

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

August 23, 2016, 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 and Susie Weinacht. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz. Absent, Council member Scott Overland.

The invocation was given by Public Safety Chaplain Jim Coyle.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

A presentation regarding the GO Cedar Rapids Annual Report was given by Aaron McCreight.

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 221 4th Avenue SW from C-3, Regional Commercial Zone District, to R-3, Single Family Residence Zone District, as requested by Scallon Custom Homes, LLC (Vern Zakostecky). No comments or objections were heard or filed.
 - a. First Reading: Ordinance granting a change of zone for property at 221 4th Avenue SW from C-3, Regional Commercial Zone District, to R-3, Single Family Residence Zone District, as requested by Scallon Custom Homes, LLC.

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 Overland.
Result: Approved.

2. A public hearing was held to consider granting approval of a Preliminary Site Development Plan for an "Essential Service" as requested by the State of Iowa for property zoned PUB, Public Zone District, at 5400 16th Avenue SW (Vern Zakostecky). One comment was heard. No objections were heard or filed.

1107-08-16

- a. Resolution granting approval of a Preliminary Site Development Plan for an "Essential Service" as requested by the State of Iowa for property zoned PUB, Public Zone District, at 5400 16th Avenue SW.

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

3. A public hearing was held to consider annexation of property west of 6th Street SW and south of Tharp Road SW as requested by Roger C. and Gayle Klouda (Vern Zakostecky). No comments or objections were heard or filed.

1108-08-16

- a. Resolution authorizing annexation of property west of 6th Street SW and south of Tharp Road SW as requested by Roger C. and Gayle Klouda.

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

4. A public hearing was held to consider the disposition of excess City-owned properties located at 0 Vacant Lot SE (GPN 142720202200000), 0 Vacant Lot SE (GPN 142720702500000), and 0 Vacant Lot SE (GPN 142720200400000) for participation in the fourth round of the Single Family New Construction Program (Paula Mitchell & Ali Suntken) (Flood). No comments or objections were heard or filed.

5. A public hearing was held to consider the proposed Stone Creek Urban Renewal Plan for the Stone Creek Urban Renewal Area, and an Ordinance relating to the collection of tax increment within the proposed area (Caleb Mason). No comments or objections were heard or filed.

1109-08-16

- a. Resolution approving the Stone Creek Urban Renewal Area Plan.

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

- b. First Reading: Ordinance relating to collection of tax increment within the proposed Stone Creek Urban Renewal Area.

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 Overland.
Result: Approved.

6. A public hearing was held to consider the proposed Amendment No. 1 to the 42nd Street and Edgewood Urban Renewal Area and Plan, and an Ordinance relating to collection of tax increment within the proposed area (Caleb Mason). No comments or objections were heard or filed.

1110-08-16

- a. Resolution approving Amendment No. 1 to the 42nd Street and Edgewood Urban Renewal Area Plan.

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

- b. First Reading: Ordinance amending Ordinance No. 084-14, relating to collection of tax increment within the 42nd Street and Edgewood Urban Renewal Area.

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 Russell.
Absent: Council member Overland.
Result: Approved.

7. A public hearing was held to consider Amendment No. 1 to the Apache Hose and Belting Company, Inc. Urban Renewal Area and Plan, and an Ordinance relating to collection of tax increment within the proposed area (Caleb Mason). No comments or objections were heard or filed.

1111-08-16

- a. Resolution approving Amendment No. 1 to the Apache Hose and Belting Company, Inc. Urban Renewal Area Plan.

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

- b. First Reading: Ordinance amending Ordinance No. 009-15, relating to collection of tax increment within the Apache Hose and Belting Company, Inc. Urban Renewal Area.

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 Overland.
Result: Approved.

8. A public hearing was held to consider the proposed Amendment No. 2 to the Council Street Urban Renewal Area and Plan, and an Ordinance relating to collection of tax increment within the proposed area (Caleb Mason). No comments or objections were heard or filed.

1112-08-16

- a. Resolution approving Amendment No. 2 to the Council Street Urban Renewal Area Plan.

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

Absent: Council member Overland.

Result: **Approved.**

- b. First Reading: Ordinance amending Ordinance No. 041-03, relating to collection of tax increment within the Council Street Urban Renewal Area.

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 Overland.

