

CITY OF CEDAR RAPIDS, IOWA

MINUTES OF THE CITY COUNCIL

REGULAR SESSION

June 14, 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 Olson, Scott Overland, Ralph Russell, Pat Shey, Justin Shields and Susie Weinacht. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz. Absent, Council member Ann Poe.

The invocation was given by Public Safety Chaplain Tim Pridegon.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring June 20, 2016 as ASK Day.

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

1. A public hearing was held to consider granting a change of zone for property at 1528 A Avenue NE from R-3D, Two-Family Residence Zone District, to RMF-1, Multiple Family Residence Zone District, as requested by Lori Kintzle and Cameron West (Dave Houg). Comments and objections were heard and filed. Discussion was held.

Council member Olson moved to table the first reading of the ordinance; motion failed due to lack of a second.
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Result: Failed.

- a. First Reading: Ordinance granting a change of zone for property at 1528 A Avenue NE from R-3D, Two-Family Residence Zone District, to RMF-1, Multiple Family Residence Zone District, as requested by Lori Kintzle and Cameron West.

Council member Gulick 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 Overland.
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Nays: Council members Gulick, Olson, Overland, Russell, Shey, Shields, Weinacht and Mayor Corbett.
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Absent: Council member Poe.

Result: Failed.

2. A public hearing was held to consider granting a change of zone for property north of Stone Creek Circle SW and east of Dean Road SW from C-1, Community Commercial Zone District, to RMF-2, Multiple Family Residence Zone District, as requested by Vintage Living, LLC and Legacy Commercial Group, LLC (Johnny Alcivar). No comments or objections were heard or filed.

- a. First Reading: Ordinance granting a change of zone for property north of Stone Creek Circle SW and east of Dean Road SW from C-1, Community Commercial Zone District, to RMF-2, Multiple Family Residence Zone District, as requested by Vintage Living, LLC and Legacy Commercial Group, LLC.

Council member Russell 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 Poe.
Result: <i>Approved.</i>

3. A public hearing was held to consider the vacation of a .96 acre drainage and storm sewer easement located at 3235 Prairie Valley Court SW as requested by Prairie Pine Properties, LLC (Doug Wilson). No comments or objections were heard or filed.

0718-06-16

- a. Resolution vacating a .96 acre drainage and storm sewer easement located at 3235 Prairie Valley Court SW as requested by Prairie Pine Properties, LLC.

Council member Gulick moved to approve; seconded by Council member Weinacht.
Abstain: Council member Olson.
Absent: Council member Poe.
Result: <i>Approved.</i>

4. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the CEMAR Trail: Phase 1B HMA Trail project and the CEMAR Trail: Phase 1D HMA Trail project (estimated cost is \$760,000) (Doug Wilson). No comments or objections were heard or filed.

0719-06-16

- a. Resolution adopting the plans, specifications, form of contract and estimated cost for the CEMAR Trail: Phase 1B HMA Trail project and the CEMAR Trail: Phase 1D HMA Trail project.

Council member Gulick moved to approve; seconded by Council member Overland.
Absent: Council member Poe.
Result: <i>Approved.</i>

5. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Water Pollution Control Facility Odor Control Upgrades project (estimated cost is \$5,200,000) (Steve Hershner). No comments or objections were heard or filed.

0720-06-16

- a. Resolution adopting the plans, specifications, form of contract and estimated cost for the Water Pollution Control Facility Odor Control Upgrades project.

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

Absent: Council member Poe.

Result: ***Approved.***

7. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Replacement of Fire Hydrants, Valves and Blow Off Completes FY17 project (estimated cost is \$84,380) (Steve Hershner). No comments or objections were heard or filed.

0721-06-16

- a. Resolution adopting the plans, specifications, form of contract and estimated cost for the Replacement of Fire Hydrants, Valves and Blow Off Completes FY17 project.

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

Absent: 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 Repair of Water Service Lines FY 17 project (estimated cost is \$300,000) (Steve Hershner). No comments or objections were heard or filed.

0722-06-16

- a. Resolution adopting the plans, specifications, form of contract and estimated cost for the Repair of Water Service Lines FY 17 project.

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

Absent: Council member Poe.

Result: ***Approved.***

8. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Kirkwood Standpipe Demolition project (estimated cost is \$137,500) (Steve Hershner). No comments or objections were heard or filed.

0723-06-16

- a. Resolution adopting the plans, specifications, form of contract and estimated cost for the Kirkwood Standpipe Demolition project.

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

Absent: Council member Poe.

Result: ***Approved.***

Public comments were heard.

