

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

October 11, 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, Ann Poe, Ralph Russell, Pat Shey, Justin Shields and Susie Weinacht. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz.

The invocation was given by Public Safety Chaplain Pat Rieck.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

Mayor Corbett and Council member Shey presented a Proclamation declaring October 19, 2016 as Gentleman Day.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring October 20 and 21, 2016 as the 20th Annual America Reads: Reading is Contagious.

Mayor Corbett and Council member Weinacht presented a Proclamation declaring September 2016 as Jessica Heims Month.

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

1. A public hearing was held to consider adoption of signage regulations for the Northtowne Market Development between Council Street NE and Rockwell Drive NE on the south side of Blairs Ferry Road NE as requested by Hunter Companies, LLC (Vern Zakostelecky). No comments or objections were heard or filed.
  - a. First Reading: Ordinance adopting signage regulations for the Northtowne Market Development between Council Street NE and Rockwell Drive NE on the south side of Blairs Ferry Road NE as requested by Hunter Companies, LLC.

Council member Olson moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member Weinacht.
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Result: <b><i>Approved.</i></b>
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2. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Sinclair Levee – Pump Station and Detention Basin project (estimated cost is \$5,700,000) (Rob Davis). One comment was heard. No objections were heard or filed.

1331-10-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Sinclair Levee – Pump Station and Detention Basin project.

Council member Poe moved to approve; seconded by Council member Shey.
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Result: <b>Approved.</b>
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3. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Bridge Replacement – McCloud Place NE over McCloud Run project (estimated cost is \$1,200,000) (Doug Wilson). One comment was heard. No objections were heard or filed.

1332-10-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Bridge Replacement – McCloud Place NE over McCloud Run project.

Council member Weinacht moved to approve; seconded by Council member Overland.
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Result: <b>Approved.</b>
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Public comments were heard.

Motion to approve the agenda.

Council member Russell moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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Motion to approve the consent agenda.

Council member Olson moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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4. Motion to approve the minutes.

Council member Olson moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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1333-10-16

5. Resolution establishing stop control on 36th Street NE at the intersection of Zach Johnson Drive NE, stopping all traffic on 36th Street NE for Zach Johnson Drive NE, in order to match existing stop control at the intersection and allow drivers to adequately observe approaching traffic.

Council member Olson moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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- 1334-10-16 6. Resolution establishing right-of-way in the northwesterly corner of City-owned property located at 940 14th Avenue SE, also known as Viola Gibson Park, for the 12th Avenue SE Roadway and Utility Improvement from 7th Street SE to 400 Feet East of 19th Street SE project. (Paving for Progress)
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |
- 1335-10-16 7. Preliminary resolution for the construction of street, sidewalk, curb and gutter improvements within the boundaries of the public right-of-way for the E Avenue NE Roadway Improvements from 19th Street NE to 20th Street NE project. (Paving for Progress)
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |
- 1336-10-16 8. Resolution adopting and levying final schedule of assessments and providing for the payment thereof for the 18th Street SW from 16th Avenue to 13th Avenue Roadway Improvements project.
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |
- 1337-10-16 9. Resolution of support and authorizing conditional City financial assistance in support of a Low Income Housing Tax Credit application for a project at the intersection of 7th Avenue and 3rd Street SW as proposed by Kingston Family Apartments, LP. (Flood)
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |
- 1338-10-16 10. Resolution establishing funding priorities for the Community Development Block Grant and HOME Investment Partnership Programs for the program year covering July 1, 2017 – June 30, 2018.
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |
- 1339-10-16 11. Resolution authorizing payment of Annual Economic Development Grant of \$150,413 to J Rettenmaier USA LP for the reporting period of November 2014 through October 2015.
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |
- 1340-10-16 12. Resolution extending the 0.70 FTE position in the City Manager's Office through June 30, 2017 to support the Blue Zones Project and Wellbeing Advisory Committee.
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| Council member Olson moved to approve; seconded by Council member Poe. |
| Result: <b><i>Approved.</i></b>  |

13. Motion setting a public hearing date for:
- a. October 25, 2016 – to consider granting a change of zone with a Preliminary Site Development Plan for property at 4480 Blairs Ferry Road NE from A, Agriculture Zone District, to R-2, Single Family Residence Zone District, and RMF-1, Multiple Family Residence Zone District, as requested by Genesis Equities, LLC and Cavalry Chapel Iowa.

Council member Olson moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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14. Motion setting a public hearing date and directing publication thereof, filing plans and/or 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. November 1, 2016 – Czech Village Utility Relocation – 16th Avenue SW to Landfill project, with bid opening November 2, 2016 (estimated cost is \$4,000,000).

