

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

November 4, 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, Shey, Shields, Vernon and Weinacht. Also present were Acting City Manager Casey Drew and City Attorney Jim Flitz. Absent, Council member Russell.

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 Olson presented a Proclamation declaring November 10, 2014 as Iowa Veterans' Welcome Center Day.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring November 8-9, 2014 as Linn County Sleep-Out for the Homeless Awareness Weekend.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring November 4, 2014 as My Brother's Keeper Day.

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

A public hearing was held to consider the vacation and disposition of public ways and grounds described as a 16-foot wide strip of excess alley right-of-way located at 919 6th Street SW as requested by Meridian Holdings, LLC (Rita Rasmussen). No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance vacating public ways and grounds described as a 16-foot wide strip of excess alley right-of-way located at 919 6th Street SW as requested by Meridian Holdings, LLC, 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, Shey, Shields, Vernon, Weinacht and Mayor Corbett.

A public hearing was held to consider an Underground Electric Line Easement agreement with Interstate Power and Light Company in connection with an electric upgrade and substation expansion and rebuild located on City-owned land at the southwest corner of Twin Pines Golf Course and the intersection of 42nd Street and Edgewood Road NE (Rita Rasmussen). Comments were heard. No written comments or objections were filed.

1477-11-14, authorizing execution of an Underground Electric Line Easement agreement with Interstate Power and Light Company in connection with an electric upgrade and substation expansion and rebuild located on City-owned land at the southwest corner of Twin Pines Golf Course and the intersection of 42nd Street and Edgewood Road NE.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Alley Between C Avenue NW and D Avenue NW from 9th Street NW to 11th Street NW Sanitary Sewer Improvements project (estimated cost is \$240,000) (Doug Wilson). No comments or objections were heard or filed.

1478-11-14, adopting plans, specifications, form of contract and estimated cost for the Alley Between C Avenue NW and D Avenue NW from 9th Street NW to 11th Street NW Sanitary Sewer Improvements project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Hawkeye Downs Road SW Culvert Replacement project (estimated cost is \$125,000) (Doug Wilson). No comments or objections were heard or filed.

1479-11-14, adopting plans, specifications, form of contract and estimated cost for the Hawkeye Downs Road SW Culvert Replacement project.

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

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

Motion to approve minutes.

Motions setting public hearing dates for:

- a. November 18, 2014 – to consider the disposition of a 2.16-acre parcel of excess City-owned land located northerly of and adjacent to 300 50th Avenue Court SW as requested by Croell Redi-Mix, Inc.
- b. November 18, 2014 – to consider amending Chapter 18 of the Municipal Code, Historic Preservation, amending Section 18.03, Cedar Rapids Historic Preservation Commission, allowing up to two commission members to reside outside corporate limits.
- c. November 18, 2014 – to consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, modifying citywide parking standards, eliminating commercial setbacks and establishing site design expectations for new construction as an interim measure prior to the adoption of a new zoning ordinance.
- d. November 18, 2014 – to consider renaming 14th Avenue SE to 16th Avenue SE, from the Cedar River to 4th Street SE; naming future 16th Avenue SE from 4th Street SE to 5th Street SE; and renaming 15th Avenue SE to 17th Avenue SE from the Cedar River to 2nd Street SE as requested by the Community Development Department.
- e. December 16, 2014 – to consider a request by Kingston Lofts, LLC for an Urban Revitalization Area Designation for property located at 200, 210 and 213 3rd Avenue SW.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for November 18, 2014 and advertising for bids by publishing notice to bidders for the C Avenue NE from Collins Road to Blairs Ferry Road Phase 1 – Utility Improvements project and authorizing the City Engineer, or designee, to receive and open bids and publicly announce the results on November 19, 2014 (estimated cost is \$545,000).

