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

December 4, 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 (arrived at 12:07 p.m. and voted on all items), Scott Overland, Ann Poe, Dale Todd, Ashley Vanorny and Susie Weinacht. Also present were City Manager Jeff Pomeranz and City Attorney Jim Flitz.

The invocation was given by Public Safety Chaplain Tim Carter.

Pledge of Allegiance.

Good News announcements.

Mayor Hart and Council member S. Olson presented a Proclamation declaring December 2018 as Human Rights Month.

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

1. A public hearing was held to consider the vacation of a 10-foot-wide Utility Easement located at 1607 Aspen Circle SE as requested by Leon E. Robbins and Jolyn M. Schimberg Robbins (Rita Rasmussen). No comments or objections were heard or filed.

1495-12-18

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

2. A public hearing was held to consider amending Chapter 10 of the Municipal Code, Parks and Public Places, by establishing Section 10.13 to prohibit smoking within 30 feet of park facilities (Scott Hock). Comments were heard. One written objection was filed.

| a. First Reading: Ordinance amending Chapter 10 of the Municipal Code, Parks and Public Places, by establishing Section 10.13 to prohibit smoking within 30 feet of park facilities. |
| Council member Weinacht 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 Vanorny. |
| Result: Approved. |
3. A public hearing was held to consider repealing Ordinance No. 052-18 and enacting in its place a new Chapter 32, Zoning Ordinance (Bill Micheel). No comments or objections were heard or filed.

   a. **First Reading:** Ordinance repealing Ordinance No. 052-18 and enacting in its place a new Chapter 32, Zoning Ordinance.

      Council member Poe 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 Hoeger.

      Result: **Approved.**

4. A public hearing was held to consider amending various chapters of the Municipal Code in connection with the repeal and replacement of Chapter 32, Zoning (Charlie Nichols and Bill Micheel). No comments or objections were heard or filed.

   a. **First Reading:** Ordinance amending various chapters of the Municipal Code in connection with the repeal and replacement of Chapter 32, Zoning.

      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 S. Olson.

      Result: **Approved.**

5. A public hearing was held to consider updating the Future Land Use Map in connection with the annual EnvisionCR update and the repeal and replacement of Chapter 32, Zoning (Eric Pate and Bill Micheel). No comments or objections were heard or filed.

   a. Resolution updating the Future Land Use Map in connection with the annual EnvisionCR update and the repeal and replacement of Chapter 32, Zoning.

      Council member T. Olson 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 Weinacht.

      Result: **Approved.**

   Motion to approve the consent agenda.

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

      Result: **Approved.**

6. Motion to approve the minutes.

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

      Result: **Approved.**

7. 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 Council Street NE from Collins Road to South of 46th Street Improvements project. (Paving for Progress)

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

      Result: **Approved.**
8. 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 Forest Drive SE from Grande Avenue to Mount Vernon Road Pavement and Water Main Improvements project. (Paving for Progress)

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

Result: Approved.

9. Resolution authorizing a pay increase for the City Manager effective September 20, 2018.

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

Result: Approved.

10. Resolution setting a public hearing on January 8, 2019 and consultation with affected taxing agencies on the proposed Amendment No. 5 to the Second Amended and Restated Urban Renewal Plan for the Central Business Urban Renewal Area.

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

Result: Approved.

11. Motion setting public hearing date and directing publication thereof, filing plans and 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 – FY19 Sanitary Sewer Lining project (estimated cost is $1,010,000).

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

Result: Approved.

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

a. Caucho, 1202 3rd St SE.

b. Little Bohemia, 1317 3rd Street SE.

c. Mas Margaritas, 588 Boyson Road NE.

d. The Station, 3645 Stone Creek Circle SW.

e. The Weather Vane, 5240 Edgewood Road NE, Suite #100.

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

Result: Approved.

13. Resolutions approving:

1501-12-18

a. Payment of bills.

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

Result: Approved.

1502-12-18

b. Payroll.

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

Result: Approved.
14. Resolutions approving assessment actions:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td></td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
</tr>
<tr>
<td>1504-12-18</td>
<td>b. Intent to assess – Water Division – delinquent municipal utility bills – 22 properties.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>1505-12-18</td>
<td>a. Veterans Memorial Stadium ADA Compliance Project, final payment in the amount of $11,160.75 and 2-year Performance Bond submitted by Woodruff Construction, LLC (original contract amount was $59,700; final contract amount is $223,215).</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
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16. Resolutions approving final plats:

