October 9, 2018, 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 Bradley G. Hart, Council members Marty Hoeger, Scott Olson, Tyler Olson, Scott Overland, Ann Poe, Dale Todd, Ashley Vanorny and Susie Weinacht. Also present were Acting City Manager Casey Drew and City Attorney Jim Flitz.

The invocation was given by Council member Poe.

Pledge of Allegiance.

Good News announcements.

Mayor Hart and Council member S. Olson presented a Proclamation declaring October 9, 2018 as White Cane Awareness Safety Day.

Mayor Hart and Council member Weinacht presented a Proclamation declaring October 13, 2018 as History Center Day.

Mayor Hart and Council member T. Olson presented a Proclamation declaring October 17, 2018 as Gentleman Day.

Resolutions and motions were adopted with all Council members and Mayor Hart voting “Aye” unless noted.

1. A public hearing was held to consider a request by The Depot Development, LLC for an Urban Revitalization Area designation for a housing development in the 1600 block of Ellis Boulevard NW (Caleb Mason). No comments or objections were heard or filed.

1261-10-18

a. Resolution approving the Ellis Commons Urban Revitalization Area Plan.

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

Result: Approved.

b. First Reading: Ordinance establishing the Ellis Commons Urban Revitalization Area designation.

Council member Vanorny 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.
2. A public hearing was held to consider the proposed plans, specifications, form of contract, estimated cost for the Czech Village Levee & Gatewells – 16th Avenue SW to Bowling Street SW project (estimated cost is $5,000,000) (Rob Davis). No comments or objections were heard or filed.

1262-10-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the Czech Village Levee & Gatewells – 16th Avenue SW to Bowling Street SW project.

| Council member T. Olson moved to approve; seconded by Council member Overland. |
| Result: **Approved.** |

3. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Sinclair Levee Plaza and Monuments project (estimated cost is $180,000) (Rob Davis). No comments or objections were heard or filed.

1263-10-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the Sinclair Levee Plaza and Monuments project.

| Council member Todd moved to approve; seconded by Council member Hoeger. |
| Result: **Approved.** |

4. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the FY19 Sanitary Sewer Point Repairs project (estimated cost is $190,000) (Dave Wallace). No comments or objections were heard or filed.

1264-10-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the FY19 Sanitary Sewer Point Repairs project.

| Council member Weinacht moved to approve; seconded by Council member T. Olson. |
| Result: **Approved.** |

5. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the FY 2019 Tree and Vegetation Removal Project (estimated cost is $119,000) (Doug Wilson). No comments or objections were heard or filed.

1265-10-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the FY 2019 Tree and Vegetation Removal project.

| Council member S. Olson moved to approve; seconded by Council member Vanorny. |
| Result: **Approved.** |

6. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Cedar Rapids East Gateway Sign project (estimated cost is $175,000) (Brent Schlotfeldt). No comments or objections were heard or filed.

1266-10-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the Cedar Rapids East Gateway Sign project.

| Council member Overland moved to approve; seconded by Council member Todd. |
| Result: **Approved.** |
Motion to approve the agenda.

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

Result: **Approved.**

Motion to approve the consent agenda.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

7. Motion to approve the minutes.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**


Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1268-10-18 9. Resolution amending Resolution No. 1077-08-18 by correcting the Final Assessment Schedule for the 18th Street SW Extension from Wilson Avenue to 16th Avenue PCC Pavement – Grade and Replace project.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1269-10-18 10. Resolution amending Resolution No. 0907-07-18 by revising the final amount assessed for the FY 2017 Sidewalk Repair Program – Contract No. 1 project.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1270-10-18 11. Resolution accepting work and fixing amount to be assessed for the FY 2017 Sidewalk Repair Program – Contract No. 2 project.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1271-10-18 12. Resolution accepting work and fixing amount to be assessed for the 2018 Sanitary Sewer Service Repair project.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1272-10-18 13. Preliminary resolution for the construction of water service improvements for the 27th Avenue SW from 3rd Street to J Street; Outlook Drive SW and 29th Avenue Roadway Improvements; 2018 Pavement Milling project. (Paving for Progress)