Motion to approve the agenda.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

Motion to approve the consent agenda.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

9. Motion to approve the minutes.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

- 0724-06-16 10. Resolution establishing fees associated with Chapter 42A of the Municipal Code, Mobile Food Vendors, to allow mobile food vending within the city of Cedar Rapids.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

- 0725-06-16 11. Resolution accepting the Gift Art Application of Jan and Mark Spielman to donate an outdoor sculpture, entitled 'Luna de Pecos', to the City and thanking them for their gift.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

- 0726-06-16 12. Resolution thanking the Linn County Board of Supervisors for their donation of a centerpiece sculpture, entitled 'Rollic' as part of the Greene Square Renovation Project and accepting the piece into the City's Visual Arts Collection.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

- 0727-06-16 13. Resolution amending Resolution No. 1138-08-15 which approved the schedule of building permit fees accompanying Chapter 33 of the Municipal Code, Building Code.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Absent: Council member Poe.

Result: Approved.

- 0728-06-16 14. Resolution amending Resolution No. 0647-05-16 to correct a legal description for the construction of sidewalk improvements within the boundaries of the public right-of-way for the Seminole Valley Road NE from Fords Crossing NE to 42nd Street NE project. (Paving for Progress)
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| Council member Weinacht moved to approve; seconded by Council member Overland. |
| Absent: Council member Poe. |
| Result: Approved. |
- 0729-06-16 15. Resolution fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the Memorial Drive SE from McCarthy Road SE to Mount Vernon Road SE Roadway and Utility Improvements project. (Paving for Progress)
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| Council member Weinacht moved to approve; seconded by Council member Overland. |
| Absent: Council member Poe. |
| Result: Approved. |
- 0730-06-16 16. Resolution directing preparation of detailed plans, specifications, form of contract and notice to bidders for the Northwood Drive NE from South of Brookland Drive NE to 42nd Street NE Roadway Rehabilitation project. (Paving for Progress)
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| Council member Weinacht moved to approve; seconded by Council member Overland. |
| Absent: Council member Poe. |
| Result: Approved. |
- 0731-06-16 17. Resolution setting a public hearing for July 12, 2016 to consider the Resolution of Necessity (Proposed) for the construction of the C Avenue NE from Collins Road to 40th Street Pavement Reconstruction project. (Paving for Progress)
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| Council member Weinacht moved to approve; seconded by Council member Overland. |
| Absent: Council member Poe. |
| Result: Approved. |
18. Motions setting public hearing dates for:
- a. June 28, 2016 — to consider granting a change of zone for property at 430 16th Avenue SW from PUB, Public Zone District, to O-S, Office/Service Zone District, as requested by Succession, LC.
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| Council member Weinacht moved to approve; seconded by Council member Overland. |
| Absent: Council member Poe. |
| Result: Approved. |
- b. June 28, 2016 — to consider granting a change of zone for a portion of the property at 6677 16th Avenue SW from PUD-1, Planned Unit Development One Zone District, to RMF-2, Multiple Family Residence Zone District, as requested by Hart-Frederick Consultants and Sharp Investments, LLC.
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| Council member Weinacht moved to approve; seconded by Council member Overland. |
| Absent: Council member Poe. |
| Result: Approved. |

- c. June 28, 2016 — to consider public comments prior to adopting an amendment to the Citizen Participation Plan for the Community Development Block Grant (CDBG) and the HOME Investment Partnership Program.

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

- 19. 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. June 28, 2016 – Environmental Remediation and Demolition Services project, with bid opening June 29, 2016 (estimated cost is \$160,000).

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

- b. June 28, 2016 -14th Avenue SE from 36th Street to 42nd Street Roadway and Utility Improvements project, with bid opening June 29, 2016 (estimated cost is \$2,900,000). (Paving for Progress)

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

- c. June 28, 2016 — Curb Ramp Repair Project – NW Bid Package No. 3 project, with bid opening June 29, 2016 (estimated cost is \$668,000).

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

- d. June 28, 2016 — Edgewood Road NW Multiuse Pathway from O Avenue to Ellis Road, Phase I — Grading project, with bid opening July 19, 2016 at the Iowa Department of Transportation (estimated cost is \$480,000).

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

- 20. Motion approving the beer/liquor/wine applications of:

- a. Benz Beverage Depot, 501 7th Avenue SE.
- b. Casey's General Store #2212, 130 41st Avenue Drive SW (adding native wine).
- c. Casey's General Store #2276, 701 Ellis Boulevard NW (adding native wine).
- d. Cedar Rapids BPO Elks Lodge 251, 801 33rd Avenue SW.
- e. Cedar Rapids Jaycees, 225 5th Avenue SW (5-day permit for an event at the McGrath Amphitheatre Cedar Rapids, 475 1st Street SE, on July 8, 2016).
- f. Cedar Rapids Jaycees, 225 5th Avenue SW (5-day permit for an event at the McGrath Amphitheatre Cedar Rapids, 475 1st Street SE, on July 15, 2016).
- g. Cedar River Landing, 301 F Avenue NW (outdoor service for an event on June 24-26, 2016).
- h. Cedar River Landing, 301 F Avenue NW (outdoor service for an event on July 1-5, 2016).

