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

October 8, 2019, 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 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 October 2019 as National Disability Employment Awareness Month.  

Mayor Hart and Council member Weinacht presented a Proclamation declaring October 15, 2019 as the Wings2Water Launch.  

Mayor Hart and Council member Todd presented a Proclamation declaring October 16, 2019 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 the Resolution of Necessity (Proposed) for the O Avenue NW Improvements Phases II & III from 16th Street NW to Edgewood Road NW project for sanitary sewer service replacement and driveway paving (Doug Wilson). (Paving for Progress) No comments or objections were heard or filed.  

1218-10-19  

a. Resolution adopting without amendment the Resolution of Necessity (Proposed) for the O Avenue NW Improvements Phases II & III from 16th Street NW to Edgewood Road NW project.  

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

Result: Approved.
2. A public hearing was held to consider the proposed plans, specifications, form of contract
and estimated cost for the FY19 Draintile Program project (estimated cost is $220,000)
(Dave Wallace). No comments or objections were heard or filed.

1219-10-19

1219-10-19

a. Resolution adopting plans, specifications, form of contract and estimated cost for the
FY19 Draintile Program project.

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

Public comments were heard.

Motion to approve the agenda.

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

Motion to approve the consent agenda.

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

3. Motion to approve the minutes.

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

1220-10-19

4. Resolution referring the acquisitions of right-of-way and temporary construction easements
from land owned by various parties to the Linn County Compensation Commission in
connection with the IA922/1st Avenue E from approximately 300’ south of 27th Street to
34th Street, 27th Street from A Avenue NE to approximately 250’ east of IA 922, 29th Street
from Franklin Avenue NE to approximately 200’ east of IA 922 project.

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

1221-10-19

5. Resolution referring the acquisition of right-of-way, a permanent trail easement, permanent
utility easements, and temporary construction easements from Rick and Marsha Stickle to
the Linn County Compensation Commission in connection with the CeMar Trail Phase 3
from 29th Street, under 1st Avenue to Marion City Limits project.

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

1222-10-19

6. Resolution authorizing fiscal year 2020 hotel motel tax application allocations in the amount
of $17,000.

| Council member Hoeger moved to approve; seconded by Council member T. Olson. |
| Result: Approved. |
7. Resolution authorizing payments to various special events held in Cedar Rapids from the Special Event Public Safety Fund for FY19 and FY20.

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

Result: Approved.

8. Resolution authorizing submission of a grant application to the U.S. Department of Housing and Urban Development for funding of two Housing and Family Self-Sufficiency Program Coordinators.

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

Result: Approved.

9. Resolution authorizing two Cedar Rapids Iowa Task Force 1 members to attend Advanced Shoring Training in College Station, Texas, in October 2019 for a total amount of $9,840.

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

Result: Approved.

10. Resolution setting a public hearing for October 22, 2019 to consider the disposition of City-owned properties at 415 and 421 C Avenue NW, and inviting competitive redevelopment proposals.

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

Result: Approved.

11. Resolution setting a public hearing for October 22, 2019 to consider an Easement for Electric Line on City-owned property located at 5250 Edgewood Road SW as requested by ITC Midwest LLC.

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

Result: Approved.

12. Resolution setting a public hearing for October 22, 2019 to consider the vacation of public ways and grounds in and to the property described as a 20-foot by 300-foot portion of First Street SE right-of-way located northwesterly of and adjacent to 16th Avenue SE, as requested by the City in connection with the Cedar River Flood Control System project.

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

Result: Approved.

13. Motions setting public hearing dates for:

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

Result: Approved.

   b. October 22, 2019 – to consider a change of zone for property located at 2311 33rd Avenue SW from A-AG, Agriculture District, to S-RLL, Suburban Residential Large Lot District, as requested by Cynthia and David Guckenberger.

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

Result: Approved.
c. October 22, 2019 – to consider a change of zone for property located at 1900 Stoney Point Road SW from S-RMF, Suburban Residential Medium Flex District, to S-MC, Suburban Mixed Use Community Center District, as requested by Stoney Point Meadows, LLC.

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

d. October 22, 2019 – to consider a ground lease agreement with His Hands for property located at 414 12th Street SE.

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

e. October 22, 2019 – to consider a ground lease agreement with Unity Point Health for property located at 1221 4th Avenue SE.

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

14. Motion setting public hearing date 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 22, 2019 – Edgewood Road NW Portland Cement Concrete Trail from the Cedar River to Ellis Road project (estimated cost is $560,000).

