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

November 27, 2018, 5:30 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 and Ashley Vanorny. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz. Absent, Council member Susie Weinacht.

The invocation was given by Public Safety Chaplain Taha Tawil.

Pledge of Allegiance.

Good News announcements.

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 change of zone for property located east of Council Street NE and north of Petrus Drive NE from A, Agriculture Zone District, to R-2, Single Family Residence Zone District, as requested by Jerry’s Homes, Inc. (Dave Houg). No comments or objections were heard or filed.

   a. First Reading: Ordinance granting a change of zone for property located east of Council Street NE and north of Petrus Drive NE from A, Agriculture Zone District, to R-2, Single Family Residence Zone District, as requested by Jerry’s Homes, Inc.

   Council member Hoeger 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 T. Olson.

   Absent: Council member Weinacht.

   Result: Approved.

2. 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.

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

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

   Absent: Council member Weinacht.

   Result: Approved.
3. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Prairie Creek West of 6th Street SW to J Street SW Sanitary Sewer Improvements project (estimated cost is $9,690,000) (Dave Wallace and Matt Feuerhelm). No comments or objections were heard or filed.

1454-11-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the Prairie Creek West of 6th Street SW to J Street SW Sanitary Sewer Improvements project.

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<thead>
<tr>
<th>Council member Vanorny moved to approve; seconded by Council member Poe.</th>
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<tbody>
<tr>
<td>Absent: Council member Weinacht.</td>
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<td>Result: <strong>Approved.</strong></td>
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</table>

4. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the C4 Clarifier Rehabilitation & RAS Pipe Lining project (estimated cost is $1,453,000) (Steve Hershner). No comments or objections were heard or filed.

1455-11-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the C4 Clarifier Rehabilitation & RAS Pipe Lining project.

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<thead>
<tr>
<th>Council member Overland moved to approve; seconded by Council member Hoeger.</th>
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<tr>
<td>Absent: Council member Weinacht.</td>
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<td>Result: <strong>Approved.</strong></td>
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5. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Noelridge Park Restroom Facility project (estimated cost is $285,000) (Brent Schlotfeldt). No comments or objections were heard or filed.

1456-11-18

a. Resolution adopting plans, specifications, form of contract and estimated cost for the Noelridge Park Restroom Facility project.

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<thead>
<tr>
<th>Council member T. Olson moved to approve; seconded by Council member Overland.</th>
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<tr>
<td>Absent: Council member Weinacht.</td>
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<td>Result: <strong>Approved.</strong></td>
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Public comments were heard.

Motion to approve the agenda.

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<tr>
<th>Council member Poe moved to approve; City Manager Pomeranz requested that Item 12 (Resolution establishing a permanent sanitary sewer easement, permanent utility easement and permanent water main easement on a 31-acre parcel of vacant City-owned land located southerly of 24th Avenue, Stewart Road and Otis Road SE, westerly of Cole Street SE and northerly of the Cedar River) be removed from the agenda; seconded by Council member Vanorny.</th>
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<td>Absent: Council member Weinacht.</td>
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<td>Result: <strong>Approved as amended.</strong></td>
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Motion to approve the consent agenda.

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<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<tr>
<td>Absent: Council member Weinacht.</td>
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<td>Result: <strong>Approved.</strong></td>
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6. Motion to approve the minutes.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

1457-11-18 7. Preliminary resolution for the removal and replacement of bituminous fiber (Orangeburg) sanitary sewer services for the Council Street NE from Collins Road to south of 46th Street Improvements project. (Paving for Progress)
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

1458-11-18 8. Preliminary resolution for the construction of sanitary sewer service improvements for the Forest Drive SE from Grande Avenue to Mount Vernon Road Pavement and Water Main Improvements project. (Paving for Progress)
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

1459-11-18 9. Resolution authorizing the Third Amendment of the City’s Economic Development Programs to encourage growth in the city.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

1460-11-18 10. Resolution establishing a steering committee to make a recommendation for a master developer for the First and First West redevelopment project and oversee the community visioning public input process.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