- i. Cedar River Landing, 301 F Avenue NW (outdoor service for an event on July 8-10, 2016).
- j. Chrome Horse Saloon, 1140 Blairs Ferry Road NE (outdoor service for an event on June 16-19, 2016).
- k. Chrome Horse Saloon, 1140 Blairs Ferry Road NE (outdoor service for an event on June 24-26, 2016).
- l. Fraternal Order of Eagles Post #2272, 1735 11th Street NW (outdoor service for an event on July 4-5, 2016).
- m. Home Run Sports Bar & Grill, 302 3rd Avenue SW.
- n. Hy-Vee Food Store #1, 1843 Johnson Avenue NW (5-day permit for an event at Veterans Memorial Ballroom, 51 1st Avenue Bridge, on June 18, 2016).
- o. Hy-Vee Food Store #3, 20 Wilson Avenue SW.
- p. Hy-Vee Food Store #5, 3235 Oakland Road NE.
- q. Hy-Vee #5 Club Room, 3235 Oakland Road NE (transfer for an event at the Cedar Rapids Public Library, 450 5th Avenue SE on July 12, 2016).
- r. Hy-Vee Food & Drugstore #6, 4035 Mount Vernon Road SE.
- s. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on June 22-26, 2016).
- t. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on July 2-7, 2016).
- u. Millstream Brewhaus, 2121 Arthur Collins Parkway SW.
- v. National Czech & Slovak Museum & Library, 1400 Inspiration Place SW (outdoor service for an event on July 3, 2016).
- w. National Czech & Slovak Museum & Library, 1400 Inspiration Place SW.
- x. New Shack Tavern, 2545 Old River Road SW (outdoor service for an event on June 18, 2016).
- y. New Shack Tavern, 2545 Old River Road SW (outdoor service for an event on June 25, 2016).
- z. New Shack Tavern, 2545 Old River Road SW.
- aa. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on June 24, 2016).
- ab. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on July 1-2, 2016).
- ac. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on July 8, 2016).
- ad. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on July 15, 2016).
- ae. The Pig & Porter, 1028 3rd Street SE (new — new construction).
- af. Red's Public House, 112 2nd Street SE.
- ag. Sag Wagon, 827 Shaver Road NE.
- ah. Sauce, 1507 C Street SW.
- ai. Turner Alley Brewing Company, 2715 12th Street SW (outdoor service for an event on June 23-25, 2016).
- aj. Turner Alley Brewing Company, 2715 12th Street SW (outdoor service for an event on June 30-July 2, 2016).
- ak. Walgreens #03875, 2821 1st Avenue SE.
- al. Walgreens #05042, 3325 16th Avenue SW.
- am. Wal-Mart #2716, 3601 29th Avenue SW.

- an. Wild Hog Saloon & Eatery, 350 Commercial Drive (5-day permit for an event at Metro Harley Davidson, 2415 Westdale Drive SW, on July 14-16, 2016).

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

Abstain, items aa, ab, ac and ad: Council member Gulick

Absent: Council member Poe.

Result: **Approved.**

21. Resolutions approving:

0732-06-16

- a. Payment of bills.

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

Absent: Council member Poe.

Result: **Approved.**

0733-06-16

- b. Payroll.

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

Absent: Council member Poe.

Result: **Approved.**

22. Resolutions appointing, reappointing and thanking the following individuals:

0734-06-16

- a. Appointing Karl Cassell and reappointing Anthony Brown, Samantha Dahlby and Richard Pankey (effective through June 30, 2019) to the City Planning Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0735-06-16

- b. Appointing Esaie Toingar (effective through June 30, 2019) to the Civil Rights Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0736-06-16

- c. Appointing John Feltes and reappointing Mark Robinson (effective through June 30, 2019) to the Electrical Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0737-06-16

- d. Reappointing Bethany Jordan (effective through June 30, 2018) and Al Pierson (effective through June 30, 2019) to the Ellis Area Design Review Technical Advisory Committee.

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

Absent: Council member Poe.

Result: **Approved.**

0738-06-16

- e. Appointing Christopher Derlein-Hoffman and reappointing Brenda Blevins, Dwight Olson and Rebecca Stonawski (effective through June 30, 2017) to the Grants and Programs Citizens Advisory Committee.

