

CITY OF CEDAR RAPIDS, IOWA

MINUTES OF THE CITY COUNCIL

REGULAR SESSION

February 9, 2016, 12:00 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 Overland, Ann Poe, Ralph Russell, Pat Shey, Justin Shields and Susie Weinacht. Absent, Council member Scott Olson. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz.

The invocation was given by Public Safety Chaplain Tim Pridegon.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

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

1. A public hearing was held to consider annexation of property located north of 16th Avenue NW and east of 80th Street NW as requested by the Laurence A. Schulte Trust (Vern Zakostelecky). No comments or objections were heard or filed.

0135-02-16

- a. Resolution approving annexation of property located north of 16th Avenue NW and east of 80th Street NW as requested by the Laurence A. Schulte Trust.

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

Absent: Council member Olson.

Result: Approved.

2. A public hearing was held to consider granting a change of zone for property at 7708 6th Street SW from A, Agriculture Zone District, to I-2, General Industrial Zone District as requested by TH Development and Louis L. and Margaret Ellen Barta (Johnny Alcivar). No comments or objections were heard or filed.

- a. First Reading: Ordinance granting a change of zone for property at 7708 6th Street SW from A, Agriculture Zone District, to I-2, General Industrial Zone District as requested by TH Development and Louis L. and Margaret Ellen Barta.

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 Weinacht.

Absent: Council member Olson.

Result: Approved.

3. A public hearing was held to consider the continuation of the disposition of excess City-owned property described as a one acre parcel of vacant land located easterly of and adjacent to 3425 and 3435 3rd Avenue SE (Rita Rasmussen). One objection was heard. No written comments or objections were filed.

0136-02-16

- a. Resolution authorizing the disposition of excess City-owned property described as a one acre parcel of vacant land located easterly of and adjacent to 3425 and 3435 3rd Avenue SE.

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

Absent: Council member Olson.

Result: Approved.

4. A public hearing was held to consider the vacation of public ways and grounds in and to the property described as a 5.3 acre parcel of vacant City-owned land known as Osborn Park, and a 40-foot wide strip of unused right-of-way located southeasterly of 15th Avenue SE and formerly known as 1st Street SE, as requested by the City of Cedar Rapids in connection with the Cedar Rapids Flood Control System project (Rita Rasmussen). One objection was heard. No written comments or objections were filed.

- a. First Reading: Ordinance vacating public ways and grounds in and to the property described as a 5.3 acre parcel of vacant City-owned land known as Osborn Park, and a 40-foot wide strip of unused right-of-way located southeasterly of 15th Avenue SE and formerly known as 1st Street SE, as requested by the City of Cedar Rapids in connection with the Cedar Rapids Flood Control System project.

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 Weinacht.

Absent: Council member Olson.

Result: Approved.

5. A public hearing was held to consider the plans, specifications, form of contract and estimated cost for the Southbound Right-Turn Lane, Iowa Highway 13 & Bertram Road project (estimated cost is \$214,800) (Steve Hershner). No comments or objections were heard or filed.

0137-02-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Southbound Right-Turn Lane, Iowa Highway 13 & Bertram Road project.

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

Absent: Council member Olson.

Result: Approved.

6. A public hearing was held to consider proposed plans, specifications, form of contract, estimated cost for the B Avenue NW from Highland Drive NW to 8th Street NW Roadway Improvements project. (estimated cost is \$2,600,000) (Doug Wilson). (Paving for Progress) No comments or objections were heard or filed.

0138-02-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the B Avenue NW from Highland Drive NW to 8th Street NW Roadway Improvements project.

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

Absent: Council member Olson.

Result: **Approved.**

7. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Overhead Sign Structures on 7th Street NE from I-380 to 1st Avenue E project (estimated cost is \$100,000) (Matt Myers). No comments or objections were heard or filed.

0139-02-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Overhead Sign Structures on 7th Street NE from I-380 to 1st Avenue E project.

