January 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 Pridegon.

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 amending Chapter 18 of the Municipal Code, Historic Preservation, to designate the Perkins House at 1228 3rd Avenue SE as a local historic landmark under Subsection 18.04.B (Lauren Freeman and Caleb Mason). Comments were heard. No comments or objections were filed.

   a. First Reading: Ordinance amending Chapter 18 of the Municipal Code, Historic Preservation, to designate the Perkins House at 1228 3rd Avenue SE as a local historic landmark under Subsection 18.04.B.

   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 Todd.

   Result: Approved.

2. A public hearing was held to consider the proposed Amendment No. 5 to the Second Amended and Restated Urban Renewal Plan for the Central Business Urban Renewal Area (Caleb Mason). No comments or objections were heard or filed.

   a. Resolution approving Amendment No. 5 to the Second Amended and Restated Urban Renewal Plan for the Central Business Urban Renewal Area.

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

   Result: Approved.
3. A public hearing was held to consider the Resolution of Necessity (Proposed) for the Council Street NE from Collins Road to south of 46th Street Improvements project (Doug Wilson). (Paving for Progress) No comments or objections were heard or filed.

0002-01-19

a. Resolution adopting without amendment the Resolution of Necessity (Proposed) for the Council Street NE from Collins Road to south of 46th Street Improvements project.

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

Result: Approved.

4. A public hearing was held to consider the Resolution of Necessity (Proposed) for the Forest Drive SE from Grande Avenue to Mount Vernon Road Pavement and Water Main Improvements project (Doug Wilson). (Paving for Progress) One comment was heard. No comments or objections were filed.

0003-01-19

a. Resolution adopting without amendment the Resolution of Necessity proposed for the Forest Drive SE from Grande Avenue to Mount Vernon Road Pavement and Water Main Improvements project.

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

Result: Approved.

5. A public hearing was held to consider a 1.049-acre Underground Electric Line Easement over City-owned land generally located in Bever Park, from Bever Avenue SE northerly along Bever Park Road to the southerly property lines of 495 and 519 Indian Road SE, as requested by Interstate Power and Light Company (Rita Rasmussen). No comments or objections were heard or filed.

0004-01-19

a. Resolution authorizing execution of a 1.049-acre Underground Electric Line Easement over City-owned land generally located in Bever Park, from Bever Avenue SE northerly along Bever Park Road to the southerly property lines of 495 and 519 Indian Road SE, as requested by Interstate Power and Light Company.

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

Result: Approved.

6. A public hearing was held to consider the vacation and disposition of public ways and grounds in and to the property described as the 50-foot by 120-foot parcel of excess street right-of-way located between and adjacent to 624 and 628 41st Street NE as requested by Larry and Kay Jordan and Bridgette N. Usher (Rita Rasmussen). No comments or objections were heard or filed.

a. First Reading: Ordinance vacating public ways and grounds in and to the property described as the 50-foot by 120-foot parcel of excess street right-of-way located between and adjacent to 624 and 628 41st Street NE as requested by Larry and Kay Jordan and Bridgette N. Usher.

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 Overland.

Result: Approved.
7. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 2019 Curb Ramp Repair: Bid Package #1 project (estimated cost is $670,000) (Brenna Fall). No comments or objections were heard or filed.

**0005-01-19**

a. Resolution adopting plans, specifications, form of contract and estimated cost for the 2019 Curb Ramp Repair: Bid Package #1 project.

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

Result: **Approved.**

8. A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the WPCF Laboratory Improvements project (estimated cost is $500,000) (Steve Hershner). No comments or objections were heard or filed.

**0006-01-19**

a. Resolution adopting plans, specifications, form of contract and estimated cost for the WPCF Laboratory Improvements project.

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

Result: **Approved.**

Motion to approve the agenda.

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

Result: **Approved.**

Motion to approve the consent agenda.

