

CITY OF CEDAR RAPIDS, IOWA

MINUTES OF THE CITY COUNCIL

REGULAR SESSION

November 1, 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 Pastor Mary Beth Hartenstein.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

Mayor Corbett and Council member Poe presented a Proclamation declaring November 3, 2016 as Entrepreneur & Innovation Day.

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

1. A scheduled public hearing to consider granting a change of zone for property at 4625 Tower Terrace Road NE from C-MU, Commercial Mixed Use Zone District, to C-3, Regional Commercial Zone District, as requested by HJD Investments, L.L.C., was **cancelled, to be rescheduled to November 15, 2016.**

~~a. First Reading: Ordinance granting a change of zone for property at 4625 Tower Terrace Road NE from C-MU, Commercial Mixed Use Zone District, to C-3, Regional Commercial Zone District, as requested by HJD Investments, L.L.C.~~

2. A public hearing was held to consider the vacation and disposition of public ways and grounds in and to a 0.16 acre parcel of excess City-owned right-of-way located southeasterly of the Diagonal Drive and 3rd Street SW intersection as requested by Kingston Family Apartments, LP (Rita Rasmussen). No comments or objections were heard or filed.

a. First Reading: Ordinance vacating public ways and grounds in and to a 0.16 acre parcel of excess City-owned right-of-way located southeasterly of the Diagonal Drive and 3rd Street SW intersection.

Council member Overland 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: Approved.

3. A public hearing was held to consider an Urban Revitalization Area designation for West Side Wolf Pack V LLC for the renovation and redevelopment of existing commercial property at 218 4th Avenue SW and adjacent vacant land (Caleb Mason). No comments or objections were heard or filed.

1428-11-16

- a. Resolution authorizing an Urban Revitalization Area designation for West Side Wolf Pack V LLC for the renovation and redevelopment of existing commercial property at 218 4th Avenue SW and adjacent vacant land.

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

Result: **Approved.**

- b. First Reading: Ordinance establishing the West Side Wolf Pack V LLC Urban Revitalization Area designation for property at 218 4th Avenue SW and adjacent vacant land.

Council member Overland 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.

Result: **Approved.**

4. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Czech Village Utility Relocation – 16th Ave SW to Landfill project (estimated cost is \$4,000,000) (Rob Davis). No comments or objections were heard or filed.

1429-11-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the Czech Village Utility Relocation – 16th Ave SW to Landfill project (estimated cost is \$4,000,000) (Rob Davis).

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

Result: **Approved.**

Public comments were heard.

Motion to approve the agenda.

Council member Overland moved to approve; Council member Poe requested that Item 18a be moved from the consent agenda to the regular agenda; Council member Russell requested that Item 18d be moved from the consent agenda to the regular agenda; seconded by Council member Weinacht.

Result: **Approved as amended.**

Motion to approve the consent agenda.

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

Result: **Approved.**

5. Motion to approve the minutes.

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

Result: **Approved.**

- 1430-11-16 6. 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 Wiley Boulevard from 31st Avenue SW to 650 feet north of 29th Avenue SW Roadway Improvements project.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |
- 1431-11-16 7. Resolution authorizing the inclusion of new construction of commercial and/or mixed-use facilities within the T.U.S.K., LLC Urban Revitalization Area as an eligible activity as provided for in the Plan for property at 1010 3rd Street SE.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |
- 1432-11-16 8. Resolution of support and authorizing conditional City financial assistance for a Low Income Housing Tax Credit application for a project at the southeast corner of Jacolyn Drive SW and 12th Avenue SW as proposed by MV Affordable Housing, LLC.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |
- 1433-11-16 9. Resolution of support and authorizing conditional City financial assistance for a Low Income Housing Tax Credit application for a project at 2215 Sadler Drive SW as proposed by TWG Development, LLC.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |
- 1434-11-16 10. Resolution of support and authorizing conditional City financial assistance for a Low Income Housing Tax Credit application for a project at the southwest corner of Muirfield Drive SW and Ely Road SW as proposed by Sonoma Square, LLC.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |
- 1435-11-16 11. Resolution authorizing the Utilities Director to attend the National Association of Clean Water Agencies Winter Conference in Tampa, FL, in February 2017 for an estimated amount of \$3,865.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |
12. Motions setting public hearing dates for:
- a. November 15, 2016 – to consider granting a change of zone for property at 116 15th Street NE from R-3D, Two Family Residence Zone District, to C-1, Mixed Neighborhood Convenience Zone District, as requested by Cameron S. West.
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| Council member Overland moved to approve; seconded by Council member Weinacht. |
| Result: Approved. |