1461-11-18 11. Resolution of support for an application to the AdvancingCities Initiative for the Advancing Opportunities program, created by a coalition of agencies in Linn County aiming to ensure families have a clear path to economic prosperity.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

1462-11-18 13. Resolution authorizing reimbursement in the amount of $3,513.06 to Council member Vanorny for attending the National League of Cities City Summit Conference in Los Angeles, Calif., from November 7-11, 2018
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Abstain: Council member Vanorny.
   Absent: Council member Weinacht.
   Result: Approved.
1463-11-18 14. Resolution authorizing a Police Captain to attend the Senior Management Institute for Police in Boston, Mass., from June 8-27, 2019 for an estimated amount of $11,069.75.

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

Absent: Council member Weinacht.

Result: Approved.

1464-11-18 15. Resolution authorizing a Police Lieutenant to attend the Senior Management Institute for Police from July 6-25, 2019 in Boston, Mass., for an estimated amount of $11,069.75.

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

Absent: Council member Weinacht.

Result: Approved.


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

Absent: Council member Weinacht.

Result: Approved.

17. Motions setting public hearing dates for:

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

Absent: Council member Weinacht.

Result: Approved.

b. December 4, 2018 – to consider amending Chapter 32 of the Municipal Code, Zoning, to make corrections and clarifications prior to the effective date of a new Chapter 32.

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

Absent: Council member Weinacht.

Result: Approved.


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

Absent: Council member Weinacht.

Result: Approved.

d. December 4, 2018 – to consider updating the Future Land Use Map in connection with the annual EnvisionCR update and the repeal and replacement of Chapter 32, Zoning.

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

Absent: Council member Weinacht.

Result: Approved.
18. 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. December 18, 2018 – Ellis Harbor Sidewalk Repairs Phase 1 project (estimated cost is $175,000).
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.
   b. December 18, 2018 – Water Administration Building ADA Compliance project (estimated cost is $370,200).
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

19. Motion assessing civil penalties for violation of State Code regarding the sale of alcohol to minors against:
   a. BP on 1st, 2824 1st Avenue NE (first offense – $500). Casey’s General Store #2778, 5502 Kirkwood Boulevard SW (first offense – $500).
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

20. Motion approving the beer/liquor/wine applications of:
   a. Casey’s General Store #3756, 4560 16th Avenue SW (new – new construction).
   b. Cedar River Landing, 301 F Avenue NW.
   c. Fas Mart #5148, 550 Wilson Avenue SW.
   d. Kum & Go #520, 2604 16th Avenue SW.
   e. Nick’s Bar & Grill, 4958 Johnson Avenue NW (5-day license for an event at the Teamsters Hall, 5000 J Street SW).
   f. Outback Steakhouse, 3939 1st Avenue SE.
   g. Quarter Barrel Arcade & Brewery, 616 2nd Avenue SE.
   h. WineStyles Tasting Station, 4201 42nd Street NE.
   i. Winifred’s Restaurant, 3847 1st Avenue SE.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.

