

*“Cedar Rapids is a vibrant urban hometown – a beacon for people and businesses invested in building a greater community now and for the next generation.”*

## **NOTICE OF CITY COUNCIL MEETING**

The Cedar Rapids City Council will meet in Regular Session on Tuesday, July 28, 2015 at 4:00 PM in the Council Chambers, 3rd Floor, City Hall, 101 First Street SE, Cedar Rapids, Iowa, to discuss and possibly act upon the matters as set forth below in this tentative agenda. (*Please silence mobile devices.*)

## **A G E N D A**

- Invocation
- Pledge of Allegiance
- Proclamations/Presentations
  - ❖ Proclamation – 25th Anniversary Celebration of the ADA (Jamee Webber, Linda Webber, Tom Hardecopf, Stephanie Bawek, Amy Keltner)

## **PUBLIC HEARINGS**

1. A public hearing will be held to consider proceeding with an approved capital improvement project for the 2015 Sidewalk Infill Project – Phase 1 & 2 and to commence with the right-of-way and temporary easement acquisition of a portion of agricultural property for this project (Rita Rasmussen). CIP/DID #3012074-00
  - a. Resolution to continue a previously approved capital improvement project and to proceed with the acquisition or condemnation of a portion of agricultural property and property interests not yet acquired for the 2015 Sidewalk Infill Project – Phase 1 & 2.
2. A public hearing will be held to consider the vacation and disposition of public ways and grounds in and to the property described as an 8,469-square-foot parcel of excess City-owned right-of-way located southeasterly of and adjacent to the intersection of Edgewood Road and 42nd Street NE as requested by 42nd and Edgewood LLC (Rita Rasmussen). CIP/DID #ROWV-017414-2015
  - a. First Reading: Ordinance vacating public ways and grounds in and to the property described as an 8,469-square-foot parcel of excess City-owned right-of-way located southeasterly of and adjacent to the intersection of Edgewood Road and 42nd Street NE as requested by 42nd and Edgewood LLC.

3. A public hearing will be held to consider the vacation of a 20-foot-wide drainage easement located at 5328, 5322 and 5316 Ruhd Street SW as requested by Thomas Dostal Developers, Inc., Hinton Construction, Inc., and Cheryl and Larry Davenport (Rita Rasmussen). CIP/DID #EASE-018193-2015
  - a. Resolution vacating a 20-foot-wide drainage easement located at 5328, 5322 and 5316 Ruhd Street SW as requested by Thomas Dostal Developers, Inc., Hinton Construction, Inc., and Cheryl and Larry Davenport.
4. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the Horizontal Collector Well No. 5 Caisson & Laterals project (estimated cost is \$1,950,000) (Steve Hershner). CIP/DID #625863-05
  - a. Resolution adopting plans, specifications, form of contract and estimated cost for the Horizontal Collector Well No. 5 Caisson & Laterals project.
5. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the Edgewood Road Water Main Replacement project (estimated cost is \$1,400,000) (Steve Hershner). CIP/DID #2014052-02
  - a. Resolution adopting plans, specifications, form of contract and estimated cost for the Edgewood Road Water Main Replacement project.

### **PUBLIC COMMENT**

*This is an opportunity for the public to address the City Council on any subject pertaining to Council action scheduled for today. If you wish to speak, place your name on the sign-up sheet on the table outside the Council Chambers and approach the microphone when called upon.*

### **MOTION TO APPROVE AGENDA**

### **CONSENT AGENDA**

*These are routine items, some of which are old business and some of which are new business. They will be approved by one motion without individual discussion unless Council requests that an item be removed for separate consideration.*

6. Motion to approve minutes.
7. Resolution authorizing implementation of a public engagement strategy to explore recreational and development opportunities and confirm the level of support for potential end uses of the Cedar Lake area in coordination with Alliant Energy, Linn County Board of Supervisors and Friends of Cedar Lake. CIP/DID #OB1362716