Motion approving the beer/liquor/wine applications of:

- a. 101 Gastropub, 3707 1st Avenue SE;
- b. Aldi #61, 5425 Blairs Forest Boulevard NE;
- c. Aldi #62, 1860 Edgewood Road SW;
- d. Casey's General Store #3382, 560 33rd Avenue SW (new – formerly Sonic);
- e. The Cooler, 4920 Johnson Avenue NW;
- f. Cranky Hank's Pizza, 4444 1st Avenue NE, Suite 454 (5-day permit for an event at 50 2nd Avenue Bridge (Veterans Memorial Building), on November 15, 2014);
- g. Fareway Store #963, 4220 16th Avenue SW;
- h. Granite City Food & Brewery, 4755 1st Avenue SE;
- i. Hy-Vee Food Store #1, 1843 Johnson Avenue NW;
- j. Hy-Vee Food Store #2, 279 Collins Road NE;
- k. Java Creek Café, 588 Boyson Road NE (5-day permit for an event at 606 A Avenue NE (Scottish Rite Masonic Center), on November 13-16, 2014);
- l. Mahoney's, 1602 E Avenue NE;
- m. Smoke 'N' Pipe, 3221 1st Avenue SE;
- n. Stadium Lounge Bar & Grill, 957 Rockford Road SW;
- o. Tornado's Grub & Pub, 315 14th Avenue SE;
- p. Vito's on 42nd, 4100 River Ridge Drive NE;
- q. Willy Woodburn's Café, 232 16th Avenue SW.

1480-11-14, approving payment of bills.

1481-11-14, approving payment of payroll.

1482-11-14, approving transfer of funds.

1483-11-14, thanking Barbara Gay for serving on the Civil Rights Commission.

1484-11-14, approving special event application for the Cedar Rapids Metro Economic Alliance Fire and Ice Holiday Delight Parade on December 6, 2014 (includes road closure). Abstain, Council member Gulick.

1485-11-14, intent to assess for Utilities – Water Division delinquent municipal utility bills at 61 properties.

1486-11-14, levy assessment for Utilities – Water Division delinquent municipal utility bills at 21 properties.

1487-11-14, accepting Cedar Rapids Animal Care & Control Building project, final payment in the amount of \$21,635.25 and approving 2-year Performance Bond submitted by Portzen Construction, Inc. (original contract amount was \$3,815,500; final contract amount is \$3,927,074) (FLOOD).

1488-11-14, accepting D Avenue NW at Cherry Park Drive Storm Sewer Extension project and approving 4-year Performance Bond submitted by Cedar Rapids Thunder, Inc. (original contract amount was \$15,038.70; final contract amount is \$15,544.98).

1489-11-14, accepting Naoma Drive SW Sanitary and Storm Sewer Improvements project, authorizing final payment in the amount of \$22,848.27 and approving 4-year Performance Bond submitted by Pirc-Tobin Construction, Inc. (original contract amount was \$475,600; final contract amount is \$456,965.48).

1490-11-14, Development Agreement with Skogman Construction Company of Iowa for property at 619 Moose Drive NW participating in the fourth round of the Single Family New Construction Program

1491-11-14, Development Agreement with Skogman Construction Company of Iowa for property at 624 Moose Drive NW participating in the fourth round of the Single Family New Construction Program

1492-11-14, Development Agreement with Skogman Construction Company of Iowa for property at 625 Moose Drive NW participating in the fourth round of the Single Family New Construction Program

1493-11-14, Development Agreement with Skogman Construction Company of Iowa for property at 631 Moose Drive NW participating in the fourth round of the Single Family New Construction Program

1494-11-14, accepting water system improvements installed in Red Rock 1st Addition – Phase 2 and approving 2-Year Maintenance Bond in the amount of \$94,915 submitted by Zinser Grading and Excavating LLC.

1495-11-14, approving the Final Plat of Westdale First Addition located at 2550 Edgewood Road SW.

1496-11-14, approving the Final Plat of Gee First Addition to Linn County located at 2203 Wright Brothers Boulevard SW.