21. Resolutions approving:
  1466-11-18
   a. Payment of bills.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.
  1467-11-18
   b. Transfer of funds.
   Council member Todd moved to approve; seconded by Council member S. Olson.
   Absent: Council member Weinacht.
   Result: Approved.
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<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
<th>Vote</th>
<th>Result</th>
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<tbody>
<tr>
<td>1468-11-18</td>
<td>Payroll.</td>
<td>Council member Todd moved to approve; seconded by Council member S. Olson.</td>
<td>Absent: Council member Weinacht.</td>
<td>Approved</td>
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<td>22.</td>
<td>Resolutions approving assessment actions:</td>
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<td>1471-11-18</td>
<td>c. Intent to assess – Water Division – delinquent municipal utility bills – 34 properties.</td>
<td>Council member Todd moved to approve; seconded by Council member S. Olson.</td>
<td>Absent: Council member Weinacht.</td>
<td>Approved</td>
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<td>23.</td>
<td>Resolutions approving final plats:</td>
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<td>1473-11-18</td>
<td>a. Airport Commerce Park Seventeenth Addition for land located south of Wright Brothers Boulevard SW and west of 6th Street SW.</td>
<td>Council member Todd moved to approve; seconded by Council member S. Olson.</td>
<td>Absent: Council member Weinacht.</td>
<td>Approved</td>
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<td>1474-11-18</td>
<td>b. Westdale Eighth Addition for land located west of Edgewood Road SW and east of Williams Boulevard SW.</td>
<td>Council member Todd moved to approve; seconded by Council member S. Olson.</td>
<td>Absent: Council member Weinacht.</td>
<td>Approved</td>
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<td>24.</td>
<td>Resolutions approving actions regarding purchases, contracts and agreements:</td>
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<td>1475-11-18</td>
<td>a. Amendment No. 6 to the contract with Logan Contractors Supply, Inc. for flexible crack and joint sealant for various City departments for additional product purchases in an amount not to exceed $35,430 (original contract amount was $50,400; total contract amount with this amendment is $85,830).</td>
<td>Council member Todd moved to approve; seconded by Council member S. Olson.</td>
<td>Absent: Council member Weinacht.</td>
<td>Approved</td>
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</table>
b. Amendment No. 8 to the contract with Ament Design for Design Services for ADA Compliance at the Cedar Rapids Ice Arena for additional services in an amount not to exceed $10,670 (original contract amount was $29,750; total contract amount with this amendment is $71,720).

Council member Todd moved to approve; seconded by Council member S. Olson.
Absent: Council member Weinacht.
Result: Approved.

c. Amendment No. 4 to renew contract with Crawford Quarry Company for lagoon ash sand storage for the Water Pollution Control Facility for an annual amount not to exceed $240,000 (original contract amount was $80,000; renewal contract amount is $240,000).

Council member Todd moved to approve; seconded by Council member S. Olson.
Absent: Council member Weinacht.
Result: Approved.

d. Change Order No. 4 in the amount of $17,078.39 with Rathje Construction Company for the CEMAR Trail: Phase 1C and H Avenue NE and 16th Street NE from Oakland Road to D Avenue PCC Pavement with HMA Resurfacing and PCC Sidewalk/Trail project (original contract amount was $1,659,070.64; total contract amount with this amendment is $1,790,632.45). (Paving for Progress)

Council member Todd moved to approve; seconded by Council member S. Olson.
Absent: Council member Weinacht.
Result: Approved.

e. Change Order No. 6 Final deducting the amount of $3,521.30 with Ricklefs Excavating, Ltd. for the Sinclair Detention Basin, Final Grading and Paving project (original contract amount was $707,587; total contract amount with this amendment is $796,105.76).

Council member Todd moved to approve; seconded by Council member S. Olson.
Absent: Council member Weinacht.
Result: Approved.

f. Change Order No. 1 in the amount of $128,006 with McGill Restoration, Inc., for the WPCF Sludge Storage Tank Repairs project (original contract amount was $443,559; total contract amount with this amendment is $571,565).

Council member Todd moved to approve; seconded by Council member S. Olson.
Absent: Council member Weinacht.
Result: Approved.

g. Amendment No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. specifying an increased amount not to exceed $54,951 for design services in connection with the 23rd Street Drive SE from 1st Avenue to 2nd Avenue Water Main, Sanitary Sewer and Street Improvements project (original contract amount was $115,700; total contract amount with this amendment is $170,651).

Council member Todd moved to approve; seconded by Council member S. Olson.
Absent: Council member Weinacht.
Result: Approved.
**1482-11-18**  
- Sponsorship Agreement between the City’s Convention Complex Manager, DoubleTree Management; VenuWorks of Cedar Rapids; and Plumbers & Pipefitters Local 125 for a term of three years with a total payment of $7,920.

