed to prepare a final plat and schedule showing the separate lots or parcels of ground subject to assessment for the cost of the sidewalk improvements together with the names of the owners thereof, so far as practicable, and the amount assessable by law against each lot or parcel of ground so assessable, and against any railway or street railway legally assessable therefor, and \$12,327 of the whole amount of the cost of said improvements shall be assessed against the benefited properties, but not in excess of the amounts so assessed in the preliminary plat and schedule for the improvement, and filed in the office of the Clerk.

PASSED AND APPROVED this 13th day of May 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Jennifer Pratt

Phone Number/Ext: 319 286-5047

Email: j.pratt@cedar-rapids.org

Alternate Contact Person: Kirsty Sanchez

Phone Number/Ext: 319 286-5428

Email: k.sanchez@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolution authorizing sponsorship of a Business Financial Assistance Application to the State by CRST International, Inc. for the construction of a World Headquarters at the former 1st Street Parkade (property bounded by 1st Street SE between 2nd and 3rd Avenues SE). CIP/DID #OB838345

Background:

CRST International, Inc. is requesting City Council sponsorship of a Business Financial Assistance Application to the State of Iowa to assist in the construction of a World Headquarters at the former 1st Street Parkade (property bounded by 1st Street SE between 2nd and 3rd Avenues SE). Specifically, CRST International, Inc. proposes construction of a new office building. The total estimated project cost is \$36,000,000. In addition to the increased property valuation, the CRST International, Inc. proposal would also provide for the creation of thirty (30) new jobs. The annual salaries of the new positions range from approximately \$14.42 to \$21.63 per hour or \$30,000 to \$45,000 annually, plus benefits.

Following is being requested of the state:

1. IEDA – Investment Tax Credits	\$ 1,355,850
2. IEDA – Sales Tax Refund	\$ 401,580
	\$ 1,757,430

Based on the scope of the proposed project, the City's proposed local match would be satisfied by a property tax reimbursement. A Development Agreement will be prepared for consideration at the June 10, 2014 City Council meeting.

The proposed project would be located within an existing Urban Revitalization Area and would not require City Council review.

Action / Recommendation:

City staff recommends approval of the resolution.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): .

The local match for the proposed project would be provided through a property tax reimbursement.

Local Preference Policy Applies Exempt N/A

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION AUTHORIZING SPONSORSHIP OF A BUSINESS FINANCIAL ASSISTANCE APPLICATION TO THE STATE BY CRST INTERNATIONAL, INC. FOR THE CONSTRUCTION OF A WORLD HEADQUARTERS LOCATED AT THE FORMER 1ST STREET PARKADE (PROPERTY BOUNDED BY 1ST STREET SE BETWEEN 2ND AND 3RD AVENUES SE)

WHEREAS, the City of Cedar Rapids has received a request by CRST International Inc. to sponsor an application to the state of Iowa for financial assistance through the Business Financial Assistance Program for construction of a World Headquarters Project located at the former 1st Street parkade bounded by 1st Street SE between 2nd and 3rd Avenues SE; and

WHEREAS, the City Council supports such activities which promote and facilitate economic development objectives of the City, including growth of existing businesses; and

WHEREAS, the proposed financial assistance will be used to assist in the construction of an office building, as well as the creation of thirty (30) new jobs with annual salaries ranging from \$30,000 to \$45,000 annually, plus benefits; and

WHEREAS, the Business Financial Assistance Application includes a local match from the City, which would be satisfied by a property tax reimbursement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Mayor or designee is hereby authorized and directed to sign the application and any other related documents as necessary for the State of Iowa Business Financial Assistance Program.

Passed this 13th Day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance – Purchasing Services

Presenter at meeting: Consent Agenda Item

Phone Number/Ext:

Email:

Alternate Contact Person: Chuck Goss

Phone Number/Ext: X5863

Email: c.goss@cedar-rapids.org

Description of Agenda Item:

Amendment No. 2 to add the City Services Center to the Agreement for Lawn Care & Landscape Maintenance for the Facilities Maintenance Division with Quality Care for a total additional annual expenditure not to exceed \$3,350 (original contract amount was \$7,895, revised amount is \$29,045). CIP/DID #0213-190

Background:

Bids were solicited in Spring 2013 on behalf of the Facilities Maintenance Division for Lawn Care & Landscape Maintenance for City Hall with five (5) bids submitted. Award was made to Quality Care as the lowest bidder for the initial period of April 1, 2013 through October 31, 2013.

Amendment No. 1 renewed the services for City Hall and added the following additional facilities for the 2014 season: Downtown Library, South Gateway Sign, Police Department, Police Rifle Range, and Central Fire Station. Amendment No. 1 extended the Agreement through October 31, 2014 and increased the total annual expenditure to a not-to-exceed amount of \$25,695, budgeted in GL account #081600.

This Amendment No. 2 is to add the City Services Center to the Agreement for the 2014 season as follows:

Cedar Rapids City Services Center (CSC) - 500 15th Avenue SW

Lawn mowing and trimming– estimate 26 visits; price per visit	\$128.85
---	----------

Total additional annual expenditure shall not exceed \$3,350, budgeted in GL account #081600.

Summary of Contract:

Description	Effective Dates	Facility	Annual Not-to-exceed Amount
Initial Contract	04/01/13–10/31/13	City Hall	\$7,895
Amendment No. 1 Resolution No. 1663-10-13	11/01/13–10/31/14	Police Department, Rifle Range, Central Fire, Library (Downtown), South Gateway	\$17,800
Amendment No. 2 Resolution pending	05/01/14–10/31/14	City Services Center	\$3,350
Total Contract with all Amendments not to exceed:			\$29,045

Action / Recommendation:

Resolution authorizing execution of Amendment No. 2 to Agreement for Lawn Care & Landscape Maintenance for a total estimated annual amount not to exceed \$29,045.

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): GL Account #081600

Local Preference Policy Applies Exempt

Explanation:

Local preference policy applied when services were bid but did not affect the award.

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Purchasing Services Division solicited bids in Spring 2013 on behalf of the Facilities Maintenance Division for Lawn Care & Landscape Maintenance at City Hall; and

WHEREAS, responses were received from five suppliers; and

WHEREAS, award was made to Quality Care as the lowest bidder for the initial period of April 1, 2013 through October 31, 2013 and later amended to add additional properties and renew through October 31, 2014 on Amendment No. 1, approved by Resolution No. 1663-10-13; and

WHEREAS, the Facilities Maintenance Division is now amending the Scope of Work on Amendment No. 2 to add the City Services Center for an additional annual expenditure not to exceed \$3,350; and

WHEREAS, the total annual expenditure for all locations will not exceed \$29,045, budgeted in the Facilities Maintenance operating budget; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the recommendation above be accepted and that the City Manager and City Clerk are hereby directed to execute Amendment No. 2 to the Agreement for Lawn Care & Landscape Maintenance with Quality Care as described herein.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: 05-13-14

Submitting Department: Finance - Purchasing Division

Presenter at meeting: consent

Phone Number/Ext:

Email:

Alternate Contact Person: Judy Lehman

Phone Number/Ext: 5022

Email: j.lehman@cedar-rapids.org

Description of Agenda Item:

Amendment No. 4 to renew the contract for citywide purchase of office supplies with OfficeMax, Inc. for an annual amount not to exceed \$200,000. (original contract amount was \$226,000 renewal contract amount is \$200,000). CIP/DID #0910-051

Background:

The State of Iowa, Department of General Services, in conjunction with the Iowa Biotechnology Association has entered into a competitively solicited Agreement with OfficeMax for the purchase of office supplies.

The City of Cedar Rapids utilizes this Agreement, authorized by Resolution No. 1166-10-10, for the purchase of citywide office supplies. Citywide office supply expenditures are estimated to be \$200,000 annually.

The resolution is to renew this agreement with OfficeMax through March 31, 2015.

The City will receive quarterly rebates for online ordering, for purchases made with city issued procurement card, for average order size and annual volume orders.

Action / Recommendation:

That the City Council approve the resolution authorizing the citywide purchase of office supplies from OfficeMax and to authorize the City Manager and the City Clerk to execute Amendment No. 4 to renew the Agreement with OfficeMax.

Alternative Recommendation:

none

Time Sensitivity: Not time sensitive

Resolution Date: 05-13-14

Estimated Presentation Time: consent

Budget Information (if applicable): City departments operational budgets

Local Preference Policy Applies Exempt

Explanation: State of Iowa and Iowa Bio Tech Contract competitive bid

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the State of Iowa, Department of General Services, in conjunction with the Iowa Biotechnology Association has entered into a competitively solicited Agreement with OfficeMax for the purchase of office supplies; and

WHEREAS, the Agreement allows State of Iowa agencies and political subdivisions to utilize this Agreement; and

WHEREAS, the City of Cedar Rapids utilizes this Agreement, authorized by Resolution No. 1166-10-10, for the purchase of citywide office supplies; and

WHEREAS, the City is desirous of renewing this agreement with OfficeMax through March 31, 2015; and

WHEREAS, the pricing includes 1,000 items that are discounted an average of 63% off list and the remainder of catalog items offered are discounted between 5-55% off list price; and

WHEREAS, the City will receive quarterly rebates for online ordering, for purchases made with city issued procurement card, for average order size and annual volume orders; and

WHEREAS, citywide office supply expenditures shall not exceed \$200,000 annually.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that all city departments shall purchase office supplies from OfficeMax as described above; and

BE IT FURTHER RESOLVED that the City Manager and the City Clerk are authorized to execute Amendment No. 4 with OfficeMax.

Passed this 13th day of May 2014.



Council Agenda Item Cover Sheet

FLOOD ITEM

Submitting Department: Public Works Department

Presenter at meeting: Rita Rasmussen
E-mail Address: r.rasmussen@cedar-rapids.org

Phone Number/Extension: 5807

Alternate Contact Person: Dave Elgin, P.E., L.S.
E-mail Address: d.elgin@cedar-rapids.org

Phone Number/Extension: 5803

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **MAP**

Resolution approving and ratifying Amendment No. 20 to the Contract Agreement with the Iowa Economic Development Authority (IEDA) reducing the grant award by an amount of \$19,318,068 for the voluntary property acquisition and demolition project funded under the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program (original contract price was \$95,474,137; total contract amount with this amendment is \$126,441,122) (**FLOOD**). CIP/DID #3302500001-2

Background:

On July 31, 2009 the City of Cedar Rapids submitted to the Iowa Economic Development Authority (IEDA) a Community Development Block Grant (CDBG) Voluntary Property Acquisition/Demolition Application to voluntarily acquire and demolish flood-damaged properties. The City signed a contract on November 24, 2009 for a CDBG award amount of \$95,474,137 for 852 parcels.

As additional property owners registered their properties for the buyout program, the original grant had nine amendments increasing the grant amount from \$95,474,137 to \$166,865,594.

IEDA subsequently amended the contract for non-financial changes which include: extending the requirement on demolition timeline; amending contract end date to November 4, 2013; amending each Article in the contract that refers to "Attachment A, Program Description and Budget" to add Low-Moderate Income as a national objective on the Attachment A; reallocating funds from urgent need and low-moderate income activity to the non-residential, urgent need activity; and increasing the number of properties in the buyout program based on the final August 28, 2012 application submission by the City.

IEDA requested a clawback of available funds from the CDBG Voluntary Property Acquisition/Demolition program. The Amendment No. 15 to the original contract reduced the grant award from \$166,865,594 to \$147,759,190. Sufficient funds remain in the program to complete the outstanding acquisitions and demolitions.

Subsequent to Amendment No. 15 IEDA amended the contract for non-financial changes which include: Amending Article 5.11 to revise the existing language; amending contract end date to November 29, 2014; and amending each Article in the contract that refers to "Attachment A, Program Description and Budget" as "amended".

IEDA requested additional clawback of available funds from the CDBG Voluntary Property Acquisition/Demolition program. Amendment No. 19 to the original contract reduced the grant award from \$147,759,190 to \$145,759,190. Sufficient funds remain in the program to complete the outstanding acquisitions and demolitions.

IEDA requested additional clawback of available funds from the CDBG Voluntary Property Acquisition/Demolition program. Amendment 20 to the original contract will reduce the grant award from \$145,759,190 to \$126,441,122. This resolution will formally ratify Amendment No. 20 to the original Contract Agreement between the Iowa Economic Development Authority and the City of Cedar Rapids for administration under the Community Development Block Grant program. Specifically, it will authorize the execution of the amendment necessary to reduce the grant award \$19,318,068. Sufficient funds remain in the program to complete the outstanding acquisitions and demolitions.

Action / Recommendation:

The Public Works Department recommends adopting the resolution and executing Amendment No. 20 to the Contract Agreement with the Iowa Economic Development Authority (IEDA) to amend the award by reducing the amount from \$145,759,190 to \$126,441,122.

Alternative to the Recommendation:

City Council may table this item at this time and request additional information.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): 330/330000/330250/3302500001-2, 3302500002 & 3302500003

Local Preference Policy: Applies Exempt

Explanation: Local Preference Policy does not apply to the acquisition of right-of-way.

Recommended by Council Committee: Yes No N/A

Explanation:

RESOLUTION NO.

RESOLUTION APPROVING AND RATIFYING AMENDMENT NO. 20 TO THE IOWA
ECONOMIC DEVELOPMENT AUTHORITY CONTRACT AGREEMENT FOR
ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, on July 31, 2009 the City of Cedar Rapids submitted to the Iowa Economic Development Authority a Community Development Block Grant Property Acquisition/Demolition Application to administer, voluntarily acquire and demolish flood-damaged properties, and

WHEREAS, the City signed the original contract on November 24, 2009 for a Community Development Block Grant award totaling \$95,474,137 for the voluntary property acquisition of flood-damaged properties, and

WHEREAS, numerous contract amendments followed with Amendment No. 8 & 9 being approved by City Council Resolution No. 0459-04-11 increasing the grant award amount to \$166,865,594, and

WHEREAS, subsequently the City received several additional non-financial contract amendments that did not require City Council approval for the following:

No. 10: Extending the requirement on demolition timeline

No. 11: Amending the contract end date to November 4, 2013

No. 12: Amending each Article in the Contract that refers to "Attachment A, Program Description and Budget" to add Low-Moderate Income as a national objective on the Attachment A

No. 13: Reallocating funds from urgent need and low-moderate income activity to the non-residential, urgent need activity

No. 14: Increasing the number of properties in the buyout program based on the final August 28, 2012 application submission by the City

, and

WHEREAS, Amendment No. 15 approved by City Council Resolution No. 0736-05-13, reduced the grant award amount from \$166,865,594 to \$147,759,190, and

WHEREAS, subsequently the City received several additional non-financial contract amendments that did not require City Council approval for the following:

No. 16: Amending Article 5.11 "Removal of Existing Building" by deleting the existing language and inserting; "Existing buildings and other structures located on acquired property that, in the sole discretion of the Department, are determined to be incompatible with the use of property after acquisition must be removed by demolition or relocation to an area outside the applicable Special Hazard Flood Area by the contract end date."

No. 17: Amend contract end date to November 29, 2014.

No. 18: Amend each Article in the contract that refers to "Attachment A, Program Description and Budget" to "Attachment A, Program Description and Budget, as amended."

, and

WHEREAS, Amendment No. 19 approved by City Council Resolution No. 0047-01-14, reduced the grant award amount from \$147,759,190 to 145,759,190, and

WHEREAS, the City received Amendment No. 20 to the original Contract Agreement to amend the award by reducing the amount from \$145,759,190 to \$126,441,122,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the City Manager is authorized to sign Amendment No. 20 from the Iowa Economic Development Authority amending the City of Cedar Rapids Community Development Block Grant to an amount not to exceed \$126,441,122 to administer, voluntarily acquire and demolish the flood damaged properties (3302500001-2, 3302500002, and 3302500003), and the execution of said Amendment No. 20 is hereby ratified, and

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute Amendment No. 20 and such other documentation reasonably necessary between the Iowa Economic Development Authority and the City of Cedar Rapids, Iowa to efficiently administer the project grant.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance – Purchasing Services

Presenter at meeting: Consent Agenda

Phone Number/Ext:

Alternate Contact Person: Brent Schlotfeldt

Phone Number/Ext: 5809

Email: b.schlotfeldt@cedar-rapids.org

Alternate Contact Person: Diane Rodenkirk

Phone Number/Ext: 5023

Email: d.rodenkirk@cedar-rapids.org

Description of Agenda Item:

Amendment No. 2 to renew Contract for Roofing Services with Cedar Service Company for Facilities Maintenance Services for an estimated annual amount of \$70,000 (original contract amount was \$70,000; renewal contract amount is \$70,000). CIP/DID #0310-198

Background:

Cedar Service Company performs as-needed roofing services on various City projects as identified by Facilities Maintenance Services. The roofing services under this Contract are for small projects; any project with an estimate over \$25,000 will be competitively bid.

The contract period is June 1, 2014 through May 31, 2016. There are no renewal options remaining; this service will be re-bid in 2016. Cedar Service Company increased their prices between 7-9%. This is the first increase in price since the contract began in 2010.

Pricing Summary:

Standard Firm Fixed Hourly Rate	
Foreman	\$52.00
Journeyman	\$49.00
Apprentice-Helper	\$44.00
Saturday Firm Fixed Hourly Rate	
Foreman	\$78.00
Journeyman	\$73.50
Apprentice-Helper	\$66.00
Sunday and Holiday Firm Fixed Hourly Rate	
Foreman	\$104.00
Journeyman	\$98.00
Apprentice-Helper	\$88.00
Material Mark-up Requests for material reimbursement must include the original material receipt	10%

Action / Recommendation: Recommend Council approve the Resolution

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): Department budgets

Local Preference Policy Applies Exempt

Explanation: Cedar Service Company is a certified local vendor

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the City of Cedar Rapids Facilities Maintenance Services and Cedar Service company are parties to a Contract for as-needed roofing services estimated to be less than \$25,000 per project; and

WHEREAS, the City desires to renew the Contract with Cedar Service Company for the contract period June 1, 2014 through May 31, 2016; and

WHEREAS, there are no renewal options remaining so this service will be re-bid in 2016; and

WHEREAS, Cedar Service Company has increased their prices between 7-9% which is the first increase in price since the contract began in 2010; and

WHEREAS, the estimated annual cost of this Contract is \$70,000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the recommendation above be accepted and that the City Manager and City Clerk are hereby directed to execute Amendment No. 2 with Cedar Service Company as described herein.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: 05-13-14

Submitting Department: Finance – Purchasing Services Division

Presenter at meeting: consent

Phone Number/Ext:

Email:

Alternate Contact Person: Rita Rasmussen

Phone Number/Ext: 5807

Email: r.rasmussen@cedar-rapids.org

Description of Agenda Item:

Amendment No. 1 to the Agreement for Real Estate Acquisition Legal Services with Simmons, Perrine, Moyer & Bergman, PLC to close the Agreement for the FEMA Hazard Mitigation Grant Program. (total contract amount with this amendment is \$5,980) (**FLOOD**). CIP/DID #0109-220

Background:

This resolution closes the Agreement with Simmons, Perrine, Moyer & Bergman, PLC for the Real Estate Acquisition Legal Services the FEMA Hazard Mitigation Grant Program (HMGP).

Action / Recommendation:

To close out project and authorize the City Manager and City Clerk to execute Amendment No. 1

Alternative Recommendation: none

Time Sensitivity: Not sensitive

Resolution Date: 05-13-14

Estimated Presentation Time: consent

Budget Information (if applicable):

Local Preference Policy Applies Exempt

Explanation: Federal Funding –FEMA

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

PUR
ENG
FIN
AUD FILE
SIMMONS PERRINE
OB472583
0109-220
OB377545

RESOLUTION NO.

RESOLUTION APPROVING AMENDMENT NO. 1 TO REAL ESTATE ACQUISITION LEGAL SERVICES AND CLOSING OUT THE AGREEMENT WITH OUTSIDE COUNSEL TO PROVIDE LEGAL SERVICES FOR THE HAZARD MITIGATION GRANT PROGRAM

WHEREAS, the City of Cedar Rapids, Iowa (“the City”) and Simmons, Perrine, Moyer & Bergman, PLC (“the Firm”) are parties to an Agreement, authorized by Resolutions No.0500-05-09 and No.1141-11-09, for flood related Real Estate Acquisition Legal Services (“Agreement”), whereby Simmons, Perrine, Moyer & Bergman, PLC provides Legal Services in connection with the FEMA Hazard Mitigation Grant Program necessitated by the flooding of June 2008; and

WHEREAS, the City and the Firm confirm that the services provided under the Agreement for Real Estate Acquisition Legal Services in connection with the FEMA Hazard Mitigation Grant Program are hereby accepted as being completed and that the total cost of services provided is \$5,980; and

WHEREAS, the funding for these services is covered under the flood related budgets.

NOW THEREFORE BE IT RESOLVED that the City Manager and the City Clerk are authorized to execute Amendment No. 1 with Simmons, Perrine, Moyer & Bergman, PLC for flood related Real Estate Acquisition Legal Services.

Passed this 13th day of May 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: 05-13-14

Submitting Department: Finance – Purchasing Services Division

Presenter at meeting: consent

Phone Number/Ext:

Email:

Alternate Contact Person: Rita Rasmussen

Phone Number/Ext: 5807

Email: r.rasmussen@cedar-rapids.org

Description of Agenda Item:

Amendment No. 1 to the Agreement for Real Estate Acquisition Legal Services with Ackley, Kopecky & Kingery, LLP to close the Agreement for the FEMA Hazard Mitigation Grant Program. (total contract amount with this amendment is \$5,997) (**FLOOD**). CIP/DID #0109-220

Background:

This resolution closes the Agreement with Ackley, Kopecky & Kingery, LLP for the Real Estate Acquisition Legal Services the FEMA Hazard Mitigation Grant Program (HMGP).

Action / Recommendation:

To close out project and authorize the City Manager and City Clerk to execute Amendment No. 1

Alternative Recommendation: none

Time Sensitivity: Not sensitive

Resolution Date: 05-13-14

Estimated Presentation Time: consent

Budget Information (if applicable):

Local Preference Policy Applies Exempt

Explanation: Federal Funding –FEMA

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

PUR
ENG
FIN
AUD FILE
ACKLEY,KOPECKY,KINGERY
OB472583
0109-220
OB377545

RESOLUTION NO.

RESOLUTION APPROVING AMENDMENT NO. 1 TO REAL ESTATE ACQUISITION LEGAL SERVICES AND CLOSING OUT THE AGREEMENT WITH OUTSIDE COUNSEL TO PROVIDE LEGAL SERVICES FOR THE HAZARD MITIGATION GRANT PROGRAM

WHEREAS, the City of Cedar Rapids, Iowa ("the City") and Ackley, Kopecky & Kingery, LLP ("the Firm") are parties to an Agreement, authorized by Resolutions No.0500-05-09 and No.1141-11-09, for flood related Real Estate Acquisition Legal Services ("Agreement"), whereby Ackley, Kopecky & Kingery, LLP provides Legal Services in connection with the FEMA Hazard Mitigation Grant Program necessitated by the flooding of June 2008; and

WHEREAS, the City and the Firm confirm that the services provided under the Agreement for Real Estate Acquisition Legal Services in connection with the FEMA Hazard Mitigation Grant Program are hereby accepted as being completed and that the total cost of services provided is \$5,997; and

WHEREAS, the funding for these services is covered under the flood related budgets.

NOW THEREFORE BE IT RESOLVED that the City Manager and the City Clerk are authorized to execute Amendment No. 1 with Ackley, Kopecky & Kingery, LLP for flood related Real Estate Acquisition Legal Services.

Passed this 13th day of May 2014.



Council Agenda Item Cover Sheet

FLOOD

Submitting Department: Public Works Department

Presenter at meeting: Scott Sovers, PE
E-mail Address: s.rovers@cedar-rapids.org

Phone Number/Extension: 5547

Alternate contact person: Dave Wallace, PE
E-mail Address: d.wallace@cedar-rapids.org

Phone Number/Extension: 5814

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution authorizing execution of Amendment No. 2 to the Professional Services Agreement with Shoemaker & Haaland Professional Engineers specifying an increased amount not to exceed \$67,970 for design services in connection with the NE & NW Quadrant, Flood Area Sanitary Sewer Repairs, Phase II project (original contract amount was \$618,807; total contract amount with this amendment is \$705,573) (**FLOOD**). CIP/DID #SSD102-03

Background:

This project involves the design of point repairs and reconstructions to the 2008 flood damaged sanitary sewer system located within the NE and NW quadrants of the City of Cedar Rapids. Upon the completion of preliminary design, it was determined that the following summary of tasks needed to be subtracted/added to the project:

- Removal of design effort associated with the repair of flood damaged sanitary sewer that is currently located within the Cedar River Greenway and will ultimately be abandoned.
- Preparation of easement acquisition plats, railroad right-of-entry permits and Iowa DNR/Iowa DOT permits.
- Sanitary sewer system repairs not identified within the original scope of work.

Action / Recommendation:

The Public Works Department recommends adoption of the resolution authorizing execution of Amendment No. 2 of the Professional Services Agreement with Shoemaker & Haaland Professional Engineers specifying an increased amount not to exceed \$67,970.

Alternative Recommendation:

Alternatives include not proceeding with the proposed amendment or renegotiating the scope and fee.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): FEMA funded project

Local Preference Policy: Applies Exempt

Explanation:

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the CITY and Federal Emergency Management Agency (FEMA) have entered into an agreement for the restoration of the sanitary sewer mains located within the 2008 flood area, and

WHEREAS, the CITY has determined it in the best interest to outsource some professional services related to this project, and

WHEREAS, the CITY, by establishment of the Cedar River Greenway, has eliminated the need for the repair of some flood damaged sewers, and

WHEREAS, the CITY after additional study of the sewer system has identified additional sewer repairs and work scope of similar nature within the NE and NW quadrants to be necessary, and

WHEREAS, the CITY has determined it is in the best interest of the project to modify the schedule and create two additional bid packages, and

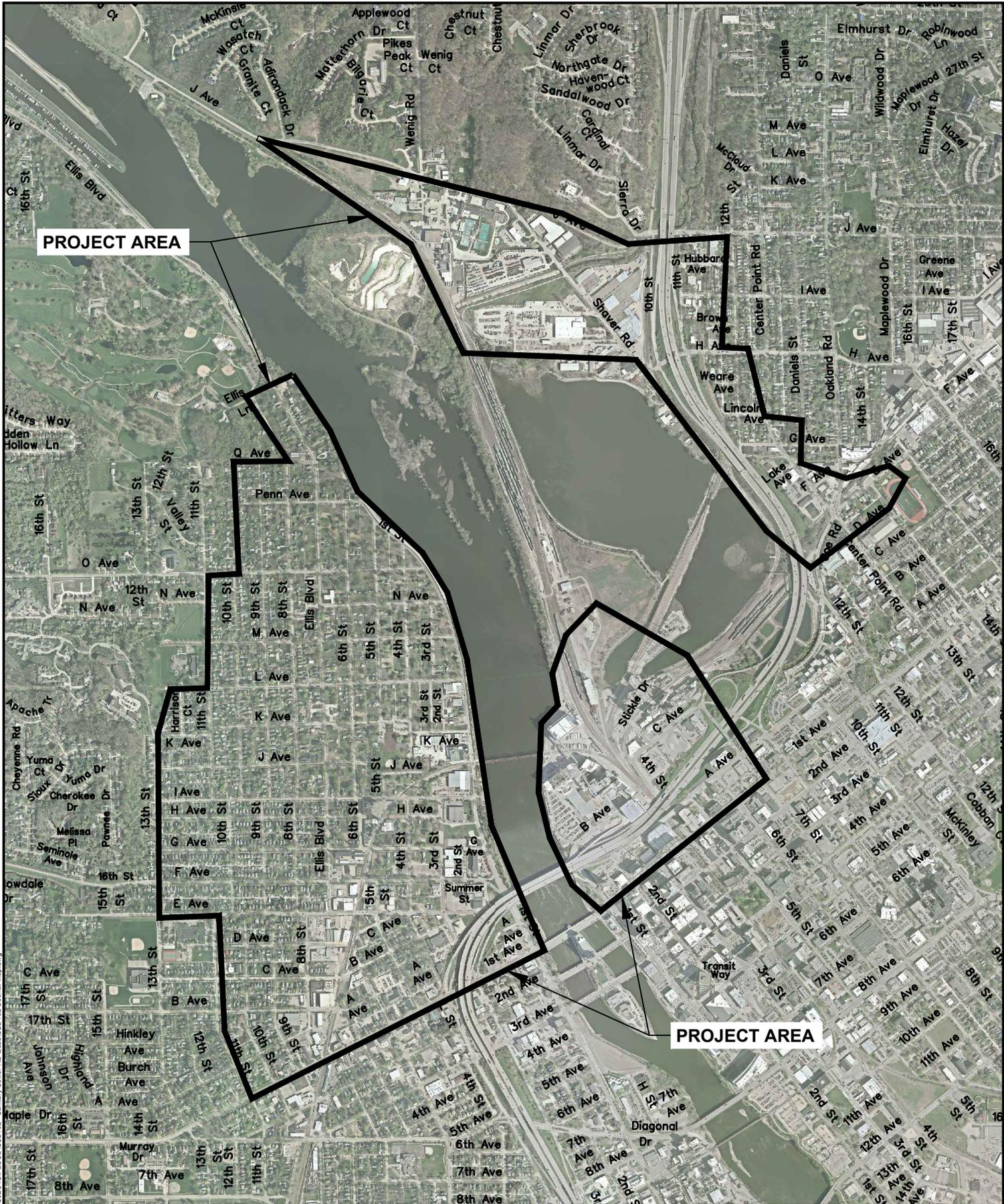
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are authorized to sign Amendment No. 2 to the engineering consultant agreement with Shoemaker & Haaland Professional Engineers in the amount of \$67,970 for the NE & NW Quadrant, Flood Area Sanitary Sewer Repairs, Phase II project SSD102-03. A summary of the contract amendments for this contract is as follows:

Original Contract Amount:	\$618,807
Amendment No. 1	\$18,796
Amendment No. 2	\$67,970
	<hr/>
Amended Contract Amount	\$705,573

General ledger coding for this amendment to be as follows:

Fund 330, Dept ID 330210 Project SSD102	\$67,970
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Passed this 13th day of May, 2014



PROJECT AREA

PROJECT AREA

**NE AND NW QUADRANTS, FLOOD AREA
SANITARY SEWER REPAIRS
PHASE 2 PROJECT**





Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Pat Wieneke
E-mail Address: p.wieneke@cedar-rapids.org

Phone Number/Extension: 5848

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 10 in the amount of \$733 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 \$1,688,055). CIP/DID #301696-01

Background:

This is a contract change order to adjust the contract price based on the actual quantities of completed work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions.

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 10 submitted by Rathje Construction Company.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): CIP 301696

Local Preference Policy: Applies Exempt

Explanation: Chapter 26 of the Code of Iowa requires construction contracts for highway, bridge, or culvert improvements be awarded to the lowest responsive, responsible bidder.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary): Infrastructure Committee

ENG
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RATHJE
SNYDER
301696-01

RESOLUTION NO.

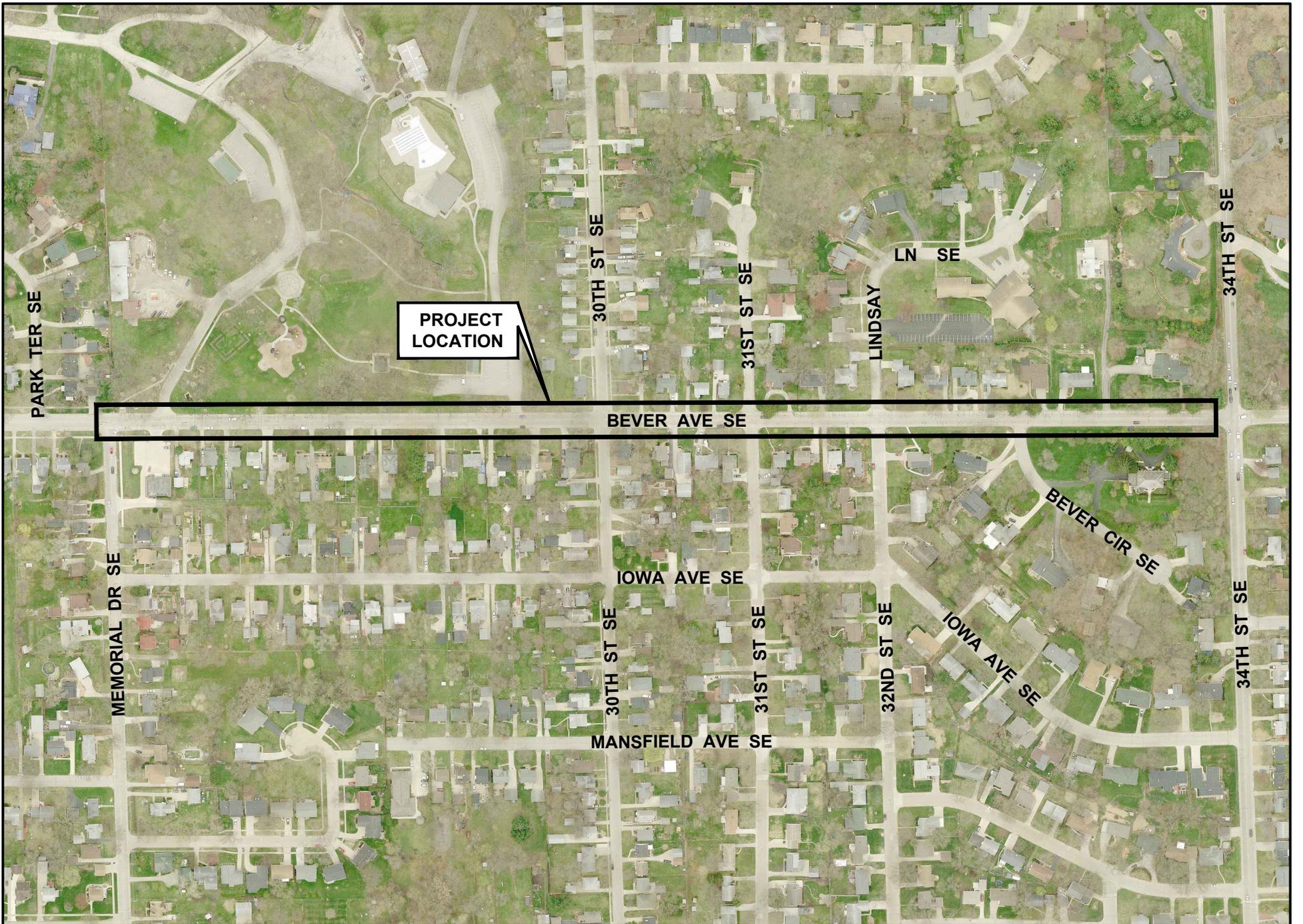
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 10 in the amount of \$733 with Rathje Construction Company for the Bever Avenue SE Rehabilitation From Memorial Drive SE to 34th Street SE, Contract No. 301696-01. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$1,459,777.11
Possible Incentive	70,000.00
Change Order No. 1	127.00
Change Order No. 2	18,600.00
Change Order No. 3	2,025.00
Change Order No. 4	20,892.80
Change Order No. 5	4,365.00
Change Order No. 6	20,842.98
Change Order No. 7	19,191.55
Change Order No. 8	27,526.90
Change Order No. 9	43,973.66
Change Order No. 10	<u>733.00</u>
Amended Contract Amount	\$1,688,055.00

General ledger coding for this Change Order to be as follows:

\$408.00	301-301000-301696
\$325.00	625-625000-625884-6252013027

Passed this 13th day of May, 2014.



**PROJECT
LOCATION**



**BEVER AVENUE SE REHABILITATION
FROM MEMORIAL DRIVE SE TO 34TH STREET SE**





Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Michal Kray
E-mail Address: mkray@frewdev.com

Phone Number/Extension: 319-739-4043

Alternate Contact Person: Rob Davis
E-mail Address: r.davis@cedar-rapids.org

Phone Number/Extension: 5808

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 3 (Final) in the amount of \$6,520 with TS Sports for the Cedar Rapids Convention Complex – Video Technology Systems bid package project (original contract amount was \$2,305,818.78; total contract amount with this amendment is \$2,323,600.49). CIP/DID #535100-06

Background:

WCD=Work Change Directive

WCD #4	Since the time of substantial completion, the Arena interior corner displays have experienced movement caused by the unexpected activation of the wireless hoists on several occasions. As a result the Contractor provided additional conduit, wiring, and switch devices as necessary to allow power to the hoist wireless controllers to be disabled at each of the four (4) arena interior corner displays from points located along the catwalk system, nearest each display.	\$6,520
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Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 3 (Final) submitted by TS Sports.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Explanation: The project is funded by a federal grant and must be awarded to the lowest responsible bidder.

Recommended by Council Committee: Yes No N/A

ENG
AUD FILE
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TS SPORTS
OPN
FREW
535100-06

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 3 (Final) in the amount of \$6,520 with TS Sports for the Cedar Rapids Convention Complex – Video Technology Systems bid package, Contract No. 535100-06. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	2,305,818.78
Change Order No. 1	(9,225.76)
Change Order No. 2	20,487.47
Change Order No. 3	<u>6,520.00</u>
Amended Contract Amount	\$2,323,600.49

General ledger coding for this Change Order to be as follows:

\$6,520 535-535000-535100

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Pat Wieneke
E-mail Address: p.wieneke@cedar-rapids.org

Phone Number/Extension: 5848

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 9 in the amount of \$36,224.13, plus an additional 2 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 \$5,539,265.38). CIP/DID #655080-03

Background:

This is a contract change order to adjust the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions. Additional rip rap was used on the north and south river banks to avoid future erosion. The elevations on the plans for Manhole #1 were incorrect. The bust in elevations was not found until after the manhole was made. In order to use the manhole, modifications had to be made.

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 9 submitted by S.M. Hentges & Sons, Inc.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): 655080: \$7,370,000 (CDBG) and \$1,000,000 (Revenue bonds), 615229: \$271,500 (Revenue bonds)

Local Preference Policy: Applies Exempt

Explanation: Grant-funded project.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary): Project was discussed at September 20, 2011 Infrastructure Committee meeting.

ENG
AUD FILE
FIN
CLK
SM HENTGES
ANDERSON BOGRET
655080-03

RESOLUTION NO.

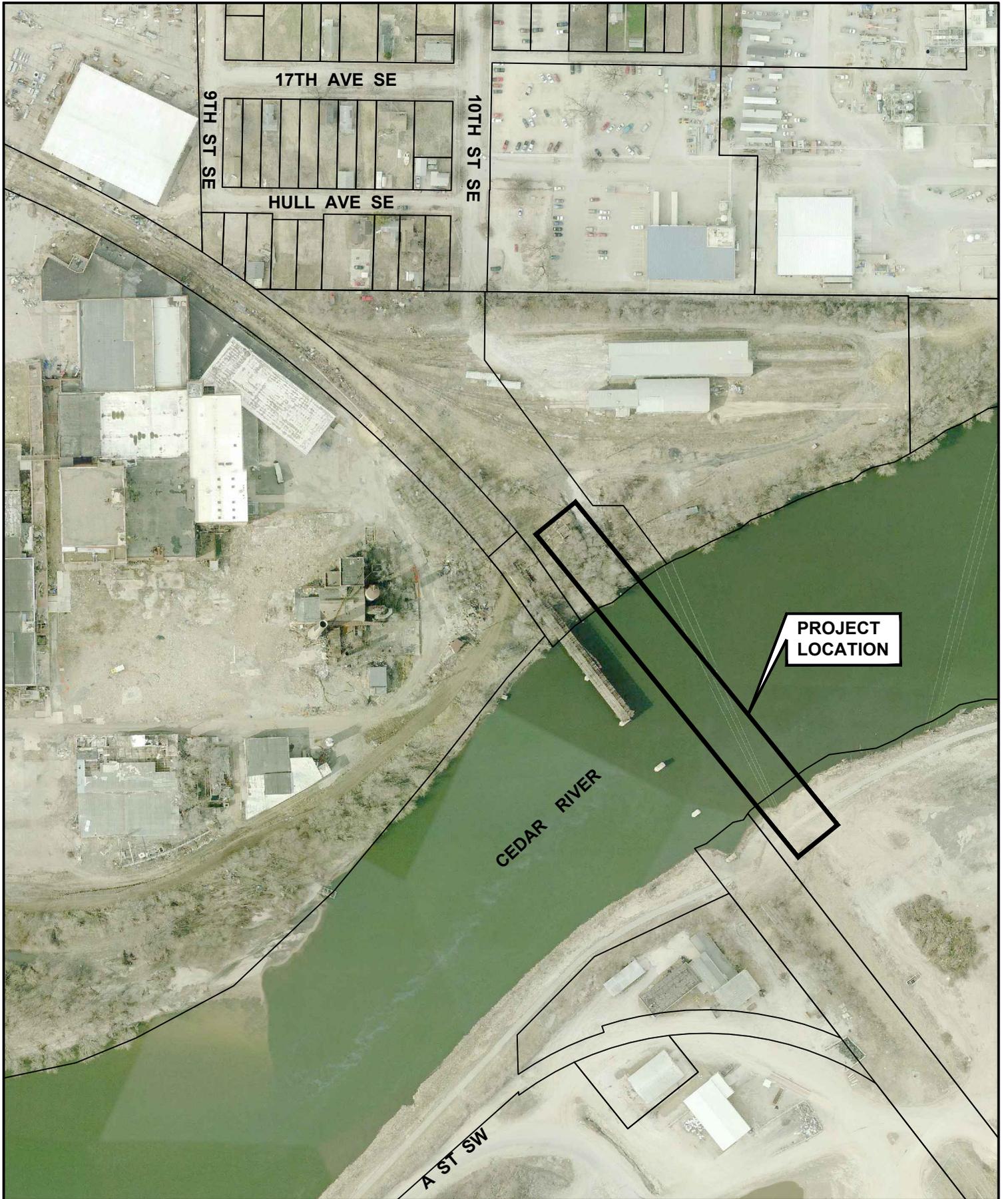
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 9 in the amount of \$36,224.13, plus an additional 2 working days, with S.M. Hentges & Sons, Inc. for the Cedar River Sanitary Sewer Crossing Improvements project, Contract No. 655080-03. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$5,370,464.00
Possible Incentive	24,500.00
Change Order No. 1	1,186.81
Change Order No. 2	9,105.14
Change Order No. 3	4,804.16
Change Order No. 4	7,628.19
Change Order No. 5	20,094.74
Change Order No. 6	16,804.72
Change Order No. 7	753.49
Change Order No. 8	47,700.00
Change Order No. 9	<u>36,224.13</u>
Amended Contract Amount	\$5,539,265.38

General ledger coding for this Change Order to be as follows:

\$36,224.13 655-655000-655080

Passed this 13th day of May, 2014.



**CEDAR RIVER SANITARY SEWER
CROSSING IMPROVEMENTS**





Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Pat Wieneke
E-mail Address: p.wieneke@cedar-rapids.org

Phone Number/Extension: 5848

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 7 (Final Revised) deducting the amount of \$68,911.18 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 \$959,623.45). CIP/DID #2011025-03

Background:

This is a contract change order to adjust the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions. The contractor finished this project 14.75 days before the completion date which entitled them to Completion Day Incentive at the rate of \$1,000 per day.

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 7 (Final Revised) submitted by Rathje Construction Company.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Recommended by Council Committee: Yes No N/A

ENG
AUD FILE
FIN
CLK
RATHJE
SHIVE HATTERY
2011025-03

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 7 (Final Revised) deducting the amount of \$68,911.18 with Rathje Construction Company for the Bever-Linden-Blake SE Area Water Main Improvements – Phase II, Contract No. 2011025-03. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$941,580.60
Change Order No. 1	19,102.00
Change Order No. 2	1,541.40
Change Order No. 3	44,364.41
Change Order No. 4	4,840.00
Change Order No. 5	14,086.86
Change Order No. 6	3,019.36
Change Order No. 7 Final Revised	<u>(68,911.18)</u>
Amended Contract Amount	\$959,623.45

General ledger coding for this Change Order to be as follows:

(\$55,170.80)	625-625000-625884-6252011025
(\$15,806.94)	301-301000-30185-301227
\$ 1,921.56	301-301000-30185-3012040
\$ 145.00	655-655000-655885-655996

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Pat Wieneke
E-mail Address: p.wieneke@cedar-rapids.org

Phone Number/Extension: 5848

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **MAP**

Authorizing Change Order No. 6 (Revised) in the amount of \$10,746.14 with Rathje Construction Co. for the Willowbrook-Georgia Water & Sewer Improvements project (original contract amount was \$567,244.60; total contract amount with this amendment is \$604,598.10). CIP/DID #2012027-02

Background:

This is a contract change order to adjust the contract price based on the actual quantities of completed work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions. Additional wood excelsior mat was added because the Water Department wanted more protection on the ditch slopes than was shown on the plans.