Result: **Approved.**

9. A public hearing was held to consider the proposed Amendment No. 1 to the Northtowne Market Urban Renewal Area and Plan, and an Ordinance relating to collection of tax increment within the proposed area (Caleb Mason). No comments or objections were heard or filed.

1113-08-16

- a. Resolution approving Amendment No. 1 to the Northtowne Market Urban Renewal Area Plan.

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

Absent: Council member Overland.

Result: **Approved.**

- b. First Reading: Ordinance amending Ordinance No. 079-14, relating to collection of tax increment within the Northtowne Market Urban Renewal Area.

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 Russell.

Absent: Council member Overland.

Result: **Approved.**

10. A public hearing was held to consider the proposed plans, specifications, form of contract, estimated cost and advertising for bids by posting notice to bidders for the 66th Avenue SW Roadway Improvements from Locust Road to 6th Street, Phase 1 – Utility Improvements project (estimated cost is \$880,000) (Dave Wallace) (Paving for Progress). No comments or objections were heard or filed.

1114-08-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the 66th Avenue SW Roadway Improvements from Locust Road to 6th Street, Phase 1 – Utility Improvements project.

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

Absent: Council member Overland.

Result: **Approved.**

11. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Raw Water Main Relocation project (estimated cost is \$670,000) (Steve Hershner). No comments or objections were heard or filed.

1115-08-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Raw Water Main Relocation project.

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

Motion to approve the agenda.

Council member Poe moved to approve; Council member Shields requested that Item 23 be moved from the consent agenda to the regular agenda; seconded by Council member Weinacht.
Absent: Council member Overland.
Result: Approved as amended.

Motion to approve the consent agenda.

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

12. Motion to approve the minutes.

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

1116-08-16

13. Resolution directing preparation of detailed plans, specifications, form of contract and notice to bidders for the Memorial Drive SE from McCarthy Road SE to Mount Vernon Road SE Roadway and Utility Improvements project. (Paving for Progress)

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

1117-08-16

14. Resolution accepting the established fair market value in the amount of \$300 for the partial acquisition of a temporary easement for construction from land located at 801 O Avenue NW, owned by Dale E. May and Doris B. May in connection with the O Avenue NW Reconstruction Phase I from 16th Street NW to Ellis Boulevard NW project. (Paving for Progress)

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

- 1118-08-16 15. Resolution accepting the established fair market value in the amount of \$83 for the partial acquisition of a temporary easement for construction from land located at 323 40th Street NE, owned by Leonard H. Kolar, Beatrice A. Kolar and RW33 LLC in connection with the C Avenue NE from Collins Road to 40th Street NE Pavement and Water Main Reconstruction project. (Paving for Progress)
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1119-08-16 16. Resolution establishing right-of-way on City-owned property located at 535 1st Avenue NW in connection with the 1st Avenue Pedestrian Curb Ramp Improvements (Highway 922) from 13th Street SW to 16th Street NE Sidewalk Improvements project.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1120-08-16 17. Resolution establishing right-of-way on City-owned property located at 712 O Avenue NW in connection with the O Avenue NW Reconstruction Phase I from 16th Street NW to Ellis Boulevard NW project. (Paving for Progress)
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1121-08-16 18. Resolution establishing stop control on Muirfield Drive SW at the intersection of Prairie Rose Drive SW, stopping all traffic on Muirfield Drive for Prairie Rose Drive SW, in order to allow drivers to adequately observe approaching traffic.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1122-08-16 19. Resolution adopting an amendment to the Administrative Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME).
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1123-08-16 20. Resolution authorizing the Second Amendment of the City's Economic Development Programs to encourage growth in the City.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |

- 1124-08-16 21. Resolution granting an extension of time through November 7, 2016, for the Going Out of Business License issued to Brambles, 1200 2nd Avenue SE.

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

Absent: Council member Overland.

Result: **Approved.**

- 1125-08-16 22. Resolution authorizing a firefighter to attend Dive Rescue 1 Training in Indianapolis, IN for a total amount of \$5,626.

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

Absent: Council member Overland.

Result: **Approved.**

24. Motions setting public hearing dates for:

- a. September 13, 2016 — to consider the vacation and disposition of public ways and grounds described as a 60-foot by 130-foot parcel of excess City-owned right-of-way located between 2117 and 2137 Chandler Street SW for the fourth round of Single Family New Construction Program as requested by the City of Cedar Rapids.

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

Absent: Council member Overland.

