

# CITY OF CEDAR RAPIDS, IOWA

## MINUTES OF THE CITY COUNCIL

### REGULAR SESSION

December 6, 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, Justin Shields and Susie Weinacht. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz. Absent, Council member Pat Shey.

Mayor Corbett introduced Connie Petersen, winner of the CR Gavel Challenge, read a Proclamation declaring her Honorary Mayor and presented her with a key to the City of Cedar Rapids.

The invocation was given by Public Safety Chaplain Pat Rieck.

Pledge of Allegiance.

Good News announcements were given by Mayor Corbett.

A presentation regarding the Historic Walking Tour Project was given by Nic Roberts and Jeff Hintz.

Mayor Corbett presented a Proclamation declaring December as Human Rights Month.

A presentation regarding the National Czech & Slovak Museum & Library Update was given by Gail Naughton.

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

1. A public hearing was held to consider annexation of territory east of Ely Road SW and south of Ivanhoe Road as requested by Correll Land Development Corporation (Vern Zakostelecky and Joe Mailander). One written objection was filed. Comments and objections were heard.

1528-12-16

- a. Resolution authorizing the annexation of territory east of Ely Road SW and south of Ivanhoe Road as requested by Correll Land Development Corporation.

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b><i>Approved.</i></b>

2. A public hearing was held to consider the vacation and disposition of public ways and grounds in and to the property described as a 10-foot by 140-foot parcel of excess City-owned right-of-way located easterly of and adjacent to 1616 6th Street SW and 602 18th Avenue SW as requested by Children on First, Inc. (Rita Rasmussen). No comments or objections were heard or filed.

- a. First Reading: Ordinance vacating public ways and grounds described as a 10-foot by 140-foot parcel of excess City-owned right-of-way located easterly of and adjacent to 1616 6th Street SW and 602 18th Avenue SW as requested by Children on First, Inc.

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 Russell.
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Absent: 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 4th Street Railroad Right-of-Way Corridor Trackage Removal project (estimated cost is \$478,000) (Doug Wilson). One comment was heard. No written comments or objections were filed.

1529-12-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the 4th Street Railroad Right-of-Way Corridor Trackage Removal project.

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council members Olson and Shey.
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Result: <b>Approved.</b>
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4. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 2017 Tree and Vegetation Removal project (estimated cost is \$80,000) (Doug Wilson) (Paving for Progress). No comments or objections were heard or filed.

1530-12-16

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the 2017 Tree and Vegetation Removal project.

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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Public comments were heard.

Motion to approve the agenda.

Council member Gulick moved to approve; City Manager Pomeranz requested that Items 24ap (Assignment Agreement, Air Rights Lease Agreement, and Flood Mitigation Facilities Access and Easement Agreement with Cedar Real Estate Group III, LLC in connection with the CRST building at 201 1st Street SE) and 24aq (Accepting a Bill of Sale and Special Warranty Deed from Cedar Real Estate Group III, LLC for the floodwall, pump station vault, and recreation trail in connection with the CRST building at 201 1st Street SE) be removed from the agenda; Council member Overland requested that Item 12 be moved from the consent agenda to the regular agenda; seconded by Council member Russell.

Absent: Council member Shey.

Result: **Approved as amended.**

Motion to approve the consent agenda.

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

Absent: Council member Shey.

Result: **Approved.**

5. Motion to approve the minutes.

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

Absent: Council member Shey.

Result: **Approved.**

- 1531-12-16 6. Preliminary resolution for the construction of turn lane improvements within the boundaries of the public right-of-way for the 6th Street SW Roadway Improvements from Linn County Line to Capital Drive SW project. (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

- 1532-12-16 7. Preliminary resolution for the construction of sidewalk improvements for the 51st Street NE at Council Street NE Reconstruction project.

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

Absent: Council member Shey.