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<tr>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>1506-12-18</td>
<td>a. ARP Ivanhoe Road Addition for land located east of Ely Road SW and south of Highway 30.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
</tr>
<tr>
<td>1507-12-18</td>
<td>b. Stags Leap Estates Third Addition for land located east of Council Street NE and north of Boyson Road NE.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1508-12-18</td>
<td>a. Software Maintenance Agreement with Hyland Software, Inc. in the amount of $50,604.10 for maintenance and support of the City's document and imaging software suite.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
</tr>
<tr>
<td>1509-12-18</td>
<td>b. Contract with Century Fence Company for the Police Station Fencing and Gates project for the Facilities Maintenance Services Division in the amount of $135,881.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
</tr>
<tr>
<td>1510-12-18</td>
<td>c. Fleet Services purchase of a LeeBoy 8515E paver from Road Machinery &amp; Supplies Co. in the amount of $187,225.50 for use by the Streets Division.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
</tr>
<tr>
<td>1511-12-18</td>
<td>d. Amendment No. 4 to renew the contract with Carus Corporation for zinc orthophosphate for the Water Division for an annual amount not to exceed $120,000 (original contract amount was $117,000; renewal contract amount is $120,000).</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved.</strong></td>
</tr>
</tbody>
</table>
e. Amendment No. 3 to renew the 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 Vanorny moved to approve; seconded by Council member Poe.

Result: Approved.

f. Amendment No. 7 to renew the 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 Vanorny moved to approve; seconded by Council member Poe.

Result: Approved.

g. Amendment No. 2 to renew the contract with Alexander Chemical Corporation for liquid chlorine for the Water Division and the Water Pollution Control Facility for an annual amount not to exceed $330,000 (original contract amount was $230,000; renewal contract amount is $330,000).

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

Result: Approved.

h. Amendment No. 2 to renew the 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 (original contract amount was $1,800,000; renewal contract amount is $1,800,000).

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

Result: Approved.

i. Amendment No. 1 to renew the contract with Garrison Minerals LLC for magnesium hydroxide 45% solution for the Water Pollution Control Facility for an annual amount not to exceed $500,000 (original contract amount was $500,000; renewal contract amount is $500,000).

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

Result: Approved.

j. Amendment No. 1 to renew the 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 $320,000; renewal contract amount is $320,000).

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

Result: Approved.

k. Amendment No. 1 to renew the 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 $50,000; renewal contract amount is $50,000).

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

Result: Approved.

l. Amendment No. 1 to renew the 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 $350,000; renewal contract amount is $350,000).

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

Result: Approved.
m. Amendment No. 5 to renew the contract with Polydye, 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 Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

n. 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 $60,000.

Council member Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

o. Amendment No. 5 to renew the 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 Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

p. Amendment No. 1 to renew the contract with Vertex Chemical Corporation 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 Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

q. Amendment No. 3 to renew the contract with Viking Chemical Company for phosphoric acid 75% bulk liquid for the Water Pollution Control Facility for an annual amount not to exceed $84,000 (original contract amount was $30,000; renewal contract amount is $84,000).

Council member Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

r. Professional Services Agreement with Black & Veatch Corporation for an amount not to exceed $2,492,021 for the NWTP Softening Basin Improvements project.

Council member Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

s. Change Order No. 3 in the amount of $900 with Iowa Bridge & Culvert, LC for the 6th Street SW Box Culvert Extension project (original contract amount was $237,130.72; total contract amount with this amendment is $305,876.22). (Paving for Progress)

Council member Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.

t. Change Order No. 1 in the amount of $11,400 with Minturn, Inc. for the 8th Avenue Bridge Over the Cedar River Miscellaneous Repairs project (original contract amount was $78,474; total contract amount with this amendment is $89,914).