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

Absent: Council member Poe.

Result: **Approved.**

0739-06-16

- f. Appointing Katherine O'Brien and reappointing Mark Stoffer Hunter, Todd McNall and Ronald Mussman (effective through June 30, 2019) to the Cedar Rapids Historic Preservation Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0740-06-16

- g. Appointing Lana Baldus and reappointing Albert Aossey (effective through June 30, 2019) to the Housing Code Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0741-06-16

- h. Reappointing Bethany Jordan (effective through June 30, 2018) and Fred Timko (effective through June 30, 2019) to the Kingston Village Design Review Technical Advisory Committee.

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

Absent: Council member Poe.

Result: **Approved.**

0742-06-16

- i. Appointing Clint Twedt-Ball (effective through June 30, 2018) and Mary Sharp (effective through June 30, 2022) to the Library Board of Trustees.

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

Absent: Council member Poe.

Result: **Approved.**

0743-06-16

- j. Reappointing Bret Brecke (effective through June 30, 2019) to the Mechanical Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0744-06-16

- k. Appointing Lindsey Podzimek and reappointing Donald Clow, Jeffrey McLaud and Deborah Schroeder (effective through June 30, 2019) to the Parks, Waterways & Recreation Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0745-06-16

- l. Reappointing Michael Hessenius, John Pint and Brian Rogers (effective through June 30, 2019) to the Plumbing Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0746-06-16

m. Appointing Justin Gehrts (effective through June 30, 2019) to the Cedar Rapids Stormwater Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0747-06-16

n. Reappointing Kristin Delfs (effective through June 30, 2019) to the Veterans Memorial Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0748-06-16

o. Appointing Abigail Ruby (effective through June 30, 2017) and reappointing Lynn Ocken and William Stamats (effective through June 30, 2019) to the Visual Arts Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0749-06-16

p. Vote of thanks to Carletta Knox-Seymour for serving on the City Planning Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0750-06-16

q. Vote of thanks to Emily Bowman, Ashley Reynolds and Robin Tucker for serving on the Civil Rights Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0751-06-16

r. Vote of thanks to Shane Novak for serving on the Electrical Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0752-06-16

s. Vote of thanks to Esaie Toingar and Emily Weber for serving on the Grants and Programs Citizens Advisory Committee.

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

Absent: Council member Poe.

Result: **Approved.**

0753-06-16

t. Vote of thanks to Patricia Cargin for serving on the Cedar Rapids Historic Preservation Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0754-06-16

u. Vote of thanks to Claudette Roby for serving on the Housing Code Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0755-06-16

v. Vote of thanks to Susan Corrigan for serving on the Library Board of Trustees.

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

Absent: Council member Poe.

Result: **Approved.**

0756-06-16

w. Vote of thanks to David Huston for serving on the Mechanical Board of Appeals.

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

Absent: Council member Poe.

Result: **Approved.**

0757-06-16

x. Vote of thanks to Ronald Gonder and Barbara Hannon for serving on the Parks, Waterways & Recreation Commission.

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

Absent: Council member Poe.

Result: **Approved.**

0758-06-16

y. Vote of thanks for Craig Seeley, Jr. for serving on the Cedar Rapids Stormwater Commission.

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

Absent: Council member Poe.

Result: **Approved.**

23. Resolutions approving the special event applications for:

0759-06-16

a. Flood the Run 2016 event (includes road closures) on August 13, 2016.

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

Absent: Council member Poe.

Result: **Approved.**

0760-06-16

b. Freedom Festival-The Great Race (includes road closures) on June 25, 2016.

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

Absent: Council member Poe.

Result: **Approved.**

24. Resolutions approving assessment actions:

0761-06-16

a. Intent to assess – Water Division – delinquent municipal utility bills – 35 properties.

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

Absent: Council member Poe.

Result: **Approved.**

0762-06-16

b. Levy assessment – Water Division – delinquent municipal utility bills – 13 properties.

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

Absent: Council member Poe.

Result: **Approved.**

0763-06-16

c. Levy assessment – Water Division – delinquent municipal utility bills – 18 properties

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

Absent: Council member Poe.

Result: **Approved.**

0764-06-16

d. Intent to assess — Solid Waste & Recycling — clean-up costs — 10 properties.

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

Absent: Council member Poe.

Result: **Approved.**

0765-06-16

e. Levy assessment — Solid Waste & Recycling — clean-up costs — three properties.

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

Absent: Council member Poe.

Result: **Approved.**

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

0766-06-16

a. Water system improvements in Tech Place 4th Addition and 2-year Maintenance Bond submitted by Connolly Construction, Inc. in the amount of \$54,483.70.