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**
1273-10-18  14. 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 27th Avenue SW from 3rd Street to J Street; Outlook Drive SW and 29th Avenue Roadway Improvements; 2018 Pavement Milling project. (Paving for Progress)

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1274-10-18  15. Resolution of Necessity (Proposed) for the construction of the 27th Avenue SW from 3rd Street to J Street; Outlook Drive SW and 29th Avenue Roadway Improvements; 2018 Pavement Milling project. (Paving for Progress)

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1275-10-18  16. Resolution directing preparation of detailed plans, specifications, form of contract and notice to bidders for the 27th Avenue SW from 3rd Street to J Street; Outlook Drive SW and 29th Avenue Roadway Improvements; 2018 Pavement Milling project. (Paving for Progress)

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1276-10-18  17. Resolution setting a public hearing for October 23, 2018 to consider the vacation of a 10-foot-wide Water Main Easement located at 1445 Rockford Road SW as requested by the Cedar Rapids and Iowa City Railway Company.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

1277-10-18  18. Resolution setting a public hearing for October 23, 2018 to consider an Electric Line Easement for electric facilities over City-owned land generally located easterly of vacated 10th Street SE, along the northerly right-of-way lines of Otis Road and 15th Avenue SE to Van Vechten Park, then northeasterly through Van Vechten Park to the southerly right-of-way line of 21st Street SE, as requested by ITC Midwest LLC.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

19. Motions setting public hearing dates for:

a. October 23, 2018 – to consider enacting a new Chapter 59 of the Municipal Code, Massage Therapy Business License, to create specific regulations applicable to massage therapy businesses.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**

b. October 23, 2018 – to consider granting a change of zone for properties located at 1103 9th Street SE and 823 11th Avenue SE from RMF-1, Residential Multi-Family Zone District, to R-TN, Traditional Neighborhood Residence Transitional Zone District, as requested by Cedar Valley Habitat for Humanity.

Council member Hoeger moved to approve; seconded by Council member T. Olson.

Result: **Approved.**
20. 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. October 23, 2018 – A Street SW East of 22nd Avenue Sanitary Sewer Manhole Replacement project (estimated cost is $95,000).
   
   | Council member Hoeger moved to approve; seconded by Council member T. Olson. |
   | Result: **Approved.** |

   b. October 23, 2018 – Rockhurst Drive SW Regional Detention Basin project (estimated cost is $1,200,000).
   
   | Council member Hoeger moved to approve; seconded by Council member T. Olson. |
   | Result: **Approved.** |

   c. October 23, 2018 – J Avenue Water Treatment Plant Laboratory Improvements project (estimated cost is $500,000).
   
   | Council member Hoeger moved to approve; seconded by Council member T. Olson. |
   | Result: **Approved.** |

21. Motion assessing civil penalties for violation of State Code regarding the sale of alcohol to minors against:
   a. Casey’s General Store #3382, 560 33rd Avenue SW (first offense – $500).

   | Council member Hoeger moved to approve; seconded by Council member T. Olson. |
   | Result: **Approved.** |

22. 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. Casey’s General Store #3382, 560 33rd Avenue SW.
   d. Chili’s Southwest Grill & Bar, 1250 Collins Road NE.
   e. The Cooler, 4920 Johnson Avenue NW.
   f. Country Underground, 305 2nd Avenue SE.
   g. Granite City Food & Brewery, 4755 1st Avenue SE.
   h. Holiday Inn Express & Suites, 3320 Southgate Court SW.
   i. Kum & Go #514, 1420 Mount Vernon Road SE.
   j. Kwik Star #581, 251 33rd Avenue SW.
   k. Miguel’s, 175 Jacolyn Drive NW.
   l. Prairie Bistro, 2121 Arthur Collins Parkway SW.
   m. Sushi House, 2665 Edgewood Parkway SW.
   n. Taste of India, 1060 Old Marion Road NE.
   o. Tienda Mexicana La Guanajuato, 3915 Center Point Road NE.
   p. White Star Ale House, 305 2nd Avenue SE.
   q. Wine on Wheels Iowa, 40 Marmot Court, North Liberty (5-day license for an event at the History Center, 800 2nd Avenue SE).