Result: **Approved.**

- 1533-12-16 8. Resolution rescinding Resolution 1376-10-16 and approving a new Preliminary Resolution for Construction of driveway improvements and sanitary sewer service replacements for the O Avenue NW Improvements Phase I from 16th Street NW to Ellis Boulevard NW project. (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

- 1534-12-16 9. 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 Seminole Valley Road NE Improvements from Fords Crossing Road to 42nd Street project. (Paving for Progress)
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| Council member Gulick moved to approve; seconded by Council member Russell. |
| Absent: Council member Shey.  |
| Result: <b>Approved.</b>  |
- 1535-12-16 10. Resolution establishing additional right-of-way on City-owned property located at 1732 Wilson Avenue SW in connection with the 18th Street SW Extension Project from Wilson Avenue SW to 13th Avenue SW.
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| Council member Gulick moved to approve; seconded by Council member Russell. |
| Absent: Council member Shey.  |
| Result: <b>Approved.</b>  |
- 1536-12-16 11. Resolution approving the bond disclosure policy.
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| Council member Gulick moved to approve; seconded by Council member Russell. |
| Absent: Council member Shey.  |
| Result: <b>Approved.</b>  |
- 1537-12-16 13. Resolution amending Resolution No. 1058-08-16, which authorized a Systems Analyst to attend Lenel OnGuard training in Seattle, WA from September 18-23, 2016, to reflect the final cost of \$4,337.18.
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| Council member Gulick moved to approve; seconded by Council member Russell. |
| Absent: Council member Shey.  |
| Result: <b>Approved.</b>  |
14. Motion authorizing publication of a public notice that on December 20, 2016 a resolution will be considered to execute a three year Lease Agreement with the Cedar Rapids Airport Commission for use of a storage building by the Police Department for the storage of large and long term evidentiary items at property located at 10400 18th Street SW.
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| Council member Gulick moved to approve; seconded by Council member Russell. |
| Absent: Council member Shey.  |
| Result: <b>Approved.</b>  |
15. Motions setting public hearing dates for:
- a. December 20, 2016 – to consider granting a change of zone for property at 1871 and 1895 Ellis Boulevard NW from R-2, Single Family Residence Zone District, and C-3, Regional Commercial Zone District, to PUD-2, Planned Unit Development Two Zone District, as requested by Happel Enterprises LLC and the City of Cedar Rapids.
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| Council member Gulick moved to approve; seconded by Council member Russell. |
| Absent: Council member Shey.  |
| Result: <b>Approved.</b>  |

- b. December 20, 2016 – to consider granting a change of zone for property at 251 33rd Avenue SW from I-1, Light Industrial Zone District, to C-3, Regional Commercial Zone District, as requested by Kwik Trip, Inc. and Kevin and Connie Hupp.

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

Absent: Council member Shey.

Result: **Approved.**

- c. December 20, 2016 – to consider the vacation of public ways and grounds in and to the property described as a 4,365 square-foot access easement located at 1328 3rd Avenue SE as requested by St. Paul's United Methodist Church of Cedar Rapids.

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

Absent: Council member Shey.

Result: **Approved.**

- d. December 20, 2016 – to consider the vacation and disposition of public ways and grounds in and to the property described as a 20-foot by 60-foot vacant parcel and a 20-foot by 190-foot vacant parcel of former alley right-of-way located easterly of and adjacent to the 5th Street SE right-of-way line and between 6th Avenue SE and 7th Avenue SE as requested by Staco Corporation.

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

Absent: Council member Shey.

Result: **Approved.**

- e. December 20, 2016 – to consider the vacation and disposition of public ways and grounds in and to the property described as a 10-foot by 100-foot parcel of excess alley right-of-way located southerly of and adjacent to 222 9th Street NW as requested by Rebecca Lain and Loran H. Lain, Jr.

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

Absent: Council member Shey.

Result: **Approved.**

- f. December 20, 2016 – to consider the vacation and disposition of public ways and grounds in and to the property described as a 4-foot by 135-foot strip of excess City-owned right-of-way located northerly of and adjacent to 141 34th Street Drive SE as requested by 1756 E Avenue, NE, LLC.