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 6 (Revised) submitted by Rathje Construction Co.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

Local Preference Policy: Applies Exempt

Explanation:

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

ENG
AUD FILE
FIN
CLK
RATHJE
MCCLURE
2012027-02

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 6 (Revised) in the amount of \$10,746.14 with Rathje Construction Co. for the Willowbrook-Georgia Water & Sewer Improvements, Contract No. 2012027-02. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$567,244.60
Change Order No. 1	19,800.00
Change Order No. 2	1,565.50
Change Order No. 3	2,205.00
Change Order No. 4	957.54
Change Order No. 5	2,079.32
Change Order No. 6	<u>10,746.14</u>
Amended Contract Amount	\$604,598.10

General ledger coding for this Change Order to be as follows: \$4,671.49 655-655000-65585-655935, \$6,074.65 625-625000-625542-6252012027-02

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Doug Carper, PE
E-mail Address: d.carper@cedar-rapids.org

Phone Number/Extension: 5258

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 4 in the amount of \$18,989.01 with Eggleston Concrete Contractors, Inc. for the FY 2013 Sidewalk and Ramp Repair Program - Contract No. 1 project (original contract amount was \$136,450; total contract amount with this amendment is \$178,228.85). CIP/DID #3017013-01

Background:

This is a contract change order to adjust the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions. The sidewalk program has additional needs and funding available, so approximately 25 additional locations were added to the project.

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 4 submitted by Eggleston Concrete Contractors, Inc.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): 3017013

Local Preference Policy: Applies Exempt

Explanation: Per Code of Iowa, Chapter 26, contracts for public improvements not related to public utilities must be awarded to the lowest responsive, responsible bidder.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

ENG
AUD FILE
FIN
CLK
EGGLESTON
3017013-01

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 4 in the amount of \$18,989.01 with Eggleston Concrete Contractors, Inc. for the FY 2013 Sidewalk and Ramp Repair Program – Contract No. 1, Contract No. 3017013-01. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	127,450.00
Possible Incentive	9,000.00
Change Order No. 1	993.00
Change Order No. 2	5,257.68
Change Order No. 3	16,539.16
Change Order No. 4	<u>18,989.01</u>
Amended Contract Amount	\$178,228.85

General ledger coding for this Change Order to be as follows:

\$18,989.01 301-301000-3017013

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

FLOOD

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Russell Betts
E-mail Address: r.betts@cedar-rapids.org

Phone Number/Extension: 5212

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Yes MAP**
Authorizing Change Order No. 5 in the amount of \$15,281 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 \$3,927,074) (**FLOOD**). CIP/DID #PDE001-20

Background:

WCD=Work Change Directive

WCD #5	Corridor 102 Duct Revisions	\$2,366
	Safety Bollards per Fire Inspector Request	\$558
	Owner Requested Shelving	\$834
	Button and Chimes at Entry – Owner Request	\$4,928
	Delete Requested Door Revisions	(\$3,466)
	Hollow Metal Door Replacing COR #65 – Owner Request	\$6,881
	Smoke Detectors in Ductwork-Required by Inspector	\$4,582
	Delete Requested Extra Circuit in Surgery Room	(\$1,402)

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 5 submitted by Portzen Construction, Inc.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made. Council could decide to hold entire retainage amount until additional construction items are completed.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): LOST – PDE001.

Local Preference Policy: Applies Exempt

Explanation: Capital Improvement Project

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

ENG
AUD FILE
FIN
CLK
PORTZEN
OPN
PDE001-20
OB377545

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 5 in the amount of \$15,281 with Portzen Construction, Inc. for the Cedar Rapids Animal Care & Control Building project, Contract No. PDE001-20. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$3,815,500
Change Order No. 1	12,165
Change Order No. 2	28,019
Change Order No. 3	30,098
Change Order No. 4	26,011
Change Order No. 5	<u>15,281</u>
Amended Contract Amount	\$3,927,074

General ledger coding for this Change Order to be as follows:

\$15,281 330-330720-18515-PDE001-EN

Passed this 13th day of May, 2014.





Council Agenda Item Cover Sheet

FLOOD

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Russell F. Betts, P.E.
E-mail Address: r.betts@cedar-rapids.org

Phone Number/Extension: 5212

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 8 in the amount of \$14,994 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 \$4,606,256) (**FLOOD**). CIP/DID #PWE006-23

Background:

WCD = Work Change Directive

WCD #8	Change plumbing for revised location of ice machine	\$3,518
	Change in Material Storage Building	(\$4)
	Additional cooling added to Main Distribution Frame (MDF) Room due to equipment heat load	\$11,480

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 8 submitted by Modern Piping, Inc.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): FEMA/I-Jobs/City – PWE006

Local Preference Policy: Applies Exempt

Explanation: Capital Improvement Project

Recommended by Council Committee: Yes No N/A

Explanation (if necessary): Project update provided at June 19, 2012 Infrastructure Committee Meeting.

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CLK
MODERN PIPING
NEUMANN
PWE006-23
OB377545

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 8 in the amount of \$14,994 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, Contract No. PWE006-23. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$4,570,000
Change Order No. 1	2,888
Change Order No. 2	(21,000)
Change Order No. 3	(21,482)
Change Order No. 4	3,070
Change Order No. 5	1,532
Change Order No. 6	17,076
Change Order No. 7	39,178
Change Order No. 8	<u>14,994</u>
Amended Contract Amount	\$4,606,256

General ledger coding for this Change Order to be as follows:

\$14,994 330-330210-18515-PWE006-NG

Passed this 13th day of May, 2014.



8TH AVENUE SW

9TH AVENUE SW

7TH ST SW

10TH AVENUE SW

12TH AVENUE SW

6TH STREET SW

CITY SERVICES CENTER

4TH STREET SW

N ST SW

M ST SW

14TH AVENUE SW

15TH AVENUE SW

16TH AVENUE SW



CITY SERVICES CENTER





Council Agenda Item Cover Sheet

****FLOOD****

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Russell F. Betts, P.E.
E-mail Address: r.betts@cedar-rapids.org

Phone Number/Extension: 5212

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **MAP**

Authorizing Change Order No. 7 in the amount of \$9,317 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 \$4,280,016) (**FLOOD**). CIP/DID #PWE006-24

Background: WCD = Work Change Directive

WCD #7	Modify structured cabling identification labeling instructions in specifications	\$1,067
	Additional data drops for building management system	(\$2,445)
	Time clocks and furniture wiremolds	\$907
	Additional cooling added to Main Distribution Frame (MDF) Room due to equipment heat load	\$1,637
	Fitness 119 wall phone location addition	\$861
	Overtime required to meet City move in date	\$7,290

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 7 submitted by Acme Electric Company, Inc.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): FEMA/I-Jobs/City – PWE006

Local Preference Policy: Applies Exempt - **Explanation:** Capital Improvement Project

Recommended by Council Committee: Yes No N/A

Explanation (if necessary): Project update provided at June 19, 2012 Infrastructure Committee Meeting.

ENG
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CLK
ACME
NEUMANN
PWE006-24
OB377545

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 7 in the amount of \$9,317 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, Contract No. PWE006-24. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$4,239,912
Change Order No. 1	(116,457)
Change Order No. 2	30,646
Change Order No. 3	54,536
Change Order No. 4	9,685
Change Order No. 5	40,045
Change Order No. 6	12,332
Change Order No. 7	<u>9,317</u>
Amended Contract Amount	\$4,280,016

General ledger coding for this Change Order to be as follows:

\$9,317 330-330210-18515-PWE006-NG

Passed this 13th day of May, 2014.



8TH AVENUE SW

9TH AVENUE SW

7TH ST SW

10TH AVENUE SW

12TH AVENUE SW

6TH STREET SW

CITY SERVICES CENTER

4TH STREET SW

N ST SW

M ST SW

14TH AVENUE SW

15TH AVENUE SW

16TH AVENUE SW



CITY SERVICES CENTER



0 FEET 300



Council Agenda Item Cover Sheet

FLOOD

Submitting Department: Public Works Department

Presenter at meeting: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Alternate Contact Person: Pat Wieneke
E-mail Address: p.wieneke@cedar-rapids.org

Phone Number/Extension: 5848

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Authorizing Change Order No. 4 in the amount of \$6,903.40, plus an additional 2 working days, 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 \$791,027.71) (**FLOOD**). CIP/DID #SSD103-10

Background:

This is a contract change order to adjust the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions. Additional work was needed because there was not a bid item for the ACC overlay on 6th Street. The Contractor was told to match the existing surface which required 4-inches of asphalt. An additional sanitary manhole was needed in 1st Street.

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 4 submitted by Rathje Construction Company.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): FEMA PW #SSD103

Local Preference Policy: Applies Exempt

Explanation: FEMA funded project

Recommended by Council Committee: Yes No N/A

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RATHJE
SNYDER
SSD103-10
OB377545

RESOLUTION NO.

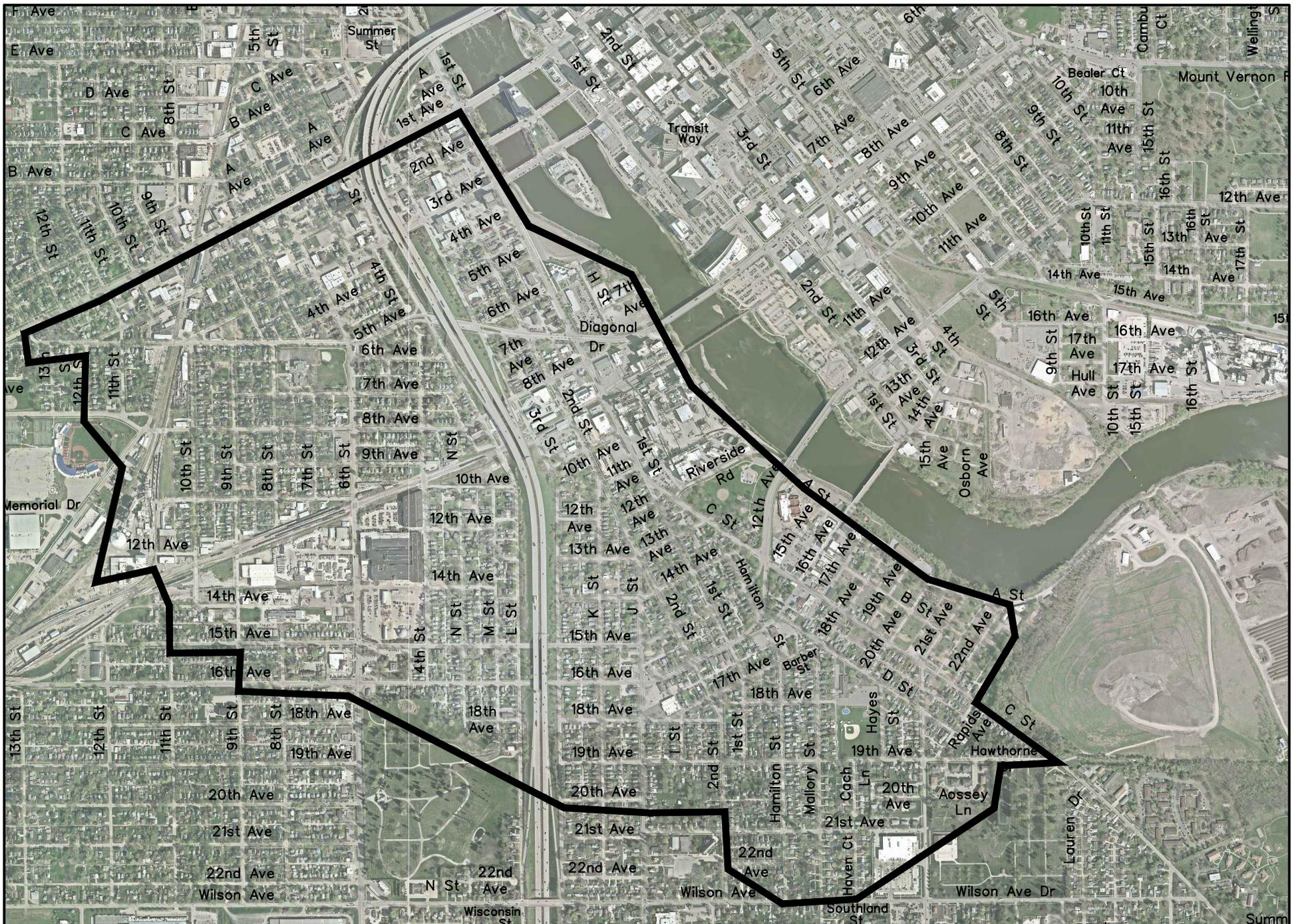
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 4 in the amount of \$6,903.40, plus an additional 2 working days, with Rathje Construction Company for the SW Quadrant, 2008 Flood Area Sanitary Sewer Restoration, Phase 2, Part 1, Contract No. SSD103-10. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$763,788.36
Possible Incentive	30,500.00
Change Order No. 1	21,653.16
Change Order No. 2	9,998.98
Change Order No. 3	6,183.81
Change Order No. 4	6,903.40
Removal of Original Incentive Value	(10,000.00)
Addition of Disincentive and/or Liquidated Damages	<u>(38,000.00)</u>
Amended Contract Amount	\$791,027.71

General ledger coding for this Change Order to be as follows:

\$6,903.40 330-330210-18511-SSD103

Passed this 13th day of May, 2014.



SW QUADRANT, 2008 FLOOD AREA
SANITARY SEWER RESTORATION, PHASE 1, PART 1
CONTRACT No. SSD103-10





Council Agenda Item Cover Sheet

FLOOD

Submitting Department: Public Works Department

Presenter at meeting: Doug Carper, PE
E-mail Address: d.carper@cedar-rapids.org

Phone Number/Extension: 5258

Alternate Contact Person: Loren Snell, PE
E-mail Address: l.snell@cedar-rapids.org

Phone Number/Extension: 5804

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**
 Authorizing Change Order No. 5 in the amount of \$54,637 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 \$9,311,789) (**FLOOD**). CIP/DID #TRE001-20

Background:

WCD = Work Change Directive

WCD #7	Provide labor and materials to remove and reinstall acoustical ceiling tiles, install new steel supports, modify roof around roof curbs, and install new mechanical and electrical upgrades to the Montessori mechanical system. Provide labor and materials to install mechanical and electrical upgrades to the Ground Transportation Center.	\$53,720
	Provide labor and material to install dimming control switch in booth 112 per owner request	\$917

Action / Recommendation:

The Public Works Department recommends approval of Change Order No. 5 submitted by Woodruff Construction, LLC.

Alternative to the Recommendation:

If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): Fund 330 Dept ID 330330 Project TRE001

Local Preference Policy: Applies Exempt

Explanation: FEMA does not allow.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

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WOODRUFF
SOLUM LANG
TRE001-20
OB377545

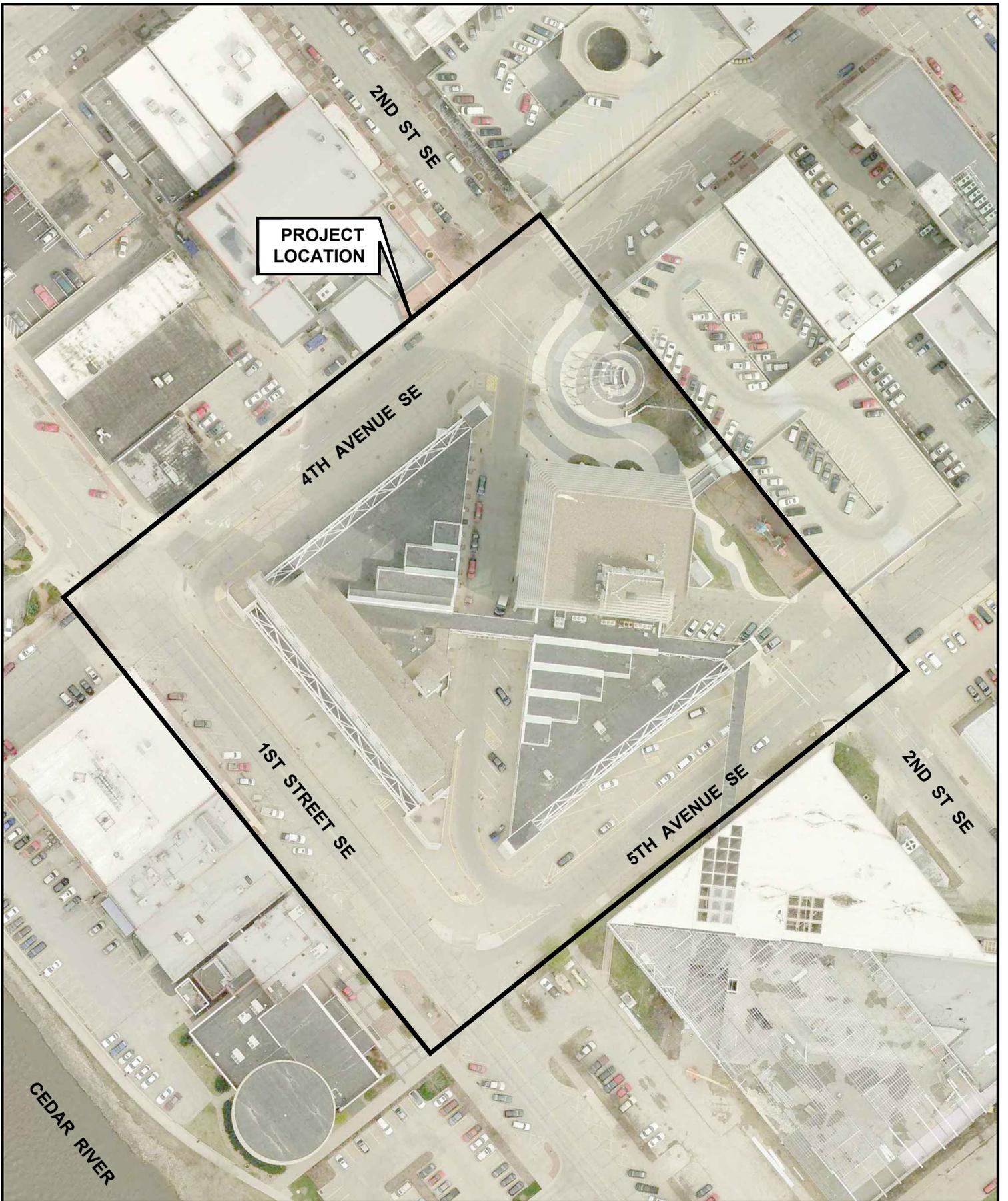
RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 5 in the amount of \$54,637 with Woodruff Construction, LLC for the Ground Transportation Center Renovation, Contract No. TRE001-20. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$9,097,000
Possible Incentive	65,000
Change Order No. 1	(50,643)
Change Order No. 2	103,088
Change Order No. 3	18,629
Change Order No. 4	24,078
Change Order No. 5	<u>54,637</u>
Amended Contract Amount	\$9,311,789

General ledger coding for this Change Order to be as follows: \$54,637 330-330330-18512-TRE001

Passed this 13th day of May, 2014.



PROJECT
LOCATION

2ND ST SE

4TH AVENUE SE

1ST STREET SE

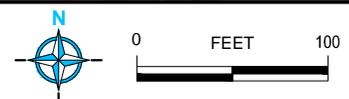
5TH AVENUE SE

2ND ST SE

CEDAR RIVER



GTC RENOVATIONS



Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Pollution Control Facility

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hersnher@cedar-rapids.org

Alternate Contact: Bruce Jacobs **Phone No.:** 5913 **E-mail:** b.jacobs@cedar-rapids.org

Description of Agenda Item:

Change Order No. 1 in the amount of \$54,215 with Day Mechanical Systems for the WPC Administration Building HVAC Upgrades project (original contract amount was \$1,744,000; total contract amount with this amendment is \$1,798,215). CIP/DID #615030-05

Background:

The proposed Change Order includes 19 Items. Items 1-18 are for changes to the scope of work as defined in the Contract Documents. Item 19 is to account for the Allowance that was included in the Bid for work related to but not reasonably inferred from the Plans and Specifications. Justification for each item is briefly described on the Change Order.

Each contractor proposal (CAR) was reviewed by the Owner's and Engineer's designated representatives to ensure that the scope of the proposal is appropriate, and the pricing is reasonable.

Action / Recommendation:

The Utilities Department staff recommends execution of Change Order #1 in the amount of \$54,215 with Day Mechanical Systems.

Alternative Recommendation: None

Time Sensitivity: Action needed 05-13-14

Resolution Date: 05-13-14

Estimated Presentation Time: 0 Minutes

Budget Information Process Information:

- 1) **Included in Current Budget Year:** Yes. The project will be funded from the FY 2013, 2014, and FY 2015 Water Pollution Control Division Capital Improvement Projects budget. The project will be coded to the following CIP fund 553000-615-615000-x-x-615030.
- 2) **Analysis of the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** The FY2013, FY 2014 and FY 2015 CIP budgets have \$2,000,000 budgeted for the WPC Administration Building HVAC Upgrades project. Construction costs are projected to be \$1,798,215. Project cost, including Engineering costs of \$70,000, is currently estimated to be approximately \$1,868,215.
- 3) **Purchasing Department used or Purchasing Guidelines followed:** Yes. The project was bid as a public improvement project.

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Attachments: Two (2) endorsed originals of Change Order dated April 21, 2014

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager be authorized to execute Change Order No. 1, to the Contract with Day Mechanical Systems, specifying an increase in the amount of \$54,215 for additional work requested by the City of Cedar Rapids for the WPC Administration Building HVAC Upgrades project (Contract No. 615030-05).

A cost summary of the contract changes on this project is as follows:

Original Contract Amount	\$1,744,000
Plus Change Order No. 1	<u>\$ 54,215</u>
Amended Contract Amount	\$1,798,215

Funded from the FY 2013, 2014, and 2015 Water Pollution Control C.I.P. budget and coded to: 553000-615-615000-x-x-615030.

Passed this 13th day of May, 2014

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Parks and Recreation

Presenter at meeting: Steve Krug

Phone Number/Ext: 5740

Email: s.krug@cedar-rapids.org

Alternate Contact Person: Sven Leff

Phone Number/Ext: 5739

Email: S.Leff@cedar-rapids.org

Description of Agenda Item:

Resolution approving Contract Change Order No. 1 for the Hoover Trail Park project. Original contract amount is \$62,998. Change order is \$5,115.25. Amended contract amount is \$68,113.25. CIP/DID #307222-01

Background:

Contract Change Order No. 1: Additional trucking was needed to help haul away excess material to keep the project on schedule, a handicap stall needed to be painted to meet code, additional property line fencing was needed that was not in plans (35 ft.), and the cost to cap one existing water service to the site per request of the Water Department.

Action / Recommendation:

Approval of project to move forward with the construction of the Hoover Trail Park project.

Alternative Recommendation:

If the Council does not approve, the project cannot proceed.

Time Sensitivity: Normal.

Resolution Date: May 13, 2014

Estimated Presentation Time: 5 Minute(s)

Budget Information (if applicable):

Project is to be paid for with allocated CIP funds, project #307222-01

Local Preference Policy Applies Exempt

Explanation: NOTE: This project is a Public Improvement Project and as such per State Code the City is required to award the construction contract to the lowest responsive, responsible bidder. The Buy Local policy does not apply in this situation.

RESOLUTION NO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 1 in the amount of \$5,115.25, with Pirc-Tobin Construction, Inc., for the Hoover Trail Park project, Contract No. 307222-01. A cost summary of the contract changes for this project is as follows:

<u>Description</u>	<u>Amount</u>	<u>GL Coding</u>
Original Contract	\$62,998	307-307000-307222
Change Order No. 1	<u>\$5,115.25</u>	307-307000-307222
Total Contract to date:	\$68,113.25	

Passed this 13th day of May, 2014



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Gary Petersen, PE
E-mail Address: g.petersen@cedar-rapids.org

Phone Number/Extension: 5153

Alternate Contact Person: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution authorizing execution of a Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. in an amount not to exceed \$420,445 for design services in connection with the 1st Avenue E from 27th Street to 40th Street Pavement Rehabilitation, Infrastructure, and Trail Improvements Final Design Services project (**Paving for Progress**). CIP/DID #301240-05

Background:

The Corridor Metropolitan Planning Organization (MPO) has approved \$6,914,400 of federal aid funding for improvements to 1st Avenue E from 27th Street to 40th Street. Anderson-Bogert Engineers & Surveyors, Inc. has completed the preliminary engineering for the proposed project improvements that were presented at the March 10, 2014 Public Information meeting. Improvements include pavement, curb, storm sewer, sanitary sewer, trail, traffic signals, and water main upgrading. The public participation process identified the following features for inclusion in the project:

- Lowering the “hump” at 30th Street (former railroad overpass), while providing a trail crossing underneath.
- Completing sidewalk in the gap from 36th Street to 40th Street & upgrade of existing sidewalk and sidewalk ramps.
- Making side-street modifications at signalized intersections to improve traffic flow.
- Completion of the CEMAR Trail – Phase 3 from 29th Street NE to 32nd Street Drive SE.
- Planting new trees.
- Relocation of overhead electric power lines to underground and improve street/sidewalk lighting, subject to Council approval of funding source(s).

The professional services provided in this agreement include the final design services for five bid packages (3 federal-aid, 2 local). Federal-aid letting for the roadway improvements are scheduled for November 2014, March 2015, and January 2017. Local letting for non-mainline roadway improvements are scheduled for December 2014, and September 2017. Scope of Services includes right-of-way acquisition documents, and assessment documents for new sidewalk construction and new paving construction (35th Street Drive SE). Preparation of the public utility improvement packages is by separate contract (Contract No. 301240-04).

Estimated construction budget for the proposed improvements is \$6.6 million dollars. Roadway improvements will be constructed in two phases; Phase I – 1st Avenue E from 34th Street to 40th Street; and Phase II – 1st Avenue E from 27th Street to 34th Street. This project is partially

funded with the Local Option Sales Tax (LOST) approved for maintenance, repair, and reconstruction of City streets.

Action / Recommendation:

The Public Works Department recommends adopting the resolution authorizing execution of a professional services agreement with Anderson-Bogert Engineers & Surveyors, Inc.

Alternative Recommendation:

The City Council could choose to not approve the Professional Services Agreement, and request City staff to separate the final design services into smaller phases.

The City Council could choose to divert this work to a different consultant. Anderson-Bogert Engineers & Surveyors, Inc. was one of the top two ranked firms from the four proposals submitted for this project, and the firm has an excellent record of completing design work on time and within budget.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): Revenue from the following CIP Projects are available to fund the design services for this project: LOST 7970, 301240, 306222, 325042.

Local Preference Policy: Applies Exempt

Explanation: Anderson-Bogert Engineers & Surveyors, Inc. is a local firm that is in compliance with this policy.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary): Project updates have been provided to City Council Infrastructure Committee.

RESOLUTION NO.

WHEREAS, the Public Works Director / City Engineer has determined it is in the best interest of the City to outsource some professional services relating to the project(s) below, and

WHEREAS, the Public Works Director / City Engineer has determined Anderson-Bogert Engineers & Surveyors, Inc. is qualified to provide those services and they are able to perform those services in a timely manner for an amount not to exceed \$420,445, and

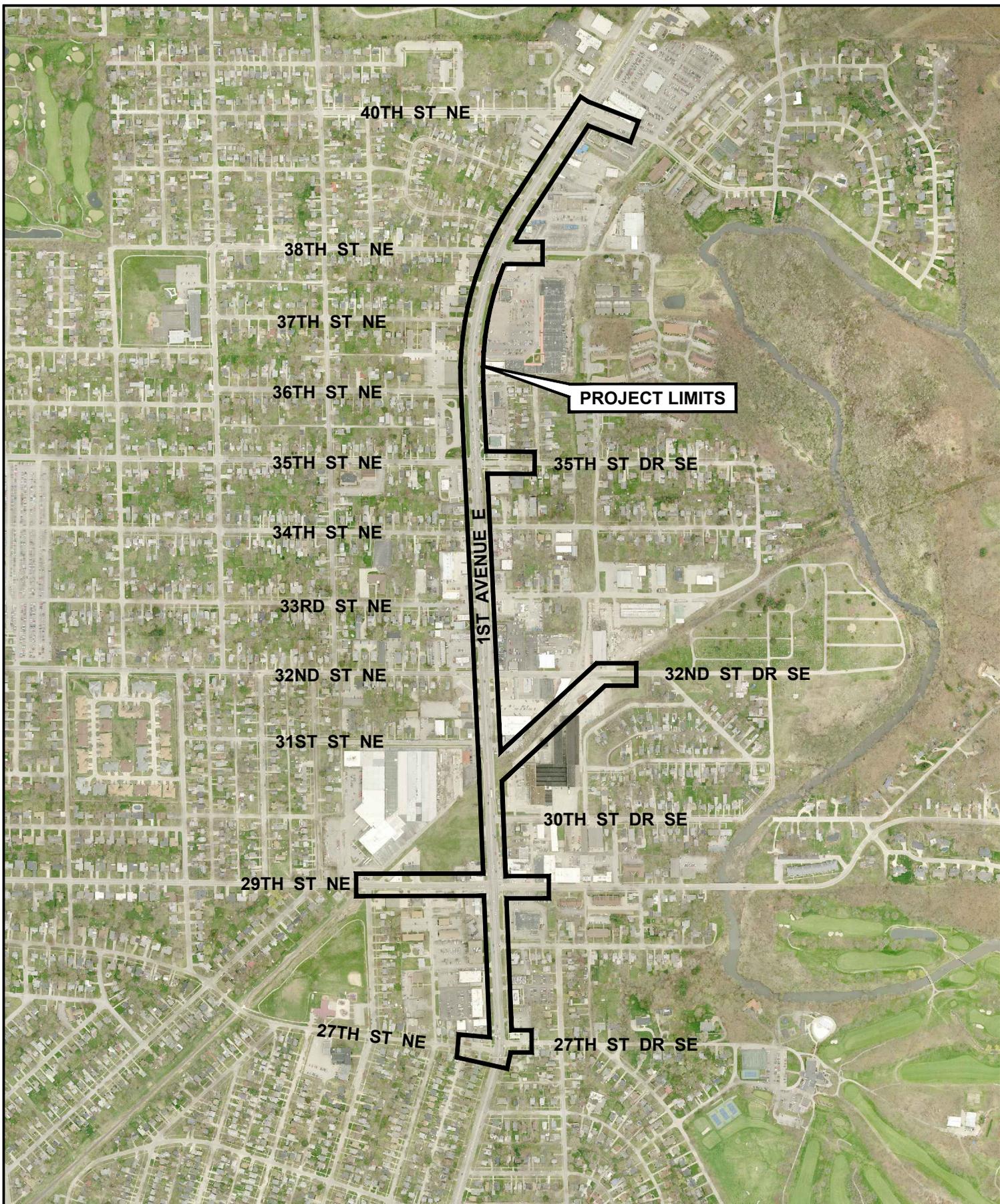
WHEREAS, the Public Works Director / City Engineer recommends the City enter into Contract No. 301240-05 with the firm noted herein, and

WHEREAS, the City Council has allocated funds for 1st Avenue E from 27th Street to 40th Street Pavement Rehabilitation, Infrastructure, and Trail Improvements Final Design Services project:

Fund 301, Dept ID 301000, Project 301240 (LOST 7970)	\$195,399
Fund 301, Dept ID 301000, Project 301240	\$153,323
Fund 306, Dept ID 306000, Project 306022	\$ 44,557
Fund 325, Dept ID 325000, Project 325042	<u>\$ 27,166</u>
TOTAL	\$420,445

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are hereby authorized to execute the contract for the services noted herein.

Passed this 13th day of May, 2014.



**1ST AVENUE E FROM 27TH STREET TO 40TH STREET
FINAL DESIGN
PROFESSIONAL SERVICES AGREEMENT**





Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Amy Schirm
E-mail Address: a.schirm@cedar-rapids.org

Phone Number/Extension: 5883

Alternate Contact Person: Rita Rasmussen
E-mail Address: r.rasmussen@cedar-rapids.org

Phone Number/Extension: 5807

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution authorizing execution of a Purchase Agreement in the amount of \$150 and accepting a Warranty Deed for right-of-way and a Temporary Grading Easement for Construction from Thaddeus L. King from land located at 1719 Oakland Road NE in connection with the 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements project. CIP/DID #306204-00

Background:

The right-of-way and easement are required to accommodate the proposed 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements project, including sidewalk/pedestrian ramps. Compensation amounts proposed are based on the current assessed value of the land.

Action / Recommendation:

The Public Works Department recommends adopting the resolution authorizing execution of a Purchase Agreement in the amount of \$150, accepting a Warranty Deed for right-of-way, and a Temporary Grading Easement for Construction from Thaddeus L. King.

Alternative to the Recommendation:

Do not proceed with acquiring the proposed right-of-way and temporary construction easement and direct City staff to redesign the traffic signal and sidewalk/pedestrian ramp improvements.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): 301/301000/3012071

Local Preference Policy: Applies Exempt

Explanation: Local Preference Policy does not apply to the acquisition of right-of-way.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Public Works Director / City Engineer has determined the need for right-of-way and a temporary construction easement exists in order to accommodate the proposed facilities, and

WHEREAS, Thaddeus L. King, 1719 Oakland Road NE, OWNER of the real property known and described as:

See Attached Acquisition Plat
See Attached Temporary Construction Easement Exhibit

have agreed to convey the necessary right-of-way and temporary construction easement at 1719 Oakland Road NE to the City of Cedar Rapids for consideration as follows:

Right-of-Way	\$125
Temporary Easement	\$25
TOTAL	<u>\$150</u>

, and

WHEREAS, the Public Works Director / City Engineer recommends the City enter into an agreement to purchase the right-of-way and temporary construction easement in accordance with the terms set forth in the Purchase Agreement, and

WHEREAS, the City Council has allocated Capital Improvement funds for the 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements Project (Fund 301, Dept ID 301000, Project 3012071), now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are hereby authorized to execute the Purchase Agreement as described herein, and

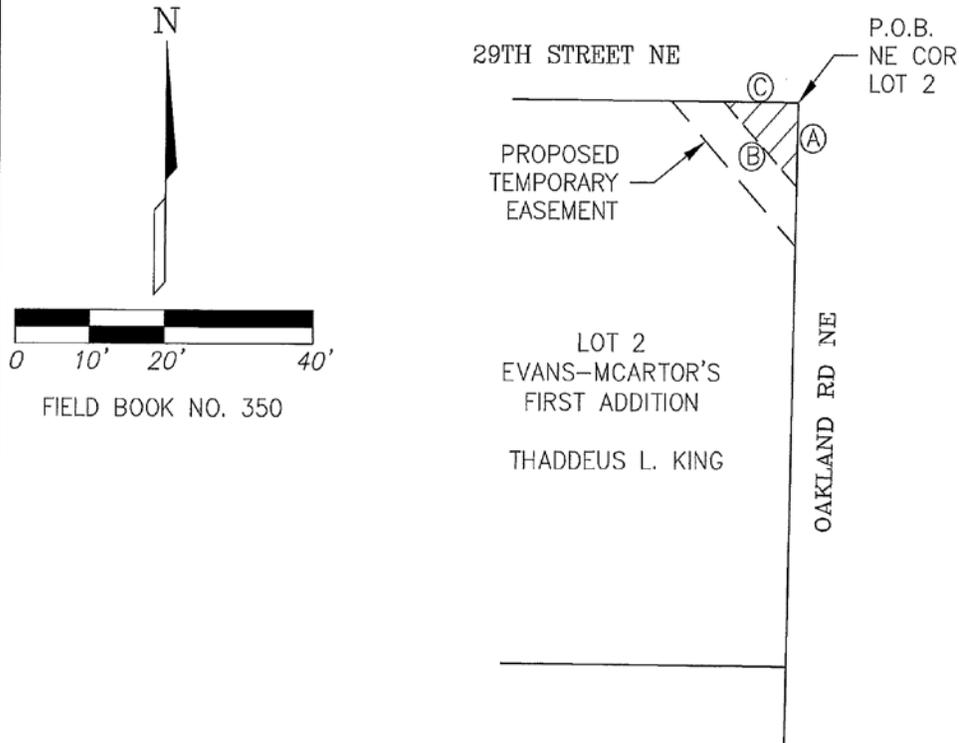
BE IT FURTHER RESOLVED that the Purchase Agreement and the Temporary Grading Easement for Construction are hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the City of Cedar Rapids Finance Director be authorized to issue payment per the Allocation of Proceeds, and

BE IT FURTHER RESOLVED that the Warranty Deed and Groundwater Hazard Statement from Thaddeus L. King be accepted and recorded in the Office of the Linn County Recorder and thereafter filed with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.

ACQUISITION PLAT



DESCRIPTION OF AREA:

A PART OF LOT 2 OF EVANS-MCARTOR'S ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2;
 THENCE SOUTH 0°57'50" WEST, 10.00 FEET ON THE EAST LINE OF SAID LOT 2;
 THENCE NORTH 44°15'03" WEST, 14.09 FEET, TO THE NORTH LINE OF SAID LOT 2;
 THENCE SOUTH 89°27'50" EAST, 10.00 FEET, ON SAID NORTH LINE, TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 50 SQUARE FEET.

LINE TABLE

- (A) S 0°57'50" W 10.00'
- (B) N 44°15'03" W 14.09'
- (C) S 89°27'50" E 10.00'

OWNER:
 THADDEUS L. KING

SURVEYOR:
 AMENT, INC.
 625 32ND AVENUE S.W.
 CEDAR RAPIDS, IA 52404
 T (319) 378-1401
 F (319) 378-1975

GREGG E. SAMPSON
14809
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Gregg E. Sampson 2.26.2014
 GREGG E. SAMPSON, P.L.S. DATE

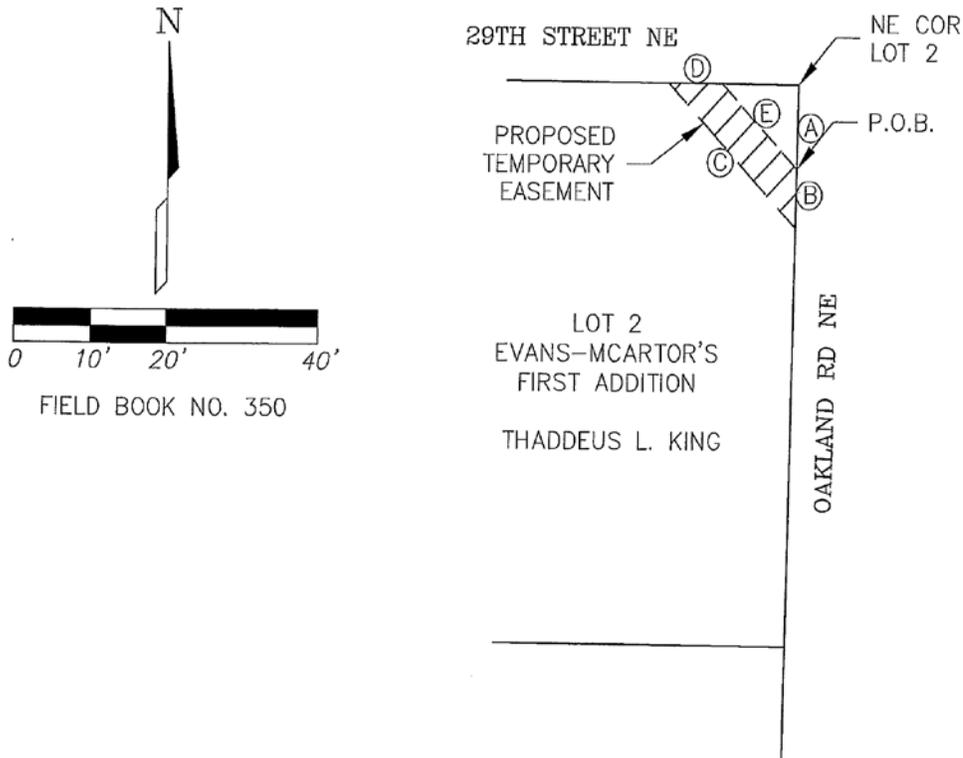
LICENSE NUMBER: 14809
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014

ENTIRE SUBMISSION IS COVERED BY THIS SEAL UNLESS SPECIFIED BELOW.

ACQUISITION PLAT
 THADDEUS L. KING
 CEDAR RAPIDS, IA

Ament
 DESIGN

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT



DESCRIPTION OF AREA:
 A PART OF LOT 2 OF EVANS-MCARTOR'S ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA
 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2;
 THENCE SOUTH 0°57'50" WEST, 10.00 FEET ON THE EAST LINE OF SAID LOT 2, TO THE POINT OF BEGINNING;
 THENCE SOUTH 0°57'50" WEST, 7.04 FEET ON SAID EAST LINE;
 THENCE NORTH 44°15'03" WEST, 24.02 FEET, TO THE NORTH LINE OF SAID LOT 2;
 THENCE SOUTH 89°27'50" EAST, 7.04 FEET ON SAID NORTH LINE;
 THENCE SOUTH 44°15'03" EAST, 14.09 FEET, TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 95 SQUARE FEET.

OWNER:
 THADDEUS L. KING

SURVEYOR:
 AMENT, INC.
 625 32ND AVENUE S.W.
 CEDAR RAPIDS, IA 52404
 T (319) 378-1401
 F (319) 378-1975

LINE TABLE

(A)	S 0°57'50" W	10.00'
(B)	S 0°57'50" W	7.04'
(C)	N 44°15'03" W	24.02'
(D)	S 89°27'50" E	7.04'
(E)	S 44°15'03" E	14.09'

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
 THADDEUS L. KING
 CEDAR RAPIDS, IA

Ament
 DESIGN



RIGHT-OF-WAY ACQUISITION

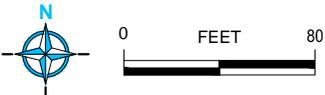
29TH STREET NE

1719 Oakland Rd NE

**TEMPORARY
CONSTRUCTION
EASEMENT**

ELMHURST DR NE

**29TH STREET NE AT OAKLAND ROAD NE
AND PRAIRIE DRIVE NE
TRAFFIC SIGNAL IMPROVEMENTS**





Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Amy Schirm
E-mail Address: a.schirm@cedar-rapids.org

Phone Number/Extension: 5883

Alternate Contact Person: Rita Rasmussen
E-mail Address: r.rasmussen@cedar-rapids.org

Phone Number/Extension: 5807

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution authorizing execution of a Purchase Agreement in the amount of \$637 and accepting a Warranty Deed for right-of-way and a Temporary Grading Easement for Construction from Mary K. Ralston from land located at 1150 29th Street NE in connection with the 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements project. CIP/DID #306204-00

Background:

This right-of-way and easement are required to accommodate the proposed 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements project, including sidewalk/pedestrian ramps. Compensation amounts proposed are based on the current assessed value of the land.

Action / Recommendation:

The Public Works Department recommends adopting the resolution authorizing execution of a Purchase Agreement in the amount of \$637, accepting a Warranty Deed for right-of-way, and a Temporary Grading Easement for Construction from Mary K. Ralston.

Alternative to the Recommendation:

Do not proceed with acquiring the proposed right-of-way and temporary construction easement and direct City staff to redesign the traffic signal and sidewalk/pedestrian ramp improvements.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): 301/301000/3012071

Local Preference Policy: Applies Exempt

Explanation: Local Preference Policy does not apply to the acquisition of right-of-way.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Public Works Director / City Engineer has determined the need for right-of-way and a temporary construction easement exists in order to accommodate the proposed facilities, and

WHEREAS, Mary K. Ralston, 1150 29th Street NE, OWNER of the real property known and described as:

See Attached Acquisition Plat
See Attached Temporary Construction Easement Exhibit

has agreed to convey the necessary right-of-way and temporary construction easement at 1150 29th Street NE to the City of Cedar Rapids for consideration as follows:

Right-of-Way	\$195
Temporary Easement	\$142
Loss of Landscaping	\$300
TOTAL	<u>\$637</u>

, and

WHEREAS, the Public Works Director / City Engineer recommends the City enter into an agreement to purchase the right-of-way and temporary construction easement in accordance with the terms set forth in the Purchase Agreement, and

WHEREAS, the City Council has allocated Capital Improvement funds for the 29th Street NE from Oakland Road NE to Prairie Drive NE Traffic Signal Improvements Project (Fund 301, Dept ID 301000, Project 3012071), now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are hereby authorized to execute the Purchase Agreement as described herein, and

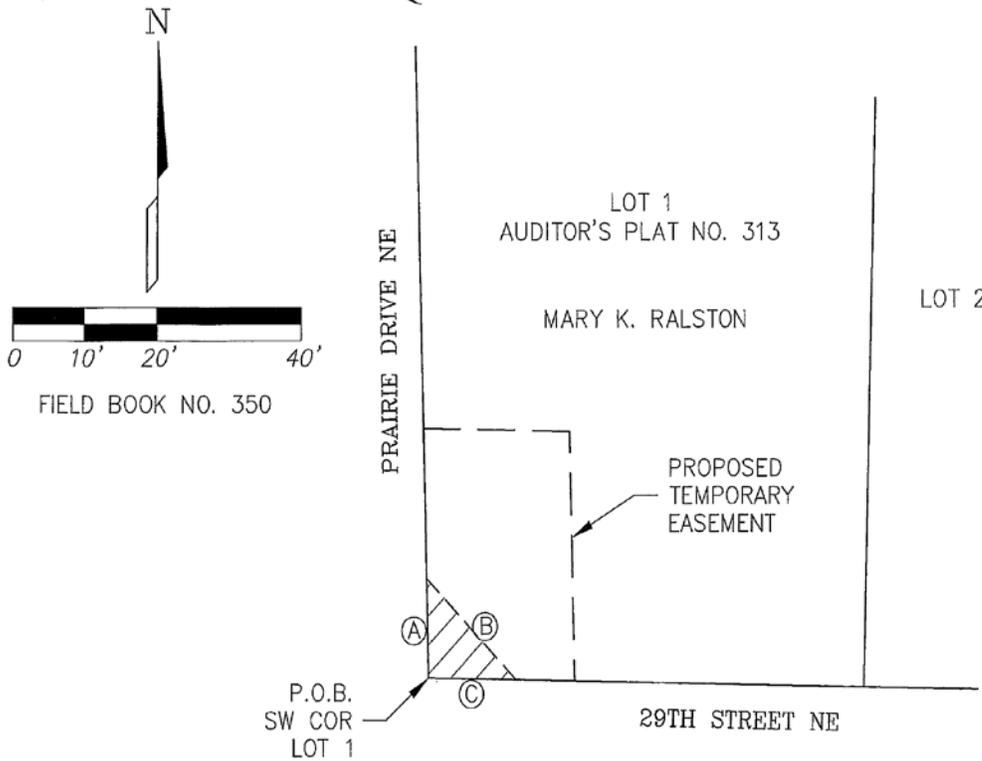
BE IT FURTHER RESOLVED that the Purchase Agreement and the Temporary Grading Easement for Construction are hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the City of Cedar Rapids Finance Director be authorized to issue payment per the Allocation of Proceeds, and

BE IT FURTHER RESOLVED that the Warranty Deed and Groundwater Hazard Statement from Mary K. Ralston be accepted and recorded in the Office of the Linn County Recorder and thereafter filed with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.