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

Absent: Council member Olson.

Result: **Approved.**

8. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 400 1st Avenue NE – Five Seasons Parkade Structural Repairs project (estimated cost is \$900,150) (Nathan Kampman). No comments or objections were heard or filed.

0140-02-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the 400 1st Avenue NE – Five Seasons Parkade Structural Repairs project.

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

Absent: Council member Olson.

Result: **Approved.**

Public comments were heard.

Motion to approve the agenda.

Council member Weinacht moved to approve; Council member Shields requested that Item 29y be moved from the consent agenda to the regular agenda; seconded by Council member Poe.

Absent: Council member Olson.

Result: **Approved.**

Motion to approve the consent agenda.

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

Absent: Council member Olson.

Result: **Approved.**

9. Motion to approve the minutes.

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

Absent: Council member Olson.

Result: **Approved.**

- 0141-02-16 10. Resolution rescinding Resolution No. 0199-02-15, which provided City support of the proposed development of the former Chipping Green site at 16th Street NW and Zika Avenue NW, and re-authorizing support for the proposed Sanctuary at Ellis project at Zika Avenue and 16th Street NW to secure Workforce Housing Tax Credits and provide local match through Urban Revitalization Tax Exemption.

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

Absent: Council member Olson.

Result: **Approved.**

- 0142-02-16 11. Resolution adopting a Czech Bohemia Design Manual for the Czech Bohemia Design Review Overlay District.

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

Absent: Council member Olson.

Result: **Approved.**

- 0143-02-16 12. Preliminary resolution for the construction of sidewalk improvements and the removal and replacement of bituminous fiber (Orangeburg) sanitary sewer services for the 29th Street Drive SE from 1st Avenue to Tama Street Roadway Improvements project. (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

- 0144-02-16 13. Resolution accepting work and fixing amount to be assessed for the Edgewood Road SW and Edgewood Parkway SW Traffic Signal Improvements project.

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

Absent: Council member Olson.

Result: **Approved.**

- 0145-02-16 14. Resolution adopting and levying final schedule of assessments and providing for the payment thereof for the FY 2015 Curb Repair Project – Contract 2 project. (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

- 0146-02-16 15. Resolution referring to the Linn County Compensation Commission the partial acquisition of a permanent drainage easement and a temporary grading easement for construction from Duane K. and Darlus J. Selken from land located at 5225 Beverly Road SW in connection with the Beverly Road SW Culvert Replacement project.

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

Absent: Council member Olson.

Result: **Approved.**

- 0147-02-16 16. Resolution authorizing the City Clerk to return the Performance Bond and Payment Bond to Pirc-Tobin Construction, Inc. for the Alley Between 23rd Street Drive SE and 24th Street Drive SE East of 1st Avenue Storm Sewer Point Repair project.

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

Absent: Council member Olson.

Result: **Approved.**

17. Motions setting public hearing dates for:
- February 23, 2016 – to consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to expand the Northwest Flood Mitigation Overlay District with specific guidelines applicable to land use applications and permits.

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

Absent: Council member Olson.

Result: **Approved.**

- February 23, 2016 – to consider granting a change of zone for property north of Highway 30, east of Union Drive SW from A, Agriculture Zone District, to R-2, Single Family Residence Zone District as requested by College Farms, LLC.

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

Absent: Council member Olson.

Result: **Approved.**

- February 23, 2016 – to consider the vacation and disposition of public ways and grounds in and to the property described as a portion of the 20-foot wide platted alley located between the southerly right-of-way line of Diagonal Drive SW and the northerly right-of-way line of 7th Avenue SW as requested by Landover Corporation.

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

Absent: Council member Olson.

Result: **Approved.**

- February 23, 2016 – to consider the vacation and disposition of public ways and grounds in and to the property described as a 15-foot by 250-foot alley located southwesterly of and adjacent to 42 7th Avenue SW as requested by Mott, LLC.

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

Absent: Council member Olson.