8. Resolution authorizing the addition of one full-time employee in the Police Department to carry out an Eastern Iowa Prevention, Treatment and Prosecution Initiative funded by High Intensity Drug Trafficking Area (HIDTA). CIP/DID #PD0002
9. Resolution authorizing the addition of one full-time employee in the Public Works Department for the duration of the Paving for Progress and Cedar River Flood Control System (FCS) programs to assist acquisitions particularly as it relates to title clearance and closing activities. **(Paving for Progress)** CIP/DID #49-15-006
10. Motions setting public hearing dates for:
  - a. August 11, 2015 – to consider a change of zone for property at 167 Dows Lane SE from R-1, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Richard B. Altorfer. CIP/DID #RZNE-019306-2015
  - b. August 11, 2015 – to consider a change of zone for property at 2005 and 2013 West Post Road SW from A, Agriculture Zone District to C-3, Regional Commercial Zone District as requested by Roger A. and Colleen A. Cassill. CIP/DID #RZNE-018870-2015
  - c. August 11, 2015 – to consider a change of zone for property at 1718 Center Point Road NE from C-2, Community Commercial Zone District and R-3, Single Family Residence Zone District to O-S, Office/Service District as requested by Jonathan Bond and Virgil A. and Janice E. Henley. CIP/DID #RZNE-019307-2015
  - d. August 25, 2015 – to consider the annexation of property located north of Wright Brothers Boulevard SW and east of Kirkwood Boulevard SW as requested by College Community School District. CIP/DID #ANNX-016948-2015
  - e. August 25, 2015 – to consider the annexation of property located south of 76th Avenue Drive SW and east of Kirkwood Boulevard SW as requested by Kirkwood Community College. CIP/DID #ANNX-020246-2015
11. Motion approving the beer/liquor/wine applications of: CIP/DID #OB1145716
  - a. Applebee's Neighborhood Grill & Bar, 303 Collins Road NE.
  - b. Blind Pig, 3325 Center Point Road NE (adding permanent outdoor service).
  - c. Brucemore Museum Store, 2160 Linden Drive SE.
  - d. Cancun #2, 555 Gateway Place SW.
  - e. Cedar Rapids Ice Arena, 1100 Rockford Road SW.
  - f. Cedar Rapids Softball Hall of Fame, 2000 Ellis Boulevard NW (5-day permit for an event on August 8, 2015 at Ellis Park Softball Complex).
  - g. Checkers Tavern & Eatery, 3120 6th Street SW (outdoor service for an event on August 1, 2015).
  - h. Gilligan's, 912 1st Avenue NW.
  - i. Hy-Vee #7 Market Grille, 5050 Edgewood Road NE (new – market grille).
  - j. Hy-Vee Food Store #6, 4035 Mount Vernon Road SE (5-day permit for an event at the Cedar Rapids Public Library, 450 5th Avenue SE).
  - k. Just Coz, 406 6th Street SW.
  - l. La Cantina Bar & Grill, 102 2nd Street SE.
  - m. Mai Pho Vietnamese Restaurant, 2315 Edgewood Road SW.
  - n. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on August 15, 2015).
  - o. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on August 20, 2015).