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

Absent: Council member Shey.

Result: **Approved.**

16. Motion assessing a \$1,500 civil penalty for violation of State Code regarding the sale of cigarette/tobacco/nicotine/vapor products to minors against:

- a. Hill Brothers Jiffy Mart, 1904 Mt. Vernon Road SE (third offense).

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

Absent: Council member Shey.

Result: **Approved.**

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

- a. Casey's General Store #3561, 1532 Ellis Boulevard NW (new – formerly Guppy's on the Go).

- b. Caucho, 1202 3rd Street SE (new – formerly the Chrome Horse).
- c. Cedar River Landing, 301 F Avenue NW.
- d. Fas Mart #5148, 550 Wilson Avenue SW.
- e. Hy-Vee #5 Club Room, 3235 Oakland Road NE (transfer to the National Czech & Slovak Museum & Library, 1400 Inspiration Place SW, for an event on December 8, 2016).
- f. Hy-Vee Food Store #7, 5050 Edgewood Road NE (5-day permit at PCI, 2020 10th Street SE, 3rd Floor Lounge, for an event on December 8, 2016).
- g. Jersey's Pub & Grub, 200 1st Avenue NE.
- h. Little Bohemia, 1317 3rd Street SE.
- i. Mr. B's, 629 2nd Avenue SW.
- j. Quarter Barrel Arcade & Brewery, 616 2nd Avenue SE.
- k. The Station, 3645 Stone Creek Circle SW.
- l. Wine Styles, 4201 42nd Street NE, Suite 170.
- m. Winifred's Restaurant, 3847 1st Avenue SE.
- n. Xaviers, 1401 1st Avenue SE (new – change to class B beer permit).

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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18. Resolutions approving:

1538-12-16

- a. Payment of bills.

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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1539-12-16

- b. Payroll.

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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19. Resolutions appointing, reappointing and thanking the following individuals:

1540-12-16

- a. Vote of thanks to Jason Cave for serving on the Building/Fire Board of Appeals.

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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1541-12-16

- b. Vote of thanks to Amanda Hansen and Tiffany Robinson for serving on the Section 8 Housing Choice Voucher (HCV) Program Resident Advisory Board.

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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1542-12-16

- c. Appointing Joe Mailander (effective through December 31, 2020) to the Corridor Metropolitan Planning Organization beginning January 1, 2017, when the City's membership increases.

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

Absent: Council member Shey.

Result: **Approved.**

1543-12-16

- d. Reappointing Scott Olson and Jeffrey Pomeranz (effective through December 31, 2020) to the Corridor Metropolitan Planning Organization.

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

Absent: Council member Shey.

Result: **Approved.**

1544-12-16

- e. Reappointing Jasmine Almoayed, Tariq Baloch, Angie Charipar, Ron Corbett, Brad DeBrower, Kris Gulick, Sven Leff, Ann Poe, Pat Shey, Justin Shields and Amy Stevenson as Alternate Representatives on the Corridor Metropolitan Planning Organization for a term of one year.

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

Absent: Council member Shey.

Result: **Approved.**

20. Resolutions approving assessment actions:

1545-12-16

- a. Levy assessment – Water Division – delinquent municipal utility bills – 25 properties.

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

Absent: Council member Shey.

Result: **Approved.**

1546-12-16

- b. Levy assessment – Water Division – delinquent municipal utility bills – 22 properties.

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

Absent: Council member Shey.

Result: **Approved.**

1547-12-16

- c. Intent to assess – Water Division – delinquent municipal utility bills – 44 properties.

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

Absent: Council member Shey.

Result: **Approved.**

1548-12-16

- d. Levy assessment – Solid Waste & Recycling – clean-up costs – 16 properties.

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

Absent: Council member Shey.

Result: **Approved.**

1549-12-16

- e. Intent to assess – Solid Waste & Recycling – clean-up costs – 12 properties.