Result: **Approved.**

- e. February 23, 2016 – to consider the disposition of City-owned property at 101 and 109 3rd Avenue SE and 312 1st Street SE and inviting competitive redevelopment proposals. (Flood)

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

- f. March 8, 2016 – to consider the fiscal year 2017 annual budget.

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

- g. March 22, 2016 – to consider an Urban Revitalization Area designation for Thompson Truck and Trailer, Inc. at the southwestern corner of 6th Street SW and 76th Avenue SW for construction of a new commercial and industrial facility.

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

18. Motions setting public hearing dates, 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. February 23, 2016 – Oakland Road NE from H Avenue NE to J Avenue NE Pavement Rehabilitation project, with bid opening February 24, 2016 (estimated cost is \$1,413,000). (Paving for Progress)

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

- b. February 23, 2016 – Water Division Electric Metering Upgrades project, with bid opening on March 9, 2016 (estimated cost is \$993,000).

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

- c. February 23, 2016 – Water Pollution Control Facility Roof Replacements project, with bid opening March 9, 2016 (estimated cost is \$495,000).

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

- d. February 23, 2016 – Water Pollution Control Operations & Maintenance Building HVAC Upgrade project, with bid opening March 9, 2016 (estimated cost is \$1,360,000).

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

19. Motion assessing \$300 civil penalties for violation of State Code regarding the sale of tobacco/vapor products to minors against:
- Casey's General Store #2766, 380 33rd Avenue SW.
 - Things N Things, 621 Center Point Road NE.

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

Absent: Council member Olson.

Result: **Approved.**

20. Motion approving the beer/liquor/wine applications of:
- Chipotle, 2360 Edgewood Road SW, Suite #100 (new – new construction).
 - Coral Isle Club #909, 1620 E Avenue NE (transfer to Veterans Memorial Coliseum, 50 2nd Avenue Bridge, for an event on March 6, 2016).
 - Leo 2, LLC D/B/A Point Liquor & Tobacco, 4107 Center Point Road NE (new ownership).
 - Lion Bridge Brewing Company, 59 16th Avenue SW.
 - May City Bowl, 1648 Trent Street SW.
 - NewBo Ale House & Sushi, 1201 3rd Street SE.
 - St Andrews Golf Club, 1866 Blairs Ferry Road NE.
 - St Pius & Elizabeth Ann Seton School, 4901 Council Street NE (5-day permit for an event on February 27, 2016).
 - Sushi House, 2665 Edgewood Parkway SW, Suite #100.
 - Tanner's Bar & Grill, 5200 Fountains Drive NE (new – new construction).

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

Absent: Council member Olson.

Result: **Approved.**

- 0148-02-16 21. Resolutions approving:
- Payment of bills.

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

Absent: Council member Olson.

Result: **Approved.**

- 0149-02-16 b. Payroll.

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

Absent: Council member Olson.

Result: **Approved.**

- 0150-02-16 22. Resolutions appointing, reappointing and thanking the following individuals:
- Appointing James Kaas and Vernon Squires (effective through June 30, 2020) to the Airport Zoning Board of Adjustment.

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

Absent: Council member Olson.

Result: **Approved.**

0151-02-16

- b. Appointing Pamela Lewis and Robert Schaffer (effective through June 30, 2017), Lijun Chadima and James Piersall (effective through June 30, 2018) and Craig Byers, Stephanie Jelinek and Ana McClain (effective through June 30, 2019) to the Czech Village-New Bohemia Self-Supported Municipal Improvement District Commission.

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

Absent: Council member Olson.

Result: **Approved.**

0152-02-16

- c. Appointing Bethany Jordan (effective through June 30, 2016), John Albert Jr. and Michael Easley (effective through June 30, 2017) and Angie Kuhn and Jason Willis (effective through June 30, 2018) to the Medical Quarter Design Review Technical Advisory Committee.

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

Absent: Council member Olson.

