

**CITY OF CEDAR RAPIDS, IOWA
MINUTES OF THE CITY COUNCIL
REGULAR SESSION**

September 22, 2015, 4:00 PM

City Council met in Regular Session in the Cedar Rapids City Hall Council Chambers, 101 First Street SE, Cedar Rapids, Iowa. Present, Mayor Ron Corbett, Council members Kris Gulick, Scott Olson, Ann Poe, Ralph Russell, Pat Shey, Justin Shields, Monica Vernon (participated and voted by way of telephone) and Susie Weinacht (left at 4:58 p.m. and voted on all items). Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz.

The invocation was given by Public Safety Chaplain Ken Glandorf.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

Mayor Corbett and Council member Poe presented a Proclamation declaring October 2015 as National Disability Employment Awareness Month.

Council member Weinacht planned to present a Proclamation declaring September 22, 2015 as Young Parents Network Day at a separate event.

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

1. A public hearing was held to consider renaming Loggerhead Road NE to Edgewood Road NE from Tower Terrace Road NE to the North City Limit as requested by the City of Hiawatha (Doug Wilson). No comments or objections were heard or filed.
2. A public hearing was held to consider an Urban Revitalization Area designation for the properties at 107 and 109 4th Avenue SW, 404, 406, 416, 418, 422, 424 and 426 1st Street SW and 108 5th Avenue SW as requested by Hobart Historic Restoration (Kirsty Sanchez). No comments or objections were heard or filed.

1363-09-15

- a. Resolution authorizing an Urban Revitalization Area designation for properties at 107 and 109 4th Avenue SW, 404, 406, 416, 418, 422, 424 and 426 1st Street SW and 108 5th Avenue SW.

Council member Olson moved to approve; seconded by Council member Poe.
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Result: Approved.

- b. First Reading: Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the ~~MidAmerican~~ **Aerospace Lofts at Red Cedar** Urban Revitalization Area designation at 107 and 109 4th Avenue SW, 404, 406, 416, 418, 422, 424 and 426 1st Street SW and 108 5th Avenue SW [correction was announced at meeting and Mayor read as corrected].

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 Poe.
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Result: Approved.

3. A public hearing was held to consider a request by Cona Properties LLC and KN Properties LLC for an Urban Revitalization Area designation for the properties at 203 and 207 1st Avenue SE and 110 and 112 2nd Street SE (Kirsty Sanchez). No comments or objections were heard or filed.

1364-09-15

- a. Resolution authorizing an Urban Revitalization Area designation for the renovation of properties at 203 and 207 1st Avenue SE and 110 and 112 2nd Street SE.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

- b. First Reading: Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the Cona Properties and KN Properties Urban Revitalization Area designation at 203 and 207 1st Avenue SE and 110 and 112 2nd Street SE.

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 Olson.

Result: **Approved.**

4. ~~A public hearing was held to consider the disposition of excess City-owned property acquired through the Voluntary Property Acquisition program in the Neighborhood Revitalization Area for the fourth round of Single Family New Construction Program (Amanda Vande Voorde). (Flood) (PUBLIC HEARING WAS CANCELLED AT THE REQUEST OF THE COMMUNITY DEVELOPMENT DEPARTMENT)~~

5. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 2nd Street SE East of 16th Avenue Sanitary Sewer Replacement project (estimated cost is \$900,000) (Sandy Pumphrey). No comments or objections were heard or filed.

1365-09-15

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the 2nd Street SE East of 16th Avenue Sanitary Sewer Replacement project.

Council member Olson moved to approve; seconded by Council member Poe.

Result: **Approved.**

6. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Prairie Creek from J Street SW to Cedar River Sanitary Sewer Reconstruction Phase 3 project (estimated cost is \$9,032,000) (Dave Wallace). (Flood) No comments or objections were heard or filed.

1366-09-15

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Prairie Creek from J Street SW to Cedar River Sanitary Sewer Reconstruction Phase 3 project.