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

Absent: Council member Poe.

Result: **Approved.**

0767-06-16

b. Portland Cement Concrete pavement in Ushers Ridge Twelfth Addition and 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$55,000.

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

Absent: Council member Poe.

Result: **Approved.**

0768-06-16

c. Portland Cement Concrete pavement in Westwind Creek Ninth Addition and 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of \$70,000

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

Absent: Council member Poe.

Result: **Approved.**

0769-06-16

d. Sanitary sewer in Westwind Creek Ninth Addition and 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$49,071.

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

Absent: Council member Poe.

Result: **Approved.**

0770-06-16

e. Storm sewer in Westwind Creek Ninth Addition and 2-year Maintenance Bond submitted by Rathje Construction Company in the amount of \$51,895.

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

Absent: Council member Poe.

Result: **Approved.**

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

0771-06-16

- a. Demolition Services for RACM Structures, final payment in the amount of \$3,499.50 and 2-year Performance Bond submitted by D.W. Zinser Company (original contract amount was \$69,990; final contract amount is \$69,990).

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

Absent: Council member Poe.

Result: **Approved.**

0772-06-16

- b. Demolition Services of Buildings and Associated Materials Sinclair Site, Amendment No. 3 in the amount of \$175,274.75, final payment in the amount of \$10,740 and 2-year Performance Bond submitted by D.W. Zinser Company (original contract amount was \$214,800; final contract amount is \$390,074.75).

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

Absent: Council member Poe.

Result: **Approved.**

0773-06-16

- c. West Post Road SW South of Beverly Road Drainage Improvement project, final payment in the amount of \$1,807.79 and 4-year Performance Bond submitted by Connolly Construction, Inc. (original contract amount was \$39,166.45; final contract amount is \$36,155.83).

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

Absent: Council member Poe.

Result: **Approved.**

0774-06-16

- d. Noelridge Park Water Resource Restoration Project, final payment in the amount of \$12,155.28 and 4-year Performance Bond submitted by Eastern Iowa Excavating & Concrete, LLC (original contract amount was \$247,998.60; final contract amount is \$243,105.69).

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

Absent: Council member Poe.

Result: **Approved.**

0775-06-16

- e. Diagonal Drive SW Improvements from Interstate 380 to West 8th Avenue Bridge Approach project, final payment in the amount of \$73,500.60 and 4-year Performance Bond submitted by Iowa Erosion Control, Inc. (original contract amount was \$1,711,989.97; final contract amount is \$1,470,012.08). (Paving for Progress)

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

Absent: Council member Poe.

Result: **Approved.**

0776-06-16

- f. 1st Avenue East and 12th Street SE Sidewalk and Curb Repair project and 4-year Performance Bond submitted by Eastern Iowa Excavating & Concrete, LLC (original contract amount was \$40,483; final contract amount is \$44,095.44).

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

Absent: Council member Poe.

Result: **Approved.**

0777-06-16

- g. Veterans Memorial Stadium Ribbon Message Board project, final payment in the amount of \$13,707.50 and 2-year Performance Bond submitted by Daktronics, Inc. (original contract amount was \$274,150; final contract amount is \$274,150).

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

Absent: Council member Poe.

Result: **Approved.**

0778-06-16

27. Resolution approving a final plat:

- a. Rosedale Meadows Second Addition for land located at 6075 Rosedale Court SE, east of Rosedale Road SE and north of Mount Vernon Road SE.

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

Absent: Council member Poe.

Result: **Approved.**

0779-06-16

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

- a. Contract with TrueNorth Companies, LLC for insurance consultant services for the Finance Department for five years in the amount of \$575,000.

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

Abstain: Council member Shey.

Absent: Council member Poe.

Result: **Approved.**

0780-06-16

- b. Amendment No. 3 to the contract with Recreation Accessibility Consultants, LLC for ADA Compliance Consulting and ILA Services for the City Manager's Office to add additional services to the scope for an amount not to exceed \$119,080.75 (original contract amount was \$935,120; total contract amount with this amendment is \$1,120,716.25).

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

Absent: Council member Poe.

Result: **Approved.**

0781-06-16

- c. Finance Department purchase of Oracle Database Software Maintenance from Oracle America, Inc. for an amount not to exceed \$40,839.52.

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

Absent: Council member Poe.

Result: **Approved.**

0782-06-16

- d. Amendment No. 5 to renew contract with Pomeroy IT Solutions for Avaya Network Equipment and Maintenance for the Information Technology Department for an estimated six-month amount not to exceed \$200,000 (original contract amount was \$306,111.46; renewal contract amount is \$200,000).

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

Absent: Council member Poe.

