

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

October 7, 2014, 12:00 noon

City Council met in Regular Session in the Cedar Rapids City Hall Council Chambers, 101 First Street SE, Cedar Rapids, Iowa. Present, Mayor Corbett, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon and Weinacht. Also present were Acting City Manager Casey Drew, City Attorney Jim Flitz and City Manager Jeff Pomeranz (arrived at 1:15 p.m.).

The invocation was given by Public Safety Chaplain Taha Tawil.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring October 16 and 17, 2014, as America Reads: Reading Is Contagious Days.

Mayor Corbett and Council member Vernon presented a Proclamation declaring October 15, 2014 as White Cane Safety Day.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring October 2014 as National Disability Employee Awareness Month.

Mayor Corbett and Council member Shey presented a Proclamation declaring October 7, 2014 as The Summerland Project Day.

Resolutions and motions were adopted with all Council members and Mayor Corbett voting "Aye" unless noted.

A public hearing was held to consider a change of zone for property at the northeast corner of the intersection of Zika Avenue NW and 16<sup>th</sup> Street NW from R-1, Single Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Newbo Development Group, LLC and the City of Cedar Rapids (Vern Zakostecky and Caleb Mason). Objections were heard. One written objection was filed.

Ordinance No. \_\_\_\_\_, being an Ordinance granting a change of zone for property at the northeast corner of the intersection of Zika Avenue NW and 16<sup>th</sup> Street NW from R-1, Single Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Newbo Development Group, LLC and the City of Cedar Rapids, was presented and read the first time.

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

A public hearing was held to consider a proposed Amendment No. 1 to the Council Street Urban Renewal Plan and an Ordinance relating to collection of tax increment within the proposed area (Kirsty Sanchez and Jennifer Pratt). Two comments were heard. No written comments or objections were filed.

1353-10-14, approving Amendment No. 1 to the Council Street Urban Renewal Plan.

Ordinance No. \_\_\_\_\_, being an Ordinance amending Ordinance No. 041-03, relating to collection of tax increment within the Council Street Urban Renewal Area, was presented and read the first time.

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

A public hearing was held to consider the proposed Northtowne Market Urban Renewal Area and Plan located at 1201 Blairs Ferry Road NE and an Ordinance relating to collection of tax increment within the proposed area (Kirsty Sanchez and Jennifer Pratt). No comments or objections were heard or filed.

1354-10-14, approving the Northtowne Market Urban Renewal Area at 1201 Blairs Ferry Road NE.

Ordinance No. \_\_\_\_\_, being an Ordinance relating to collection of tax increment within the proposed Northtowne Market Urban Renewal Area located at 1201 Blairs Ferry Road NE, was presented and read the first time.

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

A public hearing was held to consider the proposed New Pioneer Urban Renewal Area and Plan located at 3338 Center Point Road NE, authorizing negotiations for a Development Agreement and an Ordinance relating to collection of tax increment within the proposed area (Kirsty Sanchez and Jennifer Pratt). One comment was heard. No written comments or objections were filed.

1355-10-14, approving the New Pioneer Urban Renewal Area at 3338 Center Point Road NE.

1356-10-14, authorizing negotiations for a Development Agreement with New Pioneer's Cooperative Society.

Ordinance No. \_\_\_\_\_, being an Ordinance relating to collection of tax increment within the proposed New Pioneer Urban Renewal Area located at 3338 Center Point Road NE, was presented and read the first time.

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

A public hearing was held to consider the Resolution of Necessity (Proposed) for the 18<sup>th</sup> Street SW from Wilson Avenue SW to 16<sup>th</sup> Avenue SW Improvements project (Doug Wilson). One objection was heard. No written comments or objections were filed.

1357-10-14, adopting without amendment the Resolution of Necessity (Proposed) for the 18<sup>th</sup> Street SW from Wilson Avenue SW to 16<sup>th</sup> Avenue SW Improvements project.

A public hearing was held to consider the Resolution of Necessity (Proposed) for the construction of the 2015 Sidewalk Infill project (Doug Wilson). Comments and objections were heard. No written comments or objections were filed.

1358-10-14, adopting without amendment the Resolution of Necessity (Proposed) for the 2015 Sidewalk Infill project.