- p. McGrath Amphitheatre Cedar Rapids, 475 1st Street SW (5-day permit for an event on August 25, 2015).
  - q. NewBo City Market, 1100 3rd Street SE (outdoor service for an event on August 8, 2015).
  - r. NewBo City Market, 1100 3rd Street SE (outdoor service for an event on August 15, 2015).
  - s. NewBo City Market, 1100 3rd Street SE (outdoor service for an event on September 5-6, 2015).
  - t. Paddy O'Rourke's, 608 16th Street NE.
  - u. Red Lion Lounge, 3970 Center Point Road NE (outdoor service for an event on July 31-August 2, 2015).
  - v. St. Jude's Church, 50 Edgewood Road NW (5-day permit for an event on August 6-10, 2015).
  - w. Taj Mahal Cuisine of India, 3939 Center Point Road NE.
  - x. Uptown Liquor & Tobacco, 2000 Wiley Boulevard SW (new – new ownership).
  - y. Wal-Mart #1528, 2645 Blairs Ferry Road NE.
  - z. Wild Hog Saloon & Eatery, 350 Commercial Drive (5-day permit for an event August 13-15, 2015 at Metro Harley Davidson, 2415 Westdale Drive SW).
12. Resolutions approving:
    - a. Payment of bills. CIP/DID #FIN5015-01
    - b. Payroll. CIP/DID #FIN2015-02
  13. Resolution appointing the following individual:
    - a. Appointing Karla Scriven (effective through June 30, 2017) to the Visual Arts Commission. CIP/DID #OB572855
  14. Resolution approving the special event application for:
    - a. Townsquare Media Cedar Rapids NewBo Music Festival event (includes road closures) on August 8, 2015. CIP/DID #SPEC-037001-2015
  15. Resolutions approving assessment actions:
    - a. Intent to assess – Water Division – delinquent municipal utility bills – 42 properties. CIP/DID #WTR0728-001
    - b. Intent to assess – Solid Waste & Recycling – clean-up costs – three properties. CIP/DID #SWM-002-15
    - c. Levy assessment – Water Division – delinquent municipal utility bills – 11 properties. CIP/DID #WTR0623-001
  16. Resolution accepting subdivision improvements and approving Maintenance Bond:
    - a. Water system improvements installed in Cedar River Bluffs 2nd Addition – Phase 2 and 2-year Maintenance Bond submitted by Schrader Excavating & Grading Co. in the amount of \$107,821.73. CIP/DID #2012033-01
  17. Resolutions accepting projects, and approving Performance Bonds:
    - a. 3rd Avenue SE at 6th Street Storm Sewer Point Repair project and 4-year Performance Bond submitted by B.G. Brecke, Inc. (original contract amount was \$24,700.40; final contract amount is \$17,850.80). CIP/DID #304420-01

- b. Park Cedar Rapids Skywalk Truss Repairs project and 4-year Performance Bond submitted by Weitz Industrial, LLC (original contract amount was \$74,698; final contract amount is \$74,698). CIP/DID #635131-10
18. Resolutions approving actions regarding purchases, contracts and agreements:
- a. Amendment No. 4 to renew contract for elevator maintenance and repair services with KONE, Inc. for citywide facilities for an amount not to exceed \$134,418 (original contract amount was \$110,256; renewal contract amount is \$134,418). CIP/DID #0413-246
  - b. Amendment No. 4 to the contract for title report services with Iowa Title Company for the Engineering Division for additional services for an amount not to exceed \$40,000 (original contract amount was \$100,000; total contract amount with this amendment is \$140,000). CIP/DID #0610-295
  - c. Amending Resolution No. 0434-03-15 to add air compressors to two single axle chassis with Swaploader hook lift systems with Thompson Truck & Trailer for Fleet Services for an additional \$31,634 (original contract amount was \$630,360; total amount with this amendment is \$661,994). CIP/DID #0215-168
  - d. Amendment No. 2 to renew contract with Fauser Energy Resources for motor oil and lubricants for Fleet Services for an annual amount not to exceed \$145,000 (original contract amount was \$145,000; renewal contract amount is \$145,000). CIP/DID #0713-006
  - e. Police Department to purchase a Vigilant Solutions Vigilant Intelligent Led Policing Package License Plate Reader System from Turn-Key Mobile, Inc. in the amount of \$31,700. CIP/DID #OB75913
  - f. Pricing Agreement for parts and training with Reliant Fire Apparatus, Inc. for the Fleet and Fire Departments for an annual amount not to exceed \$60,000. CIP/DID #PUR0515-231
  - g. Amendment No. 2 to renew contract for LED streetlight fixtures with WESCO Distribution for the Traffic Engineering Division for an annual amount not to exceed \$25,000 (original contract amount was \$25,000, renewal contract amount is \$25,000). CIP/DID #0414-171
  - h. Contract for roof membrane replacement for Water Treatment Plant Backwash Pump with Advance Builders Corp. for the Water Division in the amount of \$58,000. CIP/DID #PUR0615-245
  - i. Amendment No. 6 to renew contract for process systems services with B.G. Brecke, Inc. for the Water Pollution Control Facility for an annual amount not to exceed \$200,000 (original contract amount was \$100,000; renewal contract amount is \$200,000). CIP/DID #0313-221
  - j. Corrective Special Warranty Deed with Cedar Valley Habitat for Humanity, Inc. for property at 378 8th Avenue SW participating in the fourth round of the Single Family New Construction (SFNC) Program. **(Flood)** CIP/DID #OB540257
  - k. Corrective Special Warranty Deed with Stonebrook Homes, LLC for property at 728 2nd Avenue SW participating in the fourth round of the Single Family New Construction (SFNC) Program. **(Flood)** CIP/DID #OB540257
  - l. Change Order No. 3 in the amount of \$25,700 with Rathje Construction Co. for the 16th Avenue SW (400-Ft East of 23rd Street to Williams Blvd SW) Water Main Rehabilitation project (original contract amount was \$609,805; total contract amount with this amendment is \$646,493.50). CIP/DID #2011061-02