Result: **Approved.**

0783-06-16

- e. Amendment No. 3 to the contract for On-Call Land Surveying Services with Foth Infrastructure & Environment, LLC for the Engineering Division for an increase in services for an amount not to exceed \$60,000 (original contract amount was \$70,000; total contract amount with this amendment is \$230,000).

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

Absent: Council member Poe.

Result: **Approved.**

0784-06-16

- f. Amendment No. 4 to renew contract with Foth Infrastructure & Environment, LLC for On-Call Land Surveying Services for the Engineering Division for an annual amount not to exceed \$150,000 (original contract amount was \$70,000; renewal contract amount is \$150,000).

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

Absent: Council member Poe.

Result: **Approved.**

0785-06-16

- g. Purchase Order in the amount of \$80,622.40 to Ferguson Waterworks for 12 Neptune Trimble Ranger 3XE Handheld Units and Accessories for the Water Division Meter Reading Section.

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

Absent: Council member Poe.

Result: **Approved.**

0786-06-16

- h. Purchase Order in the amount of \$60,232.25 to Roemer Machine & Welding Co. for emergency repairs to Centrifuge No. 1 (South Unit) at the J Avenue Water Treatment Plant.

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

Absent: Council member Poe.

Result: **Approved.**

0787-06-16

- i. Amendment No. 4 to renew the contract with McMurrin Trucking, Inc. for lime sludge disposal for the Water Division for an annual amount not to exceed \$310,000 (original contract amount was \$310,000; renewal contract amount is \$310,000).

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

Absent: Council member Poe.

Result: **Approved.**

0788-06-16

- j. Amendment No. 5 to the contract with McMurrin Trucking, Inc. for lime sludge disposal for the Water Division to reflect the additional cost for lime sludge disposal for an amount not to exceed \$10,000 (original contract amount was \$310,000; total contract amount with this amendment is \$405,000).

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

Absent: Council member Poe.

Result: **Approved.**

0789-06-16

- k. Fleet Services Division purchase of two 2016 Ford F150 pickups from Stivers Ford Lincoln for use by the Utilities Department — Water Plant and Water Pollution Control, in the amount of \$62,457.

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

Absent: Council member Poe.

Result: **Approved.**

0790-06-16

- l. Transit Division purchase of one 32-foot Glavel Legacy medium-duty bus from Heglund Bus Co., Inc. in the amount of \$151,266.27.

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

Absent: Council member Poe.

Result: **Approved.**

0791-06-16

- m. Contract with Consumers Cooperative Society for Fuel Products & Services for the Fleet Services Division for two years for an annual amount not to exceed \$3,800,000.

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

Absent: Council member Poe.

Result: **Approved.**

0792-06-16

- n. Contract with ESCO Electric for the PTZ Dome Traffic Camera Installation project for the Traffic Engineering Division for an amount not to exceed \$74,900.

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

Absent: Council member Poe.

Result: **Approved.**

0793-06-16

- o. Contract with Allied Glass Products for Ballistic Glass Enclosure at the Police Department for the Facilities Maintenance Services Division in the amount of \$73,950.

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

Absent: Council member Poe.

Result: **Approved.**

0794-06-16

- p. Change Order No. 16 in the amount of \$6,367 with Miron Construction Co., Inc. for the Cedar Rapids City Services Center — Bid Package 2 — Phase 2 Demolition, Sitework and New Building Construction project (original contract amount was \$19,185,000; total contract amount with this amendment is \$20,248,216.18). (Flood)

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

Absent: Council member Poe.

Result: **Approved.**

0795-06-16

- q. Application to the U.S. Environmental Protection Agency for participation in the Targeted Brownfields Assessment Program to complete Environmental Site Assessment activities for Cedar Lake.

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

Absent: Council member Poe.

Result: **Approved.**

0796-06-16

- r. Enterprise License Agreement with Environmental Systems Research Institute for July 1, 2016 through June 30, 2019 in the amount of \$313,500.

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

Absent: Council member Poe.

Result: **Approved.**

0797-06-16

- s. CDBG Environmental Review Documentation and Request for Release of Funds and Certification submission for the Sinclair Levee project to the Iowa Economic Development Authority.

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

Absent: Council member Poe.

Result: **Approved.**

0798-06-16

- t. Cooperative Agreement with the Iowa Department of Transportation (IDOT) in the amount of \$696,502.90 for the 1st Avenue East from 27th Street NE to 34th Street NE HMA Resurfacing Phase 3 project. (Paving for Progress)

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

Absent: Council member Poe.

Result: **Approved.**

0799-06-16

- u. Memorandum of Understanding with the Region 10 Chief Elected Officials, Regional Workforce Development Board.

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

Absent: Council member Poe.