Council member Olson moved to approve; seconded by Council member Poe.

Result: **Approved.**

Motion to approve the agenda.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

Motion to approve the consent agenda.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

7. Motion to approve the minutes.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1367-09-15

8. Resolution amending the EnvisionCR Trail Network Map.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1368-09-15

9. Resolution accepting work and fixing amount to be assessed for the Edgewood Road SW from Highway 30 to South of the CRANDIC RR Pavement Improvements project.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1369-09-15

10. Resolution authorizing the Finance Department to electronically file the City Street Financial Report for the fiscal year ending in 2015 with the Iowa Department of Transportation (IDOT).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1370-09-15

11. Resolution authorizing the Blue Zones License Agreement for participating organizations for use of the trademark and logo.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1371-09-15

12. Resolution establishing the dates and times of regularly scheduled City Council meetings to be held in calendar year 2016.

Council member Poe moved to approve; seconded by Council member Olson.

Nay: Council member Gulick.

Result: **Approved.**

13. Motions setting public hearing dates for:

a. October 6, 2015 – to consider amending Chapter 61 of the Municipal Code, Traffic Regulations, by revising limits on heavily laden vehicles to include 7th Street SE and 8th Street SE from 1st Avenue E to 8th Avenue SE in section 61.123(a).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

b. October 6, 2015 – to consider an Electric Line Easement agreement for guy lines and anchors from property located on City-owned land southerly of and adjacent to 7907 1st Avenue SW in connection with a new overhead transmission line as requested by Central Iowa Power Cooperative.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

- c. October 6, 2015 – to consider the disposition of excess City-owned property at 421 5th Avenue SW, 427 5th Avenue SW, 1033 10th Street NW, 0 Vacant Lot SW (GPN 142943201100000), and 0 Vacant Lot SW (GPN 142837700900000), acquired through the Voluntary Property Acquisition program in the Neighborhood Revitalization Area for the fourth round of Single Family New Construction Program. (Flood)

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- d. October 20, 2015 – to consider establishing the Czech Village-New Bohemia Self-Supported Municipal Improvement District.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 14. Motion setting public hearing date, filing plans and/or specifications, form of contract and estimated cost, advertising for bids by publishing notice to bidders, and authorizing City officials or designees to receive and open bids and publicly announce the results for:
 - a. October 6, 2015 – NE Quadrant, 2008 Flood, Sanitary Sewer Repairs, Phase 2, Bid Package 5 project, with bid opening October 14, 2015 (estimated cost is \$1,810,000). (Flood)

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 15. Motion approving the beer/liquor/wine applications of:
 - a. 1st Avenue Wine House, 3412 1st Avenue NE.
 - b. Blue Strawberry Coffee Company, 118 2nd Avenue SE.
 - c. Casey's General Store #2768, 1201 1st Avenue SE.
 - d. Casey's General Store #2776, 701 Ellis Boulevard NW.
 - e. Casey's General Store #2780, 5555 Edgewood Road NE.
 - f. Casey's General Store #2782, 1495 Blairs Ferry Road NE.
 - g. Casey's General Store #2790, 588 Boyson Road NE.
 - h. Casey's General Store #2791, 9125 Atlantic Drive SW.
 - i. Casey's General Store #2792, 9001 6th Street SW.
 - j. Cedar Rapids Ice Arena, 1100 Rockford Road SW (outdoor service for an event on September 26, 2015).
 - k. Coe College, 1220 1st Avenue NE.
 - l. The Fresh Market, 180 Collins Road NE.
 - m. Genghis Grill, 2230 Edgewood Road SW.
 - n. Hy-Vee #5 Club Room, 3235 Oakland Road NE.
 - o. Hy-Vee Drugstore #6, 505 Boyson Road NE.
 - p. Lancer Lanes, 3203 6th Street SW.
 - q. NewBo City Market, 1100 3rd Street SE (5-day permit for an event on September 26, 2015 on the front lawn of the market).
 - r. NewBo City Market, 1100 3rd Street SE.
 - s. Papa Juan's Mexican Restaurant, 5505 Center Point Road NE.
 - t. Paramount Theatre, 119 3rd Avenue SE.
 - u. Target T-1771, 3400 Edgewood Road SW.
 - v. Texas Roadhouse, 2605 Edgewood Road SW.