Result: **Approved.**

- b. September 13, 2016 — to consider the continuation of the disposition of excess City-owned property described as a nonconforming vacant lot located at 380 8th Avenue SW.

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

Absent: Council member Overland.

Result: **Approved.**

- c. September 13, 2016 — to consider a Temporary Electric Line Easement Agreement and a Temporary Overhang Easement Agreement over vacant City-owned land located at 55 12th Avenue SE and southerly through Masaryk Park and 123 14th Avenue SE, in connection with the temporary relocation of an existing overhead transmission line to accommodate the Sinclair Levee — Grading/Gatewell Package as requested by the City of Cedar Rapids and ITC Midwest LLC.

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

Absent: Council member Overland.

Result: **Approved.**

- d. September 13, 2016 — to consider amending Chapter 61 of the Municipal Code, Traffic Regulations, by establishing school speed limits in Section 61.029 to be enforced based on signs specifying AM and PM time periods and days of the week.

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

Absent: Council member Overland.

Result: **Approved.**

- e. September 13, 2016 — to consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to allow for development which incorporates the Flood Control System in the Northwest Flood Mitigation Overlay District.

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

- 25. Motion setting public hearing date and directing publication thereof, filing plans and specifications, form of contract and estimated cost, advertising for bids by posting notice to bidders as required by law, and authorizing City officials or designees to receive and open bids and publicly announce the results for:
 - a. September 13, 2016 — Alley Between D Avenue NE and E Avenue NE from College Drive NE to 14th Street NE Improvements project, with bid opening September 14, 2016 (estimated cost is \$99,300).

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

- 26. Motion approving the beer/liquor/wine applications of:
 - a. 2nd Avenue Corner Pocket, 609 2nd Avenue SW.
 - b. Adelita’s Mexican Grill, 2383 Blairs Ferry Road NE.
 - c. Cancun Mexican Grill & Bar, 365 33rd Avenue SW (adding permanent outdoor service area).
 - d. Chappy’s Safari Lounge, 229 16th Avenue SW.
 - e. Chrome Horse, 1140 Blairs Ferry Road NE (additional outdoor service area for an event on September 10, 2016).
 - f. Coe College / Sodexo, 1220 1st Avenue NE (transfer to Veterans Memorial Armory, 50 2nd Avenue Bridge, for an event on September 10, 2016).
 - g. CSPS Hall / Legion Arts, 1103 3rd Street SE (changing to a special Class C).
 - h. Daisy’s Garage, 1117 1st Avenue SE.
 - i. Dostal Catering Service, 1211 Wiley Boulevard SW.
 - j. Fieldhouse Cedar Rapids — 1st Ave SE, 5001 1st Avenue SE.
 - k. Godfather’s Pizza, 2201 16th Avenue SW.
 - l. Godfather’s Pizza, 3647 1/2 1st Avenue SE.
 - m. The History Center, 716 Oakland Road NE (5-day license for an event on September 8, 2016 at the Cedar Rapids Public Library, 450 5th Avenue SE).
 - n. Hy-Vee #5 Club Room, 3235 Oakland Road NE (transfer for an event on September 15, 2016, at the Cedar Rapids Public Library, 450 5th Avenue SE).
 - o. Hy-Vee #6 Market Cafe, 4035 Mount Vernon Road SE.
 - p. Hy-Vee #6 Tasting Room, 4035 Mount Vernon Road SE.
 - q. Hy-Vee Food Store #7, 5050 Edgewood Road NE (5-day permit for an event on September 3, 2016 at Ushers Ferry, 5925 Seminole Valley Trail NE).
 - r. The Keg, 719 5th Street SE (outdoor service for an event on September 17-18, 2016).
 - s. Kickstand, 203 16th Avenue SE.
 - t. Kum & Go #508, 30 Four Oaks Drive SW.
 - u. Lion Bridge Brewing Company, 59 16th Avenue SW (outdoor service for an event on September 8-9, 2016).