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

Result: **Approved.**

9. Motion to approve the minutes.

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

Result: **Approved.**

**0007-01-19**

10. Resolution adopting updated fees for the municipal golf courses.

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

Result: **Approved.**

**0008-01-19**

11. Resolution establishing a portion of land located along the westerly property line of 4900 Council Street NE and owned by the City of Cedar Rapids as Noelridge Park as right-of-way for existing roadway improvements with the Council Street NE from Collins Road to south of 46th Street Improvements project, and future roadway improvements in connection with Collins Road NE (Highway 100) from Center Point Road NE to Commerce Way SE.

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

Result: **Approved.**

**0009-01-19**

12. Resolution authorizing the transfer of remaining Local Option Sales Tax (LOST) flood funds to fund Flood Control System expenses. (Flood)

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

Result: **Approved.**
13. Resolution appointing Susie Weinacht as Mayor Pro Tempore for a term of one year.

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

Result: **Approved.**

14. Resolution authorizing the Community Development Wellbeing Liaison to attend the 56th International Making Cities Livable Conference in Portland, OR from June 16-21, 2019 at a cost of $3,375.

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

Result: **Approved.**

15. Resolution setting a public hearing for January 22, 2019 to consider the disposition of City-owned properties at 1302 and 1306 3rd Street SE and inviting competitive redevelopment proposals.

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

Result: **Approved.**

16. 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. January 22, 2019 – 12th Avenue SE Roadway and Utility Improvements from 17th Street to 400’ East of 19th Street project (estimated cost is $840,000). (Paving for Progress)

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

   Result: **Approved.**

   b. January 22, 2019 – US Cellular Center ADA Compliance project (estimated cost is $359,000).

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

   Result: **Approved.**

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

   a. Black Stock Motorcycle Co., 611 2nd Avenue SE (5-day permit for an event).
   b. Casey’s General Store #2778, 201 8th Avenue SE.
   c. Cobble Hill Eatery & Dispensary, 219 2nd Street SE.
   d. Fareway Store #151, 3717 1st Avenue SE.
   e. Hy-Vee Food Store #7, 5050 Edgewood Road NE.
   f. In n’ Out Wine & Spirits, 1500 1st Avenue NE.
   g. JW’s Pub & Grub, 58 Miller Avenue SW.
   h. La Cantina, 5400 Edgewood Road NE.
   i. Mulligan’s Pub, 1060 Old Marion Road NE.
   j. Otis’ Tailgators Sports Bar, 3969 Center Point Road NE.
   k. Penguin’s, 208 2nd Avenue SE.
   l. Rodina, 1507 C Street SW (new – formerly Sauce).
   m. Union Station Hall, 1736 16th Avenue SW.

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

Result: **Approved.**
18. Resolutions approving:
   a. Payment of bills.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
   b. Payroll.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.

19. Resolutions appointing and thanking the following individuals:
   a. Appointing Tyler Olson (effective through December 31, 2019) to the Area Ambulance Board of Directors.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
   b. Vote of thanks to Bradley Hart for serving on the Area Ambulance Board of Directors.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.

20. Resolutions approving assessment actions:
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
   e. Levy assessment – Water Division – delinquent municipal utility bills – 9 properties.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.

21. Resolution accepting subdivision improvements and approving Maintenance Bond:
   a. Water system improvements installed at Pilot Travel Center on Earhart Lane SW and 2-year Maintenance Bond submitted by Maxwell Construction, Inc. in the amount of $5,800.
      Council member Weinacht moved to approve; seconded by Council member Vanorny.
      Result: Approved.
22. Resolutions accepting projects, approving Performance Bonds and authorizing final payments:

0023-01-19
a. Blairs Ferry Rd NE and C Ave Roadway Improvements project, Change Order No. 1 in the amount of $4,091.06, final payment in the amount of $65,118.94 and approving 4-year Performance Bond submitted by Trey Electric Corp. (original contract amount was $61,027.88; final contract amount is $65,118.94).

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

0024-01-19
b. Clarifier Launder Anchoring project, final payment in the amount of $3,195 and 2-year Performance Bond submitted by WRH, Inc. (original contract amount was $63,900; final contract amount is $63,900).