- b. November 15, 2016 – to consider granting a change of zone for property at 4625 and 4497 Tower Terrace Road NE from C-MU, Commercial Mixed Use Zone District, and A, Agriculture Zone District, to C-3, Regional Commercial Zone District, as requested by HJD Investments, L.L.C.

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

Result: **Approved.**

- c. November 15, 2016 – to consider the vacation of a 0.9 acre utility easement and a 5-foot recreational easement located at 1201 Blairs Ferry Road NE as requested by Hunter Companies, LLC.

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

Result: **Approved.**

13. Motions setting public hearing dates 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 15, 2016 – Edgewood Road NW Intersection Improvements from E Avenue NW to F Avenue NW project, with bid opening November 30, 2016 (estimated cost is \$530,000). (Paving for Progress)

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

Result: **Approved.**

- b. November 15, 2016 – Sinclair Detention Pond – Building Debris Removal and Asbestos Remediation project, with bid opening November 30, 2016 (estimated cost is \$1,800,000).

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

Result: **Approved.**

- c. November 15, 2016 – WPCF Primary Sludge Screen Process Improvements project, with bid opening December 7, 2016 (estimated cost is \$1,090,640).

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

Result: **Approved.**

14. Motion approving the beer/liquor/wine applications of:

- a. Casey's General Store #2212, 130 41st Avenue Drive SW.
- b. Casey's General Store #3382, 560 33rd Avenue SW.
- c. The Cooler, 4920 Johnson Avenue NW.
- d. Fareway Store #963, 4220 16th Avenue SW.
- e. Grin N Goose, 227 2nd Avenue SE (formerly Zins).
- f. Hy-Vee Drugstore #4, 4825 Johnson Avenue NW.
- g. Hy-Vee Food Store #1, 1843 Johnson Avenue NW.
- h. Sushi House, 2665 Edgewood Parkway SW (new ownership).
- i. Thai Moon Restaurant, 4362 16th Avenue SW.
- j. Tornado's Grub & Pub, 315 14th Avenue SE.

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

Result: **Approved.**

<u>1436-11-16</u>	15. Resolutions approving: a. Payment of bills.
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1437-11-16</u>	b. Payroll.
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1438-11-16</u>	16. Resolutions approving assessment actions: a. Intent to assess – Water Division – delinquent municipal utility bills – 29 properties.
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1439-11-16</u>	b. Levy assessment – Water Division – delinquent municipal utility bills – 30 properties.
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1440-11-16</u>	17. Resolutions accepting projects, approving Performance Bonds and/or authorizing final payments: a. Seminole River Bank Armoring project, final payment in the amount of \$9,602.62 and 2-year Performance Bond submitted by C.J. Moyna & Sons, Inc. (original contract amount was \$185,775.50; final contract amount is \$192,052.44).
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1441-11-16</u>	b. Southbound Right-Turn Lane Iowa Highway 13 & Bertram Road project, final retainage payment in the amount of \$8,655.44 and 2-year Performance Bond submitted by Central States Concrete (original contract amount was \$169,680; final contract amount is \$173,108.75).
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1442-11-16</u>	18. Resolutions approving actions regarding purchases, contracts and agreements: b. Rescinding Resolution No. 0791-06-16, which authorized the contract for fuel products and services with Consumers Cooperative Society for the Fleet Services Division, due to Consumers Cooperative Society being unable to fulfill the contract.
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.
<u>1443-11-16</u>	c. Contract with Fauser Oil Co., Inc. for fuel products and services for the Fleet Services Division for an amount not to exceed \$3,800,000.
	Council member Overland moved to approve; seconded by Council member Weinacht.
	Result: Approved.