ACQUISITION PLAT



DESCRIPTION OF AREA:

A PART OF LOT 1 OF AUDITOR'S PLAT NO. 313, LINN COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1;
 THENCE NORTH 1°34'17" WEST, 12.00 FEET ON THE WEST LINE OF SAID LOT 1;
 THENCE SOUTH 45°14'41" EAST, 17.36 FEET, TO THE SOUTH LINE OF SAID LOT 1;
 THENCE NORTH 88°55'05" WEST, 12.00 FEET, ON SAID SOUTH LINE, TO THE POINT OF BEGINNING.

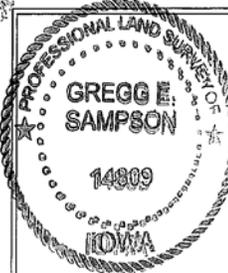
DESCRIBED PARCEL CONTAINS 72 SQUARE FEET.

LINE TABLE

(A)	N 1°34'17" W	12.00'
(B)	S 45°14'41" E	17.36'
(C)	N 88°55'05" W	12.00'

OWNER:
 MARY K. RALSTON

SURVEYOR:
 AMENT, INC.
 625 32ND AVENUE S.W.
 CEDAR RAPIDS, IA 52404
 T (319) 378-1401
 F (319) 378-1975



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

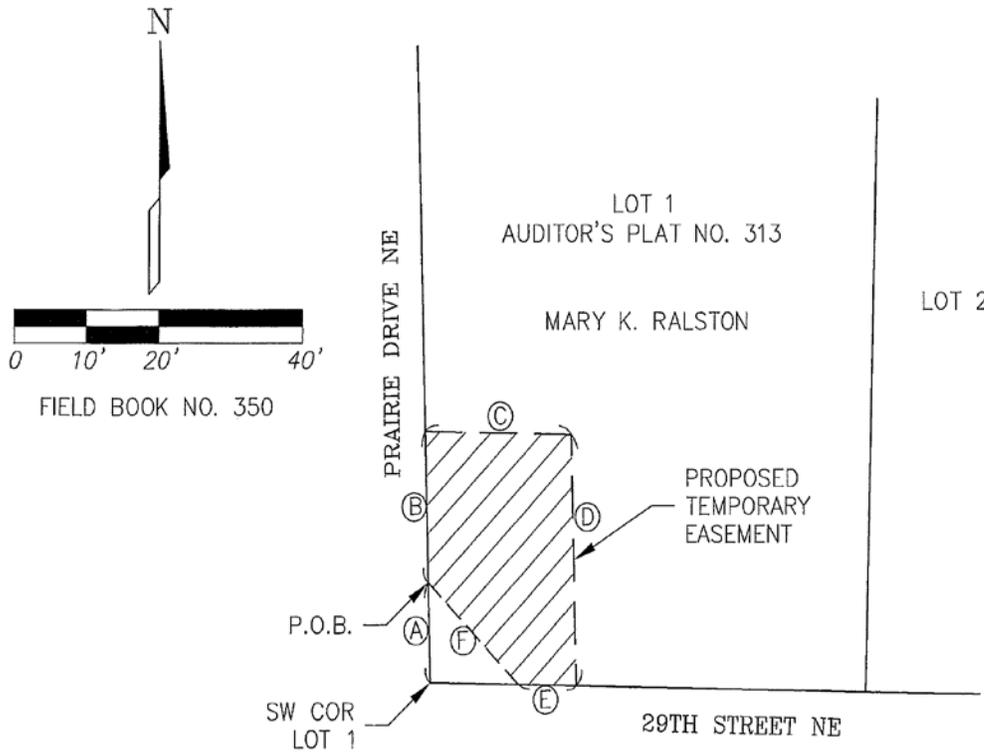

2.26.2014
DATE

GREGG E. SAMPSON, P.L.S.
LICENSE NUMBER: 14809
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014
ENTIRE SUBMISSION IS COVERED BY THIS SEAL UNLESS SPECIFIED BELOW.

ACQUISITION PLAT
 MARY K. RALSTON
 CEDAR RAPIDS, IA

Ament
 DESIGN

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT



DESCRIPTION OF AREA:

A PART OF LOT 1 OF AUDITOR'S PLAT NO. 313, CEDAR RAPIDS, LINN COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1;
 THENCE NORTH 1°34'17" WEST, 12.00 FEET ON THE WEST LINE OF SAID LOT 1, TO THE POINT OF BEGINNING;
 THENCE NORTH 1°34'17" WEST, 18.00 FEET ON SAID WEST LINE;
 THENCE SOUTH 88°55'05" EAST, 20.00 FEET;
 THENCE SOUTH 1°34'17" EAST, 30.00 FEET, TO THE SOUTH LINE OF SAID LOT 1;
 THENCE NORTH 88°55'05" WEST, 8.00 FEET, ON SAID SOUTH LINE;
 THENCE NORTH 45°14'41" WEST, 17.36 FEET, TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 527 SQUARE FEET.

OWNER:
 MARY K. RALSTON

SURVEYOR:
 AMENT, INC.
 625 32ND AVENUE S.W.
 CEDAR RAPIDS, IA 52404
 T (319) 378-1401
 F (319) 378-1975

LINE TABLE

(A)	N 1°34'17" W	12.00'
(B)	N 1°34'17" W	18.00'
(C)	S 88°55'05" E	20.00'
(D)	S 1°34'17" E	30.00'
(E)	N 88°55'05" W	8.00'
(F)	N 45°14'41" W	17.36'

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT
 MARY K. RALSTON
 CEDAR RAPIDS, IA

Ament
 DESIGN



STAUB CT NE

PRAIRIE DR NE

29TH STREET NE

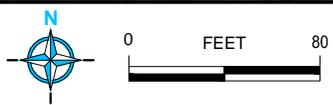
ROBINWOOD LN NE

1150 29th St NE

TEMPORARY CONSTRUCTION EASEMENT

RIGHT-OF-WAY ACQUISITION

29TH STREET NE AT OAKLAND ROAD NE AND PRAIRIE DRIVE NE TRAFFIC SIGNAL IMPROVEMENTS



Cadd File Name: W:\PROJECTS\CIP\308\308204\308204 Council Map.dwg



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Alternate Contact Person: Rob Davis, PE
E-mail Address: r.davis@cedar-rapids.org

Phone Number/Extension: 5808

Description of Agenda Item: **Consent Agenda** **Regular Agenda** **Map**

Resolution awarding and approving contract in the amount of \$615,366.25 plus incentive up to \$8,600, bond and insurance of Pirc-Tobin Construction, Inc. for the Park Avenue SE from 17th Street to 18th Street and 18th Street SE from Park Avenue to Half Block South – Sanitary Sewer, Storm Sewer, Water Main, Street, and Sidewalk Improvements project (estimated cost is \$740,000). CIP/DID #655996-07

Background:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$615,366.25
Possible Incentive	<u>\$ 8,600.00</u>
Total Award	\$623,966.25

Rathje Construction Co., Marion, IA	\$626,664.05
L.L. Pelling Company, Inc. North Liberty, IA	*\$648,357.40

*Multiplication/Addition error found in bid

Pirc-Tobin Construction, Inc. submitted the lowest of the bids received on April 16, 2014 for the Park Avenue SE from 17th Street to 18th Street and 18th Street SE from Park Avenue to Half Block South – Sanitary Sewer, Storm Sewer, Water Main, Street, and Sidewalk Improvements project. The bid is within the approved budget. Construction work is anticipated to begin this summer and be completed within 54 calendar days.

Action / Recommendation:

The Public Works Department recommends approval of the Resolution to award and approve contract in the amount of \$615,366.25 plus incentive up to \$8,600, bond and insurance of Pirc-Tobin Construction, Inc. for the Park Avenue SE from 17th Street to 18th Street and 18th Street SE from Park Avenue to Half Block South – Sanitary Sewer, Storm Sewer, Water Main, Street, and Sidewalk Improvements project.

Alternative to the Recommendation:

If Council chooses not to award the contract for said project, the project could not go forward as proposed unless the bidding process is repeated.

Time Sensitivity: Normal. Chapter 26.10 of the Code of Iowa requires the Bid security to be returned within 30 days after the bid opening. Deferral of the contract award after May 13, 2014 may require re-bidding and affect the construction schedule for the improvements.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable):

CIP 655996 (sanitary sewer) \$335,365
CIP 3012055 (street/sidewalk): \$344,455
CIP 304377 (storm sewer): \$101,926
CIP 625884 (water): \$152,037
Total Budget: \$933,783

Local Preference Policy: Applies Exempt

Explanation: State Code Section 26.9 requires public improvements be awarded to the lowest, responsive, responsible bidder.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on March 25, 2014 the City Council adopted a motion that directed the City Clerk to give notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the Park Avenue SE from 17th Street to 18th Street and 18th Street SE from Park Avenue to Half Block South Sanitary Sewer, Storm Sewer, Water Main, Street, and Sidewalk Improvements public improvement project (Contract No. 655996-07) for the City of Cedar Rapids, Iowa, and

WHEREAS, said notice was published in the Cedar Rapids Gazette on March 29, 2014 pursuant to which a public hearing was held on April 8, 2014, and

WHEREAS, the following bids were received, opened and announced on April 16, 2014 by the City Engineer, or designee, and said officer has now reported the results of the bidding and made recommendations thereon to the City Council at its next meeting on May 13, 2014:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$615,366.25
Possible Incentive	<u>\$ 8,600.00</u>
Total Award	\$623,966.25

Rathje Construction Co., Marion, IA	\$626,664.05
L.L. Pelling Company, North Liberty, IA	*\$648,357.40

*Multiplication/Addition error found in bid

AND WHEREAS, the general ledger coding for this public improvement project shall be as follows: \$623,966.25, \$256,374.67 655-655000-655996, \$207,294.53 301-301000-3012055, \$65,421.50 304-304000-304377 and \$94,875.55 625-625000-625884-6252014024; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The previous delegation to the City Engineer, or his designee, to receive, open and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;

2. Pirc-Tobin Construction, Inc. is the lowest responsive, responsible bidder on said work and the City Engineer, or his designee, has recommended that the City accept its bid and award the contract to it;

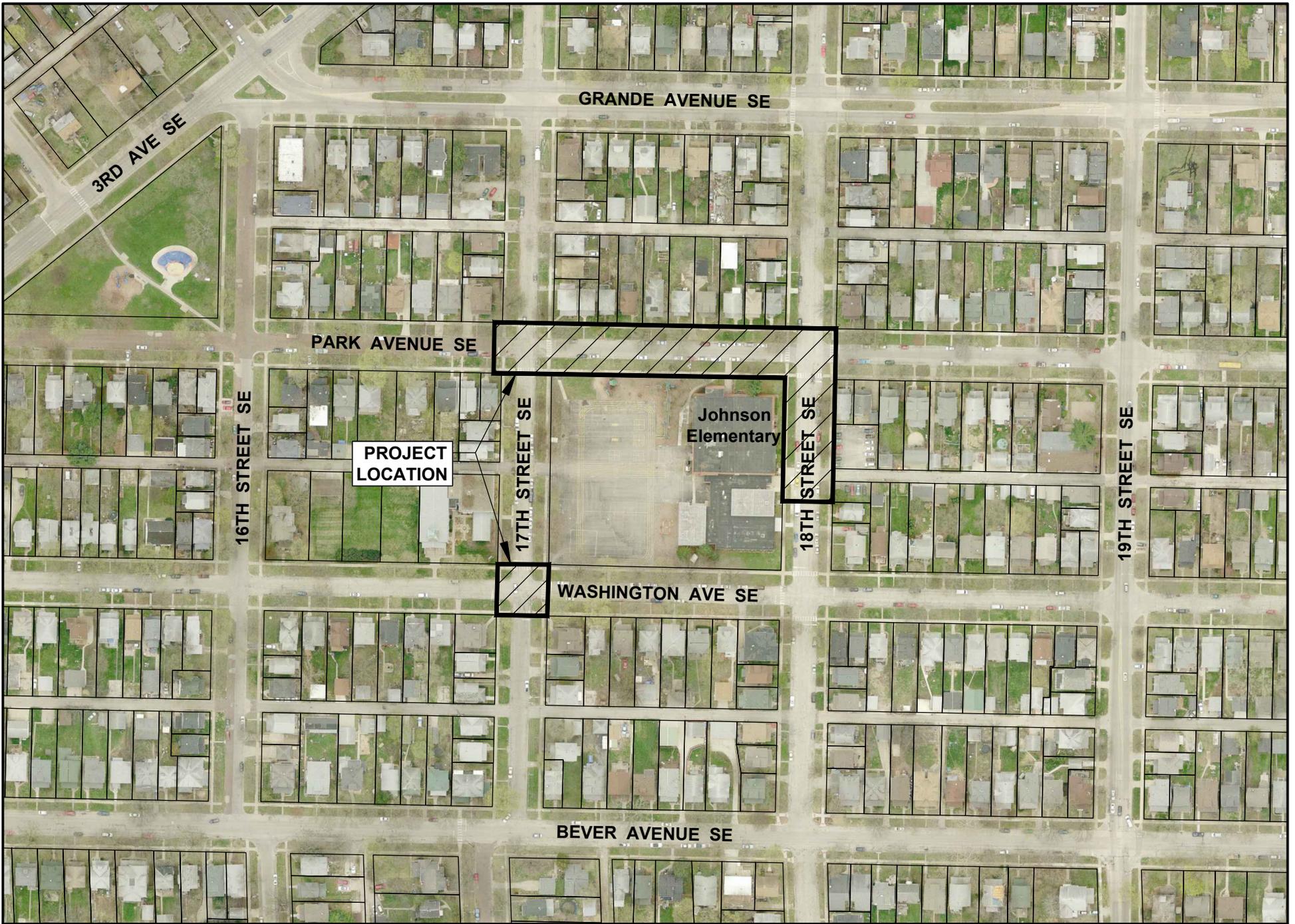
3. Subject to registration with the Department of Labor, the Bid of Pirc-Tobin Construction, Inc. is hereby accepted, with the inclusion of the incentive clause, and the contract for this public improvement is hereby awarded to Pirc-Tobin Construction, Inc.;

4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

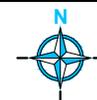
BE IT FURTHER RESOLVED that the bid securities of the unsuccessful bidders be returned to them by the City Clerk, and

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.



**PARK AVENUE SE FROM 17TH STREET TO 18TH STREET AND
 18TH STREET FROM PARK AVENUE TO 1/2 BLOCK SOUTH,
 SANITARY SEWER, STORM SEWER, STREET AND SIDEWALK IMPROVEMENTS**





Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Pollution Control Facility

Presenter at meeting: Steve Hershner **Phone:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: Mark Potter **Phone:** 5288 **Email:** m.potter@cedar-rapids.org

Description of Agenda Item:

Purchase order in the amount of \$37,491 to Hartzell Fan Inc. C/O Carroll Ind. for the purchase of two Hartzell Axial Fans at the Water Pollution Control Facility (sole source). CIP/DID #

Background:

The two 60" Hartzell Axial Fans are used to move air from the roughing filters to the odor control system, controlling H₂S from being released into the atmosphere. There are four of these fans in the system. These two fans will replace deteriorating fans on roughing filters 3 and 4.

Hartzell is the only manufacturer that offers this type of fan that will withstand the severe duty and highly corrosive environment these fans are placed in which moves high levels of hydrogen sulfur laden air-air that is moved to the odor control units from roughing filters. Hartzell Fan Inc. is the manufacturer of this fan and Carroll Industrial Ventilation is the sole representative for the state of Iowa.

The Water Pollution Control Facility requested a quote from Hartzell Fan Inc. for the two 60" fans that will be used in the roughing filters. Hartzell Fan Inc. submitted a quote in the amount of \$37,491 for labor, parts, materials, and round trip freight.

Action / Recommendation:

The Water Pollution Control Facility staff recommends approval of the Resolution authorizing a purchase order to Hartzell Fan Inc., C/O for the purchase of two Hartzell Axial Fans in the amount of \$37,491.

Alternative Recommendation: N/A

Time Sensitivity: Action needed 5-13-14

Resolution Date: 5-13-14

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): Funded from FY2014 services and operations budget and coded to 533101-611-611002-611014.

Local Preference Policy Applies Exempt

Explanation: N/A

Recommended by Council Committee Yes No N/A

Explanation (if necessary): N/A

RESOLUTION NO.

WHEREAS, Hartzell Fan Inc. is the manufacturer of the Hartzell Axial Fans and Carroll Industrial Ventilation is the sole source representative for the state of Iowa, and

WHEREAS, the Water Pollution Control Facility uses Hartzell Axial Fans to move air from the roughing filters to the odor control system, controlling H₂S from being released in the atmosphere, and

WHEREAS, there are four of these fans in the system and two of them need to be replaced in roughing filters 3 and 4 due to deterioration, and

WHEREAS, the Water Pollution Control Facility requested a quote from Hartzell Fan, Inc. for the 60" Hartzell Axial Fans and

WHEREAS, Hartzell Fan, Inc. submitted a quote in the amount of \$37,491 for labor, parts, materials, and round trip freight, and

WHEREAS, the Water Pollution Control Facility's staff recommends that a purchase order be issued in the amount of \$37,491 to Hartzell Fan Inc., C/O Carroll Ind. for the purchase of two Hartzell Axial Fans, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Water Pollution Control Facility be hereby authorized to issue a purchase order to Hartzell Fan, Inc. in the amount of \$37,491 for two 60" Hartzell Axial Fans at the Water Pollution Control Facility. To be funded from Water Pollution Control Facility's FY2014 services and operations budget and coded to 533101-611-611002-611014.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Chris Strecker
Email: c.strecker@cedar-rapids.org

Phone Number/Ext: 319 286-5820

Alternate Contact Person: Vern Zakostelecky
Email: v.zakostelecky@cedar-rapids.org

Phone Number/Ext: 319 286-5043

Description of Agenda Item: **Consent Agenda** **Regular Agenda**
 Warranty Deed from KG Store 514, L.L.C., an Iowa Limited Liability Company for the consideration of \$1 and other valuable consideration for right-of-way; and accepting an Agreement for Private Storm Water Quality for land at 1420 Mt. Vernon Road SE in association with construction of the new Kum & Go Store. CIP/DID #ASDP-000536-2012

Background:

The developers submitted the Warranty Deed and agreement in conformance with site plan conditions. The Development Services Department reviewed the submittals and determined they comply with applicable building permit conditions and right-of-way requirements.

Action / Recommendation:

City staff recommends approval of the resolution.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

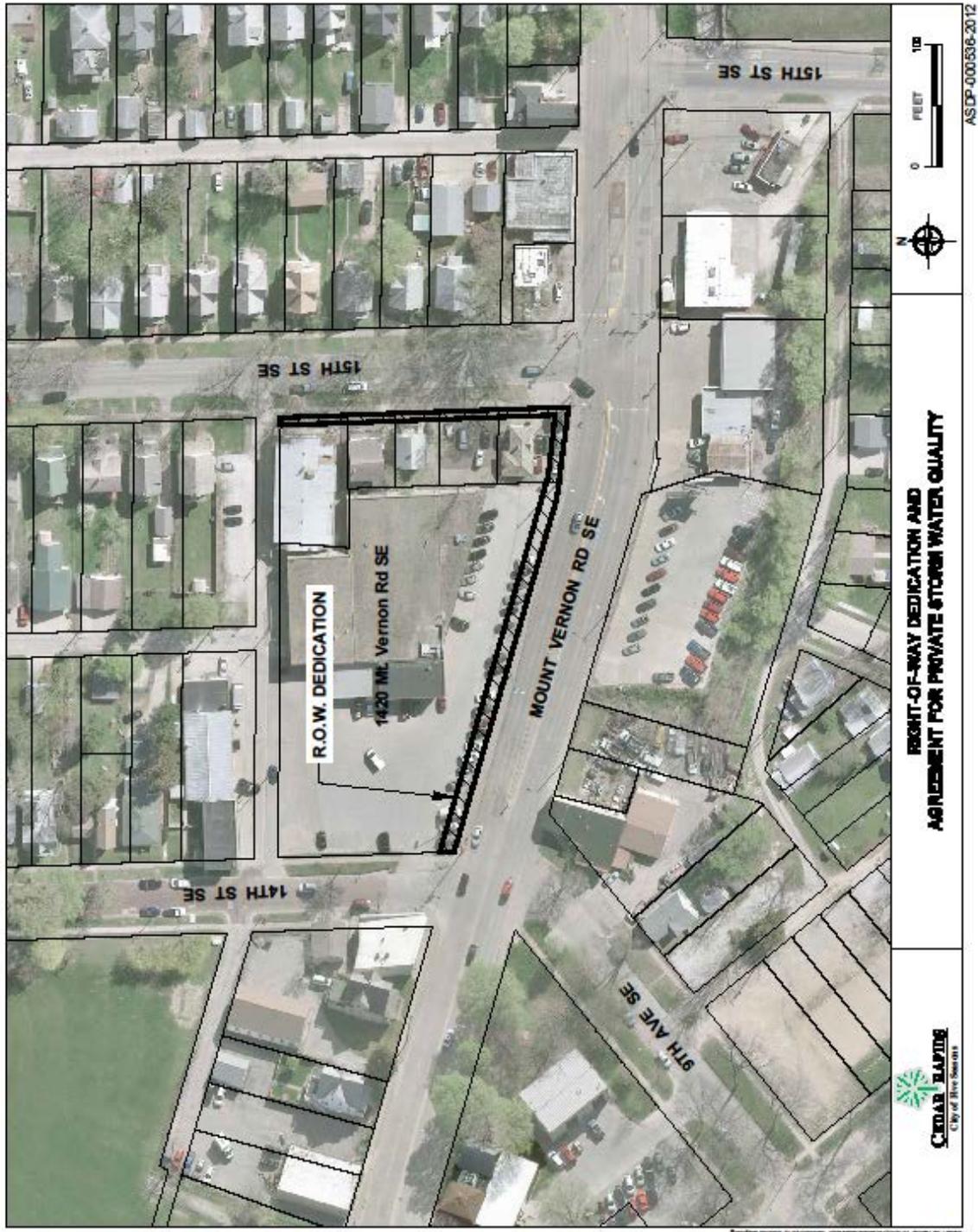
Local Preference Policy: Applies Exempt

Explanation: Policy not applicable to subdivisions.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

Location Map



DSD
ENG
RCR
FIN
AUD FILE
TED
CD
TRS
ASR
KG Store 514, L.L.C.
ASDP-000536-2014
CRFMR #12412

RESOLUTION NO.

WHEREAS, KG Store 514, L.L.C., an Iowa Limited Liability Company has submitted a Warranty Deed and an Agreement for Private Storm Water Quality for land located at 1420 Mt. Vernon Road SE; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Warranty Deed and Agreement for Private Storm Water Quality submitted by KG Store 514, L.L.C., an Iowa limited liability company, be and the same are hereby accepted and recorded in the Office of the Linn County Recorder.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Cedar Rapids Police Department

Presenter at meeting: Sgt. Randall **Phone Number/Extension:** 5471
E-mail Address: d.randall@cedar-rapids.org

Alternate Contact Person: Lt. Long **Phone Number/Extension:** 5342
E-mail Address: b.long@cedar-rapids.org

Description of Agenda Item:

Resolution to execute an interlocal Byrne Justice Assistance Grant (JAG) Program Award agreement between the City of Cedar Rapids and County of Linn. CIP/DID #OB747368

Background:

This is a joint award for a 2014 Byrne JAG in the amount of \$52,339. The City's share would be 50% or \$26,169.50. The authorized Program Director for the 2014 Grant Program Award is Major Doug Riniker of the Linn County Sheriff's Department. The Cedar Rapids Police Department proposes to use the grant funds as follows:

1. The Police Department seeks grant money to purchase eight (8) patrol rifles. The first response to tactical emergencies involves the patrol officer. In the last few years, the CRPD has authorized its officers to carry patrol rifles in addition to shotguns. An initial purchase of rifles was made for officers wanting to carry patrol rifles. As generations of officers that do not carry rifles retire and new officers are hired, the number of rifles needed has increased. In addition, the Police Department is working with the Cedar Rapids School District and College Community School District to add two additional School Resource Officers. The cost to provide eight (8) additional patrol officers with rifles is \$12,800.
2. The Police Department seeks to use the remaining money to purchase two (2) full SCBA systems (\$9,100) and six (6) SCBA masks (\$4,200) for clandestine lab certified investigators. The Police Department has seen a rise in meth labs. From 2012 to 2013 the number of meth labs investigators responded to increased 27%. This year, the number has increased 62.5% compared to last year at this time.

Action / Recommendation:

The Cedar Rapids Police Department recommends the City Council authorize the Mayor to execute the interlocal 2014 Byrne Justice Assistance Grant (JAG) Program Award.

Alternative Recommendation

If the JAG Program Award is not executed, the Cedar Rapids Police Department will not receive the \$25,578 to purchase the above-mentioned equipment.

Time Sensitivity: NA

Resolution Date: May 13, 2014

Estimated Presentation Time: 0

Budget Information (if applicable) NA

RESOLUTION NO.

WHEREAS, the City of Cedar Rapids and County of Linn have an interlocal agreement for a 2014 Byrne Justice Assistance Grant (JAG) Program Award in the amount of \$52,339, and

WHEREAS, the County of Linn will pay the City a total of \$26,169.50 of JAG funds for use in its 2014 Byrne Justice Assistance program for the purchase of patrol rifles and SCBA systems for clandestine lab certified officers, and

WHEREAS, the City Manager is hereby authorized to execute a letter naming a representative to sign documents and administrate the Justice Assistance Grant Program,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Mayor is hereby authorized to execute the 2014 Byrne Justice Assistance Grant (JAG) Program Award.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance

Presenter at meeting: Casey Drew

Phone Number/Ext: 286-5097

Email: c.drew@cedar-rapids.org

Alternate Contact person: Yvonne Aubrey

Phone Number/Ext: 286-5008

Email: y.aubrey@cedar-rapids.org

Description of Agenda Item:

Resolution authorizing purchase of National Flood Insurance Program coverage through Selective Insurance Company of America for an amount not to exceed \$96,399.

Background:

Annually the City purchases flood insurance for compliance with FEMA requirements as a condition for receiving assistance to repair flood damage at public facilities. Flood insurance coverage is from the National Flood Insurance Program obtained thru Aon Risk Services with payment made directly to Selective Insurance Company of America for a one year period, June 7, 2014 thru June 7, 2015 at a cost of \$96,399.

Action / Recommendation:

City Council approve renewal premium for purchase of National Flood Insurance Program coverage in the amount of \$96,399.

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy: Applies Exempt

Explanation:

RESOLUTION NO.

WHEREAS, as a condition for receiving assistance from FEMA to repair flood damage at public facilities, the City must obtain and maintain flood insurance in the amount of the actual or estimated eligible project repairs not exceeding the limits available thru the National Flood Insurance Program for each facility, now therefore,

BE IT RESOLVED by the City Council of the City of Cedar Rapids, Iowa, that the renewal flood insurance coverage from the National Flood Insurance Program obtained thru Aon Risk Services with payment made directly to Selective Insurance Company of America for a one year period June 7, 2014 thru June 7, 2015 at a cost of \$96,399.

Funding will be from the Risk Fund budget (525107-011-011000).

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance – Purchasing Services

Presenter at meeting: Consent Agenda

Phone Number/Ext:

Alternate Contact Person: Tariq Baloch

Phone Number/Ext: 5283

Email: t.baloch@cedar-rapids.org

Alternate Contact Person: Diane Rodenkirk

Phone Number/Ext: 5023

Email: d.rodenkirk@cedar-rapids.org

Description of Agenda Item:

Resolution consenting to the assignment of the Contract with EPCO Carbon Dioxide Products, Inc. to Air Products and Chemicals, Inc. and authorizing execution of the Agreement Regarding Assignment of Contract. CIP/DID #1112-118

Background:

Effective May 1, 2014, EPCO Carbon Dioxide Products, Inc. (Assignor) became part of Air Products and Chemicals, Inc. (Assignee). All contracts, invoices, payments, etc. are to be with Air Products and Chemicals, Inc.

Both entities have asked the City to consent to the assignment of the Contract for liquid carbon dioxide to Air Products and Chemicals, Inc. Air Products and Chemicals, Inc. will assume the liabilities and obligations of EPCO Carbon Dioxide Products, Inc. under the Contract.

Action / Recommendation: Recommend Council approve the Resolution

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the City of Cedar Rapids and EPCO Carbon Dioxide Products, Inc. are parties to Contract No. 1112-118 for the as-needed purchase and delivery of liquid carbon dioxide for the Utilities Department – Water Operations; and

WHEREAS, Air Products and Chemicals, Inc. (Assignee) desires to assume the liabilities and obligations of EPCO Carbon Dioxide Products, Inc. (Assignor) under the Contract and the City desires to consent to such assignment and assumption upon the terms and conditions set forth in the Agreement Regarding Assignment of Contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the recommendation above be accepted and that the City Manager and City Clerk are hereby directed to execute the Agreement Regarding Assignment of Contract as described herein.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance – Purchasing Services

Presenter at meeting: Consent Agenda

Phone Number/Ext:

Alternate Contact Person: Dennis Hogan

Phone Number/Ext: 5860

Email: d.hogan@cedar-rapids.org

Alternate Contact Person: Diane Rodenkirk

Phone Number/Ext: 5023

Email: d.rodenkirk@cedar-rapids.org

Description of Agenda Item:

Fleet Services purchase and delivery of four cab and chassis with bodies from Junge Center Point in the amount of \$207,413. CIP/DID #0414-174

Background:

Purchasing Services solicited bids on behalf of Fleet Services for the purchase and delivery of four cab and chassis with bodies. These vehicles will be delivered after July 1, 2014 and are part of the fleet replacement program.

Bids were received from 4 vendors. Not all vendors provided bids on all of the vehicles. Junge Center Point was the lowest responsive and responsible bidder for all four vehicles.

Bids received:

Company Name	Location	Price
<i>19,000 GVWR Chassis with 11' Steel Dump Body – Quantity 1</i>		
Junge Center Point	Center Point	\$49,493
GATR Truck Center	Cedar Rapids	\$54,525
Thys Automotive	Belle Plaine	\$58,020
<i>19,000 GVWR Chassis with Fiberglass Service Body – Quantity 2</i>		
Junge Center Point	Center Point	\$124,596
Thys Automotive	Belle Plaine	\$129,794
GATR Truck Center	Cedar Rapids	\$134,660
<i>3/4-Ton Chassis with Flatbed Body – Quantity 1</i>		
Junge Center Point	Center Point	\$33,324
Billion Automotive	Iowa City	\$34,995
Thys Automotive	Belle Plaine	\$38,189

Action / Recommendation: Recommend Council approve the Resolution

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): 073-073000

Local Preference Policy Applies Exempt

Explanation: Junge Center Point is a certified local vendor

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Purchasing Services Division has solicited bids for the purchase and delivery of four cab and chassis with bodies on behalf of the City of Cedar Rapids Fleet Services Division; and

WHEREAS, responses were received from four vendors, but not all vendors bid on all of the vehicles; and

WHEREAS, Fleet Services is making the following recommendation for award to Junge Center Point, which was the lowest responsive and responsible bidder; and

WHEREAS, this purchase is part of the Fleet replacement program and delivery will take place after July 1, 2014; and

WHEREAS, the total cost is \$207,413.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the recommendation above be accepted as described herein.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance – Purchasing Services

Presenter at meeting: Consent Agenda

Phone Number/Ext:

Alternate Contact Person: Dean Archer

Phone Number/Ext: 5891

Email: d.archer@cedar-rapids.org

Alternate Contact Person: Diane Rodenkirk

Phone Number/Ext: 5023

Email: d.rodenkirk@cedar-rapids.org

Description of Agenda Item:

Contract for boilers and controls installation project at the Water Administration Building with B.G. Brecke, Inc. for Facilities Maintenance for an amount not to exceed \$62,346. CIP/DID #0314-167

Background:

Purchasing Services solicited bids on behalf of Facilities Maintenance for the boilers and controls installation project at the Water Administration Building. Four bids were received and Facilities Maintenance recommends award to B.G. Brecke, Inc. as the lowest responsive and responsible bidder. The project will be completed by July 31, 2014.

Bids received:

Company Name	Location	Price
B.G. Brecke, Inc.	Cedar Rapids	\$62,346
Ace Refrigeration, Inc.	Cedar Rapids	\$70,512
Modern Piping	Cedar Rapids	\$78,613
Prime Mechanical, Inc.	Ely	\$81,875

Action / Recommendation: Recommend Council approve the Resolution

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): 6250036-621002

Local Preference Policy Applies Exempt

Explanation: B.G. Brecke, Inc. is a certified local vendor

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Purchasing Services Division has solicited bids for boilers and controls installation at the Water Administration Building on behalf of the City of Cedar Rapids Facilities Management Services; and

WHEREAS, responses were received from four vendors; and

WHEREAS, Facilities Maintenance Services is making the following recommendation for award to B.G. Brecke, Inc., which was the lowest responsive and responsible bidder; and

WHEREAS, the project will be completed by July 31, 2014; and

WHEREAS, the not-to-exceed cost is \$62,346.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the recommendation above be accepted and that the City Manager and City Clerk are hereby directed to execute a Contract with B.G. Brecke, Inc. as described herein.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance – Purchasing Services

Presenter at meeting: Consent Agenda

Phone Number/Ext:

Alternate Contact Person: Dennis Hogan

Phone Number/Ext: 5860

Email: d.hogan@cedar-rapids.org

Alternate Contact Person: Diane Rodenkirk

Phone Number/Ext: 5023

Email: d.rodenkirk@cedar-rapids.org

Description of Agenda Item:

Contract for Heavy Duty Rotary Lift and Jack with Seneca Companies for Fleet Services for an amount not to exceed \$93,241.46. CIP/DID #0314-158

Background:

Purchasing Services solicited bids on behalf of Fleet Services for the purchase and installation of one heavy duty Rotary vehicle lift and one Rotary rolling jack. Four bids were received. The lowest bid did not meet the specifications. Fleet Services is recommending award to Seneca Companies as the lowest responsive and responsible bidder who met the specifications. The equipment will be installed no later than September 30, 2014.

Bids received:

Company Name	Location	Price
Seneca Companies	Des Moines	\$93,241.46
Sadler Power Train	Cedar Rapids	\$104,031.12
Rack'M Up Equipment (1 of 2)	Elk Grove Village, IL	\$84,300.00 (did not meet specs)
Rack'M Up Equipment (2 of 2)	Elk Grove Village, IL	\$93,400.00 (did not meet specs)

Action / Recommendation: Recommend Council approve the Resolution

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): 073-073000-073050

Local Preference Policy Applies Exempt

Explanation: Local company was not within 5% of low bid

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Purchasing Services Division has solicited bids for the installation of one vehicle lift and one rolling jack on behalf of the City of Cedar Rapids Fleet Services; and

WHEREAS, four responses were received; and

WHEREAS, Fleet Services is making the following recommendation for award to Seneca Companies, which was the lowest responsive and responsible bidder that met the specifications; and

WHEREAS, the installation shall be complete by September 30, 2014; and

WHEREAS, the not-to-exceed price is \$93,241.46.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the recommendation above be accepted and that the City Manager and City Clerk are hereby directed to execute a Contract with Seneca Companies as described herein.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Parks and Recreation

Presenter at meeting: Sven Leff

Phone Number/Ext: 5739

Email: s.leff@cedar-rapids.org

Alternate Contact Person: Daniel Gibbins

Phone Number/Ext: 5768

Email: d.gibbins@cedar-rapids.org

Description of Agenda Item: (insert same wording as used on agenda summary)

Resolution authorizing the City Manager to sign and execute a Fund Agreement for the establishment of the Greene Square Revival Project Fund with the Greater Cedar Rapids Community Foundation.

Background:

To assist with management of donations for the Greene Square Revival Project, the Greater Cedar Rapids Community Foundation will establish a Non-Endowed Designated Fund with the Foundation. Services provided include: acceptance of gifts to the Fund, acknowledgement of all gifts of \$100 or more, maintenance of all records related to the gifts, sharing of donor information with authorized designees of the Donor for the purpose of acknowledgement, donor recognition and fund raising, the holding and investment of the gifts received, public relations assistance, consultation at the donor's request on certain aspects of fund raising and provision of quarterly financial statements regarding the Fund.

Action / Recommendation:

Sign the Greene Square Revival Project Fund Agreement with the Greater Cedar Rapids Community Foundation.

Alternative Recommendation:

Do not sign the agreement and develop an internal process working with Finance to collect and receipt the donations.

Time Sensitivity: Agreement needs to be signed at the May 13th Council meeting in order to continue fund raising.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0

Budget Information (if applicable): Not Applicable

Local Preference Policy Applies Exempt

Explanation: Not Applicable

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA
AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE A FUND AGREEMENT FOR
ESTABLISHMENT OF THE GREEN SQUARE REVIVAL PROJECT FUND WITH THE
GREATER CEDAR RAPIDS COMMUNITY FOUNDATION

WHEREAS, The Greater Cedar Rapids Community Foundation will create a Non-endowed Designated Fund within the Foundation for the purpose of managing Green Square Revival project donations, and

WHEREAS the City of Cedar Rapids, Iowa, Parks and Recreation Department believes that the Greater Cedar Rapids Community Foundation will assist with Green Square Revival Project fund management, and

WHEREAS, the Greater Cedar Rapids Community Foundation agreement requires the signature of the City Manager,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign and execute the Fund Agreement with the Greater Cedar Rapids Community Foundation for the establishment of the Green Square Revival Project Fund.

Passed this 13th day of May, 2014



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Parks and Recreation

Presenter at meeting: Daniel Gibbins
Email: d.gibbins@cedar-rapids.org

Phone Number/Ext: 319-286-5768

Alternate Contact Person: Sven Leff
Email: S.Leff@cedar-rapids.org

Phone Number/Ext: 319-286-5739

Description of Agenda Item: (insert same wording as used on agenda summary)

Resolution authorizing execution of a new 28E agreement between the City of Cedar Rapids and Linn County involving maintenance of trees in the County Right-of-Way on Mt. Vernon Road along the Sac & Fox Trail. The agreement will remain in effect indefinitely or until 10 days following either party providing written notice of termination.

Background:

The purpose of this 28E Agreement is to formally establish the cooperative undertaking by the Parks and Recreation Department and Linn County in which the City shall be responsible for maintenance of trees in the County Right-of-Way along Mt. Vernon Road SE in order to protect a sensitive area along the Sac & Fox Trail and avoid the negative impact the City believes would result from removal of said trees. The County intends to undertake a concrete overlay project on a portion of Mt. Vernon Road adjacent to the Right-of-Way and has contemplated removing the trees.

Action / Recommendation:

Recommend approval of 28E agreement

Alternative Recommendation:

Recommend alternative conditions for agreement

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 min

Budget Information (if applicable): NA

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION AUTHORIZING A 28E AGREEMENT
BETWEEN THE CITY OF CEDAR RAPIDS, IOWA,
AND LINN COUNTY, IOWA

WHEREAS, a right of way belonging to Linn County, Iowa (“the County”) exists along Mt. Vernon Road in the City near Indian Creek as shown on Attachment A hereto (“the Right-of-Way”); and

WHEREAS, the County intends to undertake a concrete overlay project on a portion of Mt. Vernon Road adjacent to the Right-of Way and has contemplated removing trees in the Right-of-Way as part of said project; and

WHEREAS, the City believes removal of certain trees in the Right-of-Way along the Sac & Fox Trail would negatively impact trail aesthetics and cause a detriment to the public; and

WHEREAS, the City is willing to maintain the aforementioned trees in the Right-of-Way indefinitely in order to protect a sensitive area along the Sac & Fox Trail and avoid the negative impact the City believes would result from removal of said trees;

WHEREAS: It is understood that this Agreement is between two public agencies and is entered into pursuant to the provisions of Iowa Code Chapter 28E and said agreement shall be electronically filed with the Iowa Secretary of State’s Office upon execution as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the City Manager and City Clerk are authorized to execute a 28E Agreement with Linn County, Iowa

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Information Technology

Presenter at meeting: Consent

Phone Number/Ext:

Email:

Alternate Contact Person: Dominic Roberts

Phone Number/Ext: 5088

Email: d.roberts@cedar-rapids.org

Description of Agenda Item:

Execution of a 2 year Hewlett-Packard Hardware/Software Maintenance Onsite Support Agreement to support enterprise server hardware warranty needs with Hewlett-Packard Company not to exceed \$60,000.

Background:

The City of Cedar Rapids Information Technology Department is responsible to provide enterprise server hardware solutions for department needs. The Hewlett-Packard support contract is recommended as the most cost effective solution for enterprise server hardware. This contract brings all the enterprise hardware under one coverage umbrella with the manufacturer for hardware support and adds software and monitoring support with lower cost per unit. Information Technology currently supports 80 pieces of production enterprise hardware. This contract would provide next business day replacements for failed parts on standard equipment, and 4 hour replacement parts for 911 systems. The contract will also provide the adding and removal of servers supported.

The current case by case method for warranty can cost approximately \$40-60 monthly per unit, along with extra overhead cost of staff time managing individual support packs. The new pricing with the support contract for hardware coverage with the added software and monitoring support would cost approximately \$28-42 monthly. Monthly savings with the new contract would be approximately \$9-18 per unit, or \$720-1440 monthly. This hardware/software agreement is the WSCA B27164 agreement.

Action / Recommendation:

Recommend Council approves the Resolution.

Alternative Recommendation:

City elects not to proceed with 2 year support contract and staying case by case.

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0

Budget Information (if applicable): 522100-101-109420 & various Enterprise Departments

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Information Technology Department is responsible for determining server solutions for city department technology needs, and

WHEREAS, the core infrastructure of servers are Hewlett-Packard and maintenance is needed for the hardware/software on the servers to keep systems running, and

WHEREAS, the funding for this operating expense will come from the Information Technology Operating Budget 522100-101-109420 and allocated to departments; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the City Manager be authorized to execute a two year Hardware/Software Maintenance On Site Support Agreement with set pricing with Hewlett-Packard Company, 8000 Foothills Blvd MS 5511, Roseville, CA 95747 not to exceed \$60,000.

Passed this 13th day of May, 2014



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Jennifer Pratt
Email: j.pratt@cedar-rapids.org

Phone Number/Ext: 319 286-5047

Alternate Contact Person: Kirsty Sanchez
Email: k.sanchez@cedar-rapids.org

Phone Number/Ext: 319 286-5428

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolution of support for Housing Enterprise Zone Program Agreement with the Iowa Economic Development Authority for Green Development Sokol LLC for the construction of four units at 417 3rd Street SE. CIP/DID #OB1098267

Background:

On April 8, 2014, the City of Cedar Rapids Enterprise Zone Commission reviewed and approved the application submitted by Green Development Sokol LLC.

Housing Enterprise Zone benefits are requested for the construction of four apartments located at 417 3rd Street SE. There will be two, one bedroom, one bathroom apartments and two, two bedroom units with two bathrooms. The project will feature multiple amenities, including: open floor plans, central living and dining areas, in unit washer and dryer, elevator access, and rooftop gardening plots.

The total capital investment for the project is projected to be \$800,000 with an estimated investment tax credit and construction-related sales tax refunding of approximating \$44,000 and \$25,872, respectively.

Action / Recommendation:

City staff recommends approval of the resolution.

Alternative Recommendation: City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

No impact to City budget, as Enterprise Zone Program benefits are state sales tax refunds.

RESOLUTION NO.