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

Absent: Council member Shey.

Result: **Approved.**

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

1550-12-16

- a. Water system improvements installed in Oakridge Estates 4th Addition, 2-year Maintenance Bond submitted by Rathje Construction Co. in the amount of \$82,924 and reimbursement to Flynn Homes, Inc. in the amount of \$8,482.50 for upsized water main.

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

Absent: Council member Shey.

Result: **Approved.**

1551-12-16

- b. Storm sewer in Wilderness Estates Ninth Addition and 2-year Maintenance Bond submitted by Bushman Excavating, Inc. in the amount of \$22,863.

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

Absent: Council member Shey.

Result: **Approved.**

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

1552-12-16

- a. NW Quadrant, 2008 Flood, Sanitary Sewer Repairs, Phase 2, Bid Package 3 project, final payment in the amount of \$93,658.58 and 4-year Performance Bond submitted by Rathje Construction Company (original contract amount was \$2,237,183.50; final contract amount is \$1,873,171.57).

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

Absent: Council member Shey.

Result: **Approved.**

1553-12-16

- b. West Post Road NW from Gordon Avenue NW to E Avenue NW — Water Main Replacement project, final payment in the amount of \$33,139.68 and 4-year Performance Bond submitted by Ricklefs Excavating, Ltd. (original contract amount was \$687,789; final contract amount is \$662,793.50) (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

23. Resolutions approving final plats:

1554-12-16

- a. Crescent View Fifth Addition for land located north of 74th Street NE at Crescent View Drive NE, Summerset Avenue NE, and Deer Run Drive NE extensions.

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

Absent: Council member Shey.

Result: **Approved.**

1555-12-16

- b. Red Ball Second Addition for land located at 1000 Stoney Point Road NW.

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

Absent: Council member Shey.

Result: **Approved.**



<p>1556-12-16</p>	<p>24. Resolutions approving actions regarding purchases, contracts and agreements:</p> <p>a. Renewal of the Administrative Services Agreement with Application Software, Inc. for flexible spending services for the time period of January 1, 2017 to December 31, 2017 for an estimated cost not to exceed \$17,375.</p>
Council member Gulick moved to approve; seconded by Council member Russell.	
Absent: Council member Shey.	
Result: <b>Approved.</b>	
<p>1557-12-16</p>	<p>b. Amendment No. 1 to renew contract with Holmes Murphy and Associates for benefit consultant services for the Human Resources Department for an amount not to exceed \$180,000 (original contract amount was \$180,000; renewal contract amount is \$180,000).</p>
Council member Gulick moved to approve; seconded by Council member Russell.	
Absent: Council member Shey.	
Result: <b>Approved.</b>	
<p>1558-12-16</p>	<p>c. Contract with B.G. Brecke, Inc. for the Return Service Emergency Repair project for the Water Pollution Control Facility for an amount not to exceed \$550,000.</p>
Council member Gulick moved to approve; seconded by Council member Russell.	
Absent: Council member Shey.	
Result: <b>Approved.</b>	
<p>1559-12-16</p>	<p>d. Amendment No. 5 to renew contract with Garrison Minerals, LLC for magnesium hydroxide 45% solution for the Water Pollution Control Facility for an annual amount not to exceed \$405,000 (original contract amount was \$175,000; renewal contract amount is \$405,000).</p>
Council member Gulick moved to approve; seconded by Council member Russell.	
Absent: Council member Shey.	
Result: <b>Approved.</b>	
<p>1560-12-16</p>	<p>e. Amendment No. 4 to renew contract with Hydrite Chemical Company for liquid magnesium bisulfite 30% for the Water Pollution Control Facility for an annual amount not to exceed \$320,000 (original contract amount was \$160,000; renewal contract amount is \$320,000).</p>
Council member Gulick moved to approve; seconded by Council member Russell.	
Absent: Council member Shey.	
Result: <b>Approved.</b>	
<p>1561-12-16</p>	<p>f. Amendment No. 4 to renew contract with Hydrite Chemical Company for nitric acid 41-degree technical grade liquid in totes for the Water Pollution Control Facility for an annual amount not to exceed \$50,000 (original contract amount was \$45,000; renewal contract amount is \$50,000).</p>
Council member Gulick moved to approve; seconded by Council member Russell.	
Absent: Council member Shey.	
Result: <b>Approved.</b>	