Result: **Approved.**

0800-06-16

- v. Development Agreement with Cedar Valley Habitat for Humanity, Inc. for property at 2425 Wilson Avenue SW participating in the third round of the Single Family New Construction program. (Flood)

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

Absent: Council member Poe.

Result: **Approved.**

0801-06-16

- w. Amendment No. 2 to the Development Agreement by providing City participation in the project with Rowell Hardware Development, LLC. (Flood)

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

Absent: Council member Poe.

Result: **Approved.**

0802-06-16

- x. Annual maintenance agreement with Intergraph Corporation, Security, Government & Infrastructure Division for the Computer Aided Dispatch system in the amount of \$119,787.16.

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

Absent: Council member Poe.

Result: **Approved.**

0803-06-16

- y. Fourth Amendment to the Development Agreement with Westdale CR Ventures #1, LLC and Frew Development Group, LLC for redevelopment of the former Westdale Mall site generally located at 2500 Edgewood Road SW.

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

Nay: Council member Russell.

Absent: Council member Poe.

Result: **Approved.**

0804-06-16

- z. Affidavit for Curbside Recycling Program Incentive for the City of Cedar Rapids to receive the FY2017 incentive payment in the amount of \$275,690 from Cedar Rapids Linn County Solid Waste Agency.

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

Absent: Council member Poe.

Result: **Approved.**

0805-06-16

- aa. Agreement with Heartland Strategies, LLC from July 1, 2016 to June 30, 2017 for an amount not to exceed \$60,000 to assist the City in developing a clear, achievable legislative strategy.

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

Absent: Council member Poe.

Result: **Approved.**

0806-06-16

- ab. Amending Resolution No. 0706-05-16 to correct the name of the property owner to Debbie Kay Cooper, f/k/a Debbie K. Kula, for the Total Acquisition Purchase Agreement in the amount of \$107,300 for real property located at 65 21st Avenue SW in connection with the Cedar Rapids Flood Control System project.

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

Absent: Council member Poe.

Result: **Approved.**

0807-06-16

- ac. Amending Resolution No. 0707-05-16 to correct the name of the property owner to Debbie Kay Cooper, f/k/a Debbie K. Kula, for the Total Acquisition Purchase Agreement in the amount of \$22,700 for real property located at 67 21st Avenue SW in connection with the Cedar Rapids Flood Control System project.

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

Absent: Council member Poe.

Result: **Approved.**

0808-06-16

- ad. Total Acquisition Purchase Agreement in the amount of \$110,000 with Maria L. Ortega for property located at 65 20th Avenue SW in connection with the Cedar Rapids Flood Control System project.

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

Absent: Council member Poe.

Result: **Approved.**

0809-06-16

- ae. Awarding and approving contract in the amount of \$74,690, bond and insurance of B. G. Brecke, Inc. for the Replacement of Fire Hydrants, Valves and Blow Off Completes FY17 project.

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

Abstain: Council member Olson.

Absent: Council member Poe.

Result: **Approved.**

0810-06-16

- af. Amending Resolution No. 1410-09-15, which awarded the contract in the amount of \$410,292.44 to Rathje Construction Company, by correcting the incentive amount to up to \$7,500 for the Park Place NE from Council Street to North Park Place Lane Pavement Rehabilitation project. (Paving for Progress)

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

Absent: Council member Poe.

Result: **Approved.**

0811-06-16

- ag. Awarding and approving contract in the amount of \$64,632.40 plus incentive up to \$1,000, bond and insurance of B.G. Brecke, Inc. for the 1st Avenue NW (North of) Between Rockvalley Lane and Stoney Creek Drive Storm Sewer Improvements project (estimated cost is \$56,475).

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

29. Report on bids for the Parks & Recreation ADA Facility Improvements project (estimated cost is \$653,000) (Sven Leff & Steve Krug).
Kleiman Construction Inc., \$436,901.00
Unzeitig Construction Company, \$616,103.00

0812-06-16

- a. Resolution awarding and approving contract in the amount of \$436,901 plus incentive up to \$25,000, bond and insurance of Kleiman Construction Inc. for the Parks & Recreation ADA Facility Improvements project.

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

30. Report on bids for the Parks & Recreation ADA Site Improvements project (estimated cost is \$1,632,911) (Sven Leff & Steve Krug).
Kleiman Construction Inc., \$1,620,739.00
Rathje Construction Co., \$1,773,250.00

0813-06-16

- a. Resolution awarding and approving contract in the amount of \$1,620,739, plus incentive up to \$25,000, bond and insurance of Kleiman Construction Inc. for the Parks & Recreation ADA Site Improvements project.