- w. Veterans of Foreign Wars Post #788, 3240 Southgate Place SW.
- x. Walgreens #12580, 324 Edgewood Road NW.
- y. Wasabi, 221 2nd Avenue SE (new – formerly Kazoku Asian Cuisine).
- z. Westside Lounge, 325 Edgewood Road NW.

Council member Poe moved to approve; seconded by Council member Olson.
Abstain, items q and r: Council member Gulick
Result: Approved.

- 1372-09-15 16. Resolutions approving:
a. Payment of bills.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1373-09-15 b. Payroll.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1374-09-15 c. Transfer of funds.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1375-09-15 17. Resolutions approving the special event applications for:

a. State Marching Band Festival event (includes road closure) on October 10, 2015.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1376-09-15 b. Five Seasons Invitational Marching Band Competition (includes road closure) on October 3, 2015.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1377-09-15 c. Especially For You Race Against Breast Cancer (includes road closures) on October 4, 2015.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1378-09-15 d. CzechFest event (includes road closure) on September 27, 2015.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1379-09-15 18. Resolutions approving assessment actions:

a. Intent to assess – Water Division – delinquent municipal utility bills – 56 properties.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

- 1380-09-15 b. Levy assessment – Water Division – delinquent municipal utility bills – 24 properties.

Council member Poe moved to approve; seconded by Council member Olson.
Result: Approved.

19. Resolutions approving actions regarding purchases, contracts and agreements:
- 1381-09-15 a. Amendment No. 1 to the Professional Services Agreement with CH2M Hill Engineers, Inc. for an amount not to exceed \$95,000 for additional work to the J Avenue Water Treatment Plant Process Improvements – Phase 1 project (original contract amount was \$644,752; total contract amount with this amendment is \$739,752).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1382-09-15

- b. Amendment No. 1 to the Professional Services Agreement with Fehr-Graham specifying an increased amount not to exceed \$56,900 for design services in connection with the 29th Street Drive SE from 1st Avenue to Tama Street roadway improvements project (original contract amount was \$159,600; total contract amount with this amendment is \$216,500). (Paving for Progress)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1383-09-15

- c. Amendment No. 2 to the Professional Services Agreement with HR Green specifying an increased amount not to exceed \$6,000 for design services in connection with the 2nd Avenue and 3rd Avenue from 6th Street SW to 1st Street SE One-Way Conversion project (original contract amount was \$75,314; total contract amount with this amendment is \$95,514).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1384-09-15

- d. Amendment No. 3 to the Professional Services Agreement with Brain Engineering, Inc. specifying an increased amount not to exceed \$50,606 for design services in connection with the B Avenue NW Improvements from Highland Drive to 8th Street project (original contract amount was \$55,697; total contract amount with this amendment is \$155,903). (Paving for Progress)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1385-09-15

- e. Amendment No. 4 to the Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$3,700 for the additional work to the Selected J Avenue Campus 2014 Renovations project (original contract amount was \$106,500; total contract amount with this amendment is \$134,800).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1386-09-15

- f. Amendment No. 2 to the Professional Services Agreement with Shive-Hattery, Inc. specifying an increased amount not to exceed \$65,800 for design services in connection with the Seminole Valley Road NE Improvements from Fords Crossing to 42nd Street project (original contract amount was \$215,280; total contract amount with this amendment is \$400,535). (Paving for Progress)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1387-09-15

- g. Professional Services Agreement with Shoemaker & Haaland Professional Engineers for an amount not to exceed \$196,816 for engineering design services in connection with the 34th Street SE Bridge Replacement and Roadway Improvements project. (Paving for Progress)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1388-09-15