- v. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on September 1, 2016).
- w. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on September 16-17, 2016).
- x. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on September 23, 2016).
- y. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on September 30, 2016).
- z. Orchestra Iowa, 119 3rd Avenue SE (5-day permit for an event on September 16, 2016 at Bruce more, 2169 Linden Drive SE).
- aa. Planet X, 4444 1st Avenue NE.
- ab. Red's Public House, 112 2nd Street SE (new – new ownership).
- ac. Rumors, 400 F Avenue NW (outdoor service for an event on September 23-25, 2016).
- ad. Rumors, 400 F Avenue NW (outdoor service for an event on September 9-11, 2016).
- ae. Splash Events, 225 5th Avenue SW.
- af. Stop on Bye, 1616 6th Street SW (outdoor service for an event on September 24, 2016).
- ag. Theatre Cedar Rapids, 102 3rd Street SE.
- ah. Tom's Homeport, 624 Center Point Road NE.
- ai. Townsquare Live Events, 240 Greenwich Avenue NE (5-day license for an event on September 24, 2016, at NewBo City Market, 1100 3rd Street SE).
- aj. Union Station, 1724 16th Avenue SW (outdoor service for an event on September 8-10, 2016).
- ak. Zio Johnno's, 2925 Williams Parkway SW.

Council member Poe moved to approve; seconded by Council member Weinacht.
Abstain, items g, w, x and y: Council member Gulick.
Absent: Council member Overland.
Result: Approved.

27. Resolutions approving:

1126-08-16

- a. Payment of bills.

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

1127-08-16

- b. Payroll.

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

1128-08-16

- c. Transfer of funds.

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

- 1129-08-16 28. Resolution approving the special event application for:
a. Trashmore 5K-Dash to Bash Epilepsy event (includes road closures) on September 10, 2016.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1130-08-16 29. Resolutions approving assessment actions:
a. Levy assessment – Water Division – delinquent municipal utility bills – 14 properties.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1131-08-16 b. Intent to assess – Water Division – delinquent municipal utility bills – 52 properties.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1132-08-16 c. Intent to assess — Solid Waste & Recycling — clean-up costs — 12 properties.
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
30. Resolutions accepting projects, approving Performance Bonds and/or authorizing final payments:
- 1133-08-16 a. A Street SW East of 22nd Avenue Storm Sewer Repair project and 4-year Performance Bond submitted by Yordi Excavating, Inc. (original contract amount was \$8,201.65; final contract amount is \$8,201.65).
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Absent: Council member Overland. |
| Result: Approved. |
- 1134-08-16 b. Replacement of Fire Hydrants and Blow Off Completes FY16 project, final (retainage) payment in the amount of \$3,865.26 and 2-year maintenance bond submitted by B. G. Brecke, Inc. in the amount of \$78,305.00 (original contract amount was \$87,165.00; final contract amount is \$78,305.00).
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| Council member Poe moved to approve; seconded by Council member Weinacht. |
| Abstain: Council member Olson. |
| Absent: Council member Overland. |
| Result: Approved. |

31. Resolutions approving actions regarding final plats:
- 1135-08-16 a. Approving the final plat of Hawks Point Seventh Addition to Cedar Rapids, Linn County, Iowa for land located at Dostal Drive SW extension; east of James Parkway SW.

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

- 1136-08-16 b. Amending Condition No. 6 of a Development Agreement approved with the final plat of Hawks Point 5th Addition for properties located at 5328, 5322 and 5316 Ruhd Street SW.

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

32. Resolutions authorizing payment of Annual Economic Development Grants for the reporting period of November 2014 through October 2015:

- 1137-08-16 a. 500First.

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

- 1138-08-16 b. TrueNorth Real Estate, L.C.

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

- 1139-08-16 c. The Pointe at Cedar Rapids, LLC.

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

- 1140-08-16 d. Acme Graphics.

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

- 1141-08-16 e. Second Progression.

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

- 1142-08-16 f. Raining Rose.

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

- 1143-08-16 g. Commonwealth Senior Apartments.

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

1144-08-16

h. Intermec Technologies.

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

Absent: Council member Overland.

Result: **Approved.**

1145-08-16

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

a. Engineering Division purchase of grounds equipment from MTI Distributing, Inc. in the amount of \$52,915.01.

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

Absent: Council member Overland.

Result: **Approved.**

1146-08-16

b. Fleet Division purchase of four (4) pick-up trucks from Pat McGrath Chrysler Jeep Dodge Ram in the amount of \$156,557.

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

Absent: Council member Overland.

Result: **Approved.**

1147-08-16

c. Contract with Constellation NewEnergy-Gas Division, LLC for natural gas supply and transportation services for the Facilities Maintenance Division for an annual amount not to exceed \$1,500,000.

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

Absent: Council member Overland.