A public hearing was held to consider a Substation Site Easement Agreement with Interstate Power and Light Company in connection with an electric substation expansion and rebuild located on City-owned land at the southwest corner of Twin Pines Golf Course and the intersection of 42<sup>nd</sup> Street and Edgewood Road NE (Rita Rasmussen). No comments or objections were heard or filed.

Resolution authorizing execution of a Substation Site Easement Agreement with Interstate Power and Light Company in connection with an electric substation expansion and rebuild located on City-owned land at the southwest corner of Twin Pines Golf Course and the intersection of 42<sup>nd</sup> Street and Edgewood Road NE. **DIED FOR LACK OF A MOTION – RESOLUTION FAILED.**

Public comments were heard.

Council member Vernon moved to approve the Agenda; seconded by Council member Gulick. Mayor Corbett requested that Item Number 22 (resolution rescinding Resolution Nos. 1189-07-93 and 968-05-94, which established “No Parking 8AM-4PM” on the south side of Boyson Road NE from Kent Drive NE to the easterly drive to Bowman Woods Elementary, and establishing “No Parking Anytime” on the north and south sides of Boyson Road NE from C Avenue to the East Corporate Limits) be removed from the agenda and sent back to the Infrastructure Committee for further consideration. Council member Russell requested that Item Numbers 24 (Resolution rescinding Resolution No. 0451-04-14, which authorized execution of a Permanent Easement Agreement and acceptance of a permanent easement for the construction, operation, use and maintenance of an eastbound new roadway turn lane from Interstate 380 to 42nd Street NE from the Chicago, Central & Pacific Railroad Company; and approving and ratifying a License for Roadway Agreement with the Chicago, Central &

Pacific Railroad Company in connection with the 42nd Street and Interstate 380 Intersection Improvements project) and 25 (resolution rescinding Resolution No. 0452-04-14, which authorized execution of a Permanent Easement Agreement and acceptance of a permanent easement for the construction, operation, use and maintenance of drainage culverts, pipes and structures, including erosion control from the Chicago, Central & Pacific Railroad Company; and ratifying and approving a License for Drainage System with the Chicago, Central & Pacific Railroad Company in connection with the 42nd Street and Interstate 380 Intersection Improvements project) be moved from the Consent Agenda to the Regular Agenda. Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett. Motion carried as amended.

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

Motion to approve minutes.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for October 21, 2014 and advertising for bids by publishing notice to bidders for the Water Pollution Control Facility Roughing Filter #4 Dome Replacement and Concrete Repair project, and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on November 5, 2014 (estimated cost is \$1,925,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for October 21, 2014 and advertising for bids by publishing notice to bidders for the FY 2015 Curb Repair Project – Contract 1 project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on October 22, 2014 (estimated cost is \$430,000) (Paving for Progress).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for October 21, 2014 and advertising for bids by publishing notice to bidders for the Prairie Valley Court SW Sidewalk Extension project, and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on October 29, 2014 (estimated cost is \$120,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for October 21, 2014 and advertising for bids by publishing notice to bidders for the Selected J Avenue Campus 2014 Renovations project, and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on November 5, 2014 (estimated cost is \$900,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for October 21, 2014 and advertising for bids by publishing notice to bidders for the Cedar River East Floodwall PepsiCo/Quaker Oats Area, Phase 1 – Transmission Main Pressure Connections and

Service Line Valve Installation project, and authorizing the Utilities Director, or designee, to receive and open bids and publicly announce the results on November 5, 2014 (estimated cost is \$1,225,000).

Motion approving the beer/liquor/wine applications of:

- a. Bricks Bar & Grill, 320 2<sup>nd</sup> Avenue SE;
- b. Buffalo Wild Wings, 1100 Blairs Ferry Road NE;
- c. Cooter's, 729 1<sup>st</sup> Avenue NW;
- d. Cranky Hank's Pizza, 4444 1<sup>st</sup> Avenue NE (5-day permit for an event at 50 2<sup>nd</sup> Avenue Bridge, Veterans Memorial Building, on October 18, 2014);
- e. Eurest Dining Services (Aegon), 6400 C Street SW;
- f. Holiday Inn Express, 3320 Southgate Court SW;
- g. Holiday Inn Express, 1230 Collins Road NE;
- h. Julia-n-LeChef Katering Kitchen, 426 1<sup>st</sup> Avenue NW (5-day permit for an event at 51 1<sup>st</sup> Avenue Bridge, Veterans Memorial Building, on October 18, 2014);
- i. Lancer Lanes, 3203 6<sup>th</sup> Street SW;
- j. Leonardo's Pizza, 2228 16<sup>th</sup> Avenue SW;
- k. Migo's, 86 16<sup>th</sup> Avenue SW (new – formerly Blue Toad);
- l. Noodles & Company, 310 Collins Road NE;
- m. Oyama Sushi Japanese Steakhouse, 5350 Council Street NE;
- n. St. Pius X Parish, 4949 Council Street NE (5-day permit for an event on October 17-22, 2014);
- o. Taste of India, 1060 Old Marion Road NE Suite E;
- p. Tienda Mexicana La Guanajuato, 3915 Center Point Road NE;
- q. White Star Ale House, 305 2<sup>nd</sup> Avenue SE.

1359-10-14, approving payment of bills.

1360-10-14, approving payment of payroll.

1361-10-14, approving transfer of funds.

1362-10-14, vote of thanks to Lora Ferguson and Heidi Taylor for serving on the Section 8 Housing Choice Voucher (HCV) Program Resident Advisory Board.

1363-10-14, levy assessment for Solid Waste & Recycling clean-up costs at six properties.

1364-10-14, intent to assess for Utilities – Water Division delinquent municipal utility bills at 52 properties.

1365-10-14, levy assessment for Utilities – Water Division delinquent municipal utility bills at 23 properties.

1366-10-14, accepting sanitary sewer in Crescent View First Addition – Phase IV and approving 2-year Maintenance Bond submitted by Abode Construction, Inc. in the amount of \$29,446.19.

1367-10-14, accepting storm sewer in Crescent View First Addition – Phase IV and approving 2-year Maintenance Bond submitted by Abode Construction, Inc. in the amount of \$26,953.68.

1368-10-14, accepting Portland Cement Concrete pavement in Crescent View First Addition – Phase IV and approving 4-year Maintenance Bond submitted by City Wide Construction Corporation in the amount of \$59,287.50.

1369-10-14, accepting water system improvements in Applewood Hills 11th Addition and approving 2-Year Maintenance Bond submitted by Dave Schmitt Construction Company, Inc. in the amount of \$30,283.

1370-10-14, accepting 2nd Street SE Parking Ramp at 7th Avenue – General Construction project, authorizing final payment in the amount of \$402,782 and approving 2-year Performance Bond submitted by Knutson Construction Services Midwest, Inc. (original contract amount was \$7,801.500; final contract amount is \$8,055,633).

1371-10-14, accepting Sun Valley Neighborhood SE Storm Sewer Installation project, authorizing final payment in the amount of \$8,973.21 and approving 4-year Performance Bond submitted by Rathje Construction Company (original contract amount was \$170,784.95; final contract amount is \$179,464.25).

1372-10-14, accepting Q Avenue NW at Ellis Boulevard NW Flood Protection Improvements project, authorizing final payment in the amount of \$4,006.69 and approving 4-year Performance Bond submitted by Pirc-Tobin Construction, Inc. (original contract amount was \$86,384.40; final contract amount is \$80,133.81).

1373-10-14, accepting Five Seasons Parkade Skywalk – Phase II Exterior Renovations project, authorizing final payment in the amount of \$3,796.04 and approving 2-year Performance Bond submitted by Woodruff Construction, LLC (original contract amount was \$64,700; final contract amount is \$75,920.78).

1374-10-14, accepting Veterans Memorial Phase III – Bid Package #11 – Fire Protection project, authorizing final payment in the amount of \$6,417.16 and approving 2-Year Performance Bond submitted by Blackhawk Automatic Sprinkler, Inc. (original contract amount was \$128,670; final contract amount is \$128,343) (FLOOD).

1375-10-14, accepting Veterans Memorial Phase III – Bid Package #4 – Carpentry, Doors, Hardware and Specialties project, authorizing final payment in the amount of \$32,510.40 and approving 2-Year Performance Bond submitted by Tricon General Construction, Inc. (original contract amount was \$488,000; final contract amount is \$650,207.85) (FLOOD).

1376-10-14, adopting funding priorities for the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs for the period covering July 1, 2015 – June 30, 2016.