1562-12-16

- g. Amendment No. 3 to renew contract with Hydro Solutions, Inc. for Anaerobic Micronutrient Solution for the Water Pollution Control Facility for an annual amount not to exceed \$85,000 (original contract amount was \$85,000; renewal contract amount is \$85,000).

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1563-12-16

- h. Purchase order in the amount of \$62,957.48 to JWC Environmental for a new spare Muffin Monster Grinder at the Morgan Creek Lift Station.

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1564-12-16

- i. Amendment No. 4 to renew contract with K.A. Steel Chemicals, Inc. for sodium hydroxide 50% bulk for the Water Pollution Control Facility for an annual amount not to exceed \$150,000 (original contract amount was \$150,000; renewal contract amount is \$150,000).

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1565-12-16

- j. Amendment No. 4 to renew contract with K.A. Steel Chemicals, Inc. for sodium hypochlorite 12% for the Water Pollution Control Facility for an annual amount not to exceed \$250,000 (original contract amount was \$250,000; renewal contract amount is \$250,000).

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1566-12-16

- k. Contract with Matheson Tri-Gas, Inc. for liquid oxygen for the Water Pollution Control Facility for an annual amount not to exceed \$100,000.

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1567-12-16

- l. Amendment No. 4 to renew contract with Nalco Company for boiler and cooling water chemicals for the Water Pollution Control Facility for an annual amount not to exceed \$60,000 (original contract amount was \$60,000; renewal contract amount is \$60,000).

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1568-12-16

- m. Amendment No. 4 to renew contract with Polydyne, Inc. for emulsion polymer clarifloc CE-939 for the Water Pollution Control Facility for an annual amount not to exceed \$350,000 (original contract amount was \$300,000; renewal contract amount is \$350,000).

Council member Gulick moved to approve; seconded by Council member Russell.
Absent: Council member Shey.
Result: <b>Approved.</b>

1569-12-16

- n. Amendment No. 2 to renew contract with Polydyne, Inc. for polymer clarifloc C-321 for the Water Pollution Control Facility for an annual amount not to exceed \$475,000 (original contract amount was \$475,000; renewal contract amount is \$475,000).

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

Absent: Council member Shey.

Result: **Approved.**

1570-12-16

- o. Amendment No. 4 to renew contract with Ranch Cryogenics, Inc. for cryogenic oxygen system maintenance and repair services for the Water Pollution Control Facility for an annual amount not to exceed \$55,000 (original contract amount was \$55,000; renewal contract amount is \$55,000).

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

Absent: Council member Shey.

Result: **Approved.**

1571-12-16

- p. Amendment No. 3 to renew contract with U.S. Peroxide, LLC for hydrogen peroxide 50% technical grade for the Water Pollution Control Facility for an annual amount not to exceed \$100,000 (original contract amount was \$40,000; renewal contract amount is \$100,000).

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

Absent: Council member Shey.

Result: **Approved.**

1572-12-16

- q. Amendment No. 4 to renew contract with DPC Industries, Inc. for liquid chlorine for the Water Division and Water Pollution Control Facility for an annual amount not to exceed \$230,000 (original contract amount was \$227,000; renewal contract amount is \$230,000).

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

Absent: Council member Shey.

Result: **Approved.**

1573-12-16

- r. Contract with Mississippi Lime Company for quicklime for the Water Division and the Water Pollution Control Facility for an annual amount not to exceed \$1,800,000.

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

Absent: Council member Shey.