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

0025-01-19
c. Edgewood Road NW Intersection Improvements from E Avenue NW to F Avenue NW project, final payment in the amount of $22,184.08 and 4-year Performance Bond submitted by Trey Electric Corp. (original contract amount was $410,033; final contract amount is $443,815.55). (Paving for Progress)

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

0026-01-19
d. Water Pollution Control Chlorine System Upgrade project, final retainage payment in the amount of $5,000 and 2-year Performance Bond submitted by Williams Brothers Construction, Inc. (original contract amount was $5,190,000; final contract amount is $5,168,534.39).

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

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

0027-01-19
a. Purchase of excess casualty insurance coverage from States Self-Insurers Risk Retention Group through TrueNorth Companies, L.C. in the amount of $376,470.

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

0028-01-19
b. Contract with Kelly Demolition & Excavating LLC for the demolition of two properties for the Building Services Division for an amount not to exceed $51,450.

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

0029-01-19
c. Amendment No. 1 to renew contract with Walsworth Publishing Company, Inc. for the printing of a magazine-style newsletter for the Communications Division for an annual amount not to exceed $200,000 (original contract amount was $200,000; renewal contract amount is $200,000).

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

0030-01-19
d. Property Lease Agreement for Underbridge Access Truck with the Iowa Department of Transportation (IDOT) in the amount of $9,955.32 for the FY 2019-2020 Biennial Bridge Inspections project.

Council member Weinacht moved to approve; seconded by Council member Vanorny.
Result: Approved.
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Description</th>
<th>Result</th>
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<tbody>
<tr>
<td>0031-01-19</td>
<td>e. Amendment No. 9 to the contract with Ament Design for design services for ADA compliance at the Cedar Rapids Ice Arena to reflect additional services for an amount not to exceed $4,245 (original contract amount was $29,750; total contract amount with this amendment is $75,965).</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<td>0032-01-19</td>
<td>f. Golf Division purchase of merchandise for resale at Ellis, Gardner, Jones and Twin Pines golf course clubhouses from Callaway Golf for an amount not to exceed $30,000.</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<td>0033-01-19</td>
<td>g. Work Schedule 1.02 to the Master Services Agreement with Involta, LLC for rental of data facility space and circuitry needs and payment of the remaining 2018 month-to-month costs for an amount not to exceed $733,850.</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<td>0034-01-19</td>
<td>h. Purchase order to the Water Research Foundation for 2019 membership subscription fees for the Water and Water Pollution Control divisions in the amount of $56,679.76.</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<td>0035-01-19</td>
<td>i. Amendment No. 6 to the contract with Polydyne, Inc. for Polymer Clarifloc C-321 for the Water Pollution Control Facility to reflect additional purchases for an amount not to exceed $74,000 (original contract amount was $475,000; total contract amount with this amendment is $549,000).</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<td>0036-01-19</td>
<td>j. Professional Services Agreement with Black &amp; Veatch Corporation for an amount not to exceed $154,786 for the Lime Softening Residuals Handling Study.</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<td>0037-01-19</td>
<td>k. Amendment No. 3 to the Professional Services Agreement with CH2M Hill Engineers, Inc. in an amount not to exceed $25,000 for additional services for the WPCF Odor Control Upgrades project (original contract amount was $590,465; total contract amount with this amendment is $690,465).</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
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<tr>
<td>0038-01-19</td>
<td>l. Change Order No. 2 in the amount of $6,525 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 $96,439).</td>
<td>Council member Weinacht moved to approve; seconded by Council member Vanorny.</td>
<td><strong>Approved.</strong></td>
</tr>
</tbody>
</table>
m. Change Order No. 4 in the amount of $20,950.31 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 $672,574.37). (Paving for Progress)

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

Result: Approved.

n. Change Order No. 6 in the amount of $4,124.35 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 $1,914,400.53). (Paving for Progress)

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

Result: Approved.

o. Change Order No. 4 in the amount of $20 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 $210,059.40).

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

Result: Approved.

p. Change Order No. 1 to the contract with D.W. Zinser Company for the Hubbard Ice Demolition project for the Building Services Division to reflect the additional cost for latent discoveries for an amount not to exceed $39,127.50 (original contract amount was $389,900; total contract amount with this amendment is $429,027.50).