1377-10-14, establishing “No Parking Anytime” on the north side of Bever Avenue SE from 30th Street to 34th Street SE, and on the south side of Bever Avenue SE from Bever Circle to 34th Street SE.

1378-10-14, rescinding Resolution Nos. 1253-06-04 and 1551-07-03, which established “1 Hour Parking 9AM-6PM” on the north and south sides of 3rd Avenue SW from 2nd Street to 3rd Street SW;

rescinding Resolution No. 1301-9-71, which established "Loading Zone" on the north side of 3rd Avenue SW from 1st Street westerly for 22 feet; and establishing "2 Hour Parking" on both sides of 3rd Avenue SW from 1st Street to 3rd Street SW.

1379-10-14, accepting the Replacement of Fire Hydrants and Blow Off Completes FY14 project, approving the 2-Year Maintenance Bond and authorizing final (retainage) payment in the amount of \$232.13 to B. G. Brecke, Inc. (original contract amount was \$53,340; the final contract amount is \$5,642.50). Abstain, Council member Olson.

1380-10-14, accepting a bid in the amount of \$280,000 from Jeffrey D. Wilkin and Debra J. Wilkin, and approving a Quit Claim Deed for the disposition of excess City-owned property located at 3601 42nd Street NE.

1381-10-14, adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the Edgewood Road SW and Edgewood Parkway SW Traffic Signal Improvements project.

1382-10-14, Amendment No. 4 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors specifying an increased amount not to exceed \$107,196 for the Chandler St, 20th St, 18th St and 16th Ave SW Water Main Replacement project (original contract amount was \$126,521, total contract amount with this amendment is \$244,761).

1383-10-14, Amendment No. 1 to the Contract for the Environmental Assessment for Nuisance Structures project with Tetra Tech, Inc. to extend contract term and identify additional structures for an amount not to exceed \$3,242 (original contract amount was \$22,362; total contract amount with this amendment is \$25,604).

1384-10-14, Amendment No. 4 to the Contract for Lime Sludge Removal and Disposal – Northwest Water Treatment Plant Lagoons with Mike McMurrin Trucking, Inc. to reflect the additional cost for 4,665 tons of additional sludge for an amount not to exceed \$33,035 (original contract amount was \$354,000; total contract amount with this amendment is \$500,315).

1385-10-14, Amendment No. 11 to the Contract for City Services Center Furniture, Fixtures and Equipment (FF&E) Packages with Triplett Interior Solutions to move additional items for Fleet Services for an amount not to exceed \$895 and to extend the completion date of the project (original contract amount was \$299,520.80; total contract amount with this amendment is \$376,451.13) (FLOOD).

1386-10-14, Amendment No. 3 to renew Contract for Electronic Plan Room Services with Rapids Reproductions, Inc. for the Public Works Department – Engineering Division for a total annual amount not to exceed \$75,000 (original contract amount was \$148,214.51; renewal contract amount is \$75,000) (FLOOD).

1387-10-14, Amending Resolution No. 0070-01-14 for a purchase increase of \$20,000 to be

added to the not to exceed amount of \$25,000 to obtain merchandise for resale from Ping during the 2014 season (original contract amount was \$25,000; contract amount with this amendment is \$45,000).

1388-10-14, Third Amendment to \$650,000 Promissory Note and \$101,044 Promissory Note with SA Investment LLC and Sherman Associates, Inc. respectively for renovation of the Roosevelt Building.

1389-10-14, First Amendment to Memorandum of Understanding with Linn County Gaming Association, Inc. and Cedar Rapids Development Group, LLC.

1390-10-14, Rescinding Resolution No. 514-3-98, which accepted the Agreement For Private Storm Water Detention for property located at 2010 Sylvia Avenue NE.

1391-10-14, Contract for Environmental Remediation and Demolition Services project with BWC Excavating, LC for the Public Works Department – Engineering Division for an amount not to exceed \$57,400. Abstain, Council member Gulick.

1392-10-14, Contract for Vehicle Glass Replacement and Repair Services with Safelite Fulfillment, Inc. for an amount not to exceed \$30,000 for the two-year Contract period.

1393-10-14, Information Technology Department purchase of Hardened Control Switches from Erb's Technology Solutions in the amount of \$173,776.50.