RESOLUTION OF SUPPORT FOR HOUSING ENTERPRISE ZONE PROGRAM
AGREEMENT WITH THE IOWA ECONOMIC DEVELOPMENT AUTHORITY TO
PROVIDE ENTERPRISE ZONE BENEFITS FOR GREEN DEVELOPMENT
SOKOL LLC

WHEREAS, Green Development Sokol LLC submitted an application to the City of Cedar Rapids Enterprise Zone Commission for construction of four (4) units located within the Cedar Rapids EZ-2 Enterprise Zone; and

WHEREAS, the City of Cedar Rapids Enterprise Zone Commission approved the application by Resolution on April 8, 2014; and

WHEREAS, total capital investment for the project is projected to be \$800,000 with an estimated investment tax credit and construction-related sales tax refunding of approximating \$44,000 and \$25,872, respectively; and

WHEREAS, the City Council supports the creation of high quality workforce housing in the City's core neighborhoods and leveraging of State funds to keep the homes affordable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that on behalf of the City of Cedar Rapids, the City Manager, or his designee, is hereby authorized to execute the Housing Enterprise Zone Program Agreement with Green Development Sokol LLC and related documentation as required.

Passed this 13th Day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development and Planning

Presenter at meeting: LaSheila Yates

Phone Number/Ext: 319 286-5192

Email: l.yates@cedar-rapids.org

Alternate Contact Person: Pamela Mosbaugh

Phone Number/Ext: 319 286-5195

Email: p.mosbaugh@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolution authorizing submission of a grant application for \$138,000 to the U.S. Department of Housing and Urban Development for two Housing and Family Self-Sufficiency (FSS) Program Coordinators. CIP/DID #OB375326

Background:

The Family Self-Sufficiency Program (FSS) is a voluntary program available only to Section 8 HUD participants. The FSS mission is to assist housing participants in becoming economically self-sufficient from Federal and State assistance programs, and to help improve their quality of life. There will be no City funds used for this program as the FSS Grant program is budget neutral. This includes salaries and benefits.

Program features:

- Development of a 5 year contract to set goals to address personal needs and barriers as families move to higher income levels.
- Connections with available community resources.
- Assistance in increasing families' personal and employment needs.
- Opportunity to build an Escrow Savings Account based on increase in household earnings.

Program Results: 2013

- 151 families participated in the Family Self-Sufficiency (FSS) program in 2013.
- 20 families graduated from the FSS program.
- 39 families established new escrow accounts.
- 10 families ceased receiving cash welfare assistance as a result of increased household income.
- 93 families increased their household income.
- 20 FSS program participants moved to non-subsidized rental housing.
- 3 FSS program graduates transitioned from rental assistance to homeownership.

Action / Recommendation:

City staff recommends approval of the resolution.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity:

The grant is due to HUD no later than May 29, 2014

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

Local Preference Policy Applies Exempt N/A

Explanation: No goods or services being purchased

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR
\$138,000 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT FOR TWO HOUSING AND FAMILY SELF-SUFFICIENCY
(FSS) PROGRAM COORDINATORS

WHEREAS, the City of Cedar Rapids, Iowa, currently administers a Section 8 Housing Choice Voucher Program funded through the U. S. Department of Housing and Urban Development; and

WHEREAS, the Section 8 Housing Choice Voucher Program is required to administer a Family Self-Sufficiency Program for participating Family Self-Sufficiency families; and

WHEREAS, the U.S. Department of Housing and Urban Development is accepting funding applications for two (2) Family Self-Sufficiency Coordinators to administer the program;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, acting as the local governing body, that Staff is authorized to submit a funding application in the amount of \$138,000 for the Section 8 Housing Choice Voucher Program Family Self-Sufficiency Program Coordinators to the U. S. Department of Housing and Urban Development through the Public and Indian Housing Grants Management Center.

Passed this 13th day of May 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Paula Mitchell

Phone Number/Ext: 319 286-5852

Email: p.mitchell@cedar-rapids.org

Alternate Contact Person: Caleb Mason

Phone Number/Ext: 319 286-5188

Email: c.mason@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolutions authorizing a Special Warranty Deed for conveyance of City-owned property with Acme Electric Company for property at 1008 2nd Street SE acquired through the Voluntary Property Acquisition Program (**FLOOD**). CIP/DID #OB811372

Background:

The City received proposals on these City-owned properties offered for purchase and redevelopment.

Proposals were reviewed by City staff and representatives of the following neighborhoods:

- Oak Hill/Jackson Neighborhood Association
- Main Street
- Southside Development
- Save CR Heritage
- Design Review – Technical Advisory Committee

Upon review of the submitted proposals, recommendations to proceed with execution of development agreements for disposition and redevelopment of said properties were brought before the City Council's Development Committee.

City Council Proceedings:

- On August 13, 2013, by Resolution 1352-08-13, the City Council approved the authorization of the execution of a development agreement between the City and Acme Electric Company for property at 1008 2nd Street SE.

Action / Recommendation:

City staff recommends approval of the Resolution.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt N/A

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

CD ATT
ENG CLK
BSD FIN
 AUDFILE
 RCR
ACME ELECTRIC
OB377545
OB811372

RESOLUTION NO.

RESOLUTION AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED
WITH ACME ELECTRIC COMPANY INC FOR CONVEYANCE OF CITY-
OWNED PROPERTY AT 1008 2ND STREET SE

WHEREAS, the City-owned property at 1008 2nd Street SE acquired through the Voluntary Property Acquisition Program; and

WHEREAS, on April 30, 2013, the City Council's Development Committee recommended proposals be sought for redevelopment of said property; and

WHEREAS, on May 14, 2013 City Council made a motion to conduct a public hearing, a notice was published on May 17, 2013, and the public hearing was held on May 28, 2013 on the possible disposition of the properties; and

WHEREAS, and informational meeting was held on May 29, 2013 for all interested proposers to discuss proposal criteria; and

WHEREAS, the City received one (1) proposal from Acme Electric Company, Inc. to purchase and redevelop the property; and

WHEREAS, an evaluation team composed of City staff and representatives of Oak Hill/Jackson Neighborhood Association, Main Street, Southside Development, and a member of the development community reviewed proposals on July 15, 2013; and

WHEREAS, based on the evaluation of criteria set forth in the Notice of Public Hearing, the evaluation team recommends the proposal by Acme Electric Company, Inc. as responsive and demonstrating capacity; and

WHEREAS, a resolution authorizing negotiation of a development agreement for disposition and redevelopment of property at 1008 2nd Street SE was passed August 13, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that on behalf of the City of Cedar Rapids, the City Manager and City Clerk, or their designees, are hereby authorized to execute the Special Warranty Deed and that the resolution and Special Warranty Deed be recorded in the Office of the Linn County Recorder.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Paula Mitchell

Phone Number/Ext: 319 286-5852

Email: p.mitchell@cedar-rapids.org

Alternate Contact Person: Caleb Mason

Phone Number/Ext: 319 286-5188

Email: c.mason@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolutions authorizing a Special Warranty Deed for conveyance of City-owned property with Acme Electric Company for property at 1012 2nd Street SE acquired through the Voluntary Property Acquisition Program (**FLOOD**). CIP/DID #OB811372

Background:

The City received proposals on these City-owned properties offered for purchase and redevelopment.

Proposals were reviewed by City staff and representatives of the following neighborhoods:

- Oak Hill/Jackson Neighborhood Association
- Main Street
- Southside Development
- Save CR Heritage
- Design Review – Technical Advisory Committee

Upon review of the submitted proposals, recommendations to proceed with execution of development agreements for disposition and redevelopment of said properties were brought before the City Council’s Development Committee.

City Council Proceedings:

- On August 13, 2013, by Resolution 1352-08-13, the City Council approved the authorization of the execution of a development agreement between the City and Acme Electric Company for property at 1012 2nd Street SE.

Action / Recommendation:

City staff recommends approval of the Resolution.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt N/A

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

CD ATT
ENG CLK
BSD FIN
 AUDFILE
 RCR
ACME ELECTRIC
OB377545
OB811372

RESOLUTION NO.

RESOLUTION AUTHORIZING EXECUTION OF A SPECIAL WARRANTY DEED
WITH ACME ELECTRIC COMPANY INC FOR CONVEYANCE OF CITY-
OWNED PROPERTY AT 1012 2ND STREET SE

WHEREAS, the City-owned property at 1012 2nd Street SE acquired through the Voluntary Acquisition Program; and

WHEREAS, on April 30, 2013, the City Council's Development Committee recommended proposals be sought for redevelopment of said property; and

WHEREAS, on May 14, 2013 City Council made a motion to conduct a public hearing, a notice was published on May 17, 2013, and the public hearing was held on May 28, 2013 on the possible disposition of the properties; and

WHEREAS, and informational meeting was held on May 29, 2013 for all interested proposers to discuss proposal criteria; and

WHEREAS, the City received one (1) proposal from Acme Electric Company, Inc. to purchase and redevelop the property; and

WHEREAS, an evaluation team composed of City staff and representatives of Oak Hill/Jackson Neighborhood Association, Main Street, Southside Development, and a member of the development community reviewed proposals on July 15, 2013; and

WHEREAS, based on the evaluation of criteria set forth in the Notice of Public Hearing, the evaluation team recommends the proposal by Acme Electric Company, Inc. as responsive and demonstrating capacity; and

WHEREAS, a resolution authorizing negotiation of a development agreement for disposition and redevelopment of property at 1012 2nd Street SE was passed August 13, 2013;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that on behalf of the City of Cedar Rapids, the City Manager and City Clerk, or their designees, are hereby authorized to execute the Special Warranty Deed and that the resolution and Special Warranty Deed be recorded in the Office of the Linn County Recorder.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Tony Lerud

Phone Number/Ext: 319 286-5817

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Alternate Contact Person: Paula Mitchell

Phone Number/Ext: 319 286-5852

Email: p.mitchell@cedar-rapids.org

Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolution authorizing execution of Assignment and Assumption of Development Agreement from Jim Sattler, Inc. to Premiere Developers, Inc. for property at 410 4th Avenue SW participating in the third round of the Single Family New Construction Program (**FLOOD**). CIP/DID #OB540257

Background:

The resolution for City Council consideration provides for the execution of assignment and assumption of Development Agreement with the above listed developer and associated property through the third round of the Single Family New Construction Program, known locally as the ROOTs program. The Development Agreement and Special Warranty Deed previously executed on December 3, 2013 effectively conveyed City-owned property from the City of Cedar Rapids to Jim Sattler, Inc. The process of assignment and conveyance to Premiere Developers, Inc. has been initiated as a result of Jim Sattler, Inc. opting to not pursue construction of a new home on this property through the ROOTs program. The Resolution provides that the City consents to this assignment as Premiere Developers, Inc. agrees to all terms and conditions of the original Agreement for Redevelopment.

Highlights of the terms and conditions contained in the Agreement for Redevelopment are as follows:

- a. Property is being conveyed to the qualified developer based on the investment provided by the developer in the construction of a single-family home;
- b. Developer agrees to commence construction within one year of the execution of the agreement and complete all projects prior to the end of the program in December 2014;
- c. Developer is responsible to resolve conflicts with adjacent property owners and purchasers that might result from the construction project;
- d. Developer is responsible for maintaining the property in accordance with all City and state codes;
- e. Developer shall comply with all program requirements pertaining to the sale of the property to a qualified buyer.

On November 9, 2010, by Resolution No. 1306-11-10, the City Council approved the Administrative Plan for the Single Family New Construction (SFNC) Program. The administrative plan limits development of homes to lots within the “Neighborhood Revitalization Area” of the flood inundation area. The administrative plan further directs the use of lots acquired by the City through the Voluntary Property Acquisition Program to be conveyed to the developer in consideration for the construction of the SFNC unit.

Through a competitive proposal process, developers submitted applications for the program which listed “preference sites” either owned by the City or being acquired through the Voluntary Property Acquisition Program. A team of City staff, members of the Home Builders Association, and the Neighborhood Planning Process Steering Committee evaluated the proposals based on:

- financial and performance capacity;
- experience with projects of similar scope;
- architectural design;
- compatibility with the existing neighborhood;
- green building practices; and
- marketing plan.

A total of 200 properties were identified by 23 developers through three phases of property allocation for this round of the program.

Action / Recommendation:

City staff recommends approval of the resolutions.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt N/A

Explanation: Federal grant funds

Recommended by Council Committee Yes No N/A

RESOLUTION NO.

RESOLUTION AUTHORIZING EXECUTION OF ASSIGNMENT AND
ASSUMPTION OF DEVELOPMENT AGREEMENT FROM JIM SATTTLER, INC. TO
PREMIERE DEVELOPERS, INC. FOR PROPERTY AT 410 4TH AVENUE SW
PARTICIPATING IN THE THIRD ROUND OF THE SINGLE FAMILY NEW
CONSTRUCTION PROGRAM

WHEREAS, on December 3, 2013, the City Council passed Resolution 1855-12-13, authorizing execution of a Development Agreement and Special Warranty Deed with Jim Sattler, Inc. for City-owned property at 410 4th Avenue SW participating in the third round of the Single Family New Construction Program; and

WHEREAS, Jim Sattler, Inc. has opted to not proceed with construction of a new single family home on said property and seeks to convey the property to an alternate participating developer in Premiere Developers, Inc.; and

WHEREAS, the City and participating Developers have come to mutual agreement as to the terms and conditions of the Assignment and Assumption of Development Agreement which is now ready for execution on behalf of the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that on behalf of the City of Cedar Rapids, the City Manager and City Clerk are hereby authorized to execute the Assignment and Assumption of Development Agreement with Premiere Developers, Inc.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the Assignment and Assumption of Development Agreement effectuating the conveyance of property in accordance with the original Development Agreement and that the resolution and agreement be recorded in the Office of the Linn County Recorder.

Passed this 13th day of May, 2014



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Caleb Mason

Phone Number/Ext: (319) 286-5188

Email: c.mason@cedar-rapids.org

Alternate Contact Person: Jennifer Pratt

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Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolution authorizing execution of a Development Agreement with Noleshawk Investments, LLC for the disposition and redevelopment of City-owned property at 821 and 825 Shaver Road NE acquired through the Voluntary Property Acquisition program (**FLOOD**). CIP/DID #OB983050

Background:

The City and Noleshawk Investments, LLC have come to mutual understanding as to the terms of a Development Agreement for the disposition and redevelopment of City-owned property at 821 and 825 Shave Road NE.

On March 25, 2014 the City Council adopted Resolution No. 0402-03-14 which directed staff to pursue a Development Agreement with Noleshawk based upon their redevelopment proposal for the City properties.

The Developer has planned expansion of the operations of its existing business, the Sag Wagon Deli & Brew, to include additional amenities, off-street parking, and outdoor service area. Highlights of the terms of the Development Agreement include:

- Purchase price is based on property appraisal. Proceeds are returned to the Voluntary Property Acquisition program.
- Developer shall invest a minimum of \$75,000 in Minimum Improvements including:
 - Recreational amenities – sand volleyball, playground area, outdoor service area;
 - Stormwater management improvements – rain gardens, permeable pavers, and bioswales;
 - Installation of new 5' sidewalk along the site to enhance the City's trail network;
 - Provide off-street parking to support the Sag Wagon Deli & Brew;
- Developer shall complete the 8-step Environmental Review process to amend the current Deed Restrictions;
- No permanent, occupied structures can be constructed on the property unless the property is removed from the Special Flood Hazard Area (100-year Floodplain);

The proposal submitted by Noleshawk Investments, LLC was the sole proposal received in

response to the City's request for redevelopment proposals for the site. A stakeholder review panel consisting of City staff and representatives of: Alliant Energy, Unity Point Health, and Friends of Cedar Lake reviewed the proposal and recommended City Council accept the proposal and direct staff to pursue a Development Agreement.

The Development Committee, at its meeting on October 23, 2013, has recommended to accept proposals for the redevelopment of City-owned property at 821 and 825 Shaver Road NE. The City acquired these properties through the Voluntary Property Acquisition Program. A portion of the property is situated in the 100-year floodplain. Based on the location in the floodplain and the funding source the City used to acquire the property, redevelopment of the property is limited to preserving the natural values and limited improvements such as surface parking, bio retention, and recreational-type use. Construction of occupied facilities is prohibited.

Action / Recommendation:

City staff recommends adopting the resolution

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: NA

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minutes

Budget Information (if applicable): NA

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

On October 23, 2013 the Development Committee recommended to pursue redevelopment of these properties.

RESOLUTION NO.

RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPMENT
AGREEMENT WITH NOLESHAWK INVESTMENTS, LLC FOR THE
DISPOSITION AND REDEVELOPMENT OF CITY-OWNED PROPERTY AT 821
AND 825 SHAVER ROAD NE

WHEREAS, the City acquired properties at 821 and 825 Shaver Road NE (the "Properties") through the Voluntary Property Acquisition Program; and

WHEREAS, on October 23, 2013 the Development Committee of the City Council recommended that the City pursue redevelopment of the Properties; and

WHEREAS, on November 5, 2013 the City Council made a motion to conduct a public hearing and on November 19, 2013 held a public hearing to consider the disposition of the Property in accordance with Iowa Code; and

WHEREAS, the City received one (1) proposal from Noleshawk Investments, LLC, proposing to make parking, recreational, and stormwater management improvements on the property; and

WHEREAS, a stakeholder review panel consisting of City staff and representatives from Alliant Energy, Unity Point Health, and Friends of Cedar Lake, reviewed the proposal and determined it to be responsive to the criteria set forth by the City Council; and

WHEREAS, on March 25, 2015 the City Council adopted Resolution No. 0402-03-14 directing staff to pursue a Development Agreement with Noleshawk Investments, LLC for the purchase and redevelopment of the Properties; and

WHEREAS, the City and Noleshawk Investments, LLC have come to mutual understanding as to the terms and conditions of a Development Agreement which has been prepared and is now ready for consideration and execution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk, or their designees, are hereby authorized and directed to execute a Development Agreement with Noleshawk Investments, LLC for the purchase and redevelopment of City-owned property at 821 and 825 Shaver Road NE.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development

Presenter at meeting: Paula Mitchell

Phone Number/Ext: 319 286-5852

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Alternate Contact Person: Chrystal Shaver

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Description of Agenda Item: **Consent** **Public Hearing** **Regular Agenda**

Resolution adopting an Annual Action Plan for the Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program for July 1, 2014 – June 30, 2015. CIP/DID #OB660905

Background:

The City of Cedar Rapids is an "Entitlement Community" for the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs administered by the U.S. Department of Urban Development (HUD). This means Cedar Rapids qualifies (based upon population) to receive an annual allocation of CDBG and HOME funding directly from HUD for use in the community. Funds are allocated based on a formula that considers factors such as population, degree of poverty, and age of housing stock, and are subject to the annual Congressional appropriations process. Allocations for the current year are estimated at \$1,050,636 in formula funding through the CDBG program and \$331,071 through the HOME Program. Activities undertaken with CDBG and HOME must meet specific eligibility requirements and fulfill defined National Objectives, which include Benefit to Low- and Moderate-Income Persons and Elimination of Slum and Blight.

Proposed activities contained in the federal FY2014 Annual Action Plan have been reviewed by members of the Grants and Programs (GAP) Citizens Advisory Committee and recommended for approval with respective budget allocations based on amounts anticipated to be received. The recommendations of the committee are summarized in a matrix provided as an attachment to the resolution.

A public hearing is required prior to adoption of the Action Plan, and provides opportunities for consultation with appropriate public and private agencies (State and other local agencies); social service agencies (regarding housing needs of children, seniors, persons with disabilities, homeless persons, etc.); and health/welfare agencies (regarding child-related lead based paint hazards and poisonings). This effort is specifically in regards to preparation of an Annual Action Plan for proposed activity allocations for the (Federal) FY14 period from July 1, 2014 to June 30, 2015, in association with an adopted five-year strategy for the period covering July 1, 2010 to June 30, 2015. The Action Plan typically must be submitted to HUD by May 15 of each year. The draft Action Plan is available at:

<http://www.cedar-rapids.org/government/departments/community-development/housing/Pages/PublicServicesandFacilities.aspx> .

Action / Recommendation:

Staff recommends holding the public hearing.

Alternative Recommendation:

City Council may table the motion and request additional information.

Time Sensitivity: Annual Action Plan is due to HUD by May 15, 2014.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A – federal grant funds

Local Preference Policy Applies Exempt N/A

Explanation: Federal Grant Funds.

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION ADOPTING ANNUAL ACTION PLAN FOR THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT
PARTNERSHIP PROGRAM FOR JUNE 1, 2014-JUNE 30, 2015

WHEREAS, as promulgated by Federal rules and regulations of the U.S. Department of Housing and Urban Development (HUD), at 24 CFR Part 91 et. al., a Consolidated Plan is a federally mandated pre-requisite of communities determined eligible to receive funds, in part, from the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs; and

WHEREAS, a Consolidated Plan is also mandated to establish certifications of consistency for the award of other grant funds by HUD; and

WHEREAS, a Consolidated Plan is comprised of both a Five-Year Strategy and incremental Annual Action Plans; and

WHEREAS, the City of Cedar Rapids, Iowa (City) is qualified as an entitlement community to annually receive funds from both the CDBG & HOME Programs, and may qualify for other HUD grant programs; and

WHEREAS, a (Federal) FY10-15 Five-Year Strategy has also been approved for the period from July 1, 2010 through June 30, 2015; and

WHEREAS, a fifth-year (Federal) FY14 Annual Action Plan has been prepared for the period from July 1, 2014 through June 30, 2015 (with proposed budgets for the award of \$1,050,636 from the CDBG Program and \$331,071 from the HOME Program); and

WHEREAS, the City's Grants and Programs Citizens' Committee has reviewed funding requests for both the CDBG and HOME Programs and has recommended preliminary budget allocations to be incorporated as a part of said Annual Action Plan; and

WHEREAS, said Annual Action Plan includes an executive summary, consultation and citizen participation, housing and homeless needs, market analysis, a variety of other strategic plan topics, and outcome performance measurement; and

WHEREAS, said proposed Annual Action Plan was made available for a 30-day public review and comment period from March 30, 2014 through April 30, 2014, with Public Hearing also conducted by the City Council on April 22, 2014; and

WHEREAS, no objections were received during the Public Hearing and no objections were received during the review / comment period;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that said proposed Annual Action Plan is hereby adopted with final approval, with respective FY14 Annual Action Plan attached hereto and made a part of this resolution.

BE IT FURTHER RESOLVED that:

1. The City Manager or designee is hereby authorized to execute with signature for submission to HUD any and all assurances, certifications, or other document components as may be related to terms, conditions, etc. of funding agreement(s) stipulating compliance with applicable federal laws, regulations, etc. which may, (now or hereafter), affect the subject provision of financial assistance.
2. The City Manager or designee is authorized to execute Subrecipient agreements to be made effective for subject fiscal year grant funding, as well as any renewed and/or amended Subrecipient agreements which may result from the carryover of unexpended funds originally allocated in prior fiscal years, and the City Manager or designee is authorized to execute all other program documents, and approve expenditures necessary for the implementation of approved budgeted activities.
3. The City is duly authorized, under and pursuant to the Constitution and laws of the State of Iowa, to undertake and carry out said Program through Grant Agreement(s) with the U.S. Department of Housing and Urban Development.
4. Previous findings of the City Council regarding determination of said Urban Renewal Neighborhood Projects, as slum and/or blighted areas under Chapter 403 of the Code of Iowa, remain valid and are hereby reaffirmed and made a part of this Resolution by reference herewith, including specific reference to Resolution No. 0789-04-02 which reaffirmed eligible qualification based on renewed data compilation presented within the "2001 Community Development Inventory of Existing Conditions and Related Needs - Final Report".
5. It is hereby found and determined that where acquisition and clearance is proposed the objectives of said Urban Renewal Plans, or other plans establishing urban renewal areas by virtue of economic development qualifications, cannot be achieved through rehabilitation of portions of the areas comprising the Programs.
6. It is hereby found and determined that the Urban Renewal Plans for the Project Areas conform to the general plan for the development of the locality as a whole.
7. It is hereby found and determined that the Urban Renewal Plans for the Project Areas comprising the Program will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the renewal of the area by private enterprise.
8. It is hereby found and determined that a shortage of housing of sound standards and design with decency, safety, and sanitation exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the Urban Renewal Project Areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, and constitute a menace to the public health, safety, morals, or welfare, and that the acquisition of areas for residential uses is an integral part of and essential to the program of municipality.

9. It is hereby found and determined that the Urban Renewal Plans for the Program Project Areas give due consideration to the provision of the adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Plans.
10. It is hereby found and determined that the program for the proper relocation of individuals and families, displaced in carrying out the Urban Renewal Plan in decent, safe, and sanitary dwellings in conformity with acceptable standards, is feasible and can be reasonable and timely effected to permit the proper execution and completion of the Plans and that such dwelling units available or to be made available to such displaced individuals and families are: at least equal in quantity to the number of displaced individuals and families; not generally less desirable in regard to public utilities and public commercial facilities than the dwellings of the displaced individuals and families in the areas comprising the Program; available at rents or prices within the financial means of the displaced individuals and families; and reasonably accessible to places of employment.
11. It is hereby found and determined that a request for the release of funds is not an action, which will significantly affect the quality of the human environment. Said decision being based on the following facts and reasons: (a) assessment of the nature, magnitude, and duration of any adverse and positive impacts; (b) consideration of alternatives to the program, commitment of resources, known views of local groups, measures which can be instituted to lessen potential adverse impacts and to enhance the environment; (c) no loss of unique environmental resources; (d) no irreversible development trends; (e) a minimum occurrence of adverse effects that cannot be avoided; and (f) no impacts on properties possessing historical, archaeological, or cultural significance. In this regard it is noted that all budgeted activities, with one exception, are found to be either exempt or categorically excluded (either subject to the regulations or not subject to the regulations).
12. The City Manager is hereby specifically authorized to consent to assume the status of a responsible federal official under the National Environmental Policy Act ("NEPA"), insofar as the provisions of NEPA apply to HUD representatives for review, decision making, and action assumed and carried out by the City as to environmental issues.
13. The City Manager is hereby specifically authorized to consent personally, in their official capacity and on behalf of the City, to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental review, decision-making, and action.
14. The City Manager is hereby specifically authorized to execute an appropriate Environmental (Clearance) Certification with Request for Release of Funds (RROF).
15. As described within the City's approved and adopted written Citizens Participation Plan, for consideration of respective / relevant issues, it is reaffirmed that the City has an established process for Consolidated Plan development and amendment.
16. The City Clerk is authorized and directed to publish notice in the Cedar Rapids Gazette that the actions approved herein have been adopted (with copies maintained on file in the Department of Community Development), and an Environmental Review (Clearance) Finding has been determined with intent to Request Release of Funds (RROF). The City Clerk is further authorized to publish any other related required "Consolidated Planning" documentation including, but not limited to, a Comprehensive Annual Performance Evaluation Report ("CAPER").

City of Cedar Rapids, Iowa
Federal FY14 Community Development Block Grant (CDBG) Program
Planning & Administration Requests
March 24, 2014

Estimated CDBG Entitlement / Final CDBG Entitlement
\$1,085,181 / \$1,050,636 (Amount for Administration \$210,127)

No.	Agency	Project	FY13 Funded	FY 14 Request	"GAP" Recommendations Allocation	Action Date	Staff Adjustments (3)
B1	City of Cedar Rapids Housing Services	5-Year Consolidated Plan Consultation (P5)	-	45,000 (2)	45,000	2/6/2014	43,733
B2	City of Cedar Rapids Housing Services	CDBG Housing Services Administrative Overhead (P3)	98,153	89,287 (2)	89,287	2/6/2014	89,287
B3	City of Cedar Rapids Housing Services	CDBG Housing Services Administrative Staff Costs (P1)	112,057	77,107 (2)	77,107	2/6/2014	77,107
				Total Planning & Administration Requests	211,394		210,127
				- Estimated Amount for Planning & Administration (1)	217,036		
				=Less Requested than Allowed (Remaining Funds to be shifted to Housing Priority)	5,642		

(1) The maximum "Participating Jurisdiction" (City) Planning and Administration Amount Allowed is 20% of the CDBG Entitlement

(2) City Manager determination of preliminary approval for administrative costs (to be considered by public review/ comment).

(3) Staff Adjustments based upon percentage change in allocations to activities not fully funded and statutory regulations.

City of Cedar Rapids, Iowa
Federal FY14 Community Development Block Grant (CDBG) Program
Non-Public Service / Non-Planning & Administration Requests
March 24, 2014

Estimated CDBG Entitlement / Final CDBG Entitlement
\$1,085,181 / \$1,050,636 (Amount for Housing \$630,382, Amount for Other Community Needs \$52,532)

No.	Agency	Project	FY13 Funded	FY14 Request	"GAP" Recommendations Allocation	Action Date	Staff Adjustments (5)
Housing Priority Funds Estimated at \$656,751							
B4	Aging Services	Chore Services	15,000	15,000	15,000	2/6/2014	15,000
B5	City of Cedar Rapids Housing Services	CDBG Housing Services Delivery Staff Costs (P2)	382,000	386,381 (1)	386,381	2/6/2014	386,381
B6	City of Cedar Rapids Housing Services	CDBG Owner-Occupied Rehabilitation Program (P4)	104,109	279,896	255,370	2/6/2014	229,001
		Subtotal "Housing Priority" Requests		681,277	656,751		630,382
		Estimated "Housing Priority" Funds (2)		656,751			
		=MORE Request than Allowed (Over Budget and Requires Reduction)		24,526			
Other Community Needs Priority Funds Estimated at \$54,259							
B7	Area Substance Abuse Council	ASAC's Youth Residential Facility Improvement Project	10,214	9,632	9,632	2/6/2014	9,632
B8	Catherine McAuley Center	CMC Flooring Improvement	-	41,833	30,127	2/6/2014	28,830
B22	Cedar House Shelter, Inc.	Cedar House Shelter, Inc.	-	17,500 (4)	-	2/6/2014	-
B9	Foundation 2, Inc.	Youth Shelter Parking Lot Expansion (P2)	4,843	4,500	4,500	2/6/2014	4,500
B10	Kingston Hill	Rain Water Swale & Drainage / Phone System	14,338	15,000	10,000	2/6/2014	9,570
B11	Waypoint Services	Waypoint Parking Lot Reconstruction	-	37,750	-	2/6/2014	-
		Subtotal "Other Community Needs Priority" Requests		126,215			
		Estimated "Other Community Needs Priority" Funds (3)		54,259			
		=MORE Request than Allowed (Over Budget and Requires Reduction)		71,956			52,532
		Total Non-Public Service / Non-Planning & Administration Requests		807,492			682,914
		- Estimated Amount for Non-Public Service / Non-Planning & Administration		711,010			
		=MORE Request than Allowed (Over Budget and Requires Reduction)		96,482			

(1) City Manager determination of preliminary approval for administrative costs (to be considered by public review/ comment).
(2) Original Priority Amount was for 50% of allocation but since there were no infrastructure applications that 10% was added in as was remaining admin and planning funds.
(3) 5% of total allocation per City Council approval
(4) Pending the receipt of a missing supplemental documents
(5) Staff Adjustments based upon percentage change in allocations to activities not fully funded and statutory regulations.

City of Cedar Rapids, Iowa
Federal FY14 Community Development Block Grant (CDBG) Program
Public Service
March 24, 2014

Estimated CDBG Entitlement / Final CDBG Entitlement
\$1,085,181 / \$1,050,636 (Amount for Public Service \$157,595)

No.	Agency	Project	Priority	FY13 Funded	FY 14 Request	"GAP" Recommendations Allocation	Action Date	Staff Adjustments (3)
B12	Big Brother Big Sisters of Cedar Rapids & East Central Iowa	Mentoring At-Risk Youth to Strengthen Core Neighborhoods	Medium	10,368	19,500	-	2/13/2014	-
B13	Community Health Free Clinic	Wages for Specialized Staff	Medium	31,936	35,000	35,000	2/13/2014	35,000
B14	Ecumenical Community Center Foundation	CompuPlace of the ECC	Medium	-	10,000	-	2/13/2014	-
B15	Foundation 2, Inc.	Overnight Shelter Staffing Support	High	-	25,537	19,760	2/13/2014	18,313
B16	Hawkeye Area Community Action Program, Inc.	HACAP Transitional Housing	High	31,936	39,694	30,017	2/13/2014	27,819
B17	Neighborhood Transportation Services	Nighttime Transportation Service; 2:00-6:00AM	Medium	-	25,000	25,000	2/13/2014	25,000
B21	Northwest Neighborhood Association, Inc.	Northwest Neighborhood Association Resource Center	Medium	12,184	12,000 ⁽²⁾	12,000	2/13/2014	12,000
B18	Olivet Neighborhood Mission	Olivet Neighborhood Mission Youth Programs	Medium	5,470	8,000	8,000	2/13/2014	8,000
B19	Waypoint Services	Waypoint Madge Phillips Case Management	High	20,299	37,130	21,000	2/13/2014	19,463
B20	Willis Dady Emergency Shelter	Case Management	High	9,558	12,000	12,000	2/13/2014	12,000
Total Public Service Requests						162,777		157,595
- Estimated Amount for Public Service Funds ⁽¹⁾						162,777		
=MORE Request than Allowed (Over Budget and Requires Reduction)								61,084

(1) The maximum Public Service Amount Allowed is 15% of the CDBG Entitlement
(2) Pending the receipt of a missing supplemental documents
(3) Staff Adjustments based upon percentage change in allocations to activities not fully funded and statutory regulations.



Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: Rich Block **Phone No.:** 5918 **E-mail:** r.block@cedar-rapids.org

Description of Agenda Item:

Resolutions approving actions regarding Purchases/Contracts/Agreements:

- a. Professional Services Agreement with Terracon Consultants, Inc. for Phase 1 – J Avenue Water Treatment Plant Improvements Construction Phase Special Inspection project for an amount not to exceed \$59,000. CIP/DID #6250026-03

Background:

The project will consist of renovations and improvements to the existing water treatment facility. Minor earthwork is planned for new below-ground utilities, along with some new concrete construction for items such as a transformer pad. There will be a rehabilitation of a concrete basin, and replacement of interior piping which will require new structural steel and hangers embedded in the existing concrete. Ancillary site work may include some minor grading and paving.

In accordance with IBC Chapter 17 and supplemental requirements included in Statement of Special Inspections (Plan) shown in the Drawings, specialized third party inspection and testing services are required for the Phase 1 - J Avenue Water Treatment Plant Improvements project.

Terracon Consultants, Inc. will provide the required services in accordance with IBC and the Project specifications.

Action / Recommendation:

The Utilities Department – Water Department recommends approval of the Professional Services Agreement with Terracon Consultants, Inc. for the Phase 1 - J Avenue Water Treatment Plant Improvements – Construction Phase Special Inspection project and authorizing the City Manager and City Clerk to execute said Agreement.

Alternative Recommendation: None

Time Sensitivity: Action needed 5/13/14

Resolution Date: 5/13/14

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

1. **Included in Current Budget Year.** Yes, funding for J Avenue Water Plant Improvements – Phase 1 project is included in FY14 thru FY16 Water Capital Improvement Program budgets. Project costs will be coded to 553000-625-625000-6250026.
2. **Analysis if the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** Anticipated Project cost is \$7,980,000, including Engineering,

Construction, and Special Inspection. The total capital cost budgeted for this Project in the Water Capital Improvement Program budgets for FY14 thru FY16 is \$8,895,000. The anticipated completion date for these services is May 2016.

Purchasing Department used or Purchasing Guidelines followed: Yes, statements of qualifications were requested from consulting firms in March of 2013 for similar services, and evaluated by Utilities Depart staff using objective selection criteria.

Local Preference Policy

Applies Exempt

Explanation: Consultant Evaluation Form gives preference to local consultants.

Recommend by Council Committee Yes No N/A
Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the City of Cedar Rapids Utilities Department – Water Division will require the specialized services of an independent agency for the J Avenue Water Plant Improvements – Construction Phase project, and

WHEREAS, in accordance with IBC Chapter 17 and supplemental requirements included in Statement of Special Inspections (Plan) shown in the Drawings, specialized third party inspection and testing services are required for the Phase 1 - J Avenue Water Treatment Plant Improvements project, and

WHEREAS, Terracon Consultants, Inc. will provide the required services in accordance with IBC and the Project specifications, and

WHEREAS, the Utilities Department - Water Division staff recommends approval of the Professional Services Agreement with Terracon Consultants, Inc. for the Phase 1 – J Avenue Water Treatment Plant Improvements Construction Phase Special Inspection project for an amount not to exceed \$59,000, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Professional Services Agreement with Terracon Consultants, Inc., for the Phase 1 - J Avenue Water Treatment Plant Improvements Construction Phase Special Inspection project (Contract No. 6250026-03) for an amount not to exceed \$59,000, be hereby approved and that the City Manager and City Clerk be authorized to execute said Agreement. To be funded from the FY2014, FY2015, and FY2016 Utilities Department – Water Division CIP budgets and coded to 553000-625-625000-6250026.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone:** 5281 **E-mail:** SteveHe@cedar-rapids.org

Alternate Contact: Matt Jensen **Phone:** 5937 **E-mail:** m.jensen@cedar-rapids.org

Description of Agenda Item:

Resolutions approving actions regarding Purchases/Contracts/Agreements:

- a. Awarding and approving contract in the amount of \$229,000, bond and insurance of Tricon General Construction for the NW Water Treatment Plant Chlorine System Improvements project. CIP/DID #625900-01

Background:

The City of Cedar Rapids recently completed a project to upgrade the chlorine system at the J Avenue Water Treatment plant. The project at the J Avenue Water Treatment Plant converted the existing pressurized chlorine gas system to a vacuum system, thereby reducing the chance of chlorine leaks and improving the overall safety of the water treatment process. The goal of the NW Water Treatment Plant Chlorine System Improvements is to modify the existing chlorine system at the NW Water Treatment Plant to be a mirror of the system at the J Avenue Water Treatment Plant.

In addition to the conversion of the chlorine system from a pressurized to vacuum system, the NW Water Treatment Plant Chlorine System Improvements will also include modifications to the HVAC ductwork for the emergency chlorine scrubber. Although the emergency chlorine scrubber at the NW Plant is identical to the scrubber at the J Avenue Plant, field testing shows that the NW Plant scrubber is considerably less effective at clearing the chlorine container room in the event of a leak. Changes to the ductwork, modifications to the HVAC controls, and moving of the supply air intake are all included in the project to upgrade the capabilities of the emergency chlorine scrubber at the NW Plant. These modifications will improve the performance of the scrubber so that it matches that of the J Avenue Plant scrubber. A pre-bid meeting was held on March 24th, 2014.

One bid was received on April 9, 2014 for the NW Water Treatment Plant Chlorine System Improvements project.

<u>Bidders</u>	<u>Office Location</u>	<u>Lump Sum Bid</u>
Tricon General Construction	Cedar Rapids, IA	\$229,000

The engineer's opinion of probable cost for the construction of this project was \$150,000. Few bids were received due to the specialty nature of the chlorine system work, the relatively small size of the project, and the general bidding environment at the time of the bid letting. The Water Division staff is recommending proceeding with the award of the project due to the sequencing constraints that concern improvements to the J Avenue Water Treatment Plant. This chlorine work needs to be completed before portions of the J Avenue Plant can be taken out of service this winter for construction. A motion to publish a Notice of Hearing and Letting was approved by the City Council on March 11, 2014. The public hearing was held March 25, 2014. The work is anticipated to begin in June 2014 and be completed November 2014.

Action / Recommendation:

The Utilities Department – Water Division staff recommends awarding the contract to Tricon General Construction in the amount of \$229,000.

Alternative Recommendation: None

Time Sensitivity: Action needed 5-13-14

Resolution Date: 5-13-14

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

1. **Included in Current Budget Year.** Yes. The project will be funded from the FY 2014 Water Division Capital Improvement Projects budget. The project will be coded to the following CIP fund: 553000-625-625000-x-x-625900.
2. **Analysis if the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** There is currently \$125,000 budgeted in the FY2014 CIP budget and \$125,000 in the FY 2015 CIP budget for the construction of the NW Water Treatment Plant Chlorine System Improvements.
3. **Purchasing Department used or Purchasing Guidelines followed:** Yes, the project was publicly bid as a Capital Improvement Project.

Local Preference Policy

Applies Exempt

Explanation: Capital Improvement Projects are not subject to local preference policy.

Recommend by Council Committee

Yes

No

N/A

Explanation (if necessary):

RESOLUTION NO.

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on March 11, 2014 the City Council adopted a motion that directed the City Clerk to give notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the NW Water Treatment Plant Chlorine System Improvements public improvement project (Contract No. 625900-01) for the City of Cedar Rapids, Iowa, and

WHEREAS, said notice was published in the Cedar Rapids Gazette on March 15, 2014 pursuant to which a public hearing was held on March 25, 2014, and

WHEREAS, the following bids were received, opened and announced on April 9, 2014 by the Utilities Director, or designee, and said officer has now reported the results of the bidding on April 22, 2014 and made recommendations thereon to the City Council at its next meeting on May 13, 2014:

Tricon General Construction, Cedar Rapids, IA	\$229,000
---	-----------

AND WHEREAS, the general ledger coding for this public improvement project shall be as follows: \$229,000, 553000-625-625000-x-x-625900, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The previous delegation to the Utilities Director, or his designee, to receive, open and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;

2. Tricon General Construction is the lowest responsive, responsible bidder on said work and the Utilities Director, or his designee, has recommended that the City accept its bid and award the contract to it;

3. Subject to registration with the Department of Labor, the Bid of Tricon General Construction is hereby accepted, and the contract for this public improvement is hereby awarded to Tricon General Construction;

4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

BE IT FURTHER RESOLVED that the bid securities of the unsuccessful bidders be returned to them by the City Clerk, and

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.



Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Maintenance Division

Presenter at meeting: Steve Hershner **Phone No.:** 5281 **E-mail:** s.hershner@cedar-rapids.org

Alternate Contact: Kendall Street **Phone No.:** 5956 **E-mail:** k.street@cedar-rapids.org

Description of Agenda Item:

Utilities Department – Water Division purchase of two Allen-Bradley variable frequency drives from Van Meter, Inc. for an amount not to exceed \$39,110.80 (sole source). CIP/DID #OB

Background:

The Utilities Department – Water Division has standardized to Allen-Bradley variable frequency drives in the water treatment plants. Van Meter, Inc. is the territorial distributor of Allen-Bradley equipment for Cedar Rapids.

The two variable frequency drives are for the horizontal collector wells 1 and 2.

Pricing Summary:

Qty	Description	Unit Price	Extended Price
1	Allen-Bradley variable frequency drive (200HP)	\$21,831.87	\$21,931.87
1	Allen-Bradley Variable frequency drive (125HP)	\$16,764.93	\$16,764.93
2	Estimated freight	\$257.00	\$514.00
Total Price			\$39,110.80

The Water Division Maintenance staff worked with Purchasing Department to get the quotes and prices for the variable frequency drives needed at horizontal collector wells 1 and 2.

Action / Recommendation: Water Division staff recommends that City Council authorize the purchase of two Allen-Bradley variable frequency drives from Van Meter, Inc. for an amount not to exceed \$39,110.80.

Alternative Recommendation: N/A

Time Sensitivity: N/A

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): To be funded from Utilities Department – Water Division fiscal year 2014 Plant Maintenance budget and coded to 533100-621-621002.

Local Preference Policy Applies Exempt

Explanation: Van Meter, Inc. is a certified local vendor

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the Utilities Department – Water Division has standardized to Allen-Bradley variable frequency drives at the Water Treatment Plants, and

WHEREAS, Van Meter, Inc. is the territorial distributor of Allen-Bradley equipment for Cedar Rapids, and

WHEREAS, the Utilities Department – Water Division desires to purchase two Allen-Bradley variable frequency drives from Van Meter, Inc. for the horizontal collector wells 1 and 2, and

WHEREAS, the total estimated not to exceed price is \$39,110.80, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the Utilities Department – Water Division be hereby authorized to issue a purchase order to Van Meter, Inc. for two Allen Bradley variable frequency drives for an amount not to exceed \$39,110.80. To be funded from Utilities Department – Water Division fiscal year 2014 maintenance budget and coded to 533100-621-621002.

Passed this 13th day of May, 2014.

SOLE SOURCE/SINGLE SOURCE PROCUREMENT JUSTIFICATION

Sole Source:

A type of procurement used when it is determined that there is ONLY one known source of supply for the product and/or service. The term "sole source" refers to the source of the product or service, not the product. Use of brand names and model numbers does not constitute a sole source.

Single Source (also called Preferred Manufacturer):

A type of procurement used when there are two or more viable suppliers that can provide the needed product and/or service but the department has determined that it is in their best interest to select a particular manufacturer/source based on valid and legitimate business reasons, therefore leaving only one supplier from which to purchase the product and/or service.

Submitted by: Kendall Street **Date:** 4/16/14
(Employee Name & Title)

Department Name: Water

1. **Name of product or service:** Variable Frequency Drive
2. **Name of product manufacturer:** Allen-Bradley
3. **Name of 'sole' product supplier or service provider:** Van Meter Industrial
4. **What other product suppliers or service providers have been evaluated to demonstrate that a good faith effort has been made in seeking other sources? (Please furnish names, addresses and other documentation.)**

None

5. **What specifications make this particular product or service unique and unavailable from other sources?**

All of our VFD's are Allen-Bradley here at the water plant. We would like to continue with this, they have performed well for us. We have also received very good technical support from VMI and it is important to have someone local that can respond quickly, since we are a public utility. In this case we have work with VMI to help design these control panels, as they are a custom product.