   | Council member Hoeger moved to approve; seconded by Council member T. Olson. |
   | Result: **Approved.** |
23. Resolutions approving:
   a. Payment of bills.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
   b. Payroll.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**

24. Resolutions approving the special event applications for:
   a. The History Center Grand Opening (includes road closures) on October 13, 2018.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
   b. CR NewBo District–Czech Village Halloween Parade (includes road closures) on October 27, 2018.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**

25. Resolutions approving assessment actions:
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**

26. Resolution accepting subdivision improvements and approving Maintenance Bond:
   a. Sanitary sewer in Meadowridge Addition and 2-year Maintenance Bond submitted by Schrader Excavating and Grading Co. in the amount of $13,983.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**

27. Resolution accepting project, approving Performance Bond and authorizing final payment:
   a. CSC Bio Swale Landscaping Design project, final payment in the amount of $9,468.99 and 2-year Performance Bond submitted by Whitters Landscaping, Inc. (original contract amount was $164,420; final contract amount is $189,379.70).
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
28. Resolutions approving actions regarding purchases, contracts and agreements:

1287-10-18  
a. Amendment No. 2 to renew contract with Anderson-Bogert Engineers & Surveyors, Inc. for engineering design services for fiber projects for the Information Technology Department for an annual amount not to exceed $150,000 (original contract amount was $150,000; renewal contract amount is $150,000).

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1288-10-18  
b. Fleet Services purchase of one 2019 Ford Escape and one 2019 Ford Explorer for use by the Engineering Division from Stivers Ford Lincoln for a total amount of $57,564.

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1289-10-18  
c. Amending Resolution No. 1231-09-18, which authorized a contract to purchase a Velocity pumper fire truck for the Fire Department in the amount of $618,669.24, to correct the vendor name to Reliant Fire Apparatus, Inc.

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1290-10-18  
d. Amendment No. 5 to the contract with Woodruff Construction, LLC for the Cedar Rapids Ice Arena ADA Compliance project for Facilities Maintenance Services to extend the term of the contract and to reflect the cost of additional work for an amount not to exceed $10,287 (original contract amount was $163,700; total contract amount with this amendment is $204,791).

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1291-10-18  
e. Contract with A1A Sandblasting for caulking and painting the Ellis and Jones pools and slides for the Parks and Recreation Department for an amount not to exceed $92,455.

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1292-10-18  
f. Rescinding Resolution No. 1030-08-18, which authorized execution of a contract for ammunition with Ultramax Ammunition for the Police Department.

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1293-10-18  
g. Amendment No. 1 to the contract with Modern Sheet Metal, Inc. for the Kjeldahl Hood Replacement project for the Water Pollution Control Facility to increase the size of the unit for an amount not to exceed $16,311 (original contract amount was $132,650; total contract amount with this amendment is $148,961).

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.

1294-10-18  
h. Amendment No. 5 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed $37,193 for design services in connection with the E Avenue NW from Iowa Highway 100 to Stoney Point Road NW Road Improvement project (original contract amount was $280,590; total contract amount with this amendment is $440,177). (Paving for Progress)