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

31. Report on bids for the Curb Ramp Repair Project-NW Bid Package No. 2 project (estimated cost is \$929,950) (Nate Kampman).
Shekar Engineering, Des Moines, IA, \$876,177
Ti-Zack Concrete, Le Center, MN, \$1,046,279
Curtis Contracting Corp., Ely, IA, \$1,105,915

32. Report on bids for the FY 2016 Curb Repair Project (estimated cost is \$305,000) (Doug Wilson). (Paving for Progress)

Midwest Concrete, Inc., Peosta, IA, \$298,950.00
JDA Construction, Marshalltown, IA, \$308,580.00
Ti-Zack Concrete, Inc., LeCenter, MN, \$330,615.00
Vieth Construction Corp., Cedar Falls, IA, \$387,335.00

0814-06-16

- a. Resolution awarding and approving contract in the amount of \$298,950 plus incentive up to \$3,000, bond and insurance of Midwest Concrete, Inc. for the FY 2016 Curb Repair Project (estimated cost is \$305,000).

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

33. Report on bids for the 29th Street Drive SE from 1st Avenue to Tama Street Roadway Improvements project (estimated cost is \$1,330,000) (Doug Wilson).

Ricklefs Excavating, Ltd., Anamosa, IA, \$1,421,960.75
Rathje Construction Co., Marion, IA, \$1,448,819.32
Pirc-Tobin Construction, Inc., Alburnett, IA, \$1,489,990.72
L.L. Pelling Co., North Liberty, IA, \$1,541,406.28

0815-06-16

- a. Resolution awarding and approving contract in the amount of \$1,421,960.75 plus incentive up to \$40,000, bond and insurance of Ricklefs Excavating, Ltd. for the 29th Street Drive SE from 1st Avenue to Tama Street Roadway Improvements project (estimated cost is \$1,330,000).

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

34. Report on bids for the West Post Road NW from Gordon Avenue NW to Plainview Drive NW Roadway Improvements project (estimated cost is \$1,524,000) (Doug Wilson). (Paving for Progress)

Rathje Construction Company, Cedar Rapids, IA, \$1,165,975.80
Pirc-Tobin Construction, Alburnett, IA, \$1,254,505.60
Ricklefs Excavating, Ltd. Anamosa, IA, \$1,342,546.25
Dave Schmitt Construction Co., Inc., Cedar Rapids, IA, \$1,346,682.45
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA, \$1,352,132.05
SulzCo, LLC, Muscatine, IA, \$1,396,882.50

0816-06-16

- a. Resolution awarding and approving contract in the amount of \$1,165,975.80 plus incentive up to \$47,000, bond and insurance of Rathje Construction Company for the West Post Road NW from Gordon Avenue NW to Plainview Drive NW Roadway Improvements project (estimated cost is \$1,524,000).

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

- 031-16 35. Ordinance enacting a new Chapter 42A of the Municipal Code, Mobile Food Vendors, to create specific regulations applicable to mobile food vendors.
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| Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht. |
| Absent: 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. |
| Absent: Council member Poe. |
| Result: Adopted. |
- 032-16 36. Ordinance amending Chapter 63 of the Municipal Code, Offenses Against Public Safety, by deleting subsection (e) of 63.10A and enacting a new subsection (e) of Section 63.10A in its place allowing the hunting of waterfowl on certain private, undeveloped lands within the city limits under appropriate circumstances, and correcting a scrivener's error.
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| Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Overland. |
| Absent: 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 Overland. |
| Absent: Council member Poe. |
| Result: Adopted. |
- 033-16 37. Ordinance granting a change of zone for property at 1400 and 1412 6th Street SW from O-S, Office/Service Zone District to C-2, Community Commercial Zone District as requested by George Elossais.
- | |
|---|
| Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht. |
| Absent: 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. |
| Absent: Council member Poe. |
| Result: Adopted. |
38. Ordinance allowing fees for licenses and permits issued by the Cedar Rapids City Clerk to be set by City Council Resolution.
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| Council member Gulick 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 Poe. |
| Result: Approved. |

Public comments were heard.

1:28 p.m., motion to go into closed session pursuant to Iowa Code Section 21.5(1)(c) to discuss strategy with legal counsel regarding pending or imminent litigation.

Council member Gulick moved to approve; seconded by Council member Olson. Mayor Corbett polled the Council and all members voted Aye.

Absent: Council member Poe.

Result: <i>Approved.</i>

City Council returned to open session.

Motion to adjourn.

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

Absent: Council member Poe.

Result: <i>Approved.</i>

City Council adjourned at 2:05 p.m. to meet Tuesday, June 28, 2016 at 4 p.m.

Amy Stevenson, City Clerk