6. **How did you determine that there was only one source for the product or service?**

They are the Allen-Bradley Midwest rep according to their web site.

7. **What product supplier or service provider has your department used until now to satisfy similar requirements?**

Van Meter Industrial

8. Explain the efforts that were made to conduct a noncompetitive negotiation to obtain the best possible price for the tax payers dollar:

None

Department Director
Signature for Approval



Date:



Purchase price less than \$1,000, complete this form and keep a copy in the department purchase file.

Purchase price is greater than or equal to \$1,000 and less than \$25,000, electronically submit this form with your Purchase Order Request Form. The AP Specialist will copy this information and insert it into the purchase order. The department manager approval for both the PO and Sole Source Form will be electronic.

Purchase price is \$25,000 or greater, submit this form with your cover sheet and resolution for council approval.

In all of the above scenarios, the departmental employee is required to obtain their manager's signature on a hard copy of this form and keep it on file.

Purchasing Services strongly recommends that a Purchase Agreement be issued to the sole/single source vendor. The Purchase Agreement will ensure the City's terms and conditions are followed, as well as lock the pricing in place and prevent "extra" charges, i.e., delivery, fuel surcharges, etc. Contact Purchasing (286-5021) to request a Purchase Agreement for a sole source/single source purchase.

(Attach additional sheets as necessary)



Council Agenda Item Cover Sheet

Submitting Department: Development Services Department

Presenter at meeting: Joe Mailander
E-mail Address: j.mailander@cedar-rapids.org

Phone Number/Extension: 5822

Alternate Contact Person: Chris Strecker, PE
E-mail Address: c.strecker@cedar-rapids.org

Phone Number/Extension: 5820

Description of Agenda Item: **Consent Agenda** **Regular Agenda**

Resolution accepting a Sidewalk Easement from Casey's Marketing Company for the consideration of One Dollar (\$1.00) and other good and valuable consideration for dedication of a sidewalk easement located on the south side of 8th Avenue SE from 2nd Street to 3rd Street SE. #ASDP-006465-2013

Background:

Casey's Marketing Company submitted the Sidewalk Easement agreement for dedication of a ten foot (10') Public Sidewalk Easement located on the south side of 8th Avenue SE from 2nd Street to 3rd Street SE. The agreement is submitted as a result of the proposed redevelopment of the existing Casey's and the gravel lot at the corner of 3rd Street and 8th Avenue SE. Upon acceptance of the easement, Casey's will begin the construction of the new store.

Action / Recommendation:

The Development Services Department recommends approval of the resolution to accept the Sidewalk Easement from Casey's Marketing Company.

Alternative to the Recommendation:

Defer action until additional information is provided to address City Council requests.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): NA

Local Preference Policy: Applies Exempt

Explanation: Policy does not apply to easement dedications being done as part of site development plan submittals.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

DSD
ENG
RCR
FIN
AUD FILE
TED
CD
TRS
ASR
CASEYS
ASDP-006465-2013

RESOLUTION NO.

WHEREAS, Casey's Marketing Company, has submitted an Sidewalk Easement for agreement for dedication of a ten foot (10') Public Sidewalk Easement located on the south side of 8th Avenue SE from 2nd Street to 3rd Street SE, and

now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Sidewalk Easement agreement submitted by Casey's Marketing Company be and the same is hereby accepted and recorded in the Office of the Linn County Recorder and thereafter filed with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.

Prepared by/Return to: LeAnne K. Krell, One S.E. Convenience Blvd., Ankeny, Iowa 50021 (515-965-6543)

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT made on this 23rd day of April, 2014, by and between Casey's Marketing Company, an Iowa corporation (hereinafter referred to as "Casey's"), and the City of Cedar Rapids, a municipality with city offices in Cedar Rapids, Linn County, Iowa (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS, the City is requiring, as a part of the platting process, a sidewalk on property owned by Casey's, and legally described as follows:

Lots One (1) and Two (2), Block One (1) Carpenter's Addition to the Town of Cedar Rapids, Linn County, Iowa. EXCEPT that part of Lot 1, Block 1, Carpenter's Addition to the Town of Cedar Rapids, Linn County, Iowa, more particularly described as follows: Beginning at the most Westerly Corner of said Lot 1; Thence N51°07'00"E, 39.33 feet along the Northwesterly line of said Lot 1; Thence S 38°46'57"E, 2.00 feet; Thence S 51°07'00' W, 23.66 feet; Thence S 05°03'11"W, 22.63 feet to a point on the Southwesterly line of said Lot 1; Thence N 38°46'57" W along said Southwesterly lot line, 18.29 feet to the point of beginning. Said parcel contains 0.005 acres (206 sq.ft.). For the purpose of this description all bearing and distances are referenced to NAD83 (96 HARN) IA SPCS NORTH SONCE, US SURVEY FOOT (LINN COUNTY 2005 CONTROL).

AND

Lot 3, and all that part of Lot 4 of the Easterly-Westerly alley in Block 1, Carpenter's Addition to the Town of Cedar Rapids, Iowa, described as follows: Beginning at the most Westerly corner of said Lot 3, Block 1; thence N53°00'E (assumed bearing for the purposes of this description) along the Northwesterly lines of Lot 3 and 4 said Block 1 a distance of 105 feet more or less, to the centerline of Midwestern Railroad Properties, Incorporated most Northeasterly

spur track; thence S 36°47"E along said spur track centerline a distance of 81.70 feet to a point of curvature; thence Southeasterly along a curve to the left a distance of 58.41 feet to a point on the Southeasterly line of said Lot 4 of Block 1; thence N 53°00'E a distance of 14.46 feet to the most Easterly corner of said Lot 4 of Block 1; thence Southeasterly at right angles to the last described course a distance of 20 feet; thence Southwesterly at right angles to the last described course a distance of 70 feet; thence N 65°00' W, a distance of 24 feet; more or less, to a point on the Southeasterly line of said Lot 3 of Block 1; thence S 53°00' W a distance of 45 feet, more or less to the most Southerly corner of said Lot 3 of Block 1; thence Northwesterly along the Southwesterly line of Lot 3 of Block 1 a distance of 140 feet, more or less to the point of beginning.

AND

A part of Lot 4 and all of Lot 5, Block 1, Carpenter's First Addition to Cedar Rapids, Linn County, Iowa, more particularly described as follows: All of Lot 5, Block 1, Carpenter's First Addition and part of Lot 4, Block 1 of said Carpenter's First Addition beginning at the most Northerly corner of said Lot 4; thence S 53°00' W 17.78 feet along the Southeasterly line of Eighth Avenue Southeast to the Centerline of a Chicago, Rock Island and Pacific Railroad Company's spur track. For purposes of this description, the Southeasterly line of Eighth Avenue Southeast is assumed to be S 53°00' West; thence S 36°47' E, 81.70 feet along the centerline of said spur track to a point of curvature; thence Southeasterly 58.41 feet along the centerline of said spur track to a point of intersection with the Southeasterly line of said Lot 4; thence N53°00' E, 14.46 feet to the most Easterly corner of said Lot 4; thence N36°54'W 140.10 feet along the Northeasterly line of said Lot 4 to the point of beginning.

AND

The Northeasterly 74.62 feet of the 20 foot wide alley abutting the Southerly lot lines of part of Lot 4 and Lot 5, Block 1, Carpenter's Addition to the Town of Cedar Rapids, Iowa, together with all easements and servient estates appurtenant thereto, and subject to covenants, easements, restrictions of record as recorded in Book 3632, Page 428 in the Office of the Linn County Recorder,

(hereinafter referred to as Casey's Property);

WHEREAS, Casey's shall construct said sidewalk over, across and through Casey's Property; and

WHEREAS, the parties wish to create for themselves, their successors and assigns, a sidewalk easement and maintenance agreement upon a portion of Casey's Property for the benefit of the City, upon terms and conditions herein contained.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties herein agree as follows:

1. Casey's hereby agrees to erect, construct, install, and lay a 6-foot wide concrete sidewalk over, across, and through Casey's Property as shown on Exhibit "A", and legally described as follows:

The Northwesterly ten (10) feet, adjacent to 8th Avenue SE, of Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block One (1) Carpenter's Addition to the town of Cedar Rapids, Linn County, Iowa, subject to covenants, easements and restrictions of record as previously recorded in the Office of the Linn County Recorder.

2. Casey's does hereby grant unto the City, its successors and assigns, and the general public the right to use the sidewalk referenced above abutting that portion of Casey's Property shown on Exhibit "A".

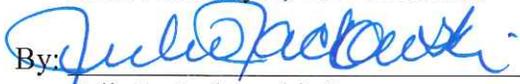
3. Following construction of the sidewalk, Casey's, its successors and assigns, shall be solely responsible for maintenance and any replacement of the sidewalk located in the easement area shown on Exhibit "A".

4. Casey's does hereby grant unto the City the right to access, repair and assess repair costs of the sidewalk abutting Casey's Property as provided in Chapter 364 of the Code of Iowa.

5. The grant and other provisions of this permanent easement shall be perpetual and run with the land so long as the City continues to utilize the easement area as a part of its municipal improvements.

CASEY'S MARKETING COMPANY

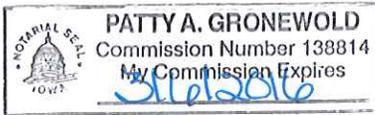
By: 
Sam J. Billmeyer, Vice President

By: 
Julia L. Jackowski, Secretary

ACKNOWLEDGEMENT

STATE OF IOWA)
) SS:
COUNTY OF POLK)

On this 23rd day of April, 2014, before me the undersigned, a Notary Public in and for said county and state, personally appeared Sam J. Billmeyer and Julia L. Jackowski, as Vice President and Secretary, respectively, of Casey's Marketing Company, the corporation named in the foregoing instrument; and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and the said Sam J. Billmeyer and Julia L. Jackowski acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

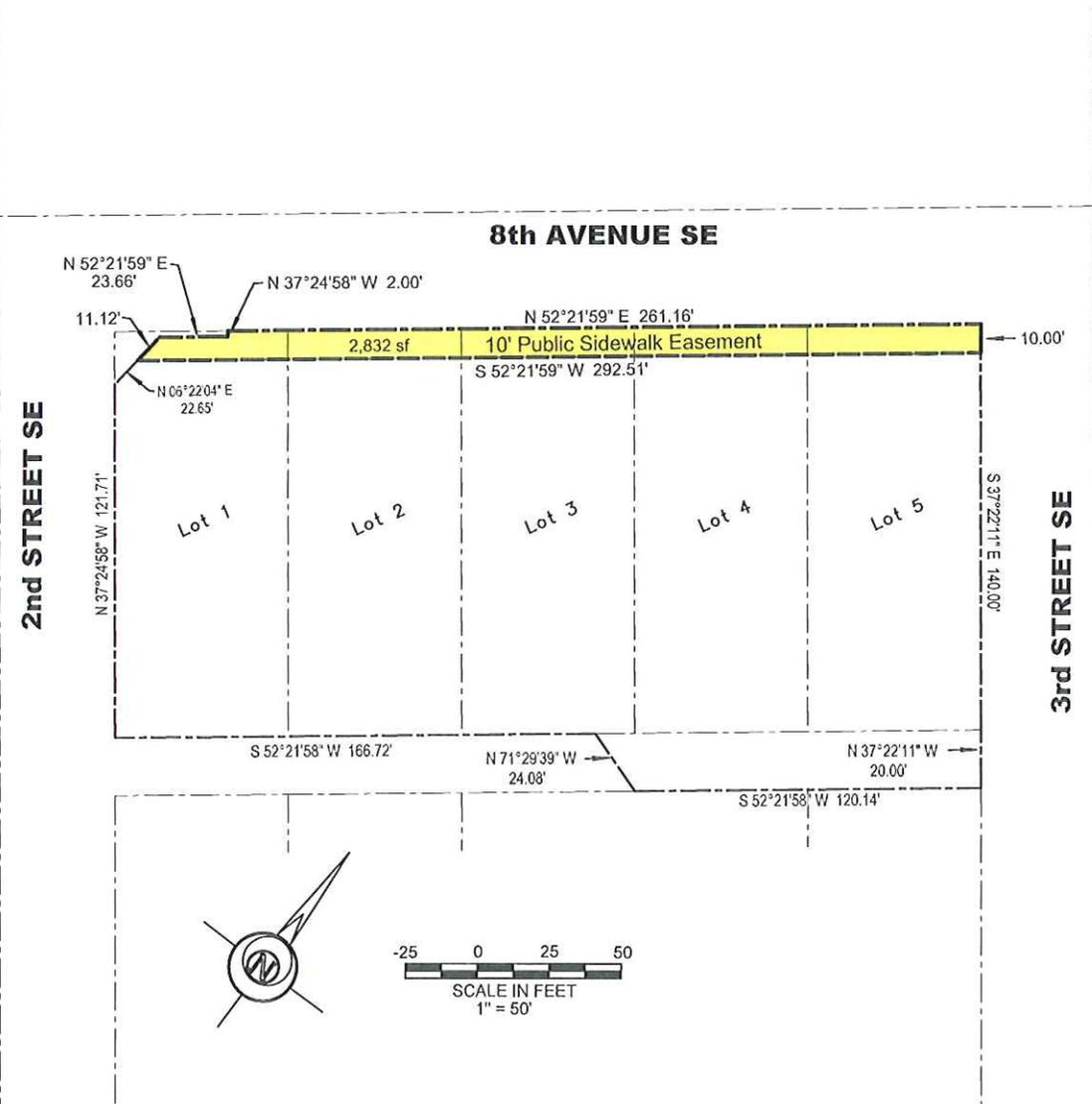


Patty A. Gronewold
Notary Public in and for said County and State

EASEMENT EXHIBIT A

LEGAL DESCRIPTION

The Northwesternly 10 feet, adjacent to 8th Avenue SE, of Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block One (1) Carpenter's Addition to the Town of Cedar Rapids, Linn County, Iowa, subject to covenants, easements and restrictions of record as previously recorded in the Office of the Linn County Recorder.



NOTE:
THIS DRAWING IS BEING MADE AVAILABLE BY A. LEO PELDS ENGINEERING COMPANY (A.L.P.E.C.) FOR USE ON THIS PROJECT IN ACCORDANCE WITH A.L.P.E.C.'S AGREEMENT FOR PROFESSIONAL SERVICES. A.L.P.E.C. ASSUMES NO RESPONSIBILITY OR LIABILITY (CONSEQUENTIAL OR OTHERWISE) FOR ANY USE OF THESE DRAWINGS (OR ANY PART THEREOF) EXCEPT IN ACCORDANCE WITH THE TERMS OF SAID AGREEMENT.

DRAWN BY: E. Jondle

FILE: S Casey's Cedar Rapids/201 8th Ave SE/Easement/CGS - Cedar Rapids 8th Street - Sidewalk Easement Exhibit 104-03-2014



2323 Dixon Street, Des Moines, IA 50316 - P.O. Box 4626, Des Moines, IA 50305 - P: (515) 265-8196 F: (515) 265-2259

Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Finance

Presenter at meeting: Consent

Phone Number/Ext:

Email:

Alternate Contact Person: Casey Drew

Phone Number/Ext: 5097

Email: c.drew@cedar-rapids.org

Description of Agenda Item:

Resolution authorizing SA Roosevelt Limited Partnership to complete repairs and remediation on the east face of the Roosevelt Building for an amount not to exceed \$58,725.

Background:

Under the Convention Center Construction Facilitation Agreement the City was responsible for repairs and remediation on the east fact of the Roosevelt Building. Frew Development Group, LLC requested SA Roosevelt Limited Partnership contract this work.

SA Roosevelt Limited Partnership on direction from Frew Development Group has currently incurred \$33,282.88 for repairs on the east side of the building and is planning on completing the remainder of the work this summer.

Action / Recommendation:

Recommend City Council approve resolution to SA Roosevelt Limited Partnership for an amount not to exceed \$58,725.00.

Alternative Recommendation:

Time Sensitivity:

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

WHEREAS, the City and SA Roosevelt Limited Partnership entered into a Convention Center Construction Facilitation Agreement,

WHEREAS, the City was responsible for the exterior repairs on the east side of the Roosevelt building,

AND WHEREAS, Frew Development Group, LLC requested SA Roosevelt Limited Partnership complete the exterior,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cedar Rapids, Iowa, authorizes payment in the amount not to exceed \$58,725 to SA Roosevelt Limited Partnership for exterior repairs on the Roosevelt.

Passed the 13th day of May 2014.



Council Agenda Item Cover Sheet

** FLOOD **

Submitting Department: Public Works Department

Presenter at meeting: Dave Wallace, PE
E-mail Address: d.wallace@cedar-rapids.org

Phone Number/Extension: 5814

Alternate Contact Person: Scott Sovers, PE
E-mail Address: s.sovers@cedar-rapids.org

Phone Number/Extension: 5547

Description of Agenda Item: Consent Agenda Regular Agenda Map

REPORT ON BIDS:

Bids were received on April 23, 2014 for the 2008 Flood Area Sanitary Sewer Restoration, SW Quadrant, Phase 2, Part 3 project (estimated cost is \$1,720,000). A report of bids received from the City officer conducting the bid opening is attached. CIP/DID #SSD103-12

Action / Recommendation:

Noted on attached bid report.

Alternative Recommendation: None

Time Sensitivity: None

Resolution Date: Resolution recommending award of contract is expected to be presented to City Council at the May 27, 2014 meeting.

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): FEMA PW #SSD103

Local Preference Policy: Applies Exempt

Recommended by Council Committee: Yes No N/A



April 23, 2014

City Council
City of Cedar Rapids

RE: Report on bids as read for the 2008 Flood Area Sanitary Sewer Restoration, SW Quadrant, Phase 2, Part 3, Contract Number SSD103-12

Dear City Council:

Bids were received on April 23, 2014 for the 2008 Flood Area Sanitary Sewer Restoration, SW Quadrant, Phase 2, Part 3 project as follows:

Rathje Construction Co., Marion, IA	\$1,373,570.60
Ricklefs Excavating, Ltd., Anamosa, IA	\$1,502,490.30
BWC Excavating, Solon, IA	\$1,693,338.50
Dave Schmitt Construction, Cedar Rapids, IA	\$1,833,462.75

The engineers cost opinion for this work is \$1,720,000. It is recommended the bids be reviewed by City staff and an action to award or not be presented separately for Council consideration.

Sincerely,

THE CITY OF CEDAR RAPIDS PUBLIC WORKS DEPARTMENT



Lee J. Tippe, P.E.
Project Engineer II

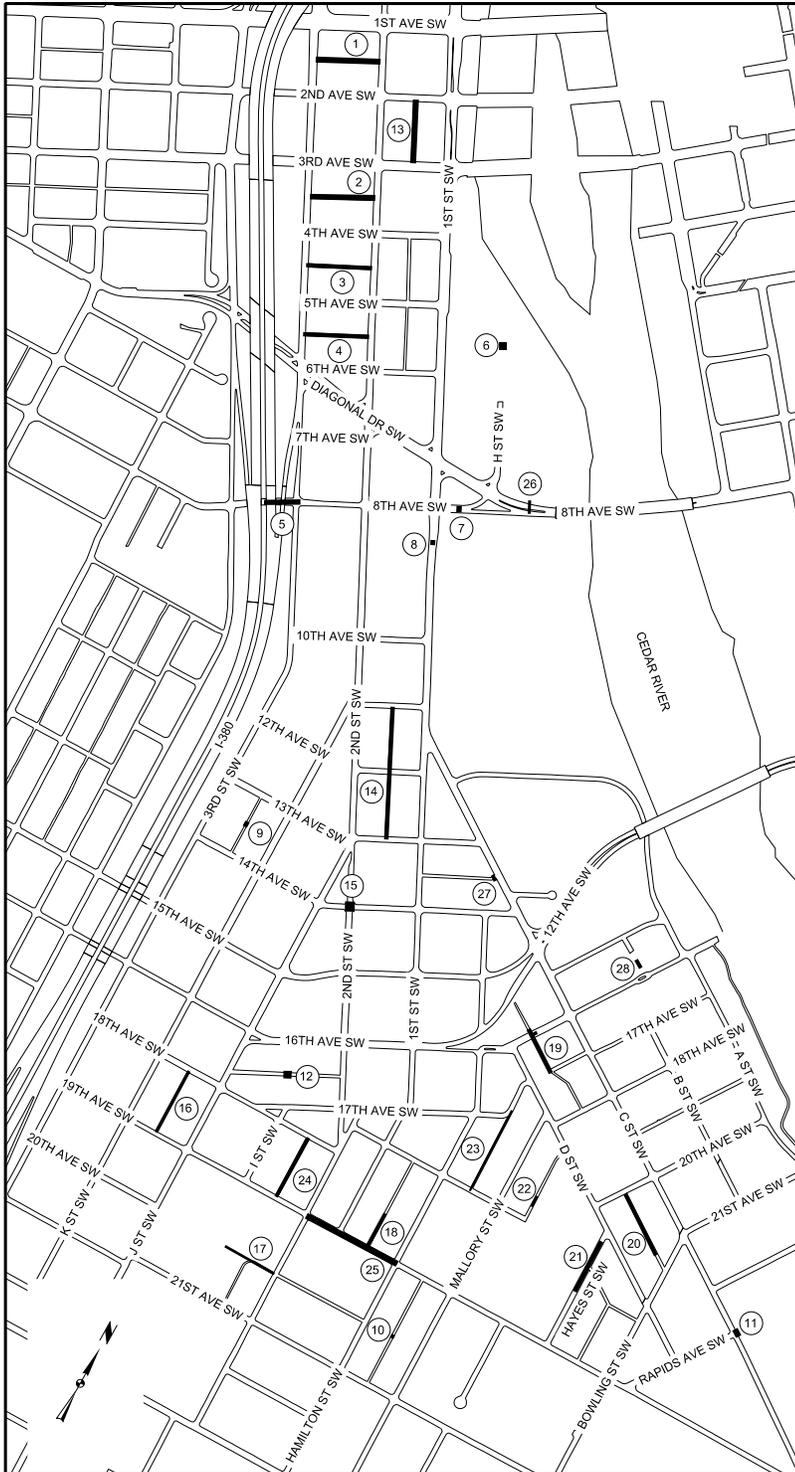
LJT/cap

cc: David J. Elgin, P.E., L.S., Public Works Director/City Engineer
Robert A. Davis, P.E., Engineering Manager

Public Works Department
1201 Sixth Street S.W. • Cedar Rapids, IA 52404-5836 • (319) 286-5802 • FAX (319) 286-5801

2008 FLOOD AREA SANITARY SEWER RESTORATION, SW QUADRANT, PHASE 2, PART 3

CONTRACT NUMBER SSD103-12



Project Location Map & Table Reference		
#	Street or Alley	Location
1	2nd-3rd St. SW Alley	Between 1st & 2nd Ave. SW
2	2nd-3rd St. SW Alley	Between 3rd & 4th Ave. SW
3	2nd-3rd St. SW Alley	Between 4th & 5th Ave. SW
4	2nd-3rd St. SW Alley	Between 5th Ave. SW & 6th Ave. SW
5	8th Ave. SW	2nd St. SW to L St. SW
6	H St. SW	North End
7	8th Ave. SW	Between 1st St. SW & Diagonal Dr. SW
8	1st St. SW	Between 8th & 10th Ave. SW
9	3rd-K St. SW Alley	Between 13th & 14th Ave. SW
10	Mallory-Hamilton St. SW Alley	Between 19th & 21st Ave. SW
11	C St. SW	Intersection with Rapids Ave. SW
12	16th-17th Ave. SW Alley	Between J & 2nd St. SW
13	1st-2nd St. SW Alley	Between 2nd & 3rd Ave. SW
14	1st-2nd St. SW Alley	Between 11th & 12th Ave. SW
15	14th Ave. SW	Intersection with 2nd St. SW
16	J-K St. SW Alley	Between 18th & 19th Ave. SW
17	19th-21st Ave. SW Alley	West of 2nd St. SW
18	1st-Hamilton St. SW Alley	Between 18th & 19th Ave. SW
19	C-D St. SW Alley	Between 16th Ave. SW & 17th Ave. SW
20	C-D St. SW Alley	Between 20th Ave. SW & Bowling St. SW
21	Hayes St. SW	Between D St. SW & 19th Ave. SW
22	Mallory-Hayes St. SW Alley	Between D St. SW & 18th Ave. SW
23	Hamilton-Mallory St. SW Alley	Between D St. SW & 18th Ave. SW
24	I-2nd St. SW Alley	Between 18th & 19th Ave. SW
25	19th Ave. SW	From 2nd St. SW to Hamilton St. SW
26	8th Ave. SW	Between 2nd St. NE & 1st St. SW
27	13th-14th Ave. SW Alley	Between C & 1st St. SW
28	16th Ave. SW	West of A St. SW

PROJECT LOCATION
MAP & TABLE REFERENCE



CPM 3/12/2014
 m:\2012_PROJECTS\112.0878_CR_SW_Flood_Repairs\Cadd\Area_3\plotfiles\Project_Location_Map.dgn
 Y:\print_drivers\Black_Gray_Direct\BWeight\plc1.g
 Y:\open\date.tbl
 Snyder
 1:1056



Council Agenda Item Cover Sheet

Submitting Department: Public Works Department

Presenter at meeting: Doug Wilson, PE
E-mail Address: d.wilson@cedar-rapids.org

Phone Number/Extension: 5141

Alternate contact person: Gary Petersen, PE
E-mail Address: g.petersen@cedar-rapids.org

Phone Number/Extension: 5153

Description of Agenda Item: Consent Agenda Regular Agenda Map

Report on bids and resolution awarding and approving contract in the amount of \$632,100 plus incentive up to \$13,600, bond and insurance of Pirc-Tobin Construction, Inc. for the Oakland Road NE from E Avenue NE to H Avenue NE Pavement Rehabilitation project (estimated cost is \$635,000) (**Paving for Progress**). CIP/DID #301374-02

Background:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$632,100
Incentive up to	<u>\$ 13,600</u>
Total	\$645,700
L.L. Pelling Company, Inc., North Liberty, IA	\$650,140.80
Rathje Construction Co., Marion, IA	\$669,234.95

Pirc-Tobin Construction, Inc. submitted the lowest of the bids received on April 30, 2014 for the Oakland Road NE from E Avenue NE to H Avenue NE Pavement Rehabilitation project. The bid is within the approved budget. Construction work is anticipated to begin this summer and be completed within 35 working days.

Action / Recommendation:

The Public Works Department recommends approval of the Resolution to award and approve contract in the amount of \$632,100 plus incentive up to \$13,600, bond and insurance of Pirc-Tobin Construction, Inc. for the Oakland Road NE from E Avenue NE to H Avenue NE Pavement Rehabilitation project.

Alternative to the Recommendation:

If Council chooses not to award the contract for said project, the project could not go forward as proposed unless the bidding process is repeated.

Time Sensitivity: Normal. Chapter 26.10 of the Code of Iowa requires the Bid security to be returned within 30 days after the bid opening. Deferral of the contract award after May 13, 2014 may require re-bidding and affect the construction schedule for the improvements.

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): CIP's 301374 (Streets), 655998 (Sanitary Sewer), 625-2013022 (Water Distribution)

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):



April 30, 2014

City Council
City of Cedar Rapids

RE: Report on bids as read for the Oakland Road NE From E Avenue NE to H Avenue NE
Pavement Rehabilitation, Contract Number 301374-02

Dear City Council:

Bids were received on April 30, 2014 for the Oakland Road NE From E Avenue NE to H Avenue
NE Pavement Rehabilitation project as follows:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$632,100.00
L.L. Pelling Company, Inc., North Liberty, IA	\$650,140.80
Rathje Construction Co., Marion, IA	\$669,234.95

The engineers cost opinion for this work is \$635,000. It is recommended the bids be reviewed
by City staff and an action to award or not be presented separately for Council consideration.

Sincerely,

THE CITY OF CEDAR RAPIDS PUBLIC WORKS DEPARTMENT

A handwritten signature in blue ink, appearing to read "Lee Tippe".

Lee Tippe, P.E.
Project Engineer II

LJT/cap

cc: David J. Elgin, P.E., L.S., Public Works Director/City Engineer
Robert A. Davis, P.E., Engineering Manager

Public Works Department
500 15th Avenue S.W. • Cedar Rapids, Iowa 52404-5837 • (319) 286-5802 • FAX (319) 774-5653

RESOLUTION NO.

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on April 8, 2014 the City Council adopted a motion that directed the City Clerk to give notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the Oakland Road NE From E Avenue NE to H Avenue NE Pavement Rehabilitation public improvement project (Contract No. 301374-02) for the City of Cedar Rapids, Iowa, and

WHEREAS, said notice was published in the Cedar Rapids Gazette on April 12, 2014 pursuant to which a public hearing was held on April 22, 2014, and

WHEREAS, the following bids were received, opened and announced on April 30, 2014 by the City Engineer, or designee, and said officer has now reported the results of the bidding and made recommendations thereon to the City Council at its next meeting on May 13, 2014:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$632,100.00
Incentive up to	<u>\$ 13,600.00</u>
Total	\$645,700.00
L.L. Pelling Company, Inc., North Liberty, IA	\$650,140.80
Rathje Construction Co., Marion, IA	\$669,234.95

AND WHEREAS, the general ledger coding for this public improvement project shall be as follows: \$645,700, \$500,714.60 301-301000-301374, \$83,927.00 301-301000-7970-301374, \$10,596.00 655-655000-655998 and \$50,462.40 625-625000-625884-6252013022; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The previous delegation to the City Engineer, or his designee, to receive, open and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;

2. Pirc-Tobin Construction, Inc. is the lowest responsive, responsible bidder on said work and the City Engineer, or his designee, has recommended that the City accept its bid and award the contract to it;

3. Subject to registration with the Department of Labor, the Bid of Pirc-Tobin Construction, Inc. is hereby accepted, with the inclusion of the incentive clause, and the contract for this public improvement is hereby awarded to Pirc-Tobin Construction, Inc.;

4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

BE IT FURTHER RESOLVED that the bid securities of the unsuccessful bidders be returned to them by the City Clerk, and

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.



**PROJECT
LOCATION**



**OAKLAND ROAD NE FROM E AVENUE TO H AVENUE
REHABILITATION PROJECT**



0 FEET 250

April 30, 2014

City Council
City of Cedar Rapids

RE: Report on bids as read for the Oakland Road NE From E Avenue NE to H Avenue NE
Pavement Rehabilitation, Contract Number 301374-02

Dear City Council:

Bids were received on April 30, 2014 for the Oakland Road NE From E Avenue NE to H Avenue
NE Pavement Rehabilitation project as follows:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$632,100.00
L.L. Pelling Company, Inc., North Liberty, IA	\$650,140.80
Rathje Construction Co., Marion, IA	\$669,234.95

The engineers cost opinion for this work is \$635,000. It is recommended the bids be reviewed
by City staff and an action to award or not be presented separately for Council consideration.

Sincerely,

THE CITY OF CEDAR RAPIDS PUBLIC WORKS DEPARTMENT

Lee Tippe, P.E.
Project Engineer II

LJT/cap

cc: David J. Elgin, P.E., L.S., Public Works Director/City Engineer
Robert A. Davis, P.E., Engineering Manager

Council Agenda Item Cover Sheet

Consent Agenda **Regular Agenda**

Council Meeting Date: May 13, 2014

Submitting Department: Utilities – Water Division

Presenter at meeting: Steve Hershner **Phone:** 5281 **E-mail:** SteveHe@cedar-rapids.org

Alternate Contact: Andrew Lundy **Phone:** 5968 **E-mail:** a.lundy@cedar-rapids.org

Description of Agenda Item: (insert same wording as used on agenda summary)

Report on bids for the Water Division Bowling Street Booster Station Pump Upgrade project (estimated cost is \$150,000) (Steve Hershner).

- a. Resolution awarding and approving contract in the amount of \$156,659, bond and insurance of B.G. Brecke, Inc. for the Water Division Bowling Street Booster Station Pump Upgrade project. CIP/DID #625876-01

Background:

The City of Cedar Rapids is upgrading the pumping capacity of the Bowling Street Booster Station in an effort increase the reliability of the Water Distribution system and ensure adequate water pressure is maintained for customers. The Bowling Booster Station currently has three pumps which maintain system pressure in the Kirkwood service zone; during periods of high water demand, all three pumps are in use. In order to improve system reliability, a fourth pump is being added to provide a backup in the event that one of the other three pumps fails during a period of high demand.

In addition to providing increased reliability, the new pump will also be equipped with a variable frequency drive. This will allow the system operators to fine tune their control of the system and to minimize pressure disturbances in the piping system. The variable frequency drive will also be useful in maintaining water pressure in the area during painting and maintenance of the C Street SW water tower. A Pre-Bid meeting was held on April 22, 2014.

One bid was received on April 30, 2014 for the Water Division Bowling Street Booster Station Pump Upgrade project.

<u>Bidders</u>	<u>Office Location</u>	<u>Lump Sum Bid plus Allowance</u>
B.G. Brecke, Inc.	Cedar Rapids, Iowa	\$156,659

The engineer’s opinion of probable cost for the construction of this project was \$150,000. A motion to publish a Notice of Hearing and Letting was approved by the City Council on April 8, 2014. The public hearing was held April 22, 2014. The work is anticipated to begin in June 2014 and be completed December 2014.

Action / Recommendation:

The Utilities Department – Water Division staff recommends awarding the contract to B.G. Brecke, Inc. in the amount of \$156,659.

Alternative Recommendation: None

Time Sensitivity: Action needed 5-13-14

Resolution Date: 5-13-14

Estimated Presentation Time: 2 minutes

Budget Information (if applicable):

1. **Included in Current Budget Year.** Yes. The project will be funded from the FY 2014 Water Division Capital Improvement Projects budget. The project will be coded to the following CIP fund: 553000-625-625000-x-x-625876.
2. **Analysis if the expenditure is within budgeted expectations, i.e. some type of budget to actual comparison:** There is currently \$150,000 budgeted in the FY2014 CIP budget for the construction of the Water Division Bowling Street Booster Station Pump Upgrade project. Funds beyond what are currently identified in the budget are available by adjusting other items in the Utilities – Water Division CIP budget or from Utilities – Water Division reserves.
3. **Purchasing Department used or Purchasing Guidelines followed:** Yes, the project was publicly bid as a Capital Improvement Project.

Local Preference Policy Applies Exempt

Explanation: Capital Improvement Projects are not subject to local preference policy.

Recommend by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on April 8, 2014 the City Council adopted a motion that directed the City Clerk to give notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the Water Division Bowling Street Booster Station Pump Upgrade public improvement project (Contract No. 625876-01) for the City of Cedar Rapids, Iowa, and

WHEREAS, said notice was published in the Cedar Rapids Gazette on April 12, 2014 pursuant to which a public hearing was held on April 22, 2014, and

WHEREAS, the following bids were received, opened and announced on April 30, 2014 by the Utilities Director, or designee, and said officer has now reported the results of the bidding and made recommendations thereon to the City Council at its next meeting on May 13, 2014:

B.G. Brecke, Inc., Cedar Rapids, Iowa

\$156,659

AND WHEREAS, the general ledger coding for this public improvement project shall be as follows: \$156,659, 553000-625-625000-x-x-625876; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The previous delegation to the Utilities Director, or his designee, to receive, open and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;

2. B.G. Brecke, Inc. is the lowest responsive, responsible bidder on said work and the Utilities Director, or his designee, has recommended that the City accept its Base Bid plus Allowance and award the contract to it;

3. Subject to registration with the Department of Labor, the Bid of B.G. Brecke, Inc. is hereby accepted, and the contract for this public improvement is hereby awarded to B.G. Brecke, Inc.;

4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

BE IT FURTHER RESOLVED that the bid securities of the unsuccessful bidders be returned to them by the City Clerk, and

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

Passed this 13th day of May, 2014.

Council Agenda Item Cover Sheet

Council Meeting Date: 5/13/14

Submitting Department: Finance – Treasury Operations

Presenter at meeting: Michele Tamerius

Phone Number/Ext: 5113

Email: m.tamerius@cedar-rapids.org

Alternate Contact Person: Casey Drew

Phone Number/Ext: 5097

Email: c.drew@cedar-rapids.org

Description of Agenda Item:

1. Report on bids for General Obligation Bonds, Series 2014A; Taxable General Obligation Urban Renewal Bonds, Series 2014B; Sewer Revenue Bonds, Series 2014C; and Water Revenue Bonds, Series 2014D (Michele Tamerius and Jon Burmeister, PFM).
 - a. Resolution directing the sale of Not to Exceed \$4,280,000 General Obligation Bonds, Series 2014A. CIP/DID #838449
 - b. Resolution directing the sale of Not to Exceed \$10,640,000 Taxable General Obligation Urban Renewal Bonds, Series 2014B. CIP/DID #838449
 - c. Resolution directing the sale of Not to Exceed \$11,570,000 Sewer Revenue Bonds, Series 2014C. CIP/DID #838449
 - d. Resolution directing the sale of \$4,570,000 Water Revenue Bonds, Series 2014D. CIP/DID #838449

Background:

Bids for the Series 2014ABC&D were received today and now Council action is required to direct the sale of these bonds.

Action / Recommendation:

Recommend that the Series 2014ABC&D resolutions be approved.

Alternative Recommendation:

None

Time Sensitivity:

High

Resolution Date:

5/13/14

Estimated Presentation Time:

15 minutes

Budget Information (if applicable):

No effect on the FY 2014 budget.

Local Preference Policy Applies Exempt

Explanation: N/A

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Cedar Rapids, State of Iowa.
Date of Meeting: May 13, 2014.
Time of Meeting: 9:00 o'clock A.M. (City Officials)
12:00 o'clock P.M. (Noon) (City Council)
Place of Meeting: Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

\$4,280,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2014A.

- Receipt of bids. (City Officials)
- Resolution directing sale. (City Council)

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Amy Stevenson, City Clerk, City of
Cedar Rapids, State of Iowa

May 13, 2014

The City Clerk of the City of Cedar Rapids, State of Iowa, met at City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 9:00 o'clock A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 12:00 o'clock P.M. (Noon) on the above date.

The following persons were present:

* * * * *

This being the time and place for the opening of bids for the sale of \$4,280,000 (Subject to Adjustment per Terms of Offering) General Obligation Bonds, Series 2014A, the meeting was opened for the receipt of bids for the bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The City Clerk then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.

3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: _____

True Interest Rate (as-bid): _____%

Net Interest Cost (as-bid): \$_____

In consultation with its Financial Advisor, the City considered adjustment of the aggregate principal amount, and each scheduled maturity thereof, in accordance with the Terms of Offering, and the following actions were taken:

Final Par Amount (as adjusted): \$_____

Final Purchase Price (as adjusted): \$_____

All bids were then referred to the Council for action in accordance with the Notice of Sale.

May 13, 2014

The City Council of the City of Cedar Rapids, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 12:00 o'clock P.M. (Noon), on the above date. There were present Mayor Ron Corbett, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$4,280,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2014A," and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING SALE OF \$4,280,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) GENERAL OBLIGATION BONDS, SERIES 2014A

WHEREAS, pursuant to notice as required by law, bids have been received at public sale for the bonds described as follows and the best bid received is determined to be the following:

\$4,280,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING)
GENERAL OBLIGATION BONDS, SERIES 2014A:

Bidder: _____ of _____

the terms of said bid being:

Final Par Amount (as adjusted): \$ _____

Purchase Price (as adjusted): \$ _____

True Interest Rate: _____%

Net Interest Cost: \$ _____

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, STATE OF IOWA:

Section 1. That the bid for the bonds as above set out is hereby determined to be the best and most favorable bid received and, said bonds are hereby awarded based on said bid.

Section 2. That the statement of information for bond bidders and the form of contract for the sale of said bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the bonds heretofore given and all acts of the Clerk done in furtherance of the sale of said bonds are hereby ratified and approved.

PASSED AND APPROVED this 13th day of May, 2014.

Ron Corbett, Mayor

ATTEST:

Amy Stevenson, City Clerk

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Cedar Rapids, State of Iowa.
Date of Meeting: May 13, 2014.
Time of Meeting: 9:00 o'clock A.M. (City Officials)
12:00 o'clock P.M. (Noon) (City Council)
Place of Meeting: Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

\$10,640,000 (Subject to Adjustment per Terms of Offering) Taxable General Obligation Urban Renewal Bonds, Series 2014B.

- Receipt of bids. (City Officials)
- Resolution directing sale. (City Council)

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Amy Stevenson, City Clerk, City of
Cedar Rapids, State of Iowa

May 13, 2014

The City Clerk of the City of Cedar Rapids, State of Iowa, met at City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 9:00 o'clock A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 12:00 o'clock P.M. (Noon) on the above date.

The following persons were present:

* * * * *

This being the time and place for the opening of bids for the sale of \$10,640,000 Taxable General Obligation Urban Renewal Bonds, Series 2014B, the meeting was opened for the receipt of bids for the bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The City Clerk then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.

3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: _____

True Interest Rate (as-bid): _____%

Net Interest Cost (as-bid): \$_____

In consultation with its Financial Advisor, the City considered adjustment of the aggregate principal amount, and each scheduled maturity thereof, in accordance with the Terms of Offering, and the following actions were taken:

Final Par Amount (as adjusted): \$_____

Final Purchase Price (as adjusted): \$_____

All bids were then referred to the Council for action in accordance with the Notice of Sale.

May 13, 2014

The City Council of the City of Cedar Rapids, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 12:00 o'clock P.M. (Noon), on the above date. There were present Mayor Ron Corbett, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$10,640,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2014B," and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING SALE OF \$10,640,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2014B

WHEREAS, pursuant to notice as required by law, bids have been received at public sale for the bonds described as follows and the best bid received is determined to be the following:

\$10,640,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) TAXABLE GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2014B:

Bidder: _____ of _____

the terms of said bid being:

Final Par Amount (as adjusted): \$ _____

Purchase Price (as adjusted): \$ _____

True Interest Rate: _____%

Net Interest Cost: \$ _____

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, STATE OF IOWA:

Section 1. That the bid for the bonds as above set out is hereby determined to be the best and most favorable bid received and, said bonds are hereby awarded based on said bid.

Section 2. That the statement of information for bond bidders and the form of contract for the sale of said bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the bonds heretofore given and all acts of the Clerk done in furtherance of the sale of said bonds are hereby ratified and approved.

PASSED AND APPROVED this 13th day of May, 2014.

Ron Corbett, Mayor

ATTEST:

Amy Stevenson, City Clerk

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Cedar Rapids, State of Iowa.
Date of Meeting: May 13, 2014.
Time of Meeting: 9:00 o'clock A.M. (City Officials)
12:00 o'clock P.M. (Noon) (City Council)
Place of Meeting: Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

\$11,570,000 (Subject to Adjustment per Terms of Offering) Sewer Revenue Bonds, Series 2014C.

- Receipt of bids. (City Officials)
- Resolution directing sale. (City Council)

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Amy Stevenson, City Clerk, City of
Cedar Rapids, State of Iowa

May 13, 2014

The City Clerk of the City of Cedar Rapids, State of Iowa, met at City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 9:00 o'clock A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 12:00 o'clock P.M. (Noon) on the above date.

The following persons were present:

* * * * *

This being the time and place for the opening of bids for the sale of \$11,570,000 (Subject to Adjustment per Terms of Offering) Sewer Revenue Bonds, Series 2014C, the meeting was opened for the receipt of bids for the bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The City Clerk then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.

3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: _____

True Interest Rate (as-bid): _____%

Net Interest Cost (as-bid): \$_____

In consultation with its Financial Advisor, the City considered adjustment of the aggregate principal amount, and each scheduled maturity thereof, in accordance with the Terms of Offering, and the following actions were taken:

Final Par Amount (as adjusted): \$_____

Final Purchase Price (as adjusted): \$_____

All bids were then referred to the Council for action in accordance with the Notice of Sale.

May 13, 2014

The City Council of the City of Cedar Rapids, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 12:00 o'clock P.M. (Noon), on the above date. There were present Mayor Ron Corbett, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$11,570,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) SEWER REVENUE BONDS, SERIES 2014C," and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING SALE OF \$11,570,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) SEWER REVENUE BONDS, SERIES 2014C

WHEREAS, pursuant to notice as required by law, bids have been received at public sale for the bonds described as follows and the best bid received is determined to be the following:

\$11,570,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) SEWER REVENUE BONDS, SERIES 2014C:

Bidder: _____ of _____

the terms of said bid being:

Final Par Amount (as adjusted): \$ _____

Purchase Price (as adjusted): \$ _____

True Interest Rate: _____%

Net Interest Cost: \$ _____

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, STATE OF IOWA:

Section 1. That the bid for the bonds as above set out is hereby determined to be the best and most favorable bid received and, said bonds are hereby awarded based on said bid.

Section 2. That the statement of information for bond bidders and the form of contract for the sale of said bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the bonds heretofore given and all acts of the Clerk done in furtherance of the sale of said bonds are hereby ratified and approved.

PASSED AND APPROVED this 13th day of May, 2014.