Result: **Approved.**

1148-08-16

d. Contract with Woodruff Construction, LLC for the Cedar Rapids Ice Arena ADA Compliance project for Facilities Maintenance Services for an amount not to exceed \$163,700.

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

Absent: Council member Overland.

Result: **Approved.**

1149-08-16

e. Amending Resolution No. 0060-01-16, with Ping for golf merchandise for resale, to increase the estimated purchase amount by \$20,000 (previous estimated purchase amount is \$30,000, new estimated purchase amount is \$50,000).

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

Absent: Council member Overland.

Result: **Approved.**

1150-08-16

f. Amending Resolution No. 0678-05-16 by correcting the time period for Digital Radio Equipment and Service Agreement from Communications Engineering Company to June 1, 2016 through June 30, 2018.

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

Absent: Council member Overland.

Result: **Approved.**

1151-08-16

- g. Fleet Services purchase of five emergency equipment packages from Keltek Incorporated, to upfit multiple new vehicles for use by Police and Fire Departments, in the amount of \$238,354.11.

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

1152-08-16

- h. Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. for an amount not to exceed \$280,590 for design services in connection with the E Avenue NW from Highway 100 to Stoney Point Road NW Road Improvement project. (Paving for Progress)

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

1153-08-16

- i. Amendment No. 2 to the Professional Services Agreement with CH2M Hill Engineers, Inc. for an amount not to exceed \$47,200 for the additional engineering services on the J Avenue Water Treatment Plant Process Improvements — Phase 1 project (original contract amount was \$644,752; total contract amount with this amendment is \$786,952).

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

1154-08-16

- j. Amendment No. 2 to the Professional Services Agreement with HR Green, Inc. specifying an increased amount not to exceed \$1,723 for design services in connection with the Waconia Avenue SW Sanitary Sewer Improvements project (original contract amount was \$211,673; total contract amount with this amendment is \$324,695).

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

1155-08-16

- k. Professional Services Agreement with Terracon Consultants, Inc. for an amount not to exceed \$32,221.50 for the Water Pollution Control Facility Chlorine System Upgrade — Construction Phase Special Inspection and Material Testing Services.

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

1156-08-16

- l. Awarding and approving contract in the amount of \$8,860, bond and insurance of Anne Duffield Construction, Inc. for the Bridge Guardrail Post Repair Located on the J Street SW Bridge Over U.S. Highway 30 project (estimated cost is \$17,000).

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

1157-08-16

- m. Awarding and approving contract in the amount of \$4,488,880 plus incentive up to \$150,000, bond and insurance of Legacy Corporation of IL for the Sinclair Levee — Grading/Gatewell Package (estimated cost is \$5,200,000).

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

Absent: Council member Overland.

Result: **Approved.**

1158-08-16

- n. Change Order No. 4 in the amount of \$1,152 with Horsfield Construction, Inc. for the 74th Street NE from White Ivy Place to C Avenue NE Roadway Improvements project (original contract amount was \$1,261,252.34; total contract amount with this amendment is \$1,381,382.26). (Paving for Progress)

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

Absent: Council member Overland.

Result: **Approved.**

1159-08-16

- o. Change Order No. 5 in the amount of \$18,306.31 with Rathje Construction Company for the 42nd Street NE from I-380 to Wenig Road NE Pavement and Water Main Rehabilitation project (original contract amount was \$3,108,134.70; total contract amount with this amendment is \$3,207,268.12). (Paving for Progress)

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

Absent: Council member Overland.

Result: **Approved.**

1160-08-16

- p. Change Order No. 7 in the amount of \$13,909.00 with Rathje Construction Company for the 2008 Flood Area Sanitary Sewer Restoration, SW Quadrant, Phase 2, Part 4 project (original contract amount was \$2,302,374.75; total contract amount with this amendment is \$2,265,047.26). (Flood)

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

Absent: Council member Overland.

Result: **Approved.**

1161-08-16

- q. Change Order No. 3 in the amount of \$19,000 with Pirc-Tobin Construction, Inc. for the B Avenue NW from Highland Drive NW to 8th Street NW Roadway Improvements project (original contract amount was \$1,913,406.54; total contract amount with this amendment is \$2,044,179.29). (Paving for Progress)

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

Absent: Council member Overland.