Result: **Approved.**

1574-12-16

- s. Amendment No. 2 to renew contract with Carus Corporation for zinc orthophosphate for the Water Division for an annual amount not to exceed \$117,000 (original contract amount was \$117,000; renewal contract amount is \$117,000).

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

Absent: Council member Shey.

Result: **Approved.**

1575-12-16

- t. Amendment No. 3 to renew contract with Hawkins, Inc. for sodium silicofluoride for the Water Division for an annual amount not to exceed \$58,000 (original contract amount was \$58,000; renewal contract amount is \$58,000).

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

Absent: Council member Shey.

Result: **Approved.**

1576-12-16

- u. Amendment No. 1 to renew contract with Praxair, Inc. for liquid carbon dioxide for the Water Division for an annual amount not to exceed \$250,000 (original contract amount was \$250,000; renewal contract amount is \$250,000).

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

Absent: Council member Shey.

Result: **Approved.**

1577-12-16

- v. Amendment No. 4 to renew contract with Tanner Industries, Inc. for anhydrous ammonia for the Water Division for an annual amount not to exceed \$125,000 (original contract amount was \$85,200; renewal contract amount is \$125,000).

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

Absent: Council member Shey.

Result: **Approved.**

1578-12-16

- w. Amending Resolution No. 1509-11-16, which authorized a Professional Services Agreement with Shoemaker & Haaland Professional Engineers in connection with the Center Point Road NE from J Avenue to Coe Road project, to correct the contract amount to \$386,369. (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1579-12-16

- x. Amendment No. 5 to the Professional Services Agreement with Shive-Hattery, Inc. specifying an increased amount not to exceed \$17,630 for design services in connection with the Seminole Valley Road NE Improvements from Fords Crossing Road to 42nd Street project (original contract amount was \$215,280; total contract amount with this amendment is \$532,845). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1580-12-16

- y. Amendment No. 2 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$211,383 for design services in connection with the Tower Terrace Road from west of C Avenue to Alburnett Road project (original contract amount was \$691,616; total contract amount with this amendment is \$902,999).

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

Absent: Council member Shey.

Abstain: Council member Gulick.

Result: **Approved.**

1581-12-16

- z. Awarding and approving contract in the amount of \$74,090.20 plus incentive up to \$2,500, bond and insurance of Yordi Excavating, Inc. for the Penn Avenue NW at 1st Street Storm Sewer Improvements – Phase 2 project (estimated cost is \$48,390).

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

Absent: Council member Shey.

Result: **Approved.**

1582-12-16

- aa. Change Order No. 2 in the amount of \$57,763.64, plus 32 additional calendar days, with Dave Schmitt Construction Co., Inc. for the 7th Street SE from 4th Avenue SE to 12th Avenue SE Roadway Reconstruction and One-Way to Two-Way Conversion project (original contract amount was \$1,224,134.65; total contract amount with this amendment is \$1,285,365.56). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1583-12-16

- ab. Change Order No. 4 Final in the amount of \$3,207, plus 20 additional working days for Site 2, 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 \$352,628). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1584-12-16

- ac. Change Order No. 2 in the amount of \$50,539.19 with Ricklefs Excavating, Ltd. for the 29th Street Drive SE from 1st Avenue to Tama Street Roadway Improvements (original contract amount was \$1,461,960.75; total contract amount with this amendment is \$1,515,229.94) (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1585-12-16

- ad. Change Order No. 8 in the amount of \$30,652.67, plus 27 additional calendar days, with Rathje Construction Company for the 42nd Street NE from I-380 to Wenig Road NE Pavement and Water Main Rehabilitation (original contract amount was \$3,108,134.70; total contract amount with this amendment is \$3,414,221.18). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1586-12-16

- ae. Change Order No. 7 in the amount of \$650.84, plus 7 additional working days, 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 \$1,443,469.36). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1587-12-16

- af. Change Order No. 2 in the amount of \$8,551.59 with Curtis Contracting Corp. for the 2015 Sidewalk Ramp Improvements project (original contract amount was \$109,033; total contract amount with this amendment is \$120,768.59)

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

Absent: Council member Shey.