Ron Corbett, Mayor

ATTEST:

Amy Stevenson, City Clerk

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Cedar Rapids, State of Iowa.
Date of Meeting: May 13, 2014.
Time of Meeting: 9:00 o'clock A.M. (City Officials)
12:00 o'clock P.M. (Noon) (City Council)
Place of Meeting: Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

\$4,570,000 (Subject to Adjustment per Terms of Offering) Water Revenue Bonds, Series 2014D.

- Receipt of bids. (City Officials)
- Resolution directing sale. (City Council)

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Amy Stevenson, City Clerk, City of
Cedar Rapids, State of Iowa

May 13, 2014

The City Clerk of the City of Cedar Rapids, State of Iowa, met at City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 9:00 o'clock A.M., on the above date, to open sealed bids received, access electronic bids and to refer the sale of the bonds to the best and most favorable bidder for cash, subject to approval by the City Council at 12:00 o'clock P.M. (Noon) on the above date.

The following persons were present:

* * * * *

This being the time and place for the opening of bids for the sale of \$4,570,000 (Subject to Adjustment per Terms of Offering) Water Revenue Bonds, Series 2014D, the meeting was opened for the receipt of bids for the bonds. The following actions were taken:

1. Sealed bids were filed and listed in the minutes while unopened, as follows:

Name & Address of Bidders:

(Attach List of Bidders)

2. The City Clerk then declared the time for filing of sealed bids to be closed and that the sealed bids be opened. The sealed bids were opened and announced.

3. Electronic bids received were accessed and announced as follows:

Name & Address of Bidders:

(Attach List of Bidders)

4. The best bid was determined to be as follows:

Name & Address of Bidder: _____

True Interest Rate (as-bid): _____%

Net Interest Cost (as-bid): \$_____

In consultation with its Financial Advisor, the City considered adjustment of the aggregate principal amount, and each scheduled maturity thereof, in accordance with the Terms of Offering, and the following actions were taken:

Final Par Amount (as adjusted): \$_____

Final Purchase Price (as adjusted): \$_____

All bids were then referred to the Council for action in accordance with the Notice of Sale.

May 13, 2014

The City Council of the City of Cedar Rapids, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 12:00 o'clock P.M. (Noon), on the above date. There were present Mayor Ron Corbett, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING SALE OF \$4,570,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) WATER REVENUE BONDS, SERIES 2014D," and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION DIRECTING SALE OF \$4,570,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) WATER REVENUE BONDS, SERIES 2014D

WHEREAS, pursuant to notice as required by law, bids have been received at public sale for the bonds described as follows and the best bid received is determined to be the following:

\$4,570,000 (SUBJECT TO ADJUSTMENT PER TERMS OF OFFERING) WATER REVENUE BONDS, SERIES 2014D:

Bidder: _____ of _____

the terms of said bid being:

Final Par Amount (as adjusted): \$ _____

Purchase Price (as adjusted): \$ _____

True Interest Rate: _____%

Net Interest Cost: \$ _____

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, STATE OF IOWA:

Section 1. That the bid for the bonds as above set out is hereby determined to be the best and most favorable bid received and, said bonds are hereby awarded based on said bid.

Section 2. That the statement of information for bond bidders and the form of contract for the sale of said bonds are hereby approved and the Mayor and Clerk are authorized to execute the same on behalf of the City.

Section 3. That the notice of the sale of the bonds heretofore given and all acts of the Clerk done in furtherance of the sale of said bonds are hereby ratified and approved.

PASSED AND APPROVED this 13th day of May, 2014.

Ron Corbett, Mayor

ATTEST:

Amy Stevenson, City Clerk



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development and Planning

Presenter at meeting: Caleb Mason

Phone Number/Ext: (319) 286-5188

Email: c.mason@cedar-rapids.org

Alternate Contact Person: Jennifer Pratt

Phone Number/Ext: (319) 286-5047

Email: j.pratt@cedar-rapids.org

Description of Agenda Item: Consent Public Hearing Regular Agenda

Discussion and Resolution authorizing negotiation of a Development Agreement with TAT Investments, LLC for the disposition and redevelopment of City-owned property at 200, 210 and 212 3rd Avenue SW acquired through the Voluntary Property Acquisition Program (**FLOOD**). CIP/DID #OB1058251

Background:

The City received two (2) proposals for the redevelopment of City-owned property at 200, 210 & 212 3rd Avenue SW located in the Kingston Village area in response to the City's request for redevelopment proposals. Proposals were received from Hobart Historic Restoration and TAT Investments, LLC.

On Friday, May 2, 2014 City staff and a panel of stakeholders evaluated the two proposals based on Council-adopted criteria. The stakeholder panel included representation from: Westside Redevelopment Group, Kingston Square, and private non-competing developers. The review panel concluded that the proposal submitted by TAT Investments, LLC was most responsive to the proposal criteria and is recommending the City Council's consideration of the project.

The stakeholder review panel noted that the TAT Investments, LLC proposal provided demonstrated capacity and an attractive concept that would enhance the Kingston Village area. The proposal provided necessary details, including the following key criteria:

- Experienced development team – Joe Ahmann (principal), Compass Commercial Services (General Contractor), Fusion Architect, and Ohnward Bank & Trust (Financing);
- Experience of the development team with projects of similar size and scope;
- Attractive design that enhances the neighborhood character and consistent with Kingston Village Overlay District guidelines;
- Provides a mix of uses, including 27 market rate housing units;

Elements of the project proposed by TAT Investments, LLC include:

- 4-story, 43,800 sq. ft. mixed use facility:
 - 6,000 sq. ft. commercial on first floor
 - 8,100 sq. ft. first floor covered parking (25 parking stalls)

- 27 housing units on 2nd to 4th floors.
- Overall project investment of \$4.2M

Action / Recommendation:

City staff recommends holding the public hearing.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: May 13, 2014

Estimated Presentation Time: 5 Minutes

Budget Information (if applicable): NA

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

RESOLUTION NO.

RESOLUTION AUTHORIZING NEGOTIATION OF A DEVELOPMENT
AGREEMENT WITH TAT INVESTMENTS, LLC FOR THE DISPOSITION
AND REDEVELOPMENT OF CITY-OWNED PROPERTY AT 200, 210 AND
212 3RD AVENUE SW ACQUIRED THROUGH THE VOLUNTARY
ACQUISITION PROGRAM

WHEREAS, the City acquired properties at 200, 210 and 212 3rd Avenue SW located in the Kingston Village Area (the "Properties"), through the Voluntary Property Acquisition Program; and

WHEREAS, on January 22, 2014 the City Council's Development Committee previewed a request to initiate a competitive proposal process for the Properties; and

WHEREAS, on February 11, 2014 the City Council made a motion to conduct a public hearing and on February 25, 2014 held a public hearing, as required by law, to consider the disposition of and invite proposals for the acquisition and redevelopment of the Properties; and

WHEREAS, the City received two (2) proposals for the redevelopment of the Properties from TAT Investments, LLC and Hobart Historic Restoration; and

WHEREAS, an evaluation team comprised of City staff, experienced developers, and neighborhood stakeholders reviewed and evaluated the proposal submitted by TAT Investments, LLC was most responsive to the criteria set forth by the City Council and provides an overall community benefit as a mixed-use development including market rate housing; and

WHEREAS, the City Council has determined that the proposal submitted by TAT Investments, LLC provides an overall community benefit by enhancing the Kingston Village area with a quality design, mixed-use project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

1. The City Manager is authorized and directed to negotiate the terms and conditions of a Development Agreement with TAT Investments, LLC for the purchase and redevelopment of City-owned property at 200, 210 and 212 3rd Avenue SW.
2. At such time as the terms and conditions of the Development Agreement are sufficiently clear and definite, the City Manager is directed to present such Development Agreement to the City Council for consideration no later than November 4, 2014.

Passed this 13th Day of May, 2014.



Council Agenda Cover Sheet
2nd and possible 3rd ORDINANCE READING
and possible Resolution

Submitting Department: Public Works Department

Presenter at meeting: Rita Rasmussen
E-mail Address: r.rasmussen@cedar-rapids.org

Phone Number/Extension: 5807

Alternate Contact Person: Carol Morgan
E-mail Address: c.morgan@cedar-rapids.org

Phone Number/Extension: 5092

Description of Agenda Item: Consent Agenda Regular Agenda Map

Second and possible third reading of an Ordinance vacating public ways and grounds in and to the property described as a 10-foot wide strip of excess alley right-of-way located between 8th Street and 9th Street NW and adjacent to 210 8th Street NW as requested by Kevin and Gail Kennedy. CIP/DID #41-14-015.

Resolution authorizing the disposition of the property described as a 10-foot wide strip of excess alley right-of-way located between 8th Street and 9th Street NW and adjacent to 210 8th Street NW as requested by Kevin and Gail Kennedy. CIP/DID #41-14-015.

Background:

A Public Hearing was held on April 22, 2014 in which no objections were heard.
April 22, 2014 - 1st reading of the Ordinance was held and passed.

Action / Recommendation:

May 13, 2014 - 2nd and possible 3rd reading of the Ordinance and would like to pass the resolution for the disposition of Plat of Survey #1873 Parcel A as requested by Kevin and Gail Kennedy and accept an easement for sanitary sewer.

Time Sensitivity: Normal

Resolution Date: May 13, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): N/A

Local Preference Policy: Applies Exempt

Explanation: This does not fit the criteria outlined in the policy and therefore, does not apply.

Recommended by Council Committee: Yes No N/A

Explanation (if necessary):

ORDINANCE NO. _____

AN ORDINANCE VACATING PUBLIC WAYS AND GROUNDS REGARDING PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That the public ways and grounds in and to the property hereafter described is permanently vacated:

A 10-foot wide strip of excess alley right-of-way located between 8th Street and 9th Street NW and adjacent to 210 8th Street NW (also known as Plat of Survey #1873 Parcel A as shown in Book 8935, Page 202 and recorded on April 4, 2014 at the Office of the Linn County Recorder)

Section 2. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014.

Passed this 13th day of May, 2014.

ENG
ASR
RCR
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AUD FILE
CLK
TRS
TED
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CD
KENNEDY
41-14-015

RESOLUTION NO.

WHEREAS, a notice has been given and a public hearing held as required by law, and

WHEREAS, the public use has been vacated by ordinance for the following described City property:

A 10-foot wide strip of excess alley right-of-way located between 8th Street and 9th Street NW and adjacent to 210 8th Street NW (also known as Plat of Survey #1873 Parcel A as shown in Book 8935, Page 202 and recorded on April 4, 2014 at the Office of the Linn County Recorder)

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

1. The City Manager and City Clerk shall execute a Quit Claim Deed conveying the property hereafter described to Kevin P. and Gail B. Kennedy, 210 8th Street NW, Cedar Rapids, Iowa 52405:

Plat of Survey #1873 Parcel A as shown in Book 8935, Page 202 and recorded on April 4, 2014 at the Office of the Linn County Recorder.

2. The Council determines the fair consideration required for the aforescribed conveyance to be \$2,000 plus a standard 5% closing fee of \$100.
3. This conveyance is subject to the following conditions which shall be agreed to and accepted in writing by the grantee and be binding upon the grantee, successors, and assigns as follows:
 - a. Grantee shall save the City of Cedar Rapids harmless from damage or injury or loss of access or diminishing of the value of improved property, under Section 364.15 of the Iowa Code as the result of the vacation and the disposition of said property hereinbefore described to said grantee.
4. The City shall accept an Easement for Sanitary Sewer over the vacated right-of-way.

5. The grantees, Kevin P. and Gail B. Kennedy, be required to submit a combined tax statement to the City Assessor's Office, since the square footage does not constitute a buildable lot area in and of itself.
6. The grantees, Kevin P. and Gail B. Kennedy, shall pay the City Clerk all costs connected with this matter.

BE IT FURTHER RESOLVED, that on behalf of the City of Cedar Rapids, the City Manager and City Clerk are hereby authorized to execute a Quit Claim Deed effectuating this conveyance and accept the Easement for Sanitary Sewer, and that the same are hereby approved and accepted, and that they shall be recorded in the Office of the Linn County Recorder and thereafter filed with the City of Cedar Rapids Finance Director.

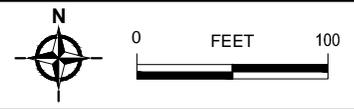
Passed this 13th day of May, 2014



Cadd File Name: W:\PROJECTS\Non-CIP\2014\114 Right-of-Way Mgmt\015 Alley Vacation 8th St NW (210) Kennedy\41-14-015 Council Map.dwg



**PLAT OF SURVEY No. 1873 AND
SANITARY SEWER EASEMENT**





Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development and Planning

Presenter at meeting: Jeff Hintz

Phone Number/Ext: 319 286-5781

Email: j.hintz@cedar-rapids.org

Alternate Contact Person: Seth Gunnerson

Phone Number/Ext: 319 286-5129

Email: s.gunnerson@cedar-rapids.org

Description of Agenda Item: **Consent** **Ordinance** **Regular Agenda**

Second and possible Third Reading amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to modify standards for accessory structures, urban agriculture, on-site navigational signage, gymnasiums in industrial areas and to correct other errors and omissions in the Zoning Ordinance. CIP/DID #OB72241

Background:

Staff has identified a number of areas within the City Code which are out of date or subject to numerous variance requests. Staff is recommending several changes, to be incorporated within a single update to the Zoning Ordinance.

The proposed ordinance was recommended by the City Council Development Committee on February 26, 2014 and recommended for approval by a vote of 7 to 0 by the City Planning Commission on March 27, 2014.

1. **Garage Size Limitation** – Give staff the authority to approve detached garages larger than 900 square feet provided they meet certain performance requirements, for example, a location behind the primary structure or number of garage doors facing the street.
2. **Urban Agriculture** – Proposed ordinance would allow in all zone districts and would allow small garden tractors to be used.
3. **On-Site Navigation Signs** – Exempt on-site navigational signs less than 6 square feet from sign area limitations.
4. **Gymnasiums in Industrial Areas** – Recommendation to allow gyms and other similar businesses to operate by conditional use in industrial areas.
5. **Correct errors** – Staff has identified errors that were made with a recent parking standard update and an error in the definition table that will be corrected by this ordinance.

Action / Recommendation:

City staff recommends approval of Second and possible Third Reading.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

N/A

Local Preference Policy Applies Exempt N/A

Explanation:

Recommended by Council Committee Yes No N/A

Explanation:

Items in the proposed ordinance were recommended by the City Council Development Committee on February 26, 2014.

The ordinance was recommended for approval by the City Planning Commission on March 27, 2014

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 32 OF THE MUNICIPAL CODE, THE ZONING
ORDINANCE TO AMEND CERTAIN REQUIREMENTS FOR ACCESSORY STRUCTURES,
URBAN AGRICULTURE, ON-SITE NAVIGATIONAL SIGNAGE, GYMNASIUMS IN
INDUSTRIAL AREAS, AND CORRECTING OMISSIONS.

WHEREAS, Ordinance No. 033-06 dated and approved August 9, 2006 established and updated zoning requirements for the City of Cedar Rapids, and

WHEREAS, the proposed amendment to Chapter 32 of the Municipal Code clarifies certain requirements and numerical standards while streamlining and simplifying the permitting process, and

WHEREAS, the City Planning Commission reviewed the proposed amendment on March 27, 2014 and recommended it for approval;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1: That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.05.010.A.4 - Detached Accessory Structures & Buildings and in its place a new Section 32.05.010.A.4 is enacted as follows:

“32.05.010.A.4.

4. Detached Accessory Structures and Buildings

All detached accessory structures and buildings shall meet all the requirements of this Ordinance, except as modified in Sec. 32.05.010.D.

a) Placement & separation

- i. Shall not be located in a required front yard.
- ii. Separation distances for accessory structures located in the RMHO zone district are regulated by Chapter 65 of the Cedar Rapids Municipal Code.
- iii. Shall be separated from other structures by at least the minimum distance required by the Building and Fire Code.

- iv. Shall not be located closer than three (3) feet to any interior side or rear lot line. The roof overhang of any accessory structure shall not be located closer than two (2) feet to any interior side or rear lot line.
- v. Shall be set back from any adjacent street in accord with the minimum distance required for a principal building on the same lot.
- vi. Reversed Corner Lot
On a reversed corner lot in a residential district, and within fifteen (15) feet of any adjacent property to the rear in a residential district, no detached accessory building or portion of such building located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent property to the rear. In addition, for such lots, all such accessory buildings shall be located no closer to the rear lot line than the minimum side yard of the adjacent residential property.

b) Size of structure

In a residential district, the aggregate total square footage for a detached accessory structure shall be no greater than nine hundred (900) square feet for each dwelling unit to which such structure is accessory. In the Agricultural District, accessory structures may not exceed two hundred percent (200%) of the gross floor area of the principal residential structure on the site.

c) Exceptions to size of structure

The nine hundred (900) Square foot (or 200% for the Agricultural District) limit may be exceeded if **all** the following criteria, i-vi below are met (for the proposed accessory structure):

- i. The height shall not exceed the height of the primary structure on the lot.
- ii. The accessory structure shall be constructed of materials similar to that of the primary structure.
- iii. Structures may have no more than three (3) vehicle doors facing the primary street. All other doors shall not face the primary street. Doors for exclusive use of a person shall be excluded.
- iv. The accessory structure shall be setback no less than the primary structure on the lot.
- v. Shall not be placed in a required side yard as required in Section 32.05.010.B.1 of the Municipal Code.
- vi. Aggregate square footage of all structures on the lot shall not exceed the Maximum Lot Coverage set forth in 32.05.010.B.1 of the Municipal Code.
- vii. In the Agricultural District, accessory structures exceeding two hundred percent (200%) of the gross floor area of the principal residential structure on the lot shall be exempt from requirements

of 32.05.010.A.4.c.i, 32.05.010.A.4.c.ii, 32.05.010.A.4.c.iii and 32.05.010.A.4.c.iv (i –iv above).

- d) Use of detached accessory structures for home occupations shall comply with the requirements of Sec. 32.04.030.C.8. No business or industry related to any automotive or vehicle repair, maintenance, servicing or sales shall be conducted in any detached accessory structure.
- e) **Dispensing Devices**
Filling station fuel pumps, air, drink, ice, and food dispensing devices where permitted, and with a height not exceeding six (6) feet, shall be exempt from the established front yard or corner side yard requirements, but on a corner lot all such dispensing devices shall be subject to the restrictions provided in Sec. 32.05.010.D.3.
- f) **Awnings & Canopies**
Awnings and canopies that provide shelter for fuel pumps may encroach into required yards to a point no closer than three (3) feet from the lot line, but on a corner lot all such awnings and canopies shall be subject to the restrictions provided in Sec. 32.05.010.D.3.
- g) **Solar Energy Collector**
A solar energy collector and heat storage unit to supply a principal building shall be considered an accessory structure and shall be subject to regulations applicable to accessory structures.”

Section 2: That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.05.010.A.5 - Attached Accessory Structures & Buildings and in its place a new Section 32.05.010.A.5 is enacted as follows:

“32.05.010.A.5

5. Attached Accessory Structures & Buildings

- a) The aggregate gross floor area of all attached accessory structure(s) in a residential zone district may be the **greater** of the following, 1) up to fifty percent (50%) of the gross floor area of the principal residential structure on the lot **or** 2) 1,250 square feet.
- b) Attached accessory structures may exceed fifty percent (50%) of the gross floor area of the principal residential structure or 1,250 square feet on the lot if **all** the following criteria, i-v below are met (for the proposed attached accessory structure):
 - i. Structures may have no more than three (3) vehicle doors facing the primary street. All other doors shall not face the primary street. Doors for exclusive use of a person shall be excluded.
 - ii. The height shall not exceed the height of the primary structure on the lot.
 - iii. The accessory structure wall on the primary frontage shall not exceed the length of the primary structure wall facing the primary frontage.

- iv. The accessory structure shall be setback no less than the primary structure on the lot.
- v. Aggregate square footage of all structures on the lot shall not exceed the Maximum Lot Coverage set forth in 32.05.010.B.1 of the Municipal Code.
- vi. In the Agricultural District, attached accessory structures exceeding fifty percent (50%) of the gross floor area of the principal residential structure on the lot shall be exempt from requirements of 32.05.010.A.5.b.i, 32.05.010.A.5.b.ii, 32.05.010.A.5.b.iii and 32.05.010.A.5.b.iv (i–iv above)."

Section 3: That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Sections 32.05.010.A.5 - Attached Accessory Structures & Buildings and 32.05.010.A.6 – Use Limitations and in their place a new Section 32.01.060.A.5 is enacted as follows:

“32.05.020.A.5

5. Use Limitations

- a) Except as may additionally be provided for the parking of trucks and other large vehicles, accessory off-street parking facilities provided in accord with the requirements of this Ordinance shall be (i) solely for the parking of passenger motor vehicles of patrons, occupants, visitors, or employees of such uses, or (ii) for a temporary use specifically permitted on such parking areas by this Ordinance, and in compliance with any conditions or limitations imposed by this Ordinance.
- b) No person shall park, place, keep or store, or permit the parking or storage of a stock car, racing car, inoperable vehicle, vehicular component parts, or miscellaneous junk and debris on any public or private property, in any zoning district, unless it shall be in a completely enclosed building. Stock cars and racing cars are allowed to be parked outside on private property for a period of no more than twelve (12) consecutive hours. This regulation shall not apply to legitimate businesses operating in a lawful place and manner, provided that any outside areas used for parking and storage are screened from public view if required by the regulations of the zoning district within which they are located. Restrictions contained in Sec. 61.102 of the Cedar Rapids Municipal Code shall also apply.
- c) No such vehicles or equipment shall be used for living, sleeping, or housekeeping purposes while so parked or stored.”

Section 4. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.06.020.C – Signs That Are Exempt From Regulations and in its place a new Section 32.06.020.C is enacted as follows:

“32.06.020.C

C. SIGNS THAT ARE EXEMPT FROM REGULATIONS

The following signs are exempted from the regulations of this Section, except for those described in Sec. 32.06.020.B or Sec. 32.06.020.F:

- 1. Miscellaneous traffic or other signs, signs approved by the controlling public agency for placement on or over the public right-of-way, and signs warning of danger, hazards or unsafe conditions. If the controlling public agency is the City, such approval shall be based on standards or criteria approved by the City Council pursuant to applicable law.

2. Display of any official flag or emblem of a nation, state, or city.
3. Any sign that is located within a building and not visible from a public right-of-way.
4. Grave markers, statues, or remembrances of persons or events.
5. Works of art and murals that have been referred to the Cedar Rapids Visual Arts Commission pursuant to chapter 33E of the Cedar Rapids Municipal Code and have been reviewed pursuant to criteria addressing the time, place, and manner (rather than the content) of the work of art or mural and have been determined to be exempt from the regulations of this Section 32.06.
6. Temporary decorations or displays celebrating the occasion of a holiday, such as, but not limited to, the Fourth of July, Halloween, Mother's Day, Christmas Day , or Hanukkah.
7. Signs applied directly or attached to the body of a car, bus, trailer, or other vehicle are exempt from the regulations of this Chapter if such vehicle has a valid registration, is utilized in the normal course of business or in the operator's usual routine activities, and is not used primarily for the display of such sign or signs. If a sign bearing vehicle does not meet all these exemption criteria it shall be considered a freestanding sign and be governed as such by the regulations of this chapter. However, any such vehicular signs that are no larger than one (1) square foot in area shall be exempt from the regulations contained within this Chapter even though the vehicle which bears them does not meet the exemption criteria listed previously in this paragraph.
8. Informational signs not exceeding six (6) square feet in surface area or the maximum surface area for accessory signs set forth in Table 32.06-1, whichever is larger, displayed strictly for the direction, safety or convenience of the public, including signs that identify restrooms, telephones, danger areas, parking area entrances or exits, freight entrances, navigation, or the like. When viewable from a public right-of-way, these signs shall meet **all** of the following criteria:
 - a. No more than four (4) feet in total height (mounted on wall or in ground);
 - b. No more than two (2) such signs per approved entry/exit point;
 - c. Permanently anchored or fastened.
9. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
10. Signage intended solely for internal use on site or campus setting, not intended for view or readily legible from the public right-of-way.
11. Address signs, not exceeding two (2) square feet in surface area, limited to no more than one (1) sign for every forty (40) feet of lot street frontage.
12. Temporary signs that meet the requirements of Sec. 32.06.020.E. or 32.06.030.C, as applicable.”

Section 5. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.09.020.2D – Assisted Living Small (3 or fewer persons) and in its place a new Section 32.09.020.2D is enacted as follows:

“32.09.020.2D

2D. Assisted Living Small (2 or fewer persons)

A facility that provides shelter, supervision and assistance with day-to-day living activities for one (1) or two (2) persons who have had physical or social disabilities that make operation in society difficult or that have difficulty with day-to-day care, but who do not require regular medical care. Facilities participating in a work release, or similar programs from a state institution, and under the supervision of a court, state or local agency shall not be included within this definition.”

Section 6. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Table 32.05-4 Minimum Off-Street Parking Requirements – Retail Sales & Service (Not Otherwise Classified) – No Drive Through Facilities and in its place a new Table 32.05-4 is enacted as follows:

“Table 32.05-4

<i>Retail Sales or Service (Not Otherwise Classified) — No Drive-Through Facilities</i>	
Retail, Shopping centers	6 per 1,000 SF GFA for the first 18,000 SF + 4 per 1,000 SF for additional SF GFA over 18,000 SF
Retail, General	3 Per 1,000 SF GFA
Art, sculptor and composer studio	2 per 1,000 SF GFA
Auction house	5 per 1,000 SF GFA
Fuel and ice sale	1 per 3,000 SF GLA + 1 per each 2 employees of the largest shift
Furniture store	2 per 1,000 SF GFA
Garden supply, tool, or seed store	3 per 1,000 SF GFA
Grave marker or monuments display and sales	2 per 1,000 SF Indoor GFA
Machinery sales -farm, industrial, business, and construction	1 per each employee of the largest shift

Photography studio	3 per 1,000 SF GFA
Secondhand store or rummage Shop	3 per 1,000 SF GFA
Taxidermist	1 per each employee of the largest shift

“

Section 7. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.04.030.A.44 – Urban Agriculture and in its place a new Section 32.04.030.A.44 is enacted as follows:

“32.04.030.A.44

44. Urban Agriculture

a. Intent

Urban Agriculture refers to agricultural activities allowed within an urban setting. The purpose of creating a definition and standards for Urban Agriculture is to allow for agricultural operations to exist within developed portions of the city and to set requirements that ensure compatibility with adjacent land uses. Any agriculture activity not consistent with this Section 32.04.030.A.44 shall be considered Agriculture and shall be governed by applicable sections of the Zoning Ordinance.

The purpose of this Section is to provide requirements and conditions relating to the establishment and operation of urban agricultural operations. Urban agricultural operations in established neighborhoods should be carefully considered and reviewed to ensure compatibility and reduce potential land use conflicts.

b. Where Permitted

- i. Urban Agriculture activities shall be permitted as a primary or as an accessory use in all zone districts
- ii. An annual permit shall be required for the following:
 - (A) When Urban Agriculture is the primary use on any parcel
 - (B) When Urban Agriculture is established as an accessory use and one quarter of an acre or more (10,890 sq. ft. or more) of land is disturbed on any parcel.
- iii. A permit shall not be required for any urban agriculture or gardening activities as an accessory use if less than one quarter of an acre (less than 10,890 sq. ft.) of land is disturbed.

c. Regulations

- i. Urban Agricultural uses shall be limited to the cultivation of plants and produce. Animal husbandry, livestock, and bees shall not be considered Urban Agricultural uses.
- ii. Parcels used for urban agricultural uses shall be situated, equipped, operated and maintained so as to minimize to the maximum extent possible, using the best available methods, any impacts on, or interference with other land uses and activities in the general area, or the public health, safety and general welfare. Specific requirements include:

Solid waste facility																				P	U	32.04.03 0.A.	
Transportation, Parking and Utility Uses																							
Essential services, not listed separately	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		U	P	32.04.03 0.A.
Airport/Helipport																				P	P	U	
Bus station, terminal or passenger railroad	C	C	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P				U	
Parking lot or structure		C	C	C	C	C	C	C	C	P		C	P	P	P	P	P	P				U	
Taxicab business													P	P	P	P	P					U	
Utility, major																	P	P				U	
Utility office, shop, or yard																P	P	P				U	
Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P			U	C
Agricultural and Resource Uses																							
Agriculture	P	C	C	C																	P	U	32.04.03 0.A.
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		U	P	32.04.03 0.A.
Aquaculture	C															P	P/C					U	32.04.03 0.A.
Dairy products processing																P	P					U	



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Community Development and Planning

Presenter at meeting: Jeff Hintz

Phone Number/Ext: 319 286-5781

Email: j.hintz@cedar-rapids.org

Alternate Contact Person: Seth Gunnerson

Phone Number/Ext: 319 286-5129

Email: s.gunnerson@cedar-rapids.org

Description of Agenda Item: Consent Ordinance Regular Agenda

Second and possible Third Reading amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to clarify the roles and responsibilities of the Development Services Department for the land development review and approval process. CIP/DID #OB72241

Background:

Chapter 32 of the Municipal Code mentions responsibilities that the Development Services staff now handles rather than the Department of Community Development. The proposed changes alter this wording to the correct current roles and responsibilities.

The proposed ordinance was recommended by the City Council Development Committee on February 26, 2014 and recommended for approval by the City Planning Commission on March 27, 2014.

Action / Recommendation:

City staff recommends approval of the Second and possible Reading.

Alternative Recommendation:

City Council may table and request additional information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable):

N/A

Local Preference Policy Applies Exempt N/A

Explanation:

Recommended by Council Committee Yes No N/A

Explanation:

Items in the proposed ordinance were recommended by the City Council Development Committee on February 26, 2014.

The ordinance was recommended for approval by the City Planning Commission on March 27, 2014

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 32 OF THE MUNICIPAL CODE, THE
ZONING ORDINANCE TO CLARIFY ROLES AND RESPONSIBILITIES OF THE
DEVELOPMENT SERVICES DEPARTMENT FOR THE LAND DEVELOPMENT
REVIEW AND APPROVAL PROCESS

WHEREAS, Ordinance No. 033-06 dated and approved August 9, 2006 established and updated zoning requirements for the City of Cedar Rapids, and

WHEREAS, the proposed amendments to Chapter 32 of the Municipal Code clarifies Municipal Department roles in the development process, and

WHEREAS, the City Planning Commission reviewed the proposed amendment on March 27, 2014 and recommended it for approval;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.01.060.A.6 - Applicability to Combinations of Platted Lots or Parcels and in its place a new Section 32.01.060.A.6 is enacted as follows:

“32.01.060.A.6

6. Applicability to Combinations of Platted Lots or Parcels

Unless otherwise noted in this Ordinance or in a permit or approval issued pursuant to this Ordinance, the provisions of this Ordinance shall apply to each zoning lot (as defined in Sec. 32.09, Definitions) and to each unplatted parcel of land in the City. A property owner that owns more than one contiguous lot or parcel or one lot or parcel plus a portion(s) of one or more contiguous lot(s) or parcel(s), may request that the standards and criteria of this Ordinance be applied to a combination of contiguous platted lots or parcels, taken as a whole, rather than individually. The Development Services Department shall determine whether application of this Ordinance to any such combination of lots or parcels as a whole would be consistent with the intent of this Ordinance, the established character of the surrounding area, and the general expectations of other property owners in the surrounding area. The Development Services Department shall review such a request through the Site Development Plan procedure in Sec. 32.02.030.G. If the Development Services Department determines that the proposal would be consistent with those criteria, then the Department may apply some or all of the standards in this Ordinance to the combination of lots or parcels, and shall note such application of standards to a combination of lots or parcels on the Site Development Plan.”

Section 2. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.01.100.G - CONDITIONAL USE PERMITS DEEMED APPROVED and in its place a new Section 32.01.100.G is enacted as follows:

“32.01.100.G

G. 32.01.100.G - CONDITIONAL USE PERMITS DEEMED APPROVED

If (a) a use of land or structures was listed as a permitted use in a specific zone district under the previous zoning ordinance, and (b) that use of land or structures was established on property in that zone district prior to the adoption of this Ordinance, and (c) the same use of land or property is now listed as a Conditional Use in the same zone district in Table 32.04-1 of this Ordinance, then the established use shall be deemed to have received a Conditional Use Permit and shall be a legal, conforming use of land. Upon request by the property owner and submission that the use was established prior to approval of this Ordinance, the Development Services Department shall provide written confirmation of the legal, conforming status of the use.”

Section 3. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Table 32.02-1 – SUMMARY OF REVIEW PROCEDURES and in its place a new Table 32.02-1 is enacted as follows:

“Table 32.02-1

Table 32.02-1 – SUMMARY OF REVIEW PROCEDURES

TABLE 32.02-1: SUMMARY OF REVIEW PROCEDURES										
Procedure	Review and Decision-Making Bodies							Required Notices		
	Pre-app Mtg.	Neigh. Mtg.	Dev. Dept.	Dev. Services	PC	BOA	CC	Post	Mail	Pub
Amendments of Zoning Map or Regulations (including PUDs) Sec. 32.02.030.A.	R	(R)	(R)	R	R/M		D/H	✓	✓	✓
Amendments to Comprehensive Plan or Future Land Use Plan Sec. 32.02.030.B.	R	(R)	R	R	R/M		D/H	✓	✓	✓
PUD Master or PUD Preliminary Plan Sec. 32.02.030.A	R	(R)	(R)	R	R/M		D/H	✓	✓	
Successive Application Sec. 32.02.020.H.	(R)	(R)		R	R/M	D/H	D/H			
Major Amendment to Preliminary Plan	R	(R)	(R)	R	D/H			✓	✓	
Approval of Site Plans when City participation is being provided.	R	(R)	R	R/D	D/H	D/H	R/D	✓	✓	
Conditional Uses Sec. 32.02.030.D.	R	(R)	(R)	R	R/M	D/H		✓	✓	✓

Conditional Expansion of Legal Nonconforming Use Sec. 32.02.030.E.	R	(R)	(R)	R	R/M	D/H		✓	✓	✓
Major Amendment to Conditional Use or Conditional Expansion Sec. 32.02.020.M	R	(R)	(R)	R	R/M	D/H		✓	✓	✓
Variances Sec. 32.02.030.F.	(R)			R		D/H		✓		✓
Site Development Plans Sec. 32.02.030.G.	(R)		(R)	D			A			
Administrative Adjustment Sec. 32.02.020.L.	(R)		(R)	D		A				
Home Occupations Sec. 32.02.030.H.				D		A				
Certificates of Occupancy Sec. 32.02.030.I.				D		A				
R = Review; (R) = Review if Requested by Staff or Applicant; D = Decision; H = Hearing; M = Meeting; A = Appeal										

Section 4. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.02.010 - REVIEW AND DECISION-MAKING BODIES and in its place a new Section 32.02.010 is enacted as follows:

“32.02.010 - REVIEW AND DECISION-MAKING BODIES

This section describes the powers and duties of the Staff, the Development Services Department Staff, the Board of Adjustment, the City Planning Commission, and the City Council in the administration of this Ordinance. Throughout this Section 32.02, the body that has authority to make a final decision on a particular type of application is sometimes referred to as the "Decision-Making Body", and any body that has authority to review and/or make a recommendation (but not to make a final decision) on a particular type of application is sometimes referred to as the "Reviewing Body.”

A. CITY COUNCIL

1. Powers and Duties

The City Council shall have the following powers and duties under this Ordinance:

- a. To approve amendments to the zoning regulations or map, including any related Preliminary Plan, PUD Master Plan or PUD Preliminary Plan, (or, if the applicant chooses to submit one, any related Site Development Plan) in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C.
- b. To approve Major Amendments to approved Preliminary Plans or PUD Preliminary Plans, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C.
- c. To review Site Development Plans prior to City Planning Commission, Board of Adjustment or City staff action that are approved for, or are being considered for City Participation.

d. By a majority vote, the City Council may elect to review and provide comment on any Site Development Plan.

2. Membership and Procedures

The membership and procedures for the City Council are established in Chapter 4 of the Cedar Rapids Municipal Code.

B. CITY PLANNING COMMISSION

1. Powers and Duties

The City Planning Commission shall have the following powers and duties under this Ordinance:

a. To review and make a recommendation to the City Council on applications for amendments to the zoning regulations or map, including any related Preliminary Plan or Preliminary Site Development Plan (if the applicant chooses to submit one) or PUD Master Plan or PUD Preliminary Plan, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C.

b. To approve Preliminary Site Development Plans or Major Amendments to approved Preliminary Site Development Plans, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C.

c. To review and make a recommendation to the City Council on applications for PUD Master Plans or PUD Preliminary Plans, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C.

d. To review and make a recommendation to the Board of Adjustment on applications for Conditional Uses, and major Amendments to approved Conditional Uses, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.D.

e. To review and make a recommendation to the Board of Adjustment on applications for Conditional Expansions, and Major Amendments to approved Conditional Expansions, of legal non-conforming uses, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.D.

f. To complete additional studies and/or to review or make recommendations on other matters related to the planning or development of the city or as requested by City Council.

g. To review and make recommendations on the Cedar Rapids Comprehensive Plan or any amendments to that Plan.

2. Membership and Procedures

The membership and procedures for the Planning Commission are established in Sec. 6.03 of the Cedar Rapids Municipal Code.

C. BOARD OF ADJUSTMENT

1. Creation

a. *Membership*

There is hereby created a Board of Adjustment consisting of five (5) members.

b. *Appointment and Terms*

Members of the Board shall be appointed by the Mayor and confirmed by the City Council to serve respectively for the following terms:

- i. One for one year;
- ii. One for two years;
- iii. One for three years;
- iv. One for four years; and
- v. One for five years.

Vacancies shall be filled by the Mayor, subject to confirmation by City Council, for any unexpired term. Members may be removed by the Mayor, with consent of City Council, for cause after written charges have been filed and after a public hearing has been held.

c. *Chairperson*

One of the members of said Board shall be designated by the Mayor, with the consent of the City Council, as chairperson of said Board and shall hold office as chairperson until a successor chairperson is appointed.

2. Powers and Duties

The Board of Adjustment shall have the following powers and duties under this Ordinance:

- a. To approve Conditional Uses, and Major Amendments to approved Conditional Uses, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.D.
- b. To approve Conditional Expansions, and Major Amendments to approved Conditional Expansions, of legal non-conforming uses, in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.E.
- c. To approve Variances from the regulations of this Ordinance in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.F.
- d. To hear and decide appeals of any final administrative decision made by the Zoning Administrator or by the Director of Development Services under this Ordinance, pursuant to the procedures, standards, and criteria in Sec. 32.02.020.P.

3. Meetings

Meetings of the Board of Adjustment shall be held at the call of the chairperson, and at such other times as the Board may determine. Meetings shall be held if so requested by any three members of the Board. All meetings and hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The chairperson or, in his absence, the acting chairperson may administer oaths and compel attendance of witnesses. In addition, the Board shall comply with the following requirements.

a. *Rules and Procedures*

The Board shall adopt its own rules and procedures not in conflict with this Ordinance or with the Code of Iowa.

b. Records

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings, examinations, and other official actions. Every decision of the Board shall be by written record that shall include findings and set forth the specific relief or use granted or relief denied, and shall expressly set forth any limitations or conditions imposed on any relief granted, or work or use authorized. A copy of every rule or regulation, order, requirement, decision, or determination of the Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record.

4. Finality of Decisions and Necessary Vote

All decisions and findings of the Board on any appeal or upon any application for a variance, Conditional Use, or Conditional Expansion, shall, in all instances, be the final administrative decision and shall be subject to judicial review as may be provided by law. The concurring vote of three (3) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter before it under this Ordinance, or to effect any variance of the standards and requirements of this Ordinance.

D. DEVELOPMENT SERVICES DEPARTMENT

1. Powers and Duties

The Development Services Department shall have the following powers and duties under this Ordinance:

a. To interpret whether a proposed land use is included within a use listed in Table 32.04-1 as defined in Section 32.09 Definitions, pursuant to the following criteria:

i. No use interpretation shall permit any use in a particular district unless such use is substantially similar to, and compatible with, other uses permitted in such district.

ii. No use interpretation shall permit any use in a district as a permitted use if such use is already listed in the district as a Conditional Use.

iii. No use interpretation shall permit any use in any district unless it can comply with all regulations established for that particular district and any use specific standards for such use in Sec. 32.04.030

iv. If the proposed use is more similar to uses listed as Conditional Uses than it is to the listed permitted uses in the district for which it is proposed, then any interpretation permitting such use shall identify it as a Conditional Use and specify that before such use may be established the requirements of Sec. 32.02.030.D must be met.

b. To review and make recommendations on any application for:

i. An Amendment to the Zoning Regulations or Map, pursuant to the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C;

ii. A Conditional Use, or Major Amendment to an approved Conditional Use, pursuant to the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.D;

iii. A Conditional Expansion, or a Major Amendment to an approved Conditional Expansion, of a legal non-conforming use, pursuant to the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.E; or

iv. A Variance, pursuant to the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.F.

c. To review applications for a Site Development Plan, and to make a decision to approve, approve with conditions, or deny the Site Development Plan, pursuant to procedure, standards, and criteria set forth in Secs. 32.02.020 and 32.02.030.G.

d. To review applications for Administrative Adjustments, and to make a decision to approve, approve with conditions, or deny such application, pursuant to procedures, standards, and criteria set forth in Secs. 32.02.020 and 32.02.020.L.

E. DEPARTMENT OF COMMUNITY DEVELOPMENT

1. Powers and Duties

The Department of Community Development shall have the following powers and duties under this Ordinance:

a. To review the following types of applications jointly with the Development Services Department:

i. Amendments to the Zoning Map, including any related Preliminary Plan PUD Master Plan or PUD Preliminary Plan (or, if the applicant chooses to submit one, any related Site Development Plan), in accordance with the procedures, standards, and criteria in Secs. 32.02.020 and 32.02.030.C.

ii. Conditional Uses, Major Amendments to Conditional Uses, Conditional Expansions, and Major Amendments to Conditional Expansions, in accordance with the procedures, standards, and criteria in Secs. 32.02.020, 32.02.030.D, and 32.02.030.E, as applicable.

b. To review applications for Site Development Plans and/or Administrative Adjustments jointly with the Development Services Department, if requested by the Development Services Department, pursuant to procedures, standards, and criteria in Secs. 32.02.030.G and 32.02.020.L, as applicable.”

Section 5. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.020.A – Neighborhood Meetings and in its place a new Section 32.02.020.A is enacted as follows:

“32.02.020.A

A. NEIGHBORHOOD MEETINGS

1. Purpose

The purpose of a neighborhood meeting shall be to inform neighboring property owners of the details of a proposed development, how the developer intends to meet

the standards contained in this Ordinance, and to receive public comment on the proposal at an early time in the review process.

2. Applicability

Where an applicant has filed or intends to file an application, and Table 32.02-1 indicates that a neighborhood meeting may be requested, Development Services may request that the applicant conduct a neighborhood meeting before further processing of the application. Development Services may request a neighborhood meeting where it appears that the potential uses, size, scale, traffic impacts, or operating impacts of the proposed activity or development may materially affect the surrounding area. If the applicant is requested to conduct a neighborhood meeting and does not do so, that fact may be noted in the staff report on the application. An applicant may voluntarily conduct a neighborhood meeting prior to submission of any application.

3. Notice

Where Development Services has requested that the applicant conduct a public meeting, Development Services may also require that the applicant post the property with a sign meeting the requirements of Sec. 32.02.020.F and/or that the applicant mail notices meeting the requirements of Sec. 32.02.020.F to the adjacent property owners.”

Section 6. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.02.020.C – Submittal Requirements and in its place a new Section 32.02.020.C is enacted as follows:

“32.02.020.C

C. Submittal Requirements

All applications for all permits and approvals, or modifications of permits or approvals, pursuant to this Section 32.02, shall be submitted in accordance with the application submittal schedule, required forms, and required numbers of copies of each document, established from time to time by the Development Services Department.”

Section 7. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.02.020.E - DETERMINATION OF COMPLETENESS and in its place a new Section 32.02.020.E is enacted as follows:

“32.02.020.E

E. DETERMINATION OF COMPLETENESS

1. Completeness Review

Within five (5) business days of receipt of an application for any type of approval identified in this Section 32.02, the Development Services Department shall determine if the application includes all material required by the applicable application submittal schedule (including required supporting material), and includes information in sufficient detail to evaluate the application and to determine whether it complies with the requirements of this Ordinance.

2. Application Incomplete

If the application is determined to be incomplete, the applicant shall be notified of the

deficiencies, in writing, within five (5) business days from the date of receipt of the application, and shall indicate that development review timetables do not begin to run until a complete application has been received. No further action shall be taken on the application until the deficiencies are remedied. The applicant may correct the deficiencies and resubmit the application for completeness review. If requested by the applicant, Development Services Department staff will meet with the applicant to clarify what additional materials, or what level of detail, will be required to obtain a determination of completeness. If additional information is submitted by the applicant, but is still incomplete or provided in insufficient detail, the applicant will again be notified within ten (10) business days. If the applicant fails to respond to a notice of identified deficiencies within thirty (30) calendar days after notification of the deficiencies is mailed or delivered, the application shall be considered withdrawn.

3. Application Complete

When the application is determined complete, the applicant shall be notified and the application shall be reviewed pursuant to the procedures and standards of this Ordinance.”