Result: **Approved.**

0153-02-16

23. Resolutions approving the special event applications for:

- a. SAPADAPASO St. Patrick's Day Parade event (includes road closures) on March 17, 2016.

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

Absent: Council member Olson.

Result: **Approved.**

0154-02-16

- b. St. Joseph's Day Parade event (includes road closures) on March 19, 2016.

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

Absent: Council member Olson.

Result: **Approved.**

0155-02-16

24. Resolution approving assessment action:

- a. Intent to assess – Water Division – delinquent municipal utility bills – 32 properties.

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

Absent: Council member Olson.

Result: **Approved.**

0156-02-16

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

- a. Sanitary sewer in Crescent View Fourth Addition and 2-year Maintenance Bond submitted by Abode Construction, Inc. in the amount of \$47,122.70.

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

Absent: Council member Olson.

Result: **Approved.**

0157-02-16

- b. Storm sewer in Crescent View Fourth Addition and 2-year Maintenance Bond submitted by Abode Construction, Inc. in the amount of \$17,988.

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

Absent: Council member Olson.

Result: **Approved.**

0158-02-16

- c. Portland Cement Concrete pavement in Crescent View Fourth Addition and 4-year Maintenance Bond submitted by City Wide Construction Corporation in the amount of \$82,957.05

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

Absent: Council member Olson.

Result: **Approved.**

0159-02-16

- d. Storm sewer in Knollwood Park Third Addition and 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$48,964.

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

Absent: Council member Olson.

Result: **Approved.**

0160-02-16

- e. Portland Cement Concrete pavement in Knollwood Park Third Addition and 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$45,000.

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

Absent: Council member Olson.

Result: **Approved.**

0161-02-16

- f. Sanitary sewer in Knollwood Park Fourth Addition and 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$13,570.

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

Absent: Council member Olson.

Result: **Approved.**

0162-02-16

- g. Storm sewer in Knollwood Park Fourth Addition and 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$18,081.

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

Absent: Council member Olson.

Result: **Approved.**

0163-02-16

- h. Portland Cement Concrete pavement in Knollwood Park Fourth Addition and 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$30,000.

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

Absent: Council member Olson.

Result: **Approved.**

26. Resolutions accepting projects, approving Performance Bonds and/or authorizing final payments:

0164-02-16

- a. 3rd Avenue SW Pavement Rehabilitation Improvements from 10th Street to 6th Street project, final payment in the amount of \$10,557.39 and 4-year Performance Bond submitted by L.L. Pelling Company (original contract amount was \$205,602.45; final contract amount is \$211,147.78) (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0165-02-16

- b. 4th Avenue SE Pavement Rehabilitation from 5th Street SE to 19th Street SE project, Change Order No. 7 (Final) in the amount of \$5,350, final payment in the amount of \$126,333.42 and 4-year Performance Bond submitted by Pirc-Tobin Construction, Inc. (original contract amount was \$2,219,444.15; final contract amount is \$2,526,668.46). (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0166-02-16

- c. Edgewood Road SW and Edgewood Parkway SW Traffic Signal Improvements project, final payment in the amount of \$11,633.01 and 4-year Performance Bond submitted by Trey Electric Corporation (original contract amount was \$228,642.80; final contract amount is \$232,660.25).

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

Absent: Council member Olson.

Result: **Approved.**

0167-02-16

- d. Midway Drive NW from Peace Avenue NW to Bezdek Drive NW Roadway Reconstruction project, final payment in the amount of \$56,796.55 and 4-year Performance Bond submitted by Rathje Construction Company (original contract amount was \$1,154,655; final contract amount is \$1,135,930.99). (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0168-02-16

- e. SE Quadrant Sanitary Sewer Improvements – Phase 2, Package 2 project, Change Order No. 7 (Final) deducting the amount of \$95,490.32, accepting project and performance bond, and issuance of final payment in the amount of \$45,177.98 to Rathje Construction Company (original contract amount was \$931,429.33; final contract amount is \$903,559.56) (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