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

15. 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. Clock House Brewing, 600 1st Street SE (5-day license for an event at Lindale Mall, 4444 1st Avenue NE).
   e. Coe College, 1220 1st Avenue NE.
   f. The Cooler, 4920 Johnson Avenue NW.
   g. Hy-Vee C-Store #5, 1440 32nd Street NE.
   h. Hy-Vee Drugstore #4, 4825 Johnson Avenue NW.
   i. Ideal Social Hall, 213 16th Avenue SE.
   j. Kwik Star #947, 1001 Blairs Ferry Rd NE (new – new construction).
   k. Metro Buffet, 448 33rd Avenue SW.
   l. Miguel’s, 175 Jacolyn Drive NW.
   m. Nick’s Bar & Grill, 4958 Johnson Avenue NW (5-day license for an event at Teamsters Hall, 5000 J Street SW).
   n. Sushi House, 2665 Edgewood Parkway SW.
   o. Taste of India, 1060 Old Marion Road NE (new – new corporation).
   p. Village Tap, 1616 6th Street SW.

Council member Hoeger moved to approve; seconded by Council member T. Olson.
Result: **Approved.**
16. 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.**

17. 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.**
   c. Intent to assess – Water Division – delinquent municipal utility bills – 44 properties.
      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.**

18. Resolutions accepting subdivision improvements and approving Maintenance Bonds:
   a. Water system improvements in Crescent View 3rd Addition, Phase 2 and 2-year Maintenance Bond submitted by Abode Construction, Inc. in the amount of $53,978.20.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
   b. PCC paving in Wexford Heights Fourth Addition and 4-year Maintenance Bond submitted by E & F Paving Company, LLC in the amount of $87,685.60.
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**

19. Resolutions accepting projects, approving Performance Bonds and/or authorizing final payments:
   a. Repair of Water Service Lines FY19 project, Change Order No. 2 in the amount of $49,179.84, final retainage payment in the amount of $28,405.01 and 2-year Maintenance Bond submitted by B.G. Brecke, Inc. (original contract amount was $425,000; final contract amount is $649,179.84).
      Council member Hoeger moved to approve; seconded by Council member T. Olson.
      Result: **Approved.**
b. Daniels Park Playground project and 2-Year Performance Bond submitted by Cunningham Recreation (original contract amount was $153,724.70; final contract amount is $160,871.46).

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

1239-10-19

c. Kjeldahl Hood Replacement project and 2-year Performance Bond submitted by Modern Sheet Metal, Inc. (original contract amount was $132,650; final contract amount is $148,961).

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

1240-10-19
d. WPC Electric Grid Improvements project, final retainage payment in the amount of $136,023.61 and 2-year Performance Bond submitted by Price Industrial Electric, Inc. (original contract amount was $2,788,600; final contract amount is $2,720,472.26).

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

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

1241-10-19
a. Amendment No. 5 to renew the contract with Copyworks for printing and high-speed copying as needed Citywide for an annual amount not to exceed $100,000 (original contract amount was $120,000; renewal contract amount is $100,000).

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

1242-10-19
b. Amendment No. 5 to the contract with Altorfer, Inc. for generator maintenance and repair services for various City departments to add services for new generators at seven Fire Stations for an amount not to exceed $24,500 (original contract amount was $475,000; total contract amount with this amendment is $544,318).

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

1243-10-19
c. Amendment No. 9 to the contract with Ament Design for architectural design services for ADA compliance at Group 2 facilities to reflect the cost for additional design services for an amount not to exceed $4,620 (original contract amount was $356,700; total contract amount with this amendment is $531,495).

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

1244-10-19
d. Amendment No. 2 to the Purchase and Service Agreement with FARO Technologies, Inc. in the amount of $11,050 for 3D scanner servicing and software updates.

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

1245-10-19
e. Contract with Wright Outdoor Solutions for ash tree removal for the Parks and Recreation Department for an amount not to exceed $194,393.65.

Council member Hoeger moved to approve; seconded by Council member T. Olson.
Result: **Approved.**
f. Amendment No. 1 to the Professional Services Agreement with Bolton & Menk, Inc. specifying an increased amount not to exceed $24,578 for engineering design services in connection with the 8th Avenue SW from 15th Street to Rockford Road Roadway Improvement project (original contract amount was $197,510; total contract amount with this amendment is $222,088). (Paving for Progress)

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

Result: Approved.

1247-10-19  g. Amendment No. 12 to the contract with Ament Design for architectural design services for ADA compliance at various City facilities to reflect the cost of additional design services for an amount not to exceed $3,945 (original contract amount was $156,580; total contract amount with this amendment is $297,062.50).

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

Result: Approved.

1248-10-19  h. Change Order No. 3 in the amount of $17,827.43 with Peterson Contractors, Inc. for the Czech Village Levee & Gatewells – 16th Avenue SW to Bowling Street SW project (original contract amount was $4,719,031.25; total contract amount with this amendment is $4,847,024.39). (Flood)

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

Result: Approved.