Section 8. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.02.020.F.1 – CONTENT and in its place a new Section 32.02.020.F.1 is enacted as follows:

“32.02.020.F.1

1. Content

All notices required by this Sec. 32.02.020.F shall comply with the requirements of Iowa Code Secs. 362.3 and 414, as applicable, and shall:

- a. Indicate the name and address of the applicant or the applicant's agent where additional information about the proposed development may be obtained;
- b. Sufficiently describe the property involved; for example, by legal description, general vicinity, street address, size, and/or nearest cross street, and the zoning district in which the property is located;
- c. Describe the nature, scope, and purpose of the application or proposal being advertised and the type of approval or decision being sought;
- d. Indicate the date, time and place of any required neighborhood meeting or any meeting or public hearing of any recommending or Decision-Making Body regarding the application;
- e. Indicate that interested parties may appear at the meeting or public hearing and speak on the matter or may file written comments with the Development Services Department; and
- f. Provide contact information for the Development Services Department.
- g. Contain any additional information required by the applicable Decision-Making Body for the type of application being proposed.”

Section 9. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.02.020.H.2.a – APPLICATION and in its place a new Section 32.02.020.H.2.a is enacted as follows:

“32.02.020.H.2.a

a. Application

The owner shall submit an application clearly labeled as an "Application for a Successive Application."

- i. In the case of a successive application where the Decision-Making Body is the City Council, the application shall be submitted to the City Clerk, and shall be addressed to the City Council.
- ii. In the case of a successive application where the Decision-Making Body is the Board of Adjustment, the application shall be submitted to the Zoning Administrator, and shall be addressed to the Board of Adjustment.
- iii. In the case of a decision where the Decision-Making Body is the Development Services Department, the application shall be submitted to and addressed to the Executive Director of Development Services.”

Section 10. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting Section 32.02.020.L – ADMINISTRATIVE ADJUSTMENTS and in its place a new Section 32.02.020.L is enacted as follows:

“32.02.020.L

L. ADMINISTRATIVE ADJUSTMENTS

1. Purpose

This section sets out the procedures and standards for approval of Administrative Adjustments. The purpose of an Administrative Adjustment is to avoid the need for applicants to go through a formal Variance process when an applicant requires only a minor adjustment to a dimensional requirement and the adjustment requested will be consistent with the prevailing character of the surrounding character. Pursuant to Sec. 32.02.020.N, applications for modification of previously approved permits or approvals that are determined to involve only modifications that could be approved as Administrative Adjustments shall be reviewed and approved pursuant to this section.

2. Authority

The Development Services Department is authorized to approve Administrative Adjustments of the following types pursuant to the procedures and standards set forth in this section.

- a. Modifications of ten (10) percent or less of any numeric dimensional standard set out in Sec. 32.05.010, except those related to residential density or nonresidential intensity.
- b. Modifications of the minimum off-street parking or loading requirements in Sec. 32.05.020 by no more than five percent (5%).
- c. Modifications of any previously approved Preliminary Plan or Site Development Plan to adjust the size of any building or structure by not more than ten (10) percent or to change the location of any building or structure by more than ten (10) feet in any direction, provided that such modification will not increase residential density or non-residential intensity beyond that in the previously approved Plan. For modification to a PUD Master Plan or PUD Preliminary Plan to see Subsection 32.03.010.C.4.

“Planned Unit Development One District and Planned Unit Development Two District”

3. Review and Approval

An application for an Administrative Adjustment shall be reviewed by the Development Services Department, and a decision on the application shall be made, pursuant to the criteria in the following Subsection 4. The Department may approve, approve with conditions, or deny the application. If necessary to determine whether the application meets the criteria in said Subsection 4, the Development Services Department shall convene a meeting of the Project Review Group to review the application.

4. Criteria for Action on Administrative Adjustment

a. The requested Administrative Adjustment is consistent with the character of development in the surrounding area, will not result in land uses or structures significantly larger, more intense, or more congested than the majority of development in the surrounding area;

b. Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent feasible as determined by staff; and

c. The Administrative Adjustment is of a technical nature and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general.”

Section 11. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.020.N – MODIFICATION OF APPROVALS and in its place a new Section 32.02.020.N is enacted as follows:

“32.02.020.N

N. MODIFICATIONS OF APPROVALS

1. Application

If, at any time, the owner of land subject to an approval under this Section 32.02 desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision. The owner shall submit an application clearly labeled as an "Application for a Modification."

a. In the case of a modified application where the Decision-Making Body is the City Council, the application shall be submitted to the City Clerk, and shall be addressed to the City Council.

b. In the case of a modified application where the Decision-Making Body is the City Planning Commission, the application shall be submitted to the City Clerk, and shall be addressed to the City Planning Commission.

c. In the case of a modified application where the Decision-Making Body is the Board of Adjustment, the application shall be submitted to the Zoning Administrator, and shall be addressed to the Board of Adjustment.

d. In the case of a decision where the Decision-Making Body is the Development Services Department, the application shall be submitted to and addressed to the Development Services Department.

2. Review and Determination of Major/Administrative Adjustment Status

The application shall be referred to the Development Services Department for review and report. After review of such report, a determination shall be made by the Development Services Department as to whether the proposed modifications constitute a major or minor revision to the existing approval. In the case of an application for approval of a Site Development Plan or PUD Master Development Plan or PUD Preliminary Development Plan, the Development Services Department report shall review whether the proposed modifications are consistent with the approved Preliminary Development Plan for the property, and the Development Services Department will make a determination regarding such consistency.

a. Minor Modifications are those that qualify as Administrative Adjustments pursuant to Sec. 32.02.020.L.

b. Major Modifications are those that do not qualify as Administrative Adjustments pursuant to Sec. 32.02.020.L.

3. Action by Decision-Making Body

a. Applications for Minor Modifications shall be treated as applications for Administrative Adjustments pursuant to Sec. 32.02.020.L. However, Development Services may require that an application for Minor Modification shall be treated as an application for a Major Modification if the Executive Director determines that:

i. The application raises a significant public controversy on which numerous parties other than the owner of the property may want to offer testimony; or

ii. The applicant has exerted significant and undue pressure on the Development Department to interpret this Ordinance in a novel or ambiguous manner in order to obtain an approval, or has attempted to influence the decision of the Development Department in an improper manner.

b. Applications for Major Modifications shall be treated as new applications for an approval of the same type being modified, unless the following Subsection c applies.

c. If the Development Services Department determines that an application for modification of a Site Development Plan, PUD Master Plan or PUD Preliminary Plan is not consistent with the approved Preliminary Plan, PUD Master Plan or PUD Preliminary Plan for the property (as applicable), then the Development Services Department shall inform the applicant that a new Preliminary Plan, PUD Master Plan or PUD Preliminary Plan (as applicable) will be required to be submitted and approved before the revisions to the Preliminary Plan, PUD Master Plan or the PUD Preliminary Plan may be approved.

4. Effect of Modification

If approved, the modification shall then supersede the previous approval, and subsequent development on the property shall be in accord with such approved revised plan.”

Section 12. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.B – AMENDMENTS TO FUTURE LAND USE PLAN AND COMPREHENSIVE PLAN and in its place a new Section 32.02.030.B is enacted as follows:

“32.02.030.B

B. AMENDMENTS TO FUTURE LAND USE PLAN AND COMPREHENSIVE PLAN

The Comprehensive Plan may be amended, or the Future Land Use Map may be amended independently of other changes to the Comprehensive Plan, through the same procedure used to rezone property pursuant to Sec. 32.02.030.C, except that approval of the amendment may be by resolution rather than ordinance. An amendment to the Future Land Use Map and a rezoning of property may not be processed simultaneously unless Development Services determines that the proposed amendment to the Future Land Use Map is minor, will not create substantial controversy in the surrounding neighborhood, and is consistent with the overall goals and objectives of the Comprehensive Plan. If Development Services makes that determination, but (a) written objection to the simultaneous processing is received from a property owner whose property is located either within or immediately adjacent to the area proposed for re-designation on the Future Land Use Map, and (b) such written notice is received before the public hearing on either the Future Land Use Map amendment or the rezoning application, then Development Services shall suspend the processing of the rezoning application until the City Council has made a final decision regarding the proposed Future Land Use Plan amendment. If the City Council approves or approves with modifications the proposed Future Land Use Map amendment, then the processing of the related rezoning shall continue from the point at which it was suspended. If the City Council denies the proposed Future Land Use Plan amendment, then the application for rezoning shall be considered withdrawn.”

Section 13. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.C.4.b – STAFF REPORT and in its place a new Section 32.02.030.C.4.b is enacted as follows:

“32.02.030.C.4.b

b. Staff Report

Each application shall be referred to the Development Services Department for preparation of a staff report, which shall accompany the application through review by the City Planning Commission and action by the City Council.”

Section 14. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.C.5.c – STAFF REPORT and in its place a new Section 32.02.030.C.5.c is enacted as follows:

“32.02.030.C.5.c

c. Staff Report

Each application shall be referred to the Development Services Department for preparation of a staff report on the proposed application. The Development Services Department shall convene a meeting of the Project Review Group to review the application and/or a draft staff report on the application. The staff report shall accompany the application through the review and approval process.”

Section 15. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.D.7 – STAFF REPORT and in its place a new Section 32.02.030.D.7 is enacted as follows:

“32.02.030.D.7

7. Staff Report

Each application shall be referred to the Development Services Department for preparation of a staff report on the proposed application. The Development Services Department shall convene a meeting of the Project Review Group to review the application and/or a draft staff report on the application. The staff report shall accompany the application through the review and approval process.”

Section 16. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.F.4 – STAFF REPORT and in its place a new Section 32.02.030.F.4 is enacted as follows:

“32.02.030.F.4

4. Staff Report

Each application shall be referred to the Development Services Department for preparation of a staff report on the proposed application. The staff report shall accompany the application through the review and approval process.”

Section 17. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.G – PRELIMINARY SITE DEVELOPMENT PLANS AND ADMINISTRATIVE SITE DEVELOPMENT PLANS and in its place a new Section 32.02.030.G is enacted as follows:

“32.02.030.G

G. PRELIMINARY SITE DEVELOPMENT PLANS AND ADMINISTRATIVE SITE DEVELOPMENT PLANS

1. Purpose

The purpose of this section is to set forth the procedures and criteria for review and approval of Site Development Plans. Site Development Plans are technical documents that illustrate the proposed use(s) and layout of an area and meet the requirements of the Cedar Rapids Zoning Ordinance. The purpose of Site Development Plans is to confirm that all covered development is consistent with the requirements of this Ordinance and with all previously approved Preliminary Plans or PUD Preliminary Plans applicable to the property. The determination of the adequacy of a Site Development Plan is an administrative matter delegated to the City Planning Commission or the Development Services Department pursuant to the procedures and criteria of this section. The Development Services Department will make the determine whether the Site Development Plan shall be processed as a Preliminary or Administrative Site Development Plan based on guideline established by City Council resolution.

a. A Preliminary Site Development Plan reviewed as part of a re-zoning application is approved by City Council. All other Preliminary Site Development Plans shall be

approved by the City Planning Commission or the Board of Adjustment. For all Site Plans where the City is providing financial participation the City Council shall review said Site Plan prior to action by the decision making body. A Preliminary Site Development Plan is required if the proposed development is adjacent to residentially zoned property or property which is indicated for residential uses on the Future Land Use Map in the City's Comprehensive Plan. Also if a Preliminary Site Development Plan for property adjacent to residentially zoned property, or property that is indicated for residential uses has been approved and significant changes are proposed, a new application for Preliminary Site Development Plan approval is required. The Preliminary Site Development Plan can be submitted as an engineer certified plan of improvements, certified by a registered civil engineering licensed in the State of Iowa. Prior to submittal for Preliminary Site Development Plan approval the applicant must apply for Pre-Application Plan review.

b. An Administrative Site Development Plan is reviewed by The Project Review Group and approved by the Development Services Department. The Administrative Site Development Plan is considered an engineer certified plan of improvements, certified by a registered civil engineering licensed in the State of Iowa. Prior to submittal for Administrative Site Development Plan approval the applicant must apply for Pre-Application Plan review.

2. Applicability

A Site Development Plan may be required to be submitted as part of another application for a permit or approval, or may be required even if no other permit or approval is required.

a. A Site Development Plan shall be submitted in connection with any application for Conditional Use, Conditional Expansion, or Variance.

b. A Site Development Plan may, at the applicant's option, be submitted at the time of an application for an amendment to the zoning map, in lieu of the Preliminary Plan that would otherwise be required.

c. Where an amendment to the zoning map for the RMF-1, RMF-2, or Commercial and Industrial Districts has been approved without the approval of a Site Development Plan, then a Site Development Plan shall be required to be submitted prior to the issuance of any Building Permit.

d. Where no other types of permits or approvals are required pursuant to this Section 32.02, but (i) the proposed development involves a use listed in Table 32.04-1 as a Civic or Institutional, Commercial, Industrial, Wholesale, or Storage Use, or (ii) the proposed development is a residential development subject to the requirements of Secs. 32.05.030.D.1 or 32.05.030.D.2, a Site Development Plan shall be required to be submitted. Such Site Development Plan may be submitted in conjunction with a proposed subdivision of the project.

e. A Site Development Plan shall not be required to be submitted for construction of a single-family residential structure on a single lot or the construction of a two-family structure on two adjacent lots where the regulations of 32.05.030.D do not apply. However, in the case of sheds, fences, or other minor accessory structures or additions to an existing house (i.e. porches, decks, additional rooms) on the same property, the Site Development Plan shall only be required to show the location of the proposed structure or addition in relation to property boundaries, required setbacks, and terrain changes as more fully detailed in the Cedar Rapids Zoning Ordinance.

f. The Development Services Department may waive any Site Development Plan requirements stated in the Cedar Rapids Zoning Ordinance if it determines that the request is not applicable to the type of activity or development being proposed.

3. Authority

The City Planning Commission is authorized to approve Preliminary Site Development Plans unless the Preliminary Site Development Plan is part of a zoning amendment request or if the City is providing financial participation in the proposed development. In the case of City participation a Preliminary Site Development Plan shall be reviewed by City Council prior to action by City Planning Commission and application for Administrative Site Plan approval. An application for a Site Development Plan may be combined with an application for an Administrative Adjustment as described in Sec. 32.02.020.L, and the City Planning Commission and the Community Development Department are authorized to review both applications together, provided that each application is reviewed against the standards applicable for that type of application.

4. Contents

The Site Development Plan shall conform to the requirements set forth in the Cedar Rapids Zoning Ordinance and the City of Cedar Rapids Submittal Checklist.

5. Pre-Application Meeting

A pre-application meeting with the Project Review Group shall be required pursuant to Sec. 32.02.020.B, and a neighborhood meeting may be required pursuant to Sec. 32.02.020.A.

6. Review and Approval

a. Where a Site Development Plan is required to be submitted in connection with an application for a Conditional Use, Conditional Expansion, or Variance, the procedure for review and approval shall be the same as for the review and approval of the Conditional Use, Conditional Expansion, or Variance.

b. Where a Site Development Plan is required to be submitted even though no other permit or approval under this Section 32.02 is required at that time, the application shall be reviewed by the Development Services Department, and a decision on the application shall be made, pursuant to the criteria in the following Subsection 7. The Department may approve, approve with conditions, or deny the application. If necessary to determine whether the application meets the standards in said Subsection 7, the Development Services Department shall convene a meeting of the Project Review Group to review the application.

7. Criteria for Action on Site Development Plan

The City Council, the City Planning Commission, or the Development Services Department shall approve a proposed Site Development Plan if it finds that:

a. The Site Development Plan is consistent with the previously approved Preliminary Plan for the property (if applicable); and

b. The Site Development Plan conforms with all applicable requirements of this Ordinance, or with all applicable requirements as modified by a request for an Administrative Adjustment meeting the requirements of Sec. 32.02.020.L.

8. Appeal to City Council

The applicant or any interested person may appeal, in writing, setting forth the reasons for such appeal to the City Council. Such appeal shall be filed with the City Clerk within ten (10) days after action by the City Planning Commission or the Development Services Department as provided under Subsection 7, above. The appeal shall be placed on the next available regular City Council meeting after the appeal is filed. The City Council shall review the Site Development Plan, the City Planning Commission or the Development Services Department action, and the basis of appeal. After consideration, the City Council may, by Resolution, approve, approve with revisions, or disapprove said appeal.”

Section 18. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.H – HOME OCCUPATION LICENSING AND FEES and in its place a new Section 32.02.030.H is enacted as follows:

“32.02.030.H

H. HOME OCCUPATION LICENSING AND FEES

No home occupation shall be established unless and until a permit has been issued for a use that meets the requirements of Sec. 32.04.030.C.8. Application shall be made to the Development Department, pursuant to Table 32.02-1, and the permit shall be approved or approved with conditions only if it complies with the requirements of Sec. 32.04.030.C.8. A non-refundable application fee, as established from time to time by a Resolution of City Council, shall be paid to the Development Services Department with each permit requested.”

Section 19. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.02.030.I – CERTIFICATE OF OCCUPANCY and in its place a new Section 32.02.030.I is enacted as follows:

“32.02.030.I

I. CERTIFICATE OF OCCUPANCY

No structure or building shall be occupied, and the primary use of a structure or building shall not be changed, unless and until a Certificate of Occupancy has been issued. Application shall be made to the Development Services Department, and the procedure for approval shall be that set forth in Table 32.02-1. A Certificate of Occupancy shall only be approved if the structure or building conforms to all applicable requirements of this Zoning Ordinance, all applicable subdivision approval requirements, all applicable building codes, and any other applicable laws and regulations of the City of Cedar Rapids. A non-refundable application fee, as established from time to time by a Resolution of City Council, shall be paid to the Development Services Department with each permit requested.”

Section 20. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.04.010.F – CLASSIFICATION OF NEW AND UNLISTED USES and in its place a new Section 32.04.010.F is enacted as follows:

“32.04.010.F

F. CLASSIFICATION OF NEW AND UNLISTED USES

New types of land use will develop and forms of land use not anticipated may seek to locate in the city in the future. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made. When application is made for a use category or use type that is not specifically listed in Table 32.04-1, Development Services shall make a determination as to whether the proposed use falls within an existing use type. Development Service's decision may be appealed pursuant to the procedures in Sec. 32.02.020.P. An applicant may request an interpretation in writing from Development Services."

Section 21. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.04.030.A.8.b.iv – SHARED USE and in its place a new Section 32.04.030.A.8.b.iv is enacted as follows:

"32.04.030.A.8.b.iv

iv. *Shared Use*

(A) At all times, shared use of existing towers, including legal conforming and legal nonconforming, shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennas on pre-existing structures shall be considered. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower, structure, or alternative technology can accommodate the applicant's needs. Evidence submitted shall address the following:

(1) That no existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.

(2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

(3) That existing towers or structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.

(4) That the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing tower or structure, or antenna on the existing tower or structure would interfere with the applicant's proposed antenna.

(5) That the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

(6) That other limiting factors that render existing towers or structures unsuitable are demonstrated.

(7) That alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.

(B) An applicant intending to share use of an existing tower or structure, including legal conforming and legal nonconforming, shall be required to document intent from an existing tower or structure owner to share use. The applicant shall pay reasonable fees and costs of adapting an existing tower or structure to a new shared use.

(C) An applicant intending to share use of an existing tower, including legal conforming and legal nonconforming, or locate an antenna and supporting electrical and mechanical equipment on a pre-existing building or structure shall be required to submit to the Development Services Department the following information for review and approval prior to the issuance of a Building Permit:

(1) Documentation of the intent from the owner of the existing facility to allow shared use.

(2) A site plan which shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking, and landscaping. Any methods used to conceal the modification of the existing facility, as required in Section 32.04.030.A.8.b.i., shall be indicated on the site plan.

(3) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tower, building, or structure and explaining what modifications, if any, will be required in order to certify to the above.

(4) A copy of its Federal Communications Commission (FCC) license.”

Section 22. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.04.030.A.9 – Community Center, Other and Neighborhood Community Center and in its place a new Section 32.04.030.A.9 is enacted as follows:

“32.04.030.A.9

9. Community Center, Other and Neighborhood Community Center

a. In the Residential zone districts, conditions and limitations on uses, hours, of operation, off-street parking, and related issues may be imposed through the conditional use process to protect neighborhood character and prevent adverse neighborhood impacts.

b. Neighborhood Community Centers are permitted in residential districts and shall be subject to review of the proposed operation and development standards by the Development Services Department. Activities shall not include commercial uses or uses that create land use conflicts within a residential neighborhood.”

Section 23. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.05.010.A.1.g – Setbacks and in its place a new Section 32.05.010.A.1.g is enacted as follows:

“32.05.010.A.1.g

g. *Setbacks*

i. Setbacks are measured between the lot line and the closest projection of a building or structure along a line at right angles to the lot line, and must remain unobstructed from the ground to the sky except as otherwise specifically allowed in this Ordinance.

- ii. If the Cedar Rapids Major Street Rights-of-Way Resolution No. 2276-12-93 (adopted on December 22, 1993) shows or lists a proposed street right-of-way line that differs from the current right-of-way line, street frontage setback shall be measured from the proposed street right-of-way line if determined by the City of Cedar Rapids said Right-of-Way is required.

Section 24. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting line 32.05-4. Multiple Family Dwelling.C) – Students and in its place a new line 32.05-4. Multiple Family Dwelling. C) is enacted as follows:

“Line 32.05-4 MINIMUM OFF-STREET PARKING REQUIREMENTS – Multiple Family dwelling.C)

C) Students: 1 per bedroom if Development Services determines that due to location and design of facility it is likely to be occupied by students.”

Section 25. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.05.020.B.5.d – Private Shared Parking and in its place a new Section 32.05.020.B.5.d is enacted as follows:

“32.05.020.B.5.d

d. *Private Shared Parking*

- i. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than seventy-five percent (75%) of the sum of the separate requirements governing location of accessory parking spaces in relation to the use served and adhered to.

- ii. Off-street parking facilities for a mixed use project may be provided through a shared parking agreement when uses are located near one another and have different peak parking demands and operating hours, or other characteristics that would enable them to share parking areas. The total amount of parking provided in such plan may be less than that required for each use considered individually, provided that the applicant provides a parking study documenting the adequacy of the proposed parking, and the Development Services Department approves that study. Development Services Department shall approve a shared parking study if determined that it is an accurate reflection of anticipated parking demand and an adequate response to that demand that will not result in significantly higher on-street parking in surrounding areas or unauthorized use of other parking facilities.”

Section 26. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.05.020.B.5.e – Private Shared Parking and in its place a new Section 32.05.020.B.5.e is enacted as follows:

“32.05.020.B.5.e

e. *Public Shared Parking District*

- i. Where the City has constructed, or proposes to construct, public off-street parking facilities, and where in the judgment of the City Council special circumstances or conditions warrant such action, the City Council may, by

resolution, establish a shared parking district within the boundaries of an area set forth by the resolution. The special conditions warranting such action may relate to preservation of sites or structures of unique historical or architectural value to the community, a hardship created by public action, or other unusual circumstances.

ii. When such a shared parking district has been established, all or a part of the private off-street parking spaces required within the parking district may be provided by a public off-street parking facility located within said district.

iii. Prior to property owners within the established parking district being enabled to so reduce the number of private off-street parking spaces, such owners or the Development Services Department shall submit, and the City Council must approve, a Parking and Site Development Plan for the affected properties within the parking district. Such Plan shall show proposed development of the area and how the total number of required off-street parking spaces will be provided by the use of public and private facilities.

iv. The City Council may, as it deems necessary and appropriate, require formal agreement with the property owners concerning land dedications and easements, participation in construction and maintenance costs of the public parking facilities, and other related matters. Subsequent to formal execution of agreements property owners may reduce the number of private off-street spaces required in accord with City Council action. The total number of off-street parking spaces provided by the combined public and private facilities within the shared parking district shall not be less than the number required by this Ordinance unless the City Council specifically approves such a reduction.”

Section 27. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.05.030.A.2.b.ii – Expansion of Existing Buildings and in its place a new Section 32.05.030.A.2.b.ii is enacted as follows:

“32.05.030.A.2.b.ii

ii. *Expansion of existing buildings*

- q. All requirements of Sec. 32.05.030.A shall apply to the whole site, when an expansion increases the size of an existing building(s) by more than 50% of its current foot print.
- r. All requirements of Sec. 32.05.030.A shall apply to the whole site, when an expansion increases the total assessed value by 50% or more.
- s. Street trees and bufferyards shall apply when an expansion increases the size of an existing building(s) by less than 50% of its current foot print.
- t. Landscaping is identified as an essential design element and applicants required to comply with all requirements of Sec. 32.05.030.A when expanding. Especially, when developing in highly visible areas or next to residential uses.
- u. The Development Services Department may modify the requirements based on site conditions and existing improvements.”

Section 28. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.05.030.A.3.g – Credit for Existing Living Materials and in its place a new Section 32.05.030.A.3.g is enacted as follows:

“32.05.030.A.3.g

g. Credit for Existing Living Materials

Existing mature trees and vegetation are encouraged to be incorporated into overall site design and shall be considered in meeting the requirements of this section. In general, each tree, shrub, or area of groundcover preserved and incorporated into required landscaping shall reduce the amount of required new landscaping by an equal amount. The extent that such existing vegetation meets the requirements of these standards shall be reviewed and approved by the City Arborist and Development Services Department.”

Section 29. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.05.030.C.1 – Intent and in its place a new Section 32.05.030.C.1 is enacted as follows:

“32.05.030.C.1

1. Intent

Multiple public input events have identified the importance of high quality design in Cedar Rapids. Commercial development presents unique compatibility issues related to the size and mass of such buildings. It is the intent of this Section to provide design elements that should be included in such project design to mitigate these issues and lessen such impacts. It is not the intent of this section to establish design review or prescribe specific architectural treatments. The Development Services Department shall review Site Plans for consistency with the intent of this Section and the use of design elements.”

Section 30. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.07.010.G.1 – Structure Or Building Damaged Or Destroyed and in its place a new Section 32.07.010.G.1 is enacted as follows:

“32.07.010.G.1

1. Structure Or Building Damaged Or Destroyed

A nonconforming building or structure with the exception of a single-family dwelling, attached or detached, on a nonconforming lot (see Sec. 32.07.050.F.), that is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed sixty-five (65) percent of the fair market value of the building before damage, based upon insurance value, shall not be restored except in conformity with all of the regulations of the district in which it is located. If a nonconforming building or structure is damaged less than sixty-five (65) percent, it may be repaired, restored, or reconstructed and used as before the time of damage, provided that such repair, restoration or reconstruction is started within twelve (12) months of such damage and diligently prosecuted to completion. Development Services may extend the twelve (12) month period for one additional period of up to twelve (12) months if concluding that delay in repair, restoration or construction were caused in part by factors beyond the control of the owner.”

Section 31. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.08.090.B.1 – Voluntary Compliance Request Letter and in its place a new Section 32.08.090.B.1 is enacted as follows:

“32.08.090.B.1

1. Voluntary Compliance Request Letter

The City may issue a voluntary compliance request letter to the property owner of record citing the violation of this Ordinance, stating that the City urges voluntary compliance with the Ordinance, requesting that the violation be removed within the time set forth in the following Table 32.08-1. If the recipient responds to the letter with a request for additional time to remedy the violation, Development Services Department may grant additional time as reasonably required to complete the remedy but such additional time shall not exceed six (6) months.”

Section 32. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.08.090.B.2 – Warning Letter and in its place a new Section 32.08.090.B.2 is enacted as follows:

“32.08.090.B.2

2. Warning Letter

The City may issue a warning letter to the property owner of record citing the violation of this Ordinance, stating that the violation must be removed within the time set forth in Table 32.08-1 in the preceding subsection 1., or the City will consider further enforcement action, and stating what other forms of enforcement are available to the City. If the recipient responds to the letter with a request for additional time to remedy the violation, the Development Services Department may grant additional time as reasonably required to complete the remedy but such additional time shall not exceed six (6) months.”

Section 33. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.08.090.B.6 – Revoke Approvals or Permits and in its place a new Section 32.08.090.B.6 is enacted as follows:

“32.08.090.B.6

6. Revoke Approvals or Permits

a. The City may revoke any development approval, permit, or other authorization a) after providing the applicant an opportunity to remedy the violation within the time set forth in Table 32-08-1 in preceding subsection 1., and b) after notice and a public hearing by the Decision-Making Body that originally granted the final approval, permit, or other authorization, when it is determined that either:

- i. There is a material departure from the approved plans, specifications, or conditions of approval;
- ii. There is a violation of any provision of this Ordinance;
- iii. The development approval or permit was obtained by false representation;
or
- iv. The development approval or permit was issued in error.

b. If the recipient responds to the letter with a request for additional time to remedy the violation, the Development Services Department may grant additional time as reasonably required to complete the remedy but such additional time shall not exceed six (6) months.

c. Written notice of revocation shall be served upon the property owner of record, the owner's agent, the applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after service of the revocation notice."

Section 34. That Chapter 32, the Zoning Ordinance, is hereby amended by deleting 32.09.030.A – Introduction and in its place a new Section 32.09.030.A is enacted as follows:

"32.09.030.A

A. INTRODUCTION

This section identifies each of the use categories used in Table 32.04-1 Permitted Uses as well as the characteristics of uses in that category, a non-exhaustive list of examples of included uses, and a list of exceptions (i.e. uses that may share some similarity but that are not included in that category). This section is intended to be used by the Development Services Department to categorize grouped uses and to determine whether they are included in an existing use listed in Table 32.04-1."

Section 35. Separability of Provisions. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of the Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof than that affected by such decision.

Section 36. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 37. That the afore described Amended Chapter 32 shall be included as part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 38. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd of April, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky **Phone Number/Ext:** 319 286-5043
Email: v.zakostelecky@cedar-rapids.org

Alternate Contact Person: Joe Mailander **Phone Number/Ext:** 319 286-5822
Email: j.mailander@cedar-rapids.org

Description of Agenda Item: **Consent** **Ordinance** **Regular Agenda**

Second and possible Third Reading granting a change of zone for property at 1410 Tower Lane NE from O-S, Office/Service Zone District to RMF-1, Multiple Family Residence Zone District as requested by Capital Commercial Division, LLC. CIP/DID #RZNE-005870-2013

Background:

The request for rezoning of this property was reviewed by the City Planning Commission on March 27, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

The applicant is requesting rezoning to allow for development of an apartment complex. The property is currently undeveloped and was initially rezoned to the O-S Zoning District in 1999. The previous property owner was unable to market the site for office uses. The applicant originally proposed a more dense development and was recommended for denial by the City Planning Commission on October 31, 2013 for the following reasons:

- The applicant didn't provide enough lead time with notices of neighborhood meeting.
- Shared access drive with the daycare center not adequate and safe to serve the proposed apartment complex and daycare both.
- Density of the development too high.
- Three story buildings out of scale with the surrounding development.

The applicant has made significant changes to the development proposal and held another neighborhood meeting on February 24, 2014. Fourteen residents from the neighborhood attended. The Preliminary Site Development Plan consists of the following:

- Total site area is 1.88 acres (82,034 s. f.).
- Total building area footprint is 14,500 s. f. including 1-2 story apartment building and 5,500 s. f. for two garages with a total of 25 spaces. (Previous-3-3 story buildings).
- Total of 24-units (Previous-40-units)
- Total hard surface area proposed including buildings is 34,380 s. f. (Previous-40,689 s. f.).
- Total open space- proposed is 47,654 s. f. / 58.0% of total site area (Previous-39,897 s. f. / 49.5% of total site area).
- Total parking required is 53 spaces-provided is 54 spaces (Previous-required-83 spaces-provided-62 spaces including 2-handicap spaces).
- Access change from shared access with daycare at southwest corner of site to access drive at southeast corner of site.

- Storm water management for the new improvements will be provided on the south side of the site.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> • City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> • The City Planning Commission reviewed the application on March 27, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. • There were several objectors and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> • A Public Hearing and First Reading of the Ordinance were held on April 22, 2014 to allow for public input. • City Council voted unanimously to approve the request on the First Reading. • Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final. • Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends approval of Second and possible Third Reading.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

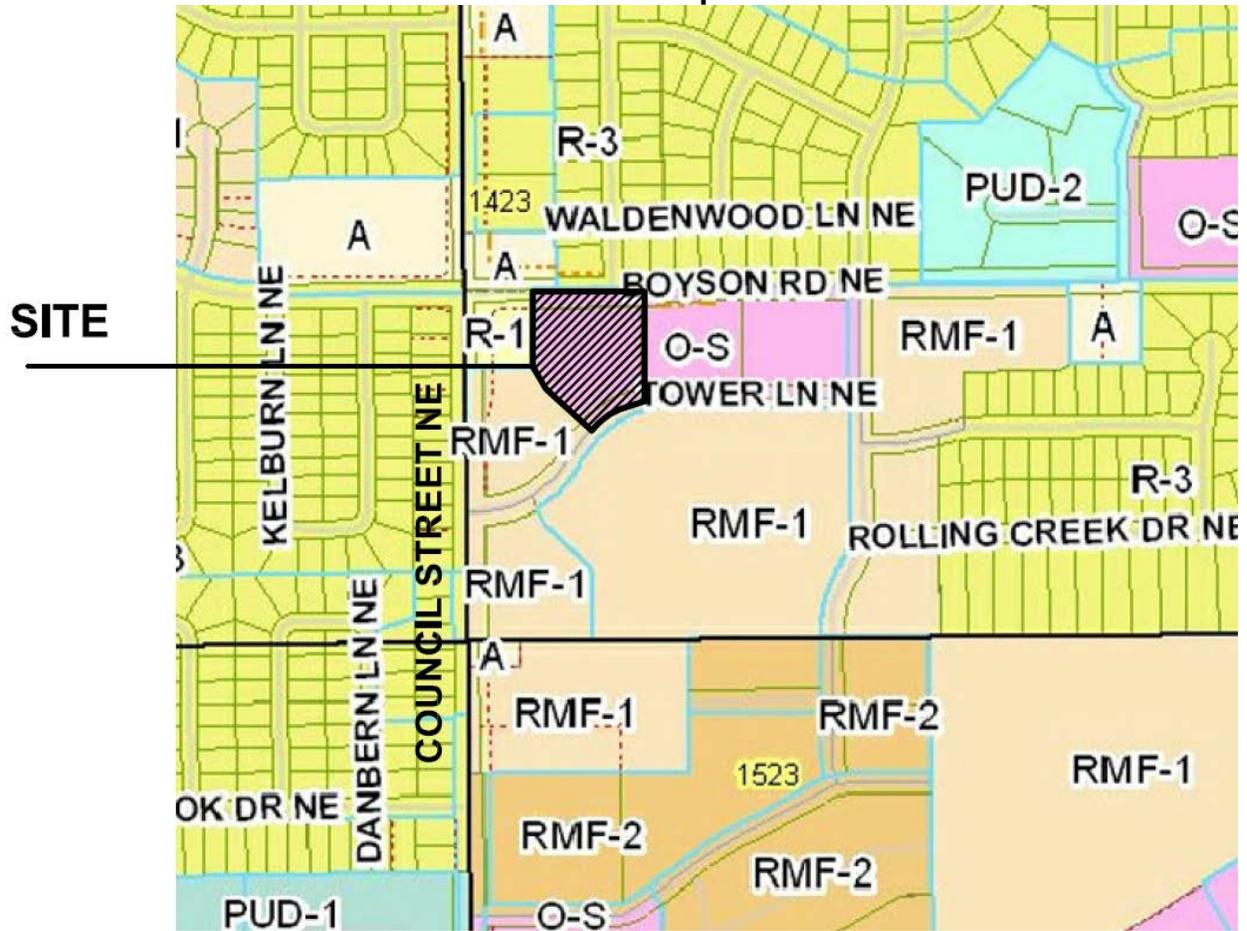
Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Map





Attachment A
City Planning Commission
City of Cedar Rapids
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, March 27, 2014 @ 3:00 p.m.
Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Members Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 6, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Commissioner Knox-Seymour made a motion to move the Conditional Use from the table. This case was tabled at the September 19, 2013 meeting. Commissioner Halverson seconded the motion.

The motion passed unanimously with none opposed.

Case Name: 1410 Tower Lane NE (Rezoning)

Recommendation for approval of a rezoning from O-S, Office/Service Zone District to RMF-2, Multiple Family Residence Zone District as requested by Capital Commercial Division, LLC. (Applicant/Titleholder)

Case No: RZNE-005870-2013; Case Manager: Joe Mailander

Mr. Zakostelecky stated the Commissioners reviewed this rezoning proposal on October 31, 2013 and the applicant has revised their proposal. The applicant has asked that the rezoning be changed to RMF-1 rather than RMF-2. The property is east of Council Street and south of Boyson Road. There were several concerns including lead time for the neighborhood meeting, the shared access and safety with the day care, the density of the site was too high and the proposed 3 story buildings were not in character with the surrounding neighborhood. The applicant has changed from RMF-2 to RMF-1, reduced the number of buildings from three to one, reduced building from 3 stories to 2, reduced the number of units, reduced parking by 10 spaces and moved the access to the southeast corner of the site and not shared with day care center. Mr. Zakostelecky showed an aerial photo of the site, site plan as well as a 3-D rendering of the building. An administrative site plan would still have to be submitted to assure that the applicant meets the City's design standard.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Halverson asked for clarification that the applicant will be RMF-1 and will need to submit a new petition prior to this rezoning going to the City Council.

Commissioner Overland called for a representative of the applicant.

Ghassan Halloosh, 1930 St. Andrews Court stated he was involved when this property was rezoned to O-S, Office/Service Zone District. Mr. Halloosh stated that this site plan submitted is what will be built and there are no hidden agenda. The initial rezoning that was recommended for denial in October was RMF-2 and denser. This is being rezoning to be less dense and will create less traffic than an office building. The applicant has moved the access to the east and has included garages plus added more green space.

Steve Stefani, 4561 Fox Meadow Drive SE with Capital Commercial, the current owner and developer of this property wanted to respond to the concerns in October. Mr. Stefani stated that he listened to the concerns of the neighbors with two key issues being density and shared access. Mr. Stefani assured everyone that the redesign was based on RMF-1 rather than the RMF-2 that was requested the first time. Mr. Stefani wanted to answer some of Teri's concerns in her letter. Increased traffic on Tower Lane: increased traffic office vs. residential; issue how the property would be maintained. The property is not designed to have a higher price point with all the amenities that will be provided. The property as designed now is consistent with the neighborhood.

Commissioner Overland called for questions of the applicant.

Commissioner Wilts asked if the building will be higher or lower than the other buildings. Mr. Stefani stated that he feels this building will be same level as other buildings in the area.

Commissioner Knox-Seymour asked why apartment buildings are not proposed to be owner occupied. Mr. Stefani said this area is in need of apartments. Commissioner Knox-Seymour asked about the neighbors concerned with the value of their homes. Mr. Stefani stated that this is not a lower price point project.

Commissioner Overland called for members of the public who wished to speak.

Concerned citizens that spoke including Kathleen Kimmerer, 1475 Tower Lane NE, Tim Wendt, 1315 Waldenwood Lane NE; Kathy Clarahan, 1321 Waldenwood Lane NE and Joe Clarahan, 1321 Waldenwood Lane NE expressed their concerns as follows:

- Appreciates that the applicant has scaled back the project however Tower Lane is a short, narrow and curved street and the amount of traffic will be increased.
- Feels building will look larger than others in the area and garages do not change the look
- Noisy now with traffic from Boyson Road and would prefer an office building than an apartment building
- Property value decreased
- Maintenance of the property

Commissioner Overland called for a motion to approve the rezoning. Commissioner Halverson made a motion to approve the rezoning from O-S, Office/Service Zone District to RMF-1, Multiple Family Residence Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Halverson appreciated that the applicant returned with substantial changes. From a property maintenance standpoint, the owner will want to maintain the property to keep the property rented with so many other apartments in the area.

Commissioner Pankey stated he supports the motion and that there are many apartments on Boyson Road and is the nature of our city. The owners will have to maintain the property.

Commissioner Knox-Seymour asked what the initial zone was. Mr. Zakostecky stated that at the time this property was developed to the south and east it was mixed development with single-family, multifamily and office.

Commissioner Wilts asked about the access area to the project. Mr. Zakostecky stated that the original application was going to share access with the daycare and now they have moved the access to the east.

Commissioner Overland stated he is in favor since they have changed the rezoning to RMF-1

The motion passed unanimously with none opposed.

The meeting was adjourned at 6:50 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-005870-2013

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

LOT 79, BOYSON PARK SECOND ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

and located at 1410 Tower Lane NE, now zoned O-S, Office/Service Zone District, and as shown on the "District Map," be rezoned and changed to RMF-2, Multiple Family Residence Zone District, and that the property be used for such purposes as outlined in the RMF-2, Multiple Family Residence Zone District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. Design guidelines and standards as specified in Subsection 32.05.030.D. shall be met or a variance must be obtained.
2. The parking spaces shall be screened from the public street and adjacent residential properties or a variance must be obtained.
3. That all lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on adjacent residential properties per Subsection 32.05.030.B. of the Zoning Ordinance.
4. The enclosure for the dumpster will need be a full screen enclosure including the gates and preferably designed using the same building material as the principal building as per Subsection 32.05.030.A.7. of the Zoning Ordinance.
5. Landscaping and buffering/screening shall be provided per the Zoning Ordinance, Subsection 32.05.030.A. This includes parking lot trees at one per every 12 parking spaces, street front landscaping for parking area adjoining public streets, street front landscaping including 15' on one public street frontage and 5' on the other, etc.
6. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Agreement for Private Storm Water Quality improvements on this site. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.

7. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Agreement for Ownership and Maintenance of Private Water Main to be located on this site. The City Public Works Department shall furnish said Agreement form upon request by the property owner.
8. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk adjoining this site, damaged as a result of construction activities on this site or not meeting ADA standards. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky
Email: v.zakostelecky@cedar-rapids.org

Phone Number/Ext: 319 286-5043

Alternate Contact Person: Joe Mailander
Email: j.mailander@cedar-rapids.org

Phone Number/Ext: 319 286-5822

Description of Agenda Item: Consent Ordinance Regular Agenda

Second and possible Third Reading granting a change of zone for property at 5015 Center Point Road NE, 2025 Sylvia Avenue NE and 5020 Louisa Street NE from O-S, Office/Service Zone District and R-3, Single Family Residence Zone District to C-3, Regional Commercial Zone District as requested by D & S Building Co., Inc. CIP/DID #RZNE-008136-2014

Background:

The request for rezoning of these properties was reviewed by the City Planning Commission on March 27, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

The property is currently developed with an existing commercial building on 5015 Center Point Road and the other two parcels at 2025 Louisa Street and Sylvia Drive NE are vacant parcels. The applicant is rezoning the property to allow for the potential for expansion of the existing commercial development or redevelopment of commercial at this location. The applicant also has a pole sign on the O-S zoned property, which is non-conforming and is working with the City to upgrade the sign. In order to make future improvements to the sign, the C-3 Zoning is necessary. This application was submitted without a Preliminary Site Development Plan, so prior to major expansion or redevelopment of the site the property owner will need to submit an application for Preliminary Site Development Plan review and approval.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> The City Planning Commission reviewed the application on March 27, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. There were no objectors and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> A Public Hearing and First Reading of the Ordinance were held on April 22, 2014 to allow for public input. City Council voted unanimously to approve the request on the First Reading. Two additional readings of the Ordinance by City Council are required by

	<p>State law before approval of the rezoning is final.</p> <ul style="list-style-type: none"> Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.
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Action / Recommendation:

City staff recommends approval of Second and possible Third Reading.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

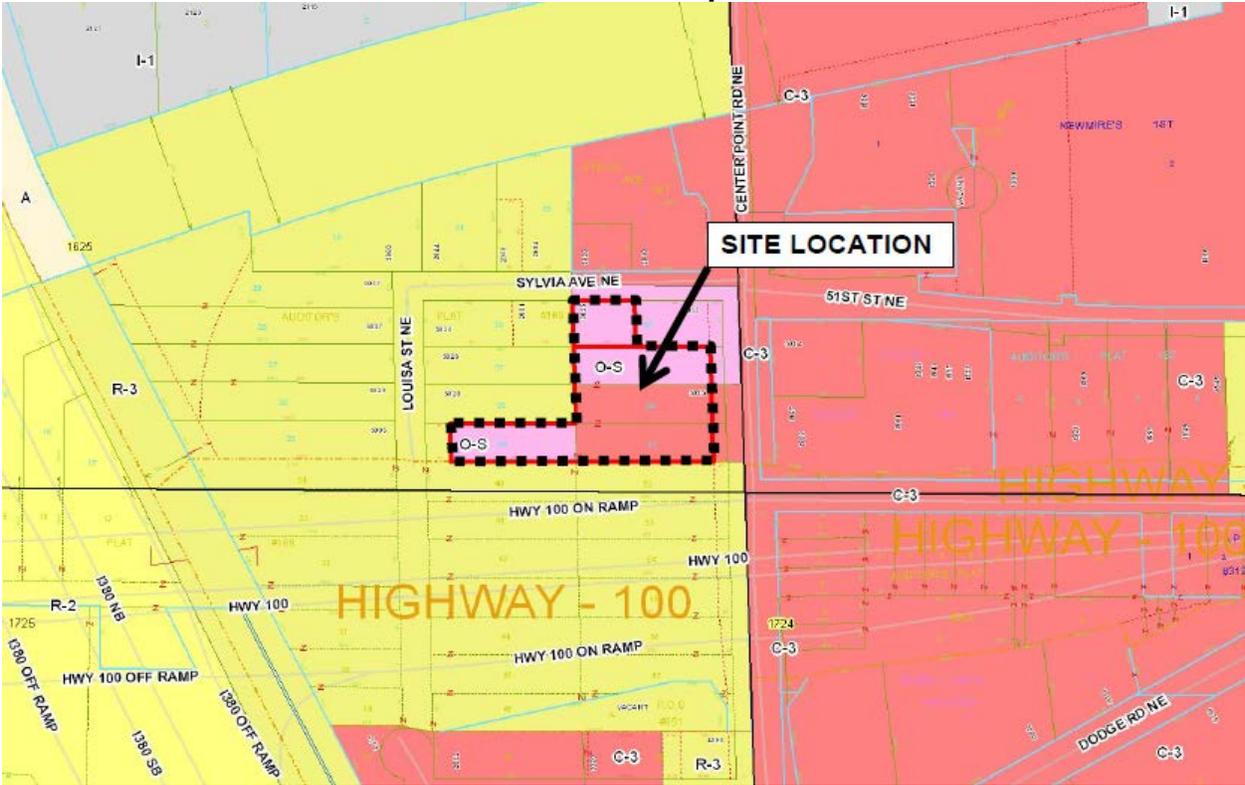
Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Map





**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, March 27, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Members Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 6, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Commissioner Knox-Seymour made a motion to move the Conditional Use from the table. This case was tabled at the September 19, 2013 meeting. Commissioner Halverson seconded the motion.