1444-11-16

- e. Amendment No. 3 to the contract with Tanner Industries, Inc. for anhydrous ammonia for the Water Division to reflect the additional cost of anhydrous ammonia delivered for an amount not to exceed \$25,000 (original contract amount was \$90,000; total contract amount with this amendment is \$115,000).

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

Result: **Approved.**

1445-11-16

- f. Purchase of stop loss insurance coverage from Wellmark for the City of Cedar Rapids medical plan in the amount of \$312,579.

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

Result: **Approved.**

1446-11-16

- g. Payment of \$42,638.78 to the Iowa Individual Health Reinsurance Association for annual assessment.

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

Result: **Approved.**

1447-11-16

- h. Payment to Borst Brothers Construction, Inc. in an amount not to exceed \$75,000 for emergency services, including removal and replacement of sanitary sewer in the alley behind 417 1st Avenue SE.

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

Result: **Approved.**

1448-11-16

- i. Amendment No. 3 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$12,471 for design services in connection with the 4th Avenue SE and 5th Avenue SE from 3rd Street to 5th Street – Street Design Services project (original contract amount was \$60,322; total contract amount with this amendment is \$116,693).

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

Abstain: Council member Gulick.

Result: **Approved.**

1449-11-16

- j. Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$126,329 for consulting services in connection with the Stormwater Master Plan FY17 Update project.

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

Result: **Approved.**

1450-11-16

- k. Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$225,216 for consulting services in connection with the Sanitary Sewer Master Plan FY17 Update project.

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

Result: **Approved.**

1451-11-16

- l. Ratifying Amendment No. 1 to the Professional Services Agreement with HR Green, Inc. specifying an increased amount not to exceed \$27,190 for design services in connection with the Memorial Drive SE from Mount Vernon Road to McCarthy Road Pavement Rehabilitation project (original contract amount was \$192,271; total contract amount with this amendment is \$219,190) (Paving for Progress).

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

Result: **Approved.**

1452-11-16

- m. Change Order No. 3 in the amount of \$28,944 with Jasper Construction Services, Inc. for the 8th Avenue and 16th Avenue Bridges over the Cedar River Expansion Joint Replacement project (original contract amount was \$294,225; total contract amount with this amendment is \$349,421) (Paving for Progress).

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

Result: **Approved.**

1453-11-16

- n. Cooperative Agreement with the U.S. Department of Justice, Office of Justice Programs, for the FY 2016 Body-Worn Camera Grant Award for the purchase of body-worn cameras for the Police Department.

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

Result: **Approved.**

1454-11-16

- o. Application for Federal Assistance Form SF-424 and the submission of a grant application for the FY 2016 Economic Development Assistance Program with the Department of Commerce Economic Development Administration for the Cedar Rapids Pepsico Quaker Oats Flood Control System Project.

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

Result: **Approved.**

1455-11-16

- p. Water Quality Initiative – Urban Conservation Projects grant application to the Iowa Department of Agriculture and Land Stewardship to assist with the funding of water quality initiatives in connection with the 6th Street SW Reconstruction from 33rd Avenue to 15th Avenue project.

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

Result: **Approved.**

1456-11-16

- q. Terminating Iowa Clean Air Attainment Program Agreement No. 2014-16-247 with the Iowa Department of Transportation (IDOT) in the amount of \$1,500,000 for a Complete Streets project on Collins Road (IA 100) from East of Northland Avenue NE to Twixt Town Road NE project.