Result: **Approved.**

1588-12-16

- ag. Change Order No. 6 in the amount of \$43,352.29 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 \$2,106,272.73). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1589-12-16

- ah. Change Order No. 2 in the amount of \$7,797.42, plus 10 additional working days, with Kleiman Construction, Inc. for the Cedar Rapids Police Department Firearms Range Improvements – Phase II project (original contract amount was \$637,328; total contract amount with this amendment is \$690,894.99).

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

Absent: Council member Shey.

Result: **Approved.**

1590-12-16

- ai. Change Order No. 3 in the amount of \$3,458.72 with Hunt Construction Co., Inc. for the Cedar Riverwalk 2nd Avenue to 3rd Avenue SE project (original contract amount was \$84,292.50; total contract amount with this amendment is \$96,143.19).

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

Absent: Council member Shey.

Result: **Approved.**

1591-12-16

- aj. Change Order No. 4 in the amount of \$6,672.45, plus 27 additional working days, with Rathje Construction Company for the Seminole Valley Road NE – Sanitary Sewer Improvement Project, 42nd Street from Seminole Valley Road NE to Edgewood Road NE project (original contract was \$1,389,895.08; total contract amount with this amendment is \$1,434,639.49). (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1592-12-16

- ak. Memorandum of Agreement with Monarch Research Project for a partnership on the 1,000 Acre Pollinator Initiative.

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

Absent: Council member Shey.

Result: **Approved.**

1593-12-16

- al. Amended Chapter 28E Agreement with the City of Marion and Linn County for an Environmental Assessment in connection with the Tower Terrace Road from west of C Avenue to Alburnett Road project.

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

Absent: Council member Shey.

Result: **Approved.**

1594-12-16

am. Release of Phase II loan in the amount of \$1,125,000 in connection with 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 Gulick moved to approve; seconded by Council member Russell.

Absent: Council member Shey.

Result: **Approved.**

1595-12-16

an. Amendment No. 1 to the Development Agreement with Platinum Development, LLC for property at 523 B Avenue NW participating in the Single Family New Construction program. (Flood)

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

Absent: Council member Shey.

Result: **Approved.**

1596-12-16

ao. Accepting an Affidavit for Water Service Line Reimbursement from Nadine C. Washington for monthly installment reimbursements for the replacement of the water service line at 600 13th Street NW.

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

Absent: Council member Shey.

Result: **Approved.**

1597-12-16

ar. Purchase Agreement in the amount of \$2,826 and accepting a Warranty Deed and a Temporary Grading Easement for Construction from Oakhill-Jackson Community Church from land located at 1202 10th Street SE in connection with the 12th Avenue SE Roadway and Utility Improvement from 7th Street SE to 400' East of 19th Street SE project. (Paving for Progress)

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

Absent: Council member Shey.

Result: **Approved.**

1598-12-16

as. Accepting a bid in the amount of \$1,200 from Orval Bell and Carel Jean Bell and approving a Quit Claim Deed for the disposition of the vacant lot located at 1314 1st Street SW.

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

Absent: Council member Shey.

Result: **Approved.**

1599-12-16

12. Discussion and Resolution authorizing the addition of one full-time employee in the Public Works Department for the duration of the Paving for Progress program to assist with Right of Way acquisitions.

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

Absent: Council member Shey.

Result: **Approved.**

25. Report on bids for the Edgewood Road NW Intersection Improvements from E Avenue NW to F Avenue NW project (estimated cost is \$530,000) (Doug Wilson). (Paving for Progress)
- Trey Electric Corp., Marion, IA, \$400,033.00
  - Price Industrial Electric, Inc., Robins, IA, \$447,467.30
  - Voltmer, Inc., Decorah, IA, \$460,803.45
  - Ricklefs Excavating, Ltd. Anamosa, IA, \$515,719.50

1600-12-16

- a. Resolution awarding and approving contract in the amount of \$400,033 plus incentive up to \$10,000, bond and insurance of Trey Electric Corp. for the Edgewood Road NW Intersection Improvements from E Avenue NW to F Avenue NW project (estimated cost is \$530,000).