1249-10-19  i. Change Order No. 2 in the amount of $284,424 with Williams Brothers Construction, Inc., for the Odor Control Upgrades project (original contract amount was $6,590,000; total contract amount with this amendment is $7,184,368).

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

Result: Approved.

1250-10-19  j. Affidavit for Service Line Reimbursement from Jill Morris for monthly installment reimbursements for the replacement of the water service line at 1537 D Avenue NE.

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

Result: Approved.

1251-10-19  k. Grant agreement with the U.S. Department of Justice in the amount of $222,345 from the FY19 Justice and Mental Health Collaboration Program for a collaboration with Foundation 2 to increase access to mental health and other treatment services.

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

Result: Approved.

1252-10-19  l. Purchase Agreement in the amount of $23,900 and accepting a Warranty Deed for right-of-way and a Temporary Grading Easement for Construction from Stone Creek First Owners Association, Inc. from land located at Lot 1, Stone Creek First Addition, in connection with the Williams Boulevard SW at Dean Road SW Roundabout project.

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

Result: Approved.
m. Purchase Agreement in the amount of $11,390 and accepting a Warranty Deed for right-of-way, a Permanent Easement for Retaining Wall, and a Temporary Grading Easement for Construction from Linda Hauber; Mary and Frank Kelly; Michael Hauber and Ann Denney-Hauber; and James and Tascha Hauber, from land located at 1838 O Avenue NW in connection with the O Avenue NW Improvements Phase II & III from 16th Street NW to Edgewood Road NW project. (Paving for Progress)

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

Result: Approved.

n. Purchase Agreement in the amount of $1,905 and accepting a Warranty Deed for right-of-way and a Temporary Grading Easement for Construction from Norma Jean Hoffpauir from land located at 2009 O Avenue NW in connection with the O Avenue NW Improvements Phase II & III from 16th Street NW to Edgewood Road NW project. (Paving for Progress)

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

Result: Approved.

o. Purchase Agreement in the amount of $3,780 and accepting a Warranty Deed for right-of-way and a Temporary Grading Easement for Construction from Melanie and Ambrea Manley from land located at 1817 O Avenue NW in connection with the O Avenue NW Improvements Phase II & III from 16th Street NW to Edgewood Road NW project. (Paving for Progress)

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

Result: Approved.

21. Report on bids for the 11th Street NW North of M Avenue Detention Basin Improvements project (estimated cost is $1,060,000) (Dave Wallace).

a. Resolution awarding and approving contract in the amount of $767,627.20, plus incentive up to $30,000, bond and insurance of Boomerang Corporation for the 11th Street NW North of M Avenue Detention Basin Improvements project.

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

Result: Approved.

22. Report on bids for the Old Orchard Rd NE North of Plum Grove Court Storm Sewer Improvements project (estimated cost is $97,000) (Dave Wallace).

a. Resolution awarding and approving contract in the amount of $73,915, bond and insurance of Dave Schmitt Construction Co., Inc. for the Old Orchard Road NE North of Plum Grove Court Storm Sewer Improvements project.

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

Result: Approved.
23. Report on bids for the Cedar River Trail Rehabilitation Phase I project (estimated cost is $150,000) (Steve Krug).

1258-10-19

a. Resolution awarding and approving contract in the amount of $153,630, bond and insurance of L.L. Pelling Company, Inc. for the Cedar River Trail Rehabilitation Phase I project.

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

Result: Approved.

1259-10-19

24. Presentation and Resolution authorizing sponsorship of a Business Financial Assistance Application to the Iowa Economic Development Authority by CellSite Solutions, Inc. for a new headquarters facility at 4400 6th Street SW, and providing local match funds through the City’s Local Match – Economic Development Program (Caleb Mason).

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

Abstain: Council member S. Olson and Poe.

Result: Approved.

1260-10-19

25. Presentation and Resolution of support authorizing City participation in a proposed commercial building at 1445 1st Avenue SE under the City’s Core District Reinvestment – Economic Development Program (Caleb Mason).

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

Result: Approved.

048-19

26. Ordinance establishing the Anderson Greene Urban Revitalization Area for property at 55 Miller Avenue SW.

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

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.

Result: Adopted.

Public comments were heard.

At 12:41, motion to go into closed session to discuss pending litigation with legal counsel, pursuant to Iowa Code Section 21.5(1)(c) (2019).

Council member Todd moved to approve; seconded by Council member Poe. Mayor Hart polled the Council and all members voted Aye.

Result: Approved.

After returning from closed session, City Council adjourned at 1:15 p.m. to meet Tuesday, October 22, 2019 at 4 p.m.

Amy Stevenson, City Clerk