27. Resolutions authorizing execution of Development Agreements for properties participating in the fourth round of the Single Family New Construction Program:

0169-02-16

- a. Scallon Custom Homes, L.L.C. for property at 1770 Mallory Street SW. (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

0170-02-16

- b. Thomas Dostal Developers, Inc. for property at 5321 Dostal Drive SW. (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

28. Resolution authorizing execution of a Development Agreement and Special Warranty Deed for City-owned property participating in the fourth round of the Single Family New Construction Program:

0171-02-16

- a. Scallon Custom Homes, L.L.C. for property at 1766 Mallory Street SW. (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

29. Resolutions approving actions regarding purchases, contracts and agreements:

0172-02-16

- a. Contract with Brand Acceleration, Inc. for Strategic Marketing Services for the City Manager's Office for an amount not to exceed \$82,300.

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

Absent: Council member Olson.

Result: **Approved.**

0173-02-16

- b. Amendment No. 4 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 \$2,002.79 (original contract amount was \$24,988; total contract amount with this amendment is \$77,268.81). (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

0174-02-16

- c. Contract with D & K Products for Turf Care Products for the Parks & Recreation Department for an annual amount not to exceed \$80,000.

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

Absent: Council member Olson.

Result: **Approved.**

0175-02-16

- d. Parks and Recreation Department purchase of one Noelridge Lagoon Pavilion from All Inclusive Rec in the amount of \$59,830.50.

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

Absent: Council member Olson.

Result: **Approved.**

0176-02-16

- e. Contract with ArborPro, Inc for Tree Inventory Services for the Parks and Recreation Department for an amount not to exceed \$189,000.

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

Absent: Council member Olson.

Result: **Approved.**

0177-02-16

- f. Amendment No. 3 to the Contract with Greg's Lawn and Landscaping for Mowing Services for City Weed Ordinance for the Solid Waste Division to reflect an increase in the volume of services for an amount not to exceed \$40,000 (original contract amount was \$30,000; total contract amount with this amendment is \$135,000).

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

Absent: Council member Olson.

Result: **Approved.**

0178-02-16

- g. Amendment No. 2 to renew contract with Sensys Networks, Inc. for Sensys Equipment for the Traffic Engineering Division for an annual amount not to exceed \$100,000 (original contract amount was \$50,000; renewal contract amount is \$100,000).

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

Absent: Council member Olson.

Result: **Approved.**

0179-02-16

- h. Amendment No. 1 to Contract with Schimberg Co. for Water System Pipe, Hydrants, Valves, Fittings & Service Materials for the Water Division for an additional amount not to exceed \$225,000 (original contract amount was \$500,000; total contract amount with this amendment is \$725,000).

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

Absent: Council member Olson.

Result: **Approved.**

0180-02-16

- i. Professional Services Agreement with Ament Design for an amount not to exceed \$60,334 for design services in connection with the Center Point Road NE from 32nd Street to 29th Street Roadway Rehabilitation project. (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0181-02-16

- j. Amendment No. 1 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$38,862 for professional services in connection with the First Avenue East from 27th Street to 40th Street Utilities Rehabilitation project (original contract amount was \$305,460; total contract amount with this amendment is \$344,322).

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

Abstain: Council member Gulick.

Absent: Council member Olson.

Result: **Approved.**

0182-02-16

- k. Amendment No. 1 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$8,936.25 to amend the scope of services and the schedule in connection with the Stickle Drive NE, Sanitary Sewer Extension Phase II project (original contract price was \$62,953.50; total contract price with this amendment is \$71,889.75).

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

Abstain: Council member Gulick.

Absent: Council member Olson.

Result: **Approved.**

0183-02-16

- l. Change Order No. 3 (Revised) in the amount of \$66,854.50 plus one additional working day with L.L. Pelling Company, Inc. for the 1st Avenue E from approximately 325 feet south of 34th Street NE to 40th Street NE HMA Resurfacing Phase 1 project (original contract amount was \$3,214,451.79; total contract amount with this amendment is \$3,322,631.09).