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

Result: **Approved.**

1457-11-16

- r. Rescinding Resolution No. 1366-10-16, which authorized a Development Agreement with Thomas Dostal Developers, Inc. for property at 5303 Dostal Drive SW participating in the third round of the Single Family New Construction Program. (Flood)

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

Result: **Approved.**

1458-11-16

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

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

Result: **Approved.**

1459-11-16

- t. Warranty Deed for Ellis Road NW right-of-way dedication, a Street Right-of-way Reservation Agreement and Agreement to Dedicate Street Right-of-way by Wilmar Development Company for dedications along the south side of Ellis Road NW adjoining property located at 3500 Ellis Road NW.

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

Result: **Approved.**

1460-11-16

- u. Purchase Agreement in the amount of \$2,500 and accepting a Warranty Deed and a Temporary Grading Easement for Construction from Franklin Eugene Hanson from land located at 2658 Mount Vernon Road SE in connection with the Memorial Drive SE from Mount Vernon Road to Bever Avenue Roadway Improvements project. (Paving for Progress)

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

Result: **Approved.**

1461-11-16

- v. Purchase Agreement in the amount of \$2,600 and accepting a Permanent Utility and Drainage Easement and Temporary Grading Easement for Construction from Denise M. Coleman from land located at 638 Memorial Drive SE in connection with the Memorial Drive SE from Mount Vernon Road to Bever Avenue Roadway Improvements project. (Paving for Progress)

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

Result: **Approved.**

1462-11-16

- w. Settlement Agreement and Release with Rinderknecht Associates, Inc., Terracon Consultants, Inc., and Alt Architecture + Research Associates, L.L.C. relating to the renovation of the Veterans Memorial Building.

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

Result: **Approved.**

- 18a. Discussion and Resolution authorizing a rental agreement with Koch Brothers for the rental of eleven Lanier digital copiers for the following city departments: Animal Control, Building Services, City Manager's Office, Airport, Engineering, Police and Water. *(After discussion it was the consensus of Council members to defer the vote on this resolution to November 15, 2016.)*

1463-11-16

- 18d. Discussion and Resolution authorizing the Fleet Services Division to purchase one used 2014 John Deere 6115m tractor from Cross Implement in the amount of \$75,500.

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

Nays: Council members Poe, Russell and Shields.

Result: **Approved.**

19. Report on bids for the Sinclair Levee – Pump Station and Detention Basin project (estimated cost is \$5,700,000) (Rob Davis):

Tricon General Construction, Cedar Rapids, IA, \$3,520,000.00

WRH, Inc., Amana, IA, \$4,163,118.75

Williams Brothers Construction, Inc., Peoria, IL, \$4,225,000.00

General Constructors, Inc., Bettendorf, IA, \$4,265,555.75

Gridor Construction, Inc., Buffalo, MN, \$4,577,000.00

Iowa Bridge & Culvert, LC, Washington, IA, \$4,585,690.75

20. Presentation and Resolutions authorizing the adoption of the Stormwater Master Plan dated May 2016 and the Sanitary Sewer Master Plan dated June 2016 (Sandy Pumphrey and Dave Wallace).

1464-11-16

- a. Resolution authorizing the adoption of the Stormwater Master Plan dated May 2016.

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

Result: ***Approved.***

1465-11-16

- b. Resolution authorizing the adoption of the Sanitary Sewer Master Plan dated June 2016.

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

Result: ***Approved.***

1:15 p.m., motion to go into closed session pursuant to Iowa Code Section 21.5(1)(i) (2015) to conduct the City Manager's annual performance review.

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

Result: ***Approved.***

After returning from closed session, motion to adjourn.

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

Result: ***Approved.***

City Council adjourned at 2 p.m. to meet Tuesday, November 15, 2016 at 4 p.m.

Amy Stevenson, City Clerk