1497-11-14, approving the Final Plat of Westdale Second Addition located at 2550 Edgewood Road SW.

1498-11-14, referring to the Linn County Compensation Commission (in accordance with eminent domain proceedings) the partial acquisition of a temporary grading easement for construction from property located at 1311 18th Street SW, owned by Deborah K. Tompkins, in connection with the 18th Street SW from Wilson Avenue SW to 13th Avenue SW Improvements project.

1499-11-14, fixing value of lots for the construction of the 35th Street Drive SE from 1st Avenue East to Elm Avenue SE Curb and Gutter Improvements project (Paving for Progress).

1500-11-14, directing preparation of detailed plans, specifications, form of contract and notice to bidders for the 18th Street SW from Wilson Avenue SW to 16th Avenue SW Improvements project.

1501-11-14, accepting work and fixing amount to be assessed for the Alley between F Avenue and G Avenue NW from 9th Street to 8th Street Portland Cement Concrete Pavement project.

1502-11-14, Letter of Engagement with Kutak Rock, LLP for federal lobbying services for an additional amount not to exceed \$50,000.

1503-11-14, adopting the 2014 Cedar Rapids City Council Goals.

1504-11-14, declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

1505-11-14, authorizing the addition of 1.0 FTE in the Building Services Department for the classification of Housing & Nuisance Manager.

1506-11-14, eliminating the Flood Recovery Program Manager position.

1507-11-14, Amendment No. 5 to the Contract for Utility Disconnect Services with BWC Excavating LC to extend the term and estimate future work for an amount not to exceed \$19,000 (original contract amount was \$23,105.56; total amount with this amendment is \$56,605.56). Abstain, Council member Gulick.

1508-11-14, Amendment No. 4 to the Professional Services Agreement with Brown and Caldwell specifying an increased amount not to exceed \$135,341 for engineering services in connection with the Cedar River Sanitary Sewer Crossing Improvements project (original contract amount was \$923,000; total contract amount with this amendment is \$1,172,341).

1509-11-14, Amendment No. 1 to the Professional Services Agreement with Shive-Hattery, Inc. specifying an increased amount not to exceed \$6,900 for engineering services in connection with the 27th Street SW Culvert Replacement project (original contract amount was \$38,977.50; total contract amount with this amendment is \$45,877.50).

1510-11-14, amending Resolution No. 1044-08-14, which authorized payment of an Annual Economic Development Grant, where the grant payment has been recalculated and Highway Equipment, Inc. is entitled to \$23,371.50.

1511-11-14, amending Resolution No. 1045-08-14, which authorized payment of an Annual Economic Development Grant, where the grant payment has been recalculated and The Pointe at Cedar Rapids, LLC is entitled to \$245,688.05.

1512-11-14, amending Resolution No. 1046-08-14, which authorized payment of an Annual Economic Development Grant, where the grant payment has been recalculated and J Rettenmaier USA LP is entitled to \$74,874.50.

1513-11-14, amending Resolution No. 1047-08-14, which authorized payment of an Annual Economic Development Grant, where the grant payment has been recalculated and 500First is entitled to \$154,235.17.

1514-11-14, amending Resolution No. 1048-08-14, which authorized payment of an Annual Economic Development Grant, where the grant payment has been recalculated and TrueNorth is entitled to \$123,820.80.

1515-11-14, Change Order No. 10 in the amount of \$61,967 with Miron Construction Co., Inc. for the Cedar Rapids City Services Center – Bid Package 2 – Phase 2 Demolition, Sitework and New Building Construction Project – General Contractor project (original contract amount was \$19,185,000; total contract amount with this amendment is \$19,760.852) (FLOOD).

1516-11-14, Change Order No. 2 in the amount of \$30,100 with Municipal Pipe Tool Co., LLC for the Sanitary Sewers Quadrant Flood Repairs Lining Package #5 – 2013 project (original contract amount was \$848,344; total contract amount with this amendment is \$880,944) (FLOOD).