The motion passed unanimously with none opposed.

Case Name: 5015 Center Point Road NE, 2025 Sylvia Avenue NE and 5020 Louisa Street NE (Rezoning)

Consideration of a rezoning from C-3, Regional Commercial Zone District, O-S, Office/Service Zone District and R-3, Single Family Residence Zone District to C-3, Regional Commercial Zone District as requested by D&S Building Co, Inc.
(Applicant/Titleholder)

Case No: RZNE-008136-2014; Case Manager: Joe Mailander

Mr. Zakostelecky showed the location map and pointed out that the area on the north side of the property is active railroad line and I-380 to the west and ramp to Hwy 100, with Hwy 100 to the south and Center Point Road to the east. Most of the area is zoned commercial and because of the railroad and high traffic roadways that surrounds this property that this area would be more conducive for commercial. This is a rezoning without a site plan, and the applicant just wants to position themselves to market the property as commercial. Therefore any development on this site will come back with a Development Site Plan.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commission Dahlby asked about the recommending condition about sidewalks connecting to existing trail system. Mr. Zakostelecky said that when the development plan was submitted it would be required.

Commissioner Halverson asked about uses shown on the future land use map
Mr. Zakostelecky said the map shows the existing zoning and not proposed future land uses

Commissioner Overland called for a representative of the applicant.

Tred Schnoor, Schnoor Bonifazi, 431 5th Avenue SW stated that he was asked of the applicant to clean up the zoning of this parcel to clean up zoning issues.

Commissioner Overland called for questions of the applicant. No questions of the applicant.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Halverson made a motion to approve the rezoning from C-3, Regional Commercial Zone District to O-S, Office/Service and R-3, Single Family Residence Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 6:50 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-008136-2014

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

LEGAL DESCRIPTION FOR PROPOSED O-S TO C-3 REZONING AREA:

WEST OR REAR 125 FEET OF LOT 48 AND ALL OF LOTS 39 AND 49, "AUDITOR'S PLAT NO. 169, LINN COUNTY, IOWA" EXCEPT THE PUBLIC HIGHWAY.

LEGAL DESCRIPTION FOR PROPOSED R-3 TO C-3 REZONING AREA:

LOT 38, "AUDITOR'S PLAT NO. 169, LINN COUNTY, IOWA".

and located at Center Point Road and Collins Road NE, now zoned C-3, Regional Commercial Zone District, O-S, Office/Service Zone District and R-3, Single Family Residence Zone District, and as shown on the "District Map," be rezoned and changed to C-3, Regional Commercial Zone District, and that the property be used for such purposes as outlined in the C-3, Regional Commercial Zone District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. That future development under this rezoning action shall be subject to the PSDP review process as set forth in Section 32.02.030.G. prior to issuance of building permit(s). Such Development shall meet all City development standards in effect at the time of plan submittal.
2. Direct access to Center Point Road NE shall be prohibited.
3. Sidewalk connections to the existing trail system will be required with future development.

4. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to construct 5' wide concrete sidewalk along Sylvia Avenue NE and Louisa Street NE adjoining this site. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer. The property owner may request deferral of the sidewalk installation requirement if in accordance with the sidewalk installation policy. If a deferral is requested, please submit a formal request with documentation verifying deferral eligibility (cross sections, drawings, etc.).
5. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for Street Improvements along Sylvia Avenue NE and Louisa Street NE adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
6. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Agreement for Private Storm Water Quality improvements on this site. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014.

ACCEPTANCE OF CONDITIONS OF REZONING

ORDINANCE NO.

I/we hereby agree to the terms and conditions set out in the attached Ordinance dated this

25th day of MARCH, 2014

D & S BUILDING CO., INC.

BY



Steve Dunsmuir, JR - AGENT
(Please Print Name and Title)



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky
Email: v.zakostelecky@cedar-rapids.org

Phone Number/Ext: 319 286-5043

Alternate Contact Person: Joe Mailander
Email: j.mailander@cedar-rapids.org

Phone Number/Ext: 319 286-5822

Description of Agenda Item: Consent Public Hearing Regular Agenda

Second and possible Third Reading granting a change of zone for property at 1508 6th Avenue SE, 1542 Bever Avenue SE and 1707 Washington Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network. Inc. CIP/DID #RZNE-008228-2014

Background:

The request for rezoning of these properties was reviewed by the City Planning Commission on March 27, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

The properties are currently undeveloped and in the Wellington Heights Neighborhood. The applicant wishes to develop the lots with single-family homes, which would provide for in-fill in an area that has seen increased interest in rehabbing of existing residential properties and new construction on lots that are vacant. The R-TN Zoning District was created for neighborhoods like this to allow vacant lots to be redeveloped since the lot does not meet the minimum requirements for the current R-3 Zoning District. Since this is a rezoning for single-family residential there is no site plan requirement at this time. A detailed site plan will be required at the time of application for a building permit.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> The City Planning Commission reviewed the application on March 27, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. There were was one objector and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> A Public Hearing and First Reading of the Ordinance were held on April 22, 2014 to allow for public input. City Council voted unanimously to approve the request on the First Reading. Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final.

- Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends approval of Second and possible Third Readings.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Maps







**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, March 27, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Members Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator
CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 6, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Commissioner Knox-Seymour made a motion to move the Conditional Use from the table. This case was tabled at the September 19, 2013 meeting. Commissioner Halverson seconded the motion.

The motion passed unanimously with none opposed.

Case Name: 1508 6th Avenue SE; 1542 Bever Avenue SE; 1707 Washington Avenue SE (Rezoning)

Consideration of three (3) Rezoning from R-3, Single Family Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc. (Applicant/Titleholder)

Case No: RZNE-008228-2014; RZNE-008229-2014 and RZNE-008230-2014 Case

Manager: Joe Mailander

Commissioner Overland stated that the next three agenda items no. 4, 5 and 6 are all requesting the same thing and suggested that the applicant make the presentation on behalf of all three and then the Commissioners would vote all three individually.

Mr. Zakostecky stated the three addresses are in the Wellington Heights Neighborhood area, lots that previous had homes on them and the applicant wants to rezone these to Traditional Neighborhood Zone District to allow for infill on these lots. Mr. Zakostecky showed a location map as well as a rendering of the homes that would be built.

Commissioner Overland called for questions of Mr. Zakostecky. No questions were presented.

Commissioner Overland called for a representative of the applicant.

Kathie Pennetta, Affordable Housing Network Inc., 404 17th Street SE responded to the objections that were raised by a Steve Hanken for the property at 1508 6th Avenue SE:

Objection: AHNI is the only group in Wellington Heights conducting rehabilitation activity.
Response: False. In addition to AHNI, many contractors and groups are in the neighborhood rehabbing buildings, both for-profit and non-profit. AHNI has been outbid on several properties by for-profit contractors/individuals. The market has many players.

Objection: AHNI is destroying the character of the neighborhood.
Response: False. AHNI is working in collaboration with the Wellington Heights Neighborhood Association to preserve the character of the neighborhood by turning rentals into homeownership opportunities for working families in Cedar Rapids. We have already sold several homes and we have 20 working families currently occupying Homeownership Incubator Program homes, which they will purchase within three years. AHNI also preserves the historic character of the neighborhood by rehabbing homes in the area and preserving the unique architectural features of these homes.

Objection: AHNI's activity is destroying property values in the neighborhood.
Response: False. AHNI's rehab activity generally increases the value of properties it works on, which can only pull up the value of properties surrounding these improved buildings. One example is 1439 Bever Avenue SE, which saw an increase in assessed value of 47% after it was rehabbed by AHNI (about \$44K to \$65K). The new construction house built at 1508 6th Avenue SE is expected to appraise at \$150K.

Objection: AHNI's activities concentrate poverty in the neighborhood.
Response: False. AHNI's renters and homeowners are working families and individuals. AHNI's rental properties in the neighborhood are made available at market rates (\$750 for a single family home). All renters are required to pay rent, and payment generally comes from families whose main source of income is from employment. The new houses being constructed by AHNI in Wellington Heights are accessible to households with incomes up to 100% of the area median (about \$75K for a family of four in Cedar Rapids).

Objection: The Wellington Heights Neighborhood Association is not representative of the neighborhood.

Response: False. The Wellington Heights Neighborhood Association is one of the strongest associations in the City. Attendance at these meetings is among the highest of any neighborhood association in the City. The Wellington Heights Neighborhood Association strongly supports the new construction homes planned for the area.

Objection/
Concern: The author of the objection letter appears to complain at length about assessed values in the neighborhood, and in particular that they do not match market values.

Response: Assessed values do not generally match market value because of the different methods used to determine these values. In some neighborhoods, assessed values and market values are further apart than in other neighborhoods. AHNI's activities in the neighborhood do not impact the mismatch of assessed versus market value for any particular house. AHNI's investment in the neighborhood can only increase the value of properties it rehabilitates, and as a result, pull up values of properties surrounding each improved building.

Commissioner Overland called for questions of the applicant. No questions were presented.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

1. Case Name: 1508 6th Avenue SE; (Rezoning)

Commissioner Overland called for a motion to approve the rezoning. Commissioner Halverson made a motion to approve the rezoning at 1508 6th Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

2. 1542 Bever Avenue SE (Rezoning)

Commissioner Overland called for a motion to approve the rezoning. Commissioner King made a motion to approve the rezoning at 1542 Bever Avenue SE from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

3. Case Name: 1707 Washington Avenue SE (Rezoning)

Commissioner Overland called for a motion to approve the rezoning. Commissioner Knox-Seymour made a motion to approve the rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 6:50 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-008228-2014

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

The West 40 feet of Lot 13, Block 5, Wellington Place Fifth Addition to Cedar Rapids, Linn County, Iowa

and located at 1508 6th Avenue SE, now zoned R-3, Single Family Residence Zone District, and as shown on the "District Map," be rezoned and changed to R-TN, Traditional Neighborhood Residence Zone District, and that the property be used for such purposes as outlined in the R-TN, Traditional Neighborhood Residence Zone District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for Alley Improvements adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk along 6th Avenue SE adjoining this site, damaged as a result of construction activities or not meeting ADA requirements will be required to be replaced on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.
3. Work within the right of way will require separate excavation permits.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-008229-2014

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

The East 20 feet of Lot 17 and the West 20 feet of Lot 18, Block 13, "The Bever Park Addition to Cedar Rapids," Linn County, Iowa

and located at 1542 Bever Avenue SE, now zoned R-3, Single Family Residence Zone District, and as shown on the "District Map," be rezoned and changed to R-TN, Traditional Neighborhood Residence Zone District, and that the property be used for such purposes as outlined in the R-TN, Traditional Neighborhood Residence Zone District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for Alley Improvements adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk along 6th Avenue SE adjoining this site, damaged as a result of construction activities or not meeting ADA requirements will be required to be replaced on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.
3. Work within the right of way will require separate excavation permits.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014.

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-008230-2014

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

West 40 feet of Lot 5, Block 17, Bever Park Second Addition to Cedar Rapids, Linn County, Iowa

and located at 1707 Washington Avenue SE, now zoned R-3, Single Family Residence Zone District, and as shown on the "District Map," be rezoned and changed to R-TN, Traditional Neighborhood Residence Zone District, and that the property be used for such purposes as outlined in the R-TN, Traditional Neighborhood Residence Zone District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for Alley Improvements adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk along 6th Avenue SE adjoining this site, damaged as a result of construction activities or not meeting ADA requirements will be required to be replaced on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.
3. Work within the right of way will require separate excavation permits.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostecky **Phone Number/Ext:** 319 286-5043
Email: v.zakostecky@cedar-rapids.org

Alternate Contact Person: Joe Mailander **Phone Number/Ext:** 319 286-5822
Email: j.mailander@cedar-rapids.org

Description of Agenda Item: **Consent** **Ordinance** **Regular Agenda**

Second and possible Third Reading granting a change of zone for property at 4420 Bowling Street SW from I-2, General Industrial Zone District to R-3/RMH-O, Single Family Residence Zone District/Residential Manufactured/Mobile Home Park Overlay District and I-1, Light Industrial Zone District as requested by Prairie Oaks Homes, LLC. CIP/DID #RZNE-008252-2014

Background:

The request for rezoning of this property was reviewed by the City Planning Commission on March 27, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

The property is currently developed with an existing manufactured home park, which is a legal non-conforming use in the I-2 Zoning District. The property should already be zoned R-3 with the RMH-O Overlay since the manufactured home park existed prior to the adoption in 2006 of the current Zoning Ordinance. The applicant is applying for rezoning in order to continue the manufactured home park use and to allow for development of self-storage garages for the residents of the park and the general public. The Preliminary Site Development Plan submitted includes the general layout of the existing park which is not changing other than the addition of storage garages and a more detail site plan for the proposed self-storage garages. The following proposed improvements are shown on the detailed site plan for the self-storage garages:

- Total site area-25,475 s. f.
- Removal/relocation of 7 manufactured housing units.
- Total proposed building area-7,400 s. f.
- Total of 41 storage units.
- Total parking-3 spaces including 1 handicap space.
- Access from existing driveway onto Bowling St. SW.
- No change to the rest of the existing manufactured home park..

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> • City staff reviewed the application and recommended revisions, which were made.

City Planning Commission review	<ul style="list-style-type: none"> • The City Planning Commission reviewed the application on March 27, 2014 and recommended approval on a 7 to 0 vote. A portion of the minutes are included as Attachment A. • There were no objectors and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> • A Public Hearing and First Reading of the Ordinance were held on April 22, 2014 to allow for public input. • City Council voted unanimously to approve the request on the First Reading. • City Council voted unanimously to approve the request on the First Reading. • Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final. • Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends approval of Second and possible Third Reading.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

Budget Information (if applicable): N/A

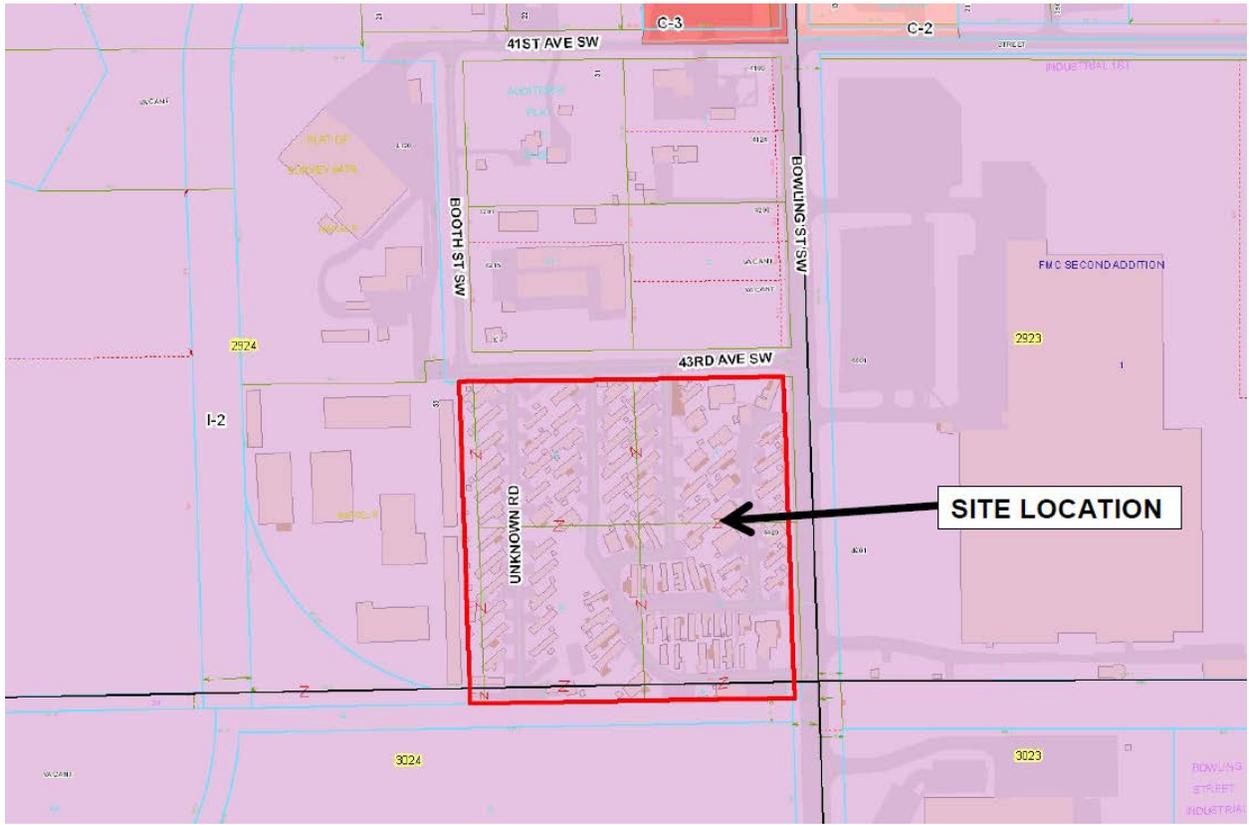
Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):

Location Map





Attachment A
City Planning Commission
City of Cedar Rapids
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, March 27, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Members Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 6, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Commissioner Knox-Seymour made a motion to move the Conditional Use from the table. This case was tabled at the September 19, 2013 meeting. Commissioner Halverson seconded the motion.

The motion passed unanimously with none opposed.

Case Name: 4420 Bowling Street SW (Rezoning)

Recommendation for approval of a rezoning from I-2, General Industrial Zone District to I-1, Light Industrial Zone District and RMH-O, Residential Manufactured/Mobile Home Park Overlay District as requested by Prairie Oaks Homes LLC (Applicant/Titleholder)

Case No: RZNE-008252-2014; Case Manager: Joe Mailander

Mr. Zakostecky showed a location map and said that it is a manufactured home park developed in 1942 that shows up on the map as heavy industrial. The request to rezone to R-3/RMH-O

The other part of the request is the applicant wants to have storage garages built for the general public as well as the tenants in the park. The rezoning needs to go from I-2 to I-1. A 41 unit storage garage is being requested to market to the general public. Mr. Zakostecky showed a rendering of the storage units.

Commissioner Overland called for questions of Mr. Zakostecky. No questions were asked of Mr. Zakostecky

Commissioner Overland called for a representative of the applicant.

Dan Schmidt, Brain Engineering stated that seven mobile home units would be relocated within the park itself to make way for the storage garages.

Commissioner Overland called for questions of the applicant.

Commissioner Dahlby asked if the tenants had been asked if there were any concerns and would there be additional traffic. Mr. Schmidt stated that the tenants had asked for additional storage on site. The tenants would have first chance on renting the storage units with the possibility of renting to outsiders.

Commissioner Dahlby asked if this would be 24 hours for everyone renting units. Mr. Schmidt stated it would be.

Commissioner Knox-Seymour asked if there were only 3 parking spaces. Mr. Zakostecky stated that there would be no office and parking would be in front of the units.

Commissioner Halverson asked if a PUD had been discussed for this project.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Pankey made a motion to approve the rezoning in an I-2, General Industrial Zone District to R-3, Single Family Zone District with RMH-O, Residential Manufactured/Mobile Home Park Overlay District. Commissioner Halverson seconded the motion.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Knox-Seymour made a motion to approve the rezoning in an I-2, General Industrial Zone District to I-1, Light Industrial Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 6:50 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-008252-2014

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

Commencing as a point of reference at the intersection of the south right-of-way line of 43rd Avenue SW and the west right-of-way line of Bowling Street SW;
thence S-ly along said west right-of-way line, 461 feet to the point-of-beginning;
thence continuing S-ly along said west right-of-way line, 24 feet:
thence W-ly, 62 feet;
thence NW-ly, 35 feet;
thence W-ly, 270 feet;
thence N-ly, 89 feet;
thence E-ly, 211 feet;
thence S-ly, 37 feet;
thence E-ly, 79 feet;
thence S-ly, 48 feet;
thence E-ly, 72 feet to the west right-of-way line of said Bowling Street SW and the point-of-beginning.

LEGAL DESCRIPTION (I-2 TO RMH-O)

Lots 5, 6, 7, and 8, Auditor's Plat No. 188, Linn County, Iowa, excepting therefrom all public highways;

and

Lot 4, excepting therefrom the East 17 feet, and all of Lot 9, Auditor's Plat No. 188, Linn County, Iowa and the East 1/2 of vacated Booth Street S.W., lying westerly of and adjacent to the west line of Lot 7, Lot 8 and Lot 9, Auditor's Plat No. 188, Linn County, Iowa.

Except;

Commencing as a point of reference at the intersection of the south right-of-way line of 43rd Avenue SW and the west right-of-way line of Bowling Street SW;
thence S-ly along said west right-of-way line, 461 feet to the point-of-beginning;
thence continuing S-ly along said west right-of-way line, 24 feet:
thence W-ly, 62 feet;

thence NW-ly, 35 feet;
thence W-ly, 270 feet;
thence N-ly, 89 feet;
thence E-ly, 211 feet;
thence S-ly, 37 feet;
thence E-ly, 79 feet;
thence S-ly, 48 feet;
thence E-ly, 72 feet to the west right-of-way line of said Bowling Street SW and
the point-of-beginning.

and located at 4420 Bowling Street SW, now zoned I-2, General Industrial Zone District, and as shown on the "District Map," be rezoned and changed to I-1, Light Industrial Zone District, and that the property be used for such purposes as outlined in the I-1, Light Industrial Zone District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

Conditions for I-1 Zoning District:

1. Subject property shall be platted per State and City platting regulations.
2. That prior to the issuance of a building permit, evidence of recorded shared access and parking easement agreements must be submitted.
3. Required side and rear buffer-yards shall be provided or a variance must be obtained.
4. PRIOR TO ISSUANCE OF A BUILDING PERMIT, the property owner shall provide evidence of shared access easements across lot lines to accommodate traffic in and out of the development.

Conditions for R-3 with RMH-O Zoning Districts:

1. Subject property shall be platted per State and City platting regulations.
2. Development on subject property shall comply with provisions of Chapter 65 of the Cedar Rapids Municipal Code.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 22nd day of April, 2014.



Council Agenda Item Cover Sheet

Council Meeting Date: May 13, 2014

Submitting Department: Development Services

Presenter at meeting: Vern Zakostelecky
Email: v.zakostelecky@cedar-rapids.org

Phone Number/Ext: 319 286-5043

Alternate Contact Person: Joe Mailander
Email: j.mailander@cedar-rapids.org

Phone Number/Ext: 319 286-5822

Description of Agenda Item: Consent Ordinance Regular Agenda

Second and possible Third Reading granting a change of zone for property at north of Blairs Ferry Road and west of Michael Drive and Sanden Road NE from A, Agriculture Zone District to R-1, Single Family Residence Zone District as requested by Wexford, Inc., Galilee Baptist Church of Cedar Rapids, Salem United Methodist Church of Cedar Rapids and La Vonne E. Hudson. CIP/DID #RZNE-008263-2014

Background:

The request for rezoning of this property was reviewed by the City Planning Commission on March 27, 2014 and the Commission recommended approval unanimously on a 7 to 0 vote.

The applicant is requesting rezoning to allow for the residential development of Wexford Heights First Addition to the City of Cedar Rapids.

The Preliminary Plat consists of the following:

- Total site area is 49.05 acres
- Total number of proposed lots is 83
- Proposed access to the development will be through Rapids Ridge Drive NE, Sanden Road NE and Michael Drive NE
- Storm water management will be provided for in two separate basins, one public owned and one privately owned.

Application Process/Next Steps:

Actions	Comments
City staff review	<ul style="list-style-type: none"> • City staff reviewed the application and recommended revisions, which were made.
City Planning Commission review	<ul style="list-style-type: none"> • The City Planning Commission reviewed the application on March 27, 2014 and recommended approval a 7 to 0 vote. A portion of the minutes are included as Attachment A. • There were objectors and this is not a flood related item.
City Council consideration	<ul style="list-style-type: none"> • A Public Hearing and First Reading of the Ordinance were held on April 22, 2014 to allow for public input.

- City Council voted unanimously to approve the request on the First Reading.
- Two additional readings of the Ordinance by City Council are required by State law before approval of the rezoning is final.
- Approval of the rezoning will be subject to the conditions stated in the attached Ordinance.

Action / Recommendation:

City staff recommends approval of Second and possible Third Reading.

Alternative Recommendation:

City Council may table this item and request further information.

Time Sensitivity: N/A

Resolution Date: N/A

Estimated Presentation Time: 0 minutes

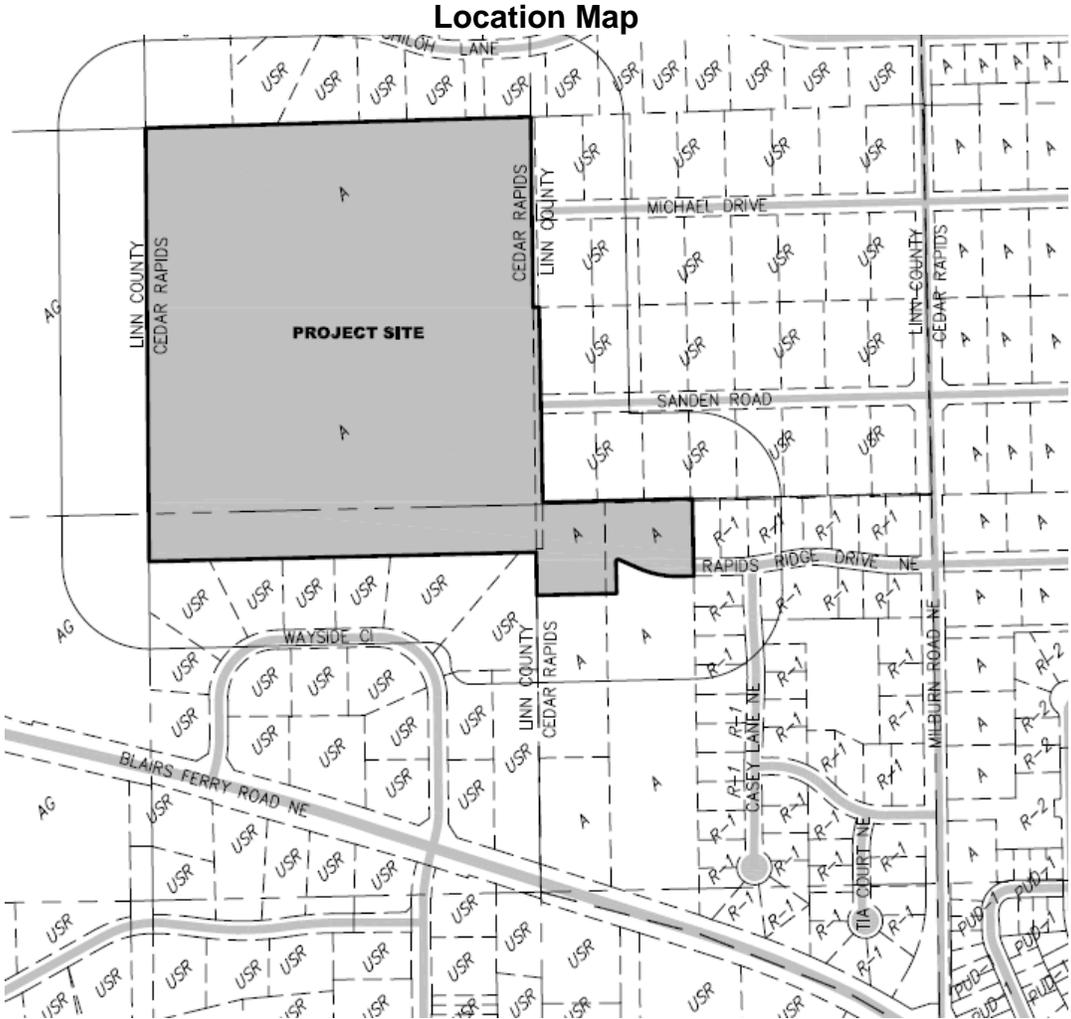
Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation:

Recommended by Council Committee Yes No N/A

Explanation (if necessary):





Attachment A
City Planning Commission
City of Cedar Rapids
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, March 27, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

Members Absent: Allan Thoms

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the March 6, 2014 Minutes stand approved.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

Commissioner Knox-Seymour made a motion to move the Conditional Use from the table. This case was tabled at the September 19, 2013 meeting. Commissioner Halverson seconded the motion.

The motion passed unanimously with none opposed.

1. Case Name: Wexford Heights First Addition (Major Preliminary Plat and Rezoning)

- a) Consideration of a Major Preliminary Plat, for property north of Blairs Ferry Road NW and east of Michael Drive and Sanden Road as requested by Wexford, Inc. (Applicant) Galilee Baptist Church of Cedar Rapids, Russell and Marjorie Morris, Salem United Methodist Church of Cedar Rapids and LaVonne Hudson (Titleholders).

Case No: PRPT-008261-2014; Case Manager: Chris Strecker

- b) Consideration of a rezoning for property north of Blairs Ferry Road NW and east of Michael Drive and Sanden Road from A, Agriculture Zone District to R-1, Single Family Zone District as requested by Wexford, Inc. (Applicant) Galilee Baptist Church of Cedar Rapids, Russell and Marjorie Morris, Salem United Methodist Church of Cedar Rapids and LaVonne Hudson (Titleholders).

Case No: RZNE-008263-2014; Case Manager: Joe Mailander

Mr. Zakostelecky stated this is property that was recently annexed into Cedar Rapids. The development consists of 83 single-family lots with 1/3 acre lots adjacent to existing residential. Mr. Zakostelecky showed a photo of the site and the Preliminary Plat.

Commissioner Overland called for questions of Mr. Zakostelecky. No questions were presented.

Commissioner Overland called for a representative of the applicant.

Representatives included Dustin Kerns, 1077 7th Street, Marion, one of the managing developers for the project along with Jon Dusek and Tred Schnoor, Schnoor Bonifazi Engineering, 421 5th Avenue SW

Commissioner Overland called for questions of the applicant. No questions were presented

Commissioner Overland called for members of the public who wished to speak.

Verl Day, 5851 Sanden Road stated that adjacent lots be 1/3 acre and asked if they would consider the lots to be larger.

Andrew Barden, 6075 Wells Lane stated he has a horse pasture is on the north side of this property and is concerned about the drainage and he is concerned about the electricity fence for safety of young children.

Mr. Schnoor said that drainage is always a huge concern and would recommend working with the neighbor to resolve the issue. Mr. Schnoor further stated that most of the lots are larger than a third acre. Mr. Kerns said they would be comfortable with making the lots larger than designed.

Commissioner Overland called for a motion to approve the Major Preliminary Plat. Commissioner King made a motion to approve the Major Preliminary Plat. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Knox-Seymour made a motion to approve the rezoning from A, Agriculture Zone District to R-1, Single Family Zone District. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

The meeting was adjourned at 6:50 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development

DSD BSD
ENG STR
FIR RCR
TITLEHOLDER WTR
CONTACT TED
CLK PKS
RZNE-008263-2014

ORDINANCE NO.

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

Wexford Heights First Addition to Cedar Rapids, Iowa is that part of Blair-Winds First Addition to Linn County, Iowa, that part of the Southwest Quarter of the Northeast Quarter, that part of the Northeast Quarter of the Southwest Quarter, that part of the Northwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 36, Township 84 North, Range 8 West of the 5th P.M., described as follows:

Beginning at the Southwest corner of said Southeast Quarter of the Northwest Quarter of said Section 36;
thence North 00° 27' 13" West 1,326.75 feet along the West line, to the Northwest corner thereof;
thence North 88° 20' 12" East 1,321.31 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Northeast corner thereof;
thence South 00° 43' 21" East 654.95 feet along the East line of said Southeast Quarter of the Northwest Quarter of said Section 36;
thence North 88° 42' 25" East 20.58 feet to the Northwest corner of Lot 8, Lyon's Fifth Addition to Linn County, Iowa;
thence South 01° 02' 00" East 671.22 feet along the West line of said Lyon's Fifth Addition to the Southwest corner of Lot 9, Lyon's Fifth Addition to Linn County Iowa also being a point on the North line of Blair-Winds First Addition to Linn County, Iowa;
thence North 88° 36' 29" East 513.72 feet along said North line to the Northeast corner thereof;
thence South 00° 59' 11" East 205.55 feet along the East line of said Blair-Winds First Addition to a point of intersection with the North right-of-way line of Rapids Ridge Road NE, also being the beginning of a 60.00 foot radius curve concave Southeasterly;
thence Southwesterly along said North right-of-way line through a central angle of 175° 08' 51" an arc distance of 183.41 feet (chord bearing South 61° 26' 24" West 119.89 feet) to the beginning of a 330.00 foot radius curve concave Northeasterly;
thence Northwesterly through a central angle of 15° 29' 42" an arc distance of 89.24 feet (chord bearing North 73° 44' 55" West 88.97 feet);
thence North 66° 00' 05" West 80.67 feet;

thence South 56° 30' 06" West 8.70 feet;
thence South 00° 59' 44" East 115.64 feet;
thence South 88° 36' 29" West 267.71 feet to a point on the East line of the
Northeast Quarter of the Southwest Quarter of said Section 36;
thence North 00° 43' 32" West 148.13 feet along said East line to the Northeast
corner of Blair Ridge Estates Addition to Linn County, Iowa;
thence South 88° 37' 21" West 1,328.05 feet along the North line of said Blair
Ridge Estates Addition to a point of intersection with the West line of the
Northeast Quarter of the Southwest Quarter of said Section 36;
thence North 00° 30' 43" West 163.88 feet along said West line to the Point of
Beginning, containing 49.05 acres, subject to Covenants, Easements and
Restrictions of Records.

For purposes of this description, the West line of the Southeast Quarter of the
Northwest Quarter of Section 36, Township 84 North, Range 8 West of the 5th
P.M., Cedar Rapids, Linn County, Iowa, is assumed to bear North 00° 27' 13"
West.

and located north of Blairs Ferry Road NW and east of Michael Drive and Sanden Road, now
zoned A, Agriculture Zone District, and as shown on the "District Map," be rezoned and
changed to R-1, Single Family Residence Zone District, and that the property be used for such
purposes as outlined in the R-1, Single Family Residence Zone District, as defined in Chapter
32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are
subject to the conditions which have been agreed to and accepted prior to the passage of this
Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the
owners, successors, heirs, and assigns, as follows:

1. Those Lots 1-10, 34-45, 47-50 and 58-64 as shown on the preliminary plat shall meet
the minimum lot size for the R-T, Single Family Transitional Residence Zone District as
set forth in the City Zoning Ordinance.

Section 3. That this Ordinance shall be in full force and effect from and after its
passage and publication as provided by law.

Introduced this 22nd day of April, 2014.



Council Agenda Item Cover Sheet 1st Reading of Ordinance

Submitting Department: Public Works Department

Presenter at meeting: Sandy Pumphrey, PE
E-mail Address: s.pumphrey@cedar-rapids.org

Phone Number/Extension: 5363

Alternate Contact Person: Rob Davis, PE
E-mail Address: r.davis@cedar-rapids.org

Phone Number/Extension: 5808

Description of Agenda Item: Consent Agenda Regular Agenda Map

First Reading: Ordinance amending Chapter 72 of the Municipal Code, Storm Water Management Ordinance, increasing tier rates by 2.5%, creating an additional non-residential tier for lots sized greater than seven acres with a daily flat rate charge of \$5.1552 per day, and providing additional clarification on definitions. CIP/DID #43-10-007

Background:

A public hearing and previous 1st reading was conducted on April 22, 2014. Feedback received around that time influenced additional refinements to the ordinance amendment, benefiting property owners with large mowed grassy areas. Due to this minor modification to the proposed ordinance amendment, we recommend holding the first reading once again, in addition to separating the 2nd and 3rd readings.

The overall ordinance amendment still reflects 3 items:

- 1) 2.5% rate increase for existing tiers (as approved by the Council in FY15 Budget approval), effective July 1, 2014.
- 2) Dividing the current largest non-residential tier, which is currently "Greater than 6 acres" into two tiers, one for "Greater than 6 acres to 7 acres" and a second for "Greater than 7 acres". The purpose is to provide additional equity (as recommended by Infrastructure Committee). This divides the current highest tier of 213 properties as follows:
 - a. "Greater than 6 acres to 7 acres" = 29 properties (proposed average monthly rate of \$137.20)
 - b. "Greater than 7 acres" = 184 properties (proposed average monthly rate of \$156.80)
 These changes are also effective July 1, 2014.
- 3) Clarification of definitions (as requested by billing staff and recommended by Infrastructure Committee), effective upon adoption.

These ordinance changes were deferred from March 11, 2014 Council meeting, when the other City utility rate changes were approved. This allowed time to evaluate feedback from the first six months of the new tiered rate Storm Water Utility, which went into effect in July 2013. Analyzing the financials and processing the feedback, lead to items two and three above.

City staff is pleased to report the new tiered rate Storm Water Utility is fully supporting itself for FY 2014, without the need to borrow via bonding.

Action / Recommendation:

City Staff recommends holding the first reading once again, in addition to separating the 2nd and 3rd readings.

Alternative to the Recommendation:

Combine the 2nd and 3rd Readings in the traditional manner.

Time Sensitivity: Normal (scheduled adoption prior to 7/1/2014 to reflect FY 2015 budget approval)

Resolution Date: Proposed timeline as follows:

1st reading of Ordinance: May 13, 2014

2nd reading of Ordinance: May 27, 2014

3rd reading of Ordinance: June 10, 2014

Estimated Presentation Time: 0 Minute(s)

Budget Information (if applicable): N/A

Local Preference Policy Applies Exempt

Explanation: This does not fit the criteria outlined in the policy and therefore, does not apply.

Recommended by Council Committee: Yes No N/A

Explanation: Infrastructure Committee on February 24, 2014 recommended sending to full Council.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 72 (STORMWATER MANAGEMENT) OF THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CERTAIN SUBSECTIONS THEREFROM AND ENACTING SUBSTITUTIONS IN LIEU THERE OF ESTABLISHING CERTAIN STORMWATER UTILITY CHARGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 72.102 - Definitions. That section of chapter 72 of the Municipal Code, City of Cedar Rapids, be modified adding the following definitions:

40. Contiguous means sharing a common property line boundary, less any public right-of-way separating them (if applicable), for any distance. To be contiguous the property owner and the utility account holder must be the same legal entity.
41. Property owner means the person or entity that is listed on the recorded deed for the subject property.
42. Tenant means the person or entity that is occupying the subject property and has a separate active utility account for services provided to the subject property.

Section 72.305. That subsection b), c) and d) of chapter 72 of the Municipal Code, City of Cedar Rapids, be and the same is hereby repealed and the following new section enacted as a substitute in lieu thereof.

72.305 - Stormwater utility charge; establishment of policy regarding expenditure of utility revenues.

b) Billing Policy

1. A stormwater utility charge will apply to every lot that is receiving any municipal utility service as provided by this section.
 2. If a water meter or any other municipal utility is removed from a lot, the lot will not be exempt from a stormwater utility charge unless said lot has:
 - i. Been combined with another lot to make one larger parcel;
 - ii. Been split into 2 or more separate parcels;
 - iii. Involved in a buyout and became green space; or has
 - iv. Become an exempt lot defined in 72.304 (a) or (b)
- c) Residential Lots (Including all multi-family) shall be charged on a per lot basis and pay as follows for all billings beginning July 1, 2014 and after:

1. Single family and multi-family with 2 to 4 dwelling units shall pay a flat charge of \$0.1611 per dwelling unit per day (regardless of lot size) during the billing period (Monthly Average \$4.90).
 2. Multi-family dwelling units with 5 dwelling units and greater (which are individually metered for potable water per dwelling unit) shall pay a flat charge of \$0.1611 per dwelling unit per day and per common area per day (regardless of lot size) during the billing period (Monthly Average \$4.90).
 3. Multi-family dwelling units with 5 dwelling units and greater (which are metered for potable water on a single meter per building) shall pay the non-residential rate based upon lot size and impervious area per Chapter 72.305(d) 1, 2, 3, 4, 5, 6.
 4. Multi-family dwelling units with 5 dwelling units and greater, receiving a municipal utility service, but not being served with municipal potable water shall pay the non-residential rate based upon lot size and impervious area per Chapter 72.305(d) 1, 2, 3, 4, 5, 6.
- d) Non-residential lots shall be charged a stormwater utility charge based on a lot's size and impervious area as follows:
1. For each individual lot with one potable water meter (non-irrigation/fire) per lot:
 - i. Less than or equal to 0.5 acre, flat charge of \$0.3222/day (Monthly Average \$9.80)
 - ii. Greater than 0.5 to 1 acre, flat charge of \$0.6444/day (Monthly Average \$19.60)
 - iii. Greater than 1 to 2 acres, flat charge of \$1.2888/day (Monthly Average \$39.20)
 - iv. Greater than 2 to 3 acres, flat charge of \$1.9332/day (Monthly Average \$58.80)
 - v. Greater than 3 to 4 acres, flat charge of \$2.5776/day (Monthly Average \$78.40)
 - vi. Greater than 4 to 5 acres, flat charge of \$3.2220/day (Monthly Average \$98.00)
 - vii. Greater than 5 to 6 acres, flat charge of \$3.8664/day (Monthly Average \$117.60)
 - viii. Greater than 6 to 7 acres, flat charge of \$4.5108/day (Monthly Average \$137.20)
 - ix. Greater than 7 acres, flat charge of \$5.1552/day (Monthly Average \$156.80)
 2. Lot areas with the same ownership shall be aggregated into one number for contiguous lots with one or more potable water meters per building or lot (non-irrigation/fire) and charged as follows:
 - i. Property Owner – according to 72.305 (d)1
 - ii. Tenant(s) - \$0.3222/day/potable water meter

3. Each individual lot with one or more potable water meters per building or lot (non-irrigation/fire), where the parcel owner does not have a utility account for that lot, shall be charged whichever is greater:
 - i. The daily rate of \$0.3222 per day per account, or
 - ii. The daily rate based on 72.305(d)1 billed evenly between each account.
4. Each individual lot, where the parcel owner does not have a utility account via water meter for that lot may be aggregated per 72.305(d) 2 for contiguous situations and shall be charged as follows:
 - i. The daily rate based upon the lot area under 72.305(d) 1 applied to the owner's primary account
 - ii. The daily rate of \$0.3222 per day per water meter will be applied to all tenant accounts, and excludes other non-primary accounts in the parcel owner's name.
5. Non-residential lots of less than 19 acres in size may qualify for a reduction of charge as set forth below if such lots meet either of the following criteria:
 - i. A lot may be entitled to a 33% reduction of the charge if at least 66% of such lot is undeveloped, pristine or used for agricultural purposes.
 - ii. A lot may be entitled to a 20% reduction of the charge if at least 66% of such lot is planted in grass and/or is regularly mowed.
 - iii. The property owner shall submit an application for reduction to the Director certifying as to the measurements of the lot and the uses thereof. Application forms will be available in the office of the Director. Such an application must be submitted to the Director on or before June 1st each year to receive a reduction for the next fiscal year beginning July 1st. The Director or its designee will review such applications and notify the property owner in writing whether the request for reduction was approved or denied and explaining the reasons therefore.
6. A rate reduction factor will be applied for each charged non-contiguous, non-multi-family lot, which are billed on an area basis and under same ownership as follows. The ownership name must match exactly to qualify:

Multiply the reduction rate per lot fee as listed below:

 - i. 1 – 14 lots under same ownership = 1 (No reduction Rate)
 - ii. 15 – 49 lots = $[100 - (\# \text{ parcels} \times 1.44)]/100$
 - iii. 50+ lots = .28

Introduced this ___ day of _____ 2014.

Passed this ____ day of _____, 2014.

_____, Mayor
Ron J. Corbett

Attest:

_____, City Clerk
Amy Stevenson