Council member Olson moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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15. Motion approving the beer/liquor/wine applications of:

- a. Basket Bowtique, 116 3rd Avenue SE.
- b. Buffalo Wild Wings, 1100 Blairs Ferry Road NE.
- c. Chrome Horse, 1140 Blairs Ferry Road NE.
- d. Creative Croissants, 2121 Arthur Collins Parkway SW.
- e. Eurest Dining Services (Aegon), 6400 C Street SW.
- f. Holiday Inn Express – 33rd Ave, 3320 Southgate Court SW.
- g. Holiday Inn Express – Collins Road, 1230 Collins Road NE.
- h. Lancer Lanes, 3203 6th Street SW.
- i. Liquid Lounge Downtown, 303 2nd Avenue SE.
- j. NewBo City Market, 1100 3rd Street SE (additional outdoor service for an event on October 14-15, 2016).
- k. Noodles & Company, 310 Collins Road NE.
- l. Pancheros Mexican Grill, 5350 Kirkwood Boulevard SW (new).
- m. Taste of India, 1060 Old Marion Road NE.
- n. Tienda Mexicana La Guanajuato, 3915 Center Point Road NE.
- o. Tornado's Grub & Pub, 315 14th Avenue SE (outdoor service for an event on October 15-16, 2016).
- p. White Star Ale House, 305 2nd Avenue SE.
- q. WingStop, 2360 Edgewood Road SW.

Council member Olson moved to approve; seconded by Council member Poe.
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Abstain, item j: Council member Gulick.
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Result: <b>Approved.</b>
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16. Resolutions approving:

- a. Payment of bills.

Council member Olson moved to approve; seconded by Council member Poe.
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Result: <b>Approved.</b>
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1341-10-16

1342-10-16

b. Payroll.

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

Result: **Approved.**

1343-10-16

17. Resolutions approving the special event applications for:

a. Dozinky Czech Harvest Celebration event (includes road closure) on October 15, 2016.

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

Result: **Approved.**

1344-10-16

b. Tornado's Presents: NOBO Flood Party (includes road closure) on October 15-16, 2016.

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

Result: **Approved.**

1345-10-16

18. Resolutions approving assessment actions:

a. Intent to assess – Water Division – delinquent municipal utility bills – 25 properties.

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

Result: **Approved.**

1346-10-16

b. Intent to assess – Solid Waste & Recycling – clean-up costs – 11 properties.

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

Result: **Approved.**

1347-10-16

c. Levy assessment – Solid Waste & Recycling – clean-up costs – 10 properties.

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

Result: **Approved.**

1348-10-16

d. Levy assessment – Solid Waste & Recycling – delinquent weed mowing charges – 112 properties.

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

Result: **Approved.**

1349-10-16

19. Resolution accepting a project, approving a Performance Bond and authorizing a final payment:

a. SW Quad, Phase 1 – Water Main Replacement project, final retainage payment in the amount of \$25,133.61 and 2-year Performance Bond submitted by Dave Schmitt Construction Company, Inc. (original contract amount was \$530,845.05; final contract amount is \$502,672.21).

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

Result: **Approved.**

1350-10-16

20. Resolution approving a final plat:

a. Oakridge Estates Fourth Addition to Cedar Rapids for land located at 38th Street SE extension, south of Bel Air Drive SE to Pioneer Avenue SE.

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

Result: **Approved.**

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

1351-10-16

- a. Amending Resolution No. 1146-08-16 with Pat McGrath Chrysler Jeep Dodge Ram to remove the 1/2 ton pick-up truck and add one 3/4 ton pick-up truck (original amount was \$156,557; corrected amount is \$166,920).

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

Result: **Approved.**

1352-10-16

- b. Contract with Rapids Reproductions Inc. for Electronic Plan Room Services for the Engineering Division for two years for an amount not to exceed \$240,000.

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

Result: **Approved.**

1353-10-16

- c. Amendment No. 1 to contract with Bolton & Menk, Inc. for Design Services for Kirkwood Roundabout project for the Engineering Division to reflect the additional cost to add services for culvert design for an amount not to exceed \$39,806 (original contract amount was \$137,914; total contract amount with this amendment is \$177,720).

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

Result: **Approved.**

1354-10-16

- d. Amendment No. 1 to the contract with Crawford Quarry Company for lagoon ash sand storage for the Water Pollution Control Facility to reflect the additional cost for an increase in the volume of lagoon ash sand stored for an amount not to exceed \$15,000 (original contract amount was \$80,000; total contract amount with this amendment is \$95,000).

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

Result: **Approved.**

1355-10-16

- e. Amendment No. 1 to the contract with Wulfekuhle Injection & Pumping, Inc. for land application of biosolids for the Water Pollution Control Facility for two years for an annual amount not to exceed \$200,000 (original contract amount was \$200,000; renewal contract amount is \$200,000).

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

Result: **Approved.**

1356-10-16

- f. Total Acquisition Purchase Agreement in the amount of \$4,650,000 for real estate and \$581,000 for personal property to DeLong Development Company, L.C., for property located at 90 F Avenue NW in connection with the Cedar Rapids Flood Control System project.

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

Result: **Approved.**

1357-10-16

- g. Contract with Quality Construction Services, Inc. for residential sandbag removal for the Solid Waste Management Division for an amount not to exceed \$420,000. (Flood)

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

Result: **Approved.**

1358-10-16

- h. Professional Services Agreement with FARO Technologies, Inc. for service and support for FARO Focus3D X 130 HDR laser scanner and software for the period of October 1, 2016 to September 30, 2017.