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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26. Report on bids for the Sinclair Detention Pond – Building Debris Removal and Asbestos Remediation project (estimated cost is \$1,800,000) (Rob Davis).
- Holst Trucking & Excavating, Inc., LeClaire, IA, \$1,790,810.00
  - D.W. Zinser Company, Walford, IA, \$1,904,772.05
  - Earth Services & Abatement, Inc., Des Moines, IA, \$3,608,058.15

1601-12-16

27. Discussion and Resolution authorizing negotiation of a Development Agreement with One Park Place, LLC for the redevelopment of City-owned property at 101 and 111 3rd Avenue SE, 312 1st Street SE and adjacent private property (Jennifer Pratt and Caleb Mason).

Council member Gulick moved to approve; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</b>
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055-16

28. Ordinance amending Chapter 71 of the Municipal Code, Erosion and Sediment Control for Construction Sites, to include a new permit fee schedule for major and minor erosion control permits, additional Stormwater Pollution Prevention Plan (SWPPP) requirements, and definition modifications and additions to support implementation of a new topsoil policy.

Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Russell.
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Absent: Council member Shey.
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Result: <b>Approved.</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 Russell.
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Absent: Council member Shey.
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Result: <b>Adopted.</b>
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1602-12-16

- a. Resolution adopting fees associated with erosion control permits, renewals and inspections in accordance with Chapter 71 of the Municipal Code, Erosion and Sediment Control for Construction Sites.

Council member Gulick moved to approve; seconded by Council member Russell.
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Result: <b>Approved.</b>
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- 056-16 29. Ordinance amending Chapter 72 of the Municipal Code, Stormwater Management, to include topsoil requirements for both private and public developments for retaining and restoring soil quality for purposes of stormwater management.
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| Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Russell.   |
| Absent: Council member Shey.   |
| Result: <b>Approved.</b>   |
| 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 Russell. |
| Absent: Council member Shey.   |
| Result: <b>Adopted.</b>  |
- 057-16 30. Ordinance amending Chapter 61 of the Municipal Code, Traffic Regulations, relating to parking rates, fees, penalties and hours of operation, and to provide clarification of certain definitions.
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| Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Russell.   |
| Absent: Council member Shey.   |
| Result: <b>Approved.</b>   |
| 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 Russell. |
| Absent: Council member Shey.   |
| Result: <b>Adopted.</b>  |
- 058-16 31. Ordinance granting a change of zone with a Preliminary Site Development Plan 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.
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| Council member Gulick moved the approval of the Ordinance on its second reading; seconded by Council member Russell.   |
| Absent: Council member Shey.   |
| Result: <b>Approved.</b>   |
| 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 Russell. |
| Absent: Council member Shey.   |
| Result: <b>Adopted.</b>  |

- 059-16 32. Ordinance 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.

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

Absent: Council member Shey.

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 Russell.

Absent: Council member Shey.

Result: **Adopted.**

- 060-16 33. Ordinance establishing the ReConserve of Iowa, Inc. Urban Revitalization Area designation east of Edgewood Road SW and south of 60th Avenue SW

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

Absent: Council member Shey.

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 Russell.

Absent: Council member Shey.

Result: **Adopted.**

Public comments were heard.

At 2:29 p.m., motion to go into closed session pursuant to Iowa Code Section 21.5(1)(i) (2015) to discuss the City Attorney's and City Clerk's annual performance reviews.

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

Absent: Council member Shey.

Result: **Approved.**

After returning to open session, motion to adjourn.

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

Absent: Council member Shey.

Result: **Approved.**

City Council adjourned at 3:25 p.m. to meet Tuesday, December 20, 2016 at 4 p.m.

Amy Stevenson, City Clerk