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

Result: Approved.

q. Change Order No. 10 in the amount of $31,180.75 with Pirc-Tobin Construction, Inc. for the IA 100: East of Northland Avenue NE to East of Twixt Town Road NE and Lindale Drive to approximately 800 feet North PCC Pavement Widening, Miscellaneous project (original contract amount was $7,444,280.31; total contract amount with this amendment is $7,801,582.85).

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

Result: Approved.

r. Change Order No. 5 in the amount of $10,911.62 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 $1,526,680.07). (Paving for Progress)

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

Result: Approved.

s. Change Order No. 11 in the amount of $3,324.30 with Rathje Construction Company for the Memorial Drive SE from Mount Vernon Road to Bever Avenue Roadway and Utility Improvements project (original contract amount was $2,961,441.41; total contract amount with this amendment is $3,140,216.73). (Paving for Progress)

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

Result: Approved.
t. Change Order No. 5 in the amount of $25,254.26 with Boomerang Corp. for the O Avenue NW Roadway Improvements Phase 1 project (original contract amount was $3,303,191; total contract amount with this amendment is $3,366,682.04). (Paving for Progress)

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

Result: Approved.

u. Grant application to the Corridor Metropolitan Planning Organization for an additional $548,000 in Federal Surface Transportation Block Grant funds for the Bowling Street Trail (Segment 1) project.

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

Result: Approved.

v. Grant application to the Corridor Metropolitan Planning Organization for an additional $308,000 of Federal Surface Transportation Block Grant funds for the IA 922 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 Weinacht moved to approve; seconded by Council member Vanorny.

Result: Approved.

w. Grant application to the Corridor Metropolitan Planning Organization for $918,500 of Federal Surface Transportation Block Grant funds for the Tower Terrace Road from approximately 1,000 feet west of Miller Road to I-380 Interchange project.

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

Result: Approved.

x. Purchase Agreement in the amount of $31,800 and accepting a Warranty Deed for right-of-way and Temporary Grading Easement for Construction from Cedar Hills Community Church from land located at 6455 E Avenue NW in connection with the Cherokee Trail from Cedar River to Morgan Creek Park Phase I, from Stoney Point Road to Sharon Lane project.

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

Result: Approved.

y. Purchase Agreement in the amount of $6,000 and accepting a Warranty Deed, Permanent Utility Easement and Temporary Grading Easement for Construction from MIMMS Holdings, LLC from land located at 1730 Center Point Road NE in connection with the Center Point Road NE from 29th Street to J Avenue Intersection Reconstruction and One-Way to Two-Way Conversion project. (Paving for Progress)

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

Result: Approved.

z. Settlement Agreement and Release with Shive-Hattery, Inc. in connection with the Downtown Walkway from the Convention Center Ramp to U.S. Bank project.

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

Result: Approved.
24. Report on bids for the FY19 Sanitary Sewer Lining project (estimated cost is $1,010,000) (Dave Wallace).

0053-01-19
a. Resolution awarding and approving contract in the amount of $853,178.80, bond and insurance of Municipal Pipe Tool Co., Inc. for the FY19 Sanitary Sewer Lining project.

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

Result: Approved.

25. Report on bids for the Water Administration Building ADA Compliance project (estimated cost is $370,200) (Jeff Koffron).

0054-01-19
a. Resolution awarding and approving contract in the amount of $307,020, bonds and insurance of Tricon General Construction, Inc. for the Water Administration building ADA Compliance project.

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

Result: Approved.

0055-01-19
26. Discussion and Resolution authorizing sponsorship of a Business Financial Assistance Application to Iowa Economic Development Authority by Cargill, Inc. for a facility modernization project at 410 C Avenue NE and providing matching funds through the City’s Local Match – Economic Development Program (Caleb Mason).

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

Result: Approved.

At 12:46 p.m., motion to go into closed session pursuant to Iowa Code Section 21.5(1)(c) (2019) to discuss pending litigation with legal counsel.

Council member Overland moved to approve, seconded by Council member Todd. 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 to open session, motion to adjourn.

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

Result: Approved.

City Council adjourned at 1:10 p.m. to meet Tuesday, January 22, 2019 at 5:30 p.m.

Amy Stevenson, City Clerk