1517-11-14, Change Order No. 6 in the amount of \$22,610.59 with Ricklefs Excavating, Ltd. for the SW Quadrant, 2008 Flood Area Sanitary Sewer Restoration, Phase 2, Part 2 project (original contract amount was \$1,765,654.20; total contract amount with this amendment is \$1,792,515.77) (FLOOD).

1518-11-14, Change Order No. 1 in the amount of \$53,888.60 with L.L. Pelling Company, Inc. for the 19th Street SE, Bever Avenue SE and Garden Drive SE Pavement Rehabilitation Improvements project (original contract amount was \$1,922,103; total contract amount with this amendment is \$1,975,991.60) (Paving for Progress).

1519-11-14, Change Order No. 3 in the amount of \$8,884.61, plus an additional one-half working day, with Pirc-Tobin Construction, Inc. for the Oakland Road NE from E Avenue NE to H Avenue NE Pavement Rehabilitation project (original contract amount was \$645,700; total contract amount with this amendment is \$681,491.96) (Paving for Progress).

1520-11-14, Change Order No. 3 (Final) in the amount of \$12,818.66 with Eastern Iowa Excavating & Concrete, LLC for the Cedar River Amphitheater Trail Connection Between Amphitheater and Festival Grounds project (original contract amount was \$111,962.65; total contract amount with this amendment is \$127,113.21).

1521-11-14, Change Order No. 12 (Final) deducting the amount of \$664,182.68 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 \$4,925,413.56).

1522-11-14, Change Order No. 2 in the amount of \$167,946 with Peterson Contractors, Inc. for the Cedar River Bridges Miscellaneous Repairs project (original contract amount was \$1,275,800; total contract amount with this amendment is \$1,610,347.75).

1523-11-14, Change Order No. 6 in the amount of \$11,531.24 with Pirc-Tobin Construction, Inc. for the 76th Avenue SW Improvements – from Edgewood Road SW to East of the Cedar Rapids and Iowa City (CRANDIC) Railroad Crossing project (original contract amount was \$3,692,021.84; total contract amount with this amendment is \$3,736,472.13).

1524-11-14, Change Order No. 6 in the amount of \$1,154.72 with BWC Excavating, LC for the 76th Avenue SW from East of Interstate 380 to Prairie Hawk Drive SW Street Improvements with Kirkwood Boulevard SW Intersection Improvements project (original contract amount was \$1,408,890.70; total contract amount with this amendment is \$1,495,145.41). Abstain, Council member Gulick.

1525-11-14, Change Order No. 4 (Final) deducting the amount of \$7,159.60 with Ricklefs Excavating, Ltd. for the Montclair Drive NW from Owen Street to Jacolyn Drive Storm Sewer and Intersection Improvements project (original contract amount was \$171,800; total contract amount with this amendment is \$203,278.95).

1526-11-14, Change Order No. 2 (Final) in the amount of \$56,304.17; accepting the Repair of Water Service Lines FY14 project and 2-Year Maintenance Bond and authorizing final (retainage) payment in the amount of \$17,906.10 to B. G. Brecke, Inc. (original contract amount was \$238,140 ; the final contract amount is \$390,444.17).

1527-11-14, Professional Services Agreement with Ulteig Engineers for an amount not to exceed \$80,000 for the Water Pollution Control Facility Arc Flash & Coordination Study project.

1528-11-14, Fire Department purchase of radio equipment from Motorola Solutions, Inc. for an amount not to exceed \$50,000 through December 31, 2015.

1529-11-14, Agreement For Use, Release and Indemnification Contract on behalf of the Cedar Rapids Fire Department to use privately-owned structure at 330 G Avenue NW for Non-Burn training exercises.

1530-11-14, offer to purchase property and execution of a Total Acquisition Purchase Agreement in the amount of \$112,000, plus an amount estimated to be \$19,500 in relocation benefits, to Cheryl G. Hart-Lloyd and Dennis Lloyd for property located at 4531 C Avenue NE in connection with the Iowa 100 (Collins Road) from Council Street NE to 1st Avenue project.