- h. Change Order No. 1 in the amount of \$159,706.76 with Kleiman Construction for the Greene Square Revitalization Re-bid project (original contract amount was \$1,735,978; total contract amount with this amendment is \$1,895,684.76).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1389-09-15

- i. Change Order No. 11 in the amount of \$64,404 with Woodruff Construction, LLC for the Ground Transportation Center Renovation project (original contract amount was \$9,162,000; total contract amount with this amendment is \$9,371,177). (Flood)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1390-09-15

- j. First Amendment to Lease Purchase Agreement with Cedar Real Estate Group III, LLC.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1391-09-15

- k. Special Warranty Deed and Land Use Restriction Agreement conveying City-owned property at 1100 3rd Street SE to the NewBo City Market. (Flood)

Council member Poe moved to approve; seconded by Council member Olson.

Abstain: Council member Gulick.

Result: **Approved.**

1392-09-15

- l. Purchase Agreement with GAZ Properties, LLC in the amount of \$46,500 and Sherwin-Williams, Tenant, in the amount of \$5,500, and accepting a Warranty Deed for right of way, an Easement for Utilities and a Temporary Grading Easement for Construction from land located at 140 Collins Road NE in connection with the Collins Road (IA 100) Phase I Complete Streets Project from East of Northland Avenue NE to Twixt Town Road NE project.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1393-09-15

- m. Easement for Storm Sewer and Sanitary Sewer from Mount Mercy University in the amount of \$1 from land located at 902 17th Street NE in connection with the NE Quadrant, 2008 Flood, Sanitary Sewer Repairs, Phase 2 project. (Flood)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1394-09-15

- n. Awarding and approving contract in the amount of \$115,000 plus incentive up to \$5,000, bond and insurance of Peterson Contractors, Inc. for the 34th Street SE Spoon Creek Bridge Repair project (estimated cost is \$69,700). (Paving for Progress)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1395-09-15

- o. Awarding and approving contract in the amount of \$164,902.50 plus incentive up to \$10,000, bond and insurance of Lodge Construction, Inc. for the 16th Avenue SW (Between 18th and 20th Streets SW) Storm Sewer Improvements project (estimated cost is \$314,000).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1396-09-15

- p. 28E Agreement with the Cedar Rapids Community School District for a Use Agreement of both Harrison Elementary School and the Northwest Recreation Center for activities sponsored by the City of Cedar Rapids Parks & Recreation Department and/or Harrison Elementary School.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1397-09-15

- q. Purchase order in the amount of \$86,922 to JWC Environmental for a new spare Muffin Monster Grinder at the Morgan Creek Lift Station.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1398-09-15

- r. Contract with Wulfekuhle Injection and Pumping, Inc. for Lime Sludge Removal at the Northwest Water Treatment Plant for the Water Division for an amount not to exceed \$649,500.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1399-09-15

- s. Contract for Epoxy Floor Coating for Stadium Concourse at Veterans Memorial Stadium with SCS Midwest for the Engineering Division in the amount of \$71,840.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1400-09-15

- t. Contract with Rough Brothers, Inc. for the Noelridge Greenhouse Hail Damage Repairs project for the Parks & Recreation Department for an amount not to exceed \$51,700.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1401-09-15

- u. Contract with FACL, Inc. for Mural Restoration Services for West Wall of Council Chambers for the City Manager's Office in the amount of \$79,812.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1402-09-15

- v. Contract for Exterior Painting of Veterans Memorial Stadium with D.A. Bunch Co. for the Engineering Division in the amount of \$79,090.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1403-09-15

- w. Amendment No. 2 to the Contract for Engineering Division Furniture with Triplett Interior Solutions to extend the term of the contract and to reflect the cost of additional furniture for an amount not to exceed \$25,810.71 (original contract amount was \$24,988; total contract amount with this amendment is \$66,867.29). (Flood)

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1404-09-15

- x. Amendment No. 1 to the Contract for Online and Interactive Voice Response (IVR) Electronic Payment Services with Gila LLC, dba Municipal Services Bureau, for the Treasury Division to add three years credit card processing services for point of sale for an annual amount not to exceed \$250,000 (original contract amount was \$0; total contract amount with this amendment is \$750,000).