- m. Change Order No. 3 in the amount of \$38,010.09 with Rathje Construction Company for the Flood Affected Areas Infrastructure Removals project (original contract amount was \$954,533.41; total contract amount with this amendment is \$1,031,664.34). CIP/DID #301923-01
- n. Change Order No. 8 (Final) deducting the amount of \$80,431.39 with BWC Excavating, LC for the 76th Avenue SW from East of Interstate 380 to Prairie Hawk Drive SW Street Improvements and Kirkwood Boulevard SW Intersection Improvements project (original contract amount was \$1,408,890.70; total contract amount with this amendment is \$1,334,716.83). CIP/DID #3012049-03
- o. Change Order No. 2 in the amount of \$69,127.70, plus five working days, with Pirc-Tobin Construction, Inc. for the 4th Avenue SE Pavement Rehabilitation from 5th Street SE to 19th Street SE project (original contract amount was \$2,219,444.15; total contract amount with this amendment is \$2,470,200.50). **(Paving for Progress)** CIP/DID #3012080-02
- p. Change Order No. 3 in the amount of \$3,585.94 with L.L. Pelling Company, Inc. for the Coe Road NE Pavement Rehabilitation Improvements from A Avenue to Center Point Road project (original contract amount was \$539,161; total contract amount with this amendment is \$579,639.72). **(Paving for Progress)** CIP/DID #3012087-02
- q. Change Order No. 1 in the amount of \$26,061.07 with Eastern Iowa Excavating & Concrete, LLC for the Arterial Portland Cement Concrete Pavement Repair and Joint and Crack Routing and Sealing project (original contract amount was \$531,572.50; total contract amount with this amendment is \$557,633.57). **(Paving for Progress)** CIP/DID #3012109-01
- r. Change Order No. 9 in the amount of \$4,651.95 with Curtis Contracting Corp. for the FY 2014 Sidewalk and Ramp Repair Program – Contract No. 1 project (original contract amount was \$126,147; total contract amount with this amendment is \$149,457.62). CIP/DID #3017014-01
- s. 28E Agreement with All Saints Elementary School for participation in the adult crossing guard program for Fiscal Year 2016, reimbursing All Saints Elementary School for 50% of the costs for wages up to \$11.46/hour, fringes, and updated equipment, for an amount not to exceed \$1,903.94. CIP/DID #60-16-011
- t. 28E Agreement with the Cedar Rapids Community School District for participation in the adult crossing guard program for Fiscal Year 2016, reimbursing CRCSD for 50% of the costs for wages up to \$11.46/hour, fringes, and updated equipment, for an amount not to exceed \$59,022.12. CIP/DID #60-16-011
- u. 28E Agreement with the Linn Mar Community School District for participation in the adult crossing guard program for Fiscal Year 2016, reimbursing Linn Mar Community School District for 50% of the costs for wages up to \$11.46/hour, fringes, and updated equipment, for an amount not to exceed \$1,903.94. CIP/DID #60-16-011
- v. Residential Tenant Purchase Agreement and authorization of relocation benefits for an estimated amount of \$36,005 to Melissa Strellner for the real property located at 1732 Wilson Avenue SW in connection with the 18th Street SW from Wilson Avenue SW to 13th Avenue SW Improvements project. **(Paving for Progress)** CIP/DID #301500-00
- w. Lease Agreement between the City of Cedar Rapids and Noleshawk Investments LLC for the Blue Zones Project – Cedar Rapids office space at 205 2nd Street SE. CIP/DID #OB697034
- x. Purchase Agreement in the amount of \$1 and accepting an Easement for Utilities and Temporary Construction Easement from ARTA Investments, L.C. from land located at 1846 16th Avenue SW in connection with the 16th Avenue SW between 18th Street and 20th Street SW Storm Sewer Improvements project. CIP/DID #304286-00