1531-11-14, Easement Crossing Consent and Agreement for Multi-Use Trail in the amount of \$1 from ITC Midwest LLC for property located at 902 17th Street NE in connection with the CEMAR Trail project.

1532-11-14, Easement for Recreational Trail and a Temporary Grading Easement for Construction in the amount of \$1 from Mount Mercy University for property located at 902 17th Street NE in connection with the CEMAR Trail project.

1533-11-14, Purchase Agreement in the amount of \$3,145 and accepting an Easement for Sanitary Sewer from King's Material, Inc. for land located at 1008 6th Street SW in connection with the Sanitary Sewers Quadrant Flood Repair Lining Package #4 – 2013 project (FLOOD).

1534-11-14, Warranty Deed from the Cedar Rapids Development Group, LLC for land located at 201 1st Avenue SW.

1535-11-14, Joint Funding Agreement with the U.S. Department of Interior, Geological Survey (USGS) for Water Resources Investigations for the period of November 4, 2014 through September 30, 2017 in the amount of \$291,132.

1536-11-14, Purchase Order to Van Meter, Inc. in the amount of \$30,550 for the Utilities Department – Water Plant Operations purchase of Rockwell Automation SCADA server software (sole source).

1537-11-14, contract for Firearms Range Lead Reclamation project with Metals Treatment Technologies, LLC dba MT2 LLC for the Public Works Department – Engineering Division for an amount not to exceed \$38,800.

Report on bids for the FY 2015 Curb Repair Project – Contract 1 project (estimated cost is \$430,000) (Paving for Progress) (Doug Wilson): Ti-Zack Concrete, Inc., LeCenter, MN, \$439,670.

1538-11-14, awarding and approving contract in the amount of \$439,670 plus incentive up to \$4,500, bond and insurance of Ti-Zack Concrete, Inc. for the FY 2015 Curb Repair Project – Contract 1 project.

Report on bids for the Prairie Valley Court SW Sidewalk Extension project (estimated cost is \$120,000) (Doug Wilson):

Precision Concrete, Inc., Brooklyn, IA	\$79,616.90
Vieth Construction Corp., Cedar Falls, IA	\$83,260.00
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$84,055.00
Pirc-Tobin Construction, Inc., Alburnett, IA	\$92,177.00
BWC Excavating, LC, Solon, IA	\$101,653.56
Rathje Construction Co., Marion, IA	\$109,950.00
Tschiggfrie Excavating, Dubuque, IA	\$113,095.30
Dave Schmitt Construction Co., Inc., Cedar Rapids, IA	\$114,095.00
Ti-Zack Concrete, Inc., LeCenter, MN	\$137,310.00

1539-11-14, discussion and Resolution adopting the Greene Square Park Revitalization Design Plan (Sven Leff and OPN representatives Brad Brown and Heather Lynxwiler).

Ordinance No. 081-14, being an Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to expand the Red Star Yeast Urban Revitalization Area at 950 60th Avenue SW, was presented and read the second time.

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

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

Ordinance No. 082-14, being an Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to amend the Acme Electric Urban Revitalization Area Plan to allow for the construction of an additional new row house for a total of six row houses, was presented and read the second time.

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

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

Public comments were heard.

At 12:55 p.m., Council member Gulick moved to recess and reconvene in the Chambers Conference Room in closed session for the annual performance reviews of the City Attorney and City Clerk as pursuant to Iowa Code Section 21.5(1)(i)(2014); seconded by Council member Olson. Council was polled by the Mayor. Ayes, Council members Gulick, Olson, Poe, 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, Shey, Shields, Weinacht and Mayor Corbett. Motion carried.

City Council adjourned at 2:10 p.m. to meet Tuesday, November 18, 2014 at 4:00 p.m.

Amy Stevenson, City Clerk

Absent, Council member Russell
Abstain, Council member Gulick