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

Absent: Council member Olson.

Result: **Approved.**

0184-02-16

- m. Change Order No. 5 in the amount of \$4,058.10 with L.L. Pelling Company, Inc. for the 7th Street SE and 8th Street SE Roadway Rehabilitation from A Avenue NE to 12th Avenue SE project (original contract amount was \$1,346,955.75; total contract amount with this amendment is \$1,493,570.91). (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0185-02-16

- n. Change Order No. 4 Revised Final (2) deducting the amount of \$63,528.14 with Rathje Construction Co. for the 16th Avenue SW (400-Ft East of 23rd Street to Williams Blvd SW) Water Main Rehabilitation project (original contract amount was \$609,805; total contract amount with this amendment is \$582,965.36).

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

Absent: Council member Olson.

Result: **Approved.**

0186-02-16

- o. Change Order No. 8 (Final Revised) deducting the amount of \$101,381.09 with Dave Schmitt Construction Co., Inc. for the NE Quadrant, 2008 Flood, Sanitary Sewer Repairs, Phase 2, Bid Package 1 project (original contract amount was \$874,227.25; total contract amount with this amendment is \$854,840.85). (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

0187-02-16

- p. Change Order No. 4 in the amount of \$32,677.44 with Tricon General Construction for the J Avenue Water Plant Process Improvements – Phase 1 project (original contract amount was \$7,276,000; total contract amount with this amendment is \$7,488,160.77).

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

Absent: Council member Olson.

Result: **Approved.**

0188-02-16

- q. Certified Local Government 2015 Annual Report for submission to the State Historical Society of Iowa.

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

Absent: Council member Olson.

Result: **Approved.**

0189-02-16

- r. 28E Agreement with Linn County to participate in the estimated cost of construction of \$162,786.70 for a Portland Cement Concrete (PCC) overlay on Ely Road SW from 0.4 miles south of Linn-Johnson County Line N for 0.8 mi and from Ely City limits N 3 miles. (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0190-02-16

- s. Payment of an Economic Development Grant of \$8,415 to the Linn County Treasurer to satisfy the 3rd Street SE Streetscape Reinvestment Project assessment for Jelinek Companies, LLC for the property located at 1117 3rd Street SE.

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

Absent: Council member Olson.

Result: **Approved.**

0191-02-16

- t. Agreement for Utility Relocation in the amount of \$503,197 and an Approval for Street Lighting with Interstate Power and Light Company in connection with the 1st Avenue East from 27th Street to 34th Street project.

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

Absent: Council member Olson.

Result: **Approved.**

0192-02-16

- u. Agreement for Utility Relocation with Mediacom Communications Corporation in the amount of \$72,745.52 in connection with the 1st Avenue East from 27th Street to 34th Street project.

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

Absent: Council member Olson.

Result: **Approved.**

0193-02-16

- v. Concrete Sidewalk Petition and Assessment Agreement from Czech National Cemetery Association of Cedar Rapids for sidewalk installation along Bowling Street SW frontage adjacent to 2200 C Street SW in connection with the 2015 Sidewalk Infill Project – Phase 2 project.

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

Absent: Council member Olson.

Result: **Approved.**

0194-02-16

- w. Accepting a bid in the amount of \$280,000 from CommonBond Communities for the disposition of excess City-owned property described as a 1.98 acre parcel of vacant land located at 1200 Edgewood Road NW.

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

Absent: Council member Olson.

Result: **Approved.**

0195-02-16

- x. Total Real Estate Acquisition Purchase Agreement in the amount of \$171,000, plus an amount estimated to be \$41,000 in relocation benefits to Dennis R. and Justina M. Kremenak, and accepting a Warranty Deed for property located at 409 Old Marion Road NE in connection with the Collins Road (IA 100) from Council Street NE to 1st Avenue project.