Council member Vanorny moved to approve; seconded by Council member Poe.
Result: Approved.
<table>
<thead>
<tr>
<th>Date</th>
<th>Change Order Number</th>
<th>Description</th>
<th>Contract Details</th>
<th>Result</th>
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<tbody>
<tr>
<td>1528-12-18</td>
<td>u.</td>
<td>Change Order No. 3 in the amount of $35,798.94 with Dave Schmitt Construction Co., Inc. for the 27th Avenue SW from 3rd Street to J Street; Outlook Drive SW and 29th Avenue SW Roadway Improvements; 2018 Pavement Milling project (original contract amount was $597,542; total contract amount with this amendment is $651,624.06). (Paving for Progress)</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<tr>
<td>1529-12-18</td>
<td>v.</td>
<td>Change Order No. 10 in the amount of $9,364.36 with Iowa Bridge &amp; Culvert LC for the Bridge Replacement – McCloud Place NE Over McLoud Run project (original contract amount was $1,187,312.90; total contract amount with this amendment is $1,281,211.64).</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<tr>
<td>1530-12-18</td>
<td>w.</td>
<td>Change Order No. 2 in the amount of $108,995 with Rathje Construction Company for the Center Point Road NE from 29th Street to 32nd Street Pavement Rehabilitation and Oakland Road NE from H Avenue to 32nd Street One-Way to Two-Way Conversion project (original contract amount was $3,080,065.93; total contract amount with this amendment is $3,279,388.13). (Paving for Progress)</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<td>1531-12-18</td>
<td>x.</td>
<td>Change Order No. 3 in the amount of $3,700 with Hunt Construction Company, Inc. for the FY 2018 Sidewalk Repair Program – Contract No. 2 project (original contract amount was $152,076.80; total contract amount with this amendment is $210,039.40).</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<tr>
<td>1532-12-18</td>
<td>y.</td>
<td>Change Order No. 4 in the amount of $55,490.52 with Dave Schmitt Construction Co., Inc. for the Memorial Drive SE from McCarthy Road to Mount Vernon Road SE Roadway and Utility Improvements project (original contract amount was $1,384,435.15; total contract amount with this amendment is $1,515,768.65). (Paving for Progress)</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<tr>
<td>1533-12-18</td>
<td>z.</td>
<td>Change Order No. 7 in the amount of $2,079.25 with Rathje Construction Company for the Northwood Drive NE from Glass Road NE to South of Brookland Drive NE Roadway Reconstruction project (original contract amount was $952,423.72; total contract amount with this amendment is $1,005,771.69). (Paving for Progress)</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<td>1534-12-18</td>
<td>aa.</td>
<td>Change Order No. 2 in the amount of $59,687.19 with WRH, Inc. for the Quaker Oats Flood Control System project (original contract amount was $14,450,000; total contract amount with this amendment is $14,850,744.28).</td>
<td>Council member Vanorny moved to approve; seconded by Council member Poe.</td>
<td>Approved.</td>
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<td>Date</td>
<td>Item</td>
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<td>1535-12-18</td>
<td>ab.</td>
<td>Commitment to Award and Accept Funds from the Iowa Homeland Security and Emergency Management Division in the amount of $5,606.11 for the Iowa HazMat Task Force.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved</strong>.</td>
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<tr>
<td>1536-12-18</td>
<td>ac.</td>
<td>Commitment to Award and Accept Funds from the Iowa Homeland Security and Emergency Management Division in the amount of $343.89 for the Iowa HazMat Task Force.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved</strong>.</td>
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<td>1537-12-18</td>
<td>ad.</td>
<td>Preconstruction Agreement for Primary Road Project with the Iowa Department of Transportation in the amount of $209,695 for the Williams Boulevard Sanitary Sewer Relocation work in connection with the Grade and Replace US 151 from Approximately 0.2 Miles South of Church Street in Fairfax to South of Dean Road project.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved</strong>.</td>
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<td>1538-12-18</td>
<td>ae.</td>
<td>Agreement with Van Meter Inc. in the amount of $134,000 for the construction of sidewalk along 32nd Avenue SW as part of a future City project.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved</strong>.</td>
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<tr>
<td>1539-12-18</td>
<td>af.</td>
<td>Accepting a Letter of Credit for future sidewalk construction from CommonBond Communities for property at 1200 Edgewood Road NW.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved</strong>.</td>
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<tr>
<td>1540-12-18</td>
<td>ag.</td>
<td>Accepting an Affidavit for Service Line Reimbursement from Janice K. Hepker for monthly installment reimbursements for the replacement of the water service line at 1914 Bever Avenue SE.</td>
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<td>Council member Vanorny moved to approve; seconded by Council member Poe. Result: <strong>Approved</strong>.</td>
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18. Report on bids 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).

1541-12-18 | a.  | Resolution awarding and approving contract in the amount of $10,488,615.50, plus incentive up to $144,500, bond and insurance of Langman Construction, Inc. for the Prairie Creek West of 6th Street SW to J Street SW Sanitary Sewer Improvements project. |
|            |      | Council member Overland moved to approve; seconded by Council member Todd. Result: **Approved**.                                            |
19. Report on bids for the FY19 Sanitary Sewer Point Repairs project (estimated cost is $190,000) (Dave Wallace).

1542-12-18

a. Resolution awarding and approving contract in the amount of $137,700, plus incentive up to $2,500, bond and insurance of Boomerang Corp. for the FY19 Sanitary Sewer Repairs project.

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

20. Report on bids for the C Street and Kirkwood Service Zones Boundary Improvements project (estimated cost is $90,000) (Steve Hershner).

1543-12-18

a. Resolution awarding and approving contract in the amount of $76,700, bond and insurance of Boomerang Corp. for the C Street and Kirkwood Service Zones Boundary Improvements project.

| Council member Weinacht moved to approve; seconded by Council member Poe. |
| Result: Approved. |

054-18

21. 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 Todd moved the approval of the Ordinance on its second reading; seconded by Council member Overland. |
| 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 Hoeger. |
| Result: Adopted. |

Council comments were heard.

At 1:05 p.m., motion to go into closed session pursuant to Iowa Code Section 21.5(1)(i) (2018) to discuss the annual performance reviews of the City Clerk and City Attorney.

| 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 2:01 p.m. to meet Tuesday, December 18, 2018 at 5:30 p.m.

Amy Stevenson, City Clerk