- y. Professional Services Agreement with HDR Engineering, Inc. for the UASB Reactor No. 3 Improvements project for an amount not to exceed \$26,600. CIP/DID #615162-03
- z. Professional Services Agreement with HR Green, Inc. for an amount not to exceed \$271,017 for design services in connection with the Memorial Drive SE Roadway and Utility Improvements from Mount Vernon Road to Bever Avenue project. **(Paving for Progress)** CIP/DID #301379-01
- aa. Amendment No. 1 to the Professional Services Agreement with HR Green, Inc. specifying an increased amount not to exceed \$27,864 for program management services in connection with the Paving for Progress Capital Improvement 10 Year Plan (original contract amount was \$257,808; total contract amount with this amendment is \$285,672). **(Paving for Progress)** CIP/DID #3012094-01
- ab. Amendment No. 3 to the Professional Services Agreement with Snyder & Associates Inc. specifying an increased amount not to exceed \$206,628 for professional services in connection with the 19th Street SE from Mount Vernon Road SE to Glenway Drive SE Reconstruction project (original contract amount was \$106,000; total contract amount with this amendment is \$206,628). **(Paving for Progress)** CIP/DID #3012081-01
- ac. Allocation Under Development Agreement with Westdale CR Ventures #1, LLC, Frew Development Group, LLC and Edgewood Partners, LLC for redevelopment of Parcel A, Plat of Survey No. 1998, within the former Westdale Mall site generally located at 2500 Edgewood Road SW. CIP/DID #OB812292
- ad. Development Agreement with the Neighborhood Development Corporation of Cedar Rapids, Inc. for the redevelopment of City-owned commercial property at 615 K Avenue NW, 1125, 1127 and 1129 Ellis Boulevard NW and 1130 and 1138 6th Street NW. **(Flood)** CIP/DID #OB1058253
- ae. Disposition of excess City-owned property described as a 6,080 square-foot strip of former railroad right-of-way located northwesterly of 12th Avenue SE and northeasterly of and adjacent to 4th Street SE as requested by The Depot Development, LLC. CIP/DID #ROWV-016485-2015
- af. Work-Study Program Agreement between Cedar Rapids Animal Care and Control and Kirkwood Community College, providing for student job opportunities. CIP/DID #OB1298681
- ag. Federal Aid Agreement for a Surface Transportation Program project in the amount of \$1,440,000 with the Iowa Department of Transportation (IDOT) in connection with the City of Cedar Rapids Downtown Walkway project. CIP/DID #635129-00
- ah. Grant application to the Iowa Department of Transportation (IDOT) for Iowa Clean Air Attainment Program (ICAAP) funds to provide funding for the Kirkwood Boulevard Roadway Improvement project. CIP/DID #301929-00
- ai. Grant application to the Iowa Department of Transportation (IDOT) for Transportation Safety Improvement Program (TSIP) funds for the Kirkwood Boulevard Roadway Improvement project. CIP/DID #301929-00
- aj. Payment of \$27,993 to Iowa State University to cover 25% of the cost in hiring the Agricultural Bio-based Industries Research and Extension Liaison for Fiscal Year 2016. CIP/DID #CM002-15