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

Absent: Council member Olson.

Result: **Approved.**

0196-02-16

- z. Amendment No. 1 to the Development Agreement with Commonwealth Senior Apartments, LP, extending the construction completion date to July 1, 2016.

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

Absent: Council member Olson.

Result: **Approved.**

0197-02-16

- aa. Assignment and Assumption of Development Agreements from Hobart Historic Restoration, LLC. to Cedar Valley Habitat for Humanity, Inc. for properties at 1100, 1104 and 1108 K Street SW participating in the fourth round of the Single Family New Construction program. (Flood)

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

Absent: Council member Olson.

Result: **Approved.**

0198-02-16

- ab. Awarding and approving contract in the amount of \$1,703,825.76, bond and insurance of Metro Pavers, Inc. for the 18th Street SW Extension from Wilson Avenue to 16th Avenue PCC Pavement – Grade and Replace project (estimated cost is \$2,329,537).

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

Absent: Council member Olson.

Result: **Approved.**

0199-02-16

- ac. Awarding and approving contract in the amount of \$1,225,252.34 plus incentive up to \$36,000, bond and insurance of Horsfield Construction, Inc. for the 74th Street NE from White Ivy Place to C Avenue NE Roadway Improvements project. (Paving for Progress)

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

Absent: Council member Olson.

Result: **Approved.**

0200-02-16

- ad. Awarding and approving contract in the amount of \$2,180,979.80 plus incentive up to \$60,000, bond and insurance of Horsfield Construction, Inc. & Subsidiary for the C Avenue NE Improvements from Collins Road to Blairs Ferry Road PCC Pavement – Grade and Replace project.

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

Absent: Council member Olson.

Result: **Approved.**

0201-02-16

- ae. Awarding and approving contract in the amount of \$59,629.75 plus incentive up to \$2,000, bond and insurance of SulzCo, LLC for the Hidden Hollow Lane East of 16th Street NW Storm Sewer Improvements project (estimated cost is \$68,000).

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

Absent: Council member Olson.

Result: **Approved.**

0202-02-16 29y.

- (Moved from consent agenda)** Purchase Offer Voluntary Property Acquisition Program Conditional Offer to Buy Real Property and Acceptance in the amount of \$218,000, plus a total amount estimated to be \$20,000 in relocation benefits, to Bradford J. and Kathleen M. Colton for real property located at 4264 Cottage Grove Parkway SE in connection with the Sun Valley Flood Protection project. (Rita Rasmussen & Dave Wallace)

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

Nays: Council members Gulick, Russell, Shields.

Absent: Council member Olson.

Result: **Approved.**

30. Report on bids for the 1st Avenue East South of 24th Street Drive SE Storm Sewer Improvements project (estimated cost is \$89,000) (Dave Wallace).
 Rathje Construction Company, Marion, IA, \$68,696.80
 Yordi Excavating, Inc., Cedar Rapids, IA, \$80,291.00
 Connolly Construction, Inc., Peosta, IA, \$81,412.10
 Zinser Grading & Excavating, LLC, Walford, IA, \$85,254.65
 SulzCo, LLC, Muscatine, IA, \$85,906.00
 B.G. Brecke, Inc., Cedar Rapids, IA, \$87,497.00
 Pirc-Tobin Construction, Inc., Alburnett, IA, \$88,120.75
 Tschiggfrie Excavating, Dubuque, IA, \$92,308.00

0203-02-16

- a. Resolution awarding and approving contract in the amount of \$68,696.80 plus incentive up to \$3,000, bond and insurance of Rathje Construction Company for the 24th Street Drive SE Storm Sewer Improvements project.