Result: **Approved.**

1162-08-16

- r. Change Order No. 5 in the amount of \$13,444.49 with Dave Schmitt Construction Co., Inc. for the NE Quadrant, 2008 Flood, Sanitary Sewer Repairs, Phase 2, Bid Package 5 project (original contract amount was \$1,755,389; total contract amount with this amendment is \$1,831,950.85). (Flood)

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

Absent: Council member Overland.

Result: **Approved.**

1163-08-16

- s. Change Order No. 3 in the amount of \$36,499.10 with Dave Schmitt Construction Co., Inc. for the Oakland Road NE from H Avenue NE to J Avenue NE Pavement Rehabilitation project (original contract amount was \$1,161,496.35; total contract amount with this amendment is \$1,213,224.88) (Paving for Progress)

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

1164-08-16

- t. Joint Funding Agreement for water resource investigations with the U.S. Department of Interior, U.S. Geological Survey (USGS), South Dakota Water Science Center, for technical assistance with airborne electromagnetic surveys and geophysical investigations for the Cedar River alluvial aquifer for the period of August 23, 2016 through September 30, 2018 (estimated total cost of \$95,097 will be funded on a 40/60 percent basis (USGS/City) with the City's share being \$57,058).

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

1165-08-16

- u. Joint Funding Agreement with the U.S. Department of Interior, Geological Survey (USGS), Iowa City for water resources investigations, specifically airborne electromagnetic survey support for the period of August 23, 2016 through September 30, 2018 (estimated total cost of \$205,340 will be funded on a 40/60 percent basis (USGS/City) with the City's share being \$120,818).

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

1166-08-16

- v. Commitment to Award and Accept Funds in the amount of \$262,535 with the Iowa Homeland Security and Emergency Management Division for the Cedar Rapids Division of Iowa Task Force 1.

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

1167-08-16

- w. User Agreement to pay quarterly invoices for using the Iowa On-Line Warrants and Articles System.

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

1168-08-16

- x. Amendment No. 7 to the Community Development Block Grant (CDBG) Program Disaster Recovery Infrastructure Contract with the Iowa Economic Development Authority for an additional \$1,305,212 in CDBG funds in connection with the Cedar Rapids Flood Control System project (total grant amount is \$11,301,774). (Flood)

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

1169-08-16

- y. Final payment to Linn County in the amount \$34,626.62 for the actual cost of construction for grading and culvert work to prepare for a Portland Cement Concrete (PCC) overlay on Ely Road SW from 0.4 miles south of Linn-Johnson County Line north for 0.8 miles and from Ely City limits north 3 miles. (Paving for Progress)

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

1170-08-16

- z. Amendment to Agreement for Covenants and Restrictions and establishing right-of-way on City-owned property located at 100 1st Avenue NW and in connection with the 1st Avenue Pedestrian Curb Ramp Improvements (Highway 922) from 13th Street SW to 16th Street NE Sidewalk Improvements project.

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

1171-08-16

- aa. Amendment to Agreement for Covenants and Restrictions and establishing right-of-way on City-owned property located at 710 O Avenue NW and in connection with the 1st Avenue Pedestrian Curb Ramp Improvements (Highway 922) from 13th Street SW to 16th Street NE Sidewalk Improvements project. (Paving for Progress)

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

1172-08-16

- ab. Assignment and Assumption Agreements and any other necessary documents to effectuate the transfer of covenants and restrictions pertaining to affordability from Cedar River Bluffs Residential Cooperative, Inc. and 2225 River Bluff Drive Residential Cooperative, Inc. to CRB Housing Cooperative, Inc. for property at 2225, 2305, 2320, 2410 and 2420 River Bluffs Drive NW, participating in the Multi-Family New Construction program. (Flood)

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

1173-08-16

- ac. Development Agreement and Special Warranty Deed with S & J Homes, LLC for City-owned property at 417 5th Avenue SW participating in the fourth round of the Single Family New Construction program. (Flood)

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

1174-08-16

- ad. Development Agreements and Special Warranty Deeds with S & J Homes, LLC for City-owned properties at 421 5th Avenue SW and 427 5th Avenue SW participating in the fourth round of the Single Family New Construction program. (Flood)

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

1175-08-16

ae. Development Agreements with Sattler Homes Inc. for property at 8601 Flatbush Court NE and 8602 Flatbush Court NE participating in the fourth round of the Single Family New Construction program. (Flood)

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

1176-08-16

af. Special Warranty Deed conveying City-owned property at 301 and 305 2nd Avenue SW to Kingston Corner LLC. (Flood)

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

1177-08-16

ag. Commencement Date Agreement with Cedar Real Estate Group III, LLC for the CRST building at 201 1st Street SE.