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1405-09-15

y. Payment of \$53,795.32 to the Iowa Individual Health Reinsurance Association for annual assessment.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1406-09-15

z. Rental Agreement with Koch Brothers for the rental of four Lanier digital copiers for the following City departments/locations: City Attorney Office, Ambroz Recreation Center, Housing Services and Solid Waste.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1407-09-15

aa. Collateral Assignment of TIF Reimbursements in connection with the 10th Street Brickstone project at 906 10th Street SE.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

1408-09-15

ab. Release of mortgage security loans in the amount of \$650,000 and \$101,044 with SA Investment LLC and Sherman Associates, Inc. respectively and authorizing an Amended and Restated Promissory Note associated with a loan in the amount of \$1,632,129 to SA Investment LLC for renovation of the Roosevelt Building.

Council member Poe moved to approve; seconded by Council member Olson.

Result: **Approved.**

20. Report on bids for the Water Pollution Control Facility Ash Slurry System Repairs project (estimated cost was \$643,000) (Steve Hershner):

WRH, Inc., South Amana, IA, \$678,000

Tricon General Construction, Inc., Cedar Rapids, IA, \$739,000

1409-09-15

a. Resolution awarding and approving contract in the amount of \$678,000, bond and insurance of WRH, Inc. for the Water Pollution Control Facility Ash Slurry System Repairs project.

Council member Olson moved to approve; seconded by Council member Poe.

Result: **Approved.**

21. Report on bids for the Park Place NE from Council Street to North Park Place Lane Pavement Rehabilitation project (estimated cost is \$500,000) (Doug Wilson) (Paving for Progress):

Rathje Construction Company, Marion, IA, \$410,292.44

Eastern Iowa Excavating & Concrete, LLC, Anamosa, IA, \$415,691.55

Abode Construction, Inc., Marion, IA, \$462,094.80

Ricklefs Excavating, Ltd. Anamosa, IA, \$475,178.95

Borst Brothers Construction, Inc., Marion, IA, \$508,422.75

1410-09-15

a. Resolution awarding and approving contract in the amount of \$410,292.44 plus incentive up to \$10,000, bond and insurance of Rathje Construction Company for the Park Place NE from Council Street to North Park Place Lane Pavement Rehabilitation project.

Council member Olson moved to approve; seconded by Council member Poe.

Result: **Approved.**

- 1411-09-15 22. Discussion and Resolution adopting the City of Cedar Rapids Historic Preservation Plan (Anne Russett and Nore Winter, Winter & Company).

Council member Poe moved to approve; seconded by Council member Weinacht.

Result: **Approved.**

- 058-15 23. Ordinance granting a change of zone for property at 1718 Center Point Road NE from C-2, Community Commercial Zone District and R-3, Single Family Residence Zone District to O-S, Office/Service Zone District as requested by Jonathan Bond and Virgil A. and Janice E. Henley.

Council member Olson moved the approval of the Ordinance on its second reading; seconded by Council member Poe.

Result: **Approved.**

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 Weinacht.

Result: **Adopted.**

- 059-15 24. Ordinance amending Ordinance No. 023-95 to delete Condition No. 12 for property at 605 Boyson Road NE as requested by Century Communications, LC and GR Eganhouse, LLC.

Council member Olson moved the approval of the Ordinance on its second reading; seconded by Council member Poe.

Result: **Approved.**

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 Weinacht.

Result: **Adopted.**

Motion to adjourn.

Council member Shields moved to approve; seconded by Council member Shey.

Result: **Approved.**

Public comments were heard.

City Council adjourned at 5:19 p.m. to meet Tuesday, October 6, 2015 at 12 noon.

Amy Stevenson, City Clerk