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

31. Report on bids for the 27th Street SW between 28th Avenue and 29th Avenue Culvert Replacement project (estimated cost is \$528,000) (Dave Wallace).
 Ricklefs Excavating, Ltd., Anamosa, IA, \$429,450.20
 Peterson Contractors, Inc., Reinbeck, IA, \$437,922.15
 Rathje Construction Co., Marion, IA, \$443,298.70
 Tschiggfrie Excavating, Dubuque, IA, \$449,186.95
 Eastern Iowa Excavating & Concrete, LLC, Cascade, IA, \$472,471.65
 Vieth Construction Corp., Cedar Falls, IA, \$492,295.00
 SulzCo, LLC, Muscatine, IA, \$547,216.45
 Pirc-Tobin Construction, Inc., Alburnett, IA, \$549,857.50

0204-02-16

- a. Resolution awarding and approving contract in the amount of \$429,450.20, plus incentive up to \$5,000, bond and insurance of Ricklefs Excavating for the 27th Street SW between 28th Avenue and 29th Avenue Culvert Replacement project (estimated cost is \$528,000)

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

32. Report on bids for the 42nd Street NE from I-380 to Wenig Road NE Pavement and Water Main Rehabilitation project (estimated cost is \$3,550,000) (Doug Wilson).
Rathje Construction Company, Marion, IA, \$2,948,134.70
Dave Schmitt Construction Co., Cedar Rapids, IA, \$3,249,706.95
Pirc-Tobin Construction, Inc., Alburnett, IA, \$3,379,883.75

0205-02-16

- a. Resolution awarding and approving contract in the amount of \$2,948,134.70 plus incentive up to \$160,000, bond and insurance of Rathje Construction Company for the 42nd Street NE from I-380 to Wenig Road NE Pavement and Water Main Rehabilitation project.

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

33. Report on bids for the West Post Road NW from Plainview Drive NW to E Avenue NW Roadway Reconstruction project (estimated cost is \$1,388,000) (Doug Wilson). (Paving for Progress)

Rathje Construction Company, Marion, IA, \$919,883.70
Eastern Iowa Excavating & Concrete, LLC, Anamosa, IA, \$935,646.70
Ricklefs Excavating, Ltd., Anamosa, IA, \$961,635.20
Pirc-Tobin Construction, Inc., Alburnett, IA, 1,041,824.75

0206-02-16

- a. Resolution awarding and approving contract in the amount of \$919,833.70 plus incentive up to \$42,000, bond and insurance of Rathje Construction Company for the West Post Road NW from Plainview Drive NW to E Avenue NW Roadway Reconstruction project (estimated cost is \$1,388,000)

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

- 002-16 34. Ordinance amending Chapter 22A of the Municipal Code, Nuisance Property, by deleting Chapter 22A and enacting a new Chapter 22A in its place, establishing regulations relating to statement of public policy, nuisance activity, service of notice, prohibitions, and administrative appeals.

Council member Gulick moved that the Ordinance be adopted on its third and final reading; seconded by Council member Weinacht.
Absent: Council member Olson.
Result: Adopted.

- 003-16 35. Ordinance granting a change of zone for property at 4600 20th Avenue SW from C-3, Regional Commercial Zone District, to I-1, Light Industrial Zone District as requested by Midwest 3PL and Rick Stickle.

Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht.

Absent: Council member Olson.

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.

Absent: Council member Olson.

Result: **Adopted.**

- 004-16 36. Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to clarify the Czech Bohemia Overlay District with design standards and guidelines.

Council member Gulick moved the approval of the Ordinance on its first reading; seconded by Council member Weinacht.

Absent: Council member Olson.

Result: **Approved.**

Council member Gulick moved that the rule requiring three readings on three different days be suspended and the Ordinance be approved on its second reading and adopted on its third and final reading; seconded by Council member Weinacht.

Absent: Council member Olson.

Result: **Adopted.**

Public comments were heard.

Motion to adjourn.

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

Absent: Council member Olson.

Result: **Approved.**

City Council adjourned at 1:09 p.m. to meet Tuesday, February 23, 2016 at 4 p.m.

Amy Stevenson, City Clerk