## **REGULAR AGENDA**

19. Resolution rejecting all bids for the Cedar River East Flood Wall – North of Interstate 380 – Cedar Rapids, IA – Phase 2 Floodwall project (Rob Davis). CIP/DID #331813-01
20. Report on bids for the Prairie Creek From J Street SW to Cedar River Sanitary Sewer Reconstruction, Phase 2 project (estimated cost is \$4,120,000) (Dave Wallace). **(Flood)** CIP/DID #SSD011-04
21. Report on bids for the 20th Avenue SW East of 13th Street Culvert Replacement project (estimated cost is \$273,000) (Dave Wallace). CIP/DID #304423-02
  - a. Resolution awarding and approving contract in the amount of \$243,167 plus incentive up to \$2,500, bond and insurance of Rathje Construction Co. for the 20th Avenue SW East of 13th Street Culvert Replacement project.
22. Report on bids for the Water Pollution Control Facility North Ash Lagoon Liner project (estimated cost is \$1,360,000) (Steve Hershner). CIP/DID #615195-04
  - a. Resolution awarding and approving contract in the amount of \$1,158,000, bond and insurance of Tricon General Construction, Inc. for the Water Pollution Control Facility North Ash Lagoon Liner project.
23. Report on bids for the Council Street NE from North City Limit to Woodcrest Street Hot Mix Asphalt Overlay project (estimated cost is \$200,000) (Doug Wilson). **(Paving for Progress)** CIP/DID #3012132-01
  - a. Resolution awarding and approving contract in the amount of \$185,230 plus incentive up to \$22,000, bond and insurance of L.L. Pelling Company, Inc. for the Council Street NE from North City Limit to Woodcrest Street Hot Mix Asphalt Overlay project.
24. Discussion and Resolution authorizing negotiation of a Development Agreement with Alliant Energy for disposition of City-owned property located at 402, 404, 408, and 413 H Avenue NW and 816, 820, 824, 828, and 908 4th Street NW (Paula Mitchell). CIP/DID #DISP-0001-2015
25. Discussion and Resolution approving the Settlement Agreement between the United States of America and the City of Cedar Rapids, Iowa under the Americans with Disabilities Act (Sandi Fowler). CIP/DID #CM001-15

## **ORDINANCES**

### **Third Reading**

26. Ordinance repealing Chapter 35 of the Municipal Code, Plumbing Code, and enacting and adopting in lieu thereof a new Plumbing Code and the 2015 editions of the Uniform Plumbing Code with modifications. CIP/DID #BSD004-15



27. Ordinance repealing Chapter 33 of the Municipal Code, Building Code, and enacting and adopting in lieu thereof a new Building Code and the 2015 editions of the International Building Code and International Residential Code with modifications. CIP/DID #BSD001-15
28. Ordinance repealing Chapter 34 of the Municipal Code, Electrical Code, and enacting and adopting in lieu thereof a new Electrical Code and the 2014 edition of the National Electrical Code with modifications. CIP/DID #BSD003-15
29. Ordinance repealing Chapter 29 of the Municipal Code, Housing Code, and enacting and adopting in lieu thereof a new Housing Code and the 2015 edition of the International Property Maintenance Code including Appendix A with modifications. CIP/DID #BSD005-15

### **Second and possible Third Readings**

30. Ordinance granting a change of zone for property at 1225 13th Street NW from R-3, Single Family Residence Zone District to RMF-2, Multiple Family Residence Zone District as requested by The Meth-Wick Community, Inc. CIP/DID #RZNE-017699-2015
31. Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the MidAmerican Aerospace Urban Revitalization Area designation at 2727 16th Avenue SW. CIP/DID #URTE-0001-2015
32. Ordinance vacating public ways and grounds in and to the property described as a 2,132 square-foot parcel of excess City-owned right-of-way and a 2,287 square-foot parcel of excess City-owned right-of-way located southwesterly of 6006 Rapids Ridge Road NE as requested by DX4 Investments, LLC and Calvary Chapel Iowa. CIP/DID #ROWV-016383-2015
  - a. Resolution authorizing the disposition of property described as a 2,132 square-foot parcel of excess City-owned right-of-way and a 2,287 square-foot parcel of excess City-owned right-of-way located southwesterly of 6006 Rapids Ridge Road NE as requested by DX4 Investments, LLC and Calvary Chapel Iowa.

### **PUBLIC INPUT**

*This is an opportunity for the public to address the City Council on any subject pertaining to Council business. If you wish to speak, place your name on the sign-up sheet on the table outside the Council Chambers and approach the microphone when called upon.*

### **CITY MANAGER COMMUNICATIONS AND DISCUSSIONS**

## **COUNCIL COMMUNICATIONS AND DISCUSSION**

*During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters and may discuss the items specifically listed.*

1. Mayor Corbett
2. Council member Gulick
3. Council member Olson
4. Council member Poe
5. Council member Russell
6. Council member Shey
7. Council member Shields
8. Council member Vernon
9. Council member Weinacht

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