1394-10-14, Renewal of Fleet Focus Software Maintenance Agreement with AssetWorks, LLC., (original contract amount was \$24,570; renewal contract amount is \$25,798.50).

1395-10-14, Accepting a Warranty Deed, Public Utility, Storm Sewer and Drainage Easement Agreement and a Concrete Sidewalk Petition and Assessment Agreement for property at 3011 Woodland Drive SW.

1396-10-14, Linn County Multi-Jurisdictional Hazard Mitigation Plan 2014 – 2019 as required by FEMA.

1397-10-14, Special Warranty Deed conveying City-owned property at 1020 and 1028 3rd Street SE to New Bohemia Station, LLC (FLOOD).

1398-10-14, Professional Services Agreement with HR Green, Inc. for an amount not to exceed \$211,673 for design services in connection with the Waconia Avenue Sanitary Sewer Improvements project.

1399-10-14, Professional Services Agreement with Anderson-Bogert Engineers and Surveyors, Inc. for an amount not to exceed \$142,120 for design services in connection with the Collins Road NE, Williams Boulevard SW and 1st Avenue SW Roadway Improvement projects.

1400-10-14, Public Works Department – Streets Division purchase of traffic marking paint beads from Potters Industries, LLC for an amount not to exceed \$30,000 to be used for roadway markings.

1401-10-14, Awarding and approving contract in the amount of \$69,028.80 plus incentive up to \$1,000, bond and insurance of Ken-Way Excavating Services, Inc. for the 6805 Brentwood Drive NE Sanitary Sewer Replacement project (estimated cost is \$55,000).

1402-10-14, Joint Funding Agreement with the U.S. Department of Interior, Geological Survey (USGS) for the continuing "Assessment of Ground-Water Flow and Quality for the Cedar Rapids Alluvium" for the period of October 1, 2014 through September 30, 2015 for a project cost of \$219,735 (project cost to be shared on a 38/62 basis with the City's share being \$135,735).

1403-10-14, rescinding Resolution No. 0451-04-14, which authorized execution of a Permanent Easement Agreement and acceptance of a permanent easement for the construction, operation, use and maintenance of an eastbound new roadway turn lane from Interstate 380 to 42nd Street NE from the Chicago, Central & Pacific Railroad Company; and approving and ratifying a License for Roadway Agreement with the Chicago, Central & Pacific Railroad Company in connection with the 42nd Street and Interstate 380 Intersection Improvements project. Nay, Council member Russell.

1404-10-14, rescinding Resolution No. 0452-04-14, which authorized execution of a Permanent Easement Agreement and acceptance of a permanent easement for the construction, operation, use and maintenance of drainage culverts, pipes and structures, including erosion control from the Chicago, Central & Pacific Railroad Company; and ratifying and approving a License for Drainage System with the Chicago, Central & Pacific Railroad Company in connection with the 42nd Street and Interstate 380 Intersection Improvements project. Nay, Council member Russell.

1405-10-14, discussion and Resolution in support of the proposed mixed use development at 42nd Street NE and Edgewood Road NE and direction to negotiate a Development Agreement with 42nd Street and Edgewood, LLC.

Ordinance No. \_\_\_\_\_, being an Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the Cornerhouse Urban Revitalization Area designation at 2739 1<sup>st</sup> Avenue SE, was presented and read the second time.

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

Ordinance No. 075-14, being an Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, adding a Northwest Flood Mitigation Overlay District with specific guidelines applicable to land use applications and permits, was presented and read the second time.

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

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

Public comments were heard.

At 2:37 p.m., Council member Gulick moved to recess and reconvene in the Chambers Conference Room in closed session to discuss the City Manager's annual performance review as permitted by Iowa Code Sections 21.5(1)(c) and (i) (2013); seconded by Council member Shields. Council was polled by the Mayor. Ayes, Council members Gulick, Olson, Poe, Russell, Shey, Shields, Vernon, Weinacht and Mayor Corbett. Motion carried.

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

City Council adjourned at 3:08 p.m. to meet Tuesday, October 21, 2014 at 4:00 p.m.

Alissa Van Sloten, Deputy City Clerk

Abstain, Council member Gulick  
Abstain, Council member Olson  
Nay, Council member Russell  
Nay, Council member Poe  
Nay, Council member Vernon