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

Result: **Approved.**

1359-10-16

- i. Professional Services Agreement with McClure Engineering Co. for an amount not to exceed \$131,765 for design services in connection with the 32nd Street NE from 1st Avenue E to I-380 project. (Paving for Progress)

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

Result: **Approved.**

1360-10-16

- j. Amendment No. 1 to the Professional Services Agreement with Foth Infrastructure & Environment, LLC specifying an increased amount not to exceed \$46,364 for design services in connection with the 1st Avenue E at 4th Street Pedestrian Crossing Upgrading project (original contract amount was \$68,690; total contract amount with this amendment is \$115,054).

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

Result: **Approved.**

1361-10-16

- k. Change Order No. 6 Final in the amount of \$72,560 and revising the completion date with Garling Construction, Inc. for the Northwest Recreation Center project (original contract amount was \$3,597,000; total contract amount with this amendment is \$3,835,417). (Flood)

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

Result: **Approved.**

1362-10-16

- l. Release of all Claims and Indemnity Agreement in connection with a Settlement Agreement between Prometheus, Inc. and Vieth Construction Corporation.

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

Result: **Approved.**

1363-10-16

- m. FY17 Cooperative Agreement between the Iowa Civil Rights Commission and Cedar Rapids Civil Rights Commission for the satisfactory processing of intakes and resolution of civil rights complaints by the Cedar Rapids Civil Rights Commission.

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

Result: **Approved.**

1364-10-16

- n. Amendment No. 8 to the Community Development Block Grant (CDBG) Program Disaster Recovery Infrastructure Contract with the Iowa Economic Development Authority for an additional \$197,454 in CDBG funds (total grant amount is \$11,499,228).

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

Result: **Approved.**

1365-10-16

- o. Accepting an Easement for Sanitary Sewer being dedicated for sanitary sewer main constructed in Lot 13 and Lot 14, Northtowne Market Third Addition, for property at 1215 and 1301 Skylee Drive NE.

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

Result: **Approved.**

1366-10-16

- p. Development Agreement with Thomas Dostal Developers Inc. for property located at 5303 Dostal Drive SW participating in the third round of the Single Family New Construction Program. (Flood)

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

Result: **Approved.**

1367-10-16

- q. Development Agreement with Thomas Dostal Developers Inc. for property located at 5410 Dostal Drive SW participating in the third round of the Single Family New Construction Program. (Flood)

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

Result: **Approved.**

1368-10-16

- r. Development Agreement with Thomas Dostal Developers Inc. for property located at 5412 Dostal Drive SW participating in the third round of the Single Family New Construction Program. (Flood)

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

Result: **Approved.**

1369-10-16

- s. Payment to B.G. Brecke in an amount not to exceed \$200,000 for emergency services, including removal and replacement of sanitary sewer in Coe Road NE (estimated contract amount is \$200,000).

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

Result: **Approved.**

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

Greg's Lawn Service, Inc., Cedar Rapids, IA, \$429,559

Lodge Construction, Inc., Clarksville, IA, \$519,430

1370-10-16

- a. Resolution awarding and approving contract in the amount of \$429,559, bond and insurance of Greg's Lawn Service, Inc. for the Indian Creek Tree Restoration project.

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

Result: **Approved.**

23. Report on bids for the Veterans Memorial Stadium Parking Lot — ADA Compliance, Crack Fill and Seal Coating project (estimated cost is \$105,000) (Dave Wallace).

L.L. Pelling Company, North Liberty, IA, \$117,392.51

1371-10-16

- a. Resolution awarding and approving contract in the amount of \$117,392.51 plus incentive up to \$3,000, bond and insurance of L.L. Pelling Company for the Veterans Memorial Stadium Parking Lot — ADA Compliance, Crack Fill and Seal Coating project.

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

Result: **Approved.**

1372-10-16

24. Discussion and Resolution amending the Cedar Rapids Business Assistance Revolving Loan Fund to allocate \$75,000 to the Economic Alliance Foundation for the Jobs & Small Business Recovery Fund 2016 (Jasmine Almoayed and Les Garner, Greater Cedar Rapids Community Foundation).

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

Abstain: Council member Gulick.

Result: **Approved.**



- 051-16 25. Ordinance 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 the approval of the Ordinance on its second reading; seconded by Council member Weinacht.
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Result: <b><i>Approved.</i></b>
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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.
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Result: <b><i>Adopted.</i></b>
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- 052-16 26. Ordinance granting a change of zone for property located north of E Avenue NW and west of Blue Stone Street NW from A, Agriculture Zone District, to R-2, Single Family Residence Zone District, as requested by Midwest Development Co and William K. and Debra J. Robinson.

Council member Poe moved the approval of the Ordinance on its second reading; seconded by Council member Weinacht.
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Result: <b><i>Approved.</i></b>
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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.
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Result: <b><i>Adopted.</i></b>
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Council comments were heard.

Motion to adjourn.

Council member Shields moved to approve; seconded by Council member Shey.
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Result: <b><i>Approved.</i></b>
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City Council adjourned at 1:26 p.m. to meet Tuesday, October 25, 2016 at 4 p.m.

Amy Stevenson, City Clerk