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

1178-08-16

23. Discussion and Resolution authorizing City Council Member Susie Weinacht to attend Leadership Iowa 2016-2017 for a tuition amount of \$2,500.

Council member Olson moved to approve; seconded by Council member Gulick.
Nays: Council members Poe, Russell and Shields.
Abstain: Council member Weinacht.
Absent: Council member Overland.
Result: Approved.

34. Report on bids for the Indian Creek Tree Restoration project (estimated cost is \$428,000) (Dave Wallace).

Greg's Lawn & Landscaping, Inc., Cedar Rapids, IA, \$393,786.00
Tricon General Construction, Cedar Rapids, IA, \$610,570.00

35. Report on bids for the Curb Ramp Repair Project-NW Bid Package No. 4 project (estimated cost is \$307,000) (Nate Kampman).

Ti-Zack Concrete, Inc., LeCenter, MN, \$456,294.00
Midwest Concrete, Inc., Peosta, IA, \$490,490.00
Vieth Construction Corp., Cedar Falls, IA, \$548,646.00 (math error found)
Borst Brothers Construction, Inc., Marion, IA, \$599,522.00

1179-08-16

a. Resolution awarding and approving contract in the amount of \$456,294 plus incentive up to \$16,000, bond and insurance of Ti-Zack Concrete, Inc. for the Curb Ramp Repair Project — NW Bid Package No. 4 project.

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

36. Report on bids for the FY 2017 Sidewalk Repair Program-Contract No. 1 project (estimated cost is \$569,000) (Nate Kampman).
 Possibilities Unlimited, LLC, Cedar Rapids, IA, \$487,656.00
 Shekar Engineering, Des Moines, IA, \$536,092.00 (math error found)
 Ti-Zack Concrete, Inc., LeCenter, MN, \$547,227.25
 Midwest Concrete, Inc., Peosta, IA, \$621,824.50
 SulzCo, LLC, Muscatine, IA, \$626,662.50
 Vieth Construction Corp., Cedar Falls, IA, \$993,949.75

1180-08-16

- a. Resolution awarding and approving contract in the amount of \$487,656 plus incentive up to \$6,000, bond and insurance of Possibilities Unlimited, LLC for the FY 2017 Sidewalk Repair Program-Contract No. 1 project (estimated cost is \$569,000).

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

37. Presentation and Resolution to consider creating a Historic Rehabilitation Program which provides grants or no-interest loans to repair historic resources within the City's two local historic districts and local landmarks (Jeff Hintz).

1181-08-16

- a. Resolution terminating the Paint Rebate Program and creating a Historic Rehabilitation Program which provides grants or no-interest loans to repair historic resources within the City's two local historic districts and local landmarks.

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

1182-08-16

- b. Resolution authorizing funding for the Historic Rehabilitation Program for Fiscal Year 2017.

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

040-16

38. Ordinance amending Chapter 22A of the Municipal Code, Nuisance Property, by deleting Chapter 22A, and enacting a new Chapter 22A in its place, by adding provisions relating to victims of crime or abuse and modifying the exemption for certain calls for emergency assistance.

Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht.
Absent: Council member Overland.
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 Overland.
Result: Adopted.

- 041-16 39. Ordinance granting a change of zone for property at 1731 Center Point Road NE from C-2, Community Commercial Zone District, to C-3, Regional Commercial Zone District, as requested by Ronald L. and Karen S. White and Jason C. Jones.

Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht.
Absent: Council member Overland.
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 Overland.
Result: Adopted.

- 042-16 40. Ordinance granting a change of zone for property at 1834 Blairs Ferry Road NE from I-1, Light Industrial Zone District, to C-3, Regional Commercial Zone District, as requested by Vua Property Management, L.C.

Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht.
Absent: Council member Overland.
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 Overland.
Result: Adopted.

Public comments were heard.

Motion to adjourn.

Council member Shields moved to approve; seconded by Council member Shey.
Absent: Council member Overland.
Result: Approved.

City Council adjourned at 5:35 p.m. to meet Tuesday, September 13, 2016 at 12 noon.

Amy Stevenson, City Clerk