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<thead>
<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td>Absent: Council member Weinacht.</td>
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<td><strong>Result:</strong> Approved.</td>
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**1483-11-18**  
- Lease Agreement with 124 Investment Corporation for office space at 1233 1st Avenue SE Suite F for use as a police substation in the amount of $655 per month for 2019, with an option for one additional year at $680 per month.

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<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td><strong>Result:</strong> Approved.</td>
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**1484-11-18**  
- Transfer of property taxes collected for the Medical Self-Supported Municipal Improvement District to the district through fiscal year 2019 for an amount not to exceed $390,349.

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<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td><strong>Result:</strong> Approved.</td>
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**1485-11-18**  
- Purchase Agreement in the amount of $220 and accepting a Warranty Deed from Randall C. Krejci from land located at 3311 Oriole Court NE in connection with the Curb Ramp Repair Project.

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<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td>Absent: Council member Weinacht.</td>
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<td><strong>Result:</strong> Approved.</td>
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**1486-11-18**  
- Purchase Agreement in the amount of $685 and accepting a Warranty Deed from Gregg R. Nelson from land located at 324 Green Valley Terrace SE in connection with the Curb Ramp Repair Project.

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<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td>Absent: Council member Weinacht.</td>
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<td><strong>Result:</strong> Approved.</td>
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**1487-11-18**  
- Purchase Agreement in the amount of $300 and accepting a Sanitary Sewer Easement Agreement and a Temporary Grading Easement for Construction from the Cedar Rapids and Iowa City Railway Company from vacant land located east of J Street SW and Hawkeye Downs Road in connection with the Prairie Creek West of 6th Street SW to J Street SW Sanitary Sewer Improvements project.

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<tr>
<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td>Absent: Council member Weinacht.</td>
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<td><strong>Result:</strong> Approved.</td>
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**1488-11-18**  
- Purchase Agreement in the amount of $2,900 and accepting a Sanitary Sewer Easement Agreement and a Temporary Grading Easement for Construction from the Cedar Rapids and Iowa City Railway Company from vacant land located south of Hawkeye Downs Road SW and west of J Street in connection with the Prairie Creek West of 6th Street SW to J Street SW Sanitary Sewer Improvements project.

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<th>Council member Todd moved to approve; seconded by Council member S. Olson.</th>
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<td><strong>Result:</strong> Approved.</td>
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Council member Poe moved to approve; seconded by Council member Overland.

Absent: Council member Weinacht.

Result: **Approved.**

052-18 30. Ordinance repealing Chapter 32, Zoning Ordinance, and enacting a new Chapter 32 containing updated City zoning requirements.

Council member Hoeger moved the approval of the Ordinance on its second reading; seconded by Council member Todd.

Absent: Council member Weinacht.

Result: **Approved.**

Council member S. Olson 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 Poe.

Absent: Council member Weinacht.

Result: **Adopted.**

053-18 31. Ordinance granting a change of zone for property located south of Blairs Ferry Road NE and west of Edgewood Road NE from A, Agriculture Zone District, to C-3, Regional Commercial Zone District as requested by New Buffalo Land Co., LLC.

Council member Vanorny moved the approval of the Ordinance on its second reading; seconded by Council member T. Olson.

Absent: Council member Weinacht.

Result: **Approved.**

Council member S. Olson 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 Todd.

Absent: Council member Weinacht.

Result: **Adopted.**

Public comments were heard.

Council comments were heard.

At 6:49 p.m., motion to go into closed session pursuant to Iowa Code Section 21.5(1)(i) (2018) to discuss the annual performance review of the City Manager. (Council member Weinacht also participated by telephone).

Council member Overland moved to approve; seconded by Council member S. Olson. Mayor Hart polled the Council and all members voted Aye. Council recessed and reconvened in closed session in the Culver Conference Room.

Result: **Approved.**

After returning from closed session, City Council adjourned at 8:09 p.m. to meet Tuesday, December 4, 2018 at 12 noon.

Amy Stevenson, City Clerk