Council member Hoeger moved to approve; seconded by Council member T. Olson.  
Result: Approved.
<table>
<thead>
<tr>
<th>Date</th>
<th>Item Description</th>
<th>Resolution</th>
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<tbody>
<tr>
<td>1295-10-18</td>
<td>i. Amendment No. 3 to the Professional Services Agreement with HDR Engineering, Inc. specifying an increased amount not to exceed $14,500 for design services in connection with the Rockhurst Drive SW Regional Detention Basin project (original contract amount was $124,604; total contract amount with this amendment is $259,604).</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1296-10-18</td>
<td>j. Amendment No. 1 to the Professional Services Agreement with Bucknell University for an amount not to exceed $20,000 for the modified scope of work for the WPCF Nutrient Removal and Solids Facilities Plan Pilot Testing (original contract amount was $60,000; total contract amount with this amendment is $80,000).</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1297-10-18</td>
<td>k. Change Order No. 3 in the amount of $34,631.18, plus three additional working days, with Vieth Construction Corp. for the 2017 Curb Ramp Repair Bid Package #2 project (original contract amount was $913,041; total contract amount with this amendment is $927,776.68).</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1298-10-18</td>
<td>l. Change Order No. 8 deducting the amount of $22,518.88 with Rathje Construction Company for the Edgewood Road NW Multiuse Pathway from O Avenue to Ellis Road, Phase 1 – Grading project (original contract amount was $435,057.44; total contract amount with this amendment is $493,332.57).</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1299-10-18</td>
<td>m. Change Order No. 1 deducting the amount of $21,465.61 with Williams Brothers Construction, Inc., for the Chlorine System Upgrade project (original contract amount was $5,190,000; total contract amount with this amendment is $5,168,534.39).</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1300-10-18</td>
<td>n. Partial final payment in the amount of $253,426.72 to Williams Brothers Construction, Inc. for the Water Pollution Control Chlorine Upgrade project.</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1301-10-18</td>
<td>o. Increasing the fee limit to $125,000 for Lynch Dallas P.C. as outside legal counsel regarding the Gossman Estate, et al v. City of Cedar Rapids, Lucas Jones, et al. lawsuit.</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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<td>1302-10-18</td>
<td>p. FY19 Cooperative Agreement with the Iowa Civil Rights Commission for intake and investigative services for civil rights complaints by the Cedar Rapids Civil Rights Commission.</td>
<td>Approved</td>
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<td>Council member Hoeger moved to approve; seconded by Council member T. Olson.</td>
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q. Agreement with the Union Pacific Railroad for an amount not to exceed $55,000 for preliminary engineering and other preliminary activities in connection with the Cedar River Flood Control System as part of the floodgate construction at the Union Pacific rail crossing south of the Cargill Corn Facility property.

Result: **Approved.**

r. Agreement with the Union Pacific Railroad for an amount not to exceed $90,000 for preliminary engineering and other preliminary activities in connection with the Cedar River Flood Control System project as part of the McLoud Run stormwater capacity improvements under the Union Pacific North Rail Yard.

Result: **Approved.**

s. Agreement with the Union Pacific Railroad for an amount not to exceed $55,000 for preliminary engineering and other preliminary activities in connection with the Cedar River Flood Control System project as part of the floodwall and rail crossing gate construction north of the Quaker Oats Plant property at the Union Pacific North Rail Yard.

Result: **Approved.**

t. Amendment No. 2 to the Development Agreement with Hunter Companies LLC for the Northtowne Market redevelopment project.

Result: **Approved.**

u. Accepting a Warranty Deed for the dedication of street right-of-way along the west side of Council Street and the north side of Collins Road NE from Warrior Enterprises, LLC as provided for in the Development Agreement.

Result: **Approved.**

v. Resolution awarding and approving contract in the amount of $153,724.70, bond and insurance of Cunningham Recreation for the Daniels Park Playground project.

Result: **Approved.**

29. Report on bids for the Rockhurst Drive SW Regional Detention Basin – Streambank Mitigation at Noelridge Park project (estimated cost is $190,000) (Sandy Pumphrey).

30. Report on bids for the Bike Share System Equipment project for the Community Development Department (Bill Micheel).

31. Report on bids for the Bever Avenue SE East of Bever Lane Storm Sewer Replacement project (estimated cost is $160,000) (Dave Wallace).

1309-10-18  

a. Resolution awarding and approving contract in the amount of $97,610, bond and insurance of Rathje Construction Company for the Bever Avenue SE East of Bever Lane Storm Sewer Replacement project.

Result: **Approved.**
Presentation and Resolution authorizing Revision No. 5 of the Cedar River Flood Control System Master Plan, amending Chapters II, III, and IV (Rob Davis).

Council member T. Olson moved to approve; seconded by Council member Overland.

Result: Approved.

Public comments were heard.

Council comments were heard.

Motion to adjourn.

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

Result: Approved.

City Council adjourned at 1:09 p.m. to meet Tuesday, October 23, 2018 at 5:30 p.m.